

Wednesday, January 22, 1851.

The Senat met pursuant to adjournment.

A quorum being present, on motion, the reading of yesterday's proceedings was dispensed with.

Mr. Stewart, from the Committee on Taxation and Revenue, made the following report:

The Committee on Taxation and Revenue, to whom was referred a bill to be entitled, An act to require the respective Boards of County Commissioners to examine and certify the assessment returns made by the Tax Assessors, report:

That they have considered the bill referred to them, and believing that it would produce greater accuracy in the assessment returns, and have a tendency to prevent fraud and erroneous assessment, return the bill back to the Senate without amendment, and recommend its passage.

GEO. STEWART, *Chairman.*

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

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

The Committee on Schools and Colleges, to whom was referred "resolutions authorizing the Treasurer of this State to loan money from the Common School fund of the County Commissioners of Calhoun, Washington, Marion and Duval Counties;" also "resolution authorizing the Treasury to loan from the Common School fund eight hundred dollars to the County Commissioners of Hernando County," ask leave to

REPORT:

By an act entitled, "An act providing new modes of investing the School Fund, and also prescribing the time at which the first distribution of the interest of the School Fund shall be made," approved Dec. 21, 1850, the Comptroller is authorized to loan money to county authorities, upon their giving such security as is required by said act.

As, unless this security is given, the money should not be loaned and as, if the security is given, no special resolutions are required to enable the counties to obtain the money, your Committee recommen that the above mentioned resolutions be not passed.

O. M. AVERY, *Chairman.*

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

Mr. Forward, from the Committee on Enrolled Bills, made the following report:

The Committee on Enrolled bills report as correctly enrolled:

An act to extend the provisions of the first section of an act giving a lien to Steam Boat Men and others, navigating the Bay and

River of Apalachicola, approved January 4, 1847, and also, of an act to amend an act approved 4th January, 1847, giving a lien to Steam Boat Men and others, navigating the Bay and River of Apalachicola, approved January 11, 1849, over the County of Hillsborough;

An act to provide for the incorporation of Benevolent or Charitable Societies;

An act for the relief of A. E. Geiger;

An act to provide for the incorporation of Insurance Associations;

An act giving to the Judges of Probate of Escambia and Hamilton Counties, the powers of Justice of the Peace in certain cases;

An act in relation to roads in Escambia County;

Resolution respecting lands selected for the State.

W. A. FORWARD, *Chairman*.

Which was received.

Mr. Brown of Columbia, from the Committee on the State of the Commonwealth, made the following report:

The Committee on the State of the Commonwealth, to whom was referred a petition of sundry citizens of Leon County, praying the passage of a law providing for the removal of all free persons of color beyond the limits of this State, and also asking an appropriation for carrying the same into effect, if needed, ask leave to

REPORT:

That they have had the same under consideration, and upon an examination of a tabular statement made to the present General Assembly by the Comptroller of this State, it will be seen that there are only one hundred and twenty (120) free persons of color within the limits of the State, subject to pay taxes.

Your Committee are aware of the deleterious influence of these unfortunate people may have upon our slaves, but they must have a home somewhere, and should the prayer of the petitioners be granted it will deny them *that* home where their lot has been cast, and they will have to seek one elsewhere. Humanity, yea, justice, would forbid this, without paying them for what they cannot carry away, and also the defraying the expense of their removal, an expense the State is ill able to bear at this time. In connection with this subject, your Committee would also consider the laws of this State, (adopted for the government of this unfortunate class of people), and believing that if they are properly and promptly enforced, no serious inconvenience will be experienced by letting them remain where they are. They therefore recommend that the prayer of the petitioners be not granted *at this time*, and that the Committee be discharged from the further consideration of the subject.

Respectfully submitted.

R. BROWN, *Chairman*.

Which was received.

Mr. Austin, from a Select Committee, made the following report: The Select Committee, to whom was referred an act to provide for the compensation of Jurors in Gadsden County, have had the same under consideration, and have instructed me, as their Chairman, to report the act back without amendment, and recommend its passage.

