

Senate Bill No. 79, to be entitled An act to provide for Shipping Masters in this State.

Very respectfully,

WM. FORSYTH BYNUM,  
Clerk of the Assembly.

Which were read.

The accompanying Senate Bills Nos. 79 and 96 ordered to be enrolled; and Senate Bill No. 60½, with Assembly amendment thereto, and Assembly Bills Nos. 13, 79, and 89, and Assembly Joint Resolution No. 21, placed among the orders of the day for to-morrow.

Also the following :

ASSEMBLY HALL,  
TALLAHASSEE, Fla., February 15, 1870. }

HON. GEO. E. WENTWORTH, President of the Senate :

SIR: I am directed by the Assembly to inform the Senate that the Assembly has passed Senate Bill No. 71, to be entitled An act to provide for the Execution of the Public Printing.

Very respectfully,

WM. FORSYTH BYNUM,  
Clerk of the Assembly.

Which was read, and the accompanying Senate Bill No. 71, ordered to be enrolled.

On motion of Mr. Moragne, the Senate went into executive session at five minutes past 5 o'clock.

On motion of Mr. Smithson, the doors were opened.

On motion of Mr. Moragne, the Senate adjourned till 10 o'clock, to-morrow morning.

WEDNESDAY, February 16, 1870.

The Senate met pursuant to adjournment.

The President *pro tem.* in the chair.

Prayer by the chaplain.

The roll was called, and the following Senators answered to their names :

Messrs. Atkins, Bradwell, Ginn, Henderson, Hillyer, Katzenberg, Kendrick, Moragne, Pearce, Purman, Smith, Smithson, Underwood, Walls, and Weeks—16.

A quorum present.

On motion of Mr. Smithson, the reading of the journal of yesterday was dispensed with, and the journal approved.

Mr. Atkins offered the following :

Senate Joint Resolution relative to Post Routes in Calhoun County ;

Which was read first time by its title, rule waived, read second and third times, and put upon its adoption.

The vote was :

Yeas—Messrs. Atkins, Bradwell, Cruse, Ginn, Henderson, Hillyer, Katzenberg, Kendrick, Krimminger, Moragne, Pearce, Purman, Smithson, Underwood, Walls, and Weeks—16.

Nays—None.

So the resolution was adopted.

Ordered that the same be certified to the Assembly.

On motion of Mr. Hillyer, the Governor's message of yesterday to the Senate relative to the Cabinet officers, was returned to him.

#### ORDERS OF THE DAY.

Senate Bill No. 10 :

An act in relation to Misdemeanors,

Was read the third time, and put upon its passage.

The vote was :

Yeas—Messrs. Atkins, Ginn, Henderson, Katzenberg, Kendrick, Krimminger, Moragne, Underwood, and Weeks—9.

Nays—Messrs. Bradwell, Cruse, Pearce, Smithson, and Walls—5.

So the bill passed, title as stated.

Ordered that the same be certified to the Assembly.

The rule was waived, and Mr. Krimminger offered the following :

Concurrent Resolution asking Congress to remove disabilities ;  
Which was read.

Upon the question, Shall the resolution be adopted ?

The vote was :

Yeas—Mr. President *pro tem.*, Messrs. Atkins, Bradwell, Cruse, Ginn, Henderson, Hillyer, Katzenberg, Kendrick, Krimminger, Moragne, Pearce, Purman, Smithson, Underwood, Walls, and Weeks—17.

Nays—None.

So the resolution was adopted.

Ordered that the same be certified to the Assembly.

On motion of Mr. Krimminger, Mr. Meacham was excused from further attendance on the Senate.

The rule was waived, and Mr. Henderson offered the following :

Senate Bill No. 107 :

An act allowing Judges of the United States Courts to sentence convicts to confinement in the State Penitentiary ;

Which was read first and second times by its title, rule waived, read third time, and put on its passage.

The vote was:

Yeas—Messrs. Atkins, Bradwell, Cruse, Ginn, Henderson, Hillyer, Katzenberg, Kendrick, Krimminger, Moragne, Pearce, Purman, Smithson, and Walls—14.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the Assembly.

The rule was waived, and Mr. Purman offered the following: Senate Bill No. 108:

An act to Incorporate the Great Southern Railway Company, and to Perfect one of the Public Works of the State;

Which was read first and second times by its title, rule waived, and read third time.

Mr. Kendrick moved to indefinitely postpone the bill.

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

Which was agreed to.

Upon the question, Shall the bill pass?

The vote was:

Yeas—Mr. President *pro tem.*, Messrs. Bradwell, Cruse, Ginn, Katzenberg, Kendrick, Krimminger, Moragne, Pearce, Purman, Smithson, Underwood, and Walls—13.

Nays—Mr. Henderson—1.

So the bill passed, title as stated.

Ordered that the same be certified to the Assembly.

The following communication was received from the Assembly:

ASSEMBLY HALL,  
TALLAHASSEE, Fla., Feb. 15, 1870. }

HON. GEO. E. WENTWORTH, President of the Senate:

SIR: I am directed by the Assembly to inform the Senate that the Assembly has passed Assembly Bill No. 67, to be entitled An act for the Relief of John Hosford, R. F. Hosford, and Ephraim Summers; and adopted Assembly Joint Resolution No. 16, relative to a Mail Route from Manatee to Fort Ogden, in Manatee County.

Also:

Adopted Senate Joint Resolution relative to Establishing a Postal Route from Palatka to Dunn's Lake.

Very respectfully,

WM. FORSYTH BYNUM,  
Clerk of the Assembly.

Which was read.

Accompanying Senate Joint Resolution No. 13, ordered to be enrolled, and Assembly Bill No. 67, and Assembly Joint Resolution No. 16, placed among the orders of the day.

