

An Act to amend the Act organizing a separate Supreme Court;
Was read the first time, rules waived, read a second time, and referred to the Judiciary Committee.

House bill to be entitled an Act to provide for the disposal of lands granted by Congress to the State of Florida to aid in the construction of certain Railroads;

Was read the first time, rules waived, read a second time by its title, and referred to the Committee on Internal Improvements, and 80 copies of the same ordered to be printed.

House bill to be entitled an Act for the relief of those counties and towns which have subscribed, or may hereafter subscribe for stock in any Railroad or other work of Internal Improvement in this State;

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

A bill to be entitled an Act to amend an Act to provide for and encourage a liberal system of Internal Improvements in this State approved Jan. 6, 1855;

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

The following bills were read the first time, and ordered for a second reading on to-morrow:

A bill to be entitled an Act to amend the eighth section of the sixth article of the Constitution of the State of Florida;

A bill to be entitled an Act to repeal the third section of the sixth article of the Constitution of the State of Florida.

On motion, the Senate adjourned until to-morrow morning, 10 o'clock.

—o—
WEDNESDAY, January 5, 1859.

Senate met pursuant to adjournment.

A quorum present.

The Rev. Dr. Dubose officiated as Chaplain.

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

The following message from the Governor, was received and read:

EXECUTIVE DEPARTMENT,
Tallahassee, January 5, 1859.

HON. JOHN FINLAYSON,

President of the Senate:

Sir: I herewith return without my approval, the Joint Resolution of the Senate and House of Representatives resolving that:

"WHEREAS, by the Act entitled an Act to provide for and encourage a liberal system of Internal Improvements in this State, approved the 6th January, 1855, a sum of money and a guaranty of lands are appropriated to aid in the construction of a Canal between the St. Johns and Indian rivers, with the proviso that the said sum of money, shall not be expended by the Trustees, until the same can be done without materially impairing the value of the fund for Railroad purposes; And Whereas, in the opinion of the General Assembly, that period has now arrived: Therefore,

"Resolved by the Senate and House of Representatives, That the said Trustees of the Internal Improvement Fund be, and they are hereby requested to proceed with the construction of the Canal, and to expend the said sum of money therein, in the manner which to them may seem most judicious."

I would gladly have filed this Joint Resolution among the public archives without my approval or disapproval, that it might be preserved as the evidence of the opinion of both Houses upon an important matter of public interest, but, under the seventeenth section of the third article of the Constitution, I think I am required to express my assent or dissent upon this resolution as if it were a bill.

I cannot conscientiously say, that the time has arrived when the sum of four thousand dollars per mile in cash, can be applied to the construction of this canal without impairing the efficiency of the Internal Improvement Fund for Railroad purposes. The amount of cash in hand belonging to that Fund, according to the Treasurer's report to the present session, is only \$14,895 99. The amount of cash receipts from all sources for the two years ending November 1, 1858 is \$86,000; of this sum, about \$21,000 was appropriated to the locating agents, leaving say \$65,000 in cash receipts for two years.—The amount of Internal Improvement Bonds already issued to the Railroad companies, (other than to the Tallahassee Railroad Company, which pays its interest,) is about one million of dollars, running at 7 per cent interest. As yet, none of the companies (except the Tallahassee Railroad Company,) has contributed anything towards the payment of interest, and the Fund is not only liable for the interest on the million already issued, but must be prepared to provide for the interest on all the like bonds hereafter to be issued.

To agree to this Joint Resolution, I must believe that the cash receipts of the Fund will be very greatly increased every year, or that the Railroad Companies will for the future provide for the interest on their bonds.

I am not satisfied that we shall be so fortunate as to realize either of these results. I would be most happy to be able to give my assent to the Resolution as the construction of the Canal is an enterprise which I think is worthy of public aid, and which I am ready to promote with all the power vested in me. I cannot however, as-

sent to this Resolution without, in my opinion doing violence to the proviso of the 17th section of the Internal Improvement Act, approved Jan. 6, 1855.

Very Respectfully,

M. S. PERRY.

On motion of Mr. Dell, the message was laid upon the table.

