

sacola & Louisville Railroad Company, approved July 16, 1868,

Was taken up on its second reading.

Mr. Henderson moved to strike out section 17 ;

Which was agreed to.

On motion of Mr. Wentworth, the further consideration of the bill was laid over till to-morrow.

Senate Bill No. 28 :

To be entitled An act to Secure Homesteads to Actual Settlers on the Swamp and Overflowed Lands of the State of Florida, Was taken up on its second reading.

Mr. McCaskill moved that the bill be printed, and postponed till to-morrow ;

Which was agreed to.

The special order for the afternoon, viz : Senate Joint Resolution No. 3, Proposing Amendments to the Constitution, was taken up on its second reading.

Mr. Furman moved to strike out the first, second, and third lines of Article 4.

Mr. Henderson moved to lay the motion on the table,

The yeas and nays were called, with the following result :

Those voting in the affirmative were—

Messrs. Adams, Atkins, Billings, Crawford, Ginn, Henderson, Hill, Jenkins, Johnson, Locke, McKinnon, Meacham, Moragne, McCaskill, Sutton, and Wentworth—16.

So the motion was laid on the table.

Mr. Furman moved to strike out Article 4.

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

Which was agreed to.

The Joint Resolution was ordered engrossed for its third reading to-morrow.

Senate Bill No. 27, to be entitled An act to Alter and Define the Boundary Line between the Counties of Bradford and Clay,

Was read second time by sections and ordered engrossed.

On motion, the Senate went into Executive Session.

The Senate confirmed the following Executive appointment : Charles Beecher to be Superintendent of Public Instruction.

The doors were opened, and, on motion, the Senate adjourned till 10 o'clock to-morrow morning.

THURSDAY, January 18.

The Senate met pursuant to adjournment.

Mr. Locke in the chair.

Prayer by the chaplain.

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

Messrs. Adams, Atkins, Billings, Crawford, Dennis, Eagan, Ginn, Henderson, Hillyer, Johnson, Kendrick, Locke, McKinnon, Meacham, Moragne, Purman, Sutton, Weeks, and Wentworth—19.

A quorum present.

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

The President took the chair.

Mr. Eagan, by permission, introduced Senate Bill No. 38, to be entitled an act to amend An act for the Assessment and Collection of Revenue, approved June 24, 1869;

Which was read first time by title, under suspension of rules, and referred to Committee on Finance and Taxation.

Mr. Henderson, by permission, introduced Senate Bill No. 39, to be entitled an act to amend An act to Provide for the Protection of the Citizens of this State Against Defaulting Foreign Corporations;

Which was read first time by title, under suspension of rules, and referred to Committee on Corporations.

Mr. McCaskill asked the use of the Senate Chamber for a concert of the Tallahassee Brass Band next Tuesday night.

On motion of Mr. Locke, the consent of the Senate was given.

Assembly Concurrent Resolution No. 4, that report of Committee on Equalization be adopted,

Was taken up and read.

Mr. Wentworth moved that the resolution be returned to the Assembly, with the request that the report referred to in the resolution be forwarded to the Senate;

Which was agreed to, and the Secretary directed to carry out the rules of the Senate.

Mr. Dennis, by permission, introduced Senate Bill No. 40, to be entitled an act to repeal An act for the Protection of the Citizens of this State Against Defaulting Foreign Corporations;

Which was read first time by title, under suspension of rules, and referred to Committee on Finance and Taxation.

Mr. Billings, by permission, introduced Senate Bill No. 41, to be entitled An act to Prevent the Sale of Intoxicating Liquors on or near the Time and Place of Holding State, County, and Municipal Elections;

Which was read first time by title, under suspension of rules, and referred to Committee on Privileges and Elections.

Senate Bill No. 35, to be entitled an act to amend An act to Incorporate the Pensacola and Louisville Railroad Company, approved July 16, 1868,

Was taken up on its second reading, as laid over from yesterday, the reading completed, and the bill ordered engrossed.

A message was received from the Governor.

Assembly Bill No. 27

To be entitled An act to Require County Treasurers to Keep Accurate Accounts of Public Moneys, and to Exhibit their Books and Copies thereof Annually to the Boards of County Commissioners and to Grand Juries,

Was taken up on its second reading.

On motion, the reading was suspended, and the bill ordered printed.

A communication from the Attorney-General was presented by Mr. Wentworth:

OFFICE OF ATTORNEY-GENERAL,

Tallahassee, Fla., January 17, 1872.

