

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

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

Nays—None.

So said bill passed—title as stated.

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

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

MONDAY, December 13th, 1858.

Senate met pursuant to adjournment.

A quorum present.

The Journal of yesterday was read, amended and approved.

Mr. Eppes moved that House Bill to be entitled an Act to prevent citizens of other States from fishing in Lakes Iamonia and Miccosukie, which on Saturday, was laid upon the table until Tuesday next, be taken from the table and placed in the orders of the day ;

Which motion was adopted.

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

By Mr. Dell :

A bill to be entitled an Act to authorize William Cannon to establish a Ferry across the Suwanee river.

By Mr. Baker :

A bill to be entitled an Act to grant and regulate appeals from corporate Courts to the Circuit Courts of this State ;

A bill to be entitled an Act providing for the ultimate removal of free negroes and mulattoes from this State ; and

A bill to be entitled an Act for the relief of Spencer E. Thomas.

On motion of Mr. Nicholson, a bill to be entitled an Act providing for the incorporation of the Mexican Gulf Steamship and Inland Trading and Navigation Companies in Florida, was placed back upon its second reading, and 80 copies of the same ordered to be printed for the use of the Senate.

Pursuant to previous notice, the following bills were introduced and placed among the orders of the day :

By Mr. Hawes :

A bill to be entitled an Act amending an Act relative to suffering a slave to trade as free, passed 10th February, A. D., 1832.

By Mr. Fisher :

A bill to be entitled an Act to provide for the payment of Constable fees for summoning juries of inquest, and attendance on the same.

On motion, the rules were waived, and Mr. Walker allowed to make a motion ;

Mr. Walker gave notice that he would on some future day, ask leave to introduce a bill to be entitled an Act to incorporate a company to construct a Railroad from New Port (with the privilege of extension to Spanish Hole,) to some point on the Georgia line.

The following message was received from the House of Representatives, and read :

HOUSE OF REPRESENTATIVES,
December 11th, 1858. }

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 amending the charter of the City of Pensacola, for the purpose of extending the power of the City to aid in the construction of the Alabama & Florida Railroad in Florida ;

Senate bill to be entitled an Act prescribing the manner of making returns of elections for electors of President and Vice President of the United States ;

Senate joint resolution in relation to fractional sections on the State line ;

Senate bill to be entitled an Act more fully defining the boundary line between the counties of Lafayette and Taylor ;

Resolution for the relief of Washington Rogers ;

A bill to be entitled an Act to empower William Hentz, a minor, to assume the management of his own estate ;

The House has stricken out the Senate amendment to the bill to be entitled an Act granting a charter for the Cowford Ferry at Jacksonville, Duval county, to William A. Young, and inserted in lieu of said amendment, the following :

SEC. 3 *Be it further enacted*, That nothing in the preceding sections shall be so construed as to prevent any person or persons from crossing the waters at said Ferry in his or their skiff, canoe or yawl boat, or from landing at either termini of said Ferry : *Provided*, That in so doing they do not interfere with the boats, flats, or other conveyances of said William A. Young, *provided, also*, that they do not

receive pay for conveying across other person or persons to the prejudice of the rights and interests of said William A. Young.

Very Respectfully,

R. B. HILTON,

Clerk House Representatives.

The enclosed House bills were placed among the orders of the day, and the Senate bills passed without amendment ordered to be enrolled.

On motion, the Senate concurred in the House amendment to the Senate bill entitled an Act granting a charter for the Cowford Ferry at Jacksonville, Duval county, to Wm. A. Young.

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

The following reports were submitted from the Committee on Elections:

The undersigned of the Committee on Elections to whom was referred the matter of the contested election between Col. John Broward and Dr. A. S. Baldwin, claiming as Senators from the 16th District of this State, beg leave respectfully to

REPORT:

1. That they have had the said matter together with all the evidence submitted to them, under careful consideration. The documentary and other evidence personally taken before the Committee, it is not deemed necessary to rehearse in this report.

2. The undersigned are of opinion that the "Act to define the boundary line between Duval and Nassau Counties," approved Jan. 2, 1857, is obligatory, and was intended by the Legislature to change and does change the original line of division between the said Counties of Duval and Nassau.

