

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 32d, 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

Privileges and Elections, made on yesterday, be spread upon the journal of this day;

Which was agreed to.

Mr. French introduced the following:

Senate bill No. 29:

To be entitled an act to authorize County Surveyors to appoint Deputies;

Which was read by its title, and referred to the Committee on Judiciary.

Mr. Lykes introduced the following:

Senate bill No. 30:

To be entitled an act for the Relief of Charles C. Pearce, Collector of Revenue of Leon county;

Which was referred to the Committee on Claims.

Mr. Walker of the 6th introduced the following:

Senate bill No. 31:

To be entitled an act for the Relief of R. C. Stearns;

Which was referred to the Committee on Claims.

The Committee on Railroads and Telegraphs made the following report:

SENATE CHAMBER, TALLAHASSEE, January 18, 1879.

HON. NOBLE A. HULL,

President of the Senate:

SIR: The Committee on Railroads and Telegraphs, to whom was referred Senate bill No. 23:

To be entitled an act to amend an act entitled an act taxing Telegraph lines operating in this State, respectfully return the same to the Senate, and ask that it be referred to the Committee on Finance and Taxation.

Respectfully,

S. L. NIBLACK, Chairman.

Which was read.

The Committee on Railroads and Telegraphs made the following report:

SENATE CHAMBER, TALLAHASSEE, January 18, 1879.

TO THE HON. NOBLE A. HULL,

President of the Senate:

SIR: The Committee on Railroads and Telegraphs to whom was referred

Joint preamble and resolution No. 3, have had the same under consideration, and respectfully refer the preamble and res-

olutions back to the Senate without recommendation, and ask to be discharged from its further consideration.

Respectfully,

S. L. NIBLACK, Chairman,
W. D. BARNES,
W. N. THOMPSON,
J. H. DURKEE,
H. T. LYKES.

Which was read.

The Committee on Engrossed Bills made the following report:

That, Senate bill No. 13, to be entitled an act to amend sections 1 and 2 of an act authorizing William Miller of Washington county to dig a Canal from the Choctawhatchee River to Tucker's Bayou;

Senate bill No. 17, to be entitled an act declaring Sandy Creek in Walton and Holmes counties navigable;

Senate bill No. 3, entitled an act to amend section 2, chapter 1099, of the Laws of Florida, in relation to Replevin;

Resolution relative to Mail Route from Troy to Anclote;

Concurrent resolution asking for a Mail Route,

Have been examined and found to be rightly and truly engrossed.

WILLIAM BRYSON, Chairman.

Which was read.

On motion of Mr. Lykes, the memorial for the Great Southern Railroad was read for the second time and ordered to be engrossed for a third reading on Monday next.

Mr. Niblack moved that the report of the Committee on Railroads and Canals upon Senate bill No. 23 be adopted;

Which was agreed to.

ORDERS OF THE DAY

Senate bill No. 17:

To be entitled an act declaring Sandy Creek, in Walton and Holmes counties, navigable,

Was read for the third time and put upon its passage.

The vote was:

Yeas—Messrs. Barnes, Durkee, Eagan, French, Genovar, Hagan, Hatcher, Johnson, Jones of the 8th, Judge, Leslie, Long, Lykes, McAuley, McMeekin, McKinnon, Meacham, Niblack, Orman, Speer, Thompson, Walker of the 23d, Walker of the 6th, Walls—24.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the Assembly.

Senate bill No. 3 :

To be entitled an act to amend section 2, chapter 1099, of Laws of Florida in relation to replevin,

Was read for the third time and put upon its passage.

The vote was :

Yeas—Messrs. Allen, Barnes, French, Genovar, Hagan, Hatcher, Johnson, Jones of the 32d, Jones of the 8th, Judge, Lee, Leslie, Long, McAuley, McMeekin, McKinnon, Meacham, Niblack, Orman, Speer, Thompson, Walker of the 23d, Walker of the 6th—23.

Nays—Messrs. Eagan and Walls—2.

So the bill passed, title as stated.

Ordered that the same be certified to the Assembly.

Senate bill No. 13 :

To be entitled an act to amend sections 1 and 2 of an act authorizing William Miller of Washington county to dig a canal from Choctawhatchie river to Tucker's Bayou,

Was read the third time, and put upon its passage.

The vote was :

Yeas—Messrs. Allen, Barnes, Durkee, Eagan, French, Genovar, Hagan, Hatcher, Johnson, Jones of the 32nd, Jones of the 8th, Judge, Lee, Leslie, Long, Lykes, McAuley, McMeekin, McKinnon, Meacham, Niblack, Orman, Speer, Thompson, Walker of the 23rd, Walker of the 6th and Walls—27.

Nays—None.

So the bill passed, titled as stated.

Ordered that the same be certified to the Assembly.

The resolution relative to Mail Route from Troy to Anclote, Was read the third time, and put upon its passage.

