

A bill to be entitled an act amendatory to the several acts incorporating the city of Apalachicola;

Mr. Floyd offered the following as an amendment to said bill, Viz: Amend the fourth section as follows: Provided that nothing in this section shall prevent the mayor and aldermen from levying a tax upon retailers of spirituous liquors, keepers of nine and ten pin alleys, billiard tables and public drays, within said corporation, which amendment was adopted and the bill as amended ordered to be engrossed for Monday.

Having gone through with the orders, on motion, the rule was waived, and the following bills introduced:

By the President—pursuant to previous notice, a bill to be entitled an act to amend an act entitled an act to authorize the sale of Equities of Redemption to mortgaged property, and for other purposes, approved December 23d, 1845; also,

Without previous notice Mr. Fairbanks introduced the following bill: A bill to be entitled an act for the relief of the executors of Nehemiah Brush, deceased.

On motion, the Senate adjourned until Monday, 11 o'clock.

MONDAY, 28th December, 1846.

The Senate met pursuant to adjournment, and a quorum being present the Journal of yesterday's proceedings was read and approved.

Mr. Fairbanks moved that the resolution offered by Mr. McLean on Saturday last, directing the Secretary to return a bill entitled An act relating to Grand and Petit jurors, to the Printers of the Senate, &c., be stricken from the Journal. On the question of adopting said motion the ayes and nays were called by Messrs. Kelly and Lorimer, and were

Yeas—Messrs. Bird, Bradley, Broward, Carter, Fairbanks, Floyd, Johnson and Tabor—8.

Nays—Mr. President, Messrs. Kelly, Lorimer, McLean, McMillan, and White—6.

So the motion was decided in the affirmative.

Pursuant to previous notice the following bills were presented, viz.:

By Mr. Carter, a bill to be entitled an act to provide for the re-establishment of the records of the county of Columbia, and for other purposes, which was read the first time, and ordered to be printed, also,

By Mr. Broward, a bill to be entitled an act to provide for the sale of Seminary lands, and for other purposes: which was read the first time, and ordered to be printed.

Mr. Kelly moved that the resolution stricken out this morning from the Journal of Saturday's proceedings, which is notwithstanding

an order of this House, the same not having been reconsidered, or annulled be recorded in a book to be kept by the Secretary of the Senate in which all proceedings of a similar character shall be recorded. Which motion was lost.

Pursuant to previous notice Mr. Broward introduced the following bill, viz: A bill to be entitled an act to provide for the election of electors of President and Vice President of the U. States, which was read the first time, and ordered to be printed.

Mr. Lorimer presented a memorial from certain citizens, property holders and tax payers, of the city of Tallahassee praying that the General Assembly would not restrict the corporation in their powers of taxation, and protesting against any action of the Legislature which would retard or defeat the honest and praiseworthy object of the city authority, in paying the city debt, &c.: which was read, and referred to the committee on Propositions and Grievances.

Mr. Fairbanks offered the following resolution.

Resolved, by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Comptroller of public accounts be and is hereby authorized to employ a Clerk in his office, when absolutely necessary for the prompt performance of his duties; *Provided*, that the sum so allowed shall not exceed two hundred dollars per annum.

Which was read the first time, and ordered for to-morrow.

Mr. Fairbanks from the Judiciary committee made the following report:

The judiciary committee to whom was referred the bill entitled an act to establish and regulate pilotage in the waters and harbors of St. Lucie county; and also the bill in relation to pilotage in Dade county, report; that they have examined the same and recommend the following amendment:—to strike out the 5th section, and insert the following:

Sec. 5 *Be it further enacted*; That the board of county commissioners shall have power to annul any license granted to pilots in cases of incapacity, negligence or incompetency, and if any person whose license has been annulled or who has not been regularly appointed a pilot as above directed, and shall actually pilot a vessel or vessels into any of the harbours or waters of said county, for which a pilot has been appointed and received compensation for the same shall be fined a sum not exceeding twenty-five dollars for each and every offence recoverable as is by law provided for the recovery of other penalties, incurred for breach of penalties in the name and for the benefit of said county.

