

SATURDAY, December 11, 1852.

The Senate met pursuant to adjournment. Rev. Mr. Zealey officiated as Chaplain.

A quorum being present, the proceedings of yesterday were read and approved.

Mr. Blackburn moved that so much of the report of the Comptroller of this State as relates to the constitutionality of An Act, approved January 24, 1851, be, and the same is hereby, referred to the Judiciary Committee, with instructions to report their opinion thereon, with the reasons for the same ;

Which motion was passed, and the reference made accordingly.

On motion of Mr. Johnson,

A bill to be entitled An Act to remove and permanently fix the Seat of Government of this State,

Was taken from the table, and placed among the orders of the day ;

Which motion was adopted, and the bill placed among the orders of the day.

On motion of Mr. Blackburn,

The rules were waived, so as to allow him, without previous notice, to introduce the following bills, viz :

A bill to be entitled An Act to abolish and repeal the second clause or section of the 11th article of the Constitution of this State ;

Also, the following :

A bill to be entitled An Act in relation to, and defining the duties of, ex officio administrators of estates ;

Which bills were received, and placed among the orders of the day.

On motion of Mr. Long,

The rule was waived, so as to allow him to introduce, without previous notice, a bill to be entitled An Act concerning the records of the Court of Appeals and the Superior Courts of the Territory of Florida ;

Which was received, and placed among the orders of the day.

Mr. Snell gave notice that he would, on some future day, ask leave to introduce a bill to be entitled An Act to amend an act entitled an act to provide for the removal of the Indians now remaining in Florida beyond the limits of the State, approved January 20, 1851.

On motion of Mr. Provence,

Mr. Hawes was excused for the remainder of the session.

Mr. Baldwin moved that the Judiciary Committee be instructed to consider and report on the practicability of adopting some amendment of the course of proceeding in criminal prosecutions, by which the expenditures on this account and for jurors and witnesses may be diminished ;

Which was adopted, and the reference made.

On motion of Mr. Blackburn,

So much of the report of the Attorney General of this State be

referred to the Judiciary Committee, as relates to the term of office of the several judges of this State under the proposed amendments of the Constitution, and that said committee report as soon as practicable.

Which motion was adopted, and the reference made accordingly.

On motion of Mr. Baldwin, the vote on the resolution in regard to repairing the roof of the Capitol, was rescinded,

And the resolution laid upon the table.

Mr. Long from the Committee on the Judiciary, made the following report :

The Judiciary Committee to whom was referred a bill to be entitled An Act requiring Judges of Probate to give Bond, have had the same under consideration, and a majority of said Committee have instructed the undersigned to report that, at present, they see no reason for the passage of said act. But said Committee have also instructed the undersigned to draft a bill in lieu of the one referred, under the title of "An Act to amend the several acts now in force in his State in relation to the duties and responsibilities of Judges of Probate," which is herewith reported to the Senate. By the existing laws there does not appear to be any authority for money or property of estates or minors ever to come into the hands or possession of Judges of Probate, and the substitute now reported by the Committee provides that money and other personal property of deceased persons and minors may be lawfully paid over to Judges of Probate, when administrators or guardians shall be removed, and be kept safely by said Judges of Probate until other administrators or guardians shall be appointed ; and if this policy is established, it will be proper that Judges of Probate should give bond, which the substitute now reported provides for. The Committee beg leave here to state, however, that while they recommend the substitute as now reported, as preferable to the bill referred, they are not very strongly impressed with the necessity of passing either the bill or the substitute, though a majority are willing to recommend the adoption of the substitute, having been informed that in some parts of the State such a change in the law is felt to be desirable. M. A. LONG,

Chairman of the Judiciary Committee.

Which was read, and the substitute accepted by the Senate in lieu of the original bill ;

Which were placed among the orders of the day.

