

An Act to authorize Silas Jernigan to establish a ferry across Black Water River, in the town of Milton;

Was read a third time and put upon its passage;

Upon which the vote was:

Yeas—Mr. President, Messrs. Dell, Duncan, Eppes, McQueen and Nicholson—6.—

Nays—Messrs. Baker, Call, Eubanks, Hawes, Jones, Keitt, Lamar and Welch—8.

So said bill was lost.

On motion, the Senate do adjourn until Monday, 10 o'clock, A. M.;

Mr. Baker moved to amend by adjourning until to-morrow morning, 10 o'clock;

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

Upon which the vote was:

Yeas—Mr. President, Messrs. Hawes, Jones, Nicholson and Welch—5

Nays—Messrs. Baker, Call, Dell, Duncan, Eppes, Eubanks, Keitt, Lamar and McQueen—9.

So said motion was lost.

On motion, the Senate do adjourn until to-morrow morning, 10 o'clock;

Upon which motion, the yeas and nays were called for, by Messrs. Dell and Keitt;

Upon which the vote was:

Yeas—Messrs. Baker, Call, Dell, Duncan, Eubanks, Keitt, Lamar, McQueen and Welch—9.

Nays—Mr. President, Messrs. Eppes, Hawes, Jones and Nicholson—5.

Whereupon, the Senate adjourned until to-morrow 10 o'clock, A. M.

SATURDAY, December 25th, 1858.

The Senate met pursuant to adjournment.

Mr. Dell was called to the Chair.

No quorum being present,

On motion of Mr. Keitt, the Sergeant-at-Arms was sent after the absent members.

Mr. Nicholson moved that the Senate adjourn until Monday, 11 o'clock, A. M.;

Upon which the yeas and nays were called for by Messrs. Keitt and Hawes;

Which were as follows:

Yeas—Messrs. Baker, Duncan, Hawes, Jones, Nicholson and Welch—6.

Nays—Messrs. Dell, Eubanks, Keitt and McQueen—4.

So the Senate adjourned until Monday, 11 o'clock, A. M.

MONDAY, December, 27th, 1858.

The Senate met pursuant to adjournment.

A quorum present.

The Rev. Dr. Dubose officiated as Chaplain.

The Journals of Friday and Saturday were read, amended and approved.

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

By Mr. Eppes:

An Act in relation to dower; and

A bill to be entitled an Act to amend the several Acts in force in this State in relation to proceedings in criminal cases.

By Mr. Keitt:

A bill to be entitled an Act to amend an Act regulating the sale of real estate by Executors and Administrators.

Mr. Keitt made the following report:

The Committee on the Executive Department to whom was referred the Resolution relative to the drainage of the swamp and overflowed lands on the Oclawaha River,

REPORT:

That the Oclawaha River is one of the most important streams in the State; that along its banks are many of the most valuable lands in the State, which require very little expense and labor to bring them immediately into market; that these lands are almost exclusively swamp lands, and were granted by Congress for the express purpose of facilitating their drainage; that the State in accepting this grant, is both in honor and in law bound to carry out the purpose of Congress, and that obligation was not intended to be lessen-

ed or evaded by the grant of the State of the same lands to the Internal Improvement fund, as is shown by the 16th section of the Act making said grant. The resolution under consideration merely instruct the Trustees to do that which the law expressly requires them to do, and points out the proper way of doing it; it does not prohibit any other measure which the Trustees may in their wisdom see proper to adopt to accomplish the same effect, and your Committee, therefore, recommend its passage.

W. J. KEITT, Chairman.

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

Mr. Lamar made the following report :

Mr. President :

The Committee to whom was referred so much of the Governor's message as relates to Internal Improvements, beg leave to

REPORT:

That they have had the same under consideration, and, inasmuch as the principal matters mentioned therein, are referred to a Joint Committee of the two Houses, they will in this report, consider only one recommendation of the Executive in relation to our Internal Improvement system.

It is to the effect, that the Trust Fund should be represented by one Director in each of the Railroad companies, who have, or may hereafter avail themselves of the benefits of the "Act to provide for and encourage a liberal system of Internal Improvement in this State." The propriety of providing for such representation appears so evident as not to require extended remark. It is probable the originators of our system, supposed that the supervision of a State Engineer would be sufficient to secure the construction of roads in conformity with the requirements of the law. The abolition of that office, however, renders it necessary to make some other arrangement to secure that object. None suggests itself to the Committee as equally reasonable and just, or better calculated to protect the interests of the State, than that proposed by the Executive.

Yet, while conceding both the necessity and propriety of the advised amendment to the Internal Improvement Act, your Committee are of the opinion, there may be an obstacle in the way of its accomplishment as regards roads already organized, which may prove fatal. It is a well established principle of law, that chartered rights cannot be altered or abridged by the Legislature, except by and with the consent of the corporators; unless indeed, the reservation of power is made in the charter when granted. It is a right guaranteed to each of our Railroad Companies by their charter, that a majority

of Stock may elect Directors. An enactment by the Legislature giving a small minority of Stock the power to elect one Director, would be an abridgement of this chartered right, and, therefore, null and void, unless the amendment was accepted as to itself by each of the Railroad companies.

