

FOR BRACEWELL. *Senate*—Mr. President, Messrs. Baldwin, Blackburn, Finley, Forsyth, Gillis, Johnson, Long, Moseley, Smith, Snell and Wynn—12. *House*—26. Total, 38.

The President declared that Messrs. John Darling, and J. M. Bracewell, were duly elected members of the Board of Internal Improvement for the Southern District.

On motion, the voting for another member of said Board for the Middle District was resumed.

Mr. Blackburn nominated Mr. E. Houston, of Leon County.

Result of seventh vote :

FOR CALL. *Senate*—Mr. President, Messrs. Forsyth, Gillis, Johnson, Kilcrease, Long, Moseley, Smith and Snell—9. *House*—10. Total 19.

FOR HOUSTON. *Senate*—Mr. Blackburn—1. *House*—8. Total, 9.

BLANK. *Senate*—Messrs. Baldwin, Finley and Wynn—3. *House*—2. Total, 5.

FOR DUPONT. *Senate*—None. *House*—4. Total, 4.

There being no election, the joint Assembly proceeded to an eighth voting.

The name of Mr. Houston was withdrawn.

FOR DUPONT. *Senate*—Messrs. Blackburn and Wynn—2. *House*—14. Total, 16.

FOR CALL. *Senate*—Mr. President, Messrs. Finley, Forsyth, Gillis, Johnson, Kilcrease, Long, Moseley, Smith and Snell—10. *House*—11. Total 21.

There being no election, the joint Assembly, proceeded to a ninth voting.

The name of Mr. Call, was withdrawn.

Mr. Baldwin nominated Mr. James T. Archer.

Result of the ninth voting :

FOR DUPONT. *Senate*—Mr. Kilcrease—1. *House*—5. Total, 6.

FOR ARCHER. *Senate*—Mr. President, Messrs. Baldwin, Blackburn, Finley, Forsyth, Gillis, Johnson, Long, Smith, Snell and Wynn—11. *House*—20. Total, 31.

The President announced that James T. Archer, was duly elected a member of the Board of Internal Improvement for the Middle District.

The Senate then returned to the Senate Chamber.

On motion, the Senate adjourned till to-morrow, 10 o'clock, A. M.

FRIDAY, January 14, 1853.

The Senate met pursuant to adjournment. Rev. Mr. Asay officiated as Chaplain.

A quorum being present, the Journal of yesterday's proceedings were read and approved.

Mr. Long, from the Committee on Enrolled bills, made the following report ;

The Committee on Enrolled Bills report as correctly enrolled, An Act to provide for carrying into effect a resolution, approved, 8th Jan. inst., (1853,) in favor of B. Hopkins and others, for their services in defending the frontier in the year 1852.

Respectfully submitted,

M. A. LONG,

Chairman Committee Enrolled Bills.

The following Message was received from the House of Representatives :

HOUSE OF REPRESENTATIVES, }
January 13, 1853. }

HON. PRESIDENT OF THE SENATE :

Sir,—the House refuse to concur in Senate amendments to House resolution relative to the account of R. A. Shine, Quarter-Master General, and for other purposes.

Respectfully,

JOHN DICK,

Clerk House of Representatives.

Which was read, when on motion, the Senate adhered to its amendments.

The following message was received from His Excellency, the Governor :

EXECUTIVE CHAMBER, }
January 13th, 1853. }

To the Hon. R. J. FLOYD, President of the Senate :

Sir—I have been presented with a joint resolution, entitled "resolution relative to the commission and orders of General B. Hopkins," and as the Constitution of this State declares that "every order, resolution or vote, to which the concurrence of both Houses may be necessary, except on questions of adjournment, shall be presented to the Governor, and before it shall take effect, be approved by him, or being disapproved, be repassed by both Houses according to the rules and limitations prescribed in case of bills," and as I consider the resolution a very unnecessary act of legislation, and an improper interference with my Executive duties, I cannot approve it. I must, therefore, return the resolution with my disapproval.

I have the honor to be,

your most ob't. &c.,

THOMAS BROWN.

Which was read.

The following communication was received from the House of Representatives :

HOUSE OF REPRESENTATIVES, }
January 14, 1853. }

HON. PRESIDENT OF THE SENATE :

Sir,—The House have indefinitely postponed Senate Resolution for the relief of William W. J. Kelly.

Respectfully,

JOHN DICK,

Clerk House of Representatives.

The following message was received from His Excellency, the Governor :

EXECUTIVE CHAMBER, }
January 13, 1853. }

The Hon. R. J. FLOYD, President Senate :

Sir—I respectfully return to the Senate, “An Act to provide for the final removal of the Indians of this State, and for other purposes,” because, in my opinion, it is in violation of the Constitution of this State, and of the United States, and contains provisions which would be oppressive on the people of this State and blighting to its prosperity. But I interpose my negative to this Act, not so much with a hope that my opinions will be regarded as of any force, as to avail myself of the Constitutional privilege granted me, of having my “objections spread at large upon the journals” of the General Assembly.

The first section of this Act declares, “that from and after the passage of this Act, it shall be unlawful for any Indian or Indians to remain within the limits of this State, and any Indian or Indians that remain or may be found within the limits of this State, shall be captured and sent west of the Mississippi.” Now, in this there seems to be great folly, to say the least of it, in a sovereign State passing an edict which it has no power to enforce. By the Act of Congress admitting Florida into the Union as a sovereign State, it is declared “that said State of Florida shall embrace the territories of East and West Florida, which by the treaty of amity, settlement and limits between the United States and Spain, on the 22nd day of February, 1819, were ceded to the United States.” Now I believe the western jurisdiction of Florida extends not beyond the Perdido, and that there may be found sovereign authority “west of the Mississippi” as tenacious of its rights as Florida; and the *proviso* in this section, which declares “that nothing shall be authorized under this Act, in violation of the Constitution of the United States,” is as futile as if the General Assembly had supposed, that without such a *proviso* their unconstitutional enactments would “be authorized.”

