

Which was read, and said resolution ordered to be enrolled,
House bill to provide for a Florida Hospital in the West,
Was read the first time, rule waived, read a second and third
times by its title and put upon its passage.

The vote was :

Yeas—Mr. President, Messrs. Allison, Arnow, Clary, Cooper,
Hogue, Holland, Hopkins, King, Russell of Jefferson, Russell of
17th District, Scott and Taylor--13.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the House of Representa-
tives.

House resolution relative to the Secretary of State,

Was read and adopted.

Ordered that the same be certified to the House of Representa-
tives.

House resolution requiring information to be furnished by the In-
ternal Improvement Board with regard to the management of cer-
tain railroads,

Was read the first time, rule waived, read the second and third
times by its title, and put on its passage.

The vote was :

Yeas—Mr. President, Messrs. Allison, Arnow, Clary, Cooper,
Hogue, Holland, Hopkins, King, Russell of Jefferson, Russell of 17th
District, Scott and Taylor--13.

Nays—None.

So the resolution passed—title as stated.

Ordered that the same be certified to the House of Representa-
tives.

On motion, the Senate adjourned until 10 o'clock Monday morn-
ing.

MONDAY, December 15th, 1862.

Senate met pursuant to adjournment.

The President in the chair.

A quorum present.

Rev. Dr. DuBose officiated as Chaplain.

The journal of Saturday was read, corrected and approved.

The President announced motions in order.

Mr. Holland was allowed, by unanimous consent, to present the
following bill :

A bill to be entitled an act to facilitate the collection of debts due
the State by any officers,

Which was placed among the orders of the day.
Mr. Allison was allowed, by unanimous consent, to present the following resolution :

Resolution relative to the exemption law of Congress,
Which was placed among the orders of the day.

ORDERS OF THE DAY.

On motion of Mr. Holland, the following bill was first taken up :
House bill to be entitled an act to organize the militia of the State of Florida,

Which was read the third time.

Mr. Norwood moved to amend, by adding the following proviso to the 17th section :

Provided, That nothing in this act shall be so construed as to exempt any member of either House of the present General Assembly, under fifty years of age, and not now in the Confederate service, from the operations of this act : and *provided further*, That any member of the Senate voting for this bill shall be subject to the provisions of the same, even though he be over fifty years of age,

Which was adopted.

Mr. Taylor moved to reconsider the action of the Senate on the above amendment.

The yeas and nays having been called for,

The vote was :

Yeas—Messrs. Allison, Arnow, Scott and Taylor—4.

Nays—Mr. President, Messrs. Carter, Clary, Cooper, Hogue, Holland, Hopkins, King, Norwood, Russell of Jefferson, and Russell of 17th District—11.

So the motion was lost.

Mr. Hopkins presented the following amendment :

And be it further enacted, That his Excellency, the Governor of this State, be and he is hereby authorized, upon the requisition of the Confederate General or Generals, in command of the Military Department or Departments of this State, to order the militia aforementioned into service, conditioned the Confederate Government shall pay, arm and equip the said forces, for such time as they may be employed in service,

Which was not adopted.

The question being upon the passage of the bill,

The vote was :

Yeas—Messrs. Arnow, Cooper, Holland, King, Russell of Jefferson, Scott and Taylor—7.

Nays—Mr. President, Messrs. Allison, Carter, Clary, Hogue, Hopkins, Norwood, and Russell of 17th District—8.

So the bill was lost.

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

The rule being waived, the Committee on Enrolled Bills made the following report:

The Committee on Enrolled Bills beg leave to report the following bill as correctly enrolled, viz:

A bill to be entitled an act making appropriations for the expenses of the First Session of the Twelfth General Assembly, and for other purposes.

Respectfully,

J. M. TAYLOR, Chairman.

Which was read.

A committee from the House appeared at the bar of the Senate and stated that the House had passed Senate joint resolution to guarantee by the States the debt of the Confederate Government.

Said resolution was ordered to be enrolled.

The following message was received from his Excellency the Governor:

EXECUTIVE DEPARTMENT,
Tallahassee, Dec. 12, 1862. }

HON. E. J. VANN,

President of the Senate:

SIR: I herewith return without my approval "An act to establish and fix the Terms of the Supreme Court," which originated in the Senate.

