A

JOURNAL OF THE PROCEEDINGS

OF THE

SENATE

OF THE

TERRITORY OF FLORIDA,

AT ITS FOURTH SESSION,

BEGUN AND HELD IN THE CITY OF TALLAHASSEE,

ON MONDAY,

JANUARY 3, 1842.

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LEGISLATIVE COUNCIL OF THE TERRITORY OF FLORIDA,

AT ITS FOURTH SESSION,

Begun and held in the City of Tallahassee, on the third day of January, 1842.

MONDAY, January 3d, 1842.

The Senate having been called to order by the Secretary, the following members appeared and answered to their names:

From the Western District—W. H. Brockenbrough.

From the Eastern District—Messrs. Pelot and Cooper.

There being no quorum present, the Senate adjourned until to-morrow, at 12 o'clock.

TUESDAY, January 4, 1842.

The Senate met pursuant to adjournment, when the following members appeared and took their seats, viz:

From the Middle District—Messrs. Dupont, Edwards and Livingston.

From the Western District—Messrs. Walker and M'Lean.

Mr. Berthelot, elected from the Middle District to supply the place of Mr. Duval, (resigned,) appeared, was sworn by the Hon. Judge Bronson, and took his seat.

On motion, Mr. Walker was called to the Chair, and the Senate proceeded to an election of President; when Mr. Brockenbrough was duly elected, and Messrs. Dupont and Berthelot appointed to conduct him to the Chair. The Senate then proceeded to elect its officers—J. S. Robinson was chosen Secretary; John W. Poindexter, Reading Clerk; D. G. Gunn, David E. Bothwell, and G. W. Smith, Enrolling and Engrossing Clerks; A. A. Fisher, Sergeant-at-Arms, and James Barry, Door-keeper.

On motion, the several officers were sworn by the President.

On motion of Mr. Dupont, a message was sent to the House of Representatives, informing that body that the Senate has been duly organized by the appointment of Wm. H. Brockenbrough as President, Jas. S. Robinson as Secretary, John W. Poindexter as Assistant Secretary, A. A. Fisher, Sergeant-at-Arms, and James Barry, Door-keeper.

Which was adopted.

Mr. Pelot moved that a Committee be appointed to enquire into the prices that will be charged for printing, from the Editors of this place, for the Senate, during the present session, with a view to have it done at the cheapest possible rates, and report the same to the Senate, which was adopted—

And Messrs. Pelot, Dupont, and Walker, appointed Committee.

Mr. Berthelot offered the following:

Resolved, That a committee of three members of the Senate be appointed to revise, alter, or amend, the rules of the Senate, and report the same to the Senate, and that, in the mean time the rules of the last Senate be considered the rules of this Senate, which was adopted.

And Messrs. Berthelot, Dupont, and Livingston, appointed said committee.

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

WEDNESDAY, January 5th, 1842.

The Senate met pursuant to adjournment.

Mr. Livingston offered the following resolution, viz:—

Resolved, by the Senate and House of Representatives, That the Secretary of the Senate, and the Chief Clerk of the House of Representatives, be directed to furnish the members of their respective Houses with such Stationary as they may require, and to keep an account of the same—

Which was read, the rule waived, and adopted.

Mr. Berthelot, from a select committee, made the following report:—

The select committee, to whom was referred the resolution adopted on yesterday in relation to the rules of the Senate, beg leave to report the rules of the last Senate as the rules of the present Senate, with the exception of the 30th rule, to which the committee suggest the following amendment:

Resolved, That the 30th Rule be so far amended, as to require the appointment of an additional Standing Committee, to be styled the Committee on Public Accounts; whose duty it shall be to examine the accounts and vouchers of the Auditor, Treasurer, and Commissioner of the Tallahassee Fund, and all other officers having charge of public funds or accounts.

The committee would also suggest the propriety of adopting the following additional rule:

RULE XL.—No member of this present Senate shall absent himself from the Senate-Chamber after the roll shall have been called, without first obtaining the permission of the President.

Upon the adoption of this report, the committee recommend the printing of the proposed amendment and additional rule with the rules of the Senate.

JAMES A. BERTHELOT,
Ch'n Select Committee.

Which was received, and ordered for to-morrow.

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

THURSDAY, January 6th, 1842.

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

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

Moved, that a message be sent to the Senate, informing that body that this House has been duly organized by the selection of the Hon. N. W. Walker as Speaker; Hugh Archer, Chief Clerk; M. D. Pappy, Assistant Chief Clerk, and S. J. Perry, Samuel Russell, and Thos. T. Long, Enrolling and Engrossing Clerks; S. W. Barrington, Sergeant-at-Arms, and Moses Ellis, Door-keeper.

Also their concurrence in the resolution of the Senate requiring the chief officer of each body to furnish their respective Houses with Stationary, with the amendment that the duty of each officer should be confined to his own House—which amendment was accepted by the Senate.

Also the following:

Resolved, That a committee of three be appointed by the Speaker of this House, to unite with any committee appointed by the Senate for the same purpose; and that said committee be required to wait on the Governor of this Territory, and inform him that the Legislative Council is now organized, and ready to receive any communication he may have to make—Messrs. Lancaster, Steele, and Lott, appointed said committee—

Which was concurred in, and Messrs. Dupont, Berthelot, and M'Lean, appointed committee on the part of the Senate.

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

Gentlemen of the Legislative Council:

In accordance with the established usage of our Government, it becomes my duty, on the present occasion, to give you such information as I possess relative to the situation of the Territory, and to recommend to your consideration such measures as I may deem essential, to promote the prosperity and happiness of those whom you represent.

In the performance of this duty, it gives me pain to inform you that the war with the Seminoles, which has so long disturbed the tranquillity, and retarded the settlement and improvement of our country, still continues. The painful regret which I feel on this occasion is, however, greatly alleviated by the belief which I entertain, that this long and harrassing conflict is fast approximating to a successful conclusion.

Under the present gallant and enterprizing commander, the war has been prosecuted with a zeal and energy worthy of the government which he represents; and although no decisive battle has been fought, the active operations in the field, the continued and harrassing pursuit of the enemy, during that season of the year when the army has hitherto reposed in summer quarters, has produced such a result as might have been anticipated. The Indians, finding that our soldiers are able and willing to encounter every fatigue and privation, and to endure the burning sun of summer, as well as the keen blasts of winter, in order to drive them from their places of security and concealment, many of their boldest warriors, with their families, have surrendered, and are now ready to leave a country in which they can no longer hope for a successful resistance, or to enjoy nine months' safety and repose during every year. Several large detachments of these deluded savages have already been transported to the West. Many others are now assembled at Tampa Bay for emigration; and, from the most recent intelligence, it is believed that several other bands are now on their way to that place, for the purpose of submitting to the authority of the government.

The principal force of the army is now operating against the enemy, on the verge of the Everglades. From the heavy floods of rain, with which the country has recently been deluged, and the natural barriers it presents to the march of an army, the expedition may not be entirely successful---the enemy may for a time evade pursuit, and continue to wage an exterminating war upon our border settlers. But the present plan of operations must eventually succeed; and, from the determination of the administration of the general government, and the unconquerable energies of the commander in the field, we may indulge the hope that the day of our deliverance is at hand, and that within the next twelve months, at least, the last sound of the war-whoop will have been heard in our land, and the last savage warrior will have fallen, or submitted to his conqueror.

During three years, under the late administration of the government, did I earnestly argue and remonstrate against the imbecile and fatal policy of the army's retiring into summer quarters, and leaving the enemy undisturbed masters of the field—but without success. It was continued until the last season. For the safety of our country, no less than for the honor of our gallant army, I trust it will never again be maintained that American soldiers are too effeminate to hold any field which may be contested by their enemies.

The result of the operations of the army, during the last summer,

has fully established the fact, that the troops most actively employed have enjoyed the greatest exemption from disease. Since the adjournment of the last Legislative Council, the frontier settlements have been greatly harrassed by the enemy—numerous lives, of every age and sex, have been sacrificed, and much valuable property belonging to our citizens has been destroyed. As the best defence against the murders and depredations of the savages, I have continued to urge with energy, both upon the War Department and the commanders in the field, the necessity of employing a volunteer force as a guard to the frontier. But the proposition was as often rejected as presented; and it appears to be the irrevocable determination of the government, as well as the commander of the forces in Florida, to employ no other than regular troops in the future operations against the enemy. It is due to the commander in Florida to say, however, that he has placed a very ample regular force on this frontier; and that he, as well as the officers in command of this force, have shown all proper regard for the safety of our citizens, and that they have promptly adopted every measure I have suggested for that purpose, except that of receiving into service volunteers or militia. Sufficient posts have been established to protect the travel, on the exposed highways; and for some time past but few depredations have been committed by the Indians.—They are known, however, to be still on our borders; and I am apprehensive, notwithstanding the presence and number of the regular troops employed in the defence of the frontier, that other victims will be added to the number they have already sacrificed in this sanguinary conflict. This apprehension is rendered the more painful by the reflection that we are destitute of the resources necessary to avert the impending danger. Without the means of supporting that description of troops, which I deem so essential to the defence of the frontier, we may again (as we have so often been) become the passive spectators of the mangled bodies and burning houses of our fellow-citizens, with no other power than that of bestowing our sympathy and regret for their sufferings. It is true that, under the laws of the Territory, I have authority to call out the militia, in cases of emergency; but without the necessary supplies to support them in the field, they are rendered unavailable, and this authority is but an empty name.

The claims of our citizens against the United States, for military services rendered, and supplies furnished for the use of the government, have generally undergone the necessary investigation to secure the payment of those which are meritorious. Accounts exceeding $800,000, have been examined, and reported on; most of which will be paid. The government, no less than the officers charged with the performance of this duty, has shown an anxious solicitude to render most ample justice to the claimants; and it is believed that no just account, sustained by proper evidence, will be rejected. Funds for the payment of most of the volunteers have been remitted to the Territory, and active and faithful officers are preparing

to disburse them. This large amount of specie, thrown into circulation, will tend greatly to relieve the present necessities of the country.

The Banks of the Territory continue suspended from specie payments, and participate in the general embarrassments which prevail throughout the community. They are equally unprepared for the resumption of specie payments, as their debtors are to discharge their obligations to them. These institutions, so immediately connected with, and dependent on, the ability and punctuality of those to whom accommodation loans have been made, must be sensibly affected by every depression of the general prosperity. The banks are indebted to the individuals who hold their notes; but individuals are indebted to the banks in an exceedingly greater amount, and the whole community is affected by this mutual embarrassment. In this state of things, the great depreciation of the paper of the banks as a circulating medium, proves the embarrassment of the people no less than that of the banks. The debtors of these institutions might, if they possessed the means, purchase the notes of the banks at a large discount, and while they discharged with them their own obligations to the banks at par value, they would render a general service by withdrawing from circulation a depreciated currency. But notwithstanding this favorable opportunity of paying the debts due to the banks, while their paper has been so greatly depreciated, very few, it is believed, have been able to avail themselves of the advantage, and have found it more convenient to join in the general denunciation of the banks than to pay the debts which they owe for borrowed money, even at sixty or seventy cents in the dollar; and the banks have been compelled to the coercive measures given by law, to collect their debts, and thereby withdraw from circulation this depreciated currency, which has been the subject of universal complaint. However inexcusable these institutions may have been, and however greatly they may merit public censure, for putting in circulation an amount of paper beyond their means of redemption, for some time past, at least, no accommodations have been granted, no issues have been made; and they have shown a laudable desire, and have made every effort in their power, to withdraw their paper from circulation. The Union Bank of Florida, and the Southern Life Insurance & Trust Company, will, it is believed, within the next twelvemonth, have collected all their paper which can be reached by process of law; and if then, as is most probable, they should still be unable to pay specie, they will, at least, have very few if any notes in circulation to pay. The bank of Pensacola, I regret to say, is perhaps in a much less favorable situation, and may be the cause of great embarrassment to the Territory. It appears, from a correspondence with the bank of the United States, commenced by that institution with my predecessor and continued with myself, (copies of which are herewith enclosed) that the interest on the bonds of the bank of Pensacola, guaranteed by the Territory, and due the 1st January and 1st July, 1840, amounting to $30,000,

was not paid by that institution, as required by the terms of the charter; and that to save, as is alleged, the honor of this Territory, the agent of the bank of the United States paid at London the interest at each of these periods; in consequence of which the bank of the United States claims of this Territory to be reimbursed in the sum of $30,000. The letter to my predecessor giving this intelligence, which was the first received, bears date at Philadelphia, 3d of March, 1841. It is somewhat extraordinary that persons acquainted with the rules of punctuality in a transaction of business, should have allowed so long a time to elapse without giving notice of so large a payment gratuitously made, for the disinterested purpose of saving an absent party from dishonor. And this fact, taken in connection with the history of the case, is well calculated to create a doubt, whether the bank of the United States intended originally to look to the Territory for the repayment of this sum. Under the provision of the act authorizing an increase of the capital stock of the bank of Pensacola, five hundred bonds of $1,000 each were, on the 29th April, 1835, issued and endorsed by the then Governor of this Territory. The principal stockholders of the bank, under the name of the "Pensacola Association," on the 2nd day of Dec. 1835, became the purchasers of the bonds, and by the articles of agreement entered into by the contracting parties, the bank of Pensacola stipulated to pay the interest on the bonds semi-annually at Philadelphia, in accordance with the provisions of the charter, which specially requires that the interest shall be paid "at such place, or places, within the United States, or this Territory, as may be deemed most expedient." By a subsequent sale of the bonds, it appears that the venders have bound themselves to pay the interest semi-annually, at the counting house of Messrs. Gowan & Marx, London, thereby creating an obligationess entially different from that imposed by the charter. When it is remembered that the Agent of the bank of the United States who paid the interest on the bonds in London, was a stockholder of the bank of Pensacola, and, by the charter of the bank, bound in his individual and personal capacity for the redemption of the bonds; that he was a member of the "Pensacola Association" which purchased the bonds, and as one of the subsequent venders had incurred the responsibility of an endorser; and when it is also remembered that he was a party to the contract to pay the interest in London; and that the Territory can, under no contingency which may arise, ever become responsible to pay the interest anywhere beyond the limits of the United States, or of this Territory; it is difficult to resist the conclusion that the Agent of the Bank of the United States in paying the interest in London, was actuated much more by the desire of saving his own commercial honor, and that of his associates, than by the disinterested and generous motive of saving the honor of this Territory, which could not, at that place at any time, have been in jeopardy. Under this view of the subject, I have recommended the Bank of the United States to seek indemnity from

those more immediately responsible than the Territory of Florida. I have received letters from Messrs. Hope & Co., Amsterdam, and their agent, Mr. Forestall, of New Orleans, and from Mr. Henry J. Williams, of Philadelphia, agent of Messrs. Gowan & Marx, London, holders of the bonds of the Bank of Pensacola, claiming interest of the Territory on the bonds for the last instalment of the year 1840, and asking that provision may be made for the prompt payment of the interest afterwards to accrue. A copy of my correspondence with these gentlemen is herewith enclosed—from which you will perceive that I have expressed to them the opinion before intimated, that they must seek relief from the Bank of Pensacola, and its individual stockholders, before they can have recourse to the responsibility of this Territory. I deemed this course most proper, because the bonds were issued under the charter for the exclusive use and benefit of the stockholders of the bank. They are their property.

The Territory had no interest whatever in them, and became the endorser merely to promote a private enterprize, for the construction of a Railroad, which, had it been completed, would have been the property of the stockholders of the Bank. They are rendered liable by the charter of the Bank. They have had the use and management of the funds produced by the sale of the bonds, and should be held responsible for their mismanagement. Another reason which may be urged for the adoption of this measure, is, that most of the stockholders are non-residents, and would not participate in the general loss which our citizens would sustain, if this debt were discharged by the Territory. It was, moreover, the intention of the Legislature, and has ever been so understood in this community, that the responsibility of the Territory, to pay the interest and principal of these bonds, cannot arise until after the failure of the Bank, and its individual stockholders. This, too, must have been the understanding of the purchasers of the bonds, when they required a stipulation from the venders, at variance with the provisions of the charter under which the bonds were issued; and it proves most clearly that they looked more immediately to the security offered in the wealth and commercial punctuality of the venders of the bonds, than they did to the responsibility of a distant Territory of a foreign power. The venders of the bonds, in the European market, could bind themselves to pay the interest semi-annually in London; but they could neither bind this Territory, or the Bank of Pensacola—and the bond-holders must look to those with whom they contracted, before they can seek redress from this Territory, which stands only in the relation of a remote endorser. In this view she must have been regarded by the bond-holders, as the interest appears to have been paid, during the period of four years, without our knowing by whom, or to whom, the payments were made. At the time I recommended Messrs. Hope & Co. to proceed against the Bank of Pensacola, and its individual stockholders, that institution had, and it is believed still has, valuable assets,

which might be applied to the payment of the interest on the bonds. And although they possess an unquestionable right to prosecute their claims in the courts of justice, where an ample remedy might be obtained for every delinquency of the Bank, they have thought proper to disregard the suggestion, and have renewed their demand on the Territory. Their agent, Mr. Forestall, in his letter of the 7th November last, offers as an argument, to establish the immediate responsibility of the Territory, and of the United States, to pay the interest on these bonds, the repeal of the 8th section of the act to increase the capital stock of the Bank of Pensacola, by which the stockholders of the Bank are considered liable, in their individual and personal capacity, for the redemption of the bonds. This intelligent stranger, though evidently acting under the advice of persons learned in the law, appears not to have been aware of the fact that no subsequent legislation can affect, or in the smallest degree impair, the legal rights of the bond-holders—the bonds having been negotiated, and passed into the hands of bona fide purchasers, for a valuable consideration. The repealing act of the 10th February, 1838, so far as they are concerned, is, by the 10th section of the constitution of the United States, to all intents and purposes, a dead letter. This principle will not be controverted in any legal tribunal of our country.

The bonds bear on their face the following inscription :—" For the payment of the said principal sum, and interest, the capital stock of the Bank of Pensacola is pledged, *and the stockholders thereof are individually and personally liable*, according to the stipulations of the charter of said Bank."

The responsibility of the stockholders is a prominent obligation of the contract. The names of the stockholders, at the time of negotiating the bonds—Biddle, Jaudon, Chauncey, Chase, Wilder, and others—with their high reputation for wealth, commercial honor, and financial knowledge, were worth much more in the European market than the faith and responsibility of Florida ; and it was the liability of these persons which induced foreign capitalists to make the investment.

These distinguished names, with the unbounded capital at their command, were familiarly known by the bankers of Europe, many of whom could not have found our Territory on the map of the world. They were as ignorant of our resources, and of our locality, as we are of the most inconsiderable principality of the Eastern hemisphere.

The constitution of the United States emphatically declares that no state shall pass any " law impairing the obligation of contracts;" and under this provision, in an action by the bond-holders against the stockholders of the Bank of Pensacola, the act of 10th February, 1838, could not be successfully plead in bar ; while it might be fatal in an action by the Territory against the same parties.—The Territory had an unquestionable right, by legislative enactment, to release the stockholders from all responsibility to her ; but she

could not discharge them from their slightest obligations to the bond-holders.

The repeal of the 8th section of the act to authorize an increase of the capital stock of the Bank of Pensacola, (creating the liability of the stockholders,) by the act of the 10th February, 1838, so far from supporting an argument against the propriety of the bond-holders proceeding, by an action at law, to recover the interest due on the bonds from the stockholders, offers, in my opinion, another, and a most cogent reason, why that measure should be insisted on most earnestly by the Territory.

If this right should be waived, and the Territory should pay the sum demanded, it could not by any legal process recover the amount from the stockholders; as, against such action, the act of 10th February, might be plead in bar. This act was introduced, and carried through the Legislative Council, by the address and management of the Agent of the Bank of Pensacola and the stockholders, who was at that session a member of the House of Representatives. It was signed by me, with the opinion I now entertain, that it could not in any degree impair the rights and security of the bond-holders, while it gives additional facilities to the stockholders to prosecute the construction of the Alabama, Florida, and Georgia Railroad, which was the paramount object intended to be accomplished by the act to increase the capital stock of the Bank of Pensacola, and which authorized the issuing of the bonds. It is manifest, from the charter itself, as well as from all the subsequent legislation of the Territory, that it never was the design of the Legislative Council to pay the interest on these bonds, and then to collect the amount, as a reimbursement, from the Bank, or its individual stockholders; as no revenue has ever been raised or appropriated for that purpose. On the contrary, it has ever been understood that both the interest and principal of these bonds are required to be paid by the Bank, or its individual stockholders; and that the guarantee of the Territory extends only to create an ultimate responsibility to pay, when both these resources shall have failed. This understanding of all the parties to the transaction is most apparent, from the fact that the interest was regularly paid for a series of years, without the authorities of the Territory being apprized when or where it was paid, or who were entitled to receive payment by the possession of the bonds. The act of the 10th February, 1838, could be productive of no injury whatever, either to the Territory or to the bond-holders, who have now, as they had originally, the right to demand and receive, semi-annually, of the Bank and its stockholders, the interest due on the bonds; and in case of non-payment, may proceed to collect the amount by legal process. The act above-mentioned was not signed by me until after the most mature deliberation. It was kept under advisement for a number of days, and its operation fully considered. I required of the member by whom it was introduced (knowing his connection with the Bank) an explanation of the object intended—that explanation was satisfactory. Finding that it

would give additional facilities for the construction of the Railroad, by permitting the whole amount of the $500,000 raised by the sale of the bonds, to "be appropriated to the payment of the instalments on the stock" of that company; understanding from the law, and the practice under it for the three preceding years, that it was not the intention of the Legislative Council that the Territory should become the collector of the interest from the Bank and its stockholders, for the use of the bond-holders; and believing that the rights of the latter party, protected, as they are, by the constitution of the United States, could not be affected or impaired by any subsequent legislation, I gave my approval to the act of 10th February, 1838.

Another argument urged by the bond-holders why the Territory should be considered immediately responsible for the interest on the bonds, is, that the capital stock of the Bank has, by the provisions of the charter, been hypothecated, as an indemnity to the Territory. However plausible this argument may be, this hypothecation could never have been considered any thing more than a nominal security.

From the very nature of the institution, and the object for which it was intended, the capital of the Bank must have remained in the possession, or subject to the control of, the stockholders, who, through the directors, are liable for every misapplication and injudicious management. The Territory could exercise no control over it, without defeating the object intended to be accomplished—hence it has been greatly exhausted by a prodigal expenditure, leaving little more than the stock without the capital, which can be considered of but small value. The stock, and the property appertaining to the Railroad, was, by the charter of the Bank, also hypothecated to the Territory. To show the want of respect observed by the stockholders of the Bank for this obligation, which was intended as a restriction upon them, after abandoning the construction of the Railroad, without finishing any part of it; (the completion of which was the consideration which induced the Territory to become the endorser of their bonds,) without any notice whatever; they, through the directors of the Bank, have caused to be removed, beyond the jurisdiction of the Territory, and have disposed of iron, locomotives, cars, and other articles, amounting to two hundred and seventy-one thousand five hundred dollars. After this breach of good faith on their part, I ask with what grace they can attempt to shrink from their liability, and shelter themselves behind the responsibility of this Territory, whose confidence they have so much abused?—Many of them I know to be gentlemen, justly proud of their high reputation; and I indulge the hope that they will yet stand forth, and discharge their obligation, with the same good faith with which I trust this Territory will vindicate her honor. The stockholders are liable for the mismanagement of the affairs of the Bank and Railroad; and in every point of view in which I have been able to consider the case, I think that the Territory has a right to require

of the bond-holders due diligence to recover the interest and principal from them, before it can be held responsible.

But, gentlemen, after the observance of this due diligence, and proper efforts, to recover the amount which may be due from the bank and its stockholders—if the effort should prove unsuccessful, I have no hesitation in expressing to you my opinion that the Territory is bound by the highest obligations to satisfy the demand.—However convenient it may be to disavow our responsibility, in order to avoid the embarrassment of an onerous debt; however popular the argument may be, which is offered in favor of the repudiation of these bonds, I have an irresistible conviction on my own mind that we are bound by all the principles of good faith, and by the rules of common honesty, to redeem the pledges so solemnly given, whenever our responsibility may arise. The honor of the Territory has, by her Legislation, been put in pledge. That pledge must be redeemed. Our honor must be vindicated, or we leave an indelible stain on our reputation. As a citizen of Florida, identified with her fortune and her fame, I shall ever be ready to record my solemn protest against any act which will have a tendency to cover her with dishonor. From the days of the first emigrants to this continent, European capital has been employed to remove the forests, to settle the wilderness, and aid the advancement of civilization and improvement. Under this system, the agency of steam has almost annihilated space, and places before remotely situated are brought in close proximity—Railroads have been constructed—mountains have been tunnelled—rivers made navigable—canals have been cut—manufactories established, and our national prosperity placed centuries in advance of what it could have been without this invaluable resource. Our ancestors, who introduced this system of borrowed capital, have left us a valuable inheritance in their reputation for good faith and honesty, in the discharge of their obligations. Hitherto Americans have been justly proud of their character, for punctuality and good faith, and I most fervently hope that Florida will not present the first example of a departure from these elevated principles. Experience has shown at all times, and in all countries, that an unsullied reputation is the most valuable possessions to States and communities, as well as to individuals. We may, perhaps, persuade ourselves that there is no dishonor in refusing to observe the obligations we ourselves have created, but we shall calculate too largely on the credulity of mankind, if we flatter ourselves that others will believe it who are less interested in the proposition. It is true, that we are at present laboring under the heavy pressure of many embarrassments. Our currency is limited, and depreciated—our people are in debt, and an Indian war raging on our borders. But our natural resources are extraordinary—the war, it is believed, will soon be at an end—the tide of emigration will again flow in upon us—the wilderness will be converted into fruitful fields—our productive soil, and genial climate, will yield a rich reward to the settler; and a few years of patient industry and economy, will

enable us to discharge this debt, and redeem us from the everlasting shame and dishonor of repudiating our solemn obligations.—There are few to be found, who openly avow the doctrine that the money advanced by the European capitalists should not be paid by some authority; and a combined effort is making by the bondholders and stockholders, with their agents and counsel, to put the responsibility on the Government of the United States. I am at a loss to discover by what process of reasoning, this doctrine can be maintained—it is alleged by those professing this belief, that the Territory is not responsible because the Legislative Council did not possess the power to create this obligation; and yet the same individuals claim for the Territorial Legilature the more extraordinary power of binding the General Government by its enactments. All the powers possessed by our Legislative Council are expressly conferred by Congress—we have power to act "on all rightful subjects of Legislation." Under this grant, with what propriety can it be contended that we have power to pass laws binding the Government of the U. States, for the payment of the principal and interest of near $3,150,000, obtained by our banking institutions on Territorial securities? Will it be contended by any one professing an acquaintance with the principles of the Federal Government, that the people of the United States can be bound by any other than their own sovereign authority, conferred by the Constitution on their immediate representation "in Congress assembled?" Can it be contended that the Legislative Concil of Florida, represents the sovereign people of the United States? I feel well assured that none will betray so gross an absurdity, by answering in the affirmative; and yet this absurdity is clearly involved in the proposition to render the United States responsible for the payment of bonds guaranteed by this Territory, under our local Legislation. This ground will be abandoned; but another provision contained in the organic law is invoked to sustain this extraordinary doctrine—it provided that "the Governor shall publish throughout the Territory, all laws which shall be made, and shall on or before the 1st day of December, in each year, report the same to the President of the United States, to be laid before Congress, which, if disapproved by Congress, shall thenceforth be of no force." From this provision it is argued, that Congress, by its having acquiesced in permitting the charter of the bank to go into operation, rendered the people of the United States liable to pay the bonds of the bank. I cannot perceive, myself, the propriety of such a conclusion. The most rational deduction, in my opinion, to be drawn from the premises is, that Congress by its silent acquiescence in our Legislation, has only permitted us to bind ourselves in this, as in all other cases in which the Legislative Council has passed laws, instead of binding itself to redeem our pledges. The intention of Congress appears to me too plain to admit of a doubt. In the language of the law creating the Legislative Council, "the legislative power shall also extend to all the rightful subjects of legislation." This is our charter of power.

In a subsequent clause of the same law, Congress reserves to itself a supervision of our acts, and makes itself the supreme judge of what are these "rightful subjects" over which the Legislative Council shall exercise "Legislative power." All the laws of the Territory are required to be "laid before Congress, which, if disapproved by Congress, shall thenceforth be of no force." This is certain, and the converse of the proposition must be equally true. All laws not disapproved by Congress, must therefore be of full force and effect. Congress, by not disapproving of the act authorizing the issue of bonds of the Bank, and their guarantee by the Territory, has decided that this is "a rightful subject of legislation," and has given a silent approval of that act. From the decision of Congress there is no appeal, and the law must be obligatory on all the parties concerned. There has been no action of Congress in the case—all has been passive silence. How, then, consistently with the provisions of the constitution, can Congress, without action, bind the people and government of the United States to discharge an obligation voluntarily assumed by the Territory of Florida? Congress could, it is true, under the organic law, have repealed the act of the Legislative Council, authorizing the Territory to guarantee the bonds, and pledge its faith for their redemption. But it appears to have thought proper to give it a silent approval, which was all that was required by the organic law to complete the ultimate responsibility of the Territory. Now, if there be any responsibility on the part of the general government, for this act of our Legislative Council, it can only be in the nature of a *penalty*, for a supposed neglect of Congress to repeal the act, when presented under the provisions of the organic law. And who are to be the judges of that liability? Before what tribunal shall the government be arraigned, to answer for this delinquency? Is it within the power of the Legislative Council of Florida to exercise jurisdiction in the case?—to shift the responsibility from the Territory, and transfer it to the general government?

But, as extraordinary as the proposition may be, for the sake of argument, let it be admitted that the Legislative Council of Florida has full power to bind the people and government of the United States by its legislation, the question then arises—has it done so in the present instance? Does the language employed in the act to increase the capital stock of the Bank of Pensacola, indicate such an intention? The 4th section of the act requires the Governor of the Territory to place the following endorsement on the bonds, to sign it, with the seal of the Territory affixed, and attested by the Secretary:—

"*Territory of Florida.*

In pursuance of the laws of the Territory, the within bond is hereby assigned and made payable to the bearer thereof; and the payment thereof, and the interest thereon, as within stipulated, is hereby guaranteed by the Territory of Florida, and the faith of the Territory is pledged for the redemption thereof."

The provision of the act binding the stockholders, is in the following words:—"And the stockholders of said Bank, and of said Railroad, shall be individually and personally liable for the redemption of said bonds." From the phraseology in which the intention of the Legislative Council is expressed, it is most certain that it intended only to exercise the power conferred upon it by Congress, and to bind the Bank, the stockholders of the Bank, and the stockholders of the Alabama, Florida, and Georgia Railroad, and ultimately to bind the Territory of Florida, for the payment of the bonds, after the two first named securities shall have been exhausted. This appears to me to be the only construction which can be given to the act. But if it were possible to arrive at a different conclusion, and the question was definitely settled that the Legislative Council of Florida possesses the power of rendering the government of the United States liable for millions of dollars, I am apprehensive that one of the earliest acts of Congress, after making the important discovery, would be to deprive the Territorial Legislature of this dangerous authority.

After a careful investigation of the whole subject, I am led to the irresistible conclusion that one of the three following propositions must be adopted:—First, that the Bank and its stockholders are liable, in their individual and personal capacity, for the payment of the principal and interest of the bonds; and that the bondholders must first proceed against them. Secondly, that the Territory is bound to redeem her pledge, whenever the resources of the Bank and its stockholders are found, after full experiment, to be insufficient to satisfy the bondholders. Or thirdly, that the Territory will disavow her solemn obligation; that she will violate her plighted faith; that she will violate her honor, and repudiate the bonds which she has guaranteed, and which she is bound by the highest obligation to redeem, when the resources of the Bank and its individual stockholders shall have been exhausted. There appears to me to be no alternative; and the hope which animates the bondholders and their counsellors, of establishing the responsibility of the United States, must prove fallacious. Although the bondholders have made earnest and repeated demands on the Territory, I have reason to believe that they neither expect nor desire payment from that source. Their object is, through the agency of the Territory, to establish the responsibility of the general government, which would greatly enhance the value of the bonds, and make them at once the most desirable, and the most available stock in the European market. They are fully aware of the liability of the stockholders of the Bank, of their ample resources, and the certainty with which the interest may be collected from them. But this would not give to the bonds the value and high character they would possess in market, when secured by the government of the United States. These bonds have yet near 20 years to run, to maturity. Let their payment be guaranteed by the government of the United States—let them bear the denomination of six per cent.

United States stocks, instead of six per cent. Florida securities, and it would instantly give them an appreciation of value which would cause them to be sought after by every banker and money changer on the two continents, and would command the highest premium in every market, foreign and domestic. Great as the advantage would be, arising from this operation, it would be inconsiderable when compared with the consequent results. The security of these bonds by the government, amounting to $500,000, would be but the introduction to the magnificent plan of the interested parties. The whole $3,150,000, of Territorial pledges, would follow in succession. The bonds of the Union Bank of Florida, and the bonds of the Southern Life Insurance and Trust Company, would at once appreciate far above par value, and be anxiously sought for in market. But even this is not the ultimatum of what is sought to be accomplished. All the bonds of the different states of this Union, and the bonds of the corporations of the several states, which have been vended abroad, would be pressed upon the general government, and claim to be secured by an assumption of payment.

When we consider the grandeur of the scheme, and the magnitude of the interest involved, we need not be surprized at the number of its advocates, and the zeal and energy with which it is prosecuted. But the design is hopeless—it never can be consummated. There is no responsibility, whatever, on the part of the general government, to satisfy these demands; and when the bondholders have abandoned the hope of establishing, through the Territorial authorities, the responsibility of the Federal Government, they will find a much more prompt and certain mode of collecting the interest on the bonds, than that of applying to the Legislative Council to tax the people of Florida, to raise the money for that purpose. They will at once proceed to collect the interest from the stockholders of the Bank; who, not only by the charter of incorporation, but by every principle of right and justice, should be held responsible.

It is contended by the agents of the bondholders, that although the stockholders may be liable for the interest accruing on the bonds, yet the endorsement of the Governor of the Territory, by which they are made payable to bearer, gives them the character and effect of bills of exchange, and that the holder has a right to make all the parties concerned responsible. There is an essential difference between bonds and bills of exchange. The former are not generally negotiable; and the nature of the endorsement of those in question, as well as the peculiar phraseology of the bonds themselves, point as an index to the law by which they must be governed. That law gives notice to all the world of the nature of the transaction, and preserves all the equity, in the hands of third persons, which originally existed between the first parties to the bonds. The law will not permit the holders to plead ignorance of its provisions, but will confine them to the responsibilities it creates, and the remedies it affords. These bonds cannot, therefore, be assim-

ilated to commercial paper, and the holders must seek redress from the stockholders, before they can look to the responsibility of this Territory. They are, and they ought of right to be, held strictly accountable, for the payment of the interest and principal of the bonds. So firmly am I impressed with the justice and propriety of this measure, I cannot forbear recommending it to the consideration of the Legislative Council. I would therefore suggest that a resolution be passed, expressing the fixed determination to afford no relief, whatever, to the bondholders, until they shall have used all due diligence, by an action at law, to recover the interest due on the bonds from the Bank, and the stockholders of the Bank.—When these resources shall have been exhausted, then, and not until then, will the Territory, as the endorser of the bonds, become responsible for the payment of interest, according to the true intent and meaning of the law. Whenever this contingency shall arise, even though I may stand alone, I shall be ready, as a citizen of Florida, in whatever station I may be placed, to raise my voice in vindication of the honor of the Territory, and will use every effort in my power, feeble and unavailing as those efforts may be, to redeem the plighted faith of Florida to the last fraction of her responsibility. No one could be more unwilling than myself to pledge the faith of the Territory to promote a private enterprize; but when pledged, by the laws of the country, it becomes the duty of every citizen to aid in the redemption of that pledge.

Soon after the adjournment of the last Legislative Council, my predecessor appointed Mr. Walker Anderson a special commissioner to examine into the condition of the Bank of Pensacola. A copy of his report is herewith enclosed. You will perceive from the report of the bank, that a part of the debt due from the Commercial Bank of Florida to the Bank of Pensacola, was secured by a conveyance of certain real estate, in the town of Apalachicola. I have recently been informed from a source entitled to the highest credit, that the Bank of Pensacola has, by deed, conveyed this property to Messrs. Biddle, Jaudon and Chauncey, of Philadelphia, stockholders of the bank. The amended charter of this institution provides, that all the property of the bank shall be hypothecated to the Territory, as a protection against any loss which might result from the endorsement of the bonds. And the mortgage given under this statute by the bank, on the 29th day of April, 1835, to the Territory, conveys "the capital stock of the bank, and all the property, real and personal, and assets, which it has or holds, or which it may hereafter have or hold." The conveyance made by the bank to Messrs. Biddle and others, of the property at Apalachicola, in violation of the compact entered into with the Territory, affords another evidence of the want of good faith, both on the part of the bank and its stockholders, and offers another reason why these parties should be prosecuted to bankruptcy, before the Territory shall be held responsible for her endorsement. The measure of justice can never be filled, until they shall have been held to a strict accountability

for squandering the funds of the bank; and their breach of trust and confidence, in disposing of the real estate, and transporting beyond its jurisdiction the personal property hypothecated to the Territory. The bondholders may, if they will, recover the amount of principal and interest due from them; and if they do not proceed with all due diligence to make the collection, I, at least, shall consider that they have given that credit to the stockholders which will discharge the Territory from her liability.

The responsibility of the Territory for the bonds of the Southern Life Insurance & Trust Company, although somewhat similar to that incurred by the endorsement of the bonds of the Bank of Pensacola, can never be productive of the same embarrassment. The debts due the bank are better secured, and the Territory is better protected against loss, in case of a delinquency of the bank in payment of principal and interest. The present guarantee by the Territory of the bonds on certificates of this institution, amount to $400,000. I have been officially informed by the President of this bank, that two hundred and fifty of these certificates, for one thousand dollars each, have passed from its possession, owing to the bad faith of the purchaser, without consideration; and that measures are in progress for their recovery, which, it is believed, will be successful. The remaining 150 are under the present control of the of the officers of the Bank, and will probably be surrendered to the Territory. The principal capital, amounting to $500,000, was paid in by the stockholders before the certificates were issued, and endorsed by the Territory. The institution commenced business on this capital without being entirely dependent on the funds produced by the sale of the certificates. These certificates have been issued by the bank and guaranteed by the Territory, in strict conformity with the charter, which requires that three-fifths of the capital stock of the bank paid in, shall be loaned on mortgage of real and personal estate of double the amount of the loan, the value to be ascertained by appraisers, and approved by a commissioner appointed by the Government. In case of the non-payment of the principal or interest of the loan when due, the President of the bank has power, after giving twelve weeks notice, to sell at public auction, such an amount of the property mortgaged as may be sufficient to pay the sum due. By a process equally summary, the Territory may protect herself against any loss, or inconvenience, in consequence of her endorsement. The charter provides, "that in case the said company shall make default in payment of the principal or interest of such certificates, it shall be the duty of the Court of Appeals, of said Territory, on being certified of the fact by the Governor, to issue an appropriate process to the Marshal, commanding him to take so much of the money, choses in action, or other effects, or property of the said company, and bring the same into court forthwith, as will be sufficient to indemnify the Government from loss by reason of such default, and the court is hereby empowered to direct the sale of the same." With these ample safeguards for

its protection, the Territory has nothing to apprehend from the guarantee it has given of the certificates of this company.

