

A bill to be entitled an act to provide for the relief of disabled indigent soldiers of the late war, and their destitute widows and orphans.

Preamble and resolutions on Federal relations; and,  
Memorial and resolution of the General Assembly of the State of Florida.

HOLMES STEELE,  
Chm'n Senate Committee.  
G. TROUP MAXWELL,  
Chm'n House Committee.

Which was received and read.

On motion, the Senate adjourned until Monday morning, 10 o'clock.

MONDAY, January 15th, 1866.

The Senate met pursuant to adjournment.

The President in the Chair.

A quorum present.

Prayer by the Chaplain.

Mr. Pearce offered the following resolution:

*Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Treasurer be authorized to procure suitable stationery and candles for the use of the General Assembly at its next session.

Which was adopted.

Mr. Steele offered the following protest:

The undersigned, having voted in the affirmative for the bill entitled "an act fixing the pay of officers and members of the General Assembly," which passed the Senate on the 6th of January, 1866; and without full reflection and information as to its relation to the Constitution of the State, now desire to declare that they protest against that vote, inasmuch as subsequent investigation has convinced them of their error, and to place themselves right on the record declare it as their opinion that said vote was in conflict with Article IV, clause 16 of the Constitution, and hereby negative said vote, and request that this protest be spread upon the journal of the Senate.

HOLMES STEELE,  
W. C. BIRD.

Which was ordered to be spread upon the journal.

Mr. Roper, from the Committee on Engrossed Bills, made the following report:

The Committee on Engrossed Bills, to whom was referred a bill to be entitled an act to raise a revenue for the State of Florida; and also, a bill to be entitled an act to organize the militia of this State, Report the same as correctly engrossed.

J. H. ROPER, Chm'n.

Which was received and read.

Mr. Whitehurst made the following report:

The Committee on Schools and Colleges, to whom was referred the bill for the education of indigent youth of the State of Florida, ask leave to report favorably on the same, and to suggest the accompanying amendment thereto, and recommend its passage thus amended.

D. W. WHITEHURST, Chm'n.

Which was received and read.

Mr. Whitehurst also made the following report:

The Committee on the Commonwealth, to whom was referred the message of his Excellency the Governor, covering the statement of the pilots for the port and harbor of St. Marks, and also said statement, make the following

#### REPORT:

The statement of the pilots disclose the following facts: The authorities of the Confederate Government caused obstructions in the nature of five log pens, filled with rock, to be placed in the channel of the river St. Marks, about three miles below the town of St. Marks. That before said obstructions were placed in said river, vessels drawing eleven (11) feet water could come to and discharge and receive on board cargo at the wharf at St. Marks. That depth of water has been so much lessened or diminished by the said obstructions, that now vessels drawing eight (8) feet and under can only pass them and reach said wharf. That in consequence thereof the vessels which visit that port have to lighten about one-half their cargoes both ways, thus causing great detention and imposing already upon the vessels, or rather commerce, of the place an expense exceeding eight thousand dollars, all of which can be avoided by the removal of the obstructions; and the opinion is expressed that this can be done with an expenditure of about three thousand dollars, and they ask that the same be done. Your committee have no doubt as to the practicability of removing the obstructions, and entertain as little doubt of the necessity of doing so and of the advantages to be conferred on the commerce of that port thereby; and your committee would, without hesitation, recommend an appropriation of even a larger sum (if a larger were required) for that purpose, if

there was any money in the Treasury to be spared for that purpose, after paying the charges and demands already due and to be paid by the State. The system of revenue and taxation adopted by the present General Assembly will not bring into the Treasury, it is believed, an amount beyond those demands. Believing it to be unwise, as also forbidden by a sound morality, to authorize an expenditure when it is known the means of payment are not provided, your committee are constrained not to recommend an appropriation for removal of said obstructions at this time, and ask to be discharged from the further consideration of the subject.

JAMES ABERCROMBIE  
D. W. WHITEHURST.

Which was received, read and concurred in.

Mr. Brevard made the following report :

The Committee on the Judiciary, to whom was referred a bill to be entitled "an act to increase the powers of the Mayor or Intendant of any city or incorporated town in this State," beg leave to

#### REPORT:

That in their opinion, the powers proposed to be conferred on Mayors and Intendants by the provisions of this bill are excessive, and further that the legislation upon this subject is already sufficient. They therefore recommend that the bill do not pass.

The same committee have also considered a resolution relative to enforcing the sixth section of the Internal Improvement Act, which was referred to them, and respectfully recommend that the same do pass.

The committee have also had under consideration a bill to be entitled an act to provide the mode and manner in which certain officers therein named may be impeached and removed from office, and beg leave to

#### REPORT:

That they believe the Constitution has provided a mode for the removal of all civil officers from position, and that no other mode of removal can be provided by the General Assembly.

