

House bill to be entitled, An act to provide for the establishment of Common Schools in this State,

Was, on motion of Mr. Avery, read the first time, and ordered to a second reading to-morrow.

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. Sanderson and Avery, and were :

Yeas—Messrs. Brown, Floyd, Ghent and Lorimer—4.

Nays—Mr. President, Messrs. Aldrich, Austin, Avery, Crawford, Forward, Moseley, Sanderson, D. J. Smith, J. M. Smith, Tweed and White—12.

Said motion was lost.

Bill to be entitled, An act relating to Crimes and Misdemeanors, and requiring a Prosecutor in certain cases.

On motion of Mr. Sanderson, the Senate resolved itself into a Committee of the Whole on said bill, Mr. White 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. Tweed, said bill was laid upon the table, and 75 copies ordered to be printed.

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

On which the yeas and nays were called for by Messrs. Floyd and Moseley, and were :

Yeas—Mr. President, Messrs. Aldrich, Brown, Costin, Crawford, Forward, Lorimer, D. J. Smith, Tweed and White—10.

Nays—Messrs. Austin, Avery, Floyd, Ghent, Moseley, Sanderson and J. M. Smith—7.

The Senate adjourned until to-morrow, 10 o'clock, A. M.

FRIDAY, December 29, 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.

Mr. Ghent presented the memorial of certain citizens of Walton county, praying a change of the county site of said county.

Which was referred to a select committee consisting of Messrs. Floyd, Ghent, and Crawford.

Mr. Avery offered the following preamble and resolutions, which were read, and on motion of Mr. Avery, referred to the Committee on the Executive Department, with instructions to report thereon at an early day :

WHEREAS, A difference of opinion prevails with regard to the period when the term of office of the present Governor will expire ;

and also with regard to the time when the Governor elect should take the oath prescribed by the Constitution : Therefore,

1. *Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That, in the opinion of this General Assembly, the term of office of Governor Wm. D. Moseley, will expire on the first Monday in October, 1849.

2. *Resolved*, That it is expedient and proper for the Governor elect to take the oath of office prescribed by the Constitution, in presence of both Houses of the present General Assembly.

Mr. Burritt, from the Committee on the Judiciary, presented the following report :

The Committee on the Judiciary, to whom was referred a bill to be entitled, An act for the relief of Occupying Claimants, have had the same under consideration, and have instructed me to report it back to the Senate without amendment.

S. L. BURRITT, Chairman.

Also the following :

The Committee on the Judiciary, to whom was referred a bill to be entitled, An act to repeal an act to amend the several acts regulating judicial proceedings, approved January 3, 1848, have had the same under consideration, and have instructed me to report the same back to the Senate without amendment, and to recommend its passage.

S. L. BURRITT, Chairman.

On motion of Mr. Ghent, the rule was waived, and he allowed to introduce a bill to be entitled, An act to remove the county site of Walton county.

Which was read the first time, the rule again waived, and the bill read a second time by its title, and referred to a select committee consisting of Messrs. Floyd, Ghent, and Crawford.

Mr. Sanderson presented the following report :

The Committee on the State of the Commonwealth, to whom was referred "so much of the Governor's Message and documents accompanying the same, as relate to the boundary line between this State and the State of Georgia"—also, "Senate Resolutions upon the same subject," respectfully

#### REPORT :

That in discharge of the duty assigned them, your Committee have, with care, examined the several papers submitted, having reference to this important controversy. While with pleasure they respond to the kind and liberal sentiments expressed in the communications received from the authorities of Georgia, and desire that the friendly relations now subsisting between these two States, whose interests, in other respects, are so closely allied, may continue uninterrupted, your Committee cordially concur in the language and spirit of His Excellency, Governor Moseley, when he says, "Florida does not urge a claim to any of the territory in dispute, because she thinks it *necessary* to her." Florida, believing that the line has long since been designated and fixed, and that no question should

Now arise, cannot submit to, or acquiesce in any claim set up to the portion of country lying South of the line settled and defined by treaty in 1795. Georgia, entertaining a different view, urges her claim to a portion of territory, lying, as your Committee believe, within the limits of the State of Florida. Commissioners on the part of their respective States having been appointed to settle and adjust this matter and failed, your Committee can conceive of no method by which this question can be speedily and definitively adjusted, other than that proposed by the resolutions herewith reported. The failure to settle this controversy by the late commission appointed for that purpose, is a further evidence of the necessity of submitting the case to the Supreme Court of the United States. This, by the Constitution of the United States, is constituted the proper tribunal to take cognizance of this class of cases. Your Committee have no particular objection to an *agreed case*, as recommended by the Report of the Legislature of Georgia, if such a course is thought advisable by the Executive of this State. They would suggest, however, that much time and consequent delay might arise, if such a course should be adopted, and perhaps a second failure. Your Committee doubt whether the Supreme Court would take cognizance of an *agreed case*, knowing that all Courts are reluctant to entertain any cause, unless brought before them by due process of law. Any discussion of the merits of the controversy in this connection is deemed unnecessary. The succinct statement of the case given us by His Excellency, in his annual message, furnishes all that is essential to enable the General Assembly to give a proper direction to the question under advisement.

