

Senate Journal, 6th Session, 1844.

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A

**JOURNAL OF THE PROCEEDINGS**

OF THE

**SENATE**

OF THE

**TERRITORY OF FLORIDA,**

AT ITS SIXTH SESSION,

BEGUN AND HELD IN THE CITY OF TALLAHASSEE,

**ON MONDAY,**

**JANUARY 1, 1844.**

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1844.

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OF THE PROCEEDINGS OF THE SENATE OF THE TERRITORY  
OF FLORIDA, AT ITS SIXTH SESSION, HELD AT THE CAPITOL,  
TALLAHASSEE, 1844.

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MONDAY, January 1, 1844.

The Senate met and the Secretary proceeded to call the roll.

The following Members appeared and answered to their names, to wit:

*From the Western District.*—George Walker and Nicholas A. Long.

*From the Middle District.*—J. G. Mathers, G. K. Walker, T. Baltzell and M. C. Livingston.

*From the Eastern District.*—James B. Cooper and I. D. Hart.

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

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TUESDAY, January 2, 1844.

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

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

WEDNESDAY, January 3, 1844.

The Senate met pursuant to adjournment. A quorum of members having answered to their names, Mr. Livingston, of Madison County, was called to the Chair, for the purpose of organizing the Senate.

On motion of Mr. Haughton, the Senate proceeded to the election of officers; whereupon George Walker, Esq. of the Western District, was declared duly elected President of the Senate, Thomas Brown, Secretary, John F. Webb, Assistant Secretary, A. A. Fisher, Sergeant-at-Arms, and James Livingston, Messenger, and were duly sworn into office by S. S. Sibley, Esq.

After the fourth ballot, there being no election of Foreman, on motion of Mr. Livingston, further balloting was dispensed with and the election postponed until to-morrow.

On motion, the Senate proceeded to the election of a Printer; whereupon Joseph Clisby was declared duly elected.

On motion of Mr. Baltzell, a Committee of three was appointed to draft Rules for the government of the Senate; and in the meantime the Rules of the last Session were adopted for the present government of the Senate.

Messrs. Baltzell, Livingston and Walker, were appointed said Committee.

Mr. Baltzell gave notice that he will, so soon as the Senate is organized, introduce a Bill to be entitled, An act to provide for the election by the people of Governor and Brigadier General of Florida.

On motion, the Senate adjourned until to-morrow, 12 o'clock.

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THURSDAY, January 4, 1844.

The Senate met pursuant to adjournment, and the proceedings of yesterday were read and approved.

Mr. Baltzell, from the Committee to draft rules for

the government of the Senate at this session, made the following

REPORT:

The Select Committee appointed on yesterday to draft rules for the government of the Senate, report, the rules of the last session, and recommend their adoption.

THOMAS BALTZELL, Chairman.

Mr. Baltzell then moved to strike out the words, "appointed by the President," in the first and second lines of the 30th rule, and insert, "elected by the Senate by ballot."

Which motion was laid on the table until to-morrow, on motion of Mr. Walker, of Leon.

On motion of Mr. Yonge, the Senate proceeded to the election of a Foreman.

Whereupon J. M. C. Rowell, was declared duly elected.

On motion, Messrs. Yonge and Cooper were appointed a Committee to inform the House of Representatives of the organization of the Senate.

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

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FRIDAY, January 5, 1844.

The Senate met pursuant to adjournment, and the proceedings of yesterday were read and approved.

On motion, Mr. Long was added to the Committee appointed on yesterday, to inform the House of Representatives of the organization of the Senate.

Mr. Yonge, from said Committee, reported that the Committee had performed that duty.

Mr. Walker, from a Committee of the House of Representatives, announced to the Senate that the House of Representatives was organized and ready for business.

On motion, Messrs. Haughton, Hart and Ramsay,

were appointed a Committee, jointly with the House of Representatives, to wait on the Governor of the Territory of Florida, and inform his Excellency that both Houses of the Legislative Council were organized and ready to receive any communication which his Excellency may have to make.

After a short interval, Mr. Haughton reported to the Senate that the Committee had performed that duty jointly with a Committee of the House of Representatives, and that his Excellency had desired him to inform the Senate that he would send in his communication in a few minutes.

The Senate received from his Excellency, the Governor, by the hands of his private Secretary, Mr. Geo. W. Call, the following message:—

*Gentlemen of the Senate*

*and House of Representatives:*

We have been visited with many calamities during the past year. Some of our citizens have suffered by fire, others by flood and storms, and the destruction of the cotton crop by caterpillar, has been an evil co-extensive with its cultivation in this Territory. But notwithstanding these fatal and varied disasters, we have abundant cause to be grateful for the blessings we enjoy. The provision crop is adequate to the supply of the people, peace has been restored to our borders, and health has generally prevailed throughout the Territory. For these sources of enjoyment, our heartfelt gratitude is due to the Supreme Ruler of the Universe.

Although the pecuniary embarrassments of the country have been but partially relieved, we have reason to hope that the darkest hour of our adversity has passed, and that the dawn of a more prosperous day is at hand. The depreciated currency of the Territory has retired from circulation, and our markets, though still depressed, have advanced, giving promise of a healthy action, and a more extensive improvement. The active employment of the cotton factories, foreign and domestic, the increased demand for their products, and the revival of commerce, have already produced a visible improvement in business of every kind, and cannot fail, in due course of time, aided by the industry, enterprise and economy of the people, to restore our country to its former prosperity.

Since the close of the last session of the Legislative Council, no improvement has taken place in the condition of the Union Bank of Florida, the Southern Life Insurance and Trust Company, or the Bank of Pensacola. Their paper has disappeared from circulation, but the credit of neither of them has revived. The Bank of Pensacola may be considered as having ceased to exist, and the Southern

Life Insurance and Trust Company, having made an assignment of its assets, it will perhaps never renew its banking operations.

It is believed that all the certificates of that institution, guaranteed by this Territory, and negotiated in such a manner as to fix our responsibility, have been returned to the Executive, and have been cancelled, in pursuance of the provisions of an act of the Legislative Council. Should this be the case, the Territory is discharged from the responsibility assumed for that institution.

I regret to inform the Legislative Council, that the Union Bank is still delinquent, on account of the interest due to the holders of the Bonds of the Territory. There are now five instalments of interest due on these Bonds, amounting to \$340,350. The holders of these Bonds, with a forbearance which should commend them to our attention, have made no demand on the Territory for this large amount. But the public faith having been pledged, with all the forms and ceremonies known to the law, for the payment of the interest on these Bonds, according to their tenor and effect, I deem it my duty, after so many repeated failures, to present the delinquency of the Bank for your consideration, and invoke the exercise of such authority as the Legislature may possess, for the purpose of compelling this institution to pay the interest now due, as well as that which may hereafter accrue, according to the provisions of the 11th section of the charter of incorporation.

It is due the President and Directors of the Bank, that I should inform you that they are in no manner culpable for the failure to pay the interest on these Bonds; but on the contrary, that they have availed themselves of all the means in their power, to accomplish this object. The principal cause of the delinquency of the Bank, may be traced to the elements of its organization. By the provisions of its charter, each stockholder had a right to draw from the Bank, as a permanent loan, two-thirds of the value of the property mortgaged by them as an indemnity to the Territory. This right has almost invariably been exercised, and thus two-thirds of the whole capital of the Bank, raised on the faith and responsibility of the Territory, has passed into the hands of a few individuals, who, with a trivial exception, have been unable or unwilling to pay the interest. There is now due the Bank, from the accumulation of interest on these loans, 216,000 dollars, and for interest on accommodation paper, a greater amount, which has produced a total inability on the part of this institution to pay the interest due semi-annually to the bond-holders. The Bank has, in many instances, resorted to legal process to compel the delinquent stockholders to comply with their engagements. But so far as I am advised, it has been hitherto unsuccessful, and the opinion is entertained by many, that the stockholders may continue to enjoy the loan, until the expiration of the time specified in the mortgages, (most of which have yet upwards of twenty years to run,) without the payment of any portion of their annual interest, and continue, at the same time, to enjoy the possession and use of the property mortgaged to the Bank. This opinion appears to me as absurd in its concep-

tion, as it is demoralizing in its tendency. The provision of the charter under which those loans were made, is in the following plain and comprehensive language: "That each and every stockholder shall be entitled to a credit or loan equal to two-thirds of the total amount of his shares: *Provided*, that notes or obligations for re-payment of the money shall be annually received, and the interest paid up." Another provision of the charter contained in the 28th section, authorizes the interest to "be paid or deducted in advance." The Bank, I learn, has strictly pursued the provisions of the charter. The notes have all been made payable within one year from their respective dates, and the interest has been deducted in advance for the same period. But the notes have not generally been renewed. I cannot conceive that there is room to doubt the rights and obligations accruing to the respective parties under the express provisions of the charter. But the subject is one of too much magnitude to the people of this Territory, to be permitted to remain in a dubious condition, and if a doubt can be reasonably entertained of the right of the Bank in such cases, to maintain an action for the recovery of both the principal and interest, that doubt should be removed by the immediate action of the Legislative Council, so far as it can be done consistently with the provisions of the Constitution of the United States.

So large an amount of capital having been withdrawn from the Bank, as a permanent loan by the Stockholders, unless the interest is punctually paid, the Bank must be unable to pay the interest due the bond-holders. And if this inability shall continue until the expiration of the charter, the responsibility of the Territory assumed for the Bank, will be increased more than 100 per cent, while the property mortgaged to the Bank, as an indemnity to the Territory, will probably not more than pay the principal debt, leaving upwards of \$3,000,000, accumulated by interest unpaid, to the manifest injury of the Territory and injustice to the bond-holders. I most earnestly invite the attention of the Legislative Council, to this highly important and interesting subject, and fervently hope that an adequate remedy may be found to avert these anticipated evils.

The time has arrived when we can no longer be passive spectators of a scene, in which the interest, the honor, and the good faith of the Territory are placed in jeopardy. The crisis demands prompt and immediate action. Our responsibilities are increasing in a ratio, with the accumulation of interest on the bonds, and the longer we delay, the greater will be the amount of that responsibility. The interest due from the stockholders to the bank must be paid. And the interest due from the Bank to the bond-holders, must in like manner be paid. The punctuality of the first party will create an ability in the second party to discharge its obligations; but until some efficient measures are adopted, for this purpose, many of the stockholders reposing in the imaginary security they enjoy, in the want of power on the part of the Bank to enforce collections, will not, it is apprehended, make the necessary exertions to pay the interest now due, or that which will hereafter accumulate.

I am gratified in being enabled to inform the Legislative Council, that during the past year, the Bank has made arrangements with some of the holders, by which a considerable amount of the bonds of the Territory have already been taken up; and it is expected that others will be retired in a short time, and returned to the Executive to be cancelled. Having ceased to exercise its banking privileges, and all the energies of its officers being devoted to the collection of its debts and the payment of its liabilities, the Bank presents strong claims to our aid and support, and the hope is indulged, that under its present economical and judicious management, its operations may be so conducted, as to discharge all its obligations and relieve the Territory from its responsibility.

By an act of the Legislative Council, approved the 4th of March 1839, entitled "An act in addition to the military laws in force in this Territory," the Governor was authorized to issue and negotiate the Bonds of this Territory, in order to raise funds for the defence of the frontier settlements then exposed and assailed by the Indians, along their whole extremity. Under this authority, fifty bonds for one thousand dollars each, payable on the first day of July 1854, bearing an annual interest of 8 per cent, payable semi-annually, on the first day of January and the first day of July of each year, were negotiated with the Union Bank of Florida, from which that sum was obtained and expended for the object contemplated by the act. All the accounts and vouchers for this expenditure passed the ordeal of examination by the Legislative Council and were fully approved. This sum having been expended by the Territory in the defence of the frontier, we had, in my opinion, a right to claim a re-imbusement of the whole amount, from the Government of the United States. The accounts were therefore presented to the proper Department for payment, and a portion of them amounting to \$35,416 have been allowed, and the amount paid to the Union Bank. This sum has been appropriated to the payment of thirty-one of the bonds above mentioned, and the payment of coupons for interest which, with the bonds have been returned to the Executive, and have been cancelled in conformity with the law on that subject. There are still unpaid, nineteen of these bonds, for one thousand dollars each, with the interest which has accumulated upon them. I conceive, that we have a right to insist on the payment of this sum by the General Government, and I respectfully suggest the propriety of passing a resolution, requesting our Delegates in Congress to urge this claim before the proper Department of the Government. Should we fail in procuring a re-imbusement of this sum, it will become necessary for the Legislative Council to make an appropriation to satisfy the bonds held by the Bank. The liberality and patriotism, with which this Institution at all times, during the Seminole war, advanced its funds, for the defence of the country, requires that every effort in our power should be made, to refund the amount loaned to the Territory. If the extensive resources of this institution can be rendered available, and it is our duty to

afford every facility which can be granted for that purpose, its situation will be found to be much more favorable than it has generally been considered. The interest alone now due, if collected, it is believed, would be very nearly sufficient to discharge all its immediate liabilities. And the liberal indulgence it has observed towards its debtors, in times of great embarrassment, aided by the change we may anticipate in the prosperity of the country, will probably enable them gradually to make payments, and finally discharge their entire obligations to the Bank.

During the past year, the Bank of Florida has renewed its operations under the amended charter, granted at the last session of the Legislative Council; and although its capital has been limited, it has afforded many facilities in the transaction of business. It has furnished a safe circulation, to some extent, and the prudence and discretion with which it has been conducted, entitles it to the confidence of the public.

The report of the Commissioner will place you in possession of the present condition of the Tallahassee Fund, and the measures adopted by him for the preservation of the walls of the unfinished part of the Capitol. The well-founded hope entertained, that an appropriation would have been made by Congress during the last session, for the completion of this building, has not been realized, and from the want of other resources, the Commissioner was compelled to form a contract on credit, in order to comply as near as practicable with the instructions of the Legislative Council, expressed in a resolution of the last session.

The contract is as favorable as could have been expected, under existing circumstances, and the work which it required to be done, will be permanent, tending to the completion of the building. Should the appropriation anticipated by Congress be made during the present session, the building may be finished in time for the reception of the next Legislative Council. The scarcity of money, and the limited demand for property of every kind, during the past year, rendered it inexpedient in the opinion of the Commissioner to dispose of any part of the remaining land appropriated by the Government, in which opinion I have fully concurred.

These lands, lying contiguous to the city, are daily robbed by trespassers of the timber, which constitutes their greatest value, and unless some more efficient measures are adopted to prevent intrusions, serious damage will be sustained by the Territory. I invite the attention of the Legislative Council to this subject.

The accompanying reports of the Auditor and Treasurer of the Territory, will inform you of the present state of the Treasury.— From these documents you will perceive that the receipts from all sources during the past year until the 15th of December, amount to seven thousand one hundred and eighty dollars thirty-three cents, (\$7,180 33,) and that the balance remaining unexpended on that day was five hundred and seventy dollars thirty-one cents, (\$570 31.) Of the sum received at the Treasury, only one hundred and eighty-one

dollars eighteen cents, (\$181 18,) have been derived from the land tax, and this sum has been received from the Tax Collector of one County only. From the other counties nothing has been received. Nor have the tax-lists required to be forwarded by the Clerks of the respective County Courts, been but partially received. This apparent neglect of duty, on the part of those officers, is most probably owing to a defect in the revenue law. For, although the Assessors are required, immediately after the "four first days succeeding the first Monday" in April, to forward the tax lists to the Clerks of the respective County Courts, no time is provided by law when the consolidated assessments for each County shall be forwarded to the Auditor of Public Accounts. The law is equally deficient in specifying no time when the Tax Collectors shall be required to pay into the Treasury the revenue collected by them. I invite your attention to this subject, and recommend that the law may be so amended as to render it efficient for this purpose.

So far as I am able to form an opinion from the few returns of assessments made to the Auditor, I entertain the belief that the present tax on lands is entirely insufficient, aided by the other sources of revenue, to relieve the Treasury from its present embarrassments. The tax on land is one-fourth of a cent per acre on all first rate land, and one-eighth of a cent per acre on all other lands. I have been unable to test in any manner the accuracy of the very limited returns made to the Auditor, in order to ascertain whether they embrace all the lands subject to taxation in the County for which they are made. But the amount assessed is very inconsiderable, and more than one-half of this will be absorbed in the expenses of collection. In one County, where the revenue assessed on lands is reported to be two hundred and fourteen dollars seventeen cents, (\$214 17,) after deducting the compensation allowed by law to the several Assessors, to the Clerk for consolidating the tax-lists, and to the Tax Collector, the nett sum to be paid into the Treasury is only eighty four dollars ninety-nine cents, (\$84 99.) If, from this result, we may form an estimate of the amount of funds the Territory will receive from that source, it is very apparent that other measures must be adopted to replenish the Treasury. The expenses of collection may be somewhat reduced, but the rate of taxation must be increased, or revenue be derived from other than the present sources, in order to pay the arrearages of the Treasury, and meet the current expenses of the Government.

