

SENATE JOURNAL.

A

JOURNAL OF THE PROCEEDINGS

OF THE

**SENATE**

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF FLORIDA,

AT ITS

THIRD SESSION,

Begun and held in the City of Tallahassee, on Monday, Nov. 22, 1847,

AT THE CAPITOL.

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TALLAHASSEE:

OFFICE OF THE FLORIDIAN.

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1847.

# SENATE JOURNAL.

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MONDAY, 22d November, 1847.

The Senate was called to order at one o'clock, P. M., by H. Archer, Secretary of the last Senate; and the roll being called, the following Senators answered to their names, viz:—

*From Alachua and Marion*—Gabriel Priest.

*From Jefferson*—John M. Smith.

*From Franklin*—R. J. Floyd.

There not being a quorum present, the members present adjourned until to-morrow, 10 o'clock.

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TUESDAY, 23d November, 1847.

The roll being called at 10 o'clock, pursuant to adjournment, the following members answered to their names, viz:—

Messrs. Avery, Austin, Brett, Burritt, Fairbanks, Floyd, Lorri-mer, McLean, McMillan, Moseley Priest, Sanderson, Smith, Tabor, Tracey, Walker and Watts.

A quorum being present, on motion, Mr. Fairbanks was called to the Chair.

The following members produced certificates of their election, and were sworn by Edward M. West, Justice of the Peace for Leon County, viz:—

Messrs. Avery, Floyd, Burritt, Brett, Watts, Tracey, Smith, Sanderson, Moseley.

On motion of Mr. McLean, the business of the session was opened with prayer by the Rev. Mr. Choice.

On motion, the Senate proceeded to the election of President.

Mr. McLEAN, of Walton, received thirteen votes;

Mr. BURRITT, of Duval, received four votes;

Whereupon Mr. McLEAN was declared duly elected.

Messrs. Floyd, Avery and Tabor, were appointed a Committee to conduct the President elect to the Chair, which duty they performed, and the President, on taking the Chair, returned his acknowledgments, in a short and appropriate address.

On motion, the Senate proceeded to the election of Secretary;

When Mr. Chas. W. Downing was declared unanimously elected.

The Senate then proceeded to the election of an Assistant Secretary; and,

Silas W. Sanderson was unanimously elected Assistant Secretary of the Senate.

The Senate next proceeded to the election of Enrolling and Engraving Clerk. The vote was as follows:

A. H. Bush,	13
Blank,	3

Mr. Fairbanks was excused from voting.

Mr. Bush was declared duly elected.

On motion, the Senate proceeded to the election of Sergeant-at-Arms;

Mr. W. W. Taylor was unanimously elected.

On motion, the Senate proceeded to the election of Messenger.

A. G. McLean was unanimously elected.

The officers elected were severally sworn by the President, as the Constitution requires.

On motion of Mr. Fairbanks, the Rules of the last Senate were adopted as the Rules of the present Session until other Rules be adopted.

On motion of Mr. Avery, a committee consisting of Messrs. Avery, Sanderson, and Austin, was appointed to inform the House that the Senate was organized and ready to proceed to business.

On motion, Messrs. Tabor, Burritt, and Fairbanks were appointed a committee, on the part of the Senate, to act with a similar committee from the House, to wait upon his Excellency the Governor, and inform him that the two Houses were now organized and ready to proceed to business.

Mr. Smith offered the following:

*Resolved*, That the Senate go into the election of Printer, at a compensation to be fixed on afterwards.

Mr. Fairbanks offered the following amendment to the above resolution:

*Be it resolved*, That the Secretary of the Senate obtain sealed proposals for doing the printing of this body at its present session—that said proposals shall state—

1st, The price they will furnish 500 copies of the Journals per page, and the additional price for daily slips.

2d, The Miscellaneous Printing of the Senate, such as Bills, Reports, &c., counting 75 copies, per 100 words.

That such sealed proposals be opened by the President.

Which amendment was rejected.

Mr. Avery offered the following as an amendment to the original resolution:

Add the words "by the Senate" after the word afterwards.

On the question of the adoption of the amendment, the ayes and noes were called by Messrs. Fairbanks and Floyd, and were as follows:

Ayes—Mr. President, Messrs. Avery, Austin, Brett, Burritt, Lorrimer, McMillan, Moseley, Sanderson, Smith, Tracey, Walker, Watts—13.

Noes—Messrs. Fairbanks, Floyd, Priest, and Tabor—4.

So the amendment was adopted.

The resolution as amended was then adopted.

On motion the Senate then proceeded to the election of a Printer. S. S. Sibley and Smith & Bartlett were nominated. The vote was as follows:

For S. S. Sibley—Mr. President, Messrs. Avery, Austin, Brett, Burritt, Lorrimer, McMillan, Moseley, Priest, Sanderson, Tracey, Walker, Watts—13.

For Smith & Bartlett—Messrs. Fairbanks and Tabor—2.

Blank, Mr. Smith.

Mr. Floyd was excused from voting.

Mr. S. S. Sibley was declared duly elected Printer to the present session.

Mr. Fairbanks offered the following:

*Resolved*, That the compensation of the Printer of the Senate be now determined.

Which was adopted.

Mr. Fairbanks offered the following:

*Resolved*, That the Printing of the Senate, during its present session, be executed by S. S. Sibley upon the following terms, to wit:

That he furnish 500 copies of the Journals of the Senate at \$2 per page, counting one copy; and daily slips of the proceedings at 25 cents per page of 550 words. That he shall execute the miscellaneous printing of the Senate, such as bills, reports, &c., at  $\frac{1}{2}$  cent per 100 words, counting 75 copies.

Which was adopted.

Mr. Fairbanks moved that the Secretary of the Senate be authorized to purchase stationery for the Senate, not to exceed the sum of fifty dollars.

Mr. Lorrimer moved to amend the above resolution by striking out the words "not to exceed the sum of fifty dollars."

Which amendment was lost.

Mr. Avery moved to amend by striking out the words "fifty dollars," and inserting "twenty dollars."

Which amendment was lost.

Mr. Lorrimer moved to amend by striking out the word "fifty," and inserting "ten."

Which amendment was lost.

The vote being taken on the original resolution, it was lost.

On motion of Mr. Avery, it was

*Resolved*, That the Secretary of the Senate be authorized to furnish stationery to the Senate, in an amount not to exceed twenty dollars.

Which was adopted.

Mr. Tabor moved to adjourn until to-morrow, at 10 o'clock, A. M. Which motion was lost.

On motion of Mr. Fairbanks, the Senate adjourned until 3 o'clock, P. M.

3 O'CLOCK, P. M.

Mr. Fairbanks gave notice that he would, on some future day, ask leave to introduce the following bills, viz :

A bill so altering the Constitution of this State as to make the sessions of the General Assembly biennial instead of annual.

Also a bill so amending the Constitution of this State as to extend to all free white inhabitants, being citizens of the United States, who shall have resided within the State one year, the elective franchise.

Mr. Sanderson gave notice that, on some future day, he would ask leave to introduce the following bills, viz :

A bill to abolish the office of Tax Collector and Assessor.

Also a bill to provide for the payment of Jurors.

The Committee appointed to wait on the House, and inform them of the organization of the Senate, reported that they had performed that duty.

On motion of Mr. Avery, Mr. Austin was excused until Monday next.

Mr. Sanderson submitted the following :

*Resolved*, That the Comptroller be requested to furnish to the Senate separate statements of the expense incident to the assessment and collection of the State and County revenue in the several counties of the State.

Which was adopted.

A message was received from the House, informing the Senate that that body had organized, and was ready for business.

The committee appointed to wait upon his Excellency the Governor and inform him of the organization of the Senate, reported that they had performed that duty.

His Excellency the Governor transmitted to the Senate, by his private Secretary, O. A. Myers, his third annual Message.

### GOVERNOR'S MESSAGE.

*Gentlemen of the Senate  
and House of Representatives :*

In the communication made to the last General Assembly, the Executive had the happiness to congratulate his fellow citizens with regard to the blessings of health, and of prosperity, in their varied pursuits. It is a source of heartfelt satisfaction to be enabled to give you, at this time, new assurances of the continuance of the favors of Providence. The current year has but increased our obligations to the great Source of our multiplied bounties. At no period, since the organization of the State Government, have we had more cause of gratitude for the continuation of health, the rich rewards of industry, and the steady advancement of our great social interests and moral improvement, than at the present. Being thus signally blessed, it becomes our duty, when entering upon the discharge of those trusts confided to us as the representatives of the people, not only to express

our thankfulness and gratitude for the past, but so to invoke the aid and guidance of that Almighty Being who controls events, as that all our deliberations may be directed to the advancement of the great interests of the people, and the promotion of the honor and reputation of the State. Without *such aid*, we cannot *hope* for success.

With these preliminary remarks, I proceed to the discharge of a highly responsible and important duty, imposed upon the Chief Executive Magistrate of the State, at the commencement of the annual sessions of the General Assembly, contained in that clause of the Constitution of the State, which requires of him to lay before that body "information in connection with the administration of the Government, and the recommendation of such measures as may be deemed expedient and proper to promote the general welfare."

Upon a review of the Acts and Resolutions adopted by the General Assembly since the organization of the State, I take this opportunity to invite your attention to the act of 10th December, 1845, providing for a Digest of the Territorial and State Laws, and to a supplementary act of the same session, providing for the collection and arrangement of the Statutes of Great Britain of force in this State. It will be seen by an examination of the Acts referred to, that the purpose of the General Assembly was not only to have a thorough Digest of all the Acts of the Territorial Legislature, of a public nature, and then in force, including such as might be passed by the General Assembly up to the Fall session of 1846, but to collect and arrange, under appropriate heads, all the Statutes of Great Britain of force in this State. I have now the satisfaction to inform you that, in the discharge of the duties assigned the Executive in the Acts above named, L. A. Thompson, Esq., was commissioned to carry into execution this wise measure of the General Assembly. A complete Digest, in accordance with the provisions of the first Act, of inestimable value to the State, the compilation and completion of which might well have been considered the work of years, has been carried through the press within a year from its inception, and is now submitted to the General Assembly for such additional legislation, if any, as may be necessary to perfect the work.

I have deemed it proper to give this work a prominent position in this communication for several reasons, the justness of which will be readily seen. Frequent changes in public laws are of themselves evils of no ordinary magnitude. In a government like ours, with a population comparatively sparse, scattered over an extensive territory, with few facilities of intercommunication, such changes are peculiarly so. That the Digest under notice will meet the reasonable expectations of the public, the high reputation of the Commissioner is believed to be a sufficient guaranty, independently of the unqualified approval and commendation of the commission appointed to approve or disapprove of the work, as their judgments might dictate. From these considerations, it is earnestly but respectfully recommended, that no additional legislation, (at least of a public nature, and in repeal of the acts composing the Digest,) may be had at the present

session, unless such legislation will be *obviously productive of positive public good*. It would seem to be wise policy at least, to allow experience to test the inefficiency of this work—a work of *industry, energy and talent*—before we attempt to improve it by legislation of *doubtful expediency*.

The collection and arrangement of the Statutes of Great Britain of force in this State, contemplated in the provisions of the supplementary act referred to, have not yet been completed, but will receive the prompt attention of the Commissioner at an early day.

In the annual message to your immediate predecessors, I felt it to be my duty to recommend the following amendments to the Constitution of this State, to wit :

1. Biennial, instead of annual, sessions of the General Assembly, and the term of service of the members thereof so amended as to conform thereto.

2. A residence of six months, instead of two years, within the State, as a necessary qualification to suffrage.

3. So amend the 12th section of the 5th article, that the election of Judges of the Circuit Courts be hereafter made directly by the people by general ticket from the entire State, without in other respects interfering materially with the alternating system as at present established by law ; and that the term of service should not continue more than ten nor less than five years.

It is a gratification to embrace this opportunity to advise you of the adoption, in part, of these recommendations, by the last General Assembly, (and of their publication in the public journals of the State, in conformity to that clause of the Constitution which provides for amendments by your body;) but this gratification on the one part, is coupled with a deep regret on the other, that the amendments were not adopted to the full extent of the recommendation.

The first amendment provides that the members of the House of Representatives shall be chosen by the qualified voters, and shall serve for the term of two years from and after the day of the first election under the amended Constitution, and no longer ; and the sessions of the General Assembly shall be biennial, and commence on the 4th Monday in November in each and every year, or at such other time as may be prescribed by law. The second amendment designates the first Monday in October, in each and every second year, as the day on which elections shall be held for members of the House of Representatives, or on such other day as may be directed by law. The third amendment provides that Senators shall be chosen by the qualified electors for the term of four years, not differing in other respects from the existing Constitution. The fourth amendment provides for the classification of the Senators, so as to conform to the third amendment in the extension of their term of service from two to four years.

The foregoing are in substance the amendments, as agreed to by the last General Assembly, to the 4th article of the Constitution. If it should be the pleasure of the Legislature now in session to estab-

lish biennial instead of annual sessions, the adoption of the first clause of the first amendment, as to the term of service of members of the House, and of the entire second amendment, as to the day and year of election, will necessarily follow. By the third amendment, it will be seen that the Senatorial term is extended from two to four years. In regard to this amendment, I may remark that although it is the privilege of, and may be considered an imperative duty imposed upon, the Executive, to recommend such amendments to the Constitution as in his judgment the public good may demand, that privilege extends no farther. Such, at least, was the construction placed upon the powers of the Executive by himself and by the General Assembly, at its last session—namely, that the General Assembly was to all intents a convention of the people when amendments to the Constitution were under consideration, and as such, entirely independent of the Executive. But to recur to the amendments in question, it is to me a matter of unfeigned regret that the adoption of biennial sessions, (a measure which I have advocated at all times and on all proper occasions, from a conviction that, if incorporated into the Constitution, apart from much positive good resulting from its adoption, many existing evils would be avoided,) should have been rendered highly objectionable by extending the term of service of Senators to such an unusual and extraordinary length. Long terms of office, particularly of a political nature, are, it is believed, in opposition to the genius and spirit of our Republican Institutions, and may be said to be *indirectly* in violation of the maxim, that “frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.” It is therefore most earnestly recommended to you, as the immediate representatives of the people, so to amend the amendment of the last session as that the term of members of neither branch of the General Assembly shall extend beyond two years. Aside from objections founded on principle, it may be remarked that, in a young and growing State like Florida, whose population is gradually increasing by accessions composed of much of the intelligence, wealth and industry of sister States, upon whom, without delay, the burthens of government are imposed, it is surely impolitic, to say the least, to deprive them, by the organic law, of the privileges of citizens for a protracted length of time.

It is also recommended to amend the amendment to the 1st section of the 6th article, by striking out the words “one year” wherever they occur, and inserting “six months.” I readily admit that I am at a loss to see either the justice or policy of the article as it now exists. So far as it discourages emigration to the State, it is most certainly objectionable, as a wise policy would dictate every possible incentive to emigration not endangering the public safety. So far as it operates unequally upon all who are citizens of the same State, it is not only *anti-republican*, but *unjust*.

I avail myself of the present occasion, also, to invite your attention to another suggested amendment, of paramount importance to the interests of the people of the State. My views in relation to it,

to a very limited extent, engaged the attention of the General Assembly at its last session. I allude to the change then recommended by me as to the tenure of office and the mode of election of Judges of the Circuit Court. If the existing provisions of the Constitution be not changed, an election of Judges, during good behavior, will be made by the Legislature two years from this time. It is obvious, then, that there is no time to be lost in discussing and maturely considering any proposed change of the Constitution in that regard, as it must be adopted, if at all, by two successive Legislatures within that period. This circumstance, coupled with a sense of duty, is my apology for what might otherwise seem undue importunity in again earnestly invoking your attention to this subject. Reflection, subsequent to the date of my last message, and continued and anxious observation of the two modes of electing Judges, as exhibited in other States, have but confirmed my opinions heretofore expressed, and increased my desire to have the Constitution so amended as to provide for the election of the Judges of the Circuit Court by a direct vote of the people. It is difficult to account for the existing anomaly in our State Constitutions which forbids to the people a voice in the selection of those of their public servants who, perhaps, of all others, have the most to do with taking care of their interests. Though the laws under which we live be enacted by the immediate representatives of the people, yet it is obvious that their true value depends upon their proper administration by the judicial officers of the Government.—An incompetent or faithless Judge may render practically worthless the best system of laws, while an honest one has it in his power to avoid many of the evils of hasty legislation. The adoption of the existing system, is regarded as a lingering distrust of the capacity of the people for self-government, derived from our English ancestors—manifestly a system opposed to the spirit of our free institutions and to the rights of the people. The objections usually made to the proposed system of election, I have reason to believe, exist more in apprehension than in fact. So far as my observations and enquiries have extended as to the effects of the system in other States where it has been adopted, none of the results usually predicted by its opponents have been experienced, while all the benefits anticipated by its friends have been realized in an eminent degree. If, then, the position here assumed be true, that the system proposed secures the selection of Judges not less vigilant in the discharge of their duties, and in other respects equally entitled to public confidence with those selected by intermediate agents, no exceptions can be taken to it on these grounds. And the Legislature certainly will not disregard another very important consideration, namely, that a direct vote by the people for Judges of the Circuit Court is *their undoubted right*—a right hitherto withheld; nor will they lightly esteem the fact, not less worthy of consideration, that a postponement of this subject to another session of the General Assembly, virtually nullifies this right—which you alone, under existing circumstances, have the power to restore.

In connection with this subject of the Judiciary system, my attention has been directed, at the request of many respectable citizens, to another important change in the organization of our Courts—heretofore recommended at the adjourned term of the first General Assembly. I submit this to you, *a second time*, for your consideration, on account of its great utility and importance. I allude to a separate Chancery Court. Among the many advantages of this measure which will occur to you, I will confine myself to one only; and upon this point my own observations have confirmed the reports of those better qualified from their position to judge, and more directly interested. Most of the suits in our Courts, involving large amounts of property, and which render necessary the examination and discussion of the more abstruse principles of the law, are, technically speaking, to be found on the equity side of the Court docket; and yet it is believed to be a rule universally observed, (growing out of the existing system,) to give precedence to law cases; the consequence of which, so far as my observation has extended, has ever been, in all the States where this system is in force, to postpone the more important business to the very last hours of the Court, which is then disposed of *hastily*, and in most cases unsatisfactorily; or from necessity continued from term to term, to the great detriment of the rights of the parties. I will not enlarge upon this topic. The experience of every lawyer and many a long-suffering suitor, will furnish evidence of what I have stated, and of its injurious effects. Many of both classes, have seen an entire day devoted to the trial of some petty offender for some trifling misdemeanor, or to establish the relative rights of parties to property of less value than the costs incurred in the investigation; when afterwards a single hour of the Court (usually from exhaustion and the want of time) could not be afforded to a controversy involving a large amount of property and resting on complicated questions of law. The establishment of a separate Chancery Court would correct these evils, and afford ample time and opportunity for the deliberate administration of justice. I am aware, of course, that the proposed Court would involve an additional expense, which should not be incautiously incurred. But if the advantages are such as I have been induced to suppose, I have reason to believe that a very brief experience would reconcile every person to the expense. Moreover, the expense of the Court might measurably be thrown upon those who would derive most immediate benefit from it, and who would, doubtless, rejoice to incur a small additional expense in exchange for the delays, embarrassments and other inconveniences to which they are now subjected from the present system. It is believed that a tax of five dollars upon every suit, with a small additional per centage on the amount finally recovered, to be ascertained in some mode readily devised, would nearly, perhaps entirely, pay the expenses of the Court, and, I think, give general satisfaction.

At the first session of the General Assembly, a resolution was adopted authorizing the Executive to appoint fit and competent persons to act and confer with persons to be appointed by the Executive

of Georgia and Alabama, as commissioners to run and mark the boundary line between the States of Georgia, Alabama and Florida, in conformity with the treaty of 1795, between Spain and the United States. I regret to have to inform you that in regard to the line between Georgia and this State, Commissioners were appointed on the part of both, who, after a protracted effort to carry into effect the object of the resolution, eventually separated without having accomplished that object. This information having been communicated to your immediate predecessors, with the correspondence and report of the Commissioners, and no new instructions having been received in relation to the subject, no farther attempt at negotiation has been made. The same doubt and uncertainty as to the true line still exist. The subject is again referred to you as a matter of deep concern not only to the people of the State, but more especially so to those who live in the immediate vicinity of a line heretofore run and marked from Ellicott's mound, near the source of the St. Mary's River, to the junction of the Flint and Chattahoochie Rivers.

It is truly gratifying to me, however, to be enabled to inform you that our negotiations with Alabama have been entirely successful.—Commissioners on the part of the respective States, together with a gentleman, of no ordinary reputation, as Engineer, convened immediately after the adjournment of the last Legislature, and without encountering any serious obstacles to an adjustment of the line dividing that State and Florida, united in a Report to their respective Governments; which, with all the Documents in connection with it, is now on file in the Executive office, and will be submitted to the Legislature without delay, whenever it wishes in that respect are made known. It may not be improper to remark, at this time, that the report is highly satisfactory to the Executive, from a conviction that the Commissioners have identified and agreed upon the line originally marked, being latitude 31° North, and which, it will be remembered, is the boundary as fixed by the treaty of 1795.

As the control and direction of the very liberal grants of Public Lands made by the Federal Government to the State for Seminaries of Learning, Common Schools, and Internal Improvements, were confided by the General Assembly almost exclusively to the Register of Public Lands, it will scarcely be expected that I should do more, at this time, than merely to remind you of the inestimable value of these donations, and of the heavy responsibility resting upon those to whom they have been entrusted. In my annual communications, heretofore made, I have considered it a paramount duty to invite the attention of the General Assembly to this subject, so as to secure for those who succeed us, the full benefit of the grants. I have on all such occasions expressed fully and without reserve my views in relation to this subject, and feel gratified that I am now enabled to assure you that the last General Assembly, with a zeal and industry worthy the object to be attained, adopted such preliminary measures as will, it is believed, if sustained by subsequent legislation, attain the object desired.

With regard to the Sixteenth Sections of each Township, it is re-

commended that Congress be memorialised for permission to sell them on such terms as may be deemed advisable, on condition that the proceeds of such sale be secured for the exclusive benefit of the Townships in which they are located, and to be applied to the purpose for which they were originally intended, *and no other*. I have deemed it proper to refer particularly to these lands from the consideration that experience has fully established the truth that unless some immediate steps be taken to change the property, this fund (which of all others might be rendered most valuable for the support of Common Schools, the great nurseries of virtue and intelligence among the people,) must, at no distant day, be forever lost. It is furthermore recommended, that similar application be made to exchange Sixteenth Sections that are utterly worthless for others more valuable, and that the inhabitants of Townships covered by large grants, have the like privilege. Like privileges have been granted to the States of Indiana, Arkansas, Illinois, and probably to others.

Since the establishment of the Office of Register of Public Lands within the State, locations in conformity to the several grants of Congress have been made to a considerable extent. In the discharge of their duty, it is to be presumed that the agents of the State have made such selections as they deemed most valuable, without regard to any claims existing, the validity of which was based *exclusively* upon pre-occupation, without a color of legal title or of the right of possession as opposed to the Federal or State Governments. It is believed that many such cases must have heretofore occurred. With the view, therefore, of obviating any difficulties that may have arisen, in all cases similarly circumstanced, it is recommended that provision be made for all such occupants, where the possession existed previously to the year —, so as to secure to them privileges similar to the provisions of the pre-emption law now in force, and extending it to such time as shall be deemed advisable, when the privilege shall cease. The provisions of such a law would, to some extent, lessen the fund, (especially in cases where lands of the first quality had been selected,) yet a consideration of this character will, it is to be presumed, have but little weight with you, when it is recollected that the alternative may be the ruin of many worthy pioneers with helpless families.

There are other subjects to which the attention of the General Assembly has heretofore been invited, and which, without entering into an extended consideration of them, are again submitted for such action as in your judgments they may respectively demand. Among these, the most prominent are, the Finances of the State—the several Acts in relation to our Coast Fisheries—and the fitness of the existing Militia Laws to the prompt and efficient organization of that arm of the Government.

In relation to the Finances of the State, the Reports of the Comptroller and Treasurer, herewith transmitted, furnish a clear, and, it is believed, a very accurate statement of the receipts and expenditures for the last fiscal year, with such remarks and explanations upon

each item in the expenditures appended as a sense of duty may have demanded. From a critical examination of the expenses of the Government since its organization, it will be found that no material difference exists in any of the items of expenditure for the years '45, '46, '47, with the single exception of the items of expenditure for Criminal Prosecutions and contingent expenses of Courts. These, in my judgment, demand of the General Assembly a thorough investigation. They are large. The increase in one year has been without a parallel. Independently of the salaries of the Judges, (which, it will be remembered, are placed at the minimum sum authorized by the Constitution,) the amounts alone of the Contingent and Criminal expenses of the Courts, exceed the entire expenses of the General Assembly for the year 1846. The aggregate sum of these expenditures, throughout the State, for the fiscal year ending 31st October, 1846, is \$8,362.31; and for the year ending 31st October, 1847, \$18,061 48, making an excess of expenditures for the last beyond those of the preceding year of \$9,699 17, and exceeding the expenses of the General Assembly for the same year in the sum of \$4,508 20.

In conclusion, I may remark that, although the expenditures have thus been increased in the last year nearly ten thousand dollars, it is not doubted, if there should be prompt collection of the entire assessment of the taxes for the same time, the balance, after deducting the ordinary expenses for collection, will be found adequate to the wants of the Government. But I have no hesitation in saying, (and my duty to the public would seem to demand it of me,) that if any additional burthen shall be imposed upon the Treasury, increasing thereby the annual expenditures of the Government to any considerable extent, there must be a corresponding increase in the receipts, or the credit of the State must necessarily be depreciated. The facts are before you—with you is the remedy.

The cost of the Reports of the Supreme Court of the State, has been suggested from various sources, as a fit subject for the consideration of the General Assembly. The decisions therein are the law of the land, a knowledge of which cannot be less important to the people than the Statute Laws.

Having thus recommended such measures of domestic policy as were deemed entitled to a claim upon the consideration of the Representatives of the People, they are submitted under the conviction that not only these, but such additional subjects as you may think advisable, will receive proper consideration.

Within the present year, three requisitions for Volunteers for the service of the United States, have been forwarded to this department of the Government. It is really and truly gratifying to be enabled to inform you that they were met with a promptness worthy of all commendation. When it is remembered that our State had so recently been the theatre of a war almost without a parallel for its savage barbarities, and for its withering and deadly influences upon all the elements of its prosperity, it is deemed complimentary to our fellow-

citizens that under such adverse circumstances, these calls upon their patriotism and gallantry have been made. In remarking upon this subject, I will not forego the present opportune occasion to bear testimony to the gallant spirit, which, from every portion of our Southern Peninsular State, has manifested itself for the energetic prosecution of the war with the Mexican Republic—a manifestation not in words, but in action. Notwithstanding a combination of influences, all having a direct tendency to dampen the ardor, diminish the resources, and paralyze the energies of our fellow citizens for many consecutive years, they have gallantly rallied at their country's call in numbers proportioned to our military strength, that will bear an enviable comparison with any of the Sovereignities of our great Republic. Without stopping either to count the cost of the war, or to investigate the truth of Senatorial denunciations that it is "unjust," "unholy," and "anti-christian," they have volunteered in the common cause of their common country, with a determined zeal, and a patriotism becoming American citizens, and have thus added new lustre to the honor of their State.

Congress having made no provision to meet the expenses of Volunteer companies contracted previously to their assembling at the place of rendezvous, except on conditions hereinafter referred to; and no provision having been made by the State for companies heretofore received, it is most earnestly recommended that a Resolution may be adopted by you authorizing the payment of these claims. Their recognition on the part of the State, it would seem, would be but an act of justice to our gallant Volunteers, under any circumstances; but when it is known that many of them were without the pecuniary means to meet their unavoidable expenses, it becomes a matter which not only addresses itself to your sympathies, but places it upon the higher claim of undoubted right. It will be seen, by referring to a Resolution of Congress approved on the 3d of March last, that the Secretary of War is required to refund to the States expenses incurred under similar circumstances,—which would seem to imply a payment previously made by the State. Whatever construction may be put upon the Resolution referred to, may be a matter of adjustment hereafter between the Federal and State Governments. The expenses of the Volunteer Companies from Florida, were incurred on the call of the authorities of the State, and their services have been rendered in obedience to that call. From such premises, the responsibility of the State to recognize these claims, in the first instance, would seem to be the only legitimate conclusion.

Although our more immediate concern is in legislation upon such matters as the State, in its independent capacity, is directly and exclusively interested; yet, as one of the sovereignties of the Federal Government, we cannot be indifferent either to the principles upon which its legislation is based, or to the influence and effect of such legislation when put into practical operation. Without again recurring to the leading measures of the National Administration, I take this occasion to remark that the views which I have heretofore ex-

pressed in relation to them, have in no instance been changed; but, on the contrary, their soundness has been attested by experience and observation. In regard, however, to the War with Mexico, it is to me, I assure you, a source of deep and unfeigned regret that each and every effort on the part of the National Government, heretofore made, to bring it to a happy and honorable termination, have been wholly unsuccessful. A succession of victories unsurpassed for their brilliancy either in ancient or modern times, leaves but little room to doubt as to the ultimate result of this unequal contest.

The solemn declaration of Congress, apart from other considerations, made with an unanimity unparalleled in the annals of its legislation, that "THE WAR EXISTS BY THE ACT OF MEXICO," affords ample and gratifying assurance that the National Legislature will never direct its victorious troops to be ingloriously withdrawn from the fields of their fame and their glory; and from a contest, thus solemnly declared to be brought about by the acts of its adversary, WITHOUT INDEMNITY FOR THE PAST, AND SECURITY FOR THE FUTURE. If such indemnity shall be secured by the accession of territory, (of which there can be but little doubt,) it is believed that any act of the National Legislature which shall appropriate such territory to the use of one portion of the confederacy to the exclusion of another—or which in its provisions shall annex as an express and fundamental condition to the acquisition of such territory, "that neither slavery nor involuntary servitude shall ever exist in any part, except for crime whereof the party shall first be duly convicted"—that any and all acts with such provisions, would be usurpations of power not delegated by the Constitution—unequal, unjust and oppressive in their effects; and to which that portion of the confederacy, thus insulted, abused, and injured, can never consent without an inglorious surrender not only of their reserved rights, but of those guaranteed by the letter and spirit of the National Compact.

I have the honor to be,

Very respectfully,

Your obedient servant,

W. D. MOSELEY.

EXECUTIVE OFFICE, NOVEMBER 22, 1847.

Which was read, and on motion of Mr. Fairbanks, one thousand copies were ordered to be printed.

On motion of Mr. Watts, Messrs. Watts, Burritt, and Fairbanks were appointed a committee to prepare Rules for the government of the Senate during the present session.

On motion of Mr. Smith, ordered that five hundred copies of the Documents accompanying the Governor's Message be printed.

On motion of Mr. Tabor, the Senate adjourned until to-morrow at 10 o'clock, A. M.

WEDNESDAY, November 24, 1847.

The Senate met pursuant to adjournment; the Rev. Mr. Choice being invited, delivered an appropriate prayer. A quorum being present, the proceedings of yesterday were read and approved.

Agreeably to previous notice, Mr. Fairbanks introduced the following bills, viz:

An act so to amend the Constitution of this State as to extend to all free white male inhabitants, being citizens of the United States, who shall have resided within this State one year, the elective franchise.

An act to amend the Constitution of this State so as to make the sessions of the General Assembly biennial instead of annual.

On motion, the first reading was dispensed with, and ordered for a second reading.

Mr. Lorrimer moved that the Rev. Mr. Choice be invited to act as Chaplain to the Senate during its present session.

Which was adopted.

On motion of Mr. Lorrimer, Messrs. Lorrimer, Floyd, and McMillan were appointed a committee to wait upon the Rev. Mr. Choice, and invite him to officiate as Chaplain to the Senate during its present session.

Mr. Fairbanks gave notice that he would, on some future day, ask leave to introduce a bill to be entitled, An act to make the certificates of the Treasurer of this State receivable in payment of public dues.

Mr. Floyd gave notice that he would, on some future day, ask leave to introduce the following bills, viz:

A bill to be entitled, An act to authorize the qualified electors of each County in this State to elect Judges of Probate.

Also, a bill to be entitled, An act to prohibit the introduction of slaves in this State for hire, belonging to non-residents.

Mr. Fairbanks offered the following resolution:

*Resolved*, That the Comptroller be requested to report the number of criminal prosecutions in each County in this State, the nature of the prosecutions, and the amount of expenses of criminal prosecutions audited by the Comptroller for each Circuit, and the amount paid in capital cases.

Which was adopted.

The committee appointed to prepare Rules for the government of the Senate, during the present session, beg leave to report the rules of the last session, and recommend their adoption.

Which report was received and adopted.

On motion, the rule was waived, and Mr. Avery allowed to give notice that he would, on some future day, ask leave to introduce a bill to provide for the payment of jurors from the State Treasury.

On motion the rule was waived, and Mr. Watts allowed to give notice that he would, on some future day, ask leave to introduce a bill to establish a bail law and a county attachment law.

On motion, the rule was waived, and Mr. Sanderson allowed to give notice that he would, on some future day, ask leave to introduce a bill to amend an act entitled "An act more particularly to define who are retailers of spirituous liquors," approved January 1, 1847.

On motion of Mr. Sanderson, the Senate adjourned until to-morrow, at 10 o'clock, A. M.

THURSDAY, November 25, 1847.

The Senate met pursuant to adjournment.

There not being a quorum present,

On motion of Mr. Fairbanks, the Senate adjourned until to-morrow, 10 o'clock, A. M.

FRIDAY, November 26, 1847.

The Senate met pursuant to adjournment.

The Rev. Mr. Choice officiated as Chaplain.

A quorum being present, the proceedings of Wednesday were read and approved.

Notice being given that the Hon. John Coston, Senator elect from the counties of Dade and Monroe, was present, on motion, Mr. Coston presented his certificate of Election from the Secretary of State, and was sworn according to the Constitution by E. M. West, Esq., a Justice of the Peace for Leon county.

On motion of Mr. Fairbanks, the resolution adopted on Wednesday last, dispensing with the first reading of the following bills, viz:—

An Act so to amend the Constitution of this State as to extend to all free white male inhabitants, being citizens of the United States, who shall have resided within this State one year, the elective franchise;

An Act to amend the Constitution of this State so as to make the sessions of the General Assembly biennial instead of annual;

Was rescinded, and said bills placed upon their first reading, and ordered for a second reading to-morrow.

Pursuant to previous notice, Mr. Fairbanks introduced a bill to be entitled, An Act to make the certificates of the Treasurer of this State receivable in payment of all public dues;

Which was placed upon its first reading; and ordered to a second reading to-morrow.

The President announced the following Standing Committees:—

STANDING COMMITTEES FOR THE SENATE,  
*Appointed by the President under the Rules of the Senate.*

<i>Judiciary.</i>	<i>Enrolled Bills.</i>
Messrs. Burritt, Sanderson, Floyd.	Messrs. Fairbanks, Brett, Floyd.
<i>State of the Commonwealth.</i>	<i>Claims and Accounts.</i>
Messrs. Sanderson, Lorrimer, Brett.	Messrs. Brett, Moseley, Smith.
<i>Corporations.</i>	<i>Amendments and Revision of the Constitution.</i>
Messrs. Floyd, Smith, Moseley.	Messrs. Tabor, McMillan, Austin.
<i>Schools and Colleges.</i>	<i>Executive Department.</i>
Messrs. Avery, Sanderson, Smith.	Messrs. Austin, Lorrimer, Avery.
<i>Propositions and Grievances.</i>	<i>Militia.</i>
Messrs. McMillan, Priest, Watts.	Messrs. Tracey, Walker, Floyd.
<i>Internal Improvements.</i>	<i>Taxation and Revenue.</i>
Messrs. Moseley, Tracey, Tabor.	Messrs. Watts, Burritt, Smith.
<i>Elections.</i>	<i>Federal Relations.</i>
Messrs. Priest, Avery, Walker.	Messrs. Lorrimer, Fairbanks, Sanderson.

Mr. Avery moved—

1st. That so much of the Governor's message as refers to amendments of the Constitution, be referred to the committee on Amendments and Revision of the Constitution.

2d. That so much as refers to the establishment of a Chancery Court, and to the Reports of the Supreme Court, be referred to the Committee on the Judiciary.

3d. That so much as refers to the Northern boundary of the State, be referred to the committee on the State of the Commonwealth.

4th. That so much as refers to the grants of public land made by the Federal Government to the State for Seminaries of Learning and Common Schools, be referred to the committee on Schools and Colleges.

5th. That so much as relates to Internal Improvement, be referred to the committee on Internal Improvement.

6th. That so much as relates to the fisheries, be referred to the committee on Propositions and Grievances.

7th. That so much as relates to the Militia, be referred to the committee on the Militia.

8th. That so much as relates to the finances of the State, be referred to the committee on Taxation and Revenue.

9th. That so much as refers to the expenses incurred on account of the Volunteer Companies, be referred to the committee on Claims and Accounts.

10th. That so much as refers to our National affairs, be referred to the committee on Federal Relations.

Which motion prevailed and the references ordered.

Mr. Avery moved that the committee on the Judiciary be instructed to bring in a bill to amend an act entitled "An Act to provide for the Election of Electors of President and Vice President of the United States, approved January 6, 1847," so as to have the said act conform to the law of the United States, entitled "An Act to establish a uniform time for holding Elections for Electors of President and Vice President in all the States of the Union, approved January 23, 1845."

Which motion prevailed.

Mr. Floyd gave notice that he would on some future day ask leave to introduce the following bills:

A bill, to be entitled, An act to so alter and change the Constitution of the State as to allow the qualified electors of this State to elect the Judges of the Circuit Courts by general ticket.

A bill, to be entitled, An act to abolish the pay of the Adjutant General of this State.

A bill, to be entitled, An act to provide for the payment of Jurors.

Mr. Fairbanks offered the following:—

*Resolution relative to the presentation of Swords to Major Loring and Lieut. M. C. Marin, citizens of Florida in the service of the United States.*

*Resolved by the Senate and House of Representatives of the State of Florida, in General Assembly convened,* That the Governor of this State procure and cause to be presented to Major William W. Loring, of the United States army, and Lieut. Mathias C. Marin, of the United States navy, Swords suitably inscribed, in testimony of the appreciation entertained by the people of this State, for their distinguished gallantry and services in the war with Mexico, the expense of the same to be paid from the Contingent Fund.

Which was read the first time, and ordered for a second reading on to-morrow.

On motion, the Senate took a recess until 3 o'clock, P. M.

3 O'CLOCK, P. M.

The following message was received from his Excellency the Governor:

EXECUTIVE DEPARTMENT, }  
November 26, 1847. }

*Gentlemen of the Senate  
and House of Representatives:*

I herewith transmit to the General Assembly the Report of the

Adjutant and Inspector General of the State, enclosing the Report of the Quarter Master General.

Very Respectfully,  
W. D. MOSELEY.

On motion of Mr. Sanderson, referred, with the accompanying documents, to the committee on Militia.

Also the following:

EXECUTIVE DEPARTMENT, }  
November 26, 1847. }

*Gentlemen of the Senate  
and House of Representatives:*

I herewith transmit to the General Assembly the Report of the Attorney General of the State, made to the Executive under the provisions of the 5th section of the Act of 23d July, 1845, prescribing the duties of that office.

Very Respectfully,  
W. D. MOSELEY.

On motion of Mr. Sanderson, referred, with the accompanying documents, to the committee on the Judiciary.

Also the following:

EXECUTIVE DEPARTMENT, }  
November 26, 1847. }

*Gentlemen of the Senate  
and House of Representatives:*

In conformity to a "Preamble and Resolution relative to the establishment of a complete Educational System, approved December 21, 1846," (See pamphlet laws, 2d session, page 83) Hon. O. M. Avery and Walker Anderson, were appointed from the Western District; Wm. Marvin and Rev. C. C. Adams, from the Southern; B. F. Whitner and J. E. Broome, Esq., from the Middle; and Hon. G. R. Fairbanks and W. Forward, from the Eastern; to report upon the object in view. I herewith transmit the Reports of three of the Commissioners, Hon. Wm. Marvin, W. Forward, and G. R. Fairbanks, for the consideration of the General Assembly.

Very Respectfully,  
W. D. MOSELEY.

On motion of Mr. Avery, referred, with accompanying documents, to the committee on Schools and Colleges.

On motion of Mr. Avery, ordered that 500 copies of the above message, and the documents accompanying the same, be printed.

On motion, the rule was waived, and Mr. Sanderson allowed, agreeably to previous notice, to introduce a bill to be entitled, An act to provide for the payment of Jurors.

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

On motion, the rule was waived, and Mr. Lorrimer allowed to introduce the following:

*Resolved by the Senate, the House of Representatives concurring,* That the Senate and House of Representatives do go into the election for Comptroller of this State, on Tuesday next, at 10 o'clock.

Mr. Sanderson moved to amend by striking out the word "Tuesday" and inserting "Wednesday."

Which motion prevailed.

The resolution, as amended, was read the first time and ordered for a second reading.

Mr. Lorrimer moved that the rule be waived, and the resolution be read a second time ;

Which motion was lost.

Mr. Burritt moved to reconsider the bill entitled, An act so to amend the Constitution of this State as to extend to all free white male inhabitants, being citizens of the United States, who shall have resided within this State one year, the elective franchise.

Also, An act to amend the Constitution of this State so as to make the sessions of the General Assembly biennial instead of annual.

Which motion prevailed.

Mr. Burritt moved that said bills be read a second and third time, as of the first day ;

Which motion prevailed, and said bills were read the second and third times, as of the first day, and ordered to be read a first, second and third time, as of the second reading, on Monday next.

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

MONDAY, November 29, 1847.

The Senate met pursuant to adjournment. A quorum being present, after prayer by the Rev. Mr. Choice, Chaplain of the Senate, the Journal of Friday's proceedings were read, amended and approved.

On motion of Mr. Priest, so much of the Governor's message as relates to settlers upon the lands located by the Agents of the State, was referred to the Committee on Propositions and Grievances.

On motion of Mr. Tabor, Mr. Costen was added to the Committee on Claims and Accounts.

On motion of Mr. Tabor, Mr. Costen was added to the Committee on Amendments and Revision of the Constitution.

On motion of Mr. Lorrimer, Mr. Costen was added to the Committee on the State of the Commonwealth.

On motion of Mr. Sanderson, Mr. Fairbanks was added to the Committee on the Judiciary.

On motion of Mr. Sanderson, Mr. Burritt was placed on the Committee on Federal Relations.

On motion of Mr. Avery, Mr. Fairbanks was added to the Committee on Schools and Colleges.

Pursuant to previous notice, Mr. Sanderson introduced a bill to be entitled, An act to provide for the Assessment and Collection of the State and County Revenue ;

Which was read the first time, and ordered for a second reading to-morrow.

On motion of Mr. Fairbanks, Ordered, that said bill be printed.

On motion of Mr. Sanderson, Ordered, that 500 copies of the Attorney General's Report, and 500 copies of the Reports of the Adjutant and Inspector General, be printed.

Pursuant to a Resolution of the Senate, adopted on Tuesday last, the Comptroller transmitted the following to the Senate :

COMPTROLLER'S OFFICE, }

Tallahassee, November 29, 1847. }

To the Honorable President of the Senate :

SIR :—In obedience to a resolution adopted by the Senate, I have the honor to furnish a statement of the expenses allowed by the County Commissioners of the several Counties of this State for assessing and collecting the revenue of the State.

I have the honor to be,

Most respectfully, &c.

N. P. BEMIS, Comptroller.

COUNTIES.	AM'T. PAID FOR ASSESSING.	AM'T. PAID FOR COLLECTING.
St. Johns,	\$141 05	\$123 66
Duval,	137 95	97 99
Alachua,	133 95	106 20
Marion,	92 15	42 27
Columbia,	113 03	67 93
Nassau,	67 76	43 93
Orange,	49 31	30 81
Levy,	9 63	6 02
St. Lucie,	20 06	12 54
Monroe,	94 19	65 58
Benton,	23 39	14 62
Hillsboro',	32 62	20 00
Hamilton,	67 38	41 48
Madison,	131 47	124 96
Jefferson,	186 21	203 29
Leon,	301 50	337 84
Wakulla,	102 30	23 82
Gadsden,	225 76	301 51
Franklin,	270 50	144 77
Calhoun,	27 27	22 03
Jackson,	161 85	154 63
Washington,	31 77	19 13
Walton,	44 49	26 27
Santa Rosa,	76 56	39 11
Escambia,	127 39	60 63
	\$2,065 54	\$2,130 02

On motion of Mr. Burritt, Ordered, that 100 copies be printed.

The following message was received from His Excellency the Governor:

EXECUTIVE DEPARTMENT, }  
November 29, 1847. }

Gentlemen of the Senate

and of the House of Representatives:

I herewith transmit the Report of the Register of Public Lands for the State of Florida, showing the action that Officer has taken, respecting the several interests placed by the General Assembly under his especial charge.

I cannot permit the present opportunity to pass, without some commendation, (though inadequate, perhaps,) of the manner in which the Register has performed the highly responsible duties assigned him. Besides being responsible in respect to their objects, his duties have been necessarily arduous, from the fact that he has occupied a newly created office, demanding great care, and business tact, in its proper disposition. The year preceding the election of the Register, the General Assembly committed the business of that Officer to the Executive, who, of course, could not devote that amount of attention to the digestion of a *systematic plan* of conducting it, so necessary to the organization, increase and preservation of the several funds designated in the Acts relating to the Office. Hence, the whole burden of digesting such a plan, has fallen upon the present Register. How well he has succeeded in this undertaking—the carefulness with which he has watched over the great interests committed to his hands—and the prompt and efficient manner in which he has discharged his duties altogether—may be seen from the Report and accompanying Documents.

Very respectfully,

W. D. MOSELEY.

Which was read, and, on motion of Mr. Fairbanks, Ordered, that 500 copies of said message, and the documents accompanying the same, be printed.

Mr. Sanderson offered the following:—

*Resolved by the Senate*, That the Comptroller be requested to furnish a statement of the amount paid witnesses summoned on behalf of the State, for mileage and attendance each.

Mr. Avery offered the following amendment:

Add: With name of each witness, the days on which he attended, the amount paid each, and the term of the Court in which it was paid.

The Chair decided that such resolution was a resolution of a public nature, and required three readings.

Mr. Sanderson appealed from the decision of the Chair.

The question being put, the decision of the Chair was not sustained.

On motion of Mr. Fairbanks, said resolution and amendment were ordered to lie on the table.

Mr. Sanderson offered the following:—

*Resolved by the Senate*, That the Comptroller be requested to furnish a statement of the amount paid witnesses summoned on behalf of the State, for mileage and attendance each.

Mr. Avery offered the following amendment:

Add: With name of each witness, the days on which he attended, the amount paid each, and the term of the Court in which it was paid.

The Chair decided that such resolution was a resolution of a public nature, and required three readings.

Mr. Sanderson appealed from the decision of the Chair.

The question being put, the decision of the Chair was not sustained.

On motion of Mr. Fairbanks, said resolution and amendment were ordered to lie on the table.

Mr. Sanderson offered the following:—

*Resolved, by the Senate and House of Representatives, in General Assembly convened*, That a Committee be appointed for the purposes and requirements of section 8th, of the act to organize the office of Treasurer of the State of Florida—and the 9th section of the act to organize the Office of Comptroller of Public Accounts of the State of Florida.

Read first time, and ordered for a second reading to-morrow.

#### ORDERS OF THE DAY.

A bill to be entitled, An act so to amend the Constitution of this State as to extend to all free white male inhabitants, being citizens of the United States, who shall have resided within this State one year, the elective franchise;

Was read three times as of the second day, and, on motion of Mr. Floyd, ordered to be engrossed for a third reading on to-morrow.

A 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;

Was read three times, as of the second day.

Mr. Fairbanks moved to refer said bill to a Select Committee;

Which motion was lost.

Mr. Sanderson moved to go into a Committee of the Whole on said bill;

On which motion the ayes and noes were called by Messrs. Floyd and Lorrimer, and were:

Yeas—Mr. President, Messrs. Avery, Burritt, Costen, Lorrimer, Moseley, Sanderson, Watts—8.

Nays—Messrs. Brett, Fairbanks, Floyd, McMillan, Priest, Smith, Tabor, Tracey—8.

There being a tie, the motion was lost.

Mr. Burritt moved to lay said bill on the table;

On which the ayes and noes were called by Messrs. Floyd and Fairbanks, and were:

Yeas—Mr. President, Messrs. Avery, Burritt, Lorrimer, Moseley, Sanderson, Tracey, Watts—8.

Nays—Messrs. Brett, Costen, Fairbanks, Floyd, McMillan, Priest, Smith, Tabor—8.

There being a tie, the motion was lost.

Mr. Sanderson moved to refer said bill to the Committee on Amendments and Revision of the Constitution;

On which the ayes and noes were called for by Messrs. Floyd and Fairbanks, and were:

Yeas—Messrs. Avery, Burritt, Moseley, Sanderson, Tabor—5.

Nays—Mr. President, Messrs. Brett, Costen, Fairbanks, Floyd, Lorrimer, McMillan, Priest, Smith, Tracey, Watts—11.

So the motion was lost.

On motion of Mr. Floyd, the said bill was ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled, An Act to make the certificates of the Treasurer of this State, receivable in payment of all public dues,

Was read a second time, and on motion of Mr. Fairbanks, referred to the Committee on the Judiciary.

A bill to be entitled, An Act to provide for the payment of Jurors,

Was read a second time, and on motion of Mr. Sanderson referred to the Committee on the Judiciary.

Resolution relative to the presentation of swords to Major Loring and Lieut. M. C. Marin, citizens of Florida in the service of the United States, was read a second time.

Mr. Avery offered the following as a substitute:

WHEREAS, By the 2d section of the 8th article of the Constitution of the State, "no other or greater amount of tax or revenue can at any time be levied than is required for the *necessary* expenses of government," and consequently no appropriation can be made for the purpose of procuring such testimonials as are usual in like cases:— And whereas, the members of the General Assembly desire to express their appreciation of the services rendered by Major Wm. W. Loring, of the United States Army, and Lieut. Mathias C. Marin, of the United States Navy, in the war now waging between the United States of America and the United States of the Republic of Mexico: Therefore,

*Be it Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the thanks of this Government be tendered by his Excellency the Governor to the said Major Wm. W. Loring and Lieut. Mathias C. Marin, for their distinguished services and gallant conduct in the war now waging between the United States of America and the United States of the Republic of Mexico.*

The question being put on the adoption of the substitute, the ayes and noes were called for by Messrs. Fairbanks and Avery, and were:

Yeas—Mr. President, Messrs. Avery, Brett, Burritt, Costen, Lorrimer, McMillan, Moseley, Sanderson, Tracey, Watts—11.

Nays—Messrs. Fairbanks, Floyd, Priest, Smith, Tabor—5.

So the substitute was adopted.

Mr. Lorrimer offered the following as an amendment:

Add, That the two Houses of the Legislature contribute an amount sufficient to purchase swords to be presented to Messrs. Loring and Marin for their gallant and distinguished services in the Mexican war.

On the adoption of which, the ayes and noes were called for by Messrs. Floyd and Fairbanks, and were:

Yeas—Mr. President, Messrs. Avery, Burritt, Fairbanks, Lorrimer, Sanderson—6.

Nays—Messrs. Brett, Costen, Floyd, McMillan, Moseley, Priest, Smith, Tabor, Tracey, Watts—10.

So the amendment was lost.

Mr. Floyd moved to lay the resolution upon the table.

On which the ayes and noes were called by Messrs. Avery and Burritt, and were:

Yeas—Messrs. Brett, Costen, Fairbanks, Floyd, Priest, Smith, Watts—7.

Nays—Mr. President, Messrs. Avery, Burritt, Lorrimer, McMillan, Moseley, Sanderson, Tabor, Tracey—9.

So the motion was lost.

On motion, the resolution was ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Priest, the Senate adjourned till to-morrow morning, 10 o'clock.

TUESDAY, November 30, 1847.

The Senate met pursuant to adjournment; a quorum being present, after prayer by the Rev. Mr. Choice, Chaplain of the Senate, the proceedings of yesterday were read and approved.

On motion of Mr. Avery, a committee, consisting of Messrs. Avery, Fairbanks and Costin, were appointed to act with a similar committee on the part of the House, to adopt joint rules for the government of the two Houses during the present session.

On motion of Mr. Brett, Mr. Lorrimer was added to the Committee on Schools and Colleges.

#### ORDERS OF THE DAY.

Resolution relative to the election of Comptroller of this State, Was read a second time.

Mr. Avery moved that the rules be waived, and said resolution read a third time;

Which motion was lost.

A motion being made to engross said Resolution, it was lost.

An Act to amend the Constitution of this State so as to make the sessions of the General Assembly biennial instead of annual,

Was read three several times, as of the third day.

On the question, "Shall the bill pass?" the vote was as follows:

Yeas—Mr. President, Messrs. Austin, Brett, Burritt, Costin, Fairbanks, Floyd, Lorrimer, McMillan, Moseley, Priest, Sanderson, Smith, Tabor, Tracey, Watts—16.

Nays—Mr. Avery—1.

So the bill passed by the requisite constitutional majority. Title as stated.

Ordered, That the same be certified to the House of Representatives.

An Act so to amend the Constitution of this State as to extend to all free white male inhabitants, being citizens of the United States, who shall have resided within this State one year, the elective franchise,

Was read three several times, as of the third day.

On the question, "Shall the bill pass?" the vote was as follows:

Yeas—Mr. President, Messrs. Avery, Austin, Brett, Burritt, Costin, Fairbanks, Floyd, Lorrimer, McMillan, Moseley, Priest, Sanderson, Smith, Tabor, Tracey, Watts—17.

So the bill passed by the requisite constitutional majority. Title as stated.

Ordered, That the same be certified to the House of Representatives.

An Act to provide for the assessment and collection of the State and County Revenue,

Was read a second time.

On motion of Mr. Fairbanks, referred to the Committee on Taxation and Revenue.

Resolution to appoint a Committee in relation to the offices of Comptroller and Treasurer,

Came up on its second reading.

On motion, Ordered to be engrossed for to-morrow.

Resolution in relation to Major Wm. W. Loring and Lieut. M. C. Marin,

Was read a third time and adopted.

Ordered to be certified to the House.

A Committee from the House, consisting of Messrs. Hagner, Blackburn and Allison, informed the Senate that the messages transmitted to the House by the Secretary of the Senate, relative to the amendments of the Constitution, did not specify that the bills had been passed by the requisite constitutional majority.

Mr. Fairbanks moved that the House be informed, "That the bills had been agreed to by the Senate as required by the Constitution of this State."

Which motion prevailed.

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

WEDNESDAY, December 1, 1847.

The Senate met pursuant to adjournment; a quorum being present, after prayer by the Rev. Mr. Choice, Chaplain of the Senate, the Journal of yesterday was read and approved.

Mr. Fairbanks moved the appointment of a select committee to report to the Senate upon the operation of the present revenue laws of this State, and whether the same conform to the Constitution in providing for an equal and uniform mode of taxation, to report as early as practicable.

Which motion was agreed to, and Messrs. Fairbanks, Tracey and Smith were appointed such select committee.

On motion of Mr. Fairbanks, Mr. Burritt was added to said committee.

Mr. Burritt gave notice that he would, at some future day, ask leave to introduce a bill to be entitled, An Act to amend an act to organize the Circuit Courts of the State of Florida.

Mr. Moseley gave notice that he would, at some future day, ask leave to introduce a bill giving to the Judges of the Circuit Court the power to impose fines and forfeitures in criminal cases.

Mr. Sanderson moved the appointment of a joint committee, the House concurring, for the purpose of examining the accounts of the Comptroller and Treasurer, as required by the law organizing the said offices of Comptroller and Treasurer of this State.

Which motion prevailed, and Messrs. Sanderson, Smith and Avery were appointed said Committee.

On motion of Mr. Sanderson, Mr. Fairbanks was added to said Committee.

Mr. Austin gave notice that he would, on some future day, ask leave to introduce a bill to reduce the fees of Tax Assessor and Collector.

Mr. Burritt presented the Memorial of John S. Sammis and Oliver Wood, Executors of George Kingsley, deceased, praying the passage of a law authorizing them to sell certain lands therein named.

Which was read, and on motion of Mr. Burritt, referred to the Committee on the Judiciary.

The Committee on the Judiciary, to whom was referred the bill entitled, "An Act to make the Certificates of the Treasurer of this State receivable in payment of all public dues," report in favor of the passage of said bill, with the following amendment, and ask the concurrence of the Senate therein:

SEC. 2. *Be it further enacted*, That the officers charged with the collection of the State taxes shall be, and they are hereby required to receive the said Certificates at par; and any such officer who shall directly or indirectly receive the same at a less sum than the sum therein expressed to be due, shall be deemed guilty of extortion.

S. L. BURRITT, Chairman.

Which was read and concurred in.

The committee appointed by the Senate to act with a similar com-

mittee on the part of the House, to adopt joint rules for the government of the two Houses during the present session, reported the joint rules of the last session of the Legislature, and recommended their adoption.

Which report was received and concurred in, and the rules of the last session adopted.

#### ORDERS OF THE DAY.

Engrossed Resolution to appoint a Committee in relation to the offices of Comptroller and Treasurer,

Was read a third time, and lost.

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

THURSDAY, December 2, 1847.

The Senate met pursuant to adjournment.

Rev. Mr. Choice officiated as Chaplain.

A quorum being present, the Journal of yesterday was read and approved.

Pursuant to previous notice, Mr. Floyd introduced a bill to be entitled, An Act to amend the Constitution of this State so as to have the Justices of the Supreme Court, Chancellors, and Judges of the Circuit Courts, elected by the vote of the people of this State;

Which was read the first time, and ordered for a second reading to-morrow.

Mr. Burritt moved to rescind the 25th rule;

Which motion was lost.

Pursuant to previous notice, Mr. Floyd introduced a bill to be entitled, An Act to abolish the pay of Adjutant and Inspector General;

Which was read the first time, and ordered for a second reading to-morrow.

Also, a bill to be entitled, An Act to authorize the qualified Electors of each County within this State to elect Judges of Probate;

Which was read the first time, and ordered for a second reading to-morrow.

Also, a bill to be entitled, An Act to prevent the introduction of Negroes into this State for hire, belonging to non-residents,

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

Mr. Sanderson gave notice that he would, on to-morrow, ask leave to introduce a bill to be entitled, An Act more particularly to define mortgage liens;

Also, a bill to be entitled, An Act in relation to roads in Columbia county.

Mr. Avery gave notice that he would, on to-morrow, ask leave to introduce a bill to amend an act entitled an act to organize Courts of Probate for the State of Florida, approved July 25, 1845.

On motion of Mr. Sanderson, the resolution in relation to the Offices of Comptroller and Treasurer of this State, was taken from the table, and placed among the orders of the day.

On motion of Mr. Lorrimer, Ordered that 75 copies of the bill to be entitled, An Act to prevent the introduction of negroes into this State for hire belonging to non-residents, be printed.

On motion of Mr. Fairbanks, Ordered, that 75 copies of the Joint Rules of the Senate and House of Representatives be printed.

On motion of Mr. Burritt, Ordered, that 75 copies of the bill to be entitled, An Act to amend the Constitution of this State so as to have the Justices of the Supreme Court, Chancellors and Judges of the Circuit Courts, elected by vote of the people of this State; and 75 copies of the bill to be entitled, An Act to authorize the qualified Electors of each county within this State to elect Judges of Probate, be printed.

Mr. Floyd introduced the following preamble and resolution :

Whereas, the end and aim of civil government is to secure to every individual in the community the enjoyment of his rights of person and property; and whereas, the pure administration of justice is of the highest consequence to any people, and hence the judiciary of our country is most important among the different branches of government; whereas, it is now a general and incontrovertible truth, that the mode of appointment by popular election, is the best system ever invented for securing to the State, the services of competent and faithful public officers; and that this truth lies at the foundation of our theory of government; and whereas, the good people of Florida, have sufficient intelligence and integrity to qualify them to make a judicious selection, not only of members of the Legislature, Governor, and other State officers, members of Congress, but also of Judges; and whereas, it is a cardinal principle in our republican creed, that the governed shall have a voice in the selection of those, who are to govern, and that the will of the majority shall rule; hence the appointment of Judges who are to dispense justice among them, should be in accordance with their wishes; and whereas, the original purpose in England, for which Judges were appointed for life, was to render them independent of the crown, and thereby protect the people against its corruptions and oppressions; but in a government like ours, founded on the public will, such a principle operates in a contrary way, and against that will; and whereas, it is absurd in a representative government, to create a set of officers, holding office for life, irresponsible to the people in the exercise of the powers thereof; and whereas, governments are only republican in proportion as they embody the will of the people and execute it; whereas, a life tenure in office is a vestige of an imperfect, anti-republican model, and should not be adopted in this age of liberty and enlightened enquiry, and in a government like ours.

*Be it therefore resolved,* That the Judiciary of our State should be republicanised, by rendering all the Judicial officers thereof elective by the people, and for a term of years only.

*Resolved*, That in our opinion the good people of Florida are capable (both in regard to intelligence and integrity) of selecting their Judicial officers, and that the Constitution of the State should be so amended as to give to them the election of said officers.

Which was read and ordered to a second reading on to-morrow.

The Committee on the Judiciary, to whom was referred the petition of John S. Sammis and Oliver Wood, of Duval county, Executors of George Kingsley, deceased, have instructed me to report—

That they have had the same under consideration, and have prepared the following Bill, and ask the concurrence of the Senate therein:

*AN ACT to authorize the Executors of George Kingsley, deceased, to Sell Real Estate.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida, in General Assembly convened*, That John S. Sammis and Oliver Wood, or either of them, Executors of the last Will and Testament of George Kingsley, deceased, be, and they are hereby authorized to sell either at public or private sale, any, and all of the real estate of the said George Kingsley, belonging to him at the time of his death; *provided*, that no sale shall be made by either of them until he shall have first filed in the office of the Judge of Probate of Duval county, such security for the proper application of the proceeds of such sale as the Judge of Probate of said county may require.

S. L. BURRITT, Chairman.

The Committee on Taxation and Revenue, to whom was referred a bill to be entitled, An act to provide for the Assessment and Collection of the State and County Revenue, beg leave to report, that they have had the same under consideration, and return the same herewith to the Senate, and ask to be discharged from the further consideration thereof.

JOSEPH B. WATTS, Chairman.

Which was read and concurred in.

The following message was received from the House, and read;

Ho. REP. Nov. 30, 1847.

*Honorable President of the Senate:*

Enclosed is "An act so to amend the Constitution of this State as to extend to all free white male inhabitants being citizens of the United States, who shall have resided within this State one year, the Elective Franchise."

Which this day passed the House by a constitutional majority of two thirds, and was ordered to be certified to the Senate;

Very Respectfully,

W. B. LANCASTER,

Clerk Ho. Rep.

And on motion, the said bill was laid upon the table.

Also the following:

Ho. REP. Dec. 1, 1847.

*Honorable President of the Senate:*

SIR:—Enclosed is an Engrossed 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."

Which this day passed the House by a constitutional majority of two thirds, and was ordered to be certified to the Senate.

Very Respectfully,

W. B. LANCASTER,

Clerk Ho. Rep.

Which was read, and on motion, said bill was laid upon the table. Also the following:

Ho. REP. Nov. 30, 1847.

*Honorable President of the Senate:*

The enclosed "Preamble and Resolutions relating to a Mail Route from Jasper, Hamilton county, via Blount Ferry, Suwanne River, Rollison's Ferry, St. Mary's River, in Columbia county, Florida, to Centreville, Georgia," this day passed the House, and were ordered to be certified to the Senate.

Very Respectfully,

W. B. LANCASTER,

Clerk Ho. Rep.

The preamble and resolutions accompanying said message were read the first time, and on motion the rule waived, and read a second time;

On motion of Mr. Sanderson, referred to the Committee on the State of the Commonwealth.

#### ORDERS OF THE DAY.

A bill to be entitled, An Act to make the certificates of the Treasurer of this State receivable in payment of all public dues, Was read a second time, and ordered to be engrossed for a third reading to-morrow.

Resolution in relation to the Office of Comptroller, was read and adopted.

The following message and accompanying documents were received from His Excellency the Governor, and read—

EXECUTIVE DEPARTMENT, }  
December 1, 1847. }

*Gentlemen of the Senate*

*and House of Representatives:*

I have the honor herewith to transmit a communication from the President of the University at Cambridge, with the accompanying Resolution, adopted by the Corporation of that Institution, on the 27th February last.

Very Respectfully,

W. D. MOSELEY.

UNIVERSITY AT CAMBRIDGE, }

8th March, 1847. }

SIR:—I have been directed by the Corporation of the University,

to transmit through the proper channel to its destination, the enclosed official copy of a vote of thanks, unanimously adopted by the Board on the 27th ult., in acknowledgment of the liberality of the General Assembly of Florida, in directing a copy of their Journals and other Public Documents, to be furnished for the Library of this Institution.

I beg leave to assure your Excellency that this act of public courtesy on the part of the Government of Florida is fully appreciated by the Corporation, and that they regard it a striking indication of the enlightened interest taken by the General Assembly in the promotion of Letters in our common country.

I have the honor to be, with great respect,

Your Excellency's obedient, faithful servant,

EDWARD EVERETT,

President of the University.

His Excellency WILLIAM D. MOSELEY, &c., &c., &c.

At a stated meeting of the President and Fellows of Harvard College, in Boston, February 27, 1847, the President communicated a Resolve of the Legislature of Florida, directing the Secretary of State to transmit a complete series of the State Documents.

*Voted*—That the President be requested to convey to the Legislature of Florida, the thanks of this Board, for their liberality in directing a copy of their Journals, and other Documents, published by their order, to be transmitted to the Library of the University.

A true copy of record.

Attest :— JAMES WALKER, Secretary.

A bill to be entitled, An act to provide for the Assessment and Collection of the State and County Revenue—

Was read a second time, and, on motion of Mr. Lorrimer, the Senate resolved itself into a committee of the whole on said bill, Mr. Avery in the Chair.

After some time spent therein, the committee rose, and by their Chairman reported the bill back to the House, with sundry amendments, and asked leave to be discharged from the further consideration thereof.

Which was received.

The question then being upon concurring in the report of the committee, the yeas and nays were called for by Messrs Sanderson and Floyd, and were—

YEAS—Messrs. Austin, Costen, Fairbanks, Floyd, Lorrimer, McMillan, Smith, Tabor—8.

NAYS—Mr. President, Messrs. Avery, Brett, Burritt, Mosely, Sanderson, Tracey, Watts—8.

There being a tie, the report was not concurred in.

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

FRIDAY, December 3, 1847.

The Senate met pursuant to adjournment.

Rev. Mr. Choice officiated as Chaplain.

A quorum being present, the proceedings of yesterday were read and approved.

Pursuant to previous notice, Mr. Sanderson introduced a bill to be entitled "An act more particularly to define mortgage lines."

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

On motion of Mr. Burritt, ordered that 75 copies of said bill be printed.

Pursuant to previous notice, Mr. Avery introduced a bill to be entitled, An act to amend an act entitled, "An act to organize Courts of Probate for the State of Florida."

Which was read the first time and ordered to a second reading to-morrow.

Pursuant to previous notice, Mr. Moseley introduced a bill to be entitled, An act to give to the Judges of the Circuit Courts of this State the power to impose fines and forfeitures in criminal cases.

Which was read the first time and ordered to a second reading to-morrow.

Mr. Lorrimer presented the memorial of Asa B. Clark, praying that the Comptroller may be directed to audit and allow a certain claim therein stated.

Which was read, and on motion of Mr. Lorrimer, referred to the committee on claims.

The following communication was received from the Comptroller :

COMPTROLLER'S OFFICE, Tallahassee, Dec. 2, 1847.

To the Honorable President of the Senate :

SIR :—The undersigned respectfully represents that the many calls for information from the Treasury Department, and the current business of the office, renders it impossible for him to answer all the Resolutions without assistance; he therefore asks of the Hon. Senate, authority to employ such aid as may be found requisite, to meet the demands of the General Assembly.

Very Respectfully,

Your Ob't. Serv't.,

N. P. BEMIS, Comptroller.

Which was read.

On motion of Mr. Burritt, said communication was referred to a select committee—said select committee consisting of Messrs. Burritt, Fairbanks and Avery.

On motion of Mr. Sanderson, the rule was waived, and he allowed to move that the Senate, the House concurring, will go into the election of Comptroller and Treasurer, on to-morrow at 12 o'clock.

Which was adopted.

Ordered that the same be certified to the House.

## ORDERS OF THE DAY.

A bill to be entitled, An act to provide for the Assessment and Collection of the State and County Revenue—

Was read a second time.

On the motion to engross said bill for a third reading, the yeas and nays were called by Messrs. Sanderson and Priest, and were—

YEAS—Messrs. Avery, Brett, Lorrimer, Moseley, Sanderson, Tracey, Watts—7.

NAYS—Mr. President, Messrs. Austin, Burritt, Costen, Fairbanks, Floyd, McMillan, Priest, Smith, Tabor—10.

So the motion was lost.

Engrossed bill to be entitled, An act to make the certificates of the Treasurer of this State receivable in payment of all public dues—

Was read a third time, and on the question, shall this bill pass? the yeas and nays were—

YEAS—Messrs. Avery, Burritt, Fairbanks, Lorrimer, Moseley, Priest, Sanderson, Tabor, Watts—9.

NAYS—Mr. President, Messrs. Austin, Brett, Costen, Floyd, McMillan, Smith, Tracey—8.

So the bill passed, title as stated.

Ordered that the same be certified to the House.

A bill to be entitled, An act to authorize the Executors of George Kingsley, deceased, to sell real estate—

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

A bill to be entitled, An act to prevent the introduction of Negroes into this State for hire, belonging to non-residents—

Was read a second time.

Mr. Floyd moved the following amendments to said bill:

After the word "hire" in the 8th line of section 2, add, "and such slave or slaves shall be held in custody until said penalty be paid off and discharged."

After the last word "County" in the 3d line of section 6, add, *Provided*, That this act shall not be enforced within any other county of this State than the county of Franklin.

Which amendments were concurred in.

On motion of Mr. Floyd, said bill was referred to the committee on the Judiciary.

A bill to be entitled, An act to amend the Constitution of this State so as to have the Justices of the Supreme Court, Chancellors, and Judges of the Circuit Courts, elected by the vote of the people—

Was read a second time, and on motion Mr. Floyd, ordered to lie on the table.

A bill to be entitled, An act to authorize the qualified voters of each county within this State to elect Judges of Probate—

Was read a second time, and on motion of Mr. Fairbanks, referred to the committee on the Judiciary.

A bill to be entitled, An act to abolish the pay of Adjutant and Inspector General of this State—

Was read a second time, and on motion Mr. Floyd, referred to the committee on Militia.

Preamble and resolution in relation to the election of Judges—

Was read a second time, and on motion of Mr. Sanderson, referred to the committee on the Judiciary.

On motion of Mr. Floyd, the rule was waived, and the committee on the State of the Commonwealth allowed to report.

The Committee on the State of the Commonwealth, to whom was referred the Engrossed Preamble and Resolutions relating to a mail route from Jasper, Hamilton county, via Blount's Ferry, Suwannee River, Rawlison's Ferry, St. Mary's River, in Columbia county, Florida, to Centreville, Georgia, beg leave to report the said Preamble and Resolutions, with the following amendments:

After the word "Georgia," in the 5th line, add—

Whereas, many inhabitants residing at and near Rawlison's Ferry, on St. Mary's River, in Columbia county, suffer great inconvenience for want of mail facilities, there being no post office within the distance of thirty-five miles of said place.

And after the word "and," in the 8th line, add "Rawlison's."

Which report was received, and the amendments concurred in.

Mr. Sanderson moved to waive the rule, and that said Preamble and Resolutions be read a third time.

Which motion was lost.

Mr. Floyd moved that the rule be waived, and he allowed to give notice that at some future day he would ask leave to introduce certain bills.

Which motion was lost.

The orders of the day having been gone through—

Mr. Floyd moved to adjourn until to-morrow, 10 o'clock.

On which motion, the yeas and nays were called by Messrs. Sanderson and Watts, and were—

YEAS—Mr. President, Messrs. Costen, Fairbanks, Floyd, Moseley, Smith, Tabor—7.

NAYS—Messrs. Avery, Austin, Brett, Burritt, Lorrimer, McMillan, Priest, Sanderson, Tracey, Watts—10.

So the motion was lost.

Mr. Austin moved to adjourn until 3 o'clock, P. M.

Which motion was lost.

Mr. Avery moved to adjourn until to-morrow, at a quarter of 10 o'clock.

On which motion the yeas and nays were called for by Messrs. Floyd and Sanderson, and were—

YEAS—Mr. President, Messrs. Avery, Burritt, Costen, Fairbanks, Priest, Smith, Tabor, Watts—9.

NAYS—Messrs. Austin, Brett, Floyd, Lorrimer, McMillan, Moseley, Sanderson, Tracey—8.

So the Senate adjourned until to-morrow, at  $\frac{1}{4}$  of 10 o'clock.

SATURDAY, December 4, 1847.

The Senate met pursuant to adjournment.

A quorum being present, Rev. Mr. Choice officiated as Chaplain. The Journal of yesterday was read, amended and approved.

Mr. Avery moved, that the Governor be requested to inform the Senate what action has been taken upon the Resolutions in relation to Seminary lands, &c., approved Dec. 20, 1845.

Which motion prevailed.

Mr. Sanderson moved to strike out of the 24th Rule of the Senate, the words "in cases of emergency."

Which motion was lost.

Mr. Floyd gave notice that he would, at some future day, asks leave to introduce the following bills:

A bill to be entitled, An act to organize a Common School within the county of Franklin.

Also, a bill to be entitled, An act to prevent Bank Agencies in this State from putting into circulation bills of a less denomination than ten dollars.

#### ORDERS OF THE DAY.

Engrossed bill, to be entitled, An act to authorize the Executors of George Kingsley, deceased, to sell real estate—

Was read a third time, and, on the question "shall this bill pass?" the yeas and nays were—

YEAS—Mr. President, Messrs. Avery, Austin, Brett, Burritt, Costen, Fairbanks, Floyd, Lorrimer, McMillan, Moseley, Priest, Sanderson, Tabor, Tracey, Watts—16.

NAYS—None.

So the bill passed—title as stated.

Ordered that the same be certified to the House.

A bill to be entitled, An act more particularly to define mortgage liens—

Was read a second time.

Mr. Sanderson moved to amend by striking out the word "of" occurring after the word "whatsoever," in the 2d line of section 3, and inserting therein the word "for."

Which was adopted.

Mr. Burritt moved to amend by striking out the word "record" in line 6, section 2, and inserting therein the word "recorded."

Which was adopted.

On motion of Mr. Sanderson, said bill was referred to the committee on the Judiciary.

A bill to be entitled, An act to amend an act entitled, "An act to organize Courts of Probate for the State of Florida"—

Was read a second time, and on motion of Mr. Avery, referred to the committee on the Judiciary.

A bill to be entitled, An act to give to the Judges of the Circuit

Courts of this State the power to impose fines and forfeitures in criminal cases—

Was read a second time, and on motion of Mr. Tracey, referred to the committee on the Judiciary.

Engrossed Preamble and Resolution of the House, as amended by the Senate, was read a third time and adopted:

Ordered that the same be certified to the House.

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

MONDAY, December 6, 1847.

The Senate met pursuant to adjournment. Rev. Mr. Choice officiated as Chaplain. The Journal of Saturday's proceedings was read and approved.

Mr. Sanderson moved that the amendments to the Constitution, laid upon the table, be taken therefrom, and placed among the orders of the day.

Which motion prevailed.

Mr. Brett moved that the Committee on Schools and Colleges be instructed to bring in a bill providing for the establishment of a Common School System.

Which motion prevailed, and the committee instructed.

Mr. Fairbanks gave notice that he would, at some future day, ask leave to introduce a bill to amend the act in relation to the Board of County Commissioners.

Mr. Avery moved that the Committee on the Judiciary be instructed to bring in a bill so amending the law of elections as to have the State officers and electors of President and Vice President elected upon the same day.

Which motion prevailed, and the committee instructed.

Mr. McLean gave notice that he would, on some future day, ask leave to introduce a bill to amend the 12th section of the 5th article of the Constitution of this State so that the Judges of the Circuit Courts shall hold their term of office for six years instead of during good behavior.

Mr. Sanderson moved that his Excellency the Governor be requested to communicate to the Committee on the state of the Commonwealth any information in his possession relating to the Northern boundary of this State.

Which motion prevailed.

The following communication, from the National Medical Convention held at Philadelphia in May last, was received by the President of the Senate, and read:

*To the Honorable President of the Senate of Florida:*

SIR:—The following Resolutions were adopted by the National Medical Convention held at Philadelphia in the month of May last.

"Resolved, That it is expedient for this Convention to recommend to, and urge upon, the various State Governments, the adoption of measures for procuring a Registration of the Births, Marriages, and Deaths, occurring in their several populations.

"Resolved, That the paper hereto annexed be adopted as the voice of the Convention, be printed, signed by its officers, and transmitted, under their direction, to all the State Governments of the Union."

In compliance with the second of the above Resolutions, I have the honor to transmit to you the enclosed Memorial.

Your very obedient Servant,

ALFRED STILLE,

Secretary.

Philadelphia, Nov. 23, 1847.

*Memorial of the National Medical Convention held in Philadelphia, in May, 1847.*

The United States National Medical Convention, assembled in the City of Philadelphia in May, 1847, desirous of the promotion of the true and vital interests of the people of their common country, in all their varied locations, circumstances and conditions, do respectfully recommend to the governments of the several States of the Union, the adoption of measures for a GENERAL REGISTRATION OF THE BIRTHS, MARRIAGES, AND DEATHS, which may occur within their respective borders.

No effort need here be expended in elucidation of the more ordinary purposes for which such a Registration should be universally adopted, such as proofs of lineage, rights of dower, and bequests of property. The importance of these cannot but be perceived on the least reflection.

But there are reasons more profound and far reaching, results more important to the welfare and glory of man, obtainable by this measure, which not only justify, but demand its early adoption, and thorough consummation.

There are two facts to be noticed in this connection, which may not be denied:—

*First.* Upon the circumstances connected with the three important eras of existence, birth, marriage and death, are dependent, to a very great extent, the physical, moral and civil condition of the human family.

*Second.* A knowledge of these circumstances is necessary for a full comprehension of important means for the certain advancement of the population of States, in prosperity and civilization.

To the political economist and vital statist the laws which regulate and control the lives and destinies of the people of the present, cannot be a subject of indifference;—to the legislator and statesman, ignorance of them is a bar to the full appreciation of their responsibility to the people of the future. The *philosophy of the increase of population* is intimately connected with, and dependent upon, the proposed measure, and can be properly learned only from its facts and

deductions. In countries longer settled than ours, this science has come to be one of profound importance to those who are called to legislate for the future as well as for the present. For example:—The population of England has increased, as the census prove—and the excess of births over deaths leaves beyond a doubt—in a geometrical progression for forty years, and at a rate by which, if continued, it will double every forty-nine years. Whether the means of subsistence keep pace with that increase, or whether the density of population will, ere long, be too great for its area, are important questions to be decided by their own statesmen.

An increase of population has, however, nothing in it irresistible or inexorable; it consists in nothing but an increase of the births over the deaths—and will be suspended if the births cease to maintain the same ratio to the population; and the births may always be reduced rapidly, by retarding the period and number of the marriages, without taking into consideration the increase by immigration. Circumstanced as this country is now, with its millions of unreclaimed acres, its exhaustless resources of subsistence and wealth, in its mountains and valleys, in its mines, rivers and forests, it would be judicious to invite, even with the vast immigration to be expected, rather than discourage, an increase of a native population, by encouraging early marriages, provided that thereby immortality or misery in any form, will not advance with them.

But before we can make any recommendations on this subject, or before we can even intelligently discuss it, we must have a knowledge of the facts as they are. By commencing a Registration now, our successors will be furnished with the necessary material in time for any exigency that may arise.

Conclusive evidence is furnished to us of the value of a well-digested system of Registration for the improvement of the people in their moral and physical condition, and in the length of their lives. From the facts obtained thereby, are deducible the rules and inferences of health, and the sources of disease and premature mortality—many of which need but be known to be avoided. Coincident with improvements in the health and condition of individuals, are increase of years, and advancement in private and public morals, and in the strength and virtue of the State.

Among the first communities to establish a system of Registration of Births, Marriages and Deaths, was Geneva, where it was begun as early as 1549, and has since been continued with great care. The registers are there viewed as pre-appointed evidences of civil rights, and it appears that human life has wonderfully improved since they were kept. The mean duration of life increased more than five times from 1550 to 1833; with the increase of population, and more prolonged duration of life, *happiness also increased*; though with advanced prosperity, marriages became fewer and later, and thus the number of births was reduced, a greater number of infants born were preserved, and the number of adults—with whom lies the true greatness of the state—became larger. Towards the close of the 17th

century, the probable duration of life was not 20 years—at the close of the 18th century it attained to 32 years—and now it has arrived to 45 years; while the real productive power of the population has increased in a much greater proportion than the increase in its actual number, and, *Geneva has arrived at a high state of civilization.*

These results, so glorious for individuals, for the community, and for humanity, are derived from the better knowledge and understanding of the science of life and health, the data for which are furnished by the statistics of the Registers.

The information obtained by the Natural History surveys which have been made of many of the States of the Union, is directly interesting only to a very small number;—while the facts and inferences deducible from a sanitary survey and registration, interest and benefit, directly, the great mass of the people, for all are interested in their personal condition. Thus are produced in them more expanded views of the worth of life, and the necessity for its preservation; a more thorough appreciation of the importance of purity in the principal sources of its continuance, air and food; more attention to the comforts of dwellings and clothing, more refined sensibilities, greater energy, and a better regulated state of public and private morals. These results *have been obtained in Geneva.*

In Prussia these measures are attended to in a mode deserving the highest commendation. Every fact relating to the health, lives and condition of the population, is there collected with great care by a central officer at Berlin, and published for the benefit of the people. The most beneficent results have accrued from the admirably arranged statistical returns made for several years past in England. Of more than one large town, but of Liverpool especially, it was ascertained that the mortality was great, and the average age at death of the population low, whereas before, the inhabitants had boasted of their salubrity and longevity. The registration has, to them, truly proved the means of increase of health and years, after removing from their eyes the scales which blinded them to their own destruction.

In many of the European States besides those mentioned, facts in connection with this subject are registered and collated, in the most scientific and systematic manner, and to use the language of a distinguished American statist, “whatever we Americans may say to the contrary, the average longevity, in many places, where these measures have been in operation, appears greater than with us.”—Indeed we have no little reason to apprehend that, unless something is done to arrest the progress and pressure of the causes of premature mortality in this country, we shall be in danger of possessing only a very young and immature population. The average age of death in many of our large cities, as far as returns enable it to be shown, is under 20 years, a fact which can only be due to the unfavorable physical circumstances of the people, and their ignorance of the true means of living and avoiding disease.

The registers of the ancient Romans, which were preserved with

great care, and recorded the births, sexes, periods of puberty, manhood, age at death, etc., kept by order of Domitius Ulpianus, prime minister of Alexander Severus, afford us the means of ascertaining the mean duration of life in Rome nearly 2000 years ago, and comparing this with the results of estimates made at the present day in places where similar records are kept, we are thus enabled to establish the gratifying fact of the great extension of the average period of human life in various cities and countries.

