

ordered. For 300 copies of the Senate journal, stitched and delivered after the adjournment of the Legislature, at the rate of eighty-five cents per page, counting one copy.

I am sir, very respectfully, &c.,
J. C. RICHARD,

Chairman Committee on Public Printing.

I accept the proposal of the committee.

C. E. DYKE.

Which was read, and, on motion, the report was adopted.

Mr. Durkee presented Senate Bill No. 25 :

To be entitled an act to amend an act to incorporate the Sterling and Jacksonville Railroad Company, approved March 12, 1877 ;

Which was read the first time and referred to Committee on Railroads.

Mr. Bryson made the following report :

SENATE CHAMBER,
TALLAHASSEE, FLA., January 16, 1879. }

HON. NOBLE A. HULL,

President of the Senate :

SIR—The committee to whom was referred engrossed bills have examined Senate bill No. 3, and find that it is not correctly engrossed as to the enacting clause. They are advised that the bill has been amended in that respect, but no amendement is attached to the original bill. They therefore report it back for correction.

WM. BRYSON, JR., Chairman.

Mr. Barnes moved to amend Senate bill No. 3, by striking out the enacting clause, and inserting in lieu thereof the following :

"The people of the State of Florida, represented in Senate and Assembly, do enact as follows ;"

Which was adopted, the bill read a second time as amended, and ordered to be engrossed.

Mr. Lykes made the following report :

SENATE CHAMBER,
TALLAHASSEE, FLA., January 16, 1879. }

HON. NOBLE A. HULL,

President of the Senate :

SIR : The Committee on Commerce and Navigation to whom was referred Senate bills Nos. 13 and 17, and Assembly joint resolution in regard to beacon lights and fog bells on St. Johns

river, beg leave to report the same back to the Senate with the recommendation that they pass.

H. T. LYKES, Chairman,
J. H. DURKEE,
F. B. GENOVAR.

Which was read, and ordered to be engrossed for a third reading.

Senate bill No. 13 was read a second time, and ordered to be engrossed.

Senate bill No. 17 was read a second time and ordered to be engrossed.

Joint resolution in relation to beacon lights and fog bells on the St. Johns river was read a second time.

Mr. Walls offered the following resolution :

Resolved, That all bills amending our existing laws or appropriating monies out of the Treasury, be printed before read a second time ;

Which was not agreed to.

On motion of Mr. McKinnon, leave of absence was granted Mr. Richard until Tuesday morning.

On motion of Mr. Durkee, the Senate then adjourned until 10 A. M. to-morrow.

FRIDAY, January 17, 1879.

The Senate met pursuant to adjournment.

The President in the chair.

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

Mr. President, Messrs. Allen, Durkee, Eagan, French, Genovar, Hagan, Hatcher, Johnson, Jones of 8th, Lee, Leslie, Lykes, McAuley, McMeekin, McKinnon, Meacham, Niblack, Orman, Speer, Thompson and Walls—22.

A quorum present.

Prayer by the chaplain.

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

The following were introduced and placed among the orders of the day :

By Mr. Jones of the 32nd District, a resolution in regard to the State Prison and Lunatic Asylum.

By Mr. Lee, a memorial in regard to a Mail Route from Orlando to Fort Meade.

By Mr. Allen :

Senate bill No. 26 :

To be entitled an act to encourage the manufacture of Cigars in this State.

ORDERS OF THE DAY.

Joint resolution by Mr. Jones of the 32nd :

Resolved by the Senate, the Assembly concurring, That a joint committee, consisting of two members of the Senate and three members of the Assembly, be appointed to visit the State Asylum and State Prison or Convict Camps, and to make their report of the present and past condition of said Institutions at as early a date as is practicable, the committee having power to call for witnesses and papers as may be required,

Was read and adopted.

Memorial for a Mail Route from Orlando to Fort Meade,

Was read the first time, and referred to the Committee on Affairs.

Concurrent Resolution asking for a Mail Route from Keyville to Pine Level,

Was read the second time.

Mr. Hagan offered the following resolution :

Resolved, That the Committee on Public Lands be instructed to inquire into and report to this Senate what amount of the State land (if any) has been deeded to a corporation known as the Peace Creek Immigration and Navigation Company, and what action is necessary towards having the deeds cancelled, if any exist ;

Which was read and adopted.

Mr. Walker of the 23d presented a report of the Committee on Privileges and Elections in the case of Wallace vs. Jones ;

Which was read.

Mr. McKinnon moved that the further consideration of the report be postponed until to-morrow, upon which motion the yeas and nays being called, the motion was agreed to by the following vote :

Yeas—Messrs. Allen, Bryson, Durkee, Eagan, French, Hagan, Hatcher, Leslie, Lykes, McMeekin, McKinnon, Niblack, Speer, Thompson, Walker of the 23d, Walker of the 6th, and Walls—17.

Nays—Messrs. Genovar, Johnson, Jones of the 32d, Judge, Lee, Meacham and Orman—7.

