

prevent slaves from hiring their own time, and for other purposes, approved 27th Dec., 1856;

Resolution to provide for the payment of scrip issued for interest due on scrip issued under "an Act to provide for the payment of Capt. Sparkman's, Parker's and other volunteer companies, for service in the year 1849, approved January 7th, 1853;

Joint resolution appointing a day for the election of Clerk for the Supreme Court; and

A bill to be entitled an Act defining indecent exposure of the person, at or near any chartered ferry, &c., a misdemeanor and punishing the same.

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

FRIDAY, December 10th, 1858.

Senate met pursuant to adjournment.

A quorum present.

The Rev. Dr. Dubose officiated as Chaplain.

The Journal of yesterday was read and approved.

The following bills and resolutions which had been passed by the Senate were transmitted to the House of Representatives, viz:

House resolution asking Congress to establish a Mail Route;

House bill to be entitled an Act to incorporate the Neuvitas, Nassau and Florida Navigation Company;

Resolution providing for the copying of the laws of the present General Assembly;

A bill to be entitled an Act to amend an Act, approved Dec. 22d, 1854, entitled an Act to amend an Act to provide for the payment of Jurors and State witnesses, approved Jan. 8, 1848; and

Resolution requesting our Senators and Member in Congress to use their best endeavors to procure the appointment of an Inspector of Customs at the Town of Milton, in West Florida.

Notice was given of intention to introduce the following bill, at some future day:

By Mr. Welch:

A bill to be entitled an Act to authorize Silas Jernigan to establish a Ferry across the Black Water River, at the town of Milton, in Santa Rosa county.

Pursuant to previous notice, the following bill was introduced and placed among the orders of the day.

By Mr. Eppes:

A bill to be entitled an Act to amend an Act entitled an Act to organize the Supreme Court of the State of Florida, approved January 11, 1851.

Mr. Call moved, that a Committee of five on the part of the Senate be appointed, to act with a similar Committee on the part of the House, as a Joint Committee to investigate the charges contained in the Governor's message against the Florida Railroad Company, together with all circumstances attending the making of the same, with full powers to send for persons and papers, to examine witnesses, and take such other steps as may be necessary to ascertain the real facts of the case, and report the evidence taken to this General Assembly.

Which motion was adopted.

The President appointed as such committee on the part of the Senate, Messrs. Eppes, Lamar, Hawes, Keitt and McQueen.

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

Mr. Dell presented a petition from the citizens of Alachua county, asking that the portion of Alachua county lying between the Suwanee river and the Range Line dividing Ranges 16 and 17, be attached to Lafayette county.

Which was read, and on motion, laid upon the table.

Mr. McElvy requested that the rules be waived to allow him to make a motion;

Which was agreed to.

Mr. McElvy moved that the Senator from Leon be granted leave of absence until Tuesday next;

Which was granted.

Mr. Call presented a petition from L. D. and N. A. Hart, requesting that the name of Mary Ellen Sears, be changed to that of Mary Ellen Hart.

Mr. Call moved that the petition be referred to a Select Committee of three;

Which was adopted.

The President appointed as such Committee, Messrs. Call, Baker and Broward.

The Committee on Enrolled bills made the following report:

The Committee on Enrolled bills report as correctly Enrolled

A bill to be entitled an Act to authorize Daniel B. Coker to build a Toll bridge across the Santa Fe river; and

A bill to be entitled an Act to authorize Wm. McRae to trade free from the license now imposed upon Hawkers, and Pedlers and itinerant traders in this State.

All of which is respectfully submitted.

L. G. McELVY,
Chairman.

Which was received.

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 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, have had the same under consideration and instruct the undersigned to

REPORT:

That the first section of said bill requires the several Clerks of the Circuit Courts of the State to provide a book of record to be entitled "Records of Tax deeds," while the remaining four sections prescribe the mode and manner for the execution by the Sheriff or Tax Collector of titles to any lands sold by virtue of the laws of the State for taxes, requiring said titles with the notice and affidavit of the officer to be recorded in said "Record of Tax deeds," reserving however, to the parties entitled, the right of redemption as now provided by law. In the opinion of your committee, said bill simplifies, while establishing on a more firm basis the class of titles to which it refers, while at the same time it reserves all rights of redemption given by our laws in such cases. Believing such to be the object, and recognizing the necessity of such a law, your committee, while approving, would recommend certain amendments the better to secure the same.

