

W. H. Arendell, to be Collector of Revenue for Jefferson county.

James P. Grantham, to be Assessor of Taxes for Jefferson county.

Frank Philips, to be Clerk of the Circuit Court for Jackson county.

T. W. Getzen, to be Collector of Revenue for Columbia county.

Lewis W. Rivers, to be Assessor of Taxes for Columbia county.

REMOVAL.

C. J. Constantine, from the office of County Judge of Sumter county.

SATURDAY, February 8, 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, Judge, Leslie, Long, Lykes, McClenny, McGuire, McKinnon, Meacham, Niblack, Orman, Patterson, Richard, Speer, Thompson and Walker of 23d—25.

A quorum present.

Prayer by the Chaplain.

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

Mr. Niblack, after a few suitable remarks in reference to the death of Senator McAuley, offered the following resolution which was adopted:

This Senate having received intelligence of the death of the Hon. D. N. McAuley, Senator from the 12th Senatorial District of Florida, desires to express its sorrow at the event and its sense of the loss they have sustained in the final separation of an associate who, in the relation of citizen, friend and fellow-member, has in all cases proved himself worthy of confidence and respect; whereupon, be it

Resolved, That a joint committee of three Senators and five Assemblymen be appointed to make such arrangements for the funeral of the deceased as are becoming and proper, and that the Senate adjourn in token of respect to his memory.

Mr. McKinnon moved that a committee of three be appointed by the Senate to inform the Assembly of the action of the Senate in regard to the death of Senator McAuley;

Which was adopted, and Messrs. McKinnon, Bryson, and Eagan were appointed said committee.

The President announced Messrs. Niblack, Walker of the 23rd, and Allen as the committee on Mr. Niblack's resolution.

Mr. McKinnon, of the committee appointed to notify the Assembly, reported that the duty had been performed, and were discharged.

A committee from the Assembly appeared and presented the following report, which was ordered spread on the journal:

HON. W. D. BARNES,

President pro tem. of the Senate:

SIR: The undersigned committee appointed by the Assembly, are instructed to inform the Senate that they have concurred in joint resolution relative to the death of Senator McAuley, and have appointed as such joint committee provided for in said resolution, Messrs. Harris, Sharon, Thompson, Brush, and Ewan.

Very respectfully,

J. WM. EWAN,
J. E. YONGE,
H. I. GRADY,
Committee.

The President announced the Senate adjourned until 10 A. M. on Monday, February 10, 1879.

MONDAY, February 10, 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, Hagan, Hatcher, Johnson, Judge, Leslie, Lykes, McClenny, McMeekin, McGuire, McKinnon, Meacham, Niblack, Patterson, Richard, Sharpe, Speer, Thompson, and Wallace—22.

A quorum present.

Prayer by the Chaplain.

The journal was read and approved.

Mr. Durkee presented a resolution asking certain information from the Comptroller;

Which was read.

Mr. Niblack moved that Mr. Geo. R. Fairbanks, connected with the University of the South, be invited to a seat in the Senate Chamber.

So ordered.

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

By Mr. Durkee:

Senate bill No. 99, to be entitled an act to repeal an act entitled an act to amend an act entitled an act to provide for the creation of corporations, and to prescribe their general powers and liabilities, and to re-enact and amend the sections repealed by said act.

By Mr. Allen:

Senate bill No. 100, to be entitled an act for the relief of Geo. D. Allen, Collector of Revenue for the county of Monroe.

By Mr. McKinnon:

Senate bill No. 101, to be entitled an act in relation to the taxation of railroad property.

By Mr. Niblack:

Senate bill No. 102, to be entitled an act to regulate the practice in writs of *scire facias*.

By Mr. Judge:

Senate bill No. 103, to be entitled an act to amend section 5, chapter 52, page 125, of the laws of Florida, approved December 29, 1845.

The following resolution introduced by Mr. Durkee was read:

WHEREAS, A bill is now pending in this Senate to provide for the payment of mileage to jurors and witnesses at the Spring Term of 1877 of the Circuit Courts in the several counties of the State; and whereas, the alleged necessity for such an enactment is to remunerate such persons as may hold certificates for mileage of jurors and witnesses issued at the Spring Term of the Circuit Courts of the State at the Spring Term of 1877, under a misapprehension of the law regulating the pay of jurors and witnesses;

Resolved, That the Comptroller be requested to furnish for the information of this Senate a detailed statement of the amount of mileage of jurors and witnesses which was issued by the Clerks of the Circuit Courts of the different counties of the State for the Spring Term of 1877, and which has been actually received by any tax collector in the payment of taxes, stating what amount has been so received by each tax collector,

and by whom received, as appears by the reports of such tax collector; and that he be further requested to state the amount of such certificates received by him from the different tax collectors of the State in settlement or upon their accounts, with a view of determining the specific amount of relief required to indemnify the different tax collectors and the Comptroller in the premises.

