

Resolution relative to the boundary line between the States of Florida and Georgia ;

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, Hawes, Jones, Keitt, Lamar, McElvy, McQueen, 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 encourage the introduction of Brahmin cattle into the State of Florida ;

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

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

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 providing for the incorporation of the Mexican Gulf Steamship, and Inland Trading and Navigation Companies in Florida ;

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

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

Nays—none.

So said bill passed—title as stated.

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

House Resolution allowing no contestant to receive any pay, except the one entitled to his seat ;

Was indefinitely postponed.

The following bills were read the first time, and placed among the orders for to-morrow :

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

House bill to be entitled an Act to amend an Act entitled an Act for preventing and avoiding fraudulent conveyances, approved Jan. 28, 1823 ;

House bill to be entitled an Act in relation to an Act to provide for the payment of the debts of the State ;

House bill to be entitled an Act to amend an Act entitled an Act to amend the several Acts concerning Licenses to retail spirituous liquors, approved January 7, 1853 ;

House bill to be entitled an Act to amend an Act to provide for the employment of a Clerk in the office of Comptroller of this State, approved Jan. 8, 1853 ; and

House bill to be entitled an Act more definitely to establish the limits and boundaries of Monroe and Manatee counties.

House bill to be entitled an Act for the relief of those counties and towns which have subscribed or may hereafter subscribe for stock in any Railroad or other work of Internal Improve in this State ;

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

Resolution asking Congress to make Florida a Supervising Inspectors District, and for other purposes ;

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

House resolution relative to draining Main Savauna in Brevard county ;

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

Resolution as to the salaries and perquisites of the several officers of the State ;

Was read, and put upon its passage ;

Upon which the vote was :

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

Nays—none.

So the Resolution passed—titled as stated.

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

THURSDAY, December 30th, 1858.

Senate met pursuant to adjournment.

A quorum present.

The Rev. Dr. Dubose officiated as Chaplain.

The Journal of yesterday was read and approved.

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

A bill to be entitled an Act to amend an Act entitled an Act relative to associations organized to construct lines of Telegraph, approved December 27, 1856 ;

Which was placed among the orders of the day.

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

By Mr. Call :

A bill to be entitled an Act to amend the eighth section of the thirteenth article of the Constitution of the State of Florida ; and

A bill to be entitled an Act to amend the seventh section of the thirteenth article of the Constitution of this State.

By Mr. McElvy :

A bill to be entitled an Act to prescribe the manner of making returns by Executors, Administrators and Guardians in this State.

Mr. Call introduced

A joint resolution for adjournment ;

Which was placed among the orders of the day.

Mr. Keitt, from the committee on Executive Department, made the following report :

The committee on the Executive Department, to whom was referred the bill to amend an Act organizing the office of Treasurer of the State of Florida, ask leave to

REPORT:

That they have had the same under consideration and recommend its passage.

W. J. KEITT,
Chairman.

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

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

The Committee on Schools and Colleges, to whom was referred a bill to be entitled an Act in relation to the School Fund in the county of St. Johns, have had the same under consideration and ask leave to make the following report, viz :

That as the bill is entirely local in its application, and was introduced at the suggestion of the presentment of the Grand Jury of the county of St. Johns, at the last sitting of the Circuit Court for said county, and is in the opinion of the committee, in no way objectionable, they respectfully recommend the passage of the same.

W. J. KEITT,
Chairman.

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

The Committee on Enrolled bills made the following report :

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

An Act to provide for the additional compensation of the several Judges of the Supreme and Circuit Courts of this State ;

An Act to authorize the Mayor and Aldermen of the town of Milton to elect a public weigher of Cotton.

Respectfully submitted,

L. G. McELVY,
Chairman.

The Committee on Engrossed bills made the following report :

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

A bill to be entitled an Act governing the County Commissioners of Nassau county in certain cases ;

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

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

Resolution asking Congress to make Florida a Supervising Inspector's District, and for other purposes.

Respectfully submitted,

ISAAC WELCH,
Acting Chm'n on Engrossed Bills.

