

TUESDAY, January 28, 1879.

The Senate met pursuant to adjournment.

The President in the chair.

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

Yeas—Messrs. Allen, Bryson, Durkee, French, Genovar, Hagan, Hatcher, Johnson, Jones of 32d, Judge, Leslie, Long, Lykes, McClenny, McMeekin, McGuire, McKinnon, Meacham, Niblack, Orman, Patterson, Richard, Speer, Thompson, Walker of the 5th, Walls and Wallace—27.

A quorum present.

Prayer by the chaplain.

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

The President read the following communication :

TALLAHASSEE, FLA., January 27, 1879.

HON. NOBLE A. HULL,

President of the Senate :

DEAR SIR: In accordance with a vote of the Trustees of the Florida Agricultural College, at their last meeting, I beg to transmit herewith a copy of the minutes of said meeting, and respectfully ask that you will be so good as to cause their proper presentation to the Honorable body over which you preside.

Very respectfully

Your obedient servant,

W. P. HAISLEY, President.

D. S. WALKER, Secretary.

Which was read, and on motion of Mr. Lykes, the minutes of the Trustees of the Florida Agricultural College were referred to the Committee on Education.

Mr. McKinnon took the chair.

Mr. Jones introduced Senate Joint Resolution No. 8, in relation to mail route from Fort Fanning, in Levy county, to Ocala, in Marion county ;

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

Mr. Hagan introduced Senate Joint Resolution No. 9, in regard to swamp and overflowed lands ;

Which was read by its title the first time, and referred to the Committee on Public Lands, and ordered to be spread on the journals :

The people of the State of Florida, represented in Senate and Assembly, do resolve as follows: That the Trustees of the

Internal Improvement Fund be requested to encourage actual settlement and cultivation of the lands belonging to said Fund by reducing the price to actual settlers, and by establishing such regulations concerning pre-emption as will protect the improvements of the settler for a reasonable time against entry by other persons.

Mr. Durkee introduced the following preamble and resolution :

WHEREAS, It appears by the report of the Adjutant-General, accompanying the Governor's message, that during the year 1877 eighteen convicts committed to the State Prison died, and that during the year 1878 thirteen such convicts died, and that during the years 1869, 1870, 1871, 1872, 1873, 1874, 1875 and 1876 the total number of deaths of convicts committed to the State Prison was but twenty-six, thus showing a remarkable increase in the percentage of deaths among convicts during the past two years; and whereas, the entire system regulating the prison life of convicts in the State Prison was changed by the statute of 1877 authorizing the hiring out of convicts under contract; therefore,

Resolved, That the joint special committee of the Senate and Assembly appointed to enquire into the management of the indigent insane and the condition of the convict camps be directed to enquire particularly into the treatment of convicts hired out under the contract law; the kind, quality and amount of food allowed; the kind and amount of clothing supplied; the number of hours labor required each day; the kind of quarters furnished; the discipline enforced; and the arrangements made for medicine, medical attendance and nursing in cases of illness, with the view of determining whether the present system of contract labor of State Prison convicts, as now conducted under the existing laws, does not effect a saving in the expense of the State Government at the sacrifice of human life; and that for the purposes of this enquiry the said special joint committee have power to send for persons and papers, and to compel the attendance of witnesses;

Which was read and adopted, and ordered to be spread upon the journal.

Mr. Walker of the 23d, by permission, presented the following report :

SENATE CHAMBER, TALLAHASSEE, JANUARY 27, 1879.

HON. NOBLE A. HULL,

President of the Senate :

SIR: The Committee on Privileges and Elections, to whom was referred the petition of S. T. Overstreet, praying permission to contest the seat of Wm. Bryson, Jr., as a Senator of

this body from the 26th Senatorial District, composed of Suwannee county, respectfully submit the following report: That the petitioner presents a number of allegations, charging irregularities and illegal voting at Precincts Nos. 1, 2, 4 and 8, at the general election held on the 5th day of November last. It is also further charged, that these illegal votes were cast for Mr. Bryson, the respondent; that whilst your committee are satisfied that some irregularities were committed at the said election, held on the 5th November last, yet these irregularities were not of such a character as to vitiate the returns of any one of the precincts named; and there is absolutely no evidence to show that if illegal votes were cast, that they were cast for Bryson, the respondent; that the contestant, Overstreet, has also utterly failed to adduce sufficient evidence to sustain any one of the allegations made in his petition; that from the returns on file in the Secretary of State's office, it appears that at the aforesaid general election held on the 5th of November last, the entire vote cast for Senator of the 26th District was 1083; that, of that number, William Bryson, Jr., received 559 votes, and that S. T. Overstreet reached 524 votes, showing a majority of 35 votes for the said William Bryson, Jr. The committee, therefore, unanimously conclude their report by recommending the adoption of the following resolution:

Resolved, That William Bryson, Jr., is the legally elected Senator from the 26th District, and fully entitled to the seat now occupied by him.

WHITFIELD WALKER, Chairman.

Which was read and the report adopted.

Mr. Thompson, by permission, presented the following resolution:

Resolved, That the committee appointed to visit the Asylum and Prison Camp be authorized to employ a clerk;

Which was read and adopted.

Mr. Leslie asked permission to take up Assembly joint resolution No. 1, to change and correct the boundary lines of Collection District of St. Marks, and for other purposes;

Which was read a second time and on motion of Mr. Orman, was postponed for further consideration to-morrow.

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

By Mr. Leslie:

Senate bill No. 51, to be entitled an act to establish a ferry across the Hillsborough river.

By Mr. Hagan:

Senate bill No. 52, to be entitled an act to incorporate the Peace Creek Navigation Company.

By Mr. Speer:

Senate bill No. 53, to be entitled an act to incorporate the Lake Eustis, Orlando, and Lake Tahopikaliga Railway Company.

By Mr. McMeekin:

Senate bill No. 54, to be entitled an act to confer further powers upon the Atlantic and Gulf Transit Canal Company.

Also, Senate bill No. 55, to be entitled an act to prevent illegal voting.

By Mr. Wallace:

Senate bill No. 56, to be entitled an act to prohibit tax collectors from collecting taxes on property that has perished or been stolen.

By Mr. Niblack:

Senate bill No. 57, to be entitled an act in relation to the levy and collection of taxes.

By Mr. Orman:

Senate bill No. 58, to be entitled an act to tax persons carrying arms secretly.

By Mr. Speer:

Senate bill No. 59, to be entitled an act to amend an act for the better protection of animals running at large.

The Committee on Claims made the following report:

SENATE CHAMBER, TALLAHASSEE, JANUARY 28, 1879.

HON. NOBLE A. HULL,

President of the Senate:

SIR: Your Committee on Claims, to whom was referred Senate bill No. 24, beg leave to report that they have had the same under consideration, and recommend its passage.

F. B. GENOVAR, Chairman.

Which was read.

Also the following:

SENATE CHAMBER, TALLAHASSEE, JANUARY 28, 1879.

HON. NOBLE A. HULL,

President of the Senate:

SIR: Your Committee on Claims, to whom was referred Senate bill No. 33, and also Senate bill No. 47, beg leave to report that they have examined the same, and recommend that they do pass.

F. B. GENOVAR, Chairman.

Which was read.

Senate bill No. 24, to be entitled an act in relation to sheriffs, revenue collectors and other accounting officers, was placed among the orders of the day, as was also Senate bill No. 33, an act for the relief of G. M. T. Simmons; and

Senate bill No. 47, an act for the relief of A. S. De Cheniva, of Hillsborough county.

Mr. Bryson made the following report:

SENATE CHAMBER, TALLAHASSEE, January 28, 1879.

HON. NOBLE A. HULL,

President of the Senate:

SIR: Your Committee on Engrossed Bills respectfully report that they have examined Senate bill No. 40, and found it correctly engrossed. Respectfully,

WM. BRYSON, JR., Chairman.

Which was read.

Senate bill No. 40 was placed among the orders of the day. Mr. Walker of the 6th District made the following report:

SENATE CHAMBER, TALLAHASSEE, January 28, 1879.

HON. NOBLE A. HULL,

President of the Senate:

SIR: Your committee on Enrolled Bills report that they have examined a concurrent resolution asking for a mail route from Keysville, in Hillsborough county, to Pine Level, in Manatee county; also a resolution relative to a mail route from Troy to Anclote, and find them both properly enrolled.

