

of the Circuits Courts, to hold the terms of Court at the times and places prescribed by law, approved January 9th, 1849,

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

House bill to be entitled, An act to provide for the punishment of such persons as unlawfully issue, pass, or circulate Change Bills or Notes under the denomination of One Dollar,

Was read the second time, as amended, and ordered to a third reading on Monday next.

The following bills were, on motion, taken from the table, and placed among the orders of the day, viz:

House bill to be entitled, An act to authorize James J. Meeks to establish a Ferry across the Withlacoochie River;

House bill to be entitled, An act to authorize Jason Gregory to establish a Ferry across the Apalachicola River, at Ochesee, in Calhoun County;

House bill to be entitled, An act to authorize Henry Slayback to establish a ferry across Escambia Bay;

House bill to be entitled, An act to authorize Henry Hewitt to establish a ferry across the Choctawhatchy river, at Hewitt's Bluff;

Was read the second time, and referred to the Committee on Corporations.

House bill to be entitled, An act to authorize Jason Gregory to establish a ferry across the Apalachicola river at Ochese, in Calhoun county;

Was read the second time, and referred to the Committee on Corporations.

House bill to be entitled, An act to authorize Henry Slayback to establish a ferry across Escambia Bay;

Was read the first time, rule waived, read the second time by its title, and referred to the Committee on Corporations.

House bill to be entitled, An act to authorize James J. Meeks to establish a ferry across the Withlacooche river;

Was read the first time, rule waived, read the second time by its title, and referred to the Committee on Corporations.

On motion, the Senate adjourned until Monday next, half-past 10 o'clock, A. M.

MONDAY, December 16, 1850.

The Senate met pursuant to adjournment.

The Rev. Mr. Pratt officiated as Chaplain.

The proceedings of last Saturday were read and approved.

Mr. Crawford, pursuant to previous notice, asked and obtained

leave to introduce a bill to be entitled, An act to incorporate the Florida and Georgia Plank Road Company;

Which was read the first time, and 75 copies ordered to be printed.

Mr. Smith moved that Mr Ghent have leave of absence until the 30th instant.

Mr. Smith gave notice, that he would on some future day, ask leave to introduce a bill to be entitled, An act to amend an act approved January 13th, 1849, for the election of Judges of Probate by the people.

On motion, bill to be entitled, An act to regulate the Pilotage for the bar of the River St. Johns,

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

Mr. Brown of Columbia gave notice that he would on a future day, ask leave to introduce a bill in relation to pre-emption rights on 16th sections.

Mr. Brown of Columbia gives notice, that he will on a future day, ask leave to introduce a bill authorizing the administrator and administratrix, to sell the real estate belonging to the estate of Henry V. Ellis.

Mr. Johnson presented the following memorial:

To the Honorable Senate of Florida and House of Representatives, assembled:

The undersigned citizen of Hamilton County, Florida, residing at and owning both landings of the present place of ferrying at White Springs, would respectfully and humbly pray for permission to build a Toll Bridge over the Suwannee at said Springs, with a charter for *twenty years*, not subject to repeal, and permission to continue his Ferry until the Bridge is completed.

BRYANT SHEFFIELD.

Which was read, and on motion referred to the Committee on Internal Improvements.

Mr. Forward offered the following Resolution:

Resolved, (The House of Representatives concurring,) That this General Assembly do adjourn *sine die* on Friday, the 10th of January next;

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

Mr. Brown of Columbia, offered the following Resolution:

Resolved, That the Register of Public Lands be requested to furnish the Senate with a statement of the number of acres of land granted to the State for the purpose of building a State House, where the same has been located, and what are the conditions of the grant of said lands to the State.

Which was read and adopted.

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

The Committee on Engrossed Bills beg leave to report as correctly engrossed, the following bills, viz:

A bill to be entitled, An act to repeal an act to compel the Judges

of the Circuit Courts to hold the terms of Court at the times and places prescribed by law, approved January 9, 1849;

A bill to be entitled, An act to amend an act for securing Liens to Mechanics, Overseers, and others, approved December 29, 1845;

A bill to be entitled, An act to establish the rates of Wharfage, Dockage, and Storage in the City of Key West, County of Monroe;

A bill to be entitled, An act to amend an act for the Protection of Fisheries on the Coast of Florida, approved December 17, 1845;

Also, engrossed amendment to House bill to be entitled, An act to provide for the punishment of such persons as unlawfully issue, pass, or circulate Change Bills or Notes under the denomination of One Dollar.

Which is respectfully submitted.

JOHN P. BALDWIN, *Chairman.*

Which was received, and said bills 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 authorize William Henry Van Horn, a minor, to assume the management of his own estate, and to contract and be contracted with;

Also, An act to repeal an act to improve the navigation of the Suwannee River.

