

THURSDAY, January 11, 1877.

The Senate met pursuant to adjournment.

The President in the chair.

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

Messrs. Barnes, Brantley, Cottrell, Ellis, Ferguson, Hendry, Howell, Johnson, Long, McKinnon, McMeekin, Meacham, Orman, Osgood, Patterson, Richard, Walker and Walls—18.

A quorum present.

Prayer by the Chaplain.

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

Which was agreed to.

Mr. Cottrell moved that the journal be approved ;

Which was agreed to.

Mr. McKinnon moved that Mr. McCaskill be excused from attendance on the Senate for to-day ;

Which was agreed to.

The following message was received from His Excellency the Governor :

GOVERNOR'S MESSAGE.

EXECUTIVE OFFICE,
TALLAHASSEE, FLA., January 10, 1877. }

Gentlemen of the Senate and Assembly :

In bidding you welcome to the Capital I can but congratulate you, as representatives of the people, upon the peace and good order that prevails throughout the limits of our State. The change in our State Government was so complete and radical in its character that many persons were apprehensive of a civil commotion as the necessary consequence. Our State has been spared this most deplorable result, and its citizens to-day present an example of obedience to law and order that may well challenge the attention and admiration of our sister States.

My time has been so completely occupied in consideration of other pressing duties, that I have not given that thorough attention to the reports of the different heads of departments which their importance demands. As they will accompany this message, however, I trust the Legislature will give to each a close scrutiny and a careful study.

The people are looking anxiously and hopefully to a reform in our State Government, and it becomes our duty to see that they are not disappointed. The most important question and the one that more directly affects the immediate prosperity of our State, and welfare of her citizens, is that of

FINANCE AND TAXATION.

That government will be the most highly esteemed that gives the greatest protection to individual and industrial enterprises at the least possible expense to the tax-payer. Theories may be formulated and suggestions accumulated, but the simple truths which have been the basis of nearly all personal success in business, can be equally well applied to State finances.—Spend nothing unless absolutely necessary, and pay all bills when made, or at the earliest possible moment thereafter.—As to the items of expenditure they may be classed under two

general heads: 1st. Those that are constitutional and cannot be limited by legislation. 2d. Those that are regulated by law and by appropriations, and are under the control of the Legislature. Under the first head comes those salaries that are fixed by the Constitution and cannot be increased or diminished by legislative enactment; which embrace

Governor, Cabinet and Lt.-Governor.....	\$18,000
Judges	26,500
Total	\$44,500

With the exception of this amount all other items of expenditure are regulated by law and by appropriations, and are consequently under the control of the Legislature. Taking the past few years as a guide, they would approximate the following figures:

Seven State Attorneys, per diem, 939 each.....	\$6,573
Fees of State Attorneys.....	5,000
Contingent expenses Supreme Court, including Librarian and Clerk.....	2,500
Clerks in offices of Capitol.....	3,000
Contingent expenses State, including postage, express charges, &c.....	2,500
Lunatics	15,000
Expenses Penitentiary.....	25,000
Conveying prisoners to Penitentiary.....	4,000
Legislature.....	70,000
Printing and advertising.....	10,000
Collecting and assessing revenue.....	25,000
Jurors and witnesses.....	60,000
Repairs of Capitol, janitor and other items.....	8,000
Total	\$236,573

These statements show that \$44,500 is necessary for payment of constitutional salaries, and about \$237,000 have been required for payment of expenses which, within certain limits, are under the control of the legislative department of the government. In 1876, when no Legislative expenses were incurred, the cost of the government was nearly \$190,000. It may, there-

fore, be reasonably inferred that without some considerable reduction about \$190,000 will be required to meet State expenses when there is no session of the Legislature, and between \$260,000 and \$270,000 when a session is held.

To meet these expenses a tax of seven mills is levied by Section 32 of Chapter 1976, laws of Florida, providing, above errors, delinquencies, etc., about \$180,000; and the license tax which in 1875 produced \$47,927, and 1876 only \$39,048, thus making, under the present system of taxation, an income of about \$220,000.

You at once, gentlemen of the Legislature, see the full import of the problem to be solved. Owing to the great increase of debt and extravagant expenditures created by those who have had possession of the government for the last eight years, you will be necessitated to examine closely into all appropriations, and determine where the reductions should be made.

That such reductions must be made needs no urgent request of mine to demonstrate. The pruning knife must be used with a fearless and impartial hand.

With the legacy of debt left us by those who have been in power, I see no means of a reduction of the rate, for the present year, of State taxation, but we must reduce the expenditures to such figures as will relieve this most pressing necessity in a very short time.

From the Comptroller's report it is shown that the taxes assessed for 1876, and the licenses to be collected in 1877, will only produce \$65,500 (after paying the appropriations necessary for the expenses of the past year) applicable to the expenses of 1877, and the major portion of this will probably be absorbed by legislative expenses of the present session. There will therefore be nothing to pay the expenses of 1877, until the tax to be levied in 1877 be collected, which cannot be before the end of the year. I invite your earnest consideration to this fact, as we must never falter in the path of duty until we have placed our State upon a cash basis.

PENITENTIARY.

