

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 referred the petition of Gen. Thos. Brown, report:

That from satisfactory 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 fixed upon 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 referred 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 concurred in, and said memorial adopted.

The Senate received from the House of Representatives 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 authorize Isham Blake and John D. Parish to execute certain deeds and for other purposes, which was read a first and second time, and referred 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 referred 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 referred 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 the Department:

"There are other subjects which I wish to bring before you, and which I hope you will immediately lay before your Legis-

latire. 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 decr

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 justice 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 ex parte 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 adjournment 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