Of the results obtainable by the suggested measure, in connection with the census returns now regularly made in each of the United States, not the least important and desirable are *tables exhibiting the probabilities or expectation of life.*

By this simple and elegant method, the mean duration of life, uncertain as it appears to be, and as it is, with reference to individuals, can be determined with the greatest accuracy in nations, and in still smaller communities. This is important not merely in reference to the payments of life annuities, and the business of life insurance, whose great value is but just beginning to be felt in this country, but it is of inestimable interest as determining to individuals their probabilities of living in their different classes, occupations, locations, and habits. “As it might be expected from the similarity of the human organization, that all classes of men would, *ceteris paribus*, live, on an average, the same number of years, it becomes important to ascertain whether this be the case, and if it be not, to determine to what extent life is shortened in unfavorable circumstances. The Life Table answers this purpose, and is as indispensable in sanitary inquiries as the barometer or thermometer, and other instruments, in physical research. Upon applying it to any number of well-selected cases, the influence of any external cause, or combination of causes, can be analyzed; while without its aid, and extended observation and calculation, we are liable to be misled at every step by vague opinions, well concocted stories, or interested statements, in estimating the relative duration of life; which can no more be accurately made out by conjecture, than the relative diameters of the sun, moon and planets of our system.”—*Fifth Annual Report of the Registrar-General in England.*

If these things are so, and of their truth there cannot remain the shadow of a doubt, it is plain that with this measure are entwined the highest earthly interests of humanity, and it belongs to the legislators of the New World, the guardians and custodians of the interests and glory of the American Republic, to consider well ere they longer postpone the adoption of a measure so essential thereto. “A comparison of the duration of successive generations in England, France, Prussia, Austria, Russia, America, and other States, would throw much light on the physical condition of their respective populations, and suggest to scientific and benevolent individuals in every country, and to the governments, many ways of diminishing the sufferings, and meliorating the health and condition of the people; for the longer life of a nation denotes more than it does in an individual

—a happier life—a life more exempt from sickness and infirmity—a life of greater energy and industry—of greater experience and wisdom. By these comparisons, a noble national emulation might be excited, and rival nations would read of sickness diminished, deformity banished, life saved—of victories over death and the grave—with as much enthusiasm as of victories over each other's armies in the field; and the triumph of one would not be the humiliation of the other, for in this contention none would lose territory, or honor, or blood, but all would gain strength." (*Idem.*)

JONATHAN KNIGHT, M. D., Conn., *President.*

ALEXANDER H. STEPHENS, M. D., N. York,	} <i>Vice Presidents.</i>
GEORGE B. WOOD, M. D., Pa.	
A. H. BUCHANAN, M. D. Tenn.	
JOHN HARRISON, M. D., La.	} <i>Secretaries.</i>
RICHARD D. ARNOLD, M. D. Ga.	
AEFRED STILE, M. D., Pa.	
F. CAMPBELL STEWART, M. D., N. York,	

On motion of Mr. Fairbanks, referred to a select committee.

Messrs. Fairbanks, Burritt and Avery composed said committee.

Mr. Brett, from the Committee on Claims, made the following report:

The Committee on Claims, to whom was referred the petition of Asa B. Clark, with the papers accompanying the same, have instructed me to

**REPORT:**

That they have duly considered the claim preferred, and deem it highly meritorious, and they recommend the passage of the bill herewith submitted.

JOHN BRETT, Chairman.

Which report was received and concurred in, and the bill therein reported, read the first time, and ordered to a second reading to-morrow.

Mr. Burritt, from the Committee on the Judiciary, made the following report:

The Committee on the Judiciary, who were "instructed to bring in a bill to amend an act entitled, 'An act to provide for the election of Electors of President and Vice President of the United States,' approved January 6, 1847, so as to have the said law conform to the law of the United States entitled, 'An act to establish a uniform time for holding elections for Electors of President and Vice President in all the States of the Union,' approved January 23, 1845," have instructed me to report the accompanying bill, and to ask the concurrence of the Senate therein.

S. L. BURRITT, Chairman.

Which report was received and concurred in, and the bill therein reported, read the first time, and ordered to a second reading on to-morrow.

Mr. Burritt, from the Committee on the Judiciary, made the following report:

The Committee on the Judiciary, to whom was referred a bill to be entitled, "An act to prevent the introduction of negroes into this State for hire belonging to non-residents," report:

That they have had the same under consideration, and ask leave to return the said bill, and to be discharged from its further consideration; and they ask the concurrence of the Senate therein.

S. L. BURRITT, Chairman.

Which was received and concurred in, and the said bill placed among the orders of the day.

Mr. Burritt, from the Committee on the Judiciary, made the following report:

The Committee on the Judiciary, to whom was referred a bill to be entitled, "An act to give to the Judges of the Circuit Courts of this State the power to impose fines and forfeitures in criminal cases," have instructed me to

**REPORT:**

That they have had the same under consideration, and that they approve of the objects of the said bill, and to ask the concurrence of the Senate therein.

S. L. BURRITT, Chairman.

Which was received and concurred in, and said bill placed among the orders of the day.

**ORDERS OF THE DAY.**

House engrossed 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;

Was, on motion, laid on the table.

On motion of Mr. Fairbanks, a committee was appointed, on the part of the Senate, to confer with a similar committee on the part of the House, as to the disposition to be made of the several bills to alter and amend the Constitution of this State, passed by the respective bodies; said committee consisting of Messrs. Fairbanks, Burritt and Sanderson.

House engrossed bill entitled, An act so to amend the Constitution of this State as to extend to all free white male inhabitants, being citizens of the United States, who shall have resided within this State one year, the elective franchise;

Was, on motion of Mr. Fairbanks, laid upon the table.

A bill to be entitled, An act to give to the Judges of the Circuit Courts of this State the power to impose fines and forfeitures in criminal cases;

Was read a second time.

On motion of Mr. Burritt, the Senate resolved itself into a Committee of the Whole on said bill, Mr. Tracey in the Chair. After some time spent therein, the committee rose, and by their Chairman, reported the bill back to the Senate with amendments, and asked leave to be discharged from the further consideration thereof.

Which report was concurred in.

On motion of Mr. Lorrimer, said bill as amended was laid upon the table.

Mr. Lorrimer moved that 75 copies of said bill, as amended, be printed;

Which motion was lost.

A bill to be entitled, An Act to prevent the introduction of Negroes into this State for hire, belonging to non-residents,

Was read a second time, and on motion of Mr. Floyd, the Senate resolved itself a Committee of the Whole on said bill, Mr. Burritt in the chair. After some time spent therein the Committee rose, and by their Chairman reported the bill back to the Senate with amendments, and asked leave to be discharged from the further consideration thereof;

Which report was concurred in, the amendments adopted, and said bill as amended ordered to be engrossed for a third reading on to-morrow.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, Dec. 3, 1847.

*Honorable President of the Senate:*

SIR:—The communication from the Senate stating that it would go into the election of Comptroller and Treasurer on to-morrow, at 12 o'clock, was received by the House and amended by striking out "to-morrow," and inserting "Thursday next."

Very Respectfully,

W. B. LANCASTER,

Clerk Ho. Rep.

Which was read, and on motion of Mr. Sanderson, the amendment of the House was concurred in.

Ordered, That the same be certified to the House.

On motion of Mr. Sanderson, the rule was waived, and he allowed to move that 325 copies of the Reports of Commissioners relative to the establishment of a complete Educational System, be furnished to the House of Representatives by the Messenger of the Senate.

Which motion prevailed.

Also, Mr. Sanderson moved (in pursuance of the 18th Joint Rule,) that the order of the Senate requiring that 500 copies of the Report of the Register of Public Lands to be printed, made on a previous day, be rescinded.

Which motion prevailed.

The following message was received from his Excellency the Governor:

EXECUTIVE DEPARTMENT, }  
December 4, 1847. }

*Gentlemen of the Senate:*

In reply to your call for information as to the action had upon a request contained in a preamble and resolution relative to Seminary Lands, approved December 21, 1846, extending resolution approved December 20, 1845, on the same subject, I have to state that the resolution of 1845, and the preamble and resolution of 1846, were for-

warded to our Senators and Representative in Congress, and that I have not been advised by them of any action on the subject.

Very respectfully,

W. D. MOSELEY.

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

TUESDAY, December 7, 1847.

The Senate met pursuant to adjournment.

Rev. Mr. Choice officiated as Chaplain.

A quorum being present, the Journal of yesterday was read and approved.

Mr. Brett gave notice that he would, at some future day, ask leave to introduce a bill to be entitled, An Act to organize the county of Holmes.

Pursuant to previous notice, Mr. Sanderson introduced a bill to be entitled, An Act in relation to roads in Columbia county;

Which was read the first time, and ordered for a second reading to-morrow.

Mr. Fairbanks moved the appointment of a Committee to act with a similar Committee on the part of the House, to examine the office of Register of Public Lands.

Messrs. Fairbanks, Avery and Sanderson, were appointed said Committee.

Mr. Lorrimer presented the petition of sundry citizens, praying the recognition by the General Assembly of certain debts incurred by the Territory of Florida;

On motion of Mr. Lorrimer, referred to the Committee on Claims and Accounts.

The Committee on the Judiciary, to whom was referred a bill to be entitled, An Act to amend an act entitled an act to organize Courts of Probate for the State of Florida, beg leave to

REPORT:

That they have had the said bill under consideration; that they are in favor of the passage of the bill, with the accompanying amendment to the enacting clause, and to ask the concurrence of the Senate therein.

S. L. BURRITT, Chairman.

Which Report was received and concurred in, and the amendment adopted.

The Select Committee, to whom was referred the communication of the Comptroller of the Treasury of the 2d instant, asking from the Senate authority to employ such aid as might be found necessary to meet the demands of the General Assembly, beg leave to

REPORT:

That they have had the same under consideration, and have made

such examination touching the subject matter of the said communication, as to the Committee seemed meet and proper; and respectfully recommend to the Senate to grant authority to the Comptroller as therein requested.

S. L. BURRITT, Chairman.

Which Report was received and concurred in.

#### ORDERS OF THE DAY.

Engrossed bill entitled, An act to prevent the introduction of negroes into the county of Franklin for hire, belonging to non-residents—

Was read a third time, and on the question, "shall the bill pass?" the yeas and nays were:

YEAS—Mr. President, Messrs. Avery, Austin, Brett, Burritt, Costen, Floyd, McMillan, Moseley, Sanderson, Smith, Tabor, Tracey, Watts—14.

NAYS—Messrs. Fairbanks and Priest—2.

So the bill passed—title as stated.

Ordered that the same be certified to the House.

A bill to be entitled, An act to amend an act entitled, "An act to provide for the election of Electors of President and Vice President of the United States, approved January 6, 1847"—

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

A bill to be entitled, An act for the relief of Asa B. Clark, assignee of Thomas M. White—

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

A bill to be entitled, An act to amend an act entitled, "An act to organize Courts of Probate for the State of Florida"—

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

Mr. Floyd moved that the Rule be waived that he might be allowed to make a motion.

Which motion was lost.

The following message from the House was received and read:

HOUSE OF REPRESENTATIVES, Dec. 6, 1847.

*Honorable President of the Senate:*

SIR:—The House has this day passed a bill entitled, "An act to amend an act to provide for the election of Electors of President and Vice President of the United States," which is herewith transmitted.

Also a bill entitled, "An act to define the Western boundary of Jackson county, and to repeal an act therein named."

Very Respectfully,

W. B. LANCASTER,

Clerk Ho. Rep.

The House bill entitled, An act to amend an act to provide for the election of Electors of President and Vice President of the United States—

Was read the first time, and on motion of Mr. Sanderson, laid upon the table.

House bill entitled, An act to define the Western boundary of Jackson county, and to repeal an act therein named—

Was read the first time.

Mr. Tabor moved that said bill be laid upon the table.

Which motion was lost.

On motion, said bill was ordered for a second reading to-morrow.

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

WEDNESDAY, December 8, 1847.

The Senate met pursuant to adjournment.

Rev. Mr. Choice officiated as Chaplain.

A quorum being present, the proceedings of yesterday were read and approved.

On motion of Mr. Burritt, House bill entitled, An Act to amend an act to provide for the election of Electors of President and Vice President of the United States,

Was taken from the table, and placed among the orders of the day.

On motion of Mr. Tracey, bill to be entitled, An Act to give to the Judges of the Circuit Courts of this State the power to impose fines and forfeitures in criminal cases,

Was taken from the table, and placed among the orders of the day.

Mr. Smith presented the memorial of certain officers and members of the First Regiment of Florida Cavalry, praying the repeal of a certain act therein named;

Which was referred to the Committee on Militia.

The following message was received from the House and read:

HOUSE OF REPRESENTATIVES, Dec. 7th, 1847.

*Hon. President of the Senate:*

SIR—Messrs. Aldrich, W. M. Maxwell and Collins, have been this day appointed a Joint Committee on the part of the House, to unite with a similar Committee from the Senate, in the examination of the office of the Register of Public Lands.

Very respectfully,

W. B. LANCASTER,  
Clerk House of Representatives.

Also the following:

HOUSE OF REPRESENTATIVES, Dec. 6th, 1847.

*Hon. President of the Senate:*

SIR:—Messrs. Hagner, Chain and Forward, have been appointed a Joint Committee on the part of the House, to act with the Committee of the Senate, for the disposition to be made of the several

bills to alter and amend the Constitution of this State, passed by the respective bodies.

Very Respectfully,  
W. B. LANCASTER,  
Clerk Ho. Rep.

Also the following :

Ho. REP. Dec. 6th, 1847.

*Honorable President of the Senate :*

SIR—The House has this day ordered to be printed, for the use of the General Assembly, 75 copies of a bill entitled, An Act in addition to several acts concerning Wills, Letters Testamentary, Letters of Administration, and the duties of Executors, Administrators and Guardians.

Very respectfully,

W. B. LANCASTER,  
Clerk House of Representatives.

Also the following :

HOUSE OF REPRESENTATIVES, Dec. 6th, 1847.

*Hon. President of the Senate :*

SIR—The House has this day ordered to be printed, for the use of the General Assembly, 75 copies of a bill to be entitled, An Act for the relief of the Settlers on Forbes' Purchase in Gadsden county.

Also 75 copies of a bill entitled, An Act in addition to an act to organize Courts of Probate for the State of Florida.

Very respectfully,

W. B. LANCASTER,  
Clerk House of Representatives.

Also the following :

HOUSE OF REPRESENTATIVES, Dec. 8th, 1846.

*Hon. President of the Senate :*

SIR :—It was this day resolved by the House, That the Select Committee, having in charge the question of the Northern boundary of the State, be instructed to act jointly with such Committee of the Senate as may have the same subject in charge, and that the Senate be requested to take such action in the matter, as to manifest their concurrence in the objects of this resolution.

The Committee of the House consists of Messrs. A. E. Maxwell, Hagner, Mitchell of Jackson, Chain, Blackburn, King.

Very Respectfully,

W. B. LANCASTER,  
Clerk House of Representatives.

Mr. Sanderson moved that the Committee on the State of the Commonwealth be instructed to act with the Committee appointed by the House ;

Which motion prevailed.

On motion of Mr. Sanderson, Mr. Floyd was added to the Committee on the State of the Commonwealth, to act with said Committee in said matter.

Mr. Fairbanks, from a Select Committee, made the following report :—

The select committee appointed by the Senate upon the 1st inst., to report upon the operation of the present Revenue Law, and whether the same conforms to the provisions of the Constitution requiring an equal and uniform mode of taxation—

**REPORT :**

That they have examined the subject with much care and attention, and from the examination so made by them they have come to the conclusion that the present Revenue Law of this State does not conform to the constitutional provision requiring an equal and uniform mode of taxation.

It is to be presumed, as a matter of course, that the meaning of the terms "uniform and equal" as used in the constitution, are intended to prescribe not only that all classes of persons should be equally taxed, but that the citizens of the State individually should bear their equal and just proportion of taxation.

By an examination of the tabular statement hereto annexed, (marked A.) it will be seen that the owners of improved and unimproved town property pay a tax of 20 cts. per \$100 upon the assessed valuation of their real estate, while the owners of lands not within the corporate limits of a town, pay a specific amount per acre, without discriminating as to the value given by improvements, buildings, &c., and without distinguishing between cleared land and wild lands ; that while the local situation of one tract of first rate land near a large town, or upon navigable waters, may give it a very high value, the inaccessible situation of others render them (although of first rate quality) almost valueless, from their inaccessibility or distance from a market, and other depreciating circumstances. That there is consequently a very great difference in the amount of taxes paid by individuals upon the real valuation of their property—an estate worth \$20,000 frequently paying no more tax than one worth \$2,000. That again, the relative difference of taxation upon 1st, 2d, and 3d rate lands is not in accordance with their true relative valuation, that while first rate lands are taxed upon a valuation of but \$5 per acre, including the value conferred by buildings, &c., second rate lands are valued but \$1.25 less, and third rate lands are valued at the very high valuation of \$1.87 per acre—a thousand acres of the best plantation thus paying but \$6.25 more than 1000 acres of the poorest sand hills in the State.

That the present taxation upon gold watches places a valuation of two hundred and fifty dollars upon every gold watch, and upon silver watches a valuation of sixty-two dollars and half each—a manifest over valuation—rating a gold watch at the value of a slave.

That by the present Revenue Law an average value of two hundred and fifty dollars each is placed upon all slaves, without distinction of age. That such a mode of valuation is unjust as between individuals—that while the one may own a slave worth one thousand dollars,

his neighbor may have one not worth fifty, and yet they are called upon for the same tax. That this species of property in this State is, and will probably continue to be, owned in small numbers by different owners; and that no fair average can be consequently made which will give a fair distribution of taxation, if made in this manner.

Your committee further observe that the present revenue act omits large and valuable species of property; among which we would notice that money is not taxed, unless at interest; horses, mules, &c., constituting a very large portion of the property of the country, are not taxed; furniture and plate pay no tax; manufactories, other than saw mills, are left out; and the capital invested in improvements, (and which must be as large an item as land,) are entirely exempt, shipping is exempt, &c.

We would call attention to the tabular statements herewith reported, by which it will be seen that the present valuation of the property now taxed amounts to above twenty millions of dollars, now paying, exclusive of specific taxes, 20 cts. per \$100. Your committee believe by adding to the articles already estimated, according to the present system, lands and slaves, &c., a more perfect revenue system would come into operation, and that with the addition of the species of property now omitted, a tax of 20 or 25 cents per \$100, upon the valuation, would furnish a fund equal to the expenses of our Government, without increasing the burden upon the tax payers; that each would pay according to his ability, and the provisions of the constitution requiring an equal and uniform mode of taxation, would be complied with. A course so reasonable and just could not but meet with the approbation of all.

As an evidence of the uncertainty of the present mode of assessment upon lands, your committee would call attention to the fact that above 300,000 acres of land returned last year as second rate, has been this year as third rate—making a difference of above \$1100, the present year, from that single item. And it is within the knowledge of all that the returns of this character have no uniformity—some lands worth \$10 per acre being returned as third rate, while others of less than half that value are returned as first rate.

A bill to provide for an equal and uniform mode of taxation, is herewith returned.

G. R. FAIRBANKS,  
JOHN M. SMITH,  
E. D. TRACEY,  
S. L. BURRITT.

Which report was received and concurred in, and the bill accompanying the same read by its title, and 75 copies of said bill, and the documents accompanying the same, ordered to be printed.

The following message from the House was also received and read:—

HOUSE OF REPRESENTATIVES, Dec. 6th, 1847.

Hon. President of the Senate:

SIR:—The House has this day concurred in the amendment proposed by the Senate, relative to the Preamble and Resolutions for a Mail Route from Jasper to Centreville, Ga.

Very respectfully,  
W. B. LANCASTER,  
Clerk House Representatives.

#### ORDERS OF THE DAY.

Engrossed bill entitled, An Act to amend an act entitled an act to organize Courts of Probate for the State of Florida,  
Was read a third time, and on motion laid upon the table.

Engrossed bill entitled, An Act for the relief of Asa B. Clark, Assignee of Thomas M. White,

Was read a third time, and on the question, Shall the bill pass? the yeas and nays were:

Yeas—Mr. President, Messrs. Avery, Austin, Brett, Burritt, Floyd, Lorrimer, Moseley, Priest, Sanderson, Smith, Tabor, Tracey, Watts—14.

Nays—None.

So the bill passed. Title as stated.

Ordered that the same be certified to the House.

Engrossed bill entitled, An Act to amend an act entitled an act to provide for the election of Electors of President and Vice President of the United States, approved January 6, 1847,

Was read a third time, and on the question, Shall the Bill pass? the yeas and nays were:

Yeas—Mr. President, Messrs. Avery, Austin, Brett, Burritt, Fairbanks, Floyd, Lorrimer, Moseley, Priest, Sanderson, Smith, Tabor, Tracey, Watts—15.

Nays—None.

So the bill passed. Title as stated.

Ordered that the same be certified to the House.

A bill to be entitled, An Act to give to the Judges of the Circuit Courts of this State the power to impose fines and forfeitures in Criminal Cases,

Was read a second time.

Mr. Burritt moved to strike out the word "forfeitures" in the enacting clause, and insert "penalties;"

Which motion prevailed, and the bill ordered to be engrossed for a third reading to-morrow.

House bill entitled, An Act to amend an act to provide for the Election of Electors of President and Vice President of the United States,

Was read the first time;

On motion of Mr. Sanderson, the Senate resolved itself into a





Committee of the Whole on said bill, Mr. Floyd in the Chair. After some time spent therein, the Committee rose, and by their Chairman reported the bill back to the Senate without amendment, and asked leave to be discharged from the further consideration thereof; Which report was concurred in.

On motion of Mr. Fairbanks, said bill was laid upon the table.

A bill to be entitled, An Act in relation to roads in Columbia county,

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

House bill entitled, An Act to define the Western boundary of Jackson county, and to repeal an act therein named,

Was read a third time, and on motion of Mr. Brett, laid upon the table until to-morrow.

Resolution in relation to Major Wm. W. Loring and Lieut. M. C. Marin, as amended by the House, was read, and the amendment of the House concurred in.

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

THURSDAY, December 9, 1847.

The Senate met pursuant to adjournment.

Rev. Mr. Choice officiated as Chaplain.

A quorum being present, the proceedings of yesterday were read and approved.

The following communication was received from his Excellency the Governor, and read:

EXECUTIVE DEPARTMENT, }  
December 8, 1847. }

*Gentlemen of the Senate:*

In reply to your call for the correspondence relating to the Northern boundary of the State of Florida, I have to state, that the whole correspondence on that subject has been transmitted to the House of Representatives on a prior call.

Very Respectfully,  
W. D. MOSELEY.

Also, the following:

EXECUTIVE DEPARTMENT, }  
December 9, 1847. }

*Gentlemen of the Senate*

*and of the House of Representatives:*

The taxes assessed in the county of Leon upon the capital stock of the Southern Life Insurance and Trust Company, and which amount to a considerable item, have not been paid; and, as I am advised, the laws of this State afford no remedies to the State sufficient to coerce the payment of the same. The Board of County Commissioners has already determined the amount of the assessment against this Institution, under the existing Revenue Laws, as will appear by a certified

copy of the decision submitted herewith. It is manifest that some sufficient remedy for the collection of this and like assessments, should be provided by the General Assembly.

Very Respectfully,  
W. D. MOSELEY.

On motion of Mr. Fairbanks, referred, with the accompanying documents, to the committee on corporations.

Mr. Sanderson moved that the Register of the Land Office be requested to report to the Senate, whether the "eight sections granted by Congress for the purpose of fixing the Seat of Government of this State," can be located in conformity to the construction placed upon the act of Congress making such grant, by the Commissioners of the General Land Office, at or near the centre of this State.

Which motion prevailed.

Pursuant to previous notice, Mr. Fairbanks introduced a bill to be entitled, An act to amend the several acts relative to County Commissioners.

Mr. Fairbanks gave notice that he would at some future day ask leave to introduce a bill to encourage and facilitate Internal Improvements and to authorize and regulate partnerships for that purpose.

Also, a bill to prescribe the fees of the Attorney General in certain cases.

Mr. Avery, from the Committee on Schools and Colleges, presented the following report:

The Committee on Schools and Colleges, to whom were referred the reports of Commissioners, relative to the establishment of an Educational System, and who were instructed to bring in a bill providing for the establishment of a System of Common Schools, ask leave to

#### REPORT

the accompanying bill. It will be seen, upon examination, that although the system proposed contemplates the establishment of a School Fund by the State, it may yet be supported without State aid.

Your Committee cannot refrain from here expressing their regret, that notwithstanding our members of Congress have been repeatedly requested by the General Assembly to endeavor to have such laws passed, as would enable the State to make the Common School Fund available, no attention has been paid, (so far as your Committee can ascertain,) to those requests.

As the proposed system will, until a State Fund is created, depend wholly for its support upon the people themselves, your Committee recommend that its adoption be left optional with the different counties.

For the information of those who have not the time or inclination to examine a bill of the great length of the one before us, your Committee will state that it provides:—

- 1st. The Secretary of State shall be *ex-officio* Superintendent of Schools for the State.
- 2d. A County Superintendent shall be elected in each County.

- 3d. County Superintendents to divide the counties into suitable School Districts, and have over them a general superintendence.
- 4th. Three Trustees to be elected in each District, to have charge of the affairs of their several Districts.
- 5th. When the State has a fund to distribute, each county to raise within itself an amount equal to the sum received from the State.
- 6th. Until the State has a fund to distribute, the County Commissioners may levy a tax sufficient to pay the teachers.
- 7th. Should they fail to do so, the Trustees of the School Districts may collect the wages of teachers from the parents or guardians of pupils.

Respectfully submitted,

O. M. AVERY, Chairman,  
J. P. SANDERSON,  
JOHN M. SMITH,  
JAS. H. T. LORRIMER.

Having presented a Report to the Legislature upon this subject, I have declined acting with the Committee in framing the bill which is now presented, but concur with the Committee in the report presented, which, I observe, proceeds upon the same basis as the system proposed by me.

G. R. FAIRBANKS.

Which Report was received and concurred in.

On motion, the bill accompanying said Report was read by its title, and 75 copies ordered to be printed.

Mr. Tracey, from the committee on Militia, made the following report:

The committee on the Militia, to whom was referred the bill "to abolish the pay of the Adjutant and Inspector General of this State," have had the same under consideration, and ask leave to submit the following

#### REPORT:

That they believe it improper and unjust to impose the arduous and expensive duties which now devolve upon the Adjutant and Inspector General, without rendering compensation. And they are confirmed in this opinion by reference to Article 1st, Section 14th, of the Constitution of the State, which declares that private property shall not be taken or applied to public use, unless just compensation be rendered therefor.

They have therefore considered it but fair and proper to abolish a portion of the duties of said office, believing the duties may be discharged by the Brigade Inspectors, without detriment to the State, and without expense. They therefore report the bill with amendments, and respectfully ask the concurrence of the Senate.

E. D. TRACEY, Chairman.

Which Report was received and concurred in.

#### ORDERS OF THE DAY.

Engrossed bill entitled, An act in relation to roads in Columbia county—

Was read a third time, and on the question, "Shall the bill pass?" the yeas and nays were—

YEAS—Mr. President, Messrs. Avery, Austin, Brett, Burritt, Costen, Fairbanks, Floyd, McMillan, Moseley, Priest, Sanderson, Smith, Tabor, Tracey, Watts—16.

NAYS—None.

So the bill passed—title as stated.

Ordered that the same be certified to the House.

Engrossed bill entitled, An act to give to the Judges of the Circuit Courts of this State the power to impose fines and penalties in criminal cases—

Was read a third time, and on the question, "Shall the bill pass?" the yeas and nays were—

YEAS—Messrs. Avery, Burritt, Fairbanks, McMillan, Moseley, Priest, Sanderson, Smith, Tracey, Watts—10.

NAYS—Mr. President, Messrs. Austin, Brett, Costen, Floyd, Tabor—6.

So the bill passed—title as stated.

Ordered that the same be certified to the House.

Mr. Lorrimer asked leave to record his vote on said bill. Which was denied.

House bill to be entitled, An act to define the Western boundary of Jackson county, and to repeal an act therein named—

Was read a second time.

Mr. Brett moved the following amendments, viz:

Strike out "Western," in the fourth line, and insert "Southern."

Strike out all after the word "the," in the 5th line to the word "parallel" in 8th line, and insert "Apalachicola river, at the North side of Ochesee, thence on the Southern side of the old Federal road to Watson's ferry across the Chipola river."

Strike out "North," in 8th line, and insert "West."

Which were adopted.

Mr. Tabor moved to insert after the words "Chipola river," occurring in the bill as amended, "thence West to a point *equi* distance in range twelve, thence North to the line that divides townships four and five, thence due West to the Choctahatchee river."

Which motion was lost.

On motion of Mr. Tabor, said bill was referred to a select committee—said committee consisting of Messrs. Tabor, Brett, Fairbanks and Avery.

A Committee from the House informed the Senate that the House was ready to go into the Election of Comptroller and Treasurer for the State;

Whereupon the Senate proceeded to the House of Representatives, and the General Assembly proceeded, by joint ballot, in said elections.

By the invitation of the Speaker of the House, the President of the Senate took the Chair.

The President having announced to the General Assembly that nominations were now in order for Comptroller,

Mr. Fairbanks nominated Nathaniel P. Bemis.

Mr. Wm. M. Maxwell nominated Shnon Towle.

The vote was as follows :

FOR TOWLE—Mr. President, Messrs. Avery, Austin, Brett, Burritt, Floyd, McMillan, Moseley, Sanderson, Tracy, Watts, Mr. Speaker, Bannerman, Bradwell, Bryan, Chain, Collins, Crawford, Forward, Garrason, Hall, Hagner, Henderson, Higginbotham, Johnston, W. M. Maxwell, Morrison, Overstreet, Quigles, Ross, Scott, Sheldon, Smith, Taylor, Tanner, Waterson—36.

FOR BEMIS—Messrs. Costen, Fairbanks, Priest, Smith, Tabor, Aldrich, Allison, Burnham, Cook, Hancock, Hobart, King, Mitchell, of Jackson, Mitchell, of Monroe—14.

So Mr. Towle was declared duly elected.

For Treasurer Mr. Floyd nominated Benjamin Byrd.

Mr. W. M. Maxwell nominated William R. Hayward.

The vote was as follows :

FOR HAYWARD—Mr. President, Messrs. Avery, Austin, Brett, Burritt, McMillan, Sanderson, Tracey, Watts, Mr. Speaker, Bannerman, Bradwell, Bryan, Chain, Collins, Crawford, Hall, Hagner, Henderson, Higginbotham, Johnston, W. M. Maxwell, Morrison, Overstreet, Quigles, Scott, Sheldon, Smith, Tanner, Waterson—30.

FOR BYRD—Messrs. Costin, Fairbanks, Floyd, Moseley, Priest, Smith, Tabor, Aldrich, Allison, Blackburn, Burnham, Cook, Forward, Garrason, Hancock, Hobart, King, Mitchell, of Jackson, Mitchell, of Monroe, Ross, Taylor—21.

So Mr. Hayward was declared duly elected Treasurer.

The Senate having returned to their Chamber,

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

FRIDAY, December 10, 1847.

The Senate met pursuant to adjournment.

Rev. Mr. Choice officiated as Chaplain.

A quorum being present, the proceedings of yesterday were read and approved.

On motion of Mr. Avery, leave of absence was granted to Mr. McMillan, Senator from the 2d District, until Monday next.

Pnsuant to previous notice, Mr. Fairbanks introduced a bill to encourage and facilitate Internal Improvements, and to authorize and regulate proceedings for that purpose.

On motion, said bill was read by its title and 75 copies ordered to be printed.

Pursuant to previous notice, Mr. Brett introduced a bill to be entitled, An act to organize the County of Holmes.

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

Mr. Brett offered the following :

*Resolved by the Senate and House of Representatives in General Assembly convened,* That they will adjourn *sine die* on the 22d inst.

Which was read the first time and ordered to a second reading on to-morrow.

Mr. Fairbanks, from the committee on Enrolled Bills, reported. Resolution in relation to Major Wm. W. Loring and Lieut. M. C. Mavin, as correctly enrolled.

Mr. Brett, from the committee on Claims, presented the following report :

The Committee on Claims to whom was referred the petition of sundry citizens, praying the recognition by the General Assembly of certain debts incurred by the Territory of Florida, have had the same under consideration, and instruct me to—

#### REPORT:

That the petition sets forth only the fact that the petitioners hold the scrip of the late Territory issued for debts incurred under the laws of said Territory, and that no part thereof has been paid. The amount of the indebtedness is not stated, nor have the petitioners furnished the committee with the vouchers to sustain their claim, or with evidence by which its character may be ascertained. It is but an act of prudence on the part of States, as well as of individuals, to scrutinize well, the demands which may be made upon their purses. Such scrutiny is particularly demanded of us in regard to applications of this character, when it is recollected that by far the larger portion, if not the entire debt of the late Territory, was for objects properly chargeable to the United States. In the absence of all proof, this committee does not conceive that the Territorial certificates preclude inquiry into the character of the claims in their original shape, the committee cannot say whether or not these claims belong to that class. Nor can they recommend to the Senate any action on the subject further than to relieve the committee from its consideration.

JOHN BRETT, Chairman.

Which Report was received and concurred in.

Mr. Burritt, from the Judiciary committee, presented the following report :

The Judiciary Committee to whom was referred a bill to be entitled, "An act more particularly to define mortgage liens," have instructed me to—

#### REPORT:

That they have had the same under consideration, and are in favor of the passage of the said bill as herewith amended, and to ask the concurrence of the Senate herein.

S. L. BURRITT, Chairman.

Which Report was received and concurred in.

The following communication from the Register of Public Lands was received and read :

OFFICE OF REGISTER OF PUBLIC LANDS,  
Tallahassee, Dec. 9th, 1847.

SIR:—I have received a copy of a resolution adopted by the Senate to-day, as follows, viz:

“That the Register of the Land Office be requested to report to the Senate whether the eight sections granted by Congress for the purpose of fixing the seat of Government of this State, can be located in conformity to the construction placed upon the act of Congress making such grant, by the Commissioner of the General Land Office, at or near the centre of this State.”

In reply, I have to state that eight sections of good land, in one body, cannot be located within one hundred miles of the centre of the State, assuming such centre to be East of Apalachicola river, and West of Range 15 East. But that there are many places between the lines I have designated, where there would be no difficulty in locating eight sections of worthless land in one body.

Without knowledge of where the true centre of the State lies, I cannot give a more precise answer.

I am, very respectfully,

Your obedient servant,

JOHN BEARD,  
Register of Public Lands.

To the Hon. D. G. M'LEAN,  
President of the Senate.

ORDERS OF THE DAY.

A bill to be entitled, An Act to amend the several acts in relation to County Commissioners,

Was read a second time.

Mr. Sanderson moved to amend said bill by adding the following:

SEC. 2. *Be it further enacted*, That the said Board of County Commissioners shall be, and they are hereby required to deliver to the foreman of the Grand Jury a copy of said statement, at the first session of the Circuit Court of said county next ensuing the time specified for making out said statement, and it shall be the duty of said Grand Jury to examine into the correctness of said statement, and report thereon to the Judge presiding at said Court.

Which motion prevailed, and the amendment adopted.

Ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled, An Act more particularly to define mortgage liens,

Was read a second time,

On motion of Mr. Sanderson, the Senate resolved itself into a Committee of the Whole on said bill, Mr. Burrill in the Chair.

After some time spent therein the Committee rose, and by their Chairman reported the bill back to the Senate with amendments, and asked leave to be discharged from the further consideration thereof;

Which report was received.

On the question of concurring in the report of the Committee, the yeas and nays were called for by Messrs. Sanderson and Floyd, and were:

YEAS—Mr. President, Messrs. Avery, Austin, Burrill, Costin, Fairbanks, Lorrimer, McMillan, Priest, Smith, Tabor, Walker—12.

NAYS—Messrs. Brett, Floyd, Moseley, Sanderson, Tracey, Watts—6.

So the report was concurred in.

Mr. Sanderson moved to lay said bill upon the table;

Which motion was lost.

Mr. Floyd offered the following amendment:

SEC. 3. *Be it further enacted*, That all and every person or persons whatsoever, now in possession of any personal property, acquired by deed, gift, purchase, bill of sale, or other conveyance whatsoever, of a lawful or valuable consideration, do possess, hold and claim the same as of his, her, or their own right, in absolute property, and the person or persons so in possession, or the person or persons under whom they claim, have severally or successively together, been quietly possessed of the same, under any of the titles, ways or means aforesaid, and without interruption by suit or action at law actually commenced, enjoyed the said property for the space of five years, that then such person or persons so in possession as aforesaid, shall have good right and title to the same in absolute property, against all and every person and persons whatsoever: *Provided*, That infants and married women shall have the space of five years, after their several disabilities are removed, within which to reduce to possession any property in which they were severally interested or entitled during infancy or coverture.

Mr. Avery moved to amend by inserting after the word “women” in 9th line, the words “and persons non compos mentis,”

Which motion prevailed.

On motion, said bill was recommitted to the Judiciary Committee.

The following communication was transmitted to His Excellency the Governor:

SENATE CHAMBER, Dec. 10, 1847.

To His Excellency W. D. MOSELEY,

Governor of Florida:

SIR—The following resolution passed by the General Assembly of Florida, and signed by the presiding officers of the two Houses, is sent for your consideration:

Resolution in relation to Major Wm. W. Loring and Lieut. M. C. Marin.

By order of the Senate.

C. W. DOWNING,  
Secretary Senate.

A bill to be entitled, An Act to abolish the pay of Adjutant and Inspector General of this State,

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

On motion, the Senate took a recess until 3 o'clock.

3 o'clock, P. M.

The Senate proceeded with the orders of the day.

House bill entitled, An act to regulate the pilotage of the River St. Johns—

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

House bill entitled, An act to more fully define the rates of and duty of Pilots for the port of Cedar Keys—

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

House bill entitled, An act to facilitate the draining of the Twelve Mile Swamp, in the county of St. Johns—

Was, on motion, read by its title and ordered for a second reading on to-morrow.

House Preamble and Resolutions relative to the expenses of the Florida Volunteers previous to being mustered into the United States service—

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

House Preamble and Resolution relative to pre-emption rights in this State—

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

Memorial and Resolution of the General Assembly of the State of Florida to the President, Post Master General, and the Congress of the United States, on the subject of a Mail Route therein mentioned,

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

House Preamble and Resolutions in relation to certain sections of land granted by the U. S. to Florida for the purpose of fixing her Seat of Government—

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

Mr. Floyd moved to adjourn until Monday next at 10 o'clock.

On which the yeas and nays were called by Messrs. Sanderson, and Floyd, and were—

YEAS—Messrs. Burritt, Costen, Floyd, Smith—4.

NAYS—Mr. President, Messrs. Avery, Austin, Brett, Lorrimer, Moseley, Priest, Sanderson, Tabor, Tracey, Walker—11.

So the Senate refused to adjourn.

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

—  
SATURDAY, December 11, 1847.

The Senate met pursuant to adjournment.

Rev. Mr. Choice officiated as Chaplain.

A quorum being present, the Journal of yesterday was read, amended and approved.

Pursuant to previous notice, Mr. McLean introduced a bill to be entitled, An Act to amend the 12th clause of the 5th article of the Constitution of this State, so that the Judges of the Circuit Courts shall hold their offices for a term of six years, instead of during good behavior;

Which was read the first time, and ordered for a second reading on to-morrow.

Mr. Lorrimer asked leave to spread on the Journal his reasons for being absent from the Senate during the election of Comptroller and Treasurer on Thursday last.

Messrs. Floyd and Lorrimer demanded a call of the Senate.

Whereupon the Senate was called, and there were present:

Mr. President, Messrs. Avery, Austin, Brett, Burritt, Costin, Fairbanks, Floyd, Lorrimer, Moseley, Priest, Sanderson, Smith, Tabor, Tracey, Walker, Watts.

On the question to permit Mr. Lorrimer to spread his reasons on the Journal, the yeas and nays were called for by Messrs. Floyd and Fairbanks, and were:

YEAS—Mr. President, Messrs. Avery, Austin, Britt, Burritt, Costin, Lorrimer, Sanderson, Smith, Walker, Watts—11.

NAYS—Messrs. Fairbanks, Floyd, Moseley, Priest, Tabor, Tracey—6.

So Mr. Lorrimer was permitted to spread upon the Journal the following:

Mr. Lorrimer asks leave to have recorded on the Journals, the reasons which caused his absence from the Senate on Thursday, when the election took place for Comptroller and Treasurer, which was as follows:—That he informed the Sergeant-at-Arms and Messenger of the Senate, of his intended absence for a short time, to see a relative about to leave the State, and requested them, after informing them where he would be found, to inform him if the Legislature should be about to proceed to said elections before his return; that the Legislature unexpectedly went into said elections, about ten minutes before the time fixed by joint resolution, and as soon as they could the Sergeant and Messenger informed Mr. L. of the same, and he hastened back to the capital; but as there was only one balloting, the election was over before his return. Mr. Lorrimer further desires to have it recorded, that had he been present, he would have voted for the gentlemen who were elected.

Mr. Sanderson gave notice that at some future day he would ask leave to introduce a bill to be entitled, An Act in relation to fines and forfeitures.

The following message was received from his Excellency the Governor, and read:

EXECUTIVE DEPARTMENT, December 10, 1847.

*Gentlemen of the Senate and of the House of Representatives:*

The Public Arms and Equipments, owing to the dampness of the basement of the capital where they were kept, have been removed to a building temporarily contracted for, for that purpose. The

Grand Jury of Leon, in their General Presentment at the last term, expressed the opinion that the arms in their present situation were insecure. I have therefore to call the attention of the General Assembly to this subject, and to request that provision may be made for a more secure Armory, or that the building now used for that purpose may be made more secure.

In addition, it is my duty to report that the proper keeping and preservation of the Public Arms, &c., has been, and must hereafter be, attended with no inconsiderable care, pains and trouble, and that it is scarcely possible to procure the services of any competent Quarter Master General without some compensation. In evidence of this, I have to make known the fact that the present efficient Quarter Master General, (Col. Shine,) has already tendered his resignation. I have therefore to recommend in addition that some adequate compensation be attached to the office of Quarter Master General.

Very respectfully,

W. D. MOSELEY.

On motion, referred to the committee on the Militia.

The following communication from the Comptroller was received and read :

COMPTROLLER'S OFFICE, Tallahassee, Dec. 9, 1847.

*Honorable President of the Senate :*

SIR :—In compliance with a Resolution of the Senate, of the 26th ultimo, I transmit herewith a tabular statement of the "number and nature of the criminal prosecution in each county of the State, also the amount of expenses of criminal prosecutions audited by the Comptroller, and the amount paid on capital cases."

Very Respectfully,

N. P. BEMIS, Comptroller.

Ordered that 300 copies of the documents accompanying said communication be printed.

Also the following :

COMPTROLLER'S OFFICE, Tallahassee, Dec. 11, 1847.

*Honorable President of the Senate :*

SIR :—I enclose herewith the information requested by Resolution of the Senate of the 2d inst.

Very Respectfully,

N. P. BEMIS, Comptroller.

Ordered that 300 copies of the documents accompanying the same be printed.

Mr. Burritt, from the Judiciary committee, presented the following report :

The committee on the Judiciary to whom was re-committed the bill entitled, An act more particularly to define mortgage liens, beg leave to report the said bill with the accompanying amendment, and ask the concurrence of the Senate therein.

S. L. BURRITT, Chairman.

I dissent from the report of the majority of said committee in reference to the amendment offered.

G. R. FAIRBANKS.

Which Report was received and concurred in.

ORDERS OF THE DAY.

Engrossed bill entitled, An act to amend the several acts relative to County Commissioners—

Was read the third time.

Mr. Burritt moved to amend by inserting after the word "paid," in 9th line, the words "the date of said payment."

Which amendment was unanimously adopted.

On the question, "Shall the bill pass?" the yeas and nays were—

YEAS—Mr. President, Messrs. Avery, Austin, Brett, Burritt, Costen, Fairbanks, Lorrimer, Moseley, Priest, Sanderson, Tabor, Tracey, Walker, Watts—15.

NAYS—None.

So the bill passed—title as stated.

Ordered that the same be certified to the House.

Engrossed bill entitled, An act to abolish the pay of Adjutant and Inspector General of this State—

Was read a third time, and on the question, "Shall the bill pass?" the yeas and nays were—

YEAS—Mr. President, Messrs. Avery, Austin, Brett, Burritt, Costen, Floyd, Lorrimer, Mosely, Priest, Sanderson, Tabor, Tracey, Walker, Watts—15.

NAYS—Messrs. Fairbanks and Smith—2.

So the bill passed.

Mr. Fairbanks moved to amend the title of said bill so that it read as follows, viz :

"An act relative to the duties and compensation of the Adjutant and Inspector General of this State."

Which was adopted.

Ordered that the same be certified to the House.

A bill to be entitled, An act to organize the county of Holmes— Was read a second time and referred to a special committee—said committee consisting of Messrs. Floyd, Brett, and Avery.

House bill entitled, An Act to regulate the Pilotage of the Bar of the River St. Johns, was read a second time.

Mr. Burritt moved to strike out the word "assigned" in tenth line of section three, and insert therein "aggrieved," which was adopted.

On motion of Mr. Burritt, said bill was referred to a Select Committee. Said committee consisting of Messrs. Burritt, Sanderson and Fairbanks.

House bill entitled, An Act to more fully define the rates of, and duty of pilots for the port of Cedar Keys, was read a second time, and referred to a Select Committee. Said Committee consisting of Messrs. Sanderson, Moseley and Costen.

House bill entitled, An Act to facilitate the draining of the Twelve mile Swamp in the county of St. Johns, was read a second time by

its title, and referred to the Committee on Internal Improvements.  
A bill entitled, An Act to prescribe an equal and uniform mode of taxation, and for other purposes, was read a second time by its title, and laid on the table.

Resolution relative to the *sine die* adjournment of the General Assembly on the 22d instant, was read a second time, and ordered to be engrossed for a third reading to-morrow.

House Preamble and Resolutions relative to the expenses of Florida Volunteers previous to being mustered in the United States service, was read a second time, and referred to the Committee on Taxation and Revenue.

House Preamble and Resolutions relative to pre-emption rights in this State—

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

Memorial and Resolution of the General Assembly of the State of Florida to the President, Post-master General, and the Congress of the United States, on the subject of a Mail Route therein mentioned,

Was read a second time, and on motion, the rule waived, read a third time by its title and passed.

Preamble and Resolution in relation to certain sections of land granted by the U. S. to the State of Florida for the purpose of fixing her Seat of Government—

Was read a second time by its title, and on motion the rule waived and read a third time by its title and passed.

Bill to be entitled, An act more particularly to define mortgage liens—

Was read a second time and ordered to be engrossed for a third reading on Monday next.

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

MONDAY, December 13, 1847.

The Senate met pursuant to adjournment.

Rev. Mr. Choice officiated as Chaplain.

A quorum being present, the proceedings of Saturday were read and approved.

Mr. Avery moved, that the Governor be requested to inform the Senate what action has been taken by our Senators and Representative in Congress, and by Congress, upon the resolution approved Jan. 1, 1847, so far as the same relates to the portion of surplus revenue to which this State is entitled under the act of Congress of 23d July, A. D. 1836.

Which motion prevailed.

Mr. Avery moved, That the Register of Public Lands be requested to inform the Senate how many whole townships have been sur-

veyed to which the State is entitled to the sixteenth sections—how many fractional townships in which there are no sixteenth sections, stating the number of sections in each of these townships—how many fractional townships in which there are sixteenth sections, stating the number of sections in each of these townships. Also, as near as may be, the number of sixteenth sections which are *valueless* on account of the poverty of the soil. Also, what townships have appointed trustees to take charge of their sixteenth sections. What benefit has been derived, either by the State or by any county or town, from the grant by Congress of the sixteenth sections. What amount of funds has been raised from the sixteenth sections, and in whose hands those funds are placed.

Which motion prevailed.

Mr. Avery gave notice that he would, on to-morrow, ask leave to introduce a bill to amend an act entitled an act to provide for the sale of lands granted to the State for purposes of Internal Improvement.

Mr. Lorrimer gave notice that he would, on some future day, ask leave to introduce a bill to be entitled, An Act for the relief of the poor and destitute of Leon county, and to guard against the accumulation of pauperism.

Mr. Burritt, from the Judiciary Committee, presented the following Report:

The committee on the Judiciary to whom was referred the preamble and resolutions introduced by the Senator from the sixth district, to the effect, that the Judiciary of our State should be republicanised by rendering all the judicial officers thereof elective by the people, and for a term of years, beg leave to

#### REPORT:

That they concur in the sentiments expressed in the preamble, that the pure administration of justice is of the highest consequence to any people; and while they admit that it is an incontrovertible truth, that primarily the people have the *right* of electing *directly* to all offices, and may exercise that right according to their pleasure, they deny that it by any means follows, that *all* offices can be *better* filled by a direct vote, than by servants appointed for that purpose; they deny, that because the executive and the legislative branches should be elected by a popular vote, any evidence is thereby furnished, that the Judges should be elected in the same way. In this Republic the distinction has always been made, (and with the happiest results too,) not only in the General Government, but in the various States—the Judges of *Law* and of *Equity* are never elected by popular vote. This rule, in one or two instances, has recently been departed from. But the wisdom of those who framed the Federal Constitution, has never been doubted—as little has their patriotism. And yet, they and their constituents, the people of the United States, who set out with declaring, that their object was “to form a more perfect union, establish justice, insure domestic tranquility, provide for the common

defence, promote the general welfare, and secure the blessings of liberty," ordained at the same time, that the President of the United States should nominate, and by and with the advice and consent of the Senate, appoint the Judges of the Supreme Court.

The people themselves declining to exercise this power, and vesting it in the Executive and Legislative departments, was *one* of the means by which they proposed "to establish justice, promote the general welfare, and secure to themselves and posterity, the blessings of Republican Liberty." Have they been disappointed in their expectations? Or, are we wiser than they? Has not unexampled prosperity been the result of their foresight in this particular; and through them has not wisdom been justified of her works? Then, as now, and at all times, a judicial office was beyond all comparison, above all others, a high, responsible, delicate, and most sacred trust; and the committee believe, that in proportion to the high and sacred character of the office, should be the care and circumspection with which it should be filled. Do the "good people" of this State desire that that high office which holds the balance of justice between man and man; that looks to the fountain of eternal justice for its guide; and emulates in the dispensations of human justice, the wisdom and purity of heaven; that asks the sanction of the most high, rather than of man, for what it does, should become the sport and foot-ball of electioneering demagogues? This must be the inevitable result of the exercise of that power to which the people are invited by the resolutions—a power which the people with all the forms of constitutional solemnity have themselves determined *not* to exercise.

The committee believe that a tolerable share of general information, without profound knowledge in any particular department of science, is usually all that is indispensable in the proper discharge of Executive duties—they are ordinarily few, plain, and simple. They may be found embodied almost entirely in the Constitution; and they depend by no means upon a precise and accurate knowledge of municipal jurisprudence. The committee believe that hundreds of their fellow citizens, whose lives have been passed in agricultural pursuits, might, like Cincinnatus, be called from the plough to the Executive office, and fill it with credit to themselves and advantage to the State. All experience justified this conclusion—and, to such offices, there can be little danger of electing persons incompetent. And as to integrity, deplorable as the want of it might be, it may be asked, what opportunity has a Governor of our State in the ordinary routine of his duties, of exercising partially, or indulging in prejudice, at the expense of the just rights of one man over another? And the committee ask, *what opportunity the Judge has not in this particular?*

But the Judge, or the Chancellor, to be qualified, should bring with him not only all the general information which may be sufficient in the Executive and Legislative capacity, but he must besides bring with him a profound knowledge of law as a particular science, and to varied and intense reading must have been superadded practice. While the Executive branch of the Government finds its duty clearly

defined in the Constitution, and perhaps a few statutes, the Judicial branch must be familiar not only with them, but with all law, national and municipal, common and statute, civil, ecclesiastic, and military, all over the civilized world, if its duties are upon all occasions to be discharged with promptness and ability. And the committee believe, that it is no disparagement of the intelligence of the people of this or of any other State to imagine, that there are many, very many, who would not only fail correctly to estimate the necessary qualifications, but would from necessity, be without the advantages to know who possessed them, or to sufficiently discriminate between competitors, if they did.

These remarks apply to those who as individuals have nothing in particular to gain or to lose by the election of one man more than another—who are free from litigation, and who desire only the good of society generally. But how many in every community, are thus free from direct personal interest? And with such, can there be any doubt whose interest is paramount, their own, or that of society? Vast interests are at stake, and bitter conflicts arise between man and man; wealth and opulence frequently arrayed against comparative poverty—can there be any doubt that each will be likely according to his means, to support the candidate which he deems his personal or political friend, and most likely to favor his pretensions? The committee would inquire in what school of philosophy it is taught, and by what system of ethics it is allowed, that a man should select the Judge to determine his own cause? If in principle it is not right in *one* man, in no number of men can it be made right. But it may be said, as contending interest may be nearly balanced between litigants, it will be as fair for one as for another. True, it may be so. But does that sanctify a system of polity that must of necessity induce men to forget the public interest in pursuit of their own? The system proposed by the resolution, addresses itself not to the patriotism, but to the vindictive feeling and selfishness of every man in the State, who either is, or is likely to be involved in litigation. Both sides of a question can hardly be right; and while he who knows he is right, desires his case to come before an honest and learned Judge, his antagonist who is wrong, foresees that *his* only chance of success is in the intervention of weakness or depravity, or perhaps of both. What would be said of a system that should propose the election of Jurors by a direct vote for each term, or for any other period? As no man has a right to be a judge in his own cause, so neither should he contribute by his vote or his influence to the election or appointment of the man to decide that cause. Until man and his nature be changed, it is obvious, if such a system were adopted, that parties litigant would be exposed to temptations, to consult their own interest rather than that of society, in the election of these public officers. To be sure, Judges must be created in some way or another, and it should be by authority of the people—but the committee are of opinion that the task should be confided by the people to agents elected by them for that purpose.

The foregoing are some of the reasons why the committee deem a change in the Constitution, so as to authorise the election of Judges by a direct popular vote, unwise and inexpedient. The wishes of the great body of the people, when ascertained, must be the acknowledged law. But if such is the wish of the people of this State, the committee are without any evidence whatever to that effect. Until a majority of the people of the State have in some way signified their dissatisfaction with the present Constitution, they believe it the duty of the Legislature to support it as it is. It is the guide placed in their hands by the people; and if that instrument is indeed susceptible of improvement, it would better comport with *Republican* modesty, that their servants, the Legislature, should wait to hear from *them* on the subject, than that they should obtrude their notions upon the people. It is indeed an anomaly in government, that the Legislature is permitted to *attempt* the alteration of a Constitution, which they are sworn to support. It is wise that the people should have the right to alter and abolish their Constitution; but the theory of a Republican Government proceeds upon the hypothesis that the Constitution is superior to Legislative wisdom—and the committee beg leave to say, that if there is any portion of the Constitution less democratic or republican than another, it is in their opinion, not that portion which requires the Legislature to make laws and appoint Judges, but that which allows them to set up *their* opinions against the declared wishes of the people, as found in the Constitution.

That it is the right of the people to establish the Government, its form and organization, is what all must assent to. It is no *new* doctrine. It originated with the patriots of the American Colonies, prior to the revolution. It was what *occasioned* the revolution. It is the starting point in the declaration of American independence, and is the fundamental principle of the American Constitution. Since the formation of this Government, it has received the united sanction and support of all parties. It has not been, and it cannot now be, called in question—and, it is believed, that no preamble or resolution can add force to this great and irresistible truth. How, and *what* the Government shall be in general as in particular, and how organised and administered, it is for the *people* to say. Who questions it? Happily for the stability of a democratic form of Government, no one. The right of the people is then admitted. The best mode and manner of exercising that right, whether by the people themselves in a body, or sometimes by representatives, is another question. One mode may be better adapted to the accomplishment of a particular object than another, and every good citizen of this State must be anxious that this right should be exercised in the most judicious way. The resolutions submitted, propose that the system *prescribed by the people* should be abandoned, and that judicial officers should be elected directly by the people themselves, and this, because, in the language of the resolution the people are *capable* (both in regard to intelligence and integrity) of selecting them. But the committee would enquire whether this is any good reason for changing the Constitution? Does it

follow, that because the people are capable, their representatives in the Legislature are not? What a commentary is this upon the intelligence of the people, that they select representatives less capable than themselves! But the people have chosen to impose this duty upon their agents, the Legislature—and why should that body distrust its own capacity, and say to the people, you had better do it yourselves—you can do it as well as we? The committee believe that the Legislature should be satisfied not only that the duty can be performed by the people directly as *well*, but *better*, before they should decline the responsibility, and ask the people to do it themselves. Is it any good reason for changing a law, that it will be just as good when changed as it was before? It is believed that ordinary legislative enactments, should not be changed or altered upon idle experiment, much less should the Constitution of the State. Utilitarians may speculate upon the advantages of some *other* system, but sober calculation is contented with that system which has been tried and found to answer the objects for which it was created.

For seventy years has our Federal Judiciary been appointed by the President of the U. States, by and with the advice and consent of the Senate. During that period, who has doubted its wisdom or its integrity? These appointments have been made by the Executive and Senate, because the *people* in their sovereign capacity had so directed. Have the people had cause to regret it? When and where? Was it in the appointment of a Jay, or a Rutledge, a Cushing, an Ellsworth, a Marshall, a Livingston, a Van Ness, a Story, a Thompson or a Taft? When and where has the learning and ability of the Supreme Court of the United States been impeached, and who has gainsayed the justice and legality of its decisions? If the principle contended for by the resolution be sound, by analogy the President and Senate are not the proper depositories of the power by which that great forum of ultimate justice is appointed, and *Republican* principles require that the people should resume it themselves. But, if the power to appoint the Federal Judiciary has been found to be safe, and still continues to be safe in the President and Senate, the Committee can see no reason in principle why the people of this State have not acted wisely in confiding a similar power to their Senate and House of Representatives.

As to limiting the term of office to years instead of life, or good behaviour, the committee discover less objection to it—but upon that point as well as the other, they would not feel themselves authorised to recommend any alteration, unless they had some unequivocal evidence that a majority of the people of this State desired it.

The committee therefore feel compelled to express themselves against the adoption of the resolutions, and they ask the concurrence of the Senate in this Report.

S. L. BURRITT, Chairman.  
J. P. SANDERSON.

Which report was received and concurred in.

Mr. Fairbanks, from the minority of said Committee, asked leave to present the following Report :

That the Resolutions referred to the Committee are not introduced in the shape of an amendment or alteration of the Constitution, but are merely a declaratory expression of the views of the Legislature in reference to an alteration of the Constitution, and as such, they will, if adopted, have no more force than as an expression of individual opinions.

I see no benefit to be derived from such an expression. These resolutions seem to me extra legislative, and precede the action of the people. The passage of such resolutions might be proper if passed by the people in their primary capacity.

I do not assent to the propriety of an argument upon the pros and cons of these resolutions : nor do I assent to all the grounds and positions taken in the report of the Chairman and one member of said Committee, and cannot, therefore, affix his name to their said Report, but consider that such Resolutions should not be passed or acted upon.

GEO. R. FAIRBANKS,  
Of Judiciary Committee.

Which Report was received.

On motion, said reports were laid upon the table until to-morrow.

Mr. Burritt, from the Judiciary Committee, presented the following Report :—

The Committee on the Judiciary, to whom was referred a bill to be entitled, An Act to authorise the qualified Electors of each county within this State to elect Judges of Probate, ask leave to

#### REPORT :

That they have had the same under consideration. That they are not aware that the experience furnished under the present mode of appointing those officers, authorize the belief that any other mode would be preferable. That until some evil under the present mode is pointed out, and a reasonable prospect of obviating that evil by some other mode is presented, the Committee would hesitate in recommending a change. Besides this, doubt is entertained by many, and in which doubt the Committee participate, whether a proper construction of the Constitution does not confine the power of appointing Judges of Probate to the Legislature.

The Committee, therefore, feel it their duty to report against the passage of the said bill, and ask the concurrence of the Senate therein.

S. L. BURRITT, Chairman.

On motion of Mr. Floyd, said Report was laid upon the table until to-morrow.

Mr. Burritt, from a Select Committee, presented the following Report :

The Select Committee, to whom was referred the House Bill entitled, An Act to regulate the pilotage of the bar of the River St. John, beg leave to

#### REPORT :

That they have had the same under consideration, and return the

same herewith with an amendment, and to ask the concurrence of the Senate therein.

S. L. BURRITT, Chairman.

Which report was received and concurred in, and the amendment adopted.

Mr. Sanderson, from a Select Committee, made the following report :

The Select Committee to whom was referred the bill entitled, An Act to more fully define the rates of, and duty of Pilots, for the Ports of Cedar Keys,

#### REPORT :

That they have had the same under consideration, and beg leave to report said bill back to the Senate without amendment, and recommend its passage.

J. P. SANDERSON, Chairman.

Which report was received and concurred in.

#### ORDERS OF THE DAY.

Engrossed bill entitled, An Act more particularly to define mortgage liens,

Was read a third time, and on the question, Shall the bill pass? the yeas and nays were :

Yeas—Mr. President, Messrs. Avery, Austin, Brett, Burritt, Floyd, Lorrimer, Moseley, Sanderson, Tracey, Walker, Watts—12.

Nays—Messrs. Costin, Fairbanks, Priest, Smith, Tabor—5.

So the bill passed. Title as stated.

Ordered that the same be certified to the House.

The bill to be entitled, An Act to amend the 12th clause of the 5th article of the Constitution of this State, so that the Judges of the Circuit Courts shall hold their office for six years instead of good behavior,

Was read a second time, and referred to the Committee on Amendments and Revision of the Constitution.

House bill entitled, An Act to regulate the pilotage of the River St. Johns,

Was read a second time, and ordered for a third reading to-morrow.

House bill entitled, An Act to more fully define the rates of, and duty of pilots for the port of Cedar Keys,

Was read a second time, and ordered for a third reading to-morrow.

House Preamble and Resolutions relative to pre-emption rights in this State,

Was read a third time and passed.

Engrossed Resolution relative to the *sine die* adjournment of the Legislature on 22d instant, was read a third time. On the question of its passage, the yeas and nays were called for by Messrs. Burritt and Brett, and were :

Yeas—Mr. President, Messrs. Avery, Austin, Brett, Burritt, Costin, Floyd, Lorrimer, Sanderson, Tabor, Walker, Watts—12.

Nays—Messrs. Fairbanks, Moseley, Priest, Smith, Tracey—5.  
So the resolution was adopted.

A bill to be entitled, An Act to provide for the establishment of Common Schools, came up on its second reading.

On motion of Mr. Avery, the Senate resolved itself into a Committee of the Whole on said bill, Mr. Tracey in the Chair.

After some time spent therein the Committee rose, and by their Chairman reported progress, and asked leave to sit again.

Which report was received and concurred in.

On motion, the Senate took a recess until 3 o'clock.

3 O'CLOCK, P. M.

The following message from His Excellency the Governor was received and read ;

EXECUTIVE DEPARTMENT, }  
December 13, 1847. }

*Gentlemen of the Senate :*

In reply to your resolution of this date, requesting to be informed what action has been taken by our Senators and Representative in Congress, and by Congress, upon the Resolution, approved January 1, 1847, so far as the same relates to the portion of Surplus Revenue to which this State is entitled under the Act of Congress of 23d July, A. D. 1836, I have the honor to inform you, that certified copies of the Resolution mentioned, were forwarded to our Senators and Representative in Congress immediately after the adjournment of the last General Assembly ; and, that no information has been received officially, at this Department, that Congress has had any action upon the subject.

Very respectfully,

W. D. MOSELEY.

The Senate, in Committee of the Whole, resumed the consideration of the bill to be entitled, An Act to provide for the Establishment of Common Schools.

After some time spent therein, the Committee rose, and by their Chairman reported the bill back to the Senate with amendments, and asked leave to be discharged from the further consideration thereof ;

Which report was concurred in.

On motion, said bill was placed among the orders of the day for to-morrow.

House Resolutions relative to the appointment by the Governor of Justices of the Peace,

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

A bill to be entitled, An Act to prescribe an equal and uniform mode of taxation and for other purposes,

Came up on its second reading, and on motion of Mr. Sanderson, the Senate resolved itself into a Committee of the Whole on said bills, Mr. Sanderson in the Chair.

After some time spent therein, the Committee rose, and by their Chairman reported progress, and asked leave to sit again.

Which report was concurred in.

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

TUESDAY, December 14, 1847.

The Senate met pursuant to adjournment.

Rev. Mr. Choice officiated as Chaplain.

A quorum being present, the proceedings of yesterday were read and approved.

Pursuant to previous notice, Mr. Avery introduced a bill to be entitled, An act to amend an act to provide for the sale of lands granted to the State for the purposes of Internal Improvements.

Which was read the first time, and ordered for a second reading to-morrow.

Pursuant to previous notice, Mr. Sanderson introduced a bill to be entitled, An act in relation to fines and forfeitures.

Which was read the first time, and ordered to a second reading to-morrow.

Mr. Floyd gave notice that he would on some future day, ask leave to introduce a bill to be entitled, An act to make the Judgeship of the Southern Judicial Circuit permanent within that Circuit.

Mr. Lorrimer moved, the House of Representatives concurring, that the two Houses of the General Assembly go into the election of Register of Public Lands for this State on to-morrow, 15th instant, at 12 o'clock, A. M.

Which motion was lost.

Pursuant to previous notice, Mr. Fairbanks introduced a bill to be entitled, An act to prescribe the fees of the Attorney General of this State in certain cases.

Which was read the first time, and ordered to a second reading to-morrow.

Mr. Fairbanks, from the committee on Enrolled Bills, reported the bill entitled, An act for the relief of Asa B. Clark, assignee of Thomas M. White, as correctly enrolled.

Mr. Moseley, from the committee on Internal Improvements, presented the following report :

The committee to whom was referred the bill entitled, " An act to facilitate the draining of the Twelve Mile Swamp in the county of St. Johns," beg leave to

REPORT :

That they have examined the said bill, and report the same back with the recommendation that the same do pass.

W. P. MOSELEY, Chairman.

Which report was received and concurred in.

Mr. Floyd, from the committee on Corporations, presented the following report :

The Committee on Corporations, to whom was referred the message of the Governor in relation to the Taxes imposed by law on the Capital Stock of the Southern Life Insurance and Trust Company, beg leave to

**REPORT :**

That the Institution in question, although insolvent, continues to claim the exercise of corporate privileges in this State, to have a President and Cashier, to prosecute suits, and to appear and be received in the Courts of this State, and to collect and receive moneys by and of the process of this State, as well as by compromise and otherwise, and to enjoy almost all the like privileges exercised by natural persons in this State. That notwithstanding the privileges enjoyed by this Institution, it not only makes no provision for the payment of its circulation in the hands of citizens of this State, but utterly refuses to contribute, and pay to the State the assessments of taxes against it, made under authority of its charter, to support the authorities of the State, the aid of which it so often invokes. Doubtless the refusal to pay the assessments does not arise from disability to pay. The advantageous settlements and compromises so often made by the Institution repel any such suggestion. The refusal is obstinate and wilful, and must be the result of a settled determination to reserve the funds of the Institution for less lawful purposes, to take advantage of the deficiencies of the present remedies afforded by law for the collection of taxes assessed against persons natural and artificial, who have no property liable to execution, to refuse to aid in any wise, in defraying the expenses of the State—to claim position superior to any of our citizens—in fine, to continue in that course of iniquity which has marked the course of this Institution from its organization to the present day, and which has reflected more dishonor and disgrace upon the credit, name and fame of Florida, than any and all other like Institutions heretofore chartered by the Territory of Florida. Under these circumstances, your Committee are of opinion that the most vigorous remedies should be provided for the collection of these assessments. And as all privileges and rights not natural, enjoyed under a Government, may be made dependent upon the duty to contribute to the expenses of the Government, your Committee recommend that provisions be made by law, debarring this Institution from obtaining the aid of any process of this State in the collection of its claims, while it remains in arrears for taxes assessed. Such remedy, though severe, would not, in the opinion of the Committee, be beyond the authority of this General Assembly to provide. The right to the process of this State is already dependent upon the payment of Clerk's and Sheriff's fees, and the right of suffrage, quite as important as the right to legal process has not unfrequently, (however unwise,) in other States, been made dependent upon the payment of taxes by the individual claiming to exercise the right. And although your Committee

would never tolerate the exercise of the right to restrict in such manner the right of suffrage in this State, they humbly submit that the Southern Life Insurance and Trust Company cannot lay claim to an exemption from so severe a restriction of its rights, when it presents itself, in the present position, before the authority of the State, to ask the aid of legal process.

In addition, your Committee recommend that the interest of said Company in any bond and mortgage, note or other chose in action, may be made subject to sale for the payment of the said assessment, and all other assessments hereafter to be made against it.

And in furtherance of their views, the Committee report a bill herewith.

All of which is respectfully submitted.

ROB. J. FLOYD, Chairman.

Which report was received.

Mr. Avery moved to lay said report upon the table, on which the yeas and nays were called for by Messrs. Floyd and Fairbanks, and were—

Yeas—Mr. President, Messrs. Avery, Austin, Brett, Burritt, Lorimer, McMillan, Priest, Sanderson, Tracey, Walker, Watts—12.

Nays—Messrs. Costen, Fairbanks, Floyd, Moseley, Smith, Tabor—6.

So the Report was laid on the table.

The following communication was transmitted to His Excellency the Governor :

SENATE CHAMBER, Dec. 14, 1847.

His Excellency W. D. MOSELEY, Governor :

SIR—The following bill, passed by the General Assembly, and signed by the presiding officers of the two Houses, is sent for your consideration, viz :

An Act for the relief Asa B. Clark, Assignee of Thomas M. White,  
Very respectfully,

C. W. DOWNING,  
Secretary Senate.

Mr. Burritt, from the Judiciary Committee, presented the following Report :

The Committee on the Judiciary, to whom was referred a bill to be entitled, An Act to provide for the payment of Jurors, ask leave to

**REPORT :**

That they have had the same under consideration, and return the same, with amendments, herewith to the Senate for its consideration,

S. L. BURRITT,  
J. B. SANDERSON,  
R. J. FLOYD,  
G. R. FAIRBANKS.

The following message was received from the House and read :

HOUSE OF REPRESENTATIVES, Dec. 9th, 1847.

Hon. President of the Senate :

SIR: The following resolution has this day passed the House, viz :

Resolved by the Senate and House of Representatives of the State of Florida, That both Houses of the General Assembly aforesaid, will proceed to-morrow, at 12 o'clock, to the election of a Register of Public Lands, Clerk of the Supreme Court, and Judge of the Southern Judicial Circuit for this State.

Very respectfully,

W. B. LANCASTER,

Clerk House of Representatives.

The resolution therein contained was read the first time, and ordered for a second reading on-morrow.

#### ORDERS OF THE DAY.

The Report of the Judiciary Committee, on the bill providing for the Election of Judges of Probate, was taken from the Orders, read, received and concurred in.

On motion, the rule was waived, and Mr. Tracey allowed to move that 500 copies of the preamble and resolution relative to the Election of Judges by the People, and 500 copies of the Report of the Judiciary Committee thereon, and the minority Report of Mr. Fairbanks, of said Committee, be printed;

Which motion prevailed.

The bill to be entitled, An Act to provide for the establishment of Common Schools,

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

House bill entitled, An Act to more fully define the rates of, and duty of Pilots for the port of Cedar Keys, was read a third time by its title. On the question, Shall the bill pass? the yeas and nays were:

Yeas—Mr. President, Messrs. Avery, Austin, Brett, Burritt, Fairbanks, Floyd, Lorrimer, McMillan, Moseley, Priest, Sanderson, Tracey, Walker, Watts—15.

Nays—None.

So the bill passed. Title as stated.

Mr. Fairbanks moved to reconsider the order to engross the bill entitled, An act to provide for the establishment of Common Schools.

Which motion prevailed.

Mr. Fairbanks moved to amend said bill by inserting the enacting clause.

Which motion prevailed, and the bill ordered to be engrossed for a third reading to-morrow.

House bill entitled, An act to regulate the Pilotage of the bar of the River St. Johns.

Mr. Sanderson moved to waive the Rule and read said bill by its title.

Which was lost.

Said bill was read a third time, and on the question, "Shall the bill pass?" the yeas and nays were—

Yeas—Mr. President, Messrs. Avery, Austin, Brett, Burritt, Fairbanks, Floyd, Lorrimer, McMillan, Moseley, Priest, Sanderson, Smith, Tabor, Tracey, Walker, Watts—17.

Nays—None.

So the bill passed—title as stated.

House bill entitled, An act to facilitate the draining of Twelve Mile Swamp, in the county of St. Johns—

Was read a second time.

Mr. Sanderson moved to waive the Rule and read said bill a third time.

On which the yeas and nays were called for by Messrs. Sanderson and Floyd, and were—

Yeas—Mr. President, Messrs. Austin, Brett, Lorrimer, McMillan, Sanderson, Tracey, Walker—8.

Nays—Messrs. Avery, Burritt, Costen, Fairbanks, Floyd, Moseley, Priest, Smith, Tabor—9.

So the Senate refused to waive the rule.

So said bill was ordered for a third reading to-morrow.

A bill to be entitled, An act to enforce the payment of taxes assessed, and to be assessed, against all institutions claiming corporate privileges in this State—

Was read the first time, and 75 copies ordered to be printed.

Mr. Floyd moved to waive the rule, and read said bill a second time.

On which the yeas and nays were called for by Messrs. Floyd and Tabor, and were—

Yeas—Messrs. Austin, Brett, Costin, Floyd, McMillan, Tabor—6.

Nays—Mr. President, Messrs. Avery, Burritt, Fairbanks, Lorrimer, Moseley, Priest, Sanderson, Smith, Tracey, Walker, Watts—12.

So the Senate refused to waive the rule.

The bill to be entitled, An act to provide for the payment of Jurors and State Witnesses—

Was read a second time.

Mr. Floyd moved to waive the rule and read said bill a third time.

On which the yeas and nays were called by Messrs. Floyd and Tracey, and were—

Yeas—Messrs. Avery, Austin, Brett, Burritt, Floyd, McMillan, Priest, Sanderson, Tabor, Tracey, Walker, Watts—12.

Nays—Mr. President, Messrs. Costin, Fairbanks, Lorrimer, Moseley, Smith—6.

So the Senate refused to waive the rule.

Mr. Austin moved to postpone said bill indefinitely.

On which the yeas and nays were called for by Messrs. Sanderson and Tracey, and were:

Yeas—Messrs. Austin, Brett, Lorrimer—3.

Nays—Mr. President, Messrs. Avery, Burritt, Costin, Fairbanks, Floyd, McMillan, Priest, Sanderson, Smith, Tabor, Tracey, Walker, Watts—14.

So the Senate refused to postpone said bill indefinitely.

Ordered that said bill be engrossed for a third reading on to-morrow.

House Resolutions relative to the appointment by the Governor of Justices of the Peace,

Was read a second time.

On motion, the Senate took a recess until 3 o'clock.

3 O'CLOCK, P. M.

The Senate proceeded with the Orders of the day.

House resolution relative to the appointment by the Governor of Justices of the Peace,

Mr. Fairbanks moved to lay upon the table.

Which motion was lost.

Mr. Floyd moved to lay upon the table until Friday next.

Which motion was lost.

Mr. Sanderson moved to lay upon the table until to-morrow.

Which motion prevailed.

The Senate resumed, in Committee of the Whole, Mr. Sanderson in the Chair, the consideration of the bill to be entitled, An Act to prescribe an equal and uniform mode of taxation, and for other purposes;

After some time spent therein the Committee rose, and by their Chairman reported progress, and asked leave to sit again;

Which report was concurred in.

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

WEDNESDAY, December 15, 1847.

The Senate met pursuant to adjournment.

Rev. Mr. Choice officiated as Chaplain.

A quorum being present, the proceedings of yesterday were read and approved.

Mr. Fairbanks moved that a Committee be appointed to inquire of the House of Representatives, whether the Resolutions passed by the House, and transmitted to the Senate, relative to the appointment of Justices of the Peace, are founded upon any documents or papers in the possession of the House; and that the House be requested to transmit such papers and documents, if any, to the Senate, in pursuance of the Sixth Joint Rule.

Which motion prevailed.

Messrs. Fairbanks, Mosely, and Priest, were appointed said committee.

Mr. Floyd moved, the House of Representatives concurring, that the two Houses of the General Assembly go into the Election of Register of Public Lands for this State on to-morrow, 16th instant, at 12 o'clock, M.

On which the yeas and nays were called for by Messrs. Floyd and Smith, and were—

Yeas—Messrs. Fairbanks, Floyd, Moseley, Priest, Smith, Tabor—6.

Nays—Mr. President, Messrs. Avery, Austin, Burritt, McMillan, Sanderson, Walker, Watts—8.

So the Senate refused to adopt said motion.

Mr. Avery gave notice that he would on to-morrow ask leave to introduce a bill to provide for the sale of the sixteenth sections granted by Congress to the State for the support of public schools, and for consolidating the school fund.

Mr. Watts, from the committee on Taxation and Revenue, presented the following report:

The Committee on Taxation and Revenue to whom was referred a certain Preamble and Resolutions, from the House touching expenses incurred by individuals of this State in subsisting, organising and transporting to the place of rendezvous, the Florida Volunteers raised for the War with Mexico, by authority of the State upon requisitions from the War Department of the Federal Government, ask ing leave to

#### REPORT:

That they have had the same under consideration, that they most heartily concur in the object of the said Preamble and Resolutions, and recommend their passage, and ask the concurrence of the Senate therein.

JOSEPH B. WATTS, Chairman.

Which report was received and concurred in.

The committee appointed to enquire of the House of Representatives relative to certain Resolutions passed by the House, reported that they had informed the Speaker of the House, and that the House would take immediate action thereon.

Mr. Floyd, from a Select Committee, presented the following Report:

The undersigned, a Select Committee, to whom was referred a bill to be entitled, An Act to organize the county of Holmes, beg leave respectfully to

#### REPORT

the bill back, without amendment. The Committee cannot let so favorable an opportunity pass, without stating some of the inconveniences which the people who seek to incorporate themselves within the county proposed, labor under. They live, in many cases, from thirty to fifty miles distance from the Court House in Marianna and the Court House of Walton county; that they, in many cases, are poor, and unable to attend the Court at so great a distance, without some remuneration; that, under the existing law, they have never received pay for attendance on the Court; and they are thus subjected twice a year for Court purposes, and once a year for muster duty.

They, said Committee, therefore deem it nothing more than justice to these people, that the proposed bill be passed.

R. J. FLOYD, Chairman.

Which Report was received and concurred in.

#### ORDERS OF THE DAY.

House bill entitled, An Act to facilitate the draining of the Twelve Mile Swamp in the County of St. Johns,

Was read a third time by its title, and on the question, Shall the bill pass? the yeas and nays were:

Yeas—Mr. President, Messrs. Avery, Austin, Burritt, Floyd, McMillan, Moseley, Priest, Sanderson, Smith, Tabor, Tracey, Walker, Watts—14.

Nays—None.

So the bill passed. Title as stated.

Bill to be entitled, An Act to prescribe the fees of the Attorney General of this State in certain cases,

Was read a second time, and referred to the Judiciary Committee.

Bill to be entitled, An Act in relation to Fines and Forfeitures,

Was read a second time.

Mr. Sanderson moved to amend by inserting after "paid" where it occurs the second time in line sixth of section 1, "by the Board of County Commissioners or other officers having charge of the same, to the Sheriff of said county, to be by him paid into the Treasury of the State;"

Which amendment was adopted, and the bill ordered to be engrossed for a third reading to-morrow.

A bill to be entitled, An act to organize the County of Holmes,

Was placed among the orders for to-morrow.

Bill to be entitled, An act to amend an act to provide for the sale of lands granted to the State for the purpose of internal improvement;

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

Bill to be entitled, An act to enforce the payment of taxes assessed and to be assessed against all institutions claiming corporate privileges in this State,

Was read a second time.

Mr. Floyd moved to amend by striking out "of the existence" at the end of line 1, section 3.

Which motion prevailed.

On the question to engross said bill, the yeas and nays were called for by Messrs. Burritt and Floyd, and were:

Yeas—Mr. President, Messrs. Avery, Austin, Fairbanks, Floyd, Lorrimer, McMillan, Moseley, Priest, Sanderson, Smith, Tabor, Walker, Watts—14.

Nay—Mr. Burritt—1.

So the bill was ordered to be engrossed for a third reading to-morrow.

Engrossed bill entitled, An act to provide for the establishment of Common Schools, &c.,

Was read a third time by its title, and on the question, "shall this bill pass?" the yeas and nays were:

Yeas—Mr. President, Messrs. Avery, Austin, Burritt, Fairbanks, Floyd, Lorrimer, McMillan, Moseley, Priest, Sanderson, Smith, Tabor, Tracey, Walker, Watts—16.

Nays—none.

So the bill passed. Title as stated.

Ordered that the same be certified to the House.

Engrossed bill entitled, An act to provide for the payment of Jurors and State Witnesses,

Was read a third time, and on the question "shall this bill pass?" the yeas and nays were:

Yeas—Mr. President, Messrs. Avery, Burritt, Fairbanks, McMillan, Moseley, Priest, Sanderson, Tabor, Walker, Watts—11.

Nays—Messrs. Austin, Lorrimer, Smith—3.

So the bill passed. Title as stated.

Ordered that the same be certified to the House.

House preamble and resolutions relative to the expenses of Florida volunteers previous to being mustered into the United States service,

Were read a second time.

Mr. Avery moved to amend by adding:

Provided, nevertheless, That should the General Government neglect to make provision for the payment of the expenses above mentioned during the present session of Congress, the Governor shall cause the same to be paid out of the contingent fund.

Which amendment was adopted, and ordered to be engrossed for a third reading to-morrow.

House resolution, adopted yesterday, relative to election of officers to-morrow, (to-day.)

Was read a second time.

Mr. Burritt moved to amend by striking out "to-morrow," and inserting "Tuesday next."

Which was adopted, and the resolution, as amended, ordered for a third reading to-morrow.

House Resolution relative to the appointment by the Governor of Justices of the Peace—

Was read a second time.

Mr. Fairbanks moved to lay said bill upon the table.

Which motion was lost.

Mr. Avery moved to refer to the Judiciary Committee, with instructions to report the proper action to be taken thereon.

Which motion prevailed, and the committee instructed.

Bill to be entitled, An act to facilitate Internal Improvements, and to authorise and regulate partnerships for that purpose—

On motion of M. Sanderson, the Senate resolved itself into a committee of the whole on said bill—Mr. Lorrimer in the Chair.

After same time spent therein, the committee rose, and by their chairman reported progress, and asked leave to sit again.

Which report was concurred in.

On motion, the Senate took a recess until 3 o'clock.

3 O'CLOCK, P. M.

The Senate proceeded with the orders.

The Senate, in Committee of the Whole, resumed the consideration of the bill to be entitled, An act to encourage and facilitate internal improvements, and to authorize and regulate partnerships for that purpose.

After some time spent therein, the committee rose, and by their chairman reported the bill back to the Senate with amendments, and asked to be discharged from the further consideration thereof.

Which report was concurred in.

Ordered that said bill be engrossed for a third reading on to-morrow.

The Senate resumed, in Committee of the Whole, the consideration of the bill to be entitled, An Act to prescribe an Equal and Uniform mode of Taxation, and for other purposes;

After some time spent therein, the Committee rose, and by their Chairman reported the bill back to the Senate, with amendments, and asked to be discharged from the further consideration thereof;

Which report was concurred in.

Ordered, that said bill be read a second time to-morrow.

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

THURSDAY, December 16, 1847.

The Senate met pursuant to adjournment.

Rev. Mr. Choice officiated as Chaplain.

A quorum being present, the proceedings of yesterday were read, amended and approved.

On motion of Mr. Fairbanks, leave of absence was granted to Mr. Sanderson for a few days.

Pursuant to previous notice, Mr. Avery introduced a bill to provide for the sale of the sixteenth sections granted by Congress to the State for the support of Public Schools, and for consolidating the School Fund;

Which was read the first time, and ordered to be printed.

Mr. Sanderson presented the petition of Major General Jas. G. Cooper, relative to certain alterations of the Constitution;

Which was read, and referred to the Committee on Militia, with instructions to report a bill amending the Constitution in the point suggested in the petition.

Mr. Tracey, from the Committee on Militia, presented the following Report:

The Committee on Militia, to whom was referred the petition of sundry officers of the First Regiment of Florida Cavalry, praying the repeal of the present law prescribing the system of discipline and drill of the Regular Cavalry of the United States, as the guide and system of the Cavalry of this State, have had the same under consideration, and ask leave to submit the following

REPORT:

That they do not, for several reasons, think it advisable to change the drill of the Militia of the State. But a few of the officers of the Regiment have sought the alteration by signing the petition, and your Committee have no means of knowing the wishes of the others. Again, should the troops of the State be called to act in concert with the Regular Army of the United States, it would be of the utmost importance to have but one system of drill and discipline. For these reasons they do not feel at liberty to recommend any change in the present law on the subject.

All of which is respectfully submitted.

E. D. TRACEY, Chairman.  
H. H. WALKER.

Which Report was received and concurred in.

Mr. Tracey, from the Committee on Militia, presented the following report:

The Committee on Militia, to whom was referred the communication of His Excellency the Governor, in relation to the safe keeping of the Public Arms and the compensation of the Quarter Master General, have had the same under consideration, and ask leave to make the following

REPORT:

They believe that, with some few additional securities, the building where the arms are now kept would be a safe depository for them, and recommend that it be contracted for, and the necessary alterations made to render them secure.

They would also recommend that the arms belonging to the State, now lying at Apalachicola, be brought hither, and deposited with the others.

They believe it wrong to exact the present onerous duties of the Quarter Master General, without rendering him a fair compensation for his services. The care of the public arms devolves upon him, and is a laborious and troublesome one. They are of opinion that he ought to receive a salary of at least 200 dollars per annum.

