

THREE O'CLOCK P. M.

The Senate resumed its session.

The Lieutenant-Governor in the chair.

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

Messrs. Adams, Ginn, Henderson, Hillyer, Locke, McKinnon, McCaskill, Pearce, Sutton, Weeks and Wentworth—10.

Not a quorum present.

Mr. Adams moved a call of the Senate;

Which was not agreed to.

Mr. Henderson moved that when the Senate hereafter adjourn it be to 10 a. m. the next day.

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

Those voting in the affirmative were—

Messrs. Billings, Ginn, Henderson, Jenkins, Johnson, Locke, McKinnon, Meacham, McCaskill, Sutton, and Wentworth—11.

Those voting in the negative were—

Messrs. Pearce and Weeks—2.

So the motion was adopted.

Mr. Henderson moved that the Senate do now adjourn;

Which was agreed to.

So the Senate adjourned till to-morrow morning at 10 o'clock.

THURSDAY, February 1.

The Senate met pursuant to adjournment.

The Lieutenant-Governor in the chair.

Prayer by the Chaplain.

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

Messrs. Adams, Atkins, Billings, Eagan, Ginn, Henderson, Hillyer, Jenkins, Johnson, Kendrick, McKinnon, Meacham, Moragne, McCaskill, Sutton and Wentworth—16.

A quorum present.

The journal of yesterday was read and corrected.

Mr. Eagan, Chairman Committee on Finance and Taxation, made the following reports:

SENATE CHAMBER,

Tallahassee, Fla., February 1, 1872.

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

SIR: Your committee, to whom was referred Senate Bill No. 88, an act prescribing an additional section to an act entitled An act in Relation to the Records of the Offices of the Comp-

troller of Public Accounts and State Treasurer, approved December 10, 1866, to provide for the Monthly Publication of the Monthly Record therein required to be kept, having examined the same, recommend that it do pass.

Very respectfully,
D. EAGAN,
Chairman Committee on Finance and Taxation.

SENATE CHAMBER,
Tallahassee, Fla., February 1, 1872.

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

SIR: Your committee, to whom was referred Senate Bill No. 76, an act entitled An act relative to the Duties of State Treasurer, Safety of Public Funds and Bonds of State Officers, having examined the same, recommend that it do pass.

Very respectfully,
D. EAGAN,
Chairman Committee on Finance and Taxation.

Senate Bill No. 76.

A bill relating to the duties of State Treasurer, Safety of Public Funds, and Bonds of State Officials,

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

Mr. McCaskill moved to amend section 3 by adding the words—

Provided, In all cases the party whose duty it may be to approve said bond or bonds shall see that the principal and sureties shall justify in the full amount of the bond ;

Which was agreed to.

The bill was then adopted and ordered to be placed among the orders of the day for its third reading.

Senate Bill No. 68.

Prescribing an additional section to an act entitled An act in relation to the Records of the Offices of Comptroller of Public Accounts and State Treasurer, approved December 10, 1866, to provide for the Monthly Publication of the Record therein Required to be Kept,

Was taken up on its second reading, read by sections, adopted and ordered engrossed for its third reading:

Assembly Bill No. 68:

To Provide for the Collection of State and County Taxes for the Year 1871,

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

Mr. Henderson moved to amend section 2, by adding the words, " Provided the said amount so assessed shall not exceed fifty per centum of the taxes assessed in any such county for State purposes."

Mr. Wentworth moved to lay the amendment 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, Johnson, Locke, Meacham, Pearce, Purman and Wentworth—12.

Those voting in the negative were—

Messrs. Adams, Atkins, Ginn, Henderson, Kendrick, McKinnon, Moragne, McCaskill, Sutton and Weeks—10.

So the amendment was laid upon the table.

Mr. Henderson moved to postpone indefinitely the further consideration of the bill.

Mr. Wentworth 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, Ginn, Henderson, Kendrick, McKinnon, Moragne, McCaskill, Sutton and Weeks—10.

Those voting in the negative were—

Messrs. Billings, Dennis, Eagan, Hillyer, Jenkins, Johnson, Locke, Meacham, Pearce, Purman and Wentworth—11.

