

MONDAY, December 5th, 1864.

The Senate met pursuant to adjournment.

The President in the chair.

A quorum present.

Prayer by Rev. E. L. T. Blake.

On motion, the further reading of the journal of Saturday was dispensed with and the journal approved.

The President declared motions in order.

Mr. Russell of Jefferson moved that the following communication be spread upon the journal;

Which was adopted.

TREASURER'S OFFICE, }  
Tallahassee, December 5th, 1864. }

Hons. J. S. RUSSELL and W. B. ROSS, }  
Chairmen Committee on Finance and Public Accounts: }

SIRS: An error occurred in stating the amount of State Treasury Notes in circulation, the correct amount of which is as follows:

Amount of entire issue,		\$1,886,640 35
“ “ Notes received from land sales and destroyed by committees,	\$ 88,824 15.	
Amount on hand,	311,214 72--	400,038 87
Amount in circulation,		\$1,486,601 48

Respectfully,

C. H. AUSTIN, Treasurer.

On motion, it was ordered that the above report be printed in the journals at the bottom of the Treasurer's Report.

Mr. Hopkins moved that no member shall speak but twice on each question, and only five minutes at a time;

Which was adopted.

The following communication was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }  
December 3d, 1864. }

Hon. A. K. ALLISON,

President of the Senate:

SIR: The House has this day passed the following bill and resolutions:

House bill to be entitled, An act to amend an act entitled an act to amend the Election Laws of this State as regards the mode of voting and for other purposes.

Resolution for the relief of Archibald C. Black, Tax Assessor and Collector for Gadsden county.

House resolution to ask that the Florida Brigade in Virginia be sent to the department of South Carolina, Georgia and Florida.

Very respectfully,

WM. FORSYTH BYNUM,

Clerk of the House of Representatives.

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

Also, the following :

HOUSE OF REPRESENTATIVES, }  
December 3d, 1864. }

Hon. A. K. ALLISON,

President of the Senate :

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

Resolution for the relief of the Tax Assessor and Collector of Leon county ; and

Indefinitely postponed Senate bill to be entitled, An act to amend an act to raise the salaries of the State Treasurer and other officers therein named ; and

Senate resolution asking Congress to suspend taxation in certain cases.

Very respectfully,

WM. FORSYTH BYNUM.

Clerk of the House of Representatives.

Which was read and resolution placed among the orders of the day. The President declared resolutions in order.

Mr. Hopkins presented the following resolution :

*Resolved*, The House concurring, this Legislature adjourn *sine die* on Tuesday, the 6th day of December, 1864, at 9 p. m.

Mr. Holland moved to lay the resolution on the table.

Mr. Hopkins called for the yeas and nays.

The vote was :

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

Nays—Messrs. Abercrombie, Clary, Duncan and Hopkins—4.

So the motion was adopted.

On motion, the following resolution was reconsidered :

*Resolved*, That there be no new business introduced in the Senate during the present session after to-day.

The rules were waived to allow Mr. Russell to present the following :

Bill to provide for the expenses of the State of Florida and to issue bonds ;

Which was placed among the orders of the day.

Mr. Abercrombie introduced the following resolution :

*Resolved*, That there be no new business introduced in the Senate during the present session after the present hour;

Which was adopted.

The Judiciary Committee have had under consideration Senate resolution authorizing and requiring the Attorney General to print a general index of the Supreme Court decisions, together with the amendment adopted by the House of Representatives and recommend the concurrence of the Senate in the House amendment.

The Committee recommend the passage of the Senate bill entitled, "An act relative to Judges of Probate, also of House resolution in relation to the pay of members of the present session.

The committee also recommend the passage of a bill entitled "An act in relation to the commissions of executors, guardians, curators and administrators."

D. P. HOGUE, Ch'n.

Which was read, and bills placed among the orders of the day. The Committee on the Judiciary beg leave to

#### REPORT:

On a bill referred to them entitled, "An act to fix the county site of Brevard county and for other purposes," passed by the House of Representatives. No reason has been furnished to the committee why said bill should not pass.

