

TUESDAY, December 31, 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. Finley moved a reconsideration of the bill to be entitled, An act to tax slaves brought into this State for hire;

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

Yeas—Messrs. Aust'n, Finley, Johnson, McMillan, Smith, Stewart, Taylor—7.

Nays—Mr. President, Messrs. Avery, Brown of Columbia, Brown of Hillsborough, Buddington, Crawford, Forward, Maxwell, Moseley, Perry—11.

Said motion was lost.

Pursuant, to previous notice, the following bills were introduced, viz:

By Mr. Avery;

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;

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

By Mr. Avery;

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

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

By Mr. Smith;

A bill to be entitled, An act to appropriate one thousand dollars to improve the navigation of Holmes Creek in Washington County;

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

Mr. Smith moved that a Committee of three be appointed to examine the public Arms of this State and Armory, and to introduce a bill, if found necessary, providing for the safe keeping of the same.

Which was carried, and Messrs. Smith, Finley and Johnson were appointed said Committee.

Mr. Finley gave notice that he would, at an early day, ask leave to introduce a bill to be entitled, An act to amend the Constitution of this State, so as to allow the proceeds of the five hundred thousand acres of land heretofore granted to this State by the United States for Internal Improvements, to be appropriated to Common Schools.

Mr. Brown of Columbia gave notice that he would, on a future

day, ask leave to introduce a bill to change the name of Sarah F. Waters, to that of Sarah Frances Vanz. it; also,

A bill to amend the road laws of this State.

Mr. Avery gave notice that he would, at a future day, ask leave to introduce a bill to be entitled, An act to incorporate the Pensacola, Tensaw River, and Mobile Bay Rail Road Company.

The following message was received from his Excellency, the Governor:

EXECUTIVE CHAMBER, December 30, 1850.

The Honorable R. J. FLOYD,

President of the Senate:

SIR—I deem it my duty to return to the Senate,—being the House in which it originated,—for re-consideration, “An act to alter and amend the act entitled, ‘An act to incorporate the Atlantic and Gulf Rail Road Company.’”

My objections to this act are, that it is violative of the Constitution of this State, and the rights and interests of the people of Florida, and has probably passed the General Assembly without due consideration of the act of incorporation to which this act is an amendment.

The First Article of the Constitution—Declaration of Rights—sec. 24, declares, “That perpetuities and monopolies are contrary to the genius of a free State, and ought not to be allowed.” And the 2d section of the 8th Article declares, that “A liberal system of Internal Improvement being essential to the development of the resources of the country, shall be encouraged by the Government of this State, and it shall be the duty of the General Assembly, as soon as practicable, to ascertain by law proper objects of improvement, in relation to Roads, Canals, and Navigable Streams, and provide for a suitable application of such funds as may be appropriated for such improvements.”

The 2d section of the act of incorporation to which this act is an amendment, provides “That the said corporation shall have the right of constructing and maintaining a Rail Road within this State, between the Atlantic Ocean, or the waters tributary or connecting with the same, and the Gulf of Mexico, or the waters emptying into, or connecting with the same, and upon such route as they shall deem most advisable and judicious, and no other person or company, or corporation, shall have the privilege or right of constructing any Rail Road or Canal, commencing within twenty miles of the Eastern or Northern terminus of the Road hereby authorized, and which shall terminate any where in East Florida, within twenty miles of the Western or Southern terminus of the said Road hereby authorized. Provided, however, That the said corporation shall actually survey and commence the construction of said Road within one year after the approval of this act,” &c.

