A

JOURNAL

OF THE

PROCEEDINGS

OF THE

SENATE

OF THE

TERRITORY OF FLORIDA,

AT ITS THIRD SESSION.

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

TALLAHASSEE:
C. E. BARTLETT, PRINTER, STAR OFFICE.

1841.

3.

A JOURNAL

Of the proceedings of the SENATE *of the* LEGISLATIVE COUNCIL *of the Territory of Florida, at a Session held in the City of Tallahassee, commencing on the 4th day of January, A. D.* 1841.

MONDAY, January 4, 1841.

The following members elect appeared and answered to their names, viz:—

From the Southern District—Wm. F. English.

From the Middle District—Wm. P. Duval, Chas. H. Dupont, John D. Edwards.

From the Western District—D. G. McLean, Geo. Walker, W. H. Brockenbrough.

On motion, Mr. Dupont was called to the Chair, and Jas. S. Robinson chosen Secretary pro. tem.

On motion, there being less than a quorum present, the Senate adjourned until to-morrow 12 o'clock.

TUESDAY, January 5, 1841.

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

WEDNESDAY, January 6, 1841.

The Senate met pursuant to adjournment, and there being less than a quorum present, adjourned until to-morrow 12 o'clock.

THURSDAY, January 7, 1841.

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

FRIDAY, January 8, 1841.

The Senate met pursuant to adjournment, and there being a quorum present, the following members answered to their names and were qualified, by the Hon. William Marvin, viz:

Messrs. Brockenbrough,
Duval,
Dupont,
English,
Edwards,
Livingston,
McLean,
Walker.

On motion, the Senate went into an election for President, when Wm. P. Duval was unanimously chosen.

Messrs. English and Brockenbrough were appointed to conduct the President elect to the chair.

The Senate then proceeded to elect its officers, when Jas. S. Robinson was elected Secretary, Alfred A. Fisher Sergeant-at-Arms, Jas. Barry Door Keeper, and Daniel G. Gunn, David Bathwile, and John Poindexter Enrolling and Engrossing Clerks, who were severally sworn.

On moton of Mr. Dupont, a message was sent to the House of Representatives, informing that body that the Senate is now organized and ready to proceed to business.

On motion, the Senate adopted the Rules of the last session until otherwise ordered.

On motion, the Senate then adjourned until Monday 12 o'clock.

MONDAY, January 11th, 1841.

The Senate met pursuant to adjournment.

Mr. Cooper, from the Eastern District, appeared, was sworn, and took his seat.

The following message was received from the House of Representatives, viz:

The House of Representatives has been duly organised, by the appointment of P. W. Gautier, Jr. as Speaker, Jas. H. Gibson, Clerk, G. W. Parker, Assisstant, H. T. Copeland, Sergeant-at-Arms, and M. Ledwith, Door Keeper.

By order of the Speaker.

P. W. GAUTIER, Jr.
Speaker House Representatives.

JAS. H. GIBSON, Clerk.

Mr. Livingston offered the following resolution, which was adopted, viz:

Resolved, That a committee of two be appointed on the part of the Senate, to meet such committee as may be appointed by the House of Representatives, to wait on his Excellency the Governor, and inform him that the two houses of the Legislative Council are now organised and are ready to receive any communication he may desire to make. Messrs. Cooper and Livingston were appointed said committee.

The President appointed the following standing committees:

Judiciary.
Messrs. Brockenbrough,
Walker,
Dupont.

State of the Territory.
Messrs. Dupont,
M'Lean,
Edwards.

Of Claims and Elections.
Messrs. Walker,
Cooper,
English.

Finance and Banks.
Messrs. Brockenbrough,
Livingston,
M'Lean.

Schools and Colleges.
Messrs. Livingston,
Cooper,
Dupont.

On the Militia.
Messrs. Sanchez,
Edwards,
Pelot.

On Enrolled Bills.
Messrs. Edwards,
Pelot,
Dupont.

Mr. Dupont made the following motion, which was adopted, viz:—That the Secretary be authorised to have executed such miscellaneous printing as may be necessary, until a printer to the Senate shall have been elected.

Mr. Livingston moved that the Secretary of the Senate be authorised to subscribe for (10) ten copies each of the newspapers published in Tallahassee, to be furnished each member of the Senate, during the Session, which was adopted.

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

House of Representatives,)
January 11, 1841.)

Mr. President,

We propose to raise a joint select committee of three, on the part of each house, to draft Rules for the government of the two houses during the present session. By order

PETER W. GAUTIER, Jr.
Speaker House of Representatives.

Jas H. Gibson, Clerk.

Which was concurred in.

Messrs. Brockenbrough, Dupont, and Walker were appointed said committee on the part of the Senate.

Mr. Dupont offered the following resolution: which was adopted, viz:

Be it Resolved by the Senate and House of Representatives, (if the House shall concur,) That the joint rules of the last Legislative Council, be adopted as the joint rules for the government of the present Legislative Council, until the same shall be altered by the joint action of both houses.

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

We agree to your message informing us of your appointment of a committee of two on the part of the Senate in concurrence with a joint committee of this house to wait upon the Governor for any communication he may have to make. I have appointed as a committee on the part of the house, Messrs. Nunis and Bush. By order

PETER W. GAUTIER, Jr.
Speaker House of Representatives.

Jas. H. Gibson, Clerk.

Also the following:

The House of Representatives agree to adopt the resolution of the Senate adopting the joint rules of the last session, until altered by the joint action of both houses. By order

PETER W. GAUTIER, Jr.
Speaker House of Representatives.

Jas. H. Gibson, Clerk.

Mr. Livingston, from the joint committee of the Legislative Council, appointed by the Senate to wait on his Excellency the Governor, reported that the committee had performed the duty assigned them, and that his Excellency would forthwith send in his communication.

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

Fellow Citizens of the Legislative Council of Florida:

I congratulate you upon your occupation of the new Capitol The Chambers appropriated for your use are unfinished—but when the progress made in the work, at the conclusion of the last session is remembered, and also the difficulty of procuring workmen during a very sickly season, it is even surprising, that the building should have advanced to its present condition. When the Legislature shall again convene in annual session, there is every reason to expect, that both the capitol and the public square, will exhibit a spectacle, very different from the incompleteness and disorder, by which they are now characterized.

The Indian war still continues—and it is a very unpleasant duty to add, there is no immediate prospect of its close. Rumors have, it is true, reached this city, of the surrender of a number of warriors and their families, at Tampa and other posts, to the General commanding the army of the U.S. in Florida, and hope gladly seizes upon the report, and looks anxiously for peace; but a massacre at the South, in which an amiable lady, the wife of Lieut. Montgomery, of the U.S. army, is said to have been killed, affords other and gloomy forebodings. The *Indian* is like the *Carthaginian faith* of old; and experience teaches us, when their promises are most fair, the Seminoles are most faithless. Still, negotiation should be resorted to, whenever practicable, as one of the probable modes of leading to a termination of hostilities; provided, it be not accompanied by a cessation of arms. My solemn conviction remains unchanged, that it is only by incessant and hot pursuit, that such a state of suspense, disquietude, and alarm, will be produced, as to bring the Indians to unconditional submission. The late exploit of the gallant Colonel Harney, is well calculated to intimidate, and incline them to abandon their barbarous resistance.

It is said to be the expectation of those of the enemy, who have lately held intercourse with our officers, that the General Government will allow them to occupy a portion of Territory far down in the Peninsula. It is hoped, no ground has been afforded for such a belief. The dark drama of perfidy and slaughter, presented, after a recent treaty, upon the Carloosahatchie, would most probably be repeated; but if the Indians remained quiet, our people would not be content. There is blood upon too many hearthstones—too many comfortable homes have been made desolate—the citizens of of Florida cannot forget, if they would; and remembering, they will never tolerate the neighborhood of such fiends. Besides, a treaty upon such a basis, would be a mere truce. After the compacts they have made and violated, the Indians have no claim to favor or consideration from the United States Government, which is bound not only to chastise their misdeeds, but its honor is concerned in their speedy and entire removal to the West. Shall it

appear hereafter in our annals, that this great nation was foiled and forced from its purposes, by a few savages, who, after spreading terror through an extensive province, for several years, dictated their own terms, and constrained us to a humiliating acquiescence in them? The pride and dignity of the country would turn with disgust from such a record!

Upon coming into office I was struck with the defenceless situation of the country and the growing audacity of the enemy; and very soon perceived, the interposition of the Territorial authority was necessary for the protection of the settlements, along a line extending from St. Andrews Bay to St. Augustine. The means within my control were very limited—but the determination was formed to exert them to the utmost. Relying upon the Justice of the General Government to sustain what should be done to prevent the incursions of the enemy, and the horrors that ever accompany them—the Executive proceeded, under several Acts of the Legislative Council, to borrow money and raise such a force as was required, by the object in view. There was no difficulty in obtaining the service of volunteers—a patriotic and valorous spirit urged more men into the field, than could be accepted, and instead of Six hundred men to which the force on this side the Suwanneo amounted, as many thousand might have been easily obtained. The volunteers brought into service and officered under existing Territorial Laws, were tendered to the U. States General then in command, under the hope they would be received by him, and the Territory released from the trouble and expence of retaining such a force. The General declined, however, to accept them, and it then became a question of deep solicitude with me—whether they should not be immediately discharged, and a sole reliance placed upon the military operations of the United States? Advice and counsel were resorted to, from those who better understood the geography of the country and were better acquainted with the exposed situation of the settlements than myself, and the conviction was forced upon me, that if the militia were discharged, the country would be at the mercy of the enemy. The war *of posts* then carrying on, had produced no good result, and it was obvious, under that system, more men were required to keep the Indians in check, than the Army of the United States and the Militia of the Territory could furnish. The six hundred men were retained therefore, on this side of the Suwannee—and though the Indians made their appearance sometimes on the frontier, and lives and property were lost, yet it is confidently believed there has been less of murder and devastation for the last 12 months, than has occurred during any one year, since the commencement of the war. This assertion is not made in an arrogant and self-sufficient spirit; the credit is due to Col. Bailey who commanded the forces; to Colonel Blackburn—the brave officers and men who served under them—and to the indefatigable and energetic Colonel Collins, who occupied the head of the Quartermasters Department. For nearly eight months, these Troops

were employed in guarding the persons and property of our citizens, or in pursuing the enemy, and the hardships they endured without murmuring, the Indians captured and slain, and the camps broken up and destroyed, stamp upon them a character for fidelity, valor and subordination, such as any volunteers, in any country, might be proud to bear. It soon became obvious that the Eastern District needed a protection, which owing to the expiration of enlistments and of the term of service of a Regiment of Volunteers, could not be afforded by the Regular Army. The Commanding General called upon the Executive for five companies of footmen—orders were issued to the proper officers to cause them to be levied—but it was impracticable; they could not be obtained by voluntary enlistment, and a draft would have been followed by inextricable embarrassments. Four companies of Horsemen were therefore ordered into the Territorial Service; two of them West of the St. Johns, and two East of that River. There was some difficulty in keeping up this force, from the want of funds—for the Loans to the Territory had, with the exception of a single draft upon the North, been in Union money, which is almost valueless in East Florida. These measures it affords me pleasure to say, have been approved by the Secretary at War, who at first ordered a Regiment of Volunteers into the Service of the United States, and subsequently a Brigade, receiving the Territorial Troops as a portion of the same, and giving me assurances, that these should receive pay from the time of entering the Territorial Service, and that the just claims of our citizens for forage and subsistence, would be allowed by the Department. At this moment, these pledges are in the course of fulfilment; Officers of the Army are in Middle and East Florida collecting the claims and putting them in a train for payment, and it is not considered questionable, that our troops will be paid for their services, and the debt contracted to support the war by the Executive, discharged, both principal and interest. It was with reluctance, a resort was had to the mode of raising money *by Bonds*, but there was no alternative—the statute prescribed the security to be given, and a stern necessity required the money. There is a wide difference between Bonds for the defence of the People, and Bonds in aid of Moneyed Corporations. I thought then, as I think now—the country must be defended, and forms and even Doctrines are but a "feather in the scale," when weighed against imminent danger to the lives and property of our citizens. It is a source of gratification to know, that up to the moment when the Territorial Troops were transferred to the United States Service, every thing had been done, that could be done by the Executive, to defend and protect the people of Florida. And every thing is now doing,—the Brigade under Brigadier-General Read, will it is supposed, soon be in a state so perfect organization, and the Army under General Armistead, is reported to be engaged in an active warfare against the enemy. The foheme of *posts* is understood to be abandoned, except as *Depots*

and places of refuge for the sick and wounded, and *defensive* and *offensive* operations, are in a great degree wisely separated, and placed in different hands. It seems to me, however—that these services should be *altogether distinct* —to the militia of the country, its defence should be entrusted—while to a strong army, composed of Regulars and Volunteers, should be given in charge, the pursuit, capture and destruction of the Indians. Under the present plan, the service, so far as the volunteers are concerned, might be rendered more efficient, by providing it with a *Commissariat* and Surgical Department of its own; by extending the term of Service to 12 months or during the war, and by the multiplication of mustering officers, to be posted at convenient positions. The term of enlistment being only three months, a Regiment, or Brigade is scarcely in service, before it is discharged, and vexations and delays occur in mustering in, and out of service. Indeed, considering the nature of the struggle in which we are involved;—(one much more arduous, though the numbers we have to contend with are comparatively few, than if we were warring against hosts of civilized men;) the Federal Government would more certainly command success, by increasing the pay of the Army of Florida and by offering a bounty in Lands to both officers and men, at the conclusion of the war. It also appears to me, that some plan should be formed for the settlement of the country;—lands might be given to those who will occupy them, and associations for this purpose, furnished with arms and rations by the Government until their labors can obtain from the soil, a sufficient support, to enable them to dispense with the last. Money should not be an object, in comparison with the absolute necessity of subduing and removing the savages,—to effect which, the United States are bound by every obligation which their own Honor, and Justice to this unfortunate Territory, can impose.

With the view of making it useful in the present war, an attempt has been made to organize the Militia; the orders for that purpose accompanying this Message. I regret to say but little has been done, in compliance with them. Perhaps the distractions and embarrassments belonging to the times, have interfered to prevent the proper action, on the part of the officers commanding the Militia;—but my efforts shall not be relaxed—Florida it is evident, from her position upon the map of the United States, requires, more than any other portion of the Union, an effective Militia. In foreign Wars she will be easily assailed from *without*—and should the Abolitionists continue to entertain their vile visions and press their sacrilegious schemes—she will be most vulnerable *within*. Any amendment of the M[illegible] by you, will be heartily concurred in by me;—it seems [illegible] that such Laws should be clear, explicit and practicable;—the perplexity of details, some times defeats the most salutary measures.

There is abundant authority in the existing Laws, to enable the Executive and even subordinate officers, to call out the Militia in cases of emergency, and this authority has been several times exer-

cised by me. Upon a late occasion in East Florida, when the volunteers were engaged in a distant scout, and *Coacoochee* and his banditti murdered several United States soldiers and sacked a plantation within two miles of the most ancient city of the Union—Brigadier-General Hernandez was ordered to bring the Militia into the field—before the order could be complied with, the Volunteers returned, the Indians departed and it was countermanded. Whenever the necessity exists, I shall not fail to call upon the people to protect themselves—with the full belief that the General Government will support me in every measure proper to be resorted to, for the purpose of averting a threatening or impending danger.

Our settlements are scattered—it is impossible to place an armed force at every man's door. Citizens who select remote and exposed situations, must endeavor to protect themselves. This can only be done by supplying themselves with arms and using them fearlessly, when a crisis arrives. It is known by experience, that one determined man can defend himself, from a house, against many Indians. There is another defence which is too often neglected. The Indians emboldened by their good fortune, not only attack houses in solitary places, but often appear in thickly settled neighborhoods; every Homestead should be in fact, a castle—and palisades or pickets be thrown around every dwelling. Carefulness and a cautious preparation would prevent many a massacre by the enemy.

Injustice would be done to my own feelings, and to the truth of the case, were I not to say, that since I have been in office, the President of the United States, and the Secretary of War, have manifested every disposition to promote and advance the interests of this Territory;—especially has the war with the Indians been a subject of deep concern with them. It is very easy to complain of those in authority, and to heap obloquy and reproach upon the army of the United States; but, fault finding is often erroneous, and the accusations of malice and invective any thing but truth. If the administration has at any time erred, it is because its agents upon the spot, have been wanting in soundness of judgment, and conveyed to it injudicious speculations; if the army has been at any time remiss, it is because opportunities have not been afforded of proving how deeply it is imbued with patriotism and the love of glory. Of both regulars and volunteers, now in the field, it is but justice to say, they appear to be most anxious to perform their duty, and to do good service to this country in her "bitter day."

My own accounts of money borrowed and disbursed, are in a state of forwardness, and will soon be submitted to you; it is believed they will be found entirely *correct*. The Executive is proudly conscious of a steadfast zeal to perform its duty to the U. S. and to the people of Florida—it may not have possessed the ability to carry out its wishes; but public calamity, and domestic affliction, have not been permitted to interfere with incessant efforts to shield the country from a ruthless foe, and to advance its prosperity.

It is to be regretted that the currency of the Territory remains in

in an unsound state. The bills of the three banks now in operation, are much depreciated; serious doubts are entertained of the solvency of two of them, while the Union Bank is embarrassed, and unable to resume specie payments. Every portion of the country is suffering, and the Middle District, perhaps, more than all. It is true, this District is wealthy, but of what avail are houses, plantations and slaves, when debt hangs like a cloud over them; when specie has disappeared, and exchange gone up to a high rate; when the Court dockets are thronged with suits, and if brought under the hammer, property must be sacrificed, and a constitutional currency cannot be procured to purchase it; when the necessaries, to say nothing of the luxuries of life, are vending at enormous prices, and the appreciation of the principal staple of the country, is, of necessity, added by the merchant to the price of his goods, and bears with a heavy weight upon the planting interest? Who would not prefer "the hand full in quietness," to both hands full, with such "sorrow and vexation of spirit?" If this young and blooming Territory had never chartered a Bank, the evils under which she at present labors, had probably been avoided. Such are the attractions of Florida, capital would have found its way hither—the march to wealth might have been slow—but it would have been sure, and the object when attained not glittering and hollow, but sound and substantial. But the policy of the Territory has been otherwise; there seems to have existed a passion for corporations; Banks were sown broadcast thro' the Land; repeated failures served but to whet the appetite for other Institutions; and mismanagement, extensive and imprudent issues, and a sole reliance upon credit have brought us to the condition in which we now are, and which all must deplore. The Banks however are *here*—the Legislation of the Territory although imprudent, has created them—and whatever may have been their errors, they are entitled to their legal privileges and to that justice which belongs alike to natural and artificial persons. As to the authority by which these charters are created—it is not deemed important to enter into that question; it has already been brought to the notice of the General Government, which unquestionably, has a deep interest in it—but the liability of the Territory for the Banks, in the shape of Bonds amounting to near four millions of Dollars, should never cease so long as it endures, to occupy the attention of the Representatives of the People: It is to be desired that the Territory could be separated entirely from the Banks; that by some negotiation with the Bondholders, her securities may be taken up and cancelled, and the Bonds and Mortgages of the Stockholders substituted for them; and with such substitution, the Bondholders might be placed in the relative position the Territory now occupies towards the Banks—appointing Directors and receiving such benefits as the charters provide for the Territory. So far from there being *bad faith* or a want of *honor* or *honesty* in repudiating these bonds,—it is entirely consistent with *good faith* thus to deal with them. They were obtained through a Legislation partial

and unjust. What right had a few hundred Stockholders to make the whole people tributary to *their* schemes of moneyed aggrandizement? In the whole East, there *are but few shares* of stock owned in the Union Bank, and the Bills of that Institution have never been available there. Why should the people of the East then, be liable for the Debt of a Bank, in which they have no ot or part and which has not benefitted them, nor is likely to benefit them, in any respect? The Bills of the Pensacola Bank have perhaps never been seen in East Florida--and is it *honor* and *justice* and *good faith* that the people of that District should be bound in half a million for that Bank? The Bills of the Southern Life Insurance and Trust Company have been more generally useful as a circulating medium; but its favors have been partially bestowed; the promises with which it sat out, disregarded; its affairs it is firmly believed, mismanaged, and its concerns conducted, like those of most Institutions of like kind, for the profit of the *few* to the injury of the *many*. Why should the people and their posterity be required to groan under a load of Debt for these Institutions? Is it *good faith* and *justice* to *Florida*, to bind her hand and foot to corporations, which have done nothing for her, and require her to do every thing for them? Where is the money, these Banks have, in the form of *bonus* or any other form, brought into the Treasury; and what have they produced but appearances of prosperity, sometimes so unreal as to remind us of those fruits that are said to grow upon the shores of the Dead Sea;—they are beautiful to the eye but dust and ashes in the core, and bitter to the taste? Again, is it according to the principles of good faith and honor to hold out the belief, that the people are responsible for obligations, they never intend to discharge? It will not do to say "they never will be called on to pay!" No man can speak with certainity of the future. The charters may ultimately work *well*, but so far, they have worked *ill*;--and the fallacy resting at the base of these transactions, is sufficient to induce us, to get rid of these Bonds, as speedily as possible. They purport to bind the Territory, and when pay day comes, if the Banks cannot redeem them, their holders will look to the people, *who never will consent* to bear the burthen of taxes, required to discharge them. Why should the holders of these Instruments be longer deceived? They possess bonds *which they never can collect* from the Territory. It is proper, they should distinctly understand this truth. It is to their interest, to take the Security which the Bonds and Mortgages of Individuals afford, and relinquish "the moonshine" in the shape of Territorial faith, which when they attempt to touch, will elude the grasp. I ought not to omit to mention, that during the past year an exertion was made to disinter and reanimate at St. Joseph, the long departed but never to be forgotten "Magnolia Bank." This attempt to quicken a "Heart under the very ribs of death"--proved abortive, and will not probably, be again repeated.

[illegible] annual message, *scrutiny* was recommended; that

recommendation is repeated. The Legislature should possess itself of a thorough knowledge of the condition of the Banks. If they can be sustained and made useful to the public, they should be; if not, the sooner their affairs are wound up—always having in view the interests of those who are indebted to them—the better. At all events, the evils of a depreciated currency, with which the country is afflicted, should be brought to an end. Let a period be fixed for specie payments and in coming to a determination upon this delicate subject;—let the chartered rights of the Banks, the pressure upon the community; the present short crop of cotton—and the difficulty of relapsing from a state of distension and plethora to a sound and healthy condition, be all fairly weighed and considered. I would not if I could, pull down these Institutions and scatter their fragments to the winds; such disorganization neither comports with my principles or feelings;—but I deem it the duty of the Legislature to set apart a day for the resumption of Specie payments—regarding in so doing, as far as possible, the convenience of the Banks, and the convenience of their debtors—but regarding still more the general convenience and the public good. If the Banks will pay Specie, our *ills* are at an end,—nor is it considered an impracticable operation to return to a *metallic* currency, within a reasonable time. In the East and the South, where the people have willed it—Gold and Silver have appeared at their bidding. Gold and silver pieces are as common beyond as a paper currency of all sorts and sizes is on this side the Suwance, and it is remarkable, to the West of that River, the precious metals are only to be seen in trinkets and ornaments. In Key West a supply of specie has been usually in circulation. The Will of the People can be made to act with the potency of a spell upon this subject, and Treasures will flow in abundantly whenever *it* requires them. With a strictness of dealing on the part of the Legislature and the exercise of prudence and forecast on the part of the Banks—it is not denied that the latter may be made eminently useful to any country; but whenever it shall so happen, that Bank paper is permitted to expand beyond the means of redemption—and there is a general indebtedness to these Institutions; above all, whenever they shall attempt to influence Elections, and seizing upon political power, to rule the Land—Liberty itself is in danger—unless the People—a vigilant and determined People—come promptly to the rescue.

It is supposed by some, that an alleviation to our troubles is to be found in Stop or Stay Laws. Those who entertain such opinions are deluded. Such laws have not succeeded in those States where resort has been had to them, but have produced a disregard of contracts, and a want of credit, which have but increased embarrassments, impaired the moral sense, and deepened wretchedness. Besides, it is believed such laws cannot be adopted, without infracting the Organic Law, and violating the Constitution of the United States. The remedy is to be found in a rigid economy, both of banks and

people—let the first retrench their loans, and both their expenses—let the creditor exercise forbearance to the debtor, and the debtor exert himself to pay his creditors--let property be taken in payment of debts, at liberal prices; and specie be demanded as seldom as possible. It is understood that the Union Bank has set an example, which deserves to be followed--no new loans are made, and partial payments only are required from her debtors. A determination carried out of contracting no new debts, accompanied by frugality and plainness of living--mercy on the part of the creditor, and justice on that of the debtor—will do more for the *relief* of our People, than the most cunningly devised *Relief Laws*, that could be framed by human ingenuity.

By the law of the land, it is not permitted to any person or company, to issue change bills below the denomination of one dollar. Is not this law every day violated--and does not the common use of such small-change banish coin from circulation, which, if the paper, were withdrawn, would soon supply its place?

There are many acts of Incorporation, which should long since have been swept from your statute books, either by the action of the Legislature, or of the Courts. Among them are, the acts incorporating the Jockey Clubs of Tallahassee and Quincy, and the Dade Institute. The sports of the Turf might be enjoyed, by those who affect them, without corporate privileges; and the act establishing the Institute just mentioned, is one of the wildest productions of incorporating fury. It is not intended to deny good intentions and good feelings to its founder, and those who support him—but no one can read the statute, without perceiving how extravagant, and utterly impracticable are its provisions.

The condition of the bank of Pensacola has been adverted to. I deem it my duty to say, if after a due investigation of the affairs of that Institution, it shall appear, that the bank can be placed in a state of entire solvency, by the completion of the Rail Road, with which it has connected itself, a petition should be preferred to Congress, for a grant of land to enable the Company to complete that work. If the Rail Road, in full operation, would revive the sickly fortunes of the bank, it would also be conducive to the prosperity of Pensacola.

Our people have sustained severe losses during the present Indian war, and the question whether they shall remain unrequited and unindemnified, is one of great interest to the Territory. The United States were the guardians, and so to speak, the *keepers* of the Seminole Indians; without consultation with the people of the Territory, they made treaties with them, and attempted their removal when unprepared to effect it. The soldiery, at the breaking out of the war, was withdrawn, to a man, from the East of the St. Johns, and then followed--the utter ruin and destruction of the valuable sugar and cotton estates below St. Augustine — other devastations ensued; lives were lost, and feelings lacerated, for which no Treasury is competent to afford compensation; but if,

from a sense of justice, the United States have consented to pay for losses of property in 1812 and 13; because they stimulated the rebellion against the Spanish authorities, and sanctioned the injury to Spanish subjects, much more are they bound to pay their own citizens, for losses sustained through the negligence and want of preparation of the Government. The rules which apply to civilized warfare, do not attach to this. The United States should not have attempted the removal of the Indians, unless in a condition to accomplish it. Every one knows, if a large force had been provided at the time, the removal had been effected, without war and bloodshed. As it was, the Indians took advantage of our weakness, and correctly calculated, and made the most of their own strength. The Government is responsible for *its own laches*. If he who has the custody of a beast of prey, in carrying him from one place to another, through negligence, suffers him to escape, and destroy life and property, on the plainest principles of right and wrong, he is responsible for the damage done. It is understood that nice distinctions are drawn by the Congress of the United States —plantations occupied by United States troops, and destroyed by the enemy, are to be paid for, and none else. The distinction is without a difference; the United States, from want of due caution, permitted the Indians under their care, to inflict suffering and wrong upon our innocent and unoffending people, and every consideration of right and justice, demands that these same United States should make the proper reparation. It is recommended to you to take special action upon this important subject.

Heretofore it has been my practice to nominate for Territorial offices, to each branch of the Legislature, and to receive the confirmation upon them, of both Houses. This course is believed to be erroneous; I submit whether the *confirmation* or *rejection* should not be made by joint ballot. According to the organic laws, *the Legislative Council* is required to act upon the nominations of the Governor. Now, if the old practice be pursued, a majority of the Council may assent to the nomination, and yet it may be defeated by a minority of the same body. Suppose, for instance, the House of Representatives unanimously assents, and the Senate dissents in like manner—the majority is in favor of the nominee, and yet he is rejected!! It is respectfully recommended to you, to adopt a joint rule, by which the Senate may convene with the Representatives, in the Representative Hall, and ballot upon the nomsnations, from time to time made by the Executive. My convictions on this head are strengthened by the first section of an act passed on the 21st of January, 1829, entitled an "act to authorize the citizens of the Territories of Arkansas and Florida, to elect their officers, and for other purposes." The provision is—"That the citizens of the Territory of Arkansas, qualified to vote, shall and may, at such time and place, and under such rules and regulations as the Legislature of the Territory may prescribe, elect their officers, civil and military, except such as by the laws of Congress are to be appointbyed the President of the United States,

and except also, Justices of the Peace, Auditor and Treasurer or said Territory, who shall be chosen *by joint vote of both houses of the Legislature*. at such time, and for such term of service as the said Legislature may prescribe;" and again, by the fourth section, it is declared, "that it shall be lawful for the qualified voters of the Territory of Florida, to elect their officers, civil and military, in such manner, and under such *rules, regulations, restrictions and conditions*, as are prescribed in the two first sections of this act." Does it not seem, as the Legislative Council of Florida now consists of two Chambers, the Auditor and Treasurer, and Justices of the Peace, should be chosen by joint ballot, and if the principle be just as to these officers, why not so, in regard to others, who are required by the law to be nominated by the Governor? I wish it was the practice to require the Legislature to nominate, and the Governor to approve; but as it is otherwise, the Executive must be expected in all cases, to exercise the discretion vested in that department, by the laws of Congress.

Your Treasury is without funds to meet the current expenses—it has not yielded money enough to pay the salaries of the Territorial officers dependent upon it during the last year. That policy which would drain the purses of the people to provide for public wants, is ruinous and oppressive—but there are expenses which, even under a Territorial government, must be incurred, and can only be defrayed by taxation. Among the objects for which expenditures are necessary, are the apprehension and prosecution of criminals, and Jailers, Sheriffs, and Marshals fees, for the arrest and safe keeping of prisoners. You cannot enforce your criminal laws without providing for these—but I am inclined to think, a very limited list of subjects, with a proper rate of taxation upon them, would furnish the Territory with sufficient revenue for every legitimate purpose, and from those, too, who are best able to bear the burden. I suggest therefore, for the purpose of supplying the wants of the Treasury, that a tax be levied upon billiard tables, circusses and shows, pleasure carriages, race horses, taverns, licenses to retail spirituous liquors, banks unless their charters contain some inhibitory provision, auction sales—and I would add, though it is confessed with hesitation, *upon every device of professional gaming*. Heavy taxes, and heavy penalties to enforce their payment, would probably check at least, the progress of this ruinous vice. Your laws against gaming are severe enough to extinguish the offence, and banish the offenders from the Territory—if the severity of human laws could effect any thing. But the evil has gone on, increasing year after year, to the detriment of public morality, and the encouragement of a passion fatal in the disastrous excesses to which it leads! Should you deem a more extended range of taxation necessary—it is recommended that no taxes be levied upon the lands, negroes and other property of those who have been driven from their homes, or kept from the cultivation of their lands by the existing Indian war. Might it not be proper to appoint

your Collectors and Assessors for the several Districts in the Territory, rather than for the Counties?

There are certain claims against the Territory in East Florida, for services rendered and provisions furnished during the present War—which were existing when I came into office, and the evidences of which, I regret, cannot, through adverse circumstances, be presented to you. Of the Claims of the first Class mentioned, are those of Colonel Robert Brown of Columbia County in behalf of his Regiment, and of Major Isaac Garrason of Alachua for his Battalion for services in the field as they insist, under the orders of the Governor. After the adjournment of the last Session of the Council, I deputed a Commission consisting of the Adjutant and Inspector General and the Quartermaster General to Newnansville in Alachua, to examine these and other claims—but owing to the shortness of the sojourn of these Officers, and to some misapprehension between them and the claimants- no thorough examination was had. It was then determined by me, to examine them in person, during a visit to the East, which had been fixed for the month of May, but did not from the pressure of public duty, take place until August. Circumstances beyond my control did not allow me to carry my intention into effect, and these claims are yet outstanding and unliquidated. I commend them to your serious and favorable consideration, and if upon ascertaining the amount due, the Territorial Treasury is inadequate to their payment, I recommend a strong appeal to Congress in the form of Resolution or Memorial. All just Claims should be settled by the Government—and speedily.

The opinions heretofore expressed to you, upon the subject of entering the Union as a State, are unchanged. To divide the Territory at this moment would be productive of numerous disadvantages both to the East and the West. Hereafter should it be desirable and considered beneficial to both Sections, an arrangement may be entered into, under the State Government, for Division. Now, when Land and other Speculators are looking down from a distance, upon the peninsula, and anxiously and greedily expecting the termination of the War; when its population has almost forsaken the country, and is only to be found in towns, villages and posts; when the Blacks from the British West India Islands are, as I am credibly informed, holding intercourse with the Main, and Abolitionism is preparing itself for a vigorous onset—*now* is not the time for East Florida to rend asunder the ties that bind her to the West. To her—the policy is suicidal; to the West it is scarcely less so.

John P. Duval Esq. has informed me he has prepared a Second Volume of Laws, containing private Acts—Acts of Incorporation and Resolutions of the Council, Acts of Congress respecting Florida and the Treaty of Cession, with a copious Index. I have not had time to examine the work, but suggest to you—should it be approved by you—the propriety of soliciting from the General Government, such an appropriation as will procure its publication and distribution throughout the Territory.

I am aware the juncture is not favorable for obtaining appropriations for Internal Improvements from the General Government. If obtained for our Roads and our Rivers, they could not always be applied, while the Indians are unsubdued; but, the improvements and defences of our Bays and Harbours should be constantly urged upon the attention of Congress. Such improvements would be not only *for Florida* but *for the Union*. The Sea Wall at St. Augustine is in an unfinished state—and the Fort St. Marks [Marion] rapidly dilapidating—the completion of the one and the thorough repair of the other should be immediately asked for; the first is necessary to the health, comfort and security of the city—the last for its defence and as an asylum for women and children in the day of trouble, which I trust may never come—but for which a prudential caution should provide. It is surprising, that Fernandina has so long escaped the attention of the General Government, since its position is most eligible for a Naval Depot. The Bars at the Mouth of the St. Johns and the Harbour of St. Augustine, might with a due exercise of skill, be improved. Defences are wanting at Indian Key and Key West. It occurs to me, that an Inspectorship of Customs attached to the Collection District of St. Marks might be established, with advantage, at Cedar Keys, near the Mouth of the Suwannee.

The Code for the punishment of offences by Slaves and Free People of Color is very defective. I ask for it your revision and correction;—it will be found that, among other defects, it does not sufficiently provide for the punishment of those who may aid and consort with the Indian Enemy. In relation to these classes of persons, punishment should follow quickly upon the footsteps of crime, and it is recommended, that an application be made to Congress so to amend the Organic Law, that all offences by them committed, be brought to a speedy trial, before Tribunals to be established by the Legislative Council for that purpose. Free Negroes should be placed under the guardianship of respectable white persons, and under such superintendence, they may be made useful to the community and themselves.

It has long been my opinion, that the Jurisdiction over Wills and Administrations—estates and Orphans—should be separated from the County Court Judiciary, and confined to a single individual in each county, learned in the Law, with ample power; with suitable fees to compensate for his labors, and with appeal from his decisions to the Superior Courts.

As the Law at present stands the United States District Attorneys are permitted to appoint Deputies—it is questioned whether the Territory possessed power to authorize such a delegation of authority—or, if so—whether it is prudent to confer it. In the absence of the District Attorney, the appointment of the prosecuting officer, should it seem to me, be vested in the Court.

Should not the election for Delegate be fixed at an earlier Period, than the first Monday in May? If there is ever a called Session,

before that time and after the expiration of a Congress, Florida would not be represented and her interests might suffer in consequence.

I advise that measures be taken to cause the Laws to be published in every Judicial District in the Territory;—they would have been so published, during the past year, by my order, had not the Secretary of State determined they could be published in three newspapers only. Should not the Decisions of the Court of Appeals be published in the journals printing the Laws, for the information of the Bar and of the People? In this connection, I take leave to express my regrets, that the Laws of the late Session of the Legislature, have not been distributed, as promptly as they should have been. There has not been a dollar in the contingent fund of the Territory, for the last year, and the Executive has been compelled to transmit the Laws, as opportunity offered—by private conveyance, to various parts of the country.

The Resolutions instructing the Delegate, in relation to several important matters, were duly transmitted to him. I am not aware that any action has been had upon them, at Washington.

I submit to you if it might not be proper to endeavor to obtain for he Judges of the Territory, better Salaries, and a per diem allowance, while they are sitting as a Court of Appeals—and also, an appropriation for a Library for the Court of Appeals.

In proclaiming the Adoption of the Constitution of St. Joseph, I but performed a duty required at my hands by the Convention, and for which I am responsible to the People. None but the People have a right to question and command me upon this subject—but, as there is no mystery about it and nothing to conceal, should the Legislative Council consider it important, a statement of the vote upon the Constitution, will be communicated, upon your request.

Your Criminal Code needs reform—its barbarous punishments should be abolished, and some grave offences, to which light punishments are annexed should be visited with heavy penalties. Look at the punishments of manslaughter—assault with intent to murder—Duelling, and Libel—are they such as to prevent these crimes, or do hey not rather encourage offenders to stalk abroad at noon-day, deriding the Laws and scorning their judgments?

Erroneous notions seem to have taken root—respecting *Bail*; and it has been held, that the English Rule, which is the Rule adopted by most of the States, does not apply with us; that is to say, a man charged with a capital offence, is less guilty here than elsewhere—and is entitled to lenity and respect from the Laws. Such a position is monstrous, and if there be any doubt as to offences that are bailable, and those which are not, it is high time it should be settled by legislative enactment.

The want of Jails retards the enforcement of the Criminal Law. There should be at least one jail in every District; and I recommend you to ask as much, from Congress. Fortunate would it be for this Territory, if that body would aid you, by a Grant of Lands, to establish a Penitentiary; the Fort at St. Augustine might, with re-

pairs, be used for that purpose, and the introduction of imprisonment and labor into your penal code—would not fail, as it has done elsewhere, to reform the guilty and promote the cause of humanity.

To prevent frivolous prosecutions, there should be a prosecutor *in every case*, responsible for costs, in the event of a verdict of "Not Guilty"; and where the proceeding is upon Presentment, it should be the duty of the Grand Jury to furnish the Prosecutor.

It often happens, that a fine is imposed, which the Defendant is wholly unable to pay and then an application is made for Executive Interposition, which, from the necessity of the case, succeeds; thus, he who is without money, is independent of the Law and escapes punishment. Might not the provision be a salutary one, if where the Defendant is unable to pay a fine, imprisonment or some other punishment be inflicted upon him?

To make the laws equal in their operation, the punishing power should in all cases be taken from the Juries, where it is now vested, and deposited with the Courts. In some parts of the ocuntry, certain offences, from their common occurrence, or other cause, may be thought lightly of; and the Juries will visit them lightly; while, elsewhere, the same offences may be deemed of some enormity, and the Juries will punish them with severity. There should be a *maximum* and *minimum* annexed to all penalties, and within those points, the Judicial discretion may safely be left to operate. The Judge will hold the balance even, and distribute equal justice throughout his District.

Appeals in criminal cases ought to be abolished, they but embarrass criminal justice. The Pardoning power stands, in our Organic Laws, in place of the Appeal, and when properly exercised, is as efficacious to the accused.

The Law against carrying Secret Arms does not, it is believed, prevent the practice; indeed, I am constrained to say, of the Criminal Justice, there is not generally that respect for it and wholesome apprehension of consequences from its infraction, which belong always to the Law abiding and the lovers of peace and good order. There is extant, a spirit above the Laws, which seeks to make a law for itself and relies upon violence for the execution of its purposes; a Spirit which while it triumphs over the Laws of the Land, elevates the Code of *False Honor* and exults in what it miscalls CHIVALRY; a Spirit which if permitted to spread itself, will introduce confusion and bloodshed and death into Society; for there is a point at which the most peaceful and forbearing will resist, and if the laws cannot protect them, Men will defend themselves. The Laws, in this happy country, are but the will and voice of the People, and if the People themselves, do not enforce obedience to their own mandates, they are no longer the Sovereigns of the Land, but the refractory and disobedient lord it over them.

Fellow Citizens, it is a prime and sworn duty pertaining to the official character I hold, "*to take care that the Laws be faithfully executed.*" I have endeavored to acquit myself of this solemn obliga-

tion, to the best of my ability—and without feelings of prejudice or partiality to, or against any man. I shall continue to make the same effort, relying upon the wisdom and patriotism OF THE PEOPLE OF FLORIDA to support me in sustaining THE SUPREMACY OF THE LAWS.

Allow me to remind you, in conclusion, that we have just passed through the excitements of very strongly contested elections ;—these agitations, I am sure, you will agree with me, should be subdued and put at rest ; they should not be suffered to impede and warp the progress of legislation. It is only by the exercise of a charitable feeling and conciliatory spirit, that we can make our labors profitable to the Territory—and I assure you, while the Executive adheres to its own political principles, and must be governed by them, it desires to exercise respect, forbearance and tolerance towards the differing opinions of others ; but most of all, is it anxious to unite cordially with you, in rendering substantial and acceptable service to our unfortunate and bleeding country.

ROBERT RAYMOND REID.

Executive Office, Tallahassee, Fla.
January 11, 1841.

Which was read, and 100 copies ordered to be printed.

Mr. Brockenbrough offered the following Resolution, which was adopted :

Resolved, That the Secretary of the Territory be requested to furnish a copy of Duval's Compilation, and the acts of the last Legislative Council, for the use of each member of the Senate.

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

TUESDAY, January 12, 1841.

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

Mr. Dupont offered the following resolutions, viz :

1. *Be it Resolved by the Senate and House of Representatives of the Territory of Florida*, That this Legislative Council do, in the name of the people of Florida, tender to Lieut. Col. Harney, of the United States Army, now operating in Florida, their cordial thanks for zeal and energy displayed by him as an officer, in the prosecution of the heretofore humiliating, and yet harrassing Indian war, which has so effectually desolated the fairest portion of our afflicted Territory.

2. *Be it further Resolved,* That as the guardians, as well of the honor, as to the interests of our constituents, we do unanimously approve of the course pursued by the said officer in his late gallant affair with the Indians in the Everglades.

3. *Be it further Resolved,* That as commemorative of our approbation and gratitude for the distinguished services and unabated zeal of this gallant officer, his Excellency the Governor of the Territory, be requested to cause to be prepared a sword with a suitable inscription, and to present the same to Lieut. Col. Harney, in the name of the people of Florida.

Which was read.

Mr. English gave notice that at some future time he would introduce a bill to strike out the last provision of the 5th section of an act entitled an act to establish a board of Wardens and Commissioners of Pilotage for the port of Key West.

Mr. Livingston introduced a preamble and resolution in relation to the appointment of Territorial officers by the General Government.

Which was read.

Mr. English introduced the following Resolution, viz:

Resolved, That the Auditor be requested to state to this body what amount of Taxes has been paid by the Auctioneers in South Florida, and state if any part thereof has been returned for school purposes.

Which was read.

His Excellency the Governor transmitted to the Senate a statement of the condition of the Union Bank, up to the 1st of January, 1841. Which was read, referred to the committee on Finance and Banks, and 50 copies ordered to be printed.

Mr. Brockenbrough offered the following Resolution, viz:

Resolved by the Senate and House of Representatives, That the Governor be requested to furnish to the Council a statement of the votes of the people upon the adoption of the Constitution, furnished by the St. Joseph Convention, together with the original Poll Books, and other returns, that the same may be deposited among the archives of the Territory, after such action thereon as the Legislature may think proper.

Which was read.

On motion of Mr. English the Senate proceeded to elect a printer, when, C. E. Bartlett was unanimously elected.

Mr. Dupont offered the following Resolution viz:

Resolved, That his Excellency the Governor be requested to cause to be transmitted to the Senate, at as early a day as practicable, the report of the Auditor and Treasurer of the Territory, for the year 1840.

Which was read.

Also a Resolution in relation to the reference of the Governor's message to the appropriate committees—which was read.

On motion the Senate adjourned until to-morrow, 12 o'clock.

WEDNESDAY, January 13, 1841.

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

Mr. Walker presented the petition of James Burnside, which was read and referred to Committee on Claims.

The resolutions offered by Mr. Dupont on yesterday, complimentary to Lieut. Col. Harney, were again read, to which a preamble was offered by the same gentleman and received.

Said preamble and resolutions were unanimously adopted.

The preamble and resolution offered by Mr. Livingston on yesterday, in relation to the appointment of Territorial officers by the General Government, were again read and adopted.

The resolution offered by Mr. English requiring of the Auditor information as to the taxes paid by the Auctioneers of South Florida, was again read and laid on the table.

The resolution of Mr. Dupont, in relation to the reports of the Auditor and Treasurer of the Territory, was again read and adopted.

Mr. Dupont offered the following substitute for the resolution offered by him on yesterday, as to the reference of his Excellency the Governor's Message:

Resolved, That so much of the Governor's Message as relates to the Indian war, be referred to the Committee on the State of the Territory; so much as relates to the organization of the militia, be referred to the Committee on the Militia; so much as relates to the currency, to issue of the Territorial Bonds, and to the revenue of the Territory, be referred to the Committee on Banks and Finances; so much as relates to Indian losses and claims in East Florida, to the Committee on Claims: so much as relates to internal defence and acts of incorporation recommended to be repealed, to the Committee on the State of the Territory; so much as relates to the criminal code, and the voting by joint ballot by the two Houses upon the nomination of the Governor, to the Committee on the Judiciary.

Which was read and unanimously adopted.

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

THURSDAY, January 14, 1841.

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

Mr. Livingston gives notice that he will on some future day, ask leave to introduce a bill to Incorporate the Town of Madison Court House, in Madison County.

Mr. English, agreeable to previous notice, asked and obtained leave to introduce a bill entitled, "an Act to repeal the last provision of the 5th section of an act entitled 'an Act to establish a Board of Wardens and Commissioners of Pilotage for the Port of Key West,'" which was read.

Mr. Cooper offered an extract from the presentments of the Grand Jurors, of the Counties of Columbia, Alachua and Hillsborough, in relation to the claims of the Regiment of Colonel Robert Brown and the Batalion under Maj. Isaac Garrison, which was read and referred to the Committee on Claims.

The following resolution offered by the same, viz:—

Resolved, That the Governor be and be is hereby requested, to furnish to this body, such papers and information as may be in his possession respecting the claims for military services referred to in his annual message.

Was read and ordered for to-day.

The resolution before offered by Mr. Brockenbrough, requesting information of the Governor as to the votes given for the Constitution framed at the late Convention held at St. Joseph, was again read and adopted.

The resolution of Mr. Cooper, requesting of the Governor information and papers respecting claims for military services, was again read and adopted.

The Senate then adjourned until to-morrow 9 o'clock.

FRIDAY, January 15, 1841.

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

Mr. Pelot appeared, was sworn, and took his seat.

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

The committee on the judiciary, to which was referred so

much of the Governor's message as relates to voting by joint ballot of the two houses upon all nominations made by the executive, have had the same under consideration, and beg leave respectfully to report:

That the act of Congress of the 3d of March, 1823, section second, in defining the duties of the executive, provides that the Governor "shall have power to appoint and commission, by and with the consent of the Legislative Council, all officers, civil and of the militia, whose appointments are not herein (therein) otherwise provided for, and which shall be established by law." That said act is unrepealed. That the act of the 21st January, 1829, entitled, "An act to authorise the citizens of the Territories of Arkansas and Florida to elect their officers, and for other purposes," to which the Governor alludes, in its first three sections, alludes exclusively to the Territory of Arkansas, which at that time had a senate. The first section of that act gives the "citizens of the Territory of Arkansas, qualified to vote," the right, "at such time and place, and under such rules and regulations as the Legislature of said Territory might prescribe, to elect their officers, civil and military, except such as by the laws of Congress then in force, were to be appointed by the President of the United States; and except also Justices of the Peace, Auditor and Treasurer for said Territory, who should be chosen by joint vote of both houses of the Legislature, at such time and for such term of service as the said Legislature should prescribe."

The fourth section of the same act to which the Governor also makes reference, provides, "That it shall be lawful for the *qualified voters* of the Territory of Florida to elect their officers civil and military, in such manner and under such rules, regulations, restrictions and conditions as are prescribed in the foregoing provisions in the two first sections of that act."

We understand the words "qualified voters" of Florida, in the fourth section, to mean the same thing with the words, "citizens of the Territory of Arkansas qualified to vote" in the first section, and both to give certain elections to the people; and the words "rules and regulations" to apply to the words "such rules and regulations as the Legislature of the said Territory may prescribe."

In the 4th section the words restrictions and conditions must mean to extend to the people of Florida the exceptions in the first section, of such officers as by the laws of Congress are to be appointed by the President of the United States, and Justices of the Peace, Auditor and Treasurer, who by said first section were to be appointed by joint vote of both houses of the Legislature of Arkansas.

These officers being thus exempted from the power of the people, the question arises to whom their election was given.—

As to those appointed by the President it is clear that those remained with him. As to those to be chosen by joint vote of the two houses of the Legislature of Arkansas, it is equally clear that that act specially giving such power to the joint vote of two houses, in Arkansas, could not be intended without express words to give a similar power to the single house, then existing in Florida. Such a construction would have ousted the Governor of his power of nomination, and given the whole subject of nomination and election to the single house of the Legislative Council of Florida, because the election was given to the joint vote of the two houses of Arkansas.

And that act can not be held to contemplate the future existence of a Senate in Florida established long afterwards.

If it does the Governor has no right to nominate the officers embraced in the second exception of the first section of the act, but the same must be chosen by joint vote of the two houses. We consider then that there was no alteration intended by the act of 1829, in the right of the Governor to nominate and the Legislative Council to confirm.

The next act to be considered is the act of the 7th of July, 1838, which declares that the Legislative Council shall consist of two houses, to be called the Senate and House of Representatives. That act provides no mode by which the two houses shall act upon Executive nominations, and as the power to confirm is given to the Legislative Council, and that council is constituted of two houses, we know of no power or right by which they can act as one house, or by joint vote in any case, unless express authority was given them by the act establishing them.

We therefore recommend the adoption of the following resolutions:

Resolved, That in the opinion of the Senate, the two houses of the Legislature of Florida can not legally act jointly upon the subject of Executive nominations.

Resolved, That a copy of this report and these resolutions be transmitted to his Excellency, the Governor and the House of Representatives.

W. H. BROCKENBROUGH, Chairman.
C. H. DUPONT,
GEORGE WALKER,

Which was read and placed among the orders of to-day, and ordered to be printed.

A bill, to be entitled, an act to repeal the last provision of the fifth section of an act entitled an act to establish a board of Wardens and Commissioners of Pilotage for the Port of Key West, was again read and ordered to be engrossrd for to-morrow.

The report of the Judiciary Committee, on the subject of Executive nominations, was again read and adopted.

The Senate then adjourned until to-morrow, 9 o'clock, A. M.

SATURDAY, January 16, 1841.

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

On motion of Mr. Walker Mr. Pelot was added to the committee on Claims.

Mr. Livingston gives notice that he will, on some future day, ask leave to introduce a bill to be entitled, an act to repeal the 3d and 8th sections of an act entitled an act to authorise the Governor of Florida to raise troops for the defence of the frontier, and for other purposes.—Approved March 2d, 1839.

Mr. English offered the following resolution, viz:

Resolved, That the Judiciary committee be instructed to inquire into the propriety of abolishing the Superior Court for the county of Dade, and to report a bill for the recording of deeds and other writing, in some other court, and for the adjudication and trial of cases arising in the said county of Dade. Which was read and adopted.

An engrossed bill, entitled an act to repeal the last provision of the fifth section of an act entitled an act to establish a board of Wardens and Commissioners of Pilotage for the port of Key West, was read a third time and passed. Ordered that the title be as above.

The Senate then adjourned until Monday 12 o'clock, M.

MONDAY, January 18, 1841.

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

Mr. Walker offered the following resolution, viz:

Resolved, That until otherwise ordered, the hour of meeting of the Senate shall be 12 o'clock, M.

