

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.

Senate Bill No. 35 was read the first time by its title and referred to the Committee on Incorporations.

Joint resolution in regard to examination of State Asylum and State Prison was read and adopted.

Mr. McKinnon moved that the case of Sharp vs. Lee be re-committed to the Committee on Privileges and Elections, with instructions to take testimony and report.

The yeas and nays being called for upon the motion, the vote was as follows:

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

Nays—None.

So the motion was adopted.

Mr. Lykes offered the following resolution:

*Resolved*, That the Engrossing Clerk be required to engross and deliver to the Engrossing Committee all bills or resolutions placed in his hands the day after he receives them;

Which was adopted.

The following message was received from the Assembly:

ASSEMBLY HALL, TALLAHASSEE, FLA., January 20, 1879.

HON. NOBLE A. HULL,

*President of the Senate:*

SIR—I am directed by the Assembly to inform the Senate that the Assembly has adopted Assembly Joint Resolution No. 4, asking Congress to erect a Light house at Anclote Key.

Also, Assembly Joint Resolution No. 5, to secure the erection of a Marine Hospital at the entrance of the harbor at Cedar Key.

Also, Assembly Joint Resolution relative to the appointment of a Joint Committee to whom shall be referred all bills or resolutions in reference to the calling of a Constitutional Convention, and respectfully request the concurrence of the Senate therein.

Very Respectfully,

WM. FORSYTH BYNUM,

*Chief Clerk of the Assembly.*

Which was read.

The Joint Assembly Resolution No. 4, asking Congress to erect a Light House at Anclote Key;

Was read the first time and referred to Committee on Post Routes.

Joint Assembly Resolution No. 5, to secure the erection of a Marine Hospital at the entrance of Cedar Key harbor;

Was read the first time and referred to the Committee on Commerce and Navigation.

Joint Assembly Resolution No. 7, relative to calling a Constitutional Convention,

Was called up, and on motion of Mr. McKinnon, laid on the table.

The case of Wallace vs. Jones being taken up, Mr. Jones presented a communication to the Senate;

Which was read, and on motion of Mr. Walker of the 23d, was laid on the table.

*Hon. Noble A. Hull, President of the Senate:*

SIR—I have the honor to advise you that since the date of the report of the Committee, in the case of Wallace vs. Jones, I have discovered certain facts relating to the election, and ask that the committee recall their report and re-open the case.

I allege and can prove, first, that at precinct No. 2, in Leon county, a United States Supervisor handled the ballots, and marked and numbered them on the back to correspond with the number on the poll list; that the ballots were of a kind prohibited by the law from being received, not "being on plain white paper, blank on the side opposite to that on which the names were written or printed;" that many votes were received at said polling place from persons not registered and convicts; that other irregularities occurred at said precinct; that at precincts Nos. 4, 8, 9, 10, and 17, many persons voted who were not entitled to vote; that at said precinct No. 2, Wallace received 191 votes and Jones 5 votes, and that if the same were rejected, Jones would be entitled to his seat.

E. C. JONES.

T. W. BREVARD,

LE ROY D. BALL,

*Counsel for Jones.*

Mr. McKinnon moved that the report of the Committee on Privileges and Elections be re-committed to the committee for investigation into the facts alleged by Mr. Jones, and not yet investigated by the committee;

Which was not agreed to, by the following vote:

Yeas—Messrs. Durkee, Eagan, McKinnon, Meacham and Walls—5.

Nays—Messrs. Barnes, Genovar, Hagan, Hatcher, Johnson, Jones of the 32nd, Judge, Leslie, Long, Lykes, McAuley, McMeekin, McGuire, Niblack, Orman, Patterson, Speer, Thompson, Walker of the 23rd and Walker of the 6th—20.

Mr. Eagan moved to postpone until 11 o'clock to-morrow morning, the further consideration of the case.

Mr. Walker of the 23d moved to lay the motion on the table; Which was agreed to.

The report of the committee then came up, and the first resolution, which is as follows:

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

Was adopted by the following vote:

Yeas—Messrs. Barnes, Genovar, Hagan, Hatcher, Johnson, Jones of the 32d District, Judge, Leslie, Long, McMeekin, McGuire, Niblack, Orman, Patterson, Speer, Thompson, Walker of the 23d and Walker of the 6th District—18.

Nays—Messrs. Durkee, Eagan, Meacham and Walls—4.

Resolution 2d—*Resolved*, That John Wallace is entitled to a seat in this Senate, from the 8th Senatorial District, was adopted by the following vote:

Yeas—Messrs. Barnes, Genovar, Hagan, Hatcher, Johnson, Jones of the 32d District, Judge, Leslie, Long, McAuley, McMeekin, McGuire, Niblack, Orman, Putterson, Speer, Thompson, Walker of the 23d and Walker of the 6th District—19.

Nays—Messrs. Durkee, Eagan, Meacham and Walls—4.

On motion of Mr. Walker of the 23d District, the Senate adjourned until 10 A. M. to-morrow.

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TUESDAY, January 21, 1879.

The Senate met pursuant to adjournment.

On motion of Mr. McKinnon, Mr. Walker of the 23d District took the chair.

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

Messrs. Allen, Barnes, Bryson, Durkee, Eagan, French, Genovar, Hagan, Hatcher, Johnson, Jones of 32d District, Leslie, Long, Lykes, McAuley, McGuire, McKinnon, Meacham, Patterson, Speer, Thompson, Walker of the 23d District, Walker of the 6th District and Walls—24.

A quorum present.

Prayer by the Chaplain.

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

On motion of Mr. Thompson, the Senate proceeded to the election of a President of the Senate *pro tem*.

Mr. Thompson nominated Mr. Barnes.

Mr. Walls nominated Mr. Durkee.

On motion of Mr. Meacham, Senator-elect Wallace was called forward and sworn in.

The election for President *pro tem*. was then proceeded with, with the following result:

For Mr. Barnes—Messrs. Bryson, Durkee, French, Genovar, Hagan, Hatcher, Johnson, Jones, Leslie, Lykes, McAuley, McClenny, McMeekin, McGuire, McKinnon, Niblack, Patterson, Richard, Speer, Thompson and Walker—21.

For Mr. Durkee—Messrs. Allen, Barnes, Eagan, Meacham and Walls—5.

For Mr. Long—Mr. Wallace—1.

Mr. Barnes being elected took the chair, and made an appropriate address.

Mr. Walker of 23rd explained the absence of Mr. Babcock, Assistant Secretary, which was caused by the illness of members of his family.

Mr. McKinnon presented the following resolution:

“*Resolved*, That Everitt C. Jones be allowed to contest the right of John Wallace to a seat in this Senate, upon the newly discovered facts which have not been investigated by the committee;”

Which was lost by the following vote:

Yeas—Messrs. Allen, Barnes, Durkee, Genovar, Hatcher, McClenny, McKinnon, Meacham, Speer and Walls—10.

Nays—Messrs. Bryson, Eagan, Hagan, Johnson, Jones, Judge, Leslie, Long, McAuley, McMeekin, McGuire, Niblack, Patterson, Richard, Thompson, Walker of the 23rd and Walker of the 6th—17.

Mr. Leslie moved the reconsideration of the vote just taken.

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

Which was agreed to.

Mr. Walls moved that the journal of yesterday be corrected by the insertion of the memorial of Mr. Jones;

Which was agreed to.

The following message from the Assembly was received:

HON. NOBLE A. HULL,

*President of the Senate:*

SIR: We are instructed by the Assembly to inform the Senate that the Assembly will proceed this day at 12 o'clock M. to the election of a United States Senator, and that on to-