

committee rose and reported said bill as amended, which was concurred in by the Senate.

On motion to strike out the preamble to said bill, inserted in committee of the whole, the yeas and nays were called by Messrs. Mills and Marvin, and were yeas Mr. President, Messrs. Duval, Hart, Hawkins, Mills, Marvin and Walker, 7,—Nays, Messrs. Bailey, Berthelot, Dupont and Wright, 4,—so said preamble was stricken out and the bill ordered to be engrossed for a third reading to-morrow.

The House sent back to the Senate a preamble and resolution in relation to the bar at St. Johns river, which they concurred in. So said preamble and resolution was ordered to be enrolled.

Also a resolution in relation to the improvements of the Yellow river, amended, which amendment was agreed to by the Senate and said resolution ordered to be enrolled.

Also the following resolution, viz :

HOUSE OF REPRESENTATIVES, }
JANUARY, 22d, 1839. }

Extract from the Journal.

Resolved, by the House of Representatives of the Territory of Florida, That it is the sense of this House, that under the act of Congress of 1838, reorganising the Legislative council of the Territory of Florida, it is necessary, that all nominations of His Excellency the Governor should receive the concurrence of this House as well as of the Senate.

Resolved, That without such concurrence, the commission of no officer civil or military can be valid.

Resolved, That a copy of these Resolutions be transmitted to the Hon. the Senate.

Passed, January 22d, 1839.

Att.

JOS. B. LANCASTER, C^{pl}. H. R.

Which was read, and written copies furnished.

His Excellency, the Governor, transmitted to the Senate, by his honorable Secretary, Mr. Copland, the message which was ordered to be laid on the table.

On motion the Senate then adjourned until to-morrow 12 o'clock.

THURSDAY, January 24th, 1839.

The Senate met pursuant to adjournment and the proceedings of yesterday were read.

Mr. Mills gives notice that he will on some future day ask leave to introduce a bill to amend the act incorporating the city of St. Augustine. Also, a bill concerning wrecks and wrecked property.

Mr. Hawkins gives notice that he will on an early day introduce a

bill requiring the institution of legal proceedings against certain banks to be therein named.

On motion of Mr. Wright the resolution before offered by him in relation to an additional joint rule, in reference to nominations, was taken from the table and placed among the orders of the day.

Mr. Wright, from the select committee to whom was referred the petition of sundry citizens of Escambia praying the division of said county, reported a bill entitled "an act to organize the county of _____;" which was read and written copies ordered.

A resolution before offered by Mr. Duval, requiring the Auditor and Treasurer to report what moneys have been paid towards defraying the expenses of the Convention, &c., was again read. On motion the words "without an appropriation from the Legislative Council," was stricken out, and said resolution adopted.

A bill entitled "an act to incorporate the Ocilla Academy in the county of Jefferson," was read a third time; on motion, the enacting clause of said bill was so amended as to read "Be it enacted by the Governor and Legislative Council of the Territory of Florida," said bill was again read by its title and passed; ordered that the title be as above.

An engrossed bill entitled "an act to authorize Simeon Driggers to establish a ferry over the Withlacoochee river in the county of Madison," was read a third time, the enacting clause amended as above; and said bill passed; ordered that the title be as above.

A resolution transmitted to the Senate on yesterday by the House, was again read and laid on the table.

A resolution of Mr. Wright in relation to an additional joint rule, &c., was again read for which Mr. Bailey offered the following substitute:

Whereas there exists in the Legislative Council a difference of opinion as to the right of passing upon the Executive nominations, and inasmuch as this question may ultimately be referred to the Judiciary for final adjudication, Therefore:

Be it Resolved by the Senate and House of Representatives, that it is of vital importance to the future harmony of the people of Florida, that the vexed question be settled in advance.

Be it further Resolved, that in order to the adjudication of the same, a joint committee of three from each house, be appointed to prepare and submit to the Court of Appeals, now in session, a case, stated, setting forth the point at issue, and that the said Court be respectfully requested to give their opinion on the said point, which opinion, when so pronounced shall be binding upon the two houses of the Legislative Council.

On the question of its adoption the yeas and nays were called for by Messrs. Berthelot and Marvin, and were yeas—Mr. President, Messrs. Bailey and Dupont, 3; nays—Messrs. Berthelot, Duval, Hart, Hawkins, Mills, Marvin, Walker, and Wright, 8. So the substitute was rejected.

The Senate then went into committee of the whole on said reso-

lution, Mr. Wright in the chair, after some time spent in its consideration the committee rose and reported the resolution as amended which was concurred in.

The House transmitted to the Senate a message which was laid on the table till to-morrow.

The Senate then adjourned until to-morrow 12 o'clock.

FRIDAY, January 25th, 1839.

The Senate met pursuant to adjournment and yesterday's proceedings were read.

His Excellency the Governor, by his private Secretary Mr. Copeland, transmitted to the Senate the following message :

EXECUTIVE OFFICE,)
TALLAHASSEE, Jan. 25th 1839. }

To the Senate and House of Representatives of the Legislative Council of Florida.

GENTLEMEN: I transmit for your information the reports of the Union Bank of Florida, the Bank of Pensacola, and the Southern Life Insurance and Trust Company of St. Augustine, and the Branch at Apalachicola, exhibiting the condition of those institutions, respectively, at the close of the past year.

Very respectfully,

Signed, R. K. CALL, Governor of Florida.

Which together with the accompanying documents was referred to the committee on Banks, and 100 copies ordered to be printed under the supervision of the Secretary of the Senate.

The President laid before the Senate the report of the Auditor and Treasurer of the Territory, made in obedience to the resolution passed by the Senate on yesterday, which were laid on the table till called for.

Mr. Marvin presented the petition of sundry citizens of Monroe and Dade counties, which on his motion were referred to a select committee of five. Messrs. Marvin, Hart, Berthelot, Walker and Bailey, were appointed said committee.

Mr. Berthelot, from the joint standing committee on enrolled bills, reported as correctly enrolled.

A resolution requesting our delegate in Congress to use his exertions to obtain from Congress an appropriation of money to remove the obstructions in Yellow river. Also

A resolution requesting our delegate in Congress to procure the appointment of a competent engineer, and an appropriation to defray the expense of making a survey of the bar and harbour of the St. Johns river, and to report the practicability and expenso of making a break water thereat, which report was received.

The resolution before offered by Mr. Wright in relation to an additional joint rule, was again read.