

Was read a third time and upon its passage the vote was :  
**YEAS**—Mr. President, Messrs. Baldwin, Buddington, Finley, Forsyth, Johnson, Kilcrease, Long, Moseley, Provence, Smith and Snell—12.

**NAYS**—Mr. Blackburn—1.

So the bill passed as amended—title as stated.

Ordered to be certified to the House.

A bill to be entitled An Act to prescribe the mode of contesting the election of Judges in this State,

Was read a first time, rule waived, read a second time and ordered to be engrossed.

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

THURSDAY, January 6, 1853.

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

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

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

EXECUTIVE CHAMBER, FLORIDA, }  
 January 6th, 1853. }

To the Hon. R. J. FLOYD,

*President of the Senate, &c.:*

Sir:—I respectfully return to the Senate "Resolution in relation to the term of office of the Governor elect," adopted by the two Houses of the General Assembly. As these resolutions are a mere declaration of opinion by a co-ordinate department of the Government upon a constitutional question, in which I do not concur, it becomes my duty to return them without my approval.

I am, very respectfully,

Your obedient servant,

THOMAS BROWN.

Which was read,

When on motion, the resolutions were again put upon their passage, over the veto of the Governor, which was as follows :

**YEAS**—Mr. President, Messrs. Baldwin, Blackburn, Forsyth, Gillis, Gonzalez, Johnson, Kilcrease, Long, Moseley, Provence, Snell and Wynn—13.

**NAYS**—Messrs. Buddington, Finley and Smith,—3.

So the resolutions were passed.

Ordered, That the same be sent to the House of Representatives with the accompanying veto message.

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

EXECUTIVE CHAMBER, }  
 January 5, 1852. }

The Hon. R. J. FLOYD,

*President of the Senate, &c.:*

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

An Act for the relief of Thomas B. Wynn ;

An Act to amend the law granting pre-emption rights to settlers on State lands ;

An Act to repeal an act entitled an act to require purchasers of State lands to make payment therefor, to the Treasurer of the State, and for other purposes ;

An Act amendatory to an act entitled an act to establish and organize a Mayor's Court for the city of Apalachicola ;

An Act to amend an act entitled an act giving to the Judge of Probate of Escambia and Hamilton Counties, the powers of Justice of the Peace in certain cases ;

An Act to empower John Johnson of Gadsden County, to manage his own estate ;

An Act to fix definitely the fees of Judge of Probate for the County of Columbia, in a certain case therein specified ;

An Act to amend an act entitled an act to provide for recording of the marks and brands of cattle shipped from the State of Florida, approved January 6th, 1849 ;

An Act to prevent the trading with the Indians in this State ;

Also, a resolution in relation to a light-house on Sea Horse Key ;

A resolution asking an appropriation from Congress for erecting a Marine Hospital at Apalachicola ;

Resolution relating to copying the laws of the present session,

And resolution in relation to Capt. Wm. H. Payne's Company. Which I have caused to be deposited in the office of the Secretary of State.

THOMAS BROWN.

Which was read.

The following message was received from the House of Representatives :

HOUSE OF REPRESENTATIVES, }  
 January 6th, 1853. }

*Hon. President of the Senate :*

Sir:—The House have appointed Messrs. Long, Papy and Finlayson a Committee on the part of the House to confer with a similar Committee on the part of the Senate relative to the disagreement of the two Houses on House bill to be entitled An Act to fix a minimum on School and Seminary Lands.

Very respectfully,

JOHN DICK,  
 Clerk House Representatives.

Which was read.

Also the following message was received :

HOUSE OF REPRESENTATIVES, }  
January 5, 1853. }

HON. PRESIDENT OF THE SENATE :

SIR—Messrs. McCall, Leonard and Hall, have been appointed a committee on the part of the House, to act with a similar committee on the part of the Senate, on the appropriation, &c., for the expenses of the present session of the General Assembly.

Messrs. Lott, White and McElvy, have been appointed a committee on the part of the House, to act with a similar committee on the part of the Senate, to confer in relation to House bill to be entitled An Act to define permanently the county lines of Calhoun county.

JOHN DICK,  
Clerk House Representatives.