Entertaining these views, they herewith report bills to effect the same, and ask to be discharged from further consideration of the subject.

E. D. TRACEY, Chairman.  
H. H. WALKER.

Which was laid upon the table until to-morrow.

Mr. Burritt, from the Judiciary committee, presented the following report:

The Committee on the Judiciary, who were instructed to bring in a bill so amending the law of Elections, as to have the State Officers, and Electors of President and Vice President, elected upon the same day, ask leave to report the accompanying bill, and to ask the concurrence of the Senate therein.

S. L. BURRITT, Chairman.

Which Report was received and concurred in.

Mr. Brett, from a Select Committee, presented the following report:

The Select Committee, to which was referred a bill to define the boundary of Jackson county, beg leave to

#### REPORT:

That from all the information they can obtain, the bill ought to pass without any further amendment. To take the district of country asked for by the Senator from Washington, would carry the eastern boundary of that county to within eleven miles of the county seat of Jackson county. It would disturb the boundary of the latter county as it existed from 1833, until the last session of the General Assembly. That, judging from the representations of the members from that county in both branches of the present Assembly, the people of that county, as well as those living within the line proposed by the Senator from Washington, are opposed to any change of the boundary of Jackson, as it previously existed. And inasmuch as the present bill only purposes to define its boundary, and claims no territory from the other county, we conceive it would be but an act of justice to pass it.

JOHN BRETT, Chairman.

Which was read, and laid upon the table until to-morrow.

The following message was received from the House of Representatives, and read:

HOUSE OF REPRESENTATIVES, Dec. 16, 1847.

*Honorable President of the Senate:*

SIR: Enclosed are the documents upon which is founded the "Resolution in relation to the commissioning by the Governor of Justices of the Peace to fill certain vacancies," and which were overlooked in the transmission to the Senate of said resolution.

Very respectfully,

W. B. LANCASTER,

Clerk Ho. Rep.

The documents accompanying said message were referred to the Judiciary Committee.

#### ORDERS OF THE DAY.

Bill to be entitled, An act to prescribe an equal and uniform mode of taxation, and for other purposes;

On motion of Mr. Sanderson, the Senate resolved itself into a Committee of the Whole on said bill, Mr. Tracey in the Chair.

After some time spent therein, the committee rose, and by their

chairman reported the bill back to the Senate with amendments, and asked to be discharged from the further consideration thereof.

Which report was concurred in.

Mr. Floyd moved to postpone said bill indefinitely.

Which motion was lost.

On the question to engross said bill for a third reading to-morrow, the yeas and nays were called for by Messrs. Lorrimer and Walker, and were:

Yeas—Mr. President, Messrs. Avery, Burritt, Fairbanks, McMillan, Sanderson, Smith, Tracey—8.

Nays—Messrs. Austin, Costin, Floyd, Lorrimer, Moseley, Walker, Watts—7.

So the bill was ordered to be engrossed for a third reading to-morrow.

Engrossed bill to be entitled, An act to encourage and facilitate internal improvements, and to authorize and regulate partnerships for that purpose,

Was read a third time.

Mr. Sanderson moved to amend by inserting after "own," in line 3, of section 13, the words, "or an interest in."

Which was unanimously adopted.

On the question, "shall the bill pass?" the yeas and nays were:

Yeas—Mr. President, Messrs. Avery, Burritt, Costin, Fairbanks, McMillan, Moseley, Priest, Sanderson, Tracey, Watts—11.

Nays—Messrs. Austin, Floyd, Lorrimer, Smith, Walker—5.

So the bill passed. Title as stated.

Ordered that the same be certified to the House.

Engrossed bill entitled, An act to enforce the payment of taxes assessed, and to be assessed, against all institutions claiming corporate privileges in this State,

Was read a third time; and on the question, "shall the bill pass?" the yeas and nays were:

Yeas—Mr. President, Messrs. Avery, Austin, Costin, Fairbanks, Floyd, Lorrimer, McMillan, Moseley, Sanderson, Smith, Tabor, Tracey, Walker, Watts—15.

Nay—Mr. Burritt—1.

So the bill passed. Title as stated.

Ordered that the same be certified to the House.

On motion, the Senate took a recess until 3 o'clock.

3 O'CLOCK, P. M.

The Senate proceeded with the Orders of the day.

Engrossed bill entitled, An Act to amend an act to provide for the sale of lands granted to the State for the purpose of Internal Improvement,

Was read a third time, and laid upon the table.

Engrossed bill entitled, An Act in relation to fines and forfeitures, Was read a third time, and on the question, Shall the bill pass? the yeas and nays were:

Yeas—Mr. President, Messrs. Avery, Costin, McMillan, Moseley, Priest, Tracey, Walker—8.

Nay—Mr. Austin—1.

So the bill passed. Title as stated.

Ordered that the same be certified to the House.

House preamble and resolutions relative to the expenses of Florida Volunteers previous to being mustered into the United States service.

Were read a third time and passed.

Resolution relative to the election of Register of Public Lands and other officers on Tuesday next,

Was read a third time.

Mr. Burritt moved to lay said resolution upon the table.

On which the yeas and nays were called for by Messrs. Floyd and Walker, and were :

Yeas—Mr. President, Messrs. Austin, Burritt, McMillan, Sanderson, Tracey—6.

Nays—Messrs. Avery, Costin, Floyd, Moseley, Priest, Smith, Tabor, Walker—8.

So the Senate refused to lay the resolution upon the table.

Mr. Burritt moved to postpone said resolution indefinitely.

On which the yeas and nays were called for by Messrs. Austin and Walker and were :

Yeas—Mr. President, Messrs. Avery, Burritt, Costin, Floyd, McMillan, Tabor, Tracey, Walker—9.

Nays—Messrs. Austin, Moseley, Priest, Sanderson, Smith—5.

So said resolution was indefinitely postponed.

Bill to be entitled, An Act to organize the county of Holmes,

Was read a second time.

Mr. Sanderson offered the following amendment :

Add at the end of the section—*Provided*, That the said county shall not be entitled to a Representative, until, by the census, it shall appear that the two counties from which this said county shall be taken shall have the requisite number, under the provision of the apportionment law remaining in said counties after the said county of Holmes shall be taken therefrom.

Which was adopted, and the bill placed among the orders for to-morrow.

Bill to be entitled, An Act to provide for the safe keeping of the Public Arms of this State,

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

Bill to be entitled, An Act to establish the salary of the Quarter Master General,

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

Bill to be entitled, An Act to provide for the time of holding elections, and for holding the regular sessions of the General Assembly,

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

The following communication from the Register of Public Lands was received, and read :

OFFICE OF REGISTER OF PUBLIC LANDS, }  
Tallahassee, Dec. 16, 1847. }

SIR :—I have received a copy of a Resolution, adopted by the Senate, calling on me for information relative to the school lands.

Believing that I can impart the information desired more satisfactorily otherwise than by answering the interrogatories simply as they are propounded, I shall reply accordingly. And as well to justify my apparent deviations from the course indicated in the resolution, as to make the whole matter intelligible, I shall give an extract from the Act of Congress of May 20th, 1826, and refer to the Act of 15th June, 1844, making provision for the support of schools.

*Extract from Act of 1826.*

“For each township or fractional township, containing a greater quantity of land than *three quarters of an entire township of land*, (that is to say more than 17,280 acres,) *one section* is to be reserved.

For each fractional township, containing a greater quantity of land than *one half*, and not more than *three quarters of a township*, (that is to say, more than 11,520 acres, and less than 17,280 acres,) *three quarters of a section* are to be reserved.

For each fractional township containing a greater quantity of land than *one quarter*, and not more than *one half of a township*, (that is to say, more than 5,760 acres and not more than 11,520 acres,) *a half section* is to be reserved.

For each fractional township containing a greater quantity of land than *one entire section*, and not more than *one quarter of a township*, (that is to say, more than 640 acres, and not more than 5760 acres,) *one quarter section* is to be reserved.

The act of 15th June, 1844, provides that when 16th sections are covered “either in whole, or in part, by confirmed or valid private claims, other lands may be selected in lieu thereof.”

By a construction put upon these acts by the Land Bureau at Washington, this State is precluded from selecting other lands in lieu of 16th sections embraced in the Arredondo Grant, and the Forbes purchase. This construction, being incompatible with the uninstructed provisions of the act of 1844, it is impossible to conceive on what it is based. The effect of the decision, however, which is detrimental to Florida, can be obviated only by an act of Congress declaratory of the meaning and intent of the act of 1844.

Computing the quantity of school lands to which this State is entitled according to the said acts, and decision, in those portions of the State, the surveys of which have been *approved and placed in the district land offices*, (in such only can selections be made,) the following is the result.

The whole number of townships, including those which are frac-

tional, is 734. Of these there are 551 containing *whole* 16th sections; and there are 183 in which the 16th sections are deficient, some wholly; others partly.

The aggregate quantity to which these deficient townships are entitled under the act of 1826, is, 57,548 17-100 acres. They have 16,811 6-100 acres, and want 40,737 11 to fill their compliments.

Within the *unsurveyed* parts of Florida there are about 700 townships in which the State is entitled to school lands. Without inspecting these lands, it is impossible to say, with any degree of accuracy, how many are "*valueless*," and as statistical information vaguely derived is not only useless, but often mischievous, I must refrain from making a statement founded on uncertain rumor.

In my late annual report I adverted to the difficulty of selecting proper agents in conformity with the act of 1846. Subsequent to the time fixed by said act when the duty of making appointments should devolve on the Register, it has been impossible for me to discharge such duty beneficially, without totally neglecting more urgent business. And for the same reason I have not been able to acquire any definite information, in regard to the school lands heretofore appropriated.

If the Legislature should adopt my suggestions relative to the *election* of agents, all the information now wanting, and much more, may be obtained. But if that suggestion should be acted on, it would be advisable to provide for the *early* appointment of such agents to act until the period prescribed for the regular election.

I am, sir, very respectfully,

Your obedient servant,

JOHN BEARD,  
Register of Public Lands.

To the Hon. D. G. McLEAN,  
President of the Senate.

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

FRIDAY, December 17, 1847.

The Senate met pursuant to adjournment.

Rev. Mr. Choice officiated as Chaplain.

A quorum being present, the Journal of yesterday was read and approved.

Mr. Sanderson moved that the Judiciary Committee be instructed to report a bill declaring the burning of Court Houses and other public buildings, felony, and to provide for their punishment, and to prevent the uttering of counterfeit money in this State;

Which motion prevailed, and the Committee instructed.

Pursuant to previous notice, Mr. Floyd introduced a bill to be en-

titled, An Act to make permanent the Judgeship of the Southern Judicial Circuit,

Which was read the first time, and ordered for a second reading to-morrow.

Pursuant to previous notice, Mr. Watts introduced a bill to be entitled, An Act concerning Attachments in this State;

Which was read the first time, and ordered for a second reading to-morrow.

Mr. Smith gave notice that he would, at some future day, ask leave to introduce a bill to be entitled, An Act to amend an act regulating the Statute of Limitations.

Mr. Tabor, from the Committee on Amendments and Revision of the Constitution, presented the following report:

The Committee on Amendments and Revision of the Constitution, to which was referred a bill entitled, An Act to amend the 12th clause of the 5th article of the Constitution of this State, so that the Judges of the Circuit Courts shall hold their offices for the term of six years instead of during good behavior, have instructed me to

#### REPORT:

That the Committee has given the subject referred to it that mature and earnest consideration which its importance demands. The Committee recommend the passage of the bill, and would urge upon the General Assembly the necessity of action upon the subject at this session, for the reason, that if its consideration should be postponed to another year, the amendments proposed could not be adopted under the requirements of the Constitution, until an election will have been had of those officers to hold during good behavior. Such a state of things would present difficulties which may be obviated by the prompt action of this General Assembly. To those who object to the amendments on the ground that they are not advised as to the wishes of the people on the subject, the Committee would say that by adopting the amendments proposed, the whole matter would be submitted to the people, and their will would be expressed by the Representatives whom they send to the next session of the General Assembly.

All which is respectfully submitted.

W. TABOR, Chairman.

Which report was received and concurred in.

Mr. Fairbanks, from a Joint Select Committee, presented the following report:

The Joint Select Committee appointed to report what disposition should be made of the alterations to the Constitution of this State, agreed to at the present session—

#### REPORT:

That they recommend that the engrossed bills passed by each House be examined and compared with the original enrolled bills signed by

the officers of the two Houses at the last session, by the respective enrolling committees, acting jointly, and that after such examination and the report of the same, that the respective officers of the two Houses certify upon the original enrolled bills of the last session aforesaid, that "the within alterations have been agreed to by two thirds of each House of the General Assembly, at the present session, and in the manner prescribed and in conformity to the provisions of Art. 14, of the Constitution of this State."

G. R. FAIRBANKS,  
Chairman Senate Committee.  
THOMAS H. HAGNER,  
Chairman House Committee.

Which report was received and concurred in.

The following message from the House of Representatives was received and read :

HOUSE OF REPRESENTATIVES, Dec. 15th, 1847.

*Hon. President of the Senate :*

SIR :—The amendments proposed by the Senate to a House bill entitled, An Act to regulate the Pilotage of the Bar of the River St. Johns, have been concurred in by the House.

Very respectfully,

W. B. LANCASTER,  
Clerk House of Representatives.

#### ORDERS OF THE DAY.

Bill to be entitled, An Act to provide for the time of holding Elections, and for holding the regular session of the General Assembly,  
Was placed among the orders for to-morrow, and 75 copies ordered to be printed.

Bill to be entitled, An Act to establish the salary of the Quarter Master General of the State,

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

The report of the Committee on Militia, relative to the Public Arms of the State, which was yesterday laid upon the table, and placed among the Orders of to-day, was read and received.

On the question of concurring in said report, the yeas and nays were called for by Messrs. Tracey and Floyd, and were :

Yeas—Mr. President, Messrs. Avery, Austin, Costin, Fairbanks, Floyd, Lorrimer, Moseley, Priest, Tabor, Tracey, Walker—12.

Nays—Messrs. Burritt, McMillan, Watts—3.

So the report was concurred in.

Bill to be entitled, An Act to provide for the safe-keeping of the Public Arms of this State,

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

Bill to be entitled, An Act to organize the county of Holmes,

Was laid upon the table.

Bill to be entitled, An Act to amend the 12th clause of the 5th

article of the Constitution of this State, so that the Judges of the Circuit Courts, shall hold their offices for a term of six years instead of during good behavior,

Was placed among the orders for to-morrow.

On motion, the Senate took a recess until 3 o'clock.

3 O'CLOCK, P. M.

Engrossed bill to be entitled, An act to prescribe an equal and uniform mode of taxation, and for other purposes—

Was read a third time.

Mr. Austin moved that a committee be appointed to wait upon Mr. Brett to receive his vote and record it.

On which the yeas and nays were called for by Messrs. Moseley and Walker, and were—

Yeas—Mr. President, Messrs. Austin, Lorrimer, McMillan, Tabor, Walker, Watts—7.

Nays—Messrs. Avery, Burritt, Costin, Fairbanks, Moseley, Priest, Smith, Tracey—8.

So the Senate refused.

Messrs. Austin and Walker demanded a call of the Senate, whereupon, there were present—

Mr. President, Messrs. Avery, Austin, Burritt, Costin, Fairbanks, Lorrimer, McMillan, Moseley, Priest, Smith, Tabor, Tracey, Walker, Watts.

Mr. Tracey moved that the absentees be noted upon the Journal ;  
Which was lost.

Mr. Austin moved to send the Sergeant-at-Arms after the absent members ;

Which motion was lost.

On the question, Shall the bill pass ? the yeas and nays were :

Yeas—Mr. President, Messrs. Avery, Burritt, Costin, Fairbanks, McMillan, Moseley, Priest, Smith, Tabor, Tracey—11.

Nays—Messrs. Austin, Lorrimer, Walker, Watts—4.

So the bill passed. Title as stated.

Ordered that the same be certified to the House.

The rule being waived, Mr. Lorrimer moved that Mr. Walker have leave of absence until Monday next,

Which was granted.

House Resolution, expressive of thanks to Messrs. Randall, Brockenbrough and Baker, Examiners of Thompson's Digest,

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

Bill to provide for the sale of the Sixteenth Sections granted by Congress to the State for the support of Public Schools, and for consolidating the School Fund,

Was referred to a Select Committee, consisting of Messrs. Avery, Burritt and Fairbanks.

The rule being waived, Mr. Tracey, from the Committee on Militia, was allowed to present the following report:

The Committee on the Militia, to whom was referred the petition of Major General James G. Cooper, relative to certain alterations in the Constitution, have had the same under consideration, and ask leave to

REPORT:

That they fully concur with the views of the petitioners, and believe the proposed amendment would prove highly beneficial to the Militia. They therefore submit the following bill, and ask to be discharged from further consideration of the subject.

E. D. TRACEY, Chairman,  
H. H. WALKER.

Which was received and concurred in, and the bill accompanying the same read the first time, and ordered for a second reading to-morrow.

On motion, the Senate adjourned until Monday next, 01 o'clock.

MONDAY, December 20, 1847.

The Senate met pursuant to adjournment.

Rev. Mr. Choice officiated as Chaplain.

A quorum being present, the proceedings of Friday were read and approved.

Mr. Avery gave notice that he would, on to-morrow, ask leave to introduce 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, approved July 23, 1845.

The following was ordered to be spread upon the Journal:

The Senator from the 13th district, Mr. Burritt, avails himself of a constitutional privilege, and respectfully submits to the Senate the reasons for his dissent from a bill passed in the Senate on the 16th instant, entitled, "An act to enforce the payment of taxes assessed, or to be assessed, against all institutions claiming corporate privileges in this State."

The first section of the bill is deemed objectionable. It provides that corporations in the State who are or shall hereafter be in arrears for taxes, shall not, while such taxes are unpaid, institute any suit, or proceed in any already instituted, or have the aid of any writ or process of the State for any purpose whatever.

The section, therefore, it will be seen, provides for suspending important functions, which are supposed to be conferred by the charter of incorporation. If the power to do this resides anywhere, it is in the judicial department of the government, and not in the legislative; and whether it can be done at all, depends altogether upon the charter itself. If by the charter it can be done, no legislation is ne-

cessary. If by the charter it cannot be done, then there is no power in the Legislature or in the Courts to effect that object.

Every charter of incorporation is a contract between the State on the one hand, and those who apply for or accept it, on the other.—When once made, it must be observed by both parties to it; and if either complains of any infraction, Courts must decide between them—and the contract must speak for itself, and the conduct of parties must be judged of in reference to it. Neither party can change, alter, or impair it without the consent of the other. This is the doctrine of all Republican Constitutions: that the State shall pass no law impairing the obligation of contracts. Now, any incorporated company of this State which refuses to pay its taxes, unless exempted therefrom by its charter, violates its contract with the State, and thereby releases the State from its engagement with the corporation. If this section, then, declares no more than what is already found in or deduced from the charter, of what utility is it? It is but a work of supererogation. If, from a fair interpretation of the charter, no such consequences should flow from refusing to pay taxes, where does the State, as being one of the parties only to the contract, derive her power to add any thing to that contract, by declaring that such consequences shall flow from such refusal?

The State may adopt means to enforce the fulfillment of the contract on the part of the incorporation as it already exists: and this she should do: but she cannot, by any act of hers, in any way impair that contract. And if the State would enforce her rights, by attempting to resume any of the powers conferred upon the incorporation, she must do it through her Courts. The remedy is not in further legislation, but by putting in force the legislation already existing in the charter—the law of the contract, by an appeal to the judicial tribunals of the country.

No defence or justification is desired to be set up for any incorporated company of this State, that resists the payment of taxes properly chargeable against it. The payment should be enforced, and in every such case power is abundantly found, either expressly or by necessary implication in the charter, to suspend its functions partially or totally, till it complies. As Courts only can decree the entire forfeiture of a charter, so can they only decree the forfeiture of any particular rights or powers contained in such charter.

The section under consideration, assumes of course, that there are acts of incorporation, where a forfeiture would not follow from a violation of its provisions. It is to be hoped, and it is believed, that none such exist in this State. If they do, legislation can afford no remedy. If they do not, then the Courts of justice are open to enforce the penalty, and should be resorted to, precisely as they must necessarily be under the law just passed in the Senate, if it shall be deemed of force and validity. This law and the charter will go before the Court together. If the charter is sufficient, this law is not necessary. If the charter is not sufficient, this law cannot supply the deficiency.

If any incorporated institution in this State neglects or refuses to pay taxes justly assessed, it should be forthwith prosecuted, for this is the *only* mode by which collections can be made or a forfeiture enforced, unless a *right* is reserved in the charter to devise or adopt some other mode.

S. L. BURRITT.

Mr. Fairbanks gave notice that he would, at some future day, ask leave to introduce a bill to be entitled, An act to amend the act relative to Elections.

Mr. Fairbanks presented the following resolutions :

*Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Constitution of the United States determined how the powers delegated to the Federal Government shall be appointed, distributed and exercised, to promote the welfare of the Union, and to protect the peculiar interests of the respective members thereof: That the ratio adopted by the framers of the Constitution as the basis and rule of apportionment of political power among the several States, to be exercised through the Federal Government, was intended not merely as a *temporary* safeguard for one class of States, against the combinations of another class, co-existing *when that instrument was framed*, but as means of defence, which like the other stipulations of the compact, should be preserved inviolate *during the existence of the Union*.

*Be it further Resolved.* That any and every attempt, otherwise than by an alteration of the Constitution, to defeat or impair the operation of the rule referred to, is a violation alike of the spirit of that instrument, and of the laws of *good faith*, on the part of those making such attempt.

*Be it further Resolved,* That the Wilmot Proviso, ((so called,) which seeks to prevent the increase of one class of States by imposing prohibitions unauthorized by the Constitution, and subversive of the conservative principles without which a portion of the original States would not have assented to the Constitution, evinces on the part of the advocates and supporters of said "Proviso," a spirit hostile to the compromises of the compact, reckless of the repose, harmony and permanence of the Union, particularly dangerous, and grossly offensive and insulting to the Southern portion of the Republic, and tending, unless suppressed by those who alone can control it, to the inevitable dissolution of the confederacy, and separation of the States.

*Be it further Resolved,* That though one of the youngest members, Florida is not the least attached to the Union. But participating in its glory and its fame—partaking of the blessings which it secures, and anxious to perpetuate them, she will not bestow her confidence on men who advocate, either directly or indirectly, a course of policy or measure, which, like the Wilmot Proviso, threatens to sunder those ties which should bind the States *indissolubly*.

*Be it further Resolved,* That His Excellency the Governor be respectfully requested, to cause a copy of these Resolutions to be transmitted to the President of the United States, the President of the

Senate, the Speaker of the House of Representatives, to the Senators and Representative of this State in Congress, and to the Governors of the respective States.

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

Mr. Burritt, from the Judiciary Committee, presented the following report :

The Committee on the Judiciary, who were instructed to bring in a bill to declare the burning of Court Houses and other public buildings felony, and to provide for their punishment, ask leave to REPORT the accompanying bill. As to so much of the duty where-with the Committee are charged as requires them to report a bill to prevent the uttering of counterfeit money, they ask leave to say, that they have had the subject under consideration, and are of opinion that the same is sufficiently provided for, in the 8th and 9th sections of the act of the 10th February, 1832, entitled, An Act relating to Crimes and Misdemeanors—and they ask the concurrence of the Senate, &c.

S. L. BURRITT, Chairman.

Which report was received and concurred in.

Mr. Fairbanks, from the Judiciary Committee, presented the following report :

The undersigned, from the Judiciary Committee, to whom was referred certain Resolutions relative to the election of Justices of the Peace in October last, begs leave respectfully to

#### REPORT :

That a doubt as to the legality of the elections held in October last, seems to have arisen from the supposed conflict of the Territorial law of 7th of March, 1845, and 26th July, 1845. The first of these laws provides for a districting of the counties, and the election of Justices of the Peace during the month of May, 1845, and that the second election should take place on the first Monday of May, 1847, and every two years thereafter; and the Justices shall hold their respective offices for the term of two years, and until their successors be elected and commissioned. Provided, that those elected at the first election should hold their offices until those elected at the second election should be commissioned. This act consists of several sections. The act of July 26th contains but two sections, the first of which only relates to the election of Justices of the Peace, and is as follows: "That it shall be the duty of the Judge of Probate, or a quorum of the Board of County Commissioners, to order an election for Justices of the Peace in the various districts of their respective counties, on the first Monday of October next, subject to all the rules and regulations contained in an act to provide for the election of Justices of the Peace, approved March 7th, 1845, not inconsistent with the Constitution of this State, or the laws of the present session of the General Assembly."

It is contended that, because the act of March 7th, 1845, pre-

scribes that the second election should be held on the first Monday of May, 1847, that therefore that is one of the rules and regulations adopted. But this law prescribes a general election for all Justices of the Peace, (except those actually elected in May, 1845,) to be held on the first Monday of October, 1845, and the law of March 7th prescribes that the Justices elected under it, shall be elected for two years. Now it is evident that if an election was to be held in May, 1847, those elected in October, 1845, would hold their offices for but *eighteen months*, instead of two years, as expressly provided for by the act of March 7th, 1847, and which provision is of equal obligation or greater than any one merely directory as to the time.

But if the election in October was not intended as the regular period of the election for Justices of the Peace, why should the commission of the Governor have been required to nominate them? and why is it to be supposed that the Legislature could have required an election to be held for Justices of the Peace, whose terms of office was fixed by law at two years, at a period when they could hold their offices but a year and a half? and what reason is there to suppose that the Legislature, having changed and required all other elections to be held on the first Monday of October, should have desired to have called out the people of the State at a different period of the year, for the sole purpose of electing these Judges? Every consideration of reason and expediency, seems to the undersigned against the idea that the Legislature, by the act of July, 1845, intended to retain the election in May. And in the construction of statutes, where any doubt exists, we are to look at the probable intentions and effect of the law.

It was known at the time of the passage of the act of July, 1845, that very few elections had taken place under the act of March 7th, 1845, and that consequently the effect of placing the election on the first Monday of October, 1845, would be to elect nearly the whole body of the Justices of the State, whose term would expire at the same period with those of all other biennial and annual officers, on the first Monday of October, 1847, whilst no harm could accrue by permitting those few who had been actually elected in May, 1845, to hold over from May, 1845, to Oct. 1847, as the act of March 7, permitted.

Many other satisfactory reasons are presented in the opinion of the Attorney General, of which time will not permit the examination. This construction of the law has been adopted and sanctioned—the elections have been held under it—and the officers elected have proceeded to the performance of their duties.

The adoption of the resolutions passed by the House would create much injury and dissatisfaction, while they are badly calculated to effect their proposed object. They propose to take from the people the election of these officers, and to reinvest the Governor with the appointing power until May, 1849—to turn out the entire body of the magistracy, and to nullify all their acts; and interfere with the

prerogative of the Executive in the exercise of the appointing power. The undersigned recommends that said resolutions do not pass.

G. R. FAIRBANKS.

Which was received.

Mr. Burrit, from the Judiciary Committee, presented the following:

The members of the Committee on the Judiciary to whom was referred certain Resolutions originating in the House of Representatives, to the effect, that his Excellency the Governor be requested to commission suitable persons in the several Districts as Justices of the Peace, to fill the vacancies caused by the omission to hold elections on the first Monday in May, 1847; and that the persons elected at the last October election, (although the same was erroneously held,) should be by his Excellency considered fit and suitable for that purpose, entertaining different views on the subject, the undersigned one of the members of that committee, respectfully submits to the Senate the following:

That the act of March 7, 1845, providing that on the first Monday in May, 1847, and every two years thereafter, elections should be held for Justices of the Peace, is *now* the law of this State.

It is believed that no subsequent act has repealed this portion of the act of March 7, 1845. The act of July following seems to contemplate, that there were certain Justices Districts in which elections had *not* been held in the previous spring, and it provides therefore that for *such* District, an election should be held on the ensuing first Monday in October; and to guard against misconception, this last act expressly provides, that it is *not* to apply to any Districts in which elections had already been held—and in order that no inconvenience might arise to the people of the vacant Districts until the October election, just provided for, could be held, the Governor was authorised to commission Justices to act in those Districts until that period:

Now as the act of July expressly declares that *it shall not* apply to those Districts in which Justices had already been elected, how can it be said that it *does* apply? It is believed that the act of July meant to say, and it does say in effect, that whereas there were certain Districts in which Justices of the Peace had not been elected, that an election for those particular Districts should be ordered to be held on the ensuing first Monday in October. It has no application whatever to any other Districts, and even as to *these* Districts, it becomes a dead letter after the election in October had taken place—for it has no provision for an election in any *other* October than the one next ensuing that date. If any thing is left to *inference*, it is, that as to the Justices to be elected in *that* October, they should hold their offices until the election should take place in May, 1847. The act of March provides for an election in *all* the Districts in May, 1847—and the act of July following no where says or intimates that it shall not be done. The act of July provides merely for a *special election to fill vacancies*. It was not to *repeal* any act, but only to provide for the time being for those who had neglected to avail themselves of the act passed in March. How this act of July which is passed for and ex-

pressly limited to vacant Districts, can be said to apply to *other* Districts is not perceived, and when it merely provides that for the purpose of filling vacant Districts an election shall be held on the first Monday in "October next," how it can be construed to change the time of holding all subsequent elections, and to mean that *every two years thereafter* an election should be held all over the State for Justices of the Peace, is not at all understood. Does October next, mean any *other* October? Those who oppose these views contend of necessity that October, 1845, means not only *that* October, but October, 1847, 1849, 1851, and so on every second year, ad infinitum. Why leap every other year in this way? Why not take *every* October as they occur?

If the act of July intended to have reference to or to effect any other than vacant Districts, why does it say that it shall "*not apply*" to any others,—and if intended to fix the time for holding any other election than that for the *ensuing* October, why does it not say so? It authorises no election but one in "October next"—much less does it repeal an act that authorises them to be held in May in 1847, and every two years thereafter.

It is believed that under the act of Dec. 24, 1845, the Governor has power to fill vacancies in Justices Districts. The Constitution, Article 5, sec. 10, provides that Justices of the Peace shall be appointed or elected in such *mode* and for such term of office, as the General Assembly may prescribe. They *have* prescribed, that in certain contingencies, the Governor should do it.

The Resolutions propose that his Excellency the Governor should issue commissions to those persons who were elected as Justices of the Peace in May, 1847—no reason is perceived why he should not do it.

Again, they propose, that where elections *did not* take place in May, but in October last, the person so elected in October, should be commissioned. It is believed that his Excellency might in such cases very safely regard the votes given for those offices in the vacant Districts in October last as an expression of the wishes of the people of those Districts in that behalf.

It is believed proper and expedient therefore to adopt the resolutions.

S. L. BURRITT, Chairman.

Which was received.

Mr. Burritt, from the Judiciary Committee, presented the following report:

The Committee on the Judiciary, to whom was referred a bill to be entitled, An act to prescribe the fees of the Attorney General of this State, ask leave to REPORT:

That they have had the same under consideration, that they are in favor of the passage of the said bill, and return it herewith; and they ask the concurrence of the Senate herein.

S. L. BURRITT, Chairman.

Which report was received and concurred in.

Mr. Tabor, from a Select Committee, presented the following report:

The Select Committee, to whom was referred a bill entitled, An act to define the boundary of Jackson County, and to repeal an act therein named, ask leave to report:

That they have had the bill under consideration, and after giving the subject that mature deliberation which the nature of the case requires, have agreed to the following amendments to the amended bill, viz: after the words Chipola River, thence west to a point equidistance in range twelve, thence due North to the dividing line between township four and five, thence west on said line to the Choctawhatchie River. All of which is respectfully submitted.

W. TABOR, Chairman.

Which was received, and placed among the orders, to come up with the bill therein reported on.

The following message from his Excellency the Governor was received, read, and referred to the Committee on Corporations:

EXECUTIVE DEPARTMENT,  
December 20, 1847. }

Gentlemen of the Senate

and of the House of Representatives:

I take occasion to invite your attention to the two last clauses of the fifth section of the Revenue Act, approved 24th July, 1845. (See pamphlet laws, 1st session, page 22.) The clauses referred to impose a tax of 20 cents on every \$100 loaned, or kept at interest:— and 20 cents on every \$100 value of shares of incorporated companies.

Agreeably to the construction heretofore given to this law, these taxes are not equal. The money lender is required to pay a tax of 20 cents for every \$100 of the *nominal value* of his debt, although the borrower be utterly insolvent; while the *share-holder*, who has invested his money in a Bank, Rail Road, or other Corporation, only pays a tax upon the *market value* of his shares.

It is respectfully recommended that the law in this respect be so amended, or explained, that it may not impose an unequal burthen upon any portion of tax payers.

It is also respectfully submitted whether or not the tax upon Bank Agencies and Insurance Companies may not be increased, without subjecting the General Assembly to the imputation of unequal taxation.

Very respectfully,

W. D. MOSELEY.

A message was received from the House of Representatives, stating that the House had refused to concur in the amendments proposed by the Senate to the House preamble and resolutions relative to the expenses of Florida Volunteers previous to being mustered into the United States service.

Mr. Avery moved that a select committee be appointed by the Senate, to confer with a similar committee on the part of the House, in relation to said preamble and resolutions.

Which motion prevailed, and Messrs. Avery, Fairbanks and Tabor were appointed said committee.

## ORDERS OF THE DAY.

Engrossed bill entitled, An act to establish the salary of the Quarter Master General,

Was read a third time; and on the question, "shall the bill pass?" the yeas and nays were:

Yeas—Mr. President, Messrs. Burritt, Costin, Fairbanks, Floyd, Moseley, Priest, Tracey, Watts—9.

Nays—Messrs. Avery, Brett, Lorrimer, McMillan—4.

So the bill passed—title as stated.

Ordered that the same be certified to the House.

Engrossed bill entitled, An act to provide for the safe-keeping of the public arms of this State,

Was laid upon the table.

Bill to be entitled, An act concerning attachments in this State,

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

Bill to be entitled, An act to amend the 12th clause of the 5th article of the Constitution of this State so that the Judges of the Circuit Courts shall hold their offices for a term of six years, instead of during good behavior,

Was read a second time.

On motion of Mr. Avery, the Senate resolved itself into a Committee of the Whole on said bill, Mr. Floyd in the Chair.

After some time spent therein, the committee rose, and by their chairman reported the bill back to the Senate with amendments, and asked to be discharged from the further consideration thereof.

Which report was concurred in.

Bill to be entitled, An act so to amend the Constitution of this State as to enable the Governor, Majors General, Brigadiers General, and commanding officers of Regiments, to fill their staff officers without taking them from commissioned officers of the line,

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

Bill to be entitled, An act to provide for the time of holding Elections, and for holding the regular sessions of the General Assembly,

Was read a second time.

On motion of Mr. Burritt, the Senate resolved itself into a Committee of the Whole on said bill, Mr. Fairbanks in the Chair.

After some time spent therein, the committee rose, and by their chairman reported the bill back to the Senate with amendments, and asked to be discharged from the further consideration thereof.

Which report was concurred in.

On motion, the Senate took a recess until 3 o'clock.

3 O'CLOCK, P. M.

The House returned to the Senate the following bills, as passed by the House without amendment, viz:

A bill to be entitled, An Act to amend an act entitled an act to provide for the election of Electors of President and Vice President of the United States, approved Jan. 6th, 1847.

Also, a bill entitled, An Act to make the certificates of the Treasurer of this State receivable in payment of all public dues.

The Senate proceeded with the Orders.

Bill to be entitled, An Act to make permanent the Judgeship of the Southern Judicial Circuit,

Was read a second time, and placed among the Orders for to-morrow.

Bill to be entitled An Act to amend an act relative to Crimes and Misdemeanors,

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

Bill to be entitled, An Act to prescribe the fees of the Attorney General of this State in certain cases,

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

House Resolution expressive of thanks to Messrs. Randall, Brockebrough and Baker, examiners of Thompson's Digest,

Was read a second time, and ordered for a third reading to-morrow.

House bill entitled, An Act to exempt the citizens of Levy county from serving as juryman beyond the limits of said county,

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

House bill entitled, An act in addition to the several acts concerning Wills, Letters Testamentary, Letters of administration, and the duties of Executors, Administrators, and Guardians—

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

House bill entitled, An act to make valid the proceedings of persons commissioned as Justices of the Peace of this State—

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

House bill entitled, An act in addition to an act to organize Courts of Probata for the State of Florida—

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

House bill entitled, An act to provide Writs of Errors in criminal cases—

Was read the first time, ordered for a second reading to-morrow, and 75 copies ordered to be printed.

House bill entitled, An act to repeal an act entitled, An act to amend an act to establish a tariff of fees, approved February 15th, 1834, and which was approved December 27th, 1845—

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

The report of the Select Committee to which was referred a bill to

define the boundary of Jackson county, together with said bill, were read.

Mr. Tabor moved to lay said report and bill upon the table.

On which the yeas and nays were called for by Messrs. Brett and Walker, and were—

Yeas—Messrs. Costin, Floyd, Mosely, Priest, Smith, Tabor—6.

Nays—Mr. President, Messrs. Avery, Austin, Brett, Burritt, Lorrimer, McMillan, Tracey, Walker—9.

So the Senate refused to lay upon the table.

On motion, said bill was placed among the orders for to-morrow.

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

TUESDAY, December 21, 1847.

The Senate met pursuant to adjournment.

Rev. Mr. Choice officiated as Chaplain.

A quorum being present, the proceedings of yesterday were read and approved.

The following was ordered to be spread upon the Journals:

And now, at this day, comes R. J. Floyd, Senator from the sixth Senatorial District, and saith that a bill passed by the Senate on Friday last, to wit: a bill to be entitled, An act to prescribe a uniform mode of Taxation, and for other purposes, is unconstitutional in this, to wit: that it contemplates a larger amount of revenue than is necessary for the economical support of government, and against the spirit of the Constitution of this State. He being at the time confined to his room by indisposition, would, if present, have voted against the said bill. He, therefore, asks that this, his protest, be placed upon the Journals of the Senate.

R. J. FLOYD.

Pursuant to previous notice, Mr. Avery introduced 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, approved July 23, 1845.

Which was read the first time, and ordered for a second reading to-morrow.

On motion of Mr. Brett, the bill to be entitled, An act to organize the County of Holmes, was taken from the table and placed among the orders of the day.

On motion of Mr. Avery, leave of absence was granted to Mr. Moseley until Monday next.

Pursuant to previous notice, Mr. Fairbanks introduced a bill to be entitled, An act to amend an act relative to Elections in this State, passed December 29, 1845.

Which was read the first time, and ordered for a second reading to-morrow.

Mr. Burritt moved that the Senate will on to-morrow, at 12 o'clock,

Mr., the House of Representatives concurring, go into an election for a Judge of the Southern Circuit of this State.

Mr. Floyd moved to strike out "to-morrow," and insert "Friday." Which motion was lost.

Mr. Floyd moved to insert Register of Public Lands.

Which motion was lost.

Mr. Floyd moved to strike out "to-morrow," and insert "30th instant."

Which motion was lost.

The motion was then adopted.

Pursuant to previous notice, Mr. Burritt introduced a bill to be entitled, An act to amend an act entitled an act to organize the Circuit Courts of the State of Florida.

Which was read the first time, and ordered for a second reading to-morrow.

Mr. Austin presented the petition of Alexander McKenzie, praying that his wife, Sarah McKenzie, might be allowed to take a child's part, &c.

Which was referred to the Judiciary Committee.

Mr. Lorrimer, from the Committee on Federal Relations, presented the following report and resolutions:

The Committee on Federal Relations, to whom was referred so much of the Governor's message as relates to the Mexican War, beg leave to

#### REPORT:

That while they cordially unite with his Excellency in expressing a "deep and unfeigned regret that each and every effort on the part of the National Government heretofore made, to bring the Mexican war to a happy and honorable termination, has been wholly unsuccessful," they feel constrained to dissent from the view expressed by the message in adopting the declaration, that "the war exists by the act of Mexico." Your committee deem it unnecessary to notice in detail the reasons for such dissent, and would simply remark that the annexation of Texas to this Union placed us in such a relation to Mexico that war was rendered *probable*; that the march of the army into the disputed territory was *beyond a question* the direct and immediate cause of hostilities. The difficulties arising from the annexation might doubtless all have been amicably adjusted, the boundaries defined, and our friendly relations with our sister Republic preserved, had prudent and discreet counsels governed, and the Commander-in-Chief of our armies not ordered the advance of our army from Corpus Christi into territory claimed by Mexico, in defiance of the known and declared wish of the Mexican people, and in disregard of the expressed desire of that people to treat with us upon the subject of annexation and boundary. These facts are the common property of the world, and we leave them for history to preserve in its truthful record. The war itself is of deep and exciting interest to every portion of the Union—our armies composed chiefly of the citizen-soldiers have gone

forth to battle—for thirty years had our officers slumbered upon their arms—our soldiers engaged in peaceful pursuits—yet victories without reverse have crowned our arms—deeds of noble and high daring, unsurpassed for their gallantry and brilliancy by those of any age, have characterized their every advance—her sea-ports, her cities, and even her magnificent capitol, have yielded to the prowess of our arms—war has swept through the heart of their country at an immense cost of blood and treasure; and now we gravely ask, what has been accomplished? Have we “conquered a peace”? Have we obtained *indemnity for the past or security for the future*? It is a question of serious import to determine what course this Government ought to pursue. It ought never to “direct its victorious troops to be ingloriously withdrawn from the fields of their fame and their glory,” nor should it do any act calculated to compromise its interest, its honor, or its dignity. The present situation of the enemy, defeated, disorganized, destitute of concert; our army triumphant in many a well-fought field—her strong cities—her capitol—her country in our possession—may not this Government adopt any course of action worthy of a brave and generous nation without dishonor or even censure? What is the *desired result* the object for which this war is waged? Is it to “conquer a peace”? or to dismember a nation? to redress wrongs; or to despoil a people of their country, and incorporate them with it *volens volens* into this Union? The chief Executive has thus far confined to the recesses of his own bosom what the real design of this war was at its inception, or is now. Was it by conquest to indemnify us for what he yielded on the North? The Chief Magistrate of the Union has never thought proper to inform the American people, what was the *design*, or what he intended to accomplish by this war. At the cry “that American blood had been shed upon American soil,” that our little army was in danger, the common heart of this great Republic glowed with patriotic fire, and at their country’s call the nation paused not—it was their country, right or wrong. Such is the feeling of every true patriot. But now that our armies are in no danger, the enemy defeated, their country in our possession, we may with propriety, pause and inquire, what does the Chief Magistrate propose? The accession of territory to be incorporated into this Union your committee would regard as a measure impolitic, and fraught with danger to this Republic. The difference of habits, of religion, and language, are insuperable obstacles to a cordial union with us—composed of a mixed race, possessing a peculiar character, will they forget the wrongs, or at least what they assume to be the wrongs, they have received at our hands, lose their nationality and become quiet and peace-loving citizens?

We should draw wisdom from the past—sage lessons are written out upon the page of her experience. The history of the Moorish conquest of Spain, of the conquests made by Imperial Rome—of the subjugation of the Emerald Isle, and of Poland, unfolds to our view a scene well calculated to deter us from incorporating by conquest nine millions of people of such a peculiar race into this Union:

While the war itself has awakened a deep interest throughout the nation, the action of a portion of the members of the last Congress, and more especially the response that action has met with from the Northern portion of the Union, has given to it a character and importance before unlooked for. The Chief Executive having refrained from an open, manly and frank declaration of its true design, has furnished an occasion for a sickly, wild and reckless fanaticism, to kindle a torch of political discord, which unless met on our part with promptness and decision, may eventuate in the final overthrow of our yet infant Republic. Your committee have noticed with no small degree of apprehension and displeasure the eagerness of a portion of the North to seize upon and render available every occasion to interfere with, and disturb the domestic institutions of the South. Such interference is calculated to deprive the South not only of their just rights, but even of that equality without which we are degraded beneath the dignity of man. Should the National Congress in its wisdom conclude a treaty with Mexico, by which she should cede to us a portion of her territory, your committee feel called upon unhesitatingly and unequivocally to declare in the language of the message, that any act of the National Legislature which shall appropriate such territory to the use of one portion of the confederacy to the exclusion of another; or which in its provisions shall annex as an express and fundamental condition to the *acquisition of such territory*, “that neither slavery nor involuntary servitude shall ever exist in any part, except for crime whereof the party shall first be convicted,” that any and all such acts with such provisions, would be usurpations of power not delegated by the Constitution, unequal, unjust, and oppressive in their effects, to which that portion of the confederacy, thus insulted, abused and injured, *never can consent* without an inglorious surrender not only of their reserved rights, but of those guaranteed by the letter and spirit of the National compact. Viewing as we do the Constitution, an offspring of concession and compromise, we hold and cherish it as the only safeguard of our rights—the only protection of our liberties—while held by the nation sacred, unpolluted by the unhallowed touch of demagogue or charlatan, it will continue to dispense to all equal justice.

Many of the Northern States through their Legislatures have adopted as their creed the unjust principles of the Wilmot Proviso, thereby arrogating to themselves privileges to the exclusion of citizens interested in slave property. The injustice of such principles is too apparent to require comment. Our ancestors in common periled their lives and property in the achievement of our independence their blood commingled in that great struggle—and their united wisdom and treasure have been blended together in working out and establishing those free and happy institutions, which have become the admiration and envy of the world.

We all constitute one common family, equal in our rights and privileges, alike free to the enjoyment of our rich and extensive inheritance; and any *action* or principle subversive of a free, unrestricted enjoyment of the rich blessings handed down to us from the past, we

regard as a violation, aye a total abrogation of the Constitution, which when carried into effect, absolves the unfortunate victims of such action from all allegiance to that sacred instrument. Should Congress by enactment give their solemn sanction to the Wilmot Proviso, your committee hold that such action would not only justify, but imperatively demand the South to withdraw her representation from the National Congress, and sever the ties of political brotherhood, which now bind together this great and glorious confederacy. The public domain purchased with the common treasure and blood of the nation, should be alike free to all. No enquiry into the quantity or kind of property the citizens of any new State or Territory may be possessed of should ever arise. The Constitution yields to each State or Territory the exclusive jurisdiction over persons, and only requires a Republican Constitution as an essential pre-requisite for admission into the Union. If our Northern brethren will adhere to the provision of the Constitution, let that sacred instrument speak for itself unquestioned. The womb of time alone can unfold the future destiny and greatness of the American Republic. In view of all which, your committee recommend the adoption of the following resolutions.

JAMES H. T. LORIMER, Chairman.  
J. P. SANDERSON.

SECTION 1. *Be it Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the power claimed by some of the States of the Union for Congress of the United States to exclude the institution of slavery from any territory which may be hereafter acquired, is of vital importance to the slaveholding States, and demands the serious and profound attention of all men, at the present momentous and interesting period, in consequence of the impassioned excitement upon the subject of slavery, produced by the discussion of the "Wilmot Proviso" introduced into the last Congress, and other exciting causes.

SEC. 2. *Be it further Resolved,* That, in the opinion of this General Assembly, a just and correct interpretation of the Constitution of United States vests in the *Territorial* as well as *State Legislatures* exclusive jurisdiction over the persons of individuals within their respective limits, and that it would be arbitrary, unjust, and a usurpation of power, on the part of Congress, to annex conditions to the admission of a State into the Union, or the annexing a Territory thereto, involving the right of jurisdiction in Congress over this subject, which exclusively belongs to the Territory *itself* before its admission into the Union, and to the State afterwards.

SEC. 3. *Be it further Resolved,* That it would be an arbitrary usurpation of power on the part of Congress to exclude slavery from any such territory as may hereafter be acquired by the United States, either by way of indemnity, by conquest, or purchase; that the people of the Territory alone have the right to determine upon this subject, and it is for them, while they remain a Territory, and for the

State, when they shall ask to be admitted as a State, to say whether the institution of slavery shall exist within the limits of such Territory or State; they having, by a just interpretation of the Constitution, exclusive jurisdiction over the subject matter within their limits.

Which was received and laid upon the table.

Mr. Fairbanks, from the Committee on Federal Relations, asked leave to present the following minority report:

*Report of MR. FAIRBANKS, one of the Committee on Federal Relations.*

The undersigned, a member of the Committee on Federal Relations, to whom was referred that portion of the Governor's Message relating to our Federal Relations, begs leave respectfully to

#### REPORT:

That the sentiments expressed in that portion of the message of his Excellency meet my most cordial and hearty concurrence, and commend themselves to the consideration of this body, as a strong, forcible, and correct statement of those positions which we are called upon, as a constituent portion of this nation, to maintain, and for which our duty to ourselves and the South, demands we should contend.

More than eighteen months since, our armies were attacked by those of Mexico, and after a long series of unredressed wrongs, injuries and insults, a state of open hostilities commenced, and has been continued to this hour. It seems unnecessary to revert to the causes of that war in detail; that "*the war exists by the act of Mexico,*" was declared by the Congress of these United States more than eighteen months since, with but nineteen dissenting votes in both branches of the National Legislature. It seems equally unnecessary at this day, in view of the overwhelming tide of popular approval, to discuss the question as to how far the admission of the republic of Texas into our confederacy, and the subsequent and necessary defence of her frontiers against the attacks, planned and directed months previously, by the Mexican government, may have had the effect of precipitating the hostile action of Mexico towards us. Few at this day, it is to be presumed, will question the right of our associated Congress, to receive that sister State into the Union, or the propriety of extending the protection of our arms over the lives, property, and lands of that sister State, so received by us, and of the measures which became necessary in consequence thereof.

With a declared willingness and desire on the part of our government at all times to entertain propositions of peace, we have been forced, by the anarchy and obstinacy of the Mexican leaders, to advance from one battle field to another, until we have advanced and now maintain ourselves in the heart of their country. But while our patriotic citizens from the North and the South, and the East and the West, have pressed forward to the front of our armies, cold, selfish, calculating, and dishonest demagogues, in a portion of the States,

have attempted to paralyze the operations of our Government, and her armies, by affixing their odious "Wilmot Proviso," declaring that neither slavery nor involuntary servitude shall exist in any territory which may be acquired in indemnity for the claims of our citizens and the expenses of the war. On the one hand, proscribing the war and its supporters, and on the other, machinating to secure for their exclusive use the territory and the commerce which may be gained by it—an attack upon the constitutional rights given to the people of the Southern States of this Union, to subserve malicious and interested motives. To repel this aggression, we, the representatives of the people of this State, are called upon to protest, and to contest against such an infraction of our constitutional rights.

Apart from the constitutional grounds, such an exclusion is a dishonorable return, upon the part of its supporters, for the zeal and the self-sacrificing spirit in which the people of the South have fought the battles of our common country, and to whose exertions, if territory be acquired, the country will owe its acquisition, the principles of those who would appropriate the territory gained by the valor of our arms to the use of one portion of the States to the exclusion of the rest, are alike discreditable for their violation of the constitutional compact, as for their deficiency in honesty and fair dealing.

It is the right and prerogative of the future citizens of such acquired territory to decide whether slavery shall or shall not exist, and this right cannot be withheld from them; and all attempts at embarrassing the negotiations which may take place, or the future action of the government in respect to the same, should be unanimously opposed by the people of this Union, and particularly by the Southern States.

Satisfaction for the claims of our citizens, the payment of which has been long deferred by the perfidious conduct of Mexico, as well as indemnity for the expenses of the war, in whole or in part, should be the *sine qua non* of any negotiations towards a peace, as being in accordance with the usages of all civilized nations, and strict justice. If territory be given as indemnity, as from the situation of that country must necessarily be the case, it will take that she can best spare, and which, under our form of government, will extend the blessings of civilization near uninhabited regions, which will become the future homes of the superabundance of our own population, and the oppressed of every clime. To withdraw our armies without such satisfaction and indemnity, would be to place ourselves in the attitude of wrong-doers, and a confession that the acts of our Congress and the united operations of our government, have been false and fraudulent. It would be saying that we had no wrongs to redress, no injuries to satisfy, no attacks to repulse, and to pronounce that our brave sons who have fallen upon the field of honor, were well punished as marauders, and met the fate of villains. If we had the cause to go forward, and those causes of our onward march have neither been removed nor accomplished, then a retrograde movement would be justifying Mexico and condemning ourselves. The lives

of our people and the treasure of our nation have been lost in vain, and we are branded with infamy for the past.

I believe I express the voice of the Southern people in saying that we have the right, and should continue to occupy her territory, to collect her revenues, and exercise all the accustomed and acknowledged rights of war, until such satisfaction and indemnity be offered and received as we are justly entitled to, and that such indemnity, if territorial, should be received, unclogged with any restrictions, as the common property of all the people of this Union.

In accordance with these sentiments, the following resolutions are submitted, and the passage thereof recommended:

*Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the declaration of the Congress of the United States, made with almost entire unanimity, that the "war exists by the act of Mexico," renders that war national in its inception and progress, and as such, requires and should receive cordial and united support.

2. *Resolved,* That it is the duty of the American Government to prosecute the war until an honorable peace, indemnity for the past and security for the future, are obtained, and that to withdraw our armies without obtaining the objects above specified, would be a reproach to them, and a shame upon our common country.

3. *Resolved,* That it is the duty of our Government to require satisfaction of Mexico for the just claims of our citizens, and payment of the expenses incurred in the prosecution of the war.

4. *Resolved,* That if any Territory shall be acquired by us, at the close of the war, in satisfaction of the claims of our citizens, and in indemnity for the expenses incurred in the prosecution of the war, it is the right of the people who may inhabit such Territory to decide whether the institution of slavery shall exist there or not; and any attempt by Congress to prohibit its existence by law, would be a direct violation of the compromises of the Federal Constitution, and an insult to the sovereignty of the States.

5. *Resolved,* That the restriction, known as the "Wilmot Proviso," whereby it is attempted to appropriate any Territory which may be acquired to the use of one portion of the confederacy to the exclusion of another, or any and all such attempted acts and provisions, would be odious usurpations of power not delegated by the Constitution, unequal, unjust, and oppressive in their effects, and to which that portion of the confederacy thus insulted, abused, and injured, can never consent, without an inglorious surrender, not only of their reserved rights, but of those guaranteed by the letter and spirit of the National Compact.

6. *Resolved,* That the Governor of this State be requested to transmit copies of these resolutions to our Senators and Representative in Congress, the Speaker of the House of Representatives, and President of the Senate, and the Governors of the several States.

G. R. FAIRBANKS,

One of the Committee on Federal Relations.

Which was received and laid upon the table.

Mr. Fairbanks, from the Committee on Enrolled Bills, reported bill entitled, An act to amend an act entitled an act to provide for the election of Electors of President and Vice President of the United States, approved January 6, 1847;

Also, a bill entitled, An act to make the certificates of the Treasurer of this State receivable in payment of all public dues, as correctly enrolled.

Mr. Avery, from a Select Committee, presented the following report:

Mr. Avery, from the Select Committee to whom was referred a bill to provide for the sale of the Sixteenth Sections granted by Congress to the State for the support of Public Schools, and for consolidating the School Fund, asks leave to REPORT the same back without amendment, and to be discharged from the further consideration thereof.

Your Committee, aware that the opinion prevails, that so far as the bill provides for the sale of the sixteenth sections, it would be void if passed, have thought proper to embrace within this report, the law under which the State holds the Sixteenth Sections, together with some facts connected with them.

The law under which the State claims the Sixteenth Sections, is in these words:

*Be it enacted, &c.*, That in consideration of the concessions made by the State of Florida in respect of the Public Lands, their be granted to the State section number sixteen in every township, or other lands equivalent thereto, for the use of the inhabitants of such township, for the support of Public Schools, &c.

The consideration for which the sixteenth sections were granted to the State, was concessions made by the State, not by the townships to which their use is limited.

The practice of granting the sixteenth sections to the townships for the support of Schools, was first adopted with regard to the North West Territory—a country, in which the land is uniformly fertile, and where the division by township lines could readily be made available, in organizing communities.

It is well known that in many of the Northern States, every town has a separate organization, is a republic within itself, possesses legislative, executive and judicial officers, distinct from State control.

Under such circumstances, the law which limited the use of the sixteenth section to the township in which it was situated, was wise.

The town, having an immediate and direct interest in the proper management of the School Fund, would render it more efficient than it could be made by the State Government.

But our situation is widely different from theirs. So diverse is the character of our soil, such the nature of our institutions, and disposition of our people, that it is impossible to organize school communities with much reference to township lines.

It is not unworthy of note, that the grant to Florida is expressed

in different language from the grant to the other States,—the former being made to the State for the use of the inhabitants of the township,—the latter directly to the inhabitants of the townships.

That it will be absurd and unjust to limit the use of the sixteenth sections to the inhabitants of the townships in which they are situated, your Committee think will clearly appear from the following statement.

The whole number of surveyed townships, whole and fractional, in which the State is entitled to sixteenth sections, is	734
The number of townships containing whole sixteenths, is	551
The number of townships in which the sixteenths is wholly or partly deficient,	183

The number of sections and parts of sections, included in valid private claims, your Committee have been unable to ascertain—it is, however, large,

Some of the townships which contain whole sixteenths are only fractional townships.

Many of the townships which contain fractional sixteenths are nearly whole townships.

There are many of the townships in which the sixteenth sections are valueless on account of the poverty of the soil.

There are some townships in which the sixteenth section is almost the only part valuable.

These facts show the unequal distribution of the benefits to be derived from the grant of the sixteenth sections to the use of the inhabitants of the township in which the sixteenth section is situated.

Again: Where there are fractional townships in which there are no sixteenth sections, the State is authorized to select for each township a quantity land, in lieu of the sixteenth section, proportioned to the size of the township.

Where the sixteenth sections are included in private claims, other lands "equivalent thereto" may be selected in "lieu thereof," only limited to the land district "most adjacent to said lands taken up by private claims."

No provision is made for those townships in which the sixteenth sections are valueless, on account of the poverty of the soil; therefore should a village, or city even, be located in a township where the sixteenth section is valueless, it is plain that the inhabitants could derive no benefit from the present provision.

There are many of the townships, whole and fractional, which will probably never be inhabited.

There are many, which will be inhabited by a class of people who will not be able to derive any benefit from the sixteenth section or fractional section, to which their township or fractional township is entitled, owing to its being located in a part of the land district far distant from their township.

In many cases it must so happen, that the benefit to be derived from the sixteenth section, or the lands selected in lieu of deficient sixteenth sections, to the inhabitants of the townships to which they

belong, would not compensate for the trouble and expense it would require to derive an income from it. Especially would this be the case, where the land selected in lieu of a deficient sixteenth section, or in lieu of one covered by a private grant, is at a distance from the township to which it belongs.

To make this matter plainer if possible, an example will be given.

Fractional township one, North, Range 30, West, lies principally in Escambia county, North and West of the mouth of Escambia river. Its fractional sixteenth section, amounting to 320 acres, is included in a private claim. Land in lieu is about being selected in some part of the land district West of the Suwannee.

There is not, so far as your Committee can ascertain, one person permanently located in the township, and probably never will be; but should it ever happen that a resident desired to avail himself of the fund to be derived from the School Land to which his township is entitled, he must first ascertain at the Register's Office in Tallahassee, where the land is situated to which his township is entitled the use—not to the proceeds of sale—but the use. Having found the land, he must devise some way by which an income may be derived from it.

The lands selected to make up the deficient sixteenth sections are taken in as large bodies as good vacant lands can be found—no legal use can be made of them by the townships but to lease them—if leased, they must be at low rates, and generally to tenants not punctual in their payments, and who will exhaust the land.

If not leased, and not constantly watched, squatters will take possession and commit waste.

To collect the rents and prevent waste, will in most cases, even where the recipients of all the benefits are few in number, cost more in time and money than the value of the benefit derived.

These facts show us further:

*First*—That if the benefit to be derived from the sixteenth sections is indeed to be limited to the inhabitants of the township in which such section is situated, the land selected by the State for those townships in which the sixteenth sections are deficient, or in which the sixteenth sections are included in private claims, must, so long as there are no "inhabitants of such townships," be *legally* of no use to any one.

*Second*—That the sixteenth sections, and the land selected by the State for those townships in which the sixteenth sections are deficient, or are included in private claims, can be of no lawful use to any one, so long as the inhabitants of the townships to which these lands belong are either too few, too poor, too ignorant, too proud, or too indolent, to avail themselves of the use of them, or do not consider the advantages to be derived from them, worth their time and attention.

Much, therefore, of the School Lands, when selected by the State, must remain forever without a *legal* owner—without any one receiving *lawfully* the least benefit from them.

To show more plainly the perfect folly of pursuing the plan to which it has been supposed we were confined by law—and the unequal distribution which must be made of the School Fund, if this plan is pursued, your Committee will select a few of the counties most favorably situated for the operation of the law, and show the great inequality which exists even in them.

(It is but just to state, that the facts in reference to these counties were derived from the gentleman who formerly held the office of President of the Board of Trustees of Seminary lands.)

*Leon County* has the largest proportion of good land, and the densest population of any county in the State.

This county contains twenty-seven whole and fractional townships.

In twelve of these, the sixteenth sections are worth from one to six dollars per acre.

In four others, the sixteenth sections lie in other counties, (only one believed to be of any value,) and the remaining eleven fall within the pine barrens, or Forbes' grant—worth nothing. Yet on these last class of townships, there are resident more than one hundred families, most of them poor.

*Gadsden County* contains in its area, sixty-two whole and fractional townships—forty of them within Forbes' grant.

Of the remaining twenty-two, not more than eight or ten of the sixteenths are of any value—leaving more than one-half of that population without any substantial School Fund.

In *Jefferson County* there are twenty-seven whole and fractional townships, affording not more than seven or eight sixteenth sections of any value.

*Madison County* contains one hundred and five whole and fractional townships.

In ten of these, the sixteenth sections are of some value; in the remaining *ninety-five* they are worth nothing. If this examination be carried into East and West Florida, the result will be found to be even more unfavorable.

All of which is respectfully submitted.

O. M. AVERY, Chairman.  
G. R. FAIRBANKS,  
S. L. BURRITT.

Which was received and laid upon the table until to-morrow.

The following communication was transmitted to His Excellency the Governor:

SENATE CHAMBER, Dec. 21, 1847.

His Excellency W. D. MOSELEY, GOVERNOR:

SIR:—I have the honor herewith to transmit, for your consideration, the following bills, passed by the two Houses of the General Assembly, and signed by the presiding officers thereof, viz:

A bill entitled, An act to amend an act entitled an act to provide for the election of Electors of President and Vice President of the United States, approved January 6, 1847.

A bill entitled, An act to make the certificates of the Treasurer of this State receivable in payment of all public dues.

Very respectfully,

C. W. DOWNING,  
Secretary Senate.

Mr. Fairbanks, from the Joint Select Committee appointed to examine and compare the amendments to the Constitution of this State passed at this session with the original enrolled bill passed at the last session, reported the bills as correct.

The House returned Senate bill entitled, An act relative to the duties and compensation of the Adjutant and Inspector General of this State, as passed without amendment.

The House returned Senate bill entitled, An act to authorize the executors of George Kingsley, deceased, to sell real estate;

Also, Senate resolution relative to adjournment *sine die* on the 22d instant.

Said bill and resolution were merely endorsed "passed as amended."

On motion of Mr. Fairbanks, the Secretary was instructed to return said bill and resolution to the House, and ask if they have been amended by the House, and if so, wherein they have been amended.

#### ORDERS OF THE DAY.

Engrossed bill entitled, An act concerning attachments in this State,

Was, on motion, postponed until to-morrow.

Engrossed bill entitled, An act so to amend the Constitution of this State as to enable the Governor, Majors General, Brigadiers General, and commanding officers of Regiments to fill their staff officers without taking them from commissioned officers of the line,

Was read a third time, and on the question, "Shall the bill pass?" the yeas and nays were:

Yeas—Messrs. Costin, Fairbanks, Moseley, Priest, Smith, Tabor, Tracey, Walker, Watts—9.

Nays—Mr. President, Messrs. Avery, Brett, Burritt, Floyd, Lorrimer, McMillan—7.

There not being the requisite constitutional majority, said bill was lost.

Engrossed bill entitled, An act to prescribe the fees of the Attorney General of this State in certain cases,

Was read a third time; and on the question, "shall the bill pass?" the yeas and nays were:

Yeas—Mr. President, Messrs. Avery, Brett, Burritt, Costin, Fairbanks, Floyd, Lorrimer, McMillan, Priest, Smith, Tracey, Walker—13.

Nays—Messrs. Moseley, Tabor, Watts—3.

So said bill passed. Title as stated.

Ordered that the same be certified to the House.

Bill to be entitled, An Act to amend the twelfth clause of the fifth

article of the Constitution of this State, so that the Judges of the Circuit Courts shall hold their offices for eight years instead of during good behavior,

Was read a second time.

Mr. Floyd moved to amend by adding:

Sec. 3. *Be it further enacted*, That the eleventh section of the fifth article of the Constitution of this State be so amended as to read as follows, viz: "Justices of the Supreme Court, Chancellors, and Judges of the Circuit Courts shall be elected by the vote of the people of this State."

On the question of the adoption of the amendments, the yeas and nays were called for by Messrs. Floyd and Walker, and were:

Yeas—Messrs. Costin, Floyd, Walker, Watts—4.

Nays—Mr. President, Messrs. Avery, Brett, Burritt, Fairbanks, Lorrimer, McMillan, Moseley, Smith, Tabor, Tracey—11.

So the Senate refused to adopt the amendment.

Mr. Fairbanks moved to add the following:

Sec. 3. The eleventh clause of the fifth article of the Constitution of this State shall be amended so as to read as follows, viz.—Justices of the Superior Court, Chancellor and Judges of the Circuit Courts, shall be nominated by the Governor to the Senate, and approved by a majority of the Senate.

On motion, the Senate took a recess until half past 2 o'clock.

2½ O'CLOCK, P. M.

The Senate resumed the consideration of the bill to be entitled, An act to amend the 12th clause of the 5th article of the Constitution of this State so that the Judges of the Circuit Courts shall hold their offices for eight years instead of during good behavior.

The question being put on the adoption of the amendment offered by Mr. Fairbanks, the yeas and nays were called for by Messrs. Fairbanks and Floyd, and were:

Yeas—Messrs. Austin, Costin, Fairbanks, Walker—4.

Nays—Mr. President, Messrs. Avery, Brett, Burritt, Floyd, Lorrimer, McMillan, Moseley, Priest, Tracey, Watts—11.

So the Senate refused to adopt the amendment.

Mr. Burritt moved to postpone said bill indefinitely.

On which the yeas and nays were called for by Messrs. Floyd and Burritt, and were:

Yeas—Messrs. Burritt and Tracey—2.

Nays—Mr. President, Messrs. Avery, Austin, Brett, Costin, Fairbanks, Floyd, McMillan, Moseley, Priest, Smith, Walker, Watts—13.

So the Senate refused to postpone said bill indefinitely.

Mr. McLean moved to strike out the word "nominated by the Governor to the Senate, and the nomination approved by a majority of the whole number of Senators" occurring in section 1.

On which the yeas and nays were called for by Messrs. Austin and Tabor, and were:

Yeas—Mr. President, Messrs. Avery, Austin, Brett, Lorrimer, McMillan, Moseley, Tracey, Walker, Watts—10.

Nays—Messrs. Burritt, Costin, Fairbanks, Floyd, Priest, Smith, Tabor—7.

So said words were stricken out.

Mr. Tracey moved to lay said bill upon the table.

On which the yeas and nays were called for by Messrs. Floyd and Tracey, and were :

Yeas—Messrs. Austin, Burritt, Lorrimer, Mosely, Tracey—5.

Nays—Mr. President, Messrs. Avery, Brett, Costin, Fairbanks, Floyd, McMillan, Priest, Smith, Tabor, Walker, Watts—12.

So the Senate refused to lay the bill upon the table.

Ordered that said bill be engrossed for a third reading to-morrow.

Bill to be entitled, An act to provide for the time of holding elections, and for holding the regular sessions of the General Assembly, Was read a second time.

Mr. Tracey moved to postpone said bill indefinitely.

On which the yeas and nays were called for by Messrs. Fairbanks and Walker, and were :

Yeas—Mr. President, Messrs. Brett, Moseley, Tabor, Tracey, Watts—6.

Nays—Messrs. Avery, Austin, Burritt, Costin, Fairbanks, Floyd, Lorrimer, McMillan, Priest, Smith, Walker—11.

So the Senate refused to postpone said bill indefinitely.

Ordered that said bill be engrossed for a third reading to-morrow.

House resolution expressive of thanks to Messrs. Randall, Brockenbrough, and Baker, examiners of Thompson's Digest—

Was read a third time and on the question of its passage, the yeas and nays were called for by Messrs. Fairbank and Costin, and were:

Yeas.—Mr. President, Messrs. Avery, Austin, Brett, Burritt, Fairbank, Floyd, Lorrimer, McMillan, Priest, Smith, Tracy, Walker and Watts—14.

Nays.—Messrs. Costin, Mosely, and Tabor—3.

So said Resolution passed.

Bill to be entitled an act, to make permanent the Judgeship of the Southern Judicial Circuit, was, on motion of Mr. Floyd, laid on the table.

Bill to be entitled an act, to amend an act, relating to crimes and misdemeanors; was on motion of Mr. Burritt, postponed until to-morrow.

House bill entitled an act, to exempt the citizens of Levy County from serving as jurymen beyond the limits of said County, was read a second time.

Mr. Fairbanks moved to amend by adding at the end of said bill the following, viz:

Excepting such of the inhabitants residing within forty miles of Alachua Court House.

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

House bill entitled an act in addition to the several acts concerning Wills, Letters Testamentary, Letters of Administration, and the duties of Executors, Administrators and Guardians, was read a second time.

Mr. Burritt moved to postpone said bill indefinitely.

On which the yeas and nays were called for by Messrs. Fairbanks and Burritt, and were :

Yeas—Mr. President, Messrs. Avery, Austin, Brett, Burritt, Lorrimer, McMillan, Moseley, Tracey, Walker, Watts—11.

Nays—Messrs. Costin, Fairbanks, Floyd, Priest—4.

So said bill was indefinitely postponed.

House bill entitled, An act to make valid the proceedings of sundry persons commissioned as Justices of the Peace of this State,

Was read a second time, and on motion of Mr. Burritt, ordered for to-morrow.

House bill entitled, An act in addition to an act to organize Courts of Probate for the State of Florida,

Was read a second time, and on motion of Mr. Avery, referred to the Judiciary Committee.

House bill entitled, An act to repeal an act entitled, An act to amend an act to establish a tariff of fees, approved February 15, 1834, and which was approved Dec. 27, 1845,

Was read a second time, and on motion of Mr. Burritt, postponed until to-morrow.

Resolution relative to the Wilmot Proviso, was read a second time and ordered to be engrossed for a third reading to-morrow.

House Resolutions relative to the appointment by the Governor of Justices of the Peace,

Was on motion of Mr. Floyd, ordered to be placed first among the orders for to-morrow.

House bill entitled, An Act to define the Western boundary of Jackson county, and to repeal an act therein named,

Was read a second time as amended.

The amendments ordered to be engrossed, and the bill as amended ordered for a third reading to-morrow.

Bill to be entitled, An Act to organize the county of Holmes, came up on its second reading;

On motion of Mr. Brett, the Senate resolved itself into a Committee of the Whole on said bill, Mr. Floyd in the Chair. After some time spent therein, the Committee rose, and by their Chairman reported the bill back to the Senate with amendments, and asked to be discharged from the further consideration thereof;

Which report was concurred in.

House bill entitled, An Act in relation to Roads and Highways in the counties of Washington, Benton and Hamilton,

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

House bill entitled, An Act to authorize certain persons to establish a Ferry across the Apalachicola river at Chattahoochee,

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

House bill entitled, An Act to authorize the Treasurer of Alachua county, to pay over to the Treasurer of Marion county the amount of the county tax in his hands assessed and collected upon lands lying in Marion county,

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

House bill entitled, An Act to amend the several acts regulating Judicial Proceedings,

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

House bill entitled, An Act to amend an act to amend an act to amend the Execution laws, approved 15th March, 1847,

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

House bill entitled, An Act to change the name of W. J. McCaughan, of Gadsden county,

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

House bill entitled, An act to change the name of Sarah A. Alston,

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

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

WEDNESDAY, December 22, 1847.

The Senate met pursuant to adjournment.

Rev. Mr. Choice officiated as Chaplain.

A quorum being present, the proceedings of yesterday were read and approved.

Mr. McLean gave notice that he would at some future day ask leave to introduce a bill to be entitled, An act to authorize James Cockroft to establish a ferry across Shoal river.

Mr. Floyd presented the petition of sundry citizens of Apalachicola, praying the repeal of their charter.

On motion of Mr. Floyd, referred to the Committee on Corporations.

Mr. Fairbanks, from the committee on Enrolled Bills, reported a bill entitled, An act relative to the duties and compensation of the Adjutant and Inspector General of this State, as correctly enrolled.

A message was received from the House informing the Senate that the House had concurred in the resolution adopted by the Senate on yesterday to go into the election of Judge of the Southern Circuit of this State to-day at 12 o'clock, M.

The following communication was transmitted to his Excellency, the Governor:

SENATE CHAMBER, Dec. 22, 1847.

To His Excellency W. D. MOSELEY,

Governor of Florida:

SIR:—I have the honor herewith to transmit for your consideration a bill to be entitled, An act relative to the duties and compensation of the Adjutant and Inspector General of this State, passed by the two Houses of the General Assembly, and signed by the presiding officers thereof.

By order of the Senate.

Very Respectfully,  
W. C. DOWNING,  
Sec. Senate.

#### ORDERS OF THE DAY.

House resolutions relative to the appointment by the Governor of Justices of the Peace, &c.

Were read a second time and ordered for a third reading to-morrow.

Engrossed resolutions in relation to the Wilmot Proviso,

Were read a third time.

Mr. Floyd moved to amend by inserting the word "unanimously" after "resolved," in 1st section.

Which amendment was unanimously adopted.

On the question of the adoption of the resolutions, the yeas and nays were called for by Messrs. Floyd and Watts, and were,

Yeas—Mr. President, Messrs. Avery, Austin, Brett, Burritt, Costin, Fairbanks, Floyd, Lorimer, McMillan, Priest, Smith, Tabor, Tracey, Walker, Watts—16.

Nays—None.

So the resolutions were adopted.

Engrossed bill entitled, An act to amend the 12th clause of the 5th Article of the Constitution of this State so that the Judges of the Circuit Courts shall hold their offices for a term of years instead of during good behavior,

Was read a third time, and on the question, "Shall the bill pass?" the yeas and nays were,

Yeas—Mr. President, Messrs. Avery, Austin, Brett, Costin, Fairbanks, Floyd, Lorimer, McMillan, Priest, Smith, Tabor, Walker, Watts—14.

Nays—Messrs. Burritt and Tracey—2.

There being the requisite constitutional majority, the bill passed. Title as stated.

Ordered that the same be certified to the House.

Engrossed bill entitled, An Act to provide for the time of holding Elections, and for holding regular sessions of the General Assembly,

Was read a third time, and on the question, Shall the bill pass? the yeas and nays were:

Yeas—Messrs. Avery, Austin, Burritt, Costin, Fairbanks, Lorimer, McMillan, Priest, Walker—9.

Nays—Mr. President, Messrs. Brett, Floyd, Smith, Tabor, Tracey, Watts—7.

So said bill passed. Title as stated.

Ordered that the same be certified to the House.

Engrossed bill entitled, An Act concerning Attachments in this State,

Was read a third time, and on the question, Shall the bill pass? the yeas and nays were:

Yeas—Mr. President, Messrs. Burritt and Watts—3.

Nays—Messrs. Avery, Austin, Brett, Costin, Fairbanks, Floyd, Lorrimer, McMillan, Priest, Smith, Tabor, Tracey, Walker—13.

So said bill was lost.

Bill to be entitled, An Act to amend an act entitled an act to organize the Circuit Courts of the State of Florida;

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

House bill entitled, An Act to change the name of W. J. McCaughan, of Gadsden county,

Was read a second time, and ordered for a third reading to-morrow.

House bill entitled, An Act to change the name of Sarah A. Alston,

Was read a second time, and ordered for a third reading to-morrow.

House bill entitled, An Act to authorize certain persons to establish a Ferry across the Apalachicola river at Chattahoochee,

Was read a second time, and ordered for a third reading to-morrow.

The time having arrived at which the two Houses were to go into the election for Judge of the Southern Circuit,

Mr. Burritt moved a call of the Senate.

Whereupon there were present:

Mr. President, Messrs. Avery, Austin, Brett, Burritt, Costin, Fairbanks, Floyd, Lorrimer, McMillan, Priest, Smith, Tabor, Tracey, Walker, Watts—16.

On motion, Messrs. Burritt, Fairbanks and Avery, were appointed a Committee to inform the House that the Senate was now ready to go into the election of a Judge for the Southern District; which Committee informed the Senate that they had performed that duty.

A Committee from the House informed the Senate that that body was now ready to go into the election of a Judge.

Nominations being in order,

Mr. Burritt nominated Joseph B. Lancaster.

Mr. Costin nominated Adam Gordon.

Mr. Smith nominated Thomas Randall.

Which nominations were sent to the House by a Committee, consisting of Messrs. Fairbanks, McMillan and Lorrimer.

The House, by a Committee, informed the Senate that the following nominations were made in the House, viz:

Joseph B. Lancaster, Adam Gordon, George W. McRae, Thomas Randall.

## FIRST BALLOTING.

For Joseph B. Lancaster—Mr. President, Messrs. Avery, Austin, Brett, Burritt, Lorimer, McMillan, Tracey, Walker, Watts—10.

For George W. Macrae—Mr. Priest—1.

For Thomas Randall—Messrs. Fairbanks, Floyd, Smith, Tabor—4.

For Adam Gordon—Mr. Costin—1.

Which result was communicated to the House.

Mr. Fairbanks moved a call of the Senate, whereupon there were present,

Mr. President, Messrs. Avery, Austin, Brett, Burritt, Costin, Fairbanks, Lorimer, McMillan, Priest, Smith, Tabor, Tracey, Walker, Watts—15.

On motion of Mr. Burritt, the action of the Senate, relative to the election of Judge, was suspended until the result in the House should be communicated to the Senate, and the Senate proceeded with the orders.

Bill to be entitled, An act to amend an act relative to Elections in this State, passed December 29, 1845,

Was read a second time, and on motion of Mr. Avery, referred to the Committee on Elections, with instructions to report on said bill to-morrow.

On motion, Messrs. Fairbanks, McMillan, and Watts were appointed a committee to inform the House that the Senate had suspended proceedings, relative to the election of Judge, until 2½ o'clock.

On motion, the Senate took a recess until 2½ o'clock.

## 2½ O'CLOCK, P. M.

A committee from the House informed the Senate that the result of the vote for election of Judge for the Southern Judicial Circuit, this morning, was as follows, viz:

For George W. Macrae,	5
Joseph B. Lancaster,	19
Adam Gordon,	2
Thomas Randall,	8

Mr. Floyd moved that the Senate proceed to the election of Judge for the Southern Circuit.

A committee from the House informed the Senate that Joseph B. Lancaster had been by the House declared duly elected Judge of the Southern Circuit.

The President decided that a majority of the whole number elected in each House being necessary to a choice, there was no election.

Whereupon Mr. Tracey appealed from the decision of the Chair. On which the yeas and nays were called for by Messrs. Tracey and Burritt, and were:

Yeas—Messrs. Brett, Costin, Fairbanks, Floyd, McMillan, Priest, Smith, Tabor, Walker, Watts—10.

Nays—Messrs. Avery, Austin, Burritt, Lorimer, Tracey—5.  
So the decision of the Chair was sustained.

On motion, the committee consisting of Messrs. Fairbanks, McMillan, and Watts were instructed to inform the House that the Senate was now ready to proceed to a second voting.

Mr. Costin withdrew the name of Adam Gordon.

A committee from the House informed the Senate that the name of Adam Gordon had been withdrawn.

#### SECOND BALLOTING.

For *Joseph B. Lancaster*—Mr. President, Messrs. Avery, Austin, Brett, Burritt, Lorrimer, McMillan, Tracey, Walker, Watts—10.

For *Randall*—Messrs. Costin, Fairbanks, Floyd, Priest, Smith, Tabor—6.

For *Macrae*—None.

Which result was communicated to the House.

Result in the House :

For Lancaster,	19
Randall,	12
Macrae,	4

The President announced that there was no election.

#### THIRD VOTING.

For *Lancaster*—Mr. President, Messrs. Avery, Austin, Brett, Burritt, Lorimer, McMillan, Tracey, Walker, Watts—10.

For *Randall*—Messrs. Costin, Fairbanks, Floyd, Priest, Smith, Tabor—6.

For *Macrae*—0.

Which result was communicated to the House.

Result in the House ;

For Lancaster,	19
Randall,	13
Macrae,	3

The President announced that there was no election.

#### FOURTH VOTING.

For *Lancaster*—Mr. President, Messrs. Avery, Austin, Brett, Burritt, Lorimer, McMillan, Tracey, Walker, Watts—10.

For *Randall*—Messrs. Costin, Fairbanks, Floyd, Priest, Smith Tabor—6.

For *Macrae*—0.

Which result was communicated to the House.

Result in the House :

For Lancaster,	19
Randall,	12
Macrae,	4

The President announced that there was no election.

#### FIFTH VOTING.

For *Lancaster*—Mr. President, Messrs. Avery, Austip, Brett, Burritt, Lorimer, McMillan, Tracey, Walker, Watts—10.

For *Randall*—Messrs. Costin, Fairbanks, Floyd, Priest, Smith, Tabor—6.

For *Macrae*—0.

Result in the House :

For Lancaster,	19
Randall,	12
Macrae,	4

The President announced that there was no election.

#### SIXTH VOTING.

For *Lancaster*—Mr. President, Messrs. Avery, Austin, Brett, Burritt, Lorimer, McMillan, Tracey, Walker, Watts—10.

For *Randall*—Messrs. Costin, Fairbanks, Priest, Smith, Tabor—5.

For *Macrae*—0.

Which result was communicated to the House.

Result in the House :

For Lancaster,	19
Randall,	11
Macrae,	5

The President announced that there was no election.

#### SEVENTH VOTING.

For *Lancaster*—Mr. President, Messrs. Avery, Austin, Brett, Burritt, Lorimer, McMillan, Tracey, Walker, Watts—10.

For *Randall*—Messrs. Costin, Fairbanks, Floyd, Priest, Smith, Tabor—6.

For *Macrae*—0.

Which result was communicated to the House.

Result in the House :

For Lancaster,	19
Randall,	12
Macrae,	4

The President announced that there was no election.

#### EIGHTH VOTING.

For *Lancaster*—Mr. President, Messrs. Avery, Austin, Brett, Burritt, Lorimer, McMillan, Tracey, Walker, Watts—10.

For *Randall*—Messrs. Fairbanks, Priest, Smith—3.

For *Macrae*—0.

Which result was communicated to the House.

Result in the House :

For Lancaster,	19
Randall,	12
Macrae,	4

The President announced that there was no election.

## NINTH VOTING.

For *Lancaster*—Mr. President, Messrs. Avery, Austin, Brett, Burritt, Lorimer, McMillan, Tracey, Walker, Watts—10.

For *Randall*—Messrs. Costin, Fairbanks, Floyd, Priest, Smith, Tabor—6.

Which result was communicated to the House.

Result in the House :

For <i>Lancaster</i> ,	19
Randall,	12
Macrae,	4

The President announced that there was no election.

The House informed the Senate that the House would, the Senate concurring, postpone the election of Judge for the Southern Circuit, until 12, M. on 29th instant.

The Senate concurred therein, and so informed the House.

On motion of Mr. McMillan, Mr. Brett was excused during the remainder of the session.

Mr. Tabor moved to adjourn until to-morrow, 10 o'clock.

On which the yeas and nays were called for by Messrs. Avery and Floyd, and were :

Yeas—Messrs. Austin, Burritt, Costin, Fairbanks, Floyd, Lorimer, Priest, Smith, Tabor, Walker, Watts—11.

Nays—Mr. President, Messrs. Avery, McMillan, Tracey—4.

So the Senate adjourned until to-morrow 10 o'clock.

THURSDAY, December 23, 1847.

The Senate met pursuant to adjournment.

Rev. Mr. Choice officiated as Chaplain.

A quorum being present, the Journal of yesterday was read and approved.

Mr. Tracey gave notice that he would on to-morrow ask leave to introduce a bill to exempt the inhabitants of Amelia Island in the County of Nassau, from working upon the roads on the main land.

Pursuant to previous notice, Mr. McLean introduced a bill to be entitled, An act to authorize James Cockroft to establish a ferry across Shoal River.

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

On motion of Mr. Avery, leave of absence was granted to Mr. Walker, during the remainder of the session.

