

Ordered that the same be certified to the Assembly.

Assembly bill No. 5 :

To be entitled an act to fix the pay of members, officers and attaches of the present Legislature,

Was taken up.

Mr. Richard moved that the bill be put off for further consideration until Monday.

Mr. Bryson moved to lay this motion on the table,

Which was agreed to.

Mr. McMeekin moved to amend the bill by striking out 8 wherever it occurs and inserting 6; and by striking out 6 wherever it occurs and inserting 5.

Mr. Bryson moved to lay that amendment on the table.

The yeas and nays being called for,

The vote was :

Yeas—Messrs. Allen, Bryson, Genovar, Johnson, Long, McClenny, McGuire, Meacham, Patterson, Walker of the 6th and Wallace—11.

Nays—Messrs. French, Hagan, Hatcher, Judge, McMeekin, McKinnon, Niblack, Orman, Richard, Sharpe, Speer, Thompson and Walker of the 23d—13.

So the motion to lay on the table was not agreed to.

The question was then on the adoption of the amendment of Mr. McMeekin.

The yeas and nays being called for,

The vote was :

Yeas—Messrs. French, Genovar, Hatcher, McClenny, McMeekin, McKinnon, Niblack, Patterson, Richard, Sharpe, Speer, Thompson and Walker of the 23d—13.

Nays—Messrs. Allen, Bryson, Johnson, Judge, Long, McGuire, Meacham, Orman, Walker of the 6th and Wallace—10.

So the amendment was agreed to.

Mr. Orman moved that the rules be suspended in order that a reconsideration of the vote on the amendment be taken;

Which was agreed to.

He then moved a reconsideration of the vote.

The roll being called,

The vote was :

Yeas—Messrs. Allen, Bryson, Genovar, Hagan, Johnson, Judge, Long, McClenny, McGuire, Meacham, Orman, Walker of the 6th and Wallace—13.

Nays—Messrs. French, McMeekin, McKinnon, Niblack, Patterson, Richard, Sharpe, Speer, Thompson and Walker of the 23d—10.

So a reconsideration was agreed to.

Mr. Orman moved that the further reconsideration of the bill be postponed until Monday ;

Which was agreed to.

On motion of Mr. Thompson, the Senate then adjourned until Monday 10 A. M.

MONDAY, February 24, 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, Genovar, Hagan, Hatcher, Johnson, Jones, Judge, Long, Lykes, McMeekin, McGuire, McKinnon, Meacham, Niblack, Orman, Patterson, Richard, Sharpe and Thompson—24.

A quorum present.

Prayer by the Chaplain.

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

Mr. Thompson moved that the rule be waived, so far as related to the introduction of new business, and that it required a two-thirds vote ;

Which was agreed to.

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

By Mr. Niblack :

Senate bill No. 163, to be entitled an act to incorporate the Anglo-American and Colonization and Improvement Company in the State of Florida.

By Mr. McGuire :

Senate bill No. 164, to be entitled an act to declare Catharine Ward a free dealer.

By Mr. Judge :

Senate bill No. 165, to be entitled an act to make Pamela A. Collins a free dealer and trader.

Mr. Bryson made the following report :

SENATE CHAMBER, TALLAHASSEE, February 24, 1879.

HON. W. D. BARNES,

President pro tem. of the Senate :

SIR: The Committee on Engrossed Bills report that they have examined Senate bill No. 146, in relation to public records,

and find it to be correctly engrossed and return the same properly endorsed.

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

Which was read and Senate bill No. 146 placed among the orders of the day.

Mr. Genovar made the following report :

SENATE CHAMBER, TALLAHASSEE, February 24, 1879.

HON. W. D. BARNES,

President pro tem. of the Senate :

SIR : Your Committee on Claims to whom was referred Senate bill No. 147, beg leave to report that they have examined the same and recommend that it do pass.

Very respectfully,

F. B. GENOVAR, Chairman.
J. G. SPEER,
N. J. PATTERSON.

Which was read, and Senate bill No. 147, an act for the relief of revenue collectors of this State, was placed among the orders of the day.