3. That the second section of said act being inconsistent with, and contradictory of both the title and body of said Act, is therefore nugatory. In examining authorities as to said point, the above opinion is fully sustained by the principle laid down in Darris on Statutes, pages 43 to 45, and pointedly by the well established principle laid down in the same work, page 45, that "one part of a statute must be so construed by another, that the whole may, if possible stand, '*ut res magis valeat quam pereat*,'" and also by the further principle that "a saving totally repugnant to the body of the Act, which would render the statute nugatory, is rejected as void;" also same work, page 22, the principle is laid down that "a saving in a statute is only an exception of a *special* thing out of *general* things mentioned in a statute. The purview of an Act may be qualified or restrained by a saving in the statute, *but a saving clause in a statute where it is directly repugnant to the purview, or body of the Act,*

and cannot stand without rendering the Act inconsistent and destructive of itself, is to be rejected."—Idem page 66, Law Lib., vol. 9.—Further it cannot be considered that the Legislature first, in entitling said Act, secondly, in passing the first section or enacting clause and body of said Act, intended in the second and saving section of the same Act to render both of the former nugatory, and thus stultify their own proceedings.

4. Another point arrived at in considering said matter and the testimony is, that *ex parte* statements or affidavits, taken before Justices of the Peace, without notice to the adverse party, and not in the mode or manner prescribed by law, not affording the adverse party an opportunity of cross examination are both illegal and improper evidence, and as such should be rejected, without reference to other defects patent therein. This view of such evidence is sustained by the case of Spalding vs. Meade, found in contested elections in Congress from 1789 to 1834, page 158: "The petitioner offered depositions, &c., but as the sitting member was not notified to be present at the taking of those depositions, the Committee were of opinion that they were not admissible evidence."

5. That the common report or rumor, or misunderstanding of voters as to the fixed lines or boundaries of a County or District, cannot control the legal majority within the statutory and legally defined metes and bounds of such County or District. That the principles of correct representation require that the elections of all Counties or Districts be controlled only by the legal voters of said County or District; and if voters by mistake or ignorance go out of their County or District to vote, such persons cannot benefit by their own laches or ignorance of the law defining the limits of their proper County or District. This view is sustained in the case of Porterfield vs. McCoy, same work, pages 415, 416 and 417, and further extended in the case of Draper vs. Johnston, idem, pages 703 and 704.

6. The certified map of John M. Irwin, who was proven to be an expert and a competent practical surveyor, sustained also by personal and other evidence before the Committee, proves conclusively and satisfactorily that the precinct of Baldwin is in the County of Nassau, and not in the County of Duval, or within the said 16th District.

7. Referring to the certified returns of said election, it satisfactorily and clearly appears that if the said precinct of Baldwin is not in Duval County and within said 16th District, the present incumbent, John Broward, is elected over his opponent, A. S. Baldwin, by a majority of three votes.

8. Your Committee therefore, recommend that Col. John Broward be declared the duly elected Senator from the said 16th Dis

trict, by a majority of the voters of Duval County proper, and as such is entitled to hold and retain his seat in this Senate.

PHILIP DELL, Chairman,
J. McROBERT BAKER,
of Committee on Elections.

The undersigned members of the Committee on Elections, to whom was referred the matter of contest between the applicants for the seat in this body for the Sixteenth-Senatorial District,

REPORT:

That the memorial and evidence presented by the claimants for this seat have been carefully examined by the Committee, and the undersigned find that the returns made by the Judge of Probate of Duval county, gives Dr. A. S. Baldwin a majority of sixteen votes, and that Col. John Broward has himself recognized Dr. Baldwin's right to the seat, by having served upon him a notice that he would contest his seat in the Senate. These facts show that Dr. Baldwin ought now to be in possession of the seat to which Col. Broward has been admitted, as it now appears without having presented any legal attested claim thereto.

Unless incontestible evidence is presented to invalidate these returns, Dr. Baldwin's right to the seat is beyond dispute, and the undersigned are clearly of the opinion that no such proof has been adduced. An attempt has been made to show that the precinct of Baldwin, which gave Dr. Baldwin twenty five votes, and Col. Broward six votes, was not in Duval but in Nassau county, and by throwing this out Col. Broward would have a majority of three votes.

