

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

THURSDAY, January 4th, 1866.

The Senate met pursuant to adjournment.
The President in the chair.
The Journal of yesterday was read and approved.
The following communication was received from his Excellency the Governor :

EXECUTIVE CHAMBER,
Tallahassee, Fla., Jan. 3d, 1866. }

Gentlemen of the General Assembly :

I have approved and signed a Resolution in regard to the removal of the colored troops from this State.

Also a Resolution requesting the Governor to send a deputation of three gentlemen to Washington to urge the President to have released from prison D. L. Yulee, S. R. Mallory, J. H. Gee and A. K. Allison, citizens of this State.

Also "an act to repeal an act entitled an act to consolidate the offices of Sheriff, Tax Assessor and Collector in Hernando County, approved Dec. 8th, 1862."

Also, a Resolution requesting the Governor to "use his utmost endeavors to arm the militia of the State."

Also, an act to encourage telegraphic communication between the State of Florida and the Island of Cuba and other West India Islands.

I have the honor to be,

Most respectfully,

Your obedient servant,

D. S. WALKER,
Governor of Florida.

Which was read.

Also the following :

EXECUTIVE CHAMBER,
Tallahassee, Fla., Jan. 3rd, 1866. }

Gentlemen of the General Assembly :

I respectfully make the following nominations :

For Port Warden for the Port of Pensacola—George H. O'Neal.

For Commissioner of Pilotage for the Port of Jacksonville—Antonio A. Canova.

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For Auctioneer for Jefferson County—Dan'l. T. Lingo.
Please certify to the House.

Your obedient servant,
D. S. WALKER.

Which was read and the nominations therein made confirmed.

Ordered that the same be certified to the House.

On motion, the rule was waived and Mr. Cottrell introduced, without previous notice, the following bill, viz :

A bill to be entitled an act providing for the appointment of a pilot at Cedar Keys.

Ordered that the bill be placed among the orders of the day.

Mr. Steele gave notice of intention to introduce at some future day the following bills, viz :

A bill to authorize the County Commissioners of Duval county to issue bonds to raise money for the purpose of building a county jail ; and,

A preamble and resolution providing for an application to Congress to rebuild the Court House and jail of Duval county ; also,

A preamble and resolution asking the State of Florida, through her Legislature, to relieve the county of Duval from the obligation to pay a debt of one thousand dollars which said county owes the State.

The following communication was received from the House of Representatives :

HOUSE OF REPRESENTATIVES,
Jan. 2, 1866.

Hon. W. W. J. KELLY,
President of the Senate :

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

A bill to be entitled an act to establish and organize a county criminal court.

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

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

Mr. Cottrell, from the Committee on the State of the Commonwealth, made the following report, viz :

The Committee on the State of the Commonwealth, to whom was referred " a bill to repeal all acts regulating the license of physicians

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and to establish a better system," have had the same under consideration, and instructed me to

REPORT:

That in the judgment of said committee, it is inexpedient to legislate on the subject matter of said bill at this time, and they recommend said bill be rejected.

J. L. F. COTTRELL, Chm'n.

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

Mr. Brevard, from the Judiciary Committee, made the following report:

The Committee on the Judiciary, to whom was referred "a bill to be entitled an act to debar the pleading of the statute of limitation so as to embrace a period of time mentioned therein," beg leave to

REPORT:

That they have had the same under consideration, and are of opinion that this bill is not necessary; the objects sought to be obtained by the bill being already fully secured by the sixth clause of the seventeenth article of the constitution, which declares that "the statutes of limitation shall not be pleaded upon any claim in the hands of any person whomsoever, not sued upon when such claim was not barred by the statutes of limitation on the 10th day of January, A. D. 1861." It is very evident that the term claim, in the clause above quoted, has reference to all liabilities and indebtedness, of whatever character, in existence on the 10th day of January, 1861, and against which the statutes of limitation had not run.

It is respectfully recommended that the enclosed "resolution defining the meaning of and construing the sixth clause of the constitution of this State," be adopted.

