

Of course, this source of income cannot be counted on for future years.

The truth is, that the payment of Jurors and State Witnesses, is, though a righteous act, a very heavy burden. As above shown, it more than absorbs the 20 per cent. addition—and but for the saving to be expected from biennial sessions of the Legislature, would very soon plunge the State in debt.

**SIMON TOWLE, Comptroller.**

January 2, 1849.

FRIDAY, January 5, 1849.

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.

On motion of Mr. Avery, the rule was waived, and he allowed to introduce a bill to be entitled, An act to authorize William Tenant and John B. Tenant to establish a ferry across Escambia river; 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. Aldrich, Avery, Burritt, Costin, Crawford, Lorimer, Moseley, Sanderson, D. J. Smith and J. M. Smith—11.

Nays—None.

Said bill passed. Title as stated. Ordered to be certified to the House.

On motion of Mr. Avery, the rule was waived, and he allowed to introduce a bill to be entitled, An act to prevent trespass on the School, Seminary and Internal Improvement Lands, and to recover damages for the use and occupation of the same; which was read the first time, the rule waived, read a second time by its title, and referred to a Select Committee, consisting of Messrs. Sanderson, Avery and Burritt.

On motion of Mr. Avery, the rule was waived, and he allowed to introduce a bill to be entitled, An act relating to the Internal Improvement, Seminary and School Funds; which was read the first time, and ordered to a second reading to-morrow.

The following reports from Standing Committees were presented:

The Committee to whom was referred a bill entitled, An act to amend an act concerning Roads and Highways, now in force in this State:

**REPORT;**

That they have had the same under consideration, and beg leave to report the bill back, with an additional section, and ask to be discharged from the further consideration thereof.

**WM. P. MOSELEY, Chairman.**

The Committee on the Executive Department, to whom was referred the Resolution declaring the term of office of Gov. William D. Moseley would expire on the 1st Monday in October, 1849, beg leave to.

**REPORT:**

That the object of this resolution is to determine whether the term of office of our present Governor has already expired, or whether it continues to the time specified in the resolution. To determine this matter, your committee have not only examined that section of the constitution relating to the subject; but they have also resorted to the Journals of the Convention which drafted the constitution. The section in the constitution respecting this question, after directing that the election for Governor and other officers should be held on the first Monday after the expiration of sixty days subsequent to the date of the President's Proclamation, contains the following language: "The Governor, Representative in Congress, and Members of the General Assembly, shall enter upon the duties of their respective offices immediately after their election under the provisions of this constitution, and shall continue in office in the same manner and during the same period they would have done had they been elected on the 1st Monday in October."—[See Thom. Dig. pp 9.] Now by all the rules of grammatical construction, the framers of the constitution evidently intended by the language used to specify and designate the October preceding the actual election. Now if we examine the Journals of the Convention in connection with this subject this inference is fully sustained. We there find a proposition was made to have the constitution submitted to the people for their ratification in May, 1839, and on its ratification the President of the Convention was to cause writs of election to issue for the 1st Monday in October thereafter. This was amended by substituting the section now contained in our schedule and ordinance previously referred to. Now the ratification of the constitution by the people could not be had before the adjournment of Congress then in session; consequently it was impossible for us to be admitted into the Union until the next session—which commencing in December, would be subsequent to the regular time fixed for holding the elections, viz: the first Monday in October. Now it was evidently the design of the framers of the constitution that the wheels of Government should be put in motion regularly and as speedily as possible; this is evident from both these propositions. By the first it was proposed to avoid the difficulty of having the terms of office commenced from an irregular period, by going into the election at the regular time, though it was prior to our admission into the Union. This same object was obtained by the substitute, as it is there provided that though the election should be held subsequent to the regular period, yet it should be considered as having been held at that time, viz: the first Monday in October. And thus a speedy and regular organization would be had without our electing the different

state offices previous to our admission. Again, in the examination of all laws it is necessary to place such a construction upon the whole as to make all the parts harmonize and not contradict each other. Now if we consider the term of office of the present Governor as commencing from the October subsequent to his election, do we not come in conflict with this principle? The constitution declares that the governor shall be elected for four years, and shall hold his office until his successor is chosen and qualified; by this last construction the governor would be in office for a longer term than four years, and would hold his office though his successor might be chosen and qualified—which would be a contradiction of one portion of the constitution by another. All of which is avoided by a contrary construction. Your committee would therefore beg leave to propose the following resolution as a substitute for that referred to their consideration:

*Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That in the opinion of this General Assembly the term of office of Governor William D. Moseley expired on the 1st Monday in October, 1848, and he is now merely holding over until his successor, who is already chosen, shall have qualified.

All of which is most respectfully submitted,  
**JOSEPH AUSTIN, Chairman.**  
**JAS. H. T. LORIMER.**

The Committee on Taxation and Revenue, to whom was referred a bill entitled, An act to prescribe an equal and uniform mode of Taxation, and for other purposes,

#### REPORT:

That they have considered the merits of said bill. By the provisions of the said bill, it is proposed to change the present system of taxation, by adopting the advalorem principle. This seems to be the most equal mode of taxation, but the system is entirely new in the State, and by adopting that principle now, in the absence of such statistical information as would be necessary to enable the Legislature to arrive at a proper estimate as to what amount of per centage would be necessary to raise a sufficient revenue to meet the expenses of the State, would be an experiment which might lead to disastrous results. The majority of the Committee have therefore instructed me, as their Chairman, to report said bill back, and recommend that the same be not passed; and ask to be discharged from the further consideration of the subject.

**T. M. WHITE, Chairman.**

**S. L. BURRITT and WILLIAM A. FORWARD, dissenting.**

The Committee on Engrossed bills beg leave to REPORT as correctly engrossed:

Amendments to House bill entitled, An act to incorporate the Florida and Georgia Rail Road company;

A bill to be entitled, An act in relation to the Comptroller's Office;

A bill to be entitled, An act to provide for the payment of the salary, travelling, and other expenses of the Register of Public Lands out of the public monies in his hands;

A bill to be entitled, An act amendatory of the several acts now in force in relation to the assessment and collection of the revenue;

And a bill to be entitled, An act to organize the county of Hilaka.

**WILLIAM A. FORWARD, Chairman.**

The Committee on Taxation and Revenue, to whom was referred the bill to repeal the act of last session of the General Assembly increasing the taxes 20 per cent., ask leave to

#### REPORT:

That, after investigation, they find the following to be the financial condition of the State at this time: It appears, from the reports of the Treasurer and Comptroller, that very near, if not quite, all the demands against the State have been paid up in full to the first day of November last, which is the commencement of the present fiscal year. This very satisfactory result is owing to several causes, 1st. The 20 per cent. addition made at the last session. The nett amount of revenue collected and paid over for the year 1847, appears to be \$39,463 72; twenty per cent. on that sum amounts to \$7,892 74. 2d. The increase of taxes arising from the natural increase of taxable property, may be set down at \$2,000 00. 3d. The large amount of arrearages for former years, which has been collected during the course of the past year, as appears by report of the Comptroller, say for 1845, \$236 69; for 1846, \$5,928 65; total \$16,058 08.

These causes, combined with a diminution of some three thousand dollars in general expenses of State Government, (aside from the payment of jurors and State witnesses,) have happily cleared the State from debt up to the commencement of the current fiscal year. We have consequently no burdens to provide for, except the expenses of this and the next fiscal year.

To make proper provision for these expenses, is a matter of no little difficulty, and it should be entered upon with much caution; the more so from the fact that we are now legislating for two years, and an error will cause double injury.

As appears by the estimate of the Comptroller, dated 2d inst. and now before the Senate, the expenses of the State will be for the fiscal year 1849, \$61,670 20; for the fiscal year 1850, \$42,882 00; total for the said two years, \$104,552 20. The difference in the amount required for the two fiscal years is caused by there being no session of the Legislature during the fiscal year 1850. Your committee are not aware that any material reduction could safely be made from that estimate. There is, however, a bill now before the General Assembly, requiring that the salary and travelling expenses of the Register

of Public Lands shall be paid out of the public moneys in his hands, if that is passed, it will reduce the estimate some thirteen hundred dollars; and your committee would here remark that they are clearly of opinion that the salary and travelling expenses of that officer should be paid out of such funds, and not of the general revenue of the State. Taking it for granted that the said bill will become a law, the expenses to be provided for according to the estimate of the Comptroller are \$103,252 20. To meet this, we have, according to said estimate, the following income. 1st. general revenue for 1849, \$50,000 00  
And the same for 1850, total - \$100,000  
Taxes on auction sales & licenses, 1849, 2,300

do. do. do. do. 1850, 2,300—total \$104,600 00

This estimate your committee believe correct, as the laws now are; and in view of it, your committee would deprecate any material diminution of the present rates of taxation, unless, at the same time, other means are provided to make up the deficiency thus produced. In common with every other well wisher of the country, your committee are opposed to any legislation which will have the effect to involve the State in debt.

We are compelled to anticipate the revenue each year, and to pay off current expenses in Treasury scrip, which is not redeemed until the end of the year. During the present year, it will be impossible to redeem all. Under the most favorable circumstances, some eight or ten thousand dollars will have to remain unpaid until the revenue for the year 1850 comes in. This will appear from the above figures.

Your committee are of opinion that our present system of taxation is deficient and unequal in many respects. Many species of property are not now taxed. The owners of the particular kinds of property taxed, are compelled to bear heavy burdens, while others equally wealthy, who have invested in another way, go free. Your committee are of opinion, however, that this not a proper time to make any material change in the system, as any action must be by way of experiment, and that experiment might lead to disastrous results.—There are other species of property than those now taxed, which are proper subjects of taxation, and your committee would recommend that these subjects be taxed. They have, therefore, reported a bill for that purpose. In view of the present and probable future condition of the finances of the State, your committee deem it unsafe to strike off the whole of the twenty per cent. increase made at the last session of the General Assembly, but they believe that a reduction on that increase may perhaps be made, if at the same time taxes are imposed upon other subjects now exempt.

Your committee have, with these views, prepared the enclosed bill, to reduce the 20 per cent. addition made last session of the General Assembly to ten per cent., and to tax other subjects heretofore exempt, which they beg leave to report as a substitute for the bill referred to them, and ask to be discharged from the further consideration of the subject.

THOMAS M. WHITE, Chairman.

On motion of Mr. Lorimer, Ordered, that 300 copies of said last report be printed.

The following reports from Select Committees were presented: The Joint Committee appointed to examine into the condition of the office of Register of Public Lands, ask leave to

#### REPORT:

That in the performance of their duty they have examined the books and papers appertaining to said office, and find that the duties of the Register appear to have been performed with diligence and fidelity.

The annual report of the Register is so full and explicit, that your committee do not deem it necessary to embrace more in this report than is necessary to show the expediency of providing other ways of investing seminary, internal improvement, and school money, than those now provided by law. For this purpose they append to this report a statement made by the Register, based upon vouchers exhibited by him, showing that investments in the manner now provided will yield but a very small interest.

O. M. AVERY,  
Chairman Sen. Com.  
LEWIS ALDRICH,  
C. A. TWEED,  
JOHN COLEMAN,  
Chairman of Ho. Com.  
E. M. MOORE.

#### Statement of the purchase of U. S. Treasury Notes bearing six per cent interest:

Nov. 22.	Bought \$1800 a prem. of \$4.87½	\$1,887 75
Dec. 7.	“ \$1500 a “ \$6.50	1,597 50
	\$3,300	3,485 25
	Paid for ex. 1 per cent. prem. on \$3,300	33 00
		\$3,518 25

Thus it will be seen that an investment of \$3,300 in notes bearing 6 per cent. interest was effected at a cost of \$218.25; which upon an average, is equal to \$106.61 for every \$100 of notes.

Consequently the \$3,518.25 thus invested in purchasing \$3300, will yield only the interest on the latter sum, which is \$198 per annum, and equal to \$5.627 per centum.

JOHN BEARD, Register.

The Select Committee, to whom was referred a petition of citizens of Dade county, in the State of Florida, praying that said county may be united to the adjoining county of Monroe for all judicial purposes, under certain limitations and restrictions,—have, according to order, had the same under consideration, and deeming the same to

be reasonable, respectfully report the accompanying bill in furtherance of the objects thereof.

JOHN COSTIN, Chairman,  
WILLIAM A. FORWARD.

The Select Committee appointed to take into consideration the House bill entitled, An act to amend an act to establish a tariff of fees, approved July 6, 1847, ask leave to

#### REPORT:

That after due consideration, they have thought best to report the original bill as it passed the House without amendment, and recommend its passage.

C. A. TWEED, Chairman.

#### ORDERS OF THE DAY.

Engrossed bill to be entitled, An act to authorize and provide for the election of Register of Public Lands for the State of Florida by the qualified voters within the same, was read the third time, and on the question of its passage the yeas and nays were:

Yeas—Mr. President, Messrs. Aldrich, Avery, Brown, Costin, Crawford, Floyd, Forward, Moseley, Sanderson, J. M. Smith and Watts—12.

Nays—Messrs. Austin, Burritt, Lorimer, D. J. Smith and White—5.

Said bill passed. Title as stated. Ordered to be certified to the House.

Engrossed bill to be entitled, An act amendatory of the several acts now in force in relation to the assessment and collection of the Revenue, was read the third time.

On motion of Mr. Floyd, the word "Franklin," in 3d line of 1st section, was unanimously stricken out.

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

Yeas—Mr. President, Messrs. Aldrich, Avery, Brown, Burritt, Costin, Floyd, Forward, Lorimer, Moseley, Sanderson, D. J. Smith, J. M. Smith and White—15.

Nays—Messrs. Austin and Crawford—2.

Said bill passed. Title as stated. Ordered to be certified to the House.

The following was ordered to be read:

*To the members of the Senate and House of Representatives of the General Assembly of the State of Florida:*

#### FELLOW-CITIZENS—

Soon after the Speaker of the House of Representatives had opened and published in the presence of both Houses of the General Assembly—during the first week of the session—the returns of an election for Governor, which was held on the 5th day of October last agreeably to the provisions of the Constitution, a joint committee of both Houses of your honorable bodies waited on me, and officially announced to me that I had received the highest number of votes

given, and that I was duly and legally elected Governor of this State. To which I responded by desiring them to make known to you—the Representatives of the people—my profound sense of the honor which they had so freely conferred upon me, and my readiness to be "qualified," as required by the Constitution, when it should suit your convenience to appoint the time and manner; but that, inasmuch as there existed a diversity of opinion in regard to the time when the present Governor's term of office would expire, it would be prudent to take time for deliberation, and to refrain from taking any step which would have the effect to impede the public business, or to embarrass the operation of the Legislature. The Constitution provides that, "the Governor shall be elected for four years, and shall remain in office until a successor be chosen and qualified;" consequently until his "successor" is "qualified," there can be no Constitutional doubt in regard to the action of the present Governor. But it must be evident that a difficulty would occur as soon as I am "qualified" which would arrest any action of the Legislature until the question, who is Governor, is settled. A desire to guard against such a result, and to avoid any interruption to the public business has caused me to postpone the agitation of this question until the important business of the session shall have been transacted.

My opinion in respect to the period when the present Governor's term of office would expire, was very clearly expressed in July 1845, when I was a member of the House of Representatives of the General Assembly of this State, in a declaration which was published in the Journals of that session, wherein I declared it as my opinion that the term of service for which I was elected as a Representative from the County of Leon, would, under the provisions of the Constitution, expire on the 1st Monday in October, 1845. And as the election of Governor occurred at the same time, and under like circumstances, his term of office would terminate on the 1st Monday in October, 1848. The schedule and ordinance of the Constitution declares that "the Governor, Representative in Congress, and members of the General Assembly shall enter upon the duties of their respective offices immediately after their election, under the provisions of this Constitution, and shall continue in office in the same manner, and during the same period *they would have done* had they been elected on the 1st Monday in October,"—or, as I construe it, on the 1st Monday in October, 1844.

The proclamation ordering the election declares "For Governor of the State of Florida, to serve for four years from the 26th day of May, 1845," &c. And when the returns of the election were opened and published in the Hall of Representatives, "the Speaker declared Wm. D. Moseley to be elected first Governor of the State of Florida for four years from the 26th day of May, 1845, and until his successor is chosen and qualified."

But the Judiciary Committee of the House of Representatives, at the same session, to whom this subject was referred, made a report, and a long argument favoring the construction, that the words "*had*

they been elected on the 1st Monday in October," actually meant the succeeding October. Therefore, by their logic, the term of office of the first Governor, would not expire until October, 1849. Thus we have three distinct periods contended for by different parties for the termination of the term of office of the present incumbent of the Executive chair.

The public interest, gentlemen, requires that this state of things should not be permitted to continue beyond the present session of the Legislature. Some think that the judiciary should settle this question. I respectfully conceive, that it is your duty, as well as your province, to determine this matter. The Constitution makes it your duty to count the votes and declare who is elected Governor. You are the judges of his election, and the reason is obvious. There exists, by the genius of our Government, such an intimate connexion between the executive and legislative departments of it that you cannot proceed one step in the discharge of your duties of legislation without the co-operation of the executive; and you should rest under no doubt or uncertainty in this respect; because the constitution has clothed you with the power to determine it. You are a co-ordinate department of the Government, and so long as you keep within constitutional limits, there is no superior power to question your acts. If you transcend them, the Supreme Judiciary Department may grant relief, when the question comes up properly to it.

As far as I am individually concerned, it is of small moment when my term of office shall commence—being well satisfied that the public weal will be fully as well guarded under the administration of the present worthy Chief Magistrate, as it would be under any change. But it is important, for all time to come, that the period for commencing and ending the term of office of the Chief Magistrate of the Commonwealth, should be definitely established.

The Constitution does not prescribe how the Governor shall be "qualified;" but custom, I believe, has established the ceremonies of a public installation in the presence of the Representatives of the People, and the first General Assembly of Florida adopted that form as a precedent. With me, ceremonies are unimportant; but it will be necessary for the Legislature to determine the time and manner of my installation into office, and when that is done, I will cheerfully conform to it.

Very respectfully,

Your Fellow Citizen,

THO. BROWN.

On motion of Mr. Floyd, Ordered that said communication be laid upon the table, and 500 copies printed.

Engrossed bill to be entitled, An act to provide for the payment of the salary, travelling and other expenses of the Register of Public Lands out of the public moneys in his hands;

Was read the third time, and on the question of its passage, the yeas and nays were:

Yeas—Mr. President, Messrs. Aldrich, Austin, Brown, Costin,

Crawford, Forward, Ghent, Lorimer, Moseley, Sanderson, Tweed, Watts, and White—14.

Nays—Messrs. Avery, D. J. Smith, J. M. Smith—3.

Said bill passed. Title as stated. Ordered to be certified to the House.

Engrossed bill to be entitled, An act in relation to the Comptroller's Office,

Was read the third time, and on the question of its passage the yeas and nays were:

Yeas—Mr. President, Messrs. Avery, Forward, Lorimer, Sanderson, D. J. Smith, Tweed, White—8.

Nays—Messrs. Aldrich, Brown, Burritt, Crawford, Floyd, Ghent, Moseley, J. M. Smith, Watts—9.

Said bill was lost.

Bill to be entitled, An act to prescribe an equal and uniform mode of taxation, and for other purposes:

On motion, the Senate resolved itself into a Committee of the Whole on said bill, Mr. Aldrich in the chair. After some time spent therein, the committee rose, and by their chairman reported the bill back to the Senate, and asked to be discharged from the further consideration thereof.

Said bill was, on motion, read a second time by its title, and referred to a Select Committee, consisting of Messrs. Sanderson, Forward and Tweed.

House bill to be entitled, An act to amend an act to establish a Tariff of Fees, approved July 6, 1847, was read the second time and ordered to a third reading to-morrow.

House bill to be entitled, An act to incorporate the Florida and Georgia Rail Road Company, was, on motion of Mr. D. J. Smith, read the third time by its title, and on the question of its passage the yeas and nays were:

Yeas—Mr. President, Messrs. Aldrich, Austin, Avery, Brown, Burritt, Costin, Crawford, Floyd, Ghent, Lorimer, Sanderson, D. J. Smith, Tweed, White—15.

Nays—Messrs. Forward, Moseley, J. M. Smith, Watts—4.

Said bill passed. Title as stated. Ordered to be certified to the House.

Bill to be entitled, An act to render taxation more equable by imposing a tax upon subjects heretofore exempt, and reducing the rate upon subjects now taxed, was, on motion of Mr. Sanderson, laid upon the table, and 75 copies ordered to be printed.

On motion of Mr. Floyd, the rule was waived, and Mr. Ghent allowed to introduce the following resolution:

*Resolution asking from Congress the grant of one hundred and sixty acres of Land, &c.*

1. Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators and Representative in Congress be requested to urge upon Congress

the passage of a law granting to the County of Walton one hundred and sixty acres of Land, to be selected in such place as may be established as the permanent county site of said County, for the purpose of fixing thereon the County Site of said County.

2. *Resolved*, That the Governor be requested to have duly certified copies of the above resolution forwarded to our Senators and Representative in Congress.

Which was read the first time, the rule waived, read a second and third time by its title and passed.

Ordered to be certified to the House.

Bill to be entitled, An act to amend the law of Attachment in force in this State: On motion, the Senate resolved itself into a Committee of the Whole on said bill, Mr. Sanderson 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.

Said bill was read a second time, and referred to the Committee on the Judiciary.

Mr. Moseley moved that the Senate take a recess for 10 minutes.

On which the yeas and nays were called for by Messrs. Floyd and Moseley, and were:

Yeas—Mr. President, Messrs. Austin, Brown, Burritt, Costin, Crawford, Forward, Lorimer, Sanderson, D. J. Smith, J. M. Smith, Watts—12.

Nays—Messrs. Floyd, Moseley—2.

Said motion prevailed, and the Senate took a recess for 10 minutes.

At the expiration of which time, the Senate resumed its session.

A Committee from the House informed the Senate that they had been appointed to wait upon and inform the Senate that the House was ready, pursuant to previous resolution, to proceed to the election of an Attorney General, Secretary of State, Comptroller, Treasurer, Register of Public Lands, and Clerk of the Supreme Court, of this State, and invited the Senate to proceed to the Hall of the House of Representatives for that purpose.

On motion, the Senate proceeded to the Hall of the House of Representatives, when, upon the invitation of the Hon. Speaker of the House, the Hon. President assumed the chair.

The President having declared the object of the joint meeting, announced that nominations were in order for the office of Attorney General of this State.

Mr. Lorimer nominated David P. Hogue, of Leon county.

The vote was as follows:

*For Hogue*—Mr. President, Messrs. Aldrich, Austin, Avery, Brown, Burritt, Costin, Crawford, Floyd, Forward, Lorimer, Moseley, Sanderson, D. J. Smith, J. M. Smith, Tweed, Watts and White—18. Members of the House, 36. Total 54.

Blank—Mr. Ghent—1. Members of the House, 1. Total 2.

Mr. David P. Hogue was declared duly elected Attorney General of this State.

The joint meeting proceeded to the election of a Secretary of State for this State.

Mr. Langford nominated George H. Smith, of Columbia county.

Mr. Austin nominated Wayles Baker, of Leon county.

Mr. Maxwell nominated Benjamin F. Allen, of Leon county.

Mr. Avery nominated Charles W. Downing, of Duval county.

The vote was as follows:

*For Smith*—Mr. President, Messrs. Crawford, Moseley, Sanderson and Watts—5. Members of the House, 6. Total 11.

*For Baker*—Messrs. Austin, Floyd, D. J. Smith, Tweed and White—5. Members of the House, 13. Total 18.

*For Allen*—Mr. Lorimer—1. Members of the House, 5. Total 6.

*For Downing*—Messrs. Avery, Burritt and Ghent—3. Members of the House, 4. Total 7.

*For Blank*—Messrs. Aldrich, Brown, Costin, Forward, J. M. Smith—5. Members of the House, 10. Total 15.

There was no election.

#### SECOND VOTING.

*For Baker*—Messrs. Austin, D. J. Smith, Tweed and White—4. Members of the House, 16. Total 20.

*For Smith*—Messrs. Crawford, Moseley, Sanderson and Watts—4. Members of the House, 4. Total 8.

*For Allen*—Mr. Lorimer—1. Members of the House, 3. Total 4.

*For Downing*—Mr. President, Messrs. Aldrich, Avery, Brown, Burritt, Costin, Floyd, Forward, Ghent and J. M. Smith—10. Members of the House, 8. Total 18.

Blank—Members of the House, 7.

There was no election.

Mr. Maxwell withdrew the name of Mr. Allen.

#### THIRD VOTING.

*For Baker*—Messrs. Austin, Lorimer, D. J. Smith, Tweed and White—5. Members of the House, 18. Total 23.

*For Smith*—Messrs. Crawford and Watts—2. Members of the House, 1. Total 3.

*For Downing*—Mr. President, Messrs. Aldrich, Avery, Brown, Burritt, Costin, Floyd, Forward, Ghent, Moseley, Sanderson and J. M. Smith—12. Members of the House, 17. Total 29.

Blank—Members of the House, 2.

There was no election.

#### FOURTH VOTING.

*For Baker*—Messrs. Austin, Crawford, Lorimer, D. J. Smith, Tweed, White—6. Members of the House, 18. Total 24.

*For Smith*—Members of the House, 1. Total 1.

*For Downing*—Mr. President, Messrs. Aldrich, Avery, Brown, Burritt, Costin, Floyd, Forward, Ghent, Moseley, Sanderson, J. M. Smith, Watts—13. Members of the House, 19. Total 32.

Mr. Charles W. Downing was declared duly elected Secretary of State of this State.

The joint meeting proceeded to the election of a Comptroller of Public Accounts.

Mr. Taylor, of Jefferson, nominated Simon Towle, of Leon county. The vote was as follows :

*For Towle*—Mr. President, Messrs. Aldrich, Austin, Avery, Brown, Burritt, Costin, Crawford, Forward, Lorimer, Moseley, Sanderson, D. J. Smith, J. M. Smith, Tweed, Watts, White—17. Members of the House, 37. Total 54.

Blank—Members of the House, 1.

Mr. Simon Towle was declared duly elected Comptroller of Public Accounts of this State.

The joint meeting proceeded to the election of a Treasurer.

Mr. Lorimer nominated William R. Hayward, of Leon County.

The vote was as follows :

*For Hayward*—Mr. President, Messrs. Aldrich, Austin, Avery, Brown, Burritt, Costin, Crawford, Forward, Lorimer, Moseley, Sanderson, D. J. Smith, J. M. Smith, Tweed, Watts, White—17. Members of the House, 38. Total 55.

Mr. William R. Hayward was declared duly elected Treasurer of this State.

The joint meeting, being about two proceed to the election of a Register of Public Lands of this State, Mr. Floyd moved that said election be indefinitely postponed.

On which the yeas and nays were called for by Messrs. White and Floyd, and were :

Yeas—Mr. President, Messrs. Aldrich, Brown, Costin, Crawford, Floyd, Forward, Ghent, Moseley, J. M. Smith, Tweed, Watts—12. Members of the House, 16. Total 28.

Nays—Messrs. Austin, Avery, Burritt, Lorimer, Sanderson, D. J. Smith, White—7. Members of the House, 22. Total 29.

Said motion was lost.

Mr. Long moved that the election of Register of Public Lands be postponed until Wednesday next.

Which motion prevailed.

The joint meeting proceeded to the election of Clerk of the Supreme Court.

Mr. Lorimer nominated Wilkinson Call, of Leon County.

Mr. Knowles nominated Robert S. Hayward, of Leon County.

The vote was as follows :

*For Call*—Messrs. Burritt, Costin, Lorimer, Moseley, Tweed—5. Members of the House, 11. Total 16.

*For Hayward*—Mr. President, Messrs. Austin, Avery, Crawford, Floyd, Ghent, Sanderson, D. J. Smith, Watts, White—10. Members of the House, 18. Total 28.

Two members of the House voted for Mr. Marianno D. Papy, of Leon County.

Blank—Messrs. Aldrich, Brown, Forward, J. M. Smith—4. Members of the House, 7. Total 11. There was no election.

#### SECOND VOTING.

*For Call*—Messrs. Costin, Lorimer, Moseley, Tweed, Watts—5. Members of the House, 10. Total 15.

*For Hayward*—Mr. President, Messrs. Aldrich, Austin, Avery, Brown, Burritt, Crawford, Floyd, Ghent, Sanderson, D. J. Smith, White—12. Members of the House, 21. Total 33.

One member of the House voted for Mr. Marianno D. Papy.

Blank—Messrs. Forward, J. M. Smith—2. Members of the House, 6. Total 8.

Mr. Robert S. Hayward was declared duly elected Clerk of the Supreme Court of this State.

On motion, the joint meeting adjourned, and the Senate returned to their chamber.

House bill to be entitled, An act to amend an act concerning Roads and Highways now in force in this State, was read the 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. Aldrich, Austin, Avery, Brown, Costin, Crawford, Moseley, Sanderson, J. M. Smith, Tweed, Watts, and White—13.

Nays—Messrs. Floyd and D. J. Smith—2.

Said bill passed. Title as stated. Ordered to be certified to the House.

Bill to be entitled, An act uniting the County of Dade to the County of Monroe for judicial purposes, under certain limitations and restrictions, 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. Aldrich, Avery, Brown, Costin, Crawford, Forward, Lorimer, Moseley, Sanderson, J. M. Smith, Tweed and Watts—15.

Nays—None.

Said bill passed. Title as stated. Ordered to be certified to the House.

Mr. Floyd moved that the Senate take a recess until 3 o'clock, P. M., which motion was lost.

House bill to be entitled, An act for the relief of the Sheriff and Tax Assessor and Collector of Hillsborough County, was read the third time, and on the question of its passage the yeas and nays were,

Yeas—Mr. President, Messrs. Aldrich, Avery, Brown, Burritt, Costin, Crawford, Floyd, Forward, Lorimer, Sanderson, D. J. Smith, J. M. Smith, Tweed and Watts—15.

Nays—Mr. Moseley—1.

Said bill passed. Title as stated. Ordered to be certified to the House.

Mr. Floyd moved that the Senate adjourn until to-morrow, 10 o'clock, A. M., which motion was lost.

House bill to be entitled, An act for the relief of Nathan S. Watson, John T. Myrick and James Griffin, was read the third time, and on the question of its passage the yeas and nays were :

Yeas—Messrs. Aldrich, Avery, Brown, Burritt, Costin, Crawford, Floyd, Forward, Lorimer, Moseley, D. J. Smith, J. M. Smith, Tweed, Watts and White—15.

Nays—Mr. President, and Mr. Austin—2.

Said bill passed. Title as stated. Ordered to be certified to the House.

House bill to be entitled, An act to authorize the people of Wakulla county to select their county site, was read the third time, and on the question of its passage the yeas and nays were :

Yeas—Mr. President, Messrs. Aldrich, Austin, Avery, Burritt, Costin, Crawford, Lorimer, Moseley, D. J. Smith, J. M. Smith, Tweed and Watts—13.

Nays—Messrs. Brown and Floyd—2.

Said bill passed. Title as stated. Ordered to be certified to the House.

Mr. Floyd moved that the Senate take a recess until 3 o'clock, P. M. ; which motion was lost.

House bills to be entitled, An act amendatory to the Pilot Laws now in force in this State ;

An act to amend an act entitled, An act to regulate the Pilotage of the bar of the river St. Johns ;

An act to abolish the allowance of tare or gross weight on bales of manufactured cotton ;

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

House resolution authorizing the Register of Public Lands to invest any moneys in his hands in the purchase of State certificates, was read the first time.

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. Floyd—1.

Nays—Mr. President, Messrs. Aldrich, Austin, Avery, Brown, Burritt, Costin, Crawford, Forward, Lorimer, Moseley, Sanderson, D. J. Smith, J. M. Smith, Tweed and White—17.

Said motion was lost, and the resolution ordered to a second reading to-morrow.

House bill to be entitled, An act to empower James C. Evans, a minor, to assume the management of his own estate, was, on motion of Mr. D. J. Smith, read the first time by its title, and ordered to a second reading to-morrow.

The House returned Senate bills to be entitled, An act to compel the Judges of the Circuit Courts to hold the terms of Court at the times and places prescribed by law ;

An act amendatory of the several acts relating to jurors and State witnesses ;

An act to amend the revenue law of this State as regards Hawkers, Pedlars, and Itinerant Traders ;

And Senate resolution relative to the Port of Cedar Keys ;

As passed by the House without amendment. Ordered to be enrolled.

The House also returned Senate bill entitled, An act to provide for the election of a keeper of Public Archives in the cities of St. Augustine and Pensacola, and to prescribe their duties, &c., as indefinitely postponed by the House.

On motion of Mr. Forward, the rule was waived, and he allowed to give notice that he would, at some future time, introduce a bill to be entitled, An act making appropriations from the internal improvement fund for digging a Canal from the waters of the Indian river to the waters of the Halifax river, and appointment of Commissioners for the same.

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

SATURDAY, January 6, 1849.

The Senate met pursuant to adjournment.

A quorum being present, on motion of Mr. D. J. Smith, the reading of the Journal was dispensed with.

Pursuant to previous notice, Mr. Forward introduced a bill to be entitled, An act making appropriation from the Internal Improvement Fund for digging a canal from the waters of the Indian river to the waters of the Halifax river, and appointment of Commissioners for the same ; which was read the first time, the rule waived, read a second time by its title, and referred to the Committee on Internal Improvement.

Mr. Moseley moved that the House Resolution relative to the adjournment of the General Assembly, *sine die*, on the 12th instant, be taken up and acted upon ;

On which the yeas and nays were called for by Messrs. Moseley and Floyd, and were :

Yeas—Mr. President, Messrs. Aldrich, Austin, Brown, Burritt, Costin, Crawford, Floyd, Ghent, Moseley, Watts and White—12.

Nays—Messrs. Avery, Sanderson, D. J. Smith, J. M. Smith and Tweed—5.

Said motion prevailed, and the resolution was read.

Mr. Moseley moved that the word "12th" be stricken out ;

On which the yeas and nays were called for by Messrs. Moseley and Floyd, and were :

Yeas—Mr. President, Messrs. Aldrich, Avery, Brown, Burritt, Costin, Floyd, Ghent, Moseley and Watts—10.

Nays—Messrs. Austin, Crawford, Lorimer, Sanderson, D. J. Smith, J. M. Smith, Tweed and White—8.