T. W. BREVARD,  
Chairman Judiciary Committee.

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

Mr. Evans made the following report :

The Select Committee to whom was referred a bill to be entitled an act to authorize certain parties to remove the obstructions in the

Apalachicola river placed therein during the war, and to compensate them therefor, beg leave to

REPORT:

That they have had the same under consideration, and although it is impossible to get hold of such facts and data, as to enable your committee to give an accurate report of the facts in the case, they have thought proper to offer the following suggestions as to why said bill should not pass.

1st. The Constitution of this State declares "that perpetuities and monopolies are contrary to the genius of a free people, and ought not to be allowed.

2nd. The toll to be collected as contemplated in said bill, as indemnity for the service proposed to be rendered is too high, unless the term of years for which the monopoly is proposed to be granted were less; and

3rd. The "Moccasin slough or Cut-off," through which all the commerce of the river now passes, although not affording a sufficient width for steamboats and other large crafts to pass each other with facility, is of sufficient depth, and is by the action of the current of the river continually increasing in width, and it is believed by your committee that the Moccasin slough, notwithstanding the difficulty attending its navigation, will afford a reasonable facility for the passing of the commerce on said river until such time as the State may by appropriation or otherwise, improve the navigation, by either removing the obstructions, or straightening the "Moccasin slough or cut-off" if required, and therefore your committee recommend that said bill should not pass.

JAS. C. EVANS,  
Chm'n Select Committee.  
JNO. L. CRAWFORD,  
THOMAS M. WHITE.

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

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

EXECUTIVE OFFICE,  
Tallahassee, Jan. 15, 1866. }

Gentlemen of the Senate:

I have approved and signed the following acts and resolutions:

An act to prevent non-residents from hunting in the counties of Taylor and Lafayette;

An act to alter the mode of selling school and seminary lands;

An act for the adoption of two children by Joseph B. Askew and Sarah J. Askew:

An act to authorize the sale of escheated lands lying in the county of Volusia, and formerly belonging to the estate of John Eaton, deceased;

An act in relation to apprentices;

An act authorizing executors, administrators and guardians to contract for the hire of laborers, and confirming contracts heretofore made;

Resolutions relative to copying the acts and resolutions passed at the present session;

An act to punish vagrants and vagabonds;

An act in addition to an act entitled an act to amend an act entitled an act concerning marriage licenses, approved January 23d, 1832;

An act to amend the several acts regulating pilotage on the St. Johns bar and river;

An act to extend and increase the jurisdiction of Justices of the Peace;

Resolution of thanks to General Foster;

A resolution for the appointment of Commissioners for the examination of the indebtedness of the State, and for other purposes;

An act to consolidate the offices of Sheriff, Tax Assessor and Collector of Polk county;

An act to prevent the penning of cattle in certain months of the year, and for other purposes;

An act to authorize the Governor to negotiate a loan for the State of Florida;

Resolution relative to certificates of members and officers of this General Assembly;

An act to establish and organize a county Criminal Court;

An act in relation to the contracts of persons of color;

Resolution for the relief of Eliza Stewart;

An act to repeal an act entitled an act to authorize the Judges of the Circuit Court of Duval county to hold the sessions of the Court at Baldwin;

An act to authorize the county Commissioners of Duval county to issue bonds for a purpose named therein;

An act to allow additional compensation to Justices of the Supreme Court and to the Judges of the Circuit Courts of the State of Florida;

An act for the relief of Louis Lanier, administrator of the estate of John Hooker, late of Polk county, deceased;

An act to establish uniform weights and measures, to be used throughout the State of Florida;

An act to establish and enforce the marriage relation between persons of color:

An act giving further time to purchasers of school and seminary lands to complete their payments;

An act to extend to all the inhabitants of the State the benefits of the Courts of Justice and the processes thereof;

An act to amend an act entitled an act to amend an act entitled an act to establish and permanently locate the County site of Manatee county, approved December 3d, 1861;

An act to require the children of destitute persons to provide for the support of such persons;

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;

Resolution relative to the pay of the Lieutenant Governor;

Preamble and resolutions relative to the Freedmen's Bureau;

An act to prevent and punish trespass upon the public lands of the State;

Resolution requesting His Excellency, Andrew Johnson, to pardon Jefferson Davis; and,

An act to fix the rate of interest on money, bonds, notes and judgments.

I have the honor to be,

Most respectfully,

Your obedient servant,

D. S. WALKER.

Governor of Florida.

Which was read.

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

EXECUTIVE CHAMBER,  
Tallahassee, Fla., Jan. 15th, 1866. }

Gentlemen of the General Assembly:

I have the honor respectfully to nominate F. Eppes, John Beard, P. T. Pearce, Dan'l Meginniss, G. W. Scott, A. M. Randolph and S. Myers, to be Trustees of the State Seminary West of the Suwannee.

