

Senate Journals--21st Session.

A

JOURNAL OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL

OF THE

TERRITORY OF FLORIDA.

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BEGUN AND HELD IN THE CITY OF TALLAHASSEE, ON MONDAY THE SECOND  
DAY OF JANUARY, EIGHTEEN HUNDRED AND FORTY-THREE.

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TALLAHASSEE:

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1843.

## A JOURNAL

OF THE PROCEEDINGS OF THE SENATE OF THE TERRITORY OF FLORIDA, AT ITS TWENTY-FIRST SESSION, HELD AT THE CAPITOL, TALLAHASSEE, 1843.

MONDAY, January 2, 1843.

The Senate met at 12 o'clock, M. On motion of Mr. Livingston, G. W. Parker was appointed Secretary pro. tem. who proceeded to call the roll, and the following Senators answered to their names, viz:

On motion of Mr. Livingston, Mr. Priest was called to the Chair.

There not being a quorum present, on motion the Senate adjourned until to-morrow 12 o'clock, M.

TUESDAY, January 3, 1843.

The Senate met pursuant to adjournment, and the journal of yesterday's proceedings was read. The Clerk proceeded to call the roll, agreeable to the Proclamation of his Excellency the Governor, when the following Senators answered to their names, viz:

From the Middle District—Messrs. Geo. K. Walker, Livingston, Mathers, Haughton and Baltzell.

From the Western District—Messrs. Geo. Walker, Yonge, Long and Ramsay.

From the Eastern District—Messrs. Cooper, Priest and Pelot.

From the Southern District—Mr. Smith, 13.

On the announcement being made that a quorum was present Mr. George Walker moved that the Senators present now proceed to take the oath of qualification preparatory to the organization of the Senate. Which motion prevailed, and the Senators came forward, and were sworn, Judge Marvin [by request] administered the oath.

On motion of Mr. Ramsay, the Senate proceeded to the election of President, and the Hon. Geo. Walker, of the Western District, was duly elected on first ballot.

On motion of Mr. Ramsay, the Chair appointed a committee (consisting of Messrs. Cooper, Pelot and Livingston) to conduct the President to the Chair. Whereupon he returned his thanks to the Senate for the honor conferred on him, in a few brief and appropriate remarks.

On motion the Senate proceeded to the election of Secretary of the Senate, and on first ballot Thomas Long, Esq. was duly elected, and took the oath of office.

Mr. Livingston moved that the Senate proceed to the election of Sergeant-at-Arms. Which motion prevailed, and Alfred A. Fisher, Esq. was unanimously elected by acclamation, and came forward and took the oath of office.

On motion of Mr. Pelot, the Senate proceeded to the election of Assistant Clerk, and Mr. Webb was duly elected, and took the oath of office.

On motion being made to go into an election of Foreman for the Senate, Mr. Yonge suggested that the duties of that officer be first defined—whereupon Mr. Baltzell introduced the following resolution :

Resolved, That an election be had for Forman of the Senate, and that that officer discharge the duties of Enrolling and Engrossing Clerk. Which resolution was adopted.

The Senate proceeded to the election of said officer, and after several unsuccessful ballotings, on motion of Mr. Ramsay,

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

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WEDNESDAY, January 4, 1843.

The Senate met pursuant to adjournment, and the Clerk proceeded to call the roll. A quorum being present, the journal of yesterday's proceedings was read, amended and adopted.

Mr. Haughton offered the following resolution, viz :

Resolved, That a committee of three be appointed to draft Rules for the regulation of the Senate, and until such committee make their report, the Rules of the last Senate be adopted.

Mr. Baltzell offered the following amendment to said resolution :

“ Provided, however, that the committee be selected by the Senate according to the practice of the Senate of the United States.”

On the adoption of the amendment, the yeas and noes were called for by Messrs. Baltzell and Pelot, and were,

Yeas : Messrs. Baltzell, Cooper, Long, Pelot, Priest and Smith—6.

Nays : Messrs. Haughton, Livingston, Mathers, Ramsay, Walker and Yonge—6.

(On motion of Mr. Livingston, the President was excused from voting.)

The amendment was therefore lost. The original resolution was then adopted, and the chair appointed Messrs. Haughton, Baltzell and Livingston said committee.

On motion of Mr. Long, the Senate proceeded to the election of Foreman, and Geo. W. Parker was duly elected, and came forward and took the oath of office.

Mr. Pelot moved that the Senate now proceed to the election of Messenger, which motion prevailed, and Geo. O. McMullin was duly elected, and came forward and took the oath of office.

On motion of Mr. Pelot, the chair appointed a committee of two to inform the House that the Senate is now organised and ready for business ; whereupon the chair appointed Messrs. Pelot and Baltzell said committee.

On motion of Mr. Baltzell, the Senate now adjourned until to-morrow 12 o'clock.

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THURSDAY, January 5, 1843.

The Senate met pursuant to adjournment. The Clerk proceeded to call the roll—the journal of yesterday's proceedings was read, amended, and approved.

On motion of Mr. Livingston, the oath of office was administered to Mr. Hart.

On motion of Mr. Long, the Chair appointed a committee of three to act in concert with a committee from the House, to wait on his Excellency the Governor, to inform him that they were organised, and ready for business.

Messrs. Long, Hart, and Yonge, were appointed said committee.

The following messages were received from the House :

“ On motion of Mr. Knowles, it was resolved, That the Senate be informed that this House is now organised—that the Hon. Buckingham Smith is elected Speaker ; Hugh Archer, Chief Secretary ; Moses Ellis, Sergeant at Arms, or Door-keeper.

H. ARCHER, Clerk.”

“ Resolved, That a committee of three be appointed to unite with a similar committee from the Senate, to wait upon the Governor, and inform him that the Legislative Council is now or-

ganised, and prepared to receive any message he may desire to make. Messrs. Betton, Floyd, and Scott, were appointed that committee. Attest, H. ARCHER, Clerk."

On motion of Mr. Pelot, the roll was called, and absent members sent for.

The Chairman of the select committee to draft rules to govern the Senate, reported as follows:

"The committee appointed on yesterday to draft rules for the regulation of the Senate, have had that subject under consideration, and have agreed to recommend the adoption of the rules of the last Senate, with the following amendments: In rule 10th, strike out the words 'President first obtained,' and insert 'Senate.' In rule 37, insert in the third line, after the word 'Chamber,' the words, 'and any other person, upon being invited by a member of the Senate.' Respectfully submitted.

R. B. HAUGHTON, Chairman."

#### RULES OF THE SENATE.

I. The President shall take the Chair every day at the hour to which the Senate shall have adjourned; shall immediately call the members to order, and on the appearance of a quorum, shall cause the journal of the preceding day to be read.

II. He shall preserve order and decorum—may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the Senate by any two members; on which appeal no member shall speak more than once, unless by leave of the Senate.

III. He shall rise to put the question, but may state it sitting.

IV. No member shall speak to another, or otherwise interrupt the business of the Senate, or read any newspaper while the journals or public papers are reading, or when any member is speaking in debate.

V. Every member when he speaks shall address the Chair, standing in his place, and when he has finished, shall sit down.

VI. No member shall speak more than twice in any one debate on the same subject, without leave of the Senate.

VII. When two or more members shall rise at the same time, the President shall name the person entitled to proceed.

VIII. When a member shall be called to order, he shall sit down until the President shall determine whether he is in order or not; and every question of order shall be decided by the President without debate, subject to an appeal to the Senate.

IX. If a member be called to order for words spoken, the exceptionable words shall be immediately taken down in writing, that the President may be better enabled to judge of the matter.

X. No member shall absent himself from the service of the Senate without leave of the Senate; and in case a less number

than a quorum shall convene, they are hereby authorised to send the Sergeant-at-Arms, or any other person or persons, by them authorised, for any or all absent members, as the majority of such members shall agree, at the expense of such absent members, respectively, unless such excuse for non-attendance shall be made, as the Senate, when a quorum is convened, shall judge sufficient.

XI. No motion shall be debated until the same shall be seconded.

XII. When a motion shall be made and seconded, it shall be reduced to writing, if desired by the President, or any member, delivered in at the table, and read before the same shall be debated.

XIII. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, to postpone indefinitely, to postpone to a day certain, to commit, or to amend, which several motions shall have precedence, in the order in which they stand arranged, and the motion for adjournment shall be in order, and be decided without debate.

XIV. If the question in debate shall contain several points, any member may have the same divided.

XV. In filling up blanks, the largest sum and the longest time shall be first put.

XVI. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by vote of the Senate without debate.

XVII. When the yeas and nays shall be called for by two of the members present, each member called upon shall (unless for special reasons he be excused by the Senate) declare openly, and without debate, his assent or dissent to the question. In taking the yeas and nays, and upon a call of the Senate, the names of the members shall be taken alphabetically.

XVIII. On a motion made and seconded to shut the doors of the Senate, on the discussion of any business which may, in the opinion of a member, require secrecy, the President shall direct the gallery to be cleared; and during the discussion of such motion, the doors shall remain shut, and no motion shall be deemed in order to admit any person or persons whatsoever.

XIX. The following order shall be observed in taking up the business of the Senate, viz: motions, petitions, resolutions, reports of standing committees, reports of select committees, orders of the day.

XX. When a question has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority, to move the consideration thereof, but no motion for the re-consideration of any vote shall be in order after a bill, resolution, message, report, amendment or motion, upon which the vote was taken, shall have gone out of the possession of the Senate announcing their decision; nor shall any motion

for re-consideration be in order, unless made on the same day on which the vote was taken, or within two next days of actual session thereafter.

XXI. On a question when the ayes and noes are called for, in the event of a tie, the question shall be decided in the negative.

XXII. All questions shall be put by the President of the Senate, and the members shall signify their assent or dissent, by answering viva voce, aye or no.

XXIII. The President of the Senate shall have a right to name a member to perform the duties of the chair; but such substitute shall not extend beyond an adjournment.

XXIV. Before any petition or memorial addressed to the Senate shall be received and read at the table, whether the same be introduced by the President or a member, a brief statement of the contents of the petition or memorial shall verbally be made by the introducer.

XXV. One day's notice, at least, shall be given of an intended motion for leave to bring in a bill; and no bill shall be written or printed except by express order of the Senate.

XXVI. Every bill shall receive three readings previous to its being passed; and the President shall give notice at each, whether it be the first, second, or third; which readings shall be on three different days, unless the Senate unanimously direct otherwise.

XXVII. No bill shall be committed or amended, until it shall have been twice read, after which it may be referred to a committee.

XXVIII. The final question upon the second reading of every bill, resolution or motion, requiring three readings previous to being passed, shall be "whether it shall be engrossed and read a third time?" And no amendment shall be received for discussion at the third reading of any bill, resolution, amendment, or motion, unless by unanimous consent of the members present; but it shall at all times be in order, before the final passage of any such bill, resolution or motion, to move its commitment and should such commitment take place, and any amendment be reported by the committee, the said bill, resolution or motion, shall be again read a second time, and considered as in committee of the whole, and the aforesaid question shall be put.

XXIX. The titles of bills, and such parts thereof only as shall be effected by proposed amendments, shall be inserted on the journals.

XXX. The following standing committees shall be appointed by the President, to consist of at least three members, who shall have leave to report by bill or otherwise. A committee on the Judiciary, a committee on Finance and Banks, a committee on the state of the Territory, to have charge of claims, elections,

militia, and a committee on schools and colleges, and on enrolled bills.

XXXI. 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.

XXXII. All confidential communications made by the Governor of the Territory of Florida to the Senate, shall be by the members thereof kept secret, until the Senate by their resolution, take off the injunction of secrecy.

XXXIII. All information or remarks, touching or concerning the character or qualifications of any person nominated by the Governor to office, shall be kept secret.

XXXIV. When acting on confidential or Executive business, the Senate shall be cleared of all persons, except the clerk, the sergeant at arms, and door keeper.

XXXV. The proceedings of the Senate when not acting as in committee of the whole, shall be entered on the journals as concisely as possible, care being taken to detail a true and accurate account of the proceedings.

XXXVI. Messages shall be sent to the House of Representatives by the secretary, who shall previously endorse the final determination of the Senate thereon.

XXXVII. Messengers may be introduced in any stage of the business, except while a question is putting, while the yeas and nays are calling, or while the ballots are counting.

XXXVIII. The Governor and Secretary of the Territory, former members of the Council, and the Judges of the Court of Appeals, shall be admitted to a seat within the bar of this Senate Chamber, and any other person, upon being invited by a member of the Senate.

XXXIX. The secretary of the Senate, the sergeant at arms, and the door keeper, shall severally be sworn by the President, well and faithfully to discharge their respective duties, and to keep secret the proceedings of the Senate when sitting with closed doors.

XL. All resolutions presented to the Senate, shall lie on the table one day before any vote shall be taken on the adoption of the same, unless by unanimous consent of the Senate, this rule be waived.

Mr. Long moved to strike out the 32d rule, in which it is provided "that all information or remarks touching the character or qualification of any person nominated by the Governor to office, shall be kept secret"—on which the yeas and nays were called for by Messrs. Long and Baltzell, and were as follows:

Yeas—Messrs. Baltzell, Cooper, Long, Pelot—4

Nays—Mr. President, Messrs. Hart, Haughton, Livingston, Mathews, Priest, Ramsay, Walker, and Yonge—9.

So said motion was lost.

The report of the committee was concurred in and adopted, and on motion of Mr. Livingston, 50 copies were ordered to be printed.

Mr. Pelot introduced the following resolution :

Resolved, That no member of the Senate shall be entitled to more than thirty dollars' worth of stationary—that each member shall have the privilege of purchasing it where he pleases, and that no bill for stationary shall be received and passed without having each member's name endorsed on the back, acknowledging its correctness.

Mr. Walker offered the following substitute :

Resolved, That the Sergeant-at-Arms be required to furnish such stationary as may be necessary for the use of the Senate, under the direction of a committee to be appointed for that purpose.

Resolved, that the Sergeant-at-Arms issue to each member of the Senate such stationary, &c., as may be required, and that he keep an account of the amount of stationary issued to each member—and that there shall not be issued to any one member more than exceeding the value of.

Mr. Livingston offered the following resolution as a substitute for both.

Resolved, That the Secretary purchase at the lowest price, (having due regard to the quality of the articles,) the amount of stationary necessary for the use of the Senate, and keep an account of the same.

On the question of Mr. Livingston's substitute, the yeas and nays were called for by M. Livingston, and were as follows :

Yeas—Mr. President, Messrs. Baltzell, Haughton, Livingston, Mathers, and Ramsay—6.

Nays—Messrs. Cooper, Hart, Long, Priest, Walker and Yonge—7.

So said motion was lost.

On motion of Mr. Hart, the above resolutions were laid on the table until to-morrow.

On motion of Mr. Cooper, the Senate adjourned until to-morrow at 12 o'clock, M.

FRIDAY, January 6, 1843.

The Senate met pursuant to adjournment, the roll being called, the proceedings of yesterday were approved and adopted.

Mr. Hart being qualified by the President on yesterday, it was moved that he be qualified by a judicial officer, and S. S. Sibley, Esq. by request, administered the oath of office.

The President appointed the following standing committees :

JUDICIARY.

Messrs. Walker,  
Baltzell,  
Yonge,  
Smith,  
Haughton.

ELECTIONS.

Messrs. Priest,  
Long,  
Cooper,  
Mathers.

SCHOOLS AND COLLEGES.

Messrs. Hart,  
Ramsay,  
Yonge,  
Pelot.

PUBLIC ACCOUNTS.

Messrs. Haughton,  
Hart,  
Cooper,  
Mathers.

STATE OF THE TERRITORY.

(To have charge of Claims.)

Messrs. Livingston,  
Baltzell,  
Smith,  
Ramsay,  
Long.

FINANCE AND BANKS.

Messrs. Baltzell,  
Livingston,  
Yonge,  
Haughton,  
Cooper.

MILITIA.

Messrs. Pelot,  
Long,  
Ramsay,  
Mathers.

ENROLLED BILLS.

Messrs. Smith,  
Yonge,  
Haughton.

Of which, Mr. Livingston moved that 50 copies be printed.

Mr. Baltzell moved that he be excused from acting on the Committee of Finance and Banks. Which motion was lost.

Mr. Livingston offered the following resolution :

Resolved, That the attention of the Commissioner of the Tallahassee Fund, be called to the leaks in the walls of the Senate Chamber, and he be requested to remedy the same.

On motion of Mr. Baltzell, the rule was waived, and the resolution was adopted.

The resolution introduced on yesterday by Mr. Pelot in relation to stationary for the Senate, &c., and the substitute offered by Mr. Walker, was taken from the table and read, whereupon Mr. Hart offered the following as a substitute:

Resolved, That at the end of the session of the Legislative Council, that each member of the Senate do deliver to the Committee on Claims, their accounts of stationary for their rooms, with their certificates thereon, of the correctness thereof. Messrs. Pelot and Walker withdrew their resolutions.

Mr. Baltzell offered the following, as a substitute, for the resolution of Mr. Hart:

Resolved, That the Sergeant-at-Arms purchase, for the use of the Senate, at the least price, the same can be procured of suitable quality, by soliciting the offers from the different merchants, to wit: 15 Reams Letter Paper, 15 Reams of Foolscap, 15 bundles of Quills, 15 Inkstands, 15 boxes of Candles, 15 Knives, 10 lbs. of Sealing Wax, 15 oz. of Wafers, 100 bundles of Tape, and that the members of the Senate be supplied as they may require the same, and that he keep an account of the amount issued to each.

Which substitute was lost.

Mr. Haughton moved the adoption of Mr. Hart's resolution, which was carried.

On motion of Mr. Haughton, the Senate adjourned until Monday, 12 o'clock.

MONDAY, January 9, 1843.

The Senate met pursuant to adjournment, the roll being called, the proceedings of Friday were amended, approved and adopted.

Mr. Yonge offered the following resolution:

Resolved, That the Secretary of the Territory be requested to furnish for the use of the Senate, fifteen copies of Duval's Compilation, and fifteen copies of the Laws of the United States, in reference to Florida.

To which Mr. Haughton offered the following amendment, which was accepted:

And also such laws as may have been passed by the Legislative Council since the publication of Duval's Compilation.

Resolved, That the Secretary of the Senate be authorised to purchase stationary for the use of the Senate Chamber.

Mr. Livingston moved that the rule be waived, and said resolution was adopted.

Mr. Pelot offered the following resolution:

Resolved by the Senate, That the Secretary of the Territory be requested to state whether the laws of the Territory, which were in use by the Council at its last session, have been returned to his office.

The rule being waived, said resolution was adopted.

Mr. Baltzell moved that the Secretary be instructed to inform the Commissioner of the Tallahassee Fund of the resolution adopted by the Senate.

Mr. Haughton moved that the Senate adjourn until to-morrow 12 o'clock, M.

TUESDAY, January 10, 1843.

The Senate met pursuant to adjournment, a quorum being present, the journal of yesterday's proceedings was read.

Mr. Long, from the joint committee of the two Houses appointed to wait upon the Governor, reported

That the committee have performed the duties assigned them, and were instructed by his Excellency to say, that he would forthwith transmit to them, his annual communication.

His Excellency the Governor transmitted to the Senate, by his private Secretary, Mr. Hawkins, the following message:

*Gentlemen of the Senate and House of Representatives,*

The assemblage of the representatives of the people, from whom, according to the theory of our Government, all power emanates, is at all times an interesting event. But the interest which it usually excites, is greatly augmented on the present occasion, by the peculiar situation of this Territory. Selected by the free suffrage of the people to express their will, to your talents and fidelity they have confided their most important interests, and to you they look with merited confidence, for the adoption of such legislative measures as may best advance their happiness and prosperity. In the discharge of this important trust, I shall be happy to co-operate with you, and render every assistance in my power for the accomplishment of this desirable object.

The tide of prosperity which once flowed over our land, has receded, and has been followed by a universal derangement of business, a depreciated currency, prostration of credit, and the general embarrassment of the whole community. Although we have been blessed with bountiful crops during the past year,

and a general system of economy and retrenchment is everywhere visible, yet such is the depreciation of every article of domestic produce, but little relief can be expected from this source at the present time. The records of our Courts present a frightful picture of the indebtedness of the people; and during the past summer some instances occurred of immense sacrifices of property sold under execution—sacrifices equally destructive of the interest, both of the debtor and creditor, and which seem to offer an impressive appeal to the Legislature to interpose its conservative power to prevent in future the recurrence of such evils. The force of this appeal will be more apparent, when we trace to their origin the causes which have produced the present embarrassment, and discover, in the former legislation of the country, the principal source of this depression. The incorporation of banking companies, without capital, and with the extraordinary privilege of raising millions of money on the faith and responsibility of the Territory; the expanded issues of these institutions, beyond their capacity to redeem the paper thrown by them into circulation; the great facilities afforded to individuals for procuring money, and extending their credit, gave to every species of property a fictitious value, and seduced even the most prudent and cautious into wild and hazardous speculations. The subsequent depreciation of this paper, to less than half of its original worth; the consequent decline of property purchased on credit, at prices far beyond its intrinsic value, have created embarrassments, which can be only overcome by years of patient labor, industry and economy. The paper of our local banks having passed into general discredit, the want of a circulating medium is daily experienced in the most ordinary transactions; and the demand of specie payments, or its equivalent, universally made by the creditor, if rigidly enforced by the process of the Courts, must result in the ruin and bankruptcy of hundreds, who under a liberal system of indulgence, would in a few years, be able to discharge all their pecuniary obligations, and save their families from suffering and want. The impending ruin of the country having been produced by indiscreet legislation, the people have a right to claim protection from this evil at the hands of their representatives. The act entitled "An act respecting executions," passed at the last session of the Legislative Council, has produced partial relief, and saved from sacrifice much valuable property. But its operation will expire by its own limitation on the first of March next. It is believed that the relief which it affords is inadequate to the necessities of the country, and that further legislation is required to supply the deficiency. I respectfully submit to your consideration such additional measures of relief, as in your wisdom may seem most appropriate. The present provision of the law which grants a stay of execution by the payment of costs and ten per cent. on the amount of the judgment, every sixty days, appears to me to

be highly judicious, and should be retained in the future legislation on the subject. But, of itself, it is perhaps too limited, and I would therefore suggest the propriety of providing for the appraisal of property levied on by executions, and of specifying a value under which it should not be sold. I would further recommend, that in cases of sale under execution, the debtor, or any of his creditors who may be dissatisfied with the price for which the property may be sold, shall have the right, within a specified time, of redeeming it by paying to the purchaser the price given for the property, with legal interest. These provisions, in addition to those of the existing law, while they would relieve the debtor class of society, and enable them ultimately to discharge their obligations, would be highly beneficial to the creditor, by saving thousand of dollars which would be irrevocably lost, by sacrificing property under execution, and driving the defendant to bankruptcy. It appears to me, that sound policy, as well as justice, requires the adoption of these, or similar measures, to encourage the debtor, and stimulate him to active exertion, for the discharge of his debts. Deprive him of hope, by refusing relief, and the desperation of his fortune will, in many instances, induce him to seek protection under the bankrupt law, which will obliterate his debts, and secure to him the reward of his future labor.

Not having yet received the report of the banks of the Territory, required by their respective charters to be made at the close of the past year, I am unable, at present, to lay before you a detailed account of their condition. But I regret to inform you that no visible improvement of their credit has taken place since the last adjournment of the Legislative Council. None of them have resumed specie payments, and little hope is entertained that any of them will be in a condition to do so within the next twelve months.

The Bank of Pensacola, it is believed, has suspended all operations, and its paper has ceased to circulate as a currency.—The assets of this institution, having either been squandered by prodigal and injudicious expenditures, or removed beyond the limits of Florida, there will, it is believed, be nothing available from this source, to pay the principal and interest of the Bonds, to the amount of five hundred thousand dollars, endorsed by the Territory. No recent demand has been made on this Government, either by the Bank of the United States or the bond holders, for the interest due on these bonds. The opinion which I had occasion to express, on this subject, to the Legislative Council in my last annual message, and in my correspondence with the agents of the bank of the United States, and the agents of the bond holders, so far from having undergone any change whatever, has been fully confirmed by subsequent reflection; and although I can never give my sanction to the odious and demoralizing doctrine of repudiation, and can never consent to

a barter of the honor of Florida to avoid any pecuniary responsibility, believing, as I do, that the bond holders must first seek redress from the stockholders of the Bank, before they can, with propriety, look to the ultimate responsibility of this Territory, I cannot recommend the adoption of any measure for their relief, until they shall have pursued, to its full extent, the remedy which the law affords them against the parties first liable on the bonds. Until this is done, no responsibility, in my opinion, can rest on this Territory.

During the past year, the Union Bank of Florida has failed to pay the interest due on the bonds of the Territory issued for its accommodation, and on which its entire capital was raised. But no demand has been made on the Territory for the payment of this interest; and I indulge the hope that the Bank will hereafter be able, as I am sure in good faith it is willing, to meet this engagement, and save the Territory from any embarrassment which might arise from its continued failure to do so.

Notwithstanding the large amount of liabilities which the Bank has retired within the last twelve months, and the curtailment of its circulation, which does not at this time exceed ninety thousand dollars, its paper has fluctuated in value, and has circulated at a discount of from two to three for one in specie. This extraordinary depreciation of the notes of the Bank does not arise from the present amount of its circulation, which might easily be absorbed in the payment of its debts, but from the embarrassment and necessities of its debtors, who have been frequently compelled to part with the paper of the Bank, at the discount above mentioned, when they might, and under other circumstances would, have paid it at par on their notes in Bank.

The notes of the Southern Life Insurance and Trust Company have nearly disappeared from circulation; and when disposed of in exchange for specie, they have passed at a discount even greater than that of the paper of the Union Bank. It has, however, a very small amount in circulation, which may readily be taken up in the payment of debts due that Institution. It is gratifying to witness the laudable effort of this banking company to retire the certificates guaranteed by the Territory.— Since the last adjournment of the Legislative Council, one hundred and fifty of these certificates, for one thousand dollars each, have been returned by its agents to the Executive, and have been cancelled, in conformity with the provisions of the act, entitled "An act prescribing the manner of cancelling the faith bonds and guarantees;" which, with the five certificates for an equal amount each, surrendered during the last session of the Council, leave outstanding unredeemed, two hundred and forty five certificates for one thousand dollars each. From the successful efforts heretofore made by this Institution, to take up this paper, as well as from the assurance given by its agents, we

may indulge the hope that, in a short time, the whole number of these certificates will be retired, and the Territory relieved from all the responsibility it has assumed for this banking company.

A reasonable expectation may also be entertained that, in the process of time, it will, under the management of its present able and judicious agents, overcome its present embarrassments, and be prepared to transact business in a manner profitable to itself, and useful to the country.

From the view I have laid before you, of the present condition of the Banks of the Territory, now in operation, you will perceive that neither of them can, at this time, afford the least facility to the business transactions of the country—that their notes are at so great a discount, and so fluctuating in value, as to give insecurity and a want of confidence in all who are compelled to receive them, in the absence of a better currency.— From this cause, and the great scarcity of gold and silver, the circulation of the Territory is now confined, in a great degree, to the paper of the Banks of the neighboring States, many of which are of doubtful credit at home, giving merited distrust of the value of their notes here. The paper of these Banks has either flowed in this Territory in the natural channel of business, to fill the vacuum occasioned by the delinquency of our own institutions, or it has been introduced by design, on the part of their agents, to give it a wider circulation, and increase its credit where the character of the Institution from which it issued is but little known. From the repeated loss heretofore sustained by the people of Florida, in consequence of the sudden and unexpected explosion of foreign Banks, having an extensive circulation among us, we have reason to apprehend similar results hereafter, from the present state of things.

The charter of the Bank of Florida, which has remained dormant for a number of years, has recently been purchased by an individual, for the purpose of putting this Institution again in operation. It is one of the safest and best charters which has ever been granted in this Territory, and provides better than any other against an over-issue, and the consequent depreciation of its paper. The capital stock of this Bank is six hundred thousand dollars; and if put in operation, and conducted according to the provisions of its charter, it may afford all the facilities for commercial purposes, which will probably be required in this Territory for many years. Books of subscription for the stock, I understand, will be opened in a short time; and it is believed a sufficient amount of capital will be paid in to enable the Bank to commence business. If successful, under judicious management, the operations of this institution would give renewed life and animation to business of every kind; it would furnish a sound currency for the country, and drive from circulation the depreciated paper of our own Banks, as well as

the foreign Banks of doubtful credit. A few weeks will develop the views and intentions of this banking company. If the line of policy which it may indicate for its government should be such as to justify a well-founded confidence that it will afford the facilities demanded by the necessities of the country, no other moneyed institution will be required. But if, on the contrary, it should be discovered that this Bank will not afford a circulation based on specie or its equivalent, adequate to the wants of the country, and to enable the planters to find a market at home for their cotton, and other articles of domestic produce, I then respectfully suggest the propriety of chartering another Bank, for the accomplishment of this desirable end.

Past experience has shown us that this Territory does not require a very large banking capital, and it now exhibits the dangerous and fatal consequences of borrowing money from Banks, for any other than commercial purposes. But the present condition of the country shows with equal force the necessity of some local institution of this kind, to operate in exchange, and furnish facilities for the purchase of cotton. It is generally the interest of the planter to sell his crop at the nearest market, where it will command a fair price; and he should not be drawn from his ordinary avocation, and driven to the necessity of shipping his cotton to a foreign market, from the want of any advantage the Legislature can confer on the country.—Should it be deemed expedient to charter another Bank, with sufficient guards and restrictions to prevent it at any time from issuing paper beyond its means of redemption, thereby preventing effectually all the evils attendant on a suspension of specie payments and a depreciated currency, I have every confidence that there is an ample fund in the hands of individuals unemployed, which would be invested in the capital stock of such an institution; that it would very soon be put in operation, and contribute greatly to relieve the present depressed condition of the country.

There is no portion of the United States where a banking institution with a limited capital is more required, or could be better supported than Middle Florida. Although the settlement of this country is yet in its infancy, and improvement of every kind has been greatly retarded by seven years continuance of the Seminole war, the export from two of the Gulf ports alone, during the present year, is estimated at not less than one hundred and sixty thousand bags of cotton. This, even at the present depreciated value, exceeds the sum of three millions of dollars, and would enable a Bank to operate exclusively in exchange, to its own, and the general advantage and convenience of the country.

I have endeavored, as far as practicable, to enforce the law passed at the last session of the Legislative Council, entitled "An act to organise and regulate the militia of the Territory of

Florida, and repeal all former acts in relation to the same." A partial organization has generally taken place throughout the Territory, and in some counties the law has been executed with all the fidelity which the situation of the country would admit. But it many others, there has been an apparent negligence, and a want of that military pride and spirit, so essential to the discipline and usefulness of the militia. I have used every effort in my power to obtain a report of the military strength of the Territory, in order that the return required to be made to the Adjutant General of the United States Army, by the act of Congress, passed in the year 1803, might be furnishing. In this I have been unsuccessful; in consequence of which, the Territory will loose another year the quota of arms and accoutrements directed by the act of 1808 to be annually distributed among the militia of the several States and Territories of the Union, in proportion to their numbers, to be ascertained by the returns made to the Adjutant General, under the provisions of the act of 1803. Our delinquency in not making these returns for several years past, has exposed us to the remark and just admonition of the General Government. In the year 1840, my attention was specially called to this subject by a letter from the Secretary of War, although I had previously done every thing in my power to comply with the provisions of the act of 1803. In my last annual message, I urged in forcible terms, the necessity of providing by law, under appropriate penalties, for neglect of duty or disobedience of orders, for a better organization of the militia, and for the returns of military strength, required by the act of 1803. But the act passed in pursuance of this recommendation, having provided for no returns to be made until after the company musters, which it requires to be held on the first Saturday in January of the present year, the Generals of Brigade have been unable to anticipate the time, and furnish them at an earlier period. The law, so far as I have power to enforce it, shall be rigidly executed; and notwithstanding the apathy which generally prevails on this subject, I trust there will be in a short time an organization of the militia of the Territory as perfect as the sparse population of some portions of the country will admit; and that we shall be enabled, during the present year, to furnish the returns to the Adjutant General required by the act of Congress, and hereafter receive regularly the proportion to which we are entitled of the arms and accoutrements provided for distribution by the bounty of the General Government.

I present herewith for the information of the Legislative Council, the annual reports of the Auditor and Treasurer of the Territory, from which you will perceive that there was, on the 17th day of December, 1842, a balance remaining in the Treasury (exclusive of the School fund) of \$26,79 cents, and that the outstanding warranns for claims on the Treasury, at

the same time, amount to \$16,483 41 cents. The expenses of the Territory for the prosecution of criminals and other necessary expenditures, during the past year, have exceeded the revenue collected during the same period 3,526 00. This increase of the public debt, will probably continue in the same ratio from year to year, until the Legislature shall provide for an increase of revenue, or a diminution of the expenses of the Government.

The report of the Auditor shows a balance due the Territory, from delinquent officers, and other sources, amounting to \$51,137 22 cents. This sum embraces the delinquencies of the last ten years, and far the greater number of the defaulters have died, absconded or become insolvent. The sum of \$6,765 91 cents appears to be due from the Government of the United States, and may at some future day be collected. But with this exception, it is not believed that five per cent will ever be realised from the whole balance reported to be due the Territory. I therefore deem it proper to renew the recommendation contained in my last annual message, to increase the revenue of the Territory, to an amount equal to its annual expenditures, and the liquidation of all just demands against the Treasury. This, it is believed, may be done by a judicious and equal system of taxation, without material inconvenience to any portion of the people. The large grants of land, owned principally by individuals, non-residents, should be subject to taxation in every part of the Territory, in the same manner as similar tracts.—These grants have had a tendency to prevent the settlement of the lands which they cover; and many of them containing hundreds of thousands of acres, and by the assessment of a very small tax per acre, will produce a considerable revenue to the Territory. Counties with a very sparse population, without oppression or injustice to any one, may yield a revenue nearly equal to that of the most populous. The extent of these grants affords no well founded argument, why the land which they embrace, should not be taxed for the necessary support of the Government. They are certainly no more entitled to exemption than any tract of an eighth or quarter section of land, purchased from the Government and settled by individuals. A single year's revenue, derived from a very small tax on lands, would of itself, be sufficient to discharge the entire debt of the Territory, and the ordinary receipts of the Treasury, if properly directed, would, it is believed, be sufficient to defray the current expenses of the Government.

On this subject, however, I deem it proper here to invite the particular attention of the Legislative Council, to the report of the Auditor of the Territory, on the several sums, respectively stated by the Auctioneers, as due from them, or paid into the Treasury on account of the tax on auction sales. It will be discovered, and perhaps not without surprise, that three Auctioneers, in the city of Tallahassee, have reported a revenue from sales at auction during the past year,

nearly equal to that reported by all other Auctioneers in the Territory. When we consider the number of commercial places, where business to a large amount is transacted; when we consider the number of Auctioneers, and the solicitude with which those appointments are sought; and when we refer to the extensive sales at auction of public property in different parts of the Territory, during the past year, the result, as reported to the Auditor, without explanation, is calculated to create a doubt whether there has not been a want of accuracy in the returns of some of the Auctioneers. The importance of this branch of the revenue, requires a corresponding vigilance and attention on the part of the Government, and proper provisions should be made by law, to insure the fidelity of the agents charged with its collection. At present, there is no check whatever on the Auctioneers. They are required to render quarterly a report to the Auditor of the amount of taxes accruing to the Territory. These reports are frequently not made; and if the Auctioneer does not charge himself with the amount due the Territory, there is no data except his own books, by which a charge could be entered against him. As a remedy against this evil, which appears to me to require immediate correction, I respectfully submit to the Legislative Council, the propriety of providing, by law, for the appointment of a solicitor in each county, to be compensated by a limited salary or by fees of office, whose duty it shall be to inspect the books and accounts of all the Auctioneers within his county, and make a report of his proceedings (at such periods as may be required) to the Auditor of the Territory. It should also be the duty of the solicitor to take the bonds and approve of the security to be given by the Auctioneers, and to prosecute all claims of the Territory against delinquent receivers of the public money, within the county for which he may be appointed.

By the adoption of this measure, the responsibility and promptitude of all the receiving officers would be increased, and the interest of the Territory greatly promoted.

The report of the Auditor is accompanied by numerous documents, relative to the claim of J. Carter, late tax collector of the county of Alachua. They are respectfully submitted without comment, to the consideration of the Legislative Council.

I regret very much to inform you that the claims of our citizens, against the General Government, for military services and supplies, furnished the troops in the service of the United States, remain unpaid. These claims exceeding the sum of \$800,000, were, more than twelve months since, submitted to the most rigid scrutiny, and were fully sustained by the favorable report of the agents of the Government, appointed to examine them. Partial appropriations were made for their payment during the last session of Congress, but yet no part of them has been satisfied. This protracted and vexatious delay of the Government in discharging obligations, admitted to be just, has excited deep dissatisfaction on the part of the claimants.—After overcoming the numerous objections sometimes presented to their claims by the agents of the Government; and after Congress had appropriated money for their payment, they had a right to expect a prompt satisfaction of their demands. But so far, they have been

disappointed in all their well-founded expectations. To avoid further procrastination in rendering justice to this class of our citizens.— I respectfully suggest the propriety of passing a resolution, at an early period of the session, requesting our Delegate in Congress to bring this subject to the immediate attention of the Government, and to urge the payment of these claims without further unnecessary delay.

Believing that our criminal jurisprudence would be greatly improved, and the cause of humanity promoted, by a commutation of most of the penalties, provided by our statutes, for confinement and hard labour, for a term corresponding with the nature of the offence, I am induced to invite your attention to this subject, and recommend that application be made to Congress, through our Delegate, for an appropriation to construct a Penitentiary, at such place as may be deemed most eligible for that purpose. The certainty of punishment, has been thought, by the most learned writers on the subject, to be a far more efficient preventive of crime, than the severity of the suffering to which the offender may be exposed.

There are few crimes in the catalogue of human offences, which in my opinion, will justify the destruction of human life as an atonement, yet there are many which approach so nearly to this degree of criminality, as to render it somewhat difficult to discriminate between them; and when the penalty, prescribed by law, is discovered to be disproportioned to the offence proven to have been committed, jurors will be inclined, from the best feelings of the human heart, to acquit the offender. By substituting confinement to hard labor, in such cases, the certainty of punishment, as well as the ends of justice and humanity will be promoted.

The Legislative Council, during the session of 1840, appointed the Hon. William Marvin, Judge of the Southern Judicial District of Florida, to revise the statutes of the Territory. In pursuance of the wishes of the Legislative Council, he entered immediately upon the execution of this important trust; and I have received a letter from this gentleman, informing me that he will be prepared to submit, for your consideration, during the present session, the result of his labors. The general plan and arrangement of the different subjects embraced in the work, meets my entire approbation; and from the high reputation of Judge Marvin, for talent and research, I may venture to recommend this production to your favorable consideration.

I have received a letter from the Secretary of the Treasury, informing me that, in the distribution of the proceeds of the Public Lands among the different States and Territories and the District of Columbia, according to the provisions of the act of Congress approved the fourth of September, 1841, the proportion to which Florida is entitled, amounts to the sum of one thousand five hundred and forty-five dollars ninety-six cents, which will be paid on the draft of the authorized Agent of the Territory. I have appointed Mr. George K. Walker of Tallahassee, the Agent to receive this fund, to whom it will probably be remitted in a short time, and will be subject to your appropriation.

I respectfully invite the attention of the Legislative Council, to

the situation of the lands appropriated by Congress for the use of schools in the Territory. This valuable endowment, which, under judicious management, ought to produce an ample fund for the support of preparatory schools, as well as for a seminary of learning, where the youths of Florida might receive complete educations, without the necessity of resorting to foreign institutions, has been greatly neglected, and the former legislation on this subject has produced nothing but confusion in the system, and waste of the property. In 1828 an act was passed authorising a lease of these lands during the continuance of the Territorial Government. In some of the counties this act was carried into effect; in others, it appears never to have been executed. The accompanying reports of the Treasurer on this subject, will shew you the paltry consideration, for which five sections of this land, (the whole amount reported,) was leased, producing in the aggregate, the annual rent of \$101.50. Inconsiderable as this sum is, there remains due from these rents, the sum of \$371.50. The report of the Treasurer does not show the situation of the residue of the School Lands, which, including those of the University, amount to more than seventy five thousand acres, within the settled portion of the Territory. It is due the present incumbent of the Treasury Department, to say that he has been but a few months in office, and that his report has been made from the books and papers left by his predecessors. In 1832 an act was passed repealing the act of 1828, and conferring power on the inhabitants of the several townships, to elect commissioners, annually, to take charge of the sixteenth sections in their respective townships, with power to protect them from waste, or intrusion, and to rent them out for the term of one year. They were also empowered to appropriate the rents to the support of schools.

By an act passed in 1834, the Judges of the County Courts were authorized to appoint two Commissioners to take charge of the sixteenth sections within their respective counties, with powers similar to those conferred on the commissioners authorized to be elected under the provisions of the act of 1832. How far this law has been carried into effect, does not appear from any data within my possession, but I have reason to believe that, in many of the counties; at least, no attention whatever has been paid to it.

In 1836, an act was passed, making it the duty of the Territorial Treasurer to demand and receive all sums then due, or which might thereafter become due, for the rent of any of the school lands within this Territory, and to require of the commissioners appointed under the several acts relating to the subject, a report of their proceedings.

By another act passed in 1837, the Treasurer of the Territory is required to seek out and prosecute all trespassers on any School lands within the Territory, and to adopt such necessary measures as he might think proper, to obtain possession for the Territory, of any of them wrongfully occupied by any one, and to lease them for the term of one year. Both of the two last mentioned statutes require the Treasurer to make a report of his proceedings under them to the Executive, annually, to be communicated by him to the Legislative

Council. These acts are still in force, but I regret to say that they appear to have been very imperfectly executed. And from the nature of the duties imposed on the Treasurer whose office and presence must necessarily be at the Capitol, it is almost impossible for him to pay the attention to those various duties, which their importance requires. The small amount due for the annual rent of many of the quarter sections, as shown by the report of the Treasurer, seems to be worth less than the labor and expense of making the collection, and the extent of country over which the School lands are dispersed, comprising every sixteenth section, and the two entire Townships, one of which is located in different parts of the Territory in tracts of sections, appear to render it entirely impracticable for the Treasurer to perform the duties required of him, either for the collection of the rents due the Territory, or the prosecution of trespassers. I therefore recommend, that provision be made by law to place all these lands, both the sixteenth sections and those granted by Congress for the support of a Seminary of Learning, under the special protection of the County Courts of the different counties in which the lands are situated; that those Courts be required, at their first terms during the present year, to issue process to the Sheriff of their respective counties, to dispossess all intruders; that they be authorized to lease out the Lands for a limited period, (should it be deemed expedient;) to collect the arrearages which may then be due, and appropriate the proceeds to the establishment of public schools.

All the subsequent acts on the subject, tend to show that the Legislative Council, has not considered the lease of any of these lands under the provision of the act of 1828, and that the intention has been to take possession of them, and make other leases for a shorter period.

How far the contracts made by the Agents of the Territory, with individuals for the occupancy of the School lands, may be binding is a legal question to be decided by the Courts. But where a right of entry has accrued to the Territory, or to the inhabitants of the several Townships, in consequence of the want of power on the part of the Legislative Council, to make any other disposition of the land than that intended by Congress in making the grants, or for any other cause whatever, possession should be immediately taken, by some authorized agent, empowered to protect the property from further trespass and damage. The County Courts composed of a presiding Judge and Justices, coming from all parts of the different counties, would generally possess the necessary local information, and would be most disposed to guard these lands with proper vigilance.

The sum of 815 25-100 dollars, principally in Union Bank bills, appears to have been collected, at different times, from the rent of the lands described in the report of the Treasurer. This fund, derived from the rent of certain sixteenth sections, should be appropriated to the education of children of the poor living within the townships where those sections are situated. I would suggest the propriety of adding to this the amount to which the Territory is entitled in the distribution of the proceeds of the public lands, under

the provision of the act of Congress, approved the 4th of September, 1841. By these means, the foundation might be laid for an institution which may become valuable to the country; and the sum referred to is too inconsiderable to be divided, and appropriated to any other beneficial purpose.

It appears to me that the time has arrived when some effort should be made to render available the liberal grants of the Government for school purposes, within this Territory; and, humble as our first attempts must be, for the accomplishment of this desirable object, they may, in time, be productive of interesting results. If they should but afford the opportunity of acquiring the rudiments of education to those who would otherwise have remained in ignorance; if they should redeem one youthful mind from darkness and vice, and inspire a noble emulation to pursue the path of learning and morality—this alone would be an achievement worthy of our greatest efforts. But in this unobtrusive sphere of life, genius is as often found, as in the mansions of the rich and great; and at the obscure institutions which we may be able to establish with our present limited means, many interesting youths may receive that spark of knowledge, which, in mature life, may expand into brilliant light, rendering the possessor useful to himself, and serviceable to his country.

Fully impressed with the high importance of commencing the establishment of public schools without further delay, I cannot too strongly recommend the subject to your consideration.

The accompanying report of the Commissioner, will inform you of the present condition of the Tallahassee fund. The Capitol, you will perceive, is yet in an unfinished condition, and is liable to sustain much injury, if permitted to remain long in that situation. During the last session of Congress, a bill making an appropriation sufficient for its completion, passed the House of Representatives, but, from some cause, it was not acted on in the Senate. As there can be no well founded objection to this measure, sustained as it is by so many precedents, in making similar appropriations for other Territories, we may indulge the hope that the bill will pass the Senate during the present session of Congress, and that the building will be completed in time for the reception of the next Legislative Council.

During the past year, our frontier settlement experienced great distress and suffering, from the depredations and murders committed by the Seminole and Creek Indians. In the midst of these sufferings, the termination of the war was formally announced. But with this annunciation, peace was not restored, and other outrages were perpetrated, with undiminished ferocity. Since, however, the signal chastisement inflicted on a band of these marauders, by a party of citizens from Georgia and Florida, led by their gallant commander, Col. Bailey, no further disturbance has taken place. And although I had but little confidence in any favorable result from the late treaty with this treacherous and perfidious race, from recent events, of which I have heard unofficially, I entertain the hope that the Seminole war, after seven years continuance, is now approaching its final termination. From report, I have heard that a

large party of the Indians, who, by the late treaty, would have been permitted to remain in Florida for the present, at least, by retiring within the limits of the country assigned them on the Peninsula, from certain indications of bad faith on their part, have been surprised and captured by the troops of the government, and that they will in a short time, be transported to Arkansas. While they stood with arms in their hands, to resist the power of the Government, to enforce one treaty which they had solemnly made, and treacherously violated, little reliance could be placed in the sincerity of their promises, to observe the provisions of another. And while they are permitted to occupy any portion of Florida, no permanent peace or security can be enjoyed by the frontier inhabitants. But the energetic measures recently pursued, to defeat their treacherous designs, and to compel them to emigrate in pursuance of the treaty of Paine's Landing, (the violation of which on their part, produced the war,) gives cheering hopes of relief; and if continued with the energy characteristic of our gallant army, they must, in a short time, be successful, and restore peace and tranquility to our Southeastern border, so long harrassed and disturbed, by the ravages of this sanguinary war.

From the South-west, the most gratifying intelligence has been received. The expedition recently led by Lieut. Col. Hitchcock, of the United States army, in pursuit of the fugitive Creeks, it is believed, will be entirely successful, and that portion of the country, which has been so long the theatre of murders and depredations, will be relieved from the presence and annoyance of this savage band. The success of this enterprise will enable its gallant commander, to receive from his government the reward of merit, and from the people of Florida, an expression of their gratitude.

Although we have no voice in the Councils of the Nation, yet as a portion of the American people, we cannot be indifferent spectators of passing events, calculated either to elevate or depress our national character. We may therefore, without impropriety, express our cordial concurrence in the public sentiment, so generally manifested by the American people, in favor of an appropriation by Congress, to refund to General Jackson the fine of one thousand dollars, with interest, inflicted on him, for an alleged contempt, by the Judge of the United States District Court, for the District of Louisiana, in the year 1815. Faithful history will relate, in after times, the cause which led to this extraordinary proceeding. It will represent the Hero of New Orleans, at the head of his victorious army, bowing in humble submission to the constituted authority of his country, even in the person of a civil tyrant. Posterity will do justice to the fame of Andrew Jackson, but the National honor demands, for its own vindication, that the amount of this fine, imposed for an official act, which led to one of the most glorious achievements of our country, should be refunded from the public Treasury. I therefore recommend the adoption of a resolution, expressive of the sentiments of the Legislative Council on this subject.

I have been requested by the Governor of the State of Mississippi, to lay before you, and to invite your attention to the Resolution,

passed by the Legislature of that State at its last session, relative to the annexation of Texas to the United States, a copy of which is herewith enclosed.

At the request of its President, I also present for your consideration, a copy of a memorial, adopted at a meeting held at Washington, during the past summer, by the American Colonization Society. It contains many important facts relative to the situation of the settlement at Liberia, and cannot fail to be read with interest by the Legislative Council, though we may not be prepared to afford the assistance which he so earnestly solicits, in behalf of that infant settlement.

As the representatives of the people of Florida, I tender you my sincere congratulation on the reformation of morals so generally produced by the influence of associations to promote the cause of Temperance. There are no institutions of the present day more productive of useful and beneficial results to society, and they present just claims to the encouragement to the support of the friends of morality and virtue.

In the midst of pecuniary embarrassment and distress, our heartfelt gratitude, to the Giver of all blessings, is due, for the abundant crops, and general good health we enjoyed during the past year. A continuation of these blessings, with the economy acquired by the experience of the past, will, in a few years, redeem the people of this Territory from all difficulties, and restore their former success and prosperity. Cheered with this pleasing hope, we may pass the ordeal of the present, and look forward with confidence to the dawn of a brighter and happier day.

Your fellow citizen,

R. K. CALL,

Governor of Florida.

Tallahassee, January the 5th, 1843.

Which was read, and on motion of Mr. Hart, 500 copies were ordered to be printed.

Mr. Baltzell presented a petition of sundry citizens from Leon county, praying a division of said county, and that a new county may be granted them, to be called WaKulla county.

Which was read, and on motion of Mr. Baltzell, referred to a select committee.

Messrs. Baltzell, Livingston and Yonge were appointed said committee.

Mr. Baltzell gave notice that he would, on some future day, ask leave to introduce a bill to be entitled, an act to fix the amount for which Appeal Bonds, Claim Bonds and Replevy Bonds shall be given.

Mr. Cooper introduced the following preamble and resolution:

WHEREAS, Accusations have been made in the public newspapers and elsewhere, against the printers of this body at its last session, impeaching them with extortion in the charges made by them for the printing of that session. And whereas, it is

due to the character of this body, and to right and justice, that those charges should be investigated.

Be it therefore resolved, That a committee be appointed to make investigation into said charges, and that they be empowered to examine witnesses and to send for persons and papers, and make their report to this body, and that said officers be notified of said investigation, and be allowed to examine and cross-examine witnesses and to produce witnesses on their side.

Which was read and ordered for a second reading on to-morrow.

On motion of Mr. Long, the Senate adjourned until to-morrow 12 o'clock, M.

WEDNESDAY, JANUARY 11, 1843.

The Senate met pursuant to adjournment. The roll being called, the journal of yesterday was read and adopted.

Mr. Pelot moved that the Senate go into the election of Printer; said motion prevailed, and S. S. Sibley, Esq., was duly elected.

The Committee from the House waited upon this body, and informed it that they were organized, and ready for business.

Mr. Long gave notice that he shall, on some future day, ask leave to introduce the following Bills, viz:

A bill to be entitled, An Act to suspend the sale of property under execution;

Also, a bill to be entitled, An Act to establish Free Schools, and to appoint Commissioners of School Lands.

Mr. Yonge gave notice that, on some future day, he will introduce a bill to be entitled, An Act concerning School Lands.

Mr. Hart gave notice that he would, on some future day, ask leave to introduce a bill concerning Process and Criminal Prosecutions.

Mr. Haughton gave notice that he will, on some future day, ask leave to introduce a bill entitled, An Act to amend an act respecting executions, approved 5th March, 1842;

Also, a bill entitled, An Act in relation to Garnishments.

Mr. Baltzell moved that the Committee on the Judiciary be instructed to inquire into the expediency of altering, adding to, and amending the laws of the Territory in the following respects:

To repeal an act to regulate the Foreclosure of Mortgages by the Courts of Common Law of this Territory, and for other purposes, and to regulate and expedite the same by the Courts of Chancery;

To provide that endorsers and makers of Notes and Bills of Exchange be sued together, and not in separate suits, and that securities be exempt from levy when there is property of the principal, and after payment by them of an execution, that they may have the control of the same without the necessity of suit against the principal;

To amend the law concerning the taking of depositions;

To amend the law so as to provide for the limitation of actions against non-residents.

Mr. Baltzell introduced the following Bill:

An Act to amend the law in reference to Executions and Attachments:

Be it enacted by the Governor and Legislative Council of Florida, That claim bonds and replevy bonds, whether under execution or attachment, shall be for the value of the property levied upon, and not in double the amount of the execution and attachment.

Mr. Livingston offered the following preamble and resolution:

WHEREAS, at the Spring Term of the Superior Court for the County of Leon, Middle District of Florida, on the 30th day of April, 1840, in a suit wherein the United States was plaintiff, and William P. Duval defendant, a special verdict was rendered, after a full and fair trial, in favor of said Duval, for the sum of eighteen thousand two hundred and fifty dollars, for his services as superintendant of Indian Affairs, and advances of money made by him, during the period of twelve years, and for the expense he incurred during the same time, in supplying the Indians with provisions, whose business and intercourse with him, as such Superintendant, necessarily imposed this expense upon him:

AND WHEREAS, it did appear, on the trial of the said suit, that the United States made no appropriation to meet the expense of said intercourse, incurred by the said Duval, and that no ratations were issued by the Government, or any resident agent appointed, to attend to the Indians during their visits to the seat of Government at Tallahassee, but that the said Duval did, out of his own funds, meet this expense for twelve years, to the great sacrifice of his means and property; and that on the trial of the said cause, the Court instructed the Jury not to allow the said Duval any interest on the amount they might find due to him, and that, in accordance with such instructions, no interest was given:

AND WHEREAS, notwithstanding this state of facts, it appears that the said Duval has not, as yet, received any part of the amount so rendered in his favor, by an impartial jury of his country, and it being notorious to the people of this Territory, that he sustained great loss from this delay, and was compelled

to make considerable sacrifices to meet the expense of his intercourse with the Indians, whilst Superintendent of Indian Affairs, and that owing to his attention and judicious management of the Indians, the peace and settlement of Florida was, during his administration as Governor of the Territory, secured and essentially advanced, and the value of his services well known and acknowledged by the citizens of this Territory :

Be it therefore Resolved by the Governor and Legislative Council of the Territory of Florida, That the Congress of the United States be requested to make an early appropriation to pay the said verdict as rendered in favor of the said William P. Duval, with interest on the same from the date of the said verdict.

Resolved further, That copies of the foregoing preamble and resolution be transmitted by the President of the Senate to the President of the Senate and Speaker of the House of Representatives of Congress, and also a copy of the same duly authenticated, be sent to the Chairman of the Committee on Claims in each body, and one to the Delegate from this Territory, who is hereby requested to take such measures as, in his judgment, will best accomplish the object of these resolutions.

Mr. Pelot offered the following resolution :

Be it resolved by the Senate, That the Committee on Enrolled Bills be instructed to examine the journals of the Senate, to ascertain whether they have been correctly brought up to the day of adjournment of the last Council, and if not, that they be authorised to employ a clerk to do such writing as is necessary, in making them complete.

Be it further resolved, That it shall be the duty of this committee to examine the journals, at the close of the present session, to see if they have been properly kept and brought up to the day of final adjournment, before the Secretary shall be entitled to his certificate of service.

Mr. Baltzell offered the following resolution :

Resolved, That the Committee on the Judiciary be instructed to inquire into the propriety of altering, amending, or repealing the act passed at the last session "to prevent the future migration of free negroes or mulattoes to this Territory, and for other purposes."

Message from the Secretary of the Territory :

OFFICE OF THE SECRETARY, }  
January 10, 1843. }

HON. GEO. WALKER,

*President of the Senate :*

Sir : In accordance with a resolution of the Senate, passed on yesterday, I have this day furnished, for the use of that body, fifteen copies of Duval's Compilation, and also the laws passed

by the Legislative Council since the publication of that compilation.

In reply to the other resolution of the same date, offered by Mr. Pelot, and adopted by the Senate, I state that very few, if any, of the laws of the Territory, furnished for the use of the Council, at its last session, have been returned to my office.

Very respectfully,

Your obedient servant,

THOS. H. DUVAL,  
Secretary of Florida.

Mr. Pelot offered the following resolution :

Resolved, That the Secretary of the Senate be instructed to subscribe for five copies of each of the newspapers in Tallahassee for the use of the members of the Senate.

The rule being waived, said resolution was adopted.

Mr. Cooper's motion to inquire into the charges, as to the printing of the Senate of the last session, was taken from the table, read, Mr. Baltzell moved its adoption, called for the yeas and nays.

Yeas—Mr. President, Messrs. Baltzell, Cooper, Mathers, Pelot, Priest, Yonge—7.

Nays—Messrs. Hart, Haughton, Livingston, Long, Ramsay, Smith, Walker—7.

So said motion was lost.

On motion of Mr. Yonge the Senate adjourned until to-morrow 12 o'clock.

THURSDAY, 12th January, 1843.

The Senate met pursuant to adjournment ; a quorum being present, the journal of yesterday's proceedings was read, and adopted.

On motion of Mr. Livingston, Mr. Pelot was granted leave of absence from the Senate for a few days.

The President laid before the Senate the following communication from the Hon. Judge Marvin :

*To the Honorable the Senate and*

*House of Representatives of the Territory of Florida :*

At the session of the Legislative Council in 1841, the undersigned was appointed to digest, revise and arrange the statutes of the Territory, and was requested to report the result of his labors to the then next succeeding Council. The undersigned reported his inability to comply with that request to the

last Council, and time was given him to the present session in which to make his final report. He has now the honor to report, and herewith transmit to the House of Representatives, for the action of the Legislative Council, the following bills, which, if passed into laws, will constitute the "Revised statutes of Florida." The bills are entitled chapters, and denominated as follows:

Account, Administrations, Advertisements, Appeals, Apprentices, Arbitrations, Assignments, Attachments, Attorneys at Law, Auctioneers, Banking, Bastardy, Bills of Exchange, Bonds, Cattle, Certiorari, Chancery, Commissions, Contempts, Constables, Conveyances, Coroner, Corporations, Costs, Counties, County Boundaries, County Clerks, County Commissioners, County Revenue, County Surveyors, County Treasurers, Courts, Crimes, Criminal Proceedings, Depositions, Descents, District Attorney, Divorce, Dower, Draining Lands, Ejectment, Elections, Escheats, Estates, Estrays, Evidence, Executions, Fees, Fences, Ferries, Fines, Forcible Entry and Detainer, Frauds, Freedom, Free Negroes and Mulattoes, Fugitives from Justice, Gaming, Guardian and Ward, Habeas Corpus, Insane Persons, Interest, Jails, Joint Obligations, Judgments & Decrees, Jurors, Justice's of the Peace, Justice's Courts, Landlord and Tenant, Laws, Library, Limitations, Marks and Brands, Marriages, Mechanics, Militia, Miscellaneous Provisions, Mortgages, Notaries Public, Oaths, Official Oaths, Official Records, Partitions, Partnerships, Patrol, Perpetuating Testimony, Physicians, Poor Persons, Possee Comitatus, Practice, Quo Warranto, Rents, Replevin, Resignation, Revenue, Revised Statutes, Roads, Salvage, Seamen, Schools, Secretary of the Territory, Securities, Set-Offs, Sheriff, Ships and Vessels, Slaves, Surrogates, Treasury Department, Weights and Measures, Wills, Witnesses, Writs.

The "Revised Statutes" are intended to embody all such statutes, and such only, as are of a general and permanent nature. Such of the English Acts of Parliament as have become incorporated in our general system of laws, and have been found, upon experience, to be valuable amendments of the common law, are reported in the Revised Statutes. All other English or British statutes are abolished.