Mr. Burritt moved to reconsider the resolution of the Senate, adopted on yesterday, that they would go into the election of Judge for the Southern Circuit of this State.

On which the yeas and nays were called for by Messrs. Fairbanks and Smith, and were :

Yeas—Mr. President, Messrs. Avery, Austin, Brett, Burritt, Lorimer, McMillan, Tracey, Walker, Watts—10.

Nays—Messrs. Costin, Fairbanks, Priest, Smith, Tabor—5.

So the resolution was reconsidered.

Mr. Fairbanks moved that the election be had on the 29th inst.

On which the yeas and nays were called for by Messrs. Fairbanks and Smith, and were :

Yeas—Messrs. Costin, Fairbanks, Floyd, Priest, Smith, Tabor—6.

Nays—Mr. President, Messrs. Avery, Austin, Brett, Burritt, Lorimer, McMillan, Tracey, Walker, Watts—10.

So said motion was lost.

On motion, Messrs. Burritt, McMillan, and Floyd, were appointed a committee to inform the House that the resolution of the Senate on yesterday relative to the election of Judge for the Southern Circuit, had been reconsidered by the Senate, and that the Senate was now ready to go into an election for said Judge, who reported that they had performed that duty.

A committee from the House informed the Senate that the House had reconsidered the vote of yesterday postponing the election of Judge for the Southern Circuit of this State until 29th instant, and that the House had resolved, the Senate concurring, to go into the said election to-day at 12 o'clock, M.

The Senate concurred therein, and by a committee consisting of Messrs. Burritt, Walker, and Costin, communicated the same to the House, which committee reported that they had performed that duty.

Pursuant to previous notice, Mr. Lorimer introduced a bill to be entitled, An act for the relief of the poor and destitute, and to guard against the accumulation of pauperism in the County of Leon.

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

Mr. Floyd, from the committee on Corporations, presented the following report :

The Committee on Corporations, to which was referred the petition of sundry citizens of Apalachicola in the county of Franklin, respectfully ask leave to

## REPORT :

That said petition is signed by the principal portion of the tax payers of said city, and the committee know of no reason why the prayer of the petitioners should not be granted, and with that view the committee submits the accompanying bill, in which they ask the concurrence of the Senate. All which is respectfully submitted.

R. J. FLOYD, Chairman.

Which was received.

Mr. Priest, from the committee on Elections, presented the following report :

The Committee on Elections to whom was referred a bill to be entitled, An act to amend an act relative to elections, &c., report the

same back with the following amendments, and ask the concurrence of the Senate therein.

GABRIEL PRIEST, Chairman.

Which was received.

Mr. Avery, from a Select Committee, presented the following report:

The Select Committee appointed by the Senate to confer with a similar Committee on the part of the House, on the subject of an amendment attached in the Senate to the House Resolutions relative to the expenses of Florida Volunteers, ask leave to

#### REPORT:

On conferring with the Committee of the House, your Committee found that to insist upon the amendment of the Senate to the above resolutions would endanger their passage, and therefore recommend that the Senate recede from its amendment.

Respectfully submitted,

O. M. AVERY,  
Chairman Select Committee.

Which was received and concurred in.

The following message was received from the House and read:

HOUSE OF REPRESENTATIVES, Dec. 23d, 1847.

Hon. President of the Senate:

SIR: The House has this day reconsidered the vote of yesterday, postponing the Election of Judge of the Southern Judicial Circuit, and adopted the following, viz:

Resolved, That the House will go into an election of Judge of the Southern Judicial Circuit to-day, at 12 o'clock, the Senate concurring.

Very respectfully,

W. B. LANCASTER,  
Clerk House of Representatives.

The House returned Senate resolution relative to the adjournment of the General Assembly *sine die*, on the 22d inst. as amended by the House, by striking out "22d," and inserting "31st."

Which amendment was concurred in by the Senate.

The House transmitted to the Senate House Preamble and Resolution in relation to the removal of the Public Arms and Equipments, which was read first time, and ordered for a second reading to-morrow.

The following communication from His Excellency the Governor was received and read:

EXECUTIVE DEPARTMENT, Dec. 22d, 1847.

Gentlemen of the Senate and of the House of Representatives:

I herewith transmit a communication from the Register of Public Lands for the State, in regard to certain claims in the Newnansville District, under the "Armed Occupation Act."

Very respectfully,

W. D. MOSELEY.

SIR—I have just been put in possession of some information important to the State, and in relation to a matter on which I think the Legislature should take immediate action.

One of the State Locating Agents in East Florida, whilst examining the maps in the Land Office at Newnansville, preparatory to entering upon his duties, ascertained that, in that District alone, one hundred and fifty thousand acres of land are covered by claims under the "Armed Occupation Act." The probability is, that a large portion of these claims will be forfeited, and the land revert to the United States. The quantity in each claim is one hundred and sixty acres only, which would exclude them from location for the State under existing laws, except so many of them as might be wanted for deficient sixteenth sections, and even in such cases many would be lost to the State by reason of their areas not corresponding with those of the deficient School sections.

These lands are generally valuable. It is therefore desirable that they should be open, if forfeited by the claimants under the act referred to, to selection for the State: and it is the more desirable in consequence of the doubt that exists whether, even then, the State can find enough of good land to satisfy all her acknowledged claims.

As these lands are supposed to be already disposed of by the United States, and without any equivalent, there will probably be less reluctance on the part of Congress to allow Florida to select them by quarter sections, than there would be under other circumstances.

It has been suggested to me that, if Congress should, in accordance with the views expressed in a resolution adopted by the Legislature, authorize the eight sections granted for fixing the seat of Government to be located *by sections*, it would be more profitable to the State to sell the *right*, and permit the *purchasers* to locate, than to have these lands located in the *usual* mode.

I mention this suggestion without remark, as it is a matter on which all can form as correct an opinion as I can.

I am, sir, respectfully yours,

JOHN BEARD,  
Register of Public Lands.

REGISTER'S OFFICE, Tallahassee, Dec. 22d, 1847.  
To Gov. MOSELEY, Present.

On motion of Mr. Burritt, referred to the Committee on Schools and Colleges.

#### ORDERS OF THE DAY:

House bill entitled, An act to authorize certain persons to establish a Ferry across the Apalachicola River at Chattahoochie,

Was read a third time, and on the question, "shall the bill pass?" the yeas and nays were:

Yeas—Mr. President, Messrs. Avery, Brett, Burritt, Costin, Lorimer, McMillan, Priest, Tracey, Walker, Watts—11.

Nays—Messrs. Fairbanks, Smith, Tabor—3.

So said bill passed—title as stated.

Ordered that the same be certified to the House.

Engrossed bill entitled, An act to amend an act entitled an act to organize the Circuit Courts of this State,

Was, on motion, postponed until to-morrow.

House bill entitled, An act to change the name of W. J. McCaughan of Gadsden County,

Was read a third time, and on the question "shall the bill pass?" the yeas and nays were:

Yeas—Mr. President, Messrs. Avery, Brett, Burritt, Costin, McMillan, Priest, Tabor, Tracey, Walker, Watts—11.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the House.

House bill entitled, An act to change the name of Sarah A. Alston,

Was read a third time, and on the question "shall the bill pass?" the yeas and nays were:

Yeas—Mr. President, Messrs. Avery, Brett, Burritt, Costin, Lorimer, McMillan, Priest, Tabor, Tracey, Walker, Watts—12.

Nay—Mr. Fairbanks—1.

So the bill passed—title as stated.

Ordered that the same be certified to the House.

House bill entitled, An act to define the Western boundary of Jackson County, and to repeal an act therein named,

Was read a third time.

Mr. Tabor moved to amend by inserting after the words "Chipola river," the following, viz: "Thence West to a point equi distant in range twelve, thence due North to the dividing line between township four and five, thence West on said line to the Choctahatchie river."

Which was unanimously adopted.

On the question "shall the bill pass?" the yeas and nays were:

Yeas—Mr. President, Messrs. Avery, Brett, Burritt, Costin, Fairbanks, Lorimer, McMillan, Priest, Smith, Tabor, Walker, Watts—13.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the House.

House resolutions relative to the appointment by the Governor of Justices of the Peace,

Were read a third time.

On the question of their passage, the yeas and nays were called for by Messrs. Fairbanks and Burritt, and were:

Yeas—Mr. President, Messrs. Avery, Brett, Burritt, Lorimer, McMillan, Walker, Watts—8.

Nays—Messrs. Costin, Fairbanks, Smith, Tabor—4.

So the resolutions were adopted.

Ordered that the same be certified to the House.

Bill to be entitled, An act to abolish the charter of the city of Apalachicola,

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

House bill entitled, An act to exempt the citizens of Levy County from serving as jurymen beyond the limits of said County,

Was read a third time, and on the question "shall the bill pass?" the yeas and nays were:

Yeas—Mr. President, Messrs. Avery, Burritt, Fairbanks, Lorimer, Walker, Watts—7.

Nays—Messrs. Austin, Brett, Costin, McMillan, Smith—5.

So the bill passed.

Mr. Fairbanks moved to amend the title by inserting "certain," after "exempt."

Which was adopted.

Ordered that the same be certified to the House.

House bill entitled, An act in relation to roads and highways in the Counties of Washington, Benton, and Hamilton,

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

The following communication from the House was received, read, and concurred in, and a committee consisting of Messrs. Burritt, Fairbanks, and Avery instructed so to inform the House, who reported that they had performed that duty.

HOUSE OF REPRESENTATIVES, Dec. 23d, 1847.

Hon. President of the Senate:

SIR:—It was this day by the House "Ordered that the election for a Register of Public Lands and Clerk of the Supreme Court be gone into to-day directly after the election of Judge for the Southern Judicial Circuit, the Senate concurring therein."

Very respectfully,

W. B. LANCASTER,

Clerk Ho. Rep.

A committee from the House informed the Senate that the House was now ready to proceed to the election of Judge for the Southern Circuit of this State.

The House were informed by a committee, that the Senate was also ready to proceed to the election.

Nominations being in order,

Mr. Burritt nominated Joseph B. Lancaster.

Mr. Floyd nominated John Coleman.

Mr. Costin nominated Adam Gordon.

Mr. Tabor nominated Benjamin Wright.

Which nominations were communicated to the House by a committee consisting of Messrs. Tracey, Fairbanks, and McMillan.

A committee from the House informed the Senate that the following nominations had been made in the House, viz:

Joseph B. Lancaster,

Adam Gordon,

George W. Macrae,

Thomas Randall.

But that a communication had been received from Mr. Randall, withdrawing his name.

## TENTH VOTING.

For *Lancaster*—Mr. President, Messrs. Avery, Austin, Brett, Burritt, Lorimer, McMillan, Tracey, Walker, Watts—10.

For *Gordon*—Mr. Costin—1.

For *Coleman*—Messrs. Fairbanks, Floyd, Priest, Smith—4.

For *Wright*—Mr. Tabor—1.

For *Macrae*—0.

Which result was communicated to the House.

A committee from the House announced the result as follows, viz :

For Lancaster,	20
Gordon,	4
Coleman,	3
Macrae,	2

But, there being some informality in the vote, they would proceed to another vote.

Mr. Smith moved to postpone the election indefinitely.

On which the yeas and nays were called for by Messrs. Floyd and Burritt, and were :

Yeas—Messrs. Costin, Fairbanks, Smith, Tabor—4.

Nays—Mr. President, Messrs. Avery, Austin, Brett, Burritt, Floyd, Lorimer, McMillan, Priest, Tracey, Walker, Watts—12.

So the Senate refused to postpone the election indefinitely.

## ELEVENTH VOTING.

For *Lancaster*—Mr. President, Messrs. Avery, Austin, Brett, Burritt, Lorimer, McMillan, Tracey, Walker, Watts—10.

For *Gordon*—Mr. Costin—1.

For *Coleman*—Messrs. Floyd, Priest, Smith—3.

For *Wright*—Mr. Tabor—1.

Which result was communicated to the House.

Result in the House :

For Lancaster,	20
Gordon,	10
Macrae,	3

Mr. Lancaster having received the requisite constitutional majority, the President declared him duly elected Judge for the Southern Circuit of this State.

On motion, a committee consisting of Messrs. Avery, McMillan, and Priest, was appointed to inform the House that the Senate was now ready to go into the election of Register of Public Lands and Clerk of the Supreme Court, who reported that they had discharged that duty.

A committee from the House informed the Senate that the House had resolved, the Senate concurring, to take a recess until 3 o'clock, and that the General Assembly would then proceed with the election of Register and Clerk of the Supreme Court.

The Senate concurred, and by a committee so informed the House. On motion, the Senate took a recess until 3 o'clock.

3 O'CLOCK, P. M.

A Committee from the House informed the Senate that the Hon. Joseph B. Lancaster had resigned the office of Speaker of the House of Representatives, and that the House had elected Hon. John Chain Speaker.

A Committee from the House informed the Senate that the House had resolved to postpone the election of Register and Clerk of the Supreme Court, until the 29th inst. at 12 o'clock, M.

The Senate concurred therein.

The Senate proceeded with the Orders.

Bill to provide for the sale of the sixteenth sections granted by Congress to the State for the support of Public Schools, and for consolidating the School Fund.

On motion of Mr. Avery, the Senate resolved itself into a Committee of the Whole on said bill, Mr. Tracey in the Chair. After some time spent therein, the Committee rose, and by their Chairman reported the bill back to the Senate with amendments, and asked to be discharged from the further consideration thereof :

Which report was concurred in.

Mr. Fairbanks moved to amend the 5th section by striking out "of this State" in 2d line, and by striking out all after "United States" in line 3d ;

On which the yeas and nays were called for by Messrs. Fairbanks and Costin, and were :

Yeas—Messrs. Burritt, Costin, Fairbanks, Priest, Smith—5.

Nays—Mr. President, Messrs. Avery, Austin, Floyd, Lorimer, McMillan, Tabor, Tracey, Watts—9.

So the Senate refused to adopt the amendment.

Ordered, that said bill be engrossed for a third reading to-morrow.

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

FRIDAY, December 24, 1847.

The Senate met pursuant to adjournment.

The roll being called, Mr. President, Messrs. Avery, Austin, Burritt, Lorimer, McMillan, Priest, Tracey, Watts, answered to their names.

No quorum being present, on motion of Mr. Avery the Sergeant-at-Arms was ordered to go after and bring in the absentees.

A quorum having assembled,

Rev. Mr. Choice officiated as Chaplain.

On motion of Mr. Tracey, the reading of the Journal of yesterday was dispensed with.

Pursuant to previous notice, Mr. Tracey introduced a bill to be entitled, An Act to exempt the inhabitants of Amelia Island, in the county of Nassau, from working upon the roads on the mainland.

Which was read the first time, and ordered for a second reading to-morrow.

Pursuant to previous notice, Mr. Watts introduced a bill to be entitled, An Act providing for bail in certain cases; which was read the first time. On motion of Mr. Tracey, the rule was waived, the bill read the second time, and referred to the Judiciary Committee.

Mr. Avery moved that hereafter the Senate meet every day, (Sundays excepted,) at 9 o'clock A. M.

On which the yeas and nays were called for by Messrs. Avery and Fairbanks, and were:

Yeas—Mr. President, Messrs. Avery, Austin, Burritt, Lorimer, McMillan, Tracey—7.

Nays—Messrs. Costin, Fairbanks, Priest, Smith, Tabor, Watts—6. So the motion was adopted.

Mr. Avery presented the following resolutions:

Whereas, N. P. Bemis did on the 21st instant resign his office of Comptroller of Public Accounts, and the business of the said office has in consequence of his illness not been brought up to the date of his resignation, as it is necessary it should be to save his successor elect from undue labor and responsibility, and to enable him to perform advisedly the duties of the said office—Therefore,

*Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That Hugh Archer, (late Comptroller *ad interim*) be, and he is hereby employed, to bring up all the business of said office to the 21st instant, to be paid therefor out of the contingent fund such sum as the Governor shall allow.

Which was read the first time.

Mr. Avery moved that the rule be waived, and said resolutions read the second time.

Which motion was lost.

Mr. Lorimer presented the petition of B. G. Thornton, praying relief for building the capitol, &c.

On motion, referred to a Select Committee, said committee consisting of Messrs. Lorimer, Floyd, and Avery.

The following communication was transmitted to his Excellency the Governor:

SENATE CHAMBER, Dec. 24, 1847.

*To his Excellency the Governor of Florida:*

SIR:—I have the honor to communicate to your Excellency that an election for a Judge of the Southern Circuit of the State of Florida has been held by both Houses of the General Assembly, and that on the eleventh voting Joseph B. Lancaster received ten votes in the Senate, and in the House of Representatives, as reported to the Senate by a committee from that body, he received twenty votes, and that the said Joseph B. Lancaster having received the concurrent vote of the majority of both Houses of the General Assembly, was declared

by the President of the Senate duly elected Judge of the Southern Circuit of this State.

Very Respectfully,

C. W. DOWNING,  
Secretary Senate.

The following message, and the minutes therein mentioned, signed by the Secretary of the Senate and Clerk of the House of Representatives were transmitted to his Excellency the Governor.

SENATE CHAMBER, Dec. 24, 1847.

*To his Excellency the Governor of Florida:*

SIR:—We herewith transmit to your Excellency minutes of the proceedings of the two Houses of the General Assembly of the State of Florida relative to the election of Comptroller of Public Accounts and Treasurer of the State.

Very Respectfully,

C. W. DOWNING,  
Secretary Senate.  
W. B. LANCASTER,  
Clerk Ho. Rep.

#### ORDERS OF THE DAY.

Engrossed bill entitled, An Act to provide for the sale of the sixteenth sections granted by Congress to the State for the support of Public Schools, and for consolidating the School Fund, was read a third time, and on the question, Shall the bill pass? the yeas and nays were:

Yeas—Mr. President, Messrs. Avery, Burritt, Costin, Fairbanks, McMillan, Tracey, Watts—8.

Nays—Messrs. Austin, Floyd, Lorimer, Priest, Smith, Tabor—6. So the bill passed. Title as stated.

Ordered that the same be certified to the House.

House Preamble and Resolutions relative to the passage of a law in relief of certain citizens of this State, was read a first time, and ordered for a second reading to-morrow.

Engrossed bill entitled, An Act to amend an act entitled an act to organize the Circuit Courts of the State of Florida, was read the third time, and on the question, Shall the bill pass? the yeas and nays were:

Yeas—Messrs. Burritt, Costin, Fairbanks, Floyd, Priest, Smith, Tracey—7.

Nays—Mr. President, Messrs. Avery, Austin, Lorimer, McMillan, Watts—6.

So the bill passed. Title as stated.

Ordered, that the same be certified to the House.

Senate bill entitled, An Act to authorize the Executors of George Kingsley, deceased, to sell Real Estate, which was returned to the Senate by the House with amendments, was taken up, and the Senate refused to concur in said amendments.

House bill entitled, An act in relation to roads and highways in

the Counties of Washington, Benton and Hamilton, was read a third time, and on the question, "shall the bill pass?" the yeas and nays were:

Yeas—Mr. President, Messrs. Avery, Austin, Burritt, Costin Lorimer, McMillan, Priest, Tracey, Watts—10.

Nays—None.

So the bill passed—title as stated.

A bill to be entitled, An act to abolish the charter of the city of Apalachicola, was read a second time and ordered to be engrossed for a third reading on to-morrow.

Bill to be entitled, An act relating to crimes and misdemeanors, was read a second time.

Mr. Burritt offered the following amendments; add:

SEC. 2. *Be it further enacted*, That if any person shall in this State have in his possession, custody, care or control, any forged or fraudulently altered deed, bill of exchange, promissory note, order, check, receipt, bank note, draft, or any other paper, written or printed, whatsoever, knowing the same to be forged or fraudulently altered, with intent to use, circulate, or dispose of the same in any manner, either directly or indirectly, for any fraudulent purpose whatsoever, such person shall be deemed guilty of felony, and shall on conviction be punished by fine not exceeding one thousand dollars, and by standing in the pillory three hours, or by imprisonment not exceeding three years, at the discretion of the Court.

SEC. 3. *Be it further enacted*, That if any person shall within this State, pass, utter, publish or sell, or attempt to pass, utter, publish or sell, or have in his possession with intent to pass, utter, publish or sell, any false, forged or counterfeit coin, in the resemblance or similitude of the gold and silver coin of the United States, or of any foreign country, which is by law made current, or is in actual use and circulation as money, with intent to defraud any person or persons, a body politic or corporate, every person so offending shall be deemed guilty of felony, and shall, on conviction thereof, be punished by fine not exceeding one thousand dollars, and standing in the pillory three hours, or by imprisonment not exceeding three years, at the discretion of the Court: *Provided*, That no person, convicted of the offences named in this section, in any Federal Court in this State, under the laws of the United States, shall be tried or convicted for the same offence in any Court of this State.

Which were adopted.

Mr. Avery moved that so much as relates to the United States coin be stricken out.

Which was lost.

Ordered that said bill be engrossed for a third reading to-morrow.

Bill to be entitled, An act to amend an act to organize the office of Comptroller of Public Accounts of the State of Florida, approved July 23, 1845, was read a second time and ordered to be engrossed for a third reading to-morrow.

Bill to be entitled, An act to authorize James Cockroft to establish

a Ferry across Shoal River, was, on motion, read a second time by its title, the rule waived, read a third time by its title, and on the question "shall the bill pass?" the yeas and nays were:

Yeas—Mr. President, Messrs. Avery, Burritt, Costin, Lorimer, McMillan, Priest, Tabor, Tracey, Watts—10.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the House.

House preamble and resolutions in relation to the removal of the Public Arms and Equipments, was read a second time, and on the question of reading a third time to-morrow, the yeas and nays were called for by Messrs. Lorimer and Burritt, and were:

Yeas—Messrs. Avery, Austin, Burritt, Costin, McMillan, Tabor, Tracey, Watts—8.

Nays—Mr. President, Messrs. Lorimer and Priest—3.

So they were ordered to be read a third time to-morrow.

The House returned Senate bill entitled, An act to amend the several acts relative to County Commissioners, as passed by the House without amendments.

Mr. Burritt moved that the rule be waived, and he allowed to make a motion.

The Senate refused.

The House returned House bill entitled, An act to exempt the citizens of Levy County from serving as jurymen beyond the limits of said County, which had been amended by the Senate, with a message stating that the House would not concur in the amendments of the Senate.

Mr. Priest moved that the Senate insist upon their amendment.

Which motion was lost.

Mr. Floyd moved that the Senate recede. Which motion prevailed.

Bill to be entitled, An Act for the relief of the poor and destitute, and to guard against the accumulation of pauperism in Leon county, was, on motion of Mr. Floyd, postponed until to-morrow.

House bill, entitled, an act, to make valid the proceedings of sundry persons commissioned as Justices of the Peace in this State,

Was read a second time.

Mr. Burritt moved to amend by adding at the end of section 2, the following:

By reason of any real or supposed inequality or illegality in the said elections.

Which amendment was adopted, and the bill ordered for a third reading to-morrow.

On motion, the Senate took a recess until 3 o'clock.

3 O'CLOCK, P. M.

The Senate proceeded with the orders.

House bill entitled, An act to provide Writs of Error in criminal cases.

On motion of Mr. Avery, the Senate resolved itself into a committee of the whole on said bill, Mr. McMillan in the Chair.

After some time spent therein, the committee rose and by their Chairman reported the bill back to the Senate with amendments, and asked to be discharged from the further consideration thereof.

Which report was concurred in.

The bill as amended was on motion read a second time by its title.

On motion of Mr. Burritt, the rule was waived, the bill read the third time, and on the question, "Shall the bill pass?" the yeas and nays were:

Yeas—Mr. President, Messrs. Avery, Burritt, Costin, Lorimer, McMillan, Priest, Tracey, Watts—9.

Nays—Mr. Tabor—1.

On motion of Mr. Tracey, the rule was waived, and leave of absence granted to Mr. Lorimer until Monday next.

House bill entitled, An act to amend the several acts regulating Judicial proceedings,

Was read the second time.

Mr. Avery moved that the rule be waived and the bill read the third time.

Which motion was lost, and said bill ordered for a third reading to-morrow.

House bill entitled, An act to authorise the Treasurer of Alachua county to pay over to the Treasurer of Marion county, the amount of the County tax in his hands, assessed and collected upon lands lying in Marion county,

Was read a second time, and ordered for a third reading to-morrow.

House bill entitled, An act to repeal an act entitled, An act to amend an act to establish a tariff of fees, approved February 15, 1834, and which was approved Dec. 25, 1845,

Was read the second time, and on motion of Mr. Avery postponed until to-morrow.

On motion, the rule was waived, and Mr. Tracey allowed to move a reconsideration of the resolution to adjourn *sine die* on the 31st inst.

Whereupon said resolution was reconsidered.

Mr. Burritt moved, that said resolution be laid upon the table.

Which motion was adopted.

House resolutions relative to locating the school lands in eights of sections,

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

House bill entitled, An act to amend an act entitled, An act to amend the execution laws, approved 15th March, 1844,

Was read a second time and ordered for a third reading to-morrow.

A bill entitled, An act to organise the county of Holmes,

Was read a second time.

Mr. Fairbanks offered the following amendments:

Add to the end of section 9, the following:

*Provided*, its population shall equal the existing ratio of representation, and in such case the Judge of Probate shall order an election for such representative according to law; *And provided further*, that the population of Walton county shall not be reduced by the taking of such county of Holmes from its territory below the existing ratio; and the Judge of Probate shall forward a copy of the list of remuneration to the Secretary of the State of Florida, and no election shall take place for such representative until such evidence shall be produced to said Secretary of State.

Mr. McLean offered the following amendment to the amendment:

*Provided*, that the expenses incurred by taking the census of said counties be paid out of the State Treasury.

Which was lost,

On the question of the adoption of the amendment offered by Mr. Fairbanks, the yeas and nays were called for by Messrs. Fairbanks and McLean, and were:

Yeas—Messrs. Avery, Burritt, Costin, Fairbanks, Lorimer, McMillan, Priest, Tabor, Tracey—9.

Nays—Mr. President—1.

So the amendment was adopted.

Mr. McLean offered the following amendment:

SEC. 10. *Be it further enacted*, That a Circuit Court shall be held in said county of Holmes, commencing first on Thursday after the second Monday in November, and the Spring term of said Courts shall be held on third Monday in May, and the Spring term shall be held in Washington county, on Thursday after the third Monday in May in each and every year.

Which was adopted.

Ordered that said bill be engrossed for a third reading to-morrow.

A bill entitled, An act to amend an act relative to elections in this State, passed Dec. 29, 1845, as amended by a committee,

Was read the second time, and the question on the adoption of the amendment suggested by said committee, being put, the amendment was agreed to.

Ordered, that said bill be engrossed for a third reading to-morrow.

Resolutions relative to the Wilmot Proviso, offered with the majority report of the committee on Federal Relations,

Were read a second time, and ordered to be engrossed for a third reading to-morrow.

Resolutions accompanying the minority report of said committee,

Were read the second time.

Mr. Avery moved to strike out the 1st, 2d and 3d resolutions.

On which the yeas and nays were called for by Messrs. Fairbanks and Priest, and were:

Yeas—Mr. President, Messrs. Avery, Burritt, Lorimer, McMillan, Tracey—6.

Nays—Messrs. Costin, Fairbanks, Priest—3.

On motion, Mr. Watts was excused from voting.  
So said resolutions were stricken out.  
On motion, the Senate adjourned until Monday next, 10 o'clock.

MONDAY, December 27, 1847.

The Senate met pursuant to adjournment.  
Rev. Mr. Choice officiated as Chaplain.

A quorum being present, the proceedings of Friday were read, amended, and approved.

Mr. Burritt gave notice that he would on some future day ask leave to introduce a bill for the relief of the Representatives of Samuel Blair, deceased.

Mr. Smith asked leave to have the following spread on the Journals.

On which the yeas and nays were called for by Messrs. Floyd and Priest, and were:

Yeas—Mr. President, Messrs. Avery, Burritt, Costin, Fairbanks, Lorimer, McMillan, Priest, Smith, Tabor, Watts—11.

Nays—Messrs. Floyd, Tracey—2.

So the following was ordered to be spread upon the Journal:

And now comes this day the Senator from Jefferson county, and explains the reason Judge Thomas Randall was nominated by me for the Judgeship of the Southern Circuit of Florida, which is as follows: I asked Judge Randall if he would serve if he was elected, and his reply, as far as I recollect, was this: That if it was an open question with his own party, he would be glad to have the office, as the practice of law had declined very much, but that he did not wish to be considered as the means of causing a split in his own party. I then told him that he ought to know that I did it from respect to him and not on that ground. Judge Randall then said he hoped I understood his position. And from that conversation I inferred I had a right to nominate him.

JOHN M. SMITH.

On motion of Mr. Avery, the rule was waived, and he allowed to introduce a bill to be entitled, An act to amend an act entitled, An act to authorize and empower the Comptroller of Public Accounts to audit and allow the contingent expenses of the Circuit Courts and Supreme Court of Florida, approved by the Governor Dec. 29, 1845.

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

Mr. Fairbanks moved that the Committee on taxation and revenue report, as soon as possible to the Senate, the probable amount of revenue which will be derived from the taxes under the law at present in force: and what is the amount probably requisite for the current expenses of the year 1848; and whether and what increase of taxation is necessary, and to report a bill for that purpose.

Which was adopted.

On motion of Mr. Burritt, Mr. Fairbanks was added to the Committee on Taxation and Revenue.

Leave being granted, Mr. Floyd, from the Judiciary Committee, presented the following minority report:

The undersigned, one of the Committee on the Judiciary, to whom was referred certain resolutions, offered by himself, and which were reported upon by a majority of the said Committee some time since, asks leave to have this his minority report spread upon the Journals of the Senate.

#### REPORT:

The first argument in the Report of the Committee is based upon the success and usefulness of the Federal Judiciary.

The undersigned admits that the Judiciary system of the U. S. has fulfilled the designs of those Sages who framed it; but he denies that, in the circumstances of the Federal Government, and that of a single State, there is such analogy as would alike recommend the application of the same principle, or the same practice to both. The very nature and extent of jurisdiction that it was deemed necessary to confer upon the Federal Judiciary, required that the people of the respective States, in their individual capacities, and the several States in their respective sovereign capacities, should both participate in the appointment of the Federal Judges. And why? Because the Court was vested with power to decide cases in law and equity, between individual men and between sovereign States, and therefore as the most convenient mode of effecting this purpose—protecting the rights of individuals and the rights of the States, as far as the Court can do it—the right to nominate the Judges was given to the President, who is the Representative of the People, and the right to confirm or reject such nomination was conferred upon the Senators, who represent respectively the States as Sovereign communities.

In regard to the Judiciary of a single State, the case is totally different. Here the jurisdiction of the Judge is more limited: it is confined for the most part to the adjudication of causes between individuals of the same community. That community therefore is alone or chiefly interested in the matter of an upright, learned and wise Judiciary; and in what manner they shall constitute the tribunal, is, therefore, a question of mere expediency, as is admitted by the Committee.

The Committee and the undersigned agree then, in one point; but they suddenly and widely diverge. The undersigned, in the preamble to his Resolutions, which gave rise to the pious and eloquent Report of the Committee, assigned among other reasons in support of his propositions, the capability of the people to select their Judges. On this proposition the Committee, who are both lawyers, adroitly evade the direct issue, and ask whether this, (the capability of the people,) "is any good reason for changing the Constitution,"

and devolving upon the *people directly* the right to elect? In reply to this question, the undersigned would say: Yes! it is one very good reason, and another, still better, is that the *people are honest*. And here, the undersigned would tender the direct issue to the learned and eloquent Committee, whether the *people generally*, (or the *common people*, as they are sometimes called by *un-common gentlemen*;) are not quite as capable intellectually, and much more so *morally*, than their very select agents in the two ends of this Capitol? And the undersigned calls upon those learned barristers, and eloquent expounders of Constitutional law, to plead, answer or demur to the issue tendered.

Unusual alike and averse to the subtle tricks of special pleaders, he is willing to give his adversaries a chance to amend their plea, provided they will allow him to file his answer, for he cannot but think that, with all their learning and prudence, they have been betrayed by sudden indignation into the utterance of sentiments which one of them at least would gladly recall. "Do the 'good people,'" the Committee ask, "of this State, desire that that high office, which holds the balance of justice between man and man; that looks to the fountain of Eternal Justice for its guide; and emulates in the dispensations of *human justice*, the wisdom and purity of heaven; that asks the sanction of the Most High, rather than of man, for what it does, should become the sport and foot ball of electioneering demagogues?"

This is the pregnant plea—pregnant alike with reverence for infinite purity and wisdom, with rhetorical elegance, and with respect for the people—to which the undersigned refers, as one that may have been dictated by excited passion.

In reply to that interrogatory, the undersigned would say that as *one of the people*, he *certainly* desires no such sport; and "as far as he is informed and believes," the people *generally* do not desire it.

He confidently believes that the honest, sober, sensible people of Florida would revolt at the idea of making a "football of the judicial office" for the sport of demagogues, whether the *game* were to be played throughout the State or only in the *Capital*; but if the game be inevitable, and demagogues must be indulged in it, the undersigned thinks that *Republican justice* demands fair play, which can only be insured by allowing *all* the people to participate, for he is opposed to monopolies of all kinds, and especially to such as are calculated to establish a virtual monarchy, or what is worse, an irresponsible and heartless oligarchy.

And he further believes that, if the people knew how that "high and sacred office that emulates, in the dispensations of *human justice*, the wisdom and purity of heaven," had been debauched by *King Caucus* and his subjects in their nocturnal orgies, the people would rise in the majesty of their sovereign power, and hurl that *King* from his "bad eminence" with all his satellites down to political perdition as profound as that of another kind, to which the first arch rebel was consigned.

It is said that when the arch enemy of man, meditated the ruin of

our race, he watched an opportunity when our common mother was separate from her mate. Is it not thus with the political adversary of the people now? Does not *King Caucus* seek the occasion, when the people's Representatives are separated from their constituents, to seduce those Representatives from their duty, to "disrobe them of their high Constitutional functions," and, by blandishments as sincere and disinterested as those which Satan used, persuade his victims to eat of that political fruit, which contaminates even the sacred purity of an embryo Judge?

But to the argument.

The committee have drawn the *portrait of a Judge*—such a Judge as the world has not seen since the days of Solomon or of Daniel, if then.

"But the Judge or the Chancellor," say the committee, "to be qualified, should bring with him not only all the general information which may be sufficient in the Executive and Legislative capacity, but he must besides bring with him a profound knowledge of law as a particular science, and to varied and intense reading, must have been superadded practice. While the Executive branch of the Government finds its duty clearly defined in the Constitution, and perhaps a few statutes; the Judicial branch must be familiar not only with them, but with all law, national and municipal, common and statute, civil, ecclesiastic and military, all over the civilized world, if its duties are upon all occasions to be discharged with promptness and ability. And the committee believe, that it is no disparagement of the intelligence of the people of this or of any other State, to imagine, that there are many, very many, who would not only fail correctly to estimate the necessary qualifications, but would from necessity, be without the advantages to know who possessed them, or to sufficiently discriminate between competitors, if they did." And pointing to this picture, the committee tell us that there "are many, very many (of the people) incapable of discriminating between such a competitor and one of inferior qualifications." Hence, of course, it is necessary that the people should send as they generally do, their wisest neighbors to elect for them; and if the people should happen, through ignorance and the want of discrimination, to send on such a mission, agents no more enlightened than themselves, why these blind guides have only to be conducted by some kind, initiated friend, to the magical palace of *King Caucus* to have all that was dark, illumined.

The committee not only distrust the intelligence of the people, but are confident that the people are too much involved in litigation to select a Judge, without a view to their own "direct and personal interest." Therefore the committee think that the only safe depository of this "high constitutional function," is the hands of those *select men*, who never have any law suits!

The committee say, "as no man has a right to be a Judge in his own cause, so neither should he contribute by his vote or influence, to the election or appointment of the man to decide that cause."

The corollary to this proposition is similar to the last; the *people all*

have causes to be tried, therefore *they* ought not to have any hand in electing a Judge; but the people's *Representatives are all a quiet, orderly set of men who never go to law*, and therefore they are alone fit to exercise the "high constitutional function."

To sum up their cogent arguments, the committee conclude that "until man and his nature be changed, it is obvious, if such a system were adopted, parties litigant would be exposed to temptations to consult their own interest rather than that of society in the election of these public officers." The committee are of opinion, that in the present depraved state of society the only safe course, is, the one now pursued, that is to say until the caucus machinery shall have been carried to such perfection, that it can be made to act upon the whole mass of the people, it will be wise and charitable to entrust the "high constitutional functions" exclusively to such number as can be conveniently subjected to the purifying process of *King Caucus*.

The undersigned, overwhelmed by the profound erudition, the cogent reasoning, the splendid Rhetoric of the committee, and rebuked by their blushing "*Republican modesty*," would have shrunk from such an unequal contest, but that he felt it to be his duty as an humble Sentinel, to sound the alarm to the people when he saw *King Caucus* with his ruthless host, casting lots for the spoils of anticipated victory. Very respectfully submitted.

ROB. J. FLOYD.

Which was received.

Mr. Fairbanks, from the Committee on Enrolled Bills reported bill entitled, An Act to amend the several acts relative to County Commissioners, as correctly enrolled.

Mr. Burritt, from the Judiciary Committee, presented the following report;

The Committee on the Judiciary to whom was referred an engrossed bill from the House of Representatives entitled, "An act in addition to an act to organise Courts of Probate for the State of Florida," ask leave to

#### REPORT:

That they have had the same under consideration—that in their opinion many if not most of the provisions of the bill are already the law of this State—that there are other provisions that the committee cannot approve, and that although there may be some which are salutary, as a whole, they cannot recommend the passage of the bill—and they ask the concurrence of the Senate herein, and to be discharged from its further consideration.

S. L. BURRITT, Chairman.

Which was received.

Also the following:

The Committee on the Judiciary to whom was referred the petition Alexander McKenzie, praying that his wife Sarah Jane McKenzie be allowed to take a child's part in lieu of dower assigned her in the

estate of her late husband, John Herring, of Gadsden county, dec'd., ask leave to

#### REPORT:

That they have had the same under consideration—that they are not furnished with any evidence as to the number of children interested in said estate, and are without any means of knowing what consequences would follow from attempting by an enactment to vary the rights and interests of the said Sarah Jane and the children of her said husband respectively as they at present exist. If there be but one child, then the wife would gain by taking a child's part, for she would be entitled to half. If there were two children only, then she would be entitled to one third—which is the same as dower. If there were more than two children, she would lose by taking a child's part instead of dower. The petitioner sets forth that she would lose, and that the children would gain by allowing her to take a child's part. If that is all that is wanted, your committee cannot see why she may not attain the object desired, by a voluntary relinquishment by her and her present husband, the petitioner, to the children of a portion of the dower to which she is entitled. If the children are not to gain but to lose by the proposed law, then the committee are of opinion that such a law would attempt to disturb rights already vested, and which in the opinion of your committee cannot be done by legislative enactment. The committee therefore do not feel at liberty to recommend the passage of the law proposed by the petitioner—and they ask to be discharged from the further consideration of the subject.

S. L. BURRITT, Chairman.

Which was received.

Also the following:

The Committee on the Judiciary to whom was referred a bill to be entitled, An act providing for bail in certain cases, ask leave to

#### REPORT:

That they have had the same under consideration, and they recommend the passage of the said bill as amended herewith.

S. L. BURRITT, Chairman.

Which was received.

Mr. Fairbanks, from a Select Committee, presented the following report:

The Select Committee, appointed to report upon the memorial of the College of Physicians and Surgeons of Philadelphia,

#### REPORT:

That the subject of providing for an accurate and careful registration of births, marriages, and deaths, is one well worthy of an attentive consideration.

To us as a community, dependent in a great measure upon the healthfulness of our climate for an increase of population by immi-

gration, it is peculiarly important that we should be able to demonstrate, by the unerring proof of statistical tables, its favorable vital influences. This can in no way be accomplished but by a well digested system of registration of births, marriages and deaths.

Great injustice is now done, we believe, to the South generally, and to our own State particularly, in the estimate of comparative healthfulness instituted between it and the Northern States. As high an extra charge as one per cent on the amount insured is now charged upon life insurance in this State over that in Virginia, Maryland, &c., while your Committee believe that the mortality and proneness to disease are actually less here than there. If we can establish, as your Committee believe we can, by statistical tables, the superiority of our climate in its exemption from disease, we shall rapidly promote the ingress of population from more unhealthy and sterile portions of the South. The Registers kept by the Medical Officers of the British army during its British occupation from 1763 to 1783, indicated that it was the healthiest point occupied by the British troops in any quarter of the globe: and the Registers of our own army have shown that even during the Florida war the loss by disease and death was less than at the garrison stations in the North and West. Our towns upon the coast have long been famed for their salubrity, and it is believed the health of the interior would compare favorably with any portion of the United States.

The following table of the number of deaths in proportion to the population in the cities of Charleston and Philadelphia, show that, while the mortality of the white population of Charleston is no greater than that of Philadelphia, the mortality among the blacks in Charleston is fully one-third less than in Philadelphia, and is said to be but one-fourth of that in Boston; facts having an important bearing upon the examination of the question as to the more sanitary condition of blacks in the Slave States.

*Tables of Mortality in Charleston and Philadelphia.*

Years.	CHARLESTON.		PHILADELPHIA.	
	Whites.	Blacks.	Whites.	Blacks.
1831	1 in 46	1 in 37	1 in 39	1 in 33
1832	1 in 55	1 in 55	1 in 28	1 in 22
1833	1 in 55	1 in 55	1 in 47	1 in 35
1834	1 in 42	1 in 44	Y. Fever, 1 in 41	1 in 33
1835	1 in 43	1 in 46	do. do. 1 in 38	1 in 31

Your Committee therefore recommend the passage of an act to provide for the registration of births, deaths and marriages.

G. R. FAIRBANKS, Chairman.

Which was received and concurred in.

Mr. Fairbanks, from a Select Committee, made the following report:

The Joint Select Committee appointed to examine the office and proceedings of the Register of Public Lands, ask leave to

### REPORT:

That they have examined, with much care and attention, the operations of this office, and have found it managed with the utmost skill, order, and economy. It will be recollected that previous to the election of the present Register, the office had been vacant for a year, and consequently the present incumbent has been required to arrange and regulate, not only the business of the current year, but the principal portion of that of the preceding year, and at the same time to make a complete organization of his office. His attendance at Washington for the purpose of securing to the State an early recognition of the selections made has also been required. He has also attended and made sales of above twelve thousand acres of land in different portions of the State. Your committee deem it but just to express their favorable opinion of the promptness, judgment and ability with which these varied and arduous duties have been performed.

The operations of the office may be briefly summed up as follows:

QUANTITY OF LAND SELECTED.		
For Seminaries, } Approved.		48,437 acres.
" Schools, } Approved.		7,371 "
" Internal Improvements,		155,061 "
" Internal Improvements, selected, but not reported,		43,737 "

Quantity of land selected, 254,606 "

BY WHOM SELECTED.	FIRST QUALITY.	SECOND QUALITY.	THIRD QUALITY.
A. M. Randolph,	17,069 19	11,971 47	20,927 92
A. M. Randolph,	12,134 00	22,286 00	25,333 00
B. F. Whitner,	25,303 37	16,639 70	35,699 42
H. Wells,	4,154 18	8,552 71	10,303 06
B. Barkley,	3,291 10	3,336 31	17,934 92
S. J. Perry,	8,190 00	3,910 00	7,570 00
	70,141 84	66,696 19	117,768 32
			66,696 19
			70,141 84

Acres, 254,606 35

Cost of locating, \$8,785 65

The amount of sales have been 11,805 acres, producing \$32,825 24, and averaging \$2 78 per acre. These sales were, however, made of lands long since selected, and some of which were appraised at only \$1 per acre. The amount received seems to your committee fully equal to any reasonable anticipation. The selection of State lands is proceeding as rapidly as practicable, five locating agents being now in the field.

Further sales of lands are to take place, the ensuing Spring, in Madison, Jefferson, and Marion Counties.

The result of the operations of the office during the past year have not only enabled it to defray its current expenses, but to lay by a surplus to be funded. It seems to your committee that some provision should be made by law to enable the Register to comply with that portion of it which requires his office to be constantly open, by authorizing the employment of a clerk or deputy for the purpose of keeping open said office in the necessary absence of the Register.

G. R. FAIRBANS,  
Chairman Senate Committee.  
O. M. AVERY,  
LOUIS ALDRICH,  
Chairman House Committee.  
B. J. J. MITCHELL.

Which was received and concurred in.  
The following message from the House was received and read, and the order therein concurred in :

HOUSE OF REPRESENTATIVES, Dec. 27th, 1847.

*Honorable President of the Senate :*

SIR : The House has this day adopted the following :

Ordered that, the Senate concurring, the General Assembly will, at 3 o'clock on this day, go into an Election for a Comptroller of Public Accounts, to fill the vacancy in that office occasioned by the resignation of N. P. Bemis, the late Comptroller.

Very respectfully,  
W. B. LANCASTER,  
Clerk House of Representatives.

#### ORDERS OF THE DAY.

Engrossed bill to be entitled, An act to amend an act relating to crimes and misdemeanors,

Was read a third time, and on the question, " Shall the bill pass ?" the yeas and nays were :

Yeas—Mr. President, Messrs. Avery, Burritt, Costin, Fairbanks, Floyd, Lorimer, McMillan, Priest, Sanderson, Smith, Tabor, Tracey, Watts—14.

Nays—None.

So the bill passed. Title as stated.

Ordered that the same be certified to the House.

Engrossed bill entitled, An act to amend an act relative to elections in this State, passed Dec. 29, 1845,

Was read a third time.

Mr. Avery moved to amend the title of said bill so that it read as follows :

An act in addition to an act relative to elections in this State, passed Dec. 29, 1845.

Which was adopted.

On the question, " Shall the bill pass ?" the yeas and nays were :

Yeas—Mr. President, Messrs. Avery, Burritt, Costin, Fairbanks, Lorimer, McMillan, Tabor, Tracey, Watts—10.

Nays—None.

So the bill passed. Title as stated.

Ordered that the same be certified to the House.

The following communication from his Excellency the Governor, was received and read :

EXECUTIVE DEPARTMENT, December 27, 1847.

*Gentlemen of the Senate and House of Representatives :*

It becomes my duty to inform you that N. P. Bemis, Esq., resigned his office of Comptroller of Public Accounts, to take effect on Tuesday last, the 21st instant. His commission would not have expired until the end of the present session.

The office being thus vacant, and the power of appointing to fill the vacancy not being constitutionally vested in me, during a session of the General Assembly, it becomes your province to decide whether or not you will elect some one Comptroller for the balance of Mr. Bemis' unexpired term. Very respectfully,

W. D. MOSELEY.

Engrossed bill entitled, An act to amend an act to organize the office of Comptroller of Public Accounts of the State of Florida, approved July 23, 1845,

Was read a third time, and on the question, " Shall the bill pass ?" the yeas and nays were :

Yeas—Mr. President, Messrs. Avery, Burritt, Fairbanks, Lorimer, McMillan, Priest, Tabor, Tracey, Watts—10.

Nays—None.

So the bill passed. Title as stated.

Ordered that the same be certified to the House.

On motion, the Senate took a recess until 3 o'clock.

3 O'CLOCK, P. M.

The following communication was transmitted to His Excellency the Governor :

SENATE CHAMBER, December 27, 1847.

*To his Excellency the Governor of Florida :*

I have the honor herewith to transmit for your approval a bill entitled, An Act to amend the several acts relative to County Commissioners, passed by the two Houses of the General Assembly, and signed by the presiding officers thereof. Very respectfully,

C. W. DOWNING, Sec. Senate.

On motion, Messrs. Avery, Watts, and Austin, were appointed a committee to inform the House that the Senate was now ready to go into the election of Comptroller of Public Accounts for the State of Florida, to act during the remainder of the Session, (Mr. Bemis having resigned,) who reported that that duty had been performed.

A committee from the House informed the Senate that the House

was ready to proceed to said elections; whereupon the Senate proceeded to the Hall of the House of Representatives, and the General Assembly proceeded by joint vote in said election.

By the invitation of the Speaker of the House, the President of the Senate took the Chair.

The President having announced that nominations were in order, Mr. Forward nominated Simon Towle.

No other nominations being made, the vote was as follows:

For *Simon Towle*—Mr. President, Messrs. Avery, Austin, Burritt, Costin, Fairbanks, Lorimer, McMillan, Moseley, Priest, Sanderson, Tabor, Tracey, Watts, Mr. Speaker, Messrs. Aldrich, Bannerman, Bradwell, Burnham, Collins, Cook, Crawford, Forward, Garrason, Hagner, Hancock, Henderson, Higginbotham, Hobart, King, A. E. Maxwell, Morrison, Overstreet, Quiggles, Scott, Sheldon, Smith, Taylor, Waterston—39.

So the President declared Mr. Towle duly elected Comptroller of Public Accounts of this State to fill the vacancy caused by the resignation of N. P. Bemis.

The Senate having returned to their Chamber, proceeded with the Orders.

Bill to be entitled, An Act to provide for bail in certain cases, was read a second time.

Mr. Fairbanks moved to amend the title of said bill so that it read, as follows, viz: Bill to be entitled An Act to provide the privilege of bail in certain cases. Which was adopted.

Ordered that said bill be engrossed for a third reading to-morrow.

House bill entitled, An Act in addition to an act to organize Courts of Probate for the State of Florida, was read a second time.

On motion of Mr. Burritt, said bill was indefinitely postponed.

House bill entitled, An act to amend an act entitled an act to amend the execution laws, approved 15 March, 1844, was read a second time, and on motion of Mr. Sanderson referred to a select committee; said committee consisting of Messrs. Sanderson, Austin and Tracey.

House bill entitled, An act to make valid the proceedings of sundry persons commissioned as Justices of the Peace of this State, was read a second time, and on motion of Mr. Fairbanks, referred to the Judiciary Committee.

Bill to be entitled, An act for the relief of the poor and destitute, and to guard against the accumulation of pauperism in the County of Leon, was read a second time, and ordered to be engrossed for a third reading to-morrow.

The following communication from his Excellency the Governor, was received and read:

EXECUTIVE DEPARTMENT, Dec. 27, 1847.

*Gentlemen of the Senate and House of Representatives:*

I have the honor herewith to transmit the enclosed communication, which I have deemed it my duty to lay before you without delay. The subject matter has so frequently engaged the attention of

the General Assembly, in memorials and resolutions to the Federal Government, without a redress of the grievance complained of, that I really feel at a loss to make any suggestions from which I can hope for success. The information communicated is derived from a source entitled to the highest respect. If you shall deem its consideration sufficiently important at this stage of the session, to share a portion of your labors, it is respectfully submitted, without any special recommendation on my part, from the conviction that you will do what in your judgment may be necessary and proper for the security of that portion of our fellow-citizens who, from their proximity, may be more immediately interested in the removal of this remnant of the Seminoles.

Very respectfully,

W. D. MOSELEY.

CASA DE LAGO, Fla., 24th December, 1847.

His Excellency W. D. MOSELEY,

*Governor of Florida:*

SIR: It is proper that I should communicate to you the following extracts from a letter of my son's, (B. F. Whitner, jr.) He is engaged in a survey of Public Lands for the U. S., about sixty miles in a North East direction from Tampa, on the old road to Fort Mellon. The letter is dated at "*Camp, December 9th, 1847.*"

"I wrote you that I had lost one of my mules some time ago," (about three weeks previously,) "supposed to be stolen by Indians: Another has just died, and I am left with but one." "*We see Indians every day*—perfectly friendly—but I think the rascals stole my first mule, and have since taken all my corn." "I have been compelled, however, to hire another hand on their account, to guard provisions."

Your Excellency will perceive that these Indians are from eighty to a hundred miles outside of the boundary assigned them by the General Government—many miles North of white settlements, although there are no settlers in the neighborhood of my son's survey. If this state of things is permitted to continue, collisions must inevitably occur between the white settlers and these marauders. Prompt communication of the facts to the Indian agent, to the U. S. officers in command at Tampa, and through them to the Indian Chiefs, may be the means of having these robbers recalled within their proper limits before any more serious consequences follow.

I have the honor to be your excellency's obt. servt.

BENJ. F. WHITNER.

On motion of Mr. Burritt, referred to the Committee on the state of the Commonwealth.

House preamble and resolutions in relation to the removal of the Public Arms and Equipments, were, on motion of Mr. Fairbanks, postponed until to-morrow.

Bill to be entitled, An act to exempt the inhabitants of Amelia Island, in the County of Nassau, from working upon the roads on the

main land, was read a second time, and ordered to be engrossed for a third reading to-morrow.

House preamble and resolutions relative to the passage of a law in relief of certain citizens of this State, were a second time.

Mr. Smith moved to amend by adding at the end of section 2 the following :

As also for all who have sustained losses by the Indians.

Which amendment was adopted, the rule being waived, the preamble and resolutions read a third time and passed.

House bill entitled, An act to authorize the Treasurer of Alachua county to pay over to the Treasurer of Marion county, the amount of the County tax in his hands, assessed and collected upon lands lying in Marion county, was on motion, read a third time by its title, and on the question, "Shall the bill pass?" the yeas and nays were :

Yeas—Mr. President, Messrs. Avery, Austin, Burritt, Costin, Fairbanks, McMillan, Moseley, Priest, Sanderson, Smith, Tabor, Tracey, Watts—14.

Nays—None.

So the bill passed. Title as stated.

Resolution in relation to the employment of Hugh Archer in the Comptroller's office, was read a second time.

Mr. Avery moved to amend by adding,

*Resolved 2d*, That the amount of said allowance shall be withheld from said N. P. Bemis' salary, so far as the said N. P. Bemis is justly responsible for the work done.

On which the yeas and nays were called for by Messrs. Fairbanks and Smith, and were :

Yeas—Messrs. Avery and McMillan—2.

Nays—Mr. President, Messrs. Austin, Burritt, Costin, Fairbanks, Lorimer, Moseley, Priest, Smith, Tabor, Tracey, Watts—12.

So the Senate refused to adopt the amendment. Ordered that said resolution be engrossed for a third reading to-morrow.

House bill entitled, An Act to amend the several acts regulating Judicial Proceedings, was on motion of Mr. Fairbanks postponed until to-morrow.

House bill entitled, An Act to repeal an act entitled an act to amend an act to establish a tariff of fees, approved Feb. 15, 1834, and which was approved Dec. 27, 1845, was on motion of Mr. Avery laid upon the table.

House resolutions relative to locating the School Lands in eighths of sections, was read the second time, and ordered for a third reading to-morrow.

Engrossed bill entitled, An act to organize the county of Holmes, was read a third time, and on the question, "Shall the bill pass?" the yeas and nays were :

Yeas—Mr. President, Messrs. Avery, Costin, Fairbanks, Floyd, Lorimer, McMillan, Moseley, Priest, Smith, Tabor, Tracey, Watts—13.

Nays—Mr. Austin—1.

So the bill passed. Title as stated. Ordered that the same be certified to the House.

Engrossed bill entitled, An Act to abolish the Charter of the City of Apalachicola, was read a third time, and on the question, Shall the bill pass? the yeas and nays were :

Yeas—Mr. President, Messrs. Avery, Austin, Costin, Fairbanks, Floyd, Lorimer, McMillan, Priest, Sanderson, Smith, Tabor, Tracey, Watts—13.

Nays—None; so the bill passed by the requisite constitutional majority. Title as stated. Ordered that the same be certified to the House.

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

TUESDAY, December 28, 1847.

The Senate met pursuant to adjournment.

Rev. Mr. Choice officiated as Chaplain.

A quorum being present, on motion of Mr. Tracey, the reading of the Journal was dispensed with.

The following communication was transmitted to his Excellency the Governor by the Secretary of the Senate and Clerk of the House of Representatives :

HOUSE OF REPRESENTATIVES, December 28, 1847.

To his Excellency the Governor of Florida :

SIR:—The two Houses having met in the House of Representatives on yesterday (27th inst.) for the purpose of electing a Comptroller of Public Accounts for the State of Florida, to fill the vacancy caused by the resignation of N. P. Bemis, Mr. Simón Fowle was alone put in nomination, and, having received thirty-nine votes, the President declared him duly elected Comptroller of Public Accounts for the State of Florida, to fill the vacancy occasioned by the resignation of N. P. Bemis.

Very Respectfully,

W. C. DOWNING,

Sec. Senate.

W. B. LANCASTER,

Clerk House of Representatives.

Mr. Sanderson presented the following Resolutions, which were read the first time, and ordered for a second reading to-morrow.

*Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, 1st*, That any Territory which the United States may hereafter acquire by purchase or otherwise, becomes the common property of the several States composing the confederacy; and whilst it so continues, it is the right of each citizen of each and every State to reside with his property of every description within such territory.

*Resolved, 2d*, That in their opinion the Compromise, known as

the "Missouri Compromise," having been entered into by the National Congress, under mutual concessions, should be *sacredly* observed, and declared binding forever upon the Union.

*Resolved, 3d,* That in the event the "Missouri Compromise" shall be violated by our Northern brethren, it will be the duty of the Southern representation to fall back upon the constitutional ground of equality and justice; and should the Constitutional barrier prove insufficient to secure to us an equal inheritance, as well to the public domain as to the rights and privileges of *freemen*, then to withdraw from the National Congress, and return to their constituents.

Mr. Floyd presented the following preamble and resolution, which were read the first time and ordered for a second reading to-morrow.

Whereas, large tracts of the public lands lying in the vicinity of lake Okee-cho-bee, and in that region South of said lake called "The Everglades," being covered with water, are incapable of being surveyed and subdivided, and are therefore valueless to the United States; and whereas, it is believed that a large portion of said lands may be drained by canals, reclaimed, and made valuable for the cultivation of tropical plants and fruits; and whereas, it is believed that these lands, if reclaimed, would not only remunerate this State for the expense of such reclamation, but would yield a considerable surplus above such expense—therefore,

*Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That Congress be requested to grant to this State all of said lands lying South of Carloo-sahatchee river and of the Northern shore of lake Okee-cho-bee, and between the Gulf of Mexico and the Atlantic ocean, on condition that the State will drain them, and apply the proceeds of the sale thereof, after defraying the expense of draining, to purposes of education.

Mr. Sanderson, from a Select Committee, presented the following report:

The Select Committee to whom was referred the bill to be entitled, An Act to amend an act entitled an act to amend the Execution law, has had the same under consideration, and REPORT the same back with an amendment, and recommend its passage.

J. P. SANDERSON, Chairman.

Which was received.

The House returned House bill entitled, An Act to provide Writs of Error in Criminal Cases, which had been amended by the Senate, with a message stating that the House refused to concur in the amendments of the Senate.

On motion of Mr. Burritt, the Senate insisted upon their amendments.

#### ORDERS OF THE DAY.

Engrossed bill entitled, An act to allow the privilege of bail in certain cases,

Was read the third time, and on the question "shall the bill pass?" the yeas and nays were:

Yeas—Mr. President, Messrs. Avery, Austin, Burritt, Costin, Fairbanks, Floyd, Lorimer, McMillan, Moseley, Priest, Sanderson, Smith, Tracey, Watts—15.

Nay—Mr. Tabor—1.

So said bill passed. Title as stated.

Ordered that the same be certified to the House.

Engrossed bill entitled, An act for the relief of the poor and destitute, and to guard against the accumulation of pauperism in the County of Leon,

Was read the third time, and on the question "shall the bill pass?" the yeas and nays were:

Yeas—Mr. President, Messrs. Avery, Austin, Burritt, Costin, Fairbanks, Floyd, Lorimer, McMillan, Moseley, Priest, Sanderson, Smith, Tabor, Tracey, Watts—16.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the House.

Engrossed bill entitled, An act to exempt the inhabitants of Amelia Island, in the County of Nassau, from working on the roads on the main land in said County,

Was read the third time, and on the question "shall the bill pass?" the yeas and nays were:

Yeas—Mr. President, Messrs. Avery, Austin, Burritt, Costin, Fairbanks, Floyd, Lorimer, McMillan, Moseley, Priest, Sanderson, Smith, Tabor, Tracey, Watts—16.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the House.

Bill to be entitled, An act to amend an act entitled an act to authorize and empower the Comptroller of Public Accounts to audit and allow the contingent expenses of the Circuit Courts and Supreme Court of Florida, approved by the Governor December 29, 1845,

Was read the second time.

On motion of Mr. Sanderson, the Senate resolved itself into a Committee of the Whole on said bill, Mr. Tracey in the Chair.

After some time spent therein, the committee rose, and by their Chairman reported the bill back to the Senate with amendments, and asked to be discharged from the further consideration thereof.

Which report was concurred in, the amendments adopted, the bill read a second time, and ordered to be engrossed for a third reading to-morrow.

Resolutions relative to the Wilmot Proviso, presented by Mr. Fairbanks, the minority of the Committee on Federal relations,

Were read a second time.

On motion of Mr. Burritt, the vote of the Senate, relative to striking out the first, second and third resolutions, which was taken on Friday last, was reconsidered.

On motion, the Senate took a recess until 3 o'clock.

3 O'CLOCK, P. M.

The Senate proceeded with the consideration of the resolutions relative to the Wilmot Proviso, offered by Mr. Fairbanks, the minority of the committee on Federal Relations.

On motion of Mr. Avery the 1st resolution was stricken out.

Mr. Avery moved to substitute the following in lieu thereof:

*Be it Resolved*, That war, being the direst calamity which can befall a nation, bringing, as it does, in its train the tears of the widow, the wail of the orphan, desolation, disease, and death, should never be undertaken, so long as it can be avoided with honor, or so long as difficulties between nations may be settled by negotiation.

*Resolved, 2d*, That in the opinion of this General Assembly, "the immediate cause of the war between the United States and Mexico was the marching of our forces from Corpus Christi to the banks of the Del Norte"—and that the President of the United States in ordering General Taylor to the Rio Del Norte, at a time when he had in his possession information from the commander of the Mexican forces, that the Mexican troops would remain on the West side of the Del Norte, if the American troops would remain at Corpus Christi, (the President withholding from Congress that information,) is himself justly responsible for all the money which has been expended, the blood which has been shed, the lives which have been lost, the suffering which has been endured, in the present unhappy contest.

*Resolved, 3d*, That while we feel free to express our disapprobation of the conduct of the President of the United States in precipitating this country into a war with Mexico, we do not mean to be understood as justifying the conduct of Mexico towards the United States prior to the war, nor as proposing to withhold the support necessary to bring the war to a speedy and honorable conclusion, believing as we do, that had the *Congress of the United States*, even before the order of the President above alluded to, *deemed it expedient* to declare war, that body would have been justified in doing so. Therefore,

On which the yeas and nays were called for by Messrs. Fairbank and Costin, and were:

Yeas—Mr. President, Messrs. Avery, Austin, Burritt, Lorimer, McMillan, Sanderson, Tracey, Watts—9.

Nays—Messrs. Costin, Fairbanks, Floyd, Moseley, Priest, Smith, Tabor—7.

So the substitute was adopted.

Mr. Fairbanks offered the following amendment:

*Resolved*, That the war with Mexico is National and should receive our united and cordial support.

Mr. Sanderson offered the following substitute:

Whereas, a state of war exists between the United States and Mexico, therefore—

*Resolved*, That the war is National and as such, requires and should receive cordial and united support.

Which was adopted.

Ordered that said resolutions be engrossed for a third reading to-morrow.

Engrossed resolutions in relation to the Wilmot Proviso, accompanying the majority report of the committee on Federal Relations, were read a third time and adopted.

House bill entitled, An act to amend an act entitled, An act to amend the execution laws, approved 15th March, 1844,

Was read a second time.

On motion of Mr. Sanderson, the Senate resolved itself into a committee of the whole on said bill—Mr. Avery in the Chair.

After some time spent therein, the committee rose, and by their Chairman reported the bill back to the Senate with amendments, and asked to be discharged from the further consideration thereof.

Which report was concurred in, the amendments adopted, the bill read a second time, and the amendments ordered to be engrossed for a third reading to-morrow.

House bill entitled, An act to amend the several acts regulating Judicial proceedings,

Was read the second time.

Mr. Sanderson moved to postpone said bill indefinitely.

Which was lost.

Ordered that said bill be read a third time to-morrow.

House preamble and resolution in relation to the removal of the Public Arms and Equipments,

Was read the third time, and on motion of Mr. Tracey, laid upon the table.

House resolutions relative to locating the School Lands in eighths of sections,

Were read the third time and passed.

Engrossed resolution in relation to the employment of Hugh Archer in the Comptroller's office,

Was read the third time and passed.

House bill entitled, An act to declare Pittman's Creek, in Walton County, a navigable stream,

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

House bill entitled, An act to provide for the qualification, and to prescribe the duties, of Clerks, Sheriffs, and County Commissioners elected on the 1st Monday in October, 1847, and for other purposes,

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

House bill entitled, An act in relation to roads in Columbia and Nassau Counties,

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

House bill entitled, An act to provide for the sale of lands granted to the State for the purpose of Internal Improvement,

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

House bill entitled, An act to change the name of Sarah A. Holden, of Jackson County, to that of Sarah A. Howell,

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

House bill entitled, An act amendatory of the criminal laws now in force in this State,

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

House preamble and resolution relative to a speedy survey of the private land claims in Florida,

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

House bill entitled, An act to amend an act to organize the Circuit Courts of the State of Florida,

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

House bill entitled, An Act making appropriation for the payment of the printing and binding of Thompson's Digest, and finally disposing thereof,

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

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

WEDNESDAY, December 29, 1847.

The Senate met pursuant to adjournment.

Rev. Mr. Choice officiated as Chaplain.

A quorum being present, the Journal of yesterday was read and approved.

The following message from the House was received and read:

HOUSE OF REPRESENTATIVES, Dec. 28, 1847.

*Hon. President of the Senate:*

SIR:—I transmit, with the enclosed bill, the documents respectively connected with the passage.

Very respectfully,  
W. B. LANCASTER,  
Clerk Ho. Rep.

Also the following:

HOUSE OF REPRESENTATIVES, Dec. 27, 1847.

*Hon. President of the Senate:*

SIR:—Senate bill entitled, "An act to prevent the introduction of

negroes into the County of Franklin, in this State, for hire, belonging to non-residents," was this day lost, in the House.

Very Respectfully,  
W. B. LANCASTER,  
Clerk Ho. Rep.

Also the following:

HOUSE OF REPRESENTATIVES, Dec. 28, 1847.

*Honorable President of the Senate:*

SIR:—The amendments to House "Preamble and Resolution relative to the passage of a law in relief of certain citizens of this State," were this day concurred in by the House.

Very Respectfully,  
W. B. LANCASTER,  
Clerk Ho. Rep.

Also the following:

HOUSE OF REPRESENTATIVES, Dec. 27, 1847.

*Honorable President of the Senate:*

SIR:—The House insists upon its amendment to the enclosed bill entitled, An act to authorize the Executors of George Kingsley, dec'd. to sell real estate.

Very Respectfully,  
W. B. LANCASTER,  
Clerk Ho. Rep.

Whereupon the Senate insisted upon their disagreement to the amendment of the House, and Messrs. Burritt, Sanderson and Smith, were appointed a committee to confer with a similar committee on the part of the House, on said bill.

The following message was also received and read:

HOUSE OF REPRESENTATIVES, Dec. 27, 1847.

*Honorable President of the Senate:*

SIR:—The House insists upon its disagreement to the amendments proposed by the Senate to the House bill entitled, "An act to provide Writs of Error in criminal cases," and has appointed Messrs. Hagner, Forward and Scott, joint committee of conference to act with a similar committee on the part of the Senate in the further disposal of said bill.

Very Respectfully,  
W. B. LANCASTER,  
Clerk Ho. Rep.

Whereupon Messrs. Burritt, Fairbanks and Avery were appointed a committee to confer with said committee from the House on said bill.

#### ORDERS OF THE DAY.

Engrossed bill entitled, An Act to amend an act entitled an act to authorize and empower the Comptroller of Public Accounts to audit and allow the contingent expenses of the Circuit Courts and Supreme Court, approved by the Governor, Dec. 29, 1845,

Was read a third time, and on the question "shall the bill pass?" the yeas and nays were:

Yeas—Mr. President, Messrs. Avery, Austin, Burritt, Costin, Fairbanks, Lorimer, McMillan, Sanderson, Smith, Watts—11.

Nays—Messrs. Floyd, Priest and Tabor—3.

So said bill passed. Title as stated. Ordered that the same be certified to the House.

House bill entitled, An Act to amend an act entitled an act to amend the Execution laws, approved 15th March, 1844, was read the third time, and on the question, Shall the bill pass? the yeas and nays were:

Yeas—Messrs. Burritt, Costin, Fairbanks, Priest, Sanderson—5.

Nays—Mr. President, Messrs. Avery, Austin, Floyd, Lorimer, McMillan, Smith, Tabor, Watts—9.

So said bill was lost.

House bill entitled, An Act in relation to roads in Columbia and Nassau counties,

Was read the second time, and it appearing that said bill was precisely like a bill of the same nature sent down to the House from the Senate, on motion of Mr. Sanderson, the Secretary was ordered to return said bill to the House, with the request that the House transmit to the Senate the original Senate bill on said subject.

House bill entitled, An Act to provide for the qualifications, and to prescribe the duties of Clerks, Sheriffs and County Commissioners, elected on the first Monday in October, 1847, and for other purposes,

Was read a second time, and referred to the Judiciary Committee.

House bill entitled, An act to declare Pitman's Creek, in Walton County, a navigable stream,

Was read the second time, and ordered for a third reading to-morrow.

House bill entitled, An act to amend an act to provide for the sale of the lands granted to the State for the purpose of Internal improvement,

Was read a second time.

Mr. Avery offered the following amendment:

*Be it further enacted*, That all conveyances of land made by the Register of Public Lands shall be attested by the Secretary of State, under the seal of the State; and that conveyances so attested shall be permitted to be recorded in the same manner as other deeds are recorded.

Which was adopted.

Mr. Floyd offered the following amendment:

*Be it further enacted*, That after said lands shall have been offered as is contemplated under the above sections of this act, it shall be lawful for any person or persons to become a purchaser or purchasers of said lands, that may not have been sold, at the following prices, to wit: for first rate land, one dollar per acre; second rate, seventy-five cents; and third rate, fifty cents; and said Register be, and he is hereby, authorized to take the same security as in other cases; and

that no one person shall be entitled to purchase, under this amendment, more than eighty acres.

On motion, said bill was postponed until to-morrow.

Engrossed resolutions relative to the Mexican war,

Were read a third time, and on motion of Mr. Avery, laid upon the table.

House bill entitled, An act to change the name of Sarah A. Holden, of Jackson County, to that of Sarah A. Howell,

Was read a second time, and ordered for a third reading to-morrow.

House bill entitled, An act amendatory of the criminal laws now in force in this State,

Was read a second time, and on motion of Mr. Burritt, indefinitely postponed.

House bill entitled, An act to amend an act to organize the Circuit Courts of the State of Florida,

Was read the second time.

Mr. Sanderson moved to amend by striking out "five," where it occurs in the 8th line of section 1st, and insert "six."

Which motion was lost.

Said bill was ordered for a third reading to-morrow.

House bill entitled, An Act making appropriation for the payment of the printing of Thompson's Digest, and finally disposing thereof,

Was on motion of Mr. McLean, postponed until to-morrow.

Resolutions relative to the war with Mexico, offered by Mr. Sanderson,

Were read the second time, and ordered to be engrossed for a third reading to-morrow.

Preamble and Resolution relative to the draining of the Everglades,

Were read a second time, and ordered to be engrossed for a third reading to-morrow.

House Preamble and Resolution relative to a speedy survey of the Private Land Claims in Florida,

Were read a second time, the rule waived, read a third time, and passed.

House bill entitled, An Act to amend the several acts regulating Judicial Proceedings, was read a third time, and on the question, Shall the bill pass? the yeas and nays were:

Yeas—Mr. President, Messrs. Austin, Burritt, Costin, Lorimer, McMillan, Priest, Tabor—8.

Nays—Messrs. Avery, Floyd, Moseley, Tracey—4.

So said bill passed. Title as stated.

House bill entitled, An Act for the relief of Craven G. Fife,

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

House bill entitled, An Act for the relief of R. E. Little,

Was read the first time.

Mr. Austin moved that the rule be waived, and said bill read a second time.

Which motion was lost, and the bill ordered for a second reading to-morrow.

House bill entitled, An act for the relief of John Stone, Was read the first time, and ordered for a second reading to-morrow.

On motion, a committee, consisting of Messrs. Fairbanks, Tabor and McMillan, was appointed to inform the House that the Senate was now ready to go into the election of Register of Public Lands and Clerk of the Supreme Court, who reported that that duty had been performed.

A committee from the House informed the Senate that the House was ready to go into said elections.

Whereupon the Senate proceeded to the House of Representatives. On the invitation of the Speaker, the President took the Chair.

The President having announced that nominations for Clerk of the Supreme Court were in order,

Mr. Lorimer nominated D. P. Hogue.

Mr. Blackburn nominated Marianno D. Papy.

The vote was as follows:

For *Hogue*—Mr. President, Messrs. Avery, Austin, Burritt, Lorimer, McMillan, Moseley, Sanderson, Tracey, Watts, Mr. Speaker, Messrs. Bannerman, Bradwell, Bryan, Collins, Crawford, Hagner, Henderson, Higginbotham, Johnston, W. M. Maxwell, Morrison; Overstreet, Quiggles, Scott, Sheldon, Smith, Tanner, Waterson—29.

For *Papy*—Messrs. Costin, Fairbanks, Floyd, Priest, Smith, Tabor, Aldrich, Allison, Arnou, Blackburn, Burnham, Cook, Forward, Garrason, Hancock, Hobart, King, Mitchell of Jackson, Mitchell of Monroe, Ross, Shields, Taylor—23.

On motion of Mr. Burritt, the elections were suspended, and the Senate returned to their Chamber.

On motion, the Senate took a recess until 3 o'clock.

3 O'CLOCK, P. M.

On motion of Mr. Fairbanks, Mr. Sanderson was added to the committee on Taxation and Revenue.

On motion of Mr. Floyd, the rule was waived, and he allowed to introduce a bill to be entitled, An act to organize a school for the education of poor children, within the county of Franklin.

Which was read the first time, the rule waived, read a second time by its title, and ordered to be engrossed for a third reading to-morrow.

The rule being waived, Mr. Moseley was allowed to present a petition from sundry citizens of Columbia county, praying an appropriation for the cleaning out of the River Sawannee.

Which was read and referred to the committee on Internal Improvements.

The rule being waived, Mr. Sanderson presented a petition of the same nature.

Which was also referred to the committee on Internal Improvements.

The House returned Senate resolutions in relation to the Wilnot Proviso, as passed by the House, without amendments.

Ordered to be enrolled.

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

THURSDAY, December 30, 1847.

The Senate met pursuant to adjournment.

Rev. Mr. Choice officiated as Chaplain.

A quorum being present, on motion of Mr. Tracey, the reading of the Journal was dispensed with.

The following message was received from the House of Representatives and read:

HOUSE REPRESENTATIVES, December 29th, 1847.

*Honorable President of the Senate:*

SIR:—The House has adopted the following, relative to the subject for the special consideration of which the joint Assembly this day adjourned:

1. *Resolved*, As the sense of this House, that when the Constitution of this State requires a concurrent vote of both Houses of the General Assembly, or when it requires a joint vote of both Houses of the General Assembly, then, and in such an event, there should be a majority of *all* those who are qualified as Senators and Representatives to constitute a choice, leaving out of the number any that may have died, resigned, or obtained leave of absence for the balance of the session.

2. *Resolved*, As the further sense of this House that, when the Constitution or the law requiring a joint vote of the General Assembly, then, and in that event, a majority of a *quorum* of those Senators and Representatives who have *qualified* only is necessary to a choice, leaving out of the computation any that may have died, resigned, or obtained leave of absence for the balance of the session.

Which is ordered to be certified to the Senate.

Very respectfully,

W. B. LANCASTER,

Clerk House Representatives.

On the question to concur in said resolutions, the yeas and nays were called for by Messrs. Floyd and Tabor, and were:

Yeas—Mr. President, Messrs. Lorimer and Tracey—3.

Nays—Messrs. Avery, Austin, Burritt, Costin, Fairbanks, Floyd, McMillan, Moseley, Priest, Sanderson, Smith, Tabor, Watts—13.

So the Senate refused to concur.

Mr. Sanderson offered the following resolution:

WHEREAS, It is important there should be a uniformity of construction for future guidance and action of the two Houses of the General Assembly in all cases of election by said bodies: therefore,

*Be it Resolved*, As the sense of the General Assembly, that when the Constitution of the State requires a *concurrent* vote of both Houses of the General Assembly, then, and in that event, there should be a majority of all the Senators and Representatives elect to constitute a choice; and that when the Constitution of the State requires a joint vote, then, and in such event, there should be a majority of all the Senators and Representatives present, provided there is a majority of each body present.

Which were received, and ordered to be placed among the orders of the day.

Mr. Burritt moved the following:

Mr. Burritt moves that the Senate communicate to the House of Representatives its readiness to wait upon that body, at any hour of this day which may suit its convenience, to proceed in the election of a Clerk of the Supreme Court of this State, and Register of the Public Lands, and which election was suspended on yesterday.

Which was adopted, and the House informed by a committee consisting of Messrs. Fairbanks, Moseley, and Costin.

Mr. Tabor offered the following resolution:

*Resolved*, That this General Assembly, (the House of Representatives concurring,) adjourn *sine die* on the 6th day of January, 1848.

Which was read the first time, and ordered for a second reading to-morrow.

A committee from the House informed the Senate that the House was ready to proceed with the election of Register of Public Lands and Clerk of the Supreme Court so soon as the Senate should be pleased to proceed therewith.

Mr. Floyd presented the following resolution, which was read the first time.

*Resolved by the Senate of the General Assembly of the State of Florida*, That the important public services of Major General Zachary Taylor, his admitted ability and strict integrity, his elevated position in the confidence of the American people, his republican habits and manners, and his independent relation to the two great political parties of the country, all point to him, at a time so critical as this, as the first choice of the American people for the office of President of the United States.

Mr. Floyd moved that the rule be waived and said resolution read a second time.

On which the yeas and nays were called for by Messrs. Floyd and Costin, and were:

Yeas—Mr. President, Messrs. Avery, Costin, Floyd, McMillan, Sanderson, Tabor, Tracey, Watts—9.

Nays—Messrs. Burritt, Fairbanks, Mosely, Priest, Smith—5.

So the Senate refused to waive the rule.

Ordered that said resolution be read a second time.

Mr. Watts from the committee on taxation and revenue presented the following report:

The Committee on Taxation and Revenue, who were instructed

to report the amount which may be realized from the taxes assessed under the present laws, and what amount will be necessary for the current expenses of the year 1848, and whether any, and what amount of other or additional taxes are requisite, beg leave respectfully to

#### REPORT:

That they have fully and carefully examined the subject referred to them, and from an examination of the assessment rolls of the year 1847, they find that, the amount assessed for that year was, including double taxes, the sum of \$51,731.80—that the amounts deducted for insolvencies and overcharges, including the expense of assessing and collecting, would reduce the amount which has been, and will probably be paid into the Treasury, to the sum of about \$41,000—that taking the assessment of 1847 as our guide in estimating the amount which may be collected for the year 1848, under the rates of taxation prescribed by existing laws, we can hardly estimate that the nett receipts will be an amount exceeding \$42,000.

The next point to which our attention is directed by the resolution is the probable expenditure for the support of the State Government for the year 1848—upon which point your Committee submit the following estimate, prepared by the Comptroller under a resolution from the House of Representatives—remarking, however, that we deem the estimate for paying jurors as too low, but perhaps the general estimate is very nearly correct; and remarking further that the outstanding balances due from the Sheriffs for the year 1847, are considered sufficient by the Comptroller to meet the outstanding warrants issued prior to 1st Nov. 1847.

#### Probable Expenditures for Fiscal Year 1848.

Estimated amount outstanding, not audited, and which accrued prior to Fall Term, 1847,		\$1,200
<i>Legislative Department.</i> —Session of 45 days:—		
Pay of members, clerks, and other officers,	\$10,860	
Printing for the session,	2,350	
Contingent expenses,	350	
		=13,560
<i>Executive Department.</i> —Salary of officers,		4,200
<i>Judicial Department.</i> —Salary of four Judges, Attorney General and four Solicitors,		9,300
<i>Militia, Expense of.</i> —Salary of Adj. & Inspector Gen'l.		500
<i>Printing Laws, &amp;c.</i> —Printing Laws and Reports of Supreme Court,		1,000
<i>Supreme Court.</i> —Fees and per diem of clerk,	\$250	
Per diem of Sheriff and servant hire,	150	
Contingent expenses,	300	
		=700
<i>Thompson's Digest of Laws.</i> —Pay to Compiler,	\$2,500	
Expense publishing and distributing,	2,500	
		=5,000

<i>Expenses Public Lands.—Salary of Register,</i>	\$1,000	
<i>Travelling expenses,</i>	300	
		=1,300
<i>Criminal Prosecutions and Contingent Expense of Courts,</i>		13,000
[It is suggested that a specific appropriation for each county be made, keeping the expense of criminals and contingent expenses separate and distinct.]		
<i>*Pay of Jurors, at one dollar per day,</i>		7,100
<i>Contingent Fund,</i>		5,000
	<b>Total,</b>	<b>\$61,860</b>

\* The following table will show the estimate for each county in which courts are held.

Counties.	No. of days Grand Jury.	No. days Pet. Jury.	Appro'n for Grand Jury.	Appro'n for Petit Jury.	Total Amount.
Escambia	8	12	120	288	408
Santa Rosa	6	8	90	192	282
Walton	6	8	90	192	282
Washington	2	4	30	96	126
Jackson	8	16	120	384	504
Calhoun	4	4	60	96	156
Franklin	8	12	120	288	408
<i>Total for Western Circuit,</i>					<b>\$2,166</b>
Gadsden	8	12	120	288	408
Leon	12	24	180	576	756
Wakulla	4	8	60	192	252
Jefferson	8	12	120	288	408
Madison	6	12	90	288	378
Hamilton	4	6	60	144	204
<i>Total for Middle Circuit,</i>					<b>\$2,406</b>
Orange and St. Lucie	4	4	60	96	156
Marion	6	8	90	192	282
Alachua and Levy	6	8	90	192	282
Columbia	8	8	120	192	312
Nassau	4	4	60	96	156
Duval	8	8	120	192	312
St. Johns	8	8	120	192	312
<i>Total for Eastern Circuit,</i>					<b>\$1,812</b>
Benton	6	6	90	144	234
Hillsborough	6	6	90	144	234
Monroe	6	6	90	144	234
Dade	0	0	00	000	000
<i>Total for Southern Circuit,</i>					<b>702</b>
<b>Grand Total,</b>					<b>\$7,086</b>
N. P. BEMIS, Comptroller.					

The third point referred to the Committee is, whether any and what increase of taxation is necessary?

Your Committee would remark that, it appears from the foregoing estimate, that about the sum of \$62,000 will be required to defray the expenses of the State Government for the year 1848, and that the present rates of assessment will not bring over the nett sum of \$42,000, leaving a deficit of \$20,000. If it is the intention of the Legislature to raise the means of paying the amount appropriated, it is evident that it will require an increase in the present rate of taxation. The expenses of last year were \$52,000, and the payment of the Jurors and Compilation of the Laws, which will fall within the present year, gives the increased expenditure. The exemption of many articles from taxation, throws a greater burden upon other articles taxed, and upon the adoption and carrying into effect of an ad valorem system, it is believed the taxation may be reduced by the greater and more general equalization of taxation. In order to meet the necessary expenses of the current year, your Committee report the following table of such a uniform increase upon the present taxable property of the State as will present the smallest burden, upon any one class of tax payers, while it will bring near the amount required, and it is hoped by an economical management, and careful husbanding of our resources, the State may come out at the end of the year, with all its liabilities satisfied.