By the second and third sections of this Act, “the Governor is required to raise one regiment of mounted volunteers and one of infantry, each to consist of not more than one thousand men, which shall compose one brigade, and shall be commanded by a Brigadier General, to be elected by the joint vote of the General Assembly.” If this is intended to be a militia force, which is the strong and only arm of State defence, it is in direct violation of the seventh article of the Constitution of this State, which declares that “all militia officers shall be elected by the persons subject to military duty within the bounds of their several companies, battalions, regiments, *brigades* and divisions.” If not militia, then it must be of a grade above the militia—a regular military force or standing army; and it has one feature which has been considered dangerous, even in a standing army—the power of augmentation without limitation of service.

This is in violation of the Constitution of the United States, which

prohibits the States from declaring war, or keeping a standing army in time of peace. If the *Federalist*, is reckoned reliable authority, some very useful information might be obtained by reading some of its numbers on this subject. I need only make a short extract at page 104, to settle all doubts on this point. General Hamilton says: “The framers of the existing confederation, fully aware of the danger to the Union from the *separate possessions of military forces by the States, have in express terms prohibited them from having either ships or troops, unless with the consent of Congress.*”

The sixth section of this Act declares, “That should the General Government refuse to receive said volunteer force, or fail to notify the Governor of their acceptance of the same, at the earliest practicable time, it shall be the duty of the Governor forthwith, and without delay, to secure the frontier settlers and to employ said brigade in carrying out the provisions of this Act in that part of the Peninsula of this State now in the occupancy of the Indians.” Now this seems clearly to be a declaration of war, depending only on a specified condition.

The seventh section appropriates five hundred thousand dollars, which it makes the duty of the Governor to raise upon bonds, secured upon a pledge of the faith of this State, to bear six per cent. interest, to be paid semi-annually, out of the Treasury of the State, and ten per cent. of the whole revenue of the State to be paid as instalments on the principal. This would amount to some forty thousand dollars to be added annually to the State taxes. But if the State bonds cannot be sold at par, it is provided in the ninth section, “That should the United States fail or refuse to accept the services of said troops, the Comptroller of this State shall be, and he is hereby authorized and required to issue warrants upon the Treasury of this State for all accounts arising or to arise in consequence of the provisions of this Act.” Now, here is a door opened for fastening upon this State a debt of millions of dollars, which may prove a greater blight upon her prosperity than the Indians have ever been, or probably would ever be; and whatever may be the views and considerations of the Representatives of the people upon this most important and solemn question of State policy, I shall rejoice that my name and protest will be found recorded against it.

The eleventh section violates all military rule by placing, not only all the Major Generals and Brigadier Generals, but the whole military establishment of the State “subject to the order of the officer commanding the volunteer force.” It also provides “that the Governor shall not commence actual operations within the Indian boundary until the *fourth day of May next*, unless the Indians commence *actual hostilities* sooner. And the twelfth section declares “that the troops and officers raised under the provisions of this Act, shall not be entitled to, nor receive, pay from the State until they have received orders to march into the Indian territory.” Thus by the provisions of this Act, the frontier must remain entirely without

any protection *until the fourth day of May next*, unless some one shall be first murdered—as all know that *Indian "actual hostilities"* always commence with murder and fire—and the troops raised under the provisions of this Act, shall not be entitled to nor receive pay from the State until they have received orders to *march into the Indian Territory*, which shall not be sooner than the 4th day of May next; and of course without *pay*, they would not serve on the frontier,

I have pointed out a sufficient number of the objectionable provisions of this Act to justify my veto.

I have the honor to be,

Your most obedient servant,

THOS. BROWN.

AN ACT to provide for the final removal of the Indians of this State, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That from and after the passage of this Act, it shall be unlawful for any Indian or Indians to remain within the limits of this State, and any Indian or Indians that may remain or may be found within the limits of this State, shall be captured and sent west of the Mississippi: *Provided*, That the Indians and half breeds residing among the Whites, shall not be included in the provisions of this section: *Provided further*, That nothing shall be authorized under this Act in violation of the Constitution of the United States: *And Provided also*, That any Indian or Indians so captured, may be turned over and delivered to the Commandant of any Military Post, or Agent of the United States, which may be most convenient, and that the Indians thus captured be transported beyond the Mississippi river by the officers and authority of the Federal Government; but if the Indians so tendered to the United States officer are refused, then this proviso shall be inoperative.

Sec. 2. *Be it further enacted*, That the Governor be, and he is hereby required to raise one regiment of mounted volunteers and one regiment of Infantry, each regiment to consist of not more than one thousand men, to be organized, provided for, equipped and disposed of as hereinafter provided, and said regiment shall have the same number of officers, and each officer shall have the same rank which is now prescribed by the Militia Laws of this State, and to be armed in such manner as the Commanding Officer may think the exigencies of the service may require.

Sec. 3. *Be it further enacted*, That said regiment of volunteers as aforesaid, shall compose one Brigade, and shall be commanded by a Brigadier General, to be elected by the joint vote of the General Assembly, who shall be commissioned by the Governor, and shall be entitled to the same staff officers as an officer of similar rank in the United States Army, and the Governor of this State shall confer by Brevet Commission from time to time such additional rank on the

said Brigadier General, as may be required to command such additional forces, as may from time to time be ordered in the service, as hereinafter provided.

