

So said bill passed—title as stated.
Ordered, that the same be certified to the House of Representatives.

On motion the rule was waived and Mr. Hopkins allowed to introduce without previous notice the following bill, viz:

A bill to be entitled an Act in relation to Divorces;
Which was read and ordered for Monday next.

On motion of Mr. Tracy the rule was waived and the following report from the Committee on Corporations was received:

The Committee on Corporations to whom was referred "a bill to be entitled an Act to amend an Act to incorporate the town of Milton in Santa Rosa County," ask leave to

REPORT:

That they have attentively considered said bill and recommend its passage with the following amendments, viz:

Strike out the 6th section and insert the following, and strike out the 7th section.

Respectfully submitted.

E. D. TRACY,
Chairman.

A bill to be entitled an Act to accept of the grant and carry into execution the trust conferred upon the State of Florida by an Act of Congress entitled an Act granting lands in alternate sections to the States of Florida and Alabama to aid in the construction of certain Rail Roads in said States;

Was read a second time and ordered to be engrossed.

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

MONDAY, December 15, 1856.

The Senate met pursuant to adjournment.

A quorum present.

Rev. Mr. Turner officiated as Chaplain.

The Journal of Friday's proceedings was read and confirmed.

The following bills and resolution having passed the Senate, have been transmitted to the House of Representatives, viz:

A bill to be entitled an Act to authorize Harrison Fairbanks to establish a ferry;

A bill to be entitled an Act to prevent trading with free persons of color in this State;

Resolution for the relief of Milton Haynes.

Mr. Hopkins gave notice that he will on to-morrow, introduce a

bill to be entitled an Act authorizing the appointment of weighers of cotton and hay for the city of Jacksonville.

The following message was received from his Excellency the Governor:

EXECUTIVE CHAMBER, }
Tallahassee, December 15, 1856. }

HON. PHILIP DELL,

President of the Senate:

Sir—I desire respectfully to call the attention of the General Assembly to the salary allowed to the Governor's Private Secretary. As the business of the Department increases, the duties of the office are becoming more onerous, and the present salary of two hundred dollars is insufficient. I respectfully recommend that the salary be restored to five hundred dollars per annum.

Very Respectfully,

JAMES E. BROOME.

Which was read and referred to the Committee on Finance.

Mr. Hawes presented the petition of sundry citizens of Orange county, which was read and ordered to be laid on the table.

The Committee on Judiciary made the following report:

The Judiciary Committee to whom was referred an Act supplementary to an Act entitled an Act to provide for the relinquishment to the United States, in certain cases of title to and jurisdiction over lands for sites of light houses, and for other purposes, on the coast and waters of this State, have had the same under consideration, and instruct the undersigned to

REPORT:

That they approve the object of said bill and recommend its passage. In the opinion of the Committee it should be the policy of every State to adopt similar measures, demanded as they are by the increasing commerce of the country.

Your Committee think, however, that the bill under consideration gives too great a latitude to the Government in not limiting the amount of land so designed to be purchased, and believing this might work injuriously, and perhaps unjustly, in some instances, upon the citizens of our State, would recommend its amendment in this particular, by inserting in the eighth line of section first, after the word "land," the words "not exceeding four acres."

In addition to this, your Committee would recommend inserting in the twelfth line of same section, between the words "unable" and "to," the words "or unwilling," thus, by such a provision, making the bill sufficiently comprehensive and potent to secure its purpose and design in every conceivable case. As the object of the

bill is to promote the interests and safety of commerce, it is scarcely probable that any citizen of the State would be unwilling to part with so small an amount as four acres of land to the General Government, especially when paid for the same, as provided in said bill, but still, as such might be the case, your Committee advise providing for such a contingency.

In reading the bill your Committee perceived several clerical inaccuracies or omissions, which require amendment, as follows: in the fourteenth line of section one, insert words "of the county" between words "circuit" and "in," and in the fifteenth line of same section, in lieu of the word "published" insert word "purchased."

All of which is respectfully submitted.

T. J. EPPES,
Chairman Judiciary Committee.

Which was read and the amendments proposed adopted, and the bill placed among the orders of the day.

Mr. Eppes from the Judiciary Committee made the following report:

The Judiciary Committee to whom was referred a bill to be entitled an Act to punish abduction and kidnapping of free persons, instruct the undersigned to

REPORT:

They see no necessity for said bill, and therefore recommend that it do not pass. In the opinion of the said Committee the grievances enumerated are sufficiently provided for by law, and redress in our Courts secured in the premises.

By the writ of Habeas Corpus the grievances in first section could be repaired; while at the same time an action for damages could be instituted. But not only is this the case in regard to said first section, but the entire bill has like remedies provided. Civil action could be maintained; and in addition, indictments would lie in the Courts of our State for the grievance enumerative therein.