To do this, reference is made to an Act passed at the last session of the Legislature, entitled an Act to define the boundry line between Duval and Nassau counties, which reads as follows:

SECTION 1. *Be it enacted, &c.*, That the head waters of Thomas' Swamp in the Act defining the boundary line between Duval and Nassau counties, shall be taken to be the South West corner of Township 1, North of Range 25 East, and the said boundary line shall extend thence to the South West corner of Township 2 of Range 24 East, then along the boundary line between Township 2 and 3, South of Range 23, East to the point of intersection with the most Eastern branch of Big Creek, thence along said creek to the St. Mary's river.

By this law it is contended that Baldwin is placed in Nassau county, and this line by certain rules of construction of the statute, is

operative so far as it connects well defined parts of the boundry lines between the two counties. Let us examine and see if this line can be so located as to clearly define the boundaries between the counties. The place where the line commences is not shown to be on Thomas' Swamp, and in running to the S. W. corner of Township 2 S., Range 24, East, and then running along between Township 2 and 3 South, it cannot strike the Eastern branch of Big Creek as required by law, for the Eastermost branch of said creek is some miles North of a line running between these two Townships, as is shown by the Land Office maps, which were laid before the Committee for inspection, and represents the Eastermost branch of Big Creek to be what is known as the North Prong.

This line, therefore, is impracticable and cannot be located so as to connect with other well defined boundaries.

The Legislature has given its own construction of the true intent and meaning of this Act in the second section, where it is further enacted, &c., that nothing herein contained shall be so construed as to alter the original lines of the county of Duval; and that the expense of running said line be borne by Nassau county.

There may be rules of construction to laws where different sections are conflicting, in certain cases, but where the Legislature takes upon itself to put a construction upon the law, as in this case, and says that no other construction shall be given, that construction cannot be set aside. Its construction of the law is as binding and imperative as is any other part of the law. This construction of the Legislature, in the opinion of the undersigned, is conclusive on this point, as to the true meaning and intent of the Act in question.

Let us then see if the original lines of Duval County would be altered by this law, provided it had any force. In Thompson's Digest, chapter 5, section 7, defining the original boundaries of Duval county, the line between the two counties is represented as commencing at a point on the St. Mary's river, due West from the head of Thomas' Swamp, thence down said swamp to Thomas' Creek, down said creek to Nassau river, &c. This is a different line from the one in the Act of 1856. In Sect. 9th of the same chapter bounding Nassau county, the boundary between the two counties is described as commencing at the mouth of Nassau River, running up said river to Thomas' Creek, thence up said creek to the head of Thomas' Swamp, thence in a direct line to the head waters of Big Creek, thence down said creek to St. Mary's River. This line differs from the other, and also, from that defined in the Act of 1856, first section. This law is inoperative by the construction given it by the Legislature in the second section, for it alters the original line of Duval county, whether we consider the boundary line as the one described in either section 7th or 9th.

From the evidence produced before the Committee, it is clear that the line from the head waters of Thomas' Swamp to the head waters of Big Creek does not throw Baldwin into Nassau county, for there are two branches of Big Creek, and are known as North and South prongs; and the line from Thomas' Swamp to the head waters of the North prong of Big Creek, conforms in spirit as well as in letter to the law, and this, at the same time is the line recognized by both Duval and Nassau counties, and leaves the precinct of Baldwin in Duval county. And your Committee believe that the communities situated as are those most interested in the law, are the most likely to give it the correct interpretation, and it is very certain that there has been no disposition on the part of any one to change the recognized boundary lines between those counties previous to the late election. To prove that the South prong of Big Creek is intended to be the point to which these boundary lines are to run, a map is introduced by Col. Broward purporting to be made by one John M. Irwin, on which is delineated Townships, Sections, two Railroads crossing each other with the town of Baldwin at the point of intersection, with a creek and extensive swamp or bay at its head, South of Baldwin, with certain road lines drawn from different points of this swamp to what is represented on another part of the map as the head of Thomas' Swamp; but this map on which so much importance is placed, as being the result of a survey for the express purpose of determining the merits of this contest, ignores the existence of the North prong of Big Creek, which had all along been considered as the point to which the boundary line run, and although the Township and Section in which this prong and its head waters are embraced, are laid down on this map, yet the creek itself is not delineated. The Senate will bear in mind also, that an attempt is here made by this map to establish an original boundary line of Duval county, differing from the one defined in the Act of 1856, and if established, would prove the Act itself inoperative as provided in the 2d Section thereof.

