

heir-at-law of Seaborn Rawls, was read the first time, and, on motion, it was read a second and third time by its title, and, on the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Bird, Duncan, Eppes, Hopkins, Kilcrease, Long, Myrick, Perry, Smith and Tracy—11.

Nays—None.

So said bill passed, title as stated.

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

Resolution to increase the pay of the President of the Senate and Speaker of the House of Representatives, was read the first time, and

On motion, rule was waived and read second time by title and amended by inserting the word "five" in lieu of the word "four," and

On motion, the rule was waived and the Resolution read the third time, and on the question of its passage, the vote was :

Yeas—Messrs. Brinson, Kilcrease, Long, Myrick, Perry, Smith Bird and Tracy—8.

Nays—Messrs. Duncan, Eppes and Hopkins—3.

So said resolution was adopted.

Ordered to be certified to the House of Representatives.

House bill to be entitled An Act in relation to the estate of Charles Henry Longworth, deceased, was read the first time and placed among the orders for to-morrow.

House Resolution authorizing the Comptroller of Public Accounts to audit, and the Treasurer to pay the account of James M. Smith of Gadsden county, was read the first time, on motion the rule was waived, and the Resolution was read the second time, and on motion of Mr. Eppes, it was amended as follows, viz :

Strike out all after the word "for" in the 6th line, and insert "such amount as may appear due to said officer upon settlement as contemplated by this bill, after examination and production of vouchers." Said Resolution was then read the third time and adopted.

Ordered to be so certified to the House of Representatives.

On motion of Mr. Long, the rule was waived and he allowed to make the following

REPORT:

The Committee on Enrolled bills having examined, report as correctly enrolled :

An Act to change the name of Frances Amanda Vienna Oglesby, and for other purposes ;

Resolution for the relief of M. D. Papy ;

Resolution relative to the claims of Captains Jernigan and Devall,

M. A. LONG,

Chairman Committee on Enrolled Bills.

House bill to be entitled An Act for the protection of corded wood, was read the first time, on motion the rule was waived, and said bill read the second time by title and on motion of Mr. Eppes, it was indefinitely postponed.

House bill to be entitled An Act to amend "An Act organizing the office of Treasurer of the State of Florida, of July 26, 1845, was read the first time, and placed among the orders for to-morrow.

House bill to be entitled An Act to distribute the interest on the School Fund to each county, was read the first time, on motion the rule was waived, and the bill read a second time by title, and on motion the rule was waived and the bill read the third time, when it was put upon its passage and the vote was :

Yeas—Mr. President, Messrs. Bird, Duncan, Eppes, Filor, Hawes, Hopkins, Smith, and Tracy—8.

Nays—Mr. Long—1.

So said bill passed, title as stated.

Ordered to be certified to the House of Representatives.

House Resolution for the relief of Thomas Langford, was read the first time, on motion the rule was waived and the resolution read a second and third time by its title and adopted.

Ordered to be certified to the House of Representatives.

House bill to be entitled An Act to repeal An Act in relation to electing County Commissioners in the County of Gadsden, was taken from the table and referred to a select Committee consisting of Messrs. Kilcrease, Brinson and Hawes.

On motion, the Senate adjourned until to-morrow morning, 9 o'clock, A. M.

FRIDAY, December 14, 1855.

The Senate met pursuant to adjournment.

A quorum being present,

The Rev. Mr. Turner officiated as Chaplain.

On motion,

The reading the of the Journal was dispensed with,

RESOLUTIONS.

Mr. Duncan introduced the following resolution.

Resolution asking Congress to make an appropriation for the benefit of Daniel Green, of Columbia county, in the State of Florida.

Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators and Representative in Congress be requested to urge an appropriation for compensating Daniel Green for the destruction and plunder of his property by the Seminole Indians, in the year 1840.

Which was read and adopted.

ORDERS OF THE DAY.

House bill to be entitled An Act for the relief of the Sheriff of Leon county,

Was read the third time,

And on the question of its passage, the vote was,

Yeas—Mr. President, Messrs. Bird, Brinson, Hawes, Hopkins, Long, Perry, Tracy and Wynn—9;

Nays—Messrs. Cone, Duncan, Eppes, Gillis and Myrick—5.

