

Which was read and the accompanying resolution placed among the orders of the day.

On motion of Mr. Katzenberg, the Senate went into executive session.

After a short time the doors were opened, and on motion of Mr. Henderson, the Senate adjourned until Monday, the 21st inst., 10 o'clock, A. M.

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MONDAY, June 21st, 1869.

The Senate met pursuant to adjournment.

The Lieutenant-Governor in the Chair.

A quorum present.

Prayer by the Chaplain.

On motion of Mr. Wentworth, the reading of the journal of Saturday was dispensed with.

#### ORDERS OF THE DAY.

Assembly joint resolution to appoint a Joint Committee on Amendments of the Constitution,

Was read the first time, the rule waived, read the second and third times and put upon its passage.

The vote was:

Yeas—Messrs. Atkins, Bradwell, Crawford, Cruse, Ginn, Henderson, Hillyer, Katzenberg, Kendrick, Krimminger, Meacham, Moragne, McCaskill, Pearce, Smith, Smithson, Underwood, Vaughan, Walls, Weeks and Wentworth—21.

Nays—None.

So the resolution was adopted.

The President appointed as said committee on the part of the Senate, Messrs. Wentworth, Smith and Weeks.

Ordered that the same be certified to the Assembly.

The following Senate resolution was taken up:

*Resolved by the Senate and Assembly of the State of Florida in convention assembled,* That we are a part of the American Union, and as we expect to receive its protection, we are ready to bear our share of its burdens, to the end that if any Nation shall attempt to, or refuse to grant satisfaction, where she has rendered grievances, we bind ourselves to sustain the administration in demanding the rights of the United States and its citizens on the high seas in the time of the late rebellion. It is well known and cannot be contradicted, that the remarks of Mr.

Sumner in his place in the U. S. Senate, on the \_\_\_\_\_ day, 1869, on the Alabama claims, are in the main correct, and should not be forgotten unless they are properly adjudicated in accordance with the law of all nations of honor.

On motion, the amendments made by the Assembly thereto, were concurred in.

Ordered that the same be certified to the Assembly.

Assembly bill, No. 12—entitled an act to amend the act entitled an act fixing the time for holding the Circuit Courts of this State, approved August 5, 1868,

Was read the first time, rule waived, read the second and third times and put upon its passage.

The vote was:

Yeas—Messrs. Atkins, Bradwell, Crawford, Cruse, Ginn, Henderson, Hillyer, Katzenberg, Kendrick, Krimminger, Meacham, Moragne, McCaskill, Pearce, Purman, Smith, Smithson, Underwood, Vaughan, Walls, Weeks and Wentworth—22.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the Assembly.

Assembly bill No. 13—to be entitled an act to amend the third section of the fourteenth chapter of an act to provide for punishment of Crime, and Proceedings in Criminal Cases, approved August 6th, 1868,

Was read the first time and on motion of Mr. Purman laid on the table.

Assembly bill No. 9—entitled an act providing and setting apart a Homestead and Personal Property to be exempted from forced sale under process of law,

Was read the first time and on motion referred to the Committee on Homesteads who were instructed to report on the same this afternoon.

Mr. Wentworth moved that Senate bill No. 6—entitled an act to incorporate the Jacksonville, Pensacola and Mobile Railroad, and for other purposes, be recommitted to the Committee on that subject;

Which was agreed to.

Mr. Smith moved that Senate bill No. 7—entitled an act to amend an act entitled an act to provide for and encourage a liberal system of Internal Improvements in this State be recommitted to the Committee on the Florida Railroad;

Which was agreed to.

Mr. Hillyer moved that the Committees on the Florida Railroad, and the Pensacola and Georgia Railroad, be instructed to report to this body at the afternoon session of to-day, and that they be instructed to report one bill jointly;

Which was agreed to.

