

House bill to be entitled An Act amendatory to an act to establish and organize a Mayor's Court for the city of Apalachicola,

Was read a second time, when the report with the amendments by the Judiciary Committee was adopted.

On motion, the rule was waived, and the bill read a third time, and upon the question of its passage the vote was as follows :

YEAS—Mr. President, Messrs. Baldwin, Blackburn, Brown, Buddington, Forsyth, Gillis, Gonzalez, Johnson, Long, Moseley, Provence, Smith, Snell, Stewart and Wynn—16.

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 amend an act relating to the duties of Tax Assessors and Collectors, approved January 9, 1849.

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

House bill to be entitled An Act to amend an act entitled an act to organize the County of Putnam,

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

House bill to be entitled An Act in relation to the Clerk of the Circuit Court of Washington County,

Was read a first time, rule waived, read a second and third time by its title, 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, Stewart and Wynn—15.

NAYS—Mr. President—1.

So the bill passed—title as stated.

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

House bill to be entitled An Act amendatory of an act to amend the act incorporating the city of Pensacola, approved Dec. 17, 1850.

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

House bill to be entitled An Act to fix a minimum on School and Seminary lands,

Was read a first time and rule waived, and the bill referred to the Committee on Schools and Colleges.

Mr. Baldwin moved, that the rule be waived, so as to allow him to introduce without previous notice, a bill to be entitled an act to authorize the Judges of Circuit Courts of this State to appoint and hold adjourned terms in certain cases ;

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

The following message was received from the House of Representatives :

HOUSE OF REPRESENTATIVES, }
December 27, 1852. }

Honorable President of the Senate :

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

Bill to be entitled An Act establishing the names and legitimatizing James Henry and William D. Saunders.

Bill to be entitled An Act to regulate the practice in criminal prosecutions.

Respectfully,
JOHN DICK,
Clerk House of Representatives.

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

A bill to be entitled An Act to authorize the Judges of the Circuit Courts of this State to appoint and hold adjourned terms in certain cases,

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

House bill to be entitled An Act for the relief of Starkey A. J. Cox,

Was read a first time, rule waived, read a third time, and referred to the Committee on Propositions and Grievances.

House bill to be entitled An Act to regulate the practice in criminal prosecutions,

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

House bill to be entitled An Act establishing the names and legitimatizing James Henry and William D. Saunders,

Was read a first time, the rule waived, read a second and third time by its title,

And upon the question of its passage, the vote was :

YEAS—Mr. President, Messrs. Baldwin, Brown, Buddington, Gillis, Gonzalez, Johnson, Long, Moseley, Smith, Snell and Wynn—13.

NAYS—Messrs. Blackburn, Provence and Stewart—3.

So the bill passed, title as stated.

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

Mr. Provence moved to adjourn till to-morrow morning, 10 o'clock, Which motion was lost.

On motion, the Senate adjourned till 9 o'clock to-morrow morning.

TUESDAY, December 28, 1852.

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

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

Mr. Forsyth presented a petition from sundry citizens of Santa Rosa County, praying relief, &c.,

Which petition was referred to a select committee, consisting of Messrs. Forsyth, Stewart and Snell,

Mr. Blackburn offered the following resolution :

Resolved, That the Comptroller be requested to furnish the Senate with a tabular statement of the expenses incurred by reason of Indian hostilities, during the present year, with all the items of subsistence, forage, transportation, &c., with a list of all the men in service during the said period ; the grade of the officers, &c., and the probable cost of the same up to date, including all the subjects of expense, that should in his opinion be paid.

Which was read and adopted.

Mr. Wynn from the Committee on Taxation and Revenue, made the following report :

The Committee on Taxation and Revenue, to whom was referred a bill to be entitled An Act to amend the taxation laws relative to Land and Negroes in this State, beg leave to report :

That they have considered the bill referred to them, and finding by reference to the Comptroller's Office, that the tax upon slaves and lands owned by individuals in this State under the existing law, amounts to \$38,656,39-100, and that of this amount \$22,598,40-100 is paid upon 41,088 slaves ; and that the 139,140 acres of first rate land, 727,752 acres of second rate land, and 2,066,305 acres of third rate, pays to the Treasury only \$16,057,99-100, and that the revenue that would be derived by the passing of the bill under consideration, would amount to \$43,356,62-100, they recommend the bill to favorable consideration.

