

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 act relating to crimes and misdemeanors.

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

The Senate then adjourned until Monday.

MONDAY, January 25, 1841.

The Senate met pursuant to adjournment and Friday's proceedings 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 ordered to be printed.

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

The Committee to whom was referred 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 Battalion 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 overrunning the settlements without check, and massacre and plunder were of daily occurrence. The inhabitants reduced to a state of desperation, were beginning 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 endurance 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 writes 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 operations. 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 Territorial service, I kept deferring 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 duties have 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 Battalion 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 Newnansville 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 letter 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 communicated 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 employed for the purpose of restoring tranquility, and to insure the safety of those who were exposed to danger." The only point referred 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 preempторily demanded.

The committee have appended hereto, certain certificates in reference to the battallion 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. McLean 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.