In the 2nd section strike out "\$1,000" and insert "500."

Which was received, and the bill ordered for to-morrow.

Mr. Lorimer from the committee on Corporations presented the following report:

The Committee on Corporations to which was referred so much of the message of his Excellency the Governor as relates to the condition of the Banking institutions which still continue in the exercise of many of their franchises, &c., and which contains various suggestions as to the proceedings proper to be taken on the subject, have had the same under consideration and beg leave respectfully to

R E P O R T :

Your committee, for reasons which will appear in the sequel of this report, and which will point out a clear, certain and efficacious remedy for all the evils likely to result from the future operations of these Institutions, will not dismiss the important question suggested in the message of his Excellency the Governor, whether any Banking Institutions organized and instituted under the pre-existing Territorial Government "may, since the admission of the State into the confederacy, rightfully exercise the powers conferred without the express assent of the Legislative Department of the Government?"

Upon this very delicate question his Excellency, with a commendable caution, gives no decided opinion of his own but states it as "a question seriously doubted by many;" and he adds, *as one* which "was not without its influence with the last General Assembly, in their refusing to appoint Directors in behalf of the State." But he states the more decided opinion of the Attorney General, (in his report to the Legislature,) that for certain imputed violations of the charters of each of these Institutions, "the State is absolved from all obligation to continue the franchises granted; and may rightfully resume them." His Excellency very properly remarks that "the questions involved between the State and these institutions are (in the opinion of the Executive) more properly within the jurisdiction of the Judicial Department of the Government." Leaving, then, to the Judicial Department of the Government to weigh and decide upon the opinion and reasons of the Attorney General *when* a proper case arises for its consideration, your committee will content itself with the discussion of such remedial legislative measures as may meet the emergency...while they avoid all violent and questionable measures of resort, and such as might needlessly interfere with vested rights, and mischievously affect the property of citizens. While it is admitted, then, that the question of forfeited franchises belongs exclusively to the Judicial department, so far as the question affects the Institutions and the State, your committee will add, that to the same department also belongs questions between these institutions and their creditors.

By the 24th section of its charter, *one* of these institutions, (the Union Bank,) is liable for its failure to meet its liabilities in cash, to respond in large pecuniary damages: and it is known that it has been repeatedly made subject to this penalty, so long as any considerable amount of its notes or deposits remained out the subject of such demands. These considerations would seem to relieve the Legislature from the necessity of taking any action in reference to the past transactions of these corporations...and to suggest the propriety of such remedial measures for the future, of such "regulation and control" as may (in the language of the constitution of our State) "guard, protect and secure the interest of the people of the State, not violating vested rights or impairing the obligations of contracts." The last clause contains all the authority conferred upon the Legislature of the State in relation to "corporate privileges claimed by associations" created by the territorial government. And without discussing the question whether that power, having been limited in its exercise to the first session of the Legislature, has been lost by *non user*, (an opinion which certainly has influenced former Legislatures of this State,) it must be evident that the power conferred was to "regulate, restrain and control," and not to subvert, nullify or destroy. If any doubt could exist under the provision quoted, it would be dispelled by that part of the schedule or Bill of Rights which declares that "nothing in this constitution shall impair the obligation of contracts; or violate vested rights, either of individuals or of associations claiming to exercise corporate privileges in the State.

Regarding these provisions of our Constitution as of imperative sanction, this committee would limit its recommendation to measures, not of destruction, but of "regulation," "restraint" and "control;" and to the end pointed out by the same instrument, "so as to guard, protect and secure the interest of the people of the state."

To apply these principles your committee will briefly advert to the state and condition of these institutions: and first to the Union Bank.