The 2d section of the act provides: "That if there shall be a failure to hold a Supreme Court at any place or time herein provided, the Judge or Judges present shall report the same to the Governor, stating the name of the Judge failing to attend, and said Judge so failing to attend shall have the sum of five hundred dollars deducted from his salary for each and every failure, unless said Judge shall file with the Governor an affidavit setting forth that his absence was caused by sickness or some providential cause; and if no such Judge is present, the Sheriff of the county, or Clerk of the Circuit Court where the Supreme Court is to be held, shall notify the Governor of the failure of the Judges of the Supreme Court to hold Court as is by this act provided."

This provision of the act is in conflict with the spirit and letter of the constitutional provisions relative to the independence and separate constitutional powers of the Judges of the Supreme Court. The first clause of the II Article of the Constitution declares, that "The powers of the Government of the State of Florida shall be divided into three distinct departments, and each of them confided to a separate body of Magistracy, to wit: those which are Legislative to one; those which are Executive to another; and those which are Judicial to another." The 2d clause of the same article further provides that "No person or collection of persons, being one of those departments, shall exercise any power properly belonging to either of the others, except in the instances expressly provided for in this

Constitution." The Constitution then proceeds to point out and provide the manner of organization of the Executive, Legislative and Judicial Departments of the Government. From these provisions of the Constitution and the general principles applicable to constitutional government, it will be perceived at once that the intention of those who framed our Constitution was, that those entrusted with the grave and responsible duties of the Judicial Department should be made as independent of the other departments of the Government as the other departments of Government are of the Judicial Department. This has been the policy of constitutional and free governments from time immemorial, and its wisdom has been so frequently and conclusively illustrated that to question it now would be absurd. History and experience, no less than reason, prove that those entrusted with the Judicial Department of a free government are the conservators as well as the interpreters of the Constitution and the laws. To make them dependent upon, or to place them at the mercy of the other departments of the government, would be striking a fatal blow at constitutional liberty. The history of England, from which country we derive our language and most of the first principles of our government, clearly illustrates this fact, and recent events in the United States, under the administrator of a usurper and tyrant, have caused to be repeated examples which it was hoped time and experience had rendered impossible on this continent. It may be laid down as a well established general fact, that if the Judicial Department is subjected entirely to the mercy and caprice of the Executive or Legislative Departments, the Judges will become corrupt, truckling and venal, and that the whole power of the government will be finally absorbed that department which has or is allowed to assume the control of the others. The Judges, from the Constitutional character of their office and position, are unable to resist the encroachments of power, except by a declaration of the Constitution and the law. One of the first successful steps towards disorganization of a government is to bring the Judiciary into subjugation and contempt. This can never be done with my consent.

The importance of an independant Judiciary being conceded, let us see if this section of the act under consideration is compatible with the same. The Legislature, undertaking to punish Judges of the Supreme Court for any dereliction of duty of which they may be guilty; by deducting a large portion of their salaries, practically assumes the absolute control of this portion of the Judicial Department, for as they assume to declare the duties of the Judges, and fix the penalty of a failure to discharge them, what is wanting to enable them entirely to subvert and destroy this branch of the government? The duties and the penalties may be so arranged as to render it impossible that any one could occupy the position, discharge its duties, or submit to the penalties imposed, and thus one branch of the government expressly provided for in the Constitution would be

altogether abrogated by the action of a *co-ordinate department* of the same government. I am persuaded that this result could never have been contemplated by the framers of the Constitution, a fair and rational interpretation of which will, I believe, lead to an entirely different conclusion.

This will more fully appear from a further examination of the provisions of the Constitution relative to the Judicial Department. The Constitution makes an express provision itself for the trial and punishment of Judges who have been guilty of a neglect of duty. The 10th clause of the 4th article is as follows: "Judges of the Supreme Court, Chancellors and Judges of the Circuit Court, shall be appointed by the Governor, by and with the advice and consent of two-thirds of the Senate, when in session, and hold office for the term of six years from the date of their appointment, unless sooner removed under the provisions made in this Constitution for the removal of Judges by address or impeachment; and for wilful neglect of duty, or other reasonable cause which shall not be sufficient ground for impeachment, the Governor shall remove any of them on the address of two-thirds of the General Assembly, &c." The Constitution thus makes provision for the trial and punishment, or the removal from office, of Judges who neglect their duty or are guilty of improper conduct. It is not, therefore, to be supposed that it was intended that these same Judges should be subject to another tribunal for the same offences—to be punished in a manner entirely inconsistent with the dignity and character of their office, and without even the usual forms that are usually employed to secure justice. It is a fundamental principle of our government that no one should be twice punished for the same offence, and the Constitution having expressly provided the mode and manner in which Judges shall be tried and punished for improper conduct in office, it is not compatible with first principles that this mode and manner should be changed by mere legislation, or that any punishment should be superadded to that provided by the Constitution. Those who framed the Constitution of the States, copying from the almost universal example of constitutional governments, and considering the dignity and importance of the Judicial Office, and the character of those who are likely to fill this position, provided a mode of trial for offences or delinquencies in judicial officers compatible with the dignity and importance of a separate and distinct branch of the State Government. It is not, therefore, incompatible with the spirit and principles of the Constitution that these important public officers should be subjected to fines and forfeitures in the manner of common criminals or delinquents. The dignity of the State itself, the high and responsible character of the office, forbid such a course, and experience has shown that the policy adopted in the Constitution is the wisest, the safest, and the best.