Mr. Niblack made the following report :

SENATE CHAMBER, TALLAHASSEE, February 24, 1879.

HON. W. D. BARNES,

President pro tem. of the Senate :

SIR : Your Committee on Railroads, to whom was referred Assembly bill No. 204 :

To be entitled an act to incorporate the Jacksonville, St. Augustine and Indian River Railroad Company, have examined the same, and recommend its passage.

Very respectfully,

S. L. NIBLACK, Chairman.

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

Also the following :

SENATE CHAMBER, TALLAHASSEE, February 24, 1879.

HON. W. D. BARNES,

President pro tem. of the Senate :

SIR : Your committee to whom was referred concurrent resolution asking information from Trustees of Internal Improvement Fund recommend that the Senate concur.

Very respectfully,

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

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

Also the following :

SENATE CHAMBER, TALLAHASSEE, February 24, 1879.

HON. W. D. BARNES,

President pro tem. of the Senate :

SIR : Your Committee on Judiciary to whom was referred Senate bill No. 156 :

To be entitled an act for the protection of female chastity in this State ; also

Senate bill No. 119 :

To be entitled an act to make it a misdemeanor for any Judge of the Supreme Court or the Circuit Courts of the State of Florida to practice law in certain courts of this State, have examined the same, and recommend their passage.

Very respectfully,

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

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

Also the following :

SENATE CHAMBER, TALLAHASSEE, February 24, 1879.

HON. W. D. BARNES,

President pro tem. of the Senate :

SIR : Your Committee on Judiciary to whom was referred Senate bill No. 116, have examined the same, and recommend that the bill lie on the table, as the fee bill provides for the payment of physicians attending Coroner's inquests.

Respectfully,

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

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

Also the following :

SENATE CHAMBER, TALLAHASSEE, February 24, 1879.

HON. W. D. BARNES,

President pro tem. of the Senate :

SIR : Your committee on Judiciary, to whom was referred Senate bill No. 5 :

To be entitled an act to limit and define the jurisdiction of Justices of the Peace, respectfully report that they have examined the same, and recommend its passage, with the accompanying amendment.

Respectfully,

S. L. NIBLACK, Chairman.

Which was read, and the accompanying bill placed among the orders of the day.
Also the following:

SENATE CHAMBER, TALLAHASSEE, February 24, 1879.

HON. W. D. BARNES,

President pro tem. of the Senate:

SIR: Your committee to whom was referred Assembly resolution, a resolution to distribute the Supreme Court Reports to certain officers who are unsupplied, recommend in consequence of the fact that some of the reports are missing, and as the cost of having them printed would be more than the financial condition of the State will admit of, that the resolution do not pass.

Very respectfully

S. L. NIBLACK, Chairman.

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

Mr. Thompson made the following report:

SENATE CHAMBER, TALLAHASSEE, February 24, 1879.

HON. W. D. BARNES,

President pro tem. of the Senate:

SIR: Your Committee on Corporations to whom was referred Senate bill No. 94, an act to prevent extortion and against discrimination in the rates charged for the transportation of freight and passengers on railroads in this State and to punish the same, have had the same under consideration and recommend the amendment herewith, and when so amended that the bill do pass.

Very respectfully,

W. N. THOMPSON, Chairman.

Which was read, and Senate bill No. 94 placed among the orders of the day.

Mr. McKinnon made the following report:

SENATE CHAMBER, TALLAHASSEE, February 24, 1879.

HON. W. D. BARNES,

President pro tem. of the Senate:

SIR: Your Committee on Finance and Taxation, to whom was referred Senate bill No. 151, a bill to be entitled an act authorizing the Governor to employ an agent to collect from the United States the monies due the State of Florida for the purpose of education, have had the same under consideration and recommend that it pass.

Respectfully,

A. D. MCKINNON, Chairman.

Which was read, and Senate bill No. 151 placed among the orders of the day.

Mr. Nblack made the following report:

SENATE CHAMBER, TALLAHASSEE, February 24, 1879.