Your Committee, in taking leave of this matter, would respectfully urge upon the Executive his early attention to the settlement of this controversy. They are induced to make this suggestion, in consequence of the peculiar situation of the inhabitants residing upon and near to the disputed territory. At present the conflict of jurisdiction between the two States, affords a license to crime, inconsistent with the interest of society, as well as the dignity and supremacy of the law.

Which is respectfully submitted.

J. P. SANDERSON,

Chairman of Committee on the State of Commonwealth.

The resolutions accompanying the same, were read the second time, the rule waived, read the third time, and passed.

Ordered to be certified to the House.

Mr. Floyd, from a Select Committee, presented the following report:

The undersigned, one of the select committee, to whom was referred a bill to be entitled, An act to amend the several acts to raise a Revenue for the State, approved 8th January, 1848, has had the same, under consideration, and would recommend its passage, with the enclosed amendment as an additional section.

R. J. FLOYD.

Mr. Sanderson moved that said report and bill be laid upon the table;

On which the yeas and nays were called for by Messrs. Floyd and Costin, and were:

Yeas—Messrs. Burritt, Crawford, Lorimer, Moseley, Sanderson, D. J. Smith, Tweed and White—8.

Nays—Mr. President, Messrs. Aldrich, Avery, Brown, Costin, Floyd, Forward and J. M. Smith—8.

Said motion was lost.

The House returned Senate bill to be entitled, An act to empower William Newsom to assume the management of his own Estate, as lost in the House.

The House returned Senate resolutions remonstrating against the removal of the Military Munitions, Ordnance Stores and Small Arms, from the Garrison in the city of St. Augustine, and asking for the further protection to the Eastern Frontier of the Peninsula of Florida, as passed by the House without amendment.

Ordered to be enrolled.

The following message from the House was read:

HOUSE REPRESENTATIVES, December 28, 1848.

*Honorable President of the Senate:*

SIR: The House has this day passed Senate bill to be entitled, "An act relating to Capital Punishments," with the enclosed amendments, and the concurrence of the Senate therein is respectfully requested.

Respectfully,

W. B. LANCASTER,  
Clerk House of Representatives.

The Senate disagreed to the amendments of the House.

The following was also read:

HOUSE REPRESENTATIVES, Dec. 28, 1848.

*Honorable President of the Senate:*

SIR: The House has this day adopted the enclosed resolution as a substitute for Senate "Resolution for the relief of W. D. Moseley," and the concurrence of the Senate therein is requested.

Respectfully,

W. B. LANCASTER,  
Clerk House of Representatives.

The Senate disagreed to the amendments of the House.

#### ORDERS OF THE DAY.

Bill to be entitled, An act to amend the several acts regulating Judicial Proceedings, approved January 3, 1848,

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

House bill to be entitled, An act for the relief of Occupying Claimants,

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

On motion of Mr. Forward, it appearing from the Journal of the

House that said bill had been ordered to be printed, the Secretary was instructed to call the attention of the House to the 15th joint rule, and to enquire if said bill had been printed by order of the House, and if so, to say that no copies had been sent to the Senate, in accordance with said 15th joint rule.

House bill to be entitled, An act relating to the mode of appointment and duties of Auctioneers:

On motion of Mr. Floyd, 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, reported progress, and asked leave to sit again.

Which was granted.

House bill to be entitled, An act to provide for the establishment of Common Schools in the State:

On motion of Mr. Avery, the Senate resolved itself into a Committee of the Whole on said bill, Mr. White 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 a second time.

Mr. Forward moved to strike out all after the enacting clause, for the purpose of offering a substitute.

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

Yeas—Messrs. Austin, Crawford, Forward, Lorimer, J. M. Smith—5.

Nays—Mr. President, Messrs. Aldrich, Avery, Brown, Burritt, Costin, Floyd, Moseley, Sanderson, D. J. Smith, Tweed, White—12.

Said motion was lost.

Ordered that the amendments be engrossed, and said bill, as amended, read a third time on to-morrow.

On motion of Mr. Burritt, the Senate took a recess until 3 o'clock, P. M.

3 O'CLOCK, P. M.

The Senate resumed its session.

Mr. Aldrich, from the Committee on Enrolled Bills, presented the following Report:

The Committee on Enrolled Bills beg leave to REPORT as correctly enrolled:

Resolutions remonstrating against the removal of the Military Munitions, Ordnance Stores and Small Arms, from the Garrison in the city of St. Augustine, and asking for further protection of the Eastern Frontier of the Peninsula of Florida.