W. A. FORWARD, *Chairman.*

Which was received.

Mr. Stewart, from a Select Committee, made the following Report:

The Select Committee, to whom was referred the bill entitled, An act for the relief of the heirs of Underwood, ask leave to

REPORT:

That after a proper investigation of the testimony and facts submitted to their consideration, they have arrived conclusively at the opinion that, as there was manifest error in the assessment of the taxes, the amount thus under misapprehension paid into the Treasury of the State, should, as a matter of justice, be refunded to the heirs of Underwood.

A brief history of the case will explain the grounds upon which your Committee base their conclusion. It appears that Mr. Alberti, having been authorized by Mr. Crane, of Savannah, Georgia, (who married one of the daughters of the late J. Underwood,) to cut and dispose of timber on a tract of land, embracing some 9,200 acres, lying on the St. Mary's River, and belonging to said family of Underwood, casually learned that S. Walker, the then Tax Collector, was about to assess a double tax for 1849; that to save extra expense to said estate, Mr. Alberti returned the land to said Assessor, expressly stating at the time that he did so as a friend of the heirs.

On the 31st October, 1849, Mr. A. paid to said Tax Collector \$182 85 for taxes on said land, being the amount due thereon from the period Florida became a State up to and including the year 1849. Subsequently Mr. Alberti learned from the United States Timber Agent in that section, that the title to said land was still in the United States, and therefore the heirs of Underwood were interdicted from cutting any of the timber thereon.

When Mr. McKay, the United States Surveyor, was in that section, running private land claims, said Surveyor distinctly stated that he was expressly forbidden by the Surveyor General of Florida from running the lines of said land "as a *private grant*;" and subsequently obliterated and destroyed entire marks that had been run by an assistant of his previous to the receipt of the prohibition of the Surveyor General.

The Committee would further state that an honorable member of this body was employed as counsel to prosecute said claim, and obtain titles from the United States to said family of Underwood.

From the foregoing statement, your Committee are clearly of the opinion that the taxes, thus paid through error and misapprehension should, as a matter of justice, be refunded to said family, who are not in law owners thereof; nor is said land liable for taxation, the title being, where it ever has been, in the United States.

Respectfully submitted.

GEORGE STEWART,

Chairman Select Committee.

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

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, December 16th 1850.

Honorable President of the Senate:

SIR—The House have passed the following bills from the Senate, without amendment, viz:

Senate bill to be entitled, An act for the relief of Levi F. Miller, Sheriff of Washington County;

Senate bill to be entitled, An act to amend an act entitled an act to re-establish the Records of the County of Jackson, and for other purposes;

Senate bill to be entitled, An act to punish cheats and false pretences;

Senate bill to be entitled, An act in relation to pilotage for the Port of Key West;

Senate bill to be entitled, An act for the relief of George M. Hamilton; and

Senate bill to be entitled, an act prescribing the duty of the Register of Public Lands, Sheriffs and Solicitors, in relation to the re-

recovery of estates escheating or reverting to the School Fund on account of a defect of heirs or next of kin, and for other purposes.

Respectfully,

H. ARCHER,

Speaker House of Representatives.

Which was read, and said bills ordered to be enrolled.

(ORDERS OF THE DAY.)

Bill to be entitled, An act providing new modes of investing the School Fund, prescribing the time at which the first distribution of the School Fund shall be made, and also for increasing said Fund from the State Treasury;

Was taken up.

Mr. Maxwell moved to strike out the third section, which reads as follows:

Sec. 3.—*Be it further enacted*, That should there not be enough money arising from the interest of the School Fund to allow two dollars a year to be given for the education of each child returned as required by law to the State superintendent, then the said superintendent shall notify the Comptroller of the amount of said deficiency, and also of the amount required by each County Superintendent to make up the deficiency in his County; and the Treasurer shall, on the warrant of the Comptroller, pay from the State Treasury, of funds accruing from the general revenue, to the several County Superintendents, the amount of said deficiency.

And which section will impose an additional tax upon the people of this State of from \$7000 to \$15,000, being from one eighth to near one fourth of the present revenue.

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

Yeas—Mr. President, Messrs. Austin, Baldwin, Brown of Columbia, Brown of Hillsborough, Forward, Johnson, Maxwell, Moseley, Perry—10.

Nays—Messrs. Avery, Buddington, Crawford, Finley,, McMillan Smith, Stewart—7.

So said motion prevailed, and said bill was ordered to be engrossed for to-morrow.

House bill to be entitled, An act to regulate the Pilotage of the bar of the River St. Johns;

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

House bill to be entitled, An act to unite the duties of Tax Assessor and Collector for the County of Levy:

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

House bill to be entitled, An act to amend an act entitled an act incorporating Towns;

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

House preamble and resolutions relative to Chipola River;

Were read the third time and passed.