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

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

The following communication was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
Jan. 3, 1866. }

Hon. W. W. J. KELLY,
President of the Senate:

SIR: The House of Representatives has this day passed the following bills, to wit:

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A bill to be entitled an act to establish and enforce the marriage relation between persons of color; and,
 A bill to be entitled an act authorizing executors, administrators, trustees and guardians to contract for the hire of laborers and confirming contracts heretofore made.

Very respectfully,

WM. FORSYTH BYNUM,

Clerk of the House of Representatives.

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

ORDERS OF THE DAY.

A bill to be entitled an act to authorize the Governor to negotiate a loan for the use of the State,
 Was read the third time and put upon its passage.

The vote was:

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

Nays—Mr. Hendry—1.

So the bill passed—title as stated.

Ordered that the same be certified to the House.

A bill to be entitled an act to establish the records of Bradford county, and for other purposes,
 Was read the second time and referred to the Committee on the

Judiciary.

Preamble and Resolution in relation to the Freedmen's Bureau,
 Was read a second time, and on motion rule waived, read the

third time by its title, and put upon its passage.

The vote was:

Yeas—Messrs. Abercrombie, Baker, Bird, Brevard, Cottrell, Crawford, Curry, Evans, Finegan, Gorrie, Hendry, Jordan, Morrison, Oliveros, Owens, Pearce, Poe, Richard, Roper, Rosseau, Steele, Turner, Vann, White, Whitehurst and Woodruff—26.

Nays—none.

So the Preamble and Resolution passed—title as stated.

Ordered that the same be certified to the House.

A bill to be entitled an act to authorize the Pensacola & Georgia Railroad Company to sell and transfer the Branch Road from Live Oak to the Georgia line,
 Came up on its second reading.

Mr. Gorrie moved that the bill be indefinitely postponed.

The yeas and nays were called for by Messrs. Vann and Jordan.

The vote was:

Yeas—Messrs. Bird, Cottrell, Curry, Evans, Finegan, Gorrie, Oliveros, Richard, Roper, Whitehurst and Woodruff—11.

Nays—Messrs. Abercrombie, Baker, Brevard, Crawford, Jordan, Morrison, Owens, Pearce, Poe, Rosseau, Steele, Turner, Vann and White—14.

So the motion was not adopted.

On motion, Mr. Hendry was excused from voting upon said motion.

Mr. White moved to amend by adding the following to be Sec. 2 of said bill; the other sections to be numbered conformably.

SECTION 2. *Be it further enacted*, That the sale of said road shall be for cash, and all monies and profits arising from said sale shall be expended on the Pensacola and Georgia Railroad as early as practicable, commencing at the terminus of said road at Quincy, going West towards Pensacola.

Upon the question of the adoption of the said amendment, the yeas and nays were called for by Messrs. White and Abercrombie.

The vote was:

Yeas—Messrs. Abercrombie, Baker, Bird, Brevard, Cottrell, Crawford, Curry, Evans, Finegan, Morrison, Owens, Poe, Richard, Steele, Turner, Vann, White, Whitehurst and Woodruff—19.

Nays—Messrs. Gorrie, Hendry, Jordan, Oliveros, Pearce, Roper and Rosseau—7.

So the amendment was adopted.

Mr. Cottrell offered the following amendment, to be numbered section 8.

SECTION 8. *Be it further enacted*, That the said Atlantic and Gulf Railroad Company shall not charge for conveying passengers over said road more than five cents per mile.

Which was adopted.

Mr. Vann offered the following amendment, viz:

Mr. Vann moved to strike out in the 2d section, line 3d, after the word "line," to the word "and" in said section, 8th line.

Upon the question of the adoption of the said amendment, the yeas and nays were called for by Messrs. Abercrombie and Gorrie.

The vote was:

Yeas.—Messrs. Baker, Brevard, Crawford, Jordan, Morrison, Vann and White—7.

Nays.—Messrs. Abercrombie, Bird, Cottrell, Curry, Evans, Finegan, Gorrie, Hendry, Oliveros, Owens, Pearce, Poe, Richard, Roper, Rosseau, Steele, Turner, Whitehurst and Woodruff—19.

So the amendment was not adopted.

Mr. Vann offered the following amendment, viz:

Mr. Vann moved to strike out all after the word "line," in 3d line, to the word "and," in 12th line of section 2d of printed bill.

