

The question was then on the adoption of the amendments offered in the minority report of the committee.

Mr. Eagan moved to adopt the majority report of the committee.

The vote was then taken on the adoption of the amendments in the minority report.

The yeas and nays being called for,

The vote was :

Yeas—Messrs. Hagan, Hatcher, Judge, Leslie, Lykes, McGuire, McKinnon, Niblack, Sharpe, Speer, and Walker of the 23d—11.

Nays—Messrs. Allen, Barnes, Bryson, Durkee, Eagan, French, Johnson, Jones, Long, McMeekin, Meacham, Orman, Patterson, Richard, Thompson, Walker of the 6th and Wallace—17.

So the amendments were not agreed to.

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

Which was agreed to.

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

The vote was :

Yeas—Messrs. Hagan, Hatcher, Jones, Judge, Leslie, Lykes, McGuire, McKinnon, Niblack, Orman, Sharpe, Speer and Walker of the 23d—13.

Nays—Messrs. Allen, Barnes, Bryson, Durkee, Eagan, French, Johnson, Long, McMeekin, Meacham, Patterson, Richard, Thompson, Walker of 6th and Wallace—15.

So the bill did not pass.

The following message was received from the Assembly :

ASSEMBLY HALL, TALLAHASSEE, February 12, 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. 89, to be entitled an act to prevent aliens from killing or destroying birds of plume on the coast of Florida, and respectfully request the concurrence of the Senate therein.

Very respectfully,

WM. FORSYTH BYNUM,
Chief Clerk of the Assembly.

Also the following :

ASSEMBLY HALL, TALLAHASSEE, February 11, 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 Joint Resolution in reference to a Constitutional Convention by a vote of 48 yeas to 20 nays, and respectfully request the concurrence of the Senate therein.

Very respectfully,

WM. FORSYTH BYNUM,
Chief Clerk of the Assembly.

Which were read, and the accompanying bill and resolution placed among the orders of the day.

Gov. Marvin, Bishop Young and G. R. Fairbanks being present, were invited to seats on the floor.

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

By Mr. Leslie :

Senate bill No. 119, to be entitled an act to make it a misdemeanor for any Judge of the Supreme Court or of the Circuit Courts of the State of Florida to practice law in certain courts of this State.

By Mr. Wallace :

Senate bill No. 120, to be entitled an act for the relief of G. A. Lamb, of Leon county.

By Mr. Long :

Senate bill No. 121, to be entitled an act repealing an act changing the boundary lines between the counties of Levy and Marion, approved February 6, 1877.

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

FRIDAY, February 14, 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, French, Genovar, Hagan, Jones, Judge, Leslie, Long, Lykes, McClenny, McMeekin, McGuire, McKinnon, Meacham, Niblack, Orman, Richard, Sharpe, Speer, Walker of the 23d, Walker of the 6th and Wallace—25.

A quorum present.

Prayer by the Chaplain.

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

Mr. Richard presented a resolution in regard to time of adjournment;

Which was laid over for consideration.

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

By Mr. Walker of the 23d:

Senate bill No. 123, to be entitled an act to legally locate the county site of Sumter county.

By Mr. Wallace:

Senate bill No. 124:

To be entitled an act requiring administrators, executors and guardians to make annual reports; also,

Senate bill No. 125, to be entitled an act for the disposition of estates not worth over one thousand dollars; also,

Senate bill No. 126, to be entitled an act locating private roads; also,

Senate bill No. 127, to be entitled an act making section line roads.

By Mr. Niblack:

Senate bill No. 128, to be entitled an act to prescribe the manner of payment of jurors and State witnesses.

Mr. Richard offered the following resolution, which was taken up and read:

The people of the State of Florida, represented in Senate and Assembly, do resolve as follows: That no new business shall be introduced in the Senate or Assembly after the 20th day of February inst., and that the Legislature shall adjourn sine die on the 28th day of this month.

Mr. Niblack moved to amend by adding "this resolution shall not be rescinded except by a majority of the Senate;"

Which amendment was agreed to.