The Committee on Enrolled Bills made the following report:

SENATE CHAMBER,  
TALLAHASSEE, Fla., February — 1870. }

TO THE SENATE:

Your committee ask leave to report that they have examined the following bills submitted to them, and find them correctly enrolled, viz.:

Senate Bill No. 72:

An act authorizing James H. King (a minor) to take charge of and control his Estate.

Senate Bill No. 87:

A bill to be entitled An act to Incorporate the Island City Hotel Company.

Senate Bill No. 81:

An act for the Relief of William H. Holden.

Senate Bill No. 82:

An act for the Relief of John Wyatt.

Senate Bill No. 71:

A bill to be entitled An act to Provide for the Execution of the Public Printing.

Respectfully submitted.

S. KATZENBERG,  
Chairman Committee on Enrolled Bills,  
J. N. KRIMMINGER,  
J. A. ATKINS,  
G. B. SMITHSON.

Which was read.

Assembly Bill No. 13:

An act granting Liens to Artisans, Mechanics, and others, and providing for the Enforcement thereof,

Was read first and second times by its title, rule waived, read third time, and put on its passage.

The vote was:

Yeas—Messrs. Bradwell, Cruse, Hillyer, Katzenberg, Pearce, Underwood, and Walls—7.

Nays—Messrs. Atkins, Ginn, Henderson, Kendrick, Krimminger, Moragne, Smithson, and Weeks—9.

So the bill did not pass.

Ordered that the same be certified to the Assembly.

The rule was waived, and Mr. Henderson offered the following:

Senate Bill No. 109:

An act to repeal an act entitled An act to amend the Pleading and Practice in the Courts of this State, approved February 8, 1861;

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

The vote was:

Yeas—Messrs. Atkins, Bradwell, Cruse, Ginn, Henderson, Hillyer, Katzenberg, Kendrick, Krimminger, Moragne, Pearce, Purman, Smithson, Underwood, and Weeks—15.

Nays—None.

So the bill passed, title as stated.

Ordered that the the same be certified to the Assembly.

The Committee on Enrolled Bills made the following report:

SENATE CHAMBER,  
TALLAHASSEE, Fla., February 16, 1870. }

TO THE SENATE:

Your committee ask leave to report that they have examined the following bills submitted to them, and find them correctly enrolled, viz.: Senate Bill No. 98, An act repealing An act entitled An act to authorize the Comptroller of the State to pay a Commission on the sale of State Bonds.

Senate Bill No. 85, an act for the relief of John L. Gaskins.

Senate Bill No. 84, an act to make the Justices of the Peace Coroners in the respective Counties.

Senate Bill No. 83, An act further defining the duties of the Comptroller of this State.

Senate Bill No. 19 $\frac{1}{2}$ , An act for the Relief of G. Troup Maxwell, M. D. Respectfully submitted.

S. KATZENBERG,  
Chairman Committee on Enrolled Bills,  
J. N. KRIMMINGER,  
G. B. SMITHSON,  
J. A. ATKINS.

Which was read.

Assembly Bill No. 84:

An act in relation to State Warrants,

Was read first time by its title, rule waived, and read second time.

Mr. Kendrick moved to strike out in Section 4 of the bill the words "and one hundred;"

Which was agreed to.

Mr. Purman moved to amend second 6 of said bill in line 4, by adding after the word "certificate," "convention scrip or convention bonds;"

Which was adopted.

Mr. Purman moved to amend section 7 of said bill, line 4, by adding after the word "certificate," the words "scrip or bonds as aforesaid;"

Which was adopted.

Mr. Purman moved to amend Section 7 of said bill, line 7, by adding after the word "certificates" the words "scrip or bonds;"

Which was adopted.

The bill, as amended, was placed among the orders of the day for its second reading this afternoon.

The rule was waived, and \_\_\_\_\_ offered the following: Senate Bill No. 110:

An act requiring the letting of Contracts to the Lowest Bidder for Supplies of Stationery, Fuel, and Lights for the State Capitol;

Which was read first and second times by its title, rule waived, read third time, and put on its passage.

The vote was:

Yeas—Messrs. Atkins, Bradwell, Cruse, Ginn, Henderson, Hillyer, Katzenberg, Kendrick Meacham, Pearce, Purman, Smithson, and Weeks—13.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the Assembly.

On motion of Mr. Purman, the use of the Senate Chamber, for to-morrow night, was granted to the Primitive Baptist Church of Tallahassee.

Assembly Bill No. 66:

An act for the relief of D. L. McKinnon,

Was read first time by its title.

Under a suspension of the rule, read second and third times, and put on its passage.

The vote was:

Yeas—Messrs. Atkins, Bradwell, Cruse, Ginn, Henderson, Hillyer, Katzenberg, Kendrick, Meacham, Moragne, Pearce, Purman, Smithson, and Weeks—14.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the Assembly.

Mr. Hillyer moved that a Committee of Conference be appointed on the part of the Senate to act with a similar committee of the Assembly, in reference to Assembly amendment to Senate amendment to Assembly Bill No. 3,

Which was agreed to.

The President appointed as such Senate Committee of Conference, Messrs. Hillyer, Purman, and Henderson.

Assembly Bill No. 58:

An act providing for the appointment of Inspector of Steam Boilers for the several counties of this State lying East and South of the Suwannee River,

Was read second time.

Mr. Henderson offered the following amendment: Add at the end of sec. 1, the following: *Provided*: that the fee for Inspection shall in no case exceed the sum of five dollars, which shall include all charges for mileage."

Which was adopted.

Mr. Henderson moved to strike out Sections 6 and 7 of said bill;

Which was agreed to.

Mr. Henderson moved to strike out Section 9 of said bill;

Which was agreed to.

Mr. Henderson offered the following as an additional Section:

SECTION 7. *Be it further enacted*, That it shall be the duty of the said Inspector to attend at any place where a boiler is in use, in this State, upon twelve days notice, which notice may be made in person, or by due notice in writing, sent through the mails addressed to the said Inspector at the Post Office nearest to his residence.

