

E. K. Foster to be Superintendent of Public Instruction for the State of Florida.

W. P. Byrd to be County Judge for Leon county.

MONDAY, January 17, 1881.

The Senate met pursuant to adjournment.

The President in the chair.

The roll was called and the following Senators answered to their names:

Messrs. Bryson, Chandler, Crawford, Crill, Delano, Dell, Duncan, Hatcher, Hendry, Jones, Judge, Lykes, Mallory, McClellan, McKay, McKinnon, Niblack, Polhill, Powers, Robinson, Sharpe, Thompson, Walker and Wallace.—24.

A quorum present.

Senator Robinson officiated as Chaplain.

On motion of Mr. McKay the reading of the journal of Friday was dispensed with.

The following bills were introduced:

By Mr. Mallory:

Senate bill No. 35:

An act to amend Section two of an act entitled An act for the protection of ports, harbors, bays and rivers of this State and to repeal Chapter 1,900 of the Laws of Florida;

Which was read for the first time by its title and referred to the Committee on Commerce and Navigation.

By Mr. Duncan:

Senate bill No. 36:

To be entitled an act to punish the breaking and entering buildings in the day-time, or entering in the night-time without breaking, with intent to commit a misdemeanor;

Which was read the first time by its title and referred to the Judiciary Committee.

Also,

Senate bill No. 37:

To be entitled an act to enable married women to dispose of their separate property by last will and testament;

Which was read the first time by its title and referred to the Judiciary Committee.

By Mr. Robinson:

Senate bill No. 38:

To be entitled an act for the regulation of the sale, drinking and use of spirituous liquor, wine, cider, or other drink containing alcohol, as a beverage;

Which was read the first time by its title and referred to the Joint Committee on Temperance.

By Mr. McKay:

Senate bill No. 39:

To be entitled an act to admit Solon B. Turman and Harry L. Branch to practice law in the several courts of this State;

Which was read the first time and referred to the Judiciary Committee.

The following message was received from the Assembly:

ASSEMBLY HALL, Tallahassee, January 14, 1881.

HON. L. W. BETHEL,

*President of the Senate:*

SIR: I am directed by the Assembly to inform the Senate that the Assembly has passed—

Assembly bill No. 1, to be entitled an act to make the public use of indecent or obscene language a misdemeanor, and provide for the punishment thereof,

And respectfully ask the concurrence of the Senate therein.

Very respectfully,

WM. FORSYTH BYNUM,

*Chief Clerk of the Assembly.*

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

The Committee on Claims made the following report:

SENATE CHAMBER, Tallahassee, January 17, 1881.

HON. L. W. BETHEL,

*President of the Senate:*

SIR: Your committee to whom was referred—

Senate bill No. 28, to be entitled an act to relinquish the claim of the State of Florida to lands in the former Palatka Military Reservation, embraced in certain entries and warrant locations in the United States Land-office, beg leave to report that they have had the same under consideration and recommend the passage of the same.

Respectfully, etc.,

J. G. SPEER,  
JAMES MCKAY,  
JOHN WALLACE.

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

Mr. Bryson, from the Committee on the Judiciary, made the following report:

SENATE CHAMBER, Tallahassee, January 17, 1881.

HON. L. W. BETHEL,

*President of the Senate:*

SIR: Your committee to whom was referred—

Senate bill No. 32, to be entitled an act relating to the arrest of fugitives from justice from other States, beg leave to report that they have examined the same and do recommend its passage.

Respectfully,

WM. BRYSON, JR.,  
W. N. THOMPSON,  
S. R. MALLORY,  
Committee on Judiciary.

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

Mr. Bryson, of the Judiciary Committee, made the following report:

SENATE CHAMBER, Tallahassee, January 17, 1881.

HON. L. W. BETHEL,

*President of the Senate:*

SIR: Your committee to whom was referred—

Senate bill No. 33, to be entitled an act relating to the crime of larceny, beg leave to report that they have examined the same and recommend its passage.

Respectfully, etc.

WM. BRYSON, JR.,  
W. N. THOMPSON,  
S. R. MALLORY,  
Committee on Judiciary.

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

#### ORDERS OF THE DAY.

Senate bill No. 13;

A bill to be entitled An act to amend Chapter 3,160, Laws of Florida, being an act to amend an act entitled An act to prevent excessive rates of pilotage,

Was read the second time.

Mr. Mallory moved to amend as follows:

SEC. 2. That the provisions of this act shall apply only to pilots piloting on the bar of Tampa Bay;

Which, after being discussed, was withdrawn, and the bill was ordered to be engrossed for a third reading on to-morrow.

The Committee on Enrolled Bills made the following report:

SENATE CHAMBER, January 14, 1881.

HON. L. W. BETHEL,

*President of the Senate:*

SIR: The committee to whom was referred—

Senate bill No. 4, An act to authorize Commissioners to swear witnesses, and legalizing oaths heretofore administered by them; also,

Senate bill No. 5, An act to authorize Dunlap F. Judah, of Pensacola, to take charge of and control his estate;

Beg leave to report that they have examined the same, and find them correctly enrolled.