Mr. Jones moved to amend this by adding "that this resolution cannot be rescinded only by a two thirds vote;"

Which motion was not agreed to.

Mr. McKinnon moved to amend by adding to it the following: "and that the resolution declaring that no new business shall be introduced after the 15th inst. is hereby rescinded;"

Which amendment was agreed to.

The vote was then taken on the resolution as amended, and the resolution adopted.

The following message was received from the Assembly:

ASSEMBLY HALL, TALLAHASSEE, February 10, 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. 29, to be entitled an act requiring conveyances of State lands, or of any interest therein, by the officers having them in charge, to be attested with the seal of the Florida Land Office, and to admit such deeds to record and to be received in evidence in the courts of this State, 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. 29 placed among the orders of the day.

The following report from the Comptroller was received and read:

COMPTROLLER'S OFFICE, }
TALLAHASSEE, February 14, 1879. }

HON. W. D. BARNES,

President pro tem. of the Senate:

SIR: In reply to a resolution of your body calling on this office for certain information in regard to mileage allowed to jurors and witnesses for the spring term of the Circuit Court of the several counties for 1877, I have the honor to state, it is difficult to show in detail and with entire accuracy at this time the amount of mileage on certificates disallowed after such certificates were received by collectors. I estimate that \$1,500, or certainly not over \$2,000, would cover the amount of mileage on the certificates received by collectors before they were instructed that such mileage was not allowed. The amount of mileage on jurors and witness certificates issued for said spring term of 1877, as shown in this office, is \$6,469.18, all of which mileage was disallowed by collectors and by this office, excepting the above estimated amount, after it was ascertained that the law did not provide for such mileage. Should the Legislature make appropriation to cover the mileage which collectors thus innocently assumed, (which I respectfully recommend,) no payment would be made on such mileage except upon statements which could be verified by the records of this office. There would be nothing paid here except when justly due to relieve collectors who had allowed mileage in good faith.

I have the honor to be, &c.,

C. DREW, Comptroller.

Mr. Thompson made the following report:

SENATE CHAMBER, TALLAHASSEE, February 13, 1879.

HON. W. D. BARNES,

President pro tem. of the Senate:

SIR: The committee, to whom was referred Senate bill No

78, have examined the same. When amended, as provided in the bill herewith, which we recommend as a substitute, we recommend the passage of the bill when so amended.

Very respectfully,
W. N. THOMPSON, Chairman.

Which was read and Senate bill No. 78 placed among the orders of the day.

Mr. Niblack made the following report:

SENATE CHAMBER, TALLAHASSEE, February 14, 1879.

HON. W. D. BARNES,
President pro tem. of the Senate:

SIR: The Judiciary Committee, to whom was referred Senate bill No. 117, an act to authorize the employment of counsel to represent the State in certain criminal cases, respectfully report that they have examined the same and recommend that it do not pass.

Respectfully,
S. L. NIBLACK, Chairman.

Which was read.
Also the following:

SENATE CHAMBER, TALLAHASSEE, February 14, 1879.

HON. W. D. BARNES,
President pro tem. of the Senate:

SIR: Your Committee on Judiciary to whom was referred Senate bill No. 102, an act to regulate the practice in writs of *scire facias*, respectfully report that they have examined the same and recommend that it pass.

Respectfully,
S. L. NIBLACK, Chairman.

Which was read.
Also the following:

SENATE CHAMBER, TALLAHASSEE, February 14, 1879.

HON. W. D. BARNES,
President pro tem. of the Senate:

SIR: Your Committee on Judiciary to whom was referred Assembly bill No. 48, an act for the adoption of a child by Daniel D. Thomas and Emma Thomas, respectfully report that they have examined the same and recommend its passage.

Respectfully,
S. L. NIBLACK, Chairman.

Which was read.

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

Mr. Niblack made the following report:

SENATE CHAMBER, TALLAHASSEE, February 14, 1879.

HON. W. D. BARNES,
President pro tem. of the Senate:

SIR: Your Committee on Railroads and Telegraphs to whom was referred Senate bill No. 37, have had the same under consideration and recommend that the substitute herewith be passed in lieu of said bill.

