

16. *Committee on General Provisions.*—Messrs. Geo. S. Hawkins, D. H. Mays, G. Priest.

17. *Committee on Schedule and Ordinance.*—Messrs. W. H. Wall, Daniel Bell, Jesse Carter.

18. *Committee on Enrolled Bills.*—R. B. Haughton, D. H. Mays, T. M. White.

On motion of Mr. Priest, the Senate adjourned until Monday, 10 o'clock.

MONDAY, June 30th, 1845.

The Senate met pursuant to adjournment, and a quorum being present, Saturday's proceedings were read and approved.

There being no other business, the Senate proceeded to the

ORDERS OF THE DAY.

The Resolution relative to the employment of Clerks, and purchase of a book, for recording the proceedings of the Senate, came up on a second reading.

On motion of Mr. Wright, the Senate resolved itself into a Committee of the Whole, Mr. Hawkins in the Chair, on said resolutions; and after some time spent therein, rose and reported back the resolutions, with amendments, by filling up the first blank in the first resolution by inserting "eight," and the second blank in the same resolution, by inserting "ten."

Which amendments were concurred in, and the rule being waived, the resolutions were adopted.

The resolution respecting Colors of the State, which was laid on the table until to-day, came up, and on motion of Mr. Walker, was laid on the table until Wednesday next.

The Senate then adjourned until to-morrow, 9 o'clock, A. M.

TUESDAY, July 1st, 1845.

The Senate met pursuant to adjournment; and a quorum being present, yesterday's proceedings were read and approved.

Mr. Wall gave notice that he will, on some future day, ask leave to introduce a bill entitled, An act assenting to the purchase by the United States of certain land on the island of Key West, and ceding the jurisdiction of the State of Florida over the same, under certain conditions and limitations.

Mr. Walker, from the select committee appointed to prepare a suitable room for his Excellency, the Governor, reported that the committee had performed that duty, and that his Excellency was in possession of his room.

Which report was concurred in.

Mr. Wright, from the joint select committee appointed to draft rules for the two Houses, reported the following rules:

JOINT RULES OF THE GENERAL ASSEMBLY.

RULE 1. Messages from either House to the other shall be sent by such persons as a sense of propriety in each House may determine.

2. After a bill shall have passed both Houses, it shall be duly enrolled by the Clerk of the House of Representatives, or by the Secretary of the Senate, as the bill may have originated in one or the other House.

3. When bills shall be enrolled, they shall be examined by a Joint Committee of at least two from the Senate, and two from the House of Representatives, appointed as a Standing Committee for that purpose, who shall forthwith make report.

4. When a bill or resolution, which shall have passed in one House is rejected in the other, notice thereof shall be given to the House in which the same may have passed:

5. When a bill or resolution which has been passed in one House, shall be rejected in the other, it shall not be brought in during the same session, without notice of ten days, and leave of two-thirds of that House in which it shall be moved.

6. Each House shall transmit to the other all papers on which any bill or resolution shall be founded.

7. No bill that shall have passed one House, shall be sent for concurrence to the other, on either of the last three days of the session.

8. After each House shall have adhered to their disagreement, a bill or resolution shall be lost.

9. When elections are required to be made by joint vote of the two Houses, the time of electing shall be previously agreed upon, and each House shall communicate the nominations made therein to the other, prior to the voting.

10. Each House shall communicate to the other the nominations, and the result of each voting.

11. In every Joint Committee the member first named on the part of the House first proposing such Committee, shall convene the same.

12. During the election of officers there shall be no motions entertained, except to adjourn, to proceed to vote, to nominate and to withdraw a candidate—which motions shall have precedence in the order they stand.

13. The doings throughout shall proceed without debate.

14. Communications shall be made on paper, and signed by the presiding officer of each House, and transmitted through the Messenger or Door Keeper.

15. In the election for the Senate of the United States, both Senators shall be voted for at the same time, until one or both of them shall be chosen.

16. In every case of disagreement between the Senate and House of Representatives, either House may suggest conference, and appoint a Committee for that purpose, and the other House shall also appoint a Committee to confer at a convenient hour, to be designated by the Chairman; said Committees shall meet, and confer freely on the subject of disagreement.

On the question of adopting the ninth joint rule, the same was decided in the negative.

