

Nays—None.

Said bill passed. Title as stated. Ordered that the same be certified to the House.

Engrossed bill to be entitled, An act amendatory of the several acts of limitation in force in this State ;

Was read the third time, and on the question of its passage the yeas and nays were :

Yeas—Messrs. Aldrich, Austin, Avery, Burritt, Costin, Crawford, Forward, Lorimer, Moseley, Sanderson, D. J. Smith, J. M. Smith, Tweed, Watts, White—15.

Nays—None.

Said bill passed—title as stated. Ordered that the same be certified to the House.

Bill to be entitled, An act to compel the Judges of the Circuit Courts to hold the terms of Court at the times and places prescribed by law ;

Was read the second time, and ordered to be engrossed for a third reading to-morrow.

A message from the House was received, which was, on motion of Mr. Floyd, laid upon the table.

Bill to be entitled, An act for the relief of William Wilson, Administrator of P. A. Hayward, deceased ;

Was read the second time, and ordered to be engrossed for a third reading to-morrow.

Bill to be entitled, An act in relation to the contingent expenses of the Supreme and Circuit Courts of this State, and of the Executive Offices ;

Was read the second time, and ordered to be engrossed for a third reading to-morrow.

House bill to be entitled, An act to alter and change the names of certain persons therein named ;

Was read the third time, and on the question of its passage the yeas and nays were :

Yeas—Mr. President, Messrs. Aldrich, Austin, Brown, Burritt, Costin, Crawford, Ghent, Lorimer, Moseley, D. J. Smith, Watts, 12.

Nays—Messrs. Avery, Forward, Sanderson—3.

Said bill passed—title as stated. Ordered that the same be certified to the House.

Bill to be entitled, An act to permanently locate the county site of Washington County, and for other purposes therein contained ;

Was read the second time, and ordered to be engrossed for a third reading to-morrow.

On motion of Mr. Austin, the vote had upon laying upon the table the message just received from the House, was reconsidered, and upon the reconsideration thereof the said message was read as follows, to wit :

HOUSE OF REPRESENTATIVES, December 20, 1848.

Honorable President of the Senate :

Sir—The House has adopted the following resolution :

“ Resolved, That the General Assembly (the Senate concurring,) shall proceed to ballot for a United States Senator to-day, at 12 o'clock, M. Also for Solicitors of the several Judicial Circuits.”

In which the concurrence of the Senate is respectfully requested.

Respectfully,

W. B. LANCASTER,

Clerk House of Representatives.

House bill to be entitled, An act to amend an act for the protection of the Fisheries on the Coast of Florida ;

On motion of Mr. Sanderson, the Senate resolved itself into a committee of the whole on said bill, Mr. Burritt in the chair.

After some time spent therein, the committee rose, and by their chairman reported the bill back to the Senate with amendments, and asked to be discharged from the further consideration thereof.

On motion of Mr. Costin, the bill was read the second time by its title, and ordered to a third reading to-morrow.

Bill to be entitled, An act to amend and alter the election law in force in this State ;

Was, on motion of Mr. Floyd, made the special order for to-morrow.

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

THURSDAY, December 21, 1848.

The Senate met pursuant to adjournment.

Rev. Mr. Choice officiated as Chaplain.

A quorum being present, on motion of Mr. Moseley, the reading of the Journal was dispensed with.

On motion of Mr. Forward, the bill to be entitled, An act to prescribe an equal and uniform mode of taxation and for other purposes, was taken from the table and placed among the orders.

Pursuant to previous notice, Mr. Tweed introduced a bill to be entitled, An act amendatory of the several acts now in force in relation to the assessment and collection of the revenue.

Which was read the first and second time by its title and referred to the committee on Taxation and Revenue.

Pursuant to previous notice, Mr. Aldrich introduced a bill to be entitled, An act to incorporate the Atlantic and Gulf Rail Road and Canal Company.

Which was read the first time by its title and 75 copies ordered to be printed.

Pursuant to previous notice, Mr. D. J. Smith introduced a bill to be entitled, An act to repeal an act to amend the several acts regulating Judicial proceedings, approved Jan. 3, 1848.

Which was read the first time and ordered to a second reading to-morrow.