SIR: I have the honor to acknowledge the receipt of a copy of a resolution of the Senate passed January 8, 1872, asking my opinion in relation "to the applicability of that part of Article I. of the Constitutional Amendments in reference to the pay of members of the Legislature to the members of the present session." And in compliance with the request contained in said resolution, would respectfully submit that, in my opinion, there now exists no constitutional regulation in relation to the pay of the members of the present Legislature, excepting so far as it provides that their pay shall be fixed at a sum per diem. And that that part of Article I. of the Constitutional Amendments relating to the pay of members of the Legislature has no application to fixing the pay of the members of the present Legislature.

Article IV. of the Constitution provides that the pay of the members of the Senate and House of Representatives shall be \$500 per annum. This provision is abrogated or repealed by that portion of Article I. of the Amendments to the Constitution, which provides that the pay of the members of the Legislature shall be per diem, to be paid by law, for each day's actual attendance, and that no Legislature shall increase its own pay. It has been suggested that the provision fixing the pay of the members at \$500 per annum above referred to, was the pay fixed for the members of the present Legislature, and that they were prohibited by Article I. of the Amendments to the Constitution from fixing their pay in excess of the \$500.

It is provided in Article I. of the Amendments to the Constitution, that no Legislature shall increase its own pay; but if my view in regard to the abrogation or repeal of that part of Section 4 of Article 16 of the Constitution by Article 1st of the Constitutional Amendments is correct, there is no pay of the Legislature to increase.

It is therefore my opinion that there is no provision in the Constitution and laws of this State prohibiting the members of the present Legislature from fixing their pay at any sum per diem they may deem wise and expedient.

It is to succeeding Legislatures that this limitation of power in regard to the increase of the pay of its members applies.

I have the honor, sir, to be, very respectfully, your obedient servant,

JAMES B. C. DREW, Attorney General.

HON. S. T. DAY, President of the Senate.

Which was read, and ordered spread on the journal.

Mr. Wentworth, Chairman of Committee on Engrossed Bills, made the following report:

SENATE CHAMBER,
Tallahassee, Fla., Jan. 18, 1872.

To the President of the Senate:

SIR: Your committee, to whom has been referred the following bills, viz:

Senate Bill No. 27:

An act to be entitled An act to Alter and Define the Boundary Line between the Counties of Bradford and Clay, beg leave to report that they have carefully examined the same and find it correctly engrossed. GEO. E. WENTWORTH,

Chairman Committee on Engrossed Bills.

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

Senate Bill No. 31:

To be entitled An act for the Relief of Jesse H. Goss,

Was read third time, and put upon its passage.

Upon the question, Shall the bill pass?

The yeas and nays were called, with the following result:

Those voting in the affirmative were—

Messrs. Atkins, Billings, Crawford, Dennis, Eagan, Ginn, Hill, Hillyer, Johnson, Kendrick, Locke, Meacham, Moragne, Pearce, Purman, Sutton, Weeks, Wentworth—18.

Mr. McCaskill voting in the negative.

So the bill passed, title as stated, and the Secretary was directed to certify the same to the Assembly.

Senate Bill No. 27:

To be entitled An act to Alter and Define the dividing Line Between the Counties of Bradford and Clay,

Was read third time, and put upon its passage.

The President ruled that a two-thirds vote is necessary for the passage of the bill.

Upon the question, Shall the bill pass?

The yeas and nays were called, with the following result:

Those voting in the affirmative were—

Messrs. Adams, Atkins, Billings, Crawford, Dennis, Eagan, Ginn, Hill, Hillyer, Johnson, Kendrick, Locke, McKinnon, Meacham, Moragne, McCaskill, Pearce, Purman, Sutton, Weeks and Wentworth—21.

So the bill passed, title as stated, and the Secretary was ordered to certify the same to the Assembly.

A message was received from the Assembly.

ASSEMBLY HALL,
Tallahassee, Fla., Jan. 18, 1872.

Hon. SAMUEL T. DAY, President of the Senate:

SIR: I am directed to inform your honorable body that the Assembly has passed

Assembly Bill No. 34:

To be entitled An act to Incorporate the St. Benedict Benevolent Society of St. Augustine;

Also:

Senate Bill No. 5:

To be entitled An act to Incorporate the Brown Theological Institute.

