

on the part of the Senate to elect Senators to a Congress which does not exist, and may not be ratified by the Constitutional Convention of Florida, would be an exercise of power which ought not to be undertaken in the absence of nearly one third of the Senate.

*Resolved further*, That the Secretary of the Senate be instructed to communicate a copy of the resolution to His Excellency the Governor, in reply to his communication this night received.

Upon which the yeas and nays were called for by Messrs. Magbee and Abercrombie;

The vote was:

Yeas—Mr. President, Messrs. Brokaw, Call, Davidson, Finlayson, Ingram, Magbee, McQueen, Rogers and Simkins—10.

Nays—Messrs. Abercrombie, Chain, Dawkins, Jones and Watlington—5.

So the substitute was adopted.

The substitute was then put upon its passage:

The vote was:

Yeas—Mr. President, Messrs. Brokaw, Call, Davidson, Finlayson, Ingram, Magbee, McQueen, Rogers and Simkins—10.

Nays—Messrs. Abercrombie, Chain, Dawkins, Jones and Watlington—5.

So the resolution passed.

A committee appeared at the bar and informed the Senate that the House had concurred in the report of Joint Committee of Conference in regard to Senate bill to be entitled an act re-organizing the military forces in this State, and had passed said bill as amended and reported by said Conference Committee.

The bill was received and ordered to be enrolled.

The following communication was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,  
February 13, 1861.

HON. T. J. EPPES,

President of the Senate:

SIR—The House has passed the following bill:

Senate bill to be entitled an act relative to stevedores at Jacksonville and Pensacola and for other purposes.

Respectfully,

A. J. PEELER,

Clerk House Reps.

Which was read and the bill ordered to be enrolled.

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

THURSDAY, February 14th, 1861.

The Senate met pursuant to adjournment.

A quorum present.

The reading of yesterday's journal was dispensed with.

The following communication was received from his Excellency the Governor:

EXECUTIVE DEPARTMENT,  
Tallahassee, Feb. 14, 1861.

HON. T. J. EPPES:

President of the Senate:

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

*Monroe County.*

Auctioneer.—Geo. W. Furgerson.

*Suwannee County.*

Auctioneer.—Andrew McClelland.

*Washington County.*

Auctioneer.—Carey Taylor.

Very Respectfully,

M. S. PERRY.

Which was read, and on motion the nominations therein contained advised and consented to.

Mr. Simkins from the committee on Enrolled bills made the following report:

The committee on Enrolled bills beg leave to report the following bills and resolutions as correctly enrolled:

An act providing for a stay of executions;

An act providing for the representation of this State in the Southern Confederacy;

Resolution in relation to Edward Powell and Henry Douglass;

An act to amend the laws of this State regulating the issue of the process of garnishment;

An act to empower the Judges of Probate of Washington and Holmes counties to draw certain school funds;

Resolution in relation to military laws; and

An act giving the State a right of peremptory challenges in criminal cases.

Respectfully submitted,

E. C. SIMKINS,

Chairman Com. on Enrolled Bills.

Which was received and read.

Also the following:

The committee on Enrolled bills beg leave to report the following bills and resolution as correctly enrolled:

An act fixing the time for holding the Courts in the counties of Baker and Nassau;

An act for the relief of Halstead H. Hoeg and his assignees;  
 Resolution for the relief of Dr. Wm. L. Jones;  
 An act to authorize the issue of Bonds to the extent of five hundred thousand dollars by the Commonwealth of Florida;  
 An act to establish the Bank of Commerce at Fernandina;  
 An act to alter and change the time of holding the several terms of the Supreme Court; and  
 An act to prevent the collection of debts in certain cases from debtors in this State

Respectfully submitted,

E. C. SIMKINS,  
 Chairman.

Which was read.

Mr. Dawkins introduced a joint resolution for the relief of Robert L. Bruce, and others:

Which was read the first time, rules waived, read the second and third times by its title, and put upon its passage;

The vote was:

Yeas—Messrs. Baldwin, Call, Chain, Dawkins, Finlayson, Ingram, Jones, McQueen and Rogers—9.