Every effort should be made to make the Penitentiary self-sustaining, as in some of the other States. I invite the careful

attention of the Legislature to this subject, and if no means can be devised to that end, I ask the Legislature to allow the Governor, with the consent of a majority of the Cabinet, to lease the same, or to hire out the prisoners upon such conditions as may be deemed most advantageous to the State.

The position of Warden, with the salary that attaches to that office, is upon a scale entirely disproportionate to our limited means. If in the future we find it necessary to have such an officer, I think the salary should be greatly reduced.

UNIFORMITY OF TAXATION.

A pressing necessity exists for some feasible method of having property in the same localities and of equal value bear the same burthens of taxation. Cases have occurred of lands similarly situated, and not varying in value, being assessed at vastly different prices. This is an injustice to the taxpayer, and a fraud upon the State. All property should be rated at its full cash value, and thus equalize taxation. If the assessors of taxes cannot accomplish this, then other means should be secured looking to this wise and just result.

ENGRAVED COMPTROLLER'S WARRANTS.

It will be seen from the Comptroller's report that Mr. Gamble, recently Comptroller of this State, received to be exchanged by him for warrants and certificates of a date prior to February 18, 1870, and for those issued in payment of the expenses of the session of the Legislature of 1870, the sum of \$187,283 of engraved warrants. The warrants and certificates received, canceled and filed as vouchers, show that \$148,736 were so received. This leaves \$39,087 of engraved warrants not accounted for. I respectfully request that a suitable committee be appointed to thoroughly investigate this matter. Certainly some one is responsible for this deficiency, and should be held to a strict accountability. The Comptroller suggests that the Legislature prohibit the Treasurer from paying out any of these engraved warrants for written warrants, as the Treasurer already has in his custody, of those engraved warrants known as "Greenback Scrip," an amount greater than the volume of such scrip shown to be properly outstanding by the Comptroller's and Treasurer's books. I

think it would be better to allow them to be exchanged, but require the Treasurer before doing so to have each piece stamped "reissued" in some proper and distinctive manner, and endorsed by his signature. An examination of the books also develops the fact that \$39,253 of warrants and certificates issued prior to July 1, 1871, have never been paid by the Treasurer. This is an amount greater than the engraved warrants unaccounted for, and as they should not be paid by the Treasurer, if they were received by the Comptroller in 1871 in exchange for the engraved warrants, I concur in the recommendation of the Comptroller, that the Legislature pass a law enacting that before any Comptroller's warrants or Treasurer's certificates, issued prior to July 1, 1871, be received for taxes or paid by the Treasurer, the same shall be submitted to a commission, to consist of the Comptroller, Treasurer and Attorney-General, to examine into their genuineness.

LICENSES.

As no inconsiderable portion of our revenue is derived from licenses, I suggest that the collection of this tax would be greatly simplified and rendered more certain of collection, if the tax on all licenses expired on a certain day to be fixed by law. Those taking out licenses before that day to pay a proper *pro rata* share of the annual license according to the number of months intervening between the date of license and the expiration of the license year.

CENSUS AND APPORTIONMENT.

The Constitution, Section one, Article thirteen, is as follows: "The Legislature shall in the year one thousand eight hundred and seventy-five, and every tenth year thereafter, cause an enumeration to be made of all the inhabitants of the State, and they shall then proceed to apportion the representation among the different counties, giving to each county one Representative at large, and one additional to every one thousand registered voters therein; but no county shall be entitled to more than four Representatives. The Legislature shall, also, after every such enumeration, proceed to fix by law the number of Senators which shall constitute the Senate of Florida,

and which shall never be less than one-fourth, nor more than one-half of the whole number of the Assembly." Such an enumeration has been made, and the record of the same deposited in the Secretary of the State's office. It is the prevailing opinion, based upon evidence, that the work in many of the counties was inefficiently performed. Whatever inaccuracies there may be, it rests with the Legislature to consider that portion of the Constitution already quoted, which renders it their duty to fix by law the representation among the different counties, and the number of Senators which shall constitute the Senate of Florida.

LANDS SOLD TO THE STATE FOR TAXES.

Under the provisions of Section 51 of Chapter 1,976, and Section 59 of the Statute, the State holds a number of certificates of land sold for taxes. What disposition is to be made of said lands is a question requiring the attention of the Legislature. If some steps are not taken, many persons might refuse to pay their taxes, and still remain in possession of such lands, and the profits arising from the cultivation thereof, while the State would be without the revenue properly arising therefrom. I would respectfully suggest the propriety of passing a law allowing the former owners of said lands, or persons interested therein, until October 1, 1877, to pay the original tax with eight per cent. interest from the time it was due, and thus be restored to their titles to said lands; in default thereof, for the title to such lands to at once be vested in the State, and they be placed upon the same footing as other State lands.

CRIMINAL PROSECUTIONS.

You cannot give too much attention to the subject of the expenses of criminal prosecutions. In no field is there greater, if so great, need for reform. It will be seen from the accompanying report of the Comptroller that the expense of jurors and witnesses for the year 1876 will be at least \$60,000, and that in the years 1874 and 1875 it was \$50,070.19 and \$52,989.68. To mention these items is to suggest how earnestly you should take hold of the question and correct the evils attending it, in so far as legislation can reach them. When we remember that

this expense of jurors and witnesses equals one-third of the whole cost of the State government, excluding that of sessions of the Legislature, we cannot fail to appreciate the necessity for a thorough investigation of the subject.

