

lis, Gonzalez, Hawes, Johnson, Long, Moseley, Smith, Snell and Stewart—13.

NAYS—None.

So the bill passed, title as stated.

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

House bill to be entitled An Act to regulate and fix the rates of dockage and wharfage, at the town of Palatka,

Came up, and on motion, the report of the Committee on Propositions and Grievances was concurred in, and the substitute for the original bill was adopted.

When Mr. Hawes moved that the substitute be indefinitely postponed,

Upon which, the yeas and nays were called for by Messrs. Johnson and Moseley, and were as follows :

YEAS—Mr. President, Messrs. Forsyth, Gonzalez Hawes and Snell—5.

NAYS—Messrs. Buddington, Finley, Gillis, Johnson, Long, Moseley, Provence, Smith and Stewart—9.

So the motion to indefinitely postpone was lost,

And the bill read a second time, when on motion, the Senate went into Committee of the Whole upon said bill, Mr. Finley in the Chair.

After some time spent therein the Committee rose, and through their Chairman, reported the bill back to the Senate, without amendment, and asked to be discharged,

Which report was concurred in, and the Committee discharged.

House bill to be entitled An Act to Incorporate Leon Lodge, No. 5, I. O. O. F.,

Was read a second time and ordered for a third reading on to-morrow.

House bill to be entitled An Act to Incorporate the Escambia Rail Road Company,

Was read a first time, the rule waived, and the bill read a second time by its title, and on motion, referred to the Committee on Corporations,

House bill to be entitled An Act authorizing George H. Tresper to establish a ferry across the Suwannee River, at Clay Landing,

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

House bill to be entitled An Act for the relief of Henry C. Wilson,

Was read a first time, rule waived, and the bill read a second time by its title, and on motion, referred to the Committee on Propositions and Grievances.

House bill to be entitled An Act to change the name of Sarah Ann Filyaw to that of Sarah Ann Blue,

Was read a first time, rule waived, and the bill read a second time, and on motion was laid on the table.

House resolution in relation to the establishment of a Port of Delivery at Bay Port,

Was read a first time and ordered for a second reading on to-morrow.

House bill to be entitled An Act to Incorporate the Pensacola and Georgia Rail Road,

Was read a first time, the rule waived, and the bill read a second time by its title, and was on motion referred to the Committee on Corporations.

The message from the House of Representatives in regard to the reconsideration of the vote concurring in the amendments made by the Senate to the bill entitled An Act for the relief of the clerk of the Circuit Court of the County of Holmes, was taken up,

And on motion the amendments by the Senate to the said bill was recessed from,

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

On motion of Mr. Snell, the Senate adjourned till 10 o'clock to-morrow morning.

WEDNESDAY, December 15, 1852.

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

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

On motion of Mr. Provence,

The rule was waived, so as to allow the President of the Senate to introduce, without previous notice, the three following bills :

A bill to be entitled An Act to amend an act entitled an act to provide for the more effectual administration of justice in this State ; also,

A bill to be entitled An Act to facilitate the collection of debts due by any Banking Corporation.

Also, the following :

A bill to be entitled An Act regulating proceedings in Chancery ;

Which bills were placed among the orders of the day.

On motion,

The rule was waived, so as to allow Mr. Johnson to introduce, without previous notice, a bill to be entitled An Act to change the name of Lucinda Faircloth to Lucinda Read ;

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

On motion,

The rule was waived, so as to allow Mr. Brown to introduce, without previous notice, a bill granting chartered privileges to the Trustees of the East Florida Seminary ;

Which bill was placed among the orders of the day.

Mr. Provence introduced a petition from Daniel A. Burleson, and one hundred and thirty-one others, praying relief for the said Burleson;

Which petition was read, and on motion, referred to the Committee on Propositions and Grievances.

The following Message was received from His Excellency, the Governor:

EXECUTIVE CHAMBER,  
December 15th, 1852. }

Hon. R. J. FLOYD,

*President of the Senate:*

Sir—I nominate Jesse A. Brush, Henry Henderson for Inspectors and Measurers of Lumber for the County of Putnam, and Thomas Henderson for Inspector and Measurer of Lumber for the County of St. Johns, and Douglass Dummett for Auctioneer for the County of Orange.

Very Respectfully,  
THOS. BROWN.

Which was read, and, on motion, laid on the table.