LOUIS ALDRICH, Chairman.

House bill to be entitled, An act to amend an act concerning Roads and Highways, passed at the adjourned session of 1845,

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

Yeas—Mr. President, Messrs. Aldrich, Avery, Burritt, Costin, Crawford, Floyd, Forward, Lorimer, Moseley, Sanderson, D. J. Smith, Tweed and White—14.

Nays—None.

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

House bill to be entitled, An act to alter and change the time of holding the Circuit Courts in the Middle District,

Was, on motion of Mr. Floyd, read the third time by its title, and on the question of its passage, the yeas and nays were:

Yeas—Mr. President, Messrs. Aldrich, Costin, Crawford, Moseley, Sanderson and Tweed—7.

Nays—Messrs. Avery, Floyd and D. J. Smith—3.

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

House bill to be entitled, An act for the relief of James M. Bates, Was read the third time, and on the question of its passage, the yeas and nays were:

Yeas—Mr. President, Messrs. Aldrich, Avery, Brown, Burritt, Costin, Crawford, Floyd, Forward, Lorimer, Moseley, Sanderson, Tweed and White—14.

Nay—Mr. D. J. Smith—1.

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

House bill to be entitled, An act concerning the records of Levy County,

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, Tweed, White—17.

Nays—None.

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

Bill to be entitled, An act to authorize the County Commissioners of Jackson county to levy a tax sufficient to build a new Court House in said county, and for other purposes.

Was read the second time.

Mr. Sanderson offered the following as an additional section, viz: SEC. 4. *Be it further enacted*, That the county of Columbia be and is hereby allowed the benefit of the privilege contained in the second section of this act.

Mr. Floyd moved that the "county of Franklin" be inserted after "Columbia."

Mr. Tweed moved to strike out the second section of said bill.

On which the yeas and nays were called for by Messrs. Floyd and Ghent, and were:

Yeas—Messrs. Avery, Burritt, Costin, Crawford, Lorimer, Moseley, Sanderson and Tweed—8.

Nays—Mr. President, Messrs. Aldrich, Austin, Brown, Floyd, Forward, Ghent, D. J. Smith and White—9.

Said motion was lost.

Mr. Sanderson pressed his amendment.

The previous question being demanded by Mr. Floyd, the Senate refused it.

Mr. Tweed moved to strike out all after the 1st section ;

Which motion prevailed, and the bill was ordered to be engrossed for a third reading to-morrow.

Resolution relative to copying the Laws,

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

Bill to be entitled, An act to authorize the construction of the Magnetic Telegraph, and providing for the protection of the same,

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

Bill to be entitled, An act amendatory of the several acts relating to Jurors and State Witnesses,

Was read the second time.

Mr. Sanderson moved that the blank in the 6th line be filled with "four."

Mr. Floyd moved that it be filled with "ten."

On which the yeas and nays were called for by Messrs. Floyd and Ghent, and were :

Yeas—Messrs. Avery, Brown, Burritt, Costin, Floyd, Ghent and Lorimer—7.

Nays—Mr. President, Messrs. Aldrich, Austin, Crawford, Forward, Moseley, Sanderson, D. J. Smith and Tweed—10.

Said motion was lost.

Mr. Floyd moved that said blank be filled with "eight."

Which motion was lost.

Mr. Crawford moved that said blank be filled with "five."

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

Yeas—Messrs. Aldrich, Austin, Avery, Brown, Burritt, Crawford, Forward, Moseley, Sanderson, D. J. Smith, Tweed, White—12.

Nays—Mr. President, Messrs. Costin, Floyd, Ghent, Lorimer—5.

Said motion prevailed.

Said bill was ordered to be engrossed for a third reading to-morrow.

Bill to be entitled, An act to provide for seals for the Circuit Courts of this State,

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

Bill to be entitled, An act relating to Manufacturing Companies,

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

Bill to be entitled, An act to amend an act, approved January 4,

1847, "to give a lien to steamboat men and others navigating the bay and river of Apalachicola,"

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

Bill to be entitled, An act to incorporate the Medical Board of Florida,

Was read the first time, the rule waived; read a second and third time by its title, and on the question of its passage, the yeas and nays were :

Yeas—Mr. President, Messrs. Aldrich, Austin, Avery, Brown, Burritt, Costin, Crawford, Floyd, Lorimer, Moseley, Tweed, White—13.

Nay—Mr. Forward—1.

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

Bill to be entitled, An act relating to the act of incorporation of the town of Milton,

Was, on motion of Mr. Tweed, read the first time by its title, the rule waived, read a second and third time by its title, and on the question of its passage, the yeas and nays were :

Yeas—Mr. President, Messrs. Aldrich, Avery, Brown, Burritt, Costin, Crawford, Floyd, Lorimer, Moseley, Tweed, White—12.