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

The Committee on Corporations made the following report :

The Committee on Corporations to whom was referred a bill to be entitled "an Act to incorporate the Georgia & Gulf Railroad Company," having had the same under consideration, respectfully make the following majority

REPORT :

1. That due proof of proper and legal advertisement has been made of said application as required by law.
2. That in the consideration of said bill your Committee were met by some of their number with the following objections :
Objection 1st. That the passage of said bill will conflict with the vested rights of other roads.
Objection 2d. That the existing laws and statutes of the State prohibit the construction of a road to the Georgia line or "laterally

within twenty-five miles of the adopted." &c., as provided in the 20th section of the Internal Improvement Act, approved Jan. 6, 1855.

Objection 3d. That it was understood by intimations received by some of the committee, that the present application was made for the purpose of forcing the Tallahassee R. R. Company, to effect some compromise with the friends of the proposed measure, and the citizens of Newport, as to privileges, &c., at St Marks. It will suffice as to this last objection, to state, that the impression above stated has been removed from the minds of all of the committee, and it is understood that the present application was made in good faith and with a *bona fide* intention upon the part of the applicants to construct the proposed Road as designated in the charter; your committee will therefore proceed to notice only the 1st and 2d objections stated.

1. "That the construction of said Road will conflict with the vested rights of other Roads" your committee do not consider can be sustained either by the law or the facts in the case.

1st Your committee are of opinion that said proposed Railroad is neither parallel or lateral to any Road now constructed or chartered, and hence, so far as that point is concerned, does not interfere with the vested rights of any other Company.

"The difficulty is on the ground of this Road being, as is supposed, parallel to the Tallahassee and St. Marks Road. Now, examine the map of Florida, and this difficulty will be very easily removed. The *meridian Road* or *line* from Tallahassee, running South, passes some 4 1-2 miles West of St. Marks. The Tallahassee Road crosses this *meridian* about 4 miles South of Tallahassee, and runs to the depot some 3-4 miles West of the meridian mentioned—making a divergence in 22 miles of 5 1-4 miles westward of St. Marks meridian.—Thomasville lies about eighteen (18) miles East of the meridian of Tallahassee, and New Port about five and three quarter (5 3-4) miles. The Road which it is proposed to build, in running to the distance of Thomasville, would diverge to the East of New Port about 12 1-4 miles, and to the East of Tallahassee about 18 miles—the lines of which Roads if produced South, would meet but a few miles South of St. Marks. Yet these Roads are, it is contended lateral or parallel. We do not think the Legislature will so decide.

"The Tallahassee Road due West from New Port is some 2 miles; and this distance becomes greater and greater, until East of Tallahassee, it would be several miles more, and should the proposed Road touch the Georgia line, between Thomasville and Grooversville, the divergence would be still greater."

2d. The proposed Road not being open as we conceive to the above objection, and consequently not conflicting with the 20th section — of the Internal Improvement Act of January 6th, 1855, it is claimed that the Legislature have no right to charter a Road to the

Georgia line. This is a negative protection claimed and insisted upon by Roads now chartered. A "vested right" is a positive authority or power to do or perform some act, or to prohibit the performance of the same. Now, the 24th section of the 1st article of our State Constitution declares "That perpetuities and monopolies are contrary to the genius of a free State, and ought not to be allowed." Again it is a principle of law and equity that the greatest good to the greatest number, should be the end and aim of legislation.— Again it is equally a principle of a free and democratic Government that the majority shall govern, but not to the oppression or exclusion of the rights of a minority. Now, apply these principles to the question under consideration and it will appear: 1st. Certain Roads if the privileges claimed by them are conceded, certainly have, hold and possess a privilege, power or monopoly contrary to the Constitution of this State. 2d. That a greater good to a greater number could be secured by abolishing said illegal and unconstitutional restriction. 3d. That at least the minority, the citizens of New Port and Wakulla, are oppressed by the majority, and as your committee believe in contravention of the principles of the Constitution and contrary to equity, justice and the behests of the public good.

But your committee will present another view of this matter in regard to its expediency and benefit to the State. It will not we presume be denied that "In proportion as the facilities for transporting and shipping the products of a State or Nation to market, are increased, and the business of productive exchange left free, just in that proportion is the productive and exchangeable energies of the people of that State or Nation stimulated and increased. The principle of Political Economy, which teaches us that any measure, calculated to cramp the energies of either the producer, carrier or exchanger, must operate injuriously to the others, is so true that you can depend upon it, with as much certainty as you can depend upon the sun rising in the East and setting in the West. It is a law of trade, which cannot be violated with impunity. It is equally true in regard to the right of the producer to exchange his produce with whomsoever, and through whomsoever he chooses.