Respectfully submitted,
S. L. NIBLACK, Chairman.

Which was read and Senate bill No. 37 placed among the orders of the day.

Mr. Richard made the following report:

SENATE CHAMBER, TALLAHASSEE, February 14, 1879.

HON. W. D. BARNES,
President pro tem. of the Senate:

SIR: Your Committee on Printing, to whom was referred Senate bill No. 4, with amendments adopted by the Assembly, have examined the same and recommend that the Senate refuse to concur in the Assembly amendments, and recommend that the Senate ask the Assembly to recede from its amendments.

Very respectfully,
J. C. RICHARD, Chairman.
J. J. MCGUIRE,
W. H. SHARPE,
W. N. THOMPSON.

Which was read and Senate bill No. 4 placed among the orders of the day.

Mr. Bryson made the following report:

SENATE CHAMBER, TALLAHASSEE, February 14, 1879.

HON. W. D. BARNES,
President pro tem. of the Senate:

SIR: Your Committee on Engrossed Bills respectfully report that they have examined Senate bill No. 90, to be entitled an act to amend sections 5 and 30 of an act entitled an act to provide for and encourage a liberal system of internal improvements in this State, approved January 6, 1855, and found the same correctly engrossed. We return them herewith, properly endorsed.

Respectfully,
W. M. BRYSON, JR., Chairman.

Which was read and Senate bill No. 90 placed among the orders of the day.

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

SENATE CHAMBER, TALLAHASSEE, February 14, 1879.

HON. W. D. BARNES,

President pro tem. of the Senate:

SIR: Your committee to whom was referred Senate bill No. 9, to be entitled an act for the relief of Thomas Forrester, of Monroe county; also Senate bill No 33, to be entitled an act for the relief of G. M. T. Simmons; also Senate bill No. 47, to be entitled an act for the relief of A. S. D. Cheniva, of Hillsborough county; beg leave to report that they have examined the same and found them correctly enrolled.

Respectfully,

J. C. WALKER, Chairman.

Which was read.

Mr. Niblack made the following report:

SENATE CHAMBER, TALLAHASSEE, FLA., February 13, 1879.

HON. W. D. BARNES,

President pro tem. of the Senate:

SIR: The Committee on Railroads and Telegraphs, who were by resolution of the Senate instructed to investigate the cause, manner and legality of the sales of the roads constructed under the provisions of the Internal Improvement Act of January 6, 1855, and all matters connected therewith, and to recommend such action as may be necessary for the interest and protection of the Internal Improvement Fund, and what is necessary to be done to secure an early completion of the original lines of railroad as designated in the Internal Improvement law, beg leave to report:

That the alleged cause for the seizure and sale of said roads, as appears by the resolutions of the Trustees of the Internal Improvement Fund, was the failure on the part of the Companies to provide the sinking fund of one half of one per cent. semi-annually on their bonded debt.

The Florida Railroad was sold November 1, 1866, upon certain conditions, one of which was, "that the purchaser shall be bound to continue the payment of one half of one per cent. semi-annually to the Sinking Fund until all the outstanding bonds are discharged, under the penalty of an annulment of the contract of purchase and the forfeiture of the purchase money paid in," and the sale was also declared subject to all the conditions of the act of January 6, 1855. The road was sold to Isaac K. Roberts for \$323,400. Said Roberts subsequently

requested the deed should be made conveying the property to Edward N. Dickerson of New York, and his associates, and it was so done.

The Florida, Atlantic and Gulf Central Railroad was sold on the 4th of March 1868, to William E. Jackson and his associates for \$111,000, upon the same conditions and stipulations as in the sale of the Florida Railroad, and the deed of conveyance was executed by the Trustees on the 24th of June, 1868.

The Pensacola and Georgia Railroad and Tallahassee Railroad were taken possession of by the Trustees February 6, 1869, and sold March 20, 1869, to Franklin Dibble and his associates. Said sale was made subject to the requirements of the Internal Improvement law. The Pensacola and Georgia Railroad was sold for \$1,220,000, and the Tallahassee Railroad for \$195,000.