Very respectfully,

M. H. CLAY,
Clerk of the Assembly.

Senate Bill No. 3:

To be entitled an act to amend An act to Simplify and Abridge the Practice, Pleading and Procedure of Courts in the State, approved February 19, 1870,

Was read third time, and put upon its passage.

Upon the question, Shall the bill pass?

The yeas and nays were called, with the following result:

Those voting in the affirmative were—

Messrs. Billings, Crawford, Dennis, Eagan, Ginn, Hill, Hill-
yer, Johnson, Locke, Meacham, McCaskill, Pearce, Purman,
Sutton, Weeks and Wentworth—16.

So the bill passed, title as stated, and the Secretary was directed to certify the same to the Assembly.

On motion of Mr. Wentworth, the Senate refused to recede from its amendment to Assembly Bill No. 1, relating to finance and asked for a committee of conference thereon, the Senate part of said committee to consist of Messrs. Purman, Dennis and McCaskill, and the Secretary was directed to inform the Assembly of the action of the Senate.

Senate Bill No. 28:

To be entitled An act to Secure Homesteads to Actual Settlers on the Swamp and Overflowed Lands in the State of Florida,

Was taken up on its second reading, read by sections, and ordered engrossed.

Senate Bill No. 6:

To be entitled An act to Alter and Amend to Incorporate the Fernandina and Sea Beach Railway Company,

Was read third time, and put upon its passage.

Upon the question, Shall the bill pass?

The yeas and nays were called for, with the following result:

Those voting in the affirmative were—

Messrs. Adams, Billings, Crawford, Eagan, Ginn, Hill, Hill-
yer, Johnson, Kendrick, Locke, McKinnon, Meacham, Moragne,

McCaskill, Pearce, Purman, Sutton, Weeks and Wentworth—19.

So the bill passed, title as stated, and the Secretary was directed to certify the same to the Assembly.

Senate Bill No. 24:

To be entitled an act to amend An act in Relation to Drugs and Medicines, Druggists or Apothecaries in incorporated Cities or Towns in the State,

Was read third time, and put upon its passage.

Upon the question, Shall the bill pass?

The yeas and nays were called for, with the following result:

Those voting in the affirmative were—

Messrs. Adams, Atkins, Billings, Crawford, Ginn, Hill, Hunt, Johnson, Locke, McKinnon, Moragne, McCaskill, Pearce, Purman, Sutton, Weeks, and Wentworth—17.

So the bill passed, title as stated, and the Secretary was directed to certify the same to the Assembly.

Senate Bill No. 12:

To be entitled An act to Protect Cattle Owners and more Fully Secure a Record of Marks and Brands,

Was read third time.

Mr. Kendrick moved to indefinitely postpone the bill.

The yeas and nays were called for, with the following result:

Those voting in the affirmative were—

Messrs. Adams, Atkins, Crawford, Ginn, Henderson, Kendrick, Moragne, Sutton, and Weeks—9.

Those voting in the negative were—

Messrs. Billings, Dennis, Eagan, Hill, Hillyer, Jenkins, Johnson, Locke, McKinnon, Meacham, McCaskill, Pearce, Purman, and Wentworth—14.

So the motion to indefinitely postpone the bill was not agreed to.

Mr. McCaskill moved to postpone the bill one day.

The yeas and nays were called for, with the following result:

Those voting in the affirmative were—

Messrs. Adams, Atkins, Crawford, Ginn, Henderson, McKinnon, McCaskill, Sutton, and Weeks—9.

Those voting in the negative were—

Messrs. Billings, Eagan, Hill, Hillyer, Jenkins, Johnson, Kendrick, Locke, Meacham, Moragne, Pearce, Purman, and Wentworth—13.

So the motion was not agreed to.

Mr. Kendrick moved to reconsider the last vote.

Mr. Wentworth moved to lay the motion to reconsider on the table,

The yeas and nays were called for, with the following result:

Those voting in the affirmative were—

Messrs. Billings, Dennis, Eagan, Hill, Hillyer, Jenkins, John-

son, Locke, McKinnon, Meacham, McCaskill, Purman, and Wentworth—13.

Those voting in the negative were—

Messrs. Adams, Atkins, Crawford, Ginn, Kendrick, Moragne, and Sutton—7.

So the motion to reconsider was laid upon the table.

Upon the question, Shall the bill pass?

