

# JOURNAL.

*Journal of the Senate of the 12th General Assembly of the State of Florida; begun and held at the Capitol, in the City of Tallahassee, on Monday, the eighteenth day of November, in the year of our Lord one thousand eight hundred and sixty-one.*

MONDAY, November 17th, 1862.

This being the day fixed by the Constitution of this State for the General Assembly to convene, the Senate was called to order at 12 M., by F. L. Villepigne, Secretary of State.

The roll being called by districts, the following Senators appeared:

1st District,	James Abercrombie.
3d	“ James D. Clary.
8th	“ P. B. Brökaw.
9th	“ H. H. Walker.
10th	“ James S. Russell.
11th	“ E. J. Vann.
12th	“ J. B. Smith.
15th	“ James G. Cooper.
17th	“ E. C. Simkins.
20th	“ James T. Magbee.

Messrs. Clary, Russell, Vann, Smith, Cooper, not having certificates of their election, by reason of the returns of said election not being opened and canvassed by the Board of State Canvassers, (as the day fixed by law to canvass said returns not having arrived) were not qualified by oath.

A quorum not being present, the Senate, on motion of Mr. Magbee, adjourned until Tuesday, 12 o'clock M.

TUESDAY, November 18th, 12 o'clock M.

The Senate met pursuant to adjournment.

On motion, Mr. J. G. Cooper was called to the Chair.

The minutes of yesterday were read and approved.

On motion, Messrs. D. P. Holland, of 5th District, J. T. Carter, of the 9th, Joseph M. Taylor, of the 20th District, were allowed to record their names as present at the convening of the Senate on yesterday, but not having official certificates, were not qualified.

Mr. Abercrombie moved that all those Senators elected by reason

of their predecessor's time having expired, they having served four years, come forward and be sworn.

Mr. Holland moved, as a substitute, the following:

"That those Senators who have certificates of their election from the Secretary of State, do now present them and take the oath of office."

Which was adopted.

The roll was ordered to be called, when the following persons presented their credentials:

1st District, James Abercrombie.  
 3rd " James D. Clary.  
 5th " D. P. Holland.  
 6th " Jesse Norwood.  
 8th " David P. Hogue.

At this period Mr. Brokaw, Senator from Leon county, elected in 1860, for the term of four years, objected to any person being allowed to qualify as Senator from the 8th District, he having already qualified two years since to fill said seat.

The Chair ruled that Mr. Hogue was entitled to be sworn as Senator from the 8th District, when Mr. Brokaw filed the following protest:

The undersigned hereby enters his protest against the action of those persons here present claiming to be Senators of the State of Florida, whereby David P. Hogue, Esq., was admitted to be sworn in as the Senator from Leon county. The undersigned was duly elected in October, 1860, as the Senator from the county of Leon in the General Assembly of this State, for the term of four years, from October, 1860. He appeared in his place at the session of the General Assembly which assembled in November, 1860, was duly admitted, sworn in and took his seat as the Senator from Leon county; that his term has not yet expired, and he is therefore the only person entitled to a seat as Senator for Leon county, under the Constitution and Laws of this State; he therefore protests against the action referred to, admitting any other party to be sworn in as Senator from Leon county.

P. B. BROKAW.

9th District, J. P. Carter.  
 10th " J. S. Russell.  
 11th " E. J. Vann.  
 12th " J. B. Smith.  
 14th " J. M. Arnaw.  
 15th " J. G. Cooper.  
 16th " E. Hopkins.

17th District being called, E. C. Simkins, elected Senator for the 17th District in 1860, for four years, claimed to be Senator duly qualified and protests against any person being sworn in as Senator from said District.

18th District being called, a letter from S. St. George Rogers was read, protesting against any one being sworn into office from said District, as he was the duly qualified Senator, and that his term of office had not expired.

19th District, W. C. Roper.

20th District being called, J. M. Taylor answered. Mr. Magbee objected to his being sworn in, as he was the duly qualified Senator from said District, and filed the following protest:

"Mr. Magbee protests against any person being sworn in as Senator from the 20th Senatorial District, on the grounds that his term of office has not expired, and that he now holds his seat as Senator from said District, having been elected, in 1860, to serve for four years."

The Chairman having decided that none but persons presenting certificates of being elected as members of the present General Assembly were entitled to be considered as Senators, when Messrs. James Abercrombie, James D. Clary, D. P. Holland, Jesse Norwood, David P. Hogue, J. P. Carter, J. S. Russell, E. W. Vann, J. B. Smith, J. M. Arnou, J. G. Cooper, E. Hopkins and Joseph M. Taylor presented themselves at the Clerk's desk and took the oath of office administered by C. H. Austin, Notary Public.

Mr. Holland moved, that it is the sense of the Senate that there is a quorum present, and that they proceed to organize, by electing officers,

Which was adopted.

