

*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. McLean, 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. McLean 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 Sulphur 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 Waculla 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 committee 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 massacred 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*.