Which was read.  
Also the following :

HOUSE OF REPRESENTATIVES, }  
January 5, 1853. }

Hon. President of the Senate :

Sir,—The House have passed the following bills and resolutions, to wit :

Bill to be entitled An Act amendatory of the several acts now in force in this State in relation to trading with negroes ;

Bill to be entitled An Act for the relief of Eliza A. Bruce ;

Bill to be entitled An Act regulating the rates of mileage of practising physicians and surgeons in this State, and for other purposes.

Also, without amendment :

Senate bill to be entitled An Act to change the names of divers persons therein specified ;

Senate bill to be entitled An Act to amend an act entitled an act to provide for the election of electors of President and Vice President of the United States, approved January 6th, 1847.

Also, with amendments therein enclosed :

Senate bill to be entitled An Act to repeal an act to declare Spring Creek, in Jackson county, a navigable stream ;

To which the concurrence of the Senate is respectfully asked.

The House recedes from its amendments to Senate bill to be entitled An Act to change and modify the penal statutes in reference to Gaming.

Respectfully,  
JOHN DICK,  
Clerk of House of Representatives.

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

Also the following :

HOUSE OF REPRESENTATIVES, }  
January 6, 1853. }

HON. PRESIDENT OF THE SENATE :

Sir—The House have indefinitely postponed

Senate bill to be entitled An Act to amend the laws in force in this State in relation to the dowers of married women.

Senate bill to be entitled An act to permit Henry M. Stephens to sell the real estate belonging to the infant children of said Stephens, Was lost in the House.

Very Respectfully,  
JOHN DICK,  
Clerk House of Representatives.

Which was read.

On motion, the rule was waived so as to allow Mr. Johnson to make the following report :

The Committee on Internal Improvements, to whom was referred a bill to be entitled "An Act appropriating a sum for draining the submerged lands bordering on St. Lucie Sound, in St. Lucie county," have considered the same, and ask leave to report :

The object proposed by this bill is in substance provided for by the passage of a bill by both Houses of the present General Assembly. Your Committee have invariably opposed the appropriation of money before it is received, and before the State receives a title to the swamp and overflowed lands, and are at a loss for a reason to change their opinion so repeatedly expressed. Therefore, your Committee report against the passage of the bill, and ask to be discharged.

Respectfully submitted,  
ALLEN G. JOHNSON,  
Chairman.

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

#### ORDERS OF THE DAY.

A bill to be entitled An Act to repeal the following acts, to wit :

An Act to organize the Supreme Court of the State of Florida, approved, January 11, 1851 ; Also,

An Act to amend an act to organize the Supreme Court of the State of Florida, approved, January 24, 1851,

Was read a third time,

And upon the question of its passage, the vote was :

YEAS—Messrs. Gillis, Johnson, Moseley and Snell—4.

NAYS—Mr. President, Messrs. Baldwin, Blackburn, Buddington, Finley, Forsyth, Kilcrease, Smith and Wynn—9.

So the bill was lost.

House bill to be entitled An Act to alter and amend the 14th and 23rd clauses of the third article, and the 13th and 16th clauses of the fifth article of the Constitution of this State,

Was read a third time, and on the question of its passage, the vote was :

YEAS—Mr. President, Messrs. Baldwin, Blackburn, Buddington, Finley, Forsyth, Johnson, Kilcrease, Long, Moseley, Provence, Smith and Snell—13.

NAYS—Messrs. Gillis and Wynn—2.

So the bill passed as amended.

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

House resolution asking of Congress the grant of a quarter section of land to the county of Sumpter,

Was read a third time and adopted.

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

House bill to be entitled An Act to change the time of meeting of the General Assembly of this State,

Was read a third time, and upon the question of its passage, the vote was :

YEAS—0.

NAYS—Mr. President, Messrs. Baldwin, Blackburn, Buddington, Finley, Forsyth, Gillis, Johnson, Kilcrease, Long, Moseley, Smith, Snell and Wynn—14.

So the bill was lost.

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

House bill to be entitled An Act to amend the laws now in force relating to mortgages,

Was read a third time,

And upon the question of its passage, the vote was :

YEAS—Messrs. Blackburn, Finley, Gillis, Johnson, Kilcrease, Long, Moseley, Smith, Snell and Wynn—10.

NAYS—Mr. President, Messrs. Baldwin, Buddington and Forsyth—4.

So the bill passed—title as stated.