Mr. Walls from the select committee to whom was referred Senate bill No. 9—entitled an act to protect citizens of the United States, made the following report:

Your committee to whom was referred Senate bill No. 9—being a bill entitled an act to protect citizens of the United States, beg leave to report the same back and respectfully recommend the passage of the same.

J. T. WALLS, Cha'n.  
ROB'T. MEACHAM,  
HARRY CRUSE.

Which was read.

Mr. McCaskill from the same committee, made the following minority report:

The undersigned, members of the Special Committee to whom was referred Senate bill No. 9, to be entitled "an act to protect citizens of the United States," having had the same under consideration, beg leave to report that the subject embraced therein is amply secured by existing laws, and therefore recommend its indefinite postponement.

All of which is respectfully submitted.

A. L. McCASKILL,  
W. H. KENDRICK.

Which was read and the accompanying bill placed among the orders of the day.

On motion of Mr. Smith, the Senate took a recess until 3.30 o'clock, P. M.

#### HALF-PAST THREE O'CLOCK, P. M.

The Senate resumed its session—a quorum present.

The following memorial was received:

*To the Honorable the Senate and  
Assembly of the State of Florida:*

The President and Directors of the Atlantic and Gulf Railroad Company of the State of Georgia, duly incorporated under the laws thereof, respectfully memorialize your Honorable Bodies, that application is now being made to your Honorable Bodies for the incorporation of a Company under the name and style of the "Jacksonville, Pensacola and Mobile Railroad Company," with the "exclusive right" to build a Railroad from the terminus of the Pensacola and Georgia Railroad at Quincy to the Alabama State line in the direction of Mobile, and providing that no Railroad shall be *allowed to cross and connect with* said Jacksonville, Pensacola and Mobile Railroad.

And your memorialists do further say, that it is the fixed purpose of the said Atlantic and Gulf Railroad Company, in accordance with its act of incorporation, to extend its present line of Railroad from Bainbridge, in the State of Georgia, across the State of Alabama on a line nearly parallel and nearly contiguous to the line proposed by the Jacksonville, Pensacola and Mobile Railroad Company; said line across the State of Alabama being duly authorized by special enactment of the General Assembly of said State.

And your Memorialists do further say, that the establishment of two Railroads terminating at a common point and on lines so nearly approximate, must prove reciprocally detrimental, while one Railroad located as a Main Trunk, with a view to the common interests of the people of Florida and of the Railroad enterprises hitherto carried out under their authority, would subserve and promote every interest involved.

And your Memorialists do further say that the proposition by which no Railroad shall be allowed to cross or connect with the intended Railroad of the "Jacksonville, Pensacola and Mobile Railroad" Company is in manifest contravention of the commercial liberties of the people of Florida, forcing them into an unconditional dependence upon the absolute will of a monopoly, uncontrolled by any just limitations of law or by the wholesome competitions which are the only safeguards of the commercial, if not as well of the social and political independence of communities, while the same principle of exclusion and monopoly will tend inevitably, as your memorialists believe, to the establishment of a competition along the whole extent of the boundary line between the State of Florida and the States of Georgia and Alabama, fatal eventually to the enterprise thus proposed to be authorized and to the credit of the State of Florida, accumulating upon her people the burthens of a greatly increased taxation imposed at once by the monopoly authorized, and then by the necessities of the State Government itself, first, to sustain and finally to redeem its credit from the bankruptcy of an an impossible commercial seclusion.

Your memorialists are not without conviction that these suggestions are well founded. They revert to the past history of the Railroad system of the State of Florida which has sunk into general bankruptcy, mainly because, founded as it was in a principle of commercial monopoly and seclusion, has proved itself incapable to fulfill the great purposes for which the system was designed.

Failing to develop important sea-port markets either on the Gulf of Mexico or on the Atlantic, this system has deprived the people of the State of Florida of the easy access to the established

markets of the country or has forced them to reach these markets either by a single Railway connection inconveniently located, or by a circuitous, tedious and uncertain route by water.—As a consequence the commerce of the State has failed to receive the full reflective power of the great commercial centres; her Railroads dependent only upon local resources have staggered, and finally sunk, under the weight of accumulated debt, while the people themselves are still oppressed by taxation for a system of Railroads which they have patriotically, but unwisely, sanctioned.

