FIFTH SESSION.

THE

ACTS AND RESOLUTIONS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF FLORIDA,

PASSED AT ITS FIFTH SESSION,

BEGUN AND HELD AT THE CAPITOL, IN THE CITY OF TALLAHASSEE, ON MONDAY, NOV. 25, 1850, AND ENDED JAN. 24, 1851.

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1851.

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TITLES OF ACTS

Passed at the Fifth Session of the General Assembly,

1850-'1.

CHAPTER 312. An act to Incorporate a Bank in the City of Tallahassee.
313. An act to provide for the Incorporation of Insurance Associations.
314. An act to Incorporate the Apalachicola Mutual Insurance Company.
315. An act to Incorporate the Franklin Mutual Insurance Company.
316. An act to provide for the Incorporation of Benevolent or Charitable Societies.
317. An act to Incorporate the Florida Atlantic and Gulf Central Rail Road Company, and for other purposes.
318. An act to alter and amend the act entitled, "An act to Incorporate the Atlantic and Gulf Rail Road Company."
319. An act giving to the Alabama and Florida Rail Road Company the right to extend their Road into the State of Florida, with chartered privileges.
320. An act granting to the Alabama and Florida Rail Road Company land granted, or hereafter to be granted, to the State by the General Government, for the purpose of aiding in the construction of a Rail Road from Pensacola to Montgomery.
321. An act for the Incorporation of Plank Road Companies.
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326. An act to Incorporate the Florida and Georgia Plank Road Company.
327. An act to Incorporate the Jacksonville and Alligator Plank Road Company.
328. An act to Incorporate a Company to be called the Wacissa and Ocilla Navigation Company.
329. An act to amend the act Incorporating the City of Pensacola, approved March 2d, 1839.
330. An act to amend an act Incorporating the City of Apalachicola.
331. An act to amend an act Incorporating the City of St. Augustine, approved 4th February, 1833.
332. An act to secure the Swamp and Overflowed Lands lately granted to the State, and for other purposes.
333. An act to authorize William H. Chase and Albert Golay to cut a Canal connecting the waters of the Perdido River and the Grand Lagoon.
334. An act to provide for the opening of a Road from Miami, in Dade County, to Indian River, in St. Lucie County.
335. An act to repeal an act to improve the Navigation of the Suwannee River.
336. An act to organize and establish a Board of Agriculture for the State of Florida.
337. An act to provide for the establishment of two Seminaries of Learning.

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LAWS

OF THE

STATE OF FLORIDA,

PASSED AT THE FIFTH SESSION OF THE GENERAL ASSEMBLY,

1850-'1.

THOMAS BROWN, Governor. C. W. DOWNING, Secretary of State. JOHN BEARD, Comptroller of Public Accounts. WILLIAM R. HAYWARD, State Treasurer. DAVID P. HOGUE, Attorney General. R. J. FLOYD, President of the Senate. NEILL MCPHERSON, Secretary of the Senate. HUGH ARCHER, Speaker of the House. W. H. MILTON, Clerk of the House.

1850.

CHAPTER 312.—[No. 1.]

AN ACT to Incorporate a Bank in the City of Tallahassee.

Bank established.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That a Bank shall be established in the City of Tallahassee, in the manner and on the conditions, limitations and restrictions which are hereafter provided.

Name and style of Bank.

SEC. 2. *Be it further enacted*, That the said Bank is hereby made a corporation and body politic by the name and style of the "State Bank of Florida," and by that name, all those who shall become subscribers to the said Bank, their successors and assigns, shall be capable in law to have, purchase, receive, enjoy and retain to themselves and their successors, such personal and real estate as are hereinafter named, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of record or any other place whatsoever; and also to have and make a common seal, and the same to break, alter and renew at pleasure, and also to ordain, establish and put into execution such by-laws, ordinances and regulations as shall seem necessary and expedient for the government of said corporation, not being contrary to the laws and Constitution of this State and the laws and Constitution of the United States; and generally to do and perform such acts and things,

Powers of stockholders.

TITLES OF RESOLUTIONS

Passed at the Fifth Session of the General Assembly,

1850-'1.

1. Preamble and Resolutions requesting our Members in Congress to procure the passage of an act to Graduate the Price of Public Lands in this State.
2. Resolution relative to the Public Lands in the State of Florida.
3. Preamble and Resolutions relative to Lands Granted to this State for Seminaries of Learning.
4. Preamble and Resolutions relative to Lands Granted by Congress to the State for purposes of Internal Improvement, and for fixing the Seat of Government.
5. Preamble and Resolution asking an Appropriation of Land by Congress to aid in the Construction of the Atlantic and Gulf Rail Road Company.
6. Resolution asking an Appropriation of Land by Congress to aid in Building a Plank Road from Alligator to Jacksonville.
7. Preamble and Resolutions relative to the Sixteenth Sections.
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9. Resolution relative to a Grant by Congress of a Quarter Section of Land for the County-site of Calhoun County.
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17. Preamble and Resolution of the General Assembly of Florida relative to the Claim of Levi F. Mosher, deceased.
18. Preamble and Resolutions relative to Appeals in cases of Admiralty.
19. Resolution requiring Judges of Probate to issue Writs of Election in certain cases.
20. Preamble and Resolutions tendering a welcome to Mr. Edmond LaFayette.
21. Resolution appropriating ten per cent. upon the Auction Taxes to the Common School Fund for the several Counties in this State.
22. Resolution relative to Auction Taxes in the Counties of Monroe and Escambia.

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338. 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.
339. An act providing for the increase of the School Fund from the State Treasury.
340. An act explanatory of an act entitled "An act providing for the increase of the School Fund from the State Treasury," passed by the present General Assembly.
341. An act requiring to be paid into the School Fund, money derived from the sale of Slaves under the act of November 22, 1820.
242. An act providing for the Investment of a portion of the Seminary and Common School Fund.
243. An act enlarging the powers of County Commissioners.
344. 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 heirs or next of kin, and for other purposes.
345. An act to make uniform the mode of selling State Lands.
346. An act to require purchasers of State Lands to make payment therefor to the Treasurer of this State.
347. An act to repeal an act entitled "An act supplemental to an act entitled an act to grant pre-emption rights to settlers on State Lands, passed at the present session," approved January 12, 1849.
348. An act to amend an act entitled an act to grant pre-emption rights to settlers on State Lands, approved December 27th, 1848.
349. An act to grant the right of pre-emption to persons who have settled on Sixteenth Sections, in certain cases.
350. An act in relation to the duties of the Comptroller and Treasurer of this State.
351. An act to require the original accounts, vouchers and evidence upon which Warrants are drawn by the Comptroller of Public Accounts to be filed in his office, and not in that of the Treasurer.
352. An act in relation to the term of office and duties of the Tax Collectors.
353. An act to fix the compensation of Tax Assessors and Collectors.
354. 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.
355. An act to require the respective Boards of County Commissioners to examine and certify the assessment returns made by the Tax Assessors.
356. An act to amend an act to reduce the rate of taxation upon subjects now taxed, and to levy a tax upon cattle of non-residents.
357. An act in relation to the taxes upon Agencies of Foreign Insurance Companies, and other subjects therein named.
358. An act to tax Slaves brought into this State for Hire.
359. An act to provide for the Collection of Taxes and Highway Dues against Free Persons of Color.
360. 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 11, 1849.
361. An act altering the mode and manner of Redemption of Lands purchased by the State for taxes.
362. An act in relation to Licenses.
363. An act amendatory of the several acts now in force relating to the Appointment and Duties of Auctioneers.
364. An act to provide for the payment of Coroners' Juries, and for other purposes.
365. An act to amend an act entitled, "An act for the Protection of Fisheries on the Coast of Florida," approved December 17, 1845.
366. An act to change and fix the Salaries and Compensation of the Solicitors of this State.

367. An act to make provision to defray the expenses of a Residence for the Chief Executive Magistrate of this State.
368. An act to provide for the payment of the Florida Volunteers called out in the year 1849.
369. An act to unite the duties of Sheriff and Tax Assessor and Collector in the County of Levy.
370. An act to change the time when County Commissioners shall examine the accounts of the County Treasurer.
371. An act to organize the Supreme Court of the State of Florida.
372. An act to amend an act to organize the Supreme Court of the State of Florida.
373. An act to provide for the more effectual administration of justice in the Courts of this State.
374. An act to amend the several acts now in force in relation to Pleadings in Civil Suits.
375. An act to amend the laws now in force in this State relative to the Foreclosure of Mortgages.
376. An act to amend an act entitled, "An act to exempt Homesteads from Execution, Attachment, and Distress," approved March 11, 1845.
377. An act to amend an act entitled, "An act for securing Liens to Mechanics, Overseers, and others," approved December 29, 1845.
378. An act to amend the laws now in force in relation to the Establishment of Lost Papers.
379. An act to prevent any person or persons being made liable for the payment of any subscription or subscriptions to any newspaper or newspapers, any periodical or periodicals, or any document or documents, without said person or persons shall subscribe for or in writing request [or] order the same to be addressed to himself, herself, or themselves.
380. An act authorizing Judges of Probate to set apart Dower.
381. An act to enable Executors, Administrators, and Guardians, to sell the Real Estate of Infants.
382. An act in relation to the Boundary Line between the States of Georgia and Alabama.
383. An act to amend the laws now in force in relation to Compensation to Physicians.
384. An act more particularly to define the duties of Weighers of Cotton in this State.
385. An act in relation to Naturalized Citizens voting in this State.
386. An act repealing the first and second sections, and amending section third, of "An act in relation to trading with Slaves," approved February 11th, 1834.
387. An act in addition to the act now in force in relation to Crimes and Misdemeanors.
388. An act amendatory to acts in reference to Militia and Patrol Duties, and Crimes and Misdemeanors.
389. An act to punish Cheats and False Pretences.
390. An act to provide for the punishment of such persons as unlawfully issue, pass, or circulate Change Bills or Notes under the denomination of One Dollar.
391. An act to amend the law authorizing the organization of Fire Companies.
392. An act regulating the times and places of holding the Circuit Courts for the Western Circuit.
393. An act to change the time of holding the Circuit Courts of the Middle Circuit.
394. An act to change the time for holding the terms of the Circuit Court for Orange, and St. Lucie, and Putnam Counties.
395. An act to establish a Circuit Court in Levy County, and to fix the terms of the Circuit Courts of the several Counties of the Southern Circuit of Florida.

396. An act to amend an act entitled, "An act to establish a Circuit Court in Levy County, and to fix the terms of the Circuit Courts of the several Counties of the Southern Circuit of Florida."
397. An act to amend an act entitled, "An act to re-establish the Records of the County of Jackson, and for other purposes."
398. An act to re-establish the Records of Gadsden County.
399. An act to re-establish the Records of St. Lucie County.
400. An act consolidating the Counties of Dade and Monroe, and making them a District for Judicial Purposes.
401. An act giving to the Judge of Probate of Escambia and Hamilton Counties the powers of Justice of the Peace in certain cases.
402. An act to define specifically the duties of the Board of County Commissioners of Monroe County.
403. An act relating to the offices of Sheriff and Clerk of the County of Hernando.
404. An act to legalize certain acts of the Clerk of the Circuit Court and *ex officio* Judge of Probate for Columbia County.
405. An act to establish the fees of Notaries Public, in certain cases, in the County of Monroe.
406. An act to extend the provisions of the first section of "An act giving a Lien to Steamboat men and others navigating the Bay and River of Apalachicola," approved January 4, 1847, and also of "An act to amend an acts approved January 4, 1847, giving a Lien to Steamboat men and others navigating the Bay and River of Apalachicola, approved January 11, 1849, over the County of Hillsborough.
407. An act to provide for the transmission of Election Returns in the County of Levy.
408. An act to provide for the Compensation of Jurors in the County of Gadsden.
409. An act to locate and make permanent the County Site of Walton County.
410. An act for the removal of the County Site in Nassau County.
411. An act to change and make permanent the Dividing Line between the Counties of Santa Rosa and Walton.
412. An act to change and establish the Lines of Franklin County.
413. An act to change and define the Western and Southern Boundary of the County of Gadsden.
414. An act to change the Southern Boundary of Leon County.
415. An act to change the name of Benton County to that of Hernando County.
416. An act to regulate Camp-hunting in the Counties of Escambia and Santa Rosa.
417. An act supplemental to an act entitled, "An act to regulate Camp-hunting in the Counties of Escambia and Santa Rosa," passed at the present session of the General Assembly.
418. An act to provide for the final removal of the Indians now remaining in Florida beyond the limits of the State.
419. An act to amend an act entitled, "An act to provide for the appointment of Weighers of Cotton in the City of Tallahassee and Town of St. Marks," approved March 2, 1839.
420. An act to amend an act entitled, "An act amendatory to the Pilot Laws now in force in this State," approved January 12, 1849.
421. An act to amend an act to more fully define the rates of and duty of Pilots for the port of Cedar Keys.
422. An act to regulate the Pilotage of the Bar of the River St. Johns.
423. An act in relation to Pilotage for the port of Key West.
424. An act to establish the rates of Wharfage, Dockage, and Storage in the City of Key West, County of Monroe.
425. An act in relation to Roads in Escambia County.
426. An act to amend an act concerning Roads and Highways, approved January 5, 1847, especially for the County of Duval.
427. An act to declare LaFayette and Four Mile Creeks Navigable Streams.
428. An act to declare Florida River, in Gadsden County, a Navigable Stream.

429. An act to authorize Henry Slayback to establish a Ferry across Escambia Bay.
430. An act to authorize Absalom M. West to establish a Ferry across the Apalachicola River at or near the mouth of Lake Iamonia.
431. An act to authorize Jason Gregory to establish a Ferry across the Apalachicola River, at Ochesee, in Calhoun County.
432. An act to authorize Henry Hewit to establish a Ferry across the Choctawhatchie River, at a place called Hewit's Bluff, or Bear Head Bluff.
433. An act to authorize James J. Meeks to establish a Ferry across the Withlacoochee River.
434. An act to authorize Joseph Sierra to build a Wharf in the City of Pensacola.
435. An act making Appropriations for the Expenses of the Fifth General Assembly, and for other purposes.
436. An act for the relief of the Funds for the Education of Poor Children in the County of Franklin.
437. An act for the relief of Gadsden County.
438. An act for the relief of William D. Moseley, and for other purposes.
439. An act for the relief of Levi F. Miller, Sheriff of Washington County.
440. An act for the relief of A. E. Geiger.
441. An act for the relief of Thomas Ledwith.
442. An act for the relief of John T. Myrick.
443. An act for the relief of Thomas K. Leonard, Captain of the Miccosukie Cavaliers, and B. G. Waring, deceased.
444. An act for the relief of Mary A. Hardee and David Platt.
445. An act for the relief of George M. Hamilton.
446. An act for the relief of Nathaniel P. Marion.
447. An act for the relief of Nathaniel P. Bemis.
448. An act for the relief of Lawrence Farrell.
449. An act for the relief of J. L. Wyman.
450. An act for the relief of Doctors Franklin Hart and J. T. Rascoe.
451. An act for the relief of William E. Kilcrease, Robert L. Edmonds, Joseph Austin and Thomas D. Wilson.
452. An act for the relief of John H. Madison and William D. Branch.
453. An act for the relief of Abner D. Johnson.
454. An act for the relief of Angel Lopez.
455. An act for the relief of the Heirs of J. Underwood.
456. An act for the relief of the Heirs of Jacob Bryan.
457. An act to Refund Taxes paid by sundry persons of Hillsborough County in the year 1849.
458. An act for the benefit of Dr. Thomas M. Palmer, and Drs. Taylor and Palmer.
459. An act for the benefit of James Ponder.
460. An act to grant certain privileges to John W. Lowe, Guardian for the Minor Children of Hernando Lowe, deceased.
461. An act to authorize Coley R. Stewart to sell and convey certain property of the Infant Heirs of James Stewart, deceased.
462. An act to authorize Julia Ann Fennell to sell certain Real Estate belonging to the Estate of Nicholas G. Fennell, deceased.
463. An act in relation to the sale of certain Real Estate belonging to the Estate of Albert C. McBride, deceased.
464. An act to permit George W. Andrews to Practice Medicine in the County of Hernando.
465. An act for the relief of Celestino Gonzales.
466. An act to empower Henry B. Davis, a Minor, to assume the Management of his own Estate.
467. An act to authorize William Henry Van Horn, a Minor, to assume the Management of his own Estate, and to contract and be contracted with.

468. An act to empower Alexander R. Godwin, a Minor, to assume the Management of his own Estate.
469. An act to Legitimate John Robert Geiger.
470. An act to Legitimate Wesley Allen Dikes, Bryant Dikes, Daniel Dikes, Unity Dikes, Isham Dikes and Laura Ann Dikes, and to make them the Heirs at Law of Daniel Coker, of Madison County, Florida, and to Change their Names.
471. An act to Change the Name of Ann Burnley, of Gadsden County, to that of Ann Wilder.
472. An act to Change the Name of Daniel Chavers, of Columbia County, to that of Daniel Chavers Rioles.
473. An act to Alter and Change the Name of Elizabeth McCaskill.
474. An act to Change the Name of George B. Smith to that of George B. Smithson.
475. An act to change the name of Francis St. Johns.
476. An act to Change the Name of Sarah Frances Waters.
477. An act to Change the Name of Robert Waterston, of Levy County, to that of Robert W. Randell.
478. An act to Change the Name of Maria L. West.
479. An act to Change the Name of Roxanna Jones to Roxanna Wheeler.

TITLES OF RESOLUTIONS

Passed at the Fifth Session of the General Assembly,

1850-'1.

1. Preamble and Resolutions requesting our Members in Congress to procure the passage of an act to Graduate the Price of Public Lands in this State.
2. Resolution relative to the Public Lands in the State of Florida.
3. Preamble and Resolutions relative to Lands Granted to this State for Seminaries of Learning.
4. Preamble and Resolutions relative to Lands Granted by Congress to the State for purposes of Internal Improvement, and for fixing the Seat of Government.
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6. Resolution asking an Appropriation of Land by Congress to aid in Building a Plank Road from Alligator to Jacksonville.
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8. Resolutions relative to the Establishment of a Bureau of Agriculture at the City of Washington.
9. Resolution relative to a Grant by Congress of a Quarter Section of Land for the County-site of Calhoun County.
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19. Resolution requiring Judges of Probate to issue Writs of Election in certain cases.
20. Preamble and Resolutions tendering a welcome to Mr. Edmond LaFayette.
21. Resolution appropriating ten per cent. upon the Auction Taxes to the Common School Fund for the several Counties in this State.
22. Resolution relative to Auction Taxes in the Counties of Monroe and Escambia.

23. Resolutions relative to a Fee Bill for Medical Services.
24. Resolution respecting Lands Selected for the State.
25. Resolutions relative to the Establishment of two Seminaries of Learning.
26. Resolution for the relief of Joel L. Lockhart.
27. Resolutions for the relief of Isaac P. Hardee and L. D. Rogers.
28. Resolutions authorizing the Treasurer of this State to purchase of the Rev. George White, six copies of his Work on the Statistics of the State of Georgia.
29. Resolution for the relief of Thomas Langford.
30. Preamble and Resolution for the relief of Henry C. Wilson.
31. Resolution relative to a Seal for Hernando County.
32. Resolution relative to the employment of a Clerk in the Comptroller's Office.
33. Resolution to increase the Bond of the Treasurer of the State of Florida.
34. Resolutions authorizing the construction of Fire-proof Vaults in the Capitol.
35. Resolution relative to Copying the Laws of the present Session.
36. Resolution relative to Printing the Laws and Resolutions of the present General Assembly.
37. Resolution relative to the Distribution of the Laws and Journals of the present Session.

PROPOSED AMENDMENTS TO THE CONSTITUTION.

1. 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.
2. An act to amend the Seventeenth Clause of the Fifth Article of the Constitution of this State.

LAWS

OF THE

STATE OF FLORIDA,

PASSED AT THE FIFTH SESSION OF THE GENERAL ASSEMBLY,

1850-'1.

THOMAS BROWN, Governor. C. W. DOWNING, Secretary of State. JOHN BEARD, Comptroller of Public Accounts. WILLIAM R. HAYWARD, State Treasurer. DAVID P. HOGUE, Attorney General. R. J. FLOYD, President of the Senate. NEILL MCPHERSON, Secretary of the Senate. HUGH ARCHER, Speaker of the House. W. H. MILTON, Clerk of the House.

1850.

CHAPTER 312.—[No. 1.]

AN ACT to Incorporate a Bank in the City of Tallahassee.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That a Bank shall be established in the City of Tallahassee, in the manner and on the conditions, limitations and restrictions which are hereafter provided.

Bank established.

SEC. 2. *Be it further enacted*, That the said Bank is hereby made a corporation and body politic by the name and style of the "State Bank of Florida," and by that name, all those who shall become subscribers to the said Bank, their successors and assigns, shall be capable in law to have, purchase, receive, enjoy and retain to themselves and their successors, such personal and real estate as are hereinafter named, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of record or any other place whatsoever; and also to have and make a common seal, and the same to break, alter and renew at pleasure, and also to ordain, establish and put into execution such by-laws, ordinances and regulations as shall seem necessary and expedient for the government of said corporation, not being contrary to the laws and Constitution of this State and the laws and Constitution of the United States; and generally to do and perform such acts and things,

Name and style of Bank.

Powers of stockholders.

1850.

which to them it shall or may appertain, to be subject, nevertheless, to the rules and regulations hereinafter expressed.

Capital stock.

SEC. 3. *Be it further enacted*, That the capital stock of said Bank shall not exceed one million of dollars, to be divided into ten thousand shares of one hundred dollars each.

Books of subscription, how long to be kept open.

SEC. 4. *Be it further enacted*, That subscriptions for constituting the capital stock of said Bank shall be opened on the first day of March next, at the city of Tallahassee, under the superintendence of Leslie A. Thompson, James T. Archer, John W. Argyle, Henry L. Rutgers, Charles H. Dupont, John G. Gunn, Reddin Parramore, James Kirksey, William Bailey, William R. Pettes, David C. Wilson, Robert W. Williams and Daniel Ladd, any five of whom shall be competent to discharge the duties of their appointment on giving twenty days' notice thereof in one of the public newspapers at Tallahassee; and the books of subscription shall be kept open for the space of sixty days, and if at that time more than the whole amount of the stock is found to be subscribed, the entire stock shall be divided among the subscribers, in proportion to their several subscriptions; during which time it shall be lawful for any individual or co-partnership, a majority of whom being citizens of Florida and of the United States, corporation or body politic established in the United States, (banking institutions excepted,) to subscribe for any number of shares not exceeding one hundred: *Provided, nevertheless*, That if the whole number of shares are not taken within sixty days, as aforesaid, the said commissioners shall keep said books of subscription open for twenty days thereafter, or until six thousand shares shall be subscribed for, if within one year; during which time it shall be lawful for any individual, co-partnership, corporation or body politic, to subscribe for any number of shares; and the shares respectively subscribed for shall be paid for by instalments in gold and silver coin: that is to say, the first instalment shall be twenty per centum on the amount of subscription, and shall be paid for at the time the shares are taken; the second instalment shall be ten per centum, to be paid within three months after the books of subscription shall be closed; the third instalment shall consist of ten per centum on each share, to be paid within six months after the Bank shall have gone into operation, and the balance of sixty per cent. to be paid at the discretion of the Directors: *Provided*, That not more than ten per cent. shall be called in within one year commencing from the time of the payment of the third instalment: *And provided further*, That at least sixty days' notice shall be given to the stockholders before said instalment shall be required.

Division of st'k.

Restrictions as to subscriptions.

Proviso. How amount of subscription to be paid.

Shares forfeited on failure to pay.

SEC. 5. *Be it further enacted*, That if any individual, co-partnership or corporation, as aforesaid, shall fail to pay for their respective shares, at the time before mentioned by the provisions of this act, such shares upon which failure may happen to accrue, shall be forfeited, and may again be disposed of in such manner as the Di-

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rectors shall order, and the sums which may have been paid thereon shall enure to the benefit of said Bank.

SEC. 6. *Be it further enacted*, That so soon as the books of subscription to the capital stock of said Bank shall have been closed, it shall be the duty of the aforesaid commissioners to give public notice thereof in one of the newspapers printed in the city of Tallahassee, in which notice they shall designate the day upon which the second instalment upon said capital stock will become payable; and said commissioners shall, at the same time and manner, appoint a day, at least twenty days from the date of such notice, in which the stockholders of said Bank are to meet in Tallahassee, for the purpose of electing nine directors, for the purpose of managing the business of said Bank. And it shall, moreover, be the duty of said commissioners to take the necessary measures for procuring the necessary books, plates, &c., required for the operations of the Bank; and at the meeting of the stockholders, it shall be lawful for them to proceed to the election of the directors aforesaid, and a majority of votes given in shall be required to make an election; and the Directors then elected shall be capable of serving, by virtue of such election, until the first Monday in January ensuing the time of such election, and shall receive from the commissioners the money which may have been received by them, together with all books, papers, &c., belonging to said bank; and shall take the necessary measures to put the bank into operation as soon as the sum of one hundred and twenty thousand dollars shall have been paid in by the stockholders; and the said stockholders shall, on the first Monday in January next, as aforesaid, and annually on the same day thereafter, hold an election for the Directors of said Bank in the city of Tallahassee; and it shall be the duty of the directors, at their first meeting subsequent to the election, to choose one of their number as President; and if it should at any time happen that an election for Directors should not be made upon the day when, pursuant to this act, it ought to have been made, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold and make an election of Directors, in such manner as shall have been directed by the laws and ordinances of said corporation; and the Directions for the time being shall, in all cases, continue to act, until their successors are elected; and in the case of death, resignation or absence from the State of a Director, his place may be filled for the remainder of the year by a new choice to be made by the remaining Directors.

Duty of com's upon closing books of subscription.

Election of Directors.

Duty of first Directors.

Subsequent elections.

SEC. 7. *Be it further enacted*, That the Directors for the time being, shall have power to appoint such officers, clerks and servants, to take such security, and to administer to them such oaths as said Directors shall deem necessary, and to allow them such compensation for their services as shall be reasonable, and shall be fixed by the laws and ordinances of the same.

Appointment of Officers, &c.

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Rules, regulations, &c.

SEC. 8. *Be it further enacted,* That the following rules, regulations, limitations and provisions, shall form and be the fundamental articles of the Constitution of said institution:

RULE I.

Number votes of stockhold'rs.

The number of votes to which the stockholders shall be entitled in voting for Directors, shall be according to the number of shares they respectively shall hold, in the proportions following—that is to say, for one share and not more than two shares, one vote; for every two shares above two and not exceeding ten, one vote; for every four shares above ten shares and not exceeding thirty, one vote; for every six shares above thirty, and not exceeding sixty, one vote; for every eight shares above sixty and not exceeding one hundred, one vote; for every ten shares above one hundred and not exceeding two hundred shares, one vote; for every twenty shares above two hundred shares, one vote; and upon this principle shall all matters and things be decided which may come before the stockholders for their decision. *Provided,* That no share or shares shall confer a right to

How long sh're to be held before voting.

vote, which shall not have been holden at least three calendar months previous to the time of offering such vote, except in the case of the first election of Directors, as provided for in the sixth section of this act; and unless it be holden by the person in whose name it appears, absolutely and *bona fide,* or in that of his wife, and for his or her own use and benefit, or as executor, administrator, or guardian, or in the right and use of some co-partnership, or society of which he or she may be a member, and not in trust for, or to the use of any

Power of absent stockholder to vote.

other person. Any stockholder, being absent, may authorize, by power of attorney under seal, any other stockholder to vote for him, her or them.

RULE II.

Who may be a Director.

None but a stockholder, citizen of the United States, and resident of the State of Florida, shall be a Director, nor shall a Director be

Compensation of President.

entitled to any emolument, but the Stockholders may make such compensation to the President, for his extraordinary attendance at the Bank, as shall appear to them reasonable.

RULE III.

What number shall constitute a Board.

No less than five Directors shall constitute a Board for the transaction of business, of whom the President shall always be one, except in case of sickness, or necessary absence, in which case his place may be supplied pro tempore, by a Director appointed by the Board of Directors present for that purpose.

RULE IV.

Death, resignation, &c. of the President.

That in case of the death, resignation, or removal of the President, the Directors shall appoint one from their number to fill the vacancy, who shall hold the office during the remainder of the term for which his predecessor was elected.

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RULE V.

The Directors shall have power, at any time to call a meeting of the stockholders for purposes relative to the Institution, giving at least thirty days' public notice in one of the newspapers printed at Tallahassee, and specifying in such notice the object or objects of such meeting; but before any such object or objects, or any measure whatsoever, shall be carried into effect, the concurrence of the majority in interest of all the stockholders shall be required.

Called meet'gs of stockholders

Notice given.

RULE VI.

The cashier of the Bank, for the time being, before he enters upon the duties of his office, shall give bond, with two or more good securities to the satisfaction of the Directors, in a sum not less than fifty thousand dollars, with condition for his good behaviour and faithful discharge of his duties, and the president, cashier and other officers of the Bank shall take the following oath on entering upon the duties of their respective offices: I, ———, do solemnly swear [or affirm] that I will, to the utmost of my ability, well and faithfully discharge the duties of the president [or cashier, or other officer, as the case may be,] of the State Bank of Florida,"—which oath shall be subscribed and entered on the minutes.

Bond of Cashier.

Oath of President and other officers.

RULE VII.

The Directors shall have power to issue to the subscribers their certificates of stock, and no transfer of stock in this company shall be considered as binding upon the company, unless it be entered upon the books of the cashier, by personal entry of the stockholder, his legal representative, or attorney duly authorized by special power for that purpose.

Issuance of certificates stock.

RULE VIII.

The lands, tenements and hereditaments which it shall be lawful for said company to hold, shall be only such as shall be necessary for its immediate accommodation in relation to the convenient transaction of business, and such as shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealing, or purchased, at sales, upon judgments which shall have been obtained on such debts, and in every instance in which the said company may become owners or claimants of land, tenements or hereditaments, the Board of Directors are empowered to sell or dispose of the same, in such manner as they shall deem most beneficial to the use of said Company.

Lands, tenements, &c. that may be held.

RULE IX.

The Company shall, in no case, directly or indirectly, be concerned in commerce or insurance, or in the importation or exportation, purchase or sale of any goods, wares and merchandise whatever, (bills of exchange, notes and bullion excepted,) except such goods,

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wares and merchandise as shall be truly transferred, conveyed or pledged to them, by way of security, for money actually loaned and advanced, or for debts due, owing and growing due to the said corporation, or purchased by them to secure debts so due to the said corporation, or to effect the insurance on the property that may belong to, or pledged to the said company, for its security; neither shall the said corporation take more than at the rate of one per cent. interest for sixty days, when discounting paper offered for discount.

Limitation of interest in discounts.

RULE X.

What the am't of debts shall not exceed.

The total amount of debts which said corporation shall at any time owe, whether by bond, bill, note, or other contract, shall not exceed double the amount of the capital actually paid in, over and above the money then actually deposited in the Bank for safe keeping.

RULE XI.

Binding obligation of bills, &c

The bills obligatory, and of credit, notes and other contracts whatsoever, on behalf of said corporation, shall be binding and obligatory on the said company: *Provided*, That the same be signed by the President, Cashier, or other duly authorized agent of the said corporation, and the books, papers and correspondence, and the funds of the Company, shall at all times, be subject to the inspection of the board of Directors and stockholders when convened, according to the provisions of this act.

Books, &c. subject to inspection.

RULE XII.

Dividends to be declared—When not to exceed nett profits.

Dividends of the profits of the corporation, or of so much thereof as shall be deemed expedient and proper, shall be declared and paid half yearly, (the first half year after the Bank shall have been in operation excepted,) and the said dividends shall from time to time be determined by a majority of the Directors, at a meeting to be held for that purpose, and shall in no case exceed the amount of nett profits actually acquired by the corporation, so that the capital stock thereof shall never be impaired.

RULE XIII.

Not necessary to renew mortgage on renewal of note.

On all notes running in said Bank, as accommodation paper, when any mortgage has been given to secure the payment thereof, it shall not be necessary to renew the mortgage, on account of the renewal of the note, but the mortgage originally given shall be valid to secure the payment of each renewed note, so long as such note shall be a part of the original debt, provided that no new or after debts or loans shall be included therein.

RULE XIV.

Where notes payable.

All notes discounted by said Bank (bills of exchange excepted,) shall be made payable at the counter of said Bank.

RULE XV.

The Directors shall keep fair and regular entries, in a book to be provided for that purpose, of their proceedings; and on any question, when two Directors shall require it, the ayes and nays of the Directors voting shall be duly entered on their minutes; and those minutes to be at all times on demand produced to the stockholders, when, at a general meeting, the same shall be required.

Record of proceedings of Directors, &c.

RULE XVI.

The corporation shall exist and continue until the first day of January, one thousand eight hundred and seventy; but the proprietors of two-thirds of the capital stock of the company, may, by their concurring vote, at a general meeting to be called for that purpose, dissolve the same at any prior period: *Provided,* That notice of such meeting and of its object, be published in one of the newspapers of Tallahassee, for at least six months previous to the time appointed for such meeting; and immediately after the dissolution of said corporation, effectual measures shall be taken by the Directors last appointed and acting, for closing all the concerns of the company, and for dividing the capital stock and profits which may remain, among the stockholders, according to their respective interest.

Time of continuance of corporation.

RULE XVII.

The persons and property of the stockholders for the time being, in said Bank, shall be pledged and bound to the full amount of shares held by each, in their private and individual capacities, for the ultimate redemption of the bills or notes issued by or from said Bank, during the time he, she, or they may hold such stock.

Persons and property bound for redemption of bills.

SEC. 9. *Be it further enacted,* That it shall be the duty of the President of the Bank, annually at the commencement of the session of the General Assembly, to make a report to the Governor of the State, shewing the condition of the Bank—in which report there shall be distinctly stated what amount of capital stock has been paid in, what bills and notes of the Bank are in circulation, what deposites and other debts are due by the Bank, the amount of bills discounted and outstanding, specie in its vaults, notes of other Banks in its possession, debts due it by other Banks, and all such other particulars as usually compose the annual reports of a Bank, or may be necessary to afford to the General Assembly, correct information of the actual condition of the Bank; and the General Assembly may appoint a committee of its own members, to examine into the state of the Bank, to which committee, if required, shall be exhibited all books and accounts, and such other and any information on the matters referred to it.

Report to be made as to condition annually.

SEC. 10. *Be it further enacted,* That a violation of the first clause of the tenth rule of the fundamental articles of this corporation, shall be considered and made the forfeiture of this charter.

Forfeiture of charter.

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Refusal to pay bills or deposites.

SEC. 11. *Be it further enacted*, That if the officer or officers of said Bank, shall refuse or neglect to pay any of its bills when presented for payment at its counter, within the usual hours of business, or, on demand being so made, shall refuse or neglect to pay, or tender payment of such sums as may be deposited therein, in gold and silver coin, and shall so continue to refuse or neglect such payment for the space of ninety days, then all the rights and privileges and immunities of this charter shall be forfeited, and the holder of such bill, or the person, his agent or lawful Attorney, making such deposite, may make complaint thereof in writing to any Circuit Court Judge of this State, whose duty it shall be, thereupon, to cause the President or Cashier of said Bank to be notified to appear before him, at such time and place as he may appoint, to answer to such complaint and show cause against further proceedings thereon.

Rights and privileges forfeited.

Proceedings in such cases.

Receivers appointed.

SEC. 12. *Be it further enacted*, If such President or Cashier, or other agent of such Bank duly authorized, shall not appear at such time and place, or, appearing, shall not show sufficient cause against further proceedings, said Judge shall appoint three disinterested receivers, and require of them a bond to the said Bank, for the faithful discharge of their trust to his satisfaction, in such sum as he shall determine, to be delivered to the said Bank for their use.

Duty of such receivers.

SEC. 13. *Be it further enacted*, Such receivers shall immediately demand and receive of the officers of such Bank all its real and personal estate, with all its books, papers and evidences of debt due such Bank, delivering to the officers their receipt, containing accurate lists and memoranda of such estate, books and debts, and shall proceed, with due diligence, to dispose of all or any part of such property, and collect the debts, and with the proceeds thereof, to pay the demands against said Bank.

How receivers may sell real and personal estate of said Bank.

SEC. 14. *Be it further enacted*, Said receivers may sell at public auction, after giving ninety days' notice in the mode required for sales under execution, any real and personal estate of said Bank, and any mortgages of real or personal estate due to said Bank, and make and deliver to the higest bidder, in the name of the corporation, any deed or other instrument necessary for the due conveyance of such estate or mortgages, with the debts thereby secured.

Collection of debts by.

SEC. 15. *Be it further enacted*, Such receivers may collect the debts due and owing to said Bank, and prosecute, in the name thereof, or in their own names as receivers, any action necessay for the collection of such debts, or they may sell or assign said debt, with the evidences thereof, as they shall think expedient.

Proceedings after collection of debts by.

SEC. 16. *Be it further enacted*, Wenever such receivers shall have realized from the property of the said Bank a sum sufficient to pay all its debts, their power over the residue of the property shall cease, and it shall be their duty to surrender the same to said Bank, together with their books and papers, taking a sufficient receipt for the same; and shall, also, render to the Bank a fair and just account of

the proceedings, receipts and expenditures at the time of such surrender, and at such previous times as they shall be required by any of the said Judges.

Compensation of.

SEC. 17. *Be it further enacted*, Such receivers shall retain for their services such sums as may be agreed upon between them and said Bank, or, in cases of disagreement, as may be awarded by any one of the Judges aforesaid, at their said Court, at its next session, after ten days' notice to said Bank.

Oath of Directors.

SEC. 18. *Be it further enacted*, The Directors of said Bank shall, before entering on their duties, take and subscribe an oath that they will not, in any manner, whether as principals or endorsers, become interested in any loans from said Bank.

Branches. Where bills of payable.

SEC. 19. *Be it further enacted*, That a branch of said bank may be established in each Judicial District in the State, and agencies at other points, and the bills of branches shall be made payable at the place the same may be issued.

Stockholder not allowed to borrow money on stock.

SEC. 20. *Be it further enacted*, That no stockholder of said Bank shall be allowed to borrow any money from said Bank upon his stock, nor shall he be allowed to borrow any money thereof, unless he gives personal security other than those who are interested therein as such stockholders.

Fraud by officers, how punished.

SEC. 21. *Be it further enacted*, That should the Committee appointed under the ninth section of this act, detect any fraud practiced by the President, Cashier, or other officer of the said Bank, the said Committee shall report the same to the Attorney General; and the said President, Cashier, or other officer, shall be liable to be indicted in the Circuit Court of Leon County, and if convicted thereof, the said President, Cashier, or other officer, shall be fined in a sum not less than one thousand dollars, or imprisoned not less than six months, at the discretion of the jury.

Bonus for charter.

SEC. 22. *Be it further enacted*, That by way of bonus for granting this charter, the said Bank shall pay into the treasury of the State, on or before the twentieth day of July in each year, and while the Bank shall continue Banking business, an amount equal to forty cents on each share of the stock of the Bank, which shall be in lieu and composition of all taxation by the State, County, City, or other authority, on the Capitol stock or business of the Bank: *Provided*, That real estate owned by the Bank shall be subject to pay taxes as if held by individuals.

How bonus appropriated.

SEC. 23. *Be it further enacted*, That the money received on account of the bonus mentioned in the preceding section shall be, and the same is hereby appropriated to the support of common schools, and shall be annually distributed among the children of the State, subject to all the rules, regulations and restrictions which are now, or may hereafter be imposed upon the distribution of interest of the Common School Fund.

[Passed the House of Representatives, January 7, 1851. Passed the Senate, January 22, 1851. Approved by the Governor, January 24, 1851.]

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CHAPTER 313.—[No. 2.]

AN ACT to provide for the Incorporation of Insurance Associations.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That any number of persons, not less than thirteen in number, may associate and form an incorporated company for either of the following purposes, to wit:

Association authorized.

Upon what insurance may be made.

1st. To make insurance upon vessels, freights, goods, wares, merchandise, specie, bullion, jewels, profits, commissions, bank-notes bills of exchange and other evidences of debt, bottomry and respondentia interests, and to make all and every insurance appertaining to or connected with marine risk and risks of transportation and navigation.

2d. To make insurance on dwellings, houses, stores, and all kinds of buildings, and upon house-hold furniture, merchandise, and other property, against loss or damage by fire, and the risks of inland navigation and transportation.

3d. To make insurance upon the health or lives of individuals, and every insurance appertaining thereto, or connected with health or life risks, and to grant, purchase or dispose of annuities.

Re-insurance.

SEC. 2. *Be it further enacted,* That any company organized under this act shall have power to make re-insurance of any risks taken by them respectively, and may make insurance upon any or all of the risks mentioned in the first or second subdivisions of the first section. But no company making insurance on the health or lives of individuals, shall be permitted to take any other kind of risks, nor shall the business of life insurance and of health insurance be in any wise connected or united in any company making insurance on marine or fire risks.

Restrictions as to life & health insurance.

Filing of declaration and notice by corporators.

SEC. 3. *Be it further enacted,* That such persons shall file in the office of the Secretary of State, a declaration signed by all the corporators, expressing their intention to form a company for the purpose of transacting the business of insurance as expressed in the several subdivisions of the first section of this act, which declaration shall also comprise a copy of the charter proposed to be adopted by them, and shall publish a notice of their intention once in each week for at least six weeks, in a public newspaper in the county in which such insurance company is proposed to be located.

Books of subscription for capital stock.

SEC. 4. *Be it further enacted,* That it may and shall be lawful for the individuals associated for the purpose of organizing any company under this act, after having published the notice and filed their declaration and charter, as required by the preceding section, to open books for subscription to the capital stock of the company so intended to be organized, and to keep the same open until the full amount specified in the charter is subscribed: or in case the business of such company is proposed to be conducted on the plan

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of mutual insurance, then to open books to receive propositions, and enter into agreements in the manner and to the extent hereinafter specified.

Minimum of capital.

SEC. 5. *Be it further enacted*, That no joint stock company organized for the purpose mentioned in this act, shall be organized with a smaller capital than fifty thousand dollars; nor shall any company formed for the purpose of doing the business of marine, or fire, or inland navigation insurance, on the plan of mutual insurance, commence business until agreements have been entered into for insurance, the premiums on which, if it be marine, shall amount to twenty-five thousand (25,000,) dollars, and notes have been received in advance for the premiums on such risks, payable at the end of, or within twelve months of the date thereof, which notes shall be considered a part of the capital stock, and shall be deemed valid, and shall be negotiable and collectable, for the purpose of paying any losses which may accrue or otherwise, nor shall any company which may be organized under this act, expose itself to any loss on any one fire or inland navigation risk, or hazard, to an amount exceeding ten per cent of its capital.

Basis of mutual marine insurance.

Capital of mutual insurance Co's. for life insurance.

SEC. 6. *Be it further enacted*, That no company formed for doing the business of life or health insurance on the plan of mutual insurance, shall commence business until a cash capital of fifty thousand dollars shall have been paid in and actually invested, either in the stocks of the incorporated cities of this State, the stocks of this State or of the United States, or in bonds and mortgages on land worth double the amount for which the same is mortgaged; the value of the land to be appraised by three disinterested commissioners, appointed by the Judges of Probate of the county where such company is to be located.

Capital or security necessary.

SEC. 7. *Be it further enacted*, That it shall not be lawful for any company organized under this act, to transact business unless possessed of capital or security as hereinbefore mentioned.

Investment of capital.

SEC. 8. *Be it further enacted*, That it shall be lawful for any company organized under this act to invest capital, or the funds accumulated by its business, or any part thereof, in bonds and mortgages on unincumbered real estate within the State of Florida, worth fifty per cent. more than the sum loaned thereon, and also in the stocks of this State or of the United States, and also in any or all stocks or bonds of either of the incorporated cities of this State, and which stocks or bonds shall be at or above par at the time of such investment, and to lend the same or any part thereof, on the security of such stock or bonds, and any company organized for the purpose of marine insurance may, in addition to the foregoing, loan their funds on bottomry and respondentia, and change and reinvest the same as occasion may from time to time require.

Loans on bottomry, &c.

Restrictions as

SEC. 9. *Be it further enacted*, That no company organized by or under the provisions of this act, shall be permitted to purchase, hold

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and convey real estate, excepting for the purposes and in the manner herein set forth, to wit:

to purchase & holding of real estate.

1st. Such as shall be requisite for its immediate accomodation in the transaction of its business; or,

2nd. Such as shall have been mortgaged to it in good faith, by way of security for loans previously contracted, or for monies due; or,

3d. Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings; or

4th. Such as shall have been purchased at sales upon judgments, decrees or mortgages obtained or made for such debts; and it shall not be lawful for any company incorporated as aforesaid, to purchase, hold or convey real estate in any other case, or for any other purpose; and all such real estate as may be acquired as aforesaid, and which shall not be necessary for the accomodation of such company in the convenient transaction of its business, shall be sold and disposed of within five years after such company shall have acquired title to the same, and it shall not be lawful for such company to hold such real estate for a longer period than that above mentioned, unless the said company shall procure a certificate from the Comptroller that the interests of the company will suffer materially by a forced sale of such real estate, in which event the time for the sale may be extended to such time as the Comptroller shall direct in said certificate.

Additional declarations of corporators.

SEC. 10. *Be it further enacted*, That, in addition to the foregoing provisions, it shall be the duty of the corporators of any and every company organized under this act, to declare in the charter which is herein required to be filed, the mode and manner in which the corporate powers given under and by virtue of this act are to be exercised, the mode and manner of electing trustees or directors, a majority of whom shall be citizens of this State, and the filling of vacancies, the period for the commencement and termination of its fiscal year, together with the amount of capital to be employed in the transaction of its business.

Duty of Atty. Gen. & Comp. upon the filing of a charter.

SEC. 11. *Be it further enacted*, That the charter thus filed by the corporation, shall be examined by the Attorney General, and if found to be in accordance with the requirements of this act, and not inconsistent with the Constitution or laws of this State, he shall certify the same to the Comptroller of the State, and the said Comptroller shall, thereupon, cause an examination to be made, either by himself, or by three disinterested persons specially appointed by him for that purpose, who shall certify, under oath, that an amount equal at least to the amount specified in the fifth section of this act, if it be a stock company, has been paid in and is possessed by it in money, or in such stocks and bonds and mortgages as are required by the eighth section of this act; or, if a mutual company, that it has received and is in actual possession of the capital, premiums, or en-

joyments of insurance, as the case may be, to the full extent required by the fifth section of this act; or, if it be a life and health insurance company, to the full amount, and invested in the same manner as required by the sixth section of this act. Copies of such certificate shall be filed in the office of the Secretary of State, whose duty it shall then be to furnish the corporation with a certified copy of the charter and certificates as aforesaid, which, upon being filed by them in the office of the Clerk of the Circuit Court of the County in which their company is to be located, shall be their authority to commence business and issue policies, and the same may be used in evidence for or against said corporation.

By-laws; power to make.

SEC. 12. *Be it further enacted*, That the corporators, or the trustees or directors, as the case may be, of any company organized under the provisions of this act, shall have power to make such by-laws, not inconsistent with the Constitution or laws of this State, as may be deemed necessary for the government of its officers, and the conduct of its affairs.

Statement to be made and published as to business operations.

SEC. 13. *Be it further enacted*, That it shall be the duty of the President or Vice President and Secretary of each company organized under this act, annually, on the first day of January, or within one month thereafter, to prepare, under oath, and deposit in the office of the Comptroller of the State, as well as in the office of the Clerk of the Circuit Court of the County in which such company shall be located, and in each and every other County in which such company shall have an agency, and shall also cause to be published in at least one newspaper published in such County, a statement exhibiting the total amount of premiums received, and the total amount of losses paid and ascertained, including expenses during the year; also the amount of debts owing by the Company at the date of the statement, and the amount of claims which then exist against the Company for losses accrued, showing what amount of such claims for losses is payable on demand—what amount thereof is considered fair or legal, the payment of which is not then matured according to the contract, and what amount thereof is resisted on account of alleged fraud, or for which the company do not consider themselves legally liable: also a statement of the securities representing the capital stock, and all funds of the company, and also whether any of the securities held or owned by such company are considered bad or doubtful, and if so specifying the amount of such securities, and the gross amount of outstanding risks thereon, and a list of the stockholders, if a stock company, together with the amount of their respective shares; and if upon due examination it shall appear to the Comptroller, that the losses and expenses of any stock company during the year have exceeded the premiums, and in consequence thereof the capital of such company has become deficient, or from any other cause has become impaired to the extent of twenty-five per cent., it shall be the duty of the said Comptroller to di-

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rect the officers of any such company, within sixty days to proceed to wind up its business, unless within that time the stockholders thereof shall pay in the amount of such deficiency.

Any company receiving such requisition from the Comptroller shall forthwith call upon its stockholders for such amounts as will make its capital equal to the amount fixed by the charter of the said company, and in case any stockholder of such company shall refuse or neglect to pay such call, after notice personally given or by advertisement, in such time and manner as the Comptroller shall approve, it shall be lawful for the said company to require the return of the original certificate of stock held by such stockholder, and in lieu thereof to issue new certificates for such number of shares as the said stockholder may be entitled to in the proportion that the ascertained value of the funds of the said company may be found to bear to the original capital of the said company, the value of said shares for which new certificates shall be issued, to be ascertained under the direction of the Comptroller, and the company paying for the fractional parts of shares, and it shall be lawful for the directors of such company to create new stock and dispose of the same, and to issue new certificates therefor to an amount sufficient to make up the original capital. And it is hereby declared that in the event of any additional losses accruing upon new risks, taken after the Comptroller shall have made the requisition aforesaid, and before the said deficiency shall have been made up, the directors shall be individually liable to the extent thereof. And if upon due examination, it shall appear to the Comptroller that the losses and expenses of any company chartered on the plan of mutual insurance under this act, shall during the year have exceeded the premiums, and, in consequence thereof, that the capital of the company as required in its organization, has become deficient, or from any other cause has become impaired, it shall be the duty of the Comptroller to direct the officers of such mutual insurance companies to take the same proceedings as herein required to be taken in case of joint stock companies; and until such directions shall be complied with, the directors shall be personally liable to pay all damages occasioned by such neglect, to any person or body corporate which may be injured thereby. Any transfer of the stock of any stock organized under this act, shall not release the party making the transfer from his liability for losses which may have accrued previous to the transfer.

Duty of Comptroller upon the failure of stockholders to pay the call herein required.

Transfer of stock.

SEC. 14. *Be it further enacted*, That suits at law may be maintained by any corporation formed under this act, against any of its members or stockholders, for any cause relating to the business of such corporation; also, suits at law may be prosecuted and maintained by any member or stockholder against such corporation for losses which may have accrued, if payment is withheld more than two months, in all risks after such losses may have become due.

Suits against stockholders.

SEC. 15. *Be it further enacted*, That no company formed under

Prohibition as to trading.

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this act, shall, directly or indirectly, deal or trade in buying and selling any goods, wares, merchandise, or other commodities whatever.

Trustees and corporators liable for amount of capital.

SEC. 16. *Be it further enacted*, That the trustees and corporators of any company organized under this act, and those entitled to a participation of the profits, shall be jointly and severally liable, until the whole amount of the capital raised by the company shall have been paid in, and a certificate thereof recorded as hereinbefore provided. Notes taken in advance of premiums under this act, are not to be considered debts of the company in determining whether the company is insolvent, but are to be regarded as assets of the company.

Dividends.

SEC. 17. *Be it further enacted*, That no dividend shall ever be made by any company incorporated under this act, when its capital stock is impaired, or when the making of such dividend would have the effect of impairing the capital stock; and any dividend so made shall subject the stockholders receiving the same to a joint and several liability to the creditors of said company, to the extent of the dividend so made.

Cash capital.

SEC. 18. *Be it further enacted*, That in pursuance of this act, it shall be lawful for any mutual company, established in conformity with the provisions of the fourth section of this act, to unite a cash capital to any extent, as an additional security to the members, over and above their premiums and stock notes, which additional cash capital shall be left open for accumulation, and shall be loaned and invested as provided in the eighth section of this act; and the company may allow an interest on such cash capital, and a participation in its profits, and prescribe the liability of the owner or owners thereof to share in the losses of the company, and such cash capital shall be liable as the capital stock of the company in the payment of its debts.

Bodies corp.

SEC. 19. *Be it further enacted*, That all companies formed under this act shall be deemed and taken to be bodies corporate and politic, in fact and in name.

Power to alter or repeal.

SEC. 20. *Be it further enacted*, That the Legislature may at any time alter, amend, or repeal this act, or dissolve and provide for the closing up of the business and affairs of any company formed under it, by a law receiving the sanction of two-thirds of the members elected to each House.

[Passed the Senate January 9, 1851. Passed the House of Representatives January 20, 1851. Approved by the Governor January 23, 1851.]

CHAPTER 314.—[No. 3.]

AN ACT to Incorporate the Apalachicola Mutual Insurance Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That

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Apalachicola Mu. Ins. Company incorporated.

there shall be established in the city of Apalachicola an Insurance Company, which shall be a body politic and corporate, to be called the Apalachicola Mutual Insurance Company, of which John C. Maclay, Archibald T. Bennett, William H. Young, Robert H. Thomas, James J. Griffin, Thomas L. Mitchell, Robert J. Floyd, William A. Kain, William G. Porter, Chester G. Holmes, Daniel J. Day, Charles A. Green, A. N. McKay, P. C. Kain, D. K. Dodge, W. J. Wood, D. G. Raney, Thomas H. Austin, and such persons as they shall associate with themselves as Trustees under this act, not less than twelve in all, shall be the first Trustees.

Powers and privileges.

SEC. 2. *Be it further enacted*, That the said above named body politic and corporate shall be possessed in their own name, and in the name of their successors and assigns, of all the powers, privileges and franchises incident to a corporation. The said corporation may sue and be sued, contract and be contracted with, pass such by-laws as it may deem necessary for its proper management, have and use a seal, and do all other acts which a body corporate and politic may do, and in addition thereto the corporation hereby created shall have power by instruments under seal or otherwise,

Insurance on vessels, &c.

1st. To make insurance on vessels, freights, goods, wares, merchandise, specie, bullion, jewels, profits, commissions, bank-notes, bills of exchange, and other evidences of debt, bottomry, and respondentia interests, and to make all and every insurance connected with marine risks, and risks of transportation and navigation:

Dwellmg houses.

2d. To make insurance on dwellings, houses, stores, and all kinds of buildings, and upon house-hold furniture, merchandise, and other property, against loss or damage by fire:

Lives.

3d. To make insurance on lives:

Risks.

4th. To cause themselves to be reimbursed, when deemed expedient, against any risk or risks upon which they have made or may make insurance.

Board of Trustees.

SEC. 3. *Be it further enacted*, That all the corporate powers of the said company shall be exercised by a Board of Trustees, and such officers, clerks and agents, and other persons, as said Trustees may appoint from time to time. Trustees shall be elected as hereinafter mentioned. It shall be their duty, on organizing the company, to choose a President and Vice President, to act until the second Tuesday of February after the period for making the first dividend statement required by this act, and annually, on the second Tuesday of February thereafter, who shall also be ex-officio Trustees, and are to have equal power with the other Trustees in voting on all questions, and determining all matters relating to the company.

Pres. & V. Pr.

Terms of office.

SEC. 4. *Be it further enacted*, That the Trustees, President and Vice President shall hold their respective offices for the periods herein named, and until others are chosen in their stead; the secretary,

clerks, agents, and other persons, during the pleasure of the Trustees.

SEC. 5. *Be it further enacted*, That the Board of Trustees shall have power by by-laws to declare, from time to time, what number of Trustees less than a majority shall be a quorum for transaction of business, but such quorum shall not be less than eleven of said Trustees, and also to make such other by-laws as may be deemed necessaryfor the government of the officers and the conduct of their affairs. By-laws. Quorum.

SEC. 6. *Be it further enacted*, That vacancies happening in the Board of Trustees, or in the number of inspectors or officers, by death, resignation, or continued absence from the United States exceeding twelve months, may be filled for the remainder of the term by the Board of Trustees. Vacancies.

SEC. 7. *Be it further enacted*, That it shall be the duty of the eighteen (18) Trustees named in the first section of this act, or the duty of a majority of them, within two years after the passage of this act, to open a book to receive applications for insurances; and after receiving applications for insurance, to be approved by them, amounting to fifty thousand dollars, the book may be closed, and the company may be organized. It shall also be the duty of the said eighteen Trustees, or the duty of a majority of them to appoint three inspectors of the first election. Application for insurances. When Co. organized.

SEC. 8. *Be it further enacted*, That the Board of Trustees shall divide themselves into four classes. The term of the first class shall expire on the second Tuesday in the month of February, after the period for making the first dividend statement required by this act, or as soon thereafter as others are elected in their stead. The term of the following classes shall expire successively on the second Tuesday in February of the following years, or as soon thereafter as others are elected in their stead. Nothing herein contained shall prevent the re-election of a Trustee. Classification of Trustees.

SEC. 9. *Be it further enacted*, That notices of annual election for Trustees, to hold for four years and until others are elected, and for three inspectors of the next election, are to be given in one or more of the public city papers, by an officer of the company, one week prior to each annual election, to be held at such time and place as may be designated by the Board of Trustees, or by the President or Vice President in case of the omission of the Trustees to designate the same. Annual election—notice of.

SEC. 10. *Be it further enacted*, That at every election for Trustees, when the certificates authorized to be issued under this act, as hereinafter mentioned, do not amount to fifty thousand dollars over and above the reductions thereon, each person having in his possession and producing at the polls a policy or policies of insurance, not marked off, made by the company between the first day of April and the thirty-first day of December of the year next preceding the Who entitled to vote. Number of votes policy-holders entitled to.

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election, directly in his own name, or in the name of a firm of which he is a partner, the premiums on which shall amount to one hundred dollars, shall be entitled to a vote; and in case the premiums on such policy or policies shall have exceeded one hundred dollars, such person shall be entitled to an additional vote for each one hundred dollars of such excess.

Certificate of earnings.

SEC. 11. *Be it further enacted*, That each person having in possession and producing at the poll a certificate or certificates of earnings amounting to one hundred dollars, issued by the company in his own name or in the name of a firm of which he is a partner, which certificate of earnings shall not have been discharged by payments, nor cancelled by losses and expenses, shall be entitled to a vote; and in case the certificate or certificates of earnings so produced shall exceed one hundred dollars, the holder thereof shall be entitled to an additional vote for each one hundred dollars of such excess. Persons may vote by proxy if the proxy is accompanied by the before mentioned evidence of the right so to vote. One person only shall be allowed to vote at the same election on the same documents. And in case of a failure to elect, from the number of votes being equal, a new election is to be held to fill the undetermined places.

Vote by proxy.

Notes for premiums authorized.

SEC. 12. *Be it further enacted*, That the company, for the better security of its dealers, may receive notes for premiums in advance of persons intending to receive its policies, and may negotiate such notes for the purpose of paying claims or otherwise, in the course of its business; and on such portions of said notes as may exceed the amount of premiums paid by the respective signers thereof at the successive periods when the company shall make up its annual statement as hereinafter provided for; and on all new notes taken in advance thereafter, a compensation to the signers thereof, at a rate to be determined by the Trustees, but not exceeding five per cent. per annum, may be allowed and paid from time to time.

Negotiability of—For what purpose, &c.

Annual statement of nett profits.

SEC. 13. *Be it further enacted*, That no separate dividend statement shall be required for the part of a year following the day on which the company shall have issued and dated its first policy; but after that period an annual dividend statement shall be made, which shall contain a fair estimate of the nett profits of the company not before divided, up to and including the last day of December of each year, taking into view the probable amount to be paid on all claims and demands which have been or may be made against the company, and allowing for any previous deficiencies. Such annual statement shall be completed in the month of January succeeding the period to which it relates, and after ascertaining in this mode the nett profits of each period on risks marked off, the Board of Trustees may declare a dividend, and the officers of the company may issue certificates of a certain per centum on the premium received for such marked off risks, to the persons in whose names the policies of

Dividend declared—Certificates issued.

