

WEDNESDAY, January 29, 1879.

The Senate met pursuant to adjournment.

The President in the chair.

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

Messrs. Allen, Barnes, Bryson, Durkee, Genovar, Hagan, Hatcher, Johnson, Judge, Leslie, Long, Lykes, McMeekin, McGuire, McKinnon, Niblack, Orman, Patterson, Richard, Speer, Walker 23d District, Walker 6th District and Walls—23.

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 Secretary asked permission of the Senate to insert in the journal of to-day a number of resolutions that were left out of the journal of yesterday owing to one sheet of the minutes being lost before reaching the printer.

On motion of Mr. McKinnon, it was so ordered.

The President gave notice that Senate joint resolution relative to a Mail Route from Troy to Anclote; also

Senate joint resolution relative to a Mail Route from Keesville to Pine Level, were ready to be signed, which was done by the President and Secretary.

Mr. Genovar presented Petition of Citizens of St. Augustine, asking for a Geological Survey of the State;

Which was placed among the orders of the day.

Mr. Hatcher presented a resolution requesting that a Beacon Light be erected at or near Choctawhatchee Bar, in West Florida;

Which was placed among the orders of the day.

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

By Mr. Speer:

Senate bill No. 61:

To be entitled an act fixing the times for holding the Circuit Court in the Seventh Judicial Circuit.

By Mr. Walker of 23rd:

Senate bill No. 62:

To be entitled an act to provide for the appointment of Electors of President and Vice President of the United States; also

Senate bill No. 63:

To be entitled an act to amend the 1 section of chapter 1868, of the Laws of Florida, approved February 27, 1872, being an act to amend an act to provide for the Registration of Electors and holding of Elections, approved August 6, 1868.

By Mr. Leslie:

Senate bill No. 64, to be entitled an act to amend an act for the registration of electors and the holding of elections, approved February 27, 1877.

By Mr. McMeekin:

An act amendatory to an act for the Assessment and Collection of Revenue, approved February 17, 1874.

The President *pro tem.* took the chair.

Mr. McGuire presented the following report:

SENATE CHAMBER, TALLAHASSEE, FLA., January 29, 1879.

HON. NOBLE A. HULL,

*President of the Senate:*

SIR: Your Committee on Post Routes have examined House joint resolution asking for a mail route from Cambelton in Jackson county by way of Cerro Gorda in Holmes county to Eucheeanna in Walton county; also Senate resolution in relation to a mail route from Fort Fanning in Levy county to Ocala in Marion county; also House resolution asking Congress to erect a Light House at Anclote Key; also House joint resolution for the establishment of a mail route from Eucheeanna in Walton county to Oak Grove in Santa Rosa county, Florida; also memorial relative to beacon lights and buoys for Pensacola Harbor and adjacent waters, and recommend their adoption.

JNO. J. MCGUIRE, Chairman.

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

Mr. Niblack presented the following report:

SENATE CHAMBER, TALLAHASSEE, FLA., January 29, 1879.

HON. NOBLE A. HULL,

*President of the Senate:*

SIR: The Committee on Railroads and Canals to whom was referred Senate bill No. 43, an act entitled an act to incorporate the St. Johns and Lake Eustis Railway Company, have considered said bill, and respectfully return the same to the Senate without action.

S. L. NIBLACK, Chairman.

Which was read.

Mr. Speer asked permission to withdraw Senate bill No. 43; which was granted, and Senate bill No. 43 was withdrawn.

Mr. Niblack presented the following report:

SENATE CHAMBER, TALLAHASSEE, FLA., January 29, 1879.

HON. N. A. HULL,

*President of the Senate:*

SIR: Your Committee on Taxation and Finance, to whom

was referred Senate bill No. 26, to be entitled an act to encourage the Manufacture of Cigars in this State, have examined the same. While we are of the opinion that the State should encourage manufacturing of all kinds, yet we do not think the financial condition of the State can admit of the exemption of such property from taxation; therefore, we recommend that the bill do not pass.

A. D. MCKINNON, Chairman,  
S. L. NIBLACK.

Which was read, and bill No. 26 placed among the orders of the day.

Mr. Walker of the 6th presented the following report:

SENATE CHAMBER, TALLAHASSEE, January 29, 1879.