The alterations in the present system of laws, proposed to be effected by the adoption of the Revised Statutes, will appear upon an examination of the bills themselves. In order however to a just understanding of the bills reported, it may be necessary to inform the Council, *in limine*, that the Revised Statutes proposed to abolish the present system of County Courts throughout the Territory. The County Courts, as Courts of law, have long been considered as a useless appen-

dage of our judicial establishment. The Superior and Justice's Courts are fully competent to the task of administering justice in all its ordinary forms. To supply the place of a County Court, the Revised Statutes recommend the election, in each county, of a Board of County Commissioners, who shall possess every power necessary to the regular transaction of county business; and the appointment, in each county, of an officer to be denominated a Surrogate, who shall have power to take the proof of wills, grant letters testamentary, and of administration, appoint guardians to minors and insane persons, and generally to perform the duties of a Court of Probate. The jurisdiction of Justice's Courts, in the collection of debts, is extended to one hundred dollars, and a ready mode of appeal to the Superior Court provided.

In drafting the various bills submitted, the undersigned has kept constantly in view the great change which, it is hoped, will soon be effected in our political relations, by the organization of a State Government. He has, therefore, in one or two instances, anticipated that important event, and has reported bills and sections deemed now unnecessary, but which will become highly useful after that event shall have occurred.

The chapter entitled "Revised Statutes" contains a section which repeals every statute of the Territory, of a general and not private or local nature, in force at the time the Revised Statutes are made to take effect. This repeal is subject to such exceptions, restrictions and limitations as will effectually secure the rights of individuals, and avoid public inconvenience.

If the Revised Statutes shall be adopted, it is provided that they shall take effect from and after the first day of May, 1844. Time is thus given to print, distribute and examine them; and a session of the Legislative Council will intervene to correct any errors, or supply any omissions, that may occur in them before they will become operative as laws.

In order to a just and full perception of the meaning, policy, or relation of any part of the Revised Statutes, some previous general knowledge of the whole may be necessary. But it would be tedious to give in this report a syllabus of the whole body of these statutes. The undersigned therefore suggests, that it will give him pleasure, as he may have opportunity, to communicate freely with any committee or member of the Legislative Council on the subject of the bills reported by him.

The undersigned has taken great pains to create and preserve a general system and harmony throughout the whole body of the Revised Statutes, and to render them as perfect as possible. He is fully conscious that they are capable of many additional improvements which the wisdom of the Council will suggest. But he has discharged the trust reposed in him according to the

best of his abilities. He has labored with ardor and diligence to improve the laws of his country; and to its representatives he now submits the results of his labor to be disposed of as they may think the best interests of the country require.

All of which is respectfully submitted.

WM. MARVIN.

Which was read, and on motion of Mr. Livingston referred, (with the accompanying documents,) to a Joint Select Committee. Messrs. Baltzell, Walker, Smith, Haughton and Yonge were appointed said Committee.

The following message from His Excellency the Governor, accompanied with a letter from the President of the Union Bank of Florida, and a statement of said Bank, was transmitted to the Senate:

*Gentlemen of the Legislative Council,*

I present herewith a copy of the annual Report of the Union Bank of Florida, showing the condition of that institution on the 31st day of December of the past year.

R. K. CALL,  
Gov. of Florida.

Tallahassee, Jan. 12th, 1843.

UNION BANK OF FLORIDA, }  
December 31st, 1842. }

His Excellency R. K. CALL,

*Governor of Florida:*

SIR—I herewith hand a statement of the condition of this Bank at the close of the year.

The distress inflicted upon every portion of our country by the contraction of the circulating medium, and consequent depreciation in the value of every species of property, has been aggravated in Middle Florida, by the failure of the Cotton crops in 1840 and 1841, and by the refusal on the part of the General Government to discharge the large amount of debt which it owes to our citizens for military services rendered, and for supplies furnished. Hence, a state of general embarrassment, which has placed it out of the power of the Bank to redeem a large amount of its liabilities by collection of its debts. A rigorous enforcement of its executions, would have caused wide spread ruin, without attaining the object. It has done all that it could do with due regard to the interest of its creditors, and of the country. And under existing circumstances, it is cause of congratulation that since the date of the last annual report, it has been able to redeem of its liabilities an amount exceeding four hundred thousand dollars—an amount which it may be

hoped will be much increased before the end of the next quarter. The Cotton crop of the present year is large in quantity; and although the price at which it can be sold is unusually low, yet when converted into the depreciated liabilities of the Bank, its debtors will be able to discharge their debts to great advantage.

It is with feelings of deep regret and mortification, that I am obliged to say, that the Bank has not been able to pay the interest due upon its Territorial Bonds for July last—nor has it been able to provide for the interest which will become due tomorrow. The collections which the Bank has made have been received in its own liabilities, which could supply no means for the payment of interest due in New York and in London. It has not been deemed justifiable to continue to encounter sacrifices in providing means of paying the interest; because such sacrifices would, in the end, injure the Bond holders themselves. The course of prudence seems to be, not to use the capital of the Bank in payment of the interest. So soon as by collection, its other liabilities can be called in, or be raised to *par*, the subsequent receipts of the Bank must be in funds which will enable it to do justice to the Bond holders.

Very respectfully,

JOHN G. GAMBLE, President.

*State of the UNION BANK OF FLORIDA, on Saturday, the 31st  
December, 1842.*

		Cr.	
To Stock Notes discounted,	\$1,827,980 83		
Notes, Bonds and Bills do.	1,305,189 53		
Loan to the Territory,	(1) 15,000 00		
		3,148,170 36	
Territorial Bonds unsold,		766,000 00	
Due by Banks and Agents,		432,544 52	
Real Estate,		98,083 46	
Premium on Bank Stock,		12,976 00	
Protest Account,		870 79	
Cash in Specie and Notes of other Institutions,		14,407 36	
		<u>\$4,473,052 49</u>	
			Dr.
By Capital Stock,	\$3,000,000 00		
Cash do.	6,300 00		
		<u>3,006,300 00</u>	
Post Notes issued,		(3) 237,527 41	
Deposits,		(2) 66,716 37	
Certificates of Deposit,		(3) 61,223 71	
Due to Banks and others,		399,653 92	
Sterling Bonds issued,		444,444 44	

Union Bank Notes issued,	866,500 00	
Do. " " burnt,	736,730 00	
Do. " " in Bank,	37,823 00	
	<hr/>	774,533 00
Circulation,	(3)	91,967 00
Central Bank Notes transferred,	103,995 00	
Do. " burnt,	99,369 00	
Do. " in Bank,	51 00	
	<hr/>	99,420 00
Circulation,		4,575 00
Sinking Fund, 1st Jan.,		
1842,	270,536 11	
Amount paid for Central		
Bank Charter,	130,364 33	
	<hr/>	140,171 78
Interest account,	106,659 81	
Loss on Cotton in		
1841	62,650 20	
Int'est on Ter-		
ritorial bonds,	9,000 00	
Incidental ex-		
penses,	14,516 75	
	<hr/>	86,166 95
		20,492 86
		160,664 64
		<hr/>
		\$4,473,052 49

(1) In addition to this sum, there is more than \$5000 of interest due to the Bank by the Territory;

(2) Of this item, above \$22,000 stand in the name of Attornies of the Bank, who have not yet settled their accounts; and that much of the deposits belong to the Bank.

(3) Of the three items, about \$22,000 are now in the possession of Gen. Mercer, Cashier, who is on his way returning to Tallahassee.

HY. L. RUTGERS,  
Assistant Cashier.

TERRITORY OF FLORIDA, }  
Leon County. } Personally appeared before me, an acting Justice of the Peace for said County, HENRY L. RUTGERS, Assistant Cashier, who being duly sworn, deposes and saith, that the above is a true statement of the Union Bank of Florida, to the best of his knowledge and belief.

HY. L. RUTGERS,  
Assistant Cashier.

31st day of December, 1842.

BENJAMIN W. GAUSE,  
Justice of the Peace.

Which were read, and the documents therein enclosed, referred to the Committee on Banks, and on motion of Mr. Livingston, fifty copies ordered to be printed.

Mr. Long, pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled, An Act to suspend the Sale of Property under Execution. Which was read and placed among the orders of the day for to-morrow.

Mr. Baltzell moved that the Committee on the Judiciary be instructed to report a Bill to provide for the punishment of embezzlements committed by agents entrusted with property. Which motion prevailed.

Mr. Baltzell moved that so much of the Governor's message as refers to the embarrassment of the country be referred to the Committee on the state of the Territory.

So much as refers to Banks be referred to the Committee on Banks.

That so much of the same message as refers to the Militia be referred to the Committee on the Militia.

That so much of the message as refers to 16th sections and public schools be referred to the Committee on Schools and Colleges.

That so much of the message as refers to the building of the Capitol be referred to the Committee on the state of the Territory.

That so much of the message as refers to the reports of the Treasurer and Auditor of the Territory, as well as claims on the General Government, be referred to the Committee on Public Accounts.

That so much of the message as refers to the subject of taxation be referred to the Committee on the state of the Territory.

Which motion prevailed.

Mr. Yonge presented a petition from Thomas Williams, of Jackson County, praying that he may be allowed to erect a Toll Bridge across the Chipola River. Which was read, and on motion referred to a Select Committee. Messrs. Young, Cooper and Mathers were appointed said Committee.

Mr. Livingston offered the following Resolution, viz :

Resolved, That (until the Senate shall see cause to change the time) the daily meeting of the Senate shall be at 11 o'clock A. M., and adjourn at 2 o'clock P. M.

Which was adopted, the rule being waived.

A bill to be entitled, An Act to amend the law in reference to Executions and Attachments, was read a second time, and referred to the Committee on the Judiciary.

The preamble and resolutions introduced on yesterday by Mr. Livingston, in relation to Wm. P. Duval's claim against the Government of the United States, were read a second time, and referred to the Committee on Public Accounts.

The resolutions offered on yesterday by Mr. Pelot, in reference

to the journals of the Senate, were read a second time, and on motion of Mr. Hart, laid on the table.

Sundry resolutions introduced on yesterday by Mr. Baltzell, in relation to instructing the Committee on the Judiciary to enquire into the expediency of altering, adding to, amending and repealing certain laws therein mentioned, were read a second time and adopted.

On motion, the Senate adjourned until to-morrow 11 o'clock.  
A. M.

FRIDAY, January 13th, 1843.

The Senate met pursuant to adjournment. A quorum being present, the journal of yesterday's proceedings was read.

Mr. Baltzell offered the following resolution:

Resolved, That the Governor of the Territory be, and he is hereby, requested to communicate to this House, such plan or system, for the promotion of education in this Territory, as in his judgment would be appropriate, providing a suitable disposition of the University Lands, and the different sixteenth sections in this Territory.

Which was read, and placed among the orders of the day for Monday next.

Mr. Haughton, pursuant to previous notice, asked and obtained leave to introduce the following bill, viz: An Act to be entitled, an act in relation to Garnishments;

Which was read, and placed among the orders of the day for Monday next.

A bill to be entitled, An Act to suspend the sale of property under execution, was put upon its second reading, and on motion of Mr. Livingston, referred to the Committee on the Judiciary, and fifty copies ordered to be printed.

On motion of Mr. Livingston, the Senate adjourned until Monday next, 11 o'clock.

MONDAY, January 16th, 1843.

The Senate met pursuant to adjournment. A quorum being present, the Journal of Friday's proceedings was read.

The President laid before the Senate the following communication:

COMMISSIONER'S OFFICE,  
Tallahassee, 13th January, 1843.

The Hon. GEORGE WALKER,

*President of the Senate Territory of Florida:*

SIR—I have the honor to acknowledge the receipt of the communication of the Secretary of the Senate, dated the 9th instant, conveying the Resolution of the Senate, respecting the walls of the Capitol. Steps have been taken to ascertain the precise nature of the defect, and to remedy it immediately.

I am, very respectfully,

Your obedient servant,

C. G. ENGLISH, Commissioner.

Which was read.

Mr. Hart, pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled, An Act in relation to Process and Criminal Prosecutions;

Which was read;

On motion of Mr. Hart, said bill was read a second time by its title, (the rule being waived,) and referred to the Committee on the Judiciary.

Mr. Yonge gave notice that he would, on some future day, ask leave to introduce a bill to be entitled, An Act to amend an act entitled an act relating to Crimes and Misdemeanors.

Mr. Long introduced the following Resolution, viz:

Be it Resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be and he is hereby requested, to urge the necessity of the passage of a law by Congress, making it obligatory on the Judges of the Superior Courts of the Territory of Florida to reside in the Districts in which they are required to act; and in case of their absence from said District for more than two months, their offices shall be vacated.

Resolved, That a copy of these Resolutions be forwarded to the Hon. David Levy, and he be requested to use his best exertions to procure the passage of such law.

Which was read, and placed among the orders of the day for to-morrow.

Mr. Yonge, from the Select Committee to whom was referred the petition of sundry citizens from Jackson County, in relation to erecting a Toll Bridge across the Chipola River, made the following Report, viz :

The Committee to whom was referred the petition of sundry inhabitants of Jackson County, praying that Thomas Williams be authorized to build a bridge across the Chipola River, has had the same under consideration, and respectfully

### REPORT

the following bill, viz —

An Act to authorize Thomas Williams to establish a Toll Bridge across the Chipola River ;

Which was read, and ordered for a second reading on to-morrow.

An Act to be entitled, An Act in relation to Garnishments was read a second time, and on motion of Mr. Baltzell, laid on the table.

A Resolution introduced by Mr. Baltzell on a former occasion, in reference to requesting His Excellency the Governor to communicate to the Senate a plan or system for the promotion of Education in this Territory, and to provide also for a suitable disposition of the School Lands, was read a second time, and adopted.

On motion of Mr. Livingston, the Senate adjourned on to-morrow, 11 o'clock, A. M.

TUESDAY, 17th January, 1843.

The Senate met pursuant to adjournment. A quorum being present, the journal of yesterday's proceedings was read.

His Excellency the Governor transmitted to the Senate the following communication, viz :

TALLAHASSEE, 13th January, 1843.

Gentlemen of the Senate and

House of Representatives :

I have the gratification to communicate to the Legislative Council that I have just received a letter from Lieut. Col. Hitchcock, of the United States Army, communicating the gratifying intelligence of the complete success of his late expedition against the fugitive Creek Indians. After encountering difficulties

delays, which could only have been overcome by the energy and perseverance of this gallant officer, on the morning of the 10th inst. the entire number of that savage band, which has so long harassed our frontier settlements, was induced to embark at the Ocklockney on board of a steamboat which has already transported them to Cedar Keys, from whence, it is believed, they will be immediately shipped to Arkansas.

The result of this enterprise will be a memorable event in the history of the Seminole war. It has been attended with more complete and signal success than any other expedition conducted against the savage enemy ; not an Indian remains. The last sound of the war-whoop has been heard on our South Western border, and peace and security are permanently restored in that quarter.

I congratulate you on that interesting event, and recommend the adoption of a resolution, expressing in appropriate terms, the thanks of the Legislative Council, to Col. Hitchcock and his gallant officers and men, for the important services they have rendered on this occasion.

R. K. CALL,  
Governor of Florida.

Which was read.

Mr. Haughton moved that An Act to be entitled an act in relation to Garnishments, be taken from the table, and placed among the orders of the day for to-day ;

Which motion prevailed.

Mr. Long gave notice that he would, on some future day ask leave to introduce a bill to be entitled, An Act for the redemption of Real Estate sold under execution.

Mr. Yonge offered the following Resolution, viz :

Resolved, That the Senate hereafter meet at 10 o'clock A. M. Which was read, and ordered for a second reading on to-morrow.

Mr. Baltzell introduced the following Resolution, viz :

Be it Resolved, That a Select Committee be appointed to draw Reports, asking appropriations from Congress for the following purposes, viz :—For finishing the Capitol, now suffering from exposure to the weather, and to prevent its delapidation. For a Library for the Court of Appeals, the same amount as that appropriated to the Territories of Iowa and Wisconsin. To divert the appropriation made for cutting a Road from Tallahassee to Iola, may be applied to constructing a road from Tallahassee to Apalachicola.

Which was read, and ordered for a second reading on to-morrow.

Mr. Baltzell, from Committee on Finance and Banks, reported the following bill, viz :

An act to secure the people of Florida against the evils of a depreciated currency.

Which was read, and on motion laid on the table, and fifty copies were ordered to be printed.

Mr. Baltzell, from a Select Committee, made the following Report, viz :

The Select Committee, to whom was referred a petition of sundry citizens from Leon County, praying a division of said County, and that a new County may be granted them, have had the same under consideration, and respectfully

### REPORT

the following Bill, viz : An Act to organise the County of Wakulla ;

Which was read, and ordered for a second reading on to-morrow.

An act entitled, An Act in relation to Garnishments, was read, and on motion referred to the Committee on the Judiciary.

The Resolutions introduced on yesterday by Mr. Long, in reference to instructing our Delegate in Congress to urge the necessity of passing a law, making it obligatory on the Judges of the Superior Courts of this Territory to reside permanently in their respective Districts, was again read, and on motion laid on the table.

A bill to be entitled, An Act to authorise Thomas Williams to establish a toll bridge across the Chipola River, was read a second time, and ordered to be engrossed, and made the order of the day for Monday next.

On motion of Mr. Hart, the Senate adjourned until to-morrow, 11 o'clock A. M.

WEDNESDAY, 18th January, 1843.

The Senate met pursuant to adjournment, a quorum being present, the journal of yesterday's proceedings was read.

Mr. Livingston moved that the communication, received on yesterday from his Excellency the Governor, in reference to the removal of the Creek Indians, be referred to a select committee of three.

Which motion prevailed.

Messrs. Livingston, Hart and Mathers were appointed said committee.

Mr. Livingston gave notice that he would, on some future

day, ask leave to introduce a bill to be entitled an act to reduce and regulate the lawful interest of the Territory of Florida.

Mr. Haughton gave notice that he would, on some future day, ask leave to introduce a bill to be entitled an act to reduce the fees of certain officers therein mentioned.

Mr. Baltzell introduced the following resolution, viz :

Resolved, That a select committee of five be appointed to memorialize Congress for an alteration of the Organic Law of this Territory, so as to extend to the people the advantages of a Republican Government, by allowing them to elect their Governor, and have the Judges of the Superior Courts elected by the Territorial Legislature.

Which was read, and ordered for a second reading on to-morrow.

The following communication was received from the House, viz :

Mr. Knowles moves to amend the resolution of the Senate, appointing a select committee to act with a similar one from the House, in relation to the communication of the Hon. Judge Marvin, by striking out the word ' five ' and inserting ' eight,' so as to read, a joint select committee of eight members from each House.

Which motion was agreed to, and ordered to be certified to the Senate.

Attest,

H. ARCHER, Sec'y. Ho. Rep.

January 17, 1843.

Which was read.

Whereupon Mr. Haughton offered the following resolution, viz :

Resolved, That the Senate amend their resolution, appointing a joint select committee to examine and report upon the compilation of the laws of Florida, submitted by the Hon. Judge Marvin, by making said committee to consist of eight instead of five.

Which was adopted.

Messrs. Livingston, Hart and Ramsay were added to said committee of five heretofore appointed.

Mr. Baltzell, from the Committee on Finance and Banks, made the following report, viz :

The Committee on Finance and Banks to whom was referred the message of the Governor of the Territory, on the subject of Banks, having had the same under consideration, and especially that part of the message in reference to the charter of the Bank of Florida, ask leave of the Senate to be permitted to send for persons and papers and to examine witnesses.

Which was read and concurred in.

Mr. Baltzell, from the same committee, also submitted an ad-

ditional clause to the bill introduced on yesterday, entitled "An act to secure the people of Florida against the evils of a depreciated currency."

Which was read and ordered to be printed with said bill.

Mr. Haughton, from the Committee on Public Accounts, submitted the following report, viz:

The Committee on Public Accounts, to whom was referred that portion of the Governor's Message, in relation to claims upon the General Government, ask leave to submit the following

### REPORT AND RESOLUTIONS:

The Committee fully acquiesce in the views of his Excellency in relation to the injury which our citizens have sustained by the delay, on the part of the Government, to satisfy the just claims upon it, of our citizens, for services rendered and supplies furnished to troops of the United States in the prosecution of a protracted war with the Indians in Florida.

This delay was first attempted to be justified, on the ground that the Government was not in possession of that kind of evidence which was calculated to establish, beyond a reasonable doubt, the justice of those claims which had been rendered against it; and it was confidently stated, that so soon as these doubts could be removed, by submitting the accounts of claimants to the investigation of a tribunal constituted for that purpose, they would receive full and prompt satisfaction. They were accordingly so submitted, and passed the ordeal of a tedious and elaborate examination, in many cases, subjecting claimants, to no inconsiderable embarrassments, by requiring of them the most rigid testimony, and frequently subjecting them to the nicest technicalities in the establishment of their accounts.

It was natural, therefore, to expect, that after all this ceremony of means had been put in requisition to arrive at the truth, that when that result had been accomplished, the portion of the claim which was decided to be just, would have been paid cheerfully and without delay;—more especially after an appropriation had been made for that specific object.

But thus far these reasonable expectations have not been realized, and the soldier who repaired from his domestic avocations at his country's call, to repel the invasions of her enemy, and the citizen who parted with the earnings of his industry to save him from the pangs of hunger, presuming upon the prompt justice of his Government for compensation, have alike been taught the mournful truth, that the best human expectations are doomed to disappointment.

The Committee are aware that our National Government, no

less than individual citizens, has experienced financial embarrassments, without, perhaps, a parallel in its history; but still, amid all these, appropriations have been made and expended for numerous objects which merited no higher claim to its attention than the payment of the accounts in question; for if precedence be given to any class of subjects in the disbursement of its revenue, they are of opinion, it is due to the defenders of their country, and to those who furnish them with the means of subsistence.

They therefore recommend the adoption of the following resolution:

Resolved, That our Delegate in Congress be requested to call the early attention of Government to the settlement of these claims, and to insist upon their payment with the least possible delay.

Resolved, That our Delegate be furnished with a copy of this report and resolution.

R. B. HAUGHTON, Chairman.

Which was read and said resolutions ordered for a second reading on to-morrow.

### ORDERS OF THE DAY.

A resolution introduced on yesterday by Mr. Yonge, in reference to fixing a time for the daily meeting of the Senate, was read a second time and adopted.

A resolution offered on yesterday by Mr. Baltzell, in relation to appointing a select committee to draw up a report asking appropriations from Congress for certain purposes therein mentioned, was read a second time, and adopted.

Messrs. Baltzell, Ramsay and Long were appointed said committee.

The Senate went into committee of the whole, Mr. Cooper in the Chair, on a bill to be entitled, "An act to organise the county of WaKulla." After some time spent in consideration thereof, the committee rose, and by their Chairman, reported progress, and asked leave to sit again.

Which was concurred in.

On motion the Senate adjourned until to-morrow 10 o'clock, A. M.

THURSDAY, 19th January, 1843.

The Senate met pursuant to adjournment. A quorum being present, the journal of yesterday's proceedings was read.

Mr. Long moved, that the Resolution introduced on a former occasion, in reference to urging upon Congress the necessity of passing a law, making it obligatory upon the Judges of the Superior Courts of this Territory to reside permanently in their respective Districts, be taken from the table, and placed among the orders of the day for to-day;

Which motion prevailed.

On motion of Mr. Haughton, Messrs. Hart and Mathers were granted leave of absence for a few days.

Mr. Hart introduced the following Preamble and Resolutions:

WHEREAS, the direct road leading from Jacksonville to Alligator, a distance of about seventy miles, and on which the mail must eventually pass, it being the only direct line—and it will be perceived that the way the mail now goes, it is about one hundred from the former to the latter place—is now very bad, and at some times almost impassable: Therefore be it

Resolved, by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be requested to use his best exertions to obtain an appropriation of ten thousand dollars for the repairs of the aforesaid Road.

And be it further Resolved, That as soon as this preamble and resolution be passed and signed by the proper officers, certified copy of the same be forthwith forwarded to our Delegate in Congress.

Which was read, and placed among the orders of the day for Monday next.

#### ORDERS OF THE DAY.

A Resolution introduced on yesterday by Mr. Baltzell, in reference to appointing a Committee to memorialize Congress in relation to certain matters therein contained, was read a second time and adopted.

Messrs. Baltzell, Walker, Hart, Yonge and Smith, were appointed said Committee.

The Report and Resolutions submitted on yesterday by the Committee on Public Accounts, were read a second time and adopted, and ordered to be certified to the House.

A Bill to be entitled, An Act to organize the County of Wakulla, was again called up, and on motion of Mr. Baltzell laid on the table.

A Resolution in reference to instructing our Delegate in Congress to urge upon Congress the necessity of passing a law, for a certain purpose therein mentioned, was again read, and placed among the orders of the day for Monday next.

On motion, the Senate adjourned until Monday next, 10 o'clock, A. M.

MONDAY, Jan. 23d, 1843.

The Senate met pursuant to adjournment. There not being a quorum present, on motion of Mr. Baltzell it adjourned to meet again at 12 o'clock, M.

12 O'CLOCK M.

The Senate met pursuant to adjournment. A quorum being present, the journal of Thursday's proceedings was read.

On motion of Mr. Baltzell, a bill to be entitled, An Act to secure the people of Florida against the evils of a depreciated currency, was taken from the table, and made the order of the day for to-morrow.

The Committee on the Judiciary to whom was referred a bill to be entitled, "An act to amend the law in reference to executions and attachments," reported the same with amendments.

Also an act to be entitled, "An act in relation to garnishments," with a substitute therefor.

Which were read and ordered for to-morrow.

#### ORDERS OF THE DAY.

A bill to be entitled, An Act to authorize Thomas Williams to establish a Toll Bridge across the Chipola River, was, on motion of Mr. Yonge, laid on the table.

A Resolution in reference to urging upon Congress the necessity of passing a law, making it obligatory upon the Judges of the Superior Courts of this Territory to reside permanently in their respective Districts, was again read, and on motion of Mr. Long laid on the table.

The President laid before the Senate the following resolutions of the Mississippi Legislature, the same having been referred to by His Excellency the Governor in his message at the opening of the present session:

RESOLUTION TO CONGRESS IN RELATION TO THE ANNEXATION OF TEXAS TO THE UNITED STATES.

Resolved by the Legislature of the State of Mississippi, That

our Senators in Congress be instructed, and our Representatives requested, to use their best exertions to procure the annexation of Texas to the United States, and that the same constitute one or more sovereign States of this Union.

Be it further resolved, That his Excellency the Governor be requested to forward to each of our Senators and Representatives in Congress a copy of these resolutions, and to the Governors of the several States, with a request that the same be laid before the Legislatures of the several States.

ROBERT W. ROBERTS,

Speaker of the House of Representatives.

J. SPEIGHT,

President of the Senate.

Approved February 25, A. D. 1842.

T. M. TUCKER.

I, LEWIS G. GALLAWAY, Secretary of State of the State of Mississippi, do hereby certify that the foregoing resolutions to Congress, in relation to the annexation of Texas to the United States, is a just and true copy of the original resolutions filed in my office.

Given under my hand and seal of State, this the 13th day of March, 1842.

LEWIS G. GALLAWAY,  
Secretary of State.

Which were read, and on motion of Mr. Haughton referred to the Committee on the State of the Territory.

The House transmitted to the Senate the following bills as having passed that body, viz:

A bill to be entitled an act to establish a county site in Musquito county; also

A bill to be entitled on act to organise a county to be called Hernando county.

Which were read and ordered for a second reading on tomorrow.

His Excellency the Governor transmitted to the Senate the following communication:

EXECUTIVE OFFICE, January 23d, 1843.

Gentlemen of the Senate and

House of Representatives:

I hereby nominate Henry F. Simmons, David G. Raney, William Valleaor and Thomas Orman, Justices of the Peace for the County of Franklin and Territory of Florida.

R. K. CALL, Governor of Florida.

Which was read. Whereupon the Senate went into secret session, and said nominations were confirmed; the doors were then opened.

On motion of Mr. Baltzell, the Senate adjourned until tomorrow 12 o'clock, M.

TUESDAY, January 24, 1843.

The Senate met pursuant to adjournment, a quorum being present, the journal of yesterday's proceedings was read.

Mr. Pelot moved that the resolution introduced by himself on a former occasion, in reference to the journals of the Senate, be taken from the table and placed among the orders of the day.

Which motion prevailed.

Mr. Haughton gave notice that he would, on some future day, ask leave to introduce a bill to be entitled, an act to settle the affairs of the Union Bank of Florida, and to provide more effectually for the security of the Territory against the payment of the Bonds it has issued in behalf of said Bank.

His Excellency the Governor transmitted to the Senate the following communication, enclosing the annual report of the Southern Life Insurance Company's Bank:

TALLAHASSEE, 23d January, 1843.

*Gentlemen of the Senate*

*and House of Representatives:*

I herewith transmit a copy of the annual report of the Southern Life Insurance and Trust Company, shewing the condition of that institution on the 2d inst.

R. K. CALL,  
Governor of Florida.

SOUTHERN LIFE INSURANCE & TRUST CO. }  
Tallahassee, January 20, 1843. }

To his Excellency R. K. Call,

Governor of Florida:

Enclosed I hand you duplicate copies of the annual statement of the condition of this Company on Monday morning, January 2d, 1843. An unavoidable delay has occurred in consequence of the want of a statement from the office in New York. The agency heretofore existing there has been closed, and all the business of the Company is now concentrated here. It will be perceived that we have during the last year, reduced our liabilities about \$160,000, and our continued and best efforts will be used to discharge all just claims upon us as soon as the embarrassments of the times will admit. We have also in addition returned and cancelled 155,000 dollars of our guaranteed certificates, and have the pleasure to send herewith for the same object 4,000 dollars more, due notice of which cancellation it is respectfully asked may be made. The most rigorous measures will be pursued to possess ourselves of the remaining \$241,000

outstanding, and we apprehend little trouble if negotiation fails in coercing their return during the present year.

I have the honor to be

Most respectfully,

Your ob't serv't.

G. FIELD,

Pres't. S. L. Ins. & T. Co.

*STATEMENT of the condition of the Southern Life Insurance and Trust Company, Monday evening, Jan. 2d, 1843.*

RESOURCES.

Amount due on bonds and mortgages,		\$695,391 00
Do. bills and notes discounted,	280,020 45	
Do. do. do. in trust,	330,306 37	
		610,326 82
Notes for special advances on Cotton,		11,716 96
Loans to the Territory and Corporation Bonds,		47,000
Stock held by this Company,		82,045 06
Amount due from Union and Union and Potomac Companies of Maryland and Virginia,		89,577 53
Over drafts of sundry individuals,		16,279 66
Amount due from banks and individuals,		84,747 40
Real Estate held by creditors as security,		28,884 95
Personal Property,		6,154 23
Balance of profit and loss, after charging losses and expenses,		80,703 45
Cash—		
Items counted as cash,	7,139 48	
Cash,	440 24	
		7,579 72
		<u>\$1,760,406 81</u>

LIABILITIES.

Notes of this Company issued and not heretofore burned,	\$100,000 00	
Do. do. on hand,	57,966 00	
Do. in circulation,	42,134 00	
Post Notes in circulation,	11,800 00	
Deposites,	26,697 12	
Certificates of Deposit,	32,536 59	
Bills payable,	181,313 94	
Bonds payable,	106,953 39	
Other obligations of this Company,	113,662 97	
Certificates of Deposit issued to Union and Union and Potomac Companies of Maryland and Virginia,	63,557 25	
Dividends unpaid,	789 00	
		579,444 95
Sterling certificates guaranteed by the Territory,		241,000 00
Deposits to apply on debts due this Company,		22,662 55
Capital Stock,		917,300 00
		<u>\$1,760,406 81</u>

Note 1st—The \$241,000 of sterling certificates are not recognized as valid or binding upon either the Company or Territory.

Note 2d—The indebtedness of this Company is about \$25,000 less than appears from the above, by reason of collections made by creditors on col-

laterals placed with them, and the assets are consequently so much the less in amount.

GEO. FIELD.

President Southern Life Ins. and Trust Co.

A. G. HAMMOND,

Ass't Cashier Southern Life Ins. and Trust Co.

Tallahassee, January 19, 1843.

TERRITORY OF FLORIDA, }  
Leon County. } ss. On this 19th day of January, in the year 1843, 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 within statement of the condition of the Southern Life Insurance and Trust Company is just and true, according to the best of their knowledge and belief.

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

SIMON TOWLE, Justice Peace.

Which was read, and said report referred to the Committee on Banks.

Mr. Yonge offered the following preamble and resolution :

WHEREAS, It appears by the affidavit of John B. Taylor that a draft on the Treasury of Florida, for three hundred and nine dollars fifty cents, in favor of Jonathan Thomas, given by John Miller, Auditor of Public Accounts, has been lost by the said John B. Taylor, and that he has given public notice of the same, and of his intention to apply for its renewal :

Be it therefore Resolved, That the Auditor of Public Accounts for the Territory of Florida, be and he is hereby authorized and directed to issue a duplicate draft, in lieu of the original, which shall be of the same force and effect as the original.

Which was read and referred to the Committee on Public Accounts.

Mr. Livingston presented a petition of sundry citizens from Hamilton county, praying that a law may be passed prohibiting the importation and sale of negroes of bad character within the limits of this Territory.

Which was read and referred to the Committee on the Judiciary.

Mr. Haughton, from the Committee on Public Accounts, to whom was referred the preamble and resolutions relative to the claim of Wm. P. Duval upon the General Government, reported the same with amendments.

Which was read and placed among the orders of the day for to-morrow.

Mr. Baltzell from the Joint Select Committee, to whom was referred the Compilation of the Laws of Florida by the Hon. Judge Marvin, submitted ten chapters of said Compilation, embracing the following subjects, viz :

Auctioneers, County Treasurer, County Revenue, Estrays, Ferries, Fines, Penalties and Forfeitures, Marks and Brands, Roads, Bridges and Highways, Revenue, Treasury Department.

Which were received, and placed among the orders of the day for to-morrow.

The Senate went into committee of the whole, Mr. Cooper in the chair, on a bill to be entitled, "An act to secure the people of Florida against the evils of a depreciated currency." After some time spent in consideration thereof, the committee rose, and by their chairman, reported progress, and asked leave to sit again.

Which was concurred in.

The House transmitted to the Senate the following communication, accompanied with a letter from the Secretary of Florida:

Mr. Irwin moved that the communication from the Secretary of Florida, in relation to the laws of Congress, relative to Florida, passed subsequent to the year 1837, be taken from the table, and that the same be referred to a Joint Select-Committee of three members from each House.

Which motion prevailed, and Messrs. Irwin, Zeigler and Summerlin were appointed a committee on the part of the House.

A true extract from the journals.

H. ARCHER,  
Sec'y. Ho. Rep.

23d January, 1843.

Which was read, and on motion of Mr. Livingston, laid on the table.

Also the following:

HOUSE OF REPRESENTATIVES,  
23d January, 1843.

To the Hon. the President of the Senate:

The House of Representatives have passed, An Act for the relief of the heirs of Pablo Sabate, deceased. Title as stated.

They have also concurred in the Report, and adopted the Resolutions of the Senate, in relation to the claims upon the Government.

HUGH ARCHER,  
Secretary House Representatives.

Which was read, and said act placed among the orders of the day for to-morrow.

On motion the Senate adjourned until to-morrow 10 o'clock, A. M.

WEDNESDAY, 25th January, 1843.

The Senate met pursuant to adjournment, a quorum being present, the journal of yesterday's proceedings was read.

Mr. Haughton gave notice that he would, on some future day, ask leave to introduce a bill to be entitled, an act to incorporate Liberty Church in the county of Gadsden.

Mr. Walker gave notice that he would, on some future day, ask leave to introduce a bill to be entitled, an act to amend an act to incorporate the town of Port Leon.

Mr. Yonge, agreeable to previous notice, asked and obtained leave to introduce a bill to be entitled, an act to amend an act entitled an act relating to crimes and misdemeanors.

Which was read and ordered for a second reading on to-morrow.

Mr. Cooper presented a petition of sundry citizens from Nassau county, praying that a law may be passed relative to the election of field officers for the 11th regiment in said county.

Which was read, and on motion of Mr. Cooper, referred to the Committee on the Militia.

Mr. Hart introduced the following preamble and resolutions:

WHEREAS, great pecuniary distress and embarrassment prevails extensively within the Territory of Florida, tending to paralyze industry, retard improvements, destroy confidence, and ruin many persons: And Whereas, State Government if assumed, would necessarily impose forthwith, very heavy, and oppressive direct taxation, on the limited population of Florida; to them (under existing circumstances), by far outweighing, as a grievance, every possible real benefit, which might be realized under that form of Government: And Whereas, it would be wise to wait for additional population, (which may be soon expected,) before entering on so important a measure. Therefore,

Be it Resolved, by the Governor and Legislative Council of the Territory of Florida, That in their opinion, a majority of all the inhabitants of said Territory, are opposed to the adoption of State Government at the present time, as too burthensome to be advantageously assumed.

Resolved, That it is doubtful whether a majority of the qualified voters residing in Florida, ever voted for the adoption of the St. Joseph's Constitution.

Resolved, As the people of Florida will wait an increase of population, before they apply for State Government, that increase ought to be heard in Convention; and that, prior to that event, a new Convention ought to be held.

Resolved, That our Delegate in Congress do henceforth op-

pose to the utmost of his ability, the admission of Florida into the Union as an independent State, until the people shall have called a Convention, and formed and adopted a Constitution for State Government.

Resolved, That the St. Joseph's Constitution be, from and after the passage of this Preamble and Resolutions, held as annulled and void, and of no force or effect, as a fundamental rule of Government for the People of Florida.

Which were read and 50 copies ordered to be printed.

### ORDERS OF THE DAY.

An engrossed bill, passed by the House and transmitted to the Senate, entitled, an act to organise a county to be called Hermando county, was read a second time and referred to the Committee on the State of the Territory. Also

An engrossed bill from the House entitled, an act to establish a county site in Musquito county, was read a second time, and on motion of Mr. Cooper, referred to a Select Committee of three.

Messrs. Cooper, Priest and Long were appointed said committee.

An act to be entitled, an act in relation to garnishments, was read a second time, and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled, an act to amend the law in reference to executions and attachments, was again read, and on motion of Mr. Livingston, laid on the table.

Mr. Pelot's resolutions in reference to the journals of the Senate, were again read; whereupon Mr. Hart offered the following as a substitute for the second resolution, viz:

"Resolved, That after the journals of the Senate be read, they shall be entered upon the record book of the Senate, and the next day (after the journals are read) the Secretary shall read from the book at his desk, the journals as recorded, and so on every day until the Senate do adjourn."

The question of accepting the substitute of Mr. Hart was submitted to the Senate and lost.

Mr. Livingston then offered the following substitute for the second resolution:

"Be it further resolved, That it shall be the duty of this committee to examine from time to time the journal of this Senate, and see that they are properly kept, and that the committee report every Monday morning."

Which substitute was accepted, and said resolutions ordered to be engrossed for to-morrow.

Mr. Baltzell asked and obtained leave of absence for the day.

The preamble and resolutions in reference to W. P. Duval's claim upon the Government of the United States, were again read: Mr. Livingston moved to amend the first resolution by inserting after the words "Be it therefore resolved," the words "by the Governor and Legislative Council."

Which was accepted, and said preamble and resolutions ordered to be engrossed for to-morrow.

A bill to be entitled, an act to secure the people of Florida against the evils of a depreciated currency, was, on motion of Mr. Livingston, laid on the table.

The Senate proceeded to the consideration of the several chapters of the "Revised Statutes" by the Hon. Wm. Marvin, submitted on yesterday by the Joint Select Committee, to whom they had been referred.

Mr. Haughton moved that the said chapters be laid on the table.

Which motion prevailed.

Mr. Haughton then offered the following resolution, viz:

Resolved, That a Joint Committee of three be appointed to consider and report to the Senate, what order of proceeding in the two Houses would best facilitate their action upon the Revised Statutes, submitted to the Council by Judge Marvin.

Which was read.

Mr. Haughton moved that the rule be waived, and that the resolution be read a second time and adopted;

Which motion was lost, so said resolution was placed among the orders of the day for to-morrow.

Mr. Cooper then moved to reconsider the motion for laying said Chapters on the table, which motion prevailed and said Chapters were again placed among the orders of the day.

The Chapter relative to Auctioneers was then read, after which Mr. Hart moved to dispense with the further reading for to-day, and that 50 copies of the Chapter just read be printed;

Which motion prevailed.

An Engrossed Bill passed by the House, and transmitted to the Senate, entitled, An Act for the relief of Pablo Sabate, was on motion of Mr. Livingston, referred back to the House, to be re-engrossed.

On motion of Mr. Haughton, the Senate adjourned until to-morrow, 10 o'clock, A. M.

THURSDAY, January 26th, 1843.

The Senate met pursuant to adjournment, a quorum being present, the journal of yesterday's proceedings was read.

Mr. Livingston moved that a Joint Select Committee of three from each House be appointed to draft rules for the government of the two Houses.

Which motion prevailed.

Messrs. Livingston, Smith and Yonge were appointed said committee on the part of the Senate.

Mr. Long gave notice that he would, on some future day, ask leave to introduce a bill to be entitled, an act to repeal the militia laws now in force in this Territory.

Mr. Yonge moved that the motion adopted by the House and transmitted to the Senate, in reference to the communication from the Secretary of Florida, relative to printing some additional copies of the laws of Congress in relation to Florida, be taken from the table, and placed among the orders of the day for to-day.

Which motion prevailed.

Mr. Walker, pursuant to previous notice, asked and obtained leave to introduce a bill, to be entitled, An Act to amend an act to incorporate the town of Port Leon;

Which was read a first time, and ordered for to-morrow.

Mr. Haughton, pursuant to previous notice, asked and obtained leave to introduce a bill, to be entitled, An Act to amend an act to establish a tariff of fees;

Which was read, and ordered for a second reading on to-morrow.

Mr. Yonge gave notice that he would, on some future day, ask leave to introduce a bill, to be entitled, An Act in relation to County Commissioners and Surrogates.

Mr. Long introduced the following resolutions:

Resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress, be instructed to use his best exertions to procure the passage of a law by Congress, for the payment of a Company of Volunteers called into the service during the last year, by Capt. Stephen Daniel, operating against the Indians in West Florida, and that the provisions of such law be so extended as to embrace the payment of supplies furnished said Company.

Be it further Resolved, That a copy of the foregoing Resolution be certified by the proper officers of both Houses and

forthwith transmitted to the Hon'l. D. Levy, our Delegate in Congress.

Which were read, and placed among the orders of the day for to-morrow.

Mr. Walker, from the Committee on the Judiciary, in compliance with a resolution of the Senate, instructing said Committee to report upon the expediency of repealing, altering or amending the law, in reference to the future migration of free Negroes and Mulattoes to this Territory, reported the following bill, viz:

An Act to repeal an act entitled, An Act to prevent the future migration of free Negroes or Mulattoes to this Territory, and for other purposes;

Which was read, and ordered for to-morrow.

The following communication was transmitted from the House, viz:

HOUSE OF REPRESENTATIVES,  
25th January, 1843.

To the Hon. President of the Senate:

The House of Representatives has passed An Act to fix the times of holding the Superior Courts in the District of East Florida;

And adopted a resolution requesting the Delegate in Congress to use his best efforts to procure the passage of an act of Congress, allowing Columbia county an additional member to the House of Representatives.

(Attest)

H. ARCHER,  
Secretary House Representatives.

Which was received, and on motion of Mr. Yonge, laid on the table.

#### ORDERS OF THE DAY.

A bill to be entitled, "An act to amend an act entitled an act relating to crimes and misdemeanors," was read a second time, and on motion, referred to the Committee on the Judiciary.

An engrossed bill entitled, "An act to be entitled an act in relation to garnishments," was read a third time and passed.

Ordered that the title be as stated.

The Senate concurred in a motion from the House calling for the appointment of a Joint Select Committee of three from each House, to take into consideration the communication of the Secretary of Florida, in reference to printing some additional copies of the "Laws of Congress in relation to Florida."

Messrs. Yonge, Pelot and Priest were appointed said committee on the part of the Senate.

The preamble and resolutions relative to the claim of Wm. P. Duval on the Government of the United States, was again read, and adopted, and ordered to be certified to the House.

The Senate, on motion of Mr. Long, went into committee of the whole, Mr. Pelot in the chair, on the preamble and resolutions introduced on yesterday by Mr. Hart, relative to State Government and the St. Joseph's Constitution. After some time spent in consideration thereof, the committee rose, and by their Chairman, reported said preamble and resolutions as amended.

Upon the question of concurring in the report, the yeas and nays were called by Messrs. Baltzell and Livingston, and were:

Yeas—Mr. President, Messrs. Cooper, Hart, Haughton, Livingston, Long, Pelot, Priest, Ramsay, Smith and Walker—11.

Nays—Messrs. Baltzell and Yonge—2.

So said report was concurred in.

Mr. Haughton then offered the following as a substitute for the preamble and resolutions:

Whereas, a long time has elapsed since the Constitution of the Convention of St. Joseph's was submitted to the People of Florida;

And whereas, there has been a large increase of population since the action of the people upon that subject, and it is but just to them before they are brought under the operation of that or any other Constitution, that they should be allowed to exert some voice in its formation;

Be it therefore Resolved, That previous to the admission of Florida into the Union as a State, measures should be taken to procure the sense of the people on calling a Convention to form a new Constitution, or adopting the old one.

Which was read.

Whereupon Mr. Yonge offered the following as a substitute for Mr. Haughton's substitute:

Whereas, the admission of Florida into the Union, is a subject vitally interesting to all portions of the Territory; and whereas, the people should be consulted directly before any measures are taken to effect or retard our admission; and whereas, this was not a test question at the election of members of the Legislature;

Be it therefore Resolved, That at the next election of members of the Legislative Council of Florida, each voter be called on to express his wishes on the subject, by writing on his ballot, "State" or "No State," "Constitution" or "No Constitution."

Upon the question of accepting Mr. Yonge's substitute, the yeas and nays were called by Messrs. Baltzell and Yonge, and were,

Yeas—Messrs. Baltzell, Cooper, Long, Yonge—4.

Nays—Mr. President, Messrs. Hart, Haughton, Livingston, Pelot, Priest, Ramsay, Smith and Walker—9.

So said substitute was lost.

Mr. Long then offered the following as a substitute to Mr. Haughton's substitute:

Resolved, by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be and he is hereby instructed to oppose to the utmost of his ability, the admission of Florida into the Union as an independent State.

Resolved further, That a copy of this resolution be certified by the proper officers of both Houses, and forwarded to the Delegate in Congress.

Upon the question of accepting Mr. Long's substitute, the yeas and nays were called by Messrs. Long and Cooper, and were,

Yeas—Messrs. Cooper and Long—2.

Nays—Mr. President, Messrs. Baltzell, Hart, Haughton, Livingston, Pelot, Priest, Ramsay, Smith, Walker and Yonge—11.

So said substitute was lost.

Mr. Cooper then offered the following as a substitute to Mr. Haughton's substitute, viz:

Resolved, by the Governor and Legislative Council of Florida, That our Delegate be instructed to use his utmost endeavors to procure a division of this Territory, giving to East Florida all Territory east of the Suwannee, and to West Florida all west of said River; and that a copy of this resolution be sent him.

Upon the question of accepting Mr. Cooper's substitute, the yeas and nays were called by Messrs. Cooper and Baltzell, and were,

Yeas—Messrs. Baltzell and Cooper—2.

Nays—Mr. President, Messrs. Hart, Haughton, Long, Livingston, Pelot, Priest, Ramsay, Smith, Walker and Yonge—11.

So said substitute was lost.

Mr. Baltzell then moved that the further consideration of the subject be indefinitely postponed, upon this motion Messrs. Baltzell and Cooper called for the yeas and nays and were,

Yeas—Messrs. Baltzell, Cooper and Yonge—3.

Nays—Mr. President, Messrs. Hart, Haughton, Livingston, Long, Pelot, Priest, Ramsay, Smith, Walker—10.

So said motion was lost.

The question was then taken upon accepting Mr. Haughton's substitute, and the yeas and nays were called for by Messrs. Baltzell and Livingston, and were:

Yeas—Messrs. Haughton, Walker and Yonge—3.

Nays—Mr. President, Messrs. Baltzell, Cooper, Hart, Livingston, Long, Pelot, Priest, Ramsay and Smith—10.

So said substitute was lost.

Mr. Hart now moved that the preamble and resolutions as amended in Committee of the Whole, be engrossed for a third reading on to-morrow;

Upon this motion the yeas and nays were called for by Messrs. Baltzell and Ramsay, and were:

Yeas—Mr. President, Messrs. Hart, Haughton, Livingston, Long, Pelot, Pricst, Ramsay, Smith, Walker—10.

Nays—Messrs. Baltzell and Yonge—2.

So said motion prevailed.

On motion of Mr. Haughton, the Senate adjourned until to-morrow, 10 o'clock, A. M.

FRIDAY, January 27th, 1843.

The Senate met pursuant to adjournment, the roll being called, the proceedings of yesterday was read.

The Senate received from the House a re-engrossed bill entitled, "An act for the relief of the heirs of Pablo Sabate, deceased," which, on motion of Mr. Haughton, was placed among the orders of the day.

On motion of Mr. Long the message received from the House on yesterday be placed among the orders of the day.

Mr. Walker gave notice that he would, on a future day, ask leave to introduce a bill to suspend the exercise of banking power by the Union Bank of Florida, to provide for the payment of the Territorial bonds issued to said Bank out of its assets, and the mortgaged property of its stockholders, for the liquidation and settlement of the affairs of said Bank, and for the amendment of the charter thereof.

Mr. Long, agreeable to previous notice, introduced a bill to be entitled, an act to repeal the militia laws now in force in this Territory.

Mr. Walker, Chairman of the Judiciary Committee, reported the chapter reported by Judge Marvin.

Which was read, and placed among the orders of the day for to-morrow.

Mr. Haughton, from the Committee on Public Accounts, reported the referred preamble and resolutions, relative to the claims against the General Government, with amendment.

Which report was concurred in.

Mr. Smith, from the Committee on Enrolled Bills, reported the preamble and resolution relative to the claim of the citizens of Florida upon the General Government, for services rendered

and supplies furnished in the prosecution of the Indian war, as correctly enrolled.

L. W. SMITH, Chairman.

The Committee on the State of the Territory, to whom was referred a bill organizing the county of Hernando, reported the bill as amended. Which was concurred in.

Mr. Baltzell, from the Joint Select Committee, to whom was referred Judge Marvin's report:

That they have had the same under consideration and report the chapters upon Divorce, Marriage, Partnership, Revised Statutes, Landlord and Tenant and Seamen, without amendment.

Which were placed among the orders of the day.

### ORDERS OF THE DAY.

Mr. Haughton's resolution relative to a joint committee of both houses, upon the report of Judge Marvin, was laid on the table.

On motion of Mr. Haughton, the Senate went into the committee of the whole on a bill to be entitled an act relative to free negroes, Mr. Houghton in the Chair. The committee rose and by their chairman reported the bill without amendment.

Which was concurred in, and ordered to be engrossed for to-morrow.

A bill to incorporate the town of Port Leon, was read the second time and ordered to be engrossed for to-morrow.

The resolution's offered by Mr. Long on yesterday, relating to the claims of Capt. Daniel's Company of Volunteers, was referred to the committee on the state of the Territory.

The Message from the House was taken from the table, and placed among the orders of the day.

An act to be entitled an act to fix the time of holding the Superior Courts in the District of East Florida, was read and placed among the orders of the day for to-morrow.

The Resolution, calling on our Delegate in Congress, to use his best exertions to procure the passage of an act, allowing Columbia county an additional member, was read first time, and placed among the orders of the day for to-morrow.

The Senate, on motion of Mr. Hart, went into committee of the whole, on Mr. Hart's engrossed preamble and resolution respecting State Government, Mr. Haughton in the chair, which was read.

Mr. Baltzell offered the following as a substitute for said preamble and resolution:

Whereas, applications have been pending for many years past before the Congress of the United States for the admission of the people of this Territory into the National Union as a free, sovereign, and independent State, opposition to which has been made

and yet exists in different sections, through embarrassments occasioned by the Indian war, which has driven many of our inhabitants abroad, and prevented emigration, connected with the apprehension that the taxes of the new Government would be onerous and oppressive, and beyond the means of the people in their present embarrassed condition: And whereas, harmony and union on the part of all the people is desirable on a subject of such moment to their permanent welfare, which result it is confidently hoped may be attained in a few years, now that peace is restored, and emigration rapidly flowing into our land, and when, too, our population that is now embarrassed may hope to be relieved;

Resolved, therefore, That our Delegate in Congress be and he is hereby requested to suspend action upon the said applications, until otherwise instructed.

Mr. Hart offered the following as a substitute, for the substitute of Mr. Baltzell:

Whereas, great pecuniary distress and embarrassment prevail in this Territory, tending to paralise industry, retard improvement, and destroy confidence: And whereas, State Government if assumed, would necessarily impose additional burthens and taxes, on a people already laboring under accumulated difficulties: And whereas, four years have elapsed since the formation of the Constitution prepared at St. Joseph, for the people of Florida, in which period important changes have taken place in the population of this Territory: And whereas, a full tide of emigration is at this time flowing into the Eastern part of Florida, and settling the country heretofore in the possession of the Seminole Indians, which population should have a due influence in the formation of a Constitution, for the permanent Government of the State of Florida;

Be it therefore resolved by the Governor and Legislative Council of Florida, That it is unwise, impolitic and improper to enter into a State Government at this time.

Resolved, that the objection to going into a State Government under the St. Joseph Constitution, is greatly strengthened by the well known fact, that said Constitution was adopted by a meagre majority of the voters of Florida, and has at all times been highly exceptionable to a large portion of the people of Florida, whose opposition to State Government, has in part, originated in opposition to that instrument.

Resolved, that our Delegate in Congress, be requested to oppose the admission of Florida into the Union as an Independent State, until the people in Convention shall have formed a new Constitution, or until they have expressed by a vote at the polls their willingness to adopt the St. Joseph's Constitution.

After some time spent in consideration thereof, the committee

rose, and by their chairman, reported the substitute of Mr. Hart as adopted, and ordered it engrossed for a reading on to-morrow.

The yeas and nays were called for by Mr. Baltzell on the adoption of his substitute for the substitute of Mr. Hart, and were:

Yeas—Mr. President, Messrs. Baltzell, Long and Yonge—4.

Nays—Messrs. Cooper, Hart, Haughton, Livingston, Pelot, Priest, Ramsay, Smith and Walker—9.

So said substitute was lost.

Mr. Haughton moved the re-consideration of the title of a bill entitled an act in relation to garnishments.

Which was adopted.

And on motion the words "To be entitled an act" be stricken out. Which was adopted.

Mr. Livingston, from the Committee on the State of the Territory, reported a bill to be entitled, an act to organise the county of Hernando as amended.

Which was concurred in.

The re-engrossed bill from the House, relating to the relief of the heirs of Pablo Sabate, was read and referred to the Committee on the Judiciary.

The Chapter of Judge Marvin's Reports relative to Auctioneers was read a second time;

Mr. Livingston moved it be read a third time by its title and passed;

The yeas and nays were called for by Messrs. Long and Cooper, and were:

Yeas—Mr. President, Messrs. Baltzell, Cooper, Hart, Haughton, Livingston, Pelot, Priest, Ramsay, Smith, Walker, Yonge—12.

Nays—Mr. Long—1.

So said Chapter was adopted.

The Chapter of Judge Marvin's report relating to Divorce, Seamen and Revised Statutes, was read and placed among the orders of the day for to-morrow.

Mr. Cooper, moved that the Chapters relating to Landlord and Tenant, Marriage and Partnership, be laid on the table.

The Governor transmitted to the Senate the following Message:

TALLAHASSEE, 26th January, 1843.

*Gentlemen of the Senate  
and House of Representatives:*

I have the satisfaction to transmit herewith a copy of a Preamble and Resolutions, adopted by the Legislature of Georgia, against the repudiation of State debts, which I have just received from His Excellency Charles J. McDonald, Governor of that patriotic and enlightened State.

The elevated and praiseworthy sentiments expressed in this document, cannot fail to inspire the admiration and confidence of those who have watched through the dark night of repudiation, for the star, to conduct them on the way of correct and honorable principles. It will be hailed with the unfeigned approbation of all who are not prepared to sacrifice the honor of the local Governments, to avoid the responsibility of pecuniary obligations.

The high example of the State of Georgia is worthy of our imitation, and I recommend it to the favorable attention of the Legislative Council.

R. K. CALL,  
Governor of Florida.

#### IN SENATE.

The Committee on the State of the Republic, to whom was referred the preamble and resolutions of the State of Kentucky against the doctrine of repudiation of State debts, cannot suffer the occasion to pass without expressing our entire acquiescence in those resolutions, and their decided abhorrence of the odious doctrine of repudiation as immoral and subversive of the very foundation of civilized society. If the Constitution of the United States has closed the doors of the Courts of Justice against creditors of the several States, the obligation to meet all our engagements, becomes the stronger and more binding. We have placed this barrier beyond which the creditor cannot pass; and to avail ourselves of it, to defeat the claims of others, is alike unjust and dishonest. Nor is the case at all changed, or the obligation lessened, if the borrowed money has been misapplied, and the State defrauded and deceived by its own agents. The State was in fault in appointing unfit or dishonest agents, and it should bear the consequences.

It is a beautiful feature in our Government and strongly illustrative of that high toned moral feeling which characterized the Fathers of the Revolution; that so far from repudiating their debts, they incorporated the obligation to pay into the very charter of our national existence. This spirit should animate their descendants.

Be it therefore Resolved by the Senate and House of Representatives of the State of Georgia, That they view with horror, this novel and dishonest doctrine of repudiation, as a stain upon the escutcheon of this country, and can never recognize its validity.

Be it further Resolved, That there is a moral obligation upon every Government to discharge its pecuniary obligations, and any State refusing to do so, or to provide the means of payment, is false to the principles of common honesty and an enlightened civilization, and is unworthy of the confidence of its sister States.

Be it further Resolved, That whilst we entertain these opinions, we would embrace this opportunity in advance, to express our unqualified disapprobation of any assumption of State debts by the General Government, and to enter our solemn protest against the same, as unjust and unequal; a dangerous usurpation of power, and a violation of the spirit of the Federal Compact.

Be it further Resolved, That His Excellency the Governor be requested to forward copies of the above preamble and resolutions to the President of the United States, and to the Governors of the several States of this Confederacy.

In Senate, agreed to December 24th, 1842.

ROBERT M. ECHOLS,  
President of the Senate.

(Attest)—JAMES JACKSON, Secretary.

In the House of Representatives, concurred in December 26th, 1842.

WILLIAM B. WOFFORD,  
Speaker of the House of Representatives.

(Attest)—JOHN H. DYSON, Clerk H. R.

Approved, 28th December, 1842.

CHARLES J. McDONALD, Governor.

Which was read, and on motion of Mr. Cooper, laid on the table.

On motion, Mr. Haughton was granted leave of absence, for a few days.

Mr. Haughton moved the Senate adjourned until Monday, 10 o'clock. On which motion the yeas and nays were called for by Messrs. Pelot and Cooper, and were:

Yeas—Messrs. Hart, Haughton, Livingston, Long, Walker—5.

Nays—Mr. President, Messrs. Baltzell, Cooper, Pelot, Priest, Ramsay, Smith and Young.

So said motion was lost.

On motion the Senate adjourned until to-morrow 11 o'clock A. M.

SATURDAY, January 28th, 1843.

The Senate met pursuant to adjournment.

On motion of Mr. Baltzell, the absent members were sent for; after which the roll was called, and the following Senators answered to their names, viz:

Mr. President, Messrs. Baltzell, Cooper, Hart, Livingston, Pelot, Priest and Ramsay.

There not being a quorum present, on motion, the Senate adjourned until Monday next, 12 o'clock, M.

MONDAY, January 30th, 1843.

The Senate met pursuant to adjournment. A quorum being present, the proceedings of Friday and Saturday were read.