Most respectfully,

Your obedient servant.

D. S. WALKER.

Governor.

Which was read and the nominations therein made confirmed.

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

EXECUTIVE OFFICE,  
January 15th, 1866. }

Gentlemen of the Senate:

I respectfully make the following nominations:

For Bradford County—Auctioneers: O. J. Murry and Benjamin Simmons.

For Gadsden County—Auctioneer: O. W. Pittman.

For Hillsborough County—Auctioneer: Josiah Ferris.

I have the honor to be,

Most respectfully,

Your obedient servant,

D. S. WALKER,

Governor.

Which was read and the nominations therein named were concurred in.

The following communication was received from the House of Representatives.

HOUSE OF REPRESENTATIVES,  
January 15, 1866.

HON. W. W. J. KELLY,

President of the Senate:

SIR: The House has concurred in Senate amendments to a resolution to legalize the election of Brevard county, held on the 29th of November, 1865; also,

Concurred in amendment reported by the Conference Committee appointed by the two houses on disagreement between them, on the "bill to be entitled an act concerning testimony," and adopted the amendments therein proposed.

Very respectfully,

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

Which was read.

ORDERS OF THE DAY.

House bill to be entitled an act to authorize the cleaning out of McGirth's creek in Duval county,

Came up on its third reading.

On motion of Mr. Oliveros, it was placed back on its second reading, and he also offered the following amendment:

In 3d line, strike out "6 months," and insert "12 months;"

Which was agreed to.

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

The vote was:

Yeas—Messrs. Abercrombie, Baker, Bird, Brevard, Crawford, Evans, Gorrie, Jordan, Kenan, Morrison, Oliveros, Owens, Pearce, Richard, Ross, Turner, Vann, Whitehurst and Woodruff—19.

Nays—None.

So the bill passed as amended—title as stated.

Ordered that the same be certified to the House.

A bill to be entitled an act to establish a Board of Port Wardens for the Port of Pensacola and regulating Pilots, &c.,

Was read the second time, rule waived, read the third time as amended and put upon its passage.

The vote was:

Yeas—Messrs. Abercrombie, Baker, Bird, Brevard, Crawford, Evans, Gorrie, Jordan, Kenan, Morrison, Oliveros, Owens, Pearce, Richard, Ross, Turner, Vann, Whitehurst and Woodruff—19.

Nays—None.

So the bill passed as amended—title as stated.

Ordered to be certified to the House.

The following communication was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,

Jan., 15, 1866. }

Hon. W. W. J. KELLY,

President of the Senate:

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

"Resolution expressive of the sorrow of this General Assembly on the occasion of the death of the Hon. Thomas Baltzell," and respectfully request the adoption of the same by the Senate.

Very respectfully,

WM. FORSYTH BYNUM,

Clerk of the House of Representatives.

Which was read and the accompanying resolution unanimously adopted by the Senate.

On motion of Mr. Brevard, Messrs. Brevard, Gorrie and Owens were appointed a committee to carry said resolution to the House and notify the same of the action of the Senate thereon.

The committee returned and reported that they had discharged their duty, and asked to be discharged.

A bill to be entitled An act for the relief of indigent disabled soldiers, and for other purposes,

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

The vote was:

Yeas—Messrs. Baker, Brevard, Crawford, Evans, Gorrie, Jordan, Kenan, Morrison, Oliveros, Owens, Pearce, Richard, Ross, Turner, Vann, Whitehurst and Woodruff—17.

Nays—None.

So the bill passed and title was amended to read: A bill to be entitled An act for the relief of certain persons therein indicated.

Ordered to be certified to the House.

House bill to be entitled An act for the relief of landlords,

Came up on its second reading, and ordered to be placed among the orders of the day for a third reading on to-morrow.

House bill to be entitled An act to authorize certain parties to remove the obstructions in the Apalachicola river, placed therein during the war, and to compensate them therefor,

Came up on its second reading, and on motion of Mr. Kenan the bill was indefinitely postponed.

On motion, the vote indefinitely postponing said bill was reconsidered.

House bill to be entitled an act providing for the stay of executions in this State came up on its second reading, and the amendments proposed by the Committee on the Judiciary was adopted.

The rules were waived, and the bill read the third time by its title and put upon its passage.

The vote was:

Yeas—Messrs. Abercrombie, Baker, Bird, Brevard, Crawford, Evans, Jordan, Kenan, Morrison, Oliveros, Owens, Pearce, Richard, Ross, Turner, Vann and Whitehurst—17.

Nays—Mr. Gorrie—1.

So the bill passed as amended—title as stated.

Ordered that the same be certified to the House.

House bill to be entitled an act to authorize certain parties to remove the obstructions in the Apalachicola river, placed therein during the war, and to compensate them therefor was taken up and placed upon a second reading.