The following was ordered to be spread upon the Journal :

The undersigned, members of the Senate, who voted against the

passage of a bill "to provide for the sale of the sixteenth sections granted by Congress to the State for the support of public schools, and for consolidating the school fund," desire to spread upon the Journals the reasons for their vote. The above entitled bill provides not only for the sale of the 16th section in every township, but for the consolidation of the fund arising from such sale. The act of Congress from which the right to appropriate the 16th section to purposes of education is derived, is in these words, viz: "In consideration of concessions made by the State of Florida in respect to the public lands, there be granted to the said State eight entire sections of land for the purpose of fixing their seat of government; also, section number sixteen in every township, or other lands equivalent thereto, for the use of the inhabitants of such township for the support of public schools." The intention of this grant appears plainly to have been to confine the benefits to be derived from the sixteenth section to the inhabitants of the township in which the same is situated. No other construction can, with any show of reason, be placed upon it. The language does not admit of doubt. The thorough discussion which this subject has heretofore undergone, renders any argument on the part of the undersigned unnecessary. It may not be amiss, however, to make a brief reference to some documents in relation to this matter, which contain arguments against the consolidation of this fund. In the speech of the Hon. Thomas Hagner, made at the last session of the General Assembly, and in the report of the Hon. Judge Marvin made to his Excellency Governor Moseley, published with the journals of that session, and in the able minority report of the Hon. Senator from Leon (Mr. Lorimer) of the Committee on Schools and Colleges, this subject has been thoroughly discussed. By reference to these documents, it will be seen that as early as 1802, a proposition was made to the Convention of the Territory which afterwards formed the State of Ohio, "that the section No. 16, in every township, and where such section has been sold, granted, or disposed of, other lands equivalent thereto, and most contiguous to the same, shall be granted to the inhabitants of each township, for the use of schools, &c., upon consideration (precisely similar to that upon which the grant was made to Florida) of "concessions made," which concessions were (as in the grant to Florida,) that the public land should not be taxed. Also, that by the act of Congress providing for the sale of public lands in the Indiana Territory, it is declared "that the lands shall be sold, with the exception of section No. 16, which shall be reserved in each township, for the support of schools within the same. Also, that in 1827, the State of Alabama had permission to sell, but only on like terms. Such has been the uniform language of Congress; and when a different intention has existed, different language has been employed. The grant to Michigan was made "for the use of schools," intending a general application; and indeed, in the same act granting the 16th sections to Florida, there is made also a grant of the five per centum net proceeds of the sales of the public lands "for purposes of edu-

cation;" clearly indicating a distinct intention from the first grant. Again, we find that, when application was made by Ohio for leave to sell the 16th sections, Congress thought proper, in granting the leave, to protect the rights of the inhabitants of the townships, by directing that "the proceeds shall be forever applied for the use and support of schools within the several townships and districts of country for which they were originally reserved and set apart, and for no other use or purpose whatever." This act also requires that the consent of the inhabitants of each township shall be obtained before sale made.

In the report of the Hon. Judge Marvin, above referred to, the view is taken that the further action of Congress is necessary to enable us to sell the 16th sections, and he recommends that application be made to Congress. He thinks that Congress would, upon the application of the Legislature, presume the consent of the inhabitants.

The undersigned, although heartily approving the ultimate object proposed to be obtained by the bill, and believing that, in view of the difference in the value of the 16th sections, the grant cannot but operate unequally; and willing heartily to co-operate in any measures having in view the spread of the blessings of education, which they deem consistent with the integrity of the State, cannot give their sanction to the action of the Senate in consolidating this fund, without consulting the grantor, and in contravention, as they believe, of the terms of the grant to the State.

LOUIS ALDRICH,
WILLIAM A. FORWARD,
THOMAS M. WHITE,
JOSEPH AUSTIN,
JAS. H. T. LORIMER,
JNO. L. CRAWFORD,
J. M. SMITH.

Mr. White offered the following:

Resolved by the Senate, the House concurring, That the General Assembly proceed to the election of U. S. Senator and Solicitors in the several Judicial Circuits at 1 o'clock, P. M. to-day.

Mr. Forward moved to strike out the words "U. S. Senator."

On which the yeas and nays were called for by Messrs. White and Forward, and were:

Yeas—Messrs. Aldrich, Avery, Brown, Burritt, Costin, Floyd, Forward, Moseley, J. M. Smith, Tweed—10.

Nays—Mr. President, Messrs. Austin, Crawford, Ghent, Lorimer, Sanderson, D. J. Smith, Watts, White—9.

Said amendment was adopted.

Mr. White moved to amend by striking out the words "to day" and inserting in lieu thereof, the words "on 15th January next."

Which motion was lost.

Said resolution, as amended, was then adopted. Ordered to be certified to the House.