You will perceive from the report of the Auditor, that the unsatisfied warrants of his department amount to \$14,614 45, making a reduction from the debt of the Territory of only \$1,869 96 during the past year. It is due to the public creditors, no less than to the character of the Territory, that the debts which have already accumulated, as well as the future expenses of the Government for every legitimate purpose, should be promptly paid. The resources of the country are abundantly sufficient to furnish a revenue for this purpose without resorting to a system of taxation, which would be at all oppressive to the people. It is highly disreputable to the Territory that its officers and

creditors, instead of obtaining payment of their salaries and warrants at the Treasury, should be compelled to sell the Auditor's warrants in their favor at such a discount as the purchaser may require. I therefore recommend that the public revenue be increased in proportion to the wants and the necessities of the Territory. The present land tax is almost too inconsiderable in amount to justify the trouble and expense of its collection, and might be increased one hundred per cent without material inconvenience to the land proprietors. Should this not produce a sufficient fund to supply the public demand, resort should be had to other sources from which revenue is usually derived.

The vigilance of the Treasurer has detected, and I hope for the future will prevent, the recurrence of certain abuses and mal-practices of some of the receiving officers, in speculating in the depreciated liabilities of the Territory. The fourth section of the act, approved the 22d November, 1829, provides, "that it shall not be lawful for any person charged with the *collecting or paying over* money into the Treasury of this Territory, to speculate directly or indirectly in claims against the Territory, but they shall in all cases pay over such funds as they shall receive; and any person violating the provisions of this section shall, on conviction in any Court of Record, in this Territory, pay a fine of five hundred dollars." In violation of this emphatic provision of the law, some of the Auctioneers who received gold and silver in payment of the taxes or sales at auction, have themselves, or by agents, "charged with paying over money into the Treasury," appropriated the public revenue in their hands to the purchase of claims against the Territory, at a large discount. The claims purchased have been the warrants of the Auditor on the Treasury, given to the creditors of the Territory, and which have not been taken up from the want of funds in the Treasury for that purpose. A continuance of the mal-practice of speculating in these claims, would result in the exclusion of money from the Treasury. The whole amount of the revenue would be paid in claims purchased at a large discount, and the revenue officers would enjoy two-thirds of the public treasure, while the other officers and the creditors of the Territory, would from necessity receive nothing in payment of their just demands, but the Auditor's warrant on the Treasury, which they would be compelled to sell at such a discount as might be required. The rigid enforcement of the law by the Treasurer, and a few examples under it, will no doubt terminate these abuses in office.

The act entitled, "An act relative to Auctioneers," approved the 9th of March, 1843, has been promptly executed, and will generally be productive of favorable results. But I regret to say that, in many instances, under its provisions, great injustice has been done to some of the Auctioneers. The first section of this act requires the Auctioneers to pay into the Territorial and County Treasuries, respectively, all moneys they may be required to pay therein, semi-annually, on the first days of May and November. The second section provides that if any of these officers shall fail to make their

reports to the Auditor and shall fail to pay into the Treasury the money due the Territory for taxes and sales at auction at the times required by law, the Auditor shall cause legal proceedings to be instituted against such defaulting officer, "and shall also report every such delinquency to the Governor, who shall thereupon remove such delinquent Auctioneer from office." In accordance with the requisitions of the law, the Auditor of public Accounts reported to me, during the past year, a number of Auctioneers as defaulters; and having no discretionary power under its provisions, I was compelled to dismiss them from office. I was gratified subsequently to learn, however, that with but few exceptions they were either not subject to the rigor of the law, or were able to justify their conduct under it; and in nearly all such cases where they have desired it, they have been reinstated in office.

I deem it proper to invite the attention of the Legislative Council to the act passed at the last session entitled, "An act to reduce and fix the compensation of certain Territorial Officers." By the provisions of this act the salary of the Auditor and Treasurer of the Territory is fixed at three hundred dollars each per annum; a compensation entirely disproportioned to the duties and responsibilities of these officers. They occupy stations of high public trust, requiring labour, industry and capacity to perform the duties appertaining to them, and they should receive a corresponding compensation. I therefore recommend that their salaries be increased.

I have endeavored to carry into execution, so far as practicable, the act approved the 15th of March, 1843, entitled, "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." The Trustees, provided for by this act, were appointed soon after the adjournment of the Legislative Council; but the annual report required to be made by them under its provisions, to the Governor and Legislative Council, has not been received; and so far as I am advised, they have never assembled for the purpose of organizing a board. I am not apprised that any measure has been adopted by the Trustees, for the purpose of carrying the law into effect; and I am apprehensive that the Seminary lands are still unprotected, and have remained, during the past year, subject to the injurious trespasses with which they have so long been visited. The act authorizing the appointment of the Trustees, requires of them the performance of arduous and responsible duties, and expressly provides that those duties shall be performed without compensation. The difficulty of assembling as frequently as necessity would require, at any one point, five persons possessing the capacity and requisite local information relative to the situation and character of these lands, dispersed as they are on so great an extent of country, is in my opinion, insuperable under any circumstances; but the difficulty is materially increased, when they are required to perform this duty at their own expense. Believing that no officers who may be appointed under the provisions of this law, can ever

act efficiently for the accomplishment of the object intended, and fully impressed with the necessity of adopting some decisive measures for the preservation of these lands from damage and waste, I respectfully renew the proposition contained in my last annual message, to place this valuable endowment of the Government under the guardianship and protection of the County Courts, within whose respective jurisdictions the lands may be situated.

These Courts, composed of the presiding Judges and the Justices coming from every portion of the counties, will embody in themselves all the local information required to enable them to protect this valuable domain, and to make such disposition of it under the authority of the Legislature, as may best promote the public interest. As the guardians of the orphan and the poor, these Courts might well be entrusted with the disbursement of the funds arising from the lease of the seminary lands, for a few years, until by their annual appropriation, public schools shall have been established in those places where they would be most useful. The school fund reported by the Treasurer, now amounting to eight hundred and thirty-three dollars seventy-five cents, (\$833 75) has been collected entirely from the annual rents of certain sixteenth sections situated within Leon County, and I respectfully recommend that it may be appropriated to the establishment of a School on the sixteenth section of Township one, Range one, South and West; and that the land embraced within that section may, under the direction of such persons as the Legislative Council may authorize to be appointed for this purpose, be divided into lots of convenient dimensions, and be leased for the support of the School to be established. This section is delightfully situated, and has already become a favorite resort for health during the summer seasons. Its contiguity to this city, and the most densely populated portion of the county, added to the good health for which it is distinguished, should, perhaps, give it a preference over any other situation.

Since the last adjournment of the Legislative Council, I have received a letter from the Comptroller of the Treasury of the United States, informing me that the Territory of Florida is entitled to a further sum of one hundred and ninety dollars thirty-three cents, (\$190 33,) under the provisions of the act of the 4th September, 1841, appropriating the proceeds of the sales of the public lands among the different States and Territories. This sum yet remains in the Treasury of the United States, subject to the draft of the Agent of the Territory, and may be available for any purpose the Legislative Council may direct.

I regret to inform the Legislative Council, that but little progress has been made during the past year, in the organization and discipline of the Militia. The accompanying report of the Adjutant General of the Territory will inform you that he has not received from the General Officers, the annual returns which they are required by law to make, of the military strength of their respective Brigades; in consequence of which he has been unable to furnish the report

of the military strength of the Territory to the Adjutant General of the United States, in conformity with the act of Congress on that subject. This will deprive the Territory for another year, of any participation in the benefit of the arms and equipments directed by the act of Congress, passed in 1808, to be distributed for the use of the militia of the several States and Territories. It should be humiliating to our pride to know, that Florida is the only portion of the United States delinquent in the performance of an important military duty, and that we are the only portion of the American people, who do not share in the distribution of the arms provided by the bounty of the Government. The loss of the Territory from this continued delinquency for so many years past, is already considerable, and will continue to be experienced, until the officers and men shall be animated with a higher degree of emulation and military zeal. It is much to be lamented that the importance of a well organized and well disciplined militia, is not sufficiently appreciated generally in this Territory. From the form and structure of our government, the militia must at all times constitute an important arm of our national defence, and in cases of emergency must be the only reliance for the protection of the country. If in other portions of the United States, securely situated from geographical positions, with a dense population, where every able-bodied man contributes to the strength and defence of the community, the discipline and equipment of the militia are deemed important considerations, how much more so should they be to the people of this Territory. Our frontier position, our defenceless situation, and domestic institutions, all speak in the language of admonition, against the indifference manifested on this subject.

It is gratifying, however, amidst the general apathy which prevails, to perceive that there is a martial spirit which animates a portion of the community, and which has prompted the organization of volunteer companies in many of the towns and villages of the Territory. The example of these patriotic citizens is worthy of imitation, and their military zeal is as creditable to them as it may be serviceable to the country. These companies, in cases of emergency, may be rendered available, and would constitute the earliest and most efficient defence of the country. In order to give encouragement to the formation of others, I respectfully suggest the propriety of organizing them into independent battalions, under officers of their own choice, and that they be made subordinate to no other military authority, except that of the Generals of Brigades and the Governor of the Territory.

I deem it proper to invite the attention of the Legislative Council to the act regulating proceedings by attachment. Under the provisions of this act, although the creditor may possess the most conclusive evidence of the intention of his debtor to remove his property beyond the jurisdiction of the Territory, yet he cannot avail himself of the benefit of the writ of attachment, unless he will make oath that the party is actually removing himself, or is removing his

property, beyond the limits of the Territory. The oath on which the writ is founded, cannot be safely taken by any conscientious person, until the debtor has made some progress in the act of removing, when in most cases, it will be too late to obtain the writ, in time to arrest the property, before it will have passed beyond the jurisdiction of the Court from which the writ has been obtained. The bail writ, by which the person of the debtor may be arrested and required to give security for his appearance at Court, not being in force in this Territory, the process by attachment is a highly important remedy to the creditor, and although it should be so guarded as to prevent oppression and injustice, it should not be manacled with such restrictions as may render it inoperative. I therefore suggest the propriety of amending the law in such manner as to render the writ of attachment more available, and at the same time to prevent the abuse of any power or right which it may confer on the creditor.

Our Territorial Government and the manner in which our officers are appointed or chosen, is necessarily a matter of deep interest to the people. Accustomed to exercise the elective franchise as a birthright, under our constitutional form of government, they naturally look with jealousy on every abridgement of this valued prerogative. The Grand Juries in some sections of the country, speaking no doubt the will of the people, have expressed an earnest desire that our organic laws may be so amended as to give to the people the right of electing all their officers. To this expression of public opinion I most cheerfully respond, and shall give my unfeigned approbation to any measure which may be adopted, to promote this desirable end. According to the theory of our republican government, all power must emanate from the people, and they have a natural and inalienable right to be heard in the choice of their rulers. Incident to, and inseparable from this right, is the responsibility of the rulers to the people they govern. Without the first essential principle of a representative government, the incidental connection between the people and their rulers can never exist. The officer from expediency or necessity, will, most generally, feel his greatest responsibility to that power from which his own authority is derived. It is highly important that all public officers in the exercise of their functions should give satisfaction, as well as do justice to the people. And I am well convinced, that the people of Florida would be much better satisfied with officers selected by them, than with any who may be appointed by the President of the United States. Congress has already gone far to confer the elective franchise on the people of the Territory, and I see no impediment to its further extension. The only objection, I apprehend, which can be urged against the election by the people, of any officers, except those of the Superior Courts, is that the exercise of this right, would to that extent, abridge the patronage of the President of the United States. This objection, in the magnanimity of the Federal Executive, would no doubt be considered trivial when compared

with the satisfaction the exercise of this valued privilege would give to the people of the Territory. The officers of the District Courts of the United States, under the Constitution, must necessarily derive their power from the General Government, and unless our Judicial System can be so reorganised as to separate the Federal from the Territorial jurisdiction, and create separate tribunals, to take cognizance of cases arising under the laws of the Territory, the power cannot be conferred on the people or their immediate representatives, to elect the judicial and ministerial officers of the Territory. But, wherever the office can be filled by election, the result would be no less gratifying to the incumbent than to the people who exercised that right. The same office would be more valued as the gift of a free people in the exercise of their highest prerogative, than when conferred even by the exalted authority of the President of the United States. The dependence of the officer on the people, is the best guarantee for his fidelity, and would increase the sympathy and strengthen the mutual confidence which should subsist between them. And being responsible to the people alone for his conduct in office, he would enjoy a security against the secret misrepresentations and moral assassination to which he is ever exposed under the present system of appointment. So long as the responsibility of the office is held at Washington, if he is not made the victim of unfounded accusations, his reputation will often be assailed in secret, and his conduct and motives be misrepresented, with all the address that party zeal and personal animosity can devise.

I therefore recommend, that application be made to Congress to confer on the people of Florida, the right (which I conceive should not be denied them,) of electing all the officers of the Territory, except the judicial and ministerial officers of the District Courts.

I tender to the Legislative Council my sincere congratulations on the termination of Indian hostilities, and the restoration of peace and tranquility to our borders, so long exposed to the havoc and desolation incident to savage warfare. I congratulate you on the tide of emigration which is now bearing population, settlement and civilization to every portion of the wilderness within our Territory, and upon the dawn of renovated success and prosperity to the country.

I shall be gratified to unite with you for the accomplishment of every measure calculated to promote the happiness and welfare of the people, and I tender to you my best wishes for a successful and harmonious session, and for a safe and happy return to your homes and families.

R. K. CALL,  
Governor of Florida.

Tallahassee, January 5, 1844.

Which was read, and on motion of Mr. Haughton,

the message with the accompanying documents were laid on the table and five hundred copies of the former ordered to be printed.

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

MONDAY, January 8, 1844.

The Senate met pursuant to adjournment. The roll being called and a quorum of members not answering to their names, the Senate adjourned until to-morrow, 12 o'clock.

TUESDAY, January 9, 1844.

The Senate met pursuant to adjournment. The roll being called, and a quorum of members answering to their names, the proceedings of Friday last were read and approved.

Mr. Yonge offered the following Resolution, which was read, and on motion, the rule was waived, and the resolution read a second time and passed:

*Resolved*, That the Secretary of the Territory be requested to furnish for the use of the Senate, sixteen copies of all the laws of Florida, and the acts of Congress in relation to Florida.

Mr. Haughton offered the following Resolution, which was read and on motion the rule was waived, and the resolution read a second time and passed:

*Resolved*, That the Secretary of the Senate be authorized to subscribe for eight copies of each of the newspapers printed in Tallahassee, to be furnished to each of the members of the Senate.

Mr. Hart offered the following Resolutions, which were read, and by the rule lies over one day:

*Resolved by the Senate of Florida*, That the regular stationed Ministers of the Gospel in the City of Tallahassee, be invited alternately to perform the duties of Chaplain for the Senate during the present session.

*And be it further Resolved*, That a copy of this resolution be made out, certified, and handed to each of the respective Ministers of the Gospel resident in Tallahassee.

Mr. Yonge gave notice that he would, on some future day, ask leave to introduce a bill to be entitled, An Act for the Protection of the rights of Females;

Also, a bill to amend the Execution laws.

On motion, the Senate adjourned until to-morrow, 12 o'clock.

WEDNESDAY, January 10, 1844.

The Senate met pursuant to adjournment, and the roll was called, but a quorum of members not appearing, the Senate adjourned until 12 o'clock to-morrow.

THURSDAY, January 11th, 1844.

The Senate met pursuant to adjournment, and a quorum of members answering on a call of the roll, the proceedings of Tuesday were read and approved.

Mr. Long gives notice that he will, on some future day, introduce a bill to be entitled, An Act relating to Steam Boats.

Mr. Hart gives notice that he will on some future day, ask leave to introduce a bill to change the name of a certain female therein named.

Mr. Haughton gives notice that, at a future time, he will ask leave to introduce a bill to divide the Western Brigade of the Florida Militia into two Brigades; the one comprising all the Counties situated between the Suwannee and the Apalachicola Rivers, and the other all those lying between the latter stream and the Western boundary of the Territory.

Mr. Long introduced a petition from Willis Watson, of the County of Jackson, asking a charter for a ferry over the Chipola River, in the County of Jackson, at the point where the old Federal Road from Tallahassee to Pensacola crosses said River.

Which was read, and referred to a Select Committee, consisting of Messrs. Long, Yonge and Pelot.

Mr. Pelot offered the following Resolution:

*Resolved by the Senate*, That so much of the Governor's Message as refers to Banks, be referred to the Committee on Banks, for their immediate action;

So much as refers to the completion of the Capitol, to the Committee on the State of the Territory;

That which relates to the Auditor and Treasurer, to the same Committee;

So much as relates to Seminary Lands, to the Committee on Schools and Colleges;

That which relates to the Militia, to the Committee on the Militia;

So much as relates to Attachments, to the Committee on the Judiciary;

And so much as relates to our Territorial Government, to the Committee on the State of the Territory, with instructions to report to report at as early a day as practicable;

Which was read.

Mr. Pelot offered the following Resolution, which was read:

*Resolved*, That the Secretary of the Senate be required to furnish the Stationery requisite for the use of the Senate Chamber,

having respect to the strictest economy in his purchases; and that each member of the Senate do keep a minute of each article purchased by him, so as to certify to the Stationary account at the close of the session, and that no account will be admissible without such certificate.