**TAXABLE SPECIES OF PROPERTY, AND AMOUNT WHICH WILL BE REALIZED UPON THE AMOUNT RETURNED FOR 1847.**

<i>Items of Taxation. Amount returned for 1847.</i>	
Money at Interest,	\$444,482 at 25 cts. on each \$100, will
produce,	\$1,112 25
Bank Stock,	650,238 " " " 4,792 32
Merchants' Stock in trade,	892,855 " " " 2,007 06
Commission Merchants,	118,825 " " " 297 60
Carriages, &c.,	93,496 " " " 233 74
Town Lots,	2,105,925 " " " 5,264 02
Value of Saw Mills,	103,150 " " " 257 87
" of Wharves,	167,620 " " " 419 05
33,233 Slaves, average value \$300, at 25 cts. per \$100,	24,920 00
37,454 Cattle of residents over 100 head, 3/4th cents each,	231 05
5,775 Cattle of non-residents, " " 3/4th cents each,	36 09
551 Gold Watches, at 62 1/2 cents each,	531 88
767 Silver Watches, at 31 1/2 cents each,	239 68
1st rate Land, 249,969 acres, at 14 cent per acre,	3,499 55
2d " " 691,980 " " 1 " " " 6,919 80	
3d " " 2,008,183 " " 1/3 " " " 7,756 80	
7,776 White Males, Poll Tax, 50 cents,	3,888 00
148 Free Negroes,	\$4 00 592 00
5 Bank Agencies,	200 00 1,000 00
6 Insurance Agencies,	30 00 180 00
53 Retailers Spirituous Liquors,	20 00 1,660 00
38 Tavern and Inn-keepers,	10 00 350 00
13 Bars and Restaurants,	20 00 260 00
12 Ten Pin Alleys,	10 00 120 00
10 Billiard Tables,	25 00 250 00
Income of Lawyers,	\$50,230 at 25c. per \$100, 125 57
" Doctors,	41,490 " " " 103 92
" Weighers of Cotton, &c. 17,575 " " " 43 92	

Auction Tax, 2 per cent,  
Fines and Forfeitures,

788 82  
618 00

In order to show the absolute necessity of an increase of taxation, we would call attention particularly to the fact, that the expenses of the year 1847 have exceeded the nett amount of taxes by some \$10,000. But for the year 1848, it is necessary to provide for an expenditure approximate to that of last year, with the additional expense of paying Jurors added. Believing that it is the desire of the people of this State to maintain its credit untarnished, and to keep out of debt, that bane of all new States, we present a bill to provide for the payment of this increased expenditure, and to prevent a State debt.

S. L. BURRITT,  
JOHN M. SMITH,  
G. R. FAIRBANKS,  
J. P. SANDERSON.

On motion of Mr. Fairbanks, the reading of the report was dispensed with, and 100 copies of the bill accompanying it ordered to be printed.

Mr. Fairbanks, from the committee on enrolled bills, reported resolution in relation to the Wilmot Proviso as correctly enrolled.

Mr. Mosely, from the committee on Internal Improvements, presented the following report:

The Committee on Internal Improvements, to whom was referred the petition of the owners of the steamer Glasgow and sundry citizens of the counties of Columbia and Madison, have had the same under consideration, and ask leave to submit the following

#### REPORT:

That in the opinion of the committee the removing of the obstructions so as to render the Suwannee River navigable, is of great importance to a large section of this State, and deserves the consideration of the General Assembly. This river, if rendered navigable during all seasons of the year, will afford to the counties of Columbia, Levy and a portion of Alachua on the one side, Madison and Hamilton on the other side within the limits of the State, and of Thomas, Lowndes and Ware, of Georgia, permanent and valuable facilities for conveying their produce to market, and returning with their supplies. This river may be rendered navigable a distance of two hundred miles into a valuable portion of the State, being the largest river and principal channel of commerce west of the St. Johns. An effort has been made during the past two or three years to transport the produce of the above-named counties through this river to the Gulf, but owing to the shoals and other obstructions, this effort has been attended with so much delay, danger and difficulty, that a large portion of the inhabitants residing near said river have been compelled to abandon it, and haul their produce and supplies a distance varying from thirty to one hundred and twenty miles. Your committee are fully of opinion that if this communication was opened, at least \$400,000 worth of produce and supplies would annually pass up and down

this river. Again, the State has located on its banks and adjacent thereto, a large portion of valuable lands, the value of which would not only be greatly enhanced, but would much more speedily find purchasers, in consequence of the increased facilities for the transportation of their produce to market. The committee, therefore, recommend the passage of a bill which they are preparing for the purpose of authorizing James Tucker, William E. Becker, Benjamin F. Scriven, and Edward B. Taylor to remove the obstructions in said river, upon the terms imposed in said bill, and which bill the committee ask leave to introduce as soon as completed.

WILLIAM P. MOSELEY, Chairman.  
E. D. TRACEY,  
W. TABOR.

Which was received.

A Committee, consisting of Messrs. Avery, McMillan and Priest, was appointed to inform the House that the Senate was now ready to go into the election of Register of Public Lands, and Clerk of the Superior Court, who reported said duty performed.

A Committee from the House informed the Senate that the House was now ready to proceed with said elections.

Whereupon the Senate proceeded to the House, and upon the invitation of the Speaker, the President took the Chair.

The President declared that, inasmuch as Mr. Hogue had on yesterday received a majority of all the qualified members of the General Assembly, he was duly elected Clerk of the Supreme Court.

Whereupon Mr. Sanderson appealed from the decision of the Chair, and the yeas and nays were called for by Messrs. Forward and Blackburn, and were:

Yeas—Messrs. Burritt, Lorimer, McMillan, Tracey—4. Members of House—17. Total—21.

Nays—Messrs. Avery, Austin, Costin, Fairbanks, Moseley, Priest, Sanderson, Smith, Tabor, Watts—10. Members of House—20. Total—30.

So the decision of the Chair was not sustained.

Whereupon the General Assembly proceeded to vote a second time, and the result was as follows:—

For *Hogue*—Mr. President, Messrs. Avery, Austin, Burritt, Lorimer, McMillan, Moseley, Sanderson, Tracey, Watts—10. Members of the House—20. Total—30.

For *Papy*—Messrs. Costin, Fairbanks, Floyd, Priest, Smith, Tabor—6. Members of House—17. Total—23.

The President declared M. Hogue duly elected Clerk of the Supreme Court.

Nominations being in order for Register of Public Lands of the State of Florida,

Mr. Bryan nominated John Beard.

Mr. Collins nominated Edward Houston.

The vote was as follows:

For *Houston*—Mr. President, Messrs. Avery, Austin, Burritt, Lori-

mer, McMillan, Sanderson, Tracey—8. Members of the House—17. Total—25.

For *Beard*—Messrs. Costin, Fairbanks, Floyd, Moseley, Priest, Smith, Tabor, Watts—8. Members of House—20. Total—28. So there was no election.

#### SECOND VOTING.

For *Houston*—Mr. President, Messrs. Avery, Austin, Burritt, Lorimer, McMillan, Sanderson, Tracey—8. Members of House—16. Total—24.

For *Beard*—Messrs. Costin, Fairbanks, Floyd, Moseley, Priest, Smith, Tabor, Watts—8. Members of House—21. Total—29. So there was no election.

#### THIRD VOTING.

For *Houston*—Mr. President, Messrs. Avery, Austin, Burritt, Lorimer, McMillan, Sanderson, Tracey—8. Members of House—16. Total—24.

For *Beard*—Messrs. Costin, Fairbanks, Floyd, Moseley, Priest, Smith, Tabor, Watts—8. Members of the House—21. Total—29. So there was no election.

Mr. Sheldon moved to postpone the election indefinitely.

Which motion was lost.

Mr. Austin moved to postpone the election until Tuesday next, at 12 o'clock, M. On which the yeas and nays were called for by Messrs. Blackburn and Bryan, and were :

Yeas—Mr. President, Messrs. Austin, Burritt, Lorimer, McMillan, Watts—6. Members of the House—9. Total—15.

Nays—Messrs. Avery, Costin, Fairbanks, Floyd, Moseley, Priest, Sanderson, Smith, Tabor, Tracey—10. Members of the House—28. Total—38.

So the General Assembly refused to adjourn the election until Tuesday next, at 12 o'clock.

#### FOURTH VOTING.

For *Houston*—Mr. President, Messrs. Avery, Austin, Burritt, Lorimer, McMillan, Sanderson, Tracey—8. Members of House—16. Total—24.

For *Beard*—Messrs. Costin, Fairbanks, Floyd, Moseley, Priest, Smith, Tabor, Watts—8. Members of House—21. Total—29. So there was no election.

Mr. Mitchell, of Jackson, moved to postpone the election indefinitely. Which motion was lost.

#### FIFTH VOTING.

For *Houston*—Mr. President, Messrs. Avery, Austin, Burritt, Lorimer, McMillan, Sanderson, Tracey—8. Members of House—16. Total—24.

For *Beard*—Messrs. Costin, Fairbanks, Floyd, Moseley, Priest, Smith, Tabor, Watts—8. Members of House—21. Total—29. So there was no election.

#### SIXTH VOTING.

For *Houston*—Mr. President, Messrs. Avery, Austin, Burritt, Lorimer, McMillan, Sanderson, Tracey—8. Members of the House—16. Total—24.

For *Beard*—Messrs. Costin, Fairbanks, Floyd, Moseley, Priest, Smith, Tabor, Watts—8. Members of the House—21. Total—29. So there was no election.

Mr. Burritt moved to adjourn the election until Monday next, 12 o'clock, M.

On which the yeas and nays were called for by Messrs. Allison and Costin, and were :

Yeas—Mr. President, Messrs. Austin, Burritt, Lorimer, McMillan, Tracey, Watts—7. Members of the House—15. Total—22.

Nays—Messrs. Avery, Costin, Fairbanks, Floyd, Moseley, Priest, Sanderson, Smith, Tabor—9. Members of House—22. Total—31.

So the General Assembly refused to adjourn the election until Monday next at 12 o'clock, M.

#### SEVENTH VOTING.

For *Houston*—Mr. President, Messrs. Avery, Austin, Burritt, Lorimer, McMillan, Sanderson—7. Members of House—16. Total—23.

For *Beard*—Messrs. Costin, Fairbanks, Floyd, Moseley, Priest, Smith, Tabor, Watts—8. Members of House—21. Total—29. So there was no election.

#### EIGHTH VOTING.

For *Houston*—Mr. President, Messrs. Avery, Austin, Burritt, Lorimer, McMillan, Sanderson—7. Members of House—16. Total—23.

For *Beard*—Messrs. Costin, Fairbanks, Floyd, Moseley, Priest, Smith, Tabor, Watts—8. Members of House—21. Total—29. So there was no election.

#### NINTH VOTING.

For *Houston*—Mr. President, Messrs. Avery, Austin, Burritt, Lorimer, McMillan, Sanderson—7. Members of House—16. Total—23.

For *Beard*—Messrs. Costin, Fairbanks, Floyd, Moseley, Priest, Smith, Tabor, Watts—8. Members of House—21. Total—29. So there was no election.

#### TENTH VOTING.

For *Houston*—Mr. President, Messrs. Avery, Austin, Burritt, Lorimer, McMillan, Sanderson, Tracey—8. Members of House—14. Total—22.

For *Beard*—Messrs. Costin, Fairbanks, Floyd, Moseley, Priest, Smith, Tabor, Watts—8. Members of House—21. Total—29. Blank—1. So there was no election.

Mr. Avery moved to adjourn the election until March 1st next, at 12 o'clock, M. Which motion was lost.

Mr. Burritt moved to adjourn the election until Monday next, at 10 o'clock. Which motion was lost.

Mr. Lorimer moved to adjourn the election until 3 o'clock. Which motion was lost.

## ELEVENTH VOTING.

For *Houston*—Mr. President, Messrs. Avery, Austin, Burritt, Lorimer, McMillan, Tracey—7. Members of House—16. Total—23.

For *Beard*—Messrs. Costin, Fairbanks, Floyd, Moseley, Priest, Smith, Tabor, Watts—8. Members of House—20. Total—28.

So there was no election.

## TWELFTH VOTING.

For *Houston*—Mr. President, Messrs. Avery, Austin, Burritt, Lorimer, McMillan, Tracey—7. Members of House—16. Total—23.

For *Beard*—Messrs. Costin, Fairbanks, Floyd, Moseley, Priest, Smith, Tabor, Watts—8. Members of House—20. Total—28.

So there was no election.

On motion of Mr. Hagner, the election was adjourned until 3 o'clock.

Whereupon the Senate having returned to their Chamber, took a recess until 3 o'clock.

3 O'CLOCK, P. M.

The following communication was transmitted to his Excellency the Governor:

SENATE CHAMBER, Dec. 30, 1847.

To his Excellency the Governor of Florida:

SIR: I herewith transmit, for the approval of your Excellency, "Resolutions in relation to the Wilmot Proviso," passed by the two Houses of the General Assembly, and signed by the presiding officers thereof.

By order of the Senate.

Very respectfully,

C. W. DOWNING,  
Secretary Senate.

The Senate proceeded with the orders.

Engrossed bill entitled, An act to organize a school for the education of poor children within the County of Franklin, was read a third time, and on the question of its passage, the yeas and nays were:

Yeas—Mr. President, Messrs. Avery, Burritt, Costin, Floyd, Lorimer, McMillan, Moseley, Priest, Sanderson, Smith, Tabor, Tracey, Watts—14.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the House.

The following communication from his Excellency the Governor was received and read:

EXECUTIVE DEPARTMENT,  
December 30, 1847.

Gentlemen of the Senate

and of the House of Representatives:

I have the honor to submit, for your advice and consent, the following nominations:

Perry G. Wall, Judge of Probates for the County of Benton.  
Charles S. Tomlinson, Benjamin Ellison, Wm. G. Porter, James L. Barber, and William A. Kain, Commissioners of Pilotage for the harbor and waters of Apalachicola Bay.

A. M. Hobby, Port Warden for the port of St. Marks.

Hanson Kelly, Sr., John Campbell, Rob't. A. Mitchell, William J. Keyser, H. F. Ingraham, and John Jerrison, Jr., Port Wardens for the port of Pensacola.

Aaron Smith, Auctioneer for the County of Levy.

Michael Usina and Francis P. Ferreira, Auctioneers for St. Johns County.

R. H. Berry, Auctioneer for the County of Leon.

Mathew Knight, Thomas W. Jones, Benjamin Wilson, and Chas. Dewaal, Auctioneers for the County of Duval.

Geo. G. Pattison, C. P. Knapp, W. B. Davis, J. G. Michaloffski, D. Davidson, Geo. W. Barkley, Alexander McVoy, Francis de la Rua, B. F. Magee, Bithall G. Bell, James Gonzalez, Joseph Quigles, Auctioneers for the County of Escambia.

Emanuel Forham, (of Milton,) Auctioneer for the County of Santa Rosa.

Very respectfully,

W. D. MOSELEY.

The nominations contained in said communication were advised and consented to by the Senate.

A committee from the House informed the Senate that the House was ready to proceed with the election of Register of Public Lands, whereupon the Senate proceeded to the Hall of Representatives for that purpose.

## THIRTEENTH VOTING.

For *Houston*—Mr. President, Messrs. Avery, Austin, Burritt, Lorimer, McMillan, Sanderson, Tracey—8. Members of House—17. Total—25.

For *Beard*—Messrs. Costin, Fairbanks, Floyd, Moseley, Priest, Smith, Tabor, Watts—8. Members of House—20. Total—28.

So there was no election.

## FOURTEENTH VOTING.

For *Houston*—Mr. President, Messrs. Avery, Austin, Burritt, Lorimer, McMillan, Sanderson, Tracey—8. Members of House—17. Total—25.

For *Beard*—Messrs. Costin, Fairbanks, Floyd, Moseley, Priest, Smith, Tabor, Watts—8. Members of House—20. Total—28.

So there was no election.

## FIFTEENTH VOTING.

For *Houston*—Mr. President, Messrs. Avery, Austin, Burritt, Lorimer, McMillan, Sanderson, Tracey—8.

For *Beard*—Messrs. Costin, Fairbanks, Floyd, Moseley, Priest, Smith, Tabor, Watts—8. Members of House—20. Total—28.

So there was no election.

Mr. Burritt moved to adjourn the election until Monday next, 12 o'clock, M.

Which motion was lost.

Mr. A. E. Maxwell moved that the election be indefinitely adjourned.

On which the yeas and nays were called for by Messrs. Burritt and Chain, and were:

Yeas—Messrs. Avery, Austin, Costin, Fairbanks, Floyd, Lorimer, Moseley, Priest, Sanderson, Smith, Tabor, Tracey, Watts—13. Members of the House—29. Total—42.

Nays—Mr. President, Messrs. Burritt, McMillan—3. Members of House—8. Total—11.

So the election was indefinitely adjourned.

The Senate having returned to their chamber, proceeded with the orders of the day.

The rule being waived, Mr. Mosely, from the Committee on Internal Improvements, was allowed to introduce a bill to be entitled, An Act to facilitate the removal of obstructions to the navigation of the Suwannee River, which was, on motion, read the first time by its title, and 75 copies ordered to be printed.

Engrossed resolutions in relation to territory which may be acquired by the United States, were read a third time and passed.

Engrossed resolutions in relation to draining the Everglades, were read the third time and passed.

House bill entitled, An Act to change the name of Sarah A. Holden, of Jackson county, to that of Sarah A. Howell, was, on motion, read the third time by its title, and on the question, Shall the bill pass? the yeas and nays were:

Yeas: Mr. President, Messrs. Avery, Austin, Burritt, Costin, Floyd, Lorimer, McMillan, Moseley, Priest, Sanderson, Smith, Tabor, Watts: 14.

Nays: None. So the bill passed. Title as stated.

House bill entitled, An Act to declare Pittman's Creek, in Walton county, a navigable stream, was read the third time, and on the question, Shall the bill pass? the yeas and nays were:

Yeas: Mr. President, Messrs. Avery, Burritt, Costin, Fairbanks, Lorimer, McMillan, Priest, Smith, Tabor, Watts: 11.

Nays: Messrs. Austin and Floyd: 2.

So said bill passed. Title as stated.

House bill entitled, An act to amend an act to organize the Circuit Courts of the State of Florida,

Was read the third time, and on the question "shall the bill pass?" the yeas and nays were:

Yeas—Messrs. Avery, Austin, Burritt, Lorimer, McMillan, Priest, Watts—7.

Nays—Mr. President, Messrs. Costin, Fairbanks, Floyd, Moseley, Sanderson, Smith, Tracey—8.

So said bill was lost.

House bill entitled, An act for the relief of John Stone,

Was read the second time and referred to the committee on Claims and Accounts.

House bill entitled, An act for the relief of R. E. Little, Was read the second time and referred to the committee on Claims and Accounts.

House bill entitled, An act for the relief of Craven G. Fife, Was read the second time and referred to the committee on Claims and Accounts.

House bill entitled, An act making appropriations for the payment of the printing and binding of Thompson's Digest and finally disposing thereof,

Was read the second time.

Mr. Fairbanks offered the following amendment:

SEC. 3. *Be it further enacted*, That the said Secretary of State shall furnish the Clerks of the Circuit Courts of the respective counties of this State each with a copy of said Digest, which shall be by them kept for the use of the said Circuit Court, and shall be delivered to their successors in office, and upon failure so to deliver the same to their successors in office, such Clerks so failing shall be fined by the Judge of such Circuit Court twice the value of such Digest.

Which was adopted, the amendment ordered to be engrossed, and the bill ordered for a third reading to-morrow.

House bill entitled, An Act to amend an act to provide for the sale of the lands granted to the State for the purpose of Internal Improvements, was read the second time.

Mr. Floyd offered the following amendments:

SEC. 3. *Be it further enacted*, That when the lands shall have been offered for sale, as is contemplated under this act, it shall and may be lawful for the Register of Public Lands to permit private entries of said lands to be made by any person or persons who may be citizens of this State, or who shall swear or affirm that it is *bona fide* his or her intention to remove to this State and become actual occupant of said lands.

SEC. 4. *Be it further enacted*, That it shall not be lawful for any one person to make entry of more than eighty acres of said lands under this act; that when application shall be made to make entry of any such lands, it shall be the duty of the said Register to cause to be administered to any such applicant the following oath, or affirmation, to wit: "I, A. B., do solemnly and truly swear, (or affirm,) that the land about to be entered by me, is for my own use and occupation, and said land is not entered with the view of speculation, but the same is intended for the purposes of cultivation; and I have never made any agreement, directly or indirectly, with any person or persons for the sale or transfer of the same; and I do further swear, (or affirm,) that I have never entered any other land or lands belonging to the State of Florida." And the said Register shall then give to the said applicant a certificate, under the same rules and regulations as is provided for in other cases of the sale of said lands.

SEC. 5. *Be it further enacted*, That the price of said lands shall

be as follows, to wit : For *first quality* land, the sum of one dollar per acre ; for *second quality*, seventy-five cents per acre, and for *third quality*, fifty cents per acre.

Sec. 6. *Be it further enacted*, That any person swearing (or affirming) falsely under this act, shall be subjected to all the pains and penalties of perjury.

Which were adopted, the amendments ordered to be engrossed, and the bill ordered for a third reading to-morrow.

Resolutions relative to the construction of the Constitution in regard to the Election of Offices, &c. came up in their order.

On motion, Mr. Sanderson was allowed to withdraw said resolutions.

The following message from His Excellency the Governor was received and read :

EXECUTIVE DEPARTMENT, Dec. 30, 1847.

*Gentlemen of the Senate and House of Representatives :*

I have the honor to make the following nominations, for which your advice and consent are respectfully solicited :

Stephen D. Fernandez, Arthur M. Reed, Thomas Holmes, Chas. Willey, and John Middleton, Port Wardens for the Port of Jacksonville, Duval County. Very respectfully,

W. D. MOSELEY.

The nominations therein contained were advised and consented to by the Senate.

On motion of Mr. Burritt, the rule was waived, and he allowed to offer the following resolution :

*Be it Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That in the election this day by the General Assembly, upon joint ballot, for a Register of the Public Lands of this State, John Beard and Edward Houston having been the only candidates, and the said John Beard having received twenty-nine votes, and the said Edward Houston only twenty-four votes, the said John Beard is duly elected ; and that the result of the said voting, and a copy of this resolution, be furnished to his Excellency the Governor.

On the question of the adoption of said resolution, the yeas and nays were called for by Messrs. Floyd and Sanderson, and were :

Yeas : Mr. President, Messrs. Avery, Burritt, McMillan, Sanderson, Tabor, Tracey, Watts : 8.

Nays : Messrs. Austin, Costin, Fairbanks, Floyd, Moseley, Priest, Smith : 7.

So said resolution was adopted.

House Preamble and Resolution relative to the Indians in South Florida, and providing for the safety of the inhabitants of that section of this State, were read the first time, the rule waived, read a second time by their title, and referred to the Committee on the State of the Commonwealth.

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

FRIDAY, December 31, 1847.

The Senate met pursuant to adjournment.

Rev. Mr. Choice officiated as Chaplain.

A quorum being present, on motion of Mr. Avery, the reading of the Journal was dispensed with.

Mr. Watts gave notice that he would on to-morrow ask leave to introduce a bill to change the name of Leonora M. Slade to that of Leonora M. Watts.

Also, a bill to change the name Vienne Slade to that of Vienne Watts.

Mr. Moseley, from the committee on Claims and Accounts presented the following report :

The committee to whom was referred the House bill entitled, An act for the relief of R. E. Little, have had the same under consideration, and recommend its passage.

W. P. MOSELEY, Chairman.  
JOHN COSTIN.  
JOHN M. SMITH.

Which was received.

Also the following :

The committee to whom was referred the House bill entitled, An act for the relief of Craven G. Fife, have had the same under consideration, and recommend its passage.

W. P. MOSELEY, Chairman.  
JOHN COSTIN.  
JOHN M. SMITH.

Which was received.

Also the following :

The committee to whom was referred the House bill for the relief of John Stone, have had the same under consideration, and recommend its passage.

W. P. MOSELEY, Chairman.  
JOHN COSTIN.  
JOHN M. SMITH.

Which was received.

Mr. Burritt, from the Judiciary Committee, presented the following report :

The Committee on the Judiciary to whom was referred an engrossed bill from the House of Representatives entitled, An act in addition to an act entitled, An act to organise the Circuit Courts of the State of Florida, ask leave to

#### REPORT :

That they have had the same under consideration, and recommend that said bill be amended by striking out the words "same time" in the 7th line of the 1st section, and inserting in lieu thereof the words "term of two years," and also, by striking out the word "same" in the 9th line, and adding after the word "manner" in the said 9th line.

the word *prescribed*; also, by striking out the word "same" in the 10th and 11th lines; also, by striking out the words "same time" in the 4th line of the 3d section, and inserting therein *term of two years*. And they ask the concurrence of the Senate herein.

S. L. BURRITT, Chairman.

Which was received and concurred in.

Also the following:

The Committee on the Judiciary to whom was referred an engrossed bill from the House of Representatives, to be entitled, "An act to make valid the proceedings of sundry persons commissioned as Justices of the Peace of this State," ask leave to

REPORT:

That they have had the same under consideration, and they recommend that the preamble to said bill be stricken out; and also the word "therefore" in the first line of the enacting clause; and that the word "such" in the 13th line of said bill be stricken out and the word *any* be inserted in its place. They also recommend the adoption of the following additional section to said bill, and ask the concurrence of the Senate, &c.

S. L. BURRITT, Chairman.

Which was received.

ORDERS OF THE DAY.

House bill entitled, An act making appropriations for the payment of the printing and binding of Thompson's Digest and finally disposing thereof,

Was read the third time, and on the question, "shall the bill pass?" the yeas and nays were:

Yeas—Messrs. Avery, Austin, Burritt, Costin, Fairbanks, Floyd, Lorimer, McMillan, Moseley, Priest, Smith, Tracey, Watts—13.

Nays—Mr. President—1.

So said bill passed. Title as stated.

House bill entitled, An Act to amend an act to provide for the sale of the lands granted to the State for the purposes of Internal Improvements,

Was read the third time, and on the question, Shall the bill pass? the yeas and nays were:

Yeas—Mr. President, Messrs. Avery, Austin, Burritt, Costin, Fairbanks, Floyd, McMillan, Moseley, Priest, Tracey—11.

Nays—Messrs. Lorimer and Watts—2.

So said bill passed. Title as stated.

Resolution relative to the adjournment of the Legislature on 6th January next, *sine die*,

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

Resolutions relative to the election of Major Gen. Z. Taylor to the Presidency,

Was read the second time.

Mr. Burritt offered the following amendment:

*Resolved*, That the members of the General Assembly pledge themselves, should the said Zachary Taylor be a candidate for the Presidency of the United States, to use their utmost endeavors to secure his election.

Which was adopted.

Ordered, That said resolution be engrossed for a third reading to-morrow.

House bill entitled, An Act for the relief of R. C. Little, Was read the second time, and ordered for a third reading to-morrow.

House bill entitled, An Act for the relief of Craven G. Fife, Was read the second time, and ordered for a third reading to-morrow.

House bill entitled, An Act for the relief of John Stone, Was read the second time, and ordered for a third reading to-morrow.

House bill entitled, An Act in addition to an act entitled, an act to organize the Circuit Courts of the State of Florida,

Was read the second time, and ordered for a third reading to-morrow.

House bill entitled, An Act to make valid the proceedings of sundry persons commissioned as Justices of the Peace of this State,

Was read the second time, and ordered for a third reading to-morrow.

Bill to be entitled, An Act to amend the several acts to raise a revenue for this State, approved July 24, 1845, and Dec. 27, 1845,

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

The rule being waived, Mr. Fairbanks was allowed to introduce a bill to be entitled, An Act to amend an act prescribing Solicitor's fees;

Which was read the first time, and ordered for a second reading to-morrow.

On motion, the Senate took a recess until 3 o'clock.

3 O'CLOCK.

The following message from the House was received and read:

HOUSE OF REPRESENTATIVES, December 30, 1847.

*Hor. President of the Senate:*

SIR: The House has appointed a Joint Committee of Conference, consisting of Messrs. Forward, Collins and Crawford, to act with a similar Committee on the part of the Senate, upon the Senate Bill entitled, An Act to authorize the Executors of George Kingsley, deceased, to sell real estate.

Very Respectfully,

W. B. LANCASTER,  
Clerk Ho. Rep.

House Memorial and Resolutions, asking Congress to appropriate one hundred and sixty acres of land for the building of a Court House

in Hillsborough county, was read the first time, and ordered for a second reading to-morrow.

The following communication from His Excellency the Governor was received and read :

EXECUTIVE DEPARTMENT, Dec. 31, 1847.

*Gentlemen of the Senate and of the House of Representatives :*

I have the honor hereby to nominate :

Wm. C. Campbell, as Weigher of Cotton for the county of Leon.

Benjamin J. Hagler, as Auctioneer for the county of Hillsborough.

Hugh Archer, as Auctioneer for the county of Leon.

Alexander Patterson, Edwin A. Falker, Wm. H. Wall, Wm.

Curry, Hiram Benner, James Filor, W. H. Von Pfister, P. J. Fontaine, R. D. Fontane, as Auctioneers for the county of Monroe.

Benjamin Sawyer, G. L. Bowne, P. J. Fontane, and Frederick Filor, as Commissioners of Pilotage for the county of Monroe.

And solicit your advice and consent.

Very respectfully,

W. D. MOSELEY.

The nominations contained in said communication were advised and consented to by the Senate.

Mr. Floyd moved that the Senate adjourn until Monday next, 10 o'clock, on which the yeas and nays were called for by Messrs. Avery and Floyd, and were :

Yeas—Messrs. Burritt, Costin, Floyd, Lorimer, Smith, Tabor—6.

Nays—Mr. President, Messrs. Avery, Fairbanks, McMillan, Moseley, Priest, Tracey, Watts—8.

So said motion was lost.

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

SATURDAY, January 1, 1848.

The Senate met pursuant to adjournment.

Rev. Mr. Choice officiated as Chaplain.

A quorum being present, on motion of Mr. Tracey the reading of the Journal was dispensed with.

The following was ordered to be spread upon the Journal :

The undersigned, Washington Tabor, Senator from the Fifth District, spreads here upon the Journal his Protest in reference to a Resolution introduced into the Senate on the 30th ult. by Mr. Burritt, declaring that John Beard had been duly elected Register of Public Lands, having received twenty-nine votes. That upon said Resolution my vote was recorded in the affirmative; but being very busily engaged in other business at the time, and not fully comprehending the bearing of the said Resolution, I did not give it any reflection—which, as soon as I did, I perceived the error of my vote, thus inadvertently given, and desired to change the same; but the Senate immediately adjourned. Upon the next morning, at the earliest opportunity, I moved to have my vote changed, which was

ruled out. I then moved to reconsider the said vote, which motion was declared out of order, the said Resolution having been transmitted to the House of Representatives. I therefore now here Protest, and declare that such resolution does not contain or express my views in reference to such election, on the general principles therein involved, but that I hold the contrary thereof. W. TABOR.

Also the following :

Joseph B. Watts asks leave to spread on the Journal his dissent from the report of the Committee on Taxation and Revenue, and the Bill accompanying the report. He declined signing the report, and dissents from the same on the ground that he believes it inexpedient and unequal at this time to raise the taxes.

The following message from His Excellency the Governor was received and read, and laid upon the table :

EXECUTIVE DEPARTMENT, Jan. 1, 1848.

*Gentlemen of the Senate and House of Representatives :*

Your attention is respectfully invited to the Revenue Law of 1845, with the view of making such amendments as may be necessary, more effectually to secure the collection of the public revenue.

The existing law makes it the duty of the Tax Collector to collect and pay into the Treasury all such taxes as may be assessed, by the fourth Monday in November, while the same law forbids the levying of taxes till the first of October, and then, in case of land, requiring a notice of three months for residents, and six months for non-residents, before a sale can be had. From all which, it is quite obvious that collections cannot be made by the time required by law.

The same law furthermore provides, in relation to County Commissioners, that they shall meet in September to certify *insolvencies*, while the provision that the payment shall not be enforced till the first of October, puts it out of the power of the Commissioners to ascertain insolvencies till *after that time*.

It is suggested that these defects may be remedied without inconvenience to the public, by authorizing the Collectors to levy as early as the first of June, and permitting a sale of lands after notices of thirty and sixty days.

Very respectfully,

W. D. MOSELEY.

Mr. Lorimer asked leave to withdraw the petition of Benjamin Thornton, relative to the building of the State House,

Which was granted.

On motion of Mr. Floyd, leave of absence was granted to the Hon. President during the remainder of the day.

Mr. Sanderson, from the Committee on the State of the Commonwealth, which was instructed to act with a Select Committee on the part of the House relative to the boundary of the State, presented the following report :

The Joint Committee of the two Houses to whom was referred so much of the Governor's Message as relates to the Northern boundary

of the State, ask leave, as to the boundary between Alabama and Florida, to

**REPORT:**

That the Commissioners appointed to negotiate this question have agreed upon the line, commonly known as the Mound line, as the original boundary between these States. The report of James T. Archer, Commissioner on the part of the State of Florida, will show the steps by which they arrived at this result. The Committee are of opinion that the said line should be declared to be the boundary, and they accordingly submit a bill for that purpose, and recommend its passage.

The Committee further recommend that a suitable number, say 250 copies of the report of the Commissioners of this State, together with the same number of the copies of the agreement entered into between him and the Commissioner for the State of Alabama, be printed for general distribution.

Respectfully submitted.

J. P. SANDERSON,  
Chairman Committee of the Senate.  
JAS. H. T. LORIMER,  
JOHN COSTIN,  
A. E. MAXWELL,  
Chairman House Committee.  
THOMAS H. HAGNER,  
B. J. J. MITCHELL,  
JAS. L. KING,  
E. E. BLACKBURN.

Which was received and concurred in.

Mr. Sanderson, from the Committee on the State of the Commonwealth, presented the following report:

The Committee on the State of the Commonwealth, to whom was referred the message of his Excellency the Governor, enclosing the petition of Benj. F. Whitner, together with the resolutions from the House, based upon the petition of Col. R. Brown and others, praying that some action be had by the General Assembly relative to the Seminole Indians, have attentively examined the same, and ask leave to submit the following

**REPORT:**

Your committee find, upon examination of the message and several petitions, that the settlers in the vicinity of the Indian boundary are much harassed by and exposed to the petty depredations of the Indians. They are allowed to roam a distance of thirty miles or upwards from their limits, frequently becoming intoxicated, annoying and disturbing the inhabitants, by stealing their stock, mules, and other property, and driving them within the country assigned, whilst the inhabitants, on the other hand, are not permitted to pass into the Indian boundaries in pursuit of their property. It is unnecessary for the committee to bring to the notice of the Senate the causes

which led to the late Indian war. The Senate well remember that it had its origin in causes similar to these; and unless the Indians are prevented from ranging beyond their prescribed limits, these difficulties will continually recur between them and the settlers, and unless Congress applies a remedy, and that soon, again that portion of the State will present the horrid scene of savage and brutal warfare. The fact that during the past summer the Indians have purchased an unusual supply of powder and lead, coming as it does from a source entitled to the highest respect, is of itself sufficient to cause great anxiety to the inhabitants in that section, and deserves the consideration of the General Government. While your committee sympathize with the petitioners in their present unhappy situation, and feel that some action should be promptly had, some remedy speedily applied, either to remove them altogether, or at least *strictly* confine them within their limits, by keeping troops stationed along the line, and enforcing the most rigid regulations upon their trade; yet, in the absence of any suggestions from his Excellency the Governor, they are not apprised of any action the State can take in the matter (under existing circumstances) other than *again* to bring it to the notice of Congress, by the adoption of the resolutions referred to your committee. Speaking of this subject, the message says: "The subject matter has so frequently engaged the attention of the General Assembly in memorials and resolutions to the Federal Government, without a redress of the grievances complained of, that I really feel at a loss to make any suggestions from which I can hope for success." The petitioners, in like manner, complain that their applications to the War Department have been disregarded, and now turn to their own State with commendable confidence that *there* their requests will be heard with becoming respect and attention. The Senate are aware, too, that resolutions similar to the present were adopted by the last General Assembly, and as your committee are advised, *no notice* has been taken of them by any *one* of our Representatives in Congress at its last session. This doubtless was the *true cause* why the voice of the citizens of the State of Florida, spoken through their General Assembly, has not been listened to by the Federal Government. Individual officers of the various departments at Washington, without doubt, frequently turn a deaf ear to the prayers of the innocent and suffering; but Congress, when properly applied to for the redress of real grievances, is not wont to treat coldly such application. Your committee, before taking leave of this subject, feel constrained, under a proper sense of their duty, to express their *strong disapprobation* of the marked neglect with which our delegation, at the last Congress, have treated the various resolutions of the General Assembly in relation to this subject, as well as other important interests of the citizens of this State.

Which is respectfully submitted.

J. P. SANDERSON, Chairman.  
JAS. H. T. LORIMER.

Which was received and concurred in.

## ORDERS OF THE DAY.

House bill entitled, An act for the relief of R. E. Little,  
Was read the third time, and on the question of its passage, the yeas and nays were :

Yeas—Messrs. Avery, Burritt, Costin, Lorimer, McMillan, Moseley, Sanderson, Smith, Tracey—9.

Nays—Messrs. Floyd and Priest—2.

So the bill passed. Title as stated.

House bill entitled, An act for the relief of Craven G. Fife,

Was read the third time, and on the question of its passage, the yeas and nays were :

Yeas—Mr. President, Messrs. Avery, Burritt, Austin, Lorimer, McMillan, Moseley, Smith, Tracey—9.

Nays—Messrs. Floyd and Priest—2.

So the bill passed. Title as stated.

The following message from the House was received and read.

HOUSE OF REPRESENTATIVES, Dec. 31st, 1847.

*Honorable President of the Senate :*

SIR : The House has rejected Senate Bill entitled, An Act to provide for the establishment of Common Schools, and substituted the enclosed.

Very respectfully,

W. B. LANCASTER,

Clerk Ho. Rep.

On motion of Mr. Sanderson, the Senate insisted on the original bill.

On motion of Mr. Avery, a committee consisting of Messrs. Avery, Fairbanks, and Sanderson, was appointed to confer with a similar committee on the part of the House relative to said bill.

On motion of Mr. Avery, Mr. Burritt was added to the Committee.

Also the following :

HOUSE OF REPRESENTATIVES, Dec. 31, 1847.

*Honorable President of the Senate :*

SIR :—The House has concurred in the report in the joint conference committee upon House bill entitled, "An act to provide writs of error in criminal cases," and has receded from its disagreement to the two amendments proposed by the Senate to the 2d section of said bill, and to those in the 9th line of the 6th section, and adopted said amendments.

Also, upon recommendation of said committee, the House has passed the following amendments in addition to the said 6th section, to wit :

After the word "or," in the 15th line, insert the words, "in cases not capital."

And in 16th line, after word "recognizance," insert the words "with one or more sureties."

Very Respectfully,

W. B. LANCASTER,

Clerk Ho. Rep.

On motion of Mr. Burritt, said Report and amendments of the House were concurred in by the Senate.

House bill entitled, An act for the relief of John Stone,

Was read a third time, and on the question of its passage the yeas and nays were :

Yeas—Messrs. Avery, Burritt, Costin, Fairbanks, Lorimer, McMillan, Moseley, Priest, Smith, Tabor, Tracey—11.

Nay—Mr. Floyd—1.

So the bill passed. Title as stated.

House bill entitled, An act in addition to an act entitled, An act to organize the Circuit Courts of the State of Florida,

Was read a third time, and postponed until Monday next.

House bill entitled, An act to make valid the proceedings of sundry persons commissioned as Justices of the Peace of this State,

Was read a third time, and on the question of its passage the yeas and nays were :

Yeas—Messrs. Avery, Austin, Burritt, Lorimer, McMillan, Moseley, Sanderson, Tracey—8.

Nays—Messrs. Costin, Fairbanks, Floyd, Smith, Tabor—5.

So said bill passed. Title as stated.

Engrossed resolutions relative to the election of Maj. Gen. Zachary Taylor to the Presidency;

Were read a third time.

Mr. Floyd offered the following amendment :

*Resolved*, That the members of the Senate pledge themselves so long as the said Zachary Taylor shall be the independent candidate of the people for the Presidency of the United States, to use their utmost endeavors to secure his election.

Mr. Austin moved to lay said resolution upon the table.

On which the yeas and nays were called for by Messrs. Floyd and Austin, and were :

Yeas—Messrs. Avery, Austin, Burritt, Lorimer, McMillan, Tracey—6.

Nays—Messrs. Costin, Fairbanks, Floyd, Moseley, Priest, Sanderson, Smith, Tabor—8.

So the Senate refused.

On motion of Mr. Tracey, the resolution was indefinitely postponed.

The rule being waived, on motion of Mr. McMillan, leave of absence was granted to Mr. Lorimer during the remainder of the day.

House preamble and resolutions relative to the Indians in South Florida, and providing for the safety of the inhabitants of that section of this State,

Were read a second time, the rule waived, read a third time by its title, and passed.

House memorial and resolution asking Congress to appropriate 160 acres of land for the building of a Court House in Hillsborough county,

Was, on motion, read a second time by its title, the rule waived, read a third time by title, and passed.

House bill entitled, An act to provide a salary for the Quarter Master General, and for other purposes,

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

Bill entitled, An act to define and settle the boundary between the States of Florida and Alabama,

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

Bill entitled, An act to amend the several acts to raise a revenue for this State, approved July 24, 1845, and Dec. 27, 1845,

Was read a second time.

On motion of Mr. Avery, the Senate resolved itself into a committee of the whole on said bill—Mr. Austin in the Chair.

After some time spent therein, the committee rose and by their chairman reported the bill back to the Senate with amendments, and asked to be discharged from the further consideration thereof.

Which report was concurred in.

The bill as amended was read a second time by its title and ordered to be engrossed for a third reading to-morrow.

Bill to be entitled, An act to facilitate the removal of obstructions to the navigation of Sawannee river,

Was read the second time.

Mr. Floyd offered the following amendment :

SEC. 10. *Be it further enacted*, That this act shall be subject to any amendments, modification, or repeal, by any future General Assembly of this State.

Which was adopted, and the bill ordered to be engrossed for a third reading to-morrow.

Bill to be entitled, An act to amend the act prescribing solicitors fees,

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

The House returned Senate bill entitled, An act in relation to roads in Columbia county, as amended by the House.

On motion of Mr. Sanderson, the Senate concurred in said amendment.

Mr. Floyd moved to adjourn until Monday next, 11 o'clock.

Which was lost.

Mr. Sanderson moved to take a recess until 3 o'clock.

Which was lost.

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

MONDAY, January 3, 1848.

The Senate met pursuant to adjournment.

Rev. Mr. Choice officiated as Chaplain.

A quorum being present, on motion of Mr. Avery, the reading of the Journal was dispensed with.

The rule being waived, Mr. Tabor was allowed to introduce a bill to be entitled, An Act to provide for the election of a county site in the county of Washington; which was read the first time, the rule waived, read a second time by its title, and ordered to be engrossed for a third reading to-morrow.

On motion of Mr. Tabor, leave of absence was granted to Mr. Taylor, the Sergeant-at-Arms, until 3 o'clock.

The following was ordered to be spread upon the Journal :

The undersigned, having voted in the negative upon the bill to amend the act to organize the Circuit Courts of this State, state their reasons for voting against said bill, were that they believed that persons competent to fill said office would not accept such office with such compensation, and that the effect would be, to induce great laxness in the prosecution of criminals, and would operate against good policy.

G. R. FAIRBANKS.

J. P. SANDERSON.

Mr. Fairbanks, from the Committee on Enrolled Bills, reported an Act in relation to roads in Columbia county, as correctly enrolled.

The House returned Senate bill entitled, An Act to provide for the payment of Jurors and State Witnesses, as passed by the House without amendment. Ordered to be enrolled.

#### ORDERS OF THE DAY.

Engrossed bill entitled, An Act to amend the act prescribing Solicitor's fees, was read the third time, and on the question of its passage the yeas and nays were :

Yeas—Mr. President, Messrs. Avery, Burritt, Fairbanks, Lorimer, McMillan, Moseley, Priest, Sanderson, Smith, Tabor, Tracey—12.

Nay—Mr. Costin—1.

So said bill passed. Title as stated.

Ordered that the same be certified to the House.

The rule being waived, on motion of Mr. Avery, House bill entitled, An act to repeal an act entitled, An act to amend an act to establish a tariff of fees, approved February 15, 1834, and which was approved December 27, 1845,

Was taken from the table and placed among the orders.

Engrossed bill entitled, An act to facilitate the removal of obstructions to the navigation of Suwannee river,

Was read the third time; and on motion of Mr. Floyd, referred to the Judiciary Committee.

Engrossed bill entitled, An act to amend the several acts to raise a revenue for this State, approved July 24, 1845, and Dec. 27, 1845,

Was, on motion, read the third time by its title, and on the question of its passage the yeas and nays were :

Yeas—Messrs. Avery, Burritt, Costin, Fairbanks, Moseley, Priest, Sanderson, Smith, Tracey—9.

Nays—Mr. President, Messrs. Floyd, Lorimer, McMillan, Tabor, Watts—6.

So said bill passed. Title as stated.

Ordered that the same be certified to the House.

Bill to be entitled, An act to define and settle the boundary between the State of Florida and Alabama,

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

House bill entitled, An act to provide a salary for the Quarter Master General, and for other purposes,

Was read a second time.

On motion of Mr. Tracey, the Senate resolved itself into a committee of the whole on said bill, Mr. Fairbanks in the Chair.

After some time spent therein, the committee rose, and by their Chairman reported the bill back to the Senate without amendment, and asked to be discharged from the further consideration thereof.

Which report was concurred in.

On motion of Mr. Floyd, said bill was referred to the committee on Militia.

Resolution relative to adjournment *sine die* on the 6th inst., was read third time and passed.

House bill entitled, An act in addition to an act entitled, An act to organize the Circuit Courts of the State of Florida,

Was read the third time, and by unanimous consent, referred to the Judiciary Committee.

House bill entitled, An act to repeal an act entitled, An act to amend an act to establish a tariff of fees, approved Feb. 15, 1834, and which was approved Dec. 27, 1845,

Was read the third time.

Mr. Fairbanks moved to amend by striking out the words "having for its object a remote probability," occurring in lines 8 and 9.

Which amendment was unanimously adopted.

On the question of its passage the yeas and nays were :

Yeas—Mr. President, Messrs. Avery, Burritt, Costin, Fairbanks, Lorimer, McMillan, Moseley, Priest, Tabor, Tracey—11.

Nays—None.

So the bill passed. Title as stated. Ordered that the same be certified to the House.

The House returned House bill entitled, An Act making appropriation for the payment of the printing and binding of Thompson's Digest, and finally disposing thereof, with a message stating that the House refused to concur in the amendment to said bill by the Senate.

On motion of Mr. Fairbanks, the Senate insisted on their amendment.

House bill entitled, An Act for the relief of the Trustees of the Township 1, Range 1, S. and E. in the county of Leon, was read the first time, and ordered for a second reading to-morrow.

House bill entitled, An Act to amend an act to establish the office of Register of Public Lands for the State of Florida, was read the first time, and ordered for a second reading to-morrow.

House bill entitled, An act to define the term for which County

Commissioners shall hold their office, was read the first time, and ordered for a second reading to-morrow.

The following communication was transmitted to His Excellency the Governor :

SENATE CHAMBER, Jan. 3, 1848.

To his Excellency the Governor of Florida :

SIR :—I herewith transmit for your approval a bill entitled, An act in relation to roads in Columbia county, passed by the two Houses of the General Assembly, and signed by the presiding officers thereof.

Respectfully,

C. W. DOWNING,

Secretary Senate.

On motion, the Senate took a recess until 3 o'clock.

3 O'CLOCK, P. M.

The House returned Senate bill entitled, An act to enforce the payment of taxes assessed, and to be assessed, against all Institutions claiming corporate privileges in this State, with an amendment made by the House.

The Senate concurred in the amendment.

The following message from the House was received and read.

HOUSE OF REPRESENTATIVES, Jan. 1, 1848.

Honorable President of the Senate :

SIR :—The House has concurred in the amendments offered by the Senate to the House bill entitled, "An act to make valid the proceedings of sundry persons commissioned as Justices of the Peace of this State," with the following amendment proposed by the House :

In 5th line of 4th section, added by Senate, instead of words "duly elected" insert "who received the highest number of votes."

In which the concurrence of the Senate is respectfully requested

Very Respectfully,

W. B. LANCASTER,

Clerk Ho. Rep.

The Senate concurred in the amendment.

On motion of Mr. Avery, the rule was waived, and engrossed bill, entitled, An act to define and settle the boundary between the States of Florida and Alabama, was read a third time by its title, and on the question of its passage the yeas and nays were :

Yeas—Mr. President, Messrs. Avery, Austin, Burritt, Floyd, Lorimer, McMillan, Moseley, Priest, Sanderson, Smith, Tabor, Tracey—13.

Nays—None.

So said bill passed. Title as stated.

Ordered that the same be certified to the House.

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

TUESDAY, JANUARY 4, 1848.

The Senate met pursuant to adjournment.

Rev. Mr. Choice officiated as Chaplain.

A quorum being present, on motion of Mr. Avery, the reading of the Journal was dispensed with.

The following communication was transmitted to His Excellency the Governor:

HOUSE OF REPRESENTATIVES, January 4th, 1848.

To his Excellency the Governor of Florida:

SIR: We hereby certify, that, at a joint meeting of the two Houses of the General Assembly, held in the Hall of the House of Representatives, on Wednesday, December 30th, ult., for the purpose of electing a Clerk of the Supreme Court for the State of Florida, Mr. David P. Hogue and Mr. Mariano D. Papy were alone put in nomination, and, on the second voting, Mr. Hogue having received thirty votes, and Mr. Papy having received twenty-three votes. Mr. Hogue was declared duly elected Clerk of the Supreme Court for the State of Florida.

Very Respectfully,  
C. W. DOWNING,  
Sec. Senate.  
W. B. LANCASTER,  
Clerk House of Representatives

The rule being waived, Mr. Avery was allowed to introduce a bill to be entitled, An Act to ascertain the number of white children between the ages of 6 and 18 years, and to obtain information respecting the Common School Lands; which was read the first time, the rule waived, and said bill ordered to be placed among the orders of to-day.

Mr. Sanderson offered the following:

That the Comptroller be requested to inform the Senate of the cost of publishing the amendments to the Constitution, which were adopted at the session of 1846 and '47.

Which was adopted.

The rule being waived, Mr. Costin was allowed to introduce a bill to be entitled, An Act regulating the fees of Notaries Public in the State of Florida, which was read the first time, the rule waived, and said bill ordered to be placed among the orders for to-day.

Mr. Mosley offered the following:

Resolved, That W. Bartlett be selected to print the laws passed by the present General Assembly, on his giving bond to the Secretary of State to execute the same in a proper manner.

Resolved, That the compensation shall be the same per page as the printer of the House of Representatives receives for printing the Journals of the House.

Which was read a first time, the rule waived, read a second time and passed.

Mr. Burritt, from the Judiciary Committee, presented the following report:

The Committee on the Judiciary to whom was referred a bill to be entitled, An act to facilitate the removal of obstructions to the navigation of Suwannee river, have had the same under consideration, and have instructed me to

REPORT:

That the bill proposes to confer certain powers and to grant certain exclusive privileges to certain individuals, and although the committee are not opposed to the objects of the bill, but on the contrary believe they contemplate great public utility, still they believe that the bill if passed would be nothing less than a special act of incorporation, and which seems to be prohibited by the Constitution. The right of individuals to unite together by virtue of a law for that purpose, in a joint enterprise with the capacity of suing and being sued, to transact the business of the company generally under that law, to be protected in the exclusive prosecution of that enterprise, and in the benefits to be derived therefrom, the committee believe amounts to an incorporation. And if so, as the Constitution provides that the General Assembly shall pass no act of incorporation unless public notice in one or more newspapers in the State shall have been given for at least three months immediately preceding the session at which the same may be applied for, the committee believe there is no power in the General Assembly to pass the bill under consideration unless it shall be shown that the requisite publication has been made.

S. L. BURRITT, Chairman.

Which was received and concurred in.

Mr. Tracey, from the Committee on Militia, presented the following report:

The Committee on Militia to whom was referred the bill to provide a salary for the Quarter Master General and for other purposes, have had the same under consideration, and ask leave to report the same back to the Senate with the following amendment, viz:

Fill up the blank in the 3d section with 150, and ask to be discharged from further consideration of the subject.

E. D. TRACEY, Chairman.

Which was received and concurred in.

Mr. Fairbanks, from the committee on Enrolled Bills, reported the following bills, viz:

A bill entitled, An act to enforce the payment of taxes assessed, and to be assessed, against all institutions claiming corporate privileges in this State;

A bill entitled, An act to provide for the payment of Jurors and State witnesses;

As correctly enrolled.

The following message from His Excellency the Governor was received and read:

EXECUTIVE DEPARTMENT, Jan. 1, 1848.

*Gentlemen of the Senate and House of Representatives :*

I have approved the following Acts and Resolutions, to wit :

An act to exempt the citizens of Levy county from serving as Jury-men beyond the limits of said county ;

An act to authorize the Treasurer of Alachua county to pay over to the Treasurer of Marion county the amount of the county tax in his hands, assessed and collected upon lands lying in Marion county ;

An act for the relief of A. B. Clark, assignee of Thomas M. White ;

An act to authorize certain persons to establish a ferry across the Apalachicola river, at Chattahoochie ;

An act to change the name of William J. McCaughan to that of Wm. J. McGriff ;

An act in relation to roads and highways in the counties of Washington, Benton, and Hamilton ;

An act to change the name of Sarah A. Alston ;

An act to define the Western boundary of Jackson county, and to repeal an act therein named ;

An act to amend the several acts relative to County Commissioners ;

An act to facilitate the draining of the "Twelve Mile Swamp," in the county of St. Johns ;

An act to regulate the Pilotage of the Bar of the River St. Johns ;

An act to amend an act entitled, "An act to provide for the election of Electors of President and Vice President of the United States," approved January 8, 1847 ;

An act to more fully define the rates of and duty of Pilots for the Port of Cedar Keys ;

Resolution expressive of thanks to Messrs Randall, Brockenbrough and Baker, examiners of Thompson's Digest ;

Preamble and Resolutions in relation to certain sections of land granted by the United States to Florida, for the purpose of fixing the Seat of Government ;

Preamble and Resolutions in relation to Pre-emption Rights in this State ;

Resolutions in relation to the Wilmot Proviso ;

Preamble and Resolutions relative to the expenses of Florida Volunteers previous to being mustered into the United States Service ;

Preamble and Resolutions relative to the passage of a law in relief of certain citizens of this State.

Very respectfully,  
W. D. MOSELEY.

Also the following :

EXECUTIVE DEPARTMENT, January 1, 1848.

*Gentlemen of the Senate and House of Representatives :*

I have the honor to solicit your advice and consent to the following nominations :

Wm. H. Andrews, John Wooten and L. B. Harber, as Auctioneers for the county of Jefferson.

Mr. Wm. C. Campbell having this morning declined his nomination, which I made on yesterday, as Cotton Weigher for the county of Leon, I hereby respectfully nominate Charles A. Nash for that office, and ask your advice and consent to said nomination.

Very Respectfully,  
W. D. MOSELEY.

The nominations therein contained were advised and consented to by the Senate.

Also the following :

EXECUTIVE DEPARTMENT, Jan. 3, 1848.

*Gentlemen of the Senate and House of Representatives :*

I respectfully ask your advice and consent to the following nominations :

John D. Sheldon, as Auctioneer for the county of Orange ; and William B. Davis, as Auctioneer for the county of St. Lucie.

A. G. Miller, Geo. W. Cole, jr., Alex. Bushlatt, John W. Hines, John W. Low, Moses Edwards, as Auctioneers for the county of Columbia.

Very respectfully,  
W. D. MOSELEY.

The nominations therein contained were advised and consented to by the Senate.

Also the following :

EXECUTIVE DEPARTMENT, Jan. 1, 1848.

*Gentlemen of the Senate and of the House of Representatives :*

I respectfully nominate the following named gentleman for the offices designated and ask your advice and consent :

L. W. Spratt, as Judge of Probate, and P. W. Cullen and Nathan Baker, as Auctioneers, for the county of Franklin.

Very respectfully,  
W. D. MOSELEY.

The nominations therein contained were advised and consented to by the Senate.

The following message from the House was received and read :

HOUSE REPRESENTATIVES, January 3, 1848.

*Honorable President of the Senate :*

SIR:—Senate bill entitled, "An act more particularly to define mortgage liens," was this day rejected by the House.

And Senate bill entitled, "An act to prescribe an equal and uniform mode of taxation, and for other purposes," was this day indefinitely postponed.

Very respectfully,  
W. P. LANCASTER,  
Clerk House Representatives.

Also the following :

EXECUTIVE DEPARTMENT, January 3, 1848.

*Honorable President of the Senate :*

SIR:—Senate bill entitled, "An act to organize a school for the education of poor children within the County of Franklin," has

passed the House, with the title amended as follows: Strike out "organize," and insert, "aid in support of."

In which the concurrence of the Senate is respectfully requested.  
Very respectfully,

W. B. LANCASTER,  
Clerk House Representatives.

The Senate concurred in the amendment, and the bill was ordered to be enrolled.

The following also was received and read:

HOUSE REPRESENTATIVES, January 1, 1848.

*Honorable President Senate:*

SIR:—The House has appointed Messrs. Forward, Hagner, Mitchell of Jackson, and A. E. Maxwell joint committee of conference, to act with a similar committee on the part of the Senate, upon the bill "making provision for a system of Common Schools."

Very respectfully,

W. B. LANCASTER,  
Clerk House Representatives.

The House returned Senate bill entitled, An act to authorize Jas. Cockroft to establish a Ferry across Shoal River, as passed by the House without amendment. Ordered to be enrolled.

The House returned Senate bill entitled, An act to amend an act entitled an act to organize the Circuit Courts of the State of Florida, as passed by the House without amendment. Ordered to be enrolled.

The following communication was transmitted to his Excellency the Governor:

SENATE CHAMBER, January 4, 1848.

*To his Excellency the Governor of Florida:*

SIR:—I have the honor to transmit, for your approval, the following bills, viz: a bill entitled, "An act to provide for the payment of Jurors and State Witnesses," also a bill entitled, An act to enforce the payment of taxes assessed, and to be assessed, against all institutions claiming corporate privileges in this State," passed by the two Houses of the General Assembly, and signed by the presiding officers thereof.

Very respectfully,

C. W. DOWNING,  
Secretary Senate.

The House returned Senate resolutions in relation to Territory which may be acquired by the United States, as passed by the House without amendment. Ordered to be enrolled.

The House returned Senate bill entitled, An act to encourage and facilitate Internal Improvements, and to authorize and regulate partnerships for that purpose, as amended by the House.

The Senate concurred in the amendment, and the bill ordered to be engrossed.

A message was received from the House, stating that the House had adopted the resolution passed by the Senate on the 30th ult. relative to the election of John Beard, Register.

The following communication from the Comptroller was received and read, and referred to the Committee on Claims and Accounts, with instructions to examine into, and report as to the reasonableness of these charges:

COMPTROLLER'S OFFICE,  
January 4, 1848. }

*Hon. President of the Senate:*

SIR:—In answer to the request of this date, for information as to the costs of publication of the amendments of the Constitution adopted at the session of 1846, '47, I have to say that the following accounts for that service have been presented at this office for allowance, to wit:

J. L. Wyman, 10 sq. 6 m.	\$135 00—Apalachicola.
Jas. M. Gould, 10 sq. 6 m.	135 00—St. Augustine.
Sibley & Dyke, 9 sq. 6 m.	100 00—Tallahassee.
J. A. Baughay, 14 sq. 30 insertions,	217 00—Pensacola.

Total, \$587 00

Of these accounts, all, except the last named, have been audited, and, I think, paid at the Treasury—making a total paid of \$370 00.

I have the honor to be,

Very respectfully,

SIMON TOWLE, *Comptroller.*

The rule being waived, Mr. Fairbanks, from the Committee on Enrolled Bills, reported bill entitled, An Act to authorize the Executors of George Kingsley, deceased, to sell real estate, as correctly enrolled.

On motion of Mr. Fairbanks, the rule will be considered as waived during the remainder of the session, and the Committee on Enrolled Bills allowed to report at any time.

#### ORDERS OF THE DAY.

Engrossed bill entitled, An Act to provide for the election of a county site in the county of Washington, was read the third time, and on the question of its passage, the yeas and nays were:

Yeas—Mr. President, Messrs. Avery, Austin, Burritt, Costin, Fairbanks, Floyd, Lorimer, McMillan, Moseley, Priest, Sanderson, Watts—13.

Nays—None.

So said bill passed. Title as stated. Ordered that the same be certified to the House.

The following communication was transmitted to his excellency the Governor:

SENATE CHAMBER, January 4, 1848.

*To his Excellency the Governor of Florida:*

SIR:—I herewith transmit, for the approval of your Excellency, a bill entitled, An act to authorize the Executors of George Kingsley,

deceased, to sell real estate, passed by the two Houses of the General Assembly, and signed by the presiding officers thereof.

Very respectfully,

C. W. DOWNING, Sec'y. Senate.

House bill entitled, An Act for the relief of the Trustees of the Township 1, Range 1, S. and E. in the county of Leon, was read a second time, and postponed until to-morrow.

Bill to be entitled, An Act to ascertain the number of white children between the ages of 6 and 18 years, and to obtain information respecting the Common School Lands, was read a second time.

Mr. Avery moved to fill up the blank occurring in the third line of section 2, with 2 cents; which was adopted, and the bill ordered to be engrossed for a third reading to-morrow.

House bill entitled, An Act to provide a salary for the Quarter Master General, and for other purposes, was read a second time, and the amendment proposed by the Committee on Militia adopted, the rule waived, the bill read a third time by its title, and on the question of its passage, the yeas and nays were:

Yeas—Mr. President, Messrs. Avery, Austin, Burritt, Costin, Floyd, Lorimer, McMillan, Moseley, Priest, Sanderson, Tabor, Tracey, Watts—11.

Nays—None.

So said bill passed. Title as stated. Ordered that the same be certified to the House.

Bill to be entitled, An act regulating the fees of Notaries Public in the State of Florida, was read a second time.

Mr. Sanderson moved to amend by striking out 5 in line 12 of section 1, and inserting 3; which was adopted.

Mr. Avery moved to amend by adding "and copies" after "same" in line 13 of section 1; which was adopted.

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

House bill entitled, An act to define the term for which County Commissioners shall hold their office, was read a second time, and postponed until to-morrow.

House bill entitled, An act for the relief of settlers on public lands, and to grant pre-emption rights in certain cases, was read the first time, and ordered for a second reading to-morrow.

House bill entitled, An act relative to Judges of Probate, County Commissioners, and Sheriffs, was read the first time, and ordered for a second reading to-morrow.

House bill entitled, An act to declare and make the citizenship of the keeper or keepers of the Live Oak Plantation, opposite the city of Pensacola, in the County of Escambia in place of the County of Santa Rosa, was read the first time, the rule waived, read a second and third time by its title, and on the question of its passage, the yeas and nays were:

Yeas—Mr. President, Messrs. Avery, Austin, Burritt, Floyd, Lorimer, McMillan, Moseley, Priest, Sanderson, Tabor, Tracey, Watts—11.

Nays—None.

So said bill passed—title as stated.

Ordered that the same be certified to the House.

House bill entitled, An act to amend the criminal laws now in force in this State, was read the first time, the rule waived, read a second time by its title, and referred to the Judiciary Committee with instructions to report on said bill this evening.

House bill entitled, An act to authorize Blake Jernagin to establish a Ferry across Pensacola Bay from Deer Point to the city of Pensacola, was read the first time, the rule waived, read a second and third time by its title, and on the question of its passage, the yeas and nays were:

Yeas—Mr. President, Messrs. Avery, Burritt, Floyd, McMillan, Moseley, Priest, Sanderson, Tabor, Tracey, Watts—11.

Nay—Mr. Austin—1.

So said bill passed. Title as stated.

Ordered that the same be certified to the House.

The following communication from His Excellency the Governor was received and read:

EXECUTIVE DEPARTMENT, January 4, 1858.

*Gentlemen of the Senate and of the House of Representatives:*

I have the honor to ask your advice and consent to the following nominations: Levi Lee, Stephen S. Smith, and William Dees, as Auctioneers for the county of Hamilton.

Very respectfully,

W. D. MOSELEY.

The nominations therein contained were advised and consented to by the Senate.

House bill entitled, An Act to change the name of James Semler, of Monroe county, to that of James Timothy Walker, was read the first time, the rule waived, read a second and third time, and on the question of its passage, the yeas and nays were:

Yeas—Mr. President, Messrs. Avery, Austin, Burritt, Costin, Floyd, Lorimer, McMillan, Moseley, Priest, Sanderson, Tabor, Watts—13.

Nays—None.

So said bill passed. Title as stated. Ordered that the same be certified to the House.

House Preamble and Resolution asking Congress to provide lands for the inhabitants of certain townships for the support of Public Schools, was read the first time, the rule waived, read a second time by its title, and referred to the Committee on Schools and Colleges.

House resolutions relative to the widows and orphans of those who have died in defence of their country in Mexico, were read the first time, the rule waived, read a second and third time by title, and passed.

On motion, the Senate took a recess until 3 o'clock.

3½ O'CLOCK P. M.

The Senate proceeded with the Orders.

House bill entitled, An Act to amend an act entitled an act amendatory of the Criminal Laws now in force in this State, approved January 6th, 1847, was read the first time, the rule waived, read a second time, and ordered for a third reading to-morrow.

Mr. Avery moved that the rule be waived, and the bill entitled, An Act to ascertain the number of white children between the age of six and eighteen years, and to obtain information respecting the Common School Lands, be read a third time, and put upon its passage; which motion was lost.

House bill entitled, An Act to regulate the time of holding the Circuit Courts in the Middle Circuit, were read the first time, and ordered for a second reading to-morrow.

House resolutions relative to the Circular issued from the office of the Comptroller 24th August, 1846, was read the first time, and the Senate refused to read the resolution a second time to-morrow.

Mr. Fairbanks, from the Committee on Enrolled bills reported the following bills, viz:

Bill entitled, An Act to amend an act entitled, an act to organize the Circuit Courts of the State of Florida;

Bill entitled, An Act in support of a School for the education of poor children within the county of Franklin;

Bill entitled, An act to authorize James Cockroft to establish a ferry across Shoal river;

As correctly enrolled.

The following communication was transmitted to his Excellency the Governor:

SENATE CHAMBER. January 4th, 1848.

To His Excellency the Governor of Florida:

SIR: I herewith transmit for your approval the following bills, viz:

Bill entitled, An act to aid in support of a School for the education of poor children within the county of Franklin;

Bill entitled, An act to amend an act entitled an act to organize the Circuit Courts of the State of Florida.

Bill entitled, An act to authorize James Cockroft to establish a ferry across Shoal River;

Passed by the two Houses of the General Assembly, and signed by the presiding officers thereof.

Very respectfully,

C. W. DOWNING.

Secretary Senate.

The following message from the House was received and read.

HOUSE OF REPRESENTATIVES, Jan. 4th, 1848.

Honorable President of the Senate:

SIR: The House has this day adopted the following:

Ordered, That (the Senate concurring) the Committee of the House on Finance and Public Accounts, be instructed to unite with the Senate Committee on Taxation and Revenue, to draw up and

report an act to defray the expenses of this session of the General Assembly.

Very respectfully,

W. B. LANCASTER,  
Clerk Ho. Rep.

The Senate concurred.

The House returned Senate bill entitled, An act to define and settle the boundaries between the State of Florida and Alabama, as passed by the House without amendment. Ordered to be enrolled.

House bill entitled, An act to alter the Criminal laws of this State in relation to burning of woods, was read the first time, and ordered for a second reading to-morrow.

House bill entitled, An Act for the relief of W. J. Armistead, was read the first time, and ordered for a second reading to-morrow.

House bill entitled, An Act providing compensation to be paid to L. A. Thompson for preparing a Digest of the Laws of Florida, was read the first time, and ordered for a second reading to-morrow.

House bill entitled, An act to define and settle the boundary between the States of Florida and Alabama, was read the first time.

The Senate refused to read a second time.

House bill entitled, An act for the relief of E. D. Howse, Sheriff of Marion County, was read the first time, the rule waived, read a second and third time by title, and on the question of its passage, the yeas and nays were:

Yeas—Mr. President, Messrs. Avery, Austin, Lorimer, McMillan—3.

Nays—Messrs. Fairbanks, Floyd, Moseley, Priest, Smith, Tabor, Tracey, Watts—8.

So said bill was lost.

House bill entitled, An act for the relief of R. A. Shine, was read the first time, and ordered for a second reading to-morrow.

The following message from the House was received and read:  
HOUSE REPRESENTATIVES, January 3, 1848.

Hon. President of the Senate:

SIR:—The House has this day passed Senate "bill relative to Territory which may be acquired by the United States," with the following amendment: "Strike out the 2d and 3d sections."

In which the concurrence of the Senate is requested. Said bill has been transmitted to the Senate without proper message.

Very Respectfully,

W. B. LANCASTER,  
Clerk Ho. Rep.

The Senate concurred in the amendments.

Mr. Burritt, from the Judiciary Committee, presented the following report:

The Committee on the Judiciary to whom was referred an engrossed bill from the House of Representatives, entitled, "An act to amend the criminal laws of force in this State," have had the same under consideration, and have instructed me to

REPORT:

That they are of opinion that a distinction should be made between

the burning of court houses, jails, churches, and other public buildings, and the burning of gin-houses, corn-pens, stables and other private out-buildings, &c., both as to the character of the offence, and its degree of punishment. By the bill under consideration, the burning of any of these is made a misdemeanor only, and the same latitude or scope of punishment is allowed in the one as in the other. The committee therefore recommend that the bill be amended by striking out of the first section the words "or any church, meeting-house, college, academy, court-house, jail, or other building erected for public use," and in lieu thereof adopt the section herewith accompanying this report.

The committee also recommend to strike out "five years" in the first section and insert in lieu thereof, *two years, nor less than six months.* They also recommend to amend the 2d section of said bill in reference to the punishment, by striking out the words "three years," and insert in lieu thereof *one year, nor less than four months.*

The committee recommend also that the 4th section of the said bill be amended by adding after the word "offences" in the 3d line thereof, *mentioned in the first and second sections of this act, and by adding at the end of the said section the following, and if any colored person free negro, mulatto, or slave, shall be convicted of the offence or offences mentioned in the 3d section of this act, he shall be deemed guilty of felony, and shall be punished by whipping not exceeding one hundred lashes, and by having his ears nailed to posts there to stand for half an hour, and if a free colored person he or she shall besides pay the expense of the prosecution, or be sold to service for that purpose.*

It is also recommended that the section accompanying this report be inserted as the 3d section, and that the 3d and 4th sections of the bill be made the 4th and 5th sections.

S. L. BURRITT, Chairman.

Sec. 3. *Be it further enacted,* That if any person shall wilfully and maliciously burn, or cause to be burned, or aid, assist in, counsel, procure or consent to, the burning, or shall set fire to, or aid, assist in, counsel, procure or consent to, the setting fire to with intent to burn, any court-house, jail, church, meeting-house, college, academy, or other building erected for public use, or in which State or county records, or other public property is lawfully and publicly kept, such person shall be deemed guilty of felony, and shall on conviction be punished, by standing in the pillory one hour, and by being not exceeding five thousand dollars, nor less than one thousand dollars, or by imprisonment, not exceeding five years, nor less than one year at the discretion of the jury.

Which report was concurred in, the amendments ordered to be engrossed, and the bill ordered for a third reading to-morrow.

On motion of Mr. Burritt, Mr. Avery was added to the Committee on Taxation and Revenue.

On motion of Mr. Fairbanks, Mr. Sanderson was added to the Committee on Enrolled Bills.

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

WEDNESDAY, January 5, 1848.

The Senate met pursuant to adjournment.

Rev. Mr. Choice officiated as Chaplain.

A quorum being present, on motion of Mr. Tracey the reading of the Journal was dispensed with.

Pursuant to previous notice, Mr. Watts introduced a bill to be entitled, An act to change the name of certain persons therein named.

Which was read the first time, the rule waived, read a second and third time by its title, and on the question of its passage, the yeas and nays were:

Yeas—Mr. President, Messrs. Avery, Burritt, Floyd, Fairbanks, Lorimer, McMillan, Moseley, Priest, Sanderson, Smith, Tabor, Tracey, Watts—14.

Nays—None.

So said bill passed—title as stated.

Ordered that the same be certified to the House.

The following was ordered to be spread upon the Journals:

The Senator from Leon, in voting in favor of the passage of the bill providing for the appropriation of payment to the Quarter Master General, and for other purposes, protests against the enactment of that section of the bill which provides that a part of the rotunda of the capitol shall be used for the safe-keeping of the Public Arms, or made an Arsenal of. The Senator from Leon would view with sincere regret the mutilation of the capitol of the State for any purposes whatever, and greatly prefer voting an appropriation for the erection of an Arsenal to be used as a safe depository for the Public Arms.

Mr. Moseley, from the Committee on Claims and Accounts, presented the following report:

The Committee on Claims and Accounts, to whom was referred a communication from the Comptroller relative to the expense of publishing the amendments to the Constitution, adopted at the session of the General Assembly in 1846 and 1847, beg leave to submit the following

REPORT:

That in the discharge of their duty, called at the Comptroller's office for information, and find that the accounts of

J. L. Wyman, for the sum of	\$135, Apalachicola,
Jas. M. Gould,	135, St. Augustine,
Sibley & Dyke,	100, Tallahassee,

have been audited and paid for said publication, and that the account of James A. Baughey, for publishing the same amendments, and for the same time, as rendered by him, \$217, transmitted with the following communication:

PENSACOLA, December 10, 1847.

HON. JAMES T. ARCHER,

Dear Sir:—I herewith enclose to you my account against the State for advertising in the Florida Democrat, which you will oblige me by attending to forthwith, as I am in need of money. I know

the State is rather poor, but you know also that publishing a democratic paper in this Gibraltar of Whiggery is a thankless and profitless business. I feel confident, therefore, that you will do all you can to assist me in the hour of need.

Respectfully, yours, &c.

JAS. A. BAUGHEY.

After comparing the account of Baughey with those of the above named Printers, they find that Baughey's account exceeds that of Sibley & Dyke in the sum of \$117, and of each of the others the sum of \$82. Your committee are unable to discover any reason why one paper should receive more compensation for the same service than another, and believing that the accounts paid are as much as ought to be allowed,

*Resolved by the General Assembly,* That the Comptroller is hereby directed to allow James A. Baughey, for the publication of the amendments to the Constitution adopted by the General Assembly at its session in 1846 and 1847, the sum of \$100, and for other items the sum of \$35.

To all which they ask the concurrence of the Senate, and beg to be discharged from the further consideration thereof.

W. P. MOSELEY, Chairman.

Which was received and concurred in, and the resolution therein contained, read the first time, and ordered for a second reading to-morrow.

Mr. Avery, from a Select Committee, presented the following report:

The Select Committee, appointed by the Senate to confer with a similar Committee on the part of the House, respecting the disagreement of the Senate to the House substitute for Senate bill entitled, An Act to provide for the establishment of Common Schools, ask leave to

#### REPORT:

Upon conferring with the House Committee, your Committee found it impossible to reconcile the various points of difference between the Senate and House bills—and believing that it would be far better for the State in the end, to have no School bill pass the present session, than the one substituted for the Senate bill, recommend that the Senate adhere to its disagreement.

Your Committee think it proper to make a few comments upon the bill substituted by the House for the Senate bill—which comments will present some of the reasons for their advising to adhere to the disagreement.

It should be premised, that before the School bill had been finally acted upon by the House, a bill had passed the Senate, authorizing the Register of Public Lands to sell the sixteenth sections, and providing for the consolidation of the School Fund—and also for having it so invested as to draw interest, payable annually, which interest

was, by the Senate School bill, to be distributed among the children of the State *equally*.

By section first of the House bill, the State of Florida gives her consent, and directs the sale of section sixteen heretofore located, or which may be hereafter located in each and every township in the State. *Provided always,* says section 2d, that the proceeds of said lands when sold, shall be disbursed, expended and applied, *for the use of the inhabitants of the township for which the same was selected, &c.*

By section 2d, it is also provided, that sales shall be made of the sixteenth sections, upon the consent of the inhabitants of each township and fractional township within said county, given in the manner expressed in section 8th, to wit: The qualified electors who shall vote for Commissioners, shall be desired to state, 1st, of *what township?* in the county *such voter is an inhabitant.* 2d, whether or not such voter desires the sale of the sixteenth section in his township? The section then provides, that the Commissioners of Common Schools for the county, (who are to be *seven* in number,) shall, by vote, declare whether or no *they,* (the Commissioners,) desire the sale of the said sixteenth sections or fractional sections, &c.

Your Committee would here refer the Senate to the report made by the Select Committee of the Senate upon the Senate bill entitled, An act to provide for the sale of the sixteenth sections granted by Congress to the State for the support of Public Schools, and for consolidating the School Fund, which report contains the law under which the State holds the sixteenth sections, and also facts relating to them, showing the absurdity and injustice of limiting the benefits to be derived from the sixteenth sections, to the inhabitants of the townships in which the sixteenths are situated. Those who propose the House method of disposing of the School lands, deny the right of the State to sell, and consolidate the fund derived from the sale. But your Committee would ask—If the State cannot sell the sixteenth sections, how can she empower seven men in each county to sell? as is provided in the eighth section of the House bill—for it will be seen, upon examination of that section, that, although the voters are required to state whether *they* do or do not desire the sale of the sixteenth sections, yet the *Commissioners* may decide as to the sale, without reference to the wishes of the voters.

Section 4th of the House bill says: Seven Commissioners of Common Schools shall be elected in each county—each Commissioner to be taken from *different* townships, &c.

Your Committee would ask, who will take the initiative in this matter? Who would probably be at the trouble and expense of ascertaining the township lines, in order to know with certainty whether or not those who were to be appointed Commissioners lived in different townships?—for be it remembered, that *as it is required* they should be taken from different townships, *no act of theirs can be valid unless they are so taken.* And be it also remembered, that the disposition which this bill makes of the sixteenth sections, debars

many of our cities and villages from any participation in the fund—and all of them from their proper proportion—and therefore the inhabitants of villages and cities cannot be expected to exert themselves in this matter.

These Commissioners, moreover, *must* be intelligent, zealous, indefatigable men, for they not only receive nothing for their time, expense and trouble, but by sec. 25th, they are liable to indictment and fine, if they do not perform the following duties, to wit :

Take care of the School Lands, and lease the same. Collect the rents, preserve the School Lands from waste and damage—(these School Lands, it will be recollected, are relocated in many cases, in distant counties.) Meet at the Court House at least once in three months. Keep a record of the proceedings of each meeting. Act as School Inspectors—examine and license Teachers. Make annual reports to the State Treasurer of the proceeds of the School Lands, and all their transactions relative thereto—each township account to be kept separate—(some of the counties have from 50 to 100 townships.) If the sixteenths are sold, they are to attend to the sale. If default is made in any payment, (which are to be made on time,) they are to see that the sums previously paid are forfeited, and the lands resold. To erect school houses, and assess a tax for building the same, and for purchasing school house lot. To assess a tax on the inhabitants of the county, at their discretion, for the purpose of paying the wages of the teachers, &c.

These duties *must* be performed by the Commissioners when once elected—no matter whether they are elected by friends or enemies—by three, six or a hundred voters—they are not allowed to resign, or to plead inability.

These Commissioners when chosen, whether by one, two, three, or a hundred voters, are by section 23d, empowered not only “*in their discretion, to vote a tax upon persons and property,*” but “*to enforce the collection of the same under such rules and regulations as they may prescribe.*” No bond is required for the faithful performance of their duties—no security is to be given that they will not, after levying and collecting the tax, “*in their discretion,*” apply the proceeds to their own use.

It is true by section 26th, “any of the officers enumerated in the act, wilfully misappropriating, or applying any of the funds to his own use, is liable to be *indicted.*” But your Committee think he who would appropriate the School Fund to his own use, would doubtless place himself beyond the reach of an indictment.

In conclusion, your Committee cannot but express their regret that the bill “providing for the establishment of Common Schools,” which was passed by the Senate without a dissenting voice, did not receive the sanction of the House—for by it an equal and uniform system would have been established, simple in its organization, yet as your Committee think perfectly practicable, and with the means provided by the Senate bill for “selling the sixteenth sections, and consolidating the School Fund,” (which bill was also lost in the

House.) would have enabled the State to dispense the blessings of education with an impartial hand.

All of which is respectfully submitted.

O. M. AVERY, Chairman,  
J. P. SANDERSON,  
G. R. FAIRBANKS,  
S. L. BURRITT.

Mr. Avery, from the Committee on Schools and Colleges, made the following report :

The Committee on Schools and Colleges, to whom was referred the preamble and resolutions asking Congress, &c., ask leave to report the same without amendment.

O. M. AVERY, Chairman.

Mr. Sanderson, from a Joint Select Committee, presented the following report :

The Joint Committee appointed by the General Assembly to examine the Comptroller's office, in pursuance of section nine of the act organizing said office, approved July 24, 1845,

REPORT :

That they have examined the condition of said office, and after due investigation into the proceedings of the said office, find that the Comptroller has discharged his duties strictly according to law.

J. P. SANDERSON,  
Chairman of Senate Committee.

O. M. AVERY,  
G. R. FAIRBANKS,  
A. K. ALLISON,

Chairman House Committee.

Which was received and concurred in.

Also the following :

The Joint Committee appointed by the two Houses of the General Assembly to examine the office of the Treasurer in pursuance of section 8, 9, 10, and 11, of the act to organize such office, and approved July 26, 1845,

REPORT :

That they have examined the accounts and vouchers relating to all monies received into and paid out of the Treasury during the fiscal year ending 30th November, and we report that the amount of monies received into the Treasury for such year is the sum of \$45,357 60, and the amount paid out on Treasury certificates during such year was the sum of \$47,331 40.

That the amount in the Treasury on the 1st day of November, 1846, was the sum of \$5,728 90, and the balance remaining in the hands of the Treasurer on the 1st day of November, 1847, was the sum of \$3,755 10.

That we have compared the warrants drawn by the Comptroller on the Treasury during said year with the several laws under which

the same purported to be drawn and certify that the Comptroller had power to draw such warrants.

We further certify that the duties of said office have been performed with care, diligence and fidelity.

J. P. SANDERSON,  
Chairman Senate Com.  
O. M. AVERY.  
G. R. FAIRBANKS,  
A. K. ALLISON,  
Chairman House Com.

Which was received and concurred in.

Mr. Smith presented the account of Jas. C. Johnston, Justice of the Peace, for certain services rendered to the State.

Which was referred to the committee on Claims and Accounts.

The House returned Senate bill entitled, An act to allow the privilege of bail in certain cases, as passed by the House without amendment.

Ordered to be enrolled.

The House returned Senate bill entitled, An act to exempt the inhabitants of Amelia Island, in the county of Nassau, from working on the roads on the main land in said county, as passed by the House without amendment.

Ordered to be enrolled.

The House returned Senate bill entitled, An act to organize the Office of Comptroller of Public Accounts of the State of Florida, as passed by the Senate without amendment;

Ordered to be enrolled.

The following message from the House was received and read:

HOUSE OF REPRESENTATIVES, Jan. 4, 1848.

*Honorable President of the Senate:*

SIR:—The House has receded from its disagreement to Senate's amendments to House bill entitled, "An act making appropriation for the payment of the printing and binding of Thompson's Digest and finally disposing thereof," and has concurred in said amendments.

Very Respectfully,  
W. B. LANCASTER,  
Clerk Ho. Rep.

Also the following:

HOUSE OF REPRESENTATIVES, Jan. 4, 1848.

*Honorable President of the Senate:*

SIR:—I am instructed to inform the Senate that the action of the House upon Senate amendments to House bill entitled, "An act to make valid the proceedings of sundry persons commissioned as Justices of the peace of this State," was as follows:

The House concurred in the amendments except as to the first, viz: "Strike out the preamble and the word therefore in the first line of the enacting clause." Which was not concurred in. In 4th section strike out in the 5th line the words "duly elected," and insert,

"who received the highest number of votes." In which changes the concurrence of the Senate is requested.

Very Respectfully,  
W. B. LANCASTER,  
Clerk Ho. Rep.

The Senate insisted upon their amendment.

The following communication was transmitted to His Excellency the Governor:

SENATE CHAMBER, Jan. 5, 1848.

*To his Excellency the Governor of Florida:*

SIR:—The following nominations made by your Excellency have been advised and consented to by the Senate, viz:

Perry G. Wall, Judge of Probates for the County of Benton.

Charles S. Tomlinson, Benjamin Ellison, Wm. G. Porter, James L. Barber, and William A. Kain, Commissioners of Pilotage for the harbor and waters of Apalachicola Bay.

A. M. Hobby, Port Warden for the port of St. Marks.

Hanson Kelly, Sr., John Campbell, Rob't. A. Mitchell, William J. Keyser, H. F. Ingraham, and John Jerriison, Jr., Port Wardens for the port of Pensacola.

Aaron Smith, Auctioneer for the County of Levy.

Michael Usina and Francis P. Ferreira, Auctioneers for St. Johns County.

R. H. Berry, Auctioneer for the County of Leon.

Mathew Knight, Thomas W. Jones, Benjamin Wilson, and Chas. Dewaal, Auctioneers for the County of Duval.