The yeas and nays were called for, with the following result:

Those voting in the affirmative were—

Messrs. Billings, Dennis, Eagan, Hill, Hillyer, Jenkins, Johnson, Locke, McKinnon, Meacham, McCaskill, Pearce, Purman, and Wentworth—14.

Those voting in the negative were—

Messrs. Adams, Atkins, Crawford, Ginn, Kendrick, Sutton, and Weeks—7.

So the bill passed.

Mr. Henderson moved that the title of the bill be, A Bill to Provide Additional Officers and Compensation for the Itinerants and the Indigent Sojourners in the Stock Districts;

The yeas and nays were called for, with the following result:

Those voting in the affirmative were—

Messrs. Adams, Atkins, Crawford, Dennis, Ginn, Henderson, Jenkins, Kendrick, McKinnon, McCaskill, Sutton, and Weeks—12.

Those voting in the negative were—

Messrs. Billings, Eagan, Hill, Hillyer, Johnson, Locke, Meacham, Pearce, Purman, and Wentworth—10.

So the motion was agreed to.

Mr. Jenkins moved to reconsider the last vote.

The yeas and nays were called for, with the following result:

Those voting in the affirmative were—

Messrs. Atkins, Billings, Dennis, Eagan, Ginn, Henderson, Hill, Jenkins, Johnson, Kendrick, Locke, McKinnon, Meacham, Sutton, Weeks, and Wentworth—16.

Those voting in the negative were—

Messrs. Crawford, Hillyer, McCaskill, Pearce, and Purman, —5.

So the motion to reconsider, was agreed to.

The title of the bill was ordered to remain as originally stated, and the Secretary was directed to certify the same to the Assembly;

Mr. Wentworth, chairman of the Committee on Engrossed Bills, made the following report:

SENATE CHAMBER,
Tallahassee, Fla., January 18, 1872.

To the President of the Senate:

SIR: Your committee, to whom has been referred the following joint resolution, viz.:

Senate Joint Resolution No. 3, proposing amendments to the State Constitution, beg leave to report that they have carefully examined the same, and find it correctly engrossed.

Very respectfully,

GEO. E. WENTWORTH,
Chairman Committee on Engrossed Bills.

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

On motion, the Senate went into Executive session.

The following Executive appointments were confirmed:

Arthur Spear, to be Sheriff of Orange county.

Monthalon Atkinson, to be Collector of Revenue for Marion county.

Thomas Shalley, to be Collector of Revenue for Putnam county.

William Birney, to be State's Attorney for the Fourth Judicial Circuit.

John W. Butler, to be Collector of Revenue for Santa Rosa county.

Samuel T. Riddell, to be Sheriff of Nassau county.

The doors were opened.

On motion of Mr. Wentworth the Senate took a recess till 3 o'clock p. m.

THREE O'CLOCK P. M.

The Senate resumed its session.

The President in the chair

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

Messrs. Atkins, Crawford, Dennis, Ginn, Jenkins, Johnson, Kendrick, Locke, McKinnon, Moragne, McCaskill, Purman, Sutton, Weeks and Wentworth—15.

A quorum present.

Mr. Wentworth, Chairman of Committee on Railroads and Telegraphs, made the following report:

SENATE CHAMBER,
Tallahassee, Fla., Jan. 18, 1872.

HON. SAMUEL T. DAY, President of the Senate:

SIR: Your Committee on Railroads, to whom was referred Senate Bill No. 14, entitled an act to repeal an act to incorporate the Great Southern Railway Company, and to Perfect the Public Works of the State, approved February 19, 1870, beg leave to report that the same has been duly considered, and the following conclusions arrived at:

That this should not be repealed, as it will open to development and communication the largest and most fertile portion

of the State, from St. Mary's, in the north, through the peninsula of Florida to Turtle Harbor or Key West in the south.

That the Legislature gave public aid and encouragement to secure the completion and maintenance of a railroad from Jacksonville, in the east, through the middle, and to Pensacola in the west of the State, and that it would be manifest outrage and injustice to discriminate in the promotion of public benefits *against* the people of South Florida.

That the Great Southern Railway Company have done no act of commission or omission to forfeit or impugn their charter, but have now an act under the most favorable consideration in the United States Congress, granting to the company a donation of public land to aid in the completion of this great public work.

That any action in the direction of said proposed repeal will not only jeopardize but defeat the passage of any act in Congress to aid this work of public improvement in our State, thus inflicting an injury on the interests and people of South Florida far greater than can result to the members of this railroad company.