JOSEPH AUSTIN, *Chairman.*

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

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

The Select Committee, to whom was referred House bill to be entitled, An act in relation to the duties of the Comptroller and Treasurer of this State; also House bill to be entitled, An act to increase the salaries of the Comptroller of Public Accounts, Treasurer, and other offices, ask leave to report:

They have examined of said bills, and approving the first mentioned, recommend that it be passed.

The numerous and great drains upon the Treasury made by acts passed at the present session of the General Assembly, render it in the opinion of the Committee inexpedient that the last bill should be passed.

O. M. AVERY, *Chairman.*

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

The following communication was transmitted to his Excellency the Governor:

SENATE CHAMBER, January 21, 1851.

His Excellency THOMAS BROWN,

Governor of Florida:

SIR:—I have the honor to communicate to your Excellency that an election for an Associate Justice of the Supreme Court of the State of Florida has been this day held by both Houses of the General Assembly, and that on the forty-fifth voting Leslie A. Thompson received eleven votes in the Senate, and in the House of Representatives, as reported to the Senate by a Committee from that body, he received twenty-two votes; and that the said Leslie A. Thompson having received a majority of the concurrent vote of both Houses of the General Assembly, was declared by the President of the Senate duly elected Associate Justice of the Supreme Court of the State of Florida.

Respectfully,

NEILL McPHERSON,

Secretary of the Senate.

The following communication was transmitted to his Excellency the Governor:

SENATE CHAMBER, January 21, 1851.

His Excellency, THOMAS BROWN,

Governor of Florida:

Sir:—I have the honor herewith to transmit, for the approval of your Excellency, the following Act, viz:

An act to amend an act entitled an act to exempt Homesteads from Execution, Attachment, and Distress, approved March 11th, 1845;

Which has been passed by both Houses of the General Assembly, and signed by the respective officers thereof.

Respectfully,

NEILL McPHERSON,

Secretary of the Senate.

Also the following:

SENATE CHAMBER, January 22, 1851.

His Excellency, THOMAS BROWN,

Governor of Florida:

Sir: I have the honor herewith to transmit for the approval of your Excellency, the following acts and resolutions, viz:

An act to permit George W. Andrews, to practice Medicine in the County of Hernando;

An act to change the Southern boundary of Leon County.

An act in relation to the term of offices, and the duties of Tax Collectors.

An act authorizing Judges of Probate to set apart Dower.

Resolution relative to Auction taxes in the Counties of Monroe and Escambia.

Which have passed both Houses of the General Assembly, and signed by the respective officers thereof.

Respectfully,

NEILL McPHERSON,

Secretary Senate.

Also the following:

SENATE CHAMBER, January 22, 1851.

His Excellency THOMAS BROWN,

Governor of Florida:

Sir:—I have the honor herewith to transmit, for the approval of your Excellency, the following acts and resolutions, viz:

An act to provide for the Incorporation of Benevolent or Charitable Societies;

An act in relation to roads in Escambia County;

Resolution respecting lands selected for the State;

An act giving to the Judges of Probate of Escambia and Hamilton Counties the powers of Justice of the Peace;

An act to extend the provisions of the first section of an act giving a lien to steamboat men and others navigating the bay and river of Apalachicola, approved January 4th, 1847, and also of an act to amend an act, approved January 4th, 1847, giving a lien to steam-

boat men, and others, navigating the bay and river of Apalachicola, approved January 11th, 1849, over the County of Hillsborough;

An act for the relief of A. E. Geiger;

An act to provide for the Incorporation of Insurance Associations;

Passed both Houses of the General Assembly, and signed by the respective officers thereof.

Respectfully,

NEILL McPHERSON,
Secretary of the Senate.

ORDERS OF THE DAY.

House bill to be entitled, An act to provide for the payment of Coroners Juries, and for other purposes;

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

Yeas—Messrs. Austin, Finley, Forward, McMillan, Moseley, Stewart—6.

Nays—Mr. President, Messrs. Avery, Baldwin, Brown of Columbia, Buddington, Maxwell, Smith, Taylor—8.

Said bill was lost.