So 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 migration or importation of free negroes or mulattoes into this State and declaration of the law in such cases,

Was read the second time, and,

On motion,

The rule was waived, and said bill read the third time,

And on the question of its passage, the vote was,

Yeas—Mr. President, Messrs. Bird, Brinson, Duncan, Eppes, Hawes, Hopkins, Kilcrease, Perry, Tracy and Wynn—11.

Nays—none.

So said bill passed, title as stated.

Ordered to be certified to the House of Representatives.

House bill to be entitled An Act to amend An Act entitled An Act to amend the Constitution of this State, so as to make the sessions annual, instead of biennial,

Was read the second time, and

On motion of Mr. Hopkins to indefinitely postpone said bill, the yeas and nays were called for by Messrs. Tracy and Wynn, and were as follows:

Yeas—Messrs. Bird, Duncan, Eppes, Gillis, Hopkins, Long, Myrick, Tracy and Wynn—9.

Nays—Mr. President, Messrs. Brinson, Hawes, Kilcrease and Perry—5.

So said bill was indefinitely postponed.

House bill to be entitled An Act to amend An Act to organize the office of Treasurer of the State of Florida, of July 26, 1845, was read the second time, and, on motion, the rule was waived and the bill read the third time by its title, and, upon the question of its passage, the vote was:

Yeas—Messrs. Hawes, Long, Myrick and Perry—4.

Nays—Mr. President, Messrs. Bird, Brinson, Duncan, Eppes, Gillis, Hopkins, Kilcrease, Tracy and Wynn—10.

So said bill was lost.

Ordered to be certified to the House of Representatives.

House bill to be entitled An Act to organize the county of Liberty was read the third time, and, on the question of its passage, the vote was:

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Duncan, Hawes, Kilcrease, Long, Perry and Wynn—10.

Nays—Mr. Eppes—1.

So 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 estate of Charles Henry Longworth, deceased, was read the second time, and, on motion, the rule was waived and the bill read the third time by title, and, on the question of its passage, the vote was:

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Duncan, Eppes, Hawes, Kilcrease, Long, Perry, Tracy and Wynn—12.

Nays—Messrs. Gillis and Hopkins—2.

So said bill passed, title as stated.

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

On motion of Mr. Eppes, the rule was waived and he allowed to make the following

REPORT:

The Select Committee to whom was referred a Bill entitled "An Act to repeal Chapter First of Title Sixth of the Laws contained in Thompson's Digest" have had the same under consideration, and instruct the undersigned to report:

They see no reason to disturb the policy of the State in permitting the formation of Limited Partnerships as adopted and contained in the Act of February 2nd. A. D., 1828, and feel the repeal of the same at

this late date might work injuriously, while no possible benefit could result from such action.

Your Committee are admonished from the length of time said Act of 1838 has been in force, that rights may have become vested under the same, and not recognising the right of the Legislature to divest the same by any action on their part, they instruct the undersigned to recommend that said bill do not pass.

THOS. J. EPPES,
Chairman.

Which was read and concurred in, and the bill reported upon and placed among the orders of the day.

The following message was received from the House of Representatives :

HOUSE OF REPRESENTATIVES, }
December 14, 1855. }

Hon. President of the Senate :

SIR—The Senate has adopted the following resolutions, viz :
Resolution in relation to buoys for the harbors of Cedar Keys and Bay Port ; and,

Resolution in aid of the Palatka and Micanopy Plank Road Company.

The House has concurred in Senate amendments to a bill to be entitled An Act to amend the Act incorporating the Florida Railroad Company.

Very respectfully,
HUGH A. CORLEY,
Clerk House Representatives.

Which was read and the bills accompanying the same placed among the orders.

On motion the rule was waived, and Mr Long from Committee on Enrolled Bills permitted to make the following

REPORT:

The Committee on Enrolled Bills have examined and find correctly enrolled :

An Act to incorporate the Lagoon and Perdido Canal Company.