Mr. Walker also presented the report of the Committee on Privileges and Elections in the case of Sharp vs. Lee ;

Which was postponed for consideration until to-morrow.

Mr. McKinnon presented the petition of W. H. Sharp and accompanying papers, and moved that they be spread on the journal of the Senate ;

Which was so ordered.

To the Senate of the State of Florida :

The undersigned, a citizen of Brevard county, a duly registered voter thereof, would respectfully show unto your honorable body that he is entitled to the seat in your honorable body as Senator from the 21st Senatorial District by having received a majority of the votes cast at the special election for Senator held in said district by virtue of the Governor's proclamation on February 6, 1877, to fill a vacancy in said district caused by the death of Israel M. Stewart ; that your petitioner, John P. Varnum and John M. Lee were candidates and voted for at said election in said district ; that John P. Varnum received 14 votes in Dade county in said district, and a small number in Brevard county ; that your petitioner and John M. Lee received no votes in Dade county ; that your petitioner in Brevard county received, at Eau Gallie nine (9) votes, at City Point twenty-six (26) votes, at Yates precinct fourteen (14) fourteen votes, making in the aggregate forty-nine votes, and he is informed and believes that he received three other votes at other precincts in the county, making fifty-two votes that were cast for him in said Senatorial District, as will appear by a letter hereunto attached, marked exhibit "A," and asked to be taken as a part of this petition, said letter being written by John M. Lee, the present sitting member, and who was at the time Clerk of the Circuit Court of Brevard county. Your petitioner would further show that John M. Lee, the sitting member, did not receive more than forty-seven votes, if that, in said district at said election, which he does not admit by any means of information except that of John M. Lee. Your petitioner would further show that John M. Lee, at the date of said election, February 6, 1877, was Clerk of the Circuit Court of Brevard county, and so continued up to a very recent date, when he resigned ; that at the date of said election Abner Johnson was County Judge of Brevard county, but, as he is informed and believes, was absent from Brevard county and received none of the returns from the precincts, but that all of the returns of said election were made to John M. Lee as Clerk ; that on the 26th day of February, 1877, notwithstanding the said John M. Lee was a candidate for Senator, he made a canvass of the votes cast in said election for the county of Brevard, which canvass your petitioner charges to be false and fraudulent in not giving the true vote cast at said election, as was shown by the precinct returns ; that by that canvass

eighteen (18) votes were given to John P. Varnum, forty-four (44) votes to John M. Lee and thirty-nine (39) votes to your petitioner; that this canvass and return is signed by John M. Lee, and purports to be signed by A. J. Wright, the Sheriff of Brevard county, and W. B. Johns, a Justice of the Peace of said county; that petitioner does not believe that the signature of either A. J. Wright or W. B. Johns to said return is genuine; that this return was made to the Secretary of State, and that the State Canvassing Board canvassed the same as genuine, and a certificate issued to John M. Lee upon the same. That the facts alleged in this petition may be made the more apparent he herewith files exhibits marked on 1, 2, 3, 4 and 5.

Respectfully submitted,

W. H. SHARPE, Petitioner.

Tally sheet of ballots cast at polls at City Point Precinct this day, February 6, 1877:

For Senator 21st District, Wm. H. Sharpe—26; for Senator 21st District, John P. Varnum—4.

We the Inspectors and Clerk of City Point Precinct, Brevard county, Florida, do certify that the above is a true and correct list of ballots polled, this 6th February, 1877.

H. S. WILLIAMS,
WM. CHANCEY,
JACOB CHANCEY,
Inspectors.

JOHN SETZE, Clerk.

Personally appeared before me, A. J. Whitlock, a Justice of the Peace for Brevard county, Florida, H. S. Williams and John P. Setze, both personally known by me, who being duly sworn testify that the within is a true and correct copy of the vote cast for State Senator on February 6, 1877.

[L. s.] A. J. WHITLOCK,
Justice of the Peace, Brevard County, Florida.

STATE OF FLORIDA, BREVARD COUNTY, Dec. 6, 1878.

This is to certify that I was one of the managers of an election held on the 6th day February, 1877, at Eau Gallie Precinct in this county for State Senator; that said election was held strictly according to the requirements of law; that the candidates voted for were John Varnum and Wm. H. Sharpe; that to the best of my knowledge and recollection Varnum received eighteen and Sharpe nine. I am positive as to the 9 votes for Sharpe.

FRANKLIN ALLEN.

BREVARD COUNTY, FLORIDA, Dec. 27, 1878.

I, C. M. Wheeler, in presence of B. J. Stewart and John Houston, certify that in 1877 I was at an election held at Eau Gallie, Brevard county. I saw no fraud committed, and after the election I took the returns to the proper authorities in seven days after the said election, in good condition.

C. M. WHEELER.

STATE OF FLORIDA, BREVARD COUNTY, Dec. 13, 1878.

This is to certify that I was a manager at an election held at Yates precinct in this county, on the 6th day of February, 1877, for State Senator for this 6th district; that said election was held, in every particular, according to the requirements of the law; that there were fourteen (14) votes polled on that day that were polled for Wm. H. Sharpe; that there was no other candidate voted for.