Mr. Brown from the Committee on the State of the Commonwealth made the following report :

The Committee on the State of the Commonwealth, to whom was referred a "joint resolution" recommending the suspension of the 5th section of "An Act to provide for the removal of the Indians now remaining in Florida, beyond the limits of the State," approved, January 20th 1851, have had the same under consideration, and report,

That your Committee feel unwilling to take any action, that could be construed as retarding in the least, the present efforts of the Gen-

eral Government to remove the remnant of Seminole Indians. Yet in view of the peculiar situation of the frontier settlers, and the measures which are contemplated will be brought before the General Assembly for their further protection, and the difficulties that might arise to the troops now, or which necessity may hereafter cause to be called into the field—a majority of the Committee deem it unwise to take the action proposed, and therefore recommend that the resolution be not adopted. Respectfully submitted,

ROBERT BROWN,

Chairman, &c.

Mr. Blackburn from the Select Committee, appointed for the purpose of taking into consideration the Petition of Wm. Watson, made the following report.

The Select Committee to whom was referred the petition of William Watson, of Jefferson County, beg leave to report:

That they have had the same under consideration, and find the facts true as set forth in his said petition, and that the failure on the part of the Register of State Lands to make said Watson a title to the tracts of land entered by him, did not proceed from a failure on the part of the United States to confirm the location of said tract to the State of Florida, but from an error in the Register in applying for the West half of S. W. quarter, instead of the East half of S. W. quarter, section 12, Township 2, Range 4, North and East. That the land thus applied for was not United States land, but the property of a private citizen; that the land which Watson wished to enter had been selected by one of the State Agents for Internal Improvements, was so noted by both the U. S. and State Register on their books—that the State sold this land to said Watson, received from him the price as fixed by law, gave him a certificate or bond for titles when the last note should fall due and be paid, that the State has failed to make such deed, by reason of the mistake aforesaid, and in consequence of which failure, said Watson was in danger of losing the lands and improvements thereon; which improvements was the main inducement to buy the land aforesaid. And that the said tract of land was actually entered in the U. S. Land Office, on the 4th day of August last, by Joshua Taylor, while the said Watson held the obligation of the State to make him a deed.

In view of all the facts, your Committee are of the opinion that if such transaction had taken place between private individuals, the party aggrieved might justly claim damages from the party whose bond he held. We, therefore, recommend that the prayer of the petitioner be granted, and report a bill for his relief.

All of which is respectfully submitted.

E. E. BLACKBURN,

Chairman Select Committee.

Which was read, and the accompanying bill placed among the orders of the day.

The following was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
December 10, 1852.

HON. PRESIDENT OF THE SENATE:

Sir—The House have concurred in the amendments made by the Senate to the House Resolution, in relation to a mail route from Madison Court House to Clay Landing, in Levy County.

Respectfully,

JOHN DICK,

Clerk House of Representatives.

Which was read.

Also the following:

HOUSE OF REPRESENTATIVES, }
December 10, 1852.

HON. PRESIDENT OF THE SENATE:

Sir—The House have passed a bill to be entitled An Act in addition to and amendatory of the several Acts concerning Writs of Error and Appeals to the Supreme Court; also, without amendment:

Senate Resolution in regard to the establishment of a Land Office at Tampa.

The House have indefinitely postponed Senate bill to be entitled An Act to prevent the Owners of Teams from sending more than one Negro driver with a single Team.

Respectfully,

JOHN DICK,

Clerk House of Representatives.

Which was read and the bills from the House placed among the orders of the day.

The Senate resolution in regard to the establishment of a Land Office at Tampa,

Was ordered to be enrolled.

Also the following message was received:

HOUSE OF REPRESENTATIVES, }
December 10, 1852.

Honorable President of the Senate:

Sir,—The House have passed the following resolution, to wit:

Resolved, the Senate concurring, that the General Assembly adjourn *sine die* on the 23rd instant, to which the concurrence of the Senate is respectfully asked.

Respectfully,

JOHN DICK,

Clerk House of Representatives.

Which was read a first time, and placed among the orders of the day.