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insurance were originally made, or to their representatives; which certificates may be issued as is hereinafter provided for; and the amounts named in such certificates shall be conclusive on the parties entitled to receive them at such periods, and not to be changed by subsequent events, showing the actual payments to be more or less favorable than the estimate; and the said certificates shall be transferable only on the books of the Company, under regulations to be prescribed by the By-laws, and shall contain a proviso, declaring the same to be subject to any future losses and expenses of the Company until the same are redeemed, as is hereinafter provided for, and subject to be reduced by the Board of Trustees, in case of losses and expenses in any subsequent year, exceeding the estimated profits of such year.

Transferable on books of Co.

Subject to be reduced.

SEC. 14. *Be it further enacted*, That no original certificate shall be issued for a less sum than ten dollars, nor for the fractional sums between even tens of dollars; all such sums are to be passed to the contingent accounts of the Company.

Minimum certificate.

SEC. 15. *Be it further enacted*, That in case any person or persons entitled to a certificate shall be indebted to the Company for sums past due and unpaid, the Company may withhold the certificate, and deduct such sum or sums from the amount thereof, or reduce or cancel the same; but persons insuring or entitled to certificates, shall not be answerable by reason thereof, or of any thing contained therein, except for the payment of their premiums, or other notes given in advance for premiums.

Indebtedness of persons entitled to certif.

SEC. 16. *Be it further enacted*, That it shall be lawful for said Company to invest their funds, or any part thereof, in bonds or mortgages on unincumbered real estate within the State of Florida, worth fifty per cent. more than the sum loaned thereon, and also in all or any stocks created by or under the laws of this State, or of the United States, and to lend the same, or any part thereof, on the security of such stocks, and on bottomry and respondentia, and otherwise, and to change and re-invest the same; and it shall be lawful for said Company, from time to time, to divide such part of the accruing interest as they may deem equitable, not exceeding six per cent. per annum, to and among the holders of such certificates; or in case of losses, to declare a *pro rata* deduction of the amount of the outstanding certificates; original certificates may be called in by the Company, and new ones issued in their stead, less the proper deduction: all certificates and interest in the Company shall be deemed personal property.

Investment of funds.

SEC. 17. *Be it further enacted*, That on the thirty-first day of December, of the second year after the day on which the first policy of the Company shall have been issued and bear date, or within one month thereafter, and on the thirty-first day of December, or within one month thereafter, of every subsequent year, the Company shall cause to be made a general balance statement of their affairs to the

General balance statement —When to be made.

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end of such year, which shall be published immediately thereafter in one newspaper in the city of Apalachicola, containing

What such statement shall contain.

1st. The amount of premiums received during the first part of a year and the second year united, and each successive year, specifying what amount was received on policies on fire risks, and what amount was received on policies on marine risks, and what amount was received on policies on life risks.

2nd. The amount of losses paid during the year, specifying the amount paid on policies on fire risks, and the amount paid on policies on marine and inland transportation risks, and the amount paid on policies on life risks.

3d. The balance remaining with the Company.

4th. The nature of the security on which investments have been made, stating the amount invested in bonds and mortgages, and the amount invested in other securities, and the amount of premium notes and cash on hand: a copy of which statement shall be kept ready for the examination of the members.

Per centage of profits—publication of.

SEC. 18. *Be it further enacted*, That the per centage of profits accruing on the business of the Company, and the dividends which may be declared on the investments, are to be published for two months, after each is declared, in one of the public papers within this State.

Accumulation of nett profits.

SEC. 19. *Be it further enacted*, That whenever the accumulation of the nett profits of the Company shall exceed One Hundred Thousand Dollars, the excess may be applied, from year to year, or semi-annually thereafter, toward the redemption of each year's certificates, in whole or in part, as may be determined on by the Board of Trustees, but the certificates of a subsequent year are not to be redeemed until those of the preceding are provided for, and when such accumulation shall exceed Ten Hundred Thousand Dollars, it shall be the duty of the Trustees to apply such latter excess towards the redemption of certificates, in whole or in part, in the manner above specified.

Application of excess.

Suits by members.

SEC. 20. *Be it further enacted*, That suits at law, or in equity, may be prosecuted and maintained by any member against said corporation, but no member of the corporation not being in his individual capacity, a party to such suit, shall be incompetent as a witness.

Member competent witness.

Limitation of risks.

SEC. 21. *Be it further enacted*, That the said corporation shall not be allowed to take risks for more than three times the amount of the premium notes unpaid, and the certificates of earnings outstanding:

Liability for losses.

citizens of other States may become members of this incorporation, and the liabilities of members for losses, shall not extend beyond, or for more, than the amount of their premium note, and for the amount of certificates of earnings that may have been issued to them: The said Insurance Company shall be organized and allowed to commence business whenever the premium notes shall amount to the

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sum of Fifty Thousand Dollars, and one-fifth of said notes are paid in cash: The said Company shall not be allowed to take risks for more than three times the amount of the premium notes, which may be increased until they amount to Five Hundred Thousand Dollars: Citizens of other States may be assured and become members of this Company on their giving the usual premium notes: The earnings of said Company are not to be divided among the assured until their actual capital shall amount to One Hundred Thousand Dollars.

Citizens other States.

When earnings to be divided.

SEC. 22. *Be it further enacted*, That this act shall take effect immediately after its passage, and continue in force thirty years, and no longer, unless authorized by the Legislature of this State.

Commencement and duration charter.

[Passed the Senate, December 31, 1850. Passed the House of Representatives, January 16, 1851. Approved by the Governor, January 23, 1851.]

CHAPTER 315.—[No. 4.]

AN ACT to Incorporate the Franklin Mutual Insurance Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That Angus N. McKay, William A. Kain, Richard G. Porter, Hiram W. Brooks, William H. Young, A. T. Bennett, H. H. Lockhart, Benjamin Ellison, P. C. Kain, Thomas Orman, C. G. Holmes, R. J. Floyd, Charles Rogers, Charles Pratt, John G. Roan, Samuel Benezett, Anson Hancock, N. Baker, N. J. DeBlois, John Gorrie, William A. McKenzie, Peter Hobart, John D. Atkins, Robert May, E. McCully, M. P. Ellis, James J. Baldwin, Robert Myers, A. W. Chapman, James J. Griffin, William H. Long, H. F. Abell, and their successors shall be a body politic and corporate under the name and style of the Franklin Mutual Insurance Company.

Names of persons incorporated.

Name & style of corporation.

SEC. 2. *Be it further enacted*, That in addition to the general powers and privileges incident to a body politic, the said Corporation shall have full power, by instrument under seal or otherwise, to make insurance on dwellings, stores, and other houses, and upon household furniture, merchandize, and other personal property, against loss or damage by fire or water, and the lives of slaves against death, such damage, loss, or death, not resulting from the carelessness, negligence, or design of the party insured, and to any amount not exceeding three-fourths of the value of the property insured, (property on ships, steamboats, or in storage, not subject to this limitation,) and not exceeding twelve thousand dollars on any one block of buildings or stock of goods. Said Corporation shall have the power of insuring the lives of white persons for any term of years or for life, may grant annuities, and make any and every contract in which the risk of life shall be a part thereof. Said Corporation shall further have the right and power to make the sum insured in any life policy, payable to the wife of the person insured,

General & particular powers of.

Upon what insurance may be effected.

Limitation of am't of insur.

Exception.

Lives of white persons insur'd

To whom policy may be made payable.

or to his wife and children, as the case may be, for their sole use and benefit, free from the claims of the representatives or creditors of the party insured: *Provided*, The annual premium shall not exceed five hundred dollars. Said Corporation shall have power to cause themselves to be insured, when deemed expedient, against any risks upon which they have made or may make insurance.

Proviso. Risks incurred by Co. may be insured.

Board of Directors not less than 12.

SEC. 3. *Be it further enacted*, That the corporate powers of said Company shall be exercised by a Board of Directors, not less than twelve in number, to be elected by the corporators named in the first section of this act, or a majority of them, at the first election for Directors; but [at] all subsequent elections for Directors, the policy holders shall have a right to vote (as hereafter provided) for such Directors, and such other officers of said Company as said Board of Directors may deem necessary.

First elettion.

Subsuquent elections.

Term of office of Directors.

SEC. 4. *Be it further enacted*, That the Board of Directors shall hold their office for one year from the date of their election, and until their successors are elected and qualified. It shall be their duty, on organizing said Company, to choose a President and Vice President to act for one year from the date of their election and until their successors are elected and qualified; the other officers of said Company to hold their office during the pleasure of said Directors. The said President and Vice President shall be *ex officio* Directors, and have equal power with the other Directors in voting on all questions and in determining all matters relating to said Company.

Of Pres. & V. Pres. & other officers.

Pres. & V. P. ex-officio Directors.

Annual election.

SEC. 5. *Be it further enacted*, That the Directors of said Company shall, within the first year after said Company is organized, fix upon some certain day for the annual election of Directors, and shall cause the same to be published in some newspaper in the State, for the information of policy holders.

Qualification of voters.

SEC. 6. *Be it further enacted*, That, at the annual election for Directors after said Company is organized, every matter shall be determined by a majority of votes, each member holding a policy six months or longer [to] be allowed one vote, and if his policy exceed one thousand dollars, an additional vote for every thousand dollars: *Provided*, That insurers under open policies shall be entitled to vote in proportion to the amount actually insured under their policies: *And provided*, That no insurer under an open policy shall be entitled to more than ten votes, with the right of voting by proxy.

Proviso as to policies.

What number less than a majority may form a quorum.

SEC. 7. *Be it further enacted*, That the Board of Directors shall have power to declare by their By-laws, from time to time, what number of Directors less than a majority shall be a quorum for transacting business, and also to pass such other By-laws as may be deemed requisite for said Company, and that all vacancies happening in said Board of Directors by death, resignation, or otherwise, may be filled for the remainder of the year by said Board of Directors.

Vacancies in Board.

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Books for receiving insurance applications — When to be opened.

SEC. 8. *Be it further enacted*, That it shall be the duty of the corporators named in this act, or a majority of them, within three months after the passage of this act, to open a book to receive application for receiving insurances, and after receiving application to be approved by them amounting to fifty thousand dollars, the Company may be organized by the election of Directors, as hereinbefore provided.

Insurance on lives & annuities.

SEC. 9. *Be it further enacted*, That the Directors of said Company are hereby further empowered, at any time, to make insurance of the lives of white persons and the granting of annuities, a separate department of their business, and all the contracts, liabilities, claims, receipts, and investments of the life department shall be distinct from the other business of the Corporation as much as if they belonged to another Company, and the officers of said Corporation shall invest the funds belonging to the life department, only in bonds and mortgages on unincumbered real estate worth, in the opinion of the Directors, at least four times the amount loaned thereon.

May be made separate department.

How funds to be invested.

Premium on insurance of property how to be paid or secured.

SEC. 10. *Be it further enacted*, That whenever said Corporation shall make insurance on any property, the member so insured shall pay the required premium in cash, or give his note or bond, well secured, for the amount of the insurance money, payable one day after date, and shall deposit in money, with the Treasurer of said Company, at least ten per cent. of said note, which shall be entered as a credit thereon, and the funds thus raised may be applied to the ordinary expenses of said Company, and the Directors may, at any time thereafter, when the liabilities of the Company require it, collect such further sums as may be necessary, by making assessments on said notes in proportion to the original amount of each note, giving thirty days notice by mail to each member.

When note given, what am't to be paid.

How further sums to be collected when required.

When loss sustained, notice to be given by insured.

To whom given.

SEC. 11. *Be it further enacted*, That whenever any person shall sustain any loss of the property so insured, he shall, within thirty days after his knowledge of said loss, and [in] the case of real estate before any repairs or alterations are made, give notice in writing of the same to some one of the Directors, or other person appointed by the Directors, whose duty it shall be to view the premises where the loss occurred, or otherwise make satisfactory inquiries into the circumstances attending it, and under oath determine, in writing by him subscribed, the amount, if any, of the liabilities of said Company for such loss; and if the sufferer shall not acquiesce in such estimate, he may, within sixty days after he is notified of the estimate, bring an action at law against said Company. If, in this action, he shall not receive as damages more than the amount estimated as aforesaid, he shall be liable for all the costs incurred in the suit, and execution shall issue against the Company only for such amount as may be allowed after deducting said costs of suit; but if the amount allowed be greater than the estimate, then the Company shall be liable for the costs of suit.

Duty of person notified in such cases.

To determine liability of Co.

Sufferer may bring suit.

Costs to be paid by, if recovery less than the estimate.

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Company may hold real and personal est.

SEC. 12. *Be it further enacted,* That said Company shall be entitled to hold personal and real estate to any amount necessary for the purposes of the same.

Policy to be a lien on property insured if so expressed.

SEC. 13. *Be it further enacted,* That when said Company shall make insurance on any property, the interest of the person insured in said property shall be held as security for the payment of the deposite note given to the said Company; and the policy of the insured shall, from the time it issues, create a lien on said property, and no transfer of said property shall affect said lien, provided it shall be expressed in the policy that the insurance is made subject to such lien.

Consequences of failure to pay assessments or instalments of deposite note.

SEC. 14. *Be it further enacted,* That if any member of said Corporation obtaining insurance, or in case of his death, his legal representatives, shall refuse or neglect to pay any assessment within thirty days after the demand be made, or any instalment on his deposite note, he shall be liable to a suit therefor, by the Company, in any Court having competent jurisdiction; and also, the liability of the Company for the policy under which the payment is withheld, shall be suspended until said payment is made, and if said payment is not made within six months, the said policy shall be, to all intents and purposes, forever forfeited.

First meetings, by whom called.

SEC. 15. *Be it further enacted,* That any three of the corporators hereinbefore named, may call the first meeting by advertising the same for two successive weeks in some public journal in the State.

Right to return policy, &c. Proviso.

SEC. 16. *Be it further enacted,* That any person insured shall have the right to return his policy and demand his note at any time before it would expire by its own limitation: *Provided,* there is no unpaid assessment upon the note, or losses unpaid for.

Member may sue corpora'n.

SEC. 17. *Be it further enacted,* That suits at law, or in equity, may be prosecuted and maintained by any member against said corporation, but no member of the corporation, not being in his individual capacity a party to such suit, shall be incompetent as a witness.

Competent witness.

No policy to issue until sum subscribed for insurance amounts to $50,000.

SEC. 18. *Be it further enacted,* That said Company may issue policies of insurance for such length of time as they may deem proper, but no policy of insurance shall be issued by said Company until the sum subscribed to be insured, shall amount to fifty thousand dollars.

Where business of corporation to be carried on.

SEC. 19. *Be it further enacted,* That the operations and business of this Corporation shall be carried on at such places in this State as the said corporators, or a majority of them, may determine.

[Passed the House of Representatives, January 21, 1851. Passed the Senate, January 22, 1851. Approved by the Governor, January 23, 1851.]

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CHAPTER 316.—[No. 5.]

AN ACT to provide for the Incorporation of Benevolent or Charitable Societies.

Associations for charitable purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That any five or more persons, of full age, citizens of this State, who shall desire to associate themselves for benevolent or charitable purposes, may make, sign and acknowledge, before any officer authorized to take the acknowledgement of deeds in this Sate, and file in the office of the Secretary of State, and also in the office of the Clerk of the Circuit Court of the County in which the business of said society is to be conducted, a certificate in writing, in which shall be stated the name or title by which such society shall be known in law, the business and objects of such society, the number of trustees, directors or managers to manage the same, and the names of the trustees, directors or managers of such society for the first year of its existence; but such certificate shall not be filed unless by the written consent and approbation of the Judge of Probate of the County in which the place of business or principal office of such company or association shall be located, to be endorsed on such certificate.

Name or title of.

Body politic & corporate.

SEC. 2. *Be it further enacted,* That upon filing a certificate as aforesaid, the persons who shall have signed and acknowledged such certificate, and their associates and successors, shall thereupon, by virtue of this act, be a body corporate and politic by the name stated in such certificate, and by that name they and their successors shall and may have succession, and shall be persons in law capable of suing and being sued, and they and their successors may have and use a common seal, and the same may alter and change at pleasure, and they and their successors, by their corporate name, shall in law be capable of taking, receiving, purchasing and holding real estate for the purposes of their incorporation, and for no other purpose, to an amount not exceeding the sum of fifty thousand dollars in value, and personal estate, for like purposes, to an amount not exceeding the sum of seventy-five thousand dollars in value, but the clear annual income of such real and personal estate, shall not exceed the sum of twelve thousand dollars; to make by-laws for the management of its affairs, not inconsistent with the Constitution and laws of this State and of the United States; to elect and appoint the officers and agents of such society for the management of its business, and to allow them a suitable compensation.

Powers of.

By-laws.

Trustees, Directors, &c.

SEC. 3. *Be it further enacted.* That the society so incorporated may annually elect, from its members, its trustees, directors or managers, at such time and place, and in such manner as may be specified in its bye-laws, who shall have the control and management of the affairs and funds of said society, a majority of whom shall be

Election of.

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a quorum for the transaction of business, and whenever any vacancy shall happen among said trustees, directors or managers, by death, resignation, or neglect to serve, such vacancy shall be filled in such manner as shall be provided by the by-laws of said society.

Vacancies.

SEC. 4. *Be it further enacted*, That in case it shall, at any time, happen that an election of trustees, directors, or managers shall not be made on the day designated by the by-laws, said society shall not, for that cause, be dissolved, but it shall and may be lawful, on any other day, to hold an election for trustees, directors, or managers, in such manner as shall be provided by the by-laws of such society.

Failure to elect

SEC. 5. *Be it further enacted*, That the provisions of this act shall not extend or apply to any association or individuals who shall, in the certificate filed with the Secretary of State, or with the County Clerk, use or specify a name or style the same as that of any previously existing incorporated society in this State.

Act not to apply in certain cases.

SEC. 6. *Be it further enacted*, That the trustees of any company or corporation organized under the provisions of this act, shall be jointly and severally liable for all debts due from said company or corporation, contracted while they are trustees: *Provided*, said debts are payable within one year from the time they shall have been contracted: *And provided*, a suit for the collection of the same shall be brought within one year after the debt shall become due and payable.

Trustees liable for debts.

Proviso.

SEC. *Be it further enacted*, That it shall be the duty of the Trustees, Directors or Managers, or a majority of them, in the month of December in each year, to make and file in the office of the Clerk of the Circuit Court of the County where the original certificate is filed, a certificate under their hands stating the names of the Trustees, and officers of such association or corporation, with an inventory of the property, effects and liabilities thereof, with the exception of property to the amount of Two Hundred Dollars in value, with an affidavit of the truth of such certificate and inventory, and also an affidavit that such association or corporation has not been engaged directly or indirectly, in any other business than such as is necessary to the proper accomplishment of that set forth in the original certificate on file.

Certificate as to property, effects and liabilities.

SEC. 8. *Be it further enacted*, That the Legislature may at any time amend, annul or repeal any incorporation formed or created under this act, by a law receiving the sanction of a majority of the members elected to each house.

Power of repeal, &c.

[Passed the Senate, January 7, 1851. Passed the House of Representatives January 20, 1851. Approved by the Governor, January 23, 1851.]

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CHAPTER 317.—[No. 6.]

AN ACT to Incorporate the Florida, Atlantic, and Gulf Central Rail Road Company, and for other purposes.

SECTION 1. *Be enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That a Company be, and is hereby, incorporated by the name and style of the Florida, Atlantic, and Gulf Central Railroad Company, and by that name, all who shall become subscribers for stock, and members of said Company, their heirs, successors and assigns, shall be capable in law to purchase, receive, retain, and enjoy, to them and their successors or assigns, lands and tenements, goods, chattels, and effects, of whatsoever the same may be, and the same to grant, sell, mortgage, and dispose of; to sue and be sued, to plead and be impleaded, to make a common seal, and at pleasure to break or alter the same, to ordain, establish, and put in execution such by-laws and regulations as may be deemed necessary and expedient for the government of said Corporation, not being contrary to the Constitution and Laws of the United States and the State of Florida. Style of incorporation.

SEC. 2. *Be it further enacted,* That the said Railroad shall commence at some point on the St. Mary's River or on the Atlantic Ocean, in East Florida, and shall run in the most eligible direction to some suitable point on the Gulf of Mexico, in West Florida, to be located and determined upon by a competent State Engineer, with the approval of the Board of Internal Improvement. Rail-road. Commencement and termination of.

SEC. 3. *Be it further enacted,* That the capital stock of said Company shall be three millions of dollars, divided into shares of one hundred dollars each, but which may be increased from time to time, when found necessary by a proper estimate to be made by the State Engineer and approved by the Board of Internal Improvement. Books of subscription for the sum of two millions of dollars of said stock, shall be opened within six months after the passage of this Act, at Jacksonville, in East Florida, under the superintendence of A. M. Reed and J. W. Bryant; at the city of Tallahassee, under the superintendence of R. K. Call, J. G. Anderson, Richard Hayward, William Bailey, and Robert Lyon; and at Marianna, in West Florida, under the superintendence of R. H. Long and Allen Bush, as Commissioners, any two or more of whom, at each of the respective places, shall be competent to receive subscription for stock in the said Company; the books for which purpose shall be opened after thirty days' notice, and kept open for thirty days, at the expiration of which time they shall be closed; and if it shall appear that more than the sum of two millions of dollars has been subscribed, such excess to be deducted from the subscriptions of those who have subscribed for the largest number of shares as proportioned to the amounts respectively by them subscribed, in such manner that the subscribers of one hundred shares and under shall not be liable Capital of Co. Books of subscription for.

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to deduction, while such excess may be deducted from subscriptions exceeding that number; and if there is still an excess, the same to be deducted from all subscriptions proportionably. But if it shall appear that a less amount than two millions of dollars has been subscribed, it shall be competent for said Commissioners, or the President and Directors of the said Company, to direct books to be opened from time to time at the before mentioned places, or at such other places as may be deemed most advisable by the said President and Directors with the approval of the Board of Internal Improvement, giving twenty days' notice thereof in some newspaper printed in the city of Tallahassee, and at Jacksonville and Marianna, for the purpose of making up the whole capital stock of the said Company, or so much thereof as may be necessary to accomplish the objects of said Company in the construction and completion of said Railroad. And when the said sum of two millions of dollars shall have been subscribed to the capital stock of said Company, or so much thereof as may be necessary to complete said Railroad, on the part of the individual subscribers, then the Board of Internal Improvement for the State shall subscribe the remaining one million of dollars, or a sum equal to one-third of the amount which shall have been subscribed by individual stockholders.

State subscription.

Shares of stock how paid.

SEC. 4. *Be it further enacted*, That ten days after the whole amount of stock shall have been taken, or so much as may be necessary for the commencement of work on said Railroad, ten dollars upon each share subscribed for, shall be paid to the said Commissioners receiving subscriptions for stock in the said Company, and the residue as the President and Directors of the said Company may require. *Provided*, That there shall not be more than ten per centum upon each share demanded at any one instalment, of which there shall be previously given at lest thirty days' notice in some one newspaper published in the city of Tallahassee and in Jacksonville and Marianna.

Forfeiture of.

SEC. *Be it further enacted*, That if any stockholder shall fail to pay the instalments required by the provisions of the foregoing section for the space of twenty days after the day appointed for the payment of such instalment, the share or shares of each stockholder upon which such instalment shall fail to be paid, shall be forfeited to the President and Directors, to be disposed of for the use and benefit of the said Company, and any purchaser of such stock shall become subject to the same rules and regulations as the orginal stockholder.

Directors.

SEC. 6. *Be it further enacted*, That, for the management of the concerns of said Company, the said Commissioners shall be and continue as directors of said Company until sixty days after the subscriptions shall have been closed: *Provided*, The sum of two millions of dollars shall have been subscribed on the first opening of the books of subscription, and so on, until the said sum of two millions

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of dollars shall have been subscribed; and to keep alive the said Board of Commissioners, the Board of Internal Improvement shall have the power to fill all vacancies that may happen by death, removal, resignation, or refusal to act, or from any other cause, of any of the said Commissioners, at either of the aforesaid places where books for subscription are directed to be opened; and when the said sum of two millions shall have been subscribed for, the said Commissioners, or any three of them, shall give thirty days' notice in some newspaper in the City of Tallahassee, and at Jacksonville and Marianna, that an election will be held at the City of Tallahassee, for the purpose of electing nine Directors, who shall be chosen from the stockholders having at least ten shares each of the stock of said Company, by the votes of said Company, every stockholder being entitled to one vote for each share which he may hold in his own name, or which he may represent as proxy. A majority of votes shall be necessary to constitute a choice, and the persons so elected shall hold their offices for one year, or until new Directors shall be elected; and on the first Monday in January in each and every year, there shall be an election of nine directors, of and for the government and direction of said Company, who shall, from their own body, choose a President directly after the first election, and annually thereafter, and shall have power to fill all vacancies that may occur in their body between the periods of their annual elections: *Provided*, That if, from any cause whatever, there should at any time be no election of Directors, as hereinbefore provided, the Corporation shall not for that cause be dissolved, but the Directors and other officers then in office shall continue in office, with power to fill all vacancies that may occur in their body, until an election of new Directors can and does take place.

Election of.

Votes.

When election to take place.

Failure to elect

SEC. 7. *Be it further enacted*, That the said Company shall have the right and privilege to construct and complete a Railroad, with one or more tracks or sets of rails for the cars, for the transportation of passengers, produce, goods and all other articles whatsoever, to commence at some bay or point on the St. Mary's river, or the Atlantic ocean, and thence continue, by the city of Tallahassee, to some bay or point on the Gulf of Mexico, by such route or routes as may be designated by the State Engineer, and determined by the stockholders, and approved by the Board of Internal Improvement; and for the better accomplishment of the objects, rights and powers herein granted, it shall be the duty of the State Engineer, under the direction and instruction of the Board of Internal Improvement, to make the necessary reconnoisance, examinations and experimental surveys, with proper estimates, and the necessary charts and diagrams, which shall be filed in the office of the Board of Internal Improvement; and the said route may be laid off into two or more sections or divisions, and may be taken by two or more companies, with capitals in proportion to the estimated costs or length of each

Rights & privileges.

Lateral roads.

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section, subject to the approval of the Board of Internal Improvement; and all companies so created and constituted, shall be equally subject to the provisions and restrictions of this charter, with all the rights, powers and privileges herein granted; and the said company or companies shall have the right to make lateral or branch roads, constructed of rails or planks, to any and all points upon the Gulf, or the waters emptying therein, or the boundary lines of the States of Georgia and Alabama, as the President and Directors of the said Company or Companies may think proper and advisable; and for all such lateral or branch roads, constructed either of railways or plank, the Board of Internal Improvement may take an interest on behalf of the State to the amount of two-fifths of the stock of such Companies: *Provided,* The amount of three-fifths of the capital stock of all such Companies, shall have been taken by individual subscription: *And provided,* That all such schemes shall receive the approval of the Board of Internal Improvement.

State subscription to.

SEC. 8. *Be it further enacted,* That, until the dividends shall yield at the rate of six per centum per annum on the capital stock paid in by the individual stockholders, in any of the Companies created under the provisions of this charter, the State shall not be entitled to draw or receive any rate of dividends upon the capital stock paid in by the State; but when the dividends received by individual stockholders in any of the Companies created under the provisions of this charter, shall exceed the rate of six per centum per annum upon the capital paid in, then the State shall be entitled to receive the residue above six per centum, until the dividends to the State shall be equal to six per centum per annum, and then, both the individual stockholders and the State, shall be entitled to draw and receive equal dividends upon their respective shares of stock.

Dividends on capital stock.

SEC. 9. *Be it further enacted,* That the said Company or Companies, by its or their President and Directors, shall have power to purchase with the funds of the Company, and to place on said Railroad or Railroads, all machines, wagons, vehicles, cars, carriages, and teams, of any description whatsoever, which they may deem proper and necessary for the purposes of transportation; all such machines, wagons, vehicles, cars, carriages, and teams, and all the works constructed under the authority of this act, and all profits which shall accrue from the same shall be vested in the respective shareholders of the Company or Companies forever, in proportion to their shares, and the same shall be exempt from any charge or tax whatsoever, and they are hereby authorized at those points in the line of their respective Railroads, where it may appear to them important for the accomplishment and business of the road, to establish depots and warehouses, or any other necessary and convenient houses and buildings, to be used by them for all purposes of the said road or roads, or to be disposed of by them, when it may be necessary, and to charge and receive for the storage of produce, mer-

Power to purchase cars, &c.

Depots and ware-houses.

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chandize, and other articles, at such warehouses, and other buildings, as they may find it necessary to construct, *rates* not exceeding the ordinary warehouse duties.

Land necessary for completion of work.

SEC. 10. *Be it further enacted*, That in constructing the said Railroad, or Railroads, or Plank roads, it shall and may be lawful for the said Company or Companies, by its, or their proper agents or servants to enter upon and take possession of any land, whatsoever, which may be necessary for the completion of the work or works contemplated by this act. *Provided*, that no land shall be taken from private individuals or corporations, and appropriated to the purposes aforesaid, without adequate compensation to those owning the same, and that it shall and may be lawful for said Company or Companies in like manner to take from any land convenient to said Railroad or Railroads or Plank roads, at all times, such timber, stone, or other materials, as may be necessary for the construction and keeping in repair the same: *Provided*, That nothing belonging to individuals shall be taken without adequate compensation to be determined in the manner hereinafter provided for.

Timber, &c.

How compensation to be made for.

SEC. 11. *Be it further enacted*, That, whenever it shall become necessary for the said Company or Companies to take possession of and appropriate or use any land, timber, stone or other material, owned by private individuals or corporations, for the route or site of the said railroad and works, or for constructing and keeping in repair the same, or any part thereof, and the parties do not agree on the value and sale of the land, timber, stone, or other materials, as may be so taken or appropriated, it shall and may be lawful for the President and Directors of said Company or Companies, or their proper agent or agents, on giving twenty days' notice at least, in writing, to the party owning the same, or to his, her, or their agent, that application will be made to the Judge of the Probate Court of the County in which such lands, stone, timber, or other materials may lie, or to the Judge of the Probate Court next adjoining thereto, for a writ of "*ad quod damnum*," which shall be granted, and directed to the sheriff of the said county, or to the sheriff of the county next adjoining thereto, to summon five disinterested persons, house-holders, of lawful age, to meet and value the said land, stone, timber, or other materials, as the case may be, on oath, to be administered by any justice of the peace, whose duty it shall be to attend in person said inquest, and receive their report; and if from any cause, a justice of the peace does not attend such inquest, then the sheriff shall and may administer the oath, and receive the report; the amount thus fixed upon by said valuation, the said justice of the peace or sheriff shall receive from the said President and Directors, or their proper agent, and pay, if there be no justice of the peace present, the same over to the person or persons so entitled to receive it, and to take an acquittal or refusal for the same; and on the tender of the sum awarded to the party entitled to receive the same, or

Valuation of property taken

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to his, her, or their agent or attorney, it shall be lawful for said Company or Companies, by their President and Directors, or their agent, to enter upon and take possession of and use any such lands, stone, timber, and other materials; but all the costs and expense incurred by said writ of "*ad quod damnum*" and inquest, shall be paid by the President and Directors of said Company or Companies: *Provided*, That the appraisers shall not be allowed more than one dollar each per day, whilst engaged in such duties, and the justice of the peace and sheriff such fees as are usual in similar cases.

Donations to Company.

SEC. 12. *Be it further enacted*, That all property so assessed and paid for by the President and Directors of said Company or Companies, or their agents, agreeably to the provisions of this act, and all donations made to and for the same, shall forever afterwards belong to, and become the property of, said Company or Companies, their successors and assigns in fee simple, in proportion to the number of shares owned by the stockholders respectively.

Transfer of stock.

SEC. 13. *Be it further enacted*, That any shareholder of said Company or Companies may and shall have the right to sell, dispose of and transfer his, her, or their interest in the same, or any part thereof, to any other person or persons, or corporation, which said transfer shall not be binding unless entered on the books of the Company; but the stock of said Company or Companies, and all the property belonging thereto, or which may from time to time be acquired by said Company or Companies, shall be held respectively, jointly, and not separately: *Provided*, That nothing in this act contained shall be so construed as to prevent the profits and dividends which may be declared upon said stock, being applied by each stockholder or corporation, to his, her, or their individual purposes.

Fare and rates of transportation.

SEC. 14. *Be it further enacted*, That the President and Directors of said Company or Companies shall have the right to demand and receive such prices and sums for transportation by their own means, cars and carriages and other vehicles on said Railroad or Railroads, or Plank roads, for passengers, produce, goods and all other articles whatsoever, as may be from time to time authorized and fixed by the by-laws of said Company or Companies: *Provided*, That such prices and sums shall not be increased without at least sixty days previous notice thereof being given in some newspaper printed in the city of Tallahassee; and the said Company or Companies shall continue to receive such prices and sums for the transportation of passengers, produce, goods and all other articles whatsoever, as may be prescribed by the by-laws of said Company or Companies, so long as the said Railroad or Railroads or Plank roads, shall be kept in operation and in good repair and condition; and the said Company or Companies shall be bound and held responsible for any damage said passengers, goods, produce and other articles of whatsoever kind, may sustain in transporting the same on said Railroad or Railroads or Plank roads, if it shall appear that the same was caused by reason of

Damage to property, &c., transported.

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any negligence, carelessness or bad condition of the said Railroad or Railroads or Plank roads within the power of the said Company or Companies, or the agents and servants thereof to prevent and control, and all produce, goods and articles of whatsoever kind transported on said Railroad or Railroads or Plank roads, shall be liable for the tolls for such transportation with which they may be chargeable, and may be detained until the same be paid and discharged, and if the same be not paid, and such goods, produce and articles of whatsoever kind shall remain in the possession and custody of said Company for the space of twenty days, they shall and may be sold at public auction, and after the expense of transportation, storage and auction costs and commissions shall be paid, the remainder shall be paid to such person or persons or corporations or their agents, who shall be entitled to receive the same: *Provided*, That when the said tolls have repaid to the stockholders the full amount of the cost of the Railroad or Railroads or Plank roads, together with all the expenses thereof, then it shall be the duty of said Company or Companies to arrange their tolls that not more than twenty per centum per annum shall be received upon the whole amount of said stock, and the expenses thereon, and that if the rates of toll so established shall exceed twenty per centum as aforesaid, then the surplus to be paid to the Board of Internal Improvement for the benefit of the Internal Improvement Fund.

Limitation of tolls.

SEC. 15. *Be it further enacted*, That the said Railroad Company or Companies shall, at all times, have the exclusive right of transporting or conveying passengers, produce and articles of whatsoever kind on said Railroad or Railroads, or Plank Roads, to be by them constructed, while they may see fit to exercise such exclusive right: *Provided*, That when the said Company or Companies may see fit, they may rent or farm out all or any part of such exclusive privilege to any person, or persons, or corporations, for such terms as may be agreed upon, subject to the same responsibilities, for which the Company or Companies hereinbefore mentioned shall still be held bound for damages to individuals or corporations, which may accrue by reason of any of the provisions of this act.

Exclusive right.

Transfer of.

SEC. 16. *Be it further enacted*, That if any person shall intrude upon said Railroad or Railroads or Plank Roads, or any part thereof, or upon the rights and privileges connected therewith, without the permission, or contrary to the will of said Company or Companies, all the vehicles, articles, animals, or locomotive power that may be so intrusively introduced and used thereon, may be seized by the Company or Companies so intruded upon, or its agents, or damages recovered by suit at law; and moreover, the person or persons so offending shall be liable to be indicted as for a misdemeanor, and upon conviction in the Superior Court of the district in which the offence shall have been committed, shall be fined in a sum not more than five hundred dollars nor less than fifty dollars; and if any per-

Intrusion upon road.

Punishment for.

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Obstructions, &c.

son shall artfully and maliciously cause, aid or assist, consult or advise any other person or persons to destroy, or in any way hurt, damage, injure or obstruct said Railroad or Railroads or Plank Roads, or any part or portion thereof, or any edifice, vehicle, right or privilege granted and vested by this act, and constructed for use under the authority thereof, such person or persons so offending shall be liable to be indicted, and on conviction thereof shall be imprisoned not more than twelve months and not less than one month, and pay a fine not exceeding five hundred dollars nor less than fifty dollars, at the discretion of the Court before which said conviction shall be had, and shall be further liable to pay all expenses of repairing the same; the one-half of the fines which may be imposed by the said Court and collected under this act, shall go to the informer, and the other half to the use of the Internal Improvement fund: *Provided*, that the said Company or Companies shall in all cases be liable for costs, in case of failure to convict, or inability to pay, of the person convicted.

President and Directors of—Report of.

SEC. 17. *Be it further enacted*, That the President and Directors of said Company or Companies be required to make a full report to the stockholders of the said Company or Companies, at their yearly meetings for the election of Directors of their respective Corporations, and their Directors shall have power respectively, to call a general meeting of their respective stockholders whenever the affairs of their respective Companies, in their estimation, may render it expedient and requisite to call such meetings; the Directors shall have power, and it shall be their duty, to fill all vacancies that may happen in their respective bodies at any time between their annual meetings.

Reports to Board of In. Improvement.

SEC. 18. *Be it further enacted*, That the President and Directors of the said Company or Companies, shall be required to make full reports to the Board of Internal Improvement at its general meeting on the first Monday in December annually.

Power to repeal.

SEC. 19. *Be it further enacted*, That the General Assembly of Florida may, at any time, alter, amend, or repeal this Act, and that nothing in this Act shall be so construed as to confer upon said Company the right to exercise any powers of a Banking Company, or to issue any description of paper, or evidences of debt, intended for circulation.

Tax.

SEC. 20. *Be it further enacted*, That it shall be lawful for the General Assembly of this State to tax, if they think proper, the property owned by said Company, and that said tax shall be assessed and levied only in the same manner and to the same extent as similar property owned by private citizens, and no more.

[Passed the House of Representatives, January 22, 1851. Passed the Senate, January 24, 1851. Approved by the Governor, January 24, 1851.]

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CHAPTER 318—[No. 7.]

AN ACT to alter and amend the Act entitled, "An Act to Incorporate the Atlantic and Gulf Rail Road Company" C 242-1841 49

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That in addition to the powers and privileges conferred upon said Company by the second section of the act hereby amended, the said Atlantic and Gulf Rail Road Company shall be, and are hereby, authorized and empowered to own and hold, or to hire and charter such and so many steamships, vessels or boats, propelled in whole or in part by steam, as they may deem necessary to connect with or to run to and from either terminus of said Rail Road, for the conveyance or transportation of passengers, mails or freight, to or from said Road, and also to own and hold, hire or rent so much and such real estate, as may be necessary for the transaction of their business. Power of Co. to own or hire steamships, &c.

SEC. 2 *Be it further enacted,* That the capital stock of said Atlantic and Gulf Rail Road Company may be increased three millions of dollars, so that the entire capital may be in all Five Millions of Dollars, to be divided into fifty thousand shares of one hundred dollars each. Increase of capital.

SEC. 3. *Be it further enacted,* That the apportionment of stock to the amount of two millions of dollars, heretofore subscribed and apportioned by or under the direction of Isaac Newton, Alfred G. Benson and John T. Howard, as Commissioners, be and the same is hereby ratified and confirmed, and that books of subscription for the remaining three millions of dollars of stock, hereby created or authorized, shall be opened by or under the direction of Alfred G. Benson, Benjamin A. Putnam and George R. Fairbanks, as Commissioners, or by agents to be appointed by them, or a majority of them, at such time and place within the State of Florida, as they shall deem expedient, after having given at least thirty day's notice thereof in one or more of the public newspapers of this State, and subscriptions for said stock shall be received, and the stock apportioned by them, or by their agents aforesaid, in the same manner and under the same regulations and restrictions, as directed by the sixth section of the act hereby amended. Apportionment of stock. Books of subscription.

SEC. 4. *Be it further enacted,* That the next annual election for Directors of said Company, shall be held at such time and place within the State of Florida as the said last named Commissioners, or a majority of them, may direct, of which they shall give at least thirty days' notice in two or more of the public newspapers of the State of Florida; and thereafter an annual election of Directors shall be held by said Company at such time and place within the State of Florida, as may be provided for by the By-laws of said Company. Election of Directors.

SEC. 5. *Be it further enacted,* That the time for the completion and commencement of said Rail Road, is hereby extended so that

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Extension of time for completion of road.

the same may be commenced within one year and finished within six years from the time of the passage of this act; but in case the said Rail Road shall not be *bona fide* commenced and in progress of construction within one year from the passage of this act, and completed within six years from the passage of this act, then this act, and the act hereby amended, and the privileges granted therein, or hereby, shall cease, determine, and be utterly null and void.

Repeal.

SEC. 6. *Be it further enacted*, That the ninth section of the act hereby amended, shall be and the same is hereby repealed.

Tax of property owned by Co.

SEC. 7. *Be it further enacted*, That it shall be lawful for the General Assembly of this State, to tax if they think proper, the property owned by said Atlantic and Gulf Rail Road Company, and that said tax shall be assessed and levied only in the same manner, and to the same extent, as similar property owned by private citizens, and no more.

Duration of charter.

SEC. 8. *Be it further enacted*, That the exclusive right granted to the said "The Atlantic and Gulf Rail Road Company," to construct and maintain a Rail Road as aforesaid, between the Atlantic Ocean and the Gulf of Mexico, shall be and continue for the term of twenty years and no longer: *Provided, nevertheless*, That the said Company shall, after the lapse of the said term of twenty years, be and remain incorporated and vested in their own right, and for their own benefit, with all the estate, powers and privileges secured or granted to them by this act, or by the act to which this is an amendment, except the *exclusive* right aforesaid, which said *exclusive* right may be renewed or extended by the Legislature of this State, if they see fit, upon such terms as may be prescribed by law, and accepted by said Company.

[Passed the Senate, December 11, 1850. Passed the House of Representatives, December 19, 1850. Returned by the Governor with his Veto. Reconsidered in both Houses, and passed by the requisite Constitutional majority.]

CHAPTER 319.—[No. 8.]

AN ACT giving to the Alabama and Florida Railroad Company the right to extend their Road into the State of Florida, with chartered privileges.

Commissioners

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That Walker Anderson, W. H. Chase, B. D. Wright and O. M. Avery, of Pensacola, Florida; Mortimer Bonlevare, John G. McLean, Julius G. Robinson, A. J. Robinson, H. T. Sterns, Chas. Snowden, Wilson Ashley, Asa Johnson, Thos. A. McIver, A. Russell and Allen Fowler, of Conecuh County, Alabama; E. J. Pickens, L. J. Bolling, W. T. Streety, Jas. Dunklin, T. J. Burnett, H. L. Henderson, H. B. Taylor, B. W. Henderson and J. L. McMullen, of Butler County, Alabama; Conrad Webb, A. J. Perry, Geo. Harrison, J. C. Swanson and John Walker, of Lowndes County, Alabama; and Charles

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Cromlin, Jas. E. Belser, E. Sandford Sayre, John Craigen, J. J. Seibles, B. S. Bibb, B. W. Hilliard, Elcenat Barnes, James R. Dillard, Richard Wall and George Matthews, be, and they are hereby appointed commissioners to open books and receive subscriptions for stock in a Railroad to be constructed from the city of Pensacola, in Florida, to the city of Montgomery, in Alabama, any three of whom may open books in the cities of Pensacola and Montgomery, and such other places as they may think proper, and keep the same open until the whole capital stock is subscribed; and they shall give public notice of the times and places of opening said books, not less than twenty days, as they may think proper.

Capital stock.

SEC. 2. *Be it further enacted*, That the capital stock of said company may be one million five hundred thousand dollars, with the privilege of increasing it to two million five hundred thousand dollars, should such an increase be found necessary for its construction and future management.

Extent of R. R.

SEC. 3. *Be it further enacted*, That said Railroad shall extend from the city of Pensacola to some point on the boundary line between the States of Florida and Alabama, in the County of Conecuh, lying north of Pensacola, and at which point said road may meet and connect with a Railroad leading thence to the city of Montgomery.

Name & style of Co.

SEC. 4. *Be it further enacted*, That as soon as one hundred thousand dollars shall have been subscribed to the capital stock of said company, the subscribers of said stock, their successors and assigns shall be and they are hereby declared to be incorporated into a company by the name of the Alabama and Florida Railroad Company, and by that name shall be capable in law of purchasing, holding, leasing, selling and conveying real, personal and mixed property, so far as shall be necessary for the purpose of this incorporation, and by said incorporated name may sue and be sued, plead and be impleaded, answer and be answered unto in any Court of law or equity in this State or elsewhere, and to have and use a common seal, and the same to alter or amend at pleasure, to pass such by-laws, rules and ordinances for the good government of said corporation, as to them may seem proper, and generally do all things necessary to carry into effect fully and completely the object of this act.

Directors of.

SEC. 5. *Be it further enacted*, That as soon as one hundred thousand dollars shall have been subscribed, the commissioners hereby appointed shall call a meeting of the subscribers at such time and place as they may appoint, and at such meeting the said subscribers, or a majority of them in value, shall elect nine directors, by ballot, to manage the affairs of said company, and the commissioners aforesaid, or any three or more of them, shall be judges of said first election of directors, and the directors thus chosen shall elect among themselves a President of said company, and allow him such compensation as they may think proper, and on all occasions, whenever

President.

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a vote of stockholders shall be necessary to be taken, each stockholder shall be allowed one vote for every share owned by him or her, and any stockholder may depute any other person to vote and act for him or her as his or her proxy.

When to be chosen.

SEC. 6. *Be it further enacted*, That the President and Directors of said company shall be chosen annually, by the stockholders of said company, and if any vacancy shall occur by death, resignation, or otherwise, of any President or Directors before the year for which they were elected shall have expired, such vacancy shall be filled by the President and directors, or a a majority of them, and that the President and directors shall hold their office until their successors are chosen and qualified, shall have power to call meetings of stockholders at any time, and a majority of stockholders shall have power to remove the President or any directors, and to fill all vacancies occasioned by removals at pleasure.

Vacancies

Other officers

SEC. 7. *Be it further enacted*, That the said President and Directors or a majority of them may appoint all such officers, engineers, agents or servants whatsoever, as they may deem necessary to carry on the business of said company, dismiss them at pleasure, and a majority of them shall determine the compensation of all officers, engineers and servants of said company, shall have power to pass all by-laws, which they may deem necessary and proper for exercising all the powers vested in this company, for carrying into effect the objects of this act, provided only, that such by-laws, shall not be contrary to the laws of this State, or of the United States, and said President and Directors or a majority of them, are empowered to borrow money to carry into effect the objects of this act, to issue certificates or other evidences of such loan, and to pledge the property of said company for the payment of the same with the interest.

By-laws.

Shares of stock when and how payable.

SEC. 8. *Be it further enacted*, That the said President and Directors shall have power to require the stockholders of said company to pay such instalments on their respective shares of stock in said company, and at such times as they may think best for the interest of said company, and upon the failure or refusal of any stockholder to pay the instalment required on his, her or their stock, in pursuance of any call made by said President and Directors, as aforesaid, said President and Directors may, upon giving thirty days notice, proceed to sell at public sale the share or shares of said stock owned by said stockholder, or such part as they may think proper, to the highest bidder, and if upon a sale of the shares of stock owned by said defaulting stockholder, said stock should be sold for more than the amount due upon instalments as abov ementioned, the excess, after deducting a coming interest, and the necessary expenses of sale, shall be paid over to said defaulting stockholder.

SEC. 9. *Be it further enacted*, That the President and Directors of said company are hereby authorized to contract for and receive con-

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veyances of lands, stone, lumber and woodw hich may be necessary or required in the construction of said Rail Road, and when the owner and company cannot agree upon the price, or when the owner is an infant, non-resident, or non compus mentis, then it shall be lawful for the President and Directors of said company to apply to the Sheriff of the county in which said land or other property may be situated, who shall summon a jury of seven disinterested free-holders, a majority of whom shall be authorized to assess the damages, and return their award or judgment to the next term of the Circuit Court for the county in which said land or other property may be situated, which shall be entered by the Clerk as the judgment of the Court, and execution may issue thereupon for the amount of said judgment and costs, provided always that if either party shall upon the return thereof be dissatisfied, they may upon filing bond with good and sufficient security in such sum as the Court may order, be allowed an appeal to the next term of the Circuit Court, when said case shall stand for trial de novo, provided also, thirty days notice shall have been given to the opposite party, issued by the Clerk of the Court, and served by the Sheriff of the County.

Land, &c., for use of Co.

SEC. 10. *Be it further enacted*, That the jurors summoned as aforesaid shall (before proceeding to the discharge of the duties herein required) take an oath or affirmation, which the Sheriff is hereby authorized to administer, to the effect that they will well and truly inquire into and, to the best of their judgment, assess the damages accruing to the owner or owners of such lands or materials, or lands and materials, by means of the proposed construction.

Damages assessed.

SEC. 11. *Be it further enacted*, That the said lands or other property so condemned and estimated as aforesaid, shall inure to and become the property of said company, for the purpose aforesaid, upon the payment by the said company of the amount assessed by said jury, to the party claiming damages on account of the construction of said road through said lands, or for such other property: provided that said work shall in no wise be delayed on account of the proceedings had as aforesaid.

Effect of condemnation.

SEC. 12. *Be it further enacted*, That in case any person shall wilfully injure or obstruct in any degree the said road or roads, he shall forfeit and pay to the President and Directors of said company three times the amount of all damages they may sustain in consequence thereof, to be sued for and recovered in the same manner as provided by law for individuals in like cases, and on complaint to any magistrate, within whose jurisdiction such offence shall be committed, it shall be the duty of such magistrate to bind the person or persons so offending, with sufficient security, for his or their good behaviour for a period of not less than one year, and such offender shall also be subjected to indictment, and shall be sentenced at the discretion of the Court to be imprisoned not less than three nor more than six months.

Injury or obstruction to road.

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Obstruction of public roads.

SEC. 13. *Be it further enacted,* That in the construction of the said Rail Road, the President and Directors of said company shall in no manner obstruct any public road now established, but shall provide convenient passages to travel over said road.

Stock payable in labor, &c.

SEC. 14. *Be it further enacted,* That payments of the subscription to the stock in said Rail Road may be made in materials, labor, provisions, and all and every thing necessary for the construction of said road, which the Board of Directors at their discretion may deem expedient to accept.

Tolls.

SEC. 15. *Be it further enacted,* That after the completion of said road, or any part thereof, the said President and Directors may lay and collect tolls from all persons, property, merchandize and other commodities transported thereon, provided the nett profit of said road shall not exceed twenty-five per cent. per annum.

Reservation as to other roads.

SEC. 16. *Be it further enacted,* That the General Assembly reserve the right and power to authorize the construction of any Rail Road to cross the one authorized in this act, at any point the General Assembly may think proper.

Banking prohibited.

SEC. 17. *Be it further enacted,* That nothing in this act shall be so construed as to confer upon said company any right to exercise the powers of a Banking Company, or to issue any description of paper, or evidences of debt intended as circulation.

Commencement of road.

SEC. 18. *Be it further enacted,* That said company hereby incorporated, shall commence the building of said road within five years, and complete the same within fifteen years from the passage of this act.

Union with Ala. & Fla. R. R. Co.

SEC. 19. *Be it further enacted,* That the company hereby incorporated, shall have power to unite with the Alabama and Florida Rail Road Company, incorporated by act of the Legistature of Alabama, approved eleventh of February, one thousand eight hundred and fifty, in such manner as they may think proper.

[Passed the Senate, December 23, 1850. Passed the House of Representatives, January 3, 1851. Approved by the Governor, January 7, 1851.]

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CHAPTER 320.—[No. 9.]

AN ACT granting to the Alabama and Florida Rail Road Company land granted, or hereafter to be granted, to the State by the General Government, for the purpose of aiding in the construction of a Rail Road from Pensacola to Montgomery.

Preamble.

WHEREAS, An Act "granting the right of way and making a grant of land to the States of Florida and Alabama, in aid of the construction of a Rail Road from the waters of Pensacola Bay, in Florida, to Montgomery, in the State of Alabama, and for other purposes," passed the Senate of the United States 20th September, 1850, and has passed, or will probably pass, the House of

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Representatives, and has been, or will probably be, approved by the President: Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the rights, powers, and privileges, which have been, or may hereafter be, granted by the act of Congress mentioned in the above preamble, to the State of Florida, so far as relates to the construction of a Rail Road from the waters of Pensacola Bay, in Florida, to Montgomery, in the State of Alabama, be and the same are hereby transferred to the Alabama and Florida Rail Road Company, incorporated by Act of the Legislature of Alabama, approved eleventh February, one thousand eight hundred and fifty, and also by Act of the Legislature of Florida, approved January seventh, one thousand eight hundred and fifty-one, subject to the provisions hereinafter mentioned. Transfer of rights, &c.

SEC. 2. *Be it further enacted,* That a copy of the survey of said Road, made under the direction of the Board of Directors of said Rail Road Company, and at the expense of said Company, shall be forwarded to the proper local Land Offices respectively, and to the General Land Office at Washington City, within ninety days after the completion of the same. Survey of road. Copy of.

SEC. 3. *Be it further enacted,* That the Governor be, and he is hereby, authorized to appoint an agent to select the lands granted as aforesaid, as required in the second section of the Act aforesaid: *Provided,* The expense attendant upon the employment of said agent shall be paid by the said Rail Road Company. Selection of agent.

SEC. 4. *Be it further enacted,* That said lands shall be sold under the direction of the Register of Public Lands, and the sale shall be made under all the rules, regulations, and restrictions which are now, or may hereafter be, imposed upon the sale of Seminary Lands. Sale of lands.

SEC. 5. *Be it further enacted,* That the money and bonds received from the sale of the aforesaid lands, shall be transferred to the said Rail Road Company, upon said Company giving such security, to save the State from any loss on account of said transfer, as shall be satisfactory to the Register of Public Lands, Comptroller, and Governor. Proceeds of sales.

[Passed the Senate, January 17, 1851. Passed the House of Representatives, January 22, 1851. Approved by the Governor, January 24, 1851.]

CHAPTER 321.—[No. 10.]

AN ACT for the Incorporation of Plank Road Companies.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That any number of persons, not less than five, citizens of this State, may be formed into a corporation for the purpose of constructing a Plank Road in this State, by complying with the following requirements,

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viz: They shall cause articles of association to be drawn up, in writing, in which shall be set forth the object of the association, the name of the company, the number of years the same is to continue, (which shall not exceed thirty, without permission of the General Assembly, to be obtained before the expiration of the said thirty years,) the number of shares of which the stock shall consist, and the amount of each share, and the whole amount of the capital stock of the company, the number of directors who shall manage the concerns of the company for the first year, and until others are appointed, (which number shall be not less than three, nor more than nine,) the place from and to which the proposed road is to be constructed; and each town, city, village or settlement through which the said road is intended to pass, and its length as near as may be; which said articles of association shall be signed by each subscriber or stockholder with his name, place of residence, and number of shares of stock taken by him in said company; and when stock to the amount of at least five hundred dollars for each mile of said road shall have been subscribed for, and the said articles of association filed in the office of the Secretary of State, as provided for in the next section, then the said persons or association, and all persons who may thereafter subscribe for the remainder of said stock, or become stockholders of said company, shall from thenceforth be a body corporate, by the name specified in such articles, and as such the said company or corporation shall have succession by its corporate name for the period aforesaid, and shall have power in the corporate name aforesaid to sue and be sued, complain and defend in all Courts of Law and Equity, to have and use a common seal and alter the same at pleasure, to hold, purchase, and convey such real and personal estate as the purposes of the corporation shall require; and they shall also have such other corporate powers and privileges as are usual and necessary for the exercise of the powers herein given and granted to such companies.

Articles of association.

Body corporate.

Articles, where filed.

SEC. 2. *Be it further enacted*, That in order to entitle any such articles of association to be filed in the office of the Secretary of State as aforesaid, so much of the capital stock of said company as shall amount to, or be equivalent to, five hundred dollars for each estimated mile of the road to be constructed shall have been taken or subscribed for in good faith, and on affidavit of one or more of the directors shall be made and endorsed upon or annexed to the said articles of association, stating that the subscriptions thereto are the genuine signatures of the subscribers or their duly authorized agents.

Effect of.

SEC. 3. *Be it further enacted*, That a copy of the said articles of association, with a copy of the affidavit endorsed thereon, or annexed thereto, duly certified by the Secretary of State under his seal of office, shall in all Courts and places be presumptive evidence of the incorporation of such company and of the facts therein stated.

SEC. 4. *Be it further enacted*, That the directors named in such articles of association shall have power to receive further subscriptions to the capital stock of such company, until the whole amount thereof shall have been subscribed; and, in case they may deem it necessary, they may increase the capital stock of such company, by resolution of their board to be duly passed and recorded, (and a certified copy of which shall be filed in the office of the Secretary of State:) *Provided, however*, That in no case shall the capital stock of any Plank Road Company exceed an amount equal in the aggregate to four thousand dollars per mile, for each mile of the Plank Road of such Company. Capital stock.

SEC. 5. *Be it further enacted*, That after the filing of any such articles of association by a plank road company in the office of the Secretary of State, they may proceed to survey and lay out the route of such plank road, and shall cause a copy of the survey and plat of the route of said road, signed by the surveyor or engineer who laid out the same, and certified by the President or Secretary of the company, and also any modification or alteration of said route which may thereafter be made by the county commissioners, and assented to by the company, as hereinafter provided, to be filed in the county clerk's office of the county through which such road is laid; and if the road runs through or into more than one county, then such certified copy of the survey and plat of so much of said road as lies in each county through which the same passes, shall be filed in such county. Survey of route.

SEC. 6. *Be it further enacted*, That upon the survey of the said road being completed as aforesaid, or of so much of said road as lies in any one county, the said company shall make application to the board of county commissioners in such county to lay out such road, and for authority to construct the same, and to enter upon and take the real estate necessary therefor, as designated in the survey, and upon presenting a copy of such survey and plat to the Judge of Probate, or other presiding officer of said board, he shall fix a time and place of hearing such application, of which not less than two nor more five weeks notice shall be given, by publishing the same weekly in some newspaper printed in such county, or in an adjoining county; but if there are no newspapers published in the same or in an adjoining county, then by posting the same on the door of the court house of said county, and in three public places along or near to the line of said road, at which time and place designated for the hearing of said application, any citizen of said county or person owning land on the line of said proposed road, or otherwise interested therein, may appear and show cause, if any they have, against the said application; and a notice to the other commissioners to be present at said meeting on the hearing of such application, shall be given by the Judge of Probate or other presiding officer, and shall be served personally, or by leaving a copy at their respective places Application to Boards of Co. Commissioners

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of residence, at least five days before such meeting. The expenses of such special meeting of the board of county commissioners, as well as the expenses of giving the notices aforesaid, shall be paid by such company.

Grant of application.

SEC. 7. *Be it further enacted*, That at the time and place designated as aforesaid, the said board of county commissioners shall, if satisfied that notice has been given as provided for in the last section, proceed to hear such application, and if no just and reasonable cause is shown against the same, and if they are satisfied that the public interests will be promoted by the construction said road on the route proposed, they shall (if a majority of all the members elected to said board assent thereto,) by an order to be entered upon the minutes of the board, grant such application and authorize the said company to construct such plank road upon the route specified, or upon such other route, in whole or in part, as such company may consent to, and to take the real estate necessary to be used for that purpose; and they shall also, in said order declare and establish the same as a public highway for the purposes of a plank road, subject, however, to all the rights and privileges herein, or by any other law granted to such company, and to be kept up and maintained by such company and at their expense, during the continuance of the charter; a copy of which order, duly certified by the presiding officer of said board, shall be filed with the aforesaid plat and survey in the county clerk's office by the said company before they shall proceed to act under it.

Public highways.