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

A motion was made to waive the rule, so as to allow Mr. Floyd to make a motion ;

Upon which motion the yeas and nays were called for by Messrs. Baldwin and Finley, and were :

YEAS—Mr. President, Messrs. Baldwin, Buddington, Forsyth, Gillis, Moseley, Smith, Snell and Wynn—10.

NAYS—Messrs. Blackburn, Finley, Kilcrease and Long—4.

Three fourths not voting in favor of waiving the rule the motion was lost.

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

The Committee on Engrossed bills have examined and find correctly engrossed :

An Act to provide for the better security of the revenue of this State.

J. J. FINLEY,  
Chairman.

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

House resolution relative to the account of R. A. Shine, Quarter Master General, and for other purposes,

Came up, and was again referred to the Committee on Claims and Accounts.

A bill to be entitled An Act to provide for the better security of the revenues of this State,

Was read a third time, and on the question of its passage the vote was :

YEAS—Messrs. Finley, Forsyth, Gillis, Johnson, Kilcrease, Long, Moseley, Smith, Snell and Wynn—10.

NAYS—Messrs. Baldwin and Blackburn—2.

So the bill passed—title as stated.

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

House bill to be entitled An Act amendatory of the election laws of the State,

Was read a first time, rule waived, read a second time, and was on motion indefinitely postponed,

Joint Resolution authorizing the Comptroller to audit and pay B. Hopkins and others, for their services in defending the frontier in the year 1852.

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

A bill to be entitled An Act to declare Spring Creek in Jackson County, a navigable stream, approved February 13, 1851,

Came up, when the amendments by the House of Representatives were concurred in.

Ordered, to be certified to the House of Representatives.

House bill to be entitled An Act regulating the rates of mileage of practising Physicians and Surgeons in this State and for other purposes,

Was read a first time, rule waived, read a second time, when Mr. Baldwin moved to lay the same on the table ;

Upon which motion, the yeas and nays were called for by Messrs. Kilcrease and Johnson, and were :

YEAS—Mr. President, Messrs. Baldwin, Buddington, Finley, Forsyth, Long, Moseley and Provence—8.

NAYS—Messrs. Blackburn, Gillis, Johnson, Kilcrease, Snell and Wynn—6.

So the bill was laid on the table.

House bill to be entitled An Act for the relief of Eliza A. Bruce,

Was read a first time, rule waived, read a second time, and on

motion, was referred to the Committee on Propositions and Grievances.

House resolution for the relief of Silas Weeks,

Was read a third time, when Mr. Provence by unanimous consent of the Senate moved to amend the resolution by inserting the following: *Provided*, that the said Weeks shall not enter more than 160 or less than 80 acres in legal subdivisions, to embrace the improvements on which he now resides.

Which was adopted,

On the passage of the resolution, the yeas and nays were called for by Messrs. Blackburn and Moseley, and were:

YEAS—Messrs. Blackburn, Finley, Gillis, Johnson, Long, Provence, Snell and Wynn—8.

NAYS—Mr. President, Messrs. Buddington, Forsyth and Moseley—4.

So the resolution was adopted.

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

On motion of Mr. Long, the rule was waived so as to allow him to make a report:

The Committee of Conference upon the amendment proposed by the Senate, to the House bill entitled An Act to amend the laws now in force in this State relating to divorces, have examined the points of difference between the two branches of the General Assembly, and have determined to recommend that the amendment of the Senate be amended by striking out the word *two* and by inserting *three*, so that a residence of three years in this State shall be required, instead of three months as at present, before divorces shall be granted. The committee also recommend, that the Senate amendment be further amended, as follows: *Provided*, That this act shall not operate upon any existing cases.

M. A. LONG, Chairman Senate Committee.

N. A. LONG, Chairman House Committee.

Which was read and the report of the committee concurred in.

House bill to be entitled An Act amendatory of several acts now in force in this State in relation to trading with negroes,

Was read a first time, and ordered for a second reading on tomorrow.

On motion, the rule was waived, when Mr. Finley made the following motion, viz:

That a committee of five be appointed by the Senate, to act with a similar committee on the part of the House, to examine the "self-loading" and "self-firing" fire-arm, invented by Parry Washington Porter, which is submitted to the examination of the State authorities, and report to the two Houses of the General Assembly the advisability of the State of Florida asking that her quota of the public arms, which she may be entitled to under existing laws for the dis-

tribution of arms amongst the States, may be furnished in said improved fire-arms.