The undersigned maintains that this map is incorrect, inasmuch as it does not set-forth a full and true statement of the facts necessary to settle this controversy consistent with justice to the parties in the contest. This is proved by a reference to the Land Office maps, and by competent witnesses who have examined the district alluded to.— This map and the testimony accompanying it should, in the opinion of your Committee, be received with distrust, as not presenting a full and true exposition of the facts necessary to determine this case. Your Committee would also call the attention of the Senate to the last clause of the Act of 1856, which provides that the expense of running said line, be borne by Nassau county.

The Legislature, it is evident, intended that Nassau should run this line before the law could have any force or effect, and no proof has

been presented to the Committee showing that this condition has been complied with, and for this reason, if no other, the law of 1856 is inoperative. Your Committee maintains that there is ample evidence to prove that Baldwin is a precinct of Duval county, legally constituted, and that the voters at said precinct voted in good faith, believing that they were citizens of Duval county, and there is no evidence to create the least suspicion of fraud, and they have a right to have their votes canvassed, as much so as any other precinct in Duval or any other county of this State; and grant for the sake of argument that Baldwin is in Nassau county, it has been proved by affidavits and other testimony, that Dr. Baldwin received a majority of votes from legal voters and acknowledged citizens of Duval county. These affidavits, however, are objected to because they were taken by a Justice of the Peace, and not before the Judge of Probates. But this Justice was brought before the Judge of Probates and testified under oath before the Judge of Probate that those men who were citizens of Duval county swore that they had voted for Dr. A. S. Baldwin, and if the attorney of Col. Broward objected to this kind of evidence he waived his objection by cross examining this witness and had ample time to take the testimony of the voters who voted for Col. Broward if he had chosen to do so. The objection to these witnesses upon the ground that no opportunity was given for cross examination cannot be urged with any degree of fairness because most of Col. Broward's testimony was taken during Dr. Baldwin's absence, who had no opportunity to cross examine his witnesses.— From the evidence before the committee it appears that the corporate authorities of both Nassau and Duval counties have recognized the same line as the boundary between the two counties, and that line must be the one running from the head waters of Thomas' Swamp to the head waters of the north prong of Big Creek as the one described in the original act bounding Nassau county, which boundary left Baldwin in Duval county. And it is also evident that that those who knew of the existence of the law of 1856, believe it to be in operation and that it had no force in determining the boundary line, for within that time the town of Baldwin has sprung up and the committee have had before them a blank deed got up to give titles to lots sold at Baldwin, which was dated at Baldwin, Duval county, which had the signatures of two as astute lawyers as the State affords, and who would be presumed to know the law; those deeds had attached to them the signatures of J. P. Sanderson, President of the Florida Central Railroad, and of Geo. W. Call, Secretary of the Florida Railroad. In view of these facts, your committee can come to no other conclusion than that they considered Baldwin in Duval county. Since the act of 1856 no other conclusion than this could be arrived at consistent with the integrity of the parties who proposed to give good titles to lots sold by them at Baldwin.

In conclusion, it is the belief of the undersigned that Col. John Broward has failed to substantiate his claim to his seat, and that Dr. A. S. Baldwin has satisfactorily and fully substantiated his right to the seat.

The undersigned herewith beg leave to refer back to the Senate all the testimony laid before the committee, and ask that the case may be referred to a Committee of the Whole, and that both contestants for the seat may be allowed to appear in person or by counsel to advocate their respective claims to the seat.

Respectfully submitted,

A. W. NICHOLSON,
GEO. D. FISHER.
From Committee on Elections.

The undersigned from the Committee on Elections to whom was referred the contested elections from Duval county, 16th Senatorial District,

REPORT:

That if the votes cast at a place called Baldwin are counted, Dr. A. S. Baldwin has a majority of 16 votes, if those votes are not counted, Col. John Broward has a majority of three votes. That whether these votes are to be counted or not depends in the first instance upon the act passed two years since, entitled "an Act to define the boundary line between Duval and Nassau counties." By said Act Baldwin is in Nassau county, and two miles West of the Duval boundary; but the Act contains another section which provides that nothing therein contained shall be construed to alter the original boundary of Duval county.