So the motion was laid on the table.

Mr. Henderson moved to amend section 3 by adding the words, "That the tax collectors of the State of Florida are authorized and required to receive all recognized Comptroller's warrants and Treasurer's certificates of this State in payment of the taxes due for the year 1871."

Mr. Wentworth moved to lay the amendment 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, Johnson, Locke, Meacham, Pearce, Purman and Wentworth—12.

Those voting in the negative were—

Messrs. Adams, Atkins, Ginn, Henderson, Kendrick, McKinnon, Moragne, McCaskill, Sutton and Weeks—10.

So the amendment was laid upon the table.

Mr. Kendrick moved to indefinitely postpone the further consideration of the bill.

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

Those voting in the affirmative were—

Messrs. Adams, Ginn, Henderson, Kendrick, McKinnon, McCaskill and Weeks—7.

Those voting in the negative were—

Messrs. Billings, Dennis, Eagan, Hill, Hillyer, Jenkins, Johnson, Locke, Meacham, Pearce, Purman and Wentworth—12.

So the motion to postpone was not agreed to.

Mr. McCaskill moved to strike out all of section 3.

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

Those voting in the affirmative were—

Messrs. Adams, Atkins, Ginn, McKinnon, McCaskill, Sutton and Weeks—7.

Those voting in the negative were—

Messrs. Billings, Dennis, Eagan, Hill, Hillyer, Jenkins, Johnson, Locke, Meacham, Purman and Wentworth—11.

So the motion was lost.

Mr. Wentworth moved that the bill be engrossed for its third reading on the morrow.

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

Those voting in the affirmative were—

Messrs. Billings, Dennis, Eagan, Henderson, Hill, Hillyer, Jenkins, Johnson, Locke, Pearce, Purman and Wentworth—12.

Those voting in the negative were—

Messrs. Adams, Atkins, Ginn, McKinnon, Meacham, McCaskill, Sutton and Weeks—8.

So the motion prevailed.

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

SENATE CHAMBER,
Tallahassee, Fla., February 1, 1872.

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

SIR: Your committee, to whom was referred Senate Bill No. 49, entitled An act Concerning Appointments to Office, having examined the same, find it correctly engrossed.

Very respectfully,

GEO. E. WENTWORTH,
Chairman Committee on Engrossed Bills.
R. W. ADAMS,
N. H. MORAGNE,
E. G. JOHNSON.

The following messages were received from the Assembly :

ASSEMBLY HALL,
Tallahassee, Fla., February 1, 1872.

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

SIR: I am directed to inform you that the Assembly has adopted Assembly Concurrent Resolution rescinding Assembly Concurrent Resolution No. 5, That no new business be entertained by either House after the 25th of January.

Very respectfully,

M. H. CLAY,
Clerk of the Assembly.

ASSEMBLY HALL,
Tallahassee, Fla., February 1, 1872.

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

SIR: I am directed to inform you that the Assembly has adopted the following Senate Memorials:

Memorial asking for the establishment of a mail route from Key West to Tampa.

Memorial to the Postmaster General, requesting the re-establishing of the mail route from Lake City to Starke.

Memorial for mail service from King's Ferry to Callahan, Nassau County, Florida.

Memorial for the establishment of certain mail routes.

Very respectfully,

M. H. CLAY,
Clerk of the Assembly.

ASSEMBLY HALL,
Tallahassee, Fla., February 1, 1872.

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

SIR: I am directed to inform you that the Assembly has passed Assembly Bill No. 95:

To be entitled An act to Change the Boundary Line between Orange and Sumter Counties.

Assembly Bill No. 75:

To be entitled An act to Incorporate the Ladies' Aid Association, of the City of Jacksonville and State of Florida.

Assembly Bill No. 73:

To be entitled An act Relating to the Duties of Sheriffs and their Deputies.

Assembly Bill No. 55:

To be entitled An act to Authorize George M. Whetstone to Erect a Dam for Milling Purposes, and a Toll Bridge Across the Santa Fe River.

Assembly Bill No. 64:

To be entitled An act to Compel Railroad Companies to Pay for Property Destroyed, Injured or Killed, by their trains, and to Provide for Summonses and other process to recover the value of property so destroyed, killed or injured.

