

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

A bill to be entitled an Act to correct an error in the printed bill entitled an Act to create the counties of Suwannee and New River ; Was read the third time and put upon its passage ;

Upon which the vote was :

Yeas—Mr. President, Messrs. Baker, Baldwin, Dawkins, Eubanks, Hawes, Jones, Keitt, Lamar, McCall, McQueen, Nicholson and Welch—13.

Nays—Messrs. Call and Dell—2.

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 authorize Guardians, Administrators and Executors, to invest the moneys of Wards, Testators and Intestates, of Leon County in the Railroad Bonds of said county ;

Was read the third time and put upon its passage ;

Upon which the vote was :

Yeas—Mr. President, Messrs. Baker, Baldwin, Call, Dawkins, Dell, Eubanks, Hawes, Jones, Keitt, Lamar, McCall, McQueen, Nicholson, and Welch—15.

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 authorize William F. Green, of Gadsden county, to contract and be contracted with ;

Was read the third time and put upon its passage ;

Upon which the vote was :

Yeas—Mr. President, Messrs. Baldwin, Call, Dawkins, Hawes, Jones, Keitt, Lamar, McCall, McQueen, Nicholson and Welch—12.

Nay—Mr. Eubanks—1.

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—  
TUESDAY, December 6th, 1859.

Senate met pursuant to adjournment.

A quorum present.

Rev. Dr. DuBose officiated as Chaplain.

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

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 prohibit the circulation in this State of Foreign Bank Bills of a less denomination than five dollars.

The rule being waived, Mr. Call introduced the following bills without previous notice :

A bill to be entitled an Act concerning Replevin ; and,

A bill to be entitled an Act to amend the second Section of the third article of the Constitution of this State ;

Which were 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. Dawkins :

A bill to be entitled an Act to provide for the payment of costs of plaintiffs in certain cases, in the Western Judicial District.

By Mr. Nicholson :

A bill to be entitled an Act to amend an Act amending the charter of the City of Pensacola, for the purpose of extending the powers of the City to aid in the construction of the Alabama & Florida Railroad, approved December 21st, 1858 ;

A bill to be entitled an Act to organize a Fire Insurance Company in Pensacola, under the name of Pensacola Insurance Company ; and

A bill to be entitled an Act to prohibit trespasses upon Railroad Land Grants.

By Mr. Welch :

A bill to be entitled an Act to empower John W. Broxon and Isaac Broxon to assume the management of their own estates.

The rules being waived, Mr. Welch introduced without previous notice,

A bill to be entitled an Act authorizing a bridge tax in Walton county ;

Which was placed among the orders of the day.

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

By Mr. Nicholson :

A bill to be entitled an Act to amend the pilot laws for the Bay and Harbor of Pensacola.

By Mr. Jones :

A bill to be entitled an Act to authorize Edwin N. Everett, in Washington county, to assume the management of his own estate.

Mr. Nicholson moved that a bill to be entitled an Act for the relief of Alexander Douglas and others therein contained, which by

means of some misrepresentation was indefinitely postponed in December last, be now taken up and placed among the orders of the day;

Which motion was adopted.

The rules being waived, Mr. Baker gave notice that he would on some future day introduce

A bill to be entitled an Act to remove the Seminary, East of the Suwannee, from Ocala, to some more suitable and healthy locality in East Florida.

Mr. Call introduced a resolution asking information as to Swamp lands;

Which was received and placed among the orders of the day.

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 for the relief of Andrew J. Moore and William S. Dilworth;

A bill to be entitled an Act in relation to Courts of Probate in this State;

A bill to be entitled an Act to amend the law allowing appeals from the decisions of the Board of County Commissioners in this State;

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

A bill to be entitled an Act to amend an Act concerning Dower.

All of which is respectfully submitted,

T. B. LAMAR,

Ch'n Com. on Engrossed Bills.

Which report was received and the accompanying bills placed among the orders of the day.