For these reasons your Committee recommend that said bill do not pass.

All of which is respectfully submitted.

T. J. EPPES,
Chairman.

Which was received and read.

On motion of Mr. Dell, the report of the Committee was concurred in, and the bill placed among the Orders of the Day.

The Committee on Internal Improvements made the following report:

The Committee to whom was referred a bill to be entitled an Act

to Incorporate a Company for the purpose of Reclaiming Overflowed and Swamp Lands in Volusia, Orange and Brevard Counties, and Encouraging Settlement and Cultivation of the country, beg leave to

REPORT:

That they regard with favor the general object of the bill as set forth by its title. In their opinion, sound policy requires that the State should afford every facility, and offer all proper inducements to those who are desirous to undertake the drainage and reclamation of the Swamp and Overflowed Lands.

In their present condition a vast majority of those lands are incapable of cultivation, entirely uninhabitable and are in every respect utterly useless. If it could be demonstrated that any considerable portion of them could be reclaimed, rendered fit for tillage, and become productive, immense benefit would result to the State. Capital and population would be attracted by them from other quarters, our agricultural products increased, material for commercial enterprise would be furnished in greater abundance, and every species of industry throughout the State, would be stimulated to greater activity.

In the opinion of your Committee, this result so much to be desired, will not be effected by individual effort, or by the outlay of individual capital. Very few persons are possessed of the requisite means, and none, perhaps, are willing to embark single-handed in an enterprise of so doubtful a character.

Your Committee think, that only through the agency of associated effort, and associated capital, can there be furnished a satisfactory solution of the question, as to whether or not, the Swamp and Overflowed Lands can be drained and rendered fit for the growth of crops.

Entertaining these views, your Committee have no hesitation in recommending the passage of the bill in question, so far as it relates to the incorporation of a Company for the purposes indicated.

There are certain provisions in the bill, however, which appear to the Committee, as being of a highly objectionable character.

Sections 9, 10, 11 and 15, fixes the terms and conditions upon which the said Company may purchase Swamp and Overflowed Lands, from the Trustees of the Internal Improvement Fund. In the opinion of your Committee, the conditions prescribed, and the privileges conferred by the said sections, are not such as, in any event, would prove advantageous to the State. Their reasons therefor, will not be assigned in this report, as they wish to make prominent an objection to which the said sections are peculiarly obnoxious.

For the proper understanding of the same, it will be necessary to refer the Act to provide for and encourage a liberal system of Internal Improvement in this State, by which the Board of Trustees of the Internal Improvement Fund were created and their powers and duties defined.

The second section of that Act reads thus :

SEC. 2. Be it further enacted, That for the purpose of assuring a proper application of said fund for the purposes herein declared, said land and all the funds arising from the sale thereof, after paying the necessary expenses of selection, management and sale, are hereby irrevocably vested in five Trustees, to-wit: in the Governor of this State, the Comptroller of Public Accounts, the State Treasurer, the Attorney General, and the Register of State Lands, and their successors in office, to hold the same in trust for the uses and purposes hereinafter provided, with power to sell, and transfer said lands to the purchasers, and receive payment for the same, &c.

Section sixteen reads thus :

Be it further enacted, That the Trustees of the Internal Improvement Fund shall hereafter fix the price of the Public Lands included in the trust, having due regard to their location, value for agricultural purposes, or on account of timber or naval stores, and make such arrangement for the drainage of the swamp and overflowed lands, as in their judgment may be most advantageous to the Internal Improvement Fund, and the settlement and cultivation of the land, &c.

It thus appears from the provisions of the Act thus quoted, that there has been a complete and irrevocable cession of jurisdiction over the Internal Improvement Fund by the Legislature, to the Board of Trustees of the said Fund. The latter are invested with full and exclusive power "to sell and transfer said lands," to fix the price of the Public Lands included in the trust" and to "make such arrangements for the drainage of the swamp and overflowed lands as in their judgment may be most advantageous."

The section of the bill under consideration above cited, assumes in the Legislature a power to control the discretion, and direct the action of the said Board of Trustees in regard to these matters.—Your Committee conceive, that this is a power which the Legislature do not possess, and cannot rightfully and justly exercise.

In order to induce the citizens of Florida to embark in Railroad enterprises, the State by the Act already referred to, offered to guarantee for a term of years the interest of the bonds which Railroad Companies might issue in accordance with its provisions. An Internal Improvement Fund was set apart and irrevocably vested in Trustees, to be held and used as a security for the payment of such interest.

