

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 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 Louthier 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, reports: 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 authorize 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 Message 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 compel 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 evaded, and the effect of our action can not be avoided or evaded by such technical or metaphysical 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 object 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 speculation, 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. BROCKENBROUGH, 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. McLEAN.

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 Leake 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. Brewster 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.