

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 they 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 provisions, are permitted to remain in the Territory, only under exceptions 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 Phoenix 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.