That it is the first duty of the legislator to legally promote the public improvements of all portions of the State, and his greatest error and offence to impede them or make unjust discrimination against any one section or sections.

In support of the development and interests of South Florida, and in justice to a faithful and energetic company, we recommend that the bill do not pass.

Very respectfully,

GEO. E. WENTWORTH, Chairman.
HORATIO JENKINS,
W. J. PURMAN.

Which was read.

Mr. Locke moved that the report be adopted, and the bill indefinitely postponed.

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

The yeas and nays were called for, with the following result:

Those voting in the affirmative were—

Messrs. Adams, Atkins, Crawford, Eagan, Ginn, Henderson, McKinnon, McCaskill, Sutton and Weeks—10.

Those voting in the negative were—

Messrs. Billings, Dennis, Hillyer, Jenkins, Johnson, Locke, Pearce, Purman and Wentworth—9.

So the motion to lay on the table was agreed to.

Mr. Wentworth moved to postpone consideration of the bill for thirty days.

The yeas and nays were called for, with the following result:

Those voting in the affirmative were—

Messrs. Dennis, Jenkins, Johnson, Locke, Meacham, Pearce, Purman and Wentworth—8.

Those voting in the negative were—

Messrs. Adams, Atkins, Crawford, Eagan, Ginn, Henderson, Kendrick, McKinnon, Moragne, McCaskill, Sutton and Weeks—12.

So the motion to postpone for thirty days was not agreed to. Senate Bill No. 14:

To be entitled an act to repeal An act to Incorporate the Great Southern Railway Company, and to Perfect one of the Public Works of this State.

Was read second time, and ordered engrossed.

A communication from Hon. J. S. Adams, Commissioner of Public Lands and Immigration, was announced by the President, and, on motion, was read:

Hon. SAMUEL T. DAY, President of the Senate:

SIR: Pursuant to the direction therein embodied, I have the honor to present the following as a copy of a preamble and resolution adopted by the Trustees of the Internal Improvement Fund, at a meeting held on the 16th instant.

Very respectfully, your obedient servant,

J. S. ADAMS,

Secretary Trustees Internal Improvement Fund.

Whereas, on the twenty-fourth day of November, 1870, a resolution was entered, as adopted by this board, which authorized a certain conditional grant of the trust lands to a corporation styled the Great Southern Railway Company; and whereas, upon a review of that action it has become apparent that it was not valid, for the reason among others that it was not adopted by a majority of the board in regular meeting assembled, and that it is in conflict with the will of the State as manifested in the twenty-ninth section of the Internal Improvement Act, and section twelve of the act incorporating the said Great Southern Railway Company; and whereas, application for the said grant was favorably considered under the influence of representations made by Rev. A. C. Osborne, President of the said company, that the company was prepared to proceed at once with the construction of the road, and with the drainage of the lands, and that arrangements had been made with Willis Gaylord, of New York, for commencing immediately the work, if the grant applied for was made by the Trustees; and whereas, no work has as yet been done in fulfilment of the conditions of the grant, nor any evidence of the purpose or ability of the company to do so manifested; and whereas, it is represented to this board by the South Florida Railroad Company that the outstanding of this grant operates to the injury of their negotiations, for the construction of their work, and jeopardds its success by the implication it af-

fords of special favor and preference by the State authorities, and also that the said grant conflicts with the grant made to said South Florida Railroad Company by the Legislature of this State; and whereas, the line occupied by the South Florida Railroad is a portion of the lines for aiding in the construction of which this trust was specially created, and is best located for the convenience of the people of the State; and whereas, also, the General Assembly of the State has recognized the South Florida Railroad as a public work of the State, and has pledged the public credit in its construction, and the security of the State will be impaired, and the success of their policy interfered with by the undue encouragement of rival enterprises contesting for preference in the money market at the same time; Therefore, for these and various other reasons, determining the judgment of the board,

It is resolved, That the aforesaid resolution of the twenty-fourth of November, 1870, be, and hereby is, rescinded, and that notice thereof be duly given to all parties interested and to the Legislature now in session.

On motion of Mr. Wentworth, Mr. Hillyer was granted leave of absence till Monday at 10 o'clock.

Senate Joint Resolution No. 3:

Proposing Amendments to the Constitution, the special order for this afternoon, was taken up, and the proposed amendments read and acted on in order, as follows:

Article 6.

