

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
	<hr/>
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

the grant of alternate sections of land for building railroads, approved August 5th, 1868 ;

Which was read.

Upon on the question, " Shall the resolution be adopted ?"

The vote was :

Yeas—Messrs. Atkins, Bradwell, Crawford, Cruse, Ginn, Henderson, Hillyer, Katzenberg, Meacham, Moragne, McCaskill, Pearce, Purman, Smith, Smithson, Vaughan, Walls and Weeks—18.

Nays—None.

So the Resolution was adopted,

Ordered that the same be certified to the Assembly.

By unanimous consent, Mr. Smith offered the following :

Memorial to the Congress of the United States, relative to dredging out the inside passage between the St. Mary's and St. John's rivers ;

Which was read.

Upon the question, " Shall the memorial be adopted ?"

The vote was :

Yeas—Messrs. Atkins, Bradwell, Crawford, Cruse, Ginn, Henderson, Hillyer, Katzenberg, Meacham, Moragne, McCaskill, Pearce, Purman, Smith, Smithson, Vaughan, Walls and Weeks.—18.

Nays—None.

So the memorial was adopted.

Ordered that the same be certified to the Assembly.

The following communications were 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 passed Assembly bill No. 2, to be entitled an act to alter and amend an act, approved by the Governor, Jan. 28, 1870, entitled an act to alter and amend an act entitled an act to perfect the public works of the State, approved June 24th, 1869.

Very respectfully,
WM. FORSYTH BYNUM,
Clerk of 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 passed Senate bill No. 1, to be entitled an act in relation to the Capitol and other Public Buildings of the State.

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

Which were read, and the accompanying Assembly bill No. 2 placed among the orders of the day, and Senate bill No. 1 ordered to be enrolled.

A special committee made the following report :

Your committee, to whom was referred bill No. 7, entitled an act in relation to State Warrants, having considered the same, report it back to the Senate and recommend its passage—

ROBT. M. SMITH, Chairman.

Which was read.

On motion of Mr. Smith, the accompanying Senate bill No. 7, an act repealing an act in relation to State Warrants, was read the second time.

Mr. Purman moved that further consideration of the bill be postponed until Friday next, 4 o'clock, P. M.

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

On which the yeas and nays were called for.

The vote was :

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

Nays—Messrs. Bradwell, Hillyer, Katzenberg, Meacham, Pearce, Purman and Walls—7.

So the motion of Mr. Purman was laid on the table.

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

The vote was :

Yeas—Messrs. Atkins, Bradwell, Crawford, Cruse, Ginn, Henderson, Hillyer, Katzenberg, Meacham, Moragne, McCaskill, Pearce, Smith, Vaughan, Walls and Weeks—16.

Nays—Messrs. Purman and Smithson—2.

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., May 30th, 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. 4 to be entitled "An Act concerning Writs of Attachment and Replevin in the County Courts."

Very respectfully,

WM. FORSYTH BYNUM,
Clerk of the Assembly.

ASSEMBLY HALL,
Tallahassee, Fla., May 30th, 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. 5, to be entitled "An Act concerning Testimony."

Very respectfully,

WM. FORSYTH BYNUM,
Clerk of the Assembly.

Which were read, and the accompanying Senate Bills, Nos. 4 and 5, ordered to be enrolled.

A Select Committee made the following report:

The Special Committee of the Senate to which was referred the request of James T. Magbee, Judge of the Sixth Judicial Circuit Court of the State of Florida, that he be tried by the Senate upon the impeachment and charges preferred by the Assembly at its last regular session, charging him with high crimes and misdemeanors, and incompetency in office, beg leave to report:

That in view of the necessity of the continuance of the Court in the hands of the Judge before whom the pending proceedings of the Court originated; the grave nature of the offence charged, as calculated to affect the judicial reputation of any presiding officer of an important Court, and the fact that it is happily in keeping with every principle of good government, and that the Constitution guarantees to every citizen a speedy and impartial trial, and the further fact that the term of office of one half of the present Senate, in the opinion of many, expires on the 8th of June next, and it is desirable that such trial be had by those already familiar with all the circumstances, therefore

Resolved, That the Senate will proceed to the trial of the impeachment of James T. Magbee, Judge of the Sixth Judicial Circuit Court of this State, at 8 o'clock, this evening.

And that the Secretary of the Senate transmit at once a copy of this resolution to the Assembly.