Respectfully submitted,

M. A. LONG, *Chairman*
Committee on Enrolled Bills.

Which was received and concurred in.

A committee from the House, consisting of Messrs. Galbraith,

Foy and Mays, waited upon the Senate and informed them that they had been appointed a committee of conference on the part of the House to act with a similar committee on the part of the Senate in relation to "a Bill to be entitled An Act to establish the *ad valorem* system of Taxation.

On motion, Messrs. Wynn, Perry and Cone were appointed a committee on the part of the Senate to inform the House that the Senate had appointed a committee to confer with the committee appointed by the House.

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

3 o'clock, P. M.

The Senate resumed its session.

The following bills and resolutions having passed both Houses of the General Assembly and signed by the presiding officers thereof were forwarded to his Excellency, the Governor, for his approval, viz :

A bill to be entitled An Act to incorporate the Perdido and Canal Company.

An Act to establish an uniform rate of Commissions throughout this State upon wrecked or disabled vessels and their cargoes.

An Act to amend the laws of this State, now in force, relative to the partition of real estate.

An Act for the relief of Dr. R. H. Shaffer.

An Act to change the name of Frances Amanda Vienna Oglesby, and for other purposes.

An Act to authorize County Commissioners to extend charters to bridges and ferries.

An Act to repeal An Act entitled An Act to establish the rates of wharfage, dockage and storage in the city of Key West, county of Monroe.

An Act in relation to hunting in this State by citizens of other States.

An Act to facilitate the construction of the various lines of railroad provided for by the Act entitled An Act to provide for and encourage a liberal system of Internal Improvements in this State, approved January 6th, 1855.

An Act for the relief of George Combs, a citizen of Columbia county, in this State.

Resolution in relation to a naval depot on Amelia Island.

Resolution for the relief of M. D. Papy.

Resolution relative to the confirmation by the General Government of titles to certain lands to the State ; and,

Resolution relative to the claims of Captains Jernigan and Devall. The rule was waived, on motion, and Mr. Long, from the Committee on Enrolled Bills, made the following

REPORT :

The Committee on Enrolled Bills have examined and find correctly enrolled

An Act in relation to Constables in the county of Hamilton.

An Act to authorize restitution by the State to plaintiffs in error or appellants who have reversed or may reverse judgments rendered in favor of the State.

An Act to authorize the drainage of Lake Orange, situated in the counties of Marion and Alachua.

An Act to amend the Act regulating common law proceedings.

An Act to authorize the sale of sixteenth sections in Escambia county.

An Act for the benefit of the Seminary of Learning, located East of the Suwannee river.

Respectfully submitted,
M. A. LONG,

Chairman Committee on Enrolled Bills.

House bill to be entitled An Act to repeal chapter *First* of Title *Sixth* of the *Second Division* of the Laws contained in *Thompson's Digest*, was read the third time, and on the question of its passage the vote was :

Yeas—Messrs. Bird, Brinson, Cone and Duncan—5.

Nays—Mr. President, Messrs. Eppes, Gillis, Hawes, Hopkins, Long, Myrick, Tracy and Wynn—8.

So said bill was lost.

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

House Resolution in relation to Buoys for the Harbors of Cedar Keys and Bay Port, was read and adopted.

House Resolution in aid of the Palatka and Micanopy Plank Road Company, was read and adopted.

On motion of Mr. Wynn, the rule was waived and he allowed to make the following

REPORT :

The Joint Select Committee of Conference to whom was referred a Bill to be entitled An Act to establish the *ad valorem* system of Taxation, have considered the same and ask leave to report that they recommend the passage of the same with sundry amendments which

they believe will meet the views of both branches of the General Assembly. The Committee further report, that they are satisfied that the passage of the Bill as now amended by the Committee is altogether necessary on account of the financial condition of the State, and to preserve the credit of the same. We believe that the rate of one sixth of one per centum which is recommended by this Committee will raise a sufficient revenue for the current expenses of the State, and a small surplus to pay a portion of the existing State debt.

