

which was placed among the orders of the day.  
On motion of Mr. Finegan, the Senate adjourned  
10 o'clock, A. M.

MONDAY, January 1, 1866.

The Senate met pursuant to adjournment.

The President in the chair.

A quorum present.

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

Notice was given of intention to introduce the following  
some future day, viz:

By Mr. Steele:

A bill to debar the pleading of the statute of limitations  
embrace a period of time mentioned therein, also,

A bill to give to the Probate Court of Duval County, Fla.,  
all civil actions not exceeding three hundred dollars.

By Mr. Ross:

A bill to be entitled an act to fix the pay of the members  
General Assembly.

Pursuant to previous notice the following bills were  
viz:

By Mr. Steele:

A bill to repeal an act entitled an act to authorize  
of the Circuit Court of Duval county to be held at Baldwin.

By Mr. Morrison:

A bill to be entitled an act to fix the salaries and compensation  
of the Solicitors of this State.

By Mr. Rosseau:

A bill to be entitled an act to allow William Hines to  
the counties of Suwannee and Lafayette.

By Mr. Crawford:

A bill to be entitled an act to allow the same person  
offices of Notary Public, Auctioneer and Port Warden  
the county of Wakulla.

Mr. Steele offered the following resolution:

*Resolved*, That a joint committee of three from each  
House of Representatives concurring) be appointed to take  
consideration, and make report by bill or otherwise, as early

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ble, what means, if any, the State should employ to encourage  
emigration of hardy laborers from Europe to revive her indus-  
and develop her great resources.

Which was adopted, and Messrs. Steele, Owens and White appoin-  
d a committee on the part of the Senate under the said resolution.

On motion, Mr. Brevard was excused from further attendance  
till Wednesday next.

On motion of Mr. Roper, 600 copies of Governor Walker's inau-  
ral address and the address of Provisional Governor Marvin were  
ordered to be printed for the use of the Senate.

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The Committee on Public Lands made the following report, viz :

The Committee on Public Lands, to whom was referred House  
bill entitled an act to facilitate the collection of Taxes and require  
the registration of grants and donations, has had the same under  
consideration, and beg leave to

REPORT:

That amending the bill by striking out the word "section." in sec-  
tion first, tenth line, they see no objection to the bill, and therefore  
recommend its passage, with such amendment.

Respectfully submitted,

HOLMES STEELE, Ch'n.

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

The Committee on Engrossed Bills made the following report,  
viz :

The Committee on Engrossed Bills, to whom was referred a bill  
to be entitled an act to allow additional compensation to the Justices  
of the Supreme Court and the Judges of the Circuit Court of the  
State of Florida, report the same as correctly engrossed.

J. H. ROPER, Ch'n.

Which was received and read.

The Committee on the Judiciary made the following report, viz :

The Committee on the Judiciary, to whom was referred "a bill to  
be entitled an act authorizing the City of Pensacola to issue bonds,"  
beg leave to

REPORT:

That they have had the same under consideration, and with a  
view to its more thorough examination have elicited the accompa-  
nying opinion of the Attorney General in regard to its constitution-  
ality. Nevertheless, as the provisions of the first clause of the  
XIII. Art. of the Constitution of this State, which declares that the  
"General Assembly shall pass no act of incorporation, nor make any

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alteration in one, unless with the assent of at least two-thirds of each House, and unless public notice in one or more newspapers of the State shall have been given for at least three months preceding the session at which the same may be applied for," have not in this case been complied with, the committee respectfully recommend that the bill do not pass.

T. W. BREVARD,  
Ch'n Judiciary Committee.

*Opinion of the Attorney General.*

ATTORNEY GENERAL'S OFFICE,  
TALLAHASSEE, Dec. 23, 1865.

