

EXECUTIVE OFFICE,
Tallahassee, Fla., Feb'y 21, 1870. }

To the President of the Senate:

The bill for an act to incorporate the Escambia Navigation Company to clean out and improve the navigation of Escambia river and Pine Barren Creek, and to drain the swamp and overflowed lands thereon, cannot receive my sanction.

While it purports to provide for the improvement of navigation, draining of swamps, &c., it really does no such thing. It grants to a corporation large amounts of land; in my judgment, in violation of previous obligations and laws, upon the following conditions, as expressed in the bill:

When the company shall, by resolution or otherwise, bind itself: First, "to give gratis to all heads of families, widows, and other persons, now being upon or engaged in improving any of said lands, fee simple deeds for eighty acres to each." Second, "such conveyance to be made as speedily as possible." Third, "to give cordial support and earnest co-operation to the Commissioner of Emigration, and to carry out the plans and objects of the State Bureau of Emigration."

"Upon receiving the above obligation or promise," the bill requires the Trustees to give titles to all the lands for three miles on each side of the Escambia river, from its mouth to the Alabama line, and for fifteen miles distance in a straight line up Pine Barren Creek from its junction with the Escambia river.

I submit that this bill attempts to do that which it is not authorized to do, and that which is inconsistent with the rights and interests of the people of the State.

Respectfully, &c.,

HARRISON REED, Governor.

Upon the question, shall the bill pass the veto of his Excellency to the contrary notwithstanding, the vote was:

Yeas—None.

Nays—Mr. President pro tem., Messrs. Bradwell, Crawford, Cruse, Ginn, Henderson, Hillyer, Katzenberg, Krimminger, Meacham, Moragne, McCaskill, Pearce, Purman, Smith, Smithson, Vaughan and Walls—18.

So the veto of his Excellency was sustained.

A message of his Excellency to the Assembly, vetoing an act to incorporate the Tallahassee City Gas Company, was read.

On motion of Mr. McCaskill, the same was ordered to be returned to the Secretary of State for correction, inasmuch as the bill originated in the Senate.

A Select Committee made the following report:

TO THE SENATE:

Your Select Committee to whom was referred Senate bill No.

3, entitled an act concerning testimony, and Senate bill No. 4, entitled an act concerning writs of attachment and replevin in the county courts, have considered the same and recommend that the same do pass.

W. J. PURMAM, Ch'n.

Which was received and read, and, on motion of Mr. Purman, the accompanying bills were read the second time and ordered to be engrossed.

Mr. Hillyer introduced the following bill:

Senate bill No. 6, entitled an act to amend an act approved June 24, 1869, entitled an act for the assessment and collection of revenue;

Which was read the first time by its title, and, on motion, referred to the Committee on Finance and Taxation.

On motion of Mr. Henderson, the Senate adjourned until 10 o'clock, Monday morning.

MONDAY, May 30th, 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:

Mr. President pro tem. Messrs. Bradwell, Crawford, Cruse, Ginn, Hillyer, Meacham, Moragne, McCaskill, Smith, Vaughan and Walls—12.

The President announced that there was no quorum.

Mr. Meacham moved the call of the Senate;

Which was agreed to.

The roll was called and the following members were present:

Mr. President pro tem. Messrs. Bradwell, Crawford, Cruse, Ginn, Hillyer, Meacham, Moragne, McCaskill, Smith, Vaughan and Walls—12.

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

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

Which was not agreed to.

A quorum appearing on motion of Mr. Crawford, further proceedings under the call were suspended.

On motion of Mr. Meacham, the reading of Saturday's journal was dispensed with, and the journal approved.

The rules were waived and Mr. Hillyer offered the following:

Senate Bill No. 7, An Act repealing an Act in relation to State Warrants;

Which was read the first time by its title.

Mr. Smith moved that the bill be referred to a special committee consisting of three;

Which was agreed to.

The President appointed as such committee Messrs. Smith, McCaskill and Cruse.

The following communication was received from the Hon. J. T. Magbee, Judge of the Sixth Judicial Circuit:

TALLAHASSEE, May 30th, 1870.

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

SENATORS—In accordance with the 9th section of Article XVI of the Constitution of the State of Florida, I demand my trial at this session upon the Articles of Impeachment preferred by the Assembly at its last session against me as Judge of the Sixth Judicial Circuit of the State of Florida.