The single Railway connection heretofore alluded to does not now, and can never, subserve in proper measure the necessities of the people of Florida. No inhabitant of Florida can pass by it beyond the State, no traveller can go by it into the State without being forced over a needless circuit at needless expense. The same fact holds good in the transportation of commodities as well as of men. These are inconveniences of a serious nature violently springing out of the conception of an exclusive system, and proving but a sorry compromise with the necessities of commerce and society. But without even this single connection, such inconveniences would react upon the people with unsparing power. In its absence they would completely realize the crushing energy of a monopoly which they would be compelled to sustain and be powerless to revoke. They would find themselves tributary to the creature of their own legislation, authorized for their own benefit, but politically and socially as well as commercially a vested autocracy unchangeably by legislation—changeable only by violence and revolution. When such experiences have preceded the comparative conveniences which followed the establishment of the Live Oak connection, will the people of Florida voluntarily intensify these experiences and diminish these conveniences by creating a new monopoly, more enlarged in its franchises and more potent for harm than ever before known to their legislation, by authorizing the establishment across the whole breadth of their territory, from East to West, of a Railroad expressly interdicting all connections except at the will of a few corporators responsible only to themselves? If the Live Oak connection has proven itself inadequate to the necessities and to the aspirations of the people of Middle and East Florida, what is to be gained, especially by the people of West Florida, by the establishment of such a highway? What guarantee have they, or indeed any of the people of Florida, that the proposed monopoly will allow them any of the conveniences afforded by this connection, and that they will not be forced to seek exclusively the ports of Fernandina and Jacksonville? What superior advantages do these ports afford to a people striving for prosperity and wealth and requiring for these ends, but power-

less to obtain, ready access to the larger centres of capital and trade?

Your Memorialists do further say, that such a system of exclusion and monopoly, if successful, must result in rates of transportation oppressive upon the community; and if this evil is arrested by the competitive power which can be exerted by the Atlantic and Gulf Railroad of Georgia, already constructed for 100 miles in close approximation to the boundary between the States of Florida and Georgia, that the exercise of this power can result only in serious detriment to an enterprise, in which it is proposed that the State of Florida shall embark its credit to the amount of several millions of dollars, with a grant of the greater part of its most valuable public domain; and that such dangers to the stability of the proposed enterprise, so closely connected with the credit of the State, must accumulate with the prolongation of the Atlantic and Gulf Railroad from Bainbridge in the direction of Mobile on a line near the boundary between the States of Florida and Alabama; and your Memorialists do respectfully assure your Honorable Bodies, that such a prolongation of the Atlantic and Gulf Railroad is the original and settled object of its incorporation, the fulfillment of which is at once guaranteed and made necessary by an investment of six millions of capital already expended to this end.

And your Memorialists do further say, that desirous to assist in securing to the people, especially of West Florida, a convenient connection with the general Railroad system of Georgia, affording to them additional outlets to the Atlantic ports, and more economical and more direct avenues to the various markets of the country, relieving them from the dangers of an unrestricted monopoly, yet averting the dangers of a competition jeopardous alike to the interests of the State and of the people, and establishing the Railroad system of Florida on a sound basis of permanence and security, your Memorialists do respectfully ask, that your Honorable Bodies will so amend the Bill proposing to incorporate the "Jacksonville, Pensacola and Mobile Railroad Company," that the Atlantic & Gulf Railroad of Georgia may be connected with the proposed "Jacksonville, Pensacola and Mobile Railroad," either at Marianna, in the County of Jackson, or at such other point as may be fitting and expedient to fulfill the ends which your Memorialists have hitherto set forth and do now respectfully urge; and your Memorialists do further respectfully ask that the division of the proposed "Jacksonville, Pensacola and Mobile Railroad," lying West of said point of connection, shall be constructed as a Main Trunk for any Railroad connecting therewith; that the rates on said Main Trunk shall not be discriminating, but uniform and the same to all Railroads connecting therewith according to the distance that Pas-

