

Committee on Taxation and Revenue, with instructions and power to send for papers and persons, if necessary.

House bill to be entitled, An Act to establish a tariff of fees, approved January 6, 1847;

On motion of Mr. Forward, 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, with amendments, and asked to be discharged from the further consideration thereof. Which report was concurred in.

On motion, said bill, as amended, was referred to a Select Committee, consisting of Messrs. Tweed, Sanderson and Forward.

Bill to be entitled, An Act to provide for the establishment of Common Schools,

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

Mr. Aldrich, from the Committee on Enrolled bills, reported Resolution urging upon Congress the passage of a law granting land to the officers and soldiers who served in the war in Florida, as correctly enrolled.

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

THURSDAY, December 14, 1848.

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. Aldrich introduced a bill to be entitled, An act relating to fines, forfeitures, costs, and other moneys adjudged to the State.

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

Mr. Forward gave notice that he would, at some future day, ask leave to introduce a bill to be entitled, An act relating to the duties of Tax Assessors and Collectors, prescribing the term of assessment, and for other purposes.

Pursuant to previous notice, Mr. Floyd introduced a bill to be entitled, An act to repeal the road laws in and for the county of Franklin.

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

Mr. D. J. Smith gave notice that he would, at some future day, ask leave to introduce a bill to be entitled, An act to more permanently locate the County Site of Washington County, and for other purposes therein contained.

Mr. Burritt gave notice that he would, at some future day, ask leave to introduce a bill to be entitled, An act to provide for compensation to physicians for professional attendance upon Coroner's inquests.

On motion, a committee, consisting of Messrs. Austin, Lorimer, and Crawford, was appointed to wait upon the House, and request them to return the following bills, viz: a bill to be entitled, An act to repeal an act entitled an act to prohibit the circulation of notes of foreign Banks of a less denomination than five dollars, approved February 14, 1835;

And also a bill to be entitled, An act to empower Green R. Farmer and William T. Pebbles to assume the management of their estates.

Which committee reported that that duty had been performed.

On motion of Mr. Floyd, the vote had on 12th inst. on House bill to be entitled, An act to empower Green R. Farmer and William T. Pebbles to assume the management of their estates, was reconsidered, and said bill placed among the orders of the day.

Mr. Crawford moved the vote had on the 12th instant on House bill entitled, An act to repeal an act entitled an act to prohibit the circulation of notes of foreign Banks of a less denomination than five dollars, approved February 14, 1835, be reconsidered.

On which the yeas and nays were called for by Messrs. Forward and Floyd, and were as follows:

Yeas—Mr. President, Messrs. Austin, Burritt, Crawford, Ghent, Lorimer, Sanderson, D. J. Smith, Watts, White—10.

Nays—Messrs. Aldrich, Avery, Brown, Costin, Floyd, Forward, Moseley, J. M. Smith, Tweed—9.

Said motion prevailed, and said bill placed among the orders of the day.

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

The Committee on Schools and Colleges to whom was referred the bill entitled, "An act to provide for the sale of the 16th Sections granted by Congress to the State for the support of public schools and for consolidating the School fund," beg leave to

REPORT:

They have examined the bill under consideration, and believing it essential to the usefulness of the school fund, that the provisions therein contained should be enforced, recommend its passage.

Your Committee, aware that there are many who suppose the State has *not* the right to sell the 16th sections, consolidate the fund, and distribute the annual interest of the same, in equal amounts to every child in the State, of proper age to attend school, (owing to words of limitation contained in the grant,)—beg leave to submit with this report some of the reasons which induce them to think it not only her right, legally and equitably, but her duty, to sell the 16th sections, consolidate the fund derived from the sale, and make an equal distribution of its annual interest.

Your Committee are also aware their views conflict with the *expressed* opinions of gentlemen whose opinions are entitled to much respect.

Judge Marvin, in his report to the Governor relative to the establishment of common schools, holds this language: "These lands (the 16th sections) 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 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,*" &c., &c."

Our worthy Governor too, in his last annual message, recommends the sale and consolidation, "*if Congress will consent*;" thus clearly showing it to be *his* opinion that the State has not the right to sell and consolidate without the consent of Congress.