D. P. HOGUE, Ch'n.

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

The Judiciary Committee have had under consideration House bill entitled "An act to amend the laws providing for the stay of executions. The bill provides that no judgment, decree or execution rendered or issued in this State against any person who has been a soldier in the service of the Confederate States, and who has been honorably discharged therefrom, shall be enforced, &c., and does not contain any provision for those who are now actually in service.

The bill further provides that the exemption therein specified shall not extend to persons owning or possessing property exceeding in value one thousand dollars in specie. The committee can see no good reason for this provision.

The bill further provides, that no exemption or stay of execution shall extend beyond the period of one year after the termination of the present war. The committee are of the opinion that the law so stands at present, and that the last proviso is inconsistent with that part of the bill which extends the period of exemption to such time as the persons provided for may have served in the army of the Confederate States.

The committee are of the opinion that the present stay-law is

nearly if not entirely sufficient for every case. They propose the following amendment.

Strike out all after the enacting clause and insert the following.  
D. P. HOGUE, Ch'n.

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

The Select Committee to whom was referred the memorial of certain citizens relative to the alleged exorbitant rate of charges for transportation adopted by the several railroad companies, have had the same under consideration, and beg leave to

#### REPORT:

That while the memorialists contend that the charges of the railroad companies are exorbitant, it is contended, on the other side, that the railroads, with present rates, cannot pay expenses, tax of Confederate States and ten per cent. for wear and tear; that if the war were now to end, they could not replace even their engines, as they have been losing instead of making money. Where there is so great a difference as to the fact of the case, and as for the solution of these facts, it would require the examination of persons and papers and a lengthened session, your committee deem it is due to the citizens and the companies that the matter should be inquired into, and if injury has been or may be committed by exorbitant charges, that the General Assembly should grant whatever legal power is necessary to correct it. They have therefore made it the duty of the Board of Internal Improvement to inquire into the whole matter, and report the following bill.

Respectfully submitted,

J. M. ARNOW, Ch'n.

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

The following communication was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }  
December 3d, 1864. }

Hon. A. K. ALLISON,

President of the Senate:

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

A bill to be entitled; An act to facilitate business in Quartermaster's Department, with amendments;

Resolution relative to the destruction of redeemed bonds of 1856 and 1861, in the Treasurer's office;

Resolution in relation to the mails in this State.

Very respectfully,

WM. FORSYTH BYNUM,

Clerk of the House of Representatives.

Which was read and bill and resolutions ordered to be enrolled.  
Also the following :

HOUSE OF REPRESENTATIVES, }  
December 3d, 1864. }

Hon. A. K. ALLISON,

President of the Senate :

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

A bill to be entitled, An act to amend an act entitled, An act to suspend the collection of taxes in counties held or controlled by the enemy ;

A bill to be entitled, An act to amend an act to incorporate the city of Lake City, approved January 15th, 1859 ;

A bill to be entitled, An act to amend an act to provide for the establishment of two seminaries of learning.

Very respectfully,

WM. FORSYTH BYNUM,

Clerk of the House of Representatives.

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

HOUSE OF REPRESENTATIVES, }  
December 3d, 1864. }

Hon. A. K. ALLISON,

President of the Senate :

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

A bill to be entitled, An act for the relief of C. L. Demille ;

A bill to be entitled, An act to authorize the administrator of the estate of Anna L. Casey to make title to certain lots in Columbia county ;

A bill to be entitled, An act in relation to the public defence ;

A bill for the relief of David A. Friar, Tax Assessor and Collector of Alachua county.

Very Respectfully,

WM. FORSYTH BYNUM,

Clerk of the House of Representatives.

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

#### ORDERS OF THE DAY.

House resolution to ask that the Florida Brigade in Virginia be sent to the Department of South Carolina, Georgia and Florida,

Was read and referred to Committee on Military Affairs.