Sec. 4. *Be it further enacted*, That said officers, except staff officers, and the commanding officer, shall be elected by the volunteers of the several companies, regiments and battalions, to be raised under the provisions of this Act.

Sec. 5. *Be it further enacted*, That the Governor be, and he is hereby required to tender said Brigade to the General Government, for the removal of said Indians, and to raise any greater or larger force that the General Government may require to remove said Indians west of the Mississippi.

Sec. 6. *Be it further enacted*, That should the General Government refuse to receive said volunteer force or fail to notify the Governor of their acceptance of the same, at the earliest practicable time, it shall be the duty of the Governor forthwith and without delay, to secure the Frontier settlers, and to employ said Brigade in carrying out the provisions of this Act, in that part of the peninsula of this State, now in the occupancy of the Indians.

Sec. 7. *Be it further enacted*, That for the purpose of providing for the subsistence, forage, transportation and pay of the volunteers, authorized to be raised by the second section of this Act, the sum of five hundred thousand dollars be and the same is hereby appropriated, and the Governor is hereby authorized to borrow such sum from any of the funds of this State or from any other source, and to execute bonds for the payment of the same, at a rate of interest not exceeding six per cent. per annum: *Provided*, The said State bonds can be sold at par, and provided said bonds shall be made payable ten years from the date thereof: *And Provided also*, That the interest accruing thereon, shall be paid semi-annually, and ten per centum of the annual revenue of the State shall be pledged for the redemption of said bonds.

Sec. 8. *Be it further enacted*, That each officer shall report to his senior in command and the Brigadier General to the Commander-in-Chief of this State, and said Brigade shall be governed by the rules and articles of war, and regulations of the United States.

Sec. 9. *Be it further enacted*, That there shall be a Quarter-master and Commissary to each Regiment, who shall be governed and directed by the rules for the government of the Subsistence and Quarter-master's departments in the Army of the United States; and also a Paymaster, who shall be governed by the rules and regulations by which Paymasters in the United States Army are governed: *Provided*, That should the United States fail or refuse to accept the services of said Troops, the Comptroller of this State shall be, and is hereby authorized and required to issue his warrant upon the Treasury of this State for all accounts arising, or to arise in consequence of the provisions of this Act, and which shall have been properly vouched and approved by the proper military officers.

Sec. 10. *Be it further enacted*, That the Governor is hereby authorized, and he is required to cause proper accounts and vouchers for all expenditures made and expenses incurred on account of the removal of the Indians under this Act, to be made, and to call on Congress to make an appropriation to reimburse the State for the same.

Sec. 11. *Be it further enacted*, That the Governor be, and he is hereby required to cause the officers commanding the different Divisions, Brigades, Regiments, Battalions and Companies in this State, to organize their respective commands immediately, to be in readiness and subject to the order of the officer commanding the volunteer forces for the removal of the Indians: *Provided*, That the Governor shall not commence actual operations within the Indian boundary until the fourth day of May next, and not until he is satisfied that the General Government has determined not to remove said Indians by force or otherwise: *Provided further*, That if actual hostilities shall be commenced by the Indians before that time, then the foregoing provision shall be of no force or effect.

Sec. 12. *Be it further enacted*, That the Troops and Officers, raised under the provisions of this Act, shall not be entitled to nor receive pay from the State, until they have received orders to march into the Indian Territory for the protection and defence of the same.

Which was read, and on motion, was referred to a Select Committee, consisting of Messrs. Provence, Long and Moseley.

On motion,

The Senate took a recess until 12 o'clock, M.

TWELVE O'CLOCK, M.

The Senate met pursuant to adjournment, When the business was resumed.

Mr. Baldwin from the Select Committee made the following report:

The Select Committee, to whom was referred the communications of His Excellency, the Governor—one dated January the 13th and the other January 14th, 1853, in relation to a resolution requesting His Excellency to retain the commission issued to Benjamin Hopkins on the 12th instant, beg leave to

REPORT:

That they are constrained to regard said communication as entirely uncalled for and unprecedented. The resolution referred to was adopted under the following circumstances:

The law of 20th January, 1851, was considered by the Governor in his letter to A. Jernigan, dated 27th February, 1852, as "a special Act to be put in force upon circumstances contingent," &c., "to co-operate with any force of the United States troops which the

"President may order to Florida for the purpose of removing the Indians." After corresponding with the authorities of the proper department at Washington, and obtaining an appropriation for that purpose and which he was then urging upon Congress, and until the result of his application is known, he would not authorize the raising of volunteers under that Act." This letter accompanied the annual message of His Excellency to the General Assembly. In his annual message, the Governor observes: "Under these circumstances, it will be for the General Assembly to determine what measures shall be adopted to compel a removal, and the proper time for their application, should our anticipations as to the failure of this new attempt at negotiation prove well founded." On the third of January, instant, the General Assembly were informed by communication from the Governor of the failure of this new attempt at negotiation and that the Indians had refused to emigrate. It therefore became necessary for the General Assembly to adopt measures to compel a removal of the Indians according to the invitation of the Governor.

To this end, the act of January, 1851, which, in the opinion of His Excellency, was "special, to be put in force under circumstances contingent," was repealed by the General Assembly, and another law enacted of a more general character for the purpose of *compelling a removal*.

The law repealing the Act of '51, was submitted to His Excellency, properly signed for his approval, and while it was in his possession and before he returned it with his veto, he made an appointment of Colonel, under the Act of '51, so repealed by the General Assembly. This appointment was notified to the General Assembly in the message of the Governor vetoing the Act repealing the Act of January, 1851. On receiving this information, the General Assembly, anticipating the passage of the repealing Act over the veto of the Governor, adopted the resolution in question with the view of respectfully requesting His Excellency to retain the orders about to be dispatched to General Hopkins, until the Act vetoed by him could be again acted on by both Houses.