Mr. Lamar from the Committee on Internal Improvements made the following report:

MR. PRESIDENT:

*Sir*:—The Committee to whom was referred a bill to be entitled an Act to authorize the Trustees of the Internal Improvement Fund to clear out the Channel of the Ocklawaha River in this State and for other purposes, beg leave to

#### REPORT,

That they have had the same under consideration, and while they are not opposed to the objects of the bill, yet with their ideas of the powers of the Trustees over the Trust Fund, they cannot consistently recommend the same. The Internal Improvement Act, approved Jan. 6th, 1855, sets apart and declares a distinct and separate fund,

all the lands granted to the State by Act of Congress, passed 3rd March, 1845, and all the lands granted by Act of Congress, Sept. 28th, 1850, with all the proceeds that have or may hereafter accrue to the State by the sale of said lands; and said lands and proceeds are called the Internal Improvement Fund, and are by the same Act "irrevocably vested in five Trustees," "and their successors in office, to hold the same in trust for the use and purposes hereinafter provided," &c. By this Act the Legislature divested itself of all control over the said lands till the objects of the trust are accomplished. Any bill therefore, which the General Assembly might enact disposing of said land or enlarging the powers of the Trustees, would be perfectly nugatory and imperative; but the Trustees already possess all the power sought to be conferred upon them by the bill under consideration. The 16th Section of the Internal Improvement Act enacts "that the Trustees of the Internal Improvement Fund shall hereafter fix the price of the public lands included in the Trust, having due regard to their location, value for agricultural purposes, or on account of timber or naval stores, and make such arrangements for the drainage of the Swamp or Overflowed Land as in their judgment may be most advantageous to the Internal Improvement Fund and the settlement and cultivation of the land," &c. It will thus be seen that the Trustees have ample power to do that which the bill proposes to empower them to do, viz: "To contract for the clearing out the channel of the Ocklawaha River from its mouth to its source," &c, "for the purpose of draining the Swamp Land contiguous thereto, and for improving the navigation of the same." The passage of the bill would therefore be superfluous legislation and objectionable because the subject matter is not a legitimate one. The Committee believe that the clearing out of the Ocklawaha River is a matter of considerable importance, and should be effected if possible; but they do not think that the Trust Fund is at the disposal of the General Assembly to be applied to that purpose. The General Assembly during the first part of this Session passed resolutions which indicated their high appreciation of the objects contemplated by the bill under consideration, and the Committee are of the opinion that nothing further is necessary.

Respectfully submitted,

T. B. LAMAR,

Ch'n Com. on Internal Improvements.

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

The Committee on Propositions and Grievances made the following report:

The Committee on Propositions and Grievances to whom was referred a petition of sundry citizens of St. Johns county, praying to

have the boundary line between the counties of Putnam and St. Johns changed, have had the same under consideration, and deeming the prayer of the petitioners reasonable, they recommend that the prayer be granted by passing the accompanying bill.

D. C. DAWKINS,

Chm'n Com. on Propositions and Grievances.

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

A committee from the House appeared and requested of the Senate, the return of a bill to be entitled an Act to change the name of Cynthia Jane Burdock to Cynthia Jane Willis.

On motion the Secretary was ordered to transmit said bill to the House of Representatives.

The following Message from the House of Representatives was received :

HOUSE OF REPRESENTATIVES, }  
Dec. 5, 1859. }

HON. JOHN FINLAYSON,

President of the Senate :

Sir :—The House of Representatives have passed the following Senate bill, viz :

A bill to be entitled an Act to provide for the payment of Constable's fees for summoning juries of inquest, and attendance on the same.

The following Senate bill has been lost in the House, viz :

A bill to be entitled an Act to change the name of Cynthia Jane Burdock, to Cynthia Jane Willis.