HON. NOBLE A. HULL,

*President of the Senate:*

SIR: Your Committee on Enrolled Bills, to whom was referred an act declaring Sandy Creek in Walton and Holmes counties navigable, and an act to amend sections one and two of an act authorizing William Miller of Washington county to dig a Canal from Choctawhatchie River to Tucker's Bayou, approved February 27th, 1877; also,

An act to amend Section 2, Chapter 1099 of Laws of Florida, in relation to replevin, beg leave to report that they have examined the same, and find them correctly enrolled.

Respectfully,

J. C. WALKER, Chairman.

Which was read.

Mr. Niblack presented the following report:

SENATE CHAMBER, TALLAHASSEE, January 29, 1879.

HON. N. A. HULL,

*President of the Senate:*

SIR: The Committee on Railroads and Canals, to whom was referred Senate bill No. 45, entitled an act to amend an act entitled an act to incorporate the Santa Fe Canal Company, approved March 21, 1877, have had the same under consideration and recommend its passage, with the following amendment: Strike out all of section three and insert the following: "The dredge boats and material actually used in the construction of said Canal, and the Canal itself, shall be exempted from State and county taxes till the time named for the completion of said Canal, but no other property of said corporation shall be exempt from taxation."

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

Which was read and placed among the orders of the day.  
Mr. Genovar presented the following report:

SENATE CHAMBER, TALLAHASSEE, January 29, 1879.

HON. NOBLE A. HULL,

*President of the Senate:*

SIR: Your Committee on Claims, to whom was referred Senate bill No. 30, beg leave to report that they have examined the same and recommend that it do pass.

F. B. GENOVAR, Chairman.

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

Mr. Bryson made the following report:

SENATE CHAMBER, TALLAHASSEE, January 29, 1879.

HON. NOBLE A. HULL,

*President of the Senate:*

SIR: Your Committee on Engrossed Bills respectfully report that they have examined Senate bill No. 24, an act in relation to Sheriffs and Revenue Collectors and other accounting officers; also,

Senate bill No. 33, to be entitled an act for the relief of G. M. T. Simmons; also,

Senate bill No. 35, to be entitled an act to incorporate the Grand Lodge of Odd Fellows of Florida; also,

Senate bill No. 47, to be entitled an act for the relief of A. S. DeCheniva of Hillsborough county; also,

Memorial to Congress for the establishment of a branch United States land office at Freeport, Walton county, and find them correctly engrossed.

Respectfully, &c.,

WM. BRYSON, Chairman.

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

Mr. Barnes presented the following report:

SENATE CHAMBER, TALLAHASSEE, January 29, 1879.

HON. NOBLE A. HULL,

*President of the Senate:*

SIR: The Judiciary Committee to whom was referred Senate bill No. 9, entitled "an act for the relief of Thomas Forrester, of Monroe county," beg leave to report that they have had said bill under consideration, and recommend its passage.

Respectfully submitted,

W. D. BARNES, Chairman.

Which was read, and Senate bill No. 9 placed among the orders of the day.

The following petitions and memorials, omitted from the journal of yesterday, were ordered to be placed on the journal of to-day:

By Mr. Allen:

Petition of the citizens of Key West in Monroe county in relation to the sale or giving away of intoxicating drinks or beverages,

Was read by its title, and referred to the Judiciary Committee.

By Mr. McGuire:

Memorial No. 10 relative to Lights, Beacons and Buoys,

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

By Mr. Speer:

Petition of Mrs. Tucker for relief, with Senate bill No. 60 to be entitled an act for the relief of Dr. H. T. Paramore and the widow of Dr. S. M. Tucker,

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

By Mr. McMeekin:

Petition of citizens of Palatka and others in relation to the removal of license taxes,

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

#### ORDERS OF THE DAY.

Mr. McKinnon moved that all bills and resolutions on their first reading be read by their titles;

Which was agreed to.

Senate Joint Resolution requesting that a beacon light be erected at or near Choctawhatchie bar, in West Florida,

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

Petition of citizens of St. Augustine asking for a geological survey of the State of Florida,

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

Senate bill No. 61:

To be entitled an act fixing the times for holding the Circuit Court in the 7th Judicial Circuit,

Was read the first time and referred to the Judiciary Committee.

Senate bill No. 62:

To be entitled an act to provide for the appointment of

electors of President and Vice-President of the United States, Was read the first time and referred to the Committee on Judiciary.