Certain Counties and citizens of this State have availed themselves of the benefit of this Legislation, have complied with its re-

quisitions, and under it have become possessed of vested rights.— They have expended labor and money in building Railroads, and are now wholly dependent upon the credit of their bond for the successful completion of their enterprises. Any action on the part of the Legislature, calculated to impair the integrity of the security pledged for the payment of the interest of those bonds, would be a flagrant violation of the faith of the State, and a wanton disregard of the rights of her citizens. This effect would be produced if the Legislature should undertake to do, what the bill under consideration proposes, viz: to fix the price and prescribe the conditions for the sale of the lands included in the Internal Improvement Fund. If the Legislature can sell those lands at fifty cents per acre, they can fix upon them a nominal price or dispose of them by gift, and thus divert them from their original purpose. Under such a supposition the security pledged by the State, would be completely destroyed.— In the opinion of your Committee, the Board of Trustees of the Internal Improvement Fund have the sole and exclusive power over the said fund, to be used by them for certain purposes, and cannot be divested of the same, until they are guilty of an abuse of their trust.

Having arrived at these conclusions, the Committee have instructed the undersigned to recommend that the 9th, 10th, 11th and 15th, sections of the bill be stricken out, and that the bill thus amended, do pass.

Respectfully submitted.

T. B. LAMAR,

Chairman Committee on Internal Improvements.

Which was read, and the bill placed among the Orders of the Day.

The following message was received from the House of Representatives :

HOUSE OF REPRESENTATIVES, }
December 15, 1856. }

Hon. President of the Senate :

Sir—The House has passed a resolution for the relief of J. W. Bryant ; and

Senate bill to be entitled an Act to authorize Mary Moreno, a minor, to assume the management of her own estate.

The House has also passed Senate bill to be entitled an Act to distribute the interest of the School Fund to each county, with the following amendment, viz :

Amend the title so that it shall read as follows : "A bill to be entitled an Act providing for the payment to the several counties of the interest arising from the School Fund, not heretofore drawn," in which amendment the concurrence of the Senate is respectfully requested.

The House has concurred in Senate amendment to House bill to be entitled an Act to exempt the citizens of Cedar Key from road duty, in certain cases.

The House has ordered the printing of eighty copies of a bill to be entitled an Act to incorporate the St. Augustine and St. Johns River Railroad Company.

Very Respectfully,
Your obt' serv't,

HUGH A. CORLEY,

Clerk of the House of Representatives.

Mr. Filor moved that the rules be waived and he be allowed to introduce without previous notice,

A bill to be entitled an Act concerning limitations of actions ;

Which motion prevailed, and the bill was read the first time, the rule waived, read the second time by its title, and eighty copies ordered to be printed.

ORDERS OF THE DAY.

A bill to be entitled an Act to incorporate a company for the purpose of reclaiming overflowed or swamp lands in Volusia, Orange and Brevard counties, and encouraging settlement and cultivation of the country ;

Was read, and on motion of Mr. Eppes, the ninth, tenth, eleventh and fiteenth sections were stricken out, and the bill ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled an Act, to incorporate the Perdido Railroad Company ;

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

A bill to be entitled an Act, to authorize the several Judges of Probate in this State, to sell real estate ;

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

House bill to be entitled an Act, to provide for the relinquishment to the United State in certain cases of titles to, and jurisdiction over lands for sites of Light Houses, and for other purposes on the coast and waters of this State ;

Came up on its third reading, and put upon its passage, upon which the vote was :

Yeas—Mr. President, Messrs. Brooks, Bird, Brinson, Duncan, Eppes, Eubanks, Filor, Fisher, Hopkins, Hawes, Keitt, Lamar, Tracy and Welch—15.

Nays—None.

So said bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

A bill to be entitled an Act, increasing the salary of the Governor's private Secretary ;

On motion the rule was waived and the bill read the first and second times and referred to the Committee on Finance and Public Accounts.

House resolution relative to a Canal from St. Lucia river to Lake Okechobee ;

Was read the second time and ordered for to-morrow.

House bill to be entitled an Act to change the present mode of selling State lands ;

Was read the second time and ordered for to-morrow.

House bill to be entitled an Act to provide for the payment of the debts of the State ;

Was read a second time and ordered for a special reading on to-morrow.

A bill to be entitled an Act in relation to Divorces ;

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

House bill to be entitled an Act further to define the duties of the Probate Courts of this State ;

Was read the second time and ordered for to-morrow.

House bill to be entitled an Act to amend an Act to provide for the payment of the Grand and Petit Jurors, approved Dec. 22, 1854 ;

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

A bill to be entitled an Act to distribute the interest on the School Fund in each county, having passed the Senate and passed the House on the 12th, with the following amendment, viz :

Amend the title so that the same may read as follows : A bill to be entitled an Act providing for the payment to the several counties, of the interest arising from the School Fund not heretofore drawn.