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

House bill to be entitled, An act repealing first and second, and amending section third of an act in relation to trading with slaves, approved February 11, 1834;

Was read the third time, the amendments proposed by the Chairman of the Committee on the Judiciary were adopted, and on the question of its passage the yeas and nays were:

Yeas—Mr. President, Messrs. Austin, Avery, Brown of Columbia, Buddington, Finley, Forward, Johnson, McMillan, Moseley, Smith, Stewart, Taylor—13.

Nay—Mr. Baldwin—1.

Said bill passed as amended. Title as stated.

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

House bill to be entitled, An act to require the respective Boards of County Commissioners to examine and certify the assessment returns made by the Tax Assessors;

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

Yeas—Mr. President, Messrs. Austin, Baldwin, Brown of Columbia, Buddington, Crawford, Finley, Forward, Johnson, McMillan, Moseley, Smith, Stewart, Taylor—14.

Nays—None.

Said bill passed. Title as stated.

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

House resolution authorizing the Treasurer to loan from the Common School Fund eight hundred dollars to the County Commissioners of Hernando County;

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

House bill to be entitled, An act to provide for the compensation of Jurors in the County of Gadsden;

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

Yeas—Messrs. Austin, Avery, Baldwin, Brown of Columbia, Brown of Hillsborough, Buddington, Crawford, Finley, Forward, Johnson, McMillan, Moseley, Smith, Taylor—14.

Nays—None.

Said bill passed; title as stated.

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

House bill to be entitled, An act in relation to the duties of Comptroller and Treasurer of this State;

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

Yeas—Messrs. Avery, Baldwin, Brown of Columbia, Brown of Hillsborough, Buddington, Crawford, Finley, Forward, McMillan, Moseley, Smith, Stewart, Taylor—13.

Nays—Messrs. Austin, Johnson—2.

Said bill passed. Title as stated.

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

House bill entitled, An act to increase the salaries of Comptroller of Public Accounts, Treasurer, and other Officers;

Came up for a second reading.

Mr. Johnson moved its indefinite postponement;

On which motion the yeas and nays were called for by Messrs. Forward and Brown of Columbia, and were:

Yeas—Messrs. Avery, Baldwin, Brown of Columbia, Buddington, Crawford, Forward, Johnson, McMillan, Moseley, Smith, Taylor

—11.

Nays—Messrs. Austin, Brown of Hillsborough, Finley, Stewart

—4.

Said bill was indefinitely postponed.

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

House resolutions authorizing the construction of fire proof vaults in the Capitol;

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

Yeas—Mr. President, Messrs. Austin, Avery, Baldwin, Brown of Hillsborough, Buddington, Finley, Stewart—8.

Nays—Messrs. Brown of Columbia, Crawford, Forward, Johnson, McMillan, Moseley, Smith—7.

Said resolution passed.

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

House bill to be entitled, An act to amend the laws now in force in relation to the establishment of lost papers;

Was read the third time as amended, and 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, Forward, Johnson, McMillan, Moseley, Smith, Stewart, Taylor—16.

Nays—None.

Said bill passed; title as stated.

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

House bill to be entitled, An act to declare Florida River, in Gadsden County, a navigable stream;

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

Yeas—Messrs. Austin, Avery, Baldwin, Brown of Columbia, Brown of Hillsborough, Buddington, Crawford, Finley, Forward, Johnson, McMillan, Moseley, Stewart, Taylor—14.

Nays—Mr. President, Mr. Smith—2.

Said bill passed. Title as stated.

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

House bill to be entitled, An act to amend an act entitled an act to raise a revenue for the State of Florida, and defining the duties of the Assessors and Collectors thereof;

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

Yeas—Mr. President, Messrs. Austin, Finley, Johnson—4.

Nays—Messrs. Avery, Baldwin, Brown of Columbia, Brown of Hillsborough, Buddington, Crawford, Forward, McMillan, Moseley, Smith, Taylor—11.

Said bill was lost.

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

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

The Committee on Engrossed Bills, report as correctly Engrossed—

An act to require the original accounts, vouchers, and evidence upon which Warrants are drawn by the Comptroller of Public Accounts to be filed in his office, and not in that of the Treasurer;

An act making an appropriation for clearing out the River St. Mary's;

Amendments to House bill to be entitled, An act to amend an act fixing the time of meeting of the General Assembly of Florida ;

Amendment to House bill to be entitled, An act regulating the times and places of holding the Circuit Courts of the Western Circuit.

