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A JOURNAL

OF THE

PROCEEDINGS

OF THE

SENATE

OF THE

TERRITORY OF FLORIDA,

AT ITS SECOND SESSION.

BEGUN AND HELD AT THE CITY OF TALLAHASSEE, ON MONDAY THE SIXTH DAY OF JAN., EIGHTEEN HUNDRED AND FORTY.

TALLAHASSEE:
J. B. WEBB, PRINTER, STAR OFFICE.

1840.

A JOURNAL

Of the proceedings of the Senate of the Legislative Council of the TERRITORY OF FLORIDA, *at a session begun and held at the Capitol in the City of Tallahassee, Monday, 6th Jan.* 1840.

MONDAY, Jan. 6, 1840.

The following members appeared and took their seats.

From the *Western District*—Hon. George Walker, Hon. Benjamin D. Wright.

From the *Middle District*—Hon. William Bailey, Hon. James A. Berthelot, Hon. William P. Duval, and Hon. Charles H. Dupont.

From the *Eastern District*—Hon. John Warren, Hon. William J. Mills.

On Motion of Mr. Duval, Mr. Warren was called to the Chair.

When on motion of Mr. Dupont, the Senate went into an election of President: On the first ballot, Mr. Warren was unanimously chosen.

On motion of Mr. Wright, that the Senate re-appoint its former officers. James S. Robinson, was unanimously chosen Secretary, James T. Archer and L. F. Mosher, engrossing and enrolling clerks, and Alfred A. Fisher, Sergeant at Arms.

On motion of Mr. Dupont, the Senate proceeded to elect a third Enrolling and Engrossing Clerk, When Mr. Campbell was duly chosen and qualified.

On motion of Mr. Bailey, the Senate proceeded to choose a door keeper, When James Wallace was declared elected and duly qualified.

On motion of Mr. Wright, a message was sent to the House of Representatives, informing it that a quorum of the Senate is now assembled and ready to proceed to business.

Mr. Berthelot, moved that a committee of three be appointed to draft and report rules for the government of the Senate, and also to meet any committee on the part of the House of Representatives, to draft and report joint rules for the government of

both Houses; and that in the mean time, the rules of the last Senate be considered the rules of the present: which was adopted, and Messrs. Berthelot, Wright and Mills, appointed said committee.

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

TUESDAY, JAN 7th, 1840.

The Senate met pursuant to adjournment and there being no quorum present, adjourned until to-morrow 12 o'clock.

WEDNESDAY, JAN. 8th, 1840.

The Senate met pursuant to adjournment, the proceedings of the two previous days were read.

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

THURSDAY, Jan. 9th, 1840.

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

Mr. English from the Southern District, appeared, was duly qualified and took his seat.

Mr. Duval, offered the following resolutions, viz:

Be it resolved by the Senate, that a committee be appointed to meet any committee on the part of the House of Representatives, to contract for the printing of the laws of the present session of the Legislative Council, which was adopted, Messrs. Duval, Wright and Mills, were appointed said committee.

Mr. Dupont, introduced the following resolution.

Resolved. That the Secretary of the Territory be requested to furnish to the Senate eleven copies of the compiled laws and the same number of the organize laws for the use of the Senate, which was adopted.

The Senate then adjourned until Monday 12 o'clock.

MONDAY, JAN. 13th, 1840.

The Senate met pursuant to adjournment, and there being no quorum present, adjourned until to-morrow 11 o'clock.

TUESDAY, JAN. 14th, 1840.

The Senate met pursuant to adjournment, and the proceedings of the previous day were read.

The following communication was received from the Secretary of the Territory, viz:

To the Honorable the Senate of the Legislative Council of the Territory of Florida.

In compliance with the request of the Senate contained in their resolution of the 9th inst. I transmit eleven copies of the Compilation of the Laws of Florida, and the same number of copies of the Laws of Congress, relative to Florida, in pamphlet form.

Very respertfully,
Your ob't serv't,
J. M'CANTS.
Secretary of Florida.

His Excellency, the Governor, transmitted to the Sonate the following message:

Fellow Citizens of the Legislative Council:

The past year has been to us, remarkable, for the chastisements and mercies of Providence. In portions of the Territory where diseases was scarcely known, sickness and death appeared in their most formidable guise, and many valuable lives have been lost to the country;—the Seminole insurrection has continued with unabated violence, and the excitements and heats of a factious spirit, have sometimes made society—what it should never be—a scene of anxiety and disorder. On the other hand, the *general health* of the Territory is a subject of congratulation, and the labors of the Planter are rewarded with a large increase. It is our duty to bow with fear, resignation and thankfulness before that great Being, whose wrath and whose blessings have been poured in a mingled stream upon our People.

The efforts of the General and Territorial Governments to quell the Indian disturbances, which have prevailed through four long years, have been unavailing, and it would seem, that the prophecy of the most sagacious leader of the Indians will be more than fulfilled;—the close of the fifth year will probably find us, still struggling in a contest remarkable for magnanimity, forbearance and credulity on the one side, and ferocity and bad faith on the other. We are waging a war with beasts of prey—the tactics that belong to civilized nations are but shackles and fetters in its prosecution;—we must "fight fire with fire,"—the white man must, in a great measure, adopt the mode of warfare, pursued by the red man, and we can only hope for success, by continually harrassing and pursuing the enemy. If we

drive him from Hammock to Hammock and from Swamp to Swamp—if we penetrate the recesses where his women and children are hidden—if, in self-defence, we show as little mercy to him as he has shown to us—the anxiety and suspense induced by such operations will not fail, it is believed, to produce prosperous results. It is high time that *sickly sentimentality* should cease. "Lo, the poor Indian!" is the exclamation for the Fanatic and Pseudo-Philanthropist;—"Lo the poor whiteman!" is the ejaculation, which all will utter, who have witnessed the inhuman butchery of women and children, and the massacres that have drenched the Territory in blood.

In the future prosecution of the war, it is important that a generous confidence should be reposed in the General Government. It may be, that mistakes and errors have been committed on all hands, but the peculiar adaptation of the country to the cowardly system of the foe, and its inaptitude to the operations of a regular army—the varying and often contradictory views and opinions of the best informed of our citizens—and the embarrassments which these causes must have produced to the authorities at Washington, furnish to the impartial mind, some excuse at least, for the failures that have hitherto occurred. It is our duty to be less mindful of the past than of the future. Convinced that the present incumbent of the Presidental chair regards with a sincere and intense interest, the afflictions we endure—relying upon the patriotism, talent and sound judgment of the distinguished Carolinian who presides over the Department of War, and confident in the wisdom of Congress—let us prepare to second, with every nerve, the measures that may be devised for our relief. Feeling as we do, the immediate pressure of circumstances, let us exert to the extremest point, all our powers to rid us of the evil by which we are oppressed. Let us by a conciliatory course, endeavor to allay any unkindness of feeling which may exist between the United States Army and the militia of Florida, and by union of sentiment among ourselves, advance the happy period when the Territory shall enjoy—what she so much needs—a long season of peace and tranquility.

It is not in my power to present to you a detailed account of the military operations within the Territory, of the past year. Three Companies employed in defending the country this side of the Ocilla, acting under Territorial Officers, and independently of the Regular Army, have been retained by me in the service, together with the Major commanding them, a quartermaster and a Surgeon. The Secretary of the Territory, will prepare and submit to you, as soon as possible, statements showing the amount of money raised for military purposes, upon the credit of the Territory, the sums disbursed, and the quantity of stores and provisions now on hand.

Your attention is respectfully directed to the act of last year authorising the employment of troops on the Territorial account, by it, the Governor is empowered to detail or appoint field officers, captains, and commissioned officers. Is the precedent affording so ample a power, entirely prudent;—should not those who take up arms in defence of the country, be entitled to the selection of their own officers;—would not the strength and efficiency of the corps be promoted by the mutual confidence of the commanding and commanded, springing from the preference evinced on the one side, and the trust and honor conferred on the other? These are questions which, it occurs to me, deserve some consideration. Whatever measures you may adopt, having for their object, the defence and protection of the Territory, will meet with an earnest effort on my part, to carry them into execution—and may Heaven grant, that the darkness that now settles upon all our prospects, may soon be dispelled by a bright and cheering morning.

The Banks and the currency of Florida are topics, which can scarcely be touched without exciting sensibilities and, it is feared, producing irritation. This should not be so. If the corporations of the country have performed their duty to the public and kept themselves strictly, within the limits prescribed by their Charters—a generous and intelligent people will sustain them. It it be otherwise—if they have advanced the interests of the few, and disregarded those of the many—if they have considered their charters as mere paper barriers which may be broken down at pleasure—it must be expected that the people will sooner or later, do themselves justice, and that frown or resist who may, they will detect the abuse of those privileges, for which the very corporators themselves are indebted to the popular kindness and generosity. The people have a right to investigate and enquire into the affairs of the Banks, which have been created by their Representatives, who derive all their powers from the General Government, and hold them in trust for their constituents. The veil of mystery overshadowing these creations of the Legislature—and which is one of the chief evils incident to the system—should not be impenetrable to those, whose duty it is, to scrutinize every cause which may have the remotest tendency, for weal or woe, upon the destinies of society.

The public mind has for some time past been actively alive to this important subject. On the one hand, it has been insisted, that the banks have been mismanaged, and are in the broad road to ruin;—on the other, it is declared that they are entirely solvent and have been conducted with prudence and skill. Thus, is an issue made up, and it remains to be tried. The adduction of facts and an impartial investigation will lead to a correct judgment. It may not be denied that the currency of the Union

Bank is in a depreciated state; in the extremes of the Territory —to the East and to the West—it is almost valueless, and, at the threshold of the banking house, high prices—particularly of the great staple of the country, which sells in Tallahassee at a considerable advance over the markets of other southern cities: prove, that whatever may be the soundness of the institution, its promises to pay are held in some suspicion and its credit is impaired. The connexion of the Bank of Pensacola with the projected Alabama, Florida, and Georgia Railroad, has not it is believed, been prosperous. It is said that the construction of the road is for the present, at least, abandoned, and that the iron, locomotives, cars and materials collected for the work have been withdrawn from the Territory. It is understood that the bank, as a bank, has been and is conducted with prudence, and that specie is forthcoming at its counter in payment of its notes; but fears are entertained that its affairs are inextricably entangled with those of the railroad company, for which it is responsible to a very formidable extent. Its circulation does not run into East Florida, and its notes are said not to be receivable at the Union Bank. There are complaints also against the Southern Life Insurance and Trust Company. There are many who think its operations are conducted more for the benefit of persons abroad than of our people at home—that it "waves the flag of its displeasure" over those who demand the specie to which its currency purports to be equivalent, and dispenses its favors only and largely, to its friends. To all these institutions it is objected, that they have entered the political arena and are struggling to produce a conflux of money and political power, whose overwhelming tide would threaten with destruction the best interests of a free people.

With these impressions and suspicions circulating far and wide, it is due both to the banks and the people that the true situation of things should be distinctly understood. If the banks have been wronged they are entitled to redress in its most ample form. On the other hand, if it be found that there are just grounds of complaint, no effort should be spared to apply the appropriate remedy and to introduce a thorough reformation. The Territory possesses another motive for strict and rigid scrutiny into the affairs of these institutions. It is the guarantee of the Pensacola Bank to the amount of $500,000—its bonds have been given to the Union Bank, and for its use, to the amount of three millions—to what amount a credit has been afforded to sustain the Southern Life Insurance and Trust Company, it is not in my power at present to say. There are those who contend against any authority in the Legislative Council to cast such responsibilities upon the people of the Territory—but, without venturing to touch this question at all—it is the obvious duty of those charged with the administration of the

Territorial Government to see, that the public credit receives no detriment from the conduct of the corporations, to which it has been so liberally dispensed. In ordinary life, the security or endorser who would satisfy himself of the solvency or ability to pay, of the principal for whose debt he is liable, would not be considered impertinent or intrusive; should the case be different, where a fictitious personage is the principal, and the Territory the security? But, if doubt could rest on such a question, there can be none, surely, where the Territory is the principal, and the Bank the security, as is the case, in an instance in which millions are involved.

Added to these considerations is another of much weight; the subject is not only of deep interest within the Territory, but it has been deemed of sufficient importance at Washington to occupy a place in the annual message of the President to Congress. When this wise and eminent statesman considers it proper to advert to this topic, we should feel some mistrust of our own judgment were it even to suggest that it should be avoided.

What course may be pursued is left to your wisdom to decide. *Scrutiny* appears to me to be necessary—it should be thorough, deliberate and impartial; divested of party heat and political prejudice.

It is hoped, that what has been said may not be considered as evincing hostility to the banks; such a feeling is now, and has always been, sedulously resisted. The banks are entitled to every thing which by their charters and the laws of the land, they have a right to claim, and they should be protected with care and pertinacity, in the enjoyment of their just rights and privileges; but it can never be forgotten, that in every corporation there are elements unfriendly to republicanism, and over which an unceasing vigilance should be exercised.

Our Statute Book is thronged with acts creating corporations. Bank, Railroad and Canal charters figure prominently in your laws, and even a favorite amusement has been clad in the fashionable livery of a charter. Some of the banks have no longer any other existence than on paper, and it is respectfully suggested that measures—in addition to those already adopted—be taken, to obtain a legal forfeiture of these charters, and the settlement of their affairs. In relation to all other corporations, might it not be well, in such manner as to the Legislature may seem meet, to institute an examination for the purpose of ascertaining if they have been discreetly or improvidently conducted. The visitatorial power vests in the representatives of the people, and it seems to me, it should be immediately exercised.

The Constitution of the State of Florida adopted twelve months since at St. Joseph, having been approved and accepted by the People of Florida, the question of admission into the Un-

ion is added to those, by which we are agitated. It will be settled of course, as all questions should be, where Republican Institutions prevail, by the will of the majority. The people have several times announced their determination to claim admission into the Union, in which, if they still persevere, it is not for a minority, however respectable and intelligent, to oppose their wishes. But the time for admission might be so regulated, as to furnish a proof on the part of the majority, of a desire to accommodate as far as practicable, the lesser number who are opposed to immediate action. Our fellowcitizens of the East and the West, believe, that their views and the sufferings, of our people, especially in the Eastern District, should be permitted to abate the eagerness, with which, many desire to hasten into the Sisterhood of the States. Whenever a favorable opportunity of successfully urging our claim to admission, before Congress pesents itself, it should doubtless be embraced and improved; but the time at which the State Government shall go into operation, might be so arranged, as to satisfy the scruples of those of our fellow-citizens, who think that a speedy change in our form of Government, would be grievious and oppressive.

The proposition to divide the Territory and to establish two Territorial, and finally, two State Governments, has been much urged and discussed by its Partizans, before the People. There are great and inherent difficulties attending the accomplishment of such a purpose. It is said there is little intercommunication and no community of interests between the Eastern and Western portions of the Territory; but if this be a good reason, it is also valid to effect a division of the Country into numerous fractions. What common feeling and interest is there between Tallahassee and Pensacola—St. Joseph and Apalachicola—Jacksonville and St. Augustine—Key West and Tampa? The truth perhaps is, there is no point at present prominently presenting itself, if we except the mouth of the Apalachicola or St. Joseph, where the products of an extensive and rich back country may be expected to concentrate and give life to commerce. The country is not calculated for the support of an Emporium, but of numerous small and flourishing towns, scatteredalong our rivers and around our bays; each the receptacle of commerce from abroad, and of the agricultural products of a circumjacent region. These geographical tendencies to the estrangement so to speak, of one section or portion of country from the rest, can only be counteracted by Rail Roads, Canals and other internal improvements, in after time, to be established,—established, not for the purpose of favoring speculations, but for the general good; binding us together by the strong ties of kindness and interest, and making as one people. If such causes should be without effect, and the inclination to disunion shall remain, it will then be time enough, when each portion of the

country possesses a permanent population and a fixed character—for the East to separate from the West :—and such a separation might be prospectively provided for, in the act admitting Florida into the Union.

It would be difficult to decide upon the line of Division—some would insist upon the Apalachicola, others the Suwannee, others again, a line drawn across the Peninsula to the St. Johns, at or below Jacksonville, or elswhere. No point of separation could be suggested without encountering grave objections and angry discussions.

But agree or disagree as we may upon this matter; will Congress favor the project? Will sagacious Statesmen consent to an arrangement, by which Florida may be retarded for a long series of years, in violation of the treaty with Spain, which evidently contemplated her speedy admission into the Union? That Treaty, it will be remembered, refers to no ratio of representation, no such ratio is declared to be necessary by the Constitution of the United States to the admission of new States into the Union; but if it be necessary, as some insist, is it obvious, that a continually increasing ratio connected with a division of the Territory, may defeat *forever* the intentions of the high contracting parties expressed in the Treaty of Cession and the Royal Edict of the Spanish King which followed it. Besides, will it be acceptable to the United States, to fasten upon themselves, the expenses of two Territorial Governments, instead of one, *ad infinitum?* Would it be acceptable to Florida, to remain so long in a state of political nonage or pupilage, and dependent for support upon the General Government, when she might rise into importance and independence; exert her own energies, make herself heard in the Halls of Congress, govern herself, and aid in the government of the Union.

But why is the State form of Government looked to with any apprehension or alarm? In the east, the answer is, because it will produce taxation, and we are not prepared to pay taxes. It is perfectly true, that the East, covered with affliction, is unable to pay taxes; but is it true, that so soon as the machinery of State Government is put in motion, the tax gatherer will be sent abroad to wring from our citizens the poor remains of what Indian devastation has left them? If the credit of the Territory has been invoked for the purpose of pouring millions into Bank Coffers, would not the credit of a state—much more valuable, and in consequence much more effective—be resorted to for providing the ways and means of government, until our bleeding wounds are healed, and a capacity to support the government returns with returning prosperity. And, this fearful power of taxation: where does it abide? In the hands of the people! It would be their province and

their privilege to control it. Will they doubt their own patriotism, good sense and sound discretion?

But let us have a care—there may be more than meets the eye in this matter of division. Those beyond the Potomac, who profess a heresy dangerous to southern rights and institutions, will favor division: those who would palm upon us the great grant to the duke of Alagon—a grant annulled by Treaty, King and *Cortes*—will zealously support the same measure.

Although expressing myself with freedom, it is not intended to offer the slightest disrespect to the opinions of others.—Theirs may be right and mine wrong; but sometimes the conviction presses upon me, that disastrous as her fortunes are, were Florida a State, this Indian War—our chiefest ill—would not be of long duration.

It seems to me that the criminal law requires revision. It is remarkable that the crimes of mayhem and assault upon the person of a citizen with intent to commit murder are not as severely punished as the offence of maiming or wounding cattle—and the punishment of the latter is but little less severe than that of manslaughter. The laws in relation to duelling require attention; they should be amended with a care comensurate with the known evasions of all statutory regulations on this subject. It were but common place, to inveigh against the cruelty of this practice; but the experience of every day shows that all its influences are evil. It ministers to bad passions, exults in bloody triumph over the laws of the land, and entails unspeakable distress upon hapless widows and innocent children. In a country where civilization is a boast, nothing should be unessayed to drive from society its own bitter enemy, and the foe of domestic happiness. The punishment of libel is perhaps inadequate; it should not be by fine only, but imprisonment should be superadded. In connection with the criminal law, may be stated, the general want of jails throughout the country. In East Florida there is not a secure jail in any one of the counties, and it is believed that the South, Middle and Western districts, are almost or quite as destitute. Without prisons the criminal law cannot be enforced—with them, and an appropriate discipline, the cause of humanity might be advanced, by abolishing the barbarous punishments of whipping, branding and pillory.

There is an act of 1833, entitled "An Act for the removal of Justices of the Peace," &c., the first section of which inflicts too summary a punishment; it empowers the Governor or any Judge of the Superior Court, on motion and ten days notice, for cause shown, to remove any Justice of the Peace, Auctioneer, or other person holding office by appointment, from the Governor and Legislative Council," and to appoint others in their pla-

ces." The offences for which such persons may be removable, should be defined by law, and the removal follow as a punishment after trial by jury and conviction. It is, besides, quite a novel provision to vest the appointing power in a Judge. I respectfully submit to your better judgement, that this law should be, in part, at least, repealed.

The power of taxation so much dreaded in a State Government, is at present possessed by the Territorial Legislature.—The same regard to public opinion, which has hitherto generally controlled it. will continue to control it, so long as its exercise belongs to the representatives of the people, whatever may be the form of the government. It is believed that the Tax act of last session has not proved agreeable to the people, and your attention is invited to its provisions, which require modification or repeal. The collection of taxes is a subject of difficulty and delicacy. The laws for that purpose have been hitherto unequally enforced; and here, it is repeated, that many persons in East Florida, driven from their homes, and clustering around military posts for safety and protection, are unable to pay taxes. Light taxes, just in sufficient amount to meet the actual exigences of the Territorial Treasury, should be imposed, and those who cannot pay them, in consequence of the unfortunate circumstances of the time, which have made them homeless wanderers, and rendered their property valuelesss, should be exempted from their payment.

It is not considered necessary to say more in relation to roads and highways, than that for those which have been used for military purposes, by the United States troops and the waggons in their service, we may reasonably expect, upon the proper application, appropriations from the Federal Treasury.

Upon the subject of Internal Improvements, it cannot be necessary to enlarge, while the Indian war continues: upon that of education, a communication will, if possible, be offered you at some future time during your session.

The Agent deputed to Cuba, has returned, after a prompt and successful performance of the duty with which he was charged. His report, when presented, will be transmitted to you.

The Commissioner of the Tallahassee Fund has presented a long and able report which will be submitted to you in a few days. The fund, including the appropriation, by Congress, for public buildings, is estimated at $58,007. Doctor English has done much to unravel the intricacies in which the affairs of the fund were involved, from looseness and mismanagement; and it is much to be regretted, that the Territory is about to loose the services of an intelligent, persevering and valuable officer.

The outrage recently committed upon the whole community and upon the person of the gentleman who was subsequently honored by the House of Representives, in his appointment to

the Chair of that body, cannot be too much deplored; as also the fact, that the offender has not been arrested and brought to answer to the laws for their signal violation. Is it to be tolerated, that in this country, and at this time of day, resort is had to the most atrocious weapons, and the avenger lifts his "red right arm" in defiance of all authority, both human and divine? It is hoped that the laws will be strengthened, for the purpose of preventing such occurrences in future; but we must all be aware, that though carried to the intensest point of severity, they would be unavailing, unless approved and seconded by an enlightened public opinion. The truth has been admitted through all time, that where the people are virtuous, bad laws do no harm; where it is otherwise, good laws do no good. Upon public indignation then, as well as the laws, must we rely to bring us back, when we have wandered, to the paths of peace and good order.

Prepared as it is in haste, and in the midst of pressing employments, this communication is commended to your kindness and indulgence. Its errors and defects will be supplied and corrected by your wisdom and experience.

Fellow-citizens, the most important duties await you. Perhaps never since the first Council, after the exchange of flags, has there been a crisis of Legislative action, so interesting and momentous as the present. May "wisdom, justice and moderaation," preside over your Councils, and give to them—with the blessing of Heaven—such direction as may best promote the best interests of the whole Territory.

ROBERT RAYMOND REID.

EXECUTIVE DEPARTMENT, 13th Jan. 1840.

Which was read, and 500 copies ordered to be printed.

Mr. Duval gives notice that he will, on some future day, introduce a bill to be entitled "An Act to repeal an act granting writs of error in criminal cases." Also,

A bill to be entitled "An Act to repeal in part the Revenue Laws. Also,

A bill to be entitled "An Act to amend the several acts concerning Notaries Public."

Mr. Dupont introduced the following resolution:

Resolved, That the hour of meeting of the Senate shall, unless otherwise ordered, be 11 o'clock A. M., which was read.

The President appointed the following standing committee's.

Judiciary.

Messrs.—Duval,
Hawkins,
Dupont,
Walker,
Wright,
Berthelot,

State of the Territory—Charge of Claims, Elections and Militia.

Messrs.—Mills,
Hart,
Bailey,
Walker,
English.

Finance and Banks.

Messrs.—Wright,
Dupont,
Mills,
Hawkins,
Hart,
English,

Schools, Colleges and Enrolled Bills.

Messrs.—Berthelot,
Hawkins,
Mills,

Which were read.

The resolution of Mr. Dupont respecting the hours of the meeting of the Senate, was again read and adopted.

Mr. Berthelot, from the select committee appointed to draft rules for the government of the Senate, reported the rules of the last Senate, without any amendment, modification or addition, as proper for the government of the present session of the Senate, and in regard to the joint rules of both houses, asked for their leave to report.

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

WEDNESDAY, Jan. 15, 1840.

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

Mr. Berthelot, gives notice that he will on some future day, introduce a bill to be entitled, an act to provide against the suspension of Specie payments by the Banks of this Territory, and for other purposes.

Also, a bill to be entitled, an act to repeal an act in addition to the military Laws now in force, approved March 4th 1839.

Mr. Wright, gives notice that he will on some future day, ask leave to introduce a bill to be entitled, an act concerning fees.

Mr Duval, asked and obtained leave to introduce a bill entitled, an act to prevent duelling.

Also, a bill to repeal an act granting appeals and writs of error in criminal cases.

Also, a bill to amend the several acts concerning notaries public, which were read a first and second time by their tellers, and referred to said committee.

Mr. Dupont gives notice that he will, on some future day, ask leave to introduce a bill to prohibit the introduction of slaves into this territory, for the purpose of sale or traffic.

The Senate then adjourned until to-morrow.

THURSDAY, 16th Jan. 1840.

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

Mr. Walker gave notice that he will introduce a bill, to authorize the Judges of the Superior Courts, to hold extra terms of Courts for the trial of Criminal causes: also,

A bill, to change the time of holding the Superior Courts of Walton County.

Agreeable to previous notice, Mr. Berthelot asked and obtained leave to introduce a bill, to be entitled, "an act to repeal an act in addition to the military laws now in force," which was read a first and second time by its title, and referred to the committee on Military.

Mr. Dupont gave notice that he will on a future day, ask leave to introduce a bill, to repeal an act entitled "an act to amend an act concerning Dowers."

Mr. Duval from a select committee, reported the following proposals, viz:

TALLAHASSEE, Jan. 13, 1840.

To the Committee on Printing.

GENTLEMEN: I will do the miscellaneous printing of the Senate, at four cents the one hundred words, counting the first twenty copies; and will furnish the Senate with as many more extra copies as they may require free of charge.

I will print the Journals of the Senate (750 copies) in good type, and on good paper, at $3 50 a page including folding and stitching, and publish the same in the "Star."

The work to be completed within 15 days after the Secretary shall furnish me with the Journals of the Senate.

Respectfully,

J. B. WEBB.

On motion of Mr. Duval, Mr. Dupont was added to the committee, on the Judiciary.

And on motion of Mr. Berthelot, Mr. Dupont was added to be committee, on Enrolled Bills.

His Excellency the Governor, transmitted to the Senate the following message.

EXECUTIVE DEPARTMENT,
Tallahassee, Jan. 15. 1846.

To the Honorable the Legislative Council of Florida.

Therewith transmit to both branches of the Legislative Council, copies of a letter and a resolution received yesterday from the Secretary of State of the United States.

R. RAYMOND REID.

Which was read, and with the accompanying documents referred to the committee on Finance and Banks.

Mr. Dupont, agreeable to previous notice, asked and obtained leave to introduce a bill, to be entitled, "an act to prohibit the introduction of slaves into this Territory, for traffic or sale."

Which was read a first and second time by its title and referred to the committee on Judiciary.

Mr. Wright, agreeable to pre[illegible] and obtained leave to introduce a bill, to be [illegible] to determine the fees of certain officers in [illegible] and for other purposes."

Which was read a first and second time by its title, and referred to the committee on Judiciary.

Mr. Hawkins, presented the petition of Benj. G. Thornton, which was referred to the committee on the State of the Territory.

Mr. Berthelot, introduced the following Resolutions.

1. *Be it Resolved by the Senate*, That so much of the Governor's Message as relates to the Seminole War, be referred to the Committee on the State of the Territory, with leave to report by bill or otherwise.

2. *Be it further Resolved*, That so much of the Governor's Message as relates to Banks, and other incorporat[illegible] to the Committee on Banks, with leave to report [illegible] or otherwise.

3. *Be it further Resolved*, That so much of the Governor's Message as relates to the admission of the State of Florida into the Federal Union, be referred to a select committee, to be appointed by the Chair, and committee to consist of at least one from each Senatorial District, with leave to report by bill or otherwise.

4. *Be it further Resolved*, That so much of the Governor's Message as relates to the Criminal Laws of this Territory be referred to the Committee on the Judiciary, with leave to report by bill or otherwise.

5. *Be it further Resolved*, That so much of the Governor's Message as relates to the receiver and the collection of Taxes, be referred to the committee on Finance, with leave to report by bill or otherwise.

6. *Be it further Resolved*, That so much of the Governor's Message as relates to the subject of Education, and all communications which may hereafter be offered on that subject by his Excellency the Governor, be referred to the committee on Schools and Colleges, with leave to report by bill or otherwise.

Which were read twice (the rule being waived) and adopted.

Messrs. Berthelot, Hart, Hawkins and English, were appointed a select committee, in accordance with the 3rd Resolution.

On motion, the Senate went into an election for Printer, when J. G. Webb, Esq. was duly elected.

His Excellency the Governor, transmitted to the Senate the following message.

EXECUTIVE DEPARTMENT, }
TALLAHASSEE, Jan. 17, 1849. }

To the Hon. the Senate of the Legislative Council of Florida.

I resuccifully submit to you the report made to me by Col. R. Fitzpatrick, the special agent to Cuba, appointed by the Governor of Florida.

R. RAYMOND REID.

Which was read, and with the accompaying documents referred to the committee on Finance.

Mr. Berthelot, from a select committee to draft joint rules, made a report. [See Appendix.

Which was laid on the table.

The Resolutions of Mr. Berthelot, in relation to Banks, were again read—the first adopted, and the second laid on the table.

The Senate went into secret session on executive business.

On motion, 50 copies of the rules of the Senate were ordered to be printed.

The Senate then adjourned untill to-morrow.

TUESDAY, Jan. 17, 1849.

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

Mr. Dupont, moved that the committee on Joint rules be instructed to confer with the committee of the House upon the propriety of adopting a Joint rule, in relation to the Journals of the [illegible] session of the Legislative Council.

Which was adopted.

The Senate received the following message from the House.

House of Representatives,

Jan. 16. 1840.

Extract from the minutes.

Mr. Meacham, moved that a committee be appointed by the House, to meet the committee on the part of the Senate, to contract for the printing of the Laws of the present Session of the Legislative Council.

Said motion prevailed, and Messrs. Meacham, McRaeny and Irwin, were appointed said committee.

Attest. JAMES H. GIBSON, *Clerk.*

Mr. English, presented a petition, which was referred to the committee on the Judiciary.

Mr. Mills, introduced the following Resolution viz:

Resolved, That the Secretary furnish for the use of the members of the Senate, one copy each of the papers of the city during the Session.

Which was twice read (the rule being waived) and adopted.

Mr. Duval, from the committee on the Judiciary, offered the following bills without amendments, viz:

A bill to be entitled, "an Act to prevent Duelling.

An Act to determine the fees of certain officers in this Territory, and for other purposes.

A bill to be entitled, "an Act to prohibit the introduction of slaves into this Territory for traffic or sale.

An Act to repeal an act, granting appeals and writs of error in criminal cases.

And an Act to amend the several acts concerning Notaries Publick.

Which report was received, and said bills made the order for Monday.

Mr. Wright, from the committee on Finance, made the following report.

The committee on Finance and Banks, to whom were referred the Resolutions of the Senate of the United States, passed Dec. 30, 1839, in relation to the Florida Banks, have the honor to report: that the obtaining of the information required by said resolutions, seems to your committee to be [illegible] an executive duty—The Journals of the Legislative Council from which most of the information sought for must be derived, are in the custody of the Secretary of the Territory, as are also the annual reports of the Banks, it is supposed that a thorough investigation of the affairs of the several Banks, now in operation in the Territory, will be made by the Legislative Council in the course of its present session; when this shall have been done, it is probable that much of the required information will be supplied. This investigation will however be the work of time.

Your committee therefore ask to be discharged from the further consideration of the subject.

Which report was concurred in.

The Senate then adjourned until Monday 12 o'clock.

MONDAY, JAN. 20th. 1840.

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

On motion of Mr. Mills, the documents relative to the claim of Benjamin G. Thornton, against this Territory, introduced into the Legislative Council at its last session, were referred to the state of the Territory.

Mr. Dupont, agreeable to previous notice, asked and obtained leave to introduce a bill to be entitled "An Act to repeal an act to amend an act concerning Dower," which was read a first and second time by its teller, and referred to the committee on the Judiciary.

Mr. Wright gives notice that he will, on some future day, ask leave to introduce a bill to be entitled "An Act to increase the number of Senators, and to lay off the Territory into Senatorial Districts."

Mr. Hart gives notice that he will, on some future day, ask leave to introduce a bill to authorize Cyrus Briggs to build a ferry across Nassau river.

On motion, a bill to be entitled "An Act to prevent Duelling," was made the order of the day for Wednesday, and thirty copies ordered to be printed.

On motion of Mr. Wright, a bill to be entitled "An Act to determine the fees of certain officers in this Territory, and for other purposes," was laid on the table.

The Senate went into committee of the whole on a bill to be entitled "An Act to prohibit the introduction [illegible] territory for traffic or sale," Mr. Hart in the Chair. After some time spent in its consultation, the committee rose and reported the bill as amended, which was concurred in.

The bill was read a third time by its teller, and ordered to be engrossed, and made the order of the day for to-morrow.

The House of Representatives sent to the Senate the following messages.

Which were read and laid on the table.

His Excellency the Governor transmitted to the Senate the following messages, viz:

EXECUTIVE OFFICE,
Tallahassee, Jan. 20th 1840.

To the Hon. the Senate of the Territory of Florida.

I respectfully submit to you,

I. The account current of the Treasurer of Florida.

II. A report of the Treasurer respecting school funds.

III. A report from the Cashier of the Union Bank.

ROBERT RAYMOND REID.

Which was read and fifty copies ordered to be printed, with the accompanying documents.

Document No. 1 was referred to the Comittee on Finance, No 2 to the committee on the State of the Territory, No. 3 to the committee on Finance and Banks.

A bill to be entitled "An Act to repeal an act granting appeals and writs of error in criminal cases," was read a third time and passed, ordered that the title be as above.

An Act to amend the several acts concerning notaries public, was read a third time and passed, ordered that the title be as above.

The Senate went into secret sesson on Executive business.

The Senate then adjourned until to-morrow.

TUESDAY, JAN. 21, 1840.

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

Mr. Walker, agreeable to previous notice, asked and obtained leave to introduce a bill, to be entitled "An Act to authorize the Judges of the Superior Courts to hold extra terms for the trial of criminal cases," which was read a first and second time, and referred to the committee on the judiciary.

Also, a bill to be entitled "An Act to alter and fix the time of holding the Superior Courts of Walton county:" which was read a first and second time by its teller, and made the order of the day for to-morrow.

Mr. Hawkins gives notice that he will, on some future [illegible] introduce a bill in relation to attachments.

Mr. Berthelot, agreeable to previous notice, asked and obtained leave to introduce a bill to be entitled. "An act to provide against the suspension of specie yayments by the banks of this Territory, which was read a first time, and written copies ordered.

Mr. Wynn, agreeable to previous notice, asked and obtained leave to introduce a bill to be entitled an "an act to increase the number of Senators, and to lay off the Territory into Senatorial Districts, which was read a first and second time, and

referred to the committee on the State of the Territory, and written copies ordered.

Mr. Berthelot presented the petition of J. A. L. Norman, which was read and referred to a select committee.

Messrs. Berthelot, Wright, and Hart were appointed said committee.

Mr. DuVal, from the joint select committee of the Senate and House of Representatives of the Legislative Council of Florida, to which was referred the duty to contract for the printing of the Laws of the present session, report, that they have had before them the proposals of three printers for the publication of the laws of the present session, and J. B. Webb is the lowest bidder by fifty cents on each page. The committee have, therefore, agreed to accept Mr. Webb's proposals, and will proceed to take bond and security from him to execute his contract according to the terms he has offered, and submit the same for approval to the Legislative Council, which report was received.

An engrossed bill, entitled "an act to prohibit the introduction of slaves into this Territory for traffic or sale, was read a third time, and put on its final passage when the yeas and nays were called for, by Messrs. Berthelot and Hills, and were

Yeas—Messrs. DuVal, Dupont, Hawkins and Walker, 4.

Nays—Messrs. President, Berthelot, English, Hart, Mills and Wright, 6.

So the bill was lost.

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

EXECUTIVE DEPARTMENT,
TALLAHASSEE, JAN. 21, 1840.

To the Hon. the Senate of the Legislative Council of the Territory of Florida.

I respectfully transmit to you the statiment and report made to me by the Auditor of the Treasury Department, with the accompanying documents.

ROBERT RAYMOND REID.

Which was read and referred to the committee on the State of the Territory, and fifty copies ordered to be printed.

On motion, the Senate went into secret session on executive business.

On motion, the doors were opened, when

The Senate then adjourned until to-morrow.

WEDNESDAY, JAN. 22, 1840.

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

A bill entitled "an act to prevent duelling," was made the order of the day for to-morrow.

An engrossed bill, entitled "an act to alter and fix the time of holding the Superior Courts of Walton county, was read a third time and passed—ordered that the title be as above.

Resolutions of Mr. Wright, relative to the investigation into the affairs of the banks of this Territory, were read a second time, and made the order of the day for to-morrow.

A bill to provide against the suspension of specie payments by the banks of this Territory, was read and referred to the committee on the Judiciary.

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

EXECUTIVE DEPARTMENT,
Tallahassee, Jan. 21, 1840.

To the Honorable the Senate of the Legislative Council of the Territory of Florida.

I respectfully transmit a copy of a letter just received from the President of the Southern Life Insurance and Trust Company.

ROBERT RAYMOND REID.

REPORT.

Since the last annual statement furnished to the Executive of Florida, the business of the company has necessarily been limited, the capital contributed by the stockholders having been previously loaned on bond and mortgage, or employed in facilitating the operations of trade; the exchanges of the country having become greatly deranged, and a determination on the part of the Trustees to continue specie payments, or give exchange at moderate rates for its notes and obligations, renders it necessary to reduce its circulation, always small, to a very low point, consequently but few of its notes have been issued during the last year, and those generally in transactions calculated to produce funds that would redeem them to the satisfaction of the holder.

It has been found difficult to make collections of interest, or of discounted local paper, except in notes of non-specie paying banks, and there again have necessarily been used in affording the requisite aid to trade, at the offices of this company in West Florida. Had the non-specie paying Banks of the South generally resumed specie payments in the autumn of 1839, as was anticipated instead of being joined in their policy by such as had previously resumed, it was the intention of the Trustees to

have done business to a greater extent upon its own notes, but experience had previously demonstrated the impropriety of enjoying much circulation, without the co-operation in specie payments of the other banks in this Territory and the neighboring States, our issues returned at once upon us for specie or exchange, and at the maturity of the local paper for which our notes had been given, the debtors to the company could only re-imburse us in the circulating medium of the Territory. We were thus reduced to the necessity of either doing no business, or dealing in the best paper which the peculiar circumstances of the case would allow. By so doing it has not been our design to favor the idea of a protracted suspension, but at the same time, that, by example, we were desirous of promoting an early resumption, we did not feel inclined to sacrifice our own interest, by disregarding altogether the opinions and wishes of a very considerable portion of the people of Florida.

As the difficulty of remitting has constantly borne with great severity upon the commercial interests of Florida, we have not deemed it advisable to keep on hand at the offices where our circulation is made redeemable any greater amount of specie than seemed necessary to guard us, in view of our limited circulation, from the necessity of suspension. The expense and risk attendant on bringing specie from large commercial cities where alone it could be obtained, and at which points funds are always wanted, called for the course that we have pursued.

Our experience for most of the last year has clearly proven, that the establishment of an agency in New York, which was determined upon by the Trustees during the last winter, for the purpose of keeping transfer books, paying dividends to northern stockholders; making collections of the exchange we might purchase in Florida; paying the drafts of the several offices and generally proteting our interest there, is likely to be beneficial to the interest of the company, and those who deal with us.

It was believed by those who asked for the incorporation of this company, that the effect of its operations would be, to bring capital into the Territory, and although the charter imposed upon the company the obligation to loan capital upon real and personal estate, a business always un[illegible] to a bank when disconnected with ordinary banking busin[illegible], it was believed by many at the north who were interested to subscribe to the stock and pay in the money, that the right, under the charter, to claim the Territorial endorsement upon the company's obligations, with a pledge to the Territory of securities obtained for capital previously loaned, thus enabling the company to borrow money at less rate than the legal interest of Florida, for the purpose of facilitating commerce, or being returned, would, nevertheless, [illegible] reasonable profit upon their investment.

Soon, however, after the organization of the company, a spi-t of dissatisfaction was found to exist in the Teritory, founded s is humbly conceived, in error, by reason of a majority of the tock of the company being owned abroad. After mature de-beration on the part of the Trustees, it was decided to ask the uthorities of the Territory, to so amend their charter as that he holders of the original script stock, who had paid from wenty-five to thirty per cent, might surrender their stock to he Trustees for redistribution in Florida, and take from them an mount of full stock equal to their payments. The amendment was obtained, and a portion of stock surrendered, which is now eing distributed in Florida, and which will give to Florida tockholders a preponderance in the institution.

To increase the ability of the company to aid, as far as pos-ible, in restoring the currency to a sound state, the Trostees irected, during the early part of the last year, a pledge to be made to the Executive of Florida, of four hundred thousand dollars of their mortgages, which were received for moneys loaned on property, the cash value of which was appraised at double the amount for which the mortgages were taken, (say eight hundred thousand dollars,) and as authorized by their charter, asked for, and obtained the endorsement of the Governor upon four hundred thousand dollars of their certificates, or four hundred certificates of two hundred and twenty-five pounds sterling each. Two hundred and seventy four of these certifi-cates were endorsed on the 22d of August, and one hundred and twenty-six, 20th Dec. last.

These certificates draw five per cent per annum interest, payable half yearly, and are payable in the city of London 26 years after date. They contain on their face a recital of the pledge of securities to the government, and the covenant on the part of the company to remit annually to England, to the agents of the loan, the whole of the interest of 8 per cent, upon the mortgage so pledged to be appropriated by the agents. First five per cent to the payment of interest, and the remaining three per cent as a permanent sinking fund for the redemption of the principal of the certificate at or under par.

They also contain a further condition, that the holders of the certificates, beginning first at the lowest number are obligated to take par for them when offered, or in the event of their refu-sal or neglect to do so, the amount so tendered in redemption is to be invested in Exchequer bills, and thenceforth no interest shall accrue on the said certificates; and if at the maturity of the certificates any them shall remain unredeemed, (which event is not anticipated) the tender of payment at par having been made, the amount so unredeemed is also to be invested in Ex-chequer bills, which are to be deposited in the Bank of Euland, or otherwise, according to law, for the benefit of the holders of

such certificates, and thenceforth the liability of this company as maker, and of the Territory of Florida as endorser, shall cease and determine: and also the claim of the Territory upon the mortgages so pledged or upon others which may have been substituted in case of the voluntary payment of those first pledged, or in case the company should deem it necessary to call for partial payment, by reason of the depreciation of the lands, or of the death of the negroes mortgaged. Thus it will be percieved, that notwithstanding the gradual but certain reduction of the liability of the Territory upon these certificates the security held by the Territory for the whole amount will remain undiminished. A part of these certificates,are in the hands of parties in England, and the residue in transiter, for negociation under an agreement entered into in the spring of 1839, which had the sanction of the Board of Trustees at the time, wherein the company is committed; but the undersigned is not advised whether any part of the proceeds, has been remitted to the Agency of the company in New York.

The debts due to the institution, whether, upon bills of Exchange, notes, or bonds and mortgages, are confidently believed to be entirely safe, with very few exceptions, and no fears are entertained by the Board of Trustees that in the worst event, its losses can equal the amount of surplus profits on hand.

The company has made a semi-annual dividend of five per cent in the months of January and July of last year.

The present trustees of the company are Peter Sken Smith, Arthur M. Reed, Thomas Douglass, J. L. Smith, Turbitt R. Betton, Samuel Reid, Robert Lyon, Wm. Fisher, Lewis H. Branch, and George Field.

Between three and four fifths, of the original stoek is owned in the state of New York and in New England. Without a reference to the books of the company at St. Augustine and the transfer books at New York on a given day, it is not in my power to give the names of the stockholders resident out of the Territory.

The stock owned at the north is, like the stock of other banks, constantly changing owners; nor can the Trustees speak with any degree of certainty, as to the present value, of our certificates endorsed by the Governor, in any of the great money marts, as the price of such securities will always fluctuate with the demand for money.

The statement when forwarded will shew in detail the assets and liabilities of the Company—and if any further explanations or statements shall be considered requisite by the Legislative Council, the Trustees will be ready to furnish them.

All of which is respectfully submitted.

GEO. FIELD, President, So. L. Ins. & Trust Co.

Tallahassee, Jan. 21, 1840.

Which was read, and with the accompanying documents, re-
rred to the committee on Finance and Banks, and fifty copies
dered printed.

The Senate then adjourned until to-morrow.

THURSDAY, JAN. 23, 1840.

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

The Senate went into committee of the whole on a bill enti-
ed an Act to prevent duelling, Mr. Wright in the Chair.

After some time spent in its consideration, the committee
ose and reported the bill as amended, which was concurred in.

The bill was ordered to be engrossed for a third reading on
o-morrow.

The Senate went into committee of the whole on certain
esolutions, before introduced by Mr. Wright, in relation to an
nquiry into the affairs of the Banks of this Territory, Mr. Du-
ont in the chair. After some time spent in their considera-
ion, the committee rose and reported the resolutions as amen-
ed, which report was concurred in.

On the question of the final passage of the resolutions, the
eas and nays were called for by Messrs. DuVal and Mills,
nd were,

Yeas—Mr. President, Messrs. Berthelot, DuVal, Dupont,
English, Hart, Mills, Walker and Wright—9.

Nays—00.

So said resolutions passed.

The Senate then adjourned until to-morrow.

FRIDAY, Jan. 24, 1840.

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

His Excellency the Governor transmitted to the Senate the
following message, viz:

EXECUTIVE DEPARTMENT,
Tallahassee, Jan. 23, 1840.

To the Honorable the Senate of the Legislative Council of Florida,

I respectfully transmit to you a report just received from the President of the Southern Life Insurance and Trust Company.

ROBERT RAYMOND REID.

Which was read, and with the accompanying documents

referred to the committee on banks, and 100 copies ordered to be printed.

The House of Representatives transmitted to the Senate sundry bills passed by the House, which were laid on the table until called for.

An engrossed bill entitled an act to prevent duelling, was read a third time; on the question of its passage the yeas and nays were called by Messrs. English and Wright, and were:

Yeas—Mr. President, Messrs. Berthelot, Duval, Dupont, Hart, Hawkins, Mills, Walker and Wright, 9.

Nays—Mr. English, 1.

So the bill passed—ordered that the title be as above.

The Senate went into secret session on Executive business.

The Senate adjourned until Monday 12 o'clock.

MONDAY, JAN. 27th, 1840.

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

Mr. Mills gives notice that he will, on some future day, ask leave to introduce a bill to provide for the election of Judges of the county Court.

On motion of Mr. Wright, the bills sent to the House of Representatives were taken from the table, and placed among the orders of the day.

Mr. English introduced the following, to wit:

Resolved, That the Legislative Council do adjourn "sine die" on the 15th February.

Mr. Mills, from the Committee on the State of the territory, to whom was referred a bill entitled an act to increase the number of Senators, and to lay off the Territory into Senatorial Districts, reported said bill with amendments, and moved that it be placed among the orders of the day for to-morrow.

Mr. Berthelot, from the select committee to whom was referred a petition of J. A. L. Norman, made the following report:

The committee to whom was referred the petition of Capt. J. A. L. Norman, President of the Dade Institute of Florida, have the honor to report,

That having had the subject matter of said petition under consideration, your committee have given it every attention which so important a matter deserves. By reference to a preamble and resolutions adopted by the Legislative Council of the Territory of Florida, in the year 1838, it will appear that

the subject has already met with a very favorable consideration. In addition to this, at the same session of the Council, an act was passed incorporating the Dade Institue of Florida. from which it is also evident the claims of the petition, as well as the great object in view, was properly appreciated by the representatives of the people of Florida. Your committee mittee, concurring in sentiment with the resolutions of 1838 upon this subject of the Dade Institute, deems it would be but an act of supererrogation on the part of the Legislative Council, to take any further action on the matter. Enough has been done in the opinion of your committe, to show both to Congress and the American people, that we are deeply impressed with the importance of the subject, and your committee would therefore beg leave to be discharged from the further consideration of said petition.

A bill entitled an act to incorporate the Lafayette Engine and Hose Company of Key West, passed by the House of Representatives, Jan. 22d, 1840, was read and ordered for to-morrow.

A bill, entitled an act to repeal the second sectien of an act entitled an act to alter the time and manner of hulding the Courts in Monroe county, and to extend the several acts respecting Executions into and over the Southern Judicial District of Florida , passed by the House of Representatives Jan. 23d, 1840, was read a first and second time and referred to the Judiciary committee.

A bill entitled an act in amendment to an act approved Feb. 3, 1834, concerning the authentication of conveyances, passed by the House of Representatives Jan. 23, 1840, was read a first and second time by its teller, and referred to the committee on the Judiciary.

A bill entitled an act for the relief of John Bryan, passed by the House of Representatives Jan. 23d, 1840, was read a first and second time, and referred to the committee on the Jndiciary.

The Senate then adjourned until to-morrow.

TUESDAY, 28th Jan. 1840.

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

Mr. Mills, agreeable to provious notice, asked and obtained leave to introduce a bill to be entitled an act to provide for the election of Judges of the County Court, and for other purposes which was read.

Mr. Wright offered the following resolution:

Resolved, That the Secretary of the Territory be requested to distribute the copies of the laws of the Territory as com-

piled by John P. Duval, in the following manner, taking receipts for the same:

To the Governor and Secretary of the Territory, each one copy—to every judicial officer of the Territory, one copy—to every Clerk of. the Superior and County Courts, one copy—. and to the Clerk of the Court of Appeals, five copies, for the use of said court—to each District Attorney one copy, to be preserved and delivered by said officers respectively to their successors in office, and one copy to each of the members of the last and present Legislative Council.

Resolved, That P. A. Hayward be paid out of the fund provided for the publishing of the laws of the last session, the sum of $750 for binding 750 copies of said compilation, which was read.

The resolution before offered by Mr. English, relative to the adjournment of the Legislative Council on the 15th February, was read a second time and laid on the table.

The Senate went into committee of the whole, Mr. Duval in in the Chair, on a bill entitled an act to increase the number of Senators, and to lay off the Territory into Senatorial Districts, after some time spent in its consideration. the committee reported a substitute for said bill.

On the question of concurring in the report of the committee of the whole, the yeas and nays were called for by Messrs. Mills and Hawkins, and were

Yeas—Messrs. Bailey, Berthelot, Duval, Dupont, Hawkins Walker and Wright—6

Nays—Mr. President, Messrs. English, Mills and Wright, 4.

So the Report was concurred in.

On motion, said bill was read a third time.

On the question of its passage, the yeas and nays were called for by Messrs. Mills and Berthelot, and were,

Yeas—Messrs. Bailey, Berthelot, Duval, Dupont, Hawkins, Wright—7.

Nays—Mr. President, Messrs. English and *M*ills—3.

So said bill passed, ordered that the title be as above.

A bill to be entitled an act to incorporate the Lafayette Engine and Hose company of Key West, was read a second time and referred to the committee on the State of the Territory.

The House passed and sent to the Senate a bill to be entitled an act to establish a board of Port Wardens and Commissioners of Wrecks for the port of Apalachicola, which was read a first and second time by its teller, and referred to the Judiciary Committee.

Also, a bill to be entitled an act to authorize Edwin G. Booth to establish a ferry across the Apalachicola river below Ochesee, which was read a first and second time by its teller, and referred to the committee on the State of the Territory.

Also, a bill to be entitled an act to authorize John J. Clark to vend goods, wares and merchandize as a pedlar free from tax, which was read and laid on the table.

Also, a bill to be entitled an act to authorize John H. Mills to establish a ferry across the Escambia river, at Owens Lake, which was read a first and second time by its teller, and referred to the committee on the State of the Territory.

Also, a bill to be entitled an act to authorize William A. Bell to build a bridge and establish a ferry across Little Bayou in Escambia county, which was read a first and second time by its teller, and referred to the committee on the State of the Territory.

Also, a bill to be entitled an act to provide for issuing writs of Certiorari, and to repeal the act heretofore passed on that subject, whichwas read a first and second time by its teller, and referred to the committee on the Judiciary.

The Senate then adjourned until to-morrow.

WEDNESDAY, Jan. 29, 1840.

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 be entitled an act to incorporate the St. Johns Silk Company.

Also, an act to authorize the appointment of a commissioner to take testimony in regard to losses sustained by Indian depredations, so as to perpetuate the same.

Mr. Duval offered the following resolution:

Resolved, That the Judiciary committee be instructed to report a bill for the removal of all auctioneers who shall fail, after a certain day, to report to the Auditor, or to pay into the Territorial Treasury the several sums due by them.

Which was read and referred to the Judiciary committee.

Also, the following resolution:

Resolved, That the committee on Finance be instructed to enquire into the propriety of reducing the revenue tax, and amending the revenue laws of the Territory, and that they report on the same by bill or otherwise.

Also, the following:

Resolved, That the committee on Finance be directed to enquire into the propriety of the taxing law process, and that the said committee report on the same by bill or otherwise, which were read and referred to the committee on Finance.

Mr. Mills offered the following resolution:

Resolved, That a select committee be appointed to confer with such committee of the House of Representatives, as may

be appointed, to designate the three Newspapers in which the laws are to be published—

Which was read.

Mr. Duval, from the committee on the Judiciary, reported the following bills:

A bill to be entitled an act to authorize the Judges of the Superior Courts to hold extra sessions for the trial of criminal cases, with amendments.

Also, a bill to be entitled an act to repeal the second sections of an act entitled an act to alter the time and manner of holding the County Courts in Monroe county, and to extend the several acts respecting executions, into and over the Southern Judicial District of Florida.

And a bill to be entitled an act to repeal an act entitled an act to amend an act concerning Dower, without amendment.

Also, a bill to be entitled an act to repeal the first section of an act entitled an act providing for the removal of Justices of the Peace in certain cases, and for other purposes, approved February 14, 1835.

Mr. Mills, from the committee on the State of the Territory, reported the following bills.

An act to incorporate the LaFayette Engine and Hose Company of Key West.

An act to authorize Edwin G. Booth to establish a Ferry across the Apalachicola river below Ochesee.

An act to authorize John H. Miller to establish a Ferry across the Escambia river at Owens Lake, and—

An act to authorize Willian A. Bell to build a bridge and establish a Ferry across Little Bayou in Escambia County, without amendments.

A bill entitled an act to provide for the election of Judges of the County Courts, and for other purposes, was read a second time and referred to the committee on the Judiciary.

The resolution before offerred by Mr. Wright, relating to the distribution of the compilation of the laws of Florida, was again read, the title amended, and adopted.

The House of Representatives passed and transmitted to the Senate the following bills, viz:

A bill entitled an act to establish a board of Wardens and Commissioners of Pilotage for the Port of Key West.

Also, a bill entitled an act to amend an act concerning Patrols, passed 17th February, 1833.

Also, a bill entitled an act to provide for the appointment of weighers of cotton for the city of Jacksonville, and town of Whitesville, which were read a first and second time by their titles, and referred to the committee on the State of the Territory.

Also, a bill entitled an act to legitimate the children of D. A.

Northrop, and to change their names, which was read and referred to the committee on the Judiciary.

The House passed without amendment and sent back to the Senate an act before passed by the Senate, entitled an act to alter and fix the time of holding the Superior Courts of Walton county.

On motion of *Mr.* Walker, a bill entitled an act to authorize John J. Clarke to vend goods, wares and merchandize, as a pedlar from tax, was taken from the table, and with the accompanying documents, referred to the Judiciary committee

On motion of Mr. Wright, a bill entitled an act to determine the fees of certain officers in the Territory, and for other purposes, was taken from the table, and ordered for to-morrow.

The Senate then adjourned until to-morrow.

THURSDAY, JAN. 30, 1840.

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

Mr. Mills, agreeable to previous notice, asked and obtained leave to introduce a bill to be entitled an act to incorporate the St. Johns Silk Company in East Florida, which was read.

The Senate received from the House the following resolutions, as passed by the House:

Which were read and referred to the committee on Finance.

Also, a bill entitled an act for the relief of G. D. Fisher, which was read a first and second time, and with the accompanying documents, referred to the Judiciary committee.

Also, a bill to be entitled an act concerning partitions of property, which was read a first and second time by its title, and referred to the committee on the Judiciary.

Mr. Walker gives notice that he will introduce a bill to repeal an act entitled an act to prohibit the circulation of notes of foreign banks of a less denomination than five dollars, approved 14th Feb., 1835.

Mr. Hawkins gives notice that he will, on a future day, introduce a bill amending the acts in relation to the replevy of property.

Mr. Mills, from the committee on the State of the Territory, reported a bill entitled an act to establish a board of Wardens

nd Commissioners of Pilotage for the Port of Key West, mended, which report was concurred in, and said bill ordered or to-morrow.

Mr. Berthelot, from the committee on Enrolled Bills, reported as correctly enrolled, an act to alter and fix the time of holding the Superior Courts of Walton county.

A resolution before offered by Mr. Mills in relation to the newspapers in which the laws of the present session should be published, was again read and laid on the table.

An act to repeal the second section of an act entitled, an act to alter the time and manner of holding the county Courts in Monroe county, and to extend the several acts respecting executions, into and over the Southern District of Florida—was read a third time and passed—ordered that the title be as above.

An act to authorize the Judges of the Superior Courts to hold extra terms for the trial of criminal cases, was read a second time and ordered to be engrossed for to-morrow.

A bill to be entitled, "an Act to repeal an act entitled an act to amend an act concerning Dower, was read a third time and passed—ordered that the title be as above.

A bill to be entitled, an act to repeal the first section of an act entitled an act providing for removal of Justices of the Peace in certain cases, and for other purposes, approved Feb. 14, 1835, was read a first and second time and ordered for to-morrow.

An act to incorporate the Lafayette Engine and Hose Company of Key West, was read a third time and passed—ordered that the title be as above.

An act, to authorize William A. Bell, to build a bridge and establish a Ferry over Little Bayou in Escambia county, was read a third time, amended and passed.

A bill to be entitled, an act to authorize Edwin G. Booth, to establish a Ferry across the Apalachicola river below Ocheesee, was read a third time and ordered for to-morrow.

An act to authorize John H. Miller, to establish a Ferry across the Escambia river at Owens Lake, was read a third time, amended and passed—ordered that the title be as above.

An act to determine the fees of certain officers in this Territory, and for other purposes, was read a second time and fifty copies ordered to be printed.

The Senate then adjourned.

FRIDAY, Jan. 31, 1840.

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

Mr. Duval, gives notice that he would introduce a bill, more effectually to provide for the prompt punishment of breaches of the peace and the preservation of order.

Mr. Duval, from the committee on the Judiciary, reported a substitute for a bill, to be entitled, an Act to legitimate the children of D. A. Northrop, and to change their names.

Also, a bill. entitled, an act to establish a board of Port Wardens and Commissioners of Wrecks, for the port of Apalachicola, without amendments.

Also, a bill entitled, an act for the relief of G. D. Fisher, as amended.

Also, an act for the relief of John Bryan, amended.

Also, a bill, entitled an act in relation to auctioneers.

Also, a bill, to provide against the suspension of specie payments by the banks of this Territory—without amendment.

Also, unfavorably to a bill, to be entitled an act to authorize John J. Clark, to vend goods, wares and merchandize, as a pedlar, free from tax.

Also, unfavorably to a bill, to be entitled an act to provide for the election of Judges of the county Court, and for other purposes—said bill on motion, was laid on the table.

Also, unfavorably to a bill, to be entitled an act concerning partition of property—said bill was also laid on the table.

Mr. Wright, from the committee on Finance and Banks to whom were referred certain joint resolutions from the House of Representatives, respecting the compilation of the laws of the Territory, as contracted by James D. Westcott, jr. and John P. Duval, Esqrs. report the same without amendment.

The same committee to whom was referred the resolution directing them to enquire into the expediency of taxing law process, have the honor to report that they deem it inexpedient at present to legislate on the subject.

On motion, said resolutions were made the order of to day.

Mr. Hawkins from the committee to whom was referred that portion of the Governor's Message in relation to the division of the Territory, offers the following

REPORT.

TO THE SENATE OF FLORIDA:

The advocates for division of our Territory, and principally found in its Eastern portion, contend, that owing to the diversity and contrariety of interests and opinions subsisting between East and Middle and West Florida, and the large extent of domain embraced within those divisions, propriety, justice, and a proper regard for the interests of all, demand, that a separation and dismemberment should take place.

Your committee cannot concur in these views and opinions, and differ as to its expediency and justice.

Political communities, like individuals, will certainly become estranged in their feelings, if they wish and resolve to be so; but the strongest tie of affinity which can exist between them is that where all parties of that community are mutually dependent upon each other, living under the same laws and possessing the same interests. Under this state of things, any diversity of feeling would soon pass away and a people connected with these ties, would in a short period become as one.

In case there were two states or territories, the cause of internal improvements would receive a severe shock, and instead of having rail roads and canals throughout the whole extent of our present territory, they would in all probability be confined to small and limited districts, for it would be extremely problematical, whether the two future states would co-operate in any enterprise for the construction of those works across their respective domains, with that cordiality so requisite to ensure success.

Florida, from the general features of its country, its admirable adaptation to works of this nature, must in the course of human events, be the country over which will be constructed a work that will unite the Gulf of Mexico with the Atlantic by rail road or canal; and when completed, while bringing the people of either extreme and other portions i nto frequent contact, will create that most potent of all cements *interest*, with its concomitants, harmony and regard.

For a considerable period of time, there cannot exist amongst us the wealth requisite to carry through the works alluded to, and to stimulate individual enterprise, it might be necessary perhaps to invoke the aid of the state, either by partaking in it, or lending its assistance by legislative enactments, offering such inducements and conferring such privileges, as would tempt capitalists to embark in the undertaking.—If two states existed, it is but fair to suppose, that obstacles would be much increased by questions arising, involving sovereignty, right of soil and expediency, and which would tend to render abortive all schemes of this nature.

Should division ensue, emigration to either territory would be seriously retarded, for citizens of the states, with their notions of the wild and loose legislation generally found in territories, will be loth to leave homes where life and property are secured by salutary laws, to seek new ones in a country where the constituted authorities are not amenable to the people for any dereliction from duty, where they will have no voice in the selection of rulers, who are generally sent from abroad, and in all respects as dependent upon the will of Congress, as the colonies were upon Great Britain, previous to the revolution. Chancellor Kent on this subject, uses the following language, and which your committee deem pertinent to the subject under consideration—"Such a state of absolute sovereignty on the one hand, and of absolute dependence on the other, is not congenial with the free and independent spirit of our native institutions; and the establishment of distant territorial governments, ruled according to will and pleasure, would have a very natural tendency, as all proconsular governments have had, to abuse and oppression.

The territory is bound for the redemption of certain bonds, and the *whole* territory is so bound. It may be contended, that as a territory, we had no power to pass laws binding on the future state, though the case in H Martin's Reports, State v. New Orleans N. Company, seems to militate against that position; yet be it as it may, the question of ratifying or denying the pledges made may come up for future disquisition and [illegible]action. Might not East Florida contend, that inasmuch as she had not received an equal portion or share of the benefits of the

ion and Pensacola Banks, that equity would decree that she should it be bound for the responsibilities incurred by the territory for those stitutions? In case the holders of the bonds issued should fail in re-ving the interest on them, and should have recourse on the territo-es or states for payment, the most serious questions would arise, aught with embarrassment and perplexing in their nature. That ere would be efforts made to shift responsibilities from one state to e other, little doubt can exist, and a never ending source of dispute ould be created between them, while a singular spectacle would be xhibited of two sovereign states quarrelling and wrangling, which hould or should not assume liabilities contracted jointly.

Already has Congress, by its munificence, given large sums of mon-y for our public buildings at the present site of our capitol. Those works are now in progress and will soon be completed. If a new ter-ritory should be formed, the citizens of West Florida would contend most strenuously for the removal of the present capitol to a more western and central position, and if the ends of justice were attained, a new site would be selected, and again large sums lavished upon it by the General Government. The contest growing out of the ques-tion as to the location of this site, would inevitably give rise to angry and violent discussion. A question might here arise, how far that country is in the main benefitted by those acts of pecuniary liberality, and if they have not a tendency to teach and accustom us to be mere dependents on the bounty of Government, and while palsying our in-dustry, render us careless and neglectful of our own resources

It is urged as an argument in favor of division, both here and else-where, that it is a southern measure, and by creating two states, in lieu of one, the balance of the union will be better preserved. Years must elapse, ere in case of separation, the two states could have more than one member in the popular branch of the national legislature, though it may be granted, that two senators would be gained. The confede-racy being created in a spirit of compromise, and based on the virtue and intelligence of the people; to that virtue and intelligence it must be indebted for its permanence and endurance.

That day will indeed be a dark one for the cause of freedom in our Country and the stability of our Union, when the vote of a small state can decide its destinies, and the ballots of two Senators are the only barriers between revolution and anarchy. The union of the States would hang together but by a brittle tenure, and like the sword sus-pended by a single hair over the head of Damocles, would ruin and destruction impend over our country. If there were but one state, the members of the Congressional House of Representatives would in-crease more rapidly than if there were two; for in the first instance, there would not be two distinct fractions of numbers over and above the ratio of representation; whereas in the latter case, these fractions would more or less exist, and if added together, might enable one state to have an additional and one other Representative.

Your committee are of opinion, that the moral and political influ-ence of one large and respectable State would be greater and more deeply felt in the councils of the Nation, than that exercised by two smaller ones, equalling, when united, the one State. In the first, there being but one people to be represented, one in interest and united in policy, its representatives would naturally act in that concert which would tend to produce more important and happier results, than if sep-arated in two portions, and divided politically and in interest.

In case of war, a single state by a concentration of its resources would be more efficient in repelling an enemy than two weak and inef-fective ones; for should such a crisis or event take place, and always

likely to do so from conflicts between the General Government and foreign nations, Florida indubitably would be deemed the weak point to be assailed, the *point d' appiu* from which an assault would be made as well on the peculiar *Domestic Institutions* of our Territory, as those of the whole Southern portions of the Confederacy.

It might afford a curious problem in political arithmetic worthy of solution to ask, how long a period of time would elapse (should the sought for division occur) ere the two Territories would possess sufficient population to enter the Confederacy. It is true, that States may have been taken in, without possessing the ratio of representation at the time of their admission. There is every reason to suppose, that the present ratio will be increased on the completion of the census, and it is equally probable, that it will continue so to increase hand in hand with the population of the Union and that it will outstrip the increase of our own population. If Congress should decide, that we must come up to that ratio, whatever it may be, difficult as it would be for our present Territory, how utterly impossible, at least for a long time, would it be for two territories.

From the spirit of deadly hostility manifested in certain portions of the union to the admission of new slave States, there are well grounded fears, that in the ratio as the time is postponed for our admission, so will that spirit display itself by throwing obstacles and barriers in our way. There are unquestionable proofs of that feeling gaining ground, if we are permitted to judge from the *criteria* furnished us by Executive messages, Judicial decisions, local laws and the refusal to deliver up those fugatives from justice, who after being guilty of the most serious infractions of the laws of slave holding states, have fled for protection to those states, where slavery is not acknowledged, and availed themselves of it under their municipal regulations.

Let us not be deluded by the "cry of peace, peace, when there is no peace," let us not be told, that a sect who under the specious guise of philanthrophy are now warring against our dearest rights and endeavoring to snap the chord that binds our Confederacy, a sect, who have "stolen their banners from the altars of Christ, and congregated their allies from the abysses of Hell," are but few in number and that their efforts will prove futile and vain; when they boast of rapidly increasing numbers, that they have controlled the elections of the largest state of the Union, that the Legislature of a sovereign state has instructed its representatives in Congress to vote against the admission of any state tolerating slavery, it is time for a Territory, where slavery exists and coming within the purvieu of those instructions, to look to itself and oppose a division, that might tend to render those instructions available against it. Iowa and Wisconsin, are nearly ready to enter the Union, and before we could hope to set off our strength against these in Congress as *two States*, an issue may be made and decided in relation to the questions above alluded to, and we become the victims of its consequences and results. It is urged, that East Florida, assisted by the bill for the armed occupation of Florida and now before Congress, would of itself soon be prepared to enter the Union. This argument is used by some Southern Statesmen in favor of the bill, independent of its being the means of ending the war; and they contend, that its passage would go far to produce results favorable to keeping up the balance of the confederacy. The bill is not yet a law, and should it become so, though your committee are in favor of it, yet, would its passage induce that kind of population to avail themselves of its provisions and settle amongst us, who would be considered as valuable acquisitions further than mere numbers? Those, allured hither by the inducements held out in the bill, would unquestionably be a

hardy and enterprising race of yeomanry, their only wealth, stout hands and hearts, their rifles and munitions of war. Not till the termination of the war, an event extremely uncertain, would the lands be given them and not till then, would their swords be turned to plough shares, or would they cultivate that soil, they had won by their valor. Something more than mere *numerical* strength is to be sought for in a State and it must depend for its support upon that pecuniary fund created by, and arising from its agricultural and commercial resources. The bill alluded to is as yet an untried expedient and its results cannot be foretold or safely calculated upon; and your committee contend, that the rights of the people of Florida should not be subject to the hazard of an *experiment*, a dernier resort to end a long protracted and rumous war.

But, admitting all that its advocates ask, Middle and West Florida have a right to look to East Florida for its co-operation and assistance in their efforts to become a State, when they can be asked without doing injustice to any portion of the whole Territory. They have a right to invoke its aid, and become partakers of the burthens incident to a State Government, and as an equivalent therefor, to share in the benefits. If she acted otherwise, she would not be guided by that side of justice that should characterize the people of a common Territory.

It cannot be denied, that the domain under the appellation of Florida, is sufficiently large for two States; but it should be recollected that a comparatively small portion of it will admit of successful cultivation, or repay the husbandman for his labors; that those portions susceptible of that cultivation are scattered in bodies, and their cultivators, in many instances, will have to depend for getting their produce to market, upon the Internal improvements already referred to. Florida could cover many Rhode Islands or Delawares, but as yet, she has not, and it may be long ere she has the population of those states.

In the treaty between Spain and the United States, for the cession of East and West Florida, there is a guaranty in these words: "The *inhabitants* of the Territories which his Catholic Majesty cedes to the United States, by this treaty, shall be incorporated in the union of the United States, as *soon as* may be consistent with the principles of the Federal Constitution, and admitted to all the privileges, rights and immunities of the citizens of the United States."

The division sought for, would conflict with the letter and spirit of this provision of the Treaty, and deprive us of a right by postponing the period of incorporation into the union of the United States. It was the evident intention of Spain, the ceding power and party of the compact, that the provinces ceded should be considered as one and indivisible, and be admitted as such. The words "East and West Florida" are mere terms of description, including one domain; and so must they have been understood by the United States at the time, for since the treaty, they have been included in one Territorial Government; if otherwise, they would have been severed.

After the cession of Mississippi to the United States by Georgia, the *permission* of Georgia to *divide* it, was first asked and obtained; but the *people* of the Territory *objected*, and asked permission from Congress to enter the Union. The committee of Congress, to whom was referred their petition for admission, in the report used this language: "It is known to your committee, that the consent of Georgia to a division of this Territory, has been asked and obtained, and should it be divided before it is admitted, the admission of either part would, from a want of members, be subject to additional objection and further delay. But doubts were entertained, whether the Territory can, with *strict propri-*

ety, be divided without the *consent* of its inhabitants, as well as that of Georgia and the United States. Although the people of the Territory had no agency in the agreement above granted, they were the *object* of it, and as such became a *third party* to it, and vested by it of a *right* which is explicitly defined."

Your committee would direct the attention of your honorable body to the strong and complete analogy existing between Florda as she *is*, and Mississippi as she *was*; and adopting the language and reasoning of this report, we contend that inasmuch as we were the *objects* of the Treaty with Spain, we constitute a third party to it, and before we are dismembered, we have a right to be heard. If division should be decided upon by a majority of the *whole* people of Florida, the minority must silently acquiesce; and if on the other hand, the minority should only be in favor of that division, and opposed to the majority, they, too, should give way to the largest number. Your committee deem these propositions to be in strict accordance with the spirit and principles of republican institutions.

The people of Florida have solemnly decided on a State Government—that question has been acted upon in compliance with a law passed by their representatives. A Convention of the people has been held, and a Constitution has been formed. If we are to be denied admission, the refusal to admit us must be based upon something else than a *proje't* at variance, and inconsistent with our rights—the point to the treaty of Spain as the guaranty of those rights, and placing us on a level with other citizens of our country. Upon that treaty we throw ourselves, and if we comply with the requisitions of the Constitution necessary to admittance, we do not come as mere suppliants, begging to be admitted into our great Confederacy: but with that charter in one hand, and the Constitution in the other, we demand as matter of right, as a sovereign State, with sovereign rights to be taken into the family of the American Republic.

Your committee beg leave to offer the following resolutions, all which is respectfully submitted.

Regarding any law of Congress dividing the Territory of Florida without the consent of the majority of our whole People, as unjust to us, unconstitutional and invalid.

We hereby respectfully, but solemnly and earnestly protest against the passage of any such law, as militating against those rights secured to us by the Treaty with Spain, and the laws of the land, and

Be it resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be instructed to oppose the passage of any law dividing our Territory, by separating East and South Florida from Middle and West Florida or in any other way or manner.

Be it further Resolved, That copies of this Protest and Resolution, after due authentication, be forwarded to the Honorable Charles Downing, our Delegate in Congress, the President of the Senate of the United States, and the Speaker of the House of Representatives, to be by them laid before the respective bodies over which they preside.

Which was read and 200 copies orderered to be printed.

A bill, to be entitled an act to incorporate the St. John's Silk Company in East Florida, was read a second time, and referred to the Judiciary committee.

An act to establish a board of Wardens and Commissioners of Pilotage for the Port of Key West, was read a second time,

and amended—on motion (the rule being waived) said bill was read a third time and passed—ordered that the title be as above.

His Excellency the Governor transmitted to the Senate the following message:

EXECUTIVE DEPARTMENT,
Tallahassee, Jan. 30, 1840.

To the Honorable the Senate of the Legislative Council of the Territory of Florida.

I herewith communicate to the Senate the report of the late Commissioners of the Tallahassee Fund, together with an account current; and I respectfully ask that the report may be printed for the use of both houses, as from its length I have been unable to cause a copy to be prepared for the House of Representatives.

R. RAYMOND REID.

Which was read, and with the accompanying documents, referred to the committee on Finance.

Also the following:

[insert no. 21]

Which was read and referred to a joint select committee. Messrs. Berthelot, Wright and Mills were appointed said committee on the part of the Senate.

A bill, entitled an act to repeal the 1st section of an act entitled an act providing for removal of Justices of the peace in certain cases, and for other purposes, approved Feb. 14th, 1835, was read a third time and passed—ordered that the title be as above.

An engrossed bill entitled an act to authorize the Judges of the Superior Courts to hold extra terms for the trial of criminal cases, was read a third time and passed—ordered that the title be as above.

An act to authorize Edwin G. Booth to establish a ferry across the Apalachicola river, below Ochesee, was ordered for Monday.

Certain resolutions in relation to a former contract of J. P. Booth and James D. Westcott, Jr., to publish and compile former laws of Florida, was again read and adopted.

Messrs. Wright, English and Bailey were appointed a joint committee on the part of the Senate in accordance with said resolutions.

The Senate then went into secret session on on executive business.

On motion, the doors were opened, and—

The Senate then adjourned until Monday 11 o'clock.

MONDAY, Feb. 3, 1840.

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

On motion of Mr. *Mills*, a bill to be entitled an act concerning partition of property, was re-committed to the Judiciary committee.

Nr. Berthelot gives notice that he will, on some future day, ask leave to introduce a bill to be entitled an act to repeal an act to amend an act to regulate the foreclosure of mortgages.

Mr. Duval asked and obtained leave to introduce a preamble and bill in relation to the Pensacola Bank, which was read.

Also, a resolution in relation to the division of the Territory, which was read, and made the order of to-day.

Mr. Mills offered the following resolution:

Resolved, That the Governor of the Territory be requested to procure from the President of the Convention lately held at St. Joseph, the original returns of votes given at the late election for Constitution, or No Constitution, and a report of the time when they were received, and a statement of what votes or polls were rejected in the estimate, if any, and why they were so rejected, and any other information concerning the same in his possession, to the end that the same may be pulished for the satisfaction of the people of Florida, and the Congress of the United States—which was read.

Mr. Hart, from the select committee to whom was referred so much of the Governor's Message as relates to the Constitution of Florida, and the division of the Territory, dissents from the views taken by the majority of the committee, and begs leave to submit the following report on the subject referred to, which was read, and with certain resolutions, 200 copies ordered to be printed.

REPORT.

The subject offered for the consideration of the committee, is certainly one of grave and serious import, calculated to exert a most vital influence over the destinies of Florida, and to effect its interests for the present, and through all future times, whilst the course urged by the majority, will embarrass, if not ultimately defeat the accomplishment of a great southern measure, prompted by a strictly southern policy.

It cannot be denied that the signs of the times, and the demonstrations of hostility to southern institutions, point out to us most emphatically, the necessity of arming for the coming contest, so that we may offer an effectual resistance to the evident disposition to encroach on our constitutional privileges. We can but do this by increasing the number of southern states. To carry out this expedient, it should be our first object to divide Florida, and urge the admission of the two territories into the Federal Union as two separate and independent States. This will give us four Senators, and for the present, two Representatives in Congress; and then we will present a more efficient force than can be done by any State having but two Senators and one Representative.

In reference to the Constitution recently framed at St. Joseph: and although it embraces many sound and wholesome doctrines, yet if we look to the votes of the people, we will see how nearly divided is public sentiment in reference to its adoption. If in fact it be adopted, the majority does not exceed twenty-one; unquestionably too small to force upon so large and respectable a minority a measure to which there has been manifested such determined hostility. But its adoption by the people is not admitted; and the evidence offered is not satisfactory: on the contrary, it is believed and contended, that if the votes should be fully and fairly cancelled, it would be found that the majority for its rejection will be considerable. Enough at least has been discovered to render it extremely doubtful, and we should hesitate to force an obnoxious measure upon an unwilling people.

In reference to a division of the Territory, it seems to be suggested by its practicability and expediency, and because it is a measure strongly promotive of southern policy, and tends to our own political good. Each of these territories is much larger than several of the states, and each capable of receiving and sustaining a much larger population. Their present union appears to be unnatural, and their geographical position will present a state of a most awkward shape, whilst a controversy and confliction of interests growing out of it, will forever destroy that harmony so essential to the prosperity of a political body.

This seems to have been the view taken of the Floridas by every other government which has had dominion over them. Originally as Spanish Provinces, they were separately governed, and independent of each other. In this way they were ceded by Spain to Great Britain in 1763. They continued separate provinces under that government; and when they were afterwards receded by Great Britain to Spain in 1783, no change was made; and which, by the treaty of cession in 1819, between Spain and the United States, they were ceded to the latter, they were ceded as separate territories, known as East and West Florida.

The Government of the United States seems to have regarded them in this light, for immediately after their cession, although Gen. Jackson, clothed with the authority of Capt. General of Cuba, was appointed to govern them, yet two separate offices, in the character of Lieut. Governor, were appointed to each of these provinces, and their present union was originally a measure only of temporary convenience.

To go now into the Union as one State, will be to surrender, for considerations of temporary political policy, an advantage whose importance will only be appreciated by the advocates of State Government, after it shall have become too late to retrace their steps. It is most manifest that the treaty does not contemplate the admission of the Floridas as one State, but in language that cannot be mistaken, it secures to the inhabitants of each of these Territories the right of admission as separate States, as soon as shall be consistent with the principles of the Federal Constitution.

Whenever mention is made of them in the Treaty, the plural number is used, and they are spoken of as "The Florida's," "The inhabitants of the Ceded Territories," &c. This view was taken by Hon. members of the Senate of the United States, when the subject of division and the Armed Occupation Bill was under discussion.

It was assumed without contradiction, that this right had been guaranteed to the citizens of the two territories. What is meant by the words in the treaty "as soon as shall be consistent with the principles of the Feberal Constitution," all may not agree in their interpretation. By some it may be urged that they refer to the ratio of representation

as it now exists, and others, and not a few, will urge, with force and ability, that they refer to the ratio of representation, as it was when the territories were ceded. This last is the ground assumed by the committee of the Convention at St. Joseph, appointed to draft a memorial to the Congress of the United States, in relation to the admission of Florida as a State into the Federal Union. On the other hand, it might be insisted, that these words have reference to the ratio of representation, as it was at the time of the adoption of the Federal Constitution: and again, that they have no reference to any ratio of representation.

However, let it be admitted, and it cannot well be denied, that the treaty of cession has guarantied *not* to the inhabitants of Florida, *as one province of Territory*, but to inhabitants of East and West Florida, as *separate Territories*, the right of admission into the Union as separate and independent States. Then if the argument that the present ratio of representation is not to be the governing rule, be true, there is no more to be found in the Federal Constitution against the admission of the two Territories, as two separate States, than in favor of their admission as one State.

The people of East Florida are not only opposed to going into a State Government as one State, believing it to be a measure opposed to southern interest and southern policy, and prejudicial to the particular interests of each section, but are decidedly opposed to going into a State Government at all at present.

The difficulties and embarrassments which they have had, and still have to struggle with—the ravages and misfortunes inflicted by a desolating war have destroyed their agriculture, and impoverished the people, so that their situation at this time is one rather to claim relief than to contribute to the heavy expenses of a State government.

They therefore regard the attempt to force them, against their wishes and their interests, into a State Government, as in the last degree, ungenerous, unjust and oppressive, and which they will, by every means in their power, resist.

Whilst these views are expressed in reference to the wishes and interests of the people of East Florida, a feeling of selfishness will not be permitted to embarrass the claims of the people of Middle and West Florida.

In these sections there appears to be manifested an intense anxiety for a State Government, so far as can be done without prejudice to themselves, the people of East Florida, will readily aid them in the measure.

If the views taken of the treaty guaranties be correct, and sustained as it is, by the opinion of able and talented men, then the people West of the Suwanne river, are more entitled to admission as a State into the Federal Union. They have a territory in extent larger than several of the old states, possessing commercial and agricultural rewards, inviting a dense and thrifty population, and which is now sufficient to render their claims to admission consistent with the principles of the Federal Constitution. And under, and by virtue of the treaty guaranty, they ought of right to be admitted immediately into the Federal Union.

It is therefore respectfully recommended, that a memorial be drafted and sent to the Senate and House of Representatives of the United States, urging the claim of the people West of the Suwanne river, to admission as a State into the Federal Union, and the erection of East Florida into a separate Territorial Government, making a prospective arrangement for the admission of the latter as soon as there shall be population sufficient to warrant it.

The following resolution is also respectfully submitted :

Resolved, by the Governor, the Senate, and the House of Representatives of the Legislative Council of the Territory of Florida, That our Delegate in Congress be, and he is hereby instructed to use his best efforts to procure the passage of a law for the immediate admission as a state into the Federal Union, of all that section of Florida lying west of the Suwannee river, and for the erection into a separate Territorial Government of all that portion lying east of said river, making a prospective arrangement for the admission of the latter as soon as there shall be sufficient population to warrant it.

The Senate received from the House the following bills as passed.

An act to increase the number of Senntors, and to lay off the Territory into Senatorial Districts, was read a first and second time by its title, and referred to a select committee—Messrs. Berthelot, Hawkins and Wright were appointed said committee.

A bill to be entitled an act to amend the several acts in relation to slaves, free negroes and mulattoes, which was read a first and second time by its title, and referred to the committee on the Judiciary.

A bill to be entitled an act to repeal an act entitled an act in addition to the military laws now in force, approved March 4th, 1839, which was read a first and second time by its title, and referred to the committee on the State of the Territory.

Also, a preamble and resolution relative to certain diseases of horses in Florida, was read.

A bill to be entitled an act to legitimate the children of D. A. Northrop, and to change their names, was read a second time, and re-committed to the Judiciary committee.

An act to ectablish a board of Port Wardens and Commissioners of wrecks for the Port of Apalachicola, was read a third time and passed—ordered that the title be as above.

An act for the relief of George D. Fisher, was read and re-committed to the Judiciary committee.

An act for the relief of Johhn Bryan, was read a second time.

The substitute reported by the Judiciary committee for said bill, was adopted.

On motion, the rule was waived, and said bill read a third time.

On the question of its passage the yeas and nays were called, by Messrs. Dupont and Hawkins, and were :

Yeas—*Mr.* President, Messrs. Bailey, Berthelot, Duval, English, Hart, Hawkins, Mills and Walker—9.

Nays—*M*essrs, Dupont and Wright—2.

So said bill passed, erderdered that the title be as above.

The Senate went into committee of the whole, Mr. Hawkins in the chair, on a bill to be entitled "An act in relation to Auctioneers," after some time spent in its consideration, the com-

mittee rose and reported the bill as amended, which report was concurred in and said bill ordered to be engrossed for a third reading for to-morrow.

A bill to be entitled "An act to provide against the suspension of specie payment by the banks of this Territory," was read and laid on the table.

A bill to be entitled "An act to authorize John J. Clark to vend goods and merchandize as a pedlar free from tax," was read a third time and rejected.

A bill to be entitled "An act to authorize Edwin G. Booth to establish a ferry across the Apalachicola River below Ochesee," was read a third time, amended and passed, ordered that the title be as above.

The resolution offered by Mr. Duval on to-day, in relation to the appointment of a select committee to take into consideration the division of the Territory, was again read. On the question of its adoption, the yeas and nays were called by Messrs. Berthelot and Duval, and were

Yeas—*Mr.* President, Messrs. Bailey, Duval, Dupont, English, Hart, Hawkins and Mills—8.

Nays—Messrs. Berthelot, Walker pnd Wright—3.

So said resolution was adopted.

Messrs. Duval, English and *M*ills were appointed said joint committee on the part of the Senate.

*M*r. Duval moved that the Senate act in nominations of the Governor, with open doors on the question of the adoption of said motion.

The yeas and Nays were called by Mesrs. Bailey and Mills, and were,

Yeas—Mr. President, messrs. Duval, English and Walker—4.

Nays—messrs. Bailey, Berthelot, Dupont, Hart, Hawkins, Mills and Wright—7.

The Senate then went into secret session on Executive business.

On motion the door was opened, and

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

TUESDAY, Feb. 4th, 1840.

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

On motion of Mr. Berthelot, the following report of the joint committee on joint rules—

[*To* be inserted No. 2.]

Was taken from the table, read, and 50 copies ordered to be printed.

A preamble and bill before offered by Mr. Duval, in relation to the Bank of Pensacola, was again read and ordered for to-morrow.

A resolution before offerred by Mr. Mills, requesting information from the President of the Convention, lately held at St. Joseph, relative to the vote given for "Constitution," or "No Costitution" was read a second time, and laid on the table.

A preamble and resolution before passed by the House, relative to certain diseases in horses in Florida, was again read and ordered for to-morrow.

An act in relation to Auctioneers, was read a third time and passed—ordered that the title be as above.

The Senate went into committee of the whole, Mr. Bailey in the chair, on the bill to be entitled an act to determine the fees of certain officers in this *T*erritory, and for other purposes. After some time spent in its consideration, the committee rose and reported the bill as amended, which report was concurred in.

On motion, the bill was orderd to be engrossed for a third reading on to-morrow.

The Senate received from the House of Representatives, as adopted, the following resolution:

Be it Resolved by the Governor and Legislative Council of the Territory of Florida, That a joint select committee to consist of three members of the Senate and three of the House of Representatives, be appointed for the purpose of conferring with his Excellency the Governor, on the subject of selecting a proper and eligible site in the Capital Square, for the erection of the new Capitol; and in connection with the Governor, to determine upon the plan of said building, with the consent of the contractors, and to make such further allowances to the said contractor for the work he has already performed, and for any change which may be made in the plan of said building, which was read and laid on the table.

The Senate went into secret session on Executive business.

On motion, the doors were opened, and—

The Senate then adjourned until to-morrow.

WEDNESDAY, FEB. 5, 1840.

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

The Senate received from the House, as passed, a bill entitled an act to incorporate the members of the Apalachicola Library Association, which was read a first and second time by its title, and referred to the committee on the state of the Territory.

The Senate went into committee of the whole, on a preamble and bill, before offered by Mr. Duval, in relation to the Bank of Pensacola: after some time spent in its consideration, the committee rose, reported progress and asked leave to sit again—which was concurred in.

A preamble and resolution, before passed by the House, relative to certain claims for horses lost in the service of Florida, was again read and referred to the committee on the state of the Territory.

An engrossed bill, entitled an act to determine the fees of certain officers in the Territory, and for other purposes, was again read: on the question of its passage, the yeas and nays were called by Messrs. Berthelot and Dupont, and were—

Yeas: Messrs. Baily, Berthelot, Duval, English, Hart, Hawkins, Mills, Walker and Wright—9;

Nays: Mr. President, and Mr. Dupont—2.

So said bill passed; ordered that the title be as above.

His Excellency the Governor transmitted to the Senate the following message, viz:

EXECUTIVE DEPARTMENT,
Tallahassee, Feb. 4, 1840.

To the Honorable the Senate of the Legislative Council of the Territory of Florida.

I respectfully inform you that I have approved an act entitled an act to alter and fix the time of holding the Superior Courts of Walton County.

ROBERT RAYMOND REID.

Which was read.

The Senate then went into secret session on Executive business. On motion, the doors were opened.

The Senate then adjourned until to-morrow.

THURSDAY, Feb. 6, 1840.

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

Mr. Duval, agreeable to previous notice, asked and obtained leave to introduced a bill, to be entitled an act to prevent breaches of the peace, and more effectually to preserve order and quiet, which was read a first and second time by its title, and referred to the committee on the state of the Territory.

The Senate received from the House as passed, the following bills—an act to amend an act incorporating the Roman Catholic Church at St. Augustine, called St. Augustine Church, which was read a first and second time by its title, and referred to the committee on the state of the Territory.

An act for the relief of Robert R. Towers, was read a first and second time by its title, and referred to the committee on the Judiciary.

A bill, to amend the act incorporating the Bank of Apalachicola, was read a first and second time by its title, and referred to the committee on Finance.

An act to amend the act incorporating the city of St. Augustine, was read a first and second time by its title, and referred to the Judiciary committee: and,

A bill, to be entitled an act to incorporate the town of Iola, was read a first and second time by its title, and referred to the committee on the Judiciary.

Mr. Mills, from the committee on the state of the Territory, reported a bill, to be entitled an act to incorporate the Apalachicola Association, without amendment, which report was concurred in—said bill was made the order of the day for today.

Mr. Wright, from the committee on Finance and Banks. reported a bill, to be entitled an act to suspend the operations of the Revenue Laws for the year 1840, and to provide for the settlement of all arrears due to and from the Territorial Treasury, which was read a first time.

Mr. Berthelot, from the majority of a select committee to whom was referred, an act to increase the number of Senators and to lay off the Territory into Senatorial Districts, made the following report.

The select committee of the Senate, to whom was referred a bill entitled an act to increase the number of Senators, and to lay off the Territory into Senatorial Districts, have the honor to report:

That your Committee have maturely considered said bill, and have also read and examined attentively the act of Congress re-organizing the Legislative Council of Florida, approved July 7th, 1838. Your committee is of the opinion, that although full power and authority is vested by said law in the Governor and Legislative Council, to apportion the representation of either house of said Legislature, as may seem best and proper, according to the population of the Territory. Yet still, no power is vested in this, or any future Legislature, to

change the Senatorial Districts, nor the mode of voting, as is therein prescribed. The first section of the act of Congress, and that part of it which relates to the Senate, reads in these words: "The Senate shall consist of eleven members, to be chosen as follows: Three shall be chosen from the Western Judicial District, including the county of Franklin, by general ticket of the qualified voters of the counties of said district, including the said county of Franklin: four from the Middle Judicial District, &c.;" which words by general ticket, imports that the entire districts, and not counties, shall be represented in the Senate. Your committee deem that the act of Congress is so clear and explicit upon this subject, and believe so fully that it is not in the power of this Legislative Council, or any other Legislative Council, to frustrate the great end, which the Congress of the U. States had in view in passing the act re-organizing the Legislative Council, and particularizing and designating the districts, nor has it the power to repeal an act of Congress, [which by the very nature of things is our Constitution,] and which would be virtually done if this Legislative Council should pass into a law the bill referred to your committee. Other strong and cogent reasons might with propriety be urged by your committee for reporting unfavorably on the bill now before them, but your committee deems the above argument sufficient in itself, and beg leave to be discharged from the further consideration of the bill referred to them. All which is respectfully submitted.

JAMES A. BERTHELOT, Chm'n Select Committee.

On the question of concurring in said report, the yeas and nays were called by Messrs. Wright and Berthelot, and were:

Yeas—Messrs. Bailey, Berthelot, Duval, Dupont, English, Hawkins and Walker—7.

Nays—Mr. President, Messrs. Hart, Mills and Wright, 4.

So said report was concurred in.

Mr. Wright, from minority of same committee, made the following report.

The undersigned one of a select committee appointed to report upon the bill from the House of Representatives, to increase the number of Senators and lay off the Territory into Senatorial Districts, dissenting from the opinion of a majority of the committee, has the honor to report that the whole subject rests first upon a rational construction of the act of Congress creating the Senate, which it is believed, furnishes the power to district the Territory in the manner proposed by the bill under consideration; and secondly, upon the question of expediency, or in other words, the question whether the Territory would be better represented under the arrangement proposed by this bill, giving one Senator to each Senatorial District, or under that proposed by a bill which has already passed the Senate, requiring the Senators to be elected by general ticket, in the respective Judicial Districts.

First then, as to the power to pass this law, the act of Congress gives power to the first, or any subsequent Legislative Council, to apportion the representation of either house "throughout the Territory," not throughout the respective Judicial Districts—mere artificial divisions of the Territory, made for the

convenient administration of justice, and having no sort of difference to the political convenience of the people, but hastily adopted by the Delegate, in framing the law for the election of Senators, because, perhaps he did not choose to take upon himself the responsibility of making a more minute division of the Territory, into seperate Senatorial Districts; that functionary wisely judged that it would be better for the people through their representatives, to perform this task, than for him to attempt it. But when the authority is given to apportion the representation in either house throughout the Territory, it would seem as if no construction could be admitted. Is there any qualification of this power which restricts the Legislative Council to a regard for the Judicial Districts in their apportiontment? none whatever, the language is as broad as it could be made; the power is as full and ample as words could make it.

The only ground on which the construction of the act of Congress, as contended for on the other side, can be made to rest, is simply that Congress has chosen to designate the Judicial Districts as election districts; but who does not perceive that the whole of this act is merely temporary in its nature, and was intended to accomplish no other object than to organize the two houses of the Legislative Council for the time being? This done, it was the intention of Congress that the Council itself should apportion the representatives of either house, as to them might seem best and proper, according to the population of the Territory. If any thing was necessary to fortify this view of the subject, it might be found in the fact that throughout the act of Congress, it speaks of the *counties* composing these districts. Now suppose the local and personal knowledge of the Delegate had been so imperfect, as to cause him to add the counties of Madison and Hamilton to the Eastern District, and the county of Gadsden to the Western District, leaving to the rest of the Middle District their four Senators; is it to be believed that so unjust an arrangement would have been borne with even during the first session of the council? Is it to be doubted that a majority of both houses would have found an ample grant of power in the act of congress to remedy such an evil? Then, at least the words "throughout the Territory," would not have been understood to mean *throughout the respective judicial districts* of the Territory. Suppose again, that the act of congress had required the voting for the Senators at the first election to be by general ticket in the counties throughout the Territory, instead of throughout the judicial districts, would it then be denied that under the authority to apportion the representives of either house, the Territory might be laid off into senatorial districts? It is only to be added that the best possible evidence that it was the intention of congress to leave this subject to the action of the Legislative Council, is that the framers of the act

did not even venture to fill up the number of senators allowed us, in short the mere outlines of a legislature were sketched for us by the act of congress, leaving the details to be filled up according to the wisdom of the Legislative Council and the wants and desires of the people.

So much for the first branch of this subject. Now with regard to the question of expediency—and here it is worthy of observation that the question of power is comparatively a new one, but it is a remarkable coincidence that those who were most thoroughly convinced against the expediency of the measure are those who are now most thoroughly convinced that the power claimed is not given by the act of congress. The question of expediency is nearly swallowed up in the more important question of power.

The great object of representative government is the full and perfect expression of the people's will. The representative is the servant, and the people are his masters—and in proportion as the servant is better acquainted with the wants and wishes of those who he has undertaken to serve, just in that proportion will he be better qualified to serve them effectually. The more direct and immediate his connection with the people, the more full, free and personal his intercourse with them, the better will he be acquainted with their wants and wishes. These are truisms in politics as well settled and as indisputable as the truths of geometry or mathematics. What more can be needed then, than to apply these rules to the subject in hand? Here the question is whether the senators hereafter to be elected shall be chosen from fourteen small districts, into which the Territory is proposed to be subdivided, securing at least one senator to each district, or from four large districts, where the senators are to be elected by platoons of four and six. In the one case the senator is naturally, and necessarily acquainted with all his constituents, their wants, their wishes and their interests—and in the other it is an equal chance if the whole of the senators of the district, widely extended and sparsely populated, as it may be, are not elected from the same town or neighborhood.

But it is objected that the bill from the House of Representatives, does not propose a fair and equal apportionment of the senators. While it is admitted that this is true in a certain sense, it is believed that no part of the Territory will have any just cause of complaint. It is utterly impossible in the present unsettled condition of our Territory, to give to each portion its exact due. But shall we reject an obvious good, because we cannot make it better? Shall we refuse a proffered benefit because it is not perfect? If we could, without great practical inconvenience divide the population otherwise than by county lines, we might hope to approximate very nearly to an equal

distribution of the senators—but this cannot be done. Some of the districts must of necessity, therefore, be smaller, and some larger. Let us enquire however, what the larger districts suffer. Take Gadsden county with a population of 5540 for an example—with all this population the question might well be asked whether it would not be better for her to be sure of one representative in the Senate, trusted by her people, and who would fairly present her interests—than to have the mere chance of getting two or three members and be obliged to incur the risk of getting none at all? The answer is that she would choose to have her own senator, even though some counties with, at present, only half her population, would have the same weight with herself. The answer commonly made to the objections that under the present system all the members may be elected from one part of the district, is that if a design is known to exist to combine in any part of the district, there will be counter combinations in other parts of it. And is this deemed favorable to a fair, faithful and inteligent representation? The people of Leon combine to elect the six members allowed to Middle Florida, with little or no regard to the fitness of the candidates.—This makes a combination necessary, with just as little regard to the essential qualifications of the candidates, in the other parts of the district. The result is that persons who receive but a meagre minority of the votes and who are therefore not the choice of the people—and never could be chosen by the whole district, are liable to be elected.

The election by Judicial Districts is attempted to be sustained too by analogising our condition to that of the Senate of the United States, but the analogy does not hold to the extent contended for. Admit for the sake of the argument, that we are the conservative body—does it follow that we ought to be elected by a people who do not know us, and whom we do not know. This view of the matter, if it prove any thing, proves that they are better qualified to conserve the interests of the people in the Senate, who know least about the people or their interest. The peculiar organization of the Senate of the U. States, was the result of a compromise of conflicting interests and opinions; but does it follow that because this branch of the General Government, forced as it was, by the pressure of circumstances, upon the acceptance of the framers of the constitution, has worked well, therefore no other plan for getting up a Senate would have answered the purpose. Let us look to the States, and we shall there find that in every instance the less numerous branch of the Legislature is chosen in the manner proposed by the Bill under consideration. It is here that we are to look for the truest and only analogy—and for our safest and best guide. All of which is respectfully submitted.

BENJ. D. WRIGHT.

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BENJ. D. WRIGHT.

Which was read.

On motion, the bill was ordered for to-day.

