

the sum by him received. One of which rolls shall be retained by the sheriff in his office, and the other he shall deposit with the judge of probate to be used in the settlement of his accounts.

Sec. 4. *And be it further enacted,* That this act shall be in force from and after the passage thereof."

Which amendment was rejected and the bill ordered to be engrossed for to-morrow.

On motion by Mr. Fairbanks, certain preamble and resolutions from the House was taken from the table and placed among the orders of the day, to wit :

Preamble and resolution relative to the establishment of a complete educational system. On motion the Senate resolved itself into a committee of the whole, Mr. Bird in the chair on said preamble and resolution. After some time the committee rose, reported the preamble and resolution as amended, and asked to be discharged from the further consideration thereof; which report was received, the committee discharged, and the resolutions and amendments ordered for to-morrow.

The Senate adjourned until to-morrow, 12 o'clock.

#### WEDNESDAY, 16th December, 1846.

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

On motion by Mr. Broward, it was ordered that a place within the senate chamber be set apart for the reporters of the different papers of this city.

Mr. Broward gave notice that he would at an early day ask leave to introduce a bill in relation to certain property by the laws of the State exempt from execution, and to define in what cases such property may be exempted from execution.

On motion of Mr. Broward the following bills were taken from the table and placed among the orders viz ;

A bill to be entitled an act to tax law suits to pay jurors ; also,

A bill to be entitled an act to provide for the payment of grand and petit jurors in their respective counties in this State ; also,

A bill to be entitled an act to regulate the public printing.

Mr. Broward, moved that the several bills among the orders to provide for the payment of jurors, be considered and disposed of according to their seniority, which motion prevailed.

Mr. Walker gave notice that he would at an early day ask leave to introduce a bill to be entitled act to regulate pilotage at the port of St. Marks.

Pursuant to public notice the following bills were introduced viz., by Mr. White.

A bill to provide for vacancies in boards of county commission.

ers; which was read the first time and ordered for to-morrow.

By Mr. Floyd—

A bill to be entitled an act giving a lien to steam boat hands, &c., navigating the Apalachicola river; which was read the first time, and ordered for to-morrow.

By Mr. Lorimer—

A bill to be entitled an act to authorise Wilkinson Call, to practice law in the several courts in this State; which was read the first time and ordered for to-morrow.

Mr. Priest, from the committee on internal improvements made the following report :

The committee to whom so much of the Governor's Message as relates to Internal Improvement was referred,

#### REPORT :

That the fund for this purpose is to be derived from the donation by the General Government, contained in the 8th and 9th sections of an act of Congress, entitled, "An act to appropriate the proceeds of the sales of the public lands and to grant pre-emption rights," approved September 4th, 1841, which, for the convenient information of all, and that the object and limitations of the grant may be fully understood, they copy as follows :

Sec. 8 *And be it further enacted*, That there shall be granted to each State specified in the first section of this act five hundred thousand acres of land for purposes of internal improvement: *Provided*, that to each of the said States which has already received grants for said purposes, there is hereby granted no more than a quantity of land which shall, together with the amount such State has already received as aforesaid, make five hundred thousand acres; the selections in all of the said States to be made within their limits respectively in such manner as the Legislature thereof shall direct; and located in parcels conformably to sectional divisions and subdivisions, of not less than three hundred and twenty acres in any one location, on any public land except such as is or may be reserved from sale by any law of Congress or proclamation of the President of the United States, which said locations may be made at any time after the lands of the U. States in said States respectively, shall have been surveyed according to existing laws. And there shall be and hereby is granted to each new State that shall be hereafter admitted into the Union, upon such admission, so much land as, including such quantity as may have been granted to such State before its admission, and while under a Territorial Government, for purposes of internal improvement as aforesaid, as shall make five hundred thousand acres of land, to be selected and located as aforesaid.

Sec. 9 *And be it further enacted*, That the lands herein granted to the States above named shall not be disposed of at a price less than one dollar and twenty-five cents per acre, until otherwise authorised by a law of the United States; and the net proceeds of the sales of said lands shall be faithfully applied to objects of internal improvement within the States aforesaid, respectively; namely: Roads, railways, bridges, canals and improvement of water courses, and draining of swamps; and such roads, railways, canals, bridges and water-courses, when made or improved, shall be free for the transportation of the United States mail, and munitions of war, and for the passage of their troops, without the payment of any toll whatever.

To avail ourselves of this munificent donation, by a speedy and advantageous location of the lands thus granted, should be the first step taken by the State, and, until accomplished, receive its earnest and undivided attention. Before this shall be done, it will be useless and idle to discuss the appropriation of the funds arising from their sale, or to attempt to devise "a liberal system of internal improvements," as contemplated by the Constitution of the State.

These are questions which will at a future day, call forth the united wisdom of the State, and be productive of a diversity of opinion, which, happily, cannot exist in the securing of the fund. At present, therefore, the Committee propose to confine the legislation on this subject to the reducing to possession and preservation of this valuable donation, which will, it is believed, if properly cherished, produce a fund by which a most animating influence may be sent through every part of the State, and its resources and the convenience and prosperity of its citizens increased to an incalculable extent. There is, perhaps, no State in the Union where more extensive benefits will result from this liberal policy of the General Government, than in Florida—for, from its conformation and situation, it naturally presents the amplest field for profitable improvement. Millions of acres, now valueless, may, by judicious management, be redeemed and made to contribute to the wealth of the State, and the support of an industrious and valuable population. The numerous streams emptying, within the confines of the State, into the Atlantic or Gulf—the immense quantity of the most fertile lands, now covered by swamps or ponds—the manifest advantages to the agricultural and commercial interests of the State, to be the consequence of connecting different points by rail-roads or canals—all claiming the benefit of this fund, warn us of the magnitude of the objects to be accomplished, and demand that it be husbanded with the utmost frugality.

It will be observed that, by the act of Congress, the selections are to be made from the lands within the State. As the General Government is rapidly surveying these lands and bringing them into market, and, consequently, the quantity out of which the five hundred thousand acres are to be selected, as rapidly decreasing, delay, on the part of the State, in locating them, will be highly detrimental to the value of the fund. Despatch, therefore, in this matter, is most urgently recommended.

The Committee, with pleasure, find that the attention of the first General Assembly was directed to this highly important subject, and that proper provisions have been made by an act, entitled "An act to establish the office of Register of Public Lands for the State of Florida," for the selection and location of them. But no means were provided to defray the expenses necessarily incident thereupon. It is true that the act directs that "each class of land shall pay the expenses of locating the same"; but as nothing was in hand, or provided, with which to begin, nor a sale of a portion of the lands when located, neither directed or allowed, the act has remained, so far as it relates to the internal improvement lands, almost inoperative. The Committee are, however, gratified to learn that the Governor, impressed with a sense of the great injury which would result from a delay until this omission could be remedied by legislative enactment, has availed himself of an opportunity to carry the design of the act partially into effect, by defraying the expenses thereof out of the State Treasury. By a reference to the Report of the Select Committee to examine how far the provisions of the act of the last Session above referred to, have been carried into effect, a detailed account of the number of acres and situation of the lands located will be found. It will be perceived that in two or three counties, large bodies have been located, embracing quite, if not all the valuable lands within them, which if withheld from market, must necessarily check immigration and retard their growth. If persons examining the country with a view of purchasing, find that all the valuable lands are in the hands of the State, with great uncertainty as to the time when they will be offered for sale, they will be forced to change their destination, and seek homes in other States. The State will be thus deprived of a population which its extensive and fertile lands invite, and which it so greatly needs. Florida having been invested with the attributes of a sovereign State, requires nothing so much as population to bear her onward to the elevated position for which her soil, climate and situation has destined her. The elements of her wealth, scattered so profusely throughout her limits, lie yet in a great degree dormant, awaiting the fostering industry and enterprise of enlightened citizens to develop them. It should, therefore, be her wise

policy to do nothing in the least calculated to turn away the hardy emigrant; but, on the contrary, to offer him every inducement in her power. It would be blindness to her own prosperity, by withholding them from market, to dash away, as of little value, the pre-eminent advantage and irresistible inducement which the half of a million of acres of the most fertile and desirable lands in the world secures her and holds out. For but little, and that in widely scattered fragments, will remain to tempt the emigrant, after the lands covered by Spanish grants, and those granted for purposes of education and internal improvement shall be culled and excepted. Therefore, the earlier these lands are brought into market the sooner will the tide of emigration roll in upon us to increase the wealth and greatness of the State. In addition also to the injury which the State at large would sustain by keeping these large bodies of land out of market, a great injustice would be done those hardy pioneers who have settled within the limits of those frontier counties in which they will, in the main, be located, not only by depriving them of the benefits and advantages which naturally flow in a new and wilderness country from immigration and thickly settled neighborhoods, but by imposing upon them, in their feeble condition, the burthens and taxes of county and State government. In view of these circumstances the committee recommend that the lands belonging to this fund be offered for sale as speedily as possible after their location has been approved by the general government.

The Committee are aware it is thought by some that by a prudent delay the lands will become enhanced in value and a larger fund realized with which the patriotic design of the general government in bestowing it may be more beneficially accomplished. In this, however, the committee do not concur, for the locations being almost entirely in an uninhabited part of the state, without roads, bridges, or the means of subsistence, except that afforded by the wilderness, and embracing most of the lands desirable for cultivation, the country five or ten years hence will be in as unimproved and inaccessible condition as at present. But by bringing them into market it will soon become dotted over with settlements and facilities and inducements be afforded others to follow. The value of every acre remaining unsold will be increased four-fold and in a much greater degree than would be effected by delay in the sale of every portion of them. Situated as these lands are, and generally covering such extensive tracts, the policy of the State is somewhat similar to that which sometimes actuates an individual to give one acre that he may be enabled the more advantageously to sell two.

By the act of Congress the *minimum* at which these lands may be sold is fixed at one dollar and twenty five cents per acre—the usual minimum of the General Government for its lands. When, however, it is considered that they have been selected with great care from all the surveyed lands within the State, belonging to the General Government, and, *because of their superior fertility*, the Committee cannot but think it too low, and should be increased. They therefore recommend that two dollars, per acre, be fixed as the minimum price for which they may be sold.

The terms and manner of sale have received much of the consideration of the Committee. Warned by the sad experience of other States, they would gladly avoid the credit system. But, inasmuch, as sales for cash would be totally unsuited to the wants and convenience of the people, and would yield prices far below the value of the lands, they have been compelled to adopt it, hoping to guard against its evils by proper restrictions.

They herewith report a bill to provide for the sale of the lands belonging to the Internal Improvement fund.

GABRIEL PRIEST,  
H. H. WALKER,  
ROBT. D. BRADLEY.

Which report was received, read, and 500 copies ordered to be printed, also the bill reported viz:

A bill to be entitled an act to provide for the sale of lands granted to the state for the purposes of internal improvement was read the first time and ordered for to-morrow.

Mr. Broward, from the committee on Schools and Colleges offered the following majority and minority report :

The committee of the Senate on Schools and Colleges, to which was referred a preamble and resolutions in relation to the comparative value, and number of the 16th sections of land in this state, and that the committee ascertain whether the benefit of the 16th sections will not, if continued to be held by the township, where the land lies, benefit the wealthy, to the exclusion of the poorer part of the people of this state, and also to take into consideration the propriety of consolidating the lands granted for internal improvement with that of the seminary lands, and to memorialize Congress for permission to sell the same to commence and to carry on a system of education throughout the state ; and your committee having had the same under consideration, and given that important subject the care and attention its importance demands, have the honor to

**REPORT:** That your committee have not at present the opportunity to ascertain the number of 16th sections of land that are in the state, neither the comparative value with such that are on rich lands, to that on poor. Your committee are of the opinion the sections that are rich are but a small proportion to the sections that are poor, and by taking the surveyed lands throughout the state, there are not exceeding two per cent of the sixteenth sections that are valuable, and the sections that are not so are generally in rich bodies of land, and in townships occupied by people in wealthy circumstances; and in relation to the sixteenth sections being made applicable to any other purpose than for school purposes in the township wherein it lies, would, in the opinion of your committee, be at variance with the nature of the grant made by Congress, and we have no precedent before us, that the General Government has ever given consent to change the condition of such a grant, and in our opinion would not do so now. As regards the lands granted by Congress to Florida for internal improvement, to which the attention of your committee were particularly requested, a majority of your committee are of opinion, that to pass a resolution asking Congress to permit the General Assembly to pass a law to sell the lands granted for internal improvements and to apply the proceeds of the same to the seminary fund, for the purpose of education, in the opinion of a majority of your committee would be acting prematurely, and inconsistent with the nature of the grant, and cannot under such circumstances recommend the passage of such resolutions. All of which is respectfully submitted through their chairman.

JOHN BROWARD, Chairman.

The undersigned chairman of the above committee, with the

highest respect for the best intention of those who differed with him in the above report; on the application of the lands granted for internal improvements to be applied to school purposes, dissents from the majority of said committee on the following grounds.— First, if a knowledge of the past is a guide to the future, and that a like cause will produce similar effects, we have abundant causes to apprehend, that if the lands granted for internal improvements are sold and applied to that purpose, it will end as in South Carolina, North Carolina, and the thousands spent by the General Government in Florida, for similar purposes. All of which ended in a failure to accomplish the object it was intended.

From the geographical position of Florida, its numerous and navigable rivers, (some of which run through its centre) and running into both the Atlantic and the Gulf of Mexico, and its extensive sea coast, facilitating the commercial nations to trade with our agriculturists at every point, rendering internal improvement less essential in this state than any other state in the union. It is therefore not likely that any works of magnitude of internal improvement will be undertaken by the state. When, therefore, the money is raised from the sale of said lands, it is to be apprehended, that a general scramble would ensue, as to its partition to the various parts of the state, which would result in much sectional ill feeling, without being beneficial to any portion of the state.

If the said lands were sold and the money arising from the same was consolidated with that of the seminary fund, and applied to the purpose of education throughout the state, the various parts of the state would receive in this manner, a more equal share, and would be the best internal improvement it could be applied to.— To effect that object, I would in such an event, suggest the propriety of each county in the state, forming themselves into convenient neighborhood precincts, in such a manner as to enable each child to go to its parents house to board; and that a school be established in each of such precincts, and to commence in the month of October and continue six months in each year embracing the winter season, which would enable many of the poor of our state to send their children to school that cannot do without their services during the planting season of the year. All of which is respectfully submitted.

JOHN BROWARD.

Mr. Carter made the following report :

The committee on Amendments and Revisions of the Constitution, to whom was re committed a bill to be entitled an act so amending the constitution of this state as to make the sessions of the Legislature biennial instead of annual, ask leave to

#### REPORT :

That they have given the subject that careful examination which its importance requires, and are of opinion that many substantial considerations may be offered in support of the amendments

—among which are, that the people would be relieved from the burthens and excitement attending annual elections, followed by a system of Legislation considerate and well matured—resulting in the adoption of laws more wholesome and which would be observed and appreciated from the fact that their provisions would be more easy of comprehension; and an important reduction from the annual expensess on the treasury, encouraging a well directed economy, as essential to the interests of government as that of individuals.

While the committee express their hearty concurrence in biennial instead of annual sessions of the General Assembly, they nevertheless confess that to procure the change they are met with difficulties, some of which they will suggest—

1st. At the first election for Assembly men under the new constitution a class of senators, elected and classed under the provisions of the original constitution will be in office for an unexpired term of one year; hence the necessity of declaring their office vacated at the end of one year, or extending their term one year, to expire on the first Monday in October, 1850. The committee recommend the latter as the power seems less doubtful.

2d. That a legislative body should abrogate an instrument which they are under the solemn obligation of an oath to support and defend, (though a constitutional provision,) is to the minds of the committee a strange inconsistency.

These views bring the committee to the conclusion that the most wise and prudent mode of amending the constitution would be by the people in convention.

The committee in conclusion, return the bill to the Senate with the accompanying amendments, and ask leave to be discharged from further consideration of the subject.

Respectfully submitted,

J. CARTER, Chairman.

Which report was received, read, and the amendments reported read the first time and ordered for to morrow.

Mr. Lorimer from the minority in the select committee appointed to examine into the proceedings of the acting Register of public lands, made the following report :

The minority of the Joint Select Committee appointed by the General Assembly to examine into the proceedings of the acting Register of Public Lands disagrees to that part of the Report of the majority of the Committee which recommends that all the Seminary and College Lands belonging to the State be sold on a credit.

The minority of the committee entertains doubts whether the public interests will be most promoted by the selling of the seminary and college lands on the credit system, and judging the future by the past, entertains the opinion that it would be preferable to try first the cash system of selling said lands, and if upon experiment the lands should be found to sell for less than their value, or not sell readily, then the credit system could be resorted to.

The minority of the committee regrets the necessity of differing with the majority, on the momentous subject now under consideration; a subject in

which all are deeply interested and desire to act with a view to promote the best interests of the common country; but the minority of the committee cannot consistently express other views, with the information which is at hand, and which is relied on as a guide to truth and correct conclusions.

JAMES H. T. LORIMER.

Which was received, read, and 500 copies ordered to be printed.

Mr. Bradley, chairman of a select committee, made the following report :

The select committee to whom was referred the bill to be entitled an act to alter the south-ern boundary of Benton county, and to establish the line dividing Hillsborough and Benton counties, have had the same under consideration and respectfully

REPORT :

That they do not consider it good policy to make frequent changes in the boundary of counties unless there is some important necessity for making such change. They further believe that no change ought to be made in county boundaries, unless there is some petition or memorial from the citizens who are to be affected by the change desiring it to be made; and inasmuch as no petition has been presented to the Legislature desiring the alteration to be made, the committee respectfully recommend that the bill be postponed until the sitting of the next General Assembly. The committee ask to be discharged from the further consideration of the subject. All of which is respectfully submitted.

R. D. BRADLEY, Chairman.

Which was received, and the bill reported back ordered for to-morrow.

The following message was received from the House, viz :

HOUSE OF REPRESENTATIVES, Dec. 15th, 1846.

Hon. President of the Senate :

Sir—The House have adopted resolution from the Senate in relation to the claim of Capt. Wm. H. Payne's company of mounted volunteers with the following amendment, to wit : after the figures "1839" in the sixth line from the bottom, insert, "Provided that the State shall not be responsible for any expense incurred in the execution of said commission and investigation." The concurrence of the Senate in said amendment is requested.

By order of the House,

M. D. PAPY, Clerk Ho. Rep.

Which was read ; the amendment made by the House read the first time and the resolution and amendment ordered for to-morrow.

ORDERS OF THE DAY.

A bill to be entitled an act to amend an act relative to elections in this State came up—when on motion of Floyd the Senate took a recess until three o'clock.

3 o'clock, P. M.

A quorum being present, the Senate on motion of Mr. Fair-

banks went into a committee of the whole, Mr. White in the chair, on the bill to be entitled an act to amend an act relative to elections in this State; after some time spent in its consideration, the committee rose, reported said bill back to the Senate and asked to be discharged from the further consideration of the same.— Which report was received, and the bill re-committed to the committee on elections.

A bill to be entitled an act to change the northern line of St. Lucie county; was read a second time, and referred to the committee on Propositions and Grievances.

On motion of Mr. Fairbanks, Mr. Bradley was added to the committee on Propositions and Grievances.

A resolution from the House to go into the election for assessors on Thursday the 17th inst., was read a second time and postponed until Monday next.

A bill to be entitled an act to adopt seals for the several departments therein mentioned, was read a second time and referred to the committee on the Executive Department.

A bill to be entitled an act to alter and change the name of Theodora Caroline Trezvant, was read the second time and ordered for to morrow.

A bill to be entitled an act for the relief of Nathan Backer, was read the second time and referred to the committee on Claims and accounts.

Preamble and resolution relative to the establishment of a complete educational system, amended on yesterday, was read a second time and ordered for to morrow.

A bill to be entitled an act to regulate the public printing, was read the second time, and referred to a select committee to consist of Messrs. Kelly, Broward and Fairbanks.

A bill to be entitled an act to tax law suits to pay jurors, was read a second time. Mr. Broward, moved the bill be engrossed and read a third time; which motion was refused, and the bill lost.

A bill to be entitled an act to provide for the payment of grand and petit jurors in their respective counties in this State, was read a second time, and on motion to engross said bill for a third reading the motion was refused and the bill lost. Messrs. Broward and Lorimer called for the ayes and noes on said motion, which were,

Yeas—Messrs. Austin, Bird, Broward, Fairbanks, Floyd, Lorimer, White.—7.

Nays—Mr. President, Messrs. Bradley, Carter, Goodbread, Kelly, McLean, McMillan, Priest, Tabor, Walker.—10.

A bill to be entitled an act to provide for the payment of jurors engrossed for to-day, was read a third time; on the question, shall this bill pass?—pending the vote the Senate adjourned until to-morrow, 10 o'clock.