

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.

—o—
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-

tions of said bill are less stringent than the act now in force on said subject, while the fourth section of the act referred is obnoxious as tending to place on a footing of equality or of competition slave labor with white labor, and your committee not approving such policy, nor recognizing its justice, would recommend that said bill do not pass.

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

Also the following :

Mr. Eppes from the Judiciary Committee made the following report :

The Judiciary Committee to whom was referred a bill to be entitled an Act to amend an Act entitled an Act to organize the Supreme Court of the State of Florida, approved January 11, 1851, beg leave to

REPORT:

That they have carefully examined the same, and not approving the terms of said Court as named in said act, they have instructed the undersigned to report the enclosed bill as a substitute for the one referred :

The substitute provides for two terms of said Court to be held annually at Tallahassee, in the months of January and July, and believing such a change most beneficial to the State and the parties litigant in said Court, they respectfully recommend the passage of said substitute, in lieu of the original bill referred.

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

Also the following :

Mr. Eppes from the Judiciary Committee, made the following report :

The Judiciary Committee to whom was referred the bill to be entitled "an Act to regulate the order of calling the dockets and trial of causes in the Circuit Courts of this State,"

REPORT:

That the object of the bill is two-fold: 1st, to give every suitor in Court, who is ready for trial an opportunity to have his case disposed of, whether the same is upon the trial docket, Sheriff's report docket, or appeal and certiarari docket, before a second opportunity is extended to those who were not ready at the first opportunity. 2d, To require the Solicitors to be ready with the State business, when called in its order, and deprive them of the power now sometimes allowed them by the Courts of keeping State witnesses in attendance

on the entire term, to the great increase of costs, and the expense of criminal prosecutions. Both these objects are proper ones, but your committee have found some objections to the details of the bill submitted, and therefore report the accompanying substitute and recommend its passage.

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 amendatory of the existing Acts as to garnishments in this State,

REPORT:

That they approve said bill and recommend its passage. Your Committee however, would suggest the following amendments :

In 12th line, between the words "manner," and "as," insert the words "and subject to the same restrictions;" and to Sec. 1st, add the following proviso, to-wit: "And, provided further, that all garnishees under this act shall have the same right and privilege of answering the same as now provided by law, and being discharged by the judgment of the Court upon such answer."

With these amendments, they recommend that said bill do pass.

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 fix definitely constable sale days in this State,

REPORT:

That they approve said bill, and instruct the undersigned to report said bill back and recommend its passage.

Respectfully submitted,

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

Which reports were read and adopted, and on motion of Mr. Hawes, the accompanying bills recommended as substitutes were accepted as such and placed among the orders of the day.

The Committee on Corporations made the following report :

The Committee on Corporations, to whom was referred "an Act to incorporate the city of Alligator Florida," have had the same under consideration, and have instructed the undersigned to report the said bill as amended by addition of the word "council" after

the word "city" on the 6th page, back to the Senate and recommend its passage.

Respectfully submitted,

J. McR. BAKER,

Chairman Committee on Corporations.

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

The Committee on Engrossed bills made the following report which was read, and the accompanying bill placed among the orders of the day:

The Committee on Engrossed Bills, beg leave to Report the following bills as correctly engrossed, viz:

A bill to be entitled an Act to define and fix the duties of Sheriff's and Tax Collector's in this State, in the sale of lands, and establish more certainly the validity of Tax Deeds;

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

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

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

Respectfully submitted,

A. W. NICHOLSON,

Acting Chairman Committee on Engrossed Bill.

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

HOUSE OF REPRESENTATIVES, }
Dec. 13th, 1858. }

HON. JOHN FINLAYSON,

President of the Senate:

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

Senate bill to be entitled an Act to organize the County of Liberty, with the following amendments: In Section 6, after the words "Middle Judicial Circuit" add the words "and that the Judge of said Circuit shall hold Court in said County at the time and place now prescribed by law." Also with the following additional section to the bill:

Be it further enacted, That from and after the passage of this Act, the County of Liberty shall be entitled to one Representative in the General Assembly.

Resolution for the relief of the securities of Robert Clark.

Very Respectfully,

R. B. HILTON,

Clerk House Representatives.

Ordered that the Senate bills be enrolled, and the House bills be placed among the orders of the day.

ORDERS OF THE DAY.

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

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

A bill to be entitled an Act to declare O'Neal's Spring in Washington County, navigable; and

House resolution for the relief of the securities of Robert Clark;

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

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

An Act to incorporate the city of Alligator Florida;

Was read a second time.

Mr. McCall offered the following amendment:

That in every case in which the name "Alligator" appears, either in the title or body of said bill, the name "Lake City" be substituted;

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

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

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

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

Was read a second time, and referred to the Committee on Propositions and Grievances.

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

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;

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 Dec. 27th, 1856;

An Act to amend an Act, entitled an Act, to organize the Supreme Court of the State of Florida, approved January 11th, 1851;

A bill to be entitled an Act to regulate the order of calling the dockets and trial of causes in the Circuit Courts in this State;

A bill to be entitled an Act to fix definitely Constable sale days in this State;

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 read a second time, amended and ordered to be engrossed as amended, for a third reading on to-morrow;

A bill to be entitled an Act amendatory of the existing Acts, as to garnishment in this State;

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

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

Mr. Baker by consent of the Senate, offered the following amendment:

And to the 3rd Section "subject to the use and control of the Supreme Court as said Court may direct.