ROBT M. SMITH, Chairman.
JOHN A. VAUGHAN,
W. J. PURMAN.

Which was read.

On motion of Mr. Smith, the report of the committee was made the special order of the day for 4 o'clock, P. M.
Mr. McCaskill offered the following resolution:

Resolved, By the Senate, the Assembly concurring, That his Excellency the Governor be, and he is hereby requested to call upon the Justices of the Supreme Court for their opinion as to what class of expenses is required by the Constitution to be paid by the counties and who are county officers within the meaning of the Constitution what legislation is necessary to carry it into effect, and communicate the same to the Legislature as soon as practicable.

Which was read.

Upon the question shall the resolution be adopted,
The vote was:

Yeas—Messrs. Atkins, Bradwell, Crawford, Cruse, Ginn, Henderson, Hillyer, Katzenberg, Meacham, Moragne, McCaskill, Pearce, Purman, Smith, Smithson, Vaughan, Walls, and Weeks—18.

Nays—None.

So the resolution was adopted.

Ordered that the same be certified to the Assembly.

Substitute to Senate Bill No. 2, An Act relating to the finances of the State, came up on its second reading.

Mr. Smith moved that further consideration of the same be postponed till this afternoon.

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

Upon which the yeas and nays were called for.

The vote was:

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

Nays—Messrs. Atkins, Ginn, Henderson, Katzenberg, Moragne, McCaskill, Smith, Smithson, Walls and Weeks—10.

The Senate refused to lay the motion of Mr. Smith on the table, and further consideration of the bill was postponed until this afternoon.

Assembly bill No. 2, an act to alter and amend an act approved by the Governor, January 28, 1870, entitled an act to alter and amend an act entitled an act to perfect the Public Works of the State, approved June 24, 1869,

Was read the first time by its title and on motion referred to a special committee consisting of Messrs. Meacham, Henderson and McCaskill.

Mr. Meacham moved that the Senate do now go into an election of Enrolling Clerk.

Mr. Katzenburg moved as a substitute that the Secretary or

the Senate be directed to have the enrolling of the Senate performed;

Which was agreed to.

On motion of Mr. Walls, the Senate took a recess until 4 o'clock, P. M.

FOUR O'CLOCK, P. M.

The Senate met pursuant to adjournment.

The President pro tem. in the chair.

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

Mr. President pro tem., Messrs. Bradwell, Crawford, Ginn, Henderson, Hillyer, Katzenberg, McCaskill, Pearce, Purman, Smithson, Vaughan and Walls—13.

A quorum present.

Mr. Crawford moved to reconsider the vote taken on the 28th inst. on the Governor's veto on the bill for the relief of Dr. Hawkins;

Which was agreed to.

The committee appointed to investigate certain matters in relation to the Agricultural Land Scrip, passed at the last session of the Legislature, made the following report:

COMMITTEE ROOMS OF SENATE,
Tallahassee, May 31, 1870.

HON. GEO. E. WENTWORTH,

President pro tem. of the Senate:

SIR: In accordance with the following resolution, which passed your body on Saturday last, the 28th, to-wit:

WHEREAS, It seems upon examination, that some improper proceedings have characterized the official acts of either the Legislature, its employes, or some other parties unknown to the public in relation to Agricultural Land Scrip; therefore,

Be it Resolved, That a committee of five be appointed to investigate all matters in connection with the acts of the last session on the subject of "Agricultural Land Scrip," and all acts of the Executive and the Cabinet officials, under authority, or pretended authority of said acts.

"And that said committee have power to send for books, papers and witnesses, and examine such witnesses under oath, and report on Tuesday next, at 10 o'clock, a. m.;" the undersigned members of your body were appointed as such committee. They accordingly commenced the duties assigned them, and in their judgement have pursued the subject to a satisfactory end.

We proceed therefore to lay before the Senate the required information.

The Senate having already received from the Secretary of State the document on file in his office, entitled "An Act to authorize the Governor to ask for and receive the Agricultural Land Scrip from the United States," and the committee having received the same from the hands of the Secretary of the Senate, upon examination of the same find the signatures of the presiding officers of the two Houses, and the Secretary of the Senate and Clerk of the Assembly, also that of the Governor, to be perfectly regular and genuine.

We also obtained from Senator Katzenberg, Chairman of the Committee on Enrolled Bills, the original bill, entitled "An Act in relation to the Agricultural Land Scrip."

