

FRIDAY, June 11th, 1869.

The Senate met pursuant to adjournment.

The Lieutenant-Governor in the chair.

A quorum present.

Prayer by the chaplain.

The journal of yesterday was read and approved.

On motion of Mr. Crawford, Mr. Smithson was excused from attendance on the Senate on account of sickness.

Mr. Hillyer, from the Committee on Engrossed and Enrolled Bills, made the following report:

The Committee on Engrossed and Enrolled Bills report the following resolution as correctly enrolled, viz.:

Joint Resolution relative to Printing Bills;

Which was read.

Mr. Smith moved that the Sergeant-at-Arms be instructed to deliver to the Senators all bills as soon as printed;

Which was agreed to.

Mr. Purman moved that Major Decoursy be appointed page to the Senate in place of Tim Fortune, former page, absent.

Mr. McCaskill moved that the motion be laid upon the table.

On which the yeas and nays being called for, the vote was:

Yeas—Messrs. Atkins, Crawford, Ginn, Henderson, Hillyer, Krimminger, McCaskill, Vaughan Walls and Weeks—10.

Nays—Messrs. Bradwell, Cruse, Kendrick, Pearce, Purman, Smith, Underwood and Wentworth—8.

So the motion was laid upon the table.

ORDERS OF THE DAY.

The committee to whom Senate bill No. 4 was referred offered a report.

Mr. Smith moved that the reading and consideration of the report of the committee on Senate bill No. 4—an act to ratify an amendment to the Constitution of the United States, known as Article XV, be postponed until the resolution of the Assembly on the same subject shall have been acted upon by that body;

Which was agreed to.

Mr. Purman moved that the majority from the Committee on Taxation and Revenue, to whom was referred Senate bill No. 3—entitled an act for the Assessment and Collection of Revenue, be instructed to make their report forthwith, and that the minority have leave to report within thirty days.

Mr. McCaskill moved that the motion be laid upon the table;

Which was agreed to.

Mr. Purman moved that the majority of said Committee make their report in half an hour.

Mr. McCaskill moved that the motion be laid upon the table; Which was agreed to.

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

THREE O'CLOCK, P. M.

The Senate resumed its session—a quorum present.

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

The undersigned, members of your Committee, to whom has been referred Senate bill No. 7—entitled an act for the Assessment and Collection of Revenue, beg leave to report, that they have carefully examined the same, and recommend its passage, with the following amendments:

In Sec. 4, line 11, strike out the word "used" and insert the words "rented or hired."

In Sec. 12, line 25, after the word "auctioneer" insert "other than the auctioneer appointed by the Governor."

In Sec. 17, line 12, after the word "horses" insert the words "asses and mules."

In Sec. 36, line 2, after the word "chapter" insert "all moneys which may be paid as an exemption fee from military duty, and all fines collected under the penal laws of the State, together with twenty-five per cent. of the proceeds of sales of the public lands of the State, shall be paid by the officers collecting or receiving the same, to the Treasurer of the State, and by him placed to the credit of the Common School Fund."

In Sec. 42, line 3, after the word "year" insert "after deducting from the amount of the appropriations the amount arising annually from the license tax of the several counties." Line 5, after the word "State" insert "and one-tenth of one per cent. upon the assessed valuation of the entire taxable property of the State, for the support of Common Schools."

In Sec. 61, line 4, after the word "day" insert the words "for a period not exceeding sixty days."

In Sec. 48, line 3, after the word "taxed" insert "provided such person be a resident of said county."

In submitting this report to the Senate, your Committee consider it a part of their duty, in view of the very great importance which is attached to the measure under consideration, to call your attention to a few of the more important parts as deserving of your closest scrutiny:

In the 4th Section—property exempt from taxation.

Sec. 12—specific taxes and license.

Sec. 13—income tax.

Sec. 16 and other Sections—the duties and compensation of Assessors and Collectors, and of other officers, especially of County Treasurer.

Sec. 38—providing for a State Board of Equalization.

Sec. 67—providing for the sale of lands for taxes, and the conveyance and redemption thereof.

All of which is respectfully submitted.

CHAS. V. HILLYER, Ch'n.

CHAS. H. PEARCE,

WM. J. PURMAN.

Which was received and read.