The difficulty of perfecting at once a new system of Taxation is felt by the Committee, but they have arrived as nearly at a correct estimate of the necessities of the Government and the amount of revenue necessary to meet them as they could from the circumstances of the case.

WM. B. WYNN,
Chairman Senate Committee.
JOHN PARSONS,
Chairman House Committee.

Which was read and concurred in.

On motion the rule was waived and Mr. Kilcrease made the following

REPORT :

The Committee, to whom was referred a bill to be entitled An Act in relation to electing County Commissioners in the county of Gadsden, have had the same under consideration, and instruct me, as their Chairman, to report, that since the organization of the county of Liberty has been formed out of a portion of the county of Gadsden, they see no very great necessity for the subdivision of the county of Gadsden, as contemplated by the Act that this bill seeks to repeal; and inasmuch as the county of Gadsden is now without any legal County Commissioners, caused by the neglect of the Commissioners who were in office at the time of the passage of this bill, sought to be repealed, whose duty it was to subdivide said county; whereas it may be some time before the county of Liberty may organize under the provisions of An Act which passed this day the General Assembly, authorizing the establishment of said county out of a portion of the county of Gadsden, your Committee recommend the passage of the bill, with the following amendment. After the word "passed," 4th line, section 2, add, until the organization of the county of Liberty. After "until which time the Judge of Probate shall order an election to be held (as now prescribed by law) to fill the vacancy which will occur by Wm. Gregory, a Com-

missioner elected on the 1st Monday in October last, who will, by said organization, become a citizen of Liberty county.

All of which is respectfully submitted,
WM. E. KILCREASE,
Chairman.

Which was read and concurred in, and the bill accompanying the same placed among the orders of the day.

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

EXECUTIVE CHAMBER, }
 December 14, 1855. }

Hon. H. V. Snell,
President of the Senate :

SIR :—I respectfully return to the Senate, without my approval, a bill entitled "An Act to amend An Act, entitled An Act to amend An Act in relation to pilotage at the Port of Key West."

The first clause of the fifth Section of the Constitution vests the Judicial power of this State, in a Supreme Court, Courts of Chancery, Circuit Courts, and Justices of the Peace, except some unimportant criminal Jurisdiction, which the General Assembly is authorized to vest in Corporation Courts.

The twelfth section of the bill under consideration provides that the commissioners of pilotage appointed under its authority "may issue writs, enter Judgments, and issue executions and attachments" in certain cases, all of which involve the exercise of Judicial powers and powers which I think cannot be constitutionally conferred by the General Assembly.

Very respectfully,
JAMES E. BROOME.

Which was read, and, upon the question shall said bill become a law, the vote was :

Yeas—None.

Nays—Mr. President, Messrs. Bird, Brinson, Cone, Eppes, Gillis, Hawes, Hopkins, Kilcrease, Long and Perry—11.

The following message was received from the House, viz :

HOUSE OF REPRESENTATIVES, }
 December 14, 1855. }

Hon. President of the Senate :

Sir—The House has concurred in the report of the Committee of Conference to whom was referred the bill to be entitled An Act to establish the ad valorem system of taxation, and Senate amendments thereto.

The House has passed Senate bill to be entitled An Act making appropriation for the expenses of the State Government for the fiscal year 1856, with enclosed amendments, in which amendments the concurrence of the Senate is respectfully requested.

The House has passed, without amendment, Senate bill to be entitled An Act to provide for the expenses of the adjourned session of the General Assembly, and for a payment of interest on the loans from the Internal Improvement, School and Seminary Funds.

The House has concurred in Senate amendments to the following bill and Resolutions, viz :

A bill to be entitled An Act to organize the County of Liberty ;
 Resolution to increase the pay of the President of the Senate and Speaker of the House of Representatives ; and

Resolution authorizing the Comptroller of Public Accounts to audit and the Treasurer to pay the account of James M. Smith, of Gadsden County ;

The House adheres to amendments to the following bill and resolution, viz :

Senate bill to be entitled An Act in relation to a Road Tax in Putnam County ; and

Senate Resolution relative to copying the laws of the adjourned session of this General Assembly ;

The House has indefinitely postponed Senate Resolution relative to the public lands.