SEC. 8. *Be it further enacted*, That in case the said proposed plank road, or any part thereof, is laid out over or upon the route of any public highway, or any road which is recognized as such by the county commissioners, then the said board of county commissioners may surrender and release the same to such plank road company, and allow to them the right to take and use the same for the purpose of constructing such plank road, either without compensasation, or upon such terms and conditions as may be agreed upon between the said company and the board of commissioners: but in case the said board of county commissioners exact compensation or damages from such company for the use of such public highway, and the parties cannot agree upon the amount to be paid, then such compensation or damages shall be ascertained and assessed by three disinterested freeholders from an adjoining county, to be appointed by the Circuit Judge of the circuit in which such county is situated, or agreed upon by the parties, and who shall fix a time and place within the county for a hearing of the matter, of which reasonable notice shall be given to both parties, and who shall be authorized to hear testimony and to swear witnesses, and shall also view the road to be surrendered, if necessary, or if either party shall desire it, and who shall, after a full hearing of the parties, make their award in writing, determining what sum, if any, shall be paid by such com-

To be taken by Plank R. Co.

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pany to the board of county commissioners for the public highway or road so taken or to be taken and used by the plank road company, of which award a copy shall be delivered to each party; and the amount so awarded by the said appraisers shall be paid by such company to the presiding officer of said board for the use of the county, before such company shall be authorized to exact or receive any tolls on such contemplated plank road; and the amount so received from any such company shall be expended under the direction of the county commissioners, in the repair of other roads in said county.

Prohibition.

SEC. 9. *Be it further enacted*, That no such plank road shall be laid out through any dwelling house or building connected therewith, or through any garden, yard, or ornamental grounds connected therewith and necessary for the use and enjoyment of such dwelling, without the consent of the owner, nor shall any such company bridge any navigable stream where the same is navigable for vessels or steam boats, without having a suitable draw to said bridge, or without having said bridge of a suitable height to permit the passage thereunder of all vessels or steam boats navigating said stream, nor in any manner that will prevent or endanger the passage of any raft of twenty-five feet in width.

Right to hold land, &c.

SEC. 10. *Be it further enacted*, That after the order of the county commissioners approving of any such plank road, and of the survey and route thereof, shall have been duly filed as provided for in the seventh section aforesaid, such company may enter upon, take and hold, subject to the provisions of this act, all such lands as the said survey and order of the county commissioners shall describe as being necessary for the construction of said road, and the necessary buildings and gates; but before entering upon such lands, in case the same are owned by individuals or corporations, the company shall purchase the same, or the right to use the same for their plank road, from the owners thereof, or obtain releases therefor, or acquire the right to enter upon and take and hold the same pursuant to the following provisions of this act.

Damage and compensation.

SEC. 11. *Be it further enacted*, That if the owner of such land shall, from any cause, be incapable of selling the same, or if such company cannot agree with him for the purchase thereof, or of the right to use the same for the purposes of such plank road, or if, after diligent enquiry, the name or residence of any such owner cannot be ascertained, then the compensation and damage to be paid to such owner or owners by such company, shall be ascertained and determined by three appraisers, to be appointed as hereinafter specified, who shall cause reasonable notice to be given to such owner or owners, as well as to the company, of the time and place of their meeting to appraise such damage, which shall be not less than one week nor more than five weeks from their appointment; which notice shall be personal, or by leaving a copy thereof at the dwell-

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ing house of the party to be served therewith, if such party resides within the county, but if they reside out of the county and within this State or an adjoining State, then such notice shall be given either personally or by a letter to be sent by mail and directed to the proper place of residence of such party, if known; but if the place of residence of any such party or owner is unknown, or if any such owner is unknown, or any infant or feme covert, then such notice shall be given by publishing the same in some newspaper in the county where such lands are situated, if any newspaper is published in such county, and if not, then in the newspaper published nearest to said county.

Appraisers,—duty of.

SEC. 12. *Be it further enacted*, That on the day set for such hearing, the said appraisers shall, if they are satisfied that all parties in interest have had reasonable notice according to the intent of the foregoing section, proceed to a hearing of the matters before them, and shall hear the proofs and allegations of the parties; and for that purpose they shall be authorized to examine witnesses and to administer oaths to such witnesses, and also to view that portion of such Plank Road which is laid upon the land in question, if they deem it necessary, or if either of the parties desire it; and having taken due deliberation thereon, they shall immediately, or within three days thereafter, make out in writing their award or appraisal, in which they shall specify and set forth the amount of compensation or damage to be paid by the said company to such owner or owners, which award shall be delivered to the parties, and a copy thereof filed in the county clerk's office.

Award of, to whom payable

SEC. 13. *Be it further enacted*, That the appraisal or award of such appraisers having been filed, the company shall then pay the amount specified therein to such owner or owners, or their legally authorized agents, if they are known and are capable of receiving of the same and reside within this State; but if they are unknown, or infants, or feme coverts, or otherwise incapable of receiving of the same, and giving an acquittance therefor; or if they reside out of the State and have no agent within the State, then such company shall deposite the amount of such award with the county clerk of the county, to be paid over by him to the persons rightfully entitled thereto, upon the order of the Circuit Judge of said Circuit, which order may be made on a summary application and satisfactory proof made to him; and upon such payment or deposite being made by such company, they shall thereupon be fully authorized and empowered to enter upon, take, hold, and use the land or real estate in question, for the purposes of such Plank Road.

Selection of appraisers.

SEC. 14. *Be it further enacted*, That the appraisers mentioned in the aforesaid twelfth section, shall be selected or appointed as follows, viz: If the said company and the owner or owners of the land are willing and able to agree, they may themselves appoint them by writing, to be signed by such owner or owners, or their

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duly authorized agents, and by the proper officer or agent of said company; but if such owner or owners are unknown, or from any cause unable or unwilling to enter into any such agreement, or cannot agree with the said company, then such appraisers shall be appointed by the Circuit Judge of the Circuit within which such lands are situated, provided he shall be within the Circuit, and is disinterested; but if such Circuit Judge is absent from the Circuit, or interested in such road or in the lands in question, or of kin to the owners, then such appointment shall be made by the Judge of Probate of the County, provided he is disinterested; but if the office of Judge of Probate is vacant, or if such Judge of Probate is interested in the said road, or in the lands in question, or is of kin to the owners, then such appointment shall be made by the Board of County Commissioners, or by such members or member thereof as have no interest in the said road or lands, and are not of kin to the parties; and such appraisers shall, in all cases, be free-holders of the county, who are not interested in the land in question, or in such Plank Road, or of kin to the parties, but who are wholly disinterested; and they shall have power to adjourn the hearing of the matter before them, from time to time, for reasonable cause to be shown to them, and to cause notice to be given anew to any of the parties in interest, whom they may think have not been sufficiently notified: *Provided*, That such adjournments in all shall not extend beyond twenty days from the time first set for such hearing; and they shall be entitled to two dollars per day, each, for the time actually spent or occupied by them in any such appraisement: *Provided, however*, That the time taxed shall, in no case, exceed five days; which compensation, as well as the cost and expense of giving the notices aforesaid, shall be paid by such company; and before entering upon the duties of their office, they shall be sworn before a Judge or Justice of the Peace, faithfully and impartially to execute the duties of the trust reposed in them.

Who cannot be appraisers.

Compensation.

SEC. 15. *Be it further enacted*, That every Plank Road made by virtue of this act, shall be laid out not less than three nor more than four rods wide, as the directors may determine, and shall be so graded that the ascent shall not, in any place, be more than one foot in *twenty*, and shall be so constructed as to make, secure, and maintain a smooth and permanent road, the *track* of which shall be made of timber, plank, or other hard material, at least eight feet wide, so that the same shall form a hard, even surface, and be so constructed as to permit wagons and other vehicles conveniently and easily to pass each other, and also to permit all wagons to pass on and off when such road is intersected by other roads.

Width of road, &c.

SEC. 16. *Be it further enacted*, That in each County in this State in which there shall be any Plank Road constructed by virtue of this act, the persons composing the Board of County Commissioners of such County, shall be *ex officio* inspectors of Plank Roads, pro-

Inspectors of —who.

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vided they are not interested in any such Plank Road in said County; but if any one or more of the members of such Board are stockholders, or otherwise interested in such Plank Road, then the remaining members or member of said Board shall appoint disinterested freeholders of said County in the places of such members of said Board, so that in the whole, there shall be five disinterested inspectors of Plank Roads in such County, which appointments shall be in writing, and filed in the county clerk's office, and the persons thus appointed, if any, shall take the usual oath of office.

Duty.

SEC. 17. *Be it further enacted*, That whenever any such Plank Road Company shall have completed any such Plank Road or any five consecutive miles thereof, they may apply to any two of the aforesaid inspectors to inspect the same; and if such inspectors are satisfied that the Road so inspected is made and completed according to the true intent and meaning of this act, they shall grant a certificate to that effect, which shall be filed in the office of the county clerk.

Toll gates

SEC. 18. *Be it further enacted*, That upon filing such certificate as mentioned in the last section, the company owning such Plank Road, which may have been so inspected and approved, may erect one or more toll gates upon their Road, but not within three miles of each other, and may demand and receive toll at and after the following rates, to wit: For every waggon, cart, or other vehicle drawn by one animal, one cent per mile; for every waggon, cart, or other vehicle drawn by two animals, two cents per mile; and for every waggon or other vehicle drawn by more than two animals, two cents per mile, and one half a cent per mile additional for each animal above two; for every score of neat cattle, one and a half cents a mile; and for every score of hogs or sheep, one cent per mile, and so in proportion for a greater or less number; and for every horse and rider, or led horse, one cent per mile; and the amount of toll to be taken at each gate may be proportioned to the above rates, and to the distance which such gate may be from the next gate thereto.

Location of

SEC. 19. *Be it further enacted*, That the board of inspectors of any county in which any toll gate is located, whenever they or a majority of them are of the opinion that the location of any such toll gate is unjust to the public interest by reason of its proximity to diverging roads, or for any other reason, may apply to the Circuit Court, at some regular term thereof to be holden in such county, for an order to change or alter such location, on a notice of at least four weeks, to be served on the proper officer or agent of said company; and the said Court, after hearing the parties and such proofs as they may offer which are pertinent to the matter, shall make such order as to the said company may be just and proper; and such order, unless appealed from, or the order of the Supreme Court upon the appeal, shall be observed by the respective

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parties, and its observance may be enforced by attachment. The said Circuit and Supreme Court may make such order in respect to the payment of the costs of any such application as to them may seem just and equitable.

SEC. 20. *Be it further enacted*, That in case the tolls herein allowed are not sufficient to pay all the reasonable and just outlays for repairs, superintendence, and other proper expenses of any such plank road, and a reasonable interest upon the capital invested, the same may be increased, by an order to be made in writing and signed by a majority of the inspectors of plank roads for the county wherein the same is situated, which order shall be made, if in the opinion of the said inspectors, it is just and reasonable, and not oppressive upon the public, at a meeting of their board, and after a fair hearing of the company and of any citizen or citizens of the county; of which meeting and of the time and place of such hearing, due notice shall be given in some newspaper of such county for at least four weeks successively, in case any newspaper is published in such county, and if not, then in the newspaper published in an adjoining county or nearest to such county; *Provided, however*, That no order shall be made by such inspectors increasing the rate of tolls to an amount more than double the amount herein above designated; and any such order to be made by them shall be filed in the county clerk's office: and the expenses of any such meeting of the inspectors and of such hearing as herein provided for, shall be paid by such plank road company. Tolls increas'd.

SEC. 21. *Be it further enacted*, That plank road inspectors shall be entitled to two dollars each per day, for each day actually spent in the performance of any duty of their office, which they may be called upon to perform, and also five cents per mile for travel necessarily and actually performed by them, in the discharge of such duty. Pay of inspectors.

SEC. 22. *Be it further enacted*, That it shall be the duty of each inspector to whom a complaint is made, in writing, that a plank road or any part thereof in his county is out of repair, without delay to go and view the same, and if he shall find such complaint to be true, he shall give notice in writing of such defect to the toll-gatherer, or person attending the gate nearest to each place which is out of repair, in which notice he shall particularly describe such place out of repair as nearly as possible, and if the same is not repaired within three days from the time of giving such notice, then the said inspector may, in his discretion, by order in writing direct such gate to be thrown open, which order shall be complied with by the gate-keeper, and such gate shall not be shut or any toll collected thereat, until one of the inspectors of the county, shall have granted a certificate that the road is in sufficient repair, and that such gate ought to be closed, and if any gate-keeper shall exact toll, at any such gate, or prevent any person from passing thereat, until such certificate as Repairs.

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last mentioned is granted, he shall be liable to a penalty of ten dollars to be sued for and recovered by the party aggrieved or by any one of the inspectors for the use of the county.

Complaints as to condition of road.

SEC. 23. *Be it further enacted*, That in case any complaint that a plank road is out of repair, shall, upon examination by the inspector, be found to be well founded, the legal fees and charges of such inspector, in attending to such complaint, shall be paid by the company owning such road, but in case the complaint is not well founded, then the person making such complaint shall be liable to pay such fees and charges of the inspector, and the inspector may, in his discretion, require of the person making such complaint the payment or deposit of such fees and charges in advance, or security therefor, before he proceeds to notice the same, and any inspector when travelling upon any such road, in the performance of any duty assigned by this act, shall not be required to pay any toll thereon.

Office of Co.

SEC. 24. *Be it further enacted*, That within two weeks after the formation of any such company, the directors thereof shall designate some place within a county in which their plank road, or some part thereof is to be constructed, as the office of such company, and shall give public notice thereof by publishing the same for four weeks successively, in some newspaper or newspapers nearest to such office, and a copy of such notice shall be filed in the county clerk's office of each county in which said road is situated, and if the location of such office is changed, the like notice shall be given and filed of such change before the same shall be made, and in which the time shall be specified when such change shall take place; and every notice, summons, process, or other paper required by law to be served upon such company, may be served by leaving the same at such office with the person having charge thereof, at any time between nine o'clock in the morning and six o'clock in the afternoon, of any day except Sunday, Christmas, first day of January, and fourth of July.

Board of Directors.

SEC. 25. *Be it further enacted*, That the business and property of such company shall be managed by a board of directors, consisting of not less than five nor more than nine of the stockholders thereof, who, after the first year, shall be elected at such time and place as shall be directed by the by-laws of the company, and public notice shall be given of the time and place of holding such elections, of at least fourteen days, in some newspaper printed nearest to the office of such company, and the election shall be made by such stockholders as may be present in person, or by proxy in writing, each share of stock being entitled to one vote. The election shall be by ballot, and the directors, for the time being, shall be inspectors of the election, and the persons having the greater number of votes shall be declared to be elected. The directors thus elected, shall hold their offices for one year, and until others are duly elected in

Election of.

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their places, and they may elect one of their number to be President of such company.

Other officers.

SEC. 26. *Be it further enacted*, That the directors of any such company shall have power to appoint and employ all such subordinate officers, agents, artists, workmen, or servants as they may deem necessary in the management of the business and offices of such company, and also to make all needful by-laws, rules and regulations (not inconsistent with or repugnant to any existing law,) for the mangement of the business and property of such company, and for the transfer of its stock and regulation of its affairs. And such directors shall also be authorized to require the payment of the sums subscribed to the capital stock of such company, at such times, and in such proportions and on such conditions as they shall see fit, under penalty of the forfeiture of the stock and all previous payments, and they shall give such reasonable notice of the payments thus required, and in such manner as shall be provided for in their by-laws, and they shall keep a record of their proceedings, in which shall be entered all resolutions, by-laws, regulations, or other acts and proceedings of their board.

Report—to whom made.

SEC. 27. *Be it further enacted*, That it shall be the duty of the directors of every Plank Road Company formed by virtue of this act, to make or cause to be made annually, on the first Monday of October in every year, a report to the Secretary of State, in which they shall state the cost of their road, or the amount of all money then expended in the construction of the same, the amount of their capital stock, and how much paid in; the number of miles of their Plank Road completed and in use, the whole amount of tolls received by them during the then past year, and amount of their receipts from any other source; the whole amount expended during the then past year for repairs, superintendence, and other incidental disbursements and expenses of such company; the amount of dividends made, and the amount set apart for a reparation fund, and the amount of the indebtedness of such company, which report shall be signed by the President, Secretary, or some other duly authorized officer or agent of said company, and verified by an affidavit endorsed thereon, or annexed thereto, to be made by such officer or agent.

Contents of.

Tax.

SEC. 28. *Be it further enacted*, That no tax shall be imposed upon the stock or property of any Plank Road Company, excepting by special act of the Legislature, after sixty days notice of intention to pass such act has been given to the company to tax which such act is to be passed.

Forfeiture of rights.

SEC. 29. *Be it further enacted*, That every company incorporated under this act, shall cease to be a body corporate if, within two years from the filing of their articles of association, they shall not have commenced the construction of their road, and actually expended in the construction thereof at least ten per cent. of the capital

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stock, or if within four years from the filing of such articles of association, such road shall not be completed according to the provisions of this act.

Exemptions from tolls.

SEC. 30. *Be it further enacted*, That the following persons and no others shall be exempt from the payment of tolls on any Plank Road, viz:

1st. Persons going to and from any funeral and all funeral processions;

2d. Persons going to and from any religious meeting on Sunday;

3d. Any commissioner, inspector, or other officer or agent named in this act, who shall be travelling on such road in the discharge or performance of any duty imposed or required by this act;

4th. Persons going to or from their ordinary work on their plantations or farms, when the same are situated within two miles of any gate.

Non-payment of toll.

SEC. 31. *Be it further enacted*, That every person not exempted as aforesaid, who shall pass any Plank Road gate, without paying the toll, and with the intent of avoiding the payment of the same, or shall forcibly or fraudulently pass the same, and every person who, to avoid the payment of toll, shall with his team, carriage or horse, turn out of a Plank Road, and pass a gate thereon on ground adjacent thereto, and again enter on such road, shall, for each offence, forfeit to the company injured the sum of ten dollars, to be recovered in action of debt before any Justice of the Peace: and every person who shall wilfully break, cut down, or injure any mile post, guide post, or guide board on any Plank Road, or wilfully throw down, or break any gate on any such road, or dig up or wilfully damage, spoil, injure, or destroy any part of any such road, or of the ditches thereof, or of the plank or timber thereon, or any thing thereto belonging, shall for each offence forfeit a penalty of twenty-five dollars to the company injured, to be sued for and recovered in an action of debt before any justice having cognizance; and, moreover, any such offender shall be liable in a civil or criminal prosecution, or both, for all damages or injuries which may directly result from any such acts as aforesaid.

Injury to road, &c.

Toll gatherer.

SEC. 32. *Be it further enacted*, That every toll-gatherer on any such Plank Road, or his agent or servant, may detain and prevent from passing through the gate kept by him, the persons riding, leading or driving animals, or carriages, waggons, or other vehicles liable to pay toll, until they shall have paid respectively the tolls authorized by law; but if any toll-gatherer at any gate, or his agent or servant, shall unreasonably hinder or delay any traveller or passenger liable to the payment of toll, or demand and receive from any person more toll than by law he is authorized to collect at such gate, such toll-gatherer shall, for every such offence, forfeit to the party injured, five dollars, which may be sued for and collected by

Powers of.

action of debt, before any Justice of the Peace having jurisdiction of the same.

SEC. 33. *Be it further enacted* That such company or corporation created by this act, shall cause to be erected and maintained a mile stone or post on each mile of their road, on which shall be fairly or legibly marked or inscribed the distance of such stone or post from the place of the commencement of the road, or from some town or village to or from which the same leads; and they shall also cause to be erected and maintained at the intersection of every public road leading into or from such plank road, suitable and proper guide posts and boards, on which shall be legibly inscribed the name of the place to which such intersecting road leads. Mile posts.

SEC. 34. *Be it further enacted*, That no company or corporation formed under this act shall be authorized to engage in the business of banking, or insurance, or exchange, or in the business of discount or deposit; nor in any other transaction or business, except the business or making and maintaining plank roads, and such transactions and business as are incident thereto, and necessary, for the safety and preservation of their property and protection of their interests, and within the scope of the powers and privileges hereinbefore granted. Banking, &c. prohibited.

SEC. 35. *Be it further enacted*, That in case the tolls and income which any such company be enabled to collect and receive from any such plank road, shall be insufficient to defray the expenses of keeping such road in repair and maintaining the same, such company may apply by petition to the Circuit Court of the county in which such road is situated for leave to surrender the same to the county, a copy of which petition shall be served on the presiding officer of the board of county commissioners twenty days before the term of the Court at which it is to be presented, and the said Court shall hear the said application and the objections, if any, that may be made thereto; and if such Court shall be satisfied that the income of such company from tolls and otherwise is insufficient to defray the expenses of managing and maintaining such road and keeping the same in repair, and that such road was originally built and constructed according to the provisions of this act, the Court shall make an order authorizing such company to surrender and deliver up said road to the county in which the same is situated, and authorizing and directing the county commissioners to take charge of the same, as of other roads in said county; and such county commissioners, shall upon such surrender being made in writing and duly executed by the company, be vested for the use of the county, with all the rights, powers, and privileges in respect to such road theretofore possessed by the said company, and shall for the use of the county, be authorized to manage and control such road, and to receive the tolls allowed by law for the benefit and use of such county; and the county shall thereafter be bound to keep in repair and maintain such road; and such company Surrender of road.

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or corporation shall thereafter be exonerated and released from all obligation or liability to keep up or maintain such road.

Visitation of corporation, &c.

SEC. 36. *Be it further enacted*, That all companies or corporations formed under this act shall at all times be subject to visitation and examination by the Legislature, or by any committee appointed by either house thereof, or by any agent or officer, pursuant to law; and the Legislature may, at any time alter, modify or repeal this act, or for good cause, annul or repeal any corporation formed under this law.

Refusal to repair.

SEC. 37. *Be it further enacted*, That if any plank road company shall wilfully neglect or refuse to repair the road owned by them, or any part thereof which may be out of repair, after notice duly given to their toll-gatherer of the necessity of such repairs, as provided for in section 22 of this act, and shall wilfully or negligently allow such road to remain unrepaired for the space of forty days after such notice, provided such repairs can reasonably be made within that time, then, and in that case, the directors of such company for the time being, shall be personally liable to a penalty of one hundred dollars each, to be sued for and recovered by the board of county commissioners for the use of the county, in any court of competent jurisdiction; and they shall also be liable for the actual damages sustained by any individual in consequence of the non-repair of such road, after the period aforesaid, provided such repairs could have reasonably been made within the said forty days.

[Passed the Senate, January 17, 1851. Passed the House of Representatives January 22, 1851. Approved by the Governor, January 24, 1851.]

CHAPTER 322.—[No. 11.]

AN ACT to Incorporate the Escambia Plank Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That Benjamin D. Wright, Joseph Sierra, John Brosnaham, Francis Commyns, John Campbell, Alexander McVoy, Owen M. Avery and Walker Anderson be and they are hereby appointed commissioners —any three of whom shall have authority to open books to receive subscriptions for the capital stock of said Company, at such times and places as they may deem expedient, after giving at lest ten days notice in some newspaper published in the city of Pensacola; at which times and places two at least of said Commissioners shall attend, and permit all persons who may desire to subscribe for stock in sums of twenty five dollars for each share.

Capital.

Directors.

SEC. 2. *Be it further enacted*, That whenever $70,000 shall have been subscribed, the said Commissioners, or any five of them, shall give ten days' notice, as prescribed in the first section, of the time of convening of the stockholders in the city of Pensacola, at which time

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and place the subscribers may elect by ballot seven directors, one of whom shall be by the said directors chosen President—and upon the taking place of the said election the said subscribers shall be and are hereby declared to be a body politic and corporate, in deed and in law, by the name and style of the Escambia Plank Road Company, and by that name they, their successors and assigns shall have all the powers, privileges and franchises incident to a corporation, and shall be capable of holding the capital stock and the increase thereof, and of enlarging the same by new subscriptions to an amount not exceeding one hundred and twenty thousand dollars, and of purchasing, taking and holding to them, their successors and assigns, and of selling, leasing and conveying any or all lands, tenements and hereditaments, and any estate or interest in any property whether real or personal. The said corporation may sue and be sued, contract and be contracted with, pass such by-laws as it may deem necessary to its proper management, have and use a seal, and do all other acts which a body politic may do. At all elections, each share-holder shall be entitled to one vote for each share owned by him or her, but no one shall vote who has not paid all that has been required on his or her stock. After the first election, the said corporation may create any additional number of directors.

Name & style of Co.

SEC. 3. *Be it further enacted*, That the plank road to be constructed by said company, shall commence at the city of Pensacola, and extend to the boundary line between the States of Florida and Alabama, and the said corporation may also construct such lateral roads connecting therewith as they may deem expedient.

Length of road

SEC. 4. *Be it further enacted*, That the said Escambia Plank Road Company shall be invested with all the rights and powers necessary for the proper construction and keeping up of the said road and branches. When the road is to be run over the land of any one owning or controlling the same, or it is desired to use the materials therefrom, such owner or controller of such land or material, whether as executor, administrator, guardian, trustee, or in any other fiduciary capacity, may contract for the sale of said land or material or right of way over the land for the purpose aforesaid, with the President and directors of said Company, who are hereby authorized to take a conveyance for the same in the name of the corporation.

Sale of property to Co.

SEC. 5. *Be it further enacted*, That if the said President and Directors cannot agree with the owner or person controlling said land or material over which it is desired to run such Road, it is hereby made the duty of the Clerk of the Circuit Court of the County in which such land or material is situated, upon application being made to him by said President and Directors, to issue a writ of *ad quod damnum*, directed to the Sheriff, commanding him forthwith to summon a jury of five resident freeholders of the County to assess the damage to ensue from the establishment of said Road, or use of ma-

Ad quod damnum.

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terial; and such jury, before examining the premises, shall take an oath, to be administered by the officer authorized to administer oaths, that they willl enquire into, and to the best of their judgments assess the damage accruing to the owner of such land or material, in the same manner that damages are assessed for other Roads, and shall award the damages accordingly; and said jury shall to the best of their ability, describe the estate so assessed, all of which the Sheriff shall return to said Clerk, with his proper endorsement thereon. The same costs shall be allowed the jury, Sheriff, and Clerks, as are usual in *ad quod damnum* cases, as provided by law; and when payment of an equivalent for damage has been previously tendered by said President and Directors, to the owner or person controlling such lands and material, if the damage assessed by the jury as aforesaid does not exceed the amount so tendered, said owner or person controlling said lands or materials, shall pay the cost of said writ and proceedings thereon, and the jury shall so enquire and return their verdict and award. Upon the return of said award and verdict, it shall be the duty of the judge of the Circuit Court of said County, at the next term after said return, to enter a judgment upon the minutes of said Court, corresponding to such verdict and award, which judgment shall have the same lien, and execution may issue thereon in the same manner as other judgments legally rendered in said Courts, which verdict and judgment shall vest in said corporation all the rights and privileges which may be necessary for the construction and maintaining of said Plank Road, without let or hindrance: *Provided*, no part of this Act shall authorize the taking or using any property by said corporation, unless the same be previously paid for, or adequate security given for the payment thereof.

Award, &c.

Officers—election of.

SEC. 6. *Be it further enacted*, That the stockholders may regulate the time, place, and mode for electing Directors, creating officers, prescribing their duty and compensation, and for fully organizing the Board of Directors; the President and Directors may prescribe the amount of each instalment to be paid on the stock subscribed, and may direct the time and place of payment. If any stockholder shall fail to pay the instalment, as required on his, her, or their stock, the President and Directors may, upon giving thirty days' notice, declare the stock held by such defaulting stockholder forfeited to said corporation; and, upon such declaration being entered on the records of the corporation, at a meeting of a majority of the Board of Directors, the said stock shall inure to, and become the property of said corporation.

Bridges, tolls, &c.

SEC. 7. *Be it further enacted*, That the said President and Directors shall have authority to erect bridges over all streams of water, where they desire to construct said Plank Road or branches, provided the navigation of said water-course is not thereby obstructed; may charge reasonable toll for persons passing thereon, for themselves or their property; and said President and Directors may with

the said Plank Road cross other public roads or highways, but not obstruct the use of the same except by leave of the Board of Commissioners of the county, where such road passes, and the said Commissioners are hereby empowered and authorized to grant such leave and make and enter an order for the same on their minutes. And the said President and Directors shall have power to receive from the municipal authorities of any incorporated city or town, in and through which said Plank Road may be run, the use of any street or streets, any lot or lots, or any other portion of said cities or towns, deemed necessary for the proper location of said road or any of its branches. And said municipal authorities are hereby empowered to grant the same with such other privileges as said President and Directors may require.

SEC. 8. *Be it further enacted*, That after three miles or more of said Plank Road shall have been completed, it may be lawful for said President and Directors to agree upon and fix the rate of toll, to be collected and received of any person or persons who may travel on or use said road, or for the passage thereon of any carriage or other vehicle, or for the transportation of passengers, and the United States mail, or for the use thereof for the driving of any cattle or stock of any description: *Provided*, No toll shall be demanded from any person at the gate nearest his or her residence, for passing from any one part of his or her plantation or farm to any other part of the same, or from any person going to or from funerals, or their usual place of religious worship, or militia musters, when the person is liable to military duty, or elections when the person is authorized to vote, or any person travelling on foot. Rates of toll.

SEC. 9. *Be it further enacted*, That the President and Directors may cause to be erected upon said Plank Road suitable gates for the detention of passengers passing thereon, until the toll required has been paid, and may cause to be erected such dwellings and establishments for toll-gatherers as may be required. Gates.

SEC. 10. *Be it further enacted*, That every person who, to avoid the payment of toll, shall turn off from said road, or pass any gate thereon, on ground adjacent thereto, and again go on said road, to continue his or her route thereon, shall for each offence forfeit the sum of five dollars to said Plank Road Company; or any person who shall wilfully break or throw down any gate, or injure the same on said road, dig up, injure, or deface said road, or any thing thereto pertaining, or forcibly or fraudulently pass any gate without having paid the toll required, for each offence shall forfeit to the said company the sum of twenty dollars, and be subject also to a suit for the damages resulting from such wrongful act; and any person so offending as provided in this act, shall be liable to suit for such forfeiture or damage before any Court of this State having jurisdiction of the amount sued for, without regard to the residence of the offender. Injury to road, &c.

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SEC. 11. *Be it further enacted*, That the stock or shares held or owned by any person or persons in said Escambia Plank Road Company, or any branches thereof, shall be deemed and considered as personal property; and in case of the death of any shareholder, his or her interest may be sold by his or her personal representative in the same manner as the personal estate of deceased persons may be sold by the laws of this State.

Stock — How regarded.

Tax.

SEC. 12. *Be it further enacted*, That it shall be lawful for the General Assembly of this State, (if they think proper,) to tax the property owned by said Escambia Plank Road Company and branches, and that said tax shall be assessed and levied only in the same manner, and to the same extent, as similar property owned by private citizens, and no more.

[Passed the House of Representatives, December 4, 1850. Passed the Senate, December 9, 1850. Approved by the Governor, December 18, 1850.]

CHAPTER 323.—[No. 12.]

AN ACT to Incorporate the Pensacola and Navy Yard Plank Road Company.

SECTION 1. *Be enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That Robert C. Caldwell, William B. Davis and Gordon M. Newton be, and they are hereby appointed Commissioners, any two of whom shall have authority to open books to receive subscriptions for the capital stock of the said Company, at such times and places as they may deem expedient, after giving eight days notice at each of the places, Pensacola and the Navy Yard, when and where they, or any two of them, shall attend and receive subscriptions for said stock in sums of fifty dollars for each share.

Books opened.

SEC. 2. *Be it further enacted*, That whenever five thousand dollars shall have been subscribed, the said commissioners, or any two of them, shall give notice, as in the first section, of a meeting of the stockholders in the city of Pensacola, when and where they shall proceed to elect and establish a directory for said Company, on the election and establishment of which directory, the subscribers for said stock shall be, and are hereby declared to be a body politic and corporate, in deed and in law, by the name and style of the Pensacola and Navy Yard Plank Road Company, and by that name they, their successors and assigns, shall have all the powers, privileges and franchises incident to a corporation, and shall be capable of holding the capital stock and the increase thereof, and of enlarging the same by new subscription to an amount not exceeding one hundred thousand dollars, and of purchasing, taking and holding to them, their successors and assigns, and of selling, leasing and conveying any or all lands, tenements and hereditaments and any estate or interest in any property, whether real or personal. The said cor-

Directors.

Election of.

Name & style of Co.

Powers of.

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poration may sue and be sued, contract and be contracted with, and do all other acts which a body politic and corporate may do; at all elections each shareholder shall be entitled to one vote for each share owned by him, her or them, but no one shall vote who has not paid all that has been required on his, her or their stock.

Plank Road.

SEC. 3. *Be it further enacted*, That the said company shall have the right to construct a Plank or other artificial road, from the city of Pensacola to any point on the Perdido River, connecting with the United States Navy Yard and Fort Barrancas, and also such lateral roads connecting therewith as they may deem expedient.

Sale of land & materials to.

SEC. 4. *Be it further enacted*, That the said company shall be, and they are hereby invested with all the right and powers necessary for the proper construction and keeping up of the said Road and Branches; when the road is to be run over the land of any one owning or controlling the same, or it is desired to use the materials therefrom, such owner or controller of such land or material, whether as Executor, Administrator, Guardian, Trustee, or in any other fiduciary capacity, may contract for the sale of said land or material, or right of way over the land for the purporse aforesaid, with the directory of said company, who are hereby authorized to take a conveyance for the same in the name of the corporation.

Writ of ad quod dammum.

SEC. 5. *Be it further enacted*, That if the said directory cannot agree with the owner or person controlling said land or material, over which it is desired to run said road, it is hereby made the duty of the Clerk of the Circuit Court of the county in which such land or material is situated, upon application being made to him by said directory, to issue a writ of *ad quod damnum*, directed to the Sheriff, commanding him forthwith to summon a jury of five resident freeholders of the county to assess the damage to ensue from the establishment of said road, or use of material, and such jury, before examining the premises, shall take an oath, to be administered by the officer authorized to administer oaths, that they will enquire into and assess the damage to the best of their judgments, accruing to the owner of such land or material, in the same manner that damages are assessed for other roads, and award the damages accordingly; and said jury shall, to the best of their ability, describe the estate so assessed, all of which the Sheriff shall return to said Clerk, with his proper endorsement thereon; the same costs shall be allowed the jury, Sheriff and Clerk as are usual in *ad quod damnum* cases, as provided by law, and when payment of an equivalent for damage has been previously tendered by said directory, to the owner or person controlling said lands or materials, if the damage assessed by the jury as aforesaid does not exceed the amount so tendered, said owner or person controlling said lands or materials shall pay the costs of said suit, and proceedings thereon, and the jury shall so enquire and return their verdict and award; upon the return of said award and verdict, it shall be the duty of the Judge of the Circuit

Damages.

Costs.

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Court of said county, at the next term after said return, to enter a judgment upon the minutes of said court corresponding to such verdict and award, which judgment shall have the same lien, and executions may issue thereon, in the same manner as other judgments legally rendered in said courts, which verdict and judgment shall vest in said corporation all the rights and privileges which may be necessary for the construction and maintaining of said road and branches without let or hindrance: *Provided,* no part of this act shall authorize the taking or using any property by said corporation unless the same be previously paid for, or adequate security given for the payment thereof.

Judgment.

Verdict and award of.

Certain property.

SEC. 6. *Be it further enacted,* That if the said Company cannot agree with the owner of the bridge over Bayou Chico or Little Bayou, or with the owners of the bridge or bridges over the Bayou known as Big Bayou, with regard to the terms upon which said bridges may be used or purchased, then a jury shall be summoned in the manner provided in this act for *ad quod damnum* cases, whose duty it shall be to declare the real value of the bridge at the time the valuation is made, without regard to the income derived from said bridge, and return the same to the office of the Clerk of the Court of the County in which said bridge is situated, and upon the said Company tendering the amount of said valuation to the owner or owners of the bridge or bridges, or upon their refusing to receive the same, giving security for the amount satisfactory to the Clerk of the Circuit Court of the County, then said Company may construct other bridges, and not before: *Provided, however,* That the amount tendered by said Company must be accepted by the owner or owners of said bridge or bridges within ten days of the time in which said amount is tendered, or the Company will be released from all obligation to pay the same.

Valuation of, &c.

Proviso.

SEC. 7. *Be it further enacted,* That the stockholders may regulate the time, place and mode of electing and establishing a directotory, creating officers, and prescribing their duties and compensation, and for fully organizing the directory; the directory may prescribe the amount of each instalment to be paid on the stock subscribed, and may direct the time and place of payment: if any stockholder shall fail to pay the instalment as required on his, or her or their stock, the directory may, upon giving ten day's [notice] declare the stock held by such defaulting stockholder forfeited to said corporation, and upon such declaration being entered upon the records of the corporation, the said stock shall inure to and become the property of said corporation.

Instalments.

Bridges and Ferries.

SEC. 8. *Be it further enacted,* That said directory shall have authority to erect bridges, to establish ferries over all bayous and streams of water where they desire to construct said road or branches: *Provided,* The navigation of such water-course is not thereby obstructed, and such draws be made in said bridges as may

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be required by the Board of County Commissioners, and provided the Perdido river be also included; may charge reasonable toll for persons passing thereon for themselves or their property, and said directory may with said road cross other public roads or highways, but not obstruct or use the same except by leave of the County Commissioners of the County where such road passes, and said County Commissioners are hereby empowered and authorized to grant such leave, and make and enter an order of the same on their minutes, and the said directory shall have power to receive from the municipal authorities of the city of Pensacola the use of any street or streets, lot or lots, or any other portion of said city deemed necessary for the proper location of said road or branches, and said municipal authorities are hereby empowered to grant the same with such other privileges as said directory may require. Tolls. Streets, use of, &c.

SEC. 9. *Be it further enacted*, That after one and a half miles of said road or branches shall have been completed, it may be lawful for said directory to fix the rate of toll to be collected and received from any person or persons who may travel on or use the same. Said directory may also cause to be erected upon said road and branches suitable gates for the detention of persons passing thereon until the toll required has been paid, and may cause to be erected such dwellings and establishments for toll-gatherers as may be required. Rates of toll. Gates.

SEC. 10. *Be it further enacted*, That if any person who, to avoid the payment of toll, shall turn off from said road or branches, or from any gate thereon on ground adjacent thereto, and again go on said road to continue his or her route thereon, shall for each offence forfeit the sum of five dollars to said company, and any person who shall wilfully break or throw down any gate, or injure the same on said road, dig up, injure or deface said road, or anything thereto belonging or pertaining, or forcibly or fraudulently pass any gate without having paid the toll required, for each offence shall forfeit to said company the sum of twenty dollars, and be subject also to a suit for the damages resulting from such wrongful act, and any person so offending, as provided in this act, shall be liable to suit for such forfeiture or damage, and each of them before any court in this State having jurisdiction of the amount sued for, without regard to the residence of the offender. Payment of toll, &c. Damages recoverable.

SEC. 11. *Be it further enacted*, That the stock or shares held or owned by any person or persons in said company, shall be deemed and considered as personal property, and in case of the death of any shareholder, his or her interest therein may be sold by his or her personal representative in the same manner as the personal estate of deceased persons may be sold by the laws of this State. Shares deemed personal property.

SEC. 12. *Be it further enacted*, That the property owned by said company may be taxed by the State only in the same manner and to Tax.

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the same extent as similar property owned by private citizens, and no more.

[Passed the House of Representatives December 6, 1850. Passed the Senate December 10, 1850. Approved by the Governor December 24, 1850.]

CHAPTER 324.—[No. 13.]

AN ACT to Incorporate the Apalachicola and Middle Florida Plank Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That W. A. Kain, John C. Maclay, David G. Raney, Wm. H. Young, Robert H. Thomas, B. F. Nourse, Edward McCully, Anson Hancock, Henry F. Simmons, Thomas Ormon, Robert J. Floyd, John W. Babcock, Thomas L. Mitchell, Thomas H. Austin, Marshall P. Ellis, Samuel W. Spencer, James J. Griffin, A. T. Bennett, Benjamin Ellison, A. N. McKay, John G. Roan, Henry R. Taylor, A. G. Semmes, Chester G. Holmes, Wm. A. McKenzey, Evan Jones, N. J. DeBlois, Daniel J. Day and M. N. Scott, be and they are hereby appointed Commissioners, any five of whom shall have authority to open books for receiving subscription for the capital stock of said Company, at such times and places as they may deem expedient, after giving at least ten days' notice in some newspaper published or having circulation in the counties where the books of subscription are to be opened, at which times, and places, two or more of said Commissioners, shall attend, and permit all persons who may desire to subscribe for stock, in sums of one hundred dollars for each share; and every person who subscribes for stock, shall at the time of subscribing, pay to the attending Commissioners ten dollars on each share subscribed for.

Commissioners

SEC. 2. *Be it further enacted*, That whenever fifty thousand dollars shall have been subscribed, said Commissioners, or any five of them, shall give notice as provided in the first section of this Act, of the time and place by them appointed for convening the said subscribers, at which time and place the subscribers may proceed to elect by ballot seven Directors, one of whom may be by the Directors chosen President; and upon the happening of said election, said subscribers shall be, and are hereby declared to be a body politic and corporate, in deed and in law, by the name and style of the Apalachicola and Middle Florida Plank Road Company, and by that name they, their successors, and assigns, shall have power, and enjoy all privileges, and franchises, incident to a corporation, and shall be capable of taking and holding the capital stock and the increase thereof, and of enlarging the same by new subscriptions, in such manner and form as they may think proper, not to exceed three hundred thousand dollars, and of purchasing, taking, and holding to them, their, successors and assigns, and of selling, leasing,

Directors.

Style of Co.

General powers.

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and conveying in fee simple, or for any less estate, any and all such lands, tenements, and hereditaments, and estate or interest in anything whatsoever, real or personal, or of whatever kind or character it may be. Said corporation may sue and be sued, contract and be contracted with, pass all by-laws deemed necessary, for its proper management and control, have and use a seal, and do all other matters or things which a corporation or body politic may do. At all elections each shareholder shall be entitled to one vote for each share owned by him, her, or them, but no one shall vote who has not paid all that has been required on the stock owned or held by him, her or them. After the first election, said corporation may create any additional number of Directors. The President and Directors shall be authorized and required to prescribe the form of certificates for stock, and the mode and manner of issuing and transferring the same.

Termini of road.

SEC. 3. *Be it further enacted*, That said Plank Road shall commence at Apalachicola, or some other point in Franklin county that may be agreed on by said Company, and be constructed and laid to Tallahassee, and such other eligible points or places as may be selected in Florida.

Connections with.

SEC. 4. *Be it further enacted*, That any individual or association may establish branch Plank Roads running into and connecting with said Apalachicola and Middle Florida Plank Road, which branches may be governed by the respective stockholders thereof; and said stockholders for building branches to said Apalachicola and Middle Florida Plank Road, may become and are hereby incorporated under the provisions of this act.

Land of individuals.

SEC. 5. *Be it further enacted*, That said Apalachicola and Middle Florida Plank Road Company shall be invested with all the rights and powers necessary or required for the proper construction, continuation and keeping up said Apalachicola and Middle Florida Plank Road and appendages on the line of said road. When the road is to be run over the land of any one owning or controlling the same, or it is desired to use the materials therefrom, such owner or controller of such land or material, whether as executor, administrator, guardian, trustee or commissioner, or in any other fiduciary capacity, may contract for the sale of such land or material, or right of way over the land for the purpose aforesaid, with the President and Directors of said Company, who are hereby authorized to take a conveyance for the same in the name of the corporation.

Writ of ad damnum.

SEC. 6. *Be it further enacted* That if the said President and Directors cannot agree with the owner or persons controlling said land or material over which it is desired to run such road, it is hereby made the duty of the Clerk of the Circuit Court of the county in which such land or material is situated, upon application being made to him by said President and Directors, to issue a writ of *ad quod damnum*, directed to the Sheriff, commanding him forthwith to

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summon a jury of five resident freeholders of the county to assess the damage to ensue from the establishment of said road, or use of material; and such jury, before examining the premises, shall take an oath, to be administered by the officer authorized to administer oaths, that they will enquire into and to the best of their judgments assess the damage accruing to the owner of such land or material, in the same manner that damages are assessed for other roads, and shall award the damages accordingly; and said jury shall, to the best of their ability, describe the estate so assessed, all of which the Sheriff shall return to said Clerk, with his proper endorsement thereon. The same costs shall be allowed to the jury, Sheriffs and Clerks as are usual in *ad quod damnum* cases, as provided by law; and when payment of an equivalent for damage has been previously tendered by said President and Directors to the owner or person controlling such lands and material, if the damage assessed by the jury as aforesaid, does not exceed the amount so tendered, said owner or person controlling said lands or materials, shall pay the cost of said writ and proceedings thereon, and the jury shall so enquire and return their verdict and award. Upon the return of said award and verdict it shall be the duty of the Judge of the Circuit Court of said County, at the next term after said return, to enter a judgment upon the minutes of said Court corresponding to such verdict and award, which judgment shall have the same lien, and execution may issue thereon in the same manner as other judgments legally rendered in said Courts, which verdict and judgment shall vest in said corporation all the rights and privileges which may be necessary for the construction and maintaining of said Plank Road, without let or hindrance: *Provided*, no part of this act shall authorize the taking or using any property by said corporation, unless the same be previously paid for, or adequate security given for the payment thereof.

Assessment of damages.

Jury, verdict, &c.

Instalments.

SEC. 7. *Be it further enacted*, That the stockholders may regulate the time, place, and mode for electing directors, creating officers, prescribing their duty and compensation, and for fully organizing the Board of Directors: the President and Directors may prescribe the amount of each instalment to be paid on the stock subscribed, and may direct the time and place of payment: if any stockholder shall fail to pay the instalment as required on his, her, or their stock, the President and Directors may, upon giving thirty days notice, declare the stock held by such defaulting stockholder forfeited to said corporation; and, upon such declaration being entered on the records of the corporation, at a meeting of a majority of the Board of Directors, the said stock shall inure to and become the property of said corporation.

SEC. 8. *Be it further enacted*, That said President and Directors shall have authority to erect bridges over all streams of water where they desire to construct said Plank Road or branches, provided the

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navigation of such water course is not thereby obstructed; may charge reasonable toll for persons passing thereon for themselves or their property, and said President and Directors may, with said Plank Road, cross other public roads and highways, but not obstruct or use the same, except by leave of the Courts of Roads and Revenue of the County where such road passes, and all such Courts are hereby empowered and authorized to grant such leave, and make and enter an order of the same on the minutes of said Court; and the said President and Directors shall have power to receive from the municipal authorities of any incorporated city or town in or through which said Plank Road may be run, the use of any street or streets, any lot or lots, or any other portion of said cities or towns deemed necessary for the proper location of any road or branches of said Plank Road; and said municipal authorities are hereby empowered to grant the same, with such other privileges as said President and Directors may require.

Bridges.

Tolls.

SEC. 9. *Be it further enacted*, That after three miles or more of said Plank Road shall have been completed, it may be lawful for said President and Directors to agree upon and fix the rate of toll to be collected and received of any person or persons who may travel on or use said road: *Provided*, No toll shall be demanded from any person at the gate nearest his or her residence, for passing from any one part of his or her farm or plantation to another part of the same, or from any person going to or from funerals, or regular places of religious worship, or militia musters, when the person is required to do military duty, or elections, when the person is authorized to vote, or any person travelling on foot, or any person going to or from a grist mill frequented by him for grinding grain for family use, or to or from a blacksmith's shop, where he usually resorts for work to be done, or any person going for a physician, or returning therefrom, or any one residing within one mile of the gate at which toll is demanded.

Rates of toll.

Proviso.

SEC. 10. *Be it further enacted*, That the President and Directors may cause to be erected upon said Plank Road suitable gates for the detention of persons passing thereon, until the toll required has been paid: may cause to be erected such dwellings and establishments for toll gatherers as may be required.

Gates.

SEC. 11. *Be it further enacted*, That if any person who, to avoid the payment of toll, shall turn off from said road, or pass any gate thereon, on ground adjacent thereto, and again go on said road, to continue his or her route thereon, shall for each offence, forfeit the sum of five dollars to said Plank Road Company; and any person who shall wilfully break or throw down any gate, or injure the same, on said road, dig up, injure or deface said road, or any thing thereto pertaining, or forcibly or fraudulently pass any gate, without having paid the toll required, for each offence shall forfeit to said Apalachicola and Middle Florida Plank Road Company, the sum of twenty

Avoiding toll.

Injury to road, &c.

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dollars, and be subject also to a suit for the damages resulting from such wrongful act; and any person so offending, as provided in this act, shall be liable to suit for such forfeiture or damage, and each of them, before any Court in this State, having jurisdiction of the amount sued for, without regard to the residence of the offender.

Shares — personal property.

SEC. 12. *Be it further enacted*, That the stock or shares held or owned by any person or persons, in said Apalachicola and Middle Florida Plank Road Company, or any branches thereof, shall be deemed and considered as personal property; and, in case of the death of any shareholder, his or her interest may be sold by his or her personal representative, in the same manner as the personal estate of deceased persons may be sold by the laws of this State.

Tax.

SEC. 13. *Be it further enacted*, That the property owned by said Apalachicola and Middle Florida Plank Road Company, and branches, may be taxed by the State only in the same manner, and to the same extent, as similar property owned by private citizens, and no more.

[Passed the House of Representatives, December 29, 1850. Passed the Senate, January 1, 1851. Approved by the Governor, January 13, 1851.]

CHAPTER 325.—[No. 14.]

AN ACT to Incorporate the Leon and Gadsden Plank Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That R. K. Call, D. P. Hogue, D. C. Wilson, F. H. Flagg, Charles H. DuPont, Bolling Baker, Isaac R. Harris, and Augustus H. Lanier,

Commissioners

be and they are hereby appointed Commissioners, any three of whom shall have authority to open books to receive subscriptions for the capital stock of said Company, at such times and places as they may deem expedient, after giving at least ten days notice in some

Stock.

newspaper published in Tallahassee, at which times and places two at least of said Commissioners shall attend, and permit all persons who may desire to subscribe for stock in sums of twenty-five dollars each.

SEC. 2. *Be it further enacted*, That whenever $10,000 shall have been subscribed, the said Commissioners, or any five of them, shall

Directors.

give ten days notice, as prescribed in first section, of the time of convening of the stockholders in the city of Tallahassee, at which time and place the subscribers may elect by ballot seven Directors, one of whom shall be chosen President, and upon the taking place of the said election, the subscribers shall be, and are hereby declared to be, a body politic and corporate, in deed and in law, by

Name & style of Co.

the name and style of the Leon and Gadsden Plank Road Company, and by that name they, their successors, and assigns, shall have all the powers, privileges, and franchises incident to a corporation, and

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shall be capable of holding the capital stock and increase thereof, and of enlarging the same by new subscriptions to an amount not exceeding one hundred thousand dollars, and of purchasing, taking and holding to them, their successors, and assigns, and of selling, leasing, and conveying any and all lands, tenements, and hereditaments, and any estate or interest in any property, whether real or personal: the said corporation may sue and be sued, contract and be contracted with, pass such by-laws as it may deem necessary to its proper management, have and use a seal, and do all other acts which a body politic may do: at all elections each shareholder shall be entitled to one vote for each share owned by him or her, but no one shall vote who has not paid all that is required of him upon his stock: after the first election, the said corporation may create any additional number of Directors. Powers of.

SEC. 3. *Be it further enacted*, That the Plank Road to be constructed by said Company shall commence at the city of Tallahassee and extend to Quincy, and said corporation may construct such lateral roads connecting therewith as may be necessary, and may also construct other roads commencing at Tallahassee, and extending to any point they may deem expedient. Termini of road.

SEC. 4. *Be it further enacted*, That the said Leon and Gadsden Plank Road Company shall be invested with all the powers, rights, privileges, &c. granted, or which may be granted, in the 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th sections of an act entitled "An act to incorporate the Escambia Plank Road Company," substituting, in the 4th, 11th, and 12th sections, the words "Leon and Gadsden" in place of "Escambia." Special privileges.

SEC. 5. *Be it further enacted*, That nothing in the foregoing sections shall prevent the said Company from commencing the said Road either at Quincy or Tallahassee. Road, where commenced.

[Passed the House of Representatives, December 10, 1850. Passed the Senate, December 24, 1850. Approved by the Governor, January 7, 1851.]

CHAPTER 326.—[No. 15.]

AN ACT to Incorporate the Florida and Georgia Plank Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That Joseph Chaires, Green H. Chaires, Green Chaires, Daniel Ladd, John Denham, William McNaught, and such other parties as are or may become associated with them, and holders of the stock hereinafter mentioned, shall be, and are hereby declared a body corporate by the name and style of the Florida and Georgia Plank Road Company; and, by that name they and their successors may continue to be a corporation, and by that name and style they may sue and be sued, plead and be impleaded in all Courts of competent jurisdiction and places whatsoever; and shall have and possess the Name & style of corporation.

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usual rights and privileges of such corporations, and may have and use a common seal, which they may alter at pleasure.

Route of road.

SEC. 2. *Be it further enacted*, That the said corporation shall have the right of constructing and maintaining a Plank Road within this State, from the town of Newport, on the St. Marks River, to the Georgia line in the direction of Thomasville, Thomas County, Georgia, and upon such route as they shall deem most practicable and judicious, with the privilege of constructing and maintaining branches to Tallahassee, Quincy and Monticello on same terms and conditions: *Provided*, however, that said corporation shall actually survey and commence the construction of said Road within one year after the approval of this act, and complete at least 20 miles thereof within three years thereafter.

Proviso.

Survey of route.

SEC. 3. *Be it further enacted*, That the said company are hereby authorized to make, or cause to be made, the necessary examinations and surveys, in order to locate and establish the route of said Road and branches, and after such examinations and surveys, if the contemplated route of such Road and branches shall run through or over the lands of any person or party who is unwilling to grant the same, or a right of way for such purpose, or with whom the said company are unable to agree as to the damage or price to be paid to such person for such lands and materials necessary, or for the use thereof for such Plank Road, then and in that case, upon the application of said company, or their agents, to a Circuit Judge, or Judge of the Court of Probate of the County in which the lands and materials lie, a jury of disinterested persons, freeholders, shall be summoned upon the order of said Judge, by the Sheriff of the County, to assess the damages in the presence of said Judge, and upon a full hearing of the cause shall render a special verdict, specifying what sum shall be paid to such owner or owners, for damages or injury which will accrue to him or them, over and above the benefit and advantage he or they may derive from the construction of said Road through such lands; and providing in such verdict for such other acts to be done by the company, to protect the plantation or other premises on said lands, from future injury by reason of the use thereof for such Road; which special verdict shall be duly recorded by the Clerk of the Circuit Court, and a copy thereof furnished to both parties; and thereupon, the said company and their agents and servants may enter upon and take possession of said lands, not exceeding four rods in width, or two rods on each side of the said Road, and materials sufficient to construct the same through such lands, and may continue to hold and use the same for the purpose of constructing and maintaining said Road: *Provided, further*, That said company shall, in the first place, and before such entry and taking possession, pay or tender to the owner aforesaid, or to his agent, the sum so assessed by the jury, and the taxed costs of the proceedings, to be certified by the Judge. *And provided, also*, That nothing in this section shall

Damages to land owners.

Verdict of jury

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be construed to authorize said Company to locate the route of their road through ornamental grounds contiguous to any building, or over the grounds occupied by any building, so as to require the removal of the same.

Jury to be of freeholders.

SEC. 4. *Be it further enacted*, That any jury, sommoned as aforesaid, shall consist of disinterested freeholders, residents of the county in which the land and materials in question may be, and least one week's notice shall be given of the time and place of their meeting to hear any such matters; which notice shall be given, or caused to be given, by the Judge who may summon said jury; and the certificate of said Judge before whom said proceedings may be had, of the fact the damages have been duly assessed and paid, or tendered by the said Company, and that they have also paid the costs of said proceedings, shall confer upon them the right of constructing and maintaining their road on such lands, and of the exclusive use thereof, to the extent aforesaid, for the purpose of said Road, but for no other or different purposes.

State land.

SEC. 5. *Be it further enacted*, That whenever the route of said Road shall pass through or be located upon land belonging to the State of Florida, the exclusive use of such land, to the extent of two rods on each side of the said Road, and the use of timber for constructing said Road, shall be and is hereby granted to the said Company or Corporation, for the purpose of constructing and maintaining said Road through such land.

Pres. & Direc.

SEC. 6. *Be it further enacted*, That the business of said Company shall be managed and conducted by a President and not less than four Directors, to be elected annually at such time and in such manner as may be provided for by the By-laws of the Company.

Stock, when payable.

SEC. 7. *Be it further enacted*, That the Board of Directors of the said Company shall have power to call for and demand from the stock-holders respectively, the full amount of the shares of stock by them subscribed, at such time and in such instalments as they shall deem expedient, and in case of non-payment of any instalment by a stock-holder, after due notice, to declare forfeited his stock, and all previous payments thereon, and to dispose of such forfeitures as they may judge best for the interest of the Company.

Bridges, &c.

SEC. 8. *Be it further enacted*, That the said Company shall have power to erect bridges over all streams of water, where they desire to construct said Plank Road or branches, provided the navigation of such water course is not thereby obstructed; and may with the said Plank Road cross other public roads or highways, but not obstruct the use of same except by leave of the County Commissioners, where such Road passes, and the said Commissioners are hereby empowered to grant such leave, and make and enter an order for the same on their minutes; and the said Company shall have power to receive from the municipal authorities of any incorporated city or town in and through which said Plank Road or branches may run,

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the use of any street or streets, any public square, lot or lots, deemed necessary for the proper location of said Road or branches, and said municipal authorities are hereby empowered to grant the same, with such other privileges as said COMPANY may require.

Rates of toll.

SEC. 9. *Be it further enacted*, That the said COMPANY, as soon as three miles of said Plank Road shall have been completed, may determine and fix upon a reasonable rate of toll, to be collected and received of any person or persons who may travel on or use said Road, for the passage thereon of any carriage or other vehicle, or for the transportation of passengers and the United States' Mail, or for the use thereof for the driving of any cattle or stock of any description. *Provided*, No toll shall be demanded from any person at the gate nearest his or her residence, if within one mile, or for passing from any one part of his or her plantation or farm to another part of the same, or from any person going to or from funerals, or their usual place of religious worship, or in the performance of militia and patrol duty, or from any person travelling on foot.

Proviso.

Gate

SEC. 10. *Be it further enacted*, That the said company may erect upon said road and branches suitable gates for the detention of passengers passing thereon until the toll required has been paid, and may cause to be erected such establishments for toll-gatherers as may be required.

Tax.

SEC. 11. *Be it further enacted*, That it shall be lawful for the General Assembly of this State to tax, if they think proper, the property owned by said Plank Road Company and branches, and that said tax shall be assessed and levied only in the same manner and to the same extent as similar property owned by private citizens, and no more.

Non-payment of toll.

SEC. 12. *Be it further enacted*, That any person who, to avoid the payment of toll, shall turn off from said road, or pass any gate thereon, on ground adjacent thereto, and again go on said road to continue his or her route thereon, shall, for each offence, forfeit the sum of five dollars to said Plank Road Company, and any person who shall wilfully break or throw down any gate or injure the same on said road, dig up, injure or deface said road, or anything thereto pertaining, or forcibly or fraudulently pass any gate without having paid the toll required, for each offence shall forfeit to the said company the sum of twenty dollars, and be subject, also, to a suit for the damages resulting from such wrongful act, and any person so offending, as provided in this act, shall be liable to suit for such forfeiture or damage, before any Court of this State having jurisdiction of the amount sued for, without regard to the residence of the offender.

Injury to road.

Shares personal property.

SEC. 13. *Be it further enacted*, That the stock or shares held or owned by any person or persons in said Florida and Georgia Plank Road Company, or any branches thereof, shall be deemed and considered as personal property, and in case of the death of any share-

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holder, his or her interest may be held by his or her personal representative, in the same manner as the personal estate of deceased persons may be held by the laws of this State.

Other Companies.

SEC. 14. *Be it further enacted*, That any other company or person that may hereafter desire to construct a plank road from any point to unite with, intersect or diverge from the road hereby authorized to be built, shall have full power to do so: *Provided*, that the same be done in such manner as not to injure the structure of the present road: *And provided also*, That in case the several parties are unable to agree as to the proper manner, point, or other terms of junction for such roads, the same shall be adjusted and fixed by the special verdict of a jury, in the same way as is provided in the third and fourth sections of this act for settling questions respecting the right of way.