Assembly Bill No. 60:

To be entitled An act Relating to Municipal Governments.

Assembly Bill No. 58:

To be entitled An act for the Protection of the Ports, Harbors and Bays of this State.

And has adopted Assembly Concurrent Resolution in relation to the Island of Cuba.

Also:

Memorial to the Postmaster General of the United States

for the establishment of a mail route by the railroad from Savannah, Georgia, via Live Oak and Chattahoochee, Florida, and from thence by steamer to the Port of Apalachicola on the Gulf of Mexico.

Very respectfully,

M. H. CLAY,
Clerk of the Assembly.

Senate Bill No. 47 :

To amend An act for the Protection of Agricultural Laborers, Was taken up on its second reading, and read by sections.

Mr. McCaskill moved to strike out in Sec. 1, all after the words, "and such line," and add the words, "shall have equal and undivided application with the landlord's lien, and be prior to all other liens ;"

Which was agreed to.

The bill was then ordered to be engrossed for its third reading.

Substitute for Assembly Bills Nos. 3 and 29 :

A bill for the Relief of Certain Persons Therein Named,

Was taken up on its third reading, and read at large.

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. Atkins, Dennis, Eagan, Ginn, Henderson, Hill, Hill-
yer, Jenkins, Johnson, Kendrick, Locke, Meacham, Pearce, Pur-
man, Sutton, and Wentworth—16.

Nays—None.

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

Senate Bill No. 64 :

A bill to be entitled An act for the Relief of Chas. V. Hillyer, Was taken up on its third reading, and read at large.

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, Dennis, Eagan, Ginn, Henderson,
Hill, Jenkins, Johnson, Kendrick, Locke, Meacham, Moragne,
Pearce, Purman, Sutton, Weeks and Wentworth—18.

Nays—None

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

Mr. Purman, Chairman Committee on Judiciary, made the following reports :

SENATE CHAMBER,
Tallahassee, Fla., Jan. 31, 1872.

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

SIR: Your committee, to whom was referred Assembly Bill

No. 61, entitled an act to amend an act entitled An act Providing for the Removal of Executors and Administrators and the Appointment of their Successors, having examined the same, recommend that it do not pass.

Very respectfully,

W. J. PURMAN,
Chairman Judiciary Committee.

SENATE CHAMBER,
Tallahassee, Fla., February 1, 1872.

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

SIR: Your committee, to whom was referred Assembly Bill No. 36, entitled A bill to Quiet Tax Titles, having considered the same, beg leave to respectfully recommend its passage.

Very respectfully,

W. J. PURMAN,
Chairman Judiciary Committee,
J. W. LOCKE,
D. EAGAN.

SENATE CHAMBER,
Tallahassee, Fla., Feb. 1, 1872.

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

SIR: Your committee, to whom was referred Senate Bill No. 61, entitled An act Relating to Insurance Companies, having considered the same, would respectfully recommend its passage.

Very respectfully,

W. J. PURMAN,
Chairman Judiciary Committee.

Assembly Bill No. 61:

To amend an act entitled An act Providing for the Removal of Executors and Administrators and the Appointment of their Successors,

Was taken up on its second reading.

Mr. Henderson moved that the further consideration of the bill be indefinitely postponed:

Which was agreed to.

Senate Bill No. 61:

Relating to Insurance Companies,

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

Mr. Wentworth moved that the further reading of the bill be postponed and made the special order for to-morrow at 11 o'clock;

Which was agreed to.

Senate Bill No. 43.

A bill entitled An act Concerning Appointments to Office; Was taken up on its third reading, read at large, 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, Dennis, Ginn, Henderson, Hill, Hillyer, Jenkins, Meacham, McCaskill, Purman, Weeks and Wentworth—12.

Those voting in the negative were—

Messrs. Billings, Johnson, Locke, Pearce and Sutton—5.

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

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

To the Senate:

The Committee on Judiciary beg leave to report the accompanying Senate Bill No.——“An act to Incorporate the Buckingham Smith Asylum for the Colored People of St. Augustine, as a substitute for Senate Bill No. 44, an act to amend section 21 of An act to Provide Punishment, approved August 6, 1868.