Subsequent to the sale of the Florida Railroad the Trustees agreed to sell to Edward N. Dickerson all the lands belonging to the Internal Improvement Fund lying within six miles on each side of said road from Fernandina to Cedar Keys, in consideration of the past-due coupons on the first mortgage bonds of the Florida Railroad Company held by said Dickerson and his associates at the time of the sale of said road, which bonds had been paid in by them as part of the purchase money. The quantity of land thus sold to Dickerson was 236,606.02 acres of swamp lands and 9,901.42 acres of Internal Improvement lands, making in the aggregate 246,507.44 acres. The amount of coupons paid in for said lands does not appear upon the records of the Internal Improvement Board, but it is estimated at \$200,000.

After the sale of the Florida, Atlantic and Gulf Central Railroad, a similar arrangement was made with William E. Jackson, and the Trustees sold to him 113,064.80 acres of swamp lands lying within six miles of said road for \$126,315 in past due coupons.

At the time of the sale of said roads, the Internal Improvement fund had received certificates of stock therein on account of payment of interest upon their bonded debt, as follows:

Florida Railroad.....	\$208,000
Pensacola and Georgia Railroad.....	67,000
F. A. & G. C. Railroad.....	20,700
Total	\$295,700

And said fund was entitled to stock in the Pensacola and Georgia Railroad, in addition to the above, for at least \$50,000 paid on account of interest in the years 1867 and 1868.

It therefore appears that the Internal Improvement Fund paid on account of interest on the first mortgage bonds of the

railroad companies, in cash, at least \$345,000, and in lands sold to the purchasers of the railroads about \$326,000. In addition to these payments, coupons were received for lands in the years 1871 and 1872, but to what amount the records of the present Trustees do not show, and the moneys received by the Trustees since the institution of the Vose suit and paid over to the Receiver have, after the payment of the court costs, &c., been held applicable to the payment of interest coupons, and the greater part of it has been applied that way. Taking all these in the aggregate and it is evident that not less than \$800,000 has been paid from the Fund for interest coupons since the organization of the Board, and for which the Fund is justly entitled to stock in the railroads according to the amounts respectively paid for each road.

The following is a statement showing the amount of first mortgage bonds issued by the several railroad companies, the interest on which was guaranteed by the Trustees of the Internal Improvement Fund, the amount of such bonds redeemed and cancelled by the Trustees, and the amount outstanding:

	<i>Bonds issued.</i>	<i>Bonds redeemed.</i>	<i>Bonds outstanding.</i>
Pensacola & Georgia R. R. Co.,.....	\$1,195,300	\$ 807,600	\$387,000
Tallahassee R. R. Co.....	206,000	153,100	52,900
Florida R. R. Co.....	1,616,000	1,388,000	228,000
F. A. & G. Central.....	555,000	524,000	31,000
Total	\$3,572,300	\$2,872,700	\$699,600

For the payment of the interest on these outstanding bonds, amounting to \$48,930 annually, the Internal Improvement Fund is still pledged.

Your committee believe that the sales of said roads by the Trustees of the Internal Improvement Fund, on account of the failure to provide the sinking fund of one-half of one per cent. semi-annually upon the bonded debt of the companies, was illegal. The Trustees were authorized by the second section of the Internal Improvement Act "to receive and demand, semi-annually, the sum of one-half of one per cent. (*after each separate line of road is completed,*) on the entire amount of the bonds issued by said railroad company," and a neglect or refusal on the part of the President and Directors of any railroad company to provide said sinking fund, rendered the individual property of each and all the Directors liable for the amount due and unpaid, with 20 per cent. interest.

The 12th section enacts that "any railroad company accepting the provisions of this act shall, *after the completion of the road,* pay to the Trustees of the Internal Improvement Fund at least one-half of one per cent. on the amount of indebted-

ness, or bond account, every six months, as a sinking fund," etc. The 3d section makes the bonds issued under the provisions of said act a first lien or mortgage on the road and its property, and upon failure to provide the interest on the bonds issued, "and the sum of one per cent. per annum as a sinking fund, *as herein provided,*" the Trustees are authorized to take possession of and sell the road. The power claimed by the Trustees was that authorized in the 3d section, and the default alleged as a reason for the exercise of that power was the failure to comply with the requirements of the 12th section.