House bill to be entitled, An act to amend An act to provide for the establishment of two Seminaries of Learning,

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

The vote was :

Yeas—Messrs. Abercrombie, Arnow, Clary, Cooper, Duncan, Hogue, Holland, Hopkins, King, Russell of Jefferson and Scott—11.

Nays—none.

So the bill passed—title as stated.

Ordered to be certified to the House of Representatives.

House resolution for the relief of Archibald C. Black, Tax Assessor and Collector for Gadsden County,

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

The vote was :

Yeas—Mr. President, Messrs. Abercrombie, Arnow, Clary, Cooper, Duncan, Hogue, Holland, Hopkins, King, Russell of Jefferson and Scott—12.

Nays—none.

So the resolution passed—title as stated.

Ordered to be certified to the House of Representatives.

House bill to amend An act entitled An act to amend the election laws of this State as regards the mode of voting,

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

House resolution for the relief of the Tax Assessors and Collectors of Leon and Madison counties, with amendments,

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

The following was the vote :

Yeas—Mr. President, Messrs. Abercrombie, Arnow, Clary, Cooper, Duncan, Hogue, Holland, Hopkins, King, Russell of Jefferson and Scott—12.

Nays—None.

So the resolution passed—title as stated.

Ordered to be certified to the House of Representatives.

House resolution in relation to the pay of members of the present session,

Was read a second time.

Mr. Holland presented the following amendment :

*Be it further resolved,* That these resolutions shall not apply to any member of the General Assembly, unless he shall request the committee to make the appropriation due him in accordance with these resolutions ;

Which was lost.

Mr. Duncan moved the indefinite postponement of the bill.

Mr. Duncan called for the yeas and nays.

The vote was :

Yeas—Mr. President, Messrs. Arnow, Duncan and Hogue—4.

Nays—Messrs. Abercrombie, Clary, Cooper, Holland, Hopkins, King, Russell of Jefferson, and Scott—8.

So the motion was lost.

Mr. Holland moved to refer the resolution to the Committee on Taxation and Revenue ;

Which was lost.

Mr. Hopkins moved to refer the resolution to a joint select committee of three ;

Which was adopted.

The President appointed as said committee, Messrs. Hopkins, Abercrombie and Scott.

The following communication was received from His Excellency the Governor :

EXECUTIVE DEPARTMENT, }  
Tallahassee, December 5th, 1864. }

Hon. A. K. ALLISON,

President of the Senate :

SIR : I hereby nominate the following persons as members of the Boards of Education, viz :

For the Seminary east of the Suwannee, E. D. Houze, James E. Broome, James B. Owens, John M. Taylor, John Ramage and E. J. Harris.

For the Seminary west of the Suwannee, Francis Eppes, Thomas Randall, John Beard, Charles G. English, Selim W. Myers and Phillip T. Pearce.

Very respectfully,

JOHN MILTON,  
Governor of Florida.

Which was read and on motion the nominations confirmed.

Also, the following :

EXECUTIVE DEPARTMENT, }  
Tallahassee, December 5th, 1864. }

Hon. A. K. ALLISON,

President of the Senate :

SIR : I respectfully recommend the following nominations for the advice and consent of the General Assembly, viz :

Seth H. Bunker, Auctioneer for Madison County ;

M. S. Elkin, Auctioneer for Leon County ;

A. J. T. Wright, Auctioneer for Columbia County.

Very respectfully,

JOHN MILTON.

Which was read and nominations confirmed.

Also the following :

EXECUTIVE DEPARTMENT, }  
Tallahassee, December 5th, 1864. }

HON. A. K. ALLISON,

President of the Senate :

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

An act to create special tribunals for the trial of capital offences committed by slaves, free negroes and mulattoes.

An act to amend the laws relating to slaves.

An act to organize militia troops for the State of Florida.

Joint resolution of confidence in and thanks to President Jefferson Davis.

Resolution for the destruction of redeemed State Treasury notes and bonds of 1856 and 1861.

Joint resolution of thanks to the citizen soldiery of Florida.