W. J. PURMAN,
Chairman Judiciary Committee,
JOHN A. HENDERSON,
J. W. LOCKE.

Substitute for Senate Bill No. 25 :

An act Defining the Duties and fixing the Pay of County Commissioners,

Was taken up on its third reading, read at large 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, Dennis, Ginn, Hill, Jenkins, Johnson, Locke, McKinnon, Meacham, Moragne, McCaskill, Purman, Sutton, Weeks and Wentworth—16.

Mr. Hillyer 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. 69 ;

A bill to be entitled an act to amend section 1 of an act entitled An act to Incorporate the Pensacola and Perdido Railroad Company,

Was taken up on its third reading, read at large, 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. Atkins, Ginn, Hill, Hillyer, Jenkins, Kendrick, Locke,

McKinnon, Meacham, Moragne, McCaskill, Weeks and Wentworth—13.

Nays—None.

Assembly Bill No. 52:

An act entitled an act to amend section 234, of An act entitled a Code of Procedure, approved February 19, 1870,

Was taken up on its third reading, read at large, 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. Atkins, Dennis, Ginn, Hill, Hillyer, Jenkins, Locke, Meacham, Moragne, McCaskill, Purman, Weeks and Wentworth—13.

Those voting in the negative were—

Messrs. Adams, Kendrick, McKinnon and Sutton—4.

So the bill passed and the title was amended to read as follows:

An act entitled an act to amend section 234 of an act entitled An act to Simplify and Abridge the Practice, Pleadings and Proceedings of the Courts of this State, approved February 19, 1870, and the Secretary was directed to certify the same to the Assembly.

Assembly Bill No. 35:

An act to Authorize the Judges of the County Courts of the Several Counties of this State Where such Judges are Administrators, Executors, or Guardians, to Make their Annual Settlements with the Clerks of the County Courts of their Respective Counties,

Was taken up on its second reading, read at large, 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. Atkins, Billings, Dennis, Ginn, Henderson, Hill, Hillyer, Jenkins, Kendrick, Locke, Meacham, Purman and Wentworth—13.

Mr. Sutton voting in the negative.

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

Substitute for Assembly Bill No. 11:

To be entitled An act Defining the Interest the Wife Shall Take in Her Husband's Property,

Was taken up on its third reading, read at large, 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, Dennis, Eagan, Ginn, Henderson, Hill, Hillyer, Jenkins, Kendrick, Locke, McKinnon, Meacham, Moragne, McCaskill, Purman, Sutton, Weeks and Wentworth—19.

Nays—None.

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

Senate Bill No. 71 :

A bill to be entitled An act to Provide for the publication and Distribution of Public Laws and Journals,

Was taken up on its third reading, read at large, 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. Atkins, Billings, Dennis, Eagan, Ginn, Hill, Hillyer, Jenkins, Johnson, Locke, McKinnon, Meacham, Moragne, McCaskill, Purman, Weeks and Wentworth—17.

Nays—None.

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

Mr. Atkins offered the following resolution :

Resolved, That the Judiciary Committee be required to report whether the judicial officers of this State are liable to indictment for crime in their respective courts, when circuit judges in circuit courts, and when county judges in county courts; and second, whether circuit judges can be held to answer, by proceedings before magistrates and other investigating officers.

Mr. Wentworth moved its adoption ;

Which was agreed to.

Senate Bill No. 81 :

A bill to be entitled An act Relating to Pleadings in Courts of Record and Rule Day,

Was taken up on its third reading, read at large, 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. Atkins, Billings, Dennis, Eagan, Ginn, Henderson, Hill, Hillyer, Jenkins, Johnson, Kendrick, Locke, McKinnon, Meacham, Moragne, Pearce, Purman, Sutton, Weeks and Wentworth—20.

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.

Mr. Jenkins, chairman Special Committee, made the following report:

SENATE CHAMBER,
Tallahassee, Fla., February 1, 1872.