"Now, these are principles which none will deny—surely not those who profess to be advocates of Free Trade. It is true that in despotic governments, these principles are not acknowledged, if understood. We speak of free commercial governments."

"Now, men may change, but principles can never change. Correct principles are founded upon truth, and are eternal—the same yesterday, to-day, and to-morrow—and that man, or set of men, who trample them under foot, no matter, under what pretence, inflicts an injury upon the State, which it is the duty of the Legislature as the only source of relief to remedy."

Again, your committee are of the opinion that the general Act of

Incorporation, approved Jan. 12th, 1849, is still operative and has not been repealed; that the Act as to Internal Improvements, approved Jan. 6th, 1855, is restrictive of and repeals only those Acts that directly conflict with the same, and is operative only against those Companies or Corporations that may seek to avail themselves of its exclusive privileges. The bill proposed asks no State aid, it asks no unconstitutional, illegal or injurious privilege or exclusion. It only seeks a sanction of an act just in itself, in accordance with a statute of our State, in accordance with the principles of our Constitution, of which your committee believe will be of an immense benefit and advantage, not only to the immediate section, but to every portion of the State. Again, those of our citizens who apply for this charter, only ask to be permitted to expend their own funds and their own means in their own way for their own good, and for the directly resulting benefit of the public. Will the Legislature by refusing to recognize the forgoing principles cramp the capital, the enterprise, and the industry of its citizens?

Again, Geographically, the location of the Road as claimed, will at once give to Middle Florida an inlet and outlet for trade on the Gulf, which really possesses a great many, if not all the advantages claimed for other ports. As this is a point upon which information is readily attainable, your committee will not further enter into details as to the same.

In conclusion, your committee would say that they have carefully investigated this matter, and after mature reflection feel constrained to recommend the passage of the bill, as a measure entirely legal and constitutional, as a measure of great local benefit and importance, and as an undertaking which if carried out, will prove of immense advantage and importance to the entire State.

All of which is respectfully submitted,

J. McR. BAKER,

Chairman Committee on Corporations.

Mr. Eubanks made the following minority report:

The undersigned, a minority of the Committee to whom was referred a bill to be entitled an Act to incorporate the Georgia & Gulf Railroad Company, beg leave to

REPORT :

That they have had the same under consideration. The propriety of granting a charter for the proposed road, depends upon two considerations: First, whether it would conflict with vested rights, and Second, whether it would promote the interest of the State.— In regard to the first point, it appears that if the rights of any other company are interfered with, it will be the Tallahassee & St. Marks Railroad Company. The charter of that Company provides for no

exclusive privileges, and if they possess any, they derive them from a different source. Is this the case? In the opinion of the undersigned, they do obtain exclusive privileges from the "Act to provide for and encourage a Liberal System of Internal Improvements in this State," approved January 6, 1855. By section 4th of that Act, it is provided that among others, an extension of a Railroad to St. Marks river from the main line between Jacksonville and Pensacola is a proper improvement to be aided by the Trust Fund.— Section 5th of that Act provides, that any Railroad Company then chartered, whose routes are within the lines indicated in Section 4th, could, upon giving notice to the Trustees of the Internal Improvement Fund, within six months from the passage of the Act, have the privilege of constructing that part of the line embraced within their charter. Sec. 20th of the said Act provides, "That, after the routes indicated have been actually surveyed and adopted, and a plat thereof, deposited in the office of the Secretary of State, it shall not be lawful for any other Railroad to be built, cut, or constructed in any way or manner, or by any authority whatsoever, running laterally within twenty-five miles of the route so adopted," &c. The route of the Tallahassee and St. Marks Railroad Company is on the line of "the extension to St. Marks river. It appears from the record, that within the six months, that Company did accept the provisions of the Act, and undertook to construct that portion of the road.— It appears also, that they have filed in the office of the Secretary of State, a plat of their survey of that route, and consequently, are entitled to the exclusive privileges attendant thereon. A Railroad from New Port to even the most eastern point indicated by the proposed charter, would be "running laterally within twenty-five miles" of the Tallahassee & St. Marks Railroad, and consequently, conflicting with their rights under the law. The undersigned thinks that objection alone, sufficient to influence the Senate to refuse the charter.