Even were I satisfied that the provisions of this section of the bill

When in strict accordance with the letter of the Constitution, I should still hesitate to approve it. I am not able to perceive any necessity for the legislation therein proposed. The history of the State exhibits no such misconduct or willful neglect of duty on the part of members of the Judicial Department as to call for a remedy of this description. So far, we have obtained the services of gentlemen of learning, ability, and probity in this department, and men whose zeal and diligence have always ensured a prompt administration of justice. Let us not, like the Athenian law-giver, create offences, which had before no existence, by providing for their punishment.

In considering the constitutionality of this bill, my attention has been directed to the 11th clause of the 6th article of the Constitution, which provides that "It shall be the duty of the General Assembly to regulate, by law, in what cases, and what deduction from the salaries of public officers shall be made for neglect of duty in their official capacity." This provision of the Constitution was not intended, in my opinion, to apply to the Judges of the Courts, and the Chief Officers of the Departments of the Government, but merely to subordinate or administrative officers. The same article of the Constitution in which this clause occurs, makes provision for the impeachment of civil officers, and as before set forth in the 5th article, express provision is made for the mode and manner of the impeachment of Judges for neglect of duty. It is not to be supposed that the framers of the Constitution had it in contemplation to provide a variety of tribunals and a variety of punishments for delinquent Judges. The Constitution makes one express provision for the case of delinquent Judges, and neither, according to the rules of technical construction nor plain common sense, can other provisions of the Constitution be construed so as to impose new and cumulative penalties, and diverse tribunals for their punishment. The same argument before urged is again suggested to the mind here; that the power to fine or tax necessarily carries the power to destroy, and it could never have been intended that one branch of the government should have the power to destroy a co-ordinate department of equal constitutional authority with itself.

There is also a proviso in the first section of the bill which I cannot approve. It is as follows: *Provided however*, That all decisions, decrees, orders and opinions shall be delivered in the circuit where the case is heard, and no case shall be transferred out of its circuit." I am entirely unable to comprehend the necessity or the policy of this provision of the bill. Doubtless, the object of the institution of a Supreme Court is to further secure justice to individuals, and to determine and establish great and important principles of the Constitution and the law, which are to be laws throughout the whole State. The creation of this tribunal is not more for the benefit of individuals seeking justice, than it is for the general determination and establishment of those laws which are to prevail throughout the

whole State. To deprive the Supreme Court of the discretion to transfer causes out of their circuit, for good and sufficient reason, is to throw obstructions in the way of justice, and trammel the Judges in the investigation and wise adjudication of the laws which are to bind the whole body of the citizens. It seems to me that every facility, not positively incompatible with the interests of private suitors, should be afforded to those entrusted with this highly responsible duty for arriving at truth and the law. And if, in the discretion of the Court, the cause of justice and the determination of great principles require the transfer and further consideration of a cause, they should certainly have the power to do so. Otherwise, we force the Supreme Court to determine principles of law affecting all the citizens in the State without being prepared to do so, or satisfied fully with their conclusions. But the act under consideration does not even allow causes to be transferred with the consent of the parties to the same—which is almost invariably done in such cases. I cannot see the purpose of this provision at all. The only possible reason of which I can conceive why the Court should not have the power to transfer causes, would be the hardship or expense which it might possibly, in some case, entail upon the parties concerned. This reason cannot apply in cases where the transfer is made by consent or desire of the parties. On the contrary, it seems that the very cause of justice itself, and the interests of all concerned as well the public, may frequently be subserved by the transfer of a cause for sufficient reasons, and by the consent of all parties.