Geo. G. Pattison, C. P. Knapp, W. B. Davis, J. G. Michaloffski, D. Davidson, Geo. W. Barkley, Alexander McVoy, Francis de la Rua, B. F. Magee, Bithall G. Bell, James Gonzalez, Joseph Quigles, Auctioneers for the County of Escambia.

Emanuel Forham, (of Milton,) Auctioneer for the County of Santa Rosa.

Stephen D. Fernandez, Arthur M. Reed, Thomas Holmes, Chas. Willey, and John Middleton, Port Wardens for the Port of Jacksonville, Duval County.

Charles A. Nash, as Weigher of Cotton for the county of Leon. Benjamin J. Hagler, as Auctioneer for the county of Hillsborough. Hugh Archer, as Auctioneer for the county of Leon.

Alexander Patterson, Edwin A. Falker, Wm. H. Wall, Wm. Curry, Hiram Benner, James Filor, W. H. Von Pfister, P. J. Fontane, R. D. Fontane, as Auctioneers for the county of Monroe.

Benjamin Sawyer, G. L. Bowne, P. J. Fontane, and Frederick Filor, as Commissioners of Pilotage for the county of Monroe. Levi Lee, Stephen S. Smith, and William Dees, as Auctioneers for the county of Hamilton.

L. W. Spratt, as Judge of Probate, and P. W. Cullen and Nathan Baker, as Auctioneers for the county of Franklin.

John D. Sheldon, as Auctioneer for the county of Orange; and William B. Davis, as Auctioneer for the county of St. Lucie.

A. G. Miller, Geo. W. Cole, jr., Alex. Bushlatt, John W. Hines, John W. Low, Moses Edwards, as Auctioneers for the county of Columbia.

Wm. H. Andrews, John Wooten and L. B. Harber, as Auctioneers for the county of Jefferson.

Very Respectfully,  
C. W. DOWNING,  
Secretary Senate.

#### ORDERS OF THE DAY.

Engrossed bill entitled, An act regulating the fees of Notaries Public in the State of Florida,

Was read the third time, and on the question of its passage, the yeas and nays were :

Yeas—Mr. President, Messrs. Avery, Austin, Burritt, Floyd, Lorimer, McMillan, Moseley, Priest, Sanderson, Tracey, Watts—12.

Nays—None.

So said bill passed. Title as stated.

Ordered that the same be certified to the House.

Engrossed bill entitled, An act to ascertain the number of white children between the ages of 6 and 18 years, and to obtain information respecting the common school lands,

Was read the third time.

Mr. Avery offered the following amendment :

SEC. 5. *Be it further enacted*, That the tax assessor and collector, upon entering upon the duties herein assigned him, shall take and subscribe an oath before some Judicial officer, faithfully to perform the duties required by this act, and on failure to perform said duties, shall be liable to indictment for a misdemeanor and fined in a sum not less than ten nor more than fifty dollars, at the discretion of the Court.

Which was unanimously adopted.

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

Yeas—Mr. President, Messrs. Avery, Austin, Burritt, Fairbanks, Lorimer, McMillan, Moseley, Priest, Sanderson, Smith, Tabor, Tracey, Watts—14.

Nays—None.

So the bill passed. Title as stated. Ordered that the same be certified to the House.

House bill entitled, An act to amend an act entitled, An act amendatory of the criminal laws now in force in this State, approved January 6, 1847,

Was read a third time, and on the question of its passage the yeas and nays were :

Yeas—Mr. President, Messrs. Burritt, McMillan, Moseley, Priest, Sanderson, Watts—7.

Nays—Messrs. Avery, Austin, Floyd, Lorimer, Smith, Tabor, Tracey—7.

So said bill was lost. Ordered that the same be certified to the House.

House bill entitled, An act to alter the criminal laws of this State in relation to burning of woods,

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

House bill entitled, An act for the relief of W. J. Armstead, Was read a second time and referred to the committee on Claims and Accounts with instructions to report thereon this evening.

House bill entitled, An act for the relief of R. A. Shine, Was read the second time and referred to the committee on Internal Improvement.

House bill entitled, An act providing compensations to be paid to L. A. Thompson for preparing a Digest of the laws of Florida, was read a second time and referred to a select committee, consisting of Messrs. Lorimer, Fairbanks, Avery, Sanderson and Burritt.

House bill to be entitled, An act to amend the criminal laws now in force in this State, was read a third time, and on the question of its passage, the yeas and nays were :

Yeas—Mr. President, Messrs. Avery, Austin, Burritt, Fairbanks, Floyd, Lorimer, McMillan, Moseley, Priest, Sanderson, Smith, Tabor, Tracey—14.

Nays—None.

So said bill passed. Title as stated.

Ordered that the same be certified to the House.

House bill entitled, An act for the relief of the Trustees of township 1, range 1, South and East in the county of Leon, was read the third time, and on the question of its passage, the yeas and nays were :

Yeas—Messrs. Austin and Lorimer—2.

Nays—Mr. President, Messrs. Avery, Burritt, Fairbanks, Floyd, McMillan, Moseley, Priest, Sanderson, Smith, Tabor, Tracey—12.

So said bill was lost. Ordered that the same be certified to the House.

House bill entitled, An act relative to Judges of Probate, County Commissioners, and Sheriffs,

Was read a second time and referred to the Judiciary Committee, with instructions to report thereon this evening.

House Preamble and Resolution asking Congress to provide lands for the inhabitants of certain townships for the support of public schools,

Was read a second time.

Mr. Burritt moved to postpone until to-morrow.

On which the yeas and nays were called for by Messrs. Lorimer and Burritt, and were :

Yeas—Mr. President, Messrs. Avery, Austin, Burritt, Fairbanks, Floyd, McMillan, Moseley, Sanderson, Smith, Tabor, Tracey, Watts—13.

Nay—Mr. Lorimer—1.

So the resolutions were postponed until to-morrow.

Mr. Fairbanks, from the committee on Enrolled Bills, reported bill entitled, An act to encourage and facilitate Internal Improvements, and to authorize and regulate partnerships for that purpose, as correctly enrolled.

House bill entitled, An act for the relief of settlers upon public lands, and to grant pre-emption rights in certain cases,

Was read a second time, and ordered for a third reading to-morrow.

House bill entitled, An act to regulate the time of holding the Circuit Courts in the Middle Circuit,

Was read a second time, the rule waived, read a third time by its title, and on the question of its passage, the yeas and nays were :

Yeas—Mr. President, Messrs. Avery, Austin, Burritt, Fairbanks, Floyd, Lorimer, McMillan, Moseley, Priest, Sanderson, Tabor, Tracey, Watts—14.

Nays—None.

So said bill passed. Title as stated.

Ordered that the same be certified to the House.

House bill entitled, An act to define the term for which County Commissioners shall hold their office,

Was read a second time, and referred to the Judiciary Committee.

House bill entitled, An act to amend an act to establish the office of Register of Public Lands for the State of Florida,

Was read a second time, and ordered for a third reading to-morrow.

House resolutions in relation to Internal Improvements,

Were read the first time.

Mr. Austin moved that the rule be waived, and said resolutions read a second time by title.

Which was lost, and the said resolutions ordered for a second reading to-morrow.

House preamble and resolutions in regard to the existing war with Mexico,

Were read the first time.

Mr. Burritt moved that the resolutions be rejected.

On which the yeas and nays were called for by Messrs. Fairbanks and Floyd, and were :

Yeas—Mr. President, Messrs. Avery, Austin, Burritt, Lorimer, McMillan, Moseley, Sanderson, Tracey, Watts—10.

Nays—Messrs. Fairbanks, Floyd, Priest, Smith, Tabor—5.

So the resolutions were rejected.

Ordered that the same be certified to the House.

House resolutions relative to the removal of the United States Land Office from Newnansville to Ocala,

Were read the first time, the rule waived, read a second and third time and passed.

House bill entitled, An act to require the County Commissioners in the several Counties of this State to examine and allow accounts of Clerks and Sheriffs against the State,

Was read the first time, the rule waived, read the second time by its title, and indefinitely postponed.

Mr. Fairbanks, from the Committee on Enrolled Bills, reported resolution in relation to Territory which may be acquired by the United States, as correctly enrolled.

On motion, the Senate took a recess until 3 o'clock.

3 O'CLOCK, P. M.

The following communication was transmitted to His Excellency the Governor :

SENATE CHAMBER, Jan. 5, 1848.

To his Excellency the Governor of Florida :

SIR : I have the honor herewith to transmit for your approval, Resolutions relative to territory which may be acquired by the United States ;

Also, bill entitled, An act to encourage and facilitate Internal Improvements, and to authorize and regulate partnerships for that purpose ; passed by the two Houses of the General Assembly, and signed by the presiding officers thereof. By order of the Senate.

Very respectfully,

C. W. DOWNING,

Secretary Senate.

The following message from the House was received and read.

HOUSE OF REPRESENTATIVES, Jan. 5, 1848.

Honorable President of the Senate :

SIR : The House has concurred in Senate amendments to House bill entitled, An act to repeal an act entitled an act to amend an act to establish a tariff of fees, approved Feb. 15, 1834, and which was approved Dec. 27th, 1845.

Very respectfully,

W. B. LANCASTER,

Clerk Ho. Rep.

House Preamble and Resolutions requesting our members in Congress to procure the passage of an act to graduate the price of the Public Lands in this State,

Were read the first time, the rule waived, read a second and third time, and passed.

House bill entitled, An act to provide for the location of the County site of Calhoun county,

Was read the first time, the rule waived, read a second and third time by its title, and on the question of its passage, the yeas and nays were :

Yeas—Mr. President, Messrs. Avery, Burritt, Costin, Floyd, McMillan, Moseley, Priest, Tracey, Watts—10,

Nays—None.

So said bill passed. Title as stated.

Ordered that the same be certified to the House.

House resolutions requesting the Senators and Representative of Florida in Congress, to procure copies of all the surveys and reports

made thereon, of canal and rail road routes in Florida, by the United States Government, for the use of this State.

Were read the first time, the rule waived, read a second and third time by title, and passed.

House Resolutions in regard to lands which have reverted back to the General Government, under the armed occupation act, and in regard to the eight sections of land granted to Florida for the fixing of a seat of government,

Were read the first time, the rule waived, read a second and third time by title, and passed.

Mr. Moseley, from the Committee on Claims and Accounts, presented the following report :

The Committee on Internal Improvements, to whom was referred a bill to be entitled, "An act for the relief of R. A. Shine and Joseph A. Edmondson," have had the same under consideration, and ask leave to

REPORT :

That they recommend the passage of the bill, with the additional section accompanying the report. They also recommend to add, at the end of the title to said bill, the words, and for other purposes.

W. P. MOSELEY, Chairman.

Which was received, the bill therein reported read a second time, as amended, the rule waived, read a third time by its title, and on the question of its passage, the yeas and nays were :

Yeas—Mr. President, Messrs. Burritt, Costin, Fairbanks, Lorimer, McMillan, Moseley, Priest, Sanderson, Tracey—11.

Nays—Messrs. Floyd, Tabor, Watts—3.

So said bill passed. Title as amended.

Ordered that the same be certified to the House.

Mr. Moseley, from the Committee on Claims and Accounts, presented the following report :

The Committee on Claims and Accounts, have had under their consideration the claim of Jas. C. Johnston, a Justice of the Peace for Jefferson County, and including an account of Hermon High, Constable, for services rendered the case of the State vs. Cato, a slave, who was indicted for an assault and battery, with intent to kill, and recommend the following bill.

W. P. MOSELEY, Chairman.

Which was received, and the bill reported therein read the first time, the rule waived, read a second and third time by its title, and on the question of its passage, the yeas and nays were :

Yeas—Mr. President, Messrs. Avery, Burritt, Fairbanks, Lorimer, McMillan, Priest, Smith, Tabor, Watts—10.

Nays—Messrs. Floyd and Tracey—2.

So the bill passed. Title as stated.

Ordered that the same be certified to the House.

Mr. Moseley, from the Committee on Claims and Accounts, presented the following report :

The Committee on Claims and Accounts, to whom was referred a

bill to be entitled, An act for the relief of Wm. J. Armistead, have had the same under consideration, and report :

That, in the absence of any evidence in support of said claim, your committee believe that all necessary authority is vested in the Board of County Commissioners for all proper relief in cases of improper taxation, and do not therefore deem any legislation either necessary or proper, and ask to be discharged from further consideration of said bill.

W. P. MOSELEY, Chairman.

Which was received and concurred in.

Mr. Fairbanks, from the committee on Enrolled Bills, reported the following bills as correctly enrolled, viz :

Bill entitled, An act to allow the privilege of bail in certain cases ;  
Bill entitled, An act to define and settle the boundary between the States of Florida and Alabama ;

Bill entitled, An act to exempt the inhabitants of Amelia Island in the working on the roads on the main land in said county.

The rule being waived, Mr. Lorimer, from a Select Committee, presented the following report :

The Select Committee to whom was referred a bill entitled, An act providing compensation to be paid to L. A. Thompson, for preparing a Digest of the laws of Florida, have had the same under consideration, and beg leave to report favorably thereon, and recommend the passage of the same.

JAMES H. T. LORIMER, Chairman.

Which was received and the bill therein reported read a second time and ordered for a third reading to-morrow.

The following message from His Excellency the Governor was received and read :

EXECUTIVE DEPARTMENT, Jan. 5, 1848.

Gentlemen of the Senate and House of Representatives :

I respectfully ask your advice and consent to the following nomination, viz :

Henry C. Wilson, as Judge of Probate for the county of Alachua,

Very respectfully,

W. D. MOSELEY.

The nomination therein contained was advised and consented to by the Senate.

Also the following :

EXECUTIVE DEPARTMENT, January 5, 1848.

Gentlemen of the Senate and House of Representatives :

I respectfully solicit your advice and consent to the following nomination :

R. S. Dickson, as Auctioneer for the county of Jackson.

Very Respectfully,

W. D. MOSELEY.

The nomination therein contained was advised and consented to by the Senate.

The following communication was transmitted to his Excellency the Governor :

SENATE CHAMBER, January 5, 1848.

To his Excellency the Governor of Florida :

SIR :—The following nominations made by your Excellency, have been advised and consented to by the Senate, viz :

Henry C. Wilson, as Judge of Probate for the county of Alachua.  
R. S. Dickson, as Auctioneer for the county of Jackson.

Very Respectfully,  
C. W. DOWNING,

Sec. Senate.

House Resolutions relative to the payment of Capt. Wm. H. Payne's company,

Were read the first time, the rule waived, read a second and third time and passed.

Mr. Burritt, from the Judiciary Committee, presented the following report :

The Committee on the Judiciary, to whom was referred a bill from the House of Representatives entitled, An act relative to Judges of Probate, County Commissioners and Sheriff, ask leave to

#### REPORT :

That they have had the same under consideration, and that they recommend that the words, "interrupt their business or," in the first section of the bill, be stricken out. They also recommend that the third section be amended, by adding after the word "that," in the first line thereof, the words "from and after the passage of this act." And they ask the concurrence of the Senate herein.

S. L. BURRITT, Chairman:

Which was received and concurred in, and the bill therein reported read a second time, the rule waived, read a third time by title, and on the question of its passage, the yeas and nays were :

Yeas—Mr. President, Messrs. Avery, Austin, Burritt, Costin, Fairbanks, Lorimer, McMillan, Moseley, Priest, Sanderson, Tracey, Watts—13,

Nays—None.

So the bill passed. Title as stated.

Ordered, that the same be certified to the House.

The rule being waived, on motion of Mr. Tracey, the vote had on House bill entitled, An act for the relief of E. D. House, Sheriff of Marion county, was reconsidered, and said bill referred, by a unanimous vote, to the Committee on Claims and Accounts.

The following message from the House was received and read :

HOUSE OF REPRESENTATIVES, January 4th, 1848.

Honorable President of the Senate :

SIR :—The House has indefinitely postponed Senate bills entitled, An act to amend the act prescribing Solicitor's fees—and, An act in

addition to an act relative to elections in this State, passed Dec. 29th, 1845.

Very Respectfully,  
W. B. LANCASTER,  
Clerk House of Representatives.

House bill entitled, An act for the relief of Daniel McRaney and Alfred A. Fisher,

Was read the first time, the rule waived, read a second time by its title, and referred to the committee on Claims and Accounts.

On motion of Mr. Tracey, Mr. Sanderson was added to the committee on Claims and Accounts.

The following communication was transmitted to his Excellency the Governor of Florida :

SENATE CHAMBER, January 5, 1848.

To his Excellency the Governor of Florida :

SIR :—I herewith transmit, for your approval, the following bills, passed by the two Houses of the General Assembly, and signed by the presiding officers thereof, viz :

Bill entitled, An act to allow the privilege of bail in certain cases ;

Bill entitled, An act to exempt the inhabitants of Amelia Island, in the County of Nassau, from working on the roads on the main land in said County ;

Bill entitled, An act to define and settle the boundary between the States of Florida and Alabama.

Very respectfully,  
C. W. DOWNING,  
Secretary Senate.

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

THURSDAY, January 6, 1848.

The Senate met pursuant to adjournment.

Rev. Mr. Phelps officiated as Chaplain.

A quorum being present, on motion of Mr. Avery, the reading of the Journal was dispensed with.

Mr. Fairbanks, from the Committee on Enrolled Bills, reported the following bills as correctly enrolled :

Bill entitled, An act to abolish the charter of the city of Apalachicola ;

Bill to be entitled, An act to amend an act entitled an act to organize the office of Comptroller of Public Accounts of the State of Florida, approved July 23d, 1845.

Mr. Moseley, from the Committee on Claims and Accounts, presented the following report :

The Committee on Claims and Accounts, to whom was referred a bill entitled, An act for the relief of Daniel McRaeny and Alfred A. Fisher, have had the same under consideration, and recommend

its passage, and beg leave to be discharged from the further consideration thereof.

W. P. MOSELEY, Chairman.

The rule being waived, Mr. Sanderson was allowed to introduce a bill to be entitled, An act to improve the navigation of the Suwannee river;

Which was read the first time by its title, the rule waived, and placed first among the orders of the day:

Mr. Burritt, from the Judiciary Committee, presented the following report:

The Committee on the Judiciary, to whom was recommitted a bill from the House of Representatives, with certain amendments therein proposed by the Senate, entitled, An act in addition to an act entitled an act to organize the Circuit Courts of the State of Florida, ask leave to

#### REPORT:

That they understood the object of the recommitment of the said bill, to be for the purpose of ascertaining whether any, and what discrepancies existed between *its* provisions, and *those* of a bill which had already passed the Senate, and was before the House of Representatives for consideration, entitled, "An act to provide for the time of holding elections, and for holding the regular sessions of the General Assembly," and to reconcile those discrepancies, if any, by suitable amendments for that purpose. The Committee are advised, however, that the said bill so passed by the Senate, has been indefinitely postponed in the House of Representatives.

They therefore recommend the passage of the bill under consideration, with the amendments heretofore proposed by the Committee, and concurred in by the Senate; and asked to be discharged, &c.

S. L. BURRITT, Chairman.

Which was received.

Also the following:

The Committee on the Judiciary to whom was referred a bill to be entitled, An act to change the time for which County Commissioners shall hold their office, ask leave to

#### REPORT:

That they have had the same under consideration, and that they are of opinion that the objects of the bill are sufficiently provided for in a bill originating in the House of Representatives during this session, and now before the Senate, entitled "An act in addition to an act entitled an act to organize the Circuit Courts of the State of Florida," and which last mentioned bill, if passed, will obviate any necessity for the bill under consideration. The committee recommend, therefore, that in case the said bill shall pass, the bill under consideration be indefinitely postponed.

S. L. BURRITT, Chairman.

Which was received.

Mr. Moseley, from the Committee on Claims and Accounts, presented the following report:

The Committee on Claims and Accounts to whom was referred a bill entitled, An act for the relief of E. D. Howse, have had the same under consideration, and after careful examination,

#### REPORT:

That they think the Comptroller should allow the sum of 40c per day for keeping provision in addition to the allowance for guard, which has been requested. Your committee having conferred with the Comptroller in relation to such further allowance, and understanding from him that he feels authorised by law to make such further allowance, think that no legislation is necessary.

W. P. MOSELEY, Chairman.

Which was received and concurred in.

The House returned Senate resolution in relation to the employment of Hugh Archer in the Comptroller's office, as passed by the House without amendment.

Ordered to be enrolled.

The following communication was transmitted to his Excellency the Governor:

SENATE CHAMBER, January 6th, 1848.

To His Excellency the Governor of Florida:

SIR: I herewith transmit for your approval the following bills, passed by the two Houses of the General Assembly, and signed by the presiding officers thereof, viz:

Bill entitled, An act to abolish the charter of the city of Apalachicola;

Bill entitled, An act to amend an act entitled, An act to organize the office of Comptroller of Public Accounts of the State of Florida, approved July 23, 1845.

Very respectfully,

C. W. DOWNING.

Secretary Senate.

#### ORDERS OF THE DAY.

Bill to be entitled, An act to improve the navigation of the Suwannee river,

Was read a second time.

On motion of Mr. Sanderson, the Senate resolved itself into a committee of the whole on said bill—Mr. Avery in the Chair.

After some time spent therein, the committee rose and by their Chairman reported the bill back to the Senate with amendments, and asked to be discharged from the further consideration thereof.

Which report was concurred in, and the bill read a second time by its title.

Mr. Sanderson moved to strike out the amendment made in the committee of the whole to the 11th section.

On which the yeas and nays were called for by Messrs. Sanderson and Fairbanks, and were :

Yeas—Messrs. Lorimer, Moseley, Sanderson, Tracey, Watts—5.

Nays—Mr. President, Messrs. Avery, Austin, Costin, Fairbanks, Floyd, McMillan, Priest, Smith, Tabor—10.

So the Senate refused to strike out.

On motion of Mr. Sanderson, the 11th section was stricken out.

Mr. Floyd offered the following amendment; Insert in lieu of section 11 just stricken out,

“*Be it further enacted*, That this act shall be subject to amendment, modification or repeal, by any two succeeding General Assemblies of this State.”

Which was adopted, and the bill ordered to be engrossed for a third reading to-morrow.

On motion of Mr. Fairbanks, the vote just taken on the engrossment of said bill for to-morrow, was re-considered; and upon the reconsideration thereof, the bill was ordered to be engrossed for a third reading to-day.

Mr. Fairbanks, from the Committee on Enrolled Bills, reported resolutions in relation to the employment of Hugh Archer in the Comptroller's office, as correctly enrolled.

The following communication was transmitted to his Excellency the Governor :

SENATE CHAMBER, January 6, 1848.

To his Excellency the Governor of Florida :

SIR :—I herewith transmit, for your approval, “Resolution in relation to the employment of Hugh Archer in the Comptroller's office,” passed by the two Houses of the General Assembly, and signed by the presiding officers thereof.

Very respectfully,

C. W. DOWNING,  
Secretary Senate.

House bill entitled, An act for the relief of Daniel McRaeny and Alfred A. Fisher.

Was read the third time, and on the question of its passage, the yeas and nays were :

Yeas—Mr. President, Messrs. Avery, Austin, Fairbanks, Floyd, Lorimer, McMillan, Moseley, Sanderson, Tabor, Tracey, Watts—12.

Nays—None.

So said bill passed—title as stated.

Ordered that the same be certified to the House.

On motion, the Senate took a recess until 3 o'clock.

3 O'CLOCK, P. M.

The House returned Senate resolutions in relation to draining the Everglades, as passed by the House without amendment;

Also, Senate bill entitled, An act for the relief of James C. Johnson and Harman High, as passed by the House without amendment;

Ordered to be enrolled.

Mr. Fairbanks, from the Committee on Enrolled bills, reported resolutions in relation to the draining of the Everglades, as correctly enrolled.

The following communication was transmitted to his excellency the Governor :

SENATE CHAMBER, January 6, 1848.

To his Excellency the Governor of Florida :

SIR :—I herewith transmit for your approval “Resolutions in relation to draining the Everglades,” passed by the two Houses of the General Assembly, and signed by the presiding officers thereof.

Very respectfully,

C. W. DOWNING, Sec'y. Senate.

The House returned Senate bill entitled, An Act to amend the twelfth clause of the fifth article of the Constitution of this State, so that the Judges of the Circuit Court shall hold their offices for a term of eight years, instead of during good behavior, as passed by the House without amendment.

Ordered to be enrolled.

The following message from the House was received and read :

HOUSE REPRESENTATIVES, January 6, 1848.

Honorable President Senate :

SIR :—The House has concurred in Senate amendments to House bill entitled, “An act relative to Judges of Probate, County Commissioners, and Sheriffs.”

Also to a bill entitled, “An act to amend the criminal laws now in force in this State.”

Very respectfully,

W. B. LANCASTER,  
Clerk House Representatives.

The House returned House bill entitled, An act to amend an act to provide for the sale of the lands granted to the State for the purpose of Internal Improvement, with a message stating that the House refused to concur in the amendments made thereto by the Senate.

The Senate insisted upon the amendments.

Mr. Burritt moved to amend by striking out the words “out of,” in line 5th of sec. 5;

Which motion was lost.

On motion of Mr. Austin, said bill was laid upon the table.

House bill entitled, An act for the relief of settlers on public lands and to grant pre-emption rights in certain cases,

Was read the third time, and on the question of its passage the yeas and nays were :

Yeas—Mr. President, Messrs. Avery, Austin, Burritt, Costin, Fairbanks, Lorimer, McMillan, Moseley, Priest, Sanderson, Smith, Tabor, Tracey, Watts—15.

Nays—None.

So said bill passed. Title as stated. Ordered that the same be certified to the House.

House Resolutions in relation to Internal Improvement,

Were read the second time and ordered for a third reading to-morrow.

House bill entitled. An act in addition to an act entitled an act to organise the Circuit Courts of the State of Florida,

Was read the third time, and on the question of its passage, the yeas and nays were :

Yeas—Mr. President, Messrs. Avery, Austin, Burritt, Lorimer, McMillan, Moseley, Priest, Sanderson, Smith, Tabor, Tracey, Watts—13.

Nays—None.

So said bill passed. Title as stated.

Ordered that the same be certified to the House.

House bill entitled, An act to define the term for which County Commissioners shall hold their office,

Was read a second time and laid upon the table.

House Preamble and Resolution, asking Congress to provide lands for the inhabitants of certain townships for the support of Public Schools,

Were read a second time.

Mr. Sanderson moved to amend by striking out the words "second, where in fractional townships there are no sixteenth sections."

Which was adopted, the rule waived, the resolutions read a third time by title and passed.

The House returned House bill entitled, An act for the relief of R. A. Shine and J. A. Edmondson, which bill had been amended by the Senate, with a message, stating that the House would not concur in the amendments.

The Senate receded from their amendments.

The following message from the House was received and read :

HOUSE REPRESENTATIVES, January 6, 1848.

*Honorable President of the Senate :*

SIR : Senate bill entitled, An act to prescribe the fees of the Attorney General of this State in certain cases," was this day rejected by the House,

W. B. LANCASTER,  
Clerk House Representatives,

Also the following :

HOUSE REPRESENTATIVES, January 5, 1848.

*Honorable President of the Senate :*

SIR :—The House has indefinitely postponed Senate bill entitled, An act to amend an act entitled an act to authorize and empower the Comptroller of Public Accounts to audit and allow the contingent expenses of the Circuit Courts and Supreme Court, approved by the Governor Dec. 29th, 1845,

An act to provide for the sale of the sixteenth sections granted by

Congress to the State for the support of Public Schools, and for consolidating the School Fund.

And, An act to provide for the time of holding elections, and for holding regular sessions of the General Assembly.

Very respectfully,

W. B. LANCASTER,  
Clerk House Representatives.

Engrossed bill entitled, An Act to improve the navigation of the Suwannee river,

Was read the third time.

Mr. Fairbanks moved to amend by inserting after the word in line 2 of sec. 11, the following : " A majority of all the members elected to ;"

Which was unanimously adopted.

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

Yeas—Mr. President, Messrs. Burritt, Moseley, Priest, Sanderson, Tracey, Watts—7.

Nays—Messrs. Austin, Floyd, Lorimer, McMillan, Smith, Tabor—6.

So the bill passed. Title as stated.

Ordered that the same be certified to the House.

House bill entitled, An act to regulate the fees of collecting officers in certain cases,

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

House bill entitled, An act to regulate and define the duties of the County Commissioners of Calhoun County,

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

The following message from His Excellency the Governor was received and read :

EXECUTIVE DEPARTMENT, January 6, 1848.

*Gentlemen of the Senate :*

*and of the House of Representatives :*

I respectfully nominate the following gentlemen for the offices designated, and solicit your advice and consent to said nominations :

Wm. H. Mitchell, as Judge of Probate for the County of Calhoun.  
Joseph A. Strischka, as Auctioneer for the County of St. Johns.

Very respectfully,

W. D. MOSELEY.

The nominations therein contained were advised and consented to by the Senate.

Also the following :

EXECUTIVE DEPARTMENT, January 3, 1848.

*Gentlemen of the Senate and of the House of Representatives :*

I have approved the following Acts and Resolutions, to wit :

An act in relation to Roads in Columbia county ;

An act to amend the several acts regulating Judicial Proceedings ;

An act to declare Pitman's Creek in Walton county a Navigable Stream;

An act to change the name of Sarah A. Holden of Jackson county, to that of Sarah A. Howell;

An act to enforce the payment of Taxes assessed, and to be assessed, against all Institutions claiming Corporate Privileges in this State;

An act to authorise the Executors of George Kingsley, dec'd., to sell Real Estate;

An act for the relief of Craven G. Fife;

An act to provide Writs of Error in criminal cases;

An act for the relief of John Stone;

An act for the relief of R. E. Little;

An act to amend an act entitled, An act to organize the Circuit Courts of the State of Florida;

An act to aid in support of Schools for the education of poor children within the county of Franklin;

An act to authorize James Cockroft to establish a Ferry across Shoal River;

An act to allow the privilege of bail in certain cases;

An act to exempt the inhabitants of Amelia Island, in the county of Nassau, from working on the roads on the main land in said county;

An act to define and settle the boundary between the States of Florida and Alabama;

An act to abolish the charter of the city of Apalachicola;

An act to amend an act entitled, "An act to organize the office of Comptroller of public Accounts of the State of Florida, approved July 23, 1845;"

An act making appropriation for the payment of the Printing and Binding of Thompson's Digest, and finally disposing thereof;

An act to declare and make the citizenship of the keeper or keepers of the Live Oak plantation opposite to the city of Pensacola, in the county of Escambia, in place of the county of Santa Rosa;

An act to change the name of James Simlet of the county of Monroe to that of James Timothy Walker;

An act to provide a Salary for the Quarter Master General, and for other purposes;

An act to authorize Blake Jernigan to establish a Ferry across Pensacola Bay from Deer-point over to the city of Pensacola;

Preamble and Resolution relative to the speedy Survey of the Private Land Claims in Florida;

Resolutions relative to Locating the School Lands in Eighths of Sections;

Resolutions relative to the Indians in South Florida, and providing for the safety of the inhabitants of that section of this State;

Memorial and Resolutions asking Congress to appropriate 160 acres of land for the building of a Court House in Hillsborough county;

Resolution in relation to Territory which may be acquired by the United States;

Resolution in relation to the employment of Hugh Archer in the Comptroller's office;

Resolution in relation to the draining the Everglades;

Resolution in relation to Widows and Orphans of those who have died in defence of their country in Mexico.

Very Respectfully,

W. D. MOSELEY.

House bill entitled, An act providing compensation to be paid to L. A. Thompson for preparing a Digest of the Laws of Florida,

Was read a third time, and on the question of its passage, the yeas and nays were:

Yeas—Mr. President, Messrs. Avery, Austin, Burritt, Costin, Fairbanks, Lorimer, McMillan, Moseley, Priest, Sanderson, Smith, Tabor, Tracey, Watts—15.

Nays—None.

So said bill passed. Title as stated. Ordered that the same be certified to the House.

Mr. Fairbanks, from the Committee on Enrolled Bills, reported the following bills as correctly enrolled, viz:

Bill entitled, An act for the relief of James C. Johnston and Harmon High;

Bill entitled, An act to amend the 12th clause of the 5th article of the Constitution of this State so that the Judges of the Circuit Courts shall hold their offices for a term of years instead of during good behavior.

The rule being waived, on motion of Mr. Moseley the vote on yesterday, concurring in the report of the Committee on Claims and Accounts on House bill entitled, An act for the relief of W. S. Armistead, was re-considered, the bill read a third time by its title, and on the question of its passage, the yeas and nays were:

Yeas—Mr. President, Messrs. Avery, Austin, Burritt, Lorimer, McMillan, Moseley, Priest, Tabor, Tracey—10.

Nays—None.

So said bill passed—title as stated.

Ordered that the same be certified to the House.

House bill entitled, An act to change the name of Mary Elizabeth Ledbetter, of Calhoun County, to that of Mary Elizabeth Doles,

Was read the first time, the rule waived, read a second and third time by its title, and on the question of its passage, the yeas and nays were:

Yeas—Mr. President, Messrs. Avery, Austin, Burritt, Costin, Fairbanks, Floyd, Lorimer, McMillan, Moseley, Priest, Sanderson, Smith, Tabor, Tracey, Watts—16.

Nays—None.

So said bill passed—title as stated.

Ordered that the same be certified to the House.

House bill entitled, An act to empower Robert Higoon Hall, a minor, to assume the management of his own estate,

Was read the first time, the rule waived, read a second and third

time by its title, and on the question of its passage, the yeas and nays were :

Yeas—Mr. President, Messrs. Avery, Burritt, Floyd, Lorimer, McMillan, Moseley, Priest, Smith, Tracey—10.

Nay—Mr. Fairbanks—1.

So said bill passed. Title as stated.

Ordered that the same be certified to the House.

House Preamble and Resolutions resolutions relative to the sixteenth sections granted by Congress for Public Schools,

Was read the first time, the rule waived, read a second and third time by title, and passed.

House bill entitled, An act to define the duties and prescribe the compensation of tax assessors and collectors in this State,

Was read the first time, the rule waived, and read a second time by its title.

Mr. Burritt moved to amend by striking out the words "now are, or," in line 4, of section 1;

Which was adopted, and the bill ordered for a third reading to-morrow.

House bill entitled, An act to amend an act entitled an act to establish a tariff of fees,

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

House bill entitled, An act for the relief of H. N. Andrews and others,

Was read the first time by its title, the rule waived, read a second time read a third time by title, and on the question of its passage, the yeas and nays were :

Yeas—Mr. President, Messrs. Avery, Austin, Costin, Fairbanks, Floyd, Lorimer, McMillan, Moseley, Sanderson, Tracey, Watts—12.

Nays—None.

So said bill passed. Title as stated.

Ordered that the same be certified to the House.

House bill entitled, An act to amend the several acts concerning limitations of actions,

Was read the first time.

Mr. Sanderson moved that the rule be waived and said bill read a second and third time by its title.

Which motion was lost.

Ordered for a second reading to-morrow.

House bill entitled, An act to authorize Judges of Probate of the several counties in this State to appoint Guardians for free negroes,

Was read the first time by its title and ordered for a second reading to-morrow.

House bill entitled, An act to authorize Thomas L. Barnes to convey a town lot in the town of Quincy, Florida, and for other purposes,

Was read the first time by its title and ordered or a second reading to-morrow.

House Resolution relative to the printing of the School bills,

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

The rule being waived, Mr. Fairbanks introduced the following :

*Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That in addition to the copies of the laws now required to be distributed, each member of the General Assembly shall receive one copy of the session laws, and the Secretary of State shall cause 200 extra copies of the same to be printed and placed in the various Clerk's offices, to be sold at the price of fifty cents each, and the proceeds accounted for to the said Secretary by such Clerks.

Which was read the first time, the rule waived, read a second and third time and passed.

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

FRIDAY, January 7, 1848.

The Senate met pursuant to adjournment.

Rev. Mr. Choice officiated as Chaplain.

A quorum being present, on motion of Mr. Avery, the reading of the Journal was dispensed with.

The following communication was transmitted to His Excellency the Governor :

SENATE CHAMBER, Jan. 7, 1848.

To his Excellency the Governor of Florida :

SIR :—I herewith transmit for the approval of your Excellency the following bill, passed by the two Houses of the General Assembly, and signed by the presiding officers thereof, viz :

Bill entitled, An act for the relief of James C. Johnston and Harmon High.

Very Respectfully,

C. W. DOWNING,

Secretary Senate.

Mr. Lorimer offered the following :

*Resolved by the Senate,* That the Secretary of State be requested to furnish to each Senator a copy of Thompson's Digest, to be received for by such Senator and returned by him to the Secretary of State at the close of the session.

Which was adopted.

The following was ordered to be spread upon the Journal :

The Senator from Duval county (Mr. Burritt) who is one of the committee of Federal Relations, asks leave to say upon the Journals of the Senate, that as to so much of the majority Report of the said committee as declares that should Congress by enactment give their solemn sanction to the Wilmot Proviso, such action would *imperatively demand* the South to withdraw her representation from the National Congress, and sever the ties of political brotherhood which now

bind together this great confederacy, he is not prepared to assent. The Wilmot Proviso is regarded as unconstitutional, and is justly odious to the Southern portion of the confederacy, and if persisted in would doubtless, when no other alternative was left, justify extreme measures; but whether it would be wise and politic at once, if at all, to adopt the extreme measures, might be worthy of great consideration. What course would in such an event be most prudent, is matter of speculation, and it is believed better that the State should be left uncommitted upon so momentous a question.

Resolution in relation to James A. Baughey, was read the second time and ordered for a third reading to-morrow.

House Resolutions in relation to Internal Improvement, were read the third time, and on the question of their passage the yeas and nays were called for by Messrs. Sanderson and Priest, and were:

Yeas—Messrs. Burritt, Costin, Moseley, Priest, Sanderson, Tabor, Tracey, Watts—8.

Nays—Mr. President, Messrs. Avery, Floyd, Lorimer, McMillan, Smith—6.

So said resolutions passed.

Pursuant to leave granted this morning, Mr. Floyd offered the following:

*Resolved*, That the Secretary of State be and he is hereby authorized and requested to furnish to each Justices District in every County of the State, one copy of Thompson's Digest, and that each Justice or Justices shall receipt for the same, and the same shall be turned over to his successor or successors in office, the said Digest for the use of said District; and in case said Justices shall fail to turn over said Digest to his successor in office, he shall be liable for the value of the same, recoverable before his said successor in office: the value of said Digest shall and is hereby declared to be three dollars and fifty cents, which amount shall be laid out in the purchase of another Digest.

Which was read the first time.

Mr. Floyd moved that the rule be waived, and said resolution be read a second and third time.

Which was lost, and the resolution ordered for a second reading to-morrow.

House bill entitled, An act to regulate the fees of collecting officers in certain cases,

Was read the third time, and on the question of its passage, the yeas and nays were:

Yeas—Mr. President, Messrs. Burritt, Floyd, Lorimer, McMillan, Priest, Sanderson, Smith, Tabor—9.

Nays—Messrs. Avery, Fairbanks, Tracey—3.

So said bill passed. Title as stated.

Ordered that the same be certified to the House.

House bill entitled, An act to regulate and define the duties of the County Commissioners in Calhoun County,

Was read the third time by its title, and on the question of its passage, the yeas and nays were:

Yeas—Mr. President, Messrs. Avery, Austin, Burritt, Costin, Fairbanks, Floyd, Lorimer, McMillan, Moseley, Priest, Smith, Tabor, Tracey—14.

Nays—None.

So said bill passed. Title as stated. Ordered that the same be certified to the House.

House bill entitled, An act to define the duties and prescribe the compensation of Tax Assessors and Collectors in this State,

Was read a third time, and on the question of its passage the yeas and nays were:

Yeas—Mr. President, Messrs. Austin, Burritt, Lorimer, McMillan, Moseley, Priest, Sanderson, Tracey—9.

Nays—Messrs. Avery, Floyd, Smith, Tabor—4.

So said bill passed—title as stated.

Ordered that the same be certified to the House.

House bill entitled, An act to amend an act entitled an act to establish a Tariff of Fees, approved January 6, 1847,

Was read a second time.

On motion, the Senate resolved itself into a Committee of the Whole on said bill, Mr. Tracey in the Chair. After some time spent therein, the committee rose, and by their chairman reported the bill back to the Senate with amendments, and asked to be discharged from the further consideration thereof.

Which report was concurred in, the bill read a second time by its title; the rule waived, read a third time by its title, and on the question of its passage, the yeas and nays were:

Yeas—Mr. President, Messrs. Avery, Austin, Burritt, Fairbanks, Lorimer, McMillan, Moseley, Sanderson, Smith, Watts—11.

Nays—Messrs. Floyd and Tracey—2.

So said bill passed—title as stated.

Ordered that the same be certified to the House.

House bill entitled, An act to amend the several acts concerning limitations of actions, was read a second time, and referred to Judiciary Committee, with instructions to report thereon this evening.

The House returned House bill entitled, An act to define the duties and prescribe the compensation of Tax Assessors and Collectors in this State, which had been amended by the Senate, with a message stating that the House refused to concur.

The Senate receded from its amendments.

On motion, the Senate took a recess until 3 o'clock.

3 O'CLOCK, P. M.

On motion of Mr. Lorimer, the vote of the Senate taken on House bill entitled, An act to define the duties and prescribe the compensation of Tax Assessors and Collectors in this State, whereby the Senate receded from its amendments, was re considered, and upon

the re-consideration thereof, the Senate insisted upon its amendments, and Messrs. Avery, Fairbanks, and Smith were appointed a committee to confer with a similar committee on the part of the House on said bill.

On motion, Messrs. Floyd, McMillan, and Tracey were appointed a committee to confer with a similar committee on the part of the House on House bill entitled, An act to provide for the sale of the lands granted to the State for the purpose of Internal Improvement.

House bill entitled, An act to authorize Judges of Probates of the several Counties in this State to appoint guardians for free negroes, was read a second time.

Mr. Fairbanks moved to amend by striking out the words, "of all ages and sexes," in line 4 of section 1, and inserting in lieu thereof the words, "over the age of twelve."

Which was adopted, the rule waived, the bill read a third time by its title, and on the question of its passage, the yeas and nays were :

Yeas—Mr. President, Messrs. Avery, Austin, Burritt, Costin, Fairbanks, Floyd, Lorimer, McMillan, Moseley, Priest, Sanderson, Smith, Tabor, Tracey, Watts—16,

Nays—None.

So said bill passed—title as stated.

Ordered that the same be certified to the House.

The following communication was received and read :

OFFICE OF THE SECRETARY OF STATE, }  
Capitol, Tallahassee, Jan. 7, 1848. }

To the President of the Senate :

SIR ; I have been furnished with copy of Senate Resolution, asking copies of Thompson's Digest, and should be most happy to furnish them ; but it will be perceived that a compliance with the resolution would be a violation of the law just approved, which does not authorize any disposition of this work, (except to Clerks,) but by sale. I am sir, with very great respect,

Your most obedient servant,

JAMES T. ARCHER.

House Preamble and Resolutions relative to the passage of a law granting Rail Road Companies hereafter to be chartered every alternate section of Public Land over which said Rail Road may pass, was read the first time, the rule waived, read a second and third time, and passed,

House resolution relative to the printing of the Common School bills, was read the second and third time, and passed.

Mr. Burritt, from the Judiciary Committee, presented the following report :

The Committee on the Judiciary, to whom was referred an engrossed bill from the House of Representatives, entitled, An act to amend the several acts concerning limitations of actions, ask leave to

#### REPORT :

That they have had the same under consideration, and recom-

mend that the said bill be passed, with the following amendments, to wit ; At the end of the first section add the words, "as against all and every adverse possession thereof for the term of seven years aforesaid." Also, at the end of the 5th sec. add the following words, "as though this act had not been passed." And the Committee ask the concurrence of the Senate herein.

S. L. BURRITT, Chairman.

Which report was received and concurred in, and the bill therein reported read a second time, the rule waived, read a third time by its title, and on the question of its passage, the yeas and nays were :

Yeas—Mr. President, Messrs. Avery, Austin, Burritt, Costin, Floyd, Lorimer, McMillan, Moseley, Priest, Sanderson, Smith, Tabor, Tracey, Watts—15.

Nays—None.

So said bill passed. Title as stated. Ordered that the same be certified to the House.

House bill entitled, An act making appropriation for the support of the State Government during the year ending on the 31st day of October, A. D. 1848, and to supply deficiencies unpaid during the last fiscal year, was read the first time, the rule waived, read a second time by its title and ordered for a third reading to-morrow.

Mr. Floyd moved to adjourn until to-morrow 10 o'clock.

On which the yeas and nays were called for by Messrs. Avery and Burritt, and were :

Yeas—Messrs. Burritt, Costin, Floyd, Lorimer, Priest, Smith, Tabor—7.

Nays—Mr. President, Messrs. Avery, Austin, McMillan, Moseley, Sanderson, Tracey, Watts—8.

So the Senate refused.

Mr. Tabor moved to adjourn until to-morrow 9 o'clock.

Which motion was lost.

On motion, the Senate took a recess until 7½ o'clock.

7½ O'CLOCK, P. M.

The House returned Senate bill entitled, An act to provide for the election of a county site in the county of Washington, as passed by the House with an amendment.

The Senate concurred in the amendment.

Ordered that said bill be enrolled.

Mr. Avery moved that the rule be waived and he allowed to introduce a bill,

Which motion was lost.

The House returned Senate bill entitled, An act for the relief of the poor and destitute, and to guard against the accumulation of pauperism in the county of Leon, as passed by the House with amendments.

The Senate concurred in the first amendment of the House, and refused to concur in the second,

On motion of Mr. Floyd, the vote just taken by which the Senate refused to waive the rule, was reconsidered, the rule waived, and Mr. Avery allowed to introduce a bill entitled, An act to amend an act entitled, An act to organize Courts of Probate for the State of Florida. Which was read the first time, the rule waived, read a second and third time by its title, and on the question of its passage the yeas and nays were :

Yeas—Mr. President, Messrs. Avery, Austin, Burritt, Costin, Fairbanks, Floyd, Lorimer, McMillan, Moseley, Priest, Sanderson, Tabor, Tracey, Watts—15.

Nays—None.

So said bill passed—title as stated.

Ordered that the same be certified to the House.

House bill entitled, An act to amend an act to establish the office of Register of Public Lands for the State of Florida, was read the third time, and on the question of its passage, the yeas and nays were :

Yeas—Mr. President, Messrs. Avery, Austin, Burritt, Lorimer, McMillan, Moseley, Priest, Sanderson, Tabor, Tracey, Watts—12.

Nays—Messrs. Costin, Fairbanks, Floyd, Smith—4.

So said bill passed—title as stated.

Ordered that the same be certified to the House.

Mr. Austin moved that the vote on said bill be re-considered.

Which motion was lost.

House bill entitled, An act to authorize Thomas S. Baines to convey a town lot in the town of Quincy, Florida, and for other purposes, was read a second time.

Mr. Austin moved that rule be waived, and said bill read a third time.

Which motion was lost.

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

SATURDAY, JANUARY 8, 1848.

The Senate met pursuant to adjournment.

Rev. Mr. Choice officiated as Chaplain.

A quorum being present, on motion of Mr. Avery, the reading of the Journal was dispensed with.

The following communication was transmitted to Hon. James T. Archer, Secretary of State :

SENATE CHAMBER, Jan. 7, 1848.

HON. JAMES T. ARCHER, Secretary of State :

SIR:—I herewith transmit a bill entitled, "An act to amend the 12th clause of the fifth article of the Constitution of this State so that Judges of the Circuit Courts shall hold their offices for a term of eight years instead of during good behavior," passed by the two Houses of the General Assembly by the requisite Constitutional majority.

Respectfully,

C. W. DOWNING,  
Sec. Senate.

The House returned Senate bill entitled, An act to amend an act to organize Courts of Probate for the State of Florida, as passed by the House without amendment.

Ordered to be enrolled.

Mr. Burritt moved that the Report of the Committee on the State of the Commonwealth, presented by Mr. Sanderson, the Chairman thereof, on the 5th inst., and the minority report of Mr. Costin, one of the Committee on the State of the Commonwealth, and the protest of members of the Committee on Taxation and Revenue, presented on the 6th inst., be expunged from the Journals.

On which the yeas and nays were called for by Messrs. Floyd and Tracey, and were :

Yeas—Mr. President, Messrs. Avery, Austin, Burritt, Fairbanks, Lorimer, McMillan, Moseley, Priest, Tracey, Watts—11.

Nays—Messrs. Costin, Floyd, Sanderson, Smith, Tabor—5.

So said motion was adopted.

The following was ordered to be spread upon the Journals :

The undersigned Senators from the 17th and 10th Districts, protests against the bill yesterday passed by the Senate entitled, "A bill to be entitled an act to amend the act to establish the office of Register of Public Lands for the State of Florida," in which is the following proviso: "Providing that the Register of Public Lands shall be at liberty to invest any of the aforesaid funds (seminary and school funds,) in the stock or certificates of the State of Florida, or to loan the same to the State, on lawful interest, giving the said State of Florida the preference in all cases," because the same purposes to create a State debt, and to borrow for supporting the expenses of State Government, a fund sacred to the purposes of education and solemnly pledged for that purpose, upon the uncertain contingency of repayment by the increased or decreased ability of the State or the disposition of future Legislatures to pay off debts which we may create.

G. R. FAIRBANKS,

Senator from 17th Dist.

JOHN M. SMITH,

Senator from 10th Dist.

On motion of Mr. Burritt, the vote on House bill entitled, An act to amend an act to organize the Circuit Courts of the State of Florida, had on Dec. 30th ult., was reconsidered, and upon the reconsideration thereof, the bill was read the first time the rule waived, and the bill read a second time.

Mr. Fairbanks moved to amend by striking out the word "five" in line 8, of section 1, and inserting in lieu thereof "eight."

Which was adopted, the rule waived, the bill read a third time by its title, and on the question of its passage, the yeas and nays were :

Yeas—Mr. President, Messrs. Avery, Austin, Burritt, Fairbanks, McMillan, Moseley, Priest, Sanderson, Smith, Tracey—11.

Nays—Messrs. Costin, Floyd, Lorimer, Tabor, Watts—5.

So said bill passed. Title as stated.

Ordered that the same be certified to the House.

Mr. Fairbanks, from the Committee on Enrolled bills, reported resolution relative to the printing the laws of this State, as correctly enrolled.

Mr. Avery, from a Select Committee, presented the following report;

The Committee of Conference, appointed by the two Houses upon the disagreeing vote upon a bill from the House entitled, "An act to define the duties and prescribe the compensation of Tax Assessors and Collectors in this State," beg leave to

#### REPORT:

That they have conferred together, and the result has been, a recommendation that the Senate recede from their amendment to the first section of this bill—and that it be recommended to each House that in lieu of the present third section of said bill, the two Houses do pass the substitute herewith proposed. All which is respectfully submitted.

O. M. AVERY,  
Chairman Senate Committee.  
A. K. ALLISON,  
Chairman House Committee.  
T. H. HAGNER,  
LOUIS ALDRICH.

Which was received.

The rule being waived, Mr. Sanderson was allowed to move that a Joint Committee be appointed, the House concurring, to concurring, to confer together respecting the adjournment of the General Assembly, and to wait on his excellency the Governor, and inform him of the result of their conference.

Which was adopted, and Messrs. Sanderson, Burritt and Fairbanks were appointed said Committee.

The House returned Senate Resolution relative to the printing of the laws of the present session by W. Bartlett, as passed by the House without amendment.

Ordered to be enrolled.

The House returned Senate bill entitled, An act to organize the County of Holmes, with an amendment of the House:

The Senate concurred in the amendment, and the bill was ordered to be enrolled.

Mr. Fairbanks, from the Committee on Enrolled bills, reported bill entitled, An act to organize the county of Holmes, as correctly enrolled.

The House returned Senate bill entitled, An act for the relief of the poor and destitute, and to guard against the accumulation of pauperism in the county of Leon, with a message, stating that the House insisted upon its amendment thereto.

The Senate adhered to its disagreement.

The House returned Senate bill entitled, An act to ascertain the number of white children between the ages of 6 and 18 years, and to

obtain information respecting the common school lands, as passed by the House with amendments.

The Senate concurred in the 2d and 3d amendment, but refused to concur in the first.

The following message from the House was received and read:  
HOUSE OF REPRESENTATIVES, January 7th, 1848.

Honorable President of the Senate:

SIR:—The House has indefinitely postponed the Senate bill entitled, "An act regulating the fees of Notaries Public in the State of Florida." The House "adheres" to its disagreement to Senate amendments of House bill entitled, "An act to amend an act to provide for the sale of lands granted to the State for the purpose of Internal Improvements."

Very Respectfully,  
W. B. LANCASTER,  
Clerk House of Representatives.

The Senate receded from its amendment.

The following message from His Excellency the Governor was received and read:

EXECUTIVE DEPARTMENT, Jan. 7, 1848.

Gentlemen of the Senate and House of Representatives:

The nomination which I had the honor to make on yesterday, to fill the office of Judge of Probate for the county of Calhoun, having been laid on the table in the House, I now respectfully nominate Taylor Carraway, as Judge of Probate for said county, and solicit your advice and consent thereto.

Very respectfully,  
W. D. MOSELEY.

The nomination therein contained was advised and consented to by the Senate.

The following message from the House was received and read:

HOUSE OF REPRESENTATIVES, Jan. 8, 1848.

Honorable President of the Senate:

SIR:—The House has appointed Messrs. Taylor, Bryan, and Rose, joint committee with similar committee of Senate respecting the adjournment of the General Assembly.

Very respectfully,  
W. B. LANCASTER,  
Clerk Ho. Rep.

#### ORDERS OF THE DAY.

House bill entitled, An act to authorize Thomas L. Baines to convey a town lot in the town of Quincy, Florida, and for other purposes,

Was read the third time, and on the question of its passage the yeas and nays were:

Yeas—Messrs. Austin, Costin, McMillan, Tabor—4.

Nays—Mr. President, Messrs. Avery, Burritt, Moseley, Priest, Tracey, Watts—7.

So said bill was lost.

Ordered that the same be certified to the House.

Resolution relative to James A. Baughey, was read the third time and passed.

House bill entitled, An act making appropriation for the support of the State Government during the year ending on the 31st day of October, A. D. 1848, and to supply deficiencies unpaid during the last fiscal year,

Was read the third time, and on the question of its passage, the yeas and nays were :

Yeas—Mr. President, Messrs. Avery, Austin, Costin, Lorimer, McMillan, Moseley, Priest, Tracey, Watts—16.

Nays—None.

So said bill passed. Title as stated.

Ordered that the same be certified to the House.

Resolutions in relation to Thompson's Digest,

Were read a second time.

Mr. Tabor offered the following amendment :

That the Secretary of State be and he is hereby authorized to furnish to each District Judge of the United States within this State, and to each of the Circuit and Probate Judges in this State, a copy of Thompson's Digest.

Which was adopted, and the resolutions ordered to be engrossed for a third reading this evening.

The following communication was transmitted to his Excellency the Governor :

SENATE CHAMBER, January 8, 1848.

His Excellency WM. D. MOSELEY, Governor :

SIR :—Enclosed herewith I forward to your Excellency a bill entitled, "An act to provide for the election of a County Site in the County of Washington," and a bill entitled, "An act to amend an act entitled an act to organize Courts of Probate for the State of Florida," which said bills have passed both Houses of the General Assembly, and have been signed by the presiding officers thereof.

Very respectfully,

C. W. DOWNING,

Secretary of the Senate.

House bill entitled, An act making appropriations for the expenses of the third General Assembly, and for other purposes,

Was read the first time, the rule waived, read a second time by its title, and referred to the Committee on Taxation and Revenue.

The following message from the House was received and read :

HOUSE REPRESENTATIVES, January 8, 1848.

Hon. President of the Senate :

SIR :—House has concurred in the report of joint conference committee upon "Bill relative to the compensation and duties of Tax Assessors and Collectors," and have added as section third of said bill accompanying substitute.

In which they ask the concurrence of Senate.

Very Respectfully,

W. B. LANCASTER,

Clerk Ho. Rep.

The Senate refused to concur in said report, and on motion Messrs. Fairbanks, McMillan, and Smith were appointed a committee of free conference to confer with a similar committee on the part of the House on said subject.

House Preamble and Bill to be entitled, An act relative to the costs of Prosecutions in cases of Assault and Battery, Trespass and Libel,

Was read the first time.

Mr. Floyd moved that the rule be waived, and said bill be read a second time.

Which motion was lost.

The Senate refused to read said bill a second time on to-morrow.

House resolution relative to publishing amendments to the Constitution, was read the first time, the rule waived, read a second and third time, and passed.

The House returned Senate bill entitled, An Act to change the names of certain persons therein named, as passed by the House without amendment.

Ordered to be enrolled.

The House returned Senate bill entitled, An act to improve the navigation of the Suwannee river, as passed by the House with an amendment.

Mr. Smith moved to amend the amendment of the House, by inserting the words "and Wacissa," after the word "Ocklockney," in line 2 of 1st amendment of House.

Which motion was lost.

On the question of concurring in the amendments of the House, the yeas and nays were called for by Messrs. Floyd and McMillan, and were :

Yeas—Mr. President, Messrs. Avery, Burritt, Fairbanks, Lorimer, McMillan, Moseley, Sanderson, Tracey, Watts—10.

Nays—Messrs. Austin, Costin, Floyd, Smith—4.

So the amendments of the House were concurred in, and the bill ordered to be enrolled.

On motion, the Senate took a recess until 3 o'clock.

3 O'CLOCK, P. M.

House bill entitled, An act to so amend the 9th clause of the 5th article of the Constitution as to give to the qualified voters in each county in this State the right of electing the Judge of Probate,

Was read the first time and laid upon the table.

Mr. Fairbanks, from the Committee on enrolled bills, reported the following bills and resolution as correctly enrolled, viz :

Bill entitled, An act to improve the navigation of the Suwannee river;

Bill entitled, An act to change the names of certain persons therein named;

Resolution in relation to the printing the laws of the present session ;

The following communication was transmitted to his Excellency the Governor :

SENATE CHAMBER, January 8, 1848.

To his Excellency the Governor of Florida :

SIR :—I herewith transmit for your consideration the following bills, passed by the two Houses of the General Assembly and signed by the presiding officers thereof, viz :

Bill to be entitled, An act to organize the County of Holmes ;  
Bill to be entitled, An act to improve the navigation of the Suwannee river ;

Also, Resolution in relation to the printing of the laws of the present session ;

Also, bill entitled, An act to change the names of certain persons therein named.

Very respectfully,

C. W. DOWNING,  
Secretary Senate.

The House returned Senate Resolution in relation to James A. Baughay, as passed by the House without amendment.

Ordered to be enrolled.

The House returned Senate bill entitled, An act to ascertain the number of white children between the ages of 6 and 18 years, and to obtain information respecting the common school lands, with a message stating that the House had receded from its amendment.

Ordered to be enrolled.

The House returned Senate bill entitled, An act to amend the several acts to raise a revenue for this State, approved July 24, 1845, and Dec. 27, 1845, as passed by the House with an amendment.

Mr. Fairbanks moved that the amendment of the House be amended by striking out the word "ten," and inserting in lieu thereof "twenty," on which the yeas and nays were called for by Messrs. Tracey and Priest, and were :

Yeas—Mr. President, Messrs. Avery, Burritt, Costin, Fairbanks, Floyd, McMillan, Moseley, Priest, Sanderson, Tabor, Tracey—12.

Nays—Messrs. Lorimer and Watts—2.

So the amendment was adopted.

House resolution authorizing the Comptroller to rent out the basement rooms of the Capitol, &c.,

Was read the first time, the rule waived, read a second and third time by title, and passed.

Engrossed resolutions in relation to Thompson's Digest, were read a third time and passed.

The rule being waived, on motion of Mr. Burritt, the vote had this morning on House bill entitled, An act to authorize Thomas L. Baines to convey a town lot in the town of Quincy, Florida, and for other purposes, was reconsidered, and upon the reconsideration thereof, the bill was read the first time, the rule waived, read a second time.

Mr. Burritt offered an amendment, which was adopted, the rule waived, the bill read a third time by its title, and on the question of its passage, the yeas and nays were :

Yeas—Mr. President, Messrs. Avery, Austin, Burritt, Costin, Fairbanks, Lorimer, McMillan, Moseley, Priest, Sanderson, Smith, Tabor, Tracey, Watts—15.

Nays—None.

So said bill passed. Title as stated.

Ordered that the same be certified to the House.

Mr. Sanderson, from a Select Committee, presented the following report :

The Joint Select Committee appointed to confer upon the subject of adjournment of the present General Assembly, have discharged that duty, and

#### REPORT :

That after having conferred with the Secretary of the Senate and Clerk of the House and Enrolling Clerks, find that there are but eight orders remaining to be acted upon, and then waited upon his Excellency and informed him of the state of the business of the General Assembly. His Excellency then informed the committee that he would be ready for the adjournment at any hour the General Assembly shall determine upon. Your committee therefore recommend that the present General Assembly adjourn sine die, this evening at — o'clock.

J. P. SANDERSON,  
Chairman Senate Committee.  
JOSHUA TAYLOR,  
Chairman House Committee.

Which was laid upon the table for the present.

Mr. Fairbanks, from a Select Committee, presented the following report :

The Committees of free conference appointed by the two Houses upon the the disagreeing votes thereof upon the bill to be entitled, "An act to define the duties and prescribe the compensation of the tax Assessors and Collectors of this State," beg leave to

#### REPORT :

That they have conferred together and have agreed to recommend to the two Houses the passage of the bill herewith reported, as amended. All of which is respectfully submitted.

G. R. FAIRBANKS,  
Chairman Senate Committee.  
A. K. ALLISON,  
Chairman House Committee.

Which was received, and on the question of concurring in said report the yeas and nays were called for by Messrs. Floyd and Priest, and were :

Yeas—Messrs. Avery, Austin, Burritt, Fairbanks, McMillan, Moseley, Priest, Sanderson, Watts—9.

Nays—Mr. President, Messrs. Costin, Floyd, Lorimer, Smith, Tabor—6.

So said report was concurred in.

Mr. Fairbanks, from the Committee on Taxation and Revenue, presented the following report;

The Committee on Taxation and Revenue to whom was referred a bill to be entitled, "An act making appropriation to defray the expenses of the third General Assembly of the State of Florida, and for other purposes,"

#### REPORT:

That they recommend that the first section be amended by inserting as follows:

John Costin, number of miles 1400, \$140—No. of days 48—per diem \$144. Total \$284.

And that Francis Arnou receive compensation for 48 days, per diem \$144—Mileage, 250 miles, \$25.00. Total, \$169.

And that Stephen Richards receive compensation for 4 days, \$12, and 250 miles, \$25.00. Total, \$37.00.

And that Cha's. W. Downing receive \$5 per day, 48 days, \$240,

G. R. FAIRBANKS.

S. L. BURRITT.

J. M. SMITH.

J. P. Sanderson dissents from so much of the above report as proposes to pay the Secretary and Clerk five dollars per day.

Which was received, and the three first amendments therein proposed were concurred in.

The Senate refused to concur in the 4th amendment.

Mr. Avery moved to strike out "\$5" in said amendment,

Which was carried.

Mr. Floyd moved to insert "\$6."

Which was lost.

Mr. Avery moved to insert "\$4."

Which was carried.

Mr. Avery moved to amend said bill by striking out "\$240" after Mr. W. B. Lancaster's name and insert in lieu thereof "\$192."

Which was carried.

A motion being made to waive the rule, and read said bill a third time, it was lost.

On motion of Mr. Fairbanks, the vote refusing to waive the rule to read said bill a third time, was reconsidered, and on the reconsideration thereof, the rule being waived, said bill was read a third time by its title, and on the question of its passage the yeas and nays were:

Yeas—Mr. President, Messrs. Avery, Burritt, Lorimer, McMillan, Moseley, Priest, Sanderson, Tabor, Tracey—10.

Nays—Messrs. Austin, Floyd, Smith—3.

So said bill passed—title as stated.

Ordered that the same be certified to the House.

Mr. Fairbanks, from the Committee on Enrolled Bills, reported bill entitled, An act to ascertain the number of white children between the ages of six and eighteen years, and to obtain information respecting the common school lands, as correctly enrolled.

The following message from the House was received and read:

HOUSE REPRESENTATIVES, January 8, 1848.

Honorable President of the Senate:

SIR:—The House has concurred in the report of committee of free conference on within bill.

Very respectfully,

W. B. LANCASTER,

Clerk House Representatives.

House bill entitled, An act for the relief of Nathan Backer,

Was read the first time, the rule waived, read a second and third time by its title, and on the question of its passage, the yeas and nays were:

Yeas—Mr. President, Messrs. Avery, Costin, Fairbanks, Floyd, Lorimer, McMillan, Priest, Smith, Tracey—10.

Nays—Messrs. Austin and Moseley—2.

So said bill passed. Title as stated.

Ordered that the same be certified to the House.

The following message from the House was received and read.

HOUSE REPRESENTATIVES, January 8, 1848.

Honorable President of the Senate:

SIR:—The House has concurred in Senate amendments to House bill "relative to Thomas L. Baines."

Very respectfully,

W. B. LANCASTER,

Clerk House Representatives.

The House returned Senate resolutions in relation to Thompson's Digest, with a message stating that the same had been lost in the House.

The following communication was transmitted to his Excellency the Governor:

SENATE CHAMBER, January 8, 1848.

To his Excellency the Governor:

SIR:—I herewith transmit for your consideration the following bill, passed by the two Houses of the General Assembly, and signed by the presiding officers thereof, viz:

Bill entitled, "An act to ascertain the number of white children between the ages of six and eighteen years, and to obtain information respecting the common school lands."

Also, "Resolution relative to James A. Baughey."

Very respectfully,

C. W. DOWNING,

Secretary Senate.

The House returned Senate bill entitled, An act to amend the several acts to raise a revenue for this State, approved July 21, 1845,

and December 27, 1845, with a message stating that the House had concurred in the amendment of the Senate to House amendment to said bill.

Ordered to be enrolled.

The following message from His Excellency the Governor was received and read:

EXECUTIVE DEPARTMENT, January 8, 1848.

*Gentlemen of the Senate  
and of the House of Representatives:*

I have the honor to solicit your advice and consent to the following nominations:

James Gibson and Thos. Preston, as Tobacco Inspectors, and Anson Hancock and William A. Woods, as Port Warden, for the County of Franklin.

Very respectfully,

W. D. MOSELEY.

The nominations therein contained were advised and consented to by the Senate.

Also the following:

EXECUTIVE DEPARTMENT, January 7, 1848.

*Gentlemen of the Senate and of the House of Representatives:*

I have approved the following Acts and Resolutions, to wit:

An act to amend the Criminal Laws of force in this State.

An act to make valid the proceedings of sundry persons commissioned as Justices of the Peace of this State.

An act relative to Judges of Probate, County Commissioners and Sheriffs.

An act to regulate the time of holding the Circuit Courts in the Middle Circuit.

An act to provide for the location of the county site of Calhoun county.

An act for the relief of James C. Johnston and Harman High.

An act for the relief of Daniel McRaeny and Alfred A. Fisher.

An act for the relief of Richard A. Shine and Joseph A. Edmondson.

An act for the relief of settlers on Public Lands, and to grant pre-emption rights in certain cases.

An act to provide for the election of a county site in the county of Washington.

An act to amend an act entitled an act to organize Courts of Probate for the State of Florida.

An act to change the name of Mary E. Ledbetter, of Calhoun county, to that of Mary E. Doles.

An act to regulate and define the duties of the County Commissioners in Calhoun county.

An act to regulate the fees of collecting officers in certain cases.

An act for the relief of Wm. J. Armistead.

An act for the relief of H. W. Andrews and others.

An act to authorize Judges of Probates to appoint Guardians for Free Negroes.

An act to empower Robert H. Hall, a minor, to assume the management of his own estate.

An act providing compensation to be paid L. A. Thompson.

An act to provide for the qualifications, and to prescribe the duties of Clerks, &c., elected on 1st Monday, in October, 1847.

An act to change the names of certain persons therein named.

An act to organize the county of Holmes.

Preamble and Resolutions requesting our members in Congress to procure the passage of an act to graduate the price of the Public Lands in this State.

Resolutions relative to the payment of Capt. William H. Payne's Company.

Resolution relative to the removal of the United States Land Office from Newnansville to Ocala.

Resolutions in regard to lands which have reverted back to the General Government under the "Armed Occupation Act," and in regard to the eight sections of land granted to Florida for the fixing of a seat of Government.

Resolutions requesting the Senators and Representative of Florida in Congress to procure copies of all the surveys and reports made thereon, of Canal and Rail Road Routes in Florida, by the United States Government for the use of this State.

Preamble and Resolutions asking Congress to provide lands for the inhabitants of certain townships for the support of Public Schools.

Resolution in relation to printing 1000 copies House and Senate Bills for the establishment of Common Schools.

Resolution in relation to printing the laws of the present session.

Very respectfully,

W. D. MOSELEY.

Also the following:

EXECUTIVE DEPARTMENT, January 8, 1848.

*Gentlemen of the Senate and of the House of Representatives:*

I have approved the following acts and resolutions, to wit:

An act to amend the several acts concerning limitations of Actions.

An act to amend an act to organize the Circuit Courts of the State of Florida.

An act to amend an act entitled an act to establish a tariff of fees, approved Jan. 6, 1847.

An act to ascertain the number of white children between the ages of 6 to 18 years, and to obtain information respecting the Common School Lands.

An act to repeal an act entitled an act to amend an act to establish a tariff of fees, approved February 15, 1834, and which was approved Dec 27, 1845.

An act to provide for the payment of Jurors and State Witnesses.

Resolution in relation to James A. Baughey.

Very respectfully,

W. D. MOSELEY.

Mr. Fairbanks, from the Committee on Enrolled bills, reported bill entitled, An act to amend the several acts to raise a revenue for this State, approved July 24, 1845, and Dec. 27, 1845, as correctly enrolled.

Resolutions relative to the commissioning by the Governor of Justices of the Peace;

Resolution in relation to Major Wm. W. Loring and Lieut. M. C. Marin;

Memorial and resolution of the General Assembly of the State of Florida to the President, Post Master General, and the Congress of the United States on the subject of a mail route therein mentioned,

Very respectfully,

W. D. MOSELEY.

The following communication from the House was received and read:

HOUSE REPRESENTATIVES, January 8, 1848.

Honorable President of the Senate:

SIR:—The House has appointed Messrs. Hagner, Forward, and A. E. Maxwell a committee on part of the House, to act with a similar committee of the Senate, to wait on his Excellency the Governor and inform him that both Houses are now ready to adjourn, and to enquire if his Excellency has any further communication to make to the General Assembly.

Very respectfully,

W. B. LANCASTER, Clerk Ho. Reps.

Messrs. Fairbanks, Burritt, and Avery was appointed a similar committee on the part of the Senate, which committee reported that they had performed the duty assigned them, and that his Excellency had no further communication to make.

On motion, Messrs. Fairbanks, Tracey, and McMillan, were appointed a committee to wait upon the House and inform that body that the Senate was now ready to adjourn *sine die*, which committee reported that they had performed that duty.

A committee from the House informed the Senate that the House was ready to adjourn *sine die*.

Mr. Tracey having assumed the Chair, Mr. Fairbanks offered the following:

*Resolved.* That the thanks of the Senate be tendered to the Hon. Daniel G. McLean, for the courteous and impartial manner in which he has discharged the duties of presiding officer of this body at its present session.

Which was unanimously adopted.

The President, on resuming the Chair, returned the Senate his thanks in a very able and eloquent address for the flattering terms with which they had been pleased to regard him in the discharge of his duties in the Chair.

Mr. Avery offered the following:

*Resolved.* That the thanks of the Senate are due, and they are hereby tendered to the Secretary, Assistant Secretary, Enrolling Clerk, Messenger, and Sergeant-at-arms, for the prompt and efficient discharge of their several duties.

Which was unanimously adopted.

On motion, the Senate adjourned *sine die*.

Attest,

C. W. DOWNING,  
Secretary of the Senate.

## REPORTS

OF COMMISSIONERS, RELATIVE TO THE ESTABLISHMENT OF A COMPLETE EDUCATIONAL SYSTEM.

EXECUTIVE DEPARTMENT,  
November 26, 1847. }

Gentlemen of the Senate  
and of the House of Representatives:

In conformity to a "Preamble and Resolution" relative to the establishment of a complete Educational System, approved December 21, 1846—(see pamphlet laws, 2d session, p. 83)—Hons. O. M. Avery and Walker Anderson, were appointed from the Western District; Wm. Marvin and Rev. C. C. Adams, from the Southern; B. F. Whitner and J. E. Broome, Esqs., from the Middle; and Hons. G. R. Fairbanks and W. Forward, from the Eastern—to report upon the object in view. I herewith transmit the Reports of three of the Commission, Hon. Wm. Marvin, W. Forward, and G. R. Fairbanks, for the consideration of the General Assembly.

Very respectfully,

W. D. MOSELEY.

### REPORT OF THE HON. G. R. FAIRBANKS.

To his Excellency WILLIAM D. MOSELEY,  
Governor of Florida:

SIR:—In pursuance of the appointment conferred upon me as one of the Commissioners relative to the establishment of a System of Common Schools, under the resolution of the General Assembly of this State, adopted Dec. 21st, 1846, I report to your Excellency such views upon the subject embraced in said Resolutions, as my limited opportunities for examination have enabled me to digest and present.

The first subject to be reported upon as designated in the resolutions is, "a plan for the establishment of a System of Common Schools, adapted to their section of the State, with such remarks as may seem to them necessary to a perfect comprehension of their views."

A subject so comprehensive in its nature, and having so important a bearing upon the interests of the State as the establishment of a system of education for its future citizens, requires the most profound thought and the most careful reflection and investigation. In our present condition we have every thing to frame *de novo*, and with no old institutions or established systems to change or overturn, we are at

# APPENDIX.

## DOCUMENTS

ACCOMPANYING THE

## GOVERNOR'S MESSAGE.

### COMPTROLLER'S REPORT.

COMPTROLLER'S OFFICE, }  
Tallahassee, November 1, 1847. }

To his Excellency W. D. MOSELEY,  
*Governor of Florida:*

SIR:—I have the honor to transmit herewith my annual Report, shewing the receipts and disbursements for the fiscal year ending 31st October, 1847.

Very respectfully,  
Your obedient servant,  
N. P. BEMIS, Comptroller.

TREASURY DEPARTMENT, }  
Comptroller's Office, Tallahassee, Nov. 1, 1847. }

To his Excellency WILLIAM D. MOSELEY,  
*Governor of Florida:*

SIR:—In obedience to the requisition of the law, I submit to you the following statement of the disbursements and receipts at the Treasury, for the fiscal year which closed on the 31st day of October, 1847. The amount of Warrants drawn on the Treasury for the

year,	\$52,787 46
<i>Legislative Department.</i>	
Pay of members of the General Assembly, Clerks, and other officers,	10,866 40
Printing for the Session,	2,347 82
Contingent Expenses, wood, stationery, &c.,	339 06
	<hr/>
	\$13,553 28
<i>Executive Department.</i>	
Salary of officers,	4,200 00
<i>Judiciary Department.</i>	
Salary of 4 Judges, Attorney General and Solicitors,	9,300 00
<i>Militia.</i>	
Salary of Adjutant and Inspector General,	500 00
<i>Printing Laws.</i>	
Printing Laws & Reports of Supreme Court,	926 85

<i>Census.</i>	
Amount due for taking census 1845, . . .	300 46
<i>Supreme Court.</i>	
Fees and per diem of Clerk, . . .	222 44
Per diem of Sheriff and Servant hire, . . .	157 50
Contingent expenses, . . .	286 32
	<hr/>
	\$666 26
<i>Prosecuting Banks.</i>	
Solicitor's fee for forfeiting charter Pensacola Bank, . . .	50 00
<i>Revenue Refunded.</i>	
Am't refunded per act General Assembly, to heirs of N. Brush, . . .	198 94
<i>St. Joseph's Convention.</i>	
Am't paid B. Smith, per act of General Assembly 1846, . . .	327 24
<i>Criminal Prosecutions.</i>	
Eastern Circuit, . . .	4,414 62
Southern " . . .	1,195 69
Middle " . . .	5,980 47
Western " . . .	3,442 77
	<hr/>
	\$15,033 55
<i>Contingent Expenses Courts.</i>	
Record Books, pay of Bailiffs, Room rent, Stationery, &c., &c., . . .	3,027 93
<i>Contingent Fund.</i>	
Sundry disbursements by order of Governor, Advanced to United States, . . .	1,432 62
Expense and pay of Commissioners appointed to settle the boundary lines between Georgia, Alabama, and Florida, . . .	1,250 00
	<hr/>
	1,212 00
	<hr/>
	\$3,894 62
	<hr/>
	\$52,787 46

### RECEIPTS.

The receipts into the Treasury for the fiscal year 1847, as per Treasurer's receipts filed in this office, amount to . . .		45,357 60
From revenue due for 1845, . . .	1,879 52	
" " " " 1846, . . .	33,166 20	
" " " " 1847, . . .	6,589 30	
" Fines and forfeitures, . . .	618 66	
" Licenses, . . .	716 00	
" Auction Tax, . . .	1,166 87	
" This amount refunded by the United States, . . .	1,161 05	
" Sales of articles purchased for Commissioners of boundary lines, . . .	60 00	
	<hr/>	
		\$45,357 60

By a reference to the expenditures of the last fiscal year, no material difference will be found in the expenses of the State, except in the item of criminal prosecutions, which in 1846 amounted to \$8,362 31, but which have cost the State for the present year the sum of \$15,033 55—to which add the contingent expenses of Courts, \$3,027 93, making the amount paid for criminal prosecutions and expenses of Courts, \$18,061 48—being an increase over the expenditures of 1846, of nine thousand six hundred and ninety-nine dollars and seventeen cents, and exceeding the entire expenses of the Legislative Department, \$4,508 20.

By reference to the accompanying exhibit, (marked A,) it will be seen that in some of the counties the expenses of criminal prosecutions exceed the amount of taxes assessed therein. The amount of certificates outstanding 1st November, 1846, as per last report, . . . 27,597 28  
Amount certificates issued for the fiscal year, ending 31st October, 1847, . . . 52,787 46

Less this amount paid into Treasury, . . . 45,357 60

Amount outstanding liabilities, . . . \$35,027 14

The taxes assessed for 1847 amount to \$51,731 84

From which the Treasurer has received 6,589 30

---

45,142 54

Deduct probable allowances of County Commissioners for collecting, assessing, insolvencies and overcharges, . . . 9,000 00

Due for the taxes of 1847, and payable 22d instant, . . . \$36,142 54

Amount still due for 1846, . . . 3,480 30

---

\$39,622 84

Thus it will be seen that the sum of thirty-nine thousand six hundred and twenty-two dollars and eighty-four cents, is due for taxes, and which will all be due on the 22d November; and if promptly paid will be more than sufficient to meet the payment of the entire amount of outstanding liabilities.

N. P. BEMIS,  
Comptroller.

OFFICE OF COMPTROLLER OF PUBLIC ACCOUNTS, }

Tallahassee, Nov. 1, 1847. }

To his Excellency W. D. MOSELEY,  
Governor of Florida :

SIR:—I have the honor herewith to present you a statement of my account, as Auditor of the Territory of Florida, for the fiscal year ending 31st October, 1847.

Am't Territorial Warrants outstanding as per last report, \$16,922 67  
 Issued since that time, 52 50

Total amount issued, \$16,975 17  
 By this amount paid to Buckingham Smith,  
 by a Warrant on the State Treasury, per  
 act of General Assembly last session, 327 24  
 This amount received on act's fines and for-  
 feitures due Territory, 463 30

Liabilities of the Territory, \$16,184 57  
 N. P. BEMIS, Comptroller.

EXHIBIT A. Account expense Criminal Prosecutions, and expense of  
 Courts in the several Counties.

	AM'T TAXES ASSESSED.	AM'T. P'D. FOR CRIM. PROS.
Escambia County,	\$2,479 56	\$1,116 95
Santa Rosa "	906 38	860 21
Walton "	501 36	449 89
Washington "	540 08	185 50
Jackson "	3,085 14	627 56
Calhoun "	404 44	135 00
Franklin "	5,618 05	1,118 95
Gadsden "	5,208 26	3,232 97
Leon "	10,565 87	1,430 70
Wakulla "	1,547 28	654 73
Jefferson "	3,637 89	446 52
Madison "	2,346 07	478 16
Hamilton "	758 14	486 33
Columbia "	1,467 09	623 59
Alachua "	2,384 68	1,184 37
Marion "	1,194 78	911 83
Duval "	2,119 04	1,279 35
St. Johns "	2,894 45	954 69
Nassau "	932 10	75 50
Monroe "	1,347 13	647 27
Orange "	712 74	169 93
Hillsborough "	366 72	522 43
Benton "	255 68	458 98
St. Lucie "	305 39	
	\$51,731 84	\$18,061 46

## TREASURER'S REPORT.

TREASURER'S OFFICE,  
 Tallahassee, Nov. 18, 1847. }

To his Excellency W. D. MOSELEY,  
 Governor of Florida:

SIR:—I have the honor herewith to hand you a condensed state-  
 ment of my account as Treasurer of the State for the Fiscal year,  
 1847, (marked A.) by which it will be seen that there have been re-  
 ceived into the Treasury, during the year, from all sources of revenue,  
 forty-four thousand one hundred and thirty-six dollars and fifty-five  
 cents, (\$44,136 55;) and that twelve hundred and twenty-one dollars  
 and five cents, (\$1221 05) have been refunded to the Treasury, for  
 money temporarily advanced out of the Contingent Fund—making  
 the amount received during the year forty-five thousand three hundred  
 and fifty-seven dollars and sixty cents, (\$45,357 60,)—to which add  
 five thousand and seven hundred and twenty-eight dollars and ninety  
 cents, remaining in the Treasury on the first day of November, 1846,  
 makes the amount of \$51,086 50, from which deduct \$47,308 40, the  
 payments out of the Treasury for 1847, leaves a balance in the  
 Treasury on the first day of November, 1847, of \$3,755 10. I also  
 hand you my account with the Tallahassee Fund, (marked B.) The  
 resources of this fund are nearly exhausted, except the donation from  
 Congress of Eight Sections of land, for the purpose of fixing the Seat  
 of Government of the State. This land has to be located before it  
 can be made available for the payment of the demands against the  
 fund. I would recommend that a law be passed to authorize the  
 Treasurer and Commissioner to sell the right of locating this land, as  
 it would enable him to make a speedy and final settlement of this fund,  
 and give to the creditors their money that has been so long due them.

Respectfully your Ob't. Serv't.,  
 BENJAMIN BYRD, State Treasurer.

(A.) THE STATE OF FLORIDA, in Account Current with BENJAMIN  
 BYRD, Treasurer.

1847.	DR.	
Nov. 1—To cash paid on Treasury Certificates dur- ing the Fiscal year 1847,		\$47,308 40
Balance of Cash in the Treasury this day,		3,755 10
		\$51,086 50
1846.	CR.	
Nov. 1—By cash on hand this day, in the Treasury,		\$5,728 90
" " rec'd on Auction Tax for 1846,		378 58
" " " " Fines and Forfei- tures for 1847,		618 66
" " " " Pedlar's Licenses for 1847,		156 75

" " " " Retailers of Li- quors for 1847,	336 00	
" " " " Revenue for 1845,	1879 52—	3,369 51
" " " " Licenses on Sun- dries for 1847,	223 25	
" " " " Auction Tax for 1847,	788 29	
" " " " Revenue for 1847,	6,589 30	
" " " " " 1846,	33,166 20—	40,767 04
" " " from the United States, on account of money advanced on the Arms, as general aver- age, by the brig Gen. Wilson, wrecked on her passage from New York to St. Marks, in Oc- tober, 1846,	1161 05	
Received from Gov. Moseley, for a wagon purchased for the use of the Commissioners to estab- lish the Georgia, Alabama, and Florida line, and not used by them,	60 00—	1221 05
		\$51,086 50
1847—Nov. 1—By balance on hand in the Treasury this day,		\$3,755 10
E. E.—Treasurer's Office, Tallahassee, 1st Nov. 1847. BENJAMIN BYRD, State Treasurer.		

(B.) THE TALLAHASSEE FUND, in Account Current with BENJAMIN BYRD, Treasurer.