But, the impolicy of such a measure is obvious and self-evident.— The proposed Road would run through that portion of the State which is already supplied with good Railroad facilities. The convenience of the people will not be promoted in the least degree.— In addition to this consideration, the injury to the best interests of the State would be immense. Within a few miles of the point on the boundary line of Georgia, where this proposed road is to be carried, there has been located the Main Trunk Road, of Georgia.— This New Port Road if built, would furnish to the sea-port of Georgia, an almost air-line Gulf connection. Such a boon would be eagerly seized by the citizens of Georgia, for it is the goal to which the efforts of all the Atlantic ports are directed. The Railroads of Middle and East Florida, could not be sustained against the competition of such a Road. The slightest reflection will convince any one of the truth and force of this assertion. In view of this fact, in addition to

the first mentioned consideration, that the Tallahassee & St. Marks Railroad Company have rights in the premises which should be respected, the undersigned feels compelled to recommend that the bill do not pass, on the ground that it would both be invasive of private rights, and injurious to the Railroad interest of this State.

There has been an argument used in favor of the said charter, which it will perhaps be proper to notice. It is founded on what is alleged to be an unjust monopoly, on the part of the Tallahassee and St. Marks Railroad Company in renting their ware-houses at St. Marks, to a single firm. It is alleged that this is so odious an exercise of power, as to justify and call for a charter for a rival railroad. It is urged that their policy is wrong, that the interest of the public would be better subserved, if the business there, was open to competition, and that this course is persisted in by the Company, while they are aware, that parties are desirous of engaging in business at that place. The undersigned is in possession of facts in relation to this matter, which he deems his duty to lay before the Senate for their consideration. He obtains his information from the President of the Road, and from his official report. The nature of the facts stated, will indicate the source from which they came.

The right of the Company to build, and dispose of their ware-houses in the manner stated, they derive from the 6th section of their charter. By consulting the charter, it will be seen that their powers in this respect are ample; the charter having been granted while Florida was in a Territorial condition; this chartered right is recognized and protected by the Constitution of the State. The last paragraph of the 1st. clause of article 17 of the Constitution reads thus: "and nothing in this Constitution shall impair the obligation of contracts, or violate vested rights, either of individuals, or of associations claiming to exercise corporate privileges in this State."

In the year A. D. 1855, an arrangement was made, which resulted in the purchase, by the Georgia and Pensacola Railroad Company, of a majority of the stock in the St. Marks Road. The capital stock at that time was two hundred thousand dollars.

The road, up to the time of this transfer, had been worked by horse power—the track was worn out and worthless, and the equipments altogether of the most inferior description. The new Company substituted steam for horse power, relaid the track with superior iron, and equipped the road in a suitable manner, thereby incurring a debt some what over \$200,000. Bonds to the amount of \$86,000 were issued by the Company under the provisions of the Internal Improvement law, the interest being guaranteed by the Trust Fund. It is apparent, that the Company needed all their resources to bear up under their heavy liabilities. Their property at St. Marks is one of the chief sources of their revenue; it is worth to the Company at least \$120,000, for the rents at this time are equal to the interest of

that amount, with a prospective increase, as the Georgia and Pensacola road advances east. To satisfy the clamors of the public to do away a monopoly, and to retire their outstanding liabilities, the Company resolved to sell the property at half price, \$65,000, and accordingly so advertised. No one has offered to buy at that price.—It has been offered in private negotiations to permit the merchants of New Port or others to take the property and dispose of it among themselves as might be arranged, and the company to receive a ground rent equal to the present rent. This offer also was refused. In reply to questions asked by the President of the road on what terms they would go to St. Marks, a prominent merchant of New Port stated that the Company would have first to purchase the property in New Port, and then give them that at St. Marks besides.

In order for the Senate to determine more fully the fact as to whether an unjust monopoly exists at St. Marks, it will be proper to add, that storage for cotton at that place is 12 1-2cts. per bale, at New Port 25 cts., and that but once in the four year since the Company has been re-organized, has there a dividend been declared to the stock holders; that dividend was only five per cent.

It is clear from these facts, that a rival Road to the Florida system of Roads should not be chartered on the ground of an unjust monopoly at St. Marks. It appears to the undersigned unreasonable to expect the Tallahassee and St. Marks Company to give away without compensation valuable property when their liabilities are so large. It would not be honest or just to their creditors for them to do so. It would not be just to the Trust Fund, which has guaranteed the interest on so large a portion of their Bonds. It would not be just to the Georgia and Pensacola Railroad Company who owns a majority of its stock, and who are themselves largely in debt. If a monopoly exists, it is not for the benefit of the stockholders, but for the public. The stockholders get nothing, and the produce of the Country is stored there cheaper than at any other point in the State.