For the reasons above set forth, therefore, I cannot give my consent that this bill shall become law. Although I am disposed not willingly to withhold my approval from ordinary acts of legislation, yet, as one entrusted with a conservative power in the government, it is my duty to exercise that power to the best of my judgment, to preserve the different departments in their proper positions and functions, and to maintain the spirit and letter of the Constitution.

Respectfully,

JOHN MILTON.

Which was read.

Mr. Norwood moved that the Senate take a recess until 3 o'clock; Upon which the yeas and nays being called for. .

The vote was:

Yeas—Messrs. Carter, Cooper, Hogue, Hopkins and Norwood—5.

Nays—Mr. President, Messrs. Allison, Arnow, Clary, Holland, King, Russell of 17th District, Scott and Taylor—9.

So the motion was lost.

The question being upon the passage of the bill over the Governor's veto,

The vote was:

Yeas—Messrs. Arnow, Carter, Clary, Cooper, Holland, Hopkins, King, Norwood, Russell of Jefferson and Taylor—10.

Nays—Mr. President, Messrs. Allison, Hogue, Russell of 17th District and Scott—5.

So the Governor's veto was sustained.

The following communication was received from his Excellency the Governor, and read :

EXECUTIVE CHAMBER, }
TALLAHASSEE, Dec. 13th, 1862. }

Hon. E. J. VANN,

President of the Senate :

SIR—I have approved and signed the following bills and resolution, viz :

An act to prevent the entry of lands occupied by soldiers or their families during the continuance of the present war, and also to regulate the entry and sale of public lands;

An act appropriating the sum of \$25,000 for the sick and wounded soldiers from Florida in the several hospitals;

An act to protect the interest of stock owners in this State; also, Resolution relative to copying the laws.

Very respectfully,

JOHN MILTON.

Which was read.

Also the following :

EXECUTIVE DEPARTMENT, }
Tallahassee, Dec. 15th, 1862. }

HON. E. J. VANN,

President of the Senate :

SIR : I have approved and signed the following resolution, viz :
Resolution in relation to compensation to Messrs. Papy and Banka.

Very respectfully,

JOHN MILTON,

Which was read.

The following communication was received from the House of Representatives :

HOUSE OF REPRESENTATIVES, }
December 15th, 1862. }

HON. E. J. VANN,

President of the Senate—

SIR : The House has this day passed the following resolution, viz :
Senate joint resolutions in regard to public defences.

Respectfully,

THOS. B. BAREFOOT,

Clerk of the House of Representatives.

Which was read and the resolution ordered to be enrolled.

Mr. Norwood moved that the Senate take a recess until 3 o'clock; Upon which the yeas and nays being called for.

The vote was :

Yeas—Messrs. Carter, Clary, Cooper, Hogue, Hopkins and Norwood—6.

Nays—Mr. President, Messrs. Arnow, Holland, King, Russell of Jefferson, Russell of 17th District, Scott and Taylor—8.

So the motion was lost.

A bill to be entitled an act to authorize the canvass of returns of elections held by troops in the service of the State or Confederate States,

Was read the third time and put upon its passage.

The vote was:

Yeas—Mr. President, Messrs. Arnow, Carter, Cooper, Holland, Hopkins, King, Norwood, Russell of 17th District and Taylor—10.

Nays—Messrs. Allison, Clary, Russell of Jefferson and Scott—4.

So the bill passed—title as stated.

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

A bill to be entitled an act to facilitate the collection of debts due the State by any officers,

Was read the first time, rule waived, read a second and third times by its title and put upon its passage.

The vote was:

Yeas—Mr. President, Messrs. Allison, Arnow, Carter, Clary, Holland, King, Norwood, Russell of 17th District, Scott and Taylor—11.

Nay—Mr. Hopkins—1.

Messrs. Hogue and Russell of Jefferson were excused from voting.

So the bill passed—title as stated.

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

Senate resolution in relation to the exemption law of Congress.

Was read the first time.

Mr. Allison moved that the rule be waived and the bill be read a second time,

Which was not agreed to.

House bill to be entitled an act to amend an act to authorize the Board of County Commissioners of the several counties in this State to levy a specific tax for the relief of soldiers in the service of this State or of the Confederate States, approved Dec. 12th, 1862,

Was read a second time, rule waived, read a third time and put on its passage.