The bill as amended, was read third time, and put on its passage.

The vote was:

Yeas—Messrs. Bradwell, Cruse, Hillyer, Meacham, Pearce, Purman—8.

Nays—Messrs. Ginn, Henderson, Katzenberg Krimminger, Moragne, Smithson, Walls, and Weeks—8.

So the bill did not pass.

Ordered that the same be certified to the Assembly.

On motion of Mr. Henderson, the Senate adjourned till four o'clock, P. M.

#### FOUR O'CLOCK, P. M.

The Senate resumed its session.

The President *pro tem.* in the chair.

The roll was called, and the following Senators were present:

Mr. Bradwell—1.

The President announced there was no quorum present.

The Sergeant-at-arms was dispatched for the absent members.

The President announced there was a quorum present.

Mr. Krimminger offered the following Petition:

*To the Senate and Assembly of the State of Florida, We, the citizens of the county of Volusia and State aforesaid, respectfully, but earnestly petition your Honorable Body to strike out*

the word "male" in Article XIV., Section 1, of the Constitution of the State of Florida, and insert therein the words "citizen," irrespective of sex:

#### Women.

Mary J. Sutton,  
Sarah J. Savage,  
Elzora E. Wells,  
Harriet E. Seely Daniels,  
Rofner Mier,  
Hannah Solever,  
Lucenda Richardson,  
Charlotte Davis,  
Hannah Moris,  
Catherine Moris.

#### Men.

C. C. Sutton,  
T. E. Savage,  
Wm. A. Davis,  
L. Wells,  
C. Mier,  
Edward Moris,  
David Moris,  
Henry Solever,  
John Richardson.

Which was read and referred to a special committee, consisting of Messrs. Purman, Weeks, Meacham, and Hillyer.

Mr. Weeks moved that Senate Bill No. 106, An act to authorize the Governor of this State to appoint an assistant Secretary of State, be reconsidered, and that the bill be placed back on its second reading;

Which was agreed to.

The bill was placed on its second reading.

Mr. Hillyer moved to strike out the word "Governor" in Section 1 of said bill, and insert the words "Secretary of State."

Which was agreed to.

Mr. Hillyer moved to amend Section 2, by striking out in Section 2, the words "one thousand" instead of "two thousand;"

Which was agreed to.

Mr. Henderson moved that the bill be indefinitely postponed;

Which was agreed to.

Ordered that the same be certified to the Assembly.

Senate Bill No. 60½:

An act for the preservation of the Public Peace and Order, Was taken up with Assembly amendment thereto.

Mr. Purman moved that the Assembly amendment thereto be concurred in.

The vote was:

Yeas—Mr. President *pro tem.*, Messrs. Bradwell, Cruse, Hillyer, Meacham, Pearce, Purman, and Walls—8.

Nays—Messrs. Ginn, Henderson, Katzenberg, Krimminger, Moragne, Smithson, and Weeks—7.

The Senate concurred in Assembly amendment.

Ordered that the same be certified to the Assembly.

The bill as amended was ordered to be enrolled.

Assembly Bill No. 60:

An act authorizing the sale of Property, Baggage, Goods, or Articles transported by Railroad,  
Was read second time, rule waived, read third time, and put on its passage.

The vote was about to be taken on the passage of the bill, when the President announced there was no quorum present.

Mr. Meacham moved a call of the Senate;  
Which was agreed to.

The roll was called, and the following members answered to their names:

Mr. President *pro tem.*, Messrs. Bradwell, Cruse, Ginn, Henderson, Katzenberg, Krimminger, Meacham, Moragne, Pearce, Purman, Smithson, and Walls—13.

The President announced there was a quorum present, and the vote on Assembly Bill No. 60, was taken.

The following is the result:

Yeas—Mr. President *pro tem.*, Messrs. Bradwell, Cruse, Ginn, Henderson, Katzenberg, Meacham, Moragne, Pearce, Purman, Smithson and Walls—12.

Nays—None.

The Senate refused to pass the bill.

Ordered that the Assembly be notified of the same.

The following communication was received from the Assembly:

ASSEMBLY HALL,  
TALLAHASSEE, Fla., February 16, 1870. }

HON. GEO. E. WENTWORTH, President of the Senate:

SIR: I am directed by the Assembly to inform the Senate that the Assembly has passed Assembly Bill No. 76, to be entitled An act for the relief of John O. Cosby, late Sheriff of Alachua county.

Assembly Bill No. 54, to be entitled An act to regulate Judicial Proceedings in certain cases.

Very respectfully,

WILLIAM FORSYTH BYNUM,  
Clerk of the Assembly.

And the accompanying Assembly Bills Nos. 54 and 76 placed among the orders of the day.

The following communication was received from his Excellency the Governor:

EXECUTIVE OFFICE,  
TALLAHASSEE, Fla., February 16, 1872. }

HON. GEO. E. WENTWORTH, President of the Senate:

SIR: I have the honor to inform the Senate that I have signed and deposited in the Secretary of State's office the following acts, viz.:

An act to compensate Geo. J. Arnow, late Solicitor of the Suwannee Circuit of Florida, for extra services.

An act for the relief of G. Troup Maxwell.

An act repealing An act to authorize the Comptroller to pay a Commission for the Sale of State Bonds.

An act for the relief J. L. Gaskins.

An act to make Justices of the Peace Coroners in their respective Counties.

An act further defining the duties of the Comptroller of this State.

Very respectfully, &c.,

HARRISON REED, Governor.

Which was read.

Also the following:

EXECUTIVE OFFICE,  
TALLAHASSEE, February 15, 1870. }

HON. GEO. E. WENTWORTH, *President of the Senate*:

SIR: I herewith return, without my approval, an act entitled "An act to incorporate the Santa Fe River Navigation Company."

