

Wright, 9; nays Messrs. Hart and Marvin 2; so said bill passed; ordered that the title be as above.

A bill entitled an act for the relief of Doctor Richard Weightman, was read a third time; on the question of its passage the yeas and nays were called by Messrs. Marvin and Duval, and were yeas, Mr. President, Messrs. Bailey, Berthelot, Duval, Hart, and Mills 6; nays Messrs. Dupont, Hawkins, Marvin, Walker, and Wright, 5; so the bill passed; ordered that the title be as above.

An act to authorise the county court of Franklin County, to levy a tax for the building a Jail in said county, was read a third time and passed; ordered that the title be as above.

An engrossed bill entitled an act concerning executions was read a third time and passed; ordered that the title be as above.

The House rejected and sent back to the Senate certain nominations of his Excellency the Governor, which was ordered to be certified to the Governor.

The House consented to and sent back to the Senate the following nominations of his Excellency the Governor.

Alden A. M. Jackson, Joseph A. Thouron, Stephen R. Mallory, William H. Wall, John E. Baldwin, and Joseph B. Browne, Auctioneers; John D. Haly, Philip J. Fontane, Charles Walker, and Stephen R. Mallory, Justices of the Peace; Asa F. Tift, Alden A. M. Jackson, and Joseph B. Browne, Notaries Public; Victor Constant, and Alexander Patterson, Port Wardens, in and for the county of Monroe.

August Steel, Judge of the County Court; Manuel Oliverea, Notary Public; Robert and Angus Ball, Auctioneers, in and for the county of Hillsborough.

William M. Reed, Judge of the county Court, in and for the county of Hamilton.

Daniel D. Sturges, James B. Edwards, and T. G. Wheeler, Justices of the Peace, in and for the county of Jefferson.

Henry L. Rutgers, Notary Public; in for the county of Leon.

Also the adoption of a Preamble and Resolution asking of Congress a pension for Jane Mathews, before adopted by the Senate.

The Senate then adjourned until to morrow 10 o'clock.

FRIDAY, February 22nd, 1839.

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

Mr. Hawkins gives notice that he will on to morrow introduce a bill in relation to assignment of property by debtors.

Mr. Berthelot, from a committee on enrolled bills, reported as correctly enrolled a resolution requesting our Delegate in Congress to use his endeavors to obtain a pension for life for Mrs. Jane Mathews, formerly Jane Johns.

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Mr. Hawkins, from the select committee to whom was referred the "act for the relief of Calhoun county," reports the same to the Senate without amendment, and recommends that it become a law. On motion said bill was placed among the orders of to-day.

Mr. Wright, from a joint committee appointed upon the resolution requiring an arrangement to be made with John P. Duval, Esq., for the work performed by him in the preparing and compilation of the laws of this Territory, made the following report :

The joint committee appointed upon the Resolutions requiring an arrangement to be made with John P. Duval, Esq., for the work performed by him in preparing a compilation of the laws of this Territory, have the honor to report, That a contract was made by the Gov. with Mr. Duval in May 1837, whereby it was agreed that the latter should compile all the acts of the Legislative Council in force up to 1834, for the compensation of \$4,200, and by a resolution of the Legislative Council of February 11th 1838, the acts of 1835, 6, 7, and 8, were directed to be included in the compilation, and the compensation was increased to \$5000.

In 1831 an act was passed appointing James D. Westcott and John P. Booth, to compile the statutes of the Territory. These individuals received in advance \$2,700, and no part of the work which they had contracted to perform has ever yet seen the light.

By an act passed in 1835, it was provided that in case of the failure of the persons last named to prepare the work for which they had already in part been paid, the Governor should be authorized to make a new contract with some other suitable person. It was under the authority of this act that the contract was made with Mr. Duval.

In performing his work the compiler has not felt himself at liberty to omit any act of the Council which had not been repealed by express designation, and the consequence is that the work, as exhibited to your committee is in a state so very imperfect that it could not possibly be of any practical utility, and it would therefore be an useless expense to have it printed. In relation to many subjects there are several laws passed at different sessions, covering the same ground and couched in nearly the same phraseology, yet none of them repealed except by implication. Still however the compiler intends to proceed with the printing of the laws, as he has compiled them, unless the work be taken off his hands at the present session. It is necessary therefore, to choose between the alternative of having this confused mass of contradiction and useless statutes printed at an expense of \$5,000 or, on the other hand, getting possession of them and endeavoring to mould them into shape, and have them printed with the acts of the present session. Your committee have chosen the latter as the least evil and have arranged to allow the compiler \$2,000, for the labors performed by him.

There is but one way in which this compilation can be turned to any practical account. This is by going with care over the laws compiled and by doing that which the compiler very properly considered himself not at liberty to do, repealing such of the acts as are

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obsolete, such of them as are of a merely temporary character, such of them as are already repealed by implication, and such of them as are obviously absurd in themselves, or are, in conflict with others. This task will be greatly facilitated by the collocation of the acts which has been prepared by the compiler, who has arranged together all the laws on any given subject.

The House sent back to the Senate an act before passed by the Senate, constituting a board of wardens, commissioners of pilotage, and commissioners of wrecks, &c., for the ports of Jacksonville and other places therein provided for, with sundry amendments, which was concurred in.

A bill entitled an act to amend the act incorporating the city of St. Joseph, which was read a second and third time, and ordered for to morrow.

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

EXECUTIVE OFFICE, )

TALLAHASSEE, Feb 7, 1839. }

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

GENTLEMEN—

Since my communication of the 7th inst., in which I expressed the anxiety I then felt for the safety of the frontier settlements, my worst apprehensions have been more than realized. One house has been robbed and burnt in an adjoining county, in this, and within ten or twelve miles of the capitol, two assaults have been made at night by the savages. Their unsuspecting victims were in each instance surprised in their domestic circle, and around their own firesides, by the stealthy approach of the enemy. The first signal of danger was the presence and terrific yell of the Indians, and the first discharge of their deadly rifles hurried them into eternity, leaving a single survivor in each case covered with wounds, to relate the horrid catastrophe which severed the fondest ties of nature. In one instance the mangled bodies of the father and mother, and two lisping babes, formed one funeral pile, in the house which had been the abode of peace and happiness. On yesterday another outrage was committed. Three wagons loaded with stores of the government were captured, plundered, and destroyed, and four human beings were butchered. But gentlemen, the dark catalogue of Indian outrage and murder is not yet complete. The enemy still hovers on our borders, and other victims will be offered on the altar of their revenge. Your country presents a melancholy, a humiliating spectacle. Your frontier is defenceless. It exhibits a wide spread scene of ruin and desolation. Your militia are without organization, and ignorant of

the rules of discipline and subordination. Your officers, with a few honorable exceptions, are deficient in the enthusiasm, the energy, and military ardor, which gives grace and utility to the character of the soldier. They want that zeal, promptitude, and decision so imperiously demanded by the present crisis.— Does this assertion require proof to give it currency? I call on you to bear witness to its truth. You have been spectators of the scene. Day after day you have seen the expressmen spurring into your capitol with the sad intelligence of another and another massacre. You have heard the orders of the Executive to call out the militia for defence—you have heard his earnest and feeling appeals to the chivalry and patriotism of his fellow-citizens, and although those appeals have not been made in vain, but have been answered by many manly and generous hearts, there are others who have no concern, no sympathy, for those exposed to danger. The daily report of murder dies on the ear, but awakens no pity in the heart. The blood which flows from slaughtered innocence calls on them for revenge, but it calls in vain. The frantic mother, presenting her helpless infant in her arms, invokes their protection; but her invocations pass with the breeze on which they are borne, leaving no trace on the memory. Gentlemen, this is no fancied picture of our condition—it is the sad, the mortifying reality. For the last six days have I laboured in vain to raise by draft, under the laws of the Territory, a company of fifty mounted men, to defend the settlements within ten miles of the capitol. Not a dozen men of that number have yet appeared, notwithstanding the repeated reiteration of my orders. A listless apathy everywhere prevails, and the cold ear of indifference, is turned to the most earnest solicitations.

Gentlemen, it is time to awake from our slumbers, to arouse from our lethargy, and put on the armour of our defence.— The moral dignity of the Territory, no less than the safety of the people, demands it of us. It is for you to set the first example. For three years have I proclaimed the deficiency of your military system; for three years have I invoked your aid for its correction, but no alteration, no improvement has been made. So little attention has been paid to military duty that, with the exception, the single and honorable exception of the county of Gadsden, there is not a well organized regiment of militia west of the Suwannee. In the county of Leon, at the threshold of the Capitol, there is scarcely a single field officer in commission. Numerous other offices are vacant. Under the present system an election for field officers cannot be held

until after 20 days previous notice of the time and place. And ten days notice must be given of the elections to fill all other vacancies. Without officers drafts cannot be held, and while the enemy is plundering almost within your view, we must await the slow progress of time, and the compliance with empty formalities and ceremonies before we can ever prepare for defence. I fear, gentlemen, I cannot impress on you my own deep and earnest feelings on this all-absorbing question. I fear I cannot make you comprehend my view of the importance of a well organized militia system. The great apostle of our liberty regarded it as the bulwark of our national safety—it is even more—it is the palladium of our domestic security. Look I entreat you, at your geographical position; look at the latitude in which you live; look at the long protracted struggle with the Seminoles; think of the danger of its example, and the horrors it may yet produce. Think of the lurking insidious abolitionist and remember the smoking ruins, and the bloody fields of St. Domingo. I pretend not to prophecy; I am no soothsayer, to foretell the approach of evil; but I warn you against the sloth, the apathy, the heedless negligence and the consequent insecurity which every where prevails. Without your aid the Executive arm is powerless. Your militia must be organized. They must be instructed in discipline and subordination; they must be prepared for action and ready for all emergencies. Your bleeding constituents call on you for protection—in their name I invoke your aid. I call on you to exercise every moral, physical, and intellectual faculty to save your country from ruin and humility:

Your fellow citizen,

R. K. CALL,  
Governor of Florida.

The House sent to the Senate the following message, to wit:

The House concur in the amendment of the Senate to a joint resolution of the House fixing the day of final adjournment on the 2nd of March, instead of the 23rd of Feb. inst., as proposed originally by the House.

House of Representatives, Feb. 20th, 1839.

Att.

JOS. B. LANCASTER, Clerk H. R.

Also an act to establish a new justice's district, in the county of Jefferson, which was read and laid on the table. Also

An act for the relief of George Walker, was a second and third time read and placed among the orders of to-morrow.

Also an act for the relief of William G. Davis, which was read a first and second time, and referred to committee on claims.

A resolution offered before by Mr. Dupont requesting his Excellency, the Governor, to communicate to this Senate the measures he

may have adopted for the purpose of carrying into effect the provisions of an act passed at the last session of the Legislative Council, entitled "an act for the relief of the Florida troops during the Indian war," was read a second time and passed.

An act to provide for the appointment of pilots, and to regulate the rates of pilotage at Tampa Bay, was read a third time and passed; ordered that the title be as above.

An act to increase the number of members of the Senate, and to apportion the additional members throughout the Territory, which was read a third time and passed; ordered that the title be as above.

An act in addition to an act entitled an act to suppress the issuing or circulating of change bills, and for other purposes approved Feb. 11th, 1838, was read a third time, and indefinitely postponed.

A bill to be entitled "an act to repeal certain acts of the Legislative Council," was ordered for to morrow.

An act to incorporate the trustees of the Presbyterian Church, was read a third time, amended and passed; ordered that the title be as above.

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

An act to raise by lottery a sum of money to build a Masonic Hall in the city of Tallahassee, and for other purposes, which was read a third time and passed; ordered that the title be as above.

The Senate went into committee of the whole on a bill entitled an act to determine the fees of certain officers in this Territory, and for other purposes, Mr. Bailey in the chair; after sometime spent in its consideration the committee rose and reported progress, and asked leave to sit again.

The Senate then adjourned until to morrow 10 o'clock.

SATURDAY, February 23rd, 1839.

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

Mr. Hawkins, from a select committee to whom was referred a letter from Mr. W. P. Stockton, on the subject of the delay of the mail at Quincy, reported the following preamble and resolution:

Whereas serious inconveniences are now felt by the citizens of Tallahassee and of the adjoining county, owing to the detention of the mail at Quincy, under the present regulations, be it therefore

Resolved by the Governor and Legislative Council of the Territory of Florida, that the Post Master General be respectfully requested to change or increase the number of times of conveying the mail between Tallahassee and Quincy, that the evils complained of can be obviated.

Resolved, That the above preamble and resolution, with the ac-