

The House bill to be entitled, An act to fix permanently the county seat of Calhoun county, was read a third time.

On the passage of the bill, the yeas and nays were :

Yeas—Mr. President, Messrs. Bell, Broward, Carter, Center, Goodbread, Haughton, Hawkins, Mays, McLean, Priest, Wall, White and Wright—14.

Nays—None.

So the bill passed. Title as stated.

The House resolution respecting memorials and petitions, &c., came up on a second reading, and was laid on the table.

The House resolution in relation to Townships, appropriated for purposes of Education, &c., was read a second time, the rule waived, read a third time, and passed without amendment.

The bill to be entitled, An Act to establish a Board of County Commissioners for the regulation of county business,

Was read a second time.

The Senate then adjourned until to-morrow, 10 o'clock, A. M.

#### FRIDAY, JULY 18, 1845.

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

The following message and bills and resolutions therein named, were transmitted to His Excellency, the Governor :

SENATE CHAMBER, July 18, 1845.

*His Excellency the Governor of Florida :*

I herewith transmit for the approval of your Excellency, the following bills and resolution passed by both Houses of the General Assembly, and signed by the officers thereof :

A bill to be entitled, An Act respecting the Books and Maps belonging to this State.

A bill to be entitled, An Act to fix the compensation of members of the General Assembly.

Resolution respecting the boundaries of this State.

Your obedient servant,

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

Agreeably to previous notice, Mr. Haughton obtained leave, and introduced a bill to be entitled, An Act prescribing the form of a Digest or Manual of the laws of this State.

Which was read the first time.

Mr. Priest from the Committee on Boundary, made the following

#### REPORT :

The Committee on Boundaries, to whom was referred the communication of his Excellency the Governor, announcing the reception by him of "Ellicott's Journal," presented to the State by the Rev. Dr. White, of Gadsden County, recommend the adoption of the following resolution :

*Resolved by the General Assembly,* That the thanks of the State be, and they are hereby presented to the Rev. Dr. White for the rare and valuable work above mentioned.

GABRIEL PRIEST, Chairman.

Which report was concurred in, and the resolution adopted.

Mr. Broward offered the following resolution :

*Resolved,* That his Excellency the Governor be requested to forward a copy of the memorial asking of Congress remuneration for losses in the Seminole war, to our Senators in Congress.

Which was adopted.

Mr. Mays from the Joint Select Committee to whom was referred the report and resolutions of the State of Connecticut, made the following

#### REPORT :

Deeply impressed with the importance and delicacy of the subject, it is with a sense of profound regret that the joint committee, to whom were referred a report and sundry resolutions of the Legislature of Connecticut, have directed their consideration to the controversy between the States of South Carolina and Massachusetts. Florida, desirous of maintaining the most cordial relations with her sister States, would not have volunteered to become the arbitress of their difficulties—aware that such a course would but tend to increase the animosities and jealousies of the disputants, and inevitably have made her a party thereto. Controlled by the most pacific disposition, hoping that the necessity might not arise for the exercise of her offices of pacification, she would, had not the matter been pressed upon her in such a manner by the Legislature of Connecticut as seems to demand a response, have maintained an attitude of strict neutrality.

The reluctance of the committee to discuss this subject is the more increased, that a topic so calculated to weaken the bonds of union between sister States, should be agitated when the universal American mind should be controlled by a universal American feeling. At this interesting conjuncture of American affairs in their foreign relations—while the Oregon question is unsettled, and the people of Texas trampling beneath them the tricks, intrigues and shallow devices of foreign diplomatists, disregarding their threats, and scorning their bribes, are on the eve of consummating the union of that Republic with the American Confederacy, the clamor of family dissension should be stilled, and ALL should prepare to repulse foreign aggression, sustain the rights, and maintain the honor and integrity of the Union.