Mr. McKinnon moved to lay the resolution on the table.

The yeas and nays being called for,

The vote was:

Yeas—Messrs. Eagan, Hagan, Hatcher, Jones, Judge, Lykes, McClenny, McMeekin, McKinnon, Meacham, Richard, Sharpe, and Thompson—13.

Nays—Messrs. Allen, Barnes, Bryson, Durkee, French, Johnson, Leslie, McGuire, Niblack, Patterson, Speer, Walker of the 23d and Wallace—13.

So the motion to lay on the table was lost.

The vote was then taken on the adoption of the resolution.

The yeas and nays being called for,

The vote was:

Yeas—Messrs. Allen, Barnes, Bryson, Durkee, Johnson, Leslie, McGuire, Meacham, Niblack, Patterson, Speer, Walker of the 23d and Wallace—13.

Nays—Messrs. Eagan, French, Hagan, Hatcher, Jones, Judge, Lykes, McClenny, McMeekin, McKinnon, Richard, Sharpe and Thompson—13.

So the resolution was not adopted.

Mr. McGuire moved that Mr. Genovar be excused from attendance on account of sickness;

Which was agreed to.

Mr. Niblack presented the following report:

SENATE CHAMBER, TALLAHASSEE, February 10, 1879.

HON. W. D. BARNES,

President pro tem. of the Senate:

SIR: Your committee appointed to meet a committee from the Assembly in joint conference, in reference to the funeral obsequies of Senator McAuley, have met and would respectfully submit the following as their report:

By the unanimous consent of the committee it was agreed:

That the Assembly Hall be draped in mourning on the occasion of the funeral service; and that the desk and chair of the deceased Senator be draped in mourning and shall so remain during the residue of the session;

That an undertaker be employed by the Sergeant-at-Arms of the Senate and Assembly to provide for necessary funeral arrangements.

Your Joint Committee would respectfully suggest that an appropriation be made by the Legislature to defray all expenses incurred in the burial of the deceased Senator.

And your committee, having ascertained that their instructions were carried out, and finding no further need of their services, do respectfully submit the foregoing and beg to be discharged.

Respectfully,

S. L. NIBLACK,
Chairman Senate Committee.
J. J. HARRIS,
Chairman Assembly Committee.
J. WM. EWAN,
Secretary Joint Committee.
WHITFIELD WALKER,
GEO. W. ALLEN,
H. F. SHARON,
LOUIS J. BRUSH,
JAMES D. THOMPSON.

Which was read and adopted.

Mr. Judge presented the following report:

SENATE CHAMBER, TALLAHASSEE, February 6, 1879

HON. W. D. BARNES,

President pro tem. of the Senate:

SIR: The committee to whom was referred Senate bill No. 50, to be entitled an act to repeal Joint Resolutions approved March 7, 1877, entitled joint resolutions asking Congress to authorize the Legislature of Florida to incorporate the Seminary Fund and the Agricultural College Fund into the common school fund of said State, have had the same under careful consideration and recommend that it do not pass.

WM. JUDGE, Chairman.
F. M. McMEEKIN,
SETH FRENCH.

Which was read.

Also the following:

SENATE CHAMBER, TALLAHASSEE, February 7, 1879.

HON. WM. D. BARNES,

President pro tem. of the Senate:

SIR: We, the undersigned members of the Committee on Education, to whom was referred Senate bill No. 50, to be entitled an act to repeal joint resolutions approved March 7, 1877, beg leave to submit a minority report recommending the passage of the bill, for the following reasons:

To incorporate the Seminary Fund into the common school fund would do little to increase the general usefulness of that fund, and would give no material relief to the tax-payers, while it would destroy the only two endowed schools of high grade in the State whose doors are open to all sections alike; and to felieve an apparent present necessity do much to injure in the uture all prospects of ever establishing high grade schools within our State.

J. C. WALKER,
J. H. DURKEE.

Which was read and Senate bill No. 50 placed among the orders of the day.

Mr. Jones made the following report:

SENATE CHAMBER, TALLAHASSEE, February 10, 1879.