Which was read.

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

The committee on the judiciary, to which was referred such portions of the Governor's message as relates to the right of arbitrary appeal and writ of error in criminal cases, have had the same under consideration, and beg leave respectfully to report:

That in the opinion of this committee, the certainty of punishment has more effect in the prevention of crime than its severity. That criminals in Florida have peculiar facilities for escape which the circumstances of the country render it difficult to take away. Our long line of sea board—the narrowness of our inhabited Territory, and contiguity of neighboring States—the extensive tracts of uninhabited country—the existence of an enemy within our borders, and the want of proper vigilance and care of public officers, render it peculiarly difficult to arrest persons charged with crime; and when arrested the want of jails or their insecurity, the want of funds for the support of the persons charged, and the difficulty of reimbursement, render it exceedingly difficult to detain a prisoner when arrested. As if to add to the facilities of escape already in existence the Legislature has allowed an arbitrary right of Appeal and writ of error to be taken by the prisoner after indictment, trial and conviction, whether there is error in the record or not. Of this right of Appeal all criminals of course avail themselves when the punishment is of a serious character. The Court of Appeals sits only once a year, and the long intervals which sometimes elapse between the time of conviction and the session of that court, subject the Territory to an enormous charge for the support of the prisoner and the attention of the officers, whilst it gives the prisoner and his friends ample opportunity to insure his escape, which is more certain to take place in proportion to the enormity of the offence and the just severity of the punishment. And this may and does occur where the subtlest legal acumen would not be able to detect an error on the record.—Persons guilty of the most atrocious crimes—the most flagrant violations of their duties to society, and the laws of God and man, have been permitted to escape by this error in our criminal system. It renders the whole of our criminal system a mockery, and trials for murder a solemn farce. When the conviction of guilt is followed by the certainty of escape the boasted protection said to be offered by society to the persons and property of its members is an idle tale, and every man is left to rely for self protection only upon such means as God and nature gave him, and the weak man becomes subject to the power of

his more powerful neighbor, and the brave man is safely assassinated by the coward.

Your committee have dwelt longer upon this subject than so plain a question would seem to require; but they have been informed that a bill repealing this right of arbitrary appeal, was passsed last year by the Senate and rejected by the House, probably without a due consideration of the necessity of the measure. Subsequent events must have satisfied the most skeptical on the subject.

We therefore report the following bill which allows prisoners the advantage of all error which there may be reasonable ground to believe exists in the record of their conviction.

W. H. BROCKENBROUGH, Chairman.
C. H. DUPONT,
GEORGE WALKER.

Which was read, received, and copies of an accompanying bill, to be entitled "an Act to allow writs of error in criminal cases only upon certain conditions," ordered.

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

EXECUTIVE DEPARTMENT,
Tallahassee, January 18, 1841.

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

I herewith transmit to you the claims referred to in the message of the 11th inst., and called for by a Resolution of the Senate, passed 14th inst.

ROBERT RAYMOND REID.

Which was read, and with accompanying documents, referred to Committee on Claims.

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

TUESDAY, January 19, 1841.

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

Mr. Livingston, according to previous notice asked and obtained leave to introduce a bill to be entitled "an Act to repeal the third and eighth sections of an act entitled 'an Act to author-

ise the Governor of Florida to raise troops for the defence of the frontier and for other purposes.'" Approved March 2, 1839.

Which was read.

Mr. Dupont gives notice that he will at an early day ask leave to introduce a bill to be entitled "an Act in addition to the election laws."

Mr. English moved that a committee of two members of the Senate be appointed to ascertain, as near as may be of the Printer elect for the Senate, the probable cost of the printing for this body during the present session, which prevailed, and Messrs. English and McLean were appointed said committee.

Mr. Walker, from the Committee on Claims, made the following report:

The committee on claims to whom was referred the petition of James Burnsides of Jackson county, report that the object of the petitioner is to be remunerated for services in teaching poor children out of a fund in the Treasury of Jackson county, raised under an act of the Legislative Council of 1838.

The committee regarding this fund as exclusively under the control of the County Court of said county of Jackson, forbear from recommending any action on the subject, and beg to be discharged from any further consideration of the petition.

(Signed) GEO. WALKER, Chairman.

Which was read and concurred in.

The Senate received from the House of Representatives, the preamble and resolutions before adopted by the Senate, amended by the House.

Which was read and ordered for to-day.

The resolution of Mr. Walker, in relation to the time of meeting of the Senate, was again read, amended by substituting eleven instead of twelve o'clock, and adopted.

A bill to be entitled "an Act to allow writs of error in criminal cases, only upon certain conditions," was ordered for to-morrow.

The resolutions in relation to Lieut. Col. Harney, as amended by the House, were again read and laid on the table.

The Senate then adjourned until to-morrow.

WEDNESDAY, January 20, 1841.

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

Mr. Dupont gives notice that he will on some future day ask leave to introduce a bill in relation to the Revenue Laws of the Territory.

Mr. Livingston according to previous notice, asked and obtained leave to introduce a bill, entitled, "an act to incorporate the town of Madison Court House." Which was twice read, the rule being waived, and referred to the Committee on the Judiciary.

Mr. Pelot offered the petition of Mr. J. A. L. Norman, which was read and referred to the Committee on Schools and Colleges.

Mr. English from a select committee, made the following report, viz:

The select committee appointed for the purpose of ascertaining something of the probable cost of the printing for the Senate, have had an interview with the printer elect, and respectfully report the following answer of the printer, on the subject, which your committee deem satisfactory.

WM. F. ENGLISH,
D. G. M'LEAN.

To the "Chairman of the Committee of the Senate appointed for the purpose of ascertaining the probable amount of printing of that body for the present year."

GENTLEMEN:—In answer to your enquiries of yesterday, I can state, that having been elected printer to the Senate, I am entirely willing to rest the matter of compensation altogether with that body, and will continue to do the work at such prices as the Senate may establish. Being satisfied that they will be disposed to allow a reasonable remuneration for labor, and I want nothing more.

Not knowing as yet how much printing the Senate may order, I am not at present able to say what will be the cost of printing for the whole session. But taking the prices of 1839, or the average of the prices which have been paid for the last five years, as the standard, it will be easy after the work has been ordered and executed, to audit and fix its value.

I would, therefore, propose to your honorable committee, and through you to the Senate, that the prices paid in 1839 be considered as the standard by which the work of the present session shall be charged.

Respectfully Gentlemen,
Your obedient servant,
C. E. BARTLETT, Ed. Star.

A bill to be entitled an act to repeal the 3d and 8th sections of an act entitled an act to authorise the Governor of Florida to raise troops for the defence of the frontier, and for other purposes, approved 2d March, 1839, was again read.

The Senate went into committee of the whole, Mr. McLean in the chair, on a bill to be entitled an act to allow writs of error in criminal cases, only upon certain conditions; after some time

spent in its consideration, the committee rose, and reported the bill with sundry amendments, which was received, and said bill ordered to be engrossed for to-morrow.

The Senate then adjourned until to-morrow.

THURSDAY, January 21, 1841.

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

The Senate received from his Excellency the Governor, a message, which was laid on the table until called for.

Mr. Dupont agreeable to previous notice. asked and obtained leave to introduce a bill, entitled, an act to abolish the Territorial Treasury, and providing for the liquidation and settlement of all demands due to and from the Territory, and for other purposes, which was twice read and referred to the Committee on Finance.

Mr. English presented the petition of Mrs. Anne S. Perrine, which was read and referred to the Committee on the State of the Territory.

Mr. Livingston from the Committee on Schools and Colleges, made the following report:

Thecom mittee to which was referred the petition of J. A. L. Norman, praying pecuniary assistance, ask leave to report:

That they have had the same under consideration, and inasmuch as the Territory of Florida is already in debt, and without one single dollar in the Treasury, and with no means of raising money, except by taxation, they therefore beg to be relieved from the further consideration of said petition.

Signed MADISON C. LIVINGSTON, Chairman.

A bill to be entitled an act to repeal the 3d and 8th sections of an act entitled an act to authorise the Governor of Florida to raise troops for the defence of the frontier, and for other purposes, approved 2d March, 1839, was read a third time and passed—ordered that the title be as above.

The Senate received from the House of Representatives, as adopted, a substitute for the resolutions before adopted by the Senate, relative to the appointment of officers of this Territory by the President of the United States. Which was received and adopted by the Senate.

Also as passed without amendment, an act before passed by the Senate, entitled an act to repeal the last provision of the 5th section of an act entitled an act to establish a board of Wardens and Commissioners of Pilotage for the port of Key West.

Also as adopted without amendment, a resolution before passed by the Senate, requiring of the Governor a statement of the votes polled upon the adoption of the Constitution.

Mr. Walker gives notice that he will introduce a bill to amend the several acts establishing county Courts.

Mr. English gives notice that he will at a future time, introduce a bill, to be entitled, an act suplementary to an act entitled an act to prevent the future emigration of free negroes or mulattoes to this Territory, and for other purposes.

Mr. Dupont gives notice that he will at a future day ask leave to introduce a bill to be entitled an act to repeal an act entitled an act to amend an act concerning Dower.

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

To the Honorable
the President of the Senate.

The House of Representatives have adopted the resolutions passed in the Senate, relative to the conduct of Lieut. Col. Harney, and also an additional resolution to which they ask your concurrence. By order of the House.

PETER W. GAUTIER, Jr.
Speaker House of Representatives.

JAMES H. GIBSON, Clerk.

January 21, 1841.

Which additional resolution was received by the Senate, and said resolutions adopted as amended.

The Senate went into secret session on certain nominations of his Excellency the Governor.

On motion the doors were opened, and the Senate then adourned until to-morrow.

FRIDAY, January 22, 1841.

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

Mr. Dupont agreeable to previous notice, asked and obtained leave to introduce a bill entitled an act to repeal an act entitled

an act to amend an act concerning Dower. Which was placed among the orders of to-day.

Mr. McLean gives notice that he will on some future day ask leave to introduce a bill to be entitled an act to amend an act concerning roads, highways, and ferries.

Mr. Pelot gives notice that at some future day he will introduce a bill to amend the sixth section of an act entitled an ac relating to crimes and misdmeanors.

A bill, to be entitled, an act to repeal an act entitled an act t amend an act concerning Dower, was read.

The Senate then adjourned until Monda-

MONDAY, January 25, 1841.

The Senate met pursuant to adjournment and Friday's proceeding's were read.

Mr. Walker agreeable to previous notice asked and obtained leave to introduce a bill, to be entitled, an act to establish a court for the trial of crimes and misdemeanors, committed by slaves or free persons of colour. Which was read twice, the rule being waived, and referred to the Committee on the Judiciary.

Mr. Dupont gives notice that he will, at an early day, ask leave to introduce a bill, to be entitled, an act to prevent Duelling.

The Senate received from his Excellency the Governor the following message, viz:

EXECUTIVE DEPARTMENT,
Tallahassee, Jan. 25th, 1841.

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

I herewith transmit to you the statement of the condition of the Southern Life Insurance and Trust Company, just received from George Field, Esq. the President of that Institution.

ROBERT RAYMOND REID.

Which was read and laid on the table, and with accompanying documents orderd to be printed.

Mr. Walker from the Committee on Claims made the following report:

The Committee to whom was refered so much of the Governor's Message as relates to claims against the Territorial Go-

vernment for military services in 1838, beg leave respectfully to report in part: that they have had under consideration the claims of the Regiment under Col. Brown, and the Batalion under Major Isaac Garrison, for military services in the year 1838, under authority of the Territory.

It appears from the documents and other sources of information sought by your committee, that in the spring of 1838, the frontier counties of Hamilton, Columbia and Alachua, were left almost defenceless by the United States troops. The Indians were overruning the settlements without check, and massacre and plunder were of daily occurrence. The inhabitants reduced to a state of desperation, were begining to agitate the propriety of a general abandonment of their settlements, and such your committee believe would have been the disastrous result, but for the spirit of patriotism and endurence that animated the mass of the population of that region. The committee find in the corroborating testimony of all they have conversed with, who were cognizant of the condition of the country at that time, a full support for the opinion of the Grand Jury of Columbia, Alachua and Hillsborough, referred to them by this body, that the trials endured by the frontier people in the spring and summer of 1738, have been almost without parallel in the progress of this calamitous war, the brunt of which it has fallen to the lot of our Eastern brethren to sustain. Under these circumstances it appears that the local militia was called out for defence. On the 19th March Col. Robert Brown despatched to Gov. Call information of the state of the country, and of the necessity of immediate and permanent protection; in reply to which Gov. Call, under date of 26th March, 1838, writes as follows:

"I shall immediately send an express to Gen. Jessup, and request him to detach a force for the defence of your section of country; but in the mean time you will order Capt. Cason's company into service, and such other forces as you may deem necessary for the protection of the inhabitants of your county, unless Gen. Jessup should send other troops. Those which you may raise will be continued in service either under the authority of the United States or of the Territory."

And again under date of April 13th, the Governor wites to the same officer, who had been to see Gen. Eustis for the purpose of offering his force to the United States:

"I hope your interview with Gen. Eustis has been productive of more beneficial results than you anticipated, and that he has consented to receive into the service of the United States a sufficient volunteer force for the protection of the frontier. If, however, he still refuses to do so, on the receipt of this, and you find the settlements in danger, you will immediately organize

such a force as you may deem necessary for the defence of the inhabitants; you will assign to each company a suitable position, so as to cover the whole line of your frontier and keep the troops constantly and actively employed in driving back the enemy.

"And in defending the settlements in the exercise of the authority with which you are hereby invested, you will use a sound discretion, and call out no larger force than in your judgement will be absolutely necessary for defensive operatoins. Should the troops thus organised and ordered out, not be received into the service of the United States, they will be recognised in the service of the Territory, and I will endeavor to have them paid as soon as funds can be procured for that purpose by the authority of the Legislative Council. With regard to forage and subsistence, it is impossible for me to provide either."

Acting under the order of the Governor, Col. Brown ordered all his available force into the field, and tendered them to the United States without success. These troops continued under order until the 22d July, when they were disbanded by Col. Brown, in compliance with the order of Gov. Call as contained in a letter to Major Garrison of 23d June, a copy of which was sent to him; and under date of 23d July, Col. Brown thus addresses the Governor:

"With regard to a report of the troops in the Teritorial service, I kept defering it, thinking I would come on and see you first, but was prevented by the frequent assaults of the enemy. However, a correct report, I believe, accompanies this letter. As regards the time, I saw no law for taking them for a less term than four months, unless sooner discharged. They were enrolled for that time, but some companies fall short of it. I deem it entirely unnecessary to say, that their services were valuable and could not be dispensed with; but I refer your Excellency to the extent of frontier, the United States forces on that frontier, and our resources for support, and I know that your Excellency will be bound to say that we deserve well if we never are paid. The most of these men have been in the United States service the two past summers, and I assure you that they will all concur with me in saying, that there has been more calls and greater calls this summer than ever before, and that their duty has been more arduous. I therefore hope your Excellency will be able shortly to contract a loan that will relieve them in some degree from their present distress."

Under similar circumstances to those heretofore referred to, a Batalion of the Militia in Alachua county, under Major Isaac Garrison took the field. Under dates of the 9th and 11th April, 1838, Major Garrison informs the Governor of the situation of the country, and states as follows:

"I have been under the necessity of calling on the different Captains for aid in putting down these hostilities if possible; and I must respectfully solicit your Excellency's advice upon the subject, as my orders will not be obeyed long without your approving the same."

Under date of the 15th April, the Governor authorises him in case General Eustis should refuse to receive into service a sufficient volunteer force to co-operate with the regular troops in defending the country, and driving back the enemy, "to organise such a force from his battalion, under the authority of the Territory, as will give security to the frontier of Alachua."

Under date of the 8th April, Col. Brown, who was at Newvansville on his way to see General Eustis, writes to the Governor, "I have been on my way to see General Eustis who is charged with the protection of this frontier, and am sorry to inform you of the dreadful excitement that prevails here. There appears to be considerable of Indian signs in the neighborhood, and the families have all nearly got safely into this place; they are in a great state of confusion. General Eustis has refused to receive them into the Government service they say, and to enrol without the hope of pay or rations, in their present condition, seems impossible. In order to hold them together, I have assured them of your power and ability to give them protection, and have advised Major Garrison to order out his whole available force."

In compliance with the order of Governor Call, the battalion ordered into service continued upon duty and rendered active and efficient service. The letter of General Eustis addressed to a committee of the citizens of Newnansville, as well as his lettr to Major Garrison are hereto annexed; shewing clearly that the country was in fact *without protection*, there being no mounted force whatever on the frontier up to the date of his letter. The two companies of Dragoons spoken of by him as likely to arrive for the purpose of "scouring the hammocks," could afford but little relief upon so extensive a frontier, and with such an enemy. Upon the receipt of Gov. Call's order of 23d June, it appears that Major Garrison, upon consideration of the continued want of defence, and the impossibility of communicating with Gen. Taylor, and after consultation with the most discreet citizens of the county, determined to postpone his execution of the order to disband, and comunicated his course to Gov. Call by letter, dated July 5th, 1838, a copy of which is hereto annexed. In this letter it will be seen that Major Garrison informs the Governor that under the circumstances, "he feels compelled to keep the Battalion in service of the Territory till further ordered." No further order for the discharge of the troops having been given by the Governor, they were continued

in service till the 19th of September, when the pressure of the necessity ceased.

In the Annual Message of the Executive, delivered to the Legislative Council at its next session, (1839,) the subject of the services rendered by these troops is presented to its consideration. It will be seen that the Governor states that "it became necessary to invest the officer in command with discretionary power, in relation to the number of troops to be employd for the purpose of restoring tranquility, and to insure the safety of those who were exposed to danger." The only point refered by him to the Legislature, was as respected the necessity for the number of men ordered out.

The committee have taken pains to possess themselves of all the information necessary to satisfy their minds upon this point, and they concur in the opinion of the Grand Jury of those counties, that the force called out by Col. Brown and Major Garrason, from their respective commands, was by no means more than the exigency required, and that the discretion confided to them was discreetly and properly exercised. With respect to the service performed by these troops, the committee have examined with scrutiny, and are satisfied that they were of essential aid and benefit to the country, and that both the corps referred to, have entitled themselves not only to the remuneration guaranteed by the Territory, but to the thanks of the country.

The committee cannot but express surprise at the delay which has attended the liquidation of these claims. Having been called into service and continued upon duty by officers authorised to do so, under circumstances of great sacrifice to themselves.—The men composing these troops should not have been thus long postponed of their rights by any question as to the manner in which their commanding officers had exercised a discretion legitimately confided to them. It was enough that the commanders of their respective regiments were authorised to call them into the field in the Territorial service, and that they obeyed and performed their duty faithfully and creditably.

The committee after due and full examination of the subject, concur in the judgment that the regiment of Col. Brown performed duty, and are entitled to pay for three months and sixteen days. And that the battallion of Major Garrason performed duty, and are entitled to pay for six months, and that both said corps were legitimately in the service of the Territory, providing their own forage, subsistence, arms and ammunition, and did not comprise a greater force than the extent and condition of the frontier peremptorily demanded.

The committee have appended hereto, certain certificates in reference to the battalion of Major Garrason, which will serve

to explain the reason of the longer continuance of his battalion in the service of the Territory, than the forces under Colonel Brown.

They report the following resolutions upon the subject referred to them, and recommend their early passage by the Legislature.

Resolved, That the Governor be, and he is hereby authorised and requested to settle under the act for the relief of the Florida troops, during the Indian war, approved February 10, 1838, the claims of the regiment commanded by Col. Robert Brown, for military services, in 1838, for a term of three months and sixteen days.

Resolved further, That the Governor be, and he is hereby authorised and requested to settle in like manner, the claims of the battalion of Major Isaac Garrison, for like services, for a time of six months.

Resolved further, That the Governor be, and he is hereby authorised and requested to allow to each officer and man, such sum for the forage and subsistence, provided by himself, according to the prices current at the time, for such articles, as may be, respectively due them.

Resolved further, That immediately upon making such settlement, the Governor be requested to apply to the proper authorities at Washington, for the reimbursement of the amount to the Territory of Florida.

GEO. WALKER, Chairman.
J. G. COOPER,
JOHN C. PELOT.
WM. F. ENGLISH,

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

Mr. Brockenbrough, from the Committee on the Judiciary, reported a bill to be entitled, an act to incorporate the town of Madison Court House, amended, which report was received, and said bill ordered for to-day.

A bill to be entitled, an act to repeal an act entitled an act to amend an act, concerning Dower, was read a second time, and referred to the Committee on the Judiciary.

An engrossed bill, entitled, an act to allow writs of error, in criminal cases, only upon certain conditions, was again taken up in committee of the whole, Mr. M'Lean in the chair. After sometime spent in its consideration, the committee rose and reported as a substitute for said bill, a bill to be entitled an act to repeal all acts allowing writs of error or appeals in criminal cases; which report was concurred in, and said bill ordered to be engrossed for to-day.

A bill to be entitled, an act to incorporate the town of Madi-

son Court House, was again read and ordered to be engrossed for to-morrow.

A bill to be entitled, an act to repeal all acts allowing writs of error or appeals in criminal cases, was read a third time, and passed—ordered that the title be as above.

The Senate then adjourned until to-morrow.

TUESDAY, January 26, 1841.

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

Mr. Duval gave notice that he will introduce a bill, at an early day, to suppress affrays, riots and breaches of the peace.

Mr. Pelot from the Committee on Enrolled Bills, reported as correctly enrolled, an act to repeal the last provision of the fifth section of an act entitled an act to establish a board of Wardens and Commissioners of pilotage for the port of Key West.

An engrossed bill to be entitled, "an act to incorporate the town of Madison Court House," was read a third time and passed—ordered that the title be as above.

The Senate then adjourned until to-morrow.

WEDNESDAY January 27, 1841.

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

Mr. Duval gave notice that on to-morrow he would introduce a bill, to be entitled, an act to amend an act concerning executions, and also a bill to be entitled an act concerning the publication of the decision of the Court of Appeals.

Mr. Duval gave notice that he will introduce a bill at some early day to suppress affrays, riots and breaches of the peace.

Mr. Walker, from the Committee on Claims, offered the following report, viz:

The Committee on Claims to whom was referred so much of the Governor's message, as relates to the subject of losses occasioned by Indian hostilities, beg leave to report:

That with a view of forwarding the final adjustment of these claims upon the General Government, by ascertaining the precise amount of such losses, as well as to perpetuate the testimony touching them, they have prepared and herewith present a bill, the passage of which, is respectfully recommended.

GEO. WALKER, Chairman.

Said bill, entitled, "an act concerning Indian depredations, and for other purposes," was read, and 50 copies ordered to be printed.

The Resolutions authorising the Governor to settle certain claims for services during the Indian war, were read and ordered for to-morrow.

The Senate received from his Excellency the Governor the following message:

[To be inserted no 61.]

Which was read and with the accompanying document ordered to be copied.

Also the following:

EXECUTIVE DEPARTMENT,
Tallahassee, 26 January, 1841.

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

I herewith transmit to you the report of the Auditor of Public Accounts, for the year 1840

The Auditor has been recently appointed to office, and labors under much disadvantage in making his report, in consequence of the absence of the Treasurer, which is occasioned by a family affliction.

ROBERT RAYMOND REID.

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

The Senate received from the House of Representatives, as adopted, a resolution requiring the Auditor to settle certain claims of Alfred A. Fisher. Which was read and referred to the Committee on Claims.

The Senate then adjourned until to-morrow.

THURSDAY, January 28, 1841.

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

Mr. Duval agreeable to previous notice, asked and obtained leave to introduce a bill, to be entitled, "an act concerning the publication of the decission of the Court of Appeals."

Also a bill to be entitled, an act to amend the several acts concerning Executions, which were twice read, the rule being waived, and referred to the Committee on the Judiciary.

Mr. Walker offered sundry resolutions for the relief of Mrs. Amanda M. Dade; which were twice read, the rule being waived and unanimously adopted.

The same from the Committee on Claims made the following report:

The Committee on Claims to whom was referred the resolution of the House of Representatives, with documents touching the claims of A. A. Fisher, recommend the adoption of said resolution.

GEO. WALKER, Chairman.

Said resolution was again read and adopted.

The Senate went into committee of the whole, Mr. Livingston in the chair, upon sundry resolutions for the payment of the troops commanded by Col. Robert Brown and Major Isaac Garrison. After some time spent in their consideration, the committee rose and reported said resolutions amended—which report was concurred in, and said resolutions ordered to be engrossed for to-day.

The Senate received from his Excellency the Governor the following message, viz:

EXECUTIVE DEPARTMENT,
Tallahassee, January 27, 1841.

To the Legislative Council of Florida.

I respectfully inform you that I have approved the "act to repeal the last provision of the fifth section of" an "act entitled an act to establish a board of Wardens and Commissioners of Pilotage for the port of Key West."

ROBERT R. REID.

The Senate went into secret session on certain nominations of his Excellency the Governor.

The resolutions authorising the Governor to pay the troops commanded by Col. Robert Brown and Major Isaac Garrison, were again read and unanimously adopted.

The Senate then adjourned until to-morrow.

FRIDAY, January 29, 1841.

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

Mr. Duval gave notice that he would introduce a bill at some early day, to prevent breaches of the peace, and more effectually to preserve order.

Mr. English offered the following resolution:

Be it Resolved by the Senate and House of Representatives, That both houses do adjourn *sine die* on Friday the 12th of February.

Which was read and ordered for to-day.

Mr. Livingston offered sundry resolutions appointing a joint committee to enquire whether the contract entered into by Jas. D. Westcott, Jr. and John P. Booth for the compilation and publishing of the Laws of Florida from 1832 to 1834, has been complied with or not.

Said resolution was twice read, the rule being waived, and adopted.

Mr. English offered the following resolution and preamble:

Whereas, under the law of this Territory ten per cent on the actual receipt of all sales at public auction is reserved for school purposes, and whereas the auctioneers appointed in the counties of Monroe and Dade have paid over the same ten per cent. set apart for the use of the schools of said counties, into the Territorial Treasury.

Be it therefore Resolved by the Senate and House of Representatives, That the Treasurer be and he is hereby directed to pay over to the Judges of the county courts of Monroe and Dade counties, ten per cent of all the money received into the Treasury from sales at auction since the passage of the law authorising the same.

Be it further Resolved, That the several auctineers in the said counties, pay over to the Judges of the County Courts, ten per cent on the receipt of all monies arising from auction sales, and the receipt of the Judges of said County Courts shall be received by the Auditor and Treasurer of the Territory, as so much money paid by the said auctioneer or auctioneers.

Which was read.

The resolution of the same in relation to adjournment were again read and adopted.

The Senate received from the House of Representatives, as adopted without amendment, the resolutions before passed by the Senate, for the relief of Mrs. Amanda M. Dade.

Also an act to incorporate the town of Madison Court House.

Also as passed, with amendments, "an act to repeal the (3d) third and (8th) eighth sections of an act entitled an act to authorise the Governor of Florida to raise troops for the defence of the frontier and for other purposes," approved 2d March, 1839. Which was referred to the Committee on the Militia.

Also as passed, a bill to be entitled, an act to authorise Luther Taylor to establish a ferry across the Escambia River; which was referred to the Committee on the State of Territory.

Also a bill, entitled, an act to incorporate the Methodist Episcopal Church in the city of Tallahassee; which was read.

The Senate then adjourned until to-morrow.

SATURDAY, January 30, 1841.

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

Mr. Walker gives notice, that he will introduce a bill to increase the number of Senators.

Mr. Dupont, agreeable to previous notice, asked and obtained leave to introduced a bill to be entitled, an act in relation to public elections.

Which was ordered for to-day.

Mr. Walker, from the Committee on the Judiciary, made the following report:

The Judiciary Committee, to whom was referred a bill providing for the appointment and compensation of a Reporter of the decisions of the Court of Appeals, report, that they regard the subject as highly important, yet when they consider the present poverty of the Treasury, the large demands now existing against it, and the pressure of the times, they feel themselves forbid from advising the passage of any act which would create additional demands upon the community.

(Signed) GEO. WALKER.

Which was read and ordered for for to-day.

The same from the same committee reported unfavorably to a bill entitled an act to amend the several acts concerning executions. Said bill was ordered for to-day.

Mr. Dupont from the Committee on Claims, made the following report:

The Committee on the State of the Territory, to whom was

referred the memorial of Mrs. Ann F. Perrine, (widow of the late lamented Doct. Henry Perrine,) asking of the Legislative Council, "to pass a law authorising and appointing her a trustee and manager (of the Tropical Plant Company of Florida,) in the place of her deceased husband; giving her the power and authority he would have possessed, had he been now living;" having had the same under consideration, beg leave, respectfully, to report,

That they have referred to the act, incorporating the said company, and after an attentive examination of its provisions, have unanimously arrived at the conclusion, that the prayer of the memorialist cannot be granted without danger of interfering with the chartered privileges of such stockholders, as may have acquired *vested rights*, under the act of incorporation. By reference to the tenth section of said act, it will be seen, that ample provision is made for supplying any vacancy that might occur in the Board of Trustees; thereby providing against the dissolution of the corporation.

All of which is respectfully submitted, and the committee beg to be discharged from the further consideration of the said memorial.

C. H. DUPONT, *Chairman.*
D. G. M'LEAN.

Which was read and ordered for to-day.

Mr. Pelot, from the Committee on Militia, made following report:

The Committee on Militia, to whom was referred the amendment made by the House of Representatives, to an act to repeal the 3d and 8th section of an act to authorise the Governor of Florida, to raise troops for the defence of the frontier, and for other purposes, approved, 2d *March*, 1839; do report favorably of such amendment;

Which was ordered for to-day.

A bill to be entitled, an act to incorporate the Methodist Episcopal Church, in the City of Tallahassee;

Was read a second time, and ordered to be engrossed.

The preamble and resolution of *Mr.* English, in relation to the school funds of Munroe and Dade counties; was referred to the committee on Schools and Colleges.

A bill to be entitled, an act in relation to public elections, was read, and fifty copies ordered to be printed.

A bill to be entitled, an act concerning the publication of the decisions of the Court of Appeals.

Also a bill to be entitled, an [illegible] the several acts concerning executions, were ordered for Monday.

The report of the Committee on the State of the Territory,

on the memorial of Mrs. Ann F. Perrine, was again read and concurred in.

The report of the Committee on Militia in relation to a bill to be entitled, an act to repeal the 3d and 8th sections of an act entitled an act to authorise the Governor of Florida to raise troops for the defence of the frontier, and for other purposes, approved 2d March, 1839, was read, concurred in, and said bill ordered to be engrossed.

The Senate received from his Excellency the Governor the following message:

EXECUTIVE DEPARTMENT,
Tallahassee, January 29, 1841.

To the Legislative Council of Florida:

The absence of the Tereasurer of the Territory having been longer than was anticipated by that officer and myself, at the time of his departure for New Orleans, I submit for the information of the Legislative Council, a report made to me in December last, at my special request.

ROBERT RAYMOND REID.

Which was read, ordered to be printed, and referred to the Committee on Finance.

Mr. Dupont offered the following resolution:

Resolved, That the Governor be requested to cause to be communicated to the Senate forthwith, a report from the Treasury Department showing what arrearages are now due to the Territorial Treasury, from whom due and what steps have been taken to collect the same, under the provisions of the several laws passed to enforce the collection thereof.

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

The message of his Excellency the Governor, inclosing the presentments of the Grand Jury of Duval county, was referred to the Committee on the State of the Territory.

The Senate went into secret session on certain nominations of his Excellency the Governor; on motion the doors were opened and the Senate adjourned until Monday.

MONDAY, February 1, 1841.

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

On motion of Mr. Walker, a bill to be entitled an act concerning Indian depredations and for other purposes, was taken from the table and ordered for to-day.

Mr. Duval agreeable to previous notice, asked and obtained leave to introduce a bill to be entitled an act to prevent breaches of the peace and more effectually to preserve order, which was read a first and second time, ordered to be printed, and referred to the Committee on the Judiciary.

Mr. Pelot from the Committee on Enrolled Bills made the following report:

The Committee on Enrollments beg leave to report, that they have found a bill to incorporate the town of Madison Court House, and certain preamble and resolutions for the relief of Mrs. Amanda M. Dade, to be properly enrolled.

Mr. Livingston presented the petition of Mrs. Martha Blackwell. Which was read and referred to the Committee on the Judiciary.

An act to incorporate 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 a committee of the whole, Mr. Livingston in the chair, on the report of the Judiciary Committee, on a bill providing for the appointment and compensation of a reporter of the decision of the Court of Appeals. After some time spent in its consideration, the committee rose and reported a substitute for said report.

Which was concurred in.

The Senate went into committee of the whole, Mr. English in the chair, on a bill to be entitled, an act concerning the publication of the decisions of the Court of Appeals. After some time spent in its consideration, the committee rose and reported as a substitute for said bill, the following resolution:

Be it Resolved by the Governor and Legislative Council of the Territory of Florida, That the Delegate in Congress be requested to obtain from Crongress an annual appropriation to be applied to the publication of the report of the decisions of the Court of Appeals.

Which report was concurred in.

A bill to be entitled an act to amend the several acts concerning Executions, was read a second time and laid on the table.

An engrossed bill to be entitled an act to repeal the 3d, 8th, and a part of the 9th sections of an act to authorise the Governor of Florida to raise troops for the defence of the frontier, and for other purposes, approved 2d March, 1839, was read a third time and passed.

The Senate went into a committee of the whole, Mr. Pelot in the chair, on a bill to be entitled an act concerning Indian depredations and for other purposes. After some time spent in

its consideration, the committee rose, reported progress, and asked leave to sit again.

The Senate received from the House of Representatives, as unanimously adopted, certain preamble and resolutions before passed by the Senate, providing for the payment of the troops under Col. Robert Brown and Major Isaac Garrison.

Also as passed by the House of Representatives, an act to authorise Daniel Campbell to establish a ferry across the Escambia river. Which was read.

Also as adopted by the House of Representatives, a preamble and resolution, relative to a road from Jacksonville to Iola.—Which was twice read, the rule being waived, and adopted.

The Senate then adjourned until to-morrow.

TUESDAY, February 2, 1841.

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

Mr. Pelot from the Committee on Enrolled Bills, reported as correctly enrolled, an act to repeal the 3d, 8th and a part of the 9th sections of an act entitled, an act to authorise the Governor of Florida to raise troops for the defence of the frontier, and for other purposes, approved 2d March, 1839.

A bill to be entitled, an act concerning Indian depredations and for other purposes, was ordered for to-morrow.

A bill to be entitled an act to authorise Daniel Campbell to establish a ferry across the Escambia river, was read a second time, and referred to the Committee on the State of the Territory.

The Senate received from the House of Representatives, as amended, a bill before passed by the Senate, entitled, an act to repeal all acts allowing writs of error or appeals in criminal cases. Which was read, and referred to the Committee on the Judiciary.

Mr. Walker from the Judiciary Committee, reported a bill to be entitled, an act to alter and change the name of Martha Blackwell, of Jefferson county, in this Territory, to Martha Triplett.

On motion, the title of said bill was amended by striking out

all after the word "county." Said bill was read a third time and passed—ordered that the title be as above.

The Senate went into secret session on certain nominations of his Excellency the Governor; on motion, the doors were opened, and the Senate adjourned until to-morrow.

WEDNESDAY, February 3, 1841.

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

Mr. Dupont gives notice that he will on to-morrow ask leave to introduce a bill for the relief of M. H. Martin

Mr. Dupont obtained leave without previous notice, to introduce a bill to be entitled, an act to amend the acts in reference to the Tallahassee Fund. Which was twice read, the rule being waived, and referred to the Committee on the Judiciary.

The Senate again went into committee of the whole, Mr. Pelot in the chair, on a bill to be entitled, an act concerning Indian depredations, and for other purposes. After some time spent in its consideration, the committee rose and reported said bill as amended. On the question of concuring in said report, Mr. Dupont offered as a substitute for said bill a bill to be entitled an act to perpetuate testimony in relation to Indian depredations, on which question he seconded by Mr. Livingston, called for the yeas and nays, which were

Yeas—Mr. President, Messers. Dupont, Livingston, and Mc Lean, 4.

Nays—Messrs. Cooper, English, Pelot, and Walker, 4.

So said substitute was lost.

Mr. Livingston then offered the following as an additional section to said bill, viz:

Be it further enacted, That it shall be lawful for any person who may have suffered any loss of property by depredations committed since the commencement of the present Indian war, upon filing in the Superior Court within whose jurisdiction the losses are alledged to have been sustained, his application in writing, stating the full grounds of the claims, and the circumstances attending the same, and upon giving ten days notice thereof, to the District Attorney, to proceed in open Court, to establish the

same by such testimony as may be deemed by the Court to be pertinent to the case.

On the adoption of which, he, seconded by Mr. English, called for the yeas and nays, which were

Yeas—Mr. President, Messrs. Dupont, and Livingston, 3.

Nays—Messrs. Cooper, English, McLean, Pelot, Walker, 5.

So said amendment was lost.

On motion the report of the committee on the whole, was concurred in, and said bill ordered to be engrossed for to-morrow.

The Senate received from the House of Representatives, as adopted, a resolution requesting the Delegate in Congress to obtain from Congress an annual appropriation for the publication of the reports of the decisions of the Court of Appeals.

Also as passed by the House of Representatives, an act ot incorporate the town of Jacksonville. Also, a bill to be entitled, an act to amend an act entitled an act to establish a Board of Port Wardens and Commissioners of Wrecks for the port of Apalachicola.

Also an act to establish an Academy in the county of Leon, and to incorporate the Trustees thereof. Which were read a first and second time, and ordered for to-morrow.

Also a resolution for the relief of Edward Bolan, late Jailor of Calhoun county. Which was read and referred to the Committee on Claims.

Also an act to incorporate the town of Mandarin; which was read a first and second time, and referred to the Committee on the State of the Territory.

Also an act to incorporate the first Baptist Church of Jacksonville; which was read a first and second time, and referred to the Committee on the State of the Territory.

Also a bill to be entitled an act to incorporate the United States Mail and Transportation Company in Florida, and for other purposes, was read a first and second time, and referred to the Committee on the State of the Territory.

The Senate received from his Excellency the Governor the the following communication, viz:

EXECUTIVE DEPARTMENT,
Tallahassee, February 3, 1841.

To the Legislative Council of Florida.

I herewith transmit the annual report of the Commissioner of the city of Tallahassee for the past year.

ROBERT RAYMOND REID.

Which with the accompanying documents was laid on the table, and ordeved to be printed.

Also the following:

EXECUTIVE DEPARTMENT,
Tallahassee, February 3, 1841.

To the Legislative Council of Florida.

I respectfully inform you, that I have approved the resolution for the payment of Alfred A. Fisher, for rent of room for Ja and guarding psisoner.

ROBERT RAYMOND REID.

The Senate went into secret session on certain nominations of his Excellency the Governor. On motion, the doors were opened, and the Senate then adjourned until to-morrow.

THURSDAY, February 4, 1841.

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

Mr. Dupont gives notice that he will on to-morrow ask leave to introdnce a bill to be entitled, an act to perpetuate testimony in relation to Indian depredations committed in the Middle District of Florida.

The same agreeable to previous notice asked and obtained leave to introduce a bill to be entitled, an act for the relief of M. H. Martin. Which was read and ordered for to-day.

Mr. Walker from the Committee on the Judiciary, reported a bill to be entitled, an act to amend the acts in reference to the Tallahassee Funds, with amendments.

Also an act regulating appeals and writs of error in criminal cases, without amendment. Which report was received, and said bills ordered for to-day.

Mr. Livingston from the Commtttee on Schools and College made the following report:

The Comuittee on Schools and Colleges to whom was referred sundry resolutions, in relation to the poor schools fund for the counties of Munroe and Dade, ask leave to report the following preamble and resolution, as a substitute for the original.

Which was received, and said resolution ordered for to-day.

Mr. Dupont from the Committee on the State of the Territory, made the following report:

The Committee on the "State of the Territroy" to whom was referred two bills, the one entitled "an act to incorporate

the first Baptist Church of Jacksonville," and the other entitled, "an act to incorporate the town of Mandarin," respectfully recommend the same, (without amendment) to the favorable action of the Senate, and beg to be discharged from the futher consideration thereof.

The committee would, however, respectfully suggest for the consideration of the Senate, whether it might not comport better with sound policy and strict justice, to require, in all cases where bills are presented to incorporate towns, or for the purpose of amending the charters thereof, that the same be accompanied by a memorial or petition of the corporators, stating the *terms* upon which they may wish to be incorporated. The propriety of the rule proposed must be so apparent to the Senate, that the committee will not consume time in enforcing it by argument.

All of which is respectfully submitted.

C. H. DUPONT, Chairman.
D. G. M'LEAN.

Which was concurred in, and said bill ordered for to-day

Mr. Pelot from the Committee on Enrollments, reported as correctly enrolled, a resolution requesting the Delegate in Congress to obtain from Congress an annual appropriation for the publication of the reports of the decisions of the Court of Appeals.

An engrossed bill to be entitled, an act concerning Indian depredations and for other purposes, was read a third time; on the passage of said bill the ayes and nays were called by Messrs. Dupont and Walker, and were

Ayes—Mr. President, Messrs. Cooper, English, McLean, Pelot and Walker.

Nays—Messrs. Dupont and Livingston.

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

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

A bill to be entitled, an act to amend an act entitled an act to establish 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.

A bill to be entitled, an act to establish an Academy in the county of Leon and to incorporate the Trustees thereof, was read a third time and passed; ordered that the title be as above.

The Senate went into committee of the whole, Mr. Cooper in the chair, on a bill to be entitled, an act in relation to Public Elections. After some time spent in its consideration, the committee rose, reported progress, and asked leave to sit again.

A bill to be entitled, an act for the relief of M. H. Martin, was read a second time and referred to the Committee on Claims.

Mr. English, the rule being waived, introduced the following resolution:

Resolved, That the Committee on Elections be instructed to draft and report a bill conformable to the viva voce mode of voting.

Which was adopted.

A bill to be entitled, an act to amend the acts in reference to the Tallahassee Fund, was read a second time, and — copies ordered.

The Senate concurred in the amendments made by the House of Representatives to an act regulating appeals and writs of error in criminal cases.

The substitute offered by the Committee on Schools and Colleges for the resolutions in relation to the poor school fund for the counties of Mouroe and Dade, was again read and adopted.

An act to incorporate the first Baptist Church of Jacksonville, was read a third time and passed—title as above.

An act to incorporate the town of Mandarin, was read a third time and passed—title as above.

The Senate received from his Excellency the Governor the following message:

EXECUTIVE DEPARTMENT,
Tallahassee, February 3, 1841.

To the Legislative Council of Florida.

I herewith enclose the letter and report of the Treasurer on the school and land fund for the year 1840.

ROBERT RAYMOND REID.

Which with the accompanying documents were ordered to be printed.

The Senate received from the House of Representatives, as passed, an act to alter and change the name of Martha P. Blackwell of Jefferson county. Also as indeffinitely postponed, the resolution before passed by the Senate in relation to the final adjournment of both Houses.

The Senate then went into secret session on Executive nominations, on motion the doors being opened, the Senate adjourned until to-morrow.

FRIDAY, February 5, 1841.

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

Mr. Pelot agreeable to previous notice, asked and obtained leave to introduce a bill to be entitled, an act to prevent duelling. Which was read, laid on the table and ordered to be printed.

On motion, the resolution that the committee on elections be instructed to draft and report a bill conformable to the viva voce mode of voting, was re-considered and ordered for to-day.

Mr. Cooper offered a preamble and resolution relative to the Bank of Jacksonville. Which was read.

Mr. Walker from the Committee on the Judiciary reported without amendment, a bill to be entitled, an act for the relief of M. H. Martin; said bill was read a third time and passed—ordered that the title be as above.

The same from the Committee on the Judiciary reported unfavorably on a resolution for the relief of Edward Bolen.

Also, the same from the same committee reported an act to aid the administration of justice in the Southern District of Florida. Which was read a first and second time, and ordered to be engrossed for to morrow.

Also an act to establish a court for the trial of crimes and misdemeanors committed by slaves and free persons of color, without amendment.

Mr. Pelot from the committee on enrolled bills, reported as correctly enrolled, a bill to be entitled an act to change the name of Martha P. Blackwell to the name of Martha P. Triplett.

Also a bill to be entitled, an act regulating appeals and writs of error in criminal cases.

Mr. Dupont from the Committee on the State of the Territory made the following report:

The Committee on the State of the Territory, to whom were referred two bill, the one to authorise Daniel Campbell to establish a ferry across the Escambia River, and the other to authorise Louther Taylor to establish a ferry across the Escambia River, being unable to agree upon a report, beg leave to be permitted to return the bills to the Senate, and to be discharged from the further consideration thereof.

C. H. DUPONT, Chairman.
D. G. M'LEAN.

The resolution instructing the committee on elections to draft and report a bill conformable to the viva voce mode of voting, was again read, and on its passage, the ayes and nays were called for by English and Livingston, and were:

Yeas—Mr. President, Messrs. Cooper, English and Livingston, 4.

Nays—Messrs. Dupont, McLean, Pelot and Walker, 4.

So said resolution was lost.

The Senate again went into committee of the whole, Mr. Cooper in the chair, on a bill to be entitled, an act in relation to to public elections. After some time spent in its consideration, the committee rose, and reported said bill, as amended. Which was concurred in, and said bill ordered for to-morrow.

A bill to be entitled, "an act to amend the acts in reference to the Tallahassee Fund," was read, amended, and ordered to be engrossed for to-morrow.

The resolution for the relief of Edward Bolen, late Jailor of Calhoun county, was again read, and recommitted to the Committee on Claims.

A bill to be entitled, an act to establish a court for the trial of crimes and misdemeanors committed by slaves and free persons of color, was read a second time and ordered to be engrossed for to-morrow.

An act to authorise Daniel Campbell to establish a ferry across the Escambia river, was read a third time and passed—ordered that the title be as above.

A bill to be entitled, an act to authorise Louther Taylor to establish a ferry across the Escambia river, was read a third time and passed—ordered that the title be as above.

The Senate went into secret session on certain nominations of his Excellency the Governor; on motion, the doors were opened and the Senate then adjourned until to-morrow, 10 o'clock.

SATURDAY, February 6, 1841.

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

Mr. English offered a resolution that the Senate in future convene at ten instead of eleven o'clock. Which was read.

Mr. Walker from the Committee on Claims made the following report:

The committee to whom was referred a resolution of the House with sundry documents, relative to the claim of E. Bolen, report: That it appears from said papers that Bolen, as Jailor of Calhoun county, entered into an agreement with the Marshal

of the Apalachicola District, to keep two prisoners for a specified period, at a stipulated price; and having disputed with the Marshal touching the contract, resorts to the Legislature for relief in the premises. Agreeable to the terms of said contract, the Marshal was to pay Bolen five dollars per day, for the keeping of said prisoners; and at that rate he now seeks to be paid from the Territorial Treasury.

The committee cannot recognize any contract made for such a purpose; the laws anthorise no such agreement; and the countenance of such by the Legislature, they believe, would be productive of mischief in the execution of the criminal laws.

The laws point out the duties of officers; the best rule is for them to keep to their duties strictly, and performing these strictly no blame can attach whatever may happen.

The resolution of the House being based upon the charges fixed in the contract alluded to, which charges greatly exceed those allowed by law, the committee cannot recommend the adoption of said resolution, and they decline to modify it.

All of which is submitted for the consideration of the Senate, and the committee beg to be discharged.

GEO. WALKER, Chairman.

Which was read and ordered for to-day.

Mr. Livingston from the committee on Banks made the following report:

The Committee on Banks to which was referred so much of the Governor's Messege as relates to the depreciation of our currency, beg leave respectfully to report:

That the subject has received that serious and anxious consideration from the Committee which its importance and difficulty demanded. The unfortunate position of our credit and currency is obvious to all, and the demand for a remedy is loud and universal. But the difficulty is to provide such a remedy as will be at the same time effectual and not be ruinous; while all feel the evil and can complain, few even suggest a remedy, and none of the few suggested seem perfectly satisfactory.

Your Committee have endeavored to avoid the violation of "chartered rights," and the "obligations of contracts" behind which Banks always entrench themselves when Legislatures make an effort to connel them to respect their own charters and contracts, by providing more speedy and efficient *remedies* for persons who may suffer by the bad faith of Banks, giving the appropriate remedy to the person wronged. Our right to legislate upon *remedies* can not be disputed, and the effect of our action can not be avoided or evaded by subtle techical or metaphysicial difficulties.

Entertaining the opinion that the bill proposed would be effectual in compelling specie payments by placing the proper arms in the hands of the persons injured, your committee thought that the *immediate operation* of such a bill would ruin the banks of Florida, and thereby defeat our own objecct and ruin many for the benefit of the few. After diligent inquiry your Committee was satisfied that the Banks of Florida could not bear the operation of such a bill prior to the spring of 1842, which

length of time would give them ample notice, another crop, and several terms of court, by which their circulation might be collected.

The choice was between giving this length of time and passing an efficient bill to operate then, or giving a shorter time and passing a mere useless order to resume, to be as impotent and ineffectual as the mandates of their charters.

This time also was thought fair to the Banks, and necessary to enable their numerous debtors to meet their payments if possible. We are aware that extravagance in some, misfortune in others, and in many a concurrence of both, have caused a large amount of indebtedness in the community, which it will cause labor, distress, and sacrifice to meet. But it would seem just and right that those who have consumed the property of others, or purchased and held it with the hope to grow rich without labor, by speculution, should at least begin to prepare to pay for it, by some of that economy, labor, and sacrifice which they have forced upon others, and that even the unfortunate should bear the burthen *themselves* to the extent of their property, and not be able, by the operation of mischievous legislation and improvident banking, always to shift the evils of their improvidence or bad fortune, upon the more fortunate or prudent community, enhanced as those evils are by the very system by which the change is effected.

Your committee entertain a sanguine hope that the passage of a bill of the nature proposed will, of itself, have a decided tendency to restore our credit. It will shew that we intend to enforce the payment of debts, that the banks can be reached, and compelled to comply with their obligations, without violating their charters—and that we are *in earnest* in our measures, by placing proper and effectual remedies in the hands of the persons wronged, whilst the length of time we give is so liberal, as to enable all banks and other persons to prepare for the change, who can reasonably hope to meet the crisis successfully. The passage of such a bill as is proposed would at least give a visible *fixed limit* to the present state of derangement, and indefinite depreciation.

It is believed that the passage of such a bill would cause the notes of our banks to rise at once. The banks must call them in or be ruined; individuals must seek them or more costly funds, or their property must be sold. Thus the supply will diminish, whilst the demand will increase, and the value must enhance. So that it is presumed that long before the time limited, the notes will appreciate by the silent operation of such a bill, and a very small amount of specie will enable the banks to resume.

The crisis once passed, your committee believes that the character of the remedies proposed would prevent any such future mismanagement, as would lead to a suspension of payment, in as much as it would then be followed by extravagant losses if not ruin, instead of a season of inordinate profits.

With these views the Committee with great diffidence report the annexed bill, as the best they could devise to effect the proposed objects, *in the present state of our affairs*, with the hope that with such amendments and alterations as may be suggested by the wisdom of the Senate and House of Representatives, some practical good may result.

W. H. BROOKENBROUGH, Chairman.
MADISON C. LIVINGSTON,
D. G. McLEAN.

Of which two hundred copies were ordered to be printed.

Mr. Dupont from the Committee on the Judiciary reported

favorably to a bill to be entitled, an act to repeal an act entitled an act to amend an act concerning Dower.

The same from the Committee on the State of the Territory made the following report, viz:

The Committee on the State of the Territory to whom were referred the bill to be entitled, an act to incorporate the United States Mail and Transportation Company in Florida, and for other purposes, having had the same under consideration, beg leave to report the bill with sundry amendments.

C. H. DUPONT, Chairman.
D. G. M'LEAN.

Which was read and ordered for Monday.

The preamble and resolution in relation to the Bank of Jacksonville, was ordered for Monday.

The Senate went into committee of the whole, Mr. Pelot in the chair, on a bill to be entitled, an act to aid the administration of justice in the Southern District of Florida. After some time spent in its consideration, the committee rose and reported said bill as amended. Which was concurred in, and said bill ordered to be engrossed.