No railroad was liable to seizure and sale under the 12th section of the Internal Improvement act, until "*after the completion of the road.*" The Florida Railroad Company accepted the provisions of the Internal Improvement act, and proposed to construct the line of railroad from Amelia Island on the Atlantic, to the waters of Tampa Bay, in South Florida, with an extension to Cedar Key, in East Florida. At the time of the seizure and sale by the Trustees, only a part of the main line from Amelia Island to Tampa Bay, and the extension to Cedar Key, had been completed.

The Florida Atlantic and Gulf Central Railroad Company accepted the provisions of the Internal Improvement act for the entire line of road from Jacksonville to the waters of Pensacola Bay, and at the time of seizure and sale it had only been completed from Jacksonville to Lake City.

The Pensacola and Georgia Railroad Company accepted the provisions of said act, and specified as the part of the route to be constructed by them, a road from the waters of Pensacola Bay to the Florida Railroad, in the most practical, direct route to Jacksonville. At the time of the seizure and sale of said road it had only been completed from Quincy to Lake City, although that portion of their specified route lying between Lake City and the Florida Railroad had been constructed by the Florida Atlantic and Gulf Central Railroad Company, under an arrangement between the two companies.

Thus it will be seen that not one of these three roads had been completed when they were taken possession of and sold by the Trustees for failure to provide the sinking fund, which was only required to be paid "*after the completion of the road.*"

It cannot be claimed that the Florida Railroad Company and the Pensacola and Georgia Railroad Company had even completed the portion of the routes which had been assigned to them, for no other company had undertaken the construction of their uncompleted specified route. With regard to the Florida Atlantic and Gulf Central Railroad Company, it might be alleged that their road was completed to a junction with another road constructed as a part of the same line, but their

road was certainly not completed until their right was exhausted to continue the work upon any part of the original route embraced in their acceptance of the provisions of the act of January 6, 1855. If the Pensacola and Georgia Railroad Company should fail to complete the line to Pensacola bay, the Florida Atlantic and Gulf Central Railroad Company had under the laws of the State their charter, and their acceptance of the provisions of the act of 1855, the right to commence where the other company left off and complete the system mapped out in the 4th section of the Internal Improvement act; and in construing the 12th section as to the proper interpretation of the words "after the completion of the road," reference should be made to the language of the 2d section in which the words used are, "after each separate *line of railroad* is completed." The *lines of railroad* are all indicated in section 4. The 2d and 12th sections taken together indicate clearly to the minds of your committee that the Internal Improvement act did not authorize, and was not intended to authorize, the seizure and sale of any road for default in payment of the sinking fund, until after each *separate line of road*, as specified in section 4, had been completed, and that, therefore, the action of the Trustees in taking possession of and selling said roads for the alleged default was unauthorized and illegal, and that the sales so made by them were and are null and void.

In view of the facts hereinbefore set forth, the great interest acquired in the several roads by the Internal Improvement Fund on account of the payments made for interest, and the loss thereof which has been sustained in the sales of said road, your committee believe that legal proceedings should be instituted by the present Board of Trustees of the Internal Improvement Fund to recover and re-establish the rights of the Fund in all of said roads, and to obtain an adjudication of all the legal principles involved. For this purpose we recommend the passage of a bill already introduced in the Assembly entitled "An act to settle the title of the Pensacola and Georgia Railroad, and to protect the interest of the Internal Improvement Fund therein," as said bill proposes a settlement of the title in such a way as to preserve the rights of all parties who were interested in said road at the time of sale, which would be practically the same as a decision setting aside the sale altogether. With respect to the other roads, we recommend the passage of the accompanying bill herewith submitted, entitled "An act to authorize the Trustees of the Internal Improvement Fund to institute suit to settle the title to certain railroads constructed under the provisions of the Internal Improvement act, and to protect the interest of said Fund therein."