Mr. Kenan renewed his motion to indefinitely postpone said bill; Which was agreed to.

The rules were waived to allow Mr. Brevard to make a report:

The Committee on the Judiciary to whom was referred a bill to be entitled an act to grant alternate sections of swamp and overflowed lands to the Pensacola and Mobile Railroad and Manufacturing Company, have had the same under consideration, and ask leave to report favorably thereon, recommending its passage with the following amendment to be added to section 1st:

*Provided*, That no lands heretofore granted to any railroad Company by act of the General Assembly shall be considered or taken as granted to said Pensacola and Mobile Railroad and Manufacturing Company.

The rules were waived to allow Mr. Steele to make a report:

The Joint Standing Committee on Enrolled Bills report the following bills correctly enrolled; but would call the attention of the General Assembly to what seems to be an error in the memorial to Congress for the establishment of mail routes in the State of Florida, whereas Newnansville is designated as the county site of Alachua county, Gainsville actually being such site, viz:

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J. Crawford, Evans,  
Pearce, Rich.  
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Ross, Turner,

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landlords,

Resolutions authorizing the Governor to issue one or more bonds of the State of Florida at his discretion ;

An act authorizing the Criminal Court of Duval county to assume jurisdiction in all civil cases, not exceeding three hundred dollars ;

Preamble and resolutions providing for an application to Congress to rebuild the Court-House and Jail of Duval county ;

An act to establish the records of the county of Bradford, and for other purposes ;

An act to fix the salaries and compensation of the Solicitors of this State ;

An act to permanently locate the county site of Wakulla county ;

An act for the relief of the Secretary of the late State Convention ;

An act concerning testimony ;

Memorial to Congress for the change of a mail route in the State of Florida ;

Memorial to Congress for the establishment of mail routes in the State of Florida ; and

An act to allow the qualified voters of Brevard county to locate permanently the county site of said county.

HOLMES STEELE,

Chm'n Senate Committee.

The rules were waived, to allow Mr. Ross to introduce a bill without giving previous notice.

A bill to be entitled an act making appropriation for the expenses of the State Government for the fiscal year 1866 ;

Which was read the first time, rule waived, read the second and third times and put upon its passage.

The vote was :

Yeas—Messrs. Abercrombie, Bird, Brevard, Crawford, Evans, Gorrie, Jordan, Morrison, Oliveros, Richard, Roper, Ross, Steele, Turner, Vann, Whitehurst and Woodruff—17.

Nays—None.

So the bill passed—title as stated.

On motion of Mr. Ross, a committee was appointed to notify the House of the passage of the bill.

The President appointed Messrs. Ross, Abercrombie and Steele.

The committee after a short absence returned and informed the Senate that they had performed their duty and asked to be discharged which was agreed to.

A committee from the House appeared at the bar and informed the Senate that the House had passed, with amendments, Senate bill to be entitled an act to provide for the removal of the Seminary East of the Suwannee from Ocala to Gainesville.

The Senate refused to concur in the amendments.

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Ordered that the same be certified to the House.

The rule was waived and Mr. Whitehurst made the following report:

The Committee on the State of the Commonwealth, to whom was referred the bill "to abolish the boundary lines between the whites and Indians in the State of Florida," beg leave to

#### REPORT:

That the only doubt which exist in their minds, as to the policy and humanity of the bill, is its provisions for the benefit of the Indian arose from the uncertainty which might attach to their present and future relations with the General Government.

At the time of the close of the Indian war, the remaining Indians, comparatively few in numbers, were assigned lands, within a given reservation on the western coast, and where they remained in peace and quiet, with the inhabitants around them. These bounds during the late war were enlarged by the action of the General Assembly, and their good conduct has been such as to call forth the wish as expressed in the bill, that a larger area should be allowed them for their benefit and advantage.

Gov. Marvin called the attention of the Commissioner of Indian Affairs, on the 28th of October last, to their number, condition, &c., &c., and asked information in relation thereto. The Commissioner replied under date of November 16th, from which the following is extracted:

"These few remaining Indians are regarded as being under [the care and protection of the State of Florida. In my judgment, their circumstances are not such as call for the controlling power, or the care of this Department."

In the opinion of the committee, the withdrawal of the protective and fostering relation between the United States and Indians is hereby positively affirmed; leaving no alternative than that the State should assume, to the best of its ability, the care and protection of the small remnant of a once powerful people, now within its limits.

The committee therefore report favorably thereon.

JAMES ABERCROMBIE,  
D. W. WAITEHURST.

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

Mr. Kenan made the following report:

The Special Committee, to whom was referred bill to be entitled an act to repeal an act to raise the salary of the State Treasurer and other officers therein named, approved Nov. 30th, 1863, have

had the same under consideration, and respectfully recommend the passage of the bill herewith submitted as a substitute for the original.