Which was not adopted.

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On motion of Mr. Bird, the rule was waived, the bill read a third time as amended, and put upon its passage.

The vote was :

Yeas—none.

Nays—Messrs. Abercrombie, Baker, Bird, Brevard, Cottrell, Crawford, Curry, Evans, Finegan, Gorrie, Hendry, Jordan, Morrison, Oliveros, Owens, Pearce, Poe, Richard, Roper, Rosseau, Steele, Turner, Vann, White, Whitehurst and Woodruff—26.

So the bill was lost.

House resolution for the appointment of commissioners for the examination of the indebtedness of the State.

Was read a second time, and on motion of Mr. Cottrell, referred to the following select committee, viz : Messrs. Cottrell, Abercrombie and Owens.

A bill to be entitled an act to debar the pleading of the statute of limitation, so as to embrace a period of time mentioned therein,

Was read a second time, and on motion the following resolution was substituted therefor :

Resolution constraining the sixth clause of the XVII Article of the constitution of this State.

On motion, the rule was waived and said resolution read the third time and put upon its passage.

The vote was :

Yeas—Messrs. Abercrombie, Baker, Bird, Brevard, Cottrell, Crawford, Curry, Evans, Finegan, Gorrie, Hendry, Jordan, Morrison, Oliveros, Owens, Pearce, Poe, Richard, Roper, Rosseau, Steele, Turner, Vann, White, Whitehurst and Woodruff—26.

Nays—None.

So the resolution passed—title as stated.

Ordered that the same be certified to the House.

A bill to be entitled an act to repeal all acts regulating the license of Physicians and to establish a better system.

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

A bill to be entitled an act providing for the appointment of a pilot at Cedar Keys.

Was read the 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 authorizing Executors, Administrators, Trustees and Guardians to contract for the hire of laborers and confirming contracts heretofore made.

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

House bill to be entitled an act to establish and enforce the marriage relation between persons of color,

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

House bill to be entitled an act to establish and organize a County Criminal Court,

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

The following communication was received from the House.

HOUSE OF REPRESENTATIVES,
Jan. 3d, 1866.

Hon. W. W. J. KELLY,
President of the Senate :

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

House resolution requesting His Excellency David S. Walker, Governor of this State, to exert himself to have restored to the people of Florida the time-honored right of trial by jury and the writ of habeas corpus.

House resolution for the relief of Eliza Stewart.

Also, adopted the following Senate resolutions, viz :

Resolution to raise a joint committee on Imposition of Labor.

Joint resolution in reference to introducing new business into either house after Saturday, the 6th inst.

Joint resolution relative to the joint committee on taxation and revenue.

Very respectfully,

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

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

House resolution for the relief of Eliza Stewart,

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

House resolution requesting His Excellency David S. Walker, Governor of this State, to exert himself to have restored to the people of Florida the time-honored right of trial by jury and the writ of habeas corpus,

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, Bird, Brevard, Cottrell, Crawford, Curry, Finegan, Gorrie, Hendry, Jordan, Morrison, Oliveros, Owens, Pearce, Poe, Richard, Rosseau, Steele, Turner, Vann, White, Whitehurst and Woodruff—24.

Nays—none.

So the resolution passed—title as stated.

Ordered that the same be certified to the House.

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Hon. W. W. J.

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The following communication was received from the House:

HOUSE OF REPRESENTATIVES,
Jan. 3d, 1866.

Hon. W. W. J. KELLY,

President of the Senate:

Sir—The House of Representatives has this day passed the following bills, viz:

A bill to be entitled an act authorizing the sale of escheated lands belonging to the Estate of John Eaton, deceased.

Senate bill to be entitled an act concerning marks and brands of beef cattle and for further purposes.

Senate bill to be entitled an act to punish certain persons for marking, branding or killing unmarked cattle, and for other purposes therein mentioned.

A bill to be entitled an act giving further time to purchasers of School and Seminary Lands to complete their payments.

Very respectfully,

WM. FOSDYTH BYNUM,

Clerk of the House of Representatives.