On motion of Mr. Pelot, Mr. Francis Eppes, a Justice of the Peace, by request, administered the oath of office to Mr. English.

The following message was received from his Excellency the Governor :

TALLAHASSEE, 27th January, 1843.

*Gentlemen of the Senate  
and House of Representatives :*

I have the satisfaction to inform the Legislative Council, that the President of the Southern Life Insurance and Trust Company, has returned to the Executive, four more of the certificates of one thousand dollars each, guaranteed by the Governor of Florida, which have been cancelled, according to the provisions of the act on that subject.

R. K. CALL,  
Governor of Florida.

Which was read, and placed among the orders of the day.

TALLAHASSEE, 27th January, 1843.

*Gentlemen of the Senate  
and House of Representatives :*

I herewith transmit for the information of the Legislative Council, a copy of a Preamble and Resolutions passed by the Legislature of Georgia, relative to certain Resolutions of the Commonwealth of Massachusetts, against the imprisonment of free negroes, under the laws of those States which forbid the ingress of such persons within their borders.

This unauthorised interference of the State of Massachusetts with the domestic affairs of the South, seems to merit rebuke and claims the attention of the Legislature, in justification of the policy it has adopted.

R. K. CALL,  
Governor of Florida.

IN SENATE.

THE Committee on the State of the Republic, to whom was referred the various resolutions from other States, beg leave to report.

That among the Resolutions transmitted by His Excellency, the Governor, are certain resolves of the Commonwealth of Massachusetts, against the imprisonment of Free Negroes, under the laws of those States which forbid the ingress of such persons within their borders.

Your Committee would have passed by these Resolutions, unopposed, as the sickly effusion of a wild and reckless fanaticism, had the not pronounced such a law a gross violation of the Federal Constitution.

Georgia has such a law on her Statute Book; and we deem it our duty to repel the charge as unfounded in truth, and as manifesting a spirit which, if not rebuked and checked, will, sooner or later, destroy our Institutions and dissolve our Union. No State has a legal or moral right to interfere with the domestic policy or internal regulations of a sister State. Georgia has never rebuked Massachusetts for fraternizing with negroes, nor held her up to the reprobation of the States of this Union, for her violations of the Charter of Confederacy, by proclaiming those citizens, who were not so at the time of the adoption of the Federal Constitution; thereby attempting to add to that sacred instrument, and thus violating the letters and spirit of the Compact.

If your Committee had no other light to guide them, than those furnished by the Constitution, they would be at a loss to ascertain what clause is referred to by the Legislature of Massachusetts, as being violated by the law above alluded to; but we are constrained to suppose that this bold assertion is based upon that section which grants to the citizens of each State, all the privileges of the citizens in the several States. The meaning of this article is too plain for cavil; and could only have been intended to guaranty to the citizens of any one State the privileges to which citizens of other States were entitled—or in other words, admitting negroes to be citizens under the Constitution, (which is utterly denied.) Georgia would have no right to exclude the black citizens of Massachusetts from privileges granted to the black citizens of Maine or New York. It is an universal rule of construction, that terms used in Statutes, are to be construed according to the generally received import; and this rule applies with great force to the Constitution of the United States, were negroes or persons of colour, regarded as citizens at the time of its adoption of the Federal Constitution? They were not; and the term citizen, as used in that instrument, can only refer to those who were embraced in its definition at the time of its adoption. But upon this subject, Georgia will not condescend to argue; she will adopt the language of Massachusetts, in her remonstrance against the embargo, and say, "that the people of this country are not accustomed to class among their rights, such enjoyments and privileges as depend on the will of any set of men, whatever; under such circumstances, they would cease to be the rights of a free people."

Be it therefore resolved, That negroes, or persons of color, are not citizens, under the Constitution of the United States; and that Georgia will never recognise such citizenship.

Be it further resolved, That His Excellency, the Governor, transmit a copy of the above preamble and resolutions to the Governors of the several States of this Confederacy.

In Senate, agreed to unanimously, December 24th, 1842.

ROBERT M. ECHOLS,  
President of the Senate.

(Attest.)  
JAMES JACKSON, Secretary.

In House of Representatives, concurred in December 26th, 1842.

(Attest,) WILLIAM B. WOFFORD,  
Speaker of the House of Representatives.

JOHN H. DYSON, Clerk H. R.

Approved, 28th December, 1842.

CHARLES J. McDONALD, Governor.

Which was read, and placed among the orders of the day.

Also, a message containing several nominations;

Which was laid on the table.

Message from the House was placed among the orders of the day.

Mr. Livingston, agreeable to previous notice, introduced a bill to be entitled, an act to amend an act regulating the rate of interest.

Mr. Baltzell gave notice that he would, on a future day, introduce a bill in relation to steamboats, and to prevent accidents arising from the explosion thereof in the navigable waters of this Territory.

Mr. Yonge gave notice that he would, on some future day, introduce a bill authorizing Jehu W. Keith to establish a ferry across the Choctahachie River, at the Half Moon Bluff.

Mr. Pelot offered the following Preamble and Resolution:

Whereas, Judge Marvin, of the Southern District of Florida, was requested by the Legislature in 1841, to revise the Statutes of the Territory; and to prepare a code of laws for our future Government. And whereas, in compliance with the above request, the work was undertaken, completed and returned to the present Council for their acceptance. And whereas, it is impossible for us to give them that consideration which the importance of the matter is entitled to, and as it is the wish of Judge Marvin, that the laws should not go into effect until May, 1844. Therefore,

Be it Resolved by the Legislative Council of the Territory of Florida, That the said revised Statutes be received, that copies be printed in pamphlet form, that each member of the Senate and House of Representatives, be furnished with copies, that they be requested to examine minutely the same, so that they may be prepared early next Session to vote on the question of their adoption.

Be it further Resolved, That a joint select Committee of three from each House, be appointed to receive written sealed proposals from the different printers in this place with a view to get the printing done upon the most reasonable terms.

Mr. Baltzell offered the following resolution, the rule being waived:

Resolved by the Senate of Florida, That it is inexpedient to take into consideration the resolutions of the Legislature of Georgia, on the subject of repudiation, submitted to us by the Governor of this Territory, as they were directed to be addressed to the Legislatures of the different States, and not to the Legislature of Florida.

Resolved further, That the Governor of the Territory be requested to specify the debts and engagements to which his message (communicating the above resolutions) is applicable, and which, in his opinion, ought to be assumed or recognised by the people of Florida, through the Legislative Council.

Resolved further, That he be requested to communicate to the Senate, at as early a period as practicable, what provision, if any, should be made, by the Legislative Council, to meet the said debts and engagements: whether a tax should be laid upon the people to pay the same; new bonds issued, a new Bank chartered, or such other means, to meet the exigency, as in his opinion, may be most advisable.

Resolved further, That he be requested to state whether, in his opinion, a tax should, or should not, be imposed in the first place upon the stockholders, to the extent of their interest in the institutions, to which the public faith is alledged to have been pledged, before any tax or imposition is laid upon the people of the Territory.

Which was read, and placed among the orders of the day for to-morrow.

On motion of Mr. Cooper, the bill relative to Auctioneers, of Judge Marvin's Report, which had been transmitted to the House, was sent for, and placed among the orders of the day for to-morrow.

Mr. Baltzell, from the Select Committee to whom was assigned the duty of drawing a memorial to Congress, asking an appropriation to finish the Capitol, now suffering from exposure to the weather, and to prevent its dilapidation, offered the following report and memorial:

The select Committee to whom was assigned the duty of drawing a memorial to Congress asking an appropriation to finish the Capitol, now suffering from exposure to the weather, and to prevent its dilapidation, have instructed me to present the following memorial, which they recommend be adopted by the Council.

THOMAS BALTZELL, Chairman.

To the Honorable the Senate and House of Representatives of the United States in Congress Assembled:

The memorial of the Senate and House of Representatives of the Legislative Council of Florida, respectfully sheweth:

That the appropriation made by Congress for the erection of a Capitol at Tallahassee, in the Territory of Florida, has been faithfully expended by the Territorial officer assigned to that duty, together with the proceeds of the greater portion of the land granted for the same purpose, as will appear by his report transmitted on a former occasion to your honorable bodies:

That the building being designed to be permanent and worthy the munificence of Government, has been expensive and costly, the brick work having been contracted at \$24,500, and a portion of the wood work, for \$13,000. That the Commissioner perceiving the means in his power inadequate to the completion of the entire work, resolved upon finishing a part of the building, with a view to the accommoda-

tion of the Two Houses of the Legislature, the Governor and other Territorial officers; who by the destruction of the old government buildings, have been put to great inconvenience and expensive in procuring houses for their different uses. That this has been effected, thus saving to the Government very nearly the sum of \$9,000, that would have been required to be paid in rent for other houses.

Your memorialists would further state that the portion of the building unfinished has the walls erected and timbers in, but is without roof, the work having been progressed in, so far by the Commissioner under the confident expectation of receiving from your honorable bodies an appropriation of \$20,000 more, which was confidently promised by our late delegate, and a law for which actually passed the House of Representatives some sessions since.

That the Territory is without the means to be applied to this object and without assistance from Congress, the work thus exposed to the weather, must speedily decay and be lost, requiring a much greater expenditure to repair at a future time.

Your memorialists would therefore most respectfully ask an appropriation of \$20,000, to be applied to this purpose, and trust it will be deemed inappropriate, to refer to the past action of Congress on the same subject in case of similar applications. In 1836, an appropriation was made of \$20,000 to the Territory of Iowa for their Capitol; in 1838, a further appropriation of a like sum for the same subject was made, ample grants of land were made for this purpose; to the State of Illinois, four entire sections; to Indiana and Missouri the same amount; Michigan, five; to Arkansas fifteen sections and 1,000 acres of land for a Court House, at the seat of government. To Florida, there has been a grant only of a section and a half, for this purpose, one quarter of which was included in the grant to General LaFayette, and has not since been relocated:

All of which is respectfully submitted

THOMAS BALTZELL, Chairman.

Mr. Yonge offered the following resolution:

Resolved, That the 26th rule be repealed, and the following adopted in lieu thereof: Every bill shall receive three readings previous to its being read, and the President shall give notice of each, whether it be the first, second or third, which reading shall be on different days, unless two-thirds of the Senate direct otherwise.

Which was read, and placed among the orders of the day for to-morrow.

Mr. Smith, from the Committee on Enrolled Bills, pursuant to resolution, reported that the Committee had examined the Journal of the Senate, and found the same thus far properly kept. An Act in relation to free negroes was read a third time;

Mr. English moved its indefinite postponement;

The yeas and nays were called by Messrs. English and Long and were:

Yeas—Messrs. Cooper, English, Livingston, Long, Pelot and Priest—6.

Nays—Mr. President, Messrs. Baltzell, Hart, Mathers, Ramsay, Smith, Walker and Yonge—8.

So said motion was lost.

On motion of Mr. Long, said bill was laid on the table.

The rule being waived, Mr. Baltzell from the joint select committee reported the following memorial:

To the Honorable Senate and

House of Representatives of the United States:

The Memorial of the Legislative Council of the Territory of Florida, respectfully sheweth,

That they have several times heretofore applied to your Honorable bodies for an appropriation for a Library for the use of the Court of Appeals of this Territory, of equal amount to those granted to other Territories, and to which grants they beg leave respectfully to refer. These memorialists would further most respectfully urge upon Congress a prompt attention to their prayer, in consequence of the necessities attendant on the various and important duties imposed upon the Judges of the several Districts into which this Territory is divided. These duties are every day becoming more intricate and complicated, and necessarily demand a reference to those volumes which contain the collected wisdom of ages, and it is essential for the consistency of justice, that the decisions of the legal tribunals of this Territory should be fortified by reference to the principles found in the books of authority, which have at all times in the United States governed an enlightened judiciary.

Your memorialists would further respectfully represent, that in addition to the ordinary jurisdiction of common law and equity, the Courts of this Territory are compelled to take cognizance of cases in Admiralty, in all their complex and intricate proceedings. It also devolves on them to protect the United States from infringements of the Revenue Laws, and decree fines and forfeitures under the same: and in time of war it would be their duty to adjudicate cases of seizure, and decide according to the laws of nations in all matters affecting prizes taken from enemies or neutrals. Scattered as the principles which should govern such decisions must necessarily be, through hundreds of volumes, it will be evident to your honorable bodies, that the expense of procuring them is not within the means of private individuals, except in very rare instances, yet it is of essential importance to the very honor and peace of the American People, that the code which has been adopted, and is acknowledged by all civilized nations as that by which those difficulties which arise between them in times of war shall be adjusted, should be understood by the judiciary, and within their reach for authority and study, in the various languages in which they have been published: and your memorialists would also present for your consideration the geographical position of Florida, by which it will be seen that in time of war, all prizes taken on the waters of the Gulf of Mexico, and such parts of the Atlantic as border on the West India Islands, would necessarily have to be adjudicated either at Key West or Pensacola, they being the only two American harbors of sufficient depth of water to permit the



The memorial praying Congress for an appropriation to finish the Capitol, was read a second time and adopted.

The memorial praying Congress for an appropriation to furnish a library of the Court of Appeals, was read a second time and adopted.

A bill from the House of Representatives, to be entitled an act to fix the time of holding the Superior Courts in the District of East Florida,

Was read a second time and ordered for a third reading on to-morrow.

A Resolution from the House of Representatives to give to Columbia county another member to the House of Representatives, was read a second time and adopted.

An act to organize a county to be called Hernando county from the House of Representatives:

Was read a third time, amended and passed by its title.

An engrossed act, from the House of Representatives, to authorize Thomas Walker to establish a ferry on the Apalachee River, was read a first time, and ordered for a second reading on to-morrow.

The Senate went into committee of the whole upon an act to secure the people of Florida against the evils of a depreciated currency, Mr. Hart in the chair. After some time spent in consideration thereof, the committee rose, and by their chairman, reported the act as amended.

Mr. Livingston offered the following amendment to the 10th section after the word persons, "engaged in banking or the agents of any Bank."

On which amendment the yeas and nays were called for by Messrs. Livingston, and were:

Yeas—Messrs. Livingston, Long and Mathers—3.

Nays—Mr. President, Messrs. Baltzell, Cooper, English, Hart, Haughton, Pelot, Priest, Ramsay, Smith, Walker and Yonge, 12.

So said amendment was lost.

Which act was ordered to be engrossed for a third reading on to-morrow.

Mr. Pelot's preamble and resolution, relative to Judge Marvin's Acts, was indefinitely postponed.

On motion the Senate adjourned until to-morrow, 10 o'clock, A. M.

WEDNESDAY, February 1st, 1843.

The Senate met pursuant to adjournment. The roll being called, the proceedings of yesterday were read.

Mr. Walker gave notice that on some future day he would introduce an act to amend an act entitled an act to amend an act regulating Judicial Proceedings, approved November 23, 1843.

Mr. Cooper, from the Select Committee to whom was referred the bill entitled, An Act to establish a County site in Musquito County, reported the same back to the Senate, without amendment; which read was and placed among the orders of the day.

Message from the House of Representatives was received, and placed among the orders of the day.

The message from His Excellency the Governor was placed among the orders of the day.

#### ORDERS OF THE DAY.

The Senate went into Committee of the Whole on Mr. Baltzell's Resolution, relative to the Governor's message on the subject of Repudiation. Mr. Yonge in the Chair. Mr. Long offered the following amendment as a substitute:

Whereas, the members of the Legislative Council of the Territory of Florida, are but the agents of the General Government; and whereas the people of Florida, are not legally bound for the bonds predicated on the faith of this Territory, and whereas the General Government (the Guardian of the Territory,) has permitted an act of supererogation on the part of her agents thereby binding the Government of the United States for said bonds.

Be it therefore Resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate be instructed to use his best exertions to procure the passage of a law by Congress for the payment of the interest now due and demanded on these bonds.

Resolved further, That a copy of these resolutions be signed by the proper officers of both houses and forthwith transmitted to the Hon. D. Levy, Delegate in Congress.

Which was lost.

After some time time spent in consideration, the committee rose, and by their Chairman, reported the bill as amended.

On the adoption of which report, the yeas and nays were called for by Messrs. Cooper and Livingston, and were:

Yeas—Mr. President, Messrs. Hart, Haughton, Livingston, Long, Mathers, Ramsay, Smith and Walker—9.

Nays—Messrs. Baltzell, Cooper, English, Pelot, Priest and Yonge—6.

So said report was concurred in.

On the adoption of the first resolution, the yeas and nays were called for by Messrs. Pelot and Cooper, and were:

Yeas—Mr. President, Messrs. Baltzell, Cooper, English, Hart, Haughton, Pelot, Priest and Smith—9.

Nays—Messrs. Livingston, Long, Mathers, Ramsay and Walker—5.

So said resolution was adopted.

On the re-consideration of the second resolution, the yeas and nays were called for by Messrs. Pelot and Cooper, and were:

Yeas—Messrs. Baltzell, Cooper, English, Pelot, Priest and Yonge—6.

Nays—Mr. President, Messrs. Hart, Haughton, Long, Mathers, Ramsay, Smith and Walker—8.

Said resolution was lost.

On the re-consideration of the third resolution, the yeas and nays were called for by Messrs. Cooper and Pelot, and were:

Yeas—Messrs. Baltzell, Cooper, English, Pelot, Priest and Yonge—6.

Nays—Mr. President, Messrs. Hart, Haughton, Livingston, Long, Mathers, Ramsay, Smith and Walker—9.

Said resolution was lost.

On the re-consideration of the fourth resolution, the yeas and nays were called for by Messrs. Pelot and Cooper, and were:

Yeas—Messrs. Baltzell, Cooper, English, Pelot, Priest and Yonge—6.

Nays—Mr. President, Messrs. Hart, Haughton, Livingston, Long, Mathers, Ramsay, Smith and Walker—9.

Said resolution was lost.

The yeas and nays, on Mr. Long's substitute, were called for by Messrs. Long and Livingston, and were:

Yeas—Messrs. Cooper and Long—2.

Nays—Mr. President, Messrs. Baltzell, English, Hart, Haughton, Livingston, Mathers, Pelot, Priest, Ramsay, Smith, Walker and Yonge—13.

So said substitute was lost.

The resolution respecting the 26th rule of the Senate, was read a second time and adopted.

The Senate received from the House the following message:

HOUSE OF REPRESENTATIVES,  
January 27th, 1843.

To the Hon. President of the Senate:

The House have appointed a Joint Select Committee, con-

sisting of Messrs. Child, Scott and De la Rua, to draft rules for the regulation of both Houses.

H. ARCHER, Sec'y. Ho. Rep.

The motion received from the House was read, and ordered to be sent to the House.

An engrossed resolution from the House of Representatives, calling on our Delegate in Congress to use his best exertions to establish permanently the boundary line between the State of Georgia and Florida, was read and placed among the orders of the day for to-morrow.

An engrossed act from the House of Representatives to authorise E. G. Miller to establish a ferry on Ochlocknee River, was read, and ordered for a second reading on to-morrow.

An engrossed act from the House of Representatives to amend an act to authorize Bryan Sheffield to establish a ferry across the Suwannee River, at the Mineral Springs, known as the White Sulphur Springs, was read, and ordered for a second reading on to-morrow.

An engrossed act from the House of Representatives to authorise William Sail to establish a ferry across the St. John's River, at Enterprise, was read, and ordered for a second reading.

An engrossed act from the House of Representatives, to establish an additional term of the County Court in Franklin County, was read and placed among the orders for to-morrow.

An engrossed resolution from the House of Representatives on the subject of the Quarter Master's Papers, was read a first and second time by its title and passed.

On motion of Mr. Pelot, the chapter relating to County Commissioners, was read a first and second time by its title.

The Senate went into committee of the whole on the act of Judge Marvin's report, relative to county commissioners. Mr. Pelot in the chair. After some time spent in consideration thereof, they rose and by their chairman reported the act as amended.

On motion of Mr. Pelot, the chapter relating to Sheriffs, was read by its title a first and second time.

On motion the Senate went in Committee of the whole, Mr. Pelot in the chair. After some time spent in consideration thereof, they rose and by their chairman, reported the bill back to the Senate without amendment.

On motion the Senate adjourned until tomorrow 10 o'clock, A. M.

THURSDAY, February 2d, 1843.

The Senate met pursuant to adjournment. A quorum being present, the journal of yesterday's proceedings was read.

His Excellency the Governor transmitted to the Senate the following communication, accompanied with a letter from Hanson Kelly, Esq., Agent of the Pensacola Bank, and a statement of said Bank:

EXECUTIVE OFFICE,  
Tallahassee, 31st January, 1843.

Gentlemen of the Senate  
and House of Representatives:

I transmit herewith, for the information of the Legislative Council, a copy of a letter from Hanson Kelly, Esq., appointed by the Board of Directors to wind up the Bank of Pensacola accompanied by a statement of "the amount received since last report."

R. K. CALL,  
Governor of Florida.

BANK OF PENSACOLA, }  
January 24, 1843. }

Sir: I have not furnished you with a statement of the Bank of Pensacola up to 31st December, 1842, as required by the charter, because from the situation in which the business is at present situated, no statement could be made with accuracy.

I beg leave to refer your Excellency to the last annual report with the following explanation:

That all the debts due to the institution have been put in suit through the agency of several attorneys, but no settlement has been made with any of them since the date of the last report. The statement herewith inclosed, exhibits the several amounts received on account, as I have been advised by the several attorneys; also the amount received at Bank, and at the agency at Apalachicola.

The amount received will reduce the amount of the circulation and deposit account of the Bank, from the amount stated in the last annual report, made by Mr. W. B. Taylor, fifteen thousand eighty nine dollars thirty two cents, (\$15,089 32).

The undersigned has been appointed, by the board of Directors, to wind up the business of this institution with as little delay as circumstances and the interest of all will admit.

I am very respectfully,

Your obedient servant,  
HANSON KELLY.

His Excellency R. K. CALL,  
Tallahassee, Fla.

The following statement shows the amount received since the last report by Mr. Wm. B. Taylor.

BY WHOM RECEIVED.	DOLLS.	CTS.	REMARKS.
W. H. Brockenbrough,	7,411	32	Sp'l dep. in L. & T. Ap'cola.
Life & Trust,	1,304		Sp'l sealed up do. do.
T. Baltzell,	2,575		Certificate of deposit.
Bank,	3,799		Notes of Bank and certificate of deposit.
	\$15,089	32	

HANSON KELLY.

Pensacola, January 24th, 1843.

Which were read, and fifty copies of said statement ordered to be printed.

Mr. Walker gave notice that he would, on some future day, ask leave to introduce a bill to be entitled, An Act to regulate the pilotage of vessels to and from the Port of Port Leon.

Mr. Walker, pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled, An Act to amend an act entitled an act regulating judicial proceedings, approved Nov. 23d, 1828;

Which was read, and ordered for to-morrow.

Mr. Yonge, pursuant to previous notice, asked and obtained leave to introduce a bill entitled, An Act to authorise Jehu W. Keith to establish a Ferry across the Choctahatchie River;

Which was read, and placed among the orders of the day for to-morrow.

Mr. Walker, pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled, An act to suspend the exercise of banking power by the Union Bank of Florida, to provide for the payment of the Territorial Bonds issued to said Bank, out of its assets, and the mortgaged property of its Stockholders, for the liquidation and settlement of the affairs of said Bank, and for the amendment of the charter thereof.

Which was read, and made the order of the day for Saturday next, and fifty copies of said bill were ordered to be printed.

Mr. Yonge gave notice that he would, on some future day, ask leave to introduce a bill to be entitled, An Act to change the time of holding the Superior Courts in the Apalachicola District.

Mr. Hart presented a petition of Eliza Vaughn, from Nassau County, praying for a divorce;

Which was read, and on motion referred to a Select Committee of three;

Messrs. Hart, Pelot and Priest were appointed said Committee.

Mr. Walker, from the Committee on the Judiciary, to whom was referred "A bill to be entitled an act in relation to Executions," reported said bill with amendments;

Which was read, and placed among the orders of the day for to-morrow, and fifty copies ordered to be printed.

Mr. Baltzell, from the Select Committee appointed to memorialize Congress to alter or amend the organic law in relation to Florida, reported the following Preamble and Resolution, viz:

Whereas the people of this Territory, though not members of any of the States of the Union, are yet citizens of the United States, and entitled, so far as their position will allow, to all the rights and privileges of freemen:

And whereas it is against the spirit of American Institutions, and plainly declared in the Constitution of the United States, and in republican, that the highest and most important officers of the Territorial Government, their Governor and Judges, as has been frequently the case, should be selected by, and these offices filled by strangers unacquainted with the character, laws, habits, customs and institutions of the people whose dearest interests are entrusted to their charge.

And whereas the excuse for such appointment in the early existence of the Territory, on account of the sparseness of the population, and the difficulty of finding suitable persons therein, no longer exists, and persons fully competent to perform the important duties pertaining to said offices to the satisfaction of the people can be found among the citizens of this Territory, as experience has clearly demonstrated:

Resolved therefore, That the Congress of the United States be, and it is hereby, earnestly invoked to amend and alter the organic law, so far as to permit the choice and election, by the People and Legislature of this Territory, of the Governor, Judges, and such other officers as may be deemed most expedient.

Which were read a first and second time, (the rule being waived) and adopted.

Mr. Livingston, from the Joint Select Committee appointed to draft Joint Rules for the government of both Houses, made the following report, viz:

The Joint Select Committee to which was referred the subject of drawing up Joint Rules for the government of the two Houses of the Legislative Council, ask leave to report the following Joint Rules.

I. That in every case of disagreement between the Senate and House of Representatives, either House may suggest a conference and appoint a committee for that purpose; and the other House shall also appoint a committee to confer. At a convenient hour, to be agreed on by their respective Chairmen, said committee shall meet and confer freely on the subject of disagreement.

II. Messages from either House to the other, shall be sent by such persons as a sense of propriety in each House may determine proper.

III. After a bill shall have passed both Houses, it shall be duly enrolled by the Clerk of the House of Representatives, or the Secretary of the Senate, as the bill may have originated in one or the other Houses, before it shall be presented to the Governor.

IV. When bills are enrolled, they shall be examined by the Com-

mittee on Enrollments of the House in which they shall have originated, who shall carefully correct errors, and forthwith report the same to the House; whereupon the presiding officer of such House shall sign the same, and order the same to be transmitted to the other House, and which shall be sufficient authority for the other presiding officer to sign also.

V. In signing enrolled bills, the Speaker's name shall be signed above the name of the President of the Senate.

VI. If a bill be returned rejected by the Governor, the yeas and nays upon its reconsideration shall be first taken in the House in which the bill originated. If a majority of two-thirds of that House vote for the bill, it shall be transmitted to the other House; and if two-thirds of that House concur in the passage thereof, it shall be so certified by the President of the Senate, and the Speaker of the House of Representatives, and the bill shall be passed to the Secretary of the Territory. The two-thirds of each House necessary to pass a bill against the veto of the Governor, is two-thirds of the whole number elected to each House, and qualified—thus twenty votes is necessary while the House consist of twenty-nine, and ten votes while the Senate consists of fifteen.

VII. When a bill or resolution which shall have passed in one House is rejected in the other, notice thereof shall be given to the House in which the same may have passed.

VIII. When a bill or resolution which has been passed in one House shall be rejected in the other, it shall not be brought in during the same session without a notice of two days, and leave of a majority of the whole House in which it shall be renewed.

IX. Each House shall transmit to the other all papers on which any bill or resolution shall be founded, on request made, if not done before.

X. After each House shall have adhered to their disagreement, a bill or resolution shall be lost.

The rules are a transcript of those of last session, except the 6th and 8th, which have been modified and altered.

M. C. LIVINGSTON,  
Chairman of Committee of Senate.

## ORDERS OF THE DAY.

The Senate received from the House, as having passed that body, the following chapters of the "Revised Statutes," submitted by the Hon. Judge Marvin, viz: Chapters entitled, Coroners, Commissioners, Counties, County Clerks and Notaries Public.

On motion of Mr. Yonge, said chapters were read a first time by their title.

On motion of Mr. Pelot the Senate now resolved itself into committee of the whole (Mr. Pelot in the chair) on said chapters. After some time spent in consideration thereof, the com-

mittee rose, and by their chairman, reported the chapters entitled Counties, County Clerks and Notaries Public without amendment, and the chapters entitled, Coroners and Commissioners as amended.

Which report was concurred in, and said chapters placed among the orders of the day for to-morrow.

The chapters of the "Revised Statutes" entitled, Forcible Entry and Detainer, Apprentices, Gaming, Revised Statutes, Seamen and Divorce, were read a second time by their title, and ordered for to-morrow.

A bill to be entitled, an act to authorise Thomas Williams to establish a Toll Bridge across the Chipola River, came up upon its third reading.

Mr. Yonge moved to re-commit said bill to committee of the whole.

Which motion prevailed.

Whereupon the Senate resolved itself into committee of the whole, Mr. Cooper in the chair, on said bill. After some time spent in consideration thereof, the committee rose, and by their chairman, reported the same as amended.

Upon the question of concurring in the report, the yeas and nays were called for by Messrs. Yonge and Smith, and were :

Yeas—Mr. President, Messrs. Cooper, English, Hart, Haughton, Mathers, Pelot, Priest, Ramsay, Smith and Yonge—11.

Nays—Messrs. Baltzell and Long—2.

So said report was concurred in.

A resolution, from the House, adding the President of the Senate and Speaker of the House of Representatives to the Joint Select Committee, appointed to consider the "Revised Statutes," submitted by the Hon. Judge Marvin, was read the first time, and placed among the orders of the day for to-morrow.

His Excellency the Governor transmitted to the Senate, the following message :

EXECUTIVE OFFICE ; }  
Tallahassee, 31st January, 1843. }

Gentlemen of the Senate

and House of Representatives :

I have received from the State Department the number of copies of the aggregate returns of the Sixth Census of the United States, to which the Territory of Florida is entitled under a resolution of Congress ; consisting of 30 copies of the enumeration of the inhabitants of the United States ; 30 copies of the Census of Pentouer ; 30 copies of the Statistical information taken and collected under the act to provide for taking the Sixth Census ; and 60 copies of the compendium or abridgment of the Sixth Census.

I have also received for the use of the Executive Department, and for the use of each branch of the Legislative Council ; one set of the

Documents of the Second Session of the 26th Congress ; one set of those of the first Session of the 27th Congress ; an Index to the Executive Documents, and Reports of Committees of the House of Representatives, from the 22d to the 25th Congress, both inclusive ; and a volume containing the Resolutions, Laws, and ordinances relative to the pay, half pay, commutation of half pay, bounty lands and other promises made by Congress to officers and Soldiers of the Revolution ; to the settlement of accounts between the United States and the several States, and to funding the Revolutionary debt.

I communicate this intelligence, in order that the Legislative Council may take such action in relation to the disposition of these several Documents as may be deemed necessary and proper.

R. K. CALL,

Governor of Florida.

Which was read, and referred to the Committee on the State of the Territory.

The House transmitted to the Senate an engrossed Preamble and Resolution, asking an appropriation from Congress, for the purpose of constructing a road from Tallahassee to Iola ;

Also, an engrossed Preamble and Resolution, asking from Congress an appropriation for the construction of a Road from Apalachicola to Quincy ;

Which were severally read, and referred to the Committee on the State of the Territory.

Also, an engrossed bill entitled, "An Act to extend a charter granted to David Platt, approved Feb. 8th, 1839 ;"

Also, an engrossed bill entitled, "An Act to establish the County site of Santa Rosa County ;"

Which were read, and ordered for a second reading on to-morrow.

An engrossed Preamble and Resolution, relative to the claim of John B. Taylor against the Territory, was read, and on motion recommitted to the Committee on Public Accounts.

A bill to be entitled, "An Act to amend an act regulating the rate of interest," was again read, and on motion laid on the table.

An engrossed bill from the House entitled, "An Act to authorise Thomas Walker to establish a Ferry on the Alapahaw River," was read a second time, and ordered for a third reading on to-morrow ;

Also, an engrossed bill entitled, "An Act to fix the time of holding the Superior Courts for the District of East Florida," was read a second time, and ordered for a third reading on to-morrow.

A bill to be entitled, "An Act to establish a County site in Musquito County," was read a third time and passed ;

Ordered, that the title be as stated.

The House returned to the Senate the Preamble and Resolu-

tion relative to the claim of Wm. P. Duval, against the General Government, as having passed that body without amendment.

On motion, the Senate adjourned until to-morrow, 10 o'clock, A. M.

FRIDAY, February 3d, 1843.

The Senate met pursuant to adjournment. A quorum being present, the journal of yesterday's proceedings was read.

Mr. Long, pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled, An Act to establish Free Schools, and to appoint Commissioners of School and University Lands;

Which was read, and ordered for a second reading on to-morrow, and fifty copies ordered to be printed.

#### ORDERS OF THE DAY.

An engrossed Resolution in reference to the Resolutions of the Legislature of the State of Georgia, upon the subject of Repudiation, (submitted to the Senate by the Governor of this Territory) was again read and adopted.

An engrossed bill from the House entitled, "An Act to establish an additional term of the County Court in Franklin County," was read a second time, and referred to the Judiciary Committee.

A bill to be entitled, "An Act to secure the People of Florida against the evils of a depreciated currency," was read a third time.

Upon the question "shall this bill pass?" the yeas and nays were called for by Messrs. Long and Pelot, and were:

Yeas—Mr. President, Messrs. Baltzell, Cooper, English, Hart, Haughton, Livingston, Long, Mathers, Pelot, Priest, Ramsay, Smith and Yonge—14.

Nays—Mr. Walker—1.

So said bill passed.

Ordered, that the title be as stated.

An engrossed bill from the House entitled, An Act to authorize Wm. Fail to establish a ferry across the St. John's River, was read a second time. Mr. Cooper moved to amend said bill, by striking out the word "twenty" in the first section, and insert "ten";

Which motion prevailed. So said bill was amended, and ordered for a third reading on to-morrow.

An engrossed bill from the House entitled, "An Act to amend

an act to authorize Bryant Sheffield to establish a Ferry across the Suwannee River, at the Mineral Springs, known as the White Sulphur Springs, was read a second time, and on motion of Mr. Pelot, referred to a Select Committee;

Messrs. Pelot, Cooper and Yonge were appointed said Committee.

An engrossed resolution from the House, relative to instructing our Delgate in Congress to invoke the General Government to establish permanently the boundary line between the Territory of Florida and the State of Georgia, was read a first time, and placed among the orders of the day for to-morrow.

A chapter of the "Revised Statutes" entitled, Free Negroes and Mulattoes, reported to the Senate by the Committee on the Judiciary, was read a second time, and ordered for to-morrow.

A chapter of the "Revised Statutes," entitled, County Commissioners, was read a third time.

Upon the question "shall this bill pass?" the yeas and nays were called for by Messrs. Long and English, and were:

Yeas—Mr. President, Messrs. Baltzell, Cooper, English, Hart, Haughton, Livingston, Mathers, Pelot, Priest, Ramsay, Smith, Walker and Yonge—14.

Nays—Mr. Long—1.

So said bill was passed. Ordered that the title be as stated.

An engrossed bill, from the House, entitled, "An act to authorize E. G. Miller to establish a Ferry on the Ocklocknee River," was read a second time.

Mr. Pelot moved to amend said bill by adding the following section:

"Be it further enacted, That this charter shall be subject to be amended or repealed by any future Legislature of the State or Territory of Florida."

Which amendment was accepted, and said bill placed among the orders of the day for to-morrow.

Senate resolved itself into committee of the whole, Mr. Long in the chair, on a bill to be entitled, an act to organise the county of Wakulla; after some time spent in consideration thereof the committee rose, and by their Chairman, reported said bill as amended:

Whereupon Mr. Walker offered the following substitute to the 11th Section of said bill, viz:

"Be it further enacted, That the said county shall be entitled to one member of the Legislative Council."

Upon the question of accepting said substitute, the yeas and nays were called for by Messrs. Livingston and Walker, and were:

Yeas—Messrs. Baltzell, Haughton, Livingston, Mathers and Walker—5.

Nays—Mr. President, Messrs. Cooper, English, Long, Pelot, Priest, Ramsay, Smith and Yonge—9.

So said substitute was lost.

The report of the committee was then concurred in, and said bill ordered to be engrossed for a third reading on Monday next.

Sundry communications were received from the House and laid on the table.

On Motion the Senate adjourned until to-morrow 10 o'clock A. M.

SATURDAY, February 4, 1843.

The Senate met pursuant to adjournment. A quorum being present, the journal of yesterday's proceedings was read.

On motion of Mr. Yonge, Mr. Baltzell was granted leave of absence for the day.

Mr. Baltzell, pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled, An Act to prevent accidents from the explosion of steam boats on the navigable waters of this Territory;

Which was read, and placed among the orders of the day for Monday next.

Mr. Haughton, pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled, An Act to incorporate Liberty Church in Gadsden County;

Which was read, and ordered for a second reading on Monday next.

Mr. Smith, from the Committee on enrolled Bills, reported the Preamble and Resolution relative to the claims of Wm. Duval upon the General Government, as correctly enrolled.

#### ORDERS OF THE DAY.

The Senate resolved itself into Committee of the Whole, Mr. English in the Chair, on a bill to be entitled, "An Act in relation to Executions;" after some time spent in consideration thereof, the Committee rose, and by their Chairman reported said bill as amended;

Upon the question of concurring in the report, the yeas and nays were called for by Messrs. Cooper and Livingston, and were:

Yeas—Messrs. English, Hart, Haughton, Livingston, Lee, Mathers, Pelot, Ramsay and Walker—9.

Nays—Mr. President, Messrs. Cooper, Priest, Smith and Yonge—5.

So said report was concurred in, and on motion said bill was laid on the table.

The Senate went into secret Session on Executive nominations, after some time spent in consideration of the same, the doors were again opened.

The Senate advised and consented to the following nominations by his Excellency the Governor, viz:

Charles G. English, Commissioner of the Tallahassee Fund; Henry L. Rutgers, Treasurer of the Territory; John Miller, Auditor of the Territory.

For the County of Alachua—Wm. Cooley, George Watson, jr. Wm. W. Tucker, Isaac Garrison, and Moses Curry, to be Justices of the Peace, and Augustus Steel, Notary Public.

For Calhoun County—Jesse F. Potts, Judge of the County Court.

For Columbia County—Elisha Green, Justice of the Peace, and Wm. B. Ross, Notary Public.

For Duval County—James A. Pickett, Justice of the Peace.

For Escambia County—Geo. W. Barkley, Port Warden, for the Port of Pensacola.

For Franklin County—Hezekiah Smith, James McCully, Benj. Hurd, Hopewell Dorsey and H. N. Terry, Justices of the Peace; C. J. Shepherd, W. W. Hollenbeck and Michael A. Myers, Auctioneers; Geo. S. Hawkins, Notary Public, and Walter W. Hollenbeck, Surveyor of Lumber.

For the County of Gadsden—Jonathan Robinson, Justice of Peace.

For the County of Leon—Wm. W. Hart, Tax Collector; H. Clifford, Alex. Cromartie, Cosam Emir Bartlett and Benj. Hale, Justices of the Peace; John J. Rowles and Roland W. Jenkins, Port Wardens, for the Port's of St. Marks and Port Leon; Robt. H. Berry, Auctioneer.

For St. Johns County—Adolphus L. Heine, Justice of the Peace.

For Walton County—Lewis B. Britt, Justice of the Peace.

For Santa Rosa County—Geo. W. Thompson and Lewis Frates, Justices of the Peace.

The House returned to the Senate the Memorial asking from Congress an appropriation for the completion of the Capitol; also the Memorial asking an appropriation for a library for the Court of Appeals, for this Territory, as having passed that body without amendment.

Also a preamble and resolution invoking Congress to alter or amend the organic law relative to Florida, as having passed that body without amendment.

The House transmitted to the Senate a preamble and resolutions, relative to Faith Bonds and Repudiation.

Which were read.

Mr. English moved that said preamble and resolutions be indefinitely postponed.

Upon this question the yeas and nays were called for by Messrs. Cooper and Pelot, and were :

Yeas—Mr. President, Messrs. English, Livingston, Mathers, Walker and Yonge—6.

Nays—Messrs. Cooper, Hart, Long, Pelot, Priest and Smith—6.

So said motion was lost, and said preamble and resolutions were placed among the orders of the day for Monday next.

The House transmitted to the Senate two chapters of the "Revised Statutes," submitted by the Hon. Judge Marvin, entitled, Sheriff and Surrogates.

Which were placed among the orders of the day for Monday next.

On motion of Mr. Livingston, the Senate adjourned until Monday next, 12 o'clock, M.

MONDAY, February 6, 1843

The Senate met pursuant to adjournment. A quorum being present, the journal of Saturday's proceedings was read.

Mr. English introduced the following Preamble and Resolution, viz :

Whereas, the frequent small cases of salvage, and other commercial occurrences, requiring the decision of the Courts of Admiralty of this Territory, which is attended with large expenses, and frequently great inconvenience and detriment to all parties;

Therefore be it Resolved by the Senate and House of Representatives, That our Delegate in Congress be instructed to use his best endeavors to obtain the passage of a law, allowing this Legislature to pass a law establishing commercial tribunals in the different sea ports in this Territory, for the settlement of all such cases, where the parties may not desire to incur the expense of an admiralty decision.

Be it further Resolved, That a copy of this Preamble and Resolution be forwarded to the Hon. David Levy for that purpose.

Which were read, and ordered for to-morrow.

Mr. Pelot offered the following Resolution, viz :

MONDAY, February 6, 1843

The Senate met pursuant to adjournment. A quorum being present, the journal of Saturday's proceedings was read.

Mr. English introduced the following Preamble and Resolution, viz :

Whereas, the frequent small cases of salvage, and other commercial occurrences, requiring the decision of the Courts of Admiralty of this Territory, which is attended with large expenses, and frequently great inconvenience and detriment to all parties;

Therefore be it Resolved by the Senate and House of Representatives, That our Delegate in Congress be instructed to use his best endeavors to obtain the passage of a law, allowing this Legislature to pass a law establishing commercial tribunals in the different sea ports in this Territory, for the settlement of all such cases, where the parties may not desire to incur the expense of an admiralty decision.

Be it further Resolved, That a copy of this Preamble and Resolution be forwarded to the Hon. David Levy for that purpose.

Which were read, and ordered for to-morrow.

Mr. Pelot offered the following Resolution, viz :

Resolved, That the Senate in future devote one hour, from 12 o'clock A. M. to 1 o'clock P. M., of each day, to the consideration of the "Revised Statutes," submitted by the Hon. Judge Marvin.

Which resolution was adopted, the rule being waived.

Mr. Livingston, from the Committee on the State of the Territory, to which was referred that part of the Governor's Message, relative to the claims of our citizens upon the United States, made the following Report :

The Committee on the State of the Territory (having charge of claims) would respectfully report, that they have given to the subject of the demands of our citizens against the Government of the United States, that attention which its importance required.

The limited knowledge which the committee possess of the various investigations, and reports of agents of the Government of the United States, on many of the claims of our citizens, render it impossible for us to report with certainty, the actual situation of our demands. From information, however, which the committee can rely on, it appears that favorable reports have been made for the payment of the following companies, under the command of Col. W. J. Bailey, in the Territorial service,

viz: Capts. Hagan's, Grigsby's, McIver's, Hall's, Burney's and Langford's; also a company commanded by Capt. W. J. Bailey, prior to his promotion, all of which were in service during the years 1839 and '40; also for the payment of the Quarter-master's and Commissary's accounts for furnishing the said commands; and unfavorable reports on the claims of the following companies, for a short time of service, viz: John Bryan's company, from 16th August, to 15th September, 1840, Wm. Cone's company for the same period of time, Wm. H. Redding's company from November 18th, to December 8th, 1840, Sherrod Edwards' company from November 21st, to December 9th, 1840, J. S. Burnett's company from December 3d, to December 24th, 1842, Lewis Norton's company from December 1st, 1840, to January 21st, 1841, and L. S. Bennett's company from March 2d, (time unknown;) some of said companies were ordered into service by the late Brigadier General L. Read: some by Col. Robert Brown, and some by the late Gov. Reid. The committee will not remark on the propriety or impropriety of the report against the payment of said companies for military services, but the committee are aware that accounts have been made, by properly authorised Quarter-master's, for the subsistence of said companies during said term of service, and that justice to *innocent persons* requires that said accounts, properly vouched for, should be paid. The committee also understand that unfavorable reports have been made against the claims of a regiment of Militia, commanded by Col. Robert Brown, in the year 1838, and a Battalion commanded by Major Isaac Garrison in the same year, in the Territorial service.

The committee are well aware of the difficulty, and almost impossibility, of getting claims, for Militia services, passed by the United States officers, governed strictly by the rules and regulations of the War Department, which rules and regulations are not understood by one Militia officer out of ten, and if the claimant should be so fortunate as to get the favorable action of Congress on their demands, and appropriations made for their payment, the rules governing the Auditor's offices are such, that when strictly adhered to, it is with much difficulty, and sometimes impossible to get accounts passed, (no matter how just). In fact, before a favorable report could be had on the claims mentioned in this report which have been passed upon and recommended for pay, it became necessary to have a second examination before an order could be obtained for their payment, and the committee would here remark, that the people of Florida are much indebted to Col. S. Churchill, the Inspector General, for his laborious and indefatigable services in investigating and preparing evidence sustaining his report, recommending the payment of the above mentioned claims, many of which, had been previously unfavorably reported on.

The committee have heard, with regret, that some of the

Quarter-masters and Commissarys employed by the Government to furnish subsistence, forage and transportation, for the use of the army, engaged in prosecuting the Indian war, have failed, as yet, either through negligence or inability to settle up their own accounts with the United States; and therefore (although an appropriation has been made by Congress for that purpose) the Auditor at Washington City, will not pass an account for payment, certified by said Quarter-master, that his certificate is worth no more than any other persons, not connected with the Quarter-master's Department. The committee would remark that as no fault or negligence can attach to the claimants, in the arrangement and proof of the correctness of their accounts, which accounts are certified by agents of the Government in the Quarter-master's and Commissary's Department, and as the United States Government is responsible for the acts of its agents, whether said agents are defaulters to the Government or not, when legal proof is produced that the purchases made, and the accounts certified by said agents, were for and applied to the service of the United States, therefore the committee are of the opinion, and would recommend, that some measures should be adopted, for the settlement of said accounts, (certified to by defaulting officers) so that evidence could be taken to prove the correctness of the accounts, and that the articles purchased were applied to the service of the United States.

At the session of the Legislative Council for the year 1841 many claims for military services were passed and ordered to be paid under certain regulations and restrictions, which have not been settled and some of them not even examined or reported on. The committee are at a loss to devise the ways and means by which the Territory may be enabled to settle said claims; the people will not submit to taxation for this purpose, and oppose it, with good arguments, on the ground that it is a debt due by the Government of the United States, that this (to us a most disastrous) war is not a war of our own, but that it is a war begun, brought upon us, and continued by the acts of the Government of the U. S. the people of Florida having no voice in the matter. The committee are unwilling at this time to enter into a discussion of the origin of the war, or the obligation the Government of the United States is under to protect the citizens of Florida in the peaceable possession of their homes and their property; but they would remark that they have been mortified and astonished to find gentlemen, *members of Congress*, arguing this subject of the Florida War as a subject in which the Government had little or nothing to do; treating it as a mere *local* war between the people of Florida and the Seminole Indians, and that the United States is not responsible for the massacres of our citizens, or the destruction of our property.—

The committee, however, confidently hope that, as this harrassing and expensive Indian war, is now fast drawing to a close, our grievances will be listened to and relieved. Believing, as the committee does, that many of the claims unfavorably reported on, are as just and deserving, as those which have been ordered paid, but that owing to various combinations of circumstances, a prejudice exists against them which we should endeavor to remove, and when they are properly examined and the actual services ascertained, it will be found that a large portion of the claims are just and deserve the earliest action of Congress or the Secretary of War in their behalf. The committee believing that the people of Florida mostly interested in this matter are not only willing, but anxious that their claims for Military services, &c. should undergo a strict and impartial investigation for the purpose that they may be paid what is their just dues, for services *actually* rendered, and for Quarter Master's and Commissary's Stores furnished in prosecuting the Florida Indian War—therefore, they recommend the following Resolutions :

Resolved, by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be requested to urge upon the Secretary of War, and the Congress of the United States, the necessity, expediency, and justice, of authorizing some officer or officers, capable of performing the duty, to proceed immediately to the investigation of the claims of the citizens of Florida for military services rendered, transportation, subsistence and forage, furnished in prosecuting the Florida war, *and to report the actual situation of said claims.*

Resolved, That for the better guidance of the Territorial Legislature, in their future action on this subject, and for the interests of all concerned, the Secretary of War be requested to authorize Col. S. Churchill, who, possessing alike the confidence of the Government and the people of Florida, and from his situation as Inspector General for many years in Florida, is perhaps better qualified than any other person, to proceed as soon as his other duties will allow, to investigate and report upon all the military claims of the citizens of Florida.

Resolved, That certified copies of this report and resolutions be sent to our Delegate in Congress, the Secretary of War, and the President of the United States.

M. C. LIVINGSTON, Chairman.

Which was read, and said resolutions placed among the orders of the day for to-morrow, and 100 copies ordered to be printed.

Mr. Haughton, from the Committee on Public Accounts, to whom was referred the claim of John B. Taylor, on the Territorial Treasury, made the following Report, viz :

The Committee on Public Accounts, to whom was re-committed the papers, &c., in relation to the claim of John B. Taylor on the Territorial Treasury, report the following resolution :

Resolved, That the Auditor of the Territory be authorised to issue a duplicate draft in lieu of the one lost or mislaid by the said John B. Taylor, on his making publication to that effect in some public newspaper in Tallahassee for the space of twenty-one days, and certifying to the Auditor the fact of said publication, over the signature of the editor or publisher of said paper.

Which was read, and said resolution adopted, the rule being waived.

Mr. Smith, from the Committee on Enrolled Bills, made the following Report:

The Committee on enrolled bills, pursuant to resolution, report that the Committee have examined the Journals of the Senate, and found the same thus far properly kept.

#### ORDERS OF THE DAY.

An engrossed bill from the House to be entitled "an act, to establish the county site of Santa Rosa County," was read a second and third time, (the rule being waved) and passed ; title as stated.

A bill to be entitled "an act to authorise Thomas Williams to establish a Ferry across the Chipola River ;" was read a third time and passed ; title as stated.

A bill to be entitled an act to amend an act, entitled an act to amend an act regulating Judicial proceedings, approved Nov. 23d, 1828, was read a second time and on motion of Mr. Walker, referred to the committee on the Judiciary.

A Resolution from the House adding the Speaker of the House of Representatives and President of the Senate to the joint select committee appointed to consider the "Revised Statutes," submitted by the Hon. Judge Marvin, was again read and on motion laid on the table.

The resolutions of the Legislature of the State of Georgia, relative to the resolutions of the Massachusetts Legislature, upon the subject of free Negroes, transmitted to the Senate, by His Excellency the Governor, was again read, and on motion laid on the table.

An engrossed bill from the House to be entitled "an act to fix the times of holding the Superior Courts in the District of East Florida," was read a third time and passed ; title as stated.

A bill to be entitled an act to authorise Jehu W. Keith to establish a ferry across the Choctahatchie River, was read a second time.

Mr. Pelot moved to amend said bill by adding the following section, viz :

"Be it further enacted that the privileges granted in this Charter, shall at all times be subject to be amended or repealed by any future Legislature of the State or Territory of Florida."

Which amendment was accepted and said bill ordered to be engrossed for a third reading on to-morrow.

An engrossed bill from the House, to be entitled "An Act to authorise Thomas Walker to establish a Ferry on the Allapahaw River," was read a third time and passed; title as stated.

A preamble and resolutions from the House, upon the subject of Faith Bonds and Repudiation, were again read.

Whereupon Mr. Walker moved that the further consideration of the subject be indefinitely postponed.

Upon this motion the yeas and nays were called for by Messrs. Walker and Pelot, and were,

Yeas—Mr. President, Messrs. Haughton, Livingston, Mathers, Ramsay, Walker and Yonge—7.

Nays—Messrs. Cooper, Hart, Long, Pelot, and Priest—5.

So said motion prevailed.

A bill to be entitled An Act to incorporate Liberty Church, in Gadsden Connty, was on motion of Mr. Haughton, laid on the table.

A bill to be entitled An Act to amend an act to establish a Tariff of Fees, was read a second time, and on motion of Mr. Haughton, referred to the Committee on the Judiciary.

On motion of Mr. Livingston, the Senate again resolved itself into committee of the whole, (Mr. English in the chair) on a bill to be entitled "an act in relation to Executions," after some time spent in consideration thereof, the committee rose and by their Chairman reported said bill as amended.

Whereupon, Mr. Smith, moved to amend the first section, by inserting after the word "*replevied*," in the 12th line the words "*unimpaired in its intrinsic value*."

Upon this amendment, the yeas and nays were called for by Messrs. Smith and English, and were :

Yeas—Mr. President, Messrs. Priest, Smith and Yonge—4.

Nays—Messrs. English, Hart, Haughton, Livingston, Long, Mathers and Walker—7.

So said amendment was lost.

Mr. Smith then offered the following additional section as an amendment to said bill, to be inserted after the third section, viz :

Be it further enacted, That no sale shall be postponed, as in this act provided, unless the security required shall make oath in writing and deliver the same to the said officer, that he, or she, is worth the amount, specifying the same, for which the said bond is required to be given, over and above his or her debts or liabilities of whatsoever name or nature; but if there

shall be two or more sureties to any such bond, it shall be sufficient if the sums which each shall swear they are worth as aforesaid, shall together make up the amount for which such bond is required to be given. And any person who shall swear falsely in such oath, shall be liable to all the pains and penalties of perjury.

Upon the question of accepting said amendment, the yeas and nays were called for by Messrs. Smith and English, and were :

Yeas—Mr. President, Messrs. English, Priest, Smith and Yonge—5.

Nays—Messrs. Hart, Haughton, Livingston, Long, Mathers and Walker—6.

So said substitute was lost.

Mr. Smith then offered the following additional section as an amendment, to be inserted after the third section, viz :

Be it further enacted, That every officer having any such execution, or other process, to execute, shall levy upon property sufficient entirely to satisfy the same, if sufficient can be found ;

and in default thereof, shall be held indebted to the plaintiff in such execution or process, or party agrieved, in a sum equal to the full value of the property which he might lawfully have levied on, unless the same shall exceed the amount due on such process, in which case he shall be held liable to the party agrieved in the amount so due.

Upon the question of accepting said amendment, the yeas and nays were called for by Messrs. Smith and English, and were,

Yeas—Mr. President, Messrs. English, Long, Priest, Smith and Walker—5.

Nays—Messrs. Hart, Haughton, Livingston, Mathers, and Yonge—5.

So said substitute was accepted.

Mr. Walker, from the Western District, then offered the following additional section, as an amendment to said bill, viz :

Be it further enacted, That in no case shall any defendant avail himself of the provisions of this act, unless a sufficient amount of property shall have been levied upon to satisfy the judgment or decree, which sufficiency shall be determined by the Marshal or other officer.

Upon the question of accepting the above amendment, the yeas and nays were called for by Messrs. Walker and Livingston, and were :

Yeas—Mr. President, Messrs. English, Priest and Smith—4.

Nays—Messrs. Hart, Haughton, Livingston, Long, Mathers, Walker and Yonge—7.

So said substitute was lost.

The question now came up upon concurring in the Report of the Committee. Upon this question, the yeas and nays were called for by Messrs. English and Cooper, and were :

Yeas—Messrs. Hart, Haughton, Livingston, Long, Mathers and Walker—6.

Nays—Mr President, Messrs. Cooper, English, Priest, Smith and Yonge—6.

So the report was not concurred in, and said bill was placed among the orders of the day for further consideration on to-morrow.

Mr. English moved that the Senate now adjourn; upon this motion the yeas and Nays were called for by Messrs Cooper and Pelot, and were.

Yeas—Mr. President, Messrs. English, Hart, Haughton, Livingston, Long, Mathers, Priest, Smith, Walker and Yonge—11.

Nays—Messrs. Cooper and Pelot—2.

So said motion prevailed and the Senate adjourned until to-morrow 10 o'clock, A. M.

TUESDAY, February 7, 1843.

The Senate met pursuant to adjournment. A quorum being present, the journal of yesterday's proceedings was read.

Mr. Yonge introduced the following preamble and resolution, viz:

Whereas, Horace Ely has made oath that he has lost certain warrants on the Territorial Treasury, particularly described in the accompanying affidavit;

Be it therefore Resolved, That the Auditor of Public Accounts for this Territory be, and he is hereby authorized to issue other warrants, in lieu of the originals, on twenty-one day's publication being made in some public newspaper in Tallahassee, of the said loss.

Which was read, and on motion of Mr. Yonge referred to the Committee on Public Accounts.

The House transmitted to the Senate the following communication:

HOUSE OF REPRESENTATIVES,  
6th February, 1843.

To the Hon. President of the Senate:

The House have passed the Chapter of the Revised Statutes entitled "Auctioneers," with the following amendment, viz:

The word "four" in the fifth line of the first section stricken out, and "two," inserted.

The following Chapters have passed the House of Representatives, viz:

Escheats, Descents, Draining Lands, County Surveyor, Fugitives from Justice, Weights and Measures, Interest.

H. ARCHER,

Secretary House Representatives.

Which was received, and said Chapters of the "Revised Statutes" placed among the orders of the day.

Mr. Livingston, from the Committee on the State of the Territory, to which was referred certain preamble and resolutions, made the following Report:

The committee on the state of the Territory, have considered the preamble and resolutions asking Congress to reappropriate a certain sum of money, to construct a road from Tallahassee to Iola, and ask leave to report the same without amendment.

Also a resolution asking our Delegate in Congress to procure the payment of a company of Volunteers commanded by Capt. Stephen Daniel, without amendment.

Which was read, and said preamble and resolutions placed among the orders of the day for to-morrow.

#### ORDERS OF THE DAY.

A Bill "to be entitled, an act to suspend the exercise of Banking power by the Union Bank of Florida; to provide for the payment of the Territorial Bonds issued to said Bank, out of its assets and the mortgaged property of its Stockholders, for the liquidation and settlement of the affairs of said Bank, and for the amendment of the Charter thereof," came up upon its second reading.

Mr. English moved that said bill be indefinitely postponed, upon this motion, the yeas and nays were called for by Messrs. English and Cooper, and were.

Yeas—Messrs. Cooper and English—2.

Nays—Mr. President, Messrs. Hart, Haughton, Livingston, Long, Mathers, Priest, Ramsay, Smith, Walker and Yonge—11.

So the motion was lost, and said bill was laid upon the table and made the order of the day for Friday next.

An engrossed resolution from the House in reference to printing some additional copies of the laws of Congress, relative to Florida, was read and on motion laid on the table.

A bill from the House, entitled, "An act to extend a charter granted to David Platt, approved February 8th, 1839," was read a third time, and passed.

Ordered that the title be as stated.

A resolution introduced by Mr. Long, on a former occasion, relative to instructing our Delegate in Congress to urge upon Congress the necessity of passing a law making it obligatory on the Judges of the Superior Courts of this Territory, to reside permanently in their respective Districts, was read a second time.

Mr. English moved the indefinite postponement of said resolution.

Upon this motion, the yeas and nays were called for by Messrs. Long and Livingston, and were:

Yeas—Mr. President, Messrs. Cooper, English, Hart, Pelot, Priest and Smith—7.

Nays—Messrs. Haughton, Livingston, Long, Mathers, Ramsay, Walker and Yonge—7.

So said motion was lost.

Mr. Pelot then offered the following additional resolution as an amendment to said resolution, viz:

“Be it further enacted, That the foregoing resolution shall not apply to the Eastern, Southern or Appalachieola Districts.”

Upon the question of accepting said amendment, the yeas and nays were called for by Messrs. Livingston and Long, and were:

Yeas—Mr. President, Messrs. Cooper, English, Hart, Pelot, Priest and Smith—7.

Nays—Messrs. Haughton, Livingston, Long, Mathers, Ramsay, Walker and Yonge—7.

So said amendment was lost.