By a well known rule for the construction of all statutes, this statute must be so construed that all parts of it will be operative if possible, and the undersigned is therefore of the opinion that the object and effect of this statute was only to define that portion of the boundary line between Duval and Nassau counties, which previous legislation had left vague and indistinct, and that it is inoperative as far as it alters, if it does alter any portion of the original boundary, which was by previous acts well defined.

This view of the statute drives the undersigned to an enquiry what was the original boundary of Duval county; and on this head the committee have taken an immense amount of conflicting testimony, all of which is reported to the Senate, among the rest, four maps, two presented by Dr. Baldwin, and two by Col. Broward, all of which differ very widely from each other. On turning to previous laws de-

fining this boundary the undersigned is not surprised at this conflict, for he finds in one place (Thompson's Dig., page 11, 57,) the boundary designated as a line from Thomas' swamp, due West to the St. Marys river; and in another, (Thompson's Dig., page 12, 59,) as a line from the head waters of Thomas' swamp to the head waters of Big creek; both these boundaries are designated in the same Act, by the Act of 1828, which is the last and only law previous to 1856, and may with equal propriety be considered as the true boundary, yet their general course is entirely different, the one running Southwest, the other West, and supposing them to have the same starting point on the Thomas swamp, they are nearly 12 miles apart at their termination. Nor is this the only source of confusion and uncertainty; the head waters of Thomas' swamp are very uncertain, while Big creek divides into two prongs heading several miles apart, the northern prong having its origin in a bay which covers an area of five or six miles, any point in whose circumference is the head waters, the other or southern prong of Big creek which is not only the main creek, but the one which is expressly pointed out by another section of the Act of 1828, divides again into two separate heads, and there is much conflict in the testimony as to which is the main head, and consequently the true head waters of Big creek. A careful survey both of Thomas' swamp and of the head waters of Big creek, seems to have been made for the purposes of this contest by Mr. John M. Irwin, an experienced surveyor, and his map and evidence is reported. The undersigned attaches more weight to this evidence because the survey was carefully made with a view to ascertaining these facts, and because the testimony was properly taken in the manner prescribed by law, a sufficient length of time before the meeting of the Legislature to have enabled the party against whom it makes to have caused a re-survey of the localities by a competent person, and exposed any errors or inaccuracies in Mr. Irwin's survey. It will be observed that by Mr. Irwin's map any line from the head of Thomas' swamp to the head waters of Big creek would place Baldwin in Nassau county.

The undersigned then, is of opinion that from Thomas' swamp to Big creek, the original boundary of Duval, was never defined until the act of 1856, and that consequently the act defining the boundary between these points does not alter any part of the original boundary, but only establishes that which did not before exist, thus putting Baldwin in Nassau county.

The presumption of law is that those who voted at Baldwin are residents of Baldwin until the contrary is shown.

To do this, Dr. Baldwin has offered nine affidavits, which are objected to by Col. Broward because they were not taken in accordance with law, and he had no opportunity of cross examining the witnesses. The undersigned sustains this objection, and does it the

more cheerfully because the affidavits are themselves defective. None of the parties state themselves to be twenty-one years of age, or citizens of the United States, which facts were necessary to constitute them legal voters. One of them does not state how far he lives from Baldwin, but only states the course and may have been within a half mile. Several of them have signed a petition describing themselves as residents at Baldwin, and other defects appear on the face of the affidavits which shew the propriety of adhering to the law in this case, and excluding the affidavits for the want of due opportunity to cross-examine the witnesses. Another reason for adhering to this rule is, that Col. Broward received six votes at Baldwin; if he had been notified that affidavits of this description were to be taken, he might have been able to obtain the affidavits of his six voters, that they too were residents of Duval, which would if the whole fifteen votes were counted have made a tie vote. These affidavits and some other testimony which were also objected to are reported to the Senate. While the undersigned is therefore clearly of the opinion that Baldwin is and was in Nassau county, he is equally well satisfied that such was not the public opinion, and that all its residents as well as the officers of the two counties, believed it to be in Duval county, they can only account for this error from the fact that the town itself, being at the junction of two railroads, has sprung into existence within the last two years, and that previous to that time the surrounding country was almost entirely unsettled, there being but two settlements in the vicinity, neither of which was permanently occupied; no attention therefore, had probably been called to the true location of the place.