On motion of Mr. Walker, of Leon, the amendment to the rules of the last session was taken up; which is in the following words:

Mr. Baltzell moves to strike out the words, "appointed by the President," in the first and second lines of the 30th rule, and insert, "elected by the Senate by ballot."

On the question of adoption, the amendment was rejected.

On motion of Mr. Hart, the resolutions offered by him on Tuesday, were taken up and read a second time.

Mr. Smith offered an amendment in the following words:

*Be it further resolved*, That in obedience to the injunction, and in imitation of the most worthy example of Jesus, such Minister, when about to offer up his prayers, do retire to some closet and, after closing the door, implore our Heavenly Father in behalf of this Body, to direct and guide us in all our doings in the right way.

On the question of adoption, the same was rejected.

Mr. Pelot moved to strike out the word "stationed," in the first resolution, which was accepted by the mover; and on the passage of the resolutions, the yeas and nays were called for by Messrs. Pelot and Yonge, and those who voted in the affirmative were:

Mr. President, Messrs. Cooper, Hart, Haughton, Long, Mathers, Pelot, Ramsay, Walker and Yonge—10.

In the negative, Mr. Smith—1.

So the Resolutions were adopted in the following words:

*Resolved by the Senate of Florida*, That the regular Ministers of the Gospel in the City of Tallahassee be invited alternately to perform the duties of Chaplain for the Senate during the present session.

*And be it further Resolved*, That a copy of these resolutions be made out, certified, and handed to each of the respective Ministers of the Gospel resident in Tallahassee.

The following communication was received from the Governor, transmitting the annual Report of the Union Bank of Florida, accompanied by a copy of a letter from the President of that Institution:

EXECUTIVE OFFICE, }  
Tallahassee, 11th Jan. 1844. }

Gentlemen of the Senate  
and House of Representatives:

I transmit herewith, for the information of the Legislative Council, the annual report of the Union Bank of Florida, accompanied by a copy of a letter from the President of that Institution, to which I invite your attention.

R. K. CALL.

## REPORT OF THE UNION BANK.

UNION BANK OF FLORIDA, }  
January 2d, 1844. }

Sir: I have the honor to present herewith the annual statement of the condition of this Bank.

Since the first of January, 1843, the Bank has redeemed of its then outstanding liabilities, besides the interest which had accrued thereon, as follows, viz:

Of Sterling Bonds,	\$130,002
" Post Notes,	89,126
" Judgments,	14,160
" Certificates,	13,875
" Deposites,	40,484
" Circulation,	37,112
" Territorial Bonds,	1,500

Making an aggregate amount of \$326,259

Arrangements have also been made, but not yet completed, for payment of £13,500 more of sterling Bonds, and the interest due upon them.

In the early part of this year, much larger payments were anticipated. The disappointment has arisen from causes beyond the control of the Bank. It has done all that it could do, and that prudence would justify. The amount of debt in suit, with the interest now due thereon, exceeds twelve hundred thousand dollars; about half of which is in judgment; but the returns upon executions are generally, "No effects." Where payments have not been pressed to execution, the forbearance has been dictated by prudential considerations. Upon the *Stock Note* debts now in suit, amounting with interest to \$287,000 it has been deemed proper not to press for payment, until the Court of Appeals shall have settled the question, "Whether, in exacting interest in advance, upon loans to its Stockholders, the Bank has been guilty of usury." If the judgment of the Court below be sustained by the Court of Appeals, the *Stock Note* debt, amounting, with interest, to two millions of dollars, will be annihilated; and leave the Bank in a state of hopeless insolvency.

Since the date of the judgment in the Court below, the interest received upon the *Stock Note* debt, is less than seven thousand dollars. But although every community contains men who will avail themselves of any and every plea, which will avoid the payment of debts, it would be injustice to the defaulting stockholders generally, to impute their default to an intention, or desire, to avail themselves of the plea of usury, if sustained by the Court of Appeals. Their apology

may be found in the well known fact, that they are, not less than their neighbors, embarrassed with debt; nor less affected in their circumstances by the failure of crops, by the depreciation of property, and by the general pecuniary difficulties of the times. They owe other debts which cannot be postponed, without subjecting their plantations to be stripped, by marshal's and sheriff's sales, of horses, mules, provisions, corn, fodder, farming tools, and all the *materiel* indispensable for their cultivation; whereas the preservation of these indispensables, will enable them hereafter to pay arrearages, and future interest. Men usually pay the most pressing debts. It is proper here to add, that a considerable amount of the liabilities which have been redeemed within the year, were received in payment of debts due to the Bank by Stockholders; and to the Bank the benefit is the same, whether the payment be for interest or other debt. The remarkable unanimity with which, subsequent to the judicial decision referred to, the Stockholders, in general meeting, instructed a committee to ask of the Legislative Council, powers more effectually to *coerce themselves* to pay their interest, is honorable evidence that few, if any of them, desire to avail themselves of the plea of usury. I have deemed it justice to the Stockholders, to accompany the annual statement with these remarks.

The notes of the Bank have ceased to form any part of the circulation of the country. Our citizens are no longer losers by their depreciation, or inconvenienced by its inability to redeem them. They are only seen now, "like angel's visits, few and far between." May it not, then, be hoped that a time has come, when a few words in behalf of the Bank will be heard with patience, and be judged with candor? This Bank brought into the Territory three millions of dollars, which, with half a million more of its own paper, than of equal value with gold and silver, it loaned to the citizens of Florida. Eleven-twelfths of this amount were loaned to the agriculturists of the country, who invested the money in the purchase of lands, slaves, horses, mules and agricultural machinery. It is true that purchases were made at prices exceeding the present value of the things purchased. But it should be remembered that the price of slaves then as now, and always, was regulated by their value in other southern markets; and that land in Florida never did attain the prices at which land of similar quality was sold in the adjoining States. Let it also be borne in mind, that if the price of cotton had continued at 14 to 15 cents per pound, there would have been no diminution in the value of either land or slaves. These undeniable truths should have exempted the borrowers of bank capital from the charge of blind extravagance in their investments, so often alledged against them. But, however imprudent they may have been, the Bank was in no manner responsible.

Your Excellency can bear testimony of the promptness, with which in its prosperous days, the coffers of this institution were always thrown open to supply the Government of the Territory, with-

out charge of interest, with the means of equipping troops, to defend our citizens from the incursions of their savage foe.

From the commencement of its operations, until the spring of 1837, an unexampled prosperity was diffused over the country with which this Bank was connected—a prosperity universally attributed to its beneficent action. A change came afterwards over the scene; but this Bank had neither agency in, nor control over, the causes of the general prostration which succeeded. Some of those causes, (the Indian war, for example,) were peculiar to Florida; while others more widely extended, swept, as with the besom of destruction, from Maine, to New Orleans, and from the shores of the Atlantic to the remotest cabin in the far West. Every interest in our extended Republic suffered; but most of all, the Banks; for the obvious truth, that they could only meet their liabilities by collections from their debtors, was lost sight of, and by a monstrous perversion of judgment, the inevitable consequence of default in the one, was charged as a crime in the other. Such has been the lot of this Bank, whose greatest fault has been its effort to avert from this community, the ruin which it saw falling upon every portion of the Southern country.

Whilst engaged in that benevolent, and patriotic effort; and extending forbearance and indulgence to its debtors, it did not hesitate to make enormous sacrifices of its own effects, for the purpose of paying the interest upon the Bonds, with which it had been furnished by the Territory. Sacrifices, which were discontinued, only from regard to the true interest of the Bondholders themselves.— Yet the Bank continued to experience nothing but denunciation and persecution; and the loudest in the cry, have often been those, who had been saved from utter ruin by its kind forbearance.

This Bank as is known to your Excellency, has not resumed the payment of interest upon the bonds of the Territory, which were sold by it. The failure to pay, has not been from want of will, but of ability. The Bank cannot refuse to receive its own liabilities; and so long as they are of less value than gold and silver, payment of interest, or of any other debt, will be tendered in nothing else.— They must be absorbed, before payment of interest upon Territorial Bonds can be resumed. It is impossible to predict the time when that can be done. But if the Court of Appeals does not sustain the plea of Usury—and if the Legislative Council will grant the prayer of the Stockholders for such amendment of their charter as is asked, without the addition of provisions which they cannot accept, it may be confidently predicted, that the next annual Statement will show a greater extinguishment of the liabilities of the Bank than the statement of any preceding year.

The Bank debtors must, by this time, have paid most of their other debts; and there is reason to look for better prices for the Cotton crop of 1844, than were obtained for those of 1842 and 1843. Increased power to coerce will be aided by increased

ability to pay. Let the power then be given—it will do much good; and can work no injury.

Your Excellency will recollect that certain Resolutions of the Stockholders of this Bank were the subject of an official communication from you to the last Legislative Council; and under a misapprehension of their intent and effect, two of the Resolutions were condemned by the Council, and action under them forbidden. The resolutions were designed to enable Stockholders to dissolve their connection with the Bank; but upon conditions highly advantageous to the Bank and to its creditors. The only parties who could by possibility be injured, are the Stockholders who would remain such. Surely they may be supposed capable of understanding and guarding their own interests. But one application has as yet been made for action under either of the condemned Resolutions; and by acquiescence in the will of the Legislative Council in that one case, the refusal to act under the resolution will have caused the Bank to pay twenty-six thousand dollars, before the maturity of the Territorial Bonds, which would have been avoided, and the arrangement would have covered the same amount of bad debts. Surely opinions which cause such results, ought to be abandoned; and will not your Excellency aid in obtaining the revocation of an interdict, which was issued at your recommendation?

I pray leave respectfully to present to your notice a debt due for money loaned in the Territory in the year 1839, to enable the Executive to defend the country against the Indians. Part of that loan was repaid; but there remains unpaid, the sum of eighteen thousand five hundred and eighty-four dollars, (\$18,584) besides the interest due thereon from the 1st January, 1842, to the present time. The evidences of the debt belong to parties who advanced their money, and enabled this Bank to pay the interest of the Territorial bonds, which was paid on 1st July, 1841. If the interest of the debt was regularly paid, the bonds of the Territory would be available to the parties who hold them; and would relieve them from great inconvenience. Will your Excellency be pleased to call the attention of the Legislative Council to the propriety of providing funds for paying the interest, if not also the principal, of these bonds.

Very respectfully,  
Your obedient servant,

JOHN G. GAMBLE, President.

(Signed)  
His Excellency R. K. CALL,  
Governor of Florida.

UNION BANK OF FLORIDA,  
Tallahassee, December 30th, 1843.

State of the Union Bank of Florida, Saturday, the 30th December, 1843.

CR.	
To Stock Notes Discounted,	\$1,818,857 54
“ Notes, bonds and bills do.	946,140 43
“ Loan to the Territory,	18,584 00 = \$2,783,581 97
“ Territorial Bonds unsold,	767,500 00
“ Dues by Banks and Agents,	450,389 93
“ Real Estate,	98,083 46
“ Protest Account,	828 79
“ Cash in Specie and other Bank Notes,	13,692 90
	\$4,114,077 05

DR.	
By Capital Stock secured on Land and Negroes,	\$2,974,500 00
“ Capital Stock secured by Territorial Bonds,	25,500 00
“ Capital Stock, cash,	6,300 00 = \$3,006,300 00
“ Deposites,	26,232 74
“ Post Notes issued,	148,461 17
“ Certificates on time,	47,347 99
“ Sterling Bonds issued,	314,442 07
“ Due to Banks and others,	398,782 65
“ Union Bank Notes issued,	866,500 00
“ Notes burnt,	\$791,730 00
“ Notes in Bank,	19,385 00 = 811,115 00
“ Circulation Union Bank Notes,	54,835 00
“ Central Bank transfers,	103,995 00
“ “ burnt	\$99,439 00
“ “ in Bank,	15 00 = 99,454 00
“ Circulation Central Bank Notes,	4,541 00
“ Sinking Fund on 1st Jan'y. 1843,	160,664 64
“ Interest Account,	11,554 77
“ Incidental and legal expenses, exchange and premium account,	35,975 44 = 47,530 21 = 113,134 43
	\$4,114,077 05

(Signed)

H. Y. L. RUTGERS, Cashier.

Sworn and subscribed before me this 2d January, 1844.

(Signed)

R. J. HACKLEY, J. P.

Which were read, and laid on the table, and one hundred copies ordered to be printed.

A communication was received from the House of Representatives for the concurrence of the Senate, and read :

*Resolved by the Senate and House of Representatives of Florida.* That our Delegate in Congress be respectfully requested to present the memorial of Thomas T. Long, Secretary of the Senate, and Hugh Archer, Secretary of the House at last session, to Congress, with the Joint Resolution of last session, and endeavor to procure the appropriation necessary to pay them for their services at the last session.

The President appointed the following standing committees :

## JUDICIARY.

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

STATE OF THE TERRITORY.  
(To have charge of Claims.)

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

## ELECTIONS.

Messrs. Priest,  
Long,  
Cooper,  
Mathers.

## FINANCE AND BANKS.

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

## SCHOOLS AND COLLEGES.

Messrs. Hart,  
Ramsay,  
Yonge,  
Pelot.

## MILITIA.

Messrs. Pelot,  
Long,  
Ramsay,  
Mathers.

## PUBLIC ACCOUNTS.

Messrs. Haughton,  
Hart,  
Cooper,  
Mathers.

## ENROLLED BILLS.

Messrs. Smith,  
Yonge,  
Haughton.

Mr. Haughton moved twenty-five copies be printed. Which were ordered.

Mr. President called Mr. Pelot to the chair, and asked leave of absence from the Senate for a few days. Which was granted.

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

FRIDAY, January 12th, 1844.

The Senate met pursuant to adjournment, and a quorum appearing, Mr. Pelot was called to the Chair.

Mr. Yonge moved that the Senate proceed to the election of a President pro. tem. during the absence of the President.

Mr. Pelot was unanimously elected President pro. tem. of the Senate.

The proceedings of yesterday were read and approved.

Mr. Haughton gave notice that at a future day he will ask leave to introduce a bill to be entitled, An Act in addition to the acts regulating Judicial Proceedings.

Mr. Baltzell, pursuant to notice given on a previous day, introduced a bill to be entitled, An Act for the election of certain officers;

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

Mr. Baltzell introduced the following Resolution :

*Resolved,* That a Joint Select Committee of five from each House be appointed, to consider and devise the best ways and means of discharging the indebtedness of the Territory, and providing a suitable revenue to defray the expenses of the Territorial Government, not payable by the General Government.

Which was read, and laid on the table.

Mr. Long offered the following Preamble and Resolutions :

WHEREAS, in locating a seat of Government, respect should all ways be had to the healthiness of the place, and its accessibility to the population of the country : *And whereas,* the experience of the last twenty years has proved most conclusively Tallahassee, the present seat of Government for the Territory of Florida, to be exceedingly unhealthy, all the efforts of a vigilant police failing to correct or even ameliorate the evil : *And whereas,* Tallahassee, situated at a distance of six or seven hundred miles from the extreme Eastern and Southern portion of the Territory, and only two hundred miles from the Western boundary, is by no means a central position : *And whereas,* the country East of Tallahassee possesses many advantages to that West of it, in soil, products and health, inducing at this time an immense immigration ;

*Be it therefore Resolved by the Governor and Legislative Council of Florida,* That our Delegate be requested to use his best exertions to have the seat of Government moved from its present location to —.

*Be it further Resolved,* That a copy of this resolution, properly authenticated, be sent to our Delegate, the Hon. David Levy.

The Resolution offered on yesterday by Mr. Pelot, on the subject of Stationery for the Senate Chamber, was taken up and read ;

And Mr. Walker, of Leon, moved to amend, by inserting after the words "Senate chamber," the words "and for the use of the members of the Senate ;"

Which was rejected.

And Mr. Baltzell offered a substitute for the original Resolution, which after some discussion was withdrawn, and the original Resolution laid on the table.

Mr. Baltzell offered the following resolution :

*Resolved,* That the Governor of the Territory be requested to furnish the Senate with copies of the correspondence, if any he

may have had, with officers of the General Government, in reference to the payment and allowance of accounts presented for payment for Stationery, &c., furnished the Senate at its last session.

Which was read, and on motion, the rule waived, read a second time and adopted.

The Resolutions offered on yesterday by Mr. Pelot, in relation to the Governor's Message, were read a second time, and amended on motion of Mr. Houghton, by striking out the words, "same Committee" and inserting "Committee on Public Accounts," and passed in the following words:

*Resolved by the Senate,* That so much of the Governor's Message as refers to Banks, be referred to the Committee on Banks, for their immediate action;

So much as refers to the completion of the Capitol, to the Committee on the State of the Territory;

That which relates to the Auditor and Treasurer, to the Committee on Public Accounts;

So much as relates to Seminary Lands, to the Committee on Schools and Colleges;

That which relates to the Militia, to the Committee on the Militia;

So much as relates to Attachments, to the Committee on the Judiciary;

And so much as relates to our Territorial Government, to the Committee on the state of the Territory;

With instructions to report at as early a day as practicable.

The Resolution from the House of Representatives, in relation to the claims of the Secretary of the Senate, and the Secretary of the House of Representatives, was taken up and read a second time.