Mr. McCaskill, from the same Committee, made the following minority report:

The undersigned, members of the Committee to whom was referred so much of the Governor's message as relates to Taxation and Revenue, have had the subject matter under investigation and reflection. An elaborate printed bill to defray the previous and present expenses of the State Government has been submitted to the committee for their consideration and confirmation, and which received the endorsement of a majority of the committee, and without itemizing its stipulations and recording their objections in detail there-to, they will briefly report that its passage and execution would raise not less than eight hundred thousand dollars, probably one million; and in consideration of this stupendous sum of money proposed to be raised within a few months, a sum far outstripping the expectations of the people and unprecedented in the history of Florida, and in consideration furthermore, of the terribly attenuated condition of the tax payers, of the *bona fide* citizens of the State, the undersigned members of your committee have paused and pondered upon its policy, calmly and dispassionately deliberated upon its provisions and contemplated its inevitable results with commingled feelings of commendation for the credit of the State, and commiseration for the condition of the people. The ruthless reign of the late war disorganized and impoverished the people, the staid denizens, the real and most reliable people of Florida; the labor of the country is neither systematized nor reliable; the current crops upon which the success and support of the people and the government are hinged, is not flattering; and therefore an impartial, the most disinterested, patriotic and patient

investigation and reflection has produced the clearest conviction in the mind of the undersigned members of your committee that the passage of the bill under consideration, and it is the only revenue bill that is being considered by the Legislature, would result in widespread and irreparable embarrassment to the people.

On the 8th of June, 1868, in his message to the Legislature, the Governor enquired, "can the government, with the salaries provided by the Constitution, be maintained without imposing any additional taxation upon the people? I think it can be demonstrated that it can." And then follows an array of Executive figures and facts in answer to his enquiry, and all of which sounded plausibly enough at the time and looks well on paper now. But on the 7th of May, 1869, the Governor issued a proclamation conversing the Legislature in Extraordinary Session, and that proclamation sets out thus; "WHEREAS, The present revenue system is inadequate to maintain the credit of the State and to provide the means to defray its current expenses." The undersigned members of your committee would do the Governor no intentional injustice. A little further on in his message, he said: "In connection with this subject, I would remark further, that it cannot be doubted that, under the present system, a very large amount of property is not taxed, and the system of assessment is so radically defective that the assessor is not really able to know but little of it. A proper system for the assessment of all the taxable property in the State, at a fair, cash value, will result in great relief to that portion of our citizens who have heretofore borne the burden and expense of maintaining the State government. Immense tracts of land, owned by non-residents and others, some of which lands are among the most valuable, have either escaped taxation altogether, or been charged so slightly that they have been withheld from the market and from cultivation." If the Governor is not mistaken as to this, then whose fault is it that these valuable lands are not assessed? The assessors are the Governor's appointees, and if they should fail to discharge their duty in good faith, is it not His Excellency's duty to oust them?

Thus the inquiry arises, how are we to remedy these evils and place the credit of the State upon a firm basis? We answer, by retrenchment in every department of the Government, beginning in the highest and ending only in the

lowest. In a word, by a strict observance of that Bible maxim that teaches us to share each other's burdens.— This is attainable in some respects, we are aware, only through the slow process of amending the State Constitution in accordance with its provisions on this subject, which should be applied in the most speedy manner. Salaries and fees of officers *must* be reduced. Offices that are not indispensable must be abolished, and those that are retained must practise the strictest economy, honesty and accountability in every department of the government. When these are sought after with disinterested sincerity, confidence will be restored, energy, industry and honesty will be imparted in all industrial pursuits, and a spirit of enterprise awakened that will insure that confidence that is indispensable to prosperity and cannot be otherwise attained.

We are, therefore, of the opinion that neither County nor State Boards of Equalization, as contemplated in the bill under consideration, will avail anything for good; and furthermore, that the present tax law is better adapted, under all the circumstances, to the condition of the State, than any now attainable, save the necessity of providing for the pay of assessors of taxes in the several counties, and in order to meet this necessity, we would recommend the passage of the accompanying joint resolution:

Resolved by the Senate, the Assembly concurring, That Assessors of Revenue in this State be allowed — per cent. on county and State assessment.

All of which is respectfully submitted, with the recommendation that the bill under consideration be indefinitely postponed.

A. L. McCASKILL,
JNO. L. CRAWFORD.

Which was received and read.

Mr. Henderson moved that the minority report be adopted.

Mr. Walls moved that the motion be laid on the table;

Upon which the yeas and nays were called for and the vote was:

Yeas—Messrs. Bradwell, Cruse, Hillyer, Katzenberg, Meacham, Pearce, Smith, Underwood, Walls and Wentworth—10.

Nays—Messrs. Crawford, Ginn, Henderson, Kendrick, Kriminger, McCaskill, Vaughan and Weeks—8.

So the motion was laid on the table.

Mr. Meacham moved a call of the Senate;

Which was agreed to, and the following members answered to their names:

Mr. President, Messrs. Bradwell, Crawford, Cruse, Ginn, Henderson, Hillyer, Katzenberg, Kendrick, Kriminger, Meacham, McCaskill, Pearce, Smith, Underwood, Vaughan, Walls, Weeks and Wentworth—18.

The Sergeant-at-Arms was dispatched for the absentees.

After a brief absence, he returned and reported that he had summoned the absent members.

On motion, the further call of the Senate was suspended.