Very Respectfully,
HUGH A. CORLEY,
 Clerk Hos. Reps.

Which was read and the bills placed among the orders.

The rule being waived, on motion, Mr. Wynn was excused from further attendance upon the Senate after 8 o'clock this evening.

A bill to be entitled An Act making appropriation for the expenses of the State government for the fiscal year 1856, and for other purposes, with House amendments thereto, increasing compensation of F. L. Villepigue, for services in preparing census returns, from \$100 to \$300, was read, and, upon the question of concurrence in said amendment, the yeas and nays were called for by Messrs. Myrick and Tracy, and were :

Yeas—Messrs. Brinson, Cone, Kilcrease and Perry—4.

Nays—Mr. President, Messrs. Bird, Duncan, Eppes, Gillis, Hawes, Hopkins, Long, Myrick, Tracy and Wynn—11.

So said amendment was not concurred in.

Ordered to be so certified to the House of Representatives.

Upon the question of concurrence in House amendment to said

bill allowing John P. K. Savage \$63 the yeas and nays were called for by Messrs. Myrick and Duncan, and were :

Yeas—Messrs. Brinson and Hawes—2.

Nays—Mr. President, Messrs. Bird, Cone, Duncan, Eppes, Gillis, Hopkins, Kilcrease, Long, Myrick, Perry, Smith, Tracy and Wynn—14.

So said amendment was not concurred in.

House bill to be entitled An Act in relation to the election of County Commissioners in Gadsden County,

Was read the second time by its title and ordered for a third reading on to-morrow.

On motion,

The Senate took a recess until 7½ o'clock, P. M.

7½ o'clock, P. M.

The Senate resumed its Session.

The following bills having passed both Houses of the General Assembly, and having been signed by the presiding officers thereof was forwarded to his Excellency the Governor for approval, viz :

An Act to amend An Act regulating common law proceedings.

An Act for the benefit of the seminary of learning located East of the Suwannee river.

An Act to authorize the sale of 16th sections in Escambia county.

An Act to authorize the drainage of lake Orange, situated in the counties of Marion and Alachua.

An Act in relation to constables in the county of Hamilton.

An Act to authorize the restitution by the State to plaintiffs in error, or appellants who have reversed or may reverse Judgments in favor of the State.

On motion of Mr. Wynn the rule was waived, and he allowed to introduce a Resolution for the relief of Hon. Joel Porter, which was read the first time, and on motion the rule was waived and said Resolution was read the second and third times by its title and adopted.

House bill to be entitled An Act to repeal An Act in relation to electing County Commissioners in the County of Gadsden, was read the third time, and on the question of its passage the vote was :

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Duncan, Eppes, Gillis, Hopkins, Kilcrease, Myrick, Perry, Tracy, and Wynn—13.

Nays—none.

So said bill passed, title as stated.

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

A Bill to be entitled An Act in relation to a Road Tax in Putnam county, was informally passed over.

On motion, Messrs. Long, Brinson and Cone were appointed a Committee of Conference to act with a similar committee on the part of the House in relation to Senate Resolution relative to copying the Laws of the adjourned session of the General Assembly.

The following Messages was received from the House of Representatives.

HOUSE OF REPRESENTATIVES, }
December 14th, 1855. }

Hon. President of the Senate :

SIR :—The House has recessed from amendment to Senate bill to be entitled An Act making appropriations for the expenses of the State Government for the fiscal year 1856, relative to compensation to F. L. Villapigue and J. P. K. Savage.

The House has rejected Senate Bill to be entitled An Act to amend the First Section of the Ninth Article of the Constitution of this State.

Very respectfully,
HUGH A. CORLEY,
Clerk House of Representatives.

HOUSE OF REPRESENTATIVES, }
December 14th, 1855. }

Hon. President of the Senate :

SIR—The House has appointed Messrs. Pope, Dilworth and Langford, a Committee on the part of the House to confer with Committee appointed on the part of the Senate relative to the disagreement between the two Houses, upon the Resolution relative to copying the laws of the present session.