The undersigned does not wish to be understood as approving the policy pursued at St. Marks as the best for all the parties concerned, for he only states the facts as exculpating the Company from unjust censure. His opinion is, that those desiring to do business at St. Marks, should pay a reasonable sum to the Company for their property, and that there should be a free competition allowed as at other places.

Before closing this report, the undersigned will renew the recommendation that the bill do not pass.

Respectfully submitted,

JOHN EUBANKS.

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

The Committee on Internal Improvements made the following reports :

Mr. President :

Sir : The Committee to whom was referred an Act granting to the Alabama and Florida Railroad Company alternate sections of the swamp and overflowed lands, beg leave to

REPORT :

That they have had the same under consideration and recommend its passage. The bill was passed during the last session of the Legislature, and is only inoperative, from the fact that it was not signed by the proper officers, in accordance with law.

Respectfully submitted,

T. B. LAMAR,

Chairman Committee on Internal Improvement.

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

Mr. Call made the following report :

The Select Committee appointed to fill the blanks in the second section of the Act to organize the Fifth Judicial Circuit, recommend the following as a substitute for said second section, viz :

SEC. 2. *Be it further enacted,* That the Circuit Courts in and for said Suwanee Circuit shall be held as follows, viz : In Alachua County on the second Mondays of April and October ; in Levy County on the third Mondays of April and October ; in Lafayette County on the fourth Mondays of April and October ; in Suwanee County on the first Monday after the fourth Monday in April and October ; in Columbia County on the second Monday after the fourth Monday in April and October ; in New River County on the third Monday after the fourth Monday in April and October ; and in Nassau County on the fourth Monday after the fourth Monday in April and October.

And also recommend the following section, to be numbered

SEC. 4. *Be it further enacted,* That if the time for holding Court in any of the above named counties shall arrive before the Judge of the said Circuit is duly commissioned and qualified, the said Judge when elected may hold an extra term of the Court in each of the said Counties, commencing on some day in each county to be designated by said Judge.

All of which is respectfully submitted,

GEO. W. CALL,

Chairman Select Committee.

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

ORDERS OF THE DAY.

A bill to be entitled an Act appointing Prosecuting Attorneys for the State, in certain cases ;

Was read a third time and put upon its passage ;

The vote was :

Yeas—Mr. President, Messrs. Baker, Call, Eubanks, Hawes, Jones, Keitt, Lamar, McElvy, McQueen, Nicholson, Walker and Welch—14.

Nay—Mr. Duncan—1.

So the bill passed—title as stated.

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

An Act entitled an Act to amend the several Acts in force in this State, in relation to proceedings in criminal cases ;

Was read a third time and put upon its passage ;

The vote was :

Yeas—Messrs. Baker, Call, Dell, Duncan, Eppes, Eubanks, Hawes, Jones, 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.

Resolution asking Congress to make Florida a Supervising Inspector's District, and for other purposes ;

Was read a third time and put upon its passage ;

Upon which the vote was :

Yeas—Messrs. Call, Dell, Duncan, Eppes, Eubanks, Hawes, Jones, Lamar, McElvy, Nicholson, Walker and Welch—12.

Nays—none.

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 governing the County Commissioners of Nassau County, in certain cases ;

Was read a third time and put upon its passage ;

The vote was :

Yeas—Messrs. Call, Duncan, Eppes, Eubanks, Hawes, Jones, Lamar, McElvy, McQueen, Nicholson, Walker and Welch—12.

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 and Gulf Railroad Company;

Was read a second time, and laid upon the table until Monday next.

A bill to be entitled an Act to authorize Silas Jernigan to establish a ferry across Black-water River, at the town of Milton, in Santa Rosa County;

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

House bill to be entitled an Act in addition to an Act to provide for the payment of the debts of the State;

Was read a second time.

Mr. Call offered a substitute, which, with the original bill, was referred to the Committee on Finance and Public Accounts.

House bill to be entitled an Act more definitely to establish the limits and boundaries of Monroe and Manatee counties;

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

Upon which the vote was:

Yeas—Mr. President, Messrs. Baker, Call, Duncan, Eppes, Eubanks, Hawes, Jones, 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.