Which was read, when the following committee was appointed on the part of the Senate to act with a similar committee on the part of the House of Representatives in making said examination, viz:

Messrs. Finley, Johnson, Floyd, Kilcrease and Gillis.

On motion, the rule was waived,

When Mr. Finley, from the Committee on the Judiciary made the following report:

The Judiciary Committee, to whom was referred so much of the report of the Comptroller of this State as relates to the constitutionality of an act of the General Assembly which provides for the increase of the School Fund from the State Treasury, and was approved the 24th day of January, 1851," have had the same under consideration, and, in obedience to the resolution of reference, calling for their opinion thereon, with reasons for the same,

#### REPORT:

That they have carefully examined the act of 24th January, 1851, which provides, "That should there not be enough money arising from the interest of the School Fund to allow two dollars to be given annually for the education of each child returned as required by law, to the State Superintendent, then the said Superintendent shall notify the Comptroller of the amount of said deficiency, and also of the amount required by each county superintendent to make up the deficiency in his county; and the Treasurer shall, on the warrant of the Comptroller, pay from the State Treasury, of the funds accruing from the general revenue, to the several county superintendents, the amount of said deficiency."

Your Committee have also examined, with great care, the second section of the eighth article of the Constitution of this State, which declares that "No other or greater amount of tax or revenue shall at any time be levied, than may be required for the necessary expenses of government;" which clause of the Constitution, in the opinion of the Comptroller, as set forth in his late elaborate and able report, is prohibitory of the act of January 24th, 1851, referred to in his said report.

Your Committee, with a suitable conviction of the importance of the duty assigned them, have anxiously endeavored to make a just and impartial application of the high and supreme test of the Constitution to the enactment referred to, and have, after patient and careful deliberation, arrived at the conclusion that the provisions of said enactment do not infract the Constitution, nor come within the inhibitions of the second section of the eighth article of that instrument.

Having thus given their opinion as to the constitutionality of the act of 24th January, 1851, it becomes the duty of your Committee, in obedience to the resolution of reference under which they act, to assign the reasons for that opinion. In arriving at the above con-

clusion, your Committee have felt themselves obliged to take a broad and liberal view of the ends and purposes of our system of free government; and in the light of its true theory they have faithfully endeavored to determine the question submitted to them. The only question necessarily involved in the inquiry which it has been the duty of your Committee to make, is, whether, in the true sense and meaning of the second section of the eighth article of the Constitution, the encouragement and support of "Common Schools" from the State Treasury is a necessary expense of government? The two Houses of the General Assembly, at their last session, in the passage of the act of 24th January, 1851, declared that the encouragement of common schools, by appropriation from the common Treasury of the State, was a necessary expense of government, and not in violation of the fundamental law of the land. It is true, that the action of the Legislature in the passage of the act of January 24th, 1851, is not an authoritative and final settlement of the question under consideration, nor do your committee so regard it; for such is the fallibility of all men and bodies of men, that it would be unsafe to assume the impossibility of error upon the part of the Legislature; but it is submitted, that it is but just to presume that the Legislature acted with due caution in making said enactment, and that they exercised the power thus employed with becoming deliberation, and with a high and patriotic regard for the Constitution which they were sworn "to preserve, protect and defend."

In our own, as well as in all free governments, it must ever be a cherished maxim, as sound in theory as it is valuable in practice, that *intelligence with the masses* is the great safeguard of the institutions of a people assuming to exercise the sublime power of self-government.

If, then, the education of the masses must be promoted, encouraged and secured, in order to the sure preservation of our government, it follows that any expenditure from the public treasury for such object, would, without doubt, be a necessary expense of government, and, therefore, not within the prohibitory scope of the second clause of the eighth article of the Constitution.

It is an axiom in international law, that the first and highest duty of a nation is to secure its own preservation. This maxim has its origin in the first law of nature, and the principle which it asserts may not be changed or modified by any human laws or institutions; and whatever may be, for a time, the effect of force, whether external or internal, in the suspension of the practical exercise of this right, still, this high and important duty of self-preservation rests upon a nation, and the right to discharge it continues unimpaired, whether there be power to perform it or not.

