

Yeas—Mr. President, Messrs. Baldwin, Call, Dawkins, Eubanks, Hawes, Jones, Keitt, Lamar, McCall, McElvy, 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 provide for the payment of costs by plaintiffs in certain cases in the Western Judicial Circuit;

Was read the third time, and on motion was placed back upon its second reading;

Upon which Mr. Dawkins offered the following amendment:

Strike out the word "reserve" and insert the word "recover" in its place.

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

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

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, McCall, McElvy, McQueen, Nicholson and Welch—12.

Nays—Messrs. Dell, Eubanks, and Lamar—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 authorize the Trustees of the Internal Improvement Fund to clear out the channel of the Oclawaha river in this State, for the purpose of improving the navigation of the same, and for other purposes;

Was read a third time and put upon its passage;

Upon which the vote was:

Yeas—Mr. President, Messrs. Call, Hawes, Jones, Keitt, McElvy, McQueen and Welch—8.

Nays—Messrs. Dawkins, Dell, Eubanks, Lamar and Nicholson—5

So said bill passed—title as stated.

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

Resolution asking aid to improve the navigation of Holmes Creek;

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

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

FRIDAY, December 9th, 1855.

Senate met pursuant to adjournment.

A quorum present.

Rev. Dr. DuBose officiated as Chaplain.

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

Mr. McCall moved to waive the rules, so that the Lake City and Suwannee Railroad Company bill might be read a second time by its title and referred to the Committee on Corporations;

Which motion was adopted.

The Committee on Militia made the following majority report:

The Committee on the Militia to whom has been referred a bill for the relief of Benjamin Hopkins, ask leave to

#### REPORT,

That they have had the same under consideration, and find nothing materially different from the Report made by the Committee on Claims and Accounts the last Session, which they herewith present as embodying the views of your Committee as full as anything we can present.

We herewith present the report of the Committee on Claims and Accounts, reported at the last Session of the General Assembly, to-wit: The Committee on Claims and Accounts to whom has been referred a resolution for the relief of Benjamin Hopkins, ask leave to Report, that they have had the same under consideration, and find in the Acts of 1852-'53, a joint resolution of the General Assembly, authorizing the payment of one hundred and fifty dollars per month to Benjamin Hopkins, while in actual service, and find also in Governor Brown's message to the General Assembly of the same Session, that Gen. Hopkins was called into services as the Special Agent of the State, and had not more than forty men in the service at any time, and we are informed and believe that the compensation allowed to Special Agents called into the service of the State, since the date that Gen. Hopkins' term expired, has been fixed at three dollars per day, with other and actual necessary expenses by the Governor of this State, while Gen. Hopkins received for the same kind of service five dollars per day.

Your Committee are further of the opinion that to allow Gen. Hopkins the pay of Major General would be adopting a precedent for all persons who have been called into the service of the State, or who may hereafter be called in as Special Agent to be entitled to the same pay that the said Gen. Hopkins would receive, which in the opinion of your Committee would be detrimental to the best interest of the State. Your Committee are of the opinion that Gen.

Hopkins has received full compensation for the services rendered; they therefore recommend that the resolution do not pass.

Your Committee will say further, that if Gen. Hopkins had been called into the service of the State as Major General, they would readily recommend his being paid as such, but as he was not, we believe that he has had full compensation for his services; we therefore recommend the bill do not pass.

J. W. McQUEEN,  
P. DELL,  
W. J. KEITT,

Which was received and read.

Mr. Baker from the Committee on Corporations, made the following report:

The Committee on Corporations to whom was referred a bill to incorporate the town of Ocala, have had the same under consideration and recommend its passage.

J. McROBERT BAKER,  
Chairman Com. on Corporations.

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

Mr. Baldwin from 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 Lake City and Suwannee Railroad Company,

#### REPORT,

That they have had the same under consideration, and report it back and recommend its passage as recommended.

A. S. BALDWIN,  
Of the Com. on Corporations.

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

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 to provide for the attendance of slaves;  
Resolution asking aid to improve the navigation of Holmes Creek;

A bill to be entitled an Act more fully defining the duties of Tax Assessor & Collector in the city of Pensacola;  
Resolution relative to the several Rail-roads in this State;

A bill to be entitled an Act authorizing a Bridge Tax in Walton county;

A bill to be entitled an Act to prohibit Tresspasses on Rail-road land grants;

A bill to be entitled an Act authorizing Edward Everett to assume the management of his own property.