Respectfully submitted,

W. B. WYNN, *Chairman*.

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

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

The Committee on Enrolled Bills have examined and find correctly Enrolled :

An Act to prevent certain persons from peddling in this State ;
Also, a Resolution in relation to a mail route from Thomasville, Georgia, to Alligator, Florida ;

Also, An Act for the relief of John B. Allen.

All which is respectfully submitted.

M. A. LONG,
Chairman on Enrolled Bills.

Which was read.

ORDERS OF THE DAY.

House bill to be entitled, An Act to Incorporate the Florida, Atlantic and Gulf Central Rail Road Company,

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

After some time spent therein, the Committee rose, and through their Chairman reported progress and asked leave to sit again.

House bill to be entitled An Act in relation to the appointment of Commissioners and Overseers of Roads,

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

YEAS—Mr. President, Messrs. Blackburn, Brown, Forsyth, Gonzalez, Johnson, Long, Moseley, Snell, Stewart and Wynn—11.

NAYS—Messrs. Buddington, Gillis, Smith—3.

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 concerning pre-emptions on 16th sections, and land selected in lieu thereof,

Was read a third time and indefinitely postponed.

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

House bill to be entitled An Act to require the Register of State lands to furnish Clerks of the Circuit Courts with a list of all lands subject to private entry in the several Counties of this State, where any of said lands lie, and for other purposes,

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

YEAS—Mr. President, Messrs. Baldwin, Brown, Buddington, Forsyth, Gillis, Gonzalez, Johnson, Long, Provence, Snell, Stewart and Wynn—13.

NAYS—Messrs. Blackburn, Moseley and Smith—3.

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 for the establishment of free bridges in the County of Escambia,

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

YEAS—Mr. President, Messrs. Baldwin, Blackburn, Brown, Buddington, Forsyth, Gillis, Gonzalez, Johnson, Long, Moseley, Provence, Smith, Snell, Stewart and Wynn—16.

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 authorize boats to peddle on the Choctawhatchie River,

Was read a second time,

When Mr. Long offered the following amendments to said bill, viz :
Amend the first section, fifth line—after the word "act," insert the

words "owners or commanders." Also, tenth line, same section, after the word "that," insert the words "owners or commanders."

Which amendments were adopted, and the bill ordered for a third reading on to-morrow.

House bill to be entitled An Act to establish Common Schools and to repeal certain acts in relation thereto,

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

YEAS—Messrs. Baldwin, Blackburn, Brown, Buddington, Forsyth, Gillis, Gonzalez, Johnson, Long, Moseley, Smith, Snell, Stewart and Wynn—14.

NAYS—None.

So the bill passed—title as stated.

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

On motion of Mr. Baldwin the rule was waived and he, according to previous notice, introduced a bill to be entitled An Act to provide for the appointment of a State Engineer ;

Which was placed among the orders of the day.

On motion of Mr. Wynn the rule was waived so as to allow him to introduce, without previous notice, a bill to be entitled An Act giving to the counties of Calhoun and Washington the right to receive and apply their proportions of the Internal Improvement Fund of this State ;

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

A bill for the relief of the Southwestern portion of Gadsden county,

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

House bill to be entitled An Act to amend an act relating to the duties of Tax-Assessors and Collectors, approved January 9, 1849,

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

House bill to be entitled An Act to amend an act entitled an act to organize the county of Putnam,

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

" *Be it further enacted*, That the Judge of Probate for the county of Putnam shall, within the space of twelve months, cause the county lines of boundary, as defined in the first section of an act entitled An Act to organize the county of Putnam, approved January 13th, 1849, to be surveyed and marked out by a competent engineer, who shall receive a reasonable compensation for his services, to be paid out of the county treasury."

Which was adopted in lieu of Section 3.