Mr. Baltzell offered a substitute, which after some discussion, was withdrawn, and a motion made to waive the rule and read the resolution a third time and put it on its passage; but objection being made by Mr. Yonge, a discussion arose in relation to the rules. The President *pro tem.*, decided that the unanimous consent of the members present was necessary to the suspension of a rule; from which an appeal was taken to the Senate, and the decision of the Chair was sustained, and the resolution lies over.

At Preamble and Resolutions from the House of Representatives, requesting the Delegate in Congress "to use his best exertions to procure the establishment of a mail route from the city of St. Augustine to some point on Indian River, &c., was read the first time, and on motion the rule was waived, and the Preamble and Resolutions were read a second and third time, and passed.

On motion the Senate adjourned until to-morrow, 12 o'clock.

SATURDAY, January 13th, 1844.

The Senate met pursuant to adjournment, a quorum not answering on a call of the roll,

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

MONDAY, January 15th, 1844.

The Senate met pursuant to adjournment, a quorum not answering on a call of the roll,

On motion, the Senate adjourned until to-morrow, 12 o'clock.

TUESDAY, January 16th, 1843.

The Senate met pursuant to adjournment, and a quorum of members being present, the Rev. Dr. Yeager was introduced, and officiated as Chaplain of the Senate.

The journal of Friday was read and approved.

Mr. Smith gave notice that he will on some future day, ask leave to introduce A Bill to enable the Union Bank of Florida, and others, more readily to collect their debts.

Mr. Yonge, pursuant to notice given, asked and obtained leave to introduce a bill entitled, An Act concerning Executions.

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

Mr. Houghton, in pursuance of notice given, asked, and obtained leave to introduce a bill entitled, An Act in addition to the acts regulating Judicial Proceedings.

Which was read and made the order of the day for to-morrow.

Mr. Houghton presented a petition from B. F. Allen, Administrator of R. C. Allen, deceased, asking compensation for certain services rendered by his intestate, in selecting and locating Seminary Lands in the Territory of Florida.

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

Mr. Hart presented the petition of James Long, of the County of Alachua, praying to be divorced from his wife, Elizabeth Long.

Which was read and referred to a select committee, consisting of Messrs Hart, Walker and Livingston.

Mr. Pelot presented the following preamble and resolutions:

WHEREAS, The public lands now surveyed and unsold in the Territory of Florida, have stood for years subject to entry: *And whereas,* in such surveyed lands, all of the first quality have been entered, there remaining, consequently, only those of an inferior quality: *And whereas,* it will be productive of an increase of population, and add much to the comfort and welfare of the poorer class of our citizens, to have the price of such lands reduced; thereby enabling them to obtain permanent homes, removed beyond the avarice of speculators, who are daily depriving this class of our

citizens of the proceeds of their hard labor, and thereby subjecting them and their families to great want; and believing that it will add much to the public revenue:

*Therefore, be it resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be requested to lay this matter in its proper light before that body, and press upon them the necessity of a reduction of the price of all public lands in this Territory, which have been offered for sale more than one year.*

Which was read.

Mr. Cooper offered the following preamble and resolution:

*WHEREAS, The increasing trade and growing population of the counties bordering the Suwannee River, make the free navigation of said river at all seasons a matter of vital import to the citizens of the adjacent country: And whereas, by reason of obstructions in said river, the navigation up to the junction of the Withlacoochie and Suwannee is much impeded, to the great injury of the citizens residing in the vicinity of said rivers: And whereas, Congress did appropriate fifteen thousand dollars for the removal of said obstructions, which was prevented from being executed by the breaking out and continuance of the Seminole War; in consequence of which, said appropriation has reverted back to the national Treasury:*

*Be it therefore resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be requested to use his best endeavors to procure a re-appropriation of said sum for the clearing out the obstructions in said river, and that a copy of this resolution be forwarded to him by the Secretary of the Senate, immediately after its passage, to be laid before Congress as soon as possible.*

Which was read.

The following Communication was received from his Excellency the Governor:

EXECUTIVE OFFICE, }  
Tallahassee, 12th January, 1844. }

*Gentlemen of the Senate  
and House of Representatives:*

I transmit, herewith, a copy of the annual report of the Southern Life Insurance & Trust Company, together with a copy of the report of the Trustees of that Institution, and a copy of my correspondence with the Cashier of that Company.

From these several documents, you will perceive that the Trustees, under the assignment of the Bank, have met with many unforeseen embarrassments, in the performance of the highly important trust confided to them. They have, however, accomplished much in retiring the liabilities of the Institution, and much more may be anticipated during the present year.

I invite your attention to these documents; and submit to the judgment of the Legislative Council, the propriety of the decision I have given, on the proposition of the Cashier of the Bank, to withdraw certain securities deposited in the Executive Archives, as an indemnity to the Territory.

(Signed)

— R. K. CALL.

SOUTHERN LIFE INSURANCE AND TRUST COMPANY, }  
Tallahassee, January 8th, 1844. }

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

Sir: I have the honor to enclose you duplicate copies of the annual statement of the condition of this Company on Monday, the 1st instant. With this statement I also hand you the statement and report of Messrs. J. & L. Branch, Assignees, for more detailed particulars of the assets applicable to the payment of the remaining outstanding liabilities.

In the Messrs. Branch's report is a reference to proceedings against the Assignees and Company which, if not without the authority of law or precedent, will account for the limited progress made by the Assignees in the collection of our debts and the discharge of liabilities. The aggregate reduction of liabilities, in the past year amounts to 152,666 97. Measures are in progress, which we have the confident assurance of the best legal advice, will compel the surrender of the remaining outstanding certificates, guaranteed by the Territory.

I am directed respectfully to call your attention to the subject of the guarantee, and suggest whether, as far as the holders of one hundred and sixteen are concerned, who have declared in a memorial to the Legislative Council, that the guarantee was obtained through fraud, and therefore not binding upon the Territory, there would not be a manifest propriety in surrendering to the Assignees that amount of securities now deposited with the Executive, and declare the said certificates cancelled, in accordance with the holder's declarations, if the action of the Legislature has not cancelled the whole, as far as the Territory may be concerned.

The Trustees do not hesitate to declare, that the holders of the whole amount outstanding, have no legal title to them, or the power to collect.

Great embarrassments are frequently experienced in not having the immediate control of these mortgages, when debtors are removing or have removed the property beyond the Territory. In these instances, the mortgages are indispensable, and should be at the control of the Assignees, both for the protection of the Territory (if they are liable) as well as the creditors of the Institution generally.

There is no officer of the Territory whose business it is to look after property mortgaged to the Banks; and if so, great doubts are entertained whether this property could be as well protected by any one as those whose interests are in making it available to creditors. Under any state of things, (even upon the remote contingency of

the Company being held liable,) the Trustees have confidence in the assets being equal to the payment of all debts due by the Company, if they are not further interrupted by vexatious suits and interferences.

I have the honor to be,  
Your obedient servant,

(Signed) ROBT. LYON, Cashier.

### TRUSTEES' LETTER.

TALLAHASSEE, January 8th, 1844.

To the Board of Directors of  
The Southern Life Insurance and Trust Company:

GENTLEMEN:—The undersigned, Assignees of your Company, have the pleasure to transmit herewith a statement, shewing the condition of the Trust in their hands, on this day.

During the past year we have been embarrassed by certain judicial proceedings, the object, extent and grounds of which are notorious, and need not be enumerated here. Since May last we have been under strict injunction, issuing out of the Chancery Court of the District of Middle Florida, not to pay any money except to the Solicitor of the Complainants in Chancery; and we have endeavored to conform strictly to the mandate of the Court. The order of the Court of May last, which was made before we had been summoned to appear and answer the bill on which the order was founded, must be regarded as a decree declaring judgment creditors entitled to priority of payment out of your assets. We had no authority under the deed of assignment to give them such preference, and the order not only authorized us to do so, but forbids us to pay any other creditor. The bill which is the ground of these oppressive proceedings, was not signed by any of the complainants, no affidavit was made of the truth of its allegations, and no bond with security was filed, as our statute expressly requires. The amount claimed by the Complainants is \$2,900. Such is the bill on which the injunction was issued and decree made. We have endeavored to have the injunction dissolved, but have not been able to obtain a hearing. It is useless for us to say, Gentlemen, that proceedings so irregular and unprecedented, must have been founded on a total misapprehension of facts by the Judge, and we doubt not that if we could have obtained a hearing, they would have been reversed last spring.

We have not as yet paid any thing to the Solicitor of the Complainants, and we do not intend to do so, before the decision of this suit. After mature reflection, we have determined to waive all objections to the gross irregularity of the whole proceeding, and the high handed and reckless disregard of the law and our

rights, and claim a decision at the earliest day, as to the validity of the assignment. We do not intend, gentlemen, to waive the right of your Company, to be plundered according to law, but the citadel is impregnable, and being blockaded, we must abandon the suburbs to be sacked, in order to avoid being reduced to famine in the slow progress of a siege. It was perhaps, anticipated, that we would pay so small a sum as \$2,900, to rid ourselves of the obstacles thrown in our way; and this may have been at once an object and supposed security in making the proceedings oppressive and embarrassing. But, gentlemen, we have not forgotten, that when the barbarians were bribed to leave the gates of Rome, they were invited to come often; but when the sword was cast into the scale, and Rome declared herself ready to test the strength of her fortifications, it was long before they came to claim their accustomed tribute or plunder. The community is interested to know the extent of our rights and duties under the assignment—you are interested to know whether your assets are to be squandered or applied to the payment of your debts—your creditors are anxiously inquiring how long nearly two millions of dollars of assets are to be held in suspense for a claim of less than three thousand dollars, and we do not feel at liberty to make any defence which may retard the progress of the suit, or delay the decision of the main question at issue.

During the past year a bill in Chancery has been filed here, and one has been also directed to be filed in the city of New York, the object of which is to recover possession of about \$350,000 of your assets and obligations, issued in New York in the spring of 1840. Able counsel has been employed in New York, and no doubt is entertained that the whole amount will be ordered back into our hands early in the present year. The termination of this suit if favorable to you, will bring in all the outstanding "Faith Bonds" issued to your Company, and add a large amount to the available assets in our hands for the payment of your debts. Such a result should be gratifying to every citizen of the Territory, anxious for its credit; and the undersigned are assured that to none will it afford more gratification than to yourselves. In connection with this subject, the undersigned beg leave through you, to call the attention of the Governor and Legislative Council to the fact, that \$245,000 of the mortgages assigned to us are held by the Executive, as a collateral security to indemnify the Territory for its guarantee of your bonds. The Legislature having resolved at several successive sessions, that the pretended guarantee imposed no obligation on the Territory in any event, and two of the present holders of the sterling bonds, representing half of all that are outstanding, having in a memorial addressed to the last Council, voluntarily declared that the guarantee was obtained by fraud, the undersigned can perceive no good reason why the Legislative Council should not authorize and request the Governor to return the mortgages to

us. There being no liability upon the Territory, the security should of course be relinquished.

Early in December the undersigned were informed that a bill had been filed in the Chancery Court of the District of Columbia, by some of the holders of the eight per. cent bonds, for the recovery of which we are suing in New York, and injunction obtained to prohibit the disbursing officer of the Government from paying to us the money loaned by your Company for the prosecution of the Florida war. Since receiving the information, we have been endeavouring to make such arrangements, that one of the undersigned could visit Washington, to secure our claims, but more urgent business here has as yet prevented. He will leave, however, in the course of a few days, and will return in time to afford the Legislative Council ample time to provide for the payment of the debt, if the Federal Government refuses to pay the balance. We apprehend no difficulty from the parties suing in the District of Columbia, as the claim is not just, and the Government will not permit the functions of its disbursing officers to be interfered with, by the ordinary legal process for diverting the payment of money from debtor to creditor.

With such reasonable support as we have a right to expect, and will probably receive from the Judicial tribunals, we have reason to believe, that the assets in our hands will at least pay your debts. We are bound, however, in candor, to state, that a very large portion of your debts can only be paid by being received in payment of debts due to the Company, of equally doubtful credit. Several attempts have been made by debtor stockholders, during the past year, fraudulently to remove their mortgaged property beyond the limits of the Territory, and we have been compelled to incur heavy charges in the establishment of a system of vigilance to detect, and energetic action to defeat, such attempts in future. None are more interested to check such frauds than that class of stockholders, constituting a large majority, who intend to abide the decision of the Courts as to the validity of these mortgages, or take advantage of any favorable opportunity to compromise conflicting claims. It is needless for us to declare to you, gentlemen, that such attempts shall not be made with impunity, whilst the interests of your Company, its honest stockholders and suffering creditors are in our hands. The offence is felony under our statutes, and the penalties of the law can, and shall reach the offender, into whatever State he may flee. We intend to respect just defences and equitable claims of the mortgagers, but it is equally our intention to protect creditors. Concession and compromise are *expedient*; and we can, at present, perceive no reason to believe that such compromise may not be made, unless a large proportion of the assets of the Company shall be annihilated by fraudulent removals of its security.

The books and papers of four of your Branches, are now here,

and those of the other two will be here in a few days. They are left in our office, where you can at any time refer to them if you desire, and will be carefully preserved. We will cheerfully furnish any additional information that may be desired by yourselves, or the Legislative Council; and, in conclusion, gentlemen, we beg to assure you, that we will continue to receive with deference and pleasure, any suggestions you may make for our assistance, in the discharge of the very onerous and responsible trust you have confided to us.

We are, Gentlemen,  
Very respectfully,  
Your obedient servants,  
(Signed,) J. & L. BRANCH, Trustees.

#### LETTER OF HIS EXCELLENCY, THE GOVERNOR.

TALLAHASSEE, 10th January, 1844.

Sir: I have received your letter of the 8th inst., accompanied with duplicate copies of the annual statement of the condition of the Southern Life Insurance and Trust Company on Monday, the 1st inst., and a statement of the assets of that Institution furnished by the Trustees. In reply to that part of your letter in which you suggest the propriety of declaring certain certificates, guaranteed by the Territory, "cancelled," and a return to the Company of an equal amount of the securities deposited with the Executive, I have to observe that I do not conceive that I have authority under the law to adopt your suggestion, even though it were favorably considered.— But, until there has been a judicial decision, against the validity of the claim of the holders of the outstanding certificates, or until they shall have been returned to the Executive, I do not think that the Territory can, with propriety, part with any security it may possess as an indemnity for her guarantee.

I am, sir, very respectfully,  
Your obedient servant,  
(Signed) R. K. CALL.  
Mr. ROBERT LYON,  
Cash. S. L. I. & T. Co., Tallahassee.

*Statement of the Condition of the So. Life Insurance and Trust Co.,  
Monday, January 1, 1844.*

## RESOURCES.

In the hands of Messrs. J. & L. Branch, Assignees, as per Statement and Re- port annexed,		\$1,577,905 94
In the hands of A. M. Reed—		
Liabilities cancelled,	993 41	
Profit and Loss, including expenses, &c.	50,136 48	51,129 89
	Dollars,	1,629,035 83

## LIABILITIES.

Notes of this Company issued, and not heretofore cancelled,	\$64,614	
On hand,	31,437	
In circulation,	33,177	
Post Notes outstanding,	7,800	
Depositors,	19,285 97	
Certificates of Deposites,	25,477 73	
Bills payable,	159,932 07	
Bonds payable,	37,823 73	
Other Obligations of this Company,	79,984 54	
Certificates of Deposite issued to Union, and Union and Potomac Companies of Maryland and Virginia,	63,557 25	
Dividends unpaid,	789 00	427,777 29
Deposites to apply on debts due this Company,	43,958 54	
(1) Sterling Certificates guaranteed by the Territory,	240,000 00	
Capital Stock,	917,300 00	
	Dollars,	1,629,035 83

Tallahassee, January 8, 1844.

TURBUTT R. BETTON,  
*Vice Pres't. S. L. I. & Trust Company.*

ROBERT LYON,  
*Cashier S. L. I. & Trust Co.*

(1) Not recognised as a debt.

TERRITORY OF FLORIDA, }  
Leon County. } ss.

On this 8th day of January, 1844, personally came before me, the undersigned, a Justice of the Peace in and for the County aforesaid, Turbutt R. Betton, Vice President, and Robert Lyon, 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 above written, at Tallahassee.

SIMON TOWLE,  
*Justice of the Peace.*

This amount originally Assigned by the Southern Life Insurance and Trust Co., and Interest on Bonds and Mortgages, \$1,721,972 25

*Statement of the Condition of the Trust from the Southern Life Insurance and Trust Co., January 1, 1844.*

(1) This amount applied in payment of sundry Liabilities of the Company, \$144,066 31

## ASSETS ON HAND—

Due on Bonds and Mortgages,	\$618,689 14	
“ for Loans on Stock,	158,557 72	
“ “ Bills Discounted,	115,695 54	
“ on Trust to Robbins & Branch,	264,811 39	
“ “ “ “ Saml. Burritt,	19,686 31	
Commercial Bank of Florida, Union, and Union and Potomac Com- panies of Maryland and Virginia,	89,577 55	
Due from sundry individuals for balances,	43,838 66	
Stocks,	107,445 00	
Real Estate,	50,547 42	
Bonds,	71,393 47	
Personal Property,	6,279 28	
Suspended Debt,	4,508 97	
Cash items,	6,921 65	
	\$1,577,905 94	
	Dollars,	1,721,972 25

(1) This amount has been increased \$6,000 since the statement was made, and will probably be increased \$40,000 more in a few days, by the result of pending negotiations. About \$12,000 are in the hands of agents, subject to our order, not yet charged as cancelled.