D. L. KENAN,  
Chm'n of Special Committee.

Which was read and the bill read the first time, rule waived, read the second and third time and put upon its passage.

The vote was :

Yeas—Messrs. Abercrombie, Bird, Brevard, Crawford, Evans, Jordan, Kean, Morrison, Oliveros, Owens, Pearce, Roper, Ross, Steele, Turner, Vann and Woodauff—17.

Nays—None.

So the bill passed—title as stated.

On motion, Messrs. Roper, Evans and Pearce were appointed a committee to certify the bill to the House, and notify them of the action of the Senate ; also,

That the Senate had refused to concur in House amendment to Senate bill to be entitled An act to provide for the removal of the Seminary east of the Suwanee from Ocala to Gainesville, and ask a conference on the same.

The Committee, after a short absence, returned and informed the Senate that they had performed the duty assigned them, and asked to be discharged ;

Which was granted.

The rules were waived to allow Mr. Oliveros to introduce a resolution authorizing the Comptroller to appoint clerks ;

Which was read first time.

The following communication was received from His Excellency the Governor :

EXECUTIVE CHAMBER,  
Tallahassee, Fla., Jan. 15th, 1866. }

Gentlemen of the Senate :

I respectfully make the following nominations for Judges of the County Criminal Court :

For Taylor County—John Osteen.

For Lafayette County—William A. Grant.

For Putnam County—Calvin Gillis.

For St. John's County—A. A. Bravo.

For Bradford County—L. B. Rhodes.

For Hernando County—Franklin E. Saxon.

I have the honor to be,

Most respectfully,

Your obedient servant,

D. S. WALKER.

Governor.

On motion, the Senate went into executive session, and the nominations therein made were confirmed.

Ordered to be certified to the Governor.

On motion, the Senate took a recess until 5 o'clock P. M. to attend the funeral obsequies of the Hon. Thomas Baltzell.

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

Senate resumed its session.

The President in the chair.

A quorum present.

Resolution authorizing the Comptroller to appoint clerks.

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

The vote was :

Yeas—Messrs. Abercrombie, Brevard, Crawford, Jordan, Morrison, Oliveros, Pearce, Richard, Roper, Ross, Steele, Turner and Whitehurst—13.

Nays—Messrs. Gorrie, Vann and Woodruff—3.

So the resolution was adopted.

Ordered to be certified to the House.

The rules were waived and Mr. Roper made the following report: The Committee of Conference of the two Houses of the General Assembly, to whom was referred a bill to be entitled "An act to provide for the removal of the Seminary east of the Suwannee from Ocala to Gainesville, Florida," beg leave respectfully to

#### REPORT:

That they have agreed upon the passage of the bill as it finally passed the Senate, and respectfully ask the concurrence of the two Houses therein.

Respectfully submitted,

J. E. ROPER,  
Chairman Senate Committee.  
F. C. BARRETT,  
Chairman House Committee.

Which was received, read and concurred in.

House bill to be entitled an act to abolish the boundary lines between the whites and Indians,

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

The vote was :

Yeas—Messrs. Abercrombie, Brevard, Crawford, Gorrie, Roper, Steele, Turner, Vann and Whitehurst—9.

Nays—Messrs. Bird, Jordan, Morrison, Oliveros, Pearce, Richard, Ross and Woodruff—8.

So the bill passed—title as stated.

Ordered that the same be certified to the House.

The following communication was received from the House of Representatives :

HOUSE OF REPRESENTATIVES, )  
January 15, 1866. }

Hon. W. W. J. KELLY,

President of the Senate :

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

A bill to be entitled an act making appropriations for the expenses of the State Government for the fiscal year 1866, with an amendment.

Very respectfully,

WM. FORSYTH BYNUM,

Clerk of the House of Representatives.

House amendment to the bill concurred in.

Ordered that the same be certified to the House.

Bill to be entitled an act to grant alternate sections of swamp and overflowed lands to the Pensacola and Mobile Railroad and Manufacturing Company,

Was read second time and amendments thereto proposed by the Committee on the Judiciary adopted.

The rule was waived and bill as amended read the third time by its title and put upon its passage.

The vote was :

Yeas—Messrs. Abercrombie, Bird, Brevard, Crawford, Gorrie, Jordan, Morrison, Oliveros, Pearce, Richard, Roper, Steele, Turner, Vann, Whitehurst and Woodruff—16.

Nays—None.

So the bill passed as amended—title as stated.

Ordered to be certified to the House.

House bill to be entitled an act to embody and amend certain acts in relation to exemption from sale of homesteads and other property,

Was read the third time by its title as amended and put upon its passage.

The vote was :

Yeas—Messrs. Abercrombie, Bird, Brevard, Crawford, Gorrie, Jordan, Morrison, Oliveros, Pearce, Richard, Roper, Ross, Steele, Turner, Vann, Whitehurst and Woodruff—17.