The General Assembly considered that if the Act of 1851 was repealed, as there was every reason to believe would be the case, and has actually been the case, all appointments under that Act would be null and void, and they, thought duty and respect for His Excellency, required them to make that request. Your committee cannot conceive that the adoption of that resolution was any interference with the Executive duties of his Excellency, nor was his approval thereof in any way necessary. Why His Excellency should have adopted the course he has pursued of returning the resolution without his approval, with a statement that he considers it an improper interference with His Executive duties, your committee are at a loss to determine? The terms of the resolution are those of a simple request and nothing more. No other form of request was known to

the Senate in which that resolution originated. Your committee are likewise constrained to deny that, by the terms of said resolution, His Excellency is called to account for his Executive acts.

Your Committee cannot permit the occasion to pass without expressing their deep regret at the course pursued by the Governor.—Justice to themselves and to the Senate, however, requires that they should place the facts connected with this whole subject before the country.

Let the country understand that the action of the General Assembly was had upon the invitation of the Governor himself, based upon such information as he has furnished them, and that in opposition to their views and wishes, and before they could consider his veto message, he made an appointment under a law which he himself stated was of a special character, and to repeal which, an act had passed both Houses of the General Assembly and was then before him for his action.

In conclusion, your Committee beg leave to state that they are not aware that any outrages have been committed by the Indians on the frontier, nor have the Senate been informed that the inhabitants are in any state of alarm. If the Governor has been so advised, he has failed to communicate the information to the General Assembly.

Which is respectfully submitted,

JNO. P. BALDWIN,

Chairman.

E. E. BLACKBURN,

H. V. SNELL.

Which was read.

Mr. Provence, from the Committee to whom was referred the Governor's message vetoing a bill to be entitled An Act to provide for the final removal of the Indians of this State, and for other purposes, made the following report :

The Select Committee, to whom was referred the message of His Excellency, Governor Brown, returning, with his objections, "An Act to provide for the final removal of the Indians of this State, and for other purposes," have, as carefully as the limited time at their command would permit, considered the same, and beg leave to report as follows :

The several objections of His Excellency, are in substance the following : 1. That so far as the bill contemplates the removal of the Indians to the country provided for them beyond the Mississippi river, it is an act of "great folly to say the least of it," as the State of Florida has no "power" to do so. 2. That the force provided to be raised is either a part of the "Militia" of the State or else amounts to a standing army in time of peace ; and if it be a militia force, the Commanding officer must be elected by the militia, resident within the boundary of the Regiment, Brigadier or Division, instead of by the General Assembly ; and if it amount to a standing army in time

of peace, the Constitution of the United States forbids it expressly, &c. 3. That the organization of the force provided in this Act, for the purpose therein expressed, amounts to a "declaration of war," which may not be made "without the consent of Congress." 4. That it is possible that the State may be involved in a great debt, which may prove a greater blight upon the prosperity of the State than the Indians have been or probably would ever be." 5. That the bill provides for placing all the military force of the State under the order of the Commander of the force to be raised under the provisions of this Act. 6. That the bill provides that the Governor shall not commence actual operations within the Indian boundary, until after the fourth day of May next. 7. That the officers and troops to be raised are not to receive any pay from the State, until they have received orders to march into the Indian territory, whereby the frontier will remain unprotected until that time.

To these several objections, the Committee will briefly reply :

To the first objection, it may be said that it does not appear whether the Governor doubts the physical or the legal power of the State. If the former, we reply that it is altogether absurd to contend that Florida has not the means at command to remove a few hundred savages a distance of a few hundred miles—an exploit easily performed by a corporal's guard and one or two small transport vessels for the space of a few weeks. If the legal power of the State to deposit the Indians within the country west of the Mississippi river, provided by the General Government for their permanent residence, is meant to be called into question, the Committee are at a loss to see the force of the objection. The whole bill contemplates that this service shall be performed by the officer and authority of the General Government, unless such officer of the Federal Government shall refuse to receive the Indians. Therefore, there cannot possibly arise a question between the United States and this State, as to which shall transport the Indians to their own country when captured.—The supreme law of the land has made it the duty of the United States to perform this Act, and the State, by this law, does not propose to hinder or obstruct the General Government in its exercise, but, on the contrary, to aid them. If, however, the General Government shall fail to act in this matter until after the 4th day of May next, then and in that case the State assumes the right of self-defence, so far as to rid itself of a nuisance intolerable to its people.—This natural right to act in the last resort, in pursuance of the laws and treaties of the United States, and not in violation thereof, we are surprised to hear questioned by His Excellency, in view of his own former action and his oft expressed opinions to the contrary. The last General Assembly of Florida passed an "Act for the removal of the Indians now remaining in Florida, beyond the limits of this State," which was on the 29th day of January, 1851, approved by His Excellency, as constitutional and proper. By the third section of that Act, thus approved by Governor Brown, it is expressly provided that

the Governor may employ two regiments of volunteers "when, in his judgment it shall become necessary, as an independent force for the removal of the Indians," &c. In his annual message to the present session of the General Assembly, His Excellency concludes a statement and report of his action under the before cited Act of 1851, by saying: "Under these circumstances, it will be for the General Assembly to determine what measures shall be adopted to compel a removal, and the proper time for their application, should our anticipations as to the failure of this new attempt at negotiation prove well founded." Thus the Committee see that they have the express authority of Governor Brown himself therein repeated, for the opinion that the State has the "power" to remove the Indians beyond the limits of the State; and as no reason whatever is offered by His Excellency for this strange and sudden change of opinion, the Committee are constrained to come to the conclusion that no reason exists of a character which His Excellency is willing to avow. It may be conjectured that the power of the State to remove the Indians beyond its limits appears doubtful to His Excellency, when its exercise is attempted by a force of two regiments to be commanded by an officer selected by the General Assembly, when no such doubt existed, provided the commanding officer was selected by the Governor, in consequence of the fact that in one event that commander might be of a different political party from that which the selection is likely to be made in the other. This may seem to be good reasoning with His Excellency, but your Committee are not prepared to adopt it as a very sound distinction.