Tallahassee, January 1, 1844.

J. & L. BRANCH,  
*Trustees.*

Which was read and referred to the Committee on Banks, and fifty copies ordered to be printed.

A bill to be entitled, An Act for the Election of certain Officers, came up in order, on its second reading; but the introducer not being in his seat, it was, on motion of Mr. Walker, laid on the table.

The resolution offered by Mr. Pelot in relation to stationery for

the Senate Chamber, came up; but on motion of Mr. Pelot, it was laid on the table until called up by the mover.

A resolution, introduced by Mr. Baltzell, asking for a Joint Select Committee of five from each House, to consider and devise the best ways and means of discharging the indebtedness of the Territory, came up on its second reading, but the mover being absent from the Senate, it was, on motion, laid on the table.

Joint resolutions from the House of Representatives, were received and read, in the following words:

*Be it resolved by the Governor and Legislative Council of the Territory of Florida,* That Nathaniel Bryant be allowed, and receive the mileage and compensation prescribed by law, to be paid to members of this House, up to this day.

*Be it further resolved,* That our Delegate in Congress be, and he is hereby, requested to use his best efforts to have an appropriation made for the payment of the aforesaid amount.

On motion of Mr. Pelot, the rule was waived, and the resolutions were read a second and third time, and passed.

The preamble and resolution offered by Mr. Long, in relation to the removal of the Territorial seat of Government, were taken up, and on motion of Mr. Long, were made the order of the day for Thursday next.

A joint resolution from the House of Representatives, in relation to the compensation of certain officers of the last Legislative Council, came up on its third reading, and on motion of Mr. Pelot, it was laid on the table.

Mr. Haughton moved that twenty-five copies of the rules adopted for the government of the Senate, be ordered to be printed.

Mr. Walker, of Leon, moved an amendment, ordering the Sergeant-at-Arms to purchase sixteen copies of Jefferson's Manual, for the use of the Senate.

Which motion for amendment prevailed, and Mr. Haughton's motion, as amended, was adopted.

#### RULES OF THE SENATE.

1. 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.

2. 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.

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

4. 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.

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

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

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

8. 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.

9. 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.

10. 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.

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

12. 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.

13. 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.

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

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

16. 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.

17. 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.

18. 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.

19. 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.

20. 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 re-con-

sideration 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.

21. 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.

22. 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.

23. 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.

24. 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.

25. 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.

26. Every bill shall receive three readings previously 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.

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

28. The final question upon the second reading of every bill, resolution or motion, requiring three read-

ings previously 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 be at all times in order, before the final passage of any such bill, resolution or motion, to move its re-commitment, and should such re-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.

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

30. 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,) a Committee on Elections, a Committee on the Militia, a Committee on Schools and Colleges, and a Committee on Enrolled Bills.

31. *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 the public funds or accounts.

32. 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.

33. All information or remarks, touching or con-

cerning the character or qualifications of any person nominated by the Governor to office, shall be kept secret.

34. When acting on confidential or Executive business, the Senate shall be cleared of all persons, except the Clerk, the Sergeant-at-Arms and Doorkeeper.

35. 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.

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

37. 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.

38. 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.

39. The Secretary of the Senate, the Sergeant-at-Arms, and the Doorkeeper, 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.

40. 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.

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

WEDNESDAY, January 17th, 1844.

The Senate met pursuant to adjournment, and a quorum being present, the Journal of yesterday was read and amended, on motion of Mr. Pelot, and approved.

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

On motion of Mr. Pelot, the resolution laid on the table, on yesterday on his motion, in relation to Stationery, for the use of the Senate chamber, &c., was taken up, and placed amongst the orders of the day.

Also, the Joint resolution from the House of Representatives, in relation to the compensation of certain officers, of the last Legislative Council, was, on motion of Mr. Pelot, taken from the table, and placed amongst the orders of the day.

Mr. Long gave notice, that he shall on some future day, ask leave to introduce a bill to be entitled, An Act respecting Executions.

Mr. Haughton gives notice, that he will on to-morrow, ask leave to introduce a bill, for the relief of Reuben Scott.

Mr. Smith pursuant to notice given, asked and obtained leave to introduce a bill entitled, An Act to enable the Union Bank of Florida, and others, more readily to collect their debts. Which was read.

Mr. Pelot offered the following preamble and resolution. Which was read.

WHEREAS, the Legislative Council, of the Territory of Florida, at its session in 1841, appointed and requested the Hon. William Marvin, to revise the laws of this Territory :

AND WHEREAS, such appointment was accepted, the work undertaken, completed and submitted to the Legislature in 1843 :

Be it therefore resolved by the Senate and House of Representatives of the Territory of Florida, That a Joint Select Committee of two members from each House be appointed to wait on the Hon. William Marvin, to confer with him about the amount necessary to compensate him for his services, and to report as early as practicable.

Mr. Cooper offered the following Resolution ;  
Resolved, That the regular hour for the meeting of the Senate be at eleven o'clock, A. M. Which was read.

The Preamble and Resolution in relation to the Public Lands, offered by Mr. Pelot on yesterday, were read a second time.

Mr. Livingston moved to amend, by striking out after the word "sale," the words "more than one year."

Which amendment was accepted by the mover.  
Mr. Haughton moved to amend the Preamble, by striking out after the word "homes" all to the word "want," inclusive.  
Which was rejected.

The Preamble and Resolution, as amended, were ordered to be engrossed for a third reading on to-morrow.

The Preamble and Resolution offered on yesterday by Mr. Cooper, asking an appropriation by Congress for clearing out the obstructions in the Suwannee River, were read a second time, and ordered to be engrossed for a third reading on to-morrow.

A bill entitled, An Act concerning Executions, was read a second time, and referred to the Committee on the Judiciary, and fifty copies ordered to be printed.

A bill entitled, An Act in addition to the acts regulating Judicial Proceedings, was read a second time, and referred to the Committee on the Judiciary, and fifty copies ordered to be printed.

The Resolution offered by Mr. Pelot, in relation to Stationery for the use of the Senate Chamber, &c., was read a second time.

Mr. Livingston offered the following as a substitute :

Resolved, That the Secretary of the Senate furnish the members of this House with such Stationery as they may require, and keep an account of the same.

Mr. Yonge offered the following as a substitute for the substitute :

Resolved, That each member of the Senate purchase such Stationery as he may require for his use in the Senate Chamber and for his room, and, at the end of the session, certify to the correctness of the said account.

The question of reception was taken on Mr. Yonge's substitute for the substitute offered by Mr. Livingston, and rejected, and the question recurred on the reception of the substitute offered by Mr. Livingston for the the original resolution, on which the yeas and nays were called for by Messrs. Livingston and Cooper, and were :

YEAS—Mr. President, Messrs. Livingston, Long, Ramsay, Walker, Yonge—6.

NAYS—Messrs. Cooper, Hart, Haughton, Pelot, Smith—5.

So the substitute offered by Mr. Livingston was received, and on the question of its passage the same was rejected.

And on motion of Mr. Pelot the Senate adjourned until to-morrow, 12 o'clock.

THURSDAY, January 18th, 1844.

The Senate met pursuant to adjournment. A quorum of members being present, the journal of yesterday was read and approved.

Mr. Yonge gave notice that, on a future day he will introduce a bill to be entitled, An Act in addition to, and amendatory of the several acts in relation to Divorce ;

Also, an act in relation to Ferries.

Mr. Haughton, in pursuance of notice given on yesterday, asked and obtained leave to introduce a bill, entitled, An Act for the relief of Reuben Scott ;

Which was read.

Mr. Walker presented the petition of Susan Dozier, of Leon County, praying to be divorced from her husband, Benjamin Dozier ;

Which was read, and referred to the Select Committee created on the petition of James Long, on the same subject.

#### ORDERS OF THE DAY.

The Preamble and Resolutions offered by Mr. Long in relation to the removal of the seat of the Territorial Government, were taken up and read a second time.

Mr. Long moved to fill the blank with the word Marianna.

Mr. Pelot moved a reference of the Preamble and Resolutions to the Committee on the State of the Territory.

Mr. Hart moved that the Senate go into Committee of the Whole on the said Preamble and Resolutions. Whereupon the Senate resolved itself into a Committee of the Whole, Mr. Yonge in the Chair, and after some time spent therein, the Committee rose, and Mr. Yonge reported the Preamble and Resolutions without amendment.

Mr. Long renewed his motion to fill the blank with the word Marianna. Which motion failed.

Mr. Pelot moved their reference to the Committee on the State of the Territory, but after some conversation, withdrew his motion.

On a motion of Mr. Yonge to lay the whole subject on the table, Mr. Walker moved to amend by adding, "until the fourth Monday of June next," which motion to amend was ruled out of order, and the said Preamble and Resolutions were laid on the table, on Mr. Yonge's motion.

The Preamble and Joint Resolution offered on yesterday by Mr. Pelot, in relation to the revision of the Territorial laws, were read a second time, and ordered to be engrossed for a third reading to-morrow.

The Resolution offered by Mr. Cooper, on yesterday, appointing a regular hour for the meeting of the Senate, was read a second time and passed, in the following words:

*Resolved*, That the regular hour for meeting of the Senate, be at 11 o'clock, A. M.

The Joint Resolution from the House of Representatives, in relation to compensation to certain officers of the last Session of the Legislative Council, was read a third time, and on motion of Mr. Pelot, was recommitted to a Committee of the Whole, Mr. Yonge in the Chair.

After some time spent therein, the Committee of the Whole rose, and Mr. Yonge reported the resolution with the following amendment:

After the words, "Hugh Archer, Secretary of the House," insert, "and other officers of the Senate and House of Representatives."

Which was adopted, and the resolution, as amended, ordered for a third reading to-morrow.

A bill entitled, An Act to re-organize Wakulla County, was received from the House of Representatives, and read the first time.

A Joint Resolution from the House of Representatives, in relation to the Census Returns, was read the first time.

A Joint Resolution from the House of Representatives, relating to Roads in Nassau County, was read the first time.

On motion the Senate adjourned until 11 o'clock to-morrow morning, being hereafter the regular morning hour for the meeting of the Senate.

FRIDAY, January 19th, 1844.

The Senate met pursuant to adjournment. A quorum of members being present, the Journal of yesterday was read.

Mr. Smith moved to amend the Journal. The bill introduced by him to enable the Union Bank of Florida and others more readily to collect their debts, had its second reading on yesterday, and was referred to a Select Committee, and fifty copies ordered to be printed. This fact did not appear on the proceedings of yesterday. The Journal was accordingly amended.

Mr. Pelot also moved to amend the Journal. The motion which he made to refer the Preamble and Resolutions of Mr. Long, in relation to the removal of the seat of the Territorial Government, to the Committee on the State of the Territory, was *lost*. This fact does not appear on the Journal. And the motion made, after coming out of Committee of the Whole, was for their reference to a *Select Committee*, instead of the *Committee on the State of the Territory*. Which corrections were made, and the Journal was then approved.

Mr. Haughton gives notice that he will, at a future day, ask leave to introduce a bill entitled, An Act to change the time of holding the Superior Courts in Leon and Gadsden Counties.

Mr. Hart presented the following Preamble and Resolutions, which were read:

WHEREAS, present indications admonish us, in the most significant manner, of the necessity of preserving a just balance of power or influence between the slaveholding and non-slaveholding States, and make it most manifest that the true interest of the South generally, as well as of Florida, require that the Floridas should come into the Union as *two* States, whenever they are admitted; and to that end, as well as for convenience, better government and general welfare of the people of this Territory in the meantime, the division of the Territory, and the establishment of two separate Territorial Governments, would be highly proper and satisfactory to the people:

It seems to be suggested by its practicability and expediency, and because it is strongly promotive of Southern policy and tends to our own political good. Each of the Territories are much larger than several of the States, and each capable of receiving and sustaining a much larger population. The present union appears to be unnatural, and their geographical position will present a State of a most awkward shape, creating a controversy and confliction of interests which will forever destroy that harmony so essential to the prosperity of a political body. This seems to have been the view taken of the Floridas by every other government which has had dominion over them.

Originally, as Spanish Provinces, they were separately governed and were independent of each other. In this way they were ceded by Spain to Great Britain in 1763. They continued separate Pro-

vinces under that Government; and when they were re-ceded by Great Britain to Spain in 1783, no change was made.

By the Treaty of Cession in 1819, between Spain and the United States, they were ceded to the latter as separate Territories, known as East and West Florida. The Government of the United States seems to have regarded them in this light; for, immediately after their cession, although Gen. Jackson, clothed with the authority of Captain General of Cuba, was appointed to govern them; yet two separate officers, denominated Lieutenant Governors, were appointed to each of these Provinces, and their present union was originally a measure only of temporary convenience.

It is most manifest that the Treaty does not contemplate the admission of the Floridas as one State, but in language that cannot be misunderstood, it secures to the inhabitants of each of these Territories the right of admission as separate States, as soon as shall be consistent with the principles of the Federal Constitution.

Therefore, be it resolved by the Governor and the Legislative Council of the Territory of Florida, That our Delegate in Congress do urge, and use his utmost exertion to procure the passage of a law dividing the Territory of Florida, and establishing two separate Territorial Governments, to be called respectively East Florida and West Florida—commencing on the Gulf of Mexico at the mouth of the Suwannee River, and running up the main branch of said River to the Georgia line; and all east of said River to constitute the Territory of East Florida, and all west of said River to constitute the Territory of West Florida.

And be it further resolved, That after this preamble and resolutions shall have passed the Senate and House of Representatives, and have been signed by the Governor, copies of the same be made and duly authenticated by the proper officers, and one copy be sent to our Delegate in Congress, one to the President of the United States, one to the President of the Senate, and one to the Speaker of the House of Representatives of the Congress of the United States.

#### ORDERS OF THE DAY.

A Resolution from the House of Representatives, in relation to compensation of certain officers of the last Legislative Council, which had been amended in Committee of the Whole, was read a third time and passed.

A bill for the relief of Reuben Scott was read a second time, and referred to a Select Committee, consisting of Messrs. Haughton, Livingston and Hart.

The engrossed Preamble and Resolution, respecting Judge Marvin's Code, were read a third time and passed, and Messrs. Pelot and Smith appointed the Committee on the part of the Senate.

The Joint Resolution from the House of Representatives, relating to the Census Returns, were read a second time, and referred to the Committee on the State of the Territory.

The Joint Resolutions from the House of Representatives, re-

lating to Roads in Nassau County, were read the second time, and ordered to a third reading on to-morrow.

A Message was received from his Excellency the Governor as follows:

EXECUTIVE OFFICE,  
Tallahassee, January 18th, 1844.

To the President of the Senate:

SIR:—In compliance with a resolution of the Senate, adopted on the 12th instant, I herewith enclose a copy of the correspondence between the Secretary of the Territory and the Treasury Department of the United States, relative to the accounts for Stationery furnished during the last session of the Legislative Council. With the Governor of the Territory there has been no correspondence on that subject.

R. K. CALL.

(Signed)

Which was read with the documents accompanying, and laid on the table.

Mr. Livingston moved that the Senate do now adjourn until Monday next.

Messrs. Pelot and Cooper called for the yeas and nays, which were ordered, and were:

YEAS—Mr. President, Messrs. Hart, Haughton, Livingston, Long, Ramsay, Smith, Yonge—8.

NAYS—Messrs. Cooper and Pelot—2.

So the Senate adjourned until Monday next.

MONDAY, January 22d, 1844.

The Senate met pursuant to adjournment, and a quorum being present, the journal of Friday was read and approved.

Mr. Hart, in pursuance to notice given, obtained leave and introduced a bill entitled, An Act to change the name of Sarah Ann Vandergriff.

Which was read.

Mr. Yonge, in accordance to notice given, obtained leave to introduce a bill entitled, An act in addition to, and amendatory of the several acts in relation to divorce.

Which was read.

Mr. Baltzell gave notice, that he will at a future time, introduce a bill to amend the law in relation to slaves, free negroes and mulattoes. Also to amend the law in relation to Chancery Proceedings.

Mr. Walker, of Middle Florida, gave notice, that he would on a future day, ask leave to introduce a bill to be entitled, An Act regulating appeals and writs of error, to the Court of Appeals in Criminal cases.

The following preambles and resolutions were severally offered and read :

By Mr. Yonge—

*Resolved*, That the Secretary of the Territory be requested to furnish the Senate with the estimate made by the Governor of Florida and himself, for the expenses of the Legislative Council during the present session.

By Mr. Walker—

WHEREAS, The sum estimated to defray the contingent expenses of the Legislative Council, is only \$1,200: *And whereas*, the resolution heretofore passed by the Senate, directing eight copies of three newspapers to be furnished weekly to each member of the Senate, will cause the contingent expenses to exceed the appropriation :

*Be it therefore Resolved*, That said resolution be, and the same is hereby repealed.

By Mr. Baltzell—

*Resolved by the Senate and House of Representatives of the Territory of Florida*, That the Committee on Public Accounts make a contract for the printing of the Senate, on the most favorable terms the same can be had.