Mr. Haughton then offered the following as a substitute for the original resolution, viz:

Resolved, That our Delegate be instructed to procure from Congress the passage of a law, forbidding the Judges of our Superior Courts, from absenting themselves from this Territory for more than two months in the year, without leave of absence from the Legislative Council;

Which substitute was accepted, and ordered to be engrossed for to-morrow.

A resolution from the House, in reference to instructing our Delegate in Congress to invoke the Government of the United States to establish permanently the boundary line between the Territory of Florida and the State of Georgia, was again read, and adopted.

The Senate, pursuant to resolution, proceeded to the consideration of the “Revised Statutes” submitted by the Hon. Judge Marvin:

The following chapters from the House, entitled as follows, viz: Commissioners, Coroners, Counties, County Clerks, Notaries Public and Sheriff, were severally read a third time by their titles, the rule being waived, and passed.

Ordered that the titles be as stated.

The following chapters, (first introduced in the Senate) entitled as follows, viz: Free Negroes & Mulattoes, Divorce, Seamen and Revised Statutes, were severally read a third time by their title, (the rule being waived) and passed.

Ordered, that the titles be as stated.

A chapter from the House entitled “Wills” was read a first and second time by its title, the rule being waived;

On motion, the Senate resolved itself into Committee of the whole, Mr. Long in the chair, on said chapter:

After some time spent in consideration thereof, the committee rose, and by their chairman reported progress, and asked leave to sit again;

Which was concurred in;

On motion of Mr. Walker, said chapter was referred to the committee on the Judiciary.

An engrossed chapter of the Revised Statutes from the House entitled “Surrogates” was read a second & third time by its title, (the rule being waived.) On motion, the Senate now resolved itself into committee of the whole, (Mr. Long in the chair,) on said chapter;

After some time spent in consideration thereof, the committee rose, and by their chairman reported progress, and asked leave to sit again.

Which was concurred in.

On motion, said chapter was referred to the committee on the Judiciary.

A bill from the House to be entitled, “An Act to authorise William Fail to establish a ferry across the St. Johns River at Enterprize,” was read a third time and passed.

Ordered, that the title be as stated.

A bill from the House entitled, “An Act to authorize E. G. Miller to establish a ferry on the Ocklocknee River,” was read a third time and passed.

Title as stated.

A bill to be entitled, An Act to prevent accidents from the explosion of steam boats on the navigable waters of this Territory, was on motion, laid on the table.

Also a bill to be entitled, an act to organise the county of Wakulla, was, on motion, laid on the table.

On motion, the Senate again resolved itself into committee of the whole (Mr. English in the chair) on a bill to be entitled, “An act in relation to Executors.” After sometime spent in consideration thereof, the committee rose, and by their Chairman, reported said bill as amended.

Whereupon Mr. Smith, at the request of the President, offered the following additional section, as an amendment to said bill, viz:

SEC. Be it further enacted, That when the marshal or sheriff shall return on any execution “that there is no property to be found, in the county, belonging to the defendant,” and it shall be suggested by the plaintiff, his attorney, or agent, that the defendant has property in his own right, but hath fraudulently conveyed the same, for the purpose of defrauding his creditors, or to avoid the payment of the execution; notice in the nature of *scire facias* shall be issued by the clerk, directed to the person or persons in whose hands such property is supposed to be,

or having such fraudulent conveyance, and on the return of the *scire facias*, executed as in other cases, an issue shall be made up and tried by a jury; and if the jury shall find the conveyance to be fraudulent, or without valuable consideration, the property thus fraudulently conveyed, or made over, shall be subject to the plaintiff's execution, in the hands of the defendant, or the person thus notified.

Upon the question of accepting said amendment, the yeas and nays were called for by Messrs. Smith and English, and were:

Yeas—Mr. President, Messrs. Cooper, Priest, Smith and Yonge—5.

Nays—Messrs. Baltzell, Hart, Houghton, Livingston, Long, Mathers, Pelot, Ramsay and Walker—9.

So said amendment was lost.

Mr. Yonge then moved to amend the 8th section of said bill, by striking out "1845" in the second line and insert "1844."

Upon this amendment, the yeas and nays were called for by Messrs. Yonge and Loug, and were:

Yeas—Mr. President, Messrs. Cooper, Priest, Ramsay, Smith and Yonge—6.

Nays—Messrs. Hart, Haughton, Livingston, Long, Mathers, Pelot and Walker—7.

So said amendment was lost.

The report of the Committee was now concurred in, and said bill ordered to be engrossed for a third reading on to-morrow.

On motion the Senate adjourned until to-morrow, 10 o'clock A. M.

WEDNESDAY, February 8th, 1843.

The Senate met pursuant to adjournment, the roll being called, the journal of yesterday's proceedings was read.

On motion Mr. English was granted leave of absence for a few days.

Mr. Yonge moved to reconsider the vote, taken on the preamble and resolution, relative to Faith Bond and Repudiation. Which was adopted.

And said Preamble and Resolution, were placed among the orders of the day.

Mr. Baltzell from the Joint Select Committee, to whom was referred Judge Marvin's Statutes, report the chapters on Jails and Frauds, without amendment.

Mr. Pelot from the committee to whom was referred a petition of the citizens of Nassau County, made the following report:

The Committee on Militia, to whom was referred a petition from a number of citizens of Nassau County, beg leave to

### REPORT:

That they have had the same under consideration, and in referring to the grievances complained of, and the Militia law which was passed at the last session of the Legislative Council, particularly the eighth and thirteenth sections of said act, together with the act which governs the election for civil officers of the Territory, they are of opinion, that the law was not complied with in the organization of the eleventh regiment, second brigade. Taking this view of the matter, it appears to your Committee that the citizens of Nassau had a just right for complaint, particularly as redress was refused them by the Brigadier General and the Governor, before and after said organization. The law clearly contemplated in the reorganization of the Militia, which will be apparent from a fair construction, that the people should have an opportunity of voting for officers at precincts adjacent to their habitations, thereby not subjecting them to unnecessary trouble and expense. And as the petition sets forth, that but one company voted for the Field Officers of said Regiment, the great majority therefore having no voice in the matter, your committee would therefore propose the adoption of the following resolutions:

Resolved, by the Governor and Legislative Council of the Territory of Florida, That the election held on the second Monday of July, 1842, for the Field Officers of the eleventh regiment second brigade F. M., be and the same is hereby null and void.

Be it further Resolved, That the Brigadier General of the second brigade is required to order an election for said regiment, at as early a day as practicable, allowing the citizens of Duval and Nassau, which compose said regiment, to vote at such precincts in each county, as are appointed for the election of civil officers of the Territory.

Which was read and placed among the orders of the day, for to-morrow.

Mr. Livingston from the Committee on the State of the Territory, reports the Resolutions on the subject of a road from Quincy to Apalachicola, without amendment.

The Resolution calling on our Delegate in Congress to use his best endeavours, to obtain a passage of a law, establishing Commercial tribunals, in the different Seaports of this Territory, was read a second time.

Mr. Smith offered the following amendment:

Be it resolved, That our Delegate in Congress be instructed to urge upon that body, the necessity of appointing some person learned in the law, to appear in the Superior Court, for the Southern District of Florida, in all admiralty cause therein, to be brought for adjudication, concerning wrecked property and as Proctor and counsel for the absent owners or underwriters of such property, to attend to, and protect, their interest therein before such Courts, and that he be placed under such restraints and restrictions as will best secure the faithful discharge of his duties.

Which was lost.

Mr. Baltzell offered the following as a substitute, in lieu of the original:

Whereas, cases of salvage and other commercial cases involving small amounts in contest, frequently occur in the seaport towns of this Territory, requiring the decisions of the Courts of Admiralty, which is frequently attended with injurious delay, expense and inconvenience, to the great embarrassment of right and justice;

Be it therefore Resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be, and he is hereby instructed to use his endeavors to obtain the passage of a law, establishing suitable commercial tribunals to adjudicate such cases, or conferring power in this Legislature to constitute the same.

On the question of the adoption of said substitute, the yeas and nays were called for by Messrs. English and Long, and were:

Yeas—Messrs. Baltzell, Cooper, English, Haughton, Livingston, Long, Mathers, Pelot, Priest and Ramsay—10.

Nays—Mr. President, Messrs. Hart, Smith and Walker—4.

So said substitute was adopted.

Mr. Smith offered the following as an additional section:  
Be it further Resolved, That our Delegate in Congress be instructed to urge upon that body the necessity of appointing some person learned in the law, to appear in the Superior Court for the Southern District of Florida, or such other tribunal as may be by law constituted, in all Admiralty causes therein to be brought for adjudication, concerning wrecked property, and as proctor and counsel for the absent owners or underwriters of such property, to attend to and protect their interest therein before such Court, and that he be placed under such restraints and restrictions as will secure the faithful discharge of his duties.

Which was lost.

A petition of sundry citizens of Jackson county, praying for a relief law, was read, and laid on the table.

The Senate proceeded to the consideration of the "Revised Statutes," of the Hon. Judge Marvin.

On motion the Chapters entitled, "Fugitives from justice," "Interest," and "E-cheats," were read a first time by their title.

The Senate resolved itself into committee of the whole, Mr. Long in the Chair, on said bills. After some time spent in consideration thereof, the committee rose, and by their Chairman reported said bills to the Senate without amendment, and asked leave to sit again.

The Senate went into committee of the whole, Mr. Yonge in the Chair, on a preamble and resolution asking a reappropriation by Congress of the moneys heretofore appropriated to construct a road from Tallahassee to Iola.

Also a resolution on the subject of a road from Quincy to Apalachicola.

After some time spent in consideration thereof, the committee rose, and by their chairman reported the following substitute, in lieu of the resolution asking Congress for an appropriation to cut a road from Quincy to Apalachicola:

Resolved, That our Delegate in Congress be requested to procure an appropriation of \$10,000 for cutting a road from Quincy to Apalachicola, in lieu of a re-appropriation of that sum for cutting a road from Tallahassee to Iola.

And also a road from Iola to intersect the road at the most convenient point.

The first resolution was reported without amendment, which was read a third time in the Senate and lost.

On motion the Senate adjourned till 10 o'clock to-morrow.

THURSDAY, February 9th 1843.

The Senate met pursuant to adjournment, a quorum being present the Journal of yesterdays proceedings was read.

On motion, Mr. Livingston was granted leave of absence for the day.

Mr. Baltzell moved that the bill to be entitled "an act to organise the County of Wakulla," be taken from the table and placed among the orders of the day for to day.

Which motion prevailed.

ORDERS OF THE DAY.

An engrossed bill to be entitled "an act in relation to Executions," was read a third time.

Upon the question, "shall this bill pass?" the yeas and nays were called for by Messrs. Smith & Cooper and were:

Yeas—Messrs. Baltzell, Hart, Haughton, Livingston, Long, Mathers, Ramsay, Walker and Yonge—9.

Nays—Mr. President, Messrs. Cooper, Pelot, Priest and Smith—5.

So said bill passed. Ordered that the title be as stated.

The House transmitted to the Senate the following communication, viz:

HOUSE OF REPRESENTATIVES,  
8th February, 1843.

To the Hon. President of the Senate:

The amendments of the Senate to the Chapters entitled, "Commissions" and "Coroner;" also to the bill entitled, "An Act to authorise E. G. Miller to establish a ferry across the Ocklocknee River," have been concurred in by this House.

(Attest) H. ARCHER,  
Secretary House Representatives.

The House returned to the Senate a Chapter of the "Revised Statutes" entitled "Seamen," as having passed that body without amendment.

The House also transmitted to the Senate two Chapters of the "Revised Statutes" entitled, "Jurors" and "Resignations, Removals and Vacancies;"

Which were received, and placed among the orders of the day.

The House transmitted to the Senate an engrossed preamble and resolution relative to instructing our Delegate in Congress to use his best efforts to procure a modification or amendment of a law passed at the last session of Congress, relative to the meeting of the Territorial Legislatures, and the appropriation for the expenses of the same.

Which was read, and ordered for to-morrow.

Also engrossed resolutions instructing our Delegate to ask an appropriation from Congress for the removal of obstructions to the navigation of the Choctahatchie River.

Which was read, and placed among the orders of the day for to-morrow.

Also an engrossed preamble and resolution calling the attention of Congress to the importance of opening a communication either by Canal or Rail Road from some point on the St. Johns River, in East Florida, to some point on the Suwannee River or the Gulf of Mexico.

Which was read a first and second time, (the rule being waived,) and adopted.

Also, an engrossed bill to be entitled, "An Act particularly to define the eastern boundary line of Jefferson County;"

Which was read a first time, and ordered for to-morrow.

Also, an engrossed bill to be entitled, "An Act regulating

the mode of proceeding on attachment, and an act concerning executions, and for other purposes;

Which was read a first time, and on motion referred to the Committee on the Judiciary.

The Resolutions reported by the Committee on the State of the Territory, relative to the claim of our citizens upon the Government of the United States, were again read, and on motion laid on the table.

The engrossed preamble and resolutions from the House respecting "Faith Bonds," came up upon their second reading and on motion, were laid on the table.

The resolutions reported by the committee on the Militia, relative to the election of Field officers for the 11th Regiment second Brigade F. M. was read a second time and on motion laid on the table.

A bill to be entitled "an act to establish Free Schools and to appoint Commissioners of the School and University lands," was read a second time and on motion referred to the committee on Schools and Colleges.

An engrossed bill to be entitled "an act to organise the county of Wakulla," was read a third time:

Upon the question "shall this bill pass?" the yeas and nays were called for by Messrs. Smith and Pelot and were:

Yeas—Messrs. Baltzell, English, Hart, Haughton, Long, Pelot, Priest, Ramsay, Walker and Yonge—10.

Nays—Mr. President and Smith—2.

So said bill passed;

Ordered that the title be as stated.

A bill to be entitled an act to prevent accidents from the explosion of Steamboats on the Navigable Waters of this Territory, was read a second time by its title and on motion referred to the committee on the Judiciary.

On motion, the Senate resolved itself into committee of the whole (Mr. Yonge in the Chair) on a resolution relative to instructing our Delegate in Congress to procure from that body the passage of a law making it obligatory upon the Judges of the Superior Courts of this Territory, to reside permanently in their respective Districts; after some time spent in consideration thereof, the committee rose and by their Chairman reported the same as amended;

Upon the question of concurring in the report the yeas and nays were called for by Messrs. Baltzell and Walker and were:

Yeas—Mr. President, Messrs. English, Hart, Pelot, Priest, Ramsay and Smith—7.

Nays—Messrs. Baltzell, Haughton, Long, Mathers, Walker and Yonge—6.

So the report was concurred in, and on motion of Mr. Haughton said resolutions were laid on the table.

The Senate proceeded to the consideration of the "Revised Statutes" submitted by the Hon. Judge Marvin;

The following Chapters from the House, viz: Chapters entitled "County Surveyor," "Draining Lands," "Descents," and "Weights and Measures," were, on motion, read a first and second time by their titles, the rule being waived. The Senate then resolved itself into committee of the whole, (Mr. Long in the chair,) on said Chapters. After some time spent in consideration thereof, the committee rose and by their chairman, reported said Chapters without amendment.

Which report was concurred in, and on motion said Chapters were read a third time by their titles, the rule being waived, and passed.

Ordered that the titles be as stated.

The Chapters from the House entitled "Escheats," "Fugitives from Justice," and "Interest," were, on motion, read a third time by their titles, the rule being waived, and passed.

Ordered that the titles be as stated.

The following Chapters, (first introduced in the Senate,) entitled, "Forcible Entry and Detainer," "Landlord and Tenant," and "Partnership," were on motion read a first and second time by their title, (the rule being waived.)

The Senate now resolved itself into Committee of the Whole, (Mr. Long in the chair,) on said Chapters. After some time spent in consideration thereof, the Committee rose, and reported said Chapters without amendment;

Which report was concurred in, and said Chapters were placed among the orders of the day for to-morrow.

On motion, the Senate went into secret session upon Executive nominations. After some time spent in consideration of the same, the doors were again opened.

The Senate advised and consented to the following nominations by His Excellency the Governor, viz:

For the County of Gadsden—Thomas D. Wilson, Auctioneer; Thomas Harrison, Daniel Bouie, Daniel McDaniel, Daniel M. Hinson, Stokley Sadbury, John Buie, Philip Blount, Uz. Wood, Isaac R. Harris, John W. Mann, sen., John McElvy, Head Shelfer, Solomon Andrews, Alexander McIver, James Gibson, and Abner Chester, Justices of the Peace.

For the County of Alachua—Samuel J. Russell, John G. Reardon, Thomas C. Ellis, George Mackay, and John S. Livingston, Justices of the Peace; George Watson, jr., Notary Public; A. B. Noys, Auctioneer.

For the County of Jackson—John T. Myrick and Jesse Kobb, Justices of the Peace.

For the County of Madison—Sherod Edwards, Coalsworth L. Canath, and John Smith, Justices of the Peace.

For the County of Duval—Kingsley B. Gibbs, Harrison R. Blanchard, James McCormick, John J. M. Bowden, Isaac Bush, James G. Landon, Charles Broward, John Houston, and Chandler S. Emery, Justices of the Peace: Oscar B. Hart, Kingsley B. Gibbs and Solomon Morgan, Auctioneers; John M. Pons, Chester Bisbee, Henry Burnard, Osian B. Hart and John H. Gunby, Port Wardens for the Port of Jacksonville.

For the County of Nassau—William Frink, Jackson Tyner, Samuel Hudson, Abraham Mott, David Long, James Wilson, William Haddock, Justices of the Peace.

For the County of Leon—Robert J. Hackley and Nathaniel W. Walker, Justices of the Peace; Robert J. Hackley, Auctioneer.

For the County of St. Johns—Manuel P. Medicis, Auctioneer, and A. W. Walker, Notary Public.

On motion, the Senate now adjourned until to-morrow, 10 o'clock.

FRIDAY, February 10, 1843.

The Senate met pursuant to adjournment. A quorum being present, the journal of yesterday's proceedings was read.

The House transmitted to the Senate the following communication:

HOUSE OF REPRESENTATIVES, }  
9th February, 1843. }

Hon. President of the Senate:

The Preamble and Resolutions on the subject of State Government, adopted by the Senate, and sent to the House of Representatives for their concurrence, have been adopted by the House with the following amendment, viz:

Strike out the following words:

"And Whereas, a full tide of emigration is at this time flowing into the eastern part of Florida, and settling the country heretofore in the possession of the Seminole Indians, which population should have a due influence in the formation of a Constitution for the permanent government of the State of Florida;"

And insert in lieu thereof the following:

"And whereas, the country heretofore in the possession of the Seminole Indians is now fast filling up by a full tide of emigrants, which population should have a due influence in the formation of a Constitution for the permanent government of the State of Florida.

(Attest)

H. ARCHER,

Secretary House Representatives.

Which was placed among the orders of the day.

A bill to be entitled, an act to suspend the exercise of banking power by the Union Bank of Florida; to provide for the payment of the Territorial Bonds issued to said Bank, out of its assets and the mortgaged property of its Stockholders, for the liquidation and settlement of the affairs of said Bank, and for the amendment of the charter thereof, was laid on the table.

A resolution, asking Congress to allow the Legislative Council the right of holding their sessions before an appropriation is made to defray its expenses, was read and ordered for Monday.

A resolution calling on our Delegate in Congress to use his best exertions to procure an appropriation for the removal of obstructions to the navigation of Choctahatchie river,

An engrossed act, more particularly to define the boundary line of Jefferson county, was read, and referred to the Committee on the State of the Territory.

An act to authorise James Bryan to establish a Ferry across the Suwannee River, at a place known as the Indian Ford, was read, and ordered for Monday.

A substitute for the resolution asking Congress for an appropriation to cut a road from Quincy to Apalachicola, was laid on the table.

An engrossed Preamble and Resolution, asking a re-appropriation of money to construct a road from Tallahassee to Iola, was on motion re-considered, read and laid on the table.

The Report and Resolutions of the Committee on the Militia, relative to the petition of the citizens of Nassau County, was read and laid on the table.

The Preamble and Resolution relative to State Government returned from the House as amended;

Mr. English moved its indefinite postponement;

The Chair decided the motion in order;

Mr. Pelot appealed to the Senate on the decision of the Chair;

The Senate refused to sustain the Chair.

On motion of Mr. Haughton, the Senate concurred in the amendment of the House.

A Resolution calling on our Delegate in Congress to procure a re-appropriation for clearing out the Ocklawaha River, was read and ordered for Monday.

The Senate received from the House the Preamble and Resolution calling on our Delegate to procure the passage of a law allowing the Legislative Council the power of establishing commercial tribunals in the Territory.

The chapters of the Revised Statutes entitled, Jurors, Forcible Entry and Detainer, Landlord and Tenant, and Partnership, were read a third time by their title, and adopted.

The Senate resolved itself into committee of the whole, on the Revised Statutes, entitled, Fines, Penalties and Forfeitures, Apprentices, Ferries, Estrays, Frauds and Gaming, Mr. Long

in the Chair. After some time spent in consideration thereof, the committee rose, and by their chairman, reported the chapters without amendment.

A resolution respecting a post office in Musquito county, was read, and ordered for Monday.

A resolution calling on our Delegate in Congress to use his best exertions to procure an appropriation of fifteen thousand dollars for clearing out the Suwannee river, was read, and ordered for Monday.

A resolution from the House appointing a Joint Select Committee of three to examine the tariff of fees of Marshal's and other officers, was read, and placed among the orders of the day for Monday.

On motion the Senate adjourned until Monday, 12 o'clock, A. M.

TUESDAY, February 14, 1843.

The Senate met pursuant to adjournment. The proceedings of Friday and Monday were read.

Mr. Smith gave notice that he would, on some future day, ask leave to introduce a bill to be entitled, An Act to define the nature of Mortgages.

Mr. Baltzell offered the following resolutions:

Resolved, That it is unwise, impolitic and improper, in the present embarrassed state of the Treasury of the United States, to make any application for appropriations, and that all resolutions asking the same, be postponed indefinitely.

Resolved, That a joint select committee of five from each House be appointed, to select such bills from the code prepared by the Hon. Judge Marvin, as may be proper to pass into laws at the present session.

Which were read.

Mr. Hart offered the following preamble and resolutions:

Whereas, the Mail is now carried from Tallahassee to Jacksonville on horse back, and whereas, this horse Mail conveyance is altogether insufficient, to carry the Mail between these places, it being able to carry but little more than the letter mail, thereby, almost prostrating all information by newspapers and other documents, so desirable to be conveyed, especially during the session of the Legislative Council.

Therefore, be it Resolved, by the Senate and House of Representatives of the Legislative Council: That our Delegate in Congress, be requested to use his best endeavors to have the

Mail carried from Tallahassee to Jacksonville, in two horse post coaches.

And be it further Resolved, That as soon as this preamble and Resolution passes the Senate and House of Representatives, they be signed by the proper officers, and a certified copy of the same be sent to the Post Master General, and to our Delegate in Congress.

Which were read.

Mr. Baltzell, from the Committee on Finance and Banks, made the following report:

The Committee on Finance and Banks have instructed me to Report the replies of the Union Bank, and Life Insurance and Trust Company Bank, together with the letters addressed to them by their Chairman, which they request to be printed.

Which was read, and 50 copies of the report and accompanying documents were ordered to be printed.

Mr. Smith offered the following resolution:

Resolved, That a committee of three be appointed to employ a sufficient number of clerks to enroll the chapters of the Revised Statutes, submitted by the Hon. Judge Marvin, as the same may be passed.

The rule being waived, said resolution was adopted.

Whereupon Messrs. Smith, Pelot and Yonge were appointed said committee.

Mr. Livingston, from the Committee on the State of the Territory, made the following report:

The Committee on the State of the Territory, to which was referred a "Resolution to Congress in relation to the annexation of Texas to the United States," adopted by the Legislature of Mississippi, report:

That they consider it inexpedient for the Legislative Council of Florida to take action on that subject at its present session, and ask to be discharged from the further consideration of said resolution.

M. C. LIVINGSTON, Chairman.

Mr. Smith, from the Committee on Enrolled Bills, pursuant to resolution, reported that the committee have examined the journal of the Senate, and found the same, thus far, correctly kept.

Mr. Hart, from the Select Committee, to whom was referred the petition of Eliza Vaughan, made the following report:

The committee to whom was referred the petition of Eliza Vaughton, praying to be divorced from her said husband, William Vaughton, have had the same under consideration, and beg leave to report a bill for her relief.

Which was read.

The following Message was received from his Excellency the Governor:

EXECUTIVE OFFICE, }  
Tallahassee, 9th February, 1843. }

Gentlemen of the Senate

and House of Representatives:

I have approved a resolution passed by the Legislative Council, relative to the claim of William P. Duval, Ex-Governor of Florida, against the United States.

R. K. CALL,  
Governor of Florida.

Which was read.

### ORDERS OF THE DAY.

An engrossed bill to authorise James Bryan to establish a Ferry across the Suwannee River, at a place known as Indian Ford, was read a second and third time, and passed.

An engrossed act, more particularly to define the boundary line of Jefferson County, was read a second time, and ordered for a third reading on to-morrow.

An engrossed resolution, asking Congress for an appropriation to remove the obstructions in the Choctahatchie River, was read a second time and laid on the table.

A resolution calling on our Delegate in Congress to use his best exertions to have the law repealed in relation to the appropriations for the Legislative Council, was read and adopted.

A resolution respecting the Post Office in Musquito county, was read a second time and adopted.

A resolution asking for a reappropriation of Congress to remove the obstruction in the Suwannee River, was read and adopted.

A resolution to appoint a joint select committee, was read a second time and rejected.

A resolution asking Congress to re-appropriate the sum of \$10,000 for clearing out the Awklawaha River, was read a second time and adopted.

The several chapters of the Revised Statutes entitled Fines, Penalties, Forfeitures, Ferries, Frauds, Estrays, Gaming, Apprentices, Marks and Brands, were read by their titles a third time, and adopted.

The Senate went in committee of the whole, on the chapters of the Revised Statutes entitled County Treasurer Treasury Department, Marriage, Jail, County Revenue, Mr. Long in the chair. After some time spent in consideration thereof, the committee rose and by their chairman, reported the several bills without amendment.

After which, their not being a quorum, the Senate adjourned until to-morrow 10 o'clock, A. M.

WEDNESDAY, February 15th, 1843.

The Senate met pursuant to adjournment, the roll being called, the proceedings of yesterday were read.

On motion of Mr. Baltzell, a bill to be entitled, "An act in relation to Executions," was made the order of the day for Saturday next.

Mr. Yonge gave notice that he would, on some future day, introduce a bill to render certain and uniform the practice in the Courts of the Territory of Florida.

Mr. Hart gave notice that he would, on some future day, ask leave to introduce a bill to be entitled, an act to change the name of Mosquito county.

Mr. Yonge, agreeable to previous notice, introduced a bill to be entitled, an act to alter and fix the time of holding the Superior Courts of the Apalachicola District.

Mr. Smith offered the following resolution :

Resolved by the Senate and House of Representatives, That a Joint Select Committee of three from each House be appointed to employ a sufficient number of clerks to enroll the chapters of the Revised Statutes, submitted by the Hon. Judge Marvin, and that said committee be empowered to superintend such enrolling.

The rule being waived, said resolution was adopted.

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

EXECUTIVE OFFICE, }  
Tallahassee, 13th February, 1843. }

Gentlemen of the Senate

and House of Representatives :

I transmit herewith, for the information of the Legislative Council, a copy of sundry Resolutions, adopted by the Stockholders of the Union Bank of Florida, at their recent meeting held in this place.

The primary object of these resolutions, you will perceive, is to enable any stockholder who may desire it, to withdraw from, and disconnect himself with the institution by paying his stock bonds. And although his stock note, on which he has obtained two thirds of the amount of his stock, remains unpaid, he is intitled nevertheless, to a complete discharge from both liabilities, and the lien given by mortgage to secure the payment of both, may be removed, and the property restored to such stockholders in full right, divested of all incumbrances.

How far such a proceeding can be justified under the express provisions of the 9th section of the charter of incorporation, which declares, that "any subscriber may at any time release his property, by paying the amount subscribed, and also such loans as may have been

made on the faith of it," is a question of deep interest, and worthy of deliberate investigation.

The amount of the stock note is in the language of the charter, a "loan made on the faith of it," (the property pledged,) and when the Legislature authorized the cancelling of a mortgage, by paying the amount subscribed, and the "loans made," it manifestly designed that no release of the mortgaged property should take place, until both these pre-requisites had been observed.

Entertaining this opinion, and deeply impressed with the magnitude of the subjects, embraced in these resolutions; however greatly I may lament the consequences, which must ensue, I deem it my duty to lay them before you, and suggest the propriety of causing legal proceedings to be instituted, not only to restrain the bank, from consummating measures so fatal to the interest of the community, but to ascertain whether the charter has not been violated in such a manner as to forfeit the legal existence of this corporation.

R. K. CALL,  
Governor of Florida.

"Resolved, That a stockholder who desires a release of the mortgage of his property, may obtain the same, by delivery to the bank of one hundred dollars of the bonds of the Territory for each share of his stock; and the shares thus secured by the Territorial Bonds, shall constitute cash stock, entitling the stockholder to interest thereon at the rate of six per centum per annum. And the stockholder shall thereupon, be entitled to a credit upon his stock bond to the amount of the cash stock thus created; and shall also have a corresponding release of his mortgaged property.

"Resolved, That a Stockholder who desires to cancel any number of his shares in the stock of the Bank, may do it, by paying to the Bank one hundred dollars of the bonds of the Territory of Florida, for each share of stock to be cancelled, whereupon he shall have a corresponding credit upon his *Stock Note*, and upon his *Stock Bond*; and a corresponding release of the mortgage upon his property; except so far as the same may be retained to secure any debt he may owe as payer or endorser.

"Resolved, That a stockholder who desires to have any number of his shares in the stock of the bank cancelled, may do it, by paying in the endorsed sterling bonds of the bank, at the rate of sixty-six and two-thirds dollars of said bonds per share, to be cancelled, whereupon he shall have a corresponding credit upon his stock note; and shall be entitled to have one share of his stock cancelled for each sixty-six and two-third dollars of said bonds thus paid, and a corresponding credit be given upon his *stock bond*, and a corresponding release of the mortgage upon his property, except so far as the same may be retained as secu-

ity for any debt he may owe the bank as payer or endorser: Provided, however, that with the payment made in said sterling bonds, there shall be surrendered to the bank a proportional amount of the Territorial bonds which are hypothecated to, or held by, the parties from whom the sterling bonds may have been purchased.

“Resolved, That as the Territorial bonds, unsold, but hypothecated, shall be redeemed, the same shall be returned to the Governor of the Territory, by him to be cancelled, nor shall they be again hypothecated for any purpose whatever.

“Resolved, That all Territorial bonds which may be paid into the bank, shall be delivered over and cancelled, as aforesaid, whenever the mortgage is cancelled and withdrawn; nor shall the same be again sold, or hypothecated, in any manner whatever.”

Which were read.

Mr. Livingston offered the following resolution:

Resolved by the Senate and House of Representatives, That a Joint Select Committee of three be appointed from each House to take into consideration the Governor's message, in relation to the Union Bank, with power to send for persons and papers, and to report by bill or otherwise.

The rule being waived, said resolution was adopted.

Whereupon Messrs. Livingston, Walker and Baltzell were appointed said committee.

Mr. Smith, from the Committee on Enrolled Bills, reported that the preamble and resolutions, relative to the establishment of Commercial Tribunals, to try small cases of salvage, and the preamble and resolutions on the impolicy of the Territory entering into a State Government, as correctly enrolled.

The following communication was received from his Excellency the Governor:

EXECUTIVE OFFICE,  
Tallahassee, 12th Feb. 1843. }

Gentlemen of the Senate

and House of Representatives:

I hereby nominate the following officers for the county of Duval:

Benjamin Fresby, L. S. Bennet, and A. W. Montgomery,  
Justices of the Peace.

R. K. CALL,  
Governor of Florida.

Also the following:

EXECUTIVE OFFICE,  
Tallahassee, 10th Feb. 1843. }

Gentlemen of the Senate

and House of Representatives:

I hereby nominate the following officers for the county of Monroe:

Charles Howe, Justice of the Peace.  
Joseph Y. Porter, John J. Sands, Robert R. Fletcher, Alexander S. Patterson, Alexander Patterson and Francis Watlington, Auctioneers.

Alexander Patterson, Alexander S. Patterson, James Filor, Charles Howe, and Robert R. Fletcher, Notaries Public.

Alexander Patterson, measurer of lumber for the Port of Key West.

Philip J. Fontaine, Joseph Y. Porter, John S. Page, Francis Watlington, John H. Griger, George Alderslade, John Walker, Gilbert Beebe, Samuel Harcrey, and Edmund Dexter, Port Wardens for the Port of Key West.

R. K. CALL,  
Governor of Florida.

Which were read and confirmed.

## ORDERS OF THE DAY.

An Act to authorize James Bryan to establish a ferry across the Suwannee, at a place known as the Indian Ford, was read a second and third time, the rule being waived, and adopted.

An Act more particularly to define the eastern boundary line of Jefferson county, was read a third time and adopted.

A resolution asking for an appropriation to clear up the Choc-tahatchie River, was read and adopted.

A bill to be entitled, An Act to authorise William Rauberson to establish a ferry across the North Prong of St. Mary's River, was read a second and third time, and adopted.

A Preamble and Resolution asking Congress to convey the mail from Tallahassee to Iola, in two horse coaches, was read, the rule being waived, and adopted.

A bill for the relief of Mrs. Vaughan was made the order of the day for Monday next.

A resolution from the House appointing a Joint Select Committee of three to take into consideration the Governor's message in relation to the Union Bank, was read first time, the rule being waived and adopted.

An Act to secure the people of Florida against the evils of a depreciated currency, was received from the House as adopted, without amendment.

A bill to be entitled, an act to incorporate the Directors and Trustees of the St. Andrew's Bay Land Company, was read, and placed among the orders of the day for to-morrow.

An act to subdivide the Senatorial District, was read, and placed among the orders of the day for to-morrow.

The chapters of the Revised Statutes entitled, Marriage, Treasury Department, Jail, County Treasury, County Revenue, were read by their titles, and adopted.

The Senate went into committee of the whole, on the chapter of the Revised Statutes entitled, "Election," Mr. Cooper in the chair. After some time spent in consideration thereof, the committee rose, and by their chairman, asked leave to sit again. Which chapter, on motion, was laid on the table.

The Senate went into committee of the whole on the several chapters of the Revised Statutes entitled, Resignation, Removals, Vacancies, Schools, Justice of the Peace, Mr. Cooper in the chair. After some time spent in consideration thereof, the committee rose, and by their chairman, reported the chapters without amendment.

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

EXECUTIVE OFFICE, }  
Tallahassee, 14th February 1843. }

Gentlemen of the Senate  
and House of Representatives:

I hereby nominate the following officers, for the Counties therein mentioned:

For the County of Walton—Daniel McLeod, Judge of the County Court. David Gilman, John L. McKinnon, Neil McPherson, Alexander Turner, James D. Cary and William Jurkins, Justices of the Peace. Daniel G. Gun and William Ward, Auctioneers. Daniel G. McLeare, Notary Public.

For the County of Escambia—Henry D. Wiggins, Micajah Crupper, Wm. W. J. Kelley, Joseph E. Caro, G. G. Patterson and Benjamin D. Wright, Justices of the Peace. John Campbell, F. F. Comyns, James Queen, Peter Tapiola, Wm. Grant, Blyden Vanbaun, Joseph E. Siera, Joseph Quigles, P. A. Caro, Francis Maura and, P. C. De La Rua, Auctioneers. Joseph E. Caro and G. G. Patterson, Notaries Public.

For the County of St. Johns—Rafael D. Fontane, Auctioneer.

R. K. CALL,  
Governor of Florida.

Which was read, and said nominations were confirmed.

The chair appointed Messrs. Smith, Yonge and Pelot the Joint Select Committee to have the Revised Statutes enrolled. On motion the Senate adjourned until to-morrow, 10 o'clock, A. M.

THURSDAY, February 16th, 1843.

The Senate met pursuant to adjournment, a quorum being present, the journal of yesterday's proceedings was read.

Mr. Smith, pursuant to previous notice, asked and obtained leave to introduce a bill to be entitled, an act to define the nature of Mortgages, and for other purposes.

Which was read, and ordered for a second reading on to-morrow.

Mr. Yonge gave notice that he would, on some future day, ask leave to introduce a bill to be entitled, an act to prescribe the jurisdiction of County Courts, and for other purposes.

Mr. Baltzell introduced the following preamble and resolutions, viz:

Whereas, the Legislative Council at their last Session, by a majority of both Houses adopted, 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 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, Rail-Road, or other Corporations; 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*."

And whereas, since that time no new demand has been made of the Territory or its constituted authorities for payment of said obligations.

Resolved therefore, That it is inexpedient to renew or repeat the sentiment and opinion above expressed.

2d. Resolved further, That whilst the sentiments of a majority of the people of Florida, are believed to be in accordance with the above resolutions, they yet consider themselves bound to extend to the holders of these bonds and guarantees, every facility in their power for securing and collecting the same, and this Council do, in behalf of the people, tender all the interest held by the Territory in the said Banks, and proffer to aid them by the passage of laws, reasonable and proper, to secure and collect their said debts.

3d. Resolved further, That the said Bondholders be and they are hereby urged to take immediate steps for the adjustment of the same, by procuring an assignment or transfer of the Bonds and mortgages, taken as security therefor, which, by proper attention, may probably be made to discharge the debt, but if deferred and allowed to accumulate with interest, may create loss and ruin and embarrassment on all concerned.

4th. Resolved further, That at no time has the small population of this Territory been able to pay a debt of the magnitude for which these bonds and guarantees were given, that the enactments for the same were passed without permission or knowledge of the people, and without the opportunity of objection on their part, and at a time when the Legislative Council consisted of but one body having eighteen members only, a majority of which consisting of ten persons, made one of the enactments alluded to of \$3,000,000.

5th. Resolved further, That the people of this Territory, on the only occasion of their assemblage in their independent sovereign capacity, as early as the year 1838, in a Convention held at St. Joseph, for the formation of a State Government, before Bonds were issued

to the Life Insurance & Trust Company, and many of those issued to other Banks, were not then negotiated, foreseeing the mischief to ensue from such course, as the only remedy in that behalf, earnestly called the attention of Congress to the subject by Resolutions for that purpose, and invoked their aid in the adoption of measures to correct and prevent the evil.

6th. Resolved further, That the Territorial Governments of the United States from necessity, owing to the paucity of their population, inhabiting districts recently occupied by the savages, are and ever have been maintained and supported by the Government of the United States, who pay the salaries of their Governor, Legislature, Judges, and other important officers, and have the supreme control in the rejection and approval of all their laws.

7th. Resolved further, That Congress conferred on their subordinates, the Legislature of the Territory, the powers of Legislation alone necessarily required by and pertaining to such position, and according to the spirit of American institutions could not confer the ample and plenary powers of an independent sovereign State, alone competent to make such engagements.

8th. Resolved further, That the known dependant condition of the Territorial Governments would exclude the idea that these bonds and guarantees were bought or are held by innocent parties, on the faith of their payment by the people of the Territory.

9th. Resolved further, That this Council do not concur in the opinion expressed by his Excellency the Governor, as to the effect of the endorsement of the Territory for the bank of Pensacola, to the effect that the Stockholders must be first prosecuted to insolvency before a claim can be had on the Territory; that such position is unknown to the commercial law, or any code recognized as applicable to the subject, and not consistent in their opinion with a proper regard for propriety and justice, that in the opinion of this Council, if liable at all, the Territory is responsible on failure of the Bank to meet said engagement.

10th. Resolved further, That on the admitted failure of the Bank of Pensacola, and the Alabama, Florida, and Georgia Rail-road Companies, prompt measures should have been taken to sequester their assets and means and have the same applied in payment of their debts and to force the Stockholders to the payment of sums due on their stock so that the bonds in the hands of foreign bondholders may be discharged, and that the Governor of the Territory be now requested to direct a bill to be filed, a receiver appointed, and such other course adopted in reference thereto, as in his opinion may be right and proper.

11th. Resolved further, That in case of a tax being made necessary to meet the engagements on account of said Banks, the same should be assessed on the Stockholders only as the owners thereof, as on owners of other property, and not on other people who have known these Institutions only by the mischief and injury they have brought upon the Country.

12th. Resolved further, That there are debts of which it would be disgraceful for the Territory to withhold payment, and to which the

reproach so often repeated in the messages of his Excellency the Governor on behalf of foreign bondholders, would appropriately apply; these are the domestic debts due for services performed by officers and others in the service of the people of this Territory which should be promptly paid and provision made for at an early period.

Which were read, and ordered for to-morrow, and on motion, fifty copies were ordered to be printed.

The President submitted the following resolutions, viz :

Resolved, That so much of the Governor's Message as relates to the fund due the Territory of Florida, under the provisions of the act of Congress, distributing the proceeds of the public lands among the States and Territories, be referred to the committee on Finance and Banks.

Resolved, That said committee be instructed to take into consideration the propriety and expediency of appropriating a portion of said fund to defray the expense of enrolling, printing, and publishing the Revised Statutes prepared and reported by the Hon. Wm. Marvin, and to report without delay.

Resolved further, That the House of Representatives be invited and solicited to unite with the Senate in this necessary measure.

Which were read a first and second time (the rule being waived) and adopted, and ordered to be certified to the House.

Mr. Baltzell offered the following resolutions, viz :

Resolved, That the Governor of this Territory be and he is hereby requested to inform the Senate whether any understanding or agreement has been made by him with the Southern Life Insurance and Trust Co., as to the bonds and mortgages deposited in the Secretary's office, and how, and in what manner the same, or a portion thereof has been transferred; whether he has given orders to the Secretary of the Territory in reference thereto; that he be requested to direct a list to be furnished of the mortgages originally deposited, and of those now remaining on hand, specifying the names, date, amount, time of payment, &c. &c. at as early a period as practicable.

Resolved further, That the Governor of the Territory, be requested not to permit any mortgages or bonds given to said Bank, deposited as aforesaid, to be disposed of in any manner until otherwise ordered by the Legislative Council.

Which were read, and ordered for a second reading on to-morrow.

Mr. Haughton from the committee on Public Accounts, made the following report, viz :

The Committee on Public Accounts to whom was referred a preamble and resolutions relative to certain lost warrants upon the Territorial Treasury, ask leave to report the same with amendments, viz :

Whereas, Horace Ely, has made oath that he has lost certain warrants on the Territorial Treasury, described in the accom-

panying affidavit, to wit: four warrants of fifty dollars each, and one of forty two dollars and twelve and a half cents, amounting in the aggregate, to two hundred and forty two dollars and twelve and a half cents.

Be it therefore resolved by the Governor and Legislative Council of the Territory of Florida, That the Auditor of Public Accounts, be and he is hereby authorized to issue other warrants in lieu of the original, on twenty one days publication of said loss being made in some newspaper printed in Tallahassee, and a certificate of said publication being produced to that officer, over the signature of the Editor or publisher of said paper.

Which was read, and on motion, re-committed to committee on Public Accounts.

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

The Select Committee to whom was referred a bill to be entitled, An Act to amend an act to authorise Bryant Sheffield to establish a ferry across the Suwannee River, at the Upper Mineral Springs, known as the White Sulphur Springs, approved 4th March, 1842:

Beg leave to report the same back to the Senate without amendment.

JOHN C. PELOT,

Chairman Select Committee.

Which was read, and said bill placed among the orders of the day for to-day.

### ORDERS OF THE DAY.

A bill to be entitled, An Act to alter and fix the terms of the Superior Courts of the Apalachicola District, was read a second time, and ordered for to-morrow.

An engrossed bill from the House to be entitled, "An Act to sub-divide the Senatorial Districts," was read a second time, and on motion referred to a Select Committee of three.

Messrs. Long, Pelot and Priest, were appointed said Committee.

An engrossed bill from the House to be entitled, "An Act to incorporate the Directors and Trustees of the St. Andrew's Bay Land Company," was read a second time, and on motion referred to the Committee on Finance and Banks.

A bill from the House to be entitled, "An Act to amend an act to authorise Bryant Sheffield to establish a ferry across the Suwannee River, at the Mineral Springs, known as the White Sulphur Springs," was read a third time and passed.

Ordered that the title be as stated.

An engrossed preamble and resolution from the House, asking a re-appropriation from Congress to construct a road from Tallahassee to Iola, was read a second time, and adopted.

A preamble and resolution relative to asking from Congress an appropriation for constructing a Road from Quincy to Apalachicola, was again read, and on motion laid on the table.

The Senate resolved itself into Committee of the Whole, (Mr. Pelot in the Chair,) on an engrossed resolution from the House relative to the printing of some additional copies of the laws of Congress relating to Florida. After some time spent in consideration thereof, the Committee rose, and by their Chairman reported the same as amended;

Which was concurred in, and said resolution ordered for a third reading on to morrow.

The House transmitted to the Senate the following communication, viz:

HOUSE OF REPRESENTATIVES, }  
15th February, 1843. }

To the Hon. President of the Senate:

The following Chapters of the Revised Statutes have passed this House, with the title as stated, without amendment, viz:

"Gaming," "Estrays," "Apprentices."

An Act in relation to Garnishments received from the Senate as having passed that body, has been amended by adding sections two and three.

H. ARCHER,

Secretary House Representatives.

Which was read, and said "Act in relation to Garnishments," with the House amendments, referred to the Committee on the Judiciary.

The following Chapters of the "Revised Statutes," viz: Chapters entitled, "Resignation, Removals, Vacancies," "Roads, Bridges and Highways," "Justices of the Peace," "Schools," were on motion read a third time by their titles, (the rule being waived,) and passed.

Ordered that the titles be as stated.

A Chapter of the "Revised Statutes," entitled "Revenue," was, on motion, read a third time by its title, (the rule being waived);

Upon the question, "Shall this Chapter pass?" the yeas and nays were called for by Messrs. Hart and Pelot, and were:

Yeas—Mr. President, Messrs. Livingston, Pelot, Priest, Ramsay, Smith, Yonge—7.

Nays—Messrs. Hart, Long and Walker—3.

So said Chapter passed.

Ordered that the title be as stated.

On motion the Senate adjourned until to-morrow, 10 o'clock

A. M.

FRIDAY, February 17, 1843.

The Senate met pursuant to adjournment, the roll being called, the proceedings of yesterday were read.

Mr. Hart, agreeable to previous notice, introduced a bill to be entitled an act to change the name of Mosquito county, which was read and placed among the orders of the day for to-morrow.

Mr. Haughton gave notice that he will at a future day, leave to introduce a bill to be entitled an act to amend the charter of the Bank of Florida.

Mr. Yonge agreeable to previous notice, introduced an act concerning School Lands, which was read a first and second time by its title, and referred to the committee on Schools and Colleges.

Mr. Yonge offered the following Preamble and Resolution:

Whereas, by an act of Congress, passed 29th January, 1827, to provide for the location of two Townships of land, reserved for a Seminary of learning, in the Territory, and to complete the location of the grant to the deaf and dumb Assylum of Kentucky, conferring the powers to take possession of, and lease the School Lands and Seminary Lands, on the Legislative Council of the Territory of Florida, they are restricted in making leases to the short period of one year. And whereas, owing to the great cost of clearing the lands, and putting them in a cultivable state, it is found impracticable to effect such limited leases, thus preventing the settlement of some of our finest lands, which with suitable legislation, might be made available to some extent, in advancing the cause of education.

Be it therefore Resolved, That our Delegate in Congress, be requested, to urge upon Congress, so to modify the said law, as to allow the Legislative Council of Florida, to lease the said School and Seminary Lands, for any term of years, not to exceed the duration of the Territorial Government.

Which was read and placed among the orders of the day for to-morrow.

Mr. Smith from the Committee on Enrolled Bills, reported the act to secure the people of Florida against the evils of a depreciated currency, as correctly enrolled.

Mr. Baltzell, from the joint select committee, to whom was referred the Revised Statutes of Judge Marvin, reported the following bills:

On Attachments, Bills of Exchange and Promissory Notes, on District Attornies, Perpetrating Testimony, Witnesses, Depositions, Evidence, Contempts, Ejectment, Quo Warranto,

Offs, Certiorari, Bonds, Rent, Insane Persons, Posse Comitatus.

Which were placed among the orders of the day. Mr. Baltzell, presented the following letter of the Secretary of the Territory, with the accompanying documents.

(See Appendix, p. 31 to 39.)

Fifty copies were ordered to be printed.

### ORDERS OF THE DAY.

The amendment offered by the House, striking out the 5th section of the law in relation to executions, was concurred in by the Senate; the yeas and nays were called for by Messrs. Cooper and Priest, and were,

Yeas—Messrs. Baltzell, Hart, Haughton, Livingston, Long, Mathers, Walker, Yonge—8.

Nays—Mr. President, Messrs. Cooper, Pelot, Priest, Ramsay and Smith—6.

The resolution annulling the Election of field officers of the 11th Reg. 2d. Brig. Florida Militia, held on the 2d. Monday of July, 1842;

Mr. Yonge offered the following amendment:

Resolved, That a tribunal be established in each regiment of the Territory, by the appointment of three suitable persons, by the Governor of Florida, to decide on the legality of all militia elections held or to be held in said regiment.

Which was lost.

Mr. Pelot offered the following as a substitute—

Resolved, That the people are entitled, in the election of their military officers, whether field or otherwise, under the act of the Council of 1842, to have a fair choice of voting by elections held, as in other cases, at suitable places in their counties.

Resolved further, That where elections were held at only one place in the regiment, and other sections have sustained injury by such elections, the same is void.

The yeas and nays were called for by Messrs. Pelot and Priest, and were:

Yeas—Messrs. Baltzell, Mathers, Pelot and Priest—4.

Nays—Mr. President, Messrs. Haughton, Livingston, Long, Ramsay, Smith, Walker and Yonge—8.

So said substitute was lost.

On the adoption of the original resolution, the yeas and nays were called for by Messrs. Pelot and Cooper, and were

Yeas—Messrs. Baltzell, Pelot and Priest—3.

Nays—Mr. President, Messrs. Haughton, Livingston, Long, Mathers, Ramsay, Smith, Walker and Yonge—9

So the original resolution was lost.

An Act to define the nature of mortgages, and for other purposes, was read a second time, and referred to the Committee of the Judiciary, and fifty copies ordered to be printed.

A resolution postponing indefinitely all resolutions and bills for appropriations, was laid on the table.

A Resolution appointing a Joint Select Committee to see that such laws of Judge Marvin's Revised Statutes as are intended to go in force after their passage, was taken up and amended.

On the passage of the resolution as amended, the yeas and nays being called for by Messrs. Pelot and Long, and were—

Yeas—Mr. President, Messrs. Baltzell, Cooper, Hamilton, Livingston, Mathers, Priest, Ramsay, Smith and Yonge—10.

Nays—Messrs. Hart, Long, Pelot and Walker—4.  
So said resolution as amended was passed.

Messrs. Baltzell, Livingston and Yonge, were appointed members of said Committee.

Mr. Pelot offered the following Resolution, which was adopted:

Whereas, bills have passed this House, and been amended in the Representative branch in an unparliamentary way, by striking the objectionable words or lines, as the case may be;

Be it therefore Resolved by the Senate, That all bills which pass this House, and the representative branch see fit to amend, that they be requested to affix their amendments on a separate piece of paper, and not erase or interline the original bill, so that we can act upon the amendment alone.

The following messages from the House of Representatives were received, read, and laid on the table:

HOUSE OF REPRESENTATIVES,  
16th February, 1843.

To the Hon. the President of the Senate:

The Chapters of the Revised Statutes entitled, "Habeas Corpus" and "Conveyances," have passed the House without amendments. Titles as stated.

The Chapter entitled, "Marks and Brands" has been amended by striking out of the second section from the word "shall" to "mark" not inclusive, and by striking out the word "of" in the third line of the second section, and inserting "and" therefor.

The Chapters received from the Senate as having passed the body entitled "Partnerships" and "Landlord and Tenant" have been passed by the House without amendment. Titles as stated.

(Attest)

H. ARCHER,

Secretary House Representatives.

HOUSE OF REPRESENTATIVES,  
16th February, 1843.

To the Hon. President of the Senate:

The Chapters of the Revised Statutes, entitled "Fines, Penalties and Forfeitures" and "Revised Statutes," received from the Senate, have passed the House without amendment.

A Chapter entitled, "Forcible Entry and Detainer," received from the Senate, has been amended by striking out the word "two," wherever it occurs in said bill, and inserting "three," has passed as amended.

The Chapter received from the Senate, entitled Ferries, has been passed by the House, with the following amendment in the 7th Section, strike out the word "privilege," in the 4th line, and insert "license," strike out "less," in the 4th line, and insert "more," strike out the words "not more than fifty," in the 5th line, and strike out all after the word "year," in the 6th line.

A Chapter entitled "Assignments."

A Bill entitled "an act, to empower Patrick Augustus McGriff, a minor, to assume the management of his own estate," have been passed by the House, with their titles as stated.

An engrossed bill from the Senate, entitled an act, to authorize Thomas Williams to establish a Toll Bridge across the Chipola River, has passed the House without amendment.

H. ARCHER,

Secretary House Representatives.

The amendments from the House of the Chapters entitled "Marks and Brands," "Forcible Entry and Detainer," were concurred in by the Senate.

The first amendment to the Chapter entitled "Ferries" was concurred in. The second amendment was disagreed to.

The Senate went into Committee of the Whole, Mr. Pelot in the Chair, on the Chapters of Judge Marvin's Revised Statutes entitled, "Assignments," "Habeas Corpus," "Conveyances," reported from the House of Representatives;

After some time spent in the consideration thereof, the Committee rose, reported progress, and asked leave to sit again, which was granted.

On motion of Mr. Haughton, Mr. G. K. Walker was granted leave of absence for to-morrow.

On motion the Senate adjourned till to-morrow, 10 o'clock, A. M.

SATURDAY, February 18, 1843.

The Senate met pursuant to adjournment. The roll being called, the proceedings of yesterday were read.

Mr. Cooper gave notice that on some future day he would introduce a bill to incorporate the Pine Grove Academy in Columbia County.

Mr. Haughton gave notice that, at a future time, he would ask leave to introduce a bill to be entitled, An Act to prevent Jailors from releasing runaway negroes until the conditions therein expressed are complied with.

Mr. Haughton, agreeably to previous notice, introduced a bill to be entitled, An Act to amend the charter of the Bank of Florida;

Which was read, and placed among the orders for Monday.

Mr. Yonge introduced a bill to be entitled, An Act to prescribe the jurisdiction of County Clerks, and for other purposes; Which was read.

#### ORDERS OF THE DAY.

A bill to be entitled, An Act to empower Patrick Augustus McGriff, a minor, to assume the management of his own estate, was read a second time and referred to a select committee.

Messrs. Haughton, Baltzell and Ramsay, were appointed said committee.

A bill to be entitled an act, to amend the charter of the Bank of Florida, was read a first time and ordered for a second reading on Monday.

A bill to be entitled an act, to change the name of Mosquito county, was read a second time. Mr. Pelot moved its indefinite postponement; the yeas and nays were called for by Messrs. Cooper and Pelot.

Yeas—Messrs. Cooper, Pelot, Priest, Smith and Yonge—5.

Nays—Mr. President, Messrs. Baltzell, Hart, Haughton, Livingston, Long, Mathers and Ramsay—8.

So said motion was lost.

A bill to be entitled an act to amend an act, to establish a Tariff of fees, was read a second time, and referred to Committee on the Judiciary.

The report of the committee on the state of the Territory, having charge of claims, was on motion, recommitted to said committee.

An act in relation to process in criminal prosecutions, was read a second time, and laid on the table.

An act to establish an additional term of the County Court in Franklin county, was read a second time, and passed; title as stated.

A resolution, requesting the Governor to give certain information, relative to the Southern Life Insurance and Trust company, was read and laid on the table.

A resolution asking Congress to allow the Legislative Council, the right of renting the School and Seminary Lands, for more than one year, was read a second time and laid on the table.

An act to alter and fix the terms of the Superior Courts of the Appalachian District, was read a second time and laid on the table.

An act to amend an act entitled an act, relating to Crimes and Misdemeanors, was read a second time and laid on the table, 20 copies ordered to be printed.

The following message, was received from the House;

HOUSE REPRESENTATIVES, }  
February 17th, 1843. }

To the Hon. President of the Senate:

A Chapter of the Revised Statutes, entitled "Divorce," has passed the House with the following amendments viz:

Between the 3d and 5th clauses of section 2d and 4th "Where either party is naturally impotent," add the following at the close of the 9th section, viz: "giving the custody of the children to the mother, in cases where it may be adjudged just or reasonable."

A Chapter from the Senate, entitled "Treasury Department," has passed the House without amendment.

A Chapter entitled "Advertisements," has passed the House, with the title as stated, and inclosed for the action of the Senate.

H. ARCHER,

Sec'y. House of Representatives.

Which was read, and the amendments therein contained concurred in.

The chapters of the Revised Statutes entitled, Wills and Assignments, were read a third time, and passed.

Titles as stated.

The Senate went into committee of the whole, Mr. Haughton in the chair, on the following chapters of the Revised Statutes, entitled, Depositions, Habeas Corpus, Ejectment, Quo Warranto, Contempt. After some time spent in consideration thereof, the committee rose, and by their chairman, reported the bills without amendment.

A resolution authorising the printing of 100 copies of the laws of Congress relative to Florida, was read, amended and adopted.

The Senate went into secret session on the following nominations of his Excellency the Governor:

EXECUTIVE OFFICE, of the }  
Tallahassee, 16th February, 1843. }

Gentlemen of the Senate and

House of Representatives:

I hereby nominate William Faill, Judge of the County Court, John Simpson, Henry C. Demasters, and Samuel Taylor, Justices of the Peace, Samuel Taylor, Auctioneer, Henry D. Crane, Notary Public, for the county of Musquito.

Charles Loring and John S. Hermans, Justices of the Peace, for the county of Dade.

R. K. CALL  
Governor of Florida.

Which were confirmed.

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

MONDAY, February 20th, 1843.

The Senate met pursuant to adjournment, the roll being called, the proceedings of Saturday were read.

Mr. Hart gave notice that he would, on some future day, ask leave to introduce a bill to be entitled, an act to tax Bachelors for the support of certain females therein named.

Mr. Smith, from the Committee on Enrolled Bills, pursuant to resolution, reported that the committee have examined the journals of the Senate, and found the same, thus far, properly kept.

Mr. Livingston from the Committee on the State of the Territory, reported a bill to be entitled, an act to fix the compensation of the Commissioner of the Tallahassee Fund.

Which was read, and placed among the orders of the day.

Mr. Smith, from the Joint Committee, on the Revised Statutes, in behalf of their absent chairman, reported the chapter entitled, Fees, as amended.

Which was placed among the orders of the day.

Mr. Cooper, pursuant to previous notice, introduced a bill to be entitled, an act to incorporate the Pine Grove Academy, in Columbia county.

Which was read, and placed among the orders of the day for to-morrow.

A bill to be entitled, an act to amend the charter of the Bank of Florida, was read a second time, and referred to the Committee on Finance and Banks.

A bill to be entitled, an act to change the name of Musquito county, was read a second time.

Mr. Haughton moved that said bill be laid on the table.

Which motion was lost.

On the question, shall this bill pass, the yeas and nays were called for by Messrs. Cooper and Priest, and were;

Yeas—Messrs. Hart, Haughton, Livingston, Mathers, Ramsay and Walker—6.

Nays—Mr. President, Messrs. Cooper, Pelot, Priest, Smith and Yonge—6.

So said bill was lost.

The Chapters of the Revised Statutes, entitled, Advertisements, Contempts, Habeas Corpus, Ejectment, Quo Warranto, were read a third time and passed by the titles.

The Senate went into committee of the whole, Mr. Pelot in the chair, on a chapter of the Revised Statutes, entitled Elections; after some time spent in consideration, the committee rose, and by their chairman, reported progress and asked leave to sit again.

The Senate went into committee of the whole, Mr. Haughton in the chair upon the chapters of the Revised Statutes, entitled Possa Commitatus and Set Offs; after some time spent in consideration thereof, the committee rose, and by their chairman, reported progress, and asked leave to sit again.