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

On motion the rules were waived, and a Select Committee allowed to make reports.

Mr. Dawkins from the Select Committee made the following report:

The Select Committee, to whom was referred a joint-resolution for the relief of John H. Keadle, asks leave to

REPORT:

That they have had the same under consideration, and have consulted the Att'y. Gen. as to whether in his judgement, the State is now bound for the payment of the Territorial warrants upon which the resolution is based, and as he kindly favored your committee with his written opinion, we append it to this report and commend it to the favorable consideration of the Senate. Your Committee is of the opinion that should the State assume or authorize the payment of said warrants, it would virtually be assuming the payment of an enormous amount, founded on similar claims, means for the relief of which, seems to be barred by a constitutional provision.

Your Committee recommend that the resolution do not pass.

Respectfully submitted,

D. C. DAWKINS,
Chairman Select Committee.

ATTORNEY GENERAL'S OPINION.

ATTORNEY GENERAL'S OFFICE,
Tallahassee, December 13, 1858. }

Hon. D. C. DAWKINS,
Chairman Select Committee of the Senate:

Sir: I have received your letter of this date, in which you enclose a Territorial Treasury Warrant, and ask if in my judgement the State is now bound for the payment of the same.

There has been, so far as I have been able to discover, no law of the State assuming the payment of these Territorial Treasury Warrants. By the Act to organize the Comptrollers Office, approved July 17, 1845, and again by resolutions making additional allowances to the Secretary of State and Comptroller, approved 27th Dec. 1845, the Comptroller was instructed to collect all debts, dues and demands of the Territory of Florida. Whether the General Assembly intended if any thing was collected, to appropriate the same to the payment of the Territorial debts, and in the event of a failure to leave the debts unprovided, is a question I cannot undertake to decide. Certainly there was no assumption of the debts. The question whether the State is morally bound, is one which addresses itself to the sense of justice of the General Assembly. But in such a case, there arises the question whether under the second clause of the eighth article of the Constitution, the General Assembly may exert the power of raising money to pay these debts. The clause referred to, provides that "no other or greater amount of tax or revenue shall at any time be levied than may be required for the necessary expenses of Government." I am inclined to the opinion that this provision is in the way of your favorable action.

Very respectfully, &c.,

M. D. PAPY.

The Committee on Enrolled bills made the following report:

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

A bill to be entitled an Act amending the charter of the city of Pensacola, for the purpose of extending the powers of the city to aid in the construction of the Alabama and Florida Railroad in Florida;

A bill to be entitled an Act to repeal an Act, to repeal the first Section of an Act to secure the better execution of the patrol law;

A bill to be entitled an Act more definitely defining the boundary line between the Counties of Lafayette and Taylor;

Joint resolution in relation to fractional sections on the State line;

A bill to be entitled an Act prescribing the manner of making re-

turns of elections for electors of President and Vice President of the United States.

Respectfully submitted,
ISAAC WELCH,
 Acting Chm'n Com. on Enrolled Bills.

Ordered that the accompanying bills be transmitted to the Governor.

Joint Resolution for the relief of John H. Keadle, of Gadsden county;

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

A bill to be entitled an Act providing a charter for the city of Pensacola;

Was read the first time, rules waived, read a second time by its title, and referred to the Committee on Corporations.

An Act to amend an Act to organize the county of Liberty;

Was passed over informally.

The following bills and resolution were read a third time, and put upon their passage:

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

Upon which the vote was:

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

Nays—Messrs. Duncan and Jones—2.

So the bill passed—title as stated.

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

House resolution for the relief of Washington Rogers;

Upon which the vote was:

Yeas—Mr. President, Messrs. Baker, Broward, Call, Dawkins, Duncan, Eubanks, Fisher, Hawes, Jones, Keitt, Lamar, McCall, McQueen, Nicholson, Walker and Welch—17.

Nay—Mr. Dell—1.

So the resolution passed—title as stated.

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

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

Upon which the vote was:

Yeas—Mr. President, Messrs. Broward, Call, Dawkins, Dell, Duncan, Eppes, Fisher, Hawes, Jones, Keitt, Lamar, McQueen, Nicholson, Walker and Welch—16.

Nay—Mr. Eubanks—1.

So, the bill passed—title as stated.

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

Resolution to provide for the payment of certificates 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;

Upon which the vote was:

Yeas—Messrs. Baker, Broward, Call, Dawkins, Dell, Duncan, Eppes, Eubanks, Fisher, Hawes, Jones, Keitt, McQueen, Nicholson, Walker and Welch—16.

Nay—Mr. Lamar—1.

So the resolution passed—title as stated.

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

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;

Upon which the vote was:

Yeas—Mr. President, Messrs. Baker, Broward, Call, Dawkins, Dell, Duncan, Eppes, Eubanks, Fisher, Hawes, Jones, Keitt, Lamar, 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.

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

—o—
 WEDNESDAY, December 15th, 1853.

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

House resolution for the relief of Washington Rogers;