HON. W. D. BARNES,

President pro tem. of the Senate:

SIR: Your Judiciary Committee, to whom was referred a memorial to Congress in relation to Federal courts, have had the same under consideration and a majority of said committee have instructed me to report that they have examined the law cited in said memorial and the facts therein referred to, and find that the laws of the United States provide that the regular term of the Circuit Court for the Northern District of Florida shall be held at Tallahassee on first Monday in February, at Pensacola on the first Monday in March, and at Jacksonville on the first Monday in December; that the law further provides that the said Circuit Courts shall from to time increase the number of commissioners so as to afford a *speedy and convenient* means for the arrest and *examination* of persons charged with crimes; that among the commissioners of that court there are two residing at Tallahassee, to wit: Leroy D. Ball and Frederick T. Myers, and one residing at Gainesville in this State, to wit: John Varnum. They find also that the law further provides that the justices of the peace of the several States may act as commissioners in the arrest and examination of persons charged with offences against the United States. While it is a just ground of complaint that the justices of the peace in this State have been wholly ignored by the United States authorities, so far as their powers in this respect are concerned, it is not proposed now to base objection to the practices complained of solely on that ground. During the months of November and December last a number of the citizens of this State, as many as thirty or more, were arrested in different and remote sections under charge of violating the laws of the United States, and carried to Jacksonville for examination before commissioners sitting at that place, when there were commissioners "convenient" to them, to say nothing of the justices of the peace residing in every neighborhood in the State.

We will instance, that from the county of Gadsden, six of her citizens were arrested and taken to Jacksonville, a distance of 185 miles from their homes, when the city of Tallahassee, through which they were carried, (and where reside two of the above named commissioners) is only 16 miles from their said homes; from Jefferson county, there were five persons arrested and carried to Jacksonville, a distance of 135 miles, when Tal-

Tallahassee could be reached by the same means of conveyance in 32 miles; from the county of Madison, there were fifteen arrests made and all taken to Jacksonville for examination, a distance of 110 miles, when they were, by the same means of conveyance, within 55 miles of the commissioners at Tallahassee; from the county of Alachua, six of her citizens were so arrested and carried to Jacksonville for examination, when commissioner Varnum was a resident of Gainesville, the county site of said county.

These illegal, unjust, and oppressive practices, on the part of the United States officials, call for a protest by the Legislature of this State, in behalf of her citizens, who have thus been taken from their homes and their friends, exposed to great and unnecessary expense, and made to rely upon strangers for counsel and for bail—and your committee are constrained to call attention to the fact that these practices have not been only of recent occurrence, but they have been frequent and long continued. In the year 1875, a number of the most respected citizens of Washington county were arrested under a criminal charge and forced to appear for examination before a commissioner in said city of Jacksonville, a distance of 250 miles from their homes, when there was a commissioner resident in the town of Marianna, only 30 miles distant, through which town they were carried, and before which said commissioner they in vain applied to be heard; and they were thus subjected to unnecessary and ruinous expense, great loss of time from their business, and a protracted and humiliating confinement before they had an opportunity of showing their innocence. Other instances might be cited, but your committee deem these sufficient, and are of the opinion that the memorial is fully supported by the law and the facts, and, therefore, recommend its passage.

Respectfully,
S. L. NIBLACK, Chairman.

Which was read, and Memorial No. 23 placed among the orders of the day.

Mr. Orman presented the following report:

SENATE CHAMBER, TALLAHASSEE, February 24, 1879.

HON. W. D. BARNES,

President pro tem. of the Senate:

SIR: The Committee on Public Lands to whom was referred Assembly bill No. 145, a bill to be entitled an act to provide for the redemption of lands sold for taxes and bought by the State or any county, have had the same under consideration and recommend its passage with the following amendments: In section 3

strike out "year" and insert "years," and after 1879 add "and 1880;" also in section 4 strike out "1880" and insert "1881;" also in section 6 strike out "1880" whenever the same occurs and insert "1881."

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

Which was read, and Assembly bill No. 145 placed among the orders of the day.

ORDERS OF THE DAY.