Mr. Carter offered the following amendment to be inserted in the place of said rule :

"The Senate shall meet the Representatives in the Representative Hall, and cast their votes jointly in all elections by the General Assembly."

Mr. Mays moved to amend the amendment by adding the words, "except in cases otherwise provided for in the State Constitution."

Which was concurred in.

The amendment, as amended, was then concurred in.

The tenth rule was stricken out.

The joint rules were then adopted as amended.

A communication was received from the Secretary of the Territory and read.

His Excellency the Governor transmitted to the Senate the following message, through the hands of Mr. Macrae :

Gentlemen of the Senate and House of Representatives :

It has been to me a source of deep regret that so long an interval should have elapsed without a communication on my part, in accordance with the usages of this department of the Government and in obedience to that clause of the Constitution which requires the Executive to give to the General Assembly information of the state of the Government, and to recommend to its consideration such measures as he may deem expedient.

Under circumstances, different from our present position, such omission on my part might possibly have a tendency to delay the action of the Legislature, and to that extent be detrimental to the public interest. But upon the reflection that a high responsibility rests not only upon the Executive, as to the measures which he may deem it proper to recommend for your deliberation, but that a like responsibility attaches to you in your capacity as Legislators ; and that any precipitancy, either on the part of the Executive or of the Legislature, in the discharge of the important functions intrusted to them, might be productive of consequences injurious to the public interest, and which time and proper deliberation might readily have obviated, it is hoped that you are prepared to ascribe such delay to better motives than to culpable negligence.

It must be obvious to all of you, that the peculiarity of our present position—that of freemen about to enter into the enjoyment of the inestimable privilege of self-government—will, as a matter of necessity, require a well regulated system of laws ; and that this object, so highly important to the security and preservation of our happiness and prosperity, as a government and as individuals, cannot be effectually obtained without a circumspection and deliberation proportioned to the magnitude of the object to be secured. The short interval which has intervened since the recent State elections, has not, therefore,

in all reasonable probability, afforded you a sufficient opportunity to digest and prepare such a system. This, in connection with the lateness of the season at which the present session is held, will probably make a protracted session not only inconvenient but wholly impracticable. Entertaining the opinion that the Legislature coincides with me in this regard, it is deemed advisable to invite your attention to such matters only as may be indispensably necessary to meet the immediate requirements of the Government, and which, it is believed, cannot be postponed without serious prejudice to the public good.

By a reference to the Constitution, it will be perceived that in the current year, (1845), a census shall be taken of the population of the State, with a view to the re-apportionment of the representation.— This should by no means be omitted ; for, apart from the imperative injunction of the Constitution, requiring the action of the Legislature upon this subject during the current year, it cannot have escaped your attention that the apportionment, as at present in force, under the Constitution, is, by extraordinary circumstances, (and such, too, as could not at the time of its adoption have possibly been foreseen), so obviously inconsistent with the elementary principles of our Republican form of Government, that a proper regard for those principles, and a sense of justice to that portion of our fellow-citizens whose rights are thereby affected, will readily recommend *that subject* to you, as one which will require your immediate and prompt Legislation. It is therefore recommended to you, that provision be made, in this regard, for the taking (at as early a day as may be practicable) the census, as is required by the Constitution—with the view that the returns may be made within such time as may secure the action of the Legislature upon this highly important measure, at its adjourned session, or at the *present session*, if you shall determine that your present adjournment shall be indefinite.

The Judiciary system will also require your immediate attention ; and it would seem that your legislation upon this head should be as perfect as may be practicable, with the view that the election of such officers as is necessarily connected with that system, may not precede the perfecting the act which may be passed ; thereby leaving those who may be elected unadvised at the time of the election, as to the duties and responsibilities which they assume, in accepting the several offices.