To the second objection, the Committee beg leave briefly to reply: That the force contemplated to be raised under this Act, bears no resemblance whatever either to the militia of the State or to a standing army. The Governor's objections therefore, are wholly gratuitous and inapplicable. And again we are at a loss to understand how His Excellency could have come to the conclusion expressed in his veto message under consideration, when it is recollected that he has already officially informed the General Assembly that he has commissioned Gen. Hopkins to raise a regiment of volunteers to perform the very service contemplated in this Act. If his force be militia, then he says the Constitution of the State requires the volunteers to elect the commanding officer, and not the Governor; and if to be a standing army because it has no *time* limited when its services shall cease, then it will be seen that the Governor has commissioned General Hopkins, "so long as such service shall be necessary." In this respect, the Act to which the Governor now objects, is precisely like the commission which he issued on the 11th instant to General Hopkins, being limited as to the purpose to be accomplished, and as to time, only so long as the necessity continues to exist. Again the Committee are content to dismiss this objection as fully answered, and negated by the solemn actions and declarations of His

Excellency. It is offered without an argument to sustain it, and is believed to be altogether unfounded and groundless.

To the third objection, the reply is: that if the passage of this Act amounts to a declaration of war, then it is so in spite, and not in consequence of any language or expression to that effect. No such idea is any where expressed in this Act. Indeed, if the capture and removal of the Indians be war in 1853, when attempted by the General Assembly, it must needs have been equally so in 1851 and 1852, when abortively attempted by the Governor and his appointee, General Hopkins. The cases are parallel. In a word, the objection seems puerile and absurd, not possessing the doubtful merit even of plausibility.

As to the fourth objection, that there may fall upon the State an expense to be paid by the people, &c., the Committee see no force in this objection which will not apply with equal force and point to the law under which the Governor is now attempting to act, and under which a heavy debt has already been incurred. The State has every assurance that this expense will be reimbursed by the General Government, even if the improbable contingency shall happen that the State is obliged to act without the aid in the first instance of the General Government. But by what else than a mere figure of speech, the Governor can magnify the expense into "*millions*" of dollars, when the appropriation is limited to five hundred thousand dollars, it is impossible to conjecture. But if the expense had to be certainly paid by the State, there is not much reason to suppose that the people are unwilling to bear the expense necessary to rid the State of so intolerable a nuisance as a band of lawless savages, located in their midst, constantly endangering the lives of those who reside near the frontier of the Indian country. Indeed, when the Committee recur to the message of the Governor in relation to the payment of Major General Hopkins and his two dozen soldiers, they are constrained to regard this zeal for economy as new born and merely specious.

To the fifth objection, the Committee reply that the same is a mere misconception of the Act in question. By the 8th section it is clear that the Commander of the contemplated force is to report to the Executive of this State.

To the sixth objection, the reply is, that this is the strongest and most unexpected objection yet noticed: that the Governor should complain that the Act forbids actual operations within the Indian boundary until after the fourth day of May next, was not to be expected. The obvious reason for this is that it is believed that if the present Administration shall be so faithless as to refuse to take measures to remove the Indians beyond the State prior to the expiration of its existence, that a different course may be anticipated from the incoming administration of Gen. Pierce, and two months' time was given for that purpose—so anxious was the General Assembly to avoid the expense, in the first instance, of removing those savages. This pro-

vision is deemed wise and prudent, because it may be the means of preventing the State from the trouble, responsibility and expense of the whole undertaking, and yet it is gravely urged as an objection to this bill by the Governor, who also complains of the danger of the State being involved in "millions" of expense, so as to blight her prosperity. This objection may be dismissed with the simple remark that it is singularly inconsistent with most of the other objections of His Excellency, and that each of the several inconsistent propositions cannot be true, and all may be false, as is believed to be the case in this instance.

To the seventh objection, the Committee deem it unnecessary to reply further than to conjecture that there seems to exist no other or better reason for this objection than that His Excellency may have deemed his veto message as being more imposing and convincing if the objections should be made to amount to just the "magic number of seven."

In conclusion, the Committee regard the objections of His Excellency, as wholly unsatisfactory, as well on account of their own essential weakness, as on account of the fact they are generally at variance with the solemn declarations and deliberate actions of the Executive himself.

Respectfully submitted,
DAVID PROVENCE,
Chairman Select Committee.

A bill to be entitled An Act to provide for the final removal of the Indians of this State, and for other purposes, which was vetoed by his Excellency Governor Brown,

Was taken up, and upon the question, shall the bill pass over the veto of the Governor,

The vote was as follows:

YEAS—Mr. President, Messrs. Baldwin, Blackburn, Johnson, Kilcrease, Long, Moseley, Provence, Snell and Wynn—10.

NAYS—Messrs. Finley, Forsyth, Gillis and Smith—4.

So the bill having received the constitutional majority, was declared as having been duly passed over the veto of the Governor.

Ordered, that the same be certified to the House of Representatives, with the veto of the Governor accompanying the same.