HON. W. D. BARNES,

President pro tem. of the Senate:

SIR: Your Committee on City and County Organizations respectfully report that they have examined Senate bill No. 74, to be entitled an act to locate the county seat of any county not legally located, which was referred to them, and recommend that the same do pass, with the accompanying amendment.

Respectfully,

W. J. JONES, Chairman.

Which was read, and Senate bill No. 74 was placed among the orders of the day, with its proposed amendment.

Mr. Niblack made the following report:

SENATE CHAMBER, TALLAHASSEE, February 8, 1879.

HON. W. D. BARNES,

President pro tem. of the Senate:

SIR: The Judiciary Committee, to whom was referred Assembly bill No. 14, to be entitled an act to amend the 69th section of an act entitled an act to provide for the punishment of crimes and proceedings in criminal cases, approved August 7, 1868, for the purpose of extending the provisions of the said section to ferries, and to persons who shall aid or assist another to violate the provisions of said section, have had the same under consideration and recommend its passage.

Respectfully,

S. L. NIBLACK, Chairman *pro tem.*

Which was read and Assembly bill No. 14 placed among the orders of the day.

Also the following:

SENATE CHAMBER, TALLAHASSEE, February 8, 1879.

HON. W. D. BARNES,

President pro tem. of the Senate:

SIR: The Judiciary Committee, to whom was referred Senate bill No. 66, to be entitled an act to enlarge the jurisdiction of mayors of cities and towns in this State, have considered the same and recommend that it do not pass, for the reason that the bill proposes to extend the authority of the mayors of cities and towns beyond their corporate limits, for the arrest of persons under warrants issued by such mayors, which would be a dangerous power, and also of doubtful constitutionality.

Respectfully,

S. L. NIBLACK, Chairman *pro tem.*

Which was read and Senate bill No. 66 placed among the orders of the day.

Also the following:

SENATE CHAMBER, TALLAHASSEE, February 8, 1879.

HON. W. D. BARNES,

President pro tem. of the Senate:

SIR: The Committee on the Judiciary, to whom was referred Senate bill No. 44, to be entitled an act to amend section 13 of an act entitled an act concerning limitations of actions, approved November 10, 1828, respectfully recommend the passage of said bill.

Respectfully,

S. L. NIBLACK, Chairman *pro tem.*

Which was read and Senate bill No. 44 placed among the orders of the day.

Also the following:

SENATE CHAMBER, TALLAHASSEE, February 8, 1879.

HON. W. D. BARNES,

President pro tem. of the Senate:

SIR: The Judiciary Committee, to whom was referred Senate bill No. 82, entitled an act for the adoption of a child by Charles F. Wall and Susan M. Wall, have considered the same and recommend the passage of the bill.

Respectfully,

S. L. NIBLACK, Chairman *pro tem.*

Which was read and Senate bill No. 82 placed among the orders of the day.

Mr. McClenny presented the following report:

SENATE CHAMBER, TALLAHASSEE, February 10, 1879.

HON. W. D. BARNES,

President pro tem. of the Senate:

SIR: The committee to whom was referred Assembly Memorial No. 9, to have an appropriation made for the survey of the Withlacoochee river, have had the same under consideration, and recommend its passage.

Very respectfully,

C. B. McCLENNY, Chairman.

Which was read, and Assembly Memorial No. 9 placed among the orders of the day.

Also the following:

SENATE CHAMBER, TALLAHASSEE, February 10, 1879

HON. W. D. BARNES,

President pro tem. of the Senate:

SIR: The committee to whom was referred Assembly Joint Resolution No. 18, relative to the opening of the Finholloway river, have had the same under consideration, and recommend its passage.

Very respectfully,

C. B. McCLENNY, Chairman.

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

Also the following:

SENATE CHAMBER, TALLAHASSEE, February 10, 1879.

HON. W. D. BARNES,

President pro tem. of the Senate:

SIR: The committee to whom was referred Assembly Joint Resolution No. 6, asking the Congress of the United States to establish a life-saving station at Cape St. Blas, Calhoun county, have had the same under consideration, and recommend its passage.

Very respectfully,

C. B. McCLENNY, Chairman.

Which was read, and Assembly Joint Resolution No. 6 placed among the orders of the day.

Mr. McClenny made the following report:

SENATE CHAMBER, TALLAHASSEE, February 10, 1879.

