

Nays—Messrs. Call and Hawes—2.

So said bill was indefinitely postponed.

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

Was read a third time and put upon its passage ;

Upon which the vote was :

Yeas—Mr. President, Messrs. Baker, Call, Eubanks, Hawes, Keitt, McElvy, McQueen, Nicholson, Walker and Welch—11.

Nays—Messrs. Dell, Duncan and Fisher—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 entitled an Act to organize the Supreme Court of the State of Florida, approved January 11, 1851 ;

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

Yeas—Mr. President, Messrs. Baker, Call, Eubanks and Hawes—

5. Nays—Messrs. Dell, Duncan, Fisher, Keitt, McElvy, McQueen, Nicholson and Walker—8.

So said bill was lost.

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

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

Yeas—Messrs. Call, McElvy, Walker and Welch—4.

Nays—Mr. President, Messrs. Dawkins, Dell, Eppes, Eubanks, Fisher, Hawes, Keitt, McQueen and Nicholson—10.

So said resolution was lost.

House bill to be entitled an Act to amend an Act to secure the payment of Magistrates' and other officers' fees in criminal prosecutions, not now provided for by law ;

Was read a second time, and

On motion, the rules be waived to read the bill a third time by its title ;

Which was objected to.

The yeas and nays were called for by Messrs. Call and Dell, and were :

Yeas—Mr. President, Messrs. Baker, Dell, Duncan, Fisher, McElvy, Nicholson, Walker and Welch—9.

Nays—Messrs. Call, Eppes, Eubanks, Hawes and Keitt—5.

So said motion was adopted ;

And the bill ordered for a third reading on to-morrow.

House bill to be entitled an Act explanatory of an Act to organize the County of Volusia, approved Dec. 29th, 1854 ;

Was read a third time and put upon its passage ;

Upon which the vote was :

Yeas—Mr. President, Messrs. Baker, Call, Dell, Duncan, Eppes, Eubanks, Fisher, Hawes, Keitt, McElvy, McQueen, Nicholson, Walker 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 to-morrow morning, 10 o'clock.

—o—

WEDNESDAY, December 22d, 1858.

Senate met pursuant to adjournment.

A quorum present.

The Rev. Dr. Dubose officiated as Chaplain.

The Journal of yesterday was read and approved.

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 appointing Prosecuting Attorneys for the State in certain cases, and to amend an Act approved 11th Dec., 1855, entitled an Act to change the mode of compensation to the several Solicitors and prosecuting Attorneys in this State.

By Mr. Call :

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

By Mr. Duncan :

A bill to be entitled an Act to amend the existing laws in relation to criminal prosecutions in this State.

Mr. Dell introduced a resolution in relation to Isaac Welch and others.

Mr. Eubanks presented the petition of Joshua Stafford ;

Which was read and referred to the Judiciary Committee.

Mr. Eppes made the following report :

The Judiciary Committee to whom was referred a bill to be entitled an Act in relation to and amendatory of the several acts concerning Pleading and Practice in Civil and Criminal cases ;

REPORT :

They have carefully examined said bill with a view if possible, to favor the changes suggested, if the same were demanded to facilitate justice in the administration of our laws. It is the opinion, however, of your Committee that so radical a change would result injuriously, and encumber, instead of simplifying the proceedings to which it refers. The practice of our Courts is now well settled and generally understood; and simplified as it is by what are termed the "New Rules" your Committee are unwilling to recommend the adoption of a system, which, to say the least of it, would not better secure the rights of suitors than the practice now recognized and in force.

Whatever may be the objections to our present forms and rules of practice, they have, nevertheless, the recommendation of being based upon certain and well defined principles, which have stood the test of long trial and experience, and your Committee are unwilling to favor a change which is urged merely upon slight and merely formal reasons.

For these reasons, and believing that confusion would result from such a change, your committee recommend that said bill do not pass.

Respectfully submitted,

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

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

Mr. Call made the following report :

The undersigned from the Judiciary Committee, to whom was referred a bill to be entitled an Act in addition to, and amendatory of the several Acts concerning pleading and practicing in civil and criminal cases,

REPORT :

That he is in favor of the passage of the said bill for the reasons stated in the preamble thereof—all of which he believes to be true, and he therefore, recommend its passage.

GEO. W. CALL,
From Judiciary Committee.

Which was read.

Also, the following :

The Committee on the Judiciary, to whom was referred the Act to define the liability of endorsers of promissory notes, and other instruments of writing, and to place them on the same footing as securities,

REPORT :

That the passage of the bill would, in many instances, save costs and avoid the necessity for a multiplicity of suits; they, therefore, recommend its passage.