This maxim is not only applicable to our national organization, but also to the several State governments of our confederacy. If then, it is our highest duty to preserve and perpetuate our government and institutions, and if the just performance of this duty depends

on the enlightened understanding of the character and operation of those institutions; and if education and instruction in the schools be necessary to a proper and just understanding of our Constitution and laws, it follows, that any expense incurred by Government for the encouragement of education, must be, and is, a "necessary expense of Government," and consequently not incompatible with the provisions of the Constitution. For whatever tends to the permanency and perpetuation of our institutions, *must*, in the true and rational application of the foregoing maxim, be not only useful but necessary; and if necessary, then the conclusion that it is constitutional, is logical and inevitable.

Your Committee have now, in as brief a manner as so grave and important a subject would warrant, given their opinion upon the matter referred to them; and the reasons for that opinion, in obedience to the resolution of reference.

But before your committee conclude they beg leave to state, that while they entertain the greatest respect for the opinion of the Comptroller of Public Accounts; and while they commend the patriotic solicitude, for the preservation of the Constitution, which he manifests in that portion of his report which has been referred to them; they nevertheless feel themselves constrained to express a grave doubt, as to his power to refuse obedience to the act of the 24th of January, 1851.

Respectfully submitting the foregoing opinions and views, your committee ask to be discharged

J. J. FINLEY, Chairman, pro tem.

Which was read.

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

The Committee on Enrolled Bills have examined and find correctly Enrolled:

An Act to amend and simplify the election laws now in force in this State;

Also An Act to provide for the location of the two Seminaries of Learning to be established in this State.

Respectfully,

M. A. LONG,

Chairman Committee on Enrolled Bills.

Which was received and read.

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

The Committee on Propositions and Grievances, to whom was referred a bill to be entitled An Act for the relief of George W. Andrews, Wm. W. Leggett, and Ashley Braswell, having considered the same, do through their Chairman report:

That upon examination in the Land Office, they find that the forty acres of land sought for by W. W. Leggett, is land selected by the State for School land, but to which the State has as yet received no

title. Further, the eighty acres sought for by George W. Andrews, and the eighty acres by Ashley Braswell, are appraised by the State at one dollar and fifty cents per acre, and are also School lands to which the State has title. We find these lands to be all of that class of land selected for School land, in lieu of sixteenth sections. And that the pre-emption privileges of entering these lands at one dollar and twenty-five cents per acre, which they require, would not be advisable, there being a difference of forty dollars in the price, while there is no pre-emption law of the State bearing upon this class of lands. We recommend the bill do not pass.

Respectfully,  
O. BUDDINGTON, Chairman.

Also the following :

The Committee on Propositions and Grievances to whom was referred a bill to be entitled An Act for the relief of Dr. James L. Shields, have had the same under consideration, and after a careful attention bestowed upon the same, through their chairman they ask leave to report :

That from all the evidence afforded us, we are of the opinion the bill ought to pass without amendment,

Respectfully submitted,  
O. BUDDINGTON,  
Chairman.

Which were read and the bills placed among the orders of the day.

A bill to be entitled An Act for the relief of Doctor James L. Shields,

Was read a second time, rule waived, read a third time, and upon the question of its passage the vote was :

YEAS—Mr. President, Messrs. Blackburn, Buddington, Finley, Forsyth, Gillis, Johnson, Kilcrease, Long, Moseley, Provence, Smith, Snell and Wynn—14.

NAYS—0.

So said bill passed—title as stated.

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

A bill to be entitled An Act for the relief of Wm. W. Leggett, George W. Andrews and Ashley Braswell,

Was read a second time, rule waived, read a third time, and upon the question of its passage the vote was :

YEAS—Messrs. Blackburn, Johnson, Kilcrease, Long, Snell and Wynn—6.

NAYS—Mr. President, Messrs. Buddington, Finley, Forsyth, Gillis, Moseley and Smith—7.

So the bill was lost.

Mr. Long, from the Committee on the Judiciary, made the following report, viz :

The Judiciary Committee, to whom was referred a bill to be entitled An Act to prevent fire hunting in the County of St. Johns, have examined the same, and report :

That they perceive no valid objection thereto, and therefore, recommend its passage.

Respectfully submitted,  
M. A. LONG, Chairman,  
Judiciary Committee.