HON. W. D. BARNES,

President pro tem. of the Senate:

SIR: The committee to whom was referred Senate Joint res-

olution No. 15, requesting that a beacon light be erected at or near Choctawhatchie bar, West Florida, have had the same under consideration and report the same back with a substitute therefor, and recommend its passage.

C. B. McCLENNY, Chairman.

Which was read, and Resolution No. 15 and its substitute were placed among the orders of the day.

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

SENATE CHAMBER, TALLAHASSEE, February 10, 1879.

HON. W. D. BARNES,

President pro tem. of the Senate:

SIR: The Committee on Privileges and Elections, to whom was re-committed Senate bill No. 55, to be entitled an act to prevent illegal voting, have examined the same and return it to the Senate without further comment.

Respectfully submitted.

WHITFIELD WALKER, Chairman.

Which was read and Senate bill No. 55 placed among the orders of the day.

Mr. McClenny made the following report:

SENATE CHAMBER, TALLAHASSEE, February 10, 1879.

HON. W. D. BARNES,

President pro tem. of the Senate:

SIR: The committee to whom was referred Senate bill No. 92, to be entitled an act to authorize John McDavid, of Santa Rosa county, to cut a canal from the Escambia river to Canoe Creek, have had the same under consideration and recommend that it do pass.

C. B. McCLENNY, Chairman.

Which was read and Senate bill No. 92 placed among the orders of the day.

Also the following:

SENATE CHAMBER, TALLAHASSEE, February 10, 1879.

HON. W. D. BARNES,

President pro tem. of the Senate:

SIR: The committee to whom was referred Senate bill No. 93, to be entitled an act to authorize the improvement of streams declared navigable for logs or timber, have had the same under consideration and recommend that it do pass.

C. B. McCLENNY, Chairman.

Which was read and Senate bill No. 93 placed among the orders of the day.

Special order:

Senate bill No. 6:

To be entitled an act imposing a tax and prescribing the mode of collecting the same, on the privilege of selling wine, ardent spirits and malt liquors within the State of Florida,

Was taken up.

Mr. McGuire moved the bill be indefinitely postponed.

Upon which the yeas and nays were called.

The vote was:

Yeas—Messrs. Bryson, Leslie, McClenny, McGuire, Richard, Thompson, and Wallace—7.

Nays—Messrs. Allen, Barnes, Durkee, Eagan, French, Hagan, Hatcher, Johnson, Judge, Lykes, McMeekin, McKinnon, Meacham, Niblack, Patterson, Sharpe, Speer, and Walker of the 23rd—18.

So the motion to postpone was not agreed to.

Mr. Lykes moved that the Senate go into Committee of the Whole for considering the bill;

Which was agreed to, and Mr. Lykes took the chair.

After some time spent therein, Mr. McKinnon moved that the committee of the whole rise and report progress;

Which was agreed to.

The President *pro tem.* in the chair.

Mr. Lykes reported that the committee of the whole who had under consideration Senate bill No. 6 reported it back with sundry amendments and recommended the bill be adopted.

Senate bill No. 6 was ordered to be engrossed as amended.

Mr. Thompson asked leave to present Senate bill No. 104, to be entitled an act to amend sections 1 and 2 of an act entitled an act to provide for the superintendence and management of the asylum for indigent lunatics.

Permission granted, and the bill read the first time by its title and referred to Joint Committee on Asylum and Penitentiary; also,

Senate bill No. 105, to be entitled an act to allow lunatics, whose friends, parents or guardians are able to pay for the support of such lunatics, to be received into the asylum for indigent lunatics, and to allow the authorities of such asylum to receive compensation therefor,

Was read the first time, and referred to the Joint Committee on Asylum and Penitentiary.

By Mr. McKinnon:

Senate bill No. 106, to be entitled an act to incorporate the Chattahoochee and Pensacola Railroad Company,

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

By Mr. Walker of the 23d :

Senate bill No. 107, to be entitled an act to incorporate the Ocala, Brooksville and Tampa Bay Railroad Company.

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

The Senate then went into Executive session.

On the doors being opened, on motion the Senate adjourned till 4 o'clock, P. M.

FOUR O'CLOCK, P. M.

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. Barnes, Bryson, Durkee, French, Hagan, Hatcher, Johnson, Judge, Leslie, Long, Lykes, McClenny, McMeekin, McGuire, McKinnon, Richard, Sharpe and Walker of the 23d-18.

A quorum present.

Mr. French asked permission to introduce Senate bill No. 108, to be entitled an act to establish a Bureau of Immigration for the State of Florida.