Respectfully,

J. C. WALKER, Chairman S. C.

H. L. GRADY, Chairman A. C.

Assembly bill No. 1;

Which was read and referred to the Judiciary Committee.

Senate bill No. 15:

To be entitled an act for the better preservation of legal advertisements.

This bill came up upon a motion to reconsider offered by Mr. Polhill on the 14th inst.

The vote was upon the reconsideration of the bill;

Which was agreed to, and the vote by which the bill was passed was reconsidered.

Senate bill No. 28:

To be entitled an act to relinquish the claim of the State of Florida to lands in the former Palatka Military Reservation embraced in certain entries and warrant locations in the United States Land Office;

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

Mr. Bryson, of the Committee on Engrossed Bills, obtained leave to make the following report:

SENATE CHAMBER, Tallahassee, January 17, 1881.

HON. L. W. BETHEL,

*President of the Senate:*

SIR: Your committee to whom was referred—

Senate bill No. 25, to be entitled an act in relation to the punishment of crimes and misdemeanors,

Beg leave to report that they have examined the same and found it to be properly engrossed.

Very respectfully,

WM. BRYSON, JR.,

Chairman Committee on Engrossed Bills.

Also:

SENATE CHAMBER, TALLAHASSEE, January 17, 1881.

TO HON. L. W. BETHEL,

*President of the Senate:*

SIR: Your committee to whom was referred—

Senate memorial relating to the introduction of certain fish into the waters of this State,

Beg leave to report that they have examined the same and found it properly engrossed.

Very respectfully,

WM. BRYSON, JR.,

Chairman Committee on Engrossed Bills.

Senate bill No. 32:

To be entitled an act relating to the arrest of fugitives from justice from other States;

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

Senate bill No. 33:

To be entitled an act relating to the crime of larceny;

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

Senate bill No 25:

To be entitled an act in relation to the punishment of crimes and misdemeanors;

Was read the third time and put upon its passage.

The vote was:

Yeas—Messrs. Chandler, Crawford, Crill, Delano, Dell, Duncan, Hatcher Hendry, Jones, Judge. Mallory, McClellan, McKay, McKinnon, Niblack, Polhill, Powers, Robinson, Sharpe, Speer, Thompson, Walker and Wallace—23.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the Assembly.

Senate memorial No. 6:

Relating to the introduction of certain fish into the waters of this State;

Was read the third time and put upon its passage.

The vote was:

Yeas—Messrs. Bryson, Chandler, Delano, Dell, Duncan, Hatcher, Hendry, Jones, Judge, Mallory, McClellan, McKay,

McKinnon, Niblack, Polhill, Powers, Robinson, Sharpe, Speer. Thompson, Walker and Wallace—22.

Nays—Mr. Crawford—1.

So the bill passed, title as stated.

Ordered that the same be certified to the Assembly.

Mr. Sharpe asked leave to present the following memorial which was granted:

A memorial to Congress, asking for an appropriation for a canal between Indian and Mosquitoe Rivers;

Which was referred to Committee on Commerce and Navigation.

On motion of Mr. Chandler, Senate bill No. 15, to be entitled An act for the better preservation of legal advertisements. Was taken up.

Mr. Chandler offered the following amendment to the bill: Sec. 4. The Secretary of State, at the expense of the State, shall have said papers bound annually, those of each Judicial Circuit in separate volumes, the papers and counties thereof arranged in alphabetical order;

Which was lost.

Mr. McKinnon moved that the bill be recommitted to the Judiciary Committee;

Which was agreed to, and the bill was so ordered to be re-committed.

Mr Thompson announced that the Janitor, Tom Mason, was dead, and moved that the Sergeant at Arms be authorized to employ a suitable person to fill the vacancy;

Which was agreed to.

Mr. Robinson moved that Senator Cone be excused from attendance on account of sickness;

Which was granted.

The Senate then went into Executive Session at 12:20 P. M.

The doors were opened at 1 o'clock.

The Chairman announced the following Joint Committee:

Committee on Constitutional Amendments: Messrs. Mallory, Speer, Walker and Cole.

The President announced that the following bill had been passed and properly enrolled, and that he was about to sign the same:

Senate bill No. 5:

An act to authorize Dunlop F. Judah, of Pensacola, to take charge of and control his own estate;

Which was done.

On motion of Mr. McKinnon the Senate adjourned until 4 o'clock P. M.

AFTERNOON SESSION.  
FOUR O'CLOCK P. M.

The Senate resumed its session.

The President in the Chair.

The roll was called and the following Senators answered to their names :

Messrs. Bryson, Chandler, Crawford, Crill, Delano, Dell, Duncan, Hendry, Jones, Judge, Lykes, Mallory, McKay, McKinnon, Niblack, Polhill, Powers, Robinson, Sharpe, Speer, Thompson, Walker and Wallace—23.

A quorum present.

Mr. McKinnon moved that the Senate take up the message from the Assembly ;

Which was agreed to.

The following message was received from the Assembly :

ASSEMBLY HALL, Tallahassee, January 17, 1881.

