

House bill to be entitled an Act for the relief of Tido S. Lotunan, of Santa Rosa County ;

House bill to be entitled an Act to remove in part, obstructions to commerce at the port of Key West ;

House Resolution asking Congress to make an appropriation to keep in repair the old Spanish Fort at St. Augustine, known as Fort Marion.

Very Respectfully,

R. B. HILTON,  
Clerk House Representatives.

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

#### ORDERS OF THE DAY.

The subject of the contested election of Senator from the 16th Senatorial District, having been made the special order of the day for to-day was taken up ;

When on motion, the Senate went into Committee of the Whole for the consideration of the same—Mr Hawes in the Chair.

The Committee rose and through their Chairman reported progress and asked leave to sit again.

Senate bill to be entitled an Act to amend an Act to organize the county of Liberty.

The House amendments to this bill were read.

Mr. Call moved that the Attorney General's opinion be requested on the constitutionality of the bill and its amendments ;

Which motion was lost.

Upon the question of the adoption of the House amendments, the vote was :

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

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

So the amendment was adopted.

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

Mr. Eppes moved that the matter of the contested Senatorial election for the 16th District be made the special order for this evening ;

Which was adopted.

On motion the Senate took a recess until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate resumed its session.

A quorum present.

Contested election from the 16th Senatorial District was taken up, when the Senate went into Committee of the Whole—Dr. Hawes in the chair.

After some time spent therein, the Committee rose, and by their Chairman, reported the following resolutions, and asked to be discharged.

WHEREAS, In the matter of the contested election from the 16th Senatorial District of this State, the Senate are unable to decide between Col. John Broward and Dr. A. S. Baldwin, claiming as Senators elect from the said District, inasmuch as it is a matter of doubt whether or not Baldwin precinct is within the limits of said District ; Therefore,

1. *Resolved*, That in Duval County, comprising the 16th Senatorial District, there has been no valid election for Senator.

2. *Resolved*, That a new election for Senator is hereby ordered to be held in the said District.

3. *Resolved*, That the Inspectors of said election be, and they are hereby required to reject all votes as illegal, deposited by persons residing out side of Duval county, as defined in "an Act to define the boundary line between Duval and Nassau counties," approved January 2, 1857.

Upon the question of the adoption of the resolutions reported by the Committee of the Whole, the yeas and nays were called for by Messrs. Baker and Call ;

Which were as follows :

Yeas—Mr. President, Messrs. Dawkins, Duncan, Eppes, Eubanks, Fisher, Hawes, Jones, Keitt, Lamar, McCall, McElvy, McQueen, Walker and Welch—15.

Nays—Messrs. Baker, Call and Dell—3.

So the resolutions were adopted.

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

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THURSDAY, December 16th, 1858.

The Senate met pursuant to adjournment.

A quorum present.

The Rev. Dr. Dubose officiated as Chaplain.

The Journal of yesterday was read and approved.

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

By Mr. Call :

A bill to be entitled an Act for the relief of those counties which have or may hereafter subscribe for stock in the several Railroads in this State.

On motion, the rules were waived, and Mr. McCall allowed to introduce without previous notice

A bill to be entitled an Act to change the name of the county site of Columbia County from Alligator to Lake City.

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

By Mr. Dell :

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

By Mr. Eppes :

A bill to be entitled an Act to amend article 3d, sections 14 and 23 of the Constitution of the State of Florida, and article 5th, section 16 of the Constitution of the State of Florida, so as to give the election of Secretary of State, State Treasurer, Comptroller of Public Accounts and of Attorney General of the State to the people.

By Mr. Fisher :

A 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 1st January, 1853.

By Mr. McQueen :

A bill to be entitled an Act to amend the attachment laws in this State.

By Mr. Walker :

A bill to be entitled an Act to incorporate the Georgia & Gulf Railroad Company.

The following message was received from the House of Representatives :

HOUSE OF REPRESENTATIVES, }  
Dec. 15, 1858.

HON. JOHN FINLAYSON,  
President of the Senate :

SIR : The House of Representative have passed the following bills and resolutions :

Senate bill to be entitled an Act to provide for the payment of costs by plaintiffs in certain cases ;

Senate resolution requesting the establishment of a mail route ;

Senate resolution urging the erection of Light-House on St. Mar-

tin's Reef; amended by inserting after the words "Light House," in the 23rd line, the words "or beacons."

House bill to be entitled an Act to provide for the appointment of Weighers of Cotton ;

House resolution for the purchase of a safe for the Comptroller's office ; and

Resolution for the relief of J. C. McArthur.

Very Respectfully,

R. B. HILTON,

Clerk House Representatives.

Which was read.

The accompanying Senate bills were ordered to be enrolled, and the House bills placed among the orders of the day.

A communication from R. Thomassy, Esq., respecting the manufacture of sea salt of an improved method, &c. ;

Was read, and on motion of Mr. Call, referred to the Committee on Militia.

The following message was received from the House of Representatives :

HOUSE OF REPRESENTATIVES, }  
December 15, 1858.

HON. JOHN FINLAYSON,

President of the Senate :

SIR : In response to the request of the Senate I have been requested by the House of Representatives to transmit to you the accompanying petition from citizens of Baldwin.

Very Respectfully,

R. B. HILTON,

Clerk House Representatives.

On motion of Mr. Call, the Senator from Marion county was added to the Committee on Internal Improvements.

On motion of Mr. Baker, the Senator from Wakulla was added to the Committee on Corporations.

A communication was received from the President of the Tallahassee R. R. Co., inviting the Senate to "make an excursion over the Pensacola & Georgia and Tallahassee Railroad on Friday next."

Which invitation was accepted, and the same ordered to be communicated to the President of said Company.