But furthermore, by the "Act to provide for and encourage a liberal system of Internal Improvement in this State," it is provided that when companies shall construct certain lines of Railroad mentioned therein, in accordance with the specifications and requirements of said Act, they shall be entitled to the benefit of all the aid it affords. This law, when its provisions were accepted, placed the State and the companies so doing, in the relation of parties to a contract. In the opinion of the Committee, the Legislature is not competent to impose new conditions, or change the terms of the contract, without the consent of the other parties.

But, so well assured are the Committee that the several Railroad companies who have availed themselves of the benefit of the said Act, will accept the proposed amendment, that they have prepared and report a Bill providing for the same, and recommend its passage.

A refusal on the part of any Company so to do, would be *prima facie* evidence of a disposition to avoid a fair and reasonable inspection of their transactions, and a desire to retain a position where they can evade the law with impunity.

Respectfully submitted,

T. B. LAMAR,

Chairman Committee on Internal Improvement.

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

Mr. Hawes from the Committee on Schools and Colleges, made the following report :

Mr. President :

The Committee on Schools and Colleges, to whom was assigned the duty of visiting the State Seminary, in this place, and attending the examinations of the pupils on Thursday, 23d instant, beg leave to make the following report, viz :

That the result of their visit has been very gratifying. The neat and orderly appearance of the school rooms, and the perfect decorum of the pupils, attest the supervising care of an able and faithful superintendent; and the ready and intelligent answers of the children during their examinations, not only reflect great credit both upon themselves and upon their teachers, but also, give evidence that they are being trained under a system of education that is eminently calculated to develop all the faculties of the mind, and fit them for all the walks of life.

And, did not your Committee feel some reluctance, in hazarding

an opinion upon a matter of which they have had so limited an opportunity of judging, they would not hesitate to pronounce the State Seminary, in Tallahassee, to be equalled by few, and surpassed by none of a similar class in our country.

Your Committee would respectfully recommend that this Legislature empower the Board of Education in this place, to confer collegiate degrees upon those young men who shall desire to complete their education, at this Seminary, and thus obviate the necessity of resorting to colleges in other States for that purpose.

G. E. HAWES,

of the Committee on Schools and Colleges.

Mr. Baker made the following report:

The Committee on Corporations to whom was referred a bill to be entitled an Act providing for the incorporation of the Mexican Gulf steamship and Inland Trading and Navigation Companies in Florida, have instructed the undersigned to

REPORT:

1st. That in first examining said bill it escaped the attention of your Committee that the first section of said bill was not in accordance with the last clause of the third section of the thirteenth article of the Constitution. Your Committee therefore, recommended that the first section of said bill be amended by striking out in said first section the number "seven" and inserting in stead thereof the word "ten," and by striking out in the same section the number "four" and inserting in lieu thereof the word "five" which will make said section of said bill to correspond with the said thirteenth article of the Constitution.

2nd. Your Committee also adhere to the recommendation that the eighth section of said bill exempting said Company from taxation be also stricken out for the same reasons mentioned in their former report. The said eighth section in the present bill reported coinciding with section numbered seven, in the bill formerly reported by your Committee.

With these amendments we recommend that said bill do pass.

Respectfully submitted,

J. McROBERT BAKER,

Chairman Committee on Corporations.

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

Also, the following:

The Committee on Corporations to whom was referred a Bill entitled an Act to incorporate the Gulf City and Interior Railroad Company,

REPORT:

That they have carefully examined the same and recommend its passage, for the following reasons, viz:

1. Your Committee find that notice was regularly given in conformity to law.
2. That the bill asks no State aid.
3. That it is in strict conformity to the Constitution, and conflicts with no rights of any incorporated company in this State.

Your committee therefore, recommend its passage.

J. McROBERT BAKER,

Chairman Committee on Corporations.

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

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
Dec. 24, 1858. }

HON. JOHN FINLAYSON,

President of the Senate:

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

Senate resolution providing for the copying of the laws of the present General Assembly, with the following amendment: Strike out the word "Governor," in the 4th line of the resolution, and insert "Secretary of State," and in the 6th line strike out "James D. Westcott," and insert "some competent person," and strike out all after the word "Assembly" in the 8th line and insert "provided that the compensation for the same do not exceed one hundred dollars."

The House has rejected the following Senate bills:

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;

A bill to be entitled an Act to define the manner of swearing Jurors in this State.

Very Respectfully,

R. B. HILTON,

Clerk House Representatives.

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

ORDERS OF THE DAY.

A 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 third time and put upon its passage;

The vote was:

Yeas—Mr. President, Messrs. Baker, Call, Duncan, Eppes, Eubanks, Hawes, Jones, Keitt, Lamar, McCall, Nicholson and Welch—13.