Joint resolution requesting our Senators and Representatives in Congress to use their influence in procuring the re-enactment of a certain act of Congress.

Joint resolution relating to the appointment of an Agent at Columbus, Georgia.

Very respectfully,

JOHN MILTON.

Which was read.

The following communication was received from the House of Representatives :

HOUSE OF REPRESENTATIVES, }  
December 5th, 1864. }

HON. A. K. ALLISON,

President of the Senate :

SIR: The House has this day passed the following bill with amendments :

Senate bill to be entitled, An act to authorize William E. Russell to enter one hundred and sixty acres of land,

And ask the Senate to concur in the House amendments.

Very respectfully,

WM. FORSYTH BYNUM,

Clerk of the House of Representatives.

Which was read and House amendments concurred in, and bill ordered to be enrolled.

House bill to fix the county site of Brevard county and for other purposes,

Was read third time and put on its passage.

The vote was :

Yeas—Mr. President, Messrs. Abercrombie, Arnou, Clary, Cooper, Hogue, Holland, Hopkins, King, Russell of Jefferson and Scott

Nays—None.

So the bill passed—title as stated.

Ordered to be certified to the House of Representatives.

House bill for the relief of C. L. Demilly,

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

The vote was :

Yeas—Mr. President, Messrs. Abercrombie, Arnow, Clary, Cooper, Duncan, Hogue, Holland, Hopkins, King, Russell of Jefferson and Scott—12.

Nays—None.

So the bill passed—title as stated.

Ordered to be certified to the House of Representatives.

House bill for the relief of soldiers' families,

Was read first time.

Mr. Russell, of Jefferson, moved that the Senate go into Committee of the Whole on the above bill ;

Which was lost.

Mr. Arnow moved to amend by inserting after the word "return," in the 2d section, 3d line, the words "under oath,"

Which was adopted.

Mr. Russell, of Jefferson, moved to amend by striking out "5" in the 4th line 1st section, and insert "3."

Which was lost.

Mr. Holland presented the following amendment as the 5th section :

SEC. 5. *Be it further enacted*, That the Governor is hereby authorized to appoint a General Agent for each militia district in this State, said Agent to give bond in such sums as the Governor shall direct for the faithful performance of his duties ; and said Agents shall purchase, collect, distribute and perform such duties as the Governor shall require of him or them for the purposes of discharging with promptness and efficiency the purposes of this act ; and each of said Agents shall receive the sum of two hundred and fifty dollars per quarter, and five hundred dollars per year in full compensation for mileage and traveling expenses ; and said compensation shall be paid by warrant of the Comptroller, issued upon an order of the Governor, and the Treasurer shall pay the same.

Which was adopted.

Mr. Arnow moved to amend by inserting in the 1st line, 4th section, after the word Probate, "Justices of the Peace, Agent."

Which was adopted.

Mr. Arnow moved to amend by inserting after months, in 5th line, 5th section, "or if within the ages proscribed by the conscript law of the Confederate States, the Governor is hereby authorized to

turn them over to the nearest conscript officer of the Confederate States, and order an election to fill vacancies so made."

The yeas and nays having been called for by Mr. Duncan,

The vote was :

Yeas—Messrs. Arnow, Cooper, King and Scott—4.

Nays—Mr. President, Messrs. Abercrombie, Clary, Duncan, Hogue, Holland, Hopkins and Russell of Jefferson—8.

So the amendment was lost.

Mr. Holland presented the following amendment :

In 5th line, 4th section, add, after the words six months, and before the proviso, the following :

"And the Governor, upon information of said failure to discharge said duty being made to him by five citizens of the county in writing, shall immediately appoint a trustee to discharge said duty of the officer so failing to discharge the duty enjoined upon him by law ;"

Which was not adopted.