The following report was received from the Committee on Engrossed Bills :

Mr. President :

SIR :—The Committee on Engrossed bills beg leave to report the following bills as correctly engrossed :

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 ;

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

A bill to be entitled an Act to incorporate the city of Lake City, of Florida; and

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

Respectfully submitted,

THOMPSON B. LAMAR,

Chairman Committee on Engrossed Bills.

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

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

The undersigned, a member of the Select Committee, to whom was referred the joint-resolution for the relief of John H. Keadle, differing with the majority of said Committee, respectfully submit a minority

#### REPORT.

It will be observed by the Senate, that the majority of the Committee base their recommendation upon the assumption that "should the State assume or authorize the payment of said Warrants, it would virtually be assuming the payment of an enormous amount of similar claims," and also, upon the opinion of the Attorney General, which is made a part of their report. We urge in reply to the first position, that in all claims presented against us as a State, the question should be, is it just and right to pay them, and not whether there may possibly be other claims of like character. Is it then right and just for the State of Florida to appropriate to herself all fines and escheats, all funds in the Treasury of the Territory, and all obligations in favor of the same, and yet refusing to pay for *expenses* of prosecuting crimes which were incurred by the Territory, and audited and allowed by her Comptroller, and his warrant issued for the same during the few last years of our Territorial Government? We think not. If then a necessary expense incurred by, and a just demand against the Territorial Government, should in equity and good conscience be assumed by the State, such demand becomes one of the "*necessary expenses* of Government," and, therefore, the clause of the Constitution referred to by the Attorney General is not, in our opinion, "in the way of the favorable action," of the Senate upon the resolution.

Respectfully submitted,

L. G. McELVY.

The Committee on Enrolled bills made the following report :

The Committee on Enrolled bills report as correctly Enrolled, the following bills and resolution :

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

A bill to be entitled an Act to make the Sheriffs of the counties of LaFayette and Taylor *ex officio* Tax Assessors and Collectors in their respective counties;

Joint resolution relative to the construction of the Canal between Indian river and St. Johns;

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

Respectfully submitted,

L. G. McELVY,

Chairman.

Mr. Welch from the Committee on Engrossed bill, report the following bill as correctly Engrossed, viz :

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

Respectfully submitted,

ISAAC WELCH,

for Com. on Eng. Bills.

#### ORDERS OF THE DAY.

A bill to be entitled an Act to change the name of the county site of Columbia county from Alligator to Lake city;

Was read the first time.

On motion of Mr. McCall, the rules were waived, the bill read a second and third time by its title, and put upon its passage, upon which the vote was :

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

Nays—None.

So the bill passed—title as stated.

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

A bill to be entitled an Act to incorporate the Georgia & Gulf Railroad Company;

Was on motion, read the first and second times by its title, and referred to the Committee on Corporations;

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

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

Was passed over informally.

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

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

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

Came up on its third reading;

Upon motion, was ordered to be re-engrossed for a third reading on Monday.

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

Was read a second time;

And on motion, was ordered to be engrossed for a third reading on Monday.

An Act to legalize the Will of Christian Spillman, of Santa Rosa County;

Was read the first and second times, and referred to a Select Committee, consisting of Messrs. Fisher, Eppes and Lamar.

An Act to incorporate a company to be called the Alachua and Columbia Rail Road Company;

Was read the first time by its title, and ordered for a second reading on Monday.

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

Was read a third time and put upon its passage;

Upon which the vote was:

Yeas—Mr. President, Messrs. Baker, Call, Dawkins, Duncan, Eppes, Eubanks, Fisher, Hawes, Jones, Keitt, Lamar, McCall, McElvy, McQueen and Walker—16.

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 to regulate the order of calling the Dockets, and trial of causes in the 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, Call, Dawkins, Dell, Duncan, Eppes, Eubanks, Fisher, Hawes, Jones, Keitt, Lamar, McElvy, McQueen and Walker—16.

Nays—none.

So said bill passed—title as stated.

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

Resolution for the relief of John Broward and A. S. Baldwin;

Was read a first time, and on motion, 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, Call, Dawkins, Duncan, Eubank, Fisher, Hawes, Jones, Keitt, McCall, McElvy, Nicholson, Walker and Welch—15.

Nay—Mr. Dell—1.

So said resolution passed—title as stated.

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

Resolution relative to the drainage of the swamp and overflowed lands on the Ochlawaha river;

Was read the first time, and on motion, the rules were waived, read a second time by its title and referred to the committee on Executive Department, and that 80 copies be printed of the same.

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

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

Upon which the vote was:

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

Nays—none.

So said bill passed—title as stated.

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

Mr. Call moved that the Senate do now adjourn until Monday, 11 o'clock, A. M.

Mr. Dell moved to amend said motion by adjourning until January 10th, 1859;

The yeas and nays were called for by Messrs. Call and McCall;

The vote was:

Yeas—Messrs. Dawkins and McCall—2.

Nays—Mr. President, Messrs. Baker, Call, Dell, Duncan, Eppes, Eubanks, Fisher, Hawes, Jones, Keitt, Lamar, McElvy, McQueen, Nicholson and Walker—16.

So said motion was lost.

Mr. Eppes moved that the Senate do now adjourn until Monday morning, 11 o'clock;

The yeas and nays were called for by Messrs. McCall and Dell;

Upon which the vote was:

Yeas—Mr. President, Messrs. Baker, Eppes, Hawes and Jones—5.

Nays—Messrs. Call, Dawkins, Dell, Duncan, Eubanks, Fisher, Keitt, McCall, McElvy, McQueen, Nicholson and Walker—12.

So said motion was lost.

On motion, the Senate adjourned until Monday morning, 10 o'clock.