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

SIR: The special committee, to whom was referred the communication of David S. Walker, in relation to certain statements made in the annual Message of His Excellency the Governor, have carefully inquired into all the facts alleged, and the charges made by the Governor, and respectfully submit the following report:

Gov. Reed states in his Message to the Legislature that—

“In November, 1866, immediately after the sale of the Florida Railroad, \$97,800, arising from the sale, was deposited in New York, to the credit of Moses Taylor, who was made the confidential agent of the Board of Trustees Internal Improvement Fund, to take up the first mortgage bonds of said road. That in December, 1866, a bond was issued to E. N. Dickenson for \$21,000, borrowed to pay the Legislature. That it appears that E. N. Dickenson was the purchaser of the Florida road. That the \$97,800 purchase money was sent to New York and deposited without interest.

“That in a month after \$21,000 is borrowed of E. N. Dickenson at 7 per cent. interest, and after interest is paid for four years this bond turns up as a part of the money belonging to the fund. By this brilliant financial transaction \$6,856 annual interest was lost on the \$97,800, and \$1,470 annual interest paid on \$21,000 of it, making loss to the State of \$8,326 per annum since 1866, or over \$40,000 aggregate.”

Your committee find, from an examination of the records of the Board of Trustees of the Internal Improvement Fund, and by the testimony of Hugh A. Corley, Esq., then secretary of the board, that Mr. Moses Taylor was made the confidential agent of the board, and that the amount of \$97,800 was placed in his hands to purchase the bonds as stated by Gov. Reed in his Message. By a resolution of the board, adopted November 7, 1866, these funds were deposited on call in the City Bank of New York, of which Moses Taylor was president, and, as confidential agent of the board, he was directed to purchase the first mortgage bonds of the Florida Railroad, including past due coupons, at not more than 20 per cent. of the principal of said bonds. And again, on the 7th September, 1867, “Mr. John B. Galbraith, Attorney-General, was constituted the agent and attorney of the board, with authority to demand and receive all moneys, bonds and funds belonging to or under control of the

board, and in the hands of any person in the city of New York, and especially the funds in the possession of Mr. Moses Taylor."

Your committee find that the Board of Trustees deemed and held this deposit of \$97,800 simply as a transfer for convenience, and did not consider these funds as out of their possession, but on the contrary, they were put in Mr. Taylor's hands for disbursement in purchasing the Florida Railroad bonds. The funds virtually remained in the Internal Improvement Fund itself, and there was no way in which this deposit could draw interest without it was absolutely loaned or invested.

Mr. Taylor proceeded to take up the Florida Railroad bonds with this money, in which he succeeded, leaving only \$20,000 on hand, which was recently offered to Mr. F. Vose, a creditor of the Fund, but which Mr. Vose declined to receive, and it yet remains in the hands of Moses Taylor under injunction by F. Vose.

Gov. Reed's statement that this deposit of \$97,800 was "without interest," is certainly true; but the Governor has certainly failed to examine the matter carefully, either as a question of law or of fact, when he makes the agent of the Trustees liable for interest upon a deposit of money in his hands by the Trustees for a specified purpose and in execution of an order of the Trustees themselves.

Your committee are of the opinion that said deposit could never be held liable, and was not intended to be held for interest thereon, and consequently that the State has not "lost" any moneys lawfully due on the \$97,800.

Your committee find that the sum of \$21,000 was borrowed in 1866 by Gov. Walker of E. N. Dickenson, Esq., of New York, to pay the members of the Legislature, and that Gov. Walker signed a manuscript bond, written by Hugh A. Corley, Esq., of the State, bearing 7 per cent. interest, for \$21,000. That on the 3d December, 1867, the board of Trustees adopted a resolution authorizing the Governor to purchase, out of the funds in the hands of Moses Taylor, this bond for \$21,000, with interest to that date; and the testimony of Hugh A. Corley is that this bond was received by him from Gov. Walker in about three weeks after this resolution was passed; that he, as the retiring treasurer and secretary of the Trustees, delivered the bond to S. B. Conover, Esq., his successor in office, who testifies to the fact and to its transfer by him to the Hon. J. S. Adams, the present incumbent. It is difficult to understand how the Governor can arrive at the result which he states. This bond was outstanding scarcely one year and two months, and yet the Governor declares that four years' interest was paid on it by the State, amounting to \$5,880, when the record shows that about one year and two months' interest only was due and paid when

it came into the Internal Improvement Fund. The Governor also states that the bond came into the Treasury "minus the coupons," when the fact is that it never had any "coupons" attached to it