Which was read and the Senate bill ordered to be enrolled and the House bills placed among the orders of the day.

House bill to be entitled an act giving further time to purchasers of School and Seminary lands to complete their payments.

Was read the first time and ordered for a second reading on tomorrow.

House bill to be entitled an act authorizing the sale of escheated lands belonging to the estate of John Eaton, deceased.

Was read the first time and ordered for a second reading on tomorrow.

The following communication was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
Jan. 3, 1866.

Hon. W. W. J. KELLY,

President of the Senate:

Sir: The House of Representatives has this day passed the following bills, viz:

House bill to be entitled An act to exempt all the inhabitants of this State the benefit of the Courts of Justice and the processes thereof.

Senate bill to be entitled an act to change the county site of Nassau county.

House bill to be entitled an act for the adoption of two children by J. B. Askew and Sarah J. Askew.
Very respectfully.

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

Which was read and the Senate bill ordered to be enrolled and the House bills placed among the orders of the day.

House bill to be entitled an act for the adoption of two children by J. B. Askew and Sarah J. Askew,

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

House bill to be entitled an act to extend to all the inhabitants of this State the benefit of the Courts of Justice and processes thereof,

Was read the first time and ordered for a second reading on tomorrow.

A committee from the House appeared at the bar and reported the following bill as having passed the House :

A bill to be entitled an act in relation to the contracts of persons of color,

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

The following communication was received from the House :

HOUSE OF REPRESENTATIVES,
January 3, 1866.

Hon. W. W. J. KELLY,

President of the Senate:

Sir: The House of Representatives has this day passed the following bills viz :

A bill to be entitled an act in relation to Apprentices.

A bill to be entitled an act in addition to an act entitled an act to amend the act entitled an act concerning Marriage Licenses, approved January 23d, 1832.

Very respectfully

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

Which was read and the bills placed among the orders of the day.
House bill to be entitled an act in addition to an act entitled an act to amend the act entitled an act concerning marriage licenses, approved January 23d, 1832,

Was read the 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 in relation to apprentices,

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

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Hon. W. W. J.

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The following communication was received from the House, viz:

HOUSE OF REPRESENTATIVES,
January 3, 1866.

MON. W. W. J. KELLY,
President of the Senate:

Sir: The House of Representatives has this day passed the following bills, viz:

Senate bill to be entitled an act to compel railroad companies to pay for all stock killed upon their roads.

House bill to be entitled an act to prevent the penning of cattle in certain months of the year and for other purposes.

House resolution relative to colored troops.

Very respectfully,

WM. FORSYTH BYNUM,

Clerk of the House of Representatives.

Which was read and the Senate bill ordered to be enrolled and the House bill and resolution placed among the orders of the day.

House resolution relative to colored troops.

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, Bird, Brevard, Cottrell, Crawford, Curry, Evans, Finegan, Gorrie, Hendry, Jordan, Morrison, Oliveros, Owens, Pearce, Poe, Richard, Roper, Rosseau, Steele, Turner, Vann, White, Whitehurst and Woodruff—26.

Nays—None.

Mr. Vann moved to amend the title by adding "in Hamilton county."

Which was adopted.

So the resolution passed—title as amended.

Ordered that the same be certified to the House.

On motion, the Senate took a recess until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

Senate resumed its session.

A quorum present.

The President in the chair.

House bill to be entitled an act to prevent the penning of cattle in certain months of the year, and for other purposes,

Was read the first time and ordered for a second reading on tomorrow.

The following communication was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
January 3, 1866.

Hon. W. W. J. KELLY,

President of the Senate:

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

House bill to be entitled an act concerning testimony;

House bill to be entitled an act to establish uniform weights and measures to be used throughout the State of Florida; and,

House bill to be entitled an act for the relief of Louis Lanier, administrator of the estate of John J. Hooker, deceased.

Very respectfully,

WM. FORSYTH BYNUM,

Clerk of the House of Representatives.

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

House bill to be entitled an act concerning testimony,

Was read the first time and ordered for a second reading on tomorrow.

House bill to be entitled an act to establish uniform weights and measures to be used throughout the State of Florida,

Was read the first time and ordered for a second reading on tomorrow.