Which was granted.

On motion, it was ordered that 30 copies be printed of the Chapter entitled Set Offs.

An act to prescribe the jurisdiction of County Courts and for other purposes, was read a second time and referred to the Committee on the Judiciary.

The Senate received from the House, a resolution asking Congress for an appropriation for carrying the Mail in Coaches from Tallahassee to Jacksonville.

A resolution asking Congress to appropriate \$10,000 dollars for clearing out the road from Jacksonville to Alligator.

The following Message was received from the House:

HOUSE OF REPRESENTATIVES,  
20th February, 1843. }

To the Hon. President of the Senate:

The House insist on their amendments to the Chapter entitled "Fetries."

(Attest) H. ARCHER,  
Secretary House Representatives.

The Senate receded from their amendment, and concurred in the amendment of the House.

A resolution establishing a Post Office at Fort King, was read a first and second time, the rule being waived, and adopted.

A resolution establishing a Post Office at Blount's Town, was read a first and second time, the rule being waived, and adopted.

The Senate adjourned until to-morrow, 10 o'clock, A. M.

TUESDAY, February 21st, 1843.

The Senate met pursuant to adjournment, and the proceedings of yesterday were read.

Mr. Pelot offered the following Resolution :

Be it Resolved by the Governor and Legislative Council of the Territory of Florida, That from and after the adoption of this resolution, the Revenue Laws of this Territory, shall be suspended, so far as they may authorise the assessment and collection of a Territorial Revenue for the future, for one year and no longer; Provided that the operation of this resolution, shall not be construed, to extend to the Tax upon Auction Sales, retailers of Spirituous Liquors, keeping of Billiard Tables, exhibitions of Public Shows, and Pedlars, or to prohibit the assessment, and collection of County Taxes, as is provided for by the existing laws.

Which was read, and placed among the orders of the day for to-morrow.

Mr. Long offered the following Resolution :

WHEREAS, The boundary line between the State of Alabama and the Territory of Florida is not distinguishable by any mark or visible evidence of its existence; and whereas the surveys of land, both of Florida and Alabama, close their line, at what is known as the upper boundary line: and whereas, it is highly important that said line should be marked out:

Be it therefore resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be, and he is hereby instructed to procure an appropriation for the running anew, and marking said line, and until such line be run out and marked anew, the Territory of Florida shall have and hold jurisdiction over that part of the Territory west of the Apalachicola River, so far as the lines of land in the Florida survey extend.

Be it further resolved, That a copy of these resolutions be signed by the proper officers of both Houses, and transmitted to the Hon. David Levy, Delegate in Congress.

Which were read and placed among the orders of the day for to-morrow.

Mr. Hart from the Committee on Schools and Colleges, made the following Report :

The Committee on Schools and Colleges, to whom was referred a bill to be entitled an "act to establish Free Schools, and to appoint Commissioners of School and University Lands," having had the same under consideration, most respectfully beg leave to report the same unfavorably.

Also having been referred to the same Committee, a bill to be

entitled an "act concerning School Lands," having had the same under consideration, most respectfully beg leave to report the same favorably with amendments.

ISAIAH D. HART, Chairman.

Which was read.

Mr. Smith from the Committee on Enrolled Bills, made the following Report :

Mr. Smith, from the Committee on Enrolled Bills, reported as correctly enrolled, the following bills :

An act to authorise Thomas Williams to establish a Toll Bridge across the Chipola River ;

The chapters of the Revised Statutes entitled, Divorce, Forcible Entry and Detainer, Auctioneers, Gaming, Apprentices and Estrays.

Mr. Livingston, from the Select Committee to examine the compilation of the laws by Judge Marvin, reported the Chapter on the Militia with amendments.

A bill to be entitled, An Act to suspend the exercise of banking power by the Union Bank of Florida, to provide for the payment of the Territorial Bonds issued to said Bank, out of its assets, and the mortgaged property of its stockholders, for the liquidation and settlement of the affairs of said Bank, and for the amendment of the Charter thereof, was referred to the Joint Select Committee.

### ORDERS OF THE DAY.

The Senate went into Committee of the Whole, on the resolutions relating to Faith Bonds, Mr. Hart in the Chair. After some time spent in consideration thereof, the Committee rose, and by their Chairman reported progress, and asked leave to sit again.

On motion the Senate adjourned till to-morrow 10 o'clock A. M.

WEDNESDAY, February 22d, 1843.

The Senate met pursuant to adjournment. A quorum being present, the journal of yesterday's proceedings was read.

Mr. Pelot presented a petition from Messrs. John R. Palin and James Holford, relating to Faith Bonds in their possession.

The petition was read, and on motion referred to the Committee on Finance and Banks, with instructions to Report by bill or otherwise.

Mr. Baltzell from the Committee on Finance and Banks, made the following Report:

The Committee to whom was referred the bill entitled, An Act to amend the charter of the Bank of Florida, have directed me to report the same without amendment, and ask to be discharged from further consideration thereof.

The same Committee further report, without amendment, the bill from the lower House entitled, An Act to incorporate the Directors and Trustees of the St. Andrews' Bay Land Company.

The following message was received from the House;

HOUSE OF REPRESENTATIVES, }  
February 22d, 1843. }

To the Hon. President of the Senate:

The House of Representatives concur in the amendments of the Senate to a resolution authorising the printing of one hundred copies of the laws of Congress relating to Florida.

The following chapters of the "Revised Statutes," received from the Senate, have passed the House with their titles as stated, and without amendment, viz:

"County Treasurer,"

"Roads, Bridges and Highways,"

"Marriages."

A resolution adopted by the Senate relative to providing the means of defraying the expenses of enrolling, printing and publishing the "Revised Statutes," submitted by the Hon. William Marvin, has been indefinitely postponed by the House.

The chapters entitled, "Partition," "Corporations," "Official Records," "Joint Obligations," "Library," and "Fences," have been passed by the House, with their titles as stated, and ordered to be certified to the Senate.

The bills entitled, "An act to incorporate the Quincy Light Horse," and "An act to admit George W. Call, Junior, to practice law in the several Courts in this Territory," have passed the House, with their titles as stated, and ordered to be certified to the Senate.

(Attest)

H. ARCHER,

Secretary House Representatives.

Which was read.

Mr. Houghton, from a Select Committee, made the following Report:

The Select Committee, to whom was referred a bill, entitled an Act, to empower Patrick Augustus McGriff, to assume the management of his own Estate, ask leave to Report said bill, without amendment.

R. B. HAUGHTON.

Chairman.

Mr. Houghton, from the committee on Public Accounts, made the following report:

The Committee to whom was referred a Preamble and Resolutions in relation to certain lost warrants upon the Territorial Treasury, ask leave to report the following bill:

A bill to be entitled, an Act to establish Warrants or Drafts on the Territorial Treasury, when the same have been lost or mislaid.

Which was read, and placed among the orders of the day for to-morrow.

Mr. Walker, from the committees therein named, made the following reports:

The Committee to whom was referred a bill entitled "An Act for the relief of the heirs of Pablo Sabota, deceased, Report, that they have had the same under consideration, and that the said bill should not become a law.

G. K. WALKER.

Chairman.

The Judiciary Committee, to whom was referred a bill, entitled An Act to amend an Act, regulating the mode of proceeding on attachments, and an act concerning executions, and for other purposes: Report the same without amendment.

G. K. WALKER.

Chairman.

The Committee to whom was referred a bill, entitled an Act to amend an Act, to establish a Tariff of Fees: Report the same with amendments.

G. K. WALKER.

Chairman.

The Judiciary Committee, having charge of a bill, entitled an Act in relation to Garnishments: Report that they have had the same under consideration, and recommend that the Senate do not concur in the amendments made by the House to said bill.

G. K. WALKER.

Chairman.

## ORDERS OF THE DAY.

The Senate went into committee of the whole, Mr. Pelot in the chair, on the chapter of the Revised Statutes, entitled, Elections. After some time spent in consideration thereof, the committee rose, and by their chairman, reported the chapter without amendment.

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

EXECUTIVE OFFICE, }

Tallahassee, 21st February, 1843. }

Gentlemen of the Senate

and House of Representatives:

I have approved the following Acts, Chapters and Resolutions, passed by the Legislative Council during the present session:

"An Act to authorize E. G. Miller to establish a ferry across the Ocklockney River;"

"An Act to authorize Thomas Walker to establish a ferry on the Alapahaw River;"

"An Act to fix the time of holding the Superior Courts in the District of East Florida;"

"An Act to extend the charter granted to David Platt, February 18th, 1839;"

"Chapter Sheriffs;"

"Chapter Weights and Measures;"

"Chapter Fugitives from Justice;"

"Chapter Commissions;"

"Chapter County Surveyor;"

"A Resolution instructing the Delegate in Congress to endeavor to have the boundary line established between this Territory and the State of Georgia;"

"Chapter Draining Lands;"

"Chapter Counties;"

"An act to authorize William Fail, to establish a Ferry across the St. Johns River at Enterprise;"

"An act to establish the County Site of Santa Rosa County;"

"Chapter County Commissioners;"

"Chapter Seamen;"

"A resolution instructing the Delegate in Congress to endeavor to obtain the passage of a law establishing suitable commercial tribunals to adjudicate certain cases arising in the ports of this Territory;"

"A preamble and resolutions, instructing the Delegate in Congress to oppose the admission of the Territory as a State of the Union, under the St. Joseph Constitution, until the people of the people of the Territory shall, by a vote at the polls, have expressed their willingness to adopt that Constitution."

R. K. CALL,  
Governor of Florida.

An act in relation to Garnishments, was read a second time: the Senate refused to concur in the amendments of the House.

A resolution calling on our Delegate to procure the passage of a law by Congress to define the boundary line between Florida and the State of Alabama, was read a first time, and ordered for to-morrow.

An act to amend an act to establish a Tariff of Fees, was read a second time, and ordered for to-morrow.

The Senate, on motion, adjourned until half past 3 o'clock, P. M.

HALF-PAST 3 O'CLOCK, P. M.

An act to incorporate the St. Andrew's Bay Land Company, was read a third time and passed.

Resolution appointing the 10th of March, as the time for adjourning sine die, was read and placed among the orders of the day for to-morrow.

An act to authorise Josiah King, to establish a Ferry across the St. Mary's River, was read and placed among the orders of the day for to-morrow.

An act to change the name of a person therein mentioned.

An act for the relief of Andrew Scott, was read a first and second time, and referred to the Committee on Public Accounts.

An act to renew and amend an act, to authorise Abraham Mills, to establish a Ferry across the Escambia River, was read and placed among the orders of the day for to-morrow.

An act to amend an act, to authorise Abraham Messtead, to build and establish a Toll Bridge across the big Escambia River, in Escambia County, was read and placed among the orders of the day for to-morrow.

The following Message was received from the House:

HOUSE OF REPRESENTATIVES,  
21st February, 1843. }

To the Hon. President of the Senate:

The House have adopted a Resolution from the Senate, relative to the appointment of a joint select Committee, to employ a suitable number of clerks, to enroll the Revised Statutes, with the following amendment:

"Resolved, That the presiding officers of each House, shall certify the accounts of each clerk so employed to the proper Department at Washington for payment."

Messrs. Amos, Arnou and Cromartie, were then appointed a Committee on the part of the House.

H. ARCHER,  
Secretary House of Representatives.

Which was read, and the amendment of the House concurred in.

The Senate went into committee of the whole, Mr. Haughton in the chair, on an act to amend an act to regulate proceedings in Attachment:

And an act concerning Executions, and for other purposes.

After some time spent in consideration thereof, the committee rose, and by their chairman, reported progress, and asked leave to sit again.

Which was granted.

An act to be entitled an act to fix the compensation of the Commissioner of the Tallahassee Fund, was read a third time, ordered to be engrossed, and laid on the table.

A bill to be entitled, An Act to amend the Charter of the Bank of Florida, was laid on the table.

A bill to be entitled, An Act to alter the time of holding the election for representative, in the Legislative Council for the

county of Calhoun, was read a first time, and placed among the orders of the day for to-morrow.

An act to amend an act entitled an act to establish a board of Port Wardens and Commissioners of Pilotage for the Port of Key West, was read, and ordered for to-morrow.

An Act to organize the Alachua County troop, was read a first time, and placed among the orders of the day for to-morrow.

An Act to incorporate the Pine Grove Academy in Columbia county, was read a second time, and ordered to be engrossed for a third reading on to-morrow.

The Senate went into Committee of the Whole, on a bill to be entitled, An Act to repeal an act providing for the safe keeping of the records of Musquito county, approved 2d February, 1838, and for other purposes—Mr. Long in the Chair. After some time spent in consideration, the Committee rose, and by their Chairman reported progress, and asked leave to sit again, which was granted.

On motion, the Senate adjourned until to-morrow, 10 o'clock A. M.

#### THURSDAY, February 23, 1843.

The Senate met pursuant to adjournment, a quorum being present, the journal of yesterdays proceedings was read.

Mr. Long gave notice that he would, on some future day, ask leave to introduce a bill to be entitled "an act amendatory of an act," entitled "an act to amend an act concerning Executions," approved, February 15th, 1834.

Mr. Yonge agreeable to previous notice, introduced a bill to be entitled "a bill to render uniform and certain the practice of the Courts in the Territory of Florida," which was read a first and second time by its title, and referred to the Committee on the Judiciary.

Mr. Long offered the following Resolution, viz :

Resolved by the Senate, That one hour and no more in each day shall be appropriated to the consideration of the Revised Chapters, by the Hon. Wm. Marvin, unless by the unanimous consent of the Senate.

Which was read and placed among the orders of the day for to-morrow.

Mr. Yonge offered the following resolution :

Resolved by the Senate and House of Representatives of the Territory of Florida, That our Delegate be requested to urge upon Congress, so to modify an act to re-organize the Legisla-

tive Council of Florida, & for other purposes, approved July 7th, 1838, as to confer upon the Legislative Council of Florida, the power to sub-divide the Senatorial Districts, and also to increase the number of Senators.

Resolved further, That a copy of this resolution be signed by the proper officers, and forthwith transmitted to our Delegate in Congress, the Hon. D. Levy.

Mr. Smith from the Committee on Enrolled Bills, reported as correctly enrolled the Preamble and Resolution, asking from Congress an appropriation to repair the road from Jacksonville to Alligator.

Mr. Long made the following report, viz :

The select committee to whom was referred a bill to be entitled an act to sub-divide the Senatorial Districts, having had the same under consideration, beg leave to report the same without amendment.

NICHOLAS A. LONG, Chairman.

Which bill was placed among the orders of the day for to-morrow.

#### ORDERS OF THE DAY.

The Senate went into committee of the whole, Mr. Long in the chair, on a bill to be entitled an act to repeal an act, providing for the safe keeping of the records of Mosquito County, approved February 2d, 1838, and for other purposes; after some time spent in consideration thereof, the committee rose, and by their chairman reported the bill to the Senate without amendment.

Mr. Pelot moved its indefinite postponement, on which motion, the yeas and nays were called for by Messrs. Pelot and Cooper, and were :

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

Nays—Mr. President, Messrs. Baltzell, Hart, Haughton, Livingston, Long, Mathers, Ramsay, Smith, Walker and Yonge—11.

So said motion was lost.

The Senate went into committee of whole, Mr. Hart in the chair, on the Resolutions relative to Faith Bonds; after some time spent in consideration thereof, the committee rose, reported progress and asked leave to sit again.

Which report was adopted and said request granted by the Senate.

The Chapter of Judge Marvin's Compilation, entitled, "Posse Commitatus," was read a third time and passed.

The Chapter entitled "Elections," of Judge Marvin's Compilation, was read a third time by its title and passed.

The Senate went into Committee of the Whole, Mr. Haughton in the Chair, on the Chapters of the Revised Statutes entitled "Militia," "District Attornies," "Witnesses," "Bill of Exchange and Promissory Notes," "Set-Offs," "Replevin," "Evidence," "Perpetuating Testimony," "Of Bonds for the performance of Covenants," "Penal and Official Bonds," "Certiorari," "Rent." After some time spent in consideration thereof, the Committee rose, and by their Chairman reported the bills to the Senate as amended.

The following message was received from the House of Representatives, viz :

HOUSE OF REPRESENTATIVES, }  
21st February, 1843. }

To the Hon. President of the Senate :

The Chapters of the Revised Statutes entitled "Quo Warranto" and "Ejectment," received from the Senate, have passed the House, with their titles as stated, without amendment.

(Attest)

H. ARCHER,

Secretary House Representatives.

The following messages were received from His Excellency the Governor :

EXECUTIVE OFFICE, }  
Tallahassee, 22d Feb. 1843. }

Gentlemen of the Senate

and House of Representatives :

I have approved the following Acts, Chapters and Resolutions, passed by the Legislative Council during the present session :—

A resolution requesting the Delegate in Congress to endeavor to obtain a re-appropriation of the sum of ten thousand dollars, heretofore appropriated, (and not expended,) to improve the navigation of the Ocklawaha River ;

An Act to authorize James Bryan to establish a ferry across the Suwannee River, at a place known as the Indian Ford ;

An Act to amend An Act 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, approved 4th March, 1842 ;

A preamble and resolution, respecting the connection of the waters of the Gulf of Mexico and the Atlantic, by a Rail Road or Canal ;

An Act more particularly to define the eastern boundary of Jefferson County ;

Chapter Schools ;

A preamble and resolutions requesting our Delegate in Con-

gress to endeavor to have a Post Office established at Enterprise, the county site of Musquito county ;

A preamble and resolutions requesting the Delegate in Congress to endeavor to procure a re-appropriation of fifteen thousand dollars, (heretofore appropriated and not expended,) to remove obstructions in the navigation of the Suwannee River :

An Act to authorize William Rauleson to establish a ferry across the North Prong of the St. Marys River ;  
Chapter County Clerks.

R. K. CALL,  
Governor of Florida.

EXECUTIVE OFFICE, }  
Tallahassee, 21st February, 1843. }

Gentlemen of the Senate

and House of Representatives :

I hereby nominate the following persons for office in the several Counties herein after mentioned.

For the County of Leon—Richard Van Brout and Kenneth Bemby, Justice's of the Peace.

For the County of Santa Rosa—Charles A. Tweed, Joseph Owens and Elijah Gailor, Justice's of the Peace, Benjamin Dulaney, Auctioneer.

For the County of Franklin—Seth P. Lewis, Justice of the Peace, Nathaniel Robins, Notary Public, Charles H. Austin, Auctioneer.

For the County of Jackson—Rufus Ballard, Robert C. Adams, Peter Simons, Daniel Williams, Charles Howard, Isaac H. Stone, John Davis and James D. Finley, Justices of the Peace.

R. K. CALL,  
Governor of Florida.

A bill to be entitled, An Act to change the name of a person therein mentioned,

Was read a first and second time, and referred to the Committee on the Judiciary.

A bill to be entitled An Act to authorize George W. Call to practice law in the several courts in this Territory,

Was read a first time, and placed among the orders of the day for to-morrow.

A bill to be entitled, An Act to authorize Josiah King to establish a ferry across the St. Mary's River,

Was read a second and third time and passed.

Ordered, that the title be as stated.

A bill to be entitled, An Act to alter and amend an act to authorize Abraham Milstead to establish a ferry across the Escambia river,

Was read a second and third time and passed.  
Ordered, that the title be as stated.

A bill to be entitled an act to amend an act to authorise Abraham Milstead to build and establish a Toll Bridge across the Big Escambia River, in Escambia County.

Was read a second and third time and passed.

Ordered that the title be as stated.

On motion the Senate adjourned until to-morrow, 10 o'clock,

A. M.

FRIDAY, February 24, 1843.

The Senate met pursuant to adjournment. The roll being called, the proceedings of yesterday were read.

Mr. Long, agreeably to previous notice, introduced a bill to be entitled, an act amendatory of an act entitled, an act to amend an act concerning executions, approved Feb. 15, 1843;

Read a first time, and placed among the orders for to-morrow.

Mr. Haughton, according to previous notice, introduced a bill to be entitled, an act to prevent Jailors from releasing runaway negroes, until the conditions therein expressed are complied with;

Which was read first time, and placed among the orders for to-morrow.

Mr. Yonge gave notice that he would, on some future day, introduce a bill to amend an act concerning the limitation of actions.

Mr. Livingston, from the Joint Select Committee on the Governor's message in relation to certain resolutions of the Union Bank of Florida, reported the following preamble and resolutions:—

Whereas, at the late annual meeting of the Stockholders of the Union Bank of Florida, held at their Banking House in the city of Tallahassee, two resolutions were adopted by said Stockholders in the following words, viz:

"Resolved, That a stockholder who desires to cancel any number of his shares in the stock of the Bank, may do it, by paying to the Bank one hundred dollars of the bonds of the Territory of Florida, for each share of stock to be cancelled, whereupon he shall have a corresponding credit upon his *Stock Note*, and upon his *Stock Bond*; and a corresponding release of the mortgages upon his property; except so far as the same may be retained to secure any debt he may owe as payer or endorser.

"Resolved, That a stockholder who desires to have any number of his shares in the stock of the Bank cancelled, may do it, by paying in the endorsed sterling bonds of the bank, at the rate of sixty-six and two-thirds dollars of said bonds per share, to be cancelled, whereupon he shall have a corresponding credit upon his stock note; and shall be entitled to have one share of his stock cancelled for each sixty-six and two-thirds dollars of said bonds thus paid, and a corresponding credit be given upon his *stock bond*, and a corresponding release of the mortgage upon his property, except so far as the same may be retained as security, for any debt he may owe the bank as payer or endorser: Provided, however, that with the payment made in said sterling bonds, there shall be surrendered to the bank a proportional amount of the Territorial bonds which are hypothecated to, or held by, the parties from whom the sterling bonds may have been purchased."

And whereas, action under and in compliance with said resolutions would be a release of the legal and proper security of the creditors of said institution. Therefore

Be it Resolved, by the Governor and Legislative Council of the Territory of Florida, That in their opinion, the two resolutions adopted by the Stockholders of the Union Bank of Florida at their late annual meeting, which resolutions have for their object to permit, under certain conditions, Stockholders to cancel any number of shares in the capital stock of said Bank, and giving a corresponding release of the mortgage upon their property and stock notes—are in their spirit and tenor a violation of the charter of the original act of incorporation of said Bank.

Resolved further, That should the Stockholders of said Bank refuse to revoke or repeal the said two resolutions, and the directors of said Bank proceed to act under the same, thereby releasing any of the securities of said Bank, then the Governor of this Territory is hereby authorized and required to cause to be instituted proceedings against said Bank, by injunction or otherwise, and to procure a decree of forfeiture of the charter thereof, and also to obtain a decree for the sequestration of the effects of said Bank, and the appointment of Commissioners to take charge of the same for the benefit of all concerned—and cause the affairs of said Bank to be wound up with as little delay as practicable.

Which was read, and placed among the orders of the day for to-morrow.

The following message was received from the House of Representatives, viz:

HOUSE OF REPRESENTATIVES, }  
February 23d, 1843. }

To the Hon. President of the Senate:

The House have concurred in the amendments of the Senate

to the resolutions instructing the Secretary of the Territory to have copies of the laws of Congress printed which relate to Florida, by adding to the amendment the following:

Strike out the word "one" in the fifth line, and insert therefor the word "five," so as to read five hundred copies.

H. ARCHER, Sec'y. H. of R.

Which was read, and the amendment therein stated rejected by the Senate.

Also the following:

HOUSE REPRESENTATIVES,  
23d February, 1843. }

To the Hon. President of the Senate:

A resolution with respect to printing the Revised Statutes has been adopted by the House.

A Chapter entitled "Banking."

A Bill entitled "an act to alter and change the name of Amanda S. Mandal."

A Bill entitled "an act to authorise John G. Swan to establish a Ferry across the Withlacoochie River at Fort Izard."

A Bill entitled "an act to amend an act to incorporate the Town of Quincy."

Have passed the House with their titles as stated.

(Attest) H. ARCHER,  
Secretary House Representatives.

Which was read.

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

EXECUTIVE OFFICE,  
Tallahassee, 23d February, 1843. }

Gentlemen of the Senate:

I have examined, and herewith return unapproved, a bill to be entitled, "An act to secure the people of Florida against the evils of a depreciated currency."

I recognise in this bill many of the principles contained in a bill of the same title disapproved by me during the last session of the Legislative Council, and although it has many other provisions, they do not, in my opinion, render more acceptable the objectionable features with which they are associated. I deem it unnecessary, therefore, to discuss any new principle presented, but return the bill disapproved, in consequence of its containing some of the objectionable provisions of the bill heretofore rejected, and I beg leave to refer the Senate to my veto message on that bill for my objections, which will be found on the Journals of the House of Representatives of the last session of the Legislative Council.

R. K. CALL,  
Governor of Florida.

Which was read.

The Senate went into committee of the whole, Mr. Hart in the chair, on the Resolutions relative to Faith Bonds. After

some time spent in consideration thereof, the committee rose, and by their chairman reported the same to the Senate as amended; which report was concurred in.

Mr. Long, seconded by Mr. Cooper, called for the yeas and nays on the following substitute, which was offered by him in committee of the whole, viz:

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 Corporations, 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, rail road, 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.

Resolved, That the stockholders of the Pensacola, Life and Trust, and the Union Bank, are bound to the bondholders for the full amount of principal and interest, and if there be any defect in the existing remedies, or legal means of enforcing payments, it is the duty of our Legislature to lend its prompt and unsolicited aid in producing ample relief.

Which were—Yeas: Messrs. Cooper, Hart, Livingston and Long—4.

Nays—Mr. President, Messrs. Baltzell, Haughton, Mathers, Pelot, Priest, Ramsay, Smith, Walker and Yonge—10.

Mr. Walker, seconded by Mr. Long, called for the yeas and nays on the following substitute, offered by him in committee of the whole, viz:

"Resolved, That the Bonds guaranteed by the Territory of Florida, for the several Banks of Florida, should be paid out of the assets of said Banks, and the property of the Stockholders, and that until these funds are exhausted, it is impossible to take further action on this subject."

Which were—Yeas: Messrs. Hart, Haughton, Livingston, Mathers, Ramsay and Walker—6.

Nays—Mr. President, Messrs. Baltzell, Cooper, Long, Pelot, Priest, Smith and Yonge—8.

Mr. Haughton, seconded by Mr. Walker, called for the yeas and nays on the following substitute, offered by him in committee of the whole, viz:

"Resolved, That it is inexpedient for the Legislative Council to enact any laws taxing the people of Florida for the payment of any Bonds heretofore issued in behalf of Banking Corporations."

Which were—Yeas: Messrs. Haughton, Livingston, Mathers, Ramsay and Walker—5.

Nays—Mr. President, Messrs. Baltzell, Cooper, Hart, Long, Pelot, Priest, Smith and Yonge—9.

On the adoption of the original resolutions as amended in committee of the whole, the yeas and nays were called for by Messrs. Cooper and Pelot, on the passage of the first resolution, and were,

Yeas—Mr. President, Messrs. Baltzell, Hart, Haughton, Livingston, Mathers, Ramsay and Yonge—8.

Nays—Messrs. Cooper, Long, Pelot, Priest and Walker—5.

So said resolution was adopted.

On the adoption of the second resolution, the yeas and nays were called for by Messrs. Long and Pelot, and were,

Yeas—Messrs. Baltzell, Cooper, Livingston, Long, Pelot, Priest and Yonge—7.

Nays—Mr. President, Messrs. Hart, Haughton, Mathers, Ramsay and Walker—6.

So said resolution was adopted.

The third resolution was withdrawn by consent.

On the adoption of the fourth resolution, the yeas and nays were called for by Messrs. Long and Pelot, and were,

Yeas—Messrs. Baltzell, Cooper, Hart, Pelot, Priest and Yonge—6.

Nays—Mr. President, Messrs. Haughton, Livingston, Long, Mathers, Ramsay and Walker—7.

So said resolution was lost.

On the adoption of the fifth resolution, the yeas and nays were called for by Messrs. Pelot and Long, and were:

Yeas—Messrs. Baltzell, Cooper, Long, Pelot, Priest and Yonge—6.

Nays—Mr. President, Messrs. Hart, Haughton, Livingston, Mathers, Ramsay and Walker—7.

So said resolution was lost.

On the adoption of the sixth resolution, the yeas and nays were called for by Messrs. Long and Pelot, and were,

Yeas—Messrs. Baltzell, Cooper, Hart, Long, Mathers, Pelot, Priest and Yonge—8.

Nays—Mr. President, Messrs. Haughton, Livingston, Ramsay and Walker—5.

So said resolution was adopted.

On the adoption of the seventh resolution, the yeas and nays were called for by Messrs. Pelot and Priest, and were,

Yeas—Messrs. Baltzell, Cooper, Hart, Long, Pelot, Priest and Yonge—7.

Nays—Mr. President, Messrs. Haughton, Livingston, Mathers, Ramsay and Walker—6.

So said resolution was adopted.

On the adoption of the eighth resolution, the yeas and nays were called for by Messrs. Long and Pelot, and were,

Yeas—Messrs. Baltzell, Cooper, Long, Pelot, Priest and Yonge—6.

Nays—Mr. President, Messrs. Hart, Haughton, Livingston, Mathers, Ramsay and Walker—7.

So said resolution was lost.

The ninth resolution was withdrawn.

On the adoption of the tenth resolution, the yeas and nays were called for by Messrs. Long and Pelot, and were,

Yeas—Messrs. Baltzell, Cooper, Livingston, Pelot, Priest and Yonge—6.

Nays—Mr. President, Messrs. Hart, Haughton, Long, Mathers, Ramsay and Walker—7.

So said resolution was lost.

On the adoption of the eleventh resolution, the yeas and nays were called for by Messrs. Long and Pelot, and were,

Yeas—Messrs. Baltzell, Cooper, Livingston, Long, Pelot, Priest, Ramsay and Yonge—8.

Nays—Mr. President, Messrs. Hart, Haughton, Mathers and Walker—5.

So said resolution was adopted.

The twelfth resolution was withdrawn.

On the adoption of the Preamble to said Resolutions, the yeas and nays were called for by Messrs. Long and Pelot, and were,

Yeas—Mr. President, Messrs. Baltzell, Cooper, Hart, Haughton, Livingston, Long, Mathers, Pelot, Priest, Ramsay, Smith and Yonge—13.

Nays—Mr. Walker—1.

So said Preamble was adopted.

On motion said Preamble and Resolutions as amended were adopted.

The Chapters of the Revised Statutes, entitled "Militia," "District Attorneys," "Witnesses," "Rate of Exchange and Promissory Notes," "Set-Offs," "Replevin," "Evidence," "Perpetuating Testimony," "Of Bonds for the performance of Covenants," "Penal and official Bonds," "Certiorari," "Rent," were read a third time by their titles and passed.

Ordered that their titles be as stated.

The Senate went into Committee of the whole, Mr. Haughton in the chair, on a Chapter of the Revised Statutes, entitled "Insane Persons;" after some time spent in consideration thereof, the committee rose and reported said Chapter back to the Senate without amendment.

The Senate took a recess until half past 3 o'clock, P. M.

HALF PAST 3 O'CLOCK.

The Senate met pursuant to adjournment. The roll being called, and there not being a quorum present, the Senate adjourned until 10 o'clock to-morrow.

SATURDAY, 25th February, 1843.

The Senate met pursuant to adjournment, the roll being called, the proceedings of yesterday were read.

Mr. Long, agreeable to previous notice, introduced a bill to be entitled, an act to provide for the redemption of real estate sold under execution;

Read a first time, rule waived, read a second time by its title and referred to the Committee on the Judiciary.

On motion, Mr. Pelot was granted leave of absence for the remaining part of the session.

Mr. Smith, from the Committee on enrolled bills, reported as correctly enrolled the following Chapters of the Revised Statutes, viz:

Fines, Penalties and Forfeitures, Ferries, Treasury Department, Partnerships, Ejectment, Quo Warranto, Marriages, Frauds, Jails, and County Treasurer.

Mr. Baltzell, from the joint select committee, reported the Chapter, entitled, Justices' Court, without amendment.

Mr. Haughton, from the Committee on Public Accounts, to whom was referred a bill to be entitled, an act for the relief of Andrew Scott, reported the same without amendment.

Mr. Livingston, from the joint select committee, to which was referred a bill to be entitled, an act to suspend the exercise of banking power by the Union Bank of Florida, to provide for the payment of the Territorial Bonds issued to said Bank out of its assets, and the mortgaged property of its stockholders, for the liquidation and settlement of the affairs of said Bank, and for the amendment of the charter thereof, reported the following bill as a substitute, which was read and ordered for to-morrow.

Which was read, and ordered for Monday.  
The following message was received from the House of Representatives, viz:

HOUSE OF REPRESENTATIVES, }  
February 25th, 1843. }

To the Hon. President of the Senate:  
An Engrossed Bill entitled "an act to organize the County of Wakulla," has passed the House without amendment.

A Resolution respecting a County Site in Alachua, has been adopted, and ordered to be certified to the Senate,  
A Chapter entitled "Physicians,"  
A Chapter entitled "Cattle,"  
Have passed the House, with their titles as stated.

(Attest) H. ARCHER,  
Secretary House Representatives.

Which was read.

Also the following:

HOUSE REPRESENTATIVES, }  
24th February, 1843. }

To the Hon. President of the Senate:

The House recede from their amendment to the amendment of the Senate, to a Resolution authorising the printing of one hundred copies of the Laws of Congress relative to the Territory of Florida.

The Chapters of the Revised Statutes entitled "Posse Comitatus," "Certiorari," and "Militia," have passed the House without amendment. Titles as stated.

A Bill entitled an act to authorise John McClosky to build a Bridge and establish a Ferry across Little Bayou in Escambia County, has passed the House with the title as stated, and ordered to be certified to the Senate.

(Attest) H. ARCHER,  
Secretary House Representatives.

Which was read.

Also the following:

HOUSE OF REPRESENTATIVES, }  
24th February, 1843. }

To the Hon. President of the Senate:

A Chapter Entitled Elections, received from the Senate, has been ordered by the House to be returned to the Senate, the object of transmitting said Chapter to the House, not having been stated in the Message accompanying the same.

(Attest) H. ARCHER,  
Secretary House Representatives.

Which was read.

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

EXECUTIVE OFFICE, }  
Tallahassee, 24th February, 1843. }

Gentlemen of the Senate

and House of Representatives:

I have approved the following Acts, Chapters and Resolutions passed by the Legislative Council during the present session:

"A resolution requesting the Delegate in Congress to endeavor to provide by law for an additional member for the House of Representatives for the county of Columbia."

- "An act in relation to Executions."  
 "A preamble and resolutions instructing the Auditor of Public Accounts to take charge of certain papers."  
 "An act to authorise Thomas Williams to establish a Toll Bridge across the Chipola River."  
 "An act to establish a county site in Musquito County."  
 "An act to organise a county to be called Hernando county."  
 "A preamble and resolution requesting our Delegate in Congress to call the early attention of Government to the settlement of the claims of the citizens of Florida against the United States, and to insist upon their payment with the least possible delay."  
 "A preamble and resolution asking of Congress an appropriation to repair the road from Jacksonville to Alligator, in the Territory of Florida."  
 "Chapter Divorce."

R. K. CALL,  
 Governor of Florida.

Which was read.

On the question of re-considering the act to secure the people of Florida against the evils of a depreciated currency, the yeas and nays were called for by Messrs. Cooper and Pelot, and were:

Yeas—Mr. President, Messrs. Baltzell, Cooper, Long, Pelot, Priest, Ramsay, Smith and Yonge—9.

Nays—Messrs. Hart, Haughton, Livingston, Mathers and Walker—5.

The President decided that the bill was not re-considered, as there was not two thirds in favor of the re-consideration.

Mr. Smith appealed from the decision of the Chair to the Senate.

The Senate refused to sustain the President in the decision. So said bill was re-considered.

On the passage of the bill, over the veto of the Governor, the yeas and nays were called for by Messrs. Cooper and Pelot, and were:

Yeas—Mr. President, Messrs. Baltzell, Cooper, Long, Pelot, Priest, Ramsay and Yonge—8.

Nays—Messrs. Hart, Haughton, Livingston, Mathers, Smith and Walker—6.

So said bill was lost.

Mr. Smith, on leave obtained to record his reasons for his vote on the last preceding question, explained: that while the bill was in committee of the whole, on motion made for that purpose, he voted to strike out the fifth section; and understanding, as did several other members, that the motion prevailed, he struck out that section from his own copy of the bill. Not doubting his correctness upon this point, he voted for the bill on its final passage. But now, finding the objectionable

section still retained, and being satisfied that it contains provisions not only unjust and contrary to the long-settled laws of the land, but clearly adverse to the true intent and meaning of the Constitution of the United States, he is constrained to record his vote against the bill.

A resolution suspending the revenue laws of the Territory, was read a third time.

On the adoption of which, the yeas and nays were called for by Messrs. Baltzell and Cooper, and were:

Yeas—Messrs. Cooper, Hart, Long, Pelot, Smith and Yonge—6.

Nays—Mr. President, Messrs. Baltzell, Haughton, Livingston, Priest and Walker—6.

So said resolution was lost.

The following message was received from His Excellency the Governor:

EXECUTIVE OFFICE, }  
 Tallahassee, 23d Feb. 1843. }

Gentlemen of the Senate:

I have examined attentively, and herewith return the bill which originated in the Senate, entitled, "Chapter Notaries Public," and respectfully suggest the necessity of amending the 3d section, for the purpose of restraining some of the extraordinary powers conferred on Notaries Public.

I deem it proper in framing a code of laws for the permanent government of this Territory, that every reasonable objection should be obviated as far as practicable; and actuated by an earnest desire to concur in all measures favorably considered by the Legislative Council, so far as I may do so consistently with my own views of propriety, when my objections may be removed by amendments easily made, and without defeating any of the great objects contemplated by the bill, I think it more proper to suggest amendments, with a view of producing harmony of action, than to put in requisition the veto power.

My objection to the 3d section of this bill, is, that I do not understand, and I am confident that no officer, who might be appointed under it, would ever understand, the full extent of the vast powers which it would confer upon him.

It authorises Notaries Public in this Territory, to exercise such "powers and duties as are by the laws of nations, and commercial usage, or by the laws of any other State, Government or country, may be performed by Notaries Public."

I am not sufficiently learned in the laws of all foreign countries to define, or comprehend the extent of the power thus conferred on Notaries Public, but from my limited knowledge on this subject, I know that the duties required to be performed, and the authority conferred on Notaries Public, in all countries; gov-

erned by the Civil Law, are much more extensive, and essentially different from the duties and powers of the same officers, in countries governed by the Common Law. Under all despotic governments, Notaries Public are ministerial officers of the Crown, they constitute one of the great arms of his power, and possess such authority as the will of the despot may confer upon them.

The extensive and undefined powers conferred by this bill on Notaries Public, may be, and indeed I am quite sure they are, entirely incompatible with the genius and spirit of our republican institutions.

If this bill can be amended in such manner as to obviate the objections I have presented, I will give it my approbation, otherwise I shall be constrained to place my veto upon it.

R. K. CALL,  
Governor of Florida.

Which was read, and the Chapter entitled Notaries Public was sent back to the Governor.

The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE,  
Tallahassee, 25th February, 1843.

Gentlemen of the Senate:

I herewith return disapproved, the bill which originated in the Senate entitled, "Chapter Notaries Public," and respectfully refer the Senate to the reasons assigned in my special message of to-day in relation to this bill.

R. K. CALL,  
Governor of Florida.

Which was read and laid on the table.

The Senate went into committee of the whole, on the Chapter of the Revised Statutes entitled Fees—Mr. Haughton in the chair. After some time spent in consideration thereof, the committee rose, reported progress and asked leave to sit again.

Which was granted.

Leave of absence was granted to Mr. Mathers until Tuesday.

On motion the Senate adjourned until Monday, 12 M.

MONDAY, February 27th, 1843.

The Senate met pursuant to adjournment; the proceedings of Saturday were read.

Mr. Smith gave notice that on some future day he would in-

roduce a bill to be entitled, An Act relating to Tax Collectors and Auctioneers.

Mr. Long introduced a bill to be entitled, An Act regulating the payment of debts due to Banks of Florida.

Mr. Haughton gave notice that at some future day, he would ask leave to introduce a bill to be entitled, An Act for the more effectual security of the People of this Territory against the illegal practices of Banks and Bank agencies.

Mr. Livingston moved a re-consideration of the vote on a resolution suspending the revenue laws of the Territory of Florida.

Mr. Smith, from the Committee on Enrolled Bills, reported that the Committee had examined the journal of the Senate, and found the same thus far correctly kept.

### ORDERS OF THE DAY.

The Senate went into committee of the whole, Mr. Haughton in the chair, on the Chapters of the Revised Statutes, entitled Costs, Banking, Official Records, Physicians, Joint Obligations; after some time spent in consideration the committee rose and by their chairman, reported the bill as amended, and asked leave to sit again.

Mr. Smith seconded by Mr. Priest, called for the yeas and nays on the question for striking out the seconded section of the Chapter entitled Banking, prohibiting the establishment in the Territory of agencies of foreign Banks.

Yeas—Messrs. Baltzell, Hart, Haughton, Livingston, Long, Walker and Yonge—7.

Nays—Mr. President, Messrs. Cooper, Priest and Smith—4.

So said section was stricken out.

Mr. Smith seconded by Mr. Priest, called for the yeas and nays on the question of striking out the article entitled Jury Fees, from the Chapter of the Revised Statutes on Fees.

Yeas—Mr. President, Messrs. Baltzell, Walker and Yonge—4.

Nays—Messrs. Cooper, Hart, Haughton, Livingston, Long, Priest and Smith—7.

So said motion was lost.

Mr. Long moved the indefinite postponement of the Chapter entitled Banking;

Which was lost.

On motion, the Senate adjourned until to-morrow, 10 o'clock A. M.

TUESDAY, February 28, 1843.

The Senate met pursuant to adjournment, the roll being called, the proceedings of yesterday were read.

Mr. Long agreeable to previous notice, introduced a bill to be entitled an act regulating the payment of debts due the Banks of Florida.

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

The Judiciary Committee to whom was referred the following bills to wit :

A bill to be entitled an act for the redemption of real estate sold under execution.

A bill to be entitled an act to define the nature of Mortgages, and for other purposes, report the same without amendment.

G. K. WALKER, Chairman.

Also an act to prescribe peremptory the jurisdiction of County Courts, without amendment.

An act to amend an act concerning Depositions.

G. K. WALKER, Chairman.

The Committee to whom was referred a bill entitled an act to render uniform and certain the practice of the Courts in the Territory of Florida, report the same without amendment.

G. K. WALKER, Chairman.

Mr. Walker, from the Judiciary Committee, reported a bill to be entitled, an act to amend the law concerning Depositions.

Which was read, and placed among the orders of the day.

#### ORDERS OF THE DAY.

His Excellency the Governor transmitted to the Senate the following message :

EXECUTIVE OFFICE, }  
Tallahassee, 25th February, 1843. }

*Gentlemen of the Senate :*

I herewith return disapproved, the bill which originated in the Senate entitled, "Chapter Notaries Public," and respectfully refer the Senate to the reasons assigned in my special message of to day, in relation to this bill.

R. K. CALL,  
Governor of Florida.

The chapter entitled, Notaries Public, was re-considered: and on its final passage, over the veto of the Governor, it was

and on its final passage over the veto of the Governor, it was lost.

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

EXECUTIVE OFFICE, }  
Tallahassee, 24th February, 1843. }

*Gentlemen of the Senate*

*and House of Representatives :*

I hereby nominate Benjamin Byrd a Justice of the Peace for the county of Leon, and Sears Bryan a Justice of the Peace for the county of Jackson.

R. K. CALL,  
Governor of Florida.

The former was advised and consented to, and the latter was rejected.

The following nomination previously received, was taken from the table, and consented and advised to by the Senate :

For the County of Hillsborough—Josiah Gates, Justice of the Peace.

Also the following message :

EXECUTIVE OFFICE, }  
Tallahassee, 22d February, 1843. }

*Gentlemen of the Senate*

*and House of Representatives :*

I hereby nominate the following officers for the Counties herein after mentioned :

For the County of Jefferson—Ayles B. Shehee, Hezekiah Brown, Andrew Dunham, William H. Scruggs, and William R. Kilpatrick, Justices of the Peace.

For the County of Hamilton—William M. Reed, Judge of the County Court ;

James T. Stewart, William M. Hunter, Silas S. Overstreet, Joshua H. Roberts, and James McDonald, Justices of the Peace ;

Israel M. Stewart, and Allen Hinton, Auctioneers ,  
Joseph E. Law and Levi Whitehurst, Notaries Public.

For Franklin County—William G. M. Dewis and B. T. Caro, Justices of the Peace ;

Robert Myers and James B. Starr, Auctioneers ;  
B. W. Johnson, P. A. Strong and W. H. Shepherd, Notaries Public.

Peter Hobart and John Lucas, Surveyors of Lumber.

R. K. CALL,  
Governor of Florida.

Which was read, and said nominations (with the exception of John Lucas, which was laid on the table,) confirmed.

An act to alter and change the time of holding the election for Representative in the Legislative Council from the county of Calhoun, was read a third time and passed. Title as stated.

An act to admit George W. Call, Jr. to practice law in the several Courts in this Territory, was read a second time, and ordered for to-morrow.

An act to repeal an act providing for the safe-keeping of the records of Musquito county, and for other purposes, approved 2d February, 1839, was read a third time and passed. Title as stated.

A bill to be entitled, an act to amend an act to establish a Tariff of Fees, was read a third time, and passed. Title as stated.

An act to alter and fix the terms of the Superior Courts of the Apalachicola District, was read a third time and passed. Title as stated.

The Senate received from the House, the following message:  
HOUSE REPRESENTATIVES,  
27th February, 1843. }

To the Hon. President of the Senate:

A bill to be entitled, "An act to reduce and fix the compensation of certain Territorial officers," has been passed by the House with the title as stated.

An engrossed bill from the Senate entitled an act to incorporate the city of Port Leon, has been amended by the House by striking out the first and second sections of the bill, and substituting two sections appended to the bill therefor.

The House recede from their amendment to the bill entitled, "An act in relation to Garnishments," and have passed the same without amendment.

The preamble and resolutions, from the Senate, on the subject of establishing the boundary line permanently between the Territory of Florida and State of Alabama, have been rejected by the House, and other preamble and resolutions on the same subject, transmitted by the House to the Senate to-day, have been adopted as a substitute therefor. (Attest)

H. ARCHER,

Secretary House Representatives.

Which was read.

A preamble and resolutions relative to defining the boundary line between the State of Alabama and the Territory of Florida, was read a first time, and placed among the orders of the day for to-morrow.

An act to reduce and fix the compensation of certain Territorial officers, was read a first time, and placed among the orders of the day for to-morrow.

An act authorising the construction of a Canal or Rail Road from the Grand Lagoon, in Escambia county, to Perdido Bay, was read a first, second and third time by its title and passed. Title as stated.

The chapters of the Revised Statutes entitled, Banking, Phy-

sicians, Joint Obligations, Costs, Official Records, Fees, were read a third time and passed.

On the passage of Chapter Banking, the yeas and nays were called for by Messrs. Cooper and Yonge, and were:

Yeas—Mr. President, Messrs. Cooper, Livingston, Priest, Smith and Yonge—6.

Nays—Messrs. Baltzell, Hart, Haughton, Long and Walker—5.

The Senate went into Committee of the Whole, Mr. Haughton in the Chair, on the Chapters of the Revised Statutes entitled, Corporations, Securities. After some time spent in consideration thereof, the committee rose, and by their Chairman reported the bills without amendment;

Ordered that thirty copies of the Chapter entitled Corporations be printed.

An Act to prevent masters of ships and vessels, and other persons, from throwing ballast in the bay of Apalachicola, was read first time, and placed among the orders for to-morrow.

A preamble and resolution asking an appropriation for the erection of a Marine Hospital at Apalachicola, was read first, second and third time by its title, and adopted, the rule being waived.

An act to suspend the exercise of banking powers of the Union Bank of Florida, was read a second time, and ordered that 50 copies be printed, and said bill made the order for Thursday next.

On motion, the Senate adjourned until to-morrow, 10 o'clock A. M.

WEDNESDAY, March 1, 1833.

The Senate met pursuant to adjournment. There not being a quorum present, the Senate adjourned until half past 3 o'clock.

HALF PAST 3 O'CLOCK.

The Senate met pursuant to adjournment. There not being a quorum present, the Senate adjourned until to-morrow, 10 o'clock A. M.

THURSDAY, March 2, 1843.

The Senate met pursuant to adjournment, the roll being called, the proceedings of yesterday were read.

Mr. Yonge agreeable to previous notice, introduced a bill entitled Surrogates, which was read and placed among the orders of the day for to-morrow.

Mr. Smith introduced an act in relation to Auctioneers, which was read a first time and placed among the orders of the day for to-morrow.

Mr. Baltzell without previous notice, asked and obtained leave to introduce an act for the care and preservation of the Journals and Books of the Territory.

Also an act to expedite the sale and distribution of the Lands within the boundary of Forbes' Purchase, which was read a first and second time and referred to Judiciary Committee.

A bill to be entitled an act concerning the Revised Statutes, was read a first time and placed among the orders of the day for to-morrow.

Mr. Walker gave notice that he would on some future day, introduce a bill to be intitled an act to provide for the punishments of trespass in certain cases.

Mr. Baltzell reported the following Chapters of the Revised Statutes, and asked to be discharged from the further consideration of the same, chapters, entitled, Limitations, Administrations, Chancery, Oaths, Salvage, Slaves, Ships and Vessels, Appeals, Attorneys at Law, Miscellaneous Provisions, Mortgages, Repeals, Criminal Proceedings, Courts, Crimes, Judgments and Decrees, Guardian and Ward, Dower, Executions, which was granted.

Mr. Long submitted the following preamble and resolutions:

Whereas, many of the citizens of this Territory settled at an early period on the lands, which were then supposed to be the property of the United States, since held by claimants under Spanish grants: And whereas, they have been debarred the right of pre-emption, a privilege extended to the early settlers of this Territory: And whereas, in justice they should be entitled to all the privileges which have been extended to others settling on public lands;

Be it therefore resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate be requested to use his best exertions to procure the passage of a law by Congress, allowing all persons who may have settled on lands since determined to belong to claimants under grants, or who may hereafter settle on any lands which may be decided

to be the property of claimants under grants, to locate the quantity of land to which they would have been entitled under pre-emption, on any public lands not reserved in this Territory, subject to entry or other lands held by pre-emption

Be it further Resolved, That a copy of these resolutions be forwarded to the Hon. David Levy, Delegate in Congress.

Mr. Haughton offered the following Resolution, viz:

Resolved, That his Excellency the Governor be requested, if not incompatible with the public interest, to communicate to the Senate, what action has been had and all other information in his possession, in relation to a suit directed to be instituted, in which the Territory of Florida is plaintiff and Jas. D. Westcott, jr. and others are defendants, for the recovery of a Bond entered into by said Westcott and others, for the faithful performance by the said Westcott of the duty imposed upon him by a previous Legislature, of preparing a compilation of the Laws of Florida.

Which was read and placed among the orders of the day for to-morrow.

Mr. Haughton also introduced the following Resolution, viz:

Resolved, That hereafter the Senate hold an evening Session, commencing at half past 3 o'clock, that at least one hour of such session be devoted to the consideration of the Revised Statutes, and that the present rule in relation to those Statutes be and the same is hereby rescinded.

Which was read and placed among the orders of the day for to-morrow.

Mr. Yonge offered the following Preamble and Resolutions:

Whereas, under the act of Congress organizing a Territorial Government in Florida, the Superior Courts have not original jurisdiction of cases of less value than one hundred dollars, and whereas, it is in contemplation to abolish the County Court system, and it being considered inexpedient to extend the jurisdiction of Justices Courts, there will be left no tribunal in Florida, having original jurisdiction of civil cases, between fifty and one hundred dollars in value.

Be itthere fore Resolved, That our Delegate in Congress, be requested to have the said law so modified, as to give original jurisdiction to the Superior Courts in Florida, of all cases over the value of fifty dollars.

Resolved further, That a copy of this Preamble and Resolutions be sent to the Hon. David Levy.

Which was read and placed among the orders of the day for to-morrow.

Mr. Smith, from the Committee on Enrolled bills, reported as correctly enrolled, the Chapters of the Revised Statutes, entitled Revenue, Posse Commitatus, Certiarori, Landlord and Tenant, and County Revenue.

## ORDERS OF THE DAY.

A Resolution to adjourn sine die, on the 10th of March, 1843, was read a second time, amended and adopted.

A Resolution appointing a Joint Select Committee of three of each House, to investigate the accounts of the Legislative Council, was read and placed among the orders of the day for to-morrow.

An act to incorporate the Grand Lodge of Florida, was read a first time, and placed among the orders of the day for to-morrow.

The Senate went into committee of the whole, Mr. Haughton in the chair, upon the chapters of the Revised Statutes entitled, Secretary of the Territory, Library, Partition, Cattle, Fences, Official Oaths, Constables. After some time spent in consideration thereof, the committee rose, and by their chairman, reported the chapters without amendment.

The chapter entitled, Bastardy, was read a first and second time in the committee of the whole; and on concurring in the report of the committee, the yeas and nays were called for by Messrs. Smith and Cooper, and were:

Yeas—Mr. President, Messrs. Baltzell, Cooper, Priest, Smith and Yonge—6.

Nays—Messrs. Hart, Haughton, Livingston, Long, Mathers and Walker—6.

So said report was not concurred in.

A bill to be entitled, an act to amend the charter of the Bank of Florida, was read a second time, and made the order for Saturday.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
1st March, 1843. }

To the Honorable the President of the Senate:

A bill entitled, an act to repeal in part an act entitled an act to prevent the future migration of Free Negroes and Mulattoes to this Territory, and for other purposes, has been passed by the House, with the title as stated.

A bill entitled, an act to alter and change the name of Nathaniel Bemis Patch, has been passed by the House, with the title as stated.

A bill entitled, an act to authorise the several Clerks of the County Courts to keep a separate docket for all cases pertaining to the estates of deceased persons, has been passed by the House, with the title as stated.

The following chapters, received from the Senate, have passed the House without amendment; titles as stated, viz:

"Arbitrations," "Mechanics," "Laws," "Bills of Exchange and Promissory Notes," "Evidence," "Perpetuating Testimo-

ny," "Rent," "Contempts," "Witnesses," "District Attorneys," "Replevin," "Set Offs."

(Attest)

H. ARCHER,

Secretary House Representatives.

A resolution with respect to printing the Revised Statutes, was read a second time, and placed among the orders of the day for to-morrow.

An act to admit George W. Call, Jr. to practice law in the several Courts within this Territory, was read a second and third time and passed. Title as stated.

An Act to authorize the several Clerks of the County Courts to keep a separate docket in all cases pertaining to the estates of deceased persons,

Was read first time, and placed among the orders for to-morrow.

An Act to amend an act entitled, an act to incorporate the town of Quincy,

Was read a first time, and placed among the orders for to-morrow.

An Act to alter and change the name of Nathaniel Bemis Patch,

Was read a first, second and third time by its title and passed. Title as stated.

The Senate went into Committee of the Whole, Mr. Haughton in the Chair, on an act to define the nature of mortgages. After some time spent in consideration, the Committee rose, reported progress, and asked leave to sit again, which was passed.

On motion, the Senate adjourned until to-morrow, 10 o'clock A. M.

FRIDAY, March 3d, 1843.

The Senate met pursuant to adjournment, and the proceedings of yesterday were read.

Mr. Haughton gave notice that on some future day he would ask leave to introduce a bill to be entitled, an act to change the time of holding the Superior Courts, in the counties of Leon and Gadsden.

Mr. Haughton moved that the vote taken on the Resolution to adjourn sine die on yesterday, be re considered.

On which motion the yeas and nays were called for, by Messrs. Cooper and Priest, and were:

Yeas—Mr. President, Messrs. Haughton, Long, Mathers, Walker and Yonge—6.

Nays—Messrs. Cooper, Hart, Livingston, Priest, and Smith—5.  
So said Resolution was re-considered.

### ORDERS OF THE DAY.

The following message was received from the House:  
HOUSE OF REPRESENTATIVES, }  
2d March, 1843. }

To the Hon. President of the Senate:

The House have amended the Chapter "Justices of the Peace" by striking out the following words in the 13th Section: "in the County Jail," and inserting at the end of the Section the following: "more than five days."

The Chapter was returned to this House by his Excellency the Governor, with the inclosed Message.

(Attest) H. ARCHER,  
Secretary House Representatives.

Which was read and the amendments concurred in.

The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE, }  
Tallahassee, 2d March, 1843. }

Gentlemen of the Senate

and House of Representatives:

I have approved the following Acts, Chapters and Resolutions passed during the present session of the Legislative Council:

A preamble and resolutions, requesting our Delegate in Congress to endeavor to have a Post Office established at Blount's Town, and to have Shadwick Suttin, Esq., appointed Post Masters thereof;

An Act to empower Patrick Augustus McGriff, a minor, to assume the management of his own estate;

An Act to authorize Josiah King to establish a ferry across the St. Mary's River;

Chapter Patrols;

Chapter Jurors;

A preamble and resolutions, asking a re-appropriation of the sum of ten thousand dollars, heretofore appropriated by Congress, and unexpended, to open a Road from Tallahassee to Iola, on the Apalachicola River;

Chapter Escheats;

An Act to amend an act to authorise Abraham Milsted to build and establish a toll bridge across the Big Escambia, in Escambia county;

An Act to renew and amend an act to authorize Abraham Milsted to establish a ferry across the Escambia River;

A preamble and resolution requesting our delegate in Congress to endeavor to establish a post office at Fort King, in the county of Alachua;

Chapter Fines, Penalties and Forfeitures;

Chapter Ejectment;

Chapter Ferries;

Chapter Free Negroes and Mulattoes;

Chapter Resignations, Removals and Vacancies;

Chapter Patnership;

Chapter Marriages;

Chapter Quo Warranto;

Chapter County Treasurer;

An Act to establish an additional term of the County Court of Franklin County:

A preamble and resolutions requesting our Delegate in Congress to endeavor to provide by law for the meeting and session of the Legislative Council of Florida, without waiting for an appropriation by Congress, and for an increase of the compensation of the officers;

Chapter Descents;

Chapter Forcible Entries and Detainer.

R. K. CALL,  
Governor of Florida.

Which was read.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
2d March, 1843. }

To the Hon. President of the Senate:

The preamble and resolutions respecting the company of Volunteers, commanded by Capt. Daniel's, have been adopted without amendment.

A bill entitled, "An act in relation to Mulattoes," also a bill entitled, "An act in relation to Executors and Administrators, and the distribution of insolvent estates," have passed the House with their titles as stated.

A chapter entitled, "Banking," amended by the Senate and returned to the House, has been considered, and the House insist on the chapter as originally passed by this body.

The House concur in the amendment of the Senate to a resolution to adjourn *sine die* on the 10th March.

(Attest) H. ARCHER,  
Secretary House Representatives.

Which was read.

The Senate refused to recede from their amendment.

An Act in relation to Mulattoes, was read first time, and placed among the orders for to-morrow.

An Act in relation to Executors and Administrations, and

the Distribution of Insolvent Estates, was read first time, and placed among the orders for to-morrow.

A Resolution to procure the establishment of a Mail route from Apalachicola via St. Josephs, St. Andrews and Econfinia, to intersect with the Alligator route at Marianna, was read a first and second time and adopted.

The Senate went into committee of the whole, Mr. Cooper in the chair, on an act concerning School Lands. After some time spent in consideration thereof, the committee rose, and by their chairman reported progress and asked leave to sit again.

Which was granted.

The Chapters of the Revised Statutes entitled "Mechanics," "Securities," "Partition," "Cattle," "Fences," "Official Oaths," "Constables," "Secretary of the Territory," "Library"—were read a third time and passed.

Titles as stated.

The Senate went into committee of the whole, Mr. Haughton in the chair, on the Chapters of the Revised Statutes entitled "Laws," "Attachments," "Justice's Court," "Bastardy." After some time spent in consideration thereof, the committee rose, and by their chairman reported said Chapters without amendment.