The yeas and nays were called, with the following result:

Those voting in the affirmative were—

Messrs. Adams, Atkins, Crawford, Ginn, Henderson, Hill, Jenkins, Johnson, Kendrick, McKinnon, Meacham, Moragne, McCaskill, Pearce, Sutton and Weeks—16.

Those voting in the negative were—

Messrs. Dennis, Eagan, Hillyer, Locke, Purman and Wentworth—6.

So the Article was adopted by a two-thirds vote.

Article 7.

The yeas and nays were called for, with the following result:

Those voting in the affirmative were—

Messrs. Adams, Atkins, Crawford, Dennis, Eagan, Ginn, Henderson, Hill, Jenkins, Johnson, Kendrick, Locke, McKinnon, Meacham, Moragne, McCaskill, Pearce, Sutton, Weeks and Wentworth—20.

Mr. Purman voting in the negative.

So the article was adopted by a two-thirds vote.

Article 8.

The yeas and nays were called for, with the following result:

Those voting in the affirmative were—

Messrs. Adams, Atkins, Crawford, Dennis, Ginn, Hea-

erson, Johnson, Kendrick, McKinnon, Moragne, McCaskill, Sutton and Weeks—13.

Those voting in the negative were—

Messrs. Eagan, Hill, Hillyer, Jenkins, Locke, Meacham, Pearce, Purman and Wentworth—9.

So the Article was not adopted, less than two-thirds voting in the affirmative.

Article 9:

The yeas and nays were called for, with the following result: Those voting in the affirmative were—

Messrs. Adams, Atkins, Crawford, Ginn, Henderson, Johnson, Kendrick, Locke, McKinnon, Moragne, McCaskill, Sutton, and Weeks—13.

Those voting in the negative were—

Messrs. Dennis, Eagan, Hill, Hillyer, Jenkins, Meacham, Pearce, Purman, and Wentworth—9.

So the Article was not adopted, less than two-thirds voting in the affirmative.

Mr. Dennis moved to reconsider the vote, by which Article 6 was adopted.

Mr. Henderson moved to lay the motion to reconsider on the table.

The yeas and nays were called for, with the following result:

Those voting in the affirmative were—

Messrs. Adams, Atkins, Crawford, Ginn, Henderson, Jenkins, Johnson, Kendrick, McKinnon, Meacham, Moragne, McCaskill, Pearce, Sutton, and Weeks—15.

Those voting in the negative were—

Messrs. Dennis, Eagan, Hill, Hillyer, Locke, Purman, and Wentworth—7.

So the motion to lay on the table was agreed to.

Mr. Jenkins moved to reconsider the vote on Article 9;

Which was agreed to.

The yeas and nays were called for, on the adoption of Article 9, with the following result:

Those voting in the affirmative were—

Messrs. Adams, Atkins, Crawford, Dennis, Ginn, Henderson, Jenkins, Johnson, Kendrick, Locke, McKinnon, Moragne, McCaskill, Sutton, and Weeks—15.

Those voting in the negative were—

Messrs. Eagan, Hill, Hillyer, Meacham, Pearce, Purman, and Wentworth—7.

So the article was not adopted, less than two-thirds voting in the affirmative.

Mr. Jenkins moved to reconsider the vote on Article 8;

Which was not agreed to.

Mr. Henderson, by permission, introduced Senate Bill No. 42, to be entitled an act to repeal an act entitled An act to In-

incorporate the Gulf Steamship Company, and to Perfect the Public Works of the State, approved February 9, 1870;

Which was read first time by title, under suspension of rules. The rules were further suspended, and the bill read second time.

The rules were further suspended, and the bill read third time, and put upon its passage.

Upon the question, Shall the bill pass?

The yeas and nays were called on its adoption, with the following result:

Those voting in the affirmative were—

Messrs. Adams, Atkins, Crawford, Eagan, Ginn, Henderson, Hill, Jenkins, Kendrick, Locke, McKinnon, Meacham, Moragne, McCaskill, Pearce, Purman, Sutton, Weeks and Wentworth—19.

So the bill passed, title as stated, and the Secretary was directed to certify the same to the Assembly.

Mr. Purman, chairman of Committee on Judiciary, made the following report:

SENATE CHAMBER,
Tallahassee, Jan. 18, 1872.