Mr. Finley, from a Select Committee, made the following report: The Joint Select Committee of the two Houses of the General Assembly who were charged with the duty of examining Porter's self-loading and self-firing guns, have examined the same, and ask leave to make the following report:

That although the gun submitted to their examination, is an imperfect specimen of the invention, (wanting, as it does, the attachment of the "Magazine," and being in other respects out of order) it nevertheless illustrates the principle upon which it acts; and your committee being satisfied that it would be, in warfare,

a formidable and destructive fire-arm, would recommend said gun to the careful examination and consideration of the State in connexion with the distribution of the public arms among the States under the existing laws of Congress, and also recommend the adoption of the accompanying resolution, which they respectfully submit to the consideration of the two Houses of the General Assembly:

RESOLUTION.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Governor be and he is hereby authorized to cause Porter's self-loading and self-firing gun to be carefully examined, tried and tested, and if he shall approve of the invention and shall deem it expedient so to do, to order the whole or any part of the quota of Florida in the public arms, under existing laws, to be furnished in said gun.

Respectfully Submitted,
J. J. FINLEY,
Chairman Senate Committee.
N. A. LONG,
Chairman House Committee.

Which was read and adopted.

Ordered, That the same be certified to the House of Representatives.

The following communication was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
January 14, 1853.

Honorable President of the Senate:

Sir,—The House have passed a Resolution relative to the overflowed lands in St. Lucie County;

The House have appointed Messrs. McCall, Love and McElvy, a Committee of Conference on the part of the House to confer with a similar Committee on the part of the Senate on Senate amendments to House resolution relative to the account of R. A. Shine, Quartermaster General, and for other purposes.

Respectfully,
JOHN DICK,
Clerk House Representatives.

Which was read, and the following named persons appointed a Committee of Conference on the part of the Senate, viz:

Messrs. Finley, Johnson and Baldwin.

Resolution relative to the overflowed lands in St. Lucie county, Was read a first time, rule waived, read a second and third time, and upon the question of its passage, the vote was:

YEAS—Messrs. Baldwin, Finley, Forsyth, Johnson, Kilcrease, Long, Smith, Snell and Wynn—9.

NAYS—Mr. President, Messrs. Gillis, Moseley and Provence—4.
So the resolution was passed.

Ordered, To be certified to the House of Representatives. On motion, the Senate took a recess till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment. A quorum being present, the business was resumed.

The following communication was received from the House: HOUSE OF REPRESENTATIVES, } January 14th, 1853. }

Hon. President of the Senate :

Sir—The House have passed bill to be entitled An Act to provide for the final removal of the Indians of this State, and for other purposes, by the requisite constitutional majority over the veto of His Excellency, the Governor.

Respectfully, JOHN DICK, Clerk House Representatives.

Which was read.

The following communication was transmitted to His Excellency, the Governor :

SENATE CHAMBER, } January 13, 1853. }

His Excellency THOMAS BROWN, Governor of the State of Florida,

Sir,—We have the honor to inform your Excellency, that at a meeting of the General Assembly held this day for the purpose of electing a State Engineer and Geologist and members of the Board of Internal Improvement,

Mr. Francis L. Dancy was declared elected State Engineer and Geologist.

Mr. James M. Long, and Mr. R. H. Long were declared elected members of the Board of Internal Improvements, for the Western District.

Mr. J. C. McGehee and James T. Archer were declared elected members of the Board of Internal Improvement, for the Middle District.

Mr. Paul McCormick and Mr. J. C. Pelot, were declared elected members of the Board of Internal Improvement for the Eastern District.

Mr. John Darling, and Mr. James M. Bracewell, were declared duly elected members of the Board of Internal Improvement for the Southern District.

Very respectfully, JOHN B. GALBRAITH, Secretary of the Senate. JOHN DICK, Clerk House of Representatives.

Also the following :

SENATE CHAMBER, } January 14th, 1853. }

His Excellency, THOMAS BROWN, Governor of the State of Florida :

Sir—The General Assembly has repassed, by the required constitutional majority, " An Act to provide for the final removal of the Indians of this State and for other purposes, which has been deposited in the office of the Secretary of State by order of the Senate.

Very Respectfully, JOHN B. GALBRAITH, Secretary of the Senate.

The following message was received from His Excellency, the Governor :

EXECUTIVE CHAMBER, } January 14, 1852. }

Hon. PRESIDENT OF THE SENATE :

Sir,—I have approved and signed the following Acts, viz :

An Act supplementary to an act, entitled an act for the relief of Dr. Dr. J. W. Bozeman, approved 8th day of January, 1853;

An Act for the relief of George W. Phillips;

An Act to provide for carrying into effect a resolution, approved 8th January, inst., (1853,) in favor of B. Hopkins and others, for their services in defending the frontier in the year 1852 ;

An Act amendatory of an act entitled an act to provide for the payment of coroner's juries, and for other purposes, approved January 24th, 1851 ;

Also, Resolution relative to the Seminole Indians.

Which I have caused to be deposited in the office of the Secretary of State. THOS. BROWN.

The following communication was received from the House of Representatives :

HOUSE OF REPRESENTATIVES, } January 14, 1853. }

Hon. President of the Senate :

Sir,—The House have passed Resolution relative to Porter's self-loading and self-firing gun.

Respectfully, JOHN DICK, Clerk of House of Representatives.

A Committee was received from the House of Representatives, informing the Senate that the House was now ready to go into the election of a Brigadier General.

A Committee from the House asked the return of the appropriation bill.

When on motion, Messrs. Smith, Moseley and Blackburn were appointed a Committee to return to the House of Representatives, a bill making appropriations for the years 1853 and 1854.