Nays—Messrs. Austin, Forward, Sanderson, D. J. Smith—4.

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

Bill to be entitled, An act to change the Southern boundary line of Leon county,

Was read the first time, the rule waived, read a second and third time by its title, and on the question of its passage, the yeas and nays were :

Yeas—Mr. President, Messrs. Aldrich, Austin, Avery, Brown, Burritt, Crawford, Sanderson, Tweed, White—10.

Nays—Messrs. Costin, Floyd, Forward, Lorimer, Moseley, D. J. Smith—6.

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

Bill to be entitled, An act to incorporate the Atlantic and Gulf Rail Road and Canal Company,

Was, on motion, referred to a select committee, consisting of Messrs. Aldrich, Avery, and Sanderson.

House bill to be entitled, An act in relation to Pilotage,

Was read the first time, and on motion of Mr. Floyd, indefinitely postponed.

Bill to be entitled, An act to amend the Revenue Law of this State as regards hawkers, pedlars, and itinerant traders,

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

Bill to be entitled, An act relative to the examination of the Office of Register of Public Lands,

Was read the second time, the rule waived, read a third time by its title, 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, Lorimer, Moseley, Sanderson, D. J. Smith, Tweed and White—16.

Nays—None.

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

House bill to be entitled, An act to authorize the several Judges of Probate in this State to solemnize the rites of matrimony, and for other purposes,

Was read the first time, the rule waived, read a second and third time by its title, 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, Lorimer, Moseley, Sanderson, D. J. Smith, Tweed and White—16.

Nays—None.

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

House bill to be entitled, An act to authorize the administrators of John W. Dubose, deceased, to sell real estate,

Was read the first time, the rule waived, read a second and third time by its title, and on the question of its passage, the yeas and nays were:

Yeas—Mr. President, Messrs. Aldrich, Austin, Avery, Brown, Costin, Crawford, Lorimer, Moseley, Sanderson, D. J. Smith, Tweed and White—13.

Nays—None.

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

House bill to be entitled, An act compensating Lewis H. Miller for taking the census of Holmes county in 1848,

Was read the first time, and ordered to a second reading to-morrow.

House bill to be entitled, An act regulating Weights and Measures, Was, on motion of Mr. Floyd, read the first time by its title, and ordered to a second reading to-morrow.

House bill to be entitled, An act to locate permanently the county site of Calhoun county.

Was, on motion of Mr. D. J. Smith, read the first time by its title, and ordered to a second reading to-morrow.

House bill to be entitled, An act to empower George P. Keys, a minor, to assume the management of his own Estate,

Was, on motion of Mr. Floyd, read the first time by its title, and ordered to a second reading to-morrow.

Bill to be entitled, An act to encourage and facilitate the construction of a Rail Road from some point on the St. Mary's river, or wa-

ters adjacent thereto, to Pensacola, and to authorize and regulate partnerships for that purpose,

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

On motion of Mr. Floyd, the rule was waived, and he allowed to give notice that he would, at some future day, ask leave to introduce a bill to be entitled, An act to authorize the qualified electors of this State to elect a Register of Public Lands, and for other purposes.

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

SATURDAY, December 30, 1848.

The Senate met pursuant to adjournment.

Rev. Mr. Choice officiated as Chaplain.

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

Mr. Moseley moved that the resolution of the House, relative to the adjournment of the General Assembly *sine die* on 23d instant, be taken from the table, and placed among the orders.

Which motion prevailed.

On motion of Mr. Tweed, the rule was waived, and he allowed to introduce a bill to be entitled, An act relating to Auctioneers.

Which was read the first time, and on motion of Mr. Forward, 75 copies ordered to be printed.

On motion of Mr. Forward, bill to be entitled, An act relating to crimes and misdemeanors, and requiring a prosecutor in certain cases, was taken from the table, and placed among the orders.

Mr. Forward presented the petition of certain citizens of Alachua County, praying the establishment of a new County.

Which was referred to the select committee having charge of that subject.

Mr. Aldrich, from the Committee on Elections, presented a bill to be entitled, An act to change the name of Robert Benjamin Smith.

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

Mr. White, from the Committee on Taxation and Revenue, presented the following report:

The Committee on Taxation and Revenue, to whom was referred a House bill entitled, An act to require licenses to be taken out by persons, and subjects not hitherto taxed; also a bill entitled, An act relating to the duties of Tax Assessors and Tax Collectors, and for other purposes; also, An act to amend the revenue laws of this State, as regards hawkers and pedlars and itinerant traders, report:

That they have had the same under consideration, and have instructed me, as their chairman, to report the same without amendment, and recommend the passage of the same.

THOMAS M. WHITE, Chairman.