The following message was received from his Excellency the Governor :

EXECUTIVE OFFICE,  
Tallahassee, 3d March, 1843. }

Gentlemen of the Senate

and House of Representatives :

I hereby nominate the following officers for the several Counties hereinafter mentioned:

For the County of Calhoun—Nehemiah Haden, and Francis Arnou, Justices of the Peace.

Nehemiah Haden, Port Warden for the Port of St. Joseph.

For the County of Jackson—Edward H. Alderman, Justice of the Peace.

For the County of Franklin—Hezekiah Smith, Tax Collector.

For the County of Nassau—James T. O'Neal, Judge of the County Court,

Henry F. Parmeter, Justice of the Peace.

For the County of Escambia—Charles N. Jordon, Justice of the Peace,

James Gonzales, George W. Barkley and Francisco De La Rua, Auctioneers,

Hanson Kelly, sen. Robert A. Mitchell, John Campbell, Charles C. Kiser, Henry F. Ingraham, Manuel Del Barco and Sebastian Caro, Port Wardens, for the Port of Pensacola.

For the County of Alachua—George Watson, jr. Judge of the County Court,

Thomas J. Perrate, Auctioneer,

William J. Turner and Cotton Rawls, Justices of the Peace.

For the County of Hernando—William W. Tucker, Judge of the County Court—Isaac Garrison, James A. Boyl, William Horn, William Cooley, Eli Hart, and Richard Crum, Justices of the Peace,

Isaac Garrison, Notary Public.

Isaac Garrison and A. H. Morse, Auctioneers.

For the County of Gadsden—George W. Bruton, A. J. Forman, Isaac Nathans, Marcellus Morgan and Isham Cain, Justices of the Peace.

R. K. CALL,

Governor of Florida.

Which was read, and said nominations, with the exception of Hezekiah Smith, (which was laid on the table,) were confirmed.

The Senate adjourned until to-morrow, half-past 9 o'clock, A. M.

SATURDAY, March 4, 1843.

The Senate met pursuant to adjournment. A quorum being present, the proceedings of yesterday were read.

Mr. Livingston moved that the bill to divide the Territory into Senatorial Districts be taken from the table.

A petition from John Davis, of Jackson County was read, and referred to a Select Committee, consisting of Messrs. Long, Baltzell and Yonge.

A petition of Joseph C. Mangha was read, and referred to a Select Committee, consisting of Messrs. Hart, Haughton and Mathers.

Mr. Livingston, from the committee on the state of the Territory, made the following report :

The committee on the state of the Territory, to which was re-committed a preamble and resolution in relation to the military claims of the citizens of Florida, for services rendered the U. S. during the Indian war, respectfully report the same with an amendment to the preamble.

M. C. LIVINGSTON, Chairman.

Which was read.

Mr. Walker, pursuant to previous notice, introduced a bill to be entitled, An Act to regulate the pilotage of vessels to and from the port of Port Leon in the Territory of Florida :

Which was read, and placed among the orders for to-morrow.  
Mr. Walker, from the Judiciary committee, reported an act to change the name of a person therein mentioned, without amendment;

An Act in relation to Auctioneers, without amendment;

Reported an act to amend an act entitled an act regulating judicial proceedings, reported a substitute for said bill, which was read.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }  
3d March, 1843. }

To the Hon. President of the Senate:

A chapter received from the Senate entitled, "Bonds for the performance of Covenants, Penal and Official Bonds," has been passed by the House without amendment. Title as stated.

A chapter entitled, "Estates," has been passed with the title as stated.

A bill to be entitled, "An act to authorise the County Court of Alachua county to raise a County Revenue, has passed the House with the title as stated.

(Attest) H. ARCHER,  
Secretary House Representatives.

Which was read.

Also the following:

HOUSE REPRESENTATIVES, }  
3d March, 1843. }

To the Hon. President of the Senate:

At the suggestion of his Excellency the Governor, the House re-considered the Veto on the passage of the Chapter entitled "Coroners," and amended the same by inserting the word "produced" after the word "evidence," in the 5th line of 6th Section, and have ordered the amendment certified to the Senate.

H. ARCHER,  
Secretary House of Representatives.

Which was read, and amendment concurred in.

The Senate went in Committee of the whole, Mr. Long in the Chair, "on a bill to be entitled an act to suspend the exercise of banking power by the Union Bank of Florida, to provide for the payment of the Territorial Bonds issued to said Bank, out of its assets and the Mortgaged property of its Stockholders, for the liquidation and settlement of the affairs of said Bank, for the amendment of the Charter thereof," after some time spent in consideration thereof, the committee rose and by their Chairman reported progress, and asked leave to sit again, which was granted.

The Chapter of the Revised Statutes, entitled Estates, Jus

tices Court, Jurors, Conveyances and Attachment, was read a third time and passed, ordered that the title be as stated.

Mr. Livingston moved that the House of Representatives be requested to re-consider their vote on the adjournment resolution, which was adopted.

The Senate adjourned until Monday 10 o'clock, A. M.

MONDAY, March 6th, 1843.

The Senate met pursuant to adjournment, and the proceedings of Saturday were read.

Mr. Livingston, without previous notice, introduced a bill to be entitled, an act to revive in part the revenue laws and provide for a Territorial revenue.

Which was read and placed among the orders for to-morrow.

A petition of Mrs. Mary Brown was read, and referred to a select committee consisting of Messrs. Baltzell, Yonge and Ramsay.

Mr. Yonge offered the following resolution:

Resolved by the Senate of the Territory of Florida, That bills of a public and general character, for the remainder of the session, shall have precedence over bills relating to corporations and others of a private and local character.

Mr. Smith, from the Committee on Enrolled Bills, reported as correctly enrolled the chapters of the Revised Statutes, entitled, Revised Statutes, Bonds and Marks and Brands, and the acts entitled, "An act in relation to Garnishments," "An act to amend an act to incorporate the city of Port Leon," and "An act to organise the county of WaKulla," and a resolution asking Congress to provide for the payment of a company of Volunteers under Capt. Daniel.

The Select Committee, to whom was referred the petition and documents of James C. Manghann, praying to be divorced from his wife Ann Manghann, have had the same under consideration, and beg leave respectfully to report a bill for his relief.

ISAIAH D. HART, Chairman.

Which was read.

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

EXECUTIVE OFFICE, }  
Tallahassee 25th February, 1843. }

Gentlemen of the Senate  
and House of Representatives:

I have approved the following Chapters of the Revised Code, passed by the Legislative Council, during the present session:

"Chapter Apprentices;"  
 "Chapter Gaming;"  
 "Chapter Auctioneers;"  
 "Chapter Estrays;"

R. K. CALL,  
 Governor of Florida.

HOUSE REPRESENTATIVES,  
 March 4th, 1843.

The Senate received from the House the following message:

To the Hon. President of the Senate:

The House have passed the following bills with their titles as stated, viz—

- "An act to incorporate the Apalachicola Guards."
- "An act to prevent the removal of Stakes and Buoys, in the Bay of Apalachicola."
- "An act to amend An act, to organize and regulate the Militia in the Territory of Florida."
- "An act to regulate Commissions for money collected."
- "An act to augment the fees of Translators of the Courts, Keepers of the Archives, and other authorized Translators."
- "An act to prevent Apothecaries, Druggists, and other persons from giving, selling or delivering poison to any Slave, free Negroes or free Mulattoes."

A bill from the Senate, entitled "An act to amend An act, to establish a 'Tariff' of Fees," has been passed by the House, with the following amendments:

- After the word "Plaintiff" in the second line, of the sixth section, insert "whether in a civil or criminal action."
- By striking out the word "conflicting" in the second line of the seventh section, and insert in lieu thereof, "so far as they conflict."
- A chapter from the Senate, entitled "Insane persons," passed without amendment. Title as stated.

"An act to authorize the County Court of Mosquito County to raise a County revenue," has been passed by the House, with the title as stated.

A Preamble and Resolution respecting Hernando County, adopted by the House, and ordered to be certified to the Senate.

Attest

H. ARCHER,  
 Secretary House Representatives.

Which was read, and the amendments concurred in.

The rule being waived, Mr. Baltzell introduced, a bill entitled, an act for the preservation of the lands granted by Congress for a Seminary of Learning and the disposition of the fund arising from the lease thereof.

Which was read.

### ORDERS OF THE DAY.

The Senate went into committee of the whole, Mr. Long in the chair, on a bill to be entitled, "An act to suspend the exer-

cise of banking power by the Union Bank of Florida, to provide for the payment of the Territorial Bonds issued to said Bank, out of its assets and the mortgaged property of its stockholders, for the liquidation and settlement of the affairs of said Bank, for the amendment of the charter thereof." After some time spent in consideration thereof, the committee rose, and by their chairman, reported the bill as amended.

Which report was concurred in.

Mr. Baltzell moved to strike out the word "five," in the second section, and insert "seven."

On which question the yeas and nays were called for by Messrs. Baltzell and Cooper, and were:

Yeas—Messrs. Baltzell, Cooper, Priest, Smith and Yonge—5.

Nays—Mr. President, Messrs. Hart, Houghton, Livingston, Long, Mathers, Ramsay and Walker—8.

So said amendment was rejected.

Mr. Smith moved to strike out the 2d and 3d sections:

On which the yeas and nays were called for by Messrs. Smith and Livingston, and were:

Yeas—Messrs. Baltzell, Cooper, Priest, Smith and Yonge—5.

Nays—Mr. President, Messrs. Hart, Houghton, Livingston, Long, Mathers, Ramsay and Walker—8.

So said amendment was lost.

Mr. Baltzell offered the following as an amendment for the 5th section:

"That the payment of property sold as aforesaid, shall be made in gold or silver, or in Territorial Bonds, at their value in gold or silver."

On which the yeas and nays were called for by Messrs. Baltzell and Livingston, and were:

Yeas—Mr. President, Messrs. Baltzell, Cooper, Hart, Long, Priest, Smith and Yonge—8.

Nays—Messrs. Houghton, Livingston, Mathers, Ramsay and Walker—5.

So said amendment was adopted.

Mr. Smith offered the following as a substitute for the 5th, 6th, 7th, 8th, 9th and 10th sections:

Be it further enacted, That the equity of redemption, and all the right, title, and interest of any mortgagor, his heirs and assigns, in or to any property, whether real or personal, mortgaged to the said bank, shall be liable to sell under execution, in whose hands soever the same may be; but no sale of such interest or equity of redemption in any slave heretofore mortgaged to the said bank, shall be perfected, until the purchaser shall tender to the officer making the sale, a bond, with good security, in the penal sum of double the value of the slave sold, conditioned to be void if such slave shall be delivered to the said bank or its

representative, at the expiration of five years thereafter, or the mortgage upon such slave shall be sooner foreclosed, then at the time of its foreclosure: Nevertheless, the purchaser, his heirs or assigns, may still keep possession of such slave, until the mortgage thereon shall be foreclosed, on renewing such bond and security from time to time, at the expiration of every term of five years.

Be it further enacted, That every such purchaser and security shall be responsible to the said bank or its representative, for all damage which any such slave may sustain, from improper treatment or want of care on the part of the purchaser, his heirs or assigns; but if such slave shall die without the fault of the purchaser, his heirs or assigns, then the said bond shall be void.

Be it further enacted, That whenever execution shall be levied on any such interest or equity of redemption, no more slaves or other property shall be sold than shall be necessary to satisfy such execution.

On which amendment the yeas and nays were called for by Messrs. Smith and Yonge, and were:

Yeas—Messrs. Cooper, Priest and Smith—3.

Nays—Mr. President, Messrs. Baltzell, Hart, Haughton, Livingston, Long, Mathers, Ramsay, Walker and Yonge—10.

So said amendments were lost.

Mr. Smith moved to strike out the words "other than stock loans," in the second line of the 11th section;

On which the yeas and nays were called for by Messrs. Smith and Yonge, and were:

Yeas—Mr. President, Messrs. Baltzell, Cooper, Priest and Smith—5.

Nays—Messrs. Hart, Haughton, Livingston, Long, Mathers, Ramsay, Walker and Yonge—8.

So said motion was lost.

A Resolution relative to evening sessions was read, amended and adopted.

The Senate took a recess till half-past 3 P. M.

#### HALF PAST 3 O'CLOCK.

The following Message was received from the House, viz:

HOUSE OF REPRESENTATIVES, }  
6th March, 1843. }

To the Hon. President of the Senate:

A Preamble and Resolution asking an appropriation from Congress for deepening the straight Channel in the Bay of Apalachicola, has been adopted by the House.

An act in relation to Sheriffs and the Clerks of the Superior and County Courts of Washington County has been passed by the House with the title as stated.

A bill from the Senate entitled an act in relation to Auctioneers has been passed by the House without amendment. Title as stated.

H. ARCHER,  
Secretary House Representatives.

Which was read.

The Senate went into Committee of the whole, Mr. Hart in the Chair, on an act concerning School Lands; after some time spent in consideration thereof, the Committee rose and by their Chairman, reported the bill as amended.

Which was concurred in.

Mr. Haughton seconded by Mr. Long, called for the yeas and nays upon the following substitute, which was offered by Mr. Haughton:

Provided that no leases heretofore made for an adequate consideration shall be affected by this act, the efficiency of which consideration shall be determined by the Judge of the County Court.

Yeas—Messrs. Haughton and Mathers—2.

Nays—Mr. President, Messrs. Baltzell, Cooper, Hart, Livingston, Long, Priest, Ramsay, Smith, Walker and Yonge—11.

So said Resolution was lost.

A bill to be entitled, An Act regulating the payment of debts due the Banks of Florida, was read a second time, and ordered for to-morrow.

A Resolution relative to the petition of John B. Taylor, was read a second and third time, and adopted.

An Act to change the name of a person therein mentioned, was read a third time and passed.

An engrossed act to repeal an act entitled, An Act to prevent the future migration of free negroes or mulattoes to this Territory, and for other purposes, was read, amended and passed.

An Act to authorise the several Clerks of the County Courts to keep a separate docket for all causes pertaining to estates of deceased persons, was indefinitely postponed.

A Resolution in a case of the Territory of Florida vs. James D. Westcott was read;

On motion of Mr. Cooper, the name of John M. Hanson and others were added as an amendment, accepted, and adopted.

On motion, the Senate adjourned until to-morrow morning, 9 o'clock.

TUESDAY, March 7th, 1843.

The Senate met pursuant to adjournment, and the proceedings of yesterday were read.

Mr. Hart, agreeable to previous notice, introduced a bill to be entitled, "An act to tax Bachelors for the relief of certain females therein mentioned."

Which was read.

Mr. Walker moved its reference to the Committee on Marks and Brands.

The chair decided the motion out of order.

Mr. Baltzell, from the Committee on Finance and Banks, to whom the petition of J. R. Palin and James Holford was referred, presented a bill in reference to that subject, and asked to be discharged from the further consideration thereof.

Mr. Livingston moved that the report of the majority be not concurred in.

On which question the yeas and nays were called for by Messrs. Livingston and Haughton, and were:

Yeas—Mr. President, Messrs. Baltzell, Cooper, Hart, Haughton, Long, Priest, Ramsay, Walker and Yonge—10.

Nays—Messrs. Livingston and Mathers—2.

So said report was received.

Mr. Livingston makes a minority report against the petition of Palin and others, and objects to the reception of the report of the majority of the committee on the ground that the majority are not pledged to the support of the bill reported.

M. C. LIVINGSTON.

Which was read.

Mr. Haughton, agreeable to previous notice, introduced a bill to be entitled, an act to change the time of holding the Superior Courts in the counties of Gadsden and Leon.

Mr. Haughton, agreeable to previous notice, introduced a bill entitled, an act for the more effectual protection of the people of this Territory against malpractices of Banks and Bank-agencies, and for other purposes.

Which was read and placed among the orders for to-morrow.

The Select Committee, to which was referred the petition of John Davis, asking that he may be declared without the corporate limits of the town of Marianna, have had the matter under consideration, report a bill, and beg to be discharged from the further consideration of the matter.

NICHOLAS A. LONG,  
Chairman Select Com.

Which was read.

Mr. Smith, from the Committee on Enrolled Bills, reported as

correctly enrolled, "An act relative to Auctioneers," and a chapter of the Revised Statutes entitled, Insane Persons.

The Senate went into committee of the whole, Mr. Cooper in the chair, on a bill to be entitled, an act to amend the charter of the Bank of Florida. After some time spent in consideration thereof, the committee rose, and by their chairman, reported the bill as amended.

Which report was concurred in.

Mr. Hart, seconded by Mr. Cooper, called for the yeas and nays on the following substitute, offered by him in committee of the whole, as an amendment to the 2d section:

Be it further enacted, That if the said bank shall ever suspend specie payment at its counter, for the space of sixty days; the President and Cashier shall be deemed to be guilty of felony, and on conviction, shall suffer death. And the directors of the said bank, shall be deemed to be guilty of a misdemeanor, and on conviction, shall be fined in a sum not more than ten thousand dollars each, or imprisoned not exceeding two years at the discretion of the court.

Yeas—Messrs. Cooper, Hart, Priest, Smith and Yonge—5.

Nays—Mr. President, Messrs. Baltzell, Haughton, Livingston, Long, Mathers, Ramsay and Walker—8.

So said amendment was lost.

Mr. Hart, seconded by Mr. Cooper, called for the yeas and nays on the following substitute, offered by him in committee of the whole, viz:

Section Be it further enacted, That if the said bank shall suspend specie payment for the space of sixty days, the President and Cashier shall be deemed to be guilty of felony, and on conviction, shall be fined in a sum not exceeding twenty thousand dollars, and imprisoned not exceeding five years, at the discretion of the court; the directors shall be deemed to be guilty of a misdemeanor, and on conviction shall be imprisoned not exceeding two years, or fined not exceeding five thousand dollars, at the discretion of the court; and the stock holders shall be individually liable in all their property for the redemption of the liabilities of the said bank.

Yeas—Messrs. Baltzell, Cooper, Hart, Priest and Yonge—5.

Nays—Mr. President, Messrs. Haughton, Livingston, Long, Mathers, Ramsay, Smith and Walker—8.

So said amendment was lost.

Mr. Yonge, seconded by Mr. Long, called for the yeas and nays on the following section, offered by him in committee of the whole, in lieu of Mr. Walker's substitute:

Be it further enacted, That all the stock holders in said bank shall be jointly and severally bound for all the liabilities of said bank, whether such liabilities be incurred prior to their becoming stockholders, during the time they are stock holders, or after they have transferred or parted with their stock, and that no stockholder own more than  
number of shares.

Yeas—Mr. President, Messrs. Baltzell, Cooper, Priest, Smith and Yonge—6.

Nays—Messrs. Hart, Haughton, Livingston, Long, Mathers, Ramsay and Walker—7.

So said substitute was lost.

Mr. Yonge, seconded by Mr. Walker, called for the yeas and nays on the adoption of the following section, offered by him in committee of the whole, as a substitute for Mr. Walker's substitute:

Be it further enacted, That their charter shall be subject to be amended, or repealed by any future Legislature of the Territory of Florida.

Yeas—Messrs. Baltzell, Cooper, Hart, Priest and Yonge—5.

Nays—Mr. President, Messrs. Haughton, Livingston, Long, Mathers, Ramsay, Smith and Walker—8.

So said substitute was lost.

The Senate went into committee of the whole, Mr. Yonge in the chair, on an act to revive in part the revenue laws and provide for a Territorial revenue. After some time spent in consideration thereof, the committee rose, and by their chairman, reported the bill as amended.

Which was concurred in.

The Senate took a recess until half past 3 o'clock.

#### HALF PAST 3 O'CLOCK.

The following message was received from the House:

HOUSE REPRESENTATIVES, }  
7th March, 1843. }

To the Hon. President of the Senate:

A Preamble and Resolution relative to the petition of John B. Taylor, has been adopted by the House without amendment.

A Resolution relative to the publishing the laws, has been adopted by the House, and ordered to be certified to the Senate.

A Bill from the Senate, entitled "An act to repeal an act to prevent the future migration of free Negroes, or Mulattoes," has passed the House without amendment. Title as stated.

A Resolution relative to the petition of James H. Randolph, has been adopted by the House, and ordered to be certified to the Senate.

A chapter received from the Senate, entitled "Attachments," has passed the House without amendment. Title as stated.

A bill entitled "An act to amend an act in relation to elections," has passed the House; ordered that the title be as stated.

Attest,

H. ARCHER,

Secretary House Representatives.

Which was read.

An act to amend an act in relation to Depositions, was read a second and third time and passed. Title as stated.

A bill to be entitled an act amendatory of an act to amend an act concerning Executions, approved Feb. 15, 1834, was read a third time and rejected.

A bill to be entitled an act regulating the payment of debts due the Banks of Florida, was read a third time and lost.

The Senate went into committee of the whole, Mr. Hart in the chair, on a bill to be entitled, an Act to sub-divide the Senatorial Districts. After some time spent in consideration thereof, the committee rose, and by their chairman reported said bill with the enacting clause stricken out.

On the question of striking out the enacting clause, the yeas and nays were called for by Messrs. Long and Ramsay, and were,

Yeas—Mr. President, Messrs. Baltzell, Cooper, Mathers, Priest, Smith and Walker—7.

Nays—Messrs. Hart, Haughton, Livingston, Long, Ramsay and Yonge—5.

So said clause was stricken out.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
7th March, 1843. }

To the Honorable the President of the Senate:

A bill entitled An act to alter and fix the terms of the Superior Courts of the Apalachicola District, has been passed by the House with the following amendment:

"Be it further enacted, That this act shall go in force from and after the first day of June next, in the County of Franklin, and not before."

Attest,

H. ARCHER,

Secretary House Representatives.

Which was read and concurred in.

An act in relation to Mulattoes, was read a second and third time and indefinitely postponed.

An act to amend an act entitled an act to incorporate the Town of Quincy, was read a first, second and third time by its title, and passed. Ordered that the title be as stated.

An act for the relief of Andrew Scott, was read a second and third time and passed. Title as stated.

An act to authorise John G. Swan to establish a Ferry across the Withlacoochee River, at Fort Izard, was read a first, second and third time and passed. Title as stated.

An act to authorise John McCloskey to build a Bridge and establish a Ferry across Little Bayou, in Escambia County, was read a first, second and third time and passed. Title as stated.

An act to authorise the County Court of Mosquito County to

raise a county revenue, was read a first, second and third time by its title, and passed. Title as stated.

A preamble and resolution asking an appropriation from Congress for deepening the straight channel in the Bay of Apalachicola, was read a first, second and third time and adopted.

An act to amend an act entitled an act to establish a Board of Port Wardens and Commissioners of Pilotage for the Port of Key West, was read a second and third time and passed. Title as stated.

A bill to be entitled an act to alter and change the name of Amanda L. Mandel, was read a second and third time and passed. Title as stated.

A preamble and resolution relative to Hernando County, was read a first, second and third time and passed.

An act to incorporate the Quincy Light Horse, was read a first, second and third time and passed. Title as stated.

An act to reduce and fix the compensation of certain Territorial officers, was read a second and third time and passed. Title as stated.

An act to incorporate the Grand Lodge of Florida, was read a second and third time by its title and passed. Title as stated.

An act entitled an act to prevent the removal of Stakes and Buoys, in the Bay of Apalachicola, was read a first, second and third time and passed. Title as stated.

An act entitled an act to incorporate the Apalachicola Guards, was read a first, second and third time by its title, and passed. Title as stated.

An act to prevent Masters of Ships and Vessels, and other persons, from throwing ballast in the Bay of Apalachicola, was read, amended and passed. Title as stated.

An act to prevent Apothecaries, Druggists and other persons from selling, giving or delivering poison to any slave, free negro or free mulattoes, was read a first, second and third time by its title, and passed. Title as stated.

An act to authorise the County Court of Alachua county to raise a County Revenue, was read a first, second and third time by its title, and passed. Title as stated.

An act in relation to Sheriffs and the Clerk's of the Superior and County Courts of Washington county, was read a first, second and third time by its title, and passed. Title as stated.

An act to augment the fees of Translators of the Courts and Keepers of the Archives, and other authorized Translators, was read a first, second and third time, and indefinitely postponed.

On motion, the Senate adjourned until to-morrow, 10 o'clock, A. M.

WEDNESDAY, March 8th, 1843.

The Senate met pursuant to adjournment, and the proceedings of yesterday were read.

Mr. Haughton offered the following resolution:  
Resolved, That a Joint Select Committee of three be appointed by the two houses, to receive proposals for publishing the laws of this session in pamphlet form.

The rule being waived, said resolution was adopted.  
Messrs. Haughton, Livingston and Smith were appointed said committee.

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

EXECUTIVE OFFICE,  
Tallahassee, 7th March, 1843. }

Gentlemen of the Senate

and House of Representatives:  
I hereby nominate Benjamin W. Gause a Justice of the Peace for the county of Leon.

R. K. CALL,  
Governor of Florida.

Which was confirmed.

An act concerning School Lands, was read a third time by its title, and passed. Title as stated.

Mr. Cooper moved the indefinite postponement of a bill to be entitled, an act for the redemption of real estate, and called for the yeas and nays, and were:

Yeas—Mr. President, Messrs. Cooper, Priest, Smith and Yonge—5.

Nays—Messrs. Hart, Haughton, Livingston, Long, Mathers, Ramsay and Walker—7.

So said motion was lost.

The Senate went into committee of the whole, Mr. Yonge in the chair, on a bill to be entitled, an act for the redemption of real estate sold under Execution. After some time spent in consideration thereof, the committee rose, and by their chairman, reported the bill as amended.

Which was concurred in.

Mr. Yonge, seconded by Mr. Priest, called for the yeas and nays on the following substitute offered by Mr. Walker, of Jackson, in committee of the whole:

Be it further enacted, That this act shall not have retroactive operation so as to effect contracts now in being.

Yeas—Mr. President, Messrs. Baltzell, Priest, Smith and Yonge—5.

Nays—Messrs. Hart, Haughton, Livingston, Long, Mathers and Walker—6.

So said amendment was lost.

Mr. Yonge, seconded by Mr. Long, called for the yeas and nays on the amendment of Mr. Cooper, offered in committee of the whole, striking out the word "ten per cent" wherever it occurs in the bill, and insert "twenty per cent."

Yeas—Mr. President, Messrs. Baltzell, Priest and Yonge—4.

Nays—Messrs. Haughton, Livingston, Long, Mathers and Walker—5.

Mr. Smith was excused from voting.

So said substitute was lost.

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

EXECUTIVE OFFICE,  
Tallahassee, 7th March, 1843.

Gentlemen of the Senate:

I have examined, and herewith return disapproved, the following Chapters of the Revised Code which originated in the Senate:

Chapter entitled "Jails;"

Chapter "Frauds;"

Chapter "Treasury Department."

The fifth section of the Chapter on Jails, provides that the costs and expenses of imprisonment, and prosecution of all criminals under the laws of the Territory, shall be paid by the County in which the offence was committed, if not paid by the United States, or by the prisoner. This appears to me to be inexpedient, and may be unjust in its operation, in many of the small Counties, sparsely populated, and with very limited resources.

All criminal offences are committed against the peace and dignity of the Territory. They are in violation of the laws of the Territory. The Territory prosecutes for the offence. The whole community is interested in vindicating the public justice, and the expenses incurred by the prosecution, should be paid from the Public Treasury.

If all the counties were equal in wealth and resources, this would in some degree obviate the objections I have mentioned. But this not being the case, the measure proposed, if adopted, would in my opinion, operate with inequality and injustice to the small Counties.

I object to the whole Chapter on "Frauds," because I deem it less perfect than the act now in force on the same subject. The object of Revising our Statutes is, as I understand, to improve, rather than to change our Statute Book. The act now in force, is almost a literal transcript from the British Statute, and perhaps could not be improved by human ingenuity. It has been explained, interpreted, and rendered certain, by a long train of judicial decisions in this country and in England, and is well understood by the profession and by the Courts. But I more especially object, (and invite the attention of the Senate,) to the 2d section of the Chapter on Frauds, which appears to be too

obscure and ambiguous, to be readily construed, even by the most learned in the law.

I object to the second and third articles of the Chapter entitled "Treasury Department," because they require the Comptroller and Treasurer to make their reports directly to the Legislative Council, instead of reporting to the Executive of the Territory. This is contrary to the rule established for the government of the fiscal officers of the United States, and I believe of every State in the Union. It is also contrary to the rule now established by law in this Territory. So far as my information extends, it is the policy of all Governments, to render the financial officers in some degree subordinate to the officers clothed with Executive powers, and I can perceive no sufficient reason why this general rule should not be observed here.

It appears to me that the public interest, as well as public convenience requires that the report of the Comptroller and Treasurer should be made to the Governor, before the time appointed for the meeting of the Legislative Council, in order that he may, in his annual message, recommend such financial measures as may be deemed necessary and proper for the support of the Government.

The Chapter now under consideration, requires them to report to the Legislative Council during the first week of each annual session, and under that system, the Governor would be compelled to resort to the Legislative journals, to learn in what manner the laws governing the Treasury Department have been executed, although he is required by the functions of his office to see them executed.

For the reasons assigned, I herewith return disapproved the Chapters above mentioned.

R. K. CALL,  
Governor of Florida.

On motion, said bills and message were laid on the table.

An act to tax Bachelors for the relief of certain females therein mentioned, was read, and laid on the table until 4th July next.

An act to revive in part the revenue laws and provide for a Territorial revenue, was read, a third time and on its final passage, the yeas and nays were called for by Messrs. Cooper and Priest, and were:

Yeas—Mr. President, Messrs. Baltzell, Haughton, Livingston, Mathers and Walker—6.

Nays—Messrs. Cooper, Long, Priest, Smith and Yonge—5.  
So said bill was passed. Title as stated.

The Senate went into committee of the whole, Mr. Yonge in the chair, on a bill to be entitled, an act to establish warrants or drafts upon the Territorial Treasury, when the same have been lost or mislaid. After some time spent in consideration thereof, the committee rose, and by their chairman, reported the bill as amended.

Which report was concurred in.

The Senate went into committee of the whole, Mr. Yonge in the chair, on a bill to be entitled, an act to prevent Jailors from releasing runaway negroes until the conditions therein expressed are complied with. After some time spent in consideration

thereof, the committee rose, and by their chairman, reported the bill as amended,

Which report was concurred in.

A bill to be entitled, an act for the relief of James C. Manghann, was read a second time, and indefinitely postponed.

The Senate took a recess until half past 3 o'clock.

HALF PAST 3 O'CLOCK.

The Senate went into committee of the whole, on a bill to be entitled, an act to suspend the exercise of banking power by the Union Bank of Florida; to provide for the payment of the Territorial Bonds, issued to said Bank, out of its assets, and the mortgaged property of its stock holders, for the liquidation and settlement of the affairs of said bank, and for the amendment of the charter thereof;

Mr. Hart in the chair. After some time spent in consideration thereof, the committee rose, and by their chairman reported the bill as amended.

An act entitled an act to amend the charter of the Bank of Florida, was read a third time, and the following engrossed rider offered by Mr. Hart, was adopted.

Section Be it further enacted, That if the said bank shall suspend specie payment for the space of sixty days, the President and Cashier, shall be deemed guilty of felony, and on conviction, shall be fined in a sum not exceeding twenty thousand dollars, and imprisoned not exceeding five years, at the discretion of the court; the directors shall be deemed to be guilty of a misdemeanor, and on conviction shall be imprisoned not exceeding two years, or fined not exceeding five thousand dollars, at the discretion of the court; and the stock holders shall be individually liable in all their property for the redemption of the liabilities of the said bank.

On the question shall this bill pass, the yeas and nays were called for by Messrs. Cooper and Priest, and were:

Yeas—Messrs. Hart, Haughton, Livingston, Long, Mathers, Ramsay, and Walker—7.

Nays—Mr. President, Messrs. Baltzell, Cooper, Priest, Smith and Yonge—6.

So said bill passed. Title as stated.

A bill to be entitled, an act to effect the exoneration of the people of this Territory, from any alledged liability on the guarantees given to the Southern Life Insurance & Trust Company;

Was read a first time, and indefinitely postponed.

A bill to be entitled, an act to divorce Eliza Vaughan, from

her husband William Vaughan, was read a second and third time, and passed. Title as stated.

An act to render uniform and certain, the practice of the Courts in the Territory of Florida;

Was read a second time and laid on the table for the balance of the Session.

A bill to be entitled, an act to change the time of holding the Superior Courts in the Counties of Gadsden and Leon;

Was read a second time and laid on the table.

The resolutions of the Committee on the State of the Territory, relative to the settlement of the claims of our citizens for Military services, were read a second time and passed.

A bill to be entitled, an act to amend the law in reference to Executions and Attachments, was read a second and third time and passed. Title as stated.

On motion the Senate adjourned until 10 o'clock to-morrow.

THURSDAY, March 9th, 1843.

The Senate met pursuant to adjournment, and the proceedings of yesterday were read.

Mr. Yonge offered the following resolution:

Resolved by the Senate and House of Representatives, That the following rule of practice in the Courts in the Territory, established by the Court of Appeals, in conformity to an act of the Council passed in 1832, be printed with the laws of the present session, was adopted.

Mr. Smith, from the Committee on Enrolled Bills, reported as correctly enrolled, the chapters of the Revised Statutes entitled, Roads, Bridges and Highways, Set Offs, Evidence, Witnesses, Replevin, Bills of Exchange and Promissory Notes, Contempts, District Attornies, Perpetuating Testimony and Rents.

The Senate received from the House the following message:

HOUSE OF REPRESENTATIVES,  
8th March, 1843.

To the Hon. President of the Senate:

The following bills have passed the House of Representatives with their titles as stated:

"An act to amend and explain the laws in relation to limitation of actions."

"An act to regulate the mode of proceedings in cases of lost papers or instruments of writing."

"An act to change the time of holding the Courts of Road Commissioners, and for other purposes."

The House agree to and concur in the amendment of the Senate to a bill entitled, "An act to prevent masters of ships and vessel and other persons from throwing ballast in the Bay of Apalachicola."

Attest,

H. ARCHER,

Secretary House Representatives.

A resolution, appointing a Joint Select Committee to examine the accounts of the present session, was read a third time and adopted;

Committee—Messrs. Livingston, Hart and Yonge.

The Senate went into Committee of the Whole, on an act to prescribe the jurisdiction of County Courts, and for other purposes, Mr. Cooper in the Chair. After some time spent in consideration thereof, the committee rose, and by their Chairman reported the bill, with the enacting clause stricken out;

On striking out the enacting clause, the yeas and nays were called for by Messrs. Yonge and Cooper, and were:

Yeas—Messrs. Cooper, Hart, Haughton, Livingston, Long, Mathers, Priest, Ramsay, Smith and Walker—10.

Nays—Messrs. President and Yonge—2.

So said enacting clause was stricken out.

A bill to be entitled, An Act for the redemption of real estate sold under execution, was, on motion of Mr. Cooper, ordered to be engrossed;

On which motion Mr. Cooper called for the yeas and nays, which were:

Yeas—Mr. President, Messrs. Cooper, Priest, Ramsay, Smith and Yonge—6.

Nays—Messrs. Hart, Haughton, Livingston, Long, Mathers and Walker—6.

So said motion was lost;

Said bill was read a third time and passed;

On its passage, the yeas and nays were called for by Messrs. Cooper and Walker, and were:

Yeas—Messrs. Hart, Haughton, Livingston, Long, Mathers, Ramsay and Walker—7.

Nays—Mr. President, Messrs. Baltzell, Cooper, Priest, Smith, and Yonge—6.

The following protests were received and ordered to be spread on the minutes:

The undersigned enter their protest against the unparliamentary manner in which the bill entitled an act for the redemption of Real Estate, has been sent to the House of Representatives, it having been amended in Committee of the whole, interlined, and not having been engrossed, since said amendments and interlineation.

JAMES G. COOPER,

C. C. YONGE,

L. W. SMITH.

I protest against the above protest on the ground, that in consequence of the great length of the aforesaid Bill, and the press of important business at this late stage of the Session, it might not be practicable with the limited number of Clerks in the employment of the Senate, to engross the said Bill; besides, the amendments and interlineations referred to, being easily understood, the engrossment of the Bill on that account, would be nothing more than a useless formality.

R. B. HAUGHTON.

The Senate went into committee of the whole, Mr. Yonge in the chair, on a bill to be entitled, an act for the more effectual protection of this Territory against the malpractices of Bank and Bank agencies. After some time spent in consideration thereof, the committee rose, and by their chairman, reported progress, and asked leave to sit again.

Which was granted.

The Senate took a recess until half past 3 o'clock.

HALF-PAST 3 O'CLOCK.

Mr. Smith from the Committee on Enrolled Bills, reported the Chapter of the Revised Statutes entitled Militia, as correctly enrolled.

A bill to be entitled, an act to suspend the exercise of banking power by the Union Bank of Florida, to provide for the payment of the Territorial Bonds, issued to said Bank, out of its assets, and the mortgaged property of its Stockholders, for the liquidation and settlement of the affairs of said Bank, and for the amendment of the charter thereof:

Was read a third time.

Mr. Long offered the following as an engrossed rider, viz:

Be it further enacted, That sales of said mortgaged property may take place for gold and silver: Provided, that no lien shall be released by reason of such sale, and only the equitable rights of the defendant shall be subject to sale when such sale is made for gold and silver, and the purchaser of such equitable interest shall be required to give bond with security, to be approved of by the Bank, payable to said Bank, conditioned for the forthcoming of said property, at the expiration of five years from the date of foreclosure, and for the renewal of the bonds every five years, until the foreclosure of the mortgage for which said property is mortgaged.

Which was not agreed to.

Mr. Yonge offered the following as an engrossed rider to said bill, viz:

Be it further enacted, That the proceeds from the sale of said

mortgaged property shall be paid by the Marshal, Sheriff, or other officer collecting the same into the Secretary of the Territory. Which was not agreed to.

On the question shall this bill pass? the yeas and nays were called for by Messrs. Long and Cooper, and were :

Yeas—Messrs. Hart, Haughton, Livingston, Mathers, Ramsay and Walker—6.

Nays—Mr. President, Messrs. Baltzell, Cooper, Long, Priest Smith and Yonge—7.

A bill to be entitled, An Act to change the times of holding the Superior Courts in the Counties of Gadsden and Leon.

Was read a second time, and laid on the table.

A resolution with respect to printing the Revised Statutes was read a second time, and laid on the table.

A bill to be entitled, An Act to amend the corporation of the Town of Marianna, was read a second time, and indefinitely postponed.

A preamble and resolution relative to defining the boundary line between the State of Alabama and the Territory of Florida, was read a second time ;

Mr. Yonge, by request of the President, offered the following as a substitute for the original resolutions, viz :

Whereas, The line dividing the State of Alabama and Territory of Florida is become too indistinct to be seen or traced, insomuch that the inhabitants living thereon are uncertain within which jurisdiction they reside ; and the local authorities there-by are brought into frequent collision and dispute :

Be it therefore resolved, That the Delegate from this Territory be, and he is hereby, requested to urge the Congress of the United States to cause said line to be run and marked in a legible and permanent manner.

Which was read and adopted by the Senate, and said substitute

A bill for the relief of the heirs of Pabla Sebate, deceased, was read a third time and passed. Title as stated.

The following message was received from the House of Representatives, viz :

HOUSE REPRESENTATIVES, }  
9th March, 1843. }

To the Hon. President of the Senate :

A bill from the Senate entitled, "An act concerning School lands," has passed the House with the following amendment viz : Insert at the end of the third section the proviso appended in these words, "provided that no land already cleared, shall be rented or used at a less rate than one dollar per acre per annum ; and any land hereafter cleared shall not be rented or used at a less rate than two dollars per acre."

A bill from the Senate entitled, "An act to amend the law concerning depositions" has passed the House with the follow-

ing amendments, viz : Strike out the word "State" and insert in lieu thereof, the word "Territory" in the 1st, 15th, 19th, 20th, 21st, 24th, 25th, 26th, 28th, sections of the bill.

A bill from the Senate entitled, "An act to divorce Eliza Vaughn," has passed the House without amendment. Title as stated.

A bill from the Senate entitled, "An act for the care and preservation of the journals and books of the Territory," was indefinitely postponed by the House.

Attest,

H. ARCHER.

Secretary House Representatives.

The bill to be entitled, An Act to amend the law concerning Depositions, returned from the House amended, was taken up, and said amendments concurred in by the Senate.

A bill to be entitled, An Act to amend an act to organize and regulate the Militia of the Territory of Florida, was read and ordered for a second reading on to-morrow.

A resolution from the House, appointing certain persons to revise the Revised Statutes of Judge Marvin, was read and placed among the orders of the day for to-morrow.

A bill from the House of Representatives, to be entitled an act to prevent the future migration of free negroes or mulattoes to this Territory, and for other purposes, was read and indefinitely postponed.

A bill from the House of Representatives, to be entitled an act to amend an act regulating the mode of proceeding on attachments, and an act concerning executions and for other purposes, were read and indefinitely postponed.

A bill from the House of Representatives to be entitled an act to regulate commissions for money collected, was read a first, second and third time, the rule being waived, and passed.

On the question of the passage of said bill, the yeas and nays were called for by Messrs. Long and Walker, and were :

Yeas—Messrs. Baltzell, Cooper, Hart, Haughton, Livingston, Long, Mathers, Priest and Smith—9.

Nays—Mr. President, Messrs. Ramsay and Walker—3.

So said bill passed. Title as stated.

The Senate went into committee of the whole, Mr. Hart in the chair, on a bill, from the House, to be entitled, an act in relation to Executors and Administrators, and the distribution of insolvent estates ; after some time spent in consideration thereof, the committee rose, and by their chairman reported said bill to the Senate without amendment.

Mr. Walker seconded by Mr. Haughton, called for the yeas and nays on the following additional section offered to the bill in committee of the whole, as follows :

Be it further enacted, That there shall not be recovered from

the securities of any executor or administrator, a larger amount than the value of the assets, wasted or misapplied by any executor or administrator :

Which were,

Yeas—Mr. President, Messrs. Hart, Haughton, Mathers, Priest, Ramsay and Walker—7

Nays—Messrs. Baltzell, Cooper, Livingston, Long, Smith and Yonge—6.

So said amendment was adopted by the Senate.

On motion the rule was waived, and said bill was read a third time and passed as amended, and ordered to be certified to the House of Representatives.

The Senate went into Committee of the Whole on a bill entitled, An Act to amend an act entitled an act to amend an act regulating judicial proceedings, approved Nov. 23, 1828, Mr. Hart in the Chair. After some time spent in consideration, the committee rose, and by their chairman reported the bill as amended;

Which report was concurred in by the Senate.

Mr. Baltzell, seconded by Mr. Livingston, called for the yeas and nays on the following amendment, offered by him in Committee of the Whole, viz :

“When there are more obligors or endorsers than one on any promissory note or other negotiable instrument, and the plaintiff shall institute more suits than one upon such promissory note or negotiable instrument against the obligors or endorsers, the suits so brought on the return of the writs to the Court from whence they issued, shall be consolidated, so that one set of costs which shall be incurred thereon, except as to the Sheriffs and Clerks fees for serving and issuing said writs, which shall be the same as in other cases.”

Which were: Yeas; Mr. President, Messrs. Baltzell, Hart, Haughton, Livingston, Mathers and Priest: 7.

Nays: Messrs. Cooper, Long, Ramsay, Smith, Walker and Yonge: 6.

Mr. Livingston, seconded by Mr. Baltzell, called for the yeas and nays on the following amendment offered by him in the Committee of the Whole, viz :

Be it further enacted, That pleading in this Territory may be made short, using the abbreviations only, of such pleas as “Nil debit,” “non est Factum,” and “non assumpsit,” which shall be as effectual as if written in full or at large.

Which were—Yeas—Messrs. Baltzell, Hart, Livingston and Mathers—4.

Nays—Mr. President, Messrs. Cooper, Haughton, Long, Priest, Ramsay, Smith, Walker, and Yonge—9.

So said amendment was lost.

Mr. Walker seconded by Mr. Haughton, called for the yeas

and nays on the following amendment, offered by Mr. Baltzell, viz :

Be it further enacted, That securities or endorsers against whom judgment has been obtained, may require the execution, if there be judgment therefor, to be first levied of the estate of the principal, if he have property to satisfy the execution.

Which were—Yeas—Mr. President, Messrs. Baltzell, Cooper, Hart, Haughton, Livingston, Mathers, Priest, and Ramsay—9.

Nays—Messrs. Long, Smith, Walker, and Yonge—4.

On motion the Senate adjourned until 10 o'clock to-morrow.

FRIDAY, March 10th, 1843.

The Senate met pursuant to adjournment, and the proceedings of yesterday were read.

Mr. Smith, from the Committee on Enrolled Bills, reported as correctly enrolled, a Chapter of the Revised Statutes entitled, “Attachments,” also the acts entitled, “an act to alter and fix the terms of the Superior Courts of the Apalachicola District,” “an act to amend an act to establish a Tarriff of Fees,” “an act to repeal an act entitled an act to prevent the future migration of Free Negroes or Mulattoes to this Territory and for other purposes,” and a Preamble and Resolution relative to the petition of John B. Taylor.

The following Message was received from the House viz :

HOUSE OF REPRESENTATIVES, }  
10th March, 1843. }

To the Hon. President of the Senate :

The House have re considered the Resolution to adjourn sine die on this day, and have appointed Messrs. Tabor, Child and Betton, a Committee from the House to confer with a similar Committee on the part of the Senate, to agree on and fix the day of final adjournment.

Attest H. ARCHER,  
Secretary House Representatives.

Which was read and Messrs. Haughton, Hart and Walker were appointed a committee on the part of the Senate.

The following Message was received from His Excellency the Governor:

EXECUTIVE OFFICE,  
Tallahassee 9th March, 1843. }

Gentlemen of the Senate

and House of Representatives :

I hereby nominate the following officers for the County of Calhoun :

John S. Hunter, Notary Public; Nehemiah Haden, Commissioner on Indian depredations, for the Western District of Florida.

For the county of Leon—Turbutt R. Betton, Justice of the Peace.

R. K. CALL,  
Governor of Florida.

Which was read, and the nominations therein contained were advised and consented to.

Also the following message :

EXECUTIVE OFFICE, }  
Tallahassee, 9th March, 1843. }

Gentlemen of the Senate

and House of Representatives :

I have approved the following Acts, Chapters and Resolutions passed by the Legislative Council during the present session :

"A resolution asking Congress to pass a law to provide for the payment of a company of Volunteers under the command of Captain Stephen Daniel's ;"

"Chapter entitled Marks and Brands ;"

"An act to amend an act to incorporate the city of Port Leon ;"

"Chapter Landlord and Tenant ;"

"Chapter County Revenue ;"

"An act relative to Auctioneers ;"

"An act relative to Garnishments ;"

"Chapter Revised Statutes ;"

"Chapter of Bonds for the performance of Contracts, Penal and Official Bonds ;"

"Chapter Insane Persons ;"

"Chapter Revenue ;"

"Chapter Certiorari ;"

"Chapter Posse Comitatus."

R. K. CALL,  
Governor of Florida.

Which was read.

Also the following :

EXECUTIVE OFFICE, }  
Tallahassee, 9th March, 1843. }

Gentlemen of the Senate

and House of Representatives :

I have approved the following Acts, and Chapters passed by the Legislative Council at the present session :

"An act to prevent Apothecaries, Druggists, and other persons, from selling, giving, or delivering poison to any Slave, free Negro, or free Mulatter."

"An act to authorize the County Court of Mosquito County to raise a county Revenue."

"An act to alter and change the name of Nathaniel Bemis Patch."

"An act to alter and change the time of holding the election for Representative of the Legislative Council, from the county of Calhoun."

"An act entitled, an act to repeal an act providing for the safe keeping of the Records of Mosquito County, approved 2d February, 1838, and for other purposes."

"Chapter Joint Obligations."

"An act to authorize John McCloskey, to build a bridge and establish a ferry across Little Bayou, in Escambia County."

"Chapter Constables."

"An act to authorize the construction of a Canal or Rail Road, from the Grand Lagoon, in Escambia County, to the Perdido River."

R. K. CALL,  
Governor of Florida.

Which was read.

An engrossed bill to be entitled, an act concerning School Lands, returned from the House of Representatives amended, Was read, and said amendment disagreed to; ordered that the same be certified to the House.

A Resolution from the House, relative to printing the Laws in the Territory of Florida,

Was read a second time ;

On the question shall this resolution pass, the yeas and nays were called for by Messrs. Cooper and Priest, and were :

Yeas—Mr. President, Messrs. Hart, Haughton, Livingston, Long, Mathers, Ramsay and Yonge—8.

Nays—Messrs. Cooper, Priest, Smith and Walker—4.

So said resolution was adopted by the Senate.

A bill to be entitled An Act concerning the Revised Statutes, Was read a third time and passed. Ordered that the title be as stated.

The Senate went into Committee of the Whole, Mr. Haughton in the chair, on a chapter of the Revised Statutes, entitled Surrogates. After some time spent in consideration thereof, the committee rose, and by their chairman reported said bill to the Senate without amendment ;

Which report was concurred in.

A bill to be entitled, An Act to amend an act relating to Crimes and Misdemeanors, was read a second and third time, and passed ;

Title as stated.

The Senate went into committee of the whole, Mr. Hart in the chair, on a bill to be entitled, an act for the more effectual protection of the people of Florida against the malpractices of Banks and Bank agencies, and for other purposes. After some time spent in consideration thereof, the committee rose, and by their chairman, reported said bill to the Senate amended.

Which report was concurred in.

Mr. Haughton, seconded by Mr. Long, called for the yeas and nays, on striking out the 1st, 2d, 3d, 4th, 6th, 7th, 8th and 9th sections of said bill, and were:

Yeas—Messrs. Cooper, Hart, Priest, Smith, Walker and Yonge—6.

Nays—Mr. President, Messrs. Baltzell, Haughton, Livingston, Long, Mathers and Ramsay—7.

So said sections were not stricken out.

Mr. Cooper moved its indefinite postponement, and seconded by Mr. Walker, called for the yeas and nays, and were:

Yeas—Mr. President, Messrs. Baltzell, Cooper, Hart, Priest, Smith and Yonge—7.

Nays—Messrs. Haughton, Livingston, Long, Mathers, Ramsay and Walker—6.

So said bill was indefinitely postponed.

A bill from the House of Representatives, to be entitled An Act to change the time of holding the Courts of Road Commissioners, and for other purposes,

was read a first time, and indefinitely postponed.

The resolutions respecting the resolutions passed by the Union Bank were read a second time and passed;

On their passage, the yeas and nays were called by Messrs. Long and Livingston, and were:

Yeas—Mr. President, Messrs. Baltzell, Cooper, Hart, Long, Priest, Ramsay, Smith, Walker and Yonge—10.

Nays—Messrs. Haughton, Livingston and Mathers.

So said resolution were adopted.

The Senate took a recess until half past 3 o'clock.

HALF PAST 3 O'CLOCK.

Mr. Haughton, from a Joint Select Committee, made the following report:

The Joint Select Committee, appointed to confer and fix up on some period for the adjournment of this Legislative Council, have had that subject under consideration, and after hearing from the clerks of each House, in relation to the business remaining

to be disposed of, have arrived at the conclusion, that the two Houses cannot, without injury to the public interests, adjourn before the 16th instant.

They therefore recommend the adoption of the following resolution:

Resolved by the Senate and House of Representatives, That the Legislative Council adjourn *sine die* Thursday the 16th of this month.

R. B. HAUGHTON,

Chairman Joint Select Committee.

Which resolution was adopted.

The following Message was received from the House, viz:

HOUSE OF REPRESENTATIVES, }  
10th March, 1843. }

To the Hon. President of the Senate:

A bill received from the Senate entitled, "An Act to divorce Eliza Vaughan," has passed the House with the following amendment, viz: Insert between the sixth and seventh lines of the preamble these words—"And it is further represented that said Eliza Vaughan is wholly unable to defray the expense of a suit in Chancery to obtain a divorce."

A bill from the Senate entitled, "An Act to amend the Charter of the Bank of Florida," has been passed by the House as amended, viz: adding the sections 12th, 13th, 14th, 15th, 16th, 17th, as appended to the original bill. Title as stated.

A bill from the Senate entitled, "An Act to amend the law in reference to executions and attachments," has passed the House without amendment. Title as stated.

A Resolution from the Senate adopted by the Senate in lieu of a resolution from the House on the subject of the boundary line between Alabama and Florida has been passed by the House.

The House concur in the amendment of the Senate to the bill entitled, "An act in relation to Executors and Administrators and the distribution of insolvent Estates."

The following bills originating in the House, have been passed by that body with their titles as stated, viz:

"An act to incorporate the Stewarts of the Methodist Episcopal Church of the Leon Circuit in the Territory of Florida;"

"An act to change the Northern line of the County of Wakulla;"

"An act to amend an act incorporating the city of St. Joseph."

Attest,

H. ARCHER,

Secretary House Representatives.

Which was read, and the amendments concurred in, except the 16th section of the bill to alter and amend the charter of the Bank of Florida.

A bill to be entitled an act to prevent Jailors from releasing

runaway negroes until the conditions therein expressed are complied with, was read a third time and passed. Title as stated.

A bill to be entitled an act to establish warrants or drafts upon the Territorial Treasury, when the same have been lost or mislaid, was read a third time and passed. Title as stated.

A bill to be entitled an act to organize the Alachua County Troop, was read a third time and passed. Title as stated.

A bill to be entitled an act to incorporate the Stewards of the Methodist Episcopal Church of the Leon Circuit in the Territory of Florida, was read a third time and passed. Title as stated.

A bill entitled an act to change the Northern line of the county of Wakulla, was read a first, second and third time and passed. Title as stated.

A bill to be entitled an act to amend an act incorporating the City of St. Joseph, was read a first, second and third time and passed. Title as stated.

A Resolution, defining the jurisdiction of County Courts, was read a second time and placed among the orders of the day for to-morrow.

A bill to be entitled an act to regulate the mode of proceedings in cases of lost papers or instruments of writing, was read and placed among the orders for to-morrow.

A bill to be entitled, An Act to amend and explain the laws in relation to limitation of actions, was read a second time, and referred to the Committee on the Judiciary.

A bill to be entitled, An Act exempting certain property from execution attachments or distress, was read a first time, and placed among the orders for to-morrow.

A bill to be entitled, an act to organize and regulate the Militia of the Territory of Florida, was read a second time, and placed among the orders for to-morrow.

A bill entitled, an act to amend an act in relation to Elections, was read a first time and ordered for to-morrow.

The Senate adjourned until to-morrow 10 o'clock.

SATURDAY, March 11, 1843.

The Senate met pursuant to adjournment, and the journal of yesterday's proceedings was read.

Mr. Livingston gave notice that he would ask leave on Monday to introduce a bill to be entitled, An Act to make the trade in money and bank paper as free as other trade.

Mr. Younge was granted leave of absence until Monday.

Mr. Younge moved the reconsideration of the bill in relation to the Union Bank;

On which the yeas and nays were called for by Messrs. Smith and Younge, and were:

Yeas—Mr. President, Messrs. Baltzell, Cooper, Hart, Haughton, Livingston, Mathers, Priest, Ramsay, Walker, Long, and Younge—12.

Nays—Mr. Smith—1.

So said bill was reconsidered.

The nominations of Nathaniel Robbins and Hezekiah Smith were confirmed.

Mr. Cooper offered the following resolution—

Resolved, That no more new business of any kind be introduced in the Senate during the remainder of this session, unless by unanimous consent.

Which was read.

Mr. Smith, from the Committee on Enrolled Bills, reported as correctly enrolled, An Act to divorce Eliza Vaughan.

An Act to amend an act entitled an act to amend an act regulating Judicial Proceedings, approved Nov. 23, 1828, was read a third time and passed. Title as stated.

An Act exempting certain property from execution, attachment and distress, was read third time and passed. Title as stated.

An Act to amend an act to organize and regulate the militia of the Territory of Florida, was read, and Mr. Hart, offered the following engrossed rider;

Be it further enacted, That all field officers shall be uniformed in the uniform adopted by the regulation of the regular army of the United States, which was accepted, and said bill read by its title and passed.

The Senate went into the committee of the whole, Mr. Cooper in the chair, on an act for the preservation of the land granted by Congress for a seminary of learning, and the disposition of the fund arising from the lease thereof. After some time spent in consideration thereof, the committee rose, and by their chairman, reported the act as amended.

Which report was concurred in.

Mr. Hart offered the following additional section:

Be it further enacted, That the said Trustees shall deposit the money arising from the rent of the said Seminary Lands in the Treasury of the Territory of Florida, subject to the future action of the Legislative Council of this Territory.

Upon the adoption of which, Mr. Hart, seconded by Mr. Priest, called for the yeas and nays, and were:

Yeas—Mr. President, Messrs. Cooper, Hart, Long, Priest and Smith—6.

Nays—Messrs. Baltzell, Haughton, Livingston, Mathers, Ramsay and Walker—6.

So said amendment was lost.

A bill to be entitled, an act to regulate the mode of proceedings in cases of lost papers and instruments of writing, was read and indefinitely postponed.

A resolution for the payment of Thomas Easton Randolph was read, and referred to the Committee on Public Accounts.

The following Message was received from the Governor:

EXECUTIVE OFFICE,  
Tallahassee, 11th March, 1843.

*Gentlemen of the Senate:*

I herewith return disapproved the Chapter of the Revised Statutes entitled, "Militia." It is a literal transcript, from the act of the Legislative Council passed at its last Session, entitled an act to organize the Militia, &c. and now in force. It is exceedingly defective in many of its parts, and those defects will not be in any respect obviated by a re-enactment, without abridgment or amendment. The imperfections of this act were discovered, when it was presented for approval at the last Session of the Council, and it would then have been sent back for amendment, had there been time to have this accomplished before the day fixed for adjournment. The primary object of this bill was the organization of the Militia, and it provides in the 8th Section, that an election for field officers shall be held on "the second Monday of July, in the present year." Now if this Chapter were approved and put in operation at the present time, it would legislate out of office all the Militia officers who have been commissioned, during the present year. If it be not intended that it should go into operation until the year 1844, it seems to me that it would be much better to correct it in many respects before it is placed among the permanent laws of the Revised Statutes. Without any further action of the Legislature, this law will continue to have all the beneficial effects, which it would have by a re-enactment, and a careful revision will I am sure be productive of many improvements. I invite the attention of the Senate to the whole of the 8th section, in which many inconsistencies, and grammatical errors will be discovered, and it must always be liable to misconstruction, as experience proves it to have been, in an important election held under its provisions in the 11th Regiment.

Without referring to other objections, which must arise during the present year, owing to the increased number of the Militia by emigration and the organization of new Counties, if from no other cause, I return this Chapter to the Senate disapproved.

R. K. CALL,  
Governor of Florida.

Also the following:

EXECUTIVE OFFICE,  
Tallahassee, 11th March, 1843.

*Gentlemen of the Senate*

*and House of Representatives:*

I have approved the following Acts, Chapters, and Resolutions, passed during the present Session of the Legislative Council:

- "Chapter Attachments."
- "Chapter Bridges and Highways."
- "An act to repeal an act entitled an act to prevent the future migration of Free Negroes or Mulattoes to this Territory and for other purposes."
- "A Preamble and Resolution, relative to the Petition of John B. Taylor."
- "Chapter Rents."
- "A bill entitled an act to amend an act to establish a Tariff of Fees."
- "Chapter Perpetuating Testimony."

R. K. CALL,

Governor of Florida.

A bill to be entitled an act concerning the Revised Statutes, was re-considered.

Mr. Haughton offered the following resolution:

Be it further enacted, That the Chapter entitled Elections, passed at the present session of the Legislature shall henceforth be the law of the Territory, except so far as it may interfere with the periods of holding elections as fixed by former laws. Which was lost.

The Senate adjourned until Monday 10 o'clock.

MONDAY, March 13, 1843.

The Senate met pursuant to adjournment. A quorum being present, the proceedings of Saturday were read.

The President offered a petition of sundry citizens of Jackson county, praying for a county to be called Fayette;

Which was referred to the Committee on the State of the Territory.