A bill to be entitled, an act in relation to public elections, was read a third time and passed—ordered that the title be as above.

An engrossed bill to be entitled, an act to amend the acts in reference to the Tallahassee Fund, was read a third time and passed—ordered that title be as above.

The Senate went into committee of whole, Mr. McLean in the chair, on a bill to be entitled, an act to establish a court for the trial of crimes and misdemeanors committed by slaves and free persons of color. After some time spent in its consideration, the committee rose, reported progress, and asked leave to sit again.

An act to prevent breaches of the peace and more effectually to preserve order, was read and ordered for Monday.

The report of the committee on claims on a resolution for the relief of Edward Bolen was concurred in, and said resolution indefinitely postponed.

A bill to be entitled, an act to repeal an act entitled an act to amend an act concerning Dower, was read and ordered to be engrossed for Monday.

The Senate received from the House of Representatives, as passed, an act to amend an act entitled an act constituting a Board of Wardens, Commissioners of Pilotage and Commissioners of Wrecks, &c. for the port of Jacksonville, and other places therein provided for, approved February 28, 1839, was read a first and second time and ordered for Monday.

Also a bill to be entitled, an act to authorise Henry Leader to establish and keep a ferry across the St. Marks river opposite

the city of Port Leon in the county of Leon, which was read a first and second time, and referred to the Committee on the State of the Territory.

The Senate then went into secret session on certain nominations of his Excellency the Governor; on motion, the doors were opened, and the Senate adjourned until Monday, 12 o'clock, M.

MONDAY, February 8, 1841.

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

On motion of Mr. Livingston, the report of the Bank Committee on so much of the Governor's message as relates to the depreciation of our currency, was with the accompanying bill, taken from the table and ordered for to-day.

The report of the Committee on the State of the Territory, on a bill to be entitled, an act to incorporate the United States Mail and Transportation Company in Florida, and for other purposes, was laid on the table. On motion, the Senate went into committee of the whole on said bill, Mr. [illegible] in the chair. After some time spent in its consideration, the committee rose, and reported progress, and ask leave to sit again.

Said bill was laid on the table and seven copies ordered.

A preamble and resolution in relation to the Bank of Jacksonville was read a second time and adopted.

An engrossed bill entitled, an act to aid the administration of justice in the Southern District of Florida, was read a third time and passed—ordered that the title be as above.

The Senate again went into committee of the whole, Mr. McLean in the chair, on an act to establish a Court for the trial of crimes and misdemeanors committed by slaves and free persons of color. After some time spent in its consideration, the committee rose and reported the bill as amended. Said bill was ordered to be engrossed for to morrow.

The Senate then adjourned until half past 3 o'clock.

½ Past 3 o'clock, February 8, 1841.

The Senate met pursuant to adjournment.

The Senate went into committee of the whole, Mr. English in the chair, on an act to prevent breaches of the peace and more effectually to preserve order. After some time spent in its consideration, the committee rose and reported said bill as amended.

Which was 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.

An act to amend an act entitled an act constituting a Board of Wardens, Commissioners of Pilotage and Commissioners of Wrecks, &c. for the port of Jacksonville, and for other places therein provided for, approved February 28th, 1839, was read a third time and passed—ordered that the title be as above.

A bill to be entitled, an act to prevent duelling, was ordered for to-morrow.

Also an act to incorporate the United States Mail and Transportation Company in Florida, and for other purposes.

Also an act to require specie payments and to provide remedies for the violation of charters and contracts by the banks of Florida.

The Senate received from the House of Representatives, as passed, an act to provide for the appointment of Clerks of Markets.

Also an act to extend the power of the Port Wardens of Pensacola in Escambia county. Which were read a first and second time, the rule being waived, and referred to the Committee on the State of the Territory.

Also a bill to be entitled, an act to allow Laurence O. Branch to practice law in the Courts of this Territory. Which was twice read and referred to the Committee on the Judiciary.

Also a bill entitled, an act to organise the St. Augustine City Guards. Which was twice read and referred to the Committee on the Militia.

On motion Mr. Livingston was added to said committee.

The Senate received from his Excellency the Governor the following message, viz:

Executive Department,
Tallahassee, February 8, 1841.

To the Legislative Council of Florida.

Enclosed herewith, is the report of the Auditor, containing

the information required by a resolution of the Senate of the 28th January, 1841.

ROBERT RAYMOND REID.

Which was laid on the table, and fifty copies with the accompanying documents ordered to be printed.

Also the following:

EXECUTIVE DEPARTMENT,
Tallahassee, February 6, 1840.

To the Legislative Council of Florida:

I respectfully inform you that I have approved the following Acts and Resolutions of the Legislative Council:

1. An act regulating appeals and writs of error in criminal cases.
2. An act to alter and change the name of Martha P. Blackwell of Jefferson county.
3. An act to incorporate the town of Madison Court House.
4. An act to incorporate the Methodist Episcopal Church in the city of Tallahassee.
5. An act to repeal the third, eighth and part of the ninth sections of an act entitled an act to authorise the Governor of Florida to raise troops for the defence of the frontier and for other purposes, approved 2d March, 1839.
6. A preamble and resolutions relative to appropriations made by Congress and not expended for the repairs of certain roads, &c.
7. A resolution relative to an annual appropriation for the publication of the reports of the decisions of the court of appeals.

ROBERT RAYMOND REID.

Which was read.

The Senate then adjourned until to-morrow.

TUESDAY, February 9, 1841.

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

Mr. Duval presented the petition of Thomas Brown; which was referred to the Committee on Claims.

Mr. Livingston offered the following resolution, viz:

Resolved. That so much of the Governor's message as relates to the finishing of the capitol at Tallahassee, be referred to the

Committee on the State of the Territory, with jurisdiction to report by bill or otherwise at as early a day as possible.

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

Mr. Walker from the Judiciary Committee reported a bill to be entitled, an act to allow Laurence O. Branch to practice law in the courts of this Territory, without amendment. Which was ordered for to-day.

Mr. Dupont from the Committee on the State of the Territory, reported favorably on a bill to be entitled an act to extend the power of the Port Wardens for the Port of Pensacola in Escambia county; which was ordered for to-day.

The same from the same, made the following report, viz:

The Committee on the State of the Territory to whom was referred a bill to be entitled, an act to provide for the appointment of clerks of markets, being unable to agree upon a report, beg to be permitted to return the same to the Senate, and to be discharged from the further consideration thereof.

C. H. DUPONT, Chairman.
D. G. M'LEAN.

Said bill was ordered for to-day.

The same from the same made the following report:

The Committee on the State of the Territory to whom was referred a bill to be entitled, an act to authorise Henry Lander to establish and keep a ferry across the St. Marks River opposite the city of Port Leon, in the county of Leon, beg leave to report:

That by various acts of the Legislative Council, heretofore passed, the authority to establish, control and regulate ferries, is confided wholly to the County Courts of the respective counties. This disposition of the subject, was doubtless, intended to relieve the Legislative Council from much useless and frequently improvident legislation upon a subject which from its very nature could be more wisely disposed of by the *local* authorities of the several counties, and it is to be regretted, that after the passage of these *general* laws, the Legislature should ever again have entertained the subject. But it having been solemnly decided by the action of the Legislature, at its present session, that the *general laws* on this subject may be superceded by application to the Legislative Council. The committee have confined their attention alone to the provisions of the bill; these they find to be such as are usual in bills of the like nature. They therefore recommend it to the favorable consideration of the Senate.

C. H. DUPONT, Chairman.
D. G. M'LEAN.

Said bill was ordered for to-day.

Mr. Pelot from the Committee on Militia made the following report:

The Committee on Militia, having had under consideration, a bill entitled, an act to organise the St. Augustine City Guards, beg leave to report the some without amendment.

JOHN C. PELOT.

Said bill was ordered for to-day.

On motion of Mr. Livingston the report of the Committee of the Tallahassee Fund, was taken from the table and referred to the Committee on the State of the Territory.

An engrossed bill to be entitled, an act to establish a court for the trial of crimes and misdemeanors committed by slaves and free persons of color, was read a third time and passed—ordered that the title be as above.

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

A bill to be entitled, an act to prevent duelling, was read a second time, and ordered for to-morrow.

The Senate went into committee of the whole, Mr. English in the chair, on an act to incorporate the United States Mail and Transportation Company in Florida, and for other purposes.—After some time spent in its consideration, the committee rose, and reported said bill with sundry amendments. Which were ordered to be engrossed for to-morrow.

A bill to be entitled, an act require specie payments, and to provide remedies for the violation of charters and contracts by the Banks of Florida, was read a second time and ordered for to-morrow.

A bill to be entitled, an cct to authorise Laurence O. Branch to practice law in the Courts of this Territory, was read a third time and passed—ordered that the title be as above.

A bill to be entitled, an act to extend the powers of the Port Wardens for the port of Pensacola in Escambia county, was read a third time and passed—ordered that the title be as above.

The Senate went into committee of the whole, Mr. Livingston in the chair, on a bill to be entitled, an act to provide for the appointment of clerks in markets. After some time spent in its consideration, the committee rose and reported a substitute for said bill; which was received and ordered to be engrossed for to-morrow.

A bill to be entitled, an act to authorise Henry Lander to establish and keep a ferry across the St. Marks River, opposite the city of Port Leon, in the county of Leon. Which was read a third time, and on the question of its passage, the yeas and nays were called by Messrs. Livingston and Dupont, and were:

Yeas.—Messrs. Cooper, Dupont, English and Walker, 4.

Nays.—Mr. President, Messrs. Livingston, McLean and Pelot, 4.

So said bill was lost.

A bill to be entitled, an act to organise the St. Augustine City Guards, 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—Mr. President, Messrs. Cooper, English, Livingston, Pelot and Walker, 6.

Nays—Messrs. Dupont and McLean, 2.

So said bill passed.

The Senate received from the House of Representatives, as passed, an act to amend an act declaring Juniper Creek in Escambia county a navigable stream. Which was read, the rule waived, and passed—ordered that the title be as above.

Also as passed without amendment, an act for the relief of M. H. Martin.

The Senate thenadjourned until to-morrow.

WEDNESDAY, February 10, 1841.

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

Mr. Duval offered the following resolution:

Be it Resolved by the Senate and House of Representatives of the Legislative Council of Florida. That the Governor be requested to appoint as Justice of the Peace, the Mayors or Intendants of the several cities and towns in the Territory, as such officers cannot, under the Organic Law, act as Justices of the Peace exofficio, and their appointment as such is considered necessary to carry into effect, an act to prevent breaches of the peace and more effectually to preserve order, passed at the present session.

Which was read.

Mr. Dupont from the Committee on the State of the Territory, made the following report:

The Committee on the State of the Territory to whom was referred, by a resolution of the Senate, so much of the Governor's message as relates to the unfinished state of the Capitol,

having had the same under consideration, beg leave to report:

That they have drafted (and herewith present to the Senate for their consideration) a memorial to Congress, asking a further appropriation of thirty thousand dollars, to be applied to the completion of the building. The committee have been guided in the amount asked for, by the views of the commissioner, who is of opinion that thirty thousand dollars will be amply sufficient to complete the work, according to the original plan. All of which is respectfully submitted.

C. H. DUPONT, Chairman.
D. G. M'LEAN.

Which was read, and with the accompanying memorial adopted.

The Senate went into committee of the whole, *Mr.* English in the chair, on a bill to be entitled, an act to prevent Duelling. After some time spent in its consideration, the committee rose, reported progress and ask leave to sit again.

An engrossed bill entitled an act to incorporate the New Orleans, Florida and Atlantic Transportation Company in Florida and for other purposes, was read a third time, on the question of its passage, the yeas and nays were called by *Messrs.* Pelot and Dupont, and were:

Yeas—*Mr.* President, *Messrs.* Dupont, English, Livingston, Walker, 5.

Nays—*Messrs.* Cooper, *McLean* and Pelot, 3.

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

On motion of Mr. Duval, an act to require specie payments and to provide remedies for the violation of charters and contracts by the Banks of Florida, was referred back to the committee on Banks and finance, with instructions to make such provisions in the said bill as shall effectually secure the Territory from all loss on account of bonds issued by the authority of the said Territory to any Bank or Banks.

An engrossed bill to prevent the stealing of neat cattle, being a substitute for the bill of the House of Representatives, entitled, an act to provide for the appointment of clerks of markets, was read a third time and passed—ordered that the title be as above.

The Senate received from the House of Representatives, as adopted, a joint resolution appointing *Messrs.* Steele, *Myers* and Branch a committee on the part of the House to "draft and report the compensation bill for the present session of the Legislative Council." Which was read and adopted—*Messrs.* Livingston, English and Pelot were appointed said committee on the part of the Senate.

Mr. Livingston from the committee on Finance made the following report:

The committee on Finance to which was referred a bill to be entitled, an act to abolish the Territorial Treasury, and providing for the liquidation and settlement of all demands due to and from the Territory, and for other purposes, ask leave to return said bill to the Senate for their consideration, as the committee are unable to agree upon a report.

M. C. LIVINGSTON,
D. G. M'LEAN.

Said bill was ordered for to-morrow.

The same offered the following resolutions:

Resolved, That the committee on the Militia be instructed to enquire and report to the Senate, the amount of money borrowed by the Executive, and what amount has been expended in the prosecution of the Indian war or in the defence of the frontier, since the first of January, 1840, stating the specific objects for which the money was applied.

Resolved further, That his Excellency the Governor be requested to furnish the Senate with a report or statement of the amount of money borrowed, and what amount has been expended in the prosecution of the Indian war, or in the defence of the frontier since he came into office—with a statement of the specific objects for which the money was applied—with the vouchers for the same.

Which was read, the rule being waived and adopted.

The Senate then adjourned until to-morrow.

THURSDAY, February 11, 1841.

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

The President laid before the Senate sundry communications from the Delegate in Congress; which were read and referred to a select committee, consisting of Messrs. Dupont, English and Walker. On motion 200 copies were ordered to be printed.

Mr. Livingston offered the follow resolution:

Resolved, That both Houses of the Legislative Council do adjourn, *sine die*, on Saturday, 20th inst. Which was read and laid on the table.

The Senate received from the House of Representatives, as passed, a resolution asking an appropriation of Congress for the repairing of Bridges across the Apalachicola Swamp, and the Chipola River, and also for the opening and construction of a road from Marianna, to Iola on the Apalachicola River. Also a resolution changing the time of meeting of the Legislative Council. Also a preamble and resolution relative to James W. Exum. Also an act to change the time of holding the County Court of Walton county. Which were read and ordered for to-day. Also as adopted, a memorial of the Legislative Council to Congress, asking an appropriation to complete the capitol.

A resolution requesting the Governor to appoint as Justices of the Peace the Mayors or Intendants of the several cities and towns of the Territory, was laid on the table.

The Senate again went into committee of the whole, *Mr.* English in the chair, on a bill to be entitled, an act to prevent Duelling. After some time spent in its consideration, the committee rose, and reported said bill as amended. Which was concurred in, and said bill was ordered to be engrossed for to-morrow.

The Senate went into committee of the whole, *Mr.* Livingston in the chair, on a bill to be entitled, an act to abolish the Territorial Treasury, and providing for the liquidation and settlement of all demands due to and from the Territory, and for other purposes. After some time spent in its consideration, the committee rose reported progress, and asked leave to sit again. — copies of said bill were ordered.

A resolution asking an appropration of Congress for the repair of Bridges across the Apalachicola Swamp and the Chipola River, and also for the opening and construction of a road from Mariana to Iola, on the Apalachicola River, was again read and adopted.

A resolution changing the time of meeting of the Legislative Council, was again read and laid on the table.

A preamble and resolution relative to James W. Exum, was again read, and referred to the Committee on the State of the Territory.

An act to change the time of holding the County Court of Walton county, was read a third time and passed—ordered that the title be as above.

The Senate received from his Excellency the Governor the following message:

EXECUTIVE DEPARTMENT,
Tallahassee, February 10, 1841.

To the Honorable the Legislative Council of Florida.

In obedience to the resolution of the Legislative Council, and upon the basis prescribed therein, I have ascertained the several

amounts due to the regiment of Colonel Robert Brown and the battalion of Major Isaac Garrison for services in the year 1838, as follows:

To Colonel Robert Brown's regiment,	$121,222 50
To Major Isaac Garrison's battalion,	85,354 77
	$206,577 27

The resolutions passed unanimously by the Legislative Council, require me to settle these claims under the act of the 16th of February, 1838, which authorises the negotiation of a loan, and I consider it proper to inform you, that I shall forthwith issue bonds in liquidation of the above stated debt, to be negotiated as the Legislature will prescribe, at their par value.

I shall also endeavor to make a speedy reclaimation of the amount from the Government of the United States.

ROBERT RAYMOND REID.

Which was read; on the question of its being referred to a select committee, the yeas and nays were called by Messrs. Duval and Pelot, and were:

Yeas—Mr. President, Messrs. Cooper, Dupont, English, Livingston, McLean and Walker, 7.

Nay—Mr. Pelot.

Messrs. English, Cooper and Dupont were appointed said committee.

The Senate received from his Excellency the Governor a message in relation to the votes for Constitution or No Constitution. Which was laid on the table.

The Senate received from the House of Representatives their concurrence in the amendments made by the Senate to a bill entitled, an act to incorporate the New Orleans, Florida and Atlantic Transportation Company in Florida, and for other purposes.

The Senate went into secret session on Executive nominations; on motion the doors were opened, and the Senate then adjourned until to-morrow.

FRIDAY, February 12, 1841.

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

Mr. Walker asked and obtained leave to introduce a bill, without previous notice, entitled an act to amend the several acts appertaining to executions. Which was read and ordered for to-day.

Mr. Duval gave notice that on to-morrow or at some early day, he would introduce a bill to incorporate the Mechanics Beneficial Society of the city of Tallahassee.

Also a bill to authorise a lottery to raise funds to build a City Hall, and Mechanics Institute, for the use of the city and said Institute.

The President offered the memorial of the President and Directors of the Union Bank.. Which was referred to the Committee on Finance and Banks, with instructions to confer with the same committee of the House of Representatives.

On motion of Mr. Livingston the resolution to change the time of meeting of the Legislative Council, was taken from the table and ordered for to-day.

Mr. Pelot from the committee on enrollments, reported as correctly enrolled, an act for the relief of M. H. Martin.

Mr. Dupont from the Committee on the State of the Territory made the following report:

The committee on the State of the Territory, to whom was referred the preamble and resolution passed by the House of Representatives, for the relief of James W. Exum, late Marshal of the Western District, having had the same under consideration, beg leave to report:

That the only point in the case which presented any difficulty in the minds of the committee, was whether the said applicant had been charged upon the books of the Auditor, with the amount of Merrit's recognizance; upon application to the late Auditor, they ascertain that such was the case; they therefore, beg leave to recommend the said resolutions to the favorable consideration of the Senate.

All of which is respectfully submitted.

C. H. DUPONT, Chairman.
D. G. M'LEAN.

On motion said preamble and resolution was ordered for to-day.

The Senate went into committee of the whole, Mr. Livingston in the chair, on a bill to be entitled, an act to abolish the Territorial Treasury and providing for the liquidation and settlement of all demands due to and from the Territory, and for other purposes. After some time spent in its consideration, the committee rose, and reported said bill with the first section stricken out. On the question of concurring in said report, the

yeas and nays were called by Messrs. Dupont and Livingston, and were:

Yeas—Messrs. Brockenbrough, McLean, Pelot, Walker, 4.

Nays—Mr. President, Messrs. Cooper, Dupont and Livingston, 4.

So said report was not concurred in.

Mr. Walker moved that the enacting clause of said bill be stricken out; on which the yeas and nays were called by Messrs. Dupont and McLean, and were:

Yeas—Messrs. Brockenbrough, McLean and Walker, 3.

Nays—Mr. President, Messrs. Cooper, Dupont, Livingston, and Pelot, 5.

On motion said bill was re-committed to the committee on Finance, with instructions to make such amendments as will create a sufficient sum in the Territorial Treasury, to enable the Executive to pay for the apprehension of criminals, after they shall have made their escape from Jail, on his proclamation, and for a sufficiency to meet the charges of the post office department against the Executive, with any other necessary charges requisite for the faithful administration of the criminal laws of the Territory, in case a county is not able to meet the legitimate charges against it.

Mr. Brockenbrough from the committee on Banks, reported an act to require specie payments and to provide for the violation of charters and contracts by the Banks of this Territory, amended. Which was ordered for to-day.

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

Yeas—Mr. President, Messrs. Dupont, McLean and Pelot, 4.

Nays—Messrs. Cooper, English, Livingston and Walker, 4.

So said bill was lost.

The Senate went into committee of the whole, Mr. Cooper in the chair, on a bill to be entitled, an act to amend the several acts appertaining to Execution. After some time spent in its consideration, the committee rose, and reported the bill without amendments. Said bill was referred to the Judiciary Committee.

The resolution in relation to changing the time of meeting of the Legislative Council, was again laid on the table.

The preamble and resolution relative to James W. Exum, was again read and adopted.

The Senate went into committee of the whole, Mr. Walker in the chair, on an act to require specie payments, and to provide remedies for the violation of charters and contracts by the Banks of Florida. After some time spent in its consideration, the com-

mittee rose, and reported the bill amended, and said bill was ordered to be engrossed for to-morrow.

Mr. English from the select committee, to whom was referred the communication of his Excellency the Governor, made to the Senate on yesterday, reported the following letter of his Excellency, as the report of said committee, and beg to be discharged from the further consideration of the subject.

EXECUTIVE DEPARTMENT,
Tallahassee, 12 February, 1841.

Sir—No bonds have been issued, no commissioner appointed, and I have been anxiously expecting the action of the Legislative Council upon my communication of yesterday.

I am Sir, very respectfully, your obedient servant,
ROBERT RAYMOND REID.

WM. F. ENGLISH, Chairman committee.

Said communication was referred to the Committee on the State of the Territory, with instructions to report to-morrow morning.

The Senate received from his Excellency the Governor, a message, which was referred to the Committee on the State of the Territory. Also a message from the House of Representatives—which was ordered for to-morrow.

The Senate then went into secret session on certain nominations of his Excellency the Governor—on motion the doors were opened, and the Senate adjourned until to-morrow.

SATURDAY, February 13.

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

Mr. Dupont from the Committee on the State of the Territory made the following report:

The Committee on the State of the Territory, to whom were referred, under order of the Senate, two communications of the Executive, upon the subject of the issue of Territorial Bonds, in order to carry into effect certain Resolutions heretofore passed by the Legislative Council, providing for the settlement of the claims of certain troops, which had been engaged in the service of the Territory, having endeavored to give to the subject that serious consideration which its importance demanded,

beg leave to report:—That by the terms of the first, second and third resolutions above alluded to, the Executive was authorised and requested to settle the claims therein specified; and had the Legislative Council taken no further action upon the subject, than merely to have passed the said first, second and third resolutions the Execetive would have possessed ample authority, by a provision of the act of February 10th, A. D., 1838, (under which these claims had arisen) to have negociated a loan for that purpose. But the Legislative Council being fully aware of the exhausted state of the Territorial treasury, and that a loan based upon a pledge of the Territorial faith could not be negociated but at a ruinous sacrifice, appended a further resolve, prescribing that any loan that might be effected should be made at not less than par. The object then of this last resolution certainly could not be construed into a requisition upon the Executive to make "forthwith" an issue of the Bonds, for this authority he already possessed, under the provisions of the act above refered to; but your committee are of opinion that a much more rational interpretation of the said last resolution would be, that the Legislative Council did not contemplate any issue of Bonds *at this time*, for it cannot be presumed that they would so far trifle with the hopes of their fellow-citizens, as to make the liquidation of their just claims dependant upon the sale of Florida Bonds *at par*, when the Bonds of no *State* in the Union now command their par value. Such a supposition is indeed preposterous, and if correctly founded would say as litte for the intelligence as the candor of the Legislative Council; the plain and obvious intention of the Legislature in passing the resolutions was two fold: 1st. A *recognition* of the claims. 2d. To insure by the said act of recognition a successful appeal to the general government for an early settlement of the same.

The Legislature will therefore as refered to by the Executive, so far from imposing any obligation upon him to make an issue of Bonds forthwith, seems to your Committee to indicate precisely the reverse.

If the Senate shall coinside with the views of the Committee, then it would seem but proper that resolutions *declaratory* of the Legislative will, should be forthwith passed, and presented to his Excellency without delay. They therefore recommend the adoption of the resolutions accompanying this report.

Be it Resolved by the Legislative Council, That his Excellency the Governor of the Territory, be instructed to defer the issuing of any Territorial Bonds, for the purpose of raising money to meet any claims against the Territory, until the said claims shall have been presented to the proper department of

the General Government, and payment of the same is absolutely refused.

Be it further Resolved, That if payment of any such claims shall be refused by the General Government, then it may be competent for the Executive to issue bonds in accordance with the provisions of and for the purposes contemplated by the acts now in force; provided, that all monies which may be raised upon any such bonds, shall be forthwith deposited in the Territorial Treasury, to be drawn out only on the warrants of the Governor, or by special act of the Legislative Council.

C. H. DUPONT, Chairman.
D. G. M'LEAN.

Which was read and ordered for Monday.

An engrossed bill to be entitled, an act to require specie payments and to provide remedies for the violation of charters and contracts by the Banks of Florida, was read a third time, and on the question of its adoption, the yeas and nays were called by Messrs. Livingston and Duval, and were:

Yeas—Mr. President, Messrs Brockenbrough, Dupont, English, Livingston, McLean and Walker, 7.

Nay—Mr. Cooper.

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

A bill to be entitled, an act to incorporate the Monticello Rail Road Company, before passed by the House of Representatives, was read and ordered for Monday.

An act concerning Indian depredations, and for other purposes, before passed by the Senate and amended by the House of Representatives, was ordered for Monday.

The Senate went into secret session on certain nominations of his Excellency the Governor; on motion the door was opened.

Mr. Livingston moved to re-consider a bill entitled, an act to prevent duelling. On which question the yeas and nays were called by Messrs. English and Dupont, and were:

Yeas—Mr. President, Messrs. Brockenbrough, Dupont, Livingston, McLean and Walker, 6.

Nays—Messrs. Cooper and English, 2.

So the motion prevailed, and said bill was referred to the Committee on the Judiciary.

The Senate then adjourned until Monday, 12 o'clock.

MONDAY, February 15, 1841.

The Senate met pursuant to adjournment.

The President being unable to attend by indisposition, Mr. Dupont was called to the Chair.

The Senate received from his Excellency the Governor a message, which was ordered for to-morrow.

The Senate then adiourned until to-morrow.

TUESDAY, February 16, 1841.

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

Mr. Duval agreeable to previous notice, asked and obtained leave to introduce a bill to be entitled, an act to incorporate the Mechanics Beneficial Society of the city of Tallahassee.—Which was read and ordered for to-morrow.

The resolutions reported by the Committee on the State of the Territory, on Saturday last, in relation to sundry resolutions for the payment of the troops under Col. Robert Brown and Major Isaac Garrison, were read, for which Mr. English offered the following substitute:

Resolved by the Senate and House of Representatives, That the Governor be requested, authorised and informed, on the subject of settling the claims for troops raised in East Florida, who served under Col. Robert Brown and Major Isaac Garrison, not to settle them in the first place by attempting to arrange or settle the claims by the negotiation of bonds or loans, but by applying to the authorised power, to settle the claims in Washington, and on their refusal so to do, then in that case the debt is so much as is legally authenticated, by the joint resolution, acknowledged by the Territory of Florida, and the Governor is authorised to settle according to the true intent and meaning of the resoluttons which was according to the sense of this body to have first required by the General Government to settle them.

Which was adopted.

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

House of Representatives,
February 12, 1841.

(*Extract from the Journal.*)

Mr. Speaker presented a memorial of the stockholders of the Union Bank of Florida, praying that that bank be permitted to sell the Territorial Bonds now in possession of that bank, below par. Which was referred to the Committee on Banks, and a copy thereof directed to be sent to the Senate with the request of the House, that that body do appoint a committee to deliberate with the Committee on Banks on said memorial.

Attest, J. H. GIBSON, Clerk.

The following message received from his Excellency on yesterday, was read.

Executive Department,
Tallahassee, February 12, 1841.

To the Legislative Council 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 Mandarin.

An act to incorporate an Academy in the County of Leon, and the Trustees thereof.

An act to incorporate the first Baptist Church at Jacksonville.

An act to amend an act entitled "An act to establish a board of Port Wardens and Commissioners of Wrecks for the port of Apalachicola."

An act to authorise Daniel Campbell to establish a ferry across Escambia river.

An act to incorporte the town of Jacksonville.

An act to authorise Luther Taylor to establish a ferry across the Escambia River.

An act to amend an act declaring Juniper Creek, in Escambia County a navigable stream.

An act to allow Lawrence O'B. Branch to practice law in the Courts of this Territory.

ROBERT RAYMOND REID.

The Senate received from the House of Representatives, as passed, an act giving the right of lein to shipwright's, material men, &c. in this Territory.

Also an act to provide compensation to persons saving impaired cotton. Which were read and referred to the Judiciary Committee.

Also as adopted by the House of Representatives, a resolution before adopted by the Senate, in relation to the publishing and compiling of the laws of the Territory of Florida, by Jas. D. Westcott, Jr. and John P. Booth, Esq.

Mr. Dupont presented the petition of B. F. Whitner, for balance due for public printing in the year 1840. Which was referred to the committee on claims.

The Senate went into secret session on certain nominations of his Excellency the Governor—on motion the door was opened.

On motion, Messrs. McLean and Livingston were appointed a standing committee on nominations.

The Senate then adjourned until to-morrow.

WEDNESDAY, February 17, 1841.

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

Mr. Walker, without previous notice, asked and obtained leave to introduce a bill to be entitled, an act to authorise executors and administrators to sell real estate in certain cases, and to repeal certain acts therein mentioned, which was read a first and second time and referred to the Committee on the Judiciary.

The Senate received from the House of Representatives a message informing the Senate that Messrs. Brown, Cone and Thigpin had been appointed a joint committee on the part of the House, to take into consideration a resolution passed by the Senate on yesterday, in relation to the payment of troops in East Florida, commanded by Col. Robert Brown and Major Isaac Garrison. Messrs. English, Livingston and McLean were appointed said committee on the part of the Senate.

A bill to be entitled, an act to incorporate the Mechanics Beneficial Society of the city of Tallahassee, was read a second time and referred to the Committee on the State of the Territory.

The Senate received from the House of Representatives, as adopted, a resolution appointing the fourth of March [illegible] for a final adjournment of the Legislative Council. Whic[illegible] read, the rule waived, and adopted.

The Senate then adjourned until to-morrow.

THURSDAY, February 18, 1841.

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

Mr. McLean agreeable to previous notice, asked and obtained leave to introduce a bill to be entitled, an act concerning Roads, Highways and Ferries. Which was ordered to be printed.

Mr. Dupont offered the following Resolution:

Resolved by the Legislative Council of the Territory of Florida, That our Delegate in Congress be requested to apply to Congress for the reappropriation of the unexpended balance of the appropriations for the civil government of Florida, for the years 1838 and 1839.

Also the following:

Resolved by the Legislative Council of the Territory of Florida, That our Delegate in Congress be requested to apply to Congress for the reappropriation of fifteen hundred dollars, the unexpended balance of the appropriation for the compilation of the Laws of Florida. Which were read and ordered for to-day.

The same from the Committee on the State of the Territory, reported favorably on a bill to be entitled, an act to incorporate the Mechanics Beneficial Society of the city of Tallahassee.

Also, a bill to be entitled, an act to incorporate the Monticello Rail Road Company. Said bills were ordered for to-day.

Mr. Edwards from the committee on enrolled bills, reported as correctly enrolled, an act concerning Indian depredations, and for other purposes.

The Resolutions offered by Mr. Dupont this morning, requesting of Congress certain reappropriations, were read a second time and adopted.

Mr. English offered the following resolution:

Resolved, That the Senate appoint a committee of three to consult with a committee on the part of the House, on the subject of selecting a person to compile the laws of Florida, and to report on the propriety of compiling the laws.

Which was read.

A bill to be entitled, an act to incorporate the Mechanics Beneficial Society of the city of Tallahassee, was read a second time and ordered to be engrossed for to-morrow.

A bill to be entitled, an act to incorporate the Monticello Rail Road Company, was read a second time.

The Senate received from the House of Representatives, as passed without amendment, an act to amend the acts in reference to the Tallahassee Fund.

Also as passed with amendments, an act in relation to public elections.

On motion to disagree to the amendments to the first section to change the time of holding elections from "October, 1842," to "August, 1843," the yeas and nays were called by Messrs. English and Pelot, and were:

Yeas—Mr. President, Messrs. Brockenbrough, Dupont, Edwards and Livingston, 5.

Nays—Messrs. Cooper, English, McLean, Pelot and Walker, 5.

So the Senate refused to disagree to said amendments.

On motion to disagree to the amendment to the 9th section, viz: to strike out the words "or any voter challenging," the yeas and nays were called by Messrs. Livingston and Pelot, and were:

Yeas—Mr. President, Messrs. Brockenbrough, Cooper, English, Edwards and Pelot, 6.

Nays—Messrs. Dupont, Livingston, McLean and Walker, 4.

So said amendment was disagreed to.

On motion said bill was laid on the table.

Also as adopted, a memorial to Congress for mail routs, &c. which was read.

Also as passed, an act to authorise the Brunswick and Florida Rail Road Company, incorporated by the Legislature of the State of Georgia, to construct a Rail Road through the Territory of Florida, which was read.

Also a bill to be entitled, an act to incorporate the city of Port Leon, which was read a first and second time, and referred to the Committee on the State of the Territory.

Also as adopted, a resolution requesting the Delegate in Congress to obtain the franking privilege for the Governor of this Territory, which was read.

Mr. Dupont offered a resolution instructing the Delegate to obtain from Congress an appropriation for the reconstruction of bridges over the Oclockney and Little Rivers. Which was read.

The Senate went into secret session on Executive nominations —on motion the door was opened.

Mr. English obtained leave to introduce a bill entitled an act to change the mode of voting. Which was read, the rule waived, and on its passage, the yeas and nays were called by Messrs. English and Pelot, and were:

Yeas—Mr. President, Messrs. Brockenbrough, Cooper, English, Edwards and Livingston, 6.

Nays—Messrs. Dupont, McLean, Pelot and Walker, 4.

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

The Senate then adjourned until to-morrow.

FRIDAY, February 19, 1841.

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

Mr. Brockenbrough offered the following resolutions:

Resolved, That the Committee on the State of the Territory be instructed to examine into the condition of the Auditor's and Treasurers offices, and the vouchers and books of the same, and report thereon to the Senate.

And further to report an estimate of the indebtedness of the Territory, and the probable amount of the arrearages due from defaulting officers, which may be collected during this year, and the amount of taxation necessary to pay the current expenses, and free the Territory from debt, apart from its Military expenditure.

Resolved, That the Committee on Claims be instructed to call upon his Excellency the Governor of Florida, for an exhibition of the accounts and vouchers of the Quartermaster and Paymaster's Department of the Florida Militia, and that the same be examined, and a report made of their condition, and the present amount and situation of the funds borrowed by the Governor.

Resolved, That the Committee on the State of the Territory be instructed to examine and report upon the accounts and vouchers of the Commissioner of the Tallahassee Fund, and the state of the Fund, and whether or not the same will be adequate for the completion of the Capitol.

Resolved, That the Committee on the Militia be instructed to enquire of the Governor what troops or officers are now in the service or pay of the Territory of Florida, and where stationed, and how employed, and the propriety of discharging the same, and also what number of men have been in the Territorial service from time to time, during the past year, and how many Indians they have caught or killed, and how many of those captured have escaped, and whether such troops have been efficient in protecting the frontiers, and have had such discipline, arms and equipments, as have rendered them capable of affording sufficient protection to the frontiers.

And that they further be instructed to enquire of the Governor, whether any order has been given during the last summer by any officer commanding volunteers, either in the Florida or U. S. service, to such volunteers, requiring them to stay at their respective homes, and attend to their ordinary avocations; if so, what the orders were when given, to what troops, and by whom, and for what object, and whether or not such orders

were given in conformity with the order of the Secretary of War or any officer of the Regular Army, and any other facts connected with the same, which may throw light upon the subject, or to tend to exculpate such officer and troops from the reproach which may have attached to them by the issuing of such orders during the continuance of Indian murders and depredations.

Which were ordered for to-day.

The same from the Committee on the Judiciary, reported an act to authorise executors and administrators to sell real estate in certain cases, and to repeal certain acts therein mentioned, with amendments. Said bill was ordered for to-day.

The same from the Committee on Finance made the following report:

The Committee on Finance to which was referred "an act to abolish the Territorial Treasury, &c., with instructions to report certain amendments to the same, report:

That in their opinion the amendments cannot be made without so far impairing the principle and object of the bill, as to leave the subject in its present situation; and deeming it inexpedient, and perhaps impracticable to carry out the purposes of the bill, at present they ask leave to be discharged from the further consideration of the subject.

W. H. BROCKENBROUGH,
Chairman Committee on Finance.

On motion, said bill was laid on the table.

The same from the Committee on the Judiciary made the following report:

The Committee on the Judiciary to which was referred a bill entitled, an act to amend the several acts appertaining to Executions, report:

That in their opoinion the legislation proposed by the bill is inexpedient, and they pray to be discharged from its further consideration.

W. H. BROCKENBROUGH, Chairman.

Said bill was ordered *for to-day*.

Mr. Dupont from the Committee on the State of the Territory reported favorably on a bill to be entitled, an act to incorporate the city of Port Leon.

Mr. English from a joint select committee, appointed to take into consideration certain Resolutions for payment of troops in East Florida, commanded by Col. Robert Brown and Major Isaac Garrison, offered a substitute for the same. Which was ordered for to-morrow.

The following resolution:

Resolved, That the Senate appoint a committee of three to consult with a committee on the part of the House, [illegible] ab-

ject of selecting a person to compile the Laws of Florida, and report on the propriety of compiling the Laws.

Which was amended by substituting the words, revise and revising, instead of compile and compiling.

Which was read a third time and adopted.

Messrs. Brockenbrough, Dupont and Pelot were appointed said committee.

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

A bill to be entitled, an act to incorporate the Monticello Rail Road Company, was read a third time and passed, without amendment—ordered that the title be as above.

A memorial to Congress for mail routs, &c. was read, and copies ordered.

An act to authorise the Brunswick and Florida Rail Road Company, incorporated by the Legislature of the State of Georgia, to construct a Rail Road through the Territory of Florida, was read a second time and copies ordered.

A resolution instructing the Delegate to obtain from Congress an appropriation for the re-construction of bridges over the Ocklockney and Little Rivers, was read a second time and adopted.

The resolutions offered by Mr. Brockenbrough this morning were again read and adopted.

The Senate went into committee of the whole, Mr. English in the chair, on a bill to be entitled, an act to authorise executors and administrators to sell real estate in certain cases, and to repeal certain acts therein mentioned. After some time spent in its consideration, the committee rose, and reported said bill as amended. Which was ordered to be printed for Monday.

An act to amend the several acts appertaining to Executions, was indefinitely postponed.

An act to incorporate the city of Port Leon, was read a third time and passed—ordered that the title be above.

The Senate then adjourned until to-morrow.

SATURDAY, February 20, 1841.

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

Mr. English asked leave of the Senate to be absent during the balance of the session, from and after Thursday, 25th instant. Which was granted.

Mr. Duval asked and obtained leave, agreeable to previous notice, to introduce a bill to be entitled, an act to authorise a lottery to raise the sum of $50,000, to purchase a lot of land and build a City Hall in the city of Tallahassee. Which was read a first and second time, and ordered for Monday.

The Senate then adjourned until Monday, 12 o'clock.

MONDAY, February 22, 1841.

The Senate met pursuant to adjournment, there being no quorum present, Mr. Edwards was called to the chair.

On motion the invitation of the Tallahassee Debating Society to attend the celebration of this day was accepted.

The Senate then adjourned until half-past 3 o'clock.

HALF-PAST THREE O'CLOCK.

The Senate met pursuant to adjournment, and a quorum being present.

Mr. Cooper offered a petition from the citizens of East Florida, which was read and referred to a select committee. Messrs. Cooper, English and Livingston were appointed said committee.

A memorial to Congress for mail routs, &c. was read a second time, amended and adopted.

The Senate went into committee of the whole, Mr. McLean in the chair, on an act to authorise the Brunswick and Florida Rail Road Company, incorporated by the Legislature of the State of Georgia, to construct a Rail Road through the Territory of Florida; after some time spent in its consideration the committee rose and reported the same amended. On its pas-

sage the yeas and nays were called by Messrs. Pelot and Cooper, and were:

Yeas—Mr. President, Messrs. Dupont, English, Edwards, Livingston, McLean and Walker—7.

Nays—Messrs. Cooper and Pelot—2.

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

A bill to be entitled an act to authorise a lottery, to raise the sum of $50,000 to purchase a lot of land and build a city hall in the city of Tallahassee, was read a third time. On its passage the yeas and nays were called by Messers. English and Pelot: and were,

Yeas—Mr. President, Messrs. Edwards and Livingston—3.

Nays—Messrs. Cooper, Dupont, English, McLean, Pelot and Walker—6.

So said bill was lost.

An act to authorise executors and administrators to sell real estate in certain caces, and to repeal certain acts therein mentioned, was ordered for to-morrow.

The Senate received from his Excellency the Governor the following message, viz:

EXECUTIVE DEPARTMENT, }
Tallahassee, February 19, 1841. }

To the Legislative Council of Florida.

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

I. An act to organise the St. Augustine City Guards.

II. An act for the relief of *M.* H. *Martin.*

III. An act amend an act entitled an act constituting a board of Wardens and Commissioners of Pilotage and Wrecks for the Port of Jacksonville, and other places therein named.

IV. An act to extend the powers of the Port Wardens for the port of Pensacola.

V. An act to chadge the time of holding the County Court of Walton county.

VI. An act to incorporate the New Orleans, Florida and Atlantic Transportation Company in Florida, and for other purposes.

VII. A preamble and resolutions relative to bridges on the mail rout from Tallahassee to Pensacola.

VIII. A preamble and resolutions relative to the widow of the late Major Dade.

ROBERT RAYMOND REID.

Also the following:

EXECUTIVE DEPARTMENT,
Tallahassee, February 22, 1840.

To the Legislative Council of Florida:

Since my late message upon the subject of Colonel Robert Brown's and Major Isaac Garrison's claims in behalf of their regiment and battalion, and after the Council had refused to take action thereon, I was applied to in the most earnest manner to issue the bonds, which the Council had been informed by a message I was prepared to execute.

In the *interium*, however, I had received the enclosed letter from the Hon. Madison C. Livingston, which is herewith transmitted to the Council with letters from the Hon. J. C. Pelot, J. G. Cooper, and others, members of the Council from East Florida.

I submit to the Legislative Council, if it might not be proper, before the Executive complies with the resolutions already adopted, to cause an investigation to be made into the imputatations and charges contained in the communication of the Hon. Mr. Livingston.

It seems to me to be due to the claimants to the parties assailing and defending them, and to the character of East Florida.

The investigation might be made by a commissioner or commissioners to be appointed by the Legislative Council, or the Executive.

If these claims be just, as the resolutions recently passed unaimously by the Legislative Council suppose them to be, they should be promptly and immediately settled, if they are unjust let those who are in possession of the proofs, have an opportunity to present them.

I have requested the House to transmit to your honorable body, the original correspondence (after having read the same) for your information.

ROBERT RAYMOND REID.

Which was laid on the table.

Also the following:

EXECUTIVE DEPARTMENT,
Tallahassee, February 22, 1841.

To the Legislative Council of Florida:

I herewith return "an act concerning Indian depredations and for other purposes."

It will be perceived that in the first section the Governor and Legislative Council are authorised to appoint "by annually" a board of commissioaers, &c. which it is presumed is a mistake: if intended to read "biennually," that would be impracticable, as the Legislative Council sits but once a year.

When the proper correction is made the act will be approved.

ROBERT RAYMOND REID.

Which was read and referred to the Committee on the Judiciary.

Also the following:

EXECUTIVE DEPARTMENT,
Tallahassee, February 22, 1841.

To the Legislative Council of Florida:

It is known to you, that Harmon G. Harlan was *broken up* and his family murdered, during the past year, by the Indians; he has requested me to apply to you, in his behalf, for your friendly interposition with Congress, for his relief. He states the amount of his losses to be four thousand dollars.

ROBERT RAYMOND REID.

Which was read and laid on the table.

The Senate went into secret session on certain nominations of of his Excellency the Governor.

On motion the doors were opened.

The Senate then adjourned until to-morrow.

TUESDAY, February 23, 1841.

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

Mr. Edwards from the committee on enrollments, reported as correctly enrolled, certain resolutions for the payment of troops in East Florida under Col. Robert Brown and *Major* Isaac Garrison.

Also a memorial of the Legislative Council of Florida, to the Senate and House of Representatives of the United States in Congress assembled.

Also an act to amend the act in reference to the Tallahassee Fund.

An act to authorise executors and administrators to sell real estate in certain cases, and to repeal certain acts therein mentioned, was read a third time and passed—ordered that the title be as above.

The Senate went into committee of the whole, Mr. Walker in the chair, on an act concerning Roads, Highways, and Ferries. After some time spent in consideration of the same, the

committee rose, reported progress, and asked leave to be discharged from its further consideration. Said bill was referred to the Committee on the Judiciary.

The Senate received from the House of Representatives, as indefinitely postponed, the following:

A bill to be entitled, an act to repeal an act entitled an act to amend an act concerning Dower.

Also a resolution explanatory of certain resolutions for the payment of troops in East Florida.

Also an act to establish a court for the trial of crimes and misdemeanors committed by slaves and free persons of color.

Also an act to prevent breaches of the peace and more effectually to preserve order.

Also an act to change the mode of voting.

Also as passed, an act to amend an act entitled an act to incorporate the city of Apalachicola. Which was read a first and second time and ordered for to-morrow.

Also as adopted, a memorial to Congress, &c. Which was referred to the Committee on the State of the Territory.

A certain preamble and resolutions, reported by a joint select committee, as a substitute for certain resolutions explanatory of certain resolutions, before adopted, for the payment of troops commanded by Col. Robert Brown and Major Isaac Garrison, was again read; on the question of laying it on the table, the yeas and nays were called by Messrs. Dupont and English, and were:

Yeas—Mr. President, Messrs. Brockenbrough, Dupont, Edwards, Livingston, McLean and Walker, 7.

Nays—Messrs. Cooper, English and Pelot, 3.

The Senate received from the House of Representatives, as passed, a bill to be entitled, an act to secure to the people of this Territory a sound currency. Which was read a first and second time, and ordered for to-morrow.

The Senate received from his Excellency the Governor the following message:

EXECUTIVE DEPARTMENT,
Tallahassee, February 23, 1841.

SIR:—I wish to withdraw a message sent to the Senate yesterday, upon the subject of the bill providing for the investigation of claims for losses. When that message was penned, I gave the meaning of *semi-annually*, to the word "biennially," through some strange inadvertence and wrong direction of thought. The bill wants correction only in its orthography, and if returned to me, will be approved.

I am sir, very respectfully, your ob't. serv't.,
ROBERT RAYMOND REID.

Hon. WM. P. DUVAL, President Senate.

Mr. Brockenbrough from the Committee on the Judiciary, to whom was referred the resolution of Mr. English requiring the selection of a proper person to revise the laws of this Territory, reported sundry resolutions appointing Hon. W. Marvin to perform that duty. Which were read and adopted.

The Senate then adjourned until to-morrow.

WEDNESDAY, February 24, 1841.

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

Mr. Pelot asked and obtained leave, without previous notice, to introduce a bill to be entitled, an act to amend the 3d section of an act to establish two terms of the Superior Court in Escambia county, which was read a first and second time, and ordered for to-day.

Mr. Brockenbrough offered memorial of the people of Calhoun County to Congress for the fortification of certain points of the coasts of Florida, therein named. Which was received and referred to the Committee on the State of the Territory.

Mr. Dupont from the Committee on the State of the Territory, reported favorably on the memorial lately passed by the House of Representatives, in relation to the grievances of the people of Florida. Which report was received and the memorial placed among the orders of to-day.

An act to amend an act entitled an act to incorporate the city of Apalachicola, was read a third time and passed—ordered that the title be as above.

The Senate went into committee of the whole, Mr. Walker in the chair, on a bill to be entitled, an act to secure to the people of this Territory a sound currency. After some time spent in its consideration, the committee rose and [illegible] with all but the [illegible] clause stricken out, [illegible] for said bill, as [illegible] passed by the Senate, entitled [illegible] to require specie payment, and to provide [illegible] issue of charters and [illegible] by the Banks [illegible] the title of the House bill. On the question of concurring in the report of the committee, the yeas and nays were called by Messrs. Pelot and Cooper, and were:

Yeas—Mr. President, Messrs. Brockenbrough, [illegible] wards, Livingston and McLean, 7.

Nays—Messrs. Cooper, English, Pelot and Walker, 4.

On the passage of said substitute, the yeas and nays were called by Messrs. Pelot and Cooper, and were:

Yeas—Mr. President, Messrs. Brockenbrough, Dupont, English, Edwards, Livingston, McLean and Walker, 8.

Nays—Messrs. Cooper and Pelot, 2.

So said bill passed with the title of the bill of the House of Representatives.

An act to amend the third section of an act entitled an act to establish two terms of the Superior Court in Columbia county was read a third time and passed—ordered that the title be as above.

A memorial to Congress, before adopted by the House of Representatives, on the subject of Florida grievances, was ordered for to-morrow.

An act in relation to public elections was again taken up.

On motion to concur in the amendments of the House as to the time of holding elections; the yeas and nays were called by Messrs. English and Cooper, and were:

Yeas—Messrs. Cooper, English, McLean, Pelot and Walker—5.

Nays—Mr. President, Messrs. Brockenbrough, Dupont, Edwards and Livingston—5.

So the Senate refused to concur in said amendments.

The other amendments were concured in.

On motion of Mr. Pelot, for adjournment, the yeas and nays were called by Messrs. Brockenbrough and Dupont, and were:

Nays—Mr. President, Messrs. Brockenbrough, Dupont, English, Edwards, Livingston, McLean and Walker—8.

Yeas—Messrs. Cooper and Pelot—2.

On motion to insert in said bill the first Monday in October, the yeas and nays were called by Messrs. Brockenbrough and Livingston, and were:

Yeas—Mr. President, Messrs. Brockenbrough, Dupont, Edwards, Livingston, McLean and Walker—7.

Nays—Messrs. Cooper, English and Pelot—3.

So said amendment was made

Mr. Dupont presented a memorial of Jabez B. Bull and Patrick Ker, which was refered to the Committee on Claims.

Mr. Brockenbrough introduced by leave of the Senate an act for the relief of the Tallahassee Rail Road Company, which was read and refered to the Committee on Claims.

The Senate then adjourned until to-morrow.

THURSDAY, February 25, 1841.

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

Mr. Walker from the Committee on Claims made the following report:

The Committee on Claims to whom was refered the petition of Gen. Thos. Brown, report:

That from satisfactary testimony, produced by the petitioner, it appears that at the request of a committee of a former Legislative Council, he rendered important and laborious service in the years 1833, 1834 and 1835, in adjusting and arranging the affairs of what is termed the Tallahassee Fund.

And it appearing from a document executed by a former commissioner of said Tallahassee Fund, that the sum of eight hundred dollars, the amount claimed by the petitioner, was fixedupon as compensation for said services; the committee advise the adoption of the following resolution, allowing the petitioner that amount in a judgment which stands against him at the suit of the commissioner of said fund.

GEO. WALKER, Chairman.

Resolved by the Governor and Legislative Council of Florida, That the Commissioner of the Tallahassee Fund be, and he is hereby directed to enter credit of eight hundred dollars on a judgment obtained against Gen. Thos. Brown by a former commissioner, in the Superior Court of Leon county; and that said credit be considered as having been made on the first day of January, 1835.

Which report was received, and said resolution adopted.

The same from the same committee, begged leave to be discharged from the further consideration of a petition of B. F. relief of the Tallahassee Rail Road Company, without amendment, which was read a second time and ordered for today.

The same from the same committee, to whom was refered the memorial of Jabez B. Bull and Patrick Ker, reported a bill for the relief of said memorialists, which was read a first and second time and ordered for to-day.