JUSTICES OF THE PEACE.

Section 15 of Article 9 of the Constitution, as amended, provides that the "Governor may appoint as many justices of the peace as he may deem necessary," and that "in criminal cases their powers shall be fixed by law." Section 9, of the same Article, gives to the Circuit Court jurisdiction of all criminal cases, except *such as may be cognizable by inferior courts*. Section 11, of the same Article, provides that County Judges shall exercise the "criminal jurisdiction of justices of the peace." Considering the different parts of the Constitution bearing upon the subject of the Courts, and their criminal jurisdiction, we necessarily conclude that the framers of that instrument contemplated that the Legislature should take such action as would vest in the justices of the peace that jurisdiction and power in criminal cases which the necessities of the people, considered with reference to society and good order, require. If the Legislature will enact such laws as will provide for each county, a tribunal composed of one or more Justices of the Peace, for the speedy *trial* of persons charged with minor offences against the law, great expense can be saved to the people. Of course every necessary legal protection should be given to the citizen charged with crime, but, at the same time, it is due to the people that they should not be taxed to pay jail-board and other expenses incident to continued incarceration, when it can be avoided by constitutional legislation, and without injustice to the prisoner. I shall endeavor in making the appointments of Justices of the Peace, to select such persons as have sufficient intelligence and ability to perform, with satisfaction to all, the duties of the office, as the same may be prescribed by law. Such a tribunal would not, of course, dispense with the necessity for Justices to exercise the usual powers of investigation and commitment.

Considerable expense in the matter of mileage, as well as

otherwise, might be saved by dividing the counties into districts, and assigning one or more Justices to each District.

Some change should be made in the law now existing in relation to the attendance upon Court of witnesses in criminal cases.

I would suggest that paragraph 3, Section 1, Chapter 1, Thompson's Digest, pages 519-20, be so amended that all witnesses in criminal cases whose testimony should be deemed important by the magistrate before whom an investigation takes place, should be bound in their personal recognizance to appear before the Court where the trial is to take place; and in default of so doing, that they be subject to attachment and punishment as for contempt.

As the law now stands they cannot be required to give *bail* for their appearance, but their personal bond only. This, in the most numerous class of witnesses, is wholly ineffectual to compel their attendance, as in all cases of insolvency the judgment upon a forfeiture of their bonds would be worthless to the State as a compensation for the expense of bringing them before the Court upon another subpoena.

Under the present practice a witness summoned before the grand jury is discharged after they have examined him, and if they find a bill against the accused the witness is re-subpoenaed to attend the trial of the case before the Court. Thus it will be seen that in many cases *three* subpoenas are issued instead of one, with the additional mileage of officers, costs of writs, copies and service; and in *most cases two* instead of one. It is supposed that the laws on this subject can be so amended or framed as to compel the attendance of witnesses in all criminal cases upon one instead of two or more writs, with a saving to the State of all expense additional to what may be actually necessary. The law should be so framed as to require that when a witness is once summoned or bound to attend a court for the investigation or trial of any criminal case, he should not depart the same without leave, under pain of being held in contempt. This is so now in cases where informations or indictments *have been found*, and witnesses summoned to attend and testify at *the trial*.

INTERNAL IMPROVEMENT FUND.

I invite your attention to the report of the Commissioner of Lands and Immigration, as well as the report of the Salesman and Treasurer of the Internal Improvement Fund, and that of the Board of Trustees through their Secretary. The Commissioner presents a very encouraging statement with regard to the increase of population in the past few years, and the increasing interest manifested by citizens of the States in respect to Florida. The subject of immigration is one of the highest importance, and any measures which will promote an increase of population should receive your favorable consideration, if they lie within the measure of your ability.

The report of the Salesman shows a considerable increase in the quantity of land sold during the past year over that of the year previous. This is gratifying as indicating a larger area appropriated to settlement and cultivation. As the Internal Improvement and Swamp Lands are vested by law in the Board of Trustees, no legislation is needed with respect to the manner of disposing of them, and it is hardly necessary to do more than to call your attention to the reports. Inasmuch, however, as the State has at least a reversionary interest in these lands, and in view of the fact that certain attempted sales by the Trustees have been set aside by the United States Court as illegal, it would be well for the Legislature to look into the past transactions of the Board, and see if they have in any matter transcended or mistaken their authority to the injury of the present or prospective interests of the State of Florida.

ELECTION AND REGISTRATION LAWS.

It is confidently believed by a great many of our people that under the present election and registration laws, numbers of persons under twenty-one years of age register and vote, and that about as many vote at least twice under different names. If practicable, there should be an entire re-registration of the legal voters of the State, under such regulations as to proof of residence and age as may be just and proper. Counties should be divided into election districts, and no man should be allowed to vote out of the district in which he resides.

ROADS AND ROAD LAWS.

I find great dissatisfaction and complaint as to the condition of the roads in many of the counties. Nothing is of greater importance to an agricultural community than good roads. The basis of the dissatisfaction is twofold: inattention to an enforcement of road duties, and the imperfection of the present road law. The statutes upon this subject, at least in so far as keeping up the roads is concerned, are complicated and almost impracticable. I recommend the adoption of some simple system or plan by which those subject to road duty can be made to perform it, and the officers in charge of the matter held to a strict accountability. County and Road Commissioners will owe it to their people to give careful attention to the subject. The material prosperity of many communities, it is believed, will be greatly enhanced by an efficient road system.

