

A bill to be entitled an act to amend an act concerning roads and highways, now in force in this State, was read the third time, and on the question of its passage, the vote was as follows:

Yeas—Messrs. Bird, Bradley, Broward, Fairbanks, Floyd, Johnson, Lorimer, McMillan, Priest, White—10.

Nays—Messrs. President, Carter, Kelly—3.

So the bill passed with the amendments made on a former day: title as stated. Ordered to be certified to the House.

Resolutions reported by the Committee on Federal Relations, were read the second time, and ordered for to-morrow.

A bill to be entitled an act to amend an act to provide for the appointment of weighers of cotton and other produce, and inspectors of wood, lumber and tobacco, in and for the county of Franklin, came up on its second reading.

Mr. Kelly offered the following amendment to the amendment of the Judiciary Committee, viz.:

*Provided*, That nothing in this act shall be so construed as to permit any clerk of any merchant or factor in the said city, to weigh any cotton offered for sale by himself, or as such merchant or factor; but that all cotton so sold, or offered for sale, shall be weighed by the weigher appointed by the Governor; which was concurred in, the amendment as amended adopted, and the amended bill ordered for a third reading on Monday.

On motion, the Senate adjourned until Monday, 10 o'clock.

#### MONDAY, 4th January, 1847.

The Senate met pursuant to adjournment, and a quorum being present, the journal of Saturday's proceedings was read and approved.

On motion of Mr. Carter, messrs. Kelly and Johnson were appointed on the Committee on Taxation and Revenue:

Mr. Broward offered the following resolution:

Whereas it is believed that there will not be at the close of the present session of the General Assembly of the State, money sufficient in the Treasury to pay the mileage and per diem of the members thereof:

*Be it therefore 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 Secretary of the Treasury to pay, pro rata, out of any moneys in the Treasury not otherwise appropriated, each member of the General Assembly; and should there be a deficiency in the Treasury, to pay such members their full compensation allowed by law for their mileage and per diem. The Secretary shall give each member a draft on the sheriff of their respective counties, for the amount due such member, which, when paid, will be, and shall constitute a settlement between the Secretary of the Treasury and the members of the present session of the General Assembly of the State of Florida.

Which was read the first time, the rule waived, read a second time, and on motion of Mr. Floyd, indefinitely to postpone the same, and the yeas and noes being called by messrs. Floyd and Broward, were as follows:

Yeas—messrs. President, Bird, Bradley, Carter, Fairbanks, Floyd, Lorimer, McLean, McMillan, Tabor—10.

Nays—messrs. Broward, Johnson, Priest—3.

So the resolution was indefinitely postponed.

Mr. Carter offered the following resolution:

*Resolved*, That the allegations contained in the memorial of John Ghent, who has contested the seat of Daniel G. McLean as Senator from 3d Senatorial District, stating that he, the said John Ghent, had received the majority of legal votes in said county are not sustained by the evidence adduced before this Senate; that being the only ground stated in the memorial of said Ghent.

Which was read, and adopted.

Mr. Fairbanks, from the Judiciary Committee, reported back the following bills, viz:

A bill to be entitled an act to amend an act to organize the office of Comptroller of Public Accounts of the State of Florida; also,

A bill to be entitled an act to organize the office of Treasurer of the State of Florida, and recommend that the said bills do not pass; which report was received.

Mr. Fairbanks, from the Judiciary Committee, to whom a resolution in favor of Dr. B. S. Scriven, for medical services to prisoners in Leon county jail, was referred, reported the same back, and recommend that so much of said bill as includes services rendered State prisoners, be allowed, and no more; which report was received.

Mr. Floyd moved that the resolution be recommitted to a select committee, and the yeas and noes being called on said motion; by Messrs. Floyd and Carter, were as follows:

Yeas—Messrs. Austin, Bradley, Carter, Floyd, Johnson, Lorimer, McMillan, Priest, Tabor—9.

Nays—messrs. President, Bird, Broward, Fairbanks, Kelly, McLean—6.