With respect to the inquiry as to what is necessary to be done to secure an early completion of the original lines of railroad as designated in the Internal Improvement act, your committee believe that this end can be best accomplished by so amending the said act as to extend the privileges given in the 5th and 30th sections to companies now or hereafter to be chartered, reviving for a limited number of years the benefits therein given, and which have expired by the limitations made in the original act. A bill for that purpose has already been introduced in the Senate entitled "An act to amend sections 5 and 30 of an act entitled an act to provide for and encourage a liberal system of internal improvement in this State, approved January 6, 1855," and we recommend the passage of the same.

Very respectfully,

S. L. NIBLACK, Chairman.

Which was read, and Senate bill No. 129 read the first time.

Mr. Niblack moved that 200 copies of the report and of Senate bill No. 129 be printed.

The yeas and nays being called for,

The vote was:

Yeas—Messrs. Allen, Barnes, Durkee, French, Genovar, Hagan, Hatcher, Jones, Judge, Leslie, Long, Lykes, McGuire, McKinnon, Meacham, Niblack, Patterson, Richard, Sharpe, Speer, Thompson, Walker of the 23d, Walker of the 6th and Wallace—24.

Nays—Messrs. Eagan, McMeekin and Orman—3.

So the motion to have printed was agreed to.

The President gave notice that the following Senate bills were on the desk ready to be signed:

An act for the relief of A. S. DeCheniva of Hillsborough county.

An act for the relief of G. M. Simmons.

An act for the relief of Thomas Forrester of Monroe county; also

The following Assembly bills and resolutions:

An act for the relief of W. R. Barnhart and others therein named.

An act enlarging the powers of Circuit Judges.

An act for the relief of the society of the First Baptist Church of Palatka.

Resolution asking Congress to establish a life saving station at Cape San Blas, Calhoun county.

Resolution relative to opening the Finholloway river; also

Memorial to Congress, to have an appropriation made for the survey of the Withlacoochee river.

So the said bills and resolutions were duly signed by W. D. Barnes, President pro tem. and James G. Gibbs, Secretary of the Senate.

Mr. McKinnon asked that the Committee on Finance and Taxation be authorized to have printed a sufficient number of copies of the bill on Finance being prepared by the committee for their use;

Which was agreed to.

Senate bill No. 90:

To be entitled an act to amend sections 5 and 30 of an act entitled an act to provide for and encourage a liberal system of Internal Improvements in this State, approved January 6, 1855.

Was taken up, and on motion of Mr. Richard, its consideration was put off till to-morrow.

Senate bill No. 36:

To be entitled an act to provide for the payment of mileage to jurors and witnesses at the Spring term, 1877, of the Circuit Courts in the several counties in this State;

Was taken up, read the third time and put upon its passage.

The vote was:

Yeas—Messrs. Barnes, French, Hagan, Jones, Judge, Long, Lykes, McClenny, McMeekin, McGuire, McKinnon, Patterson, Richard, Thompson and Walker of the 6th—15.

Nays—Messrs. Allen, Bryson, Durkee, Eagan, Genovar, Hatcher, Johnson, Leslie, Meacham, Niblack, Orman, Sharpe, Speer, Walker of the 23rd and Wallace—15.

So the bill failed to pass.

Mr. Eagan moved to reconsider the vote.

Mr. Bryson moved to lay that motion on the table;

Which was not agreed to.

The vote was then taken on the motion to reconsider.

The yeas and nays being called for,

The vote was:

Yeas—Messrs. Barnes, Eagan, French, Hagan, Jones, Judge, Long, Lykes, McClenny, McMeekin, McGuire, McKinnon, Patterson, Richard, Sharpe, Thompson and Walker of the 6th—17.

Nays—Messrs. Allen, Bryson, Durkee, Genovar, Hatcher, Johnson, Leslie, Meacham, Niblack, Orman, Speer, Walker of the 23d and Wallace—13.

So the motion to reconsider was agreed to.

Mr. McKinnon then moved the bill be put upon its passage.

Mr. Durkee rose to a point of order: That the vote to reconsider had been improperly made, being contrary to rule 14.