Mr. Smith offered the following Resolution:

Be it Resolved by the Governor and Legislative Council of the Territory of Florida, That, because of the many acts done by the Union Bank of Florida, which, by law and its charter, it had no right to do, and the many acts neglected to be done by said Bank, which, by law and its charter, it ought to have

done, the Governor be, and he is hereby authorized and empowered to cause judicial proceedings to be instituted against said Bank, with the end to ascertain whether its charter has been so far violated as to subject it to forfeiture; and if so, to declare and decree the same forfeited, and to appoint Commissioners to take charge of all the effects and business of the Bank, and settle and close its affairs with all suitable despatch, and in the mean time to enjoin the said Bank against all further proceedings, as fully as equity and good conscience may require.

The Senate went into Committee of the Whole, Mr. Cooper in the chair, on a bill to be entitled, an act concerning the Revised Statutes. After some time spent in consideration the committee rose, and by their chairman reported the bill without amendment. Which was concurred in.

The Senate went into Committee of the Whole, Mr. Hart in the Chair, on a bill to be entitled, an act to suspend the exercise of banking power by the Union Bank of Florida, to provide for the payment of the Territorial bonds issued to said bank out of its assets and the mortgaged property of its Stockholders, for the liquidation and settlement of the affairs of said bank, and for the amendment of the Charter thereof. After some time spent in consideration, the Committee rose, and by their Chairman reported said bill as amended.

An Act for the preservation of the Seminary Lands granted by Congress for a seminary of learning, and the disposition of the funds arising from the lease thereof, was read a third time and passed. Title as stated.

On the passage of which the yeas and nays were called for by Messrs. Hart and Priest, and were:

Yeas—Messrs. Balzell, Haughton, Livingston, Mathews, Priest, Ramsay and Walker—7.

Nays—Mr President, Messrs. Cooper, Hart and Smith—4

The following message was received from the House of Representatives:

HOUSE REPRESENTATIVES,  
March 10th, 1843.

To the Hon. President of the Senate:

The House insist on their amendments to the Bill entitled an act to amend the charter of the Bank of Florida.

The House recede from their amendment to the "Act concerning School Lands."

The House have adopted a Preamble and Resolutions from the Senate, relative to the claims of our citizens against the general Government, without amendment.

The House have also adopted the following resolutions, and ordered them certified to the Senate, viz:

A Resolution requesting the Delegates in Congress to endeavor

to obtain the passage of a law, for the re-location of valueless Sixteenth Sections, or School Lands; also,

A Resolution requesting the passage of a law by Congress, authorizing the Governor to appoint Commissioners to locate Six Sections of any unreserved public lands, for poor Schools in Franklin County; also,

A Resolution asking the President of the United States to maintain in Florida a sufficient Military force to remove or subdue the hostile bands of Indians yet remaining in the Territory, &c.

A bill from the Senate entitled, "An act relating to crimes and misdemeanors," have passed the House with the following amendments: Strike out the 4th section of the bill; strike out all in the 1st and 2d sections inclosed in brackets, which relates to whipping; strike out in the 5th section the words "seventy seven."

Attest,  
H. ARCHER,  
Secretary House Representatives.

Which was read, and the amendments therein concurred in, except the amendment to strike out the 4th section, and the amendment striking out the words "seventy seven."

The following message was received from His Excellency the Governor:

EXECUTIVE OFFICE,  
Tallahassee, 11th March, 1843.

Gentlemen of the Senate

and House of Representatives:

I have approved the following Acts and Chapters of the Revised Statutes, passed during the present session of the Legislative Council:

- "Chapter entitled "Official Records;"
- "Chapter Physicians;"
- "A bill to be entitled an act for the relief of Andrew Scott;"
- "Chapter Mechanics;"
- "Chapter Fences;"
- "Chapter Library;"
- "Chapter Costs;"
- "An act to organise the county of WaKulla;"
- "Chapter Set Offs;"
- "Chapter Witnesses;"
- "Chapter Advertisements;"
- "Chapter Official Oaths;"
- "Chapter Secretary of the Territory;"
- "Chapter Replevin."

R. K. CALL,  
Governor of Florida.

Which was read.

Also the following:

EXECUTIVE OFFICE, }  
Tallahassee, 11th March, 1843. }

*Gentlemen of the Senate:*

In compliance with the Resolution of the Senate requesting me to communicate such information as I may possess, relative to the suit in which the Territory of Florida is plaintiff, and James D. Westcott and others are defendants, I herewith transmit a copy of a letter from Mr. Baltzell, written in reply to one addressed by me to him, which contains all the official information I possess on the subject, and to which I beg leave to refer the Senate.

In reply to the second request contained in the Resolution of the Senate, relative to the prosecution on a bond of John M. Hanson and others, I have to inform the Senate, that no such Bond has ever been under the control of the Executive of the Territory, so far as I am advised, and if there be such a bond elsewhere, it must be subject to the control of some other functionary of the Government. There is nothing in the Executive Department which will show, what measures may have been pursued, to prosecute such bond to issue.

R. K. CALL,  
Governor of Florida.

TALLAHASSEE, March 9th, 1843.

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

Sir: I have received your communication respecting of the suit against J. D. Westcott, jr. and others on the bond given to secure the publication of the compilation of the Laws by him according to the acts passed on that subject. General J. P. Duval being the principal Counsel in the case for the plaintiff, and my position being that of Counsel merely, and not being employed in the case until it was sometime pending, I have no knowledge of the facts which transpired in relation to it in its early stages except what is derived from the record. The interruption of the Courts of this county during the Indian war, and the absence of the Judges, with other causes, prevented the case from being brought to trial till the present term, when judgment was entered on the Bond for its penalty and the damages are to be assessed at the next Term by a Jury of enquiry.

The evidence of the amount received under the Bond is certificates from the Treasury Department of the United States, and the amount claimed by the Territory, is \$2710. The legality of the Bond is not contested, but the amount received is; Mr. Westcott contending that amounts charged in the Treasury statement are not properly chargeable to this contract, of which I have taken measures to have complete evidence from Washington at the next Term. Another defence I learn is that the

work was nearly completed, and that the defendant is entitled to an equitable allowance for the labor bestowed. I have little doubt of the recovery of the amount above claimed on the Bond at the next term and of the amount being ultimately collected. Difficulties have occurred, too, in the speedy progress of the suit owing to some of the original vouchers and drafts having been burnt in the United States Treasury Department, soon after the suit was brought and to my inability until this fall to find any vouchers or receipts in the Treasurer's office.

With due respect,

Your Obt. Servant,

(A Copy) THOMAS BALTZELL.

Which was read, and referred to the committee on the State of the Territory.

Also the following:

EXECUTIVE OFFICE, }  
Tallahassee, March 11th, 1843 }

*Gentlemen of the Senate*

*and House of Representatives:*

I hereby nominate the following officers for the County of Jackson:

Edward Merritt and William Simms, Justices of the Peace.

R. K. CALL,  
Governor of Florida.

Which was read and said nominations confirmed.

Mr. Smith, from the Committee on Enrolled Bills, pursuant to resolution, reported that the Committee had examined the Journal of the Senate, and found the same thus far correctly kept.

A Resolution from the House, relating to the sixteenth sections, was read, the rule being waived, and adopted.

A Resolution relative to the grant of Forbes & Co., of Franklin County, was read, the rule being waived, and adopted.

A Preamble and Resolution relating to Gen. Worth, the President of the United States, and keeping a military force on the frontier, was read;

On motion of Mr. Cooper, on striking out the clause relative to Gen. Worth, the yeas and nays were called for, and were:

Yeas—Messrs. Cooper, Mathers, Priest and Smith—4.

Nays—Mr. President, Messrs. Baltzell, Hart, Haughton, Livingston, Ramsay and Walker—7.

So said motion was lost.

Mr. Mathers, seconded by Mr. Cooper, moved its indefinite postponement, and called for the yeas and nays, which were:

Nays—Mr. President, Messrs. Cooper, Haughton, Mathers, Priest and Smith—6.

Nays—Messrs. Baltzell, Hart, Livingston, Ramsay and Walker—5.

So said preamble and resolution was indefinitely postponed. The Senate took a recess until half past 3 o'clock.

HALF-PAST 3 O'CLOCK,

The Senate met, and on motion, adjourned until to-morrow, 10 o'clock.

TUESDAY, March 14th, 1843.

The Senate met pursuant to adjournment, and the proceedings of yesterday were read.

A bill to be entitled an act to suspend the exercise of banking power by the Union Bank of Florida, to provide for the payment of the Territorial Bonds, issued to said Bank, out of its assets, and the mortgaged property of its Stockholders, for the liquidation and settlement of the affairs of said Bank, and for the amendment of the charter thereof, was read a third time.

Mr. Baltzell offered the following engrossed rider:

Be it further enacted, That in sales made under the provisions of the 5th section of this act, bids and payments in specie or in par funds shall be received and taken at the rate in Territorial Bonds fixed by the Directors as aforesaid, and credits on the execution, mortgage or stock debt shall be given to the amount of the Territorial bonds cancelled.

Which the Chair decided in order.

Mr. Smith appealed from the decision of the Chair, and seconded by Mr. Cooper, called for the yeas and nays, and were:

Yeas—Messrs. Baltzell, Hart, Haughton, Livingston, Mathers, Priest, Walker and Yonge—8.

Nays—Messrs. Cooper and Smith—2.

So said section was read a first, second and third time, and added.

Mr. Yonge offered the following engrossed rider:

Be it further enacted, That the lien created by said mortgages, shall in no case be released until the Territorial bonds for which such property is mortgaged, shall be cancelled by the proper officer, and no Territorial bonds shall be received in payment for such mortgaged property, which have been hypothecated and not sold according to law, and at the time the said bank shall notify the Governor of Florida of its acceptance

of these amendments, it shall also furnish the Governor of Florida with a statement of the Territorial bonds legally sold, and also a statement of Territorial bonds hypothecated, with a sufficient description of the same, to enable him to identify them.

Which was accepted.

On the passage of the bill the yeas and nays were called for by Messrs. Smith and Livingston, and were:

Yeas—Messrs. Baltzell, Hart, Haughton, Livingston, Mathers, Walker and Yonge—7.

Nays—Mr. President, Messrs. Cooper, Priest and Smith—4. So said bill passed. Title as stated.

The resolutions relative to the forfeiture of the charter of the Union Bank of Florida, were read;

Mr. Cooper offered the following as a substitute for the original:

WHEREAS, The Union Bank of Florida is unable to pay the just demands due from it, and that the Directors have violated the charter of said Bank, by selling the Territorial Bonds under par, as also by using the surplus profits of the said Bank, which the charter declares, shall be added to the capital of the said institution, and also the said Directors are assigning the effects of said Bank to foreigners, without regarding the just debts due from the Bank to our own citizens, thereby inflicting great loss and injury on them, and jeopardizing the security of the Territory:

Be it therefore resolved by the Governor and Legislative Council of the Territory of Florida, That two gentlemen, learned in the law, be selected by the Governor, and confirmed by the Legislative Council, and they be ordered to take without delay such legal measures and action, as will secure the Territory from loss, and also issue a writ of quo warranto, to annul the charter of said Union Bank of Florida.

Mr. Walker moved the indefinite postponement of the whole matter;

On which the yeas and nays were called for by Messrs. Cooper and Smith, and were:

Yeas—Messrs. Hart, Haughton, Livingston, Mathers, Priest, Walker and Yonge—7.

Nays—Mr. President, Messrs. Cooper and Smith—3.

So said resolutions were postponed indefinitely.

A resolution relative to defining the jurisdiction of the Superior Court, was read and adopted.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }  
13th March, 1843. }

To the Honorable the President of the Senate:

The House concur in the amendment by the Senate to "An act to amend an act to organize the Militia of Florida."

A Preamble and Resolution from the Senate, on the subject of pre-emption claimants, was adopted by the House without amendment.

Attest, H. ARCHER,  
Secretary House Representatives.

Which was read,  
The Senate received from his Excellency the Governor, the following message:

EXECUTIVE OFFICE,  
Tallahassee, 13th March, 1843. }

Gentlemen of the Senate  
and House of Representatives:

I hereby nominate William W. Briggs, Sr., Tax Collector for the County of Calhoun; George W. Smith, a Justice of the Peace, for the County of Hamilton; and Robert West, Justice of the Peace, for the County of Leon;

John G. Park, Judge of the County Court; Nathaniel W. Walker, William H. Walker, William Harrison, Marcellus Robinson, Daniel Ladd, and Nathaniel Hamlin, Justices of the Peace.

Amos M. Alexander, Albert R. Alexander and F. B. Whiting, Auctioneers;

John Rowles, F. B. Whiting and A. M. Alexander, Notaries Public for the County of Wakulla.

R. K. CALL,  
Governor of Florida.

Which was read, and said nominations confirmed.

A bill to be entitled, An Act concerning the Revised Statutes, was read a second time, and ordered to be engrossed.

Mr. Baltzell offered the following Resolution:

Resolved, That the Secretary of the Territory be, and he is hereby required, in vacation of the Senate, to take charge of the Senate Chamber, Journal, and other papers of the Senate, and that the Clerk and Sergeant-at-Arms do deliver to him, after the adjournment, the key and papers of the Senate, and that public meetings in the Senate Chamber be not allowed.

The rule being waived, said resolution was passed.

The Senate took a recess till half past 3 o'clock.

HALF-PAST 3 O'CLOCK.

The Senate met, and no quorum being present, the Senate adjourned until to-morrow, 10 o'clock.

WEDNESDAY, March 15, 1843.

The Senate met pursuant to adjournment, and the proceedings of yesterday were read.

Mr. Smith, from the Committee on Enrolled Bills, reported as correctly enrolled, the bills entitled "An act to amend the law concerning Depositions," "An act concerning School Lands," "An act to amend the law in reference to Executions and Attachments," and "Resolutions relative to the claims of the citizens of Florida upon the United States."

Mr. Haughton, from the Committee on Public Accounts, made the following report:

The Committee on Public Accounts, to whom was referred the resolution of the House, in reference to the claim upon the Treasury, preferred by the representatives of the late Thomas Eaton Randolph, have had the same under consideration, and ask leave to report the said Resolution without amendment.

R. B. HAUGHTON, Chairman.

The Senate re-considered the vote taken on the Resolution relative to Gen. Worth.

The following message was received from the House:  
HOUSE REPRESENTATIVES,  
14th March, 1843. }

To the Hon. President of the Senate:

The House have adopted the resolutions from the Senate relative to the Union Bank of Florida, without amendment.

A bill entitled an act for the preservation of the Seminary Lands, &c., has passed the House without amendment.

A bill entitled an act to prevent Jailors from releasing runaway negroes, until the conditions therein expressed are complied with, has passed without amendment.

A bill entitled, "An act to revive in part the revenue laws and provide for a Territorial revenue," has been amended as follows: strike out the word "no," in the first section, and insert "any;"

In the fifth line of the second section, after 1839, insert except the 8th section of said bill.

Strike out in the 4th section the words "of three per cent upon the net profits," and insert in lieu thereof, "two hundred and fifty dollars per annum."

A bill entitled, an act for the redemption of real estate sold under Execution, has been lost in the House.

Attest, H. ARCHER,  
Secretary House Representatives.

Which was read, and the amendments concurred in.

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

HOUSE REPRESENTATIVES,  
15th March, 1843.

To the Hon. President of the Senate:

A bill entitled "An act to suspend the exercise of banking power by the Union Bank of Florida, to provide for the payment of the Territorial Bonds, issued to said Bank out of its assets and the mortgaged property of its stockholders, for the liquidation and settlement of the affairs of said bank, and for the amendment of the Charter thereof," has passed the House as amended, to wit: By striking out the word "legally," in the amendment of the Senate appended to the bill as a condition of the 4th section, by adding two sections, appended to said 4th section, by adding a section after the 11th section of the bill for the 12th section, and by adding a section at the end of the bill.

A bill entitled an act to amend an act entitled an act to amend an act regulating judicial proceedings, approved November 23, 1828, has passed the House as amended, by adding the three sections attached to the bill.

A Resolution from the Senate defining the jurisdiction of the Superior Courts has been adopted by the House without amendment.

A Resolution relative to Indian depredations has passed the House, and forwarded for the action of the Senate.

Attest, H. ARCHER,  
Secretary House Representatives

Which was read,

The amendments were accepted to the bank bill, except the section coming in after the eleventh and the last section.

The Senate refused to accept the third section added to the bill regulating judicial proceedings;

On which the yeas and nays were called for by Messrs. Cooper and Smith, and were:—

Yeas—Messrs. Hart, Haughton, Livingston, Mathers and Walker—5.

Nays—Mr. President, Messrs. Cooper, Priest, Ramsay and Smith—5.

So said amendment was lost.

The Senate received the following message from the House:

HOUSE OF REPRESENTATIVES,  
14th March, 1843.

To the Hon. President of the Senate:

The House adhere to their amendments to the fourth and fifth sections of the bill entitled, "An Act relating to Crimes and Misdemeanors."

A bill entitled, "An Act to establish Warrants or Drafts

upon the Territorial Treasury, when the same has been lost or mislaid," has passed the House without amendment. Title as stated.

Attest, H. ARCHER,  
Secretary House Representatives.

Which was read.

The Senate refused to accept of the amendment of the House, on a bill relative to Crimes and Misdemeanors.

On motion of Mr. Haughton, a committee of conference was appointed, consisting of Messrs. Haughton, Livingston and Walker, to act with a similar committee from the House, on a bill relating to Crimes and Misdemeanors.

A bill to be entitled an act concerning the Revised Statutes, was read a third time and passed. Title as stated.

A Preamble and Resolutions relating to Indian depredations, was read a first, second and third time, the rule being waived and adopted.

A Resolution for the payment of Thomas Eston Randolph, was read and lost.

A Resolution appointing a Committee to revise and amend the Revised Statutes, was read:

On the passage of which, the yeas and nays were called for by Messrs. Cooper and Priest, and were:

Yeas—Messrs. Hart, Haughton, Livingston, Mathers and Walker—5.

Nays—Mr. President, Messrs. Baltzell, Cooper, Priest, Ramsay, Smith and Yonge—7.

So said Resolution was lost.

The following message was transmitted to the Senate by his Excellency the Governor:

EXECUTIVE OFFICE,  
Tallahassee, March 15th, 1843.

Gentlemen of the Senate

and House of Representatives:

I hereby nominate Levy Starling Tax Collector for the County of Madison, and John W. Law, Tax Collector for the County of Columbia.

R. K. CALL,  
Governor of Florida.

Which was read, and said nominations confirmed.  
The Senate adjourned until to-morrow 9 o'clock.

THURSDAY, March 16, 1843.

The Senate met pursuant to adjournment. A quorum being present, the proceedings of yesterday were read.

Mr. Baltzell offered the following Resolution:

Resolved, by the Governor and Legislative Council of Florida, That the Secretary of the Territory be, and he is hereby required, and it is made his duty, to take charge of the census returns referred to in the message of His Excellency the Governor, and deposit them, and the books received by the Executive from the United States, and from the States of the Union, in appropriate places, in a room to be assigned by the Governor for that purpose; that he have all the books, pamphlets, &c., bound that require it; that said Secretary reclaim and receive such books belonging to the Territory as have been loaned or taken from the office, and that no loan of any of said books be hereafter made, without the consent of the Governor, and a receipt in a book to be kept for the purpose; and for the expense incurred hereby, the Governor is authorized, on being satisfied of the correctness of the charge, to make a requisition on the Treasury therefor.

Which was read and adopted, the rule being waived.

Mr. Baltzell offered the following Resolution:

Be it Resolved, by the Governor and Legislative Council of the Territory of Florida, That in case of Congress not appropriating a suitable sum for the completion of the Capitol, the Commissioner of the city of Tallahassee shall, with the approbation of the Governor, proceed immediately to have a suitable roof placed on the part of the building not already covered in, to be permanent or not, as may be deemed most advisable, and that said Commissioner use the means of the fund if they can be made available to that purpose, or contract on the faith of means to be hereafter provided, or borrow money if the same can be had, as may be deemed most advisable.

Which was read and adopted, the rule being adopted.

Mr. Baltzell offered the following Resolution:

Resolved, That the Secretary of the Territory be, and he is hereby required to purchase for the use of the Senate at its next session, an amount of stationery and other articles, that may be required at the lowest prices the same can be obtained, having due reference to quantity and quality.

Which was lost.

Mr. Smith, from the Committee on Enrolled Bills, reported as correctly enrolled, the bills and resolutions entitled as follows:

A bill to be entitled, An Act to establish Warrants or Drafts upon the Territorial Treasury, when the same have been lost or mislaid;

Preamble and resolution relative to pre-emption claimants;

An Act to prevent jailors from releasing runaway negroes until the conditions therein expressed are complied with;

An Act for the preservation of the Seminary Lands granted by Congress for a Seminary of Learning, and the disposition of the fund arising from the lease thereof;

Resolutions relative to the Union Bank of Florida;

An Act to amend the charter of the Bank of Florida;

An Act to revive in part the Revenue Laws, and provide for a Territorial Revenue.

Mr. Livingston, from the Committee on the State of the Territory, to which was referred the petition of sundry citizens of Jackson county, praying a division of said County, report, That owing to want of time, they are unable to examine fully the merits of said petition, and ask to be relieved from the further consideration of said subject.

The following message was received from the House:

The Joint Select Committee on Enrolled Chapters, to which were referred the Chapters entitled, Habeas Corpus, and Securities, returned to the House by His Excellency the Governor for their examination and alteration,

### REPORT:

That they have examined said Chapters, and the one entitled Habeas Corpus has been corrected by inserting the word "back" in the seventh section, which had been omitted in the enrolled copy. The Chapter entitled Securities is found to be a correct transcript of the original Chapter, as reported to the Legislative Council by the Hon. Judge Marvin, and if altered should only be done by the vote of the two Houses.

All of which is respectfully submitted by

FRANCIS ARNOU, Chairman.

15th March, 1843.

Which was read, and laid on the table.

A Resolution relative to the President of the United States, Gen. Worth, and the Seminole Indians, was read;

The yeas and nays on the resolution complimentary to Gen. Worth, &c., were called for by Messrs. Cooper and Priest, and were:

Yeas—Messrs. Baltzell, Hart, Haughton, Livingston, Ramsay and Walker—6.

Nays—Mr. President, Messrs. Cooper, Mathers, Priest, Smith and Yonge—6.

So said resolution was lost.

Mr. Smith, from the Committee on Enrolled Bills, reported as correctly enrolled, the preamble and resolutions relative to the compensation of the officers of the two Houses.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }

16th March, 1843. }

To the Hon. President of the Senate:

The House insist on their amendments to the act to amend an act regulating judicial proceedings.

The House have appointed Messrs. Tabor, Patterson and Knowles, a Committee on the part of the House to confer with the committee of the Senate on the amendments of the House to a bill entitled, An Act relating to Crimes and Misdemeanors;

A bill entitled, an act concerning the Revised Statutes has passed the House without amendment;

A resolution relative to the compensation of the officers of the Council;

Also, a resolution relative to the Secretary of the Territory, have been adopted without amendment.

Attest,

H. ARCHER,  
Secretary House Representatives.

Which was read.

Also the following:

HOUSE OF REPRESENTATIVES, }  
16th March, 1843. }

*Hon. President of the Senate:*

The House recede from the amendments (rejected by the Senate,) to the bill entitled, An Act to suspend the exercise of banking power by the Union Bank of Florida, to provide for the payment of the Territorial Bonds issued to said Bank out of its assets and the mortgaged property of its Stockholders, for the liquidation and settlement of the affairs of said Bank, and for the amendment of the charter thereof—to wit: the two sections preceding the sixth section of the bill, and the last section added by the House—which amendments are taken from said bill.

Attest,

H. ARCHER,  
Secretary House Representatives.

Which was read.

On motion a committee of conference was appointed consisting of Messrs. Walker, Baltzell and Yonge on a bill regulating Judicial Proceedings.

The following message was received from His Excellency the Governor:

EXECUTIVE OFFICE, }  
Tallahassee, 14th March, 1843. }

*Gentlemen of the Senate*

*and House of Representatives:*

I hereby nominate the following officers for the County of Washington:

Lucius M. Bright, Notary Public.

Joseph B. Lockey, Justice of the Peace.

James Lucas, Joseph Emill, and Ellis Davis, Justices of the Peace.

George W. Taylor, Tax Collector for the County of Jefferson.

R. K. CALL,  
Governor of Florida.

Which was read, and said nominations confirmed.

Also the following:

EXECUTIVE OFFICE, }  
Tallahassee, 14th March, 1843. }

*Gentlemen of the Senate:*

I have examined attentively, and herewith return disapproved the Chapter of the Revised Statutes, entitled, "Contempts."

The first section of this Chapter, provides that "every Court of record shall have power to punish by fine and imprisonment, or either any neglect or violation of duty or any misconduct, by which the rights or remedies of a party in a cause, or matter depending may be defeated, impaired, impeded or prejudiced, in the following cases: 1st. All Attornies, Counsellors, Solicitors, Clerks, Sheriffs, Marshals, and all other persons in any manner duly selected or appointed to perform any judicial or ministerial service, for any misbehaviour in such office, or trust, or any willful neglect or violation of duty therein.

The power of the Chancery and common law Courts to punish for contempts, is founded on custom and usage as ancient as the organization of those Courts, and in more modern times it has been recognized and confirmed by the Statutes, of Elizabeth and of Charles the Second. But the zealous watchfulness of the common Law and British Constitution over the rights and liberties of the English subject, have confined the Courts in the exercise of this summary power, to the punishment of such offences, as are calculated to insult, and outrage the dignity of the Court, or bring its proceedings into dishonor, and reproach. In such cases the Courts are authorized to vindicate their dignity, and by summary process to punish the offenders.

I cannot illustrate this proposition more forcibly, than by introducing the language of the common law on this subject, which is now in force in this Territory. "The contempts which the Courts are authorized to punish, are either direct, which openly insult and resist the powers of the Courts, or the persons of the Judges who preside there, or else are consequential, which (without such gross insolence or direct opposition) plainly tend to create an universal disregard of their authority." Thus far and no farther has the exercise of this arbitrary and absolute but necessary power, been sanctioned by the genius of the common law, and thus far, it is known and exercised in the Courts of this country. But the Chapter now under consideration, multiplies the cases, by creating new classes of contempts, unknown to the common or statute law of Great Britain, and extends the jurisdiction of the Courts for the punishment of these contempts thus brought into being. At common law, the Attorney, Counsellor, and Solicitor for any neglect of professional duty, is liable in an action on the case for such delinquency, and the party injured, may recover such damages as may be

awarded by the verdict of a jury. This in England, since the reign of Alfred, and in the United States, since the first settlement of the continent, has been considered sufficient security for the vigilance and attention of those engaged in the honorable profession of the Law. But it is now proposed by Statute to make negligence a contempt of Court. The facts of the omission or neglect constituting the offence to be decided by the Court, in a summary manner. After ascertaining the fact that the Attorney, Solicitor or Counsellor has been negligent, then by the 7th section of the Chapter on Contempts, the court is authorized and empowered to enquire into, and to find another still more complicated and important fact. "The actual loss or injury produced to the party by misconduct alleged, and impose a fine as shall be sufficient to indemnify such party, and to satisfy his costs, and expenses, which shall be paid over to him on the order of the Court."

Our system of jurisprudence, has wisely conferred on the courts, the power of deciding on all questions of law, but with equal wisdom it has made it the province of a jury to find the facts, and any removal of these essential limits of power, is well calculated to create doubts, and dissatisfaction in the administration of justice. At common law, Attorneys and Counsellors might be punished for contempts, but only, "in gross instances of fraud and corruption, injustice to their clients, or other dishonest practices, or disrespectful conduct to the court," and this only because "such malpractices, have a tendency to reflect dishonour upon the courts, of which they are officers."

The power conferred by this Chapter on the courts, to punish Attorneys for contempts of its own creation, is inconsiderable, and we lose sight of its impropriety, when we consider the numerous other persons, who in like manner are made responsible, and the infinite number of cases, in which fine and imprisonment are prescribed as penalties for offences, which could not before have been considered as contempts.

After enumerating the officers who are declared to be liable for the contempts thus created, the 1st. section proceeds, "and all other persons in any manner duly selected or appointed to perform any judicial or ministerial duty, for any misbehaviour, in such office or trust, or for any willful neglect, or violation of duty therein." It is somewhat difficult to decide what officers or agents, within this Territory, if there be any, who may not be liable to the process of attachment for contempt, in this almost unlimited charter of power. The Judges of all Inferiour Courts, and all Justices of the Peace, however remotely situated from the Superior Courts, under the terms, "persons duly selected or appointed to perform judicial service," are clearly amenable, and may be for any neglect of duty or misbehaviour in such

office, punished for such offence, (however trivial) as a contempt of the Superior Courts, and be fined in a sum not exceeding \$250, and imprisoned not exceeding three months, with costs under the provisions of the 10th section of the Chapter.

At common law, those officers can only be liable for contempts by acting unjustly and oppressingly, or irregularly in administering those functions of justice, which are entrusted to their distribution, or by disobeying the king's writs issuing out of the Superior Courts, by proceeding in a cause after it has been put a stop to, or removed by writ of prohibition. Any contempt or iniquitous practices of subordinate Judges, may be punished as contempts by the Superior tribunals. But under the new doctrine proposed by this Chapter, they may be punished by fine and imprisonment for any neglect of duty however inconsiderable.

In the language of the Chapter, "all other persons in any manner duly selected or appointed to perform any ministerial service," constitute a still more numerous class of persons, and may comprehend officers and agents of every kind and description, all of whom, for any misbehaviour in such office or trust, may, at the discretion of a Judge of the Superior Court, with whom they have no official connection, and to whom they owe no official subordination, or responsibility, under the existing Law, be fined and imprisoned by the summary process given in cases of contempts. Such an expansion of arbitrary power, would be equally new, and repugnant to the principles of our republican institutions, and would deprive the American citizens of that liberty and security granted and maintained to the British subject, by the common law, and constitution of England. It would place all agents, trustees, and officers, except perhaps the Executive, under the control, and subordination of the Superior Courts of the Territory, in palpable, and open violation of the constitution of the United States, which has in express and emphatic terms prescribed the boundaries of power to the several departments of our government. The authority of the Autocrat of Russia, in the plenitude of despotic power, would be little superior to that conferred on the Judges of the Superior Courts, by the Chapter entitled Contempts. I am therefore constrained to put my veto upon it, and return it to the Senate for the reasons assigned. R. K. CALL,  
Governor of Florida.

Which was read, and laid on the table.

Also the following:

EXECUTIVE OFFICE. }  
Tallahassee, 14th March. 1843. }

Gentlemen of the Senate and House of Representatives:

I have approved the following Acts and Chapters of the Re-

vised Statutes passed during the present session of the Legislative Council:

- "Chapter Bills of Exchange and Promissory Notes;"
- "Chapter Evidence;"
- "Chapter Assignments;"
- "An act to change the name of a person therein named;"
- "An Act to alter and change the name of Amanda S. Mandel, of Jackson County, Florida;"
- "An Act to admit George W. Call, jr., to practice law in the several Courts of this Territory;"
- "Chapter District Attorneys;"
- "An Act to divorce Eliza Vaughan;"
- "An Act to amend an act entitled, An Act to establish a Board of Port Wardens and Commissioners of Pilotage for the Port of Key West;"
- "An Act entitled an act to prevent masters of ships and vessels, and other persons, from throwing ballast in the Bay of Apalachicola;"
- "An Act entitled an act to incorporate the Apalachicola Guards;"
- A preamble and resolution requesting an appropriation by Congress of ten thousand dollars, for the erection of a Marine Hospital at Apalachicola;
- "A bill to be entitled an act to incorporate the Grand Lodge of Florida;"
- "A preamble and resolutions relative to the establishment of a mail route to Apalachicola;"
- "An act to incorporate the Quincy Light House;"
- "An Act to amend an act entitled an act to incorporate the Town of Quincy;"
- "An Act to authorise John G. Swan to establish a ferry across the Withlacoochee River, at Fort Izard;"
- "An act to regulate commissions for the collection of money;"
- "An Act to amend an act to organize the Militia of the Territory of Florida;"
- "An act to prevent the removal of Stakes and Buoys from the channel of the Bay of Apalachicola."

R. K. CALL,  
Governor of Florida.

Which was read.

Also the following:

EXECUTIVE OFFICE, }  
Tallahassee, 14th March, 1843. }

Gentlemen of the Senate:

I herewith return disapproved, the chapter of the Revised Statutes entitled, "Cattle." This chapter provides that "all Cattle, Horses or Mules owned by any person, being a non-resident of this Territory, driven or brought into any county of this Territory, by the owner thereof, his agent, or any person

for his use, for the purpose of range or pasturage upon uncultivated lands; and all cattle, horses or mules, so owned by any such non-resident which may have strayed into any county in this Territory, and remained therein for one month after notice thereof being given to such owner, or his agent, by any inhabitant of such county, either by personal service of such notice, or by posting up such notice in two or more of the most public places in the county, shall upon complaint being made to any Justice of the Peace in such county, and upon due proof, be forfeited, by the judgment of such justice, to the Territory of Florida, and shall be sold at public auction by the order of such justice, and the proceeds of sale paid into the Treasury of the Territory." I cannot present the manifold objections to this chapter in terms more expressive than they appear on its face. It is contrary to the rules of good neighborhood, and calculated to disturb the harmony and friendly intercourse subsisting between us and our neighbors of the adjoining States. Its policy I deem as erroneous as its operation would be unkind, and could not fail to produce feuds and reprisals among the inhabitants of the two borders not unlike those formerly known among the highlanders and lowlanders of Scotland. I therefore cannot give it my approval.

R. K. CALL,

Governor of Florida.

Which was read, and with the accompanying chapter, laid on the table.

Also the following:

EXECUTIVE OFFICE, }  
Tallahassee, 15th March, 1843. }

Gentlemen of the Senate and House of Representatives:

I have approved the following acts and chapters passed during the present session of the Legislative Council:

- "An act to organize the Alachua County Troop;"
- "An act to authorise the County Court of Alachua County to raise a County Revenue;"
- "A resolution respecting accounts;"
- "A preamble and resolutions relative to the navigable streams within the county of Hernando;"
- "A resolution relative to the publication of the laws of the Territory;"
- "An act to amend an act in relation to Sheriffs and the Clerks of the Superior and County Courts of Washington county;"

R. K. CALL,  
Governor of Florida.

Which was read.

The following Message was received from the House, viz:  
HOUSE OF REPRESENTATIVES, }  
16th March, 1843. }

To the Hon. President of the Senate:

The House have appointed Messrs. Knowles and Betton, a

Committee of Conference, on the part of the House to confer with Messrs. Walker and Baltzell of the Senate, on the bill relating to crimes and misdemeanors.

Attest,

H. ARCHER,  
Secretary House Representatives.

Which was read.

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

EXECUTIVE OFFICE,  
Tallahassee, March 15th, 1843.

Gentlemen of the Senate

and House of Representatives :

I hereby nominate Dempsey Pittman, Tax Collector for the County of Jackson ;

William Hart, Tax Collector, and James A. Berthelot, Notary Public, for the County of Leon.

R. K. CALL,  
Governor of Florida.

Which was read and said nominations confirmed.

Mr. Baltzell, from the Committee of Conference, made the following report :

The Committee of Conference, appointed by the two Houses, on the bill to amend an act entitled an act regulating judicial proceedings, have instructed me to report as a substitute for the provisions of the House, certain amendments.

T. BALTZELL,  
Chairman.

Which was read, and the amendments therein proposed, adopted.

On which question, the yeas and nays were called for by Messrs. Baltzell and Cooper, and were :

Yeas—Messrs. Baltzell, Hart, Livingston, Mathers, Walker and Yonge—6.

Nays—Mr. President, Messrs. Cooper, Priest, Ramsay and Smith—5.

Mr. Smith, from the Committee on Enrolled Bills, reported as correctly enrolled an act concerning the Revised Statutes, and a resolution relative to imposing certain duties upon the Secretary of the Territory.

Mr. Haughton made the following report :

The committee appointed by the Senate to confer with a similar committee on the part of the House, in relation to the disagreement by the latter to the fourth and fifth sections of the bill originating in the Senate, entitled an act relating to crimes and misdemeanors, have discharged that duty, and ask leave to report that the committee of the House have agreed to recommend to that body to recede from its amendments.

R. B. HAUGHTON, Chairman.

Which report was concurred in, and the Senate insist on the original bill.

The Senate took a recess until half past 3 o'clock.

HALF-PAST 3 O'CLOCK.

Mr. Haughton of the Joint Select Committee, made the following report :

The Joint Select Committee appointed to receive proposals for publishing the Laws of this session in pamphlet form, have received proposals for that purpose from the various printers of Tallahassee, and have agreed to accept that made by Joseph Cisby, editor of the Sentinel ; he having offered at lower rates than the others, to wit : one dollar and ninety three cents per page, and the Committee believing that he could execute the work as neatly as could be desired. They have agreed moreover to restrict said printer, to the use of type not larger than those employed in the printing of Duval's Compilation, and to pages similar in size to those of said Compilation.

R. B. HAUGHTON, Chairman.

An act to provide for the Compensation of the officers of the Legislative Council, for the session 1843, and for other purposes, was read first, second and third time and passed. Title as stated.

A bill to amend an act regulating interest, was read, on the passage of which the yeas and nays were called for by Messrs. Hart and Livingston, and were :

Yeas—Mr. President, Messrs. Baltzell, Haughton, Livingston, Ramsay, and Yonge—6.

Nays—Messrs. Cooper, Hart, Priest, Smith, and Walker—5.  
So said bill passed.

The nomination of Benjamin Hale, was consented to, as Justice of the Peace, for Leon County.

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

EXECUTIVE OFFICE,  
Tallahassee, March 14th, 1843.

Gentlemen of the Senate

and House of Representatives :

I hereby nominate the following persons, as Directors of the Union Bank, during the present year :

George Anderson, of Jefferson County ;

Hector W. Braden, and Richard Hayward, of Leon County ;

Thomas P. Randolph, and Banks Meacham, of Gadsden County.

R. K. CALL,  
Governor of Florida.

Which was read, and said nominations confirmed.

Also the following :

EXECUTIVE OFFICE, }  
Tallahassee, March 16th, 1843. }

*Gentlemen of the Senate*

*and House of Representatives :*

I hereby nominate Giles Bowers, Tax Collector, of Walton County, and R. B. Ker, Justice of the Peace, for the County of Leon.

R. K. CALL,  
Governor of Florida.

Which was read, and said nominations consented to.

Also the following :

EXECUTIVE OFFICE, }  
Tallahassee, March 15th, 1843. }

*Gentlemen of the Senate*

*and House of Representatives :*

I hereby nominate the following persons as Trustees for the Seminary Lands :

William Bailey, of Jefferson County ; Robert W. Williams, of Leon ; David L. White, of Gadsden ; and Britton Burkly, of Jackson ; John G. McGehee, of Madison.

I also nominate Isham Cain, for the office of Justice of the Peace, for the County of Gadsden.

R. K. CALL,  
Governor of Florida.

Which was read, and said nominations confirmed.

Also the following :

EXECUTIVE OFFICE, }  
Tallahassee, March 16th, 1843. }

*Gentlemen of the Senate*

*and House of Representatives :*

I have approved the following Acts and Resolutions, passed by the Legislative Council, at its present session :

"An act concerning the Revised Statutes ;"

"A Resolution relative to imposing certain duties upon the Secretary of the Territory ;"

"A Resolution relative to the Capitol ;"

"A Resolution relative to the Sixteenth Sections ;"

Chapters "Elections ;"

"A Resolution relative to the location of School Lands ;"

"An act to incorporate to Stewards of the Methodist Episcopal Church, of the Leon Circuit of the Territory of Florida."

R. K. CALL,  
Governor of Florida.

Also the following :

EXECUTIVE OFFICE, }  
Tallahassee, March 15th, 1843. }

*Gentlemen of the Senate*

*and House of Representatives :*

I have approved the following acts and chapters of the Re-

vised Statutes, passed during the present session of the Legislative Council :

"An act concerning School Lands ;"

"An act to amend the law in reference to Executions and Attachments ;"

"A resolution relative to the claims of the citizens of Florida upon the United States ;"

"A bill to be entitled an act to amend the law concerning Depositions ;"

"A resolution relative to the Union Bank of Florida ;"

"A preamble and resolution relative to pre-emption claims ;"

"An act to prevent Jailors from releasing runaway negroes until the conditions therein expressed have been complied with ;"

"An act to amend the charter of the Bank of Florida ;"

"An act to revise in part the revenue laws and provide for a Territorial revenue ;"

"An act to preserve the Seminary Lands granted by Congress for a Seminary of Learning and the disposition of the fund arising therefrom ;"

"A bill to establish warrants and drafts upon the Territorial Treasury when the same have been lost or mislaid ;"

"Preamble and resolution relative to the compensation of the officers of the two Houses ;"

"A preamble and resolution relative to losses by Indian depredations ;"

"A resolution relative to the publication of certain laws therein mentioned ;"

"An act to exempt certain property from execution, attachment and distress ;"

"Preamble and resolution asking an appropriation by Congress of twenty five thousand dollars to improve the channel of the Apalachicola Bay."

R. K. CALL,  
Governor of Florida.

Which was read.

The following message was received from the House :

HOUSE REPRESENTATIVES, }  
March 16th, 1843. }

*To the Hon. President of the Senate :*

The House have appointed Messrs. Forman, and Child, a Committee on the part of the House, to wait on his Excellency the Governor, (with a like committee from the Senate) respecting the appropriation bill.

Attest,

H. ARCHER,  
Secretary House Representatives.

Which was read.

Mr. Yonge offered the following Resolution :

*Resolved*, That the thanks of the Senate are due to the Hon. George Walker, President of the Senate, for the able, dignified

and impartial manner, in which he has performed the duties of that office.

Which was unanimously adopted.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
16th March, 1843. }

To the Hon. President of the Senate:

His Excellency having returned the appropriation Bill unapproved, the House have stricken out the amount due Philip A. Hayward and William Wilson, in the first section of the Bill, and send it to the Senate for their action.

Attest H. ARCHER,  
Secretary House Representatives.

Which was read and concurred in.

Mr. Livingston offered the following Resolution:

Resolved, That a committee be appointed by the Senate, to unite with a similar committee of the House, to wait on his Excellency the Governor, and inform him that both Houses are ready to adjourn, and ask if he had any further messages to communicate to the Legislative Council.

Which was read and adopted.

Messrs Livingston, Houghton and Ramsay, were appointed a committee on the part of the Senate.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }  
16th March, 1843. }

To the Honorable the President of the Senate:

The House have appointed a Joint Select Committee, consisting of Messrs. Child, Patterson, and Summerlin, to wait on his Excellency the Governor, (in company with a similar Committee from the Senate) and inform him that the two Houses are now ready to adjourn, and inquire if he has any further communications to make.

Attest, H. ARCHER,  
Secretary House Representatives.

Which was read.

The Senate then adjourned *sine die*.

ERRATA.—Page 143, in the 35th line, for "impossible," read "inexpedient." Page 169, in the 19th line, for "efficiency," read "sufficiency."—Page 170, in the 34th line, for "malpractices," read "the malpractices." Page 182, the bill for the relief of the heirs of Pablo Sebaste is noted as having "passed"—it should read "lost." The transposition of a line following said paragraph, will be readily corrected. Page 182, in the 7th line, for "Thursday," read "on Thursday."

## APPENDIX.

### DOCUMENTS

ACCOMPANYING THE GOVERNOR'S MESSAGE.

TREASURY DEPARTMENT,  
Auditor's Office, Dec. 20, 1842.

To His Excellency R. K. CALL:

Sir—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 for 1842.

*Statement No. 1*, shows a settlement with the Territorial Treasurer, leaving a balance in his office at this date, of \$26 79.

*Statement No. 2*, shows amount returned on auction sales, to be \$2,441 58, and on the fines and forfeitures, \$1,539 31.

By reference to the several items in the returns of Auctioneers, you will perceive that \$285 83 has been returned from Apalachicola, \$618 88 has been returned from Key West, and \$1,190 07 has been returned from Leon county, or Tallahassee; making a difference in favor of Tallahassee, over the other two places, of \$296 36, and nearly equal to half the amount returned from the balance of the Territory. From the business and commerce of other sections of the Territory, it does not seem reasonable this difference should exist; and I would respectfully suggest that some plan should be devised to ensure a faithful performance of their duties.

The reports of Clerks have not been generally received into the office this year, but it is believed the laws already existing are sufficient to compel the discharge of their duty, and will in future be rigidly enforced.

*Statement No. 3*, shows arrears from all sources to be \$51,151 22, including \$6,765 91 against the United States; which sum was expected to be received early last year, but at present there seems to be but little probability. The balance, \$44,385 21, are balances that have been accumulating for some time, and will mostly be lost to the Territory.

*Statement No. 4*, shows that the sum of \$6,526 60 has been audited the past year for expenses of criminal prosecutions in the different Districts, expenses of Executive and Treasury Departments, and expenses of Indian hostilities.

*Statement No. 5*, shows the amount of outstanding warrants at this date to be \$16,482 41, an excess over the last year of \$5,526.

It would seem that the Territory was under some obligation to the holders of her liabilities, either to fund the debt, and pay the interest upon the amount, or assess a tax sufficient to meet the demand. A suspension of taxes for the last three years, it appears to the undersigned, would be some justification to adopting the latter course.

By an act of the Legislative Council of 1842, the Auditor is authorized to settle the account of Jesse Carter, late tax collector for Alachua county, upon just and equitable principles, and in such settlement, to allow him for all Territorial taxes not actually collected and received by him, and also to allow said Carter his expenses for advertising, and other reasonable expenses incurred by him as tax collector.

To this extent the Auditor feels fully instructed, but it appears from the petition of said Carter, herewith marked A, that he has been restrained from collecting taxes in some cases, and in others been forced to refund sums collected, by having the same filed and allowed as offsets against his private claims; that he has paid for a legal opinion, marked B, one hundred and fifty dollars, which he asks to be allowed him.

Upon a careful examination of his account, as collected, and comparing it with the assessor's list returned to the office, I find that \$62 66 only remains to be collected from all sources, with the exception of a single grant of land, the taxes on which amount to 4,042 96. There are other grants in the same county, similar to this, that the taxes have been paid upon, as well as in different parts of the Territory. The Auditor, with this view of the case, begs leave to refer the whole matter to the next Legislative Council, and asks from them such instructions as shall be deemed proper for a final settlement. All of which is respectfully submitted.

Your ob't servant,  
**JOHN MILLER,**  
 Auditor of Public Accounts.

**STATEMENT No. 1, showing the settlement with the Territorial Treasurer, for the year from Dec. 17, 1841, to Dec. 17, 1842.**

	Dr.	
1841. Dec. 17.—Balance remaining in Treasury at this date,	\$ 265 84	
1842. Dec. 17.—Amount received into the Treasury from all sources, to date,	3,000 41	
	<u>\$3,266 25</u>	
	Cr.	
1842. Dec. 17. Amount received on Auditor's warrants returned and cancelled,	\$3,239 51	
Balance,	26 77	
	<u>\$3,266 25</u>	

**STATEMENT No. 2,**

*Showing the amount returned on Auction Tax, the amount paid, and the arrears paid and unpaid for the year 1842, and amount returned by Clerks on account of Fines and Forfeitures.*

**AMOUNT OF AUCTION TAX AND ORPHAN FUND, 1842.**

Auctioneers.	Counties.	Am't ret'd	Am't paid	Arr's p'd	Arr's unpaid	Am't of Orphan Fund.
Alex. Patterson,	Key West,	\$ 125 64	\$ 125 64	\$ 82 60		\$13 93
E. D. Fontana,	St. Johns,	50 38	50 38			
Chas. M. Wells,	Key West,	36 70	36 70			
Wm. H. Wall,	do.	408 58	408 58			45 39
Jas. A. Thouron,	do.			47 67		
A. M. Alexander,	Leon,				16 04	
William Manser,	Gadsden,	54 99	54 99			
J. L. Philips,	St. Johns,	19 63			19 03	
E. W. Donay,	Leon,	613 14	613 14			
J. B. Starr,	Franklin,	97 11	110 92			
Robert Myers,	do.	184 52	184 52			
F. A. Brown,	Key West,	14 39			14 39	
Wm. Grant,	Escambia,	29 54			22 54	
Geo. W. Barkley,	do.	55 59				
Cyrus Besbe,	Duval,	13 41	13 41			
Henry Lindsey,	Hillsboro',	65 12	65 12			
E. B. Fletcher,	Key West,	33 57	33 57			
Henry Williams,	Franklin,	4 20	4 20			
J. Keogh,	St. Johns,	27 63	16 16		11 47	
A. T. Lawrence,	Leon,	272 24	272 24			30 24
R. J. Hackley,	do.	304 69	304 69	317 82		
A. M'Neil,	Hillsboro',	2 62			2 62	
A. W. Bell,	St. Johns,	20 00			20 00	
J. L. Taylor,	Jefferson,	15 49			15 49	
F. B. Whiting,	Leon,			3 29		
		\$4441 58	\$2349 85	\$451 47	121 58	\$89 56

**AMOUNT OF FINES AND FORFEITURES RETURNED BY CLERKS OF COUNTIES.**

Clerk's Names.	Counties.	Term of Court.	Y'r	Am't ret'd	Whose hands.	Am't p'd.
L. R. Harris,	Gadsden,	Spring,	1842	\$200 00		\$199 12
J. Ornell,	Nassau,	Spring,	1842	100 00	Clerk,	
J. Beard,	St. Johns,	Fall,	1842	7 00	Clerk,	
L. D. Hart,	Duval,	Fall,	1841	10 00	Marshal,	
Geo. Watson,	Alachua,	Fall,	1841	20 00	Marshal,	
J. G. McClaw,	Walton,	Fall,	1841			
M. C. Peterson,	Madison,	Spring,	1842	50 00	Marshal,	
R. T. Birchett,	Leon,	Fall,	1841	1172 31	Marshal,	
				\$1659 31		\$199 12

## 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 15th December, 1842.

NAMES.	OFFICERS.	COUNTIES.	AMOUNT DUE.	YEAR.	REMARKS.
J. Pendleton,	Tax Collector,	Escambin,	\$ 487 10	1832	
F. J. Avico,	Sheriff,	St. Johns,	960 47	1834	On acc't of Tax rec'd in 1833 and 1834.
James D. Bullock,	Tax Collector,	Franklin,	106 92	1835	Certified to District Attorney.
Wm. Livingston,	Auctioneer,	St. Johns,	23 18	1835	
Joseph R. Betton,	Auctioneer,	Fayette,	18 24	1833	
Alex. Adair,	Marshal,	Leon,	276 11	1833	Certified to J. K. Campbell, District At.
D. C. Hart,	Marshal,	Duval,	92 96	1833	
A. G. Mays,	Tax Collector,	Jackson,	235 42	1833	Cert'd to Geo. Walker, Dis. At. W. Dis.
W. Smith,	Marshal,	St. Johns,	288 91	1833	
R. C. Lester,	Clerk,	Gadsden,	64 16	1837	Certified to District Attorney.
State of Georgia,			8 60		
Blyden & Vanbaun,	Auctioneers,	Escambia,	11,602 70	1837	Certified to District Attorney.
A. G. Phillips,	Tax Collector,	Duval,	127 57	1836	" " " "
John G. Tyner,	do.	Alachua,	273 23	1835	" " " "
Josiah Joiner,	do.	St. Johns,	1,242 07	1835	" " " "
John Duncan,	do.	Franklin,	617 30	1835	" " " "
Tilman J. French,	do.	Leon,	2,559 88	1836	" " " "
Samuel H. Duval,	do.	Leon,	3,157 01	1836	" " " "
John Enderman,	do.	Franklin,	1,829 57	1837	Judgment vs. securities.
John Enderman,	do.	Franklin,	2,309 68	1838	" " " "
Michelet & Vanbaun,	Auctioneer,	Escambia,	688 30	1838	" " " "
Wm. H. Michael,	Tax Collector,	Leon,	1,739 76	1838	" " " "

## STATEMENT No. 3—(Continued.)

NAMES.	OFFICERS.	COUNTIES.	AMOUNT DUE.	YEAR.	REMARKS.
Hezekiah Wood,	Auctioneer,	Calhoun,	\$ 7,500 00	1838	
Jesse Carter,	Tax Collector,	Alachua,	4,659 77	1839	Au'd'd to be audited by last Council.
Leigh Read,	Marshal,	Leon,	399 50	1811	
P. W. Gautier,	Marshal,	Apalach. Dis.,	1,733 54		G. T. T.
James L. Orneill,	Clerk,	Nassau,	100 00	1841	
Joseph Sanches,	Marshal,	Eastern District,	58 00	1841	
M. C. Peters,	Clerk,	Hamilton,	50 00	1841	
John G. Camp,	Marshal,	Middle District,	1,172 31		
United States,			6,768 91		
			\$51,151 22		

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 the year 1842.

EXPENDITURES.			RECEIPTS.	
To exp. Crim. Prosecutions,	Middle District,	\$1,573 48	Auction Tax,	\$2,801 32
" " "	Apalach. District,	590 86	Fines and Forfeitures,	199 12
" " "	Western District,	2,629 35		
" " "	Eastern District,	95 60		\$3,000 44
" " "	Southern District,	209 39		
" Treasury Department,		568 03		
" Executive do.		200 00		
" Indian hostilities,		659 89		
		\$6,526 60		

*STATEMENT No. 5, showing the amount of Liabilities and Assets of the Territory at the expiration of the year ending 17th Dec. 1842.*

Dec. 17, 1842. Amount warrants outstanding,	\$16,482 41
Balance,	34,668 81
	<hr/>
	\$51,151 22
	<hr/>
Dec. 17, 1842. By amount due from Revenue Officers as per settlement No. 3,	\$44,382 31
Amount of claim vs. United States,	6,768 91
	<hr/>
	\$51,151 22
	<hr/>
Balance in favor of the Territory,	34,668 81

TREASURY DEPARTMENT,  
*Treasurer's Office, Dec. 29th, 1842.*

SIR—I have the honor herewith to hand you the annual statement of the situation of the School Lands in Leon County, so far as I have been able to ascertain from the books and papers of the office turned over to me, as prescribed by the act of the Legislative Council, approved 12th Feb. 1837. These records contain nothing in relation to the lands in any other County.

You will perceive that the annual rents of the Lands in Leon County, leased under this act, amount to one hundred and one dollars fifty cents, and although the amount is but small, I regret to state that there is due in arrearages the sum of (\$371.50,) three hundred and seventy-one dollars fifty cents.

The amount of the Fund arising from rent of land, according to the last report of my predecessor, dated 6th April, 1842, was (\$815.25,) eight hundred and fifteen dollars twenty-five cents, consisting of \$796.75 in bills of the Union Bank of Florida, and \$18.50 in specie. This Fund has not been paid over to me, but my predecessor has placed in my hands a Treasury warrant for the amount, but being in doubt whether this Fund can properly be applied to payment of Treasury warrants, I have declined receiving it for the balance of the Fund; unless sanctioned by the Legislative Council.

With great respect, your obt. servt.

HY. L. RUTGERS, Treasurer.

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

*ANNUAL STATEMENT of School Lands leased in Leon Co.*

The N. E. qr., T. 2, R. 3, N. and E., at \$2 00 per ann.	\$2 00	\$2 00
N. W. qr., do. do.	1 25 do	1 25
S. E. qr., do. do.	75 do	75
S. W. qr., do. do.	1 00 do	1 00
N. E. qr., T. 1, R. 2, S. and E., at 2 00 do	2 00 do	2 00
N. W. qr., do. do.	2 50 do	2 50
S. E. qr., do. do.	1 00 do	1 00
S. W. qr., do. do.	3 00 do	3 00
N. E. qr., T. 1, R. 2, N. and E., at 5 00 do	5 00 do	5 00
N. W. qr., do. do.	1 00 do	1 00
S. E. qr., do. do.	1 00 do	1 00
S. W. qr., do. do.	3 00 do	3 00
N. E. qr., T. 3, R. 1, N. and E., at 2 00 do	2 00 do	2 00
N. W. qr., do. do.	1 00 do	1 00
S. E. qr., do. do.	1 00 do	1 00
S. W. qr., do. do.	1 00 do	1 00
N. E. qr., T. 1, R. 1, S. and E., at 50 00 do	50 00 do	50 00
N. W. qr., do. do.	13 00 do	13 00
S. E. qr., do. do.	5 00 do	5 00
S. W. qr., do. do.	5 00 do	5 00

Total, \$101 50  
(A copy) HY. L. RUTGERS, Treasurer.

TREASURY DEPARTMENT,  
*Treasurer's Office, Dec. 20th, 1842.*

SIR—Herewith I beg to hand you my account current as Treasurer of the Territory, shewing a balance in its favor of \$26.77, exclusive of the School Land Fund.

Very respectfully,

Your most obt. servt.

HY. L. RUTGERS,  
Treasurer.

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

Territory of Florida in Account with HENRY L. RUTGERS, Treasurer, 1842.

		Dr.	
To expenses prosecuting Indian war:			
Paid Auditor's warrant No. 33,		\$ 100 00	
To expenses Executive Department:			
Paid Auditor's warrant No. 206,		3 50	
To expenses Prosecuting Criminals Middle District:			
Paid Auditor's warrant No. 1,		99 12	
" " " " 51,		27 75	
" " " " 52,		3 75	
" " " " 54,		41 25	
" " " " 57,		7 50	
" " " " 61,		23 38	
" " " " 62,		33 25	
" " " " 63,		32 63	
		—————	268 63
To expenses Prosecuting Criminals Southern District:			
Paid Auditor's warrant No. 9,		86 87	
To expenses Prosecuting Criminals Western District:			
Paid Auditor's warrant No. 36,		31 01	
" " " " 36,		24 58	
		—————	55 59
To expenses Treasury Department:			
Paid Auditor's warrant No. 74,		10 15	
" " " " 75,		200 00	
" " " " 253,		30 00	
		—————	240 15
Paid Auditor's warrant No. 279, favor Hayward & Austin, per balance due R. J. Hackley on account auction tax per 1840,		500 09	
Balance,		26 77	
		—————	\$1281 51
1842		Cr.	
By balance received from Thos. H. Austin, late Treasurer, (in specie funds,)			2 65
Auction Tax:			
Received on Auditor's certificate,		31 01	
" " " "		24 58	
" " " "		20 25	
" " " "		622 51	
" " " "		391 39	
		—————	1079 74
Fines and Forfeitures, Middle District:			
Received on Auditor's certificate,		199 62	
		—————	\$1281 51
1842.—Dec. 16.—By balance in the Treasury, exclusive of the School Land Fund,			26 77
H. L. RUTGERS, Treasurer.			

TREASURY DEPARTMENT,  
Auditor's Office, Dec. 20th, 1842.

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

JOHN MILLER, Auditor Public Accounts.

## REPORT OF COMMISSIONER OF FUND FOR BUILDING CAPITOL.

COMMISSIONER'S OFFICE,

Tallahassee, December 29, 1842.

His Excellency R. K. CALL,

Governor of Florida:

SIR: I have to submit the following statement of the condition of the Fund for building the Capitol.

There are now in the hands of the Commissioner:  
Notes due the fund for lots sold, turned over by the late Commissioner, \$1,722 25  
Judgment vs. D. F. Wilson and securities, on his note for 600 00

—————  
\$2,322 25  
—————

The claims against the Fund are:

Balance due late Commissioner, as per his report, 1st Feb. 1842,	\$ 563 21
Bal. of contract for carpentry with J. W. Levinus,	924 00
" " masonry " R. A. Shine,	5,792 00
" " plastering " A. Scott,	450 00
Draft of R. A. Shine on late Commissioner, accepted and unpaid,	500 00
Bill of J. W. Levinus for work executed by direction of Commissioner, not embraced in contract,	260 00
Bill of A. Patterson, for 2 1-2 months hire, (from 13th Nov. 1839.) of four hands to work at well,	350 00
Bill of New Castle Manufacturing Company for boring implements,	167 15
	—————
	\$9,006 36 —————

The liabilities of the Fund exceed the amount due to it \$6,684 11; and the notes for the lots, being payable in paper of the Union Bank of Florida, on 1st March, 1841, will be settled at the rate of depreciation which existed at that time, and, therefore, will not meet an equal amount of the claims against the Fund.

