

8; nays—Mr. Berthelot, 1. So the bill passed; ordered that the title be as above.

The resolution before offered by Mr. Wright to increase the number of Senators, was again read and adopted; Messrs. Wright, Duval and Hart were appointed said committee.

The Senate went into committee of the whole on an act to incorporate the Protestant Episcopal Church at Jacksonville, Mr. Duval in the chair; after sometime spent in its consideration, the committee rose and reported said bill amended, which was concurred in, and the bill ordered to be engrossed for to-morrow.

The House sent to the Senate a message which was laid on the table for the time.

His Excellency the Governor, by his private Secretary Mr. Copeland, sent to the Senate a message which was laid on the table for the time.

The Senate then adjourned until to-morrow 11 o'clock.

FRIDAY, February 8th, 1839.

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

On motion of Mr. Dupont, Mr. Marvia was granted leave of absence until to-morrow.

Mr. Mills, from the committee on the state of the Territory, to whom was referred a resolution for the appointment of weighers of cotton and gaugers of liquors, &c., report a bill entitled "An act to authorize the appointment of weighers of cotton and other commodities in this Territory," which was read and ordered for Monday.

An act for the relief of Hezekiah H. Wyncoop, was again read; on motion the Senate went into committee of the whole on said bill, Mr. Hart in the chair; after sometime spent in its consideration, the committee rose and reported the bill with the enacting clause stricken out, which was concurred in.

Mr. Berthelot offered the following resolution:

Resolved by the Senate, That the certified documents transmitted to the Senate by the House of Representatives, together with the bill for the relief of Hezekiah Wyncoop, be referred to the committee on the state of the Territory, with instructions to draft a suitable memorial to be addressed to the President of the United States, stating the outrage that had been committed upon the person of one of the citizens of Florida, by a certain Col. Harney in the service of the United States; and generally to make such a report to the President, connected with several other outrages committed upon the rights, liberties, and privileges of the citizens of Florida, by the officers in the service of the United States.

Which was twice read, the rule being waived, and adopted.

An act to incorporate the trustees of the Calhoun Academy, in the county of Madison, was again read.

An act for the relief of John R. Stanley, was again read and indefinitely postponed.

The Senate went into committee of the whole on an act to authorize George Frederick Hamilton and Louis Schmidt to dispose of real estate and other property by lottery, Mr. Dugont in the chair; after sometime spent in its consideration, the committee rose and reported the bill amended, which was concurred in, and said bill ordered engrossed for Monday.

A preamble and resolution, asking an appropriation of Congress for the repair of Walton court-house, was laid on the table till Monday.

An act to authorize the Governor of the Territory of Florida to raise a force, &c., was again read and ordered for Monday.

An act directing where superior courts shall be held in certain counties was again read.

An act in addition to, and to amend the several acts in relation to county courts, was read and ordered for Monday.

The following message of his Excellency the Governor, sent to the Senate on yesterday, as follows:

EXECUTIVE OFFICE,)

TALLAHASSEE, Feb. 7, 1839. }

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

GENTLEMEN: In compliance with a resolution of the Legislative Council, I herewith transmit a copy of my correspondence with Col. Robert Brown of Columbia, and Major Garrison of Alachua county, relative to the necessity of employing a militia force for the defence of those counties during the past year, and which yet remain unpaid. This correspondence contains all the orders issued by me on that subject, and with the accompanying report of the strength of Col. Brown's regiment will furnish all the information I possess relative to the number of officers and men employed, and the length of time which they were engaged in defensive operations under my orders. The Council will perceive without more specific intelligence, on this subject, the Executive can form no correct estimate of the sum which would be required to pay those troops, and defray their expenses, while in service. All he can do is to refer the Council to the dates of the respective orders calling out, and disbanding the militia, and the number of men those orders authorized to be raised. With regard to the reason why they have not been mustered and paid by the United States, I beg leave to refer you to my correspondence with Gen. Taylor, which has been furnished under a resolution, and is now before the Legislative Council. It will be seen from the letters of the commanding General, that he deemed the regular force under his authority sufficient for the defence of the country, and therefore declined receiving or