Respectfully submitted,

A. W. NICHOLSON,  
Act. Ch'n.

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

The following Message from the House of Representatives was received:

HOUSE OF REPRESENTATIVES, }  
Dec. 3, 1859. }

HON. JOHN FINLAYSON,

President of the Senate:

*Sir*:—The House of Representatives have passed the following bills, viz:

A bill to be entitled an Act to authorize the Supreme Court to establish rules in Chancery Practice;

A bill to be entitled an Act for the payment of the Florida Volunteers called into service under the requisition of the Governor of this State, for services rendered previous to their being Mastered in, during the years 1855-6;

A bill to be entitled an Act to amend the laws of this State relating to Divorce;

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

A bill to be entitled an Act to require physicians and Surgeons to file certified copies of their Diplomas;

A bill to be entitled an Act to unite the Offices of Judge of Probate and Clerk of the Circuit Court in Volusia County;

A resolution for the relief of the Comptroller of the State;

A resolution relative to the office of Register of the United States Lands at Tallahassee. Also Senate bills:

A bill to be entitled an Act for the relief of Noah P. Suggs, of Lafayette County;

A bill to be entitled an Act allowing two Judges of the Supreme Court to hold a Court in the absence of the third Judge.

Very Respectfully,

E. M. GRAHAM,  
Clerk House Representatives.

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

The following message was received from the House of Representatives :

HOUSE OF REPRESENTATIVES, }  
December 7th, 1859. }

HON. JOHN FINLAYSON,

President of the Senate :

*Sir* :—The House of Representatives has this day passed the following bills, viz :

Senate bill to be entitled an Act to correct an error in the printed Act entitled an Act to incorporate the city of Lake City ;

A bill to be entitled an Act to empower Susan M. Croon, a minor of Leon county, to assume the management of her own estate ;

A bill to be entitled an Act to empower William W. Tucker, a minor of Jefferson county, to assume the management of his own estate ;

A bill to be entitled an Act to change the name of Andrew J. Revells, of Madison county, to that of Andrew J. Duncan ;

A bill to be entitled an Act to empower David Franklin Houck to assume the management of his own estate ;

A bill to be entitled an Act to empower Charles Maltby West, a minor of Leon county, to assume the management of his own estate ;

A bill to be entitled an Act to require Justices of the Peace to give bond ;

A bill to be entitled an Act repealing certain Acts passed in relation to the county officers of Calhoun county ;

A bill to be entitled an Act to prevent the unnecessary use of firearms in the State of Florida on the Sabbath day.

Very Respectfully,

E. M. GRAHAM,

Clerk House of Representatives.

Which were read, and the accompanying bills placed among the orders of the day, and the Senate bill ordered to be enrolled.

Mr. Baker moved that the bill to refer the bill entitled an Act for the relief of Spencer T. Thomas, and the petition as to the same, be referred back again to the Senate, and placed among the present orders of the day ;

Which motion was adopted.

#### ORDERS OF THE DAY.

House bill to be entitled an Act to authorize the Supreme Court to establish rules in Chancery practice ;

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

House bill to be entitled an Act for the payment of the Florida

Volunteers, called into service under the requisition of the Governor of this State, for services rendered previous to their being mustered in, during the years 1855-'56 ;

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

House bill to be entitled an Act to require Physicians and Surgeons to file certified copies of their Diplomas ;

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

House bill to be entitled an Act to amend the laws of this State relating to Divorce ;

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

House bill to be entitled an Act in relation to records ;

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

House bill to be entitled an Act to unite the offices of Judge of Probate and Clerk of the Circuit Court in Volusia county ;

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

A bill to be entitled an Act for the recovery of taxes illegally exacted ;

On motion, was passed over informally.

House resolution for the relief of the Comptroller of this State ;

Was read and put upon its passage ;

Upon which the vote was :

Yeas—Messrs. Baker, Baldwin, Dawkins, Dell, Eubanks, Hawes, Jones, McCall, McElvy, McQueen, Nicholson and Welch—12.

Nays—none.

So said resolution passed—title as stated.