GEO. CALL,
From Com. on Judiciary.

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

Mr. Keitt made the following report :

The Committee on the Executive Department, to whom was referred an Act to authorize Silas Jernigan to establish a Ferry across Black Water River, in the town of Milton, ask leave to

REPORT :

That, by an Act of the Legislature, the County Commissioners have the power to extend the charters for ferries in their respective counties, and that legislation, when the ferry is located within any county entirely, is unnecessary—the County Commissioners having full power. The Committee, therefore, respectfully report the Act back to the Senate.

W. J. KEITT,
Chairman.

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

Mr. Fisher made the following report :

The Select Committee to whom was referred a bill to be entitled an Act to amend the road laws so far as relates to Santa Rosa, ask leave to report that they have examined the same, and recommend that it pass, with the following amendments :

In Sec. 1, 4th line, strike out the words "shall have power," and insert in lieu thereof the words, "are hereby authorized if they see proper." Also

In Sec. 2, 2nd, line strike out the words "shall be and."

All of which is respectfully submitted,

GEO. D. FISHER,
Chairman Select Committee.

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

Mr. McElvy made the following report :

The Committee on Enrolled Bills beg leave to report as correctly enrolled the following bills and resolution :

An Act to provide for the payment of the volunteer companies of Capt. Hansford D. Dyches and other companies therein named;

An Act for the relief of Nathan Norton, of Putnam county; and Resolution for the relief of John Broward and A. S. Baldwin.

Respectfully submitted,

L. G. McELVY,
Chairman.

A committee from the House informed the Senate that the time had arrived for the election of Comptroller of Public Accounts, Treasurer of the State and Clerk of the Supreme Court, and invited the Senate into the Hall of the House of Representatives.

The Senate repaired to the Hall of the House of Representatives.

The President of the Senate, by invitation of the Speaker, took the Chair.

The President declared the object of the joint meeting to be the election of a Comptroller of Public Accounts, State Treasurer and Clerk of the Supreme Court.

Nominations being in order, Mr. Vogt nominated T. W. Brevard, Sr., for Comptroller of Public Accounts.

The vote was :

For BREVARD.—Senate—Mr. President, Messrs. Baker Call, Dawkins, Eppes, Eubanks, Fisher, Hawes, Keitt, Lamar, McCall, McElvy, McQueen, Nicholson, Walker and Welch—16.

BLANK—Mr. Duncan—1.

For BREVARD.—House—Mr. Speaker, Messrs. Barrett, Bird, Bissell, Brevard, Brinson, Broxham, Campbell, Christie, Clyatt, Coffee, Davidson, Erwin, Evans, Frink, Gettis, Gillis, Heermans, Hughey, Hunt, Ingram, Kenan, Maloney, Manning, McKinnon, McNeill, Munn, Nicks, Peacock, Pope, Richardson, Roberts, Robinson, Smith, Starke, Vogt, Whitfield, Wiggins, Williams of Escambia and Williams of Leon—39.

T. W. Brevard having received the constitutional majority, was declared duly elected Comptroller of Public Accounts for the term prescribed by law.

Nominations for State Treasurer being in order, Mr. Vogt nominated C. H. Austin.

The vote was :

For AUSTIN.—Senate—Mr. President, Messrs. Baker, Call, Dawkins, Duncan, Eppes, Eubanks, Fisher, Hawes, Keitt, Lamar, McCall, McElvy, McQueen, Nicholson, Walker and Welch—17.

For AUSTIN.—House—Mr. Speaker, Messrs. Barrett, Bird, Bissell, Brevard, Brinson, Broxham, Campbell, Christie, Church, Clyatt, Coffee, Davidson, Erwin, Evans, Frink, Gettis, Gillis, Heermans, Hughey, Hunt, Ingram, Kenan, Leigh, Malony, Manning, McCrary, McKinnon, McNeill, Mickler, Munn, Nicks, Peacock, Pope, Richardson, Roberts, Robinson, Smith, Starke, Vogt, Whitfield, Wiggins, Williams of Escambia, Williams of Leon and Yon.—39.

C. H. Austin having received the constitutional majority, was declared duly elected State Treasurer, for the term prescribed by law.

Nominations for Clerk of the Supreme Court being in order, Mr. Vought nominated A. J. Peeler.

Mr. Erwin nominated E. A. Hart.

The vote was :

For PEELER.—Senate—Mr. President, Messrs. Baker, Dawkins, Eppes, Eubanks, Hawes, Keitt, Lamar, McElvy, McQueen, Walker and Welch.—12.

For HART.—Senate—Messrs. Call, Duncan, Fisher, McCall and Nicholson—5.

