

MONDAY, February 12, 1872.

The Senate met pursuant to adjournment.

The President pro tem. in the Chair.

Prayer by the chaplain.

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

• Messrs. Adams, Atkins, Billings, Crawford, Eagan, Ginn, Henderson, Hill, Jenkins, Johnson, Kendrick, Locke, McEacham, Purman, Sutton, and Wentworth—16.

A quorum present.

The reading of the journal was dispensed with.

The resignation of Mr. S. B. McLin, as Secretary of the Senate, was received and accepted.

Mr. Wentworth moved that Mr. LeRoy D. Ball be elected Secretary by acclamation.

Which was agreed to, and LeRoy D. Ball duly declared elected Secretary of the Senate.

Mr. Wentworth moved that Mr. W. R. Pettes be elected Assistant Secretary of the Senate.

Which was agreed to, and Mr. W. R. Pettes duly declared elected as Assistant Secretary of the Senate.

Mr. Kendrick offered the following resolution:

Resolved, by the Senate, (the Assembly concurring,) That the Legislature of the State of Florida, adjourn *sine die* on Monday, the 19th day of February A. D. 1872, at 12 o'clock m., and at that hour the presiding officers of the two bodies shall declare their respective House adjourned *sine die*.

Mr. Jenkins offered the following as a substitute:

Resolved by the Senate, (the Assembly Concurring,) That the present session of the Legislature shall be adjourned *sine die* on Monday the 19th inst., at 12 o'clock meridian; and the presiding officers of both Houses shall at that hour declare their respective Houses so adjourned.

Resolved further, That should the present session of the Legislature adjourn *sine die* before the trial of Harrison Reed, Governor, is completed, the Acting Governor is requested to call a special session, for the purpose of proceeding with the said trial, whenever the managers on the part of the Assembly and Harrison Reed, Governor, shall notify the Secretary of State in writing that they are ready for trial, or as soon thereafter as possible.

Mr. Henderson moved that the further consideration of the resolution be postponed to Thursday morning at 10 a. m.;

Which was agreed to.

Mr. W. R. Pettes was then sworn in as Assistant Secretary of the Senate.

The Chair appointed as a committee under the resolution adopted on the 9th instant to notify the Chief Justice that the Senate will organize as a High Court of Impeachment, on Wednesday the 14th inst., at 12 m., Messrs. Henderson, Wentworth and Pearce.

Mr. LeRoy D. Ball was then sworn in as Secretary of the Senate.

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

SENATE CHAMBER,
Tallahassee, Fla., February 12, 1872.

Hon. LIBERTY BILLINGS, President *pro tem*, of the Senate:

SIR: Your committee, to whom was referred Senate Bill No. 61, to be entitled An act Relating to Insurance Companies, having examined the same, find it correctly engrossed.

Very respectfully,

GEO. E. WENTWORTH, Chairman,
E. G. JOHNSON,
R. W. ADAMS,
L. G. DENNIS.

Senate Bill No. 28:

A bill to Secure Homesteads to Actual Settlers on the Swamp and Overflowed Lands of the State of Florida;

Which passed the Assembly with amendments.

Mr. Wentworth moved that the amendments be concurred in.

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

Those voting in the affirmative were—

Messrs. Atkins, Billings, Crawford, Dennis, Ginn, Hill, Hillyer, Johnson, Kendrick, Locke, Meacham, Pearce, Sutton and Wentworth—14.

Nays—None.

So the amendments were concurred in, and the Secretary was directed to certify the same to the Assembly.

Senate Bill No. 12:

A bill to be entitled An act to Protect Cattle Owners and More Fully Secure a Record of Marks and Brands;

Which passed the Assembly with amendments.

Mr. Hillyer moved that the Senate concur in the amendments.

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

Those voting in the affirmative were—

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

Hill, Hillyer, Johnson, Kendrick, Locke, McKinnon, Meacham, Pearce, Weeks and Wentworth—16.

Those voting in the negative were—

Messrs. Eagan, Jenkins and McCaskill—3.

So the amendments were concurred in, and the Secretary was directed to certify the same to the Assembly.

Senate Bill No. 61 :

To be entitled An act Relating to Insurance Companies,

Was taken up on its third reading.

Mr. Henderson moved its postponement for the purpose of amendment ;

Which was not agreed to.

Mr. Henderson moved that the bill be put back upon its second reading.

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

Those voting in the affirmative were—

Messrs. Adams, Atkins, Crawford, Henderson, Hillyer, Jenkins, Kendrick, Locke, Pearce, Weeks and Wentworth—11.

Those voting in the negative were—

Messrs. Dennis, Hill, Johnson, Meacham and Purman—5.

So the bill was put back upon its second reading.