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

House resolution relative to the office of Register of U. S. Lands, at Tallahassee ;

Was read and put upon its passage ;

Upon which the vote was :

Yea—Mr. Nicholson—1.

Nays—Messrs. Baker, Baldwin, Dawkins, Dell, Eubanks, Hawes, Jones, McElvy, McQueen and Welch—10.

So said resolution was lost.

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

House bill to be entitled an Act to change the name of George Gibbs Smith ;

Was read the third time and put upon its passage ;

Upon which the vote was :

Yeas—Messrs. Baker, Baldwin, Dawkins, Dell, Eubanks, Hawes, Jones, McCall, McElvy, McQueen, Nicholson and Welch—12.

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 allow additional compensation to County Commissioners ;

Was read the third time and put upon its passage ;

Upon which the vote was :

Yeas—Messrs. Baker, Baldwin, Dawkins, Eubanks, Jones, Keitt, McQueen and Nicholson—8.

Nays—Messrs. Dell, McCall, McElvy and Welch—4.

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 change the name of George Frisby ;

Was read a third time and put upon its passage ;

Upon which the vote was :

Yeas—Messrs. Baker, Baldwin, Dell, Eubanks, Jones, Keitt, McElvy, McQueen, Nicholson and Welch—10.

Nay—Mr. Dawkins—1.

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 change the time of holding the Circuit Court in the counties of Hamilton and Taylor, in the Middle Judicial Circuit of Florida ;

Was read a third time and put upon its passage ;

Upon which the vote was :

Yeas—Mr. President, Messrs. Baker, Baldwin, Dawkins, Dell, Eubanks, Jones, Keitt, McElvy, McQueen, Nicholson and Welch—12.

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 Daniel Newnan Cone, a minor, of Columbia county, to assume the management of his own estate ;

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

A bill to be entitled an Act to change the line between Gadsden and Liberty counties ;

Was read the first time, rules waived, read the second time by its

title, and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled an Act for the relief of Benjamin Hopkins, and others ;

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

A bill to be entitled an Act to prevent insubordination among slaves ;

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

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

A bill to be entitled an Act still further defining the duties of the Trustees of the Internal Improvement Fund ;

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

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

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

Mr. Baker moved that the letter of the Chairman of the Committee on Corporations to the Attorney General, and his response to the same be placed upon the records as part of the previous report of the Committee on Corporations, and that the opinion therein contained is hereby sanctioned and approved ;

Which motion was adopted.

ATTORNEY GENERAL'S OFFICE, }  
TALLAHASSEE, December, 8th, 1859. }

Hon. J. McROBERT BAKER,

Chm'n Senate Com. on Corporations :

Sir :—In response to the enquiries contained in your letter of yesterdays date, I have to state that in my opinion it is necessary before the Legislature is authorized to pass an Act of Incorporation, that public notice should be given in one or more newspapers in the State, for at least three months, immediately preceding the Session, at which the same may be applied for, and that the Session contemplated, is not an adjourned Session but one following an election for

members of the General Assembly. I am also of opinion that amendments to acts of Incorporation, fall within the same rule.

Very respectfully,

M. D. POPY.

SENATE CHAMBER,  
TALLAHASSEE FLA., Dec. 7th 1859.

HON M. D. POPY :

Atty Gen'l State of Florida,

Present:

*Dear Sir* :—Several bills have been referred to the Committee on Corporations in which the following legal questions arise :

1st. Is it legally necessary to advertise as to Charter Acts of Incorporation &c., before each Session of the Legislature.

2nd. If legally necessary, must not and does not each required advertisement refer to the first Session of the 7th, 8th or 9th Legislature, as the case may be, and will such an advertisement, before an adjourned Session of the Legislature, be in compliance with the law.

3rd. Does not the law equally apply to amendments too, as to original Charters.

Your reply will oblige myself and the members of the Committee.

Very respectfully,

J. McROBERT BAKER,  
Chm'n of the Com. on Corporations.

A bill to be entitled an Act to incorporate the Lake City & Suwannee Railroad Company ;

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

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 third time and put upon its passage ;

Upon which the vote was :

Yeas—Mr. President, Messrs. Baker, Dawkins, Dell, Eubanks, Jones, Keitt, McElvy, Nicholson and Welch—10.

Nays—Messrs. Call and McQueen—2.