Senate bill No. 163:
To be entitled an act to incorporate the Anglo-American Colonization and Improvement Company in the State of Florida,

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

Senate bill No. 164:
To be entitled an act to declare Catharine Ward a free dealer,

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

Senate bill No. 165:
To be entitled an act to declare Pamela A. Collins a free dealer and trader,

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

Assembly bill No. 6:
To be entitled an act to encourage the construction of canals, improve the navigation of creeks, facilitate transportation, promote immigration and the reclamation, settlement and cultivation of State lands,

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

Senate bill No. 90:
To be entitled an act to amend sections five and thirty of an act entitled an act to provide for and encourage a liberal system of internal improvements, approved January 6, 1855,

Was taken up, and, on motion of Mr. Niblack, was postponed for further consideration until to-morrow.

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 3, 1877,

Was taken up with the substitute proposed by the committee, and read the second time.

Mr. Bryson moved to amend by making the pay of jurors and witnesses one dollar and twenty-five cents in place of one dollar.

The yeas and nays being called for,

The vote was:

Yeas—Messrs. Allen, Bryson, Eagan, French, Genovar, Hagan, Hatcher, Jones, Judge, Leslie, Long, Lykes, McGuire, McKinnon, Meacham, Orman, Patterson, Richard, Speer and Wallace—20.

Nays—Messrs. Barnes, Durkee, Johnson, McMeekin, Thompson and Walker of the 6th—6.

So the amendment was adopted.

Mr. Leslie moved to amend by adding "provided, that the provisions of this act do not apply to any counties south of the Withlacoochie river."

Mr. Bryson moved to lay this amendment on the table;

Which was agreed to.

Mr. French moved to insert, just before the repealing clause, "and the pay of County Commissioners shall be two dollars per day and mileage at ten cents per mile going to and returning from the county site."

The yeas and nays being called for,

The vote was:

Yeas—Messrs. Allen, Eagan, French, Genovar, Hagan, Hatcher, Johnson, Jones, Judge, Leslie, McMeekin, McGuire, Richard and Speer—14.

Nays—Messrs. Barnes, Bryson, Meacham, Orman, Patterson, Thompson and Wallace—7.

So the amendment was agreed to.

Mr. Meacham moved to amend by striking out for marriage license, "two dollars," and insert "one dollar;"

Which was not agreed to.

Mr. Wallace moved to amend the bill so as to read as follows "That the same pay shall be allowed to officers as the fee bill, of 1877, with the following exception of the clause, which states that the State of Florida shall pay one half, that entire clause to be struck out;"

Which was not agreed to.

Mr. Thompson moved to add after, "making certified copy of grand jury when required, thirty cents," "calling, swearing and recording petit jury, thirty cents;"

Which was agreed to.

Mr. Wallace moved to amend by inserting "for filing and recording mortgages or deeds one dollar;"

Which was not agreed to.

Mr. Richard moved to amend section 2 in regard to fee for feeding jurors, so as to insert "80 cents per day," in lieu of 40 cents;

Which was agreed to.

Mr. Bryson moved to amend the bill by inserting "40 cents per day in place of 30 cents" for feeding prisoners;

Which amendment was agreed to.

Mr. Wallace moved to amend the bill by adding a section to read:

"That the Justices of the Peace shall issue certificates to all witnesses and jurors in their courts, which shall be as valid as the certificates issued by the Clerks of the Circuit Courts."

Mr. Bryson moved to lay this amendment on the table;

Which was agreed to.

Mr. Lesley moved to amend by inserting in section 1, "recording, copying and writing one hundred words or less, twenty-five cents; for every subsequent one hundred words, ten cents; and strike out the words fifteen and eight as appears in the bill;"

Which was agreed to.

Mr. Wallace offered the following amendment:

The Justices of the Peace shall report to the Clerk of the Circuit Court the witnesses that appear before them at each court, and such clerk shall lay the same before the County Commissioners, who shall audit the same;

Which was not agreed to.

The substitute bill was then ordered to be engrossed as amended.

Assembly bill No. 5:

To fix the pay of members, officers and attachees of the present Legislature,

Was read a second time.