Mr. Dupont from the Committee on the State of the Territory, made the following report:

The Committee on the State of the Territory, to whom was referred, by order of the Senate, "the memorial of the Legislative Council of Florida," representing the exposed and defenceless condition of the sea-board of Florida, and calling upon the Congress of the United States, to establish such works

of defence, as will insure a reasonable protection to the citizens of the Territory, beg leave to report:

That they have maturely considered the representations and suggestions embodied in the memorial, and hesitate not, to pronounce them not only just and true, but of the most vital and absorbing interest to the whole Territory. "The signs of the times" are ominous of trouble—the political horizon bears a frowning aspect, that portends a coming storm—the whole line of our maritime frontier is little less than totally defenceless, and your committee believe that the subject as set forth in the memorial, cannot be too frequently or too urgently pressed upon the attention of the General Government, whose solemn duty it is to afford protection to its citizens. They therefore recommend that the memorial be adopted, and that properly authenticated copies thereof be forthwith transmitted to the President elect of the United States, the President of the Senate, the Speaker of the House of Representatives, and to the Delegate in Congress.

C. H. DUPONT, Chairman.

Which was read and concured in, and said memorial adopted.

The Senate received from the House of Represcutatives the following message;

HOUSE OF REPRESENTATIVES,
February 23, 1841.

The House ordered that the enclosed Message, No. 4, together with the accompanying letters be transmitted to the Senate.

Attest. JAMES H. GIBSON, Clerk.

Which was read and with accompanying documents ordered for to-morrow.

Also as passed, a bill to be entitled an act to authorise Isham Blake and John D. Parish to execute certain deeds and for other purposes, which was read a first and second time, and refered to the Committee on the Judiciary.

Also as a substitute for an act to aid the administration of Justice in the Southern District of Florida, before passed by the Senate, an act to repeal an act entitled an act concerning Jurors in the Southern District and for other purposes, which substitute was received by the Senate.

Also as adopted, without amendment, a resolution appointing the Hon. Wm. Marvin to revise the Laws of Florida.

Also as adopted, without amendment, a certain resolution in relation to the educating of poor children.

Also as adopted, a resolution for the payment of certain troops therein named, which was read and refered to the committee on claims.

Also as adopted, a preamble and resolution, requesting the General Government to make an appropriation for the building of a Light-house on Cape St. Blas, which was read, the ruled waved and adopted.

Also as passed, a bill to be entitled an act regulating the fees of jailors in this Territory, which was read.

Also as passed, an act to repeal the 4th section of an act entitled an act to amend an act, passed January 31, 1838, entitled an act to incorporate the City of Apalachicola, approved March 2, 1839, which was read a first and second time and refered to the Committee on the Judiciary.

Also as passed, an act to amend an act entitled an act concerning the appointment and jurisdiction of Justices of the Peace. Which was read a first and second time, and referred to the Committee on the Judiciary.

Also as adopted, a preamble and resolution in relation to the Bank of Jacksonville, before adopted by the Senate.

Also as passed, with amendments, an act to provide for the recording marks and brands of cattle butchered in the counties of Escambia and Washington, and for other purposes. Which was ordered for to-morrow.

Also as passed, an act to incorporate the Tampa Bay and St. Johns Rail Road, Canal and Steamboat Company. Which was read a first and second time, and referred to the Committee on the State of the Territory.

Also as passed, an act to incorporate the Hamilton Academy in the county of Hamilton. Which was read a first and second time, and referred to the Committee on Schools and Colleges.

Also as passed, an act before passed by the Senate, entitled, an act to incorporate the Mechanics Beneficial Society of the city of Tallahassee.

Also as passed, a bill entitled, an act to incorporate the Iola and St. Joseph Canal and Rail Road Company. Which was read a first and second time, and referred to the Committee on the State of the Territory.

Also as adopted, a resolution before passed by the Senate, requiring the Delegate in Congress to procure an appropriation for the repairing of bridges across the Oclockney and Little Rivers.

Also as adopted, a resolution before adopted by the Senate, requesting our Delegate in Congress to procure the re-appropriation of certain funds before appropriated.

A memorial of the Legislative Council to the Senate and House of Representatives of the United States in Congress assembled, in relation to Florida grievances, was again read.

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

Yeas—Mr. President, Messrs. Brockenbrough, Dupont, English, Edwards, Livingston, McLean, Pelot and Walker—9.

Nay—Mr. Cooper—1.

So said memorial was adopted.

An act for the relief of the Tallahassee Rail Road Company, was again read and ordered for to-morrow.

An act to be entitled an act for the relief of Jabez B. Bullane Patrick Kerr, was again read and ordered for to-morrow.

The Senate received from his Excellency the Governor the following message:

EXECUTIVE DEPARTMENT,
Tallahassee, February 25, 1841.

To the Legislative Council of Florida.

I respectfully inform you, that I have approved the following acts of the Legislature:

I. An act concerning Indian depredations, and for other purposes.

II. An act to amend the acts in reference to the Tallahassee Fund.

ROBERT RAYMOND REID.

Which was read.

Also the following:

EXECUTIVE DEPARTMENT,
Tallahassee, Feb. 24th, 1841.

To the Honorable the Legislative Council of Florida:

I return to you, the preamble and resolution for the relief of the administrator of James W. Exum, late Marshal of West Florida, with the objection that the resolution appropriates a sum of money to the administrator which he has no right to claim. According to the statements of the preamble and the facts contained in the original papers, which I have examined, the balance upon the books of the Treasury with the late Marshal should be remitted. But he is not entitled to a dollar from the Treasury, nor does the petitioning administrator claim any thing.

ROBERT RAYMOND REID.

Which was read and laid on the table.

Also the following:

EXECUTIVE DEPARTMENT,
Tallahassee, Feb. 22, 1841.

To the Legislative Council of Florida:

Herewith I transmit extracts from a letter from Col. Blackburn, of the Florida Volunteers, recently received at this Department:

"There are other subjects which I wish to bring before you, and which I hope you will immediately lay before your Legis-

latüre. During the three months Capt. Buie and his company served in the United States service, he had in his company two friendly Indians, namely: John Perryman and Joe Miller; the mustering officer said he could not recognise them as a part of the company; consequently they have not received one cent for their services. They rendered good service to my knowledge, and should be paid by the Territory. If they are paid, they can be made valuable; they are well acquainted with that section of country occupied by the Creek band, they are also acquainted with the warriors composing this party, and can be of signal service in trailing them up, and getting them to come in and give up."

ROBERT RAYMOND REID.

Which was read and referred to the Committee on the Militia.

The Senate received from the House of Representatives, as passed, an act to incorporate the Cherry Lake Academy in the county of Madison. Which was read a first and second time, and referred to the Committee on Schools and Colleges.

Also as passed, an act supplementary to the act approved on the 8th day of February, 1838, entitled, an act to incorporate the Tropical Plant Company of Florida. Which was read and referred to the Committee on the State of the Territory.

Also as passed, a bill to be entitled, an act to amend an act to incorporate the city of Pensacola, approved March 2d, 1839, was read, the rule waived, and passed—ordered that the title be as above.

Also as unanimously adopted, certain resolutions, before adopted by the Senate, for the relief of Gen. Thos. Brown.

Also their concurrence in the amendments of the Senate to an act in relation to public elections.

The Senate went into secret session on certain nominations of his Excellency the Governor—on motion the door was opened.

Mr. Brockenbrough, from the Committee on the Judiciary made the following report:

The Committee on the Judiciary to which was referred an act passed by the House of Representatives, entitled, "an act to authorise Isham Blake and John D. Parish to execute certain deeds, and for other purposes," report:

That in the opinion of this committee, the Legislative Council is incompetent to enable one person to make titles to another person's property, & that in this case if the legal title has vested in the infant heirs, no action of this body can legally divest it. But if a bona fide sale was made in the life time of the ancestor, which the committee does not doubt, a Court of Chancery will have power on a proper case made to decree valid titles. The committee have also been informed, that in this case a deed

was made and delivered in the life time of the venders of the lots, and that the same has been lost, and that evidence exists of the fact, if such be the case, a copy of the deed can be established of equal force with the original at little expense under the act for establishing lost deeds and papers.

The Committee is perfectly satisfied of the fairness and justness of the present case but is of opinion the Legislation of the character proposed is calculated to open the door to fraud and collusion. The proceedings before the Council are exparte before the Courts all must be Represented and the subject fully examined before a decree can be made.

The committee therefore recommend that the bill be not passed

WM. H. BROCKENBROUGH.
Chairman Committee on Judiciary.

Which was concurred in, and said bill indefinitely postponed.

The same obtained leave to introduce a bill entitled, an act to ascertain the wishes of the people of Florida upon the propriety of going into a State Government. Which was read and ordered to be printed.

The Senate then adjourned until to-morrow.

SATURDAY, February 27, 1841.

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

Mr. Livingston from the Committee on Schools and Colleges reported favorably on an act to incorporate Hamilton Academy in the county of Hamilton.

Also an act to incorporate the Cherry Lake Academy in the county of Madison.

Said bills were ordered for to-day.

Mr. Dupont from the Committee on the State of the Territory, reported favorably, an act to incorporate the Tampa Bay and St. Johns Rail Road, Canal and Steamboat Company.

Which was ordered for to-day.

The same from the same committee, made the following report:

The Committee on the State of the Territory to whom was referred, by order of the Senate, a Resolution, directing an examination into the condition of the Auditor's and Treasurer's offices; and also an

inquiry as to "the indebtedness of the Territory, and the probable amount of the arrearages due from defaulting officers, which may be collected during this year; and the amount of taxation necessary to pay the current expenses and free the Territory from debt; apart from its military expenditure," beg leave to report:

That the shortness of the time allotted to your Committee, by the contemplated early adjournment of the Legislative Council, together with the accumulation of a large amount of important business, which now occupies their attention, forbid the hope that a *thorough* examination, (such as is, no doubt, contemplated by the passage of the resolution,) could at this stage of the session be made; they, therefore, beg leave to be discharged from the further consideration of so much of the Resolution as directs the said examination.

With regard to the second branch of the Resolution, the Committee beg leave to direct the attention of the Senate to the communication of the Auditor, heretofore laid before the Legislative Council.

By reference to that document, it will be seen that the present indebtedness of the Territory, as ascertained by the outstanding warrants of the Auditor, amounts to eleven thousand two hundred and ten dollars and fifty-six cents, ($11,210 56,) and the arrearages due to the Territorial Treasury from defaulting officers, as reported by the Auditor in his annual statement, made to the Legislative Council on the 5th instant, amounts to thirty-six thousand two hundred and seventy-one dollars and thirty-seven and a half cents, ($36,271 37½). What portion of this amount can be relied upon to meet the existing demands against the treasury and the current expenditures of the present year, the Committee are at a loss to determine, being in possession of no correct data upon which to found an estimate. They are of opinion, however, that the arrearages might with safety be relied upon to provide a fund sufficient for the entire liquidation of the debt now due. If the anticipations of the Committee shall be realized in this particular, (and they are lead, from the very efficient measures which the present Auditor has put in operation, and the commendable zeal and energy displayed by him in the enforcement of the revenue laws, to believe that such will be the case,) then it will be necessary, in the assessing of the taxes for the present year, to provide only such an amount as will meet the current expenses of the year. What those expenses will amount to, can only be estimated by reference to the amount of expenditures in previous years. The current *ordinary* expenses of the year 1839, was eight thousand seven hundred and eighty-four dollars and seventy-eight cents, and that of the last year, nine thousand nine hundred and twenty-two dollars and eighty-two cents. In this estimate of the current expenses of the last year, it may be proper to remark that the amount of eight hundred dollars, allowed to the private secretary of the Governor, has not been included, inasmuch as the resolution appropriating that amount, is construed by the committee to have been limited to that year, and consequently cannot, unless so ordered by the Legislative Council, become a charge upon the resources of the present year. It is also proper to remark that the amount of expenditure for the last year, is much above what might be considered a fair criterion; in consequence of the very *extraordinary* amount credited to the prosecution of criminals in the Western District, to wit, the amount of three thousand eight hundred and twenty-six dollars and fifty-five cents—being nearly one half of the aggregate expenditure for that purpose, in the whole Territory, and more than three times the amount expended in the Middle District. By rating the amount which would, under or-

dinary circumstances, have been expended in the Western District, as equal to that in the Middle District; then the *ordinary* current expenses for the year 1840, should be stated at about seven thousand five hundred dollars; which amount your committee are of opinion would be a fair estimate for the present year. If the committee are correct in stating the ordinary current expenses at that amount, then the inquiry arises as to the means to be relied upon, for meeting it.

The principal sources of Revenue, under the existing laws, are, first: a direct tax upon lands and slaves. Secondly: the tax upon auction sales. Thirdly: fines and forfeitures incurred under the criminal laws. But as it is not only unwise but oppressive, especially at the present time, when the country is laboring under extraordinary embarrassments, to require from the people a greater amount than is necessary to provide for the current expenses of the government, the committee would recommend, that the last two sources of revenue be alone resorted to for the present year; and they are of opinion that they will afford a fund sufficiently large for that purpose.

The estimate of the committee is, that the ordinary current expenditure of the year will amount to seven thousand five hundred dollars, ($7,500) and they propose to provide for it, first—from the tax on auction sales, which may be estimated at six thousand dollars, ($6000)—and secondly, from fines and forfeitures, which may be estimated at fifteen hundred dollars, ($1500), making the aggregate amount of seven thousand five hundred dollars, ($7500).

The committee are further induced to make the foregoing recommendation from the fact, that past experience has demonstrated, the utter futility of endeavoring to enforce the punctual assessment and collection of a land and slave tax. By reference to the reports from the Treasury department, for past years, it will be seen that the amount of revenue derived from this source, has been paid only by a few of the counties nearest to the capitol. The report of the Auditor for the year 1839, fully illustrates the fact stated—out of the twenty counties of the Territory, there were but five that contributed to the treasury from this source, and some of those five, only a portion of the amount assessed. A state of things so unequal and consequently so *unjust*, should no longer be tolerated; and whenever experience teaches that a system of taxation thus operates, it should, without hesitation, be abandoned. If it could subserve any useful end, the committee might enter into an investigation of the causes which have operated to produce this inequality in the administration of the revenue system, but believing that the sources herein before pointed out, will afford a revenue sufficiently ample to meet the current expenditure of the year, they most earnestly recommend the adoption of the accompanying Resolutions, which propose to suspend the operation of the revenue laws, during the present year, excepting from the operation thereof the tax on auction sales, retailers of spirituous liquors, keepers of billiard tables, exhibitors of public shows, and pedlars.

Before closing this report your Committee cannot abstain from calling the attention of the Senate to the very singular anomaly which is presented by the present system of *Territorial* revenue. The Government of the United States, did in the year 1820, by an act of Congress, concede to the people of Florida, (who from the time of the cession by Spain, up to that period, had lived under the government of a single Provincial Governor, invested with and exercising the powers of the Captain General and Intendant of the Island of Cuba,) a *Territorial* form of government, reserving to itself the right of appointment, to fill

the several departments of the government, to wit: the Executive, the Legislative and Judicial. By the same act of Congress, the Government of the United States took upon itself the burthen of supporting this Territorial form of Government, by providing for the necessary expenditures of the several departments; and she literally made good her guarantee, until the Legislative Council, induced by a spirit of magnanimity, or from some other cause, unknown to the Committee essayed to relieve her from the burthen, by bringing forth in all its deformity the present system of *Territorial* taxation. It is true that, at a subsequent period, the right to elect the members of the Legislative Council was given to the people, but this by no means changed the relation that had previously existed between the Territory and the General Government; nor did it relieve her from the obligation to provide the means necessary for the administration of the Territorial Government; and so she seems to have considered it, as the expenses of the Legislative department has always been, and now is, paid by the General Government, notwithstanding the concession of this inestimable boon—a boon accorded by enlightened statesman, to the increased and rapidly increasing intelligence and virtue of the inhabitants. But it is contended by the apologists of this system that the General Government, in undertaking to establish and support a Territorial form of Government, for the people of Florida, by no means undertook to provide for the contingent or incidental expenses of the several departments. But this portion is negatived first by the practice of the General Government, and secondly by the absurdity which it involves.

The practice has always been, and now is to pay a very large proportion of the incidental expenses of the several departments. The estimate for the Executive department, as your Committee is informed, always embraces an item for contingences—a large proportion of the estimate for the Legislative department is made up of contingent and incidental expenses; and the estimate for the Judicial department is of like character; how does it happen, then, if the General Government, pays a *large portion* of the incidental expenses (as they certainly do) that they do not provide for the *small balance* which is now paid by the Territorial Treasury? or by what law, or rule of construction, is this "large portion," provided for and the "small balance" discarded? The solution of these questions is left to those who contend for the justice and *reasonableness* of a Territorial revenue system. But secondly, the position involves a palpable absurdity, in this, that the whole of *that portion* of the incidental expenses of the Government, proposed to be provided for by the Territorial tax, amounts, on an average, to not more than six thousand dollars per annum; and can it be presumed for a moment, that the General Government would be either so *unreasonable* or penurious, as to induce by a refusal to pay this "small balance," the establishment of a system of revenue, that must extend from Pensacola to St. Augustine, and from the St. Mary's to Key West; involving the people of Florida in an expense, amounting to three times the amount to be collected—the absurdity of the proposition is too glaring to admit of a further argument.

The Committee will close this report, by recommending the adoption of the accompaning resolution, requiring the Marshals of the respective judicial districts, to include in their accounts against the United States, all such as may accrue in consequence of the apprehension, safe keeping and prosecution of criminals.

All of which is respectfully submitted.

C. H. DUPONT, Chairman.

Be it Resolved by the Governor and Legislative Council of the Territory of Florida, That from and after the adoption of this resolution, the revenue laws of this Territory shall be suspended, so far as they may authorise the *assessment and collection* of a Territorial revenue for the present year, and no further; provided, that the operation of this resolution shall not be construed to extend to the tax upon Auction Sales, retailers of Spirituous Liquors, keepers of Billiard Tables, exhibitors of Public Shows and Pedlars, or to prohibit the assessment and collection of county taxes, as is provided for by the existing laws.

Be it further resolved, That from and after the adoption of this resolution, the Marshals of the respective judicial districts, be instructed, in making out their accounts against the United States, for the expenses attendant upon the administration of the laws, to embrace in the same, such as may occur, in consequence of the apprehension, safekeeping and prosecution of criminals; and the several judges are respectfully requested to certify the same; it being the deliberate opinion of the Legislative Council, that they constitute a legitimate charge against the United States.

Which was read, and ordered to be printed.

Mr. Cooper from a select committee, made the following report:

The chairman of the select committee of the Senate, to whom was referred the petition of the citizens of East Florida, praying for a division of the Territory, request leave to make the following report:

That prior to the cession of the two Floridas to the United States, the provinces of East and West Florida were seperate and distinct governments. East Florida extending Westwardly to the Apalachicola. In the treaty of cession they are spoken of as different and distinct provinces and Territories. The relative geographical position of the East and West Florida, (attaching Middle Florida to the West and South Florida to the East,) occasioning them to be but little identified with each other in pursuits, habits, customs, trade, interests or feelings.

They have but little intercourse or association with each other, and but for being now under one government, would have less. The commerce of the Middle and West is chiefly, and always will be with the Southwest. That of East and South Florida, is confined to the Atlantic ports. Middle and West Florida are cotton growing countries, the East with a more genial climate, will be in addition and perhaps principally devoted to the cultivation of Sugar Cane, Tropical Fruits and Plants, to Fishing, and raising Stock. Their remoteness and the difficulties which will ever exist in the speedy transmission of intelligence between them, renders it proper, especially in time of war, that they should be under different jurisdictions. Their people are as much strangers to each other as the citizens of Louisiana and Georgia.

They should be divided, every consideration of convenience

every dictate of justice, and every rule of right demands it.—Early after the cession, and in 1822 the people of East Florida, by a Delegate, who well understood their wishes and rights, attempted to procure the establishment for them, of a seperate Territorial government in East Florida, and although he failed, the right has never been yielded or abandoned.

The policy of the slave holding sections of the Union, demands that there should be two new Southern States. We are already overborne, and without our equal and just influence in the Councils of the Nation. And why should Southerners resign the privilege and right of an additional Southern State formed out of East and South Florida, to balance the Western Territories, which in a short time will knock for admission as the *States* of *Wisconsin* and *Iowa*? It is political suicide.—We are willing to yield to Middle and West Florida, all West of the Suwannee River; but we must be permitted to judge of, and consult our own wishes, feelings and interests on this subject. We object to being dragged and coerced into such an unnatural union, which, when once consummated, we fear cannot be dissolved. Let the *Middle* and West, if they so choose, become a State by themselves, but let the East remain at present, as she was ceded to the United States by Spain, if *poor*, still seperate and independent.

Her people were not bartered as slaves, without political rights, they claim to have some right of volition, and it will be exercised on this subject, against what they conceive the impolitic, unwise, and mad scheme of setting up for ourselves before we have arrived at years of political discretion, much less at legal majority, merely to gratify the ambitious aspirations of impatient politicians.

In behalf of his constituents, the undersigned demand of their fellow citizens of the Middle and West, from Congress and from the people of the United States, some regard for their rights, interests, and feelings, and that though a minority of the *whole Territory as now existing*. They may not be persecuted and oppressed to promote the schemes or interests or wishes and views of others.

The undersigned ask that this report be printed, spread upon the journals, and a certified copy sent to our Delegate in Congress.

JAMES G. COOPER,
Chairman select committee of the Senate.

Which was read, and ordered to be printed.

Mr. English from the same committee, made the following report:

Mr. English, as a member of the committee on the subject of the petition of his fellow citizens in East Florida, has had the

same under consideration and reports and believes, that true it is there are many, a very large majority of the people of the East for division, and they have a right to a respectful hearing, & all proofs they may desire on this subject, to become satisfied that the constitution was fairly adopted, by a large majority of the people of Florida, as a whole, and to satisfy them on that subject, I would respectfully recommend the passage of a bill or resolution requiring the proof of the opinions of the people of Florida on the state subject; and such a one as in their wisdom would best accomplish the object required. This member of the committee believes it would be an important southern measure for Florida to become a state immediately, was she able to bear the expense of it, which he somewhat doubts, that it would be more important, could we become two, he admits; but believes to divide now would delay our having a state at all, at least so long as he believes the immediate good of a southern state to the Union, or southern states would be vastly more important than the future acquisition, if at all of two states of Florida. He would for another reason, vote for a state government immediately, the people he has the honor of representing, have by their vote expressed a desire to become a state, and he does not feel warranted in doing anything that would retard any business of an enlightened people, who notwithstanding it might be somewhat inconvenient would prefer to suffer the inconvenience, and become a sovereign state. They have a right with open eyes to make their selection. Our becoming a state as a whole now will not prevent a future division, when population, wealth, &c. makes it desirable.

WM. F. ENGLISH

Which was read and ordered to be printed.

Mr. Edwards from the committee on the militia made the following report:

The Committee on Militia, to whom was referred so much of a communication from his Excellency, as purports to be an extract of a letter from Lieut. Col. Blackburn, setting forth the claims and recommending the payment of the same, of two Indians, namely: John Perryman and Joe Miller, who acted as guides to Capt. Buie's company, for the term of three months, whilst said company was in the U. S. service, and should have been paid (if such services have been rendered) by the mustering officer of said company, beg leave to report:

That whilst there are so many claims of a more pressing and important nature to be liquidated, and provided for by the Legislature, that we be dismissed from any further action on the subject.

J. D. EDWARDS, Chairman.

Which was read and ordered for Monday.

Mr. Livingston from the Committee on Finance, made the following report:

The committee to which was referred the memorial of John G. Gamble Esq., President of the Union Bank, asking a repeal of the 34th section of the charter of said Bank, beg leave to report—

That they have given to the memorial the most mature, and they may conscientiously say, the most anxious consideration, that their other official duties would permit; and the result of their best reflection is, that the prayer of the memorialists is reasonable, and ought to be granted.

Many of the views which bear upon the subject of the memorialists are presented by the Directors of the Union Bank, pursuant to the unanimous wishes of their constituents whose mortgaged property is estimated at three millions of dollars, along with debts due them for discounted bills, of three millions and a half, and the profits upon these discounts of 334,000 dollars, already realized, making an aggregate amount of six millions eight hundred and thirty-four thousand dollars, is all pledged to indemnify the Territory against any loss that might be apprehended from a failure on the part of the Bank to pay the principal and interest of the 3,004 bonds, of which 700, now unsold, constitute a par.

The real value of the mortgaged estates, composing the largest item of this indemnity, is represented to the committee to exceed in value, by at least two millions of dollars, the above estimate; so as to extend the indemnity to a sum exceeding eight millions eight hundred and thirty-four thousand dollars. More than five millions eight hundred thousand dollars must therefore be totally sunk, before the Territory can be exposed to any loss whatever.

That the statements which warrant this conclusion are entitled to confidence, is evident, not only from the character of those who supply them; but by facts, worthy in this enquiry of special notice.

The stock of the Union Bank has, in a few instances, at various periods, been exposed to sale, at public auction; but no sale has ever been so made at less than an advance of from 25 to 30 per cent. on each share of $100, and no stockholder can now be induced to sell his stock for less than the least of these premiums. Moreover, many of the largest stockholders, including several directors of the late and present board, having, as is represented to your committee, estates of the value of a million and a half, and owning stock exceeding in the aggregate a moiety of that sum, have endorsed the post notes of the Bank to an amount exceeding two hundred and ninety thousand dollars, and bonds to the further amount of more than half a million; thus becoming personally liable to the extent of eight hundred thousand dollars for the debts of the Bank, manifesting thereby their entire confidence in the statement submitted by the late board to the last annual meeting of the stockholders, and by the present board to the committee.

Admitting those statements thus attested to be entitled to credit, (and your committee repose unlimited confidence in their truth, although they unanimously and solemnly repudiate the idea that the Territory is not ultimately bound to redeem its faith, plighted to the public creditor who holds its bonds, they as unanimously believe that a perfect indemnity exists to guard the government and people of Florida from any future loss or hazard in consequence thereof.

They have, therefore, more readily, but, for the same reason, more cautiously, considered in all its aspects the prayer of the memorialists to be permitted to sell the remaining 704 bonds issued to the Union Bank without the restriction imposed by the charter.

The facts and views of the memorialists, on which they ground their

prayer, and which have been duly considered by the committee, are strictly the following:—

1st. The failure in Florida to a very great extent of the Cotton crop of the past year.

2nd. The magnitude of the debts due to the Bank by its customers within the Territory, and their present inability, for the reason above mentioned, to pay them promptly.

3rd. The verry large sums which the Bank is required to remit abroad in the course of the present, and the first half of the succeeding year.

4th. The vast loss which the Bank must unavoidably sustain if those sums are to be remitted at the present rate of Northern Exchange.

5th. The heavy pressure which it must make upon its debtors, and those debtors upon those who are indebted to them. If the Bank attempt to force the payment of a sufficient sum to make those remittances and to provide that exchange.

6th. The probable loss of many of those debts if their payment be urged by the issue of executions to be levied on property, to be sacrificed at public auction.

7th. The great probability, if not absolute centainty, that the sale or hypothecation of the unsold Bonds, now the *unproductive* capital of the Bank will enable it, not only to meet all just demands likely to be made upon it for immediate payment without those ruinous consequences to their honest debtors and to the community at large, but to provide an ample fund for the resumption of specie payment, a measure by which not only the Bank, but the people will be relieved from the evils attending on a currency depreciated for every purpose abroad, involving a ruinous rate of mercantile exchange, aggrivated by the notorious fact that this Territory imports and consumes annually an amount in value verry nearly equivolent to, and in some past years, greatly exceeding its whole exportation abroad.

8th. That whatever loss may be sustained on an actual or conditional sale of the Territorial bonds, or on a sale of the bonds of the Bank endorsed by the Directors & Stockholders, and secured by the hypothecation of the former, cannot fail to be less than that which the Bank must inevitably and irretrieveably incur from remitting to the North at the present unfavorable rate of exchange the verry large sums which it must verry shortly pay or be dishonered. And this loss supposes its collections at home to be of adequate amount to provide the necessary bills, that those bills can be procured within the Territory; that the demand for them shall not occasion a farther increase of the rate of exchange, and that the Bank will be under no obligation to resume the payment of specie within this or the next year.

In case of such resumption, a farther sum must be collected to begin and continue that measure which, if indiscreetly began and abandoned from necessity, must leave the Bank in a worse condition than if it had not been attempted.

The committee proceed to contrast the operation of the two modes of relief to which their attention is invited by the concluding paragraph of the memorial of which they have given an analysis, and trace their operation, in combination with a memorial exhibit of the liabilities and resources of the Union Bank, and with the process by which the Directors propose to provide for the former.

The Union Bank must pay in the month of June next, on account of its agent in New York,	$26,000 00
In the months of July and January next, on account of interest on the $2,296,000 of Territorial Bonds already sold of which $72,000 is due in New York, and $65,760 in London and Amsterdam, equivalent to $72,000 more, in New York exchange, being added,	144,000 00
On the 15th July next the first year's interest of 7 per cent. on the deferred deposit account,	15,000 00
In London on the 1st July next, to the house of Huth & Co. assignees of the Bank of the United States, with interest, £30,000 sterling, equivalent to $153,700 in New York,	153,700 00
On the first of March and the fifteenth of July, 1842, the deferred debt including its last year's interest,	278,000 00
On the first of July, 1842, the interest again due on the Territorial Bonds,	72,000 00
Making an aggredate of	$688,700 00

To which if the Bank be required to pay specie, the further sum of $311,300 may be added to pay the deposite debt not deferred, and to provide an adequate fund in specie to sustain the remaining circulation of the Bank.

These two sums make a total amount of one million of dollars, all of which, if provided at all, must be obtained at the expense of 40 per cent. computing the price of bills at their present high rate. So that to produce it 1,400,000 must be extorted from the Debtors of the Bank whose debts are subject to curtailment, except the inconsiderable am't of interest due on stock notes, which are not *curtailable* according to the terms of the charter, and this sum is exclusive of a balance which will be due to the Bank of the United States, having been deferred on condition of paying to their assignees in London the sum inserted above, among the immediate liabilities of the Bank.

The Senate are more capable of judging, than their committee, of the probable effect of any attempt to enforce the payment of near a million and a half of dollars under the present circumstances of this Territory, and if collected by legal process the loss to be incurred by the Bank, in its remittances abroad, for it is all to be paid or provided for by the purchase of Northern funds, is to be charged on what? that very surplus of $334,000 which the Territory has been instructed to regard as the readiest resource for the ultimate payment of the Territorial Bonds sold or to be sold, and as a fund after they shall have been paid, to be equally shared by the Territory and the Bank.

On the other hand, should an equal loss be sustained in the sale or hypothecation of the Territorial Bonds not yet disposed of, it will be paid at the expense of the same fund, though leading, as will be shenw to very different results as regards the Bank the people and the Territory, with but one exception that the bonds will have passed from the Bank and have become (at an earlier period than might otherwise) the property of the purchaser; still as this exception will leave the indemnity of the Bank precisely in the same condition as the loss to be incurred from the present unfavorable exchange abroad, should these bonds not now be sold, no objection can arise from the admitted responsibility of the Territory, for their payment in the event that the Bank shall be in capable of doing so, and that incapacity can arise as has been shown *only* by the loss of its resources to an extent exceeding more than five millions and a half of dollars.

But the Directors assure the Committee that they apprehend no such loss.

They are confidant that they can raise by a sale of those Bonds, or by hypothecation of them, as a guarantee of the earlier payment of the endorsed bonds of the Bank already remitted to London, a sum not less than 75 per cent. upon the $704,000 and of this sum they propose making the following disposition:

To pay ———— & Co. in London, £3000 sterling, with twelve months' interest,	$145,000 00
To pay in London and Amsterdam the foreign interest on the Territorial bonds already sold, and to be due in July and Jan. next,	65,760 00
Making together a sum due abroad of	$210,760 00
Which, deducted from the sum raised in London in the mode before mentioned, being	528,000 00
Will leave a balance of	$317,240 00
To be transferred to New York, with the current rate of exchange, estimated at 8½ per cent. is	26,965 00
Will cause to be deposited then to the credit of the Bank,	$344,205 00
Deducting from this last amount the American interest on the Territorial bonds sold in New York and payable there on the first of July and January next,	72,000 00
And for the interest due in July and January next on the deferred debt of $278,000,	15,000 00
	$87,000 00
There will remain,	257,205 00

of the $528,000 to provide for the part of the deposit debt which may exist on the resumption of specie payments, and to sustain a circulation amounting at present to but $330,000, and in a course of reduction by the collection of interest on loans, and by curtailments.

The proportion which should subsist between the specie of a bank and its notes in circulation, depends on so many circumstances peculiar to the condition of the country which that circulation pervades, that it cannot be regarded as an invariable rate.

The circulation of Florida, varies in a remarkable degree with the different seasons of the same year, as experience has demonstrated, being greatest in the spring, while the crops of the preceding year is reaching its destination abroad and least in the autumn, where it has been exported and sold. It has never since the institution of the Union Bank been less in any season of any year than in October, 1837, where it had been reduced to $234,283.

Smith in his treatise on the wealth of Nations estimates the proportion of specie on which a Bank may safely rely to sustain its circulation at one third of the latter.

In America where the surface of operation is larger, and the intercourse of society, as well as the transit of merchandise and money, is more tardy, the proportion of the specie to the paper currency of the Bank has been much less.

At a period of great prosperity, preceding the suspension of specie payments in 1837, this proportion among the Atlantic Banks, collec-

tively, north of the Potomac was one to six—and south of that river where the means of intercourse are less, advanced one to five.

The measure of this rate in a season of universal or general confidence cannot guide to a confident conclusion as to the proper rates, after that confidence has been impaired and prior to its restoration.

But while the Union Bank continues to press as far as practicable, with safety the curtailment of its outstanding debts, and the collection of its accruing interests as well as that in arrear since the two last sums computed for the coming year and a half, largely exceed its whole circulation now outstanding, it cannot fail to prevent a serious run upon it for specie: and that confidence which unforeseen disasters have impaired, will be renewed, as the cause which produced it, (the suspension of specie payments) ceases to exist

The committee therefore concur with the memorialists in the confident belief that the provision which they propose to make for the resumption of specie payments will bear them through triumphantly.

For the other debts of the Bank, provision will be made by the Directors, partly by the renewal of public confidence, and partly by the efforts of the Bank to deserve and maintain it, in other words by the collection of interest on its outstanding debt, which should never be in arrear, and by curtailments, adjusted to the times and the respective circumstances of their debtors.

These resources may, without a very severe pressure, be *gathered* in time to meet the payment of the deferred deposit debt, and to discharge the balance which will be due in 1842 and 1843 to the Bank of the U. States.

After this the Bank will occupy a firm position, and profiting by its misfortunes will, it is hoped and believed, experience no recurrence of a trial like that to which it is now exposed.

The Senate, having already passed a bill to fix the time for the resumption of specie payments, the committee deem it unnecessary to avail itself of the first proposition of the memorialists. To the other under suitable modifications, they look with confidence to remove the only conceivable objection to the grant which the memorialists seek to obtain.

Instead of two per cent. upon such sum as the unsold Bonds may produce, the committee recommend the fixed amount of $20,000 per annum as a sinking fund for their discharge. It will be calculated to enhance the value of the bonds to be disposed of, and insure their payment within a reasonable period, without subducting from the present resources of the bank, and in a mode so gradual as to produce no injudicious effect hereafter. In the bill which repeals the 34th section of the charter, they propose, therefore, to insert the necessary provisions for a sinking fund to pay off the 704 bonds, authorised to be sold without any further restrictions on their sale than such provisions will supply to effect their payment without a possible recurrence to the Territory.

M. C. LIVINGSTON,
D. G. McLEAN.

Which was read, laid on the table, and ordered to be printed, and the accompanying bill read, and ordered for Monday.

Mr. Livingston offered the following resolution:

Resolved by the Senate. That so much of the 26th rule as requires that the three readings of every bill shall be upon *three different* days, unless the Senate unanimously direct otherwise, be, and the same is hereby repealed for the balance of the session.

Which was read.

The message of his Excellency the Governor, in relation to certain correspondence in reference to the payment of troops in East Florida, under Col. Robert Brown and Major Isaac Garrison, was again with the accompanying documents, read and ordered for Monday.

A bill to be entitled, an act regulating the fees of Jailors in this Territory, was read a second time.

An act to prevent the stealing of neat cattle, was again taken up, as amended by the House, for which amendments Mr. Walker offered a substitute.

Which was concurred in with original title.

On the question of the passage of said substitute, the yeas and nays were called by Messrs. Duval and Dupont, and were:

Yeas—Messrs. Brockenbrough, Cooper, Dupont, Edwards, Livingston, McLean, Pelot and Walker—8.

Nay—Mr. President—1.

So said act passed—ordered that the title be as above.

An act for the relief of the Tallahassee Rail Road Company, was ordered for Monday.

An act for the relief of Jabez B. Bull and Patrick Ker, was ordered for Monday.

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

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

An act to incorporate the Tampa Bay and St. Johns Rail Road, Canal and Steamboat Company, was read a third time and ordered for Monday.

An act to ascertain the wishes of the people of Florida upon the propriety of going into a state government. On motion to strike out in said bill "Delegates Election," and insert election for Representatives, the yeas and nays were called by Messrs. Cooper and Pelot, and were:

Yeas—Messrs. Cooper, Edwards, Pelot and Walker—4.

Nays—Mr. President, Messrs. Brockenbrough, Dupont, Livingston and McLean—5.

So said motion was lost.

On motion to strike out all after the word "states" in the ninth line of section 2, of said bill, the yeas and nays were called by Messrs. Pelot and Cooper, and were:

Yeas—Messrs. Cooper and Pelot—2.

Nays—Mr. President, Messrs. Brockenbrough, Dupont, Edwards, Livingston, McLean and Walker—7.

So said motion was lost—said bill was ordered to be engrossed for Monday.

The Senate then adjourned until Monday.

MONDAY, March 1, 1841.

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

Mr. McLean asked and obtained leave to be absent for the remainder of the session.

Mr. Dupont from the Committee on the State of the Territory, reported favorably on a bill to incorporate the Iola and St. Josephs Canal and Rail Road Company.

Which was ordered for to-day.

Mr. Brockenbrough from the Committee on Banks, made the following report:

The Committee on Banks to which was referred the memorial of the Union Bank of Florida, asking permission to sell the Territorial Bonds below par respectfully report:

That they have had the memorial under consideration, and to enable the Senate to decide upon a subject of so much importance and difficulty report the following facts: The Committee has conferred with the President and Cashier of the Bank and find from their statement, the following to be its situation, (in round numbers.)

Liabilities payable out of the Territory to January 1842.

Bank Bonds due 1841 to persons in New York,	$ 26,000
Interest due on post notes to Jan'y 1842.	15,200
Due U. S. Bank of Pennsylvania 304,000, which may be postponed by payment in London in July of	145,000
Interest due on bonds for capital July.	72,000
Do do do Jan'y 1842,	72,000
	$330,200

Similar Liabilities to Jan'y 1843.

Debt to U. S. Bank	$304,000		
To be paid in 1841,	145,000		
	$139,000	with expenses say	$160,000
Interest on post notes,			15,000

Principal of Do due about July 1842,	268,000
July and January, Int. on Territorial Bonds,	144,000
	$582,000
	330,200
Total liabilities payable abroad to Jan'y 1843,	$912,200

It is believed, however, that the further payment to the U S Bank of Penn., can be without difficulty postponed for a p riod of one or two years longer by the payment of the $145,000, mentioned in London, in 1841. What effect the recent failure of the creditor Bank will have upon the implied understanding, the committee is not prepared to say.

Liabilities in Florida.

Circulation,	$330,000
Certificates of Deposite,	193,000
	523,000
	912,200
Total liabilities to Jan'y 1843,	$1,435,200

The Committee have also enquired into the resources of the Bank, and how far the same can be rendered available by the utmost diligence and a severe pressure upon the debtors of the Bank, and find the following statement to be the utmost which can be relied upon, from *other resources besides the* 704 *unsold bonds.*

Territorial bonds for military services of which payment is promised by the Government of the U S		$ 50,000
Arrears of interest due the Bank,		110,000
Int. falling due in the 12 months,		270,000
Notes &c of other Bank and Companies,		15,000
		$445,000
Paper due 1st Jan'y 1841 apart from stock debt,	$1,356,962	
At Agencies,	80,000	$1,436,962

From this must be deducted as not liable to immediate curtailment,

Debt at Agencies,	80,000
Do having time to run or precarious if pressed rapidly, (rough estimate.)	156,962
Possible ultimate loss,	50,000
	$286,962

Which deducted from $1,436,962 leaves 1,150,000 liable to cur-

tailment. It is supposed by the Bank officers that it would be possible to obtain twenty five per cent of this amount by a system of curtailment rigidly enforced, if there should be an average crop at averaged prices—this would be $287,500
To which add the interest, &c above, 445,000

And we have, $732,500
The largest amount which the Bank can reasonably be expected to realise within 12 months by the severest pressure.

If we make a similar estimate for 1842.

Floating Debt,	$1,150,000	
Less by curtail of 1841,	287,500	
Curtail of 25 per cent in 1842 on	$862,500	$215,625
Interest for 1842 on same debt,		69,000
Do on stock debt given as $1,910,461,		152,836
		437,461
To which adding our estimate for 1841,		732,500
We have total resouaces to January, 1843,		$1,169,961

Which would leave the Bank still $265,239 short of redeeming its whole liabilities on the first of January 1843. This is but a rough estimate made by the committee from data furnished by the President of the Bank, but it is still an approximation which will enable us to judge of its situation.

It must be remembered, however, that the means of payment of our people are derived only from their crops, which are available only once a year,—and that we have estimated for the *two* next crops—whilst most of the heavy foreign liabilities of the Bank, though here divided between the years 1841 and 1842, come due before or during the summer of 1842, before the crop of that year is available, and they must be met by an extension of credit or the sale of the bonds, or from the crop of 1841, which is impossible by our estimates.

It will be observed also that we have based our estimates upon the idea of all the liabilities of the Bank being presented for payment on or before January, 1843, which would leave a deficit as above of $265,239. But some of the circulation of the Bank would remain out under any circumstances. Some of it is probably lost by casualties. It consists of the remaining circulation of the Bank of Florida, the Central Bank and the Union Bank. The amount lost is estimated by some as high as $50,000; we think it may fairly be considered at least $25,000.

It is estimated by the President and Cashier of the Bank, from comparison of different years, that at least $210,000 of its circulation would remain out under any circumstances short of an

absolute cessation of business by the Bank. They say that the lowest amount of circulation of the Union and Central Bank combined was $257.000 in September, 1837. But it must be remembered that there was not then, and never has been, such a pressure since the establishment of those Banks, as we have supposed in our estimates. It is true that such a pressure if it can be actually enforced, would cause Union paper to rise continually until it became equal to specie, but until it arrived at that limit it would flow in in preference to any other means of payment and even after reaching that limit, being the chief medium of the country, it would still come in in greater proportion than any other funds; and the community would accommodate itself to the change by the gradual introduction of specie and other bank paper, by the more active circulation of the money remaining afloat, by the more extended use of individual credits, and by the fall of prices. We believe that the circulation of the Union Bank might be reduced under the pressure described to the amount of $100,000 and perhaps less. If this idea is correct the deficit in January 1843 would still be $165,239; which however would be a small amount for a Bank of such resources and could easily be paid in the year 1843, if the system supposed *could be carried out.*

We have entered into the details here given to show the true situation of the Bank, and that with its present resources, *without a sale of the Bonds*, it cannot possibly meet its liabilities, by even the utmost degree of severity deemed practicable But we deem it highly inexpedient if not dangerous to resort to such measures. We doubt the practicability of enforcing them.—We are satisfied that they would not only deprive us of all the alledged benefit which has accrued by the introduction of foreign capital through the Union Bank, but produce effects of a demoralising and disorganising tendency, ruinous to the resources of the Bank, impairing the security of the Territory, and convulsing society itself. We have no disposition to see men reduced to madness and despair by the ruin of all their hopes, the loss of their property, and the reduction of their families from luxury and comfort to distress and want. The secret removal of property—fraudulent conveyances—the resistence of process by mobs—combinations to prevent bidding, and the purchase of estates at nominal prices, by friends for the families of debtors have ensued from such a pressure in other states and times, and produced ruin to the parties exercising the severity, which has thus defeated its own object. We trust never to witness similar scenes in Florida, and would seek to avoid any action calculated to produce them by every means in our power. We are satisfied then that such measures alone will be impolitic, and if adopted inefficient.

The Bank officers speak of payment of the foreign debt by the purchase of cotton or bills drawn on cotton, (the same thing in effect) with her own notes as a practicable though ruinous measure, and as the only alternative, if permission to sell the bonds below par is refused. We are unable to say whether this is a measure seriously contemplated, or merely thrown out as an argument to show the propriety of granting their prayer by exhibiting the possibility of a more disagreeable contingency.

Be this as it may, we look upon such a course as entirely out of the question. When it is admitted that the loss by this attempt hitherto has been about forty per cent, and that forty per cent loss is the lowest estimate at which cotton or cotton bills could now be purchased with Union paper diminished as its amount now is, who can estimate the extent to which that depreciation would go if the Union Bank was to throw itself into the market to buy $500,000 worth of cotton or exchange. It would be found that the loss hitherto would be as nothing to the loss which would ensue. The depreciation would be so rapid that this resource would speedily exhaust itself, and the Bank would in the mean while be destroying those valuable assets which alone give it true credit and entitle it to ultimate confidence, to preserve for a short time longer the phantom of credit which such dearly bought punctuality would give it abroad, and which could under those circumstances be of no practical benefit, and must instantly evaporate when the means failed to continue its existence; the very time when it should be useful *if ever*. The Bank would for a time pay its debts abroad by creating a new debt at home at a loss of 40, 50, 60, and 70 per cent, whilst this new home debt would flow in upon the Bank at par and pay off and destroy that large amount of securities upon which the Bank so plumes itself as proving her ultimate solvency, and which are really so valuable and should be so carefully cherished as the means of safety to all, and profit to the stockholders.

In other words the Union Bank would be paying off her foreign creditors with her present assets all of which are reported good, at 40, 50, 60, aad 70 per cent discount, whilst at the same time she would be deranging business affairs by flooding the community with a depreciated currency. If such a preposition were directly made, it would be rejected with scorn, and yet it is seriously talked of as the only alternative; if leave is refused to sell the bonds below par. It would be better for the Bank at once to suspend payment and endure discredit upon her foreign habilities as she has long since done upon those at home.—Those creditors themselves would see and approve the propriety of such a course in preference to one which must lead to the same result, after diminishing the resources on which they depend to an extravagant extent. They would see that by such

a suspension the Bank could restore its credit at home, and in a short time be enabled to resume payment abroad.

It is no argument to say that these are losses which would fall upon the stockholders, and if they choose to bear them, the community and the Territory have an interest no the matter. The Stockholders are the *largest Debtors* to the Bank & *they make* every cent of the depreciation of the currency in paying their Debts to the Bank, and thus the immediate individual interest outweighs the ultimate interest in the profits of the Bank whilst the community encounters all the evil of the depreciated currency, and the Territory the risk of ultimate loss, without a shadow of countervailing advantage, whilst the risk to the stockholders of ultimate loss is more than counterbalanced by a present and immediate gain. We should look upon such a course as an unwarrantable determination (to use no harsher epithet) to put money into the pockets of the Stockholders at the expense of the rest of the community, under the specious pretence of preserving credit abroad.

The Stockholders have adopted the more honest course of exposing their situation, and asking leave to sell the bonds below par.

The only question which remains is whether we shall grant this request, and if so under what conditions, or whether we shall leave the Bank to recover from its difficulties in the best way she can, by pressing her Debtors and by resorting to that boasted foreign credit which it seems must be maintained even for a season at the hazard, or even certainty of ultimate ruin. We will consider the last proposition first. We see no more disgrace in failing to pay the Bank bonds given to the United States Bank for its post notes, (which were protested) or the post notes of the Union Bank given to redeem its circulation, or in asking extension or renewal upon them, than in failing to pay its ordinary certificates of deposit or circulation, or asking extension upon them. The only difference is, that to the last the Bank has become so accustomed as well as the other southern Banks, as to cease to blush. Whilst she modestly shrinks from the former, because though the same act, she is accustomed to do it in a different manner.

We see no reason why such an extension may not be asked and received. The credit of the Bank is as good now *abroad* as when the loan was made or her sacrifices have been in vain. Her resources are even greater, she yet has the bonds and an accumulation of individual paper, as her lossss have not exhausted her annual interest. If she can obtain such an extension, and stop her exhausting and ruinous method of payment, she will be enabled fully to redeem her faith hereafter, and her creditors in the meanwhile have better security than before.

It is true that the non payment of the interest upon the Territorial Bonds, would be more disgraceful than the dishonor of ordinary liabilities, because it would violate the faith of the Bank to the Territory, as well as to the foreign creditor, and lower the character of the Territory abroad, which has been in this respect placed in the keeping of the Bank.

But it might be possible for the Bank if its other foreign debt was postponed, to be enabled to meet its interest. Perhaps the holders of the Territorial Bonds, to whom the interest has been hitherto paid punctually, and who seek investments and not money, might be induced to take more Bonds in payment of the interest or a part of it, rather than suffer the property in such Bonds which they already hold to be depreciated, either by the non payment of the interest or by other Bonds of the same character being thrown into the *market below par*. Their interest to

prevent such a depreciation is clear. And they might be satisfied by investigation that the security of the money they have already invested and the punctuality of the payment of the future interest would be effected by taking a few more of the same Bonds which they have hitherto deemed a good investment. It is true that if the Bank meets them with a power to sell the new bonds under par, their cupidity might be aroused, and a counter-vailing interest excited, to obtain more of the same Bonds at a lower rate.

It may also be questioned whether a departure from our previous policy, by permitting a sale of the bonds below par, might not have as injurious an effect upon our credit abroad, as a temporary suspension of payment of the interest. The one is as much an acknowledgement of present weakness as the other. Such a suspension arising from absolute present inability to pay, and with a view to provide certain ultimate means of payment at the earliest possible day, accompanied with a refusal on our parts to allow our bonds to be sacrificed, would strengthen their credit, it would seem by manifesting a determination to pay when able, and be in effect a ratification of their validity, whilst a willingness to permit a sale at any price. would seem to imply a carelessness arising from a determination not to pay them.

If the bonds are to be sold below par to the present bond holders, it is a voluntary sacrifice to their cupidity. If to other persons, it is a depreciation upon our parts of the market value of the property of those who have loaned us their money, upon the faith of existing laws, and the belief that this Bank would not be permitted to throw other bonds into the market at a depreciated price.

In Iiana and Illinois bonds have sold at 62 and 65 cents, we have no reason to suppose that the Florida bonds could bring more than 70 cents, though sustained by the mortgages, unless bought by those who already hold such instruments to prevent deprecation. We do not profess to be learned in modern financiering or the principles which influence stock jobbers, but in the transactions of ordinary life, if a man was to borrow money at 30 per cent. discount on his paper and *pay interest as for a hundred,* for the purpose of paying his debts, and preserving his credit he would scarcely be considered sane. Merchants sometimes make heavy sacrifices to meet immediate engagements and preserve their credit, but we doubt if many ever encountered loss like this, on any large amount, and proved ultimately solvent. And a merchant may conceal such transactions, and the loss is encountered to avoid an exposure of his true situation at a critical period, by passing which, he supposes he can recover himself. But it is not so with our Bank, her situation is known and her sacrifices must be exposed—will such exposure preserve her credit? And after all it may be asked what is this credit worth which requires our bonds strengthened by all the assetts and mortgages of the Bank, to be sold at a sacrifice so heavy to meet present engagements, when there is an absolute certainty, that a temporary suspension will enable the Bank to pay all her liabilities and her interest punctually ever afterwards?

These are questions which, we admit, we are too ignorant of the subject to answer, but are thrown out for the consideration of the Senate, with the acknowledgment that wiser and older men differ with us, and especially the officers and stockholders of the Bank who know at what expense their credit has been maintained, and what it is now worth. We cannot put an estimate upon it, but it seems it is not sufficiently high to enable them to borrow money upon Florida bonds, secured abundantly by mortgages, and all the other resources of the

bank, and by bank bonds endorsed by wealthy individuals, without a discount, which would seem to an individual to be absolutely ruinous.

