

Yeas—Messrs. Baker, Baldwin, Dell, Eppes, Hawes, McQueen and Welch—7.

Nays—Mr. President, Messrs. Call, Lamar, Nicholson and Walker—5.

So the Senate adjourned until to-morrow morning, half-past 10 o'clock.

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FRIDAY, January 14, 1859.

Senate met pursuant to adjournment.

A quorum present.

The Rev. Dr. Dubose officiated as Chaplain.

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

On motion of Mr. Lamar, a bill to be entitled an Act concerning the agencies of Banks of other States located in this State, was placed first among the orders of the day.

Mr. Eppes introduced the following resolution :

Resolved by the Senate, That the printer to this House be, and he is hereby required to mail to the address of each Senator his *pro rata* share of the number of copies of the evidence in the matter of the Florida Railroad, ordered to be printed, so soon as the same shall be ready for mailing and distribution; for which service together with the amount of postage prepaid thereon, shall be added to his bill for printing and allowed by the Comptroller.

Which was read and adopted.

Mr. McQueen made the following report :

The Committee on Claims and Accounts to whom was referred a bill to be entitled an Act for the relief of James M. Smith, Sheriff of Gadsden County, make the following

REPORT :

That the Committee have been informed and believe that the claim of said Smith for services rendered and money paid out in arresting, guarding and obtaining medical and surgical aid for the prisoner in his charge should have been paid by the agent from the State of Mississippi, to whom said prisoner was delivered, and who was present with the said James M. Smith, and assisted in arresting him, and who carried him back to the State where he committed the offence. Your committee are willing that the State should pay all just claims

that may be presented against her. But the question arises whether the said Sheriff of Gadsden county did not neglect his rights by delivering over the prisoner to the agent, without his first paying all necessary expenses incurred. We are of the opinion he did, and having come to these conclusions recommend the bill do not pass.

Respectfully submitted,

J. W. McQUEEN,
Chairman.

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

Also, the following :

The committee on Claims and Accounts to whom has been referred a bill to be entitled an Act for the relief of Josiah Gates and other persons therein named, citizens of Manatee county,

REPORT :

That they have had the same under consideration, and are informed that Josiah Gates and others did perform said service which those on the muster roll with Lieut. John Addison performed, and should be entitled to the same pay, and they recommend the bill do pass.

Respectfully submitted,

J. W. McQUEEN,
Chairman.

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

The Committee on Enrolled bills made the following report :

The Committee on Enrolled bills report as correctly enrolled,

An Act to amend the 8th section of the 6th article of the State of Florida; and

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

Respectfully submitted,

L. G. McELVY,

The following message from the House of Representatives was received and read, and the accompanying bills placed among the orders of the day :

HOUSE OF REPRESENTATIVES, }
January 13, 1859, }

HON. JOHN FINLAYSON,

President of the Senate :

Sir :—The House of Representatives have passed the following bills and resolution :

Senate bill to be entitled an Act to incorporate the New Port and Gulf Railroad Company ;

House bill to be entitled an Act increasing the salary of the Governor of this State;

Senate bill to be entitled an Act to amend an Act approved Dec. 22, 1854, entitled an Act to amend an Act to provide for the payment of Jurors and State Witnesses, approved January 8, 1848.—Amended by striking out the third section of the bill.

Senate joint resolution for adjournment.

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

On motion, the House amendments to the enclosed bill to be entitled an Act to amend an Act, approved Dec. 22, 1854, entitled an Act to amend an Act providing for the payment of Jurors and State Witnesses, approved Jan. 8, 1848, were concurred in.

The following opinion of the Attorney General was received and read.

ATTORNEY GENERAL'S OFFICE, }
Tallahassee January 14, 1859. }

Hon JOHN FINLAYSON,
President of the Senate :

Sir : I am "requested to inform the Senate whether any further legislation by the State of Florida is necessary to secure to the different companies building Railroads in this State, the lands granted by Congress to aid in the construction of such roads, so as to secure an equitable distribution of such land where the same should be divided between two companies; and that if in his opinion such legislation is necessary, that he do draft a bill providing for the same, and return it to this House with his opinion."

In the very short time allowed me before the proposed adjournment of the General Assembly, I can only give such hasty conclusions as I have arrived at :

1st. I am of opinion that no further legislation is necessary "to secure to the different companies building Railroads in this State" under the Internal Improvement Law, "the lands granted by Congress to aid in the construction of such roads."

