

and consented to, and the Clerk requested to certify the same to the Senate.
Which was received and read, and the nominations therein made confirmed.

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

EXECUTIVE OFFICE,
Tallahassee, January 5, 1866.

Gentlemen of the General Assembly:

I have approved and signed "an act to punish certain persons for marking, branding or killing unmarked cattle and for other purposes therein mentioned;"

"An act to compel Railroad Companies to pay for all stock killed upon their roads;"

"A bill to be entitled an act to remove the county site of Nassau county;" and,

"An act concerning marks and brands of beef cattle, and for other purposes."

I have the honor to be,
Very respectfully,
Your obedient servant,

D. S. WALKER, Governor.

Which was read.

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

SATURDAY, January 6, 1866.

The Senate met pursuant to adjournment.

A quorum present.

The President in the chair.

Prayer by the Chaplain.

Notice was given of intention to introduce the following bill at some future day, viz:

By Mr. Evans:

A bill for the removal of the obstructions in the Apalachicola River.

Pursuant to previous notice, the following bills were introduced and placed among the orders of the day:

An act to provide for appeals from orders, decrees and judgments rendered during the late war by the Courts of this State;

An act to require the support of said pu

An act to authorize jurisdiction in all civi

By Mr. Ross:

A bill to be entitle

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to require the children of destitute persons to provide for
port of said persons; and,
to authorize the Criminal Court of Duval county to have
jurisdiction in all civil cases not exceeding three hundred dollars.

Mr. Ross :

It to be entitled an act fixing the pay of members and officers
of the General Assembly ;
which was read and the bill placed first among the orders of the

Cottrell offered the following resolution :

Resolved. That the officers of the Senate elected at the present
session of the General Assembly, were elected for and during the
term of office of the Senators, and as such hold their offices until
the Monday of October, A. D. (1867,) eighteen hundred and
even.

which was adopted.

Pearce, from the Committee on Propositions and Grievances,
reported the following report :

The committee on Propositions and Grievances, to whom was referred
a bill to be entitled an act authorizing the sale of escheated
property belonging to the estate of John Eaton, deceased, begs leave to

REPORT :

that it has had the same under consideration, and recommends
its passage with the amendments herewith reported.

E. A. PEARCE,

Chairman of Committee.

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

Mr. Ross made the following report :

The committee to which was referred a bill to be entitled an act
to increase the rate of interest at which money, bonds, notes, &c.,
be loaned, have had the same under consideration, and beg
leave to

REPORT

to send the same back to the Senate and ask that it do not pass as it is,
but that it shall be so amended as to fix the rate of interest at 8 per cent.

W. M. B. ROSS,

Chairman Finance Committee.

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

MEMORANDUM

Mr. Evans, from the Committee on Agriculture, made the following report :

The committee to whom was referred a bill to be entitled an act to establish in form weights and measures to be used throughout the State of Florida, beg leave to

REPORT :

That they have had the same under consideration, and recommend the passage of the bill.

JAS. C. EVANS,
Chm'n Com. on Agriculture.

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

Mr. Pearce, from the Committee on Propositions and Grievances, made the following report :

The Committee on Propositions and Grievances, to whom this bill was referred, report it back to the Senate with the recommendation that it do not pass.

E. A. PEARCE,
Chairman Committee.

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

Mr. Finegan, from the Joint Committee on the Militia, made the following report :

The Joint Committee upon the Militia, to whom was referred the organization of the Militia of the State, have had the same under consideration and beg leave to

REPORT

The accompanying bill for the consideration of the General Assembly, and recommend that the same pass.

JOSEPH FINEGAN,
Chm'n Senate Committee.
G. TROUP MAXWELL,
Chm'n House Committee.

Which was read and one hundred copies of the accompanying bill ordered to be printed.

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

The Committee on Engrossed Bills respectfully ask leave to report as correctly engrossed the following bills :

A bill to be entitled an act to fix the salaries and compensation of the Solicitors of this State ; also,

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to be entitled an act to repeal all acts regulating the license
 icians, and to establish a better system.

J. H. ROPER, Clin'n.

ch was read and the accompanying bills placed among the
 of the day.

ORDERS OF THE DAY.

bill to be entitled an act fixing the pay of members and offi-
 of the General Assembly,
 as read the first time, rule waived, read the second and third
 by its title and put upon its passage.

ie vote was :

as—Messrs Bird, Cottrell, Curry, Evans, Finegan, Gorrie, Hen-
 Jordan, Morrison, Oliveros, Owens, Pearce, Poe, Richard, Ross,
 sean, Steele, Turner and Whitehurst—19.

ays—Messrs. Abercrombie, Baker, Roper, Vann, White and
 odruff—6.

so the bill passed—title as stated,

Ordered that the same be certified to the House.