PUBLIC SCHOOLS.

The general dissemination of knowledge is a fundamental principle in a representative form of government, based upon universal suffrage. The sentiment that education and other privileges are suited to the few and not to the many, is not of this land of freedom, but is of foreign birth and monarchical parentage.

The very existence of our republic depends upon the intelligence and moral sentiment of those who exercise the right of suffrage. The experience of all civilized nations has demonstrated that it is cheaper to build school-houses and maintain schools, than to build poor-houses and jails and support paupers and criminals. Those opposed to free schools, claim that it is unjust for the tax-payer to furnish means to educate the children of the non-tax-payer. Is it a greater hardship to pay tax to establish schools and prevent crime, than to pay a greater tax to build penitentiaries and punish criminals? The public free school system is no longer an experiment in those States where it has long been established and its successful operation fully demonstrated.

Now that a very large constituent element of our population is released from bondage and entrusted with the power of

the ballot, a system of free schools has become a means of self-preservation. To educate the colored race and fit them to exercise the privilege of voting intelligently—to perform all the sacred rights of freemen, to enjoy their liberty, to become wise and good citizens—imposes upon us a task to perform, a responsibility from which we cannot escape. Then let us set about the work cheerfully. Our public school system, though a good one in the main, is not without its faults and imperfections, among which may be named a tendency in its practical working to draw an undue portion of the funds to the towns and more densely populated localities, while the sparsely settled and remote portions of the large counties are deprived of the benefits. A plan is now under consideration which, it is believed, will lessen, if not remove, that defect. Other slight changes with a view of lessening the expense of operating and increasing the fund for distribution may be made when it can be done to advantage. But where there can be no change without crippling or destroying the efficiency of the system, no change should be attempted. There has been more injustice done by failure to comply with and faithfully carry out the provisions of the law than from any defect of the system itself. Section 13, paragraph 6 of the Common School Law requires the Superintendent of Public Instruction to apportion, annually, the interest on the Common School Fund, and the fund raised by the one mill tax authorized by Sections 4 and 5 of Article 8 of the Constitution, among the several counties of the State, in proportion to the number of children residing therein between the ages of four and twenty-one years. General provisions on schools, Section 38, provide that it shall be the duty of the Tax Assessor of each county, at the time of assessing the taxes of his county, to take the census of all the children of the county between the ages of four and twenty-one. It appears from the accompanying report of the Superintendent of Public Instruction, that the census has not been taken since 1873. The work was begun in 1876, but not completed. The census records of twenty-three counties only are found in the office of the Department.

There must have been a large increase of scholastic popula-

tion since 1873, consequently an apportionment made on 74,228, the number at that time, is incorrect.

PEABODY FUND.

The sum of \$6,000 has been set apart by Dr. Sears, the Agent, and will be distributed to certain schools named in the report of the Superintendent, on condition that the schools at the end of the term, have complied with the established requirements of the Board of Trustees and General Agent.

This should stimulate the schools thus favored to greater exertion in order to secure the benefit of this liberal donation. The tabular statement appended to the report of the Superintendent, indicates progress in the system between the years of 1870 and 1875; 1876 is not included, but it shows great imperfections in organization. Dade county has never had a school, and there have been great irregularities in many other counties.

UNIFORMITY OF TEXT BOOKS.

Every experienced teacher knows that a uniformity of text books is necessary to classification, and that classification is essential to satisfactory progress.

A uniform series of text books throughout the State is a desideratum which though attained with great difficulty should be kept constantly in view until finally accomplished. Normal schools are indispensable to a complete system of education, but the paramount object should be first to establish common schools in every county, and put them in good working order, and then, if the financial condition of the State will warrant, establish one or more normal schools.

AGRICULTURAL COLLEGE.

Section 12 of an act approved February 18, 1870, and amended 1872, to establish an Agricultural College, provides that the Trustees shall, within the time prescribed by Congress, determine upon the location of the College at some healthy and conveniently accessible point, which location shall be as near the centre of the State as possible.

At a meeting of the Board of Trustees held at Tallahassee, March 7th, 1875, a committee was appointed for the purpose of

examining proposed locations for the College. On the first day of May following the report of the Committee favoring Messrs. Gleason and Annos' proposed location, the only one submitted, was presented to the board. Subsequently the board accepted said location, and established the State Agricultural College at Eau Gallie.

An Executive Committee was created and authorized by the Board to proceed with the erection of suitable buildings carrying out the design.

The accompanying report of General Varnum, who had charge of the work, shows what progress has been made.

I would recommend that a Committee be appointed to investigate the action of the Board generally, and the matter of the location especially, to ascertain if the law has been complied with and the location of the College is healthy, conveniently accessible, and as near the centre of the State as possible.

CONCLUSION.

I have thus presented for consideration some questions of interest to the people. Remember that retrenchment and its necessary concomitant, low taxation, go hand in hand; and with you rests the responsibility of securing this desirable and necessary result. The people look to you to lighten their burthens at the earliest possible moment, and thus invigorate the general prosperity by giving confidence and allowing labor its just reward. You are clothed by them with responsible trusts, and I can but hope you will meet their just expectations. Let us bury the passions of the past, and remembering only that we are Floridians, work unitedly for the welfare and prosperity of her entire people. Liberality of sentiment and generosity in action, will invite immigration and bring all classes to realize the fact that we are one people, with one hope and one destiny. That hope, Florida's prosperity; that destiny, let us endeavor to shape for the common good.