Nays—Messrs. Abercrombie and Watlington—2.

So the resolution passed—title as stated.

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

Mr. Chain introduced the following resolution:

*Resolved*, That the resolution adopted by the Senate on the 9th of February, 1861, saying "that the present General Assembly do not adjourn *sine die* until all the bills are enrolled and signed by the President of the Senate, the Speaker of the House and the Governor, and deposited in the Secretary's office, which however shall be passed by the present session," be and the same is hereby rescinded.

Which was adopted.

Mr. Simkins from the committee on Enrolled Bills made the following report:

The committee on Enrolled Bills ask leave to report the following bills and resolutions as correctly enrolled:

A bill to be entitled an act to authorize the Board of Port Wardens of the Port of Jacksonville to appoint Stevedores;

Resolution for the benefit of the College of St. Augustine;

A bill to be entitled an act fixing the pay of the members of the General Assembly; and

Resolution for the relief of A. L. Woodward.

Respectfully submitted,

E. C. SIMKINS,  
 Chairman.

Which was received and read.

## ORDERS OF THE DAY.

A committee appeared at the bar and informed the Senate that they had been appointed by the House to convey to the Senate a resolution which had passed that body, relative to the cultivation of tropical fruits;

Which was received, and the resolution read the first time, rules waived, read the second and third times by its title and put upon its passage;

The vote was:

Yeas—Mr. President, Messrs. Abercrombie, Baldwin, Call, Chain, Davidson, Ingram, Rogers, Simkins and Watlington—10.

Nays—Messrs. Brokaw, Dawkins and Magbee—3.

So the resolution passed—title as stated.

On motion, a committee consisting of Messrs. Watlington, Rogers and Abercrombie was appointed to certify the passage of the same to the House.

The following communication was received from his Excellency the Governor:

EXECUTIVE DEPARTMENT, }  
 Tallahassee, Feb. 14, 1861. }

Hon. T. J. EPPES,

President of the Senate:

SIR—I have approved and signed the following bills and resolutions:

An act to establish the Commercial Bank of Lake City;

Resolution in regard to land warrants;

An act to amend the seventh section of the thirteenth article of the Constitution of this State;

An act still further defining the duties of the Trustees of the Internal Improvement Fund;

An act to incorporate a company to construct a railroad from St. Andrews Bay to some point on the line of Georgia and Alabama in West Florida;

An act to amend the amended Constitution of the State of Florida in relation to the sessions of the General Assembly;

An act providing for the maintenance of the light houses on the seaboard;

An act for the relief of the Pensacola and Georgia Railroad Company and other railroad companies in this State.

Very respectfully,

M. S. PERRY.

Which was read.

A committee appeared at the bar and returned to the Senate a resolution for the relief Robert L. Bruce and others as having passed the House with amendments;

Which was received, and on motion the amendments of the House concurred in, and the resolution ordered to be enrolled.

A committee from the House appeared at the bar and requested the return to the House of a bill to be entitled an act to provide for the issue of Treasury notes;

On motion, a committee consisting of Messrs. Call, Ingram and Davidson was appointed to return said bill to the House.

The committee retired and after a short absence returned and reported that they had performed that duty, and were discharged.

A committee from the House appeared at the bar and informed the Senate that they had been appointed to convey to the Senate the following joint resolution which had passed the House, and to ask the concurrence of the Senate in the same:

*Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the time for the adjournment of this General Assembly is hereby extended until midnight of the 14th of February.

Which was received and the resolution concurred in.

On motion, a committee consisting of Messrs. Call, Davidson and Rogers, were appointed to inform the House of the adoption of said resolution by the Senate.

Mr. Simkins, from the committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills, beg leave to report the following bills and resolution as correctly enrolled:

A bill to be entitled an act to incorporate the Bank of Tallahassee, at Tallahassee, Fla.;

Joint resolution for the relief of Robert L. Bruce and others; and

An act providing for the punishment of such persons as pretend to hold offices in this State, not recognized by the laws thereof and for other purposes.