2d. If it is considered that the lands along the line of route are by the Internal Improvement Law and the Act of Congress, granted in common to the several companies constructing a particular line of road, then further legislation is necessary to distribute them between the companies. An equal division of the land would not be equitable, but in such a case they should be distributed to make it equitable according to the length of the particular portions of the line of road under construction by the several companies.

I am unable at so short a notice, to draft a bill making an equitable distribution of the lands which in my judgement would com-

mend itself to the favorable action of the Senate, and trust the Senate will, in its indulgence, over-look my inability to do so.

I am very respectfully,

M. D. PAPY.

ORDERS OF THE DAY.

Joint resolution allowing claims of the persons named ;

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

Yeas—Mr. President, Messrs. Baldwin, Eppes, Fisher, Keitt, McElvy, McQueen, Nicholson and Welch—9.

Nays—Messrs. Lamar and Walker—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 making an appropriation to supply the deficiency in the appropriation for the payment of Jurors and State Witnesses ;

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

Yeas—Mr. President, Messrs. Call, Dawkins, Dell, Fisher, Hawes, Keitt and Nicholson—8.

Nays—Messrs. Baldwin, Eppes, Lamar, McElvy, McQueen and Welch—6.

So the bill passed—title as stated.

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

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

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

The vote was :

Yeas—Messrs. Call, Fisher and Hawes—3.

Nays—Mr. President, Messrs. Baker, Baldwin, Dawkins, Dell, Eppes, Keitt, Lamar, McElvy, McQueen, Nicholson, Walker and Welch—12.

So the motion was lost.

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

House bill to be entitled an Act declaring the East Prong of Cold Water creek navigable to the mouth of Wolfe creek ;

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

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

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

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

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

Yeas—Messrs. Baker, Baldwin, Eppes, Fisher, Hawes, Keitt, McQueen, Nicholson and Walker—9.

Nays—Messrs. Call, Dawkins, Dell, Lamar and McElvy—5.

So the bill passed—titled as stated.

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

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

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

Yeas—Messrs. Baker, Call and Walker—3.

Nays—Mr. President, Messrs. Baldwin, Dell, Eppes, Fisher, Hawes, Keitt, Lamar, McElvy, McQueen and Nicholson—11.

So the bill was lost.

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

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

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

The rules were waived, and the following message from the House of Representatives received and read :

HOUSE OF REPRESENTATIVES, }
January 14, 1859. }

HON. JOHN FINLAYSON :

President of the Senate :

SIR : The House of Representatives has passed the Senate bill to be entitled an Act to amend an Act to establish the *ad valorem* system of Taxation. Amended by striking out the first section.

Very Respectfully,

R. B. HILTON,
Clerk House Representatives.

On motion the House amendments were adopted, and the bill ordered to be enrolled as amended.

Also the following :

HOUSE OF REPRESENTATIVES, }
January 14th, 1859. }

HON. JOHN FINLAYSON,

President of the Senate :

SIR : The House has this day passed the following resolution, viz :
Joint resolution for the relief of the Clerks of this present General Assembly.

Very respectfully,

R. B. HILTON,
Clerk House Representatives.

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

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

House bill to be entitled an Act to suspend in part the laws prohibiting intercourse with the Indians, &c. ;

House bill to be entitled an Act to permit free persons of African descent to select their own master and become slaves ;

House bill to be entitled an Act increasing the salary of the Governor of this State ;

House bill to be entitled an Act concerning the agencies of banks of other States located in this State ;

Joint resolution for the relief of Spencer F. Thomas ;

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

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

Yeas—Mr. President, Messrs. Baker, Baldwin, Call, Dawkins, Eppes, Fisher, Hawes, Keitt, Lamar, McElvy, McQueen, Nicholson and Walker—14.

Nays—none.

So the bill passed—title as stated.

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

The rule being waived, Mr. McElvy made the following report :

The Committee on Enrolled Bills report as correctly Enrolled :

An Act to amend an Act approved Dec. 22, 1854, entitled an Act to amend an Act to provide for the payment of Jurors and State Witnesses, approved Jan. 8, 1848.

Respectfully submitted,

L. G. McELVY,
Chairman Committee on Enrolled Bills.

House 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 in this State ;

Was read a second time, and ordered to be engrossed as amended.
Mr. Keitt moved that the Senate take a recess until-half past three o'clock, P. M. ;

Upon which the yeas and nays were called for by Messrs. Baker and Welch, which were as follows :

Yeas—Mr. President, Messrs. Baldwin, Call, Dawkins, Dell, McQueen and Nicholson—7.