Very respectfully,

GEO. F. DREW, *Governor.*

Which was read.

Mr. Cottrell offered the following resolution:

Resolved, That the message of the Governor be laid on the table for consideration in Committee of the Whole to-morrow,

and that 250 copies of the message be printed for the use of the Senate in such form as the Committee on Public Printing may determine.

Mr. Meacham moved that 300 copies be printed in sheet form.

Mr. Durkee suggested to print in pamphlet form ;
Which was agreed to.

Mr. Cottrell moved that the Committee on Public Printing supervise the printing of the 300 copies of the Governor's message.

Mr. Barnes offered the following as a substitute:

Resolved, That the message of the Governor be laid on the table for consideration to-morrow in Committee of the Whole, and that 200 copies thereof be printed for the use of the Senate, in such form as the Committee on Public Printing may determine ;

Which was not accepted.

The vote being taken on the original resolution offered by Mr. Cottrell, resulted as follows :

Yeas—Messrs. Barnes, Brantley, Cottrell, Ellis, Ferguson, Hendry, Hill, Howell, Johnson, McKinnon, McMeekin, Meacham, Orman, Patterson, Richard, Walker and Walls—17.

Nays—Messrs. Long, Osgood and Wallace—3.

Mr. Walls moved a reconsideration of the vote just taken.

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

Upon which the yeas and nays being called for, were :

Yeas—Messrs. Barnes, Brantley, Cottrell, Ellis, Hendry, Johnson, McKinnon, McMeekin, Orman, Patterson, Richard and Walker—12.

Nays—Messrs. Long, Meacham, Osgood, Wallace and Walls—5.

So the motion was agreed to.

Mr. Wallace introduced the memorial of L. C. Demilly ;

Which, on motion of Mr. Osgood, was referred to the Committee on Claims.

Under suspension of the rules, Mr. Long asked leave to introduce the following bill :

A bill to be entitled, An act regulating the fees of County Surveyors in this State.

Mr. Meacham moved to refer it to the Committee on Judiciary.

The following resolution was taken up and read :

Resolved, That the Comptroller be requested to furnish the Senate with a statement, showing the defaulting Collectors of Revenue, the amounts in default, and the amount of poll tax uncollected for the years 1870, 1871, 1872, 1873, 1874 and 1875.

Mr. Walls moved the following amendment :

Resolved, That the Comptroller be, and hereby is requested and instructed to report to this Senate the names of all defaulting Tax Collectors and the amounts of defaultations, from the admission of the Territory of Florida as a State to the present year 1877.

A message was received from the Governor at the hands of his Private Secretary.

The following message and accompanying bill were placed among the orders of the day :

ASSEMBLY HALL,
TALLAHASSEE, FLA., January 11, 1877. }

Hon. NOBLE A. HULL,

President of the Senate :

SIR: I am directed by the Assembly to inform the Senate that the Assembly has passed Senate bill No. 1 :

To be entitled on act to Provide for the Collection of State Taxes for the Year 1877, and adopted the joint rules reported by the Joint Committee on Rules.

Very respectfully,

WM. FORSYTH BYNUM,
Chief Clerk of the Assembly.

Mr. Wallace offered the following as an amendment to the amendment of Mr. Walls :

Resolved, That the Comptroller furnish to the Senate at an early day the names of defaulting Tax Collectors and the amount they are in defaultation, since the admission of the State into the Union up to the 1st day of January, 1877.

The yeas and nays being called for, resulted as follows :

Yeas—Messrs. Hill, Long, Osgood and Wallace—4.

Nays—Messrs. Barnes, Brantley, Cottrell, Ellis, Ferguson, Johnson, Lykes, McKinnon, McMeekin, Orman, Patterson, Richard and Walker—13.

So the amendment was rejected.

On the adoption of the original resolution the yeas and nays were called for.

The vote was :

Yeas—Messrs. Barnes, Brantley, Cottrell, Ellis, Hendry, Howell, Johnson, Lykes, McKinnon, McMeekin, Orman, Patterson, Richard and Walker—13.

Nays—Messrs. Hill, Long, Meacham, Osgood, Wallace and Walls—6.

So the original resolution was adopted.

Messrs. Walls and Meacham moved that they be permitted to record their votes upon the adoption of the amendment of Mr. Wallace ;

Which was not agreed to.

Mr. Ferguson moved to adjourn, but gave way to enable the Committee on Privileges and Elections to report.