The committee hold that the General government is a government of limited powers ; that the Federal Union is a compact between the States for general and specific purposes, mentioned in the Federal Constitution; that it is the creature and not the creator, and is invested with no authority beyond the delegated powers, all other powers remaining with the States respectively, and the peo-

ple. We find no where in the Constitution that the States surrendered the management and control of their affairs, so far as any laws, rules or enactments which were necessary to the preservation and protection of life and property within the limits of the same. To have done so, would have been a deprivation of the essence of sovereignty, and have placed them as mere dependencies beneath the overshadowing and pervading influence of a central power. One of the guarantees of the Constitution, is the protection of each State against insurrection and domestic violence. This guaranty provides for the possible contingency of a necessity for the assistance of the General Government, in the emergency that the power of a State should be inadequate to the maintenance of her laws, and the protection and preservation of life and property. The co-operation of the General Government in behalf of the pretensions of Massachusetts as against South Carolina, would be an intervention of policy creating that very violence from which it is made incumbent upon her to protect the States; and would be in contravention to one of the paramount objects for framing a Constitutional compact, to wit—the insurance of domestic tranquility.

There is another clause of the Constitution of the United States which says, "The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States." It is upon this provision, as we understand, that Massachusetts bases her right of intruding upon South Carolina her free negro incendiary population, and insists that they shall be exempted from the operation of those laws which South Carolina has been forced to enact to prevent the dangerous consequences of their immigration. The free white citizens of Massachusetts having equal privileges with the free white citizens of South Carolina, the only persons acknowledged as citizens by her laws, Massachusetts is placed upon an entire equality with South Carolina. What more can she reasonably ask? If Massachusetts were to call a *bomb* a citizen, let it remain for a while quietly and harmlessly in her magazine, then send it by a vessel to Charleston Bay, which coming to anchor before that city, the captain should write upon the *bomb* "A citizen of Massachusetts," and should throw the same to explode with its destructive elements in the very heart of the metropolis, and the South Carolinians should take precautionary measures to prevent the danger arising from the introduction of any more such citizens, the principle and the argument would be the same as those advanced against the introduction of free negroes into her ports, and Massachusetts would have just as plausible grounds for the maintenance of her rights in the one case as in the other, and would receive just the same modicum of credit from the Southern States for her philanthropy.

The Connecticut report and resolutions allude to a legal adjudication by the Supreme Court of the United States. Your committee acknowledge no right of adjudication on the part of any tribunal

known to the Federal Constitution, of the controversy between South Carolina and Massachusetts. To acknowledge such a right, would be an abandonment of a previous position, which maintained that among the reserved rights of the States, was the inherent principles of protection and self-preservation, and the power to pass such laws as were necessary to carry out the foregoing object.

We hold a contrary doctrine to be of centripetal and consolidating tendency, subversive of the system as intended by the framers of the Constitution, and destructive of the independence of the States.

The Committee having briefly examined the subject matter brought to their consideration by the report and resolutions of the Legislature of Connecticut, offer as an epitome of their opinions the following resolutions for the consideration of the Senate and House of Representatives:

*Resolved*, That self-preservation is a natural right alike to a body politic or an individual; that the object of free government is the preservation and protection of life, liberty and property, and it is inherent in the sovereignty of any State in the United States to preserve the one and protect the other.

*Resolved*, That in the municipal and police laws of South Carolina, we are aware of no enactment which goes beyond this object; we believe that such laws were called for by necessity; that those laws are not aggressions upon the rights of Massachusetts, or those of any other State, but purely a defence of the rights of South Carolina.

*Resolved*, That the committee deem this a favorable opportunity to recommend similar police laws as those of South Carolina, for adoption by the General Assembly of the State of Florida.

*Resolved*, As to the affairs of the State of Rhode Island, with our motto before us of "Let us alone," we leave that people to settle their own affairs their own way.

*Resolved by the Senate and House of Representatives of the State of Florida, in General Assembly convened*, That the Governor of this State be requested to furnish the Executives of the several States and Territories of this Union with a copy of the above report and resolutions.

D. H. MAYS,

Chairman on the part of the Senate.

Which was received, and laid on the table.

#### ORDERS OF THE DAY.

The House bill to be entitled, An Act to raise a Revenue for the State of Florida, and defining the duties of assessors and collectors thereof, came up on a third reading.