The following communication was received from the Comptroller :

COMPTROLLER'S OFFICE, }
December 28th, 1852. }

To the HON. ROBERT J. FLOYD,

President of the Senate :

SIR :—I have received, this morning, a resolution passed by the Senate of which the following is a copy :

" *Resolved*, That the Comptroller be requested to furnish the Senate with a tabular Statement of the expenses incurred by reason of Indian hostilities during the present year, with all the items of subsistence, forage, transportation, &c., with a list of all the men in service during the said period, the grade of the officers, and the probable cost of the same up to date, including all the subjects of expense that should, in his opinion, be paid."

Herewith I have the honor to hand you statements of "subsistence, forage, transportation," &c., on account of Indian hostilities; which statements show what has been paid, and all that has been ascertained at this office as having been incurred up to date, on said account.

I have no means of ascertaining the number of men in service, or the grade of the officers ; but, for information on these points would most respectfully refer the Senate to the Military head of the State.

I have the honor to be, Sir,

Your most obedient servant,

JOHN BEARD,

Comptroller.

Which was read.

House bill to be entitled An Act amendatory of an act to amend the act incorporating the city of Pensacola, approved Dec. 17, 1850,

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

On motion of Mr. Long the rule was waived to allow him to introduce, without previous notice, a bill to be entitled An Act to provide for the employment of a clerk in the office of the Comptroller of this State ;

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

A bill to be entitled An Act to amend the taxation laws relative to land and negroes,

Came up, when the Senate went into committee of the whole upon said bill, Mr. Stewart in the Chair ;

After some time spent therein, the committee rose and through their chairman, reported progress and asked leave to sit again.

A bill to be entitled An Act to provide for the appointment of a State Engineer,

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

A bill to be entitled An Act giving to the Counties of Calhoun and Washington the right to receive and apply their proportions of the Internal Improvement Fund of this State,

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

A bill to be entitled An Act to provide for the employment of a clerk in the office of the Comptroller of this State,

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

On motion, the rule was waived, when Mr. Blackburn offered the following resolution, viz :

Resolved, That the Governor of this State, the Quartermaster General and the Pay-master General be requested to furnish a list of all officers, soldiers, teamsters and other persons, employed in the service of this State for the removal of the Seminole Indians, as also the grade of officers so employed—the amount paid or contemplated to be paid to each, together with the time of service. Also the full accounts of all and every expenditure made under an act of the General Assembly, approved 20th January, 1851,

Which was read and adopted.

Ordered, That certified copies be forwarded instanter to His Excellency the Governor, the Quarter-master General and also to the Paymaster General of this State.

On motion, a committee was appointed to inform the House of Representatives that the Senate had appointed Mr. John B. Galbraith Secretary pro tem., during Mr. Mitchell's indisposition.

On motion,

The Senate took a recess till 3 o'clock, P. M.

THREE O'CLOCK.

The Senate met pursuant to adjournment, and a quorum being present, proceeded to business.

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

The Judiciary Committee to whom was referred a bill to be entitled An Act to authorize Joseph A. Everett to establish a ferry across the Withlacoochee river, having considered the same, see no valid objection thereto, and therefore recommend its passage.

Respectfully submitted,

M. A. LONG,

Chairman Judiciary Committee.

Which was received and the bill placed among the orders of the day. Also the following :

The Judiciary Committee to whom was referred a bill to be entitled An Act to regulate the practice in criminal prosecutions, have considered the same, and have instructed the undersigned to report that in their opinion no sufficient reason exists for the contemplated change of the law in this respect, and therefore recommend that said bill do not pass.

Respectfully submitted,

M. A. LONG,

Chairman Judiciary Committee.

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

Also the following :

The Judiciary Committee to whom was referred a bill to be entitled An Act to authorize the Judges of the Circuit Courts of this State to appoint and hold adjourned terms in certain cases, having considered the same, instruct the undersigned to recommend its passage :

The committee have heretofore during this session of the General Assembly reported against the passage of a bill with a similar provision, but since that time there has appeared evidence before the committee that in the Western and Southern Circuits of this State, causes now exist to render such a bill desirable. It is to be hoped and expected that the passage of the bill under consideration, although not necessary for some parts of the State, will not be in any degree injurious.