The endorsements on this bill, with signatures of Secretary of the Senate and Clerk of Assembly, are also proven to be genuine and complete. In both these points in regard to signatures, the testimony of all the necessary witnesses corroborate our statements.

We will next refer you to a history of the original bill, and the enrolled bill which was signed and filed in the Secretary of State's office, by referring you to the journals of the two Houses and stating facts as sworn to by witnesses.

EXTRACTS FROM JOURNAL OF THE SENATE.

February 15, 1870, page 271. Report of Finance Committee. Your Committee, to whom was referred Senate joint resolution No. 11, relative to Agricultural Land Scrip, report in favor of the accompanying substitute.

Respectfully,

C. V. HILLYER, Chairman.
J. T. WALLS.

Which was read, and the resolution with substitute placed among the orders of the day.

Feb. 17, p. 299. Senate bill No. 113, An act in relation to Agricultural Land Scrip—(the substitute recommended by Committee on Finance.) On motion of Mr. Wentworth, adopted. Read second time, rule waived, read third time and passed. Yeas 14, nays none.

So the bill passed.

Feb. 17, p. 304. Four o'clock, P. M. Message from Assembly notifying Senate of passage of Senate bill No. 113.

The bill was ordered to be enrolled.

Feb. 18th, p. 314. Message from Assembly asking the return of Senate bill No. 113 for further consideration. Which was

read and bill returned to Assembly as requested, (by the Secretary.)

Eight o'clock, P. M. Senate passed resolution requesting the Assembly to return to Senate bill 113, which was sent to Assembly without consent of the Senate.

A committee composed of Messrs. Purman, Atkins and Wentworth performed this duty, and the Senate bill No. 113 was returned to the Senate.

Page 326. President announced signing of enrolled bill.

Mr. Henderson protested against the President signing enrolled Senate bill No. 113, inasmuch as the Assembly had indefinitely postponed the same. He moved the bill be returned to the Assembly. Which was laid on table by yeas 9, nays 8.

Page 327. On motion of Mr. Hillyer, the Sergeant-at-Arms sent for chairman of Committee on Enrolled Bills.

The chairman was brought without the bill, it being in the hands of another member of the committee.

EXTRACTS FROM THE JOURNAL OF THE ASSEMBLY.

Feb. 17, 1870, p. 329. Message from Senate. Senate bill No. 113, an act in relation to the Agricultural Land Scrip. Notice of its passage in Senate.

Feb. 17, p. 331. Senate bill No. 113, taken up, read 1st, 2d and 3d times, and passed by yeas 25, nays 2.

Feb. 17. Message to Senate conveying Senate bill No. 113, and notice of its passage.

Feb. 18, p. 342. Clerk ordered to request Senate to return Senate bill No. 113 to Assembly. It was so returned by Secretary of Senate.

Feb. 18, p. 347. Mr. Harris moved to reconsider vote S. B. 113. Agreed to. Yeas 18, nays 16.

P. 348. Motion to indefinitely postpone S. B. No. 113. Carried. Yeas 26, nays 10.

P. 357. Committee from Senate appeared at the bar of the Assembly and requested the Assembly to return to the Senate S. B. No. 113, stating the same came to Assembly without the consent of the Senate. Assembly receded from their action indefinitely postponing the bill, and returned the same to Senate by Committee of Messrs. Black and Bostick, by a vote of yeas 23, nays 13. Committee performed their duty and were discharged.

Feb. 19, p. 370, 3 p. m. Signing of Enrolled Bill, "an act to authorize the Governor to ask for and receive the Agricultural Land Scrip from the United States," received from the Sen-

ate with signatures of President and Secretary of the Senate, and was duly signed by the Speaker and Chief Clerk of Assembly.

We see from the Journals, that up to the time of the enrolment of the bill, its progression and passage were regular and authentic. The testimony of several witnesses also shows this.

At this point in the history of the bill, it seems, occurred that informality which occasioned the rumors of fraud and corruption—a transaction which at worst we can but classify as a breach of formality in parliamentary usage.

By some means (which your committee was unable to discover,) an enrolled bill, containing in substance the full meaning of Senate Bill No. 113, but with the title changed from "An Act in relation to the Agricultural Land Scrip," to "An Act authorizing the Governor to ask for and receive the Agricultural Land Scrip from the United States," was placed upon the President's desk with other bills, signed by him and handed to the Secretary, who also signed it.