Mr. Dell moved that the accompanying resolution do lie on the table ;

Upon which motion, the yeas and nays were called for, by Messrs. Dell and Call ;

Upon which the vote was :

Yeas—Mr. President, Messrs. Dell, Eppes, Eubanks, Jones, Lamar, McElvy, McQueen, Nicholson and Walker—7.

Nays—Messrs Call, Hawes, Keitt and Welch—4.

So the motion was adopted.

Also the following :

EXECUTIVE DEPARTMENT, }
TALLAHASSEE, Jan. 5, 1859.

HON. JOHN FINLAYSON,

President of the Senate :

SIR : I have received a communication from C. H. Austin, Treasurer, showing the necessity for an immediate appropriation for the payment of Jurors, and State Witnesses, a copy of which is herewith presented. The General Assembly are respectfully invited to give it their early consideration.

Respectfully,

M. S. PERRY.

TREASURY OFFICE, }
TALLAHASSEE, Dec. 27, 1858.

His Excellency, M. S. PERRY,

SIR : The appropriation for the payment of Jurors and State Witnesses, having been exhausted, I have respectfully to ask the appropriation of Twelve Thousand dollars to meet the deficiencies for the last two years.

Very Respectfully, your Ob't Serv't,

C. H. AUSTIN, Treasurer.

Which, with the accompanying letter from the State Treasurer, was read.

The Committee on Engrossed bills made the following report :

Mr. President :

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

A bill to be entitled an Act to amend on Act to provide for and encourage a liberal system of Internal Improvements in this State, approved Jan. 6, 1855 ;

A bill to be entitled an Act to change the name of Mary Helen Beers to Mary Helen Hart ;

A bill to be entitled an Act to organize a new county from territory now embraced in the counties of Santa Rosa and Walton ; and

A bill to be entitled an Act to extend the time for collecting taxes in this State.

Respectfully submitted,

T. B. LAMAR,

Chairman Committee on Engrossed Bills.

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

Mr. Hawes made the following report :

The Committee on Taxation and Revenue to whom was referred a bill to be entitled an Act to amend an Act entitled an Act to establish the *ad valorem* system ask leave to make the following report, viz :

That this bill proposes to reduce the rate of taxation now in force in this State, from one-sixth (1-6) to one-eighth (1 8) of one per centum, and also to supply certain deficiencies in the details of the present law on taxation.

It being an acknowledged duty of all governments to fix the taxes at the lowest rate capable of raising a sufficient amount of revenue to meet the necessary expenses of government, and no more ; and as in the opinion of the committee the provisions of this bill by, better ensuring the collection of all the taxes throughout the State, will make full compensation for the reduction proposed, and then keep the revenue at an amount found to be amply sufficient for the expenses of the State Government, they therefore respectfully recommend the passage of the bill with the following accompanying amendment, viz : Strike out "section 3d," and substitute "sections 3d, 4th and 5th."

G. E. HAWES.

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

The Committee on Internal Improvements made the following report :

Mr. President :

SIR : The committee to whom was referred a resolution relative to draining Main Savanna, in Brevard county, have had the same under consideration and beg leave to

REPORT :

That in the year 1853 the General Assembly passed a resolution

appropriating the sum of three thousand dollars out of any money in the Treasury arising from the sale of the Swamp and overflowed lands for the drainage of the Main Savanna. It was provided by the same resolution that the money should be expended under the direction of the State Engineer. The money owing, to unavoidable causes was not so applied by the Engineer. Since the passage of the Resolution in question, the office of State Engineer has been abolished, and all the swamp and overflowed lands with the money arising from the sales thereof, has been set aside as part of the Internal Improvement Fund. The object of the resolution under consideration is to empower the Board of Canal Commissioners to obtain the money previously appropriated, and to supervise the drainage of the Main Savanna. The Committee doubt whether the money is still subject to be drawn and applied, as the resolution directed, but are willing for the right to the money under the law to be tested, and they therefore recommend the passage of the resolution.

Respectfully submitted,

T. B. LAMAR,

Chairman Committee on Internal Improvement.