Respectfully submitted,

M. A. LONG,

Chairman Judiciary Committee.

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

Also the following :

The Judiciary Committee, to whom was referred a bill to be entitled An Act to permit Henry M. Stephens to sell the real estate belonging to the infant children of said Stephens, having considered the same, have instructed the undersigned to recommend :

That said bill do not pass. The Committee think that the object of the bill can best be accomplished, by the Courts of the country, in which the most ample power and jurisdiction for the purpose is vested. The Court can much better hear proof, and decide the important question, of whether the proposed sale would be beneficial to the infants or not.

Respectfully,

M. A. LONG,

Chairman Judiciary Committee.

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

Also the following :

The Judiciary Committee to whom was referred a bill to be entitled An Act to amend the laws now in force relating to divorces, have considered the same, and regard the same as objectionable, because under this bill, a husband or wife may leave the State temporarily, and while absent, be guilty of lewdness or other cause of divorce, and yet the courts of this State could not grant a divorce, as the cause did not occur within this State. The Committee have instructed the undersigned to prepare and report a bill in lieu of that referred, of which they recommend the passage :

The Committee think the bill offered in lieu of the original bill, effectually provides against the supposed evil of allowing persons to come to Florida temporarily for the purpose of procuring divorces, our existing laws only requiring three months' residence prior to ap-

plying for a divorce in this State. A permanent residence of two years in Florida is now proposed in the bill reported by the Committee.

Respectfully Submitted,

M. A. LONG,
Chairman Judiciary Committee.

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

On motion of Mr. Provence, the rule was waived, so as to allow him to introduce without previous notice,

A bill to be entitled An Act to change the name of Oliver Price to that of Oliver Delk, and for other purposes ;

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

A bill to be entitled An Act to change and modify the penal statutes in reference to gaming,

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

On motion, the rule was waived, to allow Mr. Blackburn to make a motion,

When he moved, that the protest spread upon the Journal of the Senate, on Monday morning last, signed by four Honorable members of the Senate, be expunged from the Journal, by drawing black lines around the same, and by writing in the margin, the words "*expunged by order of the Senate ;*"

Which was received and read, and upon the adoption of which, the yeas and nays were called for by Messrs. Blackburn and Baldwin, and were as follows :

YEAS—Messrs. Blackburn, Brown, Gonzalez, Snell and Stewart—5.

NAYS—Mr. President, Messrs. Baldwin, Buddington, Forsyth, Johnson, Long, Moseley, Provence, Smith and Wynn—10.

So the motion was lost.

A bill to be entitled An Act to amend the laws relating to Executors and Administrators,

Came up, when on motion, the Senate went into committee of the whole upon said bill, Mr. Gillis in the Chair ;

After some time spent therein, the committee rose and through their chairman, reported the bill back to the Senate, and asked to be discharged from the further consideration,

Which was concurred in,

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

A bill to be entitled An Act to authorize Joseph A. Everett to establish a Ferry across the Withlatchoochee River,

Came up, and on motion, the Senate went into committee of the whole upon said bill, Mr. Smith in the Chair.

After some time being spent therein, the committee rose, and

through their chairman, reported the bill back to the Senate with sundry amendments, and asked to be discharged from the further consideration ;

Which was concurred in.

A bill to be entitled An Act to regulate the practice in criminal prosecutions,

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

A bill to be entitled An Act to authorize the Judges of the Circuit Courts of this State, to appoint and hold adjourned terms in certain cases,

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

A bill to be entitled An Act to incorporate the Florida Atlantic and Gulf Central Rail Road Company,

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

After some time spent therein, the Committee rose, and through their Chairman, reported progress, and asked leave to sit again ;

Which report was concurred in.

On motion, the Senate took a recess until 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

The Senate met pursuant to adjournment and proceeded with the business.