The vote was :

Yeas—Messrs. Allen, Barnes, Durkee, Eagan, French, Genovar, Hagan, Hatcher, Johnson, Jones of the 32nd, Jones of the 8th, Judge, Lee, Leslie, Long, Lykes, McAuley, McMeekin, McKinnon, Meacham, Niblack, Orman, Speer, Thompson, Walker of the 23rd, Walker of the 6th and Walls—27.

Nays—None.

So the resolution passed, title as stated.

Ordered that the same be certified to the Assembly.

Concurrent resolution asking for mail route from Keyssville, in Hillsborough county, to Pine Level, in Manatee county.

Was read the third time and put upon its passage.

The vote was :

Yeas—Messrs. Allen, Barnes, Durkee, Eagan, French, Genovar, Hagan, Hatcher, Johnson, Jones of 32d District, Jones of 8th District, Judge, Lee, Leslie, Long, McAuley, McKin-

non, Meacham, Niblack, Orman, Speer, Thompson, Walker of 23d District, Walker of 6th District, and Walls—25.

Nays—None.

So the resolution passed.

Mr. Niblack introduced the following resolution :

Resolved, That the Committees of the Senate and Assembly on Finance and Taxation, the Assembly concurring, act as a Joint Committee on Finance and Taxation, to whom shall be referred all bills and resolutions on the subject of finances and taxation in both houses.

Mr. Niblack moved that the resolution be adopted ;

Which was agreed to.

Mr. Walls moved that the case of the contest between Wallace vs. Jones of 8th District be laid over and taken up at 11 o'clock Monday.

Mr. Walker of the 23d moved that the Reports of the Committee on Privileges and Elections in the contested cases of W. H. Sharpe vs. Jno. M. Lee and Wallace vs. Jones be spread upon the Journal of to-day ;

Which was agreed to.

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

Hon. N. A. HULL,

President of the Senate :

SIR—The Committee on Privileges and Elections, to whom has been referred the petition of Wm. H. Sharpe, asking permission to contest the seat of John M. Lee, as Senator from the 21st Senatorial District, respectfully offer the following report :

That upon examination of the testimony, they find that a special election to fill the vacancy caused by the death of Isreal M. Stewart, was held on the 6th day of February, 1877, from which it appears, by the returns now on file in the Secretary of State's office, that John M. Lee was declared elected, and that he received from the State Canvassing Board certificate of his election ; that not until the 2d day of December, 1878, did the contestant Sharpe give any notice to Lee, the respondent, of his determination to contest the right of the respondent's seat in the Senate of Florida ; and also failed in said notice to specify the grounds upon which he would base said contest, or the time or the place, and before whom testimony would be taken.

The committee are therefore of opinion that, although the notice to respondent may have been sufficient, under the circumstances, in regard to time, it does not sufficiently state the grounds of contest ; nor does it state the time and place of

taking testimony to support the claim of petitioner; and the committee further hold that the evidence adduced to bring notice home to respondent is not such as to render formal notice unnecessary.

In conclusion the committee ask to be discharged from the further consideration of this case.

WHITFIELD WALKER, *Chairman*,
W. D. BARNES,
S. L. NIBLACK,
T. W. LONG,
J. C. WALKER.

SENATE CHAMBER, TALLAHASSEE, FLA., Jan. 16, 1879.

HON. NOBLE A. HULL,

President of the Senate:

SIR: Your Committee on Privileges and Elections, to whom was referred the petition of John Wallace, claiming a seat in this body as Senator from the 8th District, beg leave to report:

That they have had said petition under consideration, together with the testimony taken in support thereof, and have heard and considered the arguments and evidence submitted in support of his claim, together with that of the sitting member, Everett C. Jones, to a seat in this body. That they find that, at the election held in the said 8th District, composed of the county of Leon, on the 5th day of November last, according to the returns on file in the Secretary of State's office, the whole number of votes cast for State Senator was 3,343, of which Abram Grant received 350, David W. Gwynn received 737, John Wallace received 1,124, and Everett C. Jones received 1,136; that it appears from the precinct returns before us that at precinct No. 6, known as Gopher Ridge precinct, the whole number of votes cast for State Senator was 134, of which David W. Gwynn received 7, E. C. Jones received 119, John Wallaced 6, and Abram Grant 2.

They further find, that at Gopher Ridge precinct, the polls were opened some three or four hours after the time prescribed by law; that the said returns show that J. C. Nichols, Levin Sims and Edward Swan were the inspectors and that E. W. Burroughs was the clerk at said election, and Edward Swan was suggested and sworn in as inspector in the place of an absent inspector duly appointed. It further appears that before the time arrived for closing the polls, the box was opened and the counting of the votes commenced, and while the box was so opened and the counting going on, other votes were received and deposited in the box.

Your committee further find that one Jerry Nash, who claims in his affidavit before them to have been a United States Supervisor, appeared at the polls and *after* the place of the absent inspector had been supplied by Swan, represented that he had been appointed an inspector and had been sworn as such by the Clerk of Circuit Court; whereas the clerk testifies that he did not so swear said Nash, and his name does not appear as inspector on the returns. And it is further shown that said Nash, after this fraudulent representation, assumed and was permitted to exercise the office of inspector in one of their most important duties, that is, of receiving and depositing in the ballot-box the ballots cast that day.