Evidence shows how the remaining official signatures followed as a matter of course.

For the change in the title of the bill, it seems that Mr. Gleason, then President of the Senate, was responsible; and but for this change, perhaps the breach of formalities which occurred in this case could never have been established.

The parliamentary question arises, which it is not for this committee to decide, viz: whether a bill properly passed by both Houses can become a law without the formality of passing through the hands of, and being reported upon by, the Committee on Enrolled Bills?

At the close of the session in February last, the Governor proceeded to execute the duties assigned to him by this act, and preliminary thereto, applied for and received a certified copy of the law which was on file in the office of Secretary of State, and which he had reason to believe invested him with the authority to ask for and receive the Scrip.

Your Committee is unable to learn of any party, who at any time made to the Governor a copy of this act, either knowing or asserting its invalidity.

The testimony of Mr. Chase is in his own hand-writing, having been prepared by him and presented when called before your committee. There is much contained therein that is irrelevant, but all serves to define the position of the Superintendent of Public Instruction, and was admitted in its present condition by a vote of the committee.

Finally, your committee would say that an examination of this brief statement of facts, and a careful examination of the testimony accompanying this report, will satisfy all that while a bill en-

titled "An Act in relation to Agricultural Land Scrip" did pass both Houses, but was not signed, no bill entitled "An Act to authorize the Governor to ask for and receive the Agricultural Land Scrip from the United States," although containing the same subject matter, ever passed; and the document of that description filed in the office of the Secretary of State is not a law and was wrongfully placed among other enrolled bills, and in the usual manner in good faith was signed by the respective officers.

The parties who committed this wrong and so imposed upon the officers and members of the Legislature and the State government, your committee has been unable to discover.

Your committee therefore recommend that the Legislature take immediate steps to remove the unlawful act from the office of the Secretary of State.

All of which, together with the testimony, is respectfully submitted, with the request that the latter be spread upon the Journal.

Very respectfully Yours,

CHARLES V. HILLYER, Chairman.
S. KATZENBERG,
G. B. SMITHSON,
A. L. McCASKILL,
CHARLES H. PEARCE.

TESTIMONY ACCOMPANYING REPORT.

On Saturday, May 29th, 1870, the Senate passed the following:

WHEREAS, It seems, upon examination, that some improper proceedings have characterized the official acts of either the Legislature, its employees, or some other parties unknown to the public, in relation to Agricultural Land Scrip; therefore,

Be it Resolved, That a committee of five be appointed to investigate all matters in connection with the acts of the last session on the subject of "Agricultural Land Scrip," and all acts of the Executive and the Cabinet officials, under authority, or pretended authority of said acts; and that said committee have power to send for books, papers, and witnesses, and examine such witnesses under oath, and report on Tuesday next, at ten o'clock, A. M.

The President accordingly appointed Messrs. Hillyer, Katzenberg, Pearce, McCaskill and Smithson, as such com-

mittee. The committee organized at half past twelve, P. M., on the same day—Mr. Hillyer being called to the chair.

The first act of the committee was to obtain possession of that document known as "An Act to authorize the Governor to ask for and receive the Agricultural Land Scrip from the United States."

Senator Katzenberg was the first witness called, who being sworn, said:

I was Chairman of the Committee on Enrolled Bills during the regular session of Legislature in January and February, 1870. I never reported an "Act in relation to Agricultural Land Scrip," or an "Act to authorize the Governor to ask for and receive the Agricultural Land Scrip from the United States," as being correctly enrolled. An enrolled bill entitled "An Act in relation to the Agricultural Land Scrip," was referred to the committee on enrolled bills. (Here witness was shown the bill from the office of the Secretary of State.) This is not the bill referred to the Committee on Enrolled Bills; I know the difference by the writing. The reason why the committee did not report upon the bill was that it came to them at the last hour of the session, and the committee could not be brought together to examine and compare the enrolled bill with the original bill. I do not know who enrolled this bill; it is not the bill presented to the committee on enrolled bills. The original bill which was passed by the Senate and Assembly and was referred to the Committee on Enrolled Bills, is still in my hands, having never reported it to the Senate, as I stated before. (Handing the chairman a paper,) this is the original bill; the endorsements will corroborate my statements.