sengers and Freight may be transported over said Main Trunk; that the cars and vehicles of such connecting Railroads shall pass under proper regulation interchangeably over said Main Trunk; that through freights shall not be forced to break bulk; and that the schedules of the trains on said Main Trunk shall be harmonious with the schedules of said connecting Roads and without discrimination.

And your Memorialists do further say, that in addition to the divers good reasons hitherto set forth in this Memorial, that a Main Trunk Railroad so constructed and regulated will subserve and promote the welfare and prosperity of the people of Florida permanently and securely, by establishing on their soil an important national highway, connected with every portion of the Union, inviting to capital and enterprise, sustained by all the great markets of the Atlantic and Gulf, assisted by the common power of the Railroads centering upon it, and permanently placed beyond the vicissitudes of antagonism.

And your Memorialists, confidently trusting in the wisdom of your Honorable Bodies, do respectfully present this Memorial.

JOHN SCREVEN,

*President Atlantic and Gulf Railroad Company.*

Which was read.

On motion of Mr. McCaskill, the memorial was referred to the Committee who now have under consideration the same subject.

The Committees on the Florida Railroad Company and on the Pensacola & Georgia Railroad Company, to whom were re-committed Senate bills Nos. 6 and 7, made the following report:

TO THE SENATE:

Your Committees to whom was referred Senate bills Nos. 6 and 7, the same having been re-committed with instructions to said Committees to report in place of said bill a substitute, having had the same under consideration, beg leave to report a bill entitled "an act to perfect the public works of the State," and respectfully recommend its passage.

ROBT M. SMITH,

Ch'n Fla. R. R. Com.

JOHN A. HENDERSON,

J. T. WALLS,

N. H. MORAGNE,

J. M. UNDERWOOD.

GEO. E. WENTWORTH,

Ch'n Pen. & Ga. R. R. Com.

JOHN A. VAUGHAN,

W. T. WEEKS,

J. N. KRIMMINGER,

C. H. PEARCE.

Which was read, and the substitute proposed adopted, and placed on its second reading.

Mr. McCaskill moved to amend Sec. 4, in line 2, after the word "right" insert the words "for 20 years;"

Which was agreed to.

Mr. McCaskill moved to amend Sec. 4, by inserting after the word "Quincy," in line 3, the words "touching Marianna, in Jackson county, and a point within five miles of Ucheeanna, in Walton county, thence touching at Milton, in Santa Rosa county;"

Which was agreed to.

Mr. Henderson moved to amend Sec. 12, by inserting after the word "lien," in line 7, the words "which shall be valid to all intents and purposes as a mortgage duly registered;"

Which was agreed to.

Mr. McCaskill moved to amend Sec. 12, by striking out in line 13, after the word "Governor" the word "and," and insert after the word "Comptroller," in same line, the words "and Treasurer;"

Which was agreed to.

Mr. Henderson moved to amend Sec. 16, by inserting in line 7, after the word "freight," the words "which has its terminus West of Quincy;"

Which was agreed to.

Mr. Henderson moved to strike out Sec. 21.

Mr. Meacham moved to lay the motion on the table;

Upon which the yeas and nays were called for.

The vote was:

Yeas—Messrs. Bradwell, Cruse, Ginn, Hillyer, Katzénberg, Meacham, Pearce, Purman, Smith, Vaughan, Walls and Wentworth—12.

Nays—Messrs. Crawford, Henderson, Kendrick, Krimminger, Moragne, McCaskill, Smithson, Underwood and Weeks—9.

So the motion to strike out was laid on the table and the Section adopted.