Nays—None.

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So the bill passed as amended—title as stated.

Ordered to be certified to the House.

House bill to be entitled an act to increase the powers of the  
Mayor or Intendant of any city or incorporated town in this State,  
Was read a second time and ordered to be laid upon the table.

On motion, Mr. Pearce was excused from further attendance on  
the Senate this evening.

House bill to be entitled an act to provide the mode and manner  
in which certain officers therein named may be impeached and re-  
moved from office,

Was read a second time, and on motion laid on the table.

House resolution in relation to enforcing the sixth section of the  
Internal Improvement Act,

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

The vote was:

Yeas—Messrs. Abercrombie, Bird, Brevard, Crawford, Gorrie,  
Jordan, Morrison, Oliveros, Richard, Roper, Ross, Steele, Turner,  
Vann, Whitehurst and Woodruff—16.

Nays—None.

So the resolution passed—title as stated.

Ordered that the same be certified to the House.

Bill to provide for the education of the indigent youth of the  
State of Florida,

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

The vote was:

Yeas—Messrs. Abercrombie, Bird, Brevard, Crawford, Gorrie,  
Jordan, Morrison, Oliveros, Richard, Roper, Ross, Steele, Turner,  
Vann, Whitehurst and Woodruff—16.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the House.

House bill to be entitled an act to amend the several acts of this  
State in relation to roads and highways,

Was read a third time as amendments, the adments reported by  
the Committee on the Judiciary adopted and put upon its passage.

The vote was:

Yeas—Messrs. Abercrombie, Bird, Brevard, Crawford, Gorrie,  
Jordan, Morrison, Oliveros, Richard, Roper, Ross, Steele, Turner,  
Vann, Whitehurst and Woodruff—16.

Nays—None.

So the bill passed as amended—title as stated.

Ordered to be certified to the House.

House bill to be entitled an act in relation to judicial proceed-  
ings and the appointment of referees in civil cases,

Was read a second time, and on motion indefinitely postponed.  
On motion, the Senate took a recess till five minutes past seven o'clock, p. m.

#### FIVE MINUTES PAST SEVEN O'CLOCK P. M.

The Senate resumed its session.

A quorum present.

On motion, the rule was waived, and Mr. Roper moved a reconsideration of the vote upon the bill to abolish the boundary line between the whites and Indians;

Which was agreed to.

On motion, the bill was placed back upon its second reading.

Mr. Oliveros offered the following amendment as a proviso to the 7th section:

"*Provided*, That the consent is first obtained from the majority of the tribe through a proper authorized agent, to be appointed by the Governor, and report the result of his labors to the Governor before this act goes into operation."

Which was adopted.

The rule was waived and the bill as amended read the third time by its title and put upon its passage.

The vote was:

Yeas—Messrs. Abererombic, Brevard, Gorrie, Kenan, Oliveros, Roper, Steele, Turner, Vann and Whitehurst—10.

Nays—Messrs. Baker, Bird, Crawford, Erans, Jordan, Morrison, Richard, Ross and Woodruff—9.

So the bill passed as amended—title as stated.

Ordered to be certified to the House.

A committee appeared from the House at the bar and notified the Senate that the House requested the Senate would return to the House, the bill to be entitled an act to authorize certain parties to remove the obstructions in the Apalachicola river, placed therein during the war, and to compensate them therefor.

On motion of Mr. Richard, the vote indefinitely postponing the bill was reconsidered.

On motion of Mr. Abererombic, the Chair appointed Messrs. Gorrie, Ross and Bird, a Committee to return the bill to the House.

After a short time the committee returned and reported they had performed the duty assigned them.

A committee from the House appeared at the Bar and notified the Senate that the House had appointed a committee of three, and

asked that the Senate appoint a similar committee to confer with them in the difference between the two Houses on the bill making dogs taxable property.

The Chair appointed Messrs. Oliveros, Steele and Evans, as such committee.

The following communication was received from his Excellency the Governor:

EXECUTIVE CHAMBER,  
Jan. 15th, 1836.

Gentlemen of the General Assembly:

I respectfully make the following nominations:

For Commissioner of Fisheries for Levy county—Sam Johnson.

For Commissioners of Fisheries for Key West—Frederick Filer and Henry Mulrennan.

For Commissioner of Fisheries for Escambia county—H. T. Hall.

For Auctioneer for Marion county—Joseph Fort.

For Port Wardens for the Port of St. Marks—James Skipper James Williamson, Peter H. Swain, Benjamin Waller and George Bradley.

For Commissioner of Fisheries for Walton county—John E. Fewell.

I have the honor to be,  
Most respectfully,

D. S. WALKER, Governor.

And the nominations therein made confirmed.

The following communication was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,  
January 15, 1836.