The vote was:

Yeas—Mr. President, Messrs. Allison, Carter, Clary, Hogue, Holland, King, Norwood, Russell of Jefferson, Russell of 17th District and Taylor—11.

Nays—Messrs. Arnow, Hopkins and Scott—3.

So the bill passed—title as stated.

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

On motion, of Mr. Russell of the 17th District, the Senate took a recess until 3 o'clock, p. m.

3 O'CLOCK, P. M.

The Senate resumed its session.

The President in the Chair.

A quorum present.

The unfinished business of this morning was taken up.

The following message was received from His Excellency the Governor :

EXECUTIVE DEPARTMENT,
Tallahassee, Dec. 15th, 1862. }

HON. E. J. VANN,

President of the Senate :

SIR: I have approved and signed the following bill, viz :

An act making appropriations for expenses of the first session of the 12th General Assembly, and for other purposes.

Very respectfully,

JOHN MILTON.

Which was read.

Mr. Allison moved to reconsider the action of the Senate this morning in reference to the resolution relating to the exemption law of Congress ;

Upon which the yeas and nays being called for,

The vote was :

Yeas—Mr. President, Messrs. Allison, Carter, Cooper, Hogue, Russell of 17th District, Scott and Taylor—8.

Nays—Messrs. Arnow, Clary, Hopkins, Norwood and Russell of Jefferson—5.

So the motion was adopted.

Mr. Allison moved to waived the rule and take up said resolution ;

Upon which the yeas and nays being called for,

The vote was :

Yeas—Mr. President, Messrs. Allison, Carter, Cooper, Hogue, King, Russell of 17th District, Scott and Taylor—9.

Nays—Messrs. Arnow, Clary, Hopkins, Norwood and Russell of Jefferson—5.

So the motion was lost.

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

The Committee on Enrolled Bills, report the following bills and resolutions as correctly enrolled, viz :

An act to prevent the establishment of distilleries and the distilling of whiskey or other spirituous liquors in this State;

An act relating to the trial of persons in this State during the existing war;

Joint resolution to guarantee by the State the debt of the Confederate Government;

Joint resolution relative to the completion of the Pensacola & Georgia Railroad to the Apalachicola river;

Joint resolution in relation to copies of acts to be distributed among the soldiers; also,

Joint resolution for organizing the salt makers upon the coast of Florida for their own and the public defence.

Respectfully submitted,

JOSEPH M. TAYLOR, Chairman.

Which was read.

The following message was received from his Excellency the Governor:

Fellow-citizens of the Senate and

House of Representatives:

Your attention is respectfully invited to the accompanying letter from the Rev. D. P. Everett, of Washington county.

From various parts of the State I am called upon to extend protection to citizens endangered by the threatening approaches of the enemy. All efforts to have forces returned to the State which have been ordered from it, have, for good and sufficient reasons assigned; been ineffectual. I have made known to your honorable body, in two messages, the vital importance of legislation to ensure the organization of all persons in Florida capable of bearing arms for defence. I have much reason to believe that Florida will be invaded, and our means of defence are inadequate.

Your honorable body have passed a resolution requesting the President of the Confederate States to exempt Florida from the further operations of the conscript act.

It cannot be reasonably supposed that this-exception can be made in favor of Florida, unless it shall be justified by suitable organization of our citizens into military bodies for our defence, and I respectfully repeat, that no efficient organization can be made under the existing laws.

Respectfully,

JOHN MILTON.

Extract from a letter written to Governor Milton by D. P. Everett, dated Orange Hill, December 10th, 1862.

"Recently a Yankee party landed at Point Washington, 'pressed' a salt wagggon to carry a cannon, and went six miles to Mr. Clenden-

in's works, and committed an utter destruction, and on returning, paid the 'pressed' waggone in the property of Clendenin. A brother of Hon. J. Hannah, who, some time ago went to the Yankees at Pensacola, was along, and I have just learned from Mr. John J. White, who stayed with me last night, that the said 'Nat.' Hannah came up to where his family resided, near Col. Russ, and took them off without detection.

"A few days past, and another party of the vandals came up to Spring Hill and captured several citizens, whom they afterwards discharged, but took Mr. John M. Cook off, besides other depredations, and said they would be in P. O. at Vernon, before long. They are also said to have stated that 300 of Southern people, conscripts, &c., have recently joined them, Hannah, and a few others, being recognized by the men whom they held in custody until they were ready to depart."