Mr. Johnson, from the Joint Select Committee of Conference, made the following report :

The Committee of Conference on the subject of the disagreement of the two Houses, on the resolution relative to the account of R. A. Shine, Quarter Master General, and for other purposes, beg leave to report :

That they have agreed to recommend an amendment of said resolution, by striking out the words for "services and expenses" in the ninth line, and also the words and figures, "in 1849," in the tenth line of the first section. This does not change the character of the resolution, but simply makes it more intelligible.

ALLEN G. JOHNSON,
Chairman Senate Committee.
W. W. McCALL,
Chairman House Committee.

Which was agreed to.

Ordered, That the same be certified to the House of Representatives.

Mr. Moseley offered the following resolution :

Be it resolved by the Senate, the House concurring, That this General Assembly adjourn *sine die* at one o'clock, to-morrow morning.

Which was read and adopted.

Ordered, That the same be certified to the House of Representatives.

Mr. Finley, from the Committee on Enrolled bills, made the following report :

The Committee on Enrolled Bills have examined and find correctly enrolled the following :

Resolution in relation to Porter's self-loading and self-firing gun. Respectfully submitted,

J. J. FINLEY,
Chairman Committee on Enrolled Bills pro tem.

On motion, a Committee consisting of Messrs. Baldwin, Snell and Kilcrease, were appointed to inform the House that the Senate is now ready to go into the election of Brigadier General.

The Committee reported the duty performed.

A Committee from the House of Representatives was received, who informed the Senate, that the House was now ready to go into an election for Brigadier General, and respectfully invite the Senators into the Representative Hall for that purpose.

On motion, the Senate proceeded to the House of Representatives.

Upon invitation by the Speaker, the President took the Chair and announced the object of the joint meeting to be the election of a Brigadier General, under An Act of the present General Assembly, for the final removal of the Indians of the State of Florida.

The President announced that nominations were in order.

Mr. Kilcrease nominated Allen G. Johnson, of Hamilton county. The result was as follows :

FOR JOHNSON.—*Senate*—Mr. President, Messrs. Baldwin, Blackburn, Kilcrease, Long, Moseley, Snell and Wynn—8.

House.—26. Total, 34.

FOR BLANK.—*Senate*—Messrs. Finley, Forsyth, Gillis, Provence and Smith—5.

House.—4. Total, 9.

The President declared Mr. Johnson duly elected Brigadier General, he having received the Constitutional majority of the General Assembly.

The Senate returned from the Representative Hall to their own chamber.

Mr. Finley offered the following resolution :

Resolution authorizing the change of the Great Seal of the State of Florida.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That his Excellency, the Governor, with the Secretary of State, Attorney General and Comptroller, be, and are hereby required, to devise some proper device for a great seal of this State, and that upon their agreement to the same, the Secretary of State is hereby required to procure the same to be executed, and the seal thus executed, shall be and is hereby made the Great Seal for the State of Florida.

Be it further resolved, That the expenses incurred in procuring said seal, shall be paid out of any moneys in the Treasury not otherwise appropriated, upon the certificate of the Secretary of State.

Be it further resolved, That so soon as said seal shall be received by the Secretary of State, it shall be considered as the great seal of the State, and all documents, papers, &c., which it may be necessary to affix the seal of the State, shall be authenticated with said seal.

Be it further resolved, That an impression of said seal, with a copy of these resolutions, be forwarded to the Executive of each State, and Territory of the Union, and also to the several departments in Washington City.

Be it further resolved, That upon the reception of said seal, the seal of State now in use, shall be broken by the Governor, in the presence of the Secretary of State, Attorney General and Comptroller.

Which was read a first time, rule waived, read a second and third time and upon the question of its adoption the yeas and nays were called for by Messrs. Baldwin and Blackburn, and were :

YEAS—Messrs. Finley and Gillis—2.

NAYS—Mr. President, Messrs. Baldwin, Blackburn, Johnson, Kilcrease, Moseley, Smith and Snell—8.

So the resolution was lost.

The following communication was transmitted to His Excellency, the Governor :

SENATE CHAMBER, }
Jan. 14th, 1853. }

His Excellency THOMAS BROWN,
Governor of the State of Florida.

Sir,—We have the honor to inform your Excellency that at a joint meeting of the General Assembly, held for the purpose of electing a Brigadier General, in conformity with "An Act to provide for the final removal of the Indians of this State and for other purposes," Allen G. Johnson, was declared duly elected Brigadier General.

Very respectfully,
JOHN B. GALBRAITH,
Secretary of the Senate,
JOHN DICK,
Clerk of the House of Representatives.

On motion, the Senate took a recess till 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

The Senate met pursuant to adjournment when the business was resumed.

The following communication was received from His Excellency Governor Brown :

EXECUTIVE CHAMBER, }
January 14, 1853. }

The Hon. R. J. FLOYD, President of the Senate :

Sir, I have approved and signed a resolution in relation to Porter's self-loading and self-firing gun.

Which I have caused to be deposited in the office of the Secretary of State.

THOS. BROWN.

Which was read.

The following communication was received from the House of Representatives :

HOUSE OF REPRESENTATIVES, }
January 14, 1853. }

Honorable President of the Senate :

Sir,—The house have passed Rescution in relation to sending a Delegation to the Executive of the United States, in reference to Indian affairs.

Respectfully,

JOHN DICK,
Clerk House of Representatives.

Which was read.

House Resolution to provide for the appointment of Delegates to the President of the United States, was read a first time and lost.

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

The following message was received from the House of Representatives :

HOUSE OF REPRESENTATIVES, }
January 14, 1853. }

HON. R. J. FLOYD,
President of the Senate :

Sir,—The House have passed without amendment, Senate resolution to adjourn *sine die*.