Mr. McLean offered the following, to be made the seventh section of the bill:

SEC. 7. *Be it further enacted*, That upon all practicing lawyers and doctors, there shall be assessed and collected, at the rate of twenty cents on every one hundred dollars of their professional income in each year.

Mr. Wright moved to insert the words "clerks of Court," after the word "doctors," in the second line of the proposed amendment.

Which motion prevailed.

Mr. Carter moved to insert the words "members of the General Assembly, and all officers of state," after the word "court," in said amendment as amended.

Which motion was lost.

The amendment proposed by Mr. McLean, was then adopted as amended.

Mr. Carter moved to strike out the words "clerk of court," in said amendment.

Which motion was lost.

On motion of Mr. Haughton, the words "August, 1845," in the ninth line of the fifth section of the bill, inserted yesterday, were stricken out, and the words "December, 1844," replaced.

Mr. Wright moved to reconsider the vote by which the words "clerks of courts" were inserted in the amendment of Mr. McLean.

Which motion prevailed. The words were then stricken out.

The bill was then put upon its passage, when the yeas and nays were:

Yeas—Messrs. Bellamy, Haughton, Hawkins, Mays, McLean; Porter, Walker, White and Wright—9.

Nays—Mr. President, Messrs. Bell, Broward, Carter, Center, Goodbread, Priest and Wall—8.

So the bill passed. Title as stated.

The following message was received from His Excellency the Governor:

EXECUTIVE OFFICE,  
Tallahassee, July 18, 1845. }

To the General Assembly  
of the State of Florida:

I have approved the following Acts, to wit:

An Act entitled An Act respecting the books and maps belonging to this State.

An Act entitled An Act to fix the compensation of members of the General Assembly of this State.

And a Resolution respecting the boundaries of this State.

I have the honor to be,

Very respectfully,

Your obt' servant.

W. D. MOSELEY.

A bill to be entitled, An act to change the name of Charles R. Floyd was received from the House, and read the first time.

Also, resolution of thanks to Dr. White for present of Ellicott's Journal,

Which was read the first time, and laid on the table.

The bill to be entitled, An act respecting commissions to the of-

ficers of this State by the Governor thereof, came up on a third reading.

Mr. Bell offered the following as an engrossed rider, to be made the third and fourth sections of the bill:

SEC. 3. *Be it further enacted*, That the Governor of this State be, and he is hereby authorized and empowered to appoint and commission all officers elected by the General Assembly in joint meeting, or otherwise, in which a vacancy occurs during the recess between the sessions of the General Assembly, or in consequence of the omission of the General Assembly to elect; the commission to expire at the end of the next session of the General Assembly.

SEC. 4. *Be it further enacted*, That in all cases where the term of office is not prescribed by the Constitution, or by law, the office shall expire in one year from the day the officer is elected or appointed.

Which was adopted.

On the passage of the bill as amended, the yeas and nays were:

Yeas—Mr. President, Messrs. Bellamy, Bell, Broward, Carter, Center, Goodbread, Haughton, Hawkins, Mays, McLean, Porter, Priest, Walker, Wall and White—16.

Nays—None.

So the bill passed.

On motion of Mr. Walker, the words "and for other purposes" were added to the title of the bill.

The House bill to be entitled, An Act to re-organize the county of Wakulla, to define the boundaries thereof, and for other purposes, came up as amended, on a second reading, and

Was laid on the table.

The bill to be entitled, An Act for the advancement of Education, and for the location of the lands granted by Congress for Seminaries of Learning, came up on a third reading, and was laid on the table.

The Senate bill to be entitled, An Act fixing the salary of the Governor of this State, and to authorize the appointment of a Governor's Secretary and Clerk for the Executive Department, and for other purposes, came up with the amendments made by the House.

Mr. Carter moved to strike out the salary of the Secretary in the third section of the bill.

The Chair decided the motion out of order, the only question being upon the concurrence of the Senate to the amendments made to the bill by the House.

Mr. Carter appealed from the decision of the Chair.