Which was read.

The following communication was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
December 15th, 1862. }

HON. E. J. VANN,

President of the Senate:

SIR—The House has this day passed the following bill, viz:

Senate bill to be entitled an act to facilitate the collection of debts due the State by any officers.

Respectfully,

THOS. B. BAREFOOT,
Clerk House of Reps.

Which was read and said bill ordered to be enrolled.

Also the following:

HOUSE OF REPRESENTATIVES, }
December 15th, 1862. }

Hon. E. J. VANN,

President of the Senate:

SIR: The House has this day passed the following bill, viz:

Senate bill to be entitled an act to authorize the canvass of elections held by troops in the service of the State or Confederate States.

Respectfully,

THOMAS B. BAREFOOT,
Clerk House of Representatives.

Which was read and said bill ordered to be enrolled.

Mr. Hogue moved to take a recess until 6 o'clock;

Upon which the yeas and nays being called for,

The vote was:

Yeas—Mr. President, Messrs. Carter, Clary, Cooper, Hogue, Hopkins, Norwood and Russell of 17th District—8.

Nays—Messrs. Allison, Arnow, Holland, King, Russell of Jefferson, Scott and Taylor—7.

So the motion was carried, and the Senate adjourned until six o'clock.

SIX O'CLOCK, P. M.

Senate resumed its session.

The President in the Chair.

There was not a quorum present.

Mr. Taylor moved a call of the House;

Which was adopted.

The following members were present :

Mr. President, Messrs. Cooper, King and Taylor.

The Sergeant-at-Arms was sent after absentees.

On motion, the call was dispensed with.

The roll being called, the following members were present :

Mr. President, Messrs. Allison, Arnow, Clary, Cooper, Hogue, Holland, Hopkins, King, Norwood, Russell of 17th District, Scott and Taylor.

On motion, the rule was waived to allow Mr. Holland to present the following resolution :

Resolved, That the Senate return their thanks to the Hon. E. J. Vann, President of the Senate, for the able, impartial, and kind manner with which he has presided over the Senate at this Session of the General Assembly ;

Which was unanimously adopted.

On motion, a committee was appointed, consisting of Messrs. Holland, Norwood and Taylor, to notify the President of the adoption of said resolution.

The committee, through their Chairman, performed their duty, and were discharged.

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

The Committee on Enrolled Bills beg leave to report the following resolution as correctly enrolled, viz :

Joint resolution in regard to public defences.

Respectfully,

JOSEPH M. TAYLOR, Chairman.

Which was read.

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

EXECUTIVE DEPARTMENT,
Tallahassee, December 15th, 1862. }

HON. E. J. VANN,

President of the Senate :

SIR : I have approved and signed the following bills and resolutions, viz :

An act to prevent the establishment of distilleries and the distillery of whiskey or other spirituous liquors ;

An act relating to the trial of persons in this State during the existing war ;

Joint resolution for organizing the salt-makers upon the coast of Florida for their own and the public defence ;

Joint resolution to the completion of the Pensacola and Georgia Railroad to the Apalachicola ;

Joint resolution in relation to copies of acts to be distributed among the soldiers ; also,

Resolutions to guarantee by the States the debt of the Confederate Government.

Very respectfully,

JOHN MILTON.

Which was read.

On motion of Mr. Hopkins, the Senate took a recess until 7¼ o'clock.

QUARTER PAST SEVEN O'CLOCK.

Senate resumed its session.

The President in the chair.

A quorum present.

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

The Committee on Enrolled Bills beg leave to report the following bills as correctly enrolled, viz :

An act to facilitate the collection of debts due this State by any officers ; and,

An act to authorize the canvass of returns of elections held by the troops in the service of this State or the Confederate States.

JOSEPH M. TAYLOR, Chairman.

Which was read.

Mr. Holland moved that the rule be waived to allow him to present a resolution.

The yeas and nays being called for by Messrs. Norwood and Holland,

The vote was :

Yeas—Mr. President, Messrs. Allison, Arnow, Cooper, Holland,

King, Russell of Jefferson, Russell of 17th District, Scott and Taylor—10.

Nays—Messrs. Carter, Clary, Hogue, Hopkins and Norwood—5
So the rule was not waived.

Mr. Holland moved that the Secretary place the resolution upon the Journal.

The yeas and nays were called for.