recognizing the militia employed, as in the service of the United States. How far the commanding General was right in this conclusion, the Council may learn from the number of murders which occurred, and the insecurity and alarm which prevailed along the whole line of frontier during the last summer. But whether right or wrong, he is the organ of the Government, and without his sanction and approval, the troops called into service by the Executive, even in cases of the most urgent necessity, and dire emergency, will not be paid by the United States. In vain do the laws of the Territory empower the Governor, in cases of invasion, or insurrection, to call out the militia; in vain has the Executive exerted every faculty, and even jeopardized his own private fortune for the defence of the frontier. Without the means of providing subsistence, forage and transportation, without the means of paying the troops, no matter what may be the zeal and patriotism of the people, the Executive is powerless in defending the frontier settlements from the massacres and plunderings of the enemy. This truth is forcibly and painfully illustrated by the hapless fate of Lasly and his daughter disclosed in my correspondence with General Taylor and the Secretary of War. That ill-fated family resided on the Ocklocknee river, far in advance of other settlements. When the fugitive Creeks fled from their encampment on the Apalachicola, foreseeing the danger with which they threatened the frontier, without waiting to consult the commanding General who was more than two hundred miles distant, a requisition was made on the patriotic county of Gadsden, which, with her usual promptitude and zeal, on the shortest notice, sent to the post of danger the number of men required. These troops were ordered, and accordingly took post at the house of the unfortunate Lasly. A requisition was made on the United States Quarter Master, at Tallahassee, for the necessary articles of forage and subsistence. A very small supply was at first furnished, but from the whim or caprice of this officer, a peremptory refusal was given to an application for further supplies, though the public store houses, at St. Marks, not more than 25 miles distant, were filled to overflowing with every article required. In consequence of this denial of the aid we had a right to expect, the troops were compelled to retire for the want of subsistence, leaving this family exposed to the mercy of the savages. The Indians availing themselves of this occasion to satiate their thirst for blood, advanced and attacked the houses which were bravely defended, but the aged Lasly and his helpless daughter became the victims of barbarous cruelty, and his house and domestic animals formed one general funeral pile, lighted by the torch of the savages. Such was the melancholy fate of this family, when they might have been saved by furnishing the Territorial troops with a few pounds of the public pork and bread which remained in store until damaged by time and exposure, and was afterwards sold at auction, on account of the Government. I mention this as one of the many instances which have occurred during the present war with the Seminoles, in

which the lives of our citizens have been sacrificed, when they could have been protected if I had possessed the means of supplying such troops as I might have raised, and which I believed necessary for the defence of the frontier. I cannot express to you, gentlemen, the painful regret and deep humility I have experienced on many occasions, from a knowledge, that the frontier settlements were exposed to imminent peril, when I had no power (and still have none) to extend to them necessary protection. The people of the Territory, when exposed to danger, naturally apply to the Executive for relief, and I am compelled to hear their complaints, and bear their reproaches, for what seems to them a neglect of duty, and disregard for their sufferings, when I am unable to give them any thing but my sympathy. The Government of the United States, have conferred on me, no power to raise men, for the defence of the frontier, and though it cannot control the authority I possess for this purpose, under the laws of the Territory, yet it holds the purse strings, and its agents have, and still may withhold pay and subsistence from those whom I have, and may again find it necessary to call into service.

Through the courtesy of the Commanding General, a correspondence has been maintained between us, and I have been politely furnished with information with regard to the movements of the army. But he, I understand, is under no obligation to confer with me on any subject, nor has he delegated to me any portion of unlimited power with which he is invested to raise men, and cause them to be paid and subsisted. In his last letter dated the 3d of January, to which I beg leave to invite your particular attention, he expresses a confident belief, that the most ample protection will be given to this frontier by the regular troops, stationed West of the Suwannee. I have great respect for the judgment and capacity of the Commanding General, and hope that his opinion on this subject may be well founded, but should it prove otherwise, the delay which would attend the calling out of any portion of the militia, for the defence of the frontier under the rule proposed, would prove fatal to those dependant on this force for protection. He advises, that in cases of great emergency, when I may deem it necessary to call out the militia, that I shall address him on the subject, and should he approve of it, he will give the measure his sanction. To illustrate the objections to, and the impropriety of such a measure of defence, it is only necessary to imagine the recurrence of one of the numerous instances of invasion and assault which have occurred on the frontier. A band of the enemy appears in the sparser settlements. They commence their system of indiscriminate slaughter and pillage. The employment of a militia force becomes indispensably necessary, but I have neither provision or transportation, without which this force cannot move. The Commanding General is at Tampa Bay, more than two hundred miles distant. I must communicate with him, and procure his authority, before the troops of the Territory can obtain supplies from the ample stores of the Gov-

ernment. In the mean time the work of death is progressing, and a whole neighborhood may be desolated by the enemy. Under this system a few penurious pence may be unworthily saved to the Treasury of the nation, but it is an economy which must be practised at the expense of the blood and property of our people, at the expense of the pride and lost reputation of the country.

How far this policy is consistent with the principles of justice and humanity, how far it is in accordance with the reciprocal obligations of allegiance and protection, how far it is compatible with the dignity of our government, I leave for the determination of others less interested than myself in the security and welfare of our fellow citizens. I seek not to divide with the commanding general the empire of defensive or offensive operations. But my pride as an officer and my feelings as a man, revolt at the idea of remaining a passive spectator of the scene of bloodshed which may occur on this frontier, without the means of affording relief, until the Commanding General may think proper, after an application shall have been made to him, to open the public store houses for the support of the militia while in service. I repeat again, that my most fervent hope, that the Commanding General may be right in his conclusions, and that the regular troops may give entire security to the frontier. He is best calculated from his position to form a correct judgment, and his opinion is entitled to high consideration.