The ostensible objects of this act are, first, to invest certain parties named with corporate rights and authority; and second, to secure in aid of a private corporation the grant of a large portion of public lands of the State.

The Constitutional prohibition of special legislation in all cases where the desired end can as well be attained through general laws, is a provision founded in wisdom and justice, and is promotive of simplicity and economy in the necessary work of law-making.

Already in the history of our legislation it is easy to perceive that much confusion and complicity has arisen from neglect and violation of this Constitutional requirement; evidently the same results may be expected in the future.

There is no grant of peculiar or exclusive privilege sought or conveyed in this act, and whenever the purposes of such a corporation are laudable, and the means to be used are proper, there can be no necessity for any special interposition of the Legislature to endorse such corporation by particular charter with necessary corporate rights and privileges, all of which can be fully attained by a voluntary association under the "Act to provide for the creation of Corporations."

By the "Act to provide for and encourage a liberal system of Internal Improvements in this State," approved January 6th, 1855, all the lands of the State, and the proceeds thereof, are constituted a fund to be strictly applied according to certain specific directions, and for the purposes of insuring such appli-

cation, are irrevocably vested in certain trustees, who are clothed with plenary power to accomplish certain purposes particularly named, and for no other purpose whatever.

The trustees thus created, by the law of their creation, can, in their discretion, so dispose of the lands thus entrusted to them as to promote the construction of roads, railroads, canals, bridges, and to secure the drainage and improvement of the public lands and the settlement and occupation thereof; and after the completion of certain public works and their successful occupation for a given time, then, under the direction of the Legislature, the Trustees may devote the income of the fund to other works of Internal Improvement.

This very clearly implies that until such conditions precedent have been fulfilled, no such diversion of the proceeds of the fund can be made, even by legislative direction.

Without entering at length into a discussion of the constitutional power of the Legislature by subsequent enactment to make a diversion in the application of funds to which previous legislation has given a specific and exclusive direction, still, in view of the many efforts to secure large grants of land under cover of special enactments, the language used by the Supreme Court of this State in a parallel case may be very pertinently quoted:

In the decision of the case, "Trustees of the Internal Improvement Fund against Bailey, 10th Florida Reports," the court, among other remarks, declare as follows:

"They (the General Assembly) did have the power and right to convey the lands and money composing the Internal Improvement Fund to trustees to be held in pledge, mortgage, or trust for the payment of the interest of the bonds authorized by said act, and the other purposes therein named. Nor can we persuade ourselves that the General Assembly of 1861 had the power to interfere in the slightest degree with any rights which have become vested under the act of 1855. \* \* \* \*"

The State is as capable of making a contract as an individual is, and when made is as much bound by it. The Legislative Department can constitutionally pass no law impairing the obligation of contracts, and when it attempts to do so, it is the solemn duty of the Judicial Department, co-equal and co-ordinate with the Legislative, each being supreme in its own sphere in the constitutional system, to declare such law null and void.

When the General Assembly of 1855 conveyed the Internal Improvement Fund to Trustees for the benefit of the purchasers and holders of the bonds to be issued under it, and for other purposes therein named, they made a law in the nature of a contract, and the Supreme Court of the United States in

*Fletcher vs. Peck*, 6th Cranch, 87, say: "When then a law is in its nature a contract, a repeal of the law cannot divest those rights."

"The act of 1861 is an attempt to repeal the act of 1855, in so far as it seeks to divert the Internal Improvement Fund from the purposes therein indicated, which, as we have shown, cannot be done since rights have become vested under it."

It is only necessary to add that the legality and validity of a legislative direction to the Trustees to appropriate a portion of the proceeds of the Fund to the improvement of the navigation of the Apalachicola river, was the litigated question in the above case, and that the act herewith returned contains directions precisely similar.

A clause in this act is as follows: "Every alternate section of land on either side of the Suwannee river from its mouth to the junction of the Santa Fe river, and up the Santa Fe river so far as said company may deem it practicable to improve the navigation of said river, is hereby granted to said corporation, and if any of said lands are the property of private parties, the said company, through its Board of Directors, may select such amount of land on the line of said rivers, as will equal said private lands."

As the Suwannee river has been navigated for a number of years for some thirty miles above its junction with the Santa Fe river, there does not appear any cogent reason to warrant the conveyance of State lands now in compensation for making the Suwannee navigable; and if the improvement of the navigation of the Santa Fe does not conduce to the drainage and improvement of adjacent lands, no grant of lands can be legally made therefor.

But if the improvement of navigation in the Santa Fe can be so conducted as to secure a desirable drainage and improvement of the adjacent State lands, then it is entirely competent for the Trustees of the Internal Improvement Fund to make therefor a concession of land.

The legislation, then, contemplated in the passage of this bill, seems to be either improper or unnecessary, or both.

All the corporate rights granted by the bill can be secured by association under the general law to provide for the creation of corporations; all grants of land for proper and legitimate purposes can be effected through a contract with the Trustees of the Internal Improvement Fund; and improper grants cannot be consummated by any legislation whatever.

Very respectfully, &c.,

HARRISON REED, Governor.

Which was read.

Mr. Meacham offered the following resolution:

*Be it resolved by the Senate, the Assembly concurring, That a committee of two upon the part of the Senate, and three on the part of the Assembly, be appointed to examine the account of the late Secretary of State, Geo. J. Alden, and report the facts thereon.*

Which was adopted.

The communication of his Excellency the Governor, vetoing Senate Bill No. —, An act to Incorporate the Santa Fe River Navigation Company, was taken up.

Upon the question, Shall the bill pass, notwithstanding the veto of the Governor?

The vote was:

Yeas—Mr. President *pro tem.*, Messrs. Atkins, Bradwell, Cruse, Ginn, Katzenberg, Kendrick, Krimminger, Meacham, Pearce, Purman, Smithson, Walls, and Weeks—14.

Nays—Messrs. Henderson, Moragne, and Underwood—3.