We understand from the officers of the bank that it is not proposed to sell these bonds below par, but to renew their loans, or borrow more money upon the bonds of the bank endorsed by individuals, with an hypothecation of the Florida bonds, to be sold at not less than a certain stipulated price, if the bank bonds should not be met at maturity. And they are *sanguine* that by obtaining such a loan, all their obligations may be met, and such bonds redeemed, so as to prevent any loss. It would seem from this, that Florida faith and honor is yet held in some estimation abroad, and that Florida credit still stands higher than Union Bank credit, endorsed by individuals, otherwise the Territorial bonds would be no more security than the bank bonds alone. This credit is based upon a well-founded idea that no community can exist among the American Republics which can deliberately repudiate its solemnly plighted faith and honor, after pledging them for a loan of money, however impolitic and unwise may have been the appropriation of that money, and although accident and misfortune might compel a temporary suspension of payment.

If the bank bonds in question are to be sold *at par*, with an hypothecation of the Territorial bonds to secure them, it is difficult to see why the Territorial bonds may not be sold at par, with an hypothecation of the bank bonds, with individual endorsers to secure the interest, if such further security is deemed necessary. The giving par for the bank bonds, under such circumstances, would prove that the security was perfectly satisfactory, and yet if the Territorial bonds were bought, and the bank bonds hypothecated, the security would be the same. It is true that the Territorial bonds have a longer time to run; but when bonds sell at or above par, which implies that the security is perfectly satisfactory, we are told by the President of the bank that the longer time the bond has to run, the higher price it will bring. If, on the other hand, the bank bonds are to be sold below par, and the Territorial bonds to be hypothecated, with a privilege to sell *them also below par*, if the bank bonds are not paid at maturity, there is a prospect and possibility of a loss double that which we have been considering, and it would seem that foreign capitalists were taking advantage of the necessities of our bank to impose most onerous terms.

Whether the bank will be able to realize the *sanguine hope* expressed by its officers, of meeting such new debt at maturity, the Senate must judge for itself from our previous estimates based upon data furnished by the bank.

The committee will only remark that hopes equally sanguine, and based upon foundations apparently firmer, have hitherto proved fatally deceptive. When the bank received its first million of dollars, and breathed life and energy into all around, it was fondly hoped that with such a capital, and such a country, so well repaying the wages of labor and profits of capital, no difficulty could ensue, the bank must always meet its engagements. Intoxicated with the belief, the bank was lavish in its favors, & the country grew wild with idle extravagance, & unwholesome speculation, and in 1837 the Union Bank suspended before the Banks of New York. In 1838, she purchased the Central Bank, which gave a large supply of specie, and removed the only restraint from her freedom of action. In that same year it received its new bonds, upon which $1,296,000 were obtained. *Sanguine* and well founded *hopes* were entertained that even this amount would place in an impregnable position a bank whose original capital was only a

million, but it disappeared as if by magic, and we can scarcely say that its paper appreciated in value.

It borrowed upwards of $500,000 of the United States Bank, and the *hope was sanguine* that this would relieve the bank, and would be easily payable at maturity, and yet the notes have all the time sensibly depreciated, and this last loan is one of the very difficulties we have now to encounter, though the bank has made heavy sacrifices to maintain itself in the interval. In all these cases, the *sanguine hopes* of the Bank and the country have been disappointed. Is she better off now? Compare her immediate resources and liabilities *now*—and *then*. Are the former greater or the latter less now? Compare her credit at home and abroad now and then. When she borrowed post notes of the U. S. Bank at eight per cent. to pay interest accrued on bonds bearing six, or to redeem her ordinary circulation, could it have been imagined that she would now be asking leave to borrow at a loss of 25 or 30 per cent and eight per cent interest on the amount received, to pay that debt?

If $300,000 would not relieve her *then*, will $500,000 *now*? Was it contemplated by the framers of the charter, that the bank should borrow at eight per cent in Philadelphia to lend at eight in Florida, where too much paper was already afloat? and then borrow at a heavy loss to pay that debt? Was it expected that the bank should borrow abroad till its credit was exhausted, to lend at home till its paper depreciated?

These are questions which your committee, acknowledging their ignorance of the science of banking, and the mystery of financiering, cannot pretend to answer, but which the Senate must answer before it can determine whether or not the sanguine hopes entertained of relief from the measure proposed, are well founded.

It will be remembered that in the loans hitherto, the bank had its 704 bonds still under its control, as a final resort. But if they are sold now below par, there is nothing left, but the debtors in Florida, from which the bank can hope for relief. If the hopes entertained should fail, we shall still be driven to the last extremity, to suspend payment on the foreign debt, accumulated in amount. If there is no hope of extension and forbearance now, without a privilege of sacrificing the bonds, there will be still less then, as the bonds will be no longer ours. If these hopes fail, the bank will be forced at last to call upon its debtors, with a rapidity and severity which will be oppressive to the people, ruinous to the bank, and dangerous to the Territory. No one can doubt —not even the most sceptical—the mind most obtuse, in perceiving the obligations of national honor—or the most acute in discovering modes and reasons for evading its dictates—that the Territory would be fully liable for the bonds thus to be allowed to be sold below par, after all the discussion on the subject, by a deliberate act of the Legislature.

We do not doubt the ability of the bank to meet all these bonds in time, by judicious management, but we do doubt such ability to meet them in a short time by immediate pressure, under circumstances which would exhaust the country of money with which to buy the property of its debtors.

The only question which remains with those who doubt the realization of the hopes of the bank by the sale of the bonds, and who also doubt whether it can obtain further credit abroad with its present resources, and by the use of the bonds, is, whether it is better to suspend payment now, and prepare to resume under better auspices, or to sacrifice the bonds and then suspend payment.

The committee cannot part with the bank memorial without noticing a portion of it which is of too extraordinary a character to be passed

without comment. At page three, the memorial states—"The public mind has been impressed with the belief, that the existing evils are all attributable to the banks, who, by an imprudent extension of discounts, have made over issues of bank paper. Hence every remedy proposed, has for its object to compel the banks to reduce their circulation.

The evils complained of are—

1. Extravagant rates demanded for northern exchange;
2. An alledged depreciation in the value of our bank currency;
3. And at the same time an acknowledged and distressing scarcity of that very currency.

This last admitted fact should induce a doubt whether the public mind has not mistaken the true cause of our embarrassments. And that doubt must be strengthened by two other undeniable facts. That the bank circulation of the Territory is less by one half than it was before the suspension of specie payments; and that the circulation of this bank is much less in amount than will be due and payable to it, in the course of the year, for interest upon its discounts. Surely these facts ought to disabuse the public mind.

The true cause of the high rate of northern exchange, *is the northern indebtedness of the Territory;* an indebtedness exceeding the value of her exports. And if by curtailments, the bank could have withdrawn every dollar of its notes from circulation, the measure would neither have paid one dollar of northern debt, nor have reduced the rate of northern exchange 1 per cent. Although it would have received money, & have added to the embarrassments of the country, by depriving it of its chief currency.

The obvious remedy for the derangement of inland exchanges, as well as for most of the other evils endured by our community, is the payment of the northern debt: and the obvious means of paying a large amount of it, is a sale of the 704 Territorial bonds, held by the bank. Without such sale, the bank and the community must continue to suffer."

The bank memorial in other places speaks of the depreciation as "real or imaginary." The committee will not venture to express an opinion upon a subject with which the bank and its officers should, from their avocation, be so much better acquainted, but only venture to suggest the reasons why the public mind seems to have entertained the unfortunate delusion, that the *depreciation was "real."*

First—Because Union Bank money will not pass more than one hundred miles from the door of the bank, and there only at 40 or 50 per cent discount for real money.

Secondly—Because lands, negroes, merchandize, or any other article of intrinsic value, can be bought for 40 or 50 per cent less in money, or specie paying bank notes, than in Union money in Tallahassee.

The community also thought that one reason of the "distressing scarcity of that very currency," was because it takes *twice* as much of it to buy any article of value, as it does of any currency not laboring under a similar delusion. And thus the $230,000 of circulation will buy no more articles of intrinsic value, than would $115,000 of sound currency. And thus the scarcity of money is as severely felt as if the bank paid specie, and had only $115,000 out, which is less than the bank officers contend is absolutely necessary, and $95,000 less than they think would remain out under any circumstances.

The price of northern exchange is no higher now in some funds, than it has always been. Specie or its equivalent in value, will buy northern exchange for about three per cent. or the price of freight an

insurance, and something over for the greater convenience and saving of trouble; which is the natural rate of exchange. To complain of the high rate of exchange in Union money, is only another mode of complaining of the depreciation. The price of exchange and specie in Union money, varies little. The only way to "disabuse the public mind," would be, if practicable, for the Bank to pay specie; and then exchange in Union money, would be at the same price which it now bears in specie. And if half the circulation were to go in, money would be no more distressingly scarce than at present; because all that remained out, would double in value.

The object in wishing to force the Banks to reduce their circulation has not been based upon the idea that we should thereby be enabled directly to pay our northern debts, but because the banks by reducing their circulation would in time compell its debtors to pay in cotton or cotton bills or money, or something else of a real intrinsic exchangeable value, and thus enable the Banks to put out a sound currency with which the holders could buy exchange near the natural rate, or draw specie and ship it in payment of Northern debts.

We do hold the Banks responsible for all the excess of our Northern indebtedness, because independent of her own large debt abroad which causes her to be a large purchaser of exchange thereby raising the price upon others and preventing them from paying. She has also created a large amount of local debt to herself upon which she has been so indulgent, as to permit and encourage extravagant expenditures in foreign luxuries and comforts, to an amount, including the Banks' debt abroad, exceeding our exports, as the memorial states. And thus still further enhancing the price of exchange, by causing the demand to exceed the probability of supply. If the Bank had been less liberal in its loans, or more punctual in exacting payment, the produce which has gone abroad to buy luxuries, and to establish credit upon which more might be bought, would have came to the Bank in return for its loans, and the excess of foreign debt complained of, could not have existed. The Bank has complained that its debtors paid their produce to their merchant instead of to the Bank. This fact of itself proves our views to be correct.

The Bank has now due to it a domestic debt of	$1,436,962
Besides a debt of the Territory,	50,000
	1,486,962
Of its own voluntary creation, besides the stock debt created by its charter of	$1,910,461
Making an aggregate of	$3,397,423
Whilst its whole actual capital is	2,296,000
Making a surplus of debt of	$1,101,423

On deducting its stock debt which was created by charter from its actual capital, we have a surplus for banking of $385,549, upon which the Bank has contrived to produce an indebtedness on the part of the country of $1,486,962, or nearly four dollars for one of its disposable capital. Under these circumstances we might with more propriety say that the high price of Northern exchange is produced by the immense amount of debt we owe to the Bank, which we are now called upon to pay at the same time and with *the same means* with our northern debt, which her indulgence permitted and encouraged us to contract.

This Bank being compelled to lay out of so much of her capital on long loans by her charter, should have banked with more than ordinary

caution upon her small remaining capital. Because in addition to the ordinary difficulties of Banks, to meet their circulation, she had a heavy annual debt to pay abroad, which she could not meet if her circulation was extended in the usual banking proportions, and at the same time meet that circulation.

The Bank proposes as an inducement to us to grant her prayer, that she shall be compelled to pay specie in six months from the sale of the bond, and that she shall annually appropriate two per cent. of the amount of the bonds as a sinking fund.

If the Bank *hypothecates* the bonds as she seems to contemplate, then the *six months* will never arrive, unless the Bank fails to redeem her own bonds and permits ours to be sold, in which case she will not be able to pay specie.

And even if the bonds are sold *at once* we see no use in specifying such a limit, because if unable to pay then, she would not, and the act would be a dead letter, and if able, we have sufficient confidence in the integrity of the Bank officers, to believe that they would resume.

And as to the sinking fund proposed, we consider all the assetts of the Bank and all profits, as a fund for the payment of these bonds, and we do not see that calling a particular portion a sinking fund will increase our security.

It is purposed by the report from another portion of this committee, and by the committee of the House of Representatives with which we were ordered to confer upon this subject, that the mortgages and bonds given to secure stock, should be deposited with the Territory. But the eighth section of the original charter already requires that those bonds and mortgages shall be given to *secure the Territory*. And they are recorded. They are in the name of the Bank, but for the benefit of the Territory. The charter prescribes the only mode in which they can be cancelled, viz: by substituting other property of equal value. And the directors have the right to judge of the substitution as they had the right to judge of the original mortgages, and the Territory is represented in that body. The committee cannot discover any additional safety which would be secured by placing the original mortgages in the custody of the Territory.

Believing that most of the misfortunes of the Bank have arisen from defects in its constitution, and believing that similar causes will continue to produce similar effects, your committee can see no remedy other than a reform in that constitution. To effect which would require the assent of the stockholders; and only upon such assent given, would your committee advise under any circumstances, a consent to the prayer of the Bank. The committee would propose,

1st. That the Bank should issue no more paper under any pretence, till specie payments are resumed, and that such resumption should take place at least as early as April 1842.

2d. That the Bank be divided into two distinct departments. The Union Loan Office—and the Union Bank. The former to be under the control of three Commissioners, one to be selected by the Territory, and one by the Stockholders, and a third by those two, who should give proper security, be paid by the Bank, keep their funds in separate vaults of the Bank, take charge of the bonds and mortgages, report annually upon the situation of mortgages, the deaths and births of slaves &c.; and collect the interest due on stock by summary process, always in specie after the resumption of specie payments; who should make arrangements abroad for the payment of the interest, and the purchase of bonds, under regulations to be prescribed in the act. Whose accounts and funds should be subject to the inspection of the President of the

Bank, but not under his control, or be liable to appropriation to any other purpose than payment of the interest and bonds.

3d. All the other rights and credits of the Bank, and all other liabilities, should be subject to the Bank Department, which should always pay specie, or instantly forfeit all banking privileges, and be placed in the hands of commissioners to wind up. Which should make an estimate every year of its profits, and pay over the same in specie, to the loan office, to pay interest and bonds. Which should have a smaller number of Directors than at present, who should never lend to any of their own body.

4. The 704 unsold bonds should be made redeemable at the pleasure of the loan office, in the order of their numbers, and all other bonds be first redeemed when at par or below it.

In order to test the will of the Senate upon the question, and determine at once whether it is willing to grant the prayer of the Bank, we propose the following resolution:

Resolved, That the Committee on Banks be requested forthwith, to report a Bill based upon the foregoing principles, and repealing the thirty fourth section of the charter of the Union Bank, upon condition that the Stockholders first agree to the modifications of the charter, to be contained in such Bill. W. H. BROCKENBROUGH,

Chairman of the minority Com. on Banks.

Which was read, received, and ordered to be printed.

The same from the Judiciary Committee, made the following report, viz:

The Committee on the Judiciary, to which was referred, an act entitled an act to amend an act entitled an act concerning the appointment and jurisdiction of Justices of the Peace, report:

That they cannot discover in what the act proposed varies from the present law, or what purpose will be effected by its passage, and therefore return it without amendment, and recommend its indefinite postponement.

WM. H. BROCKENBROUGH, Chairman.

Which bill was indefinitely postponed.

The same from the same committee reported an act giving the right of lien to shipwrights, material men, &c. in this Territory, with amendments.

Which was read a second time, and ordered for to-day.

Mr. Livingston offered the following resolution:

Resolved by the Governor and Legislative Council of the Territory of Florida, That the Auditor of the Territory be required to audit the account of R. K. Call, late Governor of Florida, respecting the expenditures of the money raised for the defence of the frontier, under an act in addition to the military laws now in force, approved 4th March, 1837; and that a copy of the same be deposited in the office of the Secretary of the Territory, and that the Governor be requested to forward two copies of the account current, to Washington City, one to the President of the United States, and one to our Delegate in Con-

gres and that he be requested to procure the passage of a law to remunerate the Territory by payment of the same.

hich was read.

The Senate received from the House, a resolution for the relief of John Wooten of Gadsden county.

Which was read and referred to the Committee on the Judiciary.

Also the disagreement of the House, to the amendments of the Senate to a bill to be entitled, an act to secure to the people of this Territory a sound currency.

On the question of adhering to the amendments of the Senate, the yeas and nays were called by Messrs. Pelot and Cooper, and were:

Yeas—Mr. President, Messrs. Brockenbrough, Dupont, Livingston and McLean—5.

Nays—Messrs. Cooper, Pelot and Walker—3.

Also the following message:

HOUSE OF REPRESENTATIVES,
February 26, 1841.

Extract from the minutes.

Mr. Brown from a select committee made the following report:

The committee appointed to confer with his Excellency the Governor, on the resolution passed by the Legislative Council for the relief of the executor of James W. Exum, late Marshal of the Western District of Florida, have performed that duty, and beg leave to report:

That his Excellency is satisfied with the explanation which the committee has had with him, in regard to the justice of said claim, and he has instructed the committee to report to the House, that if they will return the resolution he will sign it.

THOS. BROWN, Chairman.

Which was concurred in, and a copy thereof directed to be transmitted to the Senate.

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

Also as passed, an act to amend the charter of the Tallahassee Rail Road Company. Which was read a first and second time and ordered for to-morrow.

Also as passed, a bill to be entitled, an act to change the name of Abraham Marshall Trotman. Which was read, the rule waived and passed.

Also as passed, an act amendatory to the several acts incorporating the Central Bank of Florida. Which was read and referred to the Committee on Banks.

Also as passed, without amendment, an act to amend the 3d

section of an act entitled an act to establish two terms of the Superior Court in Columbia county.

Also as passed, a bill to be entitled, an act to encourage the destroying of wolves in the Territory of Florida. Which was read and laid on the table.

Also as adopted, a resolution for the relief of Capt. S. J. Perry. Which was read and referred to the Committee on the Militia.

Mr. Brockenbrough by leave made the following report:

The Committee on the Judiciary, to which was referred, an act to repeal the 4th section of an act entitled an act to amend an act passed January 31st, 1839, entitled an act to incorporate the city of Apalachicola, approved March 2d, 1838, report:

That the section sought to be repealed, requires a registry of voters in the city of Apalachicola. They have consulted the representative from Franklin, who introduced the bill, and ascertained from him that it is the wish of his constituents that the act be passed, as the registry causes trouble, and produces no good effect, being a measure entirely local. The committee report it without amendment, and recommend its adoption.

WM. H. BROCKENBROUGH.

Said bill was ordered for to-day.

A resolution for the suspension of the Territorial Revenue, reported by the Committee on the State of the Territory, was again read and adopted.

A bill to be entitled, an act to repeal the 34th section of the charter of the Union Bank of Florida, was laid on the table.

A resolution "to rescind the 26th rule of the Senate," was again read, and on its adoption, the yeas and nays were called by Messrs. Pelot and Cooper, and were:

Yeas—Mr. President, Messrs. Brockenbrough, Dupont, Livingston and McLean—5.

Nays—Messrs. Cooper, Pelot and Walker—3.

So said rule was rescinded.

Mr. Brockenbrough obtained leave to introduce "an act to alter the rate of damages upon protested bills of exchange." Which was read a first and second time, and ordered for to-day.

The Senate then took a recess until 4 o'clock.

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4 o'clock, March 1, 1841.

The Senate met pursuant to adjournment.

Mr. Walker by leave introduced a bill to be entitled, an act for the relief of George Fisher and Wm. Wyatt, and Giles

Stewart, his securities. Which was read a first and second time and ordered for to-day.

The report of the Committee on the *Militia*, on so much of the communication of his Excellency the Governor, as purports to be an extract of a letter from Lieut. Col. Blackburn, &c. was again read and concurred in.

A bill to be entitled, an act regulating the fees of Jailors in this Territory, was read a third time and lost.

An act for the relief of the Tallahassee Rail Road Company, was read a third time and passed--ordered that the title be as above.

An act for the relief J. B. Bull and P. Ker, was read again, amended, and ordered to be engrossed for to-morrow.

An act to incorporate the Tampa Bay, St. Johns Rail Road, Canal and Steamboat Company, was read a third time and passed--ordered that the title be as above.

An act to ascertain the wishes of the people of Florida upon the propriety of going into a state government, was again read, to which Mr. Cooper offered the following amendment:

And whereas, under authority of certain acts of incorporation of the Banks of Pensacola, the Southern Life Insurance and Trust Company, and the Union Bank of Florida, certain *bonds* and guarantees have been issued to said corporations, purporting to pledge the faith and credit of this Territory, for three millions nine hundred thousand dollars, *principal* payable some years hence, and also the interest thereon, amounting to two hundred and thirty four thousand dollars annually; and whereas, it is contended that under said acts, other guarantees to a large amount can be claimed of the Executive of this Territory, and whereas, many citizens of this Territory contend that the said acts attempting to pledge the faith and credit of the people of Florida, for the benefit of said corporations, were and are invalid in that regard, and that the said acts were and are, so far as they purport so to do, an usurpation, and that the whole people of Florida, are not legally or morally bound for the redemption thereof; and whereas, others contend the contrary. Now, for the final settlement of said question,

Be it further enacted by the Governor and Legislative Council of the Territory of Florida, That each and every qualified voter of this Territory be required by the inspectors of elections, at the next election for Delegate, to express his assent or dissent to said acts, by voting *viva voce* at the time of giving his vote for Delegate, either *Faith Bonds* or *No Faith Bonds*, which vote shall be written down by the clerk, opposite the name of the voter, in the poll book, and return made of the number thereof, as aforesaid, to the Governor, who shall proclaim the same, with the other votes, at said election, as aforesaid.

On the adoption of said amendment the yeas and nays were called by Messrs. Brockenbrough and Cooper, and were:

Yeas—Messrs. Cooper, English and Pelot—3.

Nays—Mr. President, Messrs. Brockenbrough, Dupont, Edwards, Livingston, McLean and Walker—7.

On the passage of said bill, the yeas and nays were called by Messrs. Pelot and Cooper, and were:

Yeas—Mr. President, Messrs. Brockenbrough, English, Edwards, Livingston, McLean and Walker—7.

Nays—Messrs. Cooper, Dupont and Pelot—3.

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

On motion for an adjournment, the yeas and nays were called by Messrs. Dupont and Brockenbrough, and were:

Yeas—Messrs. Cooper and Pelot—2.

Nays—Mr. President, Messrs. Brockenbrough, Dupont, Edwards, Livingston, McLean and Walker—7.

So said motion was lost.

A bill to be entitled, an act to incorporate the Iola and St. Joseph Canal and Steamboat Company, was a again read and passed—ordered that the title be as above.

An act giving the right of lien to shipwrights, material men, &c. in this Territory, was again read and passed—ordered that the title be as above.

A bill to be entitled, an act for the relief of George Fisher and William Wyatt, and Giles Stewart, his securities, was read a first and second time and referred to the Committee on the Judiciary.

An act to repeal the fourth section of an act entitled an act to amend an act passed January 31, 1838, entitled, an act to incorporate the city of Apalachicola, approved March 2d, 1839, was read a third time and passed—ordered that the title be as above.

The Senate received from his Excellency the Governor the following message:

EXECUTIVE DEPARTMENT,
Tallahassee, March 1, 1841.

To the Legislative Council of Florida:

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

I. An act to repeal an act entitled an act concerning Jurors in the Southern District, and for other purposes.

II. A preamble and resolution relative to the late James W. Exum, late Marshall of West Florida.

ROBERT RAYMOND REID.

The Senate went into secret session on Executive nominations—on motion the door was opened.

The Senate then adjourned until to-morrow.

TUESDAY, March 2, 1841.

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

Mr. Pelot requested that the following be spread upon the Journals:

Messrs. Cooper and Pelot give the following reasons for voting against a bill requiring "that the sense of the people should again be taken on the propriety of going into a State Government."

They are opposed to a State Government, under existing circumstances, are in favor of the passage of such a bill, provided time enough was given, so that intelligence could reach the most remote portions of Florida, and thereby prepare every man to vote understandingly on the question. The bill now before us, proposes the first Monday in May the day on which the next Delegate is elected. We deem this time too short to investigate and vote properly on so important a matter, and beg the time should be postponed until the first Monday in October, at our representative election. That request was refused us. We do not fear the result, provided this matter is allowed to come fairly before the people But when when we consider the short period of time between this the (3d March) and the first Monday in May, and the very obnoxious clause in the second section, "That should the vote for State prevail, it shall be considered as a renewed application on our part to go into State Government," we deem it our duty to record our votes in the negative, on the passage of the bill, so that in the event of the vote being for state, East Florida can consistently maintain her position, and say, divide us, and again send her petition to the Federal Government for division.

Mr. Dupont offered the petition of R. K. Call, late Governor of Florida. Which was read and laid on the table.

The same from the Committee on the State of the Territory returned to the Senate a bill to be entitled, an act supplementary to the act approved on the eighth day of February, 1838, entitled, an act to incorporate the Tropical Plant Company of Florida, and beg to be discharged from the further consideration of the same.

Said bill was ordered for to-day.

The same from the Committee on the Judiciary, reported an act concerning Roads, Highways and Ferries, with amendments. Which was ordered for to-day.

Mr. Walker from the Committee on the Judiciary, made the following report:

The Committee on the Judiciary in reference to a resolution of the House for the relief of one John Wooten, report:

That entertaining the opinion that the subject of said resolution conflicts with the power of pardon vested in the Governor, advise the rejection of the same.

GEO. WALKER, Chairman.

Said resolution was ordered for to-day.

Mr. Edwards from the committee on enrollments, reported as correctly enrolled the following:

A resolution for the relief of Gen. Thos. Brown.

An act in relation to public elections.

A preamble and resolution requesting an appropriation of Congress for the re-construction of the bridges over the Oclockonee and Little Rivers.

Resolutions requesting the re-appropriotion of certain unexpended balances, &c.

A preamble and resolutions in relation to the Bank of Jacksonville.

Resolution appionting the Hon. Wm. Marvin to revise the Laws of Florida.

An act to amend the 3d section of an act entitled an act to establish two terms of the Superior Court in Columbia county.

A preamble and resolution in relation to the fund for the education of poor children.

An act to idcorporate the Mechanics Beneficial Society of the city of Tallahassee.

Mr. Brockenbrough from the Committee on the Judiciary reported an act to provide compensation to persons saving impaired cotton, with the tittle amended, so as to read "wrecked and damaged cotton."

Which was orded for to-day.

Mr. Pelot from a Joint Select Committee reported a bill making certain appropriations.

And also the following:

The committee beg leave to report, that a resolution may be passed at the present session in reference to the expenditures of the Legislature for stationary, &c.: they believe that great imposition may be practiced upon the Government, from the present loose way of doing business and suggest that in future a bill may be taken for every article purchased, either by a member or an officer, and make it obligatory upon the merchant, so as to ensure the passage of his account to charge each member with the articles furnished him separately. These bills can be furnished the Committee on Compensation, and will enable them to do justice to the claimant, and also to the Government.

Your committee beg leave that this or some other plan should

be adopted, such as will meet the views of the Legislature and carry their object.

Said bill was read and laid on the table, till called for.

The Senate received from His Excellency the Governor the following:

EXECUTIVE DEPARTMENT,
Tallahassee, March 2, 1841.

To the Legislative Council of Florida.

I venture to express the hope that at the present session of the Council a proper provision will be made for the [illegible]ment of the Private Secretary of the Governor for the present year.

It is impossible that the business of the department can be properly transacted without the assistance of such an officer.

ROBERT RAYMOND REID.

The Senate went into committee of the whole, Mr. Pelot in the chair, on an act to alter the rate of damages upon protested bills of exchange; after some time spent in its consideration, the committee rose and reported said act as amended.

On the indefinite postponment of said bill, the yeas and nays were called by the President and Mr. Pelot, and were:

Yeas—Mr. President, Messrs. Brockenbrough, McLean and Walker—4.

Nays—Messrs. Cooper, Dupont, Edwards, Livingston and Pelot—5.

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

HALF PAST 3 o'CLOCK. March 2, 1841.

The Senate met pursuant to ajodurnment.

An engrossed bill entitled, an act for the relief of Jabez B. Bull and Patrick Kerr, was again read and passed—ordered that the title be as above.

A resolution for the relief of R. K. Call, was again read read, for which, Mr. Dupont offered the following substitute:

Be it Resolved, That (in accordance with the petition of R. K. Call, late Governor of Florida,) a joint committee consisting of two members of the Senate and two of the House of Representatives, be appointed to examine into, and report upon his accounts and vouchers, for any disbursement which may have been made for the defence of the frontier.

Which was accepted, and adopted.

Messrs. Livingston and Pelot were appointed said committee.

A bill to be entitled, an act supplimentary to the act approved on the 8th day of February, 1838, entitled, an act to incorporate the Tropical Plant Company of Florida, was again read and laid on the table.

The Senate went into committee of the whole, Mr. Cooper in the chair, on an act concerning Roads, Highways, and Ferries, After some time spent in its consideration, the committee rose. and reported the same as amended. Said bill was ordered to be engrossed for to-morrow.

A resolution for the relief of John Wooten, was again read and lost.

An act to provide compensation to persons saving wrecks and damaged cotton, was again read, ordered that the title be as amended.

Mr. Brockenbrough from the committee on Banks, reported an act amendatory to the several acts incorporating the Central Bank of Florida, without amendment. Said bill was ordered for to-morrow.

An act to alter the rate of damages upon protested bills of exchange, was again read. On motion to strike out the proviso of said bill, the yeas and nays were called by Messrs. Brockenbrough and Duval, and were:

Yeas—Mr. President, Messrs. Brockenbrough and Walker, 3.

Nays—Messrs. Cooper, Dupont, Edwards, Livingston, McLean and Pelot—6.

On the passage of said bill, the yeas and nays were called by Messrs. Duval and Pelot, and were:

Yeas—Messrs. Cooper, Dupont, Edwards, Livingston, McLean and Pelot—6.

Nays—Mr. President, Messrs. Brockenbrough and Walker—3.

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

A bill to be entitled an act to encourage the destroying of wolves in the Territory of Florida, was again read and passed.

The Senate received from the House of Representatives an act for the relief of L. F. Mosher, which was read.

Also as passed an act for the relief of John D. Parish, which was read a first and second time and ordered for to-morrow.

Also their adoption of a resolution, adopted by the Senate, refering the petition of R. K. Call to a joint select committee; Messrs. Stephens and Bannerman were appointed said committee on the part of the House.

Also their adoption of a memorial requesting of Congress an appropiation for fortification of certain posts on the coast of Florida.

On motion of *Mr.* Livingston, the correspondence in relation to troops in East Florida under Col. Robert Brown, and Maj. Isaac Garrison was taken from the table, when Mr. Brockenbrough offered sundry resolutions in reference to and explanatory of certain resolutions befored passed by the Legislative Council for the payment of said troops which was read.

On their adoption the yeas and nays were called by Messrs. Brockenbrough and Cooper, and were:

Yeas—Mr. President, Messrs. Brockenbrough, Cooper, Dupont, Edwards, Livingston, *McLean*, Pelot and Walker—9.

So said resolutions were unanimously adopted.

The Senate then adjourned until to-morrow.

WEDNESDAY, March 3, 1841.

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

Mr. Edwards offered a resolution for the safe keeping of the papers and furniture of the Senate. Which was read and ordered for to-day.

Mr. Dupont offered sundry resolutions requiring the Auditor to report to the Legislative Council, at the first day of each session thereof, all officers charged with the collection of any part of the Territorial revenue, who may have failed to make their report in conformity with the existing laws, &c. Which was read and ordered for to-day.

Mr. Edwards from the committee on the Militia made the following report:

The committee on Militia to whom was referred the report made by the chairman of the Committee on Claims, from the lower House, on the petition of Capt. S. J. Perry, have had the same under consideration, and ask leave to report:

That they do not concur in the report made by that committee, as no specific sum is named in the report, and it appearing that the petitioner has not made application to the General Government for an adjustment of his claim.

And further are of opinion, that the report should have been referred to the Committee on Claims. Therefore ask leave to be discharged from further consideration of the matter referred.

J. D. EDWARDS, Chairman.

Which was read and ordered for to-day.

Mr. Brockenbrough from the minority of the Committee on Banks made the following report:

MINORITY REPORT.

The Chairman of the Committee on Banks to which was referred an act entitled an act amendatory to the several acts incorporating the Central Bank of Florida, which was reported to the Senate yesterday without amendment by himself on behalf of the majority of the committee, report:

That he has received the annexed letters from Mr. Hixon of St. Joseph, and Mr. Gautier, the Representative from Calhoun, and Speaker of the House of Representatives.

The persons mentioned in these letters are known in the Territory, and of a highly respectable character, and the charter is generally less loose and objectionabled in its character than those instruments generally are. And the Bank always sustained a high character under the old charter, by judicious management. But the whole Union has suffered so much from excess of Banking, and Florida, especially West Florida, has been so peculiarly cursed with bad Banks, and as at this time the Banks generally have been unable to continue specie payments in the wealthy cities and States south of New York, it was feared by the chairman of the committee, contrary to the opinion of the majority, that an attempt to establish a specie paying Bank at St. Joseph, would end in one of those unhappy failures, which have hitherto followed such enterprises in West Florida. But the character of the gentlemen named precludes the idea, that a fraudulent bubble is intended. And their fortunes, which are rendered liable by the charter, will be some security to the community against any errors in judgement which they may commit.

Another objection entertained to this act was that a former Legislative Council had required this charter among others to be forfeited by judicial proceedings which are yet pending, for non user. And it was thought objectionable to revive by any act of ours, any one of these institutions which had once been put to sleep.

If this charter is *now* liable to such forfeiture under those judicial proceedings, an amendment is proposed to prevent this act from being considered a resuscitation and revival of the charter, which will remove this objection.

If this charter is *not* liable to such forfeiture, it is the property of the Union Bank, and liable to be sold at any time and to any persons, without the amendments proposed by the bill before the Senate, which improve the charter by adding safeguards to the community. And if not liable now to such forfeiture, it may be

recuscitated nominally at Tallahassee with an agency to transact business at St. Joseph or elsewhere, without our consent and without our amendments.

Preferring that it should be sold to respectable persons, and with judicious amendments, *if it still has a legal existence*, to the possibility of its being put in force by persons less worthy of confidence and without the amendment. The objections to the bill will be removed if the following amendment is adopted.

WM. H. BROCKENBROUGH, Chairman.

SEC. 6. *Be it further enacted*, That this act shall not be construed to suspend or diminish the force or operation of any act of the Council hitherto passed requiring the District Attornies to proceed by judicial proceedings to forfeit certain charters for non user, or to relieve from any such forfeiture or the liability to such forfeiture which may have been incurred, or to annul or suspend any legal proceedings which have been commenced or may be commenced under the act approved March the fourth, 1839, or any other act to declare any charter forfeited, or in any manner to revive or resusitate any charter so forfeited or liable to forfeiture, but the Ditrict Attornies are required to prosecute such proceedings with all possible dilligence, and judgment shall be obtained on the same, in the same manner and have the same effect as if this act had not been passed.

TALLAHASSEE, March 1st, 1841.

WM. H. BROCKENBROUGH, ESQ.,

Chairman of Committee of Banks.

DEAR SIR: At your request, I address you in relation to the bill now before the Senate, having for its object the removal of the Central Bank to St. Joseph.

As you are aware, by a recent arrangement, a portion of the old stockholders of the St. Joseph Company, have been induced to abandon the enterprize, for a consideration, which was intended to be exclusively appropriated to themselves, leaving a heavy and a much larger interest ruined and abandoned by their desertion.

Believing that St. Joseph yet possesses all the commercial advantages and facilities which its first projectors maintained it possessed, there are those who are willing to take up the enterprise at the point at which it has been abandoned.

The location of the Central Bank at St. Joseph will, it is confidently expected, induce the introduction of new capital into the place, which its friends think is all that is required to ensure its success.

A negotiation has been concluded with the Union Bank for the purchase of the Central Bank charter, and the present application for its removal to St. Joseph, is made at the immediate application of the Messrs. Chaires, Judge R. C. Allen, Mr. W. P. Craig, Mr. H. W. Cater, Col. H. W. Braden, and myself.

St. Joseph contains a population of nearly one thousand souls. Investments have been made to perhaps the amount of one million of dol-

lars. The citizens have been ruined by the arrangement alluded to, and their property rendered valueless. The new enterprise will restore to a great extent the value of their property, and at the same time save a corresponding amount of the public wealth of the Territory from almost total annihilation.

I am, Sir,

Yours respectfully,

FLEMING HIXON.

TALLAHASSEE, March 2d, 1841.

To WM. H. BROCKENBROUGH, Esq.,
Chairman of the Senate's Committee
on Banks and Finance.

Sir: As a representative from the County of Calhoun, I beg leave to explain the objects of the law passed in the lower house, relative to the removal and location west, of the charter of the Central Bank.

You are aware of the condition of the currency, and of the want of proper trading facilities of the people in our section of the Territory. It is important that we have a bank whose bills should be on a par with those of the Columbus Banks; and it is proposed by those to be interested in the Central Bank, to make it a specie paying institution. The stock is to be taken by individuals of means and character in Middle and West Florida, and by persons in Alabama and Georgia. The Chaireses, the Gambles, Col. Braden, Judge Allen, Craig, Wyatt, and a number of others with whom you are acquainted, and whose character in the community is a guarantee that nothing unfair is intended, are interested in the operation. Assurances have been received that a fair portion of the stock will be taken by capitalists in Georgia, and the measure, if carried out, will be productive of much relief and benefit to a large number of your constituents. Trusting that your duties as a Senator may harmonize with the local interests likely to be promoted by the proposed arrangement, I respectfully ask you to give the bill a fair support.

Yours, &c.,

PETER W. GAUTIER, Jr.,
Member for Calhoun.

Which was read and ordered for to-day.

An act concerning roads, highways and ferries, was again read and passed—ordered that the title be as above.

The Senate went into committee of the whole, Mr. Cooper in the chair, on an act amendatory to the several acts incorporating the Central Bank of Florida. After some time spent in its consideration, the committee rose, and reported the bill without amendment.

To which Mr. Brockenbrough offered as amendment the amendment proposed by him in his report on the subject this morning. On which the yeas and nays were called by Messrs. Brockenbrough and Duval, and were:

Yeas—Messrs. Brockenbrough, Edwards, McLean, Pelot and Walker—5.

Nays—Mr. President, Messrs. Cooper, Dupont and Livingston—4.

So said amendment was adopted.

On motion to lay said bill on the table, the yeas and nays were called by Messrs. Brockenbrough and Livingston, and were:

Yeas—Mr. President, Messrs. Cooper, Dupont, Edwards, Livingston and Walker—6.

Nays—Messrs. Brockenbrough, McLean and Pelot—3.

An act for the relief of Levi F. Mosher, was read a second time, and referred to a select committee consisting of Messrs. Cooper, Edwards and McLean.

An act for the relief of John D. Parish & Co. was referred to the same committee.

The resolution offered by Mr. Dupont this morning, making certain requisitions of the Auditor, relative to defaulters was again read and adopted.

The resolution for the safe keeping of the papers and furnitures of the Senate, was laid on the table, until called for.

A resolution for the relief of Capt. S. J. Perry, was again read and laid on the table.

An act supplimentary to the act approved on the 8th day of February, 1838, entitled, an act to incorporate the Tropical Plant Company of Florida, was taken from the table—on its passage, the yeas and nays were called by Messrs. Dupont and Walker, and were:

Yeas—Messrs. Brockenbrough, Cooper, Livingston, Pelot and Walker—5.

Nays—Mr. President, Messrs. Dupont and Edwards—3.

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

The Senate then took a recess until 4 o'clock.

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4 o'clock, March 3, 1841.

The Senate met pursuant to adjournment.

Mr. Brockenbrough from the Committee on the Judiciary, made the following report:

The Committee on the Judiciary, to which was referred [illegible] act to alter and amend the several acts in force respe[illegible] judicial proceedings, and those respecting appeals and writs of error in civil cases," report:

That the first section renders it impossible for any plaintiff,

however just may be his claim, to obtain judgment by any possibility (except by consent,) until the third term; and renders it possible that he may be retarded still more by vexatious delays in establishing his claim.

The second section gives a right of appeal on giving bond, which shall operate as a supercedea, and prohibits the Court of Appeals from giving more than *five per cent* damages for appeals, however frivolous.

The third section requires that the summons shall be issued forty days before the terms of Courts, and served thirty days before Court, and returned by the first day of the term, which will prevent suits at this spring term on paper now due, and on which the further delays mentioned in the act may take place when suit shall be brought.

The fourth section extends the provisions of the act to all suits now pending in the Courts.

The fifth section gives a lien during the pendancy of the Appeal.

The sixth section authorises the *grand jury* of the Counties to call upon the Judge to hold an additional regular term, a provision which will be inoperative, and excepts *East and South Florida* from the operation of the bill.

We consider the provisions of this act as inexpedient and unjust. The law now prevents a plaintiff from having a judgment earlier than the second term, and allows an arbitrary appeal, and the damages on frivolous appeals cannot exceed ten per cent, which is little enough for a defendant to pay for the advantages of delay, and to prevent a sacrifice of his property. The plaintiff, to whom a just debt is due, after all the injury of the delay, has to pay his lawyer 5 per cent, and a fee in the Court of Appeals. We consider our laws as they now stand exceedingly favorable to debtors, and therefore report that any legislation upon the subject is inexpedient.

The manifest purpose of the act is to prevent the collection of debts, and not to reform our judicial proceedings, of which no complaint has been made, and which cannot be charged with doing injustice by improper haste, and insufficient investigation. And in preventing the collection of debts, this act also prevents the obtaining of judgments, which excessively aggravates all the evils and injustice of a stay law.

WM. H. BROCKENBROUGH, Chair'n.
GEO. WALKER.

Which was read.

The same from the same Committee made the following report:

The Committee on the Judiciary, to which was referred the

act for the relief of George Fisher, and William Wyatt, and Giles Stuart, his securities, report:

That legislation upon this subject should be exercised with caution, or it will have a tendency to defeat the force of the penal laws of the Territory. It would be an easy matter for parties to defeat prosecutions by postponing trials where witnesses are numerous or come from a distance, when the Territory is ready for trial, and by offering ready for trial when the Territory has not its witnesses present. And if parties can be too easily relieved from a forfeiture of recognizance, they never would come to trial if the testimony was against them. The courts are liberal upon this subject. They will not forfeit a recognizance if the party sends a reasonable excuse at the time when he should appear for trial, or will present such excuse at the return of the *scire facias*. And even the judgment upon the *scire facias* will be set aside if such excuse be presented within a reasonable time. In the case before us, it appears that the cause was continued on the 13th of April, 1837, upon the affidavit of the defendant.

At December term, 1837, it was again continued in the same manner. At May term, 1838, the defendant did not appear, and his recognizance was forfeited. *Scire facias* issued 15th April, 1839, returnable to May term, 1839. At May term, 1839, final judgment was given on the recognizance.

The defendant thus had three terms to make his excuse before final judgment was rendered, and would doubtless have been relieved from that judgment even at the term afterwards, if such excuse had been made. But such excuse appears never to have been offered.

And no such excuse is now offered. The evidence does not sustain the petition. A highly respectable physician states that the petitioner was under his care from the 11th to the 17th of November, 1838, and during that time he was too unwell to leave his room, and that he, (the physician,) had been absent for some time previous to the 11th of November, during which Col. Fisher had been unwell. But there is no certificate or evidence to show that he was unwell at *May* term, 1838, when he should have appeared. He presents the certificate of J. D. Westcott, jr., who was his counsel, he says, until he found that he had drawn the bill of indictment, and that Col. Fisher gave him several depositions and certificates, except in his absence, but that he (said Westcott,) is unable to state *where they now are*. But the certificate does not state what was done with them by said Westcott, or how the same were lost, or in whose custody they last were, or why they were not presented to the Court, or why new certificates and depositions were not presented to the Senate, or copies of the same, or at least a certificate of their con-

tents, or some account of the purport, or by whom the same were made or given.

The said certificate of Westcott does not state that said depositions or certificates were satisfactory; but only that said Westcott "considers Col. Fisher's claim a just one, if he submits to trial, as he is now under bonds to do. If convicted, and this recognizance is collected, it would be unjust."

But the witnesses may never again appear, and as there is no excuse offered for not appearing at the former day for trial, the committee think it would be very mischievous legislation to grant the petitioner's prayer. They have dwelt longer upon the subject than its importance would seem to demand, because the same subject has met with a similar report in the other house, and they wish to put the subject at rest.

WM. H. BROCKENBROUGH,
Chairman Com. on Judiciary.

Which was read.

Mr. Livingston from a joint select committee made the following report:

(To be inserted no. 4.)

Which was read, and ordered for to-morrow.

The Senate received from the House their adoption of certain resolutions, before passed by the Senate, suspending the operation of the revenue laws for the present year.

On motion of Mr. Livingston, a bill to be entitled an act to repeal the 34th section, and the last clause of the 5th section of the Charter of the Union Bank of Florida, was taken from the table.

On the indefinite postponement of said bill the yeas and nays were called by Messrs. Brockenbrough and Pelot, and were:

Yeas—Messrs. Brockenbrough, Cooper, Pelot and Walker—4.

Nays—Mr. President, Dupont, Edwards, Livingston and McLean—5.

On motion the Senate went into committee of the whole, on said bill, Mr. Pelot in the chair; after some time spent in its consideration, the committee rose and reported said bill as amended.

On the receiving of said report, the yeas and nays were called by Messrs. Brockenbrough and Walker, and were:

Yeas—Mr. President, Messrs. Dupont, Edwards, Livingston and McLean—5.

Nays—Messrs Brockenbrough, Cooper, Pelot and Walker—4.

On motion to adjourn, the yeas and nays were called by Messrs. Dupont and Livingston, and were:

Yeas—Messrs. Brockenbrough, Cooper, Pelot and Walker—4.

Nays—Mr. President, Messrs. Dupont, Edwards, Livingston and McLean—5.

On the motion to concur in the report of the committee of the whole, the yeas and nays were called by Messrs. Brockenbrough and Pelot, and were:

Yeas—Mr. President, Messrs. Dupont, Edwards, Livingston, and McLean—5.

Nays—Messrs. Brockenbrough, Cooper, Pelot and Walker—4.

Mr. Brockenbrough offered the following amendment to said bill, viz:

Section — *Be it further enacted*, That said bonds shall not be sold for more than thirty three and a third per cent discount, or for any other thing than gold and silver, to be paid at the time of delivering of the bonds, or the same shall be void.

On which he, seconded by Mr. Pelot, called for the yeas and nays, and were:

Yeas—Messrs. Brockenbrough, Cooper, Pelot and Walker—4.

Nays—Mr. President; Messrs. Dupont, Edwards, Livingston and McLean—5.

The same offered the following amendment:

Be it further enacted, That said bonds shall not be pledged as collateral security for the loan of money, and that if the same shall be so pledged, the same shall become void.

Which he, seconded by Mr. Pelot, called for the yeas and nays, and were:

Yeas—Messrs. Brockenbrough, Cooper, Pelot and Walker—4

Nays—Mr. President, Messrs. Dupont, Edwards, Livingston and McLean—5.

On the question of the decision of the chair, that a bill may be considered engrossed, the yeas and nays were called by Messrs. Brockenbrough and Dupont, and were:

Yeas—Mr. President, Messrs. Dupont, Edwards, Livingston, McLean and Walker—6.

Nays—Messrs. Brockenbrough, Cooper and Pelot—3.

On the passage of said bill, the yeas and nays were called by Messrs. Pelot and Cooper, and were:

Yeas—Mr. President, Messrs. Dupont, Edwards, Livingston and McLean—5.

Nays—Messrs. Brockenbrough, Cooper, Pelot and Walker—4

On motion for an adjournment, the yeas and nays were called by Messrs. Dupont and Duval, and were:

Yeas—Mr. President, Messrs. Brockenbrough, Livingston and Walker—4.

Nays—Messrs. Cooper, Dupont, Edwards, McLean and Pelot—5.

An act to alter and amend the several acts in force respecting judicial proceedings and those respecting appeals and writs of error in civil cases, was again read by sections. On the question of striking out the first section, the yeas and nays were called by Messrs. Brockenbrough and Pelot, and were:

Yeas—Mr. President, Messrs. Brockenbrough and Dupont—3.

Nays—Messrs. Cooper, Edwards, Livingston, McLean and Walker—6.

On the passage of said bill, the yeas and nays were called by Messrs. Brockenbrough and Pelot, and were:

Yeas—Messrs. Cooper, Edwards, Livingston, McLean and Pelot—5.

Nays—Mr. President, Messrs. Brockenbrough, Dupont and Walker—4.

So said bill passed without amendment.

On motion of Mr. Brockenbrough to amend the title of a bill so as to read an act to prevent the collection of debts or the liquidation of the same, by judgment in Middle and West Florida. The yeas and nays were called by him and Mr. Duval, and were:

Yeas—Mr. President, Messrs. Brockenbrough and Walker—3.

Nays—Messrs. Cooper, Dupont, Edwards, Livingston, McLean and Pelot—6.

An act for the relief of George Fisher and William Wyatt, and Giles Stewart his securities, was again read and indefinitely postponed.

The Senate then adjourned until to-morrow.

THURSDAY, March 4, 1841.

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

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

HOUSE OF REPRESENTATIVES, March 4, 1841.

Be it resolved by the Senate and House of Representatives, That a joint committee of the two Houses be appointed to contract for the printing of the laws of the session, and that they be instructed to report immediately.

Adopted by the House.

Attest. JAMES H. GIBSON, Clerk.

Messrs. Stephens and Branch on the part of the House, which was read and adopted, and Messrs. Walker and Livingston, were appointed on the part of the Senate.

On motion of Mr. Livingston, an act amendatory to the several acts incorporating the Central Bank of Florida, was taken from the table and ordered for to day.

The Senate received from his Excellency the Governor the following message:

EXECUTIVE DEPARTMENT, }
Tallahassee, March 4, 1841. }

To the Legislative Council of Florida.

I return the act relative to Public Elections, with the following objections:

The 8th section declares 'that no officer, soldier, seaman or marine in the regular army or navy of the United States, or in the revenue cutter service shall be entitled to vote at any public election in this Territory.' This exclusion is too broad and includes those, who, if they did not belong to the army or navy, would be residents of the Territory, as well as those who are transiently in the country, and should be of course excluded. To stretch the provision to this extent, appears to me to be unjust, and contrary to the genius and spirit of our institutions. The soldiers and seaman should not be disfranchised; they should rather be the more sedulously protected in all their rights, while actively engaged in the protection of their country. Instances have occurred in the county of St. John's, and doubtless elsewhere, where persons who had exercised the right of suffrage, if they had not belonged to the army or navy, were deprived of this valuable privilege of American citizenship. I recommend a modification of this section according to the views thus expressed.

The 18th section is objected to, because it is virtually destructive of the election by ballot.

If these alteration are made in the bill, it will be approved, otherwise not.

ROBERT RAYMOND REID.

Which was read.

On motion to reconsider said bill, the yeas and nays were called by Messrs. Dupont, and were:

Yeas—Mr. President, Messrs. Brockenbrough, Dupont, Edwards, Livingston, McLean, Pelot and Walker—8.

Nays—Mr. Cooper.

On the question of passing said bill against the veto of the Governor, the yeas and nays were again called by Messrs. Pelot and Edwards, and were:

Yeas—Mr. President, Messrs. Brockenbrough, Dupont, Edwards, Livingston, McLean, Pelot and Walker—8.

Nays—Mr. Cooper.

So said bill passed by the requisite majority.

Mr. Edwards from the committee on enrollments, reported as correctly enrolled, certain resolutions of the Legislative Council, for the fortification of certain parts of the Territory of Florida, &c

Also certain resolutions for the suspension of the revenue laws of this Territory.

Mr. Cooper from a select committee made the following report:

The select committee to which was referred the petition of Levi H. Mosher and John D. Parish & Co. praying for the settlement of their accounts, report:

That they have examined the bill so far [illegible] such limited time would allow, and believe them to be just. Would therefore recommend the bills passed by the House of Representatives for their payment.

J. G. COOPER, Chairman.

Which was read and ordered for to-day.

On motion to re-consider the amendment made on yesterday to a bill entitled, an act amendatory to the several acts incorporating the Central Bank of Florida, the yeas and nays were called by Messrs. Brockenbrough and Duval, and were:

Yeas—*Mr.* President, Messrs. Cooper, Dupont, Edwards, Livingston and Pelot—6.

