

Nays—none.

So the bill passed—title as stated.

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

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

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

Yeas—Mr. President, Messrs. Baldwin, Call, Dawkins, Dell, Eppes, Eubanks, Fisher, Hawes, Jones, Lamar, McQueen, Nicholson and Welch—14.

Nay—Mr. Baker—1.

So the bill passed—title as stated.

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

A bill to be entitled an Act to amend an Act relative to associations to construct lines of Telegraph, approved Dec. 27, 1856 ;

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

Yeas—Mr. President, Messrs. Baldwin, Call, Dawkins, Dell, Eppes, Fisher, Hawes, Jones, Lamar, McQueen, Nicholson and Welch—13.

Nays—Messrs. Baker and Eubanks—2.

So the bill passed—title as stated.

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

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

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

Yeas—Mr. President, Messrs. Baker, Baldwin, Call, Dawkins, Dell, Eppes, Eubanks, Fisher, Hawes, Jones, Lamar, McQueen, Nicholson and Welch—15.

Nays—none.

So the bill passed—title as stated.

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

House bill to be entitled an Act to authorize Walter Lloyd Bond to assume the management of his own estate ;

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

Yeas—Mr. President, Messrs. Baker, Baldwin, Call, Dawkins, Dell, Eppes, Eubanks, Fisher, Hawes, Jones, Lamar, McQueen, Nicholson and Welch—15.

Nays—none.

So the bill passed—title as stated.

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

A bill to be entitled an Act to increase the salaries of Secretary of State, State Treasurer and Comptroller's Clerk ;

Was read a second time, and referred to the Committee on Executive Department.

A bill to be entitled an Act for the relief of the heirs of Elizabeth Dean, late of Duval county, deceased ;

Was read the second time, rules waived, read a third time by its title, and put upon its passage ;

Upon which the vote was :

Yeas—Mr. President, Messrs. Baldwin, Call, Dell, Eppes, Eubanks, Fisher, Hawes, Jones, Lamar, McQueen, Nicholson and Welch—13.

Nays—None.

So the bill passed—title as stated.

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

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

—o—

TUESDAY, January 11, 1859.

Senate met pursuant to adjournment.

A quorum present.

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

Mr. Nicholson pursuant to previous notice, introduced

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

Which was placed among the orders of the day.

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

A bill to be entitled an Act to authorize the Sheriff of Escambia county, to collect Road tax ;

Which was placed among the orders of the day.

Also, to allow Mr. Jones to introduce without previous notice,

A bill to be entitled an Act to change the name of Sintha Jane Burdock, to Sintha Jane Willis ;

Which was placed among the orders of the day.

Also, to allow Mr. Hawes to introduce without previous notice,

A bill to be entitled an Act regulating the times for holding the Courts in the Eastern Judicial Circuit ;

Which was placed among the orders of the day.

Also, to allow Mr. Dell to introduce without previous notice,

A bill to be entitled an Act to change the name of the Town of Jasper, to that of Sevilla ;

Mr. Eppes made the following report :

The Judiciary committee to whom was referred resolution requesting the Trustees of the Internal Improvement Fund, to establish branch Land Offices in East Florida,

REPORT :

That they are informed that such an office or offices would facilitate the sale of lands ; they therefore recommend the passage of the accompanying resolution.

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 a bill to be entitled an Act giving certain powers to executors, administrators and guardians,

REPORT :

Your Committee approve said bill, and believe it will operate to enhance the value of the estates entrusted to executors, administrators and guardians.

The better to secure this however, they would recommend the following amendment as a safeguard to the same :

SEC. 5. *Be it further enacted*, That the orders provided for in this bill shall always be subject to the discretion of the Court, for good cause shown, upon petition signed and sworn to by such executor, administrator or guardian, as the case may be ; and the said Court may require new and additional bond from such person before granting such order, and in such sum or sums as he may deem necessary, conditioned to respond to any person interested in said property or estate for any damage or loss he may sustain by the misuse or abuse of the property or estate by said executor, administrator or guardian.

With this amendment, they recommend its passage.

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 laws of this State in relation to divorce,

REPORT :

That they approve the first section of said bill as designed for the protection of females, enabling as it does the Court granting a Divorce to decree restitution to the wife of her separate property held by, and in possession of, the husband at the time of such Divorce. In their opinion, however, the Courts now have that power, upon proper prayer to that effect, but to remove all doubt they recommend said section. The same section also enables the Court to decree possession to either party of the children, as shall be deemed equitable and proper by the Court. If there is a doubt on this subject, your Committee think it should be removed.

The other sections of said bill your Committee do not approve. In their opinion such laws are of doubtful policy at the best ; and the changes proposed by the remainder of said bill are of the most objectionable kind. The second section, for instance provides that the party complainant's oath shall be conclusive as to all matters alleged of a private nature, and your Committee cannot approve so radical a change in the law of evidence—a change too, from its delicate and peculiar nature, which might in some instances, subject innocent characters to the foulest aspersions.

The remaining section seeks to provide for Divorces when the party applying for the same shall have resided in the State for "two months" and after notice by publication for thirty days. The objections to this are too obvious to repeat. Your Committee therefore, recommend that all after the first section of said bill be stricken out, and with these amendments, they approve the passage of the same.

T. J. EPPES,

Chairman 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 the petition of one J. Stafford, from Hernando county, asking the passage of a special Act for the establishment of lost papers,

REPORT :

That in the case of the petitioner a peculiar hardship may exist

calling for relief, but the petition is so vague they are at a loss to conceive the entire merits of the case.

Laws are now upon our Statute Books for the establishment of lost papers, and your committee believe them sufficient for all such purposes. As they do not desire, however, to prejudice the case of the petitioner, and not knowing exactly what he desires or wants, they recommend that said petition be laid upon the table.

Respectfully submitted,
 T. J. EPPES,
 Chairman Judiciary Committee.

Also the following :

The Judiciary Committee to whom was referred an Act to define the liability of endorsers of promissory notes and other instruments, and place them on the same footing with securities,

REPORT :

That they believe the said bill will tend to diminish costs in the collection of the class of debts to which it refers, and they therefore recommend its passage.

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 same committee to whom was referred a bill to secure the fees of Clerks of the Circuit Court, in certain cases,

REPORT :

Your Committee have had the same under consideration, and recommend that said bill do not pass. Its object is to make the "recording fee" of all conveyances a lien upon the same, and giving to the deed so recorded the dignity and force of an execution. In their opinion this would be a useless and unjust encumbrance upon property, and they see no necessity for its passage, as the several Clerks of our Courts can demand their fees in advance, if they so desire.

This privilege is ample protection to them, without such special act for their relief.

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 concerning Sheriffs and Coroners, have had the same under consideration and beg leave to

REPORT :

Your Committee find the object of the bill is to compel Sheriffs and other officers of the Courts, to execute all process issued legally to them, affixing a penalty for failure or for any false returns.

The passage of such a law, your Committee believe to be eminently necessary and useful, as it enables the Courts to compel obedience to its mandates. Similar laws have been adopted by other States, and have been found essential to the administration of justice, and your Committee believe the one referred will prove of great benefit, and they therefore recommend its passage.

T. J. EPPES,
 Chairman Judiciary Committee.

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

The following Message from the House of Representatives was received :

HOUSE OF REPRESENTATIVES, }
 January 10, 1859: }

HON. JOHN FINLAYSON,
 President of the Senate :

Sir: The House of Representatives have passed the following bills :

Senate bill to be entitled an Act providing for the incorporation of the Mexican Gulf Steamship, and Inland Trading and Navigation companies, in Florida ;

Senate bill to be entitled an Act to amend the seventh section of the thirteenth article of the Constitution of this State ;

Senate bill to be entitled an Act to authorize John McClamma to establish a ferry across the Suwanee river ;

House bill to be entitled an Act to change the time of holding elections of Justices of the Peace ;

House bill to be entitled an Act to change the law as to conveyances ; and

Have rejected Senate bill to be entitled an Act to incorporate a bank in the city of Fernandina.

Very Respectfully,
 R. B. HILTON,
 Clerk House Representatives.

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

The following message from the Governor was received and read :

EXECUTIVE CHAMBER,
TALLAHASSEE, Jan. 11, 1859. }

HON JOHN FINLAYSON,
President Senate :

SIR : I respectfully present the following nominations for the advice and consent of the General Assembly :

Monroe County, at Key West :

Auctioneer—George Arledge.

Gadsden County :

Auctioneers—Charles Biles, O. W. Pitman, T. D. Wilson, Henry W. Womack, Dennis Colson.

Liberty County :

Auctioneers—T. M. Franklin, Joseph Shepherd, James A. Byrd.