The following reports from Standing Committees were read;

The Committee on engrossed bills, beg leave to REPORT as correctly engrossed the following bills, viz :

An act to compel the Judges of the Circuit Courts to hold the Terms of Court at the times and places prescribed by law ;

An act to permanently locate the county site of Washington county, and for other purposes therein contained ;

An act in relation to the contingent expenses of the Supreme and Circuit Courts of this State, and of the Executive Offices ;

An act to repeal an act in part, entitled an act to raise a Revenue for the State of Florida ;

An act for the relief of William Wilson, administrator of P. A. Hayward, deceased.

WILLIAM A. FORWARD, Chairman.

The Committee on Militia, to whom was referred a bill to be entitled, An act to amend the law in force relative to the organization of Patrols, beg leave to REPORT : That they have had the same under consideration, report the bill back to the Senate without amendment, and recommend its passage ; and ask leave to be discharged from further consideration thereof.

D. J. SMITH, Chairman.

The Committee to whom was referred a bill to be entitled, An act to provide for the payment of services rendered by Overseers of Public Roads, have had the same under consideration, and beg leave to REPORT said bill back to the Senate without amendment, and recommend its passage.

WM. P. MOSELEY, Chairman.

The Committee on Claims and Accounts, to whom was referred a House resolution, with instructions to include in said resolution the account paid by the State to W. D. Moseley, for advances to Capt. G. Livingston's Company, less seventy-five dollars, which is included in the accounts of the said Dr. Treadwell against the State, REPORT a substitute for said resolution, so as to include said claim, and ask to be discharged.

T. M. WHITE, Chairman.

The Committee to whom was referred a bill to be entitled, An Act relating to the mode of appointment and duties of Auctioneers, have instructed me, as their Chairman, to report it back to the Senate, without amendment, and ask leave to be discharged from further consideration of the same.

JOSEPH AUSTIN, Chairman.

Mr. D. J. Smith, from a Select Committee presented, the following report :

The Select Committee to whom was referred a bill to provide for the recording of the marks and brands of cattle shipped from the State of Florida, beg leave to report :

That they have had the bill under consideration and that they approve of the object of the said bill, and recommend its passage, and beg leave to be discharged from further consideration thereof.

D. J. SMITH, Chairman.

ORDERS OF THE DAY.

Bill to be entitled, An act to amend and alter the Election law in force in this State.

On motion of Mr. Forward, the Senate resolved itself into a Committee of the Whole on said bill, Mr. Crawford in the Chair.

After some time spent therein, the Committee rose, and by their Chairman, reported the bill back to the Senate with amendments, and asked to be discharged from the further consideration thereof.

Said bill was read the second time, and on motion of Mr. Forward, referred to the Committee on Elections, with instructions to report any amendments necessary in the Election Law.

Bill to be entitled, An act to prescribe an equal and uniform mode of taxation, and for other purposes,

Was, on motion Mr. Forward, read the second time by its title and referred to the Committee on Taxation and Revenue.

On motion of Mr. Avery, the bills to be entitled respectively, An act to provide for the increase, investment, safe keeping, and disbursement of the Common School Fund, and An act prescribing a general method for the issuing license and the payment of the tax thereon,

Were taken from the table, and placed among the Orders.

Engrossed bill to be entitled, An act to repeal an act in part entitled an act to raise a Revenue for the State of Florida,

Was read the third time. On the question of its passage, the yeas and nays were as follows :

Yeas—Messrs. Brown, Costin, Floyd, Forward, Moseley and J. M. Smith—6.

Nays—Mr. President, Messrs. Aldrich, Avery, Burritt, Crawford, Lorimer, Sanderson, D. J. Smith, Tweed, Watts and White—11.

Said bill was lost.

Engrossed bill to be entitled, An act to compel the Judges of the Circuit Courts to hold the terms of Court at the times and places presented by law,

Was read the third time and on motion of Mr. Sanderson; the Senate resolved itself into a Committee of the Whole on said bill, Mr. D. J. Smith in the chair.

After some time spent therein the committee rose, and by their Chairman reported the bill back to the Senate with amendments, and asked to be discharged from the further consideration thereof.

Said bill was read the second time and ordered to be engrossed for a third reading to-morrow.

Engrossed bill to be entitled, An act for the relief of William Wilson, Administrator of P. A. Hayward,

Was read the third time, and on the question of its passage the yeas and nays were :

Yeas—Mr. President, Messrs. Aldrich, Austin, Avery, Brown, Burritt, Costin, Crawford, Floyd, Forward, Ghent, Lorimer, Moseley, Sanderson, D. J. Smith, J. M. Smith, Tweed, Watts, White—19.

Nays—None.