Hon. T. W. BREVARD,

Chairman of the Committee on Judiciary, Senate:

Sir—Your communication of this date is received, enclosing "a bill to be entitled an act authorizing the City of Pensacola to issue bonds." You state that notice of an intention to apply for an amendment of the charter of said city, or for the passage of this act, has not been given, and refer me to the first clause of the XIII. Article of the Constitution of the State, which declares that "the General Assembly shall pass no act of incorporation, nor make any alteration in one, unless with the assent of at least two-thirds of each House, and unless public notice in one or more newspapers of the State shall have been given for at least three months immediately preceding the session at which the same may be applied for." The questions are, whether the conferring of the proposed power on the city of Pensacola is to be considered as an amendment of its charter or act of incorporation, or secondly, whether under other provisions of the constitution, the authority to confer such power by ordinary legislation is not delegated to the General Assembly.

These questions may be considered together. The fourth clause of the VIII. article of the Constitution provides, that "the General Assembly shall have power to authorize the several counties and incorporated towns in this State to impose taxes for County and corporation purposes respectively, and all property shall be taxed upon the principles established in regard to State taxation." Of course the power to issue these bonds implies the right to levy a tax to pay them, and the question after all is mainly as to the power of the General Assembly to confer the authority on a city to contract liabilities and raise taxes to pay them. As to the meaning and effect of these provisions of the Constitution, singly and to-

gether, it is not necessary to refer to the Supreme Court thereon. I refer you to the Commissioners of Land, in that case the court provide for and enclose in this State," w Mayor and Council scribe and hold st said city or town compatible with valid." The an palpable. If th act to subscribe for, of course it pose of city in considered the lege to a publ its charter re grant it, or t as above cite confers on t by towus ar hereafter to do this reo ion, theret bly and it years, as act in qu has not l of the G

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gether; it is not necessary that I should express my views at length. The Supreme Court of the State having examined and decided thereon. I refer you to the case of *cotton et al vs. The County Commissioners of Leon County*, VI. Florida Reports, p. 610. In that case the court decided that the 22d section of the "act to provide for and encourage a liberal system of Internal Improvements in this State," which, amongst other provisions, authorizes the Mayor and Council of any city, or the Trustees of any town, to subscribe and hold stock in railroad companies, and to issue bonds of said city or town in payment of said subscription, "was perfectly compatible with the provisions of the Constitution and therefore valid." The analogy between this case and the one in question is palpable. If the Legislature can authorize a city by an ordinary act to subscribe stock in railroad companies and issue bonds therefor, of course it can authorize the city to issue bonds for the purpose of city improvement and commercial advantage. It is not considered that the granting of a special power, authority or privilege to a public corporation as a town or city is an amendment of its charter requiring two-thirds majority of the General Assembly to grant it, or the three months' notice required by the Constitution as above cited. You will observe that the section above referred to confers on the General Assembly the power to authorize taxation by towns and cities that are already incorporated, as well as those hereafter to be incorporated, and it has not been considered that to do this requires an amendment of their charters. I am of the opinion, therefore, that according to the practice of the General Assembly and its interpretation of the constitution for a long number of years, as well as by the decisions of our Courts, the passage of the act in question will not be unconstitutional, although notice thereof has not been given as above mentioned, nor will a vote of two-thirds of the General Assembly be required to pass the same.

Very Respectfully,

JOHN B. GALBRAITH,  
Attorney General.

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

The Committee on the Judiciary made the following report, viz :

The Committee on the Judiciary, to whom was referred a bill to be entitled an act to authorize the Circuit Courts to grant licenses to build Bridges, Ferries and Dams across streams not navigable, beg leave to

#### REPORT:

That they have had the same under consideration, and are of opinion that the passage of this bill is not necessary, as the existing



For Auctioneers for the County of Jefferson—John L. Tatum and  
B. F. Leonard.  
If the Senate concur in these nominations, please send the same  
to the House for their concurrence.

I have the honor to be,

Very respectfully,

Your obedient servant,

D. S. WALKER.

Also, the following :

EXECUTIVE OFFICE,  
Tallahassee, January 1st. 1866. }

Gentlemen of the General Assembly :

I hereby respectfully make the following nominations for the  
County of Duval.