Permission was granted and the bill read by its title and referred to the Committee on Immigration.

ORDERS OF THE DAY.

Assembly bill No. 17 :

To be entitled an act to amend section 42 of an act entitled an act for the assessment and collection of revenue, approved February 17, 1874,

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

Assembly bill No. 48 :

To be entitled an act for the adoption of a child by Daniel D. Thomas and Emma Thomas,

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

Assembly bill No. 108 :

To be entitled an act for the relief of D. J. McRae,

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

Assembly Joint Resolution No. 27, relating to the Texas and Pacific Railway Company,

Was read the first time and referred to the Committee on Corporations.

Assembly Memorial No. 28, for the establishment of a mail route,

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

Senate bill No. 99 :

To be entitled an act to repeal an act entitled an act to amend an act entitled an act to provide for the creation of corporations and to prescribe their general powers and liabilities, and to re-enact and amend the sections repealed by said act,

Was read the first time and referred to the Committee on Corporations.

Senate bill No. 100 :

To be entitled an act for the relief of Geo. D. Allen, collector of Munroe county,

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

Senate bill No. 101 :

To be entitled an act in relation to the taxation of railroad property,

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

Senate bill No. 102 :

To be entitled an act to regulate the practice in writs of *scire facias*,

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

Senate bill No. 103 :

To be entitled an act to amend section 5, chapter 52, Laws of Florida, page 125, approved December 29, 1845,

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

Assembly bill No. 31 :

To be entitled an act enlarging the powers of Circuit Judges,

Was read the second time and, on motion of Mr. McKinnon, the rule waived, read the third time and put upon its passage.

The vote was :

Yeas—Messrs. Allen, Barnes, Bryson, Durkee, French, Hagan, Hatcher, Johnson, Jones, Judge, Leslie, McClenny, McMeekin, McGuire, McKinnon, Patterson, Richard, Sharpe, Speer, Thompson and Walker of the 23rd—21.

Nays—Mr. Meacham—1.

So the bill passed, title as stated.

Ordered that the same be certified to the Assembly.

Assembly bill No. 37, to be entitled an act for the relief of W. R. Barnhart and others,

Was read the second time.

Mr. McMeekin moved that the rule be waived and the bill put on its third reading;

Which was agreed to.

So the bill was read a third time and put on its passage.

The vote was:

Yeas—Messrs. Allen, Barnes, Bryson, Hagan, Hatcher, Jones, Judge, Leslie, Lykes, McMeekin, McGuire, Meacham, Patterson, Richard, Speer and Walker of the 23rd—16.

Nays—Mr. Johnson—1.

So the bill passed, title as stated.

Ordered that the same be certified to the Assembly.

Senate bill No. 68:

To be entitled an act to grant lands to the Gainesville, Ocala and Charlotte Harbor Railroad Company,

Was read a second time as amended by the Committee on Railroads.

Mr. Hagan moved to amend by adding to section 8, "and its branches in seven years;"

Which was agreed to.

Mr. Lykes moved that the amendment recommended by the committee, be adopted;

Which was agreed to, and 150 copies of the bill ordered to be printed.

Senate bill No. 85:

To be entitled an act making prejudice a disqualification of Judges of the Supreme Court and providing for the substitution of Circuit Court Judges,

Was read the second time and postponed for consideration until 11 A. M. to-morrow.

Assembly bill No. 86:

To be entitled an act for the relief of the society of the first Baptist Church of Palatka,

Was read the second time.

Mr. McMeekin moved that the rule be waived and the bill read a third time;

Which was agreed to.

So the bill was read a third time and put on its passage.

The vote was:

Yeas—Messrs. Allen, Barnes, Bryson, Durkee, Hagan, Hatcher, Jones, Judge, Leslie, Lykes, McMeekin, McGuire, Meacham, Patterson, Richard, Sharpe, Speer, Walker of the 23rd and Wallace—19.

Nays—Mr. Johnson—1.

So the bill passed, title as stated.

Ordered that the same be certified to the Assembly.

Senate bill No. 87:

To be entitled an act for the incorporation of the Florida Medical Association,

Was read a second time and ordered to be engrossed.

Senate bill No. 88:

To be entitled an act authorizing the erection of a dam across the Hillsborough river, in the county of Hillsborough,

Was read the second time and ordered to be engrossed.