Preamble and resolution asking the State of Florida, through her
 legislature, to relieve the county of Duval from the obligation to
 y a debt of one thousand dollars which said county owes the
 ate,

Was read the second time, rule waived, read the third time and
 it upon its passage.

The vote was :

Yeas—Messrs. Evans, Finegan, Gorrie, Oliveros, Richard, Steele,
 umer and Whitehurst—8.

Nays—Messrs. Abercrombie, Baker, Bird, Cottrell, Curry, Jordan
 Morrison, Owens, Pearce, Poe, Roper, Ross, Rosseau, Vann, White
 and Woodruff—16.

So the bill did not pass.

A bill to be entitled an act to provide an equitable adjustment of
 contracts made during the war,

Was read the first time, rule waived, read a second time by its
 title and referred to the committee on the judiciary.

A bill to be entitled an act to authorize and empower the Gov-
 ernor to reorganize the municipal government of certain cities and
 towns,

Was read the first time and ordered for a second reading on Mon-
 day.

A bill to be entitled an act to provide for the support of indigent
 and helpless parents by their children,

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

NEW SERIES 1912

A bill to be entitled an act to postpone sales under execution and judicial process until after the 1st day of January, 1867,

Was read the first time and ordered for a second reading.

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

Was read the first time, rule waived, read a second time by its title and referred to the Committee on the Judiciary.

The following communication was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
January 5th, 1866. }

Hon. W. W. J. KELLY,

President of the Senate:

SEN: The House of Representatives has this day refused to concur in Senate amendments to House bill to be entitled an act to prevent and punish trespass upon the public lands of this State, and have appointed Messrs. McLellan, McKinnon and Hendricks a committee of conference on part of the House, and request a similar committee be appointed by the Senate.

Very respectfully,

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

Which was read, and Messrs. Cottrell, Gorrie and Oliveros appointed a committee of conference.

A bill to be entitled an act to ratify an ordinance of the late Convention legalizing all laws of this State passed during and since the tenth session of the Legislature thereof, in 1860, not repugnant to the Constitution of this State or of the United States,

Was read the first time, rule waived, read the second time by its title and referred to the Committee on the Judiciary.

House bill to be entitled an act to establish uniform weights and measures to be used throughout the State of Florida,

Was read the third time and put upon its passage.

The vote was:

Yeas—Messrs. Abercrombie, Evans, Hendry, Jordan, Morrison, Oliveros, Poe, Richard, Rosseau, Steele, Turner and Whitehurst—12.

Nays—Messrs. Baker, Cottrell, Curry, Finegan, Gorrie, Owens, Roper, Ross, Vann, White and Woodruff—11.

So the bill passed—title as stated.

Ordered that the same be certified to the House.

House bill to be entitled an act authorizing the sale of escheated lands belonging to the estate of John Eaton, deceased,

Was read the second time and recommitted to the Committee on Propositions and Grievances.

A bill to be entitled an act to increase the rates of interest—at

which money, bonds, notes &c., may be loaned, came up on its second reading.

On motion, the bill to be entitled an act to fix the rate of interest on money, bonds, and judgments offered by the Committee on Finance and Accounts, was adopted as a substitute, and ordered to be engrossed for a third reading.

Resolution relative to officers of Brevard County,

Was read first time, rule waived, read a second time, and referred to the Committee on Elections.

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

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

The vote was :

Yeas—Messrs. Abecrombie, Bird, Cottrell, Curry, Evans, Finegan, Gorrie, Hendry, Jordan, Morrison, Oliveros, Owens, Pearce, Poe, Roper, Rousseau, Steele, Turner, Vann, White, Whitehurst and Woodruff—22.

Nays—None.

So the resolutions were adopted.

Ordered to be certified to the House.

A bill to be entitled 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,

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

Mr Gorrie moved to amend the bill by adding the following :

S c. 5. *Be it further enacted*, That the provisions of this act shall be extended to the counties of Franklin and Santa Rosa.

Which was adopted.

Mr. White moved to amend by adding the following :

SEC. 6. *Be it further enacted*, That the County Commissioners of Jackson county shall have power to borrow five thousand dollars, to build a court-house in said county, on the same conditions as is provided for in this act.

Which was adopted.

The bill was ordered to be engrossed for a third reading.

On motion, the rules were waived to allow the Committee on the Judiciary to make the following report :

The Committee on the Judiciary, to whom was referred a bill to be entitled An act for the adoption of two children by J. B. Askew and S. J. Askew, beg leave to

REPORT :

That they have had the same under consideration and recommend its passage.