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

The Judiciary Committee to whom was referred a bill to be entitled An Act concerning the Records of the Court of Appeals and the Superior Courts of the Territory of Florida, having had the same under consideration:

Instruct the undersigned to report the same without amendment, and to recommend its passage.

Respectfully Submitted,  
M. A. LONG,  
Chairman Judiciary Committee.

Which was read, and the bill placed among the orders of the day for to-day.

Also the following, viz:

The Judiciary Committee to whom was referred "An Act in relation to and amendatory of the several Acts concerning Writs of Error and Appeals to the Supreme Court," having had the same under consideration:

Have instructed the undersigned to recommend the passage of the bill, with the several amendments, herewith presented. The committee believe that the proper administration of justice will be greatly facilitated and promoted by the passage of the bill under consideration, and that such an amendment of the law has long been felt necessary by those conversant with the subject, with whose views and opinions the Committee have endeavored to acquaint themselves.

All of which is respectfully submitted,  
M. A. LONG,  
Chairman Judiciary Committee.

Which was read, and the bill placed among the orders of the day for to-day.

Also the following, viz:

The Judiciary Committee to whom was referred "A bill to be entitled An Act in relation to the defining of the duties of ex-officio administrators of Estates," have instructed the undersigned to report a recommendation that the bill pass with the following amendments:

Amend the first section by adding at the end of the fifth line from the bottom of the section, after the word office, "if he shall choose to retain the same." This amendment will leave it to the discretion of retiring Sheriffs whether they will complete the Administration of such Estates, or whether the incoming Sheriffs shall do so, as at present.

All of which is respectfully submitted,

M. A. LONG,  
Chairman Judiciary Committee.

Which was read, and the bill placed among the orders of the day for to-day.

Also the following:

The Judiciary Committee to whom was referred a bill to be entitled An Act authorizing the institution of suits in certain cases, against corporations by publication, having had the same under consideration:

Have instructed the undersigned to report the bill without amendment, and to recommend its passage. There have appeared to the Committee sufficient existing causes for the passage of such a law, in the fact that there are in this State certain exploded corporations which owe debts, and have property, but which are not so organized as to have officers upon whom service of process can be made in the institution of legal proceedings for the subjection of such property to the payment of such debts.

All of which is respectfully submitted,

M. A. LONG,  
Chairman Judiciary Committee.

Which was read, and the bill placed among the orders of the day for to-day.

Mr. Buddington from the Committee on Propositions and Grievances, made the following report:

The Committee on Propositions and Grievances, to whom was referred a bill to be entitled An Act for the relief of Henry C. Wilson, have had the same under consideration, and after a careful attention bestowed upon the same, through their Chairman, they ask leave to report:

That from all the evidence afforded us by the prayer of the petitioner, aided by the information of the Register of State Lands, David S. Walker, Esq., given us in a letter from him on the subject, and which is herewith accompanied, and referred to the General Assembly, we think the prayer of the petitioner ought to be granted,

and therefore recommend the passage of the bill without amendment. They ask to be discharged,

Respectfully,

O. BUDDINGTON,  
Chairman.

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

Mr. Johnson from the Committee on Internal Improvements, made the following report :

The Committee on Internal Improvements, to whom was referred the Petition of George W. Ferguson of Dade County, asking the passage of a law, authorizing him to erect a dam across the Miami River, "declared by law to be a navigable stream," have considered the same, and ask leave to report :

That if the Petitioner be the owner of the lands on both sides of the Miami river, he already has the right to erect a dam, provided the erection of the same does not obstruct the navigation of the stream; but if the lands be owned by other persons, (which the petitioner admits,) the General Assembly has no power to grant the privilege asked for. Your committee recommend that the prayer of the petitioner be not granted, and ask to be discharged. Respectfully submitted,

ALLEN G. JOHNSON, Chairman.

Which was read, and the report of the Committee concurred in.

Mr. Forsyth, from a Select Committee, made the following report: The Select Committee to whom was referred a bill to be entitled An Act to amend an act in relation to rafted lumber adrift, make the following report :

That they have had the aforesaid bill under consideration, and find that its provisions contemplate the protection of the interests of the makers and producers of lumber within this State, and are substantially the same or similar to laws already existing in the older States, where the production of the article of lumber forms an important branch of their industrial pursuits; they, therefore, respectfully recommend the passage of the aforesaid bill.

JOSEPH FORSYTH, Chairman.