The Committee on Privileges and Elections asked leave to make the following report :

SENATE CHAMBER,
TALLAHASSEE, January 10, 1877. }

HON. NOBLE A. HULL, *President of the Senate* :

SIR :—The Committee on Privileges and Elections to whom was referred the matter of Francis M. Weeks, Contestant, vs. Elisha G. Johnson, now deceased, Contestee, for the Senatorship of the Fourteenth District, have carefully and thoroughly investigated all of the material facts of this contest, and respectfully beg leave to submit the following report :

The committee, taking all the points in their regular order, are fully satisfied that at the election held on the 3d of November, 1874, in the county of Columbia and State of Florida, that not only great irregularities were committed, but frauds of the most glaring and infamous character were perpetrated; especially was this the case at the precinct known as the Colored Academy at Lake City, in Columbia county, where it is clearly shown by a number of witnesses—many of whom are citizens of the highest integrity—that the contestee, Elisha G. Johnson, by a preconcerted conspiracy, had made arrangements to have assembled, and by this conspiracy did assemble, at this precinct (the Colored Academy) a large number of illegal imported voters; that the said Johnson and his confederates, in violation of law, did, one hour before the legal time of opening of the polls, appoint an illegal set of inspectors and clerk, and proceeded to open a poll at the Colored Academy precinct at 7 o'clock, A. M., instead of, and contrary to the lawfully appointed hour of 8 o'clock, A. M., and in defiance of the legally appointed inspectors; and these usurping inspectors did proceed to hold a so-called election at this the Colored Academy precinct, at Lake City, in Columbia county, on the 3d of November, 1874, for one Congressman, one State Senator and two Assemblymen; that at the said precinct there was polled 599 votes, of which the said Elisha G. Johnson received 586 votes and the said Francis M. Weeks received 10 votes.

It is also clearly shown by the poll lists that at least 45 illegal votes were cast at the Colored Academy precinct, some of these parties having voted at the Market House precinct in Lake City, on the same day, to wit: on the 3d of November, 1874.

That these proceedings by the said usurping inspectors at this said precinct (the Colored Academy) was in compliance with the instructions of the said contestee, Elisha G. Johnson, in

whose interest and behalf these conspirators perpetrated these crimes against the laws of the State and against the rights of the people of Columbia county; that the testimony further develops that the said Johnson did pay the sum of at least three hundred and twenty-five dollars (some of the witnesses say three hundred and seventy-five dollars) to defray the fare of voters brought from Jacksonville; that there is a voluminous amount of testimony that fully shows that this whole business enacted by these unlawful inspectors was conceived in and carried out with the most unblushing disregard of all law, order or decency.

The Committee are therefore unanimously of the opinion that the action of these unlawful inspectors at the Colored Academy precinct was so notoriously corrupt and defiant as to render their acts as inspectors, and the election held under their so-called authority, wholly null and void, and, therefore, the whole vote at this said precinct (the Colored Academy) should have been entirely ignored and thrown out by the County Canvassers.

The Committee find, that according to the canvass by the Board of State Canvassers, there was polled on November 3, 1874, for Senator of Fourteenth District, 1,349 votes, and that according to said return Mr. Elisha G. Johnson, the contestee in this case, received 709 votes, and that Mr. Francis M. Weeks, the contestant, received 640 votes, giving to Mr. Elisha G. Johnson 69 votes majority; but if the vote at the Colored Academy precinct be ignored and thrown out, which in the judgment of this committee should have been done, then the whole vote of the county of Columbia, which constitutes the Fourteenth District, would aggregate only 750 votes, of which the contestant, Weeks, received 630 votes, and the contestee, Johnson, received 120 votes, and leaving to the contestant, Weeks, a majority of 510 votes, because there is no contest or irregularity charged by either party as to any other precinct in the district.

It is also satisfactorily shown by the evidence submitted to the committee that the contestant, Weeks, has taken all of the legal steps in this contest; that is to say, he has complied in every particular with the law governing contested elections as we find it laid down in Thompson's Digest, and said law as touching contested election, and expounded by Attorney General Cocke, and submitted by him to the Senate of Florida on the 25th January, 1875.

The committee, therefore, conclude that the said Francis M. Weeks, contestant in this case, was fairly elected Senator from the Fourteenth District on the 3d day of November,

1874, by the legally qualified electors of said Fourteenth District.

Since these proceedings were commenced, the contestee, Mr. Elisha G. Johnson, has departed this life, and Governor Stearns ordered an election to fill this so-called vacancy, which election was held at the general election on the 7th of November, 1876, and resulted in the choice of Mr. George B. Ellis, who, in the absence of a decision by the Senate in the case contested by Mr. Weeks, is now the sitting member.

The committee close their report by recommending the adoption of the following resolutions:

Resolved, That Mr. Francis M. Weeks, having clearly established his right to a seat in the Senate of the State of Florida from the Fourteenth District, by a clear majority of the legally qualified electors of the Fourteenth District, that he is hereby entitled to the same.

Resolved, That the seat now occupied by Mr. G. B. Ellis is improperly held by him, because there was no vacancy to be filled at the time he was voted for on the day of the general election, on the 7th day of November, 1876.

WHITFIELD WALKER, Chm'n.
W. T. ORMAN,
ROBERT MEACHAM,
J. W. HOWELL,
G. C. BRANTLEY.

Which was read.

Mr. Lykes moved to lay it on the table.

Mr. Meacham moved to postpone until this evening.

The Chair ruled that the motion to lay upon the table had precedence.

Mr. Lykes withdrew his motion.

Mr. Walls moved that the report of the committee be adopted.

Mr. Lykes renewed his motion to lay on the table;

Upon which the yeas and nays were called for, and were:

Yeas—Messrs. Durkee, Ferguson, Hendry, Lykes, McKinnon, McMeekin, Osgood, Patterson and Richard—9.

