

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.

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.

Mr. Russell moved that the Clerk be sworn in,
Which was adopted.

Mr. E. J. Judah presented himself at the desk and was duly sworn in.

Mr. Hopkins moved the Senate do now proceed to the election of an Assistant Secretary,

Which was adopted.

The Senate then proceed to the election of an Assistant Secretary.

Mr. Norwood nominated B. G. Alderman, of Jackson county.

Mr. Holland nominated T. S. Haughton, of Putnam county.

The vote was :

FOR HAUGHTON—Mr. President, Messrs. Carter, Russell, Smith, Cooper, Taylor and Hopkins—7.

FOR ALDERMAN—Messrs. Cary and Norwood—2.

BLANK—Messrs. Abercrombie, Allison, Arnow, Scott, Roper—5.

Whereupon the President announced that, no candidate having received the required number, there was no election.

The Senate proceeded to another ballot.

The vote was :

FOR HAUGHTON—Mr. President, Messrs. Carter, Russell, Smith, Cooper, Roper, Taylor and Holland—8.

FOR ALDERMAN—Messrs. Clary and Norwood—3.

BLANK—Messrs. Abercrombie, Allison, Arnow and Scott—4.

Mr. Haughton, having received the requisite majority, was declared duly elected.

On motion of Mr. Holland, the Senate took a recess for 15 minutes.

12 O'CLOCK, M.

The Senate resumed its session—a quorum present.

Mr. Abercrombie moved the "Committee on Ways and Means" be stricken from the Rules of the last session and insert "Committee on Public Lands."

Which was adopted.

Mr. Abercrombie moved to make the following substitute for Rule 12:

That no motion necessary to go on the journal shall be entertained by the President until the form is reduced to writing, except motions to adjourn, and motions of course, such as to read a paper, to place among the orders of the day, to read a second time, or to engross for a third reading on to-morrow, and the introducer of every bill or resolution shall furnish a written statement containing the name of the Senator, and the fact that pursuant to previous notice he introduces said bill, naming them by their titles,

Which was adopted.

The Committee having returned, made their report through their chairman, Mr. D. P. Holland:

To the Senate of the State of Florida:

MR. PRESIDENT—The undersigned Select Committee, appointed by the Senate “to proceed to collect and present to the Senate the evidence in the matter of the contested seats of the members elected to this body on the first 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, beg leave to report—

That they have performed the duty assigned them, and find the following facts :

That a Convention of the People of Florida, begun and held at Tallahassee, on the 3d day of January, 1861, did revise and amend the old Constitution of the State of Florida, thereby creating and constituting a new Constitution or form of Government for the People of Florida, and amongst other things therein contained did create a Legislative Department, and define its powers, which will be found by reference being had to the fourth article of said Constitution. That said Constitution was adopted on the 27th day of April, A. D., 1861. That His Excellency, John Milton, Governor of Florida, did address a letter to the Attorney General, calling the attention of that officer to the 4th and 6th clauses of the 4th article of said Constitution, and requiring his opinion in regard to the terms of Senator elected in 1860 for four years, “whether or not their term of service has been curtailed in effect by the operation of the Convention in 1861, and whether there should be an election in October next to fill their places.”

The Attorney General did, in conformity to said letter and the laws of Florida, give his opinion thereon, which is herewith annexed, and therein did decide “that the plain *prima facie* meaning of the fourth and sixth clauses of the Constitution ‘must be adopted,’ and that the first election for Senators should be had on the first Monday of October of the present year, that this includes all Senators”:

OPINION OF THE ATTORNEY GENERAL ON THE SENATORIAL QUESTION.