Said bill passed. Title as stated. Ordered that the same be certified to the House.

Engrossed bill to be entitled, An act in relation to the contingent expenses of the Supreme and Circuit Courts of this State, and of the Executive Offices.

Was read the third time, and on the question of its passage, the yeas and nays were :

Yeas—Mr. President, Messrs. Aldrich, Austin, Avery, Brown, Burritt, Costin, Crawford, Floyd, Ghent, Lorimer, Moseley, Sanderson, D. J. Smith, J. M. Smith, Tweed, Watts and White—19.

Nays—None.

Said bill passed. Title as stated. Ordered to be certified to the House.

Engrossed bill to be entitled, An act to permanently locate the county site of Washington county, and for other purposes therein contained.

Was read the third time, and on motion of Mr. Floyd placed among the Orders for to-morrow.

Mr. Sanderson moved the Senate take a recess until 3 o'clock, P. M.

On which the yeas and nays were called for by Messrs. Avery and Sanderson, and were :

Yeas—Mr. President, Messrs. Avery, Burritt, Ghent, Moseley, Sanderson, Tweed and Watts—8.

Nays—Messrs. Aldrich, Austin, Brown, Costin, Crawford, Floyd, Forward, Lorimer, D. J. Smith, J. M. Smith and White—11.

Said motion was lost.

Mr. Floyd moved that the Senate adjourn until to-morrow, 10 o'clock, A. M.

On which the yeas and nays were called for by Messrs. Avery and Sanderson, and were :

Yeas—Mr. President, Messrs. Aldrich, Brown, Burritt, Costin, Crawford, Floyd, Forward, Ghent, J. M. Smith and Tweed—11.

Nays—Messrs. Austin, Avery, Lorimer, Moseley, Sanderson, D. J. Smith, Watts and White—8.

Said motion prevailed, and the Senate adjourned until to-morrow, 10 o'clock, A. M.

FRIDAY, December 22, 1848.

The Senate met pursuant to adjournment.

Rev. Mr. Penny officiated as Chaplain.

A quorum being present, on motion of Mr. Moseley, the reading of the Journal was dispensed with.

On motion of Mr. Aldrich, leave of absence was granted for a few days to Mr. Watts.

On motion of Mr. Moseley, leave of absence was granted to Mr. Floyd until 6th January next.

On motion of Mr. Crawford, leave of absence was granted to Mr. White until Tuesday next.

Pursuant to previous notice, Mr. Forward introduced a bill to be entitled, An act relating to crimes and misdemeanors, and requiring a prosecutor in certain cases.

Which was read the first time, laid upon the table, and 75 copies ordered to be printed.

Mr. Ghent gave notice that he would, at some future day, ask leave to introduce a bill to be entitled, An act defining the boundary lines of Walton county, and for other purposes.

A committee from the House informed the Senate that they had been appointed to invite the Senate to proceed to the Hall of the House of Representatives, at any time the Senate might fix upon, for the purpose of proceeding to the election of an United States Senator, and Solicitors of the several Judicial Circuits of this State.

Mr. Lorimer moved that a committee be appointed to wait upon the House to inform the House that the Senate would be ready to proceed to said election at 12 o'clock, M. to-day.

On which the yeas and nays were called for by Messrs. Forward and Austin, and were :

Yeas—Mr. President, Messrs. Austin, Crawford, Ghent, Lorimer, Sanderson, D. J. Smith, Watts and White—9.

Nays—Messrs. Aldrich, Avery, Brown, Burritt, Costin, Floyd, Forward, Moseley, J. M. Smith and Tweed—10.

Said motion was lost.

Mr. Forward, from the Committee on Engrossed Bills, presented the following report :

The Committee on Engrossed Bills beg leave to report as correctly engrossed, A bill to be entitled, An act to compel the Judges of the Circuit Courts to hold the terms of Court at the times and places prescribed by law.

WILLIAM A. FORWARD, Chairman.

The following messages from the House were read :

HOUSE REPRESENTATIVES, December 21, 1848.

Honorable President of the Senate :

Sir—The House has laid on the table Senate resolution for going into the election of Solicitors of the several Judicial Circuits at 1 o'clock to-day.

Very respectfully,

W. B. LANCASTER,

Clerk House of Representatives.

HOUSE REPRESENTATIVES, Dec. 21, 1848.

Honorable President of the Senate :

Sir—The House has concurred in the Senate resolution for the election of Solicitors of the several Judicial Circuits to-day at 1 o'clock, with the following amendments : Between the words "of" and "Solicitors," insert the words "U. S. Senator and also."