Now, here is a monopoly, perpetuity and exclusive privilege granted by this amendatory act, for the term of twenty years, to three per-

sons not citizens of this State, with the privilege of extension for a longer term, with unlimited powers over a large portion of the sovereignty, domain, and sea-board of this State, without any consideration whatever for such extensive privileges. It will be seen by reference to the "Act incorporating the Atlantic and Gulf Rail Road Company," approved January the 11th, 1849, that it has expired by its own limitation, and is a dead letter upon the statute book, if not revived by this act for its amendment; which is virtually a re-enactment of this dead corporation, with all its extraordinary privileges. By a very casual investigation of its structure, it will be found to contain some very remarkable provisions, and to be equally as remarkable for the absence of some highly necessary provisions. It confers on three persons, namely, Isaac Newton, Alfred G. Benson, and John T. Howard, who are not citizens of this Commonwealth, the entire powers and control of the corporation, as its corporators, and also the only Commissioners named, with authority to appoint the time and place for opening books for subscription for stock, by themselves, or such agents as they may choose to appoint, and to act as receivers of their own subscriptions for stock, and the first instalment required to be paid at the time of subscribing for the same: nor is the objection removed by the addition in the amended charter, of the names of two citizens of St. Augustine, to the Commissioners, who are still clothed with the power to appoint agents to act for them. The charter prescribes no rules for regulating the mode and manner of taking subscriptions for stock, or any limit or restriction of the number of shares of stock which may be taken by any individual, or company; and as this amended act confirms to these favored corporators, their *monopoly* of the entire capital of two millions, as contemplated in the original charter; it is reasonable to presume that they will take care, by themselves or their agents, to secure the additional stock of three millions, or so much thereof as may be necessary to give them the entire control of the company; which is limited to a number *not less than ten*, in which the three corporators are to be included, and of whom *not less than five* are required to be citizens of Florida, but who might be merely nominal stockholders.

There is no provision in this act, or the act to which it is an amendment, requiring that the Directors of this corporation, or any portion of them, shall be citizens of this State; whilst it grants to this company the "*exclusive right* of transporting or conveying persons, goods and chattels, and merchandize, or property of every description, upon said Road, to be by them constructed, and upon such terms or for such prices, as to them may seem most advisable."

Aside from the unconstitutional character of this grant, which gives *exclusive privileges* to this corporation for *twenty years*—with the right of extending the term over a region of this State of forty miles on the Atlantic Ocean, and forty miles on the Gulf of Mexico, and running through its very centre—I ask the General Assembly

to reflect well upon the enormous powers and privileges conceded by this act, and the act which it resuscitates, to persons, who are foreigners, holding no sympathy or interests in common with our people, to tax them to any amount which "to them may seem most advisable." Can it be the dictate of wisdom or sound policy—leaving all other considerations out of the question—to clothe with such powers and prerogatives a few foreigners, unknown to our people, and whose opinions and operations might be at war with the safety and security of our domestic institutions, and blighting to the future prosperity of this young and promising State?

This amendatory act, is also objectionable, in that it repeals the 9th section of the original charter, which provides that "the stockholders shall be severally and individually liable to the creditors of the corporation, to an amount equal to the amount of stock held by them respectively:" giving thereby the entire benefit of the speculation to the corporators, should the scheme prove successful, but depriving honest citizens, who might become creditors of the company for labor or supplies, of their only chance for security, should the scheme prove a failure.

I am, very respectfully,

Your fellow citizen,

THOMAS BROWN.

Which was read.

On motion of Mr. Forward, said message, together with the said act, were made the special order of the day for Thursday next.

Mr. Finley, from the Committee on the Judiciary, made the following Report:

The Committee on the Judiciary, to whom was referred a bill entitled, "An act to organize the Supreme Court of the State of Florida," have had the same under consideration, and, as Chairman *pro tem* of said Committee, I am instructed to recommend the following amendments, to wit:

In the third line of the fourth section, strike out the words, "and Southern;" also, strike out the letter "s," at the end of the word Circuits in the same line, so as to make it read "Circuit." And after the said word "Circuit," in said third line of the fourth section, add the following:

"And when in session at Tampa, in the Southern Circuit, shall hear and determine all appeals and writs of error, and all other matters of jurisdiction, brought from or which shall arise in the Southern Circuit."

Also, strike out the word "or" in the first line of the sixth section; and after the word "resignation," in the same line, insert the following, to wit: "or removal from the State."

Your Committee respectfully ask the concurrence of the Senate in the above amendments, and with such amendments, recommend the passage of the bill.