ATTORNEY GENERAL'S OFFICE, }
TALLAHASSEE, July 31, 1862. }

His Excellency John Milton, Governor—

SIR: Your communication is received, calling my attention to the 4th and 6th clauses of the 4th article of the Constitution of the State and requiring my opinion in regard to the terms of Senators elected in the year 1860, for four years; whether or not their term of service has been curtailed in effect by the operation of the new Constitution as adopted by the Convention in 1861, and whether there should be an election in October next to fill their places :

The amended Constitution of the State of Florida, adopted in

all that is of the Constitution of the State, and in construing its provisions we must do so as it were *de novo*, looking to the consistency of the instrument itself, as also to the operations of the government which it is designed to establish, together with the express and plain terms employed to declare the will and intention of the Convention of the People. There is no political or legal right superior to the Constitution of the State, and, if it shall be found that by the terms of this, the fundamental law, without any provision or ordinance adopted to explain or modify its operation, the tenure of the departments of the Government is affected, the previous rights of individuals must yield, of course, to the public policy, and the superior right of the people to modify and change the form and operations of their own government. This principle is too essential and thoroughly established to require elucidation, or indeed, to admit of controversy or dispute.

We are to enquire, then, whether or not the Constitution of the State, adopted in 1861, requires a new election to be had for all the Senatorial Districts, including those from which Senators were elected in 1860. These Senators, by a retroactive provision of the amendments adopted by the *Legislature* in 1860-61, were entitled to their seats for the full term of four years. It is only by the Constitution adopted by the Convention that it is supposed their period of service is affected.

In order to understand the intention of the Convention a reference to the original Constitution of the State, with subsequent Legislative amendments, may be of service. The original Constitution (Art. IV., clause 5,) provided that Senators should be elected for the term of two years. The 6th clause of the same article provides that "the Senators, after their first election, shall be divided by lot into two classes, and the seats of the Senators of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year, so that one-half thereof, as near as possible, may be chosen forever thereafter annually, for the term of two years." According to this provision of the Constitution, the classification of Senators was made at the first session of the General Assembly. The General Assembly, by amendments of the Constitution adopted at the sessions of 1846 and 1847, Sec. 3, extended the term of Senators from two to four years. The 4th section of said amendments provides that "the classification of Senators, as made at the first session of the General Assembly, held in the year 1845, shall continue unchanged, one-half of whom, as nearly as possible, shall be chosen forever hereafter biennially, or the term of four years." The amendments to the Constitution adopted at the 9th and 10th session of the General Assembly, (1860-61, Sec. 4,) provides, "That the classification of Senators made at the first session of the General Assembly, held in the year 1845, shall continue unchanged, one-half of whom, as nearly as possible, shall

be chosen forever hereafter biennially, for the term of four years." In both of these amendments of the old Constitution there is a proviso expressly securing to Senators whose time may not have expired their seats for the full term of their election.

We come now to consider the provisions of the Constitution of 1861, the present Constitution of the State. The formation of this Constitution was one of the main labors of the Convention. The act calling the Convention specified this as one of the purposes for which it was called, and it was designed that the Constitution of the State, which had been amended by successive Legislatures until its provisions had become scattered and confused, should be, by the Convention, revised and amended so as to make a consistent and consolidated fundamental law for the State. This design was executed and the "Constitution or form of Government for the People of Florida," adopted by the Convention of 1861, became the fundamental law of the land, embodying the whole Constitution of the State. The provisions of this Constitution cannot be controlled in their operations by previous constitutional laws, and while we may look to the old Constitution and amendments to throw light on the interpretation of the new or amended Constitution, we cannot allow the provisions of the latter to be in the slightest degree controlled by the former. This would not only be contrary to the very terms of the instrument itself, but would re-establish again the very evil of confusion and inconsistency, which it was designed to remedy.

The 6th clause of the 4th article of the Constitution provides that "the Senators shall be chosen by the qualified electors for the term of four years, at the same time, in the same manner and in the same places where they vote for members of the House of Representatives." The 4th clause of the 4th article provides, "That the first election for Assemblymen under this Constitution, shall take place on the 1st Monday in October, 1862, and the first session of the General Assembly, under this amended Constitution, shall commence on the 3d Monday in November, in the year 1862."

