

SATURDAY, February 2nd, 1861.

The Senate met pursuant to adjournment.

A quorum present.

On motion the reading of yesterday's journal was dispensed with, amended and approved.

Mr. Magbee asked leave, which was granted, to introduce without previous notice the following bill:

A bill to be entitled an act to aid the county of Hillsborough in building or in assisting to build a Railroad;

Rules waived, read the first and second times, and referred to the committee on the state of the Commonwealth.

Mr. Call introduced without previous notice, the following bill:

A bill to be entitled an act for the representation of this State in the Southern Convention;

Which was placed among the orders of the day.

Mr. Call moved that "§3," in the motion introduced by him and adopted by the Senate on Thursday, authorizing the Secretary to employ an assistant, be stricken out, and "§4" inserted in lieu thereof;

Which motion was carried.

Mr. Dawkins moved that a committee of three be appointed to wait upon the House and ask the return of House bill to be entitled an act to provide for the payment of the Florida Volunteers and others who have not been paid for actual services rendered the State of Florida in the last war with the Seminole Indians;

Which was agreed to, and Messrs. Dawkins, Ingram and Walker were appointed such committee. The said committee repaired to the House, returned and were discharged.

On motion of Mr. Dawkins the rules were ordered to be waived that said bill should be taken up as soon as returned to the Senate;

Which was adopted.

Mr. Call introduced the following resolution:

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That so soon as any bill or resolution of a public nature shall become a law, either by receiving the Governor's signature thereto, or by his failure to return the same to the House wherein it originated, it shall be the duty of the Governor's Secretary to transmit a fair copy thereof to the printer of the House wherein the same originated, and thereupon it shall be the duty of the said printer to print one thousand copies of the said act or resolution in the form ordinarily used for the publication of the laws, of which ten copies shall be furnished to each member of the General Assembly and the residue deposited in the office of the Secretary of State for general distribution.

The rules being waived the resolution was read the second and third times, and put upon its passage;

The vote was:

Yeas—Mr. President, Messrs. Brokaw, Call, Chain, Davidson, Jones, McCall, McQueen, Rogers, Simkins and Walker—11.

So said resolution passed—title as stated.

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

Mr. Call moved that the bill to be entitled an act to define the condition of free negroes and other persons of color, be taken up and placed fourth among the orders of the day;

Which was adopted.

ORDERS OF THE DAY.

A bill to be entitled an act to amend the amended Constitution of the State of Florida in relation to the sessions of the General Assembly;

Was read three several times.

Mr. Magbee moved that the bill be referred to the committee on the Revision of the Constitution;

Upon which the yeas and nays were called for by Messrs. McCall and Walker;

The vote was:

Yeas—Messrs. Brokaw, Davidson, Ingram, Jones, Magbee and Rogers—6.

Nays—Mr. President, Messrs. Call, Chain, Dawkins, McCall, McQueen, Simkins and Walker—8.

So said motion was lost.

The bill was then ordered to be placed first among the orders of the day for Monday next.

A committee from the House appeared at the bar and informed the Senate that they had been appointed a committee to return to the Senate a bill to be entitled an act to provide for the payment of the Florida volunteers and others who have not been paid for services actually rendered the State of Florida in the last war with the Seminole Indians.

The motion of Mr. Dawkins to reconsider the vote taken on yesterday in regard to the passage of the bill was taken up.

Mr. Rogers raised a point of order, that the Senate could not entertain a motion to reconsider the vote taken on a bill after the bill had been certified to the House.

The Chair decided that the House having returned the bill to the Senate it was in order to reconsider the vote.

Mr. Rogers appealed from the decision of the Chair;

Upon which the yeas and nays were called;

The vote was :

Yeas—Messrs. Brokaw, Chain, Dawkins, Davidson, Ingram, Jones, McCall, McQueen, Simkins and Walker—10.

Nays—Messrs. Call, Magbee and Rogers—3.

So the decision of the Chair was sustained.

The question then recurred upon the reconsideration of the vote ;

The yeas and nays were called for by Messrs. McCall and Call ;

The vote was :

Yeas—Messrs. Chain, Ingram, Jones, McCall, McQueen and Walker—7.

Nays—Mr. President, Messrs. Brokaw, Call, Dawkins, Davidson, Magbee, Rogers and Simkins—7.

So the motion to reconsider the vote was lost ;

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

A bill to be entitled an act to amend the 7th section of the 13th article of the Constitution of this State ;

Was read three several times and ordered to be placed second among the orders of the day for Monday next.

House bill to be entitled an act to amend the pleading and practice in the courts of this State ;

Mr. Call moved to amend the bill by offering the following as a substitute for the forty-seventh section :

SEC. 47. *Be it further enacted*, That the marriage of a woman plaintiff or defendant, shall not cause the action to abate, but the action may notwithstanding be proceeded with to judgment, but such judgment shall be rendered against, or in favor of the wife alone, and execution thereon be levied upon her property alone ; in case of a judgment for the wife, execution may issue thereon by the authority of the husband, without suggestion.

Which was adopted.

On motion of Mr. Eppes the preamble was stricken out.

Mr. Call offered the following amendment :

Add to the fourth section : "Nor shall he be allowed without good cause shown for his default, to plead any plea which would delay the trial of the cause beyond the time when it might have been tried if the said plea had been plead in due time."

Which was adopted.

Mr. Eppes moved to strike out the sixty-fourth section ;

Which was adopted.