Mr. Bradwell moved that the majority report of the committee on Senate bill No. 3—entitled an act for the assessment and collection of revenue, be adopted.

Mr. McCaskill moved that the motion be laid on the table.

Upon which the yeas and nays being called for, the vote was: Yeas—Messrs. Atkins, Crawford, Henderson, Kendrick, Kriminger, McCaskill, Vaughan and Weeks—8.

Nays—Messrs. Bradwell, Cruse, Hillyer, Katzenberg, Meacham, Pearce, Smith, Underwood, Walls and Wentworth—10.

So the motion to lie on the table was lost, and the majority report of the committee adopted.

Mr. Smith moved that the further consideration of Senate bill No. 3 postponed until to-morrow morning;

Which was agreed to.

The following message was received from the Assembly:

ASSEMBLY HALL,
Tallahassee, Fla., June 11, 1869. }

Hon. W. H. GLEASON,

President of the Senate:

SIR—I am directed by the Assembly to inform the Senate that the Assembly has this day passed by a vote of 26 yeas to 13 nays—

A joint resolution to ratify an amendment to the Constitution of the United States, known as Article XV.

Very Respectfully,

WM. FORSYTH BYNUM,
Clerk of the Assembly.

Which was read and the accompanying resolution referred to the Special Committee appointed on that subject.

Also the following:

ASSEMBLY HALL,
Tallahassee, Florida, June. 11th, 1869. }

Hon. W. H. GLEASON,

President of the Senate:

SIR—I am directed by the Assembly to inform the Senate that the Assembly has this day adopted—

Assembly concurrent resolution inviting his Excellency the Governor to address the members of the Senate and Assembly on the question of Finance and Taxation, in the Assembly Hall, at 8 o'clock this evening.

Very Respectfully,

WM. FORSYTH BYNUM,
Clerk of the Assembly.

Which was read.

Mr. Purman moved that the accompanying resolution be adopted.

Mr. McCaskill moved that the resolution be laid upon the table;

Which was not agreed to.

On motion, the resolution was then adopted.

The following communication was received:

TALLAHASSEE, FLORIDA, }
June 10th, 1869. }

To the President of the Senate,
and Senators of the State of Florida:

GENTLEMEN—You are respectfully invited to attend the ceremonies of dedicating the new School House in the city of Tallahassee, to Free School purposes, on Saturday next. The procession will leave the Capitol precisely at 3½ o'clock, P. M.

Very Respectfully,

C. H. EDWARDS,
Ch'n Board of Pub. Inst'n, Leon County.

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

SATURDAY, June 12th, 1869.

The Senate met pursuant to adjournment.

The Lieutenant-Governor in the chair.

A quorum present.

On motion of Mr. Smith, the reading of the journal of yesterday was dispensed with.

Mr. Meacham moved that Robert Braden be appointed Page to the Senate.

Mr. McCaskill moved that the motion be laid upon the table.

Upon which the yeas and nays were called for.

The vote was:

Yeas—Messrs. Atkins, Crawford, Ginn, Henderson, Hillyer,

Katzenberg, Kendrick, Krimminger, Moragne, McCaskill, Smithson, Vaughan, Weeks and Wentworth—14.

Nays—Messrs. Bradwell, Cruse, Meacham, Pearce, Smith, Underwood and Walls—7.

So the motion was laid upon the table.

The Committee on Constitutional Amendments to whom was referred Assembly joint resolution to ratify an amendment to the Constitution of the United States known as Article XV, made the following report:

The undersigned, members of your Committee to whom has been referred Assembly joint resolution to ratify an amendment to the Constitution of the United States, known as Article XV, beg leave to report that they have carefully examined the same and recommend its passage:

All of which is respectfully submitted,

ROBERT MEACHAM, Ch'n.
J. N. KRIMMINGER,
J. T. WALLS.

Which was read.

Mr. Kendrick from the same committee made the following minority report:

The undersigned, members of the committee to whom was referred the proposed amendment to the Constitution of the United States, to be called article 15, not being able to concur in the views expressed in the report of the majority of the committee, respectfully submit the following minority

REPORT:

The history of the formation of this government clearly establishes certain facts, which may properly be considered in connection with the proposed amendment. The successful result of the revolution left the several colonies who had undertaken the war in defence of civil liberty, separate and independent States, possessed of all the attributes of sovereignty. These States, as independent nationalities, for their mutual protection, united as equals, and formed a government called the United States.

The Constitution furnishes the evidence of the terms upon which that government was formed.

All the powers granted which that government can rightfully exercise are to be found in that instrument; all others are reserved to the States themselves. The grant of power now sought to be obtained by the proposed amendment, it will be conceded, was one of those reserved powers.

The power regulating the right of suffrage as a part of the reserved sovereignty of the States, affecting, as it does, the organization of the State itself, prescribing its relation to its own