Respectfully submitted,

E. C. SIMKINS, Chairman.

Which was read.

A committee from the House appeared at the bar and informed the Senate that they had been appointed on the part of the House to convey to the Senate a bill to be entitled an act providing for the issue of Treasury notes, which had passed the House with amendments, and to ask the concurrence of the Senate in the same.

On motion, the amendments were taken up separately.

The first of which was adopted.

Upon the adoption of the second the yeas and nays were called for by Messrs. Baldwin and Call:

The vote was:

Yeas—Messrs. Abercrombie, Baldwin, Call, Chain, Ingram, Magbee, Rogers, Simkins and Watlington—9.

Nays—Mr. President and Mr. Brokaw—2.

So the amendment was concurred in.

The remaining amendments were respectively concurred in.

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

The bill as amended was ordered to be enrolled.

The rules being waived, Mr. Watlington introduced the following resolution:

*Resolved,* That the General Assembly of Florida have heard with pleasure of the selection by the Convention at Montgomery of the Hon. Jefferson Davis and Alexander H. Stephens as President and Vice President of the Southern Confederation, and that in the selection of these two distinguished Statesmen, they recognize that burial of former political differences which is so much to be desired by all true lovers of their country.

*Resolved further,* That this General Assembly recognizes the Hon. Jefferson Davis as the Chief Magistrate of the Southern Confederation, and as such as being entitled to exercise the same powers and privileges at all points and in all respects within the limits of the State of Florida as the President of the late United States could have exercised, while Florida was a member of that Confederation.

Which was read, and on motion adopted.

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

House resolution to aid the volunteer companies in this State;

Was read the first time, rules waived, read the second time and on motion, laid on the table.

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

House resolution to go into the election of Senators;

Was read the first time, the rules waived, read the second time by its title, and on motion laid on the table.

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

The following message was received from his Excellency the Governor:

EXECUTIVE DEPARTMENT, }  
Tallahassee, Feb. 14, 1861. }

Hon. T. J. EPPES,

President of the Senate:

SIR—I have approved and signed the following bills and resolutions;

Resolution in relation to Military laws;

An act to alter and change the time of holding the several terms of the Supreme Court;

An act providing for the representation of this State in the Southern Confederacy;

An act providing for a stay of executions;

An act to prevent the collection of debts in certain cases from debtors in this State;

An act fixing the time for holding the Courts in the counties of Baker and Nassau;

An act giving the State a right of peremptory challenge in criminal cases;

An act to establish the Bank of Commerce at Fernandina;

Resolution for the relief of Dr. William L. Jones;

An act for the relief of H. H. Hoeg and his assignees;

An act to empower the Judges of Probate of Washington and Holmes counties to draw certain school funds;

An act to authorize the issue of bonds to the extent of five hundred thousand dollars by the Commonwealth of Florida;

An act to amend the law of this State regulating the issue of the process of garnishment;

Joint resolution for the relief of R. L. Bruce and others; and

An act to establish the Bank of Tallahassee at Tallahassee.

Very respectfully,

M. S. PERRY.

Which was read.

A bill to be entitled an act in regard to Telegraph Companies;

Was on motion, laid on the table.

On motion the Senate took a recess until half-past three o'clock this evening.

HALF-PAST THREE O'CLOCK, P. M.

The Senate resumed its session.

A quorum not present.

On motion the Senate took a recess until 9 o'clock, P. M.

NINE O'CLOCK, P. M.

The Senate resumed its session.

Mr. Simkins from the committee on Enrolled bills made the following report:

The Committee on Enrolled bills ask leave to report the following bills as correctly enrolled:

A bill to be entitled an act re-organizing the military forces of this State; and

A bill to be entitled an act providing for the issue of Treasury notes.

Respectfully submitted,

E. C. SIMKINS,  
Chairman.

Which was received and read.

