

SATURDAY, 2d January, 1847.

The Senate met pursuant to adjournment, and a quorum being present, the reading of yesterday's journal of proceedings was dispensed with.

Mr. Kelly gave notice that he would on a future day ask leave to introduce a bill to be entitled an act to amend the revenue laws of the State of Florida.

On motion of Mr. Johnson, Mr. Walker the Senator from Wakulla obtained leave of absence until Monday next.

On motion of Mr. Kelly, the Senator from Jackson, Mr. White, was excused from attendance after to-day for the balance of the session.

On motion of Mr. White the vote on yesterday, refusing to engross a bill to be entitled an act to provide for the election of electors of President and Vice President of the United States, was reconsidered, and the said bill placed on its second reading first among the orders for to-day.

On motion of Mr. McLean the vote of yesterday, indefinitely to postpone a bill to be entitled an act to provide for the holding extra terms of the circuit courts was reconsidered and placed second among the orders for to-day.

Mr. Johnson from the committee on the militia, to whom was referred a resolution in relation to the Quarter-master General, reported the same back to the Senate without amendment. Which report was received and the resolution placed among the orders.

Mr. White from the committee on Propositions and Grievances, made the following report:

The committee on Propositions and Grievances, to whom was referred a House bill to be entitled an act for the relief of Archibald Patterson, have had the subject under consideration and ask leave to

REPORT:

That on examination of a certified copy of a deed executed by Samuel Stephens, sheriff of Jackson county, to Archibald Patterson, bearing date 20th November, 1841, certain judgment which is fully described in said deed were recovered in a justice's court held in and for the second justice's district of said county, against Benjamin K. Whitefield; upon which judgments, executions issued, directed to any lawful constable of said county. Antony V. Pell, constable of the aforesaid county, levied upon the lands described in said bill, and turned the executions over to the sheriff of the county aforesaid, with his levy. The sheriff, it appears, advertised the lands for sale, and on the 4th day of September, 1841, the said Archibald Patterson bid off the land at sheriff sale. It appears that both the constable and sheriff acted under a law passed by the Legislative Council of the Territory of Florida, approved 21st Nov., 1828. [Duvall: page 146; sec. 38.] After the said sale was made and executions returned, it was discovered by the said Patterson that the act above alluded to was repealed, by an act of the Territorial Legislature, approved 17th February, 1833. [Duvall: page 11; sec. 16.]

It appears that the object of the bill for the relief of said Patterson, is to place him in the situation that he would have been if the sale had been made by the constable making the levy, instead of the sheriff.

All of which is respectfully submitted,

THOMAS M. WHITE, Chairman.

Which report was received and the bill reported back placed among the orders.

Mr. Lorimer presented the following report,

The committee to whom was referred the resolution allowing to Benjamin G. Thornton twenty-five hundred dollars have had the same under consideration, and beg leave to make the following

REPORT: That during the session of the Legislative Council of the Territory of Florida, for the year 1842, there was an act passed allowing the amount aforesaid to said Thornton; that since that time there has been no funds in hand for the payment of the same, and your committee are of opinion that said fund should pay to Thornton said interest on the amount allowed him from the date of the passage of said law. All of which is respectfully submitted.

JAMES H. T. LORIMER, Chairman.

I agree to the report of the committee so far as the justness of Mr. Thornton's claim, but should consider that interest should refer back only to the period when the Tallahassee Fund was in funds.

G. R. FAIRBANKS.

Which was received, and the resolution placed among the orders.

His Excellency the Governor transmitted to the Senate the following message:

EXECUTIVE DEPARTMENT, Jan. 2d, 1847.

Gentlemen of the Senate and House of Representatives:

I have approved the following act--

An act to define more particularly who are retailers of spirituous liquors.

I have the honor to be, very respectfully, your ob't serv't.,

W. D. MOSELEY.

The House returned to the Senate a bill to be entitled an act giving a lien to steamboat men and others, navigating the bay and river of Apalachicola, as passed by the House without amendment; also,

A bill entitled an act to provide for the payment of jurors, with the following message:

HOUSE REPRESENTATIVES, January 1st, 1847.