Upon the question being put, the decision of the Chair was sustained.

Upon the question of concurring in the first amendment of the House to the bill, striking out twelve hundred, and inserting fifteen hundred as salary for the Governor, the yeas and nays were called for by Messrs. Broward and Carter, and were:

Yeas—Mr. President, Messrs. Bellamy, Center, Hawkins, McLean, Priest, Wall and Wright—8.

Nays—Messrs. Bell, Broward, Carter, Goodbread, Mays, Porter, Walker and White—8.

So the amendment was not concurred in.

The second amendment of the House, to be made a fourth section of the bill, was concurred in.

The third amendment of the House, as a fifth section, was not concurred in.

At 12 o'clock, M., the time previously appointed to go into the election of Judges and other officers,

Mr. Carter moved that a committee be appointed, to inform the House that the Senate was ready to go into the election of said officers,

Which motion was lost.

On motion of Mr. Haughton, the vote was re-considered, and a committee, consisting of Messrs. Haughton, Broward and Bell, was appointed to inform the House that the Senate was ready to go into the election of said officers.

The committee retired and after a short time reported that they had performed that duty.

A committee from the House informed the Senate that the House requested the postponement of said election until the House had disposed of the Senate bill in relation to Circuit Courts.

The election was postponed by the Senate accordingly.

The bill to be entitled "an Act to establish a board of Commissioners for the regulation of County business,

Came up on a third reading, and was laid on the table.

The resolution relative to instructing the Committee on Suffrage and Election, to prepare a bill to provide for Annual Elections,

Was read a second time.

House resolution respecting term of office of members of the present General Assembly,

Was read the second time.

The Senate took a recess until 4 o'clock, P. M.

4 O'CLOCK, P. M.

Mr. Haughton, from the Committee on Enrolled Bills, reported as correctly enrolled, a bill to be entitled, An Act to provide for the registration of the qualified voters of the State of Florida.

The bill to be entitled, An Act to establish a Board of Commissioners for the regulation of county business,

Was taken from the table.

Mr. Haughton offered a substitute for said bill.

Which substitute was adopted, and ordered to be engrossed for a third reading.

On motion of Mr. Haughton, the Senate adjourned until to-morrow, 9½ o'clock, A. M.

SATURDAY, JULY 18, 1845.

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

Mr. Broward gave notice that he would, at an early day, ask leave to introduce a bill to further define the duties of the Sheriffs of the several counties in the State of Florida.

Mr. Haughton, from the Committee on Enrolled bills, reported as correctly enrolled, the bill to be entitled, An Act to organize the office of Secretary of State.

On motion of Mr. Mays, the rule was waived, and the resolutions reported by the Joint Select Committee to whom was referred the report and resolutions of the State of Connecticut, were taken from the table, and adopted unanimously.

This being the day set apart for paying respect to the memory of Gen. Jackson,

On motion of Mr. Haughton, the Senate adjourned until Monday, 10 o'clock A. M.

MONDAY, JULY 21, 1845.

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

On motion of Mr. Wall, the bill to be entitled, An Act to regulate restrain and control a certain association called the Union Bank, &c, Was taken from the table and placed among the Orders of the Day.

Agreeably to previous notice, Mr. Broward obtained leave, and introduced a bill to be entitled, An Act further to define the duties of the Sheriffs of the State of Florida.

Which was read the first time.

On motion of Mr. Walker, the bill to be entitled, An Act to reorganize the county of Wakulla, &c.,

Was taken from the table, and placed among the Orders of the Day.

The following bills were received from the House:

A bill to be entitled, An Act to organize the Circuit Courts of the State of Florida.

Passed by the House with amendments.

Some of which amendments were concurred in by the Senate, and others rejected by the Senate.

Engrossed bill to be entitled, An Act to organize a board of commissioners for the regulation of county business, came up on its third reading.

Mr. Haughton offered the following as an engrossed rider to the bill:

SEC. 6. *Be it further enacted*, That if for any cause the Judge of Probate should not be present at any regular or called meeting of said Board, the remaining members thereof, or any three of them,