From these two clauses in the Constitution we are to fix the terms of Senators. It has already been observed that the first Constitution of the State contained a clause providing for a classification of Senators similar to the provisions of the Constitution of the late United States. This provision was strictly inserted in the amendments subsequently made by the Legislature in 1847 and in 1861. This clause providing for classification of Senators has been entirely omitted, however, in the Constitution as it at present exists. The omission of so important a clause as this could not have been accidental, and we are to presume that it was the intention of the Convention to abolish the system of classification. There can be no other reason or motive assigned for such an omission; the conclusion is inevitable, and it remains to see whether, in the legitimate interpretation of the provisions cited, we discover anything conflict-

ing with this design, so as to render its practical execution difficult or inconsistent with the express terms of the Constitution.

The Constitution as above cited is, that "the first election for Assembly under this Constitution shall take place on the first Monday in October, in the year 1862." The meaning of the word "Assemblymen," in this clause must be taken as applying, of course, to Senators as well as Representatives. The General Assembly of the State consists of both Representatives and Senators, and there is no reason why we should apply the term "Assemblyman" to the one and not the other, certainly nothing appearing in the Constitution would justify such an application. On the contrary, we find that in those clauses of the Constitution referring exclusively to members of the House of Representatives, the term "Representatives" is invariably used, and it is not to be supposed that this exception is made accidentally or without a purpose. The first clause of this Article (iv) settles definitely the style or name of each branch of the Legislature: It says "the Legislative power of this State shall be vested in two distinct branches—the one to be styled the Senate, the other the House of Representatives, and both together the General Assembly of the State of Florida." This Constitutional provision for the name and style of the different branches of the General Assembly must be taken as conclusive, at least in interpreting the Constitution itself; the members of both Houses of the General Assembly are Assemblymen by the necessary construction of language, and the only distinction between them is such as is made by the Constitution itself, designating them Senators and Representatives as distinct branches of the same Assembly. The reading of the Constitution then is, that, the first election for Senators under this Constitution shall take place on the first Monday in October, 1862, and clause 6th declares that "the Senators shall be chosen by the qualified electors for the term of four years, at the same time, in the same manner and in the same places when they vote for members of the House of Representatives." These two clauses taken together indicate the intention of the Convention that there should be a general election for Senators as well as Representatives in October of the present year. We find no saving clause or provision for the continuance of Senators whose term of four years has not expired previous to that time. Such a provision would have defeated the objects of the amendment, striking out that portion of the Constitution providing for a classification of Senators.

We are to infer from the important omission of the clause providing for a classification of Senators, that it was the intention of the Convention that no such classification should exist. The framers of the Constitution must be presumed to have understood that so important a fundamental principle and regulation of the Government could not properly exist, as it were, by mere accident, without a Constitutional provision to that effect. There can, therefore, be no

doubt of the intention of the Convention to abolish the system of classification. Now if the Senators elected in 1860 hold over, the intention of the Convention is forever defeated, and we have an important branch of the Government organized in a manner for which there is neither Constitution or law. For at the expiration of the four years from the election of 1860, or two years hence, an election would be necessary to fill these places, or the Senate must become disorganized and cease to exist, and the Senators then elected would hold for four years according to the terms of the Constitution, so that the system of classification would be established effectually, without any authority whatever for the same.

For these reasons, therefore, I think that we are bound to adopt the plain *prima facie* meaning of the fourth and sixth clauses of the Constitution, and hold that the first election for Senators shall be had on the first Monday of October, of the present year. This includes all Senators. There is no provision of the Constitution for any election of Senators to take place two years hence, and this cannot be without reviving the old Constitution and re-establishing it as part of the fundamental law, which, as I have already shown, cannot be done. The Constitution does not say that one-half the Senators or Assemblymen shall be elected at this time. And the first election for Senators under the present Constitution would have transpired two years ago if we allow any other construction to prevail.