Ordered that the same be certified to the House.

House bill to be entitled, An act to provide for the punishment of such persons as unlawfully issue, pass or circulate change bills or notes under the denomination of one dollar,

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

Yeas—Mr. President, Messrs. Avery, Baldwin, Brown of Columbia, Brown of Hillsborough, Buddington, Finley, Forward, Johnson, Maxwell, McMillan, Moseley, Perry, Smith, Stewart—15.

Nays—Messrs. Austin and Crawford—2.

Said bill passed. Title as stated.

Ordered that the same be certified to the House.

Bill to be entitled, An act to empower Alexander B. Godwin, a minor, to assume the management of his own estate;

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

Engrossed bill to be entitled, An act to amend an act entitled an act for the Protection of Fisheries on the Coast of Florida, approved December 17th, 1845;

Was read the third time, 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, Maxwell, McMillan, Moseley, Perry, Smith, Stewart—17.

Nays—None.

Said bill passed. Title as stated.

Ordered that the same be certified to the House.

Engrossed bill to be entitled, An act to establish the rates of Wharfage, Dockage and Storage, in the city of Key West, County of Monroe;

Was read the third time, 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, Maxwell, McMillan, Moseley, Perry, Smith, Stewart—17.

Nays—None.

Said bill passed. Title as stated.

Ordered that the same be certified to the House.

Engrossed bill to be entitled, An act to amend an act entitled an act for securing liens to Mechanics, Overseers, and others, approved December 29, 1845;

Was read the third time, 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, Maxwell, McMillan, Moseley, Perry, Smith, Stewart—17.

Nays—None.

Said bill passed. Title as stated.

Ordered that the same be certified to the House.

Engrossed bill to be entitled, An act to repeal an act to compel the Judges of the Circuit Courts to hold the terms of Court at the times and places prescribed by law, approved January 9th, 1849;

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

Yeas—Messrs. Baldwin, Finley, Forward, Maxwell—4.

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

So said bill was lost.

A bill to be entitled, An act to define specifically the duties of the Board of County Commissioners of Monroe County;

Which was read the second time, and on motion, referred to the Committee on Schools and Colleges.

Resolution relative to publishing with the laws of this General Assembly the amended Constitution of the State of Florida;

Was read the second time, and on motion laid on the table.

House bill to be entitled, An act for the relief of Kinchen P. Ellis;

Was read the second time, and on motion referred to the Committee on Propositions and Grievances.

House bill to be entitled, An act for the relief of Gadsden County;

Was read the second time, and on motion referred to the Committee on Schools and Colleges.

House bill to be entitled, An act to ascertain and define the boundary line of Calhoun County;

Was read the second time, and on motion referred to the Committee on the Judiciary.

A bill to be entitled, An act for the relief of the heirs of J. Underwood;

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

House bill to be entitled, An act to provide for the transmission of election returns from the several election precincts in the State of Florida;

Was read the second time, and on motion referred to the Committee on Elections.

Mr. Forward moved that the Committee appointed to wait upon Edmund LaFayette, Esq., be requested to call upon said LaFayette

and the Honorable President of the Senate for a copy of their remarks on the presentation of said LaFayette to the Senate, and to ask of them permission to spread the same upon the Journals of the Senate;

Which motion was carried.

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

TUESDAY, December 17th, 1850.

The Senate met pursuant to adjournment.

The Rev. Mr. Pratt officiated as Chaplain.

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

Mr. Avery, pursuant to previous notice, introduced a 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;

Which was read the first time, rule waived, read second time, by its title, referred to the Committee on Corporations, and 75 copies ordered to be printed.

Mr. Forward gave notice that he would, on some future day, ask leave to introduce a bill to be entitled, An act to amend the acts now in force providing for the issuing of Garnishments;

Also, An act to amend the several acts now in force in relation to pleadings in civil suits;

Also, An act to amend the act incorporating the Presbyterian Congregation of the city of St. Augustine;

And also, An act reducing the term of service of Road Commissioners and Road Overseers.

Mr. Baldwin presented the petition of Angel Lopez;

Which was read, and referred to the Committee on Propositions and Grievances.

The President presented the following communication from his Excellency the Governor:

EXECUTIVE CHAMBER, }
December 17, 1850. }

The Honorable R. J. FLOYD,

President of the Senate, &c.:

SIR:—I have the honor to transmit to the Senate, for the consideration of the General Assembly, the accompanying communication from D. S. Walker, Esq., on the subject of the defective organization of that Office, which appears so obvious that I consider it useless for me to make any comments in regard to it.

Very respectfully,

Your most obedient, &c.,

THOMAS BROWN.