Gen. Charles Munde, Secretary of the Senate, sworn:

Being shown the document from the Secretary of State's office, entitled "An Act to authorize the Governor to ask for and receive the Agricultural Land Scrip from the United States," witness said:

I never saw this hand writing until I saw this bill. I know who enrolled this bill—his name is Harry C. Campbell; I think he lives in Pensacola. I saw this bill in the office of Secretary of State; I read the title and told the Secretary of State that no bill of that title passed the Senate. I think this was on the day after the Legislature adjourned. I recognize this signature of the "Secretary of the Senate"

as my own writing. It was passed over to my desk in the Senate Chamber from the President's desk; I saw the signature of the President was correct, so I signed it without further examination. (Here witness was shown the original bill.) This is the original bill and the endorsements are correct. To my certain knowledge this enrolled bill was never reported by the Committee on Enrolled Bills. Mr. Campbell told me he enrolled this bill. He was not an attache of the Senate.

Senator Wentworth sworn:

Being shown the document from the office of the Secretary of State entitled "An Act to authorize the Governor to ask for and receive the Agricultural Land Scrip from the United States," witness said: I know who enrolled this bill; it was Mr. Harry C. Campbell of Pensacola. I do not know at whose instance Mr. Campbell enrolled this bill; I gave him a number of bills to enrol—this may have been one but I cannot say for certain. I know that a bill on the subject of "Land Scrip" passed last session, but this title may not be the same. The bills Mr. Campbell enrolled for me were done out of accommodation; I think he received no pay for enrolling.

Mr. G. W. Driggs, assistant to the Secretary of State, sworn:

Being shown the document from the office of Secretary of State, Mr. Driggs said: I recognize this as a bill filed in the office of Secretary of State. I furnished Governor Reed with a certified copy of this bill, at least I had it done. A certified copy of this bill was issued to Governor Reed from the Secretary of State's office. I cannot say exactly how or when this bill came into the Secretary's office. At the close of the session, bills came in sometimes a dozen at a time. Sometimes the Governor brings the bills in himself. Maj. Weeks brought most of the bills in last session.

Gov. Reed sworn:

Being shown the document from the office of Secretary of State said: Dr. Bynum, Chief Clerk of the Assembly, brought me this bill and these were his words as he put it in my hands: "Here is the bill about which so much has been said; I want to see it safely in your hands." I signed the bill immediately, knowing its purport, and sent it at once to

the Secretary's office, I do not remember by whom. Mr. Gleason stated to me in Washington City that he was responsible for the change in the title of the bill. He had it changed in order that the title should correspond with the substance of the bill.

Mr. Chase, Supt. Public Instruction, sworn:

By request, Mr. Chase was allowed to present and read his testimony already prepared in writing, which was, on motion, received under oath as his testimony, and is as follows:

STATEMENT CONCERNING THE AGRICULTURAL COLLEGE LAND SCRIP, BY C. THURSTON CHASE.

Soon after the adjournment of the last session of the Legislature, I learned that there was a writing in the office of the Secretary of State bearing the title of "An Act to authorize the Governor to ask for and receive the Agricultural Land Scrip from the United States," signed and having the form of a law, and lying among the acts of the Legislature. Having paid some attention to bills that related to educational matters and not being aware of the passage of this, as a law, I made some inquiry into the matter and soon found that the bill had never been reported by the Enrolling Committee of the Senate, to the Senate in which body it claimed to have originated, that it was not mentioned on the journals of either House of the Legislature and it was commonly believed that it was not entitled to recognition as a law. Accordingly I made a communication to the Attorney General in the following language:

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION, }
Tallahassee, Fla., Feb. 26, 1870. }

SIR: I have the honor to ask your opinion concerning the validity and force of the document now in the office of the Secretary of State purporting to be an act of the Legislature at its recent session, entitled "An Act to authorize the Governor to ask for and receive the Agricultural Land Scrip from the United States."

I ask this, because it is gravely charged that said document is not a law, that it never passed the vote of either House of the Legislature, and that, in the hurry and excite-

ment of the concluding hours of the session, the officers signing it were imposed upon by a fraudulent instrument.

Very Respectfully,

C. THURSTON CHASE,

Superintendent of Public Instruction.

HON. A. R. MEEK, Attorney General.

The Attorney General replied in substance: "It is my opinion that the writing referred to above has not become and is not a law of this State." To the legal opinions of this officer I habitually yield assent.

