

TUESDAY, February 18, 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, Hagan, Hatcher, Johnson, Judge, Leslie, Long, McMeekin, McGuire, McKinnon, Meacham, Orman, Patterson, Richard, Sharpe, Speer, Thompson, Walker of the 23rd and Walker of the 6th, —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.

Mr. Wallace asked leave of absence one day;

Which was granted.

Mr. Leslie asked leave of absence for Mr. Lykes four days;

Which was granted.

Mr. Bryson, by permission, introduced

Senate bill No. 140, to be entitled an act for the relief of J. J. Johnson;

Which was placed among the orders of the day.

Mr. Hatcher, by permission, introduced the following bills, which were placed among the orders of the day:

Senate bill No. 141, to be entitled an act to provide for the division of personal property belonging to the estates of deceased intestates.

Senate bill No. 142, to be entitled an act to provide for the sale for distribution of real property belonging to the estates of decedents.

Senate bill No. 143, to be entitled an act to prescribe the manner in which sales shall be made of property belonging to insolvent estates.

Mr. Bryson made the following report:

SENATE CHAMBER, TALLAHASSEE, February 18, 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. 78, to be entitled an act to amend an act 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 further provide for the organization and government of cities; and found it

correctly engrossed. We return the same herewith, properly endorsed.

Respectfully,

WM. BRYSON, JR., Chairman.

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

Mr. Niblack made the following report:

SENATE CHAMBER, TALLAHASSEE, February 18, 1879.

HON. W. D. BARNES,

*President pro tem. of the Senate:*

SIR: Your committee to whom was referred Senate bill No. 95, to be entitled an act to prevent the issue and circulation of scrip, notes, bills, or any other paper as a substitute in any respect for lawful currency; also

Senate bill No. 136, to be entitled an act to encourage grape culture in this State, and for other purposes; also,

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; also,

Senate bill No. 97, to be entitled an act relating to the lien and collection of rent, and to repeal an act entitled an act for the relief of landlords, approved January 16, 1866; have examined the same, and recommend that they do pass.

Respectfully,

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

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

#### ORDERS OF THE DAY.

Senate bill No. 140:

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

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

Senate bill No. 141:

To be entitled an act to provide for the division of personal property belonging to the estate of deceased intestates,

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

Senate bill No. 142:

To be entitled an act to provide for the sale for distribution of real property belonging to the estate of decedents,

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

Senate bill No. 143:

To be entitled an act to prescribe the manner in which sales shall be made of property belonging to insolvent estates,

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

Assembly bill No. 49:

To be entitled an act for the relief of Solomon H. Page, of Polk county,

Was reported back from the Committee on Claims, and was at their request referred to the Judiciary Committee.

Senate bill No. 53:

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

Was read the second time, and ordered to be engrossed.

Senate bill No. 120:

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

Was read the second time, and, on motion of Mr. McKinnon, laid over for consideration to-morrow.

Senate bill No. 128:

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

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

The vote was:

Yeas—Messrs. Allen, Barnes, Hagan, Hatcher, Johnson, Leslie, McMeekin, McGuire, McKinnon, Niblack, Orman, Patterson, Richard, Sharpe, Speer, Thompson, Walker of the 23rd and Walker of the 6th—18.

Nays—Messrs. Durkee and Meacham—2.

So the bill passed, title as stated.

Ordered that the same be certified to the Assembly.

Senate bill No. 76:

To be entitled an act to authorize the registered voters of any city, town, corporate villages or townships in Florida to determine by vote whether intoxicating liquors may be sold therein,

Was read a second time.

Mr. Judge moved to amend by inserting at the end of section 6 the following:

"That it shall be unlawful for any person or persons to sell or otherwise dispose of any spirituous, vinous or malt liquors within two miles of any camping ground organized for the purpose of religious worship during the existence of such occupancy and worship, and any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, subject to the penalty as above stated;

Which was adopted.

Mr. Leslie moved to amend by striking out the first paragraph.

the words "one third," and insert "one hundred and fifty;" also to strike all about the sale of liquor by physicians;

Which amendment was not agreed to.

Mr. Orman moved to amend by adding the following: "Provided that said elections in any said city or town shall not occur oftener than once in twelve months;"

Which was agreed to.

The bill was then ordered to be engrossed as amended.

Assembly bill No. 76:

To be entitled an act for the relief of Wm. Back,

Was read the second time.

The rule being waived, the bill was read the third time and put upon its passage.

The vote was:

Yeas—Messrs. Allen, Bryson, French, Hagan, Johnson, Leslie, McGuire, Niblack, Orman, Patterson, Richard, Sharpe, Speer, Walker of 23d and Walker of 6th—15.

Nays—Messrs. Hatcher, McMeekin and McKinnon—3.

So the bill passed, title as stated.

Ordered that the same be certified to the Assembly.

Assembly bill No. 77:

To be entitled an act for the relief of Asberry Ash,

Was read the second time.