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

Also the following :

Mr. President :

Sir : The Committee to whom was referred a bill to be entitled "an Act granting to the Alabama & Florida Railroad Company alternate sections of the swamp and overflowed lands," beg leave to

REPORT :

That they have had the same under consideration. The Road referred to in the bill, has by a resolution of the Trustees of the Internal Improvement Fund, been recognized as a part of the system established by the Internal Improvement Act, and consequently, it is entitled to the aid afforded. But as there may be a doubt on this point, inasmuch as the said company have failed to notify the Trustees of their acceptance of the provisions of the said Act, the committee think it will be proper to confirm their rights in this particular, by a special Act. The Committee are of the opinion, however, that the bill should be amended by striking out the second section, and by adding to the first section the words: "upon the terms and conditions as prescribed in the "Act to provide for and encourage a liberal system of Internal Improvements in this State," approved Jan. 6, 1855.

With these amendments, the committee recommend that the bill do pass.

Respectfully submitted,
T. B. LAMAR, Chairman
Committee on Internal Improvements.

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

Also, the following :

Mr. President :

Sir : The Committee to whom was referred a bill to be entitled an Act for the relief of those Counties, which have subscribed for, or may hereafter subscribe for stock in the several Railroads in this State, have had the same under consideration, and beg leave to

REPORT :

That the bill provides, that when the several Railroads of this State, which have been constructed under the provisions of the Internal Improvement Act, have for five consecutive years realized a certain income, that so much of the Trust Fund as would have otherwise been required to pay the interest on the bonded debt of said Railroads, shall be applied to the purchase of the stock owned by the several Counties. Your Committee are of the opinion, that it would be unwise in any event, for the Trust Fund to become owners of Railroad stock, except in the manner already provided for by law. When the Railroads of this State shall have realized for five successive years, the profits specified in the bill under consideration, there will be no doubt but that the Counties can without difficulty sell out their stock at or near its original cost. Entertaining these views, the Committee have instructed the undersigned to recommend that the bill do not pass.

Respectfully submitted,

T. B. LAMAR,

Chairman Committee on Internal Improvements.

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

Mr. Keitt made the following report :

The select committee to whom was referred a bill to be entitled an Act to amend an Act to incorporate the town of Jacksonville, have had the same under consideration and recommend its passage.

W. J. KEITT,

Chairman Select Committee.

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

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
January 4, 1859. }

HON JOHN FINLAYSON,
President of the Senate:

Sir: The House of Representatives have passed the following bills and resolutions, to-wit:

Senate bill to be entitled an Act governing the County Commissioners of Nassau County, in certain cases;

Senate Resolution in relation to an examination of the Books, &c., of the Board of Trustees of the Internal Improvement Fund;

Senate resolution asking Congress to make Florida a Supervising Inspectors District, and for other purposes;

Senate resolution relative to the improvement of the Suwanee river;

House bill to be entitled an Act relative to quarantine for the town of Jacksonville;

House bill to be entitled an Act to fix and define the boundary line between Duval and Nassau Counties;

House bill to be entitled an Act to authorize Samuel H. Chisolm, to assume the management of his own estate;

House resolution asking Congress for a grant of land;

House resolution asking aid to improve the navigation of the Choctawhatchie river.

Very Respectfully,

R. B. HILTON,

Clerk House Representatives.

Which was read, and the House bills placed among the orders of the day, and the Senate bills passed without amendment, ordered to be enrolled.

Also the following:

HOUSE OF REPRESENTATIVES, }
January 3, 1859, }

HON. JOHN FINLAYSON,
President of the Senate:

Sir: The House of Representatives have passed the following bills and resolutions, viz:

Senate bill to be entitled an Act permanently to locate the County site of Lafayette County;

Senate bill to be entitled an Act to declare O'Neals Spring in Washington County, Navigable;

Senate resolution relative to the boundary line between the States of Florida and Georgia;

House bill to be entitled an Act to change the names of Samuel

Shaw, George Shaw, Thomas G. Shaw, Uriah Shaw, Rebecca Shaw, and William J. Shaw;

House bill to be entitled an Act to divide the County of Alachua and organize a new County to be called Butler County.

Very Respectfully,

R. B. HILTON,

Clerk House Representatives.

Which was read, the accompanying Senate bills ordered to be enrolled, and the House bills placed among the orders of the day.

On motion of Mr. Dell, the bill to be entitled an Act to amend an Act entitled an Act to establish the *ad valorem* system of Taxation, approved Dec. 15, 1855;

Was placed first among the orders of the day.