His Excellency the Governor had already left for Washington city. Not being advised of the Washington address of his Excellency, I gave notice to the Secretary of the Interior in the following words by telegraph:

TALLAHASSEE, Fla., February 26, 1870.

To the SECRETARY OF THE INTERIOR, Washington, D. C.

The Attorney General of this State declares the pretended "Act to authorise the Governor to ask for and receive the Agricultural Land Scrip from the United States," is not a law. A fraud has been perpetrated by parties unknown.

C. THURSTON CHASE,

Superintendent of Public Instruction.

To my own conscience, my duty as a faithful public servant was clear, and I did not hesitate to enter upon its performance.

The act establishing the Florida Agricultural College, which his Excellency had approved, made it my duty to assemble the Trustees of the College. It also transferred, assigned and conveyed the Agricultural College Land Scrip to the Trustees. I called the Trustees together. They met at my office on the first day of March last, when I laid all the facts before them. They entered into a regular organization and at the same meeting directed and empowered me to proceed to Washington and claim and receive, on their behalf, the Agricultural College Land Scrip from the Secretary of the Interior.

On reaching Washington, I called at the office of the Secretary, and learned that the Governor had made application for the Scrip. Upon which, I informed the Secretary that I would say nothing about the case until I had seen his Excellency who was then in New York. I offered no testimony or evidence in the case, and declined giving any, until I

had an interview with his Excellency. But on being informed that the Governor's private secretary had been there and informed Secretary Cox that, "although the original bill which passed the Legislature was lost or stolen and not reported back by the Enrolling Committee, yet the document in question was prepared and passed both Houses regularly on the last day of the session, February 19th, and was properly and regularly a law." I replied that "the former part of the statement was substantially correct, but that it was *not true that this writing under which the claim was made had ever passed either branch of the Legislature.*" With this statement I left the office without filing any papers then or subsequently, as the Governor alleges in his message. Yet I do not deny that I told Secretary Cox the truth, and that he believed me and acted accordingly.

I did not call upon the Secretary of the Interior again for about three weeks. But immediately on the return of his Excellency to Washington I put him in possession of the facts in the case, and leaving it in his hands to manage, I went to New York to procure a donation of text books which had been made through Dr. Sears. The following is a copy of my letter to the Governor:

WASHINGTON, D. C., March 7, 1870.

To His Excellency, HARRISON REED, Governor:

SIR—I have the honor to inform your Excellency that the Trustees of the Florida Agricultural College met and organized on the first day of this month. The seventh section of the act under which they organized, entitled "an act to establish the Florida Agricultural College," is as follows:

SEC. 7. Said Trustees are hereby authorized to claim and receive from the Secretary of the Interior the Agricultural College Land Scrip to which this State is entitled by act of Congress of July 2, 1862, and acts supplemental thereto. Said scrip is hereby transferred and assigned to and vested in the Trustees of the Florida Agricultural College and their successors and assigns forever. They shall, when in their judgment it will best promote the object for which they are chosen, sell and assign the scrip or locate and thereafter transfer and convey the lands and use the proceeds as herein directed."

In pursuance with the above the Trustees have authorized and directed me to obtain, in their behalf, the land scrip to

which the State of Florida is entitled, and I am here on that business.

There is, as you are aware, a writing in the office of the Secretary of State of Florida, in the form of an act of the Legislature, under this title, "An act to authorize the Governor to ask for and receive the Agricultural Land Scrip from the United States," but on careful examination of the journals of the two houses, no bill under that title was presented to or voted on by either branch of the Legislature. There is evidence to show that the writing referred to was drawn up by a party not connected with either house, and was introduced among the enrolled bills in such a manner as to lead the officers to suppose it was regularly before them, which was not the case.

An act entitled "an act in relation to Agricultural Land Scrip" did originate in the Senate and pass both houses of the Legislature, as the journals show, but that bill, (both the original bill bearing the signatures of the Secretary of the Senate and the Clerk of the Assembly endorsed on the back, together with the enrolled copy of the same,) is now in the hands of the Senate enrolling committee. Said committee came into possession of these documents regularly and have never parted with them or either of them, nor reported, nor returned either of them to the Senate.

The facts are well established relating to the history of this bill.

Several days before the meeting of the Board of Trustees, above referred to, the attention of Attorney General Meek was called to the subject. The following is a copy of his reply after investigating the case:

(COPY.)