The Purman moved to amend the bill by inserting as Sec. 23, the following:

SEC. 23. The Governor shall appoint a competent Engineer to have general supervision of the various roads provided for under this Act, and whose duty it shall be to protect the interests of the State, and see that the work is carried on and conducted in all respects in compliance with law, and shall from time to time report to the Governor. The salary of such Engineer shall be paid by the Companies interested, and shall in no case be chargeable to the State.

Which was adopted.

Mr. Henderson moved to amend Sec. 26, by striking out in

the beginning of line 6, the words "for the iron," and in line 13, of same Section, strike out the words "Company's road-way," and insert the word "Railroad;"

Which was agreed to.

Mr. Smith moved to amend Sec. 29, by striking out in line 3, after the word "act" the words "to which this is an amendment;"

Which was agreed to.

Mr. Moragne moved to amend Sec. 31, by adding after the word "granted," in line 6, the words "the said Railroad Company from Palatka is hereby authorized to connect and be entitled to all the benefits of Section 30;"

Which was agreed to.

Mr. Purman moved to amend Sec. 31, by adding after the word "Railroad," in line 4, the words "and from Marianna, county of Jackson, to the waters of St. Andrews Bay, in West Florida;"

Which was agreed to.

Mr. Atkins offered as an amendment to the amendment, after the word "Florida" the words "and also to the waters of the Apalachicola Bay;"

Which was agreed to.

Mr. McCaskill moved to amend Sec. 10, by striking out the word "bearer," in line 3, and insert the words "the State of Florida;"

Which was agreed to.

Mr. McCaskill moved to amend Sec. 31, by adding after the word "bay," at the end of the amendments of Messrs. Purman and Atkins, the words "and to a point on the Choctawhatchie Bay, known as Ship Yard Point;"

Which was agreed to.

The rule was waived, and the bill as amended, read the third time and put upon its passage.

The vote was:

Yeas—Messrs. Atkins, Bradwell, Crawford, Cruse, Ginn, Hillyer, Katzenberg, Kendrick, Krimminger, Meacham, Moragne, McCaskill, Pearce, Purman, Smith, Underwood, Vaughan, Walls, Weeks and Wentworth—20.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the Assembly.

Senate bill No. 5—entitled an act for the relief of Franklin Dibble and others,

Came up on its second reading.

Mr. Wentworth moved to amend Sec. 4, by adding at the end of said Section the words "provided said sale, renting or leasing:

shall not be made to any person or persons or corporations owning any Railroads out of the State of Florida;"

Which was agreed to.

Mr. Wentworth moved to amend by striking out the words "Quincy, Lake City and St. Marks," wherever they occur in the bill, and insert the word "Tallahassee;"

Which was agreed to.

Mr. Henderson moved to amend the bill by adding an additional section, viz.:

Sec. 7. Provided, That nothing in this act shall be construed as relieving or prejudicing either of the said roads, to-wit: The Tallahassee Railroad, and Pensacola and Georgia Railroad, from any existing liabilities if any there be.

Mr. Bradwell moved to lay the amendment on the table.

Upon which the yeas and nays were called for.

The vote was:

Yeas—Messrs. Bradwell, Cruse, Smith, Underwood, Vaughan and Wentworth—6.

Nays—Messrs. Atkins, Crawford, Ginn, Henderson, Katzenberg, Kendrick, Krimminger, Meacham, Moragne, McCaskill, Pearce, Purman, Smithson and Weeks—14.

So the motion to lay on the table was lost.

Upon the question shall the amendment as proposed be adopted, the vote was:

Yeas—Messrs. Atkins, Crawford, Ginn, Henderson, Moragne, McCaskill, Smithson and Weeks—8.

Nays—Messrs. Bradwell, Cruse, Kendrick, Krimminger, Meacham, Purman, Smith, Underwood, Vaughan and Wentworth—10.

So the amendment was lost.

The rule being waived, the bill was read the third time and put upon its passage.