Nays—Messrs. Barnes, Brantley, Cottrell, Hill, Howell, Johnson, Long, Meacham, Orman, Walker, Wallace and Walls—12.

So the Senate refused to lay on the table.

Mr. Walker moved that the Senate do now adjourn;

Upon which the yeas and nays were called, and were:

Yeas—Messrs. Barnes, Brantley, Cottrell, Durkee, Ellis, Ferguson, Hendry, Johnson, Lykes, McKinnon, McMeekin, Orman, Osgood and Patterson—14.

Nays—Messrs. Hill, Howell, Long, Meacham, Richard, Walker, Wallace and Walls—8.
So the Senate adjourned.

FOUR O'CLOCK, P. M.

The Senate met pursuant to adjournment.

Mr. Meacham moved that Mr. Cottrell take the chair;

Which was agreed to.

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

Messrs. Barnes, Brantley, Cottrell, Durkee, Ellis, Ferguson, Hendry, Hill, Howell, Johnson, Long, Lykes, McKinnon, McMeekin, Meacham, Orman, Osgood, Patterson, Richard, Walker and Wallace—21.

A quorum present.

Mr. Howell moved that Mr. Sparrow, the Door-keeper, be indefinitely excused from attendance in consequence of sickness.

Mr. Hendry moved that the Journal of yesterday be amended as to show that Mr. Sparrow was indefinitely excused on that day.

ORDERS OF THE DAY.

The following resolution, offered by the Chairman on Appropriations, was taken up and read:

Resolved by the Senate, the Assembly concurring, That a committee of three from the Senate and five from the Assembly be appointed upon Census and Apportionment, to report by bill or otherwise the feasibility of re-apportioning the representation from the different counties, and re-districting the State into Senatorial Districts.

The following message from the Assembly was taken up and read:

ASSEMBLY HALL,
TALLAHASSEE, FLA., January 10, 1877.

HON. NOBLE A. HULL,

President of the Senate:

SIR: I am directed by the Assembly to inform the Senate that the Assembly has appointed Messrs. Walker, Floyd and Alexander, on part of the Assembly, to act with a similar committee to examine the offices of the Comptroller of Public Accounts and the State Treasurer.

Also: Appointed Messrs. Knight, McClellan, McKinne and Jacobs, on part of the Assembly, to act with a committee on part of the Senate, to visit the Penitentiary and for other purposes specified in the joint resolution.

Very respectfully,

WM. FORSYTH BYNUM,
Chief Clerk of the Assembly.

The following joint resolution was taken up and read :

Be it resolved by the Senate and Assembly, That a joint committee of seven be appointed (four by the Speaker of the Assembly and three by the President of the Senate) to take into consideration the apportionment of representation among the different counties, and the number of Senators which shall constitute the Senate of Florida under the enumeration of all the inhabitants of this State made in the year 1875, as provided for by Sections No. 1 and 2 of the 13th Article of the Constitution of the State of Florida.

And was referred to the Committee on the Judiciary.

Mr. Walls moved to reconsider the vote on the Assembly Joint Resolution.

Mr. McKinnon moved to lay on the table ;

Which was not agreed to.

The yeas and nays being called, on the motion to reconsider, the result was as follows :

Yeas—Messrs. Osgood, Wallace and Walls—3.

Nays—Messrs. Brantley, Cottrell, Ellis, Hendry, Johnson, Lykes, McKinnon, McMeekin, Orman, Patterson, Richard and Walker—12.

So the Senate refused to reconsider.

Senate bill No. 2 :

To be entitled an act making appropriations to supply deficiencies in the appropriations for the year 1875, and for defraying the expenses of State Government for the year 1876,

Was taken up and read.

Mr. Walls moved to postpone further consideration of the bill until to-morrow, 4 o'clock P. M., and that it be made a special order for that time in Committee of the Whole ;

Which was agreed to.

Mr. Walls moved to take up the report on Privileges and Elections.

The report being read, Mr. Walls moved that the report be adopted.

On which the yeas and nays were called for.

The vote was :

Yeas—Messrs. Barnes, Brantley, Cottrell, Howell, Johnson, McMeekin, Meacham, Orman, Patterson, Richard and Walker—11.

Nays—Messrs. Osgood and Walls—2.

Mr. McKinnon moved that Senators not desiring to vote be excused ;

Which was agreed to, and the report adopted.

Upon the question of the adoption of the first resolution, the yeas and nays were called for.

The vote was :

Yeas—Messrs. Barnes, Brantley, Cottrell, Howell, Johnson, Long, McMeekin, Meacham, Orman, Patterson, Richard, Walker, Wallace and Walls—14.

Nays—Mr. Osgood—1.

So the resolution was adopted.

Upon the question of the adoption of the second resolution, the yeas and nays were called for.

The vote was :

Yeas—Messrs. Barnes, Brantley, Cottrell, Howell, Johnson, McMeekin, Meacham, Orman, Patterson, Richard, Walker, Wallace and Walls—13.

Nays—Mr. Osgood—1.

So the resolution was adopted.

Mr. Meacham moved that Mr. Weeks come forward and be sworn.

Mr. McKinnon moved to adjourn ;

The yeas and nays being called for resulted as follows :

Yeas—Messrs. Barnes, Brantley, Cottrell, Ferguson, Hendry, Hill, Johnson, Long, McKinnon, McMeekin, Patterson, Richard and Walker—13.