The liability of the Territory assumed for the Union Bank of Florida, is essentially different from that incurred by her endorsements for the Bank of Pensacola, and the Southern Life Insurance & Trust Company. In the latter cases, her responsibility is remote and contingent, in the former, immediate and present. The bonds sold by the Union Bank are those of the Territory, signed by the Governor under his official seal, and countersigned by the Treasurer of the Territory. For the payment of the interest and principal of these bonds, the Territory is directly responsible to the bondholders. But the bank is also liable, and so far, with a laudable zeal to protect the honor of the Territory, the interest has been regularly paid. The integrity, and high character, of the present officers of this institution, afford the best guarantee that every effort will continue to be made to discharge, with fidelity, the obligations of the bank, and to redeem the pledge of the Territory; and I trust the Legislative Council will fix the seal of disapprobation on every attempt which may be made to depreciate the bonds in the hands of those who, confiding in our honor, have given for them a fair and *bona fide* consideration. The Union Bank of Florida, in common with most of our citizens, is now laboring under many embarrassments, and may sustain heavy pecuniary losses. But whatever may result from the present state of things, in midst of the storm let us endeavor to save from the wreck our honor, and our good faith, as the most invaluable of all the treasures we possess. With these we may meet adversity without shame or reproach, when, by the loss of them, we should leave an indelible stain on our reputation.

The bonds signed by the Governor of the Territory, under the charter, and delivered to the bank, amount to $3,000,000, and bear an interest of 6 per cent. per annum. To protect the Territory from any loss which she is liable to sustain by the bonds, the stockholders have mortgaged property for the bank, real and personal, ascertained by appraisement to have been worth, at the time the loans were made, on their mortgages $3,000,000, which bear an interest of 8 per cent. per annum.

When we consider that the property was generally mortgaged for a much less sum than its appraised value, it is fair to calculate that, with its increase, and improved condition, at the expiration of the charter, in the year 1873, it will at least be worth the $3,000,000, for which the bonds have been sold, or pledged by the Bank.—In the days of our prosperity, although our Territory was then, as it still is, in its infancy, this was less than the estimated value of the property pledged; and at a time, too, when, from the sparse population, and the wild and unimproved condition of the country, lands had not attained the high value which those of the same, or even inferior quality, possessed in the same latitude of the cotton-growing region. It is certainly not within the scope and compass of human knowledge to penetrate the veil of futurity, and

determine with accuracy what will be the value of this property, some twenty years hence. But I cannot believe it an extravagant calculation to estimate, that by the increase of population in the country, the increase of the personal property, and the additional improvement of the real estate, it will be worth as much then, as it was some six or seven years since, when most of the lands were unimproved. If it should possess only this value, it will at least serve to protect this Territory from all loss arising from her responsibility for the principal of the bonds. And it appears to me to be equally inconsistent with the dictates of wisdom, and the spirit of good morals, for us to go some twenty or thirty years in advance of time, to find an excuse which may then possibly, but which most probably will not exist, to justify an act of present bad faith and dishonor, which we must certainly commit, by the repudiation of the bonds. "Sufficient for the day is the evil thereof," is one of the wise precepts we have received from the book of knowledge and of truth. If we consult that book, which was given to man for his government here, and to secure his happiness hereafter, we shall find nothing which will justify a departure from the principles of good faith in the discharge of our obligations. Whatever regard I may have for posterity, if the bonds of the Territory are to be repudiated—if Florida is to be dishonored, by an open disavowal, on the part of her authorities, of her obligations, solemnly entered into, and for the redemption of which her faith has been pledged, I prefer that the act be done by those who may come after us, some thirty years hence, when most of us shall be sleeping in the silent grave, rather than participate, myself, in this achievement. There is certainly no necessity, and in my opinion there would be no apology, for the adoption of such a measure at the present time. But it may be contended that although the security of the Territory may be abundant for the payment of the principal, yet she may be involved for the non-payment of the interest on the bonds, which is due semi-annually. On this subject, too, I consider there has been an unnecessary degree of alarm. The Territory is bound for the interest on the bonds, at the rate of 6 per cent. per annum. The debts due the Bank, and which are well secured, amount to a much larger sum than the bonds, and are drawing an interest of 8 per cent. per annum. The last instalment of interest due on the bonds, was promptly paid, while much of the interest accruing to the Bank on loans, has been accumulating for years, and yet remains unpaid.—For further information in regard to the situation of the Bank, I refer you to the accompanying official statement, exhibiting its condition on the 1st instant. The present circulation of the Bank, it is believed, will be entirely absorbed by the interest which must accrue to that institution within the next six months. With these resources, and the determination of the Bank to call in its paper, and make collections, even though it should, from the difficulty of procuring exchange, be unable at any time to pay the interest promptly on the day it may become due, with the judgments now

rendered, and which will be obtained in a short time, it can be prepared to pay the demand much sooner than it could be paid by the Territory, even if there was no opposition whatever to this measure.

Under these circumstances, there can be no necessity for any immediate action on the subject; and as we are unable to relieve the embarrassments of either the people or the Bank, justice requires that we should adopt no means prejudicial to either. It is hoped that the Bank will be enabled to continue to pay the interest as it becomes due, and save the Territory from the humiliating embarrassment which would result from its failure to do so. The only aid she invokes for the accomplishment of this desirable object, is the prompt payment of the accruing interest on stock notes, and the faithful return of the large sums (with interest) she has loaned for accommodation.

There is one subject connected with this institution, and in my opinion one only, which claims the interposition of the Legislative Council. The facilities with which the personal property mortgaged to the Bank may be removed beyond the jurisdiction of the Territory, requires the adoption of some energetic measure to prevent its occurrence. I would, therefore, respectfully recommend the passage of a law providing adequate penalties for this offence. The Territory, as well as the Bank, has a direct interest in this property, and its abstraction from our jurisdiction should subject the offender to the most exemplary punishment.

As the best corrective of the evil arising from a depreciated currency, I would recommend to the Legislative Council the charter of another Bank, based on a metallic capital, with such guards and restrictions as would insure the payment of specie for all the notes it might put in circulation, with a forfeiture of the charter in the event at any time of a failure of such payment. A Bank chartered on this principle, with a capital of $250,000, would be sufficient for all commercial purposes, and would not only furnish a sound currency in its own paper, but would produce the best effect on all the present institutions of the country. It would place their paper at a certain specie value, which would have the effect of expelling it from circulation, and drive it back on the Banks, from whence it issued, and where alone it would pass, in the payment of debts due those institutions, for its nominal value. This appears to me to be the most certain and effectual mode of relieving our present embarrassments—for, although the Banks are desirous of calling in their circulation, until some other medium shall have been supplied to take the place of this depreciated currency, it will continue from necessity to circulate, (partially at least) to the exclusion of gold and silver, which will be locked up by individuals, without leaving any thing to represent it in circulation, or will be transported abroad to answer the purposes of exchange. There is an abundance of surplus capital in Middle Florida to support such an institution, which it would immediately attract; and it would be sustained by the safest and best financiers of the country. Such an institution,

while it furnishes a sound, in the place of the unsound currency, which it would drive from circulation, would be able to furnish exchange at a moderate premium, give facilities to commerce, and reduce the price of all imported articles which enter into the consumption of the country. Throw as many guards and barriers around it as you may think proper, to ensure its fidelity, to prevent an abuse of power, and enforce the prompt redemption of its paper with specie, but let me earnestly recommend to your consideration the establishment of a Bank upon these or similar principles.

The annual reports of the Auditor, and Treasurer of the Territory, are herewith presented for the consideration of the Legislative Council. They exhibit commendable accuracy and vigilance, on the part of these officers, in the performance of their respective duties; and shew that our revenue system is now operating more effectually than it did formerly. From the estimate of the Treasurer it appear that, after appropriating all the available resources, and the anticipated revenue of the next year, for the payment of the current expenses and debts already due, there will be a balance unpaid, and standing against the Territory, on the 1st day of January, 1843, of $4,000. This sum, though inconsiderable, should be paid. Most of it has been due for many years for personal services, rendered by our citizens, and claims the attention of the Legislative Council. I would, therefore, recommend an inerease of the revenue to an amount sufficient to satisfy this demand. The credit of the Territory should be sustained; and in the present instance, it may be redeemed with very slight inconvenience to any portion of the people. The Treasurer, in his report, alludes to the difficulty, under the present system, of obtaining possession of the bonds of the Auctioneers, in cases of delinquency; and suggests the propriety of an amendment of the law on this subject. The suggestion appears to me to be highly worthy of attention; and I therefore recommend that the law be so amended as to require all commissions of revenue officers, who may incur a responsibility for the collection, safekeeping, and disbursement of the public funds, to be deposited by the Secretary of the Territory with the Treasurer, who shall be required to notify such person of his appointment, furnish him with the form of the bond required, and withhold the commission until the bond shall have been returned, executed in due form. The adoption of this measure would obviate all the difficulties which might otherwise arise from the informalities of bonds given under the statutes, and will furnish the best safeguards against delinquencies resulting from negligence and design.

I cannot close this communication to the Legislative Council, without invoking its most earnest attention to the present disorganized and inefficient condition of the militia of this Territory. Notwithstanding the imminent dangers to which we have been exposed from the savage enemy which has prowled on our borders for the last six years—notwithstanding an exterminating war has raged within the bosom of our Territory, covering the frontier with

carnage and ruin, driving back the advanced settlements, and at different periods causing danger and alarm to every portion of the country,—there is not now, nor has there been at any time, scarcely one well organized regiment of militia in the whole Territory; and our people are less prepared to defend themselves, this day, against the dangers of invasion or insurrection, and would offer a more feeble resistance at the approach of an enemy, foreign or domestic, than any other portion of the American family. However painful it may be to me, or unpleasant to you, I am impelled by the highest sense of duty to the country, to place this humiliating truth before you, and to ask for the exercise of your authority here, and your example at home, to correct this most serious evil. From the very nature of our government we must depend on the militia for defence. The war with the Seminoles will, it is believed, soon be closed, and the army of the United States will retire from our limits. But the Seminoles may not be the last or the most deadly enemy to assail you from the swamps and hammocks of Florida. Your sparse white population, the extent of your seaboard, its proximity to the British islands, its exposed and defenceless situation, all combine to address you in a warning voice, and remind you that you are slumbering on a volcano, which by a single irruption may overwhelm you with utter ruin. You may be awakened from that slumber of supposed security by a cry more appalling than "the sound of the fire-bell at night." You cannot, gentlemen, if you would, disguise this truth from your perception. You must be aware of your situation, and I ask you, without feeling or prejudice, to say whether it is not the part of wisdom to prepare for danger while it is yet distant, and may by proper energy and vigilance be averted, rather than invite it by apathy and neglect, and wait until it has entered upon your threshold, before you are prepared to meet it. The only protection against this danger is to be sought in a well organized and armed militia, which can be called out at the shortest notice, in cases of emergency. But neither organization or discipline can be introduced or maintained, unless those who are subject to militia duty are compelled, under proper penalties for neglect of duty and disobedience of orders, to assemble promptly under arms, for instruction.

By an act of Congress passed in 1803, returns of the military strength of the different states and territories, are required to be made annually to the office of the Adjutant General of the United States Army. You will perceive, from the enclosed copy of a letter from the Secretary of War, that the failure in this Territory to make those returns, for a series of years, has become a subject of serious complaint at that Department. By the act of Congress passed in April, 1808, arms and military equipments are required to be distributed among the different states and territories, in proportion to their military strength; and the regulations of the government for carrying this act into execution, provide, that to "determine the number of effective militia in each state or territory, the official

returns of each respectively, which are required by the act of March 2, 1803, to be made annually, are taken as the guide."—From this, you will discover that the Territory cannot participate in the advantages arising under the act of 1808, unless the returns required are promptly made; and while the militia of the states and other territories are armed and equipped at the public expense, ours must remain unarmed and defenceless, owing alone to our own neglect to make the necessary returns to the government.—This subject claimed my early attention after entering upon the Executive duties in April last; and the necessary orders were then given in relation to it. On receiving the letter from the Secretary of War, above mentioned, I again issued the necessary orders, requiring each commander of brigade and regiment to make returns to me without delay. But, with the exception of those of the 3d and 11th regiments, no returns whatever have yet been made, and I am unable to comply with the requisitions of the government.—The imperfection of our military system, and the general disposition to avoid military duty, render it almost impossible to punish delinquents by the sentence of a court martial. I therefore recommend a revision of the laws on this subject, and such amendments as, in your judgment, will render the system efficient, in producing a proper organization and discipline of the militia. I cannot recommend this measure too strongly, impressed as I am, with its magnitude and importance to the safety of the country; and I hope it will claim your prompt and early attention.

The Capitol, you will discover, is yet in an unfinished condition, and from the enclosed account current of the "Commissioner of the City of Tallahassee," you will perceive how limited are our resources for its completion, without a further appropriation by Congress for that purpose. Should it be permitted to remain long in its present exposed situation, it may sustain much injury. I would, therefore, suggest the propriety of an effort to obtain the necessary funds, during the present session of Congress, to complete it as far as possible.

Your fellow citizen,

RICHARD K. CALL,
Governor of Florida.

Which was read, and 100 copies ordered printed, with the accompanying documents—also, 100 copies without documents—and laid on the table.

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

"The committee who were charged with the duty of ascertaining the best terms upon which the printing of the Senate could be obtained, beg leave to REPORT—

That they have conferred with the publishers of the respective papers in Tallahassee, and have received from them the following proposals, to wit:—Samuel S. Sibley, of the Floridian, proposes to charge for the printing of the present session, the average price

which has been paid for the last three sessions. C. E. Bartlett, of the Star, proposes to do the printing at the rate of two cents per hundred words, and one dollar and fifty cents per page for the Journals. J. Knowles, of the Sentinel, proposes to do the same at one and a half cents per hundred words, and two dollars per page for the Journals.

The committee would recommend the proposals of the two last as the most reasonable, and so nearly equal, (depending as they do upon the amount of the miscellaneous printing that may be required,) that they are unable to decide between them. They would therefore refer the matter back to the Senate, with the recommendation that whichever of the individuals may be elected, by a vote of the Senate, they be bound by the proposals submitted to the committee. All of which is respectfully submitted.

JOHN C. PELOT, Chairman."

On motion, the Senate went into an election for Printer, when Mr. J. Knowles was duly elected.

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

GOVERNOR'S MESSAGE—ERRATA.

On page 10, line 9, "*a* transaction of business," should read, "*the* transaction of business."

On page 12, line 11, "are *considered* liable," should read, "are *rendered* liable."

On page 16, line 19, "$3,150,000" should read "$3,900,000;" and on same page, line 24, "*representation*" should read "*representatives.*"

On page 19, line 10, "$3,150,000" should read "$3,900,000."

On page 21, line 16, "bonds *on* certificates" should read, "bonds *or* certificates."

DOCUMENTS

ACCOMPANYING THE

MESSAGE OF THE GOVERNOR.

TERRITORY OF FLORIDA,
To the Bank of the United States, *DR.*

For payments made by the Agent of the Bank in London, for interest due on Pensacola and Florida bonds, ($500,000,) paid for the honor of the Territory, viz:

Interest due January 1st, 1840,	$15,000	
" " July 1st, 1840,	15,000	=$30,000

with interest from days of payment.

BANK OF THE UNITED STATES,
March 3d, 1841.

Sir: Above I have the honor to transmit to your Excellency a statement of moneys advanced by this Bank for the credit of the Territory of Florida, which is now due. No provision having been made by the Territorial Government for this payment of interest, its securities would have become valueless, if the Bank had not advanced the funds. I would respectfully call the attention of your Excellency to this debt, and request that early arrangement may be made for its liquidation.

I have the honor to be, very respectfully,
Your Excellency's most ob't servant,
(Signed) T. DUNLAP, President.

To his Excellency ROBERT RAYMOND REID,
Governor of the Territory of Florida.

EXECUTIVE DEPARTMENT,
Tallahassee, 30th March, 1841.

Sir: I have received your letter, containing an account stated against the Territory of Florida, by the Bank of the United States, "for payment made by the Agent of the Bank in London, for interest due on Pensacola and Florida bonds, $500,000, for the honor of the Territory, viz: Interest due 1st January, 1840, 1st July, (same year) $30,000, with interest from day of payment."

In the letter annexed to this statement, you say you have transmitted "a statement of moneys advanced by the Bank for the credit of the Territory of Florida, which is now due." You proceed to

remark that "no provision having been made by the Territorial government for this payment of interest, its securities would have become valueless, if the Bank had not advanced the funds;" and you call my attention to this "debt," and "request that early arrangements may be made for its liquidation."

I am obliged to consider it a very singular circumstance that notice of the non-payment of interest, by the Bank of Pensacola, upon bonds for $500,000, which interest was due on the 1st January and 1st July, 1840, should be given for the first time in the latter part of March, 1841, to the Territorial Government. There is a neglect and delay in giving such notice, which does not belong to the business habits of business men—and upon this ground alone, the Territory might resist, with propriety, the payment of the sum claimed to be due; but, under all the circumstances attending the case, I do not feel authorized to resort to any of the measures which might be made available to the Territory, for the purpose of liquidating what you are pleased to call "a debt."

I very much wish your communication had been made at an earlier day, and when it would have been in my power to place it before the Legislative Council, the adjournment of which took place on the 4th instant. I have not the authority to call a special or extra session of the Council; but at its next annual meeting, on the 1st Monday in January next, the Executive will communicate your letter, and there can be no doubt that the Representatives of the People will decide upon this important subject, (important to the General as well as the Territorial Government,) as justice and the rights of their constituents shall require at their hands.

I am, sir, very respectfully,

Your obedient servant,

(Signed) ROBERT RAYMOND REID.

TH. DUNLAP, Esq., Pres't of the Bank of the U. S.

BANK OF THE UNITED STATES,
April 20th, 1841.

Sir: I have been instructed by the Directors of the Bank of the U. S., to forward to you the enclosed letter and resolutions; by the perusal of which you will be made acquainted with the matters to which they refer. As the interest, of which payment is asked, was advanced for credit of the Territory of Florida, I feel myself authorized to request that you will give to the subject your immediate attention, so that as little delay as practicable may be made in the reimbursement to the Bank of the amount which is due to it.

I have the honor to be, very respectfully,

Your obedient servant,

(Signed) WM. DRAYTON, President.

To the Governor of the Territory of Florida.

TERRITORY OF FLORIDA,
To the Bank of the United States, DR.

For payments made by the Agent of the Bank in London, for interest due on Pensacola and Florida Bonds, ($500,000) paid for the honor of the Territory, viz:

Interest due January 1st, 1840,	$15,000	
" " July 1st, 1840,	15,000	=$30,000

with interest from the days of payment.

BANK OF THE UNITED STATES,
March 3d, 1841,

To His Excellency Robert Raymond Reid, Governor of the Territory of Florida,

Sir: Above I have the honor to transmit to your Excellency a statement of moneys advanced by the Bank for the credit of the Territory of Florida, which are now due. No provision having been made by the Territorial Government for the payment of interest, its securities would have been valueless, if the Bank had not advanced the funds. I would respectfully call the attention of your Excellency to this debt, and request that early arrangement may be made for its liquidation.

I have the honor to be, very respectfully,
Your Excellency's most ob't servant,
(Signed) T. DUNLAP, President.

The committee on Exchange, to whom was referred, on the 13th inst., a communication from Robert Raymond Reid, Governor of the Territory of Florida, stating that the account of the bank against the Territory, which had been transmitted to him by the late President of that institution, would be submitted to the Legislative Council in January next,

REPORT—

That the account referred to was for a claim of the bank for interest paid for the honor of the Territory by the agent of the bank in London, on the 1st of January and 1st of July, 1840, amounting to $30,000, with interest from date of payment, on certain bonds guaranteed by that Territory. The committee would recommend that another communication should be addressed to the proper authorities, with a request that it might receive early attention.—They, therefore, recommend the adoption, by the Board, of the following resolution:

Resolved, That the President be requested to transmit to the Governor of Florida another copy of the account of the Bank against that Territory, with a request that, as the amount claimed was paid by the Bank to save the Territory from dishonor, early arrangements may be made for its liquidation.—*Extract from the Minutes of the Bank of the United States, April* 19, 1841.

TALLAHASSEE, 21st May, 1841.

Sir: I have the honor to acknowledge the receipt of your letter of the 20th ult., enclosing a copy of a letter addressed to my predecessor, and copies of several resolutions passed by the Board of Directors of the United States Bank, accompanied with an account against the Territory for thirty thousand dollars alleged to have been paid by the agent of the Bank of the United States, in London, for interest due on Pensacola and Florida bonds, to save this "Territory from dishonor." From the report of the committee on exchange, accompanying the resolutions passed by the Board of Directors, it appears that my predecessor promised, in reply to the letter of the President of the Bank, to submit the account against the Territory to the Legislative Council, in January next. This, I presume, is all that he could with propriety have undertaken to do—for, though the sum claimed is alleged to have been paid on the 1st January and 1st July, 1840, the authorities of the Territory had no notice of such payment until the receipt of the letter from the President of the Bank, dated 3d March, 1841, subsequent to the last adjournment of the Legislative Council. This is of itself a satisfactory reason why no provision has been made to meet this demand; and even if the justice of the claim was unquestionable, (which I am not prepared to admit,) it could scarcely have been presumed that the Treasury of a Territory too limited in its population and resources to claim an admittance into the Union, should have so large a sum at the disposal of the Executive, to meet a contingent and unexpected demand. Should I be the Governor of this Territory at the next session of the Legislative Council, I will not fail to present this claim for its consideration. In the meantime, I will endeavor to investigate its merits; and should I find this Territory bound to satisfy this demand, I shall use every effort in my power to vindicate its honor by meeting the responsibility, and discharging the obligation. I am, sir, very respectfully,

Your obedient servant,

(Signed) R. K. CALL.

Mr. WM. DRAYTON, Pres't U. S. Bank, Philadelphia.

BANK OF THE UNITED STATES,
Philadelphia, September 28th, 1841.

Sir: Your letter of the 29th July, addressed to my predecessor, was duly received. The change which has taken place in the chief officer of the Bank, and other arrangements in regard to the management of its affairs, have prevented an earlier acknowledgment of the receipt of your letter.

Although your predecessor's letter of the 30th March last, and yours of the 21st May, did not authorize the Board of Directors to expect the payment of the claim of the Bank upon the Territory of Florida, for interest advanced by the Bank, in London, on bonds of

the Territory, until after the meeting of the Legislative Council, yet they were not prepared to expect that the responsibility of the Territory, for the interest in question, would be disputed; or even that it would be insisted on that the responsibility could not arise, until the Bank of Pensacola, and its stockholders, shall have been prosecuted to bankruptcy.

As the Directors of this Bank view the matter very differently from you, they submitted the whole matter to their Solicitor. That gentleman has examined the subject with great care, and has drawn up an opinion on the case, which to them appears very clear and satisfactory. By their directions, I now enclose it to you; and I have no doubt you will give it a careful examination, and I indulge the hope that the result of such an examination will be to induce you to recommend the claims of the Bank to the favorable consideration of the Legislative Council, at its next meeting.

I am, sir, very respectfully,

Your obedient servant,

(Signed) J. ROBERTSON.

OPINION

On the liability of the Territory of Florida to repay the amount of interest advanced upon the Pensacola Bank Bonds by the Agent of the Bank of the United States, at London, in January and July, 1840.

On the twelfth day of December, 1834, the Legislature of the State of Alabama, passed an act to incorporate the subscribers to the Alabama, Florida and Georgia Rail Road Company, which road was to be constructed from, or near the town of Columbus, in the State of Georgia, to the line between Alabama and the Territory of Florida, in the most eligible direction to the city of Pensacola, in said Territory of Florida.

On the ninth day of February, 1835, the Governor and Legislative Council of Florida, passed an act to authorize the said company to continue their road from the said line to the waters of Pensacola Bay.

On the fourteenth day of the same month, an act of the said Territory was passed to increase the capital stock of the Bank of Pensacola from the sum of two hundred thousand dollars to the sum of two millions five hundred thousand dollars; and by the same act the said Bank was authorized to purchase any shares of the stock of the said Alabama, Florida and Georgia Rail Road Company, to such amount as the directors of the Bank might deem expedient. To enable the bank to purchase or subscribe for such stock, the said bank was authorized forthwith to issue its bonds payable to the Territory of Florida, for a sum not exceeding five hundred thousand dollars, the said bonds to be for the sum of one thousand dollars each, and to bear an interest from the date thereof at the rate of six per cent. per annum, payable semi-annually at such place or places

within the United States or the said Territory as might be deemed most expedient; and the said bonds to be payable after the first day of January, 1860. It was further enacted, that when it should be satisfactorily made to appear to the Governor of the said Territory that the said bank had so purchased or subscribed for such stock as aforesaid, and on presentation of such bonds to the Governor he should endorse upon so many thereof as might "be equal to the amount to be paid for the stock so purchased or subscribed as aforesaid, the following endorsement, viz:

"*Territory of Florida.*

In pursuance of the laws of this Territory, the within bond is hereby assigned and made payable to the bearer thereof; and the payment thereof, and the interest thereon, as within stipulated, is hereby guaranteed by the Territory of Florida, and the faith of the Territory is pledged for the redemption thereof."

Seal of the Territory.	Given under my hand, and the great seal of the Territory, at the Executive Office, this day of , 183 , and of the Independence of the United States the year.

By the Governor.

Governor of Florida.

, Secretary."

And which said bonds should be attested by the Secretary, and the seal affixed thereto without fee; and the Governor should thereupon deliver the same to the said bank, in order that by the sale thereof the said bank might be enabled to pay for such purchase or subscription, as aforesaid; and the delivery of said bonds to the purchaser, by said bank, should entitle such purchaser to hold the same, and demand and receive the principal, and interest thereon when due, as the assignee of the Territory, as aforesaid. An additional number of bonds are authorized to be issued by the said bank, in the same manner, whenever the said Rail Road Company should call in any instalments of the stock.

To secure and indemnify the Territory for the guarantee of the said bonds, the said bank is required to execute and deliver to the Governor of the Territory, at the time of the endorsement of the bonds first given by said bank, an hypothecation of the capital stock of the said bank, and of all its property, real and personal, and assetts which it may then or thereafter hold or have, and of the stock it may then or thereafter hold, in the said Alabama, Florida and Georgia Rail Road Company, in such form and manner as the Governor may direct, which hypothecation is declared to be, and continue, a lien upon the said capital stock, property and assetts; and said stock in said Rail Road, and also such portion of said Rail Road as is within the said Territory, in preference to all other claims and liens, until said bonds are perfectly paid and extinguished.

By virtue of these laws bonds were issued by the said Bank of Pensacola, with the assignment and guarantee of the Territory of Florida endorsed. Some of them were purchased, and held in Europe. On the first day of January, 1840, when the semi-annual interest became due, no provision was made for its payment, either by the Bank of Pensacola or the Territory; and a similar failure to supply funds for this purpose occurred on the first day of July following.

For the honor of the Territory, whose faith was thus solemnly pledged, the Agent, in London, of the Bank of the United States, paid to the European holders the interest as the same became due, at the time above stated.

The amount of the sums so paid, viz:

Interest due January 1st, 1840,	$15,000	
" " July, 1st, 1840,	15,000	=$30,000

with interest from days of payment, the Bank of the United States claims to be reimbursed by the Territory of Florida, and the claim having been resisted, my opinion in relation to her liability has been requested.

The authority of the Governor and Legislative Council of the Territory of Florida to make the several enactments from which the present claim has emanated, has not been disputed. It is not denied that the bonds were legally issued, nor that they were fairly purchased by the holders. There is no allegation that any provision was made, either by the Bank of Pensacola or the Territory of Florida, to meet the accruing interest; and the payment by the agent of the Bank of the United States is not denied, nor has it been contended that, by that payment, the Bank of the United States has not acquired the rights of a creditor. The claim to repayment from the Territory is repelled on other grounds.

By the law merchant, which is founded on the rules of equity, and governed in all its parts by plain justice and good faith, "a stranger who pays a bill of exchange for the honor of the parties to it, acquires all the same rights that the holder of the bill had, although no regular transfer of the bill was made to him." The design and tendency of this rule are to invigorate credit, promote the exercise of confidence, and cultivate mercantile honor. Its extension to the present subject is reasonable and just. It was obviously the intention of the Territory of Florida to furnish every facility and inducement for the negotiation of these bonds; and upon the faith she had pledged for the payment of them and of the interest, foreign capital, greatly exceeding twice the amount of the original stock of the Bank of Pensacola, was invested. When the interest became due, and no resources were at hand to meet it, the agent of the Bank of the United States, actuated by a desire to preserve and elevate abroad American securities, interposed; and by paying the interest rescued the honor of the Territory. It would follow, then, that by this act the Bank acquired the same rights that the holders of the bonds had for the recovery of the interest.

The position assumed by Governor Call, in his letter of the 29th July, 1841, addressed to the President of the Bank of the United States, does not conflict with the principle, that the Bank is entitled to stand upon the same ground that the holders of the bonds would have occupied; nor does it impugn the claim of the Bank in the abstract. It presents the question, whether the Territory of Florida can shelter herself from the liability upon the bonds issued, in pursuance of the laws which have been recited, by seeking refuge behind the Bank of Pensacola, and the stockholders of that institution? It is contended by Governor Call that the Territory "was not, at the time of the payment, nor is she yet, responsible for the interest paid by the agent of the Bank of the United States; that by the charter of the Bank of Pensacola, that institution and its stockholders, in their individual capacity, stand between the bondholders and the Territory of Florida; that they are first liable, and the Territory holds the relation only of a remote endorser, whose responsibility cannot arise until the Bank and its stockholders have been prosecuted to bankruptcy." I have not been able to discover anything in the charter of the Bank of Pensacola to sustain this position. The relation existing between the Bank and the Territory is that of principal and surety. Their liabilities are co-existent; each is an original promiser, and the responsibility of either may be primarily enforced at the option of the bondholders.

Their liabilities to the holders arise simultaneously. The instruments, having been executed by the Bank of Pensacola, were presented to the Governor, and the obligation of the Territory was endorsed. They were then returned to the Bank to be sold, and remained inchoate, and wholly inoperative, until the delivery to the purchasers. From the delivery, they derived their vitality; and by that act the contract and liability of each obliger was completed. The transaction formed one deed, creating separate co-ordinate obligations. When, therefore, a failure to perform any stipulations of the contract occurred, the holders were at liberty to demand redress from either party. The accessory obligation being first enforced, the relation existing between the obligers becomes important to themselves. The surety may recover indemnification from the principal; and in the present instance, measures have been adopted to render this right available to the Territory. The Governor and Legislative Council seem to have considered maturely the nature of the obligation about to be contracted, and to have been aware that the responsibility of the Territory would be the prominent inducement to purchasers, and would constitute their principal reliance. In view of these considerations, the Bank of Pensacola was required, at the time of the endorsement of the bonds first given, to hypothecate to the Territory the capital stock of the said Bank, and all its property, real and personal; and preference was given to the said hypothecation over all other claims and liens. By virtue of this general hypothecation, the Territory is invested with every means of protection and indemnification, and likewise with

the power of rendering all proceedings against the Bank of Pensacola utterly nugatory.

Governor Call has suggested that "the Territory of Florida holds the relation only of a remote endorser." In this aspect of the question, the law is abundantly clear. The holder may resort to any and all the precedent parties, and the endorser stands in every respect in the same situation as the drawer.

It has also been remarked that the right to issue the bonds in question was gratuitously granted, by the Territory, in aid of a private enterprize, in which the Territory had no participation. Conceding the correctness of this allegation, it can in no way affect the position which the Territory occupied in relation to the holders.—The contract of suretyship is seldom founded upon the consideration of immediate benefit to the surety. But there is no doubt that great benefit was expected to result to the Territory from the completion of the enterprize; and the resources of the company being inadequate to its accomplishment, the Territory interposed to secure its execution. For this purpose, it seems, the capital stock of the Bank of Pensacola was increased to more than twelve times the original amount, to render it instrumental in promoting that measure of Territorial policy.

It may be proper to notice an objection mentioned by the predecessor of the present Executive of Florida. Governor Reid, in his letter of the 30th March, 1841, to the President of the Bank of the United States, says he is "obliged to consider it a very singular circumstance, that notice of the non-payment of the interest, by the Bank of Pensacola, should be given to the Territorial Government, for the first time, in the latter part of March, 1841," and assumes that upon this ground alone, "the Territory might resist with propriety the payment of the sum claimed to be due." This objection is by no means strenuously enforced; for Gov. Reid adds, in immediate connection with it, that "under all the circumstances of the case, he does not feel authorized to resort to any of the resources which might be made available to the Territory for the purpose of liquidating the claim." Although, unquestionably, a more prompt communication, to the authorities of the Territory, of the payment of the interest by the agent of the Bank, would have accorded better with the rules of commercial punctuality, the delay in the present instance does not absolve the legal obligation of the Territory to repay the amount; and as there is no allegation that the Territory has sustained any detriment by the procrastination, it does not in any respect impair the justice of the claim. These are the grounds of my opinion that the Territory of Florida is responsible to the Bank of the United States for the interest on the Pensacola Bank bonds, paid at London by the agent of the Bank of the United States, in January and July, 1840.

(Signed) CH. W. BROOKE,
Solicitor Bank U. S.

Philadelphia, August 18, 1840.

TALLAHASSEE, 27th November, 1841.

Sir: I have the honor to acknowledge the receipt of your letter of the 28th September, enclosing a copy of the written opinion of the Solicitor of the United States Bank, on the subject of the claim of that institution against the Territory of Florida, for the repayment of interest on the bonds of the Bank of Pensacola, alleged to have been advanced by the Agent of the Bank of the United States, to save this Territory from dishonor.

I regret that I have been prevented by indisposition, and other causes, from giving an earlier reply to your letter, which, with its accompanying documents, has claimed by most attentive consideration. The learned argument of the Solicitor has not, however, produced any material change in the opinion I expressed on this subject in my letter of the 29th July. It shall, nevertheless, be presented to the Legislative Council, where it will no doubt be regarded with the respect to which it is entitled. I am desirous, sir, of laying before the Legislative Council all the material facts in relation to this transaction, in order that it may be prepared at its session, commencing the first Monday in January next, to render impartial justice to all parties concerned. With most of these facts, you are no doubt acquainted, and I have respectfully to request that you will inform me what names appear on these bonds, as endorsers. Who were the parties to the contract, by which the interest on the bonds is required to be paid semi-annually at the counting-house of Messrs. Gowan & Marx, in London? Was the United States Bank at any time a holder of these bonds? If so, from whom were they purchased, and to whom were they transferred? If there were written articles of contract and sale in either or both these cases, I have further to request that if in your power, you will furnish me with a copy of each of these instruments. In what relation did the agent of the United States Bank, who paid the interest on the bonds of the Bank of Pensacola, stand to the Pensacola Association? Was he, or was he not, a member of that association, and was he not a stockholder in the Bank of Pensacola? Your answers to these several inquiries, in time to enable me to present them for the consideration of the Legislative Council, will perhaps greatly facilitate the action on the claim of the Bank of the United States against the Territory.

I have the honor to be, very respectfully,

Your obedient servant,

(Signed) R. K. CALL.

Mr. J. ROBERTSON, Pres't of the Bank U. States, Philadelphia.

COPY of a letter from the holders of the bonds of the Bank of Pensacola, in London, to the Governor and Legislative Council of Florida.

To His Excellency the Governor, and the Honorable the Legislative Council of the Territory of Florida.

The undersigned, being holders of bonds of the Bank of Pensacola, guaranteed by the Territory of Florida, beg leave to represent

to you that the interest due 1st January last, on said bonds, has not been paid; and from all the information they can collect, they fear that the Bank of Pensacola is not in a condition to pay it, or the future interest that will become due. It becomes therefore necessary for them to apply to the government of the Territory of Florida for payment of the same, as the bonds have been purchased on the good faith of the said government, (all of them being duly signed by the Governor and Secretary,) in reliance upon which, alone, the undersigned have become holders of the security, and without which guarantee, the said bonds could not have been negotiated.—And they have entire confidence that on this representation, the government will lose no time in taking such measures as will not only provide for the interest now due, but also prevent any future irregularities in the payment thereof.

With assurances of their high esteem, they beg to subscribe themselves

Your obedient servants,

(Signed)

S. WAYMOUTH, Major,
GOWAN & MARX,
OVERND, GURNEY & Co.,
For divers holders:
JOHN ALLIARD,
THOS. HANKEY & Co.,
WILLIAM TRITTON,
H. L. THOMAS,
COUTTS & Co.,
For divers holders:
EWART, TAYLOR & Co.,
GRAYSON & Co.,
For Lieut. Col. Clark.

London, 11th May, 1841.

To His Excellency the Governor of Florida.

The undersigned, for themselves and other holders of bonds of the Bank of Pensacola, guaranteed by the Territory of Florida, having been refused payment of the interest due the first of January last on said bonds, are compelled to address themselves to the Governor of the Territory of Florida; and, from their confidence in the faith of that government, which indeed offered the principal inducement for investing their money in these securities, they feel convinced that their simply mentioning the fact of the non-payment will be a sufficient stimulus for the government of Florida to take immediate measures for the payment of the interest now due, and which will further successively become due on those bonds, and to prevent the repetition of irregularity or demurs, so prejudicial to the interest and credit of the Territory. (Signed) HOPE & Co.

Amsterdam, this 11th May, 1841.

TALLAHASSEE, 25th June, 1841.

Messrs. Hope & Co.:

Gentlemen—I am in receipt of your letter of the 11th ultimo, written in behalf of yourselves and other holders of bonds of the Pensacola Bank, informing me that the interest due on them the 1st of January last, has been refused, and calling on the government of Florida to redeem its pledge, by the payment of interest now due, as well as to provide for the further payment of that which may hereafter accrue.

It is admitted that the payment of the principal and interest of the bonds above mentioned has been guaranteed by this Territory; but she stands to the bondholders in the relation only of a remote and contingent endorser, whose responsibility does not arise until after the failure of the Bank of Pensacola, and its respective stockholders, who, you will perceive, by the amended charter of that Bank, are individually bound in their private fortunes to pay both the principal and interest of these bonds. Many of them are gentlemen of very large fortune, residing in New York, Philadelphia, and Louisiana; and the laws of the respective states in which they live will afford you the most ample remedy for their delinquency.

I have every confidence in the honor of this Territory, and believe that she will in good faith redeem her responsibility when it shall have arisen; but in the character of a remote endorser, she will exact due diligence, on the part of the bondholders, in prosecuting their claims against the Bank and the individual stockholders, who are first bound, and who alone have had the advantage of the money raised by the sale of the bonds. I would therefore recommend to you, and the other bondholders, to proceed at once, and without delay, by attachment, against the assets of the Bank of Pensacola, as well as by action against the individual stockholders. I am induced to recommend the process of attachment against the Bank, because I have reason to believe that the stockholders abroad are withdrawing the funds of the Bank beyond the jurisdiction of this Territory, and appropriating them in a manner not authorized by the charter. Should you be disposed to pursue this course, you will not be at a loss to find faithful agents here to protect your interest. I will myself, with much pleasure, aid you in the selection of such as are competent and worthy of confidence.

You are sufficiently acquainted, no doubt, with your rights, and the remedies which the law will give you against the Bank and its stockholders. But, perhaps, you are not so well acquainted with the nature of the remedy you may have against this Territory, should its responsibility accrue to the bondholders. It is, therefore, proper that I should inform you that the Governor of this Territory has no power whatever to pay, or to provide the means of paying, either the principal or interest on the bonds which you hold, until authorized so to do by the Legislative Council.

The Legislative Council of this Territory meets annually on the

1st Monday in January, and holds a session of two months. Its members are elected by the popular voice to serve for one session only, except the Senate, which is elected to serve during two sessions. No money can be paid out of the treasury by the Governor, for any purpose whatever, without a special appropriation by the two Houses composing the Legislative Council. Not having been informed of the delinquency of the Bank of Pensacola and its stockholders in not paying the interest due on their bonds, until after the adjournment of the Legislative Council on the 4th of March last, no provision was made for that purpose. In January next, at the meeting of the Legislative Council, the subject shall be fully submitted to that body for such action as it may seem to them to require. Should the Legislature, after viewing all the ground, be disposed to pay the interest now due, and to provide for the payment of such as may accrue, it must first create a revenue for this purpose by taxation or otherwise, and make a special appropriation of the fund. Thus, you will perceive from the nature of our institutions, under the most favorable circumstances you would experience much delay and inconvenience in obtaining redress from the Territory, who can only be reached through the voluntary act of the representatives of the people. You will, therefore, find it, I apprehend, much more to your advantage to proceed at once against those who are immediately responsible to you in an action at law. After the Bank of Pensacola and its general stockholders have been prosecuted to bankruptcy, should it then be necessary, I will use every effort in my power to redeem the faith of this Territory; but you will perceive, from what I have already said, that the payment of any part of the principal or interest on these bonds, must depend on the will of the Legislature representing the people of Florida. Every possible facility will be given you by the Government of this Territory in prosecuting your claims against the Bank of Pensacola and its stockholders; and I have respectfully to request that you will furnish me with the names of all the endorsers on the bonds which you hold.