Sir:--The House have passed Senate bill, to be entitled an act to authorize the payment of jurors, with the following amendments:

In the fourth line, first section, strike out the word "have" and the letter "d" in the word "served", so that the line will read "petit jurors and talesmen, who shall serve in any of the Circuit Courts," &c.

In the 5th section, first line, strike out the word "of" after the word "days", and insert the word "after". Add to the title at the end thereof, "out of the State Treasury": to which the concurrence of the Senate is requested.

Respectfully, your ob't serv't,

M. D. PAPY, Clerk Ho. Rep.

Hon. President of the Senate.

Which was read, the amendments to the bill concurred in, and the addition proposed for the title disagreed to. Ordered, that the same be certified to the House.

The following message was also received from the House:  
HOUSE REPRESENTATIVES, January 1, 1847.

*Hon President of the Senate:*

Sir:—The House have concurred in the amendment by the Senate to the preamble and resolutions in relation to a mail route in Nassau, Duval and Columbia counties.

Respectfully, your obedient servant,

M. D. PAPY, Clerk Ho. Rep.

Which was read.

A resolution was received from the House, authorizing the Comptroller to audit a certain account of Dr. R. E. Little; which was read the first time, and ordered for to-morrow.

The House returned to the Senate a bill to be entitled an act to provide for the sale of the lands granted to the State for the purpose of internal improvement, with the following message:

HOUSE OF REPRESENTATIVES,  
January 1st, 1847. }

The House has passed Senate bill to be entitled an act to provide for the sale of the lands granted to the State for the purposes of internal improvement, with the following amendments:

After the word "St. Augustine" in the 3rd line of the second section insert the words "Apalachicola" and "Jacksonville."

At the end of the second section add "and the time, place and terms of such sale."

Strike out the third section entirely, and insert the following in lieu thereof, viz:

"Be it further enacted, That all such sales shall be made at the court house if there be any, if not at the most public place of the county in which the lands offered may be situated, and at public auction to the highest bidder over the minimum herein expressed, and upon the following terms and conditions, to wit: one fourth of the purchase money to be paid in cash, and the balance thereof, being secured by the bond or bonds of the purchaser, on a credit of one, two and three years, with interest, at the rate of six per centum from the date of the purchase, payable annually; and that on a default in the payment of any instalment of principal or interest for the space of sixty days after the same shall have become due, the lands sold to the person so in default, shall revert to the State; and the Register on its behalf, by himself or agent, may, and shall, enter upon and take possession of the same; and after giving three months notice thereof, in like manner as of the original sale, shall re-sell the same at the risk of the defaulting purchaser, requiring the amount then due, and to become due from the original purchaser, to be paid in cash; and the balance, if any, upon similar credits and conditions as were given at the original sale."

In the fourth section, seventh line, after the word "instalment"; insert "for the space of sixty days after the same shall become due."

In the sixth section, first line, insert "at" before "each." To which the concurrence of the Senate is requested.

M. D. PAPY, Clerk Ho. Rep.

HON. PRESIDENT OF THE SENATE.

Which was read; the amendment proposed in the third line of the second section, disagreed to: The proposed amendment at the end of the second section, agreed to.

The amendment proposed to strike out the 3d section, and insert a substitute for said section, disagreed to. The amendment proposed in the 4th section, disagreed to: The amendment proposed

to the 6th section, agreed to; which agreement and disagreement was ordered to be certified to the House.

#### ORDERS OF THE DAY.

A bill to be entitled an act to provide for the election of electors of President and Vice President of the United States, the vote on which was reconsidered this morning, was taken up, and ordered to be engrossed for to-morrow.

A bill to be entitled an act to provide for holding extra terms of the Circuit Courts, the vote indefinitely postponing of which was reconsidered this morning, was taken up. Mr. Austin moved in definitely to postpone said bill, which motion failed, and the bill ordered for to-day.

