

Was read third time; 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, Taylor—18.

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 provide for the transmission of election returns from the several precincts in the State of Florida;

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

Bill to be entitled, An act in relation to Naturalized Citizens voting in this State.

Was taken up. On motion of Mr. Avery, the Senate resolved itself into Committee of the Whole on said bill, Mr. Forward in the Chair. After some time spent in the consideration of said bill, the Committee rose, and by the Chairman thereof, reported said bill back to the Senate as amended;

Which amendment was concurred in, and on motion said bill was referred to the Committee on the Judiciary.

House Resolution relative to the appointment of a Joint Committee on the subject of slavery,

Was read the first time, and made the special order of the day for Friday next.

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

TUESDAY, December 24, 1850.

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. Avery gave notice, that he would at a future day, ask leave to introduce a bill to be entitled, An act providing for the increase of the School Fund from the State Treasury.

Mr. Perry gave notice that he would, on some future day, ask leave to introduce a bill for the relief of Abner D. Johnson.

Mr. Forward, pursuant to previous notice, introduced a bill to be entitled, An act to enable Executors, Administrators and Guardians to sell the real estate of infants;

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

The President presented the petition of sundry citizens of Leon County, in relation to the removal of free negroes from the State.

Which was read, and referred to the Committee on the state of the Commonwealth.

Mr. Forward, from the Committee on Corporations, having been requested by the Hon. R. J. Floyd, President of the Senate, to introduce, as provided by the rules of the Senate, a bill to be entitled, An act to Incorporate the Apalachicola Mutual Insurance Company, did so accordingly;

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

Mr. Austin, from the Committee on the Executive Department, made the following report:

The Committee to whom was referred that portion of the Governor's Message which relates to the salary allowed by law to the Governor of the State of Florida beg leave to report:

That they have had the subject referred to them under consideration, and for the reasons given in said message recommend that the salary of the Governor of the State of Florida, be increased to the sum of two thousand dollars, and report a bill for that purpose.

JOSEPH AUSTIN, *Chairman.*

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

Messrs. Brown, of Columbia, and Taylor, from the Committee on the Executive Department, made the following minority report:

The undersigned, a minority of the Executive Committee, to whom was referred so much of the Governor's Message as relates to the decrease of the Governor's salary, beg leave to dissent from the report of the Committee, believing the salary now allowed by law to be amply sufficient for the services and sacrifices required of the Executive of this State.

ROB. BROWN,
WM. R. TAYLOR.

Which was read.

Mr. Smith, from the Committee on Propositions and Grievances, made the following report:

The Committee on Propositions and Greivances, to whom was referred the petition of Angel Lopez, of Monroe County, having duly considered the same, beg leave to

REPORT:

That it appears by the said petition that the name of the petitioner was endorsed on an indictment preferred against one William Walsh, for assault and battery, as prosecutor, and as such was, under the laws of this State, responsible for the costs, in the event that the prosecution failed: that at Spring Term, 1849, of the Circuit Court of Monroe County, a *nolle prosequi* to said indictment was entered by the Solicitor of the Southern Circuit, without the knowledge or consent of said petitioner, on the ground, as is alle-

ged, of the absence of witnesses. It further appears that two of the principal witnesses, who had been recognized to appear, could not, by reason of their absence at different points on the Florida reef, be present at Key West to attend the trial of said Walsh; and upon a proper affidavit made and presented to the Court, the forfeiture of their recognances, which had been declared, was set aside and vacated by the Court. Your Committee are of opinion that the petitioner should not be made responsible for the costs in the case, because it was not his duty to see that the witnesses were present to testify; and further, because he is not chargeable with absence of the witnesses. The *nole prosequi* was not his act, nor was it entered with his knowledge or consent. It was the act of the State by its representative, and it should pay the costs in the case. It is only in cases of the trial of and acquittal of a defendant indicted for an assault and battery that the law requires the name of a prosecutor to be endorsed on the indictment, imposing the costs on the prosecutor. Your Committee are clearly of opinion that the prayer of the petitioner should be granted, and they herewith report a bill for his relief; the passage of which they, without hesitation, recommend.