The bill passed over the veto of his Excellency.

The message of his Excellency the Governor, under date of February 2, 1869, which reads as follows:

EXECUTIVE OFFICE,  
TALLAHASSEE, Fla., February 2, 1869. }

HON. J. N. KRIMMINGER, President of the Senate:

SIR: I herewith return the bill for an act to enable Silas C. Barker, Captain of the State Penitentiary, to receive his salary, without my approval. If Silas C. Barker was or had been Captain of the State Penitentiary, the existing law on the subject would enable him to receive his salary. As he is not and has not been, within the knowledge of the Executive Department, at any time such officer, this bill will not enable him to receive pay as such, and I can see no propriety in its approval.

Very respectfully, &c.,

HARRISON REED, Governor.

Vetoing An act to enable Silas C. Barker, Captain of the State Penitentiary, to receive his salary, which passed the Legislature January 28, 1869, was taken up and read.

Upon the question, Shall the bill pass, the Governor's veto to the contrary notwithstanding?

The vote was:

Yeas—Mr. President *pro tem.*, Messrs. Bradwell, Cruse, Henderson, Katzenberg, Kendrick, Krimminger, Meacham, Pearce, Purman, Underwood, and Walls—12.

Nays—Messrs. Atkins, Ginn, Moragne, and Weeks—4.

The bill passed over the Governor's veto.

The communication of his Excellency the Governor, under date of February 4, 1869, vetoing An act to amend An act to or-

ganize the County Courts of the State, and to prescribe the Mode of Practice of said Courts, which reads as follows:

EXECUTIVE OFFICE,  
TALLAHASSEE, Fla., February 4, 1869. }

HON. J. N. KRIMMINGER, President of the Senate:

SIR: I am compelled to refuse my signature to an act to amend An act to organize the County Courts of the several counties of the State, and to prescribe the Mode of Practice of said Courts. The act strikes out two sections of the act sought to be amended without reciting those sections, and the effect is to take from the county judges the authority to act as justices of the peace. Aside from the technical objection which may be urged, that the act does not meet the constitutional requisition in form, I believe it contrary to public policy, at this time, to repeal the justices' jurisdiction of the county judges. It will work hardship in many of the counties, and I can see no particular advantage to any others that will justify the repeal. I therefore withhold my approval.

Very respectfully, &c.,

HARRISON REED, Governor.

Was taken up.

Upon the question, Shall the bill pass, the Governor's veto to the contrary notwithstanding?

The vote was:

Yeas—Messrs. Atkins, Henderson, Katzenberg, Kendrick, Krimminger, Moragne, Smithson and Weeks—8.

Nays—Messrs. Bradwell, Cruse, Ginn, Meacham, Pearce, Purman, Underwood, and Walls—8.

The veto of his Excellency was sustained.

The communication of his Excellency, of February 4th, 1869, vetoing Joint Resolution relative to copying the acts and resolutions of the session of the Legislature of 1869, which reads as follows:

EXECUTIVE OFFICE,  
TALLAHASSEE, Fla., February 4, 1869. }

HON. J. N. KRIMMINGER, President of the Senate:

SIR: The Joint Resolution relative to copying the acts and resolutions of the present session of the Legislature of Florida, which originated in the Senate, is herewith returned without my approval. It is the duty of the Secretary of State to furnish copies of the laws and resolutions for publication, and I see no reason for incurring expense in procuring copies for any other purpose, or of providing another person to copy for this purpose. It is probable the resolution was passed without a proper under-

standing of the fact that the work was already provided for without expense.

Very respectfully, &c.,  
HARRISON REED, Governor.

Was taken up.

Upon the question, Shall the resolution pass, the Governor's veto to the contrary notwithstanding?

The vote was:

Yeas—Messrs. Atkins and Henderson—2.

Nays—Messrs. Bradwell, Cruse, Ginn, Katzenberg, Krimminger, Meacham, Pearce, Purman, Smithson, Underwood, and Walls—11.

The veto of the Governor was sustained.

The communication of his Excellency the Governor, of February 1, 1869, vetoing An act for the relief of certain officers and attaches of the last regular session, which reads as follows:

EXECUTIVE OFFICE,  
TALLAHASSEE, Fla., February 1, 1869. }

HON. J. N. KRIMMINGER, President of the Senate:

SIR: I am compelled to return, without my approval, the act entitled "An act for the relief of certain officers and attaches of the last regular session."

This bill proposes to pay certain officers and employees of the regular session, which adjourned in August last, mileage and per diem for attendance upon a convention of the members of the Legislature held at the Capitol in November, to appoint Presidential Electors. It allows one day's pay for every twenty miles travelled in coming to and returning from the Capitol. The per diem of clerks and assistants allowed by the Legislature was \$8, \$9, and \$10, according to grade. Most of these officers and attaches reside remote from the Capitol, and at these rates would draw about \$100 each for one day's attendance, with no duties to perform. The law providing for the convention afforded no sanction for their attendance; its assemblage was for a single specified purpose requiring but an hour, or at most two, and no assistance of these "officers and attaches of the regular session." It is unprecedented in the history of legislative bodies that the employees should receive mileage even when their presence is necessary, and certainly when, as in this case, their services were not required. The condition of the Treasury and of the people will not justify such useless expenditure, and the example would be pernicious.

Very respectfully,  
HARRISON REED, Governor.

Was taken up.

Upon the question, Shall the bill pass, the Governor's veto to the contrary notwithstanding?

The vote was:

Yeas—None.

Nays—Messrs. Atkins, Bradwell, Cruse, Ginn, Katzenberg, Krimminger, Meacham, Pearce, Purman, Smithson, Underwood, Walls, and Weeks—13.

The veto of the Governor was sustained.