Nays—Messrs. Baker, Eppes Hawes, Keitt, Lamar, McElvy and Welch—7.

So said motion was last.

A bill to be entitled an Act to authorize persons residing on lands within the exclusive jurisdiction of the United States to vote, and for other purposes ;

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

Yeas—Mr. President, Messrs. Baldwin, Call, Dell, Eppes, Hawes, Keitt, Lamar, McElvy, McQueen, Nicholson and Welch—12.

Nays—Messrs. Baker and Dawkins—2.

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 provide for the disposal of lands granted by Congress to the State of Florida to aid in the construction of certain Railroads ;

Came up on its second reading ;

Mr. Call moved its indefinite postponement ;

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

The vote was :

Yeas—Messrs. Call, Dell, Eppes, Fisher, Hawes, Keitt and Lamar—7.

Nays—Mr. President, Messrs. Baker, Baldwin, Dawkins, McElvy, McQueen, Nicholson and Walker—8.

So the motion was lost.

Mr. Baker moved that the bill be laid on the table ;

Which motion was agreed to.

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 ;

Was read a second time, and ordered for a third reading on tomorrow.

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

HALF-PAST THREE O'CLOCK, P. M.

The Senate resumed its session.

A quorum not being present, the Sergeant-at-Arms and Door-keeper were sent after the absent members.

The rules being waived, Mr. Call moved that the 24th rule be suspended for the remainder of the present session, so far as it requires bills and resolutions to be read on three different days, and that all bills and resolutions may be read a second and third time, and put on their passage when desired by a majority of the Senators present ;

Which was adopted.

The rule being waived, Mr. Call moved that the Secretary of the Senate be authorized to employ extra assistance in enrolling and engrossing bills, if in his opinion necessary, in order to engross and enroll all the Senate bills by 12 o'clock on Saturday night ;

Which was adopted.

A bill to be entitled an Act for the relief of certain counties in this State ;

Was read, the House amendments concurred in, and the same ordered to be enrolled.

The orders of the day were resumed.

An Act explanatory of an Act to organize the county of Volusia, approved Dec. 29, 1854 ;

Was read a second time.

Mr. Hawes moved that it be referred to a select committee ;

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

The vote was :

Yeas—Mr. President, Messrs. Baldwin, Call, Dawkins, Dell, Hawes, Keitt, McElvy, McQueen, Nicholson and Walker—11.

Nays—Messrs. Baker and Welch—2.

So the bill was referred to a Select Committee.

The President announced as such committee Messrs. Hawes Baker and McQueen.

The following message was received from the House of Representatives :

HOUSE OF REPRESENTATIVES, }
January 14, 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 to increase the salary of the Governor's Private Secretary and define his duties ;
Senate bill in relation to County Commissioners ;

Senate bill to be entitled an Act for the relief of Wm. Crawford, a lunatic, confined in the lunatic asylum of South Carolina;

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

Senate bill to be entitled an Act to amend an Act entitled an Act to establish Common Schools and to repeal certain Acts in relation thereto, approved Jan. 1, 1853;

Senate bill to be entitled an Act to define and fix the duties of Sheriffs and Tax Collectors in this State in the sale of lands, and establish more certainly the validity of Tax Deeds; and

Have rejected Senate bill to be entitled an Act to authorize actions at law to be instituted upon all notes and contracts executed by married women; and

Have passed House bill to entitled an Act to authorize W. D. J. Collins to establish a ferry across the Escambia Bay.

Very respectfully,

R. B. HILTON,

Clerk House of Representatives.

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

Also the following:

HOUSE OF REPRESENTATIVES,
January 14, 1859. }

HON. JOHN FINLAYSON,

President of the Senate:

Sir: The House of Representatvies have passed Senate bill to be entitled an Act to incorporate a bank in the city of Fernandina.

Very Respectfully,

R. B. HILTON,

Clerk House of Representatives.

Which was read, and the accompanying bill ordered to be enrolled.

The following message from the Governor was received.

EXECUTIVE CHAMBER,
Tallahassee, January 14, 1859. }

HON. JOHN FINLAYSON,

President of the Senate:

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

Madison County: Auctioneer—William A. Viers.

Washington County: Auctioneer—Henry H. Wells.

Holmes County: Auctioneer—John F. Davis, sr.