J. J. FINLEY,

SAMUEL Z. GONZALEZ.

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

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

HOUSE OF REPRESENTATIVES, }  
December 14, 1852. }

HON. PRESIDENT OF THE SENATE :

*Sir*,—Messrs. Lott, Shine and Fennell have been appointed by the House as a Committee, to act with a similar Committee on the part of the Senate, for the purpose of examining the condition of the Capitol and public offices.

Respectfully,

JOHN DICK,  
*Clerk House Representatives.*

Which was read.

Also the following, viz :

HOUSE OF REPRESENTATIVES, }  
December 14, 1852. }

HON. PRESIDENT OF THE SENATE :

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

Bill to be entitled An Act for the relief of Robert Lawrence ;

Bill to be entitled An Act to amend the act incorporating the city of Pensacola, approved March 2d, 1839.

The following bills were lost, viz :

Senate bill to be entitled An Act to authorize Lucius A. Hardee to establish ferries across the Suwannee and Withlacoochee Rivers ;  
Senate bill to be entitled An Act to repeal an act to authorize Platt and others to build a bridge across Suwannee River.

Respectfully,

JOHN DICK,

*Clerk House of Representatives.*

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

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 an act, entitled an act giving to the Judges of Probate of Escambia and Hamilton Counties, the powers of Justice of the Peace in certain cases;

An Act to change an Election Precinct in the County of Nassau;

And An Act to amend the act in relation to Executors and Administrators. Respectfully submitted,

J. J. FINLEY, Chairman.

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

#### ORDERS OF THE DAY.

A bill to be entitled An Act to amend an act in relation to rafted lumber adrift, and for other purposes,

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

House bill to be entitled An Act for the relief of Henry C. Wilson,

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

House 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,

Was read a second time, and the amendments proposed by the Judiciary committee was adopted as follows, viz :

*Amendments proposed by the Judiciary Committee.*

1. Alter the numbering of the sections, so as to be from section

one to six, inclusive; what should be section four is not numbered, and sections five and six are numbered four and five.

2. Amend the fourth section so as to make it read as follows:—  
Section 4. *Be it further enacted*, That appeals may be taken and prosecuted from any interlocutory order, decision, judgment or decree of the Circuit Courts of this State, when sitting as Courts of Equity: *Provided always*, however, that such appeal shall not operate as a supersedeas, unless a Judge of the Circuit Court or a Justice of the Supreme Court, on inspection of the record, shall think fit to order and direct a stay of proceedings. *And provided further*, That no appeal, so allowed, shall operate as a supersedeas, except on the conditions now prescribed by law in cases of appeals from penal judgments or decrees.

3. Amend by adding to the act the three following sections:

Section 7. *Be it further enacted*, That Judges shall hear and decide cases pending in Equity whenever the same may be in a condition to be tried and determined, whether in vacation or in term time of their Courts, and all decrees so rendered in vacation shall have the same force and effect as if rendered in term time.

Section 8. *Be it further enacted*, That the Judges of the Supreme Court of this State shall, in deciding cases, prepare and make a syllabus or statement of the points and principles intended to be decided by the Court, which shall be published in the Reports in lieu of that usually prepared by the Reporter.

Section 9. *Be it further enacted*, That a decree in Equity may be signed by the Judge when pronounced and recorded upon the minutes of the Court, without any other enrollment and without remaining thirty days, as at present provided by law: *Provided*, That the right to appeal from the same shall in no manner be affected by this section.

And the amendments were ordered to be engrossed for a third reading on to-morrow.

Engrossed bill to be entitled An Act to change an election precinct in the county of Nassau,

Was read a third time, and upon the question of its passage the vote was:

YEAS—Mr. President, Messrs. Blackburn, Brown, Buddington, Finley, Forsyth, Gillis, Gonzalez, Johnson, Long, Moseley, Provence, Smith, Snell and Stewart—15.

NAYS—0.

So the bill passed, title as stated.

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

Engrossed bill to be entitled An Act to amend the act in relation to Executors and Administrators,

Was read a third time, and upon the question of its passage the vote was as follows:

YEAS—Messrs. Baldwin, Blackburn, Brown, Buddington, Forsyth,

Gillis, Gonzalez, Johnson, Long, Moseley, Provence, Smith, Snell and Stewart—14.

NAYS—None.

So the bill passed—title as stated.