The message of his Excellency the Governor, under date of February 4, 1869, vetoing An act to Incorporate the Jacksonville and St. Augustine Railroad Company, which reads as follows:

EXECUTIVE OFFICE,  
TALLAHASSEE, Fla., February 4, 1869. }

HON. J. N. KRIMMINGER, President of the Senate:

SIR: I return without my approval the bill to amend An act to Incorporate the Jacksonville and St. Augustine Railroad Company. It attempts to amend sections of a law without giving the law or sections as revised, as required by Article IV., Section 14, of the Constitution, and cannot therefore become a law.

Very respectfully, &c.,  
HARRISON REED, Governor.

Was taken up.

Upon the question, Shall the bill pass, the Governor's veto to the contrary notwithstanding?

The vote was:

Yeas—Messrs. Atkins and Underwood—2.

Nays—Messrs. Bradwell, Cruse, Ginn, Henderson, Katzenberg, Kendrick, Krimminger, Meacham, Pearce, Purman, Smithson, and Walls—12.

The veto of his Excellency was sustained.

The message of his Excellency, under date of June 25, 1869, vetoing An act further defining the duties of Cabinet officers, which reads as follows:

EXECUTIVE OFFICE,  
TALLAHASSEE, Fla., June 28, 1869. }

TO THE PRESIDENT OF THE SENATE:

SIR: The bill for An act further defining the duties of Cabinet officers, cannot receive my approval. It seeks to remove the necessity imposed by custom and common courtesy, if not by law, for the advisory counsel of the Governor to consult him in regard to the time and manner of their absence from official duties. While the Governor is held responsible for the efficient administration of the Government, it is but proper that those administrative officers to whom he has committed the charge of the different departments, should at least consult him

before leaving their post of duty for protracted absence. No Cabinet officer has ever yet been denied the privilege of leaving the Capital, or the State, when he has desired so to do, and certainly no one would be, unless the public interest required it. The law is unnecessary to meet any private necessity, and is incompatible with the unity and efficiency of the Government.

Very respectfully, &c.,

HARRISON REED, Governor.

Was taken up.

Upon the question, Shall the bill pass, the Governor's veto notwithstanding?

The vote was:

Yeas—Mr. President *pro tem.*, Messrs. Bradwell, Cruse, Ginn, Henderson, Katzenberg, Kendrick, Krimminger, Meacham, Moragne, Pearce, Purman, Smithson, Underwood, Walls, and Weeks—16.

Nays—None.

The bill passed over the Governor's veto.

The message of his Excellency the Governor, under date of February 4, 1869, vetoing the accompanying Senate Bill, An act to be entitled an act to prescribe the allowance of food for prisoners confined in County Jails, which reads as follows:

EXECUTIVE OFFICE,  
TALLAHASSEE, Fla., February 4, 1869. }

Hon. J. N. KRIMMINGER, President of the Senate:

SIR: I return herewith, without my approval, the act originating in the Senate, entitled An act to be entitled An act to prescribe the allowance of food for prisoners confined in County Jails. It is objectionable, in the first place, because it fosters the idea that the prison is more of a boarding-house than a place for criminals. In the second, it presumes that the Sheriffs and Boards of County Commissioners are not competent to discharge their duty. In the third place, it adds ten cents per day each to the already exorbitant fees of the Sheriffs for maintaining prisoners. Sixty cents per diem for feeding each prisoner, and two dollars and twenty-five cents each for a guard, it seems to me, quite sufficient to secure justice to the criminal, and to the Sheriff, without adding ten cents per diem for each prisoner. The impoverished condition of the people will not admit of lavish or unnecessary expenditure.

Very respectfully,

HARRISON REED, Governor.

Was taken up.

Upon the question, Shall the bill pass, the Governor's veto to the contrary notwithstanding?

The vote was:

Yeas—Mr. Pearce—1.

Nays—Messrs. Atkins, Bradwell, Cruse, Ginn, Katzenberg, Kendrick, Krimminger, Meacham, Purman, Smithson, Underwood, Walls, and Weeks—13.

The veto of the Governor was sustained.

Mr. Krimminger moved a reconsideration of the vote of the Senate had on Assembly Bill No. 13, an act granting Liens to Artisans, Mechanics and others, and providing for the same;

Which was agreed to.

The bill was read the third time and put upon its passage;

The vote was:

Yeas—Messrs. Atkins, Bradwell, Cruse, Ginn, Katzenberg, Meacham, Pearce, Purman, Smithson, Underwood and Walls—11.

Nays—Messrs. Kendrick, Moragne and Weeks—3.

So the bill passed—title as stated.

Ordered that the same be certified to the Assembly.

The Committee on Enrolled Bills made the following report:

SENATE CHAMBER,  
Tallahassee, Fla., February 17th, 1870. }

TO THE SENATE:

Your committee ask leave to report that they have examined the following bills submitted to them and find them correctly enrolled, viz:

Senate bill No. 53: An act to authorize Augustus M. Coxe to erect a toll bridge and dam across the Santa Fe river for milling purposes;

Joint resolution No. 13: Relative to establishing a Postal Route from Palatka to Dunn's Lake; and

Senate bill No. 60½: An act for the preservation of the public peace and order.

Respectfully submitted,

S. KATZENBERG, Chairman.  
J. N. KRIMMINGER,  
G. B. SMITHSON,  
J. A. ATKINS.

Which was read.

The rule was waived and Mr. Purman offered the following: Senate bill No. 111: An act in relation to State Refreshments;

Which was read the first time by its title and placed among the orders of the day for to-morrow.

Assembly bill No. 76: An act for the relief of John O. Cosby, late Sheriff of Alachua county,

Was read the first and second times by its title.

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

The vote was :

Yeas—Messrs. Atkins, Bradwell, Cruse, Ginn, Katzenberg, Kendrick, Krimminger, Meacham, Moragne, Purman, Smithson, Underwood, Walls and Weeks—14.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the Assembly.