JNO. P. BALDWIN, *Chairman.*

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

House bill to be entitled, An act to Incorporate the Franklin Mutual Insurance Company ;

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

Yeas—Mr. President, Messrs. Austin, Avery, Brown of Columbia, Brown of Hillsborough, Buddington, Crawford, Finley, Forward, Johnson, McMillan, Moseley, Smith, Stewart, Taylor—15.

Nay—Mr. Baldwin—1.

Said bill passed. Title as stated.

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

The following message was received from the House of Representatives :

HOUSE OF REPRESENTATIVES, January 21, 1851.

Honorable President of the Senate :

Sir :—The House have concurred in Senate amendments to the following bills and resolutions, viz :

Bill to be entitled, An act to establish a Circuit Court in the County of Levy ;

Bill to be entitled, An act to provide for the opening of a road from Miami, in Dade County, to Indian River, in St. Lucie County ;

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

Preamble and resolutions relative to a change of the Mail route between Tallahassee and Madison ; and

Resolution relative to printing the laws of the present session.

Respectfully,

H. ARCHER,

Speaker House of Representatives.

Which was read.

The following communication was received from the House of Representatives :

HOUSE OF REPRESENTATIVES, January 22, 1851.

Honorable President of the Senate :

Sir :—The House have concurred in the report of the Joint Select Committee, recommending that the 6th Joint Rule for the government of the two Houses be rescinded.

Respectfully,

H. ARCHER,

Speaker of the House of Representatives.

Which was read.

Also the following :

HOUSE OF REPRESENTATIVES, January 22, 1851.

Honorable President of the Senate :

The resolutions authorizing the loan of a portion of the Common School Fund to certain Counties, for the purpose of building a Court House, transmitted to the Senate on yesterday, had been previously adopted by the House of Representatives.

Respectfully,

H. ARCHER,

Speaker House of Representatives.

Which was read.

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

The Committee on Corporations have had under consideration, An act to Incorporate the Franklin Mutual Insurance Company, and instructed me to report the same back without amendment.

W. A. FORWARD, *Chairman.*

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

House bill to be entitled, An act fixing the time of the meeting of the General Assembly of Florida ;

Was read the third time as amended. On the question of its passage the yeas and nays were :

Yeas—Messrs. Austin, Avery, Brown of Columbia, Brown of Hillsborough, Buddington, Crawford, Finley, Forward, Johnson, McMillan, Moseley, Smith—12.

Nays—Mr. President, Messrs. Baldwin, Stewart, Taylor—4.

Said bill passed. Title as stated.

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

Engrossed bill to be entitled, An act to require the original accounts, vouchers and evidence upon which Warrants are issued by the Comptroller of Public Accounts to be filed in his office, and not in that of the Treasurer ;

Was read the third time. On the question of its passage the yeas and nays were :

Yeas—Mr. President, Messrs. Avery, Baldwin, Brown of Columbia, Brown of Hillsborough, Buddington, Crawford, Finley, Forward, Johnson, McMillan, Moseley, Stewart, Taylor—14.

Nays—Messrs. Austin, Smith—2.

Said bill passed. Title as stated.

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

House bill to be entitled, An act regulating the times and places of holding the Circuit Courts of the Western Circuit ;

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

Yeas—Mr. President, Messrs. Avery, Baldwin, Brown of Colum-

via, Brown of Hillsborough, Buddington, Crawford, Finley, Forward, Johnson, McMillan, Moseley, Smith, Stewart Taylor—15.
Nay—Mr. Austin—1.

Said bill passed. Title as stated.

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

Engrossed bill to be entitled, An act making an appropriation for clearing out the River St. Mary's;

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

Yeas—Messrs. Brown of Columbia, Forward, Smith, Stewart Taylor—5.

Nays—Mr. President, Messrs. Austin, Avery, Baldwin, Brown of Hillsborough, Buddington, Crawford, Finley, Johnson, McMillan, Moseley—11.

Said bill was lost.