In section 2, between the words "sold" and "by" insert the words "for taxes." In section 5, strike out all down to "Provided," and insert the following :

Be it further enacted, That such deed so recorded shall be considered "*prima facie*" evidence of fee simple title on said purchaser or purchasers of, in and to said lands and tenements so as aforesaid sold for taxes, to be rebutted by further testimony by the party or parties claiming the same.

And after section 5, insert the following section, No. 6 :

Be it further enacted, That where lands or tenements of minors or persons "beyond the seas," or under other legal disability, shall be sold for taxes as prescribed in this act or under, or by virtue of the laws of this State, the said persons respectively, shall have the same right to redeem the same, after the removal of their respective disabilities and upon the same terms and within the same time as now fixed and provided by law.

Your committee further recommend that section "6," of said bill be changed to section "7," and that the words "Be it further enacted," be prefixed to sections 3, 4 and 5, of said bill.

With these amendments they recommend the passage of said bill.

T. J. EPPES,
Chairman Judiciary Committee.

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

Mr. Eppes made the following report :

The Select Committee to whom was referred the petition of the citizens of Apalachicola, in the County of Franklin, in reference to the migration of free colored crews into the Port and Bay of Apalachicola, and bill accompanying, with authority to report by bill or otherwise, beg leave to

REPORT:

That they have carefully examined the subject matter of said petition, and find the same is entirely local, seeking to remove an impediment to the commerce of the city of Apalachicola; that the petition is signed by a large majority of the citizens of said city, and your committee are satisfied the grievance of which it complains should be removed.

The bill accompanying said petition has two sections. The object of the said memorial and the first section of the bill is to permit foreign vessels trading to the port of Apalachicola to have free negro crews, and to bring them there, provided they do not land the same. In this view it does not contravene the policy of the State in regard to free negroes coming or moving into the State—a policy, in the opinion of your committee, based upon the soundest wisdom—but only permits them as adjuncts to commerce to come to said port, compelling them the while, to remain on board of their vessels, and in no way to mix or mingle with our slave population.

Similar restrictions to the one sought to be removed by the petition and bill submitted to your committee, have at different periods existed in the ports of Charleston, Savannah and Mobile, but with the increasing commerce of those cities, the same, as your committee believe, have been repealed and done away with. And while they would not cite these as sufficient precedents to warrant similar action on the part of our State, in the absence of, or unless founded upon weightier reasons, yet they would instance them as worthy of note, and as based upon the correct doctrine, that all such restrictions upon commerce are, more or less, violative of the comity existing between the several States of this Union.

The second section of said bill is to prevent any such crews from being hired or employed on board of any other vessel. In the policy of this section, your committee also concur. By such an enactment

the commingling of such class of seamen while in a Southern port is prevented, and our own citizens given the loading of any such vessel, and a consequent supervision or check upon the crew.

Beside these reasons, your committee the more cheerfully recommend that the prayer of the petitioners be granted, and the accompanying bill passed, from the fact, that the Legislation sought to be repealed, was and is so evidently partial, and aimed and applied exclusively to the port of Apalachicola, while most if not all of the ports in our State have been exempted from such restrictions. They can see no wisdom in such restrictions, and recognize no justice in their partial and special application; crippling as they do, the commerce of one of our largest sea-port cities.

Entertaining these views, your committee recommend the passage of the accompanying bill, which they respectfully submit.

T. J. EPPES,

Chairman Select Committee.

Which, with the accompanying petition, was received and the bill placed among the orders of the day.

The Joint Special Committee, to whom was referred the resolution "to inquire into and report as to the proper control and present use of all the rooms of the Capitol, except the Chambers of the Senate and House of Representatives, and in the absence of any law to recommend a proper disposition of the same,"

REPORT:

That they have had the matter referred to them under consideration, and after duly investigating the matter, in view of the necessity of an amendment of the law as to the charge of the public property, and that especially the State Library should be kept in compact order, in a proper, safe and convenient place, recommend the passage of the accompanying act, as to the matters referred to them.