Mr. McKinnon moved to amend the bill by striking out "eight" dollars for the Speaker of the House;

Which was agreed to.

Mr. Thompson moved to amend the bill by striking out "8" where it appears in the bill and insert "6," and strike out "6" where it appears and insert "5."

Mr. Lesley moved to amend the amendment so as to read: Strike out "8" and "6" where they appear and insert "5;"

Which was not agreed to.

The vote was then taken on the amendment of Mr. Thompson.

The yeas and nays being called for,

The vote was:

Yeas—Messrs. Barnes, Durkee, French, Hatcher, Judge, Lykes, McMeekin, McKinnon, Niblack, Richard, Sharpe, Speer, and Thompson—13.

Nays—Messrs. Allen, Bryson, Eagan, Genovar, Johnson, Jones, Leslie, Long, McGuire, Meacham, Orman, Patterson and Wallace—13.

So the amendment was not adopted.

Mr. McKinnon moved to strike out the pay of the Door-keeper "\$2," and insert "\$4;"

Which was agreed to.

Mr. Ormon moved to strike out "\$3," as the pay of the Messenger, and insert "\$4;"

Which was agreed to.

Mr. McKinnon moved that the bill be amended by striking out "Chief Clerk of the Senate," and inserting "Secretary and Assistant Secretary of the Senate;"

Which was agreed to.

Mr. McKinnon moved to strike out "five days after the adjournment," and insert "two days for the Chief Clerk of the Assembly and Secretary of the Senate;"

Which was agreed to.

Mr. Leslie asked that the rule be waived, and the vote on the original motion of Mr. Thompson be reconsidered at once;

Upon which the yeas and nays were called for.

The vote was:

Yeas—Messrs. Barnes, Durkee, French, Hatcher, Judge, Leslie, Lykes, McMeekin, McKinnon, Niblack, Richard, Sharpe, Speer and Thompson—14.

Nays—Messrs. Allen, Bryson, Eagan, Genovar, Hagan, Johnson, Jones, Long, McGuire, Meacham, Orman, Patterson, Walker of the 6th and Wallace—14.

So it was not agreed to.

Mr. Judge moved to strike out "8" where it occurs, and insert "6."

Mr. McGuire asked a ruling from the Chair as to whether this motion was in order, as the same amendment had been previously voted down.

The chair ruled that the motion was in order.

Mr. Thompson moved to amend the amendment by the following: "The per diem of the Clerk of the Assembly, the Secretary of the Senate, and the members of the Legislature, shall be five dollars per day."

Mr. McGuire moved to lay the amendment to the amendment on the table.

The yeas and nays being called for,

The vote was:

Yeas—Messrs. Allen, Bryson, Durkee, Eagan, Genovar, Johnson, Jones, Judge, Long, McGuire, Meacham, Orman, Patterson and Wallace—14.

Nays—Messrs. Barnes, French, Hagan, Hatcher, Leslie, Lykes, McMeekin, McKinnon, Niblack, Richard, Sharpe, Speer, Thompson and Walker of the 6th—14.

So the motion to lay on the table was not agreed to.

The amendment to the amendment was then declared by the chair to be not in order.

The amendment of Mr. Judge was then voted on and adopted.

Mr. Barnes moved that the further consideration of the bill be postponed until 12 o'clock to-morrow;

Which was not agreed to.

Mr. Bryson moved that the amendment be engrossed for a third reading to-morrow;

Which was agreed to.

The Senate went into executive session.

On the doors being opened, Messrs. McClenny and Walker of the 23d were excused from attendance, and the Senate adjourned until 10 A. M. to-morrow.

TUESDAY, February 25, 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, Jones, Judge, Leslie, Long, McClenny, McMeekin, McGuire, McKinnon, Meacham, Orman, Patterson, Richard, Sharpe, Speer, Thompson, Walker of the 23d, Walker of the 6th and Wallace—27.

A quorum present.

Prayer by the Chaplain.

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

Mr. Orman presented, by permission, a memorial of G. A. Chairs;

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