

## THREE O'CLOCK.

The Senate met pursuant to adjournment, and a quorum being present, proceeded to business.

On motion, the rule was waived, so as to allow Mr. Baldwin to introduce, without previous notice,

A bill to be entitled An Act to put into liquidation all defaulting banks of this State;

Which was read a first time, rule waived, read a second time and referred to the Committee on the Judiciary.

The following message was received from the House :

HOUSE OF REPRESENTATIVES, }  
January 10, 1853. }

SIR—The House have passed Senate bill to be entitled An Act to prescribe the mode of contesting the election of Judges in this State, without amendment.

Also resolution in relation to the pay of absent members.

Respectfully,

JOHN DICK,

Clerk House Representatives.

Which was read, and the Senate bill ordered to be enrolled, and the resolution placed among the orders of the day.

House resolution in relation to the pay of absent members,

Was read a first time, rule waived, read a second and third time and passed.

A committee from the House informed the Senate, that the House had appointed Messrs. Magbee, Smith, Heermans, Shine, Osteen, McCall and Love, to act with a similar committee on the part of the Senate, in regard to the bill providing for the removal of the Indians of this State.

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

The Judiciary Committee to whom was referred a bill to be entitled An Act to put into liquidation all defaulting Banks in this State, have considered the same, and recommend its passage with the annexed amendments.

Respectfully Submitted,

M. A. LONG,

Chairman Judiciary Committee.

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

## SEVEN O'CLOCK.

The Senate met pursuant to adjournment. There being no business before the Senate, on motion of Mr. Kilcrease,

The Senate adjourned until 11 o'clock tomorrow.

TUESDAY, January 11, 1853.

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

A quorum being present, the reading of the journal was dispensed with.

On motion, the rule was waived so as to allow Mr. Long to introduce without previous notice, a bill to be entitled An Act to prevent obstructions to the navigation of the river and harbor of St. Marks.

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

YEAS—Mr. President, Messrs. Baldwin, Finley, Forsyth, Gillis, Johnson, Long, Provence, Snell and Wynn—10.

NAYS—None.

So said bill passed—title as stated.

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

Mr. Finley from the Committee on Engrossed bills, made the following report ;

The Committee on Engrossed Bills, report as correctly engrossed, An Act to put in liquidation all defaulting Banks of this State.

Respectfully submitted,

J. J. FINLEY, Chairman.

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

Mr. Johnson from the joint select committee made the following report :

The joint Select Committee to whom was referred a bill to be entitled An Act to provide for the final removal of the Indians in this State, and for other purposes, have considered the same, and ask leave to report the bill back to the Senate, and propose to amend the 11th section by inserting after the word "force" the words "or otherwise."

The Committee recommend the passage of the bill, and ask to be discharged.

Respectfully submitted,

ALLEN G. JOHNSON,  
Chairman of Senate Committee.

JOHN P. BALDWIN,  
WM. E. KILCREASE,  
H. V. SNELL.

We, the undersigned, hereby express our dissent to the recommendation of the passage of the bill in its present shape.

J. J. FINLEY,  
JOSEPH FORSYTH.

JAMES T. MAGBEE,  
Chairman House Committee.

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 put in liquidation all defaulting banks of this State,

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

YEAS—Mr. President, Messrs. Baldwin, Finley, Forsyth, Gillis, Johnson, Long, Provence and Snell—9.

NAYS—Mr. Wynn—1.

So said bill passed—title as stated.

Ordered, to be certified to the House of Representatives.

A bill to be entitled An Act for the final removal of the Indians of this State, and for other purposes, was read a second time.

When Mr. Finley moved to amend by striking out all after the word 'convened' in the 3d line, and insert the following :

WHEREAS, the Government of the United States did, on the ninth day of May, A. D. 1832, enter into a treaty at Payne's Landing with the Seminole Indians in Florida, whereby the said Indians sold their lands to the United States, and agreed to remove west of the Mississippi river : *And whereas*, said treaty is still unrevoked, in full force and unexecuted, and the said Indians, after a lapse of *twenty years* are yet remaining in Florida, in open, wilful, and even defiant disregard and violation of the solemn and binding obligations of said treaty, to the great detriment, danger and annoyance of the people of Florida, and to the great injury of the present and future interests of the State : *And whereas*, all peaceful means heretofore employed by the General Government for the removal of said Indians have proved utterly abortive and unavailing : *And whereas*, the Governor has been officially informed by Gen. Luther Blake, the accredited agent of the United States, that said Indians have positively refused to perform their agreement to emigrate west : *And whereas*, it is the admitted right of the State of Florida to *insist upon*, and the bounden and solemn duty of the General Government to *compel* the immediate execution of all the stipulations of said treaty ; *therefore*,

SECTION 1. *Be it enacted 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 and required to urge upon the General Government the prompt, effectual and immediate execution of the treaty at Payne's Landing, by the removal of the Seminole Indians remaining in Florida west of the Mississippi river ; and the Governor is also authorized to tender such aid and cooperation, in troops and munitions of war, to the General Government, in the removal of said Indians, as may be desired or accepted by the President of the United States.