Mr. Berthelot, from the majority of the joint select committee to whom was referred, the message of the Governor, in relation to the location of the site for the public Building, made the following report.

That in conformity with their appointment, they have had a conference with his Excellency the Governor upon the subject referred to in his Message of the 30th ult. That your Committee, after having had an ample and full discussion upon the subject matter therein contained, have arrived at the conclusion that the views and suggestions of the Governor are right and proper in regard to the removal of the site of said Public Building.

Your Committee are induced to agree with the suggestions contained in the Governors Message, from the fact that if the Capitol is erected where it is now contemplated, the capitol square being so very small, and the Capitol so large and massy, it will be out of all proportion, and shew a decided want of taste. Besides this, however, there are other considerations which have weighed in the mind of your Committee: If the new Capitol is suffered to progress where it is now begun, the building which is now used as an Executive office, a Secretarys office and a Senate Chamber, will have to be removed, and that too at the expense of the Territory, on or before the 10th day of April next, according to the terms of the contract, in order that on the same site the contemplated Capitol may be built. Now in the mean time, and until the new Capitol is completed, the Territory will be compelled to lease other offices, and another Senate Chamber at enormous rents, as all buildings in the city of Tallahassee are leased at the very highest sums.

Your Committee has been furnished with the following items by his Excellency the Governor as expenses actually incurred for the laying of the foundation of the new Capitol, as far as progressed with:

Work—Brick laid in foundation 3,500 at $9 50		$332 50
	Excavating foundation 208 yards at 60c.	134 80
	Loss and labor in cleaning brick,	150 00
	Moving 23,800 bricks,	179 00
		$786 30

From this statement it will appear that the sum of $786 30 is the only amount actually expended for the present foundation and that for work and labor. Your Committee would further state that they have called on the contractor, and he has expressed a willingness to conform to any change which might be made in regard to said Capitol. The contractor allowances that for one half of the above amount of $786 30, the materials

which now compose the foundation of the building can be removed to the new site, whereby the materials will not be lost.

Your Committee are of the opinion, that no house in Tallahassee suitable for an Executive office, a Secretarys office and a Senate Chamber, could be procured at a less sum than $3000 a year.

From these considerations your Committee cannot but agree with the views and suggestions contained in the Governors Message upon this subject. And for as much as the Governor is fully empowered and authorised by the Act of the Legislative Council of 1839, entitled An Act to provide for the building a Capitol and for other purposes, to act in regard to this matter, your Committee beg to be discharged from the further consideration of said Message.

All of which is most respectfully submitted.

JAMES A. BERTHELOT,
Chairman Com. of the Senate.
AUGUSTUS STEELE,
Chairman Com. of H. Rep.

Which was read and laid on the table.

Mr. Mills, from the minority of said committee, made the following report.

The minority of the Joint Committee appointed to report upon the communication of His Excellency the Governor, in relation to the expediency of changing the precise spot already fixed on in the capitol square as the site of the new Capitol, have the honor to report as follows. The spot fixed on is the middle of the square, whence on the east and west sides of the square, there is a considerable declivity, so that if the building should be placed on either side of the square, it would be in some degree nuder the hill; Tallahassee is essentially a commercial town, the mart of the great staple of the south, and where the supplies of the planter are to be obtained. The capitol square is in the centre of this great mart, so that by placing the Capitol on either side of the square, you bring it into direct and immediate contiguity with the noise and din of commerce, the rattling of carriages, and the confusion of a crowded city. As to the question, whether the square is of sufficient size to justify the erection of so large an edifice as the new Capitol is destined to be, without doing violence to good taste;—your committee have only to say, that they are unable to perceive the incongruity which has so impressed the minds of others, but as this is purely a matter of taste, your committee will not attempt to discuss it.

The great objection, however, to the change proposed is, that it would probably prove to be but the beginning of a series of changes in the execution of the plan, which would result in the expenditure of the fund provided for this object, and leave us as far from its accomplishment as we are at present. The fear of this result, outweighs in the minds of your committee, all the pecuniary and other advantages which are anticipated from the change proposed. It is believed that no changes ought to be made. The contractors should be held strictly to their contracts; they will then know precisely what they are to depend upon; the Territory will know its rights and its obligations, and

will escape the embarrassment which waited on the abortive and ruinous attempt mdae many years ago to build a Capitol.

All of which is respectfully submitted.

BENJ. D. WRIGHT.
W. J. MILLS.

Which was read and laid on the table.

Mr. Walker, agreeable to previous notice, asked and obtained leave to introduce a bill, entitled an act to repeal an act, entitled an act to prohibit the circulation of notes of foreign Banks of less denomination than five dollars, which was read a first and second time, and ordered for to-morrow.

The Senate in committee of the whole, Mr. Hart in the Chair, again took into consideration the preamble and bill in relation to the Bank of Pensacola; after some time spent in its consideration, the committee rose and reported the bill amended—ordered that the bill be engrossed for a third reading on to-morrow

The Senate went into committee of the whole, Mr. Mills in the Chair, on a bill to be entitled, an act to incorporate the Apalachicola Library Association; after some time spent in its consideration, the committee rose and reported the bill as amended, which was concurred in.

On motion, the bill was read a third time and passed—ordered that the title be as above.

An act to increase the number of Senators, and to lay off the Territory into Senatorial Districts, was ordered for to-morrow.

The Senate then adjourned until to-morrow.

FRIDAY, Feb. 7, 1840.

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

Mr. Mills, from the committee on the State of the Territory, reported a bill, to be entitled an act to prevent breaches of the peace, and the more effectually to preserve order and quiet—and a bill, to be entitled an act to amend an act incorporating the Roman Catholic Church of St. Augustine, called St. Augustine Church, without amendment.

The same from the same commmittee, to whom was referred a bill, to be entitled an act to amend an act, concerning Patrols, passed Feb. 17, 1833, made the following report.

The committee on the state of the Territory, to whom was referred a bill, entitled an act to amend an act, concerning Pat-

rols, have the honor to report, that the committee have had the said bill under consideration, and have attentively examined the act proposed to be amended, and have arrived at the conclusion that it is inexpedient to Legislate further on the subject.

The act of 1833, provides fully for all defaults, on the part of the Justices of the Peace ordering out Patrols; as well as against the Patrol for a neglect of duty or improper conduct, while engaged in such service.

The bill now under consideration, substitutes an Indictment against the Justices of the Peace, in lieu of the fine of twenty dollars now provided in the act of 1833, for all neglect or default to order out Patrols.

Your committee are induced to believe from experience in this Territory, that if the fine of twenty dollars cannot be enforced, it will be impossible to procure an Indictment against delinquents.

All of which is respectfully submitted.

W. J. MILLS, *Chairman.*

Mr. Wright, from the committee on Finance, to whom were referred a bill, entitled an act to amend an act entitled an act, to incorporate the Bank of Apalachicola, reported the same without amendment, which was concurred in—said bill was ordered for Monday.

The Senate received from the House as passed, a bill entitled, an act to incorporate the St. Joseph Academy, which was read a first and second time by its title, and referred to the committee on Schools and Colleges—also,

An act to amend and explain an act entitled an act, to raise a fund by taxation, for the education of poor children, approved March 2d, 1839, was read a first and second time by its title, and referred to the committee on Schools and Colleges.

An act to repeal an act entitled an act to prohibit the circulation of Notes of foreign Banks of less denomination than five dollars, was read a third time; on the question of its passage—the yeas and nays were called by Messrs. Dupont and Walker, and were:

Yeas—*M*essrs. Hart, Hawkins, *M*ills, Walker and Wright, —5.

Nays—Mr. President, Messrs. Bailey Berthelot, Dupont, and English —5.

So said bill was lost.

A bill, entitled an act, to suspend the operations of the Revenue laws for the year 1840, and to provide for the settlement of arrears due to and from the Territorial Treasury, was read a second time—ordered for Monday, and copies ordered.

A Preamble and bill, in relation to the Bank of Pensacola, was ordered for Monday—also,

An act to increase the number of Senators, and to lay off the Territory into Senatorial Districts.

The Senate then adjourned until Monday 12 o'clock.

MONDAY, Feb. 10, 1840.

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

Mr. English gives notice that on a future day he will introduce a bill to be entitled an act to provide for the payment of a Territorial premium, or reward, for the necessary killing or capturing of each and every Seminole Indian in the Territory of Florida, and further to provide for the speedy close of the Seminole war.

Mr. Duval asked and obtained leave to record his vote in favor of a bill entitled an act to repeal act to prohibit the circulation of notes of foreign banks of less denominatien than five dollars, which was granted.

So said bill passed, ordered that the title be as above.

Mr. Mills, agreeable to previous notice, asked and obtained leave to introduce a bill to be entitled an act to authorize the appointment of Commissioners to take testimony in cases of claims for losses during the Seminole war.

Which was read.

Mr. Duval offered the following Resolution:

Resolved, That a committee be appointed to memorialize Congress for a grant of so much of the public domain within the Territory, as will build a Penitentiary for the Territory of Florida, and that they report the same with as little delay as practicable.

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

Messrs. Duval. Mills and Hawkins were appointed said committee.

Mr. Mills, from the committee on the State of the Territory, reported the following bill without amendment:

An act to provide for the appointment of weighers of cotton for the city of Jacksonville, and the town of Whitesville,

Which was read and ordered for to-morrow.

The same from the same committee to whom was referred certain resolutions in relation to claims for horses lost in the service of Florida, reported a substitute for said resolution, which was ordered for to-day.

Mr. Dupont offered the following resolution:

Resolved, That his Excellency the Governor be requested to cause to be furnished to the Senate at as early a day as practicable, a statement showing the amount of money which may have been borrowed on the faith of the Territory, and expended for the defence of the frontier, under the provisions of any law of the Territory, authorizing such loan. Also, what amount of the Territorial Revenue has been expended for the like purpose:

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

The Senate received from the House as passed, an act declaring Black Water river a navigable stream, and to prevent the falling of timber in said river, and other navigable streams, which was read a first time.

Also, an act to organize the Independent City Grays, was read a first time.

Also, a preamble and resolutions relative to land granted by Congress for the location of county sites, was read a first time and referred to the Judiciary committee.

Also, apreamble and resolutions in relation to the division of the Collection District of Apalachicola, was read a first and second time, the rule being waived, and adopted.

Also, a bill to be entitled an act to alter the boundary line of Calhoun County, was read and referred to the committee the State of the Territory.

Also, a bill to be entitled an act for the relief of William G. Davis, was read a first and second time, and referred to the committee on the State of the Territory.

The Senate went into committee of the whole, Mr. Hart in the chair, on a bill to be entitled an act to prevent breaches of the peace, and more effectually to preserve order and quiet. After some time spent in its consideration, the committee rose, and reported the bill without amendment, which was concurred in.

Ordered that the bill be engrossed for to-morrow.

A bill to be entitled an act to amend an act incorporating the Roman Catholic Church at St. Augustine, called St. Augustine Church, was again read and ordered for to-morrow.

A bill to be entitled an act to amend an act concerning patrols, passed the 17th February, 1833, was again read. The report of the committee on the State of the Territory thereon concurred in, and said bill indefinitely postponed.

An act to amend an act entitled an act to incorporate the Bank of Apalachicola, was read a third time. On the question of its passage the yeas and nays were called by Messrs. Berthelot and Wright, and were,

Yeas—Mr. President, messrs. Bailey, Duval, Dupont, English, Hawkins, Mills, Walker and Wright—9.

Nays—messrs. Berthelot and Hart—2.

So said bill passed, ordered that the title be as above.

The senate went into committee of the whole, mr. Berthelot in the chair, on a bill to be entitled an act to suspend the operations of the revenue

aws for the year 1840, and to provide for the settlement of all arrears, due to and from the Territorial Treasury."

After some time spent in its consideration the committee rose and reported progress.

On motion said bill was re-committed to the committee on Finance.

An act to repeal the second section of the act, approved 10th day of Feb. 1838; supplemental to the several acts incorporating the Bank of Pensacola, and to revive the 8th section of "an act to increase the capital of the Bank of Pensacola, and to amend the laws incorporating said Bank and for other purposes, approved 14th Feb. 1835;" was again taken up, on the question to go into committee of the whole on said bill, the yeas and nays were called by Messrs. Wright and Duval, and were,

Yeas—Messrs. Hart, Hawkins, Mills, Wright—4.

Nays—Mr. President, Messrs. Bailey, Berthelot, Duval, Dupont, English and Walker—7.

Said bill was again read, and on its passage, the yeas and nays were called and were,

Yeas—Mr. President, Messrs. Bailey, Berthelot, Dupont, Duval, English, Hart and Walker—8.

Nays—Messrs. Hawkins, Mills and Wright—3.

So said bill passed, ordered that the title be as above.

"An act to increase the number of Senators, and to lay off the Territory into Senatorial Districts;" was again read, on the question of its passage, the yeas and nays were called by Messrs. Berthelot and Hawkins, and were,

Yeas—Mr. President, Messrs. Hart, Mills and Wright—4.

Nays—Messrs. Berthelot, Bailey, Duval, Dupont, English, Hawkins and Walker—7.

So said bill was lost.

The substitute for certain resolutions relative to claims for "horses lost in the service of the United States in Florida;"

Was again taken up and adopted.

The Senate then adjourned until to-morrow.

TUESDAY, Feb. 11, 1840.

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

Mr. Berthelot, gives notice that he will on to-morrow, ask leave to introduce a bill, to be entitled an act, to incorporate the city of Tallahassee.

Mr. Berthelot, from the committee on schools and Colleges, reported a bill, entitled an act to amend and explain an act entitled an act, to raise a fund by taxation, for the education of poor children, approved march 2d 1839; without amendment.

The same from the same committee, reported the bill, to incorporate the St. Joseph Academy in the city of St. Joseph, as amended.

Mr. Duval, from the Judicial committee to whom was referred, an act for the relief of Jerry D. Fisher, made the following report:

The committee on the Judiciary, to whom was referred the bill for the relief of J. D. Fisher, beg leave to report it to the Senate, and recommend that it be amended by reducing the amount of compensation from one hundred and fifty-two dollars, (as contained in the bill) to one hundred dollars, believing as they do, from the testimony adduced, that the latter amount will be an ample equivalent for services alledged to have been rendered—all of which is respectfully submitted.

Wm. P. DUVAL, Chairman.

The same from the same committee, reported favorably on a bill, entitled an act to incorporate the St. Johns Silk Company in East Florida.

Also, favorably on a bill, entitled an act, for the relief of Robert R. Towers.

Also, favorably on a bill, entitled an act to amend an act, incorporating the city of St. Augustine.

Also, favorably on a bill, entitled an act, incorporating the Town of Iola.

Also, favorably on a bill, entitled an act to amend the several acts, in relation to slaves, free negroes and mulattoes.

The same from the same committee made the following report:

To the Senate of Florida.

Your committee to whom was referred the memorial of Jacob Houseman, accompanied with affidavits, and the presentment of the Grand Jury of the county of Dade, beg leave respectfully to report:

That as nothing seems to be sought for in said memorial in the way of legislative action; and the main object appears to be the eradication of every supposed injurious impressions which may have arisen from and been created by a report of a committee of your Honorable body at its last session; your committee deem that it is not within the scope of their legislative duties to act upon, or in relation to any personal difficulties or misunderstandings which may arise between individuals; and ask to be discharged from the further consideration of the subject.

Wm. P. DUVAL, Chairman.

Mr. Mills, from the committee on the State of the Territory, reported a bill, to be entitled an act, to establish the boundary line of Calhoun county, without amendment. Also,

A bill to be entitled "an act for the relief of William G. Davis," without amendment.

Mr. Duval from the committee on the judiciary, made the following report:

The committee on the judiciary, have had under their consideration the bill from the House of Representatives to provide for issuing writs of certiorari, and to repeal the act heretofore passed on that subject.

This bill differs from the law as it now stands in two or three slight particulars only. It is more explicit as to the objects and the manner of giving security, in order to make the certiorari a supersedeas—it assigns six months as the limitation of the right of suing out the writ—and it requires the payment of all costs which may have accrued before obtaining the writ.—These provisions might perhaps be desirable, but your committee do not esteem them sufficiently so, to warrant any change of the old law, especially as the judgment of the county courts may be reviewed on writ of error, and the right of appeal (a more simple and a better remedy than that by certiorari) is secured in all cases to parties before justices of the peace.

Mr. Wright from the committee on Finance and banks, to whom was referred so much of the Governor's message as relates to banks, and other incorporations, made the following report

The committee on Finance and Banks, to whom was referred so much of the Governor's message as relates to Banks and other incorporations, have the honor to report, That as there are now but three banks in operation in the Territory, your committee had hoped for the most satisfactory results from certain joint resolutions passed by the Senate on the 23d day of January last, requiring as thorough an investigation of the condition of these institutions as their respective characters permit. By these resolutions, it was proposed to raise joint committees of the Senate and House of Representatives, to investigate the affairs of the Union Bank and of the Southern Life Insurance and Trust Company, and to request the Governor to appoint a commissioner to examine into the affairs of the Bank of Pensacola. At the period of the passage of these resolutions by the Senate, there was thought to be ample time, before the end of the present session of the Council, for the investigations proposed, and your committee anxiously hoped that there might be no difference of opinion between the two Houses on this important subject.

While the resolutions above alluded to, were yet pending in the Senate, the House of Representatives passed certain resolutions, having for their object the separate action of a committee of the House, in the work of investigation, *so far as the Union Bank was concerned.* It seems to be generally agreed, that such an investigation is not made in strict conformity to law, since the visitatorial power over this institution is reserved to *the Legislature*, which now consists of two Houses. In this view of the matter, and especially as it was thought by many

that the Banks would resist the exercise of this visitatorial power, unless it was attempted according to strict law, it was deemed safer and better that both Houses should concur. But your committee are gratified to learn, that the Union Bank has submitted, unhesitatingly, to the investigation sought by the committee of the House, and that a thorough and searching examination of its affairs is now in progress.

So far, the objects contemplated by the resolutions of the Senate, are likely to be accomplished, without any direct agency of this body. In reference, however, to the other two institutions, (the Bank of Pensacola, and the Life and Trust Bank) your committee cannot but regret, that the House should have deemed it unnecessary to concur in the action of the Senate, or to suggest some action of its own, since there is now no hope that we shall be enabled to get the necessary information in time to admit of the adoption of any effective measures in relation to the last named institutions, during the present session.

Your committee ask to be dischared from the further consideration of the subject.

The Senate took up the following messages, received from his excellency the Governor, on yesterday.

EXECUTIVE DEPARTMENT,
Tallahassee, Feb. 10, 1840.

To the Honorable the Senate of the Legislative Council of Florida.

Having received the letter and resolutions which accompany this message, from the Governor of New Jersey, I consider it due alike to the authorities of New Jersey and to the Legislative Council of Florida, that they should be communicated to you. The question presented, is one which must be interesting wherever the Elective Franchise is exercised by the people, and deeply affects their rights.

ROBERT RAYMOND REID.

Which was read, and with accompanying documents referred to a select committee.

Messrs. Hawkins, Duval and Mills, were appointed said committee.

Also the following message.

EXECUTIVE DEPARTMENT,
Tallahassee, Feb. 8, 1840.

To the Honorable the Senate of the Legislative Council of Florida.

I respectfully inform the Senate that I have approved of the following acts of the Legislative Council:

I. An Act to authorize John H. Miller to establish a ferry across the Escambia river, at Owen's lake.

II. An Act to repeal the second section of an act, entitled an act to alter the time and manner of holding the county courts

in Monroe county, and to extend the several acts respecting executions into and over the southern judicial district of Florida.

III. An Act to authorize William A. Bell to build a Bridge and establish a Ferry across Little Bayou in Escambia county.

IV. An Act to incorporate the Lafayette Engine and Hose Company of Key West.

ROBERT RAYMOND REID.

Also the following.

EXECUTIVE DEPARTMENT,
Tallahassee, Feb. 10, 1840.

To the Honorable the Senate of the Legislative Council of the Territory of Florida.

I transmit to the Senate, a letter from the President of the Southern Life Insurance and Trust Company, and statements accompanying the same.

ROBERT RAYMOND REID.

Which was read, and with accompanying documents, 500 copies ordered printed.

A bill, entitled an act to authorize the appointment of commissioners, to take testimony in cases of claims, for losses during the Seminole war, was again read, and referred to the Judiciary committee.

A bill, entitled an act to provide for the appointment of weighers of cotton for the city of Jacksonville, and town of Whitesville, was again read and laid on the table.

The Senate went into committee of the whole, Mr. Dupont in the Chair, on a bill entitled an act, declaring Black Water river, a Navigable stream; and to prevent the falling of timber in said river, and other navigable streams—after some time spent in its consideration, the committee rose, and reported said bill with the title amended, and second section of said bill stricken out.

On motion said bill was again read and passed as amended.

An act to organize the Independent city Greys, was again read.

An engrossed bill, entitled an act, to prevent breaches of the Peace and more effectually to preserve order, was again read and passed—ordered that the title be as above.

An act to amend the act, incorporating the Roman Catholic Church at St. Augustine, called the St. Augustine Church, was again read and passed—ordered that the title be as above.

The Senate received from the House of Representatives, as amended and passed, a resolution before passed by the Senate in relation to the distribution of J. P. Duval's compilation of the laws of Florida, which amendment was concurred in, and said resolution ordered enrolled.

The House also passed without amendment, an act to repeal the 1st section of an act entitled an act, providing for removal

of Justices of the Peace in certain cases, and for other purposes, approved Feb. 14, 1838.

An act, to authorize R. T. McDavid, to establish a Ferry across Escambia river, was read a first and second time by title, and referred to the committee on the state of the Territory.

A Preamble and resolution requesting our Delegate in Congress to procure an appropriation for establishing a crossing place over the Choctawhatchy river, was read a first and second time (the rule being waived) and adopted.

A Preamble and resolution requesting the Commissioner of the Tallahassee Fund, to audit the account of J. S. Robinson, was read a first and second time. the rule waived, and adopted.

The House passed without amendment, and sent to the Senate, an act in relation to Auctioneers.

The Senate then went into secret session, on Executive business; on motion the door was opened, and the Senate adjourned until to-morrow.

WEDNESDAY, FEB. 12, 1840.

The Senate met pursuant to adjournment.

The President being absent, on motion of Mr. Hawkins, Mr. Duval was called to the chair, and the proceedings of yesterday were read.

Mr. Berthelot, agreeable to previous notice, asked and obtained leave to introduce a bill, to be entitled an act to incorporate the City of Tallahassee, which was read a first and second time by its title, and referred to the committee on the Judiciary.

Mr. Duval offered the following resolution:

Be it Resolved, by the Governor and Legislative Council of the Territory of Florida, That the Commissioner of Tallahassee be, and he is hereby directed, to select from any quarter section belonging to the Territory, adjoining to the original quarter section on which the city of Tallahassee was first established, ten acres of land, the most eligible site for a Government House, and that he reserve the same from sale for the purpose, (hereafter) of erecting thereon a proper building for the residence of the Chief Magistrate of the Terrritory, which was read.

Also, the following:

Be it Resolved, by the Legislative Council of the Territory of Florida, That our Delegate be requested to use his influence with Congress, to increase the salary of the Governor of

this Territory, as the same now allowed by law, is wholly inadequate to the necessary expenses imposed on the Chief Magistrate.

Be it further Resolved, That until the Territory can conveniently provide a suitable building for the residence of the Chief Magistrate of this Territory, the sum of six hundred and fifty dollars per annum shall be, and the same is hereby granted, out of any money in the Treasury not otherwise appropriated, for the rent of a house for the residence of the Governor, and the same shall be audited, and the Treasurer shall, on the drafts drawn by the Governor, pay the said sum of six hundred and fifty dollars quarterly, which was read.

Mr. Duval, from the Judiciary committee, made the following report:

To the Honorable the Senate of the Legislative Council of Florida.

The committee of the Judiciary, to whom was referred the bill to be entitled an act to legitimate the children of D. A. Northrop, and to change their names, have had the same under consideration, and report:

By the fifth section of the act providing for the support and maintenance of bastard children, passed January 5th, 1828, it is declared, that if the father and mother of the bastard children shall at any time intermarry, the children shall be deemed and held legitimate.

Such a state of facts is believed to exist, as relates to D. A. Northrop and the mother of the children sought by the act to be declared legitimate. Your committee therefore deem any act of the Legislative Council as superfluous and unnecessary, so far as relates to legitimating said offspring, and beg leave to report the accompanying bill as a substitute for that of the bill submitted to them.

WM. P. DUVAL, *Chairman.*

A bill to be entitled an act to amend and explain an act entitled an act to raise a fund by taxation, for the education of poor children, approved March 2, 1839, was read a third time and passed, ordered that the title be as above.

The Senate went into committee of the whole, Mr. Wright in the chair, on a bill entitled an act to incorporate the St. Joseph Academy, in the city of St. Joseph. After some time spent in its consideration, the committee rose and reported the bill without amendment. The bill was again read and passed, ordered that the title be as above.

A bill entitled an act for the relief of G. D. Fisher, was read a second time, amended by striking out the words "one hundred and fifty two dollars," and inserting "one hundred dollars."

On motion, the rule was waived, the bill read a third time, and passed as amended, ordered that the title be as above.

A bill entitled an act to amend the act incorporating the city of St. Augustine, was read a third time and passed, ordered that the title be as above.

A bill entitled an act for the relief of Robert R. Towers, was read a third time and passed without amendment, ordered that the title be as above.

The Senate went into committee of the whole, Mr. English in the chair, on a bill entitled an act to incorporate the town of Iola. After some time spent in its consideration, the committee rose and reported the bill as amended, which was concurred in.

On motion the bill was read a third time and passed, as amended, ordered that the title be as above.

A bill entitled an act to incorporate the St. Johns Silk Company in East Florida, was read a third time and passed, ordered that the title be as above.

A bill entitled an act to amend the several acts in relation to slaves, free negroes and mulattoes, was again read and made the order of the day for to-morrow.

A bill entitled an act for the relief of Wm. G. Davis was read a third time and on the question of its final passage the yeas and nays were called, by Messrs. Duval and Mills, and were

Yeas—Mr. President, Messrs. Bailey, English, Hawkins, Hart, Mills, Walker and Wright.—8.

Nays—Messrs. Berthelot and Duval.—2

So said bill passed, ordered that the title be as above.

An act to alter the boundary line of Calhoun County, was read a third time and passed, ordered that the title be as above.

A Bill entitled "An act to provide for issuing writs of Certiorari, and to repeal the act heretofore passed on the subject," was read a second time and ordered for to-morrow.

An act to organize the Independant City Greys, was read a third time and passed, as amended, ordered that the title be as above.

The Senate received from the House of Representatives the following message:

"Extract from the minutes, FEB. 11, 1840.

Mr. Lancaster moved that both Bills relating to the increase of the Senate, be sent to the Senate with the action had thereon by this House, with a request that they notice the action of the House thereon.

Which motion prevailed.

Extract from the minutes of the 30th Jan. 1840.

The House went into committee of the whole on a Bill entitled, "An act to increase the number of Senators and to lay off the Territory into Senatorial Districts, and a bill from the

Senate, entitled an act to increase the number of Senators of the Legislative Council, Mr. Lancaster in the chair, after some time spent in consideration of said bills, the committee rose, and the chairman reported the first to the House amended and in substitution of the bill from the Senate—which report was concurred in, and said bill ordered to be engrossed for a third reading on to-morrow.

Attest. JAS. H. GIBSON, Clerk.

Which was read.

Mr. Hawkins moved that a committee of conference be appointed by the President of the Senate, to confer with any committee that may be appointed by the House of Representatives in relation to the bill to be entitled an act to increase the number of Senators of the Legislative Council, and that the Secretary certify to the House of Representatives the appointment of said committee.

Which was adopted. Messrs. Hawkins, Berthelot and Mills, were appointed said committee.

A Bill entitled "An act concerning Wills, Letters Testamentary and of Administration, and the duties of Executors, Administrators and Guardians, approved 20th November, 1828," was read a first and second time by its title, and referred to the committee on the Judiciary.

The Senate then adjourned until to-morrow.

Thursday, February 13, 1840.

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

Mr. Wright, from the committee on Finance and Banks, to whom was referred a bill entitled an act to suspend the operation of the revenue laws for the year 1840, and to provide for the settlement of all arrears due to and from the Territorial Treasury, reported a substitute for said bill, which report was received, and said substitute ordered for to-day.

Mr. Berthelot, from the committee on enrolled bills, reported as correctly enrolled, an act in relation to Auctioneers; an act to repeal the first section of an act entitled an act providing for removal of Justices of the Peace in certain cases, and for other purposes, approved Feb. 14th, 1835, and a resolution in relation to the distribution of the laws as compiled by John P. Duval, Esq.

The resolution before offered by Mr. Duval, in relation to

a reserve of land for the erection of a Government House, was again read.

Mr. Dupont moved to amend said resolution by adding the words whenever the Territory shall have been admitted into the Union, which motion was lost.

The reslution was then amended and adopted.

Also, certain reslutions in relation to increasing the salary of the Governor of the Territory, was again read.

On the question of the adoption of the first resolution, the yeas and Nays were called for by Messrs. Dupont and Hawkins, and were:

Yeas—Messrs. Bailey, Berthelot, Duval, English, Hart, Hawkins, Mills, Walker and Wright—9.

Nays—Mr. President and Mr. Dupont.—2.

On the question of the adoption of the second resolution, the yeas and nays were called for by Messrs. Dupont and Hawkins, and were:

Yeas—Messrs Berthelot and Duval—2.

Nays—Mr. President, messrs. Bailey, Dupont, English, Hart, Hawkins, Mills, Walker and Wright—9.

The substitute for the House bill, entitled an act to legitimate the children of D. A. Northrop, and to change their names, was read a third time and passed, ordered that the title be as in said substitute.

An act to amend the several acts in relation to slaves, free negroes, and mulattoes, was read a third time. On the question of its passage, the yeas and nays were called by Messrs. Mills and Duval, and were—

Yeas: Messrs. Bailey, Berthelot, Duval, Dupont, Hawkins and Walker—6.

Nays: Mr. President, Messrs. English, Hart, Mills and Wright—5.

So said bill passed, Ordered that the title be as above.

An act to provide for issuing writs of certiorari, and to repeal the act heretofore passed on that subject, was read a third time and lost.

The Senate received from the House, as passed, a bill entitled an act to authorize the Governor to appoint a Commissioner to settle the affairs of the Farmers' Bank of Florida, which was read a first and second time by its title, and referred to the committee on finance.

Also, a bill entitled an act to incorporate the town of Jasper, in Hamilton county, which was read a first and second time by its title, and referred to the judiciary committee.

The Senate went into committee of the whole, Mr. Mills in the chair, on a bill entitled an act to suspend the operation of the revenue laws for the year 1840, and to provide for the settlement of all arrears due to and from the Territorial treasury:

after some time spent in its consideration, the committee rose and reported progress, and asked leave to sit again.

On motion, written copies of said bill were ordered, and the bill made the order of the day for Saturday.

The Senate then adjourned until to-morrow.

FRIDAY, Feb. 14, 1840.

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

Mr. Mills, from the committee on the State of the Territory, to whom was referred a bill entitled an act to authorize R. T. McDavid to establish a Ferry across the Escambia River, reported the same without amendment.

The Senate went into secret session on Executive business.

On motion the doors were opened.

The Senate then adjourned until Monday 12 o'clock.

MONDAY, Feb. 17, 1840.

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

Mr. English, agreeable to previous notice, introduced a bill entitled an act concerning the Seminole Indians, which was read a first and second time by its title, and referred to the committee on the State of the Territory.

Mr. Berthelot gives notice that he will, on some future day, introduce a bill to be entitled an act to incorporate the Methodist Episcopal Church of the City of Tallahassee.

Mr. Dupont gives notice that he will, on some future day, ask leave to introduce a bill for the relief of M. H. Martin.

Mr. Hawkins, from the committee on the Judiciary, reported the following bills without amendment, viz:

A bill entitled an act to incorporate the city of Tallahassee,

Also, an act to incorporate the town of Jasper, in Hamilton County, and

A bill entitled an act to authorize the appointment of Com-

missioners to take testimony in cases of claims for losses during the Seminole War.

On motion, said bills were ordered for to-morrow.

The Senate received from the House the following message, viz:

Extract from the minutes, Feb. 14, 1340.

Mr. Meacham presented to the House a copy of a bill entitled an act to authorize Edwin G. Booth to establish a ferry on the Apalachicola river below Ocheesee, the original of which has become mislaid or lost before enrollment, and asked that the House do consider said copy, as the original bill, and also that said bill be sent to the Senate, requesting a similar action on the same by that body.

Which was ordered.

Attest, JAMES H. GIBSON, Cl'k.
House of Representatives.

Which was read.

On motion the bill was read, and received by the Senate.

The House rejected and sent back to the Senate an act to authorize the Judges of the Superior Courts to hold extra terms for the trial of criminal cases.

On motion of Mr. Walker, the Senate appointed a committee of conference on said bill, consisting of Messrs. Walker, Dupont and Mills, on the part of the Senate.

On motion of Mr. Mills, the Senate agreed to re-consider a bill entitled an act to provide for issuing writs of Certiorari, and to repeal the act heretofore passed on that subject.

Said bill was ordered for to-morrow.

An act to alter and amend the act entitled an act to prevent the migration of free negroes and mulattoes into this Territory, and for other purposes, before passed by the House, was read a first and second time by its title, and referred to the Judiciary committee.

An act to authorize R. T. McDavid to establish a ferry across the Escambia river, was read a third time and passed without amendment, ordered that the title be as above.

The Senate then went again into committee of the whole, Mr. Mills in the chair, on a bill entitled "an act to suspend the operation of the Revenue Laws for the year 1840, and to provide for the settlement of all arrears due to and from the Territorial Treasury. After some time spent in its consideration, the committee rose and reported the bill as amended, which was concurred in, and said bill ordered to be engrossed for to-morrow.

The Senate went into secret session on Executive business.

On motion, the doors were opened.

On motion, the rule was waived, when Mr. Duval introduced a bill entitled an act to repeal an act entitled an act for the re-

lief of the militia and volunteers of Florida, called into the service of the United States during the present Indian war.

Which was read a first and second time by its title, and referred to the committee on the militia.

The Senate then adjourned until to-morrow.

TUESDAY, Feb. 18, 1840.

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

Mr. Hawkins moved that the reports and resolutions in relation to the Division of the Territory, be taken from the table and made the order of the day, for to-morrow—which motion prevailed.

On motion of Mr. Mills, the resolution before offered by him, asking of the President of the late Convention held at St. Joseph, information relative to the vote given for "Constitution," or "no Constitution," was taken from the table, and made the order of to-morrow.

Mr. Duval offerred a preamble and resolutions, making an appropriation for the reporting and publishing the decisions of the Court of Appeals, which was read a first time and referred to the committee on the State of the Territory.

Mr. Mills from the Finance committee, reported a bill entitled "an act to provide for the compensation of the officers of the Legislative Council, and for other purposes," which was read a first time, and ordered for Thursday.

The Senate received from the House the following message, viz:

Extract from the minutes, Feb. 17, 1840.

On motion, *M*essrs. Lancaster, Snell and McKinnon were appointed a committee to confer with the committee of the Senate, on a bill entitled an Act, to authorize the Judges of the Superior Courts, to hold extra terms for the trial of criminal cases.

Attest. J. H. GIBSON, Clerk, H. R.

The House sent to the Senate as passed, an Act, preventing any person holding office under the General Government of the United States, or any foreign Government or power from holding any office under the authority of the Territory of Florida; which was read a first time, and copies ordered.

The Senate went into committee of the whole, Mr. Baily in

the chair, on a bill entitled an act to incorporate the city of Tallahassee; after some time spent in its consideration, the committee rose, reported progress, and asked leave to sit again; which was concurred in.

An act to incorporate the town of Jasper, in Hamilton county, was read a third time and passed, orderd that the title be as above.

An act to authorize the appointment of Commissioners to take testimony in cases of claims for losses during the Seminole war, was read a third time and passed, ordered that the title be as above.

An act to provide for issuing writs of Certiorari, and to repeal the act heretofore passed on that subject, was read and referred to the Judiciary committee.

An engrossed bill, entitled an act to suspend the operation of the revenue laws for the year 1840, and to provide for the settlement of all arrears due to and from the Territorial Treasury, was read a third time and passed; ordered that the title be as above.

His Excellency the Governor transmitted to the Senate, the following message, viz:

EXECUTIVE DEPARTMENT,
Tallahassee, Feb. 18, 1840.

To the Honorable the Senate of the Legislative Council of Florida.

I respectfully inform you that I have approved the following acts of the Legislative Council; and also of certain resolutions:

An act to establish a Board of Port Wardens and commissioners of wrecks for the port of Apalachicola.

An Act in relation to Auctioneers.

An Act to incorporate the members of the Apalachicola library association.

An act to repeal the first section of an act entitled an act providing for removal of Justices of the Peace in certain cases, and for other purposes.—approved 14th Feb. 1835.

The Resolutions instructing our delegate in Congress to urge the passage of a law, dividing the collection district of Apalachicola, and creating a new and seperate district, embracing the city and bay of St. Joseph.

The Resolutions relative to the distribution of Duval's compilation of the laws of Florida, by the Secretary of the Territory, and the payment of P. A. Hayward for binding seven hundred and fifty copies of the beforementioned compilation.

An act for the relief of John Bryan.

In relation to this act for the relief John Bryan, I have to remark that the preamble contains a mistake as to the cause of the failure to hold sessions of the Superior Courts for the county of Columbia. The statement is as follows: "And whereas

for the last three years in consequence of the Indian troubles in that neighborhood, no court to which application could be made by the said John Bryan for a divorce, has been or is likely soon to be held in said county of Columbia." Now, it is known to me, that no Superior Court has been held in Columbia county; because ever since the law was passed, requiring said courts to be held in the county, no accommodations have been provided for such courts. There have been no Court House—and no Jury Rooms. Courts have been held at Nunansville within the last three years, for the counties of Alachua, Hillsborough, and Columbia, before which the party aggrieved might have filed his bill for a divorce, and might perhaps have obtained a decision thereon. It is admitted however, that the course of justice has been occasionally interrupted in the three counties last mentioned in consequence of Indian disturbances.

With this explanation, and presuming that the Legislative Council have received evidence under oath of the facts upon which the divorce is claimed—I approve the act

ROBERT RAYMOND REID.

Which was read.

The Senate then adjourned until to-morrow.

WEDNESDAY, Feb. 19, 1840.

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

The Senate received from the House the following message

HOUSE OF REPRESENTATIVES, Feb. 18, 1840.

The House resolved itself into committee of the whole, on a bill entitled an act to prevent duelling—after some time, the committee of the whole rose, and Mr. Meacham chairman therefrom, reported said bill to the House, with all but the enacting clause stricken out.

Said report was concurred in.

Attest, J. H. GIBSON, Clerk.

Mr. Dupont, agreeably to previous notice, asked and obtained leave to introduce a bill, entitled "an act for the relief of M. H. Martin,"—which was read a first and second time, and ordered for to-morrow.

An act to incorporate a company to be called the St. Marks Rail Road Company, was read a first and second time by its title, and referred to the committee on the State of the Territory.

A bill to be entitled, "an act to incorporate the Trustees of

the Methodist Episcopal Church in the city of Tallahassee," was read a first and second time, and ordered for to-morrow.

Mr. Mills, from the committee on the state of the Territory, reported a bill entitled "an act to repeal an act entitled an act for the relief of the militia and volunteers of Florida, called into the service of the United States, during the present Indian war, with amendments, which was read and ordered for to-morrow.

The reports and resolutions of the select committee, in relation to the subject of Division of the Territory, were taken up, and on motion, ordered for Monday next.

Also the resolution asking of the President of the late Convention held at St. Joseph, information relative to the vote given for "Constitution," or "no Constitution."

An act to prevent any person holding office under the General Government of the United States, or any foreign Government or power, from holding any office under the authority of the Territory of Florida, was read a second time by its title, and referred to the committee on the State of the Territory.

The Senate again went into committee of the whole, Mr. Baily in the chair, on a bill entitled "an act to incorporate the city of Tallahassee," after some time spent in its consideration, the committee rose and reported the bill as amended—which was concurred in—ordered that the bill be engrossed for a third reading on to-morrow.

The Senate went into secret session on Executive business.

On motion, the doors were opened.

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

THURSDAY, Feb. 20, 1840.

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

Mr. Duval offerred sundry amendments to the bill entitled, "an act to incorporate a company, to be called the St. Marks Rail Road Company," which were referred to the committee on the state of the Territory.

Mr. Hawkins from the Judiciary committee, reported sundry resolutions in relation to the location of pre-emption lands for seats of justice in the several counties in the Territory, which was ordered for to day.

Mr. Mills from the committee on the state of the Territory,

to whom was referred certain preamble and resolutions, making an appropriation for the reporting and publishing the decisions of the Court of Appeals, reported the same without amendment —said resolutions were ordered for to-day.

A bill entitled "an act to provide for the compensation of the officers of the Legislative Council, and for other purposes," was ordered for to-morrow.

A bill entitled "an act for the relief of M. H. Martin," was read a third time and passed—ordered that the title be as above.

A bill entitled "an act to incorporate the Trustees of the Methodist Episcopal Church, in the city of Tallahassee," was read a third time and passed—ordered that the title be as above.

The Senate went into committee of the whole, Mr. Berthelot in the chair, on a bill entitled "an act to repeal an act entitled an act for the relief of the militia and volunteers of Florida, called into the service of the United States, during the present Indian war," after some time spent in its consideration, the committee rose and reported the bill without amendment, ordered that the bill be engrossed for a third reading on to-morrow.

A bill entitled "an act to incorporate the city of Tallahassee," was read a third time and passed—ordered that the title be as above.

Certain preamble and resolutions, in relation to the location of pre-emption lands for seats of justice, in the several counties in this Territory, were read a second time and adopted.

Certain preamble and resolutions, making an appropriation for the reporting and publishing the decisions of the Court of Appeals, were read a second time and adopted.

On motion of Mr. Duval, the bill entitled "an act to incorporate the city of Tallahassee," was re-considered, again amended and passed—ordered that the title be as above.

The House sent to the Senate as passed, an act before passed by the Senate, to repeal an act entitled an act to prohibit the circulation of notes of foreign banks of less denomination than five dollars.

The Senate received from the House, as passed, a bill entitled "an act for the relief of James T. Patterson, and for other purposes,' which was read a first and second time by its title, and referred to the Judiciary committee..

The Senate went into secret session on Executive business.

On motion, the doors were opened.

The Senate then adjourned until to-morrow.

FRIDAY, Feb. 21, 1840.

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

Mr. Berthelot, from the committee on Enrolled bills, reported as correctly enrolled, an act to repeal an act entitled an act, to prohibit the circulation of notes of foreign banks of less denomination than five dollars.

Mr. Mills, from the committee on the state of the Territory, reported an act, to incorporate a Company, to be called the St. Marks Railroad Company, with amendments.

Mr. Hawkins, from the Judiciary committee, reported unfavorably to a bill, to be entitled an act, for the relief of James T. Patterson, and for other purposes—said bill was ordered for to day.

Also an act, to alter and amend the act entitled an act, to prevent the migration of free negroes and mulattoes into this Territory, and for other purposes—on motion, written copies of said bill were ordered for Monday next.

The same from the same committee, reported favorably on the following bills.

An act to amend an act, concerning Wills, Letters Testamentary and of Administration, and the duties of Executors, Administrators and Guardians, approved Nov. 20, 1828.

An act, concerning partition of property.

And an act, approved Feb. 3, 1834, concerning the authentication of conveyances—said bills were ordered for to day.

Mr. Hawkins, from the select committee, to whom was referred certain resolutions of the New Jersey Legislature, made the following report.

The committee to whom was referred the preamble and resolutions transmitted by the Legislature of New Jersey, have had the same under consideration, and beg leave to report the following preamble and resolution for the adoption of the Senate, as a reply.

The importance of the subject, discussed in the New Jersey preamble and resolutions, to all the friends of Republican Government, well justifies an expression of opinion by the Senate, though foreign to its immediate duties; particularly as its attention has been specially called to the subject by the New Jersey authorities, and silence might be misconstrued into acquiescence in the opinions and views advanced in the papers transmitted It may be urged that Florida, being as yet in her minority, not possessing the rights and dignity of a State, and entirely dependent on the General Government, should not express opinions on the subjects in the accompanying Resolutions; but your committee are of opinion, that as her present state of dependence and vassalage is likely soon to pass away, propriety dictates that the present moment ought not to be deemed premature, for discussing subjects, in which we, as citizens of the United States, are directly interested and concerned, and upon which, public opinion cannot be too much enlightened.

The Legislature of New Jersey complains, that their State authorities and the broad seal of their State, have been treated with indignity

by the rejection of Messrs. Aycrigg, Maxwell, Halstead, Stratton and Yorke, as members of the 26th Congress.

This charge might come with some force, if the members of the House of Representatives were *State* officers, elected and *commissioned* by the State, and chosen to perform the business of the State in its sovereign capacity, and to the State as such responsible. If such was the case, if the House of Representatives was composed of deputies or ambassadors from the States in their sovereign capacities, then doubtless, each State would, unless otherwise expressly provided by the compact under which they assembled, prescribe conclusively the time. place and manner of election, the qualifications of electors and representatives, and the forms of commission or other proper evidence of election, and to reject persons coming armed with all the requisitions of the State law, would be an indignity and a violation of the compact.

But the constitution of the Federal Government, is mixed in its character, partly federal and partly national. In the House of Representatives, the States as sovereigns are not represented, but the *people* of the several States in their primary capacity. The people by the constitution elect the representatives, who are officers of the General Government, and not of the States. The *people* are their constituents, *not* the States. The qualifications of electors and of representatives are fixed by the constitution of the Union, and cannot be affected by State legislation, and Congress might even fix the time, place and manner of holding the elections, and such an act would be paramount to all State Legislation. It is true, that until Congress does pass such an act, the States have power to regulate the time, place and manner of electing representatives. But this power over mere forms, given for convenience, and liable at any moment to be taken away, cannot alter the nature of the office, or shift the responsibilities of the officers elected.

We differ with the Legislature of New Jersey in its conclusion, that this right to prescribe the time, place and manner of holding elections, necessarily includes the power to prescribe the manner in which the "result of these elections shall be ascertained and certified," and still more from the inference, that such certificate shall be *conclusive* as to the right to *take* a seat. For we hold every doctrine to be politically absurd, which gives a right to take, what is at the same time clear. the party taking cannot hold, and which gives the power and possession to the defeated party, and leaves the successful candidate to petition and claim, or which gives to *mere form*, what it denies to *substance*, and allows a *certificate* to prevail over an *election*.

Such a doctrine would annihilate that clause of the constitution, which makes each House the conclusive judge of the election returns and qualifications of members, and would convert our mixed government into one wholly federal. It would open the door to boundless frauds, and careless or corrupt State officers, might always defeat the people of their own States; and the officers of a few States might, by a fraudulent combination, control a majority of the whole House of Representatives, and thus taint and corrupt the whole legislation of the Union; for we cannot doubt, that men who would have the unblushing effrontery, to claim and take seats under a false, fraudulent, or forged certificate, would have the hardihood to retain them afterwards by the combined power of themselves and their associates in guilt.

But admitting with the Legislature of New Jersey, that the States have the right to prescribe the mode of return, and that such return shall be conclusive as to the right to take a seat, when the law prescribing it is followed; it cannot be contended, that a return shall be conclusive, when the law prescribing the mode is not followed in any essential particular; and unless this is the case, no indignity can have

been committed by rejecting the returned members. The Legislature of New Jersey seems to have lost sight of the fact, that their Governor failed to comply with their own law, which they claim to have respected, and that in thus failing, he appended his signature, and the Seal of the State, to an instrument to which he had no right to place them, and consequently was a nullity, which Congress, from respect to the State and its people, was bound to disregard.

If the commission was of any force and effect, it derived that force and effect solely from the law of New Jersey, which authorized it to be given. The House of Representatives had a right to enquire by what law it was authorized before they respected it as an official act, and of course they had a right to enquire whether the requisitions of the law had been complied with, so as to give the act the respect due to an official act; and if not, they were bound to treat the act done in violation of law, or without law, as a mere nullity, precisely as if no act had been passed upon the subject.

The act of New Jersey requires the county Clerks to transmit to the Governor lists of *all* the candidates voted for in their respective counties, and *all* the votes given for each, within seven days after the election. And if not sent within that time, that the Governor shall send an express for them, at the expense of the State. And the Governor shall, *after* receiving all of said lists, within five days, call his council, and after *casting up the whole number of votes from the several counties*, shall determine the six persons who have the greatest number of votes, and those he shall commission.

The whole duty of the Governor, in this behalf, is ministerial. His power is to decide *nothing* judicially, but under certain circumstances, to certify, from the records before him, what others have decided. If he had done this as the law required, his signature, and the seal of the State, could have been treated with no indignity, and no question would have arisen. The Governor did not send an express for the votes which did not reach him within the seven days after the election, and did not not *count* them when received, because not received in time. These facts are admitted and notorious.

New Jersey cannot complain of Congress, because her own Governor violated her own law, and gave a void commission, when he might have given a valid one. It is clear, the New Jersey law never authorized the Governor to give a commission, until the reception of *all* the returns, and if they were not sent, it was his duty to send for them until they were obtained. And if he never could have obtained them, the contingency upon which he was to have granted a commission never would have arisen, and the members must have gone before Congress, upon such of the original returns as they could obtain, as they have in fact done now, when a void commission was given.

If a valid commission could be given in the absence of any single return, so could it be given in the absence of all, and the power of election in fact, be transferred from the people to the Governor.

But it is contended, that the commission is conclusive as to the right to take a seat in the face of facts showing it to be fraudulent and void, as inconsistent with facts, and given contrary to law. Then must it be conclusive to the same extent, under all circumstances, and to all intents and purposes.

Suppose five convicts, from the New Jersey Penitentiary, had bribed the Governor to give them the commission and broad seal, they must have been privileged from arrest, and taken their seats in the House of Representatives, and have voted for Speaker, although they might have been ousted afterwards. This follows immediately and necessarily from the principle sought to be established, and we, as re-

publicans, prefer adhering to the old fashioned doctrine, that the candidates receiving the greatest number of legal votes, is the person elected, and entitled to his seat from first to last, to this new light, that broad seals make members of Congress, which tends to such dangerous results.

We conclude then, that in this case, the commission given without compliance with the essential requisites of the law authorising it, was as absolute a nullity, as if it had been a forgery.