Respectfully submitted;

J. McROBERT BAKER,

Chm'n Senate Committee.

R. C. WILLIAMS,

Chm'n House Committee.

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

The Committee on Engrossed Bills report the following bills as correctly engrossed:

A bill to be entitled an Act to amend an Act to amend an Act to authorize the business of Banking;

An Act to define the manner of swearing Petit Jurors in this State:

A bill to be entitled an Act to provide for the additional compensation of the several Judges of the Supreme and Circuit Courts of this State;

A bill to be entitled an Act for the relief of Nathan Norton, of Putnam county.

Respectfully submitted,

T. B. LAMAR,

Chairman Committee on Engrossed Bills.

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

On motion, Mr. Call was allowed to present a letter addressed to the President of the Senate and the Speaker of the House of Representatives by the Hon. D. L. Yulee;

Which was read.

On motion of Mr. Call, it was ordered that a copy of the same be sent to the House of Representatives.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
December 9th, 1858. }

HON. JOHN FINLAYSON,

President of the Senate:

SIR: The House of Representatives have passed an Act to create and organize the Counties of Suwanee and New River, amended as follows:

By striking out all after the word "held," in the last line of Section 7, and inserting "at the Store House of William P. Roberts;" and adding after the word "at," in Section 8, the words "the house of William Hines, in Suwanee County, and William P. Roberts store, in New River County."

Very Respectfully,

R. B. HILTON,

Clerk House Representatives.

On motion of Mr. Dell, the House amendment was concurred in.

Also the following:

HOUSE OF REPRESENTATIVES, }
December 10th, 1858. }

HON. JOHN FINLAYSON,

President of the Senate:

SIR: The House of Representatives have passed the following resolution, viz:

Resolution in relation to Timber Lands reserved by the General Government.

Very Respectfully,

R. B. HILTON,

Clerk House Representatives.

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

Also the following :

HOUSE OF REPRESENTATIVES, }
December 9, 1858, }

HON. JOHN FINLAYSON,

President of the Senate :

SIR : The House of Representatives have passed the following bills and resolution, viz :

A bill to be entitled an Act to prevent citizens of other States from fishing in Lakes Iamonia and Miccosukie ;

A bill to be entitled an Act for the relief of Jesse M. Willis, Tax Assessor and Collector of Marion county ; and

A resolution asking that the Apalachicola Arsenal be made an Arsenal of Construction.

Very Respectfully,

R. B. HILTON,
Clerk House Representatives.

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

ORDERS OF THE DAY.

A bill to be entitled an Act for the relief of Nathan Norton, of Putnam county ;

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

Yeas—Messrs. Baker, Broward, Call, Eppes, Fisher, Hawes, Jones, Keitt, McElvy, Nicholson and Walker—11.

Nays—Mr. President, Messrs. Dell, Eubanks, Lamar, McQueen and Welch—6.

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 to provide for the additional compensation of the several Judges of the Supreme and Circuit Courts of this State ;

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

Yeas—Mr. President, Messrs. Baker, Broward, Call, Dawkins, Dell, Eppes, Eubanks, Fisher, Hawes, Jones, Keitt, Lamar, McElvy, McQueen, Nicholson, Walker and Welch—18.

Nays—None.

So said bill passed—title as stated.

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

An Act to define the manner of swearing Petit Jurors in this State ;

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

Yeas—Mr. President, Messrs. Baker, Broward, Call, Dawkins, Eubanks, Fisher, Hawes, Jones, Keitt, Lamar, McElvy, McQueen, Walker and Welch—15.

Nays—Messrs. Dell, Eppes and Nicholson—3.

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 to amend an Act to amend an Act to authorize the business of Banking ;

Was read a third time.

Mr. Call moved that the reading of the bill be passed over informally, and that the same be placed among the orders of the day.