Nassau County :

Lumber Measurer and Inspector—Thomas B. Jones,
Auctioneers—James W. Spratt and Robert Wilson.

For Fernandina :

Port Wardens—James G. Swann, Benj. W. Thompson, Robert Wilson, David T. Taylor and P. Henry Young.

Leon County :

Auctioneers—R. H. Berry, H. T. Blocker and J. L. Demilly,
Cotton Weighers—Robert Heir and John P. Coles.

Orange County :

Auctioneer—John Hughey, Jr,

Very Respectfully,

M. S. PERRY.

On motion of Mr. Dell, the nominations therein recommended were concurred in.

The following opinion of the Attorney General, was received and read :

ATTORNEY GENERAL'S OFFICE,
Tallahassee, January 10, 1859. }

HON. JOHN FINLAYSON,
President of the Senate :

Sir :—The following resolution has been transmitted to me by the Secretary of the Senate by direction of that body, for my opinion on the subject to which it refers, viz :

"Resolved by the Senate, That in the passage of bills granting charters or for the incorporation of any company in this State, or making any alteration therein, it requires fourteen votes of the Senate, under the present organization of said body."

The second section of the thirteenth article of the Constitution requires that in the passage of any act of incorporation, two-thirds of each House must concur or assent. The question upon which I suppose my opinion is desired, is whether two-thirds of the members elect of each House, or only two-thirds of those who are present are required to concur in the passage of an act of incorporation, and this involves the question what is meant by the use of the term "House." On reference to the 4th article of the Constitution defining the powers of the Legislative Department, we find it declared in the eighth section that "a majority of each House shall constitute a quorum to do business," &c.; in the ninth section that "each House may determine the rules of its own proceedings," &c.; in the tenth section that "each House during the session may punish by imprisonment, &c.;" in the eleventh section that "each House shall keep a journal," &c.; in the fourteenth section that "the doors of each House shall be opened except on such occasions as in the opinion of the House," &c.

If the term "House" here employed meant the whole number elected and not a sufficient number to do business, then in order to exercise the powers conferred in the sections referred to, it would require the presence of all the members elect. Such a requirement would enable a single member by absenting himself to arrest all legislative action. A construction leading to such results, it will be admitted, is neither warranted by a due consideration of the sections referred to, nor by any precedent of which we have any knowledge.

It is conceded that a quorum is competent to act for all the purposes of legislation. The concurrence simply of a majority of such quorum, or of those present if more than a quorum, is sufficient to pass an ordinary act of legislation. An act of incorporation is but an ordinary act of legislation, and but for the second section of the thirteenth article of the Constitution a simple majority of those present if a quorum or more than a quorum, would be sufficient to pass it. What then are we to understand to be the meaning and intent of the provision contained in the second section of the thirteenth article? In my opinion nothing more than that in reference to an act of incorporation the Constitution requires the concurrence of a larger majority (to-wit: two-thirds) of those present to pass it into a law than is required in the case of all other ordinary legislative acts.

This view is strengthened by a consideration of the 16th section of the third article referring to the Governor's veto. This section provides, that if after the re-consideration of a bill returned by the Governor without his approval "a majority of the whole number elect to that House" to which such bill is returned "shall agree to pass the bill, it shall be sent with the objections to the other House by which it shall likewise be reconsidered and if approved by a majority of the whole number elected to that House it shall become a law."

If the constitution intended that two-thirds of the whole number

ected to each House should concur to pass an act of incorporation; it is reasonable to suppose the same form of expression would have been employed as in the case with regard to the Governor's veto.

I am therefore of opinion that the concurrence of two-thirds of the members present, if a quorum or more than a quorum, is all that is necessary to pass an act of incorporation.

I am very respectfully, &c.,

M. D. PAPY.

Mr. Eppes introduced a resolution requesting the Trustees of the Internal Improvement Fund to guarantee interest on bonds of the several Railroad Companies of this State, who have accepted the Act approved January 6, 1855;

Which was placed among the orders of the day.

Mr. Nicholson introduced a resolution to obtain the sense of the people of West Florida in regard to annexation to the State of Alabama;

Which was placed among the orders of the day.

ORDERS OF THE DAY.