ORDERS OF THE DAY.

On Motion of Mr. Call, the Senate went into Committee of the Whole on an Act to amend the *ad valorem* system of taxation, approved Dec. 15, 1855;

Mr. Hawes in the Chair.

After some time spent therein, the committee rose and through their Chairman reported the bill as amended back to the Senate.

On motion the amendments reported by the committee were adopted.

Mr. Call moved to strike out all of the first section after the enacting clause;

Upon the adoption of which motion, the yeas and nays were called for, by Messrs. Call and Dell;

The vote was:

Yeas—Messrs. Baker, Call and Lamar—3.

Nays—Mr. President, Messrs. Dell, Eppes, Eubanks, Hawes, Jones, Keitt, McElvy, McQueen, Nicholson, Walker and Welch—12.

So the motion was lost.

The bill was then read, and ordered to be engrossed as amended for a third reading on to-morrow.

The rules were waived, and standing committees allowed to make reports.

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 amend the attachment laws in this State,

REPORT:

That in their opinion the bill is very objectionable, and should not

pass. The main feature of said bill is to allow attachment writs against parties merely removing from one county to another in the State, and your Committee think such action would virtually contravene the policy, object and aim of the attachment laws of our State. The object of such laws is for the security of residents against non-residents, when property is being removed out of the jurisdiction of the State; or as against residents, when property is being fraudulently removed or secreted so as to avoid the payment of just debts. Whereas the bill referred, seeks to grant a like summary remedy against parties when removing from one county into another.

In the opinion of your Committee, such a provision is unnecessary; for as the property sought to be attached would still be under, and subject to the jurisdiction of our State Courts, no reason exists for any such extraordinary process. On the contrary, its action would result oppressively in many cases, by conferring the power upon litigious persons to harass honest and bona fide residents of the State who might desire to remove from one point to another in its limits, and who, by such removal contravened no law, nor were guilty of any act showing a disposition to avoid the payment of their debts. Your Committee, therefore, recommend that said bill do not pass.

Respectfully submitted,
T. J. EPPES,
Chm'n Judiciary Committee.

Which was read and the accompanying bill laid upon the table.
Also, the following:

The Judiciary Committee to whom was referred a bill entitled an Act to amend an Act regulating the sale of real estate by executors and administrators,

REPORT :

Your Committee have had the same under consideration, and recommend that the second section of the same be stricken out.—
With this amendment they recommend its passage.

All of which is respectfully submitted.

T. J. EPPES,
Chm'n Judiciary Committee.

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

Also the following:

The Judiciary Committee to whom was referred an Act to amend the Act organizing a separate Supreme Court,

REPORT :

That the object of the bill is to enable the Court to be held in the absence, from any cause, of one of the Judges. As the bill referred did not, in the opinion of your committee, meet this necessity, they recommend the accompanying substitute.

T. J. EPPES,
Chairman Judiciary Committee.

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

Resolution in relation to faith bonds;

Came up on its second reading.

Mr. Keitt, moved its indefinite postponement;

Upon the adoption of which motion the yeas and nays were called for by Messrs. Keitt and Baker;

The vote was:

Yeas—Mr. President, Messrs. Call, Dell, Eppes, Eubanks, Hawes, Keitt, Lamar and McQueen—9.

Nays—Messrs. Baker, Fisher, McElvy, Nicholson, Walker and Welch—6.

So the resolution was indefinitely postponed.

The rules were waived, and Mr. Lamar allowing to introduce the following resolution:

Resolution in Relation to the Internal Improvement Bonds of the State of Florida.

WHEREAS, The Constitution of the State of Florida declares in express terms that "A liberal system of Internal Improvements being essential to the development of the resources of the country, shall be encouraged by the Government of this State, and it shall be the duty of the General Assembly as soon as practicable, to ascertain by law proper objects of improvement in relation to roads, canals and navigable streams, and to provide for a suitable application of such funds as may be appropriated for such improvements;" And whereas, The General Assembly of the State of Florida in obedience to said express mandate of the Constitution upon the 6th day of January, A. D., 1855, did "ascertain by law proper objects of improvement;" and did "provide for a suitable application of such funds as were appropriated for such improvement;" Therefore,

Resolved, That the honor and faith of the State of Florida are irrevocably pledged to the faithful application of such funds to the purposes specified, and that the State of Florida will be disgraced and her Constitution violated, should such funds be misapplied, or diverted from the objects to which they have already been appropriated.