Mr. Vann offered the following:

WHEREAS, The Convention that altered and amended the Constitution of the State of Florida neglected to prescribe the time and mode of electing a President of the Senate, which was expressly provided for in the old Constitution; and whereas, mention is made in the said amended Constitution of such an officer, to wit: in Article III., Sections 18, 19, 20 and 22, and in Article IV, Section 16, whereby the "President of the Senate shall exercise all the power and authority of Governor, &c.," upon the happening of certain contingencies; and requiring that "every bill having passed both houses shall be signed by the Speaker and President of their respective Houses"—

*Resolved by the Senate,* That they proceed forthwith to the election of a President of the Senate, who shall hold said office until the meeting of the next General Assembly of this State, and until his successor shall be elected,

Which was unanimously adopted.

On motion, the Senate went into an election of a President of the Senate.

Nominations being announced as in order, Mr. Hogue nominated Hon. E. Hopkins of Duval.

Mr. Abercrombie nominated Hon. E. J. Vann, of Madison.

Mr. Taylor nominated Hon. D. P. Holland, of Franklin.

Messrs. Hopkins and Holland withdrew their names.

The roll being called, the following was the vote :

FOR VANN—Messrs. Abercrombie, Clary, Holland, Norwood, Carter, Russell, Smith, Arnow, Cooper, Roper, Taylor, Hopkins—12.

Mr. Vann was announced as elected President of the Senate, who, being escorted to the Chair by Messrs. Russell and Hopkins, addressed the Senate, thanking them, in appropriate terms, for the honor conferred.

Mr. Russell moved that the rules of the last Senate be adopted by this body,

Which was adopted.

On motion, the Senate adjourned until 3 o'clock P. M.

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

The Senate resumed its Session.

The President in the Chair.

The roll being called, the following Senators answered to their names :

Messrs. Abercrombie, Clary, Holland, Norwood, Carter, Russell, Smith, Arnow, Cooper, Roper, Taylor, Hopkins—12.

Mr. Allison, of Gadsden, presented his certificate and was duly sworn in.

Mr. Holland moved that the Senate proceed to elect a Chief Secretary, Door-keeper and Sergeant-at-Arms, and Messenger ;

Which was adopted.

Mr. Abercrombie nominated Mr. E. J. Judah, of Escambia county, for Chief Secretary.

The vote was,

Mr. President, Messrs. Abercrombie, Clary, Holland, Carter Russell, Smith, Arnow, Cooper, Hopkins, Roper and Taylor—12.

Mr. Judah was declared duly elected Secretary of the Senate.

Mr. Abercrombie nominated John White, of Jefferson county, for the office of Sergeant-at-Arms and Door-Keeper ;

The vote was :

Mr. President, Messrs. Abercrombie, Clary, Holland, Carter, Russell, Smith, Arnow, Cooper, Hopkins, Roper and Taylor—12.

Mr. White was declared duly elected Sergeant-at-Arms and Door-Keeper of the Senate.

Mr. Holland nominated Richard Fryer, of Duval county, for the office of Messenger ;

The vote was :

Mr. President, Messrs. Abercrombie, Clary, Holland, Carter, Russell, Smith, Arnow, Cooper, Hopkins, Roper and Taylor—12.

Mr. Fryer was declared duly elected Messenger of the Senate.

Messrs. White and Fryer presented themselves at the Secretary's desk and were duly sworn in by the President of the Senate.

Mr. Russell moved that the proper officer procure Lights and Stationery for the Senate;

Which was adopted.

Mr. Holland moved that the Senate now proceed to consider the case of the contested seats of the Senators elected under the new Constitution, and that council may be heard before the Senate on either side.

Mr. Allison offered the following as a substitute :

"That a select committee of five be appointed by the Chair, whose duty it shall be to proceed to collect and present to the Senate all the evidence in the matter of the contested seats of the members elected to this body on the 1st Monday in October last, under and by authority of the Constitution of this State, and that they be empowered to send for papers and persons for the purpose of procuring evidence in said matter, if necessary,"

Which was adopted.

The President appointed the following as said committee :

Messrs. Holland, Russell, Hopkins, Cooper and Smith.

On motion the Senate adjourned until 11 o'clock, to-morrow.

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### WEDNESDAY, November 19th.

The Senate met pursuant to adjournment.

President of the Senate in the chair.

Quorum present.

The Journal of yesterday was read, corrected and approved.

Mr. Scott, Senator from the 18th District, presented his certificate, and, on motion of Mr. Arnow, was duly sworn in by the President.

Mr. Abercrombie moved that the following be added to Rule 1st:

In case the President should not be present to take the chair at the appointed hour, the Senate shall forthwith proceed to elect a President *pro tem.*, who shall vacate the seat upon the return of the President,

Which was adopted.

Mr. Arnow moved that a standing Committee on Public Lands be appointed by the Chair,

Which was adopted.

Mr. Abercrombie moved that the regular Standing Committee of this body, styled "Committee on Claims and Accounts," be changed to "Committee on Finance and Public Accounts," in accordance with Section 4, Ordinance 49, adopted by the Convention, January 23d, 1862,

Which was adopted.