D. J. SMITH, *Chairman.*

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

Mr. Taylor, from the Committee on Internal Improvements, made the following report:

The Committee on Internal Improvements, to whom was referred the petition of sundry citizens of Escambia County relative to road duty, with instructions to bring in a bill in accordance with the suggestions of the petitioners, ask leave to report the accompanying bill and to recommend its passage.

WM. R. TAYLOR, *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, to whom was referred a bill to be entitled, An act to ascertain and define the boundary line of Calhoun County, have had the same under consideration, and beg leave to

REPORT:

That the inconvenience to citizens of having the boundary lines between the different Counties a matter of uncertainty, ought to be strictly guarded against; and where this uncertainty exists it ought to be remedied. For this purpose, I am instructed to recommend the passage of the bill, with the accompanying amendment, which is intended to reach cases of doubt in reference to other Counties than those mentioned in the bill.

A. E. MAXWELL, *Chairman.*

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

Mr. Maxwell also made the following report:

The Committee on the Judiciary, to whom was referred a bill to be entitled, An act to amend an act approved January 13, 1849, which provides for the election of Judges of Probate by the people, have instructed me to:

REPORT:

That they have considered the same, and are of opinion that it should be passed. They recommend that the last five lines be stricken out, inasmuch as Judges of Probate are not required to give bond, and therefore the provision made by those lines, would seem to be unnecessary.

I am also instructed to report that the Committee have had under consideration a bill to be entitled, An act to amend an act entitled an act amendatory of the Pilot laws now in force in this State, approved January 12, 1849, and consenting to the expediency of the proposed amendment, recommend the passage of said bill.

A. E. MAXWELL, *Chairman.*

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

Mr. Maxwell reported further:

The Committee on the Judiciary, to whom was referred a bill to be entitled, An act in relation to naturalized citizens voting in this State, and also the substitute therefor, have instructed me to report:

That they have the same under consideration, and are of opinion that the substitute will best accomplish the purposes of the bill, and therefore recommend that it be passed.

A. E. MAXWELL, *Chairman.*

Which was received, and said bill, together with said substitute, 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, the following bills, viz:

An act for the relief of M. 95 and David Platt;
 An act to change the name of the City of Key West, and
 An act to establish the rate of Dockage and Storage
 in the City of Key West, County of Monroe.

W. A. FORWARD, *Chairman.*

Which was received.

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

The Committee on Taxation and Revenue, to whom was referred House bill to be entitled, An act to amend an act regulating the duties of Tax Assessors and Tax Collectors, and for other purposes, having had the same under consideration, beg leave to report the

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same with the following amendment, and ask leave to be discharged from the further consideration thereof.

M. S. PERRY, *Chairman.*

Insert in the title, after the word " purposes," the words, " approved January 9th, 1849 ;"

Which was received, said amendment concurred in, and the 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 24, 1850.

Honorable President of the Senate :

Sir—The House have adopted the enclosed Resolution, in which the concurrence of the Senate is respectfully requested

Respectfully,

H. ARCHER,

Speaker House of Representatives,

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

The following message was received from the House of Representatives :

HOUSE OF REPRESENTATIVES, December 24, 1850.

Honorable President of the Senate :

Sir: The House have passed the following bills, viz:

A bill to be entitled, An act more particularly to define the duties of Weighers of Cotton in this State;

A bill to be entitled, An act to repeal an act entitled an act explanatory of the several acts in relation to the Migration of Free Negroes of Color into this State, approved January 13, 1849;

A bill to be entitled, An act to provide for the payment of the Florida Volunteers called out in the year 1849;

A bill to be entitled, An act to change the name of Ann Burnley of Gadsden County, to that of Ann Wilder;

A bill to be entitled, An act to authorize Joseph Sierra to build a Wharf in the City of Pensacola;

A bill to be entitled, An act to amend an act concerning Roads and Highways, approved January 2, 1827, especially for the County of Duval;

And a bill to incorporate the Jacksonville and Alligator Park

And also, the following bills without amendment, viz:

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 17, 1845;

Bill to be entitled, An act for the relief of the Heirs of J. Underwood;

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;

Bill to be 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;

And bill to be entitled, An act to amend the Eleventh Clause of the Fifth Article of the Constitution of this State; and also to amend an act amendatory of the Twelfth Clause of the Fifth Article of the Constitution of this State, and adopted by the third and fourth General Assemblies, so as to give the election of Judges to the People.