Senate bill No. 74:

To be entitled an act to locate the county site of any county not heretofore legally and permanently located,

Was taken up on its second reading, and amended by the Committee on City and County Organizations.

Mr. Bryson moved to amend the amendment by striking out the words "or a majority of them" in line , section 6;

Which was agreed to.

The amendment was then adopted.

Mr. Sharpe moved that the title be so amended as to read: "An act to locate the county site of Brevard county;"

Which was agreed to, and the bill ordered to be engrossed as amended.

Senate bill No. 55:

To be entitled an act to prevent illegal voting.

Was read the second time.

Mr. Wallace moved to amend by striking out the words "justice of the peace" and insert "circuit court."

On motion, this amendment was laid on the table, and the bill ordered to be engrossed.

Senate bill No. 50:

To be entitled an act to repeal joint resolution, approved March 7, 1877, in relation to Agricultural College Fund,

Was taken up, but postponed for further consideration until to-morrow.

Assembly joint resolution No. 6:

In relation to a life-saving station at Cape San Blas, Calhoun county,

Was read a second time.

Assembly joint resolution No. 18:

Relative to the opening of the Finholloway River,

Was read a second time, the rule waived and read a third time and put upon its passage.

The vote was:

Yeas—Messrs. Allen, Barnes, Bryson, Hagan, Hatcher, Johnson, Jones, Judge, Lykes, McMeekin, McGuire, McKinon, Meacham, Niblack, Patterson, Richard, Sharpe, Speer, Walker of the 23d and Wallace—20.

Nays—None.

So the resolution passed.

Ordered to be certified to the Assembly.

Assembly memorial No. 9 :

For an appropriation made for the survey of the Withlacoochee river,

Was read the second time, and amended by resolution of Mr. Walker of the 23d, as to add after the word "mill," in the 23d line, "and Pannasoffkee Lake."

The following communication was received from the Governor and read :

EXECUTIVE DEPARTMENT, }
TALLAHASSEE, FLA., February 10, 1879. }

TO HON. W. D. BARNES,

President pro tem. of the Senate :

SIR : I have this day signed and deposited in the office of the Secretary of State the following acts :

An act for the incorporation of the Grand Lodge of Independent Order of Odd Fellows, of the State of Florida; also,

An act to repeal chapter 3044, being an act entitled an act for the protection of game and wild birds; also,

An act fixing the times for holding the Circuit Court in the Sixth Judicial Circuit.

And I have deposited memorial to the Congress of the United States requesting that a branch of the United States Land Office be established at Freeport, Walton county, West Florida, in the office of Secretary of State.

Very respectfully,

GEO. F. DREW, Governor.

The following communication was received from the Attorney-General and read :

ATTORNEY-GENERAL'S OFFICE, }
TALLAHASSEE, FLA., February 10, 1879. }

HON. W. D. BARNES,

President pro tem. of the Senate :

SIR : I have the honor, in compliance with Senate resolution of the eighth inst. calling upon me for a statement of the services on account of which I have received compensation from the Board of Trustees of the Internal Improvement Fund, to state, that I represented the Board in taking and arguing in the Supreme Court an appeal from the decree of the Circuit Court of St. Johns county, involving the question of the title of the St. Johns Railway Company to the odd numbers of sections, or fractional sections of land, which passed to

the State under the act of Congress of September 28, 1856, the adjacent line of which is within six miles on each side and from the termini of the road of such company. The case is reported in XVI Florida Reports. These lands were granted to the Company under Chapter 936, of the Laws of Florida, approved December 31, 1858. The bill was filed against the Board under Governor Stearns' Administration, to prevent the sale by the Board of any of these lands, and from the best information the present Board could obtain, no former Board ever recognized the title of the Company to these lands. I also represented the Board in a case brought by T. B. Codrington in which the Board was one of the defendants, in the Circuit Court of the United States. In this suit it was sought to establish against the fund a claim of sixty-four thousand and eighty-five dollars (\$64,085.) It was argued at the February term, 1878, of this Court, Judge Settle rendering a final decree in favor of the Trustees and other defendants dismissing the bill. The claim was based upon coupons of the Pensacola and Georgia R. R. bonds which it was sought to revive against that Company and the fund. I have also represented the Trustees in the suit brought in the Circuit Court of the U. S., at Jacksonville, by Robt. H. Johnston seeking to set aside the sales of the Pensacola and Georgia, and the Tallahassee, and the Florida Atlantic and Gulf Central Railroads, and for the appointment of a receiver for the same, this bill being filed by Mr. Johnson as the holder of a few of the second mortgage bonds issued by the last named company. This cause is still pending in the name of Rufus Barringer and Robert J. McDowell. A demurrer of the Trustees to the same was partially argued, but owing to the death of Mr. Johnson the suit had to be revived and now stands on demurrer ready for argument. I am also attorney for the Trustees in a suit brought by Mr. Rembert as a holder of about \$6,000 of the Indian River Canal bonds, issued under the internal improvement act. It is sought here to subject lands to payment of these bonds.