2. The committee have also had under consideration, a bill to be entitled an act to establish and enforce the marriage relation between persons of color, which was referred to them, and beg leave to report favorably thereon, recommending its passage.

3. They also recommend the passage of the bill to be entitled an act in addition to an act entitled an act to amend the act entitled an act concerning marriage licenses, approved January 23d, 1832, in the form it was received from the House.

4. They also recommend the passage of the bill to be entitled an act to establish the records of Bradford county, and for other purposes.

5. They also beg leave to report, that they have had under consideration, the petition of certain persons in Levy county, which was referred to them, and are of opinion that the matter is beyond the reach of any remedy which can be given by the General Assembly.

T. W. BREVARD,
Chairman.

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

As so the following :

The Committee on the Judiciary, to whom was referred "a bill to be entitled an act prescribing additional penalties for the commission of offences against the State and for other purposes," beg leave to

REPORT:

That they have had the same under consideration and respectfully recommend that the bill do pass with the following amendments, to wit :

In Section 5, strike out in the 2d and 3d lines, the words "they shall suffer death or."

In Section 14, after the word "Jury," add the following words: "nor shall it be lawful for any white person to intrude himself into any religious or other public assembly of colored persons, or into any railroad car or other public vehicle set apart for the exclusive accommodation of persons of color, under the same penalties."

In Section 15, strike out the word "he," in 2d line, and insert the words "such person," in lieu thereof.

In Section 17, strike out the word "and," and insert the word "any."

Strike out the 21st Section.

T. W. BREVARD,
Ch'n Judiciary Committee.

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

Also the following:
The Committee on Judiciary, to whom was referred a bill to be entitled an act in relation to contracts with persons of color, have had the same under consideration and respectfully recommend the passage of the bill, with the following amendments, to wit:

The following amendment to 1st section: "Provided, that contracts for service or labor may be made for less time than thirty days, by parole"

In 6th line, of 1st section, after the word "he," insert the words "she or they."

Add to the 3d section the following words: "Provided, three days previous notice shall be given to the employee of the day of trial."

In 1st line, 5th section, after the word "entice," insert the words "induce or otherwise persuade."

In 3d line, 5th section, after the word "dollars," insert "or shall stand in the pillory not more than three hours, or be whipped not more than thirty-nine stripes on the bare back."

In section 6th, 2d line, after the word "business," insert the words "and to all other contracts with persons of color to do labor and perform service."

T. W. BREVARD,
Chairman.

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

Also the following:
The Committee on the Judiciary, to whom was referred "a bill to be entitled an act in relation to apprentices," beg leave to

REPORT

The same back to the Senate and recommend its passage.

T. W. BREVARD,
Chairman.

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

Also the following:
The Committee on the Judiciary, to whom was referred "a bill to be entitled an act concerning testimony," beg leave to report the same back to the Senate, and recommend its adoption, with the following amendments:

In section 1st, insert after word "civil," in 1st line, the words "and criminal."

In Section 2, insert in first line the words, "civil suits now pending," after the word "that."

T. W. BREVARD,
Chairman.

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

Mr. Steele made the following report :

MINORITY REPORT.

The undersigned regrets to have to differ in any point, from the majority of your committee ; but a conscientious discharge of duty, pertaining to what he believes to be for the public good, demands that he should offer even his humble protest against the amendment which the committee propose to make to Section 5 of the bill herewith reported.

In the legislation which is now especially engaging the minds of legislators of the State, there is a grand problem involved, the solution of which should be diligently sought; and that is, how best can the passions of the dis-ordant elements of our new social system be controlled with the greatest economy of effort and money to the State, and the surest security of life, property, happiness and peace to the people.

All history teaches that in proportion to the degradation of the human mind, so will be the sum of crime, and the moral inability of a people to advance in mental and moral culture, and, consequently, public worth, upon whom such degradation may be fastened.

With these grand truths staring legislators in the face, how very much should they be careful to see that they do not inflict the evil, by legislation, which it is their purpose to avoid, and which has ever drawn its long dark train of woe and of crime wherever it has been fastened upon a people. What man who has even the lightest touch of a freeman's pride and hopes, but will feel himself debased when placed in the pillory to receive the gaze of public derision, or have his back bared to the lash before the eyes of his countrymen and countrywomen ?