Mr. Walls offered the following resolution :

*Resolved*, That the Committee on the Judiciary be and they are hereby directed to report at once upon the bill which provides for the changing of the government of the Penitentiary from a military to a civil form.

Which was read and adopted.

Mr. Smithson moved a call of the Senate ;

Which was agreed to.

The roll was called and the following Senators were present :

Mr. President pro tem., Messrs. Atkins, Bradwell, Cruse, Ginn, Katzenberg, Kendrick, Krimminger, Meacham, Moragne, Pearce, Purman, Smithson, Walls and Weeks—15.

The Sergeant-at-Arms was dispatched for the absent members.

On motion of Mr. Purman, the further call of the Senate was dispensed with.

The rule was waived, and Assembly bill No. 84, an act in relation to State Warrants, was read the third time and put upon its passage.

The vote was :

Yeas—Mr. President pro tem., Messrs. Bradwell, Cruse, Ginn, Katzenberg, Kendrick, Meacham, Pearce, Purman and Smithson—10.

Nays—Messrs. Atkins, Henderson and Weeks—3.

So the bill passed—title as stated.

Ordered that the same be certified to the Assembly.

The following communications were received from the Assembly :

ASSEMBLY HALL,  
Tallahassee, Fla., Feb. 16, 1870. }

HON. GEO. E. WENTWORTH, President of the Senate :

SIR: I am directed by the Assembly to inform the Senate that the Assembly has passed Senate bill No. 104, to be entitled an act in relation to the office of Lieutenant-Governor and the present incumbent.

Very respectfully,

WM. FORSYTH BYNUM,  
Clerk of the Assembly.

ASSEMBLY HALL,  
Tallahassee, Fla., Feb. 16, 1870. }

HON. GEO. E. WENTWORTH, President of the Senate :  
SIR: I am directed by the Assembly to inform the Senate that the Assembly has passed Assembly bill No. 93, to be entitled an act to incorporate the Jacksonville Ferry Company.

Very respectfully,

WM. FORSYTH BYNUM,  
Clerk of the Assembly.

Which was read, and the accompanying Senate bill No. 104 ordered to be enrolled, and Assembly bill No. 93, placed among the orders of the day for to-morrow.

Senate Journal of Saturday, February 12, 1870, in relation to the final action of the Senate on the Amendments to the Constitution of this State, was corrected to read as follows and entered on the journal of to-day :

The Sergeant-at-Arms was dispatched for the absent members. On motion of Mr. McCaskill, the call of the Senate was suspended.

Assembly Joint Resolution No. 4 :

Proposing amendments to the Constitution,  
Was read third time.

#### ARTICLE I.

The salary of the Governor of the State shall be three thousand five hundred dollars per annum ; that of each Justice of the Supreme Court shall be three thousand dollars ; that of each Judge of the Circuit Courts shall be two thousand five hundred dollars ; that of each Cabinet officer shall be two thousand dollars ; that of the Lieutenant-Governor shall be five hundred dollars, and he shall receive the same mileage as a member of the Legislature. The pay of members of the Legislature shall be a per diem, to be fixed by law, for each day's actual attendance, and in addition thereto, ten cents per mile for travelling expenses, for each mile from their respective places of residence to the capital, estimated by the shortest general thoroughfare, and the same to return. All other officers of the State shall be paid by fees or per diem, fixed by law. No Legislature shall increase its own pay.

On the adoption of Article I of the resolution,  
The vote was :

Yeas—Mr. President pro tem., Messrs. Atkins, Bradwell, Crane, Crawford, Cruse, Ginn, Henderson, Hillyer, Katzenberg, Kendrick, Krimminger, Meacham, McCaskill, Pearce, Purman, Smith, Smithson, Underwood, Walls, and Weeks—21.

Nays—None.

Article I was adopted.

## ARTICLE II.

The several members of the Cabinet of Administrative Officers shall be elected by the people.

On the adoption of Article II,

The vote was:

Yeas—Mr. President pro tem., Messrs. Atkins, Bradwell, Crane, Crawford, Cruse, Ginn, Henderson, Hillyer, Katzenberg, Kendrick, Krimminger, Meacham, McCaskill, Pearce, Purman, Smith, Smithson, Underwood, and Weeks—21.

Nays—None.

Article II was adopted.

## ARTICLE III.

The Sixth and Seventh Judicial Districts are hereby abolished, and the limits of the first, second, third, fourth and fifth Judicial Districts shall be defined by law.

On the adoption of Article III,

The vote was:

Yeas—Mr. President pro tem., Messrs. Atkins, Bradwell, Crane, Crawford, Cruse, Ginn, Henderson, Hillyer, Katzenberg, Meacham, McCaskill, Pearce, Purman, Smith, Smithson, Walls, and Weeks—18.

Nays—Messrs. Kendrick, Krimminger, and Underwood.—3.

Article III was adopted.

## ARTICLE IV.

The offices of Surveyor-General and Commissioner of Immigration are hereby consolidated under the name of Commissioner of Lands and Immigration.

On the adoption of Article IV,

The vote was:

Yeas—Mr. President pro tem., Messrs. Atkins, Bradwell, Crane, Crawford, Cruse, Ginn, Henderson, Hillyer, Katzenberg, Kendrick, Krimminger, Meacham, McCaskill, Pearce, Smith, Smithson and Weeks—18.

Nays—Messrs. Underwood and Walls—2.

Article IV was adopted.

On motion of Mr. Smith, the further reading of the resolution was postponed, and made the special order of the day for four o'clock, P. M.

\* \* \* \* \*  
Assembly Joint Resolution No. 4, on Amendments to the Constitution, was taken up on continuation of final vote.

## ARTICLE V.

The office of Adjutant-General is hereby abolished.

Article V was rejected by the following vote:

Yeas—Mr. President pro tem., Messrs. Atkins, Ginn, Henderson, Kendrick, Krimminger, Moragne, McCaskill, Smithson and Weeks—9.

