

So said bill passed as amended.

A bill to be entitled An Act to equalize taxation in this State,

Came up, when on motion, the Senate went into Committee of the Whole, Mr. Smith in the Chair, and after some time spent therein, the Committee rose, and through their Chairman, reported progress and asked leave to sit again.

On motion, the bill was then laid on the table.

A bill to be entitled An Act making appropriations for the compilation and publication of Thompson's collection of the British Statutes of force in this State,

Came up, when the Senate went into Committee of the Whole, Mr. Finley in the Chair, and after some time spent therein, the Committee rose, reported progress and asked leave to sit again.

On motion, said bill was made the special order of the day for Wednesday next.

Mr. Gonzalez moved, that the Senate adjourn until next Monday, 12 o'clock.

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

YEAS—Messrs. Blackburn, Brown, Forsyth, Gonzalez, Kilcrease, Long, Smith, Snell and Stewart—9.

NAYS—Mr. President, Messrs. Baldwin, Buddington, Finley, Johnson, Moseley and Wynn—7.

So said motion prevailed, and the Senate adjourned to 12, M.

MONDAY, December 27th, 1852.

The Senate met pursuant to adjournment. Rev. Mr. Zealey officiated as Chaplain. A quorum being present, the Journal was read and approved.

Mr. Johnson presented the following protest:

The undersigned exercising the privilege accorded by the Constitution of this State, most solemnly protest, against the adjournment of the Senate from 1 o'clock on Friday, the 24th instant, until 12 o'clock on Monday, the 27th December, because the orders of the day had not been disposed of.

The undersigned, acknowledging the relation of Representatives to the Districts by which they were respectively constituted Senators, esteem it to be their bounded duty to appear and remain at their posts until the labors of each day are fully performed. The people have a right to require their Representatives to discharge the trust reposed in them, with all convenient speed; and those Senators who are willing and anxious to perform their duties, by remaining in session until the orders of each day are disposed of, are prevented from fulfilling their obligations to their constituents and the State by the action of the Senate, against which the undersigned protest. Another reason which strongly impresses itself upon the minds of the un-

dersigned is that unless the orders of the day are gone through with, the session of the General Assembly will be extended, and an unnecessary additional and heavy expense will be imposed upon the good people of this State, without any adequate corresponding benefit.

The undersigned, therefore, protest against all adjournments at an early hour in the day, unless the orders shall have been previously disposed of, whether such adjournments are the result of a disposition on the part of the Senators to indulge in any of the gaities of the season or proceed from any disinclination to labor.

ALLEN G. JOHNSON,
JOHN P. BALDWIN,
WM. B. WYNN,
R. J. FLOYD.

Which was read.

Mr. Baldwin gave notice that he would, on some future day, ask leave to introduce a bill to be entitled "An Act to provide for the appointment of a State Engineer.

Mr. Snell gave notice that he would, on some future day, ask leave to introduce a bill to incorporate a company to build a railroad across the Peninsula of Florida, under the style of the Florida Rail Road Company.

On motion of Mr. Johnson, the rule was waived, and he permitted to introduce the following bill:

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,

Which was placed among the orders of the day.

Mr. Johnson moved that the Judiciary Committee be instructed to report a bill to provide for contesting the election of Governor, Justices of the Supreme Court, Judges of the Circuit Court and Solicitors,

Which motion was adopted.

The President gave notice that he had received a communication relative to the contested seat in the Senate, for the 17th District, Florida Legislature;

Which, on motion of Mr. Provence, together with the accompanying documents, were referred to the Committee on Elections, before which the said parties are authorized to appear by counsel.

Mr. Snell presented the petition of Azor Armstead;

Which was received and referred to the Committee on Claims and Accounts.

Mr. Gillis presented the petition of John B. Williams, Timothy Bell and 86 other citizens of Walton and Santa Rosa counties;

Which was received, and referred to the Committee on Internal Improvements.

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 amendatory of an act to establish and organize a Mayor's

Court for the city of Apalachicola, have had the same under consideration, and recommend the accompanying amendment, and when so amended, the passage of the bill.

Respectfully submitted,

M. A. LONG,
Chairman Judiciary Committee.

Amend by adding the following section :

SECTION 5. *Be it further enacted*, That said Mayor or Judge shall have no jurisdiction in common law matters, and all laws conflicting with the provisions of this act to which it is an amendment, be and the same are hereby repealed.