Also, Wm. A. Forward, of Jacksonville, Fla.; James O. Devall, of Pilatka, Putnam County, Fla.; Paran Moody, of Jacksonville, Fla.;

John W. Starke, of Volusia County, Fla.; James G. Spear, of Orange County, Fla., as Commissioners of the St. Johns & Indian River Canal, by virtue of "an Act to facilitate the construction of the St. Johns and Indian River Canal, approved Jan. 1st, 1857.

Very respectfully,

M. S. PERRY.

Which was read, and the nominations therein named concurred in.

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

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

Yeas—Mr. President, Messrs. Baker, Baldwin, Call, Hawes, Keitt, Lamar, McElvy, McQueen, Nicholson, Walker and Welch—12.

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 for the relief of James M. Smith, Sheriff of Gadsden county;

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

Yeas—Messrs. Baker, Baldwin, Call, Dawkins, Hawes, Keitt, Lamar, McElvy, Nicholson, Walker and Welch—11.

Nays—Mr. President, Messrs. Dell and McQueen—3.

So the bill passed—title as stated.

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

The rule being waived, Mr. Call moved to reconsider the vote ordering the bill to be entitled an Act concerning the agencies of banks of other States, located in this State, to be read a second time on-to-morrow;

Which motion was adopted.

The rules having been waived, Mr. Call moved to read the bill a second time;

Which was adopted, and the bill read a second time.

The rules being waived, Mr. Call moved to read the bill a third time by its title;

Which was adopted, and the bill read a third time and put upon its passage;

The vote was:

Yeas—Mr. President, Messrs. Baldwin, Call, Dell, Hawes, Lamar, McElvy, McQueen, Nicholson, Walker and Welch—11.

Nays—none

So the bill passed—title as stated.

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

On motion, the Senators from Escambia and Walton, were excused from further attendance on the Senate after to-day.

House bill to be entitled an Act to suspend in part, the laws prohibiting intercourse with the Indians, &c.;

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

House bill to be entitled an Act to permit free persons of African descent to select their own masters and become slaves;

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

Yeas—Mr. President, Messrs. Baker, Call, Dawkins, Dell, Eppes, Hawes, Keitt, McQueen, Walker and Welch—11.

Nays—Messrs. McElvy and Nicholson—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 increasing the salary of the Governor of this State;

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

Yeas—Messrs. Baker and Nicholson—2.

Nays—Mr. President, Messrs. Call, Dawkins, Dell, Eppes, Hawes, Keitt, Lamar McElvy, McQueen, Walker and Welch—12.

So the bill was lost.

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

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

—o—
SATURDAY, January 15, 1859.

Senate met pursuant to adjournment.

A quorum present.

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

The following message from the Governor was received:

EXECUTIVE DEPARTMENT,
TALLAHASSEE, January 15, 1859. }

HON. JOHN FINLAYSON,

President of the Senate:

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

Manatee County:

Auctioneer—Wm. H. Whitaker.

Holmes County:

Auctioneer—Harrison Hagin.

Jacksonville, Duval County:

Auctioneers—James O. Mattair, Theodore Flotard, Charles Summers, Aaron W. DaCosta, Charles W. Blanchard, Thomas Patterson, Heuman Holleyman and Pulaski Broward.

Port Warden—Samuel Fairbanks, in place of F. C. Barrett, who declines the appointment.

Very Respectfully,
M. S. PERRY.

Which was read, and the nominations therein made, concurred in.
Also the following:

EXECUTIVE DEPARTMENT,
TALLAHASSEE, January, 15, 1859. }

HON. JOHN FINLAYSON,

President of the Senate:

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

T. W. Brevard, Sr., Francis Eppes and D. P. Hogue a Board, of Education, for the Seminary at Tallahassee.

S. M. G. Garey, Juno. M. McIntosh and Dr. Tommey, a Board of Education, for the Seminary at Ocala.

Theodore W. Brevard, Jr., Adjutant and Inspector General.
C. H. Anstin, Paymaster General.

Very Respectfully,
M. S. PERRY.

Which was read, and the nominations therein made, concurred in.
Also the following:

EXECUTIVE CHAMBER,
TALLAHASSEE, Jan. 15, 1859. }

HON. JOHN FINLAYSON,

President of the Senate:

SIR: I have approved and signed the following bills and resolution:

An Act entitled An Act to amend the several Acts in force in this State, in relation to proceedings in criminal cases;

An Act to amend the seventh section of the Constitution of this State;

An Act to authorize John J. McMillan to establish two Ferries across the Suwanee river and one across the Santa Fee river at the place where said river enters the Suwanee;

Resolution requiring the Trustees to re-imburse the State Treasury certain monies;