I am, gentlemen, very respectfully,

Your obedient servant,

(Signed) R. K. CALL,

Governor of Florida.

Messrs. Hope & Co., Amsterdam.

April 18th, 1841.

Sir: The letter which your Excellency did us the honor to direct to us, under the date of the 28th June, in reply to our address of the 11th May, touching the interest on the Bank of Pensacola, and Florida 6 per cent. stock, has been received by us. We have read its contents with attention, and regret to see that your Excellency's mode of viewing the liability of the Territory, in regard to the aforementioned stock, is so much at variance with our own.

If such argument as addressed by your Excellency can be maintained, it must prove destructive of the confidence in bonds, which, as in the present instance, were bought on the credit and plighted faith of the Territory, against which, moreover, it is clear, in the present case, that the claim under any mode of proceeding must be ultimately made.

In order not to lose time by corresponding to and fro, we have put our interest, and that of other holders of bonds, into the hands of a friend, in the United States; and sent to him the January and July coupons of this year, to procure payment on the same. We hope soon to hear of a satisfactory arrangement of this matter—and remain, very respectfully, sir,

Your Excellency's ob't servants,

(Signed) HOPE & Co.

To His Excellency, R. K. CALL,
Governor of the Territory of Florida.

MOBILE, 29th October, 1841.

To His Excellency R. K. Call, Governor of the Territory of Florida.

Sir: I have the honor of informing you that Messrs. Hope & Co., of Amsterdam, in consequence of your letter to them of 28th June last, have placed in my hands 225 coupons, of $30 each, of the Bank of Pensacola, guaranteed by the Territory of Florida, to wit:—118 coupons, due 1st January, 1841, No. 1 *c* 5—9 *c* 13—11 *c* 22—24 *c* 28—39—41 *c* 89—43 *c* 72—78—84 *c* 89—95 *c* 98; 107 coupons, due 1st July, 1841, No. 1 *c* 5—9 *c* 13—11 *c* 18—24 *c* 28—39—41 *c* 89—43 *c* 72—95 *c* 98—instructing me at the same time to demand payment of the same. Messrs. Hope & Co., whilst appreciating the honorable feelings which pervade your whole letter, do not agree with you as to the construction which you are pleased to put on the guarantee of the Territory. On this head, they thus express themselves:

"The refusal of payment by the Bank of Pensacola compelled us to address the Governor of the Territory of Florida for the settlement of the interest on the bonds of the Bank, guaranteed by the Territory; and in reply, Gov. Call assumes that the Territory *stands to the bondholders in the relation only of a remote and contingent endorser, whose responsibility does not arise until after the failure of the Bank, and its respective stockholders.* It appears on the face of the bonds, (of which we enclose a copy,) that the Bank is indebted to the Territory, who, by assigning them, and making them payable to bearer, assumes the responsibility of a commercial endorser, directly liable to the holders. It was on the strength of this guarantee of the Territory, that the bonds were negotiated, and found takers in this country."

Now permit me respectfully to call your attention to the tenor of the bond. Upon its face are the following words:

"GUARANTEED BY THE TERRITORY OF FLORIDA."

"The Capital Stock of the Bank pledged to the Territory, and the stockholders individually and personally liable for the redemption thereof."

The endorsement is as follows:

"In pursuance of the laws of this Territory, the within bond is hereby assigned and made payable to the bearer thereof; and the payment thereof, and of the interest thereon, as within stipulated, is hereby guaranteed by the Territory of Florida, and the faith of the Territory pledged for the redemption thereof."

From which it would appear that the *bond only* has been transferred to bearer, thereby making it a *commercial paper*, to all intents and purposes; whilst the *capital stock* of the Bank, pledged to the Territory, has remained under its guardianship as a security for its endorsements.

Should this be found to be the true state of the case, and to me it appears incontrovertible, would it be prudent to leave it to the bondholders to sue the Bank and the stockholders for the trifling amount of unpaid interest, whilst, as stated in your letter of the 28th of June, above alluded to, "there is every reason to believe that the stockholders abroad are withdrawing the funds of the Bank beyond the jurisdiction of the Territory, and appropriating them in a manner not warranted by the charter?" It must appear evident to you that an attachment for $6,750, which is the amount claimed by me in behalf of Messrs. Hope & Co. for unpaid interest, would be a very trifling security for the $225,000 of bonds they represent, and which bear the endorsements of the Territory.

As the case, however, is urgent, I am ready to join in any measure likely to ensure the interest of both parties, and I shall feel under great obligations to you for an early answer at Pensacola, where I intend to be on Tuesday next.

I have the honor to be, sir,

Your obedient servant,

(Signed) EDM. J. FORESTALL.

P. S.—Please address your letter "Poste restaule."

TALLAHASSEE, Nov. 12th, 1841.

Sir: I have the honor to acknowledge the receipt of your letter of the 29th ultimo, informing me that Messrs. Hope & Co., of Amsterdam, have placed in your hands certain coupons of the Bank of Pensacola, guaranteed by the Territory of Florida; and that they have instructed you "at the same time, to demand payment of the same."

After the most mature reflection, I have found no cause to change the opinion expressed in my letter of June last, addressed to Messrs. Hope & Co.; a copy of which is herewith enclosed; and to which I beg leave to refer you as an expression of my present sentiments on this subject.

I am truly desirous, sir, that the interest due on the bonds held by this highly respectable house (which has often evinced a great degree of liberality towards American securities,) should be paid with the least possible delay; and I am animated by the most ardent desire to sustain the honor of this Territory, and redeem its pledges to the last fraction of her responsibility. But I consider it a common act of justice to the people of Florida, to require on the part of the bondholders due and strict diligence, to recover both the interest and principal of the bonds from the Bank of Pensacola, the stockholders of that Bank, and the stockholders of the Alabama, Florida and Georgia Rail Road Company. They are first liable under the charter of incorporation; and stand between the Territory and the bondholders. They were so regarded by the authorities of the Territory at the time the bonds were endorsed, and must have been thus considered by the purchasers of the bonds, as the interest appears to have been paid for a series of years without application to the Territory, or without our authorities even knowing by whom it was paid or by whom received. The holders of these obligations have an unquestionable right to maintain an action at law against the parties above mentioned, and to recover from them the sum now demanded; while the Territory would fail in such an action, were she to seek indemnity from the stockholders after paying the amount claimed. The bonds of the bank were endorsed and delivered by the Territory to that institution without consideration. The principal stockholders became the first purchasers of the bonds from the Bank. They were the next venders of the bonds. They received the money for them; and they, through the Directers of the Bank, have had, if not the entire use, at least the exclusive control of the funds and property both of the Bank and Rail Road, while the Territory has neither exercised authority over them or derived the least benefit whatever from them. The pledge of the capital stock of the Bank, you will perceive, could not have been regarded, by any one at any time, as more than a nominal security. The capital of the Bank must, from the nature of the institution, have remained in the custody and under the control of the officers of the Bank; and they being subject to the will of the stockholders residing abroad, you will readily discover with what ease the capital might be withdrawn from the Bank, and transported beyond the jurisdiction of this Territory without the knowledge or consent of its authorities. It was, therefore, not on this empty pledge that the Territory relied as a security, but on the immediate responsibility of the stockholders in their private and individual capacity to the bondholders without the agency or interposition of the Territory. However much the bonds on their face may be assimilated to "com-

mercial paper," and present the appearance, in the language of Messrs. Hope & Co., "that the Bank is indebted to the Territory, who, by assigning them (the bonds), and making them payable to bearer, assumes the *responsibility of a commercial endorser directly responsible to the holder*," the presumption arising from this appearance must be removed by a knowledge of the facts. And it can scarcely be credited that the purchasers of the bonds were so unguarded and incautious as not to have examined the charter of incorporation to ascertain the true character of the transaction, as well as the relative responsibility all of the parties concerned. Nor do I imagine that they received these bonds merely by delivery, without the special endorsement of the venders. Permit me therefore, sir, to renew to you the inquiry I made of Messrs. Hope & Co., and which they have omitted (unintentionally no doubt) to answer—whose names appear on the bonds subsequent to the endorsement of the Governor of this Territory? If there be no impropriety in giving this intelligence, I should be obliged by receiving it. I have thus expressed to you, sir, my undisguised opinion, as one of the co-ordinate branches of this Government, on the subject of the claim of Messrs. Hope & Co. The whole matter will, however, at the next meeting of the Legislative Council on the first Monday in January next, be presented to that body for such action as it may think proper to bestow.

I have the honor to be, very respectfully,

Your obedient servant,

R. K. CALL.

(Signed)

Mr. Edm. J. Forestall.

Pensacola, 7th November, 1841.

To His Excellency R. K. Call, Governor of the Territory of Florida.

Sir: I had the honor of addressing you from Mobile, on the 29th ult. I reached this place last evening, and look for an answer from you by to-morrow's or Wednesday's mail. In the mean time, allow me a few quotations and remarks, which the perusal of the several laws constituting the Territory of Florida, and the Bank of Pensacola, now for the first time before me, naturally suggest:

Gordon's Digest, page 195, sect. 79.—"The Governor shall publish throughout the said Territory all the laws which shall be made; and shall, on or before the first of December, in each year, report the same to the President of the United States, to be laid before Congress; which, if disapproved by Congress, shall thenceforth be of no force."

"Every bill which shall have passed the Legislative Council, shall, before it becomes a law, be presented to the Governor. If he approves, he shall sign it; if not, he shall return it, with his objections in writing, to the Legislative Council," &c.

By the law entitled "an act to increase the capital of the Bank of Pensacola, and to amend the laws incorporating said Bank, and for other purposes," approved February 14, 1835—

Sect. 1 provides for the increase of the capital to $2,500,000.

Sect. 4 authorizes the issue of $500,000 of bonds, to be endorsed by the Territory as follows:

"In pursuance of the laws of the Territory, the within bond is hereby assigned and made payable to the *bearer* thereof; and the payment thereof, and of the interest thereon, as within stipulated, is hereby guaranteed by the Territory of Florida, and the faith of the Territory is pledged for the redemption thereof."

Sect. 6 provides for a further issue of bonds under the same guarantee.

Sect. 7, in consideration of the guarantee of the Territory, requires the hypothecation of the capital stock of said Bank, and of all its property, personal and real, and of all the stock which it may then or thereafter hold, in the Alabama, Florida, and Georgia Railroad Company, in favor of said Territory.

Sect. 8 requires that the profits of the Bank, and all profits of the stock owned by said Bank, in said Alabama, Florida, and Georgia Railroad Company, shall be exclusively appropriated to the payment of the interest and principal of said bonds, as aforesaid; and furthermore, *that the stockholders of said Bank of said Railroad Company, shall be personally and individually liable for the redemption of said bonds.*

By an act "supplemental to several acts incorporating the Bank of Pensacola," approved 10th February, 1838, the 2d section provides for the repeal of the 8th section of the act entitled "an act to increase the capital of the Bank of Pensacola, and to amend the laws incorporating said Bank, and for other purposes," thereby relieving the stockholders from personal responsibility; from all which, it is evident—

1st. That as by the law organizing Florida into a Territorial Government, all laws of the Territory have to be submitted annually to the President of the United States, and Congress, for their approbation, that the acts of the Territory of Florida entitled "an act to increase the capital of the Bank of Pensacola, and to amend the laws incorporating said Bank, and for other purposes," approved 14th February, 1835; and "an act supplemental to several acts, incorporating the Bank of Pensacola," approved 10th February, 1838, not having been disapproved by the President of the United States, find themselves de facto approved by the Federal Government.

2d. That the Executive of the Territory of Florida, having a veto power, and not having exercised it, fully approved the above named acts.

3d. That by the act of the 14th February, 1835, the consideration of the guarantee of the bonds by the Territory was a direct hypothecation to said Territory of all the property of the Bank, (see sect. 7,) and the responsibility of the stockholders (see sect. 8.)

4th. That the endorsement of said bonds to order, not conveying the transfer of the guarantee thus required by the Territory, in the 8th section, above cited, was a contract between the Territory and the stockholders, no wise affecting third parties.

5th. That the hypothecation of the property of said Bank, and the personal responsibility of the stockholders, being viewed by the Executive, and Legislative Council of Florida, and the Federal government, as a contract between the stockholders and the Territory, perfectly independent of the bonds which have been assigned with no other guarantee than that of the Territory, (see sect. 4,) a supplemental act to several acts incorporating the Bank of Pensacola, was passed 10th February, 1838, and approved by the Governor of the Territory, and the Federal Government, whereby the 8th section of the "act to increase the capital of the Bank of Pensacola, and to amend the laws incorporating said Bank, and for other purposes," being repealed, the stockholders found themselves relieved by law from all personal responsibilities—and no other construction can be put on said supplemental act; for, on close examination, it will be found that it could have had no other object in view than the release of the stockholders, the other provisions therein contained being only a repetition of the conditions already provided for, in the act of 14th February, 1835, (see section 8.) As to the section requiring the payment to the Territory of 20 per cent. on the nett profits of the Bank, it was well known in 1838 that it was a nullity. I have been informed that by an act passed in 1840, the above act has been repealed, as being unconstitutional. In my humble opinion, I cannot see the unconstitutionality of that act. The hypothecation and personal responsibility of the stockholders having remained in the sole possession of the Territory in consideration of its guarantee to the bonds issued by the Bank, and these bonds having been transferred by the Territory to bearer only with its own guarantee, the right of the Territory to abandon such personal security, cannot be disputed. The bondholders surely cannot complain; for they well knew that they only had the faith of the Territory to look to; and should it fail, the Federal Government. There was no contract between them and the stockholders; consequently, there can be no breach of contract so far as they are interested. As to the law of 1840, it appears to me an ex post facto law, to all intents and purposes.

I beg leave here to repeat that Messrs. Hope & Co. never understood the guarantee of the bonds otherwise than above expressed by the law creating the same, to wit: the faith of the Territory under the guardianship of the Federal Government—and that they always believed the approbation of the Executive appointed by the Federal Government, and of the Federal Government itself, made these bonds equal to any national funds.

(Signed) EDM. FORESTALL

TERRITORY OF FLORIDA, }
County of Escambia, City of Pensacola. }

I, GEORGE G. PATTISON, Notary Public, duly commissioned and qualified, in and for the City of Pensacola, and County of Escambia, hereby certify that on this day, to wit: Monday, 8th November, 1841, I presented myself in person at the office of the Bank of Pensacola, and then and there demanded payment of W. B. Taylor, acting President and Manager of said Bank of Pensacola, and in behalf of Messrs. Hope & Co., of Amsterdam, represented by Edmund John Forestall, of New Orleans, of two hundred and twenty-five coupons of interest, due on the bonds of said Bank of Pensacola, guaranteed and endorsed to bearer by the Territory of Florida aforesaid, which coupons for thirty dollars each, were as follows:

Bonds	A—55	coupons	due	1st	January,	1841.
"	B—58	"	"	"	"	1841.
"	C— 5	"	"	"	"	1841.
"	A—55	"	"	"	July,	1841.
"	B—47	"	"	"	"	1841.
"	C— 5	"	"	"	"	1841.
	225					

Say in all, two hundred and twenty-five coupons of thirty dollars, making altogether the sum of six thousand seven hundred and fifty dollars; and was answered by the aforesaid W. B. Taylor, acting President and Manager as aforesaid, that the Bank had neither the means or ability to make the payment thus demanded, of said sum of six thousand seven hundred and fifty dollars; whereupon I, the undersigned Notary, entered this, and do now enter my solemn protest against said Bank and Territory of Florida, in behalf of whomsoever it may concern, for all damages, of whatsoever nature, which may accrue in consequence of the failure of the payment of the coupons aforesaid.

Done in this city of Pensacola, the day and year aforesaid.

(Signed) GEO. G. PATTISON, Notary Public.

TALLAHASSEE, Nov. 21, 1841.

Sir: I have the honor to acknowledge the receipt of your letter of the 7th, accompanied with a duplicate of that of the 29th of October, and a notarial protest against the Bank of Pensacola and the Territory of Florida, for the nonpayment of certain coupons held by Messrs. Hope & Co., of Amsterdam.

Having, in answer to your letter of the 29th Oct., given you my views and opinions, at some length, in regard to the claim of this house against the Territory of Florida, I deem it unnecessary to

enter into further discussion on this subject until the meeting of the Legislature, when the whole matter will be submitted to that body for consideration.

I am, sir, very respectfully,
Your obedient servant,
(Signed) R. K. CALL.

Mr. Edm. J. Forestall.

Philadelphia, October 13th, 1841.

Dear Sir: Since I had the pleasure of seeing you here I have received another letter from my friends, Messrs. Gowan and Marx, of London, who represent the persons interested in the bonds of the Bank of Pensacola, guaranteed by the Territory of Florida. They urge, in very strong terms, their claim to have a provision made for the interest accruing on the bonds, which the Bank has failed to meet; and remonstrate earnestly against any construction of the law, passed by the Territory in relation to these instruments, which would require them in the first instance to pursue the Bank and its individual stockholders before they become entitled to demand payment from the government. They allege that it was entirely on the faith of that government and its guarantee they depended when they purchased the bonds; that they supposed the Territory would immediately indemnify them in case of any default on the part of the Bank; and that they were never aware any different effect would be given to the Legislative guarantee from that universally allowed to similar obligations in commercial transactions. They understood the Territory had assumed the situation of a surety for the Bank; and that their liability was to be regulated by the principals universally applicable to such relations. If, for instance, a mercantile house had entered into an obligation similar to that of the Territory, there is no doubt a failure of the principal to make his payment at the stipulated time, would have entitled them to pursue the surety; and they feel confident the immunity enjoyed by a sovereign state from such pursuit at law, will only make them more scrupulous in fulfilling their engagements to the very letter. They suggest, also, as a consideration which will not be without its due weight, that any delay in the payment of the interest will be an additional and disastrous blow to the credit of our country abroad; that the injury resulting from this cause upon the immense amounts of American stocks, held in Europe, will be more than the whole of their present claim; and that the Territory itself, if it in its future operations should resort to loans, will, to obtain them, be obliged to submit to a sacrifice greater than any now required.

The gentlemen, on whose behalf I make these representations, sustain high characters in the commercial community. Confiding in the unquestionable faith of the government of Florida, they paid

their money to what was then considered an important public improvement. If those to whom the law confided the management of this money have neglected or violated their trust; if, from any cause, the undertaking has proved abortive, and the projectors and the country have been equally disappointed; nay, even if the whole capital and loans of the Bank have been squandered or diverted from their proper channels; still all this, were it true, would afford no grounds for a refusal to pay the interest on these bonds. The holders cannot be held responsible for any, or either, of these results. They had no influence over, and have derived no benefit from, this expenditure; and if the government, with all its powers, did not discover, and could not prevent, any improper proceedings which may have taken place, surely those at a distance, without the means to know or prevent any mal-practices, cannot be considered answerable.

I know, my dear sir, that all that I can say on this subject will have already occurred to your own mind; but the amount, though trifling to the people of Florida, is important to my friends, and I hope, therefore, you will excuse me for troubling you again on this subject. I am sure it will receive from you all the consideration it merits; and I hope the suggestions I have made will not be disregarded by the Council.

I have the honor to be

Your very obedient servant,

(Signed) HENRY J. WILLIAMS.

TALLAHASSEE, 23d November, 1841.

Dear Sir: I have the honor to acknowledge the receipt of your letter of the 13th October, which was duly received, but I have been prevented by a variety of causes from giving you an answer until the present time.

The arguments you have advanced in support of the claim of Messrs. Gowan & Marx, of London, holders of certain bonds of the Bank of Pensacola, guaranteed by the Territory of Florida, have received from me the respectful and attentive consideration to which they are eminently entitled. Although they have created no material change in the opinion I had occasion to express to you in conversation on the subject, they shall be presented to the Legislative Council in January next, and may produce a different result in the deliberations of that body. I have ever regarded the Bank and its stockholders, in their individual capacity, as standing between the bondholders and the Territory; and while I am anxious to vindicate our honor, and redeem every pledge when our responsibility shall have accrued, I have deemed it proper to exact from the bondholders due diligence on their part, to obtain redress from those who are, in my opinion, first liable. The Legislative Council may, however, differ with me in opinion on both these particu-

lars. It is alleged by the bondholders that they became the purchasers, relying on the good faith and responsibility of the Territory of Florida.

I am truly anxious that the bondholders, as well as all other parties concerned, shall receive the most ample justice at our hands; and to achieve this object, it is important that every material fact connected with the transaction should be laid before the Legislative Council. I have therefore respectfully to request, sir, that you will inform me what names appear on the bonds as endorsers, and that you will furnish me with a copy of the articles of contract and sale, entered into by the venders with Messrs. Gowan & Marx, at the time they became the purchasers of the bonds which they now hold. I desire this information to promote the ends of justice, and trust that your ability will correspond with your disposition to communicate it at an early period.

I am, sir, very respectfully,
Your obedient servant,
(Signed) R. K. CALL.

Mr. Henry J. Williams.

Pensacola, June 12th, 1841.

To His Excellency, R. K. Call, Governor of Florida.

Sir: In furtherance of the object of a commission received in March last, from the late Governor, R. R. Reid, Esquire, I have the honor to submit to you the enclosed report from the Cashier of the Bank of Pensacola.

The situation of the Bank remaining substantially the same as exhibited in the detailed report made by me last year; I conceive that nothing need be added to the statement of the Cashier. The Bank is now doing no business, except collecting its dues, and the operations on the Railroad continue to be wholly suspended.

I will take the liberty of calling the attention of your Excellency to the mortgage given by the Bank of Pensacola to secure the Territory from loss, as endorser on the bonds heretofore issued by the Bank. Several suits have recently been instituted against the Bank; and it is probable that by execution, and the process of garnishment, the security now held by the Territory may be in some hazard, unless the claim of the Territory be timely interposed.—Without expressing my opinion as to the security afforded by this mortgage, I have thought it a duty, incidental to my office of commissioner, to mention the institution of the suits against the Bank, and the probability that a necessity may arise to interpose the paramount claims of the Territory.

I am, respectfully,
Your Excellency's ob't servant,
(Signed) WALKER ANDERSON.

BANK OF PENSACOLA,
Pensacola, June 8, 1841.

To Walker Anderson, Esq.:

Sir: Your communications of 5th and 15th April, the former submitting to the President and Directors your authority from the Executive of the Territory of Florida to examine into the situation of this Bank, and the latter containing a series of questions in furtherance of the purposes of the commission, have been laid before the Board of Directors; and, by their instruction, I hand you the following statement and report:

GENERAL STATEMENT—June 8th, 1341.

DR.

Capital stock,	$106,115 00		
Bonds,	500,000 00	=	$606,115 00
Circulation,	97,262 39		
Deposits,	6,845 49		
Certificates on Deposit,	11,885 49	=	115,993 37
Bank U. States, Philadelphia,	110,964 25		
Due to other Banks,	4,718 79	=	115,683 04
Thos. Biddle and others,			15,283 75
Alabama, Florida, and Georgia R. R. Co.,			13,468 57
Time drafts outstanding,			2,150 37
Over drafts, $4,046 99.			
			$868,694 10

CR.

Railroad Stock,	$332,840 33		
" Bond,	259,173 83	=	$592,014 16
Due by Commercial Bank Florida,	55,874 77		
" other Banks,	4,197 18	=	60,071 95
Bills receivable,	12,235 50		
protested,	61,778 78		
in suit,	104,398 67		
Collateral securities,	9,039 95	=	187,452 90
Bank furniture, &c.,	1,500 00		
Real Estate,	5,156 75	=	6,656 75
R. K. Call, Tallahassee,			3,691 24
Protest account,	259 65		
Interest,	8,849 06	=	9,108 71
Profit and loss,			9,698 39
			$868,694 10

TERRITORY OF FLORIDA, } L. S.
Escambia County.

Personally appeared before me, the subscriber, a Justice of the Peace in and for said County, William B. Taylor, Cashier of the Bank of Pensacola, and made oath, in due form of law, that the foregoing statement is correct and true in all particulars.

M. CRUPPER, J. P., E. Co.

The Branch at Apalachicola having been withdrawn, its accounts are mingled in the preceding general statement.

On the 8th of January, and 16th of February last, the sum of two hundred and fourteen thousand dollars, in the bills of the Bank, were burned by direction, and in the presence of the Board of Directors.

The undersigned was appointed Cashier on the 17th day of February last.

As to question 1—"What amount of interest is due by the Bank on the bonds sold by the Bank, and endorsed by the Governor?"

On the 1st of January last, the Bank owed two years' interest on the bonds—that is to say, sixty thousand dollars.

2d. "Is the amount wholly due to the United States Bank?—and if not, to whom is it due?"

The semi-annual interest due 1st July, 1839, was paid for the honor of the Bank of Pensacola, by Messrs. Thos. Biddle, Samuel Jaudon, E. Chauncey, and S. V. S. Wilder, and stands to the credit of those gentlemen, in the foregoing statement. The interest falling due in January and July, 1840, it is understood was paid by the Bank of the United States; but of this, the Bank is not officially apprized, otherwise than through the recent demand upon the Treasury, made by said Bank of the United States. The half year's interest due 1st January last, remains unpaid.

3d. "Is the Bank of the United States of Pennsylvania under any obligation to pay the interest on said bonds, if the payment is not provided for by the Bank of Pensacola?"

The undersigned knows of no such obligation; and it is believed none such exists.

4th. "In whose hands are those bonds?"

The interest is payable at the counting-room of Gowan & Marx, London; but it is not known whether they are or are not the holders of the bonds.

5th. "What is the present value of the bonds? or last sales?"

6th. "In the report of last year, in relation to the Bank, it is stated that these bonds were sold to the financial agents of the Pensacola Association.—In passing into other hands, do they bear any other endorsement than that of the Governor?"

On these points, the undersigned has no means of furnishing information.

7th. "Has any demand been made of the Bank for the unpaid interest on these bonds?—and by whom?

It does not appear by the archives of the Bank that any such demand has been made, except by Messrs. T. Biddle and others, for the interest before mentioned as paid by them, which was advanced individually, and not as members of the Pensacola Association. Under a wrong understanding, both as to the parties paying, and the amount paid, that Association has heretofore appeared on the books of the Bank as a creditor, and for $30,000, and upwards. This item is corrected in the preceding statement.

8th. "What amount of bills has the Bank in circulation?"

9th. "Deposits?"

10th. "What other debts, specifying the large ones?"

11th. "Are there any protested drafts outstanding?—to what amount?"

12th. "What amount of the debt to the Bank is is under protest?"

The answers to these questions are clearly set forth in the statements.

13th. "Specify the resources of the Bank, as much in detail as may be convenient?"

14th. "Does the Rail Road Company pay interest on the amount loaned to it?"

As to the debt due by the Commercial Bank of Florida, it is to be observed that the Bank holds collateral securities to the amount of $36,000, which are not incorporated in the accompanying statement. Of this sum $12,000 is in good paper, mostly secured by mortgage; but which, nevertheless, has gone into suit, the parties thereon claiming to pay in the bills of the Commercial Bank of Florida. How far the balance of those collaterals may be made available it is impossible to estimate at present.

The stock notes at this time amount to $26,000, chargeable with a payment of 40 per cent. per annum. Most of them are at present under protest, and several of them in suit. Other portions of the suspended debt will, from time to time, be put in suit, as circumstances shall indicate the expediency of that course.

As to that already in suit ($104,398 67,) no remarks need be made, further than to state that a very considerable amount matured to judgment and execution, in Jackson county, upwards of a year since, which has not been realized, no court having been held there for the two last terms. In other quarters the suits have been more recently instituted.

The bond of the Rail Road Company is chargeable with interest, and the amount standing to their credit, per statement, will, no doubt, be applied in that way.

15th. "Who are the present officers of the Bank?"

At the January election the following board of Directors was elected:

THO. M. BLOUNT, President.
ROBERT JOYNER,
HENRY MICHELET,
ROBERT MITCHELL, (declined.)
GEO. E. CHASE,
SAM. W. TAYLOR,
WM. B. TAYLOR.

16th. "What amount is due the Bank by its President?—Cashier?—Other officers and Directors?"

There is an unsettled account with the President; the charges having been carried into his private account it appears overdrawn to the sum of $3,859, which constitutes the principal part of the

item of over-draughts noted at the foot of the statement. It is to be observed, however, that he claims a credit to appear in final settlement to fully the amount of that deposit. The Cashier owes nothing to the Bank. The total liability of the Directors is $7,800, contracted in dealings with the Bank before their election; and of that amount $3,000 consists of stock notes.

(Signed) WM. B. TAYLOR, Cashier.

UNION BANK REPORT.

UNION BANK OF FLORIDA,
Tallahassee, January 1st, 1842.

To His Excellency R. K. Call, Governor of Florida.

Sir: I have the honor herewith to hand you the annual statement of this Bank as copied from its books, at this date.

The small amount of interest received upon so large an amount of discounted paper, together with the amount of debt in suit, are strong proofs of the pecuniary embarrassments of the country; which from the first have been the sole causes of the embarrassments of the Bank.

This institution, at great pecuniary sacrifices, has continued to sustain the faith of the Territory by paying the interest on the Territorial Bonds, which were sold for the attainment of its capital.

That portion of the interest, which on this day becomes payable in London, has been provided for; and if the interest payable this day in New York shall not have been paid, it will be owing to a refusal of the government of the United States to pay the debt due to this Bank by the Territory of Florida, and for which you have given the Bank an order on the Secretary of War.

I hope that, notwithstanding the obstacles heretofore opposed to the payment of so just a claim, it will yet have been received in time to protect the credit of the Florida bonds.

Although the whole amount of interest which became due on the 1st of July last has been paid, some of the items have not yet been entered upon the books of the Bank; and the entries must wait the return of the cashier of the Bank, who was its agent in arranging the payment.

With great respect,
Your obedient servant,
(Signed) JOHN G. GAMBLE, President.

STATE

OF THE

UNION BANK OF FLORIDA,

ON

SATURDAY MORNING, Jan. 1, 1842.

DR.

Stock Notes discounted,		$1,820,765 45	
Notes, bonds, and bills do.,		1,453,562 13	
Loan to the Territory,*		50,000 00	
		3,324,327 58	
Amount of loans bearing interest,†		704,000 00	
Territorial bonds unsold,		860 49	
Protest Account,		44,345 91	
Cocoa Account,			
Interest Post Notes payable in 1842,‡	$15,962 98		
" " " 1843,	1,644 07	=17,607 05	
Premium on Bank Stock,		12,967 00	
Due by Banks and Agents,		191,679 09	
Real Estate,		97,683 46	
Cash, in specie, and notes of other institutions,		14,736 16	
		$4,408,206 74	

* Upon this loan, interest amounting to $4,000 is due and unpaid.
* Of these, there are in suit—Stock Notes, $ 7,768 00
Notes, bonds and bills, 610,386 11=618,154 11

‡ These post notes form part of the item below.

CR.

Capital stock, according to charter,		$3,000,000 00		
Cash stock,		6,300 00		=3,006,300 00
Due to Banks and others,				405,422 12
Post Notes payable in 1842 and 1843,*				287,747 85
Certificates of Deposits,				159,900 52
Deposits,				75,272 14
Circulation,				203,028 00
Surplus Fund on 1st January, 1841,		224,816 99		
Discount Account,†	117,430 83			
incid'l exp'nses,	23,151 62			
int and prem.,	48,560 09	71,711 71	45,719 12	=270,536 11
				$4,408,206 74

* These include the Post Notes, amounting to $17,607 05, mentioned above.
† Arrearages of interest due to the Bank exceed $160,000.

HY. L. RUTGERS, Ass't Cashier.

AUDITOR'S REPORT.

TREASURY DEPARTMENT,
Auditor's Office, 22d Dec., 1841.

To His Excellency, R. K. Call:

The Auditor of Public Accounts for the Territory of Florida has the honor to submit to your Excellency, and the Legislative Council, his annual statement of the condition of the finances of the Territory.

Statement No. 1 shows a settlement with the Treasurer of the Territory, leaving a balance in the Treasury of $265 84.

Statement No. 2 shows the amount returned on Auction Sales, $2,894 84; returned on fines and forfeitures, $2,604 66.

There has been received on Auction tax, and arrears of Auction tax, $3,490 53.

Since I have had charge of the office, my attention has been particularly directed to the collection of fines and forfeitures, a branch of the revenue that had been much overlooked; and I am pleased to state that I have been able to get returns from all the counties, with but few exceptions, Leon, Escambia, and one or two counties from the Southern part of the Territory.

Statement No. 3 shows arrears from all sources, amounting to $44,330 23.

This large amount seems to have fallen due between the years 1833 and 1838; and I regret to say, that there is but little prospect of a large portion of it being recovered to the Territory; a part has been cancelled by Legislative sanction, a part for want of sufficient bonds, or by deaths, removals, &c.

Since the year 1838, the laws have been so revised as to have but little excuse to those charged with the duty of forcing collections from all delinquents, that may hereafter accrue to the Territory.

Statement No. 4 shows the expenses of criminal prosecutions in each Judicial district, expense of the Executive and Treasury Departments, and the collection of Revenue, to be $7,098 05.

Statement No. 5 shows the outstanding ballance against the Territory to be $12,956 25.

There has been presented to a board of Army officers, a claim against the General Government for payment, amounting to $6,-768 91. And, I think, the sum of $2,000 on arrears, may safely be relied upon; and, should the government comply with a resolution of the last Legislature asking payment for criminal prosecutions, the accruing revenue for 1842, would go far to extinguish the balance that would be remaining against the Territory. All of which is respectfully submitted

By your ob't servant,

(Signed) JOHN MILLER.

STATEMENT No. 1.

Showing the settlement with the Territorial Treasurer, for the year including 17th December, 1841.

		Dr.
1841. Dec. 23.	Balance remaining in Treasury at this date as per settlement,	$ 2 88
Dec. 17.	To amount received into the Treasury from all sources of revenue, to date,	4,049 66
		$4052 54
	To balance in Treasury,	265 84

		Cr.
1841. December.	By amounts received on Auditor's warrants, returned and cancelled,	$3,786 70
	Balance in the Treasury,	265 84
		$4,052 54

TATEMENT No. 2, showing the amount returned on Auction tax, the amount paid and arrears paid on Auction tax for 1841, and amount returned on account of Fines and Forfeitures by the Clerks.

AMOUNT OF AUCTION AND ORPHAN FUND—1841.

Names.	Counties.	Am't returned.		Am't paid.		Arrears paid.		Arrears unpaid.		Amt's Orphan Fund.	
John M. Palmer	Jefferson	71	69	71	69						
Spengler & Lyman	Leon	304	55	304	55						
Edwin W. Dorsey	"	543	99	543	99						
James B. Starr	Franklin	155	90	155	90						
R. J. Hackley	Leon	393	72	113	76						
Robert Myers	Franklin	411	02	411	02	736	91	269	95	23	20
Cuyler Jauney	"	112	23	112	23						
E. J. Harden	Calhoun		63		63						
Wm. Monroe	Gadsden	3	74	3	74						
A. Patterson	Monroe	82	60					82	60		
P. J. Fontain	"	274	86	274	86						
F. A. Brown	"	157	65	157	65					17	52
F. B. Whiting	Leon	5	50	5	50						
R. D. Fontain	St. Johns	134	77	134	77						
Henry Michelet	Escambia	12	52			22	60				
Wm. H. Wall	Monroe	93	95	93	95	149	68			38	74
A. C. Tift	"					57	94				
A. F. Tift	"					7	65				
A. M. Alexander	Leon	16	04					16	04		
John L. Phillys	Monroe	39	28	39	28						
J. B. Brown	"	102	73	102	73					11	04
		2894	84	2526	35	974	78	368	59	90	

AM'T OF FINES AND FORFEITURES RET'D BY CLERKS OF DIFFERENT COUNTIES.

Names of Clerks.	Counties	Term Court.	Am't returned.		In	Whose hands.	Amount	
I. R. Harris	Gadsden	Fall	587	51	1840	I. R. Harris, Clerk	138	1
						C. S. Sibley, D. At.	50	00
						Leigh Read, Mar.	399	50
Th. Anderson	Madison	Sp'g	155	00	1841	C. S. Sibley, D. At.	155	00
Th. M. Bush	Jackson	"	56	00	1840	P. W. Gautier, M.	56	00
"	"	"	81	06	1841	"	81	06
Geo. Baltzell	Franklin	Fall	110	49	1840	"	110	49
"	"	Sp'g	885	99	1841		885	99
J. D. Host	Duval	"	5	00	1841	J. D. Host, Clerk	5	00
"	"	"	35	00	1838	"	35	00
"	"	"	48	00	1840	"	48	00
Jas. Orneill	Nassau	"	100	00	1841	Jas. Orneill, Clerk	100	00
John Beard	St Johns	"	1	50	1841	J. Beard, Clerk	1	50
F.A. Pinkney	Monroe	"	15	00	1841	F. A. Pinkney, Clerk	15	00
D.G. M'Cane	Walton	"	24	11	1840	C. Evans, Marshal	24	11
C. S. Sibley	Leon	"	500	00	1838	C. S. Sibley	500	00
			2604	66			2604	66

STATEMENT No. 3, showing the number of delinquent officers, the amounts due from them to the Territory, and when due from all sources, to the 20th December, 1841.

Names.	Office.	Counties.	Am't due.		Y'r.	Remarks.
James W. Exum	Marsh'l	Jackson	254	17	1836	Settled by act Coun.
Alex. Patterson	Auct'r	Monroe	82	60	1841	
J. Pendleton	T. Col.	Escambia	487	16	1832	
F. J. Avice	Sheriff	St. Johns	960	47	1834	Sent to Dist. Att'y
Thos. E. Randolph	Marsh'l	Leon	275	54	1836	
Wm. Livingston	Auct'r	St. Johns	23	18	1835	
Jas. R. Betton	Auct'r	Fayette	18	24	1833	
Alex. Adair	Marsh'l	M. Dis't	276	11	1833	
D. C. Host	Marsh'l	Duval	92	96	1833	Sent to Dist. Att'y
A. S. Mays		Jackson	238	42	1833	" S. K. Walker
W. Smith		St. Johns	288	91	1833	" —— Douglas
R. C. Lester	Clerk	Gadsden	64	16	1833	" R. K. Campbell
State of Georgia			8	60	1833	
Blyden & Vanbour	Auct'rs	Escambia	1160	70	1836	Certified to Dis. At.
Jno. Sullivan	Auct'r	Franklin	7	73	1836	
A. S. Phillip	T. Col.	Duval	127	57	1836	
Jno. G. Tyner	T. Col.	Alachua	607	30	1835	Certified to Dis. At.
Joshua Joiner	T. Col.	St. Johns	7242	07	1835	
John Duncan	T. Col.	Franklin	607	30	1835	Certified to Dis. At.
Thos. A. Lownson	Auct'r	Monroe	40	45	1835	
Wm. H. Fletcher	Auct'r	Monroe	11	66	1836	
A. Alexander	Auct'r	Leon	16	04	1841	
Man & Patterson	Auct'rs	Monroe	10	10	1836	
T. J. French	T. Col.	Leon	2559	88	1836	In suit.
			$19,903	32		

Names.	Office.	Counties.	Am't due.		Y'r.	Remarks.
Brought up,			19,903	36		
A. Nowland	Auct'r	Franklin	21	17	1832	
S. H. Duval	T. Col.	Leon	3,157	01	1837	Certified to D. At.
Jno. Enderman	T. Col.	Franklin	1,829	57	1837	"
"	T. Col.	Franklin	2,309	68	1838	"
Michelet & Vanbour	Auct'r	Escambia	688	30	1838	"
S. H. Duval	Marsh'l	Leon	647	77	1839	"
Wm. H. Michael	T. Col.	Leon	1,739	75	1838	"
Hez. Wood	Auct'r	Calhoun	7,500	00	1838	"
Wm. C. Davis	T. Col.	Calhoun	228	33	1838	"
H. Michelet	Auct'r	Escambia	12	52	1840	
Jesse Carter	T. Col.	Alachua	4,659	77	1839	
Leigh Read	Marsh'l	Leon	399	50	1841	
P. W. Gautier	Marsh'l	Jackson	1,133	54	1841	
Jas. Orneill	Clerk	Nassau	100	00	1841	
			$44,330	23		

STATEMENT No. 4.