In the peculiar social relation which, previous to the abolition of slavery, existed between master and slave, where, in the government of the latter, the former constituted a court, as it were, for the maintenance of order and the correction of errors on the part of the slave, in necessary lieu of the courts of law, which his freed condition now requires, the employment of the lash was then a necessary penalty, and its appliance was then logical, because the subject for whom it was intended, was, not degraded thereby, being a slave, and being suitable to his condition. But now that he is a free man,

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application is illogical, because the application of the whip degrades the free. If not, it should be a fundamental principle in law that the punishment of offences should be so directed that, while on the one hand it will restrain them, on the other it will elevate and reform.

The Providence of Almighty God seems to have laid a wondrous hand upon that people, who, but yesterday, as it were, were our bondmen; and despite the machinations of fanaticism, they are still, that Providence, committed to the care, the guidance and the tutelage of the southern legislator. Recognizing, then, that Providence, and accepting, in humble reliance upon its support, let him boldly seek to elevate that dark-skinned race who, for centuries, has obeyed him with fidelity, and who still clings to his old master and finds as the surest hope of his redemption from his benighted condition; and let that master and friend legislate in the light of Christian charity.

In legislating for his government and for the welfare of society, is it not better that it should be done in a manner which, while it disciplines offenders, is best calculated to reform and elevate? And if in addition to this, a mode of punishing offenders can be devised that will redound to the benefit of the State's and people's finances, while it cannot degrade any portion of its inhabitants, is it not much better that such mode shall be adopted, in lieu of another that, in my humble judgment, must redound to the injury of society? Is it not better that, while crime and offences may be lessened by a judicious system of penalties, those may be, at the same time, utilized? Believing this can be done, I am constrained to differ from my esteemed associates on the Committee.

Respectfully submitted

HOLMES STEELE

Which was read.

House bill entitled "an act in relation to judicial proceedings and the appointment of referees in civil cases,"

was read a second time

On motion, of Mr. Cottrell, the bill was laid upon the table.

House resolution in reference to the direct taxes due the United States,

was read a second time.

On motion, the resolutions and memorial reported by the Select Committee, was adopted as a substitute for the bill.

The rule was waived, and the memorial and resolutions were put on their passage.

The vote was:

Yeas—Messrs. Abercrombie, Baker, Bird, Brerard, Cottrell, Evans, Finegan, Gorrie, Hendry, Jordan, Morrison, Olin,

veros, Owens, Pearce, Poe, Richard, Roper, Ross, Rosseau, Steele, Turner, Vann, White, Whitehurst and Woodruff—25.

Nays—None.

So the resolutions were adopted.

Ordered that the same be certified to the House.

A bill to be entitled "an act to require the children of destitute persons to provide for the support of said persons,"

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

The vote was;

Yeas—Messrs. Abercrombie, Baker, Bird, Brevard, Cottrell, Curry, Evans, Finegan, Gorrie, Hendry, Jordan, Morrison, Oliveros, Owens, Pearce, Poe, Roper, Ross, Steele, Turner, Vann, White Whitehurst and Woodruff—24.

Nays—none.

So the bill passed—title as stated.

Ordered to be certified to the House of Representatives.

A bill to be entitled an act to provide for appeals from orders, decrees and judgments rendered during the late war by the courts of this State,

Was read a first time, rule waived, and read a second time by its title and referred to the Committee on the Judiciary.

A bill to be entitled an act authorizing the Criminal Court of Duval county to have jurisdiction in all civil cases not exceeding three hundred dollars,

Was read first time, rule waived, read a second time by its title and referred to the Committee on the Judiciary.

House bill to be entitled an act to punish vagrants and vagabonds, Was read a second time.

Mr. Abercrombie moved to strike out in section 1st, all after the word "months," in 7th line, to the word "at," in 9th line;

Which was not agreed to.

Mr. Steele offered to amend by striking out "or imprisonment," in the 7th line, section 1st, and strike out all after the word "months," in 7th line, section 1st, down to the word "the," in 10th line, and insert the word "and," before the word "the;"

Which was not agreed to.

Mr. Vann moved to amend by striking out the word "all," in line 2d, second 1st, and insert "every." Also, strike out "have," and insert "has." Also, strike out "persons," and insert "person." Also, insert the word "a," between "be," and "vagrant," in 3d line, and insert "or she," between "he," and "shall," in the 13th line;

Which was adopted.

Mr. Gorrie moved to amend by inserting after the word "Peace," in 5th line "or Judge of the county Criminal Court;"

Which was adopted.

Mr. Vann moved to amend Section 3, line 1st, by inserting "under oath," after the word "complaint;"

Which was adopted.

Mr. Ross moved to amend Section 3, line 1st, after the word "peace," by inserting "or Judge of the County Criminal Court;"

Which was adopted.

Mr. Abercrombie moved to amend Section 4, line 2, after the word "his," by inserting the words "or her;"

Which was agreed to.