Assembly Joint Resolution No. 11, for a mail route from Eucheeanna, in Walton county, to Oak Grove in Santa Rosa county, Florida,

Was read the second time and, on motion of Mr. McKinnon, the rules were waived and the resolution read a third time and put on its passage.

The vote was:

Yeas—Messrs. Allen, Barnes, Bryson, Genovar, Hagan, Hatcher, Johnson, Judge, Leslie, Long, Lykes, McMeekin, McGuire, McKinnon, Meacham, Niblack, Orman, Patterson, Richard, Speer, Walker of the 23d and Walker of the 6th—22.

Nays—Mr. Walls—1.

So the resolution was adopted.

Assembly Resolution No. 4, to erect a light house at Anclote Key,

Was read the third time and put on its passage.

The vote was:

Yeas—Messrs. Allen, Barnes, Bryson, Durkee, Genovar, Hagan, Hatcher, Johnson, Jones, Judge, Leslie, Long, Lykes, McMeekin, McGuire, McKinnon, Meacham, Niblack, Orman, Patterson, Richard, Speer, Walker of the 23d, Walker of the 6th and Walls—25.

Nays—None.

Assembly Joint Resolution No. 8, for a mail route from Campbellton in Jackson county, by way of Cerro Gordo in Holmes county, to Eucheeanna in Walton county,

Was read the second time and, on motion of Mr. McKinnon, the rules were suspended and the resolution read the third time and put on its passage.

The vote was:

Yeas—Messrs. Allen, Barnes, Bryson, Durkee, Genovar, Hagan, Hatcher, Johnson, Jones, Judge, Leslie, Long, Lykes, McMeekin, McGuire, McKinnon, Meacham, Niblack, Orman, Patterson, Richard, Speer, Walker of the 23d, Walker of the 6th and Walls—25.

Nays—None.

So the resolution passed.

Senate Joint Resolution No. 8:

Was read the second time and ordered to be engrossed for a third reading to-morrow.

Senate Bill No. 26:

To be entitled an act to encourage the manufacture of cigars in this State,

Was read the second time and, on motion of Mr. McKinnon, was laid on the table indefinitely.

On which motion, the yeas and nays being called, it was indefinitely postponed by the following vote:

Yeas—Messrs. Barnes, Bryson, Durkee, Genovar, Hagan, Hatcher, Johnson, Judge, Leslie, Long, Lykes, McMeekin, McGuire, McKinnon, Meacham, Niblack, Orman, Patterson, Richard, Speer—20.

Nays—Mr. Allen—1.

Mr. Leslie asked permission to introduce,  
Senate Bill No. 66:

To be entitled an act to enlarge the jurisdiction of Mayors of cities and towns in this State.

Permission was granted and the bill placed among the orders of the day.

Memorial No. 10:

Relative to Lights, Beacons and Buoys,

Was read the second time and ordered to be engrossed for a third reading to-morrow.

Senate bill No. 30:

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

Was read the second time and ordered to be engrossed for a third reading to-morrow.

Senate bill No. 63:

To be entitled an act to amend the first Section of Chapter 1868 of the Laws of Florida, approved February 27, 1872, being an act to provide for the registration of electors and holding of elections, approved August 6, 1868,

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

Senate bill No. 64:

To be entitled an act to provide for the registration of electors and the holding of elections, approved February 27, 1877,

Was read first time and referred to the Judiciary Committee.

Senate bill No. 65:

To be entitled an act amendatory of an act for the assessment and collector of revenue, approved February 17, 1874,

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

Senate bill No. 9:

To be entitled an act for the relief of Thomas Forester of Monroe county,

Was read a second time and ordered to be engrossed for a third reading to-morrow.

Assembly joint resolution No. 1:

To change and correct boundary lines of the Collection District of St. Marks and for other purposes,

Was read the third time and put upon its passage.

The vote was:

Yeas—Messrs. Barnes, Bryson, Durkee, Genovar, Hagan, Hatcher, Johnson, Jones, Judge, Leslie, Long, Lykes, McMeekin, McGuire, McKinnon, Niblack, Orman, Patterson, Richard, Speer, Walker of the 23d, Walker of the 6th and Walls—23.

Nays—None.

So the resolution passed.

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 read the third time and put upon its passage.