Nays—Messrs. Durkee, Howell, Lykes, Meacham, Orman, Osgood, Wallace and Walls—8.

So the Senate adjourned.

CONFIRMATIONS.

C. A. Bryan, to be Clerk Circuit Court, Leon county.
 Charles C. Pearce, to be Collector of Revenue, Leon county.
 Henry Bernreuter, to be Sheriff, Leon county.
 H. C. Rippey, to be County Judge, Leon county.
 J. Ira Gore, to be Assessor of Revenue, Levy county.
 J. C. McGrew, to be Collector Revenue, Levy county.
 E. J. Lutterloh, to be Commissioner of Pilotage, Cedar Keys.
 H. H. Linville, W. B. C. Durgee, Charles Knabb, J. H. Prescott, to be Commissioners of Pilotage, Fernandina.
 James M. Barco, to be Clerk Circuit Court, Levy county.
 H. Porter Jackson, to be Sheriff, Levy county.
 W. J. Dickson, to be County Judge, Lafayette county.
 J. L. F. Cottrell, Jr., to be Clerk of the Circuit Court, Lafayette county.
 Newton Sapp, to be Sheriff, Lafayette county.
 Roger McKinnie, to be Assessor Revenue, Lafayette county.
 G. C. Newmans, to be Collector Revenue, Lafayette county.
 Anthony H. Brownell, to be County Judge, Holmes county.
 H. E. Hickman, to be Sheriff, Holmes county.
 W. F. Green, to be Assessor and Collector, Holmes county.
 F. B. Smith, to be Assessor and Collector, Baker county.

F. J. Pons, to be Clerk of the Circuit Court, Baker county.
 John R. Herndon, to be County Judge, Baker county.
 N. C. Herndon, to be Sheriff, Baker county.
 Henry J. Stewart, to be County Judge, Hamilton county.
 D. L. Campbell, to be Collector Revenue, Walton county.
 D. H. Thrasher, to be Assessor, Hernando county.
 Henry D. Edwards, to be Collector Revenue, Hernando county.

REMOVALS.

Anthony H. Brownell, County Judge, Holmes county.
 John Neel, from office of Sheriff, Holmes county.
 D. R. Townsend, from office of County Judge, Lafayette county.
 Howell Hawkins, from office of Clerk of Circuit Court, Lafayette county.
 Newton Sapp, from office of Sheriff, Lafayette county.

FRIDAY, January 12, 1877.

The Senate met pursuant to adjournment.
 The hour of 10 o'clock having arrived, Mr. Meacham moved that Mr. Cottrell take the chair;
 Which was agreed to.
 The roll was called, and the following Senators answered to their names:
 Messrs. Barnes, Brantley, Cottrell, Durkee, Hendry, Howell, Johnson, Long, Lykes, McKinnon, McMeekin, Meacham, Orman, Osgood, Patterson, Richard, Wallace and Walls—18.
 A quorum present.
 Prayer by the Chaplain.
 Mr. Richard moved that Mr. Weeks come forward and be qualified;
 Whereupon Mr. Weeks came forward, and was sworn in by Mr. Wallace as Notary Public.
 Mr. Barnes moved that the reading of the journal be dispensed with;
 Which was agreed to.
 The following message from the Assembly was received, which, with the accompanying bill, was placed among the orders of the day:

ASSEMBLY HALL, }
 TALLAHASSEE, FLA., January 12, 1877. }

Hon. NOBLE A. HULL,

President of the Senate:

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

Assembly bill No. 1:

To be entitled an act to amend the 2d, 29th, 35th, 36th, 58th and 8th sections, and repealing the 53d and 54th sections of an act entitled an act relating to proceedings before Justices of the Peace and judgments of Justices' Courts, approved February 7, 1875, and respectfully request the concurrence of the Senate therein.

Very respectfully,

WM. FOSYTH BYNUM,

Chief Clerk of the Assembly.

The following committee on the part of the Senate to act with a similar committee on the part of the Assembly, to examine the offices of the Comptroller of Public Accounts, and the State Treasurer, omitted to be furnished to the printer on the 10th, was appointed by the President, viz:

Messrs. Brantley and Howell.

A message from the Governor by the hands of his Private Secretary was received.

Mr. Cottrell moved that a committee of three be appointed to inform the Assembly that Messrs. Cottrell and McKinnon were appointed on the part of the Senate on Joint Enrolling Committee.

The President appointed as the committee Messrs. Cottrell, Johnson and Meacham.

Mr. Wallace offered the following resolution:

Resolved, That the Comptroller be and he is hereby requested to furnish the Senate the names of all defaulting Collectors of Revenue and the amount they are in defalcation, from January 1, 1850, to January, 1870.

Mr. Osgood moved its adoption.

Mr. Brantley moved to lay the resolution on the table;
 Upon which the yeas and nays were called for.

The vote was:

Yeas—Messrs. Barnes, Brantley, Cottrell, Hendry, Johnson, Lykes, McKinnon, McMeekin, Orman, Patterson, Richard and Weeks—12.

Nays—Messrs. Hill, Howell, Long, Meacham, Osgood, Wallace and Walls—7.

So the motion to lay on the table was carried.

The committee appointed to inform the Assembly of the