*Resolved*, That said Committee report to the Senate the terms on which copies of the Journal and Laws, during the present session, can be distributed to the Clerks of the County and Superior Courts, to Justices of the Peace of each County in the Territory, to be carefully kept by them for the public use.

*Resolved*, That said Committee be instructed to enquire into the best means of distributing the Journals, and whether the mode now in operation answers the end for which it was designed.

*Resolved*, That said Committee enquire into the best means of reducing the expense of printing as far as possible, at the present session, so that the same may be done with a due regard to the public interest.

*Resolved*, That said Committee report to the House, the appropriation made by Congress for the expenses of this Government, and to what purposes it is directed to be applied; and, also, to recommend such course in reference to said expenditure as they may deem right and proper.

By Mr. Baltzell—

*Resolved by the Legislative Council of the Territory of Florida*, That the Governor of the Territory be requested to inform the Senate what action, if any, has been had on a resolution of the Legislative Council, at its last session, directing the Secretary of the Territory to collect together, and keep in appropriate places, the books and pamphlets belonging to the Territory, and have them properly bound.

That the Governor be requested to have furnished an appropriate

list of the books belonging to the Territory in the Secretary's office, and from whom obtained.

That he be further requested to inform the Council, whether the courtesy extended to the Territory by the United States, or the States of the Union, has been met in an accompanying spirit; and whether copies of laws have been forwarded in return for those received; and whether action in this respect is or is not desirable or advisable, on the part of the Legislative Council.

By Mr. Baltzell—

*Resolved by the Senate and House of Representatives of the Territory of Florida*, That the Governor of the Territory be, and he is hereby, requested to furnish to the Senate all the information in his office or which he can procure, in reference to the location of the two townships of land authorized to be reserved by act of Congress for a Seminary of Learning in this Territory; whether the same has been selected or not, and how much; what contract was made for said selection; and whether any further action remains to be had in reference thereto.

By Mr. Baltzell—

*Resolved by the Senate and House of Representatives of the Territory of Florida*, That the Judiciary Committee be instructed to enquire at as early a period as practicable, into the deficiency, if any, of the present judiciary system of Florida—how far the same is and has been acceptable to the people—whether suits have been tried and despatched in a satisfactory and proper manner—whether justice has been at all times attainable in the different districts, or denied or delayed, and if so, in what respect, and whether injury has ensued, and to what extent from each refusal, denial and delay.

*Resolved*, That they be instructed to enquire whether a system more acceptable to the people, rendering the attainment of justice more certain and its administration more satisfactory, may not be devised.

*Resolved*, That said Committee be authorized to send for books and papers, and examine witnesses.

By Mr. Walker—

*Resolved*, That the Sergeant-at-Arms furnish such Stationery as may be required by the Secretary of the Senate, for the use of the Senate Chamber, and such Stationery as may be required for the use of the members.

*Be it further Resolved*, That the Sergeant-at-Arms keep an account of the Stationery furnished to each member, and that each member at the close of the session shall return to the Secretary of the Senate all articles received as Stationery, and not consumed; and that each member of the Senate certify the correctness of his account, before it shall be allowed.

A Joint Resolution from the House of Representatives in relation to roads in Nassau County, was read a third time and passed.

The preamble and resolutions in relation to a division of the

Territory of Florida into two separate Territories, were laid on the table on motion of Mr. Hart.

An engrossed bill from the House of Representatives entitled, An Act to alter and change the name of Hernando County, was received and read the first time.

A communication from his Excellency, the Governor, making certain nominations, was received, and on motion of Mr. Pelot, the doors of the Senate Chamber were closed and the Senate went into secret session, and after some time spent therein, the doors were opened.

On motion, the Senate adjourned until to-morrow.

TUESDAY, January 23d, 1844.

The Senate met pursuant to adjournment, a quorum of members answering on a call of the roll. The Journal of yesterday was read and approved.

Mr. Walker gave notice that he would on a future day, introduce a bill to be entitled An Act to provide for the more effectual punishment of Trespass.

Mr. Baltzell, in accordance to notice heretofore given, asked for and obtained leave to introduce a bill entitled An Act to amend the law on the subject of Chancery Proceedings.

Which was read the first time.

Mr. Yonge, agreeably to notice heretofore given, obtained leave to introduce a bill entitled An Act for the protection of the rights of Females. Which was read the first time.

Sundry communications were received from his Excellency, the Governor, and from the House of Representatives, which were, on motion, placed among the orders of the day.

Mr. Baltzell moved that a bill entitled An Act for the Election of certain Officers, which had been laid on the table a day or two ago, be taken from the table and placed amongst the orders of the day. Also, a Resolution, asking for a Joint Select Committee of each House of the Legislative Council, to consider and devise the best ways and means of discharging the indebtedness of the Territory, &c., which was laid on the table, be taken therefrom and placed amongst the orders of the day.

Mr. Baltzell moved that An Act to amend an act entitled an act to organize Wakulla County, be taken from the table and placed among the orders of the day.

Mr. Haughton presented the petition of James G. Landon and others, praying to be released from a Judgment obtained against them in the Superior Court of Duval County on a forfeited recognizance. Which was read.

Mr. Livingston presented the following Preamble and Resolutions:—

WHEREAS, Failures are continually occurring in the arrival of the mail, carried on the present route from Tallahassee to Washington City, (owing to high water and other causes):

AND WHEREAS, it is of the utmost importance to the interests of the people of Florida, that they should be supplied with a regular mail, conveying the earliest news possible:

AND WHEREAS, it is practicable and expedient to have a line of four horse post coaches, running from Tallahassee to Jacksonville, East Florida, twice a week and back, to connect with steamers from Jacksonville to Charleston, S. C., by Savannah—which line will connect Tallahassee with Charleston in four days:

AND WHEREAS, there are water no courses or other obstacles to prevent mails from arriving at their destination at a prescribed time:

Therefore be it resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be requested to urge upon Congress the propriety of establishing a mail route from Tallahassee to Jacksonville direct, to be carried in four horse post coaches, twice a week and back, to connect with steamers from Jacksonville by Savannah to Charleston, S. C.

Resolved further, That copies of the above resolution be sent to our Delegate in Congress, and to the Post Master General.

Which was read first time and referred to a Select Committee, consisting of Messrs. Livingston, Baltzell and Pelot.

Mr. Walker, of Middle Florida, offered the following Resolution, which was read:

Resolved by the Senate and House of Representatives of the Legislative Council of Florida, That the Legislative Council will adjourn sine die, on Monday, the 22d day of February next.

Mr. Cooper presented the following Preamble and Resolutions, which were read:

WHEREAS, many portions of the law now in force are defective and require amendment:

AND WHEREAS, the Hon. William Marvin has revised the same, and the chapters of the Revised Statutes are now in charge of the Secretary of Florida:

AND WHEREAS, a Joint Committee from both Houses was appointed last year to take into consideration the said Revised Statutes:

Be it therefore resolved by the Legislative Council, That a Joint Committee from each House be appointed to take into consideration the Revised Statutes of the Hon. William Marvin.

And be it further resolved, That the Secretary of the Territory be required to furnish said Committee with the Revised Statutes, deposited with him by the Legislative Council at the close of their last session.

Mr. Baltzell offered the following Resolution:

Be it resolved by the Senate and House of Representatives of the Legislative Council of Florida, That they will proceed, on the day of — next, to the election of Auditor and Treasurer of the

Territory of Florida and Justices of the Peace, by joint vote of both Houses.

Mr. Baltzell presented the following Resolutions, which were read :

*Be it resolved*, That the Governor of the Territory be requested to cause to be prepared and communicated to the Senate as early as practicable, the amount of the debts due by the Territorial Government, stating to whom due, and how and when contracted.

*Resolved*, That said statement embrace the amount of expenses of said Government for each year for five years past, and also the property from which revenue has been derived, and the sources from which derived.

*Resolved*, That he be further requested to state the amount of taxes paid for ten years past, by the different counties in the Territory, and the amounts disbursed during said period for and on account of the said counties by the Territorial Treasury.

Mr. Baltzell offered the following Resolutions, which were read :

*Be it Resolved by the Senate and House of Representatives of the Territory of Florida*, That the attention of our Delegate in Congress be, and it is hereby earnestly requested, to the resolutions unanimously adopted by the Legislative Council, at its last session, requesting Congress to extend to the people of Florida the inestimable privilege of electing their own officers.

2. *Resolved*, That the Legislative Council do most cordially concur in the sentiments expressed in the annual message of his Excellency the Governor, in reference to this subject.

3. *Resolved*, That experience, and a patient endurance by the people of Florida for twenty years past, has conclusively satisfied them that their present system of government is wholly unsuited to them, having failed in every purpose of good government, and securing neither their confidence, sympathy nor regard.

4. *Resolved*, That the people of Florida have been, and are now, denied the election and appointment of their Governor, Judges, District Attorneys, Marshals, Secretary of State, and Brigadier General, these important officers being appointed by the Presidents of the United States, a stranger to them, their laws, institutions, modes of thinking, habits and wants, and whose duties of high and more important character, necessarily prevent him from giving the requisite attention to the business of the people of Florida.

5. *Resolved*, That in the spirit of Republican institutions, to the people, and to them alone, should be confided not only the making, but the adjudication and execution of their laws by officers of their own selection, and that such offices of right belong to them with as much propriety as the products of their soil.

6. *Resolved*, That a system which denies such right, allowing the appointment of non-residents, having no interest in common with the people, is anti-republican and arbitrary, tending to defeat

the end desired, as well as to produce opposition, discord and disaffection with the Government itself.

7. *Resolved*, That appointments by the President have been mostly influenced by persons in the Territory, as no officer filling that high station has held in entire disregard the wishes of all the people, and by a few abroad, unknown to the people;—that as a consequence, officers to whom by law have been confided the lives, liberty, fortunes, property and reputation of the people, have been often appointed through an influence secretly exerted, without the consent or knowledge of the people, and above all, without the responsibility which properly ought to attach to such a position.

8. *Resolved*, That by such course, and as a consequence of such a system, a petty oligarchy is necessarily created, whose interests are adverse to those of the people, and whose objects and aim will be to engross the important offices, and perpetuate an odious system for the benefit of themselves, their families and favorites.

9. *Resolved*, That a government constituted as ours is, with permission to the people to make laws in a limited degree only, but denying the right to adjudicate and execute them, evinces on the part of Government an unwholesome and unwise distrust of Republican institutions, and in practice is most inefficient, for want of the harmony and sympathy properly observable between the different departments, so essential to good government.

10. *Resolved*, That the Constitution of the United States guarantees to the States a Republican form of Government, an injunction equally obligatory in spirit to forms and modes of government instituted by Congress, as to their action in the States themselves.

11. *Resolved*, That copies of these Resolutions, on being adopted by both Houses, and signed by the President of the Senate and Speaker of the House, be forwarded to the Delegate of the Territory, with a request to present them to the Senate and House of Representatives in Congress, and to the President of the United States; and that copies also be forwarded to the Governors of the States and Territories, to be laid before their respective Legislatures.

Mr. Long, from the Select Committee on that subject, made the following

#### REPORT :

The Committee to whom was referred the petition of Willis Watson, praying the right of establishing a Ferry across Chipola River, in Jackson County, have had the same under consideration, and report a bill, and ask to be discharged from the further consideration of the matter.

Which was granted, and the bill read the first time and placed among the orders of the day.

A communication was received from his Excellency the Governor, making nomination of certain officers for Duval County.

Mr. Hart moved that the Senate go into secret session on the said communication. Which was lost.

Mr. Hart then moved that the Senate do now act on the said nomination; which was ruled out of order, and the communication was laid on the table.

The following communication from his Excellency, the Governor, was read and laid on the table:

EXECUTIVE OFFICE, }  
Tallahassee, 23rd Jan. 1844. }

Gentlemen of the Senate  
and House of Representatives:

I have the satisfaction to inform the Legislative Council, that I have received from the President of the Union Bank of Florida, twenty-seven Bonds of the Territory, for one thousand dollars each, which were issued to that institution, under the provisions of its charter. These Bonds having been redeemed by the Bank, and returned to the Executive, have this day been cancelled in conformity with the law, on that subject.

R. K. CALL.

An Act for the relief of Sarah Ross, with the accompanying documents, was received from the House of Representatives, and read the first time.

A communication was received from the House of Representatives, announcing to the Senate that the House of Representatives had concurred in the amendment made by the Senate to a resolution, asking the Delegate in Congress to present the memorial of certain officers of the last Legislative Council, praying for an increase of compensation, &c.

A bill entitled, An Act to admit Mariano D. Papy to practice law in the several Courts of this Territory, was received from the House of Representatives, and read the first time.

The Preamble and Resolutions respecting Marvin's code, which passed the Senate, and was sent to the House of Representatives for concurrence, was approved and returned to the Senate without amendment.

A communication was received from John G. Gamble, President of the Union Bank of Florida, transmitting the memorial, of a committee of the Stockholders.

UNION BANK OF FLORIDA. }  
January 22d, 1844. }

SIR: I have the honor to hand herewith the Memorial of a Committee appointed by the Stockholders of the Union Bank of Florida, with a request that you will be pleased to present it to that branch of the Honorable the Legislative Council of Florida, over whose deliberations you preside.

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

The Hon. the President of the Senate of Florida.

#### MEMORIAL.

To the Hon. the Legislative Council of the Territory of Florida:

The memorial of the undersigned committee, appointed by the Stockholders of the Union Bank of Florida, in general meeting, respectfully represent:

That said committee are instructed to explain to your honorable body, the reasons which, in the opinion of the Stockholders, forbade their acceptance of an act of the last Legislative Council, entitled "An Act to suspend the exercise of banking powers 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 the stockholders—for the liquidation and settlement of the affairs of said Bank, and for the amendment of the Charter thereof," which Act was approved on the 15th March, 1843.

In the discharge of that duty, the Committee pray leave, respectfully to say, that a then recent judicial construction of the meaning of a clause in its original charter, threatens consequences so ruinous to the Bank, as to forbid acceptance of, or action under any law which can admit of doubt as to its meaning; and in the opinion of the Stockholders, the act referred to, contains sections of doubtful meaning, and provisions repugnant to each other.

Those defects must be attributed to the circumstances under which the act was passed. It was on the last day of the session of the Legislative Council, under a pressure of business which prevented mature consideration of the effects produced by the striking out of some, and alteration of other parts of the bill.

By the 4th section of the act, the Bank may, or may not, forfeit the stock of a defaulting Stockholder; and if a forfeiture be declared, the Bank must institute suit against such Stockholder, "as well for the amount of his stock note, or stock debt, as for the interest due thereon." A question here arises whether the act considers the stock note and the stock bond, as one, and the same; or whether by the "stock debt," the stock bond is meant. The concluding part of the 5th section favors the latter idea; for it says, "Credits on the

execution, mortgage, or stock debt, shall be given to the amount of the Territorial Bonds cancelled."

It may be proper here to state, for explanation, that each stockholder executes a bond, and mortgage for the amount of his Bank Stock, which is intended to secure payment of the bonds of the Territory, which were issued to enable the Bank to raise its working capital. His *stock note* is his obligation given to repay any money which a stockholder may borrow on a pledge of his bank stock; and this stock note cannot exceed two-thirds of the amount of his bank stock.

The act leaves room to doubt whether, notwithstanding the forfeiture and sale of his property, the defaulter would not retain some of the rights of a stockholder; for it says, "The stockholder, having his property sold as aforesaid, shall not be entitled to any further loan on his stock;" but if that be the only privilege of which the defaulter is to be divested by the forfeiture, he might claim the right to vote in meetings of stockholders. Such cannot be supposed to have been the intention of the Legislature; but in a law affecting the charter of a mortgaged institution, there should be nothing of doubtful meaning.

There are obviously two mistakes in the 5th section. It twice refers to provisions, as contained in the 5th section, which are not in it. One of the references was probably intended for the 4th, and the other for the 7th section.

Sections 6, 7, 8, 9 and 10, have all reference to the 4th section. They direct how sales of property shall be made—what shall be received in payment—how the proceeds shall be appropriated—how *liens* upon mortgaged property, which may be sold, shall be released.

Section 7 authorizes payment for mortgaged property to be made in Territorial Bonds, or in gold and silver, or *par funds*, at rates to be declared by the Directors—and the President of the Bank is directed to invest the gold, silver, and *par funds*, which may be received in Territorial Bonds; which bonds are to be delivered to the Governor to be cancelled, &c.

Section 4 says that "the purchaser of such mortgaged property shall hold the same, fully, and entirely released from all *lien* created thereon by reason of such mortgage," while section 6 says, that "the *lien* created by said mortgage, shall in no case be released, until the Territorial Bonds for which such property is mortgaged, shall be cancelled by the proper officer." And the 7th section says: "The mortgage *lien* shall not be divested, until the gold, silver, or *par funds*, are invested in bonds to the amount aforesaid, and the same placed in the hands of the proper officer to be cancelled."

