

Nays—None.

Said bill passed. Title as stated.

Ordered that the same be certified to the House.

Engrossed bill to be entitled, An act prescribing the duty of the Register of Public Lands, Sheriffs, and Solicitors, in relation to the recovery of estates escheating or reverting to the School Fund on account of a defect of heirs or next of kin, and for other purposes.

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

Yeas—Mr. President, Messrs. Avery, Baldwin, Brown of Columbia, Brown of Hillsborough, Buddington, Crawford, Finley, Forward, Johnson, Maxwell, McMillan, Moseley, Perry, Smith—15.

Nays—None.

Said bill passed. Title as stated.

Ordered that the same be certified to the House.

House bill to be entitled, An act to authorize Henry Hewett to establish a ferry across the Choctawhatchee river, at a place called Hewett's Bluff, or Bearhead Bluff.

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

House bill to be entitled, An act to incorporate the Pensacola and Navy Yard Plank Road Company,

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

House bill to be entitled; An act to authorize Jason Gregory to establish a Ferry across the Apalachicola River, at Ochesee, in Calhoun County;

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

House Resolution for the relief of Isaac P. Hardy and L. D. Rogers.

Was read the first time, the rule waived, read the second and third times, and passed.

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

On motion, the Senate adjourned untill Monday next, 11 o'clock, A. M.

MONDAY, DECEMBER 9th, 1850.

The Senate met pursuant to adjournment.

The Rev. Mr. Pratt officiated as Chaplain.

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

The President announced that he held a communication, received from the House of Representatives and signed by the Clerk thereof.

On motion, Resolved, That the President return said communica-

tion to the Hon. Speaker of the House of Representatives, and respectfully call his attention to the 13th Joint Rule for the government of the two Houses of the General Assembly.

Mr. Crawford gave notice that, at some future day, he would ask leave to introduce a bill to be entitled, An act to Incorporate the Florida and Georgia Plank Road Company.

Mr. Johnson gave notice that he would, at some future day, ask leave to introduce a bill to be entitled, An act for the relief of Nathaniel P. Marion.

Mr. Maxwell gave notice that he would, at some future day, ask leave to introduce a bill to be entitled, An act in relation to Injunctions.

Pursuant to previous notice, Mr. Avery asked and obtained leave to introduce a bill to be entitled, An act to amend an act entitled an for securing liens to Mechanics, Overseers and others, approved December 29th, 1845;

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

Mr. Maxwell pursuant to previous notice, introduced a bill to be entitled, An act to repeal an act to compel the Judges of the Circuit Courts, to hold the terms of Court at the times and places prescribed by law, approved January 9th, 1849,

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

Mr. Crawford, presented the petition of sundry citizens of Leon County, relative to being attached to Wakulla County;

Which was read, and on his motion referred to the select Committee, having in charge a bill relative to the Southern boundary of Leon County.

Mr. Buddington presented the Petition of Maria L. West,

Which was read, and on motion of Mr. Buddington, referred to the Committee on Propositions and Grievances.

Mr. Finley, from the Committee on Amendments and Revision of the Constitution, made the following report:

The Committee on Amendments and Revision of the Constitution, to whom was referred a bill entitled, An act to amend the Constitution of Florida, which disqualifies any Senator or Representative in the General Assembly, from holding any civil office of profit in the State, during the term for which he shall have been elected, except such offices as may be filled by elections by the people, ask leave to report:

That they have had the same under consideration, and the Committee have instructed me, as their Chairman, to report the bill back to the Senate without amendment, and recommend its passage.

J. J. FINLEY,

Chair'n Com. on Amend'ts and Revision of Constitution

Which was concurred in.

Mr. Finley, from the Committee on Amendments and Revision of the Constitution, made the following report:

The Committ. on Amendments and Revision of the Constitution, to whom was referred a bill entitled, An act to amend the Eleventh Clause of the Fifth Article of the Constitution of this State; and also to amend an Act amendatory of the Twelfth Clause of the Fifth Article of the Constitution of this State, and adopted by the third and fourth General Assemblies; so as to give the election of the Judges to the people, ask leave to

REPORT:

That they have had the same under consideration, and not unmindful of the evils which are likely to grow out of hasty and ill-digested amendments of the Constitution, they have, after careful and mature reflection, come to the conclusion, that the responsible duty of electing the Judiciary, may be more safely lodged in the hands of the people than in the legislative department of the government, where the power now resides.

To say that the people are competent to elect the members to each house of the General Assembly, and that they are less competent to elect the Judiciary than that body, is a paradox that may not, upon any correct principle of reason, be satisfactorily explained; and is altogether irreconcilable with the cherished theory of our capacity for self-government. Under the present provisions of the Constitution, the people, through their representatives in the Legislature, elect the Judiciary, and your Committee cannot see any just reason why they may not, with safety, be authorized by the Constitution to do that *directly*, which they have heretofore done *indirectly*.

The election of the Judiciary by popular choice, in those States where the experiment has been made, has proved to be a sound and safe system, and has resulted in the elevation to the bench of the ablest jurists, and men of the most exemplary and elevated character. The people can have no motive to exercise a power in government to their own injury; and when it is remembered that reputation, life and property, are all in the hands of the Judiciary, or that branch of the government upon which the Constitution imposes the administration of the laws; it is not to be imagined, that they would be likely to exercise this important power in any other than a wise and judicious manner.

I am therefore instructed by the Committee, to report the bill back to the Senate, without amendment, and to recommend its passage.

J. J. FINLEY,

Chairman Com. on Amendments and Revision of Constitution.

Mr. Finley moved that the report be concurred in;

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

Yeas—Mr. President, Messrs. Avery, Baldwin, Brown of Columbia, Brown of Hillsborough, Buddington, Crawford, Finley, For-

ward, Johnson, Maxwell, McMillan, Moseley, Perry, Smith, Stewart—16.

Nays—None.

So said report was concurred in.

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

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

A bill to be entitled, An act to amend an act entitled, An act to re-establish the records of the County of Jackson, and for other purposes.

A bill to be entitled, An act for the relief of Levi F. Miller, Sheriff of Washington County; also,

Engrossed amendments to House bill entitled, An act to incorporate the Escambia Plank Road Company.

Which is respectfully submitted.

JNO. P. BALDWIN.

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

The Committee on the Judiciary, to whom was referred the bill to be entitled, An act consolidating the Counties of Munroe and Dade for Judicial purposes, have had the same under consideration, and I am instructed to Report that they recommend its passage.

A. E. MAXWELL, *Chairman.*

Which was concurred in.

Mr. Finley, from a Select Committee on the part of the Senate, made the following report:

The undersigned Committee appointed to act with a similar Committee on the part of the House of Representatives, to deliver a copy of Resolutions of Compliment, passed by the General Assembly, to Mr. Edmund LaFayette, beg leave to report that they have performed that duty, and ask to be discharged.

J. J. FINLEY,
ALLEN G. JOHNSON.

Which was concurred in.

ORDERS OF THE DAY.

Engrossed bill to be entitled, An act for the relief of L. F. Miller, Sheriff of Washington County;

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

Yeas—Messrs. Avery, Baldwin, Brown of Columbia, Brown of Hillsborough, Buddington, Crawford, Finley, Forward, Johnson, Maxwell, McMillan, Moseley, Perry, Smith, Stewart—15.

Nays—None.

Said bill passed. Title as stated.

Ordered that the same be certified to the House.

Engrossed bill to be entitled, An act to amend an act entitled an

act to re-establish the records of the County of Jackson, and for other purposes,

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

Yeas—Messrs. Avery, Baldwin, Brown of Columbia, Brown of Hillsborough, Buddington, Crawford, Finley, Forward, Johnson, Maxwell, McMillan, Moseley, Perry, Smith, Stewart—15.

Nays—None.

Said bill passed. Title as stated.

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

Bill to be entitled, An act to amend the Constitution of the State of Florida;

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

Bill to be entitled, An act to amend the eleventh clause of the fifth Article of the Constitution of this State, and also to amend an act amendatory of the twelfth clause of the fifth article of the Constitution of this State, and adopted by the third and fourth General Assemblies, so as to give the election of the Judges to the people.

Was read the second time.

Mr. Forward offered the following amendment, viz:

Strike out, after the words "shall be" in the 7th line of the first section, the words "elected by the qualified electors of each of the respective Judicial Circuits of this State," and insert nominated by the Governor and appointed by him, with the advice and consent of the Senate;

Upon which the yeas and nays were called for by Messrs. Forward and Baldwin, and were,

Yea—Mr. Forward—1.

Nays—Messrs. Avery, Baldwin, Brown of Columbia, Brown of Hillsborough, Buddington, Crawford, Finley, Johnson, McMillan, Moseley, Perry, Smith, Stewart—14.

Said amendment was lost.

On motion said bill was laid on the table.

Bill to be entitled, An act to amend an act relating to the duties of Tax Assessors and Tax Collectors, and for other purposes, approved January 9th, 1849,

Was read the second time, and on motion referred to the Committee on Taxation and Revenue, and seventy-five copies ordered to be printed.

Bill to be entitled, An act to amend an act amendatory of the several acts now in force in relation to the Assessment and Collection of the Revenue, approved January 13th, 1849,

Was read the second time, and referred to the Committee on Taxation and Revenue, and 75 copies ordered to be printed.

House bill to be entitled, An act to authorize Henry Hewitt to establish a ferry across the Choctawhatchee River at Hewitt's Bluff,

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

House bill to be entitled, An act to authorize Jason Gregory to establish a ferry across the Apalachicola River, at Ochesssee, in Calhoun County,

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

House bill to be entitled. An act to Incorporate the Pensacola and Navy Yard Plank Road Company,

Was read the second time.

Mr. Avery moved to amend said bill by inserting the following as the 6th section :

Section 6. *Be it further enacted*, That if the said Company cannot agree with the owner of the bridge over Bayou Chico or Little Bayou, or with the owners of the bridge or bridges over the Bayou known as Big Bayou, with regard to the terms upon which said bridge may be used or purchased, then a jury shall be summoned in the manner provided in this act for ad quod damnum cases, whose duty it shall be to declare the real value of the bridge at the time the valuation is made, without regard to the income derived from said bridge, and return the same to the office of the Clerk of the Court of the County in which said bridge is situated; and upon the said Company tendering the amount of said valuation to the owner or owners of the bridge or bridges—or upon their refusing to receive the same, giving security for the amount, satisfactory to the Clerk of the Circuit Court of the County, then said Company may construct other bridges, and not before: *Provided, however*, That the amount tendered by said Company must be accepted by the owner or owners of said bridge or bridges, within ten days of the time in which said amount is tendered, or the Company will be released from all obligation to pay the same.

Which was adopted.

Mr. Avery also offered the following amendments:

After the word "obstructed," in the 7th section insert, "and such draws be made in said bridges as may be required by the Board of County Commissioners." Strike out so much of the thirteenth section as confines the rights and privileges conferred by this act to twenty years.

Which were carried, and said amendments ordered to be engrossed for a third reading to-morrow.

House bill to be entitled, An act to incorporate the Escambia Plank Road Company;

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

Yeas—Mr. President, Messrs. Avery, Baldwin, Brown of Columbia, Brown of Hillsborough, Buddington, Crawford, Finley, Forward, Johnson, Maxwell, McMillan, Moseley, Perry, Smith, Stewart—16.

Nays—None.

Said bill passed, title as stated. Ordered that the same be certified to the House of Representatives.

The Senate on motion, adjourned until to-morrow half past 10 o'clock, A. M.

TUESDAY, December 10, 1850.

The Senate met pursuant to adjournment.

The Rev. Mr. Pratt officiated as Chaplain.

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

Mr. Stewart gave notice that he would, at an early day, ask leave to introduce a bill to be entitled, An act for the relief of the heirs of J. Underwood.

Mr. Forward gave notice that he would, on some future day, introduce a bill to be entitled, An act to amend an act providing for the purchase on the part of the State of lands offered for sale for taxes;

Also, An act altering the mode and manner of Redemption of Lands purchased by the State for Taxes.

Pursuant to previous notice, Mr. Baldwin introduced a bill to be entitled, An act to amend an act entitled an act to exempt homesteads from execution, attachment and distress, approved March 11, 1845;

Which was read the first time, and ordered to a second reading to-morrow, and 75 copies ordered to be printed.

Pursuant to previous notice, Mr. Baldwin introduced a bill to be entitled, An act to amend an act entitled an act for the protection of Fisheries on the coast of Florida, approved December 17th, 1845;

Which was read the first time, ordered for a second reading to-morrow, and 75 copies ordered to be printed.

The following communication was received from the Register of State Lands:

OFFICE OF THE REGISTER OF PUBLIC LANDS, }
TALLAHASSEE, December 9, 1850. }

To the Honorable R. J. FLOYD,

President of the Senate:

SIR: By a vote of the Senate, on the 5th inst., on a motion made by Mr. Avery, the Register was requested to inform that body "of the number of acres of Internal Improvement lands sold—the average price per acre for which said land has been sold—the number of acres sold, for which the State has complete title—the number of acres sold of land selected for internal improvements, but which selections have not yet been approved; also, the number of acres of Seminary land sold, and the average price per acre for which said land has been sold.