But after the numerous murders which occurred during the last summer, after the distress and suffering, which was occasioned by the enemy, under the same assurance of protection, we have no right to slumber in this supposed security. The Commanding General, I am sure as far as practicable will redeem his pledge and I can vouch for his zeal and energy; but the enemy may again evade his pursuit and fall upon the frontier settlements when least expected. Let us therefore, as far as the limited resources of the Territory will permit us to act, prepare for the defence of our fellow citizens, regardless of the treasure which may be expended. Beyond this we cannot go. But the Government of the United States is bound to give all necessary protection to our people, and it is bound by the same moral obligation to pay the troops of Columbia and Alachua counties who served under my orders during the last summer. I recommend again that a memorial be presented to Congress setting forth all the facts of the case and enumerating the different murders which were committed by the Indians. They afford conclusive proof that the army did not give the necessary protection to the country. They justify the employment of the militia, and proclaim the justice of their demands for compensation.— It is but necessary to speak in plain and comprehensive language, to represent our claims in a proper light, and Congress with its usual justice and liberality, will respond without hesitation to your prayer for relief. This measure was recommended in my annual message at the commencement of your present session, and after the most

mature deliberation on the subject, I can discover no better prospect of relief. Should the commanding General execute the plan proposed by the Secretary of War, for the defence of the frontier, by organizing the settlers capable of bearing arms, and receiving them into the service of the United States, I have every confidence in its efficiency and the security it would afford. But without it I apprehend a renewal of all the horrors and sufferings which were experienced on the frontier during the last summer. The Executive will ever be ready and zealous in the discharge of every duty, and in the exercise of every authority he may possess for the defence of the country; but I desire it to be borne in mind that he is powerless under the present system of defence, and that the blood of the slaughtered women and children of the frontier must fall on other skirts than his.

Your fellow citizen,

R. K. CALL,
Governor of Florida.

Was read; one thousand copies of which, with accompanying documents, were ordered to be printed.

The resolution of Mr. Berthelot, requiring the Treasurer to pay the accounts of Editors, for newspapers furnished Council, was again read and adopted. Also a resolution of the same, to appoint a joint committee to contract for binding and making indexes to the original enrolled acts of the Legislative Council. Messrs. Berthelot, Hawkins, and Maryin were appointed said committee.

The report of the committee on Banks, and the resolutions of Mr. Berthelot relating to an enquiry into the affairs of the Union Bank, was, with the following substitute, proposed by said committee, again read.

1. Resolved by the Senate and House of Representatives of the Territory of Florida, That a joint select committee of the Senate and House of Representatives, be appointed for the purpose of instituting an enquiry into, and investigating the affairs of the Union Bank of Florida, and that said committee be invested with the power of sending for persons and papers.

2. Resolved further, That said committee consist of two members of the Senate and two of the House of Representatives, and that they report at as early a day as practicable.

3. Resolved further, That said committee be instructed to report particularly the amount of Territorial bonds actually sold, and for what funds.

I. Whether any or what amount has been sold for suspended bank paper or notes, or other depreciated funds?

II. Whether any and what amount has been borrowed by the bank on its own bonds, and for what purpose?

III. What amount of bank notes has been issued, and is now in circulation?

IV. What amount is due to other banks?

V. What amount is due to depositors?

VI. Whether the bank has established any agency in the city of

New York for the redemption of its bills, or the purchase of its certificates of deposit? If so, at what rates were the same so redeemed or purchased? If not, whether any officer or director of the bank was engaged in such purchase? and whether the said officer or director made use of the funds of the bank or funds borrowed from the bank?

VII. The total amount of bills discounted running to maturity—
1st, stock notes—2nd, other notes—3rd, bills of exchange.

VIII. The total amount of bills and notes lying over and under protest?

IX. The total amount of bills and notes in suit?

X. The real estate held by said bank and how acquired, with a particular description and the cost thereof?

XI. What has been the rates of exchange charged by said bank on New Orleans and the Northern Atlantic cities, since and during the suspension of specie payments, and what amount has the bank received for such premiums of exchange since the suspension of specie payments?

XII. What amount of specie has the bank in its vaults, and what steps have been taken towards a resumption of specie payments at an early day?

XIII. What amount of property mortgaged to the bank has been increased in value by the board of directors since the first appraisal, and on which additional value new stock has been issued and the resources therefor?