The 43d Ordinance adopted at the same time that the Constitution was, provides "That all persons now holding office in this State be continued in office until the term expires for which they were elected or appointed, unless sooner removed in the manner provided by the Constitution and laws of this State." I do not regard this ordinance as affecting the term of Senators. The term "office" does not apply to a seat in the Legislature. This has been the opinion of my predecessors in this office, sustained by the action of the House of Representatives, and is in accordance with long established precedent. In this opinion I concur. It will appear that the Convention acted upon the same idea and adopted the same meaning of the term, if we consider, as has been shown, that it was their intention to abolish the system of classification of Senators, for otherwise they would defeat by this ordinance one of their most important amendments of the Constitution. The terms of the Constitution and the ordinance must be taken in their literal sense and meaning, when such does not involve an absurdity.

The above is the only construction which I can place on the provisions of the 4th Article of the Constitution. Should an election not be had in October next, in the Senatorial District in question, the default could not be remedied. By having an election in these Districts, all contingencies and doubts would be avoided, and in any

event a session of a constitutionally appointed Senate secured, which is of great importance at this time.

Very respectfully,

JOHN B. GALBRAITH.

That the Secretary of State addressed a circular letter to the several Judges of Probate in the State, enclosing them poll books, certificates and other blanks, to be used at the election, a copy of which is hereto annexed :

STATE DEPARTMENT,
TALLAHASSEE, August 18th, 1862. }

HON. ANDREW ROBB,

Judge of Probate,

Alachua County :

SIR : In compliance with an act of the General Asembly of this State, I have transmitted you poll books and certificates, and other blanks, and now send you copies of the last election law of the General Assembly of the State of Florida, to be used at the election in October next, and request that the receipt of the same may be acknowledged.

I have the honor to be,

Very respectfully, Sir,

Your Obedient Servant,

OSCAR HART,

Assistant Secretary of State.

That the Secretary of State also sent a circular letter, poll books, and all the necessary blanks, to the several Military Posts in the Confederate States, wherever the troops from Florida were, accompanied with copies of the ordinance, number 53, passed by said Convention on the 25th of January, 1862. A copy of said instructions is filed herewith.

INSTRUCTIONS TO INSPECTORS OF ELECTIONS AT MILITARY POSTS.

I. The Officer *highest in command of the Military Post*, being a citizen of Florida in the service, must designate the place or places within the posts or encampment where the vote may be taken. For each place of voting, such officer shall appoint a *Superintendent*, whose duty will doubtless be, to see that none attempt to vote but Florida troops, to preserve order, &c. ; also three Inspectors, and as many Clerks as shall be necessary—all of whom must be sworn by such officer. The Inspectors have thereafter, full authority to administer *all oaths* which may be necessary in conducting Elections.

II. The Polls must be opened on Monday the 6th day of October, at nine o'clock in the morning, or as soon thereafter as practicable ; and closed at five o'clock in the afternoon.

III. The voting must be *by ballot*. The ballot to contain the

name or names of the person or persons for whom the voter intends to vote, and also the office to which each person named on the ballot is intended to be chosen, the office to precede the name on the ballot.

IV. The Inspectors must provide *a box*, which, at the opening of the polls, must be publicly exposed, so that it may be seen that it contains no ballots. It must then be closed, and not again opened until after the polls are closed.

V. All are entitled to vote who are free white males over twenty-one years of age and upwards, who are citizens of the Confederate States, and have had their domicile or place of permanent abode in the State of Florida for twelve months, and six months in the Senatorial District, when offering to vote for Senator, and six months in the county to vote for Representative in the General Assembly. The *time* to be computed from the day when the person offering to vote made his domicile in the Senatorial District or County, and will include all subsequent time while in the Military service of the State of Florida or the Confederate States, whether *in or out of*, the State. A voter claiming residence in *one* Senatorial District or County, is not entitled to vote for an officer of any other or different Senatorial District or County. Those who may be present *in the counties* of their residence, *are not entitled to vote in camp*. They must vote, if they vote at all, at some precinct in their county.