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

Engrossed bill to be entitled An Act to amend an act entitled an act giving to the Judges of Probate of Escambia and Hamilton counties, the powers of Justice of the Peace in certain cases,

Was read a third time, and upon the question of its passage the vote was:

YEAS—Mr. President, Messrs. Baldwin, Brown, Buddington, Forsyth, Gillis, Gonzalez, Johnson, Moseley, Provence, Smith and Stewart—12.

NAYS—Messrs. Blackburn, Long and Snell—3.

So the bill passed—title as stated.

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

The following message was received from His Excellency, the Governor:

EXECUTIVE CHAMBER, }  
December 15, 1852. }

The Hon. R. J. FLOYD,

*President of the Senate, &c.:*

Sir,—I nominate the following persons for auctioneers for the County of Jackson, viz: James J. Pittman, William Bower, William A. Whitefield, Henry Pope, Bird Hathaway and John B. Whitehurst; and I nominate James B. Gamble, of the city of Tallahassee, for auctioneer for the County of Leon.

THOMAS BROWN.

Which was read, and on motion, laid on the table.

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

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

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

Was read a second time, and the amendments proposed by the Committee on the Judiciary were adopted;

*Ordered* to be engrossed.

A bill to be entitled An Act authorizing the institution of suits in certain cases by publication,

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

House resolution for the relief of John W. Starke,

Was read a third time.

Upon the question of its passage the vote was:

YEAS—Messrs. Baldwin, Blackburn, Long, Provence and Snell—5.

NAYS—Mr. President, Messrs. Brown, Buddington, Finley, Forsyth, Gillis, Gonzalez, Johnson, Moseley, Smith and Stewart—11.

So the resolution was lost.

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

Mr. Provence moved a re-consideration of the vote just had on the resolution ;

Which motion was lost.

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

Came up, when on motion, the Senate went into Committee of the Whole upon said bill, Mr. Baldwin in the Chair.

After some time spent therein, the Committee rose, and through their chairman, reported the bill back to the Senate with sundry amendments and asked to be discharged.

Which report was concurred in.

On motion,

The Senate took a recess until half-past two o'clock.

#### HALF PAST TWO O'CLOCK.

The Senate met. A quorum being present, business was resumed.

House bill to be entitled An Act to incorporate Leon Lodge No. 5, I. O. O. F.,

Was read a third time, and upon the question of its passage, the vote was as follows :

YEAS—Mr. President, Messrs. Blackburn, Brown, Buddington, Gillis, Gonzalez, Kilcrease, Long, Moseley, Snell and Stewart—11.

NAYS—Messrs. Baldwin and Johnson—2.

So the bill passed, title as stated.

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

On motion of Mr. Long,

The rule was waived, and he allowed, without previous notice, to introduce a bill to be entitled An Act to amend the several acts in force in this State in relation to injunction bonds ;

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

House bill to be entitled An Act authorizing George H. Tresper to establish a ferry across the Suwannee River at Clay Landing,

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

A bill granting chartered privileges to the Trustees of the East Florida Seminary,

Was read a first time, rule waived, read a second time by its title, and on motion, was referred to the Committee on Schools and Colleges.

A bill to be entitled An Act to regulate and fix the rates of wharfage, storage and weighing of goods at the town of Palatka,

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

A bill to be entitled An Act to change the name of Lucinda Faircloth to Lucinda Read,

Was read a first time and rule waived, read a second time, and on motion, was laid on the table.

A bill to be entitled An Act to amend an act to provide for the more effectual administration of justice in this State,

Was read a first time, rule waived, and read a second time by its title, when, on motion, it was referred to the Committee on the Judiciary.

House bill to be entitled An Act for the relief of Robert Lawrence,

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

House bill to be entitled An Act to amend the act incorporating the City of Pensacola, approved March 2d, 1839,

Was read a first time, rule waived, and the bill read a second time by its title, and on motion referred to the Committee on Corporations.

A bill to be entitled An Act to amend the several acts in force in this State in relation to Injunction Bonds,

Was read a first time, rule waived, read a second time by its title and referred to the Committee on the Judiciary.

On motion of Mr. Gonzalez, the rule was waived, and he allowed without previous notice to introduce a bill to be entitled An Act to authorize William H. Chase and Jasper Strong to cut a canal connecting the waters of the Perdido River, and Grand Lagoon;

Which was read a first time, the rule waived and the bill read a second by its title, and on motion referred to the Committee on Internal Improvements.