For Port Wardens for the Port of Jacksonville—John S. Sam-  
mis, H. H. Hoeg, John Ponce, Thos. E. Buckman and George  
Wilson.

For Commissioners of Pilotage—A. M. Reid and John H. H.  
Bours.

For Auctioneers—H. H. Hoeg and Samuel Sammis.

If the Senate shall concur in these nominations, please send the  
same to the House.

Your ob't serv't,

D. S. WALKER.

Which were read and the nominations therein made confirmed.

Ordered that the same be certified to the House.

The following communication was received from His Excellency  
the Governor, viz :

EXECUTIVE OFFICE,  
Tallahassee, January 1st. 1866. }

Gentlemen of the General Assembly :

The enclosed letter from Col. Osborne, of the Freedmen's Bureau,  
has been referred by Gov. Marvin to me for consideration and ac-  
tion.

I respectfully recommend that the letter be read and considered  
by the General Assembly, and referred to the same committee which  
has the bills of which it treats under consideration.

The committee will then have before it the arguments in favor  
of the bills, in the report of the Commissioners, and also the argu-  
ments against said bills in the letter of Col. Osborne. They will  
thus be assisted in taking a survey of both sides of the question, and  
report the bills back with or without amendment, as they shall deem  
best.

In my Inaugural Address I have already given you my views of the general policy which I think ought to be pursued towards our colored people. I fully concur with President Johnson in his telegram to Gov. Perry of Nov. 27th, 1865, where he expresses the hope that the Legislature will adopt such a code in reference to free persons of color as will be acceptable to the country, at the same time doing justice to the white and colored population.

I have the honor to be,  
Very respectfully,  
Your obedient servant,

D. S. WALKER.

Which was read and the accompanying communications, on motion of Mr. Vann, laid upon the table.

The following communication was received from the House, viz :

HOUSE OF REPRESENTATIVES, }  
December 30th, 1865. }

Hon. W. W. J. KELLY,

President of the Senate :

SIR : The House of Representatives has this day adopted the following resolution, viz :

A resolution requesting His Excellency, D. S. Walker, Governor of this State, to send a deputation of three gentlemen to Washington to urge upon His Excellency, Andrew Johnson, President of the United States, to have released D. L. Yulce, S. R. Mallory, J. H. Gee and A. K. Allison, citizens of this State.

Very respectfully,

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

Which was read and the accompanying resolution placed among the orders of the day.

The following communication was received from the House, viz :

HOUSE OF REPRESENTATIVES, }  
December 30th, 1865. }

Hon. W. W. J. KELLY,

President of the Senate :

SIR : The House of Representatives has this day adopted the following Senate resolution, viz :

Resolution to appoint a Joint Committee of the General Assembly on Finance and Public Accounts.

Very respectfully,

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

Which was read.

ORDERS OF THE DAY.

House resolution requesting His Excellency, D. S. Walker, Governor of this State, to send a deputation of three gentlemen to Washington to urge upon His Excellency, Andrew Johnson, President of the United States, to have released D. L. Yulee, S. R. Mallory, J. H. Gee and A. K. Allison, citizens of this State,

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

The vote was:

Yeas—Messrs. Abercrombie, Baker, Crawford, Curry, Evans, Finegan, Gorrie, Hendry, Jordan, Morrison, Oliveros, Owens, Pearce, Poe, Richard, Roper, Ross, Rosseau, Steele, Turner, Vann, White, Whitehurst and Woodruff—24.

Nays—none.

So the resolution was adopted—title as stated.

Ordered that the same be certified to the House.

House bill to be entitled an act to amend an act entitled an act to authorize the Circuit Courts of this State to grant licenses to build toll bridges and for other purposes,

Was taken up for a second reading, and on motion, the substitute proposed by the Judiciary Committee adopted in lieu thereof.