Mr. Rogers moved to strike out the 65th, 66th, 67th, 68th, and 69th sections ;

Which was lost.

Mr. Call offered the following amendment :

In the 65th section, first line, strike out "such" and insert "any ;" in the second and third lines, same section, strike out "either before or after such Oral examination."

Which was adopted.

The bill as amended was then put upon its passage ;

The vote was :

Yeas—Messrs. Call, Chain, Dawkins, Ingram, Jones, Magbee, McCall, McQueen and Simkins—9.

Nays—Mr. President, Messrs. Brokaw, Davidson, Rogers and Walker—5.

So said bill passed—title as stated.

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

The rules being waived, Mr. Ingram from the committee on Engrossed bills made the following report :

The committee on engrossed bills beg leave to report the following bill as correctly engrossed :

A bill to be entitled an act defining the condition of free negroes and other persons of color.

Respectfully submitted,

T. INGRAM,

Chairman.

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

A bill to be entitled an act to define the condition of free negroes and other persons of color ;

Was read the third time.

Mr. McCall offered a substitute for the bill ;

Upon which the yeas and nays were called by Messrs. McCall and Davidson ;

The vote was :

Yeas—Mr. President, Messrs. Dawkins, Davidson, Ingram, Jones, McCall, McQueen, Rogers, Simkins and Walker—10.

Nays—Messrs. Brokaw, Call and Chain—3.

So the substitute was adopted.

Mr. Dawkins moved to strike out "one-eight" in section seven.

Mr. Call moved to amend the motion by striking out in the same section the words "or more," which was accepted by Mr. Dawkins ;

Upon the adoption of the amendment the yeas and nays were called for by Messrs. McCall and Davidson ;

The vote was :

Yeas—Mr. President, Messrs. Brokaw, Call, Chain, Dawkins, Davidson, Ingram, Jones, Magbee, McCall, McQueen, Rogers, Simkins and Walker—14.

Nays—none.

So the amendment was adopted.

Mr. Rogers moved to amend by adding the following additional section :

Sec. 8. *Be it further enacted*, That all negroes and mulattoes in this State shall after the 1st of October, 1861, be held, deemed, and taken to be slaves, and the lawful property of any free person having the same in possession, unless a better title to said slaves be proven to exist in some other person.

Upon which the yeas and nays were called for by Messrs. Rogers and Ingram ;

The vote was :

Yeas—Messrs. Brokaw, Call, Dawkins, Magbee, McCall, McQueen, Rogers, Simkins and Walker—9.

Nays—Mr. President, Messrs. Chain, Davidson, Ingram and Jones—5.

So the amendment was adopted.

Mr. Rogers moved to amend the section just adopted by inserting the word "white ;"

Upon which the yeas and nays were called for by Messrs. McCall and Simkins ;

The vote was :

Yeas—Mr. President, Messrs. Brokaw, Call, Chain, Dawkins, Davidson, Ingram, Jones, Magbee, McCall, McQueen, Rogers, Simkins and Walker—14.

Nays—none.

So the amendment was adopted.

The bill was then ordered to be placed back on its second reading and 80 copies ordered to be printed for the use of the Senate.

A bill to be entitled an act to prescribe the mode and manner of calling troops into the State service ;

Was read the second time.

Mr. Call moved the indefinite postponement of the bill ;

Upon which the yeas and nays were called by Messrs. Call and McCall ;

The vote was :

Yeas—Mr. President, Messrs. Brokaw, Call, Chain, Dawkins, Davidson, Ingram, Magbee, McCall, McQueen, Simkins and Walker—12.

Nay—Mr. Jones—1.

So the bill was indefinitely postponed.

The rules being waived, Mr. Brokaw from the committee on Claims and Accounts, made the following report :

The committee on Claims and Accounts to whom was referred a bill to be entitled an act to compensate B. F. Whitner, jr., for services in running and marking the boundary line between the States of Florida and Georgia, have instructed me to make the following

REPORT

That they recommend the passage of the bill with the following amendment: strike out \$2,000, and insert \$1,532 82, that being the amount claimed by B. F. Whitner, jr., for his services.

P. B. BROKAW,
for Committee.

Which was received and read, the amendments proposed by the committee concurred in, and the bill ordered to be placed among the orders of the day for Monday next.

House bill to be entitled an act to organize Baker county ;

Was read the third time and put upon its passage ;

The vote was :

Yeas—Messrs. Call, Chain, Davidson, Jones, Magbee, McCall and Simkins—7.

Nays—Mr. President, Messrs. Brokaw, Dawkins, Ingram and Walker—5.

So said bill passed—title as stated.

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

A bill to be entitled an act to prevent citizens of those States which have passed bank suspension and stay laws from collecting debts in this State ;

Was read the first time and ordered for a second reading on Monday next:

The rules being waived, Mr. Dawkins introduced without previous notice the following bill :

A bill to be entitled an act to incorporate a company to construct a Railroad from St. Andrews to some point on the line of Georgia or Alabama in West Florida.

Which was read the first time by its title, and ordered to be placed among the orders of the day for Monday next.

The rules being waived, Mr. Magbee moved that the House bill to be entitled an act to organize the county of Polk from the counties of Hillsborough and Brevard, be taken up ;

Which was adopted, the bill read a first time by its title, and ordered for a second reading on Monday next.

On motion the Senate adjourned until half-past two o'clock, P. M., on Monday next.