On motion of Mr. Long, the rule was waived, and he allowed to introduce without previous notice,

A bill to be entitled An Act to amend an act entitled an act to provide for the establishment of two Seminaries of Learning.

Which was read the first time, the rule waived, the bill read a second time by its title, and referred to the Committee on Schools and Colleges.

On motion of Mr. Johnson,

The rule was waived, so as to allow the Committee on Internal Improvement to make a report,

When he, Mr. Johnson, made the following report, viz :

The Committee on Internal Improvements to whom was referred a bill entitled An Act to amend an act granting pre-emption rights to settlers on State lands, ask leave to report :

That they have had the same under consideration, and from the character of the lands alluded to in the bill submitted to their notice and the difficulty attending their redemption, few persons will attempt their reclamation except those who are possessed of a considerable negro force. Now, it is fair to presume that such individuals

will be possessed of more than 160 acres, and as a consequence, are excluded from all participation in the benefit of the act, to which this is an amendment.

Your Committee would further state that the United States having relinquished their claim to such lands, and the grant to the State not having as yet been confirmed, no title to such lands can be obtained from either. The redemption of swamp lands is generally attended with considerable labor and expense, and some measure should be adopted to secure persons in their rights to said land. The operation of a law of this character, and the consequent reclamation of a portion of the swamp lands within the limits of this State, would be of incalculable benefit to the State, by giving an increased value to lands of this description.

They, therefore, recommend the passage of the bill.

Respectfully submitted,

ALLEN G. JOHNSON,  
Chairman.

On motion of Mr. Snell,  
The Senate adjourned until to-morrow morning, 10 o'clock.

THURSDAY, December 16th, 1852.

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

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

On motion of Mr. Blackburn,

The rule was waived, so as to allow him to introduce, without previous notice, a bill to be entitled An Act to enable executors, administrators and guardians to sell real estate of infants;

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 permit John W. Roberts, of Hillsborough County, to practice medicine in this State.

On motion of Mr. Kilcrease,

The rule was waived, so as to allow him to introduce, without previous notice, a bill for the relief of the Southwestern portion of Gadsden County;

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

Mr. Johnson offered the following resolution:

Whereas a large number of the citizens of the counties of Jefferson, Madison and Hamilton, in this State, are laboring under serious inconvenience, by reason of the present arrangement for carrying the Northern Mail: Be it, therefore—

*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 establishing a semi-weekly post route from Thomasville, Georgia, via Monticello and Aucilla, in Jefferson County, Clifton and Cherry Lake, in Madison County, Bellville, Jennings', Jasper and White Spring in Hamilton County, to Alligator, in Columbia County, there connecting with the route already established from Tallahassee to Jacksonville.

Which was read a first time, rule waived, and the resolution read a second and third times and passed.

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

Mr. Snell offered the following resolution, viz:

*Whereas,* In the opinion of the members of the present Legislature, it is unwise to permit the Treasurer of this State to deposit the moneys of the State in the Banks of this City, and *whereas,* the present iron safe in the Treasurer's Office is not considered secure, either against fire or thieves:

*Be it therefore resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Treasurer be, and he is hereby authorized to purchase a fire proof safe of sufficient dimensions to contain the money and papers belonging to the Treasurer's office, *Provided, however,* the said safe shall not cost exceeding one thousand dollars.

Which was read a first time, and on motion, the rule was waived and the resolution read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr. Brown offered the following resolution, viz:

*Resolved by the Senate and House of Representatives of the State of Florida, in General Assembly convened,* That Charles E. Dyke, be selected to print the Laws and Resolutions passed by the present General Assembly on his giving bond to the Secretary of State, to execute the same within a proper time.

*Be it further resolved,* That the compensation shall be the same per page as that paid for printing the Journals of the present session;

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

Mr. Blackburn offered the following Resolution, viz:

*Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Comptroller of Public Accounts be, and he is hereby directed to audit, and the Treasurer to pay, the claim of William Watson of Jefferson County, in the sum of thirty-five dollars and thirty-nine cents, being the amount improperly paid by said Watson to the Register of public lands.

Which was read a first time, and on motion the rule was waived and the resolution read a second time, when Mr. Baldwin offered the following amendment, viz:

Also the sum of one hundred and thirty-six dollars, to J. W. Starke, the contestant of the seat of Osteen, to pay for travelling expenses to and from the Capital.