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 repealing certain acts passed in relation to the county officers of Calkoun county ;

Was read the first time, and on motion, was passed over informally.

House bill to be entitled an Act to prevent the unnecessary use of fire-arms in the State of Florida on the Sabbath day ;

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

House bill to be entitled an Act to require Justices of the Peace to give bond ;

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

House bill to be entitled an Act to allow William W. Tucker, of Jefferson county, to assume the management of his own estate ;

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

House bill to be entitled an Act to change the name of Andrew J. Revells, of Madison county, to that of Andrew J. Duncan ;

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

House bill to be entitled an Act to empower Susan M. Croom, a minor, of Leon county, to assume the management of her own estate ;

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

House bill to be entitled an Act to empower David Franklin Hough to assume the management of his own estate ;

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

House bill to be entitled an Act to empower Charles Maltbie West, a minor, of Leon county, to assume the management of his own estate ;

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 provide for the attendance of slave witnesses in capital cases ;

Was read the second time and passed over informally.

A bill to be entitled an Act more fully defining the duties of Tax Assessors and Collectors for the City of Pensacola ;

Was read the third time and put upon its passage ;

Upon which the vote was :

Yeas—Mr. President, Messrs. Baker, Baldwin, Call, Dawkins, Eubanks, Jones, Keitt, McQueen, Nicholson and Welch—11.

Nay—Mr. Dell—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 prohibit trespasses upon Railroad Land Grants;

Was read the third time and put upon its passage;

Upon which the vote was:

Yeas—Mr. President, Messrs. Baker, Baldwin, Call, Dawkins, Eubanks, Jones, Keitt, McQueen, Nicholson and Welch—11.

Nay—Mr. Dell—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 Edward N. Everett of Washington County, to assume the management of his own estate;

Was read a third time and put upon its passage;

Upon which the vote was:

Yeas—Mr. President, Messrs. Baker, Baldwin, Call, Dell, Jones, Keitt, McQueen, Nicholson and Welch—10.

Nay—Mr. Eubanks—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 authorizing a Bridge Tax in Walton 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, Jones, Keitt, McQueen, Nicholson and Welch—12.

Nays—None.

So said bill passed—title as stated.

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

Resolution relative to the several Rail-roads in this State;

Was read a third time and put upon its passage;

Upon which the vote was;

Yeas—Messrs. Baker, Call, Dawkins, Dell, Keitt and McQueen—6;

Nays—Mr. President, Messrs. Baldwin, Eubanks, Nicholson and Welch—5.

So said resolution passed—title as stated;

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

Resolution asking aid to improve the navigation of Holmes Creek;

Was read a third time and put upon its passage;

Upon which the vote was;

Yeas—Mr. President, Messrs. Baker, Dawkins, Eubanks, Jones, Keitt, McElvy, McQueen, Nicholson and Welch—10.

Nays—Messrs. Baldwin and Dell—2.

So said resolution 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 Spencer T. Thomas;

Was read the second time.

On motion of Mr. Call, the further reading of the bill was dispensed with.

Mr. Call moved a call of the House;

The roll being called, the following members answered to their names:

Messrs. Baker, Call, Dawkins, Dell, Eubanks, Jones, Keitt, McQueen, Nicholson and Welch—10.

There being no quorum present,

Mr. Call moved that the Sergeant-at-Arms be sent for the absentees, pending which a quorum appeared, and on motion of Mr. Call, the further proceedings on the call were dispensed with; and

The bill ordered to be engrossed for a third reading on to-morrow.

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

—o—

SATURDAY, December, 10th, 1859.

The Senate met pursuant to adjournment.

A quorum present.

On motion of Mr. Jones, the further reading of yesterday's journal was dispensed with, and the journal corrected and approved.

Mr. Baldwin moved that a bill to be entitled an Act to provide for the disposal of lands granted by Congress to the State of Florida, to aid in the construction of certain Railroads, which was laid on the table on the 14th of January, 1859, be taken up and placed among the orders of the day.

Mr. Lamar moved to lay the motion on the table;

Which motion was lost.

The question was then taken upon the motion of Mr. Baldwin;

Which was lost.

On motion of Mr. Keitt, the vote taken upon the motion of Mr. Baldwin was reconsidered:

Mr. Call moved to amend by adding "and that the first resolution for adjourning on the 17th inst., be and the same is hereby rescinded."