Nays—Messrs. Brockenbrough, McLean and Walker—3.

On motion to strike out said amendment, the yeas and nays were called by Messrs. Brockenbrough and Pelot, and were:

Yeas—Mr. President, Messrs. Cooper, Dupont, Edwards Livingston and Pelot—6.

Nays—Messrs. Brockenbrough, McLean and Walker—3.

So the amendment was stricken out, and said bill passed without amendment—ordered that the title be as above.

The resolution for the relief of R. K. Call, late Governor of Florida, was again read, amended, and adopted.

An act for the relief of Levi F. Mosher, was again read, and laid upon the table.

An act for the relief of John D. Parish & Co. was again read and laid upon the table.

The Senate received from his Excellency the Governor the following communications:

EXECUTIVE DEPARTMENT,
Tallahassee, March 2, 1841.

To the Legislative Council of Florida:

I respectfully inform you, that I have approved the following acts of the Legislature:

1. An act to incorporate the Monticello Rail Road Company.

II. An act to incorporate the city of Port Leon.

III. An act to authorise the Brunswick and Florida Rail Road Company to construct a Rail Road through the Territory of Florida.

IV. An act to amend an act entitled an act to incorporate the city of Apalachicola.

V. A resolution relative to granting the franking privilege to the Governor of Florida.

ROBERT RAYMOND REID.

EXECUTIVE DEPARTMENT.
Tallahassee, March 3, 1841.

To the Legislative Council of Florida:

I respectfully inform you that I have approved the following acts of the Legislature:

I. An act to incorporate Hamilton Academy in the county of Hamilton.

II. An act to change the name of Abraham Marshall Trotman.

III. An act to repeal the 4th section of an act entitled an act to amend an act passed January 31st, 1838, entitled, an act to incorporate the city of Apalachicola, approved May 2d, 1839.

ROBERT RAYMOND REID.

EXECUTIVE DEPARTMENT,
Tallahassee, March 3, 1841.

To the Legislative Council of Florida:

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

I. An act to incorporate the Mechanics Beneficial Society in the city of Tallahassee.

II. An act to amend the 3d section of an act entitled an act to establish two terms of the Superior Court in Columbia county.

III. An act to amend an act to incorporate the city of Pensacola.

IV. A preamble and resolutions relative to Auctioneers.

V. A preamble and resolution relative to erecting a Light House on Cape St. Blas.

VI. A preamble and resolution in relation to bridges across Ocloknee and Little Rivers.

ROBERT RAYMOND REID.

The Senate received from the House of Representatives, 75 adopted a resolution in relation to the Auditor of the Territory.

Also en passed, an act for the relief of Jabez E. Bull and Patrick Ker.

Also an act for the relief of the Tallahassee Rail Road Company

The Senate went into secret session on certain nominations of his Excellency the Governor—on motion the door was opened.

The Senate received from the House, as adopted, sundry resolutions in reference to, and explanatory of certain resolutions for the payment of troops under Col. Robert Brown and Major Isaac Garrison.

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

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3 o'clock, March 4, 1841.

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

On motion of Mr. Livingston, a resolution for the relief of Samuel J. Perry, was taken from the table, amended and adopted.

Mr. Edwards, from the Committee on enrolments, reported correctly enrolled, an act for the relief of the Tallahassee Rail Road Company.

Also an act for the relief of Jabez B. Bull and Patrick Ker.

Also a resolution in relation to the Auditor, &c.

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

March 4, 1841.

The House reconsidered the bill entitled an act in relation to Public Elections, vetoed by the Governor, and passed it by the requisite majority—ayes 15: nays 8.

By order of the House.

Attest. JAMES H. GIBSON,
Cl'k. H. of R.

Also their indefinite postponement of an act to repeal the 6th section and the last clause of the 9th section of the charter of the Union Bank of Florida.

Also the following from the Speaker of the House of Representatives:

House of Representatives,
March 4th, 1841.

To the Hon. President and Senate of the Legislative Council of Florida:

The House of Representatives have this morning reconsidered the resolutions of the Senate, respecting the settlement with and payment of the troops of Col. Brown and Maj. Garrison:

and for the further action of this body, you will please return the resolutions referred to.

Respectfully,

PETER W. GAUTIER, Jr.

Speaker H. of R.

The Hon. President and Senate.

Which was not agreed to.

On motion of Mr. Livingston, an act for the relief of Levi F. Mosher, was taken from the table, again read, and rejected.

On motion of Mr. Livingston, an act for the relief of John D. Parish & Co. was taken from the table, amended and passed. Ordered that the title be as above.

The Senate received from his Excellency the Governor the following messages:

EXECUTIVE DEPARTMENT.
Tallahassee, March 4, 1841.

To the Legislative Council of Florida.

I respectfully inform you that I have approved the following acts of the Legislature:

I. An act to provide compensation to persons saving wrecked and damaged cotton.

II. An act to incorporate the Tampa Bay and St. Johns Rail Road, Canal and Steamboat Company.

III. An act to encourage the destroying of wolves in the Territory of Florida.

IV. An act to amend the charter of the Tallahassee Rail Road Company.

V. An act giving the right of lien to shipwrights, material men, &c. in this Territory.

VI. An act to incorporate the Iola and St. Joseph Canal and Rail Road Company.

ROBERT RAYMOND REID.

EXECUTIVE DEPARTMENT.
Tallahassee, 4th March, 1841.

To the Legislative Council of Florida:

I promised at the commencement of the session, to present my accounts to you. Ill health and the absence of some documents mislaid, in the removal of the papers of the Executive Office, have hitherto prevented a compliance with my own wishes and with your expectations, as manifested in several resolutions passed upon the subject.

I now respectfully inform you that the following is a correct statement of the moneys received and disbursed by me, for the public service during the past year.

RECEIPTS

Balance in Union Bank 1st January, 1840	$ 7,277 78
Borrowed of Life and Trust Bank	50,000 00
	$57,277 78

EXPENDITURES

Interest on the debt of $100,000, for public defence	$3,228 00
Paid Spaniards from Cuba,	1,208 00
Postage for the most part on letters connected with the military service	120 00
Betton & Fisher by order of Council,	558 75
Expenses of com'rs. and escort to Alachua,	400 00
Edward Lawrence, [provender for troops]	926 32
Berry and Dowling for public service,	135 00
Samuel Reid, public service,	7 98
Quartermaster General, public service,	41,199 90
Paymaster General, who acted in the absence of the Quartermaster General, occasionally, in the capacity of that officer,	8,679 30
	$56,464 25
Balance in favor of the Territory,	$813 83

The funds placed in the hands of the public officers, have been exhausted, and the balance now stated against myself will be much diminished, if not discharged, as soon as the vouchers to which I have alluded can be reclaimed.

I have the assurance of the General Government, that it will pay off and discharge the principal and interest of the public debt incurred for the defence of the Territory.

R. R. REID.

EXECUTIVE DEPARTMENT,
Tallahassee, March 4, 1841.

To the Legislative Council of Florida:

At this late period of the session, I deem it [illegible] reply by a message to the Council, to a letter of the [illegible] D. Edwards communicating a resolution passed some time since, respecting the military service.

I inform you, therefore, that there are now [illegible] officers in the service of the Territory: all th[illegible] have been transferred to the servi[illegible] of the United St[illegible]

During the past year about six hundred men have been in the service of the Territory on this side the Suwanuee, and in East Florida twelve companies were authorised at different times to be raised for the defence of that District.

The General Government has made itself responsible for the money expended in levying and provisioning these troops.

I know of no orders permitting troops in the service to remain at home; none such have emanated from this Department: on the contrary, the volunteers were always told they were to go wherever the service required, and the voice of their country called.

ROBERT RAYMOND REID.

Which were read.

The Senate went into secret session on certain nominations of his Excellency the Governor. On motion the doors were opened.

The Senate took a recess until 7 o'clock.

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7 o'clock, March 4, 1841.

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

Mr. Walker from the committee on claims, returned to the Senate resolutions for the payment of troops therein named, and asked to be discharged from the further consideration of the same:

Which was concurred in.

Mr. Cooper offered certain resolutions in relation to a division of the Territory, which were read.

On their adoption, the yeas and nays were called by Messrs. Cooper and Livingston, and were,

Yeas—Mr. President, Messrs. Cooper, Edwards and Pelot, 4.

Nays—Messrs. Brockenbrough, Dupont, Livingston, McLean and Walker, 5.

So said resolutions were lost.

The Senate received from the House of Representatives, as passed, a bill to be entitled an act to provide for the compensation of the officers of the Legislative Council, and for other purposes.

On which the Senate went into committee of the whole, Mr. Walker in the chair. After some time spent in its consideration, the committee rose, and reported said bill with amendments. Said bill was passed. Ordered that the title be as above.

A resolution for the payment of the private secretary, &c., was read and adopted.

A resolution for the safe-keeping of the papers and furniture of the two houses, was read, amended and adopted.

Mr. Dupont offered certain resolutions in relation to Territorial expenses, &c., which were read and adopted.

The Senate received from the House as indefinite postponement of an act to alter the rate of damages upon protested bills of exchange.

Also as adopted, a resolution for the relief of Michael Ledwith, which was read and laid on the table.

Also as passed, an act to authorise executors and administrators to sell real estate in certain cases, and to repeal certain acts therein mentioned.

Also a resolution for the relief of Wm. P. Duval, which was read.

Also the following message:

MARCH 4. 1841.

The House struck out all after the enacting of a bill heretofore passed by the Senate, entitled an act to ascertain the wishes of the people of Florida upon the propriety of going into a State Government. Attest.

JAMES H. GIBSON,
Clk. H. of R.

Also as adopted a resolution asking of Congress an appropriation for building Jails and a Penitentiary;

Which was read and adopted.

The Senate received from his Excellency the Governor the following message:

EXECUTIVE DEPARTMENT,
Tallahassee, March 4, 1841.

To the Legislative Council of Florida:

I respectfully inform you that I have approved the following acts of the Legislature:

I. An act amendatory to the several acts incorporating the Central Bank of Florida.

II. An act for the relief of Jabez B. Bull and Patrick Kerr.

III. Resolutions suspending the revenue laws for 1841.

IV. An act for the relief of the Tallahassee Rail Road Company.

V. An act to incorporate the Cherry Lake Academy in the county of Madison.

VI. An act for the relief of John D. Parish & Co.

VII. Resolution relative to Captain S. J. Perry.

VIII. An act to prevent the stealing of neat cattle.

IX. " " supplementary to the act approved on the 8th day of February, 1838, entitled an act to incorporate the tropical plant Company of Florida.

ROBERT RAYMOND REID.

Also the following:

EXECUTIVE DEPARTMENT,
Tallahassee, March 4, 1841.

To the Legislative Council of Florida.

I have received the enclosed communication from several members of the House of Representatives.

It is my duty to say, after consulting the laws upon the subject of organizing the Legislative Council of Florida, which should be taken and considered *in pari materia*, that neither House has the right to legislate *generally* without the presence of two thirds of its members—that number and nothing less constituting *a quorum*. Precedent also sanctions this opinion.

Two thirds of each House and of both Houses, are also necessary to pass a law after it has received the veto of the Governor, and a quorum made up of two thirds of both Houses, there not being a quorum of two thirds in each House, is, according to my understanding, contrary to law, precedent, and all parliamentary usage.

ROBERT RAYMOND REID.

We, the undersigned, members of the representative branch of the Legislative Council of Florida, *Protest* against certain acts of that body, and respectfully represent to his Excellency the Governor:

That Resolutions were passed yesterday upon the subject of the Auditor's Reports, and the collection of arrearages of taxes, there being only nineteen members present; and against which a protest has been formally entered on the Journals.

That the House have adopted for their rule of action, a Resolution which, in effect, constitutes a simple majority of the members present a quorum, if the rest of the members have been excused from attendance.

That on the passage of some resolution, respecting the troops under Brown and Garrison—(upon refusal to have a call of the House)—the number of seventeen only of the members were present.

That we deem the House of Representatives to have entirely mistaken their powers, and that their acts to such extent are entirely without precedent, are against the hitherto received sense of the organic law, and are void.

J. L. THIGPIN, from Nassau.
BUCKINGHAM SMITH.
J. D. FERNANDEZ, Rep. D. Co.
GABRIEL PRIEST, Rep. D. Co.
JOHN M. FONTANE, of St. Johns.
EDWARD BIRD, of Alachua.
JOSEPH BRANCH.

The Senate received from the House the following:

The House adopted the following resolution:

Resolved. That a committee be appointed to confer with a committee of the Senate upon the Compensation Bill.

Messrs. Stephens, Branch and Smith, committee on the part of the House.

Which was agreed to, and Messrs. Pelot, Livingston, and Edwards appointed said committee on the part of the Senate.

Also their adoption of certain resolutions in relation to Territorial expenses, &c.

Mr. Pelot, from the committee on conference, reported the compensation bill with amendments.

Mr. Brockenbrough offered sundry resolutions in relation to what constitutes a quorum of both Houses of the Legislative Council.

The Senate received from his Excellency the following message:

EXECUTIVE DEPARTMENT,
Tallahassee, March 4, 1841.

To the Honorable the
Legislative Council of Florida:

I have considered as maturely as the time allowed me permits, the bill entitled, "An act to alter and amend the several acts in force respecting appeals and writs of error in civil cases," and have come to the conclusion that I cannot approve it.

If the law referred to contracts hereafter to be made, my sanction might perhaps be commanded for it—but it relates to contracts already formed, to suits already instituted. It is obvious that the parties to a contract contemplate when they enter into it, not only *the time* at which its performance is stipulated, but also *that* at which it may be enforced according to law. The latter makes a part of the contract as well as the former, and cannot, without injustice, be restricted or enlarged. If it can, then, a Legislature friendly to the rights of creditors might order, oppressively, a demand to be enforced the very moment it becomes due, or if unfriendly, extend its collection through a long series of years.

Such power no Legislative body should possess; it is one of the most arbitrary character, riding over the Constitution and interfering with the rights of individuals.

As to the policy of such laws, I will not now speak. I have seen the bill, for the first time, late this evening, and am not prepared to present other views than those contained in the message at the opening of the session.

There is a clause in the 6th section, which I cannot pass over, without remark. It is that [illegible]ting the operation of the act to Middle and West Florida. Its shadow is not to be permitted

to spread itself over the East and the South. Such partial legislation seems to me improper; the more highly so, when we consider its effect, which is to allow the creditor in the Middle or Western District to collect his dues *speedily* from a debtor in the Eastern or Western District, depriving the latter of the power to realize what may be due to him, in the Middle or West, until after encountering the laws long delay, his ruin may have been accomplished. Equality is equity, and surely neither is to be found in such a condition of things. With these objections, and others which there is not time for enumerating, I am constrained to disapprove the bill.

ROBERT RAYMOND REID.

The Senate received from the House the compensation bill amended. Which was read and passed as amended—ordered that the title be as above.

The Senate received from the House of Representatives, as adopted, certain resolutions, before passed by the Senate, in relation to what constitutes a quorum of both Houses.

The Senate received from his Excellency the Governor the following:

EXECUTIVE DEPARTMENT,
Tallahassee, March 4, 1841.

To the Honorable
The Legislative Council of Florida:

I approve the resolution relative to the compensation of the private secretary of the Governor, and for copying the laws and making an index.

ROBERT RAYMOND REID.

The Senate received from the House their rejection of the amendment made by the Senate to a resolution for the safe keeping of the furniture of the House of Representatives, &c. On motion the Senate adhered to its amendments.

Mr. Brockenbrough offered the following resolution:

Resolved, That the Secretary of the Senate transmit to the Governor, the resolutions heretofore passed concerning the troops of Col. Brown and Maj. Garrison, and returned by the House of Representatives with their sanction, together with the message of the House of Representatives informing the Senate of that sanction, and that the President of the Senate be requested to see that this resolution is properly carried into effect, and to sign the papers as President of the Senate.

On the adoption of which, the yeas and nays were called by Messrs. Brockenbrough and Walker, and were:

Yeas—Mr. President, Messrs. Brockenbrough, Dupont, Livingston, McLean and Walker—6.

Nay—Mr. Edwards.

So said resolution was adopted.

On motion of Mr. Brockenbrough, Mr. Dupont was called to the chair, when he offered the following resolution:

Resolved. That the thanks of this Senate, be tendered to the President, WILLIAM P. DUVAL, for the impartial and efficient manner in which he has discharged the duties of the Chair.

Which was read and unanimously adopted.

When the President made a neat and appropriate reply.

On motion the Senate adjourned *sine die.*

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APPENDIX

TO THE

JOURNAL

OF THE

SENATE.

EXECUTIVE DEPARTMENT,
Tallahassee 26th January, 1841.

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

I herewith transmit to you the Report of the Auditor of Public Accounts, for the year 1840.

The Auditor has been recently appointed to office and labors under such disadvantage in making his Report in consequence of the absence of the Treasurer, which is occasioned by a family affliction.

ROBERT RAYMOND REID.

The Auditor of Public Accounts has the honor to make to his Excellency the Governor his Annual Report for the year 1840.

Exhibit No. 1 will shew that there has been paid into the Territorial Treasury on account of Auction Tax for the last year the sum of $3,448 54

And on account of arrears of Auction Tax, and Revenue for the year 1839 the sum of 2,578 75

$6,027 29

By the last settlement with the Treasurer there was remaining in the Treasury on the 26th day of December 1839, the sum of 342 43

Six thousand three hundred sixty-nine dollars seventy-two cents, $6,369 72

But as the Treasurer is at this time absent, (from domestic affliction) I am not able to report an annual settlement with him, so as to show the amount now remaining in the Treasury or what amount of Treasury warrants have been paid off since the last annual report. So soon as he returns, which is daily expected, the proper settlement will be made and reported.

There appears to have been issued of Auditor's warrants, since the last report, the sum of ($10,294 36) ten thousand two hundred ninety four dollars and thirty six cents, and that there were outstanding by the last Auditor's report, the sum of ($7,656 93) seven thousand six hundred and fifty sixty dollars ninety three cents.

But until a settlement is had with the Territorial Treasurer, I am unable to report what amount has since been paid, and consequently the amount now due and outstanding.

The amount must necessarily be large, as no revenue was assessed or collected last year, and the sum paid into the Treasury on account of Auction Tax and arrears of last year, 1839, as will be seen, was small, proportioned to the demand of Treasury, particularly for the expence of prosecuting criminals.

A large amount of Auction Tax reported to be due would have been paid, but for want of the receipt of the Treasurer, and has been withheld until his return.

All of which is respectfully submitted
by your obedient servant.

JOHN MILLER,
Auditor Public Accounts for Territory of Florida.

To his Excellency
ROBERT RAYMOND REID.
January 18, 1841.

EXHIBIT No. 1.

A Statement showing the Amount Returned on Auction Tax and the Amount paid into the Treasury on Tax, and arrears of Auction Tax and Revenue for last year, since the last Auditor's Reports, and Amount paid on Orphan Funds.

Amount Auction Returns, 1840.

Auctioneers.	Counties.	Am't. Rec'd.		Am't. Paid.		Am't. Due.		Arrears Ac't Tax.	
R. J. Hackley,	Leon County,	2432	10	2235	60				
A. M. Alexander,	"	143	10	143	10				
F. B. Whiting,	"	5	50			5	50		
E. W. Dorsey,	"	77	77	34	92	38	97		
E. Byrd,	"		54		54				
W. Monroe,	Gadsden,	43	18	43	18				
J. H. Parker,	Jackson,	18	80	18	80				
H. Michilet,	Escambia,	376	24	353	64	22	60		
Jos. Foster,	Franklin,	32	52	32	52				
Rob't. Myers,	"	411	02			411	02		
J. M. Palmer,	Jefferson,	2	51			2	51		
J. L. Phillips,	St. Johns,	50	86	11	58	39	28		
R. D. Fontane,	"	346	77	212		134	77		
W. Killgere,	Hillsborough,	1	30	1	30				
W. H. Wall,	Monroe,	293	49	47	52	243	63		
C. M. Wells,	"	27	25						
J. A. Thouron,	"	47	76			47	76		
J. B. Brown,	"	122	89	122	89				
A. C. Teft.	"	57	94			53	19		
A. T. Teft,	"	134	73	132		7	65		
A. Patterson.	"	58	95						
		4685	22	3448	51	1006	88		

Arrears Revenue.

T. Collectors.	Counties.	Am't. Paid.		Am't. Due.		Am't. O. F.	
		1052	19	1006	87	196	50
		14	27	16	04		
						3	88
		1	10				
H. Stephens,	Hamilton,	181				5	47
Jessee Carter,*	Alachua,	250		4659	77		
J. M. Stuart,	Hamilton,	43	38				
C. Harris,	Gadsden,	110	44				
W. R. Taylor,	Jefferson,	913	50	50			
J. L. Hart,†	Leon,	12	87			119	50
D. McCloud,	Walton,			110	70		
		2578	75	5863	38	1477	98

JOHN MILLER, Auditor Public Accounts, Fla.

* Collection resisted.

† Amount as per former Report.

Exhibit No. 2.

A General Statement shewing the aggregate of Auction Tax and Arrears of Revenue and the Expenditures of the Territory, under their respective heads, for the year 1840.

					Dr.
Expenses	State Convrntion,				173 00
Do.	prosecuting criminals,		Western	District,	3,826 55
Do.	do.	do.	Middle	do.	1,246 65
Do.	do.	do.	Apalachicola	do.	1,718 13
Do.	do.	do.	Eastern,	do.	1,332 87
Do.	do.	do.	Southern	do.	266 62
Do.	Executive Department,				800 00
Do.	Treasury	do.			1,542 00
Do.	Collecting Revenue,				1,454 05
					$12,360 60

	Cr.
By balance in the Treasury, 26th Dec., 1839,	342 43
By amount received on Auction Tax, 1840,	8,448 54
By amount received on arrears of Auction Tax and Revenue, 1439,	2,578 75
By Fines and Forfeitures,	1,558 10
By balance Auditor's Warrants issued,	4,432 78
	$12,360 60

Auditor's Office, January 18, 1840.

To His Excellency Robert Raymond Reid, Esq.

Sir,—Annexed is a list of Auctioneers that have tendered payment, but in the absence of the Treasurer cannot obtain receipts for commissions on auction sales:

R. J. Hackley, Leon County.
E. W. Dorsey, " "
F. B. Whiting, " "
A. M. Alexander, " "
B. Byrd, " "
Rob't. Myers, Franklin County.
John M. Palmer, Jefferson "
R. D. Fontane, St. Johns "

Respectfully,
Your obedient servant,
JOHN MILLER,
Auditor Public Accounts.

EXECUTIVE DEPARTMENT,
Tallahassee, January 11th, 1841.

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

I herewith transmit to you a "statement" of the condition of the Union Bank, just received from John G. Gamble, Esq., the President of that Institution.

ROBERT RAYMOND REID.

COPY.

UNION BANK OF FLORIDA,
Tallahassee, Jan. 5th, 1841.

Sir:—I herewith enclose a statement of the condition of this Bank, as on the 1st January, 1841. Also a list of names of Stockholders of the Bank, who are proprietors of 20 shares and upwards.

Very respectfully,
Your ob't. serv't.
JOHN G. GAMBLE, Pres't.

To Robert Raymond Reid, Esq. Governor of Florida.

STATEMENT

OF THE

UNION BANK OF FLORIDA,

On Friday Morning, January 1, 1841

		Dr.
Stock Notes discounted,	$1,902,159 23	
Do. in suit,	8,302 00	
		1,910,461 23
Notes and Bonds discounted,	968,824 62	
Do. in suit,	388,138 07	
		1,356,962 69
Bills of Exchange returned protested,	106,790 05	
Do. in suit,	21,778 57	
		128,568 62
Territorial Bonds unsold,	704,000 00	
Florida 8 per cent. Bonds,	50,000 00	
		754,000 00
Premium on Bank Stock,		3,801 00
Protested Account,		693 49
Interest on Post Notes, due in 1841,	13,227 86	
Do. do. do. 1842,	11,986 17	
		25,214 03
Due by Banks and Agents,	163,118 48	
Agency at St. Joseph,	93,406 00	
		256,525 28
Cotton Account,		4,664 53
Real Estate in Tallahassee,	25,169 90	
Real Estate in St. Joseph and Jackson County,	59,18532	
Real Estate in Richmond, Virginia, in trust,	9,971 84	
		94,327 06
Cash Ballance, Specie,	2,022 88	
Notes of other Banks and Corporations,	19,528 00	
		21,550 88
	Dollars,	4,556,768 81

Cr.

Capital Stock,		$3,000,000 00		
Cash Stock,		143,700 00		
				3,143,700 00
Due to Banks and Agents,				364,193 15
Bills Payable,				33,455 27
Post Notes issued payable in 1842,				216,154 71
Bank Bonds payable in New York, 1841,				25,000 00
Deposites, including Certificates,				184,337 69
Circulation,				365,111 00
Sinking Fund,		330,962 12		
LESS.				
Interest upon $497,000 of Bonds of the Bank issued in 1837, and loss on exchange in remittance to pay principal and interest of the same: also, loss on exchange in remittances to pay interest of Territorial Bonds: also, discount on sales of $476,333 33 of Post Notes of the Bank of the U. S., all of which should have been charged in the annual statements for January, 1839 and 1840; besides the sums then charged,*		100,847 02		
Which will reduce the Sinking Fund to the sum of		230,115 10		
Discount Account,	$216,901 16			
Incidental expenses,	32,638 00			
In't. on Territorial bonds,	137,760 00			
Do. Bank do.	7,727 76			
Loss on cotton shipped to pay interest & exchange thereon,	44,073 51	222,198 27	5,298 11	224,816 99
			Dollars,	4,556,768 81

* The items here referred to were included in the account of John G. Gamble, Agent, which was not adjusted until after January, 1840.

There are arrears of interest due the Bank upon Bonds and Notes in suit, and other papers lying over under protest, exceeding in amount $110,000, which added to the above sum of $224,816 99 would make the Sinking Fund $334,816 99.

R. L. RUTGERS, *Assistant Cashier.*

TERRITORY OF FLORIDA, }
County of Leon. }

Personally appeared before me, a Justice of the Peace for the County aforesaid, Henry L. Rutgers, Assistant Cashier, o 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 fifth day of January, 1841.

A. SPENGLER, *Justice of the Peace.*

EXECUTIVE DEPARTMENT,
Tallahassee, 25th January, 1841.

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

I herewith transmit to you the statement of the condition of the Southern Life Insurance and Trust Company, just received from Geo. Field, Esq. the President of that Institution.

ROBERT RAYMOND REID.

SOUTHERN LIFE INSURANCE AND TRUST COMPANY,
Tallahassee, January 22d, 1841.

To his Excellency
Robert Raymond Reid.

SIR:—I transmit herewith the annual statement of the condition of this Company. A little delay has unavoidably occurred in consequence of the difficulty of communicating between its various offices.

At the date of the last annual report, this company stood almost alone, in the Southern country, in its policy of paying coin for its notes and obligations on demand. Conscious of the justice of this course, and desirous of sustaining as far as practicable, the credit of the Territory abroad, and by its example and influence to induce resumption on the part of others, the Trustees hesitated at no effort or sacrifice in their power, to maintain the character which they claimed for the Institution, and to which they felt themselves justly entitled.

Notwithstanding the liberal facilities afforded by this company to its dealers, in furnishing exchange, and the indulgence granted to its debtors, such had been the credit of the Institution at the North, in consequence of their manner of doing business, it was not doubted, that either by sale or hypothecation of its bonds guaranteed by the Territory, (of the use and full credit of which, they could not expect to be deprived, having strictly complied with the requisitions of their charter) and by a like use of the $50,000 of Territorial Bonds received for a loan negotiated by your Excellency, they would be enabled to meet all their engagements. Nor will it be contended in view of the then immediate liabilities of this company, that such expectation was not well founded. The most extraordinary character of the report, however, of the Judiciary Committee of the popular branch of the last Legislative Council, and the subsequent action of that branch upon it, had the effect of defeating every attempt at negotiating on any thing like fair terms, not only the $400,000 of bonds guaranteed by the Territory, (and for which guarantee abund-

ant security, as required, was given,) but also the $50,000 loaned to the Territory, for a part of which, New York funds were paid. Nor was this all. The company, unable to resist the influences thus operating to its prejudice, could not make its own credit available.

A general and fatal distrust of all Florida securities arose in the money markets, and as the engagements of the company in New York matured during the summer, they were compelled on some of them to suffer protest.

Anxious, if possible, still to sustain themselves and meet the just expectations of their creditors, an earnest appeal was made to the Northern Stockholders who had originally paid in about two thirds of the capital. They were made familiar with the situation of the company, and the immediate causes of our inability to meet engagements, and were urged to lend us 200,000 dollars, either in money or credit, a sum deemed amply sufficient to place the company upon high and independent ground. It was feared by the Stockholders to whom the circular was addressed, that the same unlooked for measures, on the part of the constituted authorities of the Territory, which had operated so seriously to our prejudice heretofore, might be continued, and thus *this* attempt proved fruitless. They had through the medium of this Company, invested much money in Florida, and without some better assurance than the undersigned felt authorised to give, that the company would be permitted to enjoy its chartered rights in quiet, so long as they acted in good faith, they were unwilling to invest more.

Anxious to relieve ourselves as far as possible, an effort was made which, in most cases, proved successful, to get indulgence on a portion of the amounts protested, by paying the balance, which was done. And in New York, where our credit had suffered most, our efforts tended in a considerable degree to restore it, not however, to a sufficient extent, to bring relief from all our engagements; and until some favorable action of the Council, which shall tend to wipe away the stain cast upon the credit of the Territory, and thus enable us to dispose of the $175,000 of bonds, necessity will force us to a rigid curtailment, to meet the expectations of your Excellency. It will readily be perceived, by reference to the report herewith, that the securities in bonds held by this company (if made available by a restoration of their credit, so far as it may depend upon the faith of the Territory,) will be sufficient to render unnecessary any pressing measures against their debtors.

The present circulation, and other immediate liabilities of the company are not large, compared with its assets, a sufficient amount of which, it is hoped to make available to meet the lia-

bilities abroad as they mature. Our policy has *not* been to *expand*, nor to contract faster than seemed compatible with the safety of our debts, and particularly as collections could only be made in the notes of Banks which neither gave specie or exchange.

Our first object has been to do justice to our creditors. If other Institutions have succeeded in this better than *we have, then* it may be proper to institute comparisons between us, unfavorable to this Institution. If "serious doubts are entertained of the solvency" of *this company*, the undersigned is unable to perceive reasons for such doubts, which would not apply with at least as great force to the other Banks of the Territory.

The Trustees have loaned no money at any time, to such as they did not think able and willing to pay according to agreement. They have sometimes, like others, been deceived in this, but claim for themselves, the ability to profit by experience.—They have constantly aimed to have their doings characterized by the *strictest impartiality*, looking always carefully to the pecuniary ability of the applicants, and to the nature of the security offered.

The Trustees are well aware of the disadvantages under which they labor at a time, when the patience of nearly every sound business man in the community, has been exhausted by the continued suspension of the Southern Banks. They know, too, how delicate a thing the credit of a Bank is, and how easy it is by a *single expression* to injure it.

Aware of the high obligation and necessity that exists to resume specie payments as soon as practicable, the Trustees will do all in their power, consistent with a due regard for the interest of their debtors, to bring about so desirable a result. To regain the same flattering confidence which has heretofore been extended to them by the citizens of the Territory, and to merit its enjoyment will be their constant aim.

All of which is respectfully submitted.

GEO. FIELD, President.

STATEMENT

Of the condition of the SOUTHERN LIFE INSURANCE AND TRUST COMPANY, *compiled from returns of the Apalachicola Office of fifteenth current, returns from Tallahassee, St. Augustine and Jacksonville Offices, and from Agency at New York, to the 1st day of January,* 1841.

RESOURCES.

Notes and Bills discounted,		774,782 49
Amount due on Bonds and Mortgages,		659,961 23
Suspended Debt,		15,305 23
Loans on collatteral security payable on demand,		29,158 17
Bonds including $25,000 loaned to the Territory on Territorial Bonds, and yet unsold,		47,000 00
Bonds guaranteed by the Territory and remaining unsold,		150,000 00
Bonds of Union Company and Union and Potomac Company of Maryland and Virginia, [This amount is amply secured by mortgages on real estate in New York, Maryland and Virginia.]		87,622 48
Balances due from sundry Agents, Banks, Branches, &c. other than Branches and New York Agency of this Company,		47,884 01
Balances for advances on account of cotton at Apalachicola,	52,163 42	
At Tallahassee,	26,502 92	
		78,666 34
Bank Stocks,		26,045 00
Real Estate, including two Banking Houses and Lots,		21,016 96
Personal property in five offices,		6,099 11
Overdrafts—Aggregate am't. at all the Branches due from 20 individuals,		20,160 51
Profit and loss, including all losses in negotiating Bonds, and after paying all expenses to January 1, 1841,		61,972 81
Cash—Bank Notes of other Banks,	30,217 00	
Specie,	3,010 89	
		33,227 89
Dollars,		2,058,902 23

LIABILITIES.

Capital Stock,	897,075 00
Due to sundry Banks and Branches, other than Branches of this Company,	18,020 32
Deposits to apply to discounted paper past due,	16,608 22
Certificate account for deposits,	22,281 73
Certificates issued to the Union, and Union and Potomac Companies,	82,762 25
Deposits due to individuals,	106,903 75
Dividends unpaid,	972 50
Bonds issued by this Company, payable in 1865, bearing five per cent. interest, and guaranteed by the Territory,	400,000 00
Bills payable at Agency in New York in the year 1841,	253,692 95
Other obligations of this Company for loans,	137,079 91
Notes of this Company in circulation,	111,595 00
Resulting balances, being items of accounts of the several offices in *transitu*,	11,904 60
Dollars,	2,058,902 23

It may be proper to remark that some interest is due from the Company on loans; but it is believed the interest earned and due the Company, not embraced in foregoing, is at least equal in amount.

GEO. FIELD, *President.*

J. WILLIAMS, *Cashier.*

TERRITORY OF FLORIDA, }
Leon County. }

TALLAHASSEE, January 22, 1841.

George Field, President, and John Willirms, Cashier, of the Southern Life Insurance and Trust Company, being duly sworn, depose and say: that the above statement of the condition of the Southern Life Insurance and Trust Company is just and true according to the best of their knowledge and belief.

A. SPENGLER, *Justice of the Peace.*

DOCUMENTS

ACCOMPANYING THE REPORT OF THE

COMMITTEE ON CLAIMS.

EXTRACT

From Governor Call's Message to the Legislative Council at the Session of 1839.

Since the last session of the Legislative Council, our frontier settlements have been greatly harrassed by the marauding bands of the enemy, notwithstanding the formidable and well appointed force employed by the Government in prosecuting the War, and in defending the frontier, the struggle with the Seminoles still continues with all the appalling incidents of savage Warfare. During the last summer, numerous and distressing instances occurred, in which whole families were murdered by the midnight attacks of the enemy. The frontier inhabitants were kept in a state of perpetual danger and alarm, and although the troops of the Government were actively employed in their defence, it became necessary in the opinion of the Executive, on the urgent application of the people and the officers of the exposed districts, to order a portion of the Militia into service. In Middle Florida these troops have been recognized by the Government, and most of them have been mustered and paid for their services. But, in East Florida, where a much larger force was employed, the Commanding General did not consider them necessary for defensive operations. In consequence of which the troops called out from the counties of Alachua and Columbia, have not and perhaps will not be paid by the United States. A correct return of the number of officers and men, or of their term of service, has not been received from the county of Alachua. But the officer commanding the Militia of Columbia county, reports a whole regiment to have been in service, amounting in the aggregate to seven hundred and ninety-three officers and men. Whether so large a force was necessary for the defence of the Settlements, is a question which the executive is not prepared to decide, as the scene of operations was too remote to enable him to form a correct opinion on the subject. The laws of the Territory require the Executive, in cases of invasion or insurrection, to to order out such portion of the Militia, as he may deem necessary for the defence of our citizens. But relying on the protection of the army,

it was not until repeated outrages had been committed, and a number of lives had been sacrificed, that recourse was had to the local militia for defence. In adopting this measure at a time when the Indians in small bands hovered on the skirts of every settlement, and every inhabitant exposed to massacre, it became necessary to invest the officer in command with discretionary power, in relation to the number of troops to be employed, for the purpose of restoring tranquility, and to ensure the safety of those who were exposed to danger. But, he was specially instructed to employ no larger force than in his judgment, should be absolutely necessary, for defensive operations. The tragical occurrences on that frontier for some time preceeding, and subsequent to the date of this order, demonstrates the propriety of the course pursued. It matters not how numerous may have been the regular force engaged on that frontier, or what may have been its efficiency, gallantry, and enterprize; the unquestionable presence of the enemy, the invasion of the country, and the murder of our citizens at their own threshold, or while engaged in cultivating thier fields, without discrimination of age or sex, is the best proof that sufficient protection was not given by the Army, and that it was necessary and proper that the militia should be called out in the defence of their families and homes. Under these circumstances it appears to me that there should be no hesitation on the part of the General Government in paying the troops thus employed. I am not disposed to encourage an extravagant expenditure of the public treasure, or to ask compensation for services which were never rendered. But, the troops in question having been called into service, consistently with the laws of the Territory, so far as services have been performed I recommend that their claims for compensation be presented in an appropriate memorial to Congress, and that if they should not be paid by the United States, that the Territorial Government promise the necessary compensation.

EXTRACT

From the presentments of the Grand Jury of Alachua, &c. Nov. 1840.

ALACHUA SUPERIOR COURT,
November, 1840.

The Grand Jurors of the counties of Columbia, Alachua, and Hillsborough, before separating for their homes, take occasion to call attention to such subjects as they deem important to the counties from the body of which they come.

They represent as an act of great injustice, that the volunteers in Alachua and Columbia, called out by an order of the Governor, in the year 1838, still remain unpaid for their services. They allude to the regiment of Col. Robert Brown, and the battalion under Major Isaac Garrison. Both these corps were summoned into service for the protection of this extensive frontier, at a time when the withdrawal of all the United States forces from the interior, and the repeated massacre

which were occurring, rendered it a matter of exceeding urgency, and imperative necessity that they should take the field. They did so at their own expence, under authority of the Executive of Florida, and the laws then and still in force upon the subject, trusting to the pledged faith of the Territory, for their proper and stipulated remuneration. The Grand Jury bear ready testimony to the activity and efficiency of their services, during the spring and summer of 1838, and do not hesitate to declare their conviction that but for the protection afforded by these corps, the whole country East of the Suwannee and West of the St. Johns, *must and would have been abandoned.*

It was a year of great difficulty, distress, and misfortune to the inhabitants, and nothing but the encouragement and support which the efforts of the organised militia produced, sustained and carried the people through that peculiarly trying season, and resulted in the continued occupation of this region of country up to the present time. They ask as an act of justice, due to the brave volunteers of whom they speak, a prompt and early liquidation of their claims, and request the Representatives of their counties to urge the subject to the attention of the next Legislature.

I hereby certify that the foregoing is a true extract from the general presentments of the Grand Jury of Alachua, Columbia, and Hillsborough, at the November Term, 1840, of the Superior Court, this 2d day of January, 1841.

BENNETT M. DELL, Clerk.

I certify on honor, that in compliance with the order of the Governor of Florida, under date of the 26th March, 1838, I proceeded to organise and muster a force for the defence of the county of Columbia, and adjacent frontier. That the adjutant of the regiment, pursuant to my order, proceeded to inspect and muster the following companies, to wit:—those of Captains Martin, Pelot, Sanderlyn, Cason, Roberts, Bryant, Tillis, Hooker, Worth, Johnson, and Migell, that said companies were brought into service on the sixth day of April, and continued in service until discharged by my order in compliance with the order of Governor Call, on the twenty second day of July, of the same year, making a term of three months and sixteen days, with the exception of Capt. Bryant's company, which was discharged by the Lieutenant Colonel in command, on the twentieth day of July. That said companies, while so in service, were constantly in preparation for duty, and obeyed all orders issued by me through their respective officers. That they performed a more arduous and active duty than was performed by the volunteer forces in the service of the United States in 1837, when I was myself in service. Were all the time on the alert, and engaged in a system of scouts. Had several skirmishes with the enemy, and succeeded in a more effectual protection of the settlements than has been employed before or since that period.

I also certify, that such forage and subsistence as could be procured by the Quarter Master, were furnished, and that when it could not be procured by that officer, the men were directed by me to furnish their own forage and subsistence, which they did, upon the express understanding that they should receive therefor, the same price for which they could sell the same articles at the same time, or which they might have to pay for it.

And I further certify that regular reports of the strength and completeness of each company were made at the time of mustering by the Adjutant, and that the regiment provided its own ammunition, arms, and accoutrements for the service. That the muster rolls presented and certified to exhibited a report of the number of men and officers as reported by the Captains of companies; that said companies were actually in service, and under ordere for the period designated in the said rolls respectively, and that they are justly and strictly entitled to pay for the said term.

Witness my hand at Columbia county, this fifth day of January, A. D. 1841.

ROBERT BROWN,
Col. 12th Regiment Florida Militia.

LETTER

From General Eustis to Committee of Citizens.

HEAD QUARTERS, 2D DIVISION ARMY OF THE SOUTH,
Garey's Ferry, 15th April, 1838.

To the Committee of the Citizens of Newnansville:

Gentlemen—Your communication of the 13th inst. was handed to me two hours since by Mr. Knight.

No one can regret more than I do, that the very small military force under my command has been found insufficient to protect the inhabitants of this frontier against the marauding excursions of the Indians, and to enable them to pursue with tranquility their agricultural labors. Such force as was under my control was disposed of according to the best of my judgment to effect that most desirable object. *That there has been no mounted force in service on this frontier* has not been my fault. My earliest and continued efforts from the day of my arrival here, have been to obtain for the service of the United States two or three companies of mounted Flordia volunteers. I have not yet been able to obtain a single company.

I am happy, however, in being now able to say to you that I have received information that severa companies of regular troops (two of them mounted) are on the march from the South, and may be expected to reach Micanopy this day. I have already dispatched orders to the commanding officer of these troops, Major Riley, to put all the disposable force, both horse and foot, in motion, to scour the hammocks, and

endeavor to find, dislodge, and destroy all the parties of Indians, who are supposed to be lurking on this frontier between the Suwanee and the head of Black Creek. And now, gentlemen, I call upon the citizens of Newnansville to put their own shoulders to the wheel, by giving to Major Riley every aid in their power, by strengthening his numbers, and furnishing him with guides, scouts and spies.

You state that relief is required in the way of subsistence for the many families assembled at Newnansville, and seem to intimate that you expect me to furnish it.

You surely cannot be ignorant that the business of supplying rations according to law to the suffering inhabitants of Florida has been taken out of the hands of the commanding officer of the troops, and is placed entirely under the control of the Commissioners appointed by the War Department.

So far as relates to *the transportation* of supplies necessary for the inhabitants of the exposed part of the frontier, I will with great pleasure instruct the officers of the Quarter Master General's Department to give every assistance which the public service will permit.

With the assurance of my respectful consideration,

I am, gentlemen,

Your humble servant,

ABR'M. EUSTIS, Brigadier General.

To FRANCIS R. SANCHEZ,
COTTON RAWLS,
JAMES PINDARVIS
JESSE CARTER, and
GILES W. ELLIS,
} Committee of the Citizens of Newnansville.

COPY

Of a Letter from General Eustis to Major Garrison.

HEAD QUARTERS, 2D DIVISION ARMY OF THE SOUTH,
Garey's Ferry, April 15, 1838.

MAJOR J. GARRISON, Newnansville,

Sir—I have the honor to acknowledge your communication of the 13th inst. and in reply, being much hurried, I beg leave to refer you to a letter I have just addressed to the committee of the citizens of Newnansville, in answer to a communication from them of similar import to yours.

I am, with respect,

Your humble servant,

ABR'M. EUSTIS, Brig'r. Gen'l.

I hereby certify, upon honor, to the accuracy and correctness of the following statement, to wit:

The state of this region of country in the spring of 1838, was such as to render it imperatively necessary that the militia of this county should be organized, and called to duty. The regular forces had in a great measure been withdrawn; Indian massacres were of daily occurrence; the trails of the enemy were found in every direction around the settlements, and it became evident to all that without the most prompt and decided measures, the country must be abandoned to the enemy. Being the senior officer of the regiment here, regarding myself authorised by the laws of the Territory, in the then emergency, I ordered a Battalion into service; and directly after, under date of the 9th April, 1838, informed the Executive of what I had done. Shortly afterwards a meeting of the citizens of the county was held at Newnansville for consultation, and a committee appointed to communicate with Brigadier Gen. Eustis, concerning the defenceless condition of this frontier. A copy of the reply of Gen. E. is annexed for the purpose of showing the inadequacy of the means of protection at the command of that officer. After receiving Gov. Call's order of 23d June, 1838, to discharge my battalion from the Territorial service, I consulted with the principal and most discreet citizens of the county as to the propriety of complying with it, and in accordance with their unanimous opinion, sustained as it was by my own judgment, I decided to continue the battalion on duty, reporting my course to Governor Call, under date of July 5th, 1838. The battalion continued upon duty till the 19th September, when the neceissity of their longer service being less urgent, they were disbanded by my order.

During all the period of its service the battalion was well organized, and performed constant and active service. The men composing it were all the while under orders, and did even *more* duty than has been usually required of volunteers mustered into the service of the United States. It was engaged in one regular battle at Santa Fe Bridge with a large force of Indians, and in repeated skirmishes, and by its vigilance and constant scounting, effectually kept off the enemy from the settlements.

If a military corps ever entitled themselves to pay this battalion did, especially as it was called upon duty at a season of the year, which obliged its members to abandon their agricultural pursuits, and composed almost entirely of men upon whose single and unaided labor their families were dependant for support.

J. GARRISON,
Major 1st Battalion 6th Reg't. Florida Militia.

The undersigned citizens of Alachua county beg leave respectfully to add our tertimony as to the necessity and propriety of the course pursued by Major Garrison as detailed in the foregoing statement, in reference to the employment of his Battalion in the spring and summer of 1838. The situation of the country at the time was such as to render it absolutely necessary that a militia force should take the field; and that of necessity continued throughout that spring and summer.

The number of men called into service so far from being too many for the occasion, was less than the circumstances would have justified.

We add further that the Battalion performed all the while most meritorious service, and was the means of saving this frontier from total destruction and abandonment.

We cannot too strongly recommend their title to a prompt and early liquidation of their claims.

FRANCIS R. SANCHEZ, Col. 6th Reg't. F. M.
A. McNEIL,
THOS. E. BARROW, Sheriff of Alachua County.
JESSE CARTER,
JOHN R. STANDLEY, of Fort Tarver.
GEO. F. OLMSTED, Int. of Town of Newnansville.
LIGHT TOWNSEND,
BENNET M. DELL, Lt. Col. Vol's. in U. S. service.

COPY

Of letter from Major Garrison to Gov. Call.

NUNANSNILLE, July 5, 1838.

Dear Sir:—Yours of the 23d ult. has been received by the politeness of Capt. Byrd. I can only say, that I am sorry to be informed, that the money cannot be refunded to me. But if that was all it could be easily got along with, as I should be the only sufferer, and I have got so much accustomed to disappointment and losses, that I am taught to take them patiently.

But when I have to report the heart rending scenes that are daily occuring among my fellow citizens, it bears my spirit down. The brave Capt. Walker is no more. But, he fell honorably in battle, the report of which, I expect you have seen before this. As this battle was about twenty miles below this place, and as the Indians were met, we had flattering hopes that they would not interrupt us. But how quick were these hopes blasted! Mr. Gwinn and his family left Fort Harlee on Sunday 1st instant, and on the 2d the Indians made an attack on him and murdered himself, his wife and children in their barbarous way.—One of his sons luckily made his escape to Fort Harlee, and the troops used all their power to find the Indians, but failed. This took place in about ten miles of Nunansville on the Santa Fe.

No country can have a worse feature than Alachua has at this time, and General Taylor is not near this place for me to report to. In that case I feel compelled to keep the battalion in service of the Territory, till further ordered.

With great consideration, I am dear sir,
Your humble servant,
ISAAC GARRISON,
Major commanding, &c.

His Excellency R. K. CALL.

DOCUMENT

ACCOMPANYING THE MESSAGE OF THE GOVERNOR

Dated January 25, 1811.

PRESENTMENTS.

The Grand Jury empannelled and sworn in and for the county of Duval, being about to bring their official duties to a close would respectfully beg leave to submit the following presentments:

They would bring to the consideration of the Court, the unsettled state of the country, arising from the continuance of Indian hostilities,—while suffering, danger and death, are daily threatening some of our fellow citizens, no part of East Florida is exempt from the evils incident to our Indian and border war. A lenity of morals and a frequency of crime are the almost inevitable result on every side, they witness evidence of this truth. In a disturbed and unsettled state of the county, the incentives to crime are many and the restraints few. From such a state of things they duly hope for relief, by a removal of the Indians from the Territory. By the frequent charges of those entrusted with the command, hopes of a termination of these difficulties and evils, have been often excited, to be as often blasted, but they never look forward to a change, from which they anticipate the happiest results, by restoring peace to our borders and happiness to our homes.

The Grand Jury would present the management of this war with our insignificant tribe of Indians, without assuming the province of condemning or censuring any of the officers to whom the conduct of the war have been committed. It requires no great wisdom to discover, that it has been unskilfully managed, and unnecessarily protracted, to the great detriment of all East Florida. In the most public and solemn manner they would repel the imputation, which some have been so ready to

cast upon them, that the citizens of Florida have contributed to prolong the war, or have desired its continuance, or been benefitted by it. They hail with joy the prospect of an important change in those who are to control and conduct it.

The Grand Jury would present, that a division of the Territory is a subject of great and abiding intereat, to the citizens of this part of the Territory, disconnected from the Middle and West, in business, in sympathy and in feeling. They regard a separation from them Territorially as a subject of great concern to the whole of East Florida, and that the assumption of a State Government with the taxes and responsibilities incident thereto, would beget evils and suffering which they are reluctant to encounter.

The grand jury would present numerous instances of a censurable neglect of duty by the justices of the peace, and other judicial officers in this county, and particularly in Jacksonville in not enforcing the laws, by restraining those who, in the most daring and reckless manner, threatens acts of violence and bloodshed. To this neglect, in permitting men armed, and using the most violent threats, to go unchecked for hours and even days, would they attribute, in no small degree, the fatal affray that took place in May last, and which has been brought to their notice at this session. To prevent a repetition of such acts, tending to disorganise society, and jeopardise the lives of unoffending and quiet citizens; those who are by law conservaors of the peace, should be required to discharge, faithfully and fearlessly, their duty by imposing a restraint upon all who armed with deadly weapons, threaten violent and murderous assaults upon others, or who threaten in any manner to violate or disturb the public peace. The Grand Jury would present A. W. Crichton, Esq., assessor of taxes for the district of Mandarin, for neglect of duty in making returns of assessments.

The Grand Jury would present the want of a competent jail in the county, as a great grievance, criminals are either permitted to go at large, as the officers are compelled to muster a large force, to guard prisoners while carried forty miles, over a road endangered by lurking Indians, thence to be confined in such a manner as to create the probability of escape.

The Grand Jury would also present the remissness of the Port Wardens for the St. John's Bar, from granting branches to careless or improper persons, the number of wrecks has greatly multiplied, though the bar is not believed to have changed for the worse. The importance of this bar at this time imperatively demands, skilful and faithful pilots. To a few

men is entrusted not only a large amount of property, but life. They have deemed it their duty to call attention to this subject, that a reform may be effected.

The Grand Jury would take this opportunity to tender to his Honor Judge Bronson, their thanks for his lucid and able charge as they were entering upon their duties, and to express their pleasure and approbation, of the prompt and efficient manner with which the business of the session has been conducted.

The Grand Jury request that these presentments may be read in open court, and published in the newspapers of St. Augustine, and that a copy be sent to our delegate in Congress, and to the Governor of the Territory.

GEO. FLEMING, Foreman.

J. GUTTERSON, Secretary.

Jacksonville; December 15, 1840.

A true copy from the original now on file in my office.

ISAIAH D. HART, Clerk.

Per D. HIRAM B. HART, D. C.