Some financial system, or system of Taxation and Revenue, will without doubt, readily suggest itself to your deliberate reflection. It may, however, be a matter worthy of your consideration, whether such system shall at once be perfected, or whether it may not be more advisable to adopt such a measure at present as may provide for the current expenses of the Government, daily accruing ; and to postpone to a later day within the term for which you have been elected, the final adjustment and settlement of this important and delicate subject. Without presuming to dictate to you upon this, or any

other subject which I may deem it to be my duty to recommend to your deliberation, I may be permitted to remark, that taking into view our limited pecuniary resources, it would seem to me to be better to make some temporary arrangement for raising a revenue adequate to our immediate wants, and to leave to a later period the important duty of establishing a fixed and permanent financial system. And, as this is a subject also which will require accurate and extensive information as to the revenues of the State, and the most suitable subjects of taxation, for the support of the Government, administered with a proper regard to economy, to enable the legislature to act understandingly upon this whole subject, I would respectfully suggest the propriety of raising a joint select committee of the two houses, (or of selecting such other agent within the control of the Legislature, as may be deemed more advisable,) whose duty it shall be before the meeting of the adjourned session, to procure such information, (if within their reach,) as shall be serviceable in the adjustment, and perfecting our system of revenue. To such committee also might be given instructions to report at the same time, if practicable, a bill for your future consideration, providing a complete system of Revenue Laws.

Your attention is further respectfully invited to the better organization of the Militia of the State, and to the enacting at this time of such laws as may be deemed necessary for its further regulation and government, (so far at least as may be consistent with the regulations of the Federal Government,) and to the mode of election of the various militia officers, in conformity to the requirements of the Constitution.—The necessity at all times, (but more especially at the present,) for a well organized, and properly disciplined, and equipped militia, must be obvious to the most careless observer of passing events, apart from the peculiarity of our geographical position, in relation to foreign nations, and to the care and circumspection which should at all times be observed in regard to the necessary control and management of an institution peculiar to the Southern portion of the Confederacy.

The present state and condition of the public library are such as to justify me in presenting it to your consideration. I therefore would suggest the propriety of raising a joint committee of the two houses, whose duty it should be to make an examination, not only as to the condition of the books, and their present state of preservation from injury, and probable loss, but also as to the propriety of appointing a librarian or other agent, authorized and required to take charge of the whole concern, under such rules and regulations as the General Assembly may, from time to time, direct and establish. The present library room is obviously too small, under the existing arrangement, to allow a suitable and proper disposition of such books as are already the property of the State, without taking into view its enlargement by annual accessions from the other States of the Union, and from the contributions made by liberal and patriotic individuals.

Your attention is invited to such legislation as may be necessary

and proper, to secure by a judicious location, (at as early a day as practicable,) the highly liberal and valuable donation of the public lands, recently made by the Federal government. The value of these lands must measurably depend upon their location. It would seem, therefore, that any unnecessary delay in making such location, under present circumstances, might be productive of incalculable loss to the State.

There is one other subject to which your attention will, of necessity, be directed, without any formal communication on the part of the Executive. I allude to the subject matter of the fourteenth (14th) section of the thirteenth (13th) article of our State Constitution. That section provides: That the General Assembly shall, at its first session, have power to regulate, restrain and control all associations, claiming to exercise corporate privileges in the State, so as to guard, protect, and secure the interests of the people of the State, not violating vested rights, or impairing the obligation of contracts.

The power thus confided to the General Assembly is too important, and too necessary to the well being of the State, to be lost, through any inadvertence in postponing it to an adjourned session, without the most satisfactory assurance that such postponement would not divest the legislature of that power.

The language of the Constitution is plain and unequivocal. It is for you to determine whether or not, by omitting to legislate upon this subject at the present session, the powers thus conferred upon you would extend to a session adjourned, to meet at some definite day within the time for which you may have been elected.

The duty thus confided to you, I am sure, you will consider a sacred trust, confided to you by our common constituents; a duty which no inconvenience, however great, will induce you to postpone, if, by such postponement, the right of legislation hereafter should thereby be lost.

It may, therefore, be your duty, (in case of an adjournment), previously to ascertain, whether an adjournment over to a definite period within the term for which you may have been elected to serve, will, within the true intent and meaning of the article alluded to in the Constitution, close the first session of the General Assembly. If such shall be the construction given to it, your duty, at present, is too plain, too obvious, and of too solemn a character, to require any suggestion from me, as to the necessity of its performance. I very respectfully, however, beg leave to remark, in conclusion upon this delicate and highly important subject, that I feel perfectly well assured you will carry with you, in your deliberations upon this subject, minds divested of every shadow of partiality or prejudice; and that, whatever the result may be, will be alike creditable to your good sense and sound discretion as legislators, and to your philanthropy as men.