Mr. Kendrick moved that the bill be referred to a special committee.

It was moved that the motion be laid upon the table ;

Which was agreed to.

The bill was then taken up on its second reading, and read by sections.

Mr. Henderson moved to strike out from section 2 the words : " Provided further, all foreign insurance companies doing business in this State shall annually," and all of said section following :

Which was agreed to.

Mr. Henderson moved to strike out in section 11 the words, " and hereby repeal all acts conflicting with this bill."

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

Those voting in the affirmative were—

Messrs. Atkins, Crawford, Eagan, Ginn, Henderson, Hillyer, Jenkins, Locke, McKinnon, Meacham, McCaskill, Pearce and Sutton—13.

Those voting in the negative were—

Messrs. Adams, Dennis, Hill, Johnson, Purman and Wentworth—6.

So the amendment was adopted.

The bill was then adopted by sections.

Mr. Wentworth moved that the rules be suspended, and that the bill be put upon its third reading.

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

Those voting in the affirmative were—
Messrs. Atkins, Crawford, Eagan, Ginn, Henderson, Hillyer, Jenkins, Locke, McKinnon, Meacham, McCaskill, Pearce, Sutton and Wentworth—14.

Those voting in the negative were—
Messrs. Adams, Dennis, Hill, Johnson, Kendrick, Purman and Weeks—7.

So the rules were suspended.

The bill was then put upon 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, Crawford, Eagan, Ginn, Hill, Hillyer, Jenkins, McKinnon, McCaskill and Sutton—10.

Those voting in the negative were—

Messrs. Adams, Johnson, Weeks and Wentworth—4.

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

A message from the Assembly:

ASSEMBLY HALL,

Tallahassee, Fla., February 12, 1872.

Hon. LIBERTY BILLINGS, President *pro tem.* of the Senate:

SIR: I am directed to inform you that the Assembly has passed Senate Bill No. 58:

To be entitled An act to Define the Duties of the Commissioner of Lands and Immigration, with certain amendments, and respectfully ask the concurrence of the Senate thereto.

Very respectfully,

M. H. CLAY,
Clerk of the Assembly.

Assembly Bill No. 95:

A bill to be entitled An act to Change the Boundary Line between Orange and Sumter Counties,

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, Crawford, Eagan, Ginn, Henderson, Hill, Hillyer, Jenkins, Johnson, Kendrick, Locke, McKinnon, Meacham, McCaskill, Pearce, 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.

Mr. Wentworth, chairman of Special Committee, made the following report :

SENATE CHAMBER,
Tallahassee, Fla., February 12, 1872.

To the President of the Senate :

SIR : The special committee appointed at the request of Hon. J. C. Gibbs, Secretary of State, to examine his books and the accounts of his office, beg leave to submit the following report as the result of their labors : The first duty was to ascertain from the books the exact amount of money received as the tax on commissions issued since the inauguration of the present State government, to accomplish this your committee were obliged to employ an expert in order that their report might be a plain and fair statement of facts.

We find that the total amount of money received from that source since the inauguration of the present State government in 1868, up to the 1st day of February, 1872, is seven thousand four hundred and ninety dollars, (\$7,490;) of this sum George J. Alden, former Secretary of State, was paid as shown by the books, three thousand one hundred and fifty-one dollars, (\$3,151;) of this last-mentioned amount the Treasurer acknowledges the receipt of only eighteen hundred and forty-six dollars, (\$1,846.) and we are unable to find any vouchers in the office of the Secretary of State covering the balance, viz. : Thirteen hundred and five dollars, (\$1,305;) it may be barely possible that Mr. Alden took these vouchers with him as a protection to himself in any future contingency.

Mr. Gibbs, since the 6th day of November, 1868, the date on which he took charge of the office of Secretary of State, has received, as shown by the books, four thousand three hundred and thirty-nine dollars, (\$4,339;) of this amount the Treasurer acknowledges the receipt of two thousand four hundred forty-one dollars and seventy-six cents, (\$2,441.76;) the difference between the amount received by Mr. Gibbs and the amount paid to the Treasurer, viz. : One thousand eight hundred ninety-seven dollars and twenty-four cents, (\$1,897.24,) is covered by a series of vouchers running back in dates to January, 1870, and covering charges of various natures, which, in the opinion of your committee, should properly have been charged to and paid out of the contingent funds, which have been, perhaps, too lavishly voted to the Governor of this State in the past. The vouchers in the hands of Mr. Gibbs show various expenditures, such as postage, express, telegraph, stationery, office expenses, State guard, &c., &c., and present an aggregate more than sufficient to cover the difference between the amount received by the Secretary and the amount paid to the Treasurer; but we are

unable to find any authority for the Secretary to make these disbursements, except the written orders of the Governor. This fund seems to have been the one upon which His Excellency relied in case of emergency when he needed a few dollars for immediate use, and, although well aware of the fact that large sums of money had been voted him as contingent funds wherewith to defray incidental expenses, yet he openly violated a statute law of the State to obtain this money.

