

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-

morrow at 12 o'clock M. the Assembly will be ready to meet the Senate in the Assembly Hall to declare such vote.

J. E. YONGE, Chairman,
J. W. M. EWAN,
JOSEPH E. LEE.

Which was read.

On motion of Mr. Walker, a committee was appointed to notify the Assembly that the Senate would be ready at 12 M. to unite in the election for United States Senator.

Messrs. Walker, Thompson and Long were appointed a committee for that purpose.

Mr. Walker of the 23d made the following report:

SENATE CHAMBER, TALLAHASSEE, January 21, 1879.

TO THE HON. NOBLE A. HULL,

President of the Senate:

SIR: The Committee on Privileges and Elections, to whom was referred the following preamble and resolutions offered by Senator Durkee in the Senate, on the 13th inst., *i. e.*:

"WHEREAS, The right of the Senator from the 10th District, Hon. Dennis Eagan, to a seat in this body has been called in question for the alleged reason that he is holding an important Federal position,

"Resolved, That the Committee on Privileges and Elections be instructed to investigate the legal title of said Senator to a seat in this body and report the result of its conclusions to this Senate," beg leave to present the following report:

That they have had the subject matter of the above resolution under consideration, and have fully investigated Mr. Eagan's legal right to a seat in this Senate, and find no law of this State prohibiting, or in any manner interfering with his said right. The committee are, therefore, clearly of the opinion that he is fully entitled to the seat now occupied by him, and ask to be discharged from the consideration of the same.

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

Which was adopted by the following vote:

Yeas—Messrs. Allen, Barnes, Bryson, Durkee, French, Genovar, Hagan, Hatcher, Johnson, Jones of the 32d, Wallace, Judge, Leslie, Long, McAuley, McClenny, McMeekin, McGuire, McKinnon, Meacham, Niblack, Richard, Speer, Walker of the 23d, Walker of the 6th and Walls—27.

Nays—None.

Mr. Lykes, from the Committee on Commerce and Navigation, reported Joint Resolution No. 5;

Which was placed among the orders of the day.

Mr. Walker of the 23d offered the following resolution:

WHEREAS, Under Section 14 of Article V. of the Constitution of the State of Florida, the powers and duties of the office of Lieutenant-Governor devolve upon the President *pro tem.* of the Senate, in case of inability of the Lieutenant-Governor to discharge his duties; and whereas, no President *pro tem.* was elected to preside over the deliberations of this body on the 20th inst., on which day the Lieutenant-Governor was absent, but its deliberations were presided over by a member called to the chair;

Resolved, That the proceedings of this Senate of the 20th inst., be ratified and confirmed as of full legal force and effect; Which was read and adopted.

Mr. Long presented a petition from the citizens of Marion county in regard to the annexation of a portion of that county to Levy county;

Which was read and referred to the Committee on City and County Affairs.

Mr. Long moved that the petition be spread on the Journal of the Senate;

Which was not agreed to.

ORDERS OF THE DAY.

Memorial of Great Southern Railway was read the third time and put on its passage, and passed by the following vote:

Yeas—Messrs. Allen, Eagan, French, Hagan, Hatcher, Long, Lykes, McAuley, McClenny, McMeekin, McGuire, McKinnon, Meacham, Orman, Patterson, Speer, Walker of the 23d, Walker of the 6th and Walls—19.

Nays—Messrs. Durkee, Johnson, Jones, Judge, Niblack, Richard, Thompson and Wallace—8.

Senate bill No. 1:

To be entitled An act to supply deficiencies in the appropriation for the years 1876, 1877 and 1878, was taken up and, on motion of Mr. McKinnon, was put back on its second reading, and re-committed to the Committee on Appropriations.

Joint Resolution No. 5:

To secure the erection of a Marine Hospital at entrance of Cedar Key harbor.

The hour having arrived for the election of U. S. Senator, the following nominations were made:

Mr. Walker of the 23d nominated Wilkinson Call.

Mr. Walls nominated L. G. Dennis.

Mr. Long nominated S. B. Conover.

On proceeding to a vote, the following was the result:

For Wilkinson Call—Messrs. Barnes, Bryson, French, Genovar, Hagan, Hatcher, Johnson, Jones, Judge, Leslie, Lykes, McAuley, McClenny, McMeekin, McGuire, Niblack, Orman, Patterson, Richard, Speer, Thompson, Walker of the 23d, Walker of the 6th—23.

For L. G. Dennis—Mr. Walls—1.

For S. B. Conover—Messrs. Eagan, Wallace, Long, Meacham—4.

For Joseph H. Durkee—Mr. Allen—1.

For H. S. Sanford—Mr. Durkee—1.

For L. Harrison—Mr. McKinnon—1.

Wilkinson Call received a majority of all the votes cast.

The Senate then went into executive session.

Mr. Thompson, from the Committee on Incorporations, made the following report:

HON. NOBLE A. HULL,

President of the Senate:

SIR—The committee to whom was referred—

Senate bill No. 35:

An act to be entitled an act for the Incorporation of the Grand Lodge of the Independent Order of Odd Fellows of Florida,

Have examined the same and recommend that it be passed.

Very Respectfully,

W. N. THOMPSON.

Which was read and the bill placed among the orders of the day.

Mr. Thompson moved that Mr. Wallace's name be substituted for that of Mr. Jones of 8th District on all committees on which Mr. Jones was placed;

Which was agreed to.

The President appointed Messrs. Thompson and French a committee under the resolution for the appointment of a committee to examine into the State Asylum and State Prison.

Mr. Durkee offered the following resolution:

WHEREAS, There have been doubts expressed as to the true meaning and intent of Rules 23, 24, 25, 26 and 27 of the Standing Rules of this Senate in relation to resolutions;

Resolved, That the President *pro tem.* of the Senate be instructed to appoint a Special Committee on Rules to take into consideration what revision of the Standing Rules of the Senate are necessary, if any, and report to this Senate;

Which was adopted.

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

CONFIRMATIONS.

R. A. Shine, to be Assessor of Revenue for Leon county.

C. C. Peace, to be Collector of Taxes for Leon county.

WEDNESDAY, January 22, 1879.

The Senate met pursuant to adjournment.

The President *pro tem.* in the chair.

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

Messrs. Allen, Barnes, Bryson, Eagan, French, Genovar, Hagan, Hatcher, Johnson, Jones, Long, McAuley, McMeekin, McKinnon, Niblack, Orman, Patterson, Speer, Walker of 23rd, Walker of 6th and Walls—21.

A quorum present.

Prayer by the Chaplain.

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

The following communication was received from the Assembly:

ASSEMBLY HALL, TALLAHASSEE, January 22, 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 memorial, asking the Congress of the United States for an appropriation for the purpose of having made a survey of the Withlacoochee river, and respectfully request the concurrence of the Senate therein.

Very respectfully,

WM. FORSYTH BYNUM,

Chief Clerk of the Assembly.

Which was read and the accompanying memorial placed among the orders of the day.

Also the following:

ASSEMBLY HALL, TALLAHASSEE, January 22, 1879.

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. 22: