

MONDAY, March 4, 1839.

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

His Excellency, the Governor, sent to the Senate the following message :

EXECUTIVE OFFICE.

Tallahassee, March 4, 1839.

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

GENTLEMEN: I have heard with regret that the revenue bill passed by the House of Representatives, has been rejected in the Senate, and I have been unofficially informed that it is your intention to adjourn sine die to-day. After the long and laborious session in which you have been engaged, and the courtesy and promptitude with which you have attended to my various suggestions, I feel great reluctance in trespassing further on your time, or in delaying your anxious return to your families and your homes; but the imperative necessity which demands your action on our revenue system, will, I am persuaded, offer a sufficient justification for my addressing you again on this subject. I have not seen the bill you have had under consideration and cannot say how far its provisions are required by the present condition of the country; but of this I am assured, any alteration of our present system, if system it may be called, will be an improvement. The inequality of taxation, the irresponsibility of the officers, and the consequent dissipation of the public revenue, are evils which demand correction from the representatives of the people. They have reposed their confidence in you, and their interest requires your attention. Your Treasury has been exhausted by the expense of the late Convention. There are creditors who have just demands against it, which remain unpaid, while the revenue collected from the people is in some instances squandered by faithless agents. There is another subject of all-absorbing interest, which is immediately connected with your revenue system: You have at the present session passed an act authorizing the Executive to raise 12 companies for the defence of our bleeding and distressed frontier, which so loudly and so feelingly implores your protection; and you have authorized the Governor to negotiate a loan of \$500,000 for the pay and subsistence of your troops, the interest on the loan to be paid semi-annually. Without revenue this cannot be accomplished, and without the confident assurance that the interest will be paid. The loan cannot be negotiated, and the defensive measure you have provided for your war-worn and harrassed fellow citizens, who nightly slumber under the shade of the uplifted tomahawk, will prove but a fatal and deceptive hope. I therefore most earnestly desire that the joint resolution requiring the Legislature to adjourn on to-day, may be rescinded,

that the Senate may reconsider the vote taken on the revenue bill passed by the House of Representatives, and that if there are any objectionable features in the provisions of the bill, that it may undergo such amendments as will render it acceptable to both Houses, and achieve the important object for which it was designed. A few hours of dispassionate consideration on this subject may produce the most advantageous results to your constituents.

Your fellow citizen,

R. K. CALL,
Governor of Florida.

On motion of Mr. Duval, seconded by Mr. Hawkins, the Senate adopted the following: resolved that the joint resolution requiring the adjournment of the two Houses, be rescinded so as to allow a reconsideration of the bill entitled "an act concerning tax collectors and for other purposes," at the request of the Governor communicated in a message sent to the Senate this morning.

The Senate reconsidered the vote on the bill before passed by the House entitled "An act concerning Tax Collectors and for other purposes," and went into committee of the whole on the same, Mr. Bailey in the chair; after some time spent in its consideration the committee rose, reported the bill to the Senate without amendment—report concurred in; on the question of its final passage the yeas and nays were called by Messrs. Mills, and Dupont, and were, yeas—Mr. President, Messrs. Bailey, Duval, Hawkins, Mills, Marvin, Walker and Wright, 8; nays—Messrs. Berthelot, and Dupont, 2; so said bill passed; ordered that the title be as above.

The House sent to the Senate the following joint resolution:

Be it resolved by the Senate and House of Representatives of the Territory of Florida, that the joint resolution providing for the final adjournment of the Legislative Council on the 2nd day of March, be rescinded for the express purpose of enabling the two Houses to pass a revenue law, and of enabling the Governor to return the acts of this session which have been submitted to him; also for nominations and for no other purpose, and that this Legislative Council will adjourn on the 4th day of March, instant.

March 4th, 1839.

Message of the Senate received and read, and amended upon reconsideration of joint resolution adopted on 2nd March, so as to read as above, and adopted by the House of Representatives:

Att.

JOS: B. LANCASTER,
Clerk H. R.

Which was adopted by the Senate:

Mr. Wood, from a select committee from the House, called for the above resolution for their reconsideration of the same, which was returned to the House, in answer to which the House sent the following to the Senate:

Mr. Wood moves that the above resolution be reconsidered, which prevailed. Mr. Blount, who moved the above resolution,

withdrew his motion, and the resolution for adjournment stands as adopted on Saturday the 2nd inst.

Att. JOS. B. LANCASTER, Clerk H. R.
To be certified to the Senate.

J. B. L., Clerk H. R.
His Excellency, the Governor, by his private Secretary, Mr. Copeland, transmitted the following messages :

EXECUTIVE OFFICE,
Tallahassee, March 2, 1839. }

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

GENTLEMEN : I have approved and ordered to be deposited in the office of the Secretary of the Territory the following acts and resolutions :

" An act to establish a ferry across the Apalachicola river, at or near its junction with the bay of Apalachicola."

" An act to raise a fund by taxation for the education of poor children."

" An act to authorize James M. Harris to build a dam and lock across the St. Marks river."

" An act to erect a body corporate and politic by the name of the St. Joseph Chamber of Commerce."

" An act to provide for the appointment of weighers of cotton for the city of Tallahassee and town of St. Marks."

" An act to authorize the Governor of Florida to raise troops for the defence of the frontier and for other purposes."

" An act to incorporate the city of Pensacola."

" An act to incorporate the Presbyterian Church in Tallahassee."

" An act to amend an act passed January 30, 1838, entitled an act to incorporate the city of Apalachicola."

" A resolution to allow John P. Duval two thousand dollars for compiling the laws of the Territory."

" A resolution requesting the Delegate in Congress from this Territory, to endeavor to procure an appropriation of five thousand dollars to repair the court house in Walton county."

" A resolution requesting certain individuals therein to serve as Delegates to the Convention to be held in Charleston in April next."

" A resolution requesting the Delegate in Congress from this Territory, to endeavor to provide for an additional member of the Legislative Council from the counties of Calhoun, Franklin, and Columbia."

" A resolution requesting our Delegate in Congress to procure the establishment of a Post Office at Eucheennu, in Walton county, and an appropriation of twenty-five hundred dollars to repair the road from Lagrange to Marianna."

" A resolution requesting our Delegate in Congress to endeavor to procure an appropriation of \$5,000 to repair the road from Jacksonville to Rosse's Bluff."

R. K. CALL, Governor of Florida.

EXECUTIVE OFFICE,
Tallahassee, March 4, 1839.

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

GENTLEMEN: I have approved and ordered to be deposited in the office of the Secretary of the Territory the following acts and resolutions:

"An act to prevent the future exercise of corporate privileges by certain banking corporations."

"An act to alter and fix the terms of the Superior courts of the Apalachicola district."

"An act to amend the several acts now in force in relation to elections."

"An act to amend the several acts incorporating the town of Marianna."

"An act in relation to public defaulters."

"An act to amend the several acts and in addition to the acts relating to county courts."

"An act to authorize the Brunswick and Florida Rail Road Company to extend their improvements into the Territory of Florida."

"An act to amend the several acts to incorporate the Lake Wemico and St. Joseph Canal and Rail Road Company."

"An act in addition to the military laws now in force."

"An act to incorporate the Bank of Apalachicola."

"An act to alter and fix the terms of the Superior courts in the Middle-District of Florida."

"An act to amend an act entitled an act to incorporate the St. Andrews and Chipola Canal Company."

"An act for the relief of Maj. Charles Mapes."

"An act to provide for building a Capitol and for other purposes."

"A resolution in relation to the publication of the laws in force in this Territory."

"A resolution requiring the Auditor to audit and pay certain accounts."

"A resolution requiring the Auditor of the Territory to institute suit against certain defaulting revenue officers."

And I have disapproved and herewith return the act entitled "an act to raise by lottery a sum of money to build a Masonic Hall in the city of Tallahassee, and for other purposes." The means by which the money is proposed to be raised is unworthy of the noble object of its appropriation. I regard the lottery system as the most pernicious and demoralizing species of gambling, and I cannot give it my sanction, even for the meritorious purpose of erecting a temple dedicated to the holy St. John. I respect the ancient order of free Masonry too highly to associate it with the desperate fortune of the gambling table, and should consider the temple of its mystery polluted by such an association; the act is therefore disapproved.

R. K. CALL, Governor of Florida.

On the question of the veto of the Governor to the lottery bill of Tallahassee, the yeas and nays were called by Messrs. Mills and Berthelot, and were, yeas—Mr. President, Messrs. Berthelot, Hawkins, and Mills, 4 ; nays—Messrs. Bailey, Duval, Dupont, Walker and Wright, 5 ; so said bill was lost.

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

On motion of Mr. Ferguson, resolved that the finance committee from the House of Representatives confer with the same committee from the Senate, and the two committees together draft a compensation bill for the members and officers of each House, and that the Senate be informed of the same.

The rules of the House being unanimously waived, the above resolution was read and adopted by the House of Representatives. March 4, 1839.

Att.

JOS. B. LANCASTER, Clerk H. R.

On the question—" will the Senate concur in the above resolution," the yeas and nays were called by Messrs. Duval and Mills, and were, yeas— Messrs. Duval, Dupont, and Wright, 3 ; nays—Mr. President, Messrs. Bailey, Berthelot, Hawkins, Mills, Marvin, and Walker, 7 ; so the Senate did not concur.

The Senate then took a recess until 3 o'clock.

3 o'clock:

On motion of Mr. Marvin, the vote on the above resolution was reconsidered, upon which the yeas and nays were called by Messrs. Mills and Wright, and were, yeas—Messrs. Bailey, Duval, Dupont, Marvin, and Wright, 5 ; nays—Mr. President, Messrs. Berthelot, Hawkins, Mills, and Walker, 5 ; so said reconsideration was lost.

Preamble and resolution by Mr. Duval :

Whereas, an unfortunate disagreement has arisen on the passage of the appropriation bill sent from the House of Representatives to the Senate, and the committees appointed by the two Houses having disagreed, it has become necessary for the Senate, in order to maintain its legitimate powers, to protest against the assumption of power claimed by the House of Representatives, to wit: the exclusive right to appropriate any amount for their officers, and for the expenses of said House, denying to the Senate any right to alter, change, or amend their said appropriations, as stated ; and whereas the Senate cannot recognize any such exclusive right in the House of Representatives, without annihilating its rights as a co-ordinate branch of the Legislative Council.

Be it therefore resolved by the Senate of the Legislative Council of the Territory of Florida, that the Secretary of the Treasury of the United States, be requested not to pay any of the accounts or appropriations attempted to be passed or audited by any resolutions of the said House that has not received the assent of the Senate.

Be it further resolved, that the Secretary of the Senate make out a copy of the bill, sent by the House of Representatives to the Senate, to be entitled " an act for the compensation of the members

and officers of the Legislative Council and for other purposes;" also the resolution passed by the Senate and transmitted to the House of Representatives, calling for the accounts on which they founded the appropriations, and the report of the finance committee of the House of Representatives, in answer to the Senate's call, with the resolution sustaining the report of their finance committee, together with the proceeding adopted by the Senate, for a conference with a committee of the House and their report thereon; and also the report of the Senate's committee, maintaining the rights of the Senate, which copy shall be signed by the President of the Senate, and certified by the Secretary with these resolutions, and the same shall immediately be transmitted to the Secretary of the Treasury of the United States.

Be it further resolved that the Governor, as a co-ordinate branch of the Legislative Council, be requested not to sign or permit to be audited any accounts, sanctioned by the House of Representatives, without the concurrence of the Senate.

Which were adopted.

Resolution by Mr. Wright:

Resolved that a joint committee of the Senate and House of Representatives be appointed to wait on the Governor and inform him that the Legislative Council is now ready to adjourn sine die, which was adopted.

On motion of Mr. Duval, a committee was appointed to join a committee on the part of the House to wait on the Governor in compliance with the above resolution. Messrs. Duval and Wright were appointed said committee.

The Senate took a recess for one hour.

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

EXECUTIVE OFFICE,
Tallahassee, March 4, 1839. }

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

GENTLEMEN I have approved and ordered to be deposited in the office of the Secretary "an act for the relief of William Kelly;" also, "an act concerning tax collectors, and for other purposes."

R. K. CALL, Governor of Florida.

Mr. Hawkins moves that the finance committee be instructed to report to the Senate what sums are severally due to the officers of the Senate, and for printing, and for what other expenses and to whom due; which was carried.

The finance committee have the honor to report that the following accounts for the expenses of the present session of the Senate are just and should be allowed, to wit:

The account of J. S. Robinson, for taking care of the Capitol during the past year, to be paid out of the Tallahassee fund \$200.

The account of J. S. Robinson chief clerk \$650.

The account of each of the engrossing clerks \$433, in all \$1,299.

- The account of Alfred A. Fisher as sergeant at arms, \$306 25.
- The account of T. B. Fitzpatrick as doorkeeper, \$306 25.
- The account of William Wilson for stationary and contingencies \$787 13.
- The account of Haywood & Austin for furniture \$127 88.
- The account of Alfred A. Fisher for wood and servant hire \$60.
- The account of Samuel S. Sibley for printing for Senate, during the session \$659 27.

BENJ. D. WRIGHT,

Chairman.

His Excellency, the Governor, by his private Secretary, Mr. Copeland, transmitted to the Senate the following message :
To the Senate of the Legislative Council of Florida.

GENTLEMEN : I have this moment seen a preamble and resolutions, passed by your honorable body, requesting the Secretary of the Treasury not to pay any of the expenses incurred at the present session of the Legislative Council by the House of Representatives. I have seen this manifestation of feeling with much regret, and cannot forbear expressing my earnest desire, that the resolutions may be rescinded by the Senate. It is calculated, in my opinion not only to impair the respect due to both branches of our Legislature, but to do very great injustice to the clerks and other officers who are no participants in the controversy. It would also be doing an injury to other persons who have claims against the Territory for articles furnished, and destroying the confidence and respect of the people for our local institutions. The Executive would greatly have preferred that a more harmonious intercourse should have been maintained, and that the usual appropriation bill should have been passed. But in the absence of this important guide for his conduct he will nevertheless endeavor to do impartial justice by distributing and paying out the sum appropriated according to the intentions of Congress.

R. K. CALL, Governor of Florida.

Mr. Wright moved a reconsideration of the vote taken on the resolutions offered by Mr. Duval, upon which the yeas and nays were called by Messrs. Berthelot and Duval, and were, yeas—Messrs. Bailey, Hawkins, Marvin, and Wright, 4 ; nays—Mr. President, Messrs. Berthelot, Duval, Dupont, Mills, and Walker, 6 ; so said reconsideration was lost.

Mr. Hawkins offered the following resolution, viz : resolved, that the thanks of the Senate be tendered to the presiding officer thereof for the cautious, dignified, and impartial manner in which he has presided during the present session, which was unanimously adopted.

On motion of Mr. Duval,
 The Senate then adjourned sine die.