Resolution declaring Shoal river a navigable stream;

Was read the second time, rule waived, read a third time by its title, and put upon its passage;

Upon which the vote was:

Yeas—Mr. President, Messrs. Baker, Baldwin, Call, Dell, Eppes, Eubanks, Hawes, Jones, Keitt, Lamar, McQueen, Nicholson and Welch—14.

Nays—none.

So the Resolution passed—titled as stated.

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

Resolution requesting the Trustees of the Internal Improvement Fund to guarantee interest on bonds of the several Railroad companies of this State, who have accepted the Act, approved January 6 1855;

Mr. Baker moved that the resolution be laid upon the table until to-morrow;

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

The vote was:

Yeas—Mr. President, Messrs. Baker, Baldwin, Dawkins, Jones, Nicholson and Welch—7.

Nays—Messrs. Call, Dell, Eppes, Eubanks, Hawes, Keitt, Lamar and McQueen—8.

So the motion was lost.

The resolution was read and put upon its passage;

Upon which the vote was:

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

Nays—Messrs. Baker, Baldwin, Dawkins, Jones, Nicholson and Welch—6.

So the resolution passed—title as stated.

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

The rules were waived, and Mr. McQueen allowed to make the following minority report:

The undersigned, a member of the Joint Committee on the part of the House to act with Senate Committee on the subjects embraced in the Governor's Message, relative to the Florida Railroad Company, touching its operations under the provisions of the act of 6th January, 1855, known as the Internal Improvement act, being unable to agree entirely with the report of the majority of said Joint Committee, and differing fundamentally in some particulars, asks leave to present this Minority Report:

The undersigned agrees fully with so much of the Report of the majority as expresses their conviction of the propriety of the course of his Excellency the Governor in bringing to the attention of the General Assembly the matters referred to the Joint Committee for their investigation. Yet while he expresses his satisfaction with this course, in view of the fact that it will afford the people an opportunity of investigating for themselves the workings of the Internal Improvement system, he would take the liberty of dissenting respectfully from so much of his Excellency's annual Message as speaks of "the principle upon which it was organized (as being) perhaps unobjectionable." If the people denied it *objectionable* to permit the Legislature directly to "pledge the faith and credit of the State to raise funds in aid of any corporation," and prohibited them by the Constitution in express terms from doing so, how does the principle upon which the internal improvement system is organized become "unobjectionable" by reason of the Legislature of 1855 having created a trust fund out of the entire public domain of the State, and given power to five persons, not as citizens, but as functionaries of the government, *by virtue of their official positions, as Governor, Attorney General, Comptroller &c. &c.*, in perpetual succession, to pledge the *faith* of the State *at least*, based upon the *credit* of the proceeds of the sales of this public domain, for the payment of the interest upon the Bonds issued by these "corporations" to raise funds "in aid" of themselves.

Another department of the Government having the power and being charged with the duty of giving interpretation to the Constitution, causes the undersigned to refrain from expressing (as a member of the Legislature) any opinion on the point whether the "liber-

al system of internal improvements" said to have been organised in consonance with the 2nd Section of article 11 of the Constitution, may not conflict in letter and spirit with the 13th Section of the 13th article thereof. But before passing to other subjects *he will say*, that he believes the *people* at large will not fail to see that what *they* understood to be tweedle-dum, has ingeniously been made to represent tweedle-dee.

With the matters more intimately connected with the duties of the joint committee, the undersigned will state briefly the conclusions to which he has come, after a careful consideration of the evidence.

1st. It appears that the one hundred thousand dollars of Bonds authorised by the act of the 6th of January 1855, to be issued for the erection of structures necessary to cross from "Amelia Island to the west side of Nassau river," was not expended in strict conformity with the letter of the law—but that the road was made to take another direction from that contemplated in the act—which gave an extension to the line of the Road some five miles or thereabouts.— This I am not disposed now to make objection to. It might very well occur, that those who framed the bill were advised that such would be the direction of the road, and that the sum named was intended to be applied as proposed. Yet when the road was about to be constructed, another and better direction might be determined on, compatible with the strictest honesty of intention—and on this point I am willing to give it as my opinion, that the Trustees should not, for that cause, impede the progress of the construction of the road.

2. With regard to the trestle and other structures across "Amelia marsh," it appears from the evidence that the whole one hundred thousand dollars in bonds was given for the construction of the same, and that Mr. Bradford's estimate was made upon a cash or specie basis, which readily accounts for the difference between his estimate and the actual cost to the Company.