Joint resolution for adjournment;

Was read the first time, the rules waived and read a second time;

Mr. Call moved, to strike out "16th January, 1859" and insert "15th January, 1859;"

Which was adopted.

Mr. Eppes moved to strike out all after the word "January;"

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

The vote was:

Yeas—Mr. President, Messrs. Duncan, Eppes, Hawes, Lamar, McQueen and Walker—7.

Nays—Messrs. Baker, Call, Dell, Eubanks, Jones, Keitt, Nicholson and Welch—8.

So the motion was lost.

Mr. Keitt offered the following amendments: Strike out "1st. Monday" and insert "4th Monday;"

Which was accepted;

The rules were waived, the resolution read a third time and put upon its passage, upon which the vote was:

Yeas—Messrs. Baker, Call, Dell, Eubanks, Hawes, Jones, Keitt, Nicholson Walker and Welch—10.

Mays—Mr. President, Messrs. Duncan, Eppes, Lamar, McElvy and McQueen—6.

So said resolution passed—title as stated.

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

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

The Judiciary Committee to whom was referred a bill to be entitled an Act in relation to dower, beg leave to

REPORT:

That they have examined the same, and in addition to the change provided by the act referred, your Committee would recommend other amendments to the Dower laws of our State. With a view therefore, to incorporate all necessary amendments, your Committee have drafted the enclosed bill as a substitute to the one referred, which they would recommend in lieu of the original.

Respectfully submitted,

T. J. EPPES,

Chm'n Judiciary Committee.

Which was read, and the substitute recommended adopted as such substitute, and placed among the orders of the day.

Mr. Baker moved that a committee of three be appointed to investigate the bill declaratory and explanatory of the Act to organize the county of Volusia, approved Dec. 29, 1854, which passed the House and Senate, and was reconsidered by the Senate, and if necessary to call upon the House for the same;

Which was adopted, and Messrs. Baker, Keitt and Lamar were appointed said committee.

A bill to be entitled an Act to amend the eighth section of the thirteenth article of the Constitution of the State of Florida;

Was read three times on its first reading, and ordered to be read a second time on to-morrow.

A bill to be entitled an Act to amend the seventh section of the thirteenth article of the Constitution;

Was read three times on its first reading, and ordered to be read a second time on to-morrow.

The rules were waived, and motions allowed to be in order.

On motion of Mr. Nicholson, the Senator from Washington was granted leave of absence until Monday next.

On motion of Mr. McElvy, the Senator from Hamilton, was granted leave of absence for one week after to-morrow.

A bill to be entitled an Act to prescribe the manner of making returns by Executors, Administrators and Guardians in this State; was

read the first time, rule waived, read a second time by its title, and ordered to be engrossed for a third reading on to-morrow.

A bill to amend an Act organizing the office of Treasurer of the State of Florida;

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

House bill to be entitled an Act in relation to the School Fund in the county of St. Johns;

Was read a third time and put upon its passage;

Upon which the vote was:

Yeas—Mr. President, Messrs. Call, Eppes, Eubanks, Hawes, Jones, Keitt, Lamar, McElvy, Nicholson and Walker—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 granting to the Alabama and Florida Railroad Company alternate section of the Swamp and overflowed lands;

Was read a second time, and re-committed to the Committee to Internal Improvements.

A bill to be entitled an Act to organize the fifth Judicial Circuit;

Was read a second time, the amendments recommended by the Select Committee adopted, and the bill ordered to be engrossed as amended, for a third reading on to-morrow.

A bill to be entitled on Act to increase the salary of the Governor's private Secretary, and define his duties;

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

An Act in relation to dower;

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

The following letter from the Comptroller, was received and read:

TREASURY DEPARTMENT, COMPTROLLER'S OFFICE, }
Tallahassee December, 30, 1858. }

Hon. President of the Senate:

Sir: In reply to the resolution of the Senate of the 29th inst., requesting and requiring me to inform the Senate:

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.

4th. 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.

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

I have to say:

1st. The Governor receives an annual salary of fifteen hundred dollars, payable under chapter 3d, section 1, and for the expenses of a residence an annual sum of five hundred dollars, payable under chapter 367, section 1.

2d. The Comptroller receives an annual salary of eleven hundred dollars, payable under chapter 224, section 1.

3d. The Treasurer receives an annual salary of eight hundred dollars, payable under chapter 9, section 7.