Very respectfully,
HUGH A. CORLEY,
Clerk House Representatives.

Which was read, and bill accompanying the same ordered to be enrolled.

On motion, the rule was waived and Mr. Long introduced a resolution for the relief of Hugh A. Corley,

Which was read the first time, and, on motion, the rule was waived and the resolution read the second and third times and adopted.

Ordered to be certified to the House of Representatives.

On motion, Mr. Myrick was excused from further attendance on the Senate after to-night.

On motion, the Senate adjourned until 9 o'clock to-morrow morning.

SATURDAY, December 15, 1855.

The Senate met pursuant to adjournment.

A quorum being present,

The Rev. Mr. Turner officiated as Chaplain.

The reading of the Journal was dispensed with.

MOTIONS.

On motion of Mr. Tracy, the Senator from Walton was excused from further attendance on the Senate.

PETITIONS.

The following petition was received :

[The petition was not furnished us by the Secretary of the Senate.

—PRINTER.]

Which was read and referred to a Select Committee consisting of Messrs. Perry, Bird and Kilcrease.

The following Message was received from his Excellency the Governor :

EXECUTIVE CHAMBER, }
December 14th, 1855. }

HON. H. V. SNELL,

President of the Senate :

SIR :—I respectfully return without my approval a "Resolution relative to the claims of Captain's Jannigan and Devall," &c.

The accounts of these parties are understood to be on file in the Comptrollers Office, and to have been registered by that officer.—The Resolution under consideration instructs the Comptroller peremptorily to audit and allow these accounts. I respectfully submit, that as we hope to get this money refunded at some future day by the General Government, it would be better to *authorize* the Comptroller to take testimony on the subject of these services, and settle for them on such evidence as will give us reason to hope that we shall be repaid. I respectfully request the reconsideration of the resolution.

Very respectfully,

JAMES E. BROOME.

Which was read, and upon the question shall this Resolution be passed over the veto of the Governor the vote was :

Yeas—Mr. President, Messrs. Bird and Hawes.

Nays—Messrs. Cone, Duncan, Eppes, Hopkins, Kilcrease, Long, Perry and Tracy—8.

So said Resolution was not passed over the veto of the Governor:

The following message was also received from the Governor :

EXECUTIVE CHAMBER, }
December 14, 1855. }

Hon. H. V. Snell,

President of the Senate :

SIR—I respectfully return, without my approval, a "Preamble and Resolution for the relief of John J. Williams of Leon county."

The resolution provides for refunding to John J. Williams the sum of one hundred and sixteen dollars and 38 cents, which it alleges was paid by him upon an unjust and improper assessment of taxes. I have not been able to concur in the opinion here expressed. The late Mr. Thompson was appointed, some seven or eight years since, by the Judge of Probate of Leon county, guardian of the estate of his daughter, Miss Eliza Thompson. He entered into bond, with two good and sufficient sureties, in the penalty of one hundred thousand dollars, and soon thereafter filed his account as such guardian, showing that he had received for his ward a large estate, which he reported as at interest. On each succeeding year during his lifetime he filed his account, charging himself with the collection of the interest upon the whole amount. A portion of this estate he loaned out and the residue he retained at interest himself. The estate, however, was not the less at interest because retained by the guardian. The collection was acknowledged regularly, and the amount passed annually to the credit of his ward. From a misapprehension of the law, Mr. Thompson reported to the Tax Assessor only so much of this money at interest as was loaned to other persons, and the resolution under consideration proposes to refund as improperly collected so much of the tax as was assessed upon the amount kept by the guardian. The law provides that "upon all money loaned at interest a tax of twenty-two cents on every hundred dollars so loaned or kept at interest" shall be levied, &c. The State taxes money at interest, because it is property and should bear its due proportion of the burdens of government. It is a matter of entire indifference whether a guardian loans out the money of his ward or keeps it himself at interest. In either case, the State is entitled to the tax. So far from the case under consideration being