OFFICE OF ATTORNEY GENERAL,
Tallahassee, Fla., February 26th, 1870. }

SIR—In your communication of this date, you ask my opinion as to whether the writing in the office of the Secretary of State, entitled "An Act to authorize the Governor to ask for and receive the Agricultural Land Scrip from the United States," and purporting to have passed the Legislature at the session just adjourned, is a law of this State.

In reply, I have the honor to say that, as bills are known to the journals of the two houses of the Legislature by their titles and not by their substance, as the journals of the two houses of the Legislature just adjourned give no evidence

whatever of the passage of a bill with the title as above, and as the Constitution of the State positively requires "the vote of the passage of every bill to be taken by yeas and nays and entered in the journal of each house," it is my opinion that the writing referred to above has not become and is not a law of this State.

Very respectfully yours, &c.,
A. R. MEEK,
Attorney General.

HON. C. THURSTON CHASE,
Superintendent Public Instruction.

There does not appear to be ground for a reasonable doubt that the Trustees of the Florida Agricultural College are the legal and proper claimants for the Agricultural College Land Scrip, and that there can be no other claimant. Yet, unwilling to take any steps that might be misconstrued into a want of harmony towards your Excellency, thereby placing either the Trustees or myself, or yourself, in a false position, I have deemed it best to make this communication of facts to your Excellency, and await your reply before making application for the College endowment.

I may mention, in passing, that I have never received an intimation from your Excellency that you entertained an objection, or even a mental reservation against the act to establish the Florida Agricultural College, in all its details, becoming a full, complete and effective law. It was drafted to meet the suggestion on that subject contained in your last annual message. Its provisions are in the strictest conformity with the act of Congress making the grant. The trustees are desirous of husbanding the munificent gift by locating instead of selling the scrip. They are assured by the Honorable Ezra Cornell, who has located four hundred thousand acres under a similar grant to the State of New York, that by the exercise of good judgment in making the selections, the lands, as soon as located, would be worth five dollars an acre, or an aggregate of four hundred and fifty thousand (450,000) dollars for the entire grant to the State of Florida.

I take the occasion to reassure your Excellency of my sincere desire to co-operate with and sustain you in all ways for the good of the State, and I earnestly hope that I may have

your co-operation in the advancement of measures for the promotion of education.

I have the honor to be, very respectfully,

Your obedient servant,

C. THURSTON CHASE.

On my return from New York, the Secretary informed me that he had been favored with several interviews with his Excellency Gov. Reed and a written communication about the Land Scrip—that he, the Secretary, had brought the matter up before the Cabinet, and that General Grant and Attorney General Hoar, with others participated in the discussion, and that the final conclusion arrived at was that the scrip should not be issued under that claim, but that one point remained undecided, to-wit: "Whether the Secretary, being an executive officer of the United States, could go back of the certificate of the Secretary of State under seal of State and inquire into the validity of a law." At a subsequent interview, the Secretary informed me that Attorney General Hoar had decided that question in the negative, therefore, if he took any action in the matter, he should be obliged to recognize the document. Yet in his own mind, he was morally certain, from all that he had learned, that it was not a law, and that if it were, he should still feel that it was wrong for him to issue the scrip to the Governor to be used in the manner which the Executive informed him he purposed to use it; that was in connection with the general finances of the State, and that he had, or should so inform his Excellency.

It is proper for me to state that on learning that unpleasant allegations had been made against the "Act to establish the Florida Agricultural College," I submitted a certified copy to the Secretary for examination, with the request that he would point out any feature in it that was not in accord with the act of Congress making the grant, or that might appear to be wrong in any way. At this my last interview he informed me that the act had been carefully examined and was satisfactory; that if the Governor would withdraw his claim, he would immediately issue the scrip to the Trustees of the Agricultural College.

C. THURSTON CHASE.

Dr. Bynum, Chief Clerk of Assembly, sworn:

Being shown the document from the office of the Secretary of State said: I recognize this as the bill presented to

me by Gen. Munde, Secretary of the Senate, on the 18th or 19th of February, for my signature, with a lot of others. I examined the signatures, saw they were genuine, passed them to the Speaker of the Assembly, he signed them, and then I signed them. I then returned this with the other bills to Gen. Munde. After I had signed the bill, I discovered the title of this bill was different from the one I had already entered on the Assembly journals, and supposing that the Senate or Assembly had changed the title of the bill during my absence, I made the title in the journals of the Assembly to correspond with the enrolled bill. I refer to the journal of Feb. 19th.