The undersigned however, does not attach any importance to this opinion, the right of the residents of Baldwin, to vote in a Duval County election, depending not upon the fact, they suffered themselves to be residents of Duval, but the fact that they actually were such residents. The opinion having its origin as it did in this case, solely in an ignorance of the existence of the act of 1856.

The undersigned therefore recommend the adoption of the following resolution:

Resolved, That Dr. A. S. Baldwin has failed to show that he is entitled to a seat in this body as Senator from the 16th Senatorial District.

GEO. W. CALL,
from Committee on Elections.

Which were received and read.

Mr. Call offered the following resolution:

Resolved, That the several reports from the Committee on Elections do lie on the table, and that the two contestants from the Sixteenth Senatorial District, be admitted to the bar of the Senate on

Wednesday next, at 11, A. M., either in person or by counsel, and argue their several claims.

Which resolution was adopted.

On motion, it was ordered that eighty copies of the several reports submitted by the Committee on Elections, be printed for the use of the Senate.

The Committee on Engrossed bills made the following report:

The Committee on Engrossed bills beg leave to report the following bill as properly Engrossed, viz:

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

Respectfully submitted,

A. W. NICHOLSON,

Acting Chairman Committee on Engrossed Bills.

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

The Committee on Taxation and Revenue made the following report:

Mr. President:

Sir: The Committee on Taxation and Revenue, to whom was referred a resolution to provide for the payment of scrip issued for interest due on scrip issued under an Act to provide for the payment of Captains Sparkman's, Parker's, and other volunteer companies, for service in the year 1849, approved January 7, 1853, have had the same under consideration, and have instructed me, their chairman, to make the following report, viz:

That, as the Legislature by a resolution passed in 1855, authorized the Comptroller to issue certificates of interest due on the original scrip, issued under an Act to provide for the payment of Captains Sparkman's, Parker's, and other volunteer companies, and that thereby, the State incurred a new debt to the holders of these certificates, upon which interest is justly due; your Committee, therefore, feel constrained to recommend the adoption of the resolution which provides for the payment of that interest—suggesting however, that, in order to avoid ambiguity, the word certificate be substituted for the word scrip, where it first occurs in the first section of the resolution. And your Committee deem this a fit occasion, respectfully to suggest to the Senate, that some means be taken by this Legislature to remind our delegation in Congress that there is a claim of this State before Congress for the amount of this debt for interest, which we are called upon to liquidate, and to request that they strenuously urge upon that body the payment of the same.

Respectfully submitted,

G. E. HAWES,

Chairman Committee on Taxation and Revenue.

On motion of Mr. Eppes, the report was received and the amendments recommended adopted.

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

The Committee on Federal Relations made the following report:

The Committee on Federal Relations to whom was referred the "Resolution in relation to Timber lands reserved by the General Government;"

REPORT :

That they have enquired into the occasion for such a resolution and recommend its passage.

GEO. W. CALL,
Chairman Com. Fed. Relations.

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

Mr. Welch by consent of the Senate offered the following amendment to the joint resolution, appointing a day for the election of a Clerk of the Supreme Court, viz :

After the words "joint assembly" insert "Thursday the 16th inst." in lieu of "Tuesday the 14th inst." Also after the words "Supreme Court" insert the words "and of Comptroller and Treasurer of this State."

Mr. Keitt offered the following amendment to the amendment offered by Mr. Welch :

That the words "Thursday the 16th inst and Tuesday 14th inst," be stricken out and the words "Monday the 20th inst." be inserted.

Which amendment was adopted.

The Committee on Enrolled bills made the following report :

The Committee on Enrolled bills report the following bill as correctly enrolled :

An Act to create and organize the Counties of Suwanee and New River.

Respectfully submitted,

ISAAC WELCH,
From Committee on Enrolled Bills.