Showing the amount and sources of Revenue returned to this office, and the expenses of criminal prosecutions in each Judicial District, and all the expenses of the Territory for 1841.

EXPENDITURES.

To expenses crim. pros. in the Middle District, - -	$2,206 74
" " " " Apalachicola District -	2,030 08
" " " " Western " -	118 61
" " " " Eastern " -	287 25
" " " " Southern " -	90 00
Expenses Treasury Department - - - - - - -	1,949 83
" Executive " - - - - - - - -	383 94
" Collecting Revenue - - - - - - - -	31 60
	$7,098 05

RECEIPTS.

By Auction Tax - - - - - - - - - - - - - -	$3,594 13
Fines and forfeitures - - - - - - - - - -	2,604 66
	$6,198 79

STATEMENT No. 5.

Showing the amount of Liabilities and assets of the Territory at the expiration of the year, ending December 17th, 1841

1841.		Dr.
Dec. 17.	To amount warrants outstanding,	$12,956 25
	Balance - - - - - - - - - - - - - -	38,142 89
		$51,099 14

1841.		Cr.
December.	By amount due from Revenue Officers, as per Statement No. 3,	$44,330 23
	Amount of claim against the U. S.	6,768 91
	Balance in favor of the Territory,	51,099 14

TREASURER'S REPORT.

TREASURY DEPARTMENT,
TREASURER'S OFFICE, DEC. 17, 1841.

To His Excellency, Richard K. Call.

SIR:—Herewith I beg leave to hand you my account current with the Territory of Florida, for the past fiscal year; showing all the receipts and payments of moneys during that period, and leaving a balance in the Treasury, at this date, of Two Hundred and sixty-five and 84-100 dollars.

Soon after the adjournment of the last Legislature, I received from the Auditor of Public Accounts a certified list of all the Auctioneers and other revenue officers, then in default, and against whom, steps had not already been taken to enforce collections, and immediately addressed them, stating that without immediate payment, the act of the Legislature, entitled "an act to suspend the operation of the revenue laws for the year 1840, and to provide for the settlement of all arrears due to and from the Territory," would be enforced against them. As will appear by the report of the Auditor, they have, with but few exceptions, complied with the law; so that almost the entire amount now due from revenue officers, consists of the old balances of many years' standing, a large portion of which, I am of opinion, there is but little prospect of collection, owing to the death or removal from the Territory of the parties, and the irresponsibility of the securities on their bonds. In many instances the accounts of Tax-collectors and Marshals are entitled to large credits for overcharges, insolvencies, commissions, &c., so that the amount actually due the Territory, is far short of that reported.

It will also be shown, by the Auditor's report, that the liabilities of the Territory, consisting of Auditor's warrants, outstanding, amount to the sum of $12,956 25-100, an increase upon the reported liabilities of the last year of $2,311 7-100. Such increase, arising from the fact of the claims upon the Territory for expenses attending criminal prosecutions for the year 1840, not having been audited until the present year. This amount of $12,956 25-100, comprises all the liabilities of the Territory, within the knowledge of either the Auditor or myself, excepting the sum of about $2,000.

As assetts of the Territory supposed to be available within a very short time, we estimate the sum of about $9,000, consisting of the claim of the Territory against the United States, amounting to $6,768 91-100, and about the sum of $2,000 to be expected from other sources, leaving a balance against the Territory unprovided for, the sum of about $6,000.

The receipts of the present year, and the balance remaining uncollected and considered as soon available, amount to the sum of about $5,000. The current yearly expenses of this, and of the Executive Department, amount to about the sum of $3,000, estima-

ting the receipts and expenditures of the next year at the same with the present, leaving out of the account any receipts from arrears due the Territory (as none can be calculated upon as certain), as also any expenditures for expenses attending the prosecution of criminals the liabilities of the Territory at the expiration of the year 1842, will have been reduced to the sum of about $4,000.

Should it, therefore, be deemed expedient to continue this department under its existing regulations, some further legislation, it would seem, is necessary to provide for its embarrassed condition.

The laws, for the enforcement of collections from defaulting officers, appear to be amply sufficient; but, owing to the remissness of Auctioneers in having their bonds forwarded to this office as the law requires, I would respectfully suggest an amendment to the law, making it necessary for their bonds to be filed in this office before commissions are issued.

The suits of the Territory against Willis Alston, former commissioner of the city of Tallahassee, and Tilman J. French, and Sam'l H. Duval, former tax collectors for Leon county, are still pending, and the District Attorney promises to hand in a communication on the subject in a few days, which, when received, shall be laid before you.

By an act of the last Legislature, No. 36, approved 4th March, 1841, it became the duty of the Auditor, Treasurer, and District Attorney, to adjust the account of Wm. H. Michael, late tax collector for Leon county, but in consequence of the decease of Mr. Michael, his account still remains unsettled.

I have deferred making my report of the collection of rents of school lands, in this county, until the 1st proximo, as the rents on them, for the present year, will not be collected before that time. All of which is respectfully submitted.

T. H. AUSTIN, Treasurer Florida.

The Territory of Florida in Account current with Thomas H. Austin, Treasurer. DR.

1841.	To Exps. Pros. Crim. East Dist.		
	Paid Auditor's Warrant No. 279,	$28 35	
	" " " " 22,	9 75	
	" " " " 23,	122 50	
	" " " " 24,	6 75	
	" " " " 26,	75 00	
	" " " " 53,	8 25=	250 60
	To Exps. Pros. Crim. South. Dist.		
	Paid Auditor's Warrant No. 243,	75 75	
	" " " " 17,	19 75	
	" " " " 16,	25 00	
	" " " " 18,	45 25=	165 75
	To Exps. Collecting Revenue.		
	Paid Auditor's Warrant No. 298,	12 00	
	" " " " 35,	12 00	
	" " " " 34,	12 00=	36 00
	To Exps. Pros. Crim. Apalachicola Dist.		
	Paid Auditor's Warrant No. 285,	196 00	
	" " " " 288,	23 55	
	" " " " 2,	100 00	
	" " " " 252,	216 68=	536 23
	To Exps. Pros. Crim. Western Dist.		
	Paid Auditor's Warrant No. 267,	54 00	
	" " " " 280,	60 62=	114 62
	To Exps. Treasury Department,		
	Paid Auditor's Warrant No. 304,	69 25	
	" " " " 21,	12 00	
	" " " " 29,	37 50	
	" " " " 42,	50 00	
	" " " " 55,	41 83=	210 58
	To Exps. Pros. Crim. Middle Dist.		
	Paid Auditor's Warrant No. 237,	5 00	
	" " " " 307,	19 40	
	" " " " 20,	258 00	
	" " " " 37,	305 00	
	" " " " 37,	50 00	
	" " " " 7,	133 00	
	" " " " 295,	14 44	
	" " " " 58,	22 68=	807 52
	To Exps. State Convention.		
	Paid Auditor's Warrant No. 185,	64 31	
	" " " " 137,	130 90	
	" " " " 189,	780 69	
	" " " " 224,	212 50=	1,188 40
			$3,309 70

1841.	To amount brought forward,		$3,309 70
	Exps. Executive Department.		
	Paid Auditor's Warrant No. 188,	15 00	
	" " " " 179,	62 00	
	" " " " 254,	200 00	
	" " " " 5,	200 00=	477 00
	Balance - - - - - - - - - - - - - -		265 84
			$4,052 54

The Territory of Florida, in Account Current with Thomas H. Austin, Treasurer, CR.

1841.	By balance in Treas'y, per last rep't, 23d Dec. 1840,		$2 88
	Auction Tax,		
	received on Auditors Certificate,	$ 5 50	
	" " " "	39 28	
	" " " "	134 77	
	" " " "	38 97	
	" " " "	411 27	
	" " " "	300 95	
	" " " "	298 84	
	" " " "	274 86	
	" " " "	3 74	
	" " " "	799 31	
	" " " "	114 62	
	" " " "	304 56	
	" " " "	63	
	" " " "	9 77	
	" " " "	276 83	
	" " " "	115 91	
	" " " "	39 99	
	" " " "	112 23	
	" " " "	64 43	
	" " " "	8 25	
	" " " "	228 19	
	" " " "	157 65	
	" " " "	102 73=	$3,843 28
	Revenue		
	Received on Auditors Certificate,	$ 79 31	
	" " " "	89 95	
	" " " "	37 12=	$206 38
			$4052 54

By balance in Treasury, Dec. 17th, 1841, exclusive of the School Land Fund, - - - - - $265 84

(Signed) T. H. AUSTIN, Treasurer.

TREASURY DEPARTMENT,
Auditors Office, December 17th, 1841.

I CERTIFY, that I have examined the foregoing account, and compared the same with vouchers, and find all correct.

(Signed) JOHN MILLER, Aud'r Pub. Ac'ts, Fla.

TALLAHASSEE, 28th October, 1841.

Sir: It has become my painful duty to report to you a series of Indian depredations, which have been recently committed on this frontier. Within the last week three different attacks have been made, and six murders, of the most attrocious character, have been perpetrated. The first was a night attack on a family, in a house where they resided, near the Suwannee river. Two children were murdered, and the mother severely wounded. The balance of the family escaped uninjured, but the house was plundered and burnt. The second attack occurred about thirty miles from this place. A party, while hunting near their residence, were fired on by the Indians, and one man (a negro) killed. The third outrage was committed not more than sixteen or eighteen miles from this place. A party of seven persons, on one of the principal highways of the country, was attacked by a large body of Indians. They were armed, and defended themselves by returning the fire of the savages, but three of them were killed; and the rest, consisting of one man and woman and two boys, saved themselves by flight, leaving their lifeless companions to be stripped and plundered.

In regard to the measures necessary for the defence of this frontier, I beg leave to refer you to my letter of the 1st September last, addressed to your predecessor in office. Recent events have but confirmed the opinions therein expressed; and I now renew the proposition made to him, to withdraw the regular troops from the frontier, and employ them in the active prosecution of the war. With a volunteer force of hardy woodsmen of the country, and of not more than one half of the numerical strength of the regular troops employed in this service, and I will guarantee the safety of the frontier settlements. I hope, sir, you will not consider me importunate, in so often urging the adoption of this measure on the department, as I am actuated alone by a sense of duty, which compels me to claim, for the defenceless citizens of this Territory, that protection which they have a right to expect from the government. I speak from my own personal observation during the last five years, when I say to you that the only periods of tranquility we have enjoyed, during that period, have been those in which we have been defended by volunteers and militia. And you may rest assured, sir, that, to close the war with the next twelve months, you will require the most active operations of all the regular troops you may be able to employ in that service.

Very respectfully,
Your obedient servant,
(Signed) R. K. CALL.

Hon. J. C. SPENCER, Secretary of War.

DEPARTMENT OF WAR,
Washington, November 10, 1841.

Sir: I have the honor to acknowledge your Excellency's letter of the 28th of October.

You will see, by the enclosed copy, that Col. Worth, commanding

the troops in Florida, has been kept regularly advised of your views and opinions; and this Department has full confidence in his discretion and ability to do every thing that may be advisable in relation to the War, which, we believe, will soon be terminated.

Very respectfully,

Your ob't servant,

J. C. SPENCER.

(Signed)

His Excellency R. K. CALL, Governor of Florida, Tallahassee.

HEAD-QUARTERS, ARMY OF FLORIDA,
Fort Brook, June 2nd, 1841.

I have the honor to acquaint your Excellency that, by direction of the Honorable Secretary of War, I have assumed command of the army of Florida. Major Wilson, commanding the Western military district, has been instructed to make certain dispositions of his troops, in accordance with your suggestions under date of the 17th ultimo. I have, also, ordered that officer to communicate freely with and give every consideration to such suggestions as your Excellency may be pleased to make.

My first effort will be directed to clear the country, between the Withlacoochee and the frontier settlements, of the small but desperate bands of Indians. That most desirable object once obtained, we can turn our attention, with better prospects of success, to the Southern hostiles.

Any communications you may be pleased to make to me, will receive the prompt and respectful attention of,

Sir, your most obedient servant,

W. WORTH.

(Signed)

His Excellency R. K. CALL, Governor of Florida.

ADJUTANT GENERAL'S OFFICE,
Washington, November 9th, 1841.

Sir: I respectfully enclose herewith, for your information, a copy of His Excellency Governor Call's communication to the Secretary of War, dated the 28th of October, relative to the present state of affairs in Florida. Annexed thereto, you will find an extract of a former letter of the Governor's, dated the 1st of September, on the same subject, to wit, his views relative to the employment of militia, (not volunteers, for there is no legal authority to employ *volunteers*). However much the views of His Excellency are entitled to respectful consideration, yet charged, as you are, with the conduct of five armies in Florida, and not doubting that you will, whenever you think it necessary, recommend the adoption of any measure calculated to promote the public service, either with regard to the protection of the

inhabitants on the frontiers or the efficient prosecution of the war in the interior, special suggestions from the head-quarters of the Army, at this time, are deemed to be unnecessary.

It appears from the records, that you were furnished with a copy of the Secretary's answer, of September 17th, to Governor Call's communication, of the 1st of that month.

I am, sir, very respectfully,
Your obedient servant,
(Signed) R. JONES, Adj. General.

Col. W. J. Worth, Commander of Army in Florida, Tampa Bay.

Friday, January 7th, 1842.

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

Mr. English appeared, and took his seat.

Mr. Pelot moved that inasmuch as Joseph S. Sanchez had resigned his seat in the Senate, his name should be dropped from the roll —which was ordered.

The Report of the Select Committee on Rules was again read, amended by striking out the clause "adopting an additional Rule, No. 40," and adopted as amended.

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

Tallahassee, 7th January, 1842.

To the Legislative Council of Florida:

I enclose herewith an official statement, exhibiting the condition of the Bank of Pensacola on the 21st of December last, accompanied by a letter from the Cashier of that institution. From these, you will perceive the hopeless condition of the Bank, and may form some estimate of the probable loss which will be sustained from the extent of its circulation, and other liabilities.

It has long since forfeited all claim to public confidence; and, so far as it can be done without increasing the responsibility of the Territory to the holders of the Bank, its transactions as a corporation should be brought to a close.

I submit to the discretion of the Legislative Council the adoption of such measures, in regard to this subject, as may be deemed most expedient.

R. K. CALL.

Which was read, and laid on the table.

The President announced the following as standing committees of the Senate:

STANDING COMMITTEES OF THE SENATE.

Judiciary.
Messrs. Walker,
Dupont,
Berthelot.

Elections.
Messrs. McLean,
Pelot,
Cooper.

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

Public Accounts.
Messrs. Dupont,
McLean,
English.

State of the Territory, to have charge of Claims.
Messrs. Livingston,
Walker,
English.

Finance and Banks.
Messrs. Berthelot,
Dupont,
Cooper.

Militia.
Messrs. Pelot,
Edwards,
Livingston.

Enrolled Bills.
Messrs. Berthelot,
Edwards,
M'Lean.

Which was read, and 50 copies ordered printed.

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

MONDAY, JANUARY 10th, 1842.

The Senate met pursuant to adjournment.

Mr. McLean moved that the Secretary of the Senate be authorized to subscribe for ten copies each of the newspapers printed in the city of Tallahassee, to be furnished each member of the Senate during the session—which was adopted.

Mr. Dupont offered the following resolutions, viz:

Resolved, That so much of his Excellency, the Governor's Message as relates to the Seminole war, be referred to the committee on the state of the Territory.

Resolved, That so much thereof as relates to the

claims of our citizens against the United States for military services rendered, and supplies furnished for the use of the government be referred to the committee on the state of the Territory.

Resolved, That so much thereof as relates to banks and other incorporations, be referred to the committee on finance and banks.

Resolved, That so much thereof as relates to the Pensacola Bank bonds, be referred to the committee on the Judiciary.

Resolved, That so much thereof as relates to the annual reports of the Auditor and Treasurer of the Territory and other public officers having the charge of public funds, and the revenue system of the Territory, be referred to the committee on public accounts.

Resolved, That so much thereof as relates to the organization of the militia, be referred to the committee on the militia.

Resolved, That so much thereof as relates to the completion of the Capitol, be referred to the committee on the state of the Territory.

Which were read.

On motion of Mr. Livingston, it was ordered, that the Senate meet hereafter at 10 o'clock, A. M.

The Senate then adjourned until to-morrow.

TUESDAY, JANUARY 11, 1842.

The Senate met pursuant to adjournment.

On motion of Mr. Berthelot it was resolved, [the House of Representatives concurring in the same] that the joint Rules of the last Legislative Council be taken and considered as the Rules of the present Legislative Council, and that the Secretary certify this motion to the House of Representatives.

Mr. Berthelot gives notice that he will on tomorrow ask leave to introduce a Bill to be entitled an act to amend an act to provide for the collection of rents, approved Nov. 21st, 1828.

Mr. Pelot offered the following resolution:—

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of providing by law sufficient penalties and forfeitures to prevent persons having estates for life or years, or temporary possession of personal property the title or right to possession of which, may be in litigation in any court of law or equity in this Territory, from removing or attempting to remove any such property from this Territory, or the jurisdiction of such court; with leave to report by will or otherwise.

The resolutions of Mr. Dupont, offered on yesterday, referring the different parts of the Governor's Message to the appropriate committees, were again read and adopted.

The Senate then adjourned until to-morrow.

WEDNESDAY, January 12th, 1842.

The Senate met pursuant to adjournment.

Mr. Berthelot gives notice that he will on some future day ask leave to introduce a bill to be entitled an act amendatory of and supplemental to an act entitled an act to incorporate the city of Tallahassee, approved March 2d, 1840.

The resolution of Mr. Pelot, offered on yesterday, was again read, and adopted.

The Senate received from the House of Representatives a resolution in relation to the Union Bank, which was read, and ordered copied.

Mr. M'Lean moved that the Secretary of the Territory be requested to furnish a copy of Duval's Compilation, and the Acts of the Legislative Council passed in 1840 and 1841, for the use of each member of the Senate during the session—which was adopted.

The President read to the Senate the following communication:

MASONIC HALL,
Wednesday, Jan. 12th, 1842.

To the Hon. W. H. BROCKENBROUGH,
President of the Senate:

Sir: You are respectfully invited to attend, and through you the members and officers of the Senate, to join in the procession, to take place to-day, to the Presbyterian Church, where an oration will be delivered by the Rev. Jesse Coe, M. W., Grand Master of Florida.

By order of the Grand Lodge of Florida.
THOS. BROWN, Sec'y.

On motion of Mr. Dupont, the invitation of the Grand Lodge was accepted, and the Senate adjourned until to-morrow.

THURSDAY, Jan. 13th, 1842.

The Senate met pursuant to adjournment.

Mr. Berthelot, agreeable to previous notice, introduced a bill to be entitled "an act to amend an act to provide for the collection of Rents, approved Nov. 21st, 1828;" which was read.

The Resolution of the House of Representatives, in relation to the Union Bank of Florida was again read.

The Senate then adjourned until to-morrow.

FRIDAY, January 14th, 1842.

The Senate met pursuant to adjournment.

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. Cooper offered the following resolutions :—

Resolved, That the Territorial Legislature does not possess, nor was it ever invested with authority to pledge the faith of the Territory, so as to render the citizens of the Territory responsible for the debts or engagements of any corporation, chartered by said Territorial Legislature.

Resolved, That the Territorial Legislature has no legal power or authority to impose taxes on the citizens of the Territory, for the purpose of discharging the obligations or paying the debts of any bank, railroad, or other corporation; and all pledges of the public faith so granted, and laws made to sustain thereby a levy of taxes on our citizens, are null and void, ab initio.

Which were read.

On the question of its reference to the Judiciary Committee, the yeas and nays were called by Messrs. English and Cooper. And were yeas, Mr. President, Messrs. Dupont, Livingston, McLean and Walker—5. Nays, Messrs. Berthelot, Cooper, English and Pelot —4. So the reference was made.

A Bill to be entitled, "An Act to amend an Act to provide for the collection of Rents," approved Nov. 1st, 1828, was read a second time, and referred to Committee on the Judiciary.

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

A Message from the Senate on the subject of Joint Rules of the Senate and House of Representatives, received on a former day, was again read, and referred to a Select Committee on the part of this House to confer with a similar committee on the part of the Senate. Messrs. Westcott, Dancy and Tabor, were appointed said Committee.

Which was read and concurred in.

And Messrs. Berthelot, Dupont and Livingston, appointed a Committee on the part of the Senate.

The resolution of the House of Representatives

in relation to the Union Bank, was again read, and laid on the table.

The Senate then adjourned until to-morrow.

SATURDAY, January 15th, 1842.

The Senate met pursuant to adjournment, and there being no quorum, adjourned until Monday.

MONDAY, January 17, 1842.

The Senate met pursuant to adjournment.

Mr. Walker gives notice that he will introduce a bill to amend the several acts in relation to crimes and misdemeanors.

Mr. Berthelot, agreeable to previous notice, introduced a bill to be entitled "An act amendatory of and supplemental to an act entitled an act to incorporate the city of Tallahassee," approved March 2d, 1840; which was read, and ordered copied.

Mr. M'Lean, agreeable to previous notice, introduced a bill to be entitled "An act concerning Roads, Highways, and Ferries;" which was twice read, and referred to the Committee on the State of the Territory.

Mr. Brockenbrough gives notice that on some future day he will introduce a bill to be entitled "An act to ascertain the wishes of the people of Florida upon the propriety of going into a State Government."

The same also presented the petition of sundry citizens of Apalachicola; which was read, and referred to the Judiciary Committee.

Mr. English gives notice that he will, at a future day, introduce a bill to increase the number of Senators to fifteen.

The Senate then adjourned until to-morrow.

TUESDAY, Jan. 18th, 1842.

The Senate met pursuant to adjournment.

Mr. Brockenbrough gives notice that, on some future day, he will introduce a bill to amend certain portions of the attachment law. Also,

A bill concerning appeal-bonds, claim-bonds, replevin-bonds and other bonds required by statute; also:—

A bill to amend the acts regulating chancery proceedings.

Mr. Berthelot gives notice that on to-morrow he will ask leave to introduce a bill to be entitled, "An Act to repeal the 36th section of an act, entitled an act concerning wills, letters testamentary, and letters of administration, and the duties of executors, administrators and guardians." Approved Nov. 20th, 1828.

A bill to be entitled, "An Act amendatory of and supplemental to an act, entitled an act to incorporate the city of Tallahassee," approved 2nd March, 1840, was again read, and ordered for Thursday next.

The Senate received from the House of Representatives as passed, a bill to be entitled "An Act to alter the name of the County of Mosquito," which was read.

The Senate then adjourned until to-morrow.

WEDNESDAY, January 19, 1842.

The Senate met pursuant to adjournment.

The Senate received from the House of Representatives a resolution in relation to the Southern Life Insurance and Trust Company, as adopted.

Also, as adopted, a certain preamble and resolutions requesting the Delegate in Congress to procure an appropriation to clear out the Suwannee river—which were read.

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

TALLAHASSEE, January 13th, 1842.

To the Legislative Council of Florida:

I transmit herewith the annual report of the Commissioner of the city of Tallahassee, for the past year. R. K. CALL.

Which was read, and 50 copies of said report ordered printed.

Mr. Berthelot, agreeable to previous notice, introduced a bill to be entitled "An act to repeal the 36th section of an act entitled an act concerning wills, letters testamentary, and letters of administration, and the duties of executors, administrators and guardians. Approved Nov. 20th, 1828"—which was read.

Mr. Walker presented a petition of the Intendant and Common Council of the City of Tallahassee, which was read—when Mr. Berthelot made the following motion:

On motion of Mr. Berthelot, it was carried, That the memorial of the Intendant and Common Council of the city of Tallahassee, be laid under the table, in consequence of the abusive and contemptuous language therein used against a member of this Senate; and that the Senate considers it as an indignity offered to this body.

Which was adopted.

Mr. Pelot offered the following resolution, viz:

Resolved, That no Senator, during the present session, shall withdraw himself from the business of the Senate without leave—which was read, the rule waived, and adopted.

The same, from the Committee on the Militia, made the following report:

The Committee, to whom was referred so much of the Governor's Message as relates to the militia of this Territory, beg leave to

REPORT,

That they have had the subject under consideration; and, upon the examination of the laws now in force, find that amendments were necessary in almost every particular—some sections have been entirely substituted, others in part, and objectionable ones left out altogether. And in the view of your Committee, the bill which we now offer will meet every exigency; and, if strictly adhered to, will

place our militia in a well organized situation—ready to render effective service at a moment's warning. A great deal, however, depends upon the exertion of the Brigadier Generals in carrying out the provisions of this act. And, it is to be hoped, they will attend, in future, more strictly to the official duties devolving on them than they have heretofore done. During the progress of the bill there are a few suggestions, which the Committee will further offer for the consideration of the Senate. All of which is respectfully submitted.

JOHN C. PELOT, Chair'm Committee Militia.

Which was read, and, with accompanying bill, read a first and second time by title, and ordered printed.

A bill to be entitled "An act to alter the name of Mosquito County," was again read.

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

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

TALLAHASSEE, January 13th, 1842.

To the Legislative Council of Florida:

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

(Signed) R. K. CALL.

OFFICE OF THE COMMISSIONER OF THE CITY OF TALLAHASSEE, January 3d, 1842.

To His Excellency, Richard K. Call, Governor of the Territory of Florida.

SIR: I have the honor of submitting to you my annual report, with a statement annexed.

A full statement and exhibit of the condition of the fund, the progress of the erection of the building, and the prospect of its completion, were presented to your Excellency, in June last, with a view to an application to Congress, then in session, in aid of the work. To this I beg leave to refer, having little of interest to add to the remarks then made.

The building is still unfinished; the walls are erected, but without a roof over the greater part of them, and they are suffering from exposure to the weather. The means of providing a roof are not within the reach of the Commissioner, having no funds on hand, and no prospect of realizing from the sale of land belonging to the

fund, or of collecting debts due to it. The hope is indulged that Congress will make an appropriation rather than allow the expenditure already made to be defeated. Already has the government profited by the use of the building, in the saving of rent for rooms for the Legislature, offices for the Governor, Secretary of the Territory and others, which, by this session, would have amounted to nearly five thousand dollars, and which the completion of the building will greatly increase.

It occurred to the Commissioner to contract for the roof on credit, trusting to the probability of raising funds, but on consultation with your Excellency, and considering the prospect of an early action of Congress, and that the building, by the delay of a few months, would not sustain much injury in its present condition, this was abandoned; but if the means are obtained a short time only would be required to accomplish it. The importance of again urging this matter upon the Delegate and Congress, is respectfully suggested. Attention has already been drawn to it by that indefatigable public officer; and it is to be hoped that his exertions may be seconded by the local authorities.

The plastering of that portion of the building occupied by the Legislature, and other offices of the government, was in progress of being finished but was prevented by the distressing sickness that prevailed in this city during the summer. The contractor was so unfortunate as to lose a portion of his family, and was drawn by his own ill health and that of the remainder, to the north to escape the sad effects of the disease; but it will only require a few weeks for finishing this part of the work.

The Commissioner is happy to state that the fund is tolerably free from embarrassment. The fortunate sale of lots, made in 1840, and the punctuality of purchasers, almost unexampled in the south, (a sale of nearly $20,000 being collected to within $1,200,) have enabled him to pay the contractors an amount nearly equal to the work performed. Shine has been paid $17,219 on his contract of $23,500 for the brick work, Levinus $9,075 on his contract of $10,000 for carpenter work, Johnson and Hoyt $2,400 in full of their contract, Scott $1,100, Robinson $914 78, making an aggregate of upwards of $30,000 of disbursement for the Capitol, besides other payments to a considerable amount.

Two accounts against the fund were omitted to be presented, as the Commissioner designed, to the Council at last session, to which he now begs leave to call their attention. His predecessor was ordered to procure implements, &c., for boring a well in the public square, which were purchased; and the work was in operation at the time of the Commissioner's appointment. As the funds were inadequate to both objects, and considering it more important to erect the building, and to pay the contractors as they progressed, and, also, from the difficulty of obtaining exchange, the Commissioner recommended the discontinuance of the work on the well, which was acquiesced in by the acting Governor; who, in addition,

expressed doubts as to the legality of the expenditure. Acting by his advice, the Commissioner accordingly suspended the payment of the accounts for that object until the pleasure of the Legislature could be made known. They are for a small amount, and justly due, and it is to be hoped will be directed to be paid without objection. They are enclosed herewith.

Very respectfully,

(Signed) T. BALTZELL, Commissioner.

THURSDAY, Jan. 20th, 1842.

The Senate met pursuant to adjournment.

The President presented a communication from the Intendant and common council asking a withdrawal of their memorial presented on yesterday—which was read.

Mr. Berthlot offered the following resolution:

Resolved, That an act entitled an act amendatory of, and supplemental to an act to incorporate the City of Tallahassee, approved 2d. March, 1840, be spread at large upon the journals of the Senate and published with the printed proceedings of this body, and that a certain paper purporting to be a petition addressed to the Legislative Council by the Intendant and Common Council of the City of Tallahassee, signed by F. Eppes, Intendant, Chas. Brown, Treasurer, P. Kerr, Jabez B. Bull, A. J. Fisher, James B. Gamble, David C. Wilson, R. A Shine and J. W. Levinus, Common Council, (which paper petition, or remonstrance, was, on motion of Mr. Berthelot, laid under the table for containing vile, abusive, and contemptuous language, in regard to one of the members of this honorable body, and as offering an indignity to this Senate,) be also spread at large upon the journals of the Senate, and published with the printed proceedings thereof—and that after said paper, petition, or remonstance, shall have been so printed, as aforesaid, that the said petitioners have leave to withdraw the said petition; and, also, that the motion made on yesterday by Mr. Berthelot, after the reading of said petition, to lay said petition and remonstrance, be also published with the printed proceedings of this Senate, and that this present motion be entered on the journals and printed with the proceedings of this body; and that the letter received this day be also printed with the proceedings.

Which was read.

Mr. English moved that the committee on the Judiciary be required to report tomorrow on the subject of the resolutions offered in relation to the faith bonds: on the question of its adoption the yeas and nays were called by Messrs. English and Cooper, and were—

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

Nays, Mr. President, Messrs. Berthlot, Dupont, Edwards, Livingston, McLean and Walker—7. So the motion was lost.

A bill entitled an act amendatory of and supplemental to an act entitled an act to incorporate the city of Tallahassee, approved 2d March 1840, was again read. On the motion to postpone said bill for Monday next the yeas and nays were called by Messrs. English and Dupont, and were—

Yeas, Mr. President, Messrs. Berthelot, Dupont, Edwards, Livingston, McLean, Pelot and Walker—8.

Nays, Messrs. English and Cooper—2. So the motion was lost.

The resolution of the House of Representatives in relation to the Southern Life Insurance and Trust Company, was again read.

The preamble and resolutions of the House of Representatives, requesting the Delegate in Congress to procure an appropriation to clear out the Suwannee river was again read and adopted.

A bill to be entitled an act to repeal the 36th section of an act entitled an act concerning Wills, Letters Testamentary, and Letters of Administration, and the duties of Executors, Administrators and Guardians, approved Nov. 20, 1828, was again read and referred to the Judiciary committee.

A Bill to be entitled An Act to alter the name of the county of Musquito, was read a third time; on motion the Senate went into committee of the whole, Mr. Berthelot in the chair, after some time, the committee rose and reported said bill as amended, which report was received, and said bill read again and ordered for to-morrow.

The Senate received from the House of Representatives as adopted, A Memorial to the Governor and Legislative Council of Florida, which was read.

Also as passed, A Bill to be entitled An Act for the relief of Jesse Carter, late Tax Collector of Alachua county, which was read twice and referred to the committee on the state of the Territory.

The Senate then adjourned until to-morrow.

FRIDAY, JAN. 21, 1842.

The Senate met pursuant to adjournment.

Mr. English, agreeable to previous notice, introduced a bill to be entitled "An Act to increase the number of Senators to fifteen."

The same also gives notice that on a future day he will introduce a bill to prevent free negroes from coming into the Territory, and for other purposes.

Mr. Edwards gives notice that he will on some future day introduce a bill to be entitled "An Act to change venue in criminal cases from one District to another, when good and sufficient cause be shown why such venue be changed.

The memorial of the Governor and Legislative Council of the Territory of Florida, before adopted by the House, was again read.

A bill to be entitled "An Act to alter the name of Mosquito County," was read a third time. On the question of its passage, the yeas and nays were called by Messrs. Cooper and Pelot, and were—

Yeas—Messrs. Berthelot, Cooper, English, Livingston, M'Lean, and Pelot—6.

Nays—Mr. President, Messrs. Dupont, Edwards, and Walker—4.

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

A resolution of the House of Representatives in relation to the Southern Life Insurance and Trust Co. was again read, and adopted; and Messrs. Berthelot, Walker, and Livingston, appointed said committee.

Mr. English moved that the resolutions sent from the House of Representatives concerning the Union Bank of Florida, be taken from the table, and placed among the orders of the day—which was adopted.

The resolutions of Mr. Berthelot, offered on yesterday, were again read, when Mr. Berthelot moved that after the word resolved, the words "That the petition of the Intendant and Common Council, which on a former day was laid under the table, be taken therefrom, and placed on the table," be inserted. The following was adopted as a substitute for the whole:

Resolved, That inasmuch as the Intendant and Council of the City of Tallahassee have by letter, on yesterday, expressly and fully disclaimed all intention of treating the Senate with indignity

or insult, by their Memorial presented on Wednesday, and requested leave to withdraw that Memorial, it is ordered that the said Memorial be taken from under the table, and placed on the table, and that said memorialists have leave to withdraw the same.

The Senate went into committee of the whole on a resolution of the House of Representatives in relation to the Union Bank of Florida, Mr. M'Lean in the Chair. After some time, the committee rose, and reported the following substitute for said resolution:

WHEREAS, from the continued suspension of specie payments by the Union Bank of Florida, the great depreciation of its bills and the consequent uncertainty which prevails on this subject, which is calculated to exert a very pernicious influence on the industry, enterprize and trade of the Territory:—

Therefore, be it resolved, by the Senate and House of Representatives, that a Joint Select Committee of four members of each House be appointed, (in such manner as the respective Houses may prescribe,) to devise the best means to remedy the evil of the present depreciation of the bills of the Union Bank of Florida, and that said committee be instructed (should they deem it necessary,) to report a bill to place the affairs of said institution in process of liquidation, and wind up said Bank as speedily as practicable.

On the question of concurring in said report, the yeas and nays were called by Messrs. English and Pelot, and were—

Yeas—Mr. President, Messrs. Dupont, Edwards, Livingston, M'Lean, and Walker—6.

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

So the substitute was adopted.

Mr. English offered the original as a substitute for substitute, on which the yeas and nays were called by Messrs. Dupont and English, and were—

Yeas—Messrs. Berthelot, Cooper, English, and Pelot—4.

Nays—Mr. President, Messrs. Dupont, Edwards, Livingston, M'Lean, and Walker—6.

So the motion was lost.

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

TALLAHASSEE, JAN. 21, 1842.

To the Legislative Council of Florida:

I herewith transmit a statement of the condition of the South-ern Life Insurance and Trust Company, on the first day of the present month.

R. K. CALL.

STATEMENT

of the condition of the Southern Life Insurance & Trust Company, Branches and Agency, Saturday morning, January 1st, 1842.

RESOURCES AND VOUCHERS.

Amount due upon bonds and mortgages,		$705,494 67
Amount due upon bills and notes discounted,		776,700 97
Suspended debt,		9,758 27
Notes for special advances on Cotton,		40,660 08
Stock held by this company,		52,045 00
Loan to the Territory and Corporation bonds,		47,000 00
Real estate,		22,675 12
Personal property,		8,073 11
Amount due from banks other than branches of this company and individuals,		31,709 82
Amount due from the Union, and Union and Potomac Companies of Maryland and Virginia,		86,487 89
Overdrafts of sundry individuals,		14,676 05
CASH.		
Items counted as, and equal to, cash,	$7,284 06	
Available notes of other banks,	3,170 00	
Specie,	714 61=	11,168 67
Resulting balances for items in transitu between the different offices,		1,045 65
Balance of profit and loss after deducting losses and expenses,		78,721 55
		$1,906,998 85

LIABILITIES AND CAPITAL STOCK.

Notes of this company issued,	$592,537 00	
" " on hand,	524,894 00	
Leaving unredeemed and in circulation,		$72,643 00
Post notes in circulation,		12,850 00
Due to banks other than branches of this company,		6,743 54
Obligations of this company past due,		117,240 91
" " " " payable in 1842,		168,396 83
" " " " payable in 1843,		48,663 28

Certificates issued to Union, and Union and Potomac companies,		69,300 00
Certificates of deposit bearing interest,		38,982 10
" " " without interest,		16,364 32
Dividends unpaid,		972 50
Deposits at the various offices,		59,883 81
Other obligations of this company,		99,487 53
		$711,527 82
Liabilities,		
Sterling certificates issued,	$400,000 00	
" " on hand,	150,000 00	
		* $250,000 00
Deposits to apply on discounted paper,		27,471 03
Capital stock paid in,		917,300 00
		$1,906,298 85

G. FIELD, President.

A. G. HAMMOND, Ass't Cashier.

TERRITORY OF FLORIDA, } S. S.
Leon County.

On this 18th day of January, in the year 1842, personally came before me, the undersigned, a Justice of the Peace in and for the county aforesaid, George Field, President, and Andrew G. Hammond, Assistant Cashier of the Southern Life Insurance and Trust Company, who, being duly sworn, depose and say that the above statement of the condition of the said Southern Life Insurance and Trust Company is just and true, according to the best of their knowledge and belief.

Witness my hand, at Tallahassee, the day and year first above written.

BENJAMIN W. GAUSE,
Justice of the Peace.

Which was read, and ordered printed.

The President offered the following [illegible] tion:

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

The Legislative Council at its last session, appointed the undersigned to revise the laws of the Territory, and requested him to make a report thereof, to the Council, at its present session.

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* The company do not consider themselves as principal or the Territory as endorser, liable for this amount

He has now the honor to report to that body, that he has commenced the work assigned him, and he hopes, if he has health during the ensuing summer, to complete, and be able to report to the Council, at its next session, the result of his labor. His plan contemplates a complete revision of the whole body of statutory law, and the digesting and arranging of it into distinct chapters according to the subject matter. It will at once be seen, that the magnitude of this undertaking is a sufficient reason for the undersigned's inability to make a final report at the present session of the Council.

The value and usefulness of such a code as the undersigned contemplates, must depend upon its adaptation to the wants and circumstances of the country, and to its arrangement into a systematic form. The undersigned can give no further assurances than that he will spare no labor to make the work as perfect as his abilities will allow.

WILLIAM MARVIN.

Tallahassee, January 21, 1842.

Which was read. On motion of Mr. English, it was carried that said communication be placed upon the Journals; and (if the House concur) that the time for his report be continued to the next session of the Legislature.

The Senate then adjourned until to-morrow.

SATURDAY, January 22d, 1842.

The Senate met pursuant to adjournment.

Mr. Walker, from the Committee on the Judiciary, reported without amendment a bill to amend an act to provide for the collections of rents. Also, certain resolutions in relation to the acts of the Legislative Council pledging the faith of the Territory.

Mr. Livingston, from the Committee on the state of the Territory, reported without amendment a bill to be entitled "An Act concerning Roads, Highways, and Ferries."

On the question to adjourn until Monday next, the yeas and nays were called by Messrs. English and Cooper, and were—

Yeas—Mr. President, Messrs. Dupont, Livingston, M'Lean, and Walker—5.

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

So the Senate adjourned.

MONDAY, January 24, 1842.

The Senate met pursuant to adjournment.

Mr. English, agreeable to previous notice, introduced a bill to be entitled "An Act to prevent the future migration of free negroes and mulattoes to this Territory, and for other purposes," which was read, laid on the table, and ordered printed.

A bill to be entitled "An Act amendatory of and supplemental to an act entitled an act to incorporate the city of Tallahassee," was again taken up, when the Senate went into committee of the whole on said bill, Mr. M'Lean in the Chair. After some time, the committee rose, and reported said bill with all stricken out except the enacting clause.

On the adoption of the first section of said act—

SECTION 1. *Be it enacted by the Governor and Legislative Council of Florida*, That from and immediately after the passage of this law, it shall not be lawful for the Intendant and Common Council of the city of Tallahassee, or any of their agents, attorneys, or officers, to make and sign, issue, emit, circulate, lend, pass, pay, or tender in payment, any change bills; and in case said Intendant and Common Council shall contravene and violate the provisions of this section, such Intendant and Common Council-men who shall either directly or indirectly assent thereto, shall forfeit the sum of one thousand dollars, to be sued for in the name of the Territory of Florida, by the District Attorney of the Middle District of Florida, or by any private individual who may be aggrieved, and recovered in an action of debt or on the case in the County, or Superior Courts of Leon county, with costs; and one half of said forfeiture, when recovered, shall be paid to the use of the Territory, and the other half to the District Attorney, or to the individual aggrieved, bringing said action.

The yeas and nays were called by Messrs. Pelot and Cooper, and were—

Yeas—Messrs. Berthelot, Cooper, English, and Pelot—4.

Nays—Mr. President, Messrs. Dupont, Edwards, Livingston, M'Lean, Walker—6.

So said motion was lost.

Whereupon Mr. Pelot moved the insertion of the following section:—

SECT. 2. *Be it further enacted*, That the said Intendant and Common Council shall no longer possess the right to assess and levy a capitation or poll tax of a larger amount than one dollar *per head*, for no purpose whatever; and that all taxes hereafter to be assessed and levied, shall be an ad valorem tax.

The yeas and nays were called by Messrs. Berthelot and English, and were—

Yeas—Messrs. Berthelot, Cooper, English, and Pelot—4.

Nays—Mr. President, Messrs. Dupont, Edwards, Livingston, M'Lean, and Walker—6.

So said motion was lost.

On motion of Mr. Dupont for an indefinite postponement of said bill, the yeas and nays were called by Messrs. Pelot and Berthelot, and were—

Yeas—Mr. President, Messrs. Dupont, Edwards, Livingston, M'Lean, and Walker—6.

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

So the bill was indefinitely postponed.

The Senate received from the House of Representatives, as passed, an act concerning public defaulters—which was read.

The Senate went into committee of the whole, Mr. Pelot in the Chair, on a bill entitled "An Act to increase the number of Senators to fifteen." After some time, the committee rose, reported progress, and asked leave to sit again, which was granted. On motion, the Senate again went into committee of the whole, the same in the Chair. After some time, the committee rose, and asked to be discharged from the further consideration of said bill, which was granted. On

motion, said bill was referred to the committee on the state of the Territory.

The substitute of the Senate for the resolution of the House of Representatives, in relation to the Union Bank of Florida, was read the third time. On the question of its passage the yeas and nays were called by Messrs. McLean and Pelot, and were—

Yeas—Mr. President, Messrs. Berthelot, Dupont, English, Livingston, McLean, Pelot and Walker—8.

Nays—Messrs. Cooper and Edwards—2.

So the substitute was adopted.

The resolution of Mr. Cooper, in relation to the right of the Legislative Council to pledge the faith of the Territory, was again read.

Mr. Bockenbrough moved the postponemont of the resolutions until to-morrow, but at the suggestion of Messrs. English and Dupont, moved that they be made the special order of the day for Friday next; on which motion Mr. Pelot moved to strike out "Friday next," and insert "the last day of the session," on which amendment the yeas and nays were called, and the amendment was withdrawn, but renewed by Mr. Brockenbrough; the yeas and nays were called by Messrs. Dupont and Brockenbrough, and were—

Yeas—none.

Nays—ten.

On motion to make said resolution the special order for Friday next, the yeas and nays were called by Messrs. Berthelot and Pelot, and were—

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

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

So the order was made.

A bill entitled "An Act to amend an act to provide for the collection of Rents, approved Nov. 21, 1828," was again read, recommitted to the committee on the Judiciary, and copies ordered

A memorial of the Governor and Legislative Council of Florida, before adopted by the House of Representatives, was again read, and referred to the committee on the State of the Territory.

A bill to be entitled "An Act concerning Roads, Highways, and Ferries," was again read, ordered printed, and made the order of Tuesday week.

A bill to be entitled "An Act to organize and regulate the militia of the Territory of Florida, and to repeal all former acts in relation to the same," was again read, and ordered for to-morrow.

Mr. Pelot moves that the 21st, 22d, and 23d rules be rescinded so far as they relate to secret session, or closed doors, which was read.

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

On motion, the Senate adjourned until to-morrow.

TUESDAY, January 25th, 1842.

The Senate met pursuant to adjournment.

Mr. McLean gives notice that he will on some future day introduce a bill to be entitled "An Act to amend an act to suppress the issuing or circulating of Change-bills, and for other purposes," approved Feb. 11th, 1838.

Mr. Brockenbrough offered the following resolution:

Resolved, That the Committee on Finance be instructed to report a bill requiring the payment of all taxes, fines, and other dues to the Territory, in specie, or such funds as are receivable by the receiving officers of the United States, or Auditor's warrants only.

Which was read.

Mr. Brockenbrough offered the following

PREAMBLE AND RESOLUTIONS

In reply to certain demands made upon the Governor and Legislative Council, for interest said to be due upon certain obligations guaranteed by the Territory of Florida.

WHEREAS the Congress of the United States, acting by authority of the Constitution of the United States, the fourth article of which gives Congress "power to dispose of, and make all needful rules and regulations respecting the territory or other property belong-

ng to the United States," has passed laws from time to time, or-
ganizing and constituting the Territorial government of Florida, by
means of which laws only the people of Florida have hitherto held
and enjoyed a political existence and organized government;—and
whereas, by such organic laws a Legislative Council has been es-
tablished, the members of which are *elected by the people of Flori-
da*, with power to pass laws for the government of the Territory,
according to "*all rightful subjects of legislation*," which laws are
to be of full force after their passage (and the sanction of the governor,
or the passage by a vote of two-thirds without his sanction,) unless
vetoed by an act of Congress:

And whereas, the people of Florida have expressly and tacitly,
collectively and individually acquiesced in and sanctioned such
government,—by voting for its officers—by resorting to its tribunals
and relying upon its guarantees for the protection of life and pro-
perty—by general obedience to its mandates and the punishment
of those who violate its laws—and, lastly, by living and acting un-
der its authority, without rebellion, revolution, or the establishment
of any other form of government:

And whereas, the said Legislative Council, at the instance prin-
cipally, of the people of *Middle Florida*, did in the year 1833 pass
an act entitled "An Act to incorporate the subscribers to the Union
Bank of Florida," by which act the Governor was required to sign,
seal and deliver to the said Union Bank of Florida, (when certain
bonds and mortgages were executed,) the bonds of the Territory,
first for one million, and subsequently for two more millions of dol-
lars, for the purpose of being sold to raise the capital stock of that
bank, which act was permitted to pass and became a law, and was
duly published and carried into full effect without remonstrance from
the people of Florida or application to Congress to annul the same
under its reserved power, and which act has since been re-sanc-
tioned by amendments passed in 1835, in 1836 and in 1839,—by
requiring and publishing the annual statements of said Bank, as
required by said act—by appointing committees to examine the af-
fairs of said Bank under the authority of said act—by the annual
appointment of government directors, appointed by virtue of said
act—and by permitting said Bank to continue to exercise corporate
functions and sue and be sued, as a body corporate, under authori-
ty of said act:

And whereas the said Legislative Council did, in the
year [illegible] an act entitled "An act to increase the capital of [illegible]
Pensacola, and to amend the laws incorporating said Bank, [illegible]
other purposes," principally at the solicitation of the *people and re-
presentatives of West Florida*, by which said act the said Bank of
Pensacola was authorized to subscribe for certain Railroad stock,
and to enable it so to do, to make its bonds for five hundred thou-
sand dollars payable to the Territory of Florida; and upon said
bonds, when satisfied of the subscription for said stock, the Gover-
nor was required to endorse an assignment and guarantee in favor

of the charter thereof, under the seal of the Territory, which said act was likewise passed into a law, published, and carried into effect without remonstrance by the people of Florida, or application to Congress to annul the same, and was further sanctioned by an act of amendment in 1838, and by the other modes by which the charter of said Union Bank has been sanctioned:

And whereas the said Legislative Council did, in 1835, principally at the solicitation of *the people and representatives from East Florida*, pass an act entitled "An act to incorporate the Southern Life Insurance and Trust Company," by which said act the said Company was authorized to issue certificates of one thousand dollars, bearing not more than six per cent. interest, redeemable within the range and limit of the charter, at such times as the Governor and Company might agree upon, and present the same to the Governor or acting Governor of this Territory, whose duty it should be to endorse thereon "Endorsed by the Territory of Florida," and sign his name and title of office thereto, and return the same to said company; and the faith of the said Territory was thereby pledged as security for said company, for the faithful payment of such certificates, according to the tenor and effect of the same; the amount of which certificates was only limited by the amount of debts under mortgage to the company at the time of making application, to be secured after the mode and in conformity to the manner pointed out in the sixth section of said act:

And whereas said act was permitted to pass into a law, be published, and acted upon without remonstrance or petition to Congress to annul the same, and was again sanctioned by amendment in 1837 and 1838, and by the other modes mentioned with regard to the Union Bank of Florida; and certain certificates have been endorsed and sold under said acts last mentioned:

And whereas the Legislative Council, in 1838, passed an act entitled "An act to call a convention for the purpose of organizing a State Government," and said Convention, elected under said law, met in conformity thereto, at the place and day appointed, and did frame "a constitution or form of government for the people of Florida," in which it is declared that "the General Assembly (under that Constitution) shall not pledge the faith and credit of the state to raise funds in aid of any corporation, what [illegible]" and it is further declared, that "the General Assembly shall, at its first session, have power to regulate, restrain and control all associations claiming to exercise corporate privileges in the state, so as to guard, protect and secure the interests of the people of the state, not *violating vested rights, or impairing the obligation of contracts*;" and thus again sanctioned, in another form, the obligations then existing:

And whereas said convention, assuming, as it well might, though elected for a specific purpose, to speak the sentiments of the people of Florida upon important questions of general interest, expressly refused to pass various resolutions and propositions introduced, declaring the bonds and guarantees before issued, or that might be

[illegible] null and void, or to repudiate the same,—but, on the contrary, passed a certain preamble and resolution by which the attention of Congress was requested, and its aid invoked, "in the passage of a law to remedy, as far as practicable, the evils that had already resulted from the improvident and injudicious acts of the Territorial Legislature, and to prevent the disastrous consequences which it was apprehended might ensue from the same cause; and (stated) that *this Convention would deprecate any course calculated to impair the obligation of contracts, or to weaken the credit or affect adversely the character and honor of the people of Florida, they yet* respectfully insisted that that Honorable body (Congress) would take such action upon this subject by altering, repealing, or amending the charters that had been granted, or by so modifying the same, as would protect the people from further injury, maintain their rights as a free people, and preserve their just interests and privileges"—thus again sanctioning, in the name of the people of Florida, the inviolability of the faith pledged, and the obligation of the contracts made;

And whereas the said acts have thus received the sanction of the people of Florida, by their representatives, in every form in which they could act, and the sanction of the Government of Florida existing *de facto*, and the only one which ever has claimed to exist, or yet exists, and the same being also the government *de jure*, existing *of right* by the Constitution—the acts of Congress,—and *the acquiescence of the people* through all time passed, and an ordinance passed by their Convention in which the authority of the same is acknowledged, and its laws continued in force until repealed or altered by the General Assembly of the State; and inasmuch as nations are held bound for acts of aggression or spoliation committed by any government existing *de facto*, however tyrannical or arbitrary such government may be, or however odious or unjust may be the *usurpation* by which such government exists, or however much opposed the nation may have been to such government, or its acts of aggression and spoliation; and inasmuch as the obligations of a people acting by their own representatives, in a government acquiesced in by them, for the loan of money to be expended among them, however injudiciously, seem to present a much higher moral claim. It appears to the members of the present Legislative Council, that a proper respect for themselves, and a due regard for the character of their constituents—the imperative obligations of common honesty—the inviolable sacredness in which the faith and honor of a free people should be held—the blighting effects of infamy, and the scorn of mankind, upon the hopes and destinies of a young Republic, alike require that however limited may be their present resources they should not undertake to declare null, obligations so repeatedly sanctioned; especially when it is considered that those obligations depend only upon honor, and cannot be enforced by law, and that the money borrowed has been used and expended among our own people, and to some extent lost or squandered by the faithlessness or incapacity of

own agents,—and when it is remembered that the incapacity of this government to bind the people, was unwhispered in the Council as long as money could be obtained by the pledge,—and it was then held omnipotent to borrow,—and the doctrine that it was powerless to pay, (though still held capable to repudiate in the name of the people) was only heard in indistinct murmurs when the golden stream first ceased to flow, and has only increased to a voice of thunder now since payment is demanded; and that the force and authority of a declaration made by the representatives of the same people, acting under the same organic laws and form of government, to *annul* such obligations, is more than questionable, however potent it may be in claims and mischief; and it may be apprehended that the general opinion of mankind and our sister States might still compel us to bear the burthen of the debt, as well as the humiliation of repudiating it.

And whereas the passage of the Acts in question was a gross abuse of power, in every aspect unwise and unstatesman-like, and in results unfortunate and disastrous, inasmuch as it gave to banks and their stockholders monstrous and dangerous privileges; as it created more bank capital than was, or ever will be, needed in the most prosperous times; as it caused a vast excess of currency to be issued (into few hands and on long credits,) beyond the wants of wholesome trade, which was naturally squandered in wild extravagance, or sunk in visionary speculation; as it violated every principle of sound banking by requiring more money to be loaned on real estate upon long credits, than ever could be done with safety and continue specie payments; as it enabled a favored few to accumulate vast possessions of unproductive property and hold it at extravagant prices, thereby retarding the growth of the country, and sending the small planters and the hardy pioneers from our doors to seek cheaper lands elsewhere; and as it produced a system of wasteful extravagance and vicious habits, corrupting the taste and morals of the people, and utterly at war with steady economy and wholesome industry;

It was the duty of Congress, by its prudent care and protective power, to have saved us from the evil effects of the blind, partial, and improvident acts of our deluded or interested representatives, then acting *in a single House*, and, therefore, more liable to the errors arising from the arts of designing men, or hasty legislation. And although we by no means contend that the failure of Congress to annul those acts ought to shift the burthen from our [illegible] the United States, yet we are of opinion that it [illegible] an equitable claim to such aid as Congress may reasonably give when called upon by us for aid in the honest discharge of our obligations.

And whereas the said banks have been grossly mismanaged—have violated their charters—have permitted the public faith to be violated, and placed in jeopardy much of the fund and security provided to save us harmless; and have failed to furnish a sound currency, but on the contrary, by their long suspension of payments and the excessive depreciation of their money, have paralized the

energies of industry, and poisoned every artery of trade, enhancing the evils arising from other causes, and from those which their former lavish liberality produced and fostered:

And whereas, these evils and the misfortunes incident to the long protracted Indian war, and the vast bodies of land held up by speculators, by reservations and by Spanish grantees, have prevented the immigration of new capital and industry into Florida; and the general prostration of credit incident to the times has produced distrust and put in motion the crushing engines of the law, pulverizing ideal wealth and grinding the substance from our people, chiefly to pay debts abroad, insomuch that it is difficult to meet by taxation, the trivial expenses of our Territorial government, and utterly impossible to lay new burthens upon a country so prostrated by misfortune, whilst its vitals are torn by war, and it is already bleeding at every pore:

And whereas, the genial nature of our climate and the generous character of our soil, together with the native industry and energy of our people, when deprived of unusual and unnatural resources, give us reason to hope and believe that the sun yet shining above the clouds which lower over us, will again shine on us, when the war terminates and when the crisis in our money affairs shall have passed, and the change and division of property and the influx of population and capital incident thereto shall have followed those events, and when the explosion of credit shall have brought our people back from gewgaw finery and idle speculations, to the substantial comforts produced by industry and economy; and that then, amidst the blessings of peace and abundance of prosperity, a very light taxation will enable us to pay the interest and gradually sink the principal of all the obligations which they will ever, probably, be called upon to pay, after exhausting the securities of the banks:

And whereas, it is our imperative duty to protect the people of Florida and the honest holders of their obligations from loss, by all lawful means,—and it is hoped and believed that a very large amount of the obligations for which the Territory is liable, is abundantly secured, although now in jeopardy, and unavailable to meet present payments, by the mismanagement of the banks:—

Be it therefore resolved—First. That the bonds hitherto issued and the guarantees given to the banks of Florida, are binding upon the people of Florida, in the hands of all lawful holders; but that, in the present situation of the country, it is impossible for the government of Florida to meet these obligations by taxation or any other means in our power.

Resolved—Secondly. That holders of all such obligations are advised to take active measures against said banks and their stockholders when liable; to obtain security or payment, and that it is the duty of the Legislative Council to render them all possible aid.

Resolved—Thirdly. That a Committee be appointed with instructions to report a bill to provide for the protection and preser-

vation of the securities given for the benefit of the Territory and the bondholders, so as best to secure the interests of both from loss by mismanagement or fraud.

Resolved—Fourthly. That it will be the duty of the legislative power of Florida, under whatever form of government we may then be, to redeem the obligations of this Territory, which shall remain unpaid or unsecured by the securities and effects of said banks or their stockholders, by taxation or such other means as may be under the control of such legislative power.

Resolved—Fifthly. That the Governor be instructed to forward a copy of this Preamble and these Resolutions, as the response of the Legislative Council to the persons demanding payment of interest.

Which was read.

On the question to print 100 copies, the yeas and nays were called by Messrs. English and Cooper, and were—

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

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

So the printing was ordered, and said resolutions, &c., made the order for Friday next.

On motion of Mr. English it was ordered that the resolutions on the same subject hitherto offered by Mr. Cooper, be printed on the same paper with the said preamble and resolutions.

Mr. Livingston, from the Committee on the State of the Territory, reported a memorial and resolutions respecting the improvement of the harbour at the mouth of the Apalachicola River, without amendment.

Also, a bill to be entitled An Act for the relief of Jesse Carter, as amended.

Which reports were concurred in.

A bill entitled An Act concerning Public Defaulters, was again read, and copies ordered.

The Senate went into Commmittee of the whole, Mr. English in the Chair, on a bill to organize and regulate the militia of the Territory of Florida, and to repeal all former acts in relation to the same. After some time the Committee rose and reported progress, and asked leave to sit again, which was granted.

The resolution of Mr. Pelot in relation to rescinding the rule in secret sessions was again read, on its passage the yeas and nays were called by Messrs. Pelot and Cooper, and were—

Yeas—Messrs. Berthelot, Cooper, English and Pelot—4.

Nays—Mr. President, Messrs. Dupont, Edwards, Livingston, McLean and Walker—6.

So the resolution was lost.

The Senate went into committee of the whole on a bill to prevent the future migration of free negroes and mulattoes to this Territory, Mr. Edwards in the Chair. After some time the committee rose and reported said bill as amended. Which was received, and

said amendments concurred in. Said bill was made the order for Saturday.

The Senate received from the House of Representatives a preamble and resolution in relation to the Commissioners on Indian depredations, which was read.

Also, a resolution respecting a revision of the Laws, which was read, and laid on the table.

A memorial of the Governor and Legislative Council of Florida was read, and adopted.

A bill to be entitled An Act for the relief of Jesse Carter, late Tax Collector of Alachua County, was again read.

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

On motion, the Senate adjourned until to-morrow.

WEDNESDAY, January 26, 1842.

The Senate met pursuant to adjournment.

Mr. Cooper offered the following preamble and resolution:

WHEREAS the conduct of Col. William S. Harney, of the United States Army, while in Florida, won for him in a high degree the confidence of the people of Florida, and his withdrawal from Florida is greatly regretted by them, and his return to this Territory, in his proper command, would give general satisfaction—

Be it therefore resolved, by the Senate and House of Representatives of the Territory of Florida, That the Honorable the Secretary of War be respectfully requested, if consistent with the public interest, and if agreeable to Col. Harney, to order that officer to this Territory, and give him a command suitable to his rank; and that a copy of this preamble and resolution be sent to the Delegate in Congress forthwith, and that he be requested to lay the same before the Secretary of War.

Which was read.

Mr. Dupont, from the Committee on Judiciary, reported a bill to be entitled "An Act to amend an act to provide for the collection of Rents," approved Nov. 21st, 1828, amended, which report was received, and said bill ordered for to-day.

A resolution offered on yesterday, giving certain instructions to the committee on Finance, was again read and adopted.

The Senate went into committee of the whole, Mr. M'Lean in the Chair, on a bill to be entitled "An Act concerning Public Defaulters." After some time, the committee rose, and reported said bill amended, which report was received; and on the question of concurring in it, the yeas and nays were called by Messrs. Cooper and English, and were—

Yeas—Mr. President, Messrs. Berthelot, Dupont, Edwards, Livingston, M'Lean, Pelot, and Walker—8.

Nays—Messrs. Cooper and English—2.

So the report was concurred in.

On motion of Mr. English, to substitute the original bill of the House of Representatives for the amendment, the yeas and nays were called by Messrs. Cooper and English, and were—

Yeas—Messrs. Cooper and English—2.

Nays—Mr. President, Messrs. Berthelot, Dupont, Edwards, Livingston, M'Lean, Pelot, and Walker—8.

The Senate again went into committee of the whole, Mr. English in the Chair, on a bill to be entitled "An Act to organize and regulate the militia of the Territory of Florida, and to repeal all former acts in relation to the same." After some time, the committee rose and reported progress, and asked leave to sit again, which was granted.

The preamble and resolution of the House of Representatives, calling on the Governor for information as to the reports of the commissioners on Indian depredations, &c., was again read.

A bill to be entitled "An Act for the relief of Jesse Carter," was again read, and laid on the table.

A bill to be entitled "An Act to amend an act to provide for the collection of Rents," approved Nov. 21st, 1828, was again read, and ordered engrossed for to-morrow, as amended by the committee.

The Senate received from the House of Representatives a bill before passed, and amended by the Senate by striking out the preamble, with the order "that the bill be again sent to the Senate, the House having unanimously agreed to insist on the original bill, without amendment."

On the question to adhere to the Senate's amendment, the yeas and nays were called by Messrs. Cooper and Pelot, and were—

Yeas—Mr. President, Messrs. Berthelot, Dupont, English, Edwards, Livingston, M'Lean, and Walker—8.

Nays—Messrs. Cooper and Pelot—2.

So the Senate adhered to their amendment.

On motion, the Senate adjourned until to-morrow.

THURSDAY, January 27th, 1842.

The Senate met pursuant to adjournment.

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

The Committee on the Judiciary, to which was referred the petition of certain persons in Apalachicola, praying that certain rules might be prescribed for wharfingers in that city, respectfully report the annexed bill, with the remark that the subject is more appropriate for the legislation of the Mayor and Council of the city, than for this Council. (Signed) GEO. WALKER, Chairman.

Which was received, and said bill read.

A resolution to expedite the closing of the Indian war, was again read.

An Act concerning Public Defaulters, was ordered for Saturday next.

An Act to organize and regulate the militia of the Territory of Florida, and to repeal all former acts in relation to the same, was laid on the table.

A resolution calling on the Governor for certain information, was again read and adopted.

An engrossed bill, entitled "An Act to amend an act to provide for the collection of Rents," approved 21st November, 1828, was read a third time, and passed. Ordered that the title be as above.

The Senate received from the House, as passed, a bill to be entitled "An Act in addition to the several acts now in force, in relation to Roads, Highways, and Ferries," which was read, copies ordered, and made the order for Tuesday next.

Also, an Act to repeal in part an act concerning improvements made on public lands, which was read, and copies ordered.

On motion, the Senate adjourned until to-morrow.

FRIDAY, January 28th, 1842.

The Senate met pursuant to adjournment.

A resolution of Mr. Cooper in relation to faith-bonds, &c., was ordered for Tuesday.

A resolution to expedite the closing of the Indian war, was again read and passed.

A bill to amend an act entitled "An Act to incorporate the City of Apalachicola," was read a second time.

An Act to repeal, in part, "An Act concerning improvements made on public lands," was again read.

Mr. Livingston offered the following, viz:

Resolved by the Senate, That it requires eight to constitute a quorum of this body.

Which was read.

On motion, the Senate adjourned until Monday.

MONDAY, January 31st, 1842.

The Senate met pursuant to adjournment.

A Bill entitled "An Act to prevent the future migration of free negroes and mulattoes to this Territory, and for other purposes," was again read.

On the question of its passage, the yeas and nays were called by Messrs. Walker and English, and were—

Yeas—Messrs. Berthelot, Cooper, English, Livingston, and Pelot—5.

Nays—Mr. President, Messrs. M'Lean and Walker—3.

So the bill passed. Ordered, that the title be as above.

An Act concerning Public Defaulters, was ordered for to-morrow.

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

TALLAHASSEE, January 30th, 1842.

To the Legislative Council of Florida:

I herewith transmit an official statement exhibiting the condition of the Bank of Jacksonville on the 16th inst.

I also present for the information of the Legislative Council, a copy of my correspondence with the Cashier of the Bank of Pensacola, containing an explanatory statement of the condition of that Institution.

RICHARD K. CALL.

BANK OF JACKSONVILLE,
Jacksonville, January 16th, 1842.

To His Excellency R. K. Call, Governor of the Territory of Florida.

Sir: We herewith respectfully submit a statement of the condition of the Bank at Jacksonville—

To bills of Exchange and notes discounted,	$10,886 09
Amount due from sundry banks and individuals,	47,546 54
Specie and bills of specie paying banks of Savannah, Charleston and New York,	10,350 00
Bills of other banks,	7,450 00
Specie deposited in the hands of an agent in New York subject to the order of the Cashier,	17,560 00
	$93,792 63

By capital stock paid in,	$50,000 00
Bills payable,	4,600 00
Deposites,	2,925 00
Circulation,	5,453 00
Surplus fund,	30,814 63
	$93,792 63

J. B. [illegible]AN, President.

L. M. ALVERSON, Cashier.

PERSONALLY appeared before me J. B. Morgan, President, and L. M. Alverson, Cashier, of the Bank of Jacksonville, both of whom being solemnly sworn, doth depose and say, that the within report contains a just and true statement of the condition of said Bank, on this day, to the best of their knowledge and belief.

J. B. MORGAN,
L. M. ALVERSON.

Sworn and subscribed to before me, at Jacksonville, this 16th of January, 1842.

J. L. DOGGETT,
Judge County Court Duval Co.

TALLAHASSEE, 6th December, 1841.

Sir:—The present situation of the Bank of Pensacola renders it highly important that the Legislative Council, at its next session, should be particularly informed of the value of the assets of that institution, as well as the value of assets belonging to the Alabama, Florida, and Georgia Railroad Co. In order that I may be prepared as far as possible to communicate this intelligence, I have to request that you will make a special report on this subject, designating the value of each item of account, and the probable time when it may be made available.

If either funds, or property of any kind, belonging to the Bank or the Railroad, have been removed beyond the jurisdiction of this Territory, you will please state the amount or value of each sum or article removed—to what place, and to whom they have been sent—at what time—for what purpose, and by what authority they have been removed?

I have further to request that you will inform me what amount of the bills of the Bank have been paid out for the purchase of cotton by that institution within the last three years? To whom the cotton was consigned, and in what manner, and for what purpose, were the proceeds applied?

You will please inform me at the same time, if within your knowledge, who are the present endorsers of the bonds of the Bank? To whom they were transferred by the "Pensacola Association?"—And, if practicable, furnish me with a copy of the articles of contract and sale, under which they were disposed of by the party above mentioned.

I have, also, to request that you will furnish me, if in your power, who were the contracting parties to the obligation—by which the interest on the bonds is required to be paid at the counting house of Gowan & Marx, London. A copy of that obligation is also requested.

Having entire confidence that the information required will be promptly given I have deemed it unnecessary to [illegible] commissioner to visit the Bank to obtain it; and have only to add an expression of my desire that I may receive your answer as early as

practicable, in order that I may lay it before the Legislative Council on the 1st Monday in January next.

I am, sir, very respectfully, &c.,

R. K. CALL.

(Signed)

Mr. Wm. B. Taylor, Cashier of the Bank of Pensacola.

Bank of Pensacola,
Pensacola, January 19, 1842.

To His Excellency Richard K. Call, Governor of Florida.

Sir—In answer to the inquiries contained in your communication of 6th December, (which was received on the 17th instant,) the undersigned is directed to submit the following report upon the condition of this Bank.

The statement forwarded you on the 21st December last, exhibits the debt due *by* the Bank. From the debts due *to* the Bank, appearing from the same statement, a large deduction is to be made for such of it as is desperate.

There is due from the Commercial Bank of Florida, and other Banks and Companies,		$ 62,974 06
From the Commercial Bank may be ultimately received on collaterals now in suit,	$12,000 00	
From other sources of said item,	5,771 91	=17,771 94
		$45,202 12
Bad debt,		
		$102,880 12
Bills receivable under protest,		26,537 54
estimated as good,		
		$41,348 58
Bad debt,		
		$107,623 77
Bills receivable in suit,		80,997 90
estimated good,		
		$26,625 87
Bad debt,		
Bank property, say furniture of banking-room, iron chest, &c., valued at		$1,150 00
As to the Railroad stock, the whole item may be put down as entirely unavailable,		332,810 [illegible]

As to the amount due by the Railroad Company for advances, viz: $242,585 20, it is not likely to be speedily reduced, such is the unsaleable character of the remaining assets. These consist of:

2,000 shares in the Montgomery Railroad Co.; cost		$
1,200 acres of land at head of Escambia Bay; "		
1 steam pile driver, "		[illegible] 00
75 set car-wheels and axles, cost $125 per set,		9,375 00
4 finished passenger-cars, and 1 do. unfinished,		6,000 00
Dressed stuff and materials for 7 other passenger cars, machinery, and various engineering instruments, valued at		4,000 00

No accurate estimate can be formed as to when these assets of the Bank and Railroad can be converted into money. It will be perceived that a large portion of the debt to the Bank is depending upon the Courts of the Territory.

In regard to the inquiry whether funds or property of the Bank have been removed beyond the limits of the Territory: No such transfers have been made except in the legitimate course of business, and in providing for indebtedness out of the Territory. Certain property at Apalachicola, assigned to the Bank in payment of debt, was again turned over by the Bank to her creditors—among others, a house and lot of the value of $6,500, and a mortgage of $2,000, were transferred to Thomas Biddle and others, of Philadelphia, in reduction of their claim for money advanced to pay the interest on the bonds falling due July, 1839.

As to the Cotton transactions of the bank: At a meeting of the directors on the 12th November, 1839, (shortly after the suspension of specie payments,) it was "Resolved, that it is expedient for this Bank to advance on cotton a price not exceeding eight cents per pound—that a broker and agent of the bank be employed to proceed to Alabama, and make advances on cotton not under prime quality, and that $25,000 be appropriated, for the present, for that purpose."

The then President of the Bank, Thomas M. Blount, drew from the Bank, on the 17th November, $31,000, and on the 13th December, $20,000—in all, $51,000, with which he proceeded to Mobile, to carry out the measure. The result of the transaction will be best exhibited in figures, as follows:—

Amount taken by the President to Mobile per receipts,		$51,000 00
Against which he shipped to Davis Brooks & Co., of New York, 191 bales, the net proceeds of which ($8,138 50) were deposited to the credit of this Bank in the Bank U. S., New York. Said cotton cost	$ 8,856 02	
Cash returned in the bills of the Bank of Pensacola,	3,800 00	
Received by him from Robertson & Co., of Mobile, in bills of Union Bank of Florida, in lieu of a like amount of Pensacola Bank bills, the latter having been used in the purchase of 800 bales of cotton, which purchase the said T. M. Blount refused to sanction,	36,439 50	
Deduct amount used under his orders in the purchase of 151 bales cotton, at Tallahassee,	5,158 28	
Balance of Union money returned.	31,281 22	=43,927 24
Balance unaccounted for,		7,062 76

The 151 bales of cotton above noted, were shipped to James J. Tredwell, New York, who became bankrupt with the proceeds in hand, and as the consignment to this house was without the knowledge or consent of the Bank, the said Blount is held bound for the amount.

The proceeds of the shipment to Davis, Brooks & Co. were appropriated to the payment of checks drawn upon time, payable at New York, and under protest. On the 21st October, 1839, when the Bank suspended specie payment, these checks amounted to 40,000 dollars. The amount outstanding, at the present time, is $2,150 37.

The accompanying copy of the articles of agreement, under which the bonds of the Bank were sold to the Pensacola Association, furnishes all the information in possession of the Bank, upon that subject. The Bank of Pensacola contracted to pay the interest at the Bank of the United States. With the payment in London, to the foreign holders, the Bank had no concern, and has no knowledge of the particulars of the agreement, on the part of the Pensacola Association, to pay the interest at the counting-house of Gowan & Marx. The Bank is equally uninformed as to whom the bonds were transferred by the said Association, and who are the present endorsers.

In regard to the inquiry as to any property of the Alabama, Georgia and Florida Railroad Company, having been removed beyond the jurisdiction of the Territory: It appears that on the 11th May, 1838, the Board of Directors agreed to sell to the Montgomery Railroad Co. 1,000 tons of iron rails, at cost and charges, say at $83 per ton; which iron has all been delivered, and laid down on said road. Also, a quantity of splicing plates, spikes, and materials for passenger cars, &c., to the value of $9,000 and upwards. The charge against the company on this account is $92,332 15, which sum has been absorbed in subscription to the 2,000 shares of stock before referred to, the said stock having been purchased to enable the Alabama, Florida and Georgia Railroad to effect a junction with that road at Montgomery.

By an order of the Board of Directors, on 13th March, 1839, 1,400 tons of iron rails were mortgaged to the Bank of the United States to secure the sum of $90,149 31, borrowed by the Bank of Pensacola, to enable her to resume specie payments. The loan became due on the 22d December, 1839, and the iron has been shipped to New York to be sold for the debt. A portion has been sold, but no account of sales have been received. The balance is in the hands of Davis Brooks & Co.

By an order of the Board of 1st July, 1837, 112 tons of rails and a quantity of splicing plates were sold and delivered to the Tallahassee Railroad Company. This iron has not been fully paid for. The claim has been put in suit.

On the 21st July last, the Board, to prevent deterioration and waste, ordered a public sale of a quantity of tools and materials ly-

ing at the depot of the company. The sale produced $3,425, in bills of the Bank of Pensacola.

Respectfully submitted.

(Signed) W. B. TAYLOR, Cashier.

Which was read, and ordered printed.

An Act to repeal in part an act concerning public lands, was read, when the Senate went into committee of the whole on said bill, Mr. English in the Chair. After some time the committee rose, and reported a substitute for said bill, which was received and concurred in, and said bill read a second time, and ordered engrossed for to-morrow.

A bill to be entitled "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 secret session on certain nominations of His Excellency the Governor.

On motion, the doors were opened, when the Senate adjourned until to-morrow.

TUESDAY, Feb. 1st, 1842.

The Senate met pursuant to adjournment.

The resolutions of Mr. Cooper, in relation to the faith of the Territory, were again read. On motion, the Senate went into committee of the whole on said resolutions, Mr. Livingston in the Chair. After some time, the committee rose, and reported said resolutions amended—which was concurred in, said resolutions read a second time, and ordered engrossed for to-morrow, as a special order.

An Act concerning public defaulters was again read, on which the Senate went into committee of the whole, Mr. Livingston in the Chair. After some time, the committee rose, and reported a substitute for said bill, which was read a second time, and ordered engrossed for to-morrow.

An Act concerning Roads, Highways, and Ferries,

was again read, on which the Senate went into committee of the whole, Mr. Cooper in the Chair. After some time, the committee rose, and reported said bill amended, which was concurred in, and ordered engrossed for Friday.

An engrossed bill, entitled "An Act to repeal in part an act concerning improvements made on public lands, approved Sept. 16th, 1822," was read a third time, and ordered for to-morrow.

The Senate received from the House of Representatives, as passed without amendment, a resolution to expedite the closing of the Indian war.

Also, as passed, a bill to be entitled "An Act to amend an act to incorporate the town of Jacksonville," which was read.

On motion, the Senate adjourned until to-morrow.

WEDNESDAY, Feb. 2d, 1842.

The Senate met pursuant to adjournment.

Mr. Pelot, agreeable to previous notice, introduced a bill to be entitled "An Act amendatory of the several acts relative to executors and administrators;" which was read.

On motion of Mr. Pelot, "An act to organize and regulate the militia of the Territory of Florida, and to repeal all former acts in relation to the same," was taken from the table, and ordered for to-day.

Mr. English offered a preamble and resolutions requesting our Delegate to procure an appropriation from Congress to build a Jail at Key West; which was read.

Mr. Berthelot, from the Committee on Enrolled Bills, reported a resolution to expedite the closing of the Indian war, as correctly enrolled.

The engrossed resolutions in relation to the faith of the Territory, were ordered for to-morrow.

An act in relation to public defaulters, was read a third time. On the question of its passage, the yeas

and nays were called by Messrs. Pelot and Cooper, and were—

Yeas—Messrs. Berthelot, Cooper, English, Edwards, Livingston, M'Lean, Pelot and Walker—8.

Nay—Mr. Dupont.

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

An act to amend an act to incorporate the town of Jacksonville, was again read, and referred to the committee on the state of the Territory.

The Senate again went into committee of the whole on a bill to be entitled "An act to regulate the militia of the Territory of Florida, and to repeal all former acts in relation to the same," Mr. English in the Chair. After some time, the committee rose, and reported said bill amended, which was concurred in, and said bill read a second time, and made the special order for to-morrow.

The Senate received from the House of Representatives as passed, "An act to establish sundry Ferries;" which was read, and referred to a select committee, viz: Messrs. Pelot, Cooper, and M'Lean.

Also, a resolution concerning Col. W. J. Worth, which was read.

Also, a bill to be entitled "An act to legitimate a certain child therein named," which was read.

Also, a preamble and resolution asking of Congress an appropriation to establish a Light-House on Cape St. Blas, which was read, and referred to the committee on the state of the Territory.

On motion, the Senate adjourned until to-morrow.

THURSDAY, Feb. 3d, 1842.

The Senate met pursuant to adjournment.

The resolutions of Mr. Cooper, in relation to the faith of the Territory, were again read; for which Mr. Brockenbrough offered the following substitute:

WHEREAS the Congress of the United States, by authority of the Constitution of the United States, the fourth article of which

gives Congress "power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States," has passed laws from time to time, organizing and constituting the Territorial government of Florida, by virtue of which laws only the people of Florida have hitherto held and enjoyed a political existence and organized government;—and whereas, by such organic laws a Legislative Council has been established, the members of which are *elected by the people of Florida*, with power to pass laws for the government of the Territory, extending to "*all rightful subjects of legislation*," which laws are to be of full force after their passage (and the sanction of the governor, or the passage by a vote of two-thirds without his sanction,) unless annulled by an act of Congress:

And whereas, the people of Florida have expressly and tacitly, collectively and individually acquiesced in and sanctioned such government,—by voting for its officers—by resorting to its tribunals—by relying upon its guarantees for the protection of life and property—by general obedience to its mandates and the punishment of those who violate its laws—and, lastly, by living and acting under its authority, without rebellion, revolution, or the establishment of any other form of government:

And whereas, the said Legislative Council, at the instance principally, of the people of *Middle Florida*, did in the year 1833 pass an act entitled "An Act to incorporate the subscribers to the Union Bank of Florida," by which act the Governor was required to sign, seal and deliver to the said Union Bank of Florida, (when certain bonds and mortgages were executed,) the bonds of the Territory, first for one million, and subsequently for two more millions of dollars, for the purpose of being sold to raise the capital stock of that bank, which act was permitted to pass and became a law, and was duly published and carried into full effect without remonstrance from the people of Florida or application to Congress to annul the same under its reserved power, and which act has since been re-sanctioned by amendments passed in 1835, in 1836 and in 1839,—by receiving and publishing the annual statements of said Bank, as required by said act—by appointing committees to examine the affairs of said Bank under the authority of said act—by the annual appointment of government directors, appointed by virtue of said act—and by permitting said Bank to continue to exercise its functions and sue and be sued, as a body corporate, [illegible] ty of said act:

And whereas the said Legislative Council did, in the year 1835, pass an act entitled "An act to increase the capital of the Bank of Pensacola, and to amend the laws incorporating said Bank, and for other purposes," principally at the solicitation of the *people and representatives of West Florida*, by which said act the said Bank of Pensacola was authorized to subscribe for certain Railroad stock, and to enable it so to do, to make its bonds for five hundred thousand dollars payable to the Territory of Florida; and upon said

bonds, when satisfied of the subscription for said stock, the Governor was required to endorse an assignment and guarantee in favor of the bearer thereof, under the seal of the Territory, which said act was likewise passed into a law, published, and carried into effect without remonstrance by the people of Florida, or application to Congress to annul the same, and was further sanctioned by an act of amendment in 1838, and by the other modes by which the charter of said Union Bank has been sanctioned:

And whereas the said Legislative Council did, in 1835, principally at the solicitation of *the people and representatives from East Florida*, pass an act entitled "An act to incorporate the Southern Life Insurance and Trust Company," by which said act the said Company was authorized to issue certificates of one thousand dollars, bearing not more than six per cent. interest, redeemable within the range and limit of the charter, at such times as the Governor and Company might agree upon, and present the same to the Governor or acting Governor of this Territory, whose duty it should be to endorse thereon "Endorsed by the Territory of Florida," and sign his name and title of office thereto, and return the same to said company; and the faith of the said Territory was thereby pledged as security for said company, for the faithful payment of such certificates, according to the tenor and effect of the same; the amount of which certificates was only limited by the amount of debts under mortgage to the company at the time of making application, to be secured after the mode and in conformity to the manner pointed out in the sixth section of said act;

And whereas said act was permitted to pass into a law, be published, and acted upon without remonstrance or petition to Congress to annul the same, and was again sanctioned by amendment in 1837 and 1838, and by the other modes mentioned with regard to the Union Bank of Florida; and certain certificates have been endorsed and sold under said acts last mentioned:

And whereas the Legislative Council, in 1838, passed an act entitled "An act to call a convention for the purpose of organizing a State Government," and said Convention, elected under said law, met in conformity thereto, at the place and day appointed, and did frame "a constitution or form of government for the people of Florida," in which it is declared that "the General Assembly (under that Constitution) shall not pledge the faith and credit of the state to raise funds in aid of any corporation, whatever;" and it is further declared, that "the General Assembly shall, at its first session, have power to regulate, restrain and control all associations claiming to exercise corporate privileges in the state, so as to guard, protect and secure the interests of the people of the state, not *violating vested rights, or impairing the obligation of contracts;*" and thus again sanctioned, in another form, the obligations then existing:

And whereas said convention, assuming, as it well might, though elected for a specific purpose, to speak the sentiments of the people of Florida upon important questions of general interest, expressly

refused to pass various resolutions and propositions introduced, declaring the bonds and guarantees before issued, or that might be issued, null and void, or to repudiate the same,—but, on the contrary, passed a certain preamble and resolution by which the attention of Congress was requested, and its aid invoked, "in the propriety of a law to remedy, as far as practicable, the evils that had already resulted from the improvident and injudicious acts of the Territorial Legislature, and to prevent the disastrous consequences which it was apprehended might ensue from the same cause; and (stated) *that whilst that Convention would deprecate any course calculated to impair the obligation of contracts, or to weaken the credit or affect injuriously the character and honor of the people of Florida, they yet* respectfully insisted that that Honorable body (Congress) would take such action upon this subject by altering, repealing, or amending the charters that had been granted, or by so modifying the same, as would protect the people from further injury, maintain their rights as a free people, and preserve their just interests and privileges"—thus again sanctioning, in the name of the people of Florida, the inviolability of the faith pledged, and the obligation of the contracts made;

And whereas the said acts have thus received the sanction of the people of Florida, by their representatives, in every form in which they could act, and the sanction of the Government of Florida existing *de facto*, and the only one which ever has claimed to exist, or yet exists, and the same being also the government *de jure*, existing *of right* by the Constitution—the acts of Congress,—and *the acquiescence of the people* through all time passed, and an ordinance passed by their Convention in which the authority of the same is acknowledged, and its laws continued in force until repealed or altered by the General Assembly of the State; and inasmuch as nations are held bound for acts of aggression or spoliation committed by any government existing *de facto*, however tyrannical or arbitrary such government may be, or however odious or unjust may be the *usurpation* by which such government exists, or however much opposed the nation may have been to such government, or its acts of aggression and spoliation; and inasmuch as the obligations of a people acting by their own representatives, in a government acquiesced in by them, for the loan of money to be expended among them, however injudiciously, seem to present a much higher moral claim. It appears to the members of the present Legislative Council, that a proper respect for themselves, and a due regard for the character of their constituents—the imperative obligations of common honesty—the inviolable sacredness in which the faith and honor of a free people should be held—the blighting effects of infamy, and the scorn of mankind, upon the hopes and destinies of a young Republic, alike require that however limited may be their present resources they should not undertake to declare null, obligations so repeatedly sanctioned; especially when it is considered that those obligations depend only on honor, and cannot be enforced by law, and that the money bor-

rowed has been used and expended among our own people, and to some extent lost or squandered by the faithlessness or incapacity of our own agents,—and when it is remembered that the incapacity of this government to bind the people, was unwhispered in the Council as long as money could be obtained by the pledge,—and it was then held omnipotent to borrow,—and the doctrine that it was powerless to pay, (though still held capable to repudiate in the name of the people) was only heard in indistinct murmurs when the golden stream first ceased to flow, and has only increased to a voice of thunder now since payment is demanded; and that the force and authority of a declaration made by the representatives of the same people, acting under the same organic laws and form of government, to *annul* such obligations, is more than questionable, however potent it may be in shame and mischief; and it may be apprehended that the general opinion of mankind and our sister States might still compel us to bear the burthen of the debt, as well as the humiliation of repudiating it.

And whereas the passage of the Acts in question was a gross abuse of power, in every aspect unwise and unstatesman-like, and in results unfortunate and disastrous, inasmuch as it gave to banks and their stockholders monstrous and dangerous privileges; as it created more bank capital than was, or ever will be, needed in the most prosperous times; as it caused a vast excess of currency to be issued (into few hands and on long credits,) beyond the wants of wholesome trade, which was naturally squandered in wild extravagance, or sunk in visionary speculation; as it violated every principle of sound banking by requiring more money to be loaned on real estate upon long credits, than ever could be done with safety and continue specie payments; as it enabled a favored few to accumulate vast possessions of unproductive property and hold them up at extravagant prices, thereby retarding the growth of the country, and sending the small planters and the hardy pioneers from our doors to seek cheaper lands elsewhere; and as it produced a system of wasteful extravagance and vicious habits, corrupting the tastes and morals of the people, and utterly at war with steady economy and wholesome industry;

It was the duty of Congress, by its prudent care and protective power, to have saved us from the evil effects of the blind, partial, and improvident acts of our deluded or interested representatives, then acting *in a single House*, and, therefore, more liable to the errors arising from the arts of designing men, or hasty legislation. And although we by no means contend that the failure of Congress to annul those acts ought to shift the burthen from ourselves upon the United States, yet we are of opinion that it gives us an equitable claim to such aid as Congress may reasonably give when called upon by us for aid in the honest discharge of our obligations.

And whereas the said banks have been grossly mismanaged—have violated their charters—have permitted the public faith to be violated, and placed in jeopardy much of the fund and security provided to save us harmless; and have failed to furnish a sound cur-

rency, but on the contrary, by their long suspension of payments and the excessive depreciation of their money, have paralized the energies of industry, and poisoned every artery of trade, enhancing the evils arising from other causes, and from those which their former lavish liberality produced and fostered:

And whereas, these evils and the misfortunes incident to the long protracted Indian war, and the vast bodies of land held up by speculators, by reservations and by Spanish grantees, have prevented the immigration of new capital and industry into Florida; and the general prostration of credit incident to the times has produced distrust and put in motion the crushing engines of the law, pulverizing ideal wealth and grinding the substance from our people, chiefly to pay debts abroad, insomuch that it is difficult to meet by taxation, the trivial expenses of our Territorial government, and utterly impossible to lay new burthens upon a country so prostrated by misfortune, whilst its vitals are torn by war, and it is already bleeding at every pore:

And whereas, the genial nature of our climate and the generous character of our soil, together with the native industry and energy of our people, when deprived of unusual and unnatural resources, give us reason to hope and believe that the sun yet shining above the clouds which lower over us, will again shine on us, when the war terminates and when the crisis in our money affairs shall have passed, and the change and division of property and the influx of population and capital incident thereto shall have followed those events, and when the explosion of credit shall have brought our people back from gewgaw finery and idle speculations, to the substantial comforts produced by industry and economy; and that then, amidst the blessings of peace and abundance of prosperity, a very light taxation will enable us to pay the interest and gradually sink the principal of all the obligations which they will ever, probably, be called upon to pay, after exhausting the securities of the banks:

And whereas, it is our imperative duty to protect the people of Florida and the honest holders of their obligations from loss, by all lawful means,—and it is hoped and believed that a very large amount of the obligations for which the Territory is liable, is abundandy secured, although now in jeopardy, and unavailable to meet present payments, by the mismanagement of the banks:—

Be it therefore resolved—First. That the bonds hitherto issued and the guarantees given to the banks of Florida are binding upon the people of Florida, in the hands of all lawful holders; but that, in the present situation of the country, it is impossible for the government of Florida to meet those obligations by taxation or any other means in our power.

Resolved—Secondly. That holders of all such obligations are advised to take active measures against said banks and their stockholders when liable; to obtain security or payment, and that it is the duty of the Legislative Council to render them all possible aid.

Resolved—Thirdly. That a Committee be appointed with

structions to report a bill to provide for the protection and preservation of the securities given for the benefit of the Territory and the bondholders, so as best to secure the interests of both from loss by mismanagement or fraud.

Resolved—Fourthly. That it will be the duty of the legislative power of Florida, under whatever form of government we may then be, to redeem the obligations of this Territory, which shall remain unpaid or unsecured by the securities and effects of said banks or their stockholders, by taxation or such other means as may be under the control of such legislative power.

Resolved—Fifthly. That the Governor be instructed to forward a copy of this Preamble and these Resolutions, as the response of the Legislative Council to the persons demanding payment of interest.

On its adoption, the yeas and nays were called by Messrs. Brockenbrough and Pelot, and were—

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

Nays—Messrs. Berthelot, Cooper, English, Edwards, M'Lean, Pelot, and Walker—7.

So the substitute was lost.

Mr. Dupont then offered the following substitute:

WHEREAS the Legislative Council of the Territory of Florida did at its session in the year one thousand eight hundred and thirty-three, pass an act entitled "An act to incorporate the subscribers to the Union Bank of Florida;" by virtue of the provisions of which said act, the Executive of the Territory was required to, and did execute and issue certain Bonds of the Territory; for the ultimate redemption whereof, when the same should become due and payable, the faith of the Territory was solemnly plighted:

And whereas the said Legislative Council did, at a subsequent session, to wit, in the year one thousand eight hundred and thirty-five, pass an act entitled "An act to incorporate the Southern Life Insurance and Trust Company," by the provisions of which said act, the Executive of the Territory was required to execute certain guarantees, pledging the faith of the Territory for the ultimate redemption of the certificates of deposit, to be issued by the said company, and payable at a future period:

And whereas the time of payment specified in the said bonds and certificates is yet future, and no demand for the payment or recognition thereof, or *intimation* of a demand, has as yet been made upon the constituted authorities of the country:—Therefore,

Be it Resolved, by the Senate and House of Representatives, That any action of this present Legislative Council, either *confirming* or *repudiating* the said bonds and guarantees, would be not only *prem-*

above, but unwise, undignified, and unnecessary, and calculated to subserve no useful object.

And whereas, also, the Legislative Council did, at its said session of 1835, pass an act entitled "An act to increase the capital of the Bank of Pensacola, &c.," by the provisions of which said act, the Executive of the Territory was required to execute certain guarantees, pledging the faith of the Territory of Florida, for the ultimate redemption of certain bonds, to be issued by the said Bank of Pensacola:

And whereas certain persons alleging themselves to be the holders of, and interested in the said bonds, have notified the Executive of the failure of the said Bank of Pensacola to meet the interest now due upon the said obligations; and have demanded of him, as the organ of the people of Florida, the payment of the same:—

Therefore,

Be it further Resolved, That until the holders of the said obligations shall have pursued the stockholders of the said Bank to insolvency, they are not, either in law, equity, or good conscience, entitled to make any demands upon the people of this Territory for the payment thereof.

Be it further Resolved, That while this Legislative Council (with a view to the tranquillity of the public mind) would forbear to anticipate contingencies, which may never arise, they are free to express the solemn conviction that their constituents can never be brought by any concurrence of circumstances to sanction the doctrine of "REPUDIATION."

On its adoption, the yeas and nays were called by Messrs. Dupont and Pelot, and were—

Yeas—Mr. President, Messrs. Dupont, Edwards, Livingston, and M'Lean—5.

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

So the substitute was lost.

On the question of adopting the original resolutions, the yeas and nays were called by Messrs. Dupont and English on each one separately, and were on the first—

Yeas—Messrs. Berthelot, Cooper, English, M'Lean, Pelot, and Walker—6.

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

So the first was adopted.

On the passage of the second, the yeas and nays were called by the same, and were—

Yeas—Messrs. Berthelot, Cooper, English, Pelot, and Walker—5.

Nays—Mr. President, Messrs. Dupont, Edwards, Livingston, and M'Lean—5.

So the second was lost.

On the passage of the third, the yeas and nays were called, and were—

Yeas—Messrs. Cooper, English, M'Lean, and Pelot—4.

Nays—Mr. President, Messrs. Berthelot, Dupont, Edwards, Livingston, and Walker—6.

So the third was lost.

On the passage of the fourth, the yeas and nays were called, and were—

Yeas—Unanimous—10.

The Senate received from the House of Representatives a message stating that the House had agreed to accept the amendment of the Senate to a bill entitled "An act to alter the name of Mosquito County."

Also, as adopted, a preamble and resolution asking of Congress an appropriation for constructing a road from Marianna to Iola—which was read.

Also, as adopted, a resolution respecting a Law Library for the Court of Appeals—which was read.

An act to organize and regulate the militia of the Territory of Florida, and to repeal all former acts in relation to the same," was read a third time.

On the motion to recommit said bill to committee of the whole, the yeas and nays were called by Messrs. English and Pelot, and were—

Yeas—Messrs. Berthelot, Dupont, Edwards, Livingston, M'Lean, and Walker—6.

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

So the Senate again went into committee of the whole on said bill, Mr. English in the Chair. After some time, the committee rose and reported progress, and asked leave to sit again, which was granted.

A preamble and resolution requesting of Congress an appropriation to build a Jail at Key West, was read a second time.

A bill to be entitled "An act amendatory of the several acts relative to executors and administrators,"

was read a second time, copies ordered, and referred to the Judiciary committee.

A bill entitled "An act to legitimate a certain child therein named," was read a second time, and referred to the Judiciary committee.

A resolution concerning Colonel W. J. Worth, was read a second time.

On motion, the Senate adjourned until to-morrow.

FRIDAY, February 4th, 1842.

The Senate met pursuant to adjournment.

An act concerning Roads, Highways, and Ferries, was read a third time, and passed—ordered, that the title be as above.

A resolution asking an appropriation of Congress to open and construct a road from Marianna to Iola, was again read.

A resolution respecting a Law Library for the Court of Appeals, was again read.

The Senate again went into committee of the whole on a bill to organize and regulate the militia, &c.; Mr. English in the Chair. After some time, the committee rose, and reported the bill amended, which was concurred in.

On the indefinite postponement of said bill, the yeas and nays were called by Messrs. Pelot and Cooper, and were—

Yeas—Messrs. Cooper and Pelot—2.

Nays—Messrs. Berthelot, Dupont, Edwards, Livingston, M'Lean and Walker—6.

So the motion was lost, said bill was read a second time, and ordered engrossed for to-morrow.

A preamble and resolution asking an appropriation of Congress to build a Jail at Key West, was read a third time, and adopted.

A preamble and resolution respecting Col. Worth, was read a third time, and laid on the table.

Mr. Dupont, from the Judiciary Committee, report-

ed a bill to be entitled "An act for the protection of Mortgagers;" which was read, and laid on the table.

On a motion that the Senate adjourn until Monday, 12 o'clock, the yeas and nays were called by Messrs. Pelot and Dupont, and were—

Yeas—Messrs. Berthelot, Dupont, English, Edwards, Livingston, M'Lean, and Walker—7.

Nays—Messrs. Cooper and Pelot—2.

So the motion prevailed.

MONDAY, Feb. 7th, 1842.

The Senate met pursuant to adjournment.

Mr. Walker, from the Judiciary Committee, reported a bill to be entitled "An act to legitimate a certain child therein named," with all of said bill stricken out after the words "Dempsey D. Tillis." Also, a bill to amend the several acts relative to executors and administrators; with the suggestion that the object sought to be effected is already provided for in the acts now in force; and would not, therefore, recommend its passage.

A resolution in relation to the opening of a road from Marianna to Iola, was again read, and adopted.

A resolution respecting a Law Library for the Court of Appeals, was again read, and adopted.

The Senate went into secret session on Executive business.

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

TUESDAY, Feb. 8th, 1842.

The Senate met pursuant to adjournment, and the business was laid over until to-morrow.

On motion, the Senate adjourned until to-morrow.

WEDNESDAY, Feb. 9th, 1842.

The Senate met pursuant to adjournment.

On motion of Mr. Pelot, a bill to be entitled "An Act for the relief of Jesse Carter," was taken from the table, and ordered for to-day.

Mr. M'Lean gives notice that he will, on some future day, introduce a bill to be entitled "An act for the relief of Mrs. Sarah Williams."

Mr. Livingston, from the Committee on the State of the Territory, reported a preamble and resolution respecting the erection of a Light-House on Cape St. Blas, without amendment.

"An act to organize and regulate the militia of the Territory of Florida, and to repeal all former acts in relation to the same," was read a third time, and passed. Ordered, that the title be as above.

A bill to be entitled "An act to legitimate a certain child therein named," was read a second time, and the report of the Judiciary Committee, made on a former day, concurred in.

A bill to be entitled "An act amendatory of the several acts relative to executors and administrators," was again read, and the report of the Judiciary Committee on said bill, made on a former day, laid on the table. On motion, the Senate went into committee of the whole on said bill, Mr. Berthelot in the Chair. After some time, the committee rose, and reported the bill amended—which was concurred in, said bill read a second time, and ordered engrossed for to-morrow.

A bill to be entitled "An act for the relief of Jesse Carter, late Tax-Collector of Alachua County," was read a third time, and made a special order for to-morrow.

A preamble and resolution for the erection of a Light-House on Cape St. Blas, was read a third time, and adopted.

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

TALLAHASSEE, February 7th, 1842.

To the Legislative Council of Florida:

I herewith transmit to you an additional report of Thomas H. Austin, Treasurer of the Territory of Florida, on the subject of the School Fund. Also, a statement shewing the amounts due, and from whom, for rents in Leon County, up to 1st January last.

RICHARD K. CALL.

TREASURY DEPARTMENT,
Treasurer's office, Tallahassee, Jan. 26, 1842.

Sir—Herewith be pleased to find my account with the Territory of Florida on account of the School Land Fund, showing the receipts of said Fund since my report of 1st February last, and leaving a balance of cash in the same of 801 75-100 dollars.

I also hand in a statement showing the amounts due, and from whom, for rents in Leon County, up to 1st inst.

The rents have been collected in the currency of the country up to the month of March, 1841; since which time, specie has been demanded.

Very respectfully, sir,
Your obedient servant,
(Signed) T. H. AUSTIN, Treasurer.

To His Excellency R. K. CALL, Governor of Florida.

The Territory of Florida, on account of School Lands, in account with Thomas H. Austin, Treasurer.

	DR.
1841. To balance,	$801 75
	$801 75

	CR.
1841. By balance, cash on hand, per report of 1st February, 1841,	$787 75
" Cash of Jesse Everett, for rents,	4 00
" " Thomas L. Hall, for do.,	5 00
" " Jesse Everett, for do., (specie,)	4 00
" " Minor Walker, for do., (specie,)	1 00
	$801 75
By balance, cash on hand, 26th January, 1842,	$801 75

STATEMENT showing the amounts due by occupants of School Lands in Leon County, for rents of said Lands.

T. P. Chaires,	$ 8 50
J. H. T. Lorimer,	36 00
H. Doggett,	4 00
Thomas L. Hall,	5 00
Jesse H. Willis,	219 00
James Maxwell,	73 00
	$345 00

T. H. AUSTIN, Treasurer.

Which was read, and, with accompanying documents, referred to the Committee on Public Accounts.

The Senate received from the House of Representatives, as passed, a bill to be entitled "An act to enable creditors of Banks to collect debts due therefrom out of the assets thereof, in lawful money;" which was read, and referred to the Committee on Finance and Banks.

Also, a bill to be entitled "An act to secure the people of Florida from the evils of a depreciated currency;" which was read, and referred to the Committee on Finance and Banks.

On motion, the preamble and resolution respecting Col. Worth, was taken from the table, read a third time, and adopted.

The Senate went into secret session on Executive business.

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

THURSDAY, Feb. 10th, 1842.

The Senate met pursuant to adjournment; and there being no quorum present, adjourned until to-morrow.

FRIDAY, Feb. 11th, 1842.

The Senate met pursuant to adjournment.

Mr. English offered the following resolution:

Resolved, by the Senate and House of Representatives, That both Houses do adjourn, *sine die*, on Saturday, the first day of March. Which was read.

Mr. M'Lean offered a resolution for the relief of Mrs. Sarah Williams, which was read, and, with the accompanying documents, was referred to the Committee on Public Accounts.

A bill to be entitled "An Act for the relief of Jesse Carter, late Tax-Collector of Alachua County," was read a third time, and laid over until called for.

A bill to be entitled "An act to change the name of a child therein named," was read a third time, and passed. Ordered, that the title be as above.

An engrossed bill to be entitled "An act amendatory of the several acts relative to executors and administrators," was read a third time and passed, and the title changed so as to read, "An act to define the duties and liabilities of Sheriffs, when acting as administrators."

On motion, the Senate then adjourned until Monday.

MONDAY, Feb. 14th, 1842.

The Senate met pursuant to adjournment.

Mr. Cooper presented the petition of sundry inhabants of Amelia Island; which was read, and referred to the Committee on the state of the Territory.

Mr. Pelot, from a select committee, reported a bill to be entitled "An act to establish certain Ferries," without amendment.

The resolution of Mr. English, in relation to the adjournment of both Houses on the 1st day of March, was laid on the table.

A bill to be entitled "An act to establish certain Ferries," was read a third time, and ordered for tomorrow.

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

TALLAHASSEE, February 11th, 1842.

To the Legislative Council of Florida:

In compliance with a resolution passed by the Legislative Council, requesting the Governor to report whether the resolutions passed at the session of 1840 (requiring the Governor of the Territory to prepare and present a medal, commemorative of the services of those who defended the Block-House on the Withlacoochee, as

well as of those who perilled their lives to rescue them,) "have been acted on; and if not, the cause of such omission," I have to inform the Legislative Council that the only information I have been able to acquire on this subject is derived from a copy of a proclamation, issued by the late Governor, appointing the 1st of March, 1841, as the time for presenting the medals required to be furnished, and requesting the officers and soldiers embraced in the resolution to assemble at Tallahassee on the day above mentioned, to receive the medal intended for each respectively.

It does not appear, from any record of subsequent proceedings, that the medals were either presented or prepared. I am unable to assign, with any degree of certainty, the cause or causes which may have induced the omission, on the part of my predecessor, to comply with the above resolutions; but I presume they were those which I found existing when I succeeded to the Executive Department on the 5th day of April last, and which still continue to exist; namely, the want of revenue to defray the current expenses of the Government, and the large amount of debts due from the Territory to individuals, whose claims have been audited, and are lying over unpaid. I would respectfully inform the Legislative Council that, until a fund shall have been raised and appropriated for this purpose, the Executive will be entirely unable to comply with the resolutions requiring the medals to be prepared and presented, or to furnish the sword to the gallant Col. Harney, under the resolution of the last session of the Legislative Council. If it be the will of the Legislature to raise a revenue, and make a special appropriation for these objects, they shall be carried into execution with the utmost promptitude, so soon as the funds appropriated shall have been collected at the Treasury.

RICHARD K. CALL.

Which was read.

Mr. Berthelot, from the Committee on Finance and Banks, reported a bill to be entitled "An act requiring the payment of specie or its equivalent for dues to the Territory;" which was read.

On motion, the Senate went into secret session on Executive nominations.

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

TUESDAY, Feb. 15th, 1842.

The Senate met pursuant to adjournment.

Mr. Berthelot offered the following resolution:

"*Resolved*, That the Committee on the Judiciary be instructed and directed to report a bill for the suppression of the issuing of

change-bills, either by individuals or by any body politic, under the name and style of their incorporation; and also that said committee be instructed to report a bill amendatory of the act incorporating the city of Tallahassee, so far as to require the Intendant of said city to make a quarterly exhibit or statement of the amounts received and disbursed by said incorporation; and that said exhibit or statement be published in the newspapers of said city, for the information of the people."

Which was read.

The same, from a select committee, made the following report:

"The Select Committee of the Senate, appointed to confer with a similar committee on the part of the House of Representatives, in reference to the adoption of the joint rules for the government of both Houses, beg leave to REPORT—

That, in conferring upon said subject, they have adopted the joint rules of the last Legislative Council, with the exception of the 6th and 8th rules. The amendment or modification of the 8th rule, the committee on the part of the Senate has acceded to; but the proposed amendment of the 6th rule, the committee on the part of the Senate has disagreed to, and cannot agree with the committee of the House—the committee of the House insisting on the words included in brackets in the 8th rule, and the committee of the Senate insisting on the words being stricken out.

All of which is respectfully submitted."

JAMES A. BERTHELOT,
Ch'n Select Committee.

Which was read.

The Senate went into committee of the whole, Mr. English in the Chair, on a bill entitled "An act to establish certain Ferries." After some time, the committee rose, and reported the bill amended—which was concurred in, and said bill read a second and third time, and passed. Ordered, that the title be as above.

"An act requiring the payment of MONEY or its equivalent for dues to the Territory," was read a second time, when the Senate went into committee of the whole on the bill, Mr. Walker in the Chair. After some time, the committee rose, and reported said bill amended, which was concurred in.

Mr. Dupont offered the following amendment to said bill—"Except for the ordinary property tax which may become due under the general revenue

laws"—upon which, seconded by Mr. Berthelot, he called the yeas and nays, which were—

Yeas—Messrs. Berthelot, Dupont and Edwards—3.

Nays—Mr. President, Messrs. Cooper, English, Livingston, M'Lean, Pelot, and Walker—7.

So the amendment was lost, and said bill was ordered engrossed for to-morrow.

The report of the select committee on joint rules was again read, and concurred in.

The Senate received from the House of Representatives, as passed, "An act to organize the county of Santa Rosa;" which was read, the rule waived, and passed. Ordered, that the title be as above.

Also, a bill to be entitled "An act to authorize John R. Chapman to build a Bridge or establish a Ferry across Chipola river, in Jackson county;" which was read.

Also, a resolution requesting of Congress an appropriation to construct a road from Quincy to some point near Apalachicola; which was read.

Also, a resolution asking a re-appropriation to construct a road from Tallahassee to Iola; which was read.

Also, a bill to be entitled "An act to repeal an act providing for the safe keeping of the records of Mosquito County, and other purposes, approved 2d February, 1838;" which was read.

On motion, the Senate adjourned until to-morrow.

WEDNESDAY, February 16th, 1842.

The Senate met pursuant to adjournment.

Mr. Pelot introduced a bill to be entitled, "An Act for the relief of the widow and orphans of Fernando Lowe.

Which was read.

Mr. Dupont offered a resolution to suspend the general revenue laws so far as they may authorize the assessment and collection of a Territorial Revenue, &c.

Which was read.

Mr. English gives notice that he will introduce a bill to abolish the Territorial Treasury, and for other purposes.

Mr. Livingston, from the committee on the state of the Territory reported without amendment, (one of the committee dissenting) a bill entitled, "An Act to increase the number of Senators."

Also, the petition of certain citizens of Amelia Island, asking to be relieved from its further consideration, believing the subject to come more immediately under the control of the County Court.

Mr. Dupont, from the committee on Public Accounts, made the ollowing report :—

"The committee on Public Accounts, to whom was referred the resolution for the relief of Mrs. Sarah Williams, having examined the accounts upon which the resolution is based, beg leave to report it to the favorable consideration of the Senate. Your committee being under the impression that the class of expenses embraced in the said account ought of right to be paid by the United States, beg leave to report a bill upon the subject.

C. H. DUPONT, Ch'n Committee Public Ac's."

The Senate received from the House of Representatives, as passed without amendment, "An Act to prevent the future migration of free negroes and mulatoes to this Territory, and for other purposes."

The resolution of Mr. Berthelot, of yesterday, giving certain instructions to the Judiciary committee, was again read and adopted.

A resolution requesting an appropriation to construct a road from Quincy to some point near Apalachicola, was again read, the rule waived, and adopted.

A bill to be entitled, "An Act to authorize John R. Chapman to build a bridge, or establish a ferry, across the Chipola River, in Jackson County, was again read, and referred to the committee on the state of the Territory.

An engrossed bill entitled, "An Act requiring the payment of money or its equivalent for dues to the Territory," was read a third time. On its passage the yeas and nays were called by Messrs. Dupont and English, and were—

Yeas—Mr. President, Messrs. Berthelot, Cooper, English, Edwards, Livingston, McLean, Pelot and Walker—9.

Nay—Mr. Dupont—1.

So the bill passed. Ordered that the title be as above.

A resolution asking a reappropriation for constructing a road from Tallahassee to Iola, was again read and adopted.

A bill to be entitled, "An Act to repeal an act providing for the safe keeping of the records of the County of Musquito, and other purposes," approved February 2nd, 1838, was again read.

The Senate went into committee of the whole, Mr. McLean in the Chair, on an act to increase the number of Senators. After some time the committee rose and reported a substitute, which was concurred in. On the indefinite postponement of the bill the yeas and nays were called by Messrs. Berthelot and English, and were—

Yeas—Mr. President, Messrs. Dupont, English, Edwards, Livingston and McLean—6.

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

So the bill was postponed.

The House sent to the Senate their concurrence in the join t rule adopted by the Senate on yesterday. Fifty copies of said rules were ordered printed.

Also, as passed, a bill to authorize George Branning to build a bridge, or establish a ferry, across Black Creek, in Duval County.

Which was read.

Also, a bill to be entitled, "An Act to authorize Bryant Sheffield to establish a ferry across the Suwannee River at the upper mineral springs, known as the White Sulpher Springs."

Which was read.

Also, a bill to be entitled, "An Act to repeal all former acts incorporating the town of Monticello, except the act of 1831," was twice read, and referred to the committee on the state of the Territory.

Also, their refusal to concur in the amendment of the Senate to a bill entitled, "An Act to legitimate a certain child therein named."

On motion, the Senate adhered to its amendment to said bill.

Also, as passed, An Act to alter and amend an act to incorporate subscribers to the Union Bank of Florida.

Which was read, and ordered printed for Friday next.

A bill to be entitled, "An Act in relation to Criminal Process," was read.

A bill to be entitled "An Act concerning Pilots in the Bay of Apalachicola," passed by the House of Representatives, was read twice, and referred to the committee on the state of the Territory.

A bill to be entitled, "An Act for the relief of Jesse Carter, late tax collector of Alachua County, &c., was taken from the table, on which the Senate went into committee of the whole, Mr. Berthelot in the Chair. After some time the committee rose and reported the bill amended, which was concurred in, said bill read again and passed. Ordered that the title be as above.

On the question of reconsidering the vote indefinitely postponing an act increasing the number of Senators the yeas and nays were called by Mr. President and Mr. Livingston, and were—

Yeas—Messrs. Berthelot, Cooper, English, McLean, Pelot and Walker—6.

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

So the vote was reconsidered.

On motion to reconsider the vote concurring in the report of the committee of the whole, the yeas and nays were called by Mr. President and Mr. Pelot, and were—

Yeas—Messrs. Berthelot, Cooper, English, Pelot and Walker—5.

Nays—Mr. President, Messrs. Dupont, Edwards, Livingston and McLean—5.

So the motion was lost.

On the motion to postpone the bill indefinitely the yeas and nays were called by Messrs. English and Livingston, and were—

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

Nays—Messrs. Berthelot, Cooper, Edwards, McLean, Pelot and Walker—6.

Said bill was laid on the table.

On motion, the Senate adjourned until to-morrow.

THURSDAY, February 17th, 1842.

The Senate met pursuant to adjournment.

On motion of Mr. Dupont, a bill to be entitled "An act for the protection of mortgagees," was taken from the table, and ordered for to-day.

Mr. Berthelot, from the Committee on Finance and Banks, made the following report:

"The Committee on Finance and Banks, to whom was referred a bill to be entitled "An act to secure the people of Florida from the evils of a depreciated currency," have had the same under consideration, and believe that the situation of the country at this time calls loudly for some decisive action on the part of this Legislature in reference to the matters contained in said bill. Your committee, therefore, ask leave to report said bill to the Senate without any amendment, leaving it to the Senate, in committee of the whole, or in the Senate, to make and propose such amendments or modifications as the Senate in its wisdom may deem proper to make or propose. All of which is respectfully submitted.

JAMES A. BERTHELOT,
Ch'n Committee on Finance and Banks."

Mr. Livingston, from the Committee on the State of the Territory, reported without amendment a bill to be entitled "An act to authorize John R. Chapman to build a bridge or establish a ferry across the Chipola River, in Jackson County."

On motion of Mr. English to take from the table "An act to increase the number of Senators," the yeas and nays were called by Mr. President and Mr. Livingston, and were—

Yeas—Messrs. Berthelot, Cooper, English, Edwards, Pelot, and Walker—6.

Nays—Mr. President, Messrs. Dupont, Livingston and M'Lean—4.

A resolution to suspend the Territorial Revenue Tax, &c., was again read. On the motion of Mr. English to strike out the clause 'excepting auction taxes,' the yeas and nays were called by Messrs. English and Cooper, and were—

Yeas—Messrs. Cooper and English—2.

Nays—Mr. President, Messrs. Berthelot, Dupont, Edwards, Livingston, M'Lean, Pelot, and Walker—8.

So the motion was lost.

On the motion of Mr. English to indefinitely postpone the resolu-

tion, the yeas and nays were called by the same, seconded by Mr. Cooper, and were—

Yeas—Messrs. Cooper and English—2.

Nays—Mr. President, Messrs. Berthelot, Dupont, Edwards, Livingston, M'Lean, Pelot, and Walker—8.

So the motion was lost.

On motion, the Senate went into committee of the whole, Mr. Cooper in the Chair, on said resolution. After some time, the committee rose, and reported the resolution without amendment. On the question of concurring in said report, the yeas and nays were called by Messrs. English and Cooper, and were—

Yeas—Mr. President, Messrs. Berthelot, Dupont, Livingston, M'Lean, Pelot, and Walker—7.

Nays—Messrs. Cooper and English—2.

So the report was concurred in. The resolution was ordered engrossed for to-morrow.

On motion of Mr. Pelot, it is ordered that the committee on joint rules be requested to confer with the committee on joint rules of the House of Representatives, upon the subject of bills, resolutions and other papers passing between the two Houses without being properly engrossed; and to recommend such measures as may be necessary to remedy the evil, and that this order be certified to the House of Representatives.

A bill to be entitled "An Act to repeal an act providing for the safe keeping of the records of Mosquito County, and for other purposes, approved 2d February, 1838," was read a third time, and passed. Ordered, that the title be as above.

A bill to be entitled "An act to authorize George Branning to build a Bridge or establish a Ferry across Black Creek, in Duval County," was read a second time.

A bill to be entitled "An act to authorize Bryant Sheffield to establish a Ferry across the Suwannee River, at the Upper Mineral Springs, known as the White Sulphur Springs," was read a second time.

A bill to be entitled "An act in relation to Criminal Process," was read a second time, and ordered engrossed for to-morrow.

A bill to be entitled "An act for the protection of mortgagees," was again read, when the Senate again went into committee of the whole on said bill, Mr. M'Lean in the Chair. After some time, the committee rose, and reported said bill amended, which was concurred in.

On motion, the Senate adjourned until 4 o'clock, P. M.

THURSDAY, Feb. 17, 1842.—*4 o'clock, P. M.*

The Senate met pursuant to adjournment.

A bill to be entitled "An act for the protection of mortgagees," was again taken up. On the question to strike out all preceding the

4th section, the yeas and nays were called by Messrs. Pelot and Cooper, and were—

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

Nays—Mr. President, Messrs. Berthelot, Dupont, Edwards, Livingston, M'Lean, and Walker—7.

So the motion was lost.

On motion of Mr. Pelot, seconded by Mr. Berthelot, to postpone said bill indefinitely, the yeas and nays were called, and were—

Yeas—Messrs. Berthelot, Cooper, English, and Pelot—4.

Nays—Mr. President, Messrs. Dupont, Edwards, Livingston, and Walker—6.

So the motion was lost, and said bill was ordered engrossed for to-morrow.

A bill to be entitled "An act to secure the people of Florida from the evils of a depreciated currency," was again read; on which the Senate went into committee of the whole, Mr. Walker in the Chair. After some time, the committee rose, and reported the bill without amendment; which was concurred in.

Mr. Dupont offered the following amendment to said bill: "Except so far as may be necessary to pay the interest upon such Territorial bonds and guarantees as may have been issued or given by the Territory for the benefit of said Banks"—on which the yeas and nays were called by Messrs. Dupont and Pelot, and were—

Yeas—Messrs. Dupont, Edwards, and Livingston—3.

Nays—Mr. President, Messrs. Berthelot, Cooper, English, M'Lean, Pelot, and Walker—7.

So the amendment was lost.

On the passage of said bill, the yeas and nays were called by the same, and were—

Yeas—Mr. President, Messrs. Berthelot, Cooper, English, M'Lean, Pelot, and Walker—7.

Nays—Messrs. Dupont, Edwards, and Livingston—3.

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

A bill to be entitled "An act to authorize John R. Chapman to build a Bridge or establish a Ferry across the Chipola river, in Jackson County," was again read and passed. Ordered, that the title be as above.

A bill to be entitled "An act to increase the number of Senators," was again read. On the question of engrossing said bill for to-morrow, the yeas and nays were called by Mr. President and Mr. Livingston, and were—

Yeas—Messrs. Berthelot, Cooper, English, Edwards, Pelot, and Walker—6.