Reports of the majority and minority of the Committee on elections, made a special order for to-day, was taken up, the reports read with the papers relating to the contested election for a Senator in Walton county, before any action was had, the Senate took a recess until 3 o'clock p. m.

#### 3 o'clock, P. M.

The Senate resumed the consideration of the reports of the Committee on elections, and on motion the subject was postponed till Monday next.

On motion Mr. Austin obtained leave of absence until Monday next.

On a motion to adjourn by Mr. Floyd until Monday next, and the ayes and noes being called by Messrs. Carter and Kelly, were as follows:

Yeas—Messrs. Fairbanks, Floyd, Kelly and Lorimer—4.

Nays—Messrs. President, Bird, Bradley, Broward, Carter, Johnson, McLean, McMillan, Priest and White—10.

So the motion was lost.

A bill to be entitled an act to provide for the permanent location of the county site for Benton county, was read a third time, and on the question of its passage, the vote was as follows:

Yeas—Messrs. President, Bird, Bradley, Broward, Carter, Floyd, Johnson, Kelly, Lorimer, McLean, McMillan, Priest, White—13.

So the bill passed—title as stated.

Resolution in relation to Treasury Certificate issued to Enos Evans for six dollars, was read a third time and adopted.

A bill to be entitled an act for the relief of William McKain, came up on its third reading, and on the question of its passage, the vote was as follows:

Yeas—Messrs. President, Floyd, McMillan—3.

Nays—Messrs. Bird, Bradley, Broward, Carter, Fairbanks, Johnson, Kelly, Lorimer, McLean, Priest, White—11.

So the bill was lost.

A bill to be entitled an act to amend an act concerning roads and highways, now in force in this State, was read the third time, and on the question of its passage, the vote was as follows:

Yeas—Messrs. Bird, Bradley, Broward, Fairbanks, Floyd, Johnson, Lorimer, McMillan, Priest, White—10.

Nays—Messrs. President, Carter, Kelly—3.

So the bill passed with the amendments made on a former day: title as stated. Ordered to be certified to the House.

Resolutions reported by the Committee on Federal Relations, were read the second time, and ordered for to-morrow.

A bill to be entitled an act to amend an act to provide for the appointment of weighers of cotton and other produce, and inspectors of wood, lumber and tobacco, in and for the county of Franklin, came up on its second reading.

Mr. Kelly offered the following amendment to the amendment of the Judiciary Committee, viz.:

*Provided*, That nothing in this act shall be so construed as to permit any clerk of any merchant or factor in the said city, to weigh any cotton offered for sale by himself, or as such merchant or factor; but that all cotton so sold, or offered for sale, shall be weighed by the weigher appointed by the Governor; which was concurred in, the amendment as amended adopted, and the amended bill ordered for a third reading on Monday.

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

#### MONDAY, 4th January, 1847.

The Senate met pursuant to adjournment, and a quorum being present, the journal of Saturday's proceedings was read and approved.

On motion of Mr. Carter, messrs. Kelly and Johnson were appointed on the Committee on Taxation and Revenue:

Mr. Broward offered the following resolution:

Whereas it is believed that there will not be at the close of the present session of the General Assembly of the State, money sufficient in the Treasury to pay the mileage and per diem of the members thereof:

*Be it therefore resolved, by the Senate and House of Representatives of the State of Florida, in General Assembly convened*, That it shall be the duty of the Secretary of the Treasury to pay, pro rata, out of any moneys in the Treasury not otherwise appropriated, each member of the General Assembly; and should there be a deficiency in the Treasury, to pay such members their full compensation allowed by law for their mileage and per diem. The Secretary shall give each member a draft on the sheriff of their respective counties, for the amount due such member, which, when paid, will be, and shall constitute a settlement between the Secretary of the Treasury and the members of the present session of the General Assembly of the State of Florida.

Which was read the first time, the rule waived, read a second time, and on motion of Mr. Floyd, indefinitely to postpone the same, and the yeas and noes being called by messrs. Floyd and Broward, were as follows: