

WEDNESDAY, 30th December, 1846.

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

Mr. Broward moved that the election of a Judge for the Southern District be indefinitely postponed, on which question the ayes and nays were called by Messrs. Kelly and White and were as follows:

Yeas—Mr. President, Messrs. Bird, Bradley, Broward, Carter, Fairbanks and Johnson—7

Nays—Messrs. Austin, Kelly, Lorimer, McLean, McMillan, Tabor, Walker and White—8.

So the motion was lost.

Mr. Lorimer pursuant to previous notice asked leave to introduce a bill to be entitled an act to amend the several acts concerning limitations of actions, which was read the first time and ordered for to-morrow.

Mr. Lorimer gave notice of his intention on a future day to ask leave to introduce a bill to be entitled an act to promote and encourage the cultivation of silk, also:

Mr. Floyd gave notice of his intention to introduce a bill to be entitled an act for the relief of William McKain.

A committee was appointed to inform the House that the Senate was ready to resume the election of Judge for the Southern district.

A committee from the House informed the Senate, that the House was now ready to proceed to the election, and that D. S. Walker, G. W. Macrae, Josiah Patterson, and B. M. Pearson, were in nomination. Whereupon, the Senate proceeded to vote as follows:

(See votings of this date.)

Mr. Bird presented the following report:

The Committee on the Executive Department, to whom was referred the case of Henry M. Brackenridge, in relation to the sale of several lots in the town of Tallahassee,

REPORT:

That they have had the same under consideration, and recommend that the lots be sold without further expense, to pay the decree of the court; and that execution issue in behalf of Benjamin Byrd, Treasurer of the State, and that the said lots be sold by the Sheriff of Leon county, in full satisfaction of the said decrees; and that Benjamin Byrd, Treasurer and Commissioner, enter satisfaction thereon.

Resolved, by the Senate and House of Representatives of the State of Florida, in General Assembly convened, That Benjamin Byrd, Treasurer of the State, be, and he is hereby instructed, to have execution issued upon said decrees, in his behalf as Treasurer, and levied upon said lots—and that the same be sold, in full satisfaction of said decrees, by the Sheriff of Leon county, and that the said Treasurer enter full satisfaction upon said decrees, after the said sale. Respectfully submitted.

DANIEL BIRD, Chairman.

Which report was received, the resolution read the first time, and ordered for to-morrow.

Mr. McMillan from the Committee on Elections, made the following minority report :

The undersigned, one of the Committee on Elections, to whom was referred the papers relative to the contested election, wherein John Ghent is contestant, and Daniel G. McLean contestee, respectfully asks leave to

REPORT: That after having carefully examined all the papers and documents relative to said contested election, he, with due deference to the opinions of a majority of said committee, is of opinion that Daniel G. McLean's right to a seat in this Senate is clear and conclusive, without the least shadow of a doubt, inasmuch as it appears from the certificate of the Judge of Probates sent to the Secretary of State, and in due form, as directed in the seventh article of an act relative to elections in this State, that Daniel G. McLean received a majority of the whole number of votes given for the office of Senator in the third Senatorial district of this State, on the 5th day of October, 1846. As regards illegal election returns, the undersigned finds among the papers four of the election returns taken in the third Senatorial district, on the day aforesaid, viz: Uchee Anna, Cawthons, Sandy Creek, and Smith's. The return from Uchee Anna precinct, which gives Daniel G. McLean ninety-one votes, and John Ghent twenty-five votes, appears to be in due form of law, with the exception of a small error which does not change the result either way, and said error appears to be satisfactorily explained, being a clerical error. The return from Cawthon's gives Ghent twenty-eight votes, and none to the contestee. This return is very informal, and unaccompanied with a poll book, with the exception of one that was found in the Secretary of State's office, sent there at the instance of John Ghent, as appears from a certificate on said poll book, and filed in the Secretary of State's office, on the day of 1846.

The return from Sandy Creek, which gives Ghent eight votes, & McLean three votes, is also informal. The election return taken at Smith's house, giving Ghent six votes, and McLean two votes, is also informal; the last mentioned three returns appear to have been sent here at the instance of McLean, as appears on the face of a protest signed by him, on the 19th day of November last, in which he alleges that legal notice had not been served upon him, and which protest appears to have been read to the contestant's attorney, on the 20th day of November last. The undersigned is of opinion that a technical error, in the form of an election return, should not be grounds sufficient to abolish an election, unless it should appear manifest that said informality was intended for fraud; but in this case, if returns are to be thrown off, on account of informalities, it would only be strengthening the claims of the present sitting Senator from the third district, inasmuch as the informal returns are mainly in favor of the contestant; and even if it be admitted, that all the returns are legal, the undersigned has not seen any documents showing that any illegal votes were given to change the result of the election; neither has the undersigned been enabled to find any evidence that notice was served upon the contestee, as required in the fifth section of the tenth article of said act, although due notice appears to have been given to the contestant's attorney, on the 20th day of November last, of the contestant's intention to take exceptions to any testimony taken in the absence of said notice. All of which is respectfully submitted.

NEIL McMILLAN:

Which was read, and with the majority report ordered for to-morrow.

The House returned a bill entitled an act so to amend the constitution of this State as to make the sessions of the General Assembly biennial instead of annual, with the following message :

HOUSE OF REPRESENTATIVES, December 29, 1846.

Hon. President of the Senate:

Sir:—The House have passed the Senate bill, to be entitled an act so to amend the Constitution of this State, as to make the sessions of the General Assembly biennial, instead of annual, with the following amendments, to wit:

In the 1st section, between the words "this" and "constitution", in the seventh line, insert the word "amended."

In the 2d section, between the words "this" and "constitution", in the last line, insert the word "amended."

At the end of the 2d section, add, "or on such other day as may be directed by law."

In the 4th section, after the words "General Assembly", in the fourth line, insert the words "held in the year 1845"—also, in the same section, between the words "this" and "constitution," in the ninth line, insert the word "amended."

In the 5th section, between the words "this" and "constitution," in the second line, insert the word "amended."

And at the end of the 5th section, "and the first session of the General Assembly, under this amended Constitution, shall commence on the fourth Monday in November, in the year 1848."

The concurrence of the Senate in the above amendments is requested.

Respectfully, your obd't serv't,

M. D. PAPY, Clerk Ho. Reps.

Which was read, the amendments concurred in, and ordered to be certified to the House.

The following bills and resolutions were received from the House, to wit:

Resolution requiring the Treasurer to issue his certificates in such sums as the claimant may require:

Preamble and resolution in relation to the services of the Rev. John Tucker as Chaplain of Garrason's Battalion of Florida Militia.

A bill to be entitled an act to establish Trustees of Seminary and School Funds and for other purposes.

A bill to be entitled an act to repeal an act therein named.

A bill to be entitled an act to provide for the permanent location of Benton county site.

Which bills were read the first time and ordered for to-morrow.

The House returned a bill to be entitled an act to define more particularly who are retailers of spirituous liquors, as passed without amendment.

The Senate received from the House a bill to be entitled an act to amend an act entitled an act to incorporate the city of Key West, approved 11th February, 1838.

Which was read the first time and ordered for to-morrow.

The Secretary transmitted to the Governor the following communication, viz:

SENATE CHAMBER, 29th Dec., 1846.

His Excellency W. D. MOSELEY, Governor—

Sir: The accompanying bill entitled an act to provide for the

payment of Solicitor's Fees and designating the mode of collecting the same, is sent for your consideration and approval.

By order of the Senate.

HUGH ARCHER, Secretary Senate.

Messrs. Kelly, Fairbanks and White were appointed a committee to return sundry bills received from the House with the request that the bills be engrossed for the consideration of the Senate.

Which committee reported that they had performed that duty.

The following Bills, &c., were received from the House, viz:

A bill to be entitled an act to define the boundary of Washington county; also,

A bill to be entitled an act to amend an act to organize the office of Comptroller of Public Accounts of the State of Florida; also,

Resolution authorizing the Comptroller to issue a warrant in favor of O. A. Myers for one hundred dollars; also,

A bill to be entitled an act for the relief of Archibald Patterson; also,

A bill to be entitled an act to amend an act to organize the office of Treasurer of the state of Florida.

Which bills and resolutions were read the first time and ordered for to-morrow.

The House returned the following bills originating in the Senate: A bill to be entitled an act limiting the sessions of the General Assembly of the State of Florida—indefinitely postponed by the House; also,

A bill to be entitled an act to amend an act to regulate the pilotage of the port of St. Marks, originating in the Senate. Indefinitely postponed by the House.

The following message was received from His Excellency the Governor, viz:

EXECUTIVE DEPARTMENT, }
December 30th, 1846. }

Gentlemen of the Senate, and House of Representatives:

I hereby nominate Andrew Denham and Moses Scott, as auctioneers for the county of Wakulla.

Very respectfully,

W. D. MOSELEY.

Which was read, and the nominations advised and consented to. Resolution from the House relative to the adjournment of the present General Assembly, was read a second time, and postponed until to-morrow.

A committee of the Senate informed the House that the Senate was now ready to go into the Election of Solicitor for the Southern Circuit. A committee of the House informed the Senate that the House was also ready to proceed to said election, and invited the Senators to the hall of the House.

The President took the chair, and informed the joint meeting of

the two houses, that they would now proceed in said election, and announced that nominations were now in order.

Thomas F. King and W. M. Ives were nominated.

The following was the result of the voting:

For King—Mr. President, Messrs. Austin, Bird, Bradley, Broward, Fairbanks, Floyd, Johnson, McLean, McMillan, Tabor, White—12.

For Ives—Messrs. Carter, Lorimer, and Walker—3.

House vote—For King, 30; for Ives, 4. Result—King 42, Ives 7. Whereupon, Thomas F. King was declared duly elected solicitor of the southern circuit.

The joint meeting on motion adjourned.

The Senate on returning to the Senate Chamber, took up the
ORDERS OF THE DAY.

Resolution from the House fixing the 29th December as the last day for the introduction of bills in either House, was laid on the table.

A bill to be entitled an act concerning divorces, was read a second time; the amendments recommended by the Judiciary Committee agreed to, and the bill ordered to be engrossed for to-morrow.

A bill to be entitled an act to amend an act to organize the supreme court of the State of Florida, and to annul certain rules adopted by said court, the amendment of the Judiciary Committee concurred in, and ordered for a third reading to-morrow.

Preamble and resolutions from the House in relation to a mail route in Nassau, Duval and Columbia counties, were read a second time: the amendments reported by a select committee concurred in, and ordered for a third reading to-morrow.

The Senate took a recess until three o'clock.

3 o'clock, P. M.

A quorum being present, the Senate resumed the consideration of the

ORDERS OF THE DAY.

A bill to be entitled an act to repeal the sixth section of an act entitled an act to organize the Circuit Courts of the State of Florida, was read a second time, and, on motion, the Senate went into committee of the whole, Mr. McLean in the chair, on the said bill. After some time the committee rose, reported the bill back with sundry amendments: which report was received, the amendments rejected, and the original bill ordered for to-morrow.

A bill to be entitled an act for the relief of John B. DeCorce, was read the second time, and ordered for to-morrow.

A bill to be entitled an act to organize the Jasper Hussars, was

read the third time. On the question, shall this bill pass? the vote was as follows, viz.:

Yeas—messrs. Bird, Bradley, Broward, Carter, Fairbanks, Johnson, Kelly, Lorimer, McLean, McMillan, Tabor, White—12.

Nays—messrs. President, Austin, Floyd, Walker—4.

So the bill passed, with the title changed as follows, viz.:

An act in relation to the Jasper Hussars. Ordered, that the same be certified to the House.

A bill to be entitled an act to amend the several acts relative to proceedings in Chancery, was read the second time, and ordered to be engrossed for to-morrow.

Preamble and resolution from the House in relation to armed settlers, under the armed occupation act, was read a third time and adopted. Ordered, that the same be certified to the House.

Preamble and resolutions from the House, asking Congress for a quarter section of land to build a court house in Benton county. On the question of the adoption of the resolution, the vote was as follows:

Yeas—Messrs. Bradley, Broward, Lorimer, McLean, McMillan, Tabor, Walker—7.

Nays—Mr. President, Messrs. Bird, Carter, Fairbanks, Johnson, Kelly, White—7.

So the resolutions were lost.

Preamble and resolutions from the House relative to a post office at Fernandina, was read a third time, and adopted. Ordered, to be certified to the House.

An engrossed bill entitled an act to amend the act relative to elections in this State, was read a third time. On the question of its passage, the vote was as follows:

Yeas—Mr. President, Messrs. Bird, Bradley, Broward, Carter, Fairbanks, Johnson, Kelly, Lorimer, McLean, McMillan, Tabor, Walker, and White—14.

Nay—Mr. Floyd—1.

So the bill passed, with the title as stated.

A bill to be entitled an act to change the name of Seaborn E. Walker to that of Seaborn E. Rawls, was read a third time. On the question of the passage of the bill, the vote was as follows:

Yeas—Messrs. Bird, Broward, Carter, Floyd, Johnson, Lorimer, McLean, McMillan, Tabor, Walker, White—11.

Nays—Messrs. President and Kelly—2.

So the bill passed—title as stated.

A bill to be entitled an act to alter the twelfth section of the fifth article of the constitution of the State of Florida, was read the third time. On the question of its passage, the vote was as follows:

Yeas—Messrs. Broward, Carter, Floyd, Johnson, Lorimer, McLean, Tabor, Walker, White—9.

Nays—Mr. President, Messrs. Bird, Bradley, Fairbanks, Kelly, McMillan—6.

There not being two-thirds in favor of the bill, the same was lost.

A bill to be entitled an act to alter the southern boundary of Benton county, and to establish the line dividing Hillsboro' and Benton counties, was read a third time, and passed as follows:

Yeas—Messrs. President, Bird, Bradley, Broward, Carter, Fairbanks, Floyd, Johnson, Kelly, Lorimer, McLean, McMillan, Tabor, Walker, and White—14.

Nays—None.

So the bill passed, title as stated.

A bill to be entitled an act concerning grand and petit jurors, was read the second time, and referred to the Judiciary Committee.

A bill to be entitled an act to regulate patrols in this State, was read a second time, and postponed for to-morrow.

A bill to be entitled an act to provide for the payment of the expenses of criminal prosecutions, and the contingent expenses of circuit courts, was read a second time, and postponed until to-morrow.

A bill to be entitled an act to define in what cases certain property is exempt from execution, was read a second time, and postponed for to-morrow.

A bill to be entitled an act to authorize Henry Havit to establish a ferry across Choctawhatchie river, was read a second time, and ordered for to-morrow.

A bill to be entitled an act to provide for holding extra terms of the circuit courts was read a second time, and ordered to be printed.

A bill to be entitled an act to regulate the public printing, was read a second time, the amendments of a select committee concurred in, and the bill as amended ordered to be engrossed for to-morrow.

Preamble and resolutions relative to military supplies sold to Robert Armstrong, assistant quarter master, was read the second time, and ordered for to-morrow.

A bill to be entitled an act to authorize Eliza A. Crews and J. M. Crews, administrators of James Niblack, deceased to sell certain real estate, was read a second time, and ordered to be engrossed for to-morrow.

Preamble and resolution exempting the citizens of St. Lucie county from serving on the jury, was read the second time, and adopted.

Resolution authorizing the Governor to allow all accounts for transportation of the laws, journals, &c. was read a second time, and ordered for to-morrow.

Resolution discharging fine imposed on Francis M. Derrance, at

the last term of Marion circuit court, was read the second time, and postponed for to-morrow.

A bill to be entitled a general law in respect to corporations, was read a second time, and ordered to be engrossed for to-morrow.

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

THURSDAY, 31st December, 1846.

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

Mr. Floyd, pursuant to previous notice, introduced a bill to be entitled an act for the relief of Wm. McKain; which was read the first time, and ordered for to-morrow.

On motion of Mr. Bird, the vote of yesterday; rejecting a bill from the House entitled an act to alter the twelfth section of the fifth article of the Constitution of the State of Florida, was reconsidered, and the bill placed among the orders.

Mr. Lorimer offered the following preamble and resolutions, viz: *Preamble and resolution to encourage and promote the growth of silk.*

WHEREAS, the encouragement of the production of silk has engaged the attention of several of the State Governments; and whereas the climate and soil of Florida is considered peculiarly favorable to its culture: be it therefore—

Provided by the Senate and House of Representatives of Florida, in General Assembly convened, That His Excellency the Governor of this State be requested to correspond with Rev. A. C. Van Epps of New York, on this interesting subject to the people of Florida.

Be it further resolved, that for the purpose of inducing the people of Florida to turn their attention to the growth and production of this valuable article of agriculture, a bounty of dollars per pound be given for every pound of first quality raw silk made in this State, for the next years, and cents per pound for every pound of cocoons produced during the same time.

Which were read the first time, and ordered for to-morrow.

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

The committee on Propositions and Grievances, to whom was referred the Memorial of sundry citizens of Tallahassee praying the passage of a law restraining the exercise of the taxing power by the corporation of Tallahassee: Also, a Counter Memorial signed by many other citizens of Tallahassee remonstrating against any action on the part of the General Assembly which will have the effect to retard or defeat the honest and praiseworthy object of the corporate authorities in the exercise of the taxing power, have had the subject under consideration and ask leave to,

REPORT: That they find by examining the memorials, that the first memorial have forty two names: while the counter memorial has one hundred and twelve names. Two of the signers of the first memorial addressed a note to the