Mr. Taylor moved to reconsider the vote on House bill to be entitled, An act fixing the time of the meeting of the General Assembly of Florida;

Which was carried

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

3 O'CLOCK, P. M.

The Senate met, a quorum present.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, January 22, 1851.

Hon. President of the Senate:

Sir:—The House have passed,

A bill to be entitled, An act for the relief of Martin Hancock;

Also, resolution to increase the bond of the Treasurer;

Also, Senate bill to be entitled, An act for the relief of Drs. Franklin Hart and J. T. Roscoe, amended by striking out the word "Roscoe," wherever it occurs, and inserting "Rascoe," in lieu thereof.

In which amendment the concurrence of the Senate is respectfully solicited.

Also, the following Senate bills, without amendment, viz:

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

Bill to be entitled, An act supplemental to an act entitled an act to regulate Camp Hunting in the Counties of Escambia and Santa Rosa;

Bill to be entitled, An act to provide for the establishment of two Seminaries of Learning;

And preamble and resolutions relative to lands granted to this State for Seminaries of Learning.

Respectfully,

H. ARCHER,

Speaker House Representatives.

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

Resolution to increase the bond of the Treasurer of the State of Florida;

Was read the first time, rule waived, read the second and third times, and passed.

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

House bill to be entitled, An act for the relief of Martin Hancock;

Was read the first time, rule waived, read the second and third times, and on the question of its passage, the yeas and nays were:

Yeas—Messrs. Baldwin, Brown of Columbia, Brown of Hillsborough, Forward, Johnson, Moseley—6.

Nays—Mr. President, Messrs. Austin, Avery, Buddington, Crawford, Finley, McMillan, Smith, Stewart, Taylor—10.

Said bill was lost.

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

Bill to be entitled, An act to Incorporate a Bank in the City of Tallahassee;

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

Yeas—Messrs. Austin, Avery, Brown of Hillsborough, Buddington, Crawford, Finley, Forward, Maxwell, McMillan, Moseley, Stewart, Taylor—12.

Nays—Mr. President, Messrs. Baldwin, Brown of Columbia, Smith—4.

Said bill, not having received the constitutional majority, was lost.

On motion, the vote on said bill was re-considered.

Engrossed bill to be entitled, An act providing for the increase of the School Fund from the State Treasury;

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

Yeas—Mr. President, Messrs. Avery, Brown of Hillsborough, Buddington, Crawford, Finley, McMillan, Moseley, Smith, Stewart, Taylor—11.

Nays—Messrs. Austin, Baldwin, Brown of Columbia, Forward, Johnson, Maxwell—6.

Said bill passed. Title as stated.

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

Mr. Brown of Hillsborough, from the Committee on Claims and Accounts, made the following report, the rule having been waived:

The Committee on Claims and Accounts, to whom was referred a bill to be entitled, An act amend an act to provide for the appointment of Auctioneers and defining the duties of same, ask leave to report:

That they have had the same under consideration and have instructed me to return the same back to the Senate without amendment.

M. C. BROWN,

Chairman Com. on Claims and Accounts.

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

House bill to be entitled, An act to amend an act to provide for the appointment of Auctioneers, and defining their duties, approved November 21, 1829;

Was read the second time.

Mr. Johnson moved to amend the first section as follows:

Strike out from the 7th line the words, "from this State:"

Which was carried, the rule waived, said bill read a third time, and on the question of its passage the yeas and nays were:

Yeas—Messrs. Avery, Buddington, Johnson, McMillan, Moseley, Smith, Taylor—7.

Nays—Mr. President, Messrs. Austin, Baldwin, Brown of Columbia, Brown of Hillsborough, Crawford, Finley, Forward, Maxwell, Stewart—10.

Said bill was lost.

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

House bill to be entitled, An act to incorporate a Bank in the City of Tallahassee;

Was, on motion, taken up, and put upon its passage, and the yeas and nays were:

Yeas—Messrs. Austin, Avery, Brown of Hillsborough, Buddington, Crawford, Finley, Forward, Johnson, Maxwell, McMillan, Moseley, Smith, Stewart, Taylor—14.

Nays—Mr. President, Messrs. Baldwin, Brown of Columbia—3.

Said bill, having received the constitutional majority, passed as amended. Title as stated.

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

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