These provisions of the act declare that the Board of Directors shall not be trusted, even to the extent to which the laws of the Territory trust every Marshal, Sheriff, and Constable; and yet they require that they shall be trusted to the greatest possible extent, by the purchasers of the property which the act directs to be

sold under execution. In all other cases, the purchaser of property sold under execution, receives title therefor from the Marshal, Sheriff, or Constable, who makes the sale, upon payment of the purchase money; but the purchaser under this act, will not be assured of his title by the payment of his money. The Marshal may fail to pay over the money to the Bank. The President may not immediately be able to invest the gold, silver, or *par funds*, in Territorial bonds—or the officers of the Bank may abuse their trust, and make other disposition of the purchase money, than that enjoined by the act. Can it be expected that any purchaser will pay his money, and trust to so many contingencies for his title?

Entertaining these views of the act, the Stockholders of the Union Bank of Florida were constrained to decline accepting it as an amendment of their Charter; and they instructed the undersigned respectfully to ask of this Legislative Council an amendment of the Charter, which will enable the Bank to compel its own Stockholders to comply with their engagements, and facilitate the liquidation of its debts.

For the better understanding of what is asked by the Stockholders, and is required by the interests of the Territory, and of her bondholders, the Committee pray leave to describe briefly the remedy which the Bank possessed originally, and that which it now has, against its defaulting Stockholders.

The remedy under the original Charter, was by suit upon the *Stock Note*; which suit the defaulter could get rid of, by payment of the arrears of interest due by him; leaving the Bank to pay its attorneys' fees and commissions. This remedy was found to be so injurious to the Bank, that it obtained an amendment of its Charter, at the session of the Legislative Council in 1838-'9; by which the shares of the defaulting Stockholder were to be forfeited, and to be sold at auction to the highest bidder—the purchaser to secure the same by mortgage of property, and to be then entitled to the privileges of an original Stockholder. The Bank can then sue the defaulter for the amount of his *Stock Note*, and the interest which may be due thereon.

This last remedy was efficacious, until the increasing embarrassments of the Bank created a desire in many Stockholders to retire from connection with it. Forfeited shares could not then find purchasers, while parties desiring to leave the Bank, would willingly have their shares forfeited, if by paying their *Stock Notes* in its depreciated liabilities, they could release their property from the mortgage *lien*. Under this state of things, the Bank ceased to act under the amended Charter, except in cases where the securities held by it were evidently insufficient to pay the amount of *Stock*, and other debts. The remedy, therefore, has ceased to be resorted to, except in cases of known insolvency. To apply it in other cases now, will be to deprive the holders of Territorial bonds of one-third of the security which they now have.

What is now asked at the hands of the Legislative Council, is such an amendment of the Charter of the Bank, as will enable it to compel a defaulting stockholder to pay the amount of his bond and mortgage, which were given to secure the Territory for the bonds issued to the Bank. Without such an amendment, great loss will accrue to the Territory and her bondholders and the Bank, in its efforts to compel defaulters to pay their interest. With the amendment now asked, the Bank will be able to call in its outstanding liabilities with rapidity and certainty; and until those depreciated liabilities shall have been taken in, the Bank will not receive payment of interest, or of principal debt due to it, in any thing which can avail in paying either the interest or principal of the Territorial bonds.

The amendment which is now asked, is one which will authorize the foreclosure of the mortgage of the defaulting stockholder. The remedy will act coercively upon stockholders alone, and will in no way affect any other portion of the community. Seeing then, that it is asked solely for the purpose of compelling defaulters to do justice to the Territory, to the holders of her bonds, and to their copartners in the Bank, the Committee indulge the sanguine hope that it will not be refused by the honorable the Legislative Council, and they pray leave, herewith, to present a draft of such a law as the Stockholders think will effect the desired object. Its first section is couched in the very words of a section which was submitted to, and approved by the Stockholders in general meeting.

All of which is respectfully submitted to your honorable body.

JOHN G. GAMBLE,  
CH'S H. DUPONT,  
BENJ. F. WHITNER,  
E. C. CABELL,

*Committee of Stockholders, Union Bank of Florida.*

BILL ACCOMPANYING THE MEMORIAL.

An Act to amend an act entitled, An Act to incorporate the subscribers to the Union Bank of Florida.

SECTION 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That upon failure by a stockholder in said Bank, for the space of \_\_\_\_\_ months, to pay up his stock note, or to renew the same, and pay the interest thereon for the time to which it may be renewed, the Board of Directors may declare the shares of said defaulting stockholder forfeit, and may at once proceed to foreclose the mortgage which was given by the defaulting party to secure his said shares of stock, and the judgment of the Court, upon such foreclosure, shall be for the amount of the stock bond, payment whereof is secured by said mortgage, with the addition thereto of the interest which may have accrued, and be then due upon the stock note of the defendant.

SEC. 2. *Be it further enacted,* That for property which may be sold under judgments obtained by virtue of the provisions of this act, payment shall be received only in the bonds of the Territory of Florida, which were issued to said Union Bank of Florida, for the purpose of raising its capital, or in gold, silver, or *par funds*: *Provided,* however, That if such sale be made for bonds, as aforesaid, the sale shall not be made, unless there be bid, and paid, for each piece of property so sold, a sum equal to that for which said property is mortgaged; and if the sale be for gold, silver or *par funds*, it shall not be made unless there be bid, and paid, for each piece of property so sold, a sum sufficient to purchase an amount of said Territorial Bonds equal to that for which said property is mortgaged; and the value of such bonds, on the respective days of sale, shall be adjudged by the Directors of said Bank, and shall be announced by the officer before the sale; and in the event of the sale being made for Territorial Bonds, the nett proceeds shall be credited on the execution, and if the proceeds of sale be in gold, silver, or *par funds*, the credit upon the execution shall be for the value thereof in Territorial Bonds aforesaid, as may have been previously adjudged by the Board of Directors, and as proclaimed by the officer conducting the sale; and it shall be the duty of the said officer to advertise the property levied upon, for the space of sixty days before the day of sale; and such advertisement shall state that the sale will be made for Territorial Bonds or specie funds only.

SEC. 3. *Be it further enacted,* That the gold, silver and *par funds*, which it may receive in payment of the property which may be sold under this act, shall be held by said Union Bank of Florida as a fund to be invested by the President or Cashier of said Bank, in such bonds of the Territory of Florida as were issued to enable it to raise its capital; and said investment shall be made as early as practicable, and upon the best terms then attainable; and if any officer of said Bank shall convert the funds so received, to any other purpose than that of purchasing said bonds of the Territory, each officer, so offending, shall be liable to indictment, and on conviction, shall be fined in a sum not less than the amount so misapplied, nor more than twice its amount; and such person shall thereafter be ineligible to any office in said Bank.

SEC. 4. *Be it further enacted,* That the forfeiture of shares of stock, authorized by the first section of this act, shall not operate to divest the Bank of any *lien* which it may have had on the property of the defaulting stockholder, (whether by virtue of the provisions of the Charter, or by other contract,) but the same shall remain bound for the security of any debt which he may owe the Bank, whether as payer, endorser, or surety, until the same shall have been satisfied.

SEC. 5. *Be it further enacted,* That the said Union Bank of Florida, may, from time to time, reduce the number of shares in its capital stock, by cancelling the same: *Provided,* that there shall be previously delivered to the Governor of the Territory, for the purpose of

being cancelled, one hundred dollars of said bonds of the Territory for each share which may be cancelled.

*Sec. 6. Be it further enacted,* That this act shall take effect as soon as by a written communication from the President of said Union Bank of Florida, the Governor of the Territory, shall have been advised of its acceptance by the stockholders of said Bank, as an amendment of their Charter; which acceptance the Governor shall announce by proclamation.

Which were read.

A bill to alter and change the name of Hernando county, from the House of Representatives, was read the second time, and referred to the committee on the state of the Territory.

A bill entitled An Act in addition to, and amendatory of the several acts in relation to divorce, was read the second time, and referred to the committee on the Judiciary.

A bill entitled An Act to change the name of Sarah Ann Vanderciff, came up on its second reading, but on motion of Mr. Pelot, was laid on the table.

A resolution offered by Mr. Yonge, was read a second time and adopted, as follows:

*Resolved,* That the Secretary of the Territory be requested to furnish the Senate with the estimate made by the Governor of Florida and himself, for the expenses of the Legislative Council during the present session.

A Resolution introduced by Mr. Walker, repealing a resolution passed by the Senate to furnish newspapers, &c., was read the second the second time, and on motion of Mr. Pelot was laid on the table.

A Resolution introduced by Mr. Baltzell, directing the Committee on Public Accounts, to make a contract for the printing of the Senate, &c., was read the second time. Mr. Baltzell moved to amend the second resolution in the third line—after the word “distributed” insert the words “in newspapers,” on which amendment a discussion arose, and before the question was taken, on the motion of Mr. Pelot,

The Senate adjourned until to-morrow.

WEDNESDAY, January 24th, 1844.

The Senate met pursuant to adjournment. A quorum being present, the journal of yesterday was read, corrected and approved.

Mr. Baltzell, agreeable to previous notice given, obtained leave to introduce a bill entitled, An Act in relation to Slaves and Colored Persons.

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

Mr. Yonge gave notice that he will, on a future day, ask leave to introduce a bill to authorize certain officers to administer oaths.

Mr. Baltzell gave notice that he will, at a future time, introduce a bill in relation to Corporations.

Mr. Hart, from the Select Committee to which was referred the petition of James Long, made a report, which lies on the table.

On motion of Mr. Yonge, twenty-five copies of the bill introduced by him in relation to Divorces, was ordered to be printed.

#### ORDERS OF THE DAY.

The Resolutions of Mr. Baltzell, which were under discussion on yesterday when the Senate adjourned, came up;

Mr. Walker moved to strike out the first Resolution, which motion prevailed.

Mr. Baltzell moved to amend the second Resolution, by inserting in the third line, after the word “distributed,” the words “in newspapers,” which motion was lost; and on the question of the adoption of the second resolution, the same was rejected.

The third resolution was amended, and with the fourth and fifth were adopted as follows:

*Resolved by the Senate,* That the Committee on Public Accounts be instructed to inquire into the best means of distributing the Journals, and whether the mode now in operation answers the ends for which it was designed.

*Resolved,* That said Committee inquire into the best means of reducing the expense of printing as far as possible, at the present session, so that the same may be done with a due regard to the public interest.

*Resolved,* That said Committee report to the Senate the appropriation made by Congress for the expenses of this Government, and to what purposes it is directed to be applied; and also to recommend such course in reference to said expenditure, as they may deem right and proper.

The Resolutions offered by Mr. Baltzell on Monday came up, and were amended and adopted, as follows:

*Resolved by the Senate of Florida,* That the Secretary of the Territory, be requested to inform the Senate what action, if any has been had, on a resolution of the Legislative Council, at its last session, directing the Secretary of the Territory to collect, and keep in appropriate places, the books and pamphlets belonging to the Territory, and have them properly bound.

That the Secretary be requested to have furnished an appropriate list of the books belonging to the Territory in his office, and from whom obtained.

That he be further requested to inform the Senate, whether the courtesy extended to the Territory, by the United States, or the States of the Union, in forwarding copies of their laws &c., has been met in a corresponding spirit; and whether action in this res-

pect is, or is not, desirable or advisable, on the part of the Legislative Council.

A communication was received from his Excellency the Governor, making certain nominations: also, a communication from the House of Representatives, which were respectively laid on the table.

On motion, the Senate adjourned until to-morrow.

THURSDAY, January 25th, 1844.

The Senate met pursuant to adjournment. A quorum being present, the Journal of yesterday was read and approved.

Mr. Hart moved that the bill reported on yesterday by a Select Committee, on the petition of James Long, which was laid on the table, be taken up, and placed among the orders of the day. The motion was granted.

Mr. Yonge, agreeable to notice heretofore given, obtained leave to introduce a bill entitled, An Act in relation to administering Oaths;

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

Mr. Haughton, in pursuance to previous notice, asked and obtained leave to introduce a bill entitled, An Act to change the time of holding the Superior Courts in the Counties of Gadsden and Leon;

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

Mr. Baltzell, agreeably to previous notice given, obtained leave to introduce a bill entitled, An Act in relation to Corporations;

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

Mr. Hart presented the petition of Frances Dummett, praying to be divorced from her husband Douglas Dummett, late of St. Augustine;

Which was read.

Mr. Smith offered the following resolution, which was read:

*Resolved*, That the regular hour for the meeting of the Senate be hereafter at 10 o'clock in the forenoon.

On motion of Mr. Smith the rule was waived, and the resolution was read the second time, and adopted.

Mr. Baltzell offered the following resolution, which was read:

*Resolved*, That the order of business of the Senate, unless otherwise directed, shall be as follows, to wit: First, bills of a general character, and public in their nature; Secondly, resolutions of the same kind; Thirdly, private bills.

Mr. Hart, from the Select Committee to which was referred the petition of Susan Dozier, reported a bill entitled, An Act to divorce Susan Dozier and Benjamin Dozier;

Which was on motion read the first time, and placed among the orders of the day.

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

Mr. Baltzell moved that the rule be waived,—not having had an opportunity when motions were in order, for the purpose of introducing a bill entitled, An Act to provide against a fraudulent and depreciated currency. The rule was waived, and the bill introduced and read the first time, and placed among the orders of the day.

#### ORDERS OF THE DAY.

A resolution offered by Mr. Baltzell, was read the second time and adopted as follows:

*Resolved by the Senate of Florida*, That the Governor of the Territory be, and he is hereby, requested to furnish to the Senate all the information in his office, or which he can procure, in reference to the location of the two townships of land authorized to be reserved by act of Congress for a Seminary of Learning in this Territory; whether the same has been selected or not, and how much; what contract was made for said selection; and whether any further action remains to be had in reference thereto.

A resolution introduced by Mr. Baltzell was read the second time and adopted, as follows:

*Resolved by the Senate of the Territory of Florida*, That the Judiciary Committee be instructed to inquire at as early a period as practicable, into the deficiency, if any, of the present judiciary system of Florida—how far the same is and has been acceptable to the people—whether suits have been tried and despatched in a satisfactory and proper manner—whether justice has been at all times attainable in the different districts, or denied or delayed, and if so, in what respect, and whether injury has ensued, and to what extent from each refusal, denial and delay.

*Resolved*, That they be instructed to inquire whether a system more acceptable to the people, rendering the attainment of justice more certain, and its administration more satisfactory, may not be devised.

*Resolved*, That said Committee be authorized to send for books and papers, and examine witnesses.

The following Resolutions, offered by Mr. Baltzell, came up on their second reading, and were adopted as follows:

*Be it resolved by the Senate of Florida*, That the Governor of the Territory be requested to cause to be prepared and communicated to the Senate as early as practicable, the amount of the debts due by the Territorial Government, stating to whom due, and how and when contracted.

That said statement embrace the amount of expenses of said Government for each year for five years past, and also the property from

which revenue has been derived, and the sources from which derived.

That he be further requested to state the amount of taxes paid for ten years past, by the different counties in the Territory, and the amounts disbursed during said period for and on account of the said counties by the Territorial Treasury.

The Joint Preamble and Resolutions offered by Mr. Cooper, relating to the Revised Statutes of Judge Marvin, were read a second time and ordered to be engrossed for a third reading on to-morrow.

A bill introduced by Mr. Baltzell, entitled, An Act to amend the law on the subject of Chancery Proceedings, was read the second time, and referred to the Committee on the Judiciary.

The resolutions introduced by Mr. Baltzell, calling the attention of our Delegate in Congress to the resolutions unanimously adopted by the Legislative Council at its last session, requesting Congress to extend to the people of Florida, the inestimable privilege of electing their own officers, came up on their second reading; but on motion of Mr. Pelot, were laid on the table.

The Resolutions offered by Mr. Baltzell, to create a Joint Select Committee of both Houses of the Legislative Council, to consider and devise the best ways and means of discharging the indebtedness of the Territory, &c., were read the second time and ordered to be engrossed for a third reading on to-morrow.

A bill introduced by Mr. Baltzell, entitled An Act for the election of certain Officers, &c., was read the second time, and referred to the committee on the Judiciary.

An act from the House of Representatives, entitled An Act to amend an act to organize Wakulla County, was read the third time, and on motion of Mr. Walker, was laid on the table.

The petition of James G. Landon and others, was read the second time, and on motion of Mr. Pelot, was, with the papers accompanying it, referred to a select committee, with power to take evidence, &c.

Messrs. Pelot, Haughton and Hart, were appointed said committee.

The Resolution offered by Mr. Walker, fixing a day for the adjournment of the Legislative Council, *sine die*, was read the second time, and on his motion, was laid on the table.

The joint Resolution introduced by Mr. Baltzell, to fix a day for the election of certain officers of the Territory, by a Joint vote of both Houses of the Legislative Council, was read the second time and referred to the committee on the Judiciary.

A bill entitled An Act authorizing Willis Watson to establish a Ferry across Chipola River in Jackson county, was read the second time, and ordered to be engrossed for a third reading on to-morrow.

A bill entitled An Act for the protection of the rights of Females, was read the second time, and referred to a Select Committee, and fifty copies ordered to be printed.