Respectfully,

H. ARCHER,

Speaker House of 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.

ORDERS OF THE DAY.

House bill to be entitled, An act for the final removal of the Indians, now remaining in Florida, beyond the limits of the State;

Was taken up, and on motion of referred to the Committee, on the Judiciary.

Bill to be entitled, An act to change the time, when Grand Juries shall examine the accounts of the County Treasurer;

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

House bill to be entitled, An act more particularly to define the duties of Weighers of Cotton in this State;

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

House bill to be entitled, An act to change the name of Ann Burnley of Gadsden County, to that of Ann Wilder;

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

Yeas—Mr. President, Messrs. Austin, Avery, Baldwin, Brown of Columbia, Buddington, Crawford, Finley, Forward, Johnson, Maxwell, McMillan, Moseley, Perry, Smith, Stewart—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 provide for the payment of the Florida Volunteers, called out in the year 1849;

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

House Resolution relative to adjournment of the General Assembly until Monday next;

Was read.

Mr. Forward moved to amend said Resolution by adding *sine die*;

On which amendment, the yeas and nays were called for by Messrs. Baldwin and Austin, and were:

Yeas—Messrs. Austin, Forward, Johnson, Moseley, Perry, Taylor—6.

Nays—Mr. President, Messrs. Avery, Baldwin, Brown of Columbia, Buddington, Crawford, Finley, Maxwell, McMillan, Smith, Stewart—11.

So said amendment was lost.

The Resolution was then put on its passage.

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

Yeas—Mr. President, Messrs. Austin, Baldwin, Crawford—4.

Nays—Messrs. Avery, Brown of Columbia, Buddington, Finley, Forward, Johnson, Maxwell, McMillan, Moseley, Perry, Smith, Stewart, Taylor—13.

Said Resolution was lost.

House bill to be entitled, An act to repeal an act entitled an act explanatory of the several acts in relation to the migration of free negroes of color into this State, approved January 13th, 1849;

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

House bill to be entitled, An act to authorize Joseph Sierra to build a Wharf in the city of Pensacola;

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

House bill to be entitled, An act to amend an act concerning Roads and Highways, approved January 5th, 1847, especially for the County of Duval;

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

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

Was taken up.

Mr. Avery moved that the rule be waived, and that said bill be read the first and second time by its title, and referred to the Committee on Corporations;

Which was carried.

Bill to be entitled, An act in relation to naturalized citizens voting in this State;

Was read the second time.

Mr. Forward moved to amend said bill by striking out all after the enacting clause, and insert the following:

“That hereafter naturalized citizens voting at elections, shall not be required to present their certificates of naturalization.”

On which amendment the yeas and nays were called for by Messrs. Baldwin and Avery, and were:

Yeas—Mr. President, Messrs. Brown of Columbia, Forward, Johnson—4.

Nays—Messrs. Avery, Baldwin, Brown of Hillsborough, Buddington, Crawford, Finley, Maxwell, McMillan, Moseley, Perry, Smith, Stewart, Taylor—13.

Said amendment was lost.

Said bill ordered to be engrossed for a third reading to-morrow.

House bill to be entitled, An act to incorporate the Leon and Gadsden Plank Road Company;

Was read the second time, rule waived, read the third time by its title, 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, Taylor—18.

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 for the relief of J. L. Wyman;

Was read the second time, and on motion of Mr. Maxwell, referred to the Committee on Claims and Accounts.

House bill to be entitled, An act for the relief of the funds for the education of poor children in the County of Franklin;

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

Bill to be entitled, An act to amend an act amendatory of the several acts now in force in relation to the assessment and collection of the Revenue, approved January 13, 1849;

Was read the second time.