The vote was:

Yeas—Messrs. Allen, Barnes, Bryson, Durkee, Genovar, Hagan, Hatcher, Johnson, Judge, Leslie, Long, McMeekin, McGuire, McKinnon, Meacham, Niblack, Orman, Patterson, Richard, Speer, Walker of the 23rd and Walker of 6th—22.

Nays—Mr. Walls—1.

So the bill passed, title as stated.

Ordered that the same be certified to the Assembly.

Senate bill No. 47:

To be entitled an act for the relief of A. S. D. Cheniva of Hillsborough county,

Was read the third time and put upon its passage.

The vote was:

Yeas—Messrs. Allen, Genovar, Hagan, Leslie, McGuire, McKinnon, Niblack, Patterson, Richard, Speer, Walker of 23rd, Walker of 6th and Walls—13.

Nays—Messrs. Johnson, McMeekin, Meacham and Orman—4.

So the bill passed, title as stated.

Ordered that the same be certified to the Assembly.

Senate bill No. 24:

To be entitled an act in relation to Sheriffs and Revenue Collectors and other accounting officers,

Was read the third time and put upon its passage.

The vote was:

Yeas—Messrs. Barnes, Durkee, Genovar, Hagan, Hatcher, Judge, Long, McMeekin, McGuire, Meacham, Niblack, Patterson, Richard, Speer, Walker of 23rd, Walker of 6th and Walls—17.

Nays—Mr. McKinnon—1.

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 for the relief of G. M. T. Simmons,

Was taken up and, on motion, was put back on its second reading for to-morrow.

Memorial No. 9:

To Congress requesting that a branch of the United States Land Office be established at Free Port, Walton county, Florida,

Was read the third time and put on its passage.

The vote was:

Yeas—Messrs. Allen, Barnes, Bryson, Genovar, Hagan, Hatcher, Johnson, Judge, Long, Lykes, McMeekin, McGuire, McKinnon, Meacham, Niblack, Orman, Patterson, Richard, Speer, Walker of the 23d, Walker of the 6th, Walls and Wallace—23.

Nays—None.

So the memorial was adopted.

Senate bill No. 66:

To be entitled an act to enlarge the jurisdiction of mayors of cities and towns in this State,

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

The following message was received from the Assembly:

ASSEMBLY HALL, TALLAHASSEE, January 29, 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 Concurrent Resolution relative to an address by Dr. Kenworthy, upon the subject of Immigration, in the Assembly Hall this afternoon at 4 o'clock, and respectfully request the concurrence of the Senate therein.

Very respectfully,

WM. FORSYTH BYNUM,  
*Chief Clerk of the Assembly.*

Which was read and the concurrent resolution adopted.

Also the following:

ASSEMBLY HALL, TALLAHASSEE, January 29, 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 concurrent resolution appointing a joint committee to examine into the outstanding engraved Comptroller's warrants and have appointed Messrs. Finley, Townsend and Proctor such committee on part of the Assembly. Very respectfully,

WM. FORSYTH BYNUM,  
*Chief Clerk of the Assembly.*

Which was read, and the accompanying resolution No. 26, on motion of Mr. Lykes, was put off for further consideration until to-morrow.

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

SENATE CHAMBER, TALLAHASSEE, January 29, 1879.

HON. W. D. BARNES,

*President pro tem. of the Senate:*

SIR: The Committee on Privileges and Elections to whom has been recommitted the petition and accompanying testimony of Wm. H. Sharpe (the same having been published in the Senate journals of the 17th inst.) claiming a seat in this Senate as a duly elected Senator from the 21st Senatorial District by having received a majority of all the votes cast at the special election for Senator of the 21st Senatorial District held in said District on the 6th day of February, 1877, respectfully submit the following report:

That in pursuance of the resolution of the Senate they have proceeded to investigate the evidence adduced by Sharpe, the contestant, as directed by the Senate, and find, according to this evidence, that W. H. Sharpe did receive at said election a majority of all the votes cast at the said special election held on the 6th day of February, 1877. It is also true that, according to the canvass of the county board, John M. Lee, the contestee in this case, appears to have received a majority of the votes cast, but in this count the evidence now before us shows that nine votes cast at Eau Gallie precinct for the contestant Sharpe were not counted for the said Sharpe; if these nine votes cast for Sharpe be counted, it gives the said Sharpe a majority of all the votes cast, and therefore it shows that John M. Lee was not elected, but that Sharpe, the contestant, was elected at the special election held on the 6th February, 1877.