XIV. Whether any and what dividend has been made of the profits of the bank and how was the same paid or made available to the stockholders?

XV. Whether in the management of the affairs of said bank, said bank has violated or departed from the terms of its charter.

Mr. Marvin, seconded by Mr. Berthelot, moved to amend the substitute by the following additional resolution, viz :

XVI. That said committee be instructed to inquire particularly and report

1st. The names of the stockholders, the number of shares owned by each, the amount due to each on pledge of stock.

2nd. The names of the directors and the amount due by each of said directors—1st, on pledge of stock—2nd, on mortgage of lands and slaves—3rd, on other securities. And that they also report what amount of debts due are considered doubtful and bad, with the amount of each debt.

And that they also inquire and report whether new stock has been created and discounts made thereon, in any and in what instances, and to what amount, where the bonds and mortgages required by the charter were not at the time of the discounts or loans on said stock, perfected.

And that they also inquire and report into and upon the affairs and condition of the bank and its management within the purview of the charter. On the question to lay said resolutions and amendment on

the table until Monday, the yeas and nays were called by Messrs. Duval and Marvin, and were, yeas—Mr. President, Messrs. Duval, Dupont, Hart, Hawkins, Mills, Walker, and Wright, 8; nays—Messrs. Berthelot, and Marvin, 2. So they were laid on the table and ordered for Monday.

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

EXECUTIVE OFFICE,

Tallahassee, February 8th, 1839. }

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

GENTLEMEN:—I have approved and deposited in the office of the Secretary of the Territory the following acts of the Legislative Council:

An act entitled "An act to incorporate the Presbyterian congregation at Mandarin."

"An act to authorize David Platt to establish a ferry near the junction of the Suwannee and Withlacoochee rivers in the county of Madison."

"An act to establish a ferry across the Choctawhatchee river."

"A resolution requesting our Delegate in Congress to endeavor to procure an appropriation of ten thousand dollars, for the purpose of removing the obstructions of the Choctawhatchee river to the Alabama line,"

R. K. CALL,

Governor of Florida;

An act to incorporate the Protestant Episcopal Church at Jacksonville, was read a third time and passed; ordered that the title be as above.

The House sent to the Senate their consent to the nominations of the Governor, before transmitted to them by the Senate:

Also an act for the relief of Eleanor Grimes, which was read and ordered for Monday.

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

EXECUTIVE OFFICE,

Tallahassee, Feb. 7, 1839. }

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

GENTLEMEN: I herewith present the report of the Bank of Jacksonville, shewing the condition of that institution on the 30th of last month. Respectfully, your obt. servant,

Signed,

R. K. CALL,

Governor of Florida.

Which, with the accompanying document, was referred to the committee on finance and banks.

The Senate went into secret session on nominations of his Ex-

cellency, the Governor, sent to the Senate to-day. On motion, the doors were opened, and the Senate adjourned until Monday 12 o'clock.

MONDAY, February 11th, 1839.

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

On motion of Mr. Hawkins, Messrs. Berthelot and Marvin were granted leave of absence until to-morrow.

On motion of Mr. Mills the Senate re-considered the vote on the bills for the relief of Hezekiah Wyncoop and John R. Stanley, and moved their reference to a select committee, which was agreed to, and Messrs. Mills, Duval, and Berthelot were appointed said committee.

The House transmitted to the Senate an act to incorporate the Alachua Academy, which was read and ordered for to-morrow.

Mr. Dupont gave notice that he will on some future day ask leave to introduce an act to incorporate St. Paul's Church at Quincy, Florida.

Mr. Wright gives notice that he will on some future day ask leave to introduce a bill to revise and condense the acts of the Legislative Council, passed previous to the present session.

Mr. Wright moved that the rule be waived and he permitted to introduce a bill to be entitled "An act regulating proceedings before Justices of the Peace," which was granted. Said bill was read by its title, written copies ordered, and made the order for Wednesday next.

Mr. Duval, from the select committee appointed to draft a memorial to Congress asking appropriations for internal improvements and defence of different ports on the gulf of Mexico, reported a memorial which was read and adopted.

The Senate went into committee of the whole on a bill entitled an act authorizing the appointment of weighers of cotton and other commodities in this Territory, Mr. Duval in the chair; after some-time spent in its consideration, the committee rose and reported progress, asked leave to sit again, which was concurred in.

An act to incorporate the trustees of Calhoun Academy in the county of Madison, was read a third time and passed; ordered that the title be as above.

An act to authorize George Frederick Hamilton and Louis Schmidt to dispose of real estate, &c., was postponed until to-morrow.

"A preamble and resolution asking an appropriation by Congress for the repair of Walton court house," was read a second time, amended by striking out "three thousand" and inserting "five hundred," and adopted.

An act to authorize the Governor of the Territory of Florida to