Public highway.

SEC. 15. *Be it further enacted*, That the said Plank Road shall be a public highway, open to the use of all persons for travel and transportation, upon the payment of the tolls which the said company are hereby authorized to establish: *Provided*, That the said company shall have right to impose such rules and regulations for limiting the weight of loads to be transported and for regulating the manner of travelling and passing upon said road, as shall be necessary to protect the road from damage, and travellers thereon from injury or danger.

Right reserved

Banking, &c. prohibited.

SEC. 16. *Be it further enacted*, That said company is hereby chartered and incorporated solely for the purpose of constructing said plank road and branches, with the toll-houses, gates, and other necessary fixtures, and the requisite machinery and materials for that purpose, or for providing means for transportation thereon, and if said company shall embark in any other business of a commercial, banking, or manufacturing character, they shall thereby forfeit all the privileges and immunities hereby granted.

[Passed the Senate December 21, 1850. Passed the House of Representatives January 3, 1851. Approved by the Governor, January 14, 1851.]

CHAPTER 327.—[No. 16.]

AN ACT to Incorporate the Jacksonville and Alligator Plank Road Company.

WHEREAS, The construction of good roads by individual enterprise is laudable and ought to be encouraged, Therefore—

Name & style of Co.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That a Plank Road is hereby authorized to be constructed between Jacksonville and Alligator, in East Florida, by a company to be called "The Jacksonville and Alligator Plank Road Company," said company to be formed and constituted by subscribers (at least ten, of whom at least five shall be residents of this State,) to the capital

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stock of said company. And the subscribers to said stock and their assigns shall be and are hereby constituted a body corporate, and by said corporate name shall be capable in law to buy, hold and sell real and personal estate, make contracts, sue and be sued, to make by-laws, and to do all lawful acts properly incident to a corporation, and necessary and proper to the transaction of the business for which it is incorporated, and to have and use a common seal, and the same to alter and destroy at its pleasure.

Body corpor'te.

Capital.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be seventy-five thousand dollars, to consist of seven hundred and fifty shares, of one hundred dollars each; and books of subscription shall be opened for said stock at Jacksonville and Alligator. At Jacksonville under the superintendence and direction of Stephen D. Fernandez, Isaiah D. Hart and Charles Byrne, or any of them, and at Alligator under the superintendence and direction of William B. Ross, George E. McClellan, Silas Niblack and John W. Lowe, or any of them, as commissioners, or by agents to be appointed by them, at such times as they shall deem expedient, after having given at least thirty days' notice thereof in one or more of the newspapers of East Florida, and the said commissioners shall be authorized to apportion the stock, in case more than the whole amount is subscribed.

Commissioners

Powers.

SEC. 3. *Be it further enacted*, That the said corporation shall have the right of constructing and maintaining a Plank Road between Jacksonville and Alligator aforesaid, and upon such route as they shall deem most advisable and judicious, and may cross other public roads or highways, but not obstruct or use the same excepting by leave of the County Commissioners of the County where such Plank Road passes, and the said Commissioners are hereby empowered in their discretion, to grant such leave, and make and enter an order for the same on their minutes; and the said company are hereby authorized to make or cause to be made, the necessary examinations and surveys, in order to locate and establish the route of the said road; and after such examinations and surveys, if the contemplated route of such road shall run through or over the lands of any person or persons who is or are unwilling to grant the same for such purpose, or with whom the said company is unable to agree as to the damage or price to be paid to such person or persons for the said lands, or for the use thereof for such Plank Road, then and in that case, upon the application of said company or their agent to a Judge of the Circuit Court, or to a Judge of the Court of Probate of the County in which the lands lie, a jury of six persons shall be summoned upon order of such Judge, by the Sheriff or any constable of the County, to assess the damages of the owner or owners of the land, in the presence of the said Judge, and to determine what sum shall be paid to such owner or owners for damages or injury which will accrue to him or them from the use of his or

Survey of route.

Jury.

their lands for such road; or in case the owner or owners of the land are unknown, then also, such jury may be called in like manner, and the damages assessed as aforesaid, and beyond which the said company shall not be liable for damages for the use of such lands, to such owner or owners when known; and after a tender of such damages to such owner or owners when known and in the county, and if he or they are not known, or do not reside in the county, after said company have published a notice in some paper in East Florida for two weeks, that they are ready to pay said damages so assessed, when called for, the said company, their agents and servants, may enter upon and take possession of said lands, not exceeding eight rods in width, and may continue to hold and use the same for the purpose of constructing and maintaining such road on such lands, and of the exclusive use thereof to the extent aforesaid, for the uses and purposes of said road, but for no other use or purpose. Such juries shall consist of disinterested free holders, residents of the county in which the lands in question may be. One week's notice shall be given of the time and place of hearing and determining any such question of damages. And if the route of said road shall pass through or upon land belonging to the State, the exclusive use of such lands, to the width of eight rods, shall be and is hereby granted to said company, for the purpose of constructing and maintaining said road.

Damages.

SEC. 4. *Be it further enacted*, That as soon as forty thousand dollars of said stock shall have been subscribed for, the company may go into operation; and the said commissioners, or any of them, shall thereupon call a meeting of the stockholders, for the purpose of electing a Board of Directors of nine members, thirty days' previous notice of which shall be given by publication as aforesaid. The said directors shall be qualified by owning stock in the company, and shall be chosen by ballot, and it shall be their duty to direct and manage the affairs of said company. Each share shall qualify the person or persons owning it, for one vote, and he, she or they may vote in person, or by proxy, in writing. The Directors, thus chosen, shall (except as is herein provided) continue in office for one year, and until others are duly elected in their place. An annual election shall thereafter be held by the said company, at Jacksonville or Alligator, as may be provided by the by-laws of the company. The said Board of Directors shall appoint one of their members President of the said Board, and may also appoint a secretary, a treasurer, and such other officers and agents as may be necessary, or may be required by the by-laws. A majority of the directors, or any number of the stockholders, holding together not less than two hundred shares, shall have power to call meetings of the stockholders, whenever they deem it necessary, by giving notice as aforesaid; and the stockholders, or those representing a majority of the stock, may, at any time, remove any director or directors, by

Board of Directors.

Annual election.

President and other officers.

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electing another or others in their place. The Treasurer or others having charge or control of the funds of the company, shall give bond, with good securities, in at least double the amount of money that may or can come into their hands, or under their control, conditioned for the true and faithful keeping, payment and application of the moneys of the company, to and for the proper and legitimate purposes of the company, and no others. Stockholders, who may propose to furnish labor or materials for the construction of the road, on the same terms as such labor or materials can be obtained from others, shall have the preference, to the amount of their stock, over others, who are not stockholders.

Treasurer shall give bond.

Materials.

SEC. 5. *Be it further enacted*, That certificates of stock shall be issued to the stockholders, and said certificates shall be assignable by writing. And it shall be the duty of the company to cause to be kept by their secretary, clerk, treasurer, or other officer, a book containing the names of all the stockholders, showing the number of shares belonging to each, their places of residence, when such shares were purchased, and if any be assigned or transferred, when and to whom the assignment or transfer was made; and said book shall be open to the inspection of the stockholders and creditors of the corporation, at the principal office or place of doing business of said company. Said company shall contract no debts except for the making, repairing and maintaining said Plank Road, and the company or stockholders shall not be liable for any other debts, and shall only be liable, in any case, to the extent of the stock they hold respectively.

Certificates of stock.

Books.

Prohibition as to debts.

SEC. 6. *Be it further enacted*, That the board of directors of said company may call for and demand from the stockholders respectively the full amount of the shares of stock by them respectively subscribed, (or so much thereof as may be necessary to make and maintain said road,) at such times and in such instalments as they shall deem expedient: *Provided*, not more than one-fourth of the amount shall be called for at one time; and in case of non-payment of any instalment by a stockholder, after due notice by publication or circular for two months, such stock and all previous payments thereon shall be forfeited to the Company. And the said board of directors may make such by-laws and regulations concerning the payment of such instalments, and the times of making the same, and the notice to be given, as they may deem proper, not inconsistent herewith; and also all other by-laws, rules and regulations for the management of the affairs and business of said company which they may deem necessary and proper: *Provided*, such by-laws, rules and regulations shall not be inconsistent with this act and the laws and Constitution of the State. The said board of directors shall not call in more than one-fourth of the said capital stock at any one time, and the money shall be paid to and kept by the treasurer of the company, and shall be paid out only on the order of two of the

Instalments.

Forfeiture of stock.

By-laws.

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directors, who shall be called the Money Directors, to be chosen by the board of directors from their number, exclusive of the president. And the bonds to be given by the said two directors and the treasurer shall be approved by the president of the board and at least four other members of said board of directors, other than the said two directors chosen as aforesaid, and the said bonds shall be recorded in a book to be kept for that purpose, subject to inspection by the stockholders, and shall be in the custody of the president of the board of directors. Money Directors.

SEC. 7. *Be it further enacted*, That the Plank Road authorized and granted in this act, shall vest in said company, their heirs and assigns, in fee simple, and it shall not be lawful for any person to intrude upon such road, or the rights and privileges connected therewith; or to use and enjoy the same contrary to the will or without the permission of the said company, or its officers or agents, and the said company shall have the power to charge and collect toll for using and travelling on the said road, and at such prices and rates as to them may seem advisable; and the company may erect such a number of toll-gates upon said road as they may deem best and most convenient for such purpose. And any person or persons using said road without paying the toll that may be established by the company or the board of directors aforesaid for such use, or shall avoid such payments, or endeavour to avoid the same by going around such toll-gates, or otherwise, shall be liable to pay ten-fold toll, to be recoverable in any court having jurisdiction, and shall also be liable to indictment for a misdemeanor, which such act and acts are hereby declared to be, and on conviction shall be fined not exceeding two hundred dollars, or imprisoned not exceeding three months, at the discretion of the court; any person or persons injuring or destroying the property of said company, or who shall throw or place earth, stones, trees, logs, rubbish, or any other matter or thing whatever, upon said road or its appurtenances, or shall otherwise injure or obstruct said road, or the passage thereon, or shall dig up the earth, pull or take up, cut, split, burn or set fire to, or otherwise injure or destroy the plank or timber, or in any manner injure or destroy said road or any of its bridges, gates, houses, fences or other appendages to the same, fill or obstruct the ditches, or [do] other injury to them, shall be punished by indictment for a misdemeanor and on conviction, shall be fined and imprisoned at the discretion of the court, and shall also be liable for such damages as may be occasioned thereby, to be recovered by action at the suit of the company, or of any person aggrieved, in any court having jurisdiction; and the said road, and the income from the same, shall not be liable to taxation. Rights and privileges. Toll-gates. Avoiding payment of toll. Injury to road.

SEC. 8. *Be it further enacted*, That books shall be kept by the said company showing the moneys paid in, and by whom, and when, and on what account, and all moneys paid out, and to whom and Books, &c.

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Subject to inspection.

when, and for what amount, and also all receipts for toll, and otherwise specifying their character, and said books shall be subject to examination and inspection by any and all stockholders, at all reasonable times. The Board of Directors shall keep a journal of their proceedings which shall also be subject to examination and inspection by any and all stockholders, at all reasonable times; and the said Board shall make a semi-annual statement of the affairs of said company, which shall be subject to inspection by any and all stockholders, and dividends of profits shall be made at such times as the Board of Directors shall deem expedient. The toll-gate keepers shall be required to give bond with sureties to be approved by the Board of Directors, and in such amount as said board shall direct.

Tax.

SEC. 9. *Be it further enacted*, That it shall be lawful for the General Assembly of this State, to tax if they think proper, the property owned by said company, and that said tax shall be assessed and levied only in the same manner and to the same extent as similar property owned by private citizens, and no more.

[Passed the House of Representatives, December 23, 1850. Passed the Senate, January 7, 1851. Approved by the Governor, January 20, 1851.]

CHAPTER 328.—[No. 17.]

AN ACT to Incorporate a Company to be called the Wacissa and Ocilla Navigation Company.

WHEREAS, The interests of the State would be greatly promoted by the clearing out of the channel of the Wacissa River to its junction with the Ocilla River, and thence to the Gulf of Mexico:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That Robert Gamble, John G. Gamble, Thomas Randall, Robert H. Gamble, O. H. Gadsden, John A. Edwards, D. P. F. Newsom, George T. Ward, Richard Lang, Henry J. Mills, Robert R. Lang, W. S. Murphy, Asa May, John B. Page, C. W. Dewitt, W. H. Arendell, Abner Wethington, K. M. Moore, and C. Wooten, Sen'r., and such other persons as they may receive into their Company, their successors and assigns, shall forever be a body corporate and politic by the name and style of the "Wacissa and Ocilla Navigation Company," and by such corporate name shall be capable in law to buy, purchase, hold, and sell real and personal estate, to receive donations, to make contracts, to sue and be sued, to implead and be impleaded, to have a common seal, and to alter or renew the same when they may deem it necessary, to regulate the manner by which shares in said Company may be transferred, to make by-laws which shall not be contrary to the laws of this State or of the United States, and to do all lawful acts incident to a corporation, and which

Name & style of Co.

Powers of.

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may be necessary and proper for the convenient management of its affairs.

SEC. 2. *Be it further enacted*, That the said Company shall annually hold an election at such times and places, and under such regulations and restrictions as they in their by-laws may prescribe, for a President and as many Directors as may be required for the management of their business; the number of Directors to be previously determined on and declared in their by-laws, and the said President and Directors, when elected, shall have power to appoint such subordinate officers and agents as may be deemed necessary, and at any time to dismiss them from office, and be capable of exercising such other powers and authorities for the well-governing and ordering the affairs of the Company as to them shall appear conducive to their interests. Directors.

SEC. 3. *Be it further enacted*, That the stock of said Company shall be divided into as many shares as they may think proper, and the votes of each stockholder shall be according to the number of shares he may hold, to be regulated and agreed upon by the said Company and made known in its by-laws. Stock.

SEC. 4. *Be it further enacted*, That the said Company shall have the right to clear out and make the said Wacissa and Ocilla Rivers navigable, sufficient for steam or flat-bottom boats, from the head of the said Wacissa to the Gulf of Mexico; and to effect the said object, the said Company shall have the right to cut such canals, erect such dams or embankments, construct such lock or locks, and to make, construct, and erect such other works as they may deem necessary for making said Rivers navigable as aforesaid. Rights.

SEC. 5. *Be it further enacted*, That to enable said Company to effect the said work, it shall be lawful for the President and Directors of said Company, at such time as they may determine upon, to open, or cause to be opened, books for the purpose of receiving subscriptions to create or increase the capital stock of said Company. Increase of capital stock.

SEC. 6. *Be it further enacted*, That in accomplishing the object for which said Company is incorporated, by clearing out the channels of said Rivers so as to render them navigable, or by constructing canals or other works, it shall be lawful for said Company, by the President and Directors thereof, or by their properly authorized agent, to enter upon and take possession of any lands whatsoever, whether covered with water or not, which may be necessary to the prosecution and completion of the works contemplated in this act: *Provided*, That no lands owned by private individuals shall be taken for said purposes, without adequate compensation. May take lands. Proviso.

SEC. 7. *Be it further enacted*, That it shall be lawful for the President and Directors of said Company, or their properly authorized agents, to take from any land most convenient to their works, at all times, such timber, stone, earth, and other materials as may be necessary for the construction of, and keeping in repair, said works Timber, &c.

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and improvements: *Provided*, That nothing belonging to private individuals shall be taken without adequate compensation.

SEC. 8. *Be it further enacted*, That whenever it shall become necessary for the said Company to take possession of and use any land, timber, stone, or other materials owned by private individuals, for the route and site of the said works, or for the construction and keeping in repair of the same, or any part thereof, and the parties do not agree upon the value of the same, it shall and may be lawful for the President and Directors of the said Company, or their properly authorized agent, to apply to the Board of County Commissioners of the County in which such lands, timber, stone, or other materials lie, for a writ of *ad quod damnum*, directed to the Sheriff or other officer properly qualified, to summon five disinterested persons, of lawful age and house-keepers, to meet and value the said property, upon oath to be administered to them by the Judge of Probate, Sheriff, or other officer summoning the same, whose duty it shall be to attend said inquest in person, and receive their report, and also receive from the President and Directors of said Company, or their agent, the sum or sums of money adjudged by said report, and to pay over the same to the person or persons authorized to receive it, and to take an acquittal for the same; and until payment is made to the Sheriff or other officer aforesaid of the sum awarded, it shall not be lawful for said Company to take possession of or use such land, timber, stone, or other materials; and all the expenses incurred in the execution of the writ of *ad quod damnum* shall be paid by said Company, but the appraisers shall not receive more than one dollar each per day while engaged in such duty.

Writ of ad quod damnum.

Property, in whom vested.

SEC. 9. *Be it further enacted*, That all property so assessed and paid for by the President and Directors of said Company or their agent, agreeable to the provisions of this act, and all purchases made by and donations made to them, shall forever after belong to, and become the property of, the said Company, their successors and assigns, in fee simple.

Tolls.

SEC. 10. *Be it further enacted*, That the President and Directors of said Company shall be authorized to agree upon such rate of tolls for the use of such navigation, as they may deem reasonable; and so soon as said Rivers shall have been made navigable from a point one mile below the head of the Wacissa River to the Gulf of Mexico for boats having a draught of twenty inches of water, the said Company shall be entitled to demand and receive said tolls upon all produce, goods, merchandize, or other articles, and upon all boats and other crafts which may be transported upon or pass down or up said Rivers or the Canals of said Company, and the said Company may, from time to time, as circumstances may require, change and alter said rates of tolls or fees: *Provided*, That no alteration which may increase the rates of tolls shall have effect until one

Proviso.

months' previous notice thereof shall have been given by advertisement posted on the Court House of the County of Jefferson; and the said Company shall continue to receive and collect such tolls and fees as they may, from time to time, establish, so long as said navigation shall be kept in sufficient order for the transportation in boats as aforesaid; and all produce, goods, merchandize, boats, and other articles or things which may be transported or conveyed upon said improved River, Canals, or navigable waters, shall be liable for the tolls and fees for which they are respectively chargeable, and may be detained until the same be paid and discharged: *Provided,* That nothing herein contained shall be so construed as to allow the said Company to exact any toll on any boat or produce going down from or coming up to any point of either of said Rivers to where they at present afford safe navigation for boats drawing eighteen inches water.

Restrictions.

SEC. 11. *Be it further enacted,* That it shall be the duty of said Company to commence their works for the improvement of said Rivers and navigation within the term of two years from the passage of this act, and shall complete the same on or before the first day of January, one thousand eight hundred and fifty-five; and if the said work shall not have been commenced within the time aforesaid, or having been commenced, shall be abandoned or neglected for the term of one year at any one time without any attempt to prosecute the same, or if after said works shall have been completed, they shall be permitted to go down and remain for the term of one year without any attempt to repair or put the same in good order, then, and in either of these events, the said corporation shall be dissolved, unless some unavoidable cause shall be shown in justification, and this act shall be liberally construed for the benefit of said Company, and to enable them to carry into complete effect the object herein contemplated, and shall continue in force for twenty years.

Commencement of work.

Failure of.

Duration of charter.

[Passed the House of Representatives, December 19, 1850. Passed the Senate, December 24, 1850. Approved by the Governor, January 7, 1851.]

CHAPTER 329.—[No. 18.]

AN ACT to amend the act Incoporating the City of Pensacola, approved March 2nd, 1839.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That so much of the sixteenth section of the act to which this is an amendment, as prohibits the said city of Pensacola from borrowing in any one year a sum of money exceeding five thousand dollars, and so much as provides that no tax shall be imposed on real property at a

Repeal.

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higher rate than three quarters of one per centum on the assessed value of said property, be, and the same is hereby, repealed.

SEC. 2. *Be it further enacted,* That for the purpose of constructing a Plank Road or Rail Road from Pensacola, in the direction of Montgomery, in Alabama, the said city of Pensacola shall have power to borrow any sum of money not exceeding sixty thousand dollars, and shall have power to impose a tax on real estate in said city, at a rate not exceeding two per centum on the assessed value of such property.

May borrow money.

[Passed the Senate, December 3, 1850. Passed the House of Representatives, December 10, 1850. Approved by the Governor, December 17, 1850.]

CHAPTER 330.—[No. 19.]

AN ACT to amend An Act Incorporating the City of Apalachicola.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That after the first day of August, A. D. 1851, the government of the city of Apalachicola shall be vested in a Mayor and Council, to consist of a Mayor and four Councilmen, three of whom, with the Mayor, shall constitute a quorum.

Government of —in whom vested.

SEC. 2. *Be it further enacted,* That the first election for Mayor and Councilmen for the city of Apalachicola, under the provisions of this act, shall be held on the first Monday of August, A. D., 1851, and all subsequent elections for Mayor and Councilmen for the city of Apalachicola, shall be held annually, on the first Monday of August, under the same rules as is now provided by law for the election of said Mayor and Councilmen, and under the inspection of persons appointed for the purpose by the Mayor and Council.

First election.

Subsequent elections.

SEC. 3. *Be it further enacted,* That hereafter the Clerk, Treasurer, Tax Collector, Harbor Master and Marshal of said city shall be elected by the qualified voters of said city at the same time the Mayor and Councilmen are elected, and under the same rules and regulations, the bonds of said several officers tobe approved of by the Mayor and a majority of said Councilmen, and in the event of any of said officers failing or refusing to give good and satisfactory bonds, for the space of five days after being elected, or if, from any cause, either of said offices should become vacant, it shall be the duty of said Mayor and Council to order a new election.

Treasurer, &c. by whom elected.

SEC. 4. *Be it further enacted,* That it shall be competent in said Mayor and a majority of said Councilmen to remove from office, upon good cause, any of said officers whose elections are provided for in the third section of this act, and to order an election to fill the vacancy.

Removals from office.

SEC. 5. *Be it further enacted,* That the inspectors of the election for Mayor and Councilmen and officers of the city of Apalach.

icola, at the annual election, shall be appointed at least ten days before the first Monday in August, by the Mayor and Council, and in case the Mayor and Council shall fail or refuse to appoint said inspectors, it shall be competent for the qualified voters of said city, on the first Monday in August, to nominate and appoint said inspectors, who shall perform all the duties required of inspectors by law, and the Mayor and Councilmen and other officers which may be elected at said election, shall be vested with all the authority, and entitled to all the emoluments which is now or may hereafter be vested in the Mayor and Councilmen of said city. Inspectors of election.

SEC. 6. *Be it further enacted*, That a vote of a majority of the whole number of said Councilmen shall be requisite to pass any ordinance of said city. Majority necessary to pass ordinance.

SEC. 7. *Be it further enacted*, That each of said Councilmen may be allowed the sum of two dollars for each days meeting of said council: *Provided*, the same shall not exceed twelve days in each year. Per diem.

SEC. 8. *Be it further enacted*, That said Mayor and Council shall have power for and in behalf of said city, to subscribe for such number of shares as they may deem expedient in any Plank, Turnpike, or Railroad, which may be projected, having one of its termini in said city, and that said Mayor and Council shall have power to issue the bonds of said city in payment of such subscription, and, if necessary, to lay a tax for the payment of the same: *Provided*, That no such subscription shall be binding on said city until the same has been advertised for ten days in some public newspaper published in said city, at the expiration of which time the same shall be submitted to the qualified voters of said city, under inspectors to be appointed by the Mayor and Council, when, if a majority of the votes polled shall be in favor of the subscription, then and in that case, the contract to become complete and binding on said corporation. Power to subscribe for stock. Proviso.

SEC. 9. *Be it further enacted*, That the poll book of the votes taken under the provisions of the eighth section of this act, shall, after being certified to by the said inspectors and clerk, be deposited with the Clerk of the Circuit Court of Franklin County, whose duty it shall be to file the same in his office. Poll book—where deposited.

SEC. 10. *Be it further enacted*, That so much of the eighth section of an act entitled, "An act to amend an act entitled an act to incorporate the city of Apalachicola," approved February 2nd, 1838, as requires that the Mayor and Councilmen shall be house-keepers, be, and the same is hereby repealed. Repeal.

SEC. 11. *Be it further enacted*, That the third section of an act entitled, "An act to amend an act incorporating the city of Apalachicola," approved March 15th, 1844, be, and the same is hereby repealed. Repeal.

SEC. 12. *Be it further enacted*, That all laws and parts of laws

1850. inconsistent with the provisions of this act, be, and the same are hereby repealed.

[Passed the House of Representatives, January 16, 1851. Passed the Senate, January 18, 1851. Approved by the Governor January 22, 1851.]

CHAPTER 331.—[No. 20.]

AN ACT to amend an act Incorporating the City of St. Augustine, approved 4th February, 1833.

Qualifications of voters.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this act, no person shall vote in any city election, for Mayor and Aldermen, or either Mayor or Aldermen or other city officer, for the city of St Augustine, who shall not be at the time of offering to vote a free white male person of the age of twenty-one years, a citizen of the United States, and who shall have resided and had his uninterrupted habitation, domicil, home, and place of permanent abode within the limits of said city of St. Augustine, for one year next preceding the election at which he shall offer to vote, and all persons coming within the purview and meaning of this act shall be entitled to a vote at all such elections; and it shall be the duty of the inspectors of any such election, when a voter is challenged, or when they have doubts of the qualifications of said person to vote, before receiving said vote, to require said person offering to vote to swear that he is qualified agreeably to the provisions of this act, and to make a minute upon the poll book of the fact that said person thus offering to vote was thus sworn, and if the person thus offering to vote shall swear falsely, he shall be liable to indictment and punishment for perjury, as in other cases.

Duty of inspectors.

Voter liable to perform duties.

SEC. 2. *Be it further enacted,* That all persons voting at any election for city officers, shall be liable to perform all the duties which may now, or hereafter, be required of citizens and inhabitants by the ordinances of said city, and be subject to the penalties which may be imposed by said ordinances for neglect or failure to do so.

Contested elections.

SEC. 3. *Be it further enacted,* That the election of any person to the office of Mayor or Alderman, may be contested before the Circuit Court held in and for the County of St. Johns, on the petition of any person claiming to be duly elected to such office, in the same mode and manner, and under the same provisions, rules and regulations, as near as circumstances will admit, as are now prescribed by law, for contesting the election of Sheriff and other officers in said Court, and if judgment of ouster shall be pronounced against such party, it shall operate as revoking his office, and entitle the person, in the judgment of the court entitled to the office, to enter upon the duties thereof.

SEC. 4. *Be it further enacted,* That hereafter it shall be lawful for

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the Mayor and Aldermen, to provide for the punishment of all persons guilty of breaches of any of the ordinances of the city, by fine or imprisonment, or both, as they may deem best: *Provided*, the fine shall in no case exceed fifty dollars, nor the imprisonment one month. Power to impose fines, &c. Proviso.

SEC. 5. *Be it further enacted*, That it shall hereafter be lawful for any person fined or convicted under any of the ordinances of said city council, whether said fine or conviction be by the Mayor, or Mayor and Aldermen, or Justice of the Peace, to demand an appeal to the Circuit Court held in and for the County of St. Johns, which said appeal shall be granted in the same manner and under the same rules and restrictions and regulations, (excepting as to amount,) as are now provided in cases of appeals from Justices' Courts, and shall be heard and tried anew upon its merits in the Circuit Court, in the same manner as is now provided for hearing and trying appeals from Justices' Courts in said Court. Appeal.

SEC. 6. *Be it further enacted*, That all laws and parts of laws conflicting with this act, be, and the same are hereby repealed. Repeal.

[Passed the House of Representatives December 13, 1850. Passed the Senate January 3, 1851. Approved by the Governor January 22, 1851.]

CHAPTER 332.—[No. 21.]

AN ACT to secure the Swamp and Overflowed Lands lately granted to the State, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Governor is authorized, and hereby requested, to take such measures as to him may seem expedient and most to the interests of this State, in securing and classifying the lands lately granted to this State, designated as "swamp or overflowed lands," and that the plats of said land, as soon as secured, shall be delivered to the Register of this State, and said lands shall be subject to sale under the same rules, regulations and restrictions as are now, or may hereafter be, imposed upon the sale of Seminary lands. Plats — to whom delivered.

SEC. 2. *Be it further enacted*, That all the necessary expenses of examining the lands to be secured, or in procuring maps, plats, records, field notes or other evidence touching the title and description of said lands, shall be paid out of any moneys received from the sale of said lands: *Provided, further*, That the accounts shall be first audited by the Comptroller, and his warrant drawn therefor, as in other cases. How expense paid.

SEC. 3. *Be it further enacted*, That there shall be, and hereby is, created and constituted, a Board of Internal Improvement for the State of Florida, to consist of the Governor, Attorney General, Treasurer, Comptroller, and State Register of Public Lands, for the time Int. Improvement Board—how composed.

~~A-3~~ repealed by 1st sect of chap 436 1852/p 95

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being, who shall be, ex-officio, members thereof, and one member from each of the Judicial districts of this State, to be elected by the General Assembly, to serve for two years, and until their successors shall be elected, which said members, ex-officio and elected, shall constitute the Board of Internal Improvement of the State of Florida, and shall hold an annual meeting on the first Monday in December in each year.

Term of office.

Annual statement of Treasurer.

SEC. 4. *Be it further enacted,* That the Treasurer shall keep a separate and distinct account of all moneys or bonds received from the sales of all swamp or overflowed lands, and shall make an annual statement of the same to his Excellency the Governor, to be laid before the General Assembly at their regular session.

When Register to report.

SEC. 5. *Be it further enacted,* That the said Register shall report biennially to the Governor, at least ten days before the meeting of the General Assembly, to be laid by him before them, upon the several matters committed to his charge, the progress made in securing the said lands, and such other matters as may be deemed proper in connection therewith, and shall report at all other times to the Governor when he may think the public interest may require it to be done.

Pre-emptions.

SEC. 6. *Be it further enacted,* That settlers on said lands shall be entitled to the benefit of the present Pre-emption Laws as on other lands.

[Passed the House of Representatives, January 23, 1851. Passed the Senate, January 23, 1851. Approved by the Governor, January 24, 1851.]

CHAPTER 333.—[No. 22.]

AN ACT to authorize William H. Chase and Albert Golay to cut a Canal connecting the Waters of Perdido River and the Grand Lagoon.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That William H. Chase and Albert Golay, of Escambia County, be and they are hereby authorized to cut a Canal to connect the waters of the Perdido River and the Grand Lagoon.

Canal—where authorized.

Right of way.

SEC. 2. *Be it further enacted,* That the said Chase and Golay shall have the right to cut the said Canal through any lands lying in the route thereof, and if they cannot agree with the owners of such land as to the price thereof, it shall be the duty of the Clerk of the Circuit Court of Escambia County, upon the application of the said Chase and Golay, to issue a writ of *ad quod damnum,* directed to the Sheriff, commanding him to summon a jury of five disinterested resident freeholders of the County, to assess the damage to ensue from the cutting of said Canal, and the said jury shall make a return of said assessment upon oath to the said Clerk; on the return of said assessment, it shall be the duty of the Judge of the

Writ of ad damnum.

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Circuit Court of said County, at the next term after said return, to enter judgment corresponding to said return, which judgment shall vest in said Chase and Golay all the rights and privileges necessary for the construction and maintaining of said Canal: *Provided,* No part of this act shall authorize the taking or using any property by said Chase and Golay, unless the same be previously paid for, or adequate security given for the payment thereof.

Limitation.

SEC. 3. *Be it further enacted,* That if the said Chase and Golay shall fail to complete the said Canal within two years from the passage of this act, the rights and privileges hereby granted are to be void.

Toll.

SEC. 4. *Be it further enacted,* That the said Chase and Golay may charge and receive such rates of toll on said Canal as they may deem proper, not exceeding in any one year twenty per cent. on the cost of said Canal.

Duration.

SEC. 5. *Be it further enacted,* That, at the expiration of twenty years, the State of Florida or the County of Escambia shall have the right to purchase the property in said Canal, at its cost.

[Passed the House of Representatives, December 10, 1850. Passed the Senate, December 17, 1850. Approved by the Governor, December 24, 1850.]

CHAPTER 334.—[No. 23.]

AN ACT to provide for the opening of a Road from Miami, in Dade County, to Indian River, in St. Lucie County.

Preamble.

WHEREAS, Dade County, stretching along the Atlantic sea-board a distance of about one hundred and forty miles, with several good harbors, is reported to possess many advantages resulting from an abundant and valuable spontaneous production, but is inaccessible from other parts of the State for the want of a Road: Therefore,

Appropriation, how applied.

SECTION 1. *Be enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the sum of one thousand dollars be, and is hereby, appropriated out of any money belonging to the Internal Improvement Fund of this State, not otherwise appropriated, to be applied for the opening and constructing a proper wagon road, with the necessary bridges over the streams, from the Miami River, in Dade County, to Indian River, in St. Lucie County, under the direction of his Excellency, the Governor of this State.

Commissioners —duty of.

SEC. 2. *Be it further enacted,* That his Excellency, the Governor, is hereby authorized to appoint four Commissioners in said Counties, whose duty it shall be to let any contract or contracts which may be necessary for the opening and constructing said Road, and after the completion of any work under any contract or contracts as aforesaid, the said Commissioners shall inspect the work, and if said work has been done according to contract, then the said Com-

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missioners shall give a certificate to that effect to the contractor or contractors, which certificate shall be approved of by the Judge of Probate of Dade County.

Upon return of certificate, warrant to issue.

SEC. 3. *Be it further enacted,* That the Governor, upon receipt of said certificate, approved of in the form and manner prescribed in the foregoing section, shall certify the same to the Comptroller, who shall audit the same, and issue his warrant upon the Treasurer, in favor of said contractor or contractors, for the amount of said contract or contracts.

Int. Im. Fund, when distributed, &c.

SEC. 4. *Be it further enacted,* That hereafter when a general system of Internal Improvement may be adopted by the Legislature of this State, and a distribution of the Internal Improvement Fund may be provided for by law, the amount appropriated by the first section of this act shall be deducted from the amount which would be distributed to the Counties of Dade and St. Lucie.

[Passed the House of Representatives, January 17, 1851. Passed the Senate, January 21, 1851. Approved by the Governor, January 23, 1851.]

CHAPTER 335.—[No. 24.]

AN ACT to repeal An act to improve the Navigation of the Suwannee River.

Repeal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That an Act to improve the navigation of the Suwannee River, approved 8th January, 1848, be, and the same is hereby repealed.

[Passed the Senate December 7, 1850. Passed the House of Representatives December 13, 1850. Approved by the Governor, December 17, 1850.]

CHAPTER 336.—[No. 25.]

AN ACT to organize and establish a Board of Agriculture for the State of Florida.

Board established.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That there be and is hereby established a Board of Agriculture for the State of Florida, to be composed of three persons resident at Tallahassee, and one corresponding member from each County in the State, to be appointed by the Governor.

Members, duty of.

SEC. 2. *Be it further enacted,* That it shall be the duty of such corresponding members to collect and report to the head of the Bureau at Tallahassee, by mail or otherwise, all information relating to the soil, production or climate of their districts respectively, in any way tending to advance improvement in the art of cultivation, to encourage emigration, or in any way promotive of the cause of Agriculture in the State, and also to transmit likewise any seeds or plants they may deem calculated for the same end.

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SEC. 3. *Be it further enacted,* That it shall be the duty of the chiefs of this Department to transcribe and arrange all such information in a book to be kept by them for that purpose, and in some convenient form, at all business hours to keep the same open for public inspection and benefit, and also to distribute all seeds or plants they may receive for that purpose. Seeds, &c.—who shall distribute.

SEC. 4. *Be it further enacted,* That the necessary cost of such books, and all charges for postage on letters, and transportation on seeds or plants, shall be paid out of the Treasury of the State. Expenses, how paid.

[Passed the House of Representatives January 11, 1851. Passed the Senate January 17, 1851. Approved by the Governor January 23, 1851.]

CHAPTER 337.—[No. 26.]

AN ACT to provide for the establishment of two Seminaries of Learning.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That two Seminaries of Learning shall be established, one upon the east, the other upon the west side of the Suwannee River, the first purpose of which shall be the instruction of persons, both male and female, in the art of teaching all the various branches that pertain to a good common school education; and next to give instruction in the mechanic arts, in husbandry and agricultural chemistry, in the fundamental laws, and in what regards the rights and duties of citizens. Seminaries of Learning.

SEC. 2. *Be it further enacted,* That said Seminaries shall be under the direction of a Board of Education, and shall be governed and supported as hereinafter provided. Direction.

SEC. 3. *Be it further enacted,* That there shall be appointed by the Governor, by and with the advice and consent of the Senate, three persons for each Seminary, as members of a Board of Education, who shall hold their office for two years. At each regular session of the Legislature, the vacancy occurring shall be filled as above directed. The Governor shall fill any vacancy which may occur when the Legislature is not in session. The State superintendent, and the county superintendent of the County in which the Seminary is situated, shall, by virtue of their office, be members of said Board. The county superintendent shall be Secretary of the Board, and shall keep an exact and detailed account of their doings. He shall also communicate such reports to the State superintendent as are required by this act. The members of the Board shall annually elect one of their number President. The Treasurers of the Counties in which the Seminaries are situated, shall be respectively, by virtue of their office, Treasurers of the Board, and each shall give such security for the faithful performance of his duty, as the Board for which he is Treasurer may require of him. Members of Board.

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Principal and Assistants.

SEC. 4. *Be it further enacted*, That said Board of Education shall have power to appoint a principal and assistants to take charge of said Seminary, and such other teachers and officers as may be required in said Seminary, and fix the salary of each, and prescribe their duties. They shall also have the power to remove either the principal or assistants, or teachers, and to appoint others in their stead. They shall prescribe the various books to be used in said Seminary, and shall make all the regulations and by-laws necessary for the good government and management of the same.

Experimental School.

SEC. 5. *Be it further enacted*, That said Boards shall have the power, when in their opinion it is expedient to do so, to establish an experimental school in connection with the Seminary, and shall make all the regulations necessary to govern and support the same, and may, in their discretion, admit pupils free of charge for tuition.

Grounds and Buildings.

SEC. 6. *Be it further enacted*, That said Boards shall have the power, and it shall be their duty from time to time, as the means at their disposal may warrant, to provide suitable grounds and buildings, instruments of husbandry and mechanical tools, either by purchase or lease, for the purpose of carrying out more effectually and experimentally the provisions of the first section of this act, to give instruction in the mechanic arts, and in the arts of husbandry and agricultural chemistry.

Notice.

SEC. 7. *Be it further enacted*, That as soon as either of said Seminaries is prepared to receive pupils, the State superintendent shall give notice of the fact to each of the county superintendents, and shall publish said notice in every newspaper in the State.

Rules, &c.

SEC. 8. *Be it further enacted*, The Board of Education shall ordain such rules and regulations for the admission of pupils to said Seminary, as they shall deem necessary and proper. Every applicant for admission shall undergo an examination in such manner as may be prescribed by the Board. Applicants of good moral character, and of capacity to make apt and good teachers, who will sign a declaration of intention to follow the business of teaching primary schools in this State, are in all cases to be preferred. The Board of Education may, in their discretion, require an applicant for admission to the Seminary—other than such as shall, prior to such admission, sign and file with said Board a declaration of intention to follow the business of teaching primary schools in this State—to pay, or secure to be paid, such fees for tuition as to said Board shall seem reasonable.

Ratio of pupils

SEC. 9. *Be it further enacted*, That each County shall be entitled to send pupils in the ratio to which it is entitled to send Representatives to the State Legislature, not to exceed such number as the Board may prescribe.

SEC. 10. *Be it further enacted*, That after either of said Seminaries shall have commenced its first term, and at least once in each

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year thereafter, it shall be visited by three suitable persons—not members of the Board or of the Seminary—to be appointed by the Board, who shall examine thoroughly into the affairs of the Seminary, and report to the State Superintendent of Common Schools their views with regard to its condition, success, and usefulness, and any other matters they may judge expedient. Such visitors shall be appointed annually. Visitors.

SEC. 11. *Be it further enacted*, That it shall be the duty of the State Superintendent to visit each Seminary at least once in each year, and he shall annually make to the Governor, to be by him laid before the Legislature at each regular session thereof, a full and detailed report of the doings of the respective Boards of Education, and of all their expenditures, and the moneys received for tuition, and the prospects, progress, and usefulness of said Seminaries, including so much of the report of said visitors and of the County Superintendent as he may deem advisable. State Superintendent.

SEC. 12. *Be it further enacted*, That lectures on Chemistry, Comparative Anatomy, Astronomy, and the Mechanic Arts, Agricultural Chemistry, and on any other science or any branch of literature that the Board of Education may direct, may be delivered to those attending the Seminary, in such manner, at such time and on such conditions as the Board of Education may prescribe. Lectures.

SEC. 13. *Be it further enacted*, That as soon as any person has attended either of said Seminaries twenty two weeks, said person may be examined in the studies required by the board in such manner as may be prescribed, and if it shall appear that said person possesses the learning and other qualifications necessary to teach a good common school, said person shall receive a certificate to that effect, from the principal to be approved by the Board of Education. Qualifications of teachers.

SEC. 14. *Be it further enacted*, That the respective Boards of Education shall have power and authority to demand and receive the money or other property donated and subscribed for the purpose of erecting Seminary buildings, purchase apparatus, or for any other purpose connected with the Seminary, in such manner as said board may prescribe, and apply the same to the erection and completion of the necessary buildings, the purchase of the necessary books, apparatus, furniture and fixtures, and for various other incidental expenses to be incurred by said Board, in pursuance of the provisions of this act; and if any surplus remain, to apply the same in defraying the expenses of conducting said Seminary. Donations.

SEC. 15. *Be it further enacted*, That as soon as the building or buildings for either Seminary is or are ready for use, one half of the interest of the Seminary fund, shall be passed to the credit of each Seminary to be drawn from the treasury upon the warrant of the Comptroller, issued in pursuance of a certificate of the Board of Education, signed by their Secretary, and countersigned by their Pres- Seminary fund—interest of.

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ident, that the money is due and payable to the principal of the Seminary, or his assistants or the teachers or officers employed, or to the members of the Board of Education or the Board of Visitors as herein authorized, or for necessary incidental expenses in the support or maintainance of said Seminary, or some of its departments.

Control of funds.

SEC. 16. *Be it further enacted* That said funds shall be under the direction and control of the Board of Education, subject to the provisions herein contained. The Treasurer of said Board shall pay out of the proper fund all orders or drafts for money, to be expended under the provisions of this act; such orders or drafts to be drawn by the Secretary and countersigned by the President of the Board. No such orders or drafts shall be given except upon accounts audited and and allowed by the Board at a regular meeting.

Pay of visitors, &c.

SEC. 17. *Be it further enacted*, That the services and all necessary travelling and other expenses, incurred by any member of the Board of Education or the Board of Visitors, shall be paid out of any funds belonging to said Seminary in the hands of the Treasurer, until the erection and completion of the necessary buildings. The principal, assistants, teachers, and other officers employed in said Seminary, shall be paid out of the interest of the Seminary fund, and from receipts for tuition; and the services and expenses of the Board of Education, after the erection of the necessary building or buildings, and other expenses incident to said Seminary, shall be paid for out of the interest of the Seminary fund, in the same manner, as near as may be, as is required in regard to moneys drawn for the payment of the principal or other teachers. The members of the Board of Education and the Visitors, shall be entitled to two dollars per day for their actual services, and to their necessary travelling and other expenses.

Powers of Board as to property.

SEC. 18. *Be it further enacted*, That for the purpose of rendering more officient their organization, and to enable them the more fully to carry into effect the provisions herein contained, the members of the Board of Education and their successors in office, shall be, and they are hereby empowered to purchase, have, hold, possess and enjoy, to themselves and their successors, lands, tenements, hereditaments, goods, chattels and effects of every kind; and the same to grant, alien, sell, invest, and dispose of, to sue and be sued, plead and be impleaded in all Courts in this State, and to make such by-laws and regulations as they may deem proper for the well-ordering and government of said Board of Education, and the transaction of its business: *Provided*, The same be not repugnant to the Constitution and laws of this State, or of the United States.

As to business.

SEC. 19. *Be it further enacted*, That said Board of Education shall have powerto transact all necessary business at any meeting, a quorum being present, and meetings may be called in such manner as their by-laws may provide, and a quorum shall consist of a majority of the members. The first meeting under this act, may be

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held at such time and place as may be directed by the Secretary, and the attendance of a quorum shall render valid the proceedings of such meeting. All process against said Board of Education, shall be served on the President or Secretary thereof.

SEC. 20. *Be it further enacted*, That the General Assembly may at any time alter, amend, or repeal this act by a vote of two-thirds of the members present in each House. Repeal.

[Passed the Senate, January 20, 1851. Passed the House of Representatives, January 22, 1851. Approved by the Governor, January 24, 1851.]

CHAPTER 338.—[No. 27.]

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.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Comptroller be, and he is hereby, authorized to invest the money belonging to the Seminary and Scoool Fund in such stock of this or other States as is deemed most advisable, or loan the same to City or County Authorities in this State, upon their giving such security as is deemed sufficient by the Register of Public Lands, Comptroller, and Governor; the assent of the Governor to be given in the manner required by the act for investing the School Funds, approved January 9th, 1849. Investment of funds.

SEC. 2. *Be it further enacted*, That such money as may be invested by the Comptroller previous to the 20th July, 1851, shall be so invested as to have the interest payable on that day; the interest and principal then to be so invested as to have the interest payable on the 20th July, 1852: no money to be invested, except in State stock, at a less interest than seven per cent. per annum, and no investment to be made, except in stock as aforesaid, for a longer term than two years. Interest. Rate of

SEC. 3. *Be it further enacted*, That all money hereafter accruing to the principal of the School Fund, shall be so invested as to have the interest payable on the 20th July in each year. When payable

SEC. 4. *Be it further enacted*, That in the first distribution of School money, no share shall be allowed to any County from which no report shall have been received by the State Superintendent prior to the first May, 1852, stating the number of children in each District in the County between the ages of five and eighteen years, who had actually attended school, in said district, within three months of the date of the report. Distribution of School money.

SEC. 5. *Be it further enacted*, That the first distribution of money for the support of schools, shall be made on and after the first day of September, 1852; and the second and all other distributions shall be made as required in the act entitled, "An act to provide for First distribution.

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the establishment of Common Schools in this State," approved January 10th, 1849.

Counties borrowing.

SEC. 6. *Be it further enacted,* That such City or County Authorities as, under the first section of this act, borrow money from the School Fund, shall have power to pledge the revenues of the City or County respectively to the payment of the principal and interest of said Fund; and should there be a failure on the part of the said City or County Authorities to pay the interest or principal at the time it becomes due, said payment shall be enforced under such rules and regulations as the General Assembly may prescribe, and in all cases of failure to pay either the principal or interest when due, twelve per cent. per annum shall be paid on both principal and interest, from the time they are due until paid.

Failure to pay

[Passed the Senate, December 17, 1850. Passed the House of Representatives, December 23, 1850. Approved by the Governor, December 31, 1850.]

CHAPTER 339.—[No. 28.]

AN ACT providing for the Increase of the School Fund from the State Treasury.

Increase of School fund.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That should there not be enough money arising from the interest of the School fund to allow two dollars to be given annually for the education of each child, returned as required by law to the State Superintendent, then the said Superintendent shall notify the Comptroller of the amount of said deficiency, and also of the amount required by each County Superintendent to make up the deficiency in his County; and the Treasurer shall on the warrant of the Comptroller pay from the State Treasury, of funds accruing from the general revenue, to the several County Superintendents, the amount of said deficiency

[Passed the Senate, January 22, 1851. Passed the House of Representatives, January 23 1851. Approved by the Governor, January 24, 1851.]

CHAPTER 340.—[No. 29.]

AN ACT explanatory of An Act entitled "An Act to provide for the increase of the School Fund from the State Treasury," passed by the present General Assembly.

Distribution of School money.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That in the distribution of School money, no share shall be allowed for any child, who has not attended school for at least three months within the year preceding the time at which the distribution is to be made.

[Passed the Senate, January 24, 1851. Passed the House of Representatives, January 24, 1851. Approved by the Governor, January 24, 1851.]

CHAPTER 341.—[No. 30.]

AN ACT requiring to be paid into the School Fund money derived from the sale of Slaves under the Act of November 22, 1829.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That hereafter when any slave or slaves shall be taken up under an order from the Circuit Court, in accordance with the provisions of the act approved November 22, 1829, said slave or slaves shall be considered as belonging to the Common School Fund; and all the money derived from the sale of said slave or slaves, after the payment of the necessary expenses, shall be paid into the Treasury of the State as belonging to the principal of said Fund, and be invested in the same manner as other moneys of said Fund are required to be invested. Slaves in certain cases to belong to School fund.

[Passed the Senate, December 30, 1850. Passed the House of Representatives, January 6, 1851. Approved by the Governor, January 11, 1851.]

CHAPTER 342.—[No. 31.]

AN ACT providing for the investment of a portion of the Seminary and Common School Fund.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That such sum or sums as may be required for the purposes of the State Government, not exceeding in all twenty-five thousand dollars, of the moneys belonging to the principal of the Seminary or Common School Fund, shall be and the same is or are hereby required to be borrowed by the State of Florida, and the same shall be placed with and constitute a part of the general fund for the support of State Government, upon interest at the rate of seven per cent. per annum, to be paid annually, upon the twentieth day of July in each year, the said principal so borrowed to be refunded at the pleasure of the General Assembly of this State. Investment of School Fund.

SEC. 2. *Be it further enacted,* That it shall be the duty of the Governor of this State to execute a bond or bonds, payable to the Treasurer of the State and to his successors in office, for the said sum of twenty-five thousand dollars, to be countersigned by the Comptroller of Public Accounts, conditioned to pay the principal and interest of said loan in the manner provided in the foregoing section, which bond or bonds shall be deposited for safe-keeping in the office of the Treasurer of this State, and upon the same being so deposited, the said Treasurer shall transfer the amount or amounts borrowed, to the account of the General fund, to be used as other moneys belonging to that fund, and paid out in the same manner and for the same purposes. Bond — conditions of.

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Duty of Comptroller.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Comptroller of public accounts, on the twentieth day of July in each and every year, to draw his warrant upon the Treasury for the amount of interest due upon the loan or loans provided for in the foregoing sections, and hand the same to the Treasurer, and upon his receiving the same, he shall transfer and pay over to the Common School Fund, to be distributed in the manner now required by law, the amounts therein specified from the General Fund of the State, and the said Treasurer and Comptroller shall each keep on the books of his office an account of the said loan, showing the amount borrowed, the amount paid thereon for principal or interest, and shall make report thereof annually to the Governor, to be by him laid before the General Assembly.

[Passed the Senate, January 17, 1851. Passed the House of Representatives January 18, 1851. Approved by the Governor, January 23, 1851.]

CHAPTER 343.—[No. 32.]

AN ACT enlarging the Powers of County Commissioners.

Increase of School Fund.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Board of County Commissioners of the different Counties, next hereafter to be elected, shall have power to raise, by taxation, for the purpose of aiding the Common or Public Schools, an amount not exceeding four dollars for each child between the ages of five and eighteen years, in the respective Counties: *Provided*, That the Counties of Columbia, Levy, St. Johns, Putnam, Monroe, Alachua, Nassau, Gadsden, Wakulla, Hamilton, Jefferson, Madison, Duval and Leon be exempted from the operation of this act.

How distributed.

SEC. 2. *Be it further enacted*, That the fund so raised for school purposes shall be distributed under the direction of the County Superintendent, in the manner provided for in the "Act to provide for the establishment of Common Schools in this State," approved January 13, 1849.

[Passed the Senate, December 20, 1850. Passed the House of Representatives, December 31, 1850. Approved by the Governor, January 6, 1851.]

CHAPTER 344.—[No. 33.]

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 heirs or next of kin, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That it shall be the duty of the Sheriffs of the several Counties in the

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State to ascertain the nature, situation, and amount of all estates real or personal, which have escheated or reverted, or may hereafter escheat or revert, to the School Fund, on account of a defect of heirs or next of kin, and of all property found on the coast or shores of the State, or brought into the State or its ports as wreck or derelict of the seas, in the sense of maritime law, and for which no owner shall appear and establish his claim within a year and a day, and report the same without delay to the Register of Public Lands. Duty of Sheriff

SEC. 2. *Be it further enacted*, That it shall be the duty of the Register, when the estate mentioned shall be other than money, to require the Sheriff to dispose of the same, in such manner as may be thought expedient by the Register; the sale of lands, however, to be made subject to all the rules, regulations, and restrictions which are now, or may be hereafter, imposed upon the sale of Seminary Lands. Of Register.

SEC. 3. *Be it further enacted*, That in all cases of derelict property brought into the State or its ports, and for which no owner shall appear and establish his or their claim, when the amount shall be less than five hundred dollars, the Sheriff shall, in order to determine the quantum of salvage to be paid to the salvors, refer the same to two arbitrators to be chosen, one on the part of the State, the other on the part of the salvors, and should they be unable to agree, they shall have power to select an umpire. Derelict property. Salvage.

SEC. 4. *Be it further enacted*, That whenever any property is ascertained to rightfully belong to the School Fund, and the person in possession refuses to give it up to the Sheriff on demand, it shall be the duty of the Solicitor of the District in which the property is situated, when required to do so by the Register, to enter a suit for said property, and prosecute the same to a final recovery: all money derived from these sources to be paid by the Sheriff to the Register, to be paid by him into the Treasury of the State. Duty of Solicitor.

SEC. 5. *Be it further enacted*, That for services rendered by the Sheriff, in accordance with the preceding sections of this act, he shall receive from the Treasurer, on the warrant of the Comptroller, two and a half per cent. on the nett proceeds of the amount paid into the Treasury, after the payment of all expenses; and that the Solicitor shall receive two and a half per cent. on the amount recovered by means of services rendered by him, in accordance with the provisions of this act. Compensation.

SEC. 6. *Be it further enacted*, That it shall be the duty of the Sheriff to place in the hands of the County Superintendent, within one month of the time at which any money is received, a statement of the amount of money received by him, the time at which and the source from which said money was received; which statement shall be kept by the County Superintendent, and a copy thereof forwarded, without unnecessary delay, to the State Superintendent. Sheriff to make return.

SEC. 7. *Be it further enacted*, That it shall be the duty of the

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When to pay over money.

Sheriff to pay over such money as may come into his possession in the performance of the duty herein required of him, within one month of the time in which he receives said money; and on failure so to do, the said Sheriff shall pay interest on said money at the rate of twelve per cent. per annum from the time it becomes due to the School Fund until paid, and shall also be liable on his bond for double the amount withheld; and it shall be the duty of the Solicitor to sue upon his bond, upon the request of the Register so to do.

[Passed the Senate, December 7, 1850. Passed the House of Representatives December 14, 1850. Approved by the Governor, December 23, 1850.]

CHAPTER 345.—[No. 34.]

AN ACT to make uniform the mode of selling State Lands.

Certain Acts repealed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the following acts, to wit: "An act to provide for the sale of lands granted to the State for the purposes of Internal Improvements," approved January 6th, 1847, and also, "An act to amend and act to provide for the sale of the lands granted to the State for the purposes of Internal Improvement," approved January 8th, 1848, be and the same are hereby repealed.

In. Im. Lands, sales of.

SEC. 2. *Be it further enacted,* That hereafter the sale of Internal Improvement Lands shall be made subject to all the rules, regulations and restrictions which are now, or may hereafter be imposed on the sale of Seminary and School Lands.

[Passed the House of Representatives, January 4, 1851. Passed the Senate January 10, 1851. Approved by the Governor, January 20, 1851.]

CHAPTER 346.—[No. 35.]

AN ACT to require purchasers of State Lands to make payment therefor to the Treasurer of this State.

State Lands—how purchased

SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That hereafter any person or persons desiring to purchase State Lands, may do so by making written application therefor to the Register, whose duty it shall be, if the the tract applied for be vacant and subject to entry by the applicant or applicants, to append to said application a certificate of that fact, and stating also the number of acres in the tract, the price thereof per acre, and the particular fund to which said tract belongs.

Treasurer shall give receipt, &c.

SEC. 2. *Be it further enacted,* That upon the presentation of said application and certificate to the Treasurer, it shall be his duty to receive from the applicant or applicants the cash payment in full, or the cash payment in part, and bonds for the balance, as the case

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may be, and give a receipt therefor, and file a certificate of said receipt, with the original application and certificate, in the office of the Register, whose duty it shall be carefully to preserve the same, and thereupon to enter said tract in the name of the applicant or applicants, and if it shall appear from the Treasurer's receipt that the whole of the purchase money has been paid, then the Register shall give a deed, but if it shall appear from said receipt that only a part of the purchase money has been paid, and bonds given for the balance, in that case the Register shall give a certificate of purchase, as is now required by law, and withhold a deed until the applicant or applicants shall bring a receipt from the Treasurer, stating that the last instalment has been paid.

Separate accounts by.

SEC. 3. *Be it further enacted*, That the Treasurer shall keep in his books a separate account of the moneys received and disbursed by him on account of the School Fund, a separate account of the moneys received and disbursed by him on account of the Seminary Fund, and a separate account of the moneys received and disbursed by him on account of the Internal Improvement Fund.

[Passed the Senate, December 21, 1850. Passed the House of Representatives, December 31, 1850. Approved by the Governor, January 6. 1851.]

CHAPTER 347.—[No. 36.]

AN ACT to repeal An Act entitled, An Act supplemental to An Act entitled An Act to grant pre-emption rights to settlers on State lands, passed at the present session, approved January 12th, 1849.

Repeal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That an act entitled, "An Act supplemental to an act entitled an act to grant pre-emption rights to settlers on State Lands, passed at the present session," be, and the same is hereby repealed.

[Passed the House of Representatives, December 9, 1850. Passed the Senate December 11, 1850. Approved by the Governor, December 16, 1850.]

CHAPTER 348.—[No. 37.]

AN ACT to amend An Act entitled An Act to grant pre-emption rights to settlers on State Lands, approved December 27, 1848.

Who entitled to pre-emption

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assemby convened*, That after the passage of this act, every person being the head of a family, or widow, or single man, or woman over the age of twenty-one years, and being a citizen of the United States, or having filed his declaration to become a citizen, as required by the naturalization laws of the United States, shall be entitled to the benefit of the act to which this is an amendment: (*Provided*, He or she does not own

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one hundred and sixty acres of land;) although the applicant may previously have had the benefit of any other pre-emption law: *And provided further*, That no person shall have the benefit of more than one pre-emption under this law, whatever may be the amount claimed under the pre-emption.

Minimum.

SEC. 2. *Be it further enacted*, That the minimum price mentioned in the first section of the act to which this is an amendment, shall be construed to mean the price at which said lands shall have been appraised, in the manner now prescribed or which shall hereafter be prescribed for the appraisement of State Lands previous to the sales thereof.

Lands—how appraised.

SEC. 3. *Be it further enacted*, That hereafter all State Lands, previous to the sale thereof by pre-emption or otherwise, shall be appraised in half-eights of sections, in the manner now prescribed by law.

[Passed the House of Representatives, January 6, 1851. Passed the Senate, January 11, 1851. Approved by the Governor, January 20, 1851.]

CHAPTER 349.—[No. 38.]

AN ACT to grant the right of Pre-emption to persons who have settled on Sixteenth Sections in certain cases.

May enter lands.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That all persons who have settled on any of the sixteenth sections (granted to this State for educational purposes,) before the same was surveyed, and who continue to live thereon, be, and they are hereby entitled to enter as much thereof as will cover their improvements, to be taken by legal sub-divisions, not to exceed one hundred and sixty acres, at the appraised value of the same, to be paid for on or before the day such sixteenth sections shall be offered for sale.

Who entitled to precedence.

SEC. 2. *Be it further enacted*, That when two or more persons shall have settled on the same quarter section, the one making the first settlement, shall be entitled to precedence.

Repeal.

SEC. 3. *Be it further enacted*, That all laws and parts of laws conflicting with the intent and meaning of this act, be, and the same are hereby repealed.

[Passed the Senate, December 21, 1850. Passed the House of Representatives, December 28, 1850. Approved by the Governor, January 6, 1851.]

CHAPTER 350.—[No. 39.]

AN ACT in relation to the duties of the Comptroller and Treasurer of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That it

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shall be the duty of the Comptroller of Public Accounts to cause to be published in two public newspapers printed in the city of Tallahassee, in the first week of December in each and every year, a tabular statement, showing the gross and nett amount of all State taxes, assessed for the year, in each of the counties in the State—the gross and nett amount of all State taxes upon licenses, and the amount of auction taxes in each county in this State.

Am't of State taxes — shall be published.

Sec. 2. *Be it further enacted*, That it shall be the duty of the Comptroller of Public Accounts to cause to be published, in two public newspapers printed in the city of Tallahassee, in the first week in December in each and every year, a statement of the balances due from each of the Sheriffs, Clerks, Tax Collectors, and other accounting officers in this State, together with the date, amount, and nature of their respective liabilities.

Balances due, &c.

Sec. 3. *Be it further enacted*, That it shall be the duty of the Treasurer of this State to cause to be published in two public newspapers printed in the city of Tallahassee, in the first week of December in each and every year, a tabular statement of all the moneys received by him during the year previous to the date of said statement, from all the counties in this State respectively, setting forth in detail, the amount received, from whom received, and the branch of income from which received; and he shall also include in such table, a statement of all moneys disbursed and paid out by him, to whom paid, and on what account.

Duty of Treas.

Sec. 4. *Be it further enacted*, That, upon the refusal, neglect, or failure of either the Comptroller or Treasurer of the State to perform the duty prescribed in this act, or on the refusal, neglect, or failure of the Comptroller to perform the duties imposed upon the said office by the thirty-first section of the tenth chapter of the acts of 1845, entitled An act to raise a revenue for the State of Florida, defining the duties of the Assessors and Collectors thereof, approved 24th July, 1845, the officer so offending shall be liable to indictment, and upon conviction, shall be fined in a sum not exceeding one thousand dollars, at the discretion of the Court.

Failure to perform duties—penalty of.

[Passed the House of Representatives, January 21, 1851—Passed the Senate, January 22, 1851—Approved by the Governor, January 24, 1851.]

CHAPTER 351.—[No. 40]

AN ACT to require the original accounts, vouchers, and evidence upon which warrants are drawn by the Comptroller of Public Accounts, to be filed in his office, and not in that of the Treasurer.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That all accounts, vouchers, and evidence, upon which Warrants have heretofore been, or shall be hereafter drawn upon the Treasury by the Comptroller of Public Accounts, shall be filed and deposited in

Accounts, &c., where filed.

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[Passed the Senate, January 22, 1851—Passed the House of Representatives, January 23, 1851—Approved by the Governor, January 24, 1851.]

CHAPTER 352.—[No. 41.]

AN ACT in relation to the term of office and duties of the Tax Collectors.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida, in General Assembly convened,* That each tax collector in this State, whose term of office shall expire before he shall have completed the collecting of the taxes for which he is liable, shall not thereby be discharged from collecting and paying over the same, but shall be, and he is hereby, required and empowered to go on and collect the said taxes, and enforce the payment thereof, in the same manner that he could or should have done, had not his term of office expired; and all his advertisements and sales of lands, or other property, for unpaid taxes, and all his other acts, shall be valid; and he and his sureties shall be liable to the same extent they would have been had not his term expired.

Shall collect taxes.

Sec. 2. *Be it further enacted,* That all laws, or parts of laws, conflicting with the provisions of the foregoing, shall be, and they are hereby, repealed.

Repeal.

[Passed the Senate, January 7, 1851. Passed the House of Representatives, January 13, 1851. Approved by the Governor, January 22, 1851.]

CHAPTER 353.—[No. 42.]

AN ACT to fix the compensation of Tax-Assessors and Collectors.

SECTION 1, *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the several Tax-Assessors and Collectors of this State, shall receive from the State, for assessing, collecting and paying over the State taxes, the following compensation, to wit: upon the first one hundred dollars actually so collected and paid over, twenty-five per cent.; upon all sums over one hundred and under five hundred dollars, ten per centum upon the excess over one hundred dollars; upon all sums over five hundred dollars and under one thousand dollars, eight per centum upon the excess over five hundred dollars: upon all sums over one thousand and under two thousand dollars, six per cent. upon the excess over one thousand dollars; upon all sums over two thousand and under three thousand dollars, five per cent. upon the excess over two thousand dollars; upon all sums over three thousand and under four thousand dollars, four per cent. upon the excess over three thousand dollars; upon all sums over four thousand and under five thousand dollars, three per centum upon the excess over four thousand dol-

Rate of compensation on State tax.

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lars; upon all sums over five thousand dollars, two per centum upon the excess over five thousand dollars.

Sec. 2. *Be it further enacted*, That for assessing and collecting taxes for county purposes, there shall be allowed to the Tax Assessors and collectors of the different counties, the following compensation, to wit: On all sums amounting to one hundred dollars and under, twenty per cent; on all sums over one hundred and under five hundred, eight per cent. on the excess over one hundred; on all sums over five hundred and under one thousand, six per cent. on the excess over five hundred; on all sums over one thousand and under two thousand four per cent. on the excess over one thousand; on all sums over two thousand and under three thousand, three per cent. on the excess over two thousand; on all sums over three thousand, two per cent. on such excess. On County tax

[Passed the House of Representatives, January 20, 1851. Passed the Senate, January 23, 1851. Approved by the Governor, January 24, 1851.]

CHAPTER 354.—[No. 43.]

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.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the duties now required to be performed by the Sheriffs in the Collection and Assessment of taxes in the Counties of Columbia, Hernando, Madison and Hamilton, be performed by an Assessor and Collector, which shall be separate and distinct offices from the office of Sheriff in said Counties after the year 1851. And that an election be held at the several precincts in said Counties on the first Monday in October next, for an Assessor and Collector in each of said Counties, who, before entering upon the duties of their office, shall take the same oath, and give bond and security, as other Assessors and Collectors are required to do, and also be entitled to receive the same fees for their said services. Office distinct.

Sec. 2. *Be it further enacted*, That all laws and parts of laws, conflicting with the true intent and meaning of this Act, be, and the same are hereby repealed. Repeal.

[Passed the Senate, December 27, 1850—Passed the House of Representatives, January 4, 1851—Approved by the Governor, January 11, 1851.]

CHAPTER 355.—[No. 44.]

AN ACT to require the respective Boards of County Commissioners to examine and certify the Assessment returns made by the Tax Assessors.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That

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the respective Tax Assessors of this State shall be, and they are hereby required, to lay before the County Commissioners of their respective Counties, the three Assessment books, required by law to be made out by them, on or before the day when they are required by law to be completed; and it shall be the duty of the said County Commissioners to examine carefully the said books, to see that they correspond exactly, and in all particulars, with each other, that the amount of property and taxable subjects therein assessed are reported and assessed correctly, that the calculations and additions are correct, and that the law and the forms prescribed by the Comptroller have been in all respects complied with, in assessing the property and in making out the said books; to make, or require the Tax Assessor to make such alterations and additions as are necessary to make the said books correct. It shall also be the duty of said Board, in the same manner, to examine, compare, and correct the lists of additional assessments made after the original returns are closed. And the President of the said Board shall, under his hand and seal of office, certify that the said books, or additional lists, have been examined by the said Board, and are, in all respects, correct, and the said President shall attach to the book and list to be forwarded to the office of the Comptroller a certificate, in addition to the foregoing, that the same corresponds in all respects with that deposited in his office, and with that retained by the Tax Collector.

Commissioners shall examine Ass. Books.

[Passed the House of Representatives, January 20, 1851—Passed the Senate, January 22, 1851—Approved by the Governor, January 24, 1851.]

CHAPTER 356.—[No. 45.]

AN ACT to amend An act to reduce the rate of taxation upon subjects now taxed, and to levy a tax upon cattle of non-residents.

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That from and after the passage of this Act, there shall be assessed and collected a tax of fifty cents on each and every head of cattle in this State, or which may be brought into this State hereafter, being the property of non-residents of the State of Florida.

Tax on cattle of non-residents.

Sec. 2. *Be it further enacted*, That for all cattle in this State, owned by citizens of the State of Florida, there shall be hereafter assessed and collected, upon all cattle over one hundred head, twenty-five cents for every hundred head: *Provided further*, That no cattle shall be returned or liable to said tax but such as are over one year old. That all laws and parts of laws conflicting with this provision are hereby repealed.

Of residents.

[Passed the House of Representatives, January 11, 1851—Passed the Senate, January 18, 1851—Approved by the Governor, January 23, 1851.]

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CHAPTER 357.—[No. 46.]

AN ACT in relation to the taxes upon Agencies of foreign Insurance Companies, and other subjects therein named.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That there shall be assessed and collected yearly, upon every agent or agency, within this State, of any Insurance Company chartered or located beyond the limits of this State, a tax of two per cent. upon all premiums received by such agent or agency for the year next preceding the date when the assessment hereby required shall be made: *Provided*, That such agent or agency shall, in all instances, whatever be the amount of premiums received during said year, pay a tax every year of not less than ten dollars. Tax on Agencies. Proviso.

Sec. 2. *Be it further enacted*, That every person who shall, for profit within the limits of this State, discount, buy or sell drafts or bills of exchange, drawn upon any place beyond the limits of this State, either with his own funds, means or credit, or as agent for any Bank or individual, shall be assessed and pay every year, a tax of five cents upon every one hundred dollars in amount of exchange so bought, and every one hundred dollars in amount so sold, for and during the year next preceding the date at which the assessment of such tax shall be made. On exchange-brokers.

Sec. 3. *Be it further enacted*, That every agent or partner within this State, of a Factor, Commission House or Commission Merchant, located or residing beyond the limits of this State, shall be assessed and pay every year, a tax of two per cent. upon the gross amount of all commissions received, for and during the year next preceding the date of such assessment, by such agent or partner, or by the said Factor, Commission House, or Commission Merchant through the agency of such agent or partner. On Commission Merchants

Sec. 4. *Be it further enacted*, That all laws, heretofore passed, imposing a tax upon the Agents of Foreign Insurance Companies, the agents of foreign Banks, the agents or partners of foreign Bankers, Brokers, Commission Houses or Merchants, and upon Insurance Companies, be, and the same are hereby repealed. Repeal.

Sec. 5. *Be it further enacted*, That the respective agents, partners, or other persons, doing the business or pursuing the occupations taxed in the foregoing sections, shall be personally liable for the taxes hereby imposed, and in case of refusal or neglect to pay the same, their property, real and personal, shall be subject to seizure and sale, in the same manner as the property of other delinquent tax payers. Personal liability.

[Passed the House of Representatives, January 18, 1851—Passed the Senate, January 21, 1851—Approved by the Governor, January 23d, 1851.]

CHAPTER 358.—[No. 47.]

AN ACT to tax slaves brought into this State for hire.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That hereafter no slave or slaves shall be brought or sent into this State from any place beyond the limits thereof, for the purpose of being hired out, without a license therefor being first taken out by the owner or master of said slave or slaves, or the agent of such owner or master, in the manner provided by law for taking out licenses, and the tax for such license shall be twenty-five dollars for any such slave so brought or sent, besides the fees of the clerk for issuing such license, which fees shall be collected by the Sheriff at the same time the tax is collected.

Slaves for hire —tax on.

Sec. 2. *Be it further enacted*, That if any slave shall be brought or sent to this State, and be hired out without a license being taken out as provided in the foregoing section, the owner or master thereof shall be liable to a double tax, and the said slave shall be liable to be seized by the Sheriff and hired out until the said double tax and all expenses and fees are realized from the hire.

Penalty.

Sec. 3. *Be it further enacted*, That the said license shall authorize the said slave to be hired out, within the county where the tax is paid, for one year or any less time, but for no longer time than one year; and a full tax of twenty-five dollars shall be paid, however short the time for which said slave is hired.

Licence, where applicable.

Sec. 4. *Be it further enacted*, That the provisions of this Act shall be applicable only to the counties of Franklin, Escambia and Monroe.

Passed the Senate, December 30, 1850—Passed the House of Representatives, January 17, 1851—Approved by the Governor, January 23, 1851.

CHAPTER 359.—[No. 48.]

AN ACT to provide for the collection of taxes, and highway dues, against free persons of color.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That whenever for the want of property there shall be a failure to collect taxes due this State, from any free negro or free mulatto residing therein, and in cases when any free negro or free mulatto shall be in default for non-performance of road work, and there shall be a failure to collect the amount adjudged against him or her for such default for want of property out of which the same shall be collected, it shall be lawful for any Justice of the Peace to issue a writ of *capias ad satisfaciendum*, against such free negro or free mulatto, for the amount of taxes so due, or for the condemnation money in such default, together with all costs thereon taxed.

Capias — Writ of.

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Sec. 2. *Be it further enacted*, That it shall be lawful, by virtue of any execution issued as aforesaid, for the officer executing the said execution, and such officer is hereby required to levy upon, seize, and take the body of such delinquent against whom such execution may have issued, and such delinquent so taken, safely to keep until said execution is discharged and satisfied. Delinquent may be seized.

Sec. 3. *Be it further enacted*, That if any delinquent in execution taken as aforesaid, shall not pay and discharge the same within the term of five days from and after the time of levying upon him, her or them, of any such execution as aforesaid, it shall and may be lawful for any officer executing and levying such writ, to advertise the sale of the services of such delinquent, or delinquents, to any person who will pay and discharge such execution, with the costs accrued and accruing, for such services, for the shortest space of time; which said advertisement shall be by posting at two or more public places in the county where such writ shall be executed, and such sale shall not take place before the same shall have been advertised ten days, and it shall be by public Auction, at the time and place designated in such advertisement. Services of—may be sold.

Sec. 4. *Be it further enacted*, That any negro or mulatto, sold as aforesaid, shall be for the time for which he, she, or they may be sold, taken and held in servitude, and in all respects liable to the same penalties and treatment, and bound to perform any service which his, her, or their owners may require, in the same manner as slaves are bound. Nature of servitude.

Sec. 5. *Be it further enacted*, That if any free negro or mulatto, sold for term of time as aforesaid, shall run away from his, her, or their owner or owners, such persons of color, upon summary complaint before any Justice of the Peace, shall and may be condemned to serve double the time for which he, she, or they shall have run away, which summary complaint may be made, and condemnation for more service awarded, by any Justice of the Peace, as often and as long as said free negro or mulatto so sold, shall continue to run away. Escaping—penalty for.

Sec. 6. *Be it further enacted*, That all laws and parts of laws inconsistent with the provisions of this act, be and the same are hereby repealed. Repeal.

Passed the Senate, January 21, 1851—Passed the House of Representatives, January 22, 1851—Approved by the Governor, January 24, 1851.

CHAPTER 360.—[No. 49.]

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 11, 1849.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That whenever any land is bought in for the State, the county tax for one year shall be included in the amount for which the tax collector County tax—how paid.

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makes the purchase, and the tax collector shall pay to the county treasurer the said county tax, in the same manner as now authorized by law, to pay expenses of advertising, &c.

Sec. 2. *Be it further enacted*, That lands bought in for the State, in accordance with the provisions of the act to which this is an amendment, and not redeemed within the time prescribed, shall be considered as belonging to the Common School Fund, and all sales of said lands thereafter made, shall be made by the Register, subject to all the rules, regulations, and restrictions which are now, or may hereafter be imposed upon the sale of Seminary lands.

School Fund.

Passed the Senate, December 18, 1850—Passed the House of Representatives December 24, 1850—Approved by the Governor, December 31, 1850.

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CHAPTER 361.—[No. 50.]

AN ACT altering the mode and manner of redemption of lands purchased by the State for taxes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the previous owner of any real estate purchased for the State for taxes, his, her, or their heirs or assigns, or any representative thereof, or any other person having interest therein, may, while the same is undisposed of, and remaining the property of the State, redeem the same by paying into the treasury the amount for which such real estate was so purchased, with such additional sums as would have accrued for taxes thereon, if the same had not been purchased for the State, and interest at the rate of ten per cent. per annum on the former amount, from the date of the purchase, and on the additional sum from the day in each year in which the same would have accrued. When real estate so purchased, is so redeemed, the Comptroller shall certify the fact to the Register of Public Lands.

Redemption of Land sold for taxes—how.

Sec. 2. *Be it further enacted*, That the money paid for the redemption of lands purchased for the State for taxes, shall be considered as belonging to the Common School Fund, and shall be governed by all the rules, regulations and restrictions which are now or may hereafter be adopted for the management of that fund.

School Fund.

Passed the Senate, December 20, 1850—Passed the House of Representatives, December 24, 1850—Approved by the Governor, December 31, 1850.

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CHAPTER 362.—[No. 51.]

AN ACT in relation to Licenses.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That, hereafter, it shall be the duty of each Sheriff in this State, whenever a tax for a license is paid to him, to collect also the fees allowed by law to the Clerk for issuing such license, and his receipts shall spe-

Duty of Sheriff

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cify the amount of fees thus received by him, and the said Sheriff shall pay over to the Clerk the amount of fees thus required to be collected by him.

Duplicate Receipts.

Sec. 2. *Be it further enacted*, That it shall be the duty of the said Sheriff, whenever a tax for a license is paid to him, to issue duplicate receipts for such tax and fees, one of which shall be given to the person paying the tax, and the other shall be filed by the Sheriff in the office of Clerk of the Circuit Court, and the Sheriff shall keep a full record of all taxes paid to him for licenses, which record shall specify the name of the person paying the tax, the date when paid, the purpose for which the same was paid, the duration of said license and the amount of tax paid thereon, which record shall be open to public inspection.

Reports, when & where filed.

Sec. 3. *Be it further enacted*, That it shall be the duty of each Sheriff in this State, on or before the days fixed by law for the payment over to the treasury of all taxes received for licenses, to file in the office of the Comptrollor of Public Accounts, a report of all taxes thus received by him during the six months prior to the date of said payment, and shall also file a duplicate of said report in the office of the President of the Board of County Commissioners, which report shall specify the same items as are required to be set forth in the record required in the foregoing section to be kept by him.

Selling without license—penalty for.

Sec. 4. *Be it further enacted*, That if any person or persons, who is or are required by law to take out a license, shall exercise his, her or their respective callings, business or occupation, or shall let, keep, sell or offer for sale, trade, exhibit, expose or hire without having first obtained a license so to do from the officers required by law to issue the same, he, she or they, shall be liable to all the pains and penalties therefor now fixed by law, notwithstanding such person or persons may have paid the tax fixed by law upon such license to the proper officer.

Passed the House of Representatives, January 4, 1851—Passed the Senate, January 16, 1851—Approved by the Governor, January 23, 1851.

CHAPTER 363.—[No. 52.]

AN ACT amendatory of the several Acts now in force relating to the appointment and duties of Auctioneers.

Sales—tax on.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida, in General Assembly convened*, That the tax upon Auction sales shall be two per centum upon the gross amount of sales, except on sales of cotton not damaged, on which there shall be a tax of one half of one per cent.

Maximum.

Sec. 2. *Be it further enacted*, That no tax on Auction sales shall be assessed or levied by any county or incorporated town or city in this State, greater than twenty-five per centum upon the State tax.

Sec. 3. *Be it further enacted*, That all Auctioneers who have heretofore been appointed according to law, and whose commissions

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Term of office.

have not yet expired, and all Auctioneers who shall hereafter be appointed, shall hold their office during the period of six years from the date of their appointment: *Provided*, That all Auctioneers appointed by the Governor during the recess of the General Assembly, shall hold their office only until the end of the session of the General Assembly next after the date of their appointment.

Proviso.

Passed the House of Representatives, January 4, 1851—Passed the Senate, January 7, 1851—Approved by the Governor, January 13, 1851.

CHAPTER 364.—[No. 53.]

AN ACT to provide for the payment of Coroners' Juries, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That, from and after the passage of this Act, all persons summoned to serve as Jurors of Inquest or Witnesses, at the instance of any Coroner in this State, and who shall so serve, shall be entitled to the same compensation as Jurors, the same to be paid out of the State Treasury upon the presentation of the certificate of the Coroner holding the inquest.

Compensation.

Sec. 2. *Be it further enacted*, That in all inquisitions, when it shall be made to appear to the satisfaction of a jury of inquest, that a felony has been committed, it shall be the duty of the Coroner holding such inquest, forthwith, upon the rendition of the verdict, to issue his warrant, to be directed to any lawful officer to execute and return, to apprehend the person or persons suspected of such felony, and bring him, her or them before some Justice of the Peace, to be dealt with according to law.

How made.

Sec. 3. *Be it further enacted*, That, in any case where a *post mortem* examination shall be deemed necessary by the jury of inquest, it shall be the duty of the Coroner to summon a Physician or Surgeon to perform the duty, and the amount of compensation therefor shall be decided by the County Commissioners of the County in which said examination shall have been held, and the Comptroller of the State shall audit the same, upon the certificate of said Commissioners, to be paid out of the State Treasury.

Post Mortem examinations.

Sec. 4. *Be it further enacted*, That all laws or parts of laws, militating against this Act, be, and the same are hereby repealed.

Repeal.

[Passed the House of Representatives, January 17, 1851—Passed the Senate, January 22, 1851—Approved by the Governor, January 24, 1851.]

CHAPTER 365.—[No. 54.]

AN ACT to amend An act entitled An act for the protection of Fisheries on the Coast of Florida, Approved, December 17, 1845.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida, in General Assembly convened*, That the

several Tax Collectors of the respective Counties of this State, and in those Counties where the Sheriff is by law *ex officio* Collector of Taxes, there the several Sheriffs shall be *ex officio* Commissioners of Fisheries, in and for their respective Counties, and the said several Tax Collectors and Sheriffs are hereby required to perform all the duties required by the Act to which this is an amendment, of the Commissioner of Fisheries, and shall be vested with the same powers and privileges, and be subject to the same liabilities and penalties, as are imposed and bestowed by that Act upon the said Commissioners.

Ex-officio Commissioners of Fisheries.

Sec. 2. *Be it further enacted*, That the said Tax Collectors and the said Sheriffs who are *ex officio* Tax Collectors, shall be required to give an additional bond, as Commissioners of Fisheries, in the sum of one Thousand dollars, conditioned for the faithful performance of their duties as such.

Bond.

[Passed the Senate, December 16, 1850—Passed the House of Representatives, December 23, 1850—Approved by the Governor, December 31, 1850.]

CHAPTER 366.—[No. 55.]

AN ACT to change and fix the salaries and compensation of the Solicitors of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That from and after the passage of this Act, the several Solicitors of this State shall receive an annual salary of two hundred and fifty dollars, and no more, payable quarterly at the Treasury of the State.

Solicitors—salaries of.

Sec. 2. *Be it further enacted*, That, in addition to said salary they shall receive ten dollars for every conviction, except in capital cases, and in those cases they shall receive twenty dollars; and, in every case of conviction, execution shall issue against the convicted party as in ordinary cases, in which shall be taxed, as a part of the costs of prosecution, the fee hereby allowed, and the Sheriff shall proceed to collect the same, and make return of his doings to the next succeeding court after conviction; and if he return that he has not collected the same, and knows of no property of the convicted party out of which it can be made, it shall be the duty of the Comptroller of this State, upon certificate by the clerk of that fact, to audit and allow said fee, and the same shall be paid out of the public Treasury.

Fees.

Sec. 3. *Be it further enacted*, That all laws or parts of laws, conflicting with this Act, be, and the same are hereby repealed.

Repeal.

[Passed the Senate, January 16, 1851—Passed the House of Representatives, January 24, 1851—Approved by the Governor, January 24, 1851.]

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CHAPTER 367.—[No. 56.]

AN ACT to make provision to defray the expenses of a residence for the Chief Executive Magistrate of this State.

Governor's residence.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida, in General Assembly convened,* That the sum of five hundred dollars be, and is hereby appropriated, annually, to defray the expenses of a residence for the Chief Executive Magistrate of this State.

Sec. 2. *Be it further enacted,* That the Treasurer of the State be, and he is hereby required to place the amount specified in the hands of the Governor for the purposes stated in the first section.

[Passed the House of Representatives, January 3, 1851—Passed the Senate, January 8, 1851—Approved by the Governor, January 13, 1851.]

CHAPTER 368.—[No. 57.]

AN ACT to provide for the payment of the Florida Volunteers called out in the year 1849.

Compensation —rate of.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the accounts of the several officers and privates of the volunteer companies who were called out by the Governor of the State in the year 1849, to suppress Indian hostilities, be audited and allowed both for services, supplies, transportation and money laid out and expended in said service by the proper accounting officers of the different departments of this State, so that there shall be paid to such officers and privates such compensation for their services when satisfactorily proved, at the same rate which is established in the Army of the United States for similar services.

Scrip.

Sec. 2. *Be it further enacted,* That the Governor be, and he is hereby authorized and empowered to issue through the office of the Comptroller, State Scrip bearing six per cent. interest, payable in two, three and five years to an amount not exceeding seventy-five thousand dollars for the liquidation of the aforesaid claims.

When redeemed.

Sec. 3. *Be it further enacted,* That so soon as an appropriation shall be made by the Federal Government for the payment of such officers and privates of said Volunteer Companies and shall be deposited in the Treasury of the State, the interest on said State Scrip shall cease, and the Comptroller of the Treasury is hereby authorized and required to issue his warrant upon the Treasurer in favor of the holder or holders of such Scrip, upon his or their application for the principal of such Scrip and the interest which may have accrued thereon up to the period when under the provisions of this Act, said interest shall cease to accrue.

[Passed the House of Representatives, December 23, 1850—Passed the Senate, January 15, 1851—Approved by the Governor, January 23, 1851.]

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CHAPTER 369.—[No. 58.]

AN ACT to unite the duties of Sheriff and Tax Assessor and Collector in the County of Levy.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That from and after the passage of this Act, the Sheriff of the County of Levy shall perform the duties of Sheriff, Tax Assessor and Collector, and that the said offices of Tax Assessor and Tax Collector, as separate and distinct offices, shall cease to exist. Sheriff shall perform duties

[Passed the House of Representatives, December 13, 1850—Passed the Senate, December 17, 1850—Approved by the Governor, December 24, 1850.]

CHAPTER 370.—[No. 59.]

AN ACT to change the time when County Commissioners shall examine the Accounts of the County Treasurer.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That hereafter the several Boards of County Commissioners in this State shall perform the duties required of them by the first section of "An Act to amend the several Acts relative to County Commissioners," approved, December 27, 1847, in relation to county taxes, at their first regular sitting in every year, and not at their annual meeting in September; and they shall deliver their statement to the Foreman of the Grand Jury at the next Circuit Court thereafter. Commissioners shall examine accounts.

[Passed the Senate, December 27, 1850—Passed the House of Representatives, January 9, 1851—Approved by the Governor, January 14, 1851.]

CHAPTER 371.—[No. 60.]

AN ACT to organize the Supreme Court of the State of Florida.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That from and after the first day of January, in the year of our Lord one thousand eight hundred and fifty-one, the Supreme Court of the State of Florida shall be composed of one Chief Justice and two Associate Justices, who shall be chosen and elected according to the provisions of the Constitution, and hold their offices for eight years. Justices Sup. Court. Term of office.

SEC. 2. *Be it further enacted*, That said Chief Justice and Associate Justices shall each receive for his services, an annual salary of two thousand dollars, to be paid quarter-yearly at the Treasury. Salary.

SEC. 3. *Be it further enacted*, That the Justices of the Supreme Court shall hold four terms of the said Court in each and every

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year, that is to say, one term at Tallahassee, in the Middle Circuit, on the first Monday of January: One term at Jacksonville, in the Eastern Circuit, on the third Monday of February; one term at Tampa, in the Southern Circuit, on the first Monday of March; and one term at Marianna, in the Western Circuit, on the third Monday of March: *Provided, however,* That said Justices may have power to order special terms or sessions of said Court, whenever, from any cause, the regular terms could not be held, and whenever the public service may require the same: *And provided further,* That for the year 1851, there shall be but one term of the Supreme Court, to be held at Tallahassee, on the first Monday in January, or as soon thereafter as organized, which Court shall hear and determine all cases before them from every Circuit in the State.

Terms of Court.

SEC. 4. *Be it further enacted,* That the Supreme Court, when in session at Jacksonville in the Eastern 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 Eastern Circuit; 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; and when in session at Tallahassee, in the Middle 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 Middle Circuit; and when in session at Marianna in the Western 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 Western Circuit. *Provided,* That no Justice of said Court, shall sit upon the determination of any case which he may have decided as Circuit Judge or in which he may have been engaged as counsel. *And provided,* That by agreement of parties, any case may be heard and determined by the Court at either of its sessions.

Shall determine all appeals.

SEC. 5. *Be it further enacted,* That whenever from any cause, any one or two Justices of the Supreme Court are disqualified or disabled from hearing and determining any cause brought before them, it shall be the duty of the Justices of the said Court to notify the same to any one or two Judges of the Circuit Court, as the case may be, and the time and place when such causes shall be set for hearing, and it is hereby made the duty of such Circuit Judge or Judges, upon receiving such notice, to attend at the time and place designated, and he or they shall be, and are hereby, invested with full authority, in conjunction with the remaining Justice or Justices of the Supreme Court, to hear and determine the causes of which they were notified as aforesaid.

Judges C. C. shall sit in certain cases, &c.

SEC. 6. *Be it further enacted,* That in the event of the death, resignation, or removal from the State of any one of the Justices of said Court, the Governor of the State shall appoint some suitable

Vacancy.

person, who shall supply the vacancy, until the same is filled by the General Assembly.

SEC. 7. *Be it further enacted*, That from and after the said first day of January, in the year one thousand eight hundred and fifty-one, all laws and parts of laws conflicting with or coming within the purview of this act, shall be repealed. Repeal.

[Passed the House of Representatives, December 20, 1850. Passed the Senate, January 6, 1851. Approved by the Governor, January 11, 1851.]

CHAPTER 372.—[No. 61.]

AN ACT to amend An Act to organize the Supreme Court of the State of Florida.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That whenever one or more Judges of the Circuit Court shall, under the provisions of the fifth section of the act to which this is an amendment, hear and determine causes in the Supreme Court, the said Judge or Judges of the Circuit Court, for the time during which he or they shall be so engaged in hearing and determining said causes, shall be and constitute a part of the Supreme Court of the State of Florida, anything in the act to which this is an amendment to the contrary notwithstanding. Shall be part of Sup. Court.

SEC. 2. *Be it further enacted*, That whenever the Attorney General shall attend sittings of the Supreme Court, elsewhere than in Tallahassee, he shall receive a *per diem* allowance of three dollars during such attendance, and an allowance of ten cents a mile for his travel to and from the place of such sittings. Atty. Gen.—per diem of.

SEC. 3. *Be it further enacted*, That the Supreme Court of this State be, and it is hereby authorized to appoint a Deputy Clerk in any County where said Court may be holden. Co'rt may appoint deputies.

SEC. 4. *Be it further enacted*, That the Sheriff of any County in which the Supreme Court may be holden, shall also be Sheriff of said Supreme Court, and his duties and compensation shall be the same as are now allowed by law. Sheriff.

SEC. 5. *Be it further enacted*, That the whole number of the reports of the decisions of the Supreme Court, shall hereafter be placed by the Attorney General in the office of the Secretary of State, for the use of the State, and the Comptroller is hereby authorized and required, upon the certificate of the Secretary that the reports have been received in his office, to issue a warrant upon the Treasurer, in favor of the Reporter, for the sum of two hundred and fifty dollars, as a full compensation for his share of said reports. Reports.

[Passed the House of Representatives, January 22, 1851. Passed the Senate, January 23, 1851. Approved by the Governor, January 24, 1851.]

CHAPTER 373.—[No. 62.]

AN ACT to provide for the more effectual administration of Justice in the Courts of this State.

Cause may be transferred.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That whenever any cause may be pending in any of the Circuit Courts of this State, and the same cannot be heard, tried, or determined by reason of the disqualification of the Judge of such Court to hear and determine the same, it shall be lawful for either party thereto to present his petition to such Judge, praying that said cause be transferred to some other Circuit Court, and it shall be the duty of the Judge so disqualified to have said cause removed to some Court in the next nearest Circuit; but if the Judge in the nearest Circuit be also disqualified, some other Circuit shall be selected for that purpose.

Witnesses.

SEC. 2. *Be it further enacted,* That whenever a cause is removed under the provisions of this act, the testimony of the witnesses residing in the County from which it is removed, may be taken in the manner provided by law for taking the testimony of witnesses residing out of the County in which any suit is pending.

Clerk shall transfer papers

SEC. 3. *Be it further enacted,* That on the removal of a cause by virtue of this act, it shall be the duty of the Clerk of the Court in which such cause was pending, to transmit all papers in his office belonging thereto to the Clerk of the Court to which said cause may be ordered to be transferred, together with a certificate of the order of transfer, provided the party applying for the transfer shall first pay all costs which have accrued in such cause.

When Judge disqualified, &c

SEC. 4. *Be it further enacted,* That whenever the Judge of a Circuit Court shall be unable, from absence, sickness, or other cause, or shall be disqualified from interest or any other cause to discharge any duty whatever appertaining to his office, which may be required to be performed in vacation or between terms, it shall be the duty of any other Circuit Judge, on the application of any party, to perform such duties, and hear and determine all such matters as may be submitted to him; and such Judge may discharge said duties either in his own or any other Circuit, and shall be substituted in all respects in the place and stead, in the matter aforesaid, of the Judge unable or disqualified to act.

When Governor may order extra term.

SEC. 5. *Be it further enacted,* That whenever it shall be made satisfactorily to appear to the Governor of this State that from the number or character of causes pending or the number of witnesses to be examined, or from other cause, it would be unjust or greatly inconvenient to transfer such suit or suits to another Circuit, in consequence of the Judge of the proper Circuit being disqualified to try the same, the Governor shall have power either to order an extra term of Court to be held by a Judge of another Circuit to try said suit or suits, or to direct an interchange of Circuits for the time be-

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ing, between the Judge so disqualified and some other Judge competent to try and determine said causes, and it is hereby made the duty of such Judge or Judges to comply with said order or direction.

[Passed the Senate, January 20, 1851. Passed the House of Representatives, January 22, 1851. Approved by the Governor, January 24, 1851.]

CHAPTER 374.—[No. 63.]

AN ACT to amend the several Acts now in force in relation to Pleadings in Civil Suits.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That hereafter in all actions upon prommissory notes and other instruments of writing, wherein a total failure of consideration may be now pleaded, partial failure of consideration may be pleaded in such manner as is now provided for filing such pleas of total failure of consideration: *Provided,* That the grounds of defence shall be fully pleaded. Pleadings.

[Passed the Senate, December 23, 1850. Passed the House of Representatives, January 4, 1851. Approved by the Governor, January 11, 1851.]

CHAPTER 375.—[No. 64.]

AN ACT to amend the laws now in force in this State relative to the foreclosure of Mortgages.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That hereafter, when any bill in chancery shall be filed for the foreclosure of any mortgage in the county where the mortgaged property is situated, and the mortgagor, or other person entitled to or interested in the equity of redemption shall reside in any other county in the State, a subpœna may be issued as in other cases, and may be served by the Sheriff of the county in which the defendant may reside, or by the sheriff of the county in which the defendant may be found. Subpœna may be issued.

SEC. 2. *Be it further enacted,* That all laws and parts of laws contrary to the provisions of this act, be, and the same are hereby repealed. Repeal.

[Passed the Senate, January 21, 1851. Passed the House of Representatives, January 23, 1851. Approved by the Governor, January 24, 1851.]

CHAPTER 376.—[No. 65.]

AN ACT to amend an Act entitled "An Act to exempt Homesteads from Execution, Attachment and Distress," Approved March 11, 1845.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That

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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 is 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: *And provided,* The value of said house and lot shall not exceed three hundred dollars, to be ascertained as provided for in the act to which this is an amendment, and in case of an excess, the same proceedings shall take place as are therein directed.

Lot & Dwelling house exempted.

Proviso.

SEC. 2. *Be it further enacted,* That all lands which may be located by any officer or soldier, under any warrant issued under and by virtue of the act of Congress granting bounty lands, approved 28th September, 1850, be, and the same are hereby exempted from Execution, Attachment or Distress, as long as said lands may be in possession of the officer or soldier locating the same.

Certain land exempt.

[Passed the Senate, January 1, 1851. Passed the House of Representatives, January 17, 1851. Approved by the Governor, January 22, 1851.]

CHAPTER 377.—[No. 66.]

AN ACT to amend An Act entitled An Act for securing liens to Mechanics, Overseers and others, approved December 29, 1845.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That whenever any person shall wish to proceed against any property upon which he may have a lien by virtue of the act entitled an act for securing liens to Mechanics, Overseers and others, approved December 29, 1845, and the contractor for whom the work was done or materials furnished, resides out of the State, or absconds, or conceals himself, so that the ordinary process of law cannot be served upon him, and no property can be found within the limits of the county in which the lien accrues, which can be taken by the process of attachment, and the Sheriff makes a return to that effect, then the suit may be commenced by summons served upon the owner of the land on which the buildings are situated for which the work was done or for which the materials were furnished, in the same manner as though he had been the original debtor, and notice of the institution of said suit shall also be given in the same manner as is required in the suit by attachment in the case of absent defendants.

Suits may be commenced by attachment.

[Passed the Senate, December 16, 1850. Passed the House of Representatives, December 23, 1850. Approved by the Governor, December 31, 1850.]

CHAPTER 378.—[No. 67.]

AN ACT to amend the laws now in force in relation to the establishment of lost papers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That whenever it may be desired to establish copies of lost papers, under any statute of this State, when the party or parties against whom, or against whose interest the establishment of a copy of the lost paper will operate, resides beyond the limits of this State, or in parts unknown, it shall be lawful for the party desiring to establish the same, to give notice by publication in any newspaper of this State, once a week for the space of four months, and such notice shall set forth fully and entirely a substantial copy of the paper desired to be established: *Provided,* Nothing in this act shall be construed to supersede any of the forms prescribed by law for the establishment of lost papers: *Provided, however,* That nothing in this act contained shall operate as a repeal of the special acts for the establishment of lost papers and records in the counties of Gadsden, Jackson, Columbia and St. Lucie.

Lost papers—publication shall be made of intention to establish.

Proviso.

[Passed the House of Representatives, January 16, 1851. Passed the Senate, January 22, 1851. Approved by the Governor, January 24, 1851.

CHAPTER 379.—[No. 68.]

AN ACT to prevent any person or persons being made liable for the payment of any subscription or subscriptions to any newspaper or newspapers, any periodical or periodicals, or any document or documents, without said person or persons shall subscribe for, or in writing request [or] order the same to be addressed to himself, herself or themselves.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this act, no person or persons shall be liable to pay for any newspaper or newspapers, any periodical or periodicals, or any document or documents, unless he, she or they shall subscribe therefor, or order the same in writing.

Case when liable.

[Passed the House of Representatives, January 11, 1851. Passed the Senate January 17, 1851. Approved by the Governor January 23, 1851.]

CHAPTER 380.—[No. 69.]

AN ACT authorizing Judges of Probate to set apart Dower.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That it shall be the duty of the representative of any estate, the heir or heirs at law, or other person, having the next estate of freehold or

Representative shall lay off dower.

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inheritance in any lands or estate, real or personal, of which the widow is entitled to dower or a child's part, provided he, she, or they, be of lawful age, to lay off and assign such dower as soon as practicable, after the death of the husband of such widow; and in cases where the heir or heirs at law, or other person or persons having the next estate of freehold or inheritance in lands or estate, real or personal as aforesaid, shall be minors, it shall be the duty of the Judge of the Court of Probate, after a lapse of two months next after the decease of said husband, to require the representative of any such estate to proceed in causing the dower or child's part of said widow to be assigned and set over to her.

May petition Court.

SEC. 2. *Be it further enacted*, That for the purpose of enabling the representative of any estate, the heir or heirs at law, or other person having the next estate of freehold or inheritance in any lands or estate of which the widow is entitled to dower or child's part, to lay off and assign such dower, it shall and may be lawful for him, her, or them, to file a petition in the Circuit Court or Probate Court, in the County where her husband shall have usually dwelt, next before his death, (if there be neither of said Courts in said County, then, in the next adjoining County,) for the laying off, setting apart and assigning the same, in the form and manner prescribed by law for laying off, setting apart, and assigning dower, upon the application of the widow.

Widow may petition.

SEC. 3. *Be it further enacted*, That if such heir or other person shall not, within two months next after the decease of said husband, assign and set over, or cause to be assigned and set over, to the widow of the deceased, her dower or child's part, in manner as aforesaid, in and to any property whereof by law she is or may be dowable, according to the true intendment of law, then such widow claiming dower, may file her petition in the Circuit Court or Probate Court in the County where her husband shall have usually dwelt, next before his death, (if there be neither of said Courts in said County, then, and in that case, in the next adjoining County,) for the recovery of the same, in the form and manner prescribed by law for assigning and setting apart dower or child's part.

Assignment of child's part.

SEC. 4. *Be it further enacted*, That in all cases of assignment of dower or child's part, it shall be the duty of the Court in which application is thus made to either confirm or reject the allotment or assignment made, and such decree of confirmation or rejection, shall be considered a final decree, and may be appealed from within the same time, and in the same mode and manner, and to the same tribunal, as appeals from the decision of said Court in other cases.

Repeal.

SEC. 5. *Be it further enacted*, That all laws, or parts of laws, inconsistent with the spirit and meaning of this act, be, and the same are hereby repealed.

[Passed the Senate, January 7, 1851. Passed the House of Representatives January 13, 1851. Approved by the Governor, January 22, 1851.]

CHAPTER 381.—[No. 70.]

AN ACT to enable Executors, Administrators and Guardians to sell the real estate of Infants.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That when any Executor, Administrator or Guardian shall have the control or management of any real estate, the property of an infant, and shall think it necessary or expedient to sell the same, it shall and may be lawful for the said Executor, Administrator or Guardian to apply either in term time or vacation, by petition to the Judge of the Circuit Court of the District in which said real estate may be situated, for authority to sell the same, and if the prayer of said petition shall appear to the said Judge reasonable and just, it shall be, and is hereby declared lawful to authorize said Executor, Administrator or Guardian, to sell said estate under such conditions as the interests of said infant may, in the opinion of said Judge, seem to require: *Provided,* That the said Judge shall require of the said Executor, Administrator or Guardian such additional bond as, in his discretion, may seem to be necessary to protect the interests of the infant.

Executor, &c., may apply in vacation for leave to sell.

SEC. 2. *Be it further enacted,* That no authority shall be granted to sell real estate, as provided for in the first section of this act, unless the Executor, Administrator or Guardian shall have given at least thirty day's previous notice in one or more newspapers printed in this State, nearest to where said real estate may be, of his intention to make application to the Judge of said Circuit Court for authority to sell the same, setting forth in said notice the time and place, and to what Judge said application will be made.

Shall give notice.

SEC. 3. *Be it further enacted,* That when authority shall be granted by virtue of this act to sell real estate, the petition and all papers relating to the same, together with the order of the Judge granting authority to sell, shall be filed in the office of records for the county in which said real estate may be situated.

Petition, &c.—where filed.

SEC. 4. *Be it further enacted,* That when any Executor, Administrator or Guardian shall convey any real estate, the property of an infant, under the authority given by virtue of this act, the title to the property thus conveyed, so far as the infant may have title thereto, shall be good and effectual.

Title of property conveyed.

SEC. 5. *Be it further enacted,* That all laws and parts of laws inconsistent with the provisions of this act, be, and the same are hereby repealed.

Repeal.

[Passed the Senate, January 7, 1851. Passed the House of Representatives, January 17, 1851. Approved by the Governor, January 23, 1851.

CHAPTER 382.—[No. 71.]

AN ACT in relation to the Boundary Line between the States of Georgia and Florida.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Governor of this State be, and he is hereby authorized and required to take such steps as may to him seem necessary and proper for expediting and forwarding the settlement of the controversy between this State and the State of Georgia in regard to their line of boundary.

Governor authorised to prosecute suit.

SEC. 2. *Be it further enacted,* That the Governor be, and he is hereby authorized, for the purpose aforesaid, to cause to be paid out of any money in the Treasury, not otherwise appropriated, such reasonable amounts as compensation to the counsel in the suit heretofore authorized and required to be instituted in the Supreme Court of the United States for the purpose of confirming and quieting said boundary line, as may to him seem expedient, just and proper.

Compensation to counsel.

[Passed the Senate, December 19, 1850. Passed the House of Representatives, December 24, 1850. Approved by the Governor, December 31, 1850.]

CHAPTER 383.—[No. 72.]

AN ACT to amend the laws now in force in relation to compensation to Physicians.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That in lieu of the compensation now allowed by law out of the public Treasury, to Physicians for professional services rendered to prisoners, there shall be allowed and paid such sums for attendance and medicines in each case, as may be allowed after examination by the Board of County Commissioners of the County in which such service may be rendered: *Provided,* That no compensation shall be allowed except it fully appears by proof that the prisoner to whom the service is rendered is insolvent and unable to pay the claim.

Commissioners shall allow, &c.

Proviso.

SEC. 2. *Be it further enacted,* That in all cases the claims allowed under this act shall be stated by items, and in no case shall there be allowed for attendance of a Physician, exclusive of mileage and medicines, more than three dollars for one day.

Maximum.

SEC. 3. *Be it further enacted,* That all claims which shall be examined and allowed by the Board of County Commissioners under the provisions of this act, shall be allowed and paid by the county.

County liable.

[Passed the House of Representatives, January 11, 1851. Passed the Senate, January 17, 1851. Approved by the Governor, January 23, 1851.]

CHAPTER 384.—[No. 73.]

AN ACT more particularly to define the duties of Weighers of Cotton in this State.

SECTION 1. *Be enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this act, it shall not be lawful for any weighers of cotton in this State, to make any deduction from the actual weight of each bale of cotton weighed by them including the Bagging and Rope. Cotton weighers.

SEC. 2. *Be it further enacted,* That this act shall not be construed so as to prevent the weighers of cotton from making such deduction for wet or damaged cotton, as may be just and right. Wet cotton.

[Passed the House of Representatives, December 23, 1850. Passed the Senate, December 28, 1850. Approved by the Governor, January 7, 1851.]

CHAPTER 385.—[No. 74.]

AN ACT in relation to Naturalized Citizens voting in this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly covenend,* That hereafter any naturalized citizen of the United States, having the qualification of a voter in this State, shall be permitted to vote without the production of his certificate of naturalization, upon his swearing and subscribing before the inspectors of any election, the following affidavit, to wit: "I———do solemnly swear that I am a naturalized citizen of the United States, that I obtained my certificate of naturalization at the———Court, held in the———of———, in the State of———, in the year of———, or thereabouts, according to the laws of the United States." May vote on taking oath.

SEC. 2. *Be it further enacted,* That it shall not be the duty of the inspectors of any election to require of any naturalized citizen who may offer to vote, to swear and sign the affidavit provided for in the first section of this act, unless the vote of such naturalized citizen is challenged, or unless some one of the inspectors have good reason to believe that the person offering to vote is not a naturalized citizen of the United States. When not challenged, &c.

SEC. 3. *Be it further enacted,* That it shall be the duty of the inspectors of any election hereafter to be held in the State, to write the name of the voter on the back of every vote that may be received after the vote is challenged, so that the vote of every challenged voter may be identified. When voter challenged — ballot must be endorsed.

SEC. 4. *Be it further enacted,* That it shall be the duty of the inspectors of any election hereafter to be held in this State, to return with the poll book to the Judge of Probate of their respective Coun- Affidavits to be returned with poll-book.

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ties, all the affidavits that may be sworn to and subscribed before them as inspectors, also all the votes received by them; and it is hereby made the duty of the respective Judges of Probate in this State, to file in their office all the affidavits and votes returned to them under the provisions of this act.

Blank affidavits, &c.

SEC. 5. *Be it further enacted*, That it shall be the duty of the Secretary of State to furnish to the respective Judges of Probate a sufficient number of blank affidavits, as is provided for in the first section of this act, to be distributed to the respective precincts.

False swearing

SEC. 6. *Be it further enacted*, That if any person shall be guilty of wilful and corrupt false swearing, or affirming, when interrogated as to his qualifications as a voter, he shall, on conviction, suffer the pains and penalties of perjury.

[Passed the Senate, December 27, 1850. Passed the House of Representatives, January 10, 1851. Approved by the Governor, January 20, 1851.]

CHAPTER 386.—[No. 75.]

AN ACT repealing the first and second sections and amending section third of An Act in relation to trading with Slaves, approved February 11, 1834.

Repeal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That from and after the passage of this act, the first and second sections of "An act in relation to trading with Slaves," approved February 11, 1834, be, and the same are hereby repealed.

Person buying, &c., shall be fined.

SEC. 2. *Be it further enacted*, That section third be so amended as to read as follows: "If any person shall buy, accept or receive from any slave, any money, grain, produce, or other article of value, without a permit from the person having the control of said slave, authorizing said slave to dispose of said money, or article of value, he, she or they, on conviction before the Circuit Court, shall be fined in a sum not exceeding one hundred dollars, or imprisoned not exceeding three months, at the discretion of the Judge: *Provided*, That in no case shall cotton, sugar or tobacco, be purchased from any Slave."

Proviso.

[Passed the House of Representatives, January 17, 1851. Passed the Senate, January 22, 1851. Approved by the Governor, January 24, 1851.]

CHAPTER 387.—[No. 76.]

AN ACT in addition to the Acts now in force in relation to Crimes and Misdemeanors.

Kidnapping negro, penalty.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That from and after the passage of this act, the abducting or kidnapping of any free negro or mulatto, or any negro or mulatto bound to ser-

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vice for a less term than life, shall be deemed a felony, and any person so offending, if he or she be a white person, shall be punished by a fine not exceed one thousand dollars, or whipping not exceeding thirty-nine stripes, or imprisonment not exceeding one year; and if the person convicted of the crime aforesaid be a negro or mulatto, he or she shall suffer death.

SEC. 2. *Be it further enacted*, That hereafter any slave who shall entice, or use any means to induce any slave to run away, or aid, assist or abet any slave in running away, or otherwise wilfully cause a loss of labor of such slave to his or her owner or owners, shall, upon affidavit and warrant, be brought before any Justice of the Peace in the county where such offence is committed, and summarily tried before such Justice, and if found guilty, the slave so offending shall receive not exceeding one hundred stripes, and in all cases where such slave is found guilty the owner or owners thereof shall be liable for the costs of such proceedings. Enticing slave —penalty for.

[Passed the Senate, December 11, 1850. Passed the House of Representatives, December 31, 1850. Approved by the Governor, January 6,1851.]

CHAPTER 388.—[No. 77.]

AN ACT amendatory to acts in reference to Militia and Patrol Duties, and Crimes and Misdemeanors.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That from and after the passage of this act it shall not be lawful for the owner or proprietor of any farm or plantation upon which slaves are or shall be employed, to leave the same without any white person residing thereon, under a penalty not exceeding one hundred dollars, to be recovered by indictment, one half to the informer, and the other half to the use of the county in which the offence or offences shall be committed. Leaving plantation, penalty

SEC. 2. *Be it further enacted*, That when the owner or proprietor of a farm or plantation, whether for agricultural or turpentine purposes, upon which a slave or slaves may or shall be employed, shall not be liable to the penalty herein prescribed: *Provided*, The owner or proprietor manages his own affairs without the aid of an overseer. Who exempt. Proviso.

SEC. 3. *Be it further enacted*, That any and all laws or parts of laws inconsistent or conflicting with the provisions of this act, be, and thesame are hereby repealed. Repeal.

[Passed the House of Representatives, January 9, 1851. Passed the Senate January 17, 1851. Approved by the Governor, January 23, 1851.]

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CHAPTER 389.—[No. 78.]

AN ACT to Punish Cheats and False Pretences.

Personating another—penalty for.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That every person who shall falsely represent or personate another, and in such assumed character shall receive any money or valuable property of any description, intended to be delivered to the individual so personated, shall, upon conviction, be punished in the same manner, and to the same extent, as for feloniously stealing the money or property so received.

For falsely obtaining signature, &c.

SEC. 2. *Be it further enacted,* That every person who, with intent to cheat or defraud another, shall designedly, by color of any false token, representation or writing, or by any other false pretence, obtain the signature of any person to any written instrument, or obtain from any person, any money, personal property or valuable thing, upon conviction thereof, shall be punished by imprisonment not exceeding three years, or by a fine not exceeding three times the value of the money, property or thing so obtained, or by both such fine and imprisonment at the discretion of the jury.

[Passed the Senate, December 6, 1850. Passed the House of Representatives, December 14, 1850. Approved by the Governor, December 23, 1850.]

CHAPTER 390.—[No. 79.]

AN ACT to provide for the punishment of such persons as unlawfully issue, pass or circulate Change Bills or Notes, under the denomination of One Dollar.

Penalty for circulating.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the first day of March next, any person who shall issue, pass, or circulate any Change Bills or Note of any amount below the denomination of one dollar, shall be indicted, and on conviction, shall be fined in a sum not less than twenty-five dollars, nor more than one hundred dollars, or imprisoned not more than thirty days, at the discretion of the Jury. All fines collected under the provisions of this act, shall be paid into the Treasury to the credit of the Common School Fund of this State.

Duty of Sheriff

SEC. 2. *Be it further enacted,* That it shall be the duty of the Sheriff in each and every County of the State, to present to the Grand Juries of their respective counties, each and every offender under this act.

Repeal

SEC. 3. *Be it further enacted,* That section first of "an act to suppress the issuing of change bills and for other purposes," approved February 11, 1838, be, and the same is hereby repealed.

[Passed the House of Representatives, December 9, 1850. Passed the Senate, December 16, 1850. Approved by the Governor, December 24, 1850.]

CHAPTER 391.—[No. 80.]

AN ACT to amend the Law authorizing the organization of Fire Companies.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That no Fire Company shall be considered as organized and entitled to the exemptions and privileges which they are now allowed by law, until they procure an engine, buckets, hooks, ladders, and all implements necessary for working said engines, and exercising the company, and when any company thus organized shall not have an engine, buckets, hooks, ladders, and implements necessary for working said engine, and exercising the company, then the exemptions and privileges now allowed them by law shall cease, and the members thereof shall be subject to militia and highway duty in the same manner and to the same extent they would have been liable had they not enrolled themseves in said company. Shall procure engines, &c.

SEC. 2. *Be it further enacted,* That all laws and parts of laws conflicting with the provisions of this act, be, and the same are hereby repealed. Repeal.

[Passed the Senate, January 18, 1851. Passed the House of Representatives, January 22, 1851. Approved by the Governor, January 24, 1851.]

CHAPTER 392.—[No. 81.]

AN ACT regulating the times and places of holding the Circuit Courts for the Western Circuit.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this act, the times and places for holding the Circuit Courts for the Western Circuit shall be as hereinafter specified: Western Circuit.

SPRING TERMS—At Apalachicola on the second Monday of April, for the County of Franklin; Calhoun. County, on Thursday after the fourth Monday in April; Jackson County, at Marianna, on the first Monday in May; Washington County on the third Monday of May; Holmes County, on Thursday after the third Monday in May; Walton County, on the fourth Monday in May, at Eucheanna, until a County site is selected, and suitable and proper buildings erected thereat; Santa Rosa County, at Milton, on the first Monday in June; Escambia County, at Pensacola, on the second Monday in June. Spring Term.

FALL TERMS—Escambia County, on the second Monday in October; Santa Rosa County, on the third Monday in October; Walton County, at Eucheanna, on the fourth Monday in October, until a County site is selected, and suitable and proper buildings erected thereat; Holmes County, on the first Monday in November; Wash- Fall Term.

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ington County, on Thursday after the first Monday in November; Jackson County, on the second Monday in November; Calhoun County, on Thursday after the fourth Monday in November; Franklin County, on the first Monday of December.

Repeal. SEC. 2. *Be it further enacted,* That all laws and parts of laws conflicting with this act, be, and the same are hereby repealed.

[Passed the House of Representatives, January 20, 1851. Passed the Senate, January 22, 1851. Approved by the Governor, January 24, 1851.]

CHAPTER 393.—[No. 82.]

AN ACT to change the time of holding the Circuit Courts of the Middle Circuit.

Middle Circuit. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the terms of the Circuit Courts in the Counties of the Middle Circuit, shall hereafter commence as follows, to wit:

Spring Term. SPRING TERM.—In the County of Gadsden, first Monday in March; Leon, third Monday in March; Wakulla, first Monday in April; Jefferson, second Monday in April; Madison, third Monday in April; Hamilton, fourth Monday in April.

Fall Term. FALL TERM.—In the County of Gadsden, first Monday in October; Leon, third Monday in October; Wakulla, first Monday in November; Jefferson, second Monday in November; Madison, third Monday in November; Hamilton, fourth Monday in November.

Repeal. SEC. 2. *Be it further enacted,* That all laws and parts of laws inconsistent with this act, be, and they are hereby repealed.

[Passed the House of Representatives, January 17, 1851. Passed the Senate, January 21, 1851. Approved by the Governor, January 23, 1851.]

CHAPTER 394.—[No. 83.]

AN ACT to change the time for holding the terms of the Circuit Court for Orange and St. Lucie and Putnam Counties.

Orange and St. Lucie. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That a term of the Circuit Court for the Counties of Orange and St. Lucie, when held. shall hereafter be holden at Mellonville, in Orange County aforesaid, on the first Tuesday in April, and on the third Tuesday before the first Monday in November, in each and every year. And that a Putnam. term of the Circuit Court for Putnam County, shall be held at Pilatka, in said County, on the third Tuesday in April, and on the last Tuesday before the first Monday in November, in each and every year.

SEC. 2. *Be it further enacted,* That all acts and parts of acts,

heretofore in force, coming within the purview of this act, be, and the same are hereby repealed. 1850.

[Passed the House of Representatives, January 16, 1851. Passed the Senate January 17, 1851. Approved by the Governor, January 23, 1851.]

CHAPTER 395.—[No. 84.]

AN ACT to establish a Circuit Court in Levy County, and to fix the terms of the Circuit Courts of the several Counties of the Southern Circuit of Florida.

Levy County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That there shall be established in the County of Levy a Circuit Court, under the provisions and with the same jurisdiction and powers as are provided by law for said Courts in other Counties of the State.

Southern Circuit.

SEC. 2. *Be it further enacted,* That from and after the passage of this act, the terms of the Circuit Court of the several Counties of the Southern Circuit of Florida, shall be as follows in each and every year, to wit:

Spring Term.

SPRING TERM—In the County of Levy, on the first Monday of May; in the County of Hernando, on the second Monday of May; in the County of Hillsborough, on the third Monday of May; in the County of Monroe, on the first Monday of July.

Fall Term.

FALL TERM—In the County of Levy, on the second Monday in October; in the County of Hernando, on the third Monday in October; in the County of Hillsborough, on the first Monday in November; in the County of Monroe on the first Monday in December.

Annexed to So. Circuit.

SEC. 3. *Be it further enacted,* That the said Circuit Court of said County shall be annexed and belong to the Southern Judicial Circuit, and that it shall be the duty of the Judge of the said Southern Circuit to hold Spring and Fall terms of said Court as prescribed in the second section of this act.

Where held.

SEC. 4. *Be it further enacted,* That until the County Site shall have been established and a Court House erected, the said Court shall be held at the house of Mrs. Andrews, at Wacasassa, or at the most convenient place in that vicinity, which shall be determined by the County Commissioners, whose duty it shall be to fix upon and arrange such place for the sittings of said Court for such intervening time.

Commissioners may rent building.

SEC. 5. *Be it further enacted,* That the County Commissioners aforesaid shall have power to rent a suitable building or room for the purposes aforesaid, at not exceeding one dollar per day during each session, which shall be chargeable to the County, and paid from the funds thereof.

SEC. 6. *Be it further enacted,* That it shall be the duty of the

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Judge of Probate, or in his absence, death or resignation, of two Justices of the Peace residing nearest the centre of the County, to order an election to be held on the first Monday in March next at the several precincts in the County, under such laws, forms, restrictions, rules and regulations as are now provided for County officers throughout the State, and as are not inconsistent with this act, for the purpose of determining the location of the County site, and for the establishing the Court House; That at said election each voter at each precinct shall declare upon his ticket the place which he would prefer for the County site of said County, and the place receiving the highest number of votes at said election, shall be the County site for said County, and remain so till changed by law; and the said Judge of Probate or Justices of the Peace shall certify the result of said election to the Secretary of State, and to the Board of Commissioners for said County.

County site — how selected.

[Passed the House of Representatives, December 10, 1850. Passed the Senate, January 20, 1851. Approved by the Governor, January 23, 1851.]

CHAPTER 396.—[No. 85.]

AN ACT to amend An Act entitled "An Act to establish a Circuit Court in Levy County, and to fix the terms of the Circuit Courts of the several Counties of the Southern Circuit of Florida."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this act, the Spring Term of the Circuit Court shall be held in the County of Levy on the fourth Monday in March; in the County of Hernando, on the first Monday in April; in the County of Hillsborough, on the second Monday in April; in the County of Monroe, on the first Monday in May.

Terms.

SEC. 2. *Be it further enacted,* That all laws or parts of laws conflicting with the provisions of this act, be and the same are hereby repealed.

Repeal.

[Passed the House of Representatives, January 24, 1851. Passed the Senate, January 24, 1851. Approved by the Governor, January 24, 1851.]

CHAPTER 397.—[No. 86.]

AN ACT to amend An Act entitled "An Act to re-establish the Records of the County of Jackson, and for other purposes."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the tenth section of an act entitled "An Act to re-establish the Records of the County of Jackson, and for other purposes," approved the twenty-seventh day of December, in the year one thousand eight hundred and forty-eight, be, and the same is hereby, so amended as

When proceedings shall be commenced.

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to allow proceedings under the provisions of said amended act, to be taken and commenced within two years next after the passage of this act, and not after.

[Passed the Senate, December 9, 1850. Passed the House of Representatives, December 14, 1850. Approved by the Governor, December 23, 1850.]

CHAPTER 398.—[No. 87.]

AN ACT to re-establish the Records of Gadsden County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That all the provisions of an act entitled "An Act to re-establish the Records of the County of Jackson, and for other purposes," and approved December the 27th, 1848, shall be applicable to the County of Gadsden: *Provided,* That nothing in this act shall prevent parties from proceeding at Common Law or in Equity, in the same manner they might have done previous to the passage of this act. Proviso.

[Passed the Senate, January 20, 1851. Passed the House of Representatives, January 23, 1851. Approved by the Governor, January 24, 1851.]

CHAPTER 399.—[No. 88.]

AN ACT to re-establish the Records of St. Lucie County.

WHEREAS, The Records of St. Lucie County have been destroyed by the Indians: Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That it shall and may be lawful for any person or persons, whose titles, deeds, bonds, mortgages, conveyances, receipts, or other papers required by law to be recorded, and which have been of record in the County of St. Lucie, and lost or destroyed by the Indians, who shall produce a paper writing purporting to be a copy of the original paper so lost or destroyed, as aforesaid, with full or circumstantial proof of the substance thereof, and of his or her or their title thereto, and shall file the same in the office of the proper recording officer of said County, and shall serve on the opposite party a copy thereof, or notify by advertisement in a newspaper published in the Eastern Circuit for the space of one month, that such person or persons intend to establish such titles, deed, bond, mortgage, conveyance, receipt, or other paper required by law to be recorded, then it shall and may be lawful, in case no sufficient objection shall be made, for the recording officer of said County to establish the title and right of such person or persons, and admit again to record such papers as aforesaid: *Provided,* That nothing in this section contained shall be so construed as to prohibit the re-recording of any paper re- Records, &c.—how established.

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quired by law to be recorded, upon presentation of the original with the certificate of a proper recording officer of said County thereon.

SEC. 2. *Be it further enacted,* That to re-establish records of Marks and Brands lost or destroyed as aforesaid, the person or persons making application shall take and subscribe an oath (or affirmation,) before the proper recording officer of said County, stating the particular Mark and Brand recorded and so lost and destroyed, and as near as may be the time when the same was recorded, which oath shall be taken in writing and recorded in the office of the proper recording officer of said County.

Of Marks and Brands.

SEC. 3. *Be it further enacted,* That to re-establish records of Marriages which have been lost or destroyed as aforesaid, any person or persons making application shall take and subscribe an oath or affirmation before the proper recording officer of said County, stating the name of the person, to whom married, the name and office of the person who administered the marriage ceremony, the office from which the licence was issued, the name and authority of the officer issuing the same, and, as near as may be, the date of such license, and when executed; which oath or affirmation shall be taken in writing, and recorded in the office of the proper recording officer in said County.

Of Marriages.

Of Wills, &c.

SEC. 4. *Be it further enacted,* That to re-establish any will, letter testamentary of administration, of guardianship, assignment of dower, or any paper or papers, or instruments of writing in any way connected with the administration of the estate of any decedent, or the administration of guardians, which have been recorded or required by law to be recorded, and which have been lost or destroyed as aforesaid, the applicant shall produce the original, or a paper writing purporting to be a copy, or as near a copy of the original paper or papers so lost or destroyed, with full or circumstantial proof of the substance thereof, and of his, her or their intention to re-establish such lost paper or papers aforesaid, and shall notify the opposite party or parties in the manner provided in the first section of this act, (if no sufficient objection be made,) such paper or papers so lost or destroyed, shall be re-established, and again admitted to record.

[Passed the House of Representatives, January 9, 1851. Passed the Senate, January 9, 1851. Approved by the Governor, January 23, 1851.]

CHAPTER 400.—[No. 89.]

AN ACT consolidating the Counties of Dade and Monroe, and making them a District for Judicial purposes.

Courts, where held, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That hereafter the Counties of Monroe and Dade shall, for Judicial purposes, be consolidated and be held and regarded as one District; and

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it shall be the duty of the Judge of the Circuit Court presiding in the Southern Circuit, to hold Courts for said Counties at Key West, in the County of Monroe, and the jurisdiction of said Circuit Court shall extend over both of said Counties, both in civil and criminal matters, as fully and completely as if they composed one County.

Dockets, &c. transferred.

SEC. 2. *Be it further enacted*, That all the dockets, records, files, and papers belonging to the Circuit Court of Dade County, shall be transferred to the Clerk of the Circuit Court for Monroe County, who shall keep and preserve the same as part of the dockets, records, files, and papers of the said Circuit Court holden for the said Counties of Monroe and Dade.

Clerk shall keep separate book.

SEC. 3. *Be it further enacted*, That the said Clerk of the Circuit Court for Monroe County shall keep a separate book, in which shall be recorded all deeds, mortgages, and instruments of writing to lands in Dade County, or which may be executed by parties residing in Dade County, which book shall be known as the record of deeds for Dade County.

Justices Peace, jurisdiction of.

SEC. 4. *Be it further enacted*, That the jurisdiction of Justices of the Peace in and for Monroe County, both in civil and criminal matters, shall extend into and over said County of Dade as fully and completely as if said Counties of Dade and Monroe composed one County.

Dade—When officers qualify —Effect of.

SEC. 5. *Be it further enacted*, That whenever the proper officers in Dade County shall have duly qualified for the discharge of their respective duties, this act shall cease and be void, so far as relates to civil causes; but, as to criminal causes, it shall continue to operate, so as to make the said Counties of Monroe and Dade one and the same District; and the Clerk of Monroe County shall thereupon transfer to the Clerk of Dade County whatever records and papers he may have disconnected with the criminal causes of said Dade County.

[Passed the Senate, December 11, 1850. Passed the House of Representatives, January 3, 1851. Approved by the Governor, January 7, 1851.]

CHAPTER 401.—[No. 90.]

AN ACT giving to the Judge of Probate of Escambia and Hamilton Counties the powers of Justices of the Peace in certain cases.

Shall have powers of Justices, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That hereafter the Judge of the Probate Court of Escambia and Hamilton shall be, by virtue of his office, Justice of the Peace for said Counties: *Provided, however*, That the jurisdiction of said Judge of Probate, as such Justice, shall only extend to the collection of debts of not less than fifty nor more than one hundred dollars.

Rules, &c.

SEC. 2. *Be it further enacted*, That all proceedings had and done before said Judge of Probate, by virtue of this act, shall be subject

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to such rules, regulations, and restrictions as are now in force in regard to proceedings in Justices' Courts, with this exception, that said Judge of Probate shall hold a Court, as Justice of the Peace, once in three months, instead of once in every month.

[Passed the Senate, January 10, 1851. Passed the House of Representatives, January 21, 1851. Approved by the Governor, January 23, 1851.]

CHAPTER 402.—[No. 91.]

AN ACT to define specifically the duties of the Board of County Commissioners of Monroe County.

Excess of revenue, how applied.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That hereafter the County Commissioners of the County of Monroe shall, after the expenses of collection of the revenue assessed and collected for the use of said County, and after all other necessary expenses in keeping in repair the public buildings, under the control of said County Commissioners, are paid, apply the balance of the revenue collected to the Common School of the County.

Repeal.

SEC. 2. *Be it further enacted,* That all laws and parts of laws militating against the provisions of this act, be, and the same are hereby repealed.

[Passed the House of Representatives, January 4, 1851. Passed the Senate, January 7, 1851. Approved by the Governor, January 13, 1851.]

CHAPTER 403.—[No. 92.]

AN ACT relating to the offices of Sheriff and Clerk of the County of Hernando.

Offices, where kept.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the first Monday in October, eighteen hundred and fifty-one, the Sheriff and the Clerk of the Circuit Court for the County of Hernando, shall keep their respective offices at the Court House in said County.

[Passed the House of Representatives, January 16, 1851. Passed the Senate, January 16, 1851. Approved by the Governor, January 23, 1851.]

CHAPTER 404.—[No. 93.]

AN ACT to legalize certain acts of the Clerk of the Circuit Court and *ex-officio* Judge of Probate for Columbia County.

Acts of ratified, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That all acts performed by the Clerk of the Circuit Court as *ex-officio* Judge of Probate for the County of Columbia during the period in-

tervening between the resignation of James S. Jones, Judge of Probate of said County, and the election and qualification of his successor, be, and the same are hereby legalized and made binding in the premises. 1850.

[Passed the House of Representatives, January 16, 1851. Passed the Senate, January 18, 1851. Approved by the Governor, January 23, 1851.]

CHAPTER 405.—[No. 94.]

AN ACT to establish the Fees of Notaries Public in certain cases in the County of Monroe.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this act, Notaries Public in and for the County of Monroe, shall be entitled to charge and demand and receive the following fees, viz:

For noting protest of a Captain of a vessel, three dollars; for extending same, ten dollars; for administering each oath, twelve and a-half cents; for each order of survey, one dollar; for each certificate, with seal thereto, fifty cents; comparing papers, six and a-quarter cents per hundred words; for copying any record or paper, twenty-five cents per hundred words; for drawing each bottomry bond, eight dollars; for protesting bill of exchange or promissory note, two dollars and fifty cents; noting same, one dollar; for attending at a demand, tender or deposit, and noting same, one dollar; for registering foreign protested bills, or protest, fifty cents. Fees.

SEC. 2. *Be it further enacted,* That so much of an "Act to establish a Tariff of Fees," approved 6th January, 1847, as fixes the fees of Notaries Public, and all laws inconsistent with this act, be, and the same are hereby repealed as to said County. Repeal.

[Passed the Senate, December 6, 1850. Passed the House of Representatives, December 16, 1850. Approved by the Governor, December 23, 1850.]

CHAPTER 406.—[No. 95.]

AN ACT to extend the provisions of the first section of "An Act giving a lien to Steamboat men, and others Navigating the Bay and River of Apalachicola," approved January 4, 1847, and also of "An Act to amend An Act approved January 4, 1847, giving a lien to Steamboat men, and others Navigating the Bay and River of Apalachicola," approved January 11, 1849, over the County of Hillsborough.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the provisions of the first section of "An Act giving a lien to Steamboat men and others navigating the Bay and River of Apalachicola," approved 4th January, 1847, and also the provisions of "An Act to Provisions extended.

1840. amend An Act approved January 4, 1847, giving a lien to Steamboat men and others navigating the Bay and River of Apalachicola," approved 11th January, 1849, be, and the same are hereby, extended over the County of Hillsborough, and the said acts shall have the same operation within said County of Hillsborough, as if the said County had been originally included therein.

[Passed the Senate, January 20, 1851. Passed the House of Representatives, January 21, 1851. Approved by the Governor, January 23, 1851.]

CHAPTER 407.—[No. 96.]

AN ACT to provide for the Transmission of Election Returns in the County of Levy.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passge of this act, it shall be lawful for the Inspectors at any election precinct in the County of Levy, to employ some responsible person to carry the returns of any election which may be held at any precinct in said County, to the Judge of Probate in said County, such person having first been sworn to perform said duty within the time prescribed by law. And such person shall be entitled to the same compensation for such service as is prescribed by law for Inspectors.

Inspectors may employ messenger, &c.

[Passed the House of Representatives, January 4, 1851. Passed the Senate, January 9, 1851. Approved by the Governor, January 20, 1851.]

CHAPTER 408.—[No. 97.]

AN ACT to provide for the compensation of Jurors in the County of Gadsden.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this act, it shall be the duty of the Board of Commissioners for the County of Gadsden, to allow compensation to the Jurors of said County, in the following manner: to every Juror who resides fifteen miles from the Court House, and under twenty miles, fifty cents per day in addition to the present compensation; to every Juror who resides over twenty miles from the Court House, the sum of one dollar per day in addition to the present compensation: *Provided,* the compensation allowed by this act, shall be paid out of the County Treasury.

Rate of compensation.

Proviso.

SEC. 2. *Be it further enacted,* That all laws and parts of laws, conflicting with the provisions of this act, be, and the same are hereby repealed.

Repeal.

[Passed the House of Representatives, January 20, 1851. Passed the Senate, January 22, 1851. Approved by the Governor, January 24, 1851.]

CHAPTER 409.—[No. 98.]

AN ACT to locate and make permanent the County Site of Walton County.

Commissioners

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That William Cawthorn, Joel Crowder, Uriah Kemp, L. L. McKinnon and James D. Clary be, and they are hereby appointed, commissioners to select a suitable place in the County of Walton for a County Site; and it shall be their duty to contract for the building of a suitable Court House on the Site selected by them, and to cause the same to be built as soon as practicable; and they are hereby empowered to superintend the building of said Court House.

May levy tax.

SEC. 2. *Be it further enacted,* That it shall be the duty of the County Commissioners of said County to levy a tax upon the people of said County, sufficient to pay for the building of said Court House, and to cause the same to be collected as other taxes are; and the five Commissioners above appointed are hereby authorized to draw upon the Treasurer of said County for the amount expended in the erection of said building.

Disagreement, &c.

SEC. 3. *Be it further enacted,* That in case said Commissioners disagree, the majority of them shall govern.

Site selected, effect of.

SEC. 4. *Be it further enacted,* That the Site selected by said Commissioners shall be final, and the Courts of said County shall be held at the Court House erected, or caused to be erected, by them; and the law or laws establishing the County Site of said County, at Ucheanna and all laws for the establishing of the County Site for said County, now in force, be and the same are hereby repealed: *Provided, however,* That the Circuit Court for the County of Walton, shall be held at the Court House in Ucheanna until the County Site is selected, and the Court House erected as aforesaid.

Proviso.

[Passed the Senate, December 14, 1580. Passed the House of Representatives, December 19, 1850. Approved by the Governor, December 20, 1850.]

CHAPTER 410.—[No. 99.]

AN ACT for the removal of the County Site in Nassau County.

Preamble.

WHEREAS, a petition has been presented to this Assembly from the County of Nassau, praying the removal of the Court House from its present location; and whereas, another petition has been presented from the same County against the removal of the Court House, and from the conflicting character of the petitions it being impossible for the Legislature to determinine what really are the wishes of the people: Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That

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at the next general election in the County of Nassau for County officers, the qualified voters, when they come forward at the different precincts to put in their votes, shall then and there express, on their ballots, their assent or dissent to the removal of the Court House.

Removal of Court House.

SEC. 2. *Be it further enacted*, That if, after canvassing the votes, a majority of the votes should be found to be in favor of the removal of the Court House, then the Judge of Probate is empowered to order an election to be held for the purpose of appointing five commissioners, whose duty it shall be to select a site for the Court House, and attend to the erection of suitable buildings thereon.

Commissioners —election of.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Judge of Probate in said County to make out and deliver to the persons chosen as commissioners a certificate of their election, and shall also file with the Clerk of the Circuit Court in said County, a duplicate thereof, and the expense of said certificate and the lawful charges of the Judge of Probate about said election, shall be paid out of the County Treasury of said County.

Commissioners shall select site.

SEC. 4. *Be it further enacted*, That the said commissioners elected in accordance with the foregoing, after having taken oath fairly and impartially, and with their utmost skill and ability to discharge the duty entrusted to them, shall proceed to select the most eligible site for the Court House, at or as near the centre of the County as possible, and said commissioners are authorized to purchase a tract of land, not to exceed forty acres, for the use of the County: *Provided*, That if the location selected be private property, the price to be paid for said land, shall be approved of by the County Commissioners.

Proviso.

Court House, contract for.

SEC. 5. *Be it further enacted*, That said commissioners are authorized to contract for the erection of a Court House and other suitable buildings, the expense attending the same to be paid out of any funds that may be in the Treasury of the County: *Provided, however*, That the operations of the foregoing sections are to be of no avail unless it should be found that the present Court House would need large and extensive repairs, but if, upon examination, it should be found that the present building is in a condition to answer the purpose for which it was designated, then the present is to be considered the County site until the building there located commences freely to decay.

[Passed the House of Representatives, January 21, 1851. Passed the Senate, January 21, 1851. Approved by the Governor, January 24, 1851.]

CHAPTER 411.—[No. 100.]

AN ACT to change and make permanent the dividing line between the Counties of Santa Rosa and Walton.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That

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the line dividing the Counties of Santa Rosa and Walton shall be known and distinguished henceforward as the Range Line marked out by the United States Surveyor dividing Ranges twenty-three (23) and twenty-four (24,) commencing where the same intersects with the Gulf of Mexico, thence running on said line to where the same intersects with the line dividing the States of Florida and Alabama. Boundary line.

SEC. 2. *Be it further enacted*, That all laws and parts of laws conflicting in any wise with the provisions of this act be, and the same are hereby, repealed. Repeal

[Passed the Senate, December 6, 1850. Passed the House of Representatives, January 4, 1851. Approved by the Governor, January 11, 1851.]

CHAPTER 412.—[No. 101.]

AN ACT to change and establish the lines of Franklin County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That from and after the passage of this act, all that part of this State included within a line beginning at a point on the Apalachicola River, known as the mouth of Owl Creek, thence up said Owl Creek to the mouth of Black Mill Creek, thence due east to the Ocklockonee River, thence down the eastern banks of said River, including the Islands in said River, to the most eastern point of James Island, thence south and west, along the leeward side of James, Dog, St. George and St. Vincent's Islands, thence following the Forbes' line, to the place of beginning, shall constitute and form a County to be called the County of Franklin. Boundary line.

SEC. 2. *Be it further enacted*, That all acts or parts of acts conflicting with the provisions of this act, be, and the same are hereby, repealed. Repeal.

[Passed the House of Representatives, January 3, 1851. Passed the Senate, January 7, 1851. Approved by the Governor, January 13, 1851.]

CHAPTER 413.—[No. 102.]

AN ACT to change and define the Western and Southern Boundary of the County of Gadsden.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That from and after the passage of this act, the Apalachicola River shall be the Western Boundary of Gadsden County, from the line of the State of Georgia, down said River, to a point known as the mouth of Owl Creek. Boundary line.

SEC. 2. *Be it further enacted*, That the Southern Boundary of Gadsden County shall commence at a point on the Apalachicola Southern boundary.

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River known as the mouth of Owl Creek, thence up said Creek to the mouth of Black Mill Creek, thence on a line running due East to Ocklockonee River.

Repeal.

SEC. 3. *Be it further enacted,* That all acts and parts of acts conflicting with the provisions of this act be, and the same are hereby, repealed.

[Passed the House of Representatives, January 3, 1851. Passed the Senate, January 8, 1851. Approved by the Governor, January 13, 1851.]

CHAPTER 414.—[No. 103.]

AN ACT to change the Southern Boundary of Leon County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the change in the Southern Boundary of Leon County shall commence where the original boundary of said County crosses the rail road leading from Tallahassee to St. Marks, thence along said rail road two sections North, thence West along section line to the Ocklocknee river, and thence down said river to the original boundary.

Southern boundary.

Repeal.

SEC. 2. *Be it further enacted,* That all laws and parts of laws inconsistent with the provisions of this act, be and are hereby repealed.

[Passed the Senate, January 7, 1851. Passed the House of Representatives, January 13, 1851. Approved by the Governor, January 22, 1851.]

CHAPTER 415.—[No. 104.]

AN ACT to change the name of Benton County to that of Hernando County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this act, the name of Benton County shall be changed to that of Hernando County, and the said County shall hereafter be known and designated as Hernando County.

Name changed

[Passed the House of Representatives, December 11, 1850. Passed the Senate, December 13, 1850. Approved by the Governor, December 24, 1850.]

CHAPTER 416.—[No. 105.]

AN ACT to regulate Camp Hunting in the Counties of Escambia and Santa Rosa.

Companies of not more than five.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this act, it shall not be lawful for persons entering the Counties of Escambia or Santa Rosa, for the pur-

pose of hunting deer or other game, by camping therein, to form themselves at any one time into companies of more than five.

SEC. 2. *Be it further enacted*, That for any violation of this act, the person or persons so offending, shall upon conviction, be fined in a sum not less than five nor more than fifty dollars. Penalty.

[Passed the Senate, January 13, 1851. Passed the House of Representatives, January 16, 1851. Approved by the Governor, January 23, 1851.]

CHAPTER 417.—[No. 106.]

AN ACT supplemental to An Act entitled An Act to regulate Camp Hunting in the Counties of Escambia and Santa Rosa, passed at the present session of the General Assembly.

WHEREAS, In engrossing the above mentioned bill, a provision, excepting those who might pass from Pensacola to the opposite side of the Bay of Pensacola, from the operation of said bill, was omitted: Therefore, Preamble.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the provisions of said bill shall not be held to apply to persons passing from the city of Pensacola to the opposite side of the Bay of Pensacola for the purpose of Camp Hunting. Who exempt.

[Passed the Senate, January 20, 1851. Passed the House of Representatives, January 22, 1851. Approved by the Governor, January 24, 1851.]

CHAPTER 418.—[No. 107.]

AN ACT to provide for the removal of the Indians now remaining in Florida beyond the limits of the State.

WHEREAS, There is still remaining within the boundary of this State a remnant of the tribe of Seminole Indians, contrary to the stipulations of the treaty of Payne's Landing, and the just and reasonable expectations of the people who have purchased the public lands and settled on the Indian frontier: And whereas, by the terms of the act of Congress admitting Florida into the Union, her jurisdiction is declared to extend over all the territory within her boundary, except certain reservations for military purposes, but which is rendered inoperative by reason of the continuance of the Indians within our borders, contrary to these solemn obligations and engagements of the Federal Government: And whereas, these Indians having repeatedly passed beyond their prescribed bounds, and in the most treacherous and unprovoked manner, murdered our peaceable citizens and destroyed their property, creating terror and insecurity throughout the whole line of our frontier settlements, rendering the tenure of property precarious, retarding emigration to our State, and operating most injuriously against our prosperity and improvement: Therefore, Preamble.

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Governor empowered, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Governor of this State be and he is hereby invested with full power and authority to urge upon the President of the United States, through the proper department, the necessity for the speedy and final removal of the remnant of Seminole Indians now remaining in Florida, agreeably to the stipulations of the treaty of Payne's Landing, and the repeated assurances of the General Government, and until this can be effected the necessity of maintaining the amount of force and the chain of Posts designated by the Secretary of War in 1842.

Volunteer Companies.

SEC. 2. *Be it further enacted,* That the Governor is hereby authorized and required, when it shall be expedient and proper, to raise a regiment of Mounted Volunteers, to be commanded by one Colonel, with a Regimental Staff, one Lieutenant Colonel, and one Major, and to consist of ten Companies of eighty rank and file each, and commanded each by one Captain and two Lieutenants, and to increase the same if need be, to two Regiments, not exceeding eight hundred men rank and file to each Regiment, with their proper officers; which said troops shall be properly armed and equipped.

Employment of.

SEC. 3. *Be it further enacted,* That the Governor shall have full power and authority to use said troops so authorized to be raised and commissioned, to co-operate with any force of United States troops which the President may order to Florida for the purpose of removing the Indians, as contemplated by this act, and for the protection and security of the frontier settlements, or, as Commander-in-Chief of the militia of this State, to employ them, when, in his judgment, it may become necessary, as an independent force, for the removal of the Indians, and the protection and security of the frontier settlements.

Pay of.

SEC. 4. *Be it further enacted,* That the troops so raised, whilst in service, shall be entitled to the same pay, rations, forage and compensation as are allowed to the same description of troops by the Army regulations of the United States, and that the Governor be required to make application to Congress to make provision for the payment of the expenses so incurred.

Appropriation.

SEC. 5. *Be it further enacted,* That $50,000 be appropriated, subject to the control of the Governor of this State, to provide for the necessary supplies and munitions for putting into force and effect the provisions of this act, and that the Governor of this State be and he is hereby authorized to pledge the faith of the State in raising the money hereby appropriated, if necessary.

Com'dg officer, how appointed

SEC. 6. *Be it further enacted,* That the Governor of this State shall be authorized to appoint the commanding officer of the troops so to be raised under the foregoing bill.

SEC. 7. *Be it further enacted,* That, should the Federal authorities decline or refuse to take prompt steps for the immediate and fi-

nal removal of the Indians beyond the limits of this State, as hereinbefore proposed and contemplated, then the Governor of this State shall be and he is hereby authorized and empowered on the part of the State of Florida, to propose to undertake their removal for the sum of not less than two millions of dollars: *Provided,* The United States will furnish, at Tampa Bay or some other point, on the requisition of the Governor, sufficient means for their transportation, under the charge of a proper agent, to receive and conduct the said Indians to the home provided for them in the West, and upon the acceptance of the foregoing proposition on the part of the General Government, the State of Florida will assume the responsibility and expense of the removal of the said Indians beyond her limits, without further charge to the United States: *Provided,* That in no case shall the State be held responsible for any other or greater amount than the money appropriated by the General Government.

General Gov't declining, &c. Governor authorized to propose removal, &c. Proviso.

[Passed the House of Representatives, December 19, 1850. Passed the Senate, January 19, 1851. Approved by the Governor, January 20, 1851.]

CHAPTER 419.—[No. 108.]

AN ACT to amend An Act entitled An Act to provide for the appointment of Weighers of Cotton in the City of Tallahassee and Town of St. Marks, approved March 2, 1839.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this act, the act entitled an act to provide for the appointment of Weighers of Cotton for the city of Tallahassee and town of St. Marks, approved March 2, 1839, be so amended as to provide for the appointment of two Weighers of Cotton and Tobacco in the city of Tallahassee, to be appointed in the same manner, receive the same compensation, and subject to the same penalties for misconduct, as are provided for in the act to which this is an amendment.

Weighers of Cotton & tobacco to be appointed.

SEC. 2. *Be it further enacted,* That all laws conflicting with the provisions of this act, be, and the same are hereby repealed.

Repeal.

[Passed the House of Representatives, January 16, 1851. Passed the Senate, January 16, 1851. Approved by the Governor, January 23, 1851.]

CHAPTER 420.—[No. 109.]

AN ACT to amend An Act entitled "An Act amendatory to the Pilot Laws now in force in this State," approved January 12, 1849.

SECTION 1. *Be enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the first section of "An Act amendatory to the Pilot Laws now in force in this State," approved 12th January, 1849, be and the same

Repeal, &c.

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is hereby repealed, and in lieu thereof, the following section shall be substituted, viz:

Restriction.

SECTION 1. That, from and after the passage of this act, it shall not be lawful for any Pilot or Pilots to demand Pilotage for Piloting any vessels under forty-two tons burthen, unless the said Pilot or Pilots shall be called upon by the masters or owners of such vessel or vessels.

[Passed the House of Representatives, December 19, 1850. Passed the Senate, December 27, 1850. Approved by the Governor, January 7, 1851.]

CHAPTER 421.—[No. 110.]

AN ACT to amend An Act to more fully define the rates of, and duty of Pilots for the Port of Cedar Keys.

Qualifications.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That no branch or license, shall hereafter be granted to any one to act as Pilot at said Port, unless he shall have served as an apprentice or assistant in Piloting over the bar and into the said Port, or shall have been otherwise engaged on or about the said bar and port for at least two years previously to his appointment, and shall be able to produce satisfactory evidence that he is a fit and competent person and duly qualified to perform the duties of a Pilot over the bar and into said Port.

Repeal.

SEC. 2. *Be it further enacted,* That all laws or parts of laws inconsistent with the provisions of this act, be, and the same are hereby repealed.

[Passed the House of Representatives, December 10, 1850. Passed the Senate, December 14, 1850. Approved by the Governor, December 24, 1850.]

CHAPTER 422.—[No. 111.]

AN ACT to regulate the Pilotage of the Bar of the River St. Johns.

Power to grant license, in whom vested.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this act, the power to grant branches or license to act as a Pilot over the Bar of the River St. Johns, shall be exclusively vested in the Board of County Commissioners for Duval County, when sitting for County purposes.

Qualifications.

SEC. 2. *Be it further enacted,* That no branch or license shall be hereafter granted to any one to act as a Pilot on said Bar, unless he shall produce satisfactory evidence to the said Board of County Commissioners that he is a fit and competent person, and duly qualified to perform the duties of Pilot on said Bar.

SEC. 3. *Be it further enacted,* That the said Board of County Commissioners, at the time of granting any such license, shall re-

quire from such Pilot such bond and security for the faithful performance of the duty required of him as they may deem proper, which bond shall be made payable to the Governor of the State and to his successors in office, and may be prosecuted from time to time in the name of the Governor, for the use of any person or party aggrieved or interested; and the said Pilots so appointed shall also take and subscribe an oath or affirmation, well and truly to execute and discharge all the duties appertaining to them as such Pilots. 1850. Bond. Oath.

SEC. 4. *Be it further enacted*, That the rates of compensation to every duly licensed Pilot piloting over the said Bar, inward to anchorage ground near the May Port Steam Mill on said River, or outward to the Atlantic Ocean, shall be on all vessels one dollar and fifty cents per foot. Rates of Pilotage.

SEC. 5. *Be it further enacted*, That when any Pilot of said Bar, being outside of said Bar, shall hail a vessel bound into the said River, and shall offer to Pilot such vessel in, and the Captain or person having charge at the time shall refuse to receive and employ such Pilot, so hailing and offering, shall, nevertheless, be entitled to the same compensation as though his services had been accepted. Pilot hailing vessel, &c.

SEC. 6. *Be it further enacted*, That when, by reason of stormy weather, the condition of said Bar renders it impracticable or unsafe for the said Pilots, or any of them, to cross the said Bar in a good and suitable boat properly manned, it shall be deemed a compliance with their duty, when any vessel is off the said Bar and bound into the said River, to proceed as near to the Bar as can be done with safety, or as may be necessary, and raise a flag, and pilot such vessel in by signal, for which service such Pilot or Pilots shall be entitled to full Pilotage. Piloting vessel by signal.

SEC. 7. *Be it further enacted*, That when any vessel bound out over said Bar shall refuse the services of any Pilot of the said Bar offering to pilot such vessel out, such Pilot shall be entitled to half pilotage only, and the Pilot who brought such vessel into the River over said Bar shall have the preference or refusal of rendering his services, or of substituting some other Pilot in his stead, and should the services of said Pilot or his substitute be refused, the one thus offering shall be entitled, notwithstanding his services were refused, to the same pay for pilotage as he would have been had his services been accepted: *Provided*, That in all cases the Pilot who brought such vessel in or his substitute, shall be ready and request of the Captain of such vessel, or other person having her in charge, to pilot such vessel over said Bar without improper delay. Vessel refusing services of Pilot, liable for half pilotage. Proviso.

SEC. 8. *Be it further enacted*, That every vessel, boat's tackle, apparel, and furniture, shall be liable for the pilotage of such vessel, and may be proceeded against by attachment, or be taken in execution for the same, after judgment. Pilotage, liability for.

SEC. 9. *Be it further enacted*, That the owner or owners, captain, or other person having charge of any vessel at the time when any

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Liability of owners, &c., for Pilotage.

pilotage service is rendered within the meaning of this act, as also the consignee, if any funds or property shall come into his hands belonging to such owner, captain, or other person, shall be severally liable for such pilotage; and all fees and rates of pilotage which may become due, are hereby made recoverable before any Court of Record, or when the sum is under fifty dollars, before any Justice of the Peace for Duval County, or any other County into which such vessel may proceed, or in which such consignee may reside.

When and before whom recoverable.

SEC. 10. *Be it further enacted*, That nothing in this act contained, shall be construed to vacate or impair any license heretofore granted to any Pilot of said Bar.

License, not vacated.

SEC. 11. *Be it further enacted*, That the said County Commissioners shall also be, and they are hereby, authorized to make such rules and regulations, and establish such fees respecting the pilotage of the River St. John's, as they may deem expedient and proper: *Provided*, That no captain or other person having charge of any vessel in the River St. John's shall be compelled to take a River Pilot.

Commissioners may make rules, &c.

SEC. 12. *Be it further enacted*, That all former laws now in force, regulating or in any manner providing for the pilotage of the said Bar, be and the same are hereby repealed.

Repeal.

[Passed the House of Representatives, December 10, 1850. Passed the Senate, December 17, 1850. Approved by the Governor, December 24, 1850.]

CHAPTER 423.—[No. 112.]

AN ACT in relation to Pilotage for the Port of Key West.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That from and after the passage of this act, any vessel may enter and depart from the Port of Key West without paying, or being liable to pay, any charge for pilotage, unless actual pilot services shall have been rendered at the request of the master of such vessel, or other person having command thereof.

Pilotage, vessel not liable for, unless, &c.

SEC. 2. *Be it further enacted*, That all vessels, (excepting vessels of War,) entering and departing from the port of Key West, shall, when the services of a pilot are required, be subject to the following rates of pilotage, viz:

Rates.

All vessels drawing 12 feet and under, $2,50 per foot: All vessels drawing over 12 feet and under 14 feet, $3,00 per foot: All vessels drawing over 14 feet, and under 16 feet, $3,50 per foot: All vessels drawing 16 feet and over, $4,00 per foot.

SEC. 3. *Be it further enacted*, That all vessels of War entering and departing from said port, shall, when the services of a pilot are required, be subject to the following rates of pilotage, viz:

Rates.

All vessels of War drawing 12 feet and under, $3,00 per foot: All vessels of War drawing over 12 feet and under 14 feet, $3,50 per

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foot: All vessels of War drawing over 14 feet and under 16 feet, $4,00 per foot: All vessels of War drawing over 16 feet, $4,50 per foot.

SEC. 4. *Be it further enacted,* That if a pilot shall be detained on board of a vessel, by the request of the master or other person having the command, he shall be entitled to receive five dollars per day, during such detention. Pilot, per diem when detained on board.

SEC. 5. *Be it further enacted,* That all laws inconsistent with this act, be, and the same are hereby repealed. Repeal.

[Passed the Senate, December 6, 1850. Passed the House of Representatives, December 14, 1850. Approved by the Governor, December 23, 1850.]

CHAPTER 424.—[No. 113.]

AN ACT to establish the rates of Wharfage, Dockage and Storage, in the City of Key West, County of Monroe.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this act, the several owners or occupiers of Wharves in Key West, shall be allowed to charge, demand and receive the several rates hereinafter mentioned; for the Wharfage or Dockage of vessels lying at the Wharves for the landing of produce and other goods, and for the Shipping of the same, and for the Storage thereof, and no more, that is to say; Anchors, three hundred weight and not over six hundred, twenty-five cents; Anchors, one thousand weight, fifty cents; Anchors over one thousand weight seventy-five cents; Kedge Anchors, under three hundred weight, twelve and a-half cents; Barrels six and a-fourth cents; Boards per thousand superficial feet, fifty cents; Bricks, per thousand, seventy-five cents; Brazileto, per ton, fifty cents; Butter, per keg, not over forty pounds, two cents; Bolts of Canvass, Osnaburgs, &c. per bolt, two cents; Bags of Coffee, Pimento, Sugar, Cocoa and other bags of same size, per bag, five cents; Butts, of one hundred and fifty to two hundred gallons, thirty-seven and a-half cents; Boxes of Soap, Candles, Chocolate &c., per box, three cents; Bales of Cotton, twenty-five cents; Bundles and other bales, per foot, one cent; Boxes of dry goods, per foot, one cent; Barrel staves and heading, per thousand feet, fifty cents; Bacon, per thousand pounds, twenty-five cents; Empty barrels, two cents; Ballast, per ton, fifty cents; Cheese, per one hundred pounds, four cents; Corn, Peas and Oats, per bag of two bushels, four cents; Coaches, and other four wheeled carriages, one dollar and fifty cents; Riding Chairs and Chaises, fifty cents; Chairs sitting, two cents; Coal, per ton, fifty cents; Crates of crockery and earthenware, twenty-five cents; Cables, chain, per ton, fifty cents; Cordage, of all kinds, per coil, twelve and a-half cents; Cannon, of twelve cwt. and upwards, seventy-five cents; Under twelve cwt. fifty cents; Camboose, (large) fifty cents; Chests of Rates of Wharfage, Dockage and Storge. Rates.

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Rates. drawers, twenty-five cents; Demijohns, one cent; Fire wood, per cord, twenty-five cents; Fustic, per ton, fifty cents; Fish, per cwt. six cents; Gun powder, per keg, six and a-fourth cents; Hemp, per one hundred pounds, three cents; Hides, raw and tanned, per hundred, seventy-five cents; Hoop poles, per thousand, fifty cents; Hay, per bundle or bale, twenty-five cents; Hogsheads and pipes of rum or liquor, twenty-five cents; Hogsheads of sugar, one thousand pounds, and over, thirty-seven and a-half cents; Hampers, bottles, twelve and a-half cents; Hampers, potatoes, four cents; Herring, per box, two cents; Horns and tips, per hundred pounds, thirty-seven and a-half cents; Iron and other heavy goods, per ton, fifty cents; Jugs and jars, one cent; Kegs of shot, paint &c. of small size, three cents; Kegs of bread, butter, flour, tallow, lard, &c., three cents; Kegs of liquor, of smaller size than a quarter cask, four cents; Log-wood, per ton, fifty cents; Lignum Vit, per tonæ, fifty cents; Lime, per cask, twelve and a-half cents; Lead, per ton, fifty cents; Mahogany and other heavy wood, per hundred superficial feet, five cents; Mules and Horses, twenty-five cents; Nails in kegs, three cents; Onions, per hundred bunches, twenty-five cents; Oranges, per thousand, fifty cents; Pipe staves and heading, per thousand, seventy-five cents; Pots, iron, three cents; Pine apples, per hundred, twenty-five cents; Potatoes in bulk, per hundred bushels, one dollar and fifty cents; Rice, per tierce, twenty-five cents; Raisins, per box, two cents; Salt, in sacks, six cents; Shingles, per thousand, twenty-five cents; Grind stones, four cents; Mill stones, twenty five cents; Sofas or settees, twenty-five cents; Sugar, per box, eighteen and three fourth cents; Trunks of goods, of ordinary size, six and a-fourth cents; Tables, twelve and a-half cents; Wheel barrows, six and a-fourth cents; Tobacco, per hogshead, thirty-seven and a-half cents.

Articles remaining over one week, &c.

SEC. 2. *Be it further enacted*, That any of the foregoing articles that shall be on the Wharf longer than one week, shall be subject to the above rates of Wharfage for each and every week, after the first week they shall so remain; and if they shall remain one day after the expiration of the week, they shall be charged with full Wharfage.

Double rates.

SEC. 3. *Be it further enacted*, That all goods stored may be charged double the rates of Wharfage, and the proprietors of goods in all cases shall be at the expense of putting them in store, of stowing away and turning out of store; and all goods on Storage, shall pay one month's Storage, if they shall remain in the store one day after the expiration of the month, full month's storage may be charged; and after the expiration of the first month, half the above rates of storage only shall be charged.

Dockage, rates.

SEC. 4. *Be it further enacted*, That every vessel, lying at any dock or wharf, of fifty tons and under, shall pay fifty cents per day; Every vessel from fifty to one hundred tons, shall pay seventy-five cents per day; Every vessel over one hundred tons and under two hundred tons, shall pay one dollar and fifty cents per day; Every

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vessel of two hundred tons and under three hundred and fifty tons, shall pay two dollars per day; Every vessel of three hundred and fifty tons and under five hundred tons, shall pay two dollars and fifty cents per day; Every vessel of five hundred tons and over, shall pay three dollars per day; And all vessels heaving out shall be charged double rates. Rates.

[Passed the Senate, December 16, 1850. Passed the House of Representatives, December 21, 1850. Approved by the Governor, December 28, 1850.]

CHAPTER 425.—[No. 114.]

AN ACT in relation to Roads in Escambia County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Judge of Probate and Board of County Commissioners of Escambia County, when assembled for County purposes, in the year one thousand eight hundred and fifty one, and every year thereafter, shall have power to assess a road tax: *Provided,* the same shall in no instance exceed eight dollars per annum for every person subject to road duty. Duty of County Commis'rs to asses road tax.

SEC. 2. *Be it further enacted,* That said road tax or so much thereof as may be necessary to keep the roads and bridges within the County of Escambia in repair, shall, when occasion requires it, be collected under the direction of the Road Commissioners; and the person or persons appointed to collect the same, shall receive, as compensation for his or their services, five per cent. upon the amount to him or them collected. Tax collected under direction Co. Com's

SEC. 3. *Be it further enacted,* That any person shall have the right to commute his road tax by supplying laborers to work on the roads, or by his personal services as a laborer, at such amount per day as may be determined by the said road Commissioners; and the Overseers of the roads shall give certificates of the labor thus supplied, which shall shall be received by the collector of the road tax in lieu of money. How tax may be commuted.

SEC. 4. *Be it further enacted,* That the tax collected by virtue of this act, shall be paid into the County Treasury, and be subject to the order of the road Commissioners of said County; which tax shall be applied exclusively to the making and repairing of roads and bridges, and the said Treasurer shall receive for his services, two and a half per cent. for receiving and disbursing the same. Tax paid into Co. Treasury. Compensation of Treasurer.

SEC. 5. *Be it further enacted,* That the property of the citizens of said County subject to road duty, shall be liable for said tax, and the collector of the same may, upon the refusal of any person to pay his road tax or to work on the roads, levy upon any property possessed by such person, in said County, or so much thereof as may be necessary, and proceed to sell the same after giving public notice in the same manner, and under the same regulations, as are prescribed in cases for the collection of the State tax. Property subject to sale for tax.

1850.

Neighborhood roads, how petitioned for.

SEC. 6. *Be it further enacted*, That whenever a petition shall be presented to the said Judge of Probate and Board of County Commissioners, signed by three house holders, inhabitants of the County, praying for the establishment of a neighborhood or settlement road, from a certain place therein specified, it shall be the duty of the said Judge of Probate and Board of County Commissioners, thereupon, if the petition shall appear reasonable, to appoint not less than two Commissioners, to proceed as soon as may be convenient, to lay out said road and make return thereof, under their hands, to the Judge of Probate and Board of County Commissioners, noting the distance and courses, as near as practicable, of such proposed route, which return shall be filed in the office of the President of the Board of County Commissioners; and the applicants for the proposed route, together with as many other persons residing within the immediate vicinity of said route as is thought proper by the Board of County Commissioners, shall be permitted by the road Commissioners to expend their road tax upon the same.

How commission appointed by Co. Com'rs, and duty.

Conflict of acts.

SEC. 7. *Be it further enacted*, That so much of the law in force in this State, in relation to roads and highways, as conflicts with this act, shall be inoperative within the limits of Escambia County.

[Passed the Senate, December 28, 1850. Passed the House of Representatives, January 20, 1851. Approved by the Governor, January 23, 1851.]

CHAPTER 426.—[No. 115.]

AN ACT to amend an Act concerning Roads and Highways, approved January 5th, 1847, especially for the County of Duval.

Board co. Com'mis'rs to assess road tax.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Judge of Probate and Board of County Commissioners in Duval County, when assembled for County purposes in the year eighteen hundred and fifty-one, and every year thereafter, shall have power to assess a road tax: *Provided*, The same shall in no instance exceed eight dollars per annum for each and every person subject to road duty.

Repairing roads, &c.

SEC. 2. *Be it further enacted*, That said road tax, or so much thereof as may be necessary to keep the roads and bridges within the County of Duval in repair, shall, when occasion requires it, be collected under the direction of the Road Commissioners in their respective districts, without judicial proceedings being had thereon, by a warrant signed by them, or a majority of them, directed to a collector by his name, who shall be appointed by said Road Commissioners for the purpose, and who shall receive five per cent. on all money collected, besides his costs, to be deducted from the road tax fund, and said warrant shall have as full force and authority, and have the same costs accrue upon it as an execution from a Magistrate's Court has under the law: *Provided*, That said Road

Duty & compensation of road com'rs.

1850.

Commissioners shall have power to remit all or any part of said tax, on payment of costs, if any have accrued, to the collector, and that all costs which may accrue in the collection of said tax shall be for the use of said collector. Costs.

SEC. 3. *Be it further enacted,* That the property of the citizens of said County subject to road duty, shall be liable for said tax, and the collector of the same may, upon the refusal of any person to pay his road tax, or to work on the roads, levy upon any property possessed by such person in said County, or so much thereof as may be necessary, and proceed to sell the same, after giving public notice in the same manner and under the same regulations as are prescribed in cases for the collection of the State tax. Property liable for tax.

SEC. 4. *Be it further enacted,* That any person shall have the right to commute his road tax by supplying laborers to work on the road, or by his personal services as a laborer at such amount per day as may be determined by the said Road Commissioners, not to exceed one dollar per day, and the overseers of the road shall give certificates of the labor thus supplied, which shall be received by by the collector of said road tax in lieu of money in the district in which said labor was performed. Tax, how commuted.

SEC. 5. *Be it further enacted,* That the tax collected by virtue of this act, shall be paid into the hands of the Road Commissioners of the district in which it is respectively collected, and be applied exclusively to the making and repairing of roads and bridges in the district generally in which it is collected, and the said Commissioners may, upon petition from a majority of the residents in their respective districts, let out all of the roads and bridges, or any part thereof within their district, upon such terms as they shall agree upon, notwithstanding the forgoing provisions for commutation by personal labor. Tax collected, how applied.

SEC. 6. *Be it further enacted,* That if any collector, constable, Road Commissioner, or other person who shall hold any money belonging to or applicable to the repair of roads or bridges, shall refuse to pay over or to apply the same as contemplated by this act, that then, upon complaint the Judge of Probate and County Commissioners, when sitting for County purposes, may pass an order, to be served by the Sheriff of the County, directing such defaulter to pay over or apply the same, and his refusal or neglect to obey said order, shall be held and taken as a contempt of said Court, and he shall be liable to an indictment for a misdemeanor, and on conviction be subject to a fine not exceeding one hundred dollars, or imprisoned not less than thirty days. Collector, Constable or Road Comis'rs, withholding taxes, subject to fine & impris'ment.

SEC. 7. *Be it further enacted,* That so much of the law now in force in this State in relation to roads and highways as conflicts with this act, shall not be in operation within the limits of Duval County. Conflict of acts.

[Passed the House of Representatives, December 23, 1850. Passed the Senate, December 27, 1850. Approved by the Governor, January 7. 1851.]

1850.

CHAPTER 427.—[No. 116.]

AN ACT to declare LaFayette and Four Mile Creeks Navigable Streams.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this act, LaFayette Creek and Four Mile Creek, in Walton County, be declared and held to be navigable streams from their mouths in LaGrange Bayou up said Creek as far as the tide extends.

[Passed the House of Representatives, December 10, 1850. Passed the Senate, December 14, 1850. Approved by the Governor, December 24, 1850.]

CHAPTER 428.—[No. 117.]

AN ACT to declare Florida River in Gadsden County a Navigable Stream.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this act, Florida River, in the County of Gadsden, be considered, and is hereby declared, a Navigable Stream.

[Passed the House of Representatives, January 20, 1851. Passed the Senate, January 22, 1851. Approved by the Governor, January 24, 1851.]

CHAPTER 429.—[No. 118.]

AN ACT to authorize Henry Slayback to establish a Ferry across Escambia Bay.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That Ferry. Henry Slayback be, and he is hereby authorized to establish a Ferry across Escambia Bay, from Bayou Mulatte to some point on the western shore above Shell Point, for and during the term of ten years from the passage of this act.

Flat or boat. SEC. 2. *Be it further enacted,* That the said Henry Slayback, shall at all times keep a good and sufficient flat or ferry boat at said ferry to cross loaded waggons and teams, and he shall receive such Rates. rates of ferriage as may be established from time to time by the County Commissioners of Escambia County, and be subject to the orders of said Commissioners.

Time within established. SEC. 3. *Be it further enacted,* That if the said Henry Slayback, shall fail to establish a ferry within two years from the passage of this act, then the rights and privileges granted by this act, are to be void.

Repeal. SEC. 4. *Be it further enacted,* That this act shall at any time hereafter be subject to be amended, modified or repealed by any future Legislature of the State of Florida.

[Passed the House of Representatives, December 10, 1850. Passed the Senate, December 21, 1850. Approved by the Governor, January 7, 1851.]

CHAPTER 430.—[No. 119.]

AN ACT to authorize Absalom M. West to establish a Ferry across the Apalachicola River at or near the Mouth of Lake Iamonia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That Absalom M. West be and he is hereby authorized to establish, and charged with the duty of keeping a ferry, across the Apalachicola river, at or near the mouth of Lake Iamonia, for and during the term of ten years from and after the passage of this act. Ferry, when established.

SEC. 2. *Be it further enacted,* That the said Absalom M. West, his heirs and assigns, shall at all times keep a good sufficient flat at said ferry to cross loaded waggons and teams, and he or they shall receive such rates of ferriage as may be from time to time established by the Board of County Commissioners of Calhoun County, and be subject to the order of said Commissioners. Duty of Corporator.

SEC. 3. *Be it further enacted,* That if the said Absalom M. West shall fail to establish said ferry within twelve months from the passage of this act, then the rights and privileges granted by this act are to be void. Failure to establish Ferry.

SEC. 4. *Be it further enacted,* That this act shall be subject to the action of any future Legislature of Florida. Reservation.

[Passed the House of Representatives, December 28, 1850. Passed the Senate, January 1, 1851. Approved by the Governor, January 7, 1851.

CHAPTER 431.—[No. 120.]

AN ACT to authorize Jason Gregory to establish a Ferry across the Apalachicola River, at Ocheesee, in Calhoun County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That Jason Gregory be, and he is hereby authorized to establish and charged with the duty of keeping a Ferry across the Apalachicola River, at Ocheesee, in Calhoun County, for and during the term of ten years from and after the passage of this act. Ferry, when established.

SEC. 2. *Be it further enacted,* That the said Jason Gregory, his heirs and asssigns, shall at all times keep a good and sufficient flat at said ferry to cross loaded waggons and teams, and he or they shall receive such rates of ferrige as may be from time to time established by the board of County Commissioners of Calhoun County, and be subject to the order of said Commissioners. Duty of Corporator.

SEC. 3. *Be it further enacted,* That if the said Jason Gregory, shall fail to establish said ferry within six months from the passage of this act, then the rights and privileges granted by this act, are to be void. Failure to establish Ferry.

SEC. 4. *Be it further enacted,* That this act shall be subject to the action of any future Legislature of Florida. Reservation.

[Passed the House of Representatives, December 6, 1850. Passed the Senate, December 19, 1850. Approved by the Governor, January 7, 1851.]

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CHAPTER 432.—[No. 121.]

AN ACT to authorize Henry Hewit to establish a Ferry across the Choctahatchee River, at a place called Hewit's Bluff, or Bear Head Bluff.

Ferry, when established.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That Henry Hewit be, and he is hereby authorized to establish and charged with the duty of keeping a ferry across the Choctahatchee River, from a place known as Hewit's Bluff, or Bear Head Bluff, for and during the term of twenty years from the passage of this act.

Duty of Corporator.

SEC. 2. *Be it further enacted,* That the said Henry Hewit, his heirs and assigns, shall at all times keep a good and sufficient ferry boat at said ferry to cross loaded waggons and teams, and he or they shall receive such rates of ferriage as may be established from time to time by the board of County Commissioners of Holmes County, and be subject to the orders of said Commissioners.

Failure to establish.

SEC. 3. *Be it further enacted,* That if the said Henry Hewit shall fail to establish the ferry within twelve months from the passage of this act, then the rights and privileges granted by this act, are null and void.

Reservation.

SEC. 4. *Be it further enacted,* That this act shall at any time hereafter be subject to be amended, modified or repealed by any future Legislature of the State of Florida.

[Passed the House of Representatives, December 6, 1850. Passed the Senate, December 19, 1850. Approved by the Governor, January 7, 1851.]

CHAPTER 433.—[No. 122.]

AN ACT to authorize James J. Meeks to establish a Ferry across the Withlacoochee River.

Ferry, when established.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That James J. Meeks be and he is hereby authorized to establish, and charged with the duty of keeping a ferry across the Withlacoochee River, near a place called the Old Bluff, two miles above Fort Clinch, for and during the term of ten years.

Duty of Corporator.

SEC. 2. *Be it further enacted,* That the said James J. Meeks, his heirs, and assigns, shall at all ttmes keep a good and sufficient ferry boat at said ferry to cross loaded waggons and teams, and he or they shall receive such rates of ferriage as may be established from time to time by the Board of County Commissioners of Levy County.

Failure to establish.

SEC. 3. *Be it further enacted,* That if the said James J. Meeks shall fail to establish said ferry within twelve months from the passage of this act, then the rights and privileges herein granted shall be void.

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SEC. 4. *Be it further enacted,* That this act shall be subject to amendment, modification or repeal by any future Legislature of Florida. Reservation.

[Passed the House of Representatives, December 10, 1850. Passed the Senate, December 19, 1850. Approved by the Governor, December 24, 1850.]

CHAPTER 434.—[No. 123.]

AN ACT to authorize Joseph Sierra to build a Wharf in the city of Pensacola.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That Joseph Sierra be and he is hereby authorized and empowered to construct a Wharf at and from the termination of Jefferson street in the city of Pensacola: *Provided,* That the building of the same does not conflict with the existing rights of any individual or corporation. Wharf, when constructed. Proviso.

SEC. 2. *Be it further enacted,* That the said Sierra shall have power to assess and collect tolls and rates of wharfage for the use of said wharf, so far as may be consistent with the right of the city of Pensacola to regulate such rates. Rights.

[Passed the House of Representatives, December 23, 1850. Passed the Senate, December 28, 1850. Approved by the Governor, January 7, 1851.]

CHAPTER 435.—[No. 124.]

AN ACT making appropriations for the expenses of the fifth General Assembly, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the following sums shall be paid out of any monies in the Treasury not otherwise appropriated, to the following named persons, to wit: Appropriation.

To Robert J. Floyd, President of the Senate, mileage, $40—per diem, $183—total, $223.

To Hugh Archer, Speaker of the House of Representatives, mileage, $2 20—per diem, $183—total, $185 20.

Joseph Austin, mileage, $5—per diem $183—total, $188.

O. M. Avery, mileage, $54—per diem, $183—total—$237.

John P. Baldwin, mileage, $150—per diem, $183—total, $333.

Robert Brown, mileage, $28—per diem, $183—total, $211.

M. C. Brown, mileage, $69—per diem, $183—total, $252.

Ozias Buddington, mileage, $47 50—per diem, 183—total, $230-50.

John L. Crawford, mileage, $5—per diem, $183—total—$188.

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Appropriation.

J. J. Finley, mileage, $15—per diem, $183—total, $198.

23 William A. Forward, mileage, $55—per diem, $183—total, 8.

John Ghent, mileage $30—per diem, $108—total, $138.

Allen G. Johnson, mileage, $16—per diem, $183—tolal, $199.

Augustus E. Maxwell, per diem, $183.

Neil McMillan, mileage, $55—per diem, $183—total, $238.

Wm. P. Moseley, mileage, $13—per diem, $183—total,$196.

M. S. Perry, mileage, $35—per diem, $183—total, $218.

Daniel J. Smith, mileage, $25—per diem, $183—total, $208.

George Stewart, mileage, $43 40—per diem, $183—total, $226. 40.

William R. Taylor, mileage, $4 40—per diem, $183—total, $187 40.

Benjamin F. Allen, per diem, $183.

Walker Anderson, mileage, $50—per diem, $183—total, $233.

Bolling Baker, mileage, $4 40—per diem, $183—total, $187 40.

B. S. Battle, mileage, $5—per diem, $183—total, $188.

A. T. Bennett, mileage, $40—per diem, $183—total, $223.

R. D. Bradley, mileage, $61—per diem, $183—total, $244.

John Brett, mileage, $18—per diem, $183—total, $201.

A. H. Brownell, mileage, $30—per diem, $183—total, $213.

James Brown, mileage, $24, per diem—$183—total, $207.

James W. Bryant, mileage, $43 60—per diem, $183—total, $226 60.

Miles O. Burnham, mileage, $140—per diem, 183—total, 323.

William S. Dilworth, mileage, $6—per diem, $183—total, $189.

G. W. Ferguson, mileage, $150—per diem, $93—total, $243.

John Finlayson, mileage, $8 40—per diem, $183—total, $191. 40.

James Geiger, mileage, $43—per diem, $183—total, $226.

George E. Hawes, mileage, $101—per diem, $183—total, $284.

Benjamin Hopkins, mileage, $64—per diem, $183—total, $247.

James S. Jones, mileage, $28—per diem, $183—total, $211.

John W. Jones, mileage, $28—per diem, $183—total, $211.

Daniel L. Kenan, mileage, $4 40—per diem, $183—total, $187 40.

William E. Kilcrease, mileage, $5—per diem, $183—total, $188.

Thomas Langford, mileage, $15—per diem, $183—total, $198.

N. A. Long, mileage, $15—per diem, $183—total, $198.

Luke Lott, mileage, $14 40—per diem, $183—total, $197 40.

James T. Magbee, mileage, $69—per diem, $183—total, $252.

Solomon E. Mathers, mileage, $2 80—per diem, $183—total, $185 80.

William Maxwell, mileage, $00 80—per diem, $183—total, $183 80.

William W. McCall, mileage, $150—per diem, $183—total, $333.

John Milton, mileage, $15—per deim, $183—total, $198.

James Plummer, mileage, $48—per diem, $183—total, $231.

John Scott, mileage, $40—per diem, $183—total, $223.

Richard A. Shine, per diem, $183.

John G. Smith, mileage, $20—per diem, $183—total, $203.

John B. Standley, mileage, $35—per diem, $183—total, $218.

Augustus Steele, mileage, $48 40—per diem, $183—total, $231-40.

Joshua Taylor, mileage, $5 60—per diem. $184—total, $188-60.

Stephen Turner, mileage, $27—per diem, $183—total, $210.

B. F. Wardlaw, mileage, $12—per diem, $183—total, $195.

John Wilkinson, mileage, $50—per diem, $183—total, 233.

Neil McPherson, Secretary of the Senate, per diem, $305.

A. A. Stewart, Assistant Secretary, per diem, $244.

John B. Linn, Enrolling and Engrossing Clerk, per diem, $244.

John Daffin, Sergeant-at-Arms and Assistant Clerk, $244.

Luther P. Wrede, Doorkeeper for Senate, per diem, $183.

Isaac Welch, Messenger of Senate, per diem, $244.

W. H. Milton, Chief Clerk House of Represertatives, per diem, $305.

H. A. Corley, Assistant Clerk, per diem, $244.

Robert E. Gibson, Enrolling and Engrossing Clerk, per diem, $244.

H. H. Floyd, Assistant Clerk, per diem, $160.

S. B. Barronton, Messsenger and Door-keeper, per diem, $244.

J. M. Holder, Sergeant-at-Arms, per diem, $183.

Jesse W. Hume, for services as Chaplain to the House of Representatives, $50.

George W. Pratt, for services as Chaplain to the Senate, $50.

To Joseph Clisby and Hilton & Dyke, for printing the daily slips, miscellaneous matter, and Journals of the House and Senate, such amount as shall be allowed by the Comptroller, in accordance with the rates established by the present General Assembly.

To Thomas Hayward, for sundry articles furnished and used for fitting up the Halls of the Senate and House, $286 27.

To Thomas J. Rawls, for Carpenter work, $10.

To Betton & Higgs, for chairs, &c., $32 25.

To Butler & Denham, for candles, &c., $20 62.

To Towle & Myers, for stationery, $4.

To James Kirksey, for sundries, $60 59.

To T. White & Co., for lamps, &c., $6 75.

To Wm. Wilson & Co., for stationery, &c., $215 98.

To Barnard Ellis, for services as Clerk in the Comptroller's Office during the Session, $156.

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Appropriation.

To James H. Bull, for same, $56.

To George Damon, for gavel, $00 75.

To J. L. Groner, for repairing locks, $5 75.

For the contingent expenses of the State Government to be set apart as a Contingent Fund, subject to the order of the Governor, and to be paid out upon his certificate, for the fiscal year ending 31st October, 1851, $5,000;

For the fiscal year ending 31st October, 1852, $5,000—total, $10,000.

To John W. Argyle, for sundries furnished to the Senate, $13. 57.

To S. B. Barronton, for postage paid on communications to the Speaker of House, $1 40;

And for extra services as messenger to the House, $50—total, $51 40.

[Passed the Senate, January 22, 1851. Passed the House of Representatives, January 23, 1851. Approved by the Governor, January 24, 1851.]

CHAPTER 436.—[No. 125.]

AN ACT for the relief of the funds for the Education of Poor Children in the County of Franklin.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Comptroller of Public Accounts be, and he is hereby required, to issue a warrant upon the Treasurer of this State in favor of the County Commissioners in and for Franklin County, for the sum of one hundred and eleven dollars and thirty six cents, it being an amount erroneously paid into the Treasury of this State, it being a portion of the auction tax collected from sales made in said County, which was properly applicable to the education of poor children in said County of Franklin, under the laws of this State, passed March 2, 1839.

Comp. to issue warrant.

Fund applied to education.

[Passed the House of Representatives, December 21, 1850. Passed the Senate, December 27, 1850. Approved by the Governor, January 7, 1851.]

CHAPTER 437.—[No. 126.]

AN ACT for the relief of Gadsden County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the officer having the control and management of the School Funds be authorized and required, upon the application of the Boad of County Commissioners for the County of Gadsden, to advance to the said County the sum of eight thousand dollars as a loan from the said funds, and to be appropriated exclusively to the re-erection of

Officer controlling School Fund to advance.

the Court House in said County recently destroyed by fire, the said loan to bear an annual interest of eight per centum.

How reimbursed.

SEC. 2. *Be it further enacted*, That, to insure a faithful re-emburse-ment of the said loan, an assessment of thirty per centum on the State tax be annually levied upon the citizens of the said County of Gadsden, until the said loan and the interest accruing thereon, shall have been fully paid off and satisfied, which assessment shall be collected by the Tax Collector, and by him paid to the said officer so having the control and management of the School Fund for the time being, that it shall be the duty of the said Tax Collector, upon making said payments, from year to year, to take duplicate receipts for the same, and to file one of the said receipts in the office of the Board of County Commissioners for said County.

Collector's duty.

Board County Com'rs responsible, &c.

SEC. 3. *Be it further enacted*, That the members constituting the Board of County Commissioners at the date of the said loan, shall be held personally responsible to the County of Gadsden, for the faithful appropriation of the said funds to the object above indicated.

Limitation.

SEC. 4. *Be it further enacted*, That this act shall be and continue in force until the said loan [of] eight thousand dollars, and the interest accruing thereon, shall have been fully re-imbursed and paid off, and no longer.

Board of Co. Com'rs liable for loan.

SEC. 5. *Be it further enacted*, That the County Commissioners, who shall be in office at the time said loan is made, shall be, and they are hereby made jointly and severally liable for the re-payment of the amount of principal and interest of said loan.

Investment.

SEC. 6. *Be it further enacted*, That the said loan shall be so invested, as to have the interest payable on the 20th July, 1851, and nually thereafter.

[Passed the House of Representatives, December 13, 1850. Passed the Senate, December 20, 1850. Approved by the Governor, December 24, 1850.]

CHAPTER 438.—[No. 127.]

AN ACT for the relief of William D. Moseley, and for other purposes.

Debt assumed by State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the indebtedness of William D. Moseley, to the South Western Rail Road Bank of Charleston, South Carolina, arising upon a loan negotiated with said Bank by said Moseley, whilst he was Governor of this State, for the purpose of protecting and defending the frontier settlers from the incursions of the Seminole Indians, be, and the same is hereby assumed by the State of Florida, and his Excellency, the Governor, is hereby authorized and directed to substitute a bond, in the name of this State, signed by him as Governor and countersigned by the Comptroller, in lieu of the bond or obligation executed

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by said Moseley, which shall be binding on the State, until the amount of said indebtedness is fully paid.

Gov. authorized to borrow from School Fund.

SEC. 2. *Be it further enacted*, That the Governor is authorized and directed to borrow, and the Register of Public Lands or Treasurer, as the case may be, to loan, from the Common School Fund, at a rate of interest not exceeding seven per centum per annum, an amount sufficient to pay and discharge the indebtedness due as aforesaid, to said South Western Rail Road Bank.

Gov. directed to ex'cute bond to re-imburse.

SEC. 3. *Be it further enacted*, That the Governor is authorized and directed to execute, in the name of the State of Florida, a bond, to be countersigned by the Comptroller, payable to the Register of Public Lands, for the use of the Common School Fund, for the amount so authorized to be borrowed by the preceding section, with interest at a rate not exceeding seven per centum per annum from the date thereof, the said interest to be paid on the twentieth July, 1851, and annually thereafter, out of any moneys in the Treasury not otherwise appropriated, until provision is made for the final payment of the principal amount.

[Passed the Senate, January 2, 1851. Passed the House of Representatives, January 9, 1851. Approved by the Governor, January 14, 1851.]

CHAPTER 439.—[No. 128.]

AN ACT for the relief of Levi F. Miller, Sheriff of Washington County.

Comp. to allow costs.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Comptroller of this State be, and he is hereby authorized and directed to allow to Levi F. Miller, Sheriff of Washington County, the sum of ninety two dollars and fifty cents, being the amount of expenses incurred by said Miller, in guarding and confining James Taylor, a prisoner, imprisoned by order of the Judge of the Circuit Court for a contempt of Court.

[Passed the Senate, December 9, 1850. Passed the House of Representatives, December 14, 1850. Approved by the Governor, December 23, 1850.]

CHAPTER 440.—[No. 129.]

AN ACT for the relief of A. E. Geiger.

Comp. to credit account.

SECTION 1. *Be enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Comptroller of Public Accounts be, and he is hereby required, to credit the account of A. E. Geiger, late Sheriff of Alachua County, with the sum of thirty dollars, together with commissions thereon, that being the amount of money in bank bills, alleged and satisfacto-

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rily proved to have been sent by him by mail to the Comptroller, on the 29th August, 1849, and which never came to hand.

[Passed the Senate, January 16, 1851. Passed the House of Representatives, January 20, 1851. Approved by the Governor, January 23, 1851.]

CHAPTER 441.—[No. 130.]

AN ACT for the relief of Thomas Ledwith.

Discharged from payment of fine.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That Thomas Ledwith, late Sheriff of Duval County, be, and he is hereby discharged from paying into the Treasury the fines assessed at the Fall Term, 1847, of the Circuit Court of said County, against John B. Hardin, amounting to one hundred and fifty-five dollars, it appearing that said Hardin was entirely insolvent, and that he escaped from custody without any fault on the part of said Ledwith: *Provided,* That nothing herein contained, shall be so construed as to release said Hardin from said fines.

Provided.

Comptroller to issue warrant.

SEC. 2. *Be it further enacted,* That the Comptroller be, and he is hereby authorized and required to issue his warrant upon the Treasury in favor of said Thomas Ledwith, for the sum of eighty-three dollars and thirty-three cents, being the amount which said Ledwith has advanced to the Treasury, on account of the said fines against said Hardin.

[Passed the House of Representatives, January 4, 1851. Passed the Senate, January 11, 1851. Approved by the Governor, January 20, 1851.]

CHAPTER 442.—[No. 131.]

AN ACT for the relief of John T. Myrick.

Treasurer to pay.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Treasurer of this State, be, and he is hereby authorized and required to pay to John T. Myrick, the sum of one hundred and seventy-one dollars and eighty-seven cents.

[Passed the House of Representatives, January 16, 1851. Passed the Senate, January 18, 1851. Approved by the Governor, January 22, 1851.]

CHAPTER 443.—[No. 132.]

AN ACT for the relief of Thomas K. Leonard, Captain of the Mickasookie Cavaliers, and B. G. Warmg, deceased.

Release.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That Thomas K. Leonard, Captain of the Mickasookie Cavaliers, and B.

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G. Waring, his security, be, and are hereby released from the obligation and obligations of a certain bond executed by them in 1846, to the Governor of this State, for the forthcoming of pistols, &c.

[Passed the House of Representatives, January 4, 1851. Passed the Senate, January 9, 1851. Approved by the Governor, January 20, 1851.]

CHAPTER 444.—[No. 133.]

AN ACT for the relief of Mary A. Hardee and David Platt.

Treasuer to pay.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Treasurer be and he is hereby required to pay to the order of Mary A. Hardee and David Platt the sum of thirty dollars each, being the amount of State tax assessed and collected of them, as keepers of taverns at the town of Columbus, for the years 1849 and 1850.

[Passed the Senate, December 14, 1850. Passed the House of Representatives, December 19, 1850. Approved by the Governor, December 28, 1850.]

CHAPTER 445.—[No. 134.]

AN ACT for the relief of George M. Hamilton.

Tax refunded.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the sum of twelve dollars be paid to George M. Hamilton out of any money in the Treasury not otherwise appropriated, the same being the amount of overplus of taxes paid by said Hamilton, by mistake, to the Tax Collector of Santa Rosa County.

[Passed the Senate, December 7, 1850. Passed the House of Representatives, December 14, 1850. Approved by the Governor, December 23, 1850.]

CHAPTER 446.—[No. 135.]

AN ACT for the relief of Nathaniel P. Marion.

Warrant to be issued.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Comptroller of Public Accounts be and he is hereby required to issue a Warrant upon the Treasury in favor of Nathaniel P. Marion, for twenty-five dollars, which amount was paid by the said Marion to the Sheriff of Hamilton County for lands illegally sold for taxes, and paid by the Sheriff into the Treasury.

[Passed the Senate, December 19, 1850. Passed the House of Representatives December 24, 1850. Approved by the Governor, December 31, 1850.]

CHAPTER 447.—[No. 136.]

AN ACT for the relief of Nathaniel P. Bemis.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Comptroller be and he is hereby authorized and required to receive from N. P. Bemis, Territorial Treasury Warrant, No. 158, for five hundred and twenty-five dollars, issued by John Miller, and dated December 21, 1843, which said Warrant shall be taken as payment *pro tanto* of the judgment and costs against said Bemis, obtained at the last Term of the Supreme Court, in behalf of the State of Florida, for the sum of four hundred and eighty dollars: *Provided, however,* That the said Bemis shall also pay to said Comptroller any balance that may be due over and above the amount of said Warrant on account of said judgment and the costs thereupon.

Comptroller to receive territorial warrant.

Proviso.

SEC. 2. *Be it further enacted,* That the Comptroller, upon the receipt of said Warrant and any balance that may due, shall inform the Attorney General of the fact, and thereupon it shall be the duty of the Attorney General to cause satisfaction of said judgment to be entered in said cause, and the said Bemis shall thereafter be released from further liability on account of said judgment as fully as if the same had never been rendered.

Release from judgment.

[Passed the Senate, January 20, 1851. Passed the House of Representatives, January 23, 1851. Approved by the Governor, January 24, 1851.]

CHAPTER 448.—[No. 137.]

AN ACT for the relief of Lawrence Farrell.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Comptroller of Public Accounts be and he is hereby authorized to audit and allow the account of Lawrence Farrell, for the sum of five hundred and thirty-two dollars, and to issue his Warrant on the Treasury for the payment of the same.

Account to be audited, &c.

[Passed the House of Representatives, January 4, 1851. Passed the Senate, January 11, 1851. Approved by the Governor, January 20, 1851.]

CHAPTER 449.—[No. 138.]

AN ACT for the relief of J. L. Wyman.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Comptroller of Public Accounts be and he is hereby authorized and required to audit and allow to J. L. Wyman twenty-six dollars

Account to be audited, &c.

1850. and twenty-eight cents, on account of balance for advertising in the "Commercial Advertiser," notice for sale of lands in Calhoun County for taxes.

[Passed the Senate, December 30, 1850. Passed the House of Representatives, January 17, 1851. Approved by the Governor, January 23, 1851.]

CHAPTER 450.—[No. 139.]

AN ACT for the relief of Doctors Franklin Hart and J. T. Rascoe.

Warrant to be issued.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Comptroller of the State be and he is hereby authorized and required to issue his Warrant on the Treasurer in favor of Doctors Franklin Hart and J. T. Rascoe, for one hundred dollars, for examining the body of James Durden, lately murdered in the County of Jackson, and making a "*post mortem*" examination, under and in obedience to an order issuing from the Judge of the Circuit Court of the Western judicial Circuit of the State of Florida.

[Passed the Senate, January 20, 1851. Passed the House of Representatives January 22, 1851. Approved by the Governor, January 24, 1851.]

CHAPTER 451.—[No. 140.]

AN ACT for the relief of William E. Kilcrease, Robert L. Edmonds, Joseph Austin and Thomas D. Wilson.

Preamble.

WHEREAS, John H. Fowler was indicted at the May term of the Court held in 1850 for the County of Gadsden, for assault and battery in five different cases, and gave bonds for his appearance at the ensuing term of the Court, with Wm. E. Kilcrease and Robert L. Edmonds as his securities in four of the cases, in the sum of one hundred dollars in each case, and Joseph Austin and Thomas D. Wilson was the security of the said Fowler in one case, for the sum of fifty dollars each: And whereas, The said Fowler has since absconded from the State, and the said Kilcrease, Edmonds, Austin and Wilson are held liable to pay said bonds: And whereas, It is considered that the joint amount of the bonds are excessive, and the flight of the said Fowler from the State is regarded as a sufficient satisfaction of the violated laws of the State: Therefore,

Discharged from payment of bonds.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That four bonds of one hundred dollars each, executed in favor of the Governor of Florida by John H. Fowler, Wm. E. Kilcrease and Robert L. Edmonds, and one bond executed by said John H. Fowler, Joseph Austin and Thomas D. Wilson, for the sum of fifty dollars each, payable in the manner above described, to the Governor

of the State, conditioned for the appearance of the said John H. Fowler at the Fall Term, 1850, of the Circuit Court for Gadsden County, to answer five several charges of assault and battery, be and the same are hereby released, so far as relates to the said Kilcrease, Edmonds, Austin and Wilson, and they are hereby discharged and acquitted from the payment of the same.

[Passed the House of Representatives, January 8, 1851. Passed the Senate, January 13, 1851. Approved by the Governor, January 23, 1851.]

CHAPTER 452.—[No. 141.]

AN ACT for the relief of John H. Madison and William D. Branch.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That John H. Madison and William D. Branch, be, and they are hereby relieved from the payment of a certain judgment rendered against said Madison and Branch, as securities of one William Thompson, at the December term, 1850, of the Circuit Court for Marion County, and that said judgment be and the same is hereby declared vacated. Released from payment of judgment.

[Passed the House of Representatives, December 17, 1850. Passed the Senate, December 31, 1850. Approved by the Governor, January 7, 1851.]

CHAPTER 453.—[No. 142.]

AN ACT for the relief of Abner D. Johnson.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Comptroller be, and he is hereby authorized and required to refund to Abner D. Johnson, by issuing a warrant in his favor upon the Treasurer, for such amount as may have been paid by said Johnson, on account of costs accrued against him in the case of the State vs. Johnson et. al., tried December term, 1849. Costs refunded

[Passed the House of Representatives, January 4, 1851. Passed the Senate, January 18, 1851. Approved by the Governor, January 23, 1851.]

CHAPTER 454.—[No. 143.]

AN ACT for the relief of Angel Lopez.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That Angel Lopez be, and he is hereby, relieved from the payment of the costs and the judgment therefor, in the case of an indictment for assault and battery against William Walsh, in Monroe County, and that the costs in said case be paid out of the Treasury of this State, as in other cases. Released from judgment.

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Costs refunded

SEC. 2. *Be it further enacted*, That in the event the amount of said costs has been paid by the said Lopez, to the Sheriff of said County of Monroe, the Comptroller is hereby authorized and required to draw his warrant on the Treasury for the amount so paid.

[Passed the Senate, December 28, 1850. Passed the House of Representatives, January 3, 1851. Approved by the Governor, January 7, 1851.]

CHAPTER 455.—[No. 144.]

AN ACT for the relief of the heirs of J. Underwood.

Taxes refunded.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the sum of one hundred and eighty-two dollars and eighty-five cents be refunded to the heirs of J. Underwood, the same being the amount of taxes paid for several years inclusive up to 1849, the said taxes having been erroneously assessed, and under misapprehension paid to the Tax Collector of Nassau County.

[Passed the Senate, December 17, 1850. Passed the House of Representatives, December 23, 1850. Approved by the Governor, December 31, 1850.]

CHAPTER 456.—[No. 145.]

AN ACT for the relief of the heirs of Jacob Bryan.

Interest, &c. to negroes released.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the State of Florida shall, and hereby does release to the heirs of Jacob Bryan, late of Duval County, deceased, all the right, title and interest of said State in and to the negro slaves of said Bryan heretofore manumitted by him.

In whom vested.

SEC. 2. *Be it further enacted*, That the said heirs of the said Bryan, shall succeed to all the rights and interest in and to said slaves as if the said State of Florida never had any claim to the same.

[Passed the House of Representatives, December 16, 1850. Passed the Senate December 19, 1850. Approved by the Governor, December 24, 1850.]

CHAPTER 457.—[No. 146.]

AN ACT to refund taxes paid by sundry persons of Hillsborough County, in the year 1849.

Taxes refunded.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Comptroller of Public Accounts is authorized and required to audit, and the Treasurer to pay, Uriah Braswell, two dollars and twenty-five cents, John Hamilton, Junior, ninety-five cents, James Hamilton, seventy-five cents, John Hamilton, Senior, seventeen dol-

lars and eighty-five cents, and A. H. Jones, three dollars and sixty cents, being taxes over-paid upon cattle of non-residents.

[Passed the House of Representatives, January 16, 1851. Passed the Senate, January 18, 1851. Approved by the Governor, January 23, 1851.]

CHAPTER 458.—[No. 147.]

AN ACT for the benefit of Dr. Thomas M. Palmer and Drs. Taylor and Palmer.

Comptroller to audit accounts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Comptroller be, and he is hereby instructed to audit and allow the account of Dr. Thomas M. Palmer, of Jefferson County, for the sum of thirty dollars, for post mortem examination of the body of John Stafford.

SEC. 2. *Be it further enacted,* That the Comptroller be, and he is hereby instructed to audit, and allow the account of Drs. Taylor and Palmer, of Jefferson County, for Medical and Surgical services rendered to Redding Evans, a prisoner in the Jail of Jefferson County, for the sum of one hundred dollars.

[Passed the House of Representatives, December 21, 1850. Passed the Senate, January 8, 1851. Approved by the Governor, January 13, 1851.]

CHAPTER 459.—[No. 148.]

AN ACT for the benefit of James Ponder.

Exempt from payment of tax.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this act, James Ponder, of Thomas County, and State of Georgia, shall be exempt from the payment of the tax now imposed on every transient person not a resident of this State, hawkers or pedlars excepted, who shall sell, offer to sell or expose for sale goods, wares and Merchandise, not the growth or manufacture of this State, and he is hereby authorized to [sell] shoes, boots, and leather manufactured on his premises, any where in this State, free of charge and without license for such purpose, any law now in force in this State to the contrary notwithstanding.

[Passed the House of Representatives, December 10, 1850. Passed the Senate, December 19, 1850. Approved by the Governor, December 24, 1850.]

CHAPTER 460.—[No. 149.]

AN ACT to give certain privileges to John W. Lowe, Guardian, for the minor children of Hernando Lowe, deceased.

SECTION 1. *Be it enacted by the Senate and House of Represent-*

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atives of the State of Florida in General Assembly convened, That John W. Lowe, Guardian of Philip and Mary Jane Lowe, minor children of Hernando Lowe, deceased, be, and he is hereby authorized to hire out privately the negro servants belonging to said minor children, and make such return of his acts and doings to the Judge of Probate of Columbia County, as is now required by law of Guardians.

May hire negroes privately

SEC. 2. *Be it further enacted,* That this act shall take effect from and after its passage.

[Passed the House of Representatives, January 11, 1851. Passed the Senate, January 16, 1851. Approved by the Governor, January 23, 1851.]

CHAPTER 461.—[No. 150.]

AN ACT to authorize Coley R. Stewart to sell and convey certain property of the infant heirs of James Stewart, deceased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That Coley R. Stewart, widow of James Stewart, deceased, be, and she is hereby authorized and empowered to sell and convey to the Counties of Leon and Gadsden, for public use, the interest of Lewis Lunsford Stewart, William R. Stewart and James Stewart, in the franchises and privileges granted to James Stewart, by an act of the Legislative Council of the Territory of Florida, approved January 20, 1835, entitled "An act to authorize James Stewart to build a bridge across the Ocklocknee River": *Provided, however,* That it shall first be made to appear, on petition filed for the purpose to the Judge of Probate of Leon County, that it will be for the benefit of the said infant heirs and all other persons interested therein, the said Judge of Probate, may grant an order directing a sale of the said franchise and privileges, and prescribe the terms on which the same shall be sold.

Authorized to convey certain rights, &c.

Proviso.

[Passed the House of Representatives, January 13, 1851. Passed the Senate, January 17, 1851. Approved by the Governor, January 23, 1851.]

CHAPTER 462.—[No. 151.]

AN ACT to authorize Julia Ann Fennell to sell certain Real Estate belonging to the estate of Nicholas G. Fennell, deceased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That Julia Ann Fennell be and she is hereby authorized and empowered to sell and convey by deed the lands belonging to the estate of Nicholas G. Fennell, deceased, lying in Jefferson County, known and described as the E. ½ of the N. E. ¼ of section twenty-five, in township three, north of range three, east, and the E. ½ of the N.

Authorized to sell certain lands.

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W. ¼, the W. ½ of the N. W. ¼, and the E. ½ of the S. W. ¼, all in section thirty, township three, north of range five, east: *Provided*, That the Judge of Probate of said County of Jefferson, upon a petition to him for that purpose, shall be satisfied that the sale and conveyance of said land is most for the benefit of the heirs of the said Nicholas G. Fennell, deceased, and shall make an order granting to said Julia Ann Fennell permission to sell and convey said lands: *And provided further*, That the said Judge of Probate shall also direct that the proceeds of the sale of said land be invested in such a manner as shall be most beneficial to such heirs. Proviso.

[Passed the House of Representatives, January 18, 1851. Passed the Senate, January 20, 1851. Approved by the Governor, January 23, 1851.]

CHAPTER 463.—[No. 152.]

AN ACT in relation to certain Real Estate belonging to the Estate of Albert C. McBride, Deceased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That it shall be lawful for the Judge of the Circuit Court of the Middle Circuit of Florida, in his capacity as Chancellor, and he is hereby fully authorized and empowered, in said capacity, to order and decree the sale of certain real estate belonging to the estate of Albert C. McBride, deceased, late a citizen of Florida, and resident of the County of Wakulla, and known as the Saw Mill, located on the St. Marks River, near the town of Newport, together with the lands appertenant thereto: *Provided*, That, upon petition to be filed by the legal representative of the said estate, it shall be made satisfactorily to appear to the said Chancellor that it will be for the benefit of the estate to grant such order and decree: *And provided further*, That said Judge shall require of the said legal Representative such bond as he may deem sufficient, conditioned for the proper application of the proceeds of said sale. Judge Middle Circuit may order sale. Property specified. Proviso.

SEC. 2. *Be it further enacted*, That any sale so to be made as aforesaid, in conformity to the order and decree of the said Chancellor, shall be effectual to pass to the purchaser of the said premises all the right, title and interest which the said Albert C. McBride had in and to the same at the time of his decease. Effect of sale.

[Passed the House of Representatives, January 17, 1851. Passed the Senate, January 21, 1851. Approved by the Governor, January 23, 1851.]

CHAPTER 464.—[No. 153.]

AN ACT to permit George W. Andrews to practice Medicine in the County of Hernando.

SECTION 1. *Be it enacted by the Senate and House of Represent-*

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atives of the State of Florida in General Assembly convened, That George W. Andrews, of the County of Hernando, is hereby invested with the privilege of practicing Medicine in said County of Hernando, and that the said George W. Andrews, is hereby authorized and empowered to sue for and collect any amounts that may hereafter become due to him, as such practitioner, the same as any other person legally licensed to practice in this State.

Rights and privileges.

[Passed the Senate, January 7, 1851. Passed the House of Representatives, January 13, 1851. Approved by the Governor, January 22, 1851.]

CHAPTER 465.—[No. 154.]

AN ACT for the relief of Celestino Gonzalez.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this act, Celestino Gonzalez, of the city of Pensacola, shall be and he is hereby authorized to take charge of his own property, make contracts, sue and be sued, the same as if he were of the age of twenty-one years.

Management of estate.

[Passed the House of Representatives, January 16, 1851. Passed the Senate, January 17, 1851. Approved by the Governor, January 23, 1851.

CHAPTER 466.—[No. 155.]

AN ACT to empower Henry B. Davis, a minor, to assume the management of his own estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That Henry B. Davis be and he is hereby authorized to assume the management of his own estate, and that the letters of guardianship which may have been issued in his behalf be, and the same are hereby, revoked.

Management of estate.

SEC. 2. *Be it further enacted,* That all contracts hereafter entered into, and all other acts of whatever kind, done and performed by the said Henry B. Davis, shall be as valid and binding in law as if he had attained to the age of twenty-one years.

Acts hereafter valid.

SEC. 3. *Be it further enacted,* That this act shall not be construed to release the guardian of said minor from any responsibilities imposed upon him in consequence of said guardianship, nor to relieve him from accounting to said minor for the management of his estate up to the passage of this act.

Guardian's responsibility.

[Passed the Senate, November 30, 1850. Passed the House of Representatives, December 4, 1850. Approved by the Governor, December 11, 1850.]

CHAPTER 467.—[No. 156.]

AN ACT to authorize William Henry Van Horn, a minor, to assume the management of his own estate, and to contract and be contracted with.

Management of estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That William Henry Van Horn be, and he is hereby authorized and empowered to assume the management of his own estate.

Acts hereafter valid.

SEC. 2. *Be it further enacted,* That the said William H. Van Horn be, and he is hereby empowered to contract and be contracted with, and all contracts entered into by him after the passage of this act, and all agreements, engagements, or other acts of whatever kind, shall be as valid and binding in law as if he had attained to the age of twenty-one years.

[Passed the Senate, December 7, 1850. Passed the House of Representatives, December 13, 1850. Approved by the Governor, December 17, 1850.]

CHAPTER 468.—[No. 157.]

AN ACT to empower Alexander R. Godwin, a minor, to assume the management of his own Estate.

Management of estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That Alexander R. Godwin be authorized to assume the management of his own estate, and that the letters of guardianship which may have been issued in behalf of said minor, be and the same are hereby revoked.

Acts binding.

SEC. 2. *Be it further enacted,* That all contracts hereafter entered into by the said Alexander R. Godwin, shall be valid and binding in law as if the said Alexander R. Godwin had attained to the age of twenty-one years.

Guardian's responsibility.

SEC. 3. *Be it further enacted,* That this act shall not be construed to relieve the Guardian of said minor from any responsibilities imposed upon him or her in consequence of said Guardianship, nor to relieve him or her from accounting to said minor for the management of his estate up to a final settlement with said minor.

[Passed the Senate, December 17, 1850. Passed the House of Representatives, December 19, 1850. Approved by the Governor, December 28, 1850.]

CHAPTER 469.—[No. 158.]

AN ACT to legitimate John Robert Geiger.

Preamble.

WHEREAS, It is represented to the General Assembly that Henry Geiger, of Monroe County, the father of said John Robert Geiger, who is now illegitimate, desires the passage of an act legiti-

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mating said John Robert: And whereas, this General Assembly considers it expedient to comply with the desire of said Henry Geiger: Therefore,

Legitimated.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That John Robert Geiger be, and he is hereby declared legitimated, to all intents and purposes, the same as though he had been born in lawful wedlock.

[Passed the Senate, December 3, 1850. Passed the House of Representatives, December 10, 1850. Approved by the Governor, December 17, 1850.]

CHAPTER 470.—[No. 159.]

AN ACT to legitimate Wesley Allen Dikes, Bryant Dikes, Daniel Dikes, Unity Dikes, Isham Dikes and Laura Ann Dikes, and to make them the heirs at law of Daniel Coker of Madison County, Florida, and to change their names.

Legitimated.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That from and after the passage of this act, Wesley Allen Dikes, Bryant Dikes, Daniel Dikes, Unity Dikes, Isham Dikes and Laura Ann Dikes, be, and they are hereby declared to be legitimate heirs of Daniel Coker, to all intents and purposes, in every respect, as though the said Wesley Allen Dikes, Bryant Dikes, Daniel Dikes, Unity Dikes, Isham Dikes and Laura Ann Dikes, had been begotten in lawful wedlock, and that the said Wesley Allen, Bryant, Daniel, Unity, Isham and Laura Ann Dikes, shall be able in all respects to inherit all the rights and privileges, in law and equity, of the said Daniel Coker, equal with and in the same manner, that any of the lawful begotten children of the said Daniel Coker, could or would do, anything in law to the contrary notwithstanding; this act to take effect and be in force from and after its passage.

Rights, &c.

Names chang'd

SEC. 2. *Be it further enacted*, That the names of Wesley Allen Dikes, Bryant Dikes, Daniel Dikes, Unity Dikes, Isham Dikes and Laura Ann Dikes, be, and are hereby changed to Wesley Allen Coker, Bryant Coker, Daniel Coker, Unity Coker, Isham Coker and Laura Ann Coker.

[Passed the House of Representatives, January 20, 1851. Passed the Senate, January 21, 1851. Approved by the Governor, January 23, 1851.]

CHAPTER 471.—[No. 160.]

AN ACT to change the name of Ann Burnley, of Gadsden County, to that of Ann Wilder.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That

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the name of Ann Burnley, of Gadsden County, be changed to that of Ann Wilder, and that from and after the passage of this act, the said Ann Burnley shall be acknowledged and known as Ann Wilder. Name changed

[Passed the House of Representatives, December 23, 1850. Passed the Senate, December 24, 1859. Approved by the Governor, January 7, 1851.]

CHAPTER 472.—[No. 161.]

AN ACT to change the name of Daniel Chavers, of Columbia County, to that of Daniel Chavers Rioles.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the name of Daniel Chavers, of Columbia County, be changed to that of Daniel Chavers Rioles, and that from and after the passage of this act the said Daniel Chavers shall be acknowledged and known as Daniel Chavers Rioles. Name changed

[Passed the House of Representatives, December 28, 1850. Passed the Senate, December 31, 1850. Approved by the Governor, January 7, 1850.]

CHAPTER 473.—[No. 162.]

AN ACT to alter and change the name of Elizabeth McCaskill.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the name of Elizabeth McCaskill be, and the same is hereby, changed to Margaret Elizabeth Smith, and that the said Elizabeth shall hereafter be known by the said name of Margaret Elizabeth Smith, in the same manner as though it had been originally her name. Name changed

[Passed the Senate, December 3, 1850. Passed the House of Representatives, December 7, 1850. Approved by the Governor, December 13, 1850.]

CHAPTER 474.—[No. 163.]

AN ACT to change the name of George B. Smith to that of George B. Smithson.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the name of George B. Smith be changed to that of George B. Smithson, and that from and after the passage of this act the said George B. Smith shall be acknowledged and known as George B. Smithson. Name changed

[Passed the House of Representatives, December 28, 1850. Passed the Senate, January 1, 1851. Approved by the Governor, January 7, 1851.]

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CHAPTER 475.—[No. 164.]

AN ACT to change the name of Francis St. Johns.

Name changed

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the name of Francis St. Johns be altered and changed to that of Francis St. Johns Tremble, and the said Francis St. Johns shall hereafter be known by the name of Francis St. Johns Tremble, in the same manner as though it had been originally his name.

[Passed the Senate, December 5, 1850. Passed the House of Representatives, December 7, 1850. Approved by the Governor, December 13, 1850.]

CHAPTER 476.—[No. 165.]

AN ACT to change the name of Sarah Frances Waters.

Name changed

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the name of Sarah Frances Waters, of Columbia County, be, and the same is hereby, changed to Sarah Frances Vanzant, and the said Sarah Frances shall be hereafter known by the said name of Sarah Frances Vanzant, in the same manner as though it had been originally her name.

[Passed the Senate, January 4, 1851. Passed the House of Representatives, January 10, 1851. Approved by the Governor, January 14, 1851.]

CHAPTER 477.—[No. 166.]

AN ACT to change the name of Robert Waterston, of Levy County, to that of Robert W. Randall.

Name changed

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the name of Robert Waterston, of Levy County, be and it is hereby changed to that of Robert W. Randall, and he shall hereafter be known and acknowledged by the said name of Robert W. Randall, to all intents and purposes, as though it had been originally his name.

[Passed the House of Representatives, December 10, 1850. Passed the Senate, December 14, 1850. Approved by the Governor, December 24, 1850.]

CHAPTER 478.—[No. 167.]

AN ACT to change the name of Maria L. West.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That

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the name of Maria L. West, residing in the County of Duval, be and is hereby changed to Maria L. Eubank, and the said Maria L. shall hereafter be known by the said name of Maria L. Eubank, in the same manner as though it had been originally her name. Name changed

[Passed the Senate, December 14, 1850. Passed the House of Representatives, December 21, 1850. Approved by the Governor, December 28, 1850.]

CHAPTER 479.—[No. 168.]

AN ACT to change the name of Roxanna Jones to Roxanna Wheeler.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this act, the name of Roxanna Jones be, and the same is hereby changed to that of Roxanna Wheeler, and that hereafter the said Roxanna Jones shall be known and acknowledged by the name of Roxanna Wheeler. Name changed

[Passed the Senate, December 4, 1850. Passed the House of Representatives, December 10, 1850. Approved by the Governor, December 17, 1850.]

RESOLUTIONS

Passed at the Fifth Session of the General Assembly,

1850-'1.

[No. 1.]

Preamble and Resolutions requesting our members in Congress to procure the passage of an act to graduate the price of the Public Lands in this State. 1850.

WHEREAS, There is in this State a vast quantity of Public or Government lands, of an inferior quality, which have been in market or subject to entry for many years, and have not been deemed by our citizens to be worth the Government price, (one dollar and twenty-five cents per acre:) And whereas, It is believed by this General Assembly that the sale of all such lands should be effected as soon as practicable for the purpose of increasing the population of this State, and for the purpose of bringing more revenue into our Treasury: And whereas, The said lands, or a large portion of them, never can be sold by the General Government at the present price, as fixed by law, but might be readily disposed of at a reduced price, thereby bringing into our State an increased population, and into our Treasury a large additional revenue: Preamble.

Be it, therefore, resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators and Representative in Congress be and they are hereby requested to use their best exertions to procure the passage of an act to graduate the price of all the Public or United States Lands in this State from one dollar and twenty-five cents per acre to fifty cents per acre, agreeably to the quality and the length of time said lands have been in market, or subject to entry. Graduation of Public Lands.

Be it further resolved, That a copy of the foregoing preamble and resolution, after being duly authenticated, be forwarded, one copy to each of our Senators, and one to our Representative in Congress, to be by them laid before Congress.

[Passed the House of Representatives, January 11, 1851. Passed the Senate, January 16, 1851. Approved by the Governor, January 23, 1851.]

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[No. 2.]

Resolution relative to the Public Lands in the State of Florida.

Be it Resolved 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 upon Congress the passage of a law granting to the State of Florida the land in the State belonging to the United States, to be appropriated by the General Assembly of Florida for the direct benefit of its citizens individually.

Public Lands, grant of.

[Passed the House of Representatives. Passed the Senate, January 17, 1851. Approved by the Governor, January 23, 1851.]

[No. 3.]

Preamble and Resolutions relative to lands granted to this State for Seminaries of Learning.

WHEREAS, It may be desirable to the people of this State, at some future period, to appropriate the proceeds of such lands as may have been granted by the United States to the State of Florida, for a Seminary or Seminaries of Learning to the use of Common Schools:

Be it Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Senators and Member of the House of Representatives in Congress from this State, be requested to use all the means in their power to procure the passage of an act or resolution, granting the assent of the United States to the appropriation of the proceeds of such lands as have been donated by Congress to this State, for a Seminary or Seminaries of Learning, to the use of Common Schools.

Seminary Lands.

Be it further resolved, That the Governor of the State be, and he is hereby instructed, to forward a copy of the foregoing preamble and resolution to the two Senators and the Member of the House of Representatives in Congress, from the State of Florida.

[Passed the Senate, January 17, 1851. Passed the House of Representatives, January 22, 1851. Approved by the Governor, January 24, 1851.]

[No. 4.]

Preamble and Resolutions relative to lands granted by Congress to the State for purposes of Internal Improvement and for fixing the Seat of Government.

WHEREAS, Nearly the whole of the five hundred thousand acres of land granted to this State for purposes of Internal Improvement, by the act of March 3, 1845, and all of the eight sections grant-

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ed for the purpose of "fixing the Seat of Government," by the same act, have long since been selected at the expense of this State, and reported to the proper Department at Washington for approval:

And Whereas, none of the Seat of Government Lands, and only about forty-five thousand acres of the Internal Improvement Lands have as yet been approved:

And Whereas, this delay operates greatly to the prejudice of this State, by preventing her either from selling those lands, or protecting them from trespassers, by whom many of said lands are being rapidly robbed of their timber, and otherwise reduced in value: Internal Improvement and Seat of Government Lands

And Whereas, it is important that those sections should be at once approved, so that the State may exercise the powers of ownership over them, or rejected, so that she may select other good lands in this State before the opportunity to do so shall be lost by the sales of the United States: Therefore,

Be it Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators and Representative in Congress be, and they are hereby, earnestly requested to continue, without ceasing, to urge the Secretary of the Interior to action, either of approval or rejection, upon the applications made by this State for the lands granted to her by the act of 3d March, 1845. Rejection or approval.

Resolved further, That the Governor be, and he is hereby, requested to forward a copy of this preamble and resolution to our Senators and Representative in Congress, and to the Secretary of the Department of the Interior.

[Passed the Senate, January 2, 1851. Passed the House of Representatives, January 10, 1851. Approved by the Governor, January 14, 1851.]

[No 5.]

Preamble and resolution asking an appropriation of land by Congress to aid in the construction of the Atlantic and Gulf Railroad Company.

WHEREAS, The construction of a Railway from the Atlantic across to the Gulf Coast of Florida, connecting harbors of sufficient depth to admit Vessels of War, must be an object of importance, no less to the government of the United States than to the people of this State, who are desirous of embarking in this great enterprise: Railway across the peninsula.

Be it therefore resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That his Excellency the Governor of this State be authorized in behalf of the same, to memorialize the Congress of the United States for such

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grant of public land in aid of the construction of the Atlantic and Gulf Central Rail Road, as the great importance of said work may, in the wisdom of Congress, appear to justify.

Be further resolved, That the delegation from this State, in Congress, be earnestly invited to co-operate in securing such grant.

[Passed the House of Representatives, January 24, 1851. Passed the Senate, January 24, 1851. Approved by the Governor, January 24, 1851.]

[No. 6.]

Resolution asking an appropriation of land by Congress to aid in building a Plank Road from Alligator to Jacksonville.

Plank Road.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators in Congress be instructed, and our Representative be requested, to use their best efforts for the passage of an act granting to this State, alternate sections of land on either side of a Plank Road running from Alligator to Jacksonville, to aid in its construction.

[Passed the House of Representatives, December 18, 1850. Passed the Senate. Approved by the Governor, December 23, 1850.]

[No. 7.]

Preamble and Resolutions relative to the Sixteenth Sections.

WHEREAS, A government like the happy one under which we live —a government based upon the wisdom and affection of the governed—must, under the blessings of a merciful Providence, depend for its permanence and stability upon the virtue and general intelligence of the people:

Common Schools.

And Whereas, our forefathers who perilled their lives and fortunes, and shed their blood to secure the liberties we now enjoy, with that wise forecast which so eminently characterized all the acts of the founders of this great republic, made a most munificent provision for the education of the rising generations, by the appropriation of every sixteenth section of the public lands for the support of common schools (not of poor schools, but of *common* schools) where all the children of the country, rich and poor, high and low, should meet upon a common level and be taught the first rudiments of a good practical education:

And Whereas, many of these sixteenth sections in Florida are entirely worthless, owing to their being covered with water, or composed of poor pine barren, wholly unfit for cultivation, whereby the munificent and praiseworthy object of the donors, without some

further action of Congress, will be, (so far as regards these valueless sections) entirely defeated, and our citizens deprived of the intended benefit:

And Whereas, by a late decision of the Commissioner of the General Land Office, it is held that there are no sixteenth sections for those portions of our State which are included in what are familiarly called the Arredondo (or Alachua) grant, and Forbes' Purchase, whereby the people of Florida, and especially those residing on these grants respectively are deprived of nearly 40,000 acres of land, which have been appropriated to this most meritorious and praiseworthy purpose: Therefore, Worthless Sixteenths.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Congress of the United States be requested, and they are hereby strongly and earnestly solicited, to make immediate provision by law, whereby all such worthless sixteenth sections in the State may be relinquished, and other lands better suited to the munificent and praiseworthy object of the donors, may be selected in their place and stead, and also that they at the same time, make provisions for the location of lands for the same purpose in proportion to a sixteenth section for every 23,040 acres of the said Arredondo or Alachua grant and Forbes' Purchase, and of any and all other grants in this State similarly situated, and coming within the same decision of the Commissioner of the General Land Office. Relinquishment of, &c.

Resolved further, That a copy of this Preamble and of these Resolutions be forwarded to the President of the Senate and Speaker of the House of Representatives of the United States, the Commissioner of the General Land Office, and to each of our Senators and our Representative in Congress; and that our Senators and Representative be requested to use their utmost endeavors to procure the passage of an act in accordance with these Resolutions.

[Passed the House of Representatives, December 28, 1850. Passed the Senate, December 30, 1850. Approved by the Governor, January 7, 1851.]

[No. 8.]

Resolutions relative to the establishment of a Bureau of Agriculture at the City of Washington.

Resolved, That the General Assembly of Florida, earnestly recommend the establishment of a Bureau of Agriculture in the department of the Interior at Washington, whose province it shall be to superintend and promote the great interest of agricultural improvement in the nation. Bureau of Agriculture.

Resolved, That the Governor is requested to transmit a copy of the foregoing resolution to the President of the United States, to the Secretary of the Department of the Interior, to the Governor of each

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State in the Union, and to each of our Senators and Representative in Congress.

Resolved, That the Senators and Representative of this State, in the Congress of the United States, are hereby requested to use their influence to procure the necessary legislation by Congress for the speedy establishment, on a firm and permanent basis, of a Bureau of Agriculture as suggested in the first foregoing resolution.

[Passed the House of Representatives, January 16, 1851. Passed the Senate, January 18, 1851. Approved by the Governor, January 23, 1851.]

[No. 9.]

Resolution relative to a grant by Congress of a quarter section of land for the County Site of Calhoun County.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the attention of our Senators and Representative in Congress be respectfully called to a resolution asking of Congress, the grant of a quarter section of land, for the County Site of Calhoun County, approved January 6, 1849, and that the request of the General Assembly therein urged, be again pressed upon the attention of Congress, to the consummation of that desired object.

Grant of land for county site.

[Passed the House of Representatives, January 14, 1851. Passed the Senate, January 16, 1851. Approved by the Governor, January 23, 1851.]

[No. 10.]

Preamble and Resolutions relative to Chipola River.

WHEREAS, Great and serious injury has and will result, to the interests of this State, as well as to the interests of commerce and navigation of the country, for want of obstructions being removed in the Chipola River: Therefore,

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators in Congress be instructed, and our Representative requested, to use their utmost endeavors to obtain from the Congress of the United States, at its present session, an appropriation of five thousand dollars, to remove the obstructions in the navigation of the Chipola River, to commence at Marianna and follow said River to its junction with the Apalachicola River.

Removing obstructions.

[Passed the House of Representatives, December 13, 1850. Passed the Senate, December 16, 1850. Approved by the Governor, December 24, 1850.]

[No. 11.]

Preamble and Resolutions relative to Mosquito Inlet.

WHEREAS, Owing to the want of either buoys or beacons at the bar of Mosquito Inlet, several lives have been lost, and much property destroyed, and moreover, the increasing commerce of that Port, imperatively demanding, for the better security of life and property, that the channel should be pointed out:

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators in Congress be instructed, and our Representative be requested, to urge upon Congress the necessity of placing buoys to point out the deepest channel or channels of Mosquito Bar, and of providing for the preservation and proper position of the same. Buoys, &c. at Mosquito Inlet

Be it further resolved, That the Governor, be requested to transmit a copy of these Resolutions to our Representatives in Congress.

[Passed the House of Representatives, December 10, 1850. Passed the Senate, December 11, 1850. Approved by the Governor, December 24, 1850.]

[No. 12.]

Preamble and Resolutions relative to a change of the Mail Route between Tallahassee and Madison.

WHEREAS, The present Mail Route between the city of Tallahassee and Madison follows the St. Augustine Road, running within ten miles of Monticello, leaving Monticello entirely disconnected with Madison, except through Tallahassee: And whereas, The distances between Tallahassee and Madison, along the St. Augustine Road and via Monticello, are about the same: And whereas, Most of the country along the St. Augustine Road is sparsely inhabited and poor: Therefore,

Be it Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Representative and Senators in Congress are requested to urge upon the Post Master General of the United States the policy of so altering the present Mail Route between the city of Tallahassee and Madison, as to run through the town of Monticello, in the County of Jefferson, as follows, to wit: From Tallahassee, along the St. Augustine Road, for ten miles, thence to Bailey's Mills, thence to Monticello, or else along the Virginia Settlement Road, to Bailey's Mills, thence direct to Monticello, and from Monticello, crossing the Aucilla at Flat Ford, via Aucilla and Clifton Post Offices, thence to Madison, from Madison to Jasper, from Jasper to Mineral Springs, thence to Alligator. To run through Monticello, &c.

Be it further Resolved, That our Representative and Senators in

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Congress are requested to urge upon the Post Master General the policy of making the mail between Tallahassee and Jacksonville tri-weekly, instead of twice a week.

Be it further resolved, That the Secretary of State send to our Representative and Senators a copy of these resolutions.

[Passed the House of Representatives, January 20, 1851. Passed the Senate, January 21, 1851. Approved by the Governor, January 23, 1851.]

[No. 13.]

Resolution relative to establishing a tri-weekly Mail between certain points.

From Marianna to Ochesee.

Be it resolved 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 use their best endeavors to procure the establishment of a tri-weekly mail from Marianna to Ochesee, and also a tri-weekly mail from Marianna to Abb's Spring Bluff, the County Site of Calhoun County.

[Passed the House of Representatives, January 21, 1851. Passed the Senate, January 21, 1851. Approved by the Governor, January 23, 1851.]

[No. 14.]

Preamble and Resolution urging upon Congress the payment for losses sustained by the citizensof Florida at the late Hostilities of the Seminole Indians, and asking the appointment of a Commissioner to take the testimony relative thereto.

Losses from Indian hostilities.

WHEREAS, During the months of July and August, A. D. eighteen hundred and forty-nine, without cause, the Seminole Indians destroyed the property of many of the citizens of this State: And whereas, It is confidently hoped by those who have sustained such losses, that the General Government will allow them compensation for the damage thus sustained, as in equity and good conscience it ought to do: And whereas, It is feared that, should measures for affording such relief be delayed, many of the sufferers will, from lapse of time, death and removal of witnesses, &c. be unable to establish their losses: Therefore,

Be it resolved 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 use their best exertions to procure the passage of an act by Congress, making an appropriation for the payment to citizens of Florida, for such losses as they sustained from Indian depredations, during the said months of July and August, A. D. eighteen hundred and forty-nine; and also, to take such steps as may be necessary to procure the appointment

Payment of.

of a Commissioner on the part of the United States to take the testimony relative to such losses, and file the same in the proper department at Washington.

[Passed the House of Representatives, January 9, 1851. Passed the Senate, January 10, 1851. Approved by the Governor, January 20, 1851.]

[No. 15.]

Preamble and Resolutions relative to the payment of certain Companies of Florida Volunteers.

WHEREAS, Immediately after Indian hostilities in the year 1849, Volunteer Companies were raised by Captains S. L. Sparkman, J. Parker, R. D. Bradley, E. E. Mizell and A. Jernigan upon the frontier settlements of the State, for the protection of the citizens against the Seminole Indians: And whereas, Said Companies furnished their own supplies and devoted their whole time to said service, thereby rendering good and efficient service in protecting the lives and property of the frontier citizens of this State against the rapine of that miscreant and savage tribe of Indians now remaining within our borders: And whereas, it is believed by the General Assembly that, according to the treaty of Payne's Landing, the General Government is bound to protect the citizens of this Sate against said Indians, and to pay all just sums incurred in and about the same: Therefore,

Volunteer Companies organized during hostilities.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators and Representative in Congress be and they are hereby requested to use their influence to have said Companies placed upon the same footing that the Volunteer Companies are placed that were ordered out by the Governor.

Payment of.

Be it further resolved, That our Senators and Representative in Congress be requested to procure an appropriation for the payment of the expenses incurred by the Volunteers ordered out by the Governor of this State in the year 1849, and also a sufficient appropriation for the payment of the aforesaid Companies.

Be it further resolved, That the Governor be requested to forward a copy of these resolutions to our Senators and Representative in Congress.

[Passed the House of Representatives, January 20, 1851. Passed the Senate, January 20, 1851. Approved by the Governor, January 23, 1851.]

[No. 16.]

Preamble and Resolution relative to the payment of Volunteers legally called into service for the defence of the frontier of Florida.

WHEREAS, The Legislative Council of the Territory of Florida did, by act of February 9th, 1838, "guarantee to the officers and privates of the Militia of the Territory, who may at any time since the commencement of the present Indian difficulties, have been legally called into service by the Governor, or any other officer of the Territorial Militia, and who remain unpaid, or which may hereafter be called into service for the defence of the frontier of Florida, the pay which is now allowed by the United States" to the same description of troops:

Pay guaranteed.

And whereas, By the act of the 2nd of March, 1839, a law was passed "authorizing the Governor to accept twelve Companies of Volunteers, to be stationed and ordered wherever in the Territory he may think expedient and proper, so as to insure the defence of the frontier, and as soon as said force is organized, or such part of said corps as may be first ready for service, the Governor shall request the Commanding Officer of the army of the United States army in Florida to receive and muster said corps into the service of the United States, and if such Commanding Officer refuse to accept the services of the said twelve Companies, or any part of them, then the Governor shall have the said Companies mustered into the service of the Territory," "to receive the same pay, rations and forage as the United States now allow to the same character of troops:"

And whereas, A number of Companies, at various periods, were received into the service, and offered to the authorities of the United States, as required of the Governor, and the United States accepted the offer of their services, and by order emanating from the Major General commandng-in-Chief, directed to the Commanding Officer in Florida, it was required that "in mustering this force into the service you will instruct the mustering officer to include in the muster the *Militia now in the* service of the Territory *from the date they entered it,* and to muster out of service such of them as may wish to retire:"

Troops mustered into service.

And whereas, In mustering the militia of the Territory there were men who had served and performed faithfully all the duties, and had undergone all the hardships of an arduous and active campaign, who were refused by the mustering officer to be mustered into the service of the United States, thereby losing all their previous service, and all evidence of service, such as is required for the payment of a soldier, by not being placed upon the muster rolls from the time they entered the service until they were refused:

And whereas, The authorities of Florida did, by the acts above re-

cited, employ for the defence of the frontier the said soldiers, and at the same time did guarantee their payment: Therefore,

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Comptroller of Public Accounts be and he is hereby required to audit the claims of said soldiers under such rules and regulations as may be prescribed by the Governor, that the same may be forthwith presented by the Governor, who is authorized and requested to prosecute said claim before the proper department of the United States Government at Washington, or place them in the hands of our delegation in Congress to prosecute before that body; and that as soon as the money for said claims is received to place it in the Treasury of the State, for the liquidation of said claims.

Comptroller shall audit accounts.

[Passed the Senate, December 30, 1850. Passed the House of Representatives, January 8, 1851. Approved by the Governor, January 14, 1851.]

[No. 17.]

Preamble and Resolution of the General Assembly of Florida relative to the claim of Levi F. Mosher, deceased.

WHEREAS, Levi F. Mosher, now deceased, was, in his life-time, duly appointed by the Governor of the Territory of Florida, Assistant Quarter Master for the militia and troops in the service of the said Territory during the late Seminole War, which service was afterwards assumed and recognized by the United States: And whereas, Said Mosher duly and faithfully served in such capacity for the term of five months, to wit: from the 20th July, 1839, to the 20th December, 1839, and is justly entitled, for his services, to the same pay and allowance as officers of the same rank in the Army of the United States, but his claim therefor has never been paid by the Territory of Florida or by the United States: And whereas, It is considered that the claim is a just one against the United States: Now, therefore,

Service as Quarter-master.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators and Representative in Congress be and they are hereby desired to use their best exertions to procure the passage, by Congress, of a law for the payment to Dalcida Bull, Administratrix of said Mosher, the claim, according to the principles of equity and justice.

[Passed the House of Representatives, January 16, 1851. Passed the Senate, January 15, 1851. Approved by the Governor, January 23, 1851.]

[No. 18.]

Preamble and Resolutions relative to cases of Admiralty.

WHEREAS, Serious disadvantages are suffered by the citizens of Florida in all causes in Admiralty, when the amount in controversy is less than two thousand dollars, for the want of an Appellate Court to revise the decisions of the District Court of the United States for said State: And whereas, It is desirable, and the rights of litigants demand, that Congress should by law wake provision for those cases in which there is at present no right of appeal, as well with the view of giving confidence to the decisions of the Federal Tribunals, as that the rights of parties may be adjudicated in a manner satisfactory to themselves:

Instructions to Representatives in Congress to procure a law granting appeals.

Therefore resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators in Congress be instructed, and our Representative requested to procure if possible, the passage of an act granting appeals from the District Courts of the United States for the two Districts of Florida, to the Circuit Court of the United States holden at Savannah, Georgia, in all causes of Admiralty and maritime jurisdiction, when the amount in controversy exceeds the sum of three hundred dollars, exclusive of costs.

Be it further resolved, That his Excellency, the Governor, be and he is hereby requested to transmit a copy of the foregoing preamble and resolution to our Senators and Representative in Congress.

[Passed the Senate, December 2, 1850. Passed the House of Representatives, December 4, 1850. Approved by the Governor, December 11, 1850.]

[No. 19.]

Resolution requiring Judges of Probate to issue Writs of Election in certain cases.

Judge of Probate to order election in certain cases.

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That whenever a vacancy occurs in any district in this State, in the office of Justice of the Peace, or when the citizens of such County or district have neglected or refused to elect Justices of the Peace, the Judge of Probate in such County be required to order an election to fill such vacancy, by giving ten days' notice in such district, and the election to be held at the place of holding Justices' Courts in said district.

[Passed the House of Representatives, January 23, 1851. Passed the Senate, January 23, 1851. Approved by the Governor, January 24, 1851.]

[No. 20.]

Preamble and Resolutions tendering a Welcome to Mr. Edmond LaFayette.

WHEREAS, Information has been received by the General Assembly of the State of Florida that Mr. Edmond LaFayette, the grandson of Gen. LaFayette, the friend of our Washington, is now at the Capitol of the State: And whereas, We desire to show the greatest possible respect to the descendant of that great and good man who aided so efficiently in the achievement of our independence, and whose name is forever blended with our national history:

Be it therefore resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That a welcome to our shores and the hospitalities of the State be and the same are hereby voted to Mr. Edmond LaFayette, and that he be respetcfully invited to occupy a seat within the bar of either House of the General Assembly, at any time he may visit these bodies. Hospitalities tendered, &c.

Be in further resolved, That a Committee consisting of two members from each branch of the General Assembly, be appointed to wait upon Mr. Edmond LaFayette and deliver to him a copy of the foregoing preamble and resolution.

[Passed the Senate, November 27, 1850. Passed the House of Representatives, November 27, 1850. Approved by the Governor, December 1, 1850.]

[No. 21.]

Resolution appropriating ten per cent. upon the Auction taxes to the Common School Fund for the several Counties in this State.

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Comptroller is hereby authorized and instructed to issue his warrant upon the Treasury of this State for ten per cent. upon the auction taxes paid into the State since the formation of the State Government, (to be appropriated to the Common School Fund,) to the several Counties of this State not already provided for by this General Assembly: *Provided,* That the amount to which the Counties are respectively entitled shall have been paid into the Treasury. Comptroller to issue warrant.

[Passed the Senate, January 23, 1851. Passed the House of Representatives, January 24, 1851. Approved by the Governor, January 24, 1851.]

[No. 22.]

Resolution relative to Auction Taxes in the Counties of Monroe and Escambia.

Resolved by the Senate and House of Representatives of the State

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of Florida in General Assembly convened, That the Comptroller is authorized and directed to issue his warrant on the Treasury in favor of the Treasurer of the Counties of Monroe and Escambia for the amount, to be ascertained by said Comptroller, of ten per cent. upon all taxes paid into the Treasury from said Counties of Monroe and Escambia on sales made at auction since the first day of January, 1846, which said ten per cent. shall be applied for the support of Common Schools in said Counties.

Comptroller to issue warrant.

[Passed the Senate, January 3, 1851. Passed the House of Representatives, January 13, 1851. Approved by the Governor, January 22, 1851.]

[No. 23.]

Resolutions relative to a Fee Bill for Medical Services.

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Medical Board of this State be and they are hereby required to establish a *fee bill* for medical services, and report the same, if practicable, to this, if not, to the next General Assembly.

Medical Board to establish fee bill.

Be it further resolved, That a copy of these resolutions, properly certified, be forwarded to the President of the Medical Board.

[Passed the House of Representatives, December 9, 1850. Passed the Senate, December 11, 1850. Approved by the Governor, December 24, 1850.]

[No. 24.]

Resolution respecting Lands selected for the State.

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That it shall be the duty of the Register of Public Lands to make out and have published, with the Journals of the present session, a statement of the lands selected for the State, whether for Internal Improvement, for Seminaries, for Common Schools, or for fixing the seat of Government; said statement to show the location, quantity and quality of the lands selected, the persons by whom selected, the amount selected by each person and the amount per acre paid to each person for his selections; also a summary showing the whole number of acres selected by each person, and the whole amount paid each person for selecting.

Statement of lands selected to be published with Journals.

[Passed the Senate, January 14, 1851. Passed the House of Representatives, January 21, 1851. Approved by the Governor, January 23, 1851.]

[No. 25.]

Resolutions relative to the establishment of two Seminaries of Learning.

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That City and County authorities and individuals be, and they are hereby, requested to report to the Governor, to be by him laid before the next General Assembly, a statement of the amount which said city or county authorities or individuals will contribute in land, buildings, or money, for the purpose of establishing a Seminary of Learning, in accordance with the provisions of an act providing for the establishment of two Seminaries of Learning: the contents of said reports to be kept secret, (if desired by those making them,) until transmitted to both houses of the General Assembly.

Amount contributed to be reported to the Governor.

Resolved 2nd, The Seminary of Learning which is to be located in the district East of the Suwannee River, shall be located in that County in said district which, in the opinion of the next General Assembly, presents the greatest inducements for the location of said Seminary; and the Seminary which is to be located in the district West of the Suwannee River, shall be located in that County in the district which, in the opinion of said General Assembly, presents the greatest inducements for the location.

Seminaries to be located where, &c.

[Passed the Senate, December 27, 1850. Passed the House of Representatives, January 22, 1851. Approved by the Governor, January 24, 1851.]

[No. 26.]

A Resolution for the relief of Joel L. Lockhart.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the account of Joel L. Lockhart, of Benton County, who claimed his seat in this House, under a certificate from the Judge of Probate from said County, but has been superceded by the present sitting member, be audited and allowed for the sum of sixty-four dollars, to wit: eighteen dollars for six days attendance, and fifty dollars for travel to and from the capital, being a distance of two hundred and fifty miles.

Claim allowed.

[Passed the House of Representatives, November 30, 1850. Passed the Senate, December 2, 1850. Approved by the Governor, December 6, 1850.]

[No. 27.]

Resolutions for the relief of Isaac P. Hardee and L. D. Rogers.

Be it resolved by the Senate and House of Representatives of the

1850.

Per diem and mileage allowed.

State of Florida in General Assembly convened, That the account of Isaac P. Hardee, of Levy County, who claimed his seat in this House as a member from said County, but against whose claim a decision has been made and in favor of the present sitting member, be audited and allowed for the sum of seventy-five dollars and forty cents, to wit: for eleven days attendance, and forty-two dollars and forty cents for travel to and from the capital, being a distance of 424 miles.

Be it further resolved, That L. D. Rogers, the contestant from Hillsborough County of the seat of J. T. Magbee, be allowed and paid the sum of thirty-three dollars for eleven days attendance, and seventy dollars for his travelling expenses from Hillsborough County to this place, a distance of three hundred and fifty miles.

[Passed the House of Representatives, December 6, 1850. Passed the Senate, December 7, 1850. Approved by the Governor, December 11, 1850.]

[No. 28.]

Rosolutions authorizing the Treasurer of this State to purchase of the Rev. George White six copies of his work on the Statistics of the State of Georgia.

Statistics—Treasurer authorized to purchase copies.

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Treasurer of the State is hereby authorized to pay to the Rev. George White eighteen dollars for the purchase of six copies of his work "on the statistics of the State of Georgia," to be deposited in the State Library for the use of the Governor, State officers and members of the General Assembly.

Be it further resolved, That upon the delivery of the books aforesaid, the receipt of the author shall constitute the Treasurer's voucher for the money so paid.

[Passed the House of Representatives, January 8, 1851. Passed the Senate January 9, 1851. Approved by the Governor, January 20, 1851.]

[No. 29.]

Resolution for the Relief of Thomas Langford.

Comptroller to audit claim.

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Comptroller of Public Accounts be, and he is hereby, authorized to audit the claim of Thomas Langford, and issue his warrant, payable to his order on the Treasurer of the State, for the sum of nine dollars, in consideration of that amount of money paid through mistake into the Treasury of the State.

[Passed the House of Representatives, January 17, 1851. Passed the Senate, January 20, 1851. Approved by the Governor, January 23, 1851.]

[No. 30.]

Resolution for the relief of Henry C. Wilson.

WHEREAS, Henry C. Wilson had settled on and improved a part of the eight sections of land, located for fixing the Seat of Government of the State of Florida, before the said land was selected for the State: Therefore,

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the said Henry C. Wilson be, and he is hereby, authorized and allowed to purchase from the State, one hundred and sixty acres of said land, including his improvements, on the same terms and conditions on which settlers were allowed to purchase State Lands, under an act entitled an act for the relief of settlers on Public Lands, and to grant pre-emption right in certain cases, approved January 7, 1848: *Provided however,* That the said Henry C. Wilson, shall not be entitled to enter the said one hundred and sixty acres of land, until after the General Government shall have confirmed the location of the eight sections referred to: *And provided further,* Thatthe said Henry C. Wilson was entitled to pre-emption under the laws of the United States, prior to the selection of said eight sections.

Authorized to purchase certain land.

[Passed the Senate, January 13, 1851. Passed the House of Representatives, January 16, 1851. Approved by the Governor, January 23, 1851.]

[No. 31.]

Resolution relative to a Seal for Hernando County.

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Secretary of this State be and he is hereby authorized and requested to furnish Hernando County with an appropriate seal for the Circuit Court of said County, to be paid out of the Treasury of this State.

Circuit Court Seal.

[Passed the House of Representatives, December 27, 1850. Passed the Senate, December 28, 1850. Approved by the Governor, January 7, 1851.]

[No. 32.]

Resolution relative to the employment of a Clerk in the Comptroller's Office.

Resolved, That the Comptroller of Public Accounts be and he is hereby authorized to employ an assistant clerk in his office for and during the session of this General Assembly, and that said assistant clerk be allowed the same amount of compensation as is now allowed to the assistant clerk of the House.

Comptroller authorized to employ clerk.

[Passed the House of Representatives, December 21, 1850. Passed the Senate, December 24, 1850. Approved by the Governor, January 7, 1851.]

1850.

[No. 33.]

Resolution to increase the Bond of the Treasurer of the State of Florida.

WHEREAS, The Treasurer of this State is by law made the receiver of all moneys arising from the sale of public lands of every character whatsoever:

Bond increased

Be it therefore Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Treasurer of this State be, and he is hereby, required to increase his Bond to seventy-five thousand dollars.

[Passed the House of Representatives, January 22, 1851. Passed the Senate, January 22, 1851. Approved by the Governor, January 24, 1851.]

[No. 34.]

Resolution authorizing the construction of Fire Proof Vaults in the Capitol.

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Governor of this State be, and he is hereby, authorized and directed to cause to be constructed in each of the four corner rooms in the lower floor of the State Capitol, a fire-proof Vault of sufficient capacity to contain all the books and valuable papers belonging to the offices of the Secretary of State, Comptroller of Public Accounts, Treasurer, and Register of Public Lands.

Vaults—Governor authorized to construct.

Be it further Resolved, That a sum, not exceeding two thousand dollars, be and the same is hereby appropriated out of any money remaining in the Treasury, subject to the order of the Governor, for the purpose of carrying out the intent of the foregoing resolution.

[Passed the House of Representatives, January 20, 1851. Passed the Senate, January 22, 1851. Approved by the Governor, January 24, 1851.

[No. 35.]

Resolution relative to copying the Laws of the present Session.

Laws—By whom copied.

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Governor be authorized to employ Hugh A. Corley to copy the laws passed at this session, under the superintendence of the Secretary of State, for such compensation as was allowed for similar services at the last session of the General Assembly.

[Passed the House of Representatives, Januray 22, 1851. Passed the Senate, January 23, 1851. Approved by the Governor, January 24, 1851.]

[No. 36.]

Resolution relative to printing the Laws and Resolutions of the present General Assembly.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the printing of the laws and resolutions passed and adopted by the present General Assembly, be let out on contract to the lowest bidder, upon the party obtaining said contract, giving bond in the sum of one thousand dollars payable to the Governor of the State, conditioned for the faithful performance of said contract. Laws—Printing of.

[Passed the House of Representatives, January 17, 1851. Passed the Senate, January 21, 1851. Approved by the Governor, January 23, 1851.]

[No. 37.]

Resolution relative to the Distribution of the Laws and Journals of the present session.

Be it Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Governor be, and he is hereby, authorized to let out, at such terms as he may deem proper, to the lowest bidder, the transportation of the Laws, Journals, and other public documents which are or may be required by law to be distributed throughout the State, and the person who gets the contract, shall give bond to the satisfaction of the Governor; and the Laws, Journals, and other public documents, shall be distributed by the first day of May, A. D. 1851, and the Comptroller shall issue his warrant for the payment of the same [out] of the Contingent Fund, upon proof of the performance of the contract. Laws & Journals — To be distributed by 1st of May.

[Passed the House of Representatives, January 23, 1851. Passed the Senate, January 23, 1851. Approved by the Governor, January 24, 1851.]

AMENDMENTS

TO THE

CONSTITUTION OF THE STATE OF FLORIDA.

ADOPTED BY THE FIFTH GENERAL ASSEMBLY.

[No. 1.]

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. 1850.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Eleventh Clause of the Fifth Article of the Constitution of this State, and also an act entitled, "An Act to amend the Twelfth Clause of the Fifth Article of the Constitution of this State, so that the Judges of the Circuit Courts shall hold their offices for the term of eight years, instead of during good behavior," be, and the same are hereby, so amended as to read as follows, viz: That on the first Monday in October, in the year one thousand eight hundred and fifty-three, and on the first Monday in October, every six years thereafter, there shall be elected by the qualified electors of each of the respective Judicial Circuits of this State, one Judge of the Circuit Court, who shall reside in the Circuit for which he may be elected, and continue in office for the term of six years from and after the first day of January next succeeding his election, unless sooner removed under the provisions made in this Constitution for the removal of Judges by address or impeachment: And for wilful neglect of duty, or other reasonable cause, which shall not be sufficient ground for impeachment, the Governor shall remove any of them on the address of two-thirds of the General Assembly: *Provided, however*, That the cause, or causes, shall be stated at length in such address, and entered on the Journals of each House: *And provided, further*, That the cause, or causes, shall be notified to the Judge so intended to be removed; and he shall be admitted to a hearing in his own de-

1850. fence, before any vote for such removal shall pass; and in such cases, the vote shall be taken by yeas and nays, and entered on the Journals of each House, respectively.

SEC. 2. *Be further enacted*, That said election shall be conducted, and the returns thereof made, in the manner now prescribed, or which may hereafter be prescribed by law, for the election of member to Congress; and it shall be the duty of the Governor to issue a commission, under the seal of the State, to the person receiving the highest number of votes in the Judicial District in which the election is had.

SEC. 3. *Be it further enacted*, That whenever the General Assembly shall create a separate Supreme Court, or Chancery Court, under the provisions of this Constitution, the Judge thereof shall be elected in the manner provided in the first section of this act, and shall hold their offices for the same term, and be subject to all the provisions of said first section: *Provided, however*, That the Judges of the Supreme Court shall be elected by general ticket; and the Judges of the Chancery Court shall be elected by general ticket, or by Districts, as the Legislature may direct.

SEC. 4. *Be it further enacted*, That should a vacancy occur in either the Supreme, Chancery, or Circuit Court, by death, resignation, removal, or otherwise, it shall be the duty of the Governor to issue a writ of election to fill such vacancy, and he shall give at least sixty days' notice thereof by proclamation, and the Judge so elected to fill such vacancy shall continue in office from the time he qualifies under his commission, which shall be issued immediately after the final canvass of the votes by which his return is determined: *Provided, however*, That should it become necessary to fill any such vacancy before an election can be held under the provisions of this Constitution, the Governor shall have the power to fill such vacancy by appointment, and the person so appointed shall hold his office from the date of his commission until his successor shall be duly elected and qualified.

SEC. 5. *Be it further enacted*, That the second section of said act to amend the twelfth clause of the Constitution of this State, and adopted by the third and fourth General Assemblies as aforesaid, be and the same is hereby abolished; but it is hereby provided that the General Assembly shall, by the concurrent vote of the two Houses thereof, at its next regular session, elect some person to fill the vacancy which will occur by expiration of the term of office of that Judge who may draw the two year term, under the provisions of said second section, which is hereinabove declared to be abolished.

FIFTH GENERAL ASSEMBLY.—Passed the Senate by the Constitutional majority, December 13, 1850. Passed the House of Representatives by the Constitutional majority, December 23, 1850.

[No. 2.]

AN ACT to amend the Seventeenth Clause of the Fifth Article of the Constitution of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Seventeenth Clause of the Fifth Article of the Constitution of this State be, and the same is hereby, so amended as to read as follows, to wit: "There shall be one Solicitor for each Circuit, who shall reside therein, and shall be elected by the qualified voters of such Circuit, on the first Monday in October, in the year one thousand eight hundred and fifty-three, and every four years thereafter, or at such times as the General Assembly may by law prescribe, and shall receive for his services a compensation to be fixed by law."

SEC. 2. *Be it further enacted,* That such elections shall be held and conducted, and the returns thereof made, in the same manner as is now prescribed by law, or may hereafter be prescribed by law, for the election of member to Congress from this State.

FIFTH GENERAL ASSEMBLY.—Passed the Senate by the Constitutional majority, December 31, 1851. Passed the House of Representatives by the Constitutional majority, January 8, 1851.

CONSTITUTION,

OR

FORM OF GOVERNMENT,

FOR THE

PEOPLE OF FLORIDA.

We, the People of the Territory of Florida, by our Delegates in Convention, assembled at the City of St. Joseph, on Monday the 3d day of December, A. D. 1838, and of the Independence of the United States the sixty-third year, having and claiming the right of admission into the Union, as one of the United States of America, consistent with the principles of the Federal Constitution, and by virtue of the Treaty of Amity, Settlement, and Limits between the United States of America and the King of Spain, ceding the Provinces of East and West Florida to the United States; in order to secure to ourselves and our posterity the enjoyment of all the rights of life, liberty, and property, and the pursuit of happiness, do mutually agree, each with the other, to form ourselves into a Free and Independent State, by the name of the State of Florida.

ARTICLE I.

Declaration of Rights.

That the great and essential principles of liberty and free government may be recognized and established, we declare:

1. That all freemen, when they form a social compact, are equal; and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty; of acquiring, possessing, and protecting property and reputation; and of pursuing their own happiness.

2. That all political power is inherent in the people, and all free governments are founded on their authority, and established for their benefit; and, therefore, they have, at all times, an inalienable and indefeasible right to alter or abolish their form of government, in such manner as they may deem expedient.

3 That all men have a natural and inalienable right to worship Almighty God according to the dictates of their own conscience; and that no preference shall ever be given by law to any religious establishment, or mode of worship in this State.

4. That all elections shall be free and equal; and that no property qualification for eligibility to office, or for the right of suffrage, shall ever be required in this State.

5. That every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that liberty; and no law shall ever be passed to curtail, abridge, or restrain the liberty of speech or of the press.

6. That the right of trial by jury shall forever remain inviolate.

7. That the people shall be secure in their persons, houses, papers, and possessions from unreasonable seizures and searches; and that no warrant to search any place, or to seize any person or thing, shall issue without describing the place to be searched, and the person or thing to be seized, as nearly as may be, nor without probable cause, supported by oath or affirmation.

8. That no freeman shall be taken, imprisoned, or disseized of his freehold, liberties, or outlawed or exiled, or in any manner destroyed or deprived of his life, liberty, or property, but by the law of the land.

9. That all Courts shall be open, and every person, for an injury done him, in his lands, goods, person, or reputation, shall have remedy by due course of law; and right and justice administered without sale, denial, or delay.

10. That in all criminal prosecutions, the accused hath a right to be heard by himself or counsel, or both; to demand the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and in all prosecutions by indictment or presentment a speedy and public trial, by an impartial jury of the County or District, where the offence was committed; and shall not be compelled to give evidence against himself.

11. That all persons shall be bailable, by sufficient securities, unless in capital offences, where the proof is evident, or the presumption is strong; and the privilege of *habeas corpus* shall not be suspended, unless when, in case of rebellion or invasion, the public safety may require it.

12. That excessive bail shall in no case be required; nor shall excessive fines be imposed; nor shall cruel or unusual punishments be inflicted.

13. That no person shall, for the same offence, be twice put in jeopardy of life or limb.

14. That private property shall not be taken or applied to public use, unless just compensation be made therefor.

15. That in all prosecutions and indictments for libel, the truth may be given in evidence; and if it shall appear to the jury that the libel is true, and published with good motives and for justifiable ends, the truth shall be a justification; and the jury shall be the judges of the law and facts.

16. That no person shall be put to answer any criminal charge, but by presentment, indictment, or impeachment.

17. That no conviction shall work corruption of blood, or forfeiture of estate.

18. That retrospective laws, punishing acts committed before the existence of such laws, and by them only declared penal, or criminal, are oppressive, unjust, and incompatible with liberty; wherefore, no *ex post facto* law shall ever be made.

19. That no law impairing the obligation of contracts shall ever be passed.

20. That the people have a right, in a peaceable manner, to assemble together to consult for the common good; and to apply to those invested with the powers of government, for redress of grievances, or other proper purposes, by petition, address, or remonstrance.

21. That the free white men of this State shall have the right to keep and to bear arms, for their common defence.

22. That no soldier in time of peace, shall be quartered in any house without the consent of the owner; nor in time of war but in a manner prescribed by law.

23. That no standing army shall be kept up without the consent of the Legislature: and the military shall in all cases and at all times, be in strict subordination to the civil power.

24. That perpetuities and monopolies are contrary to the genius of a free State, and ought not to be allowed.

25. That no hereditary emoluments, privileges, or honors, shall ever be granted or conferred in this State.

26. That frequent recurrence to fundamental principles, is absolutely necessary to preserve the blessings of liberty.

27. That to guard against transgressions upon the rights of the people, we declare that every thing in this article is excepted out of the general powers of government, and shall forever remain inviolate; and that all laws contrary thereto, or to the following provisions, shall be void.

ARTICLE II.

Distribution of the Powers of Government.

1. The powers of the Government of the State of Florida, shall be divided into three distinct departments, and each of them confided to a separate body of Magistracy, to wit: Those which are Legislative to one; those which are Executive to another; and those which are Judicial to another.

2. No person, or collection of persons, being one of those departments, shall exercise any power properly belonging to either of the others, except in the instances expressly provided in this Constitution.

ARTICLE III.

Executive Department.

1. The Supreme Executive Power shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of Florida.

2. The Governor shall be elected for four years, by the qualified electors, at the time and place where they shall vote for Representatives, and shall remain in office until a successor be chosen and qualified, and shall not be eligible to re-election until the expiration of four years thereafter.

3. No person shall be eligible to the office of Governor unless he shall have attained the age of thirty years, shall have been a citizen of the United States ten years, or an inhabitant of Florida at the time of the adoption of this Constitution, (being a citizen of the United States,) and shall have been a resident of Florida at least five years next preceding the day of election.

4. The returns of every election for Governor shall be sealed up and transmitted to the seat of Government, directed to the Speaker of the House of Representatives, who shall, during the first week of the session, open and publish them in the presence of both Houses of the General Assembly, and the person having the highest number of votes, shall be Governor; but if two or more shall be equal and highest in votes, one of them shall be chosen Governor by the joint vote of the two Houses; and contested elections for Governor shall be determined by both Houses of the General Assembly, in such manner as shall be prescribed by law.

5. He shall, at stated times, receive a compensation for his services, which shall not be increased or diminished during the term for which he shall have been elected.

6. He shall be Commander-in-Chief of the Army and Navy of this State, and of the Militia thereof.

7. He may require information in writing from the officers of the Executive Departments, on any subject relating to the duties of their respective offices.

8. He may, by proclamation, on extraordinary occasions, convene the General Assembly at the seat of Government, or at a different place, if that shall have become dangerous from an enemy, or from disease; and in case of disagreement between the two Houses with respect to the time of adjournment, he may adjourn them to such time as he shall think proper, not beyond the day of the next meeting designated by this Constitution.

9. He shall, from time time, give to the General Assembly information of the State of the Government, and recommend to their consideration such measures as he may deem expedient.

10. He shall take care that the laws be faithfully executed.

11. In all criminal and penal cases, (except of treason and im-

peachment,) after conviction, he shall have power to grant reprieves and pardons, and remit fines and forfeitures under such rules and regulations as shall be prescribed by law; and in cases of treason, he shall have power, by and with the advice and consent of the Senate, to grant reprieves and pardons; and he may, in the recess of the Senate, respite the sentence until the end of the next session of the General Assembly.

12. There shall be a seal of the State, which shall be kept by the Governor, and used by him officially, with such device as the Governor first elected may direct, and the present seal of the Territory shall be the seal of the State until otherwise directed by the General Assembly.

13. All commissions shall be in the name, and by the authority of the State of Florida, be sealed with the State seal, and signed by the Governor, and attested by the Secretary of State.

14. There shall be a Secretary of State appointed by joint vote of both Houses of the General Assembly, who shall continue in office during the term of four years; and he shall keep a fair register of the official acts and proceedings of the Governor, and shall, when required, lay the same and all papers, minutes, and vouchers, relative thereto, before the General Assembly, and shall perform such other duties as may be required of him by law.

15. Vacancies that happen in offices, the appointment to which is vested in the General Assembly, or given to the Governor, with the advice and consent of the Senate, shall be filled by the Governor during the recess of the General Assembly, by granting commissions, which shall expire at the end of the next session.

16. Every bill, which shall have passed both Houses of the General Assembly, shall be presented to the Governor; if he approve, he shall sign it; but if not, he shall return it with his objections to the House in which it shall have originated, who shall enter the objections at large upon the journals, and proceed to re-consider it; and if, after such re-consideration, a majority of the whole number elected to that House, shall agree to pass the bill, it shall be sent with the objections to the other House, by which it shall likewise be reconsidered; and if approved by a majority of the whole number elected to that House, it shall become a law; but in such cases, the votes of both Houses shall be by yeas and nays, and the names of the members voting for, or against the bill, shall be entered on the journals of each House respectively; and if any bill shall not be returned by the Governor, within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner, as if he had signed it; unless the General Assembly by their adjournment, prevent its return, in which case, it shall not be a law.

17. Every order, resolution, or vote, to which concurrence of both Houses may be necessary, except on questions of adjournment, shall be presented to the Governor, and before it shall take effect,

be approved by him, or being disapproved, be re-passed by both Houses, according to the rules and limitations prescribed in case of a bill.

18. In case of the impeachment of the Governor, his removal from office, death, refusal to qualify, resignation, or absence from the State, the President of the Senate shall exercise all the power and authority appertaining to the office of Governor, during the term for which the Governor was elected; unless the General Assembly shall provide by law for the election of a Governor to fill such vacancy; or, until the Governor absent, or impeached, shall return, or be acquitted.

19. If during the vacancy of the office of Governor, the President of the Senate shall be impeached, removed from office, refuse to qualify, resign, die, or be absent from the State, the Speaker of the House of Representatives shall in like manner, administer the Government.

20. The President of the Senate, or Speaker of the House of Representatives, during the time he administers the Government, shall receive the same compensation which the Governor would have received.

21. The Governor shall always reside, during the sessions of the General Assembly, at the place where their sessions are held, and at all other times wherever, in their opinion, the public good may require.

22. No person shall hold the office of Governor, and any other office or commission, civil or military, either in this State, or under any State, or the United States, or any other power, at one and the same time, except the President of the Senate, or the Speaker of the House of Representatives, when he shall hold the office, as aforesaid.

23. A State Treasurer, and Comptroller of Public Accounts, shall be elected by joint vote of both Houses of the General Assembly, at each regular session thereof.

ARTICLE IV.

Legislative Department.

1. The Legislative power of this State shall be vested in two distinct branches, the one to be styled the Senate, the other the House of Representatives, and both together, "The General Assembly of the State of Florida," and the style of all the laws shall be "Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened."

2. The members of the House of Representatives shall be chosen by the qualified voters, and shall serve for the term of one year from the day of the commencement of the general election and no longer, and the sessions of the General Assembly shall be annual, and com-

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mence on the fourth Monday in November in each year, or at such other time, as may be prescribed by law.

3. The Representatives shall be chosen every year, on the first Monday in the month of October, until otherwise directed by law.

4. No person shall be a Representative, unless he be a white man, a citizen of the United States, and shall have been an inhabitant of the State, two years next preceding his election, and the last year thereof a resident of the county for which he shall be chosen, and shall have attained the age of twenty-one years.

5. The Senators shall be chosen by the qualified electors, for the term of two years, at the same time, in the same manner, and in the same places where they vote for members of the House of Representatives; and no man shall be a Senator, unless he be a white man, a citizen of the United States, and shall have been an inhabitant of this State, two years next preceding his election, and the last year thereof, a resident of the District or County for which he shall be chosen, and shall have attained the age of twenty-five years.

6. The Senators after their first election, shall be divided by lot, into two classes, and the seats of the Senators of the first class, shall be vacated at the expiration of the first year, and of the second class, at the expiration of the second year, so that one half thereof, as near as possible, may be chosen for ever thereafter, annually, for the term of two years.*

7. The House of Representatives, when assembled, shall choose a Speaker and its other officers, and the Senate a President and its other officers, and each House shall be judge of the qualifications, elections, and returns of its members; but a contested election shall be determined in such manner as shall be directed by law.

8. A majority of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each House may prescribe.

9. Each House may determine the rules of its own proceedings, punish its members for disorderly behavior, and with the consent of two-thirds, expel a member, but not a second time for the same cause.

10. Each House, during the session, may punish by imprisonment any person, not a member, for disrespectful or disorderly behaviour in its presence, or for obstructing any of its proceedings, provided such imprisonment shall not extend beyond the end of the session.

11. Each House shall keep a Journal of its proceedings, and cause the same to be published immediately after its adjournment, and the yeas and nays of the members of each House shall be taken

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* This clause of the Constitution has been Amended. See 1st Art. of the Amendments.

amended 1861 c. 2

Amended again Jan 7 - 1861 (1860 c. 241)

and entered upon the journals upon the final passage of every bill, and may, by any two members, be required upon any other question, and any member of either House shall have liberty to dissent from or protest against any act or resolution which he may think injurious to the public or an individual, and have the reasons of his dissent entered on the journal.

12. Senators and Representatives shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during the session of the General Assembly, and in going to or returning from the same, allowing one day for every twenty miles such member may reside from the place at which the General Assembly is convened, and for any speech or debate in either House they shall not be questioned in any other place.

13. The General Assembly shall make provision by law for filling vacancies that may occur in either House by the death, resignation, (or otherwise,) of any of its members.

14. The doors of each House shall be open, except on such occasions as, in the opinion of the House, the public safety may imperiously require secrecy.

15. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

16. Bills may originate in either House of the General Assembly, and all bills passed by one House may be discussed, amended, or rejected by the other, but no bill shall have the force of law until on three several days it be read in each House, and free discussion be allowed thereon, unless in cases of urgency four-fifths of the House in which the same shall be depending may deem it expedient to dispense with the rule; and every bill having passed both Houses shall be signed by the Speaker and President of their respective Houses.

17. Each member of the General Assembly shall receive from the public Treasury such compensation for his services as may be fixed by law, but no increase of compensation shall take effect during the term for which the Representatives were elected when such law passed.

18. The number of members of the House of Representatives shall never exceed sixty.

ARTICLE V.

Judicial Department.

1. The Judicial power of this State, both as to matters of law and equity, shall be vested in a Supreme Court, Courts of Chancery, Circuit Courts and Justices of the Peace, provided the General Assembly may also vest such criminal jurisdiction as may be deemed necessary in Corporation Courts, but such jurisdiction shall not extend to capital offences.

2. The Supreme Court, except in cases otherwise directed in this Constitution, shall have appellate jurisdiction only, which shall be co-extensive with the State, under such restrictions and regulations, not repugnant to this Constitution, as may from time to time be prescribed by law, provided that the said Court shall always have power to issue writs of injunction, mandamus, quo warranto, habeas corpus, and such other remedial and original writs as may be necessary to give it a general superintendence and control of all other Courts.

3. For the term of five years from the election of the Judges of the Circuit Courts, and thereafter until the General Assembly shall otherwise provide, the powers of the Supreme Court shall be vested in, and its duties performed by the Judges of the several Circuit Courts within this State, and they, or a majority of them shall hold such sessions of the Supreme Court, and at such times as may be directed by law.

4. The Supreme Court, when organized, shall be holden at such times and places as may be provided by law.

5. The State shall be divided into at least four convenient Circuits, and until other Circuits shall be provided for by the General Assembly, the arrangement of the Circuits shall be the Western, Middle, Eastern and Southern Circuits, and for each Circuit there shall be appointed a Judge, who shall after his appointment, reside in the Circuit for which he has been appointed, and shall, at stated times, receive for his services a salary of not less than two thousand dollars per annum, which shall not be diminished during the continuance of such Judge in office; but the Judges shall receive no fees or perquisites of office, nor hold any other office of profit under the State, the United States, or of any other power.

6. The Circuit Courts shall have original jurisdiction in all matters, civil and criminal, within this State, not otherwise excepted in this Constitution.

7. A Circuit Court shall be held in such Counties, and at such times and places therein, as may be prescribed by law, and the Judges of the several Circuit Courts may hold Courts for each other, and shall do so when directed by law.

8. The General Assembly shall have power to establish and organize a separate Court or Courts of original equity jurisdiction; but until such Court or Courts shall be established and organized, the Circuit Courts shall exercise such jurisdiction.

9. The General Assembly shall provide by law for the appointment, in each County, of an officer to take probate of wills, to grant letters testamentary of administration and guardianship; to attend to the settlement of the estates of decedants and of minors, and to discharge the duties usually appertaining to Courts of Ordinary, subject to the direction and supervision of the Courts of Chancery, as may be provided by law.

10. A competent number of Justices of the Peace shall be, from

time to time, appointed or elected in and for each County, in such mode, and for such term of office, as the General Assembly may direct, and shall possess such jurisdiction as may be prescribed by law; and in cases tried before a Justice of the Peace, the right of appeal shall be secured under such rules and regulations as may be prescribed by law.

11. Justices of the Supreme Court, Chancellors, and Judges of the Circuit Courts, shall be elected by the concurrent vote of a majority of both Houses of the General Assembly.

12. The Judges of the Circuit Courts shall, at the first session of the General Assembly to be holden under this Constitution, be elected for the term of five years, and shall hold their offices for that term, unless sooner removed under the provisions made in this Constitution for removal of Judges by address or impeachment; and at the expiration of five years, the Justices of the Supreme Court and the Judges of the Circuit Courts, shall be elected for the term of and during their good behavior; and for wilful neglect of duty, or other reasonable cause, which shall not be sufficient ground for impeachment, the Governor shall remove any of them, on the address of two-thirds of each House of the General Assembly; provided, however, that the cause or causes shall be stated at length in such address, and entered on the journals of each House; and provided further, that the cause or causes shall be notified to the Judge so intended to be removed, and he shall be admitted to a hearing in his own defence, before any vote for such address shall pass; and in such cases, the vote shall be taken by yeas and nays, and entered on the journals of each House respectively.*

13. The Clerk of the Supreme Court and the Clerks of the Courts of Chancery, shall be elected by the General Assembly; and the Clerks of the Circuit Courts shall be elected by the qualified electors, in such mode as may be prescribed by law.

14. The Justices of the Supreme Court, Chancellors, and Judges of the Circuit Courts, shall, by virtue of their offices, be conservators of the peace throughout the State; and Justices of the Peace in their respective Counties.

15. The style of all process shall be "the State of Florida," and all criminal prosecutions shall be carried on in the name of the State of Florida, and all indictments shall conclude, "against the peace and dignity of the same."

16. There shall be an Attorney General for the State, who shall reside at the Seat of Government. It shall be his duty to attend all sessions of the General Assembly, and upon the passage of any act, to draft and submit to the General Assembly, at the same session, all necessary forms of proceedings under such laws, which, when

* This clause of the Constitution has been amended. See 2d Art. of Amendments.

approved, shall be published therewith, and he shall perform such other duties as may be prescribed by law. He shall be elected by joint vote of the two Houses of the General Assembly, and shall hold his office for four years; but may be removed by the Governor, on the address of two-thirds of the two Houses of the General Assembly, and shall receive for his services a compensation to be fixed by law.

17. There shall be one Solicitor for each Circuit, who shall reside therein, to be elected by the joint vote of the General Assembly, who shall hold his office for the term of four years; and shall receive for his services a compensation to be fixed by law.

18. No Justice of the Supreme Court shall sit as Judge or take part in the Appellate Court on the trial or hearing of any case which shall have been decided by him in the Court below.

19. The General Assembly shall have power to establish in each County, a Board of Commissioners for the regulation of the County business therein.

20. No duty not Judicial shall be imposed by law upon the Justices of the Supreme Court, Chancellors, or the Judges of the Circuit Courts of this State.

ARTICLE VI.

The Right of Suffrage and Qualifications of Officers; Civil Offices; and Impeachments, and Removals from Office.

1. Every free white male person of the age of twenty-one years and upwards, and who shall be at the time of offering to vote a citizen of the United States; and who shall have resided, and had his habitation, domicil, home, and place of permanent abode in Florida for two years next preceding the election at which he shall offer to vote; and who shall have at such time, and for six months immediately preceding said time, shall have had his habitation, domicil, home, and place of permanent abode in the County in which he may offer to vote, and who shall be enrolled in the Militia thereof, (unless by law exempted from serving in the Militia,) shall be deemed a qualified elector at all elections under this Constitution, and none others; except in elections by general ticket in the State or District prescribed by law, in which cases the elector must have been a resident of the State two years next preceding the election, and six months within the election district in which he offers to vote: provided that no soldier, seaman, or marine in the regular Army or Navy of the United States, unless he be a qualified elector of the State previous to his enlistment as such soldier, seaman, or marine in the regular Army or Navy of the United States or of the Revenue Service, shall be considered a resident of the State, in consequence of being stationed within the same.*

* This clause of the Constitution has been amended. See 3d Art. of Amendments.

2. The General Assembly shall, at its first session, provide for the registration of all the qualified electors in each county; and thereafter from time to time, of all who may become such qualified electors.

3. No President, Director, Cashier, or other officer of any Banking company in this State, shall be eligible to the office of Governor, Senator or Representative to the General Assembly of this State, so long as he shall be such President, Director, Cashier, or other officer, nor until the lapse of twelve months from the time at which he shall have ceased to be such President, Director, Cashier, or other officer.

4. The General Assembly shall have power to exclude from every office of honor, trust or profit, within the State, and from the right of suffrage, all persons convicted of bribery, perjury, or other infamous crime.

5. No person shall be capable of holding, or of being elected to any post of honor, profit, trust, or emolument, civil or military, legislative, executive, or judicial, under the government of this State, who shall hereafter fight a duel, or send, or except a challenge to fight a duel, the probable issue of which may be the death of the challenger, or challenged, or who shall be a second to either party, or who shall in any manner aid, or assist in such duel, or shall be knowingly the bearer of such challenge, or acceptance, whether the same occur, or be committed in or out of the State.

6. No person who may hereafter be a collector, or holder of public moneys, shall have a seat in either House of the General Assembly, or be eligible to any office of trust, or profit, under this State, until he shall have accounted for, and paid into the Treasury, all sums for which he may be accountable.

7. No Governor, Member of Congress, or of the General Assembly of this State, shall receive a fee, be engaged as counsel, agent, or attorney, in any civil case, or claim, against this State, or to which this State shall be a party, during the time he shall remain in office.

8. No Governor, Justice of the Supreme Court, Chancellor or Judge of this State, shall be eligible to election, or appointment, to any other and different station, or office, or post of honor, or emolument, under this State, or to the station of Senator, or Representative in Congress of the United States, from this State, until one year after he shall have ceased to be such Governor, Justice, Chancellor, or Judge.

9. No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any civil office of profit, under this State which shall have been created, or the emoluments of which shall have been increased, during such term, except such offices as may be filled by elections by the people.

10. No minister of the Gospel shall be eligible to the office of

Governor, Senator, or member of the House of Represenatives of this State.

11. Members of the General Assembly, and all officers, Civil or Military, before they enter upon the execution of their respective offices, shall take the following oath or affirmation: I do swear (or affirm,) that I am duly qualified, according to the Constitution of this State, to exercise the office to which I have been elected, (or appointed) and will, to the best of my abilities, discharge the duties thereof, and preserve, protect, and defend the Constitution of this State, and of the United States.

12. Every person shall be disqualified from serving as Governor, Senator, Representative, or from holding any other office of honor, or profit in this State, for the term for which he shall have been elected, who shall have been convicted of having given or offered any bribe to procure his election.

13. Laws shall be made by the General Assembly, to exclude from office, and from suffrage, those who shall have been or may thereafter be convicted of bribery, perjury, forgery, or other high crime, or misdemeanor; and the privilege of suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon, from power, bribery, tumult, or other improper practices.

14. All civil officers of the State at large, shall reside within the State, and all District or county officers within their respective Districts, or counties, and shall keep their respective offices at such places therein as may be required by law.

15. It shall be the duty of the General Assembly to regulate by law, in what cases, and what deduction from the salaries of public officers, shall be made, for neglect of duty in their official capacity.

16. Returns of elections for members of Congress, and the General Assembly, shall be made to the Secretary of State, in manner to be prescribed by law.

17. In all elections by the General Assembly, the vote shall be *viva voce*, and in all elections by the people, the vote shall be by ballot.

18. No member of Congress, or person holding or exercising any office of profit under the United States, or under any foreign power shall be eligible as a member of the General Assembly of this State, or hold, or exercise any office of profit, under the State; and no person in this State shall ever hold two offices of profit, at the same time, except the office of Justice of the Peace, notary public, constable and militia offices.

19. The General Assembly shall by law provide for the appointment, or election, and the removal from office, of all officers, civil, and military, in this State, not provided for in this Constitution.

20. The power of impeachment shall be vested in the House of Representatives.

21. All impeachments shall be tried by the Senate; and when

sitting for that purpose, the Senators shall be upon oath, or affirmation; and no person shall be convicted, without the concurrence of two-thirds of the members present.

22. The Governor and all civil officers shall be liable to impeachment for any misdemeanor in office: but judgment in such cases shall not extend further than to removal from office, and disqualification to hold any office of honor, trust, or profit under this State; but the parties shall nevertheless be liable to indictment, trial, and punishment according to law.

ARTICLE VII.

Militia.

1. All Militia officers shall be elected by the persons subject to military duty, within the bounds of their several companies, battalions, regiments, brigades, and divisions, under such rules and regulations as the General Assembly may, from time to time, direct and establish.

2. The Governor shall appoint all the officers of the executive staff, except the Adjutant General, and Paymaster General, who shall be appointed by the Governor, by, and with the advice and consent of the Senate. The majors general and brigadiers general, and commanding officers of regiments, shall appoint such staff officers as may be prescribed by law; provided, no person shall be eligible to any staff appointment, unless he hold a commission in the line.

ARTICLE VIII.

Taxation and Revenue.

1. The General Assembly shall devise and adopt a system of Revenue having regard to an equal and uniform mode of taxation, to be general throughout the State.

2. No other or greater amount of Tax, or Revenue, shall at any time be levied, than may be required for the necessary expenses of Government.

3. No money shall be drawn from the Treasury, but in consequence of an appropriation by law and a regular statement of the receipts, and the expenditures of all public moneys shall be published and promulgated annually with the laws of the General Assembly.

4. The General Assembly shall have power to authorise the several counties, and incorporated towns in this State, to impose taxes for county and corporation purposes, respectively, and all property shall be taxed upon the principles established in regard to State taxation.

ARTICLE IX.

Census and Apportionment of Representation.

1. The General Assembly shall, in the year one thousand eight hundred and forty-five, and every tenth year thereafter, cause an enumeration to be made of all the inhabitants of the State, and to the whole number of free white inhabitants shall be added three fifths of the number of slaves, and they shall then proceed to apportion the representation, equally among the different counties, according to such enumeration, giving however one representative to every county, and increasing the number of representatives on a uniform ratio of population, according to the foregoing basis, and which ratio shall not be changed until a new census shall have been taken.

2. The General Assembly shall also, after every such enumeration, proceed to fix by law the number of Senators which shall constitute the Senate of the State of Florida, and which shall never be less than one-fourth nor more than one-half of the whole number of the House of Representatives; and they shall lay off the State into the same number of Senatorial Districts, as nearly equal in the number of inhabitants as may be, according to the ratio of representation established in the preceding section, each of which Districts shall be entitled to one Senator.

3. When any Senatorial District shall be composed of two or more counties, the counties, of which such district consists, shall not be entirely separated by any county belonging to another district, and no county shall be divided in forming a district.

4. No new county shall be entitled to separate representation, until its population equal the ratio of representation, then existing; nor shall any county be reduced in population by division, below the existing ratio.

5. Until the apportionment of representation by the General Assembly, as directed in the foregoing section, the several counties shall be entitled to the following Representatives, viz:—Escambia three, Walton one, Washington one, Jackson three, Franklin two, Calhoun two, Gadsden four, Leon six, Jefferson three, Madison one, Hamilton one, Columbia two, Alachua two, Duval two, Nassau one, St. Johns three, Mosquito one, Dade one, Monroe one, Hillsborough one: And until the apportionment of Senators under the census as aforesaid, there shall be sixteen Senatorial Districts in this State which shall be as follows:

The county of Escambia shall compose the first District.

The counties of Walton and Washington, shall compose the second District.

The county of Jackson, shall compose the third District.

The county of Calhoun, shall compose the fourth District.

The county of Franklin, shall compose the fifth District.

The county of Gadsden, shall compose the sixth District.

The county of Leon, shall compose the seventh District.
The county of Jefferson, shall compose the eighth District.
The county of Madison, shall compose the ninth District.
The county of Hamilton, shall compose the tenth District.
The county of Columbia, shall compose the eleventh District.
The county of Alachua, shall compose the twelfth District.
The county of Duval, shall compose the thirteenth District.
The county of Nassau, shall compose the fourteenth District.
The counties of St. Johns and Mosquito, shall compose the fifteenth District.
The counties of Dade, Monroe, and Hillsborough, shall compose the sixteenth District.
And each Senatorial District shall elect one Senator, and the seventh District shall be entitled to two.

ARTICLE X.

Education.

1. The proceeds of all lands that have been or may hereafter be granted by the United States for the use of Schools, and a Seminary or Seminaries, of learning, shall be and remain a perpetual fund, the interest of which, together with all monies derived from any other source applicable to the same object, shall be inviolably appropriated to the use of Schools and Seminaries of learning respectively, and to no other purpose.

2. The General Assembly shall take such measures as may be necessary to preserve from waste or damage all land so granted and appropriated to the purposes of Education.

ARTICLE XI.

Public Domain and Internal Improvements.

1. It shall be the duty of the General Assembly to provide for the prevention of waste and damage of the public lands now possessed, or that may hereafter be ceded to the Territory or State of Florida, and it may pass laws for the sale of any part or portion thereof; and in such case provide for the safety, security, and appropriation of the proceeds.

2. A liberal system of Internal Improvements 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 to provide for a suitable application of such funds as may be appropriated for such improvements.

ARTICLE XII.

Boundaries.

1. The jurisdiction of the State of Florida shall extend over the Territories of East and West Florida, which, by the Treaty of Amity, Settlement and Limits, between the United States and his Catholic Majesty, on the 22nd day of February, A. D., 1819, were ceded to the United States.

ARTICLE XIII.

Banks, and other Corporations.

1. The General Assembly shall pass a general law for the incorporation of all such churches, and religious or other societies as may accept thereof; but no special act of incorporation thereof shall be passed.

2. The General Assembly shall pass no act of incorporation, or make any alteration therein, unless with the assent of at least two-thirds of each House, and unless public notice in one or more newspapers in the State shall have been given for at least three months immediately preceding the session at which the same may be applied for.

3. No Banking corporation shall be created or continue which is composed of a less number than twenty individuals, a majority of whom at least, shall be residents of the State; and no other corporation shall be created or continue composed of a less number than ten, of whom at least five shall be residents of this State.

4. No Bank Charter, or any act of incorporation granting exclusive privileges, shall be granted for a longer period than twenty years, and no Bank Charter shall ever be extended or renewed.

5. The Charters of Banks granted by the General Assembly shall restrict such Banks to the business of exchange, discount and deposit, and they shall not speculate or deal in real estate or the stock of other corporations or associations, or in merchandise or chattels, or be concerned in insurance, manufacturing, exportation or importation, except of bullion or specie; shall not act as Trustee in anywise; nor shall they own real estate or chattels, except such as shall be necessary for their actual use in the transaction of business, or which may be pledged as further security, or received towards, or in satisfaction of previously contracted debts, or purchased at legal sales, to satisfy such debts, of which they shall be required to make sale within two years after the acquisition thereof.

6. The capital stock of any Bank shall not be less than one hundred thousand dollars, and shall be created only by the actual payment of specie therein, and no Bank shall borrow money to create or add to its capital, or to conduct its business, and no loans shall be made on stock.

7. All liabilities of such Banks shall be payable in specie, and the aggregate of the liabilities and issues of a Bank shall at no time exceed double the amount of its capital stock paid in.

8. No Bank shall make a note or security of any kind for a smaller sum than five dollars, and the General Assembly may increase such restriction to twenty dollars.

9. No dividends of profits exceeding ten per centum per annum on the capital stock paid in shall be made, but all profits over ten per centum per annum shall be set apart and retained as a safety fund.

10. Stockholders in a bank, when an act of forfeiture of its Charter is committed, or when it is dissolved or expires, shall be individually and severally liable for the payment of all its debt, in proportion to the stock owned by each.

11. Banks shall be open to inspection under such regulations as may be prescribed by law, and it shall be the duty of the Governor to appoint a person or persons, not connected in any manner with any Bank in the State, to examine at least once a year into their state and condition, and the officers of every Bank shall make quarterly returns to the Governor of its state and condition, and the names of the stockholders, and shares held by each.

12. Non user for the space of one year, or any act of a corporation, or those having the control and management thereof, or intrusted therewith inconsistent with or in violation of the provisions of this Constitution or of its charters, shall cause its forfeiture, and the General Assembly shall, by general law provide a summary process for the sequestration of its effects and assets, the appointment of officers to settle its affairs, and no forfeited charter shall be restored. The foregoing provision shall not be construed to prevent the General Assembly from imposing other restrictions and provisions in the creation of corporations.

13. The General Assembly shall not pledge the faith and credit of the State, to raise funds in aid of any corporation whatsoever.

14. The General Assembly shall at its first session, have power to regulate, restrain and control, all associations claiming to exercise corporate privileges in the State, so as to guard, protect, and secure the interests of the people of the State, not violating vested rights, or impairing the obligation of contracts.

ARTICLE XIV.

Amendments and Revision of the Constitution.

1. No Convention of the people shall be called, unless by the concurrence of two-thirds of each House of the General Assembly.

2. No part of this Constitution shall be altered, unless a bill to alter the same, shall have been read three times in the House of Representatives, and three times in the Senate, and agreed to by two-thirds of each House of the General Assembly; neither shall any

alteration take place until the bill so agreed to, be be published six months previous to a new election for members to the House of Representatives; and if the alteration proposed by the General Assembly shall be agreed to at their first session by two-thirds of each House of the General Assembly, after the same shall have been read three times on three several days in each House, then and not otherwise, the same shall become a part of the Constitution.

ARTICLE XV.

The seat of Government.

1. The Seat of Government, of the State of Florida, shall be and remain permanent at the city of Tallahassee, for the term and time of five years, from and after the end of the first session of the General Assembly, to be holden under this Constitution; and after the expiration of the said five years, the General Assembly shall have power to remove the Seat of Government, from Tallahassee, and fix the same at any other point; Provided, that the General Assembly shall immediately after the expiration of ten years, from the end of the said first session thereof, fix permanently the Seat of Government.

ARTICLE XVI.

General Provisions.

1. The General Assembly shall have no power to pass laws for the emancipation of slaves.

2. They shall have no power to prevent emigrants to this State, from bringing with them, such persons as may be deemed slaves, by the laws of any one of the United States: Provided, they shall have power to enact laws to prevent the introduction of any slaves who may have committed crimes in other States.

3. The General Assembly shall have power to pass laws to prevent free negroes, mulattoes, and other persons of color, from emigrating to this State, or from being discharged from on board any vessel, in any of the ports of Florida.

4. Treason against the State shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his confession in open court.

5. Divorces from the bonds of matrimony shall not be allowed, but by the judgment of a court, as shall be prescribed by law.

6. The General Assembly shall declare by law, what parts of the common law, and what parts of the civil law, not inconsistent with this Constitution, shall be in force in this State.

7. The oaths of officers directed to be taken under this Constitution, may be administered by any judge, or justice of the peace, of the Territory, or State of Florida until otherwise prescribed by law.

ARTICLE XVII.

Schedule and Ordinance.

In order that no inconvenience may arise from the organization and establishment of the State Government, it is declared:

1. That all laws and parts of laws, now in force, or which may be hereafter passed by the Governor and Legislative Council, of the Territory of Florida, not repugnant to the provisions of this Constitution, shall continue in force, until by operation of their provisions or limitations, the same shall cease to be in force, or until the General Assembly of this State shall alter or repeal the same; and all writs, actions, prosecutions, judgments, and contracts, shall be, and continue unimpaired, and all process which has heretofore issued, or which may be issued, prior to the last day of the first session of the General Assembly of this State, shall be as valid as if issued in the name of the State; and nothing in this Constitution shall impair the obligation of contracts, or violate vested rights, either of individuals or of associations, claiming to exercise corporate privileges in this State.

2. All fines, penalties, forfeitures, obligations, and escheats, accruing to the Territory of Florida, shall accrue to the use of the State of Florida.

3. All recognizances heretofore taken, or which may be taken before the organization of the Judicial Department under this Constitution, shall remain valid, and shall pass over to, and may be prosecuted in the name of the State; and all bonds, executed to the Governor of the Territory of Florida, or to any other officer in his official capacity, shall pass over to the Governor or other proper State authority, and to their successors in office for the uses therein respectively expressed, and may be sued for, and recovered accordingly; and all criminal prosecutions and penal actions, which have arisen, or which may arise before the organization of the Judicial Department under this Constitution, and which shall then be depending, may be prosecuted to judgment and execution in the name of the State.

4. All officers, civil and military, now holding their offices and appointments in the Territory, under the authority of the United States, or under the authority of the Territory, shall continue to hold and exercise their respective offices and appointments until superceded under this Constitution; and all actions at law, or suits in chancery, or any proceeding pending, or which may be pending, in any Court of the Territory of Florida, may be commenced in or transferred to such Court of the State as may have jurisdiction of the subject-matter thereof.

5. This Constitution shall be submitted to the people for ratification at the election for Delegate on the first Monday of May next. Each qualified voter shall express his assent or dissent to the Con-

stitution by directing the managers of said election to write opposite to his name on the poll-book, either the word "*Constitution*," or "*No Constitution.*" And in case the time of election for Delegate be changed to any other day, than the first Monday of May next, then the Judges or Clerks of the County Courts respectively, shall appoint managers to hold an election on the said first Monday of May, for ratification of the Constitution, and said managers shall conduct said election in the manner provided by the laws of the Territory respecting elections, and make return of the result of such vote forthwith, by depositing the original poll-book in the Clerk's Office of their Counties respectively, and by transmitting a certificate of the result to the President of the Convention, who shall forthwith make Proclamation of the same; and in case the Constitution be ratified by the People, and immediately after official information shall have been received that Congress have approved the Constitution, and provided for the admission of Florida, the President of this Convention shall issue writs of election to the proper officers in the different Counties, enjoining them to cause an election to be held for Governor, Representative in Congress, and Members of the General Assembly in each of their respective Counties. The election shall be held on the first Monday after the lapse of sixty days following the day of the date of the President's proclamation, and shall take place on the same day throughout the State. The said election shall be conducted according to the then existing election laws of the Territory of Florida: Provided, however, that in case of the absence or disability of the President of the Convention, to cause the said election to be carried into effect, the Secretary of this Convention shall discharge the duties hereby imposed upon the President; and in case of the absence or disability of the Secretary, a committee consisting of five, to wit: Leigh Read, George T. Ward, James D. Westcott, Jr., Thomas Brown, and Leslie A. Thompson, or a majority of them, shall discharge the duties herein imposed on the Secretary of the Convention, and the Members of the General Assembly, so elected, shall assemble on the fourth Monday thereafter, at the Seat of Government. The Governor, Representative in Congress, and Members of the General Assembly, shall enter upon the duties of their respective offices immediately after their election, under the provisions of this Constitution, and shall continue in office in the same manner, and during the same period, they would have done, had they been elected on the first Monday in October.

6. The General Assembly shall have power by the votes of two thirds of both Houses to accede to such propositions as may be made by the Congress of the United States, upon the admission of the State of Florida into the National confederacy and Union, if they shall be deemed reasonable and just, and to make declaration of such assent by law; and such declaration when made shall be binding upon the people and the State of Florida as a compact; and the

Governor of the State of Florida, shall notify the President of the United States of the Acts of the General Assembly relating thereto; and in case of declining to accede to such propositions or any part thereof, the General Assembly shall instruct the Senators and Representative of the State of Florida in Congress, to procure such modification or alteration thereof as may be deemed reasonable and just, and assent thereto, subject to the ratification of the General Assembly by law as aforesaid.

6. The Courts of this State shall never entertain jurisdiction of any grants of land, in the Floridas, made by the King of Spain, or by his authority, subsequent to the twenty-fourth day of January, eighteen hundred and eighteen, nor shall the said Courts receive as evidence, in any case, certain grants said to have been made by the said King of Spain, in favor of the Duke of Alagon, the Count Punon Rostro, and Don Pedro de Vargas, or any title derived from either of said Grants, unless with the express assent of the Congress of the United States.

Done in Convention, held in pursuance of an act of the Governor and Legislative Council of the Territory of Florida, entitled, "An Act to call a Convention for the purpose of organizing a State Government," passed 30th day of January, 1838, and approved 2nd February, eighteen hundred and thirty-eight.

In witness whereof, the undersigned, the President of said Convention and Delegates, representing the people of Florida, do hereunto sign our names, this the eleventh day of January, Anno Domini, eighteen hundred and thirty-nine, and of the Independence of the United States of America, the sixty-third year; and the Secretary of said Convention, doth countersign the same.

ROBERT RAYMOND REID, *President.*

Walker Anderson,
John L. McKinnon,
Daniel G. McLean,
Stephen J. Roche,
E. Robbins,
Cosam Emir Bartlett,
Thomas Baltzell,
Saml. C. Bellamy,
Alfred L. Woodward,
Richard H. Long,
R. C. Allen,
Banks Meacham,
John W. Malone,
George T. Ward,
W. Wyatt
James D. Westcott, Jr.,
Leigh Read,
A. Bellamy,
John N. Partridge,
William Bunce,
E. Carrington Cabell,
J. McCants,
John C. McGehee,
Joseph B. Watts,
William B. Hooker,
Wilson Brooks,
George E. McClellan,
John F. Webb,
John M. G. Hunter,
I. Garrison,
E. K. White,
A. W. Crichton,
Oliver Wood,
Wm. Haddock,
Jose Simeon Sanchez,
Edwin T. Jenckes,
D. Levy,
W. H. Williams,
William Marvin,
J. B. Browne,
Edmund Bird,
L. A. Thompson.

JOSHUA KNOWLES, *Secretary of the Convention.*

AMENDMENTS

TO THE

Constitution of the State of Florida.

ARTICLE I.

AN ACT to amend the Constitution of this State so as to make the sessions of the General Assembly biennial instead of annual.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the second clause of the fourth article of the Constitution of this State be so amended as to read as follows, viz: 2nd. The members of the House of Representatives shall be chosen by the qualified voters, and shall serve for the term of two years from and after the day of the first election under the amended Constitution, and no longer; and the sessions of the General Assembly shall be biennial, and commence on the fourth Monday in November in each and every second year, or at such other times as may be prescribed by law.

SEC. 2. *Be it further enacted,* That the third clause of the fourth article of the Constitution be amended so that the same shall read as follows: 3d. That the Representatives shall be chosen on the first Monday in the month of October in each and every second year, from and after the first election under this amended Constitution, or on such other day as may be directed by law.

SEC. 3. *Be it further enacted,* That the fifth clause of the aforesaid article be so amended as to read as follows, viz: The Senators shall be chosen by the qualified electors for the term of four years, at the same time, in the same manner, and in the same place where they vote for members of the House of Representatives, and no person shall be a Senator unless he be a white man, a citizen of the United States, and shall have been an inhabitant of this State for two years next preceding his election, and the last year a resident of the District or County for which he shall be chosen, and shall have attained the age of twenty-five years.

SEC. 4. *Be it further enacted,* That the sixth clause of the aforesaid article be so amended as to read as follows, viz: The classification of Senators, as made at the first session of the General Assem-

bly held in the year 1845, shall continue unchanged; one-half of whom, as nearly as possible, shall be chosen forever hereafter biennially for the term of four years: *Provided, however,* and it is hereby declared, that the term of office of that class of Senators unexpired at the first election under the amended Constitution, shall extend to, and expire on the first Monday in October, eighteen hundred and fifty.

SEC. 5. *Be it further enacted,* That the first election for Assemblymen, under this amended Constitution, shall take place on the first Monday in October, eighteen hundred and forty-eight; and the first session of the General Assembly, under this amended Constitution, shall commence on the fourth Monday in November, in the year eighteen hundred and forty-eight.

SECOND GENERAL ASSEMBLY.—Passed the Senate, by constitutional majority, December 22, 1846. Passed the House of Representatives, by constitutional majority, December 29, 1846.

THIRD GENERAL ASSEMBLY.—Passed the Senate by the constitutional majority, December 21, 1847. Passed the House of Representatives by the constitutional majority, December 23, 1847.

ARTICLE II.

AN ACT to amend the Twelfth Clause of the Fifth Article of the Constitution of this State, so that the Judges of the Circuit Courts shall hold their offices for a term of eight years, instead of during good behavior.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the twelfth clause of the fifth article of the Constitution of this State be so amended as to read as follows, viz: That, at the expiration of the present term of office of the Judges of the Circuit Courts, with the exceptions hereinafter mentioned, the Justices of the Supreme Courts and the Judges of the Circuit Courts shall be elected for a term of eight years, and shall hold their offices for that term, unless sooner removed under the provisions made in this Constitution for the removal of Judges, by address or impeachment: and for wilful neglect of duty, or other reasonable cause, which shall not be sufficient ground for impeachment, the Governor shall remove any of them, on the address of two-thirds of the General Assembly: *Provided, however,* That the cause or causes shall be stated at length in such address, and entered on the journals of each house: *And provided, further,* That the cause or causes shall be notified to the judge so intended to be removed, and he shall be admitted to a hearing in his own defence, before any vote for such removal shall pass; and in such cases, the vote shall be taken by yeas and nays, and entered on the journals of each house respectively.

SEC 2. *Be it further enacted,* That the Judges first appointed un-

der this amended Constitution shall be divided by lot into four classes —the first class shall hold his or their office or offices for the term of two years, the second for the term of four years, the third for the term of six years, the fourth for the term of eight years.

THIRD GENERAL ASSEMBLY.—Passed the Senate by the constitutional majority December 22, 1847. Passed the House of Representatives, by the constitutional majority, January 6, 1848.

FOURTH GENERAL ASSEMBLY.—Passed the House of Representatives, by the constitutional majority, December 8, 1848. Passed the Senate, by the constitutional majority, December 12, 1848.

ARTICLE III.

AN ACT so to amend the Constitution of this State as to extend to all free white male inhabitants, being citizens of the United States, who shall have resided within this State one year, the elective franchise.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the first clause of the sixth article of the Constitution be so amended as follows, viz: Every free white male person of the age of twenty one years and upwards, and who shall be at the time of offering to vote, a citizen of the United States, and who shall have resided and had his habitation, domicil, home, and place of permanent abode in Florida for one year next preceding the election at which he shall offer to vote, and who shall, at such time, and for six months immediately preceding said time, have had his habitation, domicil, home and place of permanent abode in the county in which he may offer to vote, shall be deemed a qualified voter at all elections under this Cosntitution, and none others, except in elections by general ticket in the State or District prescribed law, in which cases the elector must have been a resident of the State one year next preceding the election, and six months within the election district in which he offers to vote: *Provided,* That no soldier, seaman or marine in the Regular Army or Navy of the United States, unless he were a qualified elector of this State previous to his enlistment as such soldier, seaman or marine in the Regular Army or Navy of the United States, or of the revenue service, shall be considered a resident of the State in consequence of being stationed within the same.

SECOND GENERAL ASSEMBLY.—Passed Senate by constitutional majority, December 1, 1846. Passed House of Representatives by constitutional majority, December 16, 1846.

THIRD GENERAL ASSEMBLY.—Passed Senate by constitutional majority, December 21, 1847. Passed House of Representatives by constitutional majority, December 23, 1847.

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