VI. Any person who is himself a qualified voter may challenge, and it is the duty of each Inspector to challenge, every person offering to vote whom he shall know or suspect not to be duly qualified as a voter; and it is the duty of the Inspectors to examine such person as may be challenged upon his oath or affirmation, to be administered by one of the Inspectors, touching his qualifications as a voter, and also to determine upon legality of his vote, and to receive or reject the same as they shall find it to be legal or illegal.

VII. The Inspectors have full authority to maintain order and to enforce obedience to their lawful commands during the Election, and during the canvass, and counting the votes after closing the polls, and to commit for five days any person whose disorderly conduct shall disturb their proceedings.

VIII. When the Inspectors shall have received the ballot of the voter, one of them, without opening or permitting it to be opened or examined, must deposit it in the box.

IX. The Clerks of Election must rule down the columns of the poll book, and after having recorded the name of the voter, must write in the proper column opposite the voters name the figure 1. If the voter failed to vote for an office which is designated in the poll book, the 0 should be written in the proper column, opposite the voters name, instead of the figure 1. This will show for whom he voted, and for whom he did not vote, and will be a check on the number of ballots taken from the box. A separate poll book

1861, must be taken for the Supreme Law of the land; it embodies will have to be kept, and a separate certificate of result will have to be made, for each county in Florida, from which the men came who compose the command; the men who came from one county not being permitted to vote for Representative with those who came from another county.

X. As soon as the polls shall be closed, the canvass and count of the votes must commence and must be public, and be completed before the Inspectors adjourn. The box being opened, the ballots contained therein must be taken out and counted, and if it shall be found that two names for the same office are found on the same ballot or ticket, when but one should have been on it, they shall not be counted. When, however, two Representatives are to be chosen for a county, then it is right and proper that the ballot should contain two names for Representatives, but not more. When three are to be voted for, then it should contain three names for Representatives, but not more. No ticket can contain more than one name for Senator, but on this ticket, the name or names of as many Representatives as the county is entitled to, can rightfully be written. If a ticket should contain two or more names for Senator, then that ticket for Senator should not be counted. If it should contain more names for Representatives than the county is entitled to, then that ticket for Representative should not be counted. All the ballots or tickets must be strung as taken out, and be preserved, to be taken to the Court House or county site of the proper county.

XI. The canvass being completed, the Inspectors or Clerks must properly fill up the certificate of the result, stating the whole number of votes given for each office, and then state the number given for each candidate voted for—the number in all cases to be written out at full length, and also stated in figures. The certificate of the result, when completed, must be signed by the Inspectors and Clerks. The poll book must then be completed, by filling up the certificate at the bottom, and the Inspectors and Clerks signing it. The ballots must also be tied up together.

XII. The poll book, certificate of the result, and the ballots, must then be sealed up and endorsed "Election Returns;" and must be carried to the Court House of the proper county, and delivered to the Judge of Probate, by the special messenger provided for in ordinance No. 53.

OSCAR HART,

Assistant Secretary of State.

That the said Convention did, by said ordinance No. 53, empower the qualified voters of this State who may be absent, and who are in the military service of the State or Confederate States, to vote for Representatives, Senators and Representatives in Congress, and your Committee, for more certainty, refer to said ordinance No. 53.

That an election was held in the several counties of the State,

and at the military posts aforesaid, on the 6th day of October, 1862, for Senators under said new Constitution.

That on the 18th day of November, A. D. 1862, the Comptroller and Treasurer canvassed the votes given at said election for Senators, and that the Secretary of State gave those persons whom said Board of Canvassers declared to have received the highest votes for Senators of the several Districts certificates of their election as such Senators for said Districts at the election held on the 6th of October, A. D. 1862.