HON. W. W. J. KELLY,

President of the Senate:

SIR: The House of Representatives has passed:

House resolution to provide for the payment of the expenses of this General Assembly.

Very respectfully,

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

Which was read.

The accompanying resolution to provide for the payment of the expenses of this General Assembly,

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

The vote was:

Yeas—Messrs. Abercrombie, Bird, Brevard, Crawford, Evans;

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Gorrie, Jordan, Kenan, Morrison, Oliveros, Richard, Roper, Ross, Steele, Turner, Whitehurst and Woodruff—17.

Nays—Mr. Vann—1.

So the resolution passed—title as stated.

Ordered to be certified to the House.

On motion, the rule was waived and Mr. Oliveros made the following

REPORT:

The committee of the two Houses, to whom was referred a bill to be entitled "an act to make dogs taxable property and for other purposes," respectfully recommend the passage of the bill as amended by the Senate.

Respectfully submitted,

B. F. OLIVEROS,  
Chm'n Senate Committee,  
R. H. HALL,  
Chm'n House Committee,

Which was received and read.

Mr. Oliveros moved the recommendation of the committee be concurred in.

Upon which motion, the yeas and nays were called for by Messrs. Vann and Abercrombie.

The vote was:

Yeas—Messrs. Crawford, Evans, Oliveros, Richard, Ross, Turner and Whitehurst—7.

Nays—Messrs. Abercrombie, Baker, Bird, Brevard, Gorrie, Jordan, Kenan, Morrison, Vann, and Woodruff—10.

So the Senate refused to concur in the recommendations proposed by the committee.

Ordered that the same be certified to the House.

The following communication was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,  
January 15, 1866.

Hon. W. W. J. KELLY,

President of the Senate:

SIR: The House of Representatives has passed the following bills, viz:

Senate bill to be entitled an act to provide for the incorporation of towns and cities, and for other purposes; and,

House bill to be entitled an act concerning the publication and distribution of the laws of this General Assembly.

Very respectfully,

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

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

House bill to be entitled an act concerning the publication and distribution of the laws of this General Assembly,

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

Mr. Abercrombie moved that the word "convened," be inserted in the 2d line of the enacting clause.

Which was agreed to.

The rule was waived and the bill as amended read the third time by its title and put upon its passage.

The vote was:

Yeas—Messrs. Abercrombie, Bird, Brevard, Crawford, Evans, Gorrie, Jordan, Kenan, Morrison, Oliveros, Richard, Roper, Ross, Steele, Turner, Vann, Whitehurst and Woodruff—18.

Nays—None.

So the bill passed as amended—title as stated.

Ordered that the same be certified to the House.

On motion, rule was waived and Mr. Steele made the following report:

The Joint Standing Committee on Enrolled Bills, report the following bills correctly enrolled, viz:

An act to provide a summary remedy for the collection of freights due steamboats, ships, vessels and other watercrafts;

Resolution in relation to publishing the laws of the 13th session of the General Assembly;

An act to legalize the elections held in the county of Brevard, on the 29th day of November, 1865; also,

An act to repeal an act to clean out and improve the navigation of Yellow river in West Florida, approved February 14th, 1861.

HOLMES STEELE,

Chairman Senate Committee.

JOHN M. F. ERWIN,

Chairman pro tem. House Committee.

Which was received and read.

The following communication was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,  
January 15th, 1866.

Hon. W. W. J. KELLY,

President of the Senate:

SIR: The House of Representatives has this day passed:

Senate resolution instructing the Register of Public Lands.

The House has concurred in the report of the Conference Committee of the two Houses relative to the disagreement upon amend-

ments to House bill to be entitled an act to make dogs taxable property and for other purposes.

Very respectfully,

WM. FORSYTH BYNUM,

Clerk of the House of Representatives.

The resolution ordered to be enrolled.

On motion, the rule was waived in order to allow Mr. Brevard to introduce a resolution without previous notice.

Mr. Brevard introduced the following resolution, entitled "resolutions designating the session and number of the General Assembly;"

Which was read first time, rule waived, read second and third time by its title and put upon its passage.

The vote was:

Yeas—Messrs. Abercrombie, Baker, Bird, Brevard, Crawford, Evans, Gorrie, Jordan, Kenan, Morrison, Oliveros, Richard, Roper, Ross, Steete, Turner, Vann and Whitehurst—18.

Nays—None.

So the resolution passed—title as stated.

Ordered to be certified to the House of Representatives.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES,  
January 15th, 1866. }

Hon. W. W. J. KELLY,

President of the Senate.

SIR: The House of Representatives have concurred in the report of the Joint Conference Committee relative to the disagreement of the two Houses upon the amendments to Senate bill to be entitled an act to provide for the removal of the Seminary from Ocala to Gainesville, Florida.

Very respectfully,

WM. FORSYTH BYNUM,

Clerk of the House of Representatives.