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 Mr. Hawes allowed to introduce without previous notice.

A bill to be entitled an Act to amend an Act approved Jan. 1st, 1857, entitled an Act to locate the Seminary of learning West of the Suwannee;

Which was placed among the orders of the day.

Resolution for the relief of the securities of Robert Clark;

Was read a third time and put upon its passage;

The vote was:

Yeas—Mr. President, Messrs. Baker, Call, Dell, Duncan, Eubanks, Hawes, Keitt, McCall, McQueen, Nicholson, Walker and Welch—13.

Nays—Messrs. Eppes and Lamar—2.

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 for to-morrow, viz:

House bill to be entitled an Act to empower John W. O'Neal of Madison county, to assume the management of his own estate;

House resolution asking Congress to make an appropriation to build a Light House at the mouth of Manatee river, South Florida;

A bill to be entitled an Act to authorize A. J. T. Wright to establish a Ferry at Clay Landing on the Suwanee river;

House bill to be entitled an Act relative to the offices of Sheriff and Circuit Court Clerk in the county of Holmes;

House bill to be entitled an Act for a charter of a bridge across the Suwanee river, at the lower Suwanee Springs;

House bill to be entitled an Act to amend an Act entitled an Act to provide for recording the marks and brands of cattle shipped from the counties of Manatee and Hillsborough;

House bill to be entitled an Act to provide for issuing *scire facias* on forfeited recognizances.

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;

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 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;

Was read a third time;

On motion, the bill was pladed back upon its second reading, and laid upon the table.

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;

Was read a third time and put upon its passage;

The vote was:

Yeas—Mr. President, Messrs. Baker, Call, Dell, Duncan, Eubanks, Jones, Keitt, Lamar, McCall, McQueen, Nicholson, Walker and Welch—14.

Nay—Mr. Hawes—1.

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 Circuit Courts of this State to change the names of persons residing therein;

Was passed over informally.

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 Jan. 1, 1853;

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 amend an Act entitled an Act to establish the *ad valorem* system of Taxation;

Was read a second time, and 80 copies ordered to be printed.

A bill to be entitled an Act to incorporate the Gulf City and Interior Railroad Company;

Was read a second time.

Mr. Eppes offered the following amendment:

In Section 2, line six, between the words "West" and "thence," insert the following:

With the privilege in said company of extending their road from said point on St. George's Sound to the Apalachicola river, in Franklin county, and to the city of Apalachicola in said county, on the most direct and practicable route to said city;

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

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 ;

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

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

Was passed over informally.

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

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

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

Was read a third time and put upon its passage ;

Upon which the vote was ;

Yeas—Mr. President, Messrs. Baker, Duncan, Eubanks, Hawes, Jones, Keitt, Lamar, Nicholson, Walker and Welch—11.

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 Wm. Cannon to establish a Ferry across the Suwanee River ;

Was read a third time and put upon its passage ;

Upon which the vote was :

Yeas—Mr. President, Messrs. Baker, Duncan, Eubanks, Hawes, Jones, Keitt, Lamar, Nicholson, Walker and Welch—11.

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 for the relief of Columbus R. Alexander ;

Was read a third time and put upon its passage ;

Upon which the vote was :

Yeas—Mr. President, Messrs. Baker, Eppes, Eubanks, Hawes, Jones, Keitt, Lamar, McCall, Nicholson and Welch—11.

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.

TUESDAY, December 28, 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.

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

By Mr. Keitt :

A bill to be entitled an Act to amend an Act regulating the sale of real estate, by Executors and Administrators.

By Mr. Eppes :

A bill to be entitled an Act to amend the several Acts in force in this State in relation to proceedings in criminal cases ; and

An Act in relation to Dower.

The rules were waived, and Mr. McQueen allowed, without previous notice, to introduce

A bill to be entitled an Act permanently to locate the county site of Lafayette county ;

Which was placed among the orders of the day.

The following resolutions were introduced by Mr. Baker, and placed among the orders of the day :

Resolution as to the Salaries and Perquisites of the several Officers of the State.

Be it resolved by the Senate of the State of Florida, That the Comptroller of this State be and he is hereby requested and required to inform the Senate at as early a date as practicable :

1st. What fixed salaries are received by the Governor, Comptroller, Treasurer, Attorney General, Secretary of State, and Register of Public Lands, as such officers.

2d. What perquisites or other emoluments are attached to each and every one of said offices.

3d. In what other capacities as officers, or acting *ex officio*, or otherwise, said officers or the persons filling said offices, severally draw any additional salary, pay, expenses, perquisite or emolument.

4d. Under what particular Act or Resolution, and the specific section thereof said salaries, perquisites, pay, expense, or emoluments are received, and how much and to what amount to each of said officers respectively.

5. This resolution is to apply and refer to the financial year next preceding, and also, up to this date.

Also the following :

Resolved 1st, That the endorsement of bonds to the amount of \$1,000,000 and upwards, by the Governor, Attorney General, Comptrol-