But if the Governor had followed all the forms of law, and waited for the returns and counted all the votes, his commission would not still have been conclusive, as to the right to take the seats: First, because the New Jersey law does not *pretend* to make it so. Secondly, because it would have been void, if it had attempted it by coming in collision with the Constitution of the United States, which gives each house the right of judging of the elections, returns and qualifications of its own members.

To shew the absurdity of making it conclusive, even as to the right to take the seats, and if all forms had been complied with, it is only necessary to suppose a mistake in the enumeration, the casting up of votes, the mere ministerial act which the Governor is required to perform and certify—should that give the seat to the man who was not elected?

But it is said triumphantly, that the Governors commission should be conclusive as to the right to take the seat in the first instance, even in favor of a man not elected, because only the House is qualified to judge, and until organization there is no House, and consequently there is no tribunal in existence capable of examining any counter testimony.

Whatever wire drawn metaphysical or technical reasons may be found in favor of this argument, it bears the broad seal of political absurdity and moral wrong upon its face. No doctrine or reasoning can be correct, which gives power to the rejected candidates, and withholds it from the chosen officers, when these facts are apparent.

The idea is, that there is no competent tribunal provided by the Constitution, to protect the people of the States from fraudulent returns, or void commissions, by the capacity of examining into facts, whenever and where ever presented.

That although the authority by which every officer exercises his powers, from the President down to a Constable, can be enquired into before a single official act is recognized as such, that with regard to this office alone, that of representing the people in their original sovereignty, and protecting their nearest and dearest rights, and prescribing the rules of action for all other officers, no such right of inquiry exists.

The framers of our boasted Constitution must have been bunglers indeed, thus to have left the most striking feature in the Constitution, the most sacred privilege of the people—the most important function of Government—the highest attribute of Sovereignty—the very vital principle of free government itself, which was the moving cause of our glorious revolution, entirely at the mercy, caprice or cupidity of such petty officers as deputy sheriffs in Virginia and Kentucky (and perhaps other States) who actually *farm* their offices, or the corrupt favoritism of more important functionaries in some of the States, who prostitute their powers to party purposes.

The very doctrine itself holds, that there is always a house capable of looking at one certificate, and requires that it shall always only be capable of looking at the false one! For when the certificate is *true*, no question can arise on the returns.

The Constitution makes the same house equally the judges of *all the returns*. The certificate of a Secretary of State,—the returns of the

county court clerks, or the township commissioners, and the original poll books; and if there exists a house capable of seeing a broad seal appended against law to a false certificate, surely it is a competent house to look at the true returns. It would be futile to give the power of *judging of returns*, if *only one return* could be looked at, and nothing in conflict with it, can be examined. And it is absurd to say, you can only judge of the return after organization, and permitting the man with false return to take his seat, because that Congress could never meet or be organized, if any one man choose to question the return of every member as he was called. There being no tribunal to decide, the House could never be organized.

The doctrine would go to the extent of requiring that a man who was not even a candidate, who brought the broad seal commission, should take his seat in preference to another, who brought the original poll book, giving him all the votes of the people. This is inconsistent, not only with the Constitution and New Jersey law, but the dictate of common sense. The case of one who was a candidate, and expressly refused by the people, is not stronger than that of one who was no candidate.

The very statement of the question requires that the persons *not* elected shall take the seats for the purpose of determining the rights of those who are elected, and with the privilege in effect, of voting in their own cases. It requires that the House of Representatives shall be organised by persons who are not members of Congress, and the resolutions under consideration contend that there is no legal House of Representatives, because persons not members of Congress, were refused the privilege of partaking in the organization of the House. At the very time, when the evidence of their not being members was before the House, in as conclusive a form as it ever could be placed and was indeed admitted to be true.

For these reasons, and others which might be urged, we are of opinion, that the persons named were justly excluded from the House of Representatives, not only because they never had been elected members, but expressly rejected by the people of New Jersey, to whom they offered themselves.

We are also of opinion, that no indignity was offered, or meant to be offered to the State authorities or seal of New Jersey, by the rejection of those persons, but the conscientious discharge of an imperative duty.

And that the only indignity offered to the seal was by placing it to a false and illegal certificate.

And we are also of opinion, that the precedent sought to be established by the persons in question, and the doctrine contended for in the New Jersey preamble and resolutions, are in violation of the Federal Constitution, corrupt in their tendency, subversive of the fundamental principles of Republican Government, and fraught with danger to the most sacred rights and liberties of the people.

Be it therefore Resolved, That the Governor be requested to transmit this preamble and resolution to the authorities of New Jersey, as the opinion of the Senate of Florida, in reply to their preamble and resolutions.

GEORGE S. HAWKINS, Chairman.
WM. P. DU VAL.

On the question of concurring in the report, the yeas and nays were called by Messrs. English and Duval, and were:

Yeas—Mr. President, Messrs. Bailey, Berthelot, Duval, Dupont, Hart and Hawkins, 7.

Nays—Messrs. English, Mills and Walker, 3.

So said report was concurred.

On the question to print 500 copies of said report, the yeas and nays were called by the same, and were:

Yeas—Mr. President, Messrs. Bailey, Berthelot, Duval, Dupont, Hart and Hawkins, 7.

Nays—Messrs. English, Mills and Walker, 3.

So said report was ordered printed.

On the question to postpone indefinitely the report, the yeas and nays were called by Messrs. English and Duval, and were:

Yeas—Messrs. English, Mills and Walker, 3.

Nays—Mr. President, Messrs. Bailey, Berthelot, Duval, Dupont, Hart and Hawkins, 7.

Said report was made the special order of Wednesday next.

A bill, to be entitled an act, to provide for the compensation of the officers of the Legislative Council, and for other purposes, was laid on the table.

An act to repeal an act entitled an act, for the relief of the militia called into the service of the United States during the present Indian war, was read a third time and passed—ordered that the title be as above.

An act, for the relief of James T. Patterson, and for other purposes, was read a third time, the rule being waived, and lost.

An act in amendment to an act, approved Feb. 3, 1834, concerning the authentication of conveyances, was read a third time and passed without amendment—ordered that the title be as above.

The Senate went into committee of the whole, Mr. Hart in the chair, on a bill, entitled an act, concerning the partition of property; after some time spent in its consideration, the committee rose and reported progress, and the bill was referred to committee on the Judiciary.

An act to amend an act, concerning Wills, Letters Testamentary and of Administration, and the duties of Executors, Administrators and Guardians, approved Nov. 20, 1828, was read, and copies ordered for Monday next.

The Senate received from the House as passed, an act to repeal an act entitled an act, concerning tax collectors, and for other purposes, approved March 4, 1839, which was read a first and second time by its title, and referred to the committee on Finance.

Also an act, to extend the right of Samuel C. Keyser, to a Ferry across Escambia river, which was read a first and second time by its title, and referred to the committee on the state of the Territory.

Also an act, to alter the time of holding the county court of Franklin county, which was read a first and second time, rule waived, and referred to the Judiciary committee.

Also an act, for the relief of William *H.* Jones, which was read a first and second time, the rule being waived, and referred to the Judiciary committee.

The House sent to the Senate, a resolution before passed by the Senate, to increase the salary of the Governor, with all but the enacting clause stricken out.

Al so an act to repeal an act, granting appeals and writs of error in criminal cases, with all but the enacting clause stricken out.

Also, a resolution before passed by the Senate, relative to the appointment of a joint committee of both Houses, to enquire into the expediency of dividing the Territory, as indefinitely postponed by the House.

Also, an act to amend the several acts, concerning Notaries Public, was indefinitely postponed by the House.

The Senate went into secret session on Executive business, on motion, the doors were opened.

The Senate then adjourned until Monday.

MONDAY, February 24, 1840.

The Senate met pursuant to adjournment.

On motion, Mr. Duval was called to the chair.

The following letter was received:

Tallahassee, Feb. 23, 1840.

To the Honorable the Senators of Florida.

GENTLEMEN:

Being compelled, from the situation of my affairs, to leave for home, I announce to you the resignation of my seat in the Senate of Florida.

I can assure you that nothing but the most urgent necessity could have induced me to separate myself from you.

With many of you I have been for previous sessions associated in the responsible trust of legislating for the people; and although occasional differences may have arisen in our views, it affords me pleasure to recur to the general good feeling that has always prevailed between us.

I assure you, gentlemen, that I shall ever retain a grateful sense of the honor twice conferred on me by my election to preside over your deliberations, as well as of your kind forbearance and support extended towards me in discharging the duties thereof:

I trust that on your return to your constituents, your services will be properly appreciated, and that you may continue to enjoy their confidence. With my earnest wishes for your health and prosperity,

I am, gentlemen, with great respect,

Your most obedient servant,

JOHN WARRE[illegible]

On motion, the resignation therein contained, of the late President of the Senate, was received.

The Senate then went into an election of President of the Senate, whereupon *Mr.* Hawkins was duly elected.

The proceedings of Friday last were then read.

Mr. Mills, from the committee on the State of the Territory, reported a bill to be entitled, an act to repeal the several acts incorporating the town of Jacksonville, which was read and ordered for to-morrow.

Mr. Berthelot, from the select committee of conference, on the part of the Senate, to confer with that of the House of Representatives, in relation to their respective bills for increasing the number of Senators and their apportionment, report that they have duly met the committee of the House of Representatives, in conference on this subject, that the House of Representatives through their committee decline concurring in the bill of the Senate to increase the number of Senators. Your committee ask leave, therefore, to be discharged from further action on the subject; which was concurred in.

The Senate then went into committee of the whole on certain resolutions reported by the majority of a select committee, in relation to the division of the Territory, Mr. Bailey in the chair. After some time spent in their consideration, the committee rose and reported the resolutions as amended.

On the question of concurring in the report of the committee, the yeas and nays were called, by messrs. Mills and Berthelot, and were,

Yeas—Mr. President, messrs. Bailey, Berthelot, Duval and Walker—5.

Nays—messrs. English, Hart and *Mills*—3.

So said resolutions were adopted.

Mr. Mills, seconded by mr. Berthelot, called for the yeas and nays on the following resolution, before offered by him, viz:

Be it Resolved, That our Delegate in Congress be, and he is hereby instructed to use his best efforts to procure the passage of a law for the immediate admission as a State into the Federal Union, of all that section of Florida lying west of the Suwannee river, and for the erection into a Territorial Government of all that portion lying East of said river, making a prospective arrangement for the admission of the latter, as soon as the inhabitants thereof may require it, and were,

Yeas—messrs. Duval, English, Hart and *Mills*—4.

Nays—mr. President, messrs. Baily, Berthelot and Walker, 4.

The Senate agreed that the absent member, mr. Dupont, should be allowed to vote on said resolution, on his appearance in the Senate.

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

TUESDAY, Feb. 25, 1840.

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

Mr. Bailey moved for a reconsideration of the resolution offered by MR. Mills on yesterday, in relation to a division of the Territory, which motion prevailed, and said resolution made the order of to-day.

MR. English moved that the Senate give him permission to be absent the balance of the session, which motion prevailed.

MR. Mills, from the committee on the State of the Territory to whom was referred a bill entitled an act to prevent any person holding an office under the General Government of the United States, or any foreign government or power, from holding any office under the authority of the Territory of Florida, report, that they deem it inexpedient to legislate on the subject.

The same from the same committee, reported on an act passed by the House of Representatives, to extend the right of Samuel C. Keyzer to a ferry across the Escambia river, that the committee have had the same under consideration, and having referred to the act of February 14, 1835, find that the present right of said Keyzer does not expire until 1845. It is therefore deemed inexpedient to legislate further on this subject at this time, and ask to be discharged from the further consideration thereof.

The same from the same committee, reported a bill to be entitled an act concerning the Seminole Indians, with amendments.

Said bill was made the order of to-day.

The resolution before offered by MR. Mills, in relation to a division of the Territory, was again read, to which MR. Dupont offered the following amendment, viz:

"Provided, however, that unless such admission into the Union of that portion of Florida, above contemplated, be guarantied; that our Delegate be directed solemnly to protest, in the name of the people of Florida, against any division of the Territory."

Which was received.

On the question of the adoption of the resolution as amended the yeas and nays were called, by MESSRS. Berthelot and Mills, and were,

Yeas—MESSRS. Bailey, Duval, Dupont, English, Hart and Mills—6.

Nays—MR. President, MESSRS. Berthelot and Walker—3.

So said resolution was adopted.

The Senate went into committee of the whole, MR. Bailey in the chair, on a bill entitled an act to alter and amend the act entitled an act to prevent the migration of free negroes and mulattoes into this Territory, and for other purposes. After some time spent in its consideration, the committee rose and report-

ed the bill with the enacting clause stricken out, which report was concurred in.

The Senate went into committee of the whole on an act to amend an act concerning wills, letters testamentary, and of administration, and the duties of executors, administrators and guardians, approved 20th Nov., 1828. After some time spent in its consideration, the committee rose and reported the bill with the enacting clause stricken out.

Which report was concurred in.

The Senate received from the House as passed the following resolution, viz:

Be it Resolved, by the Legislative Council of the Territory of Florida, That the Legislative Council do adjourn on the 2d day of March next, sine die—adopted by the House of Representatives Feb. 22d, 1840.

JAMES H. GIBSON, Cl'k H. Rep.

Which was read, (the rule being waived) and adopted.

Also, a resolution in relation to Tax Collectors, which was read a first time.

Also, an act to be entitled an act to legalize the election for county officers in the county of Jackson, which was read a first and second time, the rule being waived, and referred to the committee on the Judiciary.

Also, a preamble and resolution for the relief of Christopher H. Edwards, of Madison county, which was read a first and second time, the rule being waived, and adopted.

Also, a preamble and resolution in relation to the grant of land known as Forbs Purchase in Middle Florida, was read a first time and referred to the committee on the State of the Territory.

An act to authorize John M. McIntosh to establish a ferry on the Suwannee river, which was read, the rule being waived and passed.

Also, a resolution requesting our Delegate in Congress to urge upon the President of the United States the expediency of contracting with one Jacob Housenan for the killing or catching the Indians in South Florida and everglades, which was read.

Also, a resolution before adopted by the Senate, appropriating ten acres of land for a Government House, with all but the enacting clause stricken out.

A bill to be entitled an act to repeal the several acts incorporating the town of Jacksonville, was again read. Upon the question of its final passage the yeas and nays were called for by Messrs. Berthelot and Hart, and were,

Yeas—Messrs. English, Hart, Mills and Walker—4.

Nays—Mr. President, Messrs. Bailey, Berthelot, Duval, Dupont—5. So said bill was lost.

A bill to be entitled an act concerning the Seminole Indians was read a second time and referred to the committee on the State of the Territory.

The Senate received from the House as passed:

A bill to be entitled, "an act for the relief of the legal representatives of Francis A. Ross, late Sheriff of Calhoun county;"

Which was read a first and second time, the rule being waived, and with the accompanying documents, referred to the committee on the State of the Territory, also,

An act to repeal an act entitled, "an act in addition to an act entitled an act to prevent any person in this Territory from carrying arms secretly," approved February 10, 1838;

Which was read the rule being waived, and passed.

Also the following:

Be it Resolved by the Senate and House of Representatives, That the committee on finance, from the Senate and House of Representatives, have a conference for the purpose of reporting a compensation bill;

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

Also the following:

Resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be instructed to procure the passage of a law to alter the time of meeting of said Legislative Council, from the first Monday in January to the 4th Monday in November, in each and every year;

Which was read a first time.

Also the following:

Resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be requested to procure an amendment to the organic laws of this Territory, so as to prevent any person holding office under the General Government, or any foreign power from holding a seat in the Legislative Council of this Territory;

Which was read a first time.

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

EXECUTIVE DEPARTMENT,
Tallahassee, Feb. 21, 1840.

To the Honorable the Senate of the Legislative Council of Florida.

I respectfully inform you that I have approved of the following acts of the Legislative Council:

An act to amend an act entitled, an act to incorporate the Bank of Apalachicola.

An act declaring Blackwater River a navigable stream.

An act to amend an act incorporating the Roman Catholic Church at St. Augustine, called St. Augustine Church.

An act to establish a board of Wardens, and Commissioners of Pilotage, for the Port of Key West.

A resolution relative to the payment of J. S. Robinson.

A resolution relative to the Choctawhatchee River.

ROBERT RAYMOND REID.

Also the following:

EXECUTIVE DEPARTMENT,
Tallahassee, Feb. 25, 1840.

To the Honorable, the Senate of the Legislaiive Council of Florida.

I call the attention of the Legislative Council to the second, third and fourth section of an act to provide for building a Capitol, and for other purposes, approved 4th march, 1839, which sections provide for the the sale of certain lands granted by Congress to the Territory of Florida.

It is important that these lands be brought into market, in order that the Commissioner of the Tallahassee Fund may be enabled to comply with contracts already made for the erection of the public buildings, and which exceed in amount the appropriation made by Congress; but if sold upon the terms prescribed by the act alluded to, and under the existing pressure, a sacrifice, it is feared, must ensue.

I suggest, therefore, to the Council, that the terms of sale be placed within the discretion of the Commissioners and the Governor, or that they be so altered, as to require the payment of one fourth of the consideration money in cash, and the balance in one and two years, to be secured by bonds and mortgages. Authority might also be given to the officers just mentioned, to use these securities, should it be found necessary to do so, for the purpose of procuring means for the completion of the public buildings.

ROBERT RAYMOND REID.

Which was refered to the Committee on Finance.

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

WEDNESDAY, Feb. 26, 1840.

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

On motion of Mr. Bailey, the bill entitled an act to repeal the several acts incorporating the town of Jacksonville, was reconsidered, and made the order of to-day.

Mr. Mills gives notice that he will, on to-morrow, introduce a bill to be entitled an act to incorporate the Mutual Insurance Company of Apalachicola.

Mr. Dupont, from the Finance Committee, reported a bill to

be entitled an act to amend an act entitled an act to provide for building a Capitol, and for other purposes, which was read a first and second time, and ordered for to-day.

Mr. Duval, from the Judiciary Committee, to whom was referred a bill entitled an act to provide for issuing writs of Certiorari, and to repeal the act heretofore passed on that subject reported the same without amendment.

The Senate received from the House as passed, the following resolution, to wit:

Resolved, by the Governor and Legislative Council of the Territory of Florida, That the Commissioner of the Tallahassee Fund be authorized to carry into effect the objects of the petition of R. A. Shine, presented to the House of Representatives on Friday the 21st inst.

Which was read, and with the petition, referred to the committee on Finance.

The Senate went into comittee of the whole on a bill entitled an act to repeal the second section of the act approved 10th February, 1838, supplemental to the several acts incorporating the Bank of Pensacola, and to revive the 8th section of an act to increase the capital of the Bank of Pensacola, and to amend the laws incorporating said bank, and for other purposes, approved 14th Feb., 1835. After some time spent in its consideration, the committee rose and reported the bill as amended, which report was concurred in.

On the question of the final passage of the bill, the yeas and nays were called for, by messrs. Mills and Duval, and were,

Yeas—Messrs. Bailey, Berthelot, Duval, Dupont, Hart and Walker, 6.

Nays—messrs. President and Mills, 2.

So said bill passed, ordered that the title be as above.

The Senate went into committee of the whole, Mr. Mills in the chair, on a bill entitled an act to incorporate a company to be called the St. Marks Rail Road Company.

After some time spent in its considerttion, the committee rose and reported progress, and asked leave to sit again, which was concurred in

Mr. Dupont asked and obtained leave to introduce an additional resolution relative to the payment of P. A. Hayward for binding Duval's Compilation of the Laws of Florida, which was read, (the rule being waived) and adopted.

An act to prevent any person holding an office under the General Government of the United States, or any foreign government or power, from holding any office under the authority of the Territory of Florida, was again read and indefinitely postponed.

The Senate then adjourned until 4 o'clock.

4 o'clock, P. M.

The Senate met pursuant to adjournment.

Mr. Mills, agreeable to previous notice, asked and obtained leave to introduce a bill entitled an act to incorporate the Apalachicola Mutual Insurance Company.

Mr. Berthelot presented the petition of Dr. H. Perrine, which was referred to a select committee, consisting of Messrs. Berthelot, Dupont and Mills.

Mr. Dupont, from the Committee on Finance, to whom was referred a bill to be entitled an act to authorize the Governor to appoint a Commissioner to settle and wind up the affairs of the Farmer's Bank of Florida, made the following report:

The committee, to whom was referred a bill to be entitled an act to authorize the Governor to appoint a commissioner to settle and wind up the affairs of the Farmer's Bank of Florida, have had the same under consideration, and offer the following

REPORT.

By referring to the act incorporating a bank in the county of Jackson, to be called the Farmers' Bank of Florida, there will be seen this section:

"*Be it further enacted,* That on failure to redeem its bills in specie on demand therefor, the charter shall be forfeited, and the Governor may appoint three receivers, who shall be authorized to take the effects of said bank, and as soon as practicable thereafter, to wind up its affairs; and in such event, it shall be the duty of said receivers to apply the assets of said bank in a ratable proportion between the whole of its creditors."

Your committee deem the objects sought for in the bill will be fully gained, if the above section is enforced, and are of opinion, that the passage of the act under consideration, would be in direct conflict with the act of incorporation of said bank.

The charter of said Farmers' Bank of Florida, is now undergoing legal adjudication for forfeiture, and its passage might seriously interfere with the requisite proceedings under such adjudication.

As all the ends of the bill now before your committee can be fully attained by the carrying into effect, or enforcing, the section quoted.

Your committee deem any legislation upon the subject as superfluous and unnecessary, and likely to produce no results otherwise than those mischievous in their tendency.

They therefore ask leave to be discharged from furter consideration of the subject.

All which is respectfully submitted.

CHASLES H. DUPONT, Chairman.

The Resolution before offered by Mr. Mills, asking of the President of the late Convention held at St. Joseph, information relative to the vote given for "constitution," or 'no constitution,'

was again read and amended. On the question of the adoption of the Resolution, the yeas and Nays were called by messrs. Mills and Dupont, and were:

Yeas—Mr. President, messrs. Bailey, Duval, Dupont, Hart, Mills and Walker, 7

Nay—Mr. Berthelot.

So said resolution was adopted.

An act to extend the right of Samuel C. Keyser to a ferry across Escambia river, was again read and indefinitely postponed.

A Resolution relative to tax collectors, was read a second time and laid on the table.

A Resolution requesting our Delegate in Congress to urge upon the President of the United States, the expediency of contracting with one Jacob Houseman for the killing or catching the Indians in South Florida and Everglades was again read and lost.

The Resolution to change the time of meeting of the Legislative Council of Florida, was again read and adopted.

A Resolution asking our Delegate in Congress to procure the passage of a law prohibiting any person holding office under the General Government, or any foreign power, from holding a seat in the Legislative Council of this Territory, was read a second time and lost.

A Bill entitled an act to repeal the several acts incorporating the town of Jacksonville, was read a third time and passed, ordered that the title be as above.

An act to amend an act entitled "an act to provide for building a Capitol and for other purposes," was read a third time and passed, ordered that the title be as above.

An act to provide for issuing writs of Certiorari, and to repeal the act heretofore passed on that subject, was read a third time and passed, ordered that the title be as above.

His Excellency the Governor transmitted to the Senate the following message:

EXECUTIVE DEPARTMENT,
Tallahassee, Feb. 20, 1840.

To the Hon. the Senate of the Legislative Council of the Territory of Florida.

I respectfully inform the Senate that I have approved the following acts of the Legislative Council.

An act for the relief of George D. Fisher.

An act to alter the boundary line of Calhoun county.

An act for the relief of Wm. G. Davis.

An act to authorize *R.* T. McDavid to establish a Ferry acoss the Escambia riuer.

An act for the relief of Robert R. Towers.

An act to authorize Edwin G. Booth to establish a ferry on the Apalachicola river below Ocheesee.

An act to amend and explain an act entitled an act to raise a fund by taxation for the education of poor children, approved March 2d, 1839.

I return the act entitled an act to repeal an act entitled an act to prohibit the circulation of notes of foreign Banks of less denomination than five dollars.

I object to the same because it seems to me of questionable policy to authorize by law the introduction of small bills of distant banks which may or may not be solvent, and because the tendency of the act would be to prevent the appearance of a metalic currency, and a return to specie payments—objects anxiously to be desired in this community, having regard for the soundness of its monied institutions.

It is hoped the period will arrive when any bank notes, either from abroad or at home, of a less denomination than five dollars, will not be in circulation at all.

I also return the act making an amendment to the charter of the city of St. Augustine. Having long been a resident of that ancient city, and having some knowledge of the wishes and wants of the people. I am not prepared to say that the act would be acceptible to a majority of our fellow-citizens in that quarter.

Besides, I have received a letter from the *M*ayor of St. Augustine, acting under the direction of the city, protesting against interference with the city charter, unless called for by the voice of the majority, or by those whom they have chosen to represent them in the City Council.

For these reasons I cannot approve of these acts.

ROBERT RAYMOND REID.

On motion, the act to repeal an act entitled an act to prohibit the circulation of notes of foreign banks of less denomination than five dollars, was reconsidered, and on its re-passage, the yeas and nays were called by messrs. Duval and Mills, and were;

Yeas—*M*r. President, Messrs. *M*ills and Walker, 3

Nays—Messrs. Bailey, Berthelot, Duval, Dupont and Hart, 5.

So said bill was lost.

The Senate then went into secret session on executive business, on motion the doors were opened, when the Senate adjourned until to-morrow, 10 o'clock.

THURSDAY, Feb. 27, 1840.

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

Mr. Mills, from the committee on the state of the Territory, to whom was referred a preamble and Resolution, in relation to the grant of land known as "Forbes Purchase in middle Florida," reported a substitute for the same, which was made the order of the day.

Mr. Dupont, from the Finance committee, to whom was referred a bill, entitled an act, to incorporate the Apalachicola *M*utual Insurance company, reported the same without amendment.

The same from the same committee, to whom was referred the resolution, carrying into effect the objects of the petition of R. A. Shine, reported the same without amendment.

Mr. Berthelot, from the select committee, to whom was referred the memorial of Dr. Henry Perrine, and accompanying documents, report.

The committee to whom was referred the memorial of Dr. Henry Perrine, and accompanying documents,

REPORT:

That this subject was brought to the attention of the Legislative Council in 1832, and has since attracted no ordinary degree of public attention.

A company has been incorporated to promote the desired object of cultivation of the Manilla, Hemp, and other tropical productions. It only requires the aid of the National Government, as is solicited by the enterprising projector, to insure it success, and to render south Florida a most important section of the Union. Dr. Perrine deserves the commendation of every American,. and especially of Floridians, for this undertaking. Every encouragement and aid should be afforded him that we can render. The specimens of products sent to the Council have satisfied the committee, that his views are neither visionary nor idle

Your committee are not apprised of any mode in which aid to this undertaking can be obtained, except by the adoption of the following resolution:

Resolved, by the Senate of Florida, That copies of the memorial and documents of Dr. Henry Perrine, to this Legislative Council be forwarded to our Delegate in Congress, together with a copy of this report, and that he be requested to further the object therein stated.

All of which is respectfully submitted.

(Signed,) JAMES A. BERTHELOT, Chairman.

Mr. Dupont, from the Finance committee, to whom was referred a bill, entitled an act, to authorize the Governor, to appoint a commissioner to settle the affairs of the Farmers Bank

of Florida, report that they have had the same under consideration, and deem it inexpedient to legislate on the subject, which was concurred in—the bill was again read, and indefinitely postponed.

The substitute reported by Mr. Mills, for the preamble and resolution in relation to the grant of land known as "Forbs Purchase in middle Florida," was read again and adopted.

The Senate went into committee of the whole, Mr. Bailey in the chair, on a bill, entitled an act, to incorporate the Apalachicola Mutual Insurance company—after some time spent in its consideration, the committee rose and reported the bill as amended, which was concurred in—the bill was again read and passed—ordered that the title be as above.

The resolution carrying into effect the object of R. A. Shine, was again read and adopted.

The preamble and resolution in relation to the New Jersey Legislature, was again taken up; on the question of its adoption, the yeas and nays were called by Messrs. Walker and Berthelot, and were:

Yeas—*Mr.* President, messrs. Bailey, Berthelot, Duval and Hart, 5.

Nays—Messrs. Dupont, Mills and Walker, 3.

So said resolution was adopted.

The Senate received from the House as passed, a substitute for a resolution before passed by the Senate, asking our Delegate in Congress, to use his endeavors to procure the passage of a law, for the payment of horses lost in the service of the United States, in the Territory of Florida, which was read and adopted.

Also a preamble and resolution before passed by the Senate, making an appropriation for the reporting and publishing the decisions of the Court of Appeals.

Also a resolution, making an appropriation for the payment of a certain sum of money to Betton & Fisher, for arms and amunition furnished by them for the Territorial troops, which was read, and referred to the committee on Finance.

Also a preamble and resolution, asking our Delegate in Congress, to procure an appropriation for the improvement of the navigation of the Chocktawhatchy river, which was read, the rule waived, and adopted.

Also a resolution for the relief of Col. Dempsy Pittman and Staff;

Which was read and referred to the Committee on Militia.

Also, an act to regulate the slaughtering of cattle in the county of Escambia;

Which was read and indefinitely postponed, also,

An act to incorporate the Presbyterian Church of Jacksonville;

Which was read, the rule waived, and passed, also,

An act to authorise Rebecca Charles to keep a ferry on Suwannee River;

Which was read, the rule waived, and passed, also,

A bill entitled, an act to change the time of holding the County Court of Walton county;

Which was read, the rule waived, passed, also,

A bill, before passed by the Senate, entitled, an act to prevent breaches of the peace and more effectually to preserve order, as lost, also,

An act to enlarge the jurisdiction of the County Court of Hillsborough county,

Which was read, the rule waived and passed, also,

A resolution requesting our Delegate to procure an appropriation for the construction of at least one good and sufficient jail in each judicial district of this Territory; which was read, the rule waived, and adopted, also,

An act to authorise the Judge of the County Court of Alachua county to appoint a Commissioner to make sales of town lots in the town of Newnansville, and execute and deliver titles for the same to purchasers; which was read, the rule waived, and passed, also,

An act concerning Jurors in the Southern District, which was read and amended, the rule waived. On the question of its passage, the yeas and nays were called, by Messrs. Walker and Mills, and were,

Yeas—Messrs. Berthelot, Bailey, Duval, Dupont, Hart and Mills—6.

Nays—Mr. President and Mr. Walker—2.

So said bill passed as amended.

On motion, the preamble and resolution in relation to the joint resolution of the New Jersey Legislature was reconsidered and amended, by striking out the following words, 5th paragraph, 5th page, to wit: "suppose five convicts from the New Jersey Penetentiary, had bribed the Governor to give them the commission and broad seal, they must have been privileged from arrest, and taken their seats in the House of Representatives, and have voted for Speaker, although they might have been ousted afterwards." Also by adding to the resolution the following words to wit: "together with the vote upon the adoption of the report."

Mr. Dupont asked and obtained leave to introduce certain resolutions requesting our Delegate in Congress to urge upon the authorities of the United States, the settlement of all equitable claims of the Territory of Florida, for the expenses incurred in the defence of the country; which was twice read, the rule waived, and adopted.

The Senate then adjourned until half-post 3 o'clock, P. M.

Half past 3 o'clock, P. M.

The Senate met pursuant to adjournment, there being no quorum present, the Senate adjourned until to-morrow 10 o'clock.

FRIDAY, FEB. 28, 1840.

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

Messrs. Mills and Walker asked that the following protest be entered upon the journals, which was granted.

SENATE CHAMBER.
Tallahassee, Feb. 27, 1840.

The undersigned Senator hereby enters his protest against the report of the majority of the select committee to whom was referred the preamble and resolutions of the New Jersey Legislature, on the subject of the exclusion of Messrs. Ayerigg, Maxwell, Halstead, Stratton and Yorke, as members of the House Representatives of the 26th Congress, from New Jersey, on the following grounds:

1st. That the certificate of election under the broad seal of the State, was in accordance with the laws of New Jersey.

2nd. That in any event the acting clerk of the House of Representatives acted illegally and contrary to all precedent in refusing to call the members so certified as elected.

3d. That the Senators of the State of New Jersey, counter to that of the Governor of the State.

4th. That according to the Constitution of the United States, each house of Congress have alone the right to judge of election returns, and qualifications of their own members, and that the action of the Clerk and House of Representatives has been in this matter contrary to law, and is a daring usurpation of power, and a mortal stab against the rights of the people of the State of New Jersey, and the example a dangerous one, and calculated to alarm the people of the United States.

W. J. MILLS,
GEO. WALKER.

Mr. Duval, from the Judiciary Committee, to whom was referred an act for the relief of William H. Jones, of Escambia county, reported unfavorably on the same.

Also, a bill entitled an act to alter the time of holding the County Court in Franklin county, amended.

Also, a bill entitled an act to legalize the election for county officers in the county of Jackson, without amendment.

Also, unfavorably on a bill entitled an act concerning partition of property.

On motion, said bills were ordered for to-day.

Mr. Mills, from the committee on the militia, reported a substitute for the resolution for the relief of Charles Dempsey Pittman and Staff.

Also, a bill to be entitled an act concerning the Seminole Indians, with amendment.

Also, a substitute for a bill entitled an act for relief of the legal representatives of Francis A. Ross, late Sheriff of Calhoun county.

On motion, said resolution and bills were ordered for to-day.

Mr. Dupont, from the Finance committee, to whom was referred a resolution for the relief of Betton & Fisher, reported favorably on the same, which was ordered for to-day.

An act to alter the time of holding the county Courts of Jackson county, was again read and passed as amended.

An act concerning partition of property was again read and indefinitely postponed.

An act to legalize the election for county officers in the county of Jackson, was read the third time and passed.

An act for the relief of William H. Jones, of Escambia county, was again read and indefinitely postponed.

The substitute reported for the resolution for the relief of Col. Dempsey Pittman and Staff, was again read and adopted.

An act concerning the Seminole Indians was again read. On the question of its passage the yeas and nays were called for by Messrs. Walker and Mills. and were,

Yeas—Messrs. Bailey Berthelot, Duval, Dupont, Hart and Mills—6.

Nays—Mr. Pesident and Walker—2.

So said bill passed as amended, ordered that the title be as above.

The substitute reported for the bill entitled an act for the relief of the legal representatives of Francis A. Ross, late Sheriff of Calhoun county, was again read and passed.

A resolution for the relief of Betton & Fisher, was again read and adopted.

The Senate went into committee of the whole, Mr. Walker in the chair, on a bill before passed by the House, entitled an act for the relief of the Trustees of Leon Academy. After some time spent in its consideration, the committee rose and reported progress, and asked leave to sit again, which was concurred in.

On motion, the bill was referred to the committee on Schools and Colleges.

The Senate received from the House as passed, a substitute for an act to authorize the appointment of commissioners to take testimony in cases of claims for losses during the Seminole war, (before passed by the Senate) entitled an act concerning Indian depredations, which was rejected.

The Senate received from the House as passed an act relative to open accounts, which was read a first and second time, the rule waived, and ordered for to-day.

The Senate went into committee of the whole, Mr. Hart in the chair, on a bill entitled an act to amend an act entitled an act, relating to crimes and misdemeanors committed by slaves, free negroes, and mulattoes, before passed by the House, after some time spent in its consideration, the committee rose and reported the same without amendment—which was concurred in. The bill was again read and passed—ordered that the title be as above.

The Senate received from the House, as passed, "An act for the relief of Joseph Hall," which was read, on the question of the indefinnite postponement, the yeas and nays were called for by Messrs. Duval and Hart, and were Yeas, Messrs. Hart and Walker, 2—Nays, Mr. Presi-

dent, *Messrs.* Baily, Berthelot, Duval, Dupont, and Mills, 6—so said motion was lost.

The bill was again read and passed.

The Senate received from the House, their concurrence in an amendment made by the Senate, to a bill entitled "an act to repeal the second section of the act, approved 10th February, 1838, supplemental to several acts, incorporating the Bank of Pensacola, and to revive the 8th section of an act to increase the capital of the Bank of Pensacola, and to amend the laws incorporating said Bank and for other purposes, approved, 14th Feb. 1835."

Also their adoption of the resolution, before adopted by the Senate, for the payment of P. A. Hayward for the binding of Duval's compilation of the laws of Florida.

An act relative to open accounts, was referred to the committee on the Judiciary.

Mr. Berthelot to whom was referred a bill entitled 'an act for the relief of the trustees of Leon Academy," reported a substitute for said bill, entitled "an act in relation to the trustees of Leon county," which substitute was received and passed, ordered that the title be as above.

The Senate then took a recess until 4 o'clock.

4 O'CLOCK.

The Senate met pursuant to adjournment, there being no business before them, adjourned until to morrow 10 o'clock.

SATURDAY, FEBRUARY 29, 1840.

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

Mr. Mills offered the following Resolution:

Resolved by the Governor and Legislative Council of the Territory of Florida, That all claims allowed by the Auditor of the Territory, under the resolution of March, 4th, 1839, for supplies of subsistence, forage, and transportation, which may have been furnished by any of the citizens of the Territory, for the Territorial troops, shall be transferred to the Quartermaster's Department, and the Quartermaster General is required to pay the said claims out of the funds raised on the credit of the Territory, for the support of the troops ordered into service by the Governor;

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

Mr. Duval, from the committee on the Judiciary, reported, an act relative to open accounts, as amended; which was ordered for to-day.

Mr. *Mills* from the committee on the State of the Territory, to whom was referred the claims of B. G. Thornton, made the following report:

dent, *Messrs.* Baily, Berthelot, Duval, Dupont, and Mills, 6—so said motion was lost.

The bill was again read and passed.

The Senate received from the House, their concurrence in an amendment made by the Senate, to a bill entitled "an act to repeal the second section of the act, approved 10th February, 1838, supplemental to several acts, incorporating the Bank of Pensacola, and to revive the 8th section of an act to increase the capital of the Bank of Pensacola, and to amend the laws incorporating said Bank and for other purposes, approved, 14th Feb. 1835."

Also their adoption of the resolution, before adopted by the Senate, for the payment of P. A. Hayward for the binding of Duval's compilation of the laws of Florida.

An act relative to open accounts, was referred to the committee on the Judiciary.

Mr. Berthelot to whom was referred a bill entitled 'an act for the relief of the trustees of Leon Academy," reported a substitute for said bill, entitled "an act in relation to the trustees of Leon county," which substitute was received and passed, ordered that the title be as above.

The Senate then took a recess until 4 o'clock.

4 O'CLOCK.

The Senate met pursuant to adjournment, there being no business before them, adjourned until to morrow 10 o'clock.

SATURDAY, FEBRUARY 29, 1840.

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

Mr. Mills offered the following Resolution:

Resolved by the Governor and Legislative Council of the Territory of Florida, That all claims allowed by the Auditor of the Territory, under the resolution of March, 4th, 1839, for supplies of subsistence, forage, and transportation, which may have been furnished by any of the citizens of the Territory, for the Territorial troops, shall be transferred to the Quartermaster's Department, and the Quartermaster General is required to pay the said claims out of the funds raised on the credit of the Territory, for the support of the troops ordered into service by the Governor;

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

Mr. Duval, from the committee on the Judiciary, reported, an act relative to open accounts, as amended; which was ordered for to-day.

Mr. *Mills* from the committee on the State of the Territory, to whom was referred the claims of B. G. Thornton, made the following report:

The committee on the state of the Territory, to whom was referred the claim of B. G. Thornton, have had the said claim under consideration, and report that by an act of the Legislative Council, approved in 1834, the said matter was referred to an arbitration, and the arbitrators referred in pursuance of said act to the auditor, who by his statement and admission of the claimant, decided against the award and allowed nothing to be legally due to Thornton. The committee were on this account, from the outset, unwilling to look behind this decision; but from the appeals of Thornton, they examined sundry witnesses, who were stated to be conversant with the whole affair; and have become satisfied that Thornton has no legal claim on the Territory whatever. The committee deem it necessary to make further remarks on the subject, or to report the testimony taken, for the reasons already stated; and therefore ask to be discharged from the further consideration of the subject; and that Thornton have leave to withdraw his papers returned herewith.

All of which is respectfully submitted.

W. J. MILLS, Chairman.

The Senate went into committee of the whole, Mr. Bailey in the Chair, on a bill entitled, an act in relation to open accounts, after some time spent in its consideration, the committee rose, and reported the bill as amended; which was concurred in.

The bill was again read and passed as amended.

His Excellency transmitted to the Senate the following message:

EXECUTIVE DEPARTMENT,
TALLAHASSEE, Feb. 28, 1840.

To the Honorable the Senate of the Legislative Council of the Territory of Florida.

I respectfully inform you that I have approved the following acts of the Legislative Council, viz:

An act to incorporate the town of Iola.

An act to change the names of persons therein named.

A Preamble and Resolutions relative to the location of a quarter section in each county, for the establishment of a seat of Justices therein.

An act to incorporate the town of Jasper, in the county of Hamilton.

An act in amendment to an act, approved February 3, 1834, concerning the authentication of conveyances.

An act to organise the Independent City Grays.

ROBERT RAYMOND REID.

Also the following:

EXECUTIVE DEPARTMENT,
Tallahassee, Feb. 28, 1840.

Having been informed that the Legislative Council will probably adjourn in a few days, your attention is respectfully invited to the measures proper to be adopted for the further prosecution of the Savage War in which we are involved.

Since you have been in session, a number of our people, among them a woman and her children, have been literally butchered by the Indians, many of whom occupy the swamps and other fastnesses o

Western Florida, from the Apalachicola, and even beyond it, to the Suwannee; while, in East Florida, the recent murder of the mail carriers, within a few miles of St. Augustine, prove how unavailing has been every effort to restrain the enemy in that quarter. Indeed, it would seem that these *Wild Beasts*—for so they deserve to be regarded—their cruelties and thirst for blood, place them beyond the pale of humanity—these *wild beasts* are becoming more and more audacious, their deeds of horror are rather accumulating than diminishing; they venture to assail houses, and appear in our public roads in the open day; they press beyond military posts to perpetrate their murderous purposes, and start up like evil spirits, when least expected, to destroy the brave, the virtuous and the innocent. The number of Seminole Indians in the country can only be conjectured, but it is believed to be greater than is generally supposed. There are probably many Creeks and Cherokees, and even some of the Seminoles, deported to the West, it is said, have returned; but be the number great or small, every thicket and deep forest is liable to be occupied by them; they elude pursuit—to drive them *thoroughly* from one part of the country to another, is impracticable, and it is ascertained that during the past year, they have planted and made crops, within a few miles of military stations. Our situation is verging upon desperation—men sleep with arms under their pillows—a sense of insecurity accompanies the traveller in his journey on the highway—every neighborhood has its tale of blood, and those who are in authority look around with pain and distress, because they are powerless to afford an adequate remedy for the evils thronging upon them, in every direction.

This is no exaggerated picture of our present condition. Romance lags far behind the sad realities, we daily witness, and it becomes our duty to consider *what shall be done for the relief of the country?*

To such measures as shall be adopted by the Federal Government for "the pacification of Florida," I am quite sure we shall lend a hearty concurrence and support. But, being upon the spot—with the disastrous circumstances near to the view—any plan of operations recommended by the authorities of Florida, will doubtless meet an attentive consideration at Washington

I am persuaded that if it were in the power of the government to fill the country with an overwhelming force—and *to hunt*, and pursue the Indians in every direction; vexed, tired and harrassed, they would soon yield to such terms as might be imposed upon them; but as it is not probable that, under existing circumstances, a large army will be thrown into the Territory—some other course, more practicable in its character, must be devised. I am inclined to think then, that three Brigades, acting with energy, and under that discipline which befits the peculiar service, to which they would be called—might be competent to the attainment of the object we all have so anxiously at heart.

Two of these brigades should be of Volunteers, and the other of Regulars, all enlisted during the War, with the pay of Cavalry or Dragoons, and a bounty of land; 320 acres, to each private, and to the officers in proportion; to be bestowed upon the final establishment of peace. The regiments composing the brigades, should each consist of ten or twelve companies, of fifty men each, formed according to the organization of the Regular Army of the United States.

The volunteers could not be better commanded, than by the Brigadiers of the Territory, who have received their commissions from the President, and who have both distinguished themselves during the present disastrous conflict. If there were no other events, in which they have been prominent, the gallant, and successful enterprise of the Block House on the Withlacoochee, and the capture of King Philip

and the Euchee Chief, will secure to these Floridians a bright page in the History of this devoted Land. These officers would of course be under the command of the General, commanding the U. States Brigade. One third, perhaps one fourth, of the whole number of men, should be of Cavalry, and the rest Infantry; for the latter are better calculated for Indian fighting. The Indians act on foot, and on foot, they should be followed. Their apparrel is light, and so should be that of their pursuers—they are able to encounter fatigue, hardship and hunger, and those who oppose them should be trained to endure the same difficulties and privations.

With these troops—always in action—ever in search of the foe, pressing him sorely wherever he may be found, and following him through the Swamps and Hammocks of the country, the war could not be of long continuance—the more especially, should the Regulars and Volunteers, cultivate a good understanding with each other, and open their hearts to the emotions of a generous rivalry, fervent patriotism, and a valorous determination to win that Glory, which must belong to those, who shall rescue Florida from her grievous and bitter woes.

It is with masses of men, as with individuals—let the superiority of mental and physical power be what it may—nothing can be accomplished without a spirit—let it be called enthusiasm, if you will—which brings every energy into play, and vigorously bends it to the accomplishment of the desired purpose.

Supposing the plan proposed should be adopted: the companies at present in the Territorial service, would be merged in the army of volunteers, and the Territory saved from the expenditure, to which it is now subject; an expenditure called for by the necessity of the case, and for the reimbursement of which, the Territory must look to the General Government.

The militia laws should be enforced—the people well armed, and every company divided into detachments, each ready to proceed, at a moments warning against the Indians, should they appear in its vicinity. For these services, whenever called for, and performed, the militia should be entitled to pay, upon due proof of the exigency, and of the service performed.

With our people armed, acting in concert, and always prepared for the strife, it is believed that many of the benefits expected from "the Armed occupation Bill" now before Congress, would be experienced, and the martial tone, and efficacy demanded by the crisis, would belong to the character of our citizens.

No occasion has yet occurred for testing, the usefulness of the Dogs bro't from Cuba. It is still believed, however, that they may be used with effect; and why should they not be used? If robbers and assassins assail us, may we not defend our property and our lives even with Bloodhounds? Shall we look upon our ruined dwellings—upon the murdered and mangled bodies of men, women and children, and then meekly say, "the poor Indians have done this—we must be merciful and humane to them—we will not set our dogs upon them—oh! no, that would be more horrible than these butcheries." Those who are safe from Indian alarms, in distant cities and peaceful lands, may indulge in gentle strains of humanity and brotherly love—were they dwellers in the log cabins of Florida, they would attune their notes to harsher measures. Let these men, in whose hearts there is such a gush of the "milk of human kindness," consider attentively, a scene recently exhibited, upon the Apalachicola. Mr. Harlans dwelling was burned, and his family murdered in the afternoon of the 29th of January last. Mr. H. was absent, and an eye witness, gives the following account of the

return of the unhappy man, with an armed party, on the day after the occurrence.

"On arriving at the spot, we found every house reduced to ashes, and at the kitchen door the bones of a human being nearly burnt up; after examining all around, we saw the track of moccasins making ingress and egress the same course. On the trail not far off, we saw articles of clothing, potatoes and papers dropped—about twenty-one persons armed, now arrived from Iola, amongst them Mr. Harlan, who in a wretched state of feelings, proceeded to examine the burnt bones, which he believed to be those of his wife, and a son, whose knife he found amongst them. One of the company in searching behind the garden about 100 yards off—called out 'Come here Harlan, here is your Wife,' joy immediately sprang to my bosom, and I ran to see the dead come to life, where there was a general rush—but lo! I found Mrs. H. lying prostrate on the ground, behind some pine logs, with her throat cut, a ball shot through her arm, one in her back, and a fatal shot in the head, which must have been very near, as the patch of the ball was sticking to her head. Her youngest son, say 8 years old, lay near her side, with his skull fractured, by a pine stick which lay near him. He exhibited signs of life, and I had him carried to a shelter, water given him, and his feet, which were cold, put in warm water, and faint hopes are now entertained of his recovery. Had you witnessed the heart-rending sight of Mr. H. embracing his little son, and calling him by his nickname 'Buddy! Buddy! Buddy!' with the solemn sound of parental affection, sunk to the lowest ebb of dejection, and then running to the corpse of his wife, with his arms around her crying out 'My Wife! My dear Wife! Oh, my dear Wife!' I know your feelings would have given way as mine did; I had always felt a sympathy for these merciless savages, but my heart now assumed a stern fortitude, foreign to its nature, and I felt like not leaving an Indian foot to make a track in the ashes of the desolation they have made."

Who can read this extract, from the letter of a highly respectable gentleman, without anguish? Who can witness such atrocities without admitting it to be lawful to use blood hounds against such hell hounds?

The introduction of these animals is entirely, it is believed, a Territorial measure. It is creditable to the officer with whom it originated, and whose ample justification is the stern necessity which required it.

A citizen, remarkable for his piety, integrity and intelligence, lately exclaimed in my presence, "I would use devils, if I could, against such an enemy," and I am compelled to yield assent to the sentiment.

In the strait to which we are driven, the severest means are the best means, and whatever tends to the speedy termination of our protracted difficulties, will tend also to the preservation of human life, and to the advancement of the cause of humanity.

It is matter of regret to me, that before communicating these views to you, I have not had an opportunity of personally conferring with the officer comanding the U. S. troops in Florida. From his experience and military skill I had expected to derive much aid, and this communication has been delayed by the hope to avail myself of them.

The opinions now expressed have been formed after some deliberation, and it is my sincere belief that the scheme proposed, if adopted by the General Government, and rigorously enforced, put an end to our difficulties. It is my solemn conviction that, the only mode of conquering the Indians, is to hunt and pursue them in every direction, with a competent force of brave and hardy men, devoted to the service, and generously rewarded by their country for the peril and privations they endure.

ROBERT RAYMOND REID.

Which was read and one thousand copies ordered printed.

On motion, the message was referred to the Committee on the State of the Territory.

The Senate received from the House as passed, a bill entitled, an act to incorporate the Tampa Bay and St. Johns Rail Road and Steam Boat Company; which was read.

Also, a bill, entitled, an act to incorporate the St. Marks, Monticello, and Tallahassee Rail Road Company; which was read a first time.

Also an act in addition to the several attachment laws now in force in this Territory, on which the Senate went into committee of the whole, Mr. Hart in the Chair, after some time spent in its consideration, the committee rose and reported progress.

On motion, said bill was referred to the committee on the judiciary.

Also, an act to regulate the fees of Notaries Public in the Territory of Florida; which was twice read, the rule being waived, and referred to the Committee on the State of the Territory.

Also as passed, an act to incorporate the St. John's Silk Company in East Florida, before passed by the Senate.

Also a resolution as adopted, a resolution before adopted by the Senate, requesting our Delegate to urge the settlement of all equitable claims of this Territory, for monies expended in defence of the Frontier.

The Senate went into secret session on Executive business, on motion the doors were opened.

Mr. Berthlot from the Committee on Enrollments, reported as correctly enrolled, "an act to repeal the second section of the act approved 10th Feb., 1838, supplemental to the several acts incorporating the bank of Pensacola, and to revive the 8th section of an act to increase the capital of the bank of Pensacola, and to amend the laws incorporating said bank, and for other purposes, approved 14th February, 1835.

The Senate then took a recess until 4 o'clock, P. M.

4 O'CLOCK, P. M.

The Senate met pursuant to adjournment, and there being no business, adjourned until Monday 9 o'clock.

MONDAY, March 2, 1840.

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

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

EXECUTIVE DEPARTMENT,
Tallahassee, March 2, 1840.

To the Honorable the Senate of the Legislative Council of Florida.

I forward to the Senate, a letter referred to in the message containing the Executive Veto, report a bill, entitled an act to amend the act, incorporating the city of St. Augustine.

ROBERT RAYMOND REID.

Mr. Berthelot, moved that the injunction of secrecy upon the confirmation of the nominations made by his Excellency the Governor, be now removed by the Senate; and that the votes upon the confirmation or rejection of each nomination, be published with the journals of the Senate, together with the yeas and nays thereon; which motion unanimously prevailed.

Mr. Mills, from the committee on the state of the Territory, to whom was referred the special message of his Excellency the Governor, on the subject of the Indian war, made the following report:

The committee on the state of the Territory, to whom was referred the special message of his Excellency the Governor, on the subject of the Indian war, make the following report: That the condition of the Territory call loudly for the adoption of immediate active measures by the Government of the United States, to repress the recurrence of further acts of hostility by those savage murderers.

The murder of the two mail carriers in the East, together with the murders in the West, so pathetically pourtrayed in the message referred, (although awful in their character,) scarcely place the condition of affairs in any worse light than they have been for the last two years. The Legislative Council have at previous sessions, strongly urged upon the authorities of the United States, the adoption of some vigorous measures in relation to this war, and the late Executive officer of the Territory, was incessant in his appeals to Washington on this subject, in which various plans were recommended, all of which, as well as the memorials of the Legislative Council, have been treated with silent contempt; and the people of Florida have been abandoned to their fate, in a stern and unrelenting manner by the head of the war Department.

During the present session of the Legislative Council, notwithstanding the members were satisfied that the situation of the country called loudly for relief, there was a disinclination on their part, generally, to say more to Congress, or the heads of Departments at Washington, than had been already so often and so ineffectually urged: and it was not intended by us to obtrude ourselves further on the notice of the Government. But

the message of the Governor has called on us to make one more appeal and which it is earnestly hoped will not share the fate of previous memorials and petitions on this subject.

The committee had indulged the hope that the bill passed by the Senate of the United States, (which bill was introduced by the Hon. Senator from Missouri) would have been so modified as to have required an organization of the settlers proposed to be introduced, in the manner suggested in the memorial of the Legislative Council of the last session—this measure adopted, would have rendered the more efficient, by encouraging emulation between the different Corps or commands, and would moreover have secured to us the services of a body of respectable and hardy citizens from the adjoining States, of Georgia, Alabama and South Carolina, who will never enter the service under the provisions of the bill as it has passed the Senate.

A copy of this memorial is sent herewith, with the hope that the suggestions contained in it may meet with the favorable notice of Congress, should this bill be still under consideration.

Should not this or other measures be devised by Congress your committee would respectfully urge the adoption of the measures proposed by his Excellency the Governor; the men proposed to be raised, can be immediately enlisted on those terms, and favors a judicious plan, of ridding the country of this murderous band with which it has been so long infested.

The committee ask to introduce the following resolution:

Resolved by the Senate of Florida, That copies of the message of his Excellency the Governor, together with a copy of this report, and a copy of the memorial of the Legislative Council to Congress adopted last session, be immediately forwarded to the Delegate in Congress to be laid before them.

W. J. MILLS, Chairman.

The same from the same committee, reported unfavorably on an act, to regulate the fees of Notaries Public in the Territory of Florida.

The same from the committee on militia, to whom was referred a bill, to be entitled an act to repeal an act, in addition to the military laws now in force.

Also a bill, to be entitled an act to repeal an act entitled an act, in addition to the military laws now in force, approved 4th March, 1839, report that the committee have had the said bills under consideration, and think it inexpedient to act on them during this session. From the disturbed state of the country and the frequent murders of the inhabitants, it is requisite that there should be some force under the control of the Executive—the committee therefore ask to be discharged from the further consideration of the subject.

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

A resolution relating to the payment of P. A. Hayward, for binding the laws of Florida.

Also, an act to incorporate the St. Johns Silk Company in East Florida.

An engrossed bill, entitled an act, to incorporate the Tampa Bay and St. Johns Railroad and Steamboat Company, was read a second time.

The Senate went into committee of the whole, mr. Hart in the chair, on a bill entitled an act, to incorporate the St. Marks, Monticello and Tallahassee Railroad Company; after some time spent in its consideration, the committee rose and reported the bill as amended, which was concurred in.

The Senate received from the House as amended and passed, before passed by the Senate, an act to incorporate the Apalachicola mutual Insurance Company, which amendments were concurred in.

Also a resolution, asking our Delegate in Congress, to urge the passage of a law of Congress, organizing an armed force for the defence of the people, and prosecution of the war in Florida, which was read, the rule waived and adopted.

Also an act, before passed by the Senate, entitled an act, to suspend the operation of the revenue laws for the year 1840, and to provide for the settlement of all arrears due to and from the Territorial Treasury, as amended, which amendments were concurred in by the Senate.

Also an act, before passed by the Senate, entitled an act, to incorporate the city of Tallahassee, without amendment.

Also an act, to fix the county site of Washington county, which was read, the rule being waived and passed.

Also an act, further to amend the charter of the Southern Life Insurance and Trust Company, which was read a first time.

Also a bill, before pased by the Senate, entitled an act, to repeal the several acts, incorporating the town of Jacksonville, without amendment.

Also, as passed, an act to amend an act approved 20th Feb. 1837, giving a lien to mechanics in certain cases, which was read and laid on the table.

Also, a bill before passed by the Senate, entitled an act concerning the Seminole Indians, as indeffinitely postponed by the House.

Also, a bill as passed by the House, entitled an act to provide for auditing all accounts of executors, administrators and guardians, which was read a first time.

Also, an act to amend the several acts in force relating to executors, which was read.

On the question of the indeffinite postponement the yeas and nays were called by Messrs. Berthelot and Duval, and were,

Yeas—Messrs. Hart and Duval, 2.

Nays—Mr. President, messrs. Bailey, Berthelot, Dupont and Walker, 5.

So said bill was not indefinitely postponed.

Mr. Berthelot then moved that the rule be waived, and that the bill be read a second time, which motion was objected to.

Also, a resolution for the relief of R. H. Berry, which was read, the rule being waived, and referred to the committee on Finance.

Also, as adopted, a resolution before adopted by the Senate, in relation to claims for supplies and subsistence, forage and transportation, furnished by the citizens of the Territory for the Territorial troops.

Also, a preamble and resolution as passed by the House, instructing our Delegate in Congress to urge the payment of the claims of Levin Brown, deceased, either before Congress or at the proper Department, which was read, the rule waived, and adopted.

The Senate again went into committee of the whole, Mr. Hart in the chair, on a bill entitled an act in addition to the several attachment laws now in force in this Territory: after some time spent in its consideration, the committee rose and reported the bill as amended, which was concurred in. Said bill was read a third time and passed.

Mr. Depont, from the Finance committee, to whom was referred a resolution passed by the House of Representatives, allowing payment to R. H. Berry, for arms and accoutrements furnished for persons who voluntered to go in pursuit of Indians in February, 1839, reports that the committee have examined the account and vouchers accompanying it, and although the proof is not as full as might be required in a strictly legal point of view as regards four of the guns; still the committee, under the particular circumstances of the time when said arms were procured, report the resolution without amendent, and recommend its adoption, which was concurred in.

On motion, said resolution was again read and adopted.

An act to regulate the fees of Notaries Public in the Territory of Florida, was again read and indefinitely postponed.

An act to repeal an act entitled an act in addition to the military laws now in force, approved March 4th, 1839, was again read and indefinitely postponed.

The Senate received from the House as passed. a bill before passed by the Senate, entitled an act to amend an act entitled an act to provide for building a capitol, and for other purposes.

The Senate then went into secret session on Executive business.

On motion, the doors were opened.

The Senate then took a recess until 4 o'clock P. M.

4 o'clock, p. m. March 2, 1840.

Mr. Mills offered a resolution requesting the Gov. to direct the proper officers to collect all arms and other property purchased by Territorial officers, for the use of the militia of Florida, which was read, the rule being waived, and adopted.

Mr. Berthelot, from the committee on enrolled bills, reported as correctly enrolled, an act to repeal the several acts incorporating the town of Jacksonville.

Also, an act to suspend the operation of the revenue laws, for the year 1840, and to provide for the settlement of all arrears due to and from the Territorial Treasury.

The Senate took a recess for one hour.

The Senate again met and went into committee of the whole on a bill passed by the House of Representatives, entitled an act to provide for the compensation of the officers of the Legislative Council, and for other purposes. After some time spent in its consideration, the committee rose and reported the bill as amended.

The bill was again read and passed, ordered that the title be as above.

His Excellency the Governor transmitted to the Senate the following message:

Executive Department,
Tallahassee, March 2, 1840.

To the Honorable the Senate
of the Legislative Council of Florida.

I respectfully inform you that I have approved the following acts of the Legislative Council:

An act to repeal an act in addition to an act entitled an act to prevent any person in this Territory from carrying arms secretly, approved Feb. 10th, 1838.

An act to authorize Rebecca Charles to Keep a Ferry on Suwannee River.

An act to provide for issuing writs of Certiorari, and to repeal the act heretofore passed on that subject.

An act to change the time of holding the County Court of Walton county.

An act to authorize John M. McIntosh to establish a ferry on Suwanee river.

An act to incorporate the St. Johns Silk Company in East Florida.

A preamble and resolution relative to the payment of P. A. Hayward for Book Binding.

A preamble and resolution relative to the payment of C. H. Edwards for taking census.

A preamble and resolution instructing our Delegate in Congress to use his best endeavors to procure an appropriation of

money by Congress to improve the navigation of the river Choctawhatchie, as far as the mouth of Pee river.

A resolution instructing our Delegate in Congress to procure the passage of a law to alter the time of meeting of the Legislative Council of Florida.

Resolutions requesting our Denegate in Congress to endeavor to procure the passage of a law for the payment of horses mustered into the service of the United States, which have died while in service by disease or accident, or have been shot.

A preamble and resolution requesting the Delegate to procure the passage of a law giving to certain setlers the right of pre-emption.

A preamble and resolution relative to the payment of Col. Pittman and his staff.

An act to incorporate the Presbyterian Church of Jacksonville.

An act in relation to the Trustees of Leon Academy.

A resolution relative to the payment of Betton & Fisher, for arms, &c.

An act to authorize the Judge of the County Court of Alachua county to appoint a Commissioner to make sale of town lots in the town of Newnansville, and execute and deliver titles for the same to purchasers.

An act for the relief of Joseph Hall.

An act to legalize the election of county officers for Jackson county.

An act for the relief of the legal representatives of Francis A. Ross, late Sheriff of Calhoun county.

An act to alter the time of holding the County Court of Franklin county.

ROBERT RAYMOND REID.

Mr. Berthelot, from the committee on enrolled bills, reported as correctly enrolled, a resolution in relation to the transfer of claims for supplies of subsistance, forage and transportation to the Quarter Master's Department.

Also, an act to amend an act entitled an act to provide for building a capitol, and for other purposes.

Mr. Mills offered a preamble and resolution in relation to the disagreement of the two houses of the Legislative Council of Florida, upon the subject of appropriation, which were read.

The Senate then went into secret session on Executive business.

On motion, the doors were opened.

Mr. Dupont offered the following preamble and Declaration:

Whereas, it has been made known to this Senate, through the journal of the House of Representatives, that the said House of Representatives (being but a co-ordinate branch of the Legislative Council,) did, on the 29th day of February, Anno

Domini, 1840, concur in and adopt a certain report and resolutions, purporting to be the report and resolutions, of the Judiciary committee, which report and resolutions are in the words following, to wit:

The committee on the Judiciary, to whom was referred so much of the Governor's Message as relates to the *power of the Legislative Council of the Territory, to create and charter Banking Corporations, and to pledge the faith and credit of the people of Florida, for the aid and benefit of such corporations*, with instructions to report thereon, &c.—

REPORT:

The power of the Territorial Legislature to create banking corporations of a more permanent and indissoluble character than the Teritorial Government, has heretofore been questioned by those whose opinions are entitled to consideration, in and out of Florida. As early as the year 1829, the Executive of Florida rejected two such acts of incorporation passed by the Legislative Cosncil; and stated in his message, among other reasons, that "it is doubtful whether, from the character of the "Territorial Government, deriving its power solely from an act "of Congress, and dependent, for its very existence in its pres-"ent form, upon the legislation of the National Government; "being itself but an imperfect, qualified and dependant corpora-"tion, without any certain term of existence—it can properly "create other corporations, and make them of more indissoluble "character than itself." Messages of other Executive officers of this Territory, at different times, expressing similar doubts, might be referred to; and it appears by the records of the Executive Office, that in 1833, serious difficulties arose as to the organization of the first Bank, to which faith bonds were issued, in consequence sf the opinion of the then acting Governor, as to the questionable character of this power, and the dangerous features of the charter.

The discussions in the National and State Legislatures, and in the public press, as to the power of the Federal Government to incorporate a National Bank, have at different epochs excited the attention of the people of the United States, as much, perhaps, as those on any other political topic. Our Territorial Government or Institute, deriving all its power and authority from Congress, those discussions have afforded us some light, as having a direct bearing upon the questions submitted to the Committee. The verdict of the nation, when the important subject was submitted to them in 1836, was that the states had conferred no such power on Congress.

The power of the Legislative Council was deemed so questionable, by those to whom it was first poposed to sell the Territorial bonds, issued in aid of the Union Bank of Florida, that the written opinions of several distinguished lawyers had to be

procured before such sale could be effected. Notwithstanding these opinions affirming such power, the fact that in the foreign markets our Territorial stocks are generally at a discount considerably greater than State stocks, is a remarkable proof of the distrusts that still exists on this point. The difference between State and Territorial stocks is preserved amidst all the fluctuations of trade, and must result from the apprehended insecurity of the latter. It is in the nature of a premium of insurance against the risk of lending money upon questionable guaranties; and if it shall be found that the Territorial Legislature had no power to bind the people of Florida, such a result will not have been wholly unapprehended or unprovided for by the capitalists who have advanced their funds to the banks on these stocks.

The committee believe that a question which affects vitally the interests and honor of the people of Florida, demands the most serious consideration; and should not be carelessly or wantonly put aside until the lapse of time may convert acquiescence into approval, and superadd the force of moral obligation to those now existing of a character so dubious and undefined. Fully aware of the solemn responsibility resting upon them, growing out of the danger of delay in proclaiming to the world the sense entertained by the people of Florida, of the validity of these heavy libilities imputed to them, your committee approach this momentous subject with a due sensibility to the interests of the country, so vitally involved in the discussion, and with an earnest wish to preserve unsullied the credit and honor of Florida. It is no light occasion that has prompted this enquiry. Banks incorporated by the Legisture of Florida, have already procured bonds, purporting to be guarantied by the Territory, to the amount of $3,900,000; and claim, upon the same authority, the right to others to the amount of $5,600,000 more—making, in the aggregate, $9,500,000. The people, who are said to have guaranted the payment of this enormous sum, do not exceed, in number, 50,000 souls; and a portion of them are houseless, and wandering fugitives from a savage foe. Before we have assumed the character of a sovereign State—while yet in a state of pupilage and infancy, with our resources undeveloped, and our ability even for the support of a government untried—we find that every man, woman and child, white or black, amongst us, is already burdened with an imputed debt of near $200—a debt as large as that of the people of Great Britain, which has heretofore been regarded as a warning to the civilized world. The amount paid for interest on the sums already borrowed is upwards of $230,000 per annum, and if the whole sum should be procured, will amount to upwards of $57,000 per annum, a tax upon the people of Florida vastly beyond their ability or endurance. Indeed, such sum could not be paid by taxation,

but only by an absolute surrender of the property of our citizens. This startling and painful exposition is not made with a view of affecting the final decision of the people on this subject. It shall be found that the obligation has been rightfully contracted, no apprehensions of ruin would be pressed on the people of Florida, to induce them to shrink from a compliance with it. In such event, it would be the counsel of your committee, as they doubt not it would be the ready and honest determination of the people to submit to any loss rather than that of their honor. But this view has been presented to enforce the magnitude and importance of the question involved, and as the justification of your committee for the course they have adopted.

In the outset of this enquiry, your committee desire to be distinctly understood, as to the extent to which they are disposed to deny the powers heretofore assumed, and professed to be exercised in behalf of the people of Florida. The concession may be safely made, that regarding corporations not as contracts—not as private laws, but as public laws passed for the benefit of the people, and subject, like all other laws and all municipal corporations, to control, revision and repeal, as the exigencies or interests of the community may require—the Legislative Council, under its delegated authority over all rightful subjects of legislation, possesses the power to give to such corporations an existence like the power creating them, dependent on the will of the people.

But it is the power claimed for the Legislative Council to exercise the attributes of Sovereignty—to call institutions into an existence indefinite in extent, and protracted far beyond the term of its own duration, and to invest them with a claim upon the property and the honor of the people—that this committee must resist. This power your committee cannot admit, is either inherent in the Legislative Council, or has been delegated to them by the only authority competent to such delegation. They insist that it is an attribute of sovereignty; dormant it may be as yet, while we remain under the guardianship of the General government, but indissolubly connected with our rights as a free people, and cannot be taken from us without at the same time degrading us from our birthright as freemen, and making us slaves.

In pursuing this enquiry as to the power of the Legislative Council of Florida to incorporate banks with exclusive privileges and franchises, and to issue bonds on the faith and guaranty of the Territory, your committee propose to enquire—*first*, where this power originally resides; and *secondly*, whether it been derived by the Legislative Council from that only proper source.

The first branch of this enquiry rests upon very simple principles, and will not detain us long. We contend that the right

to create such corporations, and to bind the people, can only be exercised by the *sovereign authority*—by the politically omnipotent as to all purposes and objects, and not merely supreme in its action upon a limited number of description. The advocates of the constitutionality of the Bank of the United States were obliged to concede this position: "It is incident, (says Hamilton) to sovereign power to create corporations." The opponents of the Bank, (Mr. Jefferson and others) took the same ground; and contended that such sovereign power had not been delegated to, and did not belong to the Federal Government, but rested in the people of the several States. The advocates of the Bank were driven by the force of this argument, (not to question the true source of the power,) but to the assumption that this power had been impliedly delegated by the States as being necessary to carry into effect the other sovereign powers expressly delegated. All parties concurred in tracing the power in question to the same source, and the only contest was, as to the extent to which the power had been delegated by the States to the Congress.

It is an admitted truth, that in England it was the prerogative of the sovereign to create a corporation.

In a case decided in the Court of Errors in the State of New York, Chancellor Walworth says "that the power to create "corporations with frachises, which belongs only to the *sovereign* "of the Territory, does not appear strictly to belong to the law-"making power. Under the common law of England, it be-"longs to the king, as a branch of the royal prerogative. Al-"though parliament sometimes granted acts of incorporation, "it was generally in those cases where some extraordinary "powers and privileges were wanting, not within the reach of "the king's prerogative. Even then the rule held good, that "'*no corporation is good without the royal sanction*,' for the as-"sent of the king is necessary to every parliamentary act. In "this country, the people of the States, the only legitimate sove-"reigns, have succeeded to the prerogatives which formerly "belonged to the crown."

In a debate on the renewal of the charter of the U. States Bank, it is said by Mr. Crawford that "the right to create a corporation is a right inherent to every sovereignty;" and Mr. Clay, in the same debate, enquires, "What is the nature of "this Government? It is emphatically Federal, vested with an ag-"gregate of specified powers for general purposes, conceded by "existing sovereignties, who have themselves retained what is "not so conceded. The power to charter companies is not spe-"cified in the grant, and, I contend, is of a nature not transferra-"ble by mere implication: it is one of the most exalted acts of "sovereignty."

Authorities upon this point might be greatly extended; but we deem it unnecessary, as the principle itself is not denied, and has only been dwelt upon so long, because, in the constantly accumulating claims of legislative power, the fundamental principles of our government are sedulously kept out of sige, wickedly perverted or ignorantly misapprehended.

The right to issue bonds on the faith of the people of Florida, in aid of corporations, obviously cannot exist without the right to create those corporations, and as obviously cannot be exercised but by the people themselves, unless they have delegated the right to others.

Our government would cease to be a republic, if power of any kind was assumed by the representatives of the people, which was not derived from the people themselves.

The committee deem the bonds issued for the purpose of raising money for the defence of the country, stand upon a footing wholly different. It may be justly regarded as a rightful subject of legislation, to devise means to protect our families and our firesides, and the people of Florida can never be such recreants to the principles of justice and of honor as to disavow such liabilities. The imperative necessity of the occasion places those obligations above the reach of the principles by which our ordinary legislation should be regulated.

It remains then only to be enquired, whether the Legislative Council of Florida, is invested, by direct or implied delegation, with the right to exercise, in behalf of the people of Florida, the exalted attributes of sovereignty necessary to the creation of banks or other corporations, and bonds and guaranties pledging the faith of the people of Florida.

The Legislative Council of Florida is the creature of the Congress of the United States, deriving alike its existence and its authority from that source, and ever subject to its controlling and revising power. The Congress is the creature of the people of the several States, composing the confederation of which it is the Legislative organ; and it derives all the authority it can exercise or depute to others, from the people of those States, the Constitution of the United States being the charter of this authority. From this statement of the case, the correctness and fairness of which will not be questioned, we find, on the very threshhold of our enquiry, a defect in the credentials which the Legislative Council claim to have for the exercise of the powers they have assumed. The people of Florida have no agency in the formation of the Constitution of the United States. The attributes of sovereignty, among which are ranked the power of creating corporations, and making the people responsible for their liabilities, so far from having been yielded by them, have been hitherto unsusceptible of concession.—That sovereignty resting in the people of Florida until they

become a State, has not been given to Congress; it is not in the Legislative Council, nor yet in the people of the confederated States: it is for the time dormant—in obeyance, and can only be brought into existence, and exercised by the people themselves. What American is there who will deny the doctrine that all sovereignty originates and rests in the people; and that it cannot be exercised by any other power but the people, or those to whom they have expressly delegated it.

Waving however, for the present, this claim to a separate sovereignty for the people of Florida, as distinguished from the people of the confederated States, we will recur to the task of tracing the authority assumed by the Legislative Council, through the channels along which it flows, commencing with the authority delegated by the people of the States to Congress over the Territory belonging to them.

The whole power of Congress in relation to the Territories, is contained in the second section of the fourth article of the Constitution of the United States—"The Congress shall have power to dispose of, and make all needful rules and regulations respecting the Territory and other property belonging to the United States." At the time of the adoption of the Constitution, the only Territory belonging to the U. States was that acquired by cession from different States of the confederacy.—This clause then does not in terms, and could not have been intended to apply to the cases of Louisiaaa and Florida, the acquisition of which was not then contemplated, yet as there are no other rules for the exercise of the authority found in the Constitution, it may be conceded, that the power of Congress with respect to the latter Territories, is properly exercised under the delegated authority referred to.

But the position that the authority to "make all nedful rules and regu ations respecting the Territory and other property belonging to the United States," gives to Congress sovereign and unlimited power over the persons and property of the people of this territory, cannot be yielded. While the committee concede that with regard to the mere police government of the Territory, Congress may 'make all needful rules and regulations,' they deny its power as extending bey on d that limit. It is supreme and controlling within that limit only. It can make no other rules or regulations, the operation of which will divest or impair the rights of property of the citizens of the Territory, or which encroach upon their "rights, privileges and immunities," secured not only to all the citizens of the United States by other provisions of the Constitution, but expressly guarantied to the inhabitants of Florida by the Treaty of Cession.

The cautious and restricted terms, "needful rules and regulations" used in the Constitution, show that it was not intended

to invest Congress with the attributes of absolute sovereignty over the Territories. Investing it with supremacy as to certain specified objects, does not include investiture of sovereignty with regard to other objects. The committee are aware that others contend for a different construction, and claim for Congress under the delegation to "make all needful rules and regulations" for the government of the Territories, the right to exercise exclusive, uncontrolable and illimitable sovereignty over the persons and property—over all the political and natural rights of the inhabitants. This assumption originated with those political constructionists who have sought an aggregation in the Federal Government, by taking the Constitution in a "large and liberal sense" of all political power; and has been recently seized upon by the advocates of a fanatical and dangerous heresy, aiming at the destruction of the rights of property in the south. It becomes the south to repel the establishment of such doctrines.

The committee will now advert to the terms of the delegation of this power by Congress to the Legislative Council of the Territory. If it shall appear on the one hand that such delegation was more extensive than the authority of Congress itself, it must be confined within the limit of the original authority; or if, on the other hand, more restricted, in the enquiry as to the power of the Legislative Council, it must be still further limited to such restriction. By the Organic Law the power of the Legislative Council is confined to "all rightful subjects of legislation." This right of legislation cannot be extended beyond the original power vested in Congress by the Constitution.—This your committee have contended, is limited, but even though Congress were invested with absolute sovereignty, as some contend, yet the delegation of power over "all rightful subjects of legislation" merely, to the Legislative Council, is restricted. But the committee regard the delegation of the authority to the Council, as a Legislative construction by Congress of the article in the constitution with respect to its own power over Territories, and that it is confined to subjects of more municipal legislation only. Now to derive the authority of the Legislative Council to incoporate banks, and to pledge the faith of the people, from the powers delegated to Congress in the Constitution, and by that body to the Legislative Council, must be to assume that those acts, so far from being the exercise of sovereign authority, are but ordinary acts of "rightful legislation." This must be necessarily assumed; but mark the inconsistency of the advocates of this power, when once the charter is given, it is thenceforth elevated above the dignity of an act of mere legislation—it is not merely a law, but a grant, a contract, beyond the reach of any future legislative action. The charters of the banks are either acts of ordinary legislation mere

"rules and regulations," or they are not; if they are not, then the Legislative Council has transcended its authority in creating them, and they are null and void; if they are mere rules and regulations, they cannot claim exemption from the control which the Legislative body must, from the very nature of its Constitution, retain over all laws. The privilege of annual or periodical elections, instead of preserving to the people, the power to repair the mischiefs of unwise legislation, and to rebuke the assumptions of their faithless servants, as it has been the pride of Americans to believe, would be but a solemn mockery, if a single legislature, during its ephemeral existence, had the power to impose upon the people liabilities extending through an indefinite period, and vitally affecting their most cherished interests.

It is not a little remarkable that the distinguished individual at the head of the school of latitudinarian constructionists, in his celebrated argument to prove that Congress possessed the power to create corporations, classed the Territorial Governments as being "*but mere corporations*," and boldly claimed that power as derived from the article of the Constitution already quoted, which has relation to the territory belonging to the U. States. A consideration of the mode of the creation of the Territorial Institutes, called governments—the clause in the Constitution investing Congress with the power to organize them, and the objects and character of those institutes, have satisfied the committee, that they are not intended to be any thing more than mere municipal corporations for the police government of the inhabitants of the Territories, till they assume the rank of independent States, and be admitted into the national confederacy.

But yet it is contended that inasmuch as Congress has allowed the people of the Territory of Florida, under certain restrictions and regulations, to designate the members of the Legislative Council, that the acts of the Council are to be considered as the acts of the people, and bind them in their sovereign character.

If it be true that the people in their sovereign character have thus delegated their sovereign powers to the Legislative Council, the committee would yield the question in dispute, but such, they contend, is not the case. The Council is, in truth, but the mere agent of Congress in making the needful rules&regulations authorized by the Conststution, the members of which the people are *permitted* to designate, they having had no agency in the establishment of the body, nor any power to say it shall not exist. On the original organization of the Tnrritory, and for some years, this permissive favour was not extended to the people of Florida, but the *members* of the Council were appointed by the President of the United States with the advice and con-

sent of the Senate. Can it be truly said that because the people have exercised the boon of designating the agents of the General Government, when they could not reject or qualify it, they invest those agents with all the powers of sovereignty belonging to the people? We think not. If nine tenths of the people of Florida had refused to give even this colour of authority to the agents of the General Government, the other tenth under the act of Congress might have exercised this privilege of selecting those agents and giving them all the authority they now possess.

Besides, by the terms of the act of Congress, organizing the Territorial Government of Florida, the Governor of the Territory is made a component and indeed controlling part of the Legislative authority. The people of the Territory have no part or voice in his selection or appointment; he is the mere officer and agent of the Federal Government, appointed by the President and Senate of the United States, and has not inappropriately been termed "an overseer of a federal plantation." He is invested with the power of veto of all the enactments of the Legislative Council against any vote of less than two thirds of the members of both Houses. He is invested with the power of suspending the execution of the criminal laws—he is commander in chief of the militia of the Territory, and has the nomination of most of the civil Territorial officers. The chief military officers of our Territory are also appointed by the General Government, as are the Judges and Executive officers of our Courts of justice; the qualifications of the members of the Legislative Council as well as of the electors, the place and period of its sessions and the pay of its members, have been prescribed and regulated by Congress, and yet on the sole pretence that the people under this Government are permitted to designate a small portion of the agents thus exercising the powers of the Federal Government, it is contended that they are in the exercise and enjoyment of their rights of sovereignty. It must not be overlooked also, that it is within the conceded power of Congress to take away even this privilege and so to change the Territorial Government at its pleasure, as to prevent the people from being in anywise heard or felt, in the conduct of its affairs; and above all, Congress has reserved to itself unconditional and supreme control over the whole legislation of this body, asserted to be the representatives of the people and invested with the authority to exercise their sovereign powers.

Partially represented as they now are in the Legislative Council, their voice can be stifled and their actions paralyzed in a moment by the exercise of this reserved controlling power of Congress, and yet this power so restricted, so dependent on the will of another, has been claimed at this enlightened day and in this land of freedom, as sovereignty! and this claim must be

conceded before we can acknowledge the binding obligation of the faith bonds and guaranties upon those of the inhabitants of Florida who have not by the individual act of pledging their property to corporations in the manner prescribed by their charter, made themselves directly responsible. Upon the whole people, as a people or as a political government, they are not binding, because they have not been created by any authority competent to create such obligation.

Another view of this question, it appears to the committee, presents the same conclusion in an equally strong point of view. It can scarcely be pretended that the voters of this Territory at the elections of the members of the council, believed they were investing them with power to hypothecate their individual property, to create capital for banking corporations for the benefit of third persons, and in two instances, of those who are not wholly citizens of the Territory. Can it be supposed, that if those who have obtained the faith bonds and guaranties had applied to the individual citizens to sign and seal such mortgages, or pledge of their lands and other property for their benefit, they would have obtained the assent of a single individual amongst them? It will not be pretended.

But it has been urged that the neglect by Congress to exercise the right of supervision and repeal of the acts of the Legislative council, even if the alleged power of the council was insufficient, rendered those acts valid. This argument is based upon the hypothesis that the sovereignty of the people of Florida, before we assume the rank of a state, is deposited in Congress. The committee conceive they have before shown such hypothesis to be incorrect, and that the people of Florida never did and never could have placed their sovereign power in their keeping, and that it is not there deposited by any provisions of the constitution. The omission on the part of Congress to exercise their reserved right of repeal would at most but leave with the legislative council such authority as it is competent to Congress to bestow, and give to the rightful acts of the council force and effect, until they were determined by the direct negation of Congress; but the committee cannot forbear the remark that the reservation of the power of repeal by Congress of all the laws of the Territory, appears to them inconsistent with the intentional delegation by Congress of the power to create corporations and pledge the faith of the people by solemn contract, which if executed, in part or in whole, before the exercise of the power of repeal, might, according to the opinions of the advocates of the banks, restrict or even wholly destroy the reserved power of annulment. Congress, in its delegation of authority to the Legislative council, reserved the right of repeal and annulment in unqualified and unrestricted terms; and could not have contemplated that this right should be fettered and re-

strained by the Legislative council, in so framing their acts, as that the doctrine of the obligation of contracts should intervene. The committee therefore conclude that to establish the position that the character of these laws and the acts, under them, prevent the exercise of the power of annulment involves those who so contend, in the dilemma that the establishment of their position would incontestibly prove that the power to pass such laws and authorize such act was never delegated.

In connection with these remarks on the extent of the agency which the people of Florida have in the enactment of these laws, and on the power of repeal reserved by Congress. the committee deem it appropriate to advert to a fact which forcibly illustrates many of the positions they have taken.

The law incorporating the Union Bank, when it first passed the Legislative council in 1833, contained the prudent provision '*that it should not go in force until approved by Congress*'—indicating the opinions of the then members of the council that the express sanction of Congress was necessary to give validity to the extraordinary provisions of the charter. The bill was returned without the approval of the Governor of the Territory, an officer in whose appointment the people had no voice, because it contained such a provision! The following extracts from his message present, it is conceived, the considerations which induced that course:

"A sense of duty demands that the bill should be returned to your body, with my objections to one of its provisions, which seems calculated to *defeat the objects of the bill* and the intentions of the Legislative council."

"Believing that the objects proposed in the establishment of the Union Bank of Florida, are of the greatest importance to the general welfare of the good people of the Territory, and especially to the planting portion of our citizens; and that if once in successful operation, all other banking institutions among us will yield to it. I trust that the Legislature will not retain the 35th section of the bill. *If it does not destroy it*, it must inevitably postpone the advantages so obvious and desirable, to an indefinite period."

On the return of the bill to the council, it was reconsidered; the clause referred to was discarded by a majority of *one*; the bill passed by a majority of *two*, and then being unencumbered with the obnoxious clause, was approved by the Governor.

The committee cannot yield to the force or propriety of the reasons urged in the Executive message, for striking out this provision; but on the contrary they regard the object of evading the right of supervision and annulment in Congress, by enabling the corporation to go into existence and form contracts which were supposed to be thus placed beyond the exercise of that power, as an unauthorized invasion of the powers of Con-

gress, and a violation of the right of the people of Florida to the guardian protection of the superior wisdom of that body. The National Government, too, is the owner of more than nineteen-twentieths of the land thus pledged to secure the debts of this institution; and its interests being consequently deeply involved, it had an unquestionable right to have been consulted.

But it has been urged by some, who cannot repel the force of the considerations which the committee have presented, that the question of the validity of these faith bonds and guaranties should remain untouched, till the obligations of the banks with respect to them are violated, and the government or people of Florida are called upon for payment. Great apparent alarm is expressed, lest the reputation and credit of the people of Florida should be impaired, their interests jeopardized, and their honor tarnished by a different course. Some have been impelled so far by their zeal and anxiety on this account, as to declare any attempt to establish their invalidity, *infamous*. The committee have not been deterred from what they conceive to be the performance of a solemn duty to the people of Florida, and to those who may have become the holders of these bonds and guaranties, and to the Government of the United States, by such denunciation. On the contrary, they hold that the same dictates of honorable feeling and true honesty, which would induce an individual in society to withhold his name and credit from the perpetration of an imposition, should constrain the people of Florida to announce to the world their true relation and position in regard to this subject, at the earliest period. At all hazards and at all sacrifices, they should not quietly lie by and tacitly permit obligations purporting to pledge their credit, to be sold or pawned in the public markets, and not avow their rights and intentions. No! if infamy there be, it will rest upon those who, fearful of the decision of the people upon this point, are sedulous to conceal from the purchasers of these bonds the doubts which rest upon the imputed liabilities of the people. It might even be contended with great force that continued silence would impose a moral obligation upon the people of Florida to redeem such contested responsibilities, even though they might be originally invalid. Further silence and delay may increase the evil, already grown to an alarming extent, till it becomes irreparable. It is believed that more than a million of the bonds already issued are yet unsold; and as before stated, above five and a half millions claimed by the banks, have not yet received the signature and the seal of the officers of the Territorial Government. Timely warning may afford to all parties opportunity to take such measures as will secure their respective rights and interests, which might otherwise become still further jeopardized.

It is contended by some, that Congress, having neglected its duty as guardian of the people of Florida in supervising the acts of the council, and having suffered the interests of third persons —foreigners, said to be unacquainted with our peculiar constitutions—to become involved, are justly responsible for such neglect, and bound to indemnify all who may suffer thereby.—Whether these premises and this conclusion are sound, and whether that body will accede to the force and justice of this argument, it is not necessary for the Legislative Council to express an opinion; but the committee will observe, that inasmuch as the purchasers of these bonds and guaranties were bound to look to the competency and authority of those who professed to be clothed with the power to create them, if they have been misled by the dicta and representations of those to whom they preferred to resort, rather than to the constitutional principles of our government, the fault is their own. The people of Florida are not bound by the acts of any who may profess to be their agents, who are not in fact legally constituted as such. Assumption of their name and authority without their consent, creates no obligation upon them, either legal or moral; and it is only by their silence, by their acquiescence in such usurped authority, so earnestly pressed upon them as dictated by expedience and policy, and by a morbid and mistaken notion of honor that such obligation can be incurred. This false honor may be purchased at the price of real degradation; and your committee do not think the legislature would be justified in withholding the expression of their opinion, when silence may involve our constituents and their posterity in irredeemable dishonor and ruin.

In entertaining and avowing these opinions, to prevent misapprehension of the effects of their approval and establishment, either by the legislation of Congress or that of the future State of Florida, we would observe, that if carried out by the most rigorous legislative action, they do not destroy or weaken the security of those who hold the bonds and guaranties created by the hypothecations or mortgages given in conformity to the acts incorporating the banks whose capital has been raised on the credit of the Territory. Nor will the legally vested rights of the creditors, other than the holders of the bonds and guaranties, or the responsibilities of the debtors of those institutions, be in anywise disturbed, or the "obligation of contracts" in regard to them impaired. Pretensions claimed as rights, illegally usurped, and which never have been vested, may be repudiated; and alleged contracts which create no obligation either legal or moral, may be placed upon their proper and true basis, without the commission of fraud or injustice.

The position has been assumed by the counsel whose opinions were sought by the Union Bank, that the State of Florida, when organized, will be responsible for these bonds and guaranties;

and though this question is not directly embraced in the reference to the committee, yet, as it is an important and interesting topic to the public, and is in some degree connected with the subjects expressly referred to them, they will bestow a few remarks upon its consideration.

It is apparent that the position is based entirely upon the assumption which we have already contested, that the Territorial corporation is a Government of the people of Florida. The exercise by this corporation of the prerogatives of the people of Florida—the infringement by it of the rights of the people of Florida—the attempt by it to act for and in the name of the people of Florida, are USURPATIONS; and according to the acknowledged principles of national law, they can be of no binding obligation.

The convention which formed the constitution for the State of Florida, lately adopted by the people, after full discussion solemnly decided this question. They possessed full and incontestible power to make such decision, and it is binding and valid. No action, either of this council, or any future legislature of Florida, or of Congress, can revoke or alter it. It was the sovereign will of the people, and to its mandate all must bow. A future convention, with the same sovereign authority, is alone competent to change it. The constitution formed at St. Joseph contains the following provisions:

"The general assembly shall, at its first session, have power to regulate, restrain, and control, all associations claiming to exercise corporate privileges in the State, so as to guard, protect and secure the interests of the people of the State—not violating vested rights, or impairing the obligation of contracts."—[*Article on Banks.*

"In order that no inconvenience may arise from the organization and establishment of the State Government, it is declared:

"That all laws and parts of laws, now in force, or which may be hereafter passed by the Governor and Legislative council of the Territory of Florida, not repugnant to the provisions of this constitution, shall continue in force, until by operation of their provisions or limitations, the same shall cease to be in force, or, until the General Assembly of this State shall alter or repeal the same; and all writs, actions, prosecutions, judgments, and contracts, shall be, and continue, unimpaired, and all process which has heretofore issued, or which may be issued, prior to the last day of the first session of the General Assembly of this State, shall be as valid as if issued in the name of the State; and nothing in this constitution shall impair the obligation of contracts, or violate vested rights, either of individuals, or of associations, claiming to exercise corporate privileges in this State,"—*Schedule.*

It also contains other general provisions in relation to banking

and other corporations, restricting the power of the legislature of the State on those subjects, and prescribing provisions to be inserted in bank charters, which are entirely inconsistent and irredeemable with provisions to be found in the acts incorporating the banks now existing in the Territory. The power delegated to the first legislature of the State, under the provisions above cited, is plenary, to require of those incorporations a conformity to all the constitutional requisitions in regard to banks, to be created by the State legislature, under penalty of a total divesture of the right to exercise corporate privileges and franchises. It may be sought to restrict or evade that power, but the general terms employed can leave no doubt on the subject. The qualification of not violating vested rights or impairing the obligation of contracts, can have no application to these institutions, unless the power of the Legislative Council to create them, and bind the people for their liabilities, was conceded; further than to restrict the legislature from disturbing the claims of the creditors and the liabilities of the debtors of the banks.

The convention also adopted resolutions, which were transmitted to Congress and laid before it at its last session, calling its attention to its duties and responsibilities growing out of the existence of these corporations, and the extraordinary privileges they claim the right to exercise.

That Congress will adopt such measures as will tend to the protection of the just rights and interests of all parties, your committee do not doubt. While the Territorial Government exists, Congress is the proper tribunal of appeal, the members of which are more disinterested and impartial than our local legislatures are likely to be. Even if our State Government was organized, affected as our State Legislatures might be by the influence of interests hostile to those of the people, a settlement by Congress of the important questions would be more desirable and satisfactory, and probably more consonant to justice. It is not to be doubted that the action of Congress, already commenced, will be full and complete; and save any necessity for action, either by the Legislative Council or by the General Assembly of the State of Florida.

It is not for your committee to suggest what that action should be, or to conjecture what it may be; but full confidence is entertained that it will be such as will secure the true honor of our people, and protect the just rights of all parties. In glancing then briefly at the situation of the holders of the bonds and guaranties, and at the mode by which their interests may be protected, the committee hope they will not be understood as thereby dictating to Congress; but only as being desirous to allay the anxieties of the people of Florida on this point, who, as becomes a free people, are solicitous that not a shadow of suspicion may cloud their integrity, or dim the splendor of the ris-

ing star about to take its place in the constellation of the Union.

In the two largest banking institutions, the stock is secured by the mortgage of the property of the stockholders, alleged to be ample security; while the Territory, in consideration of her character as guarantor, has retained the right of appointing a portion of the directors, and is entitled to a share of the surplus profits. Let this right and this interest, be abandoned to the bond-holders as an additional security to that arising from the mortgage of the property of the stockholders, and there cannot be a doubt that their interests will be better guarded than at present, with the shadowy interposition of the unauthorized Territorial guaranty. The bond-holders having a direct interest in the proper conduct of the banks while they remain in existence; their voice being heard in the management of them through the directors now allowed to the Territory, and themselves aroused from the delusive security in which they are reposing on the imaginary pledge of the people of Florida, their ultimate interests must be subserved by the proposed relinquishment. But let the people of Florida postpone the disavowal and repudiation of this pledge; let those distant bond-holders sleep under the false delusion of the liability of the people: let these securities, now said to be ample, remain under the undisturbed and exclusive control of the party whose interests it is to impair and destroy them, and who can doubt (without the imputation of fraud on the present stockholders) that in the long lapse of thirty years, either mismanagement, misfortune, vicissitude or fraud will greatly weaken, if not totally destroy them, leaving to the bond-holders no other security than illegal obligations and endorsements, and to the people of Florida the regret that their name was prostituted to purposes so unworthy!

The committee deem it an act of justice to present the opinions of those who entertain the converse of the propositions they have maintained; and have annexed to this report the opinions of the several legal gentlemen who were counsel to the Union Bank in the negotiation of their bonds.

WALKER ANDERSON, Ch'm.

The committee, in conclusion, recommend the adoption of the following resolutions:

1. *Resolved*, That the power of the Governor and Legislative Council of the Territory of Florida, delegated by Congress over "all rightful subjects of legislation," under that clause in the constitution which invests Congress with authority "to make all needful rules and regulations respecting the territory and other property belonging to the United States," does not extend to the creation of banks with exclusive privileges and franchises, nor to the issuing of bonds and guaranties, in aid of such institutions, pledging the faith and credit of the people of Florida:

2. *Resolved*, That such pledge of the faith and credit of the people of Florida is null and void.

And whereas, it is the deliberate opinion of this Senate, (being also a co-ordinate branch of the Legislative Council, and alike the representative of the wishes and opinions of the people of Florida) that the doctrines and views contained in the said report and resolutions, are wholly at variance with the doctrines and views, entertained by the people of Florida: Now therefore,

Be it Known, That this Senate, do, in the name of the people of Florida, *Solemnly Protest*, against the doctrines and views, set forth, in the aforesaid report and resolutions, as disorganizing in their character—subversive of the settled order of society—dangerous in their tendencies, and calculated, in the eye of the civilized world, to destroy all confidence in the honor, integrity and good faith of the people of Florida.

On the question of adopting said Preamble and Protest and spreading them on the Journals of the Senate, the yeas and nays were called by Messrs. Berthelot and Dupont, and were:

Yeas—Mr. President, Messrs. Bailey, Duval, Dupont and Mills, 5.

Nays—Messrs. Berthelot, Hart and Walker, 3.

Ordered, that the Secretary of the Senate cause the foregoing Preamble and Protest to be entered in full upon the journal of the Senate, and that he be directed forthwith to prepare and certify four copies of the said preamble and protest, together with the vote thereon, and to transmit without delay, to each of the following persons, one of the said certified copies, to wit: the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, and the Delegate in Congress from Florida.

Ordered further, that five hundred copies of the same, be printed under the supervision of the Secretary of the Senate.

Mr. Dupont asked and obtained leave to lay before the House the following preamble and declaration:

Whereas this Senate did, on the 23d day of January, A. D. 1840, in accordance with the suggestions contained in the annual message of the Executive, and moreover in obedience to the known wishes of the people of Florida, *unanimously* adopt the following joint resolutions, to wit:

RESOLUTIONS.

Resolved, by the Legislative Council of the Territory of Florida, That a joint committee of the Senate and House of Representatives be appointed in such manner as the respective houses may deem proper, which said committee shall consist of three members from each house to examine and inspect the books of the Union Bank of Florida, containing the rules, regulations,

ordinances and proceedings of said bank, and all the books containing the general accounts of said bank, so as to ascertain the names of the stockholders, the number of shares owned by each, and the amount lent to each on pledge of stock, the names of the Directors, and the amount due by each on pledge of stock, on mortgage of land and slaves, and on other securities—the amount of Territorial bonds actually sold, how sold, and for what funds—the total amount of bills and notes lying over and under protest—the total amount of bills in suit—what amount has the bank in its vaults, and what steps have been taken towards a resumption of specie payments at an early day, the amount of cash on hand, the amount of notes in circulation, the balance due to and from other banks, the amount of deposites, the amount of bills, notes, or bonds discounted, and all other affairs of said bank, so as to know its true situation, and be enabled to make a true report thereof to the Legislative Council, as far as may be, without examining the individual accounts of the customers of the said bank, and also that said committee have leave to employ one or two competent clerks, and that said committee be empowered to send for persons and papers, and to administer an oath to all persons whom they may see fit to examine in relation to the affairs of said bank.

Resolved, That the Governor of the Territory be, and he is hereby requested to appoint a commissioner, not a member of either House, to proceed to Pensacola, to examine fully into the management of the Bank of Pensacola, and to make report thereof, to the Governor, for the information of the Legislative Council.

Resolved, That a joint committee of one from the Senate and one from the House of Representatives, be appointed in such manner as the respective houses may deem proper, to proceed without delay to St. Augustine, there to inspect the books and minutes of proceedings of the board of Trustees of the Southern Life Insurance and Trust Company—to ascertain the amount of deposits therein—an exact list of balances due to and from said body politic and corporate, and all other affairs effecting the credit and solvency of the said body politic and corporate—and that said committee be instructed to make report as speedily as possible.

Resolved, That the Commissioner appointed by the Governor to examine into the affairs of the Bank of Pensacola, be allowed such compensation as may be deemed reasonable by the Governor, not exceeding 200 dollars—and that the members of the joint committee, appointed to examine into the affairs of the Southern Life Insurance and Trust Company, be allowed the same compensation which is allowed by act of Congress to members of the Legislative Council, for travelling to and from St. Augustine, to be paid out of the Territorial Treasury.

ordinances and proceedings of said bank, and all the books containing the general accounts of said bank, so as to ascertain the names of the stockholders, the number of shares owned by each, and the amount lent to each on pledge of stock, the names of the Directors, and the amount due by each on pledge of stock, on mortgage of land and slaves, and on other securities—the amount of Territorial bonds actually sold, how sold, and for what funds—the total amount of bills and notes lying over and under protest—the total amount of bills in suit—what amount has the bank in its vaults, and what steps have been taken towards a resumption of specie payments at an early day, the amount of cash on hand, the amount of notes in circulation, the balance due to and from other banks, the amount of deposites, the amount of bills, notes, or bonds discounted, and all other affairs of said bank, so as to know its true situation, and be enabled to make a true report thereof to the Legislative Council, as far as may be, without examining the individual accounts of the customers of the said bank, and also that said committee have leave to employ one or two competent clerks, and that said committee be empowered to send for persons and papers, and to administer an oath to all persons whom they may see fit to examine in relation to the affairs of said bank.

Resolved, That the Governor of the Territory be, and he is hereby requested to appoint a commissioner, not a member of either House, to proceed to Pensacola, to examine fully into the management of the Bank of Pensacola, and to make report thereof, to the Governor, for the information of the Legislative Council.

Resolved, That a joint committee of one from the Senate and one from the House of Representatives, be appointed in such manner as the respective houses may deem proper, to proceed without delay to St. Augustine, there to inspect the books and minutes of proceedings of the board of Trustees of the Southern Life Insurance and Trust Company—to ascertain the amount of deposits therein—an exact list of balances due to and from said body politic and corporate, and all other affairs effecting the credit and solvency of the said body politic and corporate—and that said committee be instructed to make report as speedily as possible.

Resolved, That the Commissioner appointed by the Governor to examine into the affairs of the Bank of Pensacola, be allowed such compensation as may be deemed reasonable by the Governor, not exceeding 200 dollars—and that the members of the joint committee, appointed to examine into the affairs of the Southern Life Insurance and Trust Company, be allowed the same compensation which is allowed by act of Congress to members of the Legislative Council, for travelling to and from St. Augustine, to be paid out of the Territorial Treasury.

Said joint resolutions were, on the 24th day of the same month, transmitted by the Secretary to the House of Representatives of the Legislative Council of Florida, for their action thereon: and whereas this Senate have not, up to the present day, (being the last day of its present session) received from the said House of Representatives any response upon the subject of the said joint resolutions, therefore,

Be it known to the people of Florida, That this Senate holds itself absolved from any reproach which attaches to the Legislative Council for failing to cause to be made a free, full, thorough and impartial investigation into the state and condition of *all* the banking institutions of the Territory, and thereby setting at defiance the will of the people.

On the question of adopttng said Preamble and declaration and spreading them on the Journals of the Senate, the yeas and nays were called for and appeared as follows:

Yeas—Mr. President, Messrs Bailey, Duval, Dupont and Mills, 5.

Nays—Messrs. Berthelot, Hart and Walker, 3.

Ordered that the Secretary of the Senate, cause the foregoing Preamble and Declaration to be entered in full upon the Journal of the Senate.

Ordered further, that five hundred copies of the said preamble and protest be printed under the supervision of the Secretary of the Senate.

His Excellency the Governor, transmitted to the Senate the following message.

EXECUTIVE DEPARTMENT,
Tallahassee, March 2, 1840.

To the Honorable the Senate
of the Legislative Council of Florida.

I return the bill, entitled an act, to enlarge the Jurisdiction of the county Court of Hillsborough county, with the following objections:

1st. The bill gives civil and criminal jurisdiction to the county Court of Hillsborough, which the Legislative Council have not the power to confer, to the extent contemplated. The court is to possess the same civil and criminal jurisdiction which the Superior Courts of the Territory never exercise. The act of Congress of 15th May, 1826, gives to the Superior Courts *exclusive* cognizance of all civil causes of admiralty and maritime jurisdiction, including all seizures under the laws of import, navigation or trade of the United States, whether made on land or water; also suits for penalties or forfeitures incurred under the laws of the United States, and also of all crimes and offences which are cognizable under the authority of the United States, committed within the Districts of Florida, or upon the High Seas. It is obvious that the words of the bill being gen-

eral, include the jurisdiction of these cases, which, already exclusively imparted to the Superior Courts, may not be bestowed elsewhere, by the Legislative Council, without a violation of the organic law.

2nd. Were the jurisdiction properly conferred, no provision is made for summoning Grand Juries, and for prefering and prosecuting Indictments. The District Attorney is not bound to attend the county Courts of Hillsborough—he is the only prosecuting officer known to the law, and without his aid and presence, even should provision be made for summoning Grand Juries, the bill if passed into a law would be inoperative.

There are other objections which occurred to me, but for want of time are not stated.

Regretting the condition to which the county of Hillsborough is made subject, as described in the Preamble, I am nevertheless constrained, for the reasons given, to disapprove of this bill.

An act, concerning Jurors in the Southern District, is approved; as also,

An act to amend an act entitled an act, relating to crimes and misdemeanors, committed by slaves, free negroes and mulattoes.

ROBERT RAYMOND REID.

Mr. Berthelot, from the committee on enrolled bills, reported as correctly enrolled, an act to incorporate the Apalachicola Mutual Insurance Company.

The Senate received from the House as adopted, certain resolutions requesting the Governor to prepare and present to the officers and privates of the defenders of the Outhlacoochee Block House, also, to the officers and privates by whom they were rescued, a suitable medal, commemorative of their services, which was read, the rule waived, and unanimously adopted.

Mr. Duval offered the following resolution:

Resolved, that the thanks of the Senate be tendered through the Secretary to the Hon. John Warren, for the dignified, able and impartial manner in which he presided over the Senate up to the period of his resignation.

Which was read, the rule waived, and unanimously adopted.

His Excellency the Governor thransmitted to the Senate the following Message:

EXECUTIVE DEPARTMENT,
Tallahassee, March 2, 1840.

To the Honorable the Senate of the Legislative Council of Florida:

I respectfully inform you that I have approved the following acts of the Legislative Council:

A resolution relative to the prosecution of the war in Florida.
A resolution relative to the late Col. Levin Brown.
An act to fix the County Site of Washington county.

ROBERT RAYMOND REID.

Also, the following.

EXECUTIVE DEPARTMENT,
Tallahassee, March 2, 1840.

To the Honorable the Senate of the Legislative Council of Florida.

I respectfully inform you that I have approved the following acts of the Legislative Council:

An act to repeal the several acts incorporating the town of Jacksonville.

An act to amend an act entitled an act to provide for building a Capitol, and for other purposes.

A resolution relative to the transfer of claims to the Quarter Master General.

A resolution relative to the petition of R. A. Shine.

An act to suspend the operation of the Revenue Laws for the year 1840, and for other purposes, and to provide for the settlement of all arrears due to and from the Territorial Treasury.

ROBERT RAYMOND REID.

The House sent back to the Senate an act to provide for the compensation of the officers of the Legislative Council and for other purposes, with their refusal to concur in the amendments of the Senate thereto.

On motion of Mr. Berthelot, the Senate appointed the following committee, to meet a similar committee of conference of the House, to take into consideration said bill, consisting of Messrs. Berthelot and Duval.

Mr. Berthelot, from the committee of conference on the part of the Senate, to whom was referred an act to provide for the compensation of the officers of the Legislative Council and for other purposes, reported the same as amended, which amendment was concurred in.

The bill was again read and passed, ordered that the title be as above.

Mr. Berthelot, from the committee on enrolled bills, reported as correctly enrolled, an act to incorporate the city of Tallahassee.

His Excellency the Governor transmitted to the Senate the following message:

EXECUTIVE DEPARTMENT,
Tallahassee, March 3, 1840.

To the Honorable the Senate of the Legislative Council of Florida.

I respectfully inform you that I have approved the following acts of the Legislative Council.

An act to repeal the second section of an act approved Feb. 10, 1838, supplemental to several acts incorporating the Bank of Pensacola, and to review the 8th section of an act to increase the capital of the Bank of Pensacola, and to amend the laws incorporating said bank, and for other purposes, approved 4th February, 1835.

An act to incorporate the Apalachicola Mutual Insurance Company.

ROBERT RAYMOND REID.

Also the following.

EXECUTIVE DEPARTMENT,
Tallahassee, March 2, 1840.

To the Honorable the Senate of the Legislative Council of Florida.

I respectfully inform you that I have approved the resolution relative to the Block House on the Withlacoochee; and

Also, the act to incorporate the city of Tallahassee.

ROBERT RAYMOND REID.

On motion, the Senate appointed Messrs. Hart and Mills, a committee to wait on the Governor and inform him that the Senate is now ready to receive any communication he may be pleased to make previous to adjournment *sine die.*

Mr. Mills offered the following resolution:

Resolved, That the thanks of this Senate be tendered to the Hon. Geo. S. Hawkins. for the dignified and impartial manner in which he has discharged the duties of President of the Senate since the resignation of the Hon. John Warren, which was read, the rule waived, and unanimously adopted

The Senate received from the House as passed, a resolution for the compensation of the Private Secretary of the Governor, which was read, the rule waived, and adopted.

His Excellency the Governor transmitted to the Senate the following message:

EXECUTIVE DEPARTMENT,
Tallahassee, March 2, 1840.

To the Honorable, the Senate of the Legislative Council of Florida.

I respectfully inform you that I have approved the resolution relative to the payment of R. H. Berry, for arms &c. and

Also, a resolution relative to the collection of arms, accoutrements, &c.

I approve of the act to provide for the compensation of the Legislative Council, and for other purposes, with the protestation, that until advised of the decision of the Secretary of the Treasury, upon the question of double pay *per diem*, to the President of the Senate and Speaker of the House of Representatives, which question I have already submitted to him—

the pay of the said officers shall be the same as of other members of the Legislative Council.

I have also approved of the resolution making certain appropriations.

ROBERT RAYMOND REID.

The Senate then adjourned *sine die*.

A JOURNAL

OF THE

PROCEEDINGS OF THE SENATE

OF FLORIDA,

In secret Session, during the Session of 1840.

JANUARY 16th, 1840.

The Senate went into secret session on the following nominations of his Excellency the Governor, viz:

Hiram Manly, Judge of the county Court of Franklin county.

L. W. Smith, Judge of the county Court of Monroe county, in place of O. O'Hara, resigned; which were read, and consented to, and advised by the Senate.

Also on the following:

John B. Satterthwaite, Notary Public for the port of St. Marks.

Morrison Scott, Jr. Auctioneer for the Town of Port Leon.

W. W. Briggs, Tax Collector for Calhoun county: which were consented to, and advised by the Senate.

The nomination of Walker Anderson, to be Commissioner of the Tallahassee Fund, was laid on the table.

FRIDAY, January 17th, 1840.

The Senate again went into secret session on the nomination of Walker Anderson; on confirming said nomination, the yeas and nays were called by Messrs. Mills and Duval, and were:

Yeas—*Messrs.* Berthelot, Wright, 2.

Nays—Mr. President, Messrs. Duval, Dupont, Hart, Hawkins, *Mills*, and Walker, 7; the nomination was therefore rejected.

JANUARY 20th, 1840.

The Senate went into secret session on the following nominations of his Excellency the Governor, namely:

To the Honorable the Senate of the

Legislative Council of the Territory of Florida.

I respectfully represent to the Senate, that (I) am about to perform an unpleasant duty, but one which it is believed, strong considerations of a public character require at my hands.

The depreciation of the notes of the Union Bank, and the consequent appreciation of property constitute an evil which,

severely felt both within and without the Territory, is tending to ruinous consequences, and affords the apprehension, that the institution may not have been judiciously managed.

It should be with governments as individuals, whenever it is believed that the trust confided to agents is not prosperously conducted, it is the dictate of prudence and common sense to seek in a change of persons more fortunate results,

Entertaining the fear to which circumstances point, that the affairs of the Union Bank has not been skilfully directed. I present to you, five persons to be Directors of the Union Bank, who have not been such during the past year,

I am governed also by another motive. The principle of rotation in office also applies as it seems to me, with peculiar force to banking corporations, where if the same persons remain long as Directors, an opportunity is afforded them of monopolizing benefits for themselves, and their immediate friends.

I am aware that the step I take, may be misconstrued, and repeat that in it I am guided solely by public motives, and intend no injurious imputations whatever, to those who are not nominated; all of whom, I hold in very respectful consideration.

I nominate the following persons to be Directors of the Union Bank, for the ensuing year:

James M. Gilchrist, Richard H. Bradford, Robert H. Berry, Thomas Baltzell, George W. Holland.

(Signed) ROBERT RAYMOND REID.

On the question of the confirmation of said nominations, the yeas and nays were called by Messrs. Duval and Dupont, on each seperate name; and were for

James M. Gilchrist, unanimous, Mr. Bailey absent.

For Richard H. Bradford, unanimous.

For R. H. Berry, yeas—Messrs. Berthelot, Duval, English, and Hart, 4,—nays, Mr. President, Messrs. Dupont, Hawkins, Mills, Walker, Wright, 6. So said nomination was rejected.

For Thomas Baltzell, yeas: Messrs. Berthelot, Duval, Dupont, English, Hart, Hawkins, Mills, Walker, and Wright, 9,—nay: Mr. President. 1.

For George W. Holland, unanimous.

JANUARY 31st, 1840.

The Governor notified the Senate of an error as to the name of Mr. Holland, his name being Griffin instead of George W., which mistake was duly corrected.

The Senate went into secret session on the following message of his Excellency the Governor, viz:

EXECUTIVE DEPARTMENT,
Tallahassee, 30th Jan. 1840.

To the Honorable, the Senate
of the Legislative Council of Florida.

I respectfully represent to the Senate that the nomination of Walker Anderson as Commissioner of the Tallahassee Fund, which was rejected by the Senate, has been confirmed by the House of Representatives, (of which I have just received notice,) and I beg leave again to offer the name of Mr. Anderson, for the office above mentioned, for the consideration of the Senate.

In thus acting I mean no importunity to the Senate, but am taking a course which will be pursued during my administration in like cases, unless altered by some action of Congress, or the Legislative Council.

About the time that nomination was presented to the Senate, I had determined to adopt the precedent of the last session, and to send all nominations to the Senate, to be by them acted on, and transmitted to the House; but upon mature consideration, it has seemed to me that the power being vested by the organic law in the Governor to appoint and commission to office, "by and with the advice and consent of the Legislative Council," and the Legislative Council consisting of a Senate and House of Representatives, it is the duty of the Executive to address himself, for the purpose of obtaining the consent of the Council, to both branches of which it is composed.

Where, as in the present instance, the one house rejects, and the other confirms, it appears to me but fair and reasonable that the nomination should be again presented to the house rejecting, that the proper consideration should be bestowed upon the vote of the other house in favor of the nomination.

This being the view entertained by me, I take leave to assure the Senate that I shall not be found at any time pertenaciously resisting their right to reject. While I endeavor to exercise with care the powers vested by the laws in the Executive, I would sedulously abstain from interfering with those deposited in other departments of the Government.

Having made these explanations, which, for the purpose of avoiding misconstruction, are due to myself, allow me to suggest the reasons guiding me to the nomination of Mr. Anderson.

It will be generally agreed that he is a gentleman of cultivated mind and taste, essentially, perhaps, to a Commissioner, when we are about to construct a capitol, which should be a monument to posterity of the knowledge and skill of the present day, in architecture and design. He is moreover a lawyer, and it is important that the person appointed to this office should be a professional man. If you will look to the report of the late Commissioner, it will be perceived that the affairs of the fund

are yet involved in much embarrassment, from which some able gentleman of the law can, perhaps, only extricate them.

Instead of appointing a Commissioner with a salary of 1,500 dollars per annum, and obtaining legal assistance at considerable expense additional to that, it was supposed to be more economical and more just to the public interest to select for the office one who could perform all the duties of Commissioner for the compensation allowed by law. Mr. Anderson is such a person. He is not only, it is believed, competent to superintend the public buildings now in the course of construction, but to enforce, if it shall become necessary in the courts, a compliance with contracts; and there, also, to investigate claims and titles to property, to prosecute suits, and to secure the debts, which may be due to the fund. These are the considerations which mainly induce me to offer this gentleman's nomination for the consent of the Legislative Council.

It may be objected that Mr. Anderson is a member of the Legislative Council, and I have carefully examined the laws to find ground for such an objection. There is no law so far as I am advised, to interfere with this nomination. As a matter of policy I admit, particularly where the Legislative and Executive derive their appointment to office from the same source, it is not, in general proper to invade with the executive patronage, the independence of the Legislature; but there are cases where the public interest, and the fitness of the person for the office, make it proper to appoint him, even though he be found among the representatives of the people.

Such an one, I think, is the present case, and the journals of the Legislative Council of Florida, contain precedents not a few to sanction the appointment to office of a member of the Legislative Council.

I submit the nomination, and respectfully await the decision of the Senate. ROBERT R. REID.

Which were read.

On the question of the confirmation of the confirmation of said nomination, the yeas and nays were called by Messrs. Duval and Hawkins, and were:

Yeas—Messrs. Berthelot and Wright—2.

Nays—Mr. President, Messrs. Bailey, Duval, Dupont, English, Hart, Hawkins, Mills and Walker—9. So it was adopted.

FEBRUARY 3, 1840.

The Senate went into secret session on the following nominations of his Excellency the Governor, viz:

Antonio Alvarez, of St. Augustine, William Wilson and Les-

lie A. Thompson, of Tallahassee, as Directors of the Southern Life Insurance and Trust Company.

On the question of confirming said nominations, the yeas and nays were called by Messrs. Duval and Mills, and were:

Yeas—Unanimous.

So the nominations were confirmed.

Also, on the nomination of Richard Hayward as Director of the Union Bank, in place of R. H. Berry, rejected, on which nomination the yeas and nays were called by Messrs. Dupont and Duval, and was unanimously confirmed.

FEBRUARY 5, 1840.

The Senate went into secret session on the nomination of Thomas Baltzell as Commissioner of the Tallahassee Fund.

On the confirmation uf said nomination, the yeas and nays were called by Messrs. Berthelot and Mills, and were:

Yeas—Messrs. Bailey, Bertnelot, Duval, Dupont, English, Hart, Hawkins, Walker and Wright—9.

Nays—Messrs. President and M[illegible]—2.

So the nomination was confirmed.

FEBRUARY 10, 1840.

The Senate went into secret session on the following nominations of his Excellency the Governor, all of which were confirmed, viz:

John A. Cavado, Notary Public and Auctioneer at Fernandino, for Nassau county.

E. K. White, Judge of the County Court for Alachua county.

Warren Harville, Wiley Brooks, Samuel Smart, Elijah Tucker, John Parsons, Jesse Crawford, Josiah Gates, Britton Knight, Thomas J. Prevott, Stephen Fagan, Justices of the Peace for Alachua county.

Emund Bird, Auctioneer for Alachua county.

John Morgan, Daniel Campbell, Seaborn Cobb, Silas Journigan, Justices of the Peace for Escambia county.

A. M. Alexander, Auctioneer for Port Leon, county of Leon.

Henry L. Rutgers, Notary Public for Leon county.

Edward W. Doubleday, Auctioneer for the county of Franklin.

Cosam Emir Bartlett, Nathan Baker, Elizur Wood, Benjamin Ellison, Justices of the Peace for Franklin county.

Andrew C. Hammond, Notary Public for Leon county.

Edward J. Hardin, Judge of the County Court, Notary Public, Port Warden and Auctioneer for Calhoun county.

Walter Thompson, Lumber Inspector for Calhoun county.

James Ruan, Notary Public for Calhoun county.

William W. Street, Auctioneer for Calhoun county.

Fredrick Aubry, Francis Arnaux, Lumber Inspectors for Calhoun county.

David Webster, Edward R. Gibson, Sam'l H. Burgess, Justices of the Peace for Calhoun county.

Burroughs E. Carr, to be Auctioneer for St. Johns county.

J. S. Lions, Auctioneer for St. Johns county.

James Keogh, Auctioneer for St. Johns county.

A. Spangler, C. T. Lyman, *R J. Hackley, *Robt. Y. Well ford, Edwin W. Dorsey, Auctioneers for the county of Leon.

Daniel L. White, Judge of the County Court for Gadsden county.

The nomination of John G. Tiner, for Justice of the Peace for Alachua county, was laid on the table.

The following nominations were rejected, viz:

*George L. Phillis, John L. Phillips, Justices of the Peace, Notaries Public and Auctioneers for St. Johns county.

Also, Charles C. Adams, Auctioneer for Duval county.

FEB. 17, 1840.

The Senate went into secret session on the following nominations of his Excellency the Governor, which were confirmed, namely:

Wm. M. Gibson, Judge of the County Court of Leon county.

Benj. Byrd, Aoctioneer for Leon county.

James Childs, Justice of the Peace for the Oclockney District of Leon county.

Wm. M. Neil, John J. Edwards, Richard Wilson, James H. Parker, Joseph T. Russ, Luke Lott, Isaac H. Stone, Justices of the Peace for Jackson county.

James H. Parker, Hugh Rusk, Ira Green, Levi Griffin, Auctioneers for Jackson county.

Adam W. Snyder, Judge of the County Court of Dade Co.

W. C. Malony, Lemuel Otis, Temple Pent, William Whitehead, Justice of the Peace for Dade county.

On the question of the confirmation of the nomination of Wm. Whitehead, the yeas and nays were called by Messrs. Duval and English, and were:

Yeas—Mr. President, Messrs, Bailey, English, Mills, and Walker—5.

Nays—Messrs. Berthelot, Duval, and Hawkins—3.

George W. Samerindyck, Notary Public for Dade County.

W. C. Malony, Auctioneer, for Dade County.

The nominations of Andrew Robb, for Auctioneer, for Duval County, and

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*The nominations of R. J. Hackley, George L. Phillips, Robt. Y. Wellford, were subsequently withdrawn by the Governor, for the reason that their commissions did not expire until Feb. 27th, 1841.

J. M. Gould, to be Justice of the peace for St. Johns, County, were laid on the Table.

FEB. 19, 1840.

The Senate went into secret session on the following nominations of his Excellency the Governor, which were confirmed, namely:

F. A. Brown, Auctioneer for Munroe county.
Sam'l S. Vail, Tax Collector, for " "
Wm. H. Bethel, Justice of the Peace for Dade county.
Wm. Whitehead, Auctioneer, " "
Andres Papy, Lumber Inspector for St. Johns county.
James Smith, Justice of the Peace for Jackson county.
P. A. Gandoph, F. Wattington, Wm. H. Wall, L. F. Breaker, R. W. Cussins, Port Wardens, Key West.
J. B. Brown, W. H. Wall, R. W. Cussins, W. C. Green, A. F. Taft, Munroe county.
L. F. Breaker, John Dubose, Justices of the Peace, Munroe county.

On confirming the nomination of John Dubose, the yeas and nays were called, by Messrs. Berthelot and English, and were:

Yeas—Mr. President, Messrs. Bailey, Duval, English, Hawkins and Mills—6.
Nays—Messrs. Berthelot and Walkr—2.

John R. Evertson, Notary Public, Duval county.
Edgar M. McDanal, Auctioneer, " "
George Branning, John M. Pance, Justices of the Peace, Duval county.
John B. Allen, Justice of the Peace, Hillsborough county.
R. D. Killgrove, Auctioneer, " "
Damingo, Acasta, J. Tompkins, Wm. Turner, John Motes, Justices of the Peace for Nassau county.
F. Desa Reed, sen., Henry D. Castile, Auctioneers for Escambia county.
Douglass Dummitt, Judge of the County Court of Mosquito county.
Francis Pellear, Justice of the Peace for Mosquito county.
James S. Cantwell, Notary Public for Apalachicola.
Sam'l H. Williams, Autioneer for Mosquito county.

The nomination of Joseph L. Dutton for Auctioneer and Lumber Inspector for Duval county, was rejected.

On the question to confirm said nomination, the yeas and nays were called by Messrs. Berthelot and Walker, and were:

Yea—Mr. Berthelot—1.
Nays—Mr. President, Messrs. Bailey, Duval, English, Hawkins, Mills and Walker—7.

The nominations of Francis A. Huson, Justice of the Peace for Duval county, and Wm. P. Killgrove, Auctioneer and Coroner for Hillsborough county, were laid on the table.

FEB. 19, 1840.

The Senate went into secret session on the following nominations of his Excellency the Governor, which were confirmed by the Senate, viz:

Marshal P. Ellis, Hezekiah Hawley, Benj. F. Nourse, John N. Cumming, Robert Myers, Port Wardens for Franklin county.

Charles Rogers, Auctioneer for Franklin county.

John R. Dorsey, E. C. Roberts, *M.* F. Ellis, H. Hawley, Justices of the Peace, Franklin county.

B. R. Ropes, J. *W.* Griffith, Robt. J. Floyd, George S. Hawkins, Notaries Public, Franklin county.

The Commissions of Robt. Myers and George S. Hawkins to take effect from and after the 1st April, 1840.

Stephen D. Fernandez, Justice of the Peace for Duval Co.

FEB. 21, 1840.

The Senate went into secret session on the following nominations of his Excellency the Governor, which were confirmed, namely:

Hanson Kelley, John Campbell, Henry Mitchelot, John B. Foster, Charles L. Baron, Port Wardens, Escambia county.

Stokely Sadbury, M. M. Caswell, Daniel *M.* Hinson, Isham Johnson, George Lang, John Bnie, Thomas *M*onroe, John c-Donald, Justices of the Peace for Gadsden county.

Thomas J. Kenan, Notary Public, Gadsden county.

William Monroe, Auctioneer, Gadsden county.

John K. Partridge, Judge of the County Court for Jefferson county.

Wm. Budd, Sam'l Penterson, Wm. Gorman, John A. Edwards, Wm. Kersey, Ransom J. Roberts, Zachariah Fuller, R. D. Bradley, Joseph Joiner, Hardy Moore, Z. G. Wheeler, John Wooten, Moses Ellis, Joseph Eaton, Justices of the Peace for Jefferson county.

John M. Palmer, Moses Ellis, Auctioneers for Jefferson Co.

William Budd, Notary Public for Jefferson county.

His Excellency again presented the nomination of John L. Phillips for Justice of the Peace, Notary Public, and Auctioneer for St. Johns county, as being confirmed by the House of Representatives, which was laid on the table.

FEB. 25, 1840.

The Senate went into secret session upon the following nominations of his Excellency the Governor, which were confirmed by the Senate, viz:

Wm. G. Pondor, Wm. Hilliard, Justices of the Peace for Leon county.

Daniel Buie, Thos. Harrison, Justices of the Peace for Gadsden county.

James Welles, Benj. Manning, Jos. B. Johnson, James R. Neill, Adam Grambling, Israel Beard, Rich'd G. Burney, William Munroe, Wm. C. Campbell, Richard H. Bradford, Wm. H. Hart, George Young, Daniel Ladd, Wm. Bloxham, John W. Hall, H. H. Walker, F. B. Whiting, S. S. Sibley, Abram Spangler, James L. Hart, Justices of the Peace for Leon Co.

Silas Burney, Daniel Ladd, F. B. Whiting, Auctioneers for Leon county.

James T. Archer, Notary Public for Leon county.

A. M. Alexander, Dr. Richard Blount, Port Wardens for St. Marks.

A. F. Roux, Judge of the County Court for Nassau county.

Joseph Moore, John Broome, John C. White, Justices of the Peace, Madison county.

Sherod Edwards, Auctioneer, Madison county.

John W. Cox, Justice of the Peace, Notary Public, and Auctioneer, for Duval county.

Rev. Sam'l H. Holliday, Justice of the Peace, Duval county.

Zachariah Busby, John Gillis, Angus Campbell, John L. McKinnon, Justices of the Peace for Walton county.

Christopher F. Duur, Joseph Dyatt, John F. Webb, Justices of the Peace for Columbia county.

A. W. Crichton, Joseph E. Summerall, John M. J. Bowden, Washington M. Ives, Calvin Reed, John G. Smith, John Broward, Isaac Rush, O. M. Doman, John Houston, Justices of the Peace for Duval county.

Thos. Ledwith, William B. Ross, Calvin Reed, Auctioneers for the county of Duval.

Thos. E. Barron, Tax Collector for Alachua county.

Joseph B. Watts, William B. Hooker, Joshua Roberts, John R. Zeppener, sr., Justices of the Peace, Hamilton county.

Mathew Michter, Auctioneer, Hamilton county.

Archibald McRea, Notary Public, Hamilton county.

Phillip J. Fontane, Auctioneer for Key West, Munroe county.

S. S. Sibley, Notary Public, Leon county.

Wm. H. Williams, Auctioneer for Mosquito county.

The nomination of Hiram Hall, as Justice of the Peace for Leon county, was laid on the table.

FEB. 29, 1840.

The Senate went into secret session on the following nominations of his Excellency the Governor, which were confirmed by the Senate, viz:

Thomas Brown, Auditor of the Territory of Florida.

Thomas H. Austin, Treasurer, " "

Francis Holden, J. C. Morton, William Morton, Notaries Public, Franklin county.

Robert Goodlett, Lumber Inspector, Franklin county.

J. C. Morton, Tax Collector, " "

MARCH 2, 1840.

The Senate went into secret session on the following nominations of his Excellency the Governor, which were confirmed by the Senate, viz:

Felix H. G. Long, Notary Public, Washington county.
William Hall, Auctioneer, Leon county.
Peter B. Boutan, Justice of the Peace, St. Johns county.
Dennis Hawkins, Justice of the Peace, Madison county.
John C. Jacobi, Measurer and Inspector of Lumber, Leon Co.
James L. Hart, Tax Collector, " "
Charles Evans, Judge of the County Court for Escambia Co.
Joseph Forsyth, Justice of the Peace, " "
John R. Rowles, Notary Public for Leon county.
Nehemiah Hayden, Notary Public for Calhoun county.
James Roach, " " "
Benj. Mellachamp, Justice of the Peace, Washington county.
Sharpless Evans, " " " "
L. M. Bright, Notary Public, " "
J. B. Lockey, Auctioneer, " "

The nomination of Ralph D. Fontaine, Auctioneer for the county of St. Johns, was rejected by the Senate.

4 O'CLOCK, MARCH 2d. 1840.

The Senate went into secret session on the following nominations of his Excellency the Governor, which were confirmed, viz:

John Wootan, Justice of the Peace for Gadsden county.
William R. Taylor, Tax Collector for Jefferson county.

TREASURY DEPARTMENT,
Treasurer's Office, Tallahassee, Jan. 7, 1840.

To his Excellency Robert Raymond Reid.

Sir—Herewith I beg leave to present my account current for the past year with the Territory, on account of the school land fund, showing a balance in said fund this day, of six hundred and eighty six dollars and twenty-five cents.

For the rents of those sections of these lands in this county now occupied, there remains uncollected the sum of one hundred and thirty two dollars, which will no doubt be eventually realized.

No new leases have been made of any of these lands since they were placed under my charge—and since my last annual report on this subject, no information has been received of further trespasses upon them. T. H. AUSTIN, *Treasurer.*

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Southern Life Insurance and Trust Company,
BRANCH TALLAHASSEE, Feb. 7, 1840.

To His Excellency
Robert Raymond Reid.

SIR:—Referring to the communications which I had the honor to present to your Excellency, on the 20th and 22d ultimo, I now enclose, herewith, detailed statements of the condition of the several offices of this company, on the first of January, in original, duplicate, and triplicate; also, a condensed statements of the same. I regret very much the delay which has occurred in transmitting these documents to your Excellency, but it has been unavoidable, having arisen from detention and irregularity of the mails.

As stated in the report heretofore submitted, should any further explanations regarding the business and situation of this Company be deemed requisite, we will cheerfully furnish them. It will be remembered, that by an amendment of our charter, made at the suggestion of the Court of Appeals, on the 10th January, 1838, the manner of our reporting, as fixed in the original law, was changed, so as to require us to report annually to the Governor of the Territory, instead of to the Court of Appeals, as originally provided.

I have the honor to be, most respectfully,

Your obedient servant,

GEORGE FIELD, *Prest.*

Statement of the condition of the St. Augustine and Jacksonville offices of the Southern Life Insurance and Trust Company, 1st January, 1840.

Resources.		
Personal property, furniture, &c.		$3,596 70
Bonds, bills and notes discounted,		104,003 46
Stocks owned and worth cost,		5,000 00
Due from sundry other solvent Banks, branches and Agencies, (except 489 90, from Bank Jacksonville.)		17,510 84
Loans an Bonds and Mortgages (About $400,000 of the above are hypothecated to the executive of Florida, for his endorsement upon our certificates.)		536,561 78
Balance due from Apalachicola Branch for cash and notes of this Company,		898,703 56
Loans on collateral security payable on demand,		9,273 41
Over drafts, advances on individual claims against the Federal Government pledged		19,178 88
Expense account		4,659 42
Cash		
Notes of this Bank on hand	$44,443 00	
Charleston and Savannah bank notes,	6,222 00	
Sight checks and drafts on other banks and cash items	2,496 02	
Specie,	8,420 36	
		61,581 38
		$1660,069 43

Liabilities.		
Capital stock,		$821,821 00
Due to sundry banks, branches and agencies,		9,847 88
Due to the New York agency of this Company for checks upon it		64,192 70
Deposits In trust, on time at interest, at 5 & 6 pr. ct.		93,339 18
At Cashiers credit,		340 00
Individual Deposite,		21,113 14
Dividends unpaid		687 50
Whole am't of notes of their comp'y fill'd & issued		601,000 00
Profit items		
Interest account,	7,281 91	
Discount account,	216 54	
Profit and loss,	2,229 58	
Surplus fund,	38,000 00	
		47,728 03
		$1660,069 43

Consolidated Statement of the condition of all the offices of the Southern Life Insurance and Trust Company, 1st January, 1840.

Resources.			
Stocks owned and worth cost,			$5,000 00
Personal property in 4 offices,			5,544 73
Expense account in 4 offices,			8,306 09
Notes, bonds and bills of Exchange, discounted.			639,605 95
Loans on bonds and mortgages,			560,036 16
Real estate, brick banking house and lot, &c.			13,063 00
Suspended debt.			2,908 97
Balances due from sundry banks, branches, &c. other than branches of this Company,			73,222 93
Loans on collateral security, payable on demand,			9,273 41
Over Drafts.			
St. Augustine, advance on claims on the Government, &c. secured,	19,178 88		
Apalachicola, over d'fts advances on cotton, &c. all good	22,659 88		
St. Joseph, over d'fts of 9 individuals	283 17		
			42,121 93
Protest account,			19 50
Cash—Thus:			
Bank notes of other solvent Georgia, Carolina and Fla. Banks,	67,605 00		
Sight checks. and df'ts on other banks cash items	2,496 92		
Specie,	9,460 39		
Deficiency in cash	74 25		
			79,636 56
			$1,438,730 93

Liabilities.			
Capital stock,			$821,821 00
Balance of bills payable in 1840, for money borrowed			111,958 09
Due to sundry banks and branches, other than branches of this Company, for collections payable in Fla. bank notes,			25,634 82
Due on certificates, deposite and to depositors, payable in current Florida notes,			165,768 44
Deposite to apply on discounted paper past due,			16,758 17
At credit of Cashier,			340 00
Deposits in trust on time, at 5 & 6 pr. ct. inter't,			93,339 18
Due to other depositors,			21,113 14
Time checks on the north,			60,187 76
Dividends unclaimed			687 50
Whole am't notes this Co. issued,		601,000 00	
On hand at Apalachicola	498,387 00		
" at St. Joseph, br.	8,657 00		
" at Jacksonville br.	1,447 00		
" at St. Au'tine offi.	42,976 00		
		551,487 00	
Whole am't of notes of this Co. in circulation,			49,513 00
Of the above, pay,le at St. Augustine,		43,548 00	
at Apa'ha		4,498 00	
Profit items.			
Interest account,		13,328 84	
Discount account,		7,941 27	
Exchange account,		2,281 73	
Surplus fund,		38,000 00	
Profit and loss,		10,066 29	
			71,618 13

Statement of the condition of the Apalachicola Branch of the Southern Life In. & T't. Co. Jan. 1st, 1840.

Resources.

Personal property, safes, furniture, &c.		$1,663 03
Contingent expenses		1,869 43
Due from Farmers Bank of Florida,		94 00
Suspended debt,		2,908 97
Real Estate,		
Brick Banking House and Lot,	6,500 00	
Other real estate purchased to save debts,	6,563 00	
		13,063 00
Loans on bonds and mortgages,		23,474 38
Notes discounted,	400,728 33	
Bills of exchange discounted,	67,351 23	
		468,079 56
Due from sundry solvent banks,		6,291 17
Due from 14 individuals for temporary over d'fts., all good,		15,040 58
Balance due from St. Joseph, branch of this Co.		71,721 42
Protest account,		19 50
Balance due from Com. Bank of Fla. For this sum the Bank has what it deems good security, for at least two thirds of the amount		19,295 22
Due from N. Y. Agency of this Company, (provided by this office to meet d'fts from the several offices of the Company in Florida.)		103,015 55
Deficiency in cash,		74 25
Cash and cash items on hand, viz:		
Specie,	1,040 03	
Notes of other Ala'ba, Geo. & Fla. b'ks	47,941 00	
Good cash items, temporary advances on cotton, &c.	7,619 30	
		56,600 33
		$783,210 30

Liabilities.

Bills payable in 1840, for money borrowed,		111,958 09
Due to 10 banks for collections, &c.		25,910 94
Certificates deposit, payable in current Fla. notes,		105,648 03
Time drafts on the North, issued		60,187 76
Due to ordinary depositors, payable in current Florida notes,		48,088 07
Due to Southern Life In. & Trust Co. St. Augustine.	900,019 30	
Less for their notes received from them, part of the above now on haad,	498,387 00	
		401,632 30
Deposits, partial payments on discounted paper past due,		12,258 17
Profit items.		
Discount account,	2,436 24	
Exchange account,	2,152 69	
Interest account,	5,873 53	
Profit and loss,	7,064 57	
		17,527 03
		$783,210 39

Statement of the condition of the St. Joseph Branch of the Southern Life In. & Trust Co. 1st Jan. 1840.

Resources.		
Personal property,		$285 00
Expense account,		1,777 24
Notes and bills of exchange discounted,		67,522 93
Temporary over drafts of 9 individual accounts,		283 17
Cash on hand—thus:		
Southern Life In. & Trust Co notes, (Received from Apalachicola office.)	8,657 00	
Notes of other solvent banks, and specie for change,	13.442 90	
		22,099 90
		$91,968 24

Liabilities.		
Due to Apalachicola branch (including for Southern Trust Co. notes on hand)		69,072 83
Due for certificates deposit issued, payable in current Florida notes		5,173 64
Deposits, partial payments on discounted paper,		4,500 00
Ordinary individual deposits, payable in current Florida notes,		6,858 70
Profit items.		
Discount account,	5,288 49	
Interest account	173 40	
Exchange account,	129 04	
Profit and loss,	772 14	
		6,363 07
		$91,968 24

TERRITORY OF FLORIDA,

Office Southern Life Insurance & Trust Company

Tallahassee, 7th February, 1840.

George Field, President, and John Williams, Cashier, of the Southern Life Insurance and Trust Company, being duly sworn depose and say: That the within and annexed statements of the condition of the St. Augustine, Jacksonville, Appalachicola, and St. Joseph's Offices, on the 1st of January ultimo, and also the consolidation of the said statements, are just and true, according to the best of their knowledge and belief.

J. WILLIAMS, Cashier.

GEO. FIELDS, Pres't.

Sworn and subscribed before me, this 7th day of Feb. 1840.

WILLIAM HILLIARD, J. P. L. Co.

EXECUTIVE DEPARTMENT,
Tallahassee, Jan. 22, 1840.

To the Honorable the Senate
of the Legislative Council of Florida.

I respectfully submit to you,

1st. The account current of the Treasurer of Florida.
2d. A report of the Treasurer respecting School Lands.
3d. A report from the Cashier of the Union Bank.

ROBERT RAYMOND REID.

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TREASURY DEPARTMENT,
Treasurer's Office, Tallahassee, Dec. 26, 1839.

To his Excellency Richard K. Call, Gov. of Florida.

Sir—The undersigned begs leave to present herewith his annual account, showing all the receipts and disbursements of moneys for the past year, all of which is respectfully submitted.

T. H. AUSTIN, *Treasurer.*

DR. *The Territory of Florida, in Account Current with Thomas H. Austin, Treasurer.* CR.

To expenses of Indian war, paid Auditors' Warrants,	$150 00	By balance in Treasury, Nov. 30, 1838,	$7,727 64
Expenses of census, paid Auditors' warrants,	462 50	Revenue received on Auditor's certificates,	12,629 54
Expenses of prosecution of crimes, Apalachicola Dist. pd. Auditors' warrants,	1,241 45	Auction tax received on Auditor's certificates,	3,395 20
Expenses of prosecution of crimes, West District, pd Auditors' warrants,	779 21	Fines and forfeitures received on Auditor's Certificates,	58 26
Expenses of prosecution of crimes, East District, pd. Auditors' warrants,	1,026 56		23,410 64
Expenses of prosecution of crimes, Middle Dist. pd. Auditors' warrants,	716 87		
Expenses of Executive Department, paid Auditors' warrants,	945 00		
Expenses of Treasury Department, paid Auditors' warrants,	1,860 59		
Expenses of Convention, paid Auditors' Certificate,	15,430 18		
Arrears due by Territory, paid Com'r. Certificate No. 25, debt and interest,	455 85		
Balance,	342 43		
	23,410 64		

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DR. *The Territory of Florida in account current with Thomas H. Austin, Treasurer.* CR.

By balance in Treasury, Dec. 26, 1839, $342 43

T. H. AUSTIN, *Treasurer.*

I have examined the foregoing account of the Treasurer, and compared the items with vouches in my office, and find the same correct. THO. BROWN, *Auditor.*

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TREASURY DEPARTMENT,
Treasurer's Office, Tallahassee, Jan. 7, 1840.

To his Excellency Robert Raymond Reid.

Sir—Herewith I beg leave to present my account current for the past year with the Territory, on account of the school land fund, showing a balance in said fund this day, of six hundred and eighty six dollars and twenty-five cents.

For the rents of those sections of these lands in this county now occupied, there remains uncollected the sum of one hundred and thirty two dollars, which will no doubt be eventually realized.

No new leases have been made of any of these lands since they were placed under my charge—and since my last annual report on this subject, no information has been received of further trespasses upon them. T. H. AUSTIN, *Treasurer.*

DR. *The Territory of Florida on account School Lands, in account with Thomas H. Austin.* CR.

Jan. 7, 1840,	To balance,	$686 25	Jan. 1, 1839.	By balance cash on hand,	$660 25
		686 25		Cash of T. P. Chaires, for rent,	8 50
				do. Thos. C. Hall, for do.	5 00
				do. H. Doggett, for do.	4 00
				do. T. P. Chaires, for do.	8 50
					$686 25
			Jan. 7, 1840.	By balance on hand.	$886 25

T. H. AUSTIN, *Treasurer.*

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UNION BANK OF FLORIDA,
Tallahassee, Jan. 8, 1840.

To his Excellency Robert Raymond Reid, Gov. of Florida:

Sir—I have the honor herewith to transmit you a statement of the condition of this institution on the 1st Inst., which please lay before the Legislative Council.

I remain with great respect, your ob't. serv't,

JOHN PARKHILL, *Cashier.*

State of the UNION BANK of Florida, on Wednesday the 1st of January, 1840.

To Stock Notes discounted,			1,818,540 21		By Stock,			300,000 00	
" " In Suit,			12,102	—1,830,642 21	Cash Stock,			154,300 00	—3,154,300 00
Notes & Bonds discounted,			1,253,058 16		Am't due to Banks and Agents,				108,041 03
" " In Suit,			164,679 69	—1,417,737 85	To the Cr of J. G. Gamble, entries not yet made to bal. ac.				372,796 76
Bills of Exchange maturing,			62,068 08		Cotton sales to be applied to advances made,				29,135 81
" " Ret'd protested,			151,747 27		Certificates of deposite,			36,172 42	
" In suit N Orleans,			21,778 57	— 235,593 92	Deposites,			180,436 44	— 216,610 86
Territorial Bonds unsold,				704,000	Circulation,				369,265 00
Florida 8 pr ct. Stock,				50,000	Sinking Fund			302,177 06	
Prem. on Bank stock purch'd,				19,300	Discount account,		226,122 25		
Protest account,				361 84	From which deduct incidental expenses,	28,066 49			
Am't due by banks & ag'ts.				27,127 87	Interest paid on Bank and Territorial bonds,	165,997 05			
Agency at St. Joseph,				84,994 06	Loss on exchange in transmitting.	3,273 65	—197,337 19		
Real Estate Tallahassee,			15,169 90		Balance to be carried to Sinking Fund, to be applied according to the 23d Section of the charter.			28,785 06	— 330,962 12
" St. Joseph & Jackson co.			59,223 57						
" Richmond in trust,			9,971 84	— 84,365 31					
Cash Balance.									
Specie,	36,728 52								
Central Bank Notes uncancelled,	88,496								
Notes of other Banks,	1,765	—		126,989 52					
				$4,581,112 58					$4,581,112 58

JOHN PARKHILL, Cashier.

TERRITORY OF FLORIDA, County of Leon: Personally appeared before me a Justice of the Peace for the county aforesaid, John Parkhill, Cashier of the Union Bank of Florida, and made oath that the above statement is correct to the best of his knowledge and belief. Given under my hand and seal, this 7th day of January, 1840.

WM. HILLIARD, J. P.

EXECUTIVE DEPARTMENT,
Tallahassee, Jan. 22, 1840.

To the Honorable the Senate,
of the Legislative Council of Florida.

I respectfully submit to you the semi-annual statement of the affairs of the Pensacola Bank, made to me by the President and and Cashier.

R. R. REID.

Semi-Annual Statement, December 31, 1839.

Bank of Pensacola, in account with sundries.

DR.			*CR.*		
To capital stock, amount received on bonds,	500,000	00	By Instalments paid on Rail Road Stock,	332,840	33
do instalments paid on stock,	106,115	00	Bills receivable,	498,662	96
Notes of this bank in circulation,	100,512	00	Specie and specie funds,	21,303	89
Deposites,	48,629	25	Notes of other banks,	45,093	00
Due to individuals for collections, &c.,	57,618	02	Due from other banks,	27,962	53
Due to other banks,	109,316	82	Interest on bonds, &c.,	30,743	68
Balance of profit and loss as per last statement,	8,214	88	Expenses,	3,433	94
Exchange and discount for six months,	7,236	23	Bank property,	4,720	49
Interest,	29,417	21	Protest account,	321	40
			Suspense,	300	00
			Profit and loss,	1,677	19
	$967,059	41		$967,059	41

JAMES CATLIN, *Cashier.* T. M. BLOUNT, *President.*

Territory of Florida, County of Escambia.—Personally appeared before me, *M*icajah Crupper, Clerk of the County Court of Escambia county, Thomas *M.* Blount, President of the Bank of Pensacola, and James Catlin, Cashier thereof, and made oath that the foregoing statement is true in all particulars.

[SEAL.] In witness whereof, I, the said Micajah Crupper, have hereto set my hand and affixed the seal of my office, the 7th day of January, in the year one thousand eight hundred and forty. M. CRUPPER, *Clerk.*

EXECUTIVE DEPARTMENT,
Tallahassee, Jan. 21, 1840.

To the Honorable the Senate,
of the Legislative Council of Florida.

I respectfully transmit to you the statements and report made to me by the Auditor of the Treasury Department, with the accompanying documents.

R. R. REID.

AUDITOR'S OFFICE, TREASURY DEPARTMENT,
Tallahassee, Dec. 26, 1839.

To His Excellency, R. Raymond Reid, Governor of Florida.

SIR: I have the honor, in obedience to an act of the last Legislative Council, to make to your Excellency the annual report from this office.

Statement No. 1, shews the annual settlement, with the Territorial Treasurer, up to the date of this report, as required by law, instead of the 3th of November, as heretofore made. I woud respectfully suggest to your Excellency and the Legislative Council, the advantages that would result from a change of the fiscal year, from the 30th November to the 30th January for its close. The planter would have a better opportunity of getting his cotton to market—money would be more abundent at that season of the year, and consequently the taxes would be more easily collected. And in the counties remote from the seat of Government, when the amount of taxes collected, is too small to justify a revenue office in travelling so far to pay them into the Territorial Treasuary, an opportunity would be afforded to send them by their representatives in the Legislative Council.

Statement No. 2. Shews the amount of arrears due the Territory as reported to the last Legislative Council, with the sums since collected therefrom, and the steps that have been taken for the collection of the residue; but I regret that my recent appointment to this office does not enable me to give a full statement of the progress that has been made.

No. 3. Is a statement shewing the amount of revenue which has been reported and paid into the Territorial Treasury, with the expense of criminal prosecution in the several Judicial Districts, by which it will appear that only seven counties have made returns of taxes assessed to this office, and that five counties only have made payment into the Treasury, viz: Jackson, Gadsden, Leon, Jefferson and Madison.* The tax collectors from these counties have been prompt and punctual in the collection and payment of the taxes from their respective counties.

Of the Auctioneers it will be seen, that out of the number of rewards of sixty, commissioned in the Territory, that sixteen only have made any report to this office within the last fiscal year.

No. 4. Is a general statement shewing the aggregate receipts and expenditure of the government, and will exhibit the cheering fact, that notwithstanding the additional expense of a State Convention, and appropriations on account of Indian hostilities, there is only a balance against the Treasury, (as far as accounts have been exhibited and audited at this office) of 6,913 28, which clearly shows that the resources of this Territory are ample to defray all necessary expenses of government, with a very moderate rate of taxation if faithfully assessed, collected,

*The Tax Collector of Hamilton county, has since made payment of the taxes due from that county.

and accounted for; and all the counties pay their just proportions.

I desire very respectfully to call the attention of your Excellency and the Legislative Council, to some of the defects in the present revenue system. The whole burthen of taxation falls almost exclusively on the planting interest; lands and slaves being the principal source from whence revenue is now derived. The tax on merchants and Innkeepers is scarcely worth the trouble and expense of collection; and there are other legitimate subjects of taxation, not embraced at all in the revenue laws.

The present mode of assessing the taxes, is calculated to produce great irregularity and confusion in the tax returns. There are too many assessors in each county. A person owning property in several Justices districts, gives in his property in the district in which he resides, and is often reported a delinquent, and double taxed in other districts. There is no obligation on the Justices to perform the duty of assessors, and in the event of a refusal, the law provides no alternative.

Whilst the amount of revenue collected from the different counties, owing to the sparseness of their population, is necessarily so small, the wisest policy, in my humble opinion, would be to have as few persons concerned in its collection as possible, so as to afford a better commission to those employed, and thereby ensure more faithful and responsible officers. I would therefore recommend that there be but one officer of the revenue appointed in each county, whose duty it should be to assess and collect the taxes thereof.

The law requiring two per centum of the *Territorial tax and auction duties* to be retained by the tax collectors and auctioneers, and paid over to the county Treasurer, to be set apart as a fund for the education of poor orphan children, is attended in its execution with many difficulties, as the sums so retained must necessarily be reported to this office, to enable it properly to settle the accounts of those officers. These sums are, in most cases, of very small amounts, and often cannot be well estimated, yet to keep up any thing like a shew of accuracy, they require all to be audited, and carried through the books of this office. The object intended could be as well accomplished by requiring the *county Treasurer* under the direction of the county court of each county, to set apart a certain per centum of the *county revenue* for that purpose. The effect would be the same, as the tax comes from the people, whether it comes out of the *county* or the *Territorial Treasury*, and much trouble and embarrassment be saved. I would suggest the propriety of annulling by law, the commissions of all auctioneers, who fail for one year to make report and payment of all their auction dues.

The duties of this office have greatly increased within a few years past, and will now require the attention of a competent officer; whereas the very inadequate salary allowed him, contemplates his engaging in other pursuits for a livelihood. This

is bad economy on the part of the Government under any circumstances, as it renders the public interest a matter of secondary consideration, and consequently will cause it to be neglected or crrelessly performed. The Auditor of public accounts is the most important fiscal officer of the Government, and such a salary should be allowed him, as would ensure the services of an efficient and faithful officer.

All of which is most respectfully submitted by your ob't serv't.

THOS. BROWN,

Auditor of Public Accounts.

Auditor's Report—No. 1.

DR. *A statement showing a settlement with the Territorial Treasurer for the current year.* CR.

To balance remaining in the Treasury on the 30th Sept. 1838, per last statement,	$7,727 64	By amount paid on Auditor's warrants, returned and cancelled,	$23,068 21
To amount received into the Treasury from all sources for the current year, 1839,	15,683 00	Balance in the Treasury on the 26th December, 1839,	342 43
	$23,410 64		$23,410 64
Dec. 26. To balance now in the Treasury, as per contra,	$342 43		

THOS. BROWN, *Auditor.*

No. 2. AUDITOR'S REPORT.

A List of arrears due the Territory as reported to the last Legislative Council, and shewing the amounts since paid.

Names.	Counties.	Officers.	Amount Reported	Amount since Paid.	Remarks
J. Pendleton,	Escambia,	Tax Collector,	487 16		In suit.
Blyden Van Baun,	"	Auctioneer,	11,602 70		"
Michelot & Van Baun,	"	"	688 30		"
Danl. McLeod,	Walton,	Sheriff,	79 55	79 55	
J. W. Exum,	Jackson.	Marshal,	822 42	568 25	
W. S. Mouring,	"	Tax Collector,	309 45	309 45	
A. G. Mays,	"	"	235 42		In suit.
John Sullivan,	"	Auctioneer,	7 73		
H. N. Nowland,	"	"	21 27		
Thos. M. White,	"	Sheriff,	1,719 73	1,719 73	
Jos. R. Betton,	Fayette,	Auctioneer,	18 24		
H. R. Wood,	Calhoun,	"	347 08	347 08	
Lake W.&St. J R R Co	"	Auction Tax,	7,500 00		
W. E. Davis,	"	Tax Collector,	576 29	268 65	*
J. D. Bullock,	Franklin,	Auctioneer,	106 92		In suit.
John Duncan,	"	Tax Collector,	617 39		In suit.
L. S. Chittenden,	"	Auctioneer,	586 60	586 60	*
John Endeman,	"	Tax Coll. 1837,	2,042 57		In suit.
John Endeman,	"	" 1838,	2,309 68		
R. C. Lester,	Gadsden,	Clk S. Court	64 16		
J. R. Harris,	"	"	75		fees offset
Thos. E. Randolph,	Leon,	Marshal,	877 17		fees offset
Geo. K. Walker,	"	Dist. Atty.	5 00		fees offset
A. M. Alexander,	"	Auctioneer,	30 31		since p'd.
T. J. French,	"	Tax Collector,	2,559 88		In suit.
C. S. Sibley,	"	Dist. Atty.	75 00		fees offset
S. H. Duval,	"	Tax Collector,	3,157 01		In suit.
S. H. Duval,	"	Marshal,	865 06		fees offset
W. H. Michael,	"	Tax Collector,	1,739 75		
Estate, A. Adair,	"	Marshal,	276 11		In suit.
S. E. Mathers,	Jefferson,	Sheriff,	3 50		
W. Budd,	"	Clk S. Court	5 06	5 06	
F. J. Avice,	St. Johns,	Tax Collector,	960 47		In suit.
W. Levingston,	"	Auctioneer,	23 18		
Estate, Waters Smith	"	Marshal,	288 91		In suit.
Joshua Joiner,	"	Tax Collector,	1,242 07		
Geo. E. Weaver,	Monroe,	Auctioneer,	56 77		
Edie Van Evow,	"	"	161 43		
Thos. A. Townsend,	"	"	40 45		
C. M. Wells,	"	"	52 31	52 31	
W. H. Fletcher,	"	"	11 66		
Weaver & Patterson,	"	"	10 10		
Jos. B. Browne,	"	"	56 17	56 17	
D. C. Hart,	Duval,	Sheriff,	92 96		In suit.
A. G. Philips,	"	Tax Collector,	127 57		In suit.
John G. Tyner,	Alachua,	"	273 23		
			$43,134 45	3,992 85	

* Also, $79,31, but not in form to pass the Treasury.

THOS. BROWN, *Auditor.*

o. 3.

AUDITOR'S REPORT.

Statement shewing the amount and sources of Revenue, Expense of Prosecuting Criminals in the several Judicial Districts, and the fund retained in the several Counties for Educating poor Orphan Children.

Districts.	Counties.	Collectors.	Revenue Returned.	Amount Paid.	Expense Coll'n.	Overcharges & Insolvents.	Fines & Forfeitures.	Auctioneers.	Am't tax returned.	Amount Paid.	Fund for educating Orphan Chil'n	Ex. pros. criminals	Remarks.
	Escambia,	No return,			21 75			H. Michelet,	88 69	88 69			
estern,	Watson,	No return,										2,364 08	
	Washington,	No return,											
	Jackson,	J. W. Russ,	1,694 43	1,281 74	306 87	73 40		J. H. Parker,	35 00	35 00	32 42		Settled in full.
	Calhoun,	No return,						H. R. Wood,	71 93	119 92			
	Franklin,	No return,						E. Wood,	457 45	451 45			
	"							D. B. Wood,	99 14	99 14			
	"							J N Henriques	99 87	129 00			
palachicola,												1,241 45	The Tax Collectors of Gadsden, Leon, Jefferson, and Madison, have promptly paid, but their list for overcharges, insolvences, &c. not yet being all fully certified their acct's
	Gadsden,	C. Hayle,	3,820 85	2,950 00	539 58	136 75		W. Munroe,	15 75	15 75	73 68		
	Leon,	J. L. Hart,	6,528 08	4,975 74				F. B. Whiting	6 15	6 15			
	"							B. Syred,	9 91	8 81			
	"							R. J. Hackley	2,602 00	1,000 00	42 94		
	Jefferson,	W. R. Taylor	2,331 35	886 02	81 00								
	Madison,	D. B. Ewing,	810 62	680 00	133 25		175 12						
	Hamilton,	H. Stephens,	453 83										
ddle,												964 59	
	Columbia,	No return,											
	Alachua,	J. Carter,	4,977 27										
	Nassau,	No return,											
	Duval,	No return,											
	Mosquito,	No return,											
	Hillsborough,	No return.											
	St. Johns,	No return,						J. L. Phillips,	8 81	8 81			

stern,	Monroe,	No return,						W. H. Wall,	380 91	383 25		1,028 56	have not been finally closed. The acc't of R. J. Hackley for auction tax, is paid in full.
								A. C. Tift,	166 62	161 37			
								A. F. Tift,	4 90				
								J. B. Browne,	138 33	194 5			
								C. M. Wells,	52 95	50 00			
uthern,	Dade,	No return,										67 50	
			$20,616 43	10,773 50	1,082 45	210 15	175 12		$4,222 41	2,751 84	149 04	5,666 18	

THOS. BROWN, *Auditor.*

Auditor's Report—No. 4.

DR. *A general statement, showing the aggregate of Revenue and Expenditure of the Territory under their respective heads, for the Current year* 1839. CR

To expense State Convention,	$19,196 28	By balance in the Treasury 30th Sept. 1838,	$7,727 74
Expense Census,	556 65	Amount received on Revenue 1839	0,773 50
Expense Indian hostilities,	3,911 95	do do Arrears of revenue	
Expense criminal prosecution in the several Judicial Districts,	5,666 18	Collected of H. A. Nunis, Escambia,	290 55
Expense Executive Department,	1,258 01	Amount received on auction tax, 1839,	2,751 84
Expense Treasury Department,	1,860 59	Am't rec'd on arrears, as reported last yr.	3,992 85
		Auditor's Warrants outstanding,	6,913 28
	$32,449 66		$32,449 66

REPORT

Of the Commissioner of the City of Tallahassee.

Pursuant to the act of the last Legislative Council, entitled "An Act to provide for building a Capitol, and for other purposes," the Commissioner has entered into contracts for building the walls, and enclosing the edifice, upon a plan adopted and approved agreeably to the requirements of that act. The plan contains on the principal floor, a Representative Hall, with an area of 2,682 square feet; a Senate Chamber, with an area of 1,543 square feet, and offices for the Clerks of both branches of the Legislature. On the entrance floor, four apartments, each with an area of 558 square feet, and four apartments each, with an area of 396 square feet, for Executive offices and Committee rooms. Provision is made in the elevated basement for an equal number of apartments, and excepting the pitch of the same dimensions as on the entrance floor, which can be furnished or not, as the wants of the Territory may require. Some changes may be deemed advisable in the plan of the building, for which provision has been made in the contracts. That which the Commissioner considers most important, and which he respectfully suggests, is the construction of an apartment on the entrance floor, of the same size as the Senate Chamber, for the United States Courts. This alteration in the plan will occasion very inconsiderable, if any, increase of cost.

The edifice is to be of brick, with Doric porticos on both fronts, and its exterior to be covered with cement, in imitation of granite.

Neither the covering of the exterior with cement, nor the finishing of the interior, excepting the floors, are embraced in the present contract, for the masonry is at $23,500, and that for the Carpentry, including the slating, at $13,987. The contractors have given adequate security for the fulfilment of the contracts, and the Territory is still further secured by their terms, as no payments are to be made until after delivery of materials, or execution of work. The contractors have engaged vigorously in the prosecution of the work, and have provided

large quantities of materials. Payment is now due for materials delivered according to the tenor of the contracts, which have not been met for want of funds, only $3,000 dollars of the appropriation by the last Congress having yet come into the hands of the Territorial officers.

The receipt of the residue of the appropriation is daily expected.

The north west quarter of section 36, township 1, range 1, north and west, has been divided into lots, varying in size from one to ten acres, agreeably to the requirements of the law. It was so late in the season, before the survey was completed, that the postponement of the sale of the lots until the present winter was deemed expedient; there appears now to be a demand for the lots, and they can now be advantageously disposed of.

Under the thirteenth resolution of the Legislative Council, at their last session, the Capitol Square has been enclosed, and the operation of boring for water is in progress. The cost of the fence was $1,000, and for painting it, $325. of the latter, $125 remains to be paid. The commissioner has expended on account of the boring: for boring apparatus, $1,022 48-100, and for transportation of same from St. Marks, $40 30-100. There is now on account thereof, for laborers employed thereon from 14th Nov. to present time, at $140 per month, the carpenter's bill for the frame, the smith's bill for making and repairing tools, and a small bill of T. R. Betton for rope and other materials, and the bill for freight from Baltimore to St. Marks. These bills, as those for advertising, remain unsettled for want of funds, as before explained.

The accounts of the Commissioner, for receipts and disbursements of money, with the proper vouchers, has been delivered to the Territorial Treasurer, and a copy thereof accompanies this report.

Much difficulty has been experienced in ascertaining the amount still remaining due to the fund for lots in the original city, and north addition of Tallahassee, the particular lots for which it is due, and in some instances, the person from whom it is due. In some cases, further investigation is necessary to ascertain these, and reference will be required to other sources of information than the records of this office. There is also much difficulty in making a regular statement of the condition of the fund, in consequence of the accounts having been kept upon different systems by different Commissioners.

It appears that at the sale of lots in the original city, when one individual bought several, one note was taken for an instalment on several lots collectively, and when an instalment on one, or a part of the lots only was paid, the amount was credit-

ed on the note, or on the certificate, but the records of the office do not show on account of what lots the payment was made, nor for what lots the residue of the note was due.

When the fund was turned over in January, 1828, by Robert Butler, the preceding commissioner to J. P. Duval, his successor, the amount of money accounted for by the former, and of notes turned over to his successor, was equal to the amount for which lots sold. But in August, 1826, notes for the 1st instalment on which $1,784 16-100 was due, was placed in the hands of R. C. Allen, Esq. for collection, and for which he gave his reciept. On these notes he paid over to the Commissioner $1,001 99-100, with which his receipt is credited, leaving due on those notes when his receipt was turned over to J. P. Duval, Commissioner, $782 19-100. But there is nothing to shew on account, of which of the notes the payments were made, nor for which the balance is due.

In order to get at the condition of the account for lots at this time, a statement was made from the sale list, collecting under one head the lots purchased by each individual, and the amount paid on account of them ascertained by deducting the amount of notes against each individual, from the cost of the lots purchased by him. The first instalment on all those lots, the notes for which had been placed in the hands of R. C. Allen, had necessarily to be left in suspense, until a statement could be procured from him.

In tracing down the account from this time, pursuing the same method with regard to the lots in the north addition, and endeavoring to ascertain which of them have been paid for by setting down against the lots purchased by any individual, the amount with which the Commissioners have charged themselves, as paid by those individuals, or for those lots, besides other difficulties the following occur: The Commissioner has charged himself with a particular sum including the cost, received from an individual, or on a lot, without stating the amount of the costs, and often without stating for what lot.

The Commissioner has acknowledged the receipt, from the officers of the county, of a sum of money on account of judgments. Decrees or executions against sundry individuals collectively, without stating the amount on account of each individual, or on account of what lots, or what portion was for cost, when the whole sum received did not equal the amount due from persons named.

The Commissioner has also charged himself with moneys received, without naming the individuals on whose account it was received, or for what lots. Instances of these kinds of entries will be given in the accompanying statements.

The records of the court have been examined for the elucidation of them, but as yet, without very satisfactory results.

There is a list of the lots which had been conveyed by the Commissioner, up to January, 1828; but since that time there appears to have been no regular list kept, of conveyances of lots in the old town, or of releases of the deeds of trust in the north addition. There is a file of certificates granted to purchasers of lots, which, preceding commissioners have informed me, were taken up when conveyances were executed.

The condition of the funds on the 6th of January, 1834, according to the report of the Commissioner of that date, which appears to be the last one submitted to the Legislative Council, is as follows:

Estimate of the Funds.

		dolls.	cts.
Amount of cash on hand,		376	11
Amount of decrees in the Superior and County Courts,		3,987	78
Amount of judgment in the Superior Court against Jesse H. Willis and securities, on account of the late Capitol contract,		2,330	09
Amount of notes given for lots placed in the hands of R. C. Allen for collection, due in this office,		825	41
Amount of notes placed in the hands of the late District Attorney for collection, by virtue of an act of 1832,	$8,876 98		
Received therefrom,	912 91	7,964	07
Five quarter sections of land adjoining Tallahassee reserved by the United States, for the puclic buildings at Tallahassee, valued at		8,000	00
		23,483	46
To the cash on hand 6th Jan., 1834,	376 11		
Add the amount received from the Marshal, 7th Jan., 1834, on account of decrees,	1,768 00		
Added by Commissioner to correspond with Treasurer's ac't.	55 00		
		$2,145	57
From this amount deduct disbursements made by said Commissioner, up to 17th Feb. 1834, with which he is credited on the books,		575	42
Leaving a balance of cash on hand at that date,		1,570	15
From the amount of decrees in the Sup. and County Courts in foregoing estimate,		$3987	78
Deduct the amount paid by the Marshal on the 7th Jan., 1834, on the decrees,		1,768	91
Leaves due on these decrees and judgments turned over to Alston, Commissioner,		2,218	87

The other items in the estimate appear unchanged in the list of assets turned over to W. Alston, Commissioner, which is as follows:

March, 1834, Assetts turned over to new Commissioner.

Amount of decrees in Superior and County Courts,	3,987 78	
Deduct amount of sales by the Marshal, under decrees of the Superior Court, 7th Jan., 1834, in part of said decrees,	1,768 91—	2,218 87
Amount of R. C. Allen's receipt for collection, the balance to be accounted for by him,		825 41
John K. Campbell's receipt for notes now in suit, in the different courts,	$8,876 98	
Deduct amount received therefrom,	912 91 —	7964 07
Amount of judgment in Superior Court against Jesse H. Willis and security, tied up under present law,		2,330 09
Five quarter sections of land reserved for the use of the Public buildings adjoining this city, which is estimated to be worth		8,000 00
W. Alston, Commissioner, acknowledges the receipt on 28th June, 1834, from T. R. Betton, his predecessor,		1,570 15
		$22,908 59

W. Alston has charged himself with the receipt of money for lots.

On lots purchased by persons against whom were judgments and decrees—prin. $480 26, int. and costs $131 60	611 86
On lots in N. addition, the notes for which were placed in the hands of J. K. Campbell—prin. 302 37, interest and cost, 107 49,	409 86
Added to cash turned over to him by T. R. Betton,	1,570 15
Makes whole amount with which Alston, Commissioner, has charged himself,	2,591 87
W. Alston has credited himself with disbursements,	1,964 04
Cash balance to be accounted for by W. Alston,	$627 83

There was due on decrees and judgments, when assets came into the hands of Alston, Commissioner,	$2,218 87
There was paid to him on account of same,	480 26
Since which nothing has been paid thereon, and this am'nt is therefore due, (exclusive of interest,) on those decrees and judgments,	1,738 61

For resons heretofore given, it is impossible to state accurately the persons from whom this is due, or for what lots, they will be exhibited so far as ascertained in statement, A. In the foregoing list of assets is included

a balance to be accounted for by R. C. Allen, of notes placed in his hands for collection since which time, (March, 1834) nothing has been paid thereon, and still remains due exclusive of interest, 825 04

This amount is probably something larger than the principal, for which Allen is accountable.

When his receipt was turned over to J. P. Duval, Commissioner, there was due on it, $782 17

Two notes, each for $21 62, were put in his hands for collection, 4th August, 1828, 43 24

825 41

There is a memorandum, 24th April, 1829, that R. C. Allen's receipt is to be credited, 104 65

The amount of principal he is probably accountable for now, $720 76

In the estimate the amount will be put down as in the list of assets. It is impossible to say whose the notes are, that remain to be accounted for, or for what lots they were given, without a statement from him, which he promised to render, but has not yet come to hand.

The balance due on notes in hands of Campbell, when assets were turned over to Alston, Commissioner, March, 1834, 7,964 07

W. Alston received on lots for which those notes were given, and has charged himself with prin. $302 37

T. Brown has received on lots, for which he has granted deeds of release, according to his report to me 27th Dec. 1839, $373 16, of which $219 65 was for principal on account of lots for which those notes were given, $219 65

522 02

Leaving this balance, (exclusive of interest,) due for notes receipted for by J. K. Campbell, 7,442 05

T. Brown, Trustee, is accountable for money received for lots, for which he has granted deeds of release. $373 16

The persons whose notes remain unaccounted for on the receipt of J. K. Campbell, the amount of each, and the lots for which they were given, will be exhibited in statement B. These notes, with few exceptions, were given for lots in the North Addition.

It does not appear from the books or papers in this office, that any moneys were received or disbursed by the late C. Austin, Commissioner, the successor of Alston.

When the records of the office came into the hands of the present Commissioner, no notes were amongst them. All the sums due on account of lots, were on judgments or decrees of the courts, or on notes for which J. K. Campbell, late District Attorney, had given a receipt, nor has the present commissioner made any collections on account of the lots, it being necessary first to go over all the accounts of the office, to ascertain what lots have not been paid for, and the persons owing for them.

The amount remaining due for Lots in the City, and North Addition of Tallahassee.

Balance of cash in hands of W. Alston, late com. to be accounted for,	$ 627 83
Amount in the hands of Thomas Brown, Trustee, received on account of lots released by him,	373 16
Amount due on judgments and decrees in Superior and County Courts, (see statement A.)	1,738 61
Bal. on R. C. Allen's receipt to be accounted for,	825 41
" J. K. Campbell's [statement B]	7442 05
Making exclusive of interest,	11007 06

An act was passed by the Legislative Council, approved 17th February, 1833, entitled "an act for the relief of Benj. G. Thornton and Jesse H. Willis," and another approved 15th Feb. 1834, referring the judgment against Jesse H. Willis and securities, to an arbitration, and neither the result of which, nor the proceedings under those acts is known to the commissioner.

Estimate of the Fund.

Bal. due for lots in the city of Tallahassee and N. addition,	11007 06
Bal. of appropriation by last Congress, not yet received,	17,000 00
Five quarter sections of land adjacent to the city of Tallahassee, the value of which it is difficult to estimate, but cannot be less than,	30,000 00
	$58,000 00

All which is respectfully submitted.

[Signed] C. G. ENGLISH, Commissioner.

Commissioners Office, Tallahassee, 1st January, 1840.

Supplementary Reprort of the Commissioner of the City of Tallahassee.

Since making out the preceding report and its accompanying statements, it has been ascertained, that although the balance due for lots is as represented in them, the persons liable for the balance are in some cases, different from those mentioned, of which the following are instances:

Among the notes placed in the hands of J. K. Campbell, District Attorney, for collection, which remained unaccounted for when his receipt passed into the hands of Alston, Commissioner, were nine notes of T. Cameron, for instalments on lots Nos. 44, 45 and 48, in the N. addition, amounting to 133 05, exclusive of interest. On the 8th of August, 1825, W. Alston, commissioner, made a conveyance of these [44, 45, and 48] to R. W. Williams, to whom Cameron had previously conveyed his right, which conveyances are recorded. Tho's. Brown moreover acknowledges that $197 85 for the balance due on the lots, was paid into his hands, which amount was sufficient to cover the principal and interest, and perhaps the cost, yet Alston, the Commissioner, has not charged himself with its receipt, nor made any record of the transaction. The money is still due to the fund, though neither the lots, nor Cameron, the original purchaser, nor the estate of Campbell, may be liable for it.

There remained also, on J. K. Campbell's receipt at that time, nine notes of R. C. Allen's, being for instalments on lots Nos. 15, 89 and 92 in the north addition, amounting, exclusive of interest, to $156 96 2-3, not accounted for. From the records of the Superior Court, it ap-

pears that Campbell brought suit on the notes for those lots, and obtained judgment in April 1834, and that an execution, issued on the 6th May, 1834, for $194 53 (which included Interest.) The Depy Marshal acknowledges the receipt of $194 53, also, interest from the 8th of April to the 24th Sept. 1834, and costs, in case Commissioner vs. Allen. On the back of the execution is a receipt dated 13th April, 1835, from W. Alston to the Deputy Marshal, for $202 31. Yet Alston has not charged himself with the receipt of the money, nor made any record of the transaction. Neither the lots, nor Allen, the original purchaser, nor Campbell, can be responsible for the amount.

Another case which may be mentioned, is the judgment vs. R. J. Hackley, reported on Justice Bradford's list of judgments in his court, in favor of the Commissioner, for $28 20 on 9th January, 1833, the note on which this judgment was rendered, was for the first instalment on lot 59, in the north addition. It is the only instalment remaining unpaid for this lot, (59 N. A.) and there is no evidence of its having come into the fund. James Bryan, Jr., Sheriff, on 7th July, 1832, acknowledges the reciept of $31 27, and has executed a bill of sale, of all Hackley's right, title and interest, to lot No. 58, in the north addition. In the bill it is stated, that the sale was made by virtue of a writ of fiera facias, issued by T. M. Bradford, on 12th March, 1832, and T. R. Betton, then Commissioner, was present, and directed the sale to be made.

It has been ascertained but too recently to be incorporated into the the preceding report and accompanying statements, that many of the notes for which J. K. Campbell appears from the records of this office, and is represented in the report and statements to be liable have passed into the hands of the Trustees who gave me the information.

The report and accompanying statements have been prepared principally from the imperfect records of the office, and has cost much labor. The interest of the Territory requires, and that of the claimants and holders of lots, still more urgently requires, that the titles to lots be thoroughly investigated, and that recourse be had to all means of information for the purpose, that are attainable.

At the original sale of the city of Tallahassee, six per cent cash was paid by the purchaser, and his notes for the residue were taken, certificates were issued for the lots, that upon the payment of the balance, the holder of the certificate should be entitled to a deed for the lot.

At the sale in the North Addition, upon the purchaser paying six per cent of the price in cash, and giving his notes for the residue, the lots were conveyed to him, and a deed of trust on the lots taken from him to secure the payment of the notes.

Many of these lots have been sold by the Sheriff to satisfy judgments obtained by the Commissioner on the notes, in some cases before the last instalment on the lot had become due, and the amount realised from the sale, frequently did not satisfy the judgment, Some of the conveyances by the Sheriff purport only to transfer the right of the original purchaser, in these cases there can be no doubt, that the lot itself is liable for the balance which may be due. The only titles of many holders of lots are deeds of conveyance by the Sheriff, and it may admit of question whether the title to any lot is perfect, until the whole amount due for it is paid, and in the original city a deed of conveyance is granted by the commissioner, and in the North addition, a deed of release executed.

The balance now reported as due on account of lots, is what remains unsettled of that item in the estimate of the commissioner in January 1834. But in making out a lot account, it appears that a balance was

due on some of them, not included in that estimate. The amount is inconsiderable, and as a very prolix statement would be required to exhibit the state of the account for those lots, it has been deemed advisable to omit it.

All which is respectfully submitted.

[Signed] C. G. ENGLISH, Commissioner.

Commissioners Office, Tallahassee, 1st January, 1840.

STATEMENT A.

The Decrees and Judgments remaining unsatisfied.

I. Decrees in the Superior Court.
II. Decrees in the Court of Appeals.
III. Decrees and judgments in the County Court.
IV. Judgments in Justice Bradford's Court.

I. *Decrees in the Superior Court.*

The following is the copy of the certificate of the Clerk:

A List of Decrees pronounced by the Superior Court for the Middle District of Florida, Leon county, in favor of the Commissioner of Tallahassee, against sundry individuals.

At what time.	Against whom.	Amount of Decree.		Remarks.	On acc't of what lots the notes were giv n
April, 1829,	James Cameron,	$146	with interest from 5th Ap'l 18[illegible]	15 66 2-3 to com'r. on lot	See page 23, in
Jan. 1830,	Wm. Wyatt,	115 01 1-3	with interest from 6th Ap'l, 18[illegible]	No. 18	copy pg.
	do.	115 01 1-3	with interest from 6th Ap'l. 18[illegible]	ots No. 47, 349, 250 & 50	See page 24,
	James Cameron,	130 44 2-3	with interest from 5th Ap'l 18[illegible]	paid out 5th Jan. 1820,	
	Joseph R. Betton,	287 95 1-3	with interest from 5th Ap'l. 182[illegible]	$206 72 including cost.	See page 23.
	do.	232 18	with interest from 5th Ap'l. 18[illegible]	ots 61, 62, 215 paid out	See page 26
	Dorothy Walton,	119 06 2-3	with interest from 6th Ap'l. 182[illegible]	$40 on 222 about $170.	
	George & George Walton,	119 06 2-3	with interest from 6th Ap'l. 182[illegible]	Lot No. 183 paid out 25th	See page 28
	Allen W. Coleman,	93 37 1-3	with interest from 6th Ap'l. 1828	Nov. 1829	See page 29, 30
April, 1832,	Dan'l Stephens, Adm'r.	143 81 1-3	with interest from 6th Ap'l. 1827		
	do.	143 81 1-3	with interest from 6th Ap'l. 1828		See page 27
	Ambrose Crane,	332 71 2-3	with interest from 6th Ap'l. 1827		See page 31
	do.	285 40 1-3	with interest from 6th Ap'l 1828		
	C. Nicholas, Adm'r.	401 05 1-3	with interest from 6th Ap'l. 1827		See page 32
	do.	401 05 1-3	with interest from 6th Ap'l. 1828		
	Jonathan Robinson,	78 95 1-3	with interest from 6th Ap'l. 1827		See page 25
	One decree against A. W. Coleman, omitted.				

I, James S. Linn, Clerk of the Superior Court for the Middle District of Florida, Leon county, do hereby certify that the foregoing is a true abstract of all decrees pronounced by said court in favor of said Commissioner of Tallahassee. In witness whereof, I hereunto set my hand and annex the seal of the said court, this 7th day of January 1833. JAMES S. LINN, Clerk.

The whole amount of decrees in above list, exclusive of interest and Decree against Coleman,	$3,144 92
The credits on the same including $62 66 2-3 on Waltons for Lot 183	455 05 1-3
	$2,689 86 2-3

The payments which have since been made on these decrees will be subsequently stated.

II Decrees in court of Appeals.

The following is the certificate of the Clerk.

The Commissioner, vs. H. M. Brackenridge,	Decree Jan. 1830 for Interest from 6 day of April, 1827,	$138 93 1-3
The same Against the same,	Decree Jan. 1830, for Interest from 6th day of April 1828	138 93 1-3
In the Court of Appeals, Test		$277 96
Signed,		JAS. S. LINN,

The whole amount of these was reported as unpaid, 7th Jan. 1834, and nothing has since been paid thereon,	$277 96

NOTE.—The Commissioner in his estimate of January, 1833, and also of 1834, has deducted from that against Walton, the whole amount paid on lot 183, $73 83, when the principal alone $62 66 2-3 should have been deducted. He has made therefore the amount due on these decrees $11 16 2-3 too little. His estimate has however, been followed in making out this report.

STATEMENT A.

III. Decrees and Judgments in County Court.

A List of all the Judgments or Decrees in Leon County Court, against persons who purchased Lots in the original plan of the City of Tallahassee, which are not fully satisfied.

Commissioner of Tallahassee	Amount of decree, $95 82 2-3			
Against Allen W. Coleman,	Amount paid, 44 50	$51 32 2-3	See page 29 & 30, in copy page	18
The same,	Amount of Decree, 56 34			
vs. David Rusk,	Amount paid, 18 00	38 34	See page 34, in copy page	21
Same,				
vs. D. D. Richardson,	Amount of judgment 18 62	18 62	See page 34, in copy page	
Same,	Amount of judgement 72 06 2-3			
vs. Robert May,	Amount paid, 62 24 2-3	9 82	See page 35, in copy page	21
Same,	Amount of judgment 65 16 2-3			
vs. H. Myers.	Amount paid 33 00	32 16 2-3	See page 35, in copy page	21
Same,	Amount of judgment 67 00			
vs. John M. Coffin,	Amount paid 50 00	27 00	See page 36, in copy page	
Same,	Amount of judgment 85 00			
vs. Ede Van Evour,	Amount paid 70 02	15 92	See page 38, in copy page	
Same,	Amount of judgment 45 12			
vs. Samuel Cosby,	Amount paid 29 00	16 12	See page 36, in copy page	
Same,	Amount of judgment 99 33			
vs. William Wright,	Amount paid 37 60		See page 37, in copy page	
Same,	Amount of judgment 47 02			
vs. A. W. Crews,	Amount paid 20 00	27 02	See page 37, in copy page	
Same,				
vs. John D. Edwards,	Amount	102 00	See page 40, in this copy page	
Same,				
vs. Elsy Amber,		3854	See page 39, in this copy page	

STATEMENT A—Continued.

Same, vs. Mary Brown,	$31 02	See page 38, in this copy page
Same, vs. G. M. Walestt,	115 62	See page 39, in this copy page
Same, vs. Ede Van Evour,	100	See page 38, in this copy page
Commissioner of Tallahassee, vs. Robert Mitchell,	40 73 1-3	See page 40, in this copy page
	$725 07 2-3	

TERRITORY OF FLORIDA, Leon County:

I, Daniel McRaeny, Clerk of the County Court, for the county aforesaid, do certify that the foregoing is a correct statement of all the judgments in Leon County Court, against persons who purchased lots in the original plan of the City of Tallahassee, which are not satisfied, Witness my hand and seal of Office this 11th day of January, 1833. D. McRAENY, Clk.

IV. Judgments in Justice Bradfords Court.

Copy of T. M. Bradford, J. P. Certificate.

T. R. Betton, Commissioner, vs. David B. Butler,	$48 56	See statement B. page 48, in this copy page.
The same. vs. J. Vanhorn,	31 33	See statement B. page 48, in this copy page.
The same, vs. W. Cameron,	36 03	See statement B. page 48, in this copy page.
The same, vs. the same,	21 93	See statement B. page 48, in this copy page.
The same, vs. John *My*rick,	21 63	See statement B. page 47, in this copy page.
Statement A.	159 48	
Amount brought over,	159 48	
T. R. Betton, Comm'r. vs. John Myrick,	27 90	See statement B. page 47, in this copy page.
The same vs. the same,	35 73 1-2	See statement B. page 47, in this copy page.
The same vs. S. Pilcher,	24 40	See page 41, in this copy page.
The same vs, J. Vanhorn,	31 33	See statement B. page 48, in this copy page.
The same vs. R. J. Hackley,	28 20	See Report, page 10, in this copy page.
	307 04 1-2	

Received of A. W. Crews, constable, of the above $24 64.
Signed, T. R. BETTON.

The above is a list of Judgments, and the amount of each in suit in my Court, January 9,1833. T. *M.* BRADFORD, J. P.

There was due on the above, on 6th January, 1834, when the Commissioner reported $282 88 1-2

The Commissioner has put down the whole amount $307 04 1-2 omitting to deduct the credit $24 16.

There was therefore due on Decrees and Judgments, in the Superior and County Courts, on the 6th day of January 1834.

I.	Decrees in Superior Court,	$2,689 86 1-2
II.	Decrees in the Court of Appeals,	277 96
III.	Decrees and Judgments in the County Court,	725 07 2-3
IV.	Judgments in Justice Bradfords Court,	282 88 1-2
		$3,975 78 2-3

This amount differs from the Commissioners estimate of that date which is thus accounted for:

The amount due on Judgments in Bradfords Court set down too much from omitting to deduct the credit		$24 16
The amount of Decrees in Superior Court, set down too little from deducting mt. paid on lot 183, from amount of Decree		11 16 2-3
The estimate too great by		$12 99 1-3
Which added to the amount obtained from certificate of clerks,		3,975 78 2-3
Would correspond within $1 with estimate of 1834, and precisely with estimate of 1833,		$3,988 78
Taking the amounts as in estimate of 6th Jan. 1834, disregarding the discrepancy,		$3,987 78
Deduct amount paid by *Marshal* on 7th Jan. 1834, on account of decrees in Superior Court,	1,768 91	
To W. Alston, Com'r with which he has charged himself on account of same	480 26	
		2,249 17
Since which nothing has been paid thereon and this amount remains due,		1,768 61

The decrees or judgments on account of which the payment of $480 26 were made, will be stated hereafter Those on account of which the payment by the Marshal was made, are not yet fully ascertained. The entry is thus made by the Commissioner.

1834, 7th January; amount received of A. A. Fisher, Deputy *Marshal* on sundry decrees of the Superior Court being realised from sales and payment made this day in the office, 1,768 91

The records of the court have been examined to ascertain the particular decrees and the amount on each that were embraced in the payment but as yet without success. All that has been found explaining the payment are the following receipts of the Marshal, to persons who purchased lots on the 7th January, 1834, filed with the certificates of

A

To whom the Marshal's receipt is given.	Am't. of receipt.	On lot in original City.	Original Purchaser.
		No. 5	C. Nicholas,
R. K. West,	$23 00	6	"
		21	"
		42	"
		46	"
C. Heire,		116	"
		63	D. Stephens,
		56	A. Crane,
		57	"
H. F. Simmons,	36 00	109	C. Nicholas,
Alvin Green,	26 00	119	D. Stephens,
		129	A. Crane,
		130	"
		131	"
		132	"
		135	"
		136	"
		137	"
R. K. Call,	607 16	138	"
		160	J. Cameron,
		203	C. Nicholas,
		205	"
		289	"
		313	Wm. Wyatt,
		316	C. Nicholas,
		238	A. P. Crane,

A—Continued.

To whom the Marshal's receipt is given.	Am't. of receipt.	On lot in original City.	Original Purchaser.
P. O. Hays,	57 00	No. 243	J. Cameron,
		244	"
		246	"
P. O. Hays,	15 00	245	"
F. Towle,	20 00	314	A. Crane,
F. Towle,	47 00	317	C. Nicholas,
Amount of receipt on file,	$933 59		

On which of the decrees, and for which lots the residue of the payment of the Marshal on 7th January, 1834, was made, must be determined before it can be precisely ascertained which of the decrees yet remain unsatisfied, and which lots may be liable for them.

Before making a statement of the lots purchased by individuals against whom exist unsatisfied decrees and judgments, it is necessary to mention some payments on account of those lots which have been so vaguely entered that it has not been determined what amount was paid for each individual or on account of what lots. The entries are the following.

A.

1829, 1st June, received of R. Lewis, Sheriff, in full for the following decrees, the commissioner vs. J. McIver, Cromwell Sprague, John Caruthers, D. D. Richardson, Wm. Wright & Co. and John D. Edwards, including interest and cost, $533 24 1-2

1830, 1st April, received of R. Lewis, Sheriff, the amount of the following decrees, viz: H. and E. Bryan, Wm. P. Young, Sylvester Bill, A. W. Coleman, No. 1, Ticknor and Bill, and Cromwell Sprague, deducting amount before entered on account of Lots 73 and 74. 191 43

To whole amount, $320 83

By amount of the above entered previously. 129 40

1830, 1st April, Received of R. Lewis, Sheriff, the amount of the following decrees, viz: Ede Van Evour, Coleman, No. 2, Wm. Wright & Co., Robt. May, Saml. Cosby, J. M. Coggin, H. Myers, S. Pitcher, realised from sale of Lots after deducting cost and amount received above $85 38

Cr. by am't. entered before 47 07 38 31

1830, 1st April, To amount received of R. Lewis, Sheriff, $63, for printers fees in 7 cases in Chancery, decrees also $32 for Auditor's fees, also $42 25 C. Nicholas Clerks fees, also $50 Geo. E. Tingles, Clerks fees in 16 cases in county court. 187 25

Even when these payments are said to be in full of decrees, it is clear it was not the whole amount due from the individuals, because subsequent payments were made on their accounts, and at a still later period, the clerk of the court certify that unsatisfied decrees and judgments exist against them. These payments can only be elucidated by scrutinizing the records of the court, the examination of them hitherto not having been successful. All that has been found explanatory of them is the following receipts from the Sheriff to various persons filed with the certificates of lots.

A—Continued.

Date.	To Whom.	Amount.	For lot in original City.	Name of original Purchasers.
19th July 1829.	C. C. Williams,	90 00	No. 104	Ticknor & Bell,
16th July 1829.	A. S. Thruston,	77 01	114	Ede Van Evour,
13th Ap'l 1829.	Thomas Munro	32 00	198	D. Richardson,
13th Ap'l 1829.	Wm. Kerr,	58 00	201	Wm. Wright & Co.
13th July 1829.	John Levinas,	the amount due	207	Wm. P. Younge,
14th July 1829.	John Levinas,	35 86	208	Wm. P. Younge,
13th July 1829.	John Levinas,	the amount due	209	R. May.
13th Ap'l 1829.	Thomas Munroe,	20 00	272	Wm. Wright & Co.
13th Ap'l 1829.	Thomas Munroe,	20 00	273	Wm. Wright & Co.
13th Mar. 1830.	J. McIver in full of decree against him, dated 29th May, 1829.			

The state of the account for many of these Lots is also uncertain, in consequence of the notes for the first instalment having been placed in the hands of R. C. Allen, and the want of his statement which of the notes constitute the balance to be accounted for by him.

Statement—A.

Unsatisfied decrees in Superior Court against James Cameron, 7th Jan., 1833, for $260 78.

James Cameron, bought and paid

1825, April, In	Old Town Lots	No. 18	for $50	
"	"	79	53	
"	"	160	200	
"	"	243	66	
"	"	244	50	
"	"	245	50	
"	"	246	50—519 00	
1829, 16th June, Interest and cost on lot 18.				4 66 2-3

R. Butler, Commissioner.

Amount ascertained by deducting notes turned over to successor from amount of sale,	$193 66 2-3
Turned over to J. P. Duval, Commissioner, notes for 2d and 3d instalments. $325 33 1-3	

J. P. Duval, Commissioner.

1828, 15 April, B. D. Faust, amount in full on lot 79.	15 66 2-3
Turned over to T. R. Betton, in suit in court for 2d and 3d instalments. 293 00	

J. R. Betton, Commissioner.

1829, 16th June, by D. McRaeny, agent for C. Haire, 2d and 3d instalments, interest and cost on lot No. 18, principal $31 33 1-3, interest and cost 4 66 2-3.	36 00
The decrees unsatisfied seventh January, 1833, were for $260 78	
1834, 7th Jan., by A. A. Fisher, deputy marshal, am't not ascertained, (see pages 19 and 20, on copy 12,) the amount paid by the Marshal deducted from the decrees gives the amount now due on decrees, exclusive of interest.	

Two instalments each for $15 66 2-3, were due on lots No. 79, when notes were turned over to J. P. Duval, Commissioner, yet, he has only charged himself with the receipt of one of them, but makes the entry in full of the lot.

The certificates of lots 18 and 79 are on file, and have probably been conveyed by the commissioner.

The residue of the lots viz. 160, 243, 244, 245, 246, were sold by the Marshal 7th Jan. 1834, as appears by his receipts, (see page 20, 12 on copy.)

Statement—A.

Decrees in Superior Court vs. Wm. Wyatt, unsatisfied, 7th Jan., 1833, for $23 30 2-3.

Wm. Wyatt, bought and paid

1835, April, in Old Town Lots,	No. 4	for $46		
"	"	47	36	
"	"	50	52	
"	"	51	56	
"	"	153	73	
"	"	156	91	
"	"	157	267	
"	"	158 }	386	
"	"	159 }		
"	"	163	186	
"	"	164	301	
"	"	213	201	
"	"	249	81	
"	"	250	152	
"	"	313	41—	1,969 00
1828, 12th May, Interest on Nos. 153, 156, 157, 158 and 159.				1 58
1st Dec., interest on No. 212.				16 83 2-3
20 Jan., Interest on No. 50.				2 55
22 Jan., Interest on 164, and west 1-2 of No. 163.				13 43 2-3
8th May, Interest and cost on 164, and west 1-2 of 163.				10 01 2-3
20th Aug., Interest and cost on 4, and E. 1-4 of 163.				12 56 1-3
5th Jan., Interest and part cost 47, 249 and 250.				38 14 2-3
Error in lot 47, the correction Feb. 12, 1833, see note below.				10 00

R. Butler, Commissioner.

Amount ascertained by deducting notes turned over to his successor, from amount of sale but excluding any payment on notes for 1st instalment in hands of R. C. Allen.	748 67
Notes for 1st instalment placed in hands of R. C. Allen, for $241 33	
Notes for 2d and 3d instalments turned over to J. P. Duval, commissioner. 979 00 1-3	

T. R Betton, Commissioner.

1828, 12 May. by L. A. Ervine, in full on lots 153, 156, 157, 158, 159 with interest, prin. $255 99 1-3.	257 58
Turned over to J. R. Betton, notes for 2d and 3d instalment. 720 54 1-2	

T. R. Betton, Commissioner.

1828, 12 Dec., by Fisher 2d and 3d instalments and interest in full on lot 212, principal $125 29 1-3, interest 16 83 2-3.	142 13
1829, 20 Jan., by Miller the 2d and 3d instalments and interest in full on lot 50, prin. $32 58 2-3, interest 2 55.	35 13 2-3
1829, 22 Jan., by Wyatt 2d instalment and interest on lot 164, the west 1-2 of lot 163, in full for 2d instalment, principal $123 45 1-3, interest 13 43 2-3.	136 89
1829, 8th May, by Ritchie 3d instalment interest and cost on lot 164, and west 1-2 of 163, principal 123 45 1-3, interest 13 43 2-3.	133 47

Statement A—Continued.

1829, 20th Aug., by Duval, on lot No. 4, and East 1-2 of 163 in full including interest and cost, (principal $87 10 2-3, interest and cost 12 56 1-3.	99 67
1830, 5th Jan., by Wyatt in full for 2d and 3d instalments on lots 249, 250 and 47, including interest and part cost, principal $168 57 1-3, interest and cost 38 14 2-3.	206 72
There was decree in superior court unsatisfied o Jan., 1833, for $23 30 2-3	
1834, Jan., by A. A. Fisher, deputy marshal, on decree amount not ascertained, see p. 19, 20, in copy p. 11, 12, since which nothing has been paid. The payment by Marshal deducted from decree gives amount now due on decrees.	

If any thing is still due for 1st instalment, it must be balance of notes in hands of R. C. Allen.

The certificates of lots Nos. 4, 50, 51, 153, 156, 157, 158, 159, 163, 164, 212, 249 and 250, are on file and the lots appear to have been conveyed by the commissioner.

Lot 313 was sold by the Marshal on 7th Jan. 1834, as appear by his receipt, (see page 2, 12 of copy.)

The certificate of lot No. 47, is also on file, and endorsed on it, is "conveyed to Peter Ulrich, 5th Jan., 1830." The commissioner states however, that it had not been conveyed The entry is a credit allowed by the Legislative Council.

1833, 12th Feb., by this amount credited the fund as received of Wm. Wyatt, 5th Jan., 1830, on lot 47, deeded to Peter Ulrich.—The said deed was left in the hands of commissioner until payment was made, but never called for by said Ulrich, and the balance of $10 never paid in the office, but the full amount against said lot was charged to the commissioner at the above mentioned.—(The said deed held until payment is made.)

Decree in Superior Court, against Jonathan Robinson, unsatisfied, 7th Jan., 1833, for $78 95 1-3.

	Jonathan Robinson, bought and paid				
1835, April,	In Old Town Lots, No. 3 for		$45		
	"	"	25	71	
	"	"	48	26	
	"	"	82	85	
	"	"	254	55—	282 00

R. Butler, Commissioner.		
Amount ascertained by deducting notes turned over from amount of sale.		172 111-3
Notes turned over to J. P. Duval, commissioner, for 2d and 3d instalments.	$109 88 2-3	
J. P. Duval, Commissioner.		
1828, 10th June, by Faust last instalment on lot 82.		26 89
Turned over to T. R. Betton, commissioner, notes for 2d and 3d instalments.	83 26	
J. R. Betton, Commissioner.		
Decree in superior court against Robinson, unsatisfied, 7th Jan., 1833, for	$78 95 1-3	
That amount is still due exclusive of interest, unless part of the payment by deputy marshal on 7th Jan., 1834, was on account of this decree, (see pages 19, 20, in copy 11 and 12.)		

The certificate of lot 82 is on file, and appears to have been conveyed by commissioner.

No evidence is in this office, that the residue of these lots have been conveyed by the commissioner.

J. P. Duval turned over to Betton notes for $83 26, and although he has charged himself with nothing received on account of Robinson up to Jan., 1833, he then reports only the amount of the decree remaining due.

Decrees in Superior Court against Daniel Stephens, unsatisfied, 7th Jan., 1833, for $287 62

Daniel Stephens, bought and paid

1825, April	In old town, lots No. 63, for	$51	
	65 "	83	
	99 "	64	
	119 "	54	
	270 "	75	
	271 "	105	
	277 "	91	
	295 "	51	
	320 "	81	
			655
1829, 24th June, interest and cost on lot 99			7 24

R. Butler, Commissioner.

Amount ascertained by deducting notes turned over to his successor from amount of sale, but excluding any payment which may have been made on note for 1st instal't by Allen $228 77

Note for 1st instalment placed in hands of R. C. Allen, for collection $102 64 2-3

Turned over to J. P. Duval, Commissioner, notes for 2 and 3 instalments, who passed the same to J. R. Betton, Commissioner, $323 59 1-4

T. R. BETTON, Com'r.

1829, 24th June, by W. Mason, 2d and 3d instalments, interest and cost on lot 99, (principal $39 66 2-3, interest and cost $7 24) $46 90 2-3

There were unsatisfied decrees in Superior Court 7th January, 1833, for $287 62

1834, 7th January, by Fisher, D. M. on account of decrees, am't not ascertained. (See page 19 and 20, page 11 and 12 in copy.)

The amount paid by Deputy Marshal, deducted from amount of decrees, will give the amount due, exclusive of interest, on the 2d and 3d instalments when passed to the hands of W. Alston, Commissioner.

W. ALSTON, Com'r.

No date, by T Brown, on lots 270 and 271, sold by Marshal, 7th January, 1834, being part of a payment of $225 01 $92 85

If any thing is due on 1st instalment it is part of balance in hands of R. C Allen.

The certificates of lots 99, 295, and 320, are filed, and the lots have probably been conveyed by Commissioner.

Lots 63, 119, 270 and 271, were sold by the Marshal 7th January, 1834, (see page 19 and 20, on copy page 11 and 12)

There is no evidence in this office that lots 65 and 277, have been conveyed by the Commissioner.

A—Continued.

Decrees in Superior Court, against George and Dorothy Walton, for $175 46 2-3

D. Walton, bought and paid

1825, April, in old town, lot No. 43, for	$100	
44 "	80	
45 "	100	
183 "	100	
1829		$380
25th Nov. interest and cost on lot 183		11 16 1-3

R. Butler, Commissioner.

The amount ascertained by deducting notes turned over to successor from amount of sale not including any payment which may have been made by R. Allen on notes for 1st instalments,	$22 80
Notes for 1st instalments placed in the hands of R. C. Allen, $119 06 2-3	
Notes for 2d and 3d instalments tured over to J. P. Duval, Com'r who passed the same to his successor J. R. Betton, Com'r. $238 13 1-3	
T. R. BETTON, Com'r.	
1829, 25th Nov. by R. Lewis, 2d and 3d instalment, interest and cost on lot No. 183, (principal $62 66 2-3, interest and cost, $11 16 1-3,	$73 83
Decrees unsatisfied against Walton in Superior Court, 7th Jan. 1834, for $175 46 2-3	
Which amount is still due on 2d and 3d instalments, exclusive of interest, unless part of the payment by the Deputy Marshal on 7th January, 1834, was on account of these decrees, (see page 19 and 20, page 11 of copy). If any of the 1st instalment is still due it must be part of balance in hands of R. C. Allen.	

The certificate of lot 183 is on file, and it appears to have been paid for, and conveyed. There is no evidence in this office, that the commissioner has conveyed the residue of these lots (43, 44, and 45.)

Statement—A.

Decrees against A. W. Coleman, unsatisfied, Jan. 1833, for $144 70 and one decree omitted.