Looking to objects as they actually exist, this Institution is found invested by law with all the corporate franchises of a Bank of Discount and Deposit, with a large capital, but from losses or embarrassments unable without detriment to the people of this state and to the public generally, to use or exercise any of the active and essential operations of such a Bank. To loan money or discount paper it has neither means nor credit; and the want of this last forbids its use as a Bank of Deposit. For years past its chartered rights in these respects have been merely nominal and inoperative. That this has been the case for years the public have the assurance of the Bank itself in its frequent reports to the Government, and evidence unanswerable in the necessities of its condition, which imperatively forbid all such banking operations. Neither does the Bank profess the intention of ever again exercising such privileges. But in the opinion of your committee such a power under the circumstances of the case should not be left in the discretion of the Bank. The law here should authoritatively interfere, (if such power belong to the Legislature of Florida,) and divest the Bank of a franchise or privilege so susceptible of abuse. It was a *restraining* power, such as was vested in the First General Assembly under the state; and such as this General Assembly may exercise at least with the consent of the Institution. Sensible of the propriety of such a restraint the Union Bank (heretofore at a former session of the Legislature and again by a report to the Executive at the present session,) submits to such a divestiture of its former chartered privileges. Divest the Bank of these attributes and franchises and what will remain? Merely an Institution in a state of liquidation and final settlement; allowed its chartered existence solely with the view of fulfilling its chartered duties, of collecting and paying out its assets, of redeeming its faith and that of the late Territory. Such an act as this committee contemplates, grants nothing, imparts nothing—is solely a restraint and binds or commits this Legislature to nothing. Why should any further action be necessary? No one contemplates a bare nullification of its present charter with no provision for securing and distributing the property and funds of the Bank amongst those entitled to it and in the order, proportion and due priority of their claims! But it has been suggested that the charter of the Bank should not only be nullified by the direct act of the Legislature, but its effects should be divested from its present holders, (the Bank directors) and assigned to receivers or trustees or commissioners. For such a course your committee can see no expedient reasons, while justice and a regard to the rights of property, seem absolutely to forbid it. Indeed the failure of all former attempts in the Legislature to draft a law which presented even a feasible plan for such a difficult operation, ought to deter from any such attempt in future. Not only has every scheme heretofore projected failed in this state to promise success, in securing the end desired by his Excellency the Governor; of making satisfactory provision for the collection and rightful application of the assets, but the actual experiments made in other states through the agency of Receivers or Trustees, to wind up similar Institutions have been attended with vast expense of time and money and have produced needless litigation and difficulties. At present the organized agency of the Directory has been found most cheap, expeditious and efficacious and when certain unsettled questions of law which have heretofore retarded their operations shall have been determined, rapid progress will be made in the liquidation and settlement of the concerns.

From a report made by the Bank to the Executive to be submitted to this.

General Assembly, we learn that in spite of these retarding causes the Bank has been able since the 1st of January 1842, to pay off

of its liabilities,	\$880,000
Interest on the same,	323,945
	\$1,203,945

It has also delivered to the Governor of the state to be cancelled Territorial Bonds to the amount of \$207,000

Add to these Territorial Bonds deposited with the clerk of the late superior court of Leon county, to be cancelled when certain mortgaged property is sold, \$69,000; and other territorial bonds held by the bank to secure stock amounting to \$266,000. These exhibit an amount of liability discharged since 1842, of \$1,745,945. It is obvious that the settlement thus far made towards closing this concern, could only have been made by a directory acting with full authority under the existing charter; any other agents or trustees otherwise constituted, would have been unable to effect so much, and their employment would have been attended with vast expense and liable to loss from various causes.

As this committee, then, have discovered nothing in the past conduct of the directors of the Bank evincing a want of zeal or efficiency, in the sole task which remains—that of winding up the institution—they cannot but oppose the substitution of a less responsible and more costly agency to fulfil their duties. Confining then its interference to the degree of restraint above indicated, the present General Assembly will have fulfilled its duties, both to the institution, to the state Government, and to the people of Florida, and will obviate and remove that "source of both personal and political hostility," which his Excellency the Governor, so justly deprecates, and will also effectuate the object which he recommends, "the advancement of the public good at the least practicable sacrifice of individual interest."