Gov. Reed further states that, "Added to this, on July 1, 1868, twenty-two days after the new government was inaugurated, and five days after Gov. Walker had voluntarily surrendered his authority, a balance of \$4,230, remaining in the sinking fund of the Florida road, was ordered turned over to Moses Taylor, and he was advised not to account to the new board or government, as it would squander the funds! That it is undoubtedly true that Governor Walker and his board are personally liable for the \$4,230 retained after the surrender of the government, and that they are liable for the funds delivered to Col. Houston on the 24th June, after the inauguration of the present Constitution and government."

By examination of the journals of the Legislature of 1868, your committee find that Gov. Reed took the oath of office as Governor on the 8th day of June, 1868, and that an inauguration ceremony took place on that day, but owing to the embarrassments attending the change from military rule to civil government, the State Government was not turned over to Gov. Reed, either by Gov. Walker or by the military commander, until the first day of July, A. D. 1868, when it was formally surrendered by Gov. Walker to Gov. Reed at the Executive Office, and on the fourth day of July, A. D. 1868, by General Sprague to Gov. Reed. Whether Gov. Reed was, in the interim between June 8 and July 4, *de jure* Governor of the State, is a question for judicial determination; but it is beyond question that Gov. Walker and all the existing State authorities under him continued to exercise their respective functions. The following telegrams transmitted by Gov. Reed, on June 9, A. D. 1865, to the Legislature, passed between the military authorities:

[A true copy.]

Brigadier General R. C. Drum, Assistant Adjutant-General
Third Military District, Atlanta, Georgia:

The Governor and members of the Legislature elect are here. They desire that the oath of office be administered to the Governor, and that the Legislature assemble for business. Shall this be permitted? Full instructions for my guidance requested at once.

(Signed)

F. F. FLINT,

Lieutenant Col. 7th Infantry, Commanding.

Official: F. M. H. KENDRICK,

Lieut. 7th U. S. Infantry, Post Adjutant.

ATLANTA, June 8, 1868.

To Col. F. F. Flint, U. S. A. :

Telegram of this date relative to Governor and members of Legislature received.

Commanding General will not recognize the Governor and Legislature elected at recent elections until further advice by Congress.

You will not permit the action stated in your telegram.

R. C. DRUM.

Official: F. M. H. KENDRICK,
Lieut. 7th U. S. Infantry, Post Adjutant.

Received at Tallahassee June 8, 5 p. m.

On the 4th of July, A. D. 1868, Gen. Sprague surrendered his position as "Military Civil Governor of Florida" to Gov. Reed.

It is the opinion of your committee that Gov. Reed became in fact Governor of the State, subject to military supervision, on July 1, 1868; and that on July 4, 1868, that military supervision was withdrawn.

Your committee further find from an inspection of the records of the Trustees of the Internal Improvement Fund, the following entry:

"July 1.—The President of the board reported the number of outstanding bonds of the Florida Railroad, and the amount of sinking fund accrued, (for the purchase of said bonds,) viz. \$4,230; which was ordered to be placed in the hands of the agent of the Trustees in New York."

The statement of the Governor that the amount of \$4,230 remaining in the sinking fund of the Florida Railroad was ordered turned over to Moses Taylor five days after Gov. Walker had voluntarily surrendered his authority, is therefore incorrect; but, on the contrary, this order was one of the last acts of the old Board of Trustees, and was made on the day of, but before, the formal surrender of the State Government by Gov. Walker to Gov. Reed, and even before the military authority had relinquished the full control of the State to Governor Reed.

In 1869, an injunction was put upon the funds in the hands of Moses Taylor, so that the balance could not be paid over to the new Board of Trustees nor used in taking up the remaining Railroad bonds until the injunction served by creditors of the fund was dissolved.