The following communication was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,  
January 15, 1866. }

HON. W. W. J. KELLY,

President of the Senate:

SIR: The House of Representatives has this day refused to pass Senate bill to be entitled an act to repeal all acts regulating license of physicians and to establish a better system.

Very Respectfully,

WM. FORSYTH BYNUM,

Clerk of the House of Representatives.

Which was received and read.

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

EXECUTIVE OFFICE,  
Tallahassee, January 15, 1865.

Gentlemen of the Senate :

On the 12th inst. a bill was presented to me, entitled an act fixing the pay of members and officers of this General Assembly. With a sincere desire to give it my approval, I have not been able to do so, and therefore now, as directed by the Constitution, return it to you with whom it originated.

My first objection is, that it will operate very unequally: one member may have been able to travel only twenty miles a day, and therefore receive only \$8 per day, while other members may have traveled by water or rail one hundred and sixty miles per day, and therefore receive \$64 per day. Would it not be more equitable to pay each member only for so many days as he may actually be engaged in the public service.

My second objection is, that this bill allows to the officers the same per diem of \$8 for every twenty miles, and also gives them mileage.

My third objection is, that notwithstanding my great desire to agree with the General Assembly, I have not been able to rid my mind of doubts as to their right to increase their compensation during the term for which they were elected.

I am exceedingly reluctant to return this bill for your reconsideration, and particularly at this late period of the session, and assure you that nothing but an imperative sense of duty induces me to do so.

I have the honor to be,

Very respectfully,

Your obedient s't,

DAVID S. WALKER,

Governor.

Which was read.

Mr. Vann moved to reconsider the vote of the Senate upon the bill to be entitled an act fixing the pay of the members and officers of the General Assembly;

Which was agreed to.

The bill was read and put upon its passage.

The vote was :

Yeas—Messrs. Crawford, Evans, Jordan, Morrison, Oliveros, Richard, Roper, Ross, Turner, Whitehurst and Woodruff—11.

Nays—Messrs. Abercrombie, Bird, Brevard, Gorrie, Steele and Vann—6.

The President decided that the bill had passed over the veto of the Governor.

Mr. Gorrie appealed from the decision of the Chair.  
The decision of the Chair was sustained, and the action of the  
Senate ordered to be certified to the House.  
The following communication was received from the House of  
Representatives :

HOUSE OF REPRESENTATIVES,  
January 15, 1866.

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

SIR: The House has concurred to Senate amendments to the fol-  
lowing House bills, viz :  
A bill to be entitled an act concerning the publication and distri-  
bution of the laws of this General Assembly ; and,  
A bill to be entitled an act to embody and amend certain acts rel-  
ative to exemption from sale of homesteads and other property.

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

Which was read.  
A committee from the House appeared at the bar and notified  
the Senate that the House had passed the act fixing the pay of the  
members and officers of the General Assembly over the veto of the  
Governor.

Ordered that the act be filed in the office of the Secretary of  
State.  
The following communication was received from the House of  
Representatives :

HOUSE OF REPRESENTATIVES,  
January 15, 1866.

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

SIR: The House has concurred in Senate amendments to House  
bills as follows, viz :  
A bill to be entitled an act to amend the several acts of the  
State in relation to working roads and highways ; and,  
A bill to be entitled an act to establish a Board of Port Ward  
for the Port of Pensacola, and regulating pilots.

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

Which was received and read.  
A committee from the House appeared and informed the Senate  
that the House refused to concur in Senate amendments to the fol-  
lowing House bills, viz :

A bill to be entitled an act to authorize the cleaning out McGee  
creek ;

A bill to be entitled an act to provide for the stay of executions, and ask a conference,

The President appointed, Messrs. Vann, Brevard and Steele committee on the part of the Senate.

The following communication was received from the House of Representatives :

HOUSE OF REPRESENTATIVES,  
January 15th, 1866. }

Hon. W. W. J. KELLY,

President of the Senate :

Sir : The House has concurred in Senate amendments to House bill to be entitled an act to abolish the boundary line between the whites and Indians.

And passed Senate bill to be entitled an act to provide for the education of the indigent youth in the State of Florida.

Very respectfully,

WM. FORSYTH BYNUM,

Clerk of the House of Representatives.

Which was read and Senate bill ordered to be enrolled.

The following communication was received from the House of Representatives :

HOUSE OF REPRESENTATIVES,  
Jan. 15, 1866. }

Hon. W. W. J. KELLY,

President of the Senate :

Sir : The House of Representatives has this day refused to pass a Senate resolution authorizing the Comptroller to appoint clerks.

And passed Senate bill to be entitled an act for the relief of certain persons therein named.

Very respectfully,

WM. FORSYTH BYNUM,

Clerk of the House of Representatives.

Which was read and the bill passed ordered to be enrolled.

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

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