Hon. SAMUEL T. DAY, President of the Senate:

SIR: Your committee, to whom was referred Assembly Bill No. 8, entitled a bill to be entitled An act to Save Small Estates From Wasteful Costs, and to Facilitate the Settlement Thereof, beg leave to report in favor of the passage of the bill.

Very respectfully,

W. J. PURMAN,
Chairman Judiciary Committee.

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

Also:

SENATE CHAMBER,
Tallahassee, January 18, 1872.

Hon. SAMUEL T. DAY, President of the Senate:

SIR: Your committee, to whom was referred Senate Bill No. 34, entitled an act to amend An act Relating to Jurors, having examined the same, beg leave to report in favor of its passage.

Very respectfully,

W. J. PURMAN,
Chairman Judiciary Committee.

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

Also:

SENATE CHAMBER,
Tallahassee, Jan. 18, 1872.

Hon. SAMUEL T. DAY, President of the Senate:

SIR: Your committee, to whom was referred Assembly Bill

No. 17, entitled An act for the adoption of Children, beg leave to report that they have considered the same, and would respectfully recommend its passage.

Very respectfully,

W. J. PURMAN,
Chairman Judiciary Committee.

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

Also :

SENATE CHAMBER,
Tallahassee, Fla., January 18, 1872.

HON SAMUEL T. DAY, President of the Senate :

SIR: Your committee, to whom was referred Assembly Bill No. 19, entitled An act to Authorize Sheriffs, Coroners, Constables, Town and City Marshals, to Arrest for Felony on Strong and Sufficient Grounds of Suspicion in Cases of Escapes, having had the same under consideration, beg leave to report

that the same do not pass.

Very respectfully,

W. J. PURMAN,
Chairman Judiciary Committee.

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

The messages of the Governor vetoing certain bills of last session were taken up.

An act Directing the Comptroller to Turn Over to the Treasurer Certain Greenback Currency.

Upon the question, Shall the bill pass the objections of the Governor to the contrary notwithstanding ?

The yeas and nays were called for, with the following result: Those voting in the negative were—

Messrs. Adams, Atkins, Crawford, Dennis, Eagan, Ginn, Henderson, Hill, Hillyer, Jenkins, Johnson, Kendrick, Locke, McKinnon, Meacham, Moragne, McCaill, Pearce, Purman, Sutton, Weeks and Wentworth—21.

So the bill did not pass.

An act to Authorize the Incorporation of the Florida Land, Building and Loan Association.

Upon the question, Shall the bill pass the objection of the Governor to the contrary notwithstanding ?

The yeas and nays were called for, with the following result: Those voting in the affirmative were:

Messrs. Dennis, Jenkins, Pearce, Purman and Wentworth—5.

Those voting in the negative were—

Messrs. Adams, Atkins, Crawford, Eagan, Ginn, Henderson,

Hill, Hillyer, Johnson, Kendrick, Locke, McKinnon, Meacham, Moragne, McCaskill, Sutton and Weeks—17.

So the bill did not pass.

An act to Organize the Farmers' and Laborers' Immigration Company, and for Other Purposes.

On the question, Shall the bill pass the Governor's objections to the contrary notwithstanding?

The yeas and nays were called for, with the following result:

Those voting in the affirmative were—

Messrs. Pearce and Purman—2.

Those voting in the negative were—

Messrs. Adams, Atkins, Crawford, Dennis, Ginn, Henderson, Hillyer, Kendrick, Locke, McKinnon, Meacham, Moragne, McCaskill, Sutton, Weeks, and Wentworth—16.

So the bill did not pass.

An act to Protect the Lumber, Log, and Timber Business of the Escambia River.

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

The yeas and nays were called for, with the following result:

Those voting in the affirmative were—

Messrs. Atkins, Crawford, Dennis, Ginn, Hill, Hillyer, Jenkins, Johnson, Meacham, and Wentworth—10.

Those voting in the negative were—

Messrs. Adams, Eagan, Henderson, Kendrick, Locke, McKinnon, Moragne, McCaskill, Pearce, Sutton, and Weeks—11.

So the bill did not pass.

Assembly Bill No. 8:

To be entitled An act to Save Small Estates from Wasteful Costs, and to Facilitate the Settlement thereof,

Was taken up on its second reading, read by sections, and ordered engrossed.

Assembly Bill No. 17:

To be entitled An act for the Adoption of Children,

Was taken up on its second reading.

On motion of Mr. Wentworth, the bill was recommitted to the Committee on Judiciary.