The act of the Legislature passed in 1868 fixing the tax upon commissions is plain in its terms, and the Governor and Secretary of State could not fail to understand its meaning, and the latter acknowledges that he has been guilty of a violation of the letter of this law; but your committee are of the opinion that such violation was done without any design whatever on his part to commit fraud; but in the case of the Governor there can be but little excuse; he was placed in position to set an example to the subordinate officers of the government, and when he fails to comply with the laws of the State and openly violates them, it is hardly to be wondered at that others who are knowing to his every act should follow in his footsteps. The orders of the Governor to pay certain of the accounts now held as vouchers by Mr. Gibbs are in some instances peremptory in their character, while in others he promises to pay any sums advanced out of the various contingent funds voted.

It is stated in palliation of these acts that if the contingent funds had been used ruinous prices must have been paid to the accounts incurred, and for the payment of which the commission money was used; if such is the case, and the contingent fund now remain in the Treasury, it may be a slight excuse for these expenditures and the violation of the laws of the State.

Some of the vouchers ordered paid by the Governor look to your committee as if they had been prepared for the occasion; but your committee did not feel authorized to make any investigation as to their genuineness.

Many commissions have been issued, and some of them to the highest officials in the State; for which payment has never been made, and as this course has been pursued by the Secretary of his own volition we presume he might be held personally responsible to the State for all such amounts. Your committee has a record of all commissions issued without payment of the tax required by law, and it is for the Senate to take such action in the premises as they may see fit.

Very respectfully,

GEO. E. WENTWORTH, Chairman,
JAS. W. LOCKE,
A. D. MCKINNON.

Mr. Henderson moved that the report be received and spread upon the journals;

Which was agreed to.

Mr. Henderson offered the following resolution, and moved its adoption:

Resolved by the Senate, That the Comptroller of Public Accounts be instructed to institute such proceedings, civil or criminal, as may be necessary to recover to the State from Geo. J. Alden, late Secretary of State, such sums of money as were by him improperly received for commissions, and that has not yet been accounted for, and to this purpose that he shall give the necessary instructions to the District Attorney having jurisdiction of the same;

Upon the adoption of the resolution:

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, Hillyer, Jenkins, Johnson, Kendrick, Locke, McKinnon, Meacham, McCaskill, Pearce, Sutton, Weeks, and Wentworth—20.

Nays—None.

So the resolution was adopted, and the Secretary was directed to certify the same to the Comptroller of Public Accounts.

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

SENATE CHAMBER,

Tallahassee, Fla., February 12, 1872.

HON. LIBERTY BILLINGS, President *pro tem.* of the Senate:

SIR: Your committee, to whom was referred Senate Bill No. 78, An act Declaring Alaqua Creek in Walton County Navigable;

Also:

Senate Bill No. 53:

An act to provide for calling into the Supreme Court one or more Circuit Judges to Hear and Determine Causes in Certain Cases, having examined the same, find them correctly enrolled.

Very respectfully,

C. V. HILLYER, Chairman,
L. G. DENNIS,
ARTHUR GINN,
A. D. MCKINNON.

Senate Bill No. 48:

A bill to be entitled an act to amend An act providing for setting apart a Homestead and Personal Property to be exempted from Forced Sale under Process of Law, approved June 23, 1869.

Mr. Wentworth moved that the bill be put back upon its second reading;

Which was agreed to.

The bill was then read by sections.

Mr. Wentworth moved to amend by striking out of section one in the said bill the words "nor less than" wherever they occur;

Which was agreed to.

The bill was then placed upon the orders of the day for its third reading.

Mr. Henderson, Chairman Committee on Commerce and Navigation, made the following report:

To the Senate:

Your committee, having considered Assembly Bill No. 102:

A bill to be entitled An act to Prevent Obstructions to Drains and Waters, have considered the same, and recommend that it do pass.

Very respectfully,

JOHN A. HENDERSON, Chairman.

J. A. ATKINS,

GEO. E. WENTWORTH,

J. W. LOCKE.

Assembly Bill No. 102:

A bill to be entitled An act to Prevent Obstructions to Drains and Waters,

Was taken up on its second reading, read by sections, and placed among the orders of the day for its third reading.

Senate Bill No. 58:

A bill to be entitled An act Defining the Duties of the Commissioner of Lands and Immigration,

Was ordered engrossed with Assembly amendments.