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

Also the following, viz :

The Judiciary Committee to whom was referred a bill to be entitled An Act to amend the laws in relation to Executors and Administrators have had the same under consideration, and have instructed the undersigned to recommend the passage of the same with the subjoined amendments.

1. Amend the title by adding thereto "and for other purposes."

2. Amend the second section by adding the following: "*Provided, however*, the heirs and distributees of the estate of such deceased persons shall have the right to elect to proceed against such removed administrator, to have distribution of said estate, for three months from the date of such removal by the Judge of Probate, during which time the administrator *de bonis non* shall not be entitled to sue for or receive the assets of said estate.

This amendment seems proper, in view of the possible contingency of a removal of an administrator when the assets of the estate are ready for immediate distribution, and when the delivery thereof to the administrator *de bonis non* would unnecessarily postpone the distribution thereof among the distributees, for the space of at least two years.

Respectfully submitted,

M. A. LONG,
Chairman Judiciary Committee.

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 21, 1852. }

HON. PRESIDENT OF THE SENATE :

Sir,—The following bills have passed the House, viz :

Bill to be entitled An Act to fix a minimum on School and Seminary Lands.

Bill to be entitled An Act for the relief of Starkey A. J. Cox.

Bill to be entitled An Act amendatory of an act to amend the act incorporating the city of Pensacola, approved December 17, 1850.

Bill to be entitled An Act in relation to the Clerk of the Circuit Court, of Washington county.

Bill to be entitled An Act to allow boats to peddle on the Choc-tawhatchee River.

Bill to be entitled An Act in relation to the appointment of Commissioners and Overseers of roads.

Bill to be entitled An Act in relation to a road tax in the counties of Escambia and Santa Rosa.

Also without amendment,

Senate bill to be entitled An Act to fix definitely the fees of Judge of Probate, for the county of Columbia, in a certain case therein specified.

Senate resolution in relation to the claim of Jas. M. Bates.

Senate resolution in relation to a Light House on Sea Horse Key.

Very respectfully,

JOHN DICK,

Clerk House Representatives.

Which was read.

Also the following :

HOUSE OF REPRESENTATIVES, }
December 24, 1852. }

HON. PRESIDENT OF THE SENATE :

Sir, the following Senate bill have been lost in the House, viz :

Bill to be entitled An Act to amend the act granting pre-emption rights to settlers on State lands.

Very Respectfully,

JOHN DICK,

Clerk House of Representatives.

Also the following :

HOUSE OF REPRESENTATIVES, }
December 24, 1852. }

HON. PRESIDENT OF THE SENATE :

Sir,—In conformity with the orders of the House of Representatives, I herewith respectfully return for correction and completion of endorsement, the following bills and resolutions, viz :

Bill to be entitled An Act to prevent negroes from being taken out of the State, from the present Indian country, without notice.

Resolution urging upon Congress the sale of reserved lands.

The same requiring the signature of the Secretary of the Senate to the endorsements.

Also Bill to be entitled An Act giving to 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.

Said bill being certified to in the endorsement, as having passed the Senate on December 30th, 1852.

Respectfully,

JOHN DICK,

Clerk House of Representatives.

ORDERS OF THE DAY.

A bill to be entitled An Act for the establishment of free bridges in the county of Escambia,

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

The following Message was received from the House of Representatives :

HOUSE OF REPRESENTATIVES, }
December 23, 1852. }

HON. PRESIDENT OF THE SENATE :

Sir,—The House have passed the following Bills and Resolutions, viz :

Bill to be entitled An Act to amend an act entitled an act to organize the County of Putnam ;

Bill to be entitled An Act to amend the laws now in force relating to divorces ;

Bill to be entitled An Act to change the name of James R. Brannen, to that of James R. Thomas ;

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

Bill to be entitled An Act for the relief of John B. Anderson ;

Bill to be entitled An Act to authorize Joseph A. Everett to establish a ferry across the Withlacoochee River ;

Preamble and Resolution asking of Congress a grant of a quarter section of land, to the County of Wakulla.

Respectfully,

JOHN DICK,

Clerk House of Representatives.