EXECUTIVE DEPARTMENT,
Tallahassee, Jan. 29th, 1841.

To the Honorable the
Legislative Council of Florida:

The absence of the Treasurer of the Territory, having been longer than was anticipated by the officer or myself, at the time of his departure for New Orleans, I submit, for the information of the Legislative Council, a Report made to me in December last, at my special request.

ROBERT RAYMOND REID.

REPORT

OF THE

TREASURER.

TREASURER'S OFFICE,
Tallahassee, December 23, 1840.

To His Excellency
Robert Raymond Reid:

Sir—Herewith I have the honor to hand you my account current with the Territory for the past year, shewing all moneys received and disbursed during that period, and leaving a balance in the Treasury of two dollars and eighty-eight cents.

Of the appropriation by Congress of twenty thousand dollars for the erection of Public Buildings in Florida, as shewn by his report of last year, the sum of three thousand dollars was paid over to the former Commissioner, Mr. English; the remainder, seventeen thousand dollars, has been paid since to the present Commissioner, Mr. Baltzell, and each account charged with their respective amounts on my books.

The sum of three thousand two hundred and twenty-eight dollars and fifteen cents received of you on the 5th June last, to pay the interest due on the 1st July last on the one hundred Territorial Bonds sold to the Union Bank and Life and Trust Company, has been applied to the payment of the same, and the interest coupons received from those institutions and placed on file in this office.

There is but little alteration in the balance on hand of the School Land Fund since my last report on the subject, though an account of its present situation will be submitted.

Very respectfully,
Your obedient servant,
T. H. AUSTIN, Treasurer.

The Territory of Florida in Account Current with Thomas H. Austin, Treasurer.

1840.	Dr.
To expenses collecting revenue, paid Auditor's warrants,	80 00
To uncurrent notes, paid Auditor's warrants,	25 00
To expenses Indian War, paid Auditor's warrants,	3,411 95
To expenses Treasury Department, paid Auditor's warrants,	1,043 67
To expenses prosecuting crimes Middle District, paid Auditor's warrants,	477 63
To expenses State Convention, paid Auditor's warrants,	580 50
To expenses prosecuting crimes Western District, paid Auditor's warrants,	123 45
To expenses taking census, paid Auditor's warrants,	45 50
To Treasury Notes, amount redeemed,	29 00
To interest account, paid interest on Treasury Notes redeemed,	17 75
To expenses Executive Department, paid Auditor's warrants,	400 00
To expenses prosecuting crimes Eastern District. paid Auditor's warrants,	411 59
To expenses prosecuting crimes Southern District, paid Auditor's warrants,	67 50
To expenses prosecuting crimes Apalachicola Disistrict, paid Auditor's warrants,	637 12
To balance,	2 88
	$7,355 64

1840.	Cr.
By balance in Treasury, 26th Dec., 1839,	342 43
By revenue received on Auditor's certificates,	3,748 01
By auction tax received on Auditor's certificates,	3,265 20
	$7,355 64
By balance in Treasury Dec. 23, 1840,	2 88

THOMAS H. AUSTIN, Treasurer.

EXECUTIVE DEPARTMENT,
Tallahassee, February 3, 1841.

To the Legislative Council of Florida.

I herewith transmit the Annual Report of the Commissioner of the City of Tallahassee for the past year.

ROBERT RAYMOND REID.

To the Senate and House of Rrepresentatives of Florida:

The undersigned, Commissioner of the City of Tallahassee for the past year, herewith encloses an account of receipts and expenditures since his appointment, shewing a cash balance in his hands of $4 47, and in notes of $11,217 17; total, $11,222 04.

He submits the following statement of the probable resources of the capital fund:

The above balance,	11,222 04
Amount which may probably be collected on old account, including suit on official bond of Willis Alston,	5,000 00
Value of lots unsold,	5,000 00
Value of right of location of a quarter section owned by the Territory,	1,000 00
	$22,222 04

There is due		
To Mr. Shine on his contract,	9,937 00	
" " "	300 00	
" Levinus " extra work, &c.	4,233 00	
" Scott on contract, about	1,700 00	
" J. R. Robinson,	467 00	
" Johnson & Hoyt,	1,467 00	
Contingencies,	2,000 00	
	$20,104 00	
Balance in hands of Commissioner after the above payments are made,		2,118 04
The estimated expense of completing the Capitol is		28,000 00
Leaving a deficiency of		$25,881 96

The undersigned respectfully solicits the appointment of a committee to examine his accounts, vouchers, disbursments, &c. and particularly to inquire into the contracts he has made with workmen and the sale of drafts received from Government, and also to inquire into the general condition of the fund and his office.

He submits the necessity of asking an appropriation from Congress, otherwise the building must remain in its present incomplete state, exposed to the weather and liable to great injury.

Very respectfully,

THOMAS BALTZELL.

Tallahassee, Eeb. 2, 1841.

The Commissioner of the City of Tallahassee in Account with the Territory of Florida.

1840.	Dr.
To amount received from Treasurer under appropriation of Congress,	$17,000 00
To amount of premium on drafts sold,	848 00
To amount of sales of 95 lots in NW. qr. of 36, township 2 N, R. 1 W, and in the NE. qr. of sect. 1, T. 1, R. 1,	15,813 50
To amount of sales of 18 lots in sect. 1, township 1, range 1, W. SE. and SW. qrs.	3,655 00
To amount advanced by Gov. Reid to contractors,	711 00
To amount received on ac't. of old claims,	492 00
To amount sale of old capital,	600 00
	$39,119 54

1840.		Cr.
By cash paid	Shine, contractor for brick work,	$13,563 00
" "	Levinus, " for carpenter work,	5,767 50
" "	Scott, " for plastering "	800 00
" "	Johnson & Hoyt, for carpenter work,	933 86
" "	J. R. Robinson, " "	500 00
" "	Gov. Reid for advances,	711 00
" "	late Commissioner, for bal. due him,	533 89
" "	John G. Padrick for fencing, &c.	248 00
" "	J. S. Robinson under resolution of the Legislative Council,	200 00
" "	Mrs. Chausler "	200 00
" "	Gov. Duval, "	750 00
" "	T. H. Austin, "	200 00
" "	estate Chas. Austin "	100 00
" "	R. B. Ker surveying, &c.	491 00
" "	Dorsey, auction sales, July,	50 00
" "	Apal'a. Gazette and Star printing,	68 00
" "	Floridian printing, 1839,	194 00
" "	" " 1840,	97 00
" "	J. B. Brown, assisting auctioneer, &c.	150 00
" "	Nunes for plats, &c,	88 00
" "	discounts on cash pay to lots,	196 00
" "	stationery and furniture,	77 75
" "	clerks, costs,	28 50
" "	Levinus for capitols,	100 00
" "	" " removing rubbish,	50 00
" two lots sold and not taken out,		300 00
" Commissioner's salary,		1,500 00
Balance,		11,222 04
Consisting of		
Cash,	4 69	39,119 54
Notes due 1st March,	11,217 37	
	$11,222 04	

THOMAS BALTZELL, Commissioner.

Tallahassee, Feb. 2, 1841.

EXECUTIVE DEPARTMENT,
Tallahassee, February 3, 1841.

To the Legislative Council of Florida:

I herewith enclose the Letter and Report of the Treasurer on the School Land Fund for the year 1840.

ROBERT RAYMOND REID.

COPY.

TREASURERS OFFICE,
Tallahassee, February 1, 1840.

His Excellency Robert Raymond Reid:

Sir.—Herewith I beg leave to hand you my account with the Territory for the last year on account of School Lands, exhibiting all moneys received since my return of last year, and leaving the balance of cash in the Fund of seven hundred and eighty-seven dollars and seventy-five cents.

Very respectfully,
Your obedient servant,
(Signed) THOS. H. AUSTIN, Treasurer.

The Territory of Florida on Account of School Lands, in Account with Thomas H. Austin, Treasurer.

1840.	Dr.
To balance,	787 75
	$787 75

1840.	Cr.
By balance on hand as per report, 7th January, 1840,	686 25
" cash received of Thomas L. Hall, for rent,	5 00
" " " of Frederick Scott, " "	11 00
" " " of H. Doggett, " "	4 00
" " " of Wm. M. Maxwell, " "	73 00
" " " of T. P. Chairs, " "	8 50
	$787 75
By balance on hand, Feb. 1, 1841,	$787 75

(Signed) THOS. H. AUSTIN, Treasurer.

EXECUTIVE DEPARTMENT,
Tallahassee, Feb. 8th, 1841.

To the Honorable the
Legislative Council of Florida:

Enclosed herewith is the report of the Auditor, containing the information required by a resolution of the Senate of the 29th January, 1841.

ROBERT RAYMOND REID.

To His Excellency
Robert Raymond Reid:

Sir—Annexed is a correct statement in answer to a resolution of the Senate of the 29th ultimo.

Any further information will be cheerfully furnished, if required.

Respectfully,
Your obedient servant,
JOHN MILLER,
Aud. Pub. Acct., Fla.

February 5, 1841.

A List of Arrears Due the Territory from all Sources, as exhibited by the Books of the Office.

When Due.	From Whom.	Counties.	Offices.	Am't Due.		Remarks.
1834.	Francis J. Avice,	St. Johns,	Sheriff,	$ 960	47½	Ordered in suit.
1835.	Jas. D. Bullock,	Franklin,	Tax Collect'r,	106	92	do. do.
"	Wm. Livingston,	St. Johns,	Auctioneer,	23	18	Not to be found.
1833.	Joseph R. Betton,	Fayette,	do.	18	24	do. do.
"	Daniel C. Hart,	Duval,	Sheriff,	92	96	Ordered in suit.
"	Alex. Adair,	Leon,	Marshal M.D.	276	11	do. do.
"	A. G. Mays,	Jackson,	Tax Collect'r.	233	42	do. do.
"	Waters Smith,	St. Johns,	Marshal E. D.	289	91	do. do.
	Blyden Vanbaun,	Escambia,	Auctioneer,	11.602	70	do. do.
1839.	Daniel McCloud,	Walton,	Tax Collect'r,	110	70	Chargeable to the Co.
1836.	A. G. Phillips,	Duval,	do.	127	57	Ordered in suit.
1835.	John G. Tyner,	Alachua,	do.	273	28	do. do.
"	Joshua Joiner,	St. Johns,	do.	1242	27	do. do.
"	John Duncan,	Franklin,	do.	617	30	do. do.
1836.	Tilman J. French,	Leon,	do.	2559	88	do. do.
"	Samuel H. Duval,	do.	do.	3157	1	do. do.
1837.	John Enderman,	Franklin,	do.	2042	51	do. do.
1838.	do. do.	do.	do.	2379	58	do. do.
1839.	Michelet & Vanbaun.	Escambia,	Auctioneer,	685	30	do. do.
"	Wm. H. Michael,	Leon,	Tax Collect'r.	1739	75	do. do.
"	St.J. & L.W.R.R.Co.	Calhoun,	Auctioneer,	7500	00	do. do.
"	Wm. E. Davis,	do.	Tax Collect'r,	228	33	
				$36,271	37½	

List not Returned.	
Names of Counties.	*Date since Returned.*
Escambia.	1835.
Washington.	1835.
Calhoun.	1838.
Franklin.	1838.
Columbia.	No Returns.
Alachua.	1838.
Nassau.	1835.
Duval.	1834.
St. Johns.	1835.
Musquito.	1835.
Hillsborough.	1836.
Dade.	No Returns.

EXECUTIVE DEPARTMENT,
Tallahassee, Feb. 11, 1841.

To the Legislative Council of Florida:

I herewith transmit to you a letter from the Auditor in relation to arrearages due to and from the Territorial Treasury.

ROBERT RAYMOND REID.

TREASURY DEPARTMENT,
Auditor's Office,
Tallahassee, February 9, 1841.

To his Excellency
Robert Raymond Reid.

SIR:—On comparing debits and receipts with the Treasurer of the Territory, I find there on outstanding warrants against the Treasury, amounting to ($11,210 56,) eleven thousand two hundred and ten dollars fifty six cents.

My recent appointment does not allow me to give you such a statement of the condition of the office, as your Excellency or the Legislature have a right to expect.

You will however, discover how small a number of those appointed to the office of Auctioneers, have made their quarterly regular reports, and how large an amount of deficits remain unsettled from other sources.

I am not, at present, in possession of information necessary to inform you of the condition of the claims that are in progress of collection, or to insure in future, a prompt compliance with the laws by those commissioned with the collection of the Revenue.

The act of the last Legislature authorising the Treasurer to issue his Execution in sixty days after information is given him of the defalcation of an officer, and on option with the Auditor to employ additional counsel to aid the District Attorney in prosecuting claims with the right to criminal prosecution under particular circumstances, appears to the undersigned to be all that could be required to enforce a rigid compliance with their duties. How far this has had the desired effect, as yet I am unable to state. The fines and forfeitures are a legitimate and would be a fruitful source of Revenue for the application of discharging the expense of prosecuting crimes by the Territory. It seems also to be greatly neglected, as but few reports of clerks of the Superior Courts of recent date, appears in this office, showing the condition of this important branch of finance.

Attention to the last mentioned subject, with the Auctioneers, and a zealous co-operation of the different officers of the Territory, in forcing the collection of arrears due to the Territory, should go far if not entirely discharge the liabilities of the Territory, without resorting to a permanent system of direct taxation.

Very respectfully,
Your obedient servant,
(Signed,) JOHN MILLER,
Auditor Public Accounts.

REPORT

OF THE

COMMITTEE ON CLAIMS.

The Special Committee, to whom was referred the petition of Benjamin G. Thornton, beg leave to

REPORT IN PART:

That in the year 1828, the petitioner entered into contract with John P. Duval, Esquire, Commissioner of the Tallahassee Fund, acting for and in behalf of the Territory, to erect a Capitol, by which the Petitioner undertook, for the sum of $17,000, to erect and cover the building—which was designed to be a large one—and to furnish all the wood work, and other materials necessary for the purpose, except the brick, which formed the subject of a separate contract, and was to be furnished by another individual for $6000. It appears from the evidence before your Committee, that the petitioner, Thornton, immediately proceeded to the execution of his part of the the contract; and in the course of the year abovementioned, and that which followed, erected at great expense a very substantial saw mill, which had commenced successful operations, collected a large quantity of lumber, constructed a lime kiln, quarried an amount of lime stone sufficient to supply lime for the building, and hauled the wood necessary to burn it, purchased and maintained oxen, mules, wagons, &c., and employed the requisite number of workmen. During the whole portion of the time he was engaged in these operations, embracing a period of fifteen or eighteen months, the petitioner, although laboring under great embarrassments, created chiefly by the Territory failing to make adequate advances in money, never relaxed in his efforts to fulfil his part of the contract. It appears that, in the latter part of the year 1829, the Commissioner declined making fur-

ther advances, and the Legislative Council afterwards refused to progress with the work. Rejecting, as far as possible, the minor details of this controversy, your Committee proceed to observe, that the Petitioner instituted suit against the Territory, which was thrown out of Court, on the ground that the Territory was not liable to suit. That in a suit brought immediately after by the Territory against him, the jury, after a patient investigation, gave a verdict in favor of Thornton. Your Committee take leave to recommend this solemn verdict of a jury to the attention of the Council, as furnishing a type of all the subsequent decisions on this claim, made by men clothed with legal authority, and put upon their honor and their oaths, with, perhaps, a single exception.

It appears that the Petitioner then determined to seek redress in legislation, and throw himself on the justice and generosity of the Council. His appeal, accompanied no doubt by requisite testimony, seems to have produced a just impression in this body. In 1833, the Council passed an act, providing for the settlement of his claim, by reference to arbitrators. It appears that, Mr. Berthelot, chosen by the Petitioner, allowed all the charges of the Commissioner against the Petitioner, although these charges made as money advanced, really consisted in goods and not money, and deducting them from the whole amount stipulated to be paid by the Territory, awarded the balance—nearly $13,000—to Mr. Thornton. Mr. Chandler, in his report, awarded nothing. In consequence of this disagreement, the decision devolved on Col. Randolph, the umpire, who awarded to the Petitioner one-half the amount allowed by Mr. Berthelot. Your Committee regret that the report of the umpire, drawn up, as they have been informed, in a masterly manner, and presenting a very clear view of the case, has been lost while in custody of the Territory; and they further regret that this award was not adopted by the Territory, and made the basis of a final settlement with the Petitioner, which would have been a good compromise to the Territory, and at that time have satisfied the Petitioner.

In short, it it appears to your Committee, that Benjamin G. Thornton, who at the date of the contract, gave fair promise, in his eminent skill and genius as a mechanic, in his habits of industry and sobriety, and in his enterprising spirit, of becoming one of the most useful citizens of Florida, has been grossly wronged and injured by acts of the Territory and its public servants, and reduced from the condition of that "prosperous mechanic," described in the important testimony of Gen. Duval, to want and penury. It is a fact of general notoriety, that his mansion, several lots owned in this city, some slaves, and a very complete set of tools together with a large number of mules, the saw mill and workshop, kiln, limestone, wood, &c., were all sacrificed in consequence of the unfortunate interposition of the Territory—and that it is the solemn duty of the Council to render him such imperfect justice as is now in its power to afford.

It appears to your Committee:

1st. That the Territory—either from the want of funds, or rather

the waste of ample funds at its control—or caprice—or some other cause—committed a breach of contract, and is consequently liable to the Petitioner for the full amount of damages, according to the laws of the land;

2d. That the Petitioner, Thornton, was, at times, willing and anxious, to perform his part of the contract; and, for a period of 15 or 18 months, devoted himself with great zeal and fidelity to its performance;

3d. That the controversy between the Territory and the Petitioner has been decided in favor of Thornton, by that tribunal universally considered the most holy and incorruptible known to our free republican institutions—an impartial jury;

4th. That successive Legislative Councils have evinced a disposition to decide, or have actually decided, in the same manner;

5th. That arbitrators, created by the Legislative Council, and composed of competent and disinterested persons, have also decided in the same manner;

6th. That if the parties litigant had been private individuals, Thornton's claim to the full amount of the bonds would have been long since established by a Court of Justice.

In conclusion, your Committee are unanimously of opinion—an opinion which, at least with a majority, is a settled and solemn conviction, not to changed or shaken,—that the claim of Benjamin G. Thornton is one of the clearest merit, and that he is entitled to the fullest relief the Council can afford. This conviction is founded on evidence already in the possession of the Committee; but they are lead to believe that other corroborative testimony will be received in a few days, when they will make their final report. In the mean time, they beg leave to report the following bill:

AN ACT

For the Relief of Benjamin G. Thornton.

Be it enacted by the Legislative Council of the Territory of Florida, That Benjamin G. Thornton be allowed, out of the Tallahassee Fund the sum of , and that the same be paid to him forthwith, upon his executing a release in full to the Territory, of all claims and demands arising from his contract for building the Capitol.

DOCUMENTS

ACCOMPANYING THE REPORT OF THE

COMMITTEE ON CLAIMS,

ON THE PETITION OF

BENJAMIN G. THORNTON.

STATEMENT OF BENJAMIN G. THORNTON.

After the suspension of the building of the Capitol, by reason of the default on the part of the commissioner in January, 1830; I gave him written notice of my readiness to proceed, and demanded a compliance with the contract on his part, which he failed to do, or respond to. (See Records of Board of Directors for the notice.) I then brought suit against the Commissioner; the Court decided that an action could not be sustained against him. The Commissioner sued me, upon the trial I recovered a verdict for costs.

The Legislative Council passed, referring my demands to arbitration, which was not acted on. (See Laws of '33, page 136.

The Council at its next session, passed a second law, still referring my demands to an arbitration. (See Laws of '34, page 106.

The arbitrators under this law, awarded in my favor, in Sept. 1835; and I now claim the amount of said award, with interest at 8 per cent, from the suspension of the work; in January, 1830, at which time due notice was given the Commissioner by me.

B. G. THORNTON.

TALLAHASSEE, 14th December, 1829.

GENTLEMEN:—Agreeably to your request, I hereby lay before you a statement of the progress I have made towards building the Capitol.

I have prepared a large quantity of timber for scantling, and sawed a part of it, also a quantity of the best, soft, yellow pine, for frames and cornice. I have erected a saw mill for the purpose of sawing all the timber for the Capitol, by which means all the scantling will be prepared, ready to go into the building, in a superior manner to getting it by hand. I have built a regular lime kiln, at great expense; quarried all my lime stone, and hauled it to the kiln, and commenced burning it. I have prepared the foundation for the building, ready to commence the laying of brick.

The preparations I have made, and the facilities thereby afforded me, which are on the spot; I think equivalent to nearly one half of my part of the contract. This course has been taken by me, with the advice of the commissioner with whom the contract was made, and perpetuated

by his successor, in which every facility was to be afforded me, according to the true spirit of the contract, which reserves to the commissioner the right to exercise his judgment in the advance of money; and, although, a large expenditure made by me, is not in the materials directly, yet it is direct to the accomplishment of the object, in a better manner.

Respectfully,

B. G THORNTON. *Contractor.*

Col. Rob't. Butler, *Chm'n. of the Committee.*

P S.—I would further observe, that I am ready to go on with the brick work as soon as the brick can be had.

B. G. T.

AN ACT for the relief of Benjamin G. Thornton.

Be it enacted by the Governor and Lagislative Council of the Territory of Florida, That Benjamin G. Thornton be allowed, out of the Tallahassee fund, the amount of principal of the award of Thomas P. Randolph in his favor, against the Territory, and entered thereon from the date thereof, at eight per cent, and that the same be paid to him forthwith, upon his executing a release in full to the Territory, of all claims and demands arising from his contract for the building the Capitol.

March 29th, 1830.

As the securities of Mr. B. G. Thornton, for the fulfillment of his part of the contract, for raising the walls and covering in the Capitol.

We, as his securities, wish you to be informed, and to take notice, that although we have been advised and believe that we are released already by the failure on your part, and, nevertheless, if you conceive us to be responsible, as his securities, you will forthwith furnish the brick necessary, and of such quality as will be proper to put into the walls, and funds according to the contract, otherwise we shall hold ourselves as entirely released from such supposed liability.

Yours,

DAVID FLOYD,
G. W. WARD,
SAM'L. A. SPENCER,
WESLEY ADAMS,
JOSEPH McBRIDE.

To Turbutt R. Betton, Esq., *Commissioner of the City of Talluhasse.*

ARTICLES OF AGREEMENT

Made and entered into this fourteenth day of May, in the year of our Lord eighteen hundred and twenty-eight, between John P. Duval, Commissioner of the city of Tallahassee and of the Territory of Florida, of the one part, and Benjamin G. Thornton and Jesse H. Willis of the other part, all of the city and Territory aforesaid.

Whereas, by virtue of the act of the Legislative Council, entitled an

act to provide for the laying off the town of Tallahassee, and the sale of the lots thereof, and the several acts passed in amendment thereof, John P. Duval has been duly appointed sole Commissioner of the city of Tallahassee, and vested with full power and authority, and it being a part of his duty, in virtue of the aforesaid acts, to progress with the building of the Capitol by contract, according to the plan already adopted, or such other as might be adopted by the Council with some fit person most likely to secure to the Territory the ultimate completion of the work, according to the plan aluded to, and as the funds of the Territory appropriated to that object would otherwise, and the said John P. Duval, Commissioner as aforesaid, pursuant to the provisions of the aforesaid acts of the Council, on the twentieth day of January, eighteen hundred and twenty-eight, gave public notice in the Florida Advocate, a public newspaper printed at Tallahassee, that he would receive written proposals until the first Monday of April next, for the building and covering in of the Capitol according to the plan aforesaid: and, whereas, sundry proposals were received, and divers offers made, but of a character so vague and indefinite, that the said John P. Duval, Commissioner as aforesaid, deemed it essential to the interest of the Territory, and a faithful performance of the work according to the plan, to reject all the proposals thus made, and again to advertise and require of those disposed to contract for the work to be precise in describing the manner in which the work would be executed, and the kind of materials to be used, and so if practicable to insure a faithful performance of the contract on the part of the contractors; and also to ensure to the Territory the erection of such a building as was contemplated by the Legislative Council; and on the twelfth day of April, eighteen hundred and twenty-eight, the said John P. Duval, Commissioner as aforesaid, again gave public notice in the aforesaid public newspaper, that he would receive written proposals for the building of the walls and covering in the Capitol according to the plan aforesaid, until the twentieth day of April, eighteen hundred and twenty-eight, in which those persons wishing to contract were notified to describe the kind of materials to be used, and manner in which the work was intended to be executed, all of which will be more fully and at length appear by reference to the notices, and the several proposals remaining in the office of the aforesaid Commissioner. That pursuant to the last notice as aforesaid, sundry proposals were received, and amongst others that of Benjamin G. Thornton and Jesse H. Willis, marked estimate number two, and referred to and made a part of this contract, which proposal the said John P. Duval, Commissioner as aforesaid, did conceive the last, and most likely to insure a due and faithful performance of the work contemplated by the Legislative Council and of the materials best suited to the building, and accordingly the said John P. Duval, Commissioner as aforesaid, on the twenty-second day of April, eighteen hundred and twenty-eight, did agree to and accept the last proposal aforesaid of Benjamin G. Thornton and Jesse H. Willis, to build the walls and cover in the Capitol according to the aforesaid estimate, No. 2, at and for the sum of *twenty-three thousand three hundred and fifty dollars*. Therefore, this agreement witnesseth, that the said John P. Duval, Commissioner as aforesaid, for and in behalf of the Territory of Florida, and for and in consideration of the premises and covenants and the agreements of the said Thornton & Willis, hereinafter expressed, doth hereby covenant and agree to and with the said Thornton & Willis, and their heirs, executors, administrators and assigns, that he will pay them or their legal representatives, the aforesaid

sum of twenty-three thousand three hundred and fifty dollars, current money of the United States, in the manner following, that is to say:—The said Commissioner agrees to pay for the work as fast as it progresses or as materials are furnished, provided collections sufficient can be made of the monies appropriated exclusively to the building of the Capitol, and in no event is the Commissioner to pay a greater sum in advance than the value of the work done and materials furnished, nor a greater amount than is collected, unless he deems it fit and proper so to do. And so soon as the work is done and the building is completed according to the contract, then the said Commissioner agrees to pay over any and every sum or sums that may be due and unpaid, if so much may have been collected, and if not then so soon as said sum or sums may be collected. And the said Benjamin G. Thornton and Jesse H. Willis covenant and agree to and with the said John P. Duval, Commissioner as aforesaid, that they will forthwith proceed with the work and continue with all reasonable diligence, until the same is completed agreeable to the contract, and to the plan adopted by the Council, and to the estimate No. 2, hereinafter referred to, that is to say the walls to be the dimensions stated in the advertisement, that is of the present walls, except the partition walls which are to be four inches thicker, all hard brick, quoted and laid in the best manner, with pilasters, full caped and based with their entabblurers of the Tuscan order, as per drawing number one; the doors to be circular heads with double pilasters, as per drawing number four, referred to and made a part of this contract. The window frames to be neaveled and made in the best manner; to receive the inside work for double hing sash, made of two inch stuff, as per drawing number five, referred to and made a part of this contract. The first floor of joists to be three by twelve inches, and not more than sixteen inches from their centre apart. The second floor to be put in with trus-gurders as per drawing number six, referred to and made a part of this contract, which are not to be less than eighteen inches deep, with double floor of joist framed in to face at top and bottom of girder, and not less than four girders over the representative hall with two plain girders over the lobies. The whole of the other floors are to be joists three by twelve inches, and not more than eighteen inches apart from their centre, laid on girders. The whole of the partitions are to be six inches thick, full trussed and tucked in posts and girderders with straining beams, securely straped, and bolted, the studs 3 by 6, trusses and posts from six by six to six by eight in proportion to their length as per drawing number seven, refered to, and made a part of this contract. The dome to be trussed with the upright straped to their girders and straining beams, the whole is to be securely bolted as per drawing number eight referred to, and made a part of this contract. The wings and angles to be covered with riged roofs and gutters two feet wide between the walls, roof, angles and dome, and the whole to be covered with sixteen, or line fastened down with iron screws; it is understood that the pilasters and cornace are to be put on the old wing, in the same manner as the new part of the building; and it is further undersiood and agreed on, that in case the monies cannot be collected to pay for the work done and materials furnished, that the said Thornton & Willis shall not be bound to proceed with the work, until the money can be collected; and it is further expressly understood and agreed to, by the parties to this instrument, that one of the parties to wit: Jesse H. Willis is not bound after the completion of the brick work, that is to say, that so soon as all the brick necessary for the bulding shall be by him

delivered and the brick work shall be completed, then all obligations upon him cease and he is not further bound by this contract.

In testimony whereof the parties have hereunto set their hands and affixed their seals, the day and year first above written.

Agreed in the fourth line from top entered before execution.

B. G THORNTON, L. S.
JESSE H. WILLIS, L. S.
JOHN P. DUVAL, L. S.
Commissioner of Tallahassee.

Test.
HORATIO P. VASS.

A true copy from the original on file in my office.

R. G. WELFORD,
Clerk Superior Court Leon County.

KNOW ALL MEN BY THESE PRESENTS, That we, Benjamin G. Thornton, Joseph McBride, George W. Ward, Davis Floyd, Samuel A. Spencer, and Westley Adams, are held and firmly bound unto John P. Duval, Commissioner of Tallahassee, and his successors in office, in the penal sum of seventeen thousand dollars, lawful money of the United States, to the payment of which well and truly to be made to the said John P. Duval, Commissioner as aforesaid, or his successor in office, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents, sealed with our seals, and dated this 14th day of May, in the year of our Lord one thousand eight hundred and twenty-eight.

Whereas, the said Benjamin G. Thornton, together with Jesse H. Willis have entered into a contract, bearing even date herewith, to erect the walls and cover in the Capitol, reference thereto being had, will more fully appear; and the said Thornton & Willis having agreed between themselves that the said Willis is to furnish the brick, and the said Thornton is to find all the other materials, and execute the work, agreeably to the contract aforesaid, and the estimate No. 2, therein referred to. Now the condition of this obligation is such, that if the said B. G. Thornton shall commence, without delay, and progress with all reasonable expedition, and shall well and truly complete the work aforesaid, in a good workmanlike manner, according to the tenor and effect of the aforesaid contract, and the estimate No. 2, therein referred to, then this obligation to be void, and of no effect, otherwise to remain in full force and virtue.

B. G. THORNTON, L. S.
JOSEPH McBRIDE, L. S.
G. W. WARD, L. S.
DAVIS FLOYD, L. S.
SAM'L. A. SPENCER, L. S.
WESTLEY ADAMS, L. S.

Test.
Horatio P. Vass.

I, Thomas H. Duval, do certify that the above is a true copy of a bond filed in the Superior Court for Leon County, Middle District, Florida, (of which I am clerk,) in a suit of the Commissioner of Tallahassee against the said B. G. Thornton, and others.

Given under my hand and seal of said Court, this 6th day of February, 1838.

THOS. H. DUVAL, Clk.
By J. W. D. Stone, D. Clk.

At a session of the Superior Court for the Middle District of Florida Leon county, continued and held at the city of Tallahassee, on Friday the 20th day of April, A. D. 1832.

Present the same Judge as on yesterday.

The Commissioner of Tallahassee, plaintiff, against Benjamin G. Thornton and others, defendants. } In debt.

This day came the parties by their attorneys, and thereupon the jury sworn in this cause on Wednesday last, appeared in Court agreeable to their adjournment, and upon their oath returned the following verdict: "We the jury find for the defendants."

A true copy.

R. G. WELLFORD, Clerk.

—

Statement of the award of the arbitrators in the case of B. G. Thornton against the Commissioner of Tallahassee.

Mr. Berthelot, one of the arbitrators, award to Thornton the amount of his contract, deducting therefrom the amount paid him.

Mr. Randolph awards half the amount of Mr. Berthelot.

STATEMENT.

Amount of contract,	$17,000 00
By amount paid,	4,034 30
This amount awarded by Berthelot,	$12,965 70
And the half of that sum by Mr. Randolph makes	$6,482 85

—

A Statement of evidence I wish to lay before the Committee in relation to my claim.

There is no Commissioner of Tallahassee, and the books of the Commissioner, and the books of the Board of Directors of the Tallahassee fund, are in the hands of Doctor English, subject to the order of the Governor.

I wish those books to be brought before you and Capt. J. P. Duval, and J. A. Berthelotte, to be summoned as necessary to a proper understanding of the case. The evidence taken by the arbitrators, and all other papers relative to the case, being gone from the office, and are not to be found.

B. G. THORNTON.

BENJAMIN G. THORNTON,

Account with the Commissioner of Tallahassee.

1838				
June 14,	to draft on Treasurer,	$1000		
July 23,	" " do.	25 40		
30,	" " do.	400		
Oct. 10,	" " do.	150		$1575 40
Above amount paid by J. P. Duval.				
December 1,	draft on Treasurer,	243		
1829.	Cash.	207		
February 24,	to draft on Treasurer,	50 00		
May 23,	do. do.	300 00		
April 13,	do. for Wm. Hall,	150 00		
June 8,	do. " Jas. J. McMullin,	260 00		
July 20,	do. " Thos. Brown,	120 00		
"	do. " on Treasurer.	257 71		
"	do. " John P. Duval,	38 02		
Sept. 1,	do. " D. B. Douglass,	150 00		
"	do. " J. H. Willis,	59 17		
October 6,	do. " Betton & Emmory,	300 00		
do.	do. " Cash,	100 00		
1830.				
January 1,	do. " draft per acct. Floyd,	200		
April 1,	do. " J. W. Levinus.	30		$2,458 00
				$4,034 30

NOTE.—$4034 received chiefly in Merchandize and Groceries.

TESTIMONY OF GEN. DUVAL.

B. G. Thornton's Case.

John P. Duval appeared before the Committee, and was duly sworn. He deposed and said, that being Commissioner of the Tallahassee fund in 1828, and authorised by act of the Legislative Council, to contract for building the Capitol, he did contract with Jesse H. Willis and Benjamin G. Thornton, to erect and cover the building for which they were to receive the sum of $23,000, or thereabouts; not a joint contract, but separate; Willis to furnish the brick and receive $6,000; Thornton to furnish lumber, lime, &c., and erect the building for 17,000. Witness believed he had made a great bargain for the Territory, the building was designed to be nearly or quite as large as that now being erected; designed to be a splendid structure. Thornton gave witness a complete drawing; from witness's knowledge of architectural design, is able to say it was an admirable drawing. Thornton manifested a perfectly honest disposition, detailing things very precisely to the Commissioner, making every requisite explanation; witness made the contract with Thornton, partly on the ground of his being, at that time, in prosperous circumstances, and was esteemed one of the first architects in Washington. Thornton soon commenced the execution of his contract, erected a mill for sawing lumber, which witness saw working well, and quarried stone and constructed a lime kiln; wit-

ness sanctioned all these measures, considering them useful preparations to complete the contract in the best manner. Timber rotted in consequence of the Commissioner and Council refusing to furnish money; t was an entire loss to Thornton. He believes Thornton received but little money; what he did receive was chiefly of witness, while he acted as Commissioner; he believes his successor paid Thornton chiefly in goods out of his store. Witness resigned his office of commissioner, and became attorney for the commissioner. While he acted as Attorney, there was more than $23,000 due the Territory, out of the Tallahassee fund; which witness could have collected, and, as attorney offered to collect, but the commissioner Mr. Betton, directed him not to make the money; about that time, there was a party here, hostile to the completion of the Capitol. Witness went away in '31; had he continued to be commissioner, he believes, Thornton would have completed the Capitol according to contract. The successor of witness at first encouraged Thornton to proceed. Witness believes that Thornton sustained a great sacrifice of property in consequence of the refusal of the Territory, to proceed in the fulfilment of its part of the contract. Thornton always evinced a disposition to proceed with the contract and complete the Capitol: deponent believes that when the attempt was made to arrest the progress of the Capitol, the late Maj. Chaires, made an offer to take the contract himself; to become responsible for its fulfilment, and to finish the Capitol. The deponent first heard this from Jesse H. Willis who was very intimate with Mr. Chaires, the assertion has been often since, repeated in his presence, and he has never heard it denied.

JOHN P. DUVAL.

Feb. 8, 1841.

CASE OF BENJAMIN G. THORNTON.

FEB. 6, 1841.

This day appeared before the Committee, Richard Sheffer, who being duly sworn, said that after Mr. Spencer left the service of Mr. Thornton, he, Sheffer, had charge of the hands; that the stone quarried and ready for the kiln, was sufficient, as he believes, for all the purposes of the contract: a large quantity of wood was transported to the kiln, sufficient to burn all the lime. Thornton erected and set in motion a large mill near Washington Square, and collected a large number of stocks, or logs, for sawing lumber, when all further proceedings at length ceased by order, as the deponent believes, of the Territorial authorities.

Witness says Thornton was very active and pressing in pushing his operations forward, and appeared to be, while witness remained in his service, anxious and ambitious to complete the Capitol.

RICHARD SHEFFER.

TERRITORY OF FLORIDA, Leon County. } Petition of Benjamin G. Thornton.

Personally appeared before me, a Justice of the Peace, in and for said County, Samuel A. Spencer of the County aforesaid, who being duly sworn, deposeth and saith:

That he has been acquainted with the petitioner, Benjamin G. Thornton, since the latter part of the year 1827, that in the year 1828, deponent, together with Messrs. Floyd, McBride, Adams and Ward, became security for the performance of a contract entered into by the petitioner for building the Capitol, to a certain extent; that petitioner, as deponent understood, undertook to erect the building and furnish every thing necessary for that purpose, except the brick, and that he was to receive for the same the sum of seventeen thousand dollars; that the petitioner, soon after signing the bonds, proceeded to the execution of the work he had undertaken; that he hired a number of hands—deponent thinks, including both black and white, from 20 to 25—a portion of them carpenters, one blacksmith and striker; he erected a blacksmith's shop, and had also a carpenter's shop on the same lot, and erected a large building for sawing lumber. The deponent, (who was at that time engaged by the petitioner to assist him in building the Capitol,) quarried a large quantity of rock for making lime, and had it carted from the quarry, but being compelled by circumstances at that stage of operations to withdraw from his engagements, has no personal knowledge that the petitioner burned and prepared any lime. Deponent also superintended and directed the laborers engaged in cutting, hewing, and hauling lumber to the mill in Tallahassee; a considerable quantity was collected, enough to build the saw-mill—the frame of which, as well as the carpenters' work shop, still remain in the place where they were erected, and a number of hewn logs or sticks—say 200—capable of making ——— of planks, designed, as deponent believes, to be sawed into materials for the use of the Capitol. Deponent says that the petitioner, Mr. Thornton, displayed great industry and energy in the prosecution of the business; he seemed to be resolutely determined and devoted to the completion of the Capitol, and the honorable fulfilment of his contract, as any man could possibly be; deponent can truly aver that his soul appeared to be engaged in and almost wholly devoted to this object; it was the subject continually uppermost in his thoughts, and predominant in his conversation. To the completion of the Capitol he looked with obvious pride and triumph. Every thing done or directed in this matter was plainly intended to accomplish that end; and to the accomplishment of that end, it was generally believed by Mr. Thornton's friends, that the mill, the lime kiln, the horses, mules, wagons and carts, purchased by him, were useful means; and the deponent is under the strongest persuasion that Messrs. Betton & Duval, the Commissioners on the part of the Territory, approved these measures and sanctioned them. Deponent remained five or six months as the superintendent of what may be called the out door business, and during all that time, the hands, and mules, and oxen were all actively engaged at the expense of the petitioner. After deponent left Mr. Thornton, he occasionally visited Tallahassee, and found that the zeal of the petitioner in the prosecution of the great public contract he had undertaken, was not in the slightest degree abated. The friends of Thornton believed that building the mill and other preparatory measures, were, in the then circumstances of the country, judicious, dictated by sound judgment and would serve

to economize the expenditures, and hasten the completion of the Capitol.

The deponent further says that he knows that a large proportion of the payments made by the Commissioner to Mr. Thornton, was not made in money, but in groceries and other articles from his store in Tallahassee, and as he presumes, at the retail prices of that day.

SAMUEL A. SPENCER.

Sworn and subscribed to before
me, this 3d day of Feb. 1841.
GEO. E. DENNIS, J. P.

TERRITORY OF FLORIDA, } In the case of the petition of Benjamin G.
County of Leon. } Thornton.

Personally appeared before me this day, David M. Sheffield, who being duly sworn, deposeth and saith:

That being one day in casual conversation with Turbutt R. Betton, Esq., during the time he acted as Commissioner of the Tallahassee Fund, he, the said Commissioner, remarked that the office had been a matter of considerable convenience to him, for had it not been for that he would not have been able to make his remittances, implying, as this deponent then understood, and does yet believe, that he used the funds as exchanges or remittances.

Deponent further saith that he has often seen the lime kiln built by Mr. Thornton; large quantities of lime stone and wood at the kiln;—but knows very little about burning the lime; recollects to have seen one kiln burnt. Deponent understood that these were all preparations for building the Capitol.

D. M. SHEFFIELD.

Sworn to before me, this 3d of Feb. 1841.
Given under my hand and seal, the day
and year before mentioned.
E. R. GIBSON, J. P. Leon County.

HOUSE OF REPRESENTATIVES, }
January 26, 1841. }

The enclosed petition was referred to a Select Committee, consisting of Messrs. Duval, McKinnon, Thigpin, Priest and Steele.

Attest. JAMES H. GIBSON,
Clerk House of Representatives.

To the Honorable the Governor and members of the Legislative Council of the Territory of Florida.

The petition of Benjamin G. Thornton respectfully sheweth—that in the year 1828, he entered into an engagement with the Territory of Florida, through their Commissioner John P. Duval, for erecting a Capitol, as will appear by certain articles concluded by and between said Commissioner of the one part, and Jesse H. Willis and your petitioner of the other part, by which it will be seen that said Willis was to furnish the brick, and your petitioner was to construct the walls and cover in the building. Your petitioner after entering into said contract, immediately made his preparations in good faith, with a view to its fulfilment, in the shortest period, and in the best manner. With the advice

of the Commissionor and acting under the exercise of his best judgment, he erected a Saw Mill for the cutting of his lumber at suitable lengths, which was in active operation; he constructed a lime kiln, and was prepared with lime for the purpose—had hauled his timber for the building—had purchased Oxen, Mules, Wagons and other things requisite in such an undertaking, and had his workmen engaged, and ready to progress with it. Your petitioner was employed for nearly two years actively, and with the greated diligence, neglecting all other business and engagements, and directing himself his time and talents to this alone. The preparations thus made from the high price of every thing in this country, involved a very heavy expenditure. Your petitioner is unable at this time to present an accurate account, but from loose memoranda in his possession, he makes it amount to the sum of ————, as will appear by an account filed herewith, and prayed to be taken as part thereof.

Your Honorable body will perceive that the erection of the building and covering the Capitol—the materials having been prepared for that purpose, was but a slight matter in comparison and might and would have been accomplished in a few months, and your petitioner regarded the undertaking as almost completed, and was looking with intense anxiety to a termination of his labors for the reward of his great exertions. These anticipations were destroyed, to the great distress of your petitioner, by the avowal of the Commissioner that the funds were exhausted, and afterwards by a refusal of the Council to progress with the work. He believes the fact to be, that having erred in contracting for a building, the mere erection and covering in of which alone was to cost $24,000; a building in size, far surpassing any probable wants of the Territory, or even of a contemplated State—the Council were anxious to be relieved from it. Suits were accordingly commenced by the Territory against your petitioner, and his securities in their bond; which, after a long and painful suspense, was decided in his favor. The consequence of these proceedings was most ruinous to your petitioner—all the funds he received from the Commissioner were exhausted upon the work—his large materials accumulated, at such vast expense and with infinite labor, were thrown upon his hands as almost useless, his preparations in other respects of Horses, Mules, &c. &c. were also left upon his hands—his workmen were left with their wages unpaid, and were clamorous—the credit of your petitioner already strained to the utmost, in the endeavod to fulfil his contract, was now prostrated—his creditors alarmed—pressed in every direction—commencing their suits, and his entire property, even his tools were sold under execution.

Your petitioner though suffering under the weight of these hardships, thus pressing upon him with a severity unknown to any but himself, and not easily conceived, has ever had an abiding confidence in the sense of justice and right of his countrymen, he accordingly made application at various times for relief. To his application in 1833, the Council passed a law appointing arbitrators to decide the question as will appear by their act of 1834. Under this law James A. Berthlot and Edward Chandler, Esqrs., were selected as arbitrators, but they differing in opinion the matter was referred to Thomas P. Randolph, Esq. as umpire, who gave it as his opinion that your petitioner was entitled to the sum of six thousand four hundred and eighty-five dollars. Although your petitioner regarded this sum as an inadequate allowance for his heavy losses and expenditures, the value of his services for so long a time and his injuries since, still he was disposed to abide by the umpirage, having submitted to the arbitration in good faith. By the law however of the Council, the decision of the arbitrators was much to the disadvantage

of your petitioner, made again subject to the aprobation of the Auditor who refused to abide by the decision of the umpire, and the matter remains in this position.

Your petitioner therefore, prays that your honorable body will pass a law, either in confirmation of said award of the said Randolph, to be paid him, with interest, or that they will give him such compensation for his losses, damages and injuries, as under the circumstances, he may be reasonably found entitldd to. And your petitioner will ever pray, &c.

B. G. THORNTON.

AN ACT for the relief of Benjamin G. Thornton.

Sec. 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That Benjamin G. Thornton, be allowed out of the Tallahassee fund, the sum of six thousand four hundred and eighty five dollars, the amount of principal of the award, of Thomas R. Randolph, in his favor, against the Territory, and, likewise, interest thereon, from the date thereof, at eight per cent; and that the same be paid to him forthwith, upon his executing a release in full, to the Territory, of all claims and demands, arising from his contract for the building of the Capitol.

Sec. 2. *Be it further enacted*, That this law shall be in full force from, and immediately after its passage.

This Bill passed the House in 1839—not acted on in Senate.

Know all Men by these Presents, That we, Jesse H. Willis, and Benjamin Chaires, are held, and firmly bound, unto John P. Duval Commissioner, of the City of Tallahassee, and his successor in office, in the penal sum of six thousand three hundred and fifty dollars lawful money, of the United States to the payment of which well and truly to be made to the said John P. Duval, commissioner as aforesaid, or his successor in office; we bind ourselves, our heirs, executors and administrators, jointly, and severally, firmly, by these presents, sealed with our seals and dated this fourteenth day of May, in the year of our Lord one thousand eight hundred twenty eight.

Whereas, The said Jesse H. Willis, together with Benj. G. Thornton, have entered into a contract, bearing even date herewith, to erect the walls and cover in the Capitol, reference thereto being had, will more fully appear, and the said Willis and Thornton, having agreed amongst themselves, that the said Willis is to furnish the brick only; and the said Thornton is to find all the other materials, and execute the work, agreeably to the contract aforesaid, and estimate. No. 2, therein referred to now, the condition of this obligation is such that if the said Jesse H. Willis, shall commence without delay, and furnish with all reasonable despatch. The quality of brick required for said capitol, according to the plan adopted by said Commissioner, in estimate No. 2, then this obligation to be void, and of no effect, otherwise to stand in full force and virtue in law.

JESSE H. WILLIS, L. S.
BEN. CHAIRES, L. S.

Witness,
HORATIO P. VASS

A true copy from the original on file in my office.

R. G. WELLFORD, Clk. Sup. Ct. Leon Co.

PETITION OF BENJAMIN G. THORNTON.

This day appeared before the Special Committee to whom was referred the claim of B. G. Thornton, Jas. A. Berthelot, Esq., who deposeth and saith, that the claim of said Benjamin G. Thornton having been, by an act of the Legislative Council, approved February 17, 1834, submitted to the decision of arbitrators, and the said J. A. Berthelot having been chosen by Mr. Thornton one of the arbitrators, and Edward Chandler another on the part of the Territory, they proceeded to investigate the claim, and make their several reports; that deponent, after devoting much time to the subject, upon full and mature deliberation, awarded to Thornton the whole amount of the contract, after deducting the sums paid him, which award, made by deponent, amounted to about $12,790.

That Mr. Chandler awarded him nothing; that in consequence of the disagreement of the arbitrators, Thomas P. Randolph was chosen umpire, who allowed and awarded to the said Thornton one half of the above sum, to wit, the sum of $6485.

JAMES A. BERTHELOT.

Sworn before me.
E. R. GIBSON, J. P.

QUINCY, Feb. 10, 1841.

Dear Sir: Your letter has been duly received, and I should have been in Tallahassee two weeks since, but for indisposition, and bad weather. In Sept. I was confined with bilious fever, and until the three or four weeks past, have been unable to walk to the public part of the village, and now have fever and pain in the head every other day, which, though it does not confine me all the day, renders me unfit for the transaction of any business.

You state in your last letter that the Committee are anxious to have my testimony. I have given it once in a written report, and twice before Committees, who have taken it down; perhaps among some of the papers it may be found. If, however, my health and the weather will permit, (before the adjournment of the Council,) I will come to Tallahassee and cheerfully state before the Committee all that I can recollect at this distant period respecting the case at issue.

Respectfully yours,
THOS. P. RANDOLPH

B. G. THORNTON, Tallahassee.

MEMORIAL

OF THE

UNION BANK OF FLORIDA.

To the Senate and House of Representatives of the Territory of Florida:

The Memorial of the President and Directors of the Union Bank of Florida, respectfully represents:

That, by the unanimous resolution of their stockholders, at their last annual meeting, they are instructed to ask of the Legislative Council, a repeal of the 34th section of the charter of the Bank, which forbids a sale "at a discount" of the bonds of the Territory, upon which the capital of the Bank is founded.

The motives which prompted the restriction may be found in the circumstances under which the charter was granted.

Of these circumstances, two only need be adverted to here, because they were most prominent and influential.

1. Uncertainty as to the adequacy of the security which was to be given by the stockholders for the protection of the Territory.

2. A pervading disbelief of the possibility of selling Territorial Bonds at any reasonable price.

The Territory was to be secured by mortgages of property which had not then been appraised; and which, it was feared, might be estimated at rates which would not indemnify against a default of the Bank to pay the interest and principal of the bonds. The result proved this fear to be groundless.

As evidence of the disbelief of the possibility of selling the bonds, it is only necessary to recur to two or three facts.

1. The very tardy subscription of the first million of the capital of the Bank, which was not completed for eighteen months; and then only after a contract had been made for the sale of the bonds.

2. The refusal of the stockholders to advance the money, necessary to defray the expenses of the agent appointed to sell the bonds; because of a belief that the effort would be abortive, and the money thrown away.

3. The universal, as well as extravagant joy expressed throughout the Territory, at the success of the agent, who effected the sale.

Those prevalent doubts of which the Legislative Council largely partook, account for a restriction upon the sale of the bonds, nowhere to be discovered in the Louisiana Bank charters, from which that of the Union Bank was copied, nor in the subsequent charters of other Banks in the Territory, for whose capitals its faith is pledged.

Such, however, was the credit of all American stocks, both at home and abroad, at the time they were offered in the New York market, that the restriction in the charter interposed no obstacle to the sale of the Territorial Bonds. The bank, therefore, went into successful operation; and so continued until the universal suspension of specie payments in 1837.

In the ensuing year, the Capital of the Bank was filled up by the subscription of two millions of dollars; and bonds of the Territory, of corresponding amount, were received by it, to be sold.

Of these, the agent of the Bank sold 1296 bonds, of one thousand dollars each, at prices which netted to the Bank a premium. But the sale of the remaining 704 bonds was arrested by the aprehension of hostilities between the United States and Great Britain, on account of the disputed North-eastern boundary.

The same cause arrested the sale of all American Stocks in Europe; and before the fear of foreign hostilities had subsided, the disastrous progress of the Indian war within the Terriory, combined with a renewed suspension of specie payments by all the Banks south of the Hudson, rendered abortive every effort to sell the remaing Territorial bonds. It is needless to add, that still greater difficulties were superadded, by the action of the last House of Representatives.

But the time has arrived when a sale of the remaining 704 bonds is imperiously demanded by the best interests of the Territory.

The country is laboring under great and complicated pecuniary embarrassments; the causes whereof being misunder-

stood, have occasioned remedies to be proposed, which are unsuited to the object, and must aggravate the evil.