That said Senators who had received the certificates aforesaid were sworn in on the 18th day of November, 1862, and that the Senate of Florida did, on that day, declare a quorum was present and did thereupon proceed to business.

That on the 17th day of November, when the roll was called by the Secretary of State, to organize the Senate, P. B. Brokaw answered to the call for Senator of the 8th District, and James T. Magbee answered to the call for Senator of the 20th District. The Secretary of State announced that there was not a quorum present.

On the 18th day of November, when the call of the Districts was made, the several Senators who had received certificates of their election on the 6th day of October, 1862, presented themselves, filed their certificates and were severally sworn in.

When D. P. Hogue presented his certificate of election as Senator of the 8th District, P. B. Brokaw protested against Mr. Hogue being sworn in, and claimed his seat as Senator, that his certificate was on file, that he was the Senator of such District, and was in his seat, and that his term did not expire until two years thereafter.

That Mr. Hogue was sworn in as Senator of said 8th District, under the certification of his election as such Senator, on the 6th day of October, 1862.

That when Joseph M. Taylor presented his certificate of election as Senator of the 20th District, James T. Magbee protested against his being sworn in for the same reasons and on like grounds as those presented by Mr. Brokaw, as aforesaid. That these are the only cases that were presented to the Senate, though there is no doubt but that there are others, but your Committee are of opinion that there are none but these two cases before them, and therefore confine their report to these cases.

It appears that P. B. Brokaw was elected on the 1st day of October, 1860, Senator for the 8th Senatorial District, and that on the same day James T. Magbee was elected Senator of the 20th Senatorial District, which will more fully appear by reference to the certificates of election signed and sealed by the Secretary of State and which are herewith presented.

It further appears by reference to the Senate Journal of November 26th, A. D. 1860, that P. B. Brokaw and James T. Magbee were sworn in as such Senators and took their seats,

It appears by the certificates on file and presented by D. P. Hogue and Joseph M. Taylor that they were elected on the 6th of October, 1862, as Senators as aforesaid under the new Constitution.

Having now presented to the Senate all the facts, your Committee are of opinion—

1st. That the Convention aforesaid did have the power to pass and create said new Constitution,

2d. That by that new Constitution, and by it only, are the people to be governed as the fundamental law of the State,

3d. That said Constitution, passed on the 27th day of April, 1861, is a complete and perfect instrument in itself; that to it, and to it only, can we now look for our guidance in its construction; that it cannot be construed by any previous law, previous Constitution or other previous instrument; revised and amended at a Convention of the people, it now stands as the finished, perfect form of Government they adopted for our government, and from its own context and spirit alone can we read it and find its meaning,

4th. That the said Constitution, in article 4, did require a new election for all Senators of the State of Florida to be held on the 1st Monday in October, 1862, and the Senators then elected, and they only, are entitled to seats in this body.

Your Committee, therefore, present the following resolutions, and recommend their adoption;

Resolved by the Senate of the State of Florida, That D. P. Hogue is the Senator of the 8th Senatorial District, and that the term of P. B. Brokaw as Senator of said District expired at the time provided in the new Constitution, which was on the 1st Monday in October, 1862.

Resolved further, That Joseph M. Taylor is the Senator of the 20th District, and that the term of James T. Magbee, as Senator of said District, expired at the time provided in the new Constitution, which was on the 1st Monday in October, 1862.

Resolved further, The Senators elected on the 1st Monday in October, 1862, and they only, are entitled to seats in the present Senate of Florida.

All of which is respectfully submitted.

D. P. HOLLAND,
Chairman.
JAMES G. COOPER,
EDWARD HOPKINS,
J. B. SMITH,
JOS. S. RUSSELL.

STATE OF FLORIDA.

TO ALL TO WHOM THESE PRESENTS SHALL COME—GREETING:

This is to certify, That at an election held on the first day of October, 1860, for office of Senator for the Eighth Senatorial District, P. B. Brokaw was duly elected Senator.