With these views, and in relation to the Union Bank of Florida, the committee beg leave with this report to submit a bill:

JAMES H. T. LORIMER, Chairman.

So. LIFE INSURANCE & TRUST Co.,
Tallahassee, Dec. 14, 1846.

Sir—In accordance with your wish, I furnish some particulars of the circumstances and condition of this company.

It is a matter of notoriety, that early in the year 1843, a proceeding was instituted, resulting in an injunction and appointment of Receivers. After many delays not accounted for, the proceeding was dismissed, leaving the company minus a large amount for costs and expenses of the proceedings so instituted, which the assets had to pay to enable the company to gain possession of the balance remaining. In the face of these difficulties, the company have retired of its aggregate indebtedness since January 1843, \$276,000. Two hundred and seventy six thousand dollars of principal, besides interest. They have negotiation pending for the settlement and cancellation of \$100,000, besides its ordinary collections.

This company has also suit pending in the chancery court of New York, for the recovery of the remaining outstanding certificates guaranteed by the Governor, 233 in number, 167 having been previously cancelled. This suit was originally commenced by the proper representative of the company, but dismissed on the appointment of Receivers, whose names were then inserted, and on their dismissal another failure followed for want of the proper parties, compelling the company to begin a third time, which suit is now pending.

It is believed that the defendants in this were the real parties for whose benefit the injunction before alluded to was obtained, the inference is derived from this fact, the parties plaintiff to the record were creditors in a sum less than three thousand dollars, upon whose application the court, for reasons not yet made known, enjoined and tied up for near three years, \$1,500,000 assets.

This company would deeply regret any action of the Legislature, tending to embarrass in its present efforts to obtain these outstanding certificates, as well as some of its assets for which suits are also pending; any new obstacles may render further efforts totally unavailing and place the company beyond a remedy.

It may not be out of place to state, that over one hundred and thirty original stockholders, mostly residing out of the State, paid in to this company over five hundred thousand dollars in cash, who are not indebted one dollar to the company, and have only received their dividends, when the bank was paying them.

This capital, with the subsequent increase, has been loaned to individuals in the State; a large number of whom, for causes in no manner connected with the bank, are unable to pay either principal or interest, even at the present depreciation of its paper; others, from the low price of the stock, have required indulgence, which has been extended, with favorable results. The general clamor against banks heretofore, has tended to a laxity in the disposition of debtors to pay, most particularly so while their ability was limited; but reflection has brought a more just appreciation of their obligations to banks, as well as individuals.

It is not doubted by the trustees, that they will, in as short a time as is practicable, in view of the interests of both creditor and debtor, have cancelled all their obligations in the manner now adopted, to the satisfaction of both; nor have they any doubt of their ability to compel the surrender of the guaranteed certificates, for which suit is now pending.

Any further information will be cheerfully furnished that your committee may desire.

I am, very respectfully,

ROBERT LYON, Cashier.

P. S.—I will add, for the further information of your committee, that mortgages are held by the Executive to meet any claim that may arise from the guaranteed certificates now out.

Which was received; and 500 copies of the report, and 75 copies of the bill reported ordered to be printed.

Mr. Fairbanks from the Judiciary committee reported the following bill, viz: A bill to be entitled An act to authorize Eliza A. Crews and J. M. Crews administrators of James Niblack deceased to sell certain real estate, which was read the first time, and ordered for to-morrow.

Mr. Floyd was on motion excused from serving on the committee on Elections.