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

A bill to be entitled An Act to require the Register of Public Lands for this State, to procure and keep a seal of office,

Came up on its third reading.

Upon the question of its passage the vote was :

YEAS—Mr. President, Messrs. Baldwin, Buddington, Forsyth, Gillis, Johnson, Long, Moseley, Provence, Snell and Stewart.—11.

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

So the bill passed, title as stated.

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

The Senate took a recess until 2 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment. A quorum being present, the business was resumed.

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 amend an act entitled an act to provide for recording of the marks and brands of cattle shipped from the State of Florida, approved, January 6th, 1849 :

Also An Act to promote Agriculture in this State.

Respectfully submitted,

M. A. LONG, Chairman *pro tem*

Committee on Engrossed Bills.

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

A Committee from the House of Representatives was received, who, by their Chairman, requested the return of a bill to be entitled An Act in relation to Pre-emption rights to settlers upon State Lands, which was this morning returned to the Senate as having been lost in the House.

On motion, a committee consisting of Messrs. Baldwin, Blackburn and Smith, were appointed by the Senate to return the bill to the House of Representatives, who retired and afterwards reported that they had performed the duty assigned them.

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 second time, when Mr. Long offered the following amendment to said bill :

Section 2. *Be it further enacted*, That the Comptroller of this State shall draw a warrant in favor of said Register for the sum of two hundred dollars annually, in full compensation for the additional service required by this Act,

Upon the adoption of which, the yeas and nays were called for by Messrs. Blackburn and Long, and were :

YEAS—Messrs. Baldwin, Buddington, Forsyth, Gillis, Long, Moseley, Provence, Smith, Snell and Stewart—10.

NAYS—Mr. President. Messrs. Blackburn, Brown, Johnson and Wynn—5.

So the amendment was adopted.

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

House bill to be entitled An Act in relation to a Road Tax in the Counties of Santa Rosa and Escambia,

Was read a first time, the rule waived, and the bill read a second and third time by its title, and upon the question of its passage, the vote was :

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

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 allow Boats to Peddle on the Choctawhatchie River,

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 appointment of Commissioners and Overseers of Roads,

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

Engrossed bill to be entitled An Act to amend an act entitled an act to provide for the recording of the marks and brands of cattle shipped from the State of Florida, approved January 6th, 1849,

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

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

NAYS—Messrs. Provence and Snell—2.

So the bill passed, title as stated.

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

An Act to amend the Laws relating to Executors and Administrators,

Was read a second time, and the Senate went into committee of the whole, Mr. Gillis 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 permit Henry M. Stephens to sell the real estate belonging to the infant children of said Stephens,

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

Engrossed bill to be entitled An Act to promote agriculture in this State,

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

YEAS—Messrs. Baldwin, Buddington, Gonzalez, Johnson, Long, Moseley, Provence and Wynn—8.

NAYS—Mr. President, Messrs. Blackburn, Brown, Forsyth, Gillis, Smith, Snell and Stewart—8.

So the bill was lost.

House 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 on its second reading; 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 to establish Common Schools, and to repeal certain acts in relation thereto,

Was read a second time, and the amendments proposed by the Committee on Schools and Colleges were severally adopted, and ordered for a third reading on to-morrow.

House bill to be entitled An Act concerning pre-emption on the 16th sections and lands selected in lieu thereof,

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

A bill to be entitled An Act to authorize the business of Banking, Was read a third time, and upon the question of its passage the vote was as follows:

YEAS—Mr. President, Messrs. Brown, Buddington, Forsyth, Gillis, Gonzalez, Johnson, Long, Moseley, Stewart and Wynn—12.

NAYS—Mr. Provence—1.

So the bill passed—title as stated.

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

On motion,

The Senate took a recess until half-past seven o'clock, this evening.

HALF PAST SEVEN O'CLOCK.

The Senate met pursuant to adjournment. A quorum being present the orders of the day were resumed.

House bill to be entitled An Act to change the name of James R. Brannen to that of James R. Thomas,

Was read a first time, rule waived, read a second time by its title and laid on the table.

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

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

House preamble and resolutions asking of Congress the grant of a quarter section of land to the county of Wakulla,

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

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

House bill to be entitled An Act to authorize Joseph A. Everett to establish a Ferry across the Suwannee river,

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 John B. Anderson,

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

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.