The public mind has been impressed with a belief that the existing evils are all attributable to the Banks; who, by an imprudent extension of discounts have made over issues of Bank paper. Hence, every remedy proposed has for its object, to compel the Banks to reduce their circulation.

The evils complained of are

1. Extravagant rates dmanded for northern exchange.
2. An alledged depreciation in the value of our Bank currency.
3. And at same time an acknowledged and distressing scarcity of that very currency.

This last admitted fact should induce a doubt, whether the public mind has not mistaken the true cause of our embarrassments. And that doubt must be strengthened, by two other undeniable facts, to wit: That the Bank circulation of the Territory is less, by one half, than it was, before the suspension of specie payments: and that the circulation of *this* Bank is much less in amount than will be due and payable to it, in the course of the year, for interest alone upon its discounts.

Surely these facts ought to disabuse the public mind.

The true cause of the high rate of Northern exchange, *is the northen indebtedness of the Territory;* an indebtedness exceeding the value of her exports. And if, by curtailments, the Bank could have withdrawn every dollar of its notes from circulation, the measure would neither have paid one dollar of northern debt; nor have reduced the rate of northern exchange one per cent.; although it would have ruined many, and have added to the embarrassments of the country, by depriving it of its chief currency.

The obnoxious remedy for the derangement of inland exchanges, as well as for most of the other evils endured by our community, is the payment of the northern debt. And the obvious means of paying a large amount of it, is a sale of the 704 Territorial bonds, held by the Bank. Without such sale, the Bank and the community must continue to suffer.

The only other remedy to which the Bank can have recourse is the curtailment of its discounts; a remedy which it has already applied to the extent of its power, unaided by the coercion of the courts of law. To *that* coercion it may be driven. The credit of the Territory *must* be sustained, by the punctual payment of the interest of the Territorial bonds. The Bank *must* comply with its engagements, no matter at what cost. And if the means of sustaining that credit, and of meeting these engagements are to be supplied by curtailments, through the instrumentality of judgments at law, and the enforcement of exe-

cutions, it needs no spirit of prophecy to foretell the ruin of individuals, and the postration of every interest in our community.

These consequences can be averted only by giving to the Bank the use of that portion of its Capital which now lies dormant in the 704 unsold bonds of the Territory; and which will continue dormant unless the restriction in the 34th section of the charter shall be removed.

A sale of those bonds at the greatest probable discount cannot involve the Territory in any loss; because the present surplus profit of the Bank, exceeds any possible loss upon the sale. The capital of the Bank, therefore, will remain unimpaired; and constitute of itself, a complete protection to the Territory; while she has the further security of property, worth *five* millions of dollars, mortgaged for *three* millions only. No rational man, then, can believe, that by the repeal of the 34th section of the charter, the Territory will hazard any thing.

Whatever loss may attend the sale at a discount, will fall upon the stockholders of the Bank; to whom and their agents, the directors, the right to sell at a discount, may be safely confided, since motives of private interest, as well as of public duty will prevent any improper and unnecessary sacrifice.

The immediate effect of a sale of the bonds would be the payment of so much of the Northern debt of the Territory, and a corresponding reduction of the liabilities of the Bank; so that with the aid of another crop, the community would be relieved from all the evils attendant upon a high rate of exchange, and upon a depreciated currency, whether that depreciation be real or imaginary; and without having caused the ruin of an individual; and even without any severe pressure upon its debtors, the Bank would be enabled to resume specie payments.

Surely such considerations ought to commend the measure to the favorable regard of the representatives of the people.

In public clamities, resulting from war; from revulsions in commerce; and from unfruitful seasons, governments have interposed for the protection or relief of their people. The government of Great Britain, much less popular in its form than that of republican America, has been known to aid its merchants under serious pecuniary difficulties, by loans from the National Treasury; and we have recently seen the Governor of an adjoining State, recommend to the Legislature to lend to their people, millions of dollars of State bonds, to assist them in paying the curtailments required to enable their banks to resume specie payments.

Great public calamities, resulting from a savage war, from re-

vulsions in commerce, and from an unfruitful season, have fallen upon our young community; nevertheless your memorialists do not ask you to put your hands into the public treasury, or to offer any sacrifice upon the altar of patriotism, for the relief of your constituents. But in the name of their stockholders, who compose a respectable portion of those constituents, they ask permission, by a sacrifice of their own interests, to shield their fellow citizens from further and greater calamities. They ask for power, by one measure to equalize exchange, and to make the circulation of the Union Bank equal to specie. They ask this boon at the hands of the Legislature, to enable them to save the property of debtors from the gripe of the usurer, and from the grasp of the rapacious speculator. Its refusal will indeed make the rich, *richer*; and the poor, *poorer*.

To the wisdom of an enlightened assembly, your memorialists confidently submit the choice between conflicting alternatives presented to their judgment by the existing circumstances of the Union Bank, of the paper currency, and of the people of Florida.

On the one hand the resumption of specie payments; the consequent reduction of the rates of exchange, and the alleviation of the pressure on the community for debts, which a short crop has denied the means of paying.

On the other hand, a continued oppressive and wastful struggle to preserve from further injury abroad, the credit of the Territory, and of the Bank; and the prostration of the value of every description of private property, by forced collections, profitable only to speculators and usurers, and accompanied by the utter ruin of individuals.

If further argument is necessary to induce the Legislature to grant their prayer, your memorialists beg leave respectfully to suggest, that it be embodied in the following modification of any act which may pass on the subject.

1. That the Union Bank shall be compelled to pay specie for its notes in circulation, from and after six months from the time of the sale of the bonds.

2. That the Bank shall annually appropriate *two per cent.* on the amount of said bonds, as a sinking fund for their redemption.

An annuity of two per cent would pay off those bonds in twenty one years.

And your memorialists as in duty bound will ever pray, &c.

By order of the board of Directors.

JOHN G. GAMBLE, President.

Union Bank of Florida, February 10, 1841.

REPORT

OF THE

COMMITTEE ON CLAIMS,

ON THE PETITION OF

MICHAEL LEDWITH.

The Committee to whom was referred the petition of Michael Ledwith have had the same under consideration and report as follows:

It appears that Mr. Ledwith made a contract with the Commissioner of the Tallahassee Fund, on the 14th Nov., 1839, to furnish the materials and execute the work on the Capitol according to certain specifications; he was to make and furnish the lintels, window frames, floors, joists, roof, &c. of the building. For this he was to receive $13,987, the value of the materials to be advanced as they were delivered on the ground. Mr. Ledwith also particularly bound himself to have the window frames, lintels and joists for the floor, ready by such time as to prevent any occasion for delay in the execution of the masonry.

The foundation of the Capitol was laid by Mr. Shine, the contractor for the brick work, who progressed until he was stopped for the want of the window frames, joists, &c. Having been delayed for some time, he addressed a letter to the commissioner requiring him to furnish the frames, &c. The commissioner immediately addressed a letter to Mr. Ledwith, requesting that the proper materials might be furnished, and offering as there were no public funds, to pay from his private means, for these materials when delivered. Mr. Ledwith replied, declining to furnish the window frames, stating that he had already furnished materials, (consisting of a large quantity of white pine plank,) to the amount of $1000 and upwards, for which he had been unable to get pay, and that these should be paid for before any thing further was required of him.

(The letters are hereunto annexed and made part of the report.)

In this state of things the Committee are of opinion the Commissioner acted properly in engaging some other individual to fulfil Mr. Ledwith's contract. It was necessary that some steps should be taken by the Commissioner to prevent a long delay in the progress of the building. The mason could not be stopped in his work until a court of justice should decide by whom the contract had been violated. The Committee are of opinion that Mr. Ledwith should have proceeded to get the lintels and window frames as the first part of the work; he had expressly engaged to furnish these so as not to delay the mason. The building could not have progressed without them. They do not think it was proper for him to get materials for other parts of the building, for instance for the second and third stories and roof, and to exact pay for these, neglecting the basement and parts below. If so, then pay for the wood work of the whole building might be demanded and obtained before the building could be raised beyond the foundation.

They understand the true construction and intent of the contract to be that "Mr. Ledwith was to furnish the materials specified in the agreement as they might be needed by the mason in the progress of his work."

They do not understand the materials mentioned in the contract to mean raw materials, such as plank, but materials *fit for use* in carrying on the building. The damages sustained by Mr. Ledwith, if any, are then chargeable to himself, as being produced by his own acts. The Committee, however, anxious to do justice to the petitioner, have endeavored to consider the subject liberally, without reference to the legal rights of the parties. If in any spirit of equity, the petitioner has sustained a bona fide damage, although caused by his own misconstruction of the contract, they are willing to allow him a remuneration.

It appears that Mr. Ledwith had purchased a large quantity of lumber, for which the commissioner was unable to pay him. This inability on the part of the commissioner was construed by Mr. Ledwith into a violation of the contract. Supposing the contract violated he refused to proceed and furnish the window frames, &c. when called for by the mason.

The commissioner therefore engaged another to furnish the materials, Mr. Ledwith is left with this large quantity of lumber on hand which he alledges he was compelled to sell at a sacrifice. This sacrifice or loss amounting as near as the committee can ascertain to about $379, they are of opinion should be allowed him. Also $60 for shop rent. It appears that the petitioner has paid Messrs. Thompson & Hagner $200 for legal advice. This item the committee are of opinion should also be allowed.

Beyond these three items the committee cannot see wherein any bona fide loss has been sustained.

GAB'L. PRIEST, Chairman.

Be it resolved by the Governor and Legislative Council, That Michael Ledwith be allowed out of the Tallahassee Fund the sum of six hundred and twenty-nine dollars, to be paid after Mr. Ledwith has executed a release in full to the Territory of all claims and demands, arising from his contract with the commissioner to perform certain work on the Capitol: provided, however that the commissioner shall not be required to pay this claim whilst it will in any way interfere with the progress or completion of the Capitol.

ARTICLES OF AGREEMENT

Between MICHAEL LEDWITH, *of Tallahassee, Florida, of the one part, and* C. G. ENGLISH, *Commissioner of the city of Tallahassee, in behalf of the Territory of Florida, (pursuant to an act of the Legislative Council, entitled "An act to provide for building a Capitol, and for other purposes," approved March 4th,* 1839,) *of the other part.*

The said Ledwith, for the consideration hereinafter mentioned, doth hereby for himself, his heirs, executors and administrators, covenant, contract and agree to and with the said commissioner and his successors in office, to furnish the materials and execute the work on the Capitol of the Territory, mentioned in the following specifications, and agreeably to the accompanying plans and elevations, which plans and elevations are hereby agreed upon as constituting part of the present articles.

All the lintels, window frames, and sash for the building, for

twenty-six windows in the basement story, each of sixteen lights of twelve by eighteen inch glass, and for fifty-four windows in the other story, each of twenty-four lights of twelve by twenty inch glass. All the windows to be double hung with weights and pullies. The outside hanging stiles of the frames to be set four inches back from the face of the wall, to shew a face of three inches, and to be one and five eighths of an inch thick. The bottom rails of the sash to be four inches wide; the top rails and the stiles to be each two and a half inches wide; the meeting rails to be one and three eighths of an inch wide; the muntens to be doweled; the sash to be one and five eighths of an ince thick. The window frames and sash to be of heart timber, and the lintels of heart yellow pine.

The floors of the two upper stories and of the porticos—the boards to be yellow heart pine, free from knots, one and a quarter inch thick, about five and a half inches wide, and to be secret nailed to rest, (except the two large passages in the middle of the building,) on joists three inches thick, twelve inches deep, and sixteen inches from centre to centre. The joists in the two middle passages to be three inches thick, fourteen inches deep, and sixteen inches from centre to centre, and to be strengthened by three rows of bridging. The joists to be of yellow pine, to shew heart on two sides and two edges, their whole length; to be of uniform depth, and to have their under edges on a level.

The entire entablature and pediments of the porticos to be of wood, and to be constructed with a good and sufficient frame to sustain the roofs of the porticos.

All the projecting cornice of the body of the building, which must run entirely around the building, and be continued up the gables to lay pediments. This cornice to be of wood, and to contain the eave-gutters.

The wall plates to be of the width of the top of the wall, to be three inches thick, and to be of heart yellow pine.

The entire roof of the building and porticos, both frame and covering. The framing to be principal, with two queen posts, strongly trussed. The principal rafters not to exceed ten feet from centre to centre—the common rafters two feet. The girders to be strengthened by three rows of timber crosswise. The timbers for the frame to be heart yellow pine. The covering of the roof to be slate, and the valleys and the gutters behind the chimneys to be lined with lead or copper, of sufficient width to prevent leakage. The covering to be of copper seven inches wide, to be constructed in the cornice. Eight conductors of copper, each four inches in diameter.

The said Ledwith doth hereby bind himself, his heirs, execu-

tors, and administrators, faithfully to execute the work above specified, and in accordance with the accompanying plans and elevations, in a neat, substantial, and the best workmanlike manner, with materials of the best quality, and to have the window frames, lintels, and timbers for the floor ready by such time as to prevent any occasion for delay in the execution of the masonry, and to have the whole work completed by the fifteenth day of November, eighteen hundred and forty.

And in consideration of the premises, the said commissioner doth hereby bind himself and his successors in office, to pay to the said Ledwith, his heirs, executors and administrators, the sum of thirteen thousand nine hundred and eighty seven dollars, to be paid as follows: The value of the materials to be advanced as they are delivered on the ground, the residue upon the completion of the work.

And the said Ledwith doth further agree that he will execute any change which may be made in plan of said building, by said commissioner, a reasonable allowance being made, whether of increase or diminution of price, according as such change may occasion, increase or diminution of labor or materials for its execution.

It is further the understanding and agreement of the parties, that the payments for materials delivered, are not to be in less amounts than three hundred dollars.

In witness whereof, the said parties to this agreement have hereto set their hands, and affixed their seals at Tallahassee, on the fourteenth day of November, eighteen hundred and thirty-nine.

MICHAEL LEDWITH.
C. G. ENGLISH.

In presence of Chas. C. Hall.

THE

REPORT

OF THE

PRESIDENT AND DIRECTORS

OF THE

UNION BANK OF FLORIDA,

To their Stockholders Assembled in Annual Meeting.

Since the last meeting of the Stockholders, the President and Directors have had to perform a task alike delicate and difficult.

The Stockholders had scarcely adjourned, when a scrutiny into the affairs of the Bank was instituted, by a Committee of the House of Representatives, not only without the concurrence, but after declining the co-operation of the Senate.

In prescribing the manner of conducting such a scrutiny, the charter of the Bank provides in section 18.

"That the Board of Directors shall keep one or more books, in which shall be entered their rules, regulations, ordinances, and proceedings; which book shall at all times, be open for the inspection of any committee appointed for the purpose, by the Legislature; and such committee shall have access to all books containing the general accounts of the Bank, so as to ascertain the amount of cash on hand—the amount of notes in circulation—the balance due to and from other banks, the amount of deposits—the amount of bills, notes, or bonds discounted, and all the other affairs of the said bank, so as to know its true situation, and to be enabled to make a true report thereof to the Legislature. *Provided*, That said committee shall not have a right to examine the individual accounts of the customers of the bank."

Your Board believed that a committee authorised to examine into the condition of the Bank, should have been appointed by both branches of the Legislative Council, since neither house, singly, constitutes the "Legislature." But having nothing to conceal, which the Board had a right to disclose; and courting, rather than avoiding scrutiny, all the enquiries of the committee were met with alacrity and willingness, except such as related

to the "private accounts of the customers of the bank," which the charter had forbid them to publish.

In the progress of the investigation, there was manifested, as the subsequent report of the committee clearly demonstrated, a decided hostility to the Bank, and a predetermination to condem it.

The most innocent, nay the most commendable transactions of the bank, with its stockholders and others, were construed into mismanagement, favoritism, or fraud; and while the report wound up with an equivocal acquital of intentional wrong on the part of the Directors, its whole tenor, contradicting its conclusion, was calculated to leave on the public mind, the most unfavorable impressions with regard to their integrity, as well, as their capacity. Such constructions were put upon the legal effect of the charter, as to bring in question, not only the conduct of the directors, but the existence of the bank itself, and the faith of the Territory.

The Board of Directors felt it to be an imperative duty to correct the mistatements, and meet the arguments of the two committees of the House of Representatives; and did so, in a reply, the appearance of which was long delayed, by the state of the press, inrusted with its publication.

In the *interim*, as was foreseen by the directors, and must have been anticipated by the authors of the two injurious reports, the credit, and charter, as well of the Territory, as of the Bank, suffered materially at home and abroad; extinguishing for the present, all hope of effecting a sale of the $704,000 of Territorial bonds which had been left in London.

Had the conduct of the directors even merited their unjust censures, it would not have justified the House of Representatives in a course productive of great, public and private injury, without the alleviation of one public good.

As a Florida institution, in whose failure, or success, are involved the fortunes of a large number of her citizens, the bank ought to have received *help*, and not *harm*, from the Representatives of the people.

In its inception, and during various stages of its being, the bank had received the sanction of seven successive Legislative Councils, as well as of the judicial tribunals of the country. This consideration alone, should have restrained the House of Representatives from denouncing the legality of the acts of their predecessors.

The confidence of the Stockholders, who had mortgaged their estates; of the strangers abroad, who had supplied its cap-

pital; and of the people of Florida, who had given credit to its paper, was based upon a reliance on the justice, good faith, and sound policy of the Territorial Government. All those principles were violated by the House of Representatives, in its extreme anxiety to destroy the banks.

The Territory was suffering in consequence of a supposed depreciation of its currency; the depreciation was attributed to a redundant bank circulation; the odium naturally fell upon the banks, and it was thought that their destruction, would prove a popular remedy.

If a redundant circulation had been the cause of the evil, the remedy would have been obvious, and easy. The cure would have been certainly and speedily effected by a curtailment of discounts.

The true cause of the evil, however, is the foreign indebtedness of the Territory; an indebtedness which, in amount, has greatly exceeded the value of the exports of the country: in other words, an unfavorable balance of trade. In the creation of this indebtedness, the banks have had no agency. It has been the act of the merchants and planters of the Territory. And if by curtailments, the bank could have withdrawn from circulation, every dollar of its notes, the measure would have neither paid one dollar of northern debt; nor have reduced the rate of northern exchange, one per centum; although it would have ruined many individuals, and would have greatly added to the embarrassments of the Territory. by depriving it of a currency, which, at home, at least, subserves all the purposes of specie; and is only said to be "depreciated," because it will not pay a debt in New York.

So far from being *redundant*, the amount of the bank circulation of the Territory, is less, by one half, than it was, prior to the suspension of specie payments. And so far as this bank is concerned, the circulation will continue to be reduced.

In this country, no institution can long oppose public opinion, however mistaken that opinion may be. This bank has yielded to the current of prejudice, and throughout the past year, has persisted in a rigid curtailment of discounts. During that time, it is not recollected that new discounts to the extent of ten thousand dollars have been granted. It is presumed that the sam course will be pursued by our successors, until the whole circulation of the bank shall have been withdrawn. And *then*, when no demand can be made upon it, the bank may make the empty boast of "being ready to pay specie." Then, too, the people will see, that in grasping at a *shadow*, they have lost the *substance*.

The evil under which the country suffers, admits of but two remedies—TIME, or CREDIT.

Time, for the production, and sale, of future crops; which, aided by strict economy, will pay our foreign debt.

Credit, which would enable us to anticipate the benefits of those crops.

If the last House of Representatives had been as anxious for the resumption of specie payments, as for the destruction of the bank, their true policy was obvious.

The bank owns, as has been stated, seven hundred and four thousand dollars of the bonds of the Territory, forming so much of its capital. The sale of those bonds would produce a two fold effect, in facilitating a resumption of specie payments.

1st. The payment of so much of the Northern debt of the bank of the Territory.

2d. The reduction of the circulation of the bank by a sale of the northern exchange, which the price of the bonds would place in its possession.

Those results would have obviated the necessity of measures which must press onerously upon all, and ruinously upon many. But intent upon a more favorite object, the last House of Representatives declared the bonds *void*; the bank *bankrupt*; and the Territory *faithless*.

The hope is indulged, that the present Legislative Council will be actuated by a better feeling; and that its measures will be conservative, rather than destructive.

By a harmonious co-operation of the Legislature, the people, and the bank, the evil, now existing, may be removed without great injury to the country.

The sale of the Territorial bonds will enable the bank to resume specie payments.

It is true that their value has been reduced by the conduct of the last House of Representatives. But it is in the power of the present Legislature to do much for the restoration of the credit, and character of Florida. Let her no longer occupy that "bad eminence" of furnishing the only Government of the civilized world, which denies the obligation of its contracts.

Confidence in the faith of the Territory may be restored by wise prudent counsels; but it is futile to expect that the Territorial bonds can be sold for more than the bonds of older and wiser States, whose Legislatures have ever manifested a determination to sustain their honor and credit.

The bonds of all the States are now selling for less than par.

Therefore, while the restriction in the charter of the Union Bank remains, no sale, can be made of the Florida bonds.

The bank has been discounting for three years upon that portion of its capital, which was expected to be obtained by the sale of these bonds, and the interest from this fund during that time, has exceeded 25 per cent, so that a sale of the bonds at 75 per cent, would still leave the bank without loss on them.

The terms of the sale may, therefore, be safely left to the discretion of the Directors, whose personal interests, as well as public duty, will forbid any unnecessary sacrifice.

The right to sell at a discount, will not necessarily cause such sale, or discount, to be made. The bonds may be hypothecated as collateral security for the payment of the *Bank bonds*, to which reference will presently be made; and before the maturity of the bank bonds, the credit of the Territory may be completely restored, and a sale of them be effected at *par*, or at a premium.

While the restriction continues, it is obvious, that they cannot be hypothecated with the same advantage to the bank, or to the Territory.

A repeal of the restriction in the 34th section of the charter will do more for the restoration of *specie payments*, than every other act of legislation to which resort can be had.

Under the complicated difficulties of their situation, your Directors have done all that was in their power; and have tried to effect more than circumstances at home and abroad, have enabled them to accomplish.

They have paid to the Bank of the United States, two hundred and thirty-seven thousand dollars, in part of the debt which had been contracted for the purpose of paying protested checks of this bank, unadvisedly drawn, before the return home of the President, or the provision of adequate funds to meet them.

This payment, with the purchase of cotton, and advances upon it, in order to provide the interest upon the Territorial bonds, necessarily caused a great increase of the circulation of the bank; so that between the 20th November, 1839, and the 18th of March, 1840, the circulation of the bank had been augmented from $293,000, to $653,000, making an increase of $360,000.

To reduce this circulation, the bank has, throughout the whole year, persevered in a curtailment of its discounts: and the rate of curtailment would have been greater, if there had existed a hope that further exaction could be complied with. But with a crop of cotton, less, by one half, than that of 1839,

no increase of the rate of curtailment can be effected, until another crop shall have been brought to the aid of the country. This is demonstrated by the amount of notes, which have been put in suit since the last annual meeting, as well, as by the amount of unquestionably good paper, now under protest from the inability of the parties to pay their curtailments. It will become more apparent, by the large amount of new suits which will swell the court dockets at the next spring term.

By curtailments, payment of interest upon renewals, and other measures, which will be mentioned presently, the circulation of the bank, which, on the 18th of March, last, was $653,000, has been reduced to $355,667, including $7825 of the notes of the Central Bank, the greater part whereof, have probably been destroyed, or lost. But for the payment of the interest upon the capital of the bank, and the heavy losses upon cotton, substituted for inland exchange, for the purpose of paying that interest, the circulation of the bank would have been less than one half of its present amount.

The unprecedented short crop of the past year has now been sold, and its avails disposed of.

The annual interest payable to this bank, exceeds $270,000
And there are arrears of int rest now due to it of $110,000
So that, the interest alone, which should be received by the bank in the course of the year, greatly exceeds its circulation.

The suits already instituted by the bank, and upon which judgment will probably be obtained, at the spring term of the courts, also greatly exceed in amount, the circulation of the bank. And there are other suits, besides those of the bank, and to a much larger amount, upon which judgment will be obtained at the ensuing spring terms.

Until the proceeds of another crop can become available, what is there besides the circulation of this bank, which can be used in the liquidation of this immense amount of indebtedness?

These are facts meriting the consideration of this general meeting, and which will claim the serious regard of those, to whom the Stockholders may commit the management of the bank for the ensuing year. They deserve the consideration of the people of Florida; and are not unworthy of the notice of their Representatives.

Besides curtailments, your Directors adopted other measures for the reduction of the circulation of the bank.

They issued post notes, payable in New York, at periods not exceeding two years, with interest at the rate of seven per centum per annum, payable half yearly. This was done with a double object.

1st. To increase the value of the notes of the bank, by making them convertible into paper, which, besides bearing the legal interest of New York, has attached to it, no uncertainty, as to the future rate of exchange between that city, and Tallahassee.

2d. To fund present liabilities, by converting them into a loan to be repaid in the year 1842.

To insure confidence in the punctual payment of those post notes, some of the directors agreed to make themselves personally responsible by indorsing them.

Strangers cannot be expected to possess such a knowledge of the condition of the bank, as to know whether it is really entitled to credit. Moreover, universal distrust had been the natural offspring of the reports of the committees before referred to. But the Directors, and Stockholders, from their connection with the bank, must possess a knowledge of its true condition. And when they gave proof of confidence in its soundness, by making themselves and their estates responsible for its debts, the confidence of strangers it was thought would not be withheld.

These were the motives which actuated the indorsers of the post notes, and also of the *bonds of the Bank*, of which, mention will presently be made.

Besides post notes, the Directors issued bonds of the bank, in the hope that a loan might be effected in New York, to such extent, as would enable it to resume specie payments: but the object was found unattainable. Only a small amount of them, payable at a short date, were sold to meet an immediate and urgent demand.

Disappointed, yet determined to spare no effort which gave a hope of attaining their great object, of a resumption of specie payments, the Board of Directors decided to try the European market, and for that purpose, caused *bonds of the bank*, to be prepared to the amount of one hundred thousand pounds sterling, made payable in London; and to bear such rate of interest, and to become due, at such periods as might be agreed on with the purchaser.

The Cashier, General Mercer, had previously gone to New York to arrange the payment of the July interest upon the Territorial bonds, payable in New York, London and Amsterdam; to negotiate the exchange of certificates of deposit, held in New York, for post notes; and to attend to other interests of the bank, requiring his presence in that city. The sterling bonds were, therefore, sent to him, with a request that he would proceed to Europe, for the purpose of effecting a loan.

In the *interim*, however, M. Jaudon, the Agent of the Bank of the United States, in London, had arrived in the United States, and after some interviews with him, the Cashier, with the concurrence of the Board of Directors, committed the agency for the sale of the sterling bonds, to that gentleman, whose high character for financial talent, unquestioned integrity, and established connections abroad, give assurance that a sale will be effected, if practicable.

Late intelligence from London, tells of his success in obtaining a loan for the use of the Bank of the United States. His connection with that institution required that his first efforts should be given to its interests.

A sale of the sterling bank bonds, will enable us to pay the balance still due to the Bank of the United States, and moderate curtailments during the year now commenced, to discharge every liability of the bank. The repayment of the bonds, and post notes will be made from the receipts of interest, and curtailments spread over one, two, three, and four years, which will bring as many crops to the aid of the debtors of the bank. Under such circumstances Florida would pass, with little damage, through the ordeal, which in adjacent States, has been attended with blighting effects.

After having, with great ability and success, achieved the objects of his mission, among which was the payment of the January interest upon the Territorial bonds, the Cashier has returned to his post in the bank, to aid in devising, and executing such further measures, as may be necessary for the complete restoration of its credit.

Since the last annual meeting of the Stockholders, the amendment of the charter on the subject of delinquent stock has been twice put in force.

Delinquent shares were advertised to be sold on 24th of June last, when 144 shares were sold at a premium of twenty five dollars per share. The other shares which had been advertised, were redeemed before the day of sale.

Another sale was advertised for the 16th of December, and before that day, all but one of the Stockholders had redeemed their shares; leaving 232 shares, delinquent, which were sold at public auction, for a premium of twenty-nine dollars per share. But it having since appeared, that the sale had been advertised in only one newspaper in Tallahassee, the purchasers have been supplied with shares previously held by the bank, and the delinquent stockholders, apprised by the Directors, of another opportunity of avoiding forfeiture by paying their arrears of interest.

For reasons unknown to the Directors, the committee appointed by the Stockholders, at their last annual meeting, to examine, and report the condition of the bank, have failed to make the required examination. The members of the committee were duly notified of their appointment.

In compliance with the injunction of the Stockholders, the Board of Directors have contracted for the building of a fire proof banking house, on the same lot with the present banking house. The building has a front of 33 feet, and is 51 feet in length. The banking room is 28 by 30 feet in the clear—a Presidents room 14 by 18½ feet in the clear—and a vault for books and papers 11½ by 15½ feet in the clear.

The rooms will be floored with marble. By contract, it must be completed by the 25th of next month, (March.) The contract price is $11,700; but as the bank had to furnish granite, for steps, sills and coping, the cost will be two or three thousand dollars more.

The size and plan of the building were directed by a compromise between differing opinions among the Directors; and until some addition shall be made to it, the board must continue to use the present vault, and banking room.

The Board of Directors have resolved to close the agency at St. Joseph, as soon as practicable.

The Board of Directors have been informed that, unmindful of the divine injunction that "whatsoever you would that men should do unto you, do ye even so to them," specie is demanded in satisfaction of judgments, by persons who are themselves indebted to this bank; and even by parties against whom the bank has unsatisfied judgments. These parties say to the bank, "have patience with me and I will pay thee all;" while they take their "debtor by the throat," and demand of him the pound of flesh; refusing to receive in payment, from *him*, that, which would pay their own debt to the bank!!

It is submitted to the Stockholders, to say, whether the new Board of Directors should not be instructed to enforce immediate payments of any debt due to the bank, by a party thus exacting specie from his debtor, and, also, to use any judgment which the bank may hold against such creditor, so as to protect his debtor.

At the last general meeting the following resolution was adopted:

Resolved, That the Chair appoint a committee of four, to whom shall be referred the subject of the cash stock amount, of various individuals, with the bank; with instructions to inspect and adjust the same, and make report thereof to the Board of Directors, who, if they shall not concur in the same, shall refer the final question thereon, to the Stockholders in general meeting.

The Chair appointed the following gentlemen on the Committee, viz: Rich'd. C. Allen, Jno. D. Edwards, A. M. Gatlin, and H. W. Braden, Esquires.

The Committee met in the month of March, last, and adopted a report which will be submitted to this meeting. They unanimously awarded, that John G. Gamble should be paid for his shares of cash stock cancelled by the Board of Directors the sum of twelve and a half dollars per share.

This report was acted upon by the Board of Directors, in the absence of the President on the 30th December, 1840.—Nine Directors being present.—Col. Williams being detained at home by the illness of his family, and Doct. Holland, having resigned.

By a vote of 5 to 4, the Board refused to confirm the award of the committee. The matter is therefore referred back to the Stockholders, pursuant to their resolution.

A statement of the habilities of the directors is hereunto annexed.

All which is respectfully submitted.

JOHN G. GAMBLE, *Prest*

Feb uary 1, 1841

CORRESPONDENCE

In relation to the payment of the East Florida troops.

EXECUTIVE DEPARTMENT,
Tallahassee, 22d February, 1841

To the Legislative Council of Florida:

Since my late message upon the subject of Colonel Brown and Major Garrason's claims, in behalf of their regiment and battallions, and after the Council had refused to take action thereon, I was applied to, in the most earnest manner, to issue the bonds which the Council had been informed by a message, I was prepared to execute.

In the *interim*, however I had received the enclosed letter from the Hon. Madison C. Livingston, which is herewith transmitted to the Council, with letters from the Hon. J. C. Pelot, J. G. Cooper, and others, members of the Council from East Florida.

I submit to the Legislative Council, if it might not be proper, before the Executive complies with the resolutions already adopted, to cause an investigation to be made into the imputations and charges contained in the communication of the Hon. Mr Livingston.

It seems to me to be due to the claimants, to the parties assailing and defending them, and to the character of East Florida.

The investigation might be made by a commissioner or commissioners, to be appointed by the Legislative Council or the Executive.

If these claims be just, as the resolutions recently passed unanimously by the Legislative Council, suppose them to be, they should be promptly and immediately settled, if they are unjust, let those who are in possession of the proofs, have an opportunity to present them.

I respectfully request the Honorable the House of Representatives, after reading the original letters herewith communicated, to transfer them to the Senate for the information of that body.

ROBERT RAYMOND REID.

TALLAHASSEE, February 19, 1841.

To His Excellency ROBT. RAYMOND REID.

SIR:—The undersigned, Senators of East Florida, and Re-

presentatives of Alachua, Hamilton, Columbia, and Nassau, beg leave respectfully to call your attention to resolutions passed at the present session of the Legislative Council, authorising a settlement, with the militia, ordered into service under Col. Robert Brown, and Major Isaac Garrason, in the spring of 1838. The payment of these troops has been delayed nearly three years, and many of them, and the families of those who have died, are suffering for the want of what is due them, for services, and disbursements in that year. The House of Representatives having refused any action interfering with the operation of the resolutions, above referred to, we deem it our duty, in behalf of our constituents, to ask as immediate a settlement as will suit your Excellency's convenience.

We are, respectfully,

Your obedient servants,

J. G. COOPER,
JOHN C. PELOT,
Senators.
DANIEL BELL, Hamilton,
JOHN L. THIGPEN, Nassau,
EDWARD BIRD, of Alachua

TALLAHASSEE, February 20th, 1841.

DEAR SIR:—I feel it a duty I owe to the Territory of Florida, to address you on the subject of settling the claims of a regiment commanded by Col. Robert Brown, and a Battallion commanded by Maj. J. Garrason, for military services rendered in the year 1838.

Believing, as I do, that there are more men claiming pay for services rendered, than ever performed said service, I am compelled to state to you, as the Governor of the Territory, what are my opinion respecting said claims, and the reason for that opinion.

About the middle of June, 1838, I was ordered (being then in the U. S. service) from Madison county, where I was then on duty, to proceed, via Mineral Springs, to the upper Suwannee near the Okefenoke swamp, for the purpose of pursuing and hunting out a party of Indians which had passed through Columbia county, and fought twice with the volunteers on their way to the swamp—once with Capt. Sanderlins' and once with G. W. Smiths' command; I was directed to furnish provision (subsistence) and forage or any Territorial militia, which might be in service and would accompany the command to which I

was attached, in pursuit of the Indians. When I arrived at the Mineral Springs, I heard that three or four companies of Florida militia rendezvoused at that place, some of which had just returned from pursuit of the Indians; I applied to some of the officers to send detachments of their commands with us; excuses were made that it would not be politic to leave the vicinity of the spring (where there were a number of inhabitants collected) unprotected; and others, that they had just returned from a *scout*. I was of the opinion from conversing with several citizens, that but few of the companies were full, for I had been applied to by several, to recommend them to the commanding officer of the U. S. Troops, who at that time wished to receive one company into the U. S. service; stating to me that if they could get an order to raise a company, they would be ready to muster into the U. S. service in a short time; now if they considered themselves in the Territorial service for 4 months why did they apply to me to get into the U. S. service, to be sent, as I was, from one section of the Territory to the other, I would prefer guarding my own fire side to that of another. I was afterwards applied to by Capt. North, to get into the U. S. service, stating to me that the command then under Sanderlin, would join him, and with the men he then had, would make out a full company. Capt North with three or four men accompanied us into the Okefenoke swamp. He was soon after that time, say 20th June, mustered into the U. S. service.

On my return from the *swamp*, I passed through part of Ware and Lowndes counties, Georgia, through the neighborhood where Capt. Bryant had raised a company, as he said, under the orders of Col. Brown. He at that time was trying to get into the Georgia service, and many of his men, whom I saw did not consider themselves in the Territorial service, as they thought they would never get paid, and also that it was then necessary for them to guard their own families and farms.

From the foregoing circumstances, and taking into consideration, the number of men claimed in said command, and the number of citizens (voters) in Columbia and Hamilton counties, I am conscientiously of the opinion that many of the men borne on their muster rolls, are fictitious, and many of the others never done service at all. You may add together all the militia of Columbia and Hamilton counties, and all in Ware county, and take from the total of those counties the command, and then in the United States service, under G. W Smith, and you cannot make out the number.

At the same time I will beg leave to state, that I am confident many of the militia in said regiment done good and efficient service, and I would be the last man in the Territory, to

wish to deprive them of their pay, for I know the hardships and privations they have undergone.

As respects the battallion of Maj. Garrason, I have heard various rumors, but not knowing any thing of my own knowledge, I will express no opinion.

I would therefore suggest to your Excellency, the propriety of sending an officer (well qualified for the duty) to inspect and muster the various companies, and if necessary have men sworn to the service rendered.

I would not have written this letter had not the Council refused to act on your late message on that subject, and feeling for the honor and character of our Territory, it was my duty, as a citizen, to give any information respecting said claims, which I might possess.

I am, very respectfully,
Your obedient servant,
MADISON C. LIVINGSTON.

To His Excellency R. R. REID, *Tallahassee.*

EXECUTIVE DEPARTMENT,
Tallahassee, Feb. 20. 1841.

GENTLEMEN:—I enclose for your perusal and consideration, a letter from the Hon. Madison C. Livingston, which you will be pleased to return to me.

I am, gentlemen,
Very respectfully,
Your obedient servant,
ROBERT RAYMOND REID.

The Honorable, Messrs. Cooper, Pelot, Bird, Thigpen and Bell.

TALLAHASSEE, February 21, 1841.

To His Excellency R. R. REID,

SIR:—We have read and considered the extraordinary letter of Mr. Livingston. In the accompanying letters you will find our reply. It would be gratifying to us that should you deem his communication of *sufficient importance* to justify delay in the settlement of these claims, until the companies are inspected, you would, in the first place, ask of Mr. Livingston to make affidavit to it.

We have taken the liberty to retain a copy of his letter to you, and in justice to our constituents, whose honor has been impeached by his communication, we feel it right to say, that we have no objection to your despatching an officer to muster and inspect the troops at the time of settlement, (so far as they are surviving or within reach) in accordance with the usual rules and regulations of the military service.

We remain, very respectfully,

Your obedient servants,

J. G. COOPER *senator E. F.*
EDWARD BIRD.
DANIEL BELL,
J. L. THIGPEN, Nassau, co.
Representatives.

TALLAHASSEE, February, 21, 1841.

To His Excellency R. R. REID:

SIR:—At the request of the Eastern Delegation, being more familiar with the facts connected with the subject of Mr. Livingston's letter, enclosed with your communication of this morning, I have the honor to submit my views. Of this extraordinary communication, I shall, at present, content myself with a notice of such portions only as contain assertions calculated to mislead you in your action under the resolutions referred to. I commanded a company myself in Col. Brown's regiment, and received a *message* from Capt. Livingston, asking a reinforcement: I was under orders from Col. Brown, in the Territorial service, and had no authority to move with my company, otherwise than by Col. Brown's command, and for this reason I took no notice of his *message*; for the same reason the other Captains, with several of whom I conversed afterwards upon the subject, pursued a similar course. But if this reason had not existed, the reason stated by Mr. Livingston as being given in excuse, would have been ample, to wit: "That it would not be politic to leave the vicinity of the spring (where there were a number of inhabitants collected) unprotected; and others, that they had just returned from a scout." Had Mr. Livingston applied to Col. Brown, who commanded the regiment for co-operation, he would have found no difficulty in obtaining all the succor he required. Besides the troops were in the Territorial service for defence of the frontier, and not for service in expeditions of U. States troops, any further than the Col. might deem consistent with the purpose of his command. It would

have been a violation of military duty and breach of order, in any Captain to have placed his company under the orders of Mr. Livingston, upon requisition not passing through a superior officer.

The opinion asserted by Mr. Livingston, that but few of the companies were full, is *mere opinion*, which is contradicted by the superior evidence of the certificates of the Colonel, Adjutant and Captains on honor, as to the number of men enrolled under them.

In respect to the asserted conversation with Capt. North, concerning his own and Capt. Sanderlin's companies, I have to say, that the companies of Captains North and Sanderlin, were mustered into the Territorial service side by side, at the same time by Lieut. Col. Webb.

The inference attempted from the assertion that the number of men in Columbia and Hamilton, together with Ware county, Georgia, would not afford a sufficient force to constitute a regiment, is not founded in fact. The regiment consisted of men drawn from the counties of Columbia, Hamilton, parts of Alachua and Nassau, and from Georgia. There are in Columbia county, between three and four hundred "voters," and in Hamilton about two hundred. In those two counties there must have been at the time nearly three hundred persons capable of bearing arms, who were under the age of 21 years, or transient persons, and not entitled to votes. Here are nine hundred in these two counties alone; add to this probably one hundred men from Nassau and Alachua, and about the same number from the neighboring counties of Georgia, (who came over and enlisted, and did service in Florida,) and you have an aggregate of nearly one thousand men. The companies composing the battallion of Lieut. Col. Webb, were mustered into the service in the following manner, to wit: My company and Captain Martins, were mustered in at the same time; Sanderlins and North's at the same time, and Bryant's and Johnson's at their respective head quarters. The companies composing the battallion of Major Wilson occupied the lower part of the country, and were mustered under his supervision. A sufficient answer to the suggestion of fictitious names by Mr. Livingston, is, I apprehend, to be found in the fact that the rolls are certified to by the proper officers, whose *respectability* and *characters* are quite equal to that of Mr. Livingston's.

I have no hesitation in stating *upon knowledge*, that the imputations attempted by Mr. Livingston, are not supported by facts, that the justice and correctness of the returns and claims cannot

be impeached, and that there exists no reason's why any delay should ensue in the settlement directed by the Legislature.

You have permission to do as you please with this letter.

Very respectfully,

Your obedient servant,

JOHN C. PELOT,

Senator from E. F.

TALLAHASSEE, February 21, 1841.

To His Excellency R. R. REID:

SIR:—In reference to that portion of Mr. Livingstons letter, which relates to the battallion under Major Garrason, I think it proper to say, that if any rumors intimated by him tend to impeach the justice of the claim against the payment of which he strives, or the accuracy of the rolls, they are basely calumnious.

A was myself Adjutant of the battallion, inspected and mustered in and out, the companies comprising it, therefore speak confidently and with a knowledge of facts.

Very respectfully,

Your obedient servant,

EDWARD BIRD.

HOUSE OF REPRESENTATIVES,

February 23, 1841.

The House ordered that the enclosed message, No. 7. together with the accompanying letters, be transmitted to the Senate.

Attest, JAS. H. GIBSON, Clk.

HOUSE OF REPRESENTATIVES,

Tallahassee, February 23, 1841.

SIR:—In reply to your enquiry I have to say, that upon the occasion referred to in Mr. Madison Livingston's letter to Gov. Reid, I was myself the commanding officer of the expedition, Mr. Livingston being a captain under me. That I was directed by Major Dearborn to take two of the companies of Col. Brown's regiment with me, he being under the belief that Col. Brown's regiment had been mustered into the United States service. Upon reaching the Suwanee I found that the regiment was not in the United States service, but in the Territorial, and I did not therefore feel myself authorised to make the demand,

and did not. I offered to furnish with provisions any that would join me, and some of the regiment, with the permission of their officers, volunteered and accompanied me. I was serving at the time with the rank of Major, and was in the service of the United States.

Respectfully yours,

JOHN L. TAYLOR.

To Hon. JAMES G. COOPER.

—

TALLAHASSEE, February 24, 1841.

DEAR SIR:— At your request, and in justice to my constituents, I have no objection to state that to the best of my recollection, it was late in August 1838, that Capt. Norths Company was mustered into the U. S service, and that in a conversation which I had with Capt. Livingston on the morning after the indefinite postponement of the report and resolutions of Mr. Brown, as chairman of a committee of conference to the Brown and Garrason volunteers, he observed that we had done right in postponing them.

I am not prompted by any personal interest in this matter, only so far as my constituents are concerned, I was neither officer nor private in that service, nor neither have I purchased any claims in that service.

Respectfully your obedient servant,

DANIEL BELL.

To Hon. J C PELOT.

—

TALLAHASSEE. February 27, 1841.

DEAR SIR:—I enclose you herewith two printed copies of my correspondence with Col. Brown and Maj. Garrason. Give one of them to Gen. Brown. For further information I refer you to my annual message for the year 1839, which you will find in the journals of that year.

At page 5, of the enclosed pamphlet, you will find Browns letters of the 15th March and 8th of April, in neither of which does he pretend to have had any troops at the time of mustering in service. My order authorising him to raise troops, you will find at page 6, dated the 13th of April, *read it carefully* My order to disband them, you will find at page 7, dated 23d June. You will find his acknowledgement of the receipt of that order on the same page, in which he says his men were enrolled for 4 months, unless sooner discharged, *but that "some of the companies fell short of it."*

Now see what time he claims to have served. You will find Garrasons letters to me on the 9th and 11th of April, at page 11 and 12. He shows clearly that he had no men in service at those dates, and asked me for an order to raise a force. That order was given on the 15th of April, which you will find at page 12 and 13. You will perceive it contemplated a force to be *raised from* his battalion, and not the whole of his battallion, to be ordered into service. My order to disband these troops, was given on the 23d of June, a copy of which was sent to Col. Brown for his government, as you will perceive from my letter to him, at page 7. This letter to Garrason you will find at page 14. Even if he had the number of men he pretends to have had, they could not have been more than two months in service. Now if the Council is determined to pay them for 6 months service, they must do it on their own responsibility and not on mine. You will perceive from my correspondence with Brown and Garrason, that after receiving my order of the 13th and 15th of April, to raise troops, neither of them made any report of their proceedings until the 12th of June, when Garrason wrote me that he had ordered the whole of his battallion into service. Immediately on the receipt of this letter, I wrote him on the 23d of June, (see page 14) ordering him to disband his whole force. I had then learned nothing from Brown, but presuming that he was playing the same game, I enclosed him a copy of my letter to Garrason, and directed him to consider it as an order directed to him, if the same state of things existed in his regiment. (See my letter to Brown, dated 23d of June, at page 7.) Both of these letters were sent by Adjutant Bird, now a member of the Council, and Col Beckham, and must have been received in 4 or 5 days after their date. Please show this letter to Col. Dupont and Gen. Duval, with the printed correspondence. If the people of Middle and West Florida are to be taxed to pay the troops of East Florida, the number of men and officers, as well as the time they served, should be closely examined and fully ascertained.

Yours,

R. K. CALL.

Capt. LIVINGSTON.

MARCH 1, 1841.

DEAR SIR;—I have a distinct recollection that Capt. Martin told me that one of the companies of Col. Browns regiment should not be paid for the full term of service. He said the

Captain had left the Territorial service and gone over in Georgia.

I am, very respectfully, &c.
ROBERT RAYMOND REID.

Hon. Mr. LIVINGSTON.

—

In confirmation of the opinion expressed in my letter to the Executive of the Territory, dated 20th February, respecting the claims of the troops under Col. R. Brown and Maj. Isaac Garrason, for military services rendered in 1838. I request that I may be permitted to offer the correspondence between the Gov. of the Territory and said officers, on the subject of raising troops for the defence of the frontier, of Alachua and Columbia counties, in the spring of 1838; as also a letter from General Call, and one from the Governor of the Territory.

My object in offering this correspondence, is to show on what grounds I stood, and how far facts sustained me in the opinion I advanced.

You will perceive from this correspondence that on the 8th of April, Col. Brown writes the Governor from Newnansville, requesting to be permitted to raise a regiment, I will quote his language. "I therefore hope you will order me into the service with a regiment of rangers, *which I am certain can be raised immediately*." I have no doubt the Senate will be astonished when I tell them that a full regiment is reported to have been mustered into the Territorial service two days previous to this, (on 6th of April) the day from which all their muster rolls are made out.

In answer to this letter the Governor authorised Col. Brown to call out a sufficient volunteer force for the protection of the frontier—I use his words, "In the exercise of the authority with which you are hereby invested, you will use a sound discretion, and call out no larger force than in your judgement will be absolutely necessary for *defensive operations*." Now suppose in the exercise of a sound discretion, the Col. did think it necessary to call out a full regiment, how is it possible for the whole 8 or 10 companies to date back to the 6th April, for it must have taken 4 or 5 days for the order to have reached him and then some 4 or 5 days more to raise this regiment and organise it, which will bring the time to 23d April. There seems, however, to have been no report made to the Executive of the number of men raised or the service rendered; until the Governor, in a letter dated 23d June, writes, "that he had receiv-

ed no report from him with regard to the number of men in his regiment, and the length of time he may have deemed it necessary to continue them in service." And at the same time orders them discharged from the Territorial service; this communication, it seems, did not reach its destination until 22d July, although sent by the Adjutant of Maj. Garrason's regiment, Capt. Bird. From these facts you will perceive that it would be impossible for Col. Brown to have had a regiment in service under the orders of the Governor, for a longer time than three months, (from 23d April to 23d July.)

As respects the correspondence with Maj. Garrason, you will see that from Brown's letter of the 8th April, and Garrason's to the 9th and 11th of April that there was no Territorial troops then in service, but they request that they may be ordered into service; which order was issued on 15th April, at Tallahassee.

The Governor in his letter of 15th April to Garrason, after directing him to offer his volunteers to the commanding General and in the event of his refusing to receive a sufficient volunteer force to co-operate with the regular troops in defending the country, he said, in that event, "you are hereby authorised to organise *such a force from your battallion*, under the authority of the Territory, as will give security to the frontier of Alachua." This is the only order Major Garrason received from the Governor to raise troops, still his muster rolls date back to 19th of March. No report is made to the Governor of the number of men raised, or what duty they had performed, until 12th June, when he writes the Governor that he had the whole of his battallion in service. Immediately on the receipt of which report, the Governor orders him to discharge them, (see letter 23d June) which it seems the Major disregarded and continued them in service until 19th September.

From this correspondence it is evident that Maj. Garrason did not consider his battallion in the Territorial service, on the 11th April, and that he did not get an order to organise a force *from his battallion*, until 15th April, yet we find his muster rolls bearing date from 19th March, to the 19th of September, continuing them in service some three months after he was ordered to discharge them.

Are not these facts something on which a man might, very rationally, form an opinion, that all was not right? The conclusion which every mind would come to after reading this correspondence is this; that the commanding officers of the regiment and battallion, deliberately wished to deceive the Governor, knowing that he would not allow, such a large force kept in service, or that they never had the number of men for which they claim pay, regularly organised.

From the letter of Gov. Reid, it is evident that other persons doubted the propriety of paying all the command of Col. Brown, as one company left and went over to Georgia, which fully sustain my assertion respecting Capt. Bryants company.

I did not, in my communication to the Executive, make any personal allusions, although I, perhaps, ought to have done so, as I knew that two of the Captains in Browns regiment, had left the country, charged with having committed frauds on the Government, I therefore did not put much confidence in their certificates, others of that command I hold in the highest estimation, and have not the least doubt that they did good and efficient service, and for that reason I was anxious to have their claims put in a proper train for collection, for I am confident, they never can nor never will be paid either by the Executive of this Territory or the United States, on the application of their agents with the muster rolls and pay rolls as they are now made out, claiming the full amount by power of Attorney—not knowing whether all the men are alive, or whether some of them have not moved away, and perhaps some *run* away. I am sustained in this last assertion by the Senator from the East, who argued "that it would be impossible to have a correct muster *now*, as some of the men were dead and others had moved away, &c." Do not their powers of attorney die with them?

I will here remark that an expression in my letter, in speaking of the time I saw Capt. North, I use the expression shortly after that time, (say 20th June) Capt North was received into the United States service, and I do not mean that Capt North went into the United States service about 20th June, but that it was the 20th June when I saw him; the sense of which is evident from other parts of my letter.

In answer to Maj. Taylors letter, I can only say that I did not claim to have the command of the expedition to the Okefenoke swamp; but I do say I was ordered by Maj. Dearborn, to proceed to the swamp, &c., and that Maj. Taylor arrived at my camp the evening before I was to start after I had made all necessary preparation to start, and that the requisition on Maj. Jones at Charles' Ferry, for forage and subsistence for the troops, was made by me, and I had to account for them. I am therefore of the opinion that Maj. Taylor mistook the meaning of my letter, if he saw it, or else he merely answered a question put to him by Maj. Cooper.

My letter is itself an answer to Capt. Birds letter, as I make no charges against, or opinion of the battallion of which he was Adjutant.

M. C. LIVINGSTON.

March 2d, 1841.