Mr. Broward from the committee on elections made the following report:

The committee of the Senate on Elections, to which was referred the contested election between Daniel G. McLean, the sitting member, of the Senate, contestant, and John Ghent, contestor—both from the county of Walton, comprising the third Senatorial District of this State: and your committee, after examining all the documents and papers referred to them in relation to said election, and having given that subject the care and attention which to them appeared necessary, to arrive as far as possible to the facts in relation to that matter, and how far the laws on the subject of elections was complied with in conducting the same, in said District, have the honor to

REPORT:

That the first question which was presented to the consideration of your committee was a protest (by a letter to the Judge of Probate) by the said Daniel G. McLean, contestant, protesting against any testimony being taken by said John

Ghent, contestor, on the ground that said Ghent had not served the lawful notice on him, the said contestant. In the absence of any testimony before your committee to show that such notice was served by the said John Ghent on the said Daniel G. McLean, there would have been no difficulty for your committee to decide, had not the said Daniel G. McLean appointed, (as appears by the testimony taken) counsel to appear in his behalf before the Judge of Probate, in taking testimony in his behalf; and the said counsel in behalf of the said McLean, cross interrogating the witnesses introduced by the said Ghent before said court—and thereby joining issue with him, the said contestor, in taking testimony and availing himself of the same advantages as if such notice had been served on him; and your committee are not aware, if there was no notice served on the contestant, as alleged, why he, by his attorney, appeared before the Judge of Probates and introduced witnesses on his part, and cross examined the witnesses in behalf of the said John Ghent.

In ordinary cases such an issue would have, in our opinion, barred the plea of not being summoned to appear; but your committee, not feeling disposed to risk any decision on their part that would tolerate any transaction in this case that was not done according to the laws in such cases made and provided, do decide this point of the question in favor of the said Daniel G. McLean: there being no evidence before us that notice was served on the contestant in the manner the law directs.

The second point insisted on by the contestant is, that the certificate of the Judge of Probate is valid and conclusive on this subject. On which point your committee are of opinion that, to sustain such a position each branch of the Legislature would be deprived of the right of judging the qualification of its members. And to exercise that right, guaranteed by the constitution, it necessarily follows that the investigation of every contested election must look behind the certificate of the Judge of Probates, and investigate such a question on its merits. The decision of the Judge of Probates is only the inferior tribunal—and an appeal lies to the legislature to decide.

The third point under consideration of your committee is the allegation of both parties, which is, that at the election held in the county and district aforesaid, that there were illegal votes taken—and that there were illegal returns of election made out and sent to the Judge of Probates. All of which your committee, on examination of the returns, find the assertion to be true; and in the opinion of a majority of your committee, that neither the contestant or contestor are, according to the laws of this State, lawfully elected to a seat in the present session of the General Assembly of the State of Florida.

All of which is respectfully submitted, and your committee ask to be discharged from further consideration on this subject.

JOHN BROWARD, Chairman.
A. G. JOHNSON.

Which was read.

Mr. White offered the following report.

The committee on propositions and grievances to whom was referred a preamble and resolution in relation to the claims for military supplies sold to Robert Armstrong, assistant quartermaster, have had the same under consideration, and ask leave to report the same back to the Senate without amendment, and ask to be discharged from the further consideration of the subject.

THOMAS M. WHITE, Ch'mn.

Which was received, and the bill placed among the orders.

Mr. Carter presented the following report:

Theselect committee to whom was referred a petition praying a division of the county of Columbia, ask leave to REPORT: That they have had the subject under consideration, and return the petition to the Senate, and recommend that the prayer of the petitioners be not granted, and ask to be discharged from its further consideration.

The committee deem it unnecessary at this time to offer argument touching the expediency of the question, from the fact that so small a number of signatures accompany the petition that they cannot regard it as an expression of the views of a majority of the people of Columbia county. The measure sought by the petitioners would effect, prejudicially or favorably, the pecuniary, social, and political rights and interests of every free inhabitant of mature age within the county, and should therefore receive legislative sanction only upon the expressed assent of a majority of those interested.

Respectfully submitted. J. CARTER, Chm'n Select Committee.