The rule being waived, the bill was read a third time and put upon its passage.

Mr. Bryson asked to be excused from voting on this bill;

Which was not agreed to.

The vote was:

Yeas—Messrs. Allen, Hagan, Judge, McGuire, Niblack, Patterson, Richard, Speer, Thompson, Walker of 23d and Walker of 6th—11.

Nays—Messrs. Bryson, Durkee, French, Hatcher, Johnson, Long, McMeekin, McKinnon, Orman and Sharpe—10.

So the bill passed, title as stated.

Ordered that the same be certified to the Assembly.

Assembly bill No. 14:

To be entitled an act to amend the 69th section of 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 persons who shall aid or assist another to violate the provisions of said section,

Was read the second time.

Mr. Judge moved to amend the bill by adding the following:

*Provided further*, That the provisions of this act do not apply to any ferries in this State, except that of the ferry known

as the Ferry Pass, embracing the two counties of Escambia and Santa Rosa, which said ferry is known to be about five miles in distance.

The amendment agreed to, and the amendment ordered to be engrossed.

Mr. McKinnon in the chair.

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 fees and per diem of certain officers herein designated, approved February 14, 1874, which amendatory act was approved March 2, 1877;

Was read a second time.

Mr. Bryson moved to amend by adding, "and twenty-five cents" after the word "dollar," so far as it relates to the pay of jurors and witnesses.

The yeas and nays being called, the vote was :

Yeas—Messrs. Bryson, French, Hagan, Hatcher, Leslie, Long, McGuire, McKinnon, Meacham, Niblack, Patterson, and Speer—12.

Nays—Messrs. Durkee, Johnson, McMeekin, Orman, Richard, Sharpe, Thompson, Walker of the 23rd and Walker of the 6th—9.

So the amendment was agreed to.

Mr. Leslie moved to strike out all after the word "first" in section 3, to the word "this," as relates to the State and county paying half fees, and in section 4 strike out all that relates to half fees by the State and county ;

Which motion was agreed to.

Mr. Meacham moved to strike out all that relates to "doctors ;"

Which was not agreed to.

Mr. Walker of the 6th moved to amend thus : "The fees of the jailor shall be for keeping and providing for prisoners for each day, forty cents."

Mr. Thompson moved an amendment to the amendment so that it should read, "not more than forty cents per day, the amount to be fixed by the county commissioners of the county in which the prisoners are confined."

The amendment to the amendment was accepted by Mr. Walker, and was agreed to.

Mr. Walker of the 6th moved that the bill be recommitted back to the committee ;

Which was agreed to.

Senate bill No. 89 :

To be entitled an act to authorize the Attorney-General to

institute suits in the name and behalf of the State, and to appropriate money therefor,

Was read the second time.

Mr. Durkee asked that the further consideration of the bill be postponed until Friday ;

Which was not agreed to.

So the bill was ordered to be engrossed.

Senate bill No. 129 :

To be entitled an act to authorize the Trustees of the Internal Improvement Fund to institute suit to settle the title of certain railroads constructed under the provisions of the Internal Improvement Act, and to protect the interest of said Fund therein,

Was read the second time.

Mr. Thompson moved to amend by striking out in 5th line "the Florida Railroad from Fernandina to Cedar Keys, and."

The amendment was not agreed to, and bill ordered to be engrossed.

Senate bill No. 130 :

To be entitled an act to encourage grape-culture in this State, and for other purposes,

Was read the second time, and ordered to be engrossed.

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,

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

The vote was :

Yeas—Messrs. Bryson, French, Hagan, Hatcher, Johnson, Judge, Leslie, Long, McMeekin, McGuire, McKinnon, Niblack, Orman, Patterson, Richard, Sharpe, Speer, Thompson and Walker of the 23rd—19.

Nays—Mr. Meacham—1.

So the bill passed, title as stated.

Ordered that the same be certified to the Assembly.

Senate bill No. 95 :

To be entitled an act to prevent the issue of scrip for currency,

Was read the second time, and laid over for further consideration to-morrow.

Senate bill No. 97 :

To be entitled an act in relation to the lien and collection of rent, and to repeal an act entitled an act for the relief of landlords, approved January 16, 1866,

Was read a second time.

Mr. Leslie moved to amend by striking out "justice of the peace" whenever it occurs and insert "the County Judge;" Which amendment was agreed to, and the bill ordered to be engrossed.

Mr. Orman asked leave to present a resolution, which was granted:

*Resolved*, That the Secretary of the Senate arrange all bills on their first, second and third readings in their regular order, according to their respective numbers, in which order each bill shall be considered, unless this rule be suspended by a majority vote, and in all cases Senate bills upon their several readings shall have preference of Assembly bills;

Which was read and adopted.

Mr Orman also presented the following report:

SENATE CHAMBER, TALLAHASSEE, February 18, 1879.