Mr. Moseley moved to amend said bill by inserting in the fifth line of the first section, after the word "Hernando," the word "Madison;"

Which was adopted, and said bill ordered to be engrossed for a third reading to-morrow.

Bill to be entitled, An act requiring to be paid into the School Fund money derived from the sale of slaves under the act of November 22, 1829;

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

House bill to be entitled, An act to incorporate the Ocilla and Wacissa Navigation 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, Baldwin, Brown of Columbia, Brown of Hillsborough, Buddington, Crawford, Finley, Forward, Johnson, Maxwell, McMillan, Moseley, Perry, Smith, Stewart, Taylor—18.

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 amend an act amendatory of the Pilot laws now in force in this State;

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

Bill to be entitled, An act to amend an act approved January 13, 1849, which provides for the election of Judges of Probate by the people;

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

House Resolution relative to the employment of a clerk in the Comptroller's Office;

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 to ascertain and define the boundary line of Calhoun County;

Was read the second time.

Mr. Maxwell, from the Committee on the Judiciary, offered the following as an amendment to said bill.

The amendment recommended by the Committee is the following:

Between the words "Washington" and "reading," in the 10th line of the first section, insert the following:

Also the boundary line between Putnam, Alachua, Duval, and Marion Counties as now declared by Statute; also the boundary lines between St. Johns, Alachua, Marion and Duval Counties as they existed before the creation of Putnam County, and also that part of the boundary line between the Counties of Duval and Nassau, extending from the head of Thomas' Swamp to the head waters of Big Creek.

Mr. Maxwell offered the following as an additional amendment to the amendment proposed by the Chairman of the Committee on the Judiciary, viz:

Add after the words "Big Creek," the following, "and also the boundary line between the Counties of Franklin and Calhoun, and between the Counties of Franklin and Gadsden;"

Which was accepted, said amendment adopted, and ordered to be engrossed, and said bill as amended ordered for a third reading to-morrow.

Bill to be entitled, An act in relation to roads in Escambia County;

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

Bill to be entitled, An act for the relief of Angel Lopez;

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

Bill to be entitled, An act to amend an act entitled an act to exempt homesteads from execution, attachment and distress, approved March 11, 1845;

Was taken up.

Mr. Maxwell moved that all after the enacting clause be stricken out:

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

Yeas—Messrs. Brown of Columbia, Brown of Hillsborough, Crawford, Finley, Forward, Johnson, Maxwell, McMillan, Moseley, Stewart, Taylor—11.

Nays—Mr. President, Messrs. Austin, Avery, Baldwin, Buddington, Smith—6.

All of said bill after the enacting clause, was stricken out.

Mr. Maxwell moved to insert the following amendment proposed by the Chairman of the Committee on the Judiciary;

Strike out all after the enacting clause and insert: "That the provisions of the first section of an act to exempt homesteads from execution, attachment and distress, approved March 11, 1845, in favor of every farmer seized and possessed of forty acres of land, be, and the same are hereby extended so as to grant a similar exemption, under the same restrictions, (except as to the requisition that he shall actually have in cultivation at least ten acres of land,) to every owner of a dwelling house and the lot on which the same stands, in any city, town or village of this State, provided said owner shall actually reside in said house,"

On this question the yeas and nays were called by Messrs. Baldwin and Avery, and were;

Yeas—Messrs. Brown of Columbia, Brown of Hillsborough, Crawford, Finley, Forward, Johnson, Maxwell, McMillan, Moseley, Stewart, Taylor—11.

Nays—Mr. President, Messrs. Austin, Avery, Baldwin, Buddington, Smith—6.

Said amendment was adopted.

Mr. Maxwell moved to lay said bill on the table;

Which was carried.

House bill to be entitled, An act for the benefit of Dr. Thomas M. Palmer, and Doctors Taylor and Palmer;

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

Bill to be entitled, An act to amend an act entitled an act fixing the salary of the Governor of this State, and to authorize the appointment of a Governor's Secretary and Clerk for the Executive Department, and for other purposes, approved by the Governor July 25, 1845;

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

Bill to be entitled, An act to amend an act relating to the duties of Tax Assessors and Tax Collectors, and for other purposes, approved January 9, 1849;

Was on motion of Mr. Johnson, taken up, which together with House bill to be entitled, An act to amend an act relating to the duties of Tax Assessors and Tax Collectors, and for other purposes, were on motion re-committed to the Committee on Taxation and Revenue.