1846.	DR.	
Nov. 25—To cash paid W. H. Brockenbrough, of account of R. A. Shine's ac- count against the Tallahassee Fund, agreeably to his contracts for building the Capital in 1840, per voucher 1,		\$1470 00
Dec. 12—To cash paid Joseph Branch, per re- ceipt, voucher 2,	\$50 00	
To cash paid S. S. Sibley, bill print- ing, voucher 3,	7 00	
To cash paid H. Archer, per receipt, voucher 4,	8 44	
To cash paid H. R. W. Andrews, per receipt, voucher 5,	234 00—	299 44
Dec. 21—J. W. Levinus' draft in favor of R. A. Shine, per voucher 6,	162 00	
To J. A. Edmondson's bill, voucher 7,	125 00	
To J. A. Edmondson bill, voucher 8,	12 00—	299 00

1847. Jan. 5—To balance R. A. Shine's draft in favor of T. Barnard, voucher 9,	128 00	
16—To Charles Peck's bill, voucher 10, To S. S. Sibley's bill printing, vouch- er 11,	10 00	
25—To J. T. Archer's bill, voucher 12,	2 00	
Feb'y 5—To M. D. Papy's bill, voucher 13,	10 00—	150 00
Ma'h 22—To R. A. Shine, as per receipt, voucher 14,	1 50	
April 2—To J. A. Edmondson, per receipt, voucher 15,	102 50	
7—To J. & L. O. Branch, per receipt, voucher 16,	41 00	
May 15—To C. A. Nash's bill, per receipt, voucher 17,	294 31—	439 31
Aug. 3—To J. A. Edmondson's bill, voucher 18,	35 00	
Oct. 15—To T. Baltzell, per receipt, voucher 19,	3 00	
Nov. 17—To commissions for collecting \$2822 41c, 1½ per cent,	43 25—	81 25
To commissions for paying amount, \$2739, 1½ per cent,	42 38	
To balance on hand in Union Bank of Florida money, this day,	41 08—	83 41
		87 00
		\$2909 41

1846.	CR.	
Oct. 30—By balance on hand this day,		\$47 05
Nov. 23—By cash received of W. H. Brocken- brough, for the following lots sold him, viz: 32 lots in the S. W. ¼ sec. 6, T. S. 1, Range 1, South and East, all for	\$1200 00	
By lots Nos. 1, 7, 8, 10, 16, 17, 18, 25 and 32, all in S. E. quar. sec- tion 1, Township 1, Range 1, S. and W, a \$30,		270 00—1470 00
Dec. 12.—Received for lots No. 21, S. E. ¼ sec. 1, T. 1, R. 1, S. and W.		26 00
For the following lots in S. W. ¼ sec. 1, T. S. 1, R. 1, S. and W.		
No. 2, to H. R. W. Andrews,	51 00	
" 4, " " " " "	31 00	
" 6, " " " " "	50 00	
" 7, " " " " "	51 00	
" 10, " " " " "	51 00	
" 12, " R. A. Shine,	51 00	
" 14, " " " " "	51 00	
" 15, " " " " "	60 00—	422 00

1847. Jan. 2—By cash rec'd. of F. Hoc, on ac- count judgments in Leon Cir. Court,	50 00	
20—By cash received of A. A. Fisher,		

Sheriff of Leon County, for nett sales of lot No. 22, sold under execution, in favor of the Treasurer vs. John Shaw's Administrators, Lot in S. E. $\frac{1}{4}$ section 1, T. S. 1, R. 1, S. and W, \$30 00—costs 15 75,	14	25
For nett sales on lot No. 15, S. E. $\frac{1}{4}$ Sec. 1, T. S. 1, R. 1, S. and W. under execution in favor of the Treasurer and Commissioner, vs. J. B. Brown, sold for \$45; cost 13 93,	31	07
For nett sales of 7 lots in the original plan of Tallahassee, under a decree in Chancery, and an agreement with H. M. Breckenridge's agents, in satisfaction in full of executions, sold for \$376; costs 32 27,	343	73— 439 05
April 7—By cash received for D. B. Butler's three notes, given for lot. No. 109, in the North Addition of Tallahassee, for the purchase money, viz :—		
1 Note due 7th April, 1829,	48	56 $\frac{3}{4}$
1 Note due 7th April, 1830,	48	56 $\frac{3}{4}$
1 Note due 7th April, 1831,	48	56 $\frac{3}{4}$
Interest on the above Notes from 7th April, 1830, the average time they became due to date,	148	61— 294 21
July 31—By cash received of F. Hoc, on account of Judgment in Leon C. C.	30	00
Nov. 11—By cash received of F. Hoc, on account of Judgment in Leon C. C.	10	00— 40 00
17—Cash received for balance principal J. B. De Corce's note; dated the 4th May, 1840, and due 1st March, 1841, received in bills of the Union Bank of Florida, agreeably to an act of the General Assembly for the relief of said De Corce, approved 25th Dec. 1846,	35	75
Protest of note in the Union Bank,	3	00
Interest on said note.	48	25— 87 00
Cash received of F. Hoc, in full for judgment in Leon Circuit Court against said Hoc, agreeably to a resolution of the General Assembly for the relief of said Hoc, approved 25th Dec. 1846,		110 00
		\$2909 41
1847. Nov. 17—By balance on hand in bills of the Union Bank of Florida, this day,		\$87 00
E. E.—Treasurer's Office, Tallahassee, 17th Nov. 1847.		
B. BYRD, Treasurer and Commissioner.		

## REPORTS

### OF COMMISSIONERS, RELATIVE TO THE ESTABLISHMENT OF A COMPLETE EDUCATIONAL SYSTEM.

EXECUTIVE DEPARTMENT, }  
November 26, 1847. }

Gentlemen of the Senate  
and of the House of Representatives :

In conformity to a "Preamble and Resolution relative to the establishment of a complete Educational System," approved December 21, 1846—(see pamphlet laws, 2d session, p. 83)—Hons. O. M. Avery and Walker Anderson, were appointed from the Western District; Wm. Marvin and Rev. C. C. Adams, from the Southern; B. F. Whitner and J. E. Broome, Esqs., from the Middle; and Hons. G. R. Fairbanks and W. Forward, from the Eastern—to report upon the object in view. I herewith transmit the Reports of three of the Commission, Hon. Wm. Marvin, W. Forward, and G. R. Fairbanks, for the consideration of the General Assembly.

Very respectfully,

W. D. MOSELEY.

### REPORT OF THE HON. G. R. FAIRBANKS.

To his Excellency WILLIAM D. MOSELEY,  
Governor of Florida :

SIR :—In pursuance of the appointment conferred upon me as one of the Commissioners relative to the establishment of a System of Common Schools, under the resolution of the General Assembly of this State, adopted Dec. 21st, 1846, I report to your Excellency such views upon the subject embraced in said Resolutions, as my limited opportunities for examination have enabled me to digest and present.

The first subject to be reported upon as designated in the resolutions is, "a plan for the establishment of a System of Common Schools, adapted to their section of the State, with such remarks as may seem to them necessary to a perfect comprehension of their views."

A subject so comprehensive in its nature, and having so important a bearing upon the interests of the State as the establishment of a system of education for its future citizens, requires the most profound thought and the most careful reflection and investigation. In our present condition we have every thing to frame *de novo*, and with no old institutions or established systems to change or overturn, we are at

liberty to deduce from the experience of the past and the condition of the systems at present in operation elsewhere, such a system as will afford the best promise of a successful result.

No organization of a plan of common schools has ever been established in this State since its transfer from Spain to the United States. The sparse population and Indian hostilities, which for so long a period unsettled the country, rendered it impracticable to effect further than some endeavor to preserve the donations given by the Federal Government for the purpose of future application to this object, and in consequence the present state of education among us is lamentable; a few (very few) private schools are sustained in some of the more thickly settled portions of the State, and even these irregularly kept and limited in their operation, while the great mass of the people are without schools or any means of education. The earlier settlers of the country, many of them have grown into manhood without education, and their families are growing up around them in like destitution.

But the consequences of this almost total want of the means of instruction have scarcely yet begun to be developed. Most of our agricultural population have come but recently from the older States of the Union, and have themselves, as well as their elder children, enjoyed some means of instruction, but the children of the present day are growing up in ignorance, and will in a few years form a large portion of the adult population, and we shall then painfully realise our present unfortunate condition. To arrest the continuance and diminish the evil of this state of things, prompt and energetic effort is necessary.

The Common School, as it is termed in this country, is supposed to be that system of imparting scholastic instruction which shall commence at the foundation of society and embrace all alike, which has for its motto and idea, that knowledge, like the air we breathe, was intended by the creator as the heritage of all. The Common School then is the people's, the whole people's school, and every citizen, no matter how high or how humble, has an equal interest in it; it is the cradle of republicanism in contradistinction to aristocracy or exclusiveness—it should then centre in it all the affections, the hopes, and the interests of the whole people.

Before proceeding to make any remarks upon a system of education, it will be necessary to examine into the means in our possession for the support of any system, for based upon the extent of such means and resources must any system which may be proposed, be founded.

Congress has wisely and beneficently set apart in this and all new States, one thirty-sixth of its public domain as a fund for the benefit of Common Schools. This has been done by the designation of the 16th Section in every township as set apart for purposes of education to the use of the inhabitants residing within the respective township. This designation in the Western and Northern States, owing to the average quality of land in townships, has probably been an available aid in support of Common Schools; but in this State where the

greatest inequality prevails in the value of the lands, and where large portions of the country are absolutely worthless, it must be self-evident that the establishment of Common Schools to be supported by such aid, must be impossible. In reference to the difficulties attendant upon the adhering to the limitation of these School Sections to the sole use and benefit of the respective townships, the valuable and interesting report of the President of the Board of Trustees of Seminary Lands for the year 1846, contains the following forcible ideas:

"The Board believe that there is a radical defect in the disposition required by law to be made of the Common School Fund arising from 16th Sections. The Act of Congress of 3d March, 1845, granting these lands to Florida is very precise in confining the benefit of each 16th Section to the inhabitants of the township in which it lies. Now as regards the settlement and population of the country, this division into townships is perfectly arbitrary. They are often fractional or divided by river swamps or county lines, which prevent them from becoming convenient school districts. Four-fifths of the 16th Sections may be estimated as worth nothing. It generally happens that the most valuable of them are surrounded by large bodies of fertile lands owned by persons who need no public aid to educate their children, while the poorer population who require such aid are usually scattered about on thinner lands where the School Section is of no value. The operation of the present law, therefore, is to provide for a school fund for the rich and withhold it from the poor."

In addition to the reasons thus set forth, it may be remarked that any disposition of the lands held in such manner, if left to the management of the inhabitants of the respective townships, must, judging from past experience, be considered, as far as any realization of rents or income from these lands is concerned, almost hopeless.—Moreover, this limitation looks only to the benefit to be derived to townships already inhabited, and locks up from any available purpose the school section in all unoccupied townships, and this at a time when we need every aid to support any system of public instruction which we may establish. Partially settled townships can make no use of their section, and no school can be established, founded upon this aid, until an extensive settlement of the country.

In order, then, to have the means to support a system of Common Schools, one of two things must be done: Either to consolidate these school lands, by sale, into one common fund, and make use of the income, or their almost entire support must be derived from a system of direct taxation. That the first is, by far, the most judicious plan, will probably be conceded by a large majority of our citizens; and it is to be hoped that the patriotism of such as feel themselves, by their good fortune, benefited by such a limitation, of the sixteenth section, will lead them to cast aside their trifling personal interests for the common weal.

Should this course be adopted, as I do not doubt but that it will, a respectable fund could be immediately available; and this should be augmented, by requiring all lands advertised for sale for taxes, upon

which the amount due is not bid, to be bid in by the State, and added to its Education Fund. Fines, forfeitures and escheated estates, should also be added, to increase this fund.

To the citizen of another State, desiring to emigrate hither, the first inquiry is, as to the means of educating his children. No consideration is of greater importance, and doubtless the utter destitution of Schools is a bar and preventive, of no ordinary character, in the way of our receiving in our midst, as emigrants, a large and influential class of intelligent and substantial citizens. We shall then, in a most important point of view, consult not only our future, but our present interests, by speedily establishing a judicious and well digested system of Common Schools.

The nature of the education requisite for the citizens of a country like ours, can scarcely be over estimated. It is, to make citizens who shall enter upon the duties of life, prepared to fully appreciate the form of Government under which they live, and the blessings of the institutions under whose shadow they have grown up; capable of understanding and perfecting the details of government, and of bringing to bear upon every condition and situation in life, the fruits of science, intelligence, and refined mental culture. The moral education and culture which he receives, should give every aid which can be brought to bear upon the human mind, to raise the standard of virtue, and make the good citizen and the good man. In our government, where the opinion of the people forms the rule of action, it is more particularly necessary that the embryo citizen should, by virtuous training, become, as he steps forward into manhood, interested in the cause of truth and good government—a supporter and sustainer, not a violator, of the laws of the land. He should be taught the dignity of his position, as one of a race destined by Providence to peculiar and great purposes, in the regeneration of the world. No system of education can be perfect, which stops short of these requisites.

A system which shall accomplish all we desire, would be, indeed, a glorious achievement to the State which should adopt and carry it into effect. The present resources of our State, applicable to this object, will not enable us to carry into effect these glowing aspirations of our hearts, but we should keep our view always directed to the highest excellence, so that each step, which, with our feeble and limited resources, we are enabled to take, shall be in the right direction, that our progress may not have to be retraced, by wayward or irregular action. We can accomplish, perhaps, but little now, compared to what we wish; but, by a well digested plan, we may look forward trustfully to the period, when the outline sketched in our mind's eye, may be filled out, and our anticipations realized.

It would be interesting and instructive, to review the several systems of School instruction, adopted and carried into effect, both in Europe and this country, and to compare their practical workings with each other, both in reference to the amount and nature of the instruction imparted, and its effect upon civil institutions; but the

limits to which I have restricted myself, forbid so extensive a research. From a comparison of these various systems, I find none which I deem suited, in all respects, to a country so peculiarly situated as Florida.

With a view to immediate and efficient practical operation, our State requires a system exceedingly simple in its organization, distinct in its features, and adapted to the comprehension of our citizens and the character of the country, and it should also be such as to admit of gradual extension and amelioration without requiring re-organization or material change. In conformity with these views, I present the following sketch and outline of such a system.

#### I. OFFICIAL ORGANIZATION.

Upon the proper arrangement and harmonious action of the machinery of management and control, depends, in a great degree, the efficiency of any system, and two defects exhibited in the past experience of others are to be avoided, namely: the multiplicity of managers and the want of connexion and accountability. It is proposed, therefore, that the entire general management and direction of the School System should be committed to one individual, to be styled Superintendent of Public Instruction, which may be a separate office, as in Michigan, or attached to the office of Secretary of State, as in New York, or perhaps still more judiciously connected with the Register of Public Lands. To this officer should be confided the control of the School Fund, the mode of instruction, and the practical details of the system.

Subsidiary to this officer, there should be appointed, in each County by the Board of County Commissioners, a County Superintendent. This officer should be under the direction of the State Superintendent, and be liable to have his office vacated by the State Superintendent for negligence or mismanagement. The County Superintendent should have the management of the School Fund in his County. He should be required to lay off as many School Districts in his County as the proximity of population may require, without on the one hand embracing too large an area, or on the other placing too small a number of families within a district. Each district should be known by its number, and new districts should be laid off by him when necessary. He should hire the teachers, and fix the rate of their compensation, and the payment from the State and County Fund should be paid through him. He should be required to have a personal supervision over all the schools of his County, have the decision of all questions relating to the schools, subject to appeal to the State Superintendent. He should be required to report annually to the State Superintendent the number of schools, the time kept, the number of scholars in attendance, and the amounts appropriated, and such other information as the State Superintendent shall direct. He should be required to give a bond, and his term of office should not be less than two years.

In each School District three persons should be biennially elected

as School Trustees, whose duty it should be to act in concert with the County Superintendent in all matters relating to their district: they should be required to provide a suitable building, at the expense of the district, to apportion, and cause to be collected, the school rates, and pay over the same, and such other duties as may be prescribed; one of their number should act as collector, and any two be empowered to act.

I have thus, I believe, distinctly set forth all of the officers necessary to a School System, suited to the present condition of our population, and have made it a matter of especial care to encumber it with as few officers as possible.

## II. MEANS OF SUPPORT.

In a preceding portion of this report, I have considered the propriety of a consolidation of the proceeds of the Sixteenth Sections for the formation of a School Fund, and I proceed upon the basis of supposing such a disposition of these lands to be made. This fund, small at first, will gradually increase with even greater rapidity than our increase of population, and the income derived from it will soon reach a respectable amount, while, on the other hand, unless so consolidated, it will prove unavailable and useless.

In aid of this fund some few contingent sources of income might be added. But it is not to be expected that the interest of this fund alone will support our whole Common School System. Even New York with a school fund of two millions raises an equal amount to its income by direct taxation, besides the school rates. Rhode Island with a population of 108,000 pays for schools above \$50,000 per annum, derived principally from taxation. The interest upon the school fund of Alabama is \$68,000 per annum; Louisiana devotes from the State Treasury about \$50,000 per annum; Tennessee about \$122,000.

In order to sustain a system of Common Schools, it will be necessary to provide additional resources beyond the mere income of the school fund. For this purpose the Board of County Commissioners in each County should be required to appropriate from the county funds, for the support of schools within the county, an amount equal at least to the amount received by such county from the Common School Fund of the State.

The Trustees of each School District should be required to estimate the amount which will be required to pay the wages of the teacher, and assess the balance not provided for by the amounts received from the State and County Funds upon the inhabitants of such district in proportion to the number of children sent by each, exempting from such assessment such as are too poor to pay their proportion, the right of every child in the land to the means of education being fully recognised. The expense of school houses, &c., should be paid entirely by the district, and the Trustees should levy a tax for such purpose to be voted by the inhabitants of the district, and should be vested with the requisite powers for its collection.

The amounts received from the Common School Fund and from the County Treasury should be by the County Superintendent apportioned among the several school districts of his county, according to the number of children between the ages of six and sixteen, within the respective districts.

## III. TEACHERS.

The next branch of our subject to which our attention should be directed, is the source for procuring teachers willing and competent to undertake the management of our Schools—a difficulty strikingly obvious in all our Southern States, in the agricultural districts. Until within a few years the education of children has been deemed necessary to be confided to the stern sway and scholastic discipline of man, and the school master has been an expressive term to designate a rigid unbending character, an autocrat within his limited dominion, and with the association of whom and of his domain, little was recalled in after life that was pleasant or attractive. That day has happily passed away, and the present generation of our favored land receive the dulcet streams of inward light with kind teachings, and climb the hill of knowledge by more flowery paths.

The experience of continental Europe, and of this country, has established that for the Common School the employment of the gentle hand which has instilled the first lights of knowledge, of reverence, and of truth, should continue to guide the mind in its reachings and strugglings for science, and that the education of children should be committed to woman, and to man's stern sway should be committed only more advanced learners.

That woman is better constituted by nature for the management and education of children, is a truth evidenced to us too plainly to need an argument. That the education of children is her just province, is a truth that we are just learning to appreciate. Her kind and winning example—her patient appreciation of the nature of the young mind—her apt skill in turning to advantage all its shades and tendencies—her mild and equal sway, and her superior tact in communicating truth by precept and comparison, place her far beyond man as an instructor. There is, moreover, and its importance is inestimable, the refinement of mind and delicacy of thought communicated, the feeling of respect for her sex, and the purity which excludes evil and inspires good.

The consideration of these advantages is important to us in investigating the source from which we shall obtain teachers for Common Schools. Male teachers in the Southern country are seldom to be obtained, because other branches of enterprise and employment absorb immediately all whose education and capacity would render suitable teachers, but such is not the case with females, who are more generally educated, who acquire more rapidly, and to whom other avenues of employment are not open, and the small compensation which it is in our power to pay teachers, could not secure the services of male teachers, while it would be gladly accepted by females fully

competent for the work of instruction. The sum of \$12 to \$13 per month has been found amply sufficient to secure good female teachers in the Northern States, and probably would be so here, and the average expense of supporting each school for the space of eight months would not exceed from \$100 to \$125 per annum, a sum within the present means of every settlement sufficiently large for a school district, and rendering immediately practicable the organization of our Common Schools for the instruction of the children of to-day. In the State of Massachusetts for the year 1841, there were 6600 teachers employed, of whom nearly *two thirds* were females.

#### IV. MODE OF INSTRUCTION, BOOKS, &c.

The mode of instruction, the studies to be pursued, and the text books to be used, should be under the general charge and advisement of the Superintendent of Public Institutions.

I have thus gone through with the outline of a School System, which I deem suited to the present actual condition and state of the country, and adapted to our necessities and means, and such a one as I believe could be placed in immediate practical operation without its support becoming onerous upon the people. I have not professed to aim at perfection or to accomplish all that would be desirable if greater means were at hand; but we must look at things as they are, and education is a thing which cannot be delayed—each year that passes by carries on to the stage of life its uneducated thousands, unfitted to rightly appreciate and enjoy the blessings of liberty. It is better, or at least wiser, then to do something now than to await the fruition of some more extensive or nobler scheme—the present first demands our care. Before closing this portion of my report, I may here remark, that the phraseology of the resolution under which we act seems to contemplate a necessity of different systems existing in different portions of the State, but I cannot see the necessity while I foresee many objections to such a difference of systems. I would gladly assent to any system which could be so arranged as to embrace within its provisions the means of education to every single child within our State; but this I am conscious is impossible, without an immense fund to supply the means, and even then it is doubtful if the supply of teachers necessary for so extensive a plan could be procured, but in our present circumstances any plan looking to a greater extension of the means of education than can be accomplished by local schools, is impracticable, for these reasons: In a sparsely settled country like this, in order to reach many of the isolated and detached families, one of two plans must be resorted to—either to send a teacher to the scholars or collect them at a distance from their several homes about their teacher. In the one case a very great supply of teachers would be necessary, if any thing like continued instruction was aimed at, and no other species of instruction could be of much value, or in the other, the expense of supporting the pupils away from their homes would be very great, and would be otherwise objectionable—both plans being exceedingly expensive, and requiring greater means than

we have at our disposal. The disadvantages resulting from an isolation of location are inseparable from the settlement of new countries, and can only be obviated by an increasing population.

#### SECOND DIVISION—ACADEMIES.

The second branch of the Resolutions referred to, require that the Commissioners should furnish their views in relation to the establishment and organization of Academical Schools.

It has been a much discussed subject, as to which should have the precedence in a system of education, the Common or the Higher Schools; but it is now generally conceded, that they are portions of the same general system, and equally deserving of support—the Common School sending up its more advanced pupils to the Academy, and the latter sending forth its teachers for the Common School. It is in this latter view that the establishment of Academical Schools is particularly requisite; and further, to retain, in our midst, the hundreds of youth now sent abroad, to support the literary institutions of other States, in default of any of our own.

Academies will not need that their entire support should come from the State; but they will need some aid, and the assistance afforded can be repaid by the instruction of a certain number of pupils, free of charge, for the business of teaching. Thus constituted, I believe they would be of great importance to the State, and should at once be established.

Their organization would probably be best accomplished by making them branches of the University, and appropriating a certain amount annually to each to be expended in the tuition of Common School teachers of both sexes, but the Academies remaining private property and mainly dependent for their support upon private patronage. Four or five of these institutions would probably answer for the present.

#### UNIVERSITIES.

Congress has already furnished an endowment of four townships of lands for the establishment of two Seminaries or Universities, one to be situated West of the Suwanee, and the other East of that river. This endowment under good management will probably be sufficient to establish these Universities in a suitable manner. The want of a College within our own State drives our citizens to the necessity of sending their sons abroad, at a great expense, when the means of collegiate education should exist in their own State.

So soon as sufficient funds shall have accumulated from the sale of Seminary lands, the establishment of these Seminaries should take place, and until then these funds should be sacredly kept for that purpose. The entire management of the several departments of a University, need not be at first completed, but the more necessary departments should be established as soon as practicable, and primarily a department for the purpose of educating young men desirous of becoming teachers in Academies and Common Schools, successive de-

partments can afterwards be added as the revenue of the Seminary fund will allow. But the plan of our Universities when fully completed, should aim at nothing less than the highest excellence, and they should be made equal in point of standing and literary reputation to any of the Universities in our country.

Should they be thus established and made what they should be, and placed in localities eminently favorable to health, we may anticipate that their halls will be thronged not only with the youth of our own State, but by youth of other States, whom our genial clime will cause to avail themselves of the means of restoring or preserving health, and at the same time enjoying the advantages afforded by a University in the attainment of an education. The details connected with the organization of both the Academies and Universities, will be more appropriate when their establishment shall have been authorized.

A Bill is hereto appended in pursuance of the foregoing suggestions.

Very Respectfully,  
GEO. R. FAIRBANKS,  
*Commissioner, &c.*

St. Augustine, Nov. 1, 1847.

*AN ACT to establish a System of Common Schools.*

ARTICLE I.

SECTION 1. There shall be a Superintendent of Public Instruction, whose duty it shall be, among other things, to prepare and submit an annual report to the Legislature, containing a statement of the condition of the Schools of the State, the situation and expenditure of School monies, plans for the improvement and management of the Common School Fund, and for amelioration of the Common Schools, and all such other matters relating to his office as he may deem expedient to communicate.

§ 2. He shall annually apportion the School monies to be distributed amongst the several counties of the State, which apportionment shall be made to the respective counties in the ratio of their white population respectively, as compared to the population of the whole State according to the last preceding census, and whenever any new county shall be made, he shall ascertain the share to which it is entitled by the best evidence in his power.

§ 3. The Superintendent shall certify each apportionment made by him to the Comptroller, and shall give immediate notice thereof to the County Superintendent of each county interested therein, stating the amount of monies apportioned to his county, and the time when the same will be payable to him.

§ 4. The Superintendent shall cause printed forms and instructions on all matters relating to the School System to be transmitted to the several counties as he shall deem requisite, and also furnish each

School District with the copies of this act, and of any alterations in the same wherein it may be deemed by him necessary.

§ 5. All monies reasonably expended by him in the execution of his duties, shall, upon due proof, be allowed to him by the Comptroller, and be paid out of the Treasury.

§ 6. The duties of the office of such Superintendent shall be performed by the Register of Public Lands, and he shall be ex-officio Superintendent of Public Instruction, and receive the sum of dollars per annum, for the performance of such duties.

ARTICLE II.

§ 1. The sum annually to be distributed for the support of Common Schools, shall be paid on the first day of September, in every year, on the Warrant of the Comptroller, to the Superintendents of the several counties, who shall apply for and receive the School monies apportioned to their respective counties, as soon as the same become payable.

§ 2. The County Superintendents shall lay before the next meeting of the Board of County Commissioners, in their respective counties, notice of the amounts so apportioned to said counties, and it shall be the duty of the Board of County Commissioners at such meeting, and every annual meeting thereafter, to add to the sums to be raised in said county for other county purposes, a sum equal to the School monies which shall have been apportioned to such county, which monies so added together, with the fees of the collectors, shall be levied and collected in the same manner as other monies directed to be raised in the county.

§ 3. The Commissioners shall require the Collector of each county, by their Warrant to him, to pay the monies so added, when collected, retaining his fees for collection, to the County Superintendent, for the use of Common Schools in each county, whose receipt shall be sufficient evidence of such payment.

ARTICLE III.

*County Superintendent.*

§ 1. There shall be annually chosen by the Boards of County Commissioners in the several counties of this State, an officer, to be denominated County Superintendent of Common Schools. It shall be his duty within ten days from the time of being notified of his appointment, to file with the Clerk of the Circuit Court for said county, a bond, with one or more sufficient sureties to be approved by the said Clerk, in the penalty double the amount of School money, which his county received from all sources during the year preceding his appointment, conditioned for the faithful application and legal disbursement of all the School money coming to his hands, and in case such bond shall not be executed and filed as aforesaid, within the time specified, the office shall be deemed vacant. The Board of County Commissioners shall fix the amount for which bond shall be given, for the County Superintendents first appointed under this act.

§ 2. Such County Superintendent shall be entitled to a compensation of one dollar and fifty cents per day for every day necessarily spent in the discharge of the duties of his office, to be audited and paid as other county expenses.

§ 3. It shall be the duty of the County Superintendent in each county, to divide his county into a convenient number of School Districts, and to regulate and alter such districts, when requisite; to describe and number the School Districts, and to deliver the description and numbers thereof in writing, to the Clerk of the Circuit Court of the County, immediately after the formation or alteration thereof, to apply for and receive from the State Treasurer, and from the Collector of the county, all school monies for his county, as soon as the same become payable, or be collected; to apportion the school monies received by him on the first Monday of April in each year, among the several School Districts within his county, in proportion to the number of children residing in each over the age of five, and under that of sixteen years, as the same shall have appeared from the last annual reports of their respective Trustees, *provided nevertheless*, that the first distribution of said monies shall be made according to the best information in the power of such Superintendents, to sue for and collect by name of office, all penalties imposed upon the officers of districts, or otherwise appropriated to school purposes, and add the same, when recovered, to the school funds.

§ 4. Whenever it may be necessary or convenient to form a district on the line of two or more adjacent counties, the Superintendents from each may form, regulate, or alter such district; and the monies to which the same shall be entitled, shall be paid over respectively by each Superintendent.

§ 5. In making the apportionment of monies among the several School Districts, no share shall be allotted to any district, or part district, from which no sufficient annual report shall have been received for the year ending the last day of December immediately preceding such apportionment, nor where Trustees have failed to be elected, or where no School house, room or place is provided, or where the said Trustees shall have failed to make the necessary allotment and assessment for School rates as hereinafter provided.

§ 6. It shall be the duty of the County Superintendent of each County, between the first day of July and the first day of October, in each year, to make and transmit to the State Superintendent, a report in writing, bearing date on the first day of July, and stating:—

1. The whole number of School Districts set off within his County;
2. The districts which shall have made their annual reports to him within the year;
3. The length of time that a School has been kept in each district, and whether male or female teachers were employed;
4. The amount of public monies allotted each of said districts;
5. The number of children taught in each, and the number of children over the age of five and under the age of sixteen years, residing in each;

6. The amount of monies received by him from all sources, and how expended.

§ 7. The County Superintendent of each County shall keep a true and just account of the monies received by him, and lay the same before the Board of County Commissioners, at their next meeting after the first day of July in every year; and at the expiration of his office, shall pay over all money in his hands to his successor in office, who is authorized to sue for the same by his name of office, and recover the same with 25 per cent damages for the detention of the same, to be added to the amount recovered.

§ 8. The County Superintendents of the respective Counties shall be Inspectors of Common Schools for their said Counties, and shall examine all persons offering themselves as candidates for teaching Common Schools in such County, and if satisfied of the qualifications of the candidate, in respect to moral character, learning and ability, shall give such a candidate a certificate thereof, and shall have power to annul such certificate, for sufficient cause, at any subsequent time.

§ 9. It shall be the duty of the County Superintendents to visit each Common School within his County at least once a year, and oftener if he shall deem it necessary.

§ 10. It shall be the duty of the County Superintendents, upon the request in writing of any two Trustees of any School District, to contract with and employ a teacher for such District, to fix the rate of wages, and to pay the wages of such teacher, when due, out of the funds apportioned to such district; and should the amount apportioned to such district be insufficient to pay the full amount of the same, he shall certify to the Trustees of the said district, the amount of the balance to be raised by the district in the manner hereinafter provided.

#### ARTICLE IV.

##### *School Districts.*

§ 1. Whenever any School District shall be laid off by the County Superintendent, it shall be his duty, within thirty days thereafter, to prepare a notice in writing describing such district, and appointing a time and place for the first district meeting, and deliver such notice to a taxable inhabitant of the district.

§ 2. It shall be the duty of such inhabitant to notify every other inhabitant of the district, qualified to vote at such meeting, by reading the notice to him, or leaving a copy of the same at his house, at least six days before such meeting; and in case the inhabitants, from any cause, neglect to hold said meeting at the time so fixed, the Superintendent shall cause such notice to be renewed—and every taxable inhabitant, who shall fail to make such service of a notice so delivered to him for service, shall forfeit the sum of five dollars.

§ 3. Whenever any district meeting shall be called in the manner prescribed in the preceding sections, it shall be the duty of the inhabitants of the district qualified to vote at district meetings, to assemble together at the time and place mentioned in the notice.

§ 4. Every person who is a freeholder in the district, and liable to taxation upon his property, shall have the right to vote at such meetings.

§ 5. The inhabitants so entitled to vote, when so assembled in such district meeting, or when lawfully assembled at any other district meeting, shall have power by a majority of the votes of those present,

1. To appoint a Moderator for the time being.
2. To adjourn from time to time as occasion may require.
3. To designate a site for the District School House.
4. To lay such tax on the taxable inhabitants of the district as the meeting shall deem sufficient to purchase or lease a suitable site for a School house, and to build, hire, or purchase such School house, and to keep in repair and furnish the same with necessary appendages.

5. To repeal, alter and modify their proceedings from time to time, as occasion may require.

§ 6. In each School District an annual meeting shall be held at the time and place previously appointed, and at the first district meeting, and at each annual meeting, the time and place of holding the next annual meeting shall be fixed, and special meetings shall be called by the Trustees when deemed by them necessary.

§ 7. No tax to be voted by a district meeting for building, hiring, or purchasing a School house, shall exceed the sum of three hundred dollars, unless the County Superintendent of the County shall certify in writing his opinion that a larger sum ought to be raised, and shall specify the sum; in which case a sum not exceeding the sum so specified shall be raised.

§ 8. Whenever a School house shall have been built or purchased for a district, the site of such School house shall not be changed, nor the building thereon be removed as long as the district shall remain unaltered, nor after such alteration without the consent in writing of the County Superintendent.

§ 9. When a new district shall be formed from one or more districts possessed of a School house or other property, the County Superintendent shall, at the time of forming such new district, ascertain the amount justly due to it from the district or districts from which it may have been formed as its proportion, which shall be ascertained according to the taxable property of the inhabitants of the respective portions at the time of division, by the best evidence in the power of the County Superintendent, deducting the amount of any debts owing.

§ 10. Such proportion, when ascertained, shall be levied, raised and collected, with the fees for collection, by the Trustees of the district, retaining the School house or other property of the former district, upon the taxable inhabitants of their district in the same manner as if the same had been authorized by a vote of their district for building a School house, and when collected shall be paid to the Trustees of the new district, to be applied by them towards procur-

ing a School house for their district, and the monies so paid to the new district shall be allowed to the credit of the inhabitants who were taken from the former district, in reduction of any tax that may be imposed for selecting a School house.

§ 11. The Trustees of each School district shall hold their offices for two years from the time of their election, and until others shall be elected in their place. In case of vacancy from any cause, if the same shall not be supplied by a district meeting within one month thereafter, the County Superintendent may appoint any person residing in such district to fill such vacancy.

§ 12. Every person duly chosen or appointed to any such office who, without sufficient cause, shall refuse to serve therein, shall forfeit the sum of twenty dollars, and not having refused to accept shall neglect the duties of his office, shall forfeit the sum of ten dollars.

§ 13. It shall be the duty of the Trustees of every School district, and they shall have the power,

1. To call special meetings of the inhabitants of such district liable to pay taxes whenever they shall deem it necessary and proper.

2. To give notice of special, annual and adjourned meetings, by affixing a notice in writing of the time and place for such meeting upon the outer door of the School house, at least six days before the time appointed for such meeting.

3. To make a tax list of every district tax voted by any such meeting, containing the names of all the taxable inhabitants residing in the district at the time of making out the list, and the amount of tax payable by each inhabitant set opposite his name.

4. To annex to such tax list a warrant directed to the collector of the district for the collection of the sums in such list mentioned, with five cents on each dollar for his fees.

5. To purchase or lease a site for the District School house, as designated by a meeting of the district, and to build, hire, or purchase, keep in repair and furnish, such School house, with necessary appendages, out of the funds collected and paid to them for such purpose.

6. To have the custody and safe keeping of the School house.

7. To notify the County Superintendent of the wish of their district for a teacher, and to recommend to him such teacher, to collect the residue of the wages of such teacher, not provided for out of the State and County School Funds by rate bills, or in case of any deficiency, by tax levied upon the inhabitants of such district.

8. To exempt from the payment of teachers' wages such indigent persons within the district as they shall think proper, and to certify to the collector such exemptions.

9. To make out a rate bill in which each person shall be charged such proportion of the whole amount to be raised as the number of children sent by him bears to the whole number of children having been in attendance upon school for the term, and said bill shall also add five cents for each dollar to be collected from each, to be collected by the collector for the fees of such collection.

10. To deliver such rate bill with the warrant annexed to the collector of the district, who shall execute the same in like manner with other warrants directed by them to him.

§ 14. In making out a tax list, the Trustees shall apportion the tax on all the taxable inhabitants within the district, according to their taxable property at the time of making out such list, and for building a school house, all the property within the district shall be liable to taxation, such taxable property to be ascertained as far as possible from the assessment rolls of the county.

§ 15. Every taxable inhabitant of a district, who shall have been within four years set off from any other School District, by the Superintendent, without his consent, and shall within that period have actually paid in such other districts, under a lawful assessment therein, a district tax for building a school house shall be exempted by the Trustees of the district where he shall reside, from the payment of any tax for building a school house therein.

§ 16. Every district tax shall be assessed, and the tax list thereof be made out by the Trustees, within one month after the district meeting, in which the tax shall have been voted.

§ 17. The warrant annexed to any tax list or rate bill, shall be under the hands and seals of the Trustees, or a majority of them, and shall command the Collector to collect from every person in such tax list or rate bill named, the sum therein set opposite to his name; and in case any inhabitant shall not pay such sum on demand, to levy the same of his goods and chattels, in the same manner as an execution issued by a justice of the peace, together with his fees, and to make a return of such warrant within thirty days after the delivery thereof.

§ 18. If the sum or sums of money payable by any person named, in such tax list or rate bill, shall not be paid by him, it shall and may be lawful for the Trustees to renew such warrant, in respect to such delinquent person; or in case such person shall not reside within their district at the time of making out such tax list or rate bill, or shall not reside therein at the expiration of such warrant, and no goods or chattels, or lands, can be found therein, whereon to levy the same, the Trustees may sue for and recover the same in their name of office.

§ 19. Where no property other than real estate can be found within such district whereon to levy the same, the tax Collector of such district shall send the amount due thereon to the tax Collector of the county, who shall be required to collect the same, in the same manner as other taxes in his county, adding thereto the expenses of collection, and when so collected, shall pay over the same to the Collector of such School District.

§ 20. The Trustees of each School District shall have power to appoint the tax Collector of the district, and who shall give bonds in the sum of five hundred dollars, to the said Trustees, by their name of office, and whose appointment shall be for two years, and in case of vacancy the said Trustees shall have the power of filling the same.

§ 21. One of the said Trustees shall act as Clerk of the Board, and safely keep all papers and records of such district, and such re-

ords shall be kept in a well bound book, to be preserved and delivered to his successor in office; such Clerk shall also have charge of the School Library, when there shall be one under such regulations as the State Superintendent shall prescribe.

§ 22. The Trustees of each School District shall, after the first day of January in every year, and on or before the first day of March thereafter, make and transmit a report in writing to the Superintendent of Common Schools for such county, dated on the first day of January of the year in which it shall be transmitted.

§ 23. Every such report shall specify—

1. The whole time any School has been kept in their District during the year ending on the day previous to the date of such report.

2. The amount of monies received during such year, and the manner in which such monies have been expended.

3. The number of children taught during the year.

4. The number of white children residing in the District on the first day of December, previous to the making of such report, over the age of five years and under the age of sixteen years, and the names of the parents or other persons with whom such children shall respectively reside, and the number of children residing with each.

§ 24. All property now vested in the Trustees of any School District, for the use of Schools in the District, or which may be hereafter transferred to such Trustees, for that purpose, shall be held by them as a corporation.

§ 25. The Trustees of each School District shall, on the expiration of their offices, render to their successors in office, and to the District, at a District meeting, a just and true account in writing, of all monies received by them respectively, for the use of their District, and of the manner in which the same shall have been expended; which account shall be recorded in the district record book, to be provided for entering all the acts and proceedings of such Trustees, and which shall be kept by their Clerk, and delivered over to their successors.

§ 26. Any balance of such monies which shall appear from such account, to remain in the hands of the Trustees, or either of them, at the time of rendering the account, shall immediately be paid to some one of their successors in office.

§ 27. Every Trustee who shall refuse or neglect to render such account, or to pay over any balance so found in his hands, shall, for each offence, forfeit the sum of twenty-five dollars.

§ 28. It shall be the duty of his successors in office to prosecute without delay, in their name of office, for the recovery of such forfeiture, such forfeit money to be applied to school purposes; they shall also sue for and recover any unpaid balance in the hands of a former Trustee or his representatives, and shall be entitled to recover twenty-five per. cent. interest on the balance so unpaid.

§ 29. All bonds or securities taken by the Trustees from the Collector of their District, shall, on the expiration of their office, be delivered over to their successors in office.

§ 30. The Collector of each School District shall be allowed

eight cents on every dollar collected and paid over by him, and it shall be his duty to collect and pay over to the Trustees of his district, or some one of them, all monies which he shall be required by warrant to collect, within the time limited by such warrant for its return, and take a receipt therefor.

§ 31. The Trustees of every School District shall be required to prosecute and sue for all monies, if not paid over by the Collector of their District, in same manner as prescribed in the 28th section of this chapter, relative to former Trustees.

§ 32. Any person considering himself aggrieved in consequence of any decision made, or any act done by any School District meeting, or by the Trustees of any School District, or the refusal of such Trustees to do any act, or perform any duty required by him, may appeal to the County Superintendent, whose decisions thereon, after a hearing of the parties, shall be final.

§ 33. The Trustees of any School District, or any other persons, conceiving themselves aggrieved by the County Superintendent, in forming, altering, or in refusing to form or alter any School District, may appeal to the State Superintendent, whose decision thereon shall be final.

#### REPORT OF HON. WM. A. FORWARD.

To his Excellency W. D. MOSELEY,  
Governor of the State of Florida:

SIR:—In compliance with a commission from you, appointing me "a Commissioner for the Eastern District of Florida to examine and report on the subject of a Common School System for the State," I respectfully submit the following Bill as my Report, believing that no remarks are necessary in addition thereto to a perfect comprehension of my views, viz:

*AN ACT establishing a Common School System for the State of Florida.*

##### SUPERINTENDENT OF COMMON SCHOOLS.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That there shall be appointed by the Governor, by and with the advice and consent of the Senate, a Superintendent of Common Schools, who shall hold his office for a term of four years, unless sooner removed by the concurrent action of the Governor and Senate for good cause shewn, whose duty it shall be to visit, at least once in each year, every school organized under this act, also every county and every township in which there are settlers, assist in the organization of schools, and in the procuring of suitable teachers, to lec-

ture in each school, county, and township on all suitable occasions, urging upon the people the necessity of earnest attention to their schools, to address the pupils, visit the teachers, and as many as possible of the families, using his influence on all occasions for the benefit of the cause which he is employed to advocate and superintend. He shall make a report, both historical and suggestive, to every session of the Legislature, and oftener if required by the Governor.— In said report, among other things, he shall commend to the favorable notice of the public all teachers who may have distinguished themselves in the practice of their profession, and also every individual pupil who may be deserving of such distinction, and under the direction of the Board of Education, he shall furnish all requisite blank forms for returns.

§ 2. *Be it further enacted,* That no person shall be eligible to the office of Superintendent of Common Schools who is not at the time of his appointment of the full age of thirty years, a citizen of the United States, and who has not resided within the State of Florida two years.

§ 3. *Be it further enacted,* That there shall be allowed to the Superintendent of Common Schools the sum of \$ for his salary, and the sum of \$ for travelling expenses, to be paid quarterly out of the common school fund hereinafter provided.

##### COMMISSIONERS OF COMMON SCHOOLS.

§ 4. *Be it further enacted,* That it shall be the duty of the Clerk of the Circuit Court in each County, and in cases where counties are consolidated for judicial purposes, in such counties as are consolidated and for which he is elected Clerk, to order an election to be held at the precincts therein on the first Monday in May next, and every two years thereafter, for the election of Commissioners of Common Schools, under such laws, forms, restrictions, rules and regulations as are provided for the election of county officers throughout the State, and as are not inconsistent with this act, requiring returns of said election to be made to the Clerk instead of to the Judge of Probate, and that the Clerk should give certificates of election, and do all other things required, instead of the Judge of Probate.

§ 5. *Be it further enacted,* That there shall be elected in each and every county as many Commissioners of Common Schools there in as there are townships, and fractional townships, and parts of townships within said county, and one Commissioner to be taken from each township, and fractional township, and part of township, providing there is a person eligible to the office living in said township, and fractional township, and part of township. That said Commissioners when elected shall be Trustees of all the lands selected for common school purposes within and for the respective townships, and fractional townships, and parts of townships in said county; and until the sale of said lands they shall take under their care said lands, and may lease out the same, if they think proper, and shall be a body corporate by the name of "Commissioners of Common Schools" in

their said county, and shall be capable of suing and being sued, and shall possess all the powers necessary for the collection of rents and for the purposes of preserving said lands from waste or damage.— That said Commissioners shall meet at the Court House in their respective counties, and if there be no Court House in said county, then at some house at or near the county site, at least once a quarter, commencing with the first Monday in June after their election, and at such other times and places as they may be required to assemble by order of their President. That they shall keep a record of all the proceedings of each meeting, which shall be always open for inspection. That at their first meeting they shall appoint one of their body President, and another Secretary, and a majority of said Commissioners shall always be a quorum for the transaction of business, and in the absence of the President or Secretary, they may elect persons to fill those offices, or either of them, pro tem.

§ 6. *Be it further enacted*, That the said "Commissioners of Common Schools" shall, among their other duties, act as *School Inspectors*; and for this purpose teachers wishing to avail themselves of the privileges of this act, shall apply to them for a *License*, and it shall be their duty, at an early day as possible, at some convenient place to be appointed, to examine the applicants as to their qualifications as teachers; and if found qualified, to give them a license, in such form as may be prescribed by the Board of Education, and to revoke said license for good cause. They shall visit and thoroughly inspect the schools, making themselves familiar with all the details of their management in all respects. They shall require from each teacher quarterly reports concerning their school, comprising tabular statements made in such a form as may be indicated by blank forms to be furnished by the Superintendent, under the direction of the Board of Education. They shall make annual reports to the Board of Education, embracing a statement of proceeds of school lands, and all their transactions relative thereto, also names of teachers licensed, and general remarks upon the management and merits of teachers, and of the distinguished pupils of each school, and make such suggestions as will, in their opinion, improve the system.

§ 7. *Be it further enacted*, That no person shall be eligible to the office of "Commissioner of Common Schools," who is not at the time of his election a citizen of the United States, and a qualified voter for Assemblyman and County officers in said County, and at the time of his election a resident in the township, or fractional township, or part of township, for which he is elected—unless there be no person eligible to election in said township, or fractional township, or part of township, then, in that case, a Commissioner, duly qualified in other respects, may be taken from any other township, or fractional township, or part of township in the county, and designated as Commissioner for the said vacant township. That the Commissioners elected under the provisions of this act, shall receive the certificates of their election from the Clerk of the Circuit Court, and shall serve, unless they remove from the County.

§ 8. *Be it further enacted*, That said Commissioners of Common Schools shall be elected by the joint vote of the county; and voter therefor shall have the qualifications of voters for Assemblymen and County officers, and the elections therefor shall be conducted, except as herein otherwise provided, in the same manner as the election for County officers, and elections to fill vacancies shall be ordered in conformity to the spirit of this act; and that the voters, at their elections, shall designate upon their ticket the particular township, or fractional township, or part of township, for which the individual for whom they vote, is to act as Commissioner; and that the certificate of said Commissioner shall specify for what township, or fractional township, or part of township, they are elected.

§ 9. *Be it further enacted*, That the sales of school lands in or belonging to townships, shall not be made without the consent, in writing, of the Commissioner for that particular township; and that his consent thus given shall, in all cases, and for all purposes, be considered the consent of all the inhabitants residing in said county; and that, in cases where townships lie within two or more counties, in consequence of being divided by county lines, then, in such case, the consent of all the Commissioners for that township shall be necessary.

§ 10. *Be it further enacted*, That it shall be the further duty of the Commissioners of Common Schools so soon as returns be made to them of the respective lands in, or belonging to each township, to erect suitable school houses, in such places as they may designate; selecting, if subservient to the public interest, sites from said township school lands, and which, when selected, shall be reserved from sale; but when sites cannot conveniently be selected from said lands, then they are hereby authorized, with the consent of the Board of Education, to purchase land sufficient for that purpose, taking deeds therefore in the name of themselves and their successors in office. The expenses of said purchase shall be provided for by the Board of Education. That when, in the discretion of said Commissioners, it is necessary to erect, or cause to be erected, a school house, it shall be lawful for them, if they deem it expedient, to call upon the inhabitants residing within a reasonable distance from said contemplated building, for labor or taxes in aid of the erection thereof; and any person refusing to furnish said aid, or pay said taxes, upon reasonable notice, shall be disqualified from voting in said county for any school officer for one year.

#### A COMMON SCHOOL.

§ 11. *Be it further enacted*, That to constitute a *Common School*, so as to entitle the teacher thereof to draw money under this act, the said school shall embrace a teacher regularly licensed by the aforesaid Commissioners, or Board of Trustees, and at least seven children, male and female, who shall not be all of one family; and in those townships of the State where the population is too sparse to organize a school in one settlement, there may be two or more

neighborhoods embraced, and the School Commissioners may allow the teacher to itinerate from neighborhood to neighborhood, teaching the children thereof as best can be done; and the whole of his or her itinerancy shall be embraced in one school, and Trustees elected, and returns made accordingly.

§ 12. *Be it further enacted*, That there shall be elected annually in each Common School, by the parents and guardians sending children to said school, in such manner and mode as they may agree upon among themselves, two or more TRUSTEES, the returns of whose election shall be made, by some one of the voters, to the Commissioner of Common Schools for the county. That it shall be the duty of said Trustees to employ the teachers for their respective schools, and make such agreement with them as may be desired by a majority of the contributors to said school; and after Trustees are elected for a particular school, they shall have the charge of the school house or houses, and no one shall teach therein without their permission and engagement. That said Trustees shall certify, upon each return of the teacher, the number of scholars in their said school, and such other facts embraced therein, as are within their knowledge; they shall visit the school once a month, and oftener if possible, and see that their teacher makes the necessary reports, and in all things performs his duty.

#### TEACHERS.

§ 13. *Be it further enacted*, That no school teacher shall draw, or be entitled to any of the Common School Fund of this State; who is not a regularly licensed teacher under the provisions of this act, and who has not, in his or her charge, a regularly organized school, according to the provisions hereof, and who does not make the regular returns herein required of him or her. That all teachers in applying for a distributive share of said fund, shall make quarterly returns to the Commissioners, certified to by the Trustees of the school, of the number of scholars in each school, and such other facts, and in such tabular form, as he may be required to render, by the Board of Education, the Superintendents, the Commissioners and Trustees, or either of them. That each teacher shall receive, by order of the Board of Education, such sum for each scholar in his or her school, as the Board of Education may consider the funds will warrant, which amount shall be paid to him or her, or his or her order, semi-annually; and in case the teacher should teach for a less period than six months, then he or she shall receive his or her school money, in proportion to the time.

#### BOARD OF EDUCATION.

§ 14. *Be it further enacted*, That the Governor of the State of Florida, the Secretary of State, the Attorney General, the Register of Public Lands, the Comptroller, the Treasurer, and the Superintendent of Common Schools, shall constitute a *Board of Education*, within the meaning of this act; of which Board the Superintendent

of Common Schools shall be ex-officio President. They shall convene semi-annually, and oftener if the public good require, at the seat of Government, and for their services in this Board, shall not be entitled to any pay, but may allow and pay out of the fund under their control any necessary and reasonable clerk hire, and any necessary and reasonable contingent expenses.

§ 15. *Be it further enacted*, That the said Board of Education shall keep faithful record of all the proceedings of their meetings, and of all their acts and doings, which books of record shall be open at all times for inspection. They shall by such rules, regulations, bonds and restrictions, make such provision as they may deem necessary for the safe-keeping of the Common School Fund, and for the investment and appropriation thereof, according to the spirit and meaning of this act, the acts of Congress, and all other acts now enacted or hereafter to be enacted, connected with this subject.

§ 16. *Be it further enacted*, That the said Board of Education shall keep a record of the names of all such pupils as shall be from time to time reported (as herein provided) as deserving of distinction, which said pupils shall stand as "Cadets" for free education by the State, under the direction of the Board of Education, in any of the Public Seminaries of this State, and shall rank and be entitled to admission therein, according to the date of his or her being so reported.

§ 17. *Be it further enacted*, That the "Commissioners of Common Schools" shall pay annually into the Treasury of the Board of Education, such sum or sums of money as shall come into their hands from the rent or other proceeds of the sixteenth sections, that the proceeds arising from the sales of said sixteenth sections, shall be paid into the treasury of the said Board of Education, and the principal invested by them; the interest of which to be appropriated by them according to the provisions and spirit of this act, that the five per cent net proceeds of the sale of land sold by Congress, and the sum derived from the General Government as the Territory's share of the distribution of the proceeds of the sales of the public lands, shall be paid into the Treasury of the said Board of Education, and which Board are hereby authorized, to demand and receive the same, and the same shall be appropriated by them according to the provisions and spirit of this act, and which fund provided in this section shall form a fund for "Common Schools" to be called the *Common School Fund*.

§ 18. *Be it further enacted*, That as it may not be deemed expedient to sell the sixteenth sections belonging to some of the townships, or fractional townships, until a favorable time, it shall be lawful for the said Board of Education to apply for the benefit of such townships, the monies arising from the sale of lands of any of the other townships, by way of an investment, to be refunded when the lands selected for such township shall be sold.

§ 19. *Be it further enacted*, That it shall be the further duty of the Board of Education to keep separate accounts with each township and fractional township, and annually report the same, crediting a township or fractional township by its No. and County, or any other

appropriate designation, with amounts received, to its credit, and debiting the same with the amounts expended therefor, a statement of which shall also be furnished by the Board yearly, to the Commissioners of Common Schools in each county.

§ 20. *Be it further enacted*, That it shall be the duty of the said Board of Education to procure from the Register of Public Lands, a list of selections of the lands for each township or fractional township, having the same inscribed carefully in a book for preservation, a copy shall be furnished by said Board to the Commissioners of Common Schools in each county, embracing only the lands within their respective counties; and when sale are made of any of said lands, the same, with the proceeds of sale and names of purchasers, shall also be entered in said book, and a copy furnished to the Commissioners in the county in which the lands were situated.

§ 21. *Be it further enacted*, That all fractional townships in each county, and all parts of townships in each county, made parts of townships by county lines, shall be deemed as townships, and all the provisions of this act shall apply to such fractional townships, and such parts of townships, the same as though they were townships, excepting as otherwise provided herein.

§ 22. *Be it further enacted*, That in case from any cause, there should be a vacancy in the office of Superintendent of Common Schools, it shall, and may be lawful, for the Governor, in vacation, to fill up the vacancy for the unexpired term, by appointment; which appointment shall cease at the end of the session of the first Legislature thereafter, unless the same shall be confirmed by the Senate. That vacancies in the office of Commissioners of Common Schools, shall be filled for the unexpired term, by new election, which shall be ordered by the Clerk, as provided herein; and vacancies of Trustees shall be filled by election of the parents and guardians of the respective scholars in each school.

§ 23. *Be it further enacted*, That any person damaging or committing waste upon any of the township school lands in this State, shall be liable to be indicted, and on conviction, shall be fined or imprisoned, at the discretion of the Jury trying the complaints.

§ 24. *Be it further enacted* That if any Commissioner of Common Schools, who may be elected under the provisions of this act, shall, while he resides in said county, refuse to accept or neglect to perform the duties of his office, he shall be liable to be indicted for a misdemeanor, and on conviction, shall be fined at the discretion of a Jury.

§ 25. *Be it further enacted*, That if any of the officers enumerated in this act, shall wilfully misappropriate, or shall apply to his own use, any of the funds enumerated in this act, he shall be liable to be indicted, and on conviction, shall be fined in a sum not exceeding double the amount so misappropriated or used, or imprisoned not exceeding two years at the discretion of a Jury, and shall be forever disqualified from holding any office in this State.

§ 26. *Be it further enacted*, That all laws and parts of laws in-

consistent with this act, be, and the same are hereby repealed, and it shall be the duty of the Judges of the Circuit Courts of this State to give this act in charge to the Grand Juries.

Upon reading this Bill, your Excellency will readily perceive, that it is made in anticipation of the sale of the School lands, without which, I am unable to devise a Common School System throughout the State. As our Legislature have, by resolution passed 12th December, 1845, requested our Representatives in Congress, to urge the passage of a law giving to the State authority to sell the School lands, there can be no doubt but that such a Bill will be passed during the coming session of Congress; that being done, I am unable to perceive any obstacle in the way of carrying out the system above reported.

I have the honor to be,

Your Ob't. Serv't.,

WILLIAM A. FORWARD.

St. Augustine, E. Florida, Oct. 11, 1847.

#### REPORT OF HON. WM. MARVIN.

To His Excellency Wm. D. MOSELEY,

Governor of the State of Florida:

SIR:—I had the honor, sometime during the last summer, to receive from your Excellency a commission, appointing me a Commissioner of Common Schools for the Southern District of the State. This appointment, I suppose, was made under the authority of a resolution of the last General Assembly, "requesting the Governor to appoint in each division of the State two competent persons, who shall be requested to submit to the next General Assembly, a plan for the establishment of a system of Common Schools adapted to their section of the State, with such remarks as may seem to them necessary to a perfect comprehension of their views; and also to give their views with regard to the establishment of Academies, and the two Universities, and the manner of their organization: *Provided*, That no compensation shall be paid to the persons so appointed."

In compliance with the request contained in this resolution, I herewith submit to your Excellency, to be laid before the General Assembly, a bill to be entitled, "An Act to provide for the establishment of Schools throughout the State"—which is as well adapted to this section of the State, and also to the whole State, as I am capable of making it.

I also submit a few remarks upon the bill, as requested, in order to facilitate a correct understanding of its principal provisions.

It is known to every person acquainted with the financial resources and condition of the State, that a system of free schools, or schools supported at the State expense, cannot, at present, be main-

tained, without resorting to an increased rate of taxation. The School Fund is still in an elementary condition, and, to a considerable degree, is yet to be created. Besides the income of this small fund, I know of no means possessed by the State, but direct taxation, with which to defray the expenses of a system of free schools. To taxation for this object, and to the extent necessary to the success of a system of free schools, I do not think that the people are prepared to consent. A system of entirely free schools then, for this State, is, I think, entirely out of the question, for some years to come. Schools can only be established and maintained by the voluntary exertions of individuals, aided, in some degree, by the income of the school fund, and associated together with a view to an apportionment and division of the expense.

The State, however, can do much to assist in the establishment and maintenance of schools. It can, as its revenues increase, and opportunity offers, augment the school fund, by grants and donations. It can provide by law for the prudent and careful management and administration of this fund, and apply the annual income to teachers salaries, or charges for tuition, and thus diminish the expense to parents. It can aid parents in associating, and uniting their efforts in the support of schools, by passing laws giving a legal sanction to their association, and efficiency to their exertions.

The bill submitted is drawn up with reference to these general views of the subject. It is divided into five heads or articles, for the convenience of reference, as well as for a more ready understanding of the whole subject. Article I, treats of the School Fund, its management, investment, and the distribution of its income. Article II, treats of the State Superintendent of Schools and his duties. Article III, treats of the County Superintendent and his duties. Article IV, treats of School Districts and Schools. Article V, treats of Appeals to the State Superintendent. I submit a few remarks upon each of these articles. And first:

#### ARTICLE I.

##### *Of the School Fund.*

The first section of this article points out the sources of the State Common School Fund, which are: 1. *The five per centum of the net proceeds of the sales of the lands of the United States, granted by Congress to the State for the purposes of education.* This five per cent for the year 1845, amounted to \$975.80. For the year 1846, \$2000 were estimated by the President of the Trustees of the seminary lands in his report of that year. 2d. *The proceeds of the sales of the sixteenth sections or school lands in each township.* These lands were granted by Congress to the State, for the use of the inhabitants of the respective townships, in which the section is situated.—*See act of Congress of 1845.*—By the terms of the grant, the proceeds of their sale cannot be consolidated into one common fund, and further legislation of Congress is necessary to effect this object.

I agree entirely with what is said by the President of the Trustees of the seminary lands, in his excellent report for the year 1846, upon the subject of the expediency of selling these lands, and consolidating the proceeds. No considerable number of schools can ever be established, or organized in this State, with any reference to township lines. But I incline to differ with him in supposing that Congress will require the consent of the inhabitants of each particular township, to such consolidation. It is true, that in the acts of Congress authorizing Ohio, Indiana, and Alabama, to sell their school lands, a proviso is inserted, requiring the consent of the inhabitants of each township to be given, previous to the sale, and also a proviso, securing to the inhabitants of each township the proceeds of its own sixteenth section. But it is to be remarked, in relation to the original grants of these lands, that they were made, not to the State for the use of the inhabitants, &c., but to the inhabitants themselves, so that the State could neither manage nor sell them. Not so as to the Florida grant. It is made to the State for the use, &c. Is it not probable that Ohio, Indiana and Alabama, simply sought of Congress authority to sell their lands, and that the Representatives from these States, themselves, caused the provisos and restrictions to be inserted in the bill, as consistent with their own State policy in relation to Schools: As to Ohio, and I believe also as to Indiana, their schools are established and organized in reference to township boundaries, as is the case also in New York, and in the New England States generally. The Ohio act is the first in order of time, and the Indiana and Alabama acts appear to be mere copies of it.

The practice of Congress reserving the sixteenth section from sale and granting it for the support of schools within the townships, commenced as early as 1785, under the confederation. It was first applied to the North-west Territory, out of which have since been formed the States of Ohio, Indiana, Illinois, Michigan, Iowa, &c. As to this Territory, it could, at that early day, have been very easily foreseen, that it would possess, in the future, a very dense white population, and be settled principally with emigrants from New England and New York, who were familiar from their earliest recollections, with the civil and political divisions of the country into townships, with their select men, supervisors, town clerks, &c.; and whose schools had always been established and organized with reference to township lines. It could be foreseen, too, from the uniform and general fertility of the country, that nearly every township would be capable of supporting a number of schools. It was in relation to this country, that the sixteenth section was first reserved from sale for the maintenance of public schools within the township. Each instance of reservation since, (with one exception, which I shall soon notice) has followed in the same track, one law being often servilely copied from another, without any inquiry in relation to, or consideration for, the difference in country, climate, or people, until we find in this State, a large majority of the sixteenth sections limited to the use of the inhabitants of townships that will either never be inhabited at all, or if

inhabited, not with people enough to support a school; and the inhabitants of the State are generally totally unacquainted with the civil and political divisions of townships—what was wise, politic and practicable in the Northwest Territory, is neither the one nor the other in Florida. This apparent disregard of the difference of country, climate and people, has been the result, I think, not of design, not of a determination on the part of Congress to adhere to one unbending, undeviating rule, however inapplicable to particular cases, but to a want of thought, of proper consideration on the part of the persons who have had the particular matter in charge. It is easier to copy a law than to draw up a new bill, and copy has followed copy in each of the acts of Congress on the subject, with one exception, and that is in the case of Michigan. In the supplementary act admitting Michigan into the Union, passed in 1836, the sixteenth section is granted to the State absolutely and unconditionally, and without any declaration of a use or benefit in favor of the inhabitants of the particular township. What Congress then did in relation to Michigan, where schools can be organized upon the basis of townships, and where that division is familiar to the people, it will do for Florida, where schools cannot be organized with reference to townships, and where such political divisions do not exist. All that this State wants is the principle of the Michigan act applied to it,—and I feel persuaded, that our Senators and Representative, if themselves in favor of the change, cannot fail to procure it for the State.

It is possible, however, that Congress may consider the grant already made as vesting such an interest in the inhabitants of the respective townships, as that body might not feel authorized to vary or qualify, without the consent of the inhabitants, of each township interested. But I incline to think that the request of the General Assembly would be deemed by that body a sufficient consent, particularly, as these sections are not in possession of the townships, and no township schools have been established. It would be well at any rate to make the application to Congress for leave to sell these lands and consolidate the proceeds; and if the Congress should refuse leave, unless the consent of the inhabitants of the townships be given, then it will be proper for the General Assembly to consider in what other mode such consolidation can best be effected. The difficulties of obtaining the consent of the inhabitants of the respective townships, appear to me almost insuperable. Many of the townships are uninhabited, and probably always will be; others have few inhabitants; the township lines are unknown to the inhabitants; and in the townships where the section is good for any thing, they will not consent to the consolidation.

The section of the bill under consideration provides, that the proceeds of the sale of the sixteenth sections, whenever they may be lawfully consolidated, shall constitute a common fund.

The next item mentioned in the section as constituting a part of the school fund, is—“*The nett proceeds of all estates, real or personal, escheating or reverting to the State, on account of a defect of*

*heirs or next of kin.*” As to this item, little need be said. Such escheats and reversions are an unexpected acquisition, that may well be diverted from the ordinary revenues of the State and applied to the support of schools.

The next item is the “*nett proceeds, after the payment of salvage and other expenses, of all property found on the coasts or shores of the State, or brought into the State or its ports as wreck or derelict of the sea, in the sense of the maritime law, and for which no owner shall appear and establish his claim within a year and a day.*” The term “wreck,” by the common law, means property cast on shore by the sea, but by the maritime law it has a more extensive signification, and comprehends also property lost or wrecked at sea. The phrase “*derelict of the sea*” means property deserted or abandoned at sea. Wreck and derelict of the sea, by the ancient common law, belonged to the King as the sovereign of the country. The King often granted to lords of manors the right to wrecks on the coast. After the conquest of England by William, Duke of Normandy, the King granted to the Lord High Admiral, a high officer of State, the right to all wreck and derelict of the sea. No subject has in many years held that office. It is vested in the King, and he, not *jure coronae*, or as King, but as the Lord High Admiral, claims wreck and derelict of the sea. In this country we have neither King nor Lord High Admiral to claim *droits* of Admiralty, and the ancient rule of the common law, which is also the rule of all civilized nations, and which gives to the sovereign wreck and derelict of the sea, is in full force. The people are the sovereign, and as such, have the right to all wreck and derelict of the sea, in the absence of the true owner. Whether the people of a State, or of the United States, have this right, may perhaps admit of some question; and, although the right to wreck may be admitted to be in the State, the right to legislate in regard to wreck, may be in the Congress. Under the grant of power to regulate commerce, Congress may, undoubtedly, pass laws for the security, sale, &c., of wrecked property and derelict of the sea; but until Congress does pass laws upon the subject, I deem it entirely proper, that the State Legislature should provide by law for the payment into the State Treasury of the nett proceeds of all sales of wreck and derelict of the sea, allowing a year and a day, which is the period of time fixed by the maritime law, for the owner to appear in and establish his claim.

In a State having so extensive, and, in many parts, so dangerous, a sea coast as this, the proceeds of the sales of this species of property ought, in the course of a few years, to amount to a considerable sum; and as they constitute no part of the ordinary revenues of the State, and arise out of the misfortunes and calamities of mostly strangers and foreigners, they may be made a very appropriate offering to the cause of education.

The items mentioned, together with such additions as may hereafter be made to the school fund, by grants from the Legislature, donations from individuals, or in any other manner, are declared in the

section to constitute a permanent and common fund, the interest of which shall be applied to the support of schools throughout the State.

In relation to the general management and investment of this fund, but little need be said. I think the bill is clear, and will be fully understood on this subject. I prefer that the fund should be managed by the Comptroller, &c. to the creation of any new office for that purpose. The Comptroller will generally be a fit and competent officer to have the charge of the investment of the fund, the collection of the interest, &c. As to the investment, the bill authorizes the funds to be invested either in State or United States stocks, or loaned to the citizens of the State, upon the security of bond and mortgage upon unincumbered real estate.

In making loans, the principal matters for consideration and to be desired, are the security of the money loaned, the prompt payment of the interest, and a ready and cheap mode of enforcing payment of the debt, if it be not voluntarily made. On these points, it appears to me that the bill is sufficiently guarded. The money is to be loaned on the security of bond and mortgage, upon unincumbered real estate, with double the amount loaned, in small sums, and for short periods of time. If default be made in the payment of either interest or principal, the whole debt is to become due, and the bond and mortgage are to have the effect of a judgment at law, and the Comptroller may, at once, issue his warrant in the nature of an execution for the collection of the debt. I think the money can be loaned upon these terms, and if so, these or terms of a similar character ought to be exacted.

The 9th section of the bill provides for the annual apportionment of the interest or income of the school fund amongst the several counties of the State, in proportion to the number of white children between the ages of six and eighteen residing in each. In order to understand the operation and practicability of this section, it is necessary to advert to subsequent parts of the bill. By these, it is provided that County Superintendents of schools shall be elected in each county, who are authorized, among other things, to set off and establish school districts within their respective counties. The inhabitants of each school district elect three Trustees, who have the general management of the affairs of the school, build the school house, employ the teacher, &c., and whose duty it is also made to make a report every year to the County Superintendent, stating in their report the number of white children between the ages of six and eighteen residing within their district on the first day of July. From these reports the County Superintendent makes out and forwards to the State Superintendent, before the first day of December, a report, stating the whole number of children between these ages residing in the county, so that the State Superintendent, on the first day of December, is fully informed as to the number of children in each county of the State, on the first day of July previous, and the apportionment according to the rule laid down in the bill becomes a simple matter of arithmetical calculation. The Secretary of State is

to be State Superintendent of schools. But no county is to be entitled to any portion of the school monies, unless a school has been kept in it for at least three months in the year. When the apportionment is made, the portion of each county is to be paid to the County Superintendent, who divides it amongst the several school districts in which a school has been kept during the year, according to the number of children in each, and pays the portion of each district to the Trustees, who are required to expend it in the payment of the teachers' wages or salary. These various provisions secure, 1st. A fair annual apportionment and distribution of the school monies amongst the different counties according to the number of children in each. 2d. A similar distribution amongst the different school districts in each county in which a school has been kept. 3d. The application of these monies to the payment of teachers' wages, salaries, or charges for tuition.

#### ARTICLE II.

##### *Of the State Superintendent of Schools.*

The bill makes the Secretary of State, by virtue of his office, State Superintendent of Common Schools. The duties of the State Superintendent are not arduous, and are clearly defined in the bill. He is, 1st. To apportion the school monies amongst the several counties. 2d. To make an annual report to the Governor, to be laid before the General Assembly, of his apportionment, the number of children in the several counties of the State, the condition of the schools, &c. 3d. To recommend school books, maps, &c. The recommendation of the State Superintendent will tend to introduce into schools a better class of school books than parents or teachers would be apt to select. Merchants and store keepers will keep on hand for sale, the books, &c. thus recommended.

#### ARTICLE III.

##### *Of the County Superintendents.*

The duties of the County Superintendents are, 1st. To establish school districts in his county. 2d. To make an annual report to the State Superintendent of the number of children, schools, &c. in his county. 3d. To receive the school monies allotted to his county, and apportion them amongst the several school districts. 4th. To visit the schools in his county, and endeavor to promote the cause of education. His office is without fees or emoluments, and he will generally be selected on account of his superior interest or zeal in the cause of education, and his general fitness for the office.

#### ARTICLE IV.

##### *Of School Districts and Schools.*

Although an attentive reading of the bill upon this subject cannot fail, as I think, to make its provisions understood, yet a cursory and

general notice of them, in this place, may not be entirely superfluous.

According to the provisions of the bill, the County Superintendents of each county establish, in their respective counties, school districts in the different towns, villages, neighborhoods and settlements, as the convenience of the inhabitants may require, and fix the time and place of the first district meeting of the inhabitants. The inhabitants of each district, or such of them as are entitled to vote, whenever lawfully assembled, either at their first or any subsequent meeting, have power, among other things, to designate a site for the district school house; to vote and lay a tax upon the taxable inhabitants of the district for the purpose of building or purchasing a school house and keeping it in repair; to choose three Trustees, who in general terms are empowered to execute the votes and resolutions of the meeting, by building or purchasing the school house, employing the teacher, &c. The meeting also appoints the time and place of holding subsequent meetings, and choose a clerk and collector. The inhabitants tax themselves, for building the school house. The Trustees cannot tax them. When the tax is voted, the Trustees apportion it amongst the inhabitants of the district, and fix the amount which each shall pay according to the value of his property, ascertained, as near as may be, from the last assessment roll of the county, and make out and deliver to the collector of the district the tax list, with their warrant for its collection. The collector collects the tax and pays the money to the Trustees, who build or purchase the school house. The Trustees also employ the teacher. They apply the school monies received from the State to the payment of his wages, salary or charges for tuition, and collect the residue of his wages, salary or charges for tuition, from the parents or guardians, whose children or wards have attended the school, according to the number of children and days attendance which each is liable for. In making this collection, they may issue their warrant to the district collector, who collects the money. They are also empowered to exempt from the payment of teachers' wages, salary, or charges for tuition all such indigent persons within the district as they may think proper. The Trustees also make an annual report (the form is given) to the County Superintendent, who reports to the State Superintendent, and he to the General Assembly. In this way valuable statistical information in relation to schools is annually collected and published.

From this brief review, it will be seen, that the bill points out an easy and practicable mode, by which the inhabitants of any town, village and neighborhood, can assemble, and vote a tax, appoint Trustees to build a school house, employ a teacher, and manage the general affairs of the school. A legal sanction is given to the votes and resolutions of the meeting, and a ready and cheap mode of collecting the tax, and enforcing payment of the teachers wages or charges for tuition is provided—thus efficiency is imparted to voluntary efforts, and the State aids the enterprise and exertions of individuals.

## ARTICLE IV.

*Of Appeals.*

The article provides for appeals in all matters of controversy arising under the bill to the State Superintendent. I do not regard the article as essential to the bill; but it can do no harm, and will probably prove useful.

I here conclude what I have to say upon the subject of the bill submitted. Many persons, better informed upon the subject than I am, will deem what I have already said unnecessary and prolix. Others may possibly derive some profit from an attentive perusal of the remarks I have made. They are intended to facilitate a ready and correct understanding of the bill, upon which I have bestowed a great deal of labor and reflection, however imperfect and defective it may prove.

As to the establishment of Academies and the two Universities, in regard to which the Commissioners are requested to give their views, I can, at present, only say, that, believing that the General Assembly would not probably proceed to pass laws to provide for the establishment of these, until more of the University lands were sold, and a larger fund accumulated, I have given to the subject but little reflection, and am not prepared to express any settled or well defined views upon the subject. I beg leave, however, to suggest, as worthy of consideration, whether it be not advisable, that Academies, in the towns and villages, should be connected with the two Universities as branches, and thus partake of the advantages of the University funds. Such an arrangement would diffuse more generally through the State the benefits of these funds, and the means of education, than the exclusive application of them to the endorsement of two Universities, without such branches, could possibly do.

I regret to say, that in consequence of the absence of the Rev. Mr. Adams, who was also appointed a Commissioner for this District, I have been deprived of the benefits of his views in drawing up the bill reported. All of which is respectfully submitted, &c., &c.

WM. MARVIN.

## OF SCHOOLS.

*A BILL to be entitled An Act to provide for the establishment of Schools throughout the State.*

## ARTICLE I.

*Of the School Fund.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida, in General Assembly Convened, as follows:* The five per cent. of the nett proceeds of the sales of the United States lands within this State, granted by Congress to the State, for the purposes of education; and also the proceeds of the sales of the school lands, or sixteenth sections in the State, or the lands that may be selected in lieu thereof, whenever the same shall be sold under the

authority of the State, or of Congress, and may be lawfully consolidated together with the proceeds of all estates, real or personal, escheating or reverting to the State on account of a defect of heirs or next of kin; and the nett proceeds after the payment of salvage and other expenses of all property found on the coasts or shores of the State, or brought into the State or its ports, as wreck or derelict of the sea in the sense of maritime law, and for which no owner shall appear and establish his claim within a year and a day, together with such grants or additions as may in any manner hereafter be made thereto, shall constitute a permanent and common fund, to be called the School Fund, the interest or income of which shall be inviolably applied to the support of common schools throughout the State.

§ 2. The Register of the Land Office shall have the care and management of all lands belonging to the school fund, and shall whenever authorized, sell and dispose of the same according to law. The proceeds of all sales of school lands, and all monies belonging to the common school fund, shall be paid into the Treasury of the State.

§ 3. The Treasurer shall keep a separate and distinct account of all receipts and disbursements on account of the school fund; which account shall show whether the receipt or disbursement be on account of the capital or interest of such fund.

§ 4. Whenever there shall be in the Treasury any money belonging to the capital of the school fund, it shall be the duty of the Comptroller to invest the same in the public stocks of this State, or of the United States, or to loan the same to the citizens of this State, as either mode of investment shall be deemed by the Comptroller, the Superintendent of Common Schools, and the Governor, most advantageous to such fund.

§ 5. Whenever any part of the capital of said fund shall be loaned to any of the citizens of this State, the repayment of such loan with annual interest thereon, at seven per cent. per annum, shall be secured by bond and mortgage, taken in the name of the State, upon unincumbered real estate, worth in cash at least double the amount of the loan. Additional collateral security may also be taken by the Comptroller. No such loan shall be made for a longer period than five years, and no such loan shall be renewed. No sum exceeding two thousand dollars shall be loaned to any one person.

§ 6. Every bond and mortgage, given for any such loan, shall contain a clause making the entire debt to become due upon default in the payment of any instalment, or the interest at the time either becomes due, and authorizing the Comptroller, in behalf of the State, upon such default, to issue his warrant for the collection of the debt, interest and costs.

§ 7. Upon any such default being made, the Comptroller shall issue his warrant in the nature of an execution at law, to the Sheriff of the proper County, commanding him to levy the debt, interest and costs, of the goods and chattels, lands and tenements of the debtor, and particularly of the mortgaged premises, (describing them,) and that he make return thereof, and of his proceedings, to the Comptroller, within four months from the date thereof.

§ 8. Every such warrant shall have the force and effect of an execution at law, and shall be executed by the Sheriff to whom it may be delivered, in like manner as an execution issued out of a Court of Record. The Sheriff shall, in like manner, be liable to attachment in the Circuit Court of the county, for any misfeasance or nonfeasance in the execution of such warrant.

§ 9. The income or interest of the capital of the school fund shall be annually apportioned, by the State Superintendent of Schools, on the first day of December in each year, amongst the several counties of the State, according to the ratio of white children between the ages of six and eighteen years, residing within each county, compared with the number residing in the whole State, as ascertained by the annual reports made by the several County Superintendents. But no County shall have allotted to it any part of said monies, unless it shall appear, by the report of the County Superintendent, that at least one School of at least fifteen children, has been kept in such county, for a term of at least three months, during the year last past from the date of such return. Every such apportionment shall be filed with the Comptroller.

§ 10. Upon every such apportionment being filed, the Comptroller shall draw his several warrants on the Treasurer for the portion each county may be entitled to receive, and in favor of each County Superintendent, or in favor of such person as the County Superintendent may appoint to receive the same, for the use of the several Schools in his county, and to be apportioned among them as hereinafter directed.

#### ARTICLE II.

##### *Of the State Superintendent.*

§ 1. The Secretary of State shall be, by virtue of his office, Superintendent of Schools for the State.

§ 2. It shall be his duty:—

1. To make an annual apportionment according to law, of the monies to be distributed amongst the several counties of the State for the support of Schools, and to file such apportionment with the Comptroller.

2. To make an annual report to the Governor, to be laid before the General Assembly, of the number of children in the State, and the number in each county, between the ages of six and eighteen years, the number of Schools in the State, and the number in each county, and the number of children attending School in each county, and in the State, according to the reports made to him by the several County Superintendents; and also to make report of the yearly apportionments of School monies, showing the amount apportioned to each county, and to make such suggestions and recommendations in relation to the increase of the school fund, and the improvement of schools, as he may deem useful or expedient.

3. To recommend, by circular or otherwise, from time to time, as he may think advisable, to the County Superintendents, Trustees of School Districts and Teachers, the best school books, maps, charts,

globes, or other aids to learning, and the late improvements in the mode or art of teaching.

4. To perform such other duties as may, from time to time, be required of him by law.

5. To hear and decide appeals, as hereinafter provided.

#### ARTICLE III.

##### *Of the County Superintendent.*

§ 1. There shall be elected in each county of the State, by the qualified voters, at the election for Representatives to the General Assembly, in eighteen hundred and forty-eight, and thereafter, at every general election of Sheriffs, County Commissioners, and other county officers, a Superintendent of Schools for the county, who shall hold his office until his successor be elected.

§ 2. It shall be his duty—

1. To establish school districts within his county, to fix their boundaries, and to regulate, alter and abolish such districts, as the convenience of the inhabitants may require. But no neighborhood shall be erected into a separate school district, wherein, at least fifteen children, between the ages of six and eighteen, cannot be assembled in school. A neighborhood lying in two or more different counties, may be formed into one district by the Superintendents of the several counties in which such district is to be established. Every district so formed, shall be deemed to be in the county in which the school house may be situated, for the purposes of making reports, and the visitation of the County Superintendent.

2. To receive and preserve the reports made to him by the Trustees of the several school districts in his county; and to make and transmit annually to the State Superintendent a report in writing, to be dated on the first day of July in each year, and to be received by such Superintendent before the first day of December in each year, stating in such report, the number of school districts in his county, and their names, the number of children between the ages of six and eighteen years residing in his county, and in each district, at the date of his report; the length of time a school has been kept in each district since the date of his last report, and the number of children attending such school, according to the reports made to him, or his predecessor in office, by the Trustees of the several school districts.

3. To apply for and receive the portion of school monies apportioned to his county by the State Superintendent, and to apportion the same among the several school districts in his county, according to the ratio of children between the ages of six and eighteen years, residing in such district, as compared with the number residing in the whole county, ascertained by the reports made to him by the Trustees of the several school districts; and to pay over to the Trustees of each district, its proper proportion, for the use of the school therein. But no district shall be entitled to receive any part of the school monies allotted to any county, unless the Trustees of such district shall have made to the County Superintendent, a report of the number of children in their district, as hereinafter required of them; nor unless

it shall appear from their report that a school of at least fifteen pupils has been kept in their district for at least three months, during the year last past from the date of their report.

4. To visit the schools in his county at least once a year, and endeavor to promote an interest in parents, teachers and pupils, in the cause of education. When employed in visiting schools, he shall be entitled to receive three dollars a day, to be paid him by the county.

§ 2. If any person elected a County Superintendent, shall refuse or neglect to make the report to the State Superintendent, as herein required of him, and in consequence thereof his county shall lose its proper portion of the school monies for any year, or shall refuse or neglect to apply for, apportion and pay over such monies as herein required of him, such person shall be liable to each school district for its proper proportion of such school monies, and in addition thereto, a penalty of twenty-five dollars, to be sued for in an action of debt, or assumpsit, in the names of the Trustees, before any Court having jurisdiction thereof.

#### ARTICLE IV.

##### *Of Schools and School Districts.*

§ 1. Whenever any school district shall be established in any county by the County Superintendent, and whenever from any cause a school district shall be without Trustees, it shall be his duty to appoint a time and place for a meeting of the inhabitants of such district to elect Trustees and other officers, and to cause such notice thereof to be given as he may deem necessary and proper.

§ 2. No person shall vote at any school district meeting, unless he shall be a white inhabitant of the district and possess real or personal estate, or both, therein, to the value of five hundred dollars, or more; or unless he shall be such inhabitant and the head of a family having a child or children to educate in such district.

§ 3. The inhabitants so entitled to vote, whenever assembled in pursuance of the aforesaid notice, or whenever lawfully assembled at any other district meeting, shall have power, by a majority of the votes of those present—

1. To appoint a chairman for the time being.
2. To adjourn from time to time as occasion may require.
3. To choose a District Clerk, three Trustees, and one District Collector, at their first meeting and at every annual meeting thereafter, and as often as such offices or either of them become vacant.
4. To appoint the time and place of holding annual meetings.
5. To designate a site for the district school house.
6. To vote and lay such tax on the taxable inhabitants of the district as the meeting shall deem sufficient to purchase or lease a suitable site for a district school house, and to build, hire or purchase such school house, and to keep in repair and furnish the same with necessary fuel, furniture and appendages.
7. To vote and lay a tax on the taxable inhabitants, not exceeding thirty dollars in any one year, for purchasing a district school library and making additions thereto.

§ 4. It shall be the duty of the clerk of each school district to record the proceedings of district school meetings, in a book to be provided by the district, to give notice of special, adjourned and annual meetings, to keep and preserve the records, books and papers of his office, and deliver them to his successor.

§ 5. It shall be the duty of the Trustees of every school district, and they shall have power, 1st. To call special meetings of the inhabitants whenever they shall deem it necessary and proper. 2d. To give notice of special, annual and adjourned meetings of the inhabitants. 3d. To apportion the tax voted by any district meeting among the taxable inhabitants of the district, in proportion and according to the quantity and value of the taxable property owned by each of them, ascertained, as far as possible, from the last State assessment roll of the County; and to make out a tax list of every such tax, containing the names of the persons taxed and the amount of tax payable by each, set opposite his name; and to annex to such list a warrant, directed to the collector of the district, for the collection of the sums in such list mentioned, with five cents on each dollar for his fees. 4th. To purchase or lease, in their names for the use of the district, a site for the district school house, as designated by a meeting of the district, and to build, hire or purchase, keep in repair and furnish such school house with necessary fuel and appendages.