There are other measures, equally important to the interests of the State, to which, at a future day, your attention will be invited. They

have only been postponed for the present, from the conviction, that those herein presented, require your more immediate attention, to put the government in motion.

It will be to me a source of high gratification to have frequent communication with you, so often, at least, as the interests of the State may seem to require it; and also to unite cordially with you in perfecting such measures as may have a tendency to promote the happiness and prosperity of our common country.

W. D. MOSELEY.

Tallahassee, July 1st, 1845.

Which was read, and five hundred copies ordered to be printed.

The House returned to the Senate the Senate's resolution, respecting the postponement of the sales of the public lands, adopted by the House unanimously.

On motion, Messrs. Haughton, Mays and Center were appointed a committee to inform the House of Representatives that the Senate would be ready to go into the election of United States Senators at 12 o'clock, M. to-day.

The committee retired to perform that duty.

A committee from the House, consisting of Messrs. Floyd, Coleman and Loring, informed the Senate that the House would be ready to go into the election of U. S. Senators at 12 o'clock, M. to-day.

At 12 o'clock, a committee, consisting of Messrs. Mays, Walker and Wright, was appointed to inform the House that the Senate was then ready to proceed to the election of United States Senators.

Which committee retired, and after a short time, reported that the House was not then ready to go into the election, but would inform the Senate when prepared.

At 12 1/2 o'clock, P. M., a committee from the House informed the Senate that the House had adopted the rules reported by the joint select committee for the government of the two Houses, as amended by the Senate, and was ready to go into the election of Senators to the Congress of the United States.

Whereupon the Senators proceeded to the Hall of the House of Representatives, and upon invitation of the Speaker, the President of the Senate presided over the joint meeting.

On motion of Mr. McClellan, the election was conducted by calling over the rolls of both Houses, beginning with that of the Senate. each member, as he was called, naming the candidates voted for.

On motion of Mr. Hawkins, each member rose from his seat on casting his vote.

Mr. Loring nominated David Levy as a candidate for Senator to the Congress of the United States.

Mr. Hawkins nominated James D. Westcott.

Mr. Kelly nominated Jackson Morton.

Mr. Tracey nominated Joseph M. Hernandez.

The following is the result of the election :

	DAVID LEVY.	JAMES D. WESTCOTT.	JOS. M. HERNANDEZ.	JACKSON MORTON.		DAVID LEVY.	JAMES D. WESTCOTT.	JOS. M. HERNANDEZ.	JACKSON MORTON.
Mr. President,	1	1				1	1		
Messrs. Bellamy,	1	1				1	1		
Bell,	1	1				1	1		
Broward,	1	1				1	1		
Carter,	1	1				1	1		
Center,	1	1				1	1		
Goodbread,	1	1				1	1		
Haughton,			1	1					
Hawkins,	1	1				1	1		
Mays,	1	1				1	1		
McLean,	1	1	1	1		1	1	1	1
Porter,	1	1				1	1		
Priest,	1	1				1	1		
Walker,	1	1		1	1	1	1		1
Wall,	1	1				1	1		
White,			1	1					
Wright,			1	1					
Mr. Speaker,	1	1				1	1		
Messrs. Allison,	1	1				1	1		
Alexander,	1	1				1	1		
Barkley,	1	1	1	1		1	1	1	1
Branch,	1	1				1	1		
Brett,			1	1					
Brown, of Leon,			1	1					
Brown, of Monroe,	1	1				1	1		
Coleman,	1	1				1	1		
Cotten,	1	1				1	1		
Dell,	1	1				1	1		
Dummett,	1	1				1	1		
Ellis,	1	1				1	1		
Carried forward,	22	22	8	8		22	22	8	8

Brought forward,
Messrs. Ferguson,
Fernandez,
Floyd,
Fontane,
Forbes,
Garrason,
Gillis,
Goff,
Hurst,
Kelly,
Long,
Loring,
McClellan,
Myers,
Neal,
Newsom,
Penn,
Philips,
Riley,
Smallwood,
Smith,
Stewart,
Stone,
Taylor,
Tracey,
Tweed,
Waring,

RECAPITULATION :

DAVID LEVY,	41
JAMES D. WESTCOTT,	41
JOSEPH M. HERNANDEZ,	16
JACKSON MORTON,	16

Whereupon the President proclaimed that David Levy and James D. Westcott, having received a majority of both Houses, were duly elected Senators to the Congress of the United States.