In the present embarrassed condition of the country, the remaining lots, and the quarter sections of land not yet located, can not be disposed of without very great sacrifice. They were valued, in the Report in June 1841, at \$6,000, but would not sell, at this time, for half that amount.

Upwards of \$9,000, of the amount for which the lots in the original Plan and in the North Addition to the City of Tallahassee sold, exclusive of interest, has never been paid into the Fund. In the Report last alluded to, it was estimated that probably \$4,000 of this might be collected. Since that time, however, the suits against the securities of W. Alston, former Commissioner, for a balance not paid over, and for money collected with which he omitted to charge himself, have been decided, and the securities have not been held liable for the defalcation.

No reliance, therefore, can, at present, be put in either of these sources, for means to meet the debts now due, or to prosecute the work.

In December, 1841, the late Commissioner reported the balance (in notes) due from him,	\$1,617 87
He charged himself in January, 1842, with	141 15
Making,	1,759 04
Which deducted from the Notes and judgment handed over to the present Commissioner,	2,322 25
Leaves the balance reported as due him, 1st Feb., 1842,	\$ 563 21

All the carpentry contracted for by Mr. Levinus has been executed, and the whole balance of the amount of the contract, and the bill for work directed by the Commissioner, are now due.

The time specified for the completion of the masonry has long since elapsed, but the delay, at least since the present Commissioner came into the office, has not been from default of the contractor. Mr. Shine has repeatedly given notice, that he had provided all the materials, and was ready speedily to complete what remains to be executed. The state of the Fund, and the extent to which it is now in arrear with him, has deterred the Commissioner from requiring him to proceed.

All the plastering contracted for has been executed, and the balance stated is now due to the contractor. By the agreement, it was provided that Mr. Scott should add a cornice, and other ornaments, to the apartments designed for the Senate-chamber and Court-room, at a fixed rate, if directed by the Commissioner. These directions were never given; but Mr. Scott executed the ornamental work, and claims pay for it, in addition to the balance stated. The Fund being in arrear for

work specifically contracted for, and the state of the building urgently requiring other work, the Commissioner did not feel authorized to approve the account, and would respectfully request the matter to be submitted to the Legislature.

It is most urgently required that the work on the Capitol should be speedily continued, in order to preserve that already executed from the serious injury it must suffer from exposure. The present resources of the Fund afford no means for doing it; and it is estimated, that an additional sum of \$24,000 will be required, to pay off the debts now due from the Fund, and to complete the edifice.

I have the honor to be, Sir,

Very respectfully,

Your obdt. servt.

C. G. ENGLISH,  
Commissioner.

## MEMORIAL

OF A CONVENTION OF THE FRIENDS OF THE AMERICAN COLONIZATION SOCIETY ASSEMBLED IN WASHINGTON CITY, 4th MAY, 1842.

The Convention of the friends of African Colonization assembled in Washington City respectfully represent, that, the American Colonization Society having been established near the close of the year 1816, by a respectable body of citizens from every section of this Union for the humane and philanthropic purpose (in co-operation with the General Government and such of the States as might adopt regulations on the subject) of founding colonies of free persons of color, with their own consent, on the coast of Africa, proceeded to explore that coast, purchase by fair negotiation with the native tribes an eligible tract of country, and assist such free persons of color as were disposed to emigrate in their removal and settlement in Africa.

Impressed with the difficulty and magnitude of the enterprise and the importance, if not absolute necessity of the countenance and aid of the Government, memorials were early addressed to Congress, and in consequence, sustained as they were, by the avowed opinion of the Legislatures of several States, measures were adopted by Congress for the more effectual suppression of the African slave trade, by its denunciation and punishment as piracy, and authority was conferred upon the President of the United States to make such regulations and arrangements as lie

might deem expedient for the safe keeping, support, and removal beyond the limits of the United States, of all such Africans or persons of color as might be delivered and brought within their jurisdiction, and to appoint a proper person or persons, residing upon the coast of Africa, as agent or agents for receiving those persons of color "delivered from on board vessels seized in the prosecution of the slave trade by the commanders of the United States armed vessels."

The then President of the United States, Mr. Monroe, perceiving that the benevolent provisions of this law for the benefit of the re-captured Africans might be most economically and effectually fulfilled, by securing a home for these persons within the limits and under the protection of such colony as might be founded by the efforts and donations of the members and friends of this Society, determined to act in co-operation with the Society in regard to the station to be chosen for the temporary or permanent (as might be) residence of such Africans, and when the society had obtained possession, by purchase, of a portion of the tract of country in Africa, since designated by the name of Liberia, such persons were placed upon its soil, under the care of an agent of Government, with such means of subsistence and defence as might enable them ultimately to attain the advantages which it was the endeavor of the society to secure to those voluntarily engaged, under their auspices, in the establishment of their colony.

Thus the colony of Liberia rose into existence both as a home for the re-captured Africans restored by the humanity of our Government to their own country, and as a well organized community of free colored men, prepared and disposed to extend their useful arts, laws, civilization and Christianity, far abroad among the native population of Africa.

Animated by the idea that their scheme was equally patriotic and Christian, tending to unite the minds of our countrymen on subjects in reference to which differing and warring opinions are to be deprecated, engaging their thoughts and exertions in measures to remove, with their own consent, our free people of color, and such as may become free, from circumstances and influences that embarrass and depress, to those which stimulate, encourage and exalt, and which must enable them to secure for themselves and posterity a free, independent, national existence, where such an existence may prove with increasing power an element destructive of the atrocious slave trade, and of renovating moral and intellectual life to the barbarous and uncounted tribes and nations of Africa—withdrawing the people of Africa from the shades of ignorance, from cruel and degrading superstitions, from wars, and their fruitful parent, (that infamous commerce which annually, for centuries, has consigned vast numbers of its unoffending inhabitants, of all ages, both

sexes, and of all conditions, to slavery or death)—to industry, to the arts and practices of civilized life, to lawful, profitable, and peaceful trade, and the inestimable privileges of law, letters, liberty and Christianity—stirred by these high considerations, the Society has proceeded, mostly by private means, in its great enterprise. Individuals from every State of our confederacy, of every political and religious opinion, the clergy and the churches of every name, have viewed the plan of the Society as of a character not only unexceptionable but of comprehensive benevolence, operating for good in all relations and directions, embracing in its promised beneficence the interests of both the white and colored races in this country, and of the more numerous population of Africa.

The settlements of Liberia demonstrate the entire practicality of the scheme. Though embracing but a few thousand emigrants, they exhibit on a distant and barbarous shore models of good government, of free institutions, of order, industry, civilized manners, and Christianity. Their jurisdiction extends along several hundred miles of coast, and the salutary influence of their example along the coast and into the interior, still farther. They have legislative assemblies, courts of justice, schools and churches. But it must be recollected that these communities which have done so much for themselves, and so much to spread out the advantages of our civilization and religion before rude and heathen men, who have passed laws for the extirpation of the slave trade on every spot touched by their rightful authority, are of a people, who here enjoyed but very imperfect opportunities and inducement for improvement, who left us almost without means; many of them recently liberated slaves, and all going forth unfortified and unsustained by either National or State power, to found, in an untried climate, on the borders of a continent remote from civilized nations, a republican commonwealth and the Church of God. They have nobly effected their object. But their condition is one of weakness, of difficulty, of danger, demanding in the judgment of your memorialists, the sympathy, the immediate and generous support, not only of individuals, but of every State Legislature in the Union. To abandon, or even to neglect the communities of Liberia, at this time, when it is clear that all the great and beneficent ends proposed by their establishment may, and that by means which divided among the several States, or paid out of the common fund of the nation would affect injuriously no one interest of the country, and which will be more than repaid with interest by the advantages of African commerce to be secured through these settlements, would be not only a violation of solemn obligations to the people of these colonies, but a sacrifice of the important commercial interests of our country. Your memorialists have abundant evidence to show that these interests on the African coast are becoming of great value, and that to Africa

we may look for a market of vast extent to some of our great staple productions, as well as for our manufactures, and that the returns will be in palm oil, camwood, ivory, gold dust, the precious gums, and other of the richest products of the most favored regions of the tropics.

It is necessary for your memorialists merely to allude to the various political, social and economical considerations, that should operate with wise and patriotic men, more especially in our southern, and to some extent in all the States of this great confederacy, to incline them to regard with favor the plan and policy of this Society. Nor is it important to consider, how far, in the progress of this scheme, there may arise some friendly co-operation between the General Government, whose peculiar province it is to foster and protect the commerce of the country, and whose acknowledged duty to suppress the African slave trade, still depriving Africa every year of a half million of her inhabitants, and the governments of the several States impelled by the combined considerations of interest and humanity to contribute to it their aid.

To adopt the language of a former memorial, it is the duty of the Society to place the scheme in which they are engaged, before all, who have the power to accomplish it, and to trust that the wisdom and patriotism of those to whom it is committed, will devise the most proper and effectual means for its success. And they prefer, in earnestly soliciting for this enterprise the favor and pecuniary aid of the legislature which they have the honor to address, to dwell upon those elevating thoughts so well embodied in the language, slightly modified, of the first memorial ever submitted by this Society to the General Legislature of the Union. "Independently," said the President and Board of Managers at that time, "of the motives derived from political foresight and civil prudence, on the one hand, and from moral justice and philanthropy on the other, there are additional considerations and more expanded views to engage the sympathies and excite the ardor of a liberal and enlightened people. It may be reserved from this nation (the first to denounce an inhuman and abominable traffic, in the guilt and disgrace of which most of the civilized nations of the world were partakers) to become the honorable instrument under Divine providence, of conferring a still higher blessing upon that large and interesting portion of mankind, benefitted by that deed of justice; by demonstrating that a race of men, composing numerous tribes, spread over a continent of vast and unexplored extent, fertility and riches, unknown to the enlightened nations of antiquity, and who had yet made no progress in the refinements of civilization, for whom history has preserved no monuments of arts or arms, that even this hitherto ill-fated race, may cherish the hope of beholding the orient star revealing the best and highest aims and

attributes of man. Out of such materials, to rear the glorious edifice of well ordered and polished society, upon the deep and sure foundations of equal laws and diffusive education, would give a sufficient title to be enrolled among the illustrious benefactors of mankind; whilst it afforded a precious and consolatory evidence of the all prevailing power of liberty, enlightened by knowledge and corrected by religion. If the experiment in its more remote consequences, should ultimately tend to the diffusion of similar blessings through those vast regions and unnumbered tribes, yet obscured in primeval darkness, reclaim the rude wanderer from a life of wretchedness to civilization and humanity; and convert the blind idolater from gross and abject superstition, to the holy charities, the sublime morality, and humanizing discipline of the Gospel—the nation, or individuals that shall have taken the most conspicuous lead in achieving the benevolent enterprise, will have raised a monument of that true and imperishable glory, founded in the moral approbation and gratitude of the human race, unapproachable to all but the elected instruments of divine beneficence—a glory with which the most splendid achievements of human force or power must sink in the competition, and appear insignificant and vulgar in the comparison. And above all should it be considered, that the nation or the individual, whose energies have been faithfully given to this august work, will have secured, by this exalted beneficence, the favor of that Being whose compassion is over all his works, and whose unspeakable rewards will never fail to bless the humblest efforts to do good to his creatures."

The Colony of Cape Palmas, is a conclusive evidence of what a single State, and by an appropriation of a few thousand dollars annually, can accomplish in this cause. A prosperous Colony of about six hundred emigrants has risen, with all the order and institutions of a well organized Society, under the fostering care of the Legislature of Maryland, and citizens of this State, at the cost of less than the establishment of a single plantation of the South.

But it is vain to expect, that either the various interesting settlements scattered along an extended line of coast, under the care of the parent society, and opening a rich and inviting territory for the possession and home of our free colored population or the settlement at Cape Palmas, can prosper, maintain themselves against the adverse influence of great power, with which they are contending, effect the high purposes for which they have been planted, unless their numbers shall by emigration, be augmented, and increased funds be supplied by the bounty of individuals, the States, or the Nation. An annual appropriation for the present, of even ten thousand dollars, from the Legislature of each State, with the aids which may be anticipated in the Union from the donations of benevolence, would throw a

new light of hope and cheerfulness over the settlements of Liberia, and give assurance that Africa herself must rise from ruin to stand in honor and power among the nations of the world.

MW. ST. CLAIR CLARKE, Secretary.

## REPORT

OF THE

### COMMITTEE ON FINANCE AND BANKS.

MR. BALTZELL, from the Committee on Finance and Banks, made the following Report :

The Committee on Finance and Banks have instructed me to Report the replies of the Union Bank, and Life Insurance and Trust Company Bank, together with the letters addressed to them by their chairman, which they request to be printed.

T. BALTZELL, Chairman.

TALLAHASSEE, February 11, 1843.

To JOHN G. GAMBLE,

President of the Union Bank of Florida.

Sir : The undersigned Chairman of the Committee on Finance and Banks of the Senate, has been instructed to inquire as to the action of the Board of Stockholders on the subject of the Bonds and Mortgages, executed to said Bank, and also as to the action of the Board of Directors on the same subject, and to request that copies of resolutions or of any other paper or document on the said subject be furnished at as early a period as practicable.

I am also instructed to enquire whether any of these bonds and mortgages have been disposed of in any manner since the last Council, either by release cancelment, substitution or in any other manner, if so to request you to specify the instances and the purpose for which the same was done, and the amount &c. of the same particularly.

Also whether a return to specie payments on the part of the Bank, and the resumption of the business of Banking is contemplated at any early period, or may be even hoped for, if so how soon. An early answer is requested.

Very Respectfully,

Yours &c.

T. BALTZELL, Chairman.

UNION BANK OF FLORIDA, February 11, 1843.

To THOMAS BALTZELL, Esq., Chairman.

Sir: I have received yours of this day, embracing the following enquiries, viz:

1st. What has been "the action of the Board of Stockholders, on the subject of the Bonds and Mortgages executed to this Bank; and also the action of the Board of Directors on the same subject?" And requesting "that copies of resolutions or of any other paper, or document on the said subject, be furnished at as early a period as practicable."

2d. "Whether any of these Bonds and Mortgages have been disposed of in any manner since the last Council, either by release, cancelment, substitution, or in any other manner?" "If so," requesting me "to specify the instances, and the purpose for which the same has been done, and the amount of the same particularly."

3d. "Whether a return to specie payments on the part of the Bank, and the resumption of the business of Banking is contemplated, at any early period, or may be hoped for, and if so how soon."

To these enquiries I will reply,

That "the action of the Stockholders on the subject of the Bonds and Mortgages, executed to this Bank," had reference to two objects.

1st. To enable the Stockholder to release his mortgaged property from the lien of the Bank, in a way consistent with perfect security to the Bank, and to the Territory, the bonds of which, supplied its capital.

2d. To enable a stockholder to cancel his bank shares, and dissolve his connection with the bank.

By a provision in the 9th section of the charter of this bank, the "stockholder may at any time release his property by paying the amount subscribed and also such loans as may have been made on the faith of it." And although it cannot be doubted that it would be a compliance with that provision, and more secure and satisfactory to the Territory, if the payment be made in Territorial Bonds, instead of the other liabilities of the bank, the directors believed it advisable to obtain the express sanction of their Stockholders. The resolution adopted by the Stockholders, reads,

"Resolved, That a stockholder who desires a release of the mortgage of his property, may obtain the same, by delivery to the bank of one hundred dollars of the bonds of the Territory for each share of his stock; and the shares thus secured by the Territorial Bonds, shall constitute cash stock, entitling the stockholder to interest thereupon at the rate of six per centum per annum. And the stockholder shall thereupon, be entitled to a

credit upon his stock bond to the amount of the cash stock thus created; and shall also have a corresponding release of his mortgaged property."

There are persons who desire to withdraw from their connexion with the Bank as stockholders, and as a reduction in the amount of the capital of the Bank is thought desirable, two modes of effecting both objects, have been prescribed by the stockholders. The party who desires to withdraw from the bank, may select either mode. One of those modes of withdrawing, is prescribed in the following resolution.

"Resolved, That a Stockholder who desires to cancel any number of his shares in the stock of the Bank, may do it, by paying to the Bank one hundred dollars of the bonds of the Territory of Florida, for each share of stock to be cancelled, whereupon he shall have a corresponding credit upon his *Stock Note*, and upon his *Stock Bond*; and a corresponding release of the mortgage upon his property; except so far as the same may be retained to secure any debt he may owe as payer or endorser."

Before proceeding to describe the other mode of cancelling shares of stock, it is proper to explain, that the 704 bonds of the Territory which remained unsold in the year 1839, together with 62 Territorial bonds, which had been re-purchased by the bank, and also 10 bonds of the State of Louisiana, which belong to the bank: making together 776 bonds of one thousand dollars each, or \$776,000, are now held by certain parties in England, who also hold certain bonds issued by this bank, usually denominated, "endorsed sterling bonds," amounting to one hundred thousand pounds stg. These bonds are endorsed by certain stockholders of the bank. As these "endorsed sterling bonds," shall be, from time to time, paid, there will be a surrender of a corresponding ratio of the Territorial bonds; which when returned to the bank, will authorize the cancelling of 7760 shares of bank stock.

The resolution in relation to these "endorsed sterling bonds," and to the second mode of cancelling bank shares, reads:

"Resolved, That a stockholder who desires to have any number of his shares in the stock of the bank cancelled, may do it, by paying in the endorsed sterling bonds of the bank, at the rate of sixty-six and two-thirds dollars of said bonds per share, to be cancelled, whereupon he shall have a corresponding credit upon his stock note; and shall be entitled to have one share of his stock cancelled for each sixty-six and two-third dollars of said bonds thus paid, and a corresponding credit be given upon his *stock bond*, and a corresponding release of the mortgage upon his property, except so far as the same may be retained as security for any debt he may owe the bank as payer or endorser:

Provided, however, that with the payment made in said sterling bonds, there shall be surrendered to the bank a proportional amount of the Territorial bonds which are hypothecated to, or held by, the parties from whom the sterling bonds may have been purchased."

This resolution contemplates the accomplishment of the following important objects:

1. The cancelling of the sterling bonds, which now constitute by far the larger portion of the liabilities of the bank, exclusive of the bonds of the Territory.

2. The release of so large an amount of Territorial bonds, which will then be returned to the Territory, and be cancelled.

3. The exoneration of the endorsers from liabilities undertaken by the request of the bank, and for its advantage—and to secure whom the assets and faith of the bank are pledged.

4. A reduction of the amount of the capital of the Bank.

These objects will moreover have been attained without sacrifice by the bank.

Pertinent to this branch of your inquiries, are the following resolutions of the Stockholders:

"Resolved, That as the Territorial bonds, unsold, but hypothecated, shall be redeemed, the same shall be returned to the Governor of the Territory, by him to be cancelled, nor shall they be again hypothecated for any purpose whatever.

"Resolved, That all Territorial bonds which may be paid into the bank, shall be delivered over and cancelled, as aforesaid, whenever the mortgage is cancelled and withdrawn; nor shall the same be again sold, or hypothecated, in any manner whatever."

In reply to your second inquiry, I have the honor to state, that there have been the following transfers of shares of Bank Stock made since the last session of the Legislative Council, viz:

DATE.	BY WHOM TRANS'D.	TO WHOM TRANS'D.	SHARES.
March 1, 1842.	John G. Gamble	Reuben B. Hicks,	176
April 1, "	G. T. Ward	Jos. A. Braden,	170
" 1, "	Charles H. DuPont	J. W. Malone,	25
" 2, "	John G. Gamble	Stephen W. Snell,	56
" 27, "	Daniel Bird	John B. Taylor,	16
" 28, "	Elizabeth Tanner, Admx.	Pres. of the Bank,	9 (1)
" " "	Benj. F. Allen, Admr.	J. Lipscomb,	32
" " "	B. J. Earle, Ex. J. B. Mays	J. Lipscomb,	16
" " "	Daniel W. Owens	Francis Johnston,	9
July 27, "	Simmons J. Baker	Richard H. Long,	82
Aug 27, "	Hampden S. Linton	Jos. M. Smith,	29
Sept. 2, "	T. P. Chaires	Pres. of the Bank,	20 (2)
Nov 14, "	B. F. Allen adm. R. C. Allen	Wm. Thompson,	23
" " "	John G. Gamble	Wm. Thompson,	3
" 16, "	Edwin G. Booth	A. J. Forman & H. Muso,	70
Dec. 24, "	E. C. Cabell	John G. Gamble,	60
Jan. 16, 1843.	Wm. Wyatt	J. B. Bull & R. A. Shino,	129
" 30, "	J. G. Gamble	C. F. Mercer,	1
			917

REMARKS—(1) The administratrix had inadvertently sold two slaves which were mortgaged to the bank, and in her character of administratrix, she could not mortgage other property in lieu of what was sold. It was therefore deemed best to cancel the shares covered by the mortgage of the slaves. The estate still owns 115 shares, entitled to a loan upon stock note, amounting to \$7668.66. The amount which has been loaned on the stock, is only \$5700.

(2) The 20 shares thus marked, had been secured by mortgage of a tract of land, which was received by the bank in a compromise of a debt based upon an endorsement, in a case in which the liability of the endorser was matter of dispute, and of doubt. The shares were therefore transferred to the bank.

The other transfers, are cases of ordinary character, in which the assignee or transferee, secured the shares so transferred, by satisfactory mortgages as prescribed in the charter of the bank.

A correct answer to your third inquiry, depends upon contingencies which the bank can neither control nor foresee. A resumption of specie payments would be hastened by greater facilities for collecting its debts; and by greater ability of its debtors to pay.

Its continued suspension of specie payments, has been owing to the embarrassments pervading the whole land, and proclaimed with "trumpet tongue" in the measures resorted to by the several State Legislatures, under the names of "Stay Laws," and "Relief Laws." All the causes of general embarrassment exist here; and have been aggravated by others, peculiar to our Territory; such as the protracted Indian war, which, preventing migration, has deprived us of a market for our surplus lands—the injustice of the Federal Government, in withholding payment of the large amount of debt so long due to our citizens—and the failure of the Cotton crops in the years 1840 and 1841, which, alone, caused a loss to fall on Middle Florida, exceeding a million of dollars; whereof more than one-third fell upon the Stockholders, and other debtors of the Union Bank.

If its debtors could, and would have paid only a part of what is due to it, the bank would, long since, have resumed specie payments. The truth of this assertion, must be too obvious, to require proof. Under the embarrassments referred to, the bank has, in the collection of its debts done all, that, with its inadequate powers of coercion, could be done, consistently with a due regard to the safety of its debts, and with the forbearance demanded by the circumstances of the country. With more efficient power to coerce payment from debtors, whose defaults are owing to their will, and not to their inability, none would have been effected. But under all the difficulties with which it has had to contend, the bank has, within the last twelvemonth, paid

of its liabilities, an amount exceeding (444,000) four hundred and forty-four thousand dollars. And as only a small portion of its collection have been supplied by the crop of 1842, it avails, if faithfully applied by the debtors of the bank, will cause a greater reduction of liabilities before the end of another year.

So far as respects the "circulation" of the bank, its suspension of specie payments has ceased to be just cause of complaint to our community. The paper of the bank has ceased to be a part of the *currency* of the country; and is now only an article of traffic, which is sold and bought like any other article. A few of its present holders, have given for it, more than they can now get for it. Its amount, moreover, is too small to cause inconvenience; for after deducting the amount which is known to be in the hands of its agents, and the probable destruction and loss of notes, the actual "circulation" of the bank is less than seventy thousand dollars—a sum less than a fourth part of the interest alone, due to it.

Unless it shall be the will of heaven, again to visit upon this portion of the Territory, a destruction of its Cotton Crop, I cannot doubt the ability of the bank to discharge its American liabilities within another year. It could not, however, then, resume specie payments, without having made some arrangement for the postponement of its foreign debt. And until the circumstances of the country shall have been changed; and until confidence, and credit, shall have been restored, the resumption of specie payments, when effected, will disappoint the golden anticipations of those, who now think that it ought to be hastened at any, and every sacrifice. All of the liabilities of the bank will, previously, have been taken up by the collection of its debts; leaving no demands upon any specie which it may have in its vaults. But whatever be the good anticipated from resumption, the friends of the measure, may feel assured, that it is most desirable to the bank; and that every measure calculated to accomplish it, has long been in operation, and will continue to be pressed, with all the energy circumstances will justify. For three years past the bank has not made a new loan, but has confined its operations to the collection, curtailment, securing, and renewal, of debts previously contracted. This course, commenced by the board of directors, and approved by their stockholders, will be persevered in, until the object so desired by the bank, and so urgently demanded by the community, shall have been effected.

The answer to your enquiry "whether the resumption of the business of banking is contemplated, at an early period;" may be collected from the preceding paragraph. The business of banking has never been suspended by this institution. But if the enquiry relates to the making of new loans, the answer is,

that no such intention is entertained, or will probably be entertained, until after a resumption of specie payments.

When that time shall have arrived, it will become the stockholders to take a deliberate view of the condition of the bank, and of the country, and then decide upon their course. If a continuance of its banking operations, shall promise good, to the country and to the bank, they will, no doubt, be continued. If not, it may be presumed that measures will be taken, for winding up, and dissolving the institution. If the interest of the country, shall not require its continuance, that of the stockholders will not. But upon this question, the stockholders have not spoken; because the time has not arrived, when it could be intelligently discussed, and correctly decided.

Very respectfully,

Yours &c.

JOHN G. GAMBLE, President.

TALLAHASSEE, February 11th, 1843.

To the President and Trustees of the

*Southern Life Insurance and Trust Company:*

GENTLEMEN: The Committee on Finance and Banks of the Senate of Florida, have instructed me to inquire of you as to an assignment alleged to have been made since the date of your annual report, and to request that you will furnish a copy: also the causes that led to such assignment, and whether it is the design of the Bank, by such assignment, to surrender the charter, and discontinue business, or whether it is the purpose and expectation again to commence the business of banking, and when such a result, connected with that of paying specie, may be looked for and expected.

Very respectfully,

Your obedient servant,

THOMAS BALTZELL,

Chairman.

SOUTHERN LIFE INSURANCE & TRUST COMPANY, }  
Tallahassee, February 11th, 1843. }

To the Hon. Thomas Baltzell,

*Chairman of Committee on Finance, &c:*

SIR: I am in possession of your favor of this date, asking a copy of our assignment—the reasons which led to the adoption of such measure—whether, by such assignment, it was the intention to surrender the charter and discontinue business—and whether it is the purpose and expectation of the company again

to resume the business of banking, and when such a result, connected with that of paying specie, may be looked for.

In reply I have the honor to enclose herewith, a copy of assignment, and also of a circular prepared for the satisfaction of those who have any interest in obtaining information on the subject.

The circular seems to anticipate answers to all the enquiries in your letter, except that as to the time when we shall be able to resume specie payments. The collection of only half the debts due us will enable us to pay what we owe, and our ability to do this depends in a good degree upon the action of the Legislative Council, in regard to laws affecting the collection of debts. It is not supposed, from the tenor of your letter, that a detailed list of the assets is required, but if it be, it will be cheerfully furnished.

Most respectfully,  
Your obedient servant,  
GEO. FIELD,  
President So. Life Ins. & Trust Co.

WHEREAS, The Southern Life Insurance and Trust Company being largely indebted to certain persons, had previously to the twenty first day of April, A. D. one thousand eight hundred and forty two, made sundry assignments to pay certain debts and in trust, for the benefit of specified creditors: And whereas, on the said twenty first day of April, A. D. one thousand eight hundred and forty two, the said company did assign by deed, to Nathaniel C. Robbins and Lawrence O'B. Branch, all the assets of the Apalachicola Branch of said Company, in trust, to be collected and the money arising therefrom, to be applied to the payment of certain debts therein specified. And whereas, the said Southern Life Insurance and Trust Company is indebted to sundry individuals in a very large amount, and is desirous of paying, with the least possible delay, all just debts which it owes, and of collecting, with despatch and the least possible expense and embarrassment, all debts due to it from individuals or otherwise, and of protecting and saving from sacrifice collateral securities already pledged for loans;

NOW KNOW ALL MEN BY THESE PRESENTS, That the said Southern Life Insurance and Trust Company, as well in consideration of the premises, as of the sum of One Dollar in hand paid, by Joseph Branch and Lawrence O'B. Branch, Attorneys and Counsellors at Law, in the city of Tallahassee, under the firm of J. & L. Branch, the receipt whereof is hereby acknowledged, hath transferred, assigned and set over, and by these presents doth transfer, assign, and set over unto the said J. & L. Branch, and to the survivor of them, and to the heirs, executors and administrators, of such survivor, all the assets of said Company not heretofore assigned; its rights and credit, choses

in action, money effects, judgments, decrees, and property, real and personal. The said assets consisting of bonds, bills of exchange, notes, stocks, receipts, vouchers, overdrafts, balances of account, and other claims in whatever manner created, or however evidenced—together with all mortgages, pledges, deposits, or other security, given as collateral to said claims or debts, or appertaining thereunto—as particularly specified and described, in a schedule hereunto annexed, which is hereby declared to be made and taken as a part of this assignment. Also all the right, title, interest, and claim of the said Company, whether residuary, reversionary, or contingent, in and to all the bonds, bills of exchange, notes, mortgages, stocks, contracts and agreement, and money arising therefrom, heretofore transferred, pledged or deposited, towards the payment of, or as collateral security for, the payment of any debt or demand against the said Company, or to save and keep harmless, and indemnify, any surety or guarantor of any debt or demand against the said Company. Also all the interest, whether residuary, reversionary, or contingent, which the said Company has, in and to, the choses in action, securities, judgments, evidences of debt, and property real and personal, conveyed in trust as before mentioned to N. C. Robbins and L. O'B. Branch, and the monies evidences of debts, securities, judgments and decrees arising therefrom, or rendered in virtue thereof, together with all the books, chests, stationary, and other effects belonging to, or the property of said Company;

TO HAVE AND TO HOLD the said premises unto the said Joseph Branch and Lawrence O'B. Branch, and to the survivor of them, and the heirs, executors, or administrator of such survivor. In Trust, however, for the following uses, interest and purposes, to wit:

In Trust to collect the same, and from the proceeds thereof to pay:

First: All necessary expenses of this Trust incurred with a due regard to economy.

Secondly: All demands for contingent expenses incurred, and personal services rendered, in conducting the business of said Company heretofore, and during the continuance of this Trust under the authority of the Board of Directors.

Thirdly: Any and all debts due from said Company for which George Field is individually liable, and all amounts for which the said George Field has given his individual notes or bonds to borrow money for the use of said company, and has thus become its creditor. And all indebtedness of said company to secure the payment of which collateral security has been given, and which amount of indebtedness is embraced in the following list, to wit:

Holbrook, Nelson & Co.	about \$20,000
Packer, Prentice & Co., and John H. Prentice,	" 25,000
Center & Co.	" 12,000
Alphonse Lonbat,	" 55,000
J. Lahens & Co.	" 60,000
N. D. Carlisle,	" 1,500
Barnard, Adams & Co.	" 16,000
David Lee,	" 4,000
Erastus Corning,	" 5,000
John J. De Graff,	" 2,500

Together with interest on the respective sums.

Also, any amount for which Turbutt R. Betton is individually liable, amounting to about \$6,000

Fourthly: Any other obligations or indebtedness of said company, whether notes, certificates of deposits, deposits, post notes, protested drafts, or otherwise, excepting the coupons on, or its sterling certificate guaranteed by the Territory of Florida, which are to be paid in whole or in part, only in the event the said Company shall be adjudged in law or equity liable therefor, and in that case they are to be paid in this class—and excepting also any obligations originally given to Duff Green, or such as have been given in renewal thereof, of which so much only is to be paid in this class as shall remain unpaid, after applying the nett proceeds of all securities received from him therefor. The indebtedness provided for in this class is nearly as follows, to wit:

Due to—	
Roskell, Ogden & Co.,	about \$23,000
Apalachicola Land Company,	" 9,000
Bonds to Palmer, McKillop, Dent & Co.	" 30,000
Post Notes outstanding,	" 11,000
Office notes in circulation,	" 35,000
Depositors balances,	" 26,000
Certificates of Deposit,	" 30,000
Due to banks and others,	" 7,000
Outstanding certificates issued to Duff Green or re-	
newals thereof,	" 64,000
Sundry notes and drafts past due and maturing,	" 125,000
Other claims not enumerated above, amounting to	15,000

With interest on most of the above.

A contested claim on account of 241 sterling five per cent certificates, not acknowledged as an indebtedness of the Company, but to be paid if adjudged just by the appropriate tribunals.

The said J. & L. Branch, Trustees as aforesaid or the survivor of them, are hereby invested with full power and authority, to make any exchanges of securities and evidences of debt so transferred to them for any of the just obligations of said Company, which they may deem for the interest of all parties after consulting with the Directors of said Company, or a committee there-

of, should one be appointed for that purpose. And the said Trustees are also invested with full power and discretion to make any exchanges, or substitutions of, and for, any collateral securities heretofore given by said Company, which they shall deem proper. And the said J. & L. Branch, Trustees as aforesaid, are also invested with power to suspend at discretion, any action for the collection of the principal on any of the mortgages and bonds appertaining thereto hereby assigned, and not heretofore transferred by deed; which shall become due before the expiration of this trust, or which shall be received by them by exchange or substitution or otherwise, provided the interest due, or to become due thereon, is paid when it is required by the said J. & L. Branch, Trustees as aforesaid; and the said J. & L. Branch, are hereby further invested with full power and authority to commute or compromise any of the debts or demands hereby assigned. When in the opinion of a majority of the Directors chosen, the debtors are unable to pay in full, or from any cause a commutation or compromise shall by such a vote to be had at a regular or special meeting of the board be decided to be necessary or proper, and apply the proceeds thereof, in furtherance of the objects of this trust. And are also invested with like power and authority, to permit from time to time renewals of any notes hereby assigned, when in the opinion of the Board of Trustees of said Company, there exists an obligation on them to permit such renewals.

And it is further provided, that this trust shall continue in force until the first day of December, A. D. one thousand eight hundred and forty five, (1845) unless the immediate liabilities or debts of said Company shall before that time be reduced to less than forty thousand dollars by payment or extension of time, by arrangement with creditors, at the expiration of which limited time, or on the happening of which contingency, all the claims, debts, effects, demands, and property herein and hereby assigned and transferred, and then remaining unsettled, shall be by said J. & L. Branch, or the survivor of them, reassigned to the said Southern Life Insurance and Trust Company, and further, that in case of the death of the said Joseph Branch and Laurence O. B. Branch, the heirs, executors or administrators of the survivor of them, shall re-assign and transfer the said subject matter of this assignment to the said Southern Life Insurance and Trust Company, or such other person or persons as the said Company shall name and appoint, subject to the same conditions, limitations, uses and trusts as are herein expressed and set forth.— And the said Joseph Branch and Laurence O. B. Branch, respectively covenant, promise and agree to and with the Southern Life Insurance and Trust Company, that they will faithfully ex-

ecute the trust herein before set forth according to the true intent and meaning hereof.

In Testimony whereof, George Field, President of the Southern Life Insurance and Trust Company, has by order of the Board of Trustees, thereof hereunto signed his name and affixed the seal of said Corporation, and Andrew G. Hammond, Assistant Cashier, hath countersigned the same, and Joseph Branch and Laurence O. B. Branch have also hereunto signed their names and affixed their seals, this thirtieth day of January, A. D. one thousand eight hundred and forty three.

(Signed,) GEO. FIELD, President  
of So. Life Ins. & Trust Co.

(Countersigned)  
ANDREW G. HAMMOND, Asst. Cashier.

JOSEPH BRANCH, L. S.  
L. S.

A true copy from the original deed of assignment, on record in the office of the County Clerk of Leon county.

A. G. HAMMOND Asst. Cashier,  
So. Life, Ins. & Trust Co.

SOUTHERN LIFE INSURANCE & TRUST Co. }  
Tallahassee, January 30th, 1843. }

SIR: The TRUSTEES of this Institution, after much deliberation, unanimously Resolved to transfer the assets of the Company, and have so assigned them, with a view to their earliest possible collection and application to the payment of their debts.

The Assignees are Messrs. Joseph and Lawrence O. B. Branch of this City; gentlemen who merit and enjoy the confidence of all who know them, for integrity and good business habits; and who are entirely free from any pecuniary embarrassment.

In making provision for the debts, The TRUSTEES of the Company have provided for them in two classes to be paid in order, FIRST, a list comprising about Two Hundred Thousand Dollars. These sums are all for monies borrowed North to meet our obligations in whole or in part on renewals of protested drafts, except about Ten Thousand Dollars, and all past due. The loans were contracted in the most pressing emergencies, and to be re-paid in a short time. Collateral securities were pledged at the time, and on nearly the whole, the personal liability of one of the Directors was added. It has been impossible to realize from collections fast enough to settle these demands. Indeed such has been the difficulty that the original amounts have been but slightly reduced, and in some instances nothing has been paid of a class of debts the most sacred that can be created, while our floating and ordinary liabilities have during the past

year been reduced about \$160,000. The reason for this is obvious. This class of creditors holding large claims, and having personal security, have been more indulgent, though their cases are with few-exceptions, by far the hardest. The money was obtained at a time of great pressure, and advanced in most instances as a personal favour to the individual, who to relieve the then creditors of the Bank, lent his personal security, and without which the money could not be obtained. When obtained, it was distributed in part payment of current obligations. To save their collaterals and guarantor from sacrifice has been considered the duty of the Directors, and it has claimed their anxious care. Without the course they have now chosen, it was manifest that some of their collaterals would be sacrificed, or that a considerable portion of this class of obligations would be the last that would be paid. These and other reasons induced the Trustees to place this class of obligations first. It is not supposed, however, that more than \$25,000 or \$35,000 will be required to pay them, over the amount that will be realized out of the securities pledged when the loans were obtained.

The SECOND class to be paid, and the whole, amounts to about Three Hundred and Seventy Five Thousand Dollars, exclusive of our Sterling Certificates guaranteed by the Governor of Florida, which are in consequence of the manner they were obtained, not recognized as a debt either against this Company, or this Territory. This class is comprised of the following items:—

Deposits,	about, \$26,000
Ordinary Circulation Outstanding,	\$35,000
Post Notes,	11,000
	46,000
Due to Individuals for Advances and for Balances of Accounts,	about, 53,000
Due to Corporations, Deposits and Balances for Collections,	" 16,000
Certificates of Deposits Issued in Florida	" 30,000
Certificates Issued in N. Y. to Duff Green (U. & U. Potomac Companies),	" 64,000
Notes and Drafts Outstanding, payable in N. Y. past due, and maturing,	" 125,000 (1)
And other claims not enumerated above	" 15,000
	\$375,000

(1) \$60,000 of this amount due in 1843 & 1844.

For the amount due on certificates to Union and Union & Potomac Companies—this Company has heretofore transferred the security received for \$87,200, to pay about \$64,000, and only

the balance due on these, after the said security has been converted and applied, is provided for, the security having been given at the request of the holders of these obligations, on condition of having time. The Sterling Certificates endorsed by the Governor being resisted, all or such portion only is provided for as shall by a proper tribunal be adjudged to be due on them.

About thirty thousand dollars of the above amount due to individuals for advances and balances of accounts, is especially secured, and is not due under two and a half years.

The Directors believe, inasmuch as they have assigned an abundance to pay all, and vastly more under any circumstances and that all will doubtless be sooner paid than they could otherwise be, the creditors will be satisfied. The whole amount assigned including the collaterals already held by creditors, and exclusive of indemnity to the Territory for their endorsement is about Thirteen Hundred Thousand Dollars. Measures have been commenced, and will be rigorously pursued to get up and cancel the 241 Sterling Certificates, and the directors entertain no doubt of being able to cancel the endorsement of the Territory without resorting to any of the security held by it, thus relieving \$241,000 of their assets.

Some of the causes which prompted the assignment, are the following:

**FIRST.**—A desire to diminish expenses. The aid of lawyers was necessary, as debtors do not, or seemingly do not try to pay, while there is a prospect that there own neglect or there active efforts to the contrary, would still more depreciate our obligations, most of them have been more tardy while they could have paid at 40 or 50 cents on the dollar, than when it cost them 80 or 90. As therefore nearly every thing must be collected by operations of law, officers and agents are less necessary.

**SECOND.**—It was thought to be due to such of our creditors as have waited patiently the result of our exertions, and have not harassed us with vexatious suits.

**THIRD.**—Interested motives on the part of many individuals having their origin in a variety of causes, have greatly tended to increase our embarrassments, and indications were too plain that the same motives would continue to operate as they have heretofore, to the prejudice of both our creditors and ourselves. It is not contemplated by this arrangement to dissolve our corporation but to keep up the organization, and so soon as our debts can be paid, so that we can avail ourselves of our remaining capital, to resume business in a manner which will enable us to avoid future embarrassments.

GEO. FIELD.

President So. Life Ins'c & Trust Co.

LETTER FROM THE SECRETARY OF THE TERRITORY IN  
ANSWER TO THE CHAIRMAN OF THE COMMITTEE  
ON FINANCE AND BANKS.

TALLAHASSEE, February 11th, 1843.

To THOMAS DUVAL,

*Secretary of the Territory of Florida:*

SIR: I am instructed by the Committee on Finance and Banks of the Senate, to obtain from you a list of the mortgages on file in your office, given to the Southern Life Insurance and Trust Company, for loans of money from said institution, the originals of which, are required to be deposited in your office, stating the names of the mortgagers—date of deed—property mortgaged, and sums they were designated to secure, with periods of payment.

You will also be pleased to state what mortgages, to said institution, deposited in your office, have been cancelled or given up, or otherwise disposed of, and by whom, the amounts of said mortgages, on what account, and by whose order the same were so disposed of, and what arrangement was made, in reference thereto, attaching to your return, copies of all papers or documents in your office, in reference to the said subject.

Very respectfully,

Your obedient servant,

T. BALTZELL, Chairman.

OFFICE OF THE SECRETARY, }  
Tallahassee, February 15th, 1843. }

To HON. THOMAS BALTZELL,

*Chairman of the Committee  
on Banks & Finance in the Senate:*

SIR: In compliance with the request of your Committee, contained in your communication of the 11th inst., I herewith enclose to you a list of the mortgages, given to the Southern Life Insurance & Trust Company, now on file in my office.

I have no means of ascertaining the number, or amount of mortgages, originally deposited in the Executive office, as no list of the same appears to have been preserved.

I deem it proper to state, that on the 15th March, 1842, there were surrendered to the Executive, by the Southern Life Insurance & Trust Company, 105 certificates of \$1000 each, issued by said Company, and guaranteed by the Territory, which were cancelled, and filed in my Office. I have no recollection of any mortgages having been withdrawn from the Executive office, on account of the cancellation of these Certificates.

From a copy of the statement marked Exhibit A, and enclosed herewith, it appears that the amount of mortgages given to said Company, and on file in the Executive Office, on the 20th October, 1842, was equal to \$296,548.64. There were then surrendered by said Company, 50 other certificates, of \$1000 each, which were cancelled, and thereupon they were permitted by the Executive, to withdraw mortgages equal to \$53,048.64, leaving, on that day, a balance of mortgages on file in my Office, amounting to \$245,500.

On the 2d February, 1843, as you will perceive from a copy of a letter, marked B, the company surrendered four other certificates, of similar amount, which were cancelled, and after depositing in addition thereto, the mortgage of C. Cole, for \$6,500, they were allowed by the Governor, to withdraw mortgages for \$10,400, being \$100 less than the amount deposited.

The difference between the amount of mortgages on file in my Office, on the 20th October, 1842, and that at the present time, is \$53,148.64, which is more than balanced by the surrender and cancellation of 54 certificates, during the same time.

I am unable to state fully, what mortgages have been withdrawn, since my appointment to office. The copies of the enclosed papers (which are all that I can find in reference to this subject) afford but a partial information. Besides the mortgages mentioned therein, however, there were but few withdrawn, and, it was deemed, that the course pursued by the Executive, upon such occasions, rendered it unnecessary to keep a record of them.

Whenever the Company proposed to withdraw a mortgage, or mortgages from my office, the Executive has permitted it to be done, only when other mortgages were substituted.

And to the best of my recollection in every instance where such transfer was permitted, the mortgage or mortgages deposited by the Company in my office, in exchange for those withdrawn, were not only greater in amount, but were deemed, by the Executive, to be better secured than the latter.

Very respectfully,

Your obedient servant,

THO. H. DU VAL.

Secretary of Florida.

## LIST OF MORTGAGES

NOW ON FILE IN THE OFFICE OF THE SECRETARY, GIVEN TO THE SOUTHERN LIFE INSURANCE AND TRUST CO., THEIR DATES, AMOUNTS, &C.

1. *Laban Rawles'* mortgage, dated 16th August, 1839, on the following property, viz: Dilcy, Clarissa, Mary, Nancy, Amy, Joseph, Sancho, Joshua, Henry, Peter, Douglas and

Peggy, slaves, with their future increase—also, 320 acres of land in Gadsden county. Given to secure the payment of \$4,600, on or before the 16th August, 1848, with interest thereon at 8 per centum, semi-annually.

2. *Robert Lyons'* mortgage, dated 9th August, 1839, on lots Nos 5 and 6, in block No. 2, lying in the town of Port Leon. Given to secure the payment of \$6000 on or before the 9th day of August, 1846, with interest thereon, semi-annually.

3. *Thomas Mills'* mortgage, dated 6th August, 1839, on the following property, viz: Reuben, Jack, Sarah, Linda, Dorcas, with their future increase—also, 196 acres of land in Gadsden county. Given to secure the payment of \$3,400, on the 6th August, 1844, and interest thereon as above.

4. *Silas S. Overstreet's* mortgage, dated 24th January, 1840, on 320 acres of land in Madison County. Given to secure the payment of \$2400, on or before the 24th January, 1850, with interest thereon as above.

5. *Daniel McIntyre's* mortgage, dated 1st December, 1839, on 480 62-100 acres of land, in Madison County. Given to secure the payment of \$8,600, on the 1st December, 1849, with interest on 1st December next ensuing, and semi-annually thereafter.

6. *Peter Shen Smith's* mortgage, dated 1st January, 1839, on 1 lot of land, containing about an acre in St. Augustine, and slaves, Katy and her child, Emily and Marie. To secure the payment of \$17,000 in seven years from date of said mortgage, with interest thereon semi-annually.

7. *Frederick Butler's* mortgage, dated 11th January, 1842, on 80 40-100 acres of land in Madison County. To secure the payment of \$400, on or before the 30th January, 1850, with interest that may have accrued on said sum since 30th January, 1840, on the 1st June next after the date of said mortgage, and semi-annually thereafter.

8. *John Wiggins'* mortgage, dated 29th January, 1840, on 240 acres of land in Madison county. To secure the payment of \$1,100, on or before the 29th January, 1848, with interest due thereon on 1st June next ensuing the date of said mortgage, and semi-annually thereafter.

9. *Archibald R. S. Hunter's* mortgage, dated 3d August, 1839, on Meredith, Caroline, Letty, Ned, Susan, Susan, John, Hannah, Maria, Jesse, George, Dick, Stillah, Billy, Letty, Rachael, Jimmy alias Dick, and Peter with their future increase—also 360 47-100 acres of land in Leon county. To secure the payment of \$7,500, on 3d August, 1846, with interest thereon semi-annually.

10. *Alexander Melver's* mortgage, dated 17th August, 1839, on Simon, Charles, Mandeville, Paul, Liggy, Sawney, Bill

and Prudence, slaves, with their future increase—also, 240 3/4 acres of land in Leon County. To secure the payment of \$5,100, on or before the 17th August, 1849, with interest thereon semi-annually.

11. *John Dill's* mortgage, dated 5th April, 1839, on lots Nos. 8 and 13, in block E 1, in the city of Apalachicola. To secure the payment of \$6,500, on or before the expiration of five years from the date of said mortgage, and with interest thereon semi-annually.

12. *David D. Churchill's* mortgage, dated 1st April, 1839, on lots Nos. 8 and 10, in block D. 1, in the city of Apalachicola. To secure the payment of \$7000, on or before the expiration of five years from date of said mortgage, and interest thereon semi-annually.

13. *Richard H. Bradford's* mortgage, dated 1st August, 1839, on Absalom, a slave, and 960 acres of land in Leon county. To secure the payment of \$10,000, on the 1st August, 1845, and interest thereon semi-annually.

14. *William Hall's* mortgage, dated 8th August, 1839, on Squire, Will, Silva, Frank, Becky, Sylva, and Gabriel, with their future increase—also, 803 72-100 acres of land in Leon county. To secure the payment of \$8,700, on the 8th August, 1846, with interest thereon semi-annually.

15. *Augustus H. Lanier's* mortgage, dated 30th July, 1839, on Billy, Ebenezer, Mary, Adam, Simon, Nancy, George, Henry, Moses, Jack, Martha, Phillis, Dick, Anna, Marth, Sam Sarah, and Pheriby and Bob, with their future increase—also 260 acres of land in Gadsden county. To secure the payment of \$10,000, on 30th July 1844, with interest at 8 per cent thereon semi annually.

16. *Hampton Mattox's* mortgage, dated 19th August, 1839, on George, Nathan, March, Caroline, Milly, Charity and March, and their increase—also, 559 47-100 acres land in Leon county. To secure the payment of \$6000, on or before 19th August, 1849, with interest thereon on 1st December next after the date of said mortgage, and semi-annually thereafter.

17. *Samuel Simpson's* mortgage, dated 16th March, 1839, on lot No. 2, block E, in the city of Apalachicola. To secure the payment of \$6000, on or before the expiration of five years after the date of said mortgage, and interest thereon semi-annually.

18. *William Burney's* mortgage, dated 17th August, 1839, on Washington, Clitus, Viney, Nelson, Moses, Amanda, Ephraim, Dick and Marcy, with their future increase—also 479 60-100 acres land in Leon county. To secure the payment of \$7500 on or before 17th August, 1849, with interest

thereon semi-annually, on the 1st days of June and December in each year.

19. *Lewis Conner's* mortgage, dated 19th August, 1839, on slaves Jack, Ephraim, Mary, Jim, Martha, Paulina, Caroline and Maria, and their future increase—also 440 acres land in Leon county. To secure the payment of \$5700, on or before the 19th August, 1849, with interest thereon semi-annually.

20. *George E. Dennis's* mortgage, dated 29th August, 1839, on Sam, Primus, Polly, Susy, Caty, Mary, Jesse, Mertilla, Lucretia, Joe, Ellen, Lucy, Esther, Florilla, Samson, Albert, Diltz, Sarah, Robert, Martha and Francis, slaves, with their future increase—also 508 5-100 acres land in Leon county. To secure the payment of \$11,500, on or before the 29th August, 1849, with interest thereon at 8 per cent, on 1st day of December next after date of said mortgage, and thereafter semi-annually.

28. *Samuel W. Brown's* mortgage, dated 19th August, 1839, on Mary, Eliza, Hannah, William, Sam, Bob, Bartley, Cesar, Henry and Catherine, with their future increase—also 160 acres in Leon county. To secure the payment of \$4000, on or before 19th August, 1847, with interest thereon, on 1st December next after date of said mortgage, and semi-annually thereafter.

22. *James Livingston's* mortgage, dated 23d January, 1840, on slaves March, Sam, Beck, Dick, Abram, Moses and Willis, with their increase. To secure the payment of \$3300 on or before the 23d Jan. 1850, with interest thereon 1st June next after the date of said mortgage, and semi-annually thereafter.

23. *Benjamin A. Neal's* mortgage, dated 16th August, 1839, on slaves July, Jasper, Margaret, Harry, Peter, Adam, Sam, Charlotte, Anna, with their future increase—also 240 acres land in Gadsden county. To secure the payment of \$4500, on 16th August, 1844, with interest thereon semi-annually.

24. *John D. Harley's* mortgage, dated 20th August, 1839, on 479 76-100 acres land in Leon county. To secure the payment of \$2900, on or before 20th August, 1840, with interest thereon on 1st December next after date of said mortgage, and thereafter semi-annually.

25. *Benjamin Sutton's* mortgage, dated 24th January, 1840, on 250 67-100 acres in Madison county. To secure the payment of \$1500, on or before the expiration of ten years from date of said mortgage, with interest due thereon on 1st June next thereafter, and semi-annually afterwards.

26. *Harrison & Rancy's* mortgage, dated 3d April, 1839, on lots Nos. 9 and 12, in block E 1, in the city of Apalachicola. To secure the payment of \$6500, on or before the expiration of 5 years from date of said mortgage, with interest on the same

semi-annually, to wit, on the 1st days of June and December in each year.

27. *Charles Downing's* mortgage, dated 1st August, 1839, on 20,000 acres land in St. John's county. To secure the payment of \$10,000, on or before the expiration of 5 years from date of said mortgage, and interest thereon annually on the 1st day of July in each year.

28. *Charles Cole's* mortgage, dated 20th December, 1841, on 519 20-100 acres land in Leon county—also on slaves Madberk, Cherry, William, Beck, King, Ephraim, Christopher, Sterling, Marion, John, Lucy, and their future increase. To secure the payment of \$6500, on or before the expiration of 8 years from date of said mortgage, with interest from 1st day January, 1841, semi-annually, on the 1st days of June and December in each year.

29. *Jane Hall's* mortgage, dated 22d December, 1841, on 319 76-100 acres land in Leon county. To secure the payment of \$2000, on or before the expiration of 8 years from date of said mortgage, with interest from 1st January, 1841, semi-annually.

30. *Elisha Summerlin's* mortgage, dated 24th January, 1840, on 320 35-100 acres land in Madison county. To secure the payment of \$2000, on or before the 24th January, 1848, with interest due thereon on 1st day of June next after date of said mortgage, and semi-annually thereafter, on the 1st days of June and December in each and every year.

31. *Paul H. Harley's* mortgage, dated 31st May, 1841, on 278 12-100 acres land in Leon county—also on slaves John, Sam, Silvy, Jacob, Patsy and Katy, with their future increase. To secure the payment of \$3800, at the expiration of 8 years from date of said mortgage, together with interest thereon from 1st January, 1840, payable semi-annually.

32. *Kenneth Bembry's* mortgage, dated 8th August, 1839, on slaves Sam, Harry, Warner, Calvin, George, Henry, Philip, Bristol and London—also on 1040 97-100 acres land in Leon county. To secure the payment of \$15,000, on 8th August, 1849, with interest thereon semi-annually, on the 1st days of June and December in each year.

33. *Turbutt R. Betton's* mortgage, dated 12th July, 1839, on part of lot No. 167, in Tallahassee—also 80 shares of stock in Tallahassee Rail Road Company, each share representing \$100—also slaves Elias, Laura, Arthur, Kitty, Molly, Marshal, Tene, Eliza, Kitty, Copy, Tom, Ada, with their future increase. To secure the payment of \$10,000, on the 12th July, 1849, of \$284.95 interest, on the 1st December after date of said mortgage, and of \$400 on the 1st days of June and December in each and every year thereafter, as interest.

34. *Frederick Butler's* mortgage, dated 30th January, 1840, on 200 14-100 acres land in Madison county. To secure the payment of \$1000, on or before the 30th January, 1850, with interest due thereon, on 1st June next ensuing the date of said mortgage, and semi-annually thereafter.

35. *Hampden S. Linton's* mortgage, dated 27th January, 1840, on slaves (in number twenty-six)—also on about 700 acres land in Madison county. To secure the payment of \$15,000, on or before 27th January, with interest due thereon on 1st June next after the date of said mortgage, and semi-annually thereafter.

36. *Thomas H. Condry's* mortgage, dated 21st August, 1839, on slaves Harriet and Dolly, and their increase—also on 119 68-100 acres in Gadsden county. To secure the payment of \$1300 on or before the 21st August, 1845, with interest due thereon on 1st December next after the date of said mortgage, and semi-annually thereafter.

37. *Adam Gramling's* mortgage, dated 19th August, 1839, on 240 acres land in Leon county. To secure the payment of \$1400 on the 19th August, 1849, with interest due thereon, payable semi-annually.

38. *Seaborn Raul's* mortgage, dated 7th August, 1839, on 200 acres in Gadsden county. To secure the payment of \$1600, on the 7th August, 1844, with interest thereon semi-annually, on the 1st days of June and December, in each and every year.

39. *David B. Ewing's* mortgage, dated 22d January, 1840, on five slaves and their future increase—also on 160 25-100 acres land in Madison county. To secure the payment of \$2600, on 22d January, 1850, with interest due thereon on 1st June next after date of said mortgage, and semi-annually thereafter.

40. *James H. Hexl's* mortgage, dated 22d August, 1839, on two slaves and their increase—also on 40 acres land in Gadsden county. To secure the payment of \$1000, on the 22d August, 1844, with interest due thereon, on the 1st December next after the date of said mortgage, and semi-annually thereafter.

41. *Turbutt R. Betton's* mortgage, dated 20th April, 1842, on 6 slaves, 12 mules, 30 head of stock cattle, 50 head hogs, 1 road wagon, all the farming utensils, 50 bales cotton, 1000 bushels corn. To secure the payment of \$4000 on or before the expiration of 7 years from date of said mortgage, with interest thereon semi-annually.

42. *William Hall's* mortgage, dated 6th December, 1841, on 160 acres land in Leon county—also on 20 slaves and their future increase. To secure the payment of \$9300, on the 4th December, 1849, and the interest due thereon from 1st January,

1841, on 1st June next after date of said mortgage, and semi-annually thereafter.

43. *William Tradewell's* mortgage, dated 7th April, 1840, on 11 slaves. To secure the payment of \$4200, on the 7th April, 1850, with interest due thereon on the 1st June next after the date of said mortgage, and semi-annually thereafter.

Total amount of money secured by mortgage as above, now on file in the Secretary's office, \$243,400.

Feb. 14, 1843.

THO. H. DUVAL,  
Secretary of Florida.

EXHIBIT A—(copy.)

Balance of mortgages in Office Executive,	296,548 64	
Withdrawn,		
E. G. Mays,	7,500	
J. M. Hanson,	10 000	
Lot Clark,	12,500	
John Gorrie,	6,548 64	
Harrison & Raney,	6,500	
C. Downing,	10,000	53,048 64
		<hr/>
	243,500	
Add Jane Hall,	2,000	
		<hr/>
	245,500	
Bonds,	400	
Cancelled,	105	
	<hr/>	
	295	
Now offered,	50	245

The above six mentioned mortgages, withdrawn by leave of the Governor, on this 20th October, 1842.

(Attest) THOS. H. DUVAL,  
Secretary.

EXHIBIT B—(copy.)

SOUTHERN LIFE INSURANCE AND TRUST COMPANY, }  
Tallahassee, Feb. 2d, 1843. }

Sir—We wish to withdraw \$10,400 in amount of mortgages, for—  
\$4000 certificates returned,  
6500 mortgage of C. Cole,

---

\$10,500

Respectfully, yr. ob't st.

GEO. FIELD,

President S. L. In. and T. Co.

His Excellency R. K. CALL, Governor.

Bonds deposited, \$4,000  
C. Cole, 6,500

---

\$10,500

Mortgages withdrawn:

S. Reid, 5000  
Church, 2500  
Willard, 1900

---

\$10,400

(copy.)

EXECUTIVE OFFICE, }

Tallahassee, Feb. 25, 1842. }

To THO. H. DUVAL,

Secretary of Territory of Florida:

Sir—Please let A. G. Hammond, Assistant Cashier, have the following mortgages, from the number deposited by the Southern Life Insurance and Trust Company, in exchange for those he may present to you, and oblige  
Yours truly,

R. K. CALL,  
Governor of Florida.

LIST—

H. R. Sadler's, 7,197 92  
S. Murphy, 2,500  
K. B. Gibbs, 5,500  
P. S. Smith, 2,850  
A. Poujard, 400

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18,447 92

**JOURNAL OF THE PROCEEDINGS**

OF THE

**LEGISLATIVE COUNCIL,**

OF THE

**TERRITORY OF FLORIDA,**

AT ITS

**FOURTH SESSION,**

BEGUN AND HELD IN THE CITY OF TALLAHASSEE

ON MONDAY, JANUARY 2nd, 1843.

TALLAHASSEE:

J. KNOWLES, PRINTER—SENTINEL OFFICE

1843.