In connection with the Hon. James M. Baker of Jacksonville, I represented the Board in resisting the claims of Francis Vose, Esq., for moneys expended and services rendered in the litigation instituted by him to set aside certain sales and donations of lands made between 1868 and 1873, and to defeat improper and illegal claims made upon the Fund. The master in this matter had allowed Mr. Vose ninety-three thousand nine hundred and forty-one dollars and fifty-five cents principal, and thirty-nine thousand four hundred and twenty-nine dollars and forty-six cents interest. Upon argument, the court allowed twenty-seven thousand eight hundred and twenty-five dollars and thirty-four cents principal, and fifty-eight hundred and

sixty-two dollars and forty-six cents interest, and disallowed eight thousand six hundred and eleven dollars and thirty-five cents, (\$8,611.35), and decreed that the balance of the claim should be referred to another master to take testimony in regard to the same. This matter is now before the master and some testimony has been taken therein. The above order was made February 15th, 1878. On the 5th day of December, 1878, on an application for rehearing as to the items allowed, it was decreed by the court that the question as to whether these items shall be charged against the coupon-holders proportionately, or against the Internal Improvement Fund, be reserved until the final determination of the litigation by the receipt of a sufficient amount to pay the indebtedness of the fund, the coupon-holders and the usual statutory costs.

Mr. Baker and myself also represented the board in resisting the application of Mr. Vose to have Mr. Sherman Conant, United States Marshal, appointed agent to sell lands of the fund. A copy of the answer filed by us can be found in the biennial report of the Commissioner of Lands and Immigration recently rendered to the Governor.

In connection with the Hon. David S. Walker, I have represented the board in the case of the Western Division of the Western North Carolina Railroad Company, and that of J. Fred Schutte, and others, and that of Horatio Bisbee, Jr., and that of D. P. Holland against the trustees and others, and in that of the appeal of the J. P. & M. R. Co., from the decree of April 4, 1874, obtained by the trustees in the Duval Circuit Court for the balance of the purchase money due on the sale of the Tallahassee and Pensacola and Georgia Railroad, made March 20, 1869.

The case of the Western Division of the North Carolina Railroad Company was brought, among other things, to assert the right of that company to have the \$968,000 of Pensacola and Georgia and Tallahassee Railroad bonds, which were surrendered to the trustees in part payment of the price bid for said roads at such sales, and cancelled, revived and delivered to such company, it claiming that its money had been used by Mr. Swepson in the purchase of these bonds, and that it was entitled to them as a claim against said roads, and also against the fund to the extent of interest thereon. We filed the answer of the trustees. I had to take a trip to North Carolina to attend a proposed examination of Mr. Swepson as a witness for the complainant. We have secured from the solicitor from the complainant since then a recognition of the trustees' prior right to said cancelled bonds and to their claims on the railroads for the balance of the purchase money.

The case of J. Fred Schutte and others is brought by them as

holders of the State bonds commonly known as the Littlefield bonds, they claiming to have a superior claim and lien on the P. & G. and Tallahassee railroads, by virtue of such bonds over the claim of the trustees thereon for the balance of the purchase money. We have answered this bill, and testimony is now being taken in the cause. The time for taking testimony expires about the first of April. We have also filed a cross bill in this suit, praying a sale of these roads to pay the balance of the purchase money.

The case of H. Bisbee, Jr., is brought to assert his right to be paid about twenty thousand dollars out of the thirty odd thousand dollars held by Mr. Walter Gwynn, which were turned over by the Supreme Court of the United States from the earnings of the roads under the receivership of Robert Walker, Esq., he claiming this amount as compensation for professional services rendered to the State as trustee for the Littlefield bondholders. We have answered this bill, and a large quantity of testimony has been taken, and the case will be tried very soon after the adjournment of the Legislature. In this suit a number of the employees and creditors of the J. P. & M. Railroad Company have filed answers and cross bills, which we have answered.