On motion of Mr. Blackburn, the rule was waived and he allowed to introduce the following resolution:

Resolved, by the Senate and House of Representatives of the State of Florida, in General Assembly convened, That our Senators in

Congress be instructed and our Representative requested, to use their best exertions to procure the passage of a law by Congress, authorizing the State of Florida to apply the lands donated to this State by Congress for Internal Improvements and Seminaries of Learning to Common School purposes; and the Governor is hereby requested to forward a copy of this resolution, duly certified, to each of our Senators and the Representative in Congress.

Which was read a first time, and ordered for a second reading on Monday next.

On motion of Mr. Provence, the rule was waived and he allowed to introduce a bill to be entitled An Act concerning the records of the Court of Appeals and the Superior Courts of the Territory of Florida; Which was received and placed among the orders of the day.

ORDERS OF THE DAY.

A bill to be entitled An Act to remove and permanently fix the Seat of Government of the State of Florida,

Came up, and on motion, the Senate went into Committee of the Whole upon said bill, Mr. Baldwin in the Chair, and after some time spent therein, the Committee rose, and through their Chairman, reported the bill back to the Senate, with all after the enacting clause stricken out, and asked leave to sit again.

Which report was concurred in.

A bill to be entitled An Act to amend the several acts now in force in this State in relation to the duties and responsibilities of Judges of Probate,

Was read a second time and ordered to be engrossed.

A bill to be entitled An Act supplementary to an act giving the Election of Judges of Probate to the People,

Was read a second time, amended, and ordered to be engrossed.

A bill to be entitled An Act giving to the Judge of Probate of Nassau County, the power of Justice of the Peace in certain cases;

Came up on a second reading, when, on motion, the report of the Committee on the Judiciary against the said bill was adopted,

And the bill was defeated.

Joint Resolution to suspend An Act for the removal of the Indians;

Was read a second time, when, on motion, the report of the Committee on the State of the Commonwealth, was adopted,

And the Resolution was defeated.

A bill to be entitled An Act to amend and simplify the Election Laws now in force in this State,

Came up on a second reading, and on motion, the Senate went into Committee of the Whole upon said bill, Mr. Long in the Chair. After some time spent therein, the committee rose, reported progress and asked leave to sit again;

Which was concurred in.

On motion, the Senate took a recess until 2 o'clock.

TWO O'CLOCK.

The Senate again met pursuant to adjournment, and a quorum being present, the orders of the day were again resumed.

A bill to be entitled An Act for the relief of John B. Allen,

Was read a second time, when Mr. Snell offered the following amendment, viz:

To insert in the first line of the first section, after the words "Senate and," the words "House of Representatives of the State of Florida in;"

Which amendment was adopted, and the bill ordered to be engrossed.

House bill to be entitled An Act for preventing obstructions to the navigation of the St. John's river,

Was read a second time, and ordered for a third reading on Monday next.

House bill to be entitled An Act for the relief of William M. Garrison,

Was read a second time, and on motion, was ordered for a third reading on Monday next.

A bill to be entitled An Act in relation to and defining the duties of ex-officio Administrators of Estates,

Was read a first time, and ordered for a second reading on Monday next.

A bill to be entitled An Act to abolish and repeal the second clause or section of the 11th Article of the Constitution of this State,

Was read a first time.

On motion to waive the rule, the yeas and nays were called by Messrs. Floyd and Smith,

And were as follows, viz:

YEAS.—Messrs. Gillis, Moseley and Provence—3.

NAYS.—Mr. President, Messrs. Baldwin, Blackburn, Brown, Budington, Gonzalez, Johnson, Smith, Snell and Stewart—10.

So the motion to waive the rule was lost.

Ordered, That said bill be read a second time on Monday next.

A bill to be entitled An Act concerning the records of the Court of Appeals and the Superior Court of the Territory of Florida,

Was read a first time, and ordered for a second reading on Monday next.

House bill to be entitled An Act in addition to and amendatory of the several Acts concerning Writs of Error and Appeals to the Superior Court,

Was read a first time, and on motion, the rule was waived, and the bill read a second time by its title,

When, on motion, it was referred to the Committee on the Judiciary.