Mr. Roper offered the following amendment to the substitute, viz:

Provided, That when a river divides the Judicial District, the petitioner shall be compelled to obtain license from the Judges of each District;

Which was adopted and the bill ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled an act to authorize the City of Pensacola to issue bonds,

Was read a second time.

Mr. Ross moved that the bill be laid upon the table.

Which motion was not agreed to.

Ordered that the bill be engrossed for a third reading on to-morrow.

A bill to be entitled an act to allow additional compensation to the Justices of the Supreme Court and Judges of the Circuit Court of the State of Florida,

Was read the third time and put upon its passage.

The vote was:

Yeas—Messrs. Abercrombie, Baker, Crawford, Curry, Evans, Finegan, Jordan, Morrison, Oliveros, Owens, Pearce, Poe, Richard, Roper, Rosseau, Turner, Vann and White—18.

Nays—Messrs. Gorrie, Hendry, Ross, Whitehurst and Woodruff—5.

So the bill passed—title as stated.

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Ordered that the same be certified to the House.

A bill to be entitled an act to repeal an act to authorize the sessions of the Circuit Court of Duval county to be held at Baldwin,  
Was read the first time and ordered for a second reading on to-morrow.

A bill to be entitled an act to allow the same person to hold the offices of Notary Public, Auctioneer and Port Warden in and for the county of Wakulla,

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

A bill to be entitled an act to allow William Hines to peddle in the counties of Suwannee and Lafayette,

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

House bill to be entitled an act to facilitate the collection of taxes and require the registration of grants and donations,

Was read a second time and the following amendment adopted :

Strike out the word "section," in the tenth line of the first section.

Ordered that the bill be read the third time on to-morrow.

A bill to be entitled an act to fix the salaries and compensation of the Solicitors of this State,

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

A bill to be entitled an act to provide for the current expense of the Government of the State,

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

House bill to be entitled an act to prevent and punish trespass upon the public lands of the State,

Was read a second time and postponed until to-morrow.

House resolution in relation to arming the militia,

Was read the third time and put upon its passage.

The vote was :

Yeas—Messrs. Abercrombie, Crawford, Curry, Evans, Finegan, Gorrie, Hendry, Jordan, Morrison, Oliveros, Owens, Pearce, Poe, Richard, Roper, Ross, Rosseau, Steele, Turner, Vann, White, Whitehurst and Woodruff—23.

Nays—none.

So the resolution was adopted—title as stated.

Ordered that the same be certified to the House.

House bill to be entitled an act to prescribe the manner of changing the names of persons,

Was read the third time and put upon its passage.

The vote was :

Yeas—none.

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Nays—Messrs. Abernethy, Crawford, Curry, Evans, Finegan, Gorrie, Jordan, Morrison, Oliveros, Owens, Pearce, Poe, Richard, Roper, Ross, Rosseau, Steele, Turner, Vann, White, Whitehurst and Woodruff—22.

So the bill was lost.

Ordered that the same be certified to the House.

A bill to be entitled an act to authorize the Pensacola and Georgia Railroad Company to sell and transfer the Branch road from Live Oak to the Georgia line,

Was read the second time and referred to the Judiciary Committee.

A bill to be entitled an act to amend the several acts regulating pilotage on the St. Johns bar and river,

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

The following communication was received from the House :

HOUSE OF REPRESENTATIVES,  
January 1st, 1866.

Hon. W. W. J. KELLY,

President of the Senate :

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

Resolution in relation to Lieut. Gen. Grant, U. S. A., and the removal of the colored troops.

Very Respectfully,

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

Which was read.

The rule was waived and the accompanying resolution read the first time and ordered for a second reading on to-morrow.

On motion of Mr. Ross, the bill entitled an act to provide for the removal of the State Seminary East of the Suwannee from Ocala to Gainesville, Fla., was taken up and placed among the orders of the day.

On motion, the Senate adjourned until to-morrow morning 10 o'clock.