The whole number of votes given at said election for Senator, was seven hundred and forty-six. Of these, P. B. Brokaw received 401. R. A. Shine received 345.

In testimony whereof, I have hereto set my hand and the seal of the State of Florida. Done at the Capitol, in the City of Tallahassee, this, 23rd day of November; A. D. 1860.

F. L. VILLEPIGUE,
Secretary of State.

STATE OF FLORIDA.

TO ALL TO WHOM THESE PRESENTS SHALL COME—GREETING :

This is to certify, That at an election held on the first day of October, 1860, for the office of Senator for the 20th Senatorial District, James T. Magbee was duly elected Senator.

The whole number of votes given at said election for Senator, was nine hundred and ninety. Of these, James T. Magbee received 568; Samuel E. Hope received 421, and scattering 1.

In testimony whereof, I have hereto set my hand and the seal of the State of Florida. Done at the Capitol, in the City of Tallahassee, this, 23d day of November, A. D. 1860.

F. L. VILLEPIGUE,
Secretary of State.

Which was received.

A motion was made to adjourn until three o'clock,

Which was lost.

Mr. Holland moved that parties contesting may be heard by themselves, their counsel, or both, before the Senate,

Which was adopted.

Mr. Papy, counsel for Mr. Brokaw, then addressed the Senate for some length of time, in favor of the contested seat of that gentleman.

At the conclusion of Mr. Papy's remarks, the Senate took a recess until 3 o'clock, p. m.

3 O'CLOCK, P. M.

The Senate resumed its session.

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

Messrs. Abererombie, Clary, Norwood, Allison, Carter, Arnow, Cooper, Hopkins, Scott, Roper and Holland—11.

The question being on the adoption of the report of the Committee on the contested seats of Senators elected under the new Constitution,

Mr. Holland assumed the floor in favor of the report.

Mr. Hogue succeeded Mr. Holland in defence of his claim to the contested seat of Senator from Leon county.

At the conclusion of Mr. Hogue's remarks, Mr. Papy claimed the

privilege of concluding the argument in defence of the contested seat of Mr. Brokaw.

On motion of Mr. Holland, Mr. Papy was allowed the concluding remarks.

On motion, a call of the Senate was then made and a quorum being present, the question was upon the following resolutions:

[See resolutions reported by Committee.]

The yeas and nays being called for, the vote was:

Yeas—Mr. President, Messrs. Clary, Carter, Smith, Arnow, Cooper, Hopkins, Roper and Holland—9.

Nays—Messrs. Abercrombie and Norwood—2.

Which were adopted.

Messrs. Allison and Scott having requested to be excused from voting, permission was granted them.

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

THURSDAY; November 20th.

Senate met pursuant to adjournment.

President in the chair.

Quorum present.

The Journal of yesterday was read, corrected and approved.

President declared motions in order.

Mr. Haughton, the newly elected Assistant Secretary of the Senate appeared and was sworn in.

Mr. Taylor moved that a committee of three be appointed by the President of the Senate for the purpose of revising, altering and amending the Rules of the Senate which were adopted at the present session of the Senate,

Which was agreed to, and Messrs. Taylor, Abercrombie and Hogue appointed said committee.

Mr. Allison gave notice that he would on to-morrow ask leave to introduce a bill to be entitled an act to amend an act entitled an act concerning Wills, Letters Testamentary, and Letters of Administration, and the duties of Executors, Administrators and Guardians.

Mr. Hogue moved that the Senate now proceed to elect one Engrossing and one Enrolling Clerk,

Which was agreed to.

Mr. Abercrombie nominated Mr. John Brass for Engrossing Clerk.

Mr. Hogue nominated Mr. J. L. Tatum for Engrossing Clerk.

The following was the vote:

FOR BRASS—Mr. President, Messrs. Abercrombie, Hopkins and Smith—4.