SEC. 2. *Be it further enacted*, That in any exigency which may arise, making it necessary to bring into the field any of the military

force of the State for the protection and defence of the frontier, the Governor is hereby authorized to borrow, in the name of the State, from the Seminary, Common School, and Internal Improvement Funds of the State, or from either of such funds, (giving the bonds of the State therefor, bearing eight per cent. interest, payable semi-annually,) such sum or sums of money as may be necessary for such purpose ; which said moneys, when so borrowed, may be disbursed on the order of the Governor, for the prompt and effectual execution of the provisions of this act.

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

YEAS—Messrs. Finley, Forsyth and Gillis—3.

NAYS—Mr. President, Messrs. Baldwin, Johnson, Kilcrease, Long, Provence, Snell and Wynn—8.

So the motion was lost.

Resolution relative to the Seminole Indians was read a second time,

Mr. Baldwin moved the following as an amendment :

Strike out, after the word "convened" in the 3d line, the words "that the Governor of this State be," &c., to the word "inauguration" in the 7th line, and insert in lieu thereof, "that our Senators in Congress be instructed, and our Representative be requested to lay before the President of the United States a copy of the foregoing preamble and resolution, and that his excellency the Governor, be, and he is hereby requested to transmit a copy of the foregoing to our Senators and Representative in Congress."

Which was adopted.

Ordered, the same be engrossed for a third reading on to-morrow. House bill to be entitled An Act to provide for the final removal of the Indians of this State,

Came up, when on motion, the amendment as proposed by the joint select committee was adopted.

Mr. Finley offered the following amendment to the first section of said bill :

"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."

Mr. Long offered to amend the amendment by adding as follows :

"To the end 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 of ficer are refused, then this proviso shall be wholly inoperative."

Which was accepted by Mr. Finley.

On motion, the Senate took a recess until 3 o'clock.

#### THREE O'CLOCK.

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

Mr. Finley, from the committee on Engrossed bills, made the following report :

The Committee on Engrossed bills report as correctly engrossed :  
An Act to prevent obstructions to the navigation of the river and harbor of St. Marks and Tampa.

Respectfully submitted,  
J. J. FINLEY, Chairman.

Which was read, and the bill placed among the orders of the day.  
The Senate proceeded with the consideration of the bill providing for the final removal of the Indians from this State ;

Upon the adoption of the amendment as offered by Mr. Finley, the yeas and nays were called for by Messrs. Finley and Forsyth, and were :

YEAS—Messrs. Finley, Forsyth, Gillis, Long, Smith and Wynn—6.

NAYS—Mr. President, Messrs. Baldwin, Johnson, Kilcrease and Snell—5.

So the amendment was adopted.

Mr. Kilcrease offered the following as an amendment to Mr. Finley's amendment :

To be transported beyond the Mississippi river, by the officers and authority of the Federal Government ; but if the Indians so tendered to the officers of the Federal Government, should be refused to be accepted by them for the purpose above specified, then the said Indians captured or received by virtue of this act, shall be placed on Dog Isle, near the city of Apalachicola, and to be there kept.

Which was lost.

Mr. Finley offered the following amendment to the 6th section of the bill, by striking out all of said section after the word "settlers" in the 9th line.

Upon the adoption of which, the yeas and nays were called for by Messrs. Finley and Snell, and were :

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

NAYS—Mr. President, Messrs. Baldwin, Johnson, Kilcrease, Long, Snell and Wynn—7.

So the amendment was lost.

Mr. Finley offered the following as the 12th section :

"Section 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 this State until they have received orders from the Governor to march into the Indian Territory or to the Frontier, for the protection and defence of the same.

Mr Baldwin moved to amend as follows :

"In the 5th line, section 12, strike out after the words 'orders from the Governor.'"

Which was adopted.

Mr. Finley moved to amend the amendment as follows :

[Amendment mislaid and never furnished to the Printer.]

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

YEAS—Messrs. Finley, Forsyth and Smith—3.

NAYS—Mr. President, Messrs. Baldwin, Gillis, Johnson, Kilcrease, Long, Provence, Snell and Wynn—9.

So the amendment was lost.

The question then was, upon the adoption of the 12th section ;

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

YEAS—Mr. President, Messrs. Baldwin, Finley, Forsyth, Gillis, Johnson, Kilcrease, Long, Smith and Wynn—10.

NAYS—Mr. Provence and Snell—2.

So the 12th section was adopted.

Mr. Forsyth moved to amend the 3d section, 4th line, as follows :

"Strike out after the words General Assembly, "to be elected by the joint vote of the General Assembly," and insert "to be appointed by the Governor—subject to the approval and confirmation of the General Assembly."

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

YEAS—Messrs. Finley, Forsyth and Smith—3.

NAYS—Mr. President, Messrs. Baldwin, Johnson, Kilcrease, Long, Provence, Snell and Wynn—8.

So the motion was lost.

On motion, the rules were waived, the bill read a third time, and upon the question of its passage the vote was :

YEAS—Mr. President, Messrs. Baldwin, Gillis, Johnson, Kilcrease, Long, Provence, Snell and Wynn—9.

NAYS—Messrs. Finley, Forsyth and Smith—3.

So the bill passed—title as stated.

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

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

EXECUTIVE CHAMBER, }  
January 11th, 1853. }

The Hon. R. J. FLOYD,

*President of the Senate :*

Sir—I have approved and signed An Act to prescribe the mode of contesting the election of Judges in this State.

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

THOS. BROWN.

Which was read.

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