Resolved further, That the issue of bonds by the several railroad companies under the act above referred to, is not a violation of that clause of the Constitution which declares that "the General Assem-

"bly shall not pledge the faith and credit of the State to raise funds "in aid of any corporation whatsoever;" and that the faith and credit of the State are not pledged to raise funds, but for the faithful application of funds already raised.

Resolved further, That all efforts on the part of alarmists and others to alienate any portion of the Internal Improvement Fund from its legitimate purpose or to depreciate the value of the railroad bonds are a violation of the spirit of the Constitution of the State, an illegal interference with vested rights, and should be arrested by the courts of the State whenever the question shall properly come before them.

Resolved further, That there is nothing in the act, approved January 6th, 1855, or in the opinion of the Attorney General of this State declaring the several railroad bonds to be "State Stocks," to authorize the inference that the State of Florida is liable in any manner for the ultimate redemption of the said bonds, beyond the faithful application of the funds provided for that purpose by the act approved January 6th, 1855, and that by the Constitution of this State, no tax can ever be imposed for the redemption of said bonds should the said funds prove to be insufficient.

Mr. Keitt moved its indefinite postponement;

The yeas and nays were called for by Messrs. Lamar and Keitt;

The vote was:

Yeas—Messrs. Baker, Fisher, Keitt, McQueen, Nicholson and Walker—6.

Nays—Mr. President, Messrs. Call, Dell, Eppes, Eubanks, Hawes, Lamar and McElvy—8.

So the motion was lost.

Ordered that eighty copies of the resolution be printed for the use of the Senate.

A bill to be entitled an Act to incorporate the New Port & Gulf Railroad Company:

Came up on its second reading;

Mr. Call offered the following amendment:

Strike out in section 1, lines 2 and 3, the words "Georgia and Gulf," and insert "Newport and Gulf;," strike out all after the word "on" in section 2, 3d and fourth lines, and insert "The Tallahassee & St. Marks Railroad within five miles of St. Marks;" strike out in said section, line 5, after the word "expedient," and insert, "may be extended," also, in said section, 6th line, strike out the word, "Road," also, strike out all of the "8th section;"

Which amendments were agreed to, and the bill ordered to be engrossed as amended, for a third reading on to-morrow.

On motion, the Senate adjourned until to-morrow morning, 10 o'clock.

THURSDAY, January 6th, 1859.

The Senate met pursuant to adjournment.

A quorum present.

The Rev. Dr. Dubose officiated as Chaplain.

On motion of Mr. McElvy, the reading of yesterday's Journal was dispensed with.

On motion of Mr. Dell, the preamble and resolution concerning the St. Johns and Indian river Canal;

Was taken from the table, and placed among the orders of the day to come up upon its third reading.

On motion of Mr. Fisher, a bill to be entitled on Act to create a new county to be called Almirante, was placed back upon its second reading.

The rules were waived, and Mr. Fisher allowed to introduce without previous notice,

An Act concerning Sheriffs and Coroners;

Also, to allow Mr. Call to introduce,

An Act providing for the appointment of Port Wardens at Fernandina and Cedar Key.

Mr. McQueen presented a petition signed by a number of the citizens of Madison County asking that a portion of that County be added to Taylor County, &c.,

Which was read, and referred to the Committee of Propositions and Grievances.

Mr. McElvy made the following report:

The Committee on Enrolled Bills beg leave to report as correctly enrolled the following bills and resolutions:

An Act to permanently locate the County site of Lafayette County;

An Act governing the County Commissioners of Nassau County, in certain cases;

Resolution in relation to an examination of the Books, &c., of the Board of Trustees of the Internal Improvement Fund;

Resolution asking Congress to make Florida a Supervising Inspectors District, and for other purposes.

Respectfully submitted,

L. G. McELVY,
Chairman.

Which was read.

Mr. Lamar made the following report:

The Committee on Engrossed Bill 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 establish the *ad valorem* system of taxation; and