When it is remembered that an application was made to the present General Assembly for authority to sell the *bonds of the State*, issued by authority of a previous Legislature, at less than their par value, it will not appear strange that Railroad bonds should have been sold or given in exchange for labor and materials for the road at a valuation less than par. But even giving the benefit of this admission to the Florida Railroad Company, the weight of evidence touching this structure inclines me to the opinion that a better and more substantial one might have been erected for the proper market value of these bonds. The structure as it now stands, secured by pins on top, and without braces or mortice and tenon joints, may and probably will last as long as the piles which are driven into the marsh will endure, subject, as they are, to the attack of the salt water worm, known to be very destructive to submerged wood in a few years. In this matter, although I think that the contractors have

had the best of the bargain, and that the Company will be compelled, in a short time, to erect other and better structures at their own unaided expense, which must eat largely into the earnings of the road and postpone the period at which they otherwise might have been enabled to pay the interest on the bonds, and thus at an earlier day relieve the Trust Fund, yet believing that in good faith the bonds were applied, I would advise that this matter also be disposed of in like manner with the first.

3. With regard to the certificate of Mr. Dancy, State Engineer, as to the "continuous" grading of thirty miles of road between the 50 and 80 miles station, it is not disputed that this certificate was false in fact. But it is attempted to be set up in his defence and that of the Company, that he constituted himself a judge of the *spirit* of the law, and felt himself authorized to go beyond the letter of the same in giving his certificate of the existence of certain facts, such as the "continuous grading of 30 miles" of the road, because he had learned that the Trustees were about to separate, or had separated, and because he believed that the road would be "continuously graded" before the contractors would be in possession of the bonds; and finally because he was urged by the contractors to give this certificate. I confess that on this point I went upon the Committee with prejudices unfavorable to the Company, in addition to the prejudice which I entertained against the *system*, and which the present investigation has failed to remove so far as the system is concerned, by disclosing the fact that the contractors who urged upon the Engineer the reasons given to induce him to give this certificate, were at the time stockholders and Directors in this company, as well as contractors for the work on the road. Justice requires that I should here say, that the President of the Company on his oath states that he was not within the State at the time, and also that the Secretary of the Company, under the same solemnity, declares that he had no knowledge to the contrary of the certificate.

It is incumbent, however, upon the General Assembly, if they make any recommendation to the Trustees in connection with the matter, not to lose sight of the fact, that the person who gave this certificate was an officer of the State, whose duty it should have been to resist importunities which he had every opportunity of knowing were contrary to the fact.

My own opinion is, that the Trust fund has received damage, by having guaranteed the interest upon the Bonds which issued previous to the time when they were required by law to have been issued, and that the Trustees should ascertain the damage and obtain indemnification for the same; and in this connexion I would recommend to the Trustees, as a protection against like practices, to appoint a competent Engineer, who can be relied on, as well for skill

in the line of his duty as for integrity of character, to make frequent examinations of the several roads in construction and report their condition at stated times. And before leaving this subject I would suggest that the interest of the State requires that the several Railroads receiving, or hereafter to receive, the benefit of the internal improvement act, should be required to comply with the recommendations of the Governor in receiving a Director on the behalf of the State.

With regard to the quantity of water at Cedar Keys, the testimony is exceedingly conflicting, and still each might be truthful.—Some seasons of the year, owing to the prevailing winds, it is well known to all on the coast (including myself) that the fall of the tide is scarcely perceptible; while during the winter season, while northers prevail, the water is almost entirely driven out and the rise at such times is, *in its turn*, scarcely perceptible. But with regard to the right of the Florida Railroad Company to carry their Road to Cedar Keys, in my opinion, it does not depend upon the quantity of water in its harbor. It is true by the terms of the original Charter of this company, they were required to carry their road to some point on the Gulf of Mexico, having sufficient outlet for sea Steamers. But by the 4th Section of the Internal Improvement act, a line of Road "from Amelia Island, on the Atlantic, to the waters of Tampa Bay in South Florida, with an extension to Cedar Key in East Florida," is specifically designated as an object of "proper improvement to be aided from the internal improvement fund," and by the amendment of their Charter at a subsequent day, the original terms were modified in this particular, and "Cedar Key" by name was substituted for the point or points on the Gulf having such outlet for sea Steamers. In my opinion, if the Harbor of Cedar Key contained even less water than it does, or instead of water did it contain molten lead or liquid fire, their right to go there and to receive State aid in going there cannot now be controverted, either by the General Assembly or the Trustees.

For these reasons, I offer the following Resolution :

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That whereas, the Legislature of this State, in 1855, did by law create a trust fund out of the internal improvement lands and swamp and overflowed lands, and did by said act "irrevocably" vest in certain Trustees said lands and all the funds arising therefrom, to be applied to certain purposes named in said act: and whereas, until the Judicial Department of this State, shall have passed upon the competency of the General Assembly to make such act, no power upon the part of this General Assembly is recognized, compatible with good faith, to control the action of the said Trustees, or to impair the rights acquired under said

act, but that all action thereon must be confined to mere advice; as coming from the people through their representatives;

2. *Therefore resolved,* That the Trustees of the Internal Improvement Fund be and they are hereby advised to continue to guarantee the interest upon the bonds issued and to be issued by the several Railroad Companies of this State, upon their full compliance hereafter with all the pre-requisites contained in the act approved 8th of January, 1855, entitled an act to provide for and encourage a liberal system of Internal Improvements.

Respectfully submitted,

W. C. MALONEY.

Which was received, and 80 copies of the same ordered to be printed.

The rules were waived and Mr. Dawkins allowed to introduce

A bill to be entitled an Act regulating constables' sales in the counties of Jackson, Washington and Holmes;

Which was placed among the orders of the day.

House resolution for adjournment, was taken from the table;

On motion, the same was again laid upon the table.

House bill to be entitled an Act giving certain powers to Executors, Administrators and Guardians;

The amendments recommended by the Judiciary Committee to this bill were adopted;

Mr. Call offered the following additional amendments;

Strike out the words "Executors and Administrators," whenever they occur in the 2d, 3d, and 4th sections of the Act, also, strike out all after the words "Probate" in the 4th section, and add "but such Guardian shall receive no compensation for his services beyond the amount of five per cent. on the nett income of any plantation;"

Which was adopted.

The bill as amended, was read a third time and put upon its passage;

Upon which the vote was:

Yeas—Messrs. Baldwin, Call, Dawkins, Dell, Eubanks, Hawes, Jones, Keitt, Lamar, McQueen, Nicholson and Welch—12.

Nays—none.

So the bill passed—title as stated.

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

A bill in relation to County Commissioners;

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

Yeas—Messrs. Baldwin, Call, Dawkins, Dell, Eppes, Eubanks, Hawes, Jones, Keitt, Lamar, McQueen, Nicholson and Welch—13.

Nays—none.

So the bill passed—title as stated.

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

House bill to be entitled an Act to change the name of Alexander Rawlerson;

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

Yeas—Messrs. Call, Dawkins, Dell, Eppes, Hawes, Jones, Keitt, Lamar, McQueen and Nicholson—10.

Nays—Messrs. Baldwin and Eubanks—2.

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 regulating the times for holding the Courts in the Eastern Judicial Circuit;

Was read a second time, and referred to a Special Committee, consisting of Messrs. Call, Baker and Keitt.

House bill to be entitled an Act to provide for the consolidation of the statutes and the compilation of a code of laws of this State;

Was read a second time, and indefinitely postponed.

On motion it was ordered, that the Secretary employ some suitable person at proper rates of compensation to assist in recording the several reports of the Joint Select Committee.

House bill to be entitled an Act to authorize Joseph Lyttleton Hale, a minor, to assume the management of his own estate;

Was read the first time, rules waived, read a second and third time by its title and put upon its passage;

Upon which the vote was:

Yeas—Mr. President, Messrs. Baldwin, Call, Dawkins, Dell, Eppes, Hawes, Jones, Keitt, Lamar, McQueen, Nicholson and Welch—13.

Nay—Mr. Eubanks—1.

So the bill passed—title as stated.

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

House bill to be entitled an Act for the relief of Otis Fairbanks;

Was read the first time, rules waived, read a second time, and referred to a select committee, consisting of Messrs. Lamar, Eppes and Dell.

A bill to be entitled an Act to repeal an Act to repeal the 5th section of an Act to organize the county of Sumter, approved Jan. 8, 1853, approved Dec. 27, 1856;

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

Yeas—Mr. President, Messrs. Baker, Baldwin, Call, Dawkins, Dell, Eppes, Eubanks, Hawes, Jones, Keitt, Lamar, McQueen, Nicholson and Welch—15.

Nays—none.

So said bill passed—title as stated.

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

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

House bill to be entitled an Act to authorize persons residing on lands within the exclusive jurisdiction of the United States, to vote;

House bill to be entitled an Act to amend an Act relative to the payment of Jurors in Justice Courts;

House bill to be entitled an Act the better to define the boundary lines of the county of Putnam;

House bill to be entitled an Act for the relief of James M. Smith, Sheriff of Gadsden county;

House bill to be entitled an Act to equitably divide the taxes collected in Duval and Clay counties, for county purposes;

House bill to be entitled an Act to repeal an Act entitled an Act to amend an Act entitled an Act for the protection of fisheries on the coast of Florida, approved Dec. 31, 1850;

House bill to be entitled an Act making an appropriation to supply the deficiency in the appropriation for the payment of Jurors and State Witnesses;

House bill to be entitled an Act to compel Railroad Companies to pay for all cattle or other live stock, killed upon their respective Roads; and

House bill to be entitled an Act for the relief of Josiah Gates and other persons therein named, citizens of Manatee county.

On motion, the Senate took a recess until half-past three o'clock, P. M.

HALF-PAST THREE O'CLOCK.

The Senate resumed its session.

A quorum present.

The rules were waived, and Mr. Eppes allowed to introduce

A resolution for the relief of Elias E. Blackburn;

Which was read the first time, rules waived, read a second time by its title, and referred to a select committee consisting of Messrs. Lamar, Eppes and McQueen.

An Act concerning Sheriffs and Coroners;

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

Resolution for the relief of J. C. Crosby;

Was read a second time, and referred to the committee on Claims and Accounts.

House bill to be entitled an Act to secure the fees of Circuit Court Clerks in certain cases;

Was read a second time and indefinitely postponed.

An Act to define the liability of endorsers of promissory notes and other instruments, and to place them on the same footing as other securities;

Was read a second time, the amendments recommended by the Judiciary Committee adopted, and the bill ordered to be engrossed as amended, for a third reading on to-morrow.

An Act to amend the laws of this State relating to divorce;

Was read a second time, and the amendments recommended by the Judiciary Committee adopted.

Mr. Keitt moved that all after the first section be stricken out;

Which was adopted.

Resolution for the relief of Benjamin Hopkins;

Was read a third time;

Mr. Baker offered the following amendment:

Strike out in the 8th line the words "the full pay of Major General as paid by the laws of the United States," and insert the words "the same pay *pro rata* in addition to the amount heretofore received by him as was appropriated to Arthur Ginn, as Quarter Master, and Algernon S. Speer, as Surgeon, by the Act approved Dec. 18, 1854;"

Which was adopted.

Ordered that the bill be engrossed as amended, for a third reading on to-morrow.

The rules were waived, and reports of standing committees allowed to be in order.

Mr. Lamar made the following report:

Mr. President:

Sir: The Committee on Engrossed Bills beg leave to report the following bill as correctly engrossed:

A bill to be entitled an Act to increase the pay of Members of the General Assembly of this State.

THOMPSON B. LAMAR,

Chairman of Committee on Engrossed Bills.

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

Mr. Welch made the following report:

The Committee on Enrolled Bills report the following resolution as correctly enrolled:

Resolution relative to the drainage of the swamp and overflowed lands on the Ocklawaha river.

ISAAC WELCH,

Acting Chm'n Committee on Enrolled Bills.

Which was read.

House bill to be entitled an Act for the relief of Dr. S. B. Todd; Was read a second time, and indefinitely postponed.

House bill to be entitled an Act to amend the charter of the city of Tampa;

Was read a second time, the amendments recommended by the Committee on Corporations adopted, and the same ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled an Act to change the names of Lemuel Shaw, George Shaw, T. G. Shaw, Uriah Shaw, Francis M. Shaw, Rebecca Shaw, and William J. Shaw;

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

Yeas—Mr. President, Messrs. Baker, Baldwin, Call, Hawes, Jones, Keitt, Lamar, McQueen, Nicholson and Welch—11.

Nay—Mr. Eppes—1.

So the bill passed—title as stated.

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

A bill to be entitled an Act to increase the pay of members of the General Assembly of this State;

On motion, the Senate went into a Committee of the Whole—Mr. Call in the Chair;

After some time spent in the consideration of the bill, the Committee rose and through their chairman, reported it back to the Senate with the amendments adopted by the Committee.

On the question of the adoption of the amendments recommended by the Committee, the yeas and nays were called for by Messrs. Call and Welch;

The vote was:

Yeas—Messrs. Eppes and Hawes—2.

Nays—Mr. President, Messrs. Baker, Baldwin, Call, Dell, Jones, Keitt, Lamar, McQueen, Nicholson and Welch—11.

So the amendments were lost.

The bill was then read a third time and put upon its passage, upon which the vote was:

Yeas—Messrs. Baker, Baldwin, Call, Dell, Nicholson and Welch—6.

Nays—Mr. President, Messrs. Eppes, Hawes, Jones, Keitt, Lamar and McQueen—7.

So the bill was lost.

The following bills were read the first time and placed among the orders for a second reading on to-morrow:

An Act to repeal an Act entitled an Act to prevent trading with free persons of color in this State;

An Act more fully defining the duties of Executors, Administrators, Guardians and Judges of Probate;

A bill to be entitled an Act to change the name of the town of Jasper, to that of Sevilla;

A bill to be entitled an Act to change the name of Sintha Jane Burdock to Sintha Jane Willis;

An Act to authorize the Sheriff of Escambia county, to collect road tax;

Resolution to obtain the sense of the people of West Florida, in regard to annexation to the State of Alabama;

A bill to be entitled an Act regulating Constables Sales in the counties of Jackson, Washington and Holmes;

An Act in relation to the different lines of Railroad encouraged by the act, approved January 6, 1855;

House bill to be entitled an Act to change the time for holding Elections for Justices of the Peace;

House bill to be entitled an Act to amend the law as to conveyances.

Resolution requesting the establishment of one or more Land Offices in East Florida;

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

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

—o—
WEDNESDAY, January 12th, 1859.

The Senate met pursuant to adjournment.

On a call of the roll, it being found that there was not a quorum present the Sergeant-at-Arms was sent after the absent members.

The President announced that there was a quorum present.

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

EXECUTIVE CHAMBER, }
TALLAHASSEE, Jan'y. 12, 1859. }

HON. JOHN FINLAYSON,
President of the Senate:

SIR: I respectfully recommend the following nominations for the advice and consent of the General Assembly:

For Escambia County:

Auctioneers—William Pollock, A. L. Avery, Chas. Barkley, Ira Smith, W. Bell Bunyan, Peter Gonzalez, Phillip Wellington, Jasper C. Gonzalez, C. P. Knapp, Daniel Saint and B. D. Williams.

Port Wardens—John Campbell, Jasper Gonzalez, Henry T. Ingram, Manuel Palmes and George G. Pattison.

Pilot Commissioners—John Campbell Oliver A. Jenkins, John G. Tell, Thomas White and C. P. Knapp.

For Clay County:

Notary Public—Dr. M. J. Murphy.

Auctioneer—Francis Dillaberry.

Very respectfully,

M. S. PERRY.

On motion the nominations therein recommended were concurred in.

The rules were waived, and Mr. Jones allowed to introduced without previous notice

A bill to be entitled an Act to authorize the several Judges of the Circuit Courts in this State to correct errors made by the several Solicitors of this State;

Which was placed among the orders of the day.

Mr. Call introduced a

Resolution relative to adjournment;

Which was placed among the orders.

Mr. Dell introduced a

Resolution requesting of his Excellency the Governor, the return of a bill to be entitled an Act explanatory of an Act to organize the County of Volusia, approved Dec. 29, 1854;

Which was adopted, and the Secretary ordered to transmit a copy of the same to his Excellency the Governor.

Mr. Baker introduced (the rules having been waived)

A bill to be entitled an Act to consolidate the offices of Tax Assessor and Collector and Sheriff in the County of Sumter;

Which was placed among the orders of the day.

Mr. Lamar made the following report:

The Committee to whom was referred a Resolution for the relief of E. E. Blackburn, beg leave to

REPORT:

That they have carefully considered the same and think the claim meritorious. Mr. Blackburn is the United States Marshall for the Northern District of Florida. In the year A. D. 1857 by the order of the District Judge, he remitted for the use of the Clerk of the Court the sum of seventy-five dollars. On the night before the January term of the Court of the same year, the said clerk's office was entered by burglars and valuable books and papers abstracted therefrom. By order of the Court the Marshall caused iron grates to be placed in the windows, and a good and substantial lock on the door. For