So the reference was made; and messrs. Floyd, Carter, and Austin were appointed such select committee.

Mr. Carter offered the following report:

The committee on Amendments and Revision of the constitution, to whom was referred a bill to be entitled An Act so to alter the constitution of the State of Florida as to have Judges of Probate elected.

#### REPORT

That the ninth clause of the fifth article of the constitution provides that "the General Assembly shall provide by law for the appointment in each county of an officer to take probate of wills," &c., but prescribes no form by which such "appointment" shall be made—hence the inference that the General Assembly has power to provide by law for the election of these officers by the qualified voters in each county, by the Governor and Senate, or otherwise.

The committee return the bill to the Senate, accompanying which they report a bill to be entitled An Act to provide for the election of Judges of Probate, and ask to be discharged from the subject.

Respectfully submitted.

J. CARTER, Chairman.

Which was received, the bill reported read the first time, and ordered for to-morrow.

Mr. Carter, from the Committee on Amendments and Revisions of the Constitution, reported a bill to be entitled an act to amend the 14th article of the Constitution of this State; which was read the first time, and ordered for to-morrow.

Mr. McLean, from the Committee on Enrolled Bills, reported as correctly enrolled, an act entitled an act giving a lien to steam-boat men and others, navigating the bay and river of Apalachicola; which report was received.

Mr. Fairbanks, from the Judiciary Committee, reported the following bill, viz:

A bill to be entitled an act to amend an act, organizing the circuit courts of this State. On the question of the reception of the report introducing the said bill, the yeas and nays were called by messrs Kelly and Carter, and were,

Yeas—mr. President, messrs. Bird, Bradley, Broward, Fairbanks, Floyd, Johnson, Priest—8.

Nays—messrs. Austin, Carter, Kelly, Lorimer, McMillan, Tabor—6.

So the report was received.

On a motion to waive the rule, and read the bill reported a second time, the vote was as follows:

Yeas—messrs. President, Bird, Bradley, Broward, Fairbanks, Floyd, Johnson, Priest—8.

Nays—messrs. Austin, Kelly, Lorimer, McLean, McMillan, Tabor—6.

So the motion was lost.

The House transmitted to the Senate the following messages, viz: HOUSE REPRESENTATIVES, January 2, 1847.

Hon. PRESIDENT of the Senate.

The House have concurred in the amendment of the Senate to the resolution to adjourn sine die. The House have also concurred in the amendment by the Senate to the bill to be entitled an act to establish and regulate pilotage on the waters and in the harbors of St. Lucie county; also, to the bill to be entitled an act to regulate pilotage on the waters and in the harbors of Dade county.

Your obedient servant,

M. D. PAPY,

Clerk House Representatives.

Which message was read.

The House informed the Senate that messrs. Smith, Towle and Russell were appointed a committee of three on the part of the House to act with a similar committee on the part of the Senate to prepare the compensation bill, to defray the expenses of the present General Assembly of this State; which was received, and messrs. Kelly, Fairbanks, and Broward, were appointed a committee on the part of the Senate.

The Senate returned a bill to be entitled an act to amend the act relative to elections in this State; also,

A bill to be entitled an act to authorize Eliza A. Crews and J. M. Crews, administrators of James Niblack, deceased, to sell certain real estate; which bills were passed by the House without amendment.

The Senate received from the House a bill to be entitled an act to organize the county of Holmes, which was read the first time.

The House returned a bill to be entitled an act to provide for the re-establishment of the records of the county of Columbia, and for other purposes; also, a bill to be entitled an act concerning divorces, as passed by the House without amendment.

The Senate returned the following bills, viz: a bill to be entitled an act to provide for the payment of jurors; also, a bill to be entitled an act to provide for the sale of the lands granted to the State for the purposes of internal improvement; also, a bill to be entitled an act to amend an act for the protection of fisheries on the coast of Florida, approved Dec. 27, 1845, with the following message, to wit: HOUSE REPRESENTATIVES, January 2d, 1847.

HON. PRESIDENT of the Senate:

The House recedes from its amendment to the title of the Senate bill to be entitled an act for the payment of jurors.

The House insists on its amendment disagreed to by the Senate to the Senate bill to be entitled an act to provide for the sale of the lands granted to the State for purposes of internal improvement.

The House agrees to the second section of the amendment of the Senate to the House bill to be entitled an act to amend an act for the protection of fisheries on the coast of Florida, approved December 27, 1846; but disagrees to the first section of said amendment. Respectfully, &c. M. D. PAPY, Clerk Hb. Reps.

Which was read, and the Senate insisted on their disagreement.

The House returned a Senate bill to be entitled an act for the relief of the executors of Nehemiah Brush, deceased, as rejected by the House; also, a bill to be entitled an act in respect to keeping U. S. prisoners in the jails of this State, as passed by the House without amendment.

The House transmitted to the Senate, resolutions authorizing the Governor to purchase three copies of the Compendium of Modern Civil Law; which was read the first time, and ordered for to-morrow.

The House informed the Senate, that they concurred in the amendments by the Senate to the House bill, to be entitled an act to amend an act concerning roads and highways, now in force in this State; which message was read.

His Excellency the Governor transmitted to the Senate the following messages, viz:

EXECUTIVE DEPARTMENT, JANUARY 4, 1847.

Gentlemen of the Senate and House of Representatives:

I hereby nominate Archibald T. Bennet, as Judge of Probates, for the county of Franklin.

Very respectfully, &c.

W D. MOSELEY.

Which was read, and laid on the table. Also, the following:

EXECUTIVE DEPARTMENT, January 2d, 1847.

Gentlemen of the Senate, and House of Representatives:

I hereby nominate A. F. Tift, as auctioneer, and Benjamin Sawyer, Hiram Benner, John Porter, A. F. Tift, and Philip J. Fontane, as portwardens for the county of Monroe.

I have the honor to be, very respectfully, &c.

W. D. MOSELEY.

Which nominations were advised and consented to. Also, the following:

EXECUTIVE DEPARTMENT, 2d January, 1847.

Gentlemen of the Senate, and House of Representatives:

I hereby nominate John W. Keith, as Judge of Probates, and Samuel Gainer, as auctioneer, for the county of Washington.

Your obedient servant,

W. D. MOSELEY.

Which was advised and consented to.

### ORDERS OF THE DAY.

Resolutions from the Committee on Federal Relations, was read a third time; and on the question of their adoption, the yeas and noes were called by messrs. Kelly and Austin, and were as follows:

Yeas—mr. President, messrs. Bird, Bradley, Broward, Carter, Fairbanks, Johnson, Priest, Tabor—9.

Nays—messrs. Austin, Kelly, Lorimer, McLean, McMillan—5.

So the resolutions were adopted, and ordered to be certified to the House.

The Senate took a recess until 3 o'clock, p. m.

### 3 o'clock, P. M.

A quorum being present, the Senate resumed the consideration of the

### ORDERS OF THE DAY.

A bill to be entitled an act to establish a tariff of fees, was read a second time; and on motion, the Senate, in Committee of the Whole, went into the consideration of said bill, mr. McLean in the Chair. After some time, the committee rose, reported the bill back, with sundry amendments, and asked to be discharged from the consideration of the same; which report was received, the committee discharged, the amendments agreed to, and ordered for a third reading to-morrow.

Resolution authorizing the Comptroller to audit an account of D. R. E. Little, was read the second time, and referred to the Committee on Claims and Accounts.

A bill to be entitled an act to amend the several acts heretofore passed relative to migration of free persons of color into this State, so far as relates to the island of Key West, was read the second time, and ordered for to-morrow.

Preamble and resolution relative to an account of P. A. Hay-

ward, was read a second time, and referred to the Committee on Claims and Accounts.

Preamble and resolution relative to a light house at Indian river bar, was read a second time, and ordered for to-morrow.

A bill to be entitled an act to regulate the time of holding courts in the Eastern circuits of Florida, was read a second time, and ordered for to-morrow.

Senate, on motion, took a recess until 7 o'clock, p. m.

### 7 o'clock, P. M.

A quorum being present, the Senate proceeded with the orders.

A bill to be entitled an act to amend an act to organize the militia of the State of Florida, approved December 27, 1845, was read the second time; and on motion, the Senate, in Committee of the Whole, Mr. Kelly in the Chair, took up the consideration of the same. After some time, the committee rose, reported the bill back without amendment; which report was received, and the bill referred to the Committee on the Militia.

A bill to be entitled an act to amend an act entitled an act to incorporate the city of Key West, was read a second time, and ordered for to-morrow.

Resolution relating to lots of H. M. Breckenridge, was read the second time, and ordered to be engrossed for to-morrow.

A bill to be entitled an act to provide for electors of President and Vice President of the United States, was read a third time; on the question of the passage, the vote was as follows:

Yeas—messrs. President, Bird, Bradley, Broward, Carter, Fairbanks, Johnson, Priest and Tabor—9.

Nays—Messrs. Austin, Kelly, Lorimer and McMillan—4.

So the bill passed—title as stated.

A bill to be entitled an act to establish Trustees of seminary and school lands, and for other purposes.

On motion the Senate resolved itself into a committee of the whole, Mr. Austin in the chair, on said bill. After some time the committee rose, reported progress and asked leave to sit again; which report was received, leave granted the committee to sit again to-morrow.

Resolution in addition to a resolution in relation to a light house at the mouth of the Suwannee river was read a second time, the rule waived, read a third time and adopted.

Resolution authorizing the publication of the laws to alter the Constitution, was read a second time, rule waived, read a third time and adopted.

Resolution appropriating the taxes of Calhoun county for the years 1847 and 1848 for building a court house in said county was read a second time and ordered for to-morrow.

A bill to be entitled an act to change the name of Levy county was read a second time, the rule waived, read a third time, and on the question of its passage the vote was as follows:

Yeas—messrs. Austin, Bradley, Kelly, Lorimer, and McMillan—5.

Nays—messrs. President, Bird, Broward, Carter, Fairbanks and Johnson—6.

So the bill was lost.

A bill to be entitled an act to amend an act to incorporate the city of Key West, was read the second time, and ordered for to-morrow.

A bill to be entitled an act for the relief of Archibald Patterson, was read the second time, and ordered for to-morrow.

Resolution in favor of B. G. Thornton, was read a second time, and ordered for to-morrow.

On motion, the Senate adjourned until to-morrow 10 o'clock.

#### TUESDAY, January 5, 1847.

The Senate met pursuant to adjournment, a quorum being present, and, on motion, the reading of yesterday's journal of proceedings was dispensed with.

Mr. Fairbanks, from the committee on claims and accounts, to whom the preamble and resolutions in favor of the claims of P. A. Hayward for binding books for Executive Department, and Dr. B. S. Seriven for medical services to prisoners in the jail of Leon county, were referred; reported back said resolutions, and recommended that they be paid: which report was received, and the resolutions placed among the orders for to day.

Mr. Fairbanks, from the Judiciary Committee, reported a bill to be entitled an act to adopt a Seal for the Supreme Court of this State, which was read the first time, the rule waived, read a second and third times, and put upon its passage—the vote thereon was as follows:

Yeas—Mr. President, Messrs. Austin, Bird, Bradley, Broward, Carter, Fairbanks, Floyd, Johnson, Kelly, Lorimer, McLean, McMillan, Priest, Tabor: 15.

Nays—0.

So the bill passed; title as stated.

Mr. Lorimer, from the minority of the Committee on Federal Relations, obtained leave to present the following report:

The undersigned, constituting the minority of the committee on Federal Relations, dissenting from the views and sentiments set forth in the report of the majority of said committee "on the state of our Federal relations, and that portion of the annual message of his Excellency the Governor referred especially to them," deem it his right and duty in a counter report to present to this Legislature most respectfully, but firmly, the opposite views and opinions entertained by him.

The minority fully concurs with the majority of the committee in the value and importance attached to the late peaceful settlement by treaty of the Oregon