W. F. RICHARDS.

STATE OF FLORIDA, BREVARD COUNTY, Dec. 13, 1878.

This is to certify that I was Clerk of the Board of Managers of an election held for State Senator for this the 6th district, at Yates precinct in this county, on the 6th day of February, 1877; that said election was held strictly according to all the legal requirements; that there were fourteen (14) votes polled on that day; that all the votes were polled for Wm. H. Sharpe; that there was no other candidate voted for at the Yates precinct on that day.

F. M. PLATT, Clerk of Election.

STATE OF FLORIDA, BREVARD COUNTY, Dec. 2, 1878.

Mr. Jno. M. Lee:

SIR: I hereby notify you that at the next session of the Legislature of the State, to convene on or about the 7th day of January next, I will contest your right to a seat in the State Senate as State Senator elect from the 6th District, composed of the counties of Brevard and Dade, upon the ground that I received more legal votes for that position than any other candidate.

Respectfully,

WM. H. SHARPE.

Mr. Meacham moved that the President appoint a Standing Committee on Post Routes, and that all matters appertaining to Mail Routes be referred to said committee; Which was agreed to.

Mr. Speer presented petition of Mrs. Dr. S. M. Tucker, for relief;

Which was read and referred to the Committee on Claims.

Mr. Walker of the 23d presented Senate Bill No. 27, for the better protection of the owners of domestic animals;

Which was read by its title for the first time and referred to the Committee on the Judiciary.

Senate Bill No. 19:

To be entitled an act to ratify and confirm the reduction of Taxes authorized by the Governor for the years of 1877 and 1878,

Was read the third time and put upon its passage.

The vote was:

Yeas—Messrs. Allen, Bryson, French, Genovar, Hagan, Hatcher, Johnson, Jones of the 32nd, Judge, Lee, Leslie, McAuley, McMeekin, McKinnon, Niblack, Orman, Speer, Thompson, Walker of the 23d, Walker of the 6th—20.

Nays—Messrs. Eagan, Walls—2.

So the bill passed—title as stated.

Ordered that the same be certified to the Assembly.

Special order for 12 o'clock was then taken up.

Senate Bill No. 1:

On motion of Mr. Meacham, the bill was amended by striking out the word "Penitentiary" in the 5th line and substituting the words "State Prison."

On motion of Mr. Lykes, the first amendment was adopted, which struck out all from "1876" in 3d and 4th lines, to "for" in 5th line.

Mr. Lykes moved the adoption of the second amendment, which struck out all from the word "dollars" in the 14th line, to "for" in the 15th line;

Which was agreed to.

The 16th and 17th lines were amended by striking out the words "five hundred and fifty-six dollars and twenty-eight cents," and substituting therefor "one hundred and twenty-six dollars and seventy-five cents."

Mr. Meacham moved to strike out all after "dollars" in the 19th line to the word "for" in the 21st line.

Mr. Jones of the 32nd moved to lay the motion on the table;

Which was agreed to.

On motion of Mr. Hagan, the motion to lay on the table was reconsidered.

The motion of Mr. Meacham was then adopted.

Mr. Lykes moved to insert after 23d line, "for contingent expenses of Superintendent of Public Instruction, the sum of one hundred and eighteen dollars and twenty cents;"

Which was not agreed to.

The bill was then ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Thompson, Mr. Bryson was excused from attendance until Tuesday next.

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

The doors being opened, Mr. Bryson moved that the Senate adjourn until Monday, 10 A. M.;

Which motion was lost.

On motion of Mr. Lykes, the Senate adjourned till 10 A. M. to-morrow.

SATURDAY, January 18, 1879.

The Senate met pursuant to adjournment, the President in the chair.

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

Mr. President, Messrs. Allen, Barnes, Durkee, Eagan, French, Genovar, Hagan, Hatcher, Johnson, Jones of the 32d District, Jones of the 8th District, Lee, Leslie, Long, Lykes, McAuley, McMeekin, McKinnon, Meacham, Niblack, Orman, Speer and Thompson—24.

A quorum present.

Prayer by the Chaplain.

On motion of Mr. Jones of the 32d District, the reading of the journal was dispensed with.

Mr. Walker of the 23d District moved that the petition and accompanying papers in the case of W. H. Sharpe vs. Jas. M. Lee be stricken from the journal.

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

The ayes and noes being called, the vote resulted as follows:

Yeas—Messrs. Allen, Barnes, Durkee, Eagan, Hatcher, Johnson, Jones of the 8th District, McAuley, McKinnon, Thompson, Walls—11

Nays—Messrs. French, Genovar, Hagan, Jones of the 32d District, Leslie, Long, McMeekin, Meacham, Niblack, Orman, Speer, Walker of the 23d and Walker of the 6th District—13.

So the motion to lay upon the table was not agreed to.

Mr. Barnes moved that the reports of the Committee on