J. J. FINLEY, *Chairman pro tem.*

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

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

A bill to be entitled, An act to amend the seventeenth clause of the fifth article of the Constitution of this State; also

Engrossed amendment to House Bill to be entitled, An act for the relief of William D. Branch and John H. Madison.

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 Corporations, made the following report:

The Committee on Corporations, to whom was referred an act to amend the charter of the town of Quincy, in Gadsden County, beg leave to report:

That the bill proposes alterations to the act incorporating said town, and that in such cases the Constitution requires public notice shall be given for at least three months, in one or more newspapers in the State of the application to the General Assembly for said alterations, thereby being no notice in this case, of course it would be of no avail to pass the bill.

All of which is respectfully submitted.

W. A. FORWARD, *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 instruct me to report back to the Senate, An act to incorporate the Apalachicola Mutual Insurance Company, without amendment; also, a bill to be entitled, An act to incorporate the Apalachicola and Middle Florida Plank Road Company.

W. A. FORWARD, *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 grant the Right of Pre-emption to Persons who have settled on Sixteenth Sections in certain cases.

W. A. FORWARD, *Chairman.*

Which was received.

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 provide for the final removal of the Indians, now remaining in Florida, beyond the limits of this State, have had the same under consideration, and ask to report it back with the accompanying amendment, and recommend its passage.

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. Brown of Hillsborough, from the Committee on Claims and Accounts, made the following report:

The Committee on Claims and Accounts, to whom was referred a bill to be entitled, An act for the relief of William D. Moseley, and for other purposes, ask leave to report, that they have had the same under consideration, and have requested me as their Chairman to report the bill back to the Senate, recommending its passage with the following amendment, viz:

In the 2nd section, fourth line, strike out the word six per cent. and insert seven per cent. in lieu thereof; also, in the 3d section, sixth line, strike out the word six per cent. and insert seven per cent.

Which is respectfully submitted.

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.

The following communication was received from the House of Representatives.

HOUSE OF REPRESENTATIVES, }
December 31, 1850. }

Hon. President of the Senate:

Sir: The House has appointed Messrs. Ferguson, Dilworth, McCall, Burnham and Hawes, a Committee on the part of the House, to co-operate with a Committee on the part of the Senate, to take into consideration the peculiar Climate, Soil, and Productions of South Florida, and report thereon.

Respectfully,

H. ARCHER,

Speaker House of Representatives.

Which was read.

The following communication was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, December 31, 1850.

Honorable President of the Senate:

Sir: Messrs. Lott, Bryant, Milton, Maxwell, Anderson, Scott, James S. Jones, Shine and Dilworth, have been appointed a Committee on the part of the House to act with a similar Committee on

the part of the Senate, to whom the question of slavery generally shall be referred, under resolutions previously adopted by this General Assembly.

Respectfully,

H. ARCHER,

Speaker of the House of Representatives.

Which was read.

The following communication was transmitted to his Excellency, the Governor:

SENATE CHAMBER, December 31, 1850.

His Excellency THOMAS BROWN,

Governor of Florida:

SIR:—I have the honor herewith to transmit, for the approval of your Excellency, the following Acts; viz:

An act for the relief of Nathaniel P. Marion;

An act in relation to the Boundary Line between the States of Georgia and Alabama;

An act altering the mode and manner of Redemption of Lands purchased by the State for Taxes;

An act to amend an act providing for the Purchase on the part of the State of Lands offered for sale for Taxes, approved January 11th, 1849.

An act for the relief of the Heirs of J. Underwood;

An act to amend an act entitled an act for the protection of the Fisheries on the Coast of Florida, approved December 17, 1845;

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;

An act to amend an act entitled an act for securing Liens to Mechanics, Overseers and others, approved Dec. 29th, 1849;

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 the Judges to the people:

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

Respectfully,

NEIL McPHERSON,

Secretary of the Senate.

ORDERS OF THE DAY.

House bill to be entitled, An act for the relief of William D. Branch and John H. Madison,

Was read the third time as amended; 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 as amended. Title as stated.