Nays—Messrs. Bradwell, Crane, Cruse, Hillyer, Katzenberg, Pearce, Purman, Smith, Underwood and Walls—10.

## ARTICLE VI.

The Thirteenth Section of the Sixth Article of the Constitution is hereby abrogated.

Article VI was adopted by the following vote:

Yeas—Messrs. Atkins, Bradwell, Crane, Cruse, Henderson, Hillyer, Katzenberg, Kendrick, Krimminger, Moragne, McCaskill, Purman, Smith, Smithson, Underwood, Walls and Weeks—17.

Nays—Messrs. Ginn and Pearce—2.

## ARTICLE VII.

The third, fifth and twenty-seventh Sections of the Sixteenth Article of the Constitution are hereby abrogated.

Article VII was adopted by the following vote:

Yeas—Mr. President pro tem., Messrs. Atkins, Bradwell, Ginn, Henderson, Hillyer, Katzenberg, Kendrick, Moragne, McCaskill, Pearce, Purman, Smith, Smithson, Walls and Weeks—16.

Nays—Mr. Krimminger—1.

## ARTICLE VIII.

The number of the Terms of the Supreme Court and the time of holding the same shall be fixed by law.

Article VIII was adopted by the following vote:

Yeas—Mr. President pro tem., Messrs. Atkins, Bradwell, Crane, Cruse, Ginn, Henderson, Hillyer, Katzenberg, Kendrick, Krimminger, Moragne, McCaskill, Pearce, Purman, Smith, Smithson, Walls and Weeks—19.

Nays—None.

## ARTICLE IX.

The Legislature shall have power to prescribe regulations for calling in to the Supreme Court a Judge of the Circuit Court, to hear and determine any matter pending before the court, in the place of any Justice thereof who shall be disqualified or disabled in such case from interest or other cause.

Article IX. was adopted by the following vote:

Yeas—Mr. President pro tem., Messrs. Bradwell, Crane, Cruse, Henderson, Hillyer, Katzenberg, Kendrick, Krimminger,

Moragne, McCaskill, Pearce, Purman, Smith, Smithson, Underwood, Walls, and Weeks—18.

Nays—Messrs. Atkins and Ginn—2.

#### ARTICLE X.

That the following portion of Section 9, Article XVI., of the Constitution, is hereby abrogated:

"Any officer, when impeached by the Assembly, shall be deemed under arrest, and shall be disqualified from performing any of the duties of his office until acquitted by the Senate. But any officer so impeached and in arrest may demand his trial by the Senate within one year from the date of his impeachment."

Article X was adopted by the following vote:

Yeas—Mr. President pro tem., Messrs. Atkins, Bradwell, Crane, Ginn, Henderson, Hillyer, Katzenberg, Kendrick, Krimminger, Moragne, McCaskill, Pearce, Smith, Smithson, Underwood, Walls, and Weeks—18.

Nays—None.

Section 7 of Article XII of the constitution is hereby abrogated, and the following inserted in lieu thereof:

#### ARTICLE XI.

The Legislature shall have power to provide for issuing State bonds bearing interest for securing the debt of the State, for the erection of State buildings, support of State institutions, to meet casual deficits or failure in revenue, but never to exceed in the aggregate one hundred thousand dollars; but no other debt shall be contracted, except for the purpose of repelling invasion, suppressing insurrection, or defending the State in war, unless the law authorizing the same shall, at a general election, have been submitted to the people, and have received a majority of all the votes cast for members of the General Assembly at such election.

Article XI was adopted by the following vote:

Yeas—Mr. President pro tem., Messrs. Atkins, Bradwell, Crane, Cruse, Ginn, Henderson, Hillyer, Katzenberg, Kendrick, Krimminger, Moragne, Pearce, Purman, Smith, Smithson, Underwood, and Weeks—18.

Nays—Messrs. McCaskill and Walls—2.

#### ARTICLE XII.

Section 4 of Article VII. The Treasurer shall receive all funds,

bonds, or other securities, in such manner as may be provided by law, and shall disburse no funds, bonds, or other securities, except upon the order of the Comptroller, in such manner as shall be prescribed by law.

Article XII was adopted by the following vote:

Yeas—Mr. President pro tem., Messrs. Atkins, Bradwell, Crane, Cruse, Ginn, Henderson, Hillyer, Katzenberg, Kendrick, Krimminger, Moragne, McCaskill, Pearce, Purman, Smith, Smithson, Underwood, and Weeks—19.

Nay—Mr. Wall—1.

On motion of Mr. Purman, the Senate adjourned till ten o'clock to-morrow.

THURSDAY, February 17, 1870.

The Senate met pursuant to adjournment.

The President pro tem. in the chair.

Prayer by the Chaplain.

The roll being called, the following Senators answered to their names:

Mr. President pro tem., Messrs. Atkins, Bradwell, Cruse, Hillyer, Kendrick, Meacham, Smithson, Underwood, Walls and Weeks—11.

The President announced there was no quorum present.

Mr. Meacham moved a call of the Senate;

Which was agreed to.

The roll was called and the following members were present:

Mr. President pro tem., Messrs. Atkins, Bradwell, Cruse, Ginn, Henderson, Hillyer, Katzenberg, Kendrick, Krimminger, Pearce, Purman, Smithson, Underwood, Walls and Weeks—16.

The Sergeant-at-Arms was dispatched for the absent members.

Mr. Underwood moved that the further call of the Senate be dispensed with;

Which was agreed to.

Mr. Smithson asked permission of the Senate to change his vote on the vote had on the passage of Assembly bill No. 13, on yesterday, from aye to nay;

Which was agreed to.

The rule was waived and Mr. Henderson offered the following: Senate Bill No. 112:

An act to amend the second section of an act entitled an act to provide for the publication of the laws and of official and legal advertisements, approved July 31, 1868;

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