The vote was:

Yeas—Mr. President, Messrs. Allison, Arnow, Holland, King, Russell of Jefferson, Scott and Taylor—8.

Nays—Messrs. Carter, Clary, Hogue, Hopkins, Norwood, and Russell of 17th District—6.

So the motion was adopted.

The following is the resolution:

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Governor is hereby authorized to arm and organize the militia for the defence of the State, and to pass all rules and regulations necessary for the carrying out of this resolution: Provided, however, That all officers shall be elected by the troops except the necessary staff officers; and, whenever the Confederate General shall call for troops for the defence of the State, the Governor shall immediately provide for filling said requisition.

Mr. Holland moved to waive the rule to allow him to make a motion that a committee be appointed to request the House to return the joint resolution relative to adjournment,

Which was not agreed to.

Mr. Holland presented the following protest:

We, the undersigned Senators, hereby enter our solemn protest against the adjournment of this General Assembly, without first making further provisions for the defence of the country than are contained in the present militia laws of the State.

D. P. HOLLAND,
Senator 5th District,
JAMES G. COOPER,
Senator 15th District,
A. K. ALLISON,
Senator 7th District,
JOSEPH M. TAYLOR,
Senator 20th District,
JAMES L. KING,
Senator 13th District,
J. M. ARNOW,
Senator 14th District,
JOHN SCOTT,
Senator 18th District,
THOS. T. RUSSELL,
Senator 17th District.

The Chair announced it to be his duty, in accordance with a resolution adopted by the General Assembly, to appoint a Committee to meet here on the first Monday in November next to examine the books of the Treasurer and Comptroller of this State.

The Chair appointed as said Committee Messrs. Norwood, Hogue and Cooper.

The following communication was received from his Excellency the Governor :

EXECUTIVE DEPARTMENT, }
Tallahassee, Dec. 15th, 1862. }

Hon. E. J. VANN,

President of the Senate :

SIR:—I have approved and signed the following bills, viz :

An act to facilitate the collection of the debts due this State by any officer; and,

An act to authorize the canvass of returns of elections held by the troops in the service of this State of the Confederate States.

Very respectfully,

JOHN MILTON.

Which was read.

Mr. Allison moved to waive the rule to allow him to present a resolution,

Which was adopted.

The following is the resolution :

Resolved, That a committee of three be appointed to act with a similar committee on the part of the House, to inform his Excellency the Governor that the General Assembly is about to adjourn and to ascertain whether he has any further communication to make to that body,

Which was adopted.

The Chair appointed as said Committee, Messrs. Allison, Cooper and Hogue.

The Committee retired and returned and reported they had performed their duty, and that his Excellency had stated that he had no further communication to make, but he desired that the Legislature would not adjourn without passing a militia law, thereby giving him authority to make a defence of the State in case of emergency.

The rule was waived to allow Mr. Allison to present the following resolution :

Resolved, That the thanks of the Senate be and the same is tendered to the Chief Secretary and other officers of the Senate, for the prompt and courteous discharge of their duty during the present session thereof;

Which was adopted.

A Committee from the House appeared at the bar of the Senate and stated that they had been appointed to act with a similar Com-

mittee on the part of the Senate, to inform his Excellency, the Governor, that the General Assembly was about to adjourn, and to ask him if he had any further communications to that body.

The following communication was received from the House of Representatives :

HOUSE OF REPRESENTATIVES, }
December 15th, 1862. }

HON. E. J. VANN—

President Senate :

SIR : The House has this day passed the following bill, viz :

A bill to be entitled an act to amend an act to provide for an additional issue of the Treasury Notes, approved Dec. 13th, 1862..

Respectfully,

THOS. B. BAREFOOT,

Clerk of House of Reps.

Which was read, and, on motion, the bill passed over informally.

Mr. Holland moved that a Committee be appointed to inform the House that the Senate was ready to adjourn, in conformity with a joint resolution passed by that body,

Which was adopted.

The Chair appointed as said Committee, Messrs. Holland, Russell, of Jefferson, and Clary.

The committee retired to the House and returned and reported they had performed their duty and were discharged.

A committee from the House appeared at the bar of the Senate and informed that body that the House was ready to adjourn in conformity with a joint resolution passed by that body.

The hour of adjournment having arrived, the President addressed the Senate in a few remarks, bidding them an adieu, at the conclusion of which, he announced the Senate adjourned *sine die*.