In consideration of the complications arising in this contest, the committee simply present the facts as appear according to the depositions furnished by Mr. Sharpe, and which the committee was directed by the Senate to consider, they close this report without making any recommendations.

During these last proceedings, St. Clair Abrams, Esq., counsel for Lee the contestee asked and was granted leave to enter his protest, and that his protest be entered upon the journal in connection with this report.

Respectfully,

WHITFIELD WALKER, Chairman,  
S. L. NIBLACK,  
J. J. MCGUIRE,  
JOHN C. WALKER,  
T. W. LONG.

Which was read.

Mr. McKinnon moved the adoption of the report of the committee on Privileges and Elections, and that it be spread on the journal without the accompanying protest.

Mr. Leslie moved to lay that motion on the table; which was not agreed to.

The question then was on the adoption of the motion of Mr. McKinnon, and on the vote being put it was adopted.

Mr. McKinnon then offered the following resolution:

*Resolved*, That the seat in this Senate held by John M. Lee as Senator from the 21st District, composed of Dade and Brevard counties, be and the same is hereby declared vacant.

*Resolved second*, That W. H. Sharpe, who was duly elected from said 21st District, as shown by the evidence before the committee, is entitled to a seat in this Senate, as Senator from the 21st District, and that he come forward and be sworn in.

On motion of Mr. Leslie, the resolution was postponed for further consideration until to-morrow.

Mr. Lykes asked permission to introduce Senate bill No. 67, to be entitled an act for the relief of A. L. Randolph and W. A. Rawls.

Permission being granted, the bill was read by its title the first time, and referred to the Committee on Claims.

The Senate went into Executive session.

On the doors being opened, the Senate adjourned until 10 A. M. to-morrow.

#### CONFIRMATIONS.

John F. McDonell, to be County Judge for Levy county.

John C. McGrew, to be Collector of Revenue for Levy county.

J. M. Willis, to be Assessor of Taxes for Levy county.

THURSDAY, January 30, 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:

Mr. President, Messrs. Allen, Barnes, Bryson, Durkee, Genovar, Hagan, Hatcher, Johnson, Judge, Leslie, Long, Lykes, McMeekin, McGuire, McKinnon, Meacham, Niblack, Orman,

Patterson, Richard, Speer, Walker of the 23, Walker of 6th, Walls and Wallace.

A quorum present.

Prayer by the chaplain.

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

Mr. Niblack moved that Messrs. French, Thompson and McCleeny, the committee appointed to visit the convict camps, be excused from attendance upon the Senate for three days commencing on yesterday;

Which motion was agreed to.

Mr. Lykes moved the adoption of the following resolution:

*Resolved*, That the Sergeant-at-Arms be instructed to call upon the Adjutant-General, and request him to prepare all of the Senate Committee rooms in the Capitol for the use of the Senate Committees, and turn over the keys of the same to the Sergeant-at-Arms;

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

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

By Mr. Lykes:

Senate bill No. 68, to be entitled an act to grant certain lands to the Gainesville, Ocala and Charlotte Harbor Railroad Company.

By Mr. Speer:

Senate bill No. 69, to be entitled an act to incorporate the St. Johns and Lake Eustis Railway Company.

By Mr. Genovar:

Senate bill No. 70, to be entitled an act to amend an act directing the mode of suing out and prosecuting writs of *habeas corpus*, approved December 18, 1822.

The resolution heretofore introduced by Mr. Lykes, directing the Adjutant-General to prepare committee rooms in the Capitol for the use of the Senate,

Was taken up and adopted.

The Senate took up for consideration the report of the Committee on Privileges and Elections, in regard to the contest of W. M. Sharpe vs. John M. Lee, sitting member from the 21st District.

Mr. McKinnon moved the adoption of the following as a substitute for the resolution offered by him on yesterday:

WHEREAS, The Committee on Privileges and Elections to whom was referred the case of W. H. Sharpe, contesting the seat of John M. Lee in the 21st Senatorial District, reported that W. H. Sharpe received a majority of the votes cast at said special election in February, 1877; therefore, be it

*Resolved*, That John M. Lee is not entitled to said seat, but