The vote was:

Yeas—Messrs. Bradwell, Crawford, Cruse, Ginn, Hillyer, Katzenberg, Kendrick, Krimminger, Meacham, Moragne, Pearce, Purman, Smith, Smithson, Underwood, Vaughan, Walls, Weeks and Wentworth—19.

Nays—Messrs. Henderson and McCaskill—2.

So the bill passed—title as stated.

Ordered that the same be certified to the Assembly.

The following message was received from the Assembly:

ASSEMBLY HALL,  
Tallahassee, Fla., June 21, 1869. }

Hon. W. H. GLEASON,

*President of the Senate:*

SIR—I am directed by the Assembly to inform the Senate that the Assembly has this day adopted—

Concurrent Resolution relative to Stationery purchased at the first session of the Legislature, in 1868, and appointed Messrs. Harris of Marion, McKinnon of Walton and Pons of Escambia, such Committee on part of the Assembly.

Very respectfully,  
WM. FORSYTH BYNUM,  
Clerk of the Assembly.

Which was read and the accompanying resolution placed among the orders of the day.

Also the following:

ASSEMBLY HALL,  
Tallahassee, Fla., June 21, 1869. }

Hon. WM. H. GLEASON,  
President of the Senate:

SIR—I am directed by the Assembly to inform the Senate that the Assembly has passed—

Senate bill No. 3—entitled an act to provide for the Assessment and Collection of Revenue, with amendments, and respectfully ask the concurrence of the Senate thereto.

Very respectfully,  
WM. FORSYTH BYNUM,  
Clerk of the Assembly.

Which was read and the amendments concurred in.  
Ordered that the same be certified to the Assembly.  
On motion of Mr. Weeks, Mr. Smithson was excused from further attendance on the Senate.  
On motion of Mr. Kendrick, the Senate adjourned until to-morrow, 10 o'clock, A. M.

—o—  
TUESDAY, June 22d, 1869.

The Senate met pursuant to adjournment.  
The Lieutenant-Governor in the chair.  
Prayer by the chaplain.  
A quorum present.  
On motion of Mr. Walls, the reading of the journal of yesterday was dispensed with.

#### ORDERS OF THE DAY.

By unanimous consent, Mr. Smith introduced the following Senate bill No. 10—entitled an act to incorporate the Atlantic and Gulf Express Company.

The rule was waived and the bill read the first and second times by its title, rule waived, read the third time and put upon its passage.

The vote was:

Yeas—Messrs. Atkins, Bradwell, Crawford, Ginn, Henderson, Hillyer, Katzenberg, Kendrick, Krimminger, Meacham, Moragne, McCaskill, Pearce, Purman, Smith, Underwood, Vaughan and Wentworth—18.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the Assembly.

By unanimous consent, Mr. Kendrick introduced the following Senate bill No. 11—entitled an act providing for erecting cells in the State Penitentiary;

Which was read and on motion referred to the Committee on State Penitentiary.

The following petition was received and ordered to be spread upon the journal:

TALLAHASSEE, June 21, 1869.

*To the Honorable the Senate and Assembly  
of the State of Florida:*

The undersigned, a citizen of this State, begs leave to invite your attention to a great public wrong and prays that some measures be adopted to remedy the evil.

It has come to the knowledge of your petitioner, by personal observation, by the presentment of Grand Juries, and other sources, that the Jails in this State are unfit places for the confinement of any human being.

Some of them are not secure, and to prevent inmates from escaping, the Jailors are compelled to resort to measures which are revolting to humanity and to their own feelings, as, handcuffing and chaining the prisoners to the floor.

In some, there is not sufficient protection against the cold storms and winds of winter or the excessive heat of summer.

From others, God's priceless blessings of light and air are almost entirely shut out, making these prisons, where even innocent men are confined, dismal dens deserving of all execration.

As a general thing they are badly ventilated and not well supplied with water as a protection against fire; nor are water and other needful appliances for cleanliness and decency regarded as they should be. In consequence of this