A. W. Coleman, bought and paid

1825, April, in old town, lot No.	11	for 35	
	12	" 30	
	71	" 170	
	72	" 130	
	73	" 81	
	74	" 100	
	94	" 76 66	
	140	" 80	
	141	" 62	
	248	" 55	
	275	" 30	$849 66 2-3
1829, 23 March, interest and cost on lot 94			1 93 1-3
22d July, " " " 73 and 74			10 18 2-3
16th Sept " " " 74			4 11 1-3
" " " 73 and 74			5 80 2-3
" " " 71 and 72			23 62

R. Butler,

Amount ascertained by deducting notes turned over to his successor from amount of sale, but excluding any payment which may have been made by R. C. Allen on first instalment, $146 55 1-3

Notes for 1st instalments placed in the hands of R. C. Allen for collection, $190 81

Turned over to J. P. Duval, Com'r, notes for 2d and 3d instalments, who passed the same to his successor J. R. Betton, Commissioner. $512 30 1-3

T. R. BETTON, Com'r.

1829, 23d March, by D. McRaeny, 3d instalment on lot 194, in full (principal 24 13 2-3 interest and cost $1 93 1-3) being part of payment of 55 44, the residue being for lot 20 26 07

23d July, by McMullin, payment in full on lots 73 and 74, interest and cost (principal 56 71 1-3 interest and cost 10 18 2-3. $66 90

16th Sept. by D. McRaeny the amount of 2d instalment due on lot 94 including all cost and interest, (principal 24 13 2-3, interest and cost 4 11 1-3 28 25

By McMullin, amount of 3d instalment, interest and cost on lots Nos. 73 and 74, (principal 56 71 1-3 interest and cost 5 80 2-3) 62 52

By J. and T. R. Betton, 2d and 3d instalments due on lots 71 and 72 in full, (principal 188, interest and cost 23 62) 211 62

1830, 1st April, by R. Lewis (two payments) in part of sundry decrees the amount on account of Cole-

Statement A—Continued.

man, not ascertained (see page 21 and page 13)	2 in copy $93 37 1-3
Three decrees against Coleman unsatisfied Jan. 1833, for	51 32 2-3
	144 70

And one decree omitted, amount unknown

Part of payment by Deputy Marshal on 7th January, 1834, may have been on account of Coleman.

W. ALSTON, Com'r.

No date by T. Brown on lot 140, sold by Marshal under decree of Court on 7th Jan. 1834, being a part of a payment of $225 01 $38 16

A—Continued.

From which it appears that A. W. Coleman bought lots amounting to $849 66 2-3

He paid cash on the amount to R. Butler	$45 45 2-3	
And gave notes for the three instalments,	804 21	
		849 66 2-3
On note for 1st instalment due 6th April, 1826, for		268 09
There was paid to R' Butler, Com'r.	77 28	
Placed in the hands of Allen for collection, of which it is uncertain what amount is still due	190 81	
		268 09
On notes for 2d and 3d instalments due April 1827 and '28 each for 268 06		536 12
There was paid to R. Buller, Com'r.	23 81 2-3	
The residue of the notes for these instalments passed into hands of T. R. Betton, Com'r.	512 30 1-3	
		536 12
On the notes for 2d and 3d instalments which came into Bettons hands,	512 30 1-3	
There was paid previous to 1st April 1830, to Betton Com'r. for principal	349 70	
Leaving due on that date		162 60 1-3

1st April, 1830, R. Lewis, Sheriff, paid on sundry decrees the amount on account of Coleman not stated, (see page 21 and 22 of original or page 13 of this copy.)

These were decrees against Coleman unsatisfied in January, 1833, for	$144 70
Also one decree omitted, amount not stated.	
Part of payment by deputy Marshal on 7th Jan. 1834, may have been on acc't of these decrees	
A payment made Alston, Com'r date not given, on lot 140,	38 16

The balance due for 2d and 3d instalments is therefore undetermined.

Lots Nos. 71, 72, 73, 74 and 94 have been paid for in full, unless something is due on the 1st instalment for them in the hands of R. C. Allen, and lot No. 140 appears to have been sold by deputy Marshal on 7th Jan. 1834. These lots are on file.

There is no evidence in this office that lots Nos. 11, 12, 141, 248 and 275, have been conveyed by the Commissioner.

Statement—A.

Decrees in Superior Court against A. Crane, unsatisfied, 7th Jan., 1833, for $618 12.

A. Crane, bought

1825, April,	In Old Town Lots, No. 17	for	$60	
"	"	27	56	
"	"	30	52	
"	"	56	25	
"	"	57	31	
"	"	84	33	
"	"	110	60	
"	"	118	80	
"	"	122	154	
"	"	129	49	
"	"	130	55	
"	"	131	45	
"	"	132	32	
"	"	135	72	
"	"	136	51	
"	"	137	45	
"	"	138	72	
"	"	238	78	
"	"	251	61	
"	"	286	81	
"	"	314	50—	1252 00
1829, 17th April,	Interest and cost on lot No. 110			4 40
1830, 18th June,	"	"	84	4 33 1-3
16th June,	"	"	17	4 40
10th Nov.	"	"	286	1 06
1831 1st Jan.	"	S. 1-2 of	122	6 74 2-3
1834, 8th June,	"	"	251	15 53 1-3

Amount ascertained by deducting notes turned over to his successor from amount of sales.		$460 78
Turned over to Duval commissioner, the notes for 2d and 3d instalments,	$791 22	
And by Duval to Betton, commissioner,	805 13 1-3	
T. R. Betton, Commissioner.		
1829, 17th April, by W. Ker, 2d and 3d instalments interest and cost on lot 110, (prin. 37 60, interest and cost 4 40.		42 00
18th June, by Willis and Munroe, 2d and 3d instal'ts. interest and cost on lot 84, (prin. $20 66 2-3, interest and cost 4 33 1-3		25 00
16th, by McRaeny, 2d and 3d instalments, interest and cost on lot 17, (prin. 37 60, interest and cost 4 40.		42 00
10th Nov., by Cooper, 2d and 3d instalments, interest and cost on lot 286, (prin. 50 76, interest and cost 1 06.		51 82
1831, 1st Jan., by Hayward, 2d and 3d instalments on south half of lot 122, with interest and cost, (prin. 48 25 1-3, interest and cost 6 74 2-3.		55 00
There was a decree vs. Crane, unsatisfied 7th Jan, 1833, for	618 12	
1834, 7th Jan., by D. Marshal, on account of decree amount not ascertained, see page 19 and 20 of original, and page 8 of this copy.		
W. Alston, Commissioner.		
By T. Brown, on lots 27 and 30 sold under decree 7th Jan., 1834, being part of a payment of 225 01.		10 00

A—Continued.

1834, 28th June, by Padrick in full on lot 251, (prin. 38 22 2-3, interest and cost 15 55 2-3.	$53 78
The amount paid by Marshal on the 7th Jan. 1834, and the principal paid to Alston, deducted from decrees unsatisfied Jan. 1833, gives the amount now due exclusive of interest.	

There is a memorandum, by R. Butler, commissioner, that he had conveyed lot 57 to E. L. Lane, which conveyance was previous to Jan. 1828, but there is a receipt from the deputy marshal, for a payment made on this lot, sold under decree of superior court, 7th Jan. 1834. The certificates of lots 17, 84, 110, 251, 286, are on file, and have been paid for and conveyed also the S. 1-2 of lot 122.

Lots 27, 30, 56, 57, 129, 130, 131, 132, 135, 136, 137, 138, 238, and 314, were sold by the Marshal under decree of the Superior Court, on 7th Jan., 1834.

There is no evidence in this office that lot 118 or N. half of lot 122 have been conveyed.

Statement—A.

Decrees in the Superior Court against C. Nicholas, unsatisfied, 7th Jan., 1834, for $802 10 2-3.

Cary Nicholas, bought and paid

1825, April,	In Old Town Lots,	No. 1	for $100
"	"	2	100
"	"	5	50
"	"	6	50
"	"	21	30
"	"	42	45
"	"	46	70
"	"	64	100
"	"	66	100
"	"	70	120
"	"	119	75
"	"	116	100
"	"	182	80
"	"	191	45
"	"	199	50
"	"	202	300
"	"	203	200
"	"	205	100
"	"	252	75
"	"	253	60
"	"	276	50
"	"	278	90
"	"	281	45

R. Butler, Commissioner.

Amount ascertained by deducting notes turned over to his successor from the amount of sale, excluding any payment which may have been made by Allen, on notes for 1st instalment.		$751 23 1-2
Notes for 1st instalment placed in the hands of R. C. Allen, for collection.	164 44 1-2	
Notes for 2d and 3d instalments turned over to J. P. Duval, Commissioner.	1,526 32	

J. P. Duval, Commissioner.

1828, 29th April, Rhodes 2d and 3d instalments in full on lot 285, being for prin. 37 66, int. 1 30.		38 90
14th June, by Thornton, 1st 2d and 3d instal. in full on lots 66 and 70, prin. 206 80, int. 14 85.		221 65
Turned over for 2d and 3d instalments notes to J. R. Betton, Commissioner.	1350 86	

J. R. Betton, Commissioner.

1829, 7th March, by Bond 2d and 3d instalments, int. and cost on lots 1 and 2, prin. 125 33 1-3, interest and cost 11 66 2-3.		137 00
29th April, by Ker, 2d and 3d instalments, int. and cost on lot 182, prin. 50 13 1-3, int. cost 5 48 2-3.		55 62
8th May, by Ritchie, 1-2 the 1st the 2d and 3d instalments, and cost on lot 199, prin. 39 16 2-3, int. and cost 5 41 1-3.		44 58
20th Aug. by Duval, in full on lots 202, 278, 282, prin. 317 72, int. and cost 40 92.		358 64
20th Aug., by Duval, in full on lot 281, prin. 28 20, int. and cost 5 12.		33 32

Statement A—Continued.

"	"	282	$117	
"	"	285	60	
"	"	289	100	
"	"	301	30	
"	"	316	50	
"	"	317	50—	2442 00
1828, 29th April, interest on lot 285				1 30
1828, 14th June, "		66 and 70		14 85
1829, 7th March, int. and cost on lots 1 and 2,				11 66 2-3
29th April,	"	"	182	5 48 2-3
8th May,	"	"	199	5 41 1-3
20th August,	"	202, 278 and 282		40 92
"	"	"	281	5 12
7th Sept.,	"	"	191	5 92

1829, 7th Sep., by Campbell, 2d and 3d instalments, interest and cost on lot No. 191, prin. $6 20, interest and cost 5 92. $34 12

There were decrees in superior court unsatisfied, 7th Jan. 1834, $12 10 2-3

1834, 7th Jan., on account of decrees by marshal, am't not ascertained, (see page 19 and 20 of original, on 11 of copy.)

The payment by marshal deducted from unsatisfied decrees, gives the amount turned over to Alston, Commissioner.

W. Alston, Commissioner.

No date by T. Brown, on lots 252, 253 and 276, sold by marshal, under decree of court, on 7th Jan. 1834, being part of a payment of $225 01. 84 00

Since which, nothing has been paid and the amount paid Alston, Commissioner, for principle deducted from amount turned over to him, gives amount now due on decrees exclusive of interest and exclusive of balance for 1st instalment, which may be in the hands of R. C. Allen.

Lots 1, 2, 66, 70, 182, 191, 199, 202, 278, 281, 282 and 285, appear to have been paid for in full and conveyed. Lots 5, 6, 21, 42, 46, 109, 116, 203, 205, 252, 253, 276, 289, 316 and 317, were sold by the marshal under decrees of court on 7th Jan. 1834.

There is no evidence in this office, that lots 64 and 301 have been conveyed by the Commissioner.

Statement—A.

Decree in County Court against David Rusk, unsatisfied, 11th Jan., 1833, for $38 34.

David Rusk, bought and paid		Robert Butler, Commissioner.	
1825, April, In Old Town, lot No. 31 for $62		Amount ascertained by deducting notes turned over to his successor from amount of sale, but excluding any payment which may have been made on notes for 1st instalment, by R. C. Allen.	$6 5
" " 32 42—	$104 00	Notes for 1st instalment, placed in hands of R. C. Allen, for collection.	$32 58 2-3
		Notes for 2d and 3d instalments, turned over to Duval, Commissioner, passed to Betton, Commissioner.	65 16 2-3
		T. R. Betton, Commissioner.	
		1830, 1st April, by R. Lewis, Sheriff, on account of decrees amount not ascertained (see pages 21 and 22, pages 12 and 13 of this copy.)	
		A decree in county court unsatisfied, January, 1833, for	32 16 2-3

If any thing is due on first instalment, it must be part of balance in hands of R. C. Allen.

The decree is all of the 2d and 3d instalments unsatisfied. Lots Nos. 196, 197, 293, appear to have been conveyed by the commissioner, and the certificates are on file, lot 198 was sold by the Sheriff, 13th July, 1839, (see pages 21 and 22, in this copy pages 12 and 13.)

Statement—A.

Judgment in County Court against Robert May, unsatisfied, 11th Jan., 1833, for $9 82.

R. May, bought and paid

1825, April,	In Old Town,	Lots Nos. 209	for $45		
"	"	211	135		
"	"	274	71—	251 00	

R. Butler, Commissioner.

Amount ascertained by deducting notes turned over to successor from amount of sale.		$128 79 1-2
Turned over notes for 2d and 3d instalments to J. P. Duval, Commissioner, for	$122 50 1-2	

J. P. Duval, Commissioner.

1828, 22 June, by Whitehurst, in full on lot 211.		50 88
Turned over to Betton, notes for	72 07	

J. R. Betton, Commissio er.

1830, 1st April, B. R. Lewis, Sheriff, amount not ascertained, (see pages 21 and 22 of original, and pages 12 and 13 of this copy.		
A judgement against May, in county court unsatisfied, 11th Jan., 1833.		9 82

Lot 211 appears to have been paid for in full, and to have been conveyed by Commissioner. Lot 209 was sold by the Sheriff, on the 13th July, 1829. There is no evidence in this office that lot 274, has been conveyed by Commissioner.

Statement A.

Judgment in County Court against H. Myers, unsatisfied, 11th Jan., 1833, for $32 16 2-3.

H. Myers, bought and paid

1825, April, In Old Town, Lot Nos. 29 for	$62		
" " 133	42—	104 00	

R. Butler, Commissioner.

Amount ascertained by deducting notes turned over to his successor from amount of sale, excluding any payment which may have been made on notes for 1st instalment by R. C. Allen.	$6 25
Notes for 1st instalment placed in the hands of R. C. Allen. 32 58 1-3	
Turned over to Duval, Com'r. who passed to Betton, Com'r. notes for 2d and 3d instalments. 65 16 1-3	

T. R. Betton, Commissioner.

1830, 1st April, by R. Lewis, Sheriff, amount not ascertained, (see pages 21 and 22 of original, and 12 and 13 of this copy.)	21 22
A judgment against Myers, in County Court unsatisfied, 7th Jan. 1833, for	32 16 2-3

There is no evidence in this office, that lots 29 and 133 have been conveyed by Commissioner, nor any other evidence that they have been sold by the Sheriff, other than the payment on 1st April, 1830.

Statement A.

Judgment in County Court against John M. Coggin, unsatisfied. 11th Jan., 1833, for $32 16-23.

J. M. Coggin, bought and paid		
1830, April, In Old Town, Lots Nos. 83 for $52		
" " 145 55—	107 00	
R. Butler, Commissioner.		
Amount ascertained by deducting notes turned over to successor from amount of sales.		$40 00
Turned over to Duval, Com'r. notes for 2d and 3d instalments, J. P. Duval, passed same to J. R. Betton, Commissioner.		67 00
T. R. Betton, Commissioner.		
1830, 1st April, by R. Lewis, Sheriff, amount not ascertained, (see pages 21 and 22, 12 and 13 in copy.		
A judgment was in County Court vs, Coggin, unsatisfied, Jan., 1833.		27 00
Since which nothing has been paid.		

There is no evidence in this office that lots 83 and 145 have been conveyed by the Commissioner, nor any other of their having been sold by the Sheriff, than the payment on the 1st of April, 1830.

Statement A.

Judgement in County Court against Samuel Cosby, unsatisfied, 11th Jan., 1833, for $16 12.

S. Cosby, bought and paid		
1825, April, In Old Town, Lots No. 101 for $75		
" " 102 100		
" " 152 72—	247 00	
R. Butler, Commissioner.		
Amount ascertained by deducting amount of notes turned over to successor from amount of sale, excluding any payment which may have been made on notes for 1st instalment, by R. C. Allen.		$172 09
Notes for 1st instalment, placed in hands of R. C. Allen.	21 68	
Turned over the notes for 2d and 3d instalments to J. P. Duval, Com'r. who passed them to T. R. Betton, Com'r.	53 23	
J. R. Betton, Commissioner.		
1830, 1st April, by R. Lewis, Sheriff, amount not ascertained, (see page 21 and 22, on this copy pages 12 and 13) There was in County Court, unsatisfied, in January, 1833, a judgment for	16 12	
Since which nothing has been paid.		

Lots Nos. 101 and 102 appear to have been paid for and conveyed. There is no evidence in this office that lot 152, has been, nor any other evidence that it has been sold by the Sheriff, than the payment 1st April, 1830.

Statement—A.

Judgment in County Court, unsatisfied 11th Jan. 1833, against William Wright and company, for $61 73.

Wm. Wright & Co., bought and paid

1825, April, in old town, lot No. 201, for	$65 00	
" " " " 204 "	102	
" " " " 272 "	50	
" " " " 273 "	37	
" " " " 280 "	45	
		317 00
1829, 29th May, interest and cost on lot 204		9 47

R. B. Butler, Commissioner.

Amount ascertained by deducting notes turned over to his successor from amount of sale,	$118 34
Turned over to Duval, Com'r. and by him passed to T. R. Betton, Com'r. notes for 2d and 3d instalments $198 66	
T. R. BETTON, Com'r.	
1829, 29th of May, by Pindar, amount in full on lot 204 price 37 60, interest and cost 9 47,	47 07
1st June, by R. Lewis, Sheriff, amount not ascertained, see pages 21 and 22—13 and 14 in this copy.	
1830, 1st April, by R. Lewis, Sheriff, amount not ascertained, see pages 21 and 22 (13 and 14 in this copy.	
A judgment v. Wright and Co. in County Court, unsatisfied, Jan. 1833,	$61 73
Since which nothing has been paid.	

Although notes for the 2d and 3d instalments on lot 204 were turned over to Betton, Com'r. in Dec. 1838, he has only charged himself with the receipt of one of them in May, 1829, and makes the entry in full of the lot.

Lot 204 has probably been conveyed by the Commissioner. Lots 272, 273 and 201, were sold by the Sheriff, 13th April, 1829. No evidence is in this office, that lot 280 has been conveyed by the Commissioner, or sold to satisfy the judgment.

Statement A.

Judgment in County Court against A. W. Crews, unsatisfied, 11th Jan. 1833, for $27 02.

A. W. Crews, bought and paid

1825, April, In Old Town, Lots No.	142	for $37		
"	"	143	37	
"	"	226	76—	150 00
1828, 20th Aug. Int. and costs on lot 226				1 17 1-3

Note lot 226 has been conveyed by commissioner, the certificate is on file.

There is no evidence in this office that lots 142 and 143, have been conveyed by commissioner.

R. B. Butler, Commissioner.

Amount ascertained by deducting notes turned over from amount of sale, excluding payment which may have been made by R. C. Allen, on notes for 1st instalment.	$55 96
Notes for 1st instalment placed in hands of R. C. Allen. $23 18 1-3	
Turned over to J. P. Duval, Com'r. notes for 2d and 3d instalments. 70 55 2-3	

J. P. Duval, Commissioner.

1828, 20 Aug., by Harley, in full on lot 226, (price 23 18, int. &c. 1 17 1-3.	24 36
Turned over to Betton, notes for 2d and 3d instalments. 47 66	

T. R. Betton.

Charges himself with nothing received on account of crews.	
A judgment vs. Crews, unsatisfied, Jan. 1833, (this not all then due,) for	27 02

Since which nothing has been paid thereon.

Statement A.

Judgments and decrees in County Court, against Ede Van Evour, for $115 02.

E. Van Evour, bought and paid

1825, April, In Old Town, Lots No.	78 for $100			
" "	114	92		
" "	150	50—		242 00

The decree filed in Chancery alleges that Van Evour had not paid the 6 per cent on lot 78, or given his note for the instalments upon it. It is probable that he paid the 6 per ct. within 2cts on the whole amount of the lots $14 50. That by inadvertence this amount was deducted from the costs of lots 114 and 152.

	142 00
	14 50
And the remainder	127 50

was divided into three equal parts for the instalments 42 50, which would correspond exactly with the notes turned over to J. P. Duval, Commissioner.

R. B. Butler, Commissioner.

Probably 14 50 cash payment, and 42 50 for 1st instalment on lots 114 and 150.		$57 00
Turned over to J. P. Duval, Com'r. who passed to T. R. Betton, Com'r. notes for 2d and 3d instal's. on lots 114 and 150.	85 00	

T. R. Betton, Commissioner.

1830, 1st April, by R. Lewis, Sheriff, the amount not ascertained, see pages 21 and 22, 13 and 14 in this copy.		
Turned over to W. Alston, Com'r. judgment unsatisfied, for balance on lots 114 and 150.	15 02	
Decree for whole amount of lot 78	100 00	
	115 02	

W. Alston, Commissioner.

1835, 10th Oct. by Williams on lot 78 and bal on lots Nos. 114 and 150.	217 09

All these lots 78, 114 and 150, appear to have been paid for. But the following circumstances are remarkable. The certificate of lot 114 is on file and endorsed on it is R. Lewis, Sheriff's receipt to A. S. Thruston for 77 01, and that the lot was conveyed to Thuston, on 17th July, 1829, yet a payment was made subsequently on this lot 10th Oct. 1835, (see pages 21 and 22, 13 and 14 in this copy.)

Statement A.

Decree in County Court vs. Mary Brown, unsatisfied, 11th Jan. 1833, for $31 02.

This is the only mention in the records of any claim vs. Mary Brown.* No note against her is on the list of notes turned over by preceding Commissioners. The sale list makes no mention of her having purchased any lot, nor is it ascertained whether any lot is liable for the claim.

* In the bill filed in Chancery, it is stated that the claim vs. Brown was for instalments on lot 84, which on sale list is in the name of Crane.

Statement A.

Decree against G. *M.* Walcott, in County Court, unsatisfied, 11th Jan. 1833, for $115 62.

G. M. *W*alcott bought and paid

1825, April, in old town, lot No. 186, for	$100 00	
306, "	23 00	$123 00
1829, 20th August, cost and interest on lot 186		11 83 1-3

R. Butler, Commissioner.

Ascertained by deducting notes turned over to successor from amount of sale, excluding any payment which may have been made, on notes for 1st instalment by R. C. Allen,		$43 89
Notes for 1st instalment placed in R. C. Allen's hands with this amount due	$8 15	
Turned over to J. P. Duval, Com'r. notes for 2d and 3d instalments which he passed to T. R. Betton,	70 96	
	T. R. BETTON, Com'r.	
1829, 20th August, by Duval, for lot 186, (price 62 66 2-3 cost and interest 11 88 1-3		74 55

A decree in County Court against *W*alcott, unsatisfied 11th January, 1833, since which nothing has been paid $115 62

Both of these lots 186 and 306, have been conveyed by Com'r. How a decree came to exist vs. Walcott unsatisfied 11th Jan. 1833 for 115 62 is not ascertained. That amount is the whole cost of the lots after *deducting the* 6 per cent. But it is clear that $31 33 had been paid previously to Jan. 1828. And that 62 66 2-3 had been paid on 20th August 1829. So that even if the balance of note for 1st instalment, placed in Allen's hand is unpaid, the whole amount for principal due on 11th January, 1833, was $16 44 1-3.

Decree in County Court against Elsy Armber, unsatisfied 11th Jan. 1833, for $38 54.

On the sale list lot No. 85, is said to have been purchased by Elsy Armber for $41 00; among the notes turned over in January 1838, were none against E. Armber. On the 22d Sept. 1828, Duval Com'r. acknowledges the receipt from Hunt on account of lot 85, of $27 41; which was equal to two instalments on that lot. The certificate of lot 85 is on file and purports that A. Crane, bought the lot and paid the 6 per cent on it. Endorsed on the certificate are several assignments (one of them to Armber) and that the lot was conveyed to the assignee of Crane. In the bill in Chancery against Armber, (on which the above decree was obtained) it is alleged that Armber purchased lot 85 for $41 00, paid 6 per cent of the amount, and gave notes for the residue, and that none of these notes had been paid, (the bill was filed in 1829). The present Com'r cannot account for these discrepancies.

Statement—A.

Decree in County Court against J. D. Edwards, unsatisfied, 11th Jan., 1833, for $102 00.

J D Edwards bought,
1825, April, In old town lot 178 for $200
244 for 55— 255 00
Lot no 210 was also bought by Edwards, but he neither made a payment on it nor took out a certificate, 102 00
1829, 13th April, int and cost on 178 and 294 24 26

Paid R. Rutler, Com'r.

On lots 178 and 294 the amount ascertained by deducting the notes turned over to his successor, excluding any payment by Allen on notes for 1st instalment from amount of sale $15 30
Notes for one instalment on lots 178 and 294, placed in hand of R. C. Allen, 79 90
Notes for 2d and 3d instalment on lots 178 and 294, turned over to Duval, Com'r, and by him passed to Betton, Com'r. 159 80
1829, T. R. Betton, Com'r.
13th April, by Hall full amount of decrees vs. Edwards, for 2d instalment, cost and int. on lots 178 and 294, (Price 79 90, int and cost 24 26,) 104 1
1st June, by R Lewis, Sheriff (see pages 21 and 22) 13 and 14 in this copy)
A decree against Edwards in county court unsatisfied 11th Jan. 1833, (this was for lot 210 and passed to Alston, com'r. 102
W. Alston, com'r.
No date, by T Brown (a payment of 115 98, on lots 206 and 210) the am't paid on lot 210 not ascertained.

If any thing is due on 1st instalment it must be part of balance in hands of R C Allen, all of these lots have probably been conveyed by com'r., viz: Nos 178, 294, 210.

Statement—A.

Decree against Robert Mitchell in County Court unsatisfied 11th Jan. 1833, for $40 73 1-3.

By the records of the Court it appears that Mitchell was Exec. of Overton, and the decree was on account of lots bought by Overton.

S R Overton bought,

1825, April, in old town, lot 302 for			$26
"	"	"	303 37
"	"	"	307 37
"	"	"	305 30— 130 00

Note. There is no evidence in this office, that any of these notes have been conveyed by the commissioner.

Paid R Butler, com'r.

The amount ascertained by deducting notes turned over to successor from amount of sale, $89 26 2-3

Note for 3d instalment turned over to Duval, com'r, and by him to Betton com'r, for 40, 73 1-3.

T R Betton, com'r.

The decree vs. Mitchell Ex'r. unsatisfied 11th January, 1833, for 40 73 1-3

Since which nothing has been paid, and is the whole amt exclusive of interest.

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Statement A.

Decree in Court of Appeals against Henry M. Brackenridge for $277 96.

H M Brackenridge bought,			
1825, April, In old town, lot No 231 for	100		
279 "	50		
297 "	40		
298 "	75		
299 "	50		
300 "	50		
230 "	80—		$445 00

Paid Robert Butler, Commissioner,	
Amt. ascertained by deducting notes turned over to successor, from amt of sale excluding any payment which may have been made on notes for first instalment by R C Allen,	$36 70
Notes for first instal. placed in hands of R C Allen,	136 10
Notes for 2d and 3d instal. turned over to Duval, Com'r and by him passed to Betton com'r.	272 20
T R Betton com'r. Decrees were in court of Appeals vs. Brackenridge, unsatisfied Jan 1833,	277 96
Since which nothing has been paid.	

There is in this office no evidence that any of the lots bought by Brackenridge have been conveyed by com'r.

Statement—A.

Judgment in Justice Bradford's Court against S. Pilcher, unsatisfied 9th Jan. 1833 for $24 40.

S Pilcher bought,		Paid R Butler, com'r.	
1825, April. In old town, lot 268 for	36 00	Amt ascertained by deducting notes turned over to successor from amount of sale,	$13 50
		Notes for 2d and 3d instalment, turned over to Duval, com'r, and by him passed to Betton, com'r.	22 50
		T R Betton, com'r.	
		A judgment was in Bradford's court unsatisfied 9th Jan. 1833,	24 40
		Since which nothing has been paid.	

There is no evidence that this lot has ever been conveyed by com'r.

Statement A.

Notes against Romeo Lewis (on J. K. Campbell's receipt) due April 1828, for $35 42.

Romeo Lewis bought,
1825, April. In old town, lot 128 for 56.
127 for 56
128 57— 113 00

And paid R. Butler, com'r.
Amt ascertained by deducting notes turned over to his successor from the cost of the lots, $77 60
Turned over to J. P. Duval, who passed them to T R Betton, com'r., notes for 3d instalment, 35 40
T. R. Betton, Com'r.
When Betton turned over assets to W. Alston, Com'r. this note was on J. K. Campbell's receipt unaccounted for 35 40
Since which nothing has been paid thereon.

There is no evidence in this office that lots 127 and 128 have been ever conveyed by com'r.

Statement B.

The following notes, the receipt of which J. K Campbell acknowledged, remain to be accounted for, except that $230 was paid on account of them on the 10th December, 1833, and there being no means of ascertaining on which of the notes the payment was made, the notes are included in the Schedule.

Allen A. Hattan,				Instl. on L. in N.A. No. 135	
3 notes due 7th April 1829, '30, and '31, each for $25 95.		77 85			
3 " " " " " "	21 93 1-3	65 80	143 65	91	
E. K. Freeman,					
1 note due 7th April 1831, for	$16 92			No. 39	
1 " " " " 1830, for	59 30 Cr by 8	51 30		119	The notes for lot 119 have been pd to trustee, see p. 54, (end.)
1 " " " " 1831, for		59 30	127 52		
E. Doyle,					
3 notes due 7th Apl 1829, '30, and '31, each for	27 57 1-2	82 72		20	
3 " " " " " "	25 06 2-3	75 20	157 92	21	
R. C. Allen,					
3 notes due 7th Apl, 1829, '30, and '31, each for	6 58	19 74		15	
3 " " " " " " " "	23 81 1-4	71 43 3-4		89	See report p. 10, (7 in this.)
3 " " " " " " " "	21 93	65 79	156 96 3-4	92	
Thomas Brown,					
3 notes due 7th Apl 1829, '30, and '31, each for	$21 93 1-3	65 80		93	
3 " " " "	15 67	47 01		163	
3 " " " "	15 67	47 01		167	
3 " " " "	14 10	42 30		166	
3 " " " "	14 10	42 30		169	
3 " " " "	18 78	56 34		171	
3 " " " "	18 80	54 40		270	
2 notes due 7th Apl 1830, and '31. for	12 54	25 08		162	
2 "	20 37	40 74		170	
2 "	20 37	40 74		172	
2 "	32 90	65 80		269	
2 "	28 20	56 40		271	

Statement B.—Continued.

Thomas Brown,				
2 notes due 7th April 1830, and '31,	for $25 07	50 14		272
2 "	28 20	56 40		274
2 "	26 65 1-3	53 26 2-3	743 72 2-3	117
Thompson Mason,				
3 notes due 7 Apl 1829, '30, & '31, ea.	for 9 71 1-3	29 14		8
3 " " " " "	31 33 1-3	94 00		60
3 " " " " "	31 96	95 88	219 02	61
George F. Chew,				
3 notes due 7 Apl 1829, '30 & 31, ea.	for 10 03	30 09		178
3 " " " " "	7 84	23 52		179
3 " " " " "	20 37	61 11	114 72	219
Hugh L. Campbell,				
3 notes due 7 Apl 1829, '30, & 31, ea.	for 9 40	28 20		189
1 " " "	for 10 96 2-3. cr by 4 65	6 31 1-3		
2 " "	1830 & '31 ea. 10 96 2-3,	21 93 1-3		
1 " "	1829, for 12 53 1-3. cr. 87 1-2	10 66		190, '91 '92
2 " "	1830, & 31, ea. for 12 53 1-3	25 06 2-3		
3 " "	1829, '30 & '31, ea. for 12 53 1-3	37 59		
3 " " " " "	" 28 20	84 60	214 36 2-3	209
D. Faust,				
2 notes due 7th April 1830 & '31 ea.	98 70	197 40		125
2 " " " "	37 60	75 20		126
2 " " " "	56 40	112 80		127
2 " " " "	48 56 2-3	97 13 1-3		128
2 " " " "	25 06 2-3	50 13 1-3		129
2 " " " "	37 60	75 20		130
2 " " " "	10 34	20 68		281
2 " " " "	6 27	12 54	641 08 2-3	282

The credits endorsed on these notes were pd to com. 1st Jan. 1830, by J Y Garey, and the entry is made as 'realized from sales 20th July 1829,' under deeds of trust.

Statement B—Continued.

James Cameron,*					
3 notes due 7th April 1829, '30, & '31, each	10 18 1-3	30 55		No. 44	The crd's endorsed on these notes were pd to com'r 1, Jan 1830, by J Y Garey, and the entry is made as 'realized fm sale 20 July '29, under deeds of trust.
1 " " 1829, for 18 80, cr by	13 39 1-2	5 40 1-2			
2 " " 1830, and '31, ea. 18 80		37 60			
1 " " 1829, for 25 06 2-3, cr	15 69 1-2	9 37		45	
2 " " 1830, and '31, ea. 25 06 2-3		50 13 1-3		48 & 154	
3 " " 1829, '30, & '31, ea. 25 07		75 21			
3 " " " " "	34 83 1-3	103 30		98	
3 " " " " "	32 56 2-3	97 70 1-2		99	
3 " " " " "	6 26 2-3	18 80	428 06 2-3	198	*For condition of lots 44, 45, 48, see report pages 9 & 10 in this copy. The amt of note for lot 198 has been pd to trustee, see page 54 (end)
Richard Thomas,					
3 notes due 7th April 1829, '30, & '31, ea.	21 31	63 93		233	
1 " " " 1829, for 15 67 cr by	5 67 1-2	9 99 1-2			
2 " " " 1830, & '31, ea.	15 67	31 34		234 & 235	
3 " " " 1829, '30 & '31 ea.	15 66 2-3	47 00			
1 " " " 1829, for 11 28 cr by	4 65 1-2	6 62 1-2			
2 " " " 1830 & '31, ea. 11 28		22 56	181 45	236	
David Thomas,					
2 notes due 7th April 1830 & '31, ea. for	9 40	18 80		273	
" " " " " "	8 74	17 48		275	
" " " " " "	13 16	26 32		276	
" " " " " "	20 37	40 74		277	
" " " " " "	12 53 1-3	25 06 2-3	128 40 2-3	278	
Benjamin Tenille,					
2 notes due 7th April 1830 & '31 ea.	20 68	41 36		37	The notes for 1st instal on lots 79 & 80 were pd by J Y Garey and the entry is made 'as realized from sales 20 July '29, under deeds of trust."
" " " " "	33 52 2-3	67 04 1-3		79	
" " " " "	31 64 2-3	63 29 2-3		80	
3 " " " 1829 '30 & '31 "	15 04	45 12		81	
" " " " " "	14 41 1-3	43 24	260 50 2-3	223	

Statement B—Continued.

John Myrick,					
2 notes due 7th April 1829 and '30, each	26 63 1-3	53 26 2-3		No. 113	There were judgments unsatisfied in Bradford's Court for 1st instalment on these lots, Jan. 1833, for $85 26 1-2
do do do do do	32 90	65 80		116	
do do do do do	40 73 1-3	81 46 2-3	200 53 1-3	143	
James Barlow,					
3 notes due 7th April 1829, '30 & '31 ea	26 63 2-3	79 90		53	
	19 42 2-3	58 28	138 18	54	
David B. Butler,					
2 notes due 7th April 1830 & '31, ea.	42 30	84 60		102	
3 do 1829 '30 & '31	51 70	155 10		103	A judgment unsatisfied in justice Bradford's Court, for 48 56 2 3, being for 1st instalment on one of these lots.
do do do do do	48 56 2-3	145 70			
2 do 1830 & '31	48 56 2-3	97 13 1-3		105 109 112	
do do do do	48 56 2-3	97 13 1-3			
1 do 1829 for 48 56 2-3, Cr. by $5		43 56 1-3			
3 do do '30 & 31, ea.	59 86 2-3	179 60		106	
do do do do do	64 03 1-3	192 10		107	
do do do do do	39 16 2-3	117 50	112 43	108	
Alfred Evans.					
3 Notes due 7th April, 1829, '30 & 31, ea.	9 40		28 20	86	
Jos. M. Dupont.					
1 Note due 7th April, 1829 for 34 46 2-3, cr. by 23 88		10 58 2-3			The credits endorsed on these notes were paid by Garey, 1st Jan. 1830, and the entry is realized from sales 26th July, 1829, under deeds of trust.
2 do 1830 & '31, ea.	34 46 2-3	68 93 1-3		142	
1 do 1829 for 28 20 cr. by 19 28		8 92			
2 do 1830 & '31, ea.	28 20	56 40		146	
1 do 1829 for 23 50 cr.	3 87 1-2	19 62 1-2			
2 do 1830 & '31, ea.	23 50	27 00	211 46 1-2	147	
James Vanhorn.					
2 Notes due 7th April, 1830 & '31, ea.	31 33 1-3	62 66 2-3		97	Judg't in Bradford's Court unsatisfied for 62 66 2-3, for 1st instalment.
2 do do do	31 33 1-3	62 66 2-3	125 33 1-3	100	

Statement B—Continued.

William Cameron.					
2 Notes due 7th April, 1830 & '31, ea.	36 03 1-3	72 06 2-3		No. 131	A judgment in Bradford's Court unsatisfied for $36 03
2 do do do do	21 93	43 86——115 92		134	
William A. Slacum.					
1 Note due 7th April, 1829, for 10 65 1-3 cr.	3 83	6 82 1-3		222	
2 do do 1830 & '31, ea.	10 65 1-3	21 20 2-3			
1 do do 1829, for 11 59 1-3 cr.	1 53	10 06 1-3		279	The credits endorsed on these notes were paid by Garey, 1 Jan. 1830, and the entry is made as realized from sales 20th July, 1839, under deeds of Trust.
2 do do 1830 & '31, ea.	11 59 1-3	23 18 2-3			
1 do do 1829, for 4 70, cr.	3 37	1 33			
2 do do 1830 & '31, ea.	4 70	9 40			
1 do do 1829 for 4 70, cr.	0 61	4 09		254	
2 do do 1830 & '31, ea.	4 70	9 40		255	
1 do do 1829 for 4 70, cr.	1 99	2 71		283 & 284	
2 do do 1830 & '31, ea.	4 70	9 40			
2 do do do do	4 70	9 40——107 11			
Thomas M. Bradford.					
2 Notes due 7th April, 1830 & '31, ea:	12 54	25 08		29	
2 do do do do	12 85	25 70		30	The amount due on notes for lots Nos. 29, 30, 173 & 176 has been paid to the Trustee, see page 54 (end.)
2 do do do do	9 72	19 44		34	
2 do do do do	5 01 1-3	10 02 1-3		173	
2 do do do do	6 89 1-3	13 78 2-3—94 03 1-3		176	
James Bryan, Jr.					
2 Notes due 7th April, 1830 & '31, each	9 40	18 80		225	
2 do do do do	6 89	13 78		227	
2 do do do do	6 89	13 78		228	
3 do 19th Jan. 1830, 1831, 1832, each	9 71 1-3	29 14——75 50		218	
E. G. Miller.					
2 Notes due 7th April, 1830 & '31, each	42 30	84 60		139	
Wm. A. McRae.					
3 Notes due 7th April, 1829, '30 & '31, ea.	17 53	52 59		50	
3 do do do do	12 85	38 55——91 14		51	

Statement B—Continued.

Romeo Lewis.					
3 Notes due 7th April, 1829, 1830 & 1831, ea.	3 13 1-3	9 40		No. 181	
3 do do do do do	6 26 1-3	18 79		184	
3 do do do do do	5 01 1-3	15 04		186	
3 do do do do do	4 39	13 17		187	
3 do do do do do	3 76	11 28	— 67 68	203	
David Barker.					
2 Notes due 7th April, 1830 & '31, ea.	14 10	28 20		31	
2 do do do do do	15 66 2-3	31 33 1-3		32	
2 do do do do do	9 40	18 80	— 78 33 1-3	33	
Eli Gordy.					
3 Notes due 7 April 1829, 1830, 1831, ea.	13 16		—39 40	220	
Eli Gordy & Hester Barefoot.					
2 Notes due 7th April, 1830 & '31, ea.	23 50	47		221	
2 do do do do	8 14 2-3	16 29 1-3	— 63 29 1-3	224	
Joseph R. Betton.					
2 Notes due 7th April, 1830 & '31, each	54 83 1-3		—108 66 2-3	121	
Marcus W. Bull.					
1 Note due April 7, 1829, for 17 23 1-3, cr. 4 95	12 28 1-3			133	The order endorsed on this note was paid by Garey, 1st Jan. 1830, and the entry is realised from sale 20th July, 1829, under deed of Trust.
2 do do 1830 & '31, each 17 23 1-3	34 16 2-3		— 46 75		
Lewis D. Cook.					
1 Note due 7th April, 1829, for 9 40, cr. 2 51 1-2	6 88				
2 do do 1830 & '31, each 9 40	18 80			165	
1 do do 1829 for 12 53, cr. 2 51 1-2	10 02				
2 do do 1830 & '31, each 12 53	25 06 2-3		— 60 77	168	
William Hollis.					
2 Notes due 7th April, 1830 & '31, each	31 33 1-3		— 62 66 1-3	73	The first instalment on this lot paid by Garey and the entry is released from sale July 20, 1829.
Robert Pendleton.					
2 Notes due 7th April, 1830 & '31, each 8 74	17 48			185	
2 do do do do 23 81 1-3	47 62 2-3		— 65 10 2-3	188	
David Emanuel.					
2 Notes due 7th April, 1830 & '31, each	48 88		— 97 76	138	

Statement B—Continued.

Richard Mitchel.					
2 Notes due 7th April, 1830 and '31, each	$14 10	28 25		No. 35	
2 do do do do	18 80	37 60	—65 80	36	
Dennis Collins, Michael Burns & John Calvin.					
3 Notes due 7th April, 1829, 1830 and '31, ea.	12 53 1-3	37 60		199 & 200	
2 do do 1830 & '31	12 53 1-3	25 06 2-3			
2 do do do do	5 64	11 28	—73 94 2-3		
D. Collins & W Hollis.					
1 Note due 7th April, 1829, for $20 36 2-3, by	19 75	61 2-3		71	
2 do do 1830 & '31, ea.	20 36 2-3	20 36 2-3			
2 do do do do	16 92	33 84	—75 19	72	
Eli Lester.					
3 Notes due 7th April, 1829, 1830 & '31, ea.	24 75		—74 25	40	
Daniel McRaeny.					
2 Notes due 19th Jan. 1831 & '32, ea.	36 34 2-3		—72 69 1-3	114	
William Turner.					
3 Notes due 19th Jan. 1830, '31 & '32, ea,	10 96 2-3		—28 90 1-3	132	
William Basset.					
2 Notes due 7th April, 1830 & '31, each	23 50		—47 00	144	
Edward Ballard.					
3 Notes due 7th April, 1829, '30 & '31, ea.	17 54 2-3		—52 64	145	
Benj. H. Ivey.					
2 Notes due 7th April, 1830 & '31, each	13 47 1-3		—26 94 2-3	280	
John Reynold.					
3 Notes due 7th April, 1829, '30 & 31, ea.	7 52	22 56		193	
3 do do do do	6 27	18 81	—41 37	196	
Orren Marsh.					
2 Notes due 7th April, 1830 & '31, each	7 83	15 66		174	The amount of notes for lot No. 174 has been pd. to Trustee, (see page 54.)
3 do do 1829, '30 & '31, ea.	7 52	22 56	—382 00	183	
Joseph Warren.					
1 Note due 7th April, 1829 for 10 03, cr. by	5 41 1-2	4 61 1-2			
2 do do 1830 & '31, each	10 03	20 06	—24 67 1-2	5	

Statement B—Continued.

F. A. Cash.				
2 Notes due 7th April, 1830 & '31, each	10 96 2-3		—21 93 1-3	No. 208
John W. Cobb.				
3 Notes due 7th April, 1829, '30 & '31, ea.	6 89			
The note due 1829, cr. by	4 94 1-2		—75 72 1-2	205
Wm. Mason.				
2 Notes due 7th April, 1830 & 1831, each	8 61 2-3		—17 23 1-3	136
James S. Linn.				
2 Notes due 7th April, 1830 & '31, each	6 58 2-3	13 16		1
2 do do do do	4 70	9 40		2
2 do do do do	5 64	11 28		3
2 do do do do	9 40	18 80		4
2 do do do do	18 80	37 60		74
2 do do do do	18 17 1-3	36 34 2-3		75
2 do do do do	28 20	56 40		
3 Notes due 7th April, 1829, '30 & '31, ea.	28 28	84 84		77 & 265
3 do do do do	21 93 1-3	65 80		266
3 do do do do	34 43 1-3	103 30		267
1 do 1829, for 39 16 2-3, cr. by	4 00	35 16 2-3		
2 do 1830 & '31,		78 33 1-3	—550 42	268
Romeo Lewis.				
1 Note due 5th April, 1828,			35 42	This note for 3d instalment on lots 127, 128, in old town.
Duncan McPherson.				
2 Notes due 5th April, 1828, each	14 41 2-3		—28 83 1-3	This 2d & 3d instalments on lot 148, in old town.
One of these notes was probably 1827.				
Davis Floyd.				
1 Note due 25th June, 1830,			57 26	On what account this note was given is not ascertained.
From this amount is to be deducted payment made by G. K. Walker, on 10th Dec. 1833, on account of notes receipted for by Campbell, but for which of the notes not ascertained.	2 30			

Statement B.—Continued.

And the following amounts paid to the Trustee reported to the Commissioner since the schedule was prepared.		
On notes of E. K. Freeman.		
Balance on 2d & 3d instalments on lot 119,	110 60	
On notes of T. M. Bradford,		
For 2d & 3d instalments on lot 173,	10 02 2-3	
do do do 29 & 30,	50 78	
do do do 176,	13 78 2-3	
On notes of Orren Marsh.		
For 2d & 3d instalments on lot 174,	15 66	
On notes of Cameron,		
For the 2d & 3d instalments on lot 198,	18 80	
Being part of the amount to be accounted for by trustee,	219 65	—449 65
Leaving balance of notes receipted for by J K Campbell to be act'd for		$7,490 70 2-3

The discrepancy between this amount (obtained from the schedule,) and that given in the report, which last is based on assets turned over to Alston, Com'r. arises from the circumstance of the interest on payments which were previously made, being deducted from the aggregate amount of principal of notes placed in the hands of Campbell for collection.

Dr. The Territory of Florida in acc't and with C. G. English, Commissioner of Tallahassee. Cr.

1st July, 1839. To Salary of Commissioner to date (three months.)		$375 00	30th March, 1839. By amount of sale of fence around Capital Square:		
26 August. To amount transmitted to Cary W. Butt, Mobile, in part of premium awarded to him for plan of Capital. V. No. 1.		99 30	Amount of sale,	$76; 00	
12th Sept. To amount paid J. G. Padrick on account of contract dated 24th July, for enclosing Capital Square. V. No. 2.		400 00	Deduction of Auctioneer, commission, 6 per cent,	4 56	
1st October. To Salary of Commissioners to date.		375 00	Nett proceeds of sale as per statement. V. No. 11.		71 44
12th October. To this sum paid J. G. Padrick on account of contract, dated 24th July, for enclosing Capital Square. V. No. 3		100 00	6th November. By amount of three checks of treasurer in my favour on Planter's Bank of Savannah, for	150 00	
9th November. To this amount paid J. G. Padrick, in full, of contract, dated 24th July, for enclosing Capital Square. V. No. 4.		500 00		$1022 00	1572 48
9th November. To this amount paid R. B. Ker, county surveyor, for laying of N. W. 1-4 Sec. 36. T. 1. R. 1. N and W. into lots. V. No. 5.		175 00	By premium on check for $400, at 6 per ct.		24 00
16th November. To this amount transmitted by mail to treasurer of New Castle manufacturing company, being the amount of their bill for iron pipe and boring rods, 26th August, 18th and 27th September, 1833, (a draft on Planter's Bank, Savannah.) V. No. 6.		1022 48	16th March. By amount of check of Treasurer in my favour on Planters Bank of Savannah,		1000 00
			By premium on same at 6 per cent.		60 00
			20th December. By amount of two checks of Treasurer in my favour on Planter's Bank of Sevannah for,	100 00	
				327 52	427 52
			By premium on check for $327 52 cts., at 10 per cent.		32 75
			By error of commissioners in making contract with Ledwith, being over his bid.		40 00
26th November. To this amount paid J. G. Padrick, on account painting fence around Capital Square, according to agreement 29th October, being in part for same. V. No. 7.		200 00	Ballance due commissioner 1st January, 1840.		533 89
26th November. To amount paid R. Road Co. for transportation of iron pipes and boring rods.		31 30			3762 08

Dr. The Territory of Florida in account and with C. G. English, Commissioner of Tallahassee. Cr.

26th November. To amount paid R. J. Hackley for hawling boring apparatus from Depot. V. No. 9.	9 00
28th December. To amount, Cary W. Butt, Mobile, in full, of premium awarded him for plan of Capital. V. No. 10.	100 00
1st. January, 1840. To Salary of Commissioner to date.	375 00
	$3762 08

Commissioners Office, Tallahassee, 1st January, 1840.
(Signed,) C. G. ENGLISH, Commissioner.

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Membership - 1840

Western District

Hon. George Walker	SJ p. 3
Hon. Benjamin D. Wright	SJ p. 3

Middle District

Hon. William Bailey	SJ p. 3
Hon. James A. Berthelot	SJ p. 3
Hon. William P. Duval	SJ p. 3
Hon. Charles H. Dupont	SJ p. 3

Eastern District

Hon. John Warren	SJ p. 3
Hon William J. Mills	SJ p. 3

Southern District

Mr. English	SJ p. 4

The Senate Journal does not reveal the district in which the following Senators represent:

Mr. Hart	SJ p. 15
Mr. Hawkins	SJ p. 17
Mr. Meacham	SJ p. 19

Note: Mr. Hart appears in the 1839 Journal representing the Eastern Dist.; Mr. Hawkins from the Western Dist.