A bill to be entitled An Act to amend an act entitled an act to incorporate the Florida, Atlantic, and Gulf Central Rail Road Company, and for other purposes,

Came up, and the Senate went into Committee of the Whole upon said bill, Mr. Blackburn 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 from the further consideration of the subject ;

Which report was concurred in, and the bill read a second time as amended.

Mr. Kilcrease offered the following amendment to the 3d section, viz :

"And whenever one third of the capital stock has been subscribed by individuals, the Governor of the State shall be, and he is hereby empowered and required to subscribe to the capital stock of this Company from the Internal Improvement fund of the State, the whole amount of the Internal Improvement fund actually in the hands of the officer appointed by law to receive the same, and to invest annually for two years, such amount as from time to time may be received by such officer on account of said Internal Improvement fund.

Provided, That no payment shall be required from said Fund until one hundred miles of the Road has been constructed, and in readiness to run cars thereon, when the State shall be required to pay in the proportion of one third *pari passu* with other subscribers, until the whole amount subscribed by the State has been paid, to be applied in the further prosecution of the work."

Which was lost.

Mr. Kilcrease offered the following as the 4th section of said bill, viz :

"*Be it further enacted,* That it shall be the duty of his Excellency, the Governor, within ten years after the first investment of the Internal Improvement Fund, and on the first day of March annually thereafter, to cause sixty days' notice to be given by the officer who may be authorized by law to receive the Internal Improvement Fund, in four newspapers published in this State, to offer for sale the stock subscribed for by the State at the first sale ; and annually thereafter, on the first Monday in March, until the entire interest of the State in the aforesaid Road is disposed of ; the proceeds of such sales to be annually invested in Internal Improvements, in such way as the General Assembly may think proper."

Which amendment was lost.

Ordered, That the bill be read a third time on to-morrow.

A bill to be entitled An Act to change the name of Oliver Price to that of Oliver Delk, and for other purposes,

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

A bill to be entitled An Act to amend the laws now in force relating to divorces,

Came up in its place, when the substitute as reported by the Judiciary Committee, was adopted in lieu of the original bill, which was read a second time, and ordered for a third reading on to-morrow.

On motion of Mr. Brown, the rule was waived, so as to allow him to introduce the following resolution, viz :

A resolution in relation to Capt. Wm. H. Payne's Company.

Be it resolved by the Senate and House of Representatives of the State of Florida, in General Assembly convened, That His Excellency, the Governor, be authorized, and is hereby requested, to appoint as early as practicable, a competent person, to act as Commissioner, who shall be authorized and instructed, to make legal investigation in the claim of Capt. Wm. H. Payne's company of mounted volunteers, for services rendered, and subsistence and forage furnished, in Columbia county, in the years 1838 and 1839 ; and that the evidence taken, and Commissioner's opinion, as to the justice of said claim, shall be transmitted with as little delay as possible to the Governor of the State, who is hereby requested to submit such testimony and opinion to the Secretary of War, and demand the payment of said claim.

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

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

The Committee on Engrossed bills have examined and find correctly engrossed :

An Act to change and modify the statutes in reference to gaming ;

Also, An Act for the relief of the southwestern portion of Gadsden County.

Respectfully submitted,

M. A. LONG, Chairman,
Committee on Engrossed Bills.

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

On motion,

The Senate adjourned till to-morrow morning, 9 o'clock.

WEDNESDAY, December 29, 1852.

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

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

On motion of Mr. Johnson,

Mr. Brown was excused after Friday next, from further attendance upon the Senate.

Mr. Blackburn moved,

That the Committee on Schools and Colleges be instructed to report joint preamble and resolutions asking Congress to pass An Act to authorize the General Assembly of Florida to consolidate the Common School fund 16th Sections into a general fund for School purposes, and to legalize the Legislation of this State heretofore had on that subject.

Which motion was adopted.

Also the following :

Mr. Blackburn moved that the Committee on revisions of the Constitution, be instructed to report back to the Senate, a bill to be entitled An Act to repeal and abolish the second clause of the eleventh article of the Constitution.

Which was read and adopted.

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 Starkey A. J. Cox, have had the same under consideration, and after mature deliberation, ask leave to report :