On motion of Mr. Floyd, ordered that the President of the Senate and Secretary of the joint meeting of this General Assembly do certify two copies of the minutes thereof, to his Excellency the Governor of this State, to be duly exemplified by him under the seal of the State, and to accompany the commissions to be issued to the Senators elect.

The Senators then returned to the Senate Chamber, when on motion of Mr. Hawkins, the Senate adjourned until to-morrow, 10 o'clock, A. M.

WEDNESDAY, July 2nd, 1845.

The Senate met pursuant to adjournment, and a quorum being present, yesterday's proceedings were read and approved.

Mr. Broward moved that, on Saturday next, the General Assembly do proceed to complete the election of all State officers that are required by the Constitution of the State of Florida, to be chosen by joint ballot of both Houses of the General Assembly; and that the concurrence of the House of Representatives be asked by a committee of three, to be appointed for that purpose.

Which was read the first time, and, on motion of Mr. Hawkins, laid on the table.

Mr. Carter offered the following resolution:

Be it resolved by the Senate and House of Representatives in General Assembly convened, That on Saturday, the 5th inst., at 12 o'clock, M., they will proceed to the election of Circuit Judges of the State of Florida.

Which was read the first time.

Mr. White presented a petition, with an accompanying paper, from John C. Poythress, executor and trustee of George Poythress, deceased.

Which was read and referred to the Committee on the Judiciary.

The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE, July 2, 1845.

Gentlemen of the Senate
and House of Representatives:

I herewith transmit to you, for your consideration, the memorial of William Wyatt, a stockholder of the Union Bank of Florida, praying the action of the Legislature, in relation to the affairs of that institution.

W. D. MOSELEY.

Which memorial was read and laid on the table.

Mr. Haughton, from the Committee on Enrolled Bills, reported as correctly enrolled, the preamble and resolutions in reference to the postponement of the sale of the public lands in the State.

A resolution was received from the House, adopted by them, relative to the State Library.

Which resolution was adopted, and Messrs. Mays, Wright and Bellamy appointed a Joint Select Committee, in pursuance thereof, on the part of the Senate.

ORDERS OF THE DAY.

The resolution respecting Colors for the State; which was laid on the table until to-day, came up on its third reading.

On motion of Mr. Haughton, the rule was waived and the resolution referred to a Select Committee, consisting of Messrs. Haughton, Mays, Broward, Center and McLean.

The following messages were transmitted to his Excellency the Governor:

SENATE CHAMBER, July 2nd, 1845.

To his Excellency the Governor of Florida:

I herewith transmit for the approval and disposition by your Excellency, in pursuance of the first resolution, a preamble and resolutions adopted by both Houses of the General Assembly, and signed by the officers thereof, in relation to the postponement of the sale of the public lands in the State of Florida.

Your obedient servant,

THO'S. F. KING, Sec'y. Senate.

SENATE CHAMBER, July 2, 1845.

To his Excellency the Governor of Florida:

At the meeting of the two Houses of the General Assembly on yesterday, for the election of Senators to the Congress of the United States, on motion of Mr. Floyd, it was

Ordered that the President of the Senate and Secretary of the joint meeting, do certify two copies of the minutes thereof to his Excellency the Governor of this State, to be duly exemplified by him under the seal of the State, and to accompany the commissions to be issued to the Senators elect.

In pursuance of said order, I herewith transmit to your Excellency two copies of the minutes of said joint meeting, certified accordingly.

Your obedient servant,

THO'S. F. KING,

Secretary of the joint meeting of the General Assembly.

On motion of Mr. Hawkins, the Senate adjourned until to-morrow 11 o'clock, A. M.

THURSDAY, JULY 3d, 1845.

The Senate met pursuant to adjournment, and a quorum being present, yesterday's proceedings were read and approved.

Mr. Carter moved,

That so much of the Governor's message as refers to the Executive, be referred to the Committee on the Executive Department.

That so much as refers to the laws, be referred to the Committee on the Judicial Department.

That so much as refers to census and apportionment, be referred to the Committee on Census and Apportionment of Representatives.

That so much as refers to finance, be referred to the Committee on Taxation and Revenue.

That so much as refers to the Militia, be referred to the Committee on Militia.