Mr. McCall moved that the bill to be entitled an Act to create the Counties of Suwanee and New River, be amended by inserting in the blanks in said engrossed bill the following : in Sec. 13, line 11 in lieu of the word "nor" insert "now," and in Sec. 16, 16th line insert the word "six," and in Sec. 17, 9th line insert the word "fund," and that said engrossed bill be so corrected, and the same be re-enrolled to correspond with said amendment.

Which motion was adopted.

ORDERS OF THE DAY.

A bill to be entitled an Act for the protection of public property ;
Came up on its third reading.

On motion of Mr. Dell, it was placed back upon its second reading, and referred back to the Committee on Engrossed bills to be correctly engrossed.

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

An Act to authorize Richard M. White to contract and be contracted with ;

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

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

House bill to be entitled an Act to empower William Hentz, a minor, to assume the management of his own estate ;

A bill to be entitled an Act to provide for the payment of Constables' fees for summoning juries of inquest, and attendance on the same ;

An Act to be entitled an Act relative to suffering a slave to trade as free, passed February 10th, 1832 ; and

House Resolution for the relief of Washington Rogers.

Resolution asking that the Apalachicola Arsenal be made an Arsenal of construction ;

Came up on its second reading ;

On motion, it was passed over informally, and placed among the orders for to-morrow.

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 establishing more certainly the validity of Tax deeds ;

Came up on its second reading ;

On motion, it was ordered to be engrossed as amended, for a third reading on to-morrow.

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

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

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

Nays—None.

So the bill passed—title as stated.

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

House resolution in relation to timber lands reserved by the General Government;

Was read a third time, and put upon its passage;

Upon which the vote was:

Yeas—Mr. President, Messrs. Baker, Call, Dawkins, Dell, Duncan, Eubanks, Fisher, Jones, Keitt, McCall, McQueen, Nicholson, Walker and Welch—15.

Nays—none.

So the resolution 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.

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TUESDAY, December 14th, 1858.

Senate met pursuant to adjournment.

A quorum present.

The Rev. Dr. Dubose officiated as Chaplain.

The Journal of yesterday was read, amended and adopted.

The following bill and resolution passed by the Senate, were transmitted to the House of Representatives, viz:

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

House resolution in relation to timber lands reserved by the General Government.

On motion of Mr. Fisher, the bill to be entitled an Act to authorize the Mayor and Aldermen of the Town of Milton to elect a public weigher of cotton, was taken from the table and placed among the orders of the day for to-day.

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

By Mr. Walker:

A bill to be entitled an Act to consolidate the offices of Sheriff and Tax Assessor and Collector, and the offices of Judge of Probate and Clerk of the Circuit Court, in Wakulla county.

By Mr. Nicholson:

A bill to be entitled an Act more fully defining the duties of officers for the city of Pensacola;

A bill to be entitled an Act for the relief of J. C. Crosby, late Sheriff of Escambia county;

A bill to be entitled an Act to amend an Act entitled an Act to amend an Act to authorize Judges of Probate of the several counties in this State, to appoint guardians for free negroes, approved Dec. 23, 1856; and

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, approved Dec. 23d, 1856.

Pursuant to previous notice, the following bills were introduced and placed among the orders of the day, viz:

By Mr. Call:

A bill to be entitled an Act providing a charter for the City of Fernandina.

By Mr. Jones:

A bill to be entitled an Act to declare O'Neal's Spring in Washington county navigable.

The Judiciary Committee made the following report:

The Judiciary Committee to whom was referred a bill to be entitled an Act to repeal an Act entitled an Act relative to Depositions taken under commission, approved January 11, 1855, and for other purposes, beg leave to

REPORT:

That your Committee approve the said bill and recommend its passage. It is simply to repeal the act of January 11, 1855, which required the affidavit of commissioners to be *endorsed* upon the commission, and also so much of our laws on the subject requiring "seals" to be affixed to the names of commissioners. Believing such requirements to be productive of delay and expense, and in no way facilitating the administration of justice, your committee recommend the passage of said bill repealing the same.

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

Also the following:

Mr. Eppes made the following report:

The Judiciary Committee to whom was referred 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, have instructed the undersigned to

REPORT:

That in the opinion of your committee, said bill is more objectionable than the Act it seeks to repeal. The second and third sec-