On motion, the rule was waived, and Mr. Baldwin allowed to make the following motion, viz:

That that portion of the Comptroller's Report, which relates to

the constitutionality of County Commissioners appropriating County taxes for the use of County Schools, be referred to the Committee on the Judiciary.

On motion of Mr. Baldwin,
The Senate adjourned till Monday morning, 10 o'clock.

MONDAY, Dec. 13, 1852.

The Senate met pursuant to adjournment. Rev. Mr. Asay officiated as chaplain.

A quorum being present, the proceedings of Saturday were read and approved.

On motion, the rule was waived, and Mr. Stewart allowed to introduce without previous notice, the three following Bills to wit:

A bill to be entitled An Act to amend an act entitled an act to grant pre-emption rights to settlers on State Lands, approved Dec. 27, 1848.

Also, a bill to be entitled An Act to amend an act entitled an act giving to the Judge of Probate of Escambia and Hamilton Counties, the powers of Justice of the Peace, in certain cases;

Also the following:

A bill to be entitled An Act to change an election precinct in the county of Nassau, and to provide for the transmission of poll books to the Judge of Probate.

Which bills were placed among the orders of the day.

Mr. Forsyth, according to previous notice, introduced a bill to be entitled An Act to amend an act entitled an act in relation to rafted lumber adrift, and for other purposes.

Which was received, and placed among the orders of the day.

Mr. Gonzalez according to previous notice, introduced the following bills, viz:

A bill to be entitled An Act to incorporate the Pensacola and Mobile Bay Rail Road Company.

Also the following:

A bill to be entitled, An Act giving the Alabama and Florida Rail Road Company the right to extend their Road into the State of Florida, and construct Branch Roads with chartered privileges;

Which were read, and placed among the orders of the day.

Mr. Forsyth gave notice, that he would on some future day ask leave to introduce a bill to be entitled A general Banking Law.

Also a bill to create the office of State Engineer, and for other purposes.

Mr. Finley from the Committee on Engrossed Bills, made the following report:

The Committee on Engrossed Bills report as correctly engrossed,

An Act to amend the several acts now in force in this State in relation to the duties and responsibilities of Judges of Probate;

An Act for the relief of John B. Allen; and
An Act supplementary to an act entitled an act giving the election of Judges of Probate to the people.

Respectfully submitted,

J. J. FINLEY,
Chairman.

Which was received and read, and the bills placed first among the orders of the day.

The following message was received from the House of Representatives, viz:

HOUSE OF REPRESENTATIVES, }
December 11, 1852. }

HON. PRESIDENT OF THE SENATE:

Sir,—The House have appointed Messrs. Polhill, Heerman, Osteen, Hall and Dewitt a committee to act with a similar committee on the part of the Senate, to examine the office of the Comptroller of Public Accounts.

Respectfully,

JOHN DICK,
Clerk of House of Representatives.

Which was read. Also the following:

HOUSE OF REPRESENTATIVES, }
December 11, 1852. }

HON. PRESIDENT OF THE SENATE:

Sir,—The enclosed bills and resolutions, entitled respectively—
An Act to incorporate the Pensacola Rail Road Company;
An Act declaring Crooked river, in Franklin County, a navigable stream;

Resolution for the relief of John W. Starke; and
Resolution asking an appropriation by Congress for the purpose of removing obstructions at the bar of Volusia, on Lake George,
Have this day passed the House.

Respectfully,

JOHN DICK,
Clerk of House of Representatives.

Which was read, and the bills placed among the orders of the day.
Also the following:

HOUSE OF REPRESENTATIVES, }
December 11, 1852. }

HON. PRESIDENT OF THE SENATE:

Sir,—The enclosed Senate bills, to be entitled respectively—
An Act to authorize Lucius A. Hardee to establish ferries across the Suwannee and Withlacoochee rivers, and
An Act to provide for the election of a county site in the county of Walton,
Have this day passed the House without amendment.

Respectfully,

JOHN DICK,
Clerk of House of Representatives.