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

On motion of Mr. Hart, the Senate went into secret session on the nominations of his Excellency the Governor, and after a short time spent therein, the doors were opened, and the resolutions introduced by Mr. Walker on the subject of Stationery for the use of the members of the Senate were read the second time, when

Mr. Pelot offered the following, as a substitute :

*Resolved*, That the Sergeant-at-Arms of the Senate be required to furnish the Stationery requisite for the use of the Senate Chamber, having respect to the strictest economy, in his purchases—and that each member of the Senate be required to keep a minute of each article purchased by himself, so as to certify to the Stationery account at the close of the session—and that no account will be admissible without such certificate.

Which was adopted.

Mr. Walker offered to amend the substitute, as follows :

And shall certify the correctness of the account, and that the articles charged in said account have been consumed, or returned to the Secretary of the Senate.

Mr. Cooper offered to amend the amendment, as follows :

And that said articles be sold at public auction and placed to the account of the General Government.

Whereupon, Mr. Walker called for the yeas and nays, seconded by Mr. Cooper, which were,

YEAS—Mr. Walker—1.

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

So Mr. Walker's amendment to the substitute was rejected.

Mr. Yonge offered the following as a substitute for the substitute of Mr. Pelot :

*Resolved*, That each member of the Senate furnish such Stationery as he may require, at his own expense.

Upon which the yeas and nays were called for by Messrs. Yonge and Livingston, and were,

YEAS—Mr. President, Messrs. Baltzell, Cooper, Long, Smith, Walker, Yonge—7.

NAYS—Messrs. Hart, Haughton, Livingston, Pelot, Priest, Ramsay—6.

So the substitute for the substitute was adopted.

Mr. Long moved the indefinite postponement of the substitute for the substitute.

Upon which motion the yeas and nays were called for by Messrs. Yonge and Smith, and were,

YEAS—Messrs. Cooper, Hart, Haughton, Livingston, Long, Pelot, Priest, Ramsay—8.

NAYS—Mr. President, Messrs. Baltzell, Smith, Walker, Yonge—5.

So the substitute for the substitute was indefinitely postponed.

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

FRIDAY, January 26th, 1844.

The Senate met pursuant to adjournment. A quorum being present, the journal of yesterday was read and approved.

On motion of Mr. Haughton, Mr. Pelot was called to take the Chair, and was then unanimously elected President of the Senate *pro tem*.

Mr. Hart moved that the injunction of secrecy be so far removed as to authorize the Secretary to make public the confirmation of the nomination of the Judge of the County Court of Duval County, which motion prevailed.

"Wednesday, January 25.—On motion of Mr. Hart, the Senate went into secret session, on a communication from his Excellency the Governor, which was read:

EXECUTIVE OFFICE, Jan. 23d, 1844.

Gentlemen of the Senate and House of Representatives:

I hereby nominate for your consideration Farquhar Berthune as Judge of the County Court for Duval County.

R. K. CALL.

And on the question being put, the same was confirmed.

Mr. Haughton, in pursuance of previous notice, obtained leave to introduce a bill entitled, An Act amendatory of an act to organize and regulate the Militia of the Territory of Florida, and to repeal all former acts in relation to the same;

Which was read the first time, and ordered to a second reading on to-morrow.

Mr. Livingston gives notice that he will, on some future day, ask leave to introduce a bill regulating the rate of interest.

Mr. President came in and took the Chair.

A bill was received from the House of Representatives entitled, An Act more particularly to define and change the western boundary line of Madison County, and ordered to a second reading on to-morrow.

A Joint Preamble and Resolution from the House of Representatives, asking our Delegate in Congress to use his best exertions to procure the passage of a law, establishing St. Joseph into a Surveyor's District, was read and ordered to a second reading on to-morrow.

A bill from the House of Representatives entitled, An Act to admit Mariano D. Papy to practice law in the several Courts in this Territory, was read the second time, and ordered to a third reading on to-morrow.

An Act to change the time of holding the Superior Courts in Walton County, from the House of Representatives, was read the first time, and ordered to a second reading on to-morrow.

A bill entitled, An Act in relation to Slaves and colored Persons, was read the second time, and referred to the Committee on the Judiciary, and fifty copies ordered to be printed.

An Act for the relief of Sarah Ross, from the House of Repre-

sentatives, was read the second time, and referred to a Select Committee;

Messrs. Pelot, Smith and Cooper, were appointed on said Committee.

An engrossed Resolution, to create a Joint Select Committee from each House, on the subject of the Revenue of the Territory, was, on motion of Mr. Baltzell, laid on the table.

An engrossed Preamble and Resolution, on the subject of Judge Marvin's Code, was taken up, and on motion was re-committed to the Committee of the Whole, Mr. English in the Chair, and after some time spent therein, the Committee rose, and reported the bill with amendments; after the words "William Marvin," insert, "And to report what action it is advisable for this Council to take in relation to the same," in which amendment the Senate concurred, and the bill was ordered to be engrossed, and read a third time on to-morrow.

An Act to admit Cameron Anderson to practice law in the several Courts of this Territory, from the House of Representatives, was read the first time, and ordered to a second reading on to-morrow.

An Act to amend an act fixing the time of holding the Superior Courts of the Apalachicola District, from the House of Representatives, was read the first time, and ordered to a second reading on to-morrow:

An Act, from the House of Representatives, to alter and change the name of Sarah Ann Vandergriff, was read the first time, and ordered to a second reading on to-morrow.

An engrossed bill entitled, An Act to authorize Willis Watson to establish a ferry across the Chipola River, in Jackson County, was read the third time and passed. Ordered, that the title be as read.

A bill reported from the Select Committee on the petition of James Long, entitled, An Act to divorce James Long and Elizabeth Long, was read the first time, and ordered to a second reading on to-morrow.

An Act in relation to Administering Oaths, &c., was read the second time, and referred to the Committee on the Judiciary.

A Resolution introduced by Mr. Baltzell, arranging the order of business in the Senate, was read the second time and rejected.

An Act to change the time of holding the Superior Courts in Gadsden and Leon Counties, was read the second time, and referred to the Committee on the Judiciary.

A bill in relation to Corporations was read the second time, and referred to the Committee on the Judiciary.

The petition of Francis Dummett was read the second time, and referred to a Select Committee, consisting of Messrs. Hart, Cooper and Yonge.

The Report of the Select Committee on the petition of Susan Dozier, came up, and on the question, will the Senate concur in the

report of the Committee, the yeas and nays were called for by Messrs. Baltzell and Pelot, and were:

YEAS—Mr. President, Messrs. Cooper, Hart, Haughton, Priest and Walker—6.

NAYS—Messrs. Baltzell, English, Livingston, Long, Pelot, Ramsay, Smith and Yonge—8.

So the report of the Committee was not concurred in.

A bill entitled, An Act to provide against a fraudulent and depreciated Currency, was read the second time, and on motion was laid on the table.

The memorial of a Committee of the Stockholders of the Union Bank of Florida, was taken up, and referred to the Committee on Finance.

The following communication was received from the Secretary of the Territory, and read and laid on the table:

SECRETARY'S OFFICE, }  
25th January, 1844. }

Hon. George Walker,

President of the Senate:

SIR—As requested by a Resolution of the Senate, adopted on yesterday, I have the honor to enclose herewith a copy of the estimate made by the Governor and Secretary of the Territory, to meet the expenses of the Legislative Council during the present session.

Very respectfully,

Your obedient servant,

(Signed)

THOS. H. DUVAL,  
Secretary of Florida.

A bill from the House of Representatives entitled, An Act to incorporate the town of New Port, was read the first time, and ordered to a second reading on to-morrow.

On motion, the House adjourned until Monday, 12 o'clock.

MONDAY, January 29th, 1844.

The Senate met pursuant to adjournment, and a quorum of members answering on a call of the roll, the Journal of Friday was read and approved.

On motion of Mr. Walker, the Resolution offered by him, fixing the day for the adjournment of the Legislative Council *sine die*, was taken from the table and placed amongst the orders of the day.

Also, the Resolution relating to Newspapers taken by the Senate, was on motion of Mr. Walker, taken from the table and placed amongst the orders of the day.

Mr. English presented two petitions from many citizens of Dade County, asking the Legislative Council to aid them in memorializing Congress, to extend to them the benefit of the United States mail, and for other purposes, which were read and referred to a Select Committee.

Messrs. English, Smith and Ramsay, were appointed on said Committee.

Mr. Baltzell offered the following Preamble and Resolutions, which were read, and lie over until to-morrow.

WHEREAS, The House of Representatives of the United States, on the 10th of January inst., adopted the following resolutions.

Resolved, That the Committee on Territories be instructed to inquire and report to this House what have been the expenses annually paid out of the Treasury of the United States for the courts of the United States within the several Territories, including the salaries to the judges, and all other expenses growing out of the organization and the holding of such courts for each of the three Territories for the last four years; also, into the expediency of restricting the jurisdiction of the federal courts within the Territories within the limits prescribed for the same courts within the States, and for the reduction of the number of circuits and districts, and the number of judges and marshals, and all other officers of those courts, to conform to the business so limited; and further, for the establishment of Territorial courts with Territorial jurisdiction, to be organized and paid as the Legislative Councils of the respective Territories may prescribe and direct; and that they report by bill or otherwise.

Be it therefore Resolved, That our Delegate be, and he is hereby requested to communicate to the Senate, if the same can be had, the causes which led to the adoption of such resolution.

That the Judiciary Committee be, and they are hereby instructed to inquire and to report to the Senate, whether action in this respect may or may not be desirable to the people, and whether it will be proper for the Legislature of this Territory to present a memorial to Congress, suggesting and proposing a change in the Judicial system, which may be most acceptable to the people of this Territory.

Mr. Smith, from the Select Committee to which was referred a bill entitled, An Act to enable the Union Bank of Florida and others, more readily to collect their debts, made the following Report, which was read and laid on the table:

The Select Committee to whom was referred the bill entitled, An Act to enable the Union Bank of Florida, and others, more readily to collect their Debts, ask leave to

#### REPORT:

That, after bestowing upon the subject their most patient deliberation, they have arrived at the conclusion that the best interests of the Territory imperiously demand the enactment of some law to enable judgment creditors more effectually to reach the property of their debtors. A doctrine, new to the minds of many, but most familiar to those of others, seems to prevail very generally in some portions of the Territory, that the interest of a judgment debtor in property incumbered by mortgage, cannot be sold under execution. And your Committee have learned with regret, that where this opin-

ion prevails, nearly all the wealth of the country is thus incumbered, and consequently, its possessors, whether rich or poor, honest or dishonest, are beyond the reach of any practicable means of compelling them to pay their just debts. Were the country prosperous, and the people endued with angelic purity, few indeed would be sufferers by this condition of things. But unfortunately, the debts of those whose estates are so incumbered, are numerous and immense; and neither their convictions of right and justice, nor their sense of honor and rectitude, are sufficient to induce them to divide their effects to satisfy the claims of their creditors. One company of individuals alone, the Stockholders of the Union Bank, in the year 1840, were individually in the possession and use of 2,682 slaves, and 245,960 acres of the best lands in Florida, as appears from a statement of the President made at that time; and it is not probable that there has been much alteration in this respect since. Those lands and slaves were mortgaged to the Bank, by 285 Stockholders to secure the payment of \$2,904,500, some twenty years hereafter, *without interest*. The Stockholders are now indebted to the Bank upon their promissory notes for money borrowed, in a sum unknown to your Committee, but unquestionably exceeding \$2,000,000, and the Bank is indebted to others far beyond its ability ever to pay.

The amount of debt due to the Bank, *now in suit*, exceeds \$1,200,000, the greater part of which is doubtless due from the Stockholders themselves, and about half of which is in judgment. But the returns upon executions, say the Bank, are generally "no effects." No effects! Their 2,682 slaves and 245,960 acres of land, the use of which they are enjoying and expect to enjoy for twenty years to come, cannot be touched by the marshal, because they have been mortgaged to the Bank! If a poor man sues and obtains judgment against one of this privileged order, and issues his execution, it is returned "no effects;" and as he walks the streets, too poor perhaps to ride, his debtor rolls past him in his splendid coach and four. The amount of debts *now due*, exclusive of those hereafter to become due, by the Bank itself, and which cannot be paid because its Stockholders have "no effects," your committee have no desire accurately to ascertain; it is sufficient to say, that so hopeless is their collection that it is believed they may now be purchased for one quarter of their nominal value.

By referring thus particularly to this class of debtors, it is not supposed that they are the only persons who, though in possession of property, do not pay their debts: for it is notorious that a great portion of our people are similarly situated; and either from fraudulent intent, or in the hope of saving their property, and paying their debts at a more convenient season, are depriving their creditors of their just dues, to an extent ruinous to many an honest man who strives to live by his labor, and ruinous to the credit and the character of our Territory.

In view of these evils, and believing that some remedy should be

devised and applied speedily, your committee would recommend the passage of the bill referred to them in an amended form. They would strike out the entire preamble and alter the remainder, so that it may read thus:—

*"Be it enacted by the Governor and Legislative Council of the Territory of Florida, That the goods and chattels, lands and tenements, of a judgment debtor, and all his or her legal and equitable interest therein, shall hereafter be liable to levy and sale under execution; excepting so much thereof as is now by statute exempt from sale under execution."*

In reporting this bill, your Committee are not recommending an untried experiment. They have ascertained that the practice of selling under execution, the interest of a judgment debtor in mortgaged property, now prevails in the States of Maine, Massachusetts, Vermont, Connecticut, New York, Pennsylvania, Michigan, Indiana, Missouri, Maryland, North Carolina and Georgia. And they cannot learn that any of the other States of the Union subject mortgaged property to a different rule in this respect, from that which governs property unincumbered. Nor, on the other hand, do they suppose that this measure will remedy all the evils complained of, or meet the approbation of all men of good understanding and honest intention; for it is beyond the power of legislative enactments, to make people honest who are disposed to evil, and equally impossible to obtain unanimity in favor of any measure of reform, where powerful interests may be secured by perpetuating injustice. But it is confidently believed that it will greatly diminish existing evils and gradually bring about a different and much better state of things. If the large estates, sufficient in many instances for principalities, now in the undisturbed occupation of the bankrupt nobility of Florida, could be divided into farms of one or two hundred acres each, the resulting benefits to the Territory would be almost incalculable. The honest creditor might thus obtain his own and be made comfortable, while his debtor, if disposed to productive industry, whether entirely bankrupt or otherwise, could not, in this favored land, be deprived of the means of living compatibly with honor and republican simplicity. An active, industrious and independent population of farmers and mechanics, would rapidly grow up, thriving and prosperous, where now bankruptcy, fraud, and almost desolation, prevail. Neat and comfortable dwellings would soon adorn the wayside, exhibiting the taste and thrift which the personal superintendence and labor of the possessor never fail to impart; green pastures, cultivated fields and a wide spread and smiling landscape would gladden the eye, where now the original gloom of the wilderness is almost unbroken. Peace and prosperity, good morals and religion, would grow and flourish on every hand, and the business of fraud and imposture would soon become as loathsome and unfashionable as that of honest industry is now.

L. W. SMITH, Chairman.

## ORDERS OF THE DAY.

The engrossed Preamble and Resolution, relating to Marvin's Code, came up on a third reading. Mr. Long moved to lay them on the table, which prevailed.

The following Bills from the House of Representatives came up in order:

An Act to admit Mariano D. Papy to practice law in the several Courts in this Territory, was read the third time and passed.

Ordered, that the title be as read.

The Preamble and Resolutions, asking our Delegate in Congress to use his best exertions to procure the passage of a law establishing St. Joseph into a Surveyor's District.

Mr. Walker moved their indefinite postponement, on which motion the yeas and nays were called for by Messrs. Baltzell and Long, and were:—

YEAS—Messrs. Baltzell, Hart, Priest, Walker—4.

NAYS—Mr. President, Messrs. Livingston, Long, Ramsay, Smith and Yonge—7.

So the motion for indefinite postponement was lost.

The Preamble and Resolutions were then ordered to a third reading on to-morrow.

An Act to change the time of holding the Superior Courts in Walton County, was read a second time, and ordered to a third reading on to-morrow.

An Act more particularly to define and change the Western boundary line of Madison County, was read a second time, and ordered to a third reading on to-morrow.

An Act to alter and change the name of Sarah Ann Vandergriff, was read the second time, and ordered to a third reading on to-morrow.

An Act to amend an act, fixing the time of holding the Superior Courts of the Apalachicola District, was read a second time, and referred to a Select Committee, consisting of Messrs. Yonge and Baltzell.

An Act to admit Cameron Anderson to practice law in the several Courts in this Territory, was read the second time, and ordered to a third reading on to-morrow.

An Act to incorporate the Town of New-Port, was read the second time, and ordered to a third reading on to-morrow.

A bill, introduced by Mr. Haughton, entitled, An Act amendatory of an act to organize and regulate the Militia of the Territory of Florida, and to repeal all former acts in relation to the same, was read a second time, and ordered to a third reading on to-morrow.

A bill reported by a Select Committee entitled, An Act to divorce James Long and Elizabeth Long.

Mr. Long offered an amendment, which was adopted, and on the question of engrossment for a third reading on to-morrow, the yeas and noes were called for by Messrs. Baltzell and Long, and were:

YEAS—Messrs. Hart, Priest and Walker—3.

NAYS—Messrs. Baltzell, Livingston, Long, Ramsay, Smith and