Respectfully,

JOHN DICK,
Clerk House Representatives.

Which was read.

Also the following :

HOUSE OF REPRESENTATIVES, }
January 14, 1853. }

HON. PRESIDENT OF THE SENATE :

Sir,—The House have passed a bill to be entitled An Act making appropriations for the expenses of the Government of this State for the fiscal years, 1853 and 1854.

Respectfully,

JOHN DICK,
Clerk House of Representatives.

Which was read, and on motion, a committee consisting of Messrs. Baldwin, Forsyth and Blackburn, were appointed to return the bill to the House of Representatives, and to inform that body that the bill has not been properly reported to the Senate.

The Committee returned and reported the duty assigned them had been discharged.

A Committee was received from the House of Representatives, who informed the Senate that the bill making appropriations for the fiscal years 1853 and 1854, had been re-considered, and a substitute adopted in lieu thereof,

A bill to be entitled an Act making appropriations for the expenses of the State Government for the fiscal years 1853 and 1854,

Was read a second time, when on motion, the Senate resolved itself into Committee of the Whole upon said bill, Mr. Blackburn in the chair.

After some time spent therein, the Committee rose, and through their chairman, reported the bill back to the Senate without amendment, and asked to be discharged from the further consideration of the same.

Which report was concurred in.

On motion, the rule was waived and the bill read a second and third time by its title, and upon the question of its passage, the vote was as follows :

YEAS—Mr. President, Messrs. Blackburn, Finley, Forsyth, Gillis, Johnson, Long, Moseley, Smith, and Snell—10.

NAYS—Messrs. Baldwin and Kilcrease,—2.

So the bill passed—title as stated.

Ordered, That the same be certified to the House of Representatives.

On motion, the Senate took a recess till 12 o'clock.

TWELVE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

Mr. Forsyth offered the following resolution:

Resolved, That our thanks are hereby tendered to the Honorable R. J. Floyd, President of the Senate, for the courteous, able, honorable and impartial manner in which he has discharged the onerous and very responsible duties of his station during the present session of the General Assembly,

Resolved further, That the Clerk and other Officers of the Senate are hereby tendered our thanks, for their attentions during the present session.

Which was read and adopted, when the President in an eloquent and very appropriate manner addressed the Senate, in a valedictory address, as follows :

SENATORS :—There are occasions, when the intensity of sentiment or emotion surpasses any adequate power of expression, and none so fully verifies this assertion as the hour of separation, either in domestic, social or public life ; for whatever the event be, "no man can say without emotion—this is the last."

This session of the General Assembly with its hopes and expectations, its achievements and labors, is about to close, and not merely in "conformity to established usage," but in accordance with my own impulses, I have risen to respond to your vote in reciprocity of esteem, and with those sentiments of thankfulness and gratitude which are so flattering a testimonial upon such an event, cannot fail to inspire. The great object of life is human estimation. Its influence is felt, its brightness is seen, alike in the vaultings of ambition, the struggles of existence, and the harassments of care. It is alike the stimulus of action, the reward of success, the consolation of disappointment, the balm of repose. Without it, our wishes even in their highest point of realization and attainment, have lost their chief and exclusive charm ; but with it, the ills of life or the contests of the world may be borne.

If then such be the value of the first object of our lives, you will believe the declaration, that, under the circumstances, it comes doubly endeared to me. And if amid the contests of parties, the collision of opinions, or the excitement of debate, even adversaries pause in the returning sentiments of equity and good will, when their rage is o'er,

"When the hurly burly's done,
When the battle's lost or won,"

how much more is to be expected of the presiding officer of a deliberative assembly, whose position, elevated above the arena of con-

test, enables him in calmness, with tranquil temper and unclouded eye, to survey the scene ; and whose solemn duty and high prerogative it is, to hold the balance even between contending bands.—Such Senators, is the position which our Constitution has assigned to the presiding officer of this body, and such the office in which your liberality and perhaps too partial voice has placed me. Such the duties which it devolves, and such in this instance the appreciation you express and the opinion you entertain, that these duties have been impartially and faithfully discharged. Though I may be suspected of affectation, if I assert that the merit in this case is not equal to the award, yet my sincerity will be credited, when I declare that such are the tenets by which I have been animated, and such the principles adopted as my guide. And if at any moment or on any occasion I may have erred, whether from irritability of temper or infirmity of judgment, yet I trust that it is neither to wilfulness or obstinacy it will be ascribed.

We are about to separate, and whether our acts and conduct shall receive the approbation, or meet the criticism and disapproval of our constituents, whose public agents we are, we can only say, we hope for their favorable estimate. Whether our legislation may redound to the honor, the dignity, the interest and the welfare of our beloved young State, we aver, in all sincerity and truth, that such has been the essence of all our purposes and the object of all our resolves.—And conscious of our integrity, we can only invoke the blessings of that Power, without whose benignity no endeavor, either of men or nations, can be expected to prosper, and from whom all human labors "wait their last reward."

And now Senators, health, prosperity and happiness attend you all. *Farewell*—a word that makes us linger, yet farewell !

A Committee consisting of Messrs. Blackburn, Johnson, and Forsyth, were appointed to wait upon His Excellency the Governor, and ask if he had any further communication to make.

The Committee returned and reported that they had waited on his Excellency, who informed them that he had no further communication to make to the General Assembly.

On motion a Committee consisting of Messrs. Baldwin, Blackburn and Johnson were appointed to inform the House of Representatives that the Senate was ready to adjourn *sine die*.

The Committee returned and reported that they had found that the House of Representatives had already adjourned.

On motion, the Senate then adjourned *sine die*.