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

House bill to be entitled, An act to authorize Absolom M. West to establish a Ferry across the Apalachicola River, at or near the mouth of Lake Iamonia,

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

House bill to be entitled, An act to change the name of George B. Smith to George B. Smithson,

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

House bill to be entitled, An act to change the name of Daniel Chavers to that of Daniel Chavers Rioles,

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, Maxwell, McMillan, Moseley, Perry, Smith, Stewart, Taylor—17.

Nay—Mr. Baldwin—1.

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 authorize William Brown to establish a ferry across the Chipola river, at or near Poll Bluff:

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, Crawford, Finley, Johnson, McMillan, Smith, Stewart—8.

Nays—Messrs. Avery, Baldwin, Brown of Columbia, Brown of Hillsborough, Buddington, Forward, Maxwell, Moseley, Perry—9.

Said bill was lost.

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

House bill to be entitled, An act to incorporate the Apalachicola and Middle Florida Plank Road Company;

Was read the second time.

Mr. Taylor moved to strike out the 14th section;

Which was carried, and said bill ordered to a third reading to-morrow.

Bill to be entitled, An act to incorporate the Apalachicola 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, Baldwin, Brown of Columbia, Buddington, Crawford, Finley, Forward, Johnson, Maxwell, McMillan, Moseley, Perry, Smith, Stewart, Taylor—17.

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 amend the charter of the town of Quincy;

Was taken up, and on motion of Mr. Austin, said bill was laid on the table.

Bill to be entitled, An act fixing the compensation of Tax Collectors and Assessors for collecting and assessing taxes for county purposes.

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 the seventeenth clause of the fifth article of the Constitution of this State:

Was read the third time, 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, Johnson, Maxwell, McMillan, Moseley, Perry, Smith, Stewart—15.

Nays—Mr. Forward—1.

Said bill having received the constitutional majority 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 organize the Supreme Court of the State of Florida;

Was read the second time.

Mr. Avery moved to strike out the 7th section of said bill;

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

Yeas—Messrs. Avery, Brown of Columbia, Buddington, Johnson, Maxwell, McMillan, Moseley, Perry, Stewart, Taylor—10.

Nays—Mr. President, Messrs. Austin, Baldwin, Brown of Hillsborough, Crawford, Finley, Forward, Smith—8.

Said motion was carried.

Mr. Forward moved to strike out of the third section of the bill the word "Jacksonville" and insert "St. Augustine," and also strike out, in the 4th line, the word "February" and insert "June," in said section;

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

Yeas—Messrs. Avery, Brown of Columbia, Brown of Hillsborough, Forward, Johnson, Maxwell, Moseley, Perry, Taylor—9.

Yays—Mr. President, Messrs. Austin, Baldwin, Buddington, Crawford, Finley, McMillan, Smith, Stewart—9.

Said motion was lost.

Mr. Avery moved to strike out of the third section all of the other places for holding the Supreme Court in this State except Tallahassee.

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

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

Nays—Mr. President, Messrs. Austin, Baldwin, Brown of Columbia, Brown of Hillsborough, Crawford, Finley, Forward, Johnson, Maxwell, Perry—11.

Said motion was lost.

Said bill was ordered to a third reading to-morrow.

Mr. Baldwin moved that the Senate adjourn until half past 10 o'clock to-morrow, A. M.;

On this question, the yeas and nays were called for by Messrs. Finley and Smith, and were:

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

Nays—Messrs. Avery, Brown of Columbia, Forward, Johnson, Moseley, Perry, Smith, Stewart, Taylor—9.

Said motion was lost.

Mr. Baldwin moved that the Senate adjourn until 11 o'clock, to-morrow, 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 Hillsborough, Buddington, Crawford, Finley, Maxwell, McMillan, Smith—10.

Nays—Messrs. Avery, Brown of Columbia, Forward, Johnson, Moseley, Perry, Stewart, Taylor—8.

Said motion was carried.

The Senate adjourned until to-morrow, 11 o'clock, A. M.

WEDNESDAY, January 1st, 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. Johnson moved that a bill to be entitled, An act to amend an act entitled an act to organize the Supreme Court of the State of Florida, be made the special order of the day for Monday next.

Which motion was carried.

Mr. Avery gave notice, that he would at a future day, ask leave