The following message was received from his Excellency the Governor:

EXECUTIVE CHAMBER, December 23, 1850.

The Honorable R. J. FLOYD,

President of the Senate:

SIR:—I have approved and signed the following Acts, viz:

An Act to establish the Fees of Notaries Public, in certain cases, in the County of Munroe;

An Act for the relief of Levi F. Miller of Washington County;

An Act in relation to Pilotage for the Port of Key West;

An Act for the relief of George M. Hamilton;

An Act to Punish Cheats and False Pretences;

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

An Act prescribing the duty of the Register of Public Lands, Sheriffs and Solicitors, in relation to the recovery of Estates escheating or reverting to the School Fund, on account of a defect of heir or next of kin, and for other purposes;

Which I have caused to be deposited in the office of the Secretary of State.

THOMAS BROWN.

Which was read.

The following communication was received and read from the Register of Public Lands:

OFFICE OF THE REGISTER OF PUBLIC LANDS, }
Tallahassee, Dec. 24, 1850. }

To the Honorable R. J. FLOYD,

President of the Senate:

SIR:—In obedience to the following Resolution of the Senate, viz: "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 fixing their Seat of Government, where the same has been located, and what are the conditions of said grant to the State;" I have the honor to report as follows: That by an act of Congress approved March 3, 1845, it is provided, among other things, that "there be granted to said State," (Florida) "eight entire Sections of Land for the purpose of fixing their Seat of Government."

The eight entire sections thus granted have been selected by the State, and reported to the proper Department at Washington for approval, but that approval has not yet been given.

The following is a list of the Eight Sections so selected and reported, viz:

The South half of Section 7, Township 7 South, Range 17 East.

West half of	" 8,	" 7	" "	" 17	" "
West half of	" 17,	" 7	" "	" 17	" "
East half of	" 18,	" 7	" "	" 17	" "
Entire	" 19,	" 7	" "	" 17	" "
"	" 20,	" 7	" "	" 17	" "
"	" 21,	" 7	" "	" 17	" "
"	" 29,	" 7	" "	" 17	" "
"	" 30,	" 7	" "	" 17	" "
"	" 32,	" 7	" "	" 17	" "

These Lands all lie on the Santafée River, near the Natural Bridge, chiefly in the County of Alachua.

"What are the conditions of the grant of said Lands to the State" can only be determined by reference to the terms of the grant. They were granted to the People of the State for the purpose of "fixing their Seat of Government." A former Commissioner of the General Land Office, Richard M. Young, Esq., in a letter to my predecessor, dated September 10, 1847, states that in his "opinion the terms of the grant require that the whole of these eight sections shall be located in one body, at such point as may be fixed upon by the proper authorities of Florida as their Seat of Government, and that the Seat of Government of that State should be fixed upon the Lands thus granted." If the Legislature shall concur in this construction of the grant, it will be proper to prepare either for fixing their "Seat of Government on the lands granted," or to relinquish the State's claim under the grant, or to petition Congress for a change in its terms. But if the Legislature shall not concur in this construction, then no further legislation in regard to the conditions of the grant will be necessary.

I have the honor to be,

Very respectfully, your ob't. sv't.,

D. S. WALKER,

Register of Public Lands.

On motion, 250 copies of said document were ordered to be printed.

Mr. Finley moved that the Senate adjourn until Friday next, 11 o'clock, A. M.;

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

Yeas—Mr. President, Messrs. Austin, Baldwin, Brown of Columbia, Brown of Hillsborough, Crawford, Finley, Maxwell, Taylor—9.

Nays—Messrs. Avery, Buddington, Forward, Johnson, McMillan, Moseley, Smith—7.

So said motion was carried, and the Senate adjourned until Friday, 11 o'clock, A. M.