Mr. Hagner, in his speech—said to have been delivered in the House of Representatives, Dec. 28, 1847, but which was not published until after the adjournment of the Legislature—not only contended that the *State had not the right to sell and consolidate*, but also held the following language: "*Florida was a sovereign State when the grant was made; and no title whatever to the lands granted now remains in the United States*; and hence I infer the absolute want of all need of, or benefit to result from, application to Congress."

As these esteemed gentlemen differ thus widely in their views of the position of the State with respect to the 16th sections, your Committee hope they will be thought excusable if they differ in their views from each and all of them.

Believing that the State *has the right legally and equitably* to sell, consolidate, and distribute,—and happy in the assured hope, that this idea will ultimately prevail, and the foundation be thus laid for a prosperous common school system, they will proceed to present their views on this important point.

The grant under which the State claims the 16th sections is in these words:

"*Be it enacted, &c., That in consideration of concessions made by the State of Florida in respect of the Public Lands, there 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.*"

Three points are to be noted in discussing the character of this grant, as

- 1st. The consideration.
- 2d. The thing granted.
- 3d. The Limitation.

1st. The consideration. This appears by the words of the grant, and by the language of the law admitting Florida into the Union, to have been a *concession* to the United States of the *primary disposal of the public lands*, within the State, and a *renunciation of all taxes* on the same while remaining the property of the United States.

Had these concessions not been made by the State, and the State retained the primary disposal of the public lands, or the right to tax them, an income would have been received beneficial to the whole

State; no township would have claimed a greater share of the benefits derived from these sources, than that to which it would be entitled by its ratio of population.

Is it said that we could not have enforced a right to the primary disposal of the soil, or the collection of a tax? It is enough for our argument, that the United States Government considered the *undisputed right to the primary disposal of the public lands*, and a *renunciation of all taxes* on the same, of sufficient importance to name them in the grant as the *consideration* for which the sixteenth sections were given to the State. Thus making with the State a contract of the nature of "*bargain and sale*."

The second matter for our consideration is the "*thing*" granted. Under this head we will note a number of facts exhibiting its peculiarities. It is notorious, that if the inhabitants of each township are to have the benefit which may be derived from their 16th section and that only while the inhabitants of some townships will receive a large amount, the inhabitants of other townships will receive nothing.

As examples illustrative of this fact, we will take a few townships from each of the Counties which have made returns, and show the disparity existing between different townships in the same county.

We will commence with

ESCAMBIA COUNTY.

The city of Pensacola is in township 2, S. range 30, W. The number of children in the township between the ages of 6 and 18 years is 289. The 16th section in this township is valued by the tax assessor and collector at \$200. No rent can ever be obtained from it. And this, according to those who contend that the State cannot sell and consolidate, is all which the inhabitants of Pensacola are to receive from the *magnificent donation* (as it is called) to the State, of 1.36th part of her whole domain, amounting to over 1,000,000 of acres. Some however are willing to concede that the State has a right to sell the 16th sections, *providing* each township is allowed to retain the money obtained by the sale of *its* 16th section.

Well, we will suppose the 16th section in the Pensacola township sold for the full some of \$200, and the money invested say at 6 per cent interest; and twelve dollars per year realized—\$12 divided among 286 children, would give to each 4 cents, 1 mill and 1-10th, as their portion of school money.

Woolsey village is in township 3, S, range 30, W, and contains 34 children between the ages of 6 and 18 years. This is a fractional township and has no 16th section, and of course no school fund.

Warrington village in township 3, S, range 31, W, has 27 children between the ages of 6 and 18 years; the 16th section valued at \$200; nothing is now received from it; if sold and the money invested at 6 per cent, would give 44 cents to each child.

The whole value of all the 16th sections in Escambia county is estimated at \$775. Nothing is or can be derived from these 16th sections by renting; if sold and the money loaned at 6 per cent, the

amount for each child annually would be, 9 cents, 8 mills and 3-10. From Santa Rosa county no returns have been received.

WALTON COUNTY.

In township 2, N., range 18, W., there are 50 children between 6 and 18 years of age. The 16th section is valued at 800 dollars.

In township 2, N., range 18, W., are 48 children between 6 and 18 years of age. The 16th section in this township is returned as worthless.

WASHINGTON COUNTY.

In township 3, N., range 13, W., there are 48 children between the ages of 6 and 18 years. The 16th section is valued at \$900. If this should be vested as before mentioned, the annual amount received by each child would be \$1 12.

In township 1, N., range 16, W., are 55 children between the ages of 6 and 18 years. The 16th section in this township is returned as worthless. The 55 children have therefore no part or lot in the school fund.

In township 2, N., range 15, W., are 40 children between the ages of 6 and 18 years. The 16th section is valued at \$1680; which at 6 per cent would give to each child yearly the sum of \$2 52.

CALHOUN COUNTY.

In township 4 N., range 9 W., there are no children between the ages of 6 and 18 years, so far as appears from the returns of the assessor. The 16th section, (which is fractional,) is valued at \$1500—of course of no use to any one.

In township 1 N., range 8 W., there are 34 children between the ages of 6 and 18 years. The 16th section in this township is returned as "worthless." Of course these 34 children have no school fund. Township 2 N., range 8 W., has 42 children, and a "worthless" 16th section.

JACKSON COUNTY.

In township 4 N., range 10 W., (Marianna is in this township,) are 141 children between the ages of 6 and 18 years. The 16th section in this township is represented as worthless. These 141 children, therefore, get 0 for their school money.

In township 5 N., range 10 W., are 3 children between the ages of 6 and 18 years. The 16th section in this township is valued at \$1200. Invest this at 6 per cent, and an annual fund would be received by each of these children of \$24.

In township 5 N., range 9 W., (Webbville is in this township,) are 103 children between the ages of 6 and 18 years. The 16th section is valued at \$700. This invested at 6 per cent would give 40 cents per year to each.

In township 5 N., range 11 W., are 16 children between the ages of 6 and 18 years. The 16th section in this township is valued at \$1800. This invested at 6 per cent, would give each child \$6.75 per annum.

In township 7 N., range 12 W., (Campbellton is in this town-

ship,) are 40 children, between the ages of 6 and 18 years. The 16th section is in Alabama.

In township 5 N., range 10 W., there are no children between the ages of 6 and 18 years. The 16th section of this township is valued at \$1200—of no use to any one, so long as it is thought the State has not the right to sell and consolidate.

Three of the 16th sections in this county are returned as being cultivated. For two of them nothing has been received; the other is returned as being in charge of J. Stewart and others, as trustees. This township, (which is No. 4 N., range 11 W.,) contains 45 children between 6 and 18 years of age. The 16th section is valued at \$500.

FRANKLIN COUNTY

Contains 165 children between the ages of 6 and 18 years; but this county being embraced within the limits of Forbe's Purchase, no provision is made, (according to the present interpretation of the law of Congress,) for their education.

WAKULLA COUNTY.

The whole of this county is reported as lying within the Forbes' Purchase; consequently, according to the present interpretation of the law, the inhabitants have no part or lot in the 16th section fund. This county contains 263 children between the ages of 6 and 18 years,

GADSDEN COUNTY.

There seems to be some mistake in the returns with regard to the township in which Quincy is situated. That township which is 2 N., range 4 W., is represented as containing but 69 children between the ages of 6 and 18 years, while township 2 N., range 3 W., upon which there is neither town or village, is represented as containing 136 children between the ages of 6 and 18 years. Again, while the 16th section in township 2 N., range 4 W., is represented as being worth \$1250—the 16th section in township 2 N., range 3 W., is valued at \$480. From the position of the lands with regard to the rivers, we presume that this too is a mistake, and that the numbers have been transposed in copying. We will make our calculations with this idea, and if we are wrong, will be happy to be corrected by those acquainted with the facts.

We will therefore say that township 2 N., range 4 W., has 136 children between the ages of 6 and 18. The 16th section belonging to this township is valued at \$480. If sold, and the money invested at 6 per cent, each of the 136 children would receive 21 cents annually.

In township 2 N., range 5 W., are 69 children between the ages of 6 and 18 years. The 16th section is valued at \$1250. This, at 6 per cent, would give to each child \$1 08 per annum.

In township 2 N., range 5 W., are 69 children, between the ages of 6 and 18 years. The 16th section is represented as worthless. Of course no fund for the children.

In township 2 N., range 2 W., (Salubrity lies partly in this town-

ship,) are 53 children between the ages of 6 and 18 years. The 16th section is valued at \$2560. This at 6 per cent interest would give to each child \$2 89 yearly.

In township 3 N., range 4 W., there are 48 children between the ages of 6 and 18 years. The 16th section is returned "worthless." If, therefore, the benefit of the 16th sections is to be confined to townships in which they are situated, these 48 children can receive no benefit from the 16th section fund.

In township 2 N., range 7 W., are 24 children between the ages of 6 and 18 years. The 16th section valued at \$2000.

In township 2 N., range 5 W., are 69 children between 6 and 18 years of age. 16th Section returned as worthless.

On the Spanish grant are 227 children between the ages of 6 and 18 years, for whom no provision is made.

LEON COUNTY.

In township 1 N., range 1 W., (Tallahassee,) are 255 children between the ages of 6 and 18 years. The 16th section is valued at \$4480, which, at 6 per cent, would give to each child \$1 09 per annum.

In township 2 N., range 1, W., are 28 children between the ages of 6 and 18 years. The 16th section is valued at \$2560, which at 6 per cent would give to each child \$5 48 per annum.

In township 1 N., range 2 E., are 22 children between the ages of 6 and 18 years. The 16th section is valued at \$2560; which would give to each child \$6 98 per annum.

In township 1 S., range 1 E., are 10 children between the ages of 6 and 18 years. The 16th section is valued at \$2560, which would give to each child \$15 36 per annum.

Township 2 N, range 3 E, (Micoosukie is in this township,) has 47 children between the ages of 6 and 18 years. Its 16th section is valued at \$800, which, at 6 per cent, would give \$1 02 per annum to each child.

On Forbes' Purchase there are 63 children, for whom no provision is made.

There are some townships in which there are many children, of which the 16th section is considered worthless.

JEFFERSON COUNTY.

It not being mentioned upon the return as to which side of the base line these townships are situated, we have to infer their position from circumstances.

In township 2 N, range 5 E, (Monticello is in this township,) are 138 children between the ages of 6 and 18 years. The 16th section is returned as worthless, and yet is valued at \$500. Allowing this to be its value, if sold and the money invested, \$30 would be received, giving to each child 29 cents.

In township 1 S, range 4 E, there are no children between the ages of 6 and 18 years. The 16th section is valued at \$2000.

In township 1 S, range 3 E, there are no children between the ages of 6 and 18. The 16th section is valued at \$1500.

Township 3 S, range 4 E, has 58 children between the ages of 6 and 18 years. The 16th section is returned as worthless.

LEVY COUNTY.

Township 12 S, range 15 E, contains 24 children between the ages of 6 and 18 years. The 16th section is represented as 3d quality land.

Township 14 S, range 15 E, contains no children of the ages above mentioned. The 16th section is returned "1st quality."

MARION COUNTY.

In township 14 S, range 20 E, are 41 children between the ages of 6 and 18 years. The 16th section is valued at \$320.

In township 12 S, range 19 E, are 8 children. The 16th section is valued at \$6400.

MADISON COUNTY.

We think there must be a mistake in the returns from this county. Township 1 S, range 9 E, (Madison is in this township,) is returned as containing but 36 children between the ages of 6 and 18 years, while township 1 N, range 9 E, is returned as having 70 children between those ages. We think it the most probable that the Madison township contains the 70 children. The 16th section of the Madison township is valued at \$150.

In township 2 S, range 13 E, there are no children between the ages of 6 and 18 years. The 16th section is valued at \$300.

In township 1 W, range 7 E, there are 8 children between the ages of 6 and 18 years. The 16th section is valued at \$1500.

Township 1 S, 7 E, has 20 children between 6 and 18 years of age. 16th section valued at \$100.

HAMILTON COUNTY.

Township 1 N, range 14 E, (Jasper is in this township,) has 60 children between the ages of 6 and 18 years. The 16th section is valued at \$200.

Township 1 S, range 14 E, is returned as containing no children between the ages of 6 and 18 years. The 16th section is valued at \$500.

COLUMBIA COUNTY.

In township 5 S, range 20 E, are 61 children between the ages of 6 and 18 years. The 16th section is returned as "worthless."

In township 3 S, range 17 E, (Alligator is in this township,) are 29 children between the ages of 6 and 18 years. The 16th section is returned "3d quality."

In township 5, range 16, are 2 children between the ages of 6 and 18 years. The 16th section supposed to be worth \$800.

HILLSBOROUGH COUNTY.