I am, very respectfully,

Your obedient servant,

JAMES T. MAGBEE.

Which was read.

On motion of Mr. Smith, the communication was referred to a special committee consisting of Messrs. Smith, Moragne, Vaughan, Atkins and Purman.

On motion of Mr. Smith, the Secretary was directed to request of the Assembly the return to this body of Senate bill No. 1.

A select committee made the following report:

SENATE CHAMBER,
Tallahassee, Fla. May 30, 1870. }

To the President of the Senate:

The special committee to whom has been referred the Governor's communication to the President of the Senate and accompanying papers relating to a quarantine officer at the port of St. Marks, have had the same under consideration and ask leave to

REPORT:

The general act entitled an act to regulate quarantine, approved June 19th, 1869, requires that the Board of County Commissioners in the counties upon or adjacent to any bay, river or harbor in which there is no incorporated city or town, and there is a port of entry, shall pay a quarantine officer from the county treasury such compensation as they may prescribe. St. Marks is not an incorporated city or town, and the testimony is clear

that the county of Wakulla, in which the port of St. Marks is situated, is unable to approximate adequate compensation for a competent man to perform the responsible functions of a quarantine officer. Your committee are assured, from the certificate of citizens of St. Marks and its vicinity, that Doctor William Germany faithfully performed the duties of quarantine officer at the port of St. Marks during the summer of 1869, and for which he has not received one cent, and in view of the financial condition of the county of Wakulla and the importance of a well regulated quarantine, your committee would recommend the passage of the accompanying bill.

JOHN L. CRAWFORD, Chairman.

S. KATZENBERG,

J. T. WALLS.

Which was received and read.

On motion of Mr. Smith, the rule was waived and the accompanying Senate bill No. 8, an act for the relief of William Germany and for the sanitary condition of the State, was read the first time by its title.

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

The vote was:

Yeas—Messrs. Atkins, Bradwell, Crawford, Cruse, Ginn, Hillyer, Meacham, Moragne, McCaskill, Smith, Vaughan, Walls and Weeks—13.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the Assembly.

ORDERS OF THE DAY.

The following message from his Excellency the Governor was received:

EXECUTIVE OFFICE,
Tallahassee, Fla., Feb. 21, 1870. }

Hon. GEO. E. WENTWORTH, President of the Senate, *pro tem.*

The bill to incorporate the Pensacola Wharf Company reached the Executive on the last day of the session without the signatures of the officers of the Assembly, and is therefore returned without my signature, with which it would still be invalid.

Respectfully,

HARRISON REED, Governor.

Which was read.

Mr. Hillyer moved that the accompanying bill, together with the following bills, viz: An Act to incorporate the Pensacola Wharf Company; An Act to incorporate the Tallahassee City Gas Company; and An Act to incorporate the Tallahassee City

Hotel Company, be referred to the Attorney General of the State, for his written opinion to the Senate, this afternoon, upon their legality;

Which was agreed to.

Ordered that the Secretary certify to the Attorney General this action of the Senate.

On motion of Mr. Walls, the Senate took a recess until 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 answered to their names:

Mr. President pro tem. Messrs. Atkins, Bradwell, Crawford, Cruse, Ginn, Hillyer, Katzenberg, Meacham, McCaskill, Pearce, Purman, Smithson, Vaughan and Walls—15.

A quorum present.

The Committee on Engrossed Bills made the following report:

SENATE CHAMBER,
Tallahassee, Fla., May 30th, 1870. }

TO THE PRESIDENT OF THE SENATE:

SIR: Your Committee, to whom has been referred the following Bills, viz:

Senate Bill No. 4, A Bill to be entitled An Act concerning writs of attachment and replevin in County Courts.

Senate Bill No 5, A Bill to be entitled An Act concerning testimony.

Beg leave to report that that they have carefully examined the same, and find them correctly engrossed.

G. B. SMITHSON, Chairman.
WM. BRADWELL,
S. KATZENBERG.

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

Senate Bill No. 4, An Act concerning writs of attachment and replevin in the County Courts,

Was read third the time and put upon its passage.

The vote was:

Yeas—Messrs. Atkins Bradwell, Crawford, Cruse, Ginn, Hen-

derson, Hillyer, Katzenberg, Meacham, McCaskill, Pearce, Purman, Smithson and Vaughan—14.

Nays—Mr. Walls—1.

So the bill passed—title as stated.