Being shown the original bill, entitled "an act in relation to Agricultural Land Scrip," witness said: This is the original bill; this is my signature; this bill, as it appears here, did pass the Assembly; it is the bill referred to in the Assembly journals as "Senate bill No. 113," "an act in relation to Agricultural Land Scrip." I did not take this enrolled bill to Gov. Reed, as it was a Senate bill; it is not my business to take Senate bills to the Governor for his approval.

Which was ordered to be spread on the Journal.

On the motion of Mr. McCaskill, a call of the Senate was had, and the following Senators answered to their names:

Mr. President pro tem., Messrs. Bradwell, Crawford, Cruse, Ginn, Henderson, Hillyer, Katzenburg, Meacham, McCaskill, Pearce, Purman, Smith, Smithson, Vaughan and Walls—16.

A quorum being present, on motion of Mr. Walls, further proceedings under the call of the Senate were dispensed with.

The Senate resumed second reading of Senate bill No. 3.

Mr. Hillyer offered the following bill as a substitute:

A bill to be entitled an act authorizing a Tax for Schools.

On motion of Mr. Hillyer, the substitute was adopted.

The bill was then read the second time.

Mr. Walls moved that the bill be referred to a select committee of three;

Which was agreed to.

The President appointed as said committee, Messrs Walls, Ginn and Smith..

Senate bill No. 2, an act relating to the Finances of this State,

Came up on its second reading.

Mr. Smith moved that the bill be referred to a special committee of five, with instructions to report on the same on to-morrow morning, 10 o'clock.

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

The Senate refused to lay the motion on the table, and in accordance with Mr. Smith's motion, the bill was referred to a special committee of five, consisting of Messrs. Smith, Walls, Purman, Weeks and Ginn.

Mr. Hillyer moved that the Secretary be directed to return to the office of the Secretary of State the Agricultural Land Scrip bill;

Which was not agreed to.

The following communication was received from the Assembly:

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

HON. GEORGE 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. 8, to be entitled an act for the relief of Dr. William Germany, and for the sanitary interest of the State of Florida.

Very Respectfully,
WM. FORSYTH BYNUM,
Clerk of the Assrmbly.

Also the following:

ASSEMBLY HALL,
Tallahassee, Fla., May 31, 1870. }

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

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

Senate concurrent Resolution relative to what class of expenses are required by the Constitution to be paid by the Counties—who are County Officers within the meaning of the Constitution, and what legislation is necessary to carry it into effect.

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

Which were read and the accompanying bill and resolution ordered to be enrolled.

Leave being given, Mr. Smith, Chairman of the Committee to whom was referred the communication of Judge Magbee, under date of May 30th, withdrew his report made this morning.

The following communications were received from the Assembly:

ASSEMBLY HALL,
Tallahassee, Fla., May 31, 1870. }

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

SIR: I am directed by the Assembly to return to the Senate

for further consideration Assembly bill No. 4, to be entitled an act to provide for the assessment and collection of taxes.

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

ASSEMBLY HALL,
Tallahassee, Fla., May 31, 1870. }

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

SIR: I am directed by the Assembly to inform the Senate that the Assembly has concurred in Senate Memorial to Congress in relation to the dredging out of the inside passage between the St. Mary's and St. John's rivers.

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

Which were read, and Senate Memorial ordered to be enrolled, and Assembly bill No. 3, on motion of Mr. Smith, referred to the Committee on Finance and Taxation.

On motion of Mr. Smith, the Senate adjourned until tomorrow, 10 o'clock.

—o—

WEDNESDAY, June 1, 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. Bradwell, Crawford, Cruse, Ginn, Henderson, Hillyer, Katzenberg, Krimminger, Meacham, Moragne, McCaskill, Pearce, Smithson, Vaughan, Walls and Weeks—17

A quorum present.

Mr. Meacham moved that the reading of the journal of yesterday be dispensed with;

Which was agreed to, and the journal approved.

The rule was waived and Mr. McCaskill offered the following Senate bill No. 9, an act to re-enact an act entitled an act to incorporate the Pensacola Wharf Company;

Which was read the first time by its title and, on motion, referred