Nays—Mr. President, Messrs. Dupont, Livingston, and M'Lean—4. So the bill was engrossed.

The House sent to the Senate, as passed without amendment, "An act concerning Roads, Highways, and Ferries."

Also, as passed, "An Act to establish and regulate pilotage on the waters and in the harbor of Tampa Bay."

Which was read.

Also, a resolution requesting of Congress an appropriation to construct a road from St. Augustine to Palatka, on the St. Johns river.

Which was read.

Also, their adoption of a preamble and resolution requesting an appropriation for erecting a jail at Key West.

On the question of adjourning until to-morrow the yeas and nays were called by Messrs. English and Cooper, and were—

Yeas—Mr. President, Messrs. Berthelot, Dupont, Edwards, Livingston, M'Lean, and Walker—7.

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

So the Senate adjourned until to-morrow.

FRIDAY, February 18th, 1842.

The Senate met pursuant to adjournment.

Mr. Berthelot, from the Judiciary Committee, reported, without amendment, a bill to be entitled "An act to enable creditors of Banks to collect debts due therefrom out of the assets thereof, in lawful money."

The same, from the Committee on Enrolled Bills, reported as correctly enrolled a resolution in relation to the building a Jail at Key West.

Also, "An Act to prevent the future migration of free negroes or mulattoes to this Territory, and for other purposes."

The Senate received from the House of Representatives as adopted, a resolution respecting the adoption of means to prevent the running off of property mortgaged to secure the payment of faith bonds; which was read, and copies ordered.

Also, as passed without amendment, "A bill to amend an act entitled an act to incorporate the city of Apalachicola."

Also, as indefinitely postponed, "An act requiring the payment of money or its equivalent for the dues to the Territory."

Also, the following message:

"*16th February*, 1842.

On motion of Mr. Lancaster, a committee of conference was appointed to confer with a committee of the Senate on the subject of the disagreement of the two Houses on a bill entitled "An Act to legitimate a certain child therein named." Ordered to be certified to the Senate.

(Signed) H. ARCHER,
Chief Clerk House of Rep."

Which was read, concurred in, and Messrs. Pelot, Berthelot, and Walker, appointed said committee on the part of the Senate.

An engrossed bill entitled "An Act for the relief of the widow and orphans of Fernando Lowe," was read a third time, and passed.—Ordered, that the title be as above.

An engrossed resolution to suspend the Territorial Revenue Laws

in certain cases, was read a third time. On the question of its passage, the yeas and nays were called by Messrs. English and Cooper, and were—

Yeas—Messrs. Berthelot, Dupont, Edwards, Livingston, M'Lean, and Pelot—6.

Nays—Mr. President, Messrs. Cooper, English, and Walker—4.

So the resolution was adopted.

"An Act to authorize George Branning to build a Bridge, or establish a Ferry, across Black Creek, in Duval County," was read a third time, and passed. Ordered, that the title be as above.

A bill to be entitled "An Act to authorize Bryant Sheffield to establish a ferry across the Suwannee River at the Upper Mineral Springs, known as the White Sulphur Springs," was read a third time, and passed. Ordered, that the title be as above.

A bill to be entitled "An Act in relation to Criminal Process," was read a third time, and passed. Ordered, that the title be as above.

On motion of Mr. Dupont, the Senate reconsidered the above vote; and said bill was committed to the Judiciary Committee.

An engrossed bill entitled "An Act for the protection of Mortgagees," was read a third time. On the question of its passage, the yeas and nays were called by Messrs. Cooper and English, and were—

Yeas—Mr. President, Messrs. Dupont, Edwards, Livingston, M'Lean, and Walker—6.

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

So the bill passed. Ordered, that the title be as above.

An engrossed bill entitled "An Act to increase the number of Senators to the Legislative Council of the Territory of Florida," was read a third time. On its passage, the yeas and nays were called by Messrs. Berthelot and Walker, and were—

Yeas—Messrs. Berthelot, Cooper, English, Pelot and Walker—5.

Nays—Mr. President, Messrs. Dupont, Edwards, Livingston and McLean—5.

So the bill was lost.

"An Act to establish and regulate pilotage on the waters and in the harbor of Tampa Bay," was again read, and referred to the Committee on the state of the Territory.

A resolution asking an appropriation to construct a road from St. Augustine to Pilatka, on the St. Johns river, was read a second time, the rule waived, and adopted.

A bill to be entitled "An Act to enable creditors of Banks to collect debts due therefrom out of the assets thereof, in lawful money," was again read. On the question to make it the special order for Monday next, the yeas and nays were called by Messrs. English and Pelot, and were—

Yeas—Mr. President, Messrs. Berthelot, Cooper, Dupont, Edwards, Livingston, M'Lean, Pelot, and Walker—9.

Nay—Mr. English.

Copies of said bill were ordered.

"An act to alter and amend an act to incorporate the subscribers to the Union Bank of Florida, and the several acts respecting said Bank, and to effect a settlement of the affairs of said Bank, 'as speedily as practicable," was read a second time; on which the Senate went into committee of the whole, Mr. English in the Chair. After some time, the committee rose and reported all the sections of the bill stricken out. On the question of concurring in the report of the committee of the whole, the yeas and nays were called by Messrs. Cooper and English, and were—

Yeas—Messrs. Dupont, Livingston, M'Lean, and Walker—4.

Nays—Mr. President, Messrs. Berthelot, Cooper, English, Edwards, and Pelot—6.

So the report was not concurred in.

On the indefinite postponement of the bill, moved by Mr. Edwards, the yeas and nays were called by Messrs. Edwards and English, and were—

Yeas—Messrs. Dupont, Edwards, Livingston, M'Lean, and Walker—5.

Nays—Mr. President, Messrs. Berthelot, Cooper, English, and Pelot—5.

So the motion was lost.

On the motion of Mr. English to strike out the first section, the yeas and nays were called by Messrs. English and Cooper, and were—

Yeas—Messrs. Dupont, Edwards, Livingston, M'Lean, and Walker—5.

Nays—Mr. President, Messrs. Berthelot, Cooper, English, and Pelot—5.

So the motion was lost.

On motion of the President, the bill was ordered for Tuesday next.

The House sent to the Senate, as passed, "An Act relating to the punishment of offenders not heretofore designated;" which was read.

Also, "An Act to alter and fix the terms of the Superior Courts of the Apalachicola District;" which was read a first and second time, and referred to the Judiciary Committee.

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

TALLAHASSEE, February 18th, 1842.

To the Legislative Council of Florida:

I have approved an act entitled "An Act to organize the county of Santa Rosa." R. K. CALL.

The Senate went into secret session on Executive business. On motion, the doors were opened.

On motion, the Senate adjourned until Wednesday next, 10 o'clock.

WEDNESDAY, Feb. 23d, 1842.

The Senate met pursuant to adjournment.

On motion of Mr. English, a resolution in relation to the final adjournment of both Houses, was taken from the table, and ordered for to-day.

Mr. M'Lean offered the following resolution, viz:

Resolved, by the Senate and House of Representatives, That a joint committee of three members from each House be appointed, with instructions to report a compensation bill for the officers, and of the expenditures of the Legislative Council.

Which was read, the rule waived, and adopted, and Messrs. M'Lean, Dupont, and Pelot, were appointed said committee on the part of the Senate.

Mr. M'Lean offered a preamble and resolution asking an appropriation for improving the navigation of the Choctawhatchee river; which was read, the rule waived, and adopted.

Mr. Livingston, from the Committee on the State of the Territory, reported, without amendment, a bill to be entitled "An act to incorporate the town of Jacksonville."

Also, a bill to be entitled "An act to repeal all the former acts incorporating the town of Monticello, except the act of 1831."

A bill to be entitled "An act to enable creditors of Banks to collect debts due therefrom out of the assets thereof, in lawful money," was read a third time. On the question of going into committee of the whole on said bill, the yeas and nays were called by Messrs. English and Cooper, and were—

Yeas—Messrs. Berthelot, Dupont, Edwards, and M'Lean—4.

Nays—Mr. President, Messrs. Cooper, English, Livingston, Pelot, and Walker—6.

So the Senate refused to go into committee of the whole.

Mr. Berthelot offered, with leave, the following as an engrossed rider, to come in the 11th section, after the word Banks, in the 7th line, viz: "Suffice it to

satisfy the claim or demand of said creditor or creditors"—on which the yeas and nays were called by Mr. President and Mr. Cooper, and were—

Yeas—Messrs. Berthelot, Dupont, Edwards, and M'Lean—4.

Nays—Mr. President, Messrs. Cooper, English, Livingston, Pelot, and Walker—6.

So the amendment was lost.

On the passage of the bill, the yeas and nays were called by Messrs. English and Cooper, and were—

Yeas—Mr., President, Messrs. Berthelot, Cooper, English, Pelot, and Walker—6.

Nays—Messrs. Dupont, Edwards, Livingston, and M'Lean—4.

So the bill was passed. Ordered, that the title be as above.

On motion, the Senate adjourned until 4 o'clock.

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4 o'clock, P. M.

The Senate met pursuant to adjournment.

"An act to alter and amend an act to incorporate the subscribers to the Union Bank of Florida, and the several acts respecting said Bank, and to effect a settlement of the affairs of said Bank as speedily as possible," was again read, on which the Senate went into committee of the whole, Mr. Walker in the Chair.—After some time, the committee rose and reported the bill as amended. Upon the question of concurring in the report of the committee, the yeas and nays were called by Messrs. Berthelot and English, and were—

Yeas—Mr. President, Messrs. Berthelot, Cooper, English, M'Lean, Pelot, and Walker—7.

Nays—Messrs. Dupont, Edwards, and Livingston—3.

So the report was concurred in—said bill was read a second time.

On the question of ordering said bill for a third reading to-morrow, the yeas and nays were called by Messrs. Berthelot and English, and were—

Yeas—Mr. President, Messrs. Berthelot, Cooper, English, McLean, Pelot and Walker—7.

Nays—Messrs. Dupont, Edwards and Livingston—3.

So the order was made.

The Senate received from His Excellency the Governor, the following Message :—

TALLAHASSEE, 22d February, 1842.

To the Legislative Council of Florida :

Gentlemen : I respectfully invite your attention to the unsettled question of boundary, which has been so long depending between this Territory and the State of Georgia. I am informed that the lands embraced within the fractional surveys north of the line established by the United States as the true boundary, have been disposed of by the authorities of the State of Georgia ; and that no attempt has been made to extend the jurisdiction of the State south of this line. The claim which Georgia at one time presented to a portion of the lands, south of the line of demarkation, appears to have been abandoned ; and her acquiescence in what we claim as the proper boundary might seem to render any action on the subject unnecessary ; but many of our citizens having, by actual settlement, acquired a preemptive right to the lands south of, and bordering on, the line, and the Government of the United States having directed those lands to be withheld from sale until the boundary shall have been permanently settled, they have a deep, and immediate interest in the question. I, therefore, suggest the propriety of calling the attention of our delegate in Congress to the subject, and requesting him to adopt the necessary measures to cause a final adjustment of the boundary.

Respectfully, R. K. CALL.

Which was read and referred to the Committee on the State of the Territory.

On the motion to adjourn, the yeas and nays were called by Messrs. Berthelot and Pelot, and were—

Yeas—Mr. President, Messrs. Dupont, Edwards, Livingston, Pelot, and Walker—6.

Nays—Messrs. Berthelot, Cooper, English, and M'Lean—4.

So the Senate adjourned until to-morrow.

THURSDAY, Feb. 24th, 1842.

The Senate met pursuant to adjournment.

Mr. Walker, from the Judiciary Committee, reported "An act to alter and fix the terms of the Superior Courts of the Apalachicola District," as amended.

Mr. Berthelot, from the Committee on Enrolled Bills, reported as correctly enrolled, "An act to amend an act entitled an act to incorporate the city of Apalachicola."

Mr. Livingston, from the Committee on the State of the Territory, reported without amendment a bill to be entitled "An act to establish and regulate Pilotage on the waters and in the harbor of Tampa Bay."

"An act relating to the punishment of offences not heretofore designated," was again read; on which the Senate went into committee of the whole, Mr. M'Lean in the Chair. After some time, the committee rose, and reported said bill amended, which was concurred in. Said bill was read a second time.

A resolution respecting the adoption of means to prevent the running off of property mortgaged to secure the payment of faith bonds, was read a second time, when Mr. Dupont offered the following amendment, viz: "And also what measures have been adopted or proposed to be adopted to prevent or remedy the loss of this kind of security"—which was adopted, and said resolution adopted as amended.

A resolution for the final adjournment of both Houses on the first day of March next, was again taken up, and laid on the table.

The Senate received from the House of Representatives on yesterday, as adopted, resolutions asking of Congress the establishment of a Naval Depot at the bay of St. Joseph, in the county of Calhoun; which were read.

Also, as passed, "An act to increase the number of Senators;" which was read.

Also, a bill to be entitled "An act to extend the limitation of an act authorizing Nathaniel W. Walker

to establish a Ferry across the Wakulla river, near St. Marks;" which was read.

Also, an amendment to a substitute for the Senate's bill entitled "An act in relation to Public Defaulters;" which was read. On the question of acceding to the amendment of the House, the yeas and nays were called by Messrs. Dupont and Pelot, and were—

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

Nays—Messrs. Berthelot, Dupont, and Walker—3.

So the amendment was concurred in.

On motion of Mr. President to reconsider the vote on said amendment, the yeas and nays were called by Messrs. Dupont and English, and were—

Yeas—Mr. President, Messrs. Berthelot, Dupont, Edwards, and Walker—5.

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

So the vote was reconsidered, said bill laid on the table, on which question the yeas and nays were called by Messrs. English and Cooper, and were—

Yeas—Mr. President, Messrs. Berthelot, Dupont, Edwards, Livingston, Pelot, and Walker—7.

Nays—Messrs. Cooper and English—2.

So said bill was laid on the table, and written copies ordered.

Also, as adopted, a resolution for the appointment of a joint select committee to contract for the printing of the laws of the present session; which was read.

Also, a resolution for the final adjournment of both Houses on the 5th of March; which was read.

Also, a preamble and resolution asking an appropriation to rebuild the bridges over the Apalachicola swamps, and the repair of the bridge over the Chipola river; which was read.

Also, as passed, "An act to authorize Benjamin Marshal to establish a Ferry across Blackwater river, at the town of Milton;" which was read.

"An act to amend an act to incorporate the town of Jacksonville," was ordered for to-morrow, and copies ordered.

A bill to be entitled "An act to repeal all former acts incorporating the town of Monticello, except the act of 1831," was ordered for to-morrow.

A resolution for the relief of Mrs. Sarah Williams, was read a second time.

"An act to alter and amend an act to incorporate the subscribers to the Union Bank of Florida, and the several acts respecting said Bank, and to effect a settlement of the affairs of said Bank as speedily as possible," was read a third time. On its passage, the yeas and nays were called by Messrs. Cooper and English, and were—

Yeas—Mr. President, Messrs. Berthelot, Cooper, English, M'Lean, Pelot, and Walker—7.

Nays—Messrs. Dupont, Edwards, and Livingston—3.

So the bill passed. Ordered, that the title be as above.

"An act to alter and fix the terms of the Superior Courts of the Apalachicola District," was read again, the amendments of the Judiciary Committee concurred in, and said bill read a second time.

"An act to establish and regulate pilotage on the waters and in the harbor of Tampa Bay," was again read; on which the Senate went into committee of the whole, Mr. Berthelot in the Chair. After some time, the committee rose, and reported said bill as amended, which was concurred in, and said bill read a second time.

The Senate received from the House of Representatives, as adopted without amendment, a preamble and resolution asking an appropriation for improving the navigation of Choctawhatchee river.

The Senate went into secret session on Executive business. On motion, the doors were opened.

On the question to adjourn until to-morrow, the yeas and nays were called by Messrs. English and Cooper, and were—

Yeas—Mr. President, Messrs. Berthelot, Dupont, Edwards, Livingston, M'Lean, and Walker—7.

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

So the Senate adjourned until to-morrow.

FRIDAY, February 25th, 1842.

The Senate met pursuant to adjournment.

On motion of Mr. Cooper, Mr. Pelot had leave of absence after to-morrow for the balance of the session; also Mr. English, after to-day.

Mr. Berthelot moves that a committee of three members of the Senate be appointed to communicate to the House of Representatives that the Senate is now ready to adjourn; and also that a similar committee be appointed to wait on his Excellency the Governor, and to inform him that the Senate is now ready to adjourn, and now waiting for any communication he may think proper to make. On the question of its adoption, the yeas and nays were called by Messrs. Berthelot and English, and were—

Yeas—Messrs. Berthelot, Cooper, English, Edwards, and Pelot—5.

Nays—Mr. President, Messrs. Dupont, Livingston, M'Lean, and Walker—5.

So the motion was lost.

Mr. Dupont, by leave, introduced a bill to be entitled "An Act in relation to Public Elections;" which was read a first and second time, and ordered engrossed for to-morrow.

Mr. M'Lean offered a resolution for the relief of George Brannell and others; which was read, and referred to the Committee on Public Accounts.

Mr. Livingston offered the following resolution:

Resolved, That the attention of the Commissioner of the Tallahassee Fund be called to a leak in the wall of the Senate Chamber, and that he be requested to remedy the evil as soon as practicable.

Which was read and adopted.

The same, from the Committee on the State of the Territory, reported unfavorably to an Act concerning Pilots in the Bay of Apalachicola. Also, made the following report:

The Committee on the state of the Territory have had under their consideration the communication of his Excellency the Governor, in relation to Fractional surveys of public Lands, and the unsettled boundary question between this Territory and the state of Georgia, and would most respectfully REPORT—That the question of boundary is a subject in which the state of Georgia is interested, and must be consulted, whenever action is had in defining the true boundary line between this Territory and said state. The committee are, however, of the opinion that the question of boundary cannot, in any wise, interfere with the right which Congress has exercised of disposing of all the public lands over which the United States, through the Territory of Florida, claims jurisdiction. Georgia once claimed, and proceeded to run a line taking into that State not only the fractional surveys bordering on the present line, but also some two townships besides. But no one will pretend to say, should Georgia succeed in establishing that line, that it would invalidate the titles to lands, made by the United States to individuals while under the control of Congress.

The committee are, also, of the opinion that the question of boundary between this Territory and the State of Georgia should be settled as soon as practicable; but that question should not prevent the United States from ordering a sale of the fractional lands bordering on the present established line at as early a day as possible. Many of our citizens, having preemption rights, are deeply interested in the matter; and the general interests of that part of Florida would be much benefited by the sale of said fractional lands—besides, the State of Georgia, by her acts, has already disposed of all the fractional lands on the north of the present boundary line, thus acknowledging it as the true line. The committee would, therefore, recommend the following resolutions:—

Resolved, by the Governor and Legislative Council of the Territory of Florida, That the Hon. David Levy, our Delegate in Congress, be requested and instructed to urge upon the proper authorities at Washington city, the necessity and policy of bringing the public lands contained in the fractional surveys on the Georgia line into market, at as early a day as practicable.

Resolved, further, That he be requested to procure the adoption of the necessary measures to cause a final adjustment of the boundary between this Territory and the state of Georgia.

Which was read.

Mr. Berthelot, from the Committee on Enrolled Bills, reported as correctly enrolled, a resolution asking Congress for an appropriation for improving the navigation of the river Choctawhatchee.

An Act to organize and regulate the militia of the Territory of Florida, and to repeal all former acts in relation to the same, was received from the House of Representatives amended. On the question of adopting the amendment of the House to the 6th sec-

tion, the yeas and nays were called by Messrs. Cooper and Pelot, and were—

Yeas—Messrs. Berthelot, Cooper, English, and Pelot—4.

Nays—Messrs. Dupont, Edwards, Livingston, M'Lean, and Walker—5.

So the amendment was lost. On motion, the amendments of the House of Representatives were concurred in, except the 5th section.

An Act relating to the punishment of offences not heretofore designated, was again read and passed. Ordered, that the title be as above.

A resolution for the final adjournment of both Houses on the 5th of March next, was again read, the rule waived, and adopted.

A resolution asking of Congress the establishment of a Naval Depot at St. Joseph, was again read.

An Act to increase the number of Senators was again read. On which the Senate went into committee of the whole, Mr. Edwards in the chair. After some time the committee rose and reported a substitute for said bill. On concurring in the report the yeas and nays were called by Messrs. Dupont and Livingston, and were—

Yeas—Messrs. Berthelot, Cooper, English, Pelot and Walker—5.

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

On the adoption in the Senate of the substitute reported by the committee of the whole the yeas and nays were called by the same and were the same.

On the question of reading the bill a third time to-morrow, the yeas and nays were called by Messrs. Dupont and Livingston, and were—

Yeas—Messrs. Berthelot, Cooper, English, McLean, Pelot and Walker—6.

Nays—Messrs. Dupont, Edwards and Livingston—3.

On motion, the Senate adjourned until half past 3 o'clock.

HALF PAST 3 O'CLOCK, P. M.

The Senate met pursuant to adjournment.

A bill to be entitled, "An Act to extend the limitation of an act authorizing Nathaniel W. Walker to establish a ferry across the Wauculla River, near St. Marks," was read a second time.

A resolution in relation to the printing of the acts of the present session, was read a second time.

A resolution for the repair of the Bridges over the Apalachicola swamps, and the bridge over the Chipola River, was read a second time, the rule waived, and adopted.

An "Act to authorize Benjamin Marshal to establish a Ferry across Black-water River, at the town of Milton," was read a second time.

A Bill to be entitled "An act to repeal all former acts incorporating the town of Monticello, except the act of 1831," was read a third time and passed. Ordered that the title be as above.

A Resolution for the relief of Mrs. Sarah Williams was read again and adopted.

An "Act to establish and regulate pilotage on the waters and in the harbor of Tampa Bay," was read a third time and passed. Ordered that the title be as above.

An Act to amend "An Act to incorporate the town of Jacksonville," was read a third time and passed. Ordered that the title be as above.

The Senate received from the House of Representatives, as passed, An Act to amend an "Act to incorporate the Bank of Apalachicola, approved March 4th, 1839," which was read a first and second time, and referred to the Committee on Finance and Banks.

Also, "An Act for the relief of Benjamin G. Thornton," which was read a first and second time, and referred to a Select Committee, consisting of Messrs. Edwards, Livingston and Walker.

Also, as adopted a Resolution to make Tampa Bay a port of entry and delivery, which was read, the rule waived, and adopted.

Also, a Resolution in relation to Faith-Bonds, amended as follows:—

"The title to be prefixed to the first resolution, viz:—"A Resolution respecting the Faith-Bonds and Guarantees"—that said Resolution be made separate and distinct. That a title be prefixed to the second Resolution, which shall be:—"A Resolution respecting the adoption of means to prevent the running off of property mortgaged to secure the payment of the faith-bonds." That the words "further" and "accordingly" be stricken out of the second resolution."

Attest, H. ARCHER,
Chief Clerk of the House of Representatives.

February 23, 1842.

On concurring in the first amendments of the House of Representatives, the yeas and nays were called by Messrs. Dupont and Polot, and were—

Yeas—Messrs. Berthelot, Cooper, English, McLean, Polot, and Walker—6.

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

On the second amendment the yeas and nays were called by the same and were the same.

Also, a Resolution appointing Messrs. Westcott, Ernest and Lancaster, a Committee on the part of the House, to draft a compensation Bill.

Also, a Resolution in relation to the Pensacola Bonds, which was read.

Also, as passed, "An Act constituting a Board of Wardens of the port of Iola, in the County of Calhoun," which was read. On the question of its indefinite postponement, the yeas and nays were called by Messrs. Berthelot and Edwards, and were—

Yeas—Messrs. Edwards and McLean—2.

Nays—Mr. President, Messrs. Berthelot, Cooper, Dupont, English, Livingston, Pelot, and Walker—8.

So the bill was not postponed.

An Act concerning Pilots in the Bay of Apalachicola, was read, and indefinitely postponed.

The report and resolutions of the Committee on the State of the Territory, on the boundary line with Georgia, were read and adopted.

The Senate received from the House the following Message:

HOUSE OF REPRESENTATIVES,
Feb. 25, 1842.

Sir—The House have considered the enclosed bill, entitled "An Act to alter and amend an act to incorporate the subscribers to the Union Bank of Florida," &c., and have concurred in all the amendments of the Senate, and have also amended said amendments by adding section 20th to said bill, in which the House requests the concurrence of the Senate.

Attest, H. ARCHER,
Chief Clerk.

To J. S. ROBINSON, Esq., Sec'y Senate.

On motion of Mr. Dupont to strike out all after the word "bears," in the fifth line of section 20, the yeas and nays were called by Messrs. Dupont and Edwards, and were—

Yeas—Messrs. Dupont, Edwards, and Livingston—3.

Nays—Mr. President, Messrs. Berthelot, Cooper, English, M'Lean, Pelot, and Walker—7.

So the motion was lost.

On concurring in the amendment of the House, the yeas and nays were called by Messrs. English and Livingston, and were—

Yeas—Messrs. Berthelot, Cooper, English, Pelot, and Walker—5.

Nays—Mr. President, Messrs. Dupont, Edwards, Livingston, and M'Lean—5.

So the Senate refused to concur.

Also, the following:

HOUSE OF REPRESENTATIVES, }
Feb. 25, 1842. }

To J. S. Robinson, Esq., Sec'y of Senate:

Sir—This House recedes, and accepts the amendments (the 5th and 6th sections of the amended bill of the House to be stricken out, and the 5th and 6th sections of the original bill inserted,) of the Senate. Attest, H. ARCHER,
Chief Clerk House of Representatives.

On motion, the Senate adjourned until to-morrow.

SATURDAY, Feb. 26, 1842.

The Senate met pursuant to adjournment.

An act to increase the number of Senators, was read a third time. On its passage, the yeas and nays were called by Messrs. Dupont and Edwards, and were—

Yeas—Mr. President, Messrs. Berthelot, Cooper, English, and Walker—5.

Nays—Messrs. Dupont, Edwards, Livingston, and M'Lean—4.

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

A resolution in relation to establishing a Naval Depot at St. Joseph, was again read, and adopted.

An act to extend the limitation of an act passed on the 11th day of February, 1836, authorizing Nathaniel W. Walker to establish a Ferry across the Wakulla river, near St. Marks, and for other purposes, was again read, and ordered for to-morrow.

A resolution to appoint a joint select committee for the purpose of making arrangements for the printing of the laws of this year in pamphlet form, was again read, and adopted.

A resolution in relation to the Pensacola Bank, was again read. On motion to lay the same on the table until the 20th March, the yeas and nays were called by Messrs. Dupont and Edwards, and were—

Yeas—Mr. President, Messrs. Dupont, Edwards, Livingston, and M'Lean—5.

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

So the motion prevailed.

An act constituting a board of wardens of the port of Iola, in the county of Calhoun, was again read. On motion, said bill was indefinitely postponed.

An Act to authorize Benjamin Marshall to establish a ferry across Blackwater River, at the town of Milton, was again read, and passed. Ordered that the title be as above.

An "Act to alter and fix the terms of the Superior Court for the Apalachicola District," was again read, amended, and on motion, indefinitely postponed.

An "Act in relation to public elections" was read a third time. On motion to indefinitely postpone, the yeas and nays were called by Messrs. Cooper and Livingston, and were—

Yeas—Mr. Cooper—1.

Nays—Mr. President, Messrs. Berthelot, Dupont, Edwards, Livingston, McLean and Walker—7.

So the motion was lost.

On the passage of said bill the yeas and nays were called by Messrs. Dupont and Edwards, and were—

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

Nay—Mr. Cooper—1.

So said bill passed. Ordered that the title be as above.

The Senate received from His Excellency the Governor, the following communication :—

TALLAHASSEE, February 25th, 1842.

To the Legislative Council of Florida :

I have attentively considered the act entitled "An Act to prevent the future migration of free negroes or mulattoes to this Territory, and for other purposes."

If the object of this bill was merely to prevent the future migration of persons of this description to the Territory, under penalties however severe, I would most cheerfully give it my approval. But it contains other provisions, and imposes penalties, in my opinion, too harsh and oppressive for the offences against which it is intended to provide. It is, in effect, a decree of banishment against all this unfortunate race, of every age, sex and condition, who have emigrated to this Territory within the last ten years, and against all others, however long they may have lived in Florida, (not even natives are exempt from the rigor of the general rule,) if at any time, and under any circumstances, they may have been beyond the limits of the Territory, since the year 1832.

Many of these unfortunate people have intermarried with slaves and have children, whom they would not be permitted to take with them, when banished from the Territory, and [illegible] would be compelled to submit, either to the severance of the strongest ties of our nature, or become slaves themselves, in order to avoid separation, forever, from their wives and children.

Those who are not embraced within these [illegible]isions, are permitted to remain in the Territory, only under [illegible] and restrictions of the most oppressive character, and such as would place them in a condition less tolerable than that of slaves.

For these reasons I feel myself constrained to return the bill disapproved. But I earnestly recommend that it be so amended,

by striking out the parts I deem objectionable, and by inserting such provisions as will effectually prevent all future immigration of free persons of color to this Territory, and cutting off all intercourse between those who are now in Florida, and those residing beyond its limits.

R. K. CALL.

Which was read.

On motion, said communication was referred to a Select Committee, with instructions to report on the same by half past 3 o'clock P. M. Messrs. English and Livingston were appointed said Committee.

The Senate received from the House of Representatives, as passed, "An Act to increase the fees of Jailors," which was read.

Also, "An act in addition to the several acts relating to crimes and misdemeanors," which was read.

Also, a Resolution requesting our Delegate in Congress to procure the passage of an act to authorize the different Brigades of this Territory to elect, by ballot, their respective Brigadier Generals, which was read.

Also, a Report of a Select Committee of the House, which was read.

The Senate received from His Excellency the Governor the following communication:

TALLAHASSEE, 25th February, 1842.

To the Legislative Council of Florida:

I present herewith a copy of a letter from the President of the Bank of the United States in answer to a letter of mine, of the 27th November last to him, and to which I respectfully invite the attention of the Legislative Council.

R. K. CALL.

BANK OF THE UNITED STATES,
Philadelphia, January 18, 1842.

Sir—I had the honor of receiving your letter of the 27th November last. I regretted to learn that the opinion of the Solicitor of this Bank, which I transmitted to you some time ago, on the subject of the claim for a refund of the interest paid by the Agent of the Bank of the United States in London, on certain bonds guaranteed by the Territory of Florida, had not produced any material change in the opinion which you had expressed in your letter of the 29th July last.

The Board of Directors, however, still indulge the hope that the Legislative Council, as well as yourself, will, after more accurate knowledge of some facts with which you seem but imperfectly acquainted, and upon full consideration of the case, become satisfied of the justice of the claim.

The delay which has occurred in acknowledging the receipt of your letter, has been occasioned by my anxious desire to get all the information I possibly could, in relation to the several matters embraced in your inquiries. I have done so, and I now present the following statements and remarks:

1. There is no endorsement on the $500,000 of Pensacola Bank bonds, except that of the Territory of Florida, making them payable to *bearer*, guaranteeing the payment of the principal and interest, and pledging the faith of the Territory for their reimbursement.

2. The interest on these bonds is payable agreeably to their tenor, at the place named by the Bank of Pensacola, which Bank selected the Bank of the United States as the place of payment; and the Bank of the United States agreed to remit the amount of interest, when received, to Messrs. Gowan & Marx, of London. A printed copy of the agreement is herewith transmitted.

3. The Bank of the United States never was a holder of these bonds, and never had any thing to do with their purchase or sale either in the United States or Europe.

4. The books of this Bank do not enable me to say whether our agent in London was or was not a member of the "Pensacola Association," or a shareholder in the "Bank of Pensacola." I deem it, however, an act of justice to him, and to this Bank, to mention the facts connected with the two payments of interest, for which we are now expecting reimbursement, under the guarantee of the Territory of Florida.

The first payment of this sort, by our London Agent, was in behalf of the state of Mississippi. The interest which fell due in October, 1839, on bonds of that state, and which had always heretofore been paid by the Planter's Bank of Mississippi, it appeared had not been paid in New York; and the Phœnix Bank of New York, which was under an agreement to remit to London the interest when received, had therefore not made any provision for the payment in London. Our London Agent was then called upon by some of the leading Houses interested in American business, who united in the opinion that it was extremely important that the honor of the state should be protected by an interference in its behalf. In consequence, he advanced, in January, 1840, the necessary funds for the payment of this interest, not doubting that when the Legislature of Mississippi met, provision for payment would be promptly made.

In April, 1840, three months afterwards, a similar state of facts was found to exist in regard to the Florida bonds. The Bank of Pensacola, having failed to provide the interest due in January, 1840, and payable in London in about three months afterwards, according to the usual course of remittances, our London Agent, influenced by what had already taken place in regard to the Mississippi interest in January, urged by eminent Houses in London and on the continent, and guided also by the opinion of one of the Directors of this

Bank, who was then in London on a special mission, interposed, and paid the interest for the honor of Florida under the same confidence that the Legislature would repay the advance when called upon. This payment made on the 11th April constitutes our first claim on the Territory.

The second payment for the honour of Florida, was made in London on the 22d October, 1840, being for the interest due in July preceding. This payment was made in the absence of our Agent from London, and under express instructions given by this Bank in a letter written in the month of September of that year. The Bank thus formally approved the motives which had influenced its London Agent in making the former payment, and gave another evidence of its desire to protect the honor, and of its reliance on the guarantee of the Territory of Florida.

It is plain, from what I have stated, that the Bank of the United States had entire confidence in the liability of the Territory of Florida for the punctual payment of the interest on the bonds in question. That confidence was inspired by the tenor of the bonds themselves. It would seem hardly possible to use language more clear and explicit on the point, than is used by the Governor of the Territory in his endorsement upon these bonds. It was in the full persuasion of the direct responsibility of the Territory, that the bonds were purchased both in this country and in Europe; and no other proof of this need be required than the fact that they were taken without any other endorsement than that of the Governor of the Territory, as authorized by the Legislature.

Allow me, in conclusion, to mark, that it would be a very great hardship upon the holders of these bonds, scattered, as they are, all over Europe, to be compelled to prosecute their claims in a distant land; and be exposed to a protracted and uncertain litigation, when, in fact, it is admitted that the faith of the Territory is pledged for the payment; and when it appears, too, that the Bank of Pensacola was required, at the time of the endorsement of the first bonds given, to hypothecate to the Territory the capital stock of the said Bank, and all its property, real and personal; and preference was given to the said hypothecation over all other claims and liens. By virtue of this general hypothecation the Territory is invested with every means of protection and indemnification; and likewise, with the power of rendering all proceedings against the Bank of Pensacola utterly nugatory.

Let me again recommend the claim of the Bank to your favorable consideration. I am, sir, with great respect,

Your obedient servant,

J. ROBERTSON, Pres't.

To Gen. R. K. CALL, Governor of Florida.

BANK OF PENSACOLA, AND FLORIDA SIX PER CENT. STOCK.

Agreement and Coupons relating to the payment of the interest, in London, on the Bond of the Bank of Pensacola and Territory of Florida.

LETTER No. . ONE THOUSAND DOLLARS.

Whereas the Bank of Pensacola has engaged to pay half yearly at the Bank of the United States, in Philadelphia, interest at the rate of six per cent. per annum, on a bond of the Bank of Pensacola guaranteed by the Territory of Florida, for one thousand dollars, letter No. , to wit:—

Thirty dollars on the 1st day of January and the 1st day of July in each year, from the date thereof until payment of the said principal sum. It is agreed between the President and Directors of said Bank of the United States and Gowan & Marx, of London, that upon the requisition of the holder of the above named bond, letter No. , being duly filed with the said Bank, the said Bank will, on the first day of January and July in each year, remit the interest on the said bond as received by them, at the current rate of exchange, to the said London House; and the said Gowan & Marx do engage to pay over the said half yearly interest so remitted, when received by them in money, on presentation of the Coupons at foot, to which the said interest shall relate, deducting for all charges, in London and Philadelphia, one per cent. (which includes guarantee of bill remitted), on the amount of such payment. The holder of this agreement, and Coupons annexed thereto, may, at any time, deliver the same to the Bank of the United States, in Philadelphia, and after such delivery the interest received by the Bank from the Bank of Pensacola, on account of the said bond herein mentioned, will be payable in Philadelphia, conformably to the original provisions thereof.

_____,

Cash'r Bank of the U. S., in Philadelphia.

_____

Attorneys for Gowan & Marx, Philadelphia.

Which was read, and ordered printed. Also, the following message:

TALLAHASSEE, 25th February, 1842.

To the Legislative Council of Florida:

Gentlemen:—I have to call your attention to the situation of the lands granted by Congress to this Territory for the support of a seminary of learning. These lands have been advantageously located in small tracts, in different parts of the Territory, and possess high value. Settlements have been formed around them, and in some instances upon them. They are either suffering deterioration

from trespass, or they are liable to suffer damage from that cause. I therefore respectfully recommend, that some provisions may be made by law to protect them from any trespass calculated to impair their value. R. K. CALL.

Which was read, and referred to the Committee on the State of the Territory.

The Senate went into secret session on Executive business. On motion, the doors were opened, and the Senate took a recess until 3 o'clock.

HALF PAST 3 O'CLOCK, P. M.

Mr. English, from a select committee, to whom was referred a certain communication from His Excellency the Governor, made the following report:

"The committee to whom was referred the Governor's message respecting an act concerning free negroes and free mulattoes, report sundry amendments to the bill."

Which was read, and concurred in.

On motion, the Senate adjourned until Monday.

MONDAY, Feb. 28th, 1842.

The Senate met pursuant to adjournment.

Mr. Berthelot, from the Committee on Finance and Banks, reported without amendment "An act to amend an act to incorporate the Bank of Apalachicola, approved March 4, 1839."

Mr. Dupont, from the Committee on Public Accounts, reported favorably to a resolution for the relief of John Brawnell.

On motion, Mr. Berthelot was added to the committee to draft a compensation bill.

The report of a committee of the House of Representatives was again read.

An act to define more positively the jurisdiction of Justices of the Peace, was again read.

A bill to be entitled "An act to increase the fees of Jailers," was again read.

A bill to be entitled "An act in addition to the several acts relating to crimes and misdemeanors," was again read.

A resolution respecting the election of Brigadiers General, was again read.

An act to amend an act entitled "An act to incorporate the Bank of Apalachicola, approved March 4, 1839," was ordered for to-morrow.

A resolution for the relief of John Brawnell, was again read, amended, the rule waived, and passed.

The Senate received from the House of Representatives, as passed, a bill to be entitled "An act respecting the admission of book accounts in evidence," which was twice read, and referred to the Judiciary Committee.

Also, "An act to authorize John A. Pringle to establish a toll bridge across Escambia river;" which was read, the rule waived, and passed. Ordered, that the title be as above.

Also, "An act to incorporate the first Presbyterian Church of Apalachicola;" which was read, the rule waived, and passed. Ordered, that the title be as above.

Also, "An act to provide for the rent[illegible] out of the School Lands of the Territory;" [illegible] read, and referred to the Committee on the Judiciary.

Also, a resolution asking an appropriation for the fortification of the Bay of St. Andrews; which was read, the rule waived, and adopted.

The Senate received from His Excellency the Governor, the following Message:—

TALLAHASSEE, 26th February, 1842.

To the Legislative Council of Florida:

I have approved and signed the following acts and resolutions:

An act entitled "An act to authorize the following individuals (to wit: Samuel Russell, J. G. Blount, and John Lee Williams,) to establish Ferries across the Suwannee and St. Johns rivers, at the places below named."

An act entitled "An act to repeal an act providing for the safe keeping of the records of the County of

Mosquito, and for other purposes," approved Feb. 2d, 1838."

An act entitled "An act to authorize John R. Chapman to build a bridge or establish a ferry across the Chipola river, in the county of Jackson."

An act entitled "An act to amend an act entitled an act to incorporate the city of Apalachicola."

A resolution requesting the Delegate in Congress to urge upon that body the necessity and utility of erecting a Light-House on Cape St. Blas.