The Chair ruled that the point of order should have been made at the time.

The question was then put as to whether the bill should be put on its passage or not.

The yeas and nays being called for,

The vote was:

Yeas—Messrs. Barnes, French, Hagan, Hatcher, Jones, Judge, Long, Lykes, McClenny, McMeekin, McGuire, McKinnon, Patterson, Richard, Thompson and Walker of the 6th—16.

Nays—Messrs. Allen, Bryson, Durkee, Eagan, Genovar, Johnson, Leslie, Meacham, Niblack, Orman, Sharpe, Speer, Walker of the 23d and Wallace—14.

So the motion was agreed to.

The bill was then put upon its passage.

The vote was:

Yeas—Messrs. Barnes, Eagan, French, Hagan, Jones, Judge, Lykes, McClenny, McMeekin, McGuire, McKinnon, Patterson, Richard, Thompson and Walker of the 6th—15.

Nays—Messrs. Allen, Bryson, Durkee, Genovar, Hatcher, Johnson, Leslie, Long, Meacham, Niblack, Orman, Sharpe, Speer, Walker of the 23d and Wallace—15.

So the bill failed to pass.

Mr. Barnes moved to reconsider the vote taken on the final passage of Senate bill No. 7, on yesterday, to be entitled an act to provide for an election to enable the people of Florida to declare whether they will meet in Convention to revise their Constitution, to elect delegates thereto, to fix the time and place of such Convention, and the compensation of its delegates and officers, and also for a subsequent election to ratify or reject such revised Constitution;

Which motion was placed among the orders of the day for to-morrow.

The Senate then went into Executive session.

On the doors being opened, the Senate adjourned until 4 o'clock P. M.

FOUR O'CLOCK, P. M.

The Senate met pursuant to adjournment.

Mr. Lykes in the chair.

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

Messrs. Allen, Bryson, Eagan, French, Hatcher, Johnson, Jones, Leslie, Long, Lykes, McClenny, McMeekin, Meacham, Patterson, Sharpe, Speer and Thompson—17.

A quorum present.

Mr. Meacham moved a call of the Senate;

Which was agreed to.

So the Sargeant-at-Arms proceeded to call the absent Senators.

On motion of Mr. Meacham, the roll was called again, and the following Senators answered to their names:

Messrs. Allen, Barnes, Bryson, Eagan, French, Hagan, Hatcher, Johnson, Jones, Judge, Leslie, Long, Lykes, McCleny, McMeekin, McGuire, Meacham, Orman, Patterson, Richard, Sharpe, Speer, Thompson and Walker of the 23d—24.

A quorum present.

The President pro tem. in the chair.

ORDERS OF THE DAY.

Assembly joint resolution in reference to a Constitutional Convention,

Was read the first time.

Mr. Bryson moved that the rules be waived and the resolution read a second time;

Which was agreed to.

Mr. Orman moved that the resolution be referred to a committee of one—Mr. Eagan;

Which was not agreed to.

Assembly bill No. 89:

To be entitled an act to prevent aliens from killing or destroying birds of plume on the coast of Florida,

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

Senate bill No. 119:

To be entitled an act to make it a misdemeanor for any Judge of the Supreme Court or of the Circuit Courts of the State of Florida to practice law in certain counties of this State,

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

Senate bill No. 120:

To be entitled an act for the relief of G. A. Lamb, of Leon county,

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

Senate bill No. 121:

To be entitled an act changing the boundary lines between the counties of Levy and Marion,

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

Senate bill No. 123:

To be entitled an act to legally locate the county site of Sumter county,

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

Senate bill No. 124:

To be entitled an act requiring administrators, executors and guardians to make annual reports,

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

Senate bill No. 125:

To be entitled an act for the disposition of estates not worth over one thousand dollars,

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

Senate bill No. 126:

To be entitled an act relating to private roads,

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

Senate bill No. 127:

To be entitled an act making section lines roads,

Was read the first time and referred to the Committee on City and County Organizations.