For PEELER.—House—Mr. Speaker, Messrs. Bird, Bissell, Brevard, Brinson, Campbell, Christie, Church, Clyatt, Coffee, Evans, Frink, Gettis, Gillis, Heermans, Hughey, Ingram, Kenan, Malony, Manning, McKinnon, McNeill, Nicks, Peacock, Pope, Richardson, Robinson, Starke, Vogt, Whitfield and Williams of Leon—30.

For HART.—House—Messrs. Barrett, Broxham, Davidson, Erwin, and Hunt—5.

Mr. Peeler having received the constitutional majority, was declared duly elected Clerk of the Supreme Court for the term prescribed by law.

On motion, the joint meeting adjourned, and the Senate returned to their Chamber.

ORDERS OF THE DAY.

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

House bill to be entitled an Act to amend an Act to allow owners or commanders of boats to peddle on the Choctawhatchie river, approved Jan. 8th, 1853 ;

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

House bill to be entitled an Act to regulate the rates of pilotage at the port of St. Marks.

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

Was read a second time, and on motion, indefinitely postponed.

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

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

Upon which the vote was :

Yeas—Mr. President, Messrs. Baker, Call, Dawkins, Duncan, Eppes, Fisher, Hawes, Lamar, McQueen, Nicholson and Walker—12.

Nays—none.

So the bill passed—title as stated.

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

The rules were waived and Standing Committees allowed to make reports.

The Committee on Engrossed bills made the following report :

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 making appropriations to purchase books for the Judicial Library ;

An Act providing a charter for the city of Fernandina.

Respectfully submitted,

T. B. LAMAR,

Chairman Committee on Engrossed Bills.

Mr Baker moved that the Committee on Internal Improvements, to whom was referred a bill to be entitled an Act to incorporate a Company to construct a Railroad from a point on the Florida Railroad in East Florida, to Tampa Bay, under the style of the Florida Peninsula Railroad Company, and a bill to be entitled an Act to incorporate a Company to facilitate the construction and equipment of a Railroad from the St. Johns River to St. Augustine, under the style of the St. Johns Railway Company, be requested to report said bills back to the Senate on to-morrow (Thursday the 23rd inst.)

Which motion was adopted.

A bill to be entitled an Act to authorize Silas Jernigan to establish a Ferry across Black Water river, in the town of Milton ;

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

House bill to be entitled an Act to separate the offices of Sheriff and Tax Assessor and Collector in and for the county of Calhoun ;

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

Upon which the vote was :

Yeas—Mr. President, Messrs. Baker, Call, Dawkins, Dell, Duncan, Eppes, Eubanks, Fisher, Hawes, Keitt, Lamar, McElvy, McQueen, Nicholson and Welch 16.

Nays—none.

So said bill passed—title as stated.

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

House bill to be entitled an Act to authorize Elizabeth Barthlow, to sell the real estate of Ephraim Guinan, deceased, of Marion County ;

Was read the second time, rules waived, read a third time by its title, and put upon its passage ;

Upon which the vote was :

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

Nays—none.

So the bill passed—title as stated.

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

House bill to be entitled an Act to amend the road laws so far as relates to Santa Rosa County ;

Was read a third time, the amendments recommended by the Select Committee adopted, and the bill put upon its passage ;

Upon which the vote was :

Yeas—Mr. President, Messrs. Baker, Call, Dawkins, Dell, Duncan, Eppes, Fisher, Keitt, McCall, McElvy, Nicholson, Walker and Welch—14.

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 in addition to and amendatory of the several Acts concerning pleading and practice in civil and criminal cases ;

Was read a second time.

Mr. Eppes moved its indefinite postponement ;

Upon which motion the yeas and nays were called for by Messrs. Call and Eppes ;

Which was as follows :

Yeas—Messrs. Baker and Eppes—2.

Nays—Mr. President, Messrs. Call, Dawkins, Dell, Duncan, Eubanks, Fisher, Hawes, Keitt, Lamar, McCall, McElvy, McQueen, Nicholson and Walker—15.

So the motion was lost.

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

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

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

A bill to be entitled an Act to define the liability of endorsers of promissory notes, and other instruments, to place them on the same footing as securities ;

Was re-committed to the Judiciary Committee.

The rules were waived, and Mr. Eppes allowed to make the following report :

The Judiciary Committee, to whom was referred an Act to be entitled an Act amending an Act relating to suffering a slave to trade as free, passed 10th Feb. 1832,

REPORT :

That, in their opinion, the object of the bill is a good one, as designed to place under the control and management of the authorities of the several incorporated towns and cities of the State, the subject to which it refers.