House bill to be entitled an act for the relief of Louis Lanier, administrator of the Estate of John J. Hooker, deceased,

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

The vote was:

Yeas—Messrs. Abercrombie, Baker, Bird, Brevard, Cottrell, Crawford, Curry, Finegan, Hendry, Jordan, Morrison, Oliveros, Pearce, Poe, Richard, Roper, Rosseau, Steale, Turner, Vann, White, Whiteharst and Woodruff—23.

Nays—Messrs. Gorrie and Owens—2.

So the bill passed—title as stated.

Ordered that the same be certified to the House.

The following communication was received from the House, to wit:

HOUSE OF REPRESENTATIVES,
Jan. 3d, 1866.

Hon. W. W. J. KELLY,

President of the Senate.

Sir: I am instructed by the House of Representatives to inform

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the Senate that the House has this day advised and confirmed the nominations made in the within communications,

Very Respectfully,

WM. FORSYTH BYNUM,

Clerk of the House of Representatives.

Which was read and the action of the Senate and House ordered to be certified to His Excellency the Governor.

On motion, the rule was waived and Mr. Vann offered the following resolution, viz:

Resolved by the Senate, That the Treasurer of the State be, and is hereby instructed to set apart and turn over to the Lieutenant Governor of the State as an office, the room immediately adjoining and on the East side of the entrance to the Senate Chamber, within the Capitol.

Which was adopted.

On motion of Mr. Vann, the Senate went into Executive session on a communication from His Excellency the Governor.

The following communication was received from His Excellency the Governor:

EXECUTIVE CHAMBER,
Tallahassee, Fla., Jan. 4, 1866. }

Gentlemen of the Senate:

I have the honor hereby respectfully to nominate for your advice and consent,

Charles H. DuPont for Chief Justice and A. E. Maxwell and James M. Baker for Associate Justices of the Supreme Court of this State.

I have the honor to be,
Most respectfully,

Your obedient servant,

DAVID S. WALKER,
Governor of Florida.

Which was read.

Mr. Brevard moved that the nominations of Charles H. DuPont as Chief Justice of the Supreme Court be confirmed.

The vote was:

Yeas—Messrs. Abercrombie, Baker, Bird, Brevard, Cottrell, Crawford, Curry, Finguan, Garrie, Hendry, Jordan, Morrison, Oliveros, Owens, Pearce, Poe, Richard, Roper, Rosseau, Steele, Turner, Vann, White, Whitehurst and Woodruff—25.

Nays—None.

So the nomination was confirmed.

Ordered that the same be certified to His Excellency the Governor.

Mr. Abercrombie moved that the nomination of A. E. Maxwell as Associate Justice of the Supreme Court be confirmed.

The vote was:

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Yeas—Messrs. Abercrombie, Baker, Bird, Brevard, Cottrell, Crawford, Curry, Finegan, Gorrie, Hendry, Jordan, Morrison, Oliveros, Owens, Pearce, Poe, Richard, Roper, Rosseau, Steele, Turner, Vann, White, Whitehurst and Woodruff—25.

Nays—None.

So the nomination was confirmed.

Ordered that the same be certified to His Excellency the Governor.

Mr. Finegan moved that the nomination of James M. Baker as Associate Justice of the Supreme Court, be confirmed.

The vote was :

Yeas—Messrs. Abercrombie, Baker, Bird, Brevard, Cottrell, Crawford, Curry, Finegan, Gorrie, Hendry, Jordan, Morrison, Oliveros, Owens, Pearce, Poe, Richard, Roper, Rosseau, Steele, Turner, Vann, White, Whitehurst and Woodruff—25.

Nays—None.

So the nomination was confirmed.

Ordered that the same be certified to His Excellency the Governor.

On motion, the injunction of secrecy was removed from the proceedings in Executive session.

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

FRIDAY, January 5, 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 bills at some future day, viz :

By Mr. Abercrombie :

A bill to be entitled An act to authorize the County Commissioners of the county of Escambia to borrow money for the purpose of building a court-house and jail.

By Mr. Steele :

A bill to be entitled An act to require the children of destitute persons to provide for the support of said persons ; also,

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