Substitute for Assembly Bill No. 18:

A bill to Amend Chapter 1766 of the Laws of Florida, being An act to Establish the Florida Agricultural College,

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, Crawford, Dennis, Eagan, Ginn, Hill, Hillyer, Jenkins, Johnson, Kendrick, Locke, McKinnon, Meacham, McCaskill, Pearce, 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.

Assembly Bill No. 36:

A bill to quiet tax titles to lands.

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. Hill, Jenkins, Johnson, Locke, Meacham and Pearce—6.

Those voting in the negative were—

Messrs. Adams, Atkins, Crawford, Ginn, Henderson, Kendrick, McKinnon, McCaskill, Sutton, Weeks and Wentworth—11.

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

Mr. Henderson moved that the Senate adjourn to 10 o'clock to-morrow morning.

Which was not agreed to.

Mr. Meacham moved to adjourn to 4 o'clock this afternoon;

Which was agreed to.

So the Senate adjourned to 4 p. m.

FOUR O'CLOCK P. M.

The Senate met pursuant to adjournment.

The President *pro tem.* in the chair.

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

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

A quorum present.

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

SENATE CHAMBER,
Tallahassee, Fla., February 12, 1872.

HON. LIBERTY BILLINGS, President *pro tem.* of the Senate:

SIR: Your committee, to whom was referred Senate Bill No. 12, An act to Secure Cattle Owners and More Fully to Provide for the Record of Marks and Brands, having examined the same, find it correctly enrolled.

Very respectfully,

CHAS. V. HILLYER, Chairman,
L. G. DENNIS,
ARTHUR GINN,
A. D. MCKINNON.

Mr. Henderson offered the following joint resolution :

Be it resolved by the Senate and the Assembly of the State of Florida, That whereas the Comptroller of Public Accounts is confined to his bed by sickness, that W. K. Beard, Esq., be authorized and empowered to sign Comptroller's warrants on the Treasury for and in the name of the Comptroller for the period of ten days from the approval hereof ;

Which was read first time.

Mr. Henderson moved a suspension of the rules.

The rules were suspended, and the resolution was read the second time.

Mr. Wentworth then moved suspension of the rules.

The rules were suspended, and the resolution was read the third time and put upon its passage.

Upon the adoption of the resolution, the yeas and nays were called for, with the following result :

These voting in the affirmative were—

Messrs. Adams, Atkins, Crawford, Dennis, Eagan, Ginn, Henderson, Hill, Hillyer, Johnson, Kendrick, Locke, McKinnon, Meacham, McCaskill, Pearce, Sutton and Wentworth—18.

Nays—None.

So the resolution was adopted, and the clerk directed to certify the resolution to the Assembly.

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

SENATE CHAMBER,
Tallahassee, Fla., February 12, 1872.

HON. LIBERTY BILLINGS, President *pro tem.* of the Senate :

SIR: Your committee, to whom was referred Assembly Bill No. 99, entitled An act to Incorporate the Black Creek Navigation Company, having examined the same, beg leave to recommend that the same do pass.

Very respectfully,

W. J. PURMAN,
Chairman Committee on Corporations.

FREDERICK HILL,
JOHN A. HENDERSON,
ARTHUR GINN.

Mr. Henderson moved that the Senate do adjourn ;

Which was not agreed to.

Assembly Bill No. 99, a bill to be entitled An act to Incorporate the Black Creek Navigation Company,

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

Mr. Wentworth moved that the rules be suspended, and the bill be read a third time.

The rules were suspended, the bill was read the third time 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, Crawford, Dennis, Eagan, Ginn, Hill, Hillyer, Jenkins, Johnson, Kendrick, Meacham, Pearce, Purman, Sutton, Weeks and Wentworth—17.

Nays—None.

Mr. Wentworth gave notice that he would to-morrow move a reconsideration of the vote taken to-day on the passage of the bill to Quiet Tax Titles.

Mr. Henderson moved that the Senate do adjourn;

Which was agreed to.

So the Senate adjourned.

TUESDAY, February 13.

Senate met pursuant to adjournment.

The President *pro tem.* in the chair.

Prayer by the chaplain.

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

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

A quorum present.

The reading of the journal was dispensed with.

Mr. Henderson moved that the Sergeant-at-arms be dispatched for the enrolling clerk to bring his journal to the Senate:

which was agreed to.

Mr. Henderson offered the following resolution:

Resolved, That the recording clerk be instructed to have the journals of the Senate complete by Saturday next, at 12 o'clock m., and to that end he be authorized to employ suitable assistance;

Which was agreed to.

The following report was received from the Committee on Enrolled Bills:

SENATE CHAMBER,

Tallahassee, Fla., Feb. 13, 1872.

HON. LIBERTY ELLING, President *pro tem.* of the Senate:

SIR: Your committee, to whom was referred Senate Bill No.