Very respectfully,

J. C. WALKER, Chairman.

Which was read.

ORDERS OF THE DAY.

Senate bill No. 51:

To be entitled an act to establish a ferry across the Hillsborough river,

Was read the first time by its title, and referred to Committee on City and County Organizations.

Senate Bill No. 52:

An act to incorporate the Peace Creek Navigation Company,

Was read the first time by its title, and referred to the Committee on Commerce and Navigation.

Senate Bill No. 53:

To be entitled an act to incorporate the Lake Eustis, Orlando and Lake Tahoepekaligo Railroad Company,

Was read the first time by its title, and referred to the Committee on Railroads.

Senate Bill No. 54:

A bill to confer further powers upon the Atlantic & Gulf Transit Canal Company,

Was read the first time by its title, and referred to the Committee on Commerce and Navigation.

Senate bill No. 55:

To be entitled an act to Prevent Illegal Voting, Was read first time by its title and referred to Committee on Privileges and Elections.

Senate bill No. 56:

To be entitled an act to prohibit Tax Collectors from Collecting Taxes on property that has perished or has been stolen.

Was read first time and referred to the Committee on Finance and Taxation.

Senate bill No. 57:

To be entitled an act in relation to Levy and Collection of Taxes.

Was read first time by its title and referred to Committee on Finance and Taxation.

Senate bill No. 58:

To be entitled an act to tax persons carrying arms secretly. Was read first time by its title and referred to Committee on the Judiciary.

Senate bill No. 59:

To be entitled an act to amend an act for the better protection of animals at large,

Was read first time by its title and referred to Committee on the Judiciary.

Senate bill No. 33:

To be entitled an act for the relief of G. M. T. Simmons. Was read second time and ordered to be engrossed for a third reading on to-morrow.

Assembly bill No. 27:

To be entitled an act prescribing the terms of the Circuit Courts in the First Judicial Circuit,

Was read the first time by its title and referred to the Committee on the Judiciary.

The following message was received from the Assembly:

ASSEMBLY HALL, TALLAHASSEE, January 28, 1879.

HON. W. D. BARNES,

President pro tem. of the Senate:

SIR: I am directed by the Assembly to inform the Senate that the Assembly has passed Assembly bill No. 31, to be entitled an act enlarging the Powers of Circuit Judges, and respectfully request the concurrence of the Senate therein.

Very respectfully,

WM. FORSYTH BYNUM,
Chief Clerk of the Assembly.

Which was read, and Assembly bill No. 31 was referred to the Committee on the Judiciary.

Also the following :

ASSEMBLY HALL, TALLAHASSEE, January 24, 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 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 Choctaw-hatchie River to Tucker's Bayou, approved February 27, 1877.

Very respectfully,

WM. FORSYTH BYNUM,
Chief Clerk of the Assembly.

Which was read, and Senate bill No. 13 was ordered to be enrolled.

Also the following :

ASSEMBLY HALL, TALLAHASSEE, January 24, 1879.

HON. W. D. BARNES,

President pro tem. of the Senate :

SIR: I am directed by the Assembly to inform the Senate that the Assembly has adopted Assembly joint resolution No. 11, for the establishment of a Mail Route from Euchecanna in Walton county to Oak Grove in Santa Rosa county in the State of Florida, and Assembly joint resolution No. 18, relative to the opening of the Finholloway River in the county of Taylor, and respectfully request the concurrence of the Senate therein.

Very respectfully,

WM. FORSYTH BYNUM,
Chief Clerk of the Assembly.

Which was read, and Assembly joint resolution No. 11 referred to the Committee on Post Routes. Assembly joint resolution No. 18 was referred to the Committee on Commerce and Navigation.

Also the following :

ASSEMBLY HALL, TALLAHASSEE, FLA., January 28, 1879.

HON. W. D. BARNES,

President pro tem. of the Senate :

SIR: I am directed by the Assembly to inform the Senate that the Assembly has passed Senate bill No. 17, to be entitled

an act declaring Sandy Creek in Walton and Holmes counties navigable.

Very respectfully,

WM. FORSYTH BYNUM,
Chief Clerk of the Assembly.

Which was read, and Senate bill No. 17 ordered to be enrolled.