On motion, the House amendment was concurred in, and the bill ordered to be enrolled.

House bill to be entitled an Act to extend the jurisdiction of Justices of the Peace, in certain cases within this State ;

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

House preamble and resolution asking Congress to make an appropriation for the survey of a Route for a ship canal from the waters of Black Creek to the Suwannee River, at a place near the mouth of the Santa Fee River ;

Was read the second time, the rule waived, read a third time and put upon its passage, upon which the vote was :

Yeas—Messrs. Brinson, Duncan, Eppes, Eubanks, Filor, Fisher, Hopkins, Hawes, Keitt, Myrick and Tracy—11.

Nays—Mr. President, Messrs. Brooks, Bird, Cone and Lamar—5.
So said preamble and resolution passed the Senate—title as stated.
Ordered, that the same be certified to the House of Representatives.

Mr. Eppes asked that the rules be waived and he be allowed to introduce a bill without previous notice ;

Which was granted,

And he introduced a bill to be entitled an Act, to allow the several Judges of the Circuit Courts of this State to hold extra terms whenever in their opinion the public safety may require;

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

On motion of Mr. Keitt, the rule was waived and he allowed to introduce a bill to be entitled an Act to change the name of Joshua Jesse Stafford, to Joshua Jesse Sanford.

Which was read the first time, the rule waived, read a second time and ordered to be engrossed for a third reading on to-morrow.

House resolution for the relief of J. W. Bryant came up on its second reading, and,

On motion of Mr. Hopkins a substitute was adopted, read, the rule waived and the same put upon its passage, upon which the vote was :

Yeas—Mr. President, Messrs. Brooks, Bird, Brinson, Duncan, Eppes, Eubanks, Filor, Fisher, Hopkins, Hawes, Keitt, Lamar, McBride, Tracy and Welch—16.

Nays—None.

So said bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

On a motion to adjourn, the yeas and nays were called for by Messrs. Tracy and Filor, and were as follows:

Yeas—Mr. President, Messrs. Brinson, Duncan, Filor, Fisher, Hopkins, Hawes, Tracy and Welch—9.

Nays—Messrs. Brooks, Bird, Eppes, Eubanks, Keitt, Lamar, and McBride—7.

So the Senate adjourned until to-morrow 10 o'clock, A. M.

TUESDAY, December 16, 1856.

The Senate met pursuant to adjournment.

A quorum present.

Rev. Mr. Turner officiated as Chaplain.

The Journal of yesterday's proceedings was read, amended and confirmed.

The following bill and resolutions, which have passed the Senate, have been transmitted to the House of Representatives, viz :

House bill to be entitled an Act supplementary to an Act entitled an Act to provide for the relinquishment to the United States, in certain cases, of title to and jurisdiction over lands for sites of light houses, and for other purposes, on the coast and waters of this State;

House preamble and resolution asking Congress to make an appropriation for the survey of a route for a ship canal from the waters of Black Creek to the Suwanee River, near the mouth of Santa Fe river ;

House resolution for the relief of J. W. Bryant.

The following bills which have passed both Houses were ordered to be enrolled, viz :

A bill to be entitled an Act to authorize Mary Moreno to assume the management of her own estate ;

A bill to be entitled an Act providing for the payment to the several counties of the interest arising from the School Fund, not heretofore drawn.

Pursuant to previous notice Mr. Eppes introduced a bill to be entitled an Act to incorporate a Bank in the city of Apalachicola ;

Which was placed among the orders of the day.

Pursuant to previous notice Mr. Hopkins introduced a bill to be entitled an Act to appoint weighers of cotton and hay in the city of Jacksonville ;

Which was placed among the orders of the day.

On motion of Mr. Brooks the rule was waived, and he was allowed to introduce a bill to be entitled an Act granting to the Alabama and Florida Rail Road Company alternate sections of the swamp and overflowed lands ;

Which was placed among the orders of the day.

The Committee on Engrossed bills made the following report :

The Committee on Engrossed bills beg leave to report the following bills as correctly engrossed :

A bill to be entitled an Act to amend an Act entitled an Act to raise a revenue for the State of Florida and for other purposes, approved July 26, 1845 ;

A bill to be entitled an Act to amend an act to authorize Judges of Probate of the several counties of this State to appoint Guardians for negroes ;

A bill to be entitled an Act to change the name of Joshua Jesse Stafford to Joshua Jesse Sanford.

Respectfully submitted.

T. B. LAMAR,

Chairman of Committee on Engrossed Bills.

The Committee on Enrolled Bills made the following report :