The following communication was received from the Governor:

EXECUTIVE DEPARTMENT,  
Tallahassee, February 14, 1861.

To HON. T. J. EPPES,

President of the Senate:

SIR—I am constrained to return to the Senate, without my approval, "An Act to aid Hillsborough county in building or assisting to build a Railroad." Whilst I have ever been disposed to yield to a considerable extent any objections I may have to any of the acts of the General Assembly, which do not affect the general interests of the State, in deference to the judgment of the Legislature, I feel constrained to withhold my assent from the act I now return, as I regard the objections to it as of two serious a nature to be overlooked. The general purpose of the act is to make a grant of land to the county of Hillsborough in aid of the construction of a railroad, but I am not aware of the existence of any law which authorizes that county to construct a road or aid in its construction except the 22d section of the Internal Improvement law, which authorizes any county through which a railroad shall pass, to subscribe for stock and to raise by taxation or by the issuing of bonds, a sum sufficient to meet its subscription. If it is the design of the General Assembly to aid the construction of any road now chartered, having one of its termini at Tampa by and what is already provided by the Internal Improvement law, then it is submitted that the grant should be made directly to the Company which undertakes the construction, otherwise, without intending the slightest disparagement to the persons named as Trustees, in the second section of the act, the purpose in view may be defeated by disagreements which may arise between the company and the Trustees. Again, if the land granted should be desired by the company for the location of their terminus the provisions of the act will place it in the power of the parties authorized to hold possession and convey the title, to obstruct the company and materially embarrass them in their operations. Another feature in the act which I regard as objectionable is, that whilst in the first section the grant is professed to be made to the county, the other sections vest the title and place the control of the land and the proceeds of its sale in the hands of the Trustees to be used and applied when the exigency shall arise, be it sooner or later, for the application of the fund, the State in the meantime having deprived itself of the land and of the right to apply it or its proceeds to such objects as subsequent experience may prove to be right, proper and desirable. In addition to this, the Trustees are given the discretion to sell and convey the land whenever in their *opinion* merely it is necessary to do so, although it might be that no movement may be in progress for the construction of the road and without any condition of a resulting benefit to

*the State, that a railroad shall be in process of construction I cannot but think that it is unwise in the State to thus part with its title to the land upon an uncertainty as to when, if ever, the object of the grant is to be inaugurated.*

Again, what seems most objectionable is that although a road may never be built, the land itself may remain where the bill places it, and if sold, as would most likely be the case, its proceeds will be hung up in the hands of the Trustees without there being any provision for its return to the State, or for its beneficial application to the county of Hillsborough or the citizens thereof.

Very respectfully,

M. S. PERRY.

Which was read.

The following communication was received from his Excellency the Governor :

EXECUTIVE DEPARTMENT, }  
Tallahassee, Feb. 14, 1861. }

HON. T. J. EPPES,

President of the Senate :

SIR—I have approved and signed the following bills, viz :  
An act re organizing the Military forces of this State ; and  
An act providing for the issue of Treasury notes.

Very respectfully,

M. S. PERRY.

Which was read.

A committee appeared at the bar and informed the Senate that they had been appointed a committee on the part of the House to act with a similar committee on the part of the Senate, to wait upon his Excellency the Governor, and inquire if he had anything to lay before the General Assembly ;

The Chair appointed Messrs. Watlington, Chain and Dawkins as said committee.

The committee retired, and after a short absence returned and reported that they had performed said duty, and that his Excellency had no farther communications to lay before the General Assembly, and the committee were discharged.

On motion a committee consisting of Messrs. Magbee, Brokaw and Dawkins was appointed to wait upon the House and inform that body that the Senate was ready to adjourn, in pursuance to joint resolution of the General Assembly.

A committee appeared at the bar and informed the Senate that the House was now ready to adjourn.

The hour of adjournment as fixed by joint resolution of both Houses of the General Assembly having arrived, the President declared the Senate adjourned *sine die*.

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## APPENDIX.

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