Also the following :

ASSEMBLY HALL, TALLAHASSEE, January 28, 1879,

HON. WM. D. BARNES,

President pro tem. of the Senate :

SIR: I am directed by the Assembly to inform the Senate that the Assembly has passed Assembly bill No. 27 :

To be entitled an act prescribing the terms of the Circuit Courts in the First Judicial Circuit, and respectfully request the concurrence of Senate therein.

Respectfully,

WM. FORSYTH BYNUM,
Chief Clerk of Assembly.

Which was read and Assembly bill No. 27 referred to the Committee on the Judiciary.

Also the following :

ASSEMBLY HALL, TALLAHASSEE, January 27, 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 relative to the election of State Printer by the joint session of the Legislature on Friday next, and respectfully request the concurrence of the Senate therein.

Very respectfully,

WM. FORSYTH BYNUM,
Chief Clerk of the Assembly.

Which was read and Assembly joint resolution in relation to the election of State Printer was adopted.

Also the following :

ASSEMBLY HALL, TALLAHASSEE, January 24, 1879.

HON. WM. D. BARNES,

President pro tem. of the Senate :

SIR: I am directed by the Assembly to inform the Senate that the Assembly has appointed Messrs. McClellan, Yonge,

Bullock, Ledwith and Walker on part of the Assembly upon the joint committee to whom all bills or resolutions in reference to the calling of a Convention to frame a new Constitution or to revise the present Constitution shall be referred.

Very respectfully,

WM. FORSYTH BYNUM,
Chief Clerk of the Assembly.

The President informed the Senate that he was about to sign Assembly joint resolution No. 5, to secure the erection of a Marine Hospital at the entrance of Cedar Keys Harbor; also

Assembly joint resolution No. 3, instructing our Senators and Representatives in Congress, relative to Beacon Lights and Fog Bells on the St. Johns river.

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,

Was taken up for its second reading, when the Committee on Finance and Taxation made the following report:

SENATE CHAMBER, TALLAHASSEE, FLA., Jan. 27, 1879.

HON. NOBLE A. HULL,

President of the Senate:

SIR: Your Committee on Finance and Taxation beg leave to report to the Senate, that Senate bill No. 35, entitled an act for the incorporation of the Grand Lodge of the Independent Order of Odd Fellows of Florida, has been fully considered by your committee, and they recommend that it do pass, with the following amendment: That said bill be amended by striking out all of section 5 and inserting in lieu thereof the following: That the provisions of an act, approved January 29, 1874, entitled an act to alter and amend section 4, of chapter 33, of the Laws of Florida, entitled an act to provide for the Incorporation of Benevolent and Charitable Societies, be and is hereby made applicable to this corporation.

A. D. MCKINNON, *Chairman,*
JOHN T. LESLIE,
GEO. W. ALLEN,
C. B. McCLENNY,
S. L. NIBLACK.

Was read as amended, and ordered to be engrossed for a third reading to-morrow.

The Committee on Public Lands, made the following report:

SENATE CHAMBER, TALLAHASSEE, January 27, 1879.

HON. NOBLE A. HULL,

President of the Senate:

SIR: The Committee on Public Lands to whom was referred memorial to Congress, requesting that a branch of the United States Land office be established at Freeport, Walton county, West Florida, have had the same under consideration, and they recommend that it do pass.

W. T. ORMAN, *Chairman,*
SETH FRENCH,
C. B. McCLENNY,
ROBERT MEACHAM,
F. B. HAGAN.

The memorial was read the second time and ordered to be engrossed.

Senate bill No. 40:

To be entitled an act to repeal chapter 3044, approved February, 1877, being an act for the protection of Game and Wild birds,

Was read the third time and put upon its passage, and passed by the following vote:

Yeas—Messrs. Allen, Bryson, French, Hagan, Hatcher, Johnson, Jones, Judge, Leslie, Long, McCleddy, McMeekin, McGuire, McKinnon, Meacham, Niblack, Orman, Patterson, Richard, Speer, Thompson, Walker of the 6th and Wallace—23.

Nays—Messrs. Durkee, Genovar and Walls—3.

So the bill passed, title as stated.

Ordered that the same be certified to the Assembly.

The Senate went into Executive session.

On the doors being opened, Mr. Hagan moved that Senate adjourn until 10 A. M. to-morrow;

Which was agreed to.