On motion of Mr. McElvy, it was ordered that 80 copies of the bill be printed for the use of the Senate.

The following bills were read the first time and placed among the orders of the day for to-morrow :

A bill to be entitled an Act for the protection of public property ;

A bill to be entitled an Act to amend an Act to amend an Act entitled an Act to organize the Supreme Court of the State of Florida, approved January 11, 1857 ;

House resolution in relation to Timber Lands reserved by the General Government ;

House bill to be entitled an Act for the relief of Jesse M. Willis, Tax Assessor and Collector of Marion County ;

House bill to be entitled an Act to prevent the citizens of other States from fishing in Lakes Iamonia and Miccosukie ; and

House resolution asking that the Apalachicola Arsenal be made an Arsenal of construction.

A 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 ;

Was read the second time.

On motion of Mr. Keitt, the amendment recommended by the Judiciary Committee was adopted, the bill laid upon the table for the present, and eighty copies of the same ordered to be printed.

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

A bill to be entitled an Act defining the indecent exposure of the person at or near any Chartered Ferry, &c., a misdemeanor, and punishing the same ;

A bill to be entitled an Act giving to the Judge of Probate of Santa Rosa county, the powers of a Justice of the Peace, in certain cases.

An Act to repeal an Act entitled an Act to restore the force and operation of the general laws of this State, in relation to the migration of free persons of color in this State, and to revive an Act entitled an Act explanatory of the several Acts in relation to the migration of free persons of color into this State, in the Port and Bay of Apalachicola, and for other purposes;

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. Baker, Broward, Call, Dawkins, Dell, Eppes, Eubanks, Fisher, Hawes, Jones, Keitt, Lamar, McElvy, McQueen, Nicholson and Walker—17.

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 more fully defining the duties of Judges of Probate;

Was read a second time.

Mr. Call offered the following amendment:

At the end of the bill annex "and for making any decrees or orders requisite in such cases."

Which was adopted and the bill ordered to be engrossed as amended for a third reading on to-morrow.

Resolution to provide for the payment of scrip issued for interest due on scrip issued under an Act to provide for the payment of Capt. Sparkman's, Parker's, and other Volunteer Companies, for service in the year 1849, approved January 7th, 1853;

Was read the second time, and referred to the Committee on Finance and Public Accounts.

A bill to be entitled an Act to repeal an Act entitled an Act to prevent slaves from hiring their own time, and for other purposes, approved 27th Dec., 1856;

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

A bill to be entitled an Act to change the time of holding the Circuit Courts for the Western Judicial Circuit;

Was read a second time;

Mr. Fisher offered the following amendment:

Annex to the bill the words "Sec. 3. Be it further enacted, That all laws or parts of laws inconsistent with the due intent and meaning of this Act, be and the same are hereby repealed."

Which was adopted;

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

A bill to be entitled an Act defining the jurisdiction of Circuit Courts in certain cases;

Came up on its second reading.

Mr. Dawkins offered the following amendment, viz:

Strike out the words "less than fifty dollars" after the word "recovers," and insert in lieu thereof, "any sum not more than fifty dollars, exclusive of interest."

Which was adopted, and the bill ordered to be engrossed for a third reading on to-morrow.

Joint Resolution appointing a day for the election of a Clerk of the Supreme Court.

On motion, the rules were waived, and Mr. Baker allowed to present the following report from the Committee on Corporations:

The Committee on Corporations, to whom was referred a bill to be entitled an Act to Incorporate the Town of Madison, have instructed the undersigned to

REPORT:

That they have had the same under consideration, and that although the terms of said Charter as to some points, are vague and not entirely explicit, yet, they do not deem the same materially objectionable; and the said bill being in its nature a local Act, they recommend the passage of the same.

J. McROBERT BAKER,

Chairman Committee on Corporations.

Which was read.

The accompanying bill was read a second time, and ordered for a third reading on to-morrow.

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

—o—
SATURDAY, December 11th, 1858.

The Senate met pursuant to adjournment.

A quorum present.

The Journal of yesterday was read, amended and approved.

Notice was given of intention to introduce the following bills at some future day:

By Mr. Fisher: