

SATURDAY, January 4, 1851.

The Senate met pursuant to adjournment.

The Rev. Mr. Pratt officiated as Chaplain.

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

Mr. Brown of Columbia, pursuant to previous notice, introduced a bill to be entitled, An act in relation to road duty;

Which was read the first time, rule waived, read the second time by its title, and on motion, referred to the Committee on Internal Improvements.

Mr. Moseley gave notice that he will, on some future day, introduce a bill to be entitled, An act for the incorporation of Plank Road Companies.

Mr. Maxwell, pursuant to previous notice, introduced a bill to be entitled, An act to provide for fixing the compensation of Tax Assessors and Tax Collectors, for assessing and collecting taxes for County purposes;

Which was read the first time, and ordered to a second reading on Monday next.

Mr. Avery offered the following Preamble and Resolution:

WHEREAS, That clause of the Constitution of the State, which declares "no other or greater amount of tax or revenue shall, at any time, be levied than may be required for the necessary expenses of government," has caused some Senators to doubt the power of the General Assembly to appropriate money from the State Treasury for the purpose of aiding the Common School Fund: Therefore,

Resolved, That the Committee on the Judiciary be, and they are hereby instructed, when they return to the Senate the bill to be entitled, An act providing for the increase of the School Fund from the State Treasury, to give their views of the constitutionality of the provisions of said bill.

Which was read.

Mr. Forward moved to amend said resolution as follows:

Strike out the words "to give their views of the constitutionality of the provisions of said bill," and insert, "that the same be referred to the Attorney General, for his legal opinion thereon."

On this motion, the yeas and nays were called for by Messrs. Baldwin and Smith, and were:

Yeas—Messrs Brown of Columbia, Brown of Hillsborough, Forward, Johnson, Maxwell, Moseley, Stewart—7.

Nays—Mr. President, Messrs. Avery, Baldwin, Buddington, Crawford, Finley, McMillan, Perry, Smith—9.

Said motion was lost.

Mr. Forward moved to lay said preamble and resolution on the table.

On this motion the yeas and nays were called for by Messrs. Forward and Smith, and were:

Yeas—Messrs. Forward, Johnson, Maxwell—3.

Nays—Mr. President, Messrs. Avery, Baldwin, Brown of Columbia, Brown of Hillsborough, Buddington, Crawford, Finley, McMillan, Moseley, Perry, Smith, Stewart—13.

Said motion was lost.

Said preamble and resolution were passed.

Resolutions providing for the removal of the seat of Government of Florida;

Were read the first time, and ordered for a second reading on Monday next.

Mr. Baldwin, from the Committee on Engrossed Bills, made the following report:

The Committee on Engrossed Bills beg leave to report as correctly engrossed,

A bill to be entitled, An act to change the name of Sarah Frances Waters.

JOHN P. BALDWIN, *Chairman.*

Which was received, and said bill ordered to be placed among the orders of the day.

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

The Committee on the Judiciary, have had under consideration the bill referred to them, to be entitled, An act to enable Executors, Administrators and Guardians to sell the real estate of infants, and have instructed me to

REPORT:

That although there is on the statute book, a law precisely the same as that proposed by the bill, yet there exists a doubt whether said law has not been in fact repealed. It is understood that some of the Judges in the State hold that the law is repealed. To remove all doubt on the subject, the Committee recommend the passage of the bill, believing that the law itself is a good and a proper one.

The Committee have also had under consideration, the bill to be entitled, An act authorizing Judges of Probate to set apart Dower, and they find the same state of facts existing as with reference to the bill above spoken of; and for the same reasons they also recommend the passage of this bill.

A. E. MAXWELL, *Chairman.*

Which was received, and said bills ordered to be placed among the orders of the day.

Mr. Maxwell 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 giving the Judges of Probate the powers of Justices of the Peace have considered the same, and have instructed me to report: that they approve the objects of said bill, and recommend its passage with the accompanying amendment.

A. E. MAXWELL, *Chairman.*

Which was received, and said bill ordered to be placed among the orders of the day.

Mr. Forward, from the Committee on Corporations, made the following Report:

The Committee on Corporations, have had under consideration, House Bill to be entitled, An act to Incorporate the Jacksonville and Alligator Plank Road Company, and have instructed me as their chairman to report the same back to the Senate with the following amendments, to wit;

"To insert in the 5th line of section 2d the name of "Silas N. black."

Also to insert after the word "judicious" in the 3d line of the 3d section, the words, "*and may cross other public roads or highways, but not obstruct or use the same, excepting by leave of the County Commissioners of the county where such Plank Road passes, and the said commissioners are hereby empowered in their direction to grant such leave and make and enter an order for the same on their minutes.*"

Also to strike out the words "*shall be forfeited*" in the 6th line of section 6th, and insert after the word "thereon" in said line, the words "*shall be forfeited to the company.*"

Also to insert in the 2d line of section 8th the word "*on,*" between the words, "*and what,*" to insert the word "*amount,*" between the words, "*what and,*" also strike out the word "*what*" after the word "*specifying*" and insert the words "*their character*" in the 3d line of said section 8th, also to add on to the 8th line of section 8 the words "*and dividends of profits shall be made at such times as the Board of Directors shall deem expedient.*"

Also to add a new section to be numbered

SEC. 9: *Be it further enacted,* That it shall be lawful for the General Assembly of this State to tax, if they think proper, the property, owned by said company, and that said tax shall be assessed and levied only in the same manner and to the same extent, as similar property owned by private citizens, and no more.

Said Committee further report that the legal and proper notice has been given of the application for said act of Incorporation.

W. A. FORWARD, *Chairman.*

Which was received, and said bill, together with said amendments, ordered to be placed among the orders of the day.

Mr. Forward, from the Committee on Corporations, made the following Report:

The Committee on Corporations have had under consideration a bill to be entitled, An act providing for the incorporation of societies known as Independent Order of Odd Fellows, and also of societies known as Sons of Temperance, and have instructed me to report the same back to the Senate without amendment.

W. A. FORWARD, *Chairman.*

Which was received, and said bill ordered to be placed among the orders of the day,

Mr. Stewart, from the Committee on Internal Improvements, made the following Report:

The Committee on Internal Improvements, to whom was referred a Resolution asking an appropriation of land by Congress to aid in building a Plank Road from Alligator to Jacksonville, have had the same under consideration, and beg leave to report the same Resolution back as amended, making the appropriation asked for a general instead of a special one.

GEORGE STEWART, *Chairman pro tem.*

Which was received, and said Resolution, as amended, ordered to be placed among the orders of the day.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, January 3, 1851.

Hon. President of the Senate:

SIR—The House have passed the following bills, viz:

Bill to be entitled, An act to change and establish the lines of Franklin County;

Bill to be entitled, An act to change and define the Western and Southern Boundary of the County of Gadsden; and

Bill to be entitled, An act to make provision to defray the expenses of a Residence for the Chief Executive Magistrate of this State.

Also, the following Senate bills, viz:

Bill to be entitled, An act giving to the Alabama and Florida Rail Road Company the right to extend their Road into the State of Florida with chartered privileges, without amendment;

Bill to be entitled, An act for the relief of Angel Lopez, without amendment.

Also, the following Senate bills, with various amendments, viz:

Bill to be entitled, An act consolidating the Counties of Dade and Monroe for judicial purposes; and

Bill to be entitled, An act to incorporate the Florida and Georgia Plank Road Company.

In which amendments, the concurrence of the Senate is respectfully solicited.

Respectfully,

H. ARCHER,

Speaker House of Representatives.

Which was read, and said House bills ordered to be placed among the orders of the day.

The amendments to said Senate bills were concurred in, and said bills, together with said amendments, ordered to be enrolled.

Also the following:

HOUSE OF REPRESENTATIVES, January 2, 1851.

Honorable President of the Senate:

SIR:—Messrs. Bennett, Allen, and Lott, have been appointed a

Committee on the part of the House, to act with a similar Committee on the part of the Senate, to examine the offices of Comptroller and Treasurer, under the provisions of the acts of 23d July, 1845, and July 26th, 1845.

Respectfully,
H. ARCHER,
Speaker House of Representatives.

Which was read.

ORDERS OF THE DAY.

Bill to be entitled, An act to permit George W. Andres to practice medicine in the County of Hernando;

Was read the second time:

On the question, shall the bill be engrossed for a third reading? the yeas and nays were called for by Messrs. Smith and Crawford, and were:

Yeas—Mr. President, Messrs. Avery, Baldwin, Brown of Columbia, Brown of Hillsborough, Buddington, Finley, Forward, Johnson, McMillan, Moseley, Perry—12.

Nays—Messrs. Crawford, Smith, Stewart—3.

Said bill was ordered to be engrossed for a third reading on Monday next.

Bill to be entitled, An act to amend the first clause of the tenth article of the Constitution of this State, so as to authorize the appropriation of the proceeds of all lands heretofore granted, or which may be hereafter granted, by the United States to this State for a Seminary or Seminaries of Learning, to the use of Common Schools;

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

Yeas—Mr. President, Messrs. Baldwin, Brown of Columbia, Brown of Hillsborough, Crawford, Finley, Forward, Johnson, Maxwell, McMillan, Smith, Stewart—12.

Nays—Messrs. Avery, Buddington, Moseley, Perry—4.

On motion, said bill was informally passed over.

Engrossed bill to be entitled, An act to amend an act relating to duties of Tax Assessors and Collectors, and for other purposes, approved January 9th, 1849.

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

Yeas—Messrs. Avery, Brown of Columbia, Brown of Hillsborough, Buddington, Crawford, Finley, Johnson, Maxwell, McMillan, Moseley, Perry, Smith, Stewart—13.

Nay—Mr. Baldwin—1.

So said bill passed. Title as stated.

Ordered that the same be certified to the House of Representatives.

Bill to be entitled, An act in relation to the term of office and duties of the Tax Collectors;

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

Bill to be entitled, An act to change the Southern Boundary of Leon County;

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

Engrossed bill to be entitled, An act to change the name of Sarah Frances Waters;

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

Yeas—Mr. President, Messrs. Avery, Brown of Columbia, Buddington, Crawford, Finley, Forward, Johnson, Maxwell, McMillan, Moseley, Perry, Smith, Stewart—14.

Nays—None.

Said bill passed. Title as stated.

Ordered that the same be certified to the House of Representatives.

Bill to be entitled, An act to enable Executors, Administrators, and Guardians to sell the real estate of Infants;

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

House bill to be entitled, An act to incorporate the Jacksonville and Alligator Plank Road Company;

Was read the second time by its title.

On motion, the amendments proposed by the Chairman of the Committee on Corporations were read, and ordered to be engrossed, and said bill, as amended, ordered to a third reading on Monday next.

Resolution asking an appropriation of land by Congress, to aid in building a Plank Road from Alligator to Jacksonville;

Was taken up.

On motion, the substitute proposed by the Chairman of the Committee on Internal Improvements was adopted and read the first time, rule waived, read the second time, and ordered to be engrossed for a third reading to-morrow.

Bill to be entitled, An act to authorize Judges of Probate to set apart dower;

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

Bill to be entitled, An act giving to Judges of Probate the powers of Justices of the Peace;

Was read the second time.

The amendments proposed by the Chairman of the Committee on the Judiciary, were, on motion, adopted, and said bill, as amended, ordered to be engrossed for a third reading to-morrow.

House bill to be entitled, An act to change and establish the lines of Franklin County;

Was read the first time, rule waived, read the second time by its title, and ordered for a third reading to-morrow.

House bill to be entitled, An act to change and define the Western and Southern boundary of the County of Gadsden;

Was read the first time, rule waived, read the second time by its title, and ordered to a third reading to-morrow.

House bill to be entitled, An act to make provisions to defray the expenses of the Chief Magistrate of this State:

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

Bill to be entitled, An act providing for the incorporation of societies known as Independent Order of Odd Fellows, and also of societies known as Sons of Temperance;

Was read the second time by its title, and ordered to be engrossed for a third reading on Monday next.

On motion of Mr. Brown, of Columbia, the Senate adjourned until 11 o'clock Monday next, A. M.

MONDAY, January 6, 1851.

The Senate met pursuant to adjournment.

The Rev. Mr. Pratt officiated as Chaplain.

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

Pursuant to previous notice, the following bill was introduced by Mr. Moseley, viz:

A bill to be entitled, An act for the Incorporation of Plank Road Companies;

On motion of Mr. Avery, the rule was waived, and said bill read the first and second times by its title, and 75 copies ordered to be printed.

Mr. Brown of Columbia, moved to take from the table, and place among the orders of the day, a bill to be entitled, An act to authorize the Administrators of Henry V. Ellis, deceased, to sell real estate;

Which motion was carried, and said bill ordered to be placed among the orders of the day.

On motion of Mr. Finley, the vote taken on bill to be entitled, An act to amend the first clause of the tenth article of the constitution of this State, so as to authorize the appropriation of the proceeds of all lands heretofore granted, or which may be hereafter granted by the United States to this State for a Seminary or Seminaries of Learning, to the use of Common Schools;

Was reconsidered, the rule waived, read the third time by its title, on the question of its passage the yeas and nays were:

Yeas—Mr. President, Messrs. Austin, Avery, Baldwin, Brown of Columbia, Brown of Hillsborough, Buddington, Crawford, Finley,