A resolution requesting the Delegate in Congress to use his influence towards obtaining an appropriation from Congress for the purpose of improving the navigation of the Choctawhatchee river.

A resolution requesting Congress to re-appropriate ten thousand dollars, appropriated in 1838, for constructing a road from Tallahassee to Iola, in the Territory of Florida.

A resolution requesting the Delegate in Congress to use his best exertions to obtain from Congress, during the present session, an appropriation for the construction of a road from St. Augustine to Pilatka, on the St. Johns river. R. K. CALL.

Which was read.

On motion, the Senate adjourned until to-morrow.

TUESDAY, March 1st, 1842.

The Senate met pursuant to adjournment.

Mr. Walker, from the Committee on the Judiciary, to which was referred a bill on the subject of criminal process, report that they regard such a law as unnecessary.

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

"The Judiciary Committee, to which was referred a bill from the House of Representatives on the subject of the admission of book accounts in evidence, REPORT—That they deem any legislative innovating upon the established rules and principles of evidence, which is the effect of, the bill in question, as uncalled for and inexpedient, and advise that said bill be not passed into a law.

GEO. WALKER, Chairman."

Mr. Berthelot, from the Committee on Enrolled Bills, reported as correctly enrolled "An Act concerning Roads, Highways, and Ferries."

Also, a resolution respecting the faith bonds and guarantees.

Also, as correctly enrolled, a resolution respecting the adoption of means to prevent the running off of property mortgaged to secure the payment of the faith bonds.

Mr. Edwards, from a Select Committee, reported, without amendment, a bill for the relief of Benj. G. Thornton.

A preamble and resolutions for the payment of the commissioners appointed to investigate the affairs of certain Banks, was read again. On the adoption of the preamble, the yeas and nays were called by Mr. President and Mr. Dupont, and were—

Yeas—Messrs. Berthelot, Cooper, Dupont, M'Lean, and Walker—5.

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

On the passage of the resolutions, the yeas and nays were called by the same, and were—

Yeas—Messrs. Berthelot, Cooper, M'Lean, and Walker—4.

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

So the preamble was adopted, and the resolutions lost.

An Act to define more positively the jurisdiction of Justices of the Peace, was read again, and referred to the Judiciary Committee.

An Act in addition to the several acts relating to crimes and misdemeanors, was read a third time, and passed. Ordered that the title be as above.

A resolution in relation to the election of Brigadiers General, was again read. On its passage, the yeas and nays were called by Messrs. Cooper and Livingston, and were—

Yeas—Messrs. Berthelot, Cooper, Dupont, Edwards, Livingston, and McLean—6.

Nays—Mr. President and Walker—2.

An Act to amend an act to incorporate the Bank of Apalachicola, approved March 4, 1839, was again read, on which the Senate went into committee of the whole, Mr. M'Lean in the Chair. After some time, the committee rose, and reported the bill amended, which was concurred in, and said bill again read, the rule waived, and passed. Ordered, that the title be as above.

A bill to be entitled "An act to increase the fees of Jailers," was read a third time, and lost.

A bill to be entitled "An act in relation to Criminal Process," was indefinitely postponed.

A bill to be entitled "An act respecting the admission of book accounts in evidence," was again read, and the report of the Committee on the Judiciary concurred in.

An act for the relief of Benj. G. Thornton, was read a third time, and passed. Ordered, that the title be as above.

A bill to be entitled "An act to extend the limitation of an act to authorize Nathaniel W. Walker to establish a ferry across the Wakulla River, near St. Marks," 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:

TALLAHASSEE, 28th February, 1842.

To the Legislative Council of Florida:

I have the satisfaction to enclose herewith a copy of a letter addressed to me by the Southern Life Insurance and Trust Company, accompanied by five bonds of that Institution, for one thousand dollars each, and endorsed by the Governor of the Territory, in conformity with the provisions of the charter of that company. They have been returned to me in order that they may be cancelled, and I communicate the intelligence that the Legislative Council may, should it be deemed expedient, prescribe the form and manner in which it shall be done. I have the pleasure to inform the Legislative Council that I have confident assurances, from the officers of this institution, that a large additional number of these bonds will in a short time be returned to the Executive, in like manner to be cancelled.

R. K. CALL.

(COPY.)

SOUTHERN LIFE INSURANCE AND TRUST CO.,
Tallahassee, Feb. 28, 1842.

To His Excellency R. K. Call, Governor of Florida:

Sir—At a meeting of the Board of Trustees of this Company, held at their office this morning, I was instructed by them to return to your Excellency the accompanying sterling certificates of this company; being five in number, viz: No. 40, 41, 42, 43, and 344, endorsed by the Territory, for the purpose of being cancelled; and they further instruct me to ask your Excellency to communicate this fact to the Legislative Council to-day, if convenient. As soon as more are received, they will be transmitted in like manner.

I remain, very respectfully,
Your obedient servant,
A. G. HAMMOND, Ass't Cashier.

Which was read, and, on motion of the President, referred to the Committee on Banks and Finance, with instructions to report a bill prescribing the mode of cancellation requiring that no more bonds or guarantees shall be given to any corporation, under any pretence whatever.

The Senate received from the House of Representatives a substitute for "An act for the protection of Mortgagees;" which was read, and adopted.

Also, as passed, "An act to prevent trespasses on University

Lands;" which was read, the rule waived, and passed. Ordered, that the title be as above.

Also, "An act to restrict the powers of Justices of the Peace on the subject of Bail," which was twice read, and referred to the Judiciary Committee.

Also, a resolution requesting Congress to make the town of Milton a port of entry; which was read, the rule waived, and adopted.

Also, as adopted, a resolution for the relief of Mrs. Sarah Williams.

Also, as passed as amended, a bill to be entitled "An act to increase the number of Senators." On concurring in the amendments, the yeas and nays were called by Messrs. Dupont and Edwards, and were—

Yeas—Mr. President, Messrs. Berthelot, Cooper, Livingston, M'Lean, and Walker—6.

Nays—Messrs. Dupont and Edwards—2.

So the amendments were concurred in.

Also, a resolution for the establishment of a Post Office at Blountstown, on the Apalachicola river; which was read, and adopted.

Also, "An act to amend an act relating to executors and administrators;" which was twice read. On the indefinite postponement of said bill, the yeas and nays were called by Mr. President and Mr. Dupont, and were—

Yeas—Messrs. Berthelot, Cooper, Dupont, Edwards, Livingston, and Walker—6.

Nays—Mr. President and Mr. M'Lean—2.

So the bill was postponed indefinitely.

Also, "An act to amend an act incorporating the city of Pensacola;" which was read, the rule waived, and passed. Ordered, that the title be as above.

Also, "An act in addition to the several acts now in force regulating the partition of property;" which was read.

On motion, the Senate adjourned until four o'clock.

FOUR O'CLOCK.

The Senate met pursuant to adjournment.

A bill to be entitled "An act to repeal an act therein named," was read a first time, and ordered for to-morrow.

Mr. Berthelot moves that the Committee on Enrolled Bills have leave at any time during the remainder of the session to make their report; which was received and concurred in.

Mr. Edwards, from the Committee on Enrolled Bills, reported as correctly enrolled, "An Act to prevent the future migration of free negroes or mulattoes to this Territory, and for other purposes."

Mr. Berthelot moves that the Committee on Enrolled Bills of both Houses be permitted to have a conference in relation to an act

entitled "An act to organize and regulate the militia of the Territory of Florida, and to repeal all former acts in relation to the same" ---which was read, and concurred in.

Also, "An Act to authorize Thomas Cooper to establish a Ferry across the Escambia river;" which was read, and ordered for to-morrow.

Also, "An act respecting Executions;" which was read, and ordered for to-morrow.

The President presented to the Senate a communication from the Commissioner of the Tallahassee Fund; which was read, and laid on the table.

The Senate received from the House as passed, an act to establish a court for the trial of crimes and misdemeanors committed by slaves and free persons of color.

Which was read and ordered for to-morrow.

Also, a substitute for an act in relation to public elections.

Which was read.

On motion to concur in the amendment, the yeas and nays were called by Messrs. Dupont and Edwards, and were—

Yeas—Messrs. Cooper and Edwards—2.

Nays—Mr. President, Messrs. Berthelot, Dupont, Livingston, M'Lean, and Walker—6.

So the amendment was lost.

Mr. M'Lean moved the appointment of a committee to wait upon the House of Representatives to ask leave to withdraw a bill to be entitled, "An Act to alter the time of holding Court in the Apalachicola District."

Which motion prevailed, and Messrs. Berthelot and McLean were appointed said committee. Who returned and reported the reception of said bill.

Mr. McLean moved to reconsider the vote by which said bill was indefinitely postponed, which motion prevailed.

On motion of Mr. McLean said bill was referred to a select committee. Messrs. McLean, Dupont and Walker were appointed said committee.

Mr. Dupont asked and obtained leave to be discharged from the committee on compensation. Mr. Livingston was appointed in his stead.

On motion of Mr. Livingston, "An act to repeal in part an act concerning improvements made on public lands," was taken from the table, read a third time, and passed. Ordered, that the title be as above.

The Senate went into secret session on Executive nominations.

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

WEDNESDAY, March 2d, 1842.

The Senate met pursuant to adjournment.

Mr. Livingston presented the petition of Solomon Zipperer, which was referred to the Committee on the State of the Territory.

Mr. Walker, from the Judiciary Committee, made the following reports:

"The Judiciary Committee report to the Senate, without amendment, "An act to restrict the powers of Justices of the Peace on the subject of bail; and they report unfavorably of an act to define more particularly the jurisdiction of Justices of the Peace; and also unfavorably of an act respecting the partition of property, for the reason and on the ground of impropriety and inexpediency.

GEO. WALKER, Ch'n."

A bill to be entitled "An act for the trial of crimes and misdemeanors committed by slaves and free persons of color," was read a second time.

"An act respecting Executions," was read a second time.

"An act to authorize Thomas Cooper to establish a Ferry across the Escambia river," was read, the rule waived, and passed. Ordered, that the title be as above.

A bill to be entitled "An act to repeal an act therein named," was again read, and passed. Ordered, that the title be as above.

The Senate received from the House, as passed, a bill to be entitled "An act respecting securities;" which was read, and referred to the Judiciary Committee.

Also, "An act to amend an act concerning limitations of actions;" which was twice read, and referred to the Judiciary Committee.

Also, a resolution requesting an appropriation for constructing a road from Monticello to Port Leon; which was read, the rule waived, and adopted.

Also, a resolution in relation to a State Government; which was read.

Also, a bill to be entitled "An act to amend an act entitled an act to authorize executors and administrators to sell real estate in certain cases, and to repeal certain acts therein mentioned;" which was twice read, and referred to the Committee on the Judiciary.

Also, the Senate's resolution, giving certain instructions to the Committee on the State of the Territory; which was read.

The Senate received from the House the following message:

"Mr. Berthelot moves that the Committee on Enrolled Bills of both Houses be permitted to have a conference in relation to "An act entitled an act to organize and regulate the militia of the Territory of Florida, and to repeal all former acts in relation to the same" —which was concurred in.

J. S. ROBINSON,
Sec'y Senate.

Read and concurred in by the House.

H. ARCHER, Chief Clerk.

March 1, 1842.

HOUSE OF REPRESENTATIVES, }
March 1st, 1842. }

The House insist on their substitute for the Senate's bill relating to public elections, and have appointed Messrs. Lancaster, Westcott, and Stephens, a committee of conference on the part of the House, to confer with a committee of the Senate on the subject of the differences of the two Houses on said bill.

Attest, H. ARCHER, Chief Clerk H. of R.

Which was read, concurred in, and Messrs. Berthelot, Livingston and McLean appointed said committee on the part of the Senate.

"An act in addition to the several acts now in force regulating the partition of property," was read, and indefinitely postponed.

A bill entitled "An act to define more positively the jurisdiction of Justices of the Peace," was read; on which the Senate went into committee of the whole, Mr. Edwards in the Chair. After some time, the committee rose, and reported a substitute for said bill, which was received and concurred in, and said bill read and passed. Ordered, that the title be "An act concerning jurisdiction of Justices of the Peace."

"An act to restrict the powers of Justices of the Peace on the subject of bail," was read, and referred to the Judiciary committee.

Mr. Berthelot, from the Committee on Enrolled Bills, reported as correctly enrolled a resolution authorizing and requiring the auditor to audit and pay to Mrs. Sarah Williams the sum of sixty-three dollars and seventy-five cents.

Also, an act to be entitled "An act to increase the number of Senators."

Also, "An act for the protection of mortgagees."

Mr. Livingston introduced "An act to authorize Solomon Zipperer to establish a Ferry across the Suwannee river; which was ordered for to-morrow.

On motion, the Senate adjourned until 8 o'clock, P. M.

---

8 O'CLOCK, P. M.

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

THURSDAY, March 3d, 1842.

The Senate met pursuant to adjournment.

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

"The Judiciary Committee report to the Senate as unfavorably considered, a bill to amend an act entitled "An act to authorize executors and administrators to sell real estate in certain cases;" also, a bill to amend an act concerning limitations of actions.

They recommend to the favorable consideration of the Senate, a bill to be entitled "An act respecting securities."

GEO. WALKER, Ch'n."

Mr. M'Lean, from a select committee, made the following report:

"The select committee, to whom was referred "An Act to alter and fix the terms of the Superior Courts of the Apalachicola District," have had the same under consideration, and REPORT—That the Committee disagree, and ask to submit the same to the Senate, with leave to be discharged from the further consideration of the same.

D. G. M'LEAN,
Chairman Select Committee."

Which was granted.

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

"The Enrolling Committee of the Senate, appointed to confer with the Enrolling Committee of the House in regard to "An Act to organize and regulate the militia of the Territory of Florida, and to repeal all former acts in relation to the same," beg leave to REPORT—That they have performed that duty, and have made the necessary corrections in said bill, and now report said bill as correctly enrolled.

J. A. BERTHELOT,
Ch'n Committee of the Senate."

The same, from the Committee on Finance and Banks, reported "An act prescribing the manner of cancelling the faith bonds and guarantees."

A bill to be entitled "An act for the trial of crimes and misdemeanors committed by slaves and free persons of color," was read a third time, and indefinitely postponed.

"An act respecting Executions," [illegible] time. On the passage of the bill, the yeas and nays were called by Messrs. Cooper and Dupont, and were—

Yeas—Messrs. Berthelot, Dupont, Edwards, and Livingston—4.

Nays—Mr. President, Messrs. Cooper, M'Lean, and Walker—4.

So the bill was lost.

A preamble and resolutions respecting a State Government, was read again. On the question of its indefinite postponement, the yeas and nays were called by Mr. President and Mr. Cooper, and were—

Yeas—Mr. President and Mr. Cooper—2.

Nays—Messrs. Berthelot, Dupont, Edwards, Livingston, and Walker—5.

On motion, the resolution was laid on the table.

Resolutions giving certain instructions to the Committee of the House on the state of the Territory, were again read, and indefinitely postponed.

"An act to authorize Solomon Zipperer to establish a Ferry on the Suwannee river, was read, the rule waived, and passed. Ordered, that the title be as above.

A bill to amend an act entitled "An act to authorize executors and administrators to sell real estate in certain cases," was read again, and indefinitely postponed.

"A bill to amend an act concerning limitations of actions," was read a third time, and indefinitely postponed.

A bill to be entitled "An act respecting securities," was again read, on which the Senate went into committee of the whole, Mr. Livingston in the Chair. After some time, the committee rose, and reported the enacting clause stricken out, which was concurred in.

On motion, the Senate adjourned until 4 o'clock.

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4 O'CLOCK, P. M.

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

FRIDAY, March 4th, 1842.

The Senate met pursuant to adjournment.

Mr. Livingston presented the petition of sundry citizens of Madison County, together with "An act to authorize Cyprian T. Jenkins to establish a Ferry on the Withlacoochee river;" which were received, and ordered for to-day.

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

"The Judiciary Committee report to the Senate a bill to restrict the powers of Justices of the Peace on the subject of bail; and forbear from any remarks, as they are doubtful as to its merits.

They also report a bill to provide for renting out the school lands, with the suggestion that the acts now in force on that subject seem to be sufficient. GEO. WALKER, Ch'n."

Which was read.

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

"The select committee appointed to confer with a similar committee from the House, on the subject of the Election laws, report that the two committees are unable to agree, and ask to be permitted to refer the matter back to the Senate; and also ask to be discharged from the consideration of the same.

M. LIVINGSTON, Ch'n."

Which was granted.

The Senate received from the House the following message:

HOUSE OF REPRESENTATIVES,
March 2d, 1842.

The House concurs in the amendments of the Senate on the reported preamble and resolution on the accounts of Walker Anderson and others.

The House refused to concur in the amendment proposed by striking out the 4th section of the bill to be entitled "An act to in-

corporate the Bank of Apalachicola," and inserting the 3d section, as proposed by the Senate.

The House concurred in the amendment of the Senate, made by striking out the 3d section, and inserting as a substitute therefor section 4th of the Senate. Attest, H. ARCHER,
Chief Clerk House of Representatives.

Which was read, and the Senate insists on its amendments.

Also, as passed, "An act in addition to an act concerning wills, letters testamentary, and letters of administration, and the duties of executors, administrators, and guardians—approved Nov. 20, 1838;" which was again read, and laid on the table.

Also, a bill to be entitled "An act the more effectually to suppress the issuing of change-bills or shin-plasters, and for other purposes;" which was read.

Also, a bill to be entitled "An act to give overseers or managers preference and lien on the crops they superintend;" which was read.

Also, a preamble and resolution respecting Blyden Vanbaun; which was read.

"An act prescribing the manner of cancelling the faith bonds and guarantees," was read, the rule waived, and passed. Ordered, that the title be as above.

"An act to alter and fix the terms of the Superior Courts of the Apalachicola District," was again read, and indefinitely postponed.

"An act to authorize Cyprian T. Jenkins to establish a Ferry on the Withlacoochee river," was read, the rule waived, and passed. Ordered, that the title be as above.

"An act to provide for renting out the School Lands in this Territory," was again read.

"An act to restrict the powers of Justices of the Peace on the subject of bail," was read a third time. On its passage, the yeas and nays were called by Messrs. Cooper and Dupont, and were—

Yeas—Mr. President, Messrs. Berthelot and Cooper—3.

Nays—Messrs. Dupont, Edwards, Livingston, M'Lean, and Walker—5.

So the bill was lost.

The Senate received from the House, as passed, "An act to authorize Solomon Zipperer to establish a ferry on the Suwannee river."

Also, as accepted, the substitute of the Senate for "An act respecting jurisdiction of Justices of the Peace."

Also, the following message:

HOUSE OF REPRESENTATIVES,
March 3d, 1842.

Resolved, by the House, That the Senate be informed that the resolution from the Judiciary Committee, requiring the Committee on the state of the Territory to have copies made of all resolutions, reports of former committees, memorials, &c., of this House, or of the Senate, was sent to the Senate by mistake, and that the action of the Senate was not solicited thereon.

Resolved, further, That the Clerk comply with said resolution as if it had not been sent to the Senate.

Attest, H. ARCHER, Chief Clerk.

Also, resolutions asking certain appropriations; which were read.

On motion, the Senate went into secret session on Executive nominations.

On motion, the doors were opened, and the Senate adjourned until half past 7 o'clock.

HALF PAST 7 O'CLOCK.

The Senate met pursuant to adjournment.

"An act to provide for the renting out of School Lands in this Territory," was again read, and lost.

The Senate received from the House, as passed, a resolution for the suspension of the Revenue laws.

Also, a resolution for the relief of John Brawnell.

Also, "An act prescribing the manner of cancelling the faith bonds and guarantees."

Also, "An act to suspend the Revenue laws of this Territory;" which was read, and lost.

Also, "An act to enable execution creditors to collect their judgments out of stock choses in action of defendants in execution, or out of property to which defendants may have an equitable title only;" which was read.

Also, "An act respecting liens of mechanics and others;" which was read.

On motion, the Senate adjourned until to-morrow, 9 o'clock.

SATURDAY, March 5th, 1842.

The Senate met pursuant to adjournment.

The Senate received from the House, as passed, "An act for the relief of the widow and orphans of Fernando Lowe."

On motion of Mr. M'Lean, that a committee wait on the House to request a return of "An act concerning Executions," the yeas and nays were called by Mr. President and Mr. Cooper, and were—

Yeas—Messrs. Berthelot, Dupont, Edwards, Livingston, and McLean—5.

Nays—Mr. President, Messrs. Cooper and Walker—3.

Messrs. M'Lean and Livingston were appointed said committee; which committee, after some time, reported that they had performed the duty assigned them, and had received the bill from the House. On the question of reconsidering the vote on said bill, the yeas and nays were called by Messrs. Walker and Livingston, and were—

Yeas—Messrs. Berthelot, Dupont, Edwards, Livingston, and McLean—5.

Nays—Mr. President, Messrs. Cooper and Walker—3.

Mr. Berthelot, from the Committee on Enrolled Bills, reported as correctly enrolled, "An act to authorize Solomon Zipperer to establish a Ferry on the Suwannee river."

Also, "An act prescribing the manner of cancelling the faith bonds and guarantees."

"An act the more effectually to suppress the issuing of change-bills or shin-plasters, and for other purposes," was read again.

"An act to give overseers or managers preference or lien on the crops they superintend," was again read.

A resolution respecting Blyden Vanbaun, was again read.

Also, a resolution asking certain appropriations; on which the Senate went into committee of the whole, Mr. Berthelot in the Chair. After some time, the committee rose, and reported a substitute for said resolution, which was concurred in, and said resolution adopted.

"An act to enable execution creditors to collect their judgments out of stock choses in action of defendants in execution, or out of property to which defendants may have an equitable title only," was again read.

"An act respecting liens of mechanics and others," was again read.

The Senate received from the House of Representatives, as adopted, a resolution in relation to a mail route therein named; which was read.

Also, a resolution requesting an appropriation to complete the Capitol; which was read, and passed.

"An act respecting Executions," was again read. On its passage, the yeas and nays were called by Mr. President and Mr. Livingston, and were—

Yeas—Messrs. Berthelot, Dupont, Edwards, Livingston, and M'Lean—5.

Nays—Mr. President and Mr. Walker—2.

So the bill passed. Ordered, that the title be as above.

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

TALLAHASSEE, 3d March, 1842.

To the Legislative Council of Florida:

I have approved the following acts and resolutions passed by the Council at its present session:—

An act entitled "An Act to authorize Benjamin Marshal to establish a ferry across the Blackwater River, at the town of Milton."

An act entitled "An Act for the protection of mortgagees."

"An Act to increase the number of senators."

A Resolution for the Relief of Mrs. Sarah Williams.

A Resolution requesting the Delegate in Congress to endeavor to procure an appropriation for the repair of certain bridges therein named.

An act entitled "An Act to establish and regulate pilotage on the waters, and in the bay and waters of Tampa Bay."

"An Act to authorize George Branning to build a bridge or establish a ferry across Black Creek in Duval county.

A Resolution requesting the Delegate in Congress to use his best exertions to endeavor to procure an appropriation for the fortification of the Bay of St. Andrews.

"An Act for the relief of Jesse Carter, late tax-collector of Alachua County."

"An Act to authorize John A. Pringle to establish a toll-bridge across Escambia River."

An act entitled "An Act to repeal all former acts incorporating the town of Monticello, except the act of 1831."

"An Act to authorize Bryan Sheffield to establish a ferry across the Suwannee River, at the upper mineral spring, known as the White Sulpher Spring."

A Resolution requesting that our Delegate in Congress be requested to obtain an appropriation for the establishment of a Naval Depot at St. Joseph, and the fortification of that harbor.

"An Act to extend the limitation of an act passed on the 1st day of February, 1836, authorizing Nathaniel W. Walker to establish a ferry across the Wauculla River, near St. Marks, and for other purposes."

"An Act to authorize Thomas Cooper to establish a ferry across the Escambia River."

"An Act to prevent trespasses on the university lands."

"An Act to amend an act incorporating the city of Pensacola."

"An Act in addition to the several acts relating to crimes and misdemeanors."

"An Act to repeal all former acts concerning improvements made on public lands."

"An Act to amend an act to incorporate the town of Jacksonville."

A Resolution requesting the Delegate in Congress to procure the establishment of a post office at Blount Town.

"An Act to incorporate the first Presbyterian Church of Apalachicola."

R. K. CALL.

Messrs. Livingston, Walker, and Berthelot, were appointed a committee on the part of the Senate to contract for the printing of the laws, under a resolution passed on the 26th February, ult.

The Senate received from the House as passed, "An act to alter and amend the several acts respecting the Southern Life Insurance and Trust Company;" which was read.

On motion of Mr. Walker, a preamble and resolution for the establishment of a mail route therein named, was taken up, and read a second time.

The Senate received from the House as passed, a resolution in relation to Indians, &c.; which was read.

Also, "An Act to amend an act to provide for the appointment of Auctioneers, and defining their duties;" which was read.

Also, "An Act to alter the law regulating the taking testimony

in chancery causes;" which was twice read and referred to the Judiciary Committee.

On motion, the Senate adjourned until half-past 7 o'clock.

HALF PAST 7 O'CLOCK, P. M.

The Senate met pursuant to adjournment.

On motion of Mr. Livingston, a preamble and resolution respecting a State Government, was taken from the table, and placed among the orders.

Mr. Walker, from the Judiciary Committee, reported as amended, "An act to alter the law regulating the taking testimony in Chancery causes;" on which the Senate went into committee of the whole, Mr. Livingston in the Chair. After some time, the committee rose, and reported said bill amended, which was concurred in, and passed. Ordered, that the title be as above.

Mr. Berthelot, from the Committee on Enrolled Bills, reported as correctly enrolled, "An act for the relief of the widow and orphans of Fernando Lowe."

The preamble and resolution in relation to a State Government, was again read. On the passage of the preamble, the yeas and nays were called by Mr. President and Mr. Walker, and were—

Yeas—Messrs. Berthelot, Livingston, McLean, and Walker—4.

Nays—Mr. President, Messrs. Dupont and Edwards—3.

On the passage of the resolution, the yeas and nays were called by Messrs. Dupont and Berthelot, and were—

Yeas—Messrs. Berthelot, Dupont, Edwards, Livingston, M'Lean, and Walker—6.

Nay—Mr. President—1.

So the resolution passed.

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

HOUSE OF REPRESENTATIVES,
March 5th, 1842.

The House insists on the substitute for Senate's bill, entitled "An act relating to Elections."

The House accepts the substitute of the Senate for the resolution asking an appropriation of five thousand dollars for the repairs of a Bridge over Hard Labor Creek, &c.

H. ARCHER, Chief Clerk.

On motion, the Senate adhered to their bill to be entitled "An act to amend the several acts in relation to Elections, now in force in this Territory."

The Senate went into committee of the whole on a bill to be entitled "An act for the compensation of the officers of the Legislative Council for the session of 1842, and for other purposes," Mr. M'Lean in the Chair. After some time, the committee rose, and

reported the bill as amended, which was concurred in, said bill read again, and passed. Ordered that the title be as above.

The Senate received from the House, as passed, "An act to alter and change the time for holding the election for Representatives in the Legislative Council from the counties of Franklin and Calhoun;" which was read and amended. On its passage, the yeas and nays were called by Messrs. Berthelot and Walker, and were—

Yeas—Mr. President, Messrs. Dupont, Livingston, M'Lean, and Walker—5.

Nays—Messrs. Berthelot and Edwards—2.

So the bill passed. Ordered, that the title be as above.

The Senate received from His Excellency the Governor, the following message:—

TALLAHASSEE, 5th March, 1842.

To the President of the Senate:

Sir—I have examined the act entitled "An Act providing the manner of cancelling the faith bonds and guarantees."

The second section of this bill is entirely foreign to the object intended to be accomplished by the first, and appears to me to be unnecessary. It provides "that no Governor of this Territory shall hereafter sign, seal or deliver any bond, obligation, or guarantee of the Territory, or purporting to bind the Territory, to any bank or other Corporation, &c." The Union Bank has already received all the bonds which it is entitled to receive.

The Bank of Pensacola may already be considered non-existent for every purpose contemplated by the charter.

The Life and Trust Company has received all the guarantees to which it is entitled, unless it should hereafter pay in additional specie capital on the stock, an event at present not likely to ensue. But even if it were otherwise, when it is returning the guarantees of the Territory heretofore received, as being unavailable and useless, it is not very probable that this institution would apply for the endorsement of other bonds. Should its stockholders, however, make the additional payments on the stock provided for by the charter, this institution would have a right to claim the guarantee of the Territory. This right, acquired by the irrevocable grant of the government, cannot, in my opinion, be either restrained or impaired by subsequent Legislation.

I therefore return the bill unapproved, and respectfully suggest to the House of Representatives the propriety of amending the bill by striking out the second section, which will leave an ample provision for the object indicated by the title of the bill.

RICHARD K. CALL.

Which message was read, and, on motion, the said bill returned therewith was reconsidered; and upon the passage of the bill, the Governor's veto to the contrary notwithstanding, the yeas and nays were called, and were—Yeas 8; Nays 0; and the roll being called, the following members answered aye, to wit:—Mr. President,

Messrs. Berthelot, Dupont, Edwards, Livingston, M'Lean, and Walker—7. And, on motion, the Sergeant-at-Arms was directed to wait upon Mr. Cooper, (one of the Senators from East Florida,) and request his attendance in the Senate-Chamber to vote upon said bill, if his health would permit. The Sergeant-at-Arms returned, and reported to the Senate that Mr. Cooper was too ill to attend—whereupon the Senate adjourned to Mr. Cooper's apartments to receive his vote, when he voted aye; and the Senate returned to its Chamber, and it was ordered that said vote, and the bill and message of the Governor, be transmitted to the House of Representatives.

Mr. Berthelot, from the Committee on Enrolled Bills, reported as correctly enrolled, a resolution for the suspension of the Revenue laws.

The Senate received from the House the following message:

The House have concurred in the amendment of the Senate, on the act to provide for the compensation of the officers of the Legislative Council, &c. H. ARCHER, Chief Clerk.

The Senate also received from the House of Representatives their adherence to the original bill to be entitled "An act to change the time for holding the election for Representatives to the Legislative Council of this Territory from Franklin and Calhoun Counties." On motion, the Senate receded from their amendment.

On motion of Mr. Dupont, "An act to organize and regulate the militia of the Territory of Florida, and to repeal all former acts in relation to the same," was amended by adding to the end of the last section "from and after the first day of July next." Messrs. Dupont and Livingston were appointed a committee to wait on the House, and explain said amendment. After some time, the committe reported that the House concurred in said amendment.

Mr. Berthelot, from the Committee on Enrolled Bills, reported as correctly enrolled, "An Act to prevent the future migration of free negroes or mulattoes to this Territory, and for other purposes."

Also, "An act to authorize Cyprian T. Jenkins to establish a Ferry on the Withlacoochee river."

The Senate received, as passed by the House, by the requisite majority, against the veto of the Governor, "An act prescribing the manner of cancelling the faith bonds and guarantees."

Also, as passed, without amendment, "An act to authorize Cyprian T. Jenkins to establish a Ferry on the Withlacoochee river."

Also, as adopted, a resolution for the suspension of the Revenue laws.

Also, a resolution in relation to the printing of the laws; which was read, and adopted.

Also, "An act respecting Marshal's fees;" which was read.

Also, a resolution giving certain instructions in relation to the Capitol; which was read, the rule waived, and passed.

Also, a resolution in relation to Judges and District Attorneys which was read.

The Senate received from the House the following message:

HOUSE OF REPRESENTATIVES,
March 5th, 1842.

The House refuse to concur in the amendment made by the Senate in adding the 11th section, and have ordered it to be stricken out.

The House have amended the 10th section by striking out the words "or" and "is," and by inserting the words "one or more," and the words "or they be," and the letter "S," as noted in bill, and concurred in all other amendments.

H. ARCHER, Chief Clerk.

On motion, the Senate concurred in the amendments of the House to the 10th section, but insist on the insertion of the 11th section.

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

TALLAHASSEE, March 5th, 1842.

To the Legislative Council of Florida:

I deem it proper to lay before you the accompanying copy of a letter I have just received from Capt. George E. McClellan, of East Florida, giving an account of a succession of Indian barbarities which have recently been committed on that frontier. From this you will perceive that the apprehensions I expressed in my annual message for the safety of the border settlements were not unfounded. In addition to this distressing intelligence, I have, within the last two days, been informed of several outrages committed by the Indians on the exposed settlements to the west of this place. Intelligence has also been received of an attack by the Indians on two companies of the U. S. troops, while on their march from Tampa Bay to Fort King; and every indication continues to be given by the Indians of their unyielding determination to remain in the country, and to prosecute their murderous and predatory warfare. At no time have the frontier settlements been more unprotected; and there is not a family on the whole southern border settlements from Pensacola to St. Augustine, which is not liable to be masacreed and plundered by the savages. The troops of the government are now retiring from the Territory, a portion will remain; but all active operations against the enemy are to be suspended, and unless we can organize a force for the defence of the exposed settlements, the most disastrous consequences may ensue. I have already exhausted this subject in a correspondence which I have had with the Secretary of War, without any beneficial result. Our delegate in Congress has held a zealous correspondence with the same functionary with but little more success. The impression prevails at Washington that the war is over; and that many of the depredations committed on the frontier are the acts of white men, either associated with the Indians or acting alone, prompted by the desire for plunder. However unfounded this belief may be, as I am sure it is, it has produced an unfavorable impression and most injurious consequences. At this late hour it is not practicable, I fear, for us to devise any efficient plan for the defence of the exposed settle-

ments. But late as it is, I would respectfully suggest the propriety of passing a resolution expressing the opinion of the Legislature with regard to the necessity, on the part of the General Government, of providing a more efficient defence for the border settlements. I would recommend that our own troops be engaged in that service; and had I the means of supporting them, I should not hesitate to employ them. Believing, as I do, that the war will never be closed except by the settlement of the country, I would suggest that the plan I presented in 1838, for the encouragement of emigrants, be recommended for the adoption of the Government. Had this plan been carried into execution the whole peninsula would long since have been settled, and not a hiding place would now be left to shelter the savage enemy.

As the lateness of the hour precludes the possibility of presenting a detailed plan. I would suggest the propriety of a resolution referring the subject to such person or persons as the Council may be pleased to designate, with authority to correspond with the proper departments of the Government. R. K. CALL.

LITTLE RIVER, Columbia Co., E. F., 28th February, 1842.

To His Excellency R. K. Call, Governor of Florida:

Sir: It is with feelings of the deepest regret that I am compelled to inform you of one of the most barbarous acts of Indian depredation. On Thursday last at noon, seven or eight Indians were discovered in a half or three-fourths of a mile of my house, making towards a neighboring house. I immediately sent a runner to that house to apprise them; and through the neighborhood for the same purpose—but before the news could reach around, a Mr. Richard Tulli's family, about two miles from me—he being absent on business—fell victims to their barbarity in the following distressing manner:—The lady, Mrs. T., was shot dead. A young lady who was staying there, attempted to run off with Mrs. T's infant, two weeks old, but was run after by an Indian, overtaken, knocked down with the limb of a tree and stabbed under each arm, (or nearly so), to the hollow—she is yet alive. A little girl, eight years old, was shot with an arrow in the back, the barb or spike made of iron, severing off part of the bone and lodging under a rib—she died last night. A little boy, six years old, was shot with an arrow in the back, near the bone, and came out near the *navel*—he is yet alive. The next oldest was killed dead with an arrow—and the next oldest, a boy, was shot through the body, and died on Friday night. All of the children were shot and the arrows left in them, except the infant, which was not interrupted. The house was stripped and the Indians made their escape. I pursued them the next day with 24 men, but did not overtake them till they had crossed the Suwannee; and on the opposite bank they were discovered, but out of gun-shot; and no possibility of crossing the river. Thus were we disappointed of revenge.

The steamboat that came after the troops at Fort Macomb, as I am told, on its return discovered, or the men on her saw, Indian

rafts on this side the river, and neither destroyed them, pursued the Indians, nor informed us of it. However, Major Raines, at Fort White, came with the Doctor from that Fort to see the wounded of Tulli's family, and promised to do all in his power for us. On receiving information of this murder he sent for aid to Camp Fanning; and a company of Dragoons were immediately—or as soon as possible—and returned to Camp F., to recross the river and come up after them. But, alas! *it is too late.* They cannot, I fear, overtake them.

Yesterday, about ten in the morning, they made an attack on Mr. Ostein's house, one and a half miles from the Natural Bridge, on Santa Fee river, killed Mrs. O., and was still firing on the house when the express left for Alligator. The particulars of this transaction are yet to be learned. I *fear the worst.* I start off again to-morrow, after them. Signs were discovered within a few miles of this, one day since. Unless we get aid speedily the country must be abandoned. Not a soldier is on the frontier of the country, except at Fort White leaving Santa Fee and Suwannee free for them to live on. *This is protection.*

I have stated this much that you may be correctly informed of matters in this vicinity. Hoping to hear from you soon,

I am, sir, your ob't serv't,

(Signed) GEORGE E. McCLELLAN.

Which was read, when Mr. Dupont offered a resolution in accordance with the foregoing message; which was read, the rule waived, and passed.

The Senate went into secret session on Executive business.

On motion, the doors were opened, when Mr. Berthelot offered the following resolution:

Resolved, That a joint committee of the Senate and House of Representatives be appointed to wait upon his Excellency the Governor, and to inform him that the Senate and House of Representatives have no further business before them, and are now waiting for any further communication which he may deem proper to make.

Which was read, and Messrs. Berthelot, Dupont, and M'Lean, appointed said committee.

The Senate received from His Excellency the Governor, the following message:

To the Legislative Council of Florida:

I herewith return the bill entitled "An act for the compensation of the Legislative Council for the session of 1842, and for other purposes," accompanied with a copy of the estimate for appropriations, furnished the Treasury of the United States. By a comparison of these papers, you will perceive that the appropriation does not correspond with the estimate, either in the items or the amount ---that injustice must be done to some of the parties by appropriating more than will be furnished by the Government under the estimate; and that, after exhausting the whole amount of the estimate by special appropriation, and leaving no fund at the disposal of the

Governor, the act provides that the Governor shall be authorized to allow three hundred dollars to a clerk for making a copy of the Laws.

From this state of the case, it must result that the Governor will be unable to pay the clerk. The bill is therefore returned disapproved. R. K. CALL.

Which was read, and a joint committee of conference appointed, who reported the bill amended.

Also, the following:

To the Legislative Council of Florida:

I have approved the following acts and resolutions:

"An act concerning Roads, Highways, and Ferries."

"An Act to authorize Solomon Zipperer to establish a Ferry across the Suwannee river."

"An act to repeal an act therein named."

"An act relating to offences not heretofore designated."

"An act to organize the militia of the Territory, and repeal all other laws in relation to the same."

"A resolution requesting the Delegate in Congress to procure an appropriation to repair the mail route from Marianna to La Grange."

"An act for the relief of the widow of Fernando Lowe."

"An act concerning jurisdiction of Justices of the Peace."

"A resolution to suspend the assessment and collection of the Revenue laws of the Territory."

"An act to authorize Cyprian Jenkins to establish a Ferry across the Withlacoochee river."

"A resolution requesting our Delegate in Congress to urge the admission of Florida into the National Confederacy."

"An act to prevent the future migration of free negroes or mulattoes to this Territory, and for other purposes."

"A bill for the relief of Benj. G. Thornton."

"An act respecting Executions."

"An act to alter and change the time for holding the election for Representatives in the Legislative Council from the Counties of Calhoun and Franklin."

"A resolution directing the Commissioner of the city of Tallahassee to take charge of the Capitol." R. K. CALL.

Mr. Dupont offered the following resolution:

Resolved, That the thanks of the Senate be tendered to the President, William H. Brockenbrough, for the very able and impartial manner in which he has discharged the duties of the Chair, during the present session of the Legislative Council.

Which was read, and adopted.

On motion, the Senate adjourned *sine die*.

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