Which was read, and the bill placed among the orders of the day. The following message was received from His Excellency, the Governor :

EXECUTIVE CHAMBER, }  
January 6, 1852. }

HON. PRESIDENT OF THE SENATE :

Sir,—I nominate the Rev. William Royall, Maj. Lewis C. Gaines, and William S. Harris, esq., of Marion County, for Members of the Board of Education, of the Seminary of Learning at Ocala in East Florida.

THOS. BROWN.

Which was read, and the nominations therein made were advised and consented to.

On motion, the vote just had on a bill to be entitled An Act for the relief of W. W. Leggett, Geo. W. Andrews and Ashley Braswell,

Was re-considered, and the bill placed among the orders of the day.

On motion, the rule was waived, and the joint resolutions authorizing the Comptroller to audit and pay B. Hopkins and others for their services in defending the frontier in the year 1852,

Came up, when Mr. Johnson made the following amendment :

Resolved, That the Comptroller of Public Accounts be and is hereby authorized and required to audit and allow the claims for horses lost in said service, at such prices as the muster-roll or certificates of the commanding officer may show to have been a just and fair valuation of the same, and setting forth the manner in which such loss occurred.

Which was read and adopted.

On motion, the resolutions were then read a third time and adopted.

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

EXECUTIVE CHAMBER, }  
January 5, 1853. }

To the Hon. R. J. FLOYD,

President of the Senate :

Sir—The General Assembly of this State having by "An Act relating to the Commissioner of the Tallahassee Fund, approved the 20th December, 1845," abolished the office of Commissioner of the Tallahassee Fund, and transferred the duties of that office to the

Treasurer of the State, and declared "that it shall be the duty of the Treasurer of this State, and he is hereby required to proceed forthwith to close and settle the affairs of said Fund," and for that purpose he was required "to sell the lands granted by Congress to the Territory of Florida for the erection of Public buildings at Tallahassee, that have not been sold for that object," and "should the proceeds arising from the aforesaid notes and lands be insufficient to pay off the debts due by the said Tallahassee Fund, the Treasurer is hereby empowered under the direction of the Governor, and in the manner to be prescribed by law, to sell for cash so much of the eight sections of said land granted by Congress on the 3d March, 1845, as shall be sufficient for this purpose and no more." And by a "resolution in relation to the claim of B. G. Thornton, approved, January 6, 1847," the Treasurer was required "to pay to Benjamin G. Thornton, his Executors, Administrators or Assignees, the sum of two thousand five hundred dollars out of the first monies which shall come to his hands belonging to the Tallahassee Fund, together with interest thereon at six per centum per annum from 5th March, 1842 until paid;" and the location of the eight sections of land granted by Congress not having been made and approved by the Commissioner of the General Land Office until 1851, the Treasurer, in the performance of the duty imposed on him, advertised the same for sale, and sold the said eight sections of land, under the instructions herewith appended, which with his report accompanying, will inform the General Assembly in what manner the duties imposed by the foregoing recited acts have been discharged.

I have the honor to be,  
your most ob't. &c.,  
THOMAS BROWN.

Which was read, and the documents accompanying the same were laid on the table.

House bill to be entitled An Act declaratory of the laws now existing over that portion of the Peninsula of Florida in the occupancy of the Seminole and other Indians,

Was read a second time, rule waived, read the third time,

And upon the question of its passage the vote was:

YEAS—Mr. President, Messrs. Baldwin, Buddington, Finley, Johnson, Kilcrease, Long, Moseley, Provence, Smith, Snell and Wynn—12.

NAYS—Messrs. Blackburn, Forsyth and Gillis—3.

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 until 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

The Senate met pursuant to adjournment.

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

EXECUTIVE CHAMBER, }  
January 6, 1853. }

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

Sir—I nominate Joseph D. Morris and Ira Swift, Auctioneers for Madison County.

THOMAS BROWN.

Which was read, and the nominations were advised and consented to.

Also the following message:

EXECUTIVE CHAMBER, }  
January 6th, 1853. }

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

Sir,—I have approved and signed An Act to provide for the location of the two Seminaries of Learning to be established in this State, And An Act to amend and simplify the election laws now in force in this State.

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

THOMAS BROWN.

Which was received and read.

