

On motion of Mr. Kelly the Senate adjourned till Monday morning next, 10 o'clock.

MONDAY, 14th December, 1846.

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

The Hon. R. J. Floyd, Senator elect from the 6th district, appeared; was sworn by W. W. J. Kelly, Esq., a justice of the peace; and took his seat.

On motion of Mr. Carter, Mr. Floyd was added to the Committee on the Judiciary.

Pursuant to previous notice, Mr. Kelly introduced the following bill, viz:

A bill to be entitled an act to provide for amending the constitution of this State; which was read the first time, and ordered for to-morrow.

Mr. Walker, pursuant to previous notice, introduced a bill to be entitled an act to provide for appeals and writs of error in criminal cases; which was read the first time, and ordered for to-morrow.

Mr. Floyd gave notice of his intention, on some future day, to ask leave for the introduction of the following bills, viz:

A bill to be entitled an act to amend an act incorporating the city of Apalachicola; also,

A bill to be entitled an act to amend an act giving a lien to mechanics, overseers, and laborers; also,

An act giving a lien to steamboat hands and others navigating the Apalachicola river.

Mr. Priest presented a petition from sundry citizens, praying an alteration in the present law authorizing the granting licenses to vend spirituous liquors, &c.; which was read, and referred to the Committee on Propositions and Grievances.

Mr. Tabor offered the following resolution:

Resolved, by the Senate and House of Representatives, in General Assembly convened, That the present session of the General Assembly be adjourned *sine die* on the 24th inst.; which was read the first time, and ordered for to-morrow.

Mr. Bradley offered the following resolutions:

Resolved, That the Comptroller of Public Accounts of this State report to the Senate, as soon as practicable, what amount of the taxes for the year 1846 remain unpaid into the Treasury, on the 4th Monday in November, 1846; the amount due by each tax collector in the State on that day; and the name of each defaulting tax collector.

Resolved, That the Comptroller of Public Accounts also report

what measures, if any, have been taken to enforce the law against the defaulting tax collectors of this State.

Resolved, further, That the Comptroller of Public Accounts state, if within his knowledge, whether the non-payment of the public taxes into the treasury, within the time prescribed by law, arises from negligence of tax collectors, or from any defect in the present laws regulating the collection of taxes; which resolutions were read the first time, the rule waived, read the second and third times, and adopted.

Mr. Fairbanks offered the following resolution:

Resolved, That the Comptroller be requested to report to the Senate the nature and number of criminal prosecutions in this State; returned to his office, and designating the counties; which was read the first time, the rules waived, read the second and third times, and adopted.

Mr. Boward presented the following report:

The committee of the Senate on Schools and Colleges to which was referred that part of His Excellency's Message which related to such institutions, and the lands granted by Congress to the people of Florida for the purpose of education, having had that subject under consideration and given that important and delicate subject that care and attention which in our opinions its importance to the people of Florida demands, have the honor to

REPORT: Your committee find, on investigating the subject referred to them, that four townships of land have been granted by the General Government to Florida; and also the sixteenth section in each township, with the privilege when the section is covered by a private grant to locate the same on public lands which have been offered for sale: all of which was granted to Florida for the purpose of education; and to establish seminaries of learning in the State. And also five hundred thousand acres of land for the purpose of Internal Improvements, which your committee recommend to be sold as the Seminary lands are, and the proceeds put in some safe and productive fund, as the General Assembly may direct. For a more detailed statement of the lands so granted, your committee beg leave to refer the Senate to the able report of Col. Benjamin F. Whitner, President of the Board of Trustees of Seminary lands to the present General Assembly, by which it will be seen a large portion of said land was granted by Congress to Florida early after its cession to the United States for the above purpose, but with no power to sell the same; and nearly twenty years of legislation have been had on that subject to make said land available to the object for which it was intended, by leasing and renting it out to raise money for that purpose—all of which has not only proved a failure, but a large portion of the land so rented, by severe and vicious cultivation has been much injured in value notwithstanding all the laws and legislation in relation to that subject; waste and trespasses have, and still continue to be committed (if your committee is rightly informed) with impunity. It is a circumstance to be regretted that one generation of children has passed the age of tuition since these lands were granted for their benefit, and not a dollar of it applied for their education. It appears by the report above referred to, that a large portion of the Seminary land is still unlocated, and a large portion of the lands for internal improvement in a like situation. It cannot be disguised that the most favorable time for locating the Seminary lands was when the best land in this section was in its virgin state, and was offered for sale by the Government; but the time has now arrived when we should talk less and work the more on this subject: and the first step to do so, in our opinion, is to discontinue the Board of Trustees, and adopt the opinion of the President of said Board by again asking permission of Congress to sell said lands and put the proceeds arising from the

same in some permanent and safe fund, and apply the interest thereof to the purpose it was intended:

To carry out these desirable objects and to facilitate the location of the Seminary lands and lands for internal improvements, as well as of lands that are due and to be located in lieu of the sixteenth sections that are covered by private grants, (no time should be lost in appointing by the Assembly or the Governor a fit and competent person to act as land agent on the part of the State;) and for him to employ as many surveyors or locating agents as he and the Governor may think the public interests require—and that said agent shall have power, and it be made his duty to visit the locations of the State where such may be made, and also to visit the register's office in the district such land may lie, and see said lands are properly noted on the United States' surveys, and finally, as soon as such locations are completed, or sooner if necessary, to go to the city of Washington and attend to the proper departments there—to the end that the title of the lands and proper plats of survey may be made out and certified. From the nature of the service which such an agent will have to perform, it must require the whole of his time and attention, and he should for such services receive from the fund arising from the sales of the lands an adequate compensation.

And the committee are of opinion that the first and primary object of the General Government in making said grant to Florida was to educate the poor and destitute children of this State, and it would not be inappropriate to express our opinion in what manner this desirable object could be attained. The first difficulty which presents itself to a poor man in the education of his children, is the expense of boarding them from home; and, secondly, to be deprived of their services during the time he has his crop on hand, and cannot from the nature of his circumstances do without their services at that time of the year. (Your committee, therefore, to obviate and meet both of these difficulties, would recommend that each convenient neighborhood form themselves into a school precinct,) where each child can go to his parents' house; and in each precinct the people would no doubt put up a school house suitable to such a purpose, and let the State or county, as the law may direct, appoint a fit and competent person as teacher, to attend at each precinct as many times in each week as the number of precincts allotted to his charge will permit; and that such schools should commence in the month of October and continue for six months, embracing the winter season of the year—and it should be his duty to teach the children reading, writing and arithmetic; which system your committee are of the opinion would, in the course of a few years, and at a moderate expense, teach a large portion of our children those all important and most essential parts of an English education. In relation to higher seminaries, it will no doubt claim the attention of the General Assembly as soon as the interest on money funded for school purposes yields a sufficient revenue to enable the State to make an appropriation for that purpose.

The next consideration presented in connexion with this subject, to your committee, is (should Congress consent to the sale of said seminary lands, as no doubt it will,) the mode and manner in which the sale should be made to the greatest advantage for attaining the object in view. Two methods of selling and disposing of said lands have presented themselves to us, one of which is a restricted credit system and the other a cash system, with a restriction that it shall not be sold under a certain price, in a certain number of years. Your committee will take occasion to suggest the advantages and disadvantages that are likely to result from the adoption of either of the methods presented. (Your committee have the fact before them that the lands granted by Congress for building the capitol in this city, was sold for credit on condition of a part being paid down, and the balance on time with security no doubt cautiously taken.) (The result was that the small amount paid down was all that was obtained, attended with nearly the loss of the remainder due or placed in litigation to recover it.) In reflecting on this subject our attention is directed to several simi-

lar efforts in succession made by Congress to sell the public domain on credit and its entire failure to carry out that policy, and consequently having in order to avoid fraud and confusion between the Government and the land creditors, to adopt the cash system with a fixed price under which it could not be sold. Inasmuch as raising the money to commence and permanently carry on these institutions is indispensably necessary to perfect and perpetuate the schools and colleges in contemplation; your committee in reflecting on the difficulties which incidentally may grow out of this system if adopted, may be permitted to say, that it is possible and not impracticable from the nature of political matters, that at no distant day, if the lands are sold on a credit, when the instalments and interest become due, the State debtor, or school debtor as he may be termed, will call on the candidates for the Legislature to extend the time for the payments that may be due. The State will have many hundred people indebted to it for lands thus purchased, and should the people, in such an event, not call on the candidates before them to extend the time of payment, it is not impossible; nor yet unlikely, that the candidates would call on the people to do it for them. Then the whole interest in the outstanding debt would be thrown into the political arena of the times when these debts may become due. Another difficulty is, such debtors would be scattered throughout the entire State, and on non-payment of the interest or instalments, the collection of the same by process of law and the consequent ouster of the purchaser from the lands would of course take a large number of persons to attend to it; and like other matters of that nature it would be attended with a heavy expense—all of which would of course be paid out of the school fund. Your committee are of opinion that if said lands were sold on a credit, say of four or six years payable by instalments, it would sell for a higher price, but whether the expense incidentally attending such a measure would not overbalance any advantage which would be gained in getting a higher price by selling on credit, your committee cannot dive into futurity far enough at present to decide.

In relation to selling the lands for the above purposes for cash, if such should be the will of the Legislature, your committee are of opinion that a price should be fixed on each quality under which it should not be sold, say first quality at two dollars per acre, second rate at one dollar and twenty cents, and third rate at seventy five cents per acre. And your committee would recommend that such minimum price should prevail whether the land should be sold either for credit or cash, and that whatever may be said towards the accommodation of purchasers no act should be passed or any step taken to the risk or injury of that part of our citizens to whom, and for whose benefit alone such donations were made. Your committee would further suggest the propriety of offering the land for sale (if the permission of Congress be granted,) in forty acre lots, to commence after six months notice in the newspapers in the county where such land may lie, if a newspaper be published in such county, if not in the adjoining county, or any county where a paper is published.— And it should be the duty of the person selling the land to cause a notice to be printed and posted at the county site where it is to be sold; the sales to be at the county site where it may lie, to commence on the first Monday in October next, except so much as in the opinion of the Governor is necessary to be sold before that time in order to enable said land agent to locate the remainder of the lands to be located for schools and colleges, and for internal improvements; the land sales to continue open for six months after their commencement at said place, and the money arising from the same deposited in the state treasury to be so disposed of as to become a safe and permanent fund, the interest arising from the same to be applied as the law may direct towards schools and colleges.

The next point which claims the attention of your committee is in what way the money arising from the sale of the lands shall be disposed of so as to secure the principal and ensure the strict payment of the interest. Among the many ideas which have been presented to your committee on this subject, they suggest the propriety in preference to any state stock which is so liable to fail or

fluctuate in proportion to the solvency or prosperity of the institution from which it is issued, of investing the fund of the school in the stock of the General Government, where the principal would be perfectly safe and the interest, although at a low rate, would be strictly and promptly paid. In preference, also, to lending the money as aforesaid to any state institution, your committee would suggest the propriety of applying the money to the support of our State Government, in which event the latter would be bound for the principal and the strict payment of the interest to support and sustain schools and colleges. Although our own citizens might not like that the state should contract such a debt and pay the interest, yet it would only bind them for the benefit of their children, and in proportion to the amount of state debts which the fund would so pay, they could keep clear of the payment of taxes in equal ratio, and by keeping the money to their own use which they now pay away for taxes, they could afford to pay the interest of the money which they would be responsible for, and whenever such a debt became burthensome to the people they could then vest it in such safe and permanent fund as the General Assembly might think proper.

In conclusion a majority of your committee with due consideration and respect to the opinions of those who differ with them on this subject, would suggest the propriety, (in order to avoid the difficulty which may arise on the sale of the lands on a credit and thereby endanger the future security of the fund) of selling the lands for cash under the restrictions before recommended for disposing of them and for the safe keeping of the fund. All which is respectfully submitted.

JOHN BROWARD, Chairman.

Which was received, and read.

Mr. Broward also presented the following report:

The Committee on Schools and Colleges, to whom was referred the memorial of sundry citizens of the City of Pensacola, asking the establishment of a University at that City, having given that subject, that careful examination and attention, which the subject demands, and the respectability of the memorialists merit, ask leave to

REPORT:

That the whole subject which the memorialists allude to, is now engaging the anxious attention of the General Assembly, (except as to the location of the universities) and it is to be hoped that anxiety, so well, and so laudably founded towards the general education of the State, will be rewarded with success in getting in operation proper systems of education throughout the State. Your Committee are of opinion, that it would be premature to select any place at this early day to establish a university.

Though when the proper time arrives it is to be expected that the city of Pensacola will not be overlooked, as that place possesses many advantages which would be desirable in the establishing of a university: all of which is respectfully submitted.

JOHN BROWARD, Chairman.

Which was received, and read.

The Senate received from the House of Representatives, a bill passed by the House entitled an act to alter the southern boundary of Benton county, and to establish the line dividing Hillsborough and Benton counties; which was read the first time, and ordered for to-morrow; also,

Preamble and resolution requesting the Governor to transmit to our Senators and Representative in Congress, copies of the resolutions in relation to the Seminary lands, &c., adopted by the last General Assembly; which was read the first time, and ordered for to-morrow.

His Excellency the Governor transmitted to the Senate the following message:

EXECUTIVE OFFICE, December 14th, 1846.

Gentlemen of the Senate, and House of Representatives:

I have approved the following Act and Preambles and Resolutions, to wit:

"An act for the benefit of Buckingham Smith."

"Preamble and Resolution asking Congress to grant to the State of Florida the Barracks at St. Augustine."

"Preamble and Resolutions in relation to the Haul-Over on the Atlantic Coast."

I have the honor to be, very respectfully,
Your ob't. servant, W. D. MOSELEY.

Which was read.

The following communication was transmitted by the messenger to His Excellency the Governor:

SENATE CHAMBER,
14th December, 1846. }

His Excellency W. D. MOSELEY, Governor of the State of Florida.—

Sir: The following preambles and resolutions adopted by the General Assembly of the State of Florida, are respectfully submitted for your approval, viz:

Preamble and resolution asking Congress to make an appropriation to build a light house at Eggmont Key, on the southern coast of Florida; also,

Preamble and resolution asking Congress to erect a light house at New Smyrna, on the eastern coast of Florida; also,

A resolution relating to public documents.

By order of the Senate.

H. ARCHER,
Secretary Senate.

ORDERS OF THE DAY.

A bill to be entitled an act for the relief of persons unjustly sued in any of the Circuit Courts in this State, came up on its 3d reading.

On motion of Mr. Broward, and by unanimous consent, the Senate went into a Committee of the Whole on said bill, Mr. Fairbanks in the Chair. After some time spent in its consideration, the committee rose, and reported said bill, with sundry amendments, and asked to be discharged from the farther consideration of the bill; which report was received, the amendments concurred in, and the bill ordered to be engrossed for to-morrow.

A bill to be entitled an act to authorize Reason F. Swilley,

administrator of Calvin E. Swilley, deceased, to sell the real estate of said deceased at private sale, was read the third time.

On the question, "shall this bill pass?" the vote was as follows:

Yeas—Messrs. Bradley, Broward, Carter, Fairbanks, Goodbread, Lorimer, McMillan, Priest, and Walker—9.

Nays—Mr. President, Messrs. Austin, Floyd, Kelly, McLean, Tabor, and White—7.

So the bill passed—with the title as stated.

Ordered, That the same be certified to the House of Representatives.

A bill from the House to be entitled an act relating to the duties of the clerk of the circuit court, acting for the counties of Orange and St. Lucie, was read a third time,

And on motion, and by unanimous vote, the Senate resolved itself into a Committee of the Whole, Mr. McLean in the Chair, on said bill. After some time, the committee rose, reported the bill as amended, and asked to be discharged from the farther consideration of the same; which report was received, the amendments concurred in, and the committee discharged.

Mr. Carter moved to amend the amendment made by the Committee of the Whole, by inserting the words "of Orange," in lieu of the words "in said," which amendment was agreed to, and the bill, as amended, ordered for to-morrow.

A bill from the House 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 third reading.

By an unanimous vote, on motion of Mr. Floyd, the bill was re-committed to the Committee on the Judiciary.

Preamble and resolution relating to settlers under the armed occupation law, originating in the House, was read the third time, and adopted without amendment.

Ordered, That the same be certified to the House of Representatives.

A bill to be entitled an act to authorize Jesse Coe to establish a ferry across the Apalachicola river, was read the third time.

Mr. Floyd offered the following as an amendment, by the way of engrossed rider, viz:

Section 4. Be it further enacted, that this act shall be subject to modification or repeal by any future General Assembly of the State; which was received, and the bill as amended put upon its passage.

On the question "shall this bill pass," the vote was as follows

Yeas—Messrs. Austin, Bradley, Broward, Kelly, Lorimer, McLean, McMillan, Priest, Tabor, Walker, and White—11.

Nays—Mr. President, Messrs. Carter, Fairbanks, Floyd and Goodbread—5.

So the bill passed, with the title as stated: ordered that the same be certified to the House.

Preamble and resolutions relating to the removal of the Indians now remaining in Florida, was read a second time and ordered for to-morrow.

Preamble and resolution from the House, in relation to losses from depredations of Indians, which was read the second time and ordered for to-morrow.

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

3 o'clock, P. M.

There being a quorum present, the Senate proceeded with the
ORDERS OF THE DAY.

The House returned to the Senate a Bill entitled An act to provide for the payment of Treasurer's Certificates, passed by the House without amendment.

Preamble and Resolutions relating to a complete educational system, was read a second time, laid on the table, and ordered to be printed.

A Bill to be entitled An act to legitimate and change the names of William Jefferson Cauthon and others therein named, was read the third time. On the question, "shall this bill pass" the vote was as follows:

Yeas—Messrs. Austin, Bradley, Floyd, Goodbread, Lorimer, McLean, McMillan, Priest, Tabor, Walker and White—11.

Nays—Mr. President, Messrs. Broward, and Carter—3.

So the bill passed with the title as stated. Ordered that the same be certified to the House of Representatives.

A Bill to be entitled An act limiting the Sessions of the General Assembly of the State of Florida; was read the second time, and referred to the Committee on the State of the Commonwealth.

A Bill to be entitled An act to define more particularly who are retailers of spirituous liquors, was read the second time, and referred to the Judiciary Committee.

A Bill to be entitled An act to provide for the payment of Jurors, was on motion taken from the table, and the Senate, in Committee of the Whole, Mr. McLean in the chair, went into the consideration of said bill, after some time the Committee rose, reported the bill back to the Senate with sundry amendments, and asked to be discharged from the further consideration thereof; which report was received; and the bill ordered for to-morrow.

On motion, the following bills were taken from the table, and placed among the orders, viz:

An act to provide for the payment of grand and petit jurors in their respective counties in this State; also,

A bill taxing law suits to pay jurors; also,

A bill to be entitled an act providing for the payment of solicitor's fees, and designating the mode of collecting the same, also,

A bill to be entitled an act relative to elections in this State.

A bill to be entitled an act taxing law suits to pay jurors, was again laid on the table.

An act to provide for the payment of grand and petit jurors in their respective districts, was again laid on the table.

A bill to be entitled an act to provide for the payment of solicitor's fees, and designating the mode of collecting the same, was read a second time.

On motion, the Senate resolved itself into a Committee of the Whole on said bill, Mr. White in the Chair; after some time, the committee rose, reported the bill back to the House, and asked to be discharged from the farther consideration thereof; which report was received, the committee discharged, and the bill referred to the Judiciary Committee.

A bill to be entitled an act to amend an act relative to elections in this State, was read a second time, and ordered for Wednesday next.

On motion, the Senate adjourned until to-morrow, 11 o'clock.

TUESDAY, December 15th, 1846.

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

On motion of Mr. Carter Mr. Floyd, was added to the committee on Propositions and Grievances—also to the committee on Elections.

The President informed the Senate that he was in possession of a document addressed to him and received by mail, purporting to contain evidence in regard to the election returns from Walton county. Which was received and referred to the committee on elections.

Mr. Fairbanks presented the following report:

The Joint Select Committee appointed by the General Assembly to examine into the proceedings of the acting Register of public lands, beg leave respectfully to

REPORT:

That in pursuance of the request of the Governor, they have examined into the affairs of said office, and find that the several acts of Congress designated in the report of the President of the Board of Trustees of Seminary Lands authorize the State to select and locate the following lands, to wit:

For two Seminaries of Learning,	64,240 acres.
For Seat of Government,	5,126 acres.
For 16th sections covered by private claims,	73,600 acres.
For Internal Improvements,	500,000 acres.

Total, 642,960 acres.

The Governor has since the adjournment of the last session of the Legislature, performed the duties of Register, and has caused to be located for Seminary and Internal Improvements, one hundred and seventy thousand acres.