Very Respectfully,

E. M. GRAHAM,  
Clerk House Representatives.

Which was read and the accompanying bill ordered to be enrolled. The Special Committee to whom was referred a bill to be entitled an Act explanatory of an Act to organize the county of Volusia, ask leave to make the following

#### REPORT :

On examination, your committee find that the bill under consideration is intended to explain and enforce that clause of the Act to organize the county of Volusia, which provides for the distribution of the funds in the original county of Orange, between the present counties of Orange and Volusia. Your committee deeming the Legislature incompetent from the want of proper evidence in the case, to divide equitably the above mentioned funds between the counties of Orange and Volusia, and it having come to the knowledge of

your committee that the manner of distribution contemplated in the bill under consideration, has been the cause of much dissatisfaction to the inhabitants of both of those counties, they respectfully recommend that the matter be placed in the hands of the Judge of the Circuit Court. They therefore report the accompanying bill as a substitute for the bill referred to them, and respectfully recommend the passage of the same.

Committee. } ( G. E. HAWES,  
ISAAC WELCH,  
J. McR. BAKER.

Which report was received, and the substitute adopted.

#### ORDERS OF THE DAY.

The resolution for adjournment was read, and on motion was put upon its passage ;

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

Upon which the vote was :

Yeas—Mr. President, Messrs. Baldwin, Call, Dawkins, Dell, Eubanks, HaAes, Jones, Keitt, Lamar, McCall, McQueen, Nicholson and Welch—14.

Nay—Mr. Baker—1.

So said resolution passed—title as stated.

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

A bill to be entitled on Act to organize a Fire Insurance Company in Pensacola, under the name of Pensacola Insurance Company ;

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

A bill to be entitled an Act to amend an Act amending the charter of the city of Pensacola for the purpose of extending the powers of the city to aid in the construction of the Alabama & Florida Railroad in Florida, approved December 25, 1858 ;

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

A bill to be entitled an Act to prohibit trespasses upon Railroad land grants ;

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

The rules being waived, Mr. Call introduced without previous notice, the following bills :

A bill to be entitled an Act to amend the second section of the third article of the Constitution of this State ;

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

Also, a bill to be entitled an Act concerning Replevin ;

Which was read the first time, rules waived, read a second time by its title, and referred to the Committee on the Judiciary, and 80 copies ordered to be printed.

A bill to be entitled an Act to provide for the payment of costs by plaintiffs in certain cases, in the Western Judicial Circuit;

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

A bill to be entitled an Act to prohibit the circulation in this State, of foreign bank bills of a less denomination than five dollars;

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

House bill to be entitled an Act to amend the laws now in force in this State, relative to ejectment suits;

Was read a third time and put upon its passage;

Upon which the vote was:

Yeas—Mr. President, Messrs. Baker, Call, Dell, Eubanks, Hawes, Jones, Lamar, Nicholson and Welch—10.

Nay—Mr. McCall—1.

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 authorize Spencer Price, of Levy county, to establish a ferry from Number Four on the mainland to the Western terminus of the Florida Railroad, on Way Key, thence across the Bay to the city of Atseena Otie;

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 establish a ferry across the Ocklawaha river;

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, Baldwin, Call, Dawkins, Eubanks, Hawes, Jones, Keitt, Lamar, McCall, McQueen, Nicholson 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 to change the name of Mary King, to Mary Hancock;

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, Dawkins, Eubanks, Hawes, Jones, Keitt, Lamar, McCall, McQueen, Nicholson and Welch—12.

Nay—Mr. Baldwin—1.

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 change the name of Hugh Martin Newsoms, to Hugh Martin Keen;

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, Dawkins, Dell, Eubanks, Hawes, Jones, Keitt, Lamar, McCall, McQueen, Nicholson 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 for the relief of Alexander Douglas, Peter C. Wilkins and Kenneth McCaskell;

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

A bill to be entitled an Act to authorize the Trustees of the Internal Improvement Fund to clear out the Channel of the Ocklawaha River in this State, for the purpose of improving the navigation of the same and other purposes;

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

Resolution asking information as to the Swamp Lands;

Was read and placed upon its passage;

Upon which the vote was:

Yeas—Mr. President, Messrs. Baldwin, Call, Dawkins, Dell, Eubanks, Hawes, Jones, Keitt, Lamar, McCall, McQueen, Nicholson and Welch—14.

Nays—None.

So said resolution passed—title as stated.

Mr. Call moved that the resolution be spread upon the Journal and a copy of the same be served upon each member of the Internal Improvement Board;

Which motion was adopted.

*Resolved*, That the Trustees of the Internal Improvement Fund be requested to communicate to the Senate as early as possible, all the information in their possession concerning the present condition of the Swamp Lands and the fund arising from the sale thereof; and in particular, that they inform the Senate what steps have at any time been taken for selecting and classifying said lands, what contracts have been made for that purpose, and with whom, and how

far the said contracts have been executed, and that they furnish the Senate with copies of said contracts.

*Further*, That the said Trustees be requested to inform this Senate how much, if any moneys have been expended in selecting and classifying said lands, and by what authority any such moneys have been paid out, and how much is still claimed as due and owing from the said Fund for any services rendered under existing contracts which have not yet been completed.

*Further*, That the said Trustees do inform this Senate, how much if anything is due from the United States for Swamp Lands sold after the passage of the Act granting said lands to the State of Florida, how much has been received from the United States on that account, and what obstacles if any prevent the recovery of the remainder.

The following bills were read the third time, and on motion passed over informally:

A bill to be entitled an Act to amend the law allowing appeals from the decisions of the Board of County Commissioners in this State;

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

A bill to be entitled an Act to amend an Act concerning Dower; and,

A bill to be entitled an Act in relation to Courts of Probate in this State.

A bill to be entitled an Act for the relief of Andrew J. Moore and Wm. S. Dilworth;

Was read the third time and put upon its passage;

Upon which the vote was:

Yeas—Mr. President, Messrs. Baker, Baldwin, Call, Dawkins, Dell, Eubanks, Hawes, Jones, Keitt, Lamar, McCall, McQueen, Nicholson and Welch—15.

Nays—None.

So said bill passed—title as stated.

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

The rules being waived, the following bills and resolutions were introduced without previous notice:

By Mr. Welch:

A bill to be entitled an Act authorizing a bridge tax in Walton county, together with a petition relative thereto;

Which was read the first time, the rules waived, read the second time by its title, and referred to the Committee on Judiciary.

By Mr. Keitt:

A bill to be entitled an Act to incorporate the City of Ocala;

Was read the first time and ordered for a second reading on tomorrow.

By Mr. Dawkins:

A bill to be entitled an Act to repeal the 24th Section of an Act entitled an Act to provide for and encourage a liberal system of Internal Improvements in this State;

Was read the first time and ordered for a second reading on tomorrow.

By Mr. Call:

A bill to be entitled an Act concerning Pilotage at the Port of Fernandina;

Was read the first time and ordered for a second reading on tomorrow.

Resolutions relative to the Indian River & St. Johns River Canal;

Which were placed among the orders of the day, read the first time, rules waived, read a second time by their title, referred to the Committee on Internal Improvements, and 80 copies ordered to be printed.

Also, resolutions relative to the several Railroads in this State;

Were read the first time, rules waived, read a second time by their title and referred to the Committee on Internal Improvements, and 80 copies ordered to be printed.

A bill to be entitled an Act to authorize John W. Broxon and Isaac Broxon, to assume the management of their own Estates;

Was read the first time and ordered for a second reading on tomorrow.

A bill to be entitled an Act to amend an Act entitled an Act to organize the county of Volusia, approved January 29th, 1854;

Was read the second time and ordered for a third reading on tomorrow.

A bill to be entitled an Act to change the dividing line between the counties of Putnam and St. Johns;

Was read the first time and ordered for a second reading on tomorrow.

Rules being waved, Mr. Call introduced the following resolution, without previous notice:

*Resolved*, That hereafter none of the rules of the Senate shall be waived without the unanimous consent of the Senate, until after the orders of the day are through.

Upon the adoption of which the yeas and nays were called for by Messrs. McCall and Dawkins;

Upon which the vote was:

Yeas—Mr. President, Messrs. Baldwin, Call, Dell, Eubanks, Hawes, Jones, Keitt, Lamar and McQueen—10.

Nays—Messrs. Baker, Dawkins, McCall, Nicholson and Welch—

5.

The Chair decided that the resolution was lost.

Mr. Lamar appealed from the decision of the Chair; and  
Upon the question, "Shall the decision of the Chair be sustained?"  
The yeas and nays were called for by Messrs McCall and Daw-  
kins;

Upon which the vote was:

Yeas—Messrs. Baker, Dawkins, Hawes, McCall, Nicholson and  
Welch—6.

Nays—Messrs. Baldwin, Call, Dell, Eubanks, Jones, Keitt, Lamar  
and McQueen—8.

So the decision of the Chair was not sustained; and

The resolution was adopted.

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

—o—  
WEDNESDAY, December 7th, 1859.

Senate met pursuant to adjournment.

A quorum present.

On motion of Mr. Keitt, the reading of yesterday's journal was  
dispensed with.

Mr. Keitt moved to reconsider the vote taken yesterday upon the  
question, "Shall the decision of the Chair be sustained?"

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

Upon which the vote was:

Yeas—Messrs. Baldwin, Dawkins, Dell, Hawes, Jones, Keitt, Mc-  
Queen, Nicholson and Welch—9.

Nays—Messrs. Call, Eubanks and Lamar—3.

So the vote was reconsidered.

Mr. Dell moved that the bill authorizing Samuel Elliott to estab-  
lish a ferry from Atseena Otie to the Western terminus of the Flori-  
da Railroad on Way Key, be laid on the table;

Which motion was adopted.

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

By Mr. Jones:

A bill to be entitled an Act to amend the laws in force in this  
State, as to gaming; and

A bill to be entitled an Act to amend the laws of force in this  
State, as to the cruel or unusual punishment of slaves in this State.

By Mr. Baldwin:

A bill to be entitled an Act for the relief of certain parties hold-  
ing State Jury and Witness scrip; and

A bill to be entitled an Act to incorporate a Railroad Company  
to be called the Florida & Georgia Railroad Company.

By Mr. Nicholson:

A bill to be entitled an Act relative to pleading and practice of  
the Courts of this State; and

A bill to be entitled an Act prohibiting slaves from hiring their  
own time and for other purposes.

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

A bill to be entitled an Act for the relief of Spencer T. Thomas;

A bill to be entitled an Act to remove the State Seminary East  
of the Suwannee, to some other more suitable and healthy locality;

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

A bill to be entitled an Act to authorize Edmund N. Everett, of  
Washington county, to assume the management of his own Estate;

A bill to be entitled an Act to incorporate the Lagoon and Per-  
dido Canal Company;

A bill to be entitled an Act amending the Pilot Laws for the Bay  
and Harbor of the city of Pensacola.

Mr. Baker presented the petition and vouchers of Spencer T.  
Thomas;

Which were referred to the Committee on Claims and Accounts.

Mr. Baker presented resolutions recommending to the Trustees of  
the Internal Improvement Fund certain proceedings in regard to  
the several Railroad Companies;

Which were received and placed among the orders of the day.

The Committee on Engrossed Bills made the following report:

MR. PRESIDENT:

Sir:—A bill to be entitled an Act to authorize the Trustees of  
the Internal Improvement Fund to clean out the Channel of the Oc-  
lawaha River in this State, for the purpose of improving the naviga-  
tion of the same and other purposes; and,

A bill to be entitled an Act to authorize Spencer Price of Levy  
county, to establish a Ferry from number four on the main land to  
the western terminus of the Florida Railroad on Way Key, thence  
across the Bay to the city of Atseena Otie.

All of which is respectfully submitted,

ISAAC WELCH,

Acting Ch'n Com. on Engrossed Bills.

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

On motion of Mr. Keitt, the bill to be entitled an Act to authorize