Your Committee approving such policy, recommend the passage of said bill, with the following amendment :

SEC. 2. *Be it further enacted*, That from and after the passage of this Act, the Council of the several incorporated towns and cities of this State be, and they are hereby authorized from time to time to pass such ordinances for the hiring of slaves within their respective limits, as may be required.

Your Committee further recommend, that section two of said bill be changed to section three.

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

Which was read, the amendments recommended adopted, and the accompanying bill read a second time, and ordered to be engrossed, as amended, for a third reading on to-morrow.

The following message was received from the House of Representatives :

HOUSE OF REPRESENTATIVES, }
December 21, 1858. }

Hon JOHN FINLAYSON,
President of the Senate :

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

A bill to be entitled an Act for the relief of George Branning ;
Resolution asking for a Mail Route.

Very Respectfully,

R. B. HILTON,
Clerk House Representatives.

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

Resolution for the relief of Wm. Bassett ;

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

Resolution for the relief of Benjamin Hopkins ;

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

A bill to be entitled an Act to amend the Attachment Laws in this State ;

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

House bill to be entitled an Act to divide the county of Duval and organize a new county to be called Clay county ;

Was read a second time, rules waived, read a third time by its title, and put upon its passage ;

Upon which the vote was :

Yeas—Mr. President, Messrs. Baker, Call, Dawkins, Dell, Duncan, Eubanks, Fisher, Keitt, Lamar, McElvy, McQueen, 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 for the relief of George Branning ;

Was read the first time, rules waived, read the second and third times by its title, and put upon its passage ;

Upon which the vote was :

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

House bill to be entitled an Act to amend an Act to secure the payment of Magistrates' and other officers' fees in Criminal Prosecutions not now provided for by law ;

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

Upon which the vote was :

Yeas—Mr. President, Messrs. Baker, Call, Dawkins, Duncan, Eubanks, Fisher, Keitt, Lamar, McQueen, Nicholson and Welch—12.

Nays—Messrs. Eppes and Hawes—2.

So the bill passed—title as stated.

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

Resolution for the relief of J. C. McArthur ;

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, Keitt, Lamar, McElvy, McQueen, Nicholson, Walker and Welch—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 to authorize the Mayor and Aldermen of the town of Milton to elect a public weigher of Cotton;

Was 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, Keitt, Lamar, McElvy, McQueen, 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.

The following bills were read the first time and placed among the orders of the day:

A bill to be entitled an Act to amend the existing laws in relation to criminal prosecutions in this State;

Preamble and resolutions in relation to Isaac Welch and others;

Resolution asking for a Mail Route, &c.;

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

A bill to be entitled an Act appointing Prosecuting Attorneys for the State in certain cases, and to amend an Act, approved Dec 11, 1855, entitled an Act to change the mode of compensation to the several Solicitors and Prosecuting Attorneys in this State;

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

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

Was read a third time and put upon its passage;

Upon which the vote was:

Yeas—Mr. President, Messrs. Call, Duncan, Eppes, Eubanks, Fisher, Hawes, Keitt, Lamar, McElvy, McQueen, Nicholson, Walker and Welch—14.

Nays—none.

So the resolution passed—title as stated.

Ordered that the same be certified to the House of Representatives. On motion, the rules were waived, and Mr. Eubanks gave notice that he would on some future day, introduce

A bill to be entitled an Act to amend an Act entitled an Act to establish the *ad valorem* system of Taxation.

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

THURSDAY, December 23rd, 1858.

The Senate met pursuant to adjournment.

A quorum not being present, a call of the Senate was ordered, and the Sergeant-at-arms sent after the absent members.

It being found that a quorum was present, the call was suspended, and the Senate proceeded to business.

The Journal of yesterday was read and approved.

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

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

By Mr. Eubanks:

A bill to be entitled an Act to amend an Act entitled an Act to establish the *ad valorem* system of taxation, approved December 15, 1855.

By Mr. McCall:

A bill to be entitled an Act to authorize A. J. T. Wright to establish a Ferry at Clay Landing.

On motion of Mr. Baker, the vote taken upon the House bill to be entitled an Act to divide the county of Duval and organize a new county to be called Clay county, on yesterday, was reconsidered;

The House amendments to said bill were adopted, and the bill placed among the orders of the day.

Mr. Call presented a petition from a number of the citizens of Nassau county, asking for the division of said county;

Which was read and referred to a committee of three consisting of Messrs. Call, Eppes and McQueen.

Mr. Baker introduced

A resolution in relation to an examination of the Books, &c., of the Board of Trustees of the Internal Improvement Fund;

Mr. Call offered the following amendment:

Resolved further, That the journal of the proceedings of the said Trustees, and all certificates and other important documents which