Senate bill No. 128:

To be entitled an act to prescribe the manner of payment of jurors and State witnesses,

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

Senate bill No. 29:

To be entitled an act requiring conveyances of State lands or any interest therein by the officers having them in charge to be attested with the seal of the Florida Land Office, and to admit such deeds to record, and to be received in evidence in the courts of this State,

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

Senate bill No. 78:

To be entitled an act to provide for the incorporation of cities and town and to establish a uniform system of municipal government in this State, approved February 4, 1869, and the acts amendatory thereof, and to provide for the organization and government of cities,

Was read the second time by its title, with the substitute proposed by the Committee on Corporations.

Mr. Meacham moved that 150 copies of the bill be printed.

Mr. Walker of the 6th moved that the Senate adjourn;

Which was not agreed to.

The motion to print was then taken up and not agreed to.

Mr. Meacham moved the further consideration of the bill be put off until Monday 11 o'clock;

Which was agreed to.
 Senate bill No. 15:
 To be entitled an act to amend an act entitled an act to prevent excessive rates of pilotage, approved February 14, 1874, Was read a second time.
 On motion of Mr. Meacham, the Senate adjourned until 10 A. M. to-morrow.

SATURDAY, February 15, 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, McMeekin, McGuire, McKinnon, Niblack, Patterson, Richard, Speer, Thompson, Walker of the 23rd and Walker of 6th—25.
 A quorum present.
 Prayer by the chaplain.
 On motion of Mr. Long, the reading of the journal was dispensed with and the journal approved.
 The following bills were introduced and placed among the orders of the day:
 By Mr. Thompson:
 Senate bill No. 130, to be entitled an act to encourage grape-culture in this State and for other purposes.
 By Mr. Thompson:
 Senate bill No. 131, to be entitled an act to provide for the equitable valuation of lands heretofore sold for taxes and for the redemption of the same.
 By Mr. Jones:
 Senate bill No. 132, to be entitled an act for the relief J. C. McGrew, of Levy county, Florida.
 By Mr. McMeekin:
 Senate bill No. 133, to be entitled an act to amend chapter 2084, being an act to provide for the redemption of lands sold for taxes, approved March 7, 1877.
 By Mr. Judge:
 Senate bill No. 134, to be entitled an act to amend sections 1, 2, 14, 16, 20 and 32 of an act entitled an act to establish a uni-

form system of common schools and a university, approved January 30, 1869, chapter 1636, Laws of Florida, and to amend an act entitled an act to amend an act to provide a revenue for the support of common schools, approved February 16, 1874, chapter 2030, Laws of Florida.

By Mr. Thompson:

Senate bill No. 135, to be entitled an act to amend sections 3 and 6 of an act to amend sections 2, 6, 7, 8, 9 and 10 of an act entitled an act to fix and regulate the fines and per diem of certain officers herein designated, approved February 14, 1874, which amendatory act was approved March 2, 1877.

By Mr. Bryson:

Senate bill No. 136, to be entitled an act for the relief of Samuel W. Hicks.

Mr. Durkee moved that 200 copies of Senate bill No. 78, to be entitled an act to provide for the incorporation of cities and towns and to establish a uniform system of municipal government in this State, approved February 4, 1869, and the acts amendatory thereof, and to provide for the organization and government of cities, be printed;

Which was agreed to.

Mr. Long presented two petitions from citizens of Marion county in regard to the boundary line of Marion and Levy counties.

Laid over for consideration.

Mr. Bryson made the following report:

SENATE CHAMBER, TALLAHASSEE, February 15, 1879.

HON. W. D. BARNES,

President pro tem. of the Senate:

SIR: Your committee on engrossed bills respectfully report that they have examined Senate bill No. 118, to be entitled an act making appropriations for the years 1879 and 1880, and find the same correctly engrossed and return the same herewith properly endorsed.

Very respectfully,

WM. BRYSON, JR., Chairman.

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

Mr. Niblack made the following report:

SENATE CHAMBER, TALLAHASSEE, February 15, 1879.

HON. W. D. BARNES,

President pro tem. of the Senate:

Your Committee on Judiciary, to whom was referred Senate bill No. 89, to be entitled an act to authorize the Attorney-