5. To have the custody and safe keeping of the district school house.

6. To employ all teachers in a district, and to agree with them for their wages, salary, or terms of tuition.

7. To apply all monies received from the County Superintendent for the use of Schools, to the payment of the teachers wages, salary, or charges for tuition, and to collect the residue of such wages, salary or charges for tuition, excepting such as shall have been collected by the teachers, from all persons liable therefor.

8. To exempt from the payment of the wages or salary of teachers, or the charges for tuition, all such indigent persons within the district as they shall deem proper.

9. To ascertain, by examination of the school lists kept by the teachers, the number of children, days and length of time, for which each person, not so exempted, shall be liable to pay for instruction or tuition, and the amount payable by each. The parent or guardian of every child withdrawn from School, without cause just and satisfactory to the Trustees, shall be liable, unless exempted as indigent, for at least three months tuition, if the term or session should so long continue.

10. To make out a rate or tuition bill, containing the name of each person so liable, and the amount for which he is liable, adding thereto five cents on each dollar of the sum due from him for collector's fees, and to annex thereto a warrant for the collection thereof, and deliver the same to the Collector.

11. To appoint a district clerk and collector whenever either of these offices become vacant. Such clerk or collector so appointed to hold his office till the next district meeting.

§ 6. The warrant annexed to any tax list, rate or tuition bill, shall be signed by the Trustees or a majority of them, and shall command the collector to collect from every person, in such tax list, rate or tuition bill, named, the sum therein set opposite his name; and in case any inhabitant shall not pay such sum on demand, to levy the same of his goods and chattels, lands and tenements, together with his fees, and to make a return of such warrant, with the money collected by him to the Trustees, within thirty days after the receipt thereof.

§ 7. The collector shall execute every such warrant according to its requisitions, and whenever he shall levy upon any goods and chattels, lands or tenements, by virtue of such warrant, he shall sell the same, or so much thereof as may be necessary, at public auction, giving ten day's notice thereof, by posting such notice in three of the most public places in the district.

§ 8. If the sum or sums of money payable by any person named in any tax list, rate or tuition bill, shall not be paid by him, or collected by such warrant, within the time therein limited, it shall be lawful for the Trustees to renew, as often as may be necessary, such warrant in respect to such delinquent person.

§ 9. If by the neglect of the collector, any monies shall be lost to his district, which might have been collected within the time limited in the warrant delivered to him for their collection, he shall forfeit to his district the full amount of the monies thus lost, and shall account for and pay over to the Trustees such monies, in the same manner as if they had been collected; and the Trustees may recover the sum in an action of debt or assumpsit in their name, before any Court having jurisdiction thereof.

§ 10. The Trustees of every School District shall, in every year, on or before the first day of October, make and deliver to the County Superintendent of Schools, a report in writing, signed by a majority of them, and dated on the first day of July in the year in which it is made out. If a district lie in two or more counties, the report shall be made and delivered to the Superintendent of the County in which the school house may be situated.

§ 11. Every such report shall specify,

1st. The number of white children between the ages of six and eighteen years residing in the district, at the time of the date of the report, and the name of the parents or other persons with whom such children shall respectively reside, and the number residing with each.

2d. The whole time a school has been kept in their district during the year ending on the day previous to the date of such report.

3d. The amount of monies received from the County Superintendent during such year, and the manner in which such monies have been expended.

4th. The number of children attending school in the district during such year.

§ 12. Such report may be in the following form: We, the undersigned, Trustees of the Menticello school district, in the County of Jef-

person, do report to the County Superintendent of schools for said county, as follows: The whole number of white children between the ages of six and eighteen years, residing in said district on the day of the date hereof, is forty-two; and the names of the parents or other persons with whom such children respectively reside, and the number residing with each, are as follows: James Butler 4 children, Thomas Smith 3, James Jones 2, Thomas Lee 4, Robert Johnson 5, Wm Green 5, Ira Harris 4, Philo Dean 5, Benjamin Good 4, Thos. Hawkins 6, aggregate 42 children. That a school has been kept in said district for a period of three months during the year past, and ending on the day of the date hereof; that the Trustees of said district have received from the County Superintendent during said last year the sum of forty dollars, and the same has been expended in the payment of teachers' wages; that the number of children attending school during the last year in said district, is thirty. Witness our hands, at Monticello, the first day of July, 1849.

Signed,

FRANCIS HAWKINS,  
JAMES BUTLER,  
IRA HARRIS.

§ 13. Every Trustee of a school district who shall sign a false report to the County Superintendent of Schools, with the intent of causing such Superintendent to apportion and pay to his district a larger sum than its just proportion of the school monies, shall for each offence, forfeit to the county twenty-five dollars, and shall also be deemed guilty of a misdemeanor.

§ 14. The Trustees of each school district shall, on the expiration of their offices, render to their successors in office, and to the district, at a district meeting, a just and true account in writing of all monies received by them respectively, for the use of their district, and the manner in which the same shall have been expended; which account shall be filed with the District Clerk.

§ 15. Any balance of such monies which shall appear from such account to remain in the hands of the Trustees, or either of them, shall immediately be paid to their successors in office, or some one of them.

ARTICLE V.  
*Of Appeals.*

§ 1. Any person conceiving himself aggrieved in consequence of any decision made (1st) by any school district meeting—(2d) by any County Superintendent of Schools, in the forming, altering, or abolishing, any school district, or in refusing to form, alter, or abolish, any school district, or in apportioning or refusing to apportion and pay any school monies to any school district—(3d,) by the Trustees of any district in paying any teacher, or refusing to pay him, or in refusing to admit any scholar gratuitously into school, or concerning any other matter under this act, may appeal to the State Superintendent of Schools, whose decision thereon shall be final.

§ 2. No such appeal shall suspend any proceedings or action on the decision, or matter appealed from.

REPORT OF ADJUTANT & INSP. GENERAL.

HEAD QUARTERS FLA. MILITIA, }

Adjutant General's Office, Tallahassee, 28d. Nov. 1847. }

His Excellency W. D. MOSELEY,

Governor of Florida:

SIR:—Having just completed the drill review and inspection of the Second Brigade of the Militia of Florida, I have the pleasure to report each Regiment fully organized, headed by Field Officers properly equipped, and manifesting great zeal and energy in the discharge of their duties. The Regiments have generally turned out well, and discharged their duties in a manner creditable to themselves, and flattering to their officers. Particularly do I feel called on, in the discharge of my duties, to bring to the favorable notice of your Excellency the First Regiment of Cavalry attached to the Second Brigade of the Florida Militia. This Regiment paraded at the Capital, with the Sixth Regiment of Infantry, on Friday and Saturday, the 12th and 13th instant. Their drill, equipment, and soldier-like appearance on the field, together with the beauty, and precision, and harmony, of their various movements and formations were such as to reflect the highest credit on themselves, their officers, and the State in whose service they have engaged.

It is a source of regret to the Adjutant General, that, with the exception of the Second Brigade, no returns of the strength of the Militia of the State have been made to his office since the organization of the State Government of Florida. This is a duty specially devolving by law, annually, on the Brigadier's General of the State, and the omission is seriously detrimental to this arm of the public service. The importance of the punctual discharge of this duty, at this critical period of our history, should appeal with great force to the patriotism and public spirit of those charged with its execution.

Imperfections in the present Militia law of the State, not unfrequently interpose a serious obstacle in the way of a speedy and efficient organization and drill of the Militia. The Court Martial feature is peculiarly ambiguous in its phraseology, with portions so apparently at conflict with each other, as to defy any thing like an intelligent construction of some of its parts. Defects in other portions of the law become apparent to those who have attempted to organize under it, and would doubtless present themselves to those whose duty it is to revise and amend, on a careful review of it.

The report of the Quarter Master General, marked A. is herewith communicated, showing the issues of public arms to the volunteer corps of the State, as also the amount in his custody, and belonging to the State.

I have carefully inspected the arms, etc., in the armory of the State, and feel that too much praise cannot be bestowed on the

patriotic Quarter Master General, for the care and neatness with which the public arms have been preserved.

Respectfully, your obt. servt.

JOHN S. BROOME,  
Adjutant and Inspector General F. M.

(A.)

OFFICE QUARTER MASTER GENERAL, }  
Tallahassee, Nov. 23, 1847. }

SIR:—Enclosed I have the honor to submit to you my Report of the number of Arms and Equipments distributed to Volunteer Companies, during the past year, with the names of the companies to whom they were delivered, the amount of bonds entered into for the same, (all of which bonds are made payable to the State of Florida,) also the number and kind of arms now on hand.

Very Respectfully,

Your Ob't. Serv't.,

R. A. SHINE,

Qr. Mr. Gen'l.

P. S. I would also state, that the Arms and Equipments were stored in the basement rooms of the Capitol, but finding those rooms damp, and the arms fast injuring by rust, I communicated the fact to the Governor, and by his authority, a suitable building was rented, for the purpose of storing them. They are now stored in the building alluded to, and have ever since been in good order. I think this building to be as *dry* and as well adapted to the purpose for which it is now used, (viz: An Armory,) as any building in the city, and as it has been rented for a limited time, I would be glad to have some action taken upon the subject, either by the Executive or General Assembly. The building can be leased for a term of years, or purchased at a very reasonable price, and with a trifling expense, may be made very secure.

There being no emoluments whatever attached to this department, and it being one of trouble, expense, and great inconvenience, I applied to his Excellency the Governor for the appointment of an Armorer, and by his authority, one was appointed, who, I am pleased to say, has faithfully discharged the duties of his office, and trust that he will be well remunerated for the same, as it is impossible for the arms to receive that attention they require, without an appointment of the kind.

R. A. S.

To Gen. J. S. BROOME.

#### NUMBER OF RIFLES AND EQUIPMENTS

*Delivered to Volunteer Companies by the Quarter Master General during the past year, with name of Company to whom delivered.*

The Jefferson Independent Riflemen—  
50 Hall's rifles, with bayonets;

50 Gun Slings, 50 Waist Belts, with plates;  
50 Bayonet Belts, with plates;  
50 Bayonet Scabbards, with frogs attached;  
50 Leather Pouches, 50 Flasks, with slings;  
50 Pouch Belts, 50 Screw Drivers, 50 Wipers;  
5 Ball Screws, 5 Bullet Moulds, 5 Spring Vices;  
50 Picks and Brushes;  
For all of which bond has been entered into, by the Captain, 1st and 2d Lieutenants, and two others, members of the corps.

R. A. SHINE,  
Qr. Mr. Gen'l.

#### LIST OF ARMS

*Now on hand at the Armory Rooms.*

4 Sets of 4 Horse Artillery Harness, complete;  
348 Muskets, with Bayonets, Belts, Plates, and Cartridge Boxes,  
Picks and Brushes, Screw Drivers, &c., complete;  
75 Hall's Rifles, with Bayonets and appendages, complete;  
56 pair of Pistols, with appendages complete.

*In the basement of the Capitol:*

4 pieces Brass Cannon, with Ammunition Boxes, Carriages, and other appendages, complete.

I have also filed in the Qr. Master's Office, a receipt by S. R. Mallory, of Key West, for seventy-five Hall's Rifles, with appendages complete;—all the property of the State of Florida.

No receipt has yet been forwarded to this Department for the arms delivered at Apalachicola, viz:—100 Rifles, with equipments complete.

R. A. SHINE,  
Quarter Master General.

#### LIST OF ARMS AND EQUIPMENTS

*Distributed by R. A. SHINE, Qr. Master General of the State of Florida, with the names of the Companies to whom distributed.*

*To the Jefferson Hussars:*

46 pair of Pistols; 46 pair of Holsters, with covers and straps; 46 Pistol Cartridge Boxes; 46 Cross Belts, with hooks complete; 46 Sabre Belts, with straps, hooks and buttons, complete; 46 Belt Plates; 46 Screw Drivers; 5 Spring Vices; 5 Bullet Moulds;—for which bond has been entered into by the 1st and 2d Lieutenants, and four others, members of the Corps, in the sum of \$1426.68.

*To the Miccosukie Cavaliers:*

50 pair of Pistols; 50 pair of Holsters, with covers and straps; 50 Pistol Cartridge Boxes; 50 Cross Belts, with hooks; 50 Sabre Belts, with straps, hooks and buttons, complete; 50 Belt Plates; 50 Screw Drivers; 5 Spring Vices; 5 Bullet Moulds;—for which bond has

been entered into by the Captain and First Lieutenant, in the sum of \$1548.

*To the Centreville Greys—*

50 pair of Pistols ; 50 pair of Holsters, with covers and straps ; 50 Pistol Cartridge Boxes ; 50 Cross Belts, with hooks ; 50 Sabre Belts, with straps, hooks and buttons, complete ; 50 Belt Plates ; 50 Screw Drivers ; 5 Spring Vices ; 5 Bullet Moulds ;—for which bond has been entered into by the Captain, First and Second Lieutenants, in the sum of \$1548.

*To the Independent Blues, of Jefferson—*

44 pair of Pistols ; 44 pair of Holsters, with covers and straps ; 44 Pistol Cartridge Boxes ; 44 Belt Plates ; 44 Cross Belts, with hooks ; 44 Sabre Belts, with straps, hooks and buttons, complete ; 44 Screw Drivers ; 4 Spring Vices ; 4 Bullet Moulds ;—for which bond has been entered into by the Captain, Second Lieutenant, and two others, members of the Corps.

*To the Florida Cavaliers—*

50 pair of Pistols ; 50 pair of Holsters, with covers and straps ; 50 Pistol Cartridge Boxes ; 50 Cross Belts, with hooks ; 50 Sabre Belts, with straps, hooks and buttons, complete ; 50 Belt Plates ; 50 Screw Drivers, 5 Bullet Moulds, and 5 Spring Vices.

Also, delivered to Brig. General Allison, Brigade Adjt. General Bartlett, Col. Sibley, and Major E. Johnson, of Sixth Regiment, 1 pair of Pistols, Holsters, covers and straps ;—each of whom have entered into bonds, for the sum of \$30.

*Making in all delivered :*

Pairs of Pistols,	244
Pairs of Holsters,	244
Holster Covers,	122
Holster Straps,	488
Pistol Cartridge Boxes,	240
Belt Plates,	240
Cross Belts,	240
Sabre Belts,	240
Screw Drivers,	240
Spring Vices,	24
Bullet Moulds,	24

R. A. SHINE,  
Quarter Master General.

## REPORT OF ATTORNEY GENERAL.

ATTORNEY GENERAL'S OFFICE, }  
November 15, 1847. }

His Excellency W. D. MOSELEY,

*Governor of Florida :*

SIR :—The Supreme Court of the State, at its term held in January last, declared the act of the late Territory of Florida, approved Feb. 6, 1841, entitled, "An act regulating appeals and writs of error in criminal cases," to be in conflict with the Constitution of the State. The consequence of this decision is, that no right of appeal is recognised or allowed in criminal cases, under the laws of the State as they now exist. The act of 1841, which greatly modified and restricted this right, was an innovation of this well established privilege, the expediency of which was questionable even under the peculiar circumstances which produced it. Indeed nothing could have induced the people of Florida to tolerate this infringement of a privilege so highly prized as a protection against error, prejudice and oppression, but its evident and pressing necessity. Florida from its position, its great extent and sparse population, and the disorganized state of society, had become to a great extent a place of refuge for the worthless and vicious of her sister States.

The criminal laws were disregarded or trampled upon, and heinous crimes, of common occurrence, whilst in most of the counties there were no jails, and in others they were such as afforded little or no security against the escape of such prisoners as might be committed to them. To provide a check to these evils, the people submitted to have the right of appeal qualified by the act of 1841, and placed on a different footing from appeals in civil cases. It was a sacrifice of privilege to good order, worthy of a young community, whose elevated aspirations viewed crime and vice with disgust and detestation. The reasons, however, which induced, and perhaps justified the passage of the act of 1841, have ceased to exist. Florida has become a State, and the citizens, proud of the responsibility they have assumed, feel too deep a solicitude in the rigid enforcement of the laws, to permit them to be evaded with impunity ; whilst strong and convenient jails are scattered at convenient distances throughout the State. It is therefore fortunate that the invalidity of this act has been made known, and an impediment in the way of restoring this privilege to its pristine extent and usefulness thereby removed.

There being now no law allowing appeals and writs of error in criminal cases, it is necessary that the General Assembly should adopt such a law on this subject as it shall deem advisable. It cannot be that at this enlightened day the right of appeal will be granted in all cases wherein property is concerned, but denied when life or character is at stake. Such a distinction would ill accord with the humane spirit of our institutions which breathes throughout our code. Every reason which shows the utility of this privilege in the one case applies with double force in favor of granting it in the other. If error,

ignorance, or prejudice, render it a wise expedient where the right to property is to be determined, so it is equally as necessary a safeguard against the weakness or fallibility of man when the life, liberty and reputation of a citizen is involved.

I would therefore recommend that the same facility be allowed for appeals and writs of error in criminal cases as are granted in civil cases. The act of 1833, which was repealed by the act of 1841, placed them on this footing.

The second section of the act providing for the election of Electors of President and Vice President of the United States requires to be amended so as to conform the time therein designated of holding the election to that prescribed by the act of Congress approved 23d January, 1845. By the above section of the State law, the election is declared to be held "on the thirty-fourth day preceeding the first Wednesday in December," &c., whilst the act of Congress enacts that the electors of President and Vice President shall be appointed in each State "on the Tuesday next after the first Monday in November." Congress having exercised a power clearly vested in it by the Constitution of the United States, the time designated by it is the supreme law of the land and binding on the several States. As the time appointed by the act of the General Assembly, was doubtless selected without any design to evade the law of Congress or question its right to fix the time of holding the election, and with reference to the provisions of the act of Congress of 1792, it is deemed sufficient merely to call the attention of the General Assembly to the discrepancy.

At the first session of the first General Assembly certain resolutions were adopted in relation to certain associations claiming to exercise Banking privileges, to wit: The Union Bank, Southern Life Insurance and T. Co., and Bank of Pensacola. Believing these to be merely resolutions of enquiry, to bring before the next General Assembly information on the subject matter, as set forth in the preamble, that such action might be then taken as its importance and delicate nature demanded, and altogether initiatory in their character, the Attorney General submitted the result of his investigation to the next session. He informed the General Assembly that in his opinion the change from a Territorial to a State Government did not abrogate the charters of these Corporations, and that he deemed them to be existing bodies, but that each of them had violated its charter and failed to accomplish the object of its creation, and suggested the only and proper mode by which these abused franchises could be again seized into the hands of the State. This he construed to be the extent of his power and duty under these resolutions. Some, however, whose opinions are entitled to consideration, have placed a different construction on them, asserting that they were instructions on behalf of the State to the Attorney General to institute in the proper tribunals such proceedings as would procure *judgments of forfeiture* to be entered against each of these associations, and a seizure into the hands of the State of the franchises granted them. But, however

desirable the annulment of these charters may be, that this interpretation is unwarranted must be manifest from a careful perusal of the Resolutions and the knowledge of the consequences of a judgment of forfeiture, and the conviction which will be on the minds of all acquainted with them, that had such proceedings been designed, language totally different and unequivocal in its character would have been used.

The act of incorporation being in the nature of a contract, it was both prudent and proper that an investigation should be made to ascertain the truth of the alleged usurpations and malfeasances by these associations, before the State declared itself absolved from the terms of the contract, and sought to resume by the judgments of the Courts the privileges which it had granted. And it was doubtless with a view to be satisfied of the correctness of these allegations prior to such a declaration, that the resolutions were adopted and the report called for. The language of the preamble is that "whereas, the Union Bank, Bank of Pensacola, and Southern Life Insurance and Trust Company claiming to exercise banking privileges, are charged to have violated their Banking privileges, and thereby to have forfeited their charters: and whereas, it is charged by others that the associations referred to are usurpations and their charters null and void: Now," &c. The Attorney General is then directed to institute enquiries into the conduct and management of these associations, not with a view of obtaining *judgments of forfeiture*, but for the purpose of reporting the result of his enquiries to the next General Assembly. There is no expression in either the Preamble or Resolutions which can be construed into a declaration that these corporations had violated their charters—a conclusion which it is rational to suppose would have been arrived at before ordering judgments of forfeiture to be obtained against them. And besides it does not follow that the State would necessarily have wished to resume these franchises because they had been abused; for there might be good reasons why it would be willing to waive these breaches. This connected with the fact that the phrase "judgment of forfeiture," or any expression of similar import, is nowhere used, strengthens the belief that the General Assembly intended these Resolutions only as preparatory to further action. If, however, they were intended to be final, it is difficult to perceive why the Attorney General was directed to report to the next General Assembly; and it is equally difficult to understand why the 13 Art. of the Constitution of the State, giving the General Assembly at its first session power to regulate, restrain, and control all associations claiming to exercise Banking privileges, was made part of a Preamble of a law which sought their total dissolution and destruction. To regulate, restrain and control them is entirely different from annihilating them by a judgment of forfeiture.

Placing this construction on these Resolutions, and as proceedings in such cases can only be instituted by the express authority of the State, I have not felt myself empowered to take any steps to have the charters of either of these associations forfeited. Indeed, had I

assumed to proceed in the name and on behalf of the State, the Courts might have refused to allow judgments of forfeiture to be entered, without some clearer and more explicit evidence of the assent of the State to such judgment, than that afforded by these Resolutions.

If, however, the authority to proceed against these associations were unquestionably conferred by these Resolutions, the absence of all provision against the evil and disastrous consequences of a judgment of forfeiture, would have been sufficient to suspend all action, until the omission could have been remedied by the General Assembly. In the report submitted in compliance with these Resolutions, it was remarked: "By the principles of the Common Law, upon the dissolution of a Corporation, the lands reverted to the grantor, the personal property vested in the crown, and the *debts to and from it were entirely extinguished*, so that the members thereof could not recover, or be charged with them, in their natural capacities. As there is no statute of this State declaring that such a consequence shall not follow the rendition of a judgment of forfeiture, the same effect might follow it now. Should the Legislature, therefore, deem it wise and politic to direct that proceedings be instituted against these associations, it is recommended that it declare that, notwithstanding the judgments of forfeiture, the associations shall be deemed to exist, and be capable of suing and being sued, as before the judgment of forfeiture, as to all rights, credits, liabilities, duties, responsibilities or obligations, of any kind whatsoever, existing anterior to the rendition of such judgment." In the absence of a statutory provision, modifying this principle of the Common law, judgments of forfeiture, carrying with them an extinguishment of the debts to and from these associations, would be a truly bountiful harvest to the debtors, but a gross and wanton sacrifice of the rights and interests of the creditors, which would cover with shame the State by whose authority such a catastrophe had been produced. Whether such consequences flowed from ignorance or design, it would matter not, the stain of dishonor would sink too deep to be eradicated, so long as Florida had a history or a name. It cannot be supposed that the General Assembly intended that any proceedings should be taken under these Resolutions, which would be attended with such lamentable results.

I have been thus particular in calling your attention to the law of 1845, "relative to certain associations claiming to exercise banking privileges," that its character and extent may be known, and that it may be distinctly understood that there is no law which authorizes or directs proceedings to be instituted against these associations, as many have erroneously supposed; and that the General Assembly, being freed from misapprehension in this regard, may pass such a law as will effect a speedy annulment of their charters in the usual and legitimate mode.

With the experience of the past still fresh in our minds, it is presumed no one will doubt but that franchises so unusual and extensive, and so paralyzing to the prosperity of the people, should be ab-

**An Abstract Showing the number of Criminal Prosecutions in each County in this State, and the nature of the**

COUNTIES.	Felony.			Manslaughter.	Larceny.		Assault and Battery.		Gaming.		Affray.		Assault with intent to kill.		Carrying arms Secretly.		Disorderly House.		Selling Liquor.		Perjury.		Robbery.		Trading with Slaves.			
	Indictments presented.	Ignored.	Dismissed or Quashed.	Tried, acquitted or found guilty.	Indictments presented.	Tried.	Presented.	Ignored.	Tried.	Presented.	Ignored.	Tried.	Presented.	Tried.	Presented.	Tried.	Presented.	Tried.	Presented.	Tried.	Presented.	Tried.	Presented.	Tried.	Presented.	Tried.		
ESCAMBIA,	4						2																					
SANTA ROSA,	1						1																					
WASHINGTON,	1						1																					
WALTON,	1						3																					
CALHOUN,																												
FRANKLIN,							1																					
JACKSON,	2						2	1	1																			
GADSDEN,	34		14	13			2																					
LEON,	4	2		1			7	2	1																			
WAKULLA,	2		1	1			2	1																				
JEFFERSON,	1			1			2																					
MADISON,	1			1			2																					
HAMILTON,	3			2			5	4	2																			
COLUMBIA,	2	1		1			2	1																				
ALACHUA,	2	1	1				2																					
and LEVY,																												
DUVAL,																												
ST. JOHNS,	2	1		1		1	3	2	1	1	3	1	1															
NASSAU,							1																					
MARION,	4		2	2			2		1	1	2	1	1															
ORANGE,																												
BENTON,	1	1					1	1																				
HILLSBORO',																												
MONROE,							5																					
	64	6	18	25	1	1	47	14	9	112	38	43	23	1	5	3	22	8	21	9	2	1	11	2	5	1	2	1



**ABSTRACT of Amounts paid Witnesses in Criminal Cases, showing the Counties and Terms of Courts in which summoned, the number of days they attended, mileage, &c., &c.**

Names of Witnesses.	Counties.	Terms of Court.	No. of days.	Per diem.	Mileage.	Total.
J. B. Stanley,	Duval,	Spring Term, 1846,	3	2 25	3 75	6 00
Stephen Hagan,	"	" " "	3	2 25	3 75	6 00
Wilson White,	"	" " "	6	4 50	6 00	10 50
Wilson White,	"	" " "	3	2 25	6 00	8 25
Thomas Hall,	St. Johns,	Fall Term, 1846,	6	4 50	2 45	6 95
John C. Cleland,	"	" " "	1	75		75
Andrew Paitty,	"	" " "	7	5 25		5 25
Alexander Rose,	"	" " "	7	5 25	3 75	9 00
Asa Munson,	"	" " "	9	6 75	7 50	14 25
Douglass Dummett,	"	" " "	9	6 75	9 00	15 75
William Hunton,	"	" " "	6	4 50	6 50	11 00
John D. Sheldon,	"	" " "	9	6 75	10 00	16 75
William Crawford,	Alachua } and Levy, }	Spring Term, 1846,	6	4 50	6 00	10 50
John Allen,	Walton,	" " "	4	3 00	90	3 90
Walter Medlock,	Escambia,	Fall Term, 1846,	9	6 75	3 20	9 95
William Waters,	"	" " "	6	4 50		4 50
Archibald R. Pooley,	"	" " "	11	8 25		8 25
Valentine Fillingin,	"	" " "	4	3 00	1 65	5 65
John Fillingin,	"	" " "	4	3 00	1 65	4 65
John W. Porter,	"	" " "	10	7 50	2 50	10 00
William White,	"	" " "	6	4 50		4 50
Ellis Franklin,	"	" " "	6	4 50	2 85	7 38
Jesse Wiggins,	Duval,	Spring Term, 1846,	4	3 00	3 40	6 40
Thomas J. Prevatt,	"	" " "	3	2 25	3 75	6 00
John M. Dermott,	St. Johns,	" " "	6	4 50	12 50	17 00
Ephraim Taylor,	"	" " "	5	3 75	2 25	6 00
Henry A. Crane,	"	" " "	6	4 50	15 00	19 50
John O. Riley,	"	" " "	6	4 50	18 00	22 50
Paul Hatch,	Madison,	" " "	4	3 00	3 50	6 50
Benj. Brownlow,	"	Fall Term, 1845,	3	2 25	2 00	4 25
Benj. Brownlow,	"	Spring Term, 1846,	4	3 00	2 00	5 00
James Allen,	"	" " "	3	2 25		2 25
E. A. Allen,	St. Johns,	" " "	6	4 50	5 00	9 50
Geo. L. Philips,	"	" " "	5	3 75		3 75
Abel S. Baldwin,	Duval,	Fall Term, 1847,	5	3 75		5 25
A. S. Baldwin,	"	Spring Term, 1846,	7	5 25		5 25
A. S. Baldwin,	"	" " "	3	2 25	2 00	4 25
Elizabeth A. Boardman,	"	" " "	5	3 75		3 75
Elizabeth A. Boardman,	Gadsden,	Extra Term, 1846,	12	9 00	1 00	10 00
William B. Fail,	"	Fall Term, 1846,	8	6 00	1 00	7 00
A. J. Lanier,	St. Johns,	Spring Term, 1846,	6	4 50	13 65	18 15
Elisha Summerlin,	Madison,	Fall Term, 1846,	2	1 50	1 50	3 00
Lewis Deshaney,	"	" " "	2	1 50		1 50
Robert West,	Wakulla,	" " "	1	75	1 20	1 95
Amos Pipkins,	"	" " "	1	75	15	90
James Cook,	"	" " "	1	75	64	1 39
James Cook,	"	" " "	4	3 00	1 00	4 00
H. H. Walker,	"	" " "	2	1 50	1 00	2 50
E. C. Walker,	"	" " "	4	3 00	60	3 60
Henry Cannon,	"	" " "	4	3 00	45	3 48
A. A. Braswell,	"	" " "	4	3 00	20	3 20
Michael Wall,	"	" " "	4	3 00	75	3 75
Lewis Deshaney,	"	" " "	4	3 00	32	3 32
J. D. Brown,	"	" " "	4	3 00	75	3 75
*Cato,	Gadsden,	Extra Term, 1846,	1	3 00	1 25	4 28
*George,	"	" " "	15	11 25	40	11 65
*Randall,	"	" " "	15	11 25	40	11 65
Henry Stephens,	"	" " "	15	11 25	40	11 65
John V. Stephens,	Hamilton,	Spring Term, 1847,	4	3 00		3 00
Duy Stanles,	"	" " "	3	2 25	64	2 89
William Clark,	Duval,	" " " 1846,	3	2 25	3 75	6 00
Asa Clark,	"	" " "	4	3 00	3 25	6 25
Wyatt C. Allen,	"	" " "	4	3 00	3 25	6 25
Burrell Holloman,	"	" " "	4	3 00	2 75	5 75
Susan Holloman,	Gadsden,	Fall Term, 1846,	3	2 25		2 25
Elizabeth A. Flowers,	"	" " "	3	2 25		2 25
E. L. D. Riggins,	"	" " "	1	75		75
William Alford,	"	" " "	6	4 50	90	5 40
John N. Calhoun,	"	Spring Term, 1847,	2	1 50	40	1 90
A. McDougal,	"	" " "	3	2 25	80	3 05
	"	Fall Term, 1845,	1	75	2 00	2 75

Susan Holloman,			1	75		75
Elizabeth A. Flowers,			6	4 50	90	5 40
E. L. D. Riggins,			2	1 50	40	1 90
William Alford,		Spring Term, 1847,	3	2 25	80	3 05
John N. Calhoun,		" " "	1	75	2 00	2 75
A. McDougal,		Fall Term, 1845,	4	3 00	2 00	5 00
A. McDougal;		Spring Term, 1846,	6	4 50	2 00	6 50
A. McDougal,		Fall Term, 1846,	4	3 00	28	3 28
Samuel B. Love,		Spring Term, 1847,	3	2 25	1 00	3 25
Nelson Hawley,		Extra Term, 1846,	5	3 75	3 50	7 25
John B. Taylor,		" " "	10	7 50	20	7 70
John G. Smith,		" " "	1	75	1 76	2 51
John G. Smith,		May Term, 1846,	3	2 25		2 25
Geo. D. Miller,	Columbia,	Spring Term, 1847,	3	2 25		2 25
Willis B. Dangerfield,	"	" " "	5	3 75		3 75
James S. Jones,	"	" " "	2	1 50	2 40	3 90
Jacob Sipple,	"	" " "	1	75	3 60	4 35
Jesse A. Johns,	"	" " "	3	2 25	1 50	3 75
Leaston Wynn,	"	Fall Term, 1846,	2	1 50	2 40	3 90
Leaston Wynn,	"	Spring Term, 1847,	5	3 75		3 75
Joel Curry,	"	Fall Term, 1846,	4	3 00	40	3 40
Joel Curry,	"	Spring Term, 1847,	5	3 75	3 00	6 75
John W. Lowe,	"	" " "	3	2 25	2 40	4 65
Mathias Butler,	"	" " "	3	2 25	16	2 41
William H. Eaton,	"	" " "	1	75	1 50	2 25
William Edwards,	"	Fall Term, 1846,	3	2 25	2 40	4 65
William Edwards,	"	Spring Term, 1847,	1	75	70	1 45
John Light,	"	Fall Term, 1846,	3	2 25	1 12	3 37
John Light,	"	Spring Term, 1847,	2	1 50	2 80	4 30
Isaac Ogden,	"	" " "	5	3 75		3 75
E. Carraway,	"	Dec. Term, 1846,	2	1 50	2 00	3 50
E. Carraway,	"	Spring Term, 1847,	2	1 50	3 20	4 70
John W. Robertson,	"	" " "	3	2 25		2 25
A. J. T. Wright,	"	Fall Term, 1846,	3	2 25		2 25
A. J. T. Wright,	"	Spring Term, 1847,	4	3 00	1 25	4 25
Elisha Green,	"	" " 1846,	3	2 25	2 00	4 25
James Tumblin,	"	" " 1847,	3	2 25	2 00	4 25
James H. Tumblin,	"	" " "	3	2 25		2 25
John Delany,	"	" " "	3	2 25	2 00	4 25
William Mills,	Marion,	" " "	3	2 25	2 00	4 25
Solomon Hall,	"	Fall Term, 1846,	3	2 25	2 00	4 25
Solomon Hall,	"	Spring Term, 1847,	3	2 25	2 00	4 25
Wriily Mobly,	"	" " "	3	2 25	3 60	5 85
William Hughes,	Escambia,	" " "	6	4 50	2 12	6 62
William S. Pringle,	"	" " "	6	4 50	2 12	6 62
Henry Lipford,	Gadsden,	Fall Term, 1846,	1	75	25	1 00
Henry Lipford,	"	Extra Term, 1846,	16	12 00	25	12 25
Henry M. Lipford,	"	Fall Term, 1846,	9	6 75	25	7 00
Geo. M. Hamilton,	Santa Rosa,	Spring Term, 1847,	5	3 75		3 75
John McRae,	Jefferson,	Fall Term, 1846,	3	2 25	1 05	3 30
A. J. Collins,	Escambia,	Spring Term, 1847,	4	3 00		3 00
A. G. Milsted,	"	" " "	6	4 50	2 00	6 50
Gabriel Bolland,	"	" " "	6	4 50	3 60	8 10
A. J. Collins,	"	" " "	6	4 50		4 50
Antoine Collins,	"	" " "	6	4 50		4 50
D. G. McLean,	"	" " "	5	3 75	10 30	14 05
Ezekiel Brown,	"	" " "	5	3 75	7 30	11 05
Ezekiel Brown,	Walton,	" " "	3	2 25	2 50	4 75
Jane McSween,	"	" " "	5	3 75	3 30	7 05
Jane McSween,	Escambia,	" " "	5	3 75	7 30	11 05
Thomas Pittman,	Walton,	" " "	3	2 25	1 75	4 03
Thomas Pittman,	"	" " "	3	2 25	1 75	4 03
Q. J. Pinkhard,	"	" " "	3	2 25	10	2 35
Geo. W. Brantley,	"	" " "	3	2 25	1 70	3 95
Geo. W. Brantley,	"	" " "	3	2 25	10	2 35
P. B. Gleason,	"	" " "	3	2 25	2 50	4 75
P. B. Gleason,	"	" " "	3	2 25	10	2 35
Angus Gillis,	"	" " "	2	1 50	1 06	2 56
Edward S. Aldrich,	Escambia,	" " "	7	5 25		5 25
D. B. Currie,	Santa Rosa,	" " "	3	2 25	3 20	5 45
A. K. Pooly, (two cases)	Escambia,	" " "	11	8 25		8 25
Jessee Rive,	"	" " "	4	3 00	1 44	4 44
Robert McLeod,	"	" " "	4	3 00	1 12	4 12
William Walters,	"	" " "	6	4 50	96	5 46
William Walters,	"	" " "	4	3 00		3 00
W. H. Fletcher,	"	" " "	10	7 50	4 48	11 98
J. B. Zeaman,	"	" " "	4	3 00	2 61	5 61
Samuel Russell,	Duval,	" " "	3	2 25	3 75	6 00
Isaac R. Robinson,	Leon,	" " "	3	2 25	3 75	6 00
W. H. Dewitt,	Jefferson,	Fall Term, 1847,	8	6 00		6 00
W. P. Murdock,	"	" " 1846,	2	1 50	1 50	3 00
John S. Whitfield,	Madison,	Spring Term, 1837,	4	3 00	1 04	4 04
Joseph J. Whitfield,	"	Fall Term, 1846,	5	3 75	1 24	5 03
H. M. Whitfield,	"	" " "	3	2 25	74	2 89
	"	" " "	5	3 75	1 28	5 03

assumed to proceed in the name and on behalf of the State, the Courts might have refused to allow judgments of forfeiture to be entered, without some clearer and more explicit evidence of the assent of the State to such judgment, than that afforded by these Resolutions.

If, however, the authority to proceed against these associations were unquestionably conferred by these Resolutions, the absence of all provision against the evil and disastrous consequences of a judgment of forfeiture, would have been sufficient to suspend all action, until the omission could have been remedied by the General Assembly. In the report submitted in compliance with these Resolutions, it was remarked: "By the principles of the Common Law, upon the dissolution of a Corporation, the lands reverted to the grantor, the personal property vested in the crown, and the *debts to and from it were entirely extinguished*, so that the members thereof could not recover, or be charged with them, in their natural capacities. As there is no statute of this State declaring that such a consequence shall not follow the rendition of a judgment of forfeiture, the same effect might follow it now. Should the Legislature, therefore, deem it wise and politic to direct that proceedings be instituted against these associations, it is recommended that it declare that, notwithstanding the judgments of forfeiture, the associations shall be deemed to exist, and be capable of suing and being sued, as before the judgment of forfeiture, as to all rights, credits, liabilities, duties, responsibilities or obligations, of any kind whatsoever, existing anterior to the rendition of such judgment." In the absence of a statutory provision, modifying this principle of the Common Law, judgments of forfeiture, carrying with them an extinguishment of the debts to and from these associations, would be a truly bountiful harvest to the debtors, but a gross and wanton sacrifice of the rights and interests of the creditors, which would cover with shame the State by whose authority such a catastrophe had been produced. Whether such consequences flowed from ignorance or design, it would matter not, the stain of dishonor would sink too deep to be eradicated, so long as Florida had a history or a name. It cannot be supposed that the General Assembly intended that any proceedings should be taken under these Resolutions, which would be attended with such lamentable results.

I have been thus particular in calling your attention to the law of 1845, "relative to certain associations claiming to exercise banking privileges," that its character and extent may be known, and that it may be distinctly understood that there is no law which authorizes or directs proceedings to be instituted against these associations, as many have erroneously supposed; and that the General Assembly, being freed from misapprehension in this regard, may pass such a law as will effect a speedy annulment of their charters in the usual and legitimate mode.

With the experience of the past still fresh in our minds, it is presumed no one will doubt but that franchises so unusual and extensive, and so paralyzing to the prosperity of the people, should be ab-

rogated, and resumed by the State, without unnecessary delay. The present is a favorable season for doing so, as none of the privileges granted these associations are exercised by them, except such as are necessary to collect and pay debts. Indeed, it is highly probable that the Corporators of neither of these associations contemplate a revival of their institution, and are ready and willing to surrender their charters upon proper and suitable provision being made, allowing the exercise of their corporate rights, only so far as may be necessary to settle and wind up their affairs. I would therefore recommend the passage of a law, directing proceedings to be instituted to have judgments of forfeiture entered against such of these associations as will not make a voluntary surrender of their charters, and to have the franchises granted them again seized into the hands of the State, with a provision therein guarding against the extinguishment of the debts to and from them, by allowing their continued existence notwithstanding such judgment, until a final adjustment of their business could be made. Such a law would accomplish, without difficulty, what the welfare of the State so imperiously demands. It would securely disarm these associations of all power to do mischief in future, by taking from them at once all those privileges which gave vitality to their corporate existence, leaving them nothing but a name, and such powers as would be necessary to a faithful administration of their effects. The rights of the State would be thus vindicated, without any shock or change in the relationship of the debtors and creditors, and without any infringement of their rights.

The Revenue Act imposes a tax on money loaned at interest, Bank Stock and Bank agencies, but has failed to provide the means of enforcing its collection, in cases of a refusal or neglect to pay. The remedy given against delinquents consists in empowering the Tax Collector to make distress and sale of goods and chattels, lands and tenements. The power to reach *choses in action*, is no where given. The tax being assessed on neither goods, chattels, nor lands, and the effects of these institutions, consisting altogether of choses in action, its payment under the law as it now exists, may be resisted with impunity. In giving a remedy to enforce the collection of the taxes imposed, the provisions of the act seemed to have looked only to the collection of that imposed on land, and goods, and chattels, which might be seized and sold, losing sight of the fact that a tax had also been directed to be levied on property not so tangible, and of an entirely different character. Such an amendment should be made to this law as will supply this omission, and meet the exigency of the case.

The largeness of the amount paid out of the Treasury for the expenses of criminal prosecutions and contingent expenses of the Courts, should arrest attention, as showing either the inefficiency of the laws regulating that head of expenditure, or the impolicy of the present system. For the year ending 1st November, 1846, these expenses amounted to \$8,362 31, being about one-fifth of the revenue collected for that year. The following statement shows the

amount for the fiscal year ending 1st Nov. 1847:—	
Expenses criminal prosecutions Southern Circuit,	\$1,195 69
Western Circuit,	3,534 07
Eastern Circuit,	4,444 62
iddle Circuit,	5,980 47
	<hr/>
	15,154 86
Contingent expenses of Circuit Courts,	2,906 63
	<hr/>
	\$18,061 68

It will be perceived that these expenses have more than doubled in the last year, and that, instead of one-fifth, they now absorb about one-third of the annual income of the State. This rapid growth of these expenses is, doubtless, attributable to the present practice of defraying them out of the State Treasury at the seat of Government, where the correctness of the numberless items and charges against the State cannot be known. The Comptroller, whose duty it is to audit and allow these accounts, can have no personal knowledge of any of the services charged for, and the utmost vigilance on his part will fail to detect the improper and over charges which will be made. Indeed so loose are the present laws, that to entitle an account to be audited and paid, the certificate of neither the Judge nor Solicitor vouching its correctness, is required. To remedy this exhausting and increasing drain upon the Treasury, I would suggest the policy of providing by law for the payment of these expenses, in all except capital cases, by the Counties respectively in which they may accrue. By doing so, a sure guaranty will be obtained that a proper economy will be practised in defraying them, thereby greatly diminishing the burden of taxation.

JOSEPH BRANCH.

REPORT  
OF THE REGISTER OF PUBLIC LANDS FOR THE STATE OF FLORIDA

## REPORT

### OF THE REGISTER OF PUBLIC LANDS.

EXECUTIVE DEPARTMENT,  
November 29, 1847.

Gentlemen of the Senate  
and House of Representatives:

I herewith transmit the Report of the Register of Public Lands for the State of Florida, showing the action that Officer has taken respecting the several interests placed by the General Assembly under his especial charge.

I cannot permit the present opportunity to pass without some commendation (though inadequate, perhaps,) of the manner in which the Register has performed the highly responsible duties assigned him. Besides being responsible in respect to their objects, his duties have been necessarily arduous, from the fact that he has occupied a newly created office, demanding great care and business tact in its proper disposition. The year preceding the election of the Register, the General Assembly committed the business of that Office to the Executive; who, of course, could not devote that amount of attention to the digestion of a systematic plan of conducting it so necessary to the organization, increase and preservation of the several funds designated in the Acts relating to the Office. Hence, the whole burden of digesting such a plan, has fallen upon the present Register. How well he has succeeded in this undertaking—the carefulness with which he has watched over the great interests committed to his hands—and the prompt and efficient manner in which he has discharged his duties altogether, may be seen from the Report and accompanying documents.

Very Respectfully,

W. D. MOSELEY.

Tallahassee, Nov. 11, 1847.

To Gov. MOSELEY,

Sir—In conformity with provisions of sundry Acts of the Legislature of this State, I herewith transmit to you a Report on the subject of Lands committed to my charge.

I am, Sir, very Respectfully, your ob't. serv't.

JOHN BEARD,

Register of Public Lands for the State of Florida.

## FIRST ANNUAL REPORT Of the Register of Public Lands for the State of Florida.

Within the current year the business of selecting land for the State, has been prosecuted with as much despatch as was deemed consistent with the public interest. It was not thought advisable to glean too closely those regions which had already been culled from, while others not yet surveyed remained to be explored.\*

Soon after I entered upon my official duties in January last, I found that, in order to provide means to discharge existing demands, and to expedite the land operations, it was necessary to have sales as soon as practicable. Accordingly, the requisite notice was given and sales were had in May. The simultaneous and opportune rise in the price of the great staple of the State, encouraged the hope that it would be a favorable time to sell land, and the result shows that the hope was well founded. Including a few tracts, sold since at private sale, the quantity disposed of amounts to 11,805 36-100 acres, producing \$32,825 24-100, and averaging \$2 78 per acre.

Leaving out of view the necessity that existed, and admitting, what is extremely problematical, that these lands would, at some indefinite future period, have yielded more than the amount of principal and interest that would accrue from an early sale, it still does not necessarily follow that it would have been politic to have deferred the sales. For in the affairs of communities, no less than of individuals, there are tides which may not be omitted without detriment—tides which, originating in moral causes, may be directed more or less by the agency of man. Of this kind are the fluctuations of population and of wealth, which a sagacious statesman will watch with as much anxiety as that with which a prudent mariner observes the winds, or the ebbing and flowing of the ocean.

Since the cessation of Indian hostilities the tide of emigration to Florida has neither been as full nor as continuous as was anticipated. Nevertheless, though hardly recovered from that hideous contest which desolated large portions of her domain, she has had the boldness to enter the lists of generous rivalry with States already powerful, prosperous, and renowned. Thus situated, and thus adventuring, she should be cautious in regard to any policy that might, in the slightest degree, tend to counteract the attractive influences of her climate and her soil, by repelling, instead of inviting, population and wealth. But true to her permanent interest the State should neither fix high prices on her lands, nor bring them into market sparingly. The times for offering, and the quantities to be offered, should, of course, be regulated by the demand for immediate, or not remote, use, as near as this can be ascertained. And although from the difficulty of such ascertainment, portions might fall into the hands of speculators, against which it is impossible to guard with entire success, yet it is, at the worst, doubtful whether such results would be as prejudicial to the public weal, as would be a slight check to

\* See Appendix A.

immigration, caused by excessive anxiety to obtain high prices.—For if speculators should purchase, keen-sighted self interest would induce them to hasten the settlement of their land. And, besides, the State would immediately begin to derive interest from the proceeds of the sales, and revenue in the form of taxes from the lands themselves. Influenced by these considerations, and from information, anticipating a demand, I have advertised sales to take place next March. Besides the tracts that have been advertised, there are others in East Florida which would probably command fair prices. But these have not yet been approved at Washington, and, moreover, having been selected for Internal Improvement, they must be advertised for six months. Under these circumstances, I apprehend that if I should wait to hear from Washington, the subsequent notice required by law would compel me to postpone the sale to a period in the next year so late that strangers could hardly be expected to attend. And here I will take occasion to propose that the second section of act No. 24, of 1846, be so amended as to require Internal Improvement Lands, like those for Seminaries, to be advertised three months only. This change would diminish the expense, not inconsiderable, of advertising and of selling. Tracts selected for the different objects, and in many cases lying contiguous, could then be advertised in the same notices, and sold at the same times.

In the acts relating to these two classes of land, there are some other differences for which there is no obvious reason. For instance, Seminary lands are required to be appraised, whilst the minimum prices of Internal Improvement lands are fixed by law. The former plan is not recommended to my favor by the little experience I have had of its operation. The latter, after having been tested many years by the United States, is still adhered to; which is no slight proof of its excellence, if it be considered what anxious and unremitting attention has been bestowed upon the land system by the Federal Government. It is desirable, at least, that the State should adopt an uniform system, as far as she has the right to do it, in regard to the management and disposition of all her lands. The minimum price, however, is a matter of more importance than the mode by which such price shall be ascertained.

On a former occasion, I think last year, in the Report of the President of Trustees, the attention of the Legislature was judiciously directed to the impolicy of giving any grounds for the belief abroad, that, after engrossing all the best land within her limits, Florida had fixed on them extravagant prices. I fully concur in that view, and would earnestly deprecate measures having any such tendency. Instead of thus repelling enterprise, and depressing the spirit of competition, invite and stimulate them by the hope, at least, of good bargains, and you will attract to your sales crowds, that, under the contagious excitement incident to such occasions, will, in many cases, cause the lands to sell for more than the most sanguine would have appraised them at in a moment of calm calculation.—This view is sanctioned by unerring experience.

There has been a perpetual contest between the new and the old States in regard to the policy of the public (U. S.) lands; the former contending for a reduction of the minimum, the latter opposing it. Back of each policy of special notice, is the pertinent to the present argument, that, while the course of the parties are directly opposite, the motives of both concert to strengthen the position here taken. The old States, imperiously more or less by an exhausting system of encroachments, find themselves at the suggestion of any measure that might operate with that cause to drain their population and wealth. On the other hand the new States, no less alert and discerning in reference to their particular interests, although they possess large land holdings, and consequently competitors with the Union, consider it wise policy to encounter competition on very unequal terms than to forego the political power and other advantages that accrue to them from a rapid influx of population.

The importance of the subject now under consideration is the more deeply impressed on my mind by the fact that immense tracts of fertile land, adapted to the growth of the same staples that are produced here, have recently been annexed to the Union, and the probability that are long other regions will be added which immigration, at least, does not still more exuberant attractions. In comparing those regions with Florida, and after making much allowance for the suggestions of the ardent, it would be waste to lay too much stress upon the remoteness of the former, and the privations incident to new colonisation, as objections to migrating thither. For the history of emigration shows that, whether quickened by the adventurous spirit of adventure, impelled by want, blurted by victims of wealth or fame, or incited by the love of liberty, the people of the United States can be deterred from the pursuit of their object by no difficulties or dangers that human courage, fortitude, and energy, can possibly overcome.

I do regard to the School Lands, (18th section,) I entertain no doubt that it would be wise to sell them, and as speedily as possible, consistently with the particular interest of the object for which they were designed, and with the general policy above indicated. While they remain in their wild state, they contribute nothing either to the general interests of the State, or to the school fund, but are exposed to trespassers, and must be protected, at some cost. And if they be leased, even at fair prices, and to punctual tenants, (which cannot be in all cases, predicated of the past,) their rapid deterioration will overwhelm the income thus derived.

At the sales of Surveyors lands, which took place last spring, several articles were sold, on which there were subsisting leases. Since then no new leases have been made; and had any proposals to that effect, been submitted, I would have assented to them reluctantly. For the experience of all the planting States shows that while good fresh land is abundant and cheap, and the system of culture required

For statement of facts, see Appendix B.

by their peculiar staples leaves but little leisure to improve, or even to sustain, old ground, impoverishment generally, and not without desolation, soon succeeds fertility, even under the provision made in favor of proprietors in fee. It would be idle, then, to expect from lessees much care to prevent waste or exhaustion. It will be certainly inferred from what has been said, that I would recommend the entire abandonment of the leasing system.

Should the Legislature concur with me on this point, no local agents will hereafter be necessary, except for the single though important purpose of protecting the public lands from trespassers. With a view to remedy defects in pre-existing laws on this subject, the last Legislature (of 1846) made it the duty of the Register, in certain cases, to appoint agents—and authorized him, "with the Governor, to fix their compensation." Without such an extensive and intimate personal acquaintance as very few can possess, the Register or any other individual, would ever find it difficult, if not impossible, to make judicious appointments. Without such knowledge an appointing power or functionary is always obnoxious to imposition, and often subject to censure which ought to fall on others, on whom he is obliged to rely for correct information. Now, therefore, disclaiming all pretensions to shrink from any duty that I think I can discharge with benefit to the public, I would respectfully propose a modification of the provisions referred to. Let agents be elected annually, in the same manner that members of the Legislature and county officers are elected. One agent in each county would be sufficient, except perhaps, in some of the large counties, or such as are divided by streams which it is inconvenient to cross. In such cases let the counties be divided into districts, defined by such streams, or by range and township lines. Make it the duty of the agents to take charge of all State lands lying in their respective districts, and to institute proceedings in the name and behalf of the State, against trespassers. Make it the duty of Grand Jurors also, to take appropriate legal cognizance of all trespasses coming under their own observation—and require the Judges of the Circuit Courts to charge and Jurors specially on the subject. As the performance of their duties will be attended with some labor, some expense, and in cases of prosecution, with no little odium, it cannot be expected that competent persons will accept the trust without reasonable compensation. (Distressing laws do not contemplate gratuitous services.) What should be the compensation, our Legislature, can determine best. It should be paid however, out of the proceeds of the lands in proportion to the quantity belonging to each class, or to its value in the respective counties or districts. And, as a further incentive to fidelity and vigilance, give the agents a portion of the damages or fine that may be assessed in any case commenced at their instance. In cases of delinquency, or of which the conviction of a trespasser under a prosecution not instituted by the agent, should be *prima facie* evidence, let the delinquent agent incur at least a forfeiture of his office. Should a vacancy occur, let the County Commissioners fill it by an appointment *ad hoc*.

If the Legislature should adopt these suggestions, and also that which proposes the fixing, by law, minimum prices of all State lands, it will be advisable to require the protecting agents to classify, immediately before every sale, the lands that are to be offered, arranging them under three heads—1st, 2nd and 3rd qualities, and to furnish the Register with lists of such classifications; which lists, together with the notes of the locating agents, would enable the Register to make a final arrangement that would, at least approximate the true relative value of the different tracts. The advantages of consolidating these duties would be two-fold: while the aggregate compensation to one set of agents might be less than if two were employed, it might still be made sufficient to secure the services of competent persons; and the protecting agents being familiar with the lands through frequent visits of observation, would be better qualified to classify them than other persons would be from a single, and probably a cursory view. The quantity of legislation that has already been had on this subject, evinces its inherent difficulty. Sensible of this, it would be with reluctance that I would venture to recommend absolutely, any plan; and it is not without diffidence that I propose the foregoing.

By an act passed March 3d, 1845, Congress granted to this State eight sections of land, for the purpose of fixing the seat of Government. Anxious to make this grant as productive as possible, I addressed a note to the Secretary of the Treasury, expressing the hope that the State would be permitted to locate the land by sections, unrestricted by "legal subdivisions." The matter was referred to the Commissioner of the General Land Office, who gave it as his opinion, (which was concurred with by the Secretary,) that the entire quantity must be located in one body, and that the seat of Government should be fixed upon the land thus granted; "evidently implying that the grant was conditional, and would be void unless the seat of Government should be fixed as aforesaid."

Better success attended an effort to procure a modification of instructions regarding selections for deficient sixteenth sections. The change referred to will enable the State to select good land, for this most important of all the objects for which donations have been made to her, at much less cost than it could have been done under the previous rules.

By provisions in the Acts of 1846, the Register is required to invest all surplus moneys in United States stocks, after reserving enough to meet the expenses incident to selecting land. Estimating, and, as it is now ascertained, correctly, that the amount received and receivable from all sources, after discharging existing demands, would not more than suffice for the purpose indicated until another instalment should become due for lands sold last Spring, or another sale should be made, I invested the temporary surplus in Florida Treasury Certificates at an average discount of four per cent, varying according to the number, or time when each would probably be

See Appendix C.

See Appendix D.

paid. By this operation, the credit of the State has been in some degree upheld—the money has been kept in circulation at home—the means required for prosecuting the selection of lands come in seasonably, and an immediate gain of \$226.05 has been effected for the Seminary fund.\*

I would renew a suggestion, made in 1845, by the President of Trustees, as to the importance of obtaining from the United States more formal evidence of title to lands granted to this State than has hitherto been given. In consequence of the defective manner in which selections have heretofore been, and still are designated, several tracts in Gadsden county have been lost; the only evidence extant that they ever were selected being simply the letter "U," marked on the maps in the Tallahassee Land Office, apparently of very long standing, and of mysterious import. As soon as practicable, after I discovered that slight and solitary evidence of the State's title, and ascertained that the tracts thus marked were worth selecting, I made a formal application for them directly to the General Land Office; but it was too late. Of three sections thus situated, two had previously been sold by the United States.

I am not aware that blame can be properly imputed to any person for the loss of the usual evidence, if there ever was any, in reference to these lands. It is possible that if they were genuine selections the evidence which ought to have been in the General Land Office was destroyed "at the burning of the Treasury building some years ago," as has been suggested in reference to a correspondence between the Governor of Florida and the Secretary of the Treasury, in regard to the Seminary lands, which took place about twenty years since.— And it is quite as possible that by a coincidence of casualties, the evidence that should have been in the Land Office here may have been destroyed by the great fire in 1843, which, as appears by a letter from the then Register in this place to the Commissioner of the General Land Office, dated 27th May, 1843, did consume the building in which the District Land Office was kept, together with the furniture, and some papers. But from whatever cause the loss, if it be one, did occur, the facts now stated should admonish us of the propriety of guarding against future losses; and there is no mode more appropriate than the issuing of patents.

While on this subject I will make another suggestion. The Acts 23 and 24 of 1846, require the State Register to make conveyances to purchasers from the State, but prescribe no form of attesting such conveyances. Would it not be expedient to authorize the Secretary of State to attest such conveyances under the seal of the State, and make this a sufficient authentication to entitle them to be recorded? It is not proposed to make this the exclusive mode of authenticating State deeds, although it would seem to be the most appropriate one; but to give it the same legal efficacy that existing modes have. It would afford, at least, an additional facility to effect what it is not

\* See Appendix E.—Account and General Statement.

always convenient to do under the general law relating to conveyances.

In the first line of Section 4, Act No. 24, of 1846, as the act is published, there is an error which it might be well to correct. The word *first* should be substituted, as it was obviously intended to be used, for the word "*last*."

In discharging this duty, (reporting,) I have sought to comply fully with the requirements of the law, and at the same time to avoid such latitude of remarks as might subject me to the imputation of encroaching upon the prerogatives or duties of other State functionaries. If, therefore, it should seem to any that I have construed the law too strictly, I trust they will ascribe it to an unfeigned repugnance to appear obtrusive. On the other hand, should I have unconsciously failed to observe in practice, what I approve in theory, I hope the error may be attributed to undissembled zeal in a cause of deep interest to every citizen of Florida.

Respectfully submitted.

JOHN BEARD,

Register of Public Lands for the State of Florida.

TALLAHASSEE, NOVEMBER 10, 1847.

## APPENDIX TO REGISTER'S REPORT.

[A.]

### LIST OF SEMINARY LANDS

LOCATED UNDER ACTS OF CONGRESS OF 3D MARCH, 1823, AND 29TH JANUARY, 1827.

#### WEST OF APALACHICOLA RIVER.

Subdivisions.	Sec.	Town.	Range.	Acres.
*West half of	28	7 N	8 W	318 25
*East half of	29	7 "	8 "	318 00
*West half of	14	7 "	9 "	317 12
*All of Section	15	7 "	9 "	635 75
*All of Section	22	7 "	9 "	635 00
†All of Section	26	6 "	10 "	636 50

Located previous to the 23d November, 1846, 19,270 30

Total approved, 22,130 92

Number of Sections 34½—leaving to be approved, 1½.

[\* Approved 25th March, 1847.—† Approved 11th March, 1847.]

EAST OF APALACHICOLA.	S.	T. S.	R. E.	Acres.
*All of	28	1	7	642 75
*All of	21	6	"	637 25
*W hf N W qr, and W hf S W qr,	22	"	"	159 25
*All of	28	"	"	637 25
*All of	31	"	"	641 50
*West half of	5	16	16	319 40
†All of	6	"	"	640 00
†All of	7	"	"	637 26
†All of	8	"	"	638 80
†All of	9	"	"	639 20
*West half of	10	"	"	320 40
*West half of	15	"	"	319 13
†All of	17	"	"	640 40
†All of	18	"	"	634 56
†East half of	19	"	"	316 20
†All of	20	"	"	641 76
†All of	21	"	"	642 40
†All of	22	"	"	638 80
†West half of	23	"	"	321 00
*West half of	26	"	"	321 28
†All of	27	"	"	640 00
*East half and N. W. quarter of	28	"	"	481 50
†South half of	1	21	18	320 54
†North half of	12	"	"	321 00
†All of	11	24	21	640 12
Located before November, 1846,				9,924 18

22,716 11

Number of Sections approved, 35 6.8—No. to be approved, 2.8ths.

Located under Act of 3d March, 1845.

[Approved 11th March, 1847. See Letter from the General Land Office, dated 20th March, 1847.]

Subdivisions.	Sec.	T. S.	R. E.	Acres.
South West quarter of	4	10	13	161 06
South East quarter of	5	"	"	160 40
North East quarter of	8	"	"	160 20
North West quarter of	9	"	"	160 20
All of	5	12	14	630 00
All of	6	"	"	621 50
All of	7	12	14	632 25
All of	8	"	"	640 00
All of	18	27	21	646 64

[† Approved 11th March, 1847. See Letter from General Land Office, dated 20th March, 1847. \* Approved 13th May, 1847. See Letter from Gen. Land Office, dated 15th May, 1847.]

Subdivisions.	Sec.	T. S.	R. E.	Acres.
All of	14	28	22	642 64
All of	36	29	22	644 07
All of	1	29	29	639 00
All of	2	"	"	689 40
All of	6	23	30	639 40
All of	24	20	30	639 20
Fractional	25	"	"	192 17
All of	27	"	"	637 44
All of	28	"	"	640 49
All of	34	20	30	639 04
Fractional	21	19	31	119 31
Fractional	22	"	"	610 43
Fractional	27	"	"	220 90
All of	19	20	31	661 39
Fractional	20	"	"	589 02
Fractional	25	"	"	591 52
Fractional	35	20	30	591 67
Fractional	26	20	31	413 52
Fractional	29	"	"	187 63
Fractional	30	"	"	298 28
All of	35	"	"	642 96
All of	36	"	"	640 15
All of	2	21	31	621 23
All of	3	"	"	614 01

[Approved 23th September, 1847. See Letter from General Land Office, dated October first, 1817.]

Subdivisions.	S.	T. E.	R. E.	Acres.
All of	12	13	20	656 96
All of	17	"	"	638 24
All of	21	"	"	639 24
All of	15	13	21	640 24
E hf & E hf of S W qr	8	"	"	400 62
All of	17	"	"	639 40
S hf N E qr, and E hf of N W qr,	22	"	"	561 21
N W qr	27	"	"	160 16
N E qr	28	"	"	160 16
W hf & N E qr	3	14	21	426 72
All of	4	"	"	565 67
S W qr & W hf of N W qr	3	14	22	230 11
S hf, E hf of N E qr, W hf of N W qr,	4	"	"	448 66
All of	5	"	"	567 27
All of	6	"	"	528 07
S hf, E hf of N E qr, & N W qr of N W qr.	7	"	"	411 40

Subdivisions.	S.	T. E.	R. E.	Acres.
S W qr, W hf of N W qr, & E hf of S E qr	8	"	"	318 29
W hf of S W qr	9	"	"	79 91
N hf of S W qr	17	"	"	478 59
E hf & E hf N W qr	18	"	"	373 10
W hf and W hf S E qr	2	15	16	401 67
All of	3	"	"	642 32
All of	4	"	"	641 68
S hf and E hf of N E qr	5	"	"	400 25
S hf and N W qr	6	"	"	480 66
E hf and N W qr	7	"	"	479 76
All of	8	"	"	640 24
All of	9	"	"	642 56
All of	10	"	"	642 24
N W qr and W hf of S W qr	11	"	"	241 17
N W qr	15	"	"	160 68
N E qr	17	"	"	160 16
S W qr	29	"	"	160 06
S hf	30	"	"	320 44
All of	31	"	"	640 68
All of	32	"	"	640 40

92,785 38

Total approved 54 S.  $\frac{1}{4}$  1-16th.  
To be approved, 17 S. 1-16th.

Recapitulation of selections approved for Semmaries, under the Acts of 1823 and 1827.

West of Apalachicola River, 34 S. 1-8th.  
East of Apalachicola River, 35 S. 6-8th.  
69 S. 7-8th.

Under Act of 1845.

At large, 54 S. 7-8 1-16th.  
Total approved, 124 S. 6-8 1-16th.  
To be approved, 19 S. 1-8 1-16th.

144 S.

For deficient 16th or School Sections, in Newmansville District. (Approved.)

Subdivisions.	S.	T. S.	R. E.	Acres.
For T. 18, S, R 16 E, S hf of N W qr, and N hf of S W qr	6	21	19	160 70
T 1, R 22, E, S hf of S W qr	6	"	"	163 98
" " " W hf of N W qr	7	"	"	
T 11, R " " s w qr & w hf of s e qr	18	"	"	320 00
" " " W hf of S E qr	20	"	"	
" " " Fractional	16	11	22	189 36

Subdivisions.	S.	T. S.	R. E.	Acres.
T 12 R 22, E, East hf of S E qr	18	21	22	280 187 23
" " " s w qr n w qr of s e qr	17	"	"	
" " " Fractional	16	12	22	
T 9 R 24 " E hf of S E qr	8	21	19	160 00 484 61
" " " W hf of S W qr	9	"	"	
" " " Fractional	16	"	"	
T 34 R 17 " E hf of N E qr	20	21	19	160 00 337 80
" " " W hf of N W qr	21	"	"	
" " " Fractional	16	34	17	
" " 18 " W hf, N hf N E qr } & S hf S E qr }	19	21	19	487 00 144 05
" " " Fractional,	16	34	18	
T 16 R 19 " W hf, & W hf S E qr	30	21	19	
" " " Fractional	16	16	19	
17 R 19 " All	33	21	19	
18 " " W hf of S W qr	3	"	"	472 62
" " " East half	4	"	"	
" " " S hf of S E qr	33	20	19	
15 R 22 " S hf of S E qr	34	"	"	471 62 160 64
" " " N hf and N E qr	3	21	"	
" " " Fractional	16	15	22	
				5439 11

*In St. Augustine District—Selections.*

Subdivisions.	S.	T. S.	R. F.	Acres.
For T 6 S R 27 E Lots 2, 4, 5, 6, } 7, 8, 11, 12, 13, 14, 15, 16, }	11	6	27	462,23 750
T 6 S R 27 E, Lot 4,	14	"	"	
T " " " " Fractional	16	"	"	300 04
T 8 " " 30 " Lots 1, 2, 3, 4, 5,	29	8	30	
T 8 " " 30 " Lot 8,	30	"	"	
T 9 S R 27 E, Lots 6, 7, 8, 9, 10, 11,	17	9	27	202 34 447 00
T 9 S R 27 E, Fractional	16	9	27	
T 10 S R 31 E, Lots 1, 2, 3,	18	10	31	187 11
T 12 S R 26 E, Lots 1, 2, 3, 4, 5,	21	12	26	230 48 95 77
T 12 S R 26 E, Fractional,	16	12	26	
				1932 47

Still to be selected for deficient 18th Sections,  
ascertained, 27,047 50

*For Internal Improvement.*

Reported this year but not yet acted on, 155,061 14  
The average cost of selecting all of the lands in this schedule is  
3 1-2 cents per acre.

**B. STATEMENT OF LEASES SEMINARY LANDS.**  
*In Jackson County.*

Years.	Names of Lessees.	Sums due.
1845.	James E. Coulette,	\$ 4 00
"	J. W. Russ, (nominal rent,	1 00
1846.	John G. Russ,	17 50
"	John P. Lockey,	12 00
"	James E. Coulette,	7 50
"	Elizabeth Tanner,	35 00
"	John G. Roulhac, (nominal,)	1 00
"	J. G. Russ, do.	1 00
"	J. W. Russ, do.	1 00
1847.	S. C. Bellamy,	12 50
"	Canada Russ,	7 09
"	A. Revear,	11 25
		\$110 75
<i>In Gadsden County.</i>		
1844.	George W. King,	5 00
1845.	Thomas Wren,	15 00
"	A. R. Ransome,	10 00
"	John R. Hays,	12 00
"	Peter Wylie,	12 00
"	Jesse Williams,	2 06
"	Elijah Watson,	20 00
"	Aphonzo H. Alley,	2 50
"	John McAlilly,	20 00
1846.	Thomas J. Cain,	20 00
"	Peter Wylie,	30 00
"	Aphonzo H. Alley,	10 00
"	John McAlilly,	35 00
"	William S. Gunn,	75 00
"	Elizabeth McLaughlin,	75 00
"	John Buie,	60 00
"	William Russell,	20 00
"	William Mitchell,	25 00
"	Alexander Campbell,	18 00
"	William B. Seely,	15 00
"	Thomas D. Wilson,	15 00
"	William Swann,	15 00
"	John Clarke,	5 00
"	David W. Hollomon,	25 00
"	Uz Williams,	35 00
"	Robert S. Tucker,	35 00
1847.	Peter Wylie,	35 00
"	John McDougald,	60 00
"	William Edwards,	3 50
"	William E. Howell,	17 00

Years.	Names of Lessees.	Sums Due.
1847.	George W. Phillips,	40 00
"	Mary M. Bryan,	8 00
"	Rachel King,	15 00
	Total in Gadsden,	\$790 00
	" " Jackson,	110 75
		*\$900.75

\* Of this sum it is doubtful whether more than \$350 will be collectible.

### C.] CORRESPONDENCE WITH THE SECRETARY OF THE TREASURY.

St. AUGUSTINE, Sept. 2d, 1847.

Sir: By the act of 3d March, 1845, entitled An Act supplemental to the act for the admission of Florida, &c., eight entire sections of land are granted to said State, for the purpose of fixing the seat of Government.

It is hoped that the term "entire," may not be so interpreted, or applied, as to restrict the selections to the legal subdivisions, or section lines. For such restriction would render the grant almost valueless, as the good lands in Florida are much cut up with pre-emptions, "armed occupation," and other private claims.

An early communication from you, touching the matter suggested, for your consideration, is respectfully solicited.

I have the honor to be, sir, your obedient servant,

JOHN BEARD,

Register of Public Lands for the State of Florida.

Hon. R. J. WALKER, Secretary of the Treasury.

TREASURY DEPARTMENT,  
September 9th, 1847.

Sir: I acknowledge the receipt of your communication of the 2d inst., inquiring as to the construction put by the Department on the act of 3d March, 1845, supplemental to the act for the admission of Florida, &c., and have to state in reply that I have referred the same to the Commissioner of the General Land Office, for a report at as early date as convenient. When that report shall have been received and considered, you will be advised of the views of this Department on the subject of your communication.

I am, sir, very respectfully, your obedient servant,

R. J. WALKER, Secretary of the Treasury.

JOHN BEARD, Esq.,  
Register of Public Lands for State of Florida, St. Augustine, Fla.

TREASURY DEPARTMENT,  
Sept. 16th, 1847.

Sir: In further reply to your communication of the 2d inst., with respect to the construction of that portion of the Act of 3d March, 1845, granting to the State of Florida "eight entire sections of land for the purpose of fixing their seat of Government," I herewith transmit a copy of a report to me from the Commissioner of the General Land Office, under date of the 15th instant, and the accompanying printed Circular, showing the construction placed on that Act and similar grants to other States by the General Land Office, and in that construction I concur.

I am, Sir, very respectfully,

Your obedient servant,

R. J. WALKER,

Secretary of the Treasury.

JOHN BEARD, Esq.,

Register of Public Lands for Florida, St. Augustine, Fla.

[COPY.]

GENERAL LAND OFFICE,  
September 10th, 1847.

Sir: I have the honor to acknowledge the receipt of the letter of the 2d inst., from John Beard, Esq., Register of Public Lands for the State of Florida, referred by you to this office—in which that gentleman states that it is hoped that the terms of that part of the act of 3d March, 1845, by which there are granted to the State of Florida, "eight entire sections of land, for the purpose of fixing their seat of Government," may not be so interpreted, or applied, as to restrict the selections to the legal subdivisions, or section lines—as such restriction would render the grant almost valueless, &c.

In accordance with your direction endorsed thereon, I have the honor to state, that in my opinion the terms of the grant above mentioned, require that the whole of these eight sections should be located in one body, at such point as may be fixed upon by the proper authorities of Florida, as their seat of Government and that the seat of Government for that State should be fixed upon the lands thus granted. Such appears to have been the opinion of this office on all similar lands, as you will perceive by reference to the enclosed circular to Register and Receiver, of 11th Oct. 1837—and the opinion of the Solicitor of this office, of 19th September, 1837.

Mr. Beard's letter is herewith returned.

Very respectfully,

Your obt' serv't,

RICHARD M. YOUNG,

Commissioner.

Hon. R. J. WALKER, Sec'y of the Treasury.

SOLICITOR'S BUREAU, }  
September 19, 1837. }

Sir: I have examined the question propounded by the Register at Kalamazoo, in his letter of the 30th ultimo, viz: "Whether it be necessary that the selections made by the several counties, under the act of May 26th, 1824, should be actually used as sites of the several Court Houses, or as county seats, or whether they be viewed as made for the benefit of the counties?"

The Register states, "that if actual occupancy as county seats be required, the advantages of the act will be nugatory; that the county seat has long been established, and if compelled to change the location on to the tract selected, the county would be loser, instead of gainer, by the selection. That selections have heretofore been made by counties, with the impression that there was no obligation to fix the seat of justice on the location." The Register asks the advice of the Department, as to the true construction of the act.

As the question probably involves a class of cases somewhat extensive, and perhaps errors in judgment by men who will not yield a first impression without a reason, I have carefully turned my attention to all the acts of Congress which bestow privileges of this description.

The first act of the kind bears date February 25th, 1811, and authorized the entry only of the lands "fixed upon as the sites of the permanent seats," &c. and required the patents to be made to the Commissioners, &c. for that purpose. (L. U. S. Vol. 4, p. 336.)

The next act (April 19, 1816, vol. 6, p. 69,) granted four sections to the State of Indiana, "for the purpose of fixing the seat of Government thereon," and required the location to be made before the public sale of the lands of the United States surrounding such location.

The act of March 3, 1819, further provided for said location by fractions, but with no other change of terms.

The act of 20th April, 1818, granted to Alabama, for the location of the Seat of Government *therein*, one section of land. (Vol. 6, p. 351.)

The act of 20th February, 1819, granted to the State of Mississippi a quantity of land, not exceeding two entire sections, requiring the same to be located in one entire tract, at such place as should "be designated for the Seat of Government *therein*," by the State, and before the commencement of the public sales "of the adjoining and surrounding lands of the United States." (Vol. 6, p. 374.)

The act of 3d March, 1819, (same vol. p. 426,) grants four sections to the State of Illinois, "for the purpose of fixing a Seat of Government *thereon*," with similar provisions as to the location.

The act of 6th March, 1820, (Vol. 6, p. 458,) makes a similar grant, with similar restrictions, to the State of Missouri.

The act of May 15, 1820, (Vol. 6, p. 542,) grants the State of Ohio a pre-emption to a quarter section of land, at the minimum price, "in or near the centre of each county," within the cession made by the treaty of September 20, 1818, "for the establishment of a seat

of justice in said counties," requiring the purchase to be made before the public sales, and the seats of justice to be fixed on the lands so selected.

The act of March 3, 1823, grants a pre-emption to one-quarter section each, for the counties of Marengo, Perry, and Decatur, in Alabama, "for the establishment of seats of justice *therein*," and provides, "that the seats of justice shall be fixed and continued on the land so located." (Vol. 7, p. 172.)

The act of May 24, 1824, grants a quarter section to Florida for a Seat of Government, "to be located previously to a sale of the adjacent lands, under the authority of the Governor thereof, at the point to be selected for the permanent Seat of Government of said Territory." (Vol. 7, p. 275.)

The act of May 26, 1824, (now under consideration,) grants a pre-emption to one-quarter section each, to the several counties or parishes of each State and Territory of the United States, where there are public lands, "for the establishment of seats of justice *therein*;" and provides, "that the seat of justice for said counties or parishes respectively, shall be fixed previously to a sale of the adjoining lands within the county or parish for which the same is located." The second section of the act repeals so much of the former laws "as requires said seats of justice to be continued at or near the centre of said counties or parishes."

In looking at all these laws, evidently "*in pari materia*," and each to be regarded an extension of a like privilege to the one granted by the first act, I cannot, for a moment, hesitate as to the true construction of the act of May 26, 1824. These acts, taken together, show that Congress have intended throughout to pursue a uniform rule. The title of the latter act, as well as the language used in the body of the first section, plainly indicates that the intention was to require the location to be made at the point where the seat of Justice should be established, and that the quarter sections selected should contain it. I am of opinion that all selections and purchases under this act, which were not, at the time of entry, selected as the site for the seat of justice of the proper county or parish, are nullities, and without warrant of law.

The provisions of these several acts, which require as a condition the fixing of the seat of justice before the public sale of the adjacent lands, was, without doubt, to insure to the United States an equivalent for the grant, in the enhanced price for which the adjoining lands would sell, in consequence of being near the seat of justice; and it may well be doubted, whether Congress could lawfully make the grant but for this reason. By the compact with Virginia, the United States took the title of these lands as Trustees, "as a common fund for all the States," and agreed "that they should be faithfully and bona fide disposed of for that purpose, and far no other use or purpose whatsoever." Without a breach of faith and violation of contract, they cannot dispose of any part of them in a way that shall impair or diminish the aggregate of the fund. And unless they can grant

them so as to protect the fund, by an advance of price in the sales of the adjacent lands, or, by some latitude of construction, make a county or parish of a particular State mean the same thing, as "all the States of the Confederation," I would not hesitate to declare the grant an assumption of power, and a violation of contract.

I must advise, then, instructing the Register at Kalamazoo, and all other Registers and Registers and Receivers:

1st. That the pre-emption granted to counties and parishes by the act of May 28, 1824, is of the quarter section only on which the constituted authorities of the State shall have fixed and established, prior to the public sales of the adjacent public lands, the seat of justice.

2d. That they be instructed to permit no selection or entry to be hereafter made in violation of the above rule, and that they report every selection not made in accordance with it.

I am, very respectfully, your obedient servant,  
M. BIRCHARD, *Solicitor*,  
To JAMES WHITCOMB, Esq., *Commissioner*.

[D.]

*Correspondence with the Commissioner of the General Land Office.*

ST. AUGUSTINE, Sept. 9th, 1847.

SIR:—I beg leave to call your attention to an important conflict between the 2d section of the Act of 20th May, 1826, and the 2d general rule in a Circular dated 30th August, 1832, addressed by the Commissioner of the General Land Office to Registers and Receivers, prescribing the mode of making selections for school purposes.

You will perceive that whilst the *Circular* restricts selections to "the nearest adjacent township wherein good land exists," the *Act of 1826*, in a spirit better according with the enlightened purpose of the grantors, authorizes selections to be made "out of any unappropriated public land within the land district where the Township for which any tract is selected may be situated."

Now, if the rule of the *Circular* is to be adhered to, the purpose of the grant must, in many cases, be defeated; for an examination of the *Township* entitled to a selection, and when it contains no good land unappropriated, of the adjacent *Townships*, would, in all cases, by the incident expense, diminish the value of the grants; and, in the cases of small complements, would absorb the whole.

On the contrary, if the *law* be the rule, selections may be made with the less difficulty, at much less expense to Florida, and with as little detriment to the interest of the U. S.

The first two propositions are obvious. The third I'll try to demonstrate.

Suppose we be restricted to the *rule*. The locating agents will ransack the "adjacent Township," and as tracts too small to be taken by the State for any other purpose, may be taken for this, the U. S. may thus lose many valuable tracts. On the other hand, if the *law* be pursued, for the purpose of saving expense, the State agents will locate, if practicable, in one body, or connected tracts, in each land

district, the quantity required to make up the complements of all the Townships in such district. And thus the State would take for schools only what she might take for internal improvements; and as far as the U. S. are concerned it seems to me to be a matter of indifference for which of those objects the land shall be taken.

Hoping that the foregoing view may be concurred with, I have this day sent to the Newnansville office a list of selections made in accordance with the Act of 1826.

A reply, at your earliest convenience, will, especially if in accordance with the above suggestions, greatly expedite a troublesome business, and, oblige, sir,  
Your ob't serv't,  
JOHN BEARD, *Register, &c.*

RICHARD M. YOUNG, *Commissioner*.

GENERAL LAND OFFICE, September 17, 1847.

SIR:—In reply to your communication of the 9th inst., I have to state, that townships and fractional townships, within the State of Florida, entitled to select School Lands under the law of 1826, will be permitted to make selections "out of any unappropriated public land within the land district where the township (for which the selection is to be made) is situated."

Very respectfully, your obedient servant,

RICHARD M. YOUNG, *Commissioner*.

JOHN BEARD, Esq., *Register of the State of Florida, St. Augustine*,

E.] *The State of Florida in account with John Beard, Register of Public Lands.*

1847

DR.

February, expenses visiting General Land Office, on the public business,	\$201 45
March, paid D. H. Burr, for services,	45 00
April 1, paid Hugh Archer, appraiser,	70 00
April 19, paid J. M. Gould, for blanks,	20 00
May 18, paid T. Demilly, for work for office,	7 00
June 1, paid J. A. Edmondson,	6 60
June 3, paid B. Barkley, appraiser,	92 00
May 3, expenses attending sales,	83 70
June 7, Hopkins & Meginniss, for sundries, For office, use,	51 18
June 7, G. Vingerhoets, for desk and tables,	34 00
June 8, O. A. Myers, for services in office,	36 39
June 8, Kirksey & Seward, for cloth for office,	4 00
June 9, Floridian office, advertising and blanks,	60 00
June 9, Advertiser, Apalachicola, advertising,	42 00
June 10, Sentinel, Tallahassee, "	52 50
June 10, Journal, Tallahassee, advertising and blanks,	66 00
June 10, P. A. Hayward, books and stationery,	75 62
June 14, Charleston Mercury, Advertising	64 48
June 14, Treasurer, money borrowed by Governor, to pay locating agents,	1400 00

June 14, Columbus Times, for advertising, . . . . .	24 50
June 14, Savannah Georgian, " . . . . .	29 25
October 4, George Burt, for paper, . . . . .	1 45
November 9, R. H. Whiting, for fire fender, . . . . .	2 50
November 9, B. F. Whitner, Jr., locating lands, . . . . .	1143 30
November 9, A. M. Randolph, locating lands, . . . . .	2600 00
November 9, Henry Wells, " " . . . . .	410 00
November 8, Samuel J. Perry, " " . . . . .	324 65
November 9, Britton Barkley, " " . . . . .	729 69
November 9, B. F. Whitner, Jr., " " . . . . .	63 69
November 9, S. J. Perry, appraiser, " . . . . .	15 00
November 9, O. A. Myers, for services in absence of the Register, on public business, . . . . .	68 33
November 9, Hopkins & Meginniss, and-irons, tongs and shovel, . . . . .	2 50
November 9, Postages, . . . . .	6 33
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	7,833 66
By balance in hands of Register in Treasury Certifi- cates and cash, . . . . .	5,075 33
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	\$12,908 99

CR.

By cash received for Seminary Land sold, . . . . .	\$11,288 26
" " " from Dr. D. L. White, ag't for rents, . . . . .	292 30
" " " from late President of Trustees, . . . . .	1,062 38
" " " from Gov. Moseley, balance borrowed from Treasurer as per account allow- ed last year, . . . . .	40 00
By premium on Treasury Certificates, . . . . .	226 05
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	\$12,908 99

*General statement of Seminary Funds.*

Due by bond for land, . . . . .	\$24,032 36
Treasury Certificates and cash in hands, of Register as per contra, . . . . .	5,075 33
Five per cent. fund of 1845, in State Treasury, . . . . .	975 80
Ditto of 1846, ascertained but not received, . . . . .	1,930 92
Bond due by G. O. McMullin, . . . . .	956 42
Due by Lessees, (exhibit B.) . . . . .	900 75
In Territorial Treasury, see Report of Pres. of Trus- tees in 1846, . . . . .	40 60
*Rents collected by B. Barkley, . . . . .	185 50
*Unsettled account of Hon. T. Bantzell, . . . . .	74 56
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	\$24,172 24

E. E. JOHN BEARD, Register of Public Lands for Florida,  
Tallahassee, Nov. 14th, 1847.

Examined and approved.

W. D. MOSELEY,

\*These gentlemen have accounts not rendered, against the fund.