Ordered that the same be certified to the Assembly.

Senate Bill No. 5, An Act concerning testimony,

Was read the third time and put upon its passage.

The vote was:

Yeas—Messrs. Atkins, Bradwell, Crawford, Cruse, Ginn, Henderson, Hillyer, Katzenberg, Meacham, McCaskill, Pearce, Purman, Smithson, Vaughan and Weeks—15.

Nays—Mr. Walls—1.

So the bill passed—title as stated.

Ordered that the same be certified to the Assembly.

Mr. Hillyer, without previous notice, offered the following bill: An Act providing for publication, distribution and sale of Reports of Decisions of the Supreme Court of this State.

Objection being made, the bill was withdrawn.

The following communication was received from the Assembly:

ASSEMBLY HALL,
Tallahassee, Fla., May 30, 1870. }

Hon. GEO. E. WENTWORTH,

President of the Senate:

SIR: I am directed by the Assembly to inform the Senate that the Assembly has, by request of the Senate, ordered me to return to the Senate, for further consideration, Senate bill No. 1—To be entitled an act in relation to the Capitol and other public buildings of the State of Florida.

Very respectfully,

WM. FORSYTH BYNUM,
Clerk of the Assembly.

Which was read.

Also the following:

ASSEMBLY HALL,
Tallahassee, Fla., May 30, 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. 4—A bill to be entitled an act to provide for the assessment and collection of taxes.

Very respectfully,

WM. FORSYTH BYNUM,
Clerk of the Assembly.

Which was read.

On motion of Mr. Henderson, the accompanying Assembly bill No. 4—An act to provide for the assessment and collection of taxes, was ordered to be returned to the Assembly for engrossment.

The Committee on Funding the State Debt made the following report:

We, the undersigned, members of the Funding Committee, to whom was referred Senate bill No. 2, entitled an act relating to the finances of this State, beg leave to submit the following bill as a substitute and recommend the passage of the same.

W. J. PURMAN, Chairman.
CHARLES H. PEARCE.

Which was read.

Mr. Henderson moved that the substitute to the bill recommended by the committee be printed.

Mr. Hillyer moved to lay the motion on the table.

On which the yeas and nays were called for.

The vote was:

Yeas—Messrs. Bradwell, Cruse, Hillyer, Meacham, Pearce and Purman—6.

Nays—Messrs. Atkins, Crawford, Ginn, Henderson, Katzenberg, Moragne, McCaskill, Vaughan, Walls and Weeks—10.

So the Senate refused to lay the motion of Mr. Henderson on the table, and the bill was ordered to be printed.

Mr. Meacham moved that the vote had on Senate bill No. 1 be reconsidered.

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

Which was agreed to.

The bill was returned to the Assembly,

The following communication was received from his Excellency, the Governor:

EXECUTIVE OFFICE,
Tallahassee, May 29th, 1870. }

HON. GEO. E. WENTWORTH,

President of the Senate:

SIR: I have the honor to acknowledge the receipt of resolutions of the Senate requesting further information in regard to the State indebtedness, &c., in response to which I beg to submit the following:

This Department is not in possession of the data to enable me to furnish all the details contemplated in the enquiries. In relation to the old bonded debt of the State, it appears from the Comptroller's report of 1868, as follows:

Bonds to School Fund,	\$190,752.63
“ “ Seminary Fund,	71,292.45
“ “ Internal Improvement Fund,	45,000.00
“ “ E. N. Dickerson for money borrowed, issued Dec. 3, 1866,	21,000.00
“ Issued in 1856,	220,000.00
“ “ by Constitutional Convention,	30,000.00
Total,	\$578,045.08

Twenty-five bonds of \$1000 each issued in 1867, payable in one year at 7 per cent., were presented and redeemed by me from Dr. A. B. Hawkins. Whether these were included in either of the classes of bonds referred to in the Comptroller's report I cannot tell, but presume they were, as his report purports to give the entire bonded debt.

I have no other knowledge in regard to these bonds save such as I have gathered from sources outside the State.

A demand has been made on me by the Secretary of the Interior for payment of accumulated interest on \$132,000 of the bonds of 1856, held by the Indian trust fund, amounting to \$73,160.40 in 1869.

The bond issued to E. N. Dickerson is reported to be in the hands of Moses Taylor of New York, confidential agent of the Board of Trustees under the former government, and held by him as part of a fund for the redemption of the outstanding bonds of the Florida Railroad. An attempt to procure an exhibit and settlement of his account was met by a refusal, and I am therefore unable to state anything from official data.

The Convention bonds are reported at \$30,000, as that was the amount authorized, but I know of no record of the amount, nor have I any knowledge where or by whom they are held. They bear eight per cent. interest.

The bonds issued under acts of 1868 and 1869 were disposed of as follows, as appears from Comptroller's report:

36 Bonds and accrued interest sold to Dr. Hawkins at par in exchange for 7 per cent. bonds of 1867, past due and interest, and for scrip,	\$36,360.00
1 Bond sold O. E. Austin for scrip at par,	1,000.00
30 Bonds sold E. B. Bulkley of New York in payment of amount due him, at 75 cents,	22,500.00
4 Bonds sold for State scrip, at 80 cents,	3,200.00
5 Bonds sold by Comptroller to M. S. Littlefield,	3,770.83
76 Bonds sold for	\$66,830.83

All that remained of the 500 issued under the acts of '68 & '69,

424 were hypothecated by the Comptroller to different parties for an aggregate loan of \$105,985.80.

The Comptroller reported to the Legislature that he "found it impossible to sell the State Bonds at the limit prescribed by law," and that he was unable to redeem the bonds under hypothecation.

By act of the last Legislature I was charged with the responsibility of redeeming and selling the same at not less than 75 cents on the dollar.

To enable me to do this I asked the Legislature—

1st. To amend the revenue law so as to secure a uniform assessment and taxation of all property of the State, so as to meet the constitutional requisition and appreciate the revenue without increasing the rate of taxation.

2d. To require foreign corporations doing business in this State to invest a portion of their capital in our State bonds.

3d. To authorize the drawing and investment of the proceeds of the sale of the Agricultural College Land Scrip in accordance with the law of Congress.

With these measures I am confident that I could have redeemed and sold the hypothecated bonds, and realized to the State 80 per cent. and upwards for the entire issue of bonds.

In addition to the incumbrance upon the bonds as stated by Comptroller, there were 83 of them under attachment in a suit for commissions against the Comptroller by C. D. Willard for \$25,000. Whatever the basis or justice of this claim, the suit served to injure the State credit, and the parties interested in it laid every obstacle in the way of the sale of the bonds until it was liquidated.

All the loans were past due and the bonds held on sufferance. I immediately set about their redemption with the only resource afforded me, the Agricultural Scrip. This I could have made effective but for reasons set forth in my message at the opening of the session.

I received from the Comptroller the following synopsis of the situation of the Bonds then unsold:

"Hypothecated to Geo. W. Swepson,	100	bonds
" N. Y. Warehouse and Security Co.	82	"
" Soutter & Co., N. Y.	247	"
	429	"
There has been withdrawn from Soutter & Co.,	13	"
	416	"
"Of the 13 bonds withdrawn from Soutter & Co.,		
8 of them have since been hypothecated to	8	"
B. C. Lewis of Tallahassee,		
	424	"

"The other 5 of the 13 bonds withdrawn from Soutter & Co., were sold to M. S. Littlefield, and reported by me in my report of bonds sold during year 1869."

The statement of Soutter & Co. of their account was as follows: "One hundred and ninety-nine (199) Bonds of the State of Florida, one thousand dollars each, viz: Nos. 118 to 200 payable 1889, and Nos. 185 to 300, payable in 1898. Said bonds being the residue of the two hundred and forty seven bonds of the State of Florida deposited with said Soutter & Co. Memorandum showing how remaining forty-eight bonds have been disposed of, viz:

20 Bonds delivered Warehouse and Security Co., order of Pettes,	Nos. 83 to 102
15 Bonds delivered to W. R. Pettes, (Nov. 30.)	Nos. 103 to 117
8 Bonds sent by express to R. H. Gamble, July 17,	Nos. 172 to 179
5 Bonds delivered to M. S. Littlefield, July 21, order of Gamble,	Nos. 180 to 184

48." Failing in all negotiations for funds to redeem the amount held by the Warehouse and Security Company, I renewed the loan for ninety days upon the same terms originally obtained, and gave a note payable on 31st of May, inst., and arranged with M. S. Littlefield to carry the whole amount at 8 per cent. interest without commissions—he relieving at his own expense the attachment of Willard.

The account stands to-day thus:

101 Bonds in hands of N. Y. Warehouse and Security Company, on which there is due 31st May	\$32,800 00
299 Bonds in hands of M. S. Littlefield, upon which there is due, with interest accruing,	80,781 10
8 Bonds in hands of B. C. Lewis, upon which there is due	3,322 16
408 Bonds, held for	\$116,903 26
After leaving New York I was advised by letter from Soutter & Co., that twelve of the fifteen bonds drawn by Mr. Pettes had been returned and placed subject to my orders.	
The whole of the bonds are thus accounted for, save three, which I am informed by the Comptroller were returned to him.	
The amount due on the bonds when placed in my hands was:	
To the N. Y. Warehouse and Security Company,	\$32,800 00
To M. S. Littlefield, Assignee of Geo. W. Swepson,	54,333 00
To Soutter & Co.,	22,379 60
Total,	\$109,512 60

This has been increased by moneys drawn, as follows:

Draft of S. B. Conover, in favor of Kirksey & Johnson,	\$524 60
Commissions and int. paid N. Y. Warehouse Co.,	1,558 97
For interest on bonds due 1st June,	2,280 00
	<hr/>
	\$113,876 17
To which should be added interest accruing to Gen. Littlefield,	3,231 24
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Total on 413 bonds,	\$117,107 41
All of which is respectfully submitted.	

HARRISON REED, Governor.

Which was read.
 Mr. Hillyer moved that the Senate do now adjourn;
 Which was not agreed to.
 On motion of Mr. Meacham, the Senate adjourned until tomorrow, 10 o'clock, A. M.

—o—
 TUESDAY, May 31st, 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:
 Mr. President pro tem., Messrs. Atkins, Bradwell, Crawford, Cruse, Ginn, Henderson, Hillyer, Katzenberg, Meacham, Moragne, McCaskill, Pearce, Smithson, Vaughan, Walls and Weeks—17.
 A quorum present.
 On motion of Mr. Walls, the reading of yesterday's journal was dispensed with and the journal approved.
 The Committee of Investigation on the Agricultural Land Scrip bill asked for further time in making their report;
 Which was granted.

ORDERS OF THE DAY.

The message of his Excellency, the Governor, to the Senate, under date of Feb. 21, 1870, vetoing an act to provide for the execution of the Public Printing, was taken up.

Upon the question, shall the bill pass the veto of his Excellency to the contrary notwithstanding?

The vote was:

Yeas—Messrs. Atkins, Crawford, Ginn, Henderson, Katzenberg, Moragne, McCaskill, Smithson, Vaughan and Weeks—10.

Nays—Messrs. Bradwell, Cruse, Hillyer, Meacham, Pearce, Purman, Smith and Walls—8.

Less than two-thirds voting in the affirmative, the veto of his Excellency was sustained.

The Senate resumed the second reading of Senate bill No. 3, an act to amend an act entitled an act to establish a uniform system of Common Schools and a University, approved Jan. 30, 1869.

Mr. Smith moved that further consideration of the bill be postponed until 4 o'clock, P. M., to-day;

Which was agreed to.

The following communication was received from the Attorney General of the State:

ATTORNEY GENERAL'S OFFICE.

HON. GEO. E. WENTWORTH,

President pro tem. of the Senate:

SIR—Under resolution of your body, adopted this day, the three accompanying bills, passed at the last session of the Legislature, and not signed by the Speaker and Clerk of the Assembly, were handed to me by the Secretary of your body. You desire my opinion as to whether the Speaker and Clerk of the Assembly can at this session legally sign said bills.

In reply, I have the honor respectfully to submit that, in my opinion, the requirement of the Constitution of the State, viz: that all bills passed by the Legislature shall be signed by the presiding officers of the respective Houses and by the Secretary of the Senate and Clerk of the Assembly, makes the signing of an enrolled bill by the presiding officer of either House an official act, and one that can only be performed in session with a quorum present, (see Cushing's Law of Legislative Assemblies, page 918,) and should be signed at the session at which the bill passed, unless a succeeding session authorize the signing by such action of the two Houses as would in effect amount to a re-enactment of the bill.

Very respectfully,
 A. R. MEEK,
 Attorney General.

May 30, 1870.

Which was read.

By unanimous consent, Mr. Henderson introduced the following:

Joint Resolution calling the attention of our Senators and Representative in Congress to a resolution asking the revival of