Which was received,

Mr. Kelly presented the following report :

The select committee to whom was referred a bill entitled "an Act to regulate the public printing for the state of Florida," have had the same under consideration, and report the same back to the Senate with sundry amendments viz: In the sixth section strike out between the word "Comptroller," in the sixth line, and the word "and," in the ninth line, "and the clerks of the circuit courts of this state, each with a copy, and one other copy for each of the clerks of the General Assembly;" and in the 13th line, same section, strike out the words "clerks as aforesaid," and insert in lieu thereof, "clerk of the circuit courts;" and in the 5th line strike out the word "thereof," between the words "member," and "with" and insert in lieu thereof, "of the General Assembly."

And also strike out the words court of Appeals" wherever it occurs in said bill, and insert in lieu thereof, "supreme court."

Which was received, and the bill and amendments offered placed among the orders.

The following message was received from the House.

HOUSE OF REPRESENTATIVES, }
December 28th, 1846. }

Hon. PRESIDENT of the Senate:

Sir—The following resolution has been adopted by the House, viz.:

Resolved by the Senate, and House of Representatives, of the State of Florida, in General Assembly convened, That this General Assembly do adjourn "sine die" on Saturday the 2nd January 1847.

I am also instructed to notify the Senate that the House will be ready on Wednesday next at 12 o'clock M., to go into the election of a solicitor for the Southern Judicial Circuit:

Respectfully your ob't. serv't.

M. D. PAPY, Clerk House of Representatives.

Which was read—the notice of election agreed to, and the resolution read the first time, and ordered for to-morrow, also the following :

HOUSE OF REPRESENTATIVES, December 28, 1846.

The Hon. President of the Senate:

SIR,—The following resolution has been adopted by the House, viz.:—*Resolved by the Senate and House of Representatives, That no new bill shall be introduced into either House by any member, after the 29th instant.*

Respectfully, your obedient servant,

M. D. PAPY, Cl'k H. Rep.

Which was read, and laid on the table.

His Excellency the Governor transmitted the following messages.

EXECUTIVE DEPARTMENT, }
December 28, 1846. }

*Gentlemen of the Senate,
and House of Representatives:*

I hereby nominate James H. Stephens, as Auctioneer for the county of Hamilton.

I have the honor to be, very respectfully, your ob't serv't,

W. D. MOSELEY.

Which was read, and the nomination advised and consented to; also the following.

EXECUTIVE DEPARTMENT, }
December 28th, 1846. }

*Gentlemen of the Senate,
and House of Representatives:*

I herewith nominate George G. Holt, as Auctioneer, in and for the county of Wakulla.

I have the honor to be, very respectfully, your ob't serv't,

W. D. MOSELEY.

Which was read, and laid on the table, also the following:

EXECUTIVE DEPARTMENT, }
December 28, 1846. }

*Gentlemen of the Senate,
and House of Representatives:*

I have approved the following act, to wit:—An act to exempt from the payment of capitation tax, certain persons therein named.

I have the honor to be, very respectfully, your ob't serv't,

W. D. MOSELEY.

Which was read.

The Senate took a recess until 3 o'clock.

3 o'clock P. M.

The following bills and resolutions were received from the House viz:

Resolution discharging the fine imposed on Francis M. Derance, at the last term of Marion Circuit Court, also,

Resolution authorizing the Governor to allow all accounts for the transportation of the laws, journals, &c., also,

Resolution in relation to the claim of Dr. B. S. Scriven, for medical services rendered to prisoners in Leon county jail, also, Preamble & resolutions exempting the citizens of St. Lucie county from serving as jurors beyond the limits of said county, also,

A bill to be entitled An act to change the time of holding the

Circuit Courts, for the county of Orange, which bills and resolutions were read the first time, and ordered for to-morrow.

The House returned a Senate bill entitled "An act providing for the payment of Solicitors fees, and designating the mode of collecting the same, as passed by the House without amendment: also received from the House:

A bill to be entitled an act to change the time of holding the Circuit Courts in the county of Orange, which were read the first time, the rule waived, read a second time, and referred to the Judiciary committee.