The following communication was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }  
January 6, 1853. }

Honorable President of the Senate:

Sir,—The House have passed the following Bills and Resolution: Bill to be entitled An Act to prevent the sale of spirituous liquors, to slaves in certain cases.

Also, without amendment:

Senate bill to be entitled An Act for the relief of William Crawford;

Senate bill to be entitled An Act for the relief of John Clarke;

Senate bill to be entitled An act for the relief of Dr. J. W. Bozeman.

Also, with amendments therewith enclosed:

Senate bill to be entitled An Act to amend the several general laws for the incorporation of all such churches and religious and other societies as may accept thereof, now in force in this State;

Senate bill to be entitled An Act for the relief of William R. Hayward;

In which the concurrence of the Senate is respectfully requested. Senate resolution asking the passage of a law by the Congress of

the United States, legalizing the sale of the 16th sections, and for other purposes,

Was indefinitely postponed by the House.

The House have concurred in Senate amendments to a bill to be entitled An Act for establishing the office of State Engineer and Geologist.

Respectfully,

JOHN DICK,

*Clerk House of Representatives.*

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

A bill to be entitled An Act for the relief of Wm. R. Hayward,

Came up, when the amendments made by the House to said bill were concurred in.

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

On motion, a committee consisting of Messrs. Long, Buddington and Gillis, were appointed to return to the House of Representatives a bill to be entitled An Act to amend the several general laws for the incorporation of all such Churches, religious and other societies as may except thereof now in force in this State, and ask that the amendments made by the House of Representatives be properly engrossed and sent to the Senate.

The committee reported the duty performed.

House bill to be entitled An Act to prevent the sale of Spirituous Liquors to Slaves in certain cases,

Was read a 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 for the relief of W. W. Leggett, George W. Andrews, and Ashley Braswell,

Came up, when on motion of Mr. Snell, the rule was waived and the following amendments were made to said bill, viz: Strike out after the 1st section, the 10th, 11th, 12th and 13th lines, and the words "five cents per acre and" in the 14th line.

Which amendments were adopted.

Mr. Snell offered the following as an additional section:

SEC. 2. *Be it further enacted*, Whenever the State shall obtain title to the South-east quarter of the South-west quarter, of section nine in township twenty-one, range nineteen South and East, the Register of State lands shall permit William W. Leggett to purchase the same at one dollar and twenty-five cents per acre, under the regulations now prescribed by law.

Which was adopted.

The rule was waived, and the bill read a third time, and upon the question of its passage the vote was:

YEAS—Mr. President, Messrs. Blackburn, Finley, Johnson, Kilcrease, Long, Smith, Snell and Wynn—9.

NAYS—Messrs. Buddington, Forsyth, Gillis, and Moseley—4.

So the bill passed as amended—title as stated.

*Ordered*, That it be certified to the House of Representatives. House bill to be entitled An Act in relation to the County Site of Wakulla County,

Came up, when the Senate went into committee of the whole upon said bill;

After some time spent therein, the committee rose and through their Chairman, reported the bill back to the Senate as amended, and asked to be discharged;

Which report was concurred in.

And the amendments ordered to be engrossed for a third reading on to-morrow.

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

FRIDAY, January 7, 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. Buddington, from the Committee on Propositions and Grievances, made the following report:

The Committee on Propositions and Grievances, to whom was referred a bill to be entitled An Act for the relief of Eliza A Bruce, having considered the same, do herewith by their Chairman, report: That they consider the case one of those which especially deserves relief, and are unanimous in the recommendation that the bill pass.

Respectfully submitted,

O. BUDDINGTON,  
Chairman.

Which was read, and the bill placed among the orders of the day. Mr. Wynn, from the Select Committee on Conference, made the following report:

The Committee of Conference, appointed to act with a similar Committee from the House of Representatives in relation to a bill to be entitled "An Act to define the boundary line between the counties of Calhoun and Jackson," ask leave to report:

That they have had the same under consideration and have agreed that the House recede from its decision, and recommend that the House concur in the amendment offered by the Senate to said bill, with the following amendment: *Provided*, That the part of said boundary line from the Chipola river to the Washington county line, only, be surveyed and marked out.

Respectfully submitted,

WM. B. WYNN,  
Chairman Senate Committee.  
LUKE LOTT,  
Chairman House Committee.