HON. L. W. BETHEL,

*President of the Senate :*

SIR: I am directed by the Assembly to inform the Senate that the Assembly has adopted the Senate concurrent resolution for the appointment of a Joint Committee on Constitutional Amendments, with an amendment to the resolution to increase the Joint Committee to four on the part of the Senate and seven on the part of the Assembly, and have appointed Messrs. Bryan of Orange, Cooper, Miller, Bevill of Hamilton, Conant, Dougherty and Fildes such committee on the part of the Assembly.

Very respectfully,

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

Mr. McKinnon moved that the Senate concur in the above proposed amendments ;

Which was agreed to.

The following message was received from the Assembly :

ASSEMBLY HALL, Tallahassee, January 17, 1881.

HON. L. W. BETHEL,

*President of the Senate :*

SIR—I am directed by the Assembly to inform the Senate that the Assembly has passed Assembly memorial to Congress asking an appropriation for the improvement of the Withlacoochie River, in the State of Florida.

Very respectfully,

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

Which was read the first time and referred to the Committee on Commerce and Navigation.

Also,

ASSEMBLY HALL, Tallahassee, Jan. 17, 1881.

HON. L. W. BETHEL,

*President of the Senate :*

SIR—I am directed by the Assembly to inform the Senate that the Assembly has passed—

Assembly bill No. 12, to be entitled an act to regulate the bringing of suits by married women.

Very respectfully,

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

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

Also,

ASSEMBLY HALL, Tallahassee, January 17, 1881.

HON. L. W. BETHEL,

*President of the Senate :*

SIR: I am directed by the Assembly to inform the Senate that the Assembly has passed—

Assembly memorial to Congress to remove obstructions from the Wacassassa and the Wekiva rivers.

Respectfully,

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

Which was read by its title and referred to the Committee on Commerce and Navigation.

Also

ASSEMBLY HALL, Tallahassee, January 17, 1881.

HON. L. W. BETHEL,

*President of the Senate :*

SIR: I am directed by the Assembly to inform the Senate that the Assembly has, in pursuance of Joint Rules, that a Joint Committee, consisting of two from the Senate and two from the Assembly, to compare the enrolled bills as passed the two Houses, have appointed Messrs. Grady, of Franklin, and Bryan, of Hillsborough, such committee on part of the Assembly.

Very respectfully,

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

Which was read and concurred in, and the President appointed on said committee, on the part of the Senate, Messrs. Walker and Crill.

Mr. Jones, from the Committee on Fisheries, obtained leave and made the following report:

SENATE CHAMBER, Tallahassee, January 17, 1881.

HON. L. W. BETHEL,

*President of the Senate:*

SIR: Your Committee on Fisheries, to whom was referred—Senate bill No. 2, to be entitled an act to encourage the planting of oysters in the waters of this State, and to protect the rights of owners thereof, beg leave to report that they have had the same under consideration and recommend as follows: "That all after enacting clause be stricken out and that the following substitute be inserted in lieu thereof."

W. J. JONES, Chairman.  
WM. H. SHARPE,  
MCCLELLAN,  
HATCHER,  
LEE.

On motion of Mr. Thompson, the substitute, as offered by the committee, was adopted.

The bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Polhill moved that the Senate adjourn until to-morrow morning 10 o'clock;

Which was agreed to.

Whereupon the Senate adjourned.

#### CONFIRMATIONS.

James M. Barco, to be Clerk of the Circuit Court for Levy county.

R. M. Witherspoon, to be County Judge for Madison county.

J. E. Yonge, to be Adjutant-General for the State of Florida.

TUESDAY, January 18, 1881.

The Senate met pursuant to adjournment.

The President in the chair.

The roll was called and the following Senators answered to their names:

Messrs. Bryson, Cole, Cone, Crawford, Crill, Delano, Dell, Duncan, Hendry, Jones, Judge, Lee, Mallory, McClellan, McKay, McKinne, McKinnon, Polhill, Powers, Robinson, Sharpe, Speer, Thompson, Walker and Wallace—26.

A quorum present.

Prayer by the Chaplain.

On motion of Mr. McClellan, the reading of yesterday's journal was dispensed with.

#### INTRODUCTION OF MEMORIALS, PETITIONS, &c.

Mr. Chandler presented the petition and papers in the case of Alexander vs. Willard of the 10th Senatorial District; Which were referred to the Committee on Privileges and Elections.

By Mr. McKinnon:

A resolution in regard to roads and highways;

Which was placed among the orders of the day.

#### INTRODUCTION OF BILLS.

The following bills were introduced:

By Mr. McClellan:

Senate bill No. 40:

To be entitled an act to extend the time for the redemption of lands sold for taxes in this State;

Which was read the first time by its title and referred to the Committee on Finance and Taxation.

By Mr. Dell:

Senate bill No. 41:

To be entitled an act to change the time for holding the Circuit Courts in the Fifth Judicial Circuit;

Which was read the first time by its title and referred to the Judiciary Committee.

#### CONSIDERATION OF RESOLUTIONS.

Resolution in regard to roads and highways:

*Resolved*, That a committee of three, composed of the legal profession of this Senate, be appointed to examine the law pertaining to roads and highways in this State, and that they report by amendments or bill such laws as will compel the keeping in good repair the roads and highways in this State;