Mr. Vann moved to amend Section 5, line 11, by inserting the word "be," between the words "may" and "due;"

Which was agreed to.

Mr. Bird moved to amend the 6th Section by inserting after the word "he," in 2d line, "or she." Insert after the word "convicted," second line, the word "shall." Strike out all after the word "convicted," in Section 6, line 2, to the word "hind," in the second line; also, insert after the word "hind," in 2d line, "or her." Strike out after the word "occupation," in 3d line, the words "for such time as they shall direct;"

Which was agreed to.

Mr. Vann moved to amend 6th Section by striking out the word "he," in 4th line, and insert "such person, if a male." Insert after the word "age," in line 4th, the words "and if a female, not beyond the time when she shall arrive at 18 years of age;"

Which was agreed to.

The bill was read a third time and put upon its passage.

The vote was:

Yeas—Messrs. Abercrombie, Baker, Bird, Brevard, Cottrell, Curry, Evans, Finegan, Morrison, Oliver, Owens, Pearce, Poe, Roper, Ross, Steeie, Turner, Vann and White—19.

Nays—None.

So the bill passed as amended—title as stated.

Ordered to be certified to the House.

The rules being waived, Mr. Cottrell offered the following:
Resolved, That hereafter the regular sessions of the Senate shall be from 10 o'clock a. m. to 1 o'clock p. m., and from 3 o'clock p. m. to 5 o'clock p. m., until otherwise ordered by the Senate.

Which on motion, was laid on the table.

On motion, the Senate took a recess until 3½ o'clock P. M.

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

The Senate resumed its session.

A quorum present.

The President in the Chair.

House bill to be entitled an act to alter the mode of selling school and seminary lands,

Was read the second time and ordered for a third reading on Monday.

House bill to be entitled an act to increase the punishment for larceny,

Was read the second time.

Mr. Ross moved as an amendment to said bill to strike out the words "one hundred," and insert "twenty five;"

Which was agreed to.

Mr. Bird moved as an amendment to strike out the words "suspended by the thumbs," and insert the words "standing in the pillory;"

Which was agreed to.

Mr. Hendry moved to indefinitely postpone said bill;

Which was agreed to.

House bill entitled an act to repeal an act, &c.,

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

The vote was:

Yeas—Messrs. Baker, Cottrell and Vann—3.

Nays—Messrs. Abercrombie, Bird, Carry, Evans, Finegan, Gorrie, Hendry, Morrison, Oliveros, Owens, Pearce, Poe, Richard, Roper, Ross, Rosseau, Steele, Turner, White, Whitehurst and Woodruff—21.

So the bill did not pass.

A bill to be entitled an act to raise Revenue for the State Florida,

Was read the second time.

On motion, the Senate went into Committee of the Whole on said bill,

Mr. White in the Chair.

After some time spent in consideration of the bill,

On motion, the committee rose and reported the bill back with amendments, and asked to be discharged from further consideration of the same.

On motion, the report was received and the committee discharged.

The amendments proposed by the Committee of the Whole were adopted.

Mr. Bird offered the following amendment:

To strike out the 9th Section of said bill;

Which was agreed to.

Mr. Cottrell moved to strike out in 4th Section, 2d line, the word "half," and insert the word "third;"

Which was not agreed to.

On motion, said bill was ordered to be engrossed for a third reading on Monday.

On motion, Mr. Vann was excused from attendance on the Senate till Tuesday evening next at 7 o'clock.

On motion, Mr. Brevard was excused from attendance on the Senate till Tuesday next.

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

MONDAY, January 8th, 1866.

The Senate met pursuant to adjournment.

A quorum present.

The President in the chair.

Mr. Ross moved that the Senate reconsider a resolution passed by the Senate, on the 4th inst., and that the same be placed before the Senate for further consideration.

The Chair decided that the resolution above named, having gone out of the possession of the Senate, the motion was out of order.

The following communication was received from the House of Representatives :

HOUSE OF REPRESENTATIVES,
January 8th, 1866. }

Hon. W. W. J. KELLY,

President of the Senate :

SIR : I have been instructed by the House of Representatives to request the Senate to return to the House—

House bill to be entitled an act in relation to Judicial proceedings, and the appointments of referees in civil cases.

Very respectfully,

WM. FORSYTH BYNUM,

Clerk of the House of Representatives.

Which was read.

On motion of Mr. Cottrell, the bill was taken from the table, and ordered to be sent back to the House.

Mr. White moved, That (in view of an early adjournment by the General Assembly,) all the bills reported by the Constitutional Commission, now before the Senate, be placed first among the orders of the day;

Which was read and agreed to.