HON. W. D. BARNES,

*President pro tem. of the Senate:*

SIR: The Committee on Public Lands to whom was referred Senate joint resolution No. 19, in relation to land granted to the State of Florida by act of Congress, approved September 28, 1850; also,

Assembly bill No. 64, an act for the protection of private residences and inclosed premises, have had the same under consideration and recommend their passage.

Very respectfully,

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

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

Mr. Walker of the 23rd, by permission, introduced Senate bill No. 144, to be entitled an act for the relief of L. B. Lee,

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

The following message was received from the Assembly:

ASSEMBLY HALL, TALLAHASSEE, February 18, 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 the following concurrent resolution:

*Resolved by the Assembly, the Senate concurring*, That our Senators and Representatives in Congress be requested to ask from the Secretary of War the privilege of occupying the

barracks and officers' quarters on the United States Military reservation at St. Augustine and Tampa, for the purposes of a lunatic asylum and asylum for the deaf, dumb and blind of this State, and respectfully request the concurrence of the Senate therein.

Very respectfully,

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

Also the following:

ASSEMBLY HALL, TALLAHASSEE, February 18, 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. 145, to be entitled an act to repeal an act to provide for the redemption of lands sold for taxes, approved March 7, 1877, and to dispose of lands sold for taxes bought by the State or any county, and respectfully request the concurrence of the Senate therein.

Very respectfully,

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

Which were read, and Assembly bill No. 145, and concurrent resolution were placed among the orders of the day.

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,

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

The vote was:

Yeas—Messrs. Allen, Bryson, Durkee, French, Hatcher, Johnson, Judge, Leslie, Long, McMeekin, McGuire, Meacham, Niblack, Orman, Patterson, Richard, Sharpe, Speer, Thompson, Walker of 23rd and Walker of the 6th—21.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the Assembly.

Senate bill No. 92:

To be entitled an act to authorize John McDavid, of Santa Rosa county, to cut a canal from Escambia river to Canoe Creek,

Was taken up, and, on motion of Mr. Judge, was put back on its second reading.

Senate bill No. 71:

To be entitled an act to amend sections 4 and 5 of chapter 8 of the Laws of Florida, approved August 6, 1868,

Was read the third time and put upon its passage.

The vote was:

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

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the Assembly.

The Senate went into Executive session.

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

WEDNESDAY, February 1, 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, Hatcher, Johnson, Judge, Leslie, Long, McClenny, McMeekin, McGuire, McKinnon, Meacham, Orman, Patterson, Richard, Speer, Thompson, Walker of the 6th and Wallace—24.

A quorum present.

Prayer by the Chaplain.

On motion of Mr. Wallace, 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. McGuire:

Senate bill No. 145, to be entitled an act for the relief of Robert McCormick, of Escambia county.

By Mr. French:

Concurrent resolution for establishing a post route from Volusia to Daytona, also from Volusia via Prevatts to New Smyrna, in Volusia county; also,

Senate bill No. 146, to be entitled an act in relation to the public records of the several counties in the State of Florida.

By Mr. Leslie:

Senate bill No. 147, to be entitled an act for the relief of Revenue Collectors of this State.

By Mr. McGuire:

Senate bill No. 148, to be entitled an act relative to the Sabbath day.

Mr. Thompson presented the following communication:

TALLAHASSEE, February 18, 1879.

*To the Honorable the President of the Senate of Florida:*

SIR: My attention having been called to a report recently made to your honorable body by one of your committees, which does great injustice to interests I officially represent, accompanied by a proposed act of legislation which will produce very great and undue damage to the parties concerned, I have deemed it my duty to ask your honorable body to cause further investigation before taking action upon the subject. I refer to the Senate bill No. 129, and the report accompanying it.

I consider it my duty to say (and though doing it with reluctance, I do it with confidence,) that the facts relied upon in the report are inaccurate and erroneous, that other very material facts are wholly omitted, and that the construction of the act of 1855, proposed by the report, is not warranted by its terms.

I feel assured that if it had pleased the committee to afford an opportunity to the company I represent to submit the facts applicable to its case, and to have heard argument upon the law, it could not have reached the conclusion presented in the report.

Considering the grave consequences of the proposed action, and believing that it would be the desire of the committee and of your honorable body to deal carefully and in a spirit of justice with questions involving rights of property and reputation, I am emboldened to ask that you will authorize further investigation of the question before its final disposition. I am here, ready to exhibit the true state of the facts before such committee as you may designate.

The effect of the proposed legislation cannot fail to be very disastrous to the credit and vigor of the corporation I represent, and if it should prove to have been erroneous, when brought to judicial test, there can be no reparation for the wrong. The construction of the law upon which the trustees and the courts have been acting, commenced in its practical application in 1861, (under the administration of Governor Milton,) when the Florida Railroad made its first payments into the sinking fund as a completed road. The same construction was applied by the trustees (under the administration of Governor Walker,) in 1866, when the road was sold. Under that sale, large amounts of money have been expended and large obligations arisen and important rights, direct and de-