Your committee recognize the well-established rule of law governing elections, that no mere irregularity, in the absence of proof of fraud, should vitiate an election held at the time and place designated by the proper authorities; and the fact that the polls were opened some hours after the time prescribed by law, and the counting was begun before the time for closing, would not be, in itself, sufficient grounds for rejecting that box, when it is shown, as in this case, that no one was prevented thereby from voting. But there must be some limit to irregularities, else all our laws governing elections, and prescribing the manner of conducting the same, will be a nullity.

The statute says, "that each person offering to vote shall deliver his ballot to one of the inspectors in the presence of the board." This provision, we think, is imperative. It is as essential that it should be delivered to an inspector as that it should be deposited in the box.

In the case before us the ballots were delivered to Nash, who was *not an inspector*, but who, by falsely representing himself to be such, was permitted to handle all the ballots. We regard this as an irregularity too grave to be cured by lack of positive proof of fraud.

The fact that Nash procured the position he occupied that day by a fraudulent representation, impresses the committee with the belief that he meditated, if he did not commit, fraud; and the proof adduced to show there was no fraud (it being necessarily of a negative character,) cannot relieve the minds of the committee of their doubts on this point.

Your committee, therefore, are of the opinion that Precinct No. 6, known as Gopher Ridge Precinct, should be rejected for gross irregularities of a fraudulent nature; and when the votes cast at that precinct, both for Jones and Wallace (the two highest candidates) are deducted from their aggregate vote, it will leave for Jones 1,016 votes, and for Wallace 1,118 votes, making a majority for Wallace of 102 votes.

Your committee, therefore, recommend the adoption of the following resolutions:

1st. Resolved, That Everett C. Jones is not entitled to a seat in this Senate from the 8th Senatorial District.

2nd. Resolved, That John Wallace is entitled to a seat in this Senate from the 8th Senatorial District.

WHITFIELD WALKER, Chairman.

W. D. BARNES,

S. L. NIBLACK,

T. W. LONG,

J. C. WALKER.

Mr. Walker of the 23d introduced the following:

Senate bill No. 32:

To be entitled an act to provide a remedy for those who Suffer Damage from the use of Intoxicating Liquors;

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

Also the following:

Senate bill No. 33:

To be entitled an act for the Relief of G. M. T. Simmons; Which was read by its title, and referred to the Committee on Claims.

Mr. Barnes in the chair.

On motion of Mr. Lesley, Mr. Lee was granted leave of absence for four days.

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

The doors being opened, on motion of Mr. Orman, the Senate adjourned until Monday next, 10 o'clock, A. M.

CONFIRMATIONS.

A. E. Lopez, Commissioner of Pilotage St. Johns county.

George C. Wilson, Commissioner of Pilotage Duval county.

W. B. Ratcliff, Collector of Revenue for Nassau county.

W. H. Garland, Assessor of Taxes for Nassau county.

MONDAY, January 20, 1879.

The Senate met pursuant to adjournment.

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

Messrs. Allen, Barnes, French, Genovar, Hagan, Hatcher, Johnson, Jones of the 32nd, Judge, Long, Lykes, McAuley, McMeekin, McGuire, McKinnon, Meacham, Orman, Patterson, Speer, Thompson, Walker of the 23d and Walker of the 6th—22.

Mr. Barnes in the chair.

Lieutenant-Governor Hull being absent, on motion of Mr McKinnon, Mr. Barnes was called to the chair.

A quorum present.

Prayer by the Rev. Dr. Teasdale.

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

Mr. McGuire gave explanation of his absence, and was excused for same.

Mr. Allen introduced the following bills:

Senate bill No. 34:

To be entitled an act for the Relief of Joseph B. Wall, late State Attorney for the 6th Judicial Circuit of Florida.

Senate bill No. 35:

To be entitled an act for the incorporation of the Grand Lodge of the Independent Order of Odd Fellows of Florida;

Which were read and placed among the orders of the day.

ORDERS OF THE DAY.

Joint Resolution No. 3:

Instructing our Senators and Representatives in Congress, in relation to Beacon Lights and Fog-Bells on St. Johns River, Was read the third time and put upon its passage.

The vote was:

Yeas—Messrs. Allen, Barnes, Durkee, Eagan, French, Genovar, Hatcher, Johnson, Jones of the 32nd, Jones of the 8th, Leslie, Long, Lykes, McAuley, McGuire, McKinnon, Meacham, Niblack, Orman, Patterson, Speer, Thompson, Walker of the 23rd and Walker of 6th—24.

Nays—None.

So the Joint Resolution passed, title as stated.

Ordered that the same be certified to the Assembly.

Senate Bill No. 34 was read the first time by its title and referred to the Committee on Claims.