Your committee have also fully inquired into the statements made by Gov. Reed in relation to the funds realized from the sale of the Florida, Atlantic & Gulf Central Railroad, which he states were turned over to Col. Edward Houston, by the old Board sixteen days after his inauguration as Governor; and the

day before the surrender by Gov. Walker. From an inspection of the records of the Board of Trustees, as to this fact, the following entry is found.

"June 24th 1868. It was further ordered that funds in hand realized from the sale of the Florida, Atlantic & Gulf Central Railroad, be placed in the hands of Col. Edward Houstoun, to purchase the outstanding bonds of said company."

It then appears that this action of the Board took place seven days before Gov. Walker retired from office and ten days before the military authority over the civil government was withdrawn.

During the session of the Legislature convened June 8, 1868, Governor Reed communicated on several occasions with that body on public matters, but his communications were signed unofficially up to July 2, 1868; and his first official paper recorded in the journal of either House of the Legislature, is his note to Gen. Sprague, dated July 2, 1868, informing the General of the compliance by the State with all the conditions precedent to the full, restoration to the State of all its political rights within the Union. It is to be inferred that Gov. Reed did not then claim to be Governor prior to July 1, 1868, when Gov. Walker surrendered the Executive office to him, but that Gov. Walker was *de facto* Governor.

Your committee submit this report without comment on the facts presented or suggestions for such action as the Senate may deem proper.

Very respectfully,

HORATIO JENKINS, Chairman,
A. L. McCASKILL,
ROBERT MEACHAM.

Mr. Dennis moved the adoption of the report;

Which was agreed to.

The following message was received from his Excellency Governor Reed:

EXECUTIVE OFFICE,
Tallahassee, Fla., Feb. 1, 1872.

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

SIR: I notice in the Senate journal of proceedings of yesterday an error in a report of a committee, which I desire corrected. The report says:

"Governor Reed states to the committee that he paid W. J. Furman the sums in scrip * * * to reimburse him for money expended in efforts to detect and bring to justice the persons engaged in the assassination of Dr. Finlayson," &c.

Now the facts are, that \$700 in cash was paid, \$500 to Mr. Furman and \$200 to Mr. Fortune, representatives from Jackson county, to assist in securing the murderers of Dr. Finlayson.

No evidence of its expenditure was ever given or required, and there was no "scrip" involved in the transaction.

Very respectfully, your obedient servant,

HARRISON REED, Governor.

Mr. Henderson offered the following resolution:

Resolved, That the Senate do not regard the veracity of their committee as questioned by their report and the communication of the Governor;

Which was unanimously adopted.

Mr. Billings, chairman Committee on Enrolled Bills, made the following report:

SENATE CHAMBER,

Tallahassee, Fla., Feb. 1, 1872.

Hon SAMUEL T. DAY, President of the Senate:

SIR: Your committee, to whom was referred Senate Bill No. 8, An act to Authorize Julius C. Rockner to Build a Toll Bridge Across Pease Creek; and an act to repeal An act to Incorporate the Gulf Steamship Company and to Perfect the Public Works of the State, approved February 9, 1870, beg leave to report that they have examined the same and find them correctly enrolled.

Very respectfully,

LIBERTY BILLINGS, Chairman,

CHAS. V. HILLYER,

L. G. DENNIS,

ARTHUR GINN,

A. D. MCKINNON.

Mr. Dennis called up the report of the Committee on the memorial of Wm. H. Christy.

Mr. Wentworth moved to indefinitely postpone the consideration of the memorial, and all matters pertaining to it.

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

Those voting in the affirmative were—

Mr. President, Messrs. Dennis, Egan, Hill, Hillyer, Johnson, Locke, Meacham, Moragne, Purman and Wentworth—11.

Those voting in the negative were—

Messrs. Adams, Atkins, Billings, Ginn, Henderson, McKinnon, McCaskill, Pearce, Sutton and Weeks—10.

So the consideration was indefinitely postponed.

On motion, the Senate went into Executive Session.

The following nominations were withdrawn by the Governor:

M. G. Morrison, clerk of court for Walton county.

C. W. Davis, clerk of court for Jackson county.

The doors were opened.

The Senate then adjourned.