Assembly Bill No. 19:

To be entitled An act to Authorize Sheriffs, Coroners, Constables, Town and City Marshals to Arrest for Felony on Strong and Sufficient Grounds of Suspicion in Cases of Escapes,

Was taken up on its second reading, and, on motion, indefinitely postponed.

The Pres't announced the signing of the following enrolled bills:

An act to Change the Name of the Corporation now owning the Road called the Florida Railroad, and to call it the Atlantic, Gulf, and West India Transit Company.

Memorial to the Postmaster-General of the United States.

Memorial to the Congress of the United States Praying for the Establishment of a Mail Route.

Memorial to Congress for an Appropriation to Dredge and Deepen the Ship Channel on Apalachicola Bay.

A message was received from the Governor.

Mr. Pearce introduced a memorial and accompanying documents:

The undersigned, at your last session, January, 1871, was regularly sworn in as Senator for the 18th Senatorial District, upon the certificate of the State Board of Canvassers, i. e. was duly elected for said district, said certificate being based upon and in conformity with the certified return from the board of county canvassers.

Subsequently Horatio Jenkins, Jr., claimed the seat awarded the undersigned, upon a certified copy of a paper in the county clerk's office for Duval county, purporting to be a return of the election ordered and held November 8, 1870, at Yellow Bluff Precinct, in said county.

The Committee on Privileges and Elections, to which the matter was referred, reported immediately in favor of Mr. Jenkins's claim, refusing the undersigned, time and opportunity to substantiate the allegations he made before them; that the paper, a certified copy of which they had before them, purporting to be a return from Yellow Bluff precinct, and representing the total vote at said precinct as 383, (5 for Christy and 378 for Jenkins) was a *fraudulent* return.

The majority report signed by Senators Dennis, Purman, and Hill, was received and adopted, and Mr. Jenkins seated as Senator, for the 18th Senatorial District, being sworn in under the usual oath.

The undersigned would respectfully represent to your honorable body that, immediately upon your adjournment at the last session, the whole matter of the election frauds at Yellow Bluff Precinct, in Duval county, underwent judicial investigation in the United States Court at Jacksonville, in said county of Duval; that the fraudulency of said paper purporting to be a return of the election held November 8, 1870, at Yellow Bluff Precinct, on file in the Duval County Clerk's office, a certified copy of which, as set forth above, was presented before your Committee on Privileges and Elections, and on which Mr. Jenkins was awarded my seat as Senator for the 18th District, was fully and completely established by said court. One of the inspectors at said election, and to whom the correct returns were intrusted for the safekeeping was indicted, found guilty, and punished for "concealing; withholding and destroying certificates of election." A certified copy of the indictment, the finding of the jury, and sentence of the court, is herewith submitted,

with certified copies of the testimony of the inspectors at the aforesaid election, before the Circuit Court grand jury for Duval county, and a certified copy of the returns of the Board of County Canvassers for Duval county of said election, as reported to the State Board of Canvassers.

For the above considerations, and many others that might be submitted; throwing a new light around the difference in reference to the Senatorship for the 18th District, the undersigned respectfully asks the immediate and impartial consideration of your honorable body, and that he be returned to the seat as Senator for the 18th District, awarded him, in common with other Senators, under the certificate of the State Board of Canvassers.

Very respectfully, WM. H. CHRISTY.

January 10, 1872.

Which was read, and, with accompanying documents, referred to Committee on Privileges and Elections.

On motion of Mr. Meacham, the Senate went into Executive session.

The following Executive appointment was confirmed :

Thaddens A. McDonald, to be State Attorney for the 5th Judicial Circuit.

On motion, the vote of yesterday confirming Charles Beecher to be Superintendent of Public Instruction was reconsidered.

The doors were opened.

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

FRIDAY, January 19.

The Senate met pursuant to adjournment.

The President in the chair.

Prayer by the Chaplain.

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

Messrs. Adams, Atkins, Billings; Crawford, Henderson, Jenkins, Johnson, Kendrick, McKinnon, Meacham, Moragne, Pearce, Sutton, Weeks and Wentworth—15.

A quorum present.

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

Mr. Johnson introduced the following joint resolution :

Resolved by the Senate, (the Assembly concurring,) That the Legislature meet in joint session on next Thursday, at 12 o'clock, for the purpose of electing a State printer ;

Which was, on motion, adopted.

Mr. Adams, by permission, introduced Senate Bill No. 43, to