The case of Holland is brought by him to subject the fund held by Mr. Gwynn to pay a judgment obtained by him against the J. P. & M. R. Co. We have answered his bill and have agreed upon all the testimony, which is all in the shape of records, to be used in the cause, and it will be tried soon after the adjournment of the Legislature. In this suit and that of Mr. Bisbee, the trustees seek to have the fund held by Mr. Gwynn applied to the payment of the outstanding Pensacola and Georgia and Tallahassee Railroad bonds, which are guaranteed as to interest by the fund.

In the case of the appeal of the J. P. & M. R. Co., from the above stated judgment of April 4, 1874, that company sought a reversal of the decree. We entered a motion in the Supreme Court to dismiss the appeal and argued it, and succeeded in having it dismissed.

The above is a succinct statement of the professional services on which the payment of seven hundred dollars has been made.

I avail myself of this opportunity to state that I will be glad to communicate to any committee or member of the Legislature any other information concerning such litigation which may be necessary to the fullest understanding of the same.

I have the honor to be, very respectfully,

GEO. P. RANEY.

Mr. Eagan gave notice that on to-morrow he would move a

reconsideration of the vote by which the resolution offered by Mr. Durkee was lost.

Mr. French asked that Messrs. Thompson, McClenny and himself, the Committee on the Asylum and State Prison, be excused for two days from attendance;

Which was agreed to.

On motion of Mr. Bryson, the Senate then adjourned to 10 A. M. to-morrow.

TUESDAY, February 11, 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, Durkee, Eagan, French, Hagan, Hatcher, Johnson, Jones, Judge, Leslie, Lykes, McClenny, McMeekin, McGuire, McKinnon, Meacham, Niblack, Patterson, Richard, Sharpe, Thompson and Walker of the 23rd—24.

A quorum present.

Prayer by the Chaplain.

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

Mr. Johnson asked that Mr. Orman be excused from attendance on account of sickness;

Which was granted.

Mr. McGuire presented the following resolution:

Resolved by the Senate, the Assembly concurring, That this Legislature adjourn February 20th sine die.

Mr. Lykes moved that the rule be waived and the resolution adopted;

Which was not agreed to.

Mr. Egan moved a reconsideration of the vote taken yesterday on the resolution of Mr. Durkee, "asking for certain information from the Comptroller."

The yeas and nays being called for, the vote was:

Yeas—Messrs. Allen, Barnes, Bryson, Durkee, Eagan, Hatcher, Johnson, Leslie, McClenny, McGuire, Meacham, Niblack, Sharpe, Speer, Walker of the 23rd and Wallace—16.

Nays—Messrs. Hagan, Jones, Judge, Lykes, McMeekin, McKinnon, Patterson, Richard and Thompson—9.

So the motion to reconsider was agreed to.

Mr. Eagan then called up the resolution of Mr. Durkee, which was read, and moved its adoption.

The resolution was then adopted.

Mr. Niblack made the following report:

SENATE CHAMBER, TALLAHASSEE, February 11, 1879.

HON. W. D. BARNES,

President pro tem. of the Senate:

SIR: The Committee on Railroads and Canals, to whom was referred Senate bill No. 106, to be entitled an act to incorporate the Chattahoochie and Pensacola Railroad Company, beg leave to report that they have had the same under consideration and recommend the adoption of the amendment attached to the bill, and that it be passed as thus amended.

Respectfully,

S. L. NIBLACK, Chairman.

Which was read and Senate bill No. 106 placed among the orders of the day.

Mr. Niblack asked leave of absence for Messrs. Allen, McKinnon and himself on account of committee business;

Which was granted.

ORDERS OF THE DAY.

Assembly bill No. 14:

To be entitled an act to amend the 69th section of an act entitled an act to provide for the punishment of crime, and proceedings in criminal cases, approved August 6, 1868, for the purpose of extending the provisions of the said section to ferries, and to any person who shall aid or assist another to violate the provisions of said section,

Was read a second time and ordered to be engrossed.

Senate resolution No. 15:

Requesting that a beacon light be erected at or near Choctawhatchee Bar, in West Florida,

Was read a second time, and ordered to be engrossed as amended by the Committee on Commerce and Navigation.

Senate bill No. 44:

To be entitled an act to amend section 13 of an act entitled an act concerning limitation of actions, approved November 10, 1828,

Was read the second time and ordered to be engrossed.

Senate bill No. 50:

To be entitled an act to repeal joint resolution approved March 7, 1877, in relation to the Agricultural Fund,