ORDERS OF THE DAY.

A bill to be entitled An act to provide for the sale of the lands granted to the State for the purpose of internal improvement, was read a second time. Mr. Carter offered the following amendment to the bill viz., strike out from the 3d section after the words "to wit" to the word annually in the 5th line and insert the following as the terms of sale; one fourth of the purchase money to be paid in cash at the time of purchase and the balance thereof, being secured by the bond or bonds of the purchaser, on a credit of two, four, and six years in equal instalments with interest at the rate of six per centum, from the date of the purchase, payable annually in advance.

Which amendment was lost.

After which on motion the Senate resolved itself into a committee of the whole, Mr. McLean in the chair on said bill, after some time the committee rose, reported the bill back to the Senate with sundry amendments, and asked to be discharged &c., which report was received.

Mr. Fairbanks offered as an amendment to the amendments made in committee, as follows: Strike out "three" and insert 2 50, strike out "two" and insert one dollar and fifty cents, and for one dollar twenty five insert one dollar, which amendment was agreed to, and the amendments made in the committee concurred in.

Mr. McLean offered the following as an additional section to the bill, viz:

Be it further enacted, That nothing contained in the provisions of this act shall be so construed as to invalidate the claim of any person or persons who may hold said lands by right of pre-emption under the laws of the United States at the time of the location of said lands, for the purposes of internal improvement.

Which amendment was lost.

Mr. Floyd offered the following as an additional section to the bill, viz:

Sec. 9 Be it further enacted, That the treasurer of this State shall and it is hereby made his duty to examine into the affairs of the office of the Register of public lands of this State, and report to the governor; and it is hereby made the duty of the Register to

make monthly reports to the Governor, of the lands sold, to whom, and the amount of money on hand; and in case of his failure to make such report for the space of five days, then and in that case he shall be removed by the Governor; which amendment was lost, and the bill ordered to be engrossed for to-morrow.

A bill to be entitled an act to amend an act entitled an act to authorize the sale of equities of redemption to mortgaged property, and for other purposes, approved 23d December, 1845, was read a second time. On the question of engrossing the bill for a third reading, the yeas and nays were called by Messrs. Floyd and Mays, and were,

Yeas—Mr. President, Messrs. Bird, Broward, Carter, Fairbanks, Floyd and Johnson—7.

Nays—Messrs Austin, Bradley, Kelly, Lorimer, McLean, McMillan, Tabor and White—9.

So the bill was lost.

On motion the Senate took a recess until quarter before 7 o'clock P. M.

Quarter of seven o'clock, P. M.

A quorum being present, Mr. McLean moved to reconsider the vote on the passage of a bill to be entitled an act prescribing the mode of appeal in criminal cases, which motion prevailed.

A committee from the House informed the Senate that they were now ready to go into the election of a Register of public lands; whereupon the Senate repaired to the Hall of the House of Representatives, when, by invitation, the President took the Chair, and called the joint meeting to order.

[See minutes joint meeting of this date.]

The Senate on returning to their Chamber, on motion adjourned until to-morrow, 10 o'clock.

TUESDAY, December 29, 1846.

The Senate met pursuant to adjournment, and a quorum being present, on motion, the reading of Journal of yesterday's proceedings was dispensed with.

On motion, messrs. Fairbanks, Kelly and Carter were appointed a committee to inform the House that the Senate was now ready to go into the election of a Judge for the Southern District, which committee informed the Senate that they had performed that duty. A committee from the House informed the Senate that that body was now ready to go into the election of a Judge.

Mr. Floyd nominated Hon. G. W. McRea—Mr. Bradley nominated B. M. Pierson—Mr. Kelly nominated Joseph B. Lancaster—Mr. Tabor nominated W. P. Duval: which nominations were sent to the House.