

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 Legislative 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 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 referred 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 committee 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 consideration, 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 further consideration of the subject.

All which is respectfully submitted.

CHARLES 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 across the Escambia river.

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 metallic 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 acceptable to a majority of our fellow-citizens in that quarter.

Besides, I have received a letter from the Mayor 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—Mr. President, Messrs. Mills 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.