4th. The Attorney General receives an annual salary of five hundred dollars, payable under chapter 2, section 1: Also, he receives for attending sittings of the Supreme Court, elsewhere than in Tallahassee, when so attending, three dollars per diem, and ten cents per mile for his travel to and from the place of sittings, payable under chapter 372, section 2: Also, for reporting decisions of the Supreme Court, two hundred and fifty dollars, payable under chapter 372, section 5.

5th. The Secretary of State receives an annual salary of six hundred dollars, payable under chapter 1, section 1: Also, as *ex officio* Librarian, an annual salary of two hundred dollars, payable under chapter 616, section 3: The perquisites attached to the office of Secretary of State are not payable out of the State Treasury, and are not, therefore, herein enumerated.

6th. The Register of Public Lands, receives an annual salary of fourteen hundred dollars, payable (one half from the School and one half from the Seminary Fund,) under chapters 54, 239, 502, sections 3, 3, 2, respectively: Also, his necessary expenses while traveling on duty connected with his office, payable under chapters 54, 238, sections 6, 1, from the School and Seminary Funds, respectively.

Very respectfully, your ob't. serv't.,

T. W. BREVARD,
Comptroller,

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 provide for

the employment of a Clerk in the office of Comptroller of this State, approved January 8th, 1853;

House bill to be entitled an Act to amend an Act entitled an Act to amend the several Acts concerning licenses to retail spiritous liquors, approved January 8, 1853;

House bill to be entitled an Act to amend an Act entitled an Act for preventing and avoiding fraudulent conveyances, approved January 8, 1823.

Resolution in relation to faith bonds;

Was laid on the table until Monday next.

An Act to amend an Act entitled an Act relative to associations organized to construct lines of Telegraph, approved Dec. 27, 1856;

Was read the first time, and ordered for a third reading on to-morrow.

On motion, the Senate adjourned until to-morrow morning, 11 o'clock.

FRIDAY, December 31 1858.

The Senate met pursuant to adjournment.

A quorum present.

On motion, the reading of yesterday's Journal was dispensed with.

Mr. Dell presented a certificate of P. W. Oscar Koerner ;
Which was referred to the Joint Select Committee appointed to investigate the charges contained in the Governor's message, &c.

On motion of Mr. Lamar, a bill to be entitled an Act to incorporate the Georgia & Gulf Railroad Company ;

Was laid upon the table until Wednesday next.

On motion of Mr. Keitt, the resolution in relation to faith bonds, was placed among the orders of the day.

On motion of Mr. McQueen, the Senator from Leon was excused from attendance on the Senate until Tuesday next.

On motion, the rules were waived, the following bills introduced without previous notice, and placed among the orders of the day :

By Mr. Call :

A bill to be entitled an Act to declare certain statutes in full force in this State.

By Mr. Baker :

A bill to be entitled an Act to legalize the marriage of Thomas Neil McCarmack and Emmaline McCarmack, alias Emmaline Roberts.

Mr. Hawes made the following report :

The Committee on Taxation and Revenue, to whom were referred a bill to be entitled an Act in addition to an Act to provide for the payment of the debts of the State, approved December 27th, 1857, and an amendment to the same, ask leave to make the following report, viz :

That, as the amendment only proposes to do at once, what the bill provides for as a last resort when other measures have failed, your Committee recommends that the amendment be rejected, and that the original bill be passed.

G. E. HAWES, Chairman.

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

The Committee on Engrossed Bills made the following report :

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

A bill to be entitled an Act to amend an Act organizing the office of Treasurer of the State of Florida ;

A bill to be entitled an Act in relation to Dower ;

A bill to be entitled an Act to organize the Fifth Judicial Circuit ;

A bill to be entitled an Act to increase the salary of the Governor's private Secretary, and define his duties ;

A bill to be entitled an Act to authorize Silas Jernigan to establish a ferry across Black-water River, at the town of Milton, in Santa Rosa County ;

A bill to be entitled an Act to prescribe the manner of making returns by Executors, Administrators and Guardians in this State ;

Respectfully submitted,

ISAAC WELCH,

acting Chairman Committee on Engrossed Bills.

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

A Committee from the House appeared, and requested the return to that body of a bill to be entitled an Act to legalize the Will of Christian Spillman ;

Ordered that the Secretary transmit the same to the House of Representatives.

The following message was received from the House of Representatives :