In township 28 S., R. 22 E., there are 48 children between the ages of 6 and 18 years, the 16th section is valued at \$12 50 cents.

In township 29 S., R. 15 E., are 8 children between the ages of 6 and 18 years. The 16th section is valued at \$800.

IN ST. JOHNS COUNTY

Are 453 children between the ages of 6 and 13 years. The 16th sections in this county are represented as generally of little value.

For other facts in relation to the 16th sections, your committee refer the Senate to a report made at the last session of the Legislature, by a select committee of the Senate, upon this same subject—the sale of the 16th sections. (See Senate Journal 1847, page 112.)

Having shown the consideration for the grant under which the State holds the 16th sections, and having also shown the character and condition of the thing granted, we will proceed to the consideration of the words of limitation contained in the grant “for the use of the inhabitants of such township, for the support of public schools, &c., &c.”

The facts narrated show conclusively, that if this limitation is to be considered binding, the object (which every one must concede) the parties had in view, will be defeated.

Laws have been in existence for years favoring the formation of township schools, and not a school has been formed; many of the 16th sections have been cultivated for years, and not a dollar applied to the purpose of education. We ask, then, if it is not *absurd* to say that the parties to this conveyance intended such consequences as *must* result from the enforcement of this limitation; we ask if it is not *unjust, inequitable*, the consideration for these 16th sections having been given by the *whole* State, and the expense attendant upon the grant, having been and now being borne by the whole State, to confine the benefits derived from the grant to a very few, and those among the wealthiest of our population? Every principle of reason, of justice, and of law, forbid an interpretation which will lead to such results.

Words were intended to convey ideas; language to give force to words. Who will contend that it ever entered the minds of those who in this matter represented the United States Government, or the mind of him who represented the State, that all the benefit which may be derived from this fund is to be received by a few, and they the most wealthy—that a large portion of the fund was to remain forever unavailable—that the great mass of the people, and they of the most needy, were to receive no benefit?

There may be those who will contend that these words (of limitation) were intended to convey such ideas. Your Committee are not of that number.

Is it contended by any one, that this grant is of the nature of a gift, and that it was made to the State on condition that the benefit should go according to the limitation? We reply in the language of “Vesey”: “A condition inconsistent with the gift is void.”

We have said that the grant possesses the characteristics of a contract of “bargain and sale.” If we are right, then those who look upon the grant as possessing the character of a trust, are wrong.

And here let it be noticed, that we have applied the term grant in its legal and not in its popular signification—that of donation or free gift. In the language of Lord Coke, “the word grant (*concessi*.) may amount to a grant, a feoffment, a gift, a release, a confirmation, a surrender, &c.; and it is in the election of a party to use it to which of these purposes he will. The word *convey*, or the word *assign*, or the word *transfer*, would probably be sufficient. It is made the duty of the courts, in the construction of every instrument conveying an estate, to carry into effect the intent of the parties; and that intent may as certainly appear by these words as by any other.”

If, then, we are right in considering the grantor of the sixteenth sections as occupying the position of a party to a deed of “bargain and sale,” the estate vested in the State cannot be looked upon as a trust, for in the language of the law, “bargain and sale is a conveyance not adapted to settlements (or trusts)—it requires a consideration; and could not be applied to the case of persons not *in esse*, (in being,) for they had not contributed to the consideration when the conveyance was made.”

“A trust in the general and enlarged sense, is a right on the part of the *cestui que trust* (person for whose benefit the trust is held,) to receive the profits, and dispose of the lands in equity.”

If, then, the inhabitants of any township had power to act in this matter, (your committee think they have not,) can they, under the law and the facts connected with this case, go into a court of equity (of right, of justice,) and obtain control over their sixteenth section? We think not.

Your Committee are of the opinion that a mistake prevails with regard to the effect of the law of 1844, authorising the incorporation of township schools; some supposing that by that law a number, if not indeed *all* of the townships, are now incorporated, and that actions of ejectment might be brought by the townships against those who would come into possession by title derived from the State.

But, by the law above mentioned, before the inhabitants of a township can be vested with the powers and privileges of a corporate body, they must amount to a certain number, and perform certain acts enumerated in the law. These pre-requisites to the exercise of corporate powers and privileges, have never, so far as your Committee can ascertain, been complied with in a single instance. The law, therefore, remains a dead letter on your statute book.

If your Committee are right in this, an action of ejectment to oust those who might come in possession under a title from the State, can never be brought—and all apprehensions on this account are groundless.

Finally—whether we look upon the conveyance to the State of the 16th sections, as possessing the character of a trust, or as being of the nature of bargain and sale, a just interpretation of the act, or an application of the usual rules of interpretation, will, as your Committee think, lead to the conclusion for which they contend.

Says Sir William Blackstone, "*the fairest and most rational method to interpret the will of the legislator, is by exploring his intentions at the time when the law was made, by signs the most natural and probable. And these signs are either the words, the context, the subject matter, the effects and consequences, or the spirit and reason of the law.*"

Again, he says: "The most universal and effectual way of discovering the true meaning of a law when the words are dubious, is by considering the reason and spirit of it; or the cause which moved the legislature to enact it. For when this reason ceases, the law itself ought likewise to cease with it. From this method (he continues) of interpreting the laws, by the reason of them, arises what we call equity, which is thus defined by Grotius, 'the correction of that wherein the law (by reason of its universality) is deficient.' For since in laws all cases cannot be foreseen or expressed, it is necessary that when the general decrees of the law come to be applied to particular cases, there should be somewhere a power vested of defining those circumstances, which (had they been foreseen) the legislator himself would have expressed."

Again, Chitty in his commentaries says: "*In the administration of the common and statute law, occasions have arisen, and will doubtless again present themselves, wherein the admixture of the principles of equity, with the express direction of the law, will best meet the justice of the case; and though the judges are laudably reluctant to depart from an acknowledged precedent, or to establish an interpretation at variance with the language of the statutes, yet in such case, they will sedulously apply themselves to reconcile an apparent discrepancy between THE LETTER AND THE EQUITY OF THE LAW. THE GREAT END BEING TO ADMINISTER SUBSTANTIAL JUSTICE BETWEEN PARTIES.*"

All of which is most respectfully submitted.

OWEN M. AVERY,
Chairman of Committee on Schools and Colleges.
J. P. SANDERSON.

On motion of Mr. Sanderson, said report, with the accompanying bill, was laid upon the table.

Mr. Forward, from the Committee on Engrossed Bills, presented the following report, which was received:

The Committee on Engrossed Bills beg leave to report, as correctly engrossed, a bill to be entitled, An act to re-establish the records of the county of Jackson, and for other purposes.

WILLIAM A. FORWARD, Chairman.

Mr. White, from the Committee on Claims and Accounts, presented the following report, which was concurred in, the resolution accompanying the same, read the first time, and ordered to a second reading to-morrow:

The Committee on Claims and Accounts, to whom was referred

the petition of William D. Moseley, asking payment of the State of certain sums of money therein named,

REPORT:

That they have had the subject under consideration. It appears, from information received from the petitioner, that in the year 1847, during the month of August, there were a number of volunteers, under Captain Livingston, rendezvoused at Tallahassee, preparing for their march to Mexico, many of whom were sick, and it was deemed necessary to send a surgeon with them. A contract was, therefore, entered into by him, as Governor of Florida, with Dr. Treadwell to accompany the said volunteers, as their surgeon, to New Orleans, for a stated price. That he advanced to Capt. Livingston, for the use and expenses of the said Dr. Treadwell to New Orleans, the sum of seventy-five dollars, on the 16th day of August, 1847. That while the said volunteers were stationed in Tallahassee, he advanced to George N. Barnes, for the maintenance of himself and mess, the sum of fifty dollars, on the 14th day of August, 1847; also, the sum of ten dollars was advanced to Captain Livingston, to pay his expenses on a recruiting tour to Wakulla County. It appears that payment of the aforesaid sums has been refused by the General Government. Your committee are, therefore, of opinion that the aforesaid sums ought to be refunded by the State to the petitioner. They therefore report a resolution directing the Auditor to audit the account, and ask to be discharged from the further consideration of the subject.

THOMAS M. WHITE, Chairman.

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Auditor be, and he is hereby, instructed to audit the account of William D. Moseley for the sum of one hundred and thirty-five dollars, with interest from the 15th day of August, 1847, for advances made by him to Captain Livingston's company of volunteers: *seventy-five dollars* of which is to be deducted from the account of the estate of Dr. Treadwell against the State for services as surgeon to said company.

The House returned Senate bill entitled, An act to incorporate St. Johns Lodge, No. 12, in the city of St. Augustine, as passed by the House, without amendment.

Ordered to be enrolled.

ORDERS OF THE DAY.

Bill to be entitled, An act to amend and alter the election law in force in this State,

Was, on motion of Mr. D. J. Smith, read a second time by its title, and referred to the Committee on Elections.

Bill to be entitled, An act providing for the purchase on the part of the State of lands offered for sale for taxes,

Was read the second time, and on motion of Mr. Aldrich, referred

to the Committee on Taxation and Revenue, and 75 copies ordered to be printed.

Bill to be entitled, An act reducing the salary of the Governor's Private Secretary,

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

Engrossed bill to be entitled, An act to re-establish the records of the County of Jackson, and for other purposes,

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

Yeas—Messrs. Aldrich, Austin, Avery, Brown, Burritt, Costin, Crawford, Floyd, Forward, Ghent, Lorimer, Mosely, Sanderson, D. J. Smith, J. M. Smith, Tweed, Watts, White—18.

Nays—None.

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

House bill to be entitled, An act to empower Green R. Farmer and William T. Pebbles to assume the management of their estates,

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

Yeas—Messrs. Aldrich, Austin, Avery, Brown, Costin, Crawford, Floyd, Ghent, Lorimer, D. J. Smith, Watts, White—12.

Nays—Messrs. Forward, Mosely, Sanderson and Tweed, 4.

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

House bill to be entitled, An act to repeal an act entitled an act to prohibit the circulation of notes of foreign Banks of a less denomination than five dollars, approved February 14, 1835, was read the third time.

Mr. Sanderson moved that the Senate go into committee of the whole on said bill,

Which motion was lost.

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

Yeas: Mr. President, Messrs. Austin, Crawford, Lorimer, Sanderson, D. J. Smith, Watts and White, 8.

Nays: Messrs. Aldrich, Avery, Brown, Burritt, Costin, Floyd, Forward, Ghent, Mosely, J. M. Smith and Tweed, 11.

Said bill was lost. Ordered that the same be certified to the House.

House resolution urging upon Congress the payment of certain Companies of Florida Volunteers;

Was read the first time, the rule waived, and read a second and third time, and on the question of its passage, the yeas and nays being called for by Messrs. Forward and Burritt, were:

Yeas: Mr. President, Messrs. Aldrich, Austin, Avery, Brown, Burritt, Crawford, Floyd, Forward, Ghent, Lorimer, Mosely, Sanderson, D. J. Smith, J. M. Smith, Tweed, Watts and White, 18.

Nays: None.

Said resolution passed. Ordered that the same be certified to the House.

House bill to be entitled, An act to re-establish the county lines of St. John's county;

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

House bill to be entitled, An act relating to the mode of appointment and duties of Auctioneers;

Was read the first time, and ordered to a second reading tomorrow.

House bill to be entitled, An act to extend the tenure of the office of Register of Public Lands, Treasurer, and Comptroller of Public Accounts;

Was read the first time and ordered to a second reading tomorrow.

House bill to be entitled, An act to provide for the recording of marks and brands of cattle shipped from the State of Florida;

Was read the first time and ordered to a second reading tomorrow.

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

FRIDAY, December 15, 1848.

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. Avery gave notice that he would, at some future day, ask leave to introduce a bill to be entitled, An act prescribing a general method for the issuing of licenses and the payment of the tax thereon.

Mr. Lorimer gave notice that he would, at some future day, ask leave to introduce a bill to be entitled, An act to empower William Newsom to assume the management of his own estate.

Pursuant to previous notice, Mr. Burritt introduced a bill to be entitled, An act to provide for compensation of Physicians for professional attendance on Coroner's inquests.

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

Pursuant to previous notice, Mr. Forward introduced a bill to be entitled, An act to provide for the election of a keeper of the public archives in the cities of St. Augustine and Pensacola, and to prescribe their duties, &c.

Which was read the first time, ordered to a second reading to-morrow, and on motion of Mr. Forward, 75 copies ordered to be printed.

On motion of Mr. Sanderson, Mr. Lorimer was added to the Committee on Internal Improvements.

Pursuant to previous notice, Mr. Ghent introduced a bill to be entitled, An act to declare East River in Walton County a navigable stream.

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