Mr. Allison offered the following amendment :

SEC. 6. *Be it further enacted*, That it shall, immediately after the passage of this act, be the duty of the Justices of the Peace of the several counties in this State to proceed to examine into the pecuniary condition of the applicants for relief under the same, and make report thereof in detail, under oath, to the Judges of Probate of their respective counties, whose duty it shall be to lay the same before the board of county commissioners at the first meeting thereafter, and if approved by said board, the same shall be placed on the list of beneficiaries of this act.

The amendment was adopted,

Mr. Allison offered the following amendment :

After the word "of," at the end of the third line, second section, insert "number of persons receiving the benefit of the act ;"

Which was adopted.

Mr. Allison offered as the 7th section,

SEC. 7. *Be it further enacted*, That all laws or parts of laws conflicting with this act be and the same are hereby repealed ;

Which was adopted.

Mr. Allison presented the following amendment :

SEC. —. *Be it further enacted*, That nothing herein contained shall be so construed as to allow a distribution of money to be made to such persons as may be entitled to the benefit of the provisions of this act out of the money herein appropriated, but the distribution shall in all cases be made in family supplies, as provided for in this act.

The yeas and nays having been called for,

The vote was :

Yeas—Mr. President, Messrs. Duncan and Holland—3.

Nays—Messrs. Abercrombie, Arnow, Clary, Cooper, Hogue, Hopkins, King, Russell of Jefferson, Scott and Vann—10.

So the amendment was lost.

Mr. Holland moved to reconsider the action on the fourth section;

Which was adopted.

Mr. Vann moved to strike out the words "Justices of the Peace," in section 4;

Which was adopted.

On motion, the bill was read a third time and put on its passage.

The vote was:

Yeas—Mr. President, Messrs. Abercrombie, Arnow, Clary, Cooper, Duncan, Holland, Hopkins, King, Russell of Jefferson, Scott and Vann—12.

Nays—None.

So the bill passed with amendments—title as stated.

Ordered to be certified to the House of Representatives.

On motion, the Senate took a recess until 4 o'clock, p. m.

#### FOUR O'CLOCK, P. M.

The Senate resumed its session.

The President in the Chair.

A quorum present.

The orders of the day were resumed.

On motion, the rule was waived to allow the Committee on Enrolled Bills to report.

The Committee on Enrolled Bills have examined the following act and resolutions, and found them correctly enrolled:

Resolution in relation to destruction of redeemed bonds of 1856 and 1861, in Treasury office;

Resolution in relation to mails in this State;

An act to authorize William F. Russell to enter one hundred and sixty acres of land.

J. M. ARNOW, Ch'n.

Which was read.

Bill to be entitled, An act to provide for the expenses of the State of Florida and to issue bonds,

Was read first time, rule waived and read a second time by title.

Mr. Holland presented the following amendment:

Strike out all after the enacting clause in the 1st section and insert, "that the sum of \$200,000 shall be issued by the Governor in

treasury notes of the State of Florida, secured by the public lands, in like manner and under the same regulations as the last issue of treasury notes were authorized by law, said treasury notes to be used for the expenses of the State ;”

Which was lost.

On motion, the bill was referred to the Committee on Taxation and Revenue.

On motion, the rule was waived to allow Mr. Hopkins to make the following report :

The Joint Select Committee to whom was referred House resolution in relation to the pay of members, beg leave to report in favor of the passage of said resolution.

EDWARD HOPKINS,

Chairman Joint Select Committee Senate.

O. M. AVERY,

Chairman House Committee.

Which was read.

On motion, the rule was waived, and the resolution put on its passage.

The vote was :

Yeas—Messrs. Abercrombie, Clary, Cooper, Hogue, Hopkins and King—6.

Nays—Mr. President, Messrs. Arnow, Dnncan, Holland, Russell of Jefferson, Scott and Vann—7.

So the resolution was lost.

Bill to be entitled, An act to further define the duties of the Trustees of the Internal Improvement Fund,

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

The vote was :

Yeas—Mr. President, Messrs. Arnow, Clary, Cooper, Duncan, Hogue, Holland, Hopkins, King and Scott—10.

Nays—Messrs. Abercrombie, Russell of Jefferson and Vann—3.

So the bill passed—title as stated.

Ordered to be certified to the House of Representatives.

Bill to be entitled, An act in relation to the commissions of ex-ecutors, guardians, curators and administrators ;

Was read a second time and ordered for a third reading to-mor-row.

House bill to amend An act to suspend the collection of taxes in counties held or controlled by the enemy,

Was read first time and placed among the orders of the day for a second reading to-morrow.

House bill in relation to the public defence,

Was read first time and placed among the orders of the day for a second reading to-morrow.

House bill to amend An act to incorporate the city of Lake City, Florida, approved Jan. 15, 1859,

Was read first time and placed among the orders of the day for a second reading to-morrow.

House bill to amend the laws providing for the stay of executions,

Was read second time and placed among the orders of the day for a third reading to-morrow.

House bill to authorize the administrator of the estate of Anna L. Casey to make title to certain lots in Columbia county,

Was read first time and placed among the orders of the day for a second reading to-morrow.

House bill for the relief of Daniel A. Friar, Tax Assessor and Collector of Alachua county,

Was read first time and placed among the orders of the day for a second reading to-morrow.

Senate bill to facilitate the transaction of business in the Quartermaster General's Department, with amendments by the House.

On motion, the amendments were concurred in and bill ordered to be enrolled.

Joint resolution authorizing and requiring the Attorney General to print a general index of the decisions of the Supreme Court, and for other purposes,

Was read, and on motion the House amendments were concurred in and resolution ordered to be enrolled.

Bill to be entitled, An act in relation to Judges of Probate,

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

The vote was :

Yeas—Mr. President, Messrs. Abercrombie, Arnow, Clary, Cooper, Duncan, Hogue, Holland, Hopkins, King, Russell of Jefferson, Scott and Vann—13.

Nays—none.

So the bill passed—title as stated.

Ordered to be certified to the House of Representatives.

Mr. Hogue moved that Mr. Hopkins be excused from further attendance upon the Senate during this session after to-morrow ;

Which was adopted.

The following communication was received from the House of Representatives :

HOUSE OF REPRESENTATIVES, }  
December 5th, 1864. }

HON. A. K. ALLISON,

President of the Senate :

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

A bill to be entitled, An act to protect the citizens of Florida ;

A bill to be entitled, An act to increase the price of public lands and to facilitate the entry of lands by soldiers and sailors and actual settlers, with amendments; also amended the title;

A bill to be entitled, An act in relation to estates in this State, with amendments.

Also, refused to pass Senate resolution for the relief of B. E. Frier.

Very respectfully,

WM. FORSYTH BYNUM,  
Clerk of House of Representatives

Which was read and House amendments to bill to increase the price of public lands, &c., not concurred in, and on motion a Conference Committee, consisting of Messrs. Hogue, Cooper and King appointed to act on said bill and amendments.

House amendments to bill in relation to estates in this State were concurred in, and Senate bills ordered to be enrolled.

Also, the following :

HOUSE OF REPRESENTATIVES, }  
December 5th, 1864. }

Hon. A. K. ALLISON,

President of the Senate :

SIR: The House has this day passed the following House bills and resolutions, viz :

A bill to be entitled, An act to appropriate a fund for clothing of troops from Florida in the Confederate service; to purchase and distribute Cards, &c.;

A bill to be entitled, An act relative to the fees of the Clerk of the Supreme Court ;

Resolution relative to printing the Soldiers' Relief Bill ;

Resolution in relation to the Florida Brigade, commanded by Brig. Gen. Finley ;

Resolution for the relief of William H. Durrauce, W. S. Spencer and James J. Ward, Sheriffs ; and

The House has refused to pass Senate bill to be entitled, An act to amend an act empowering Judges of Probate to grant orders to executors and administrators to sell real estate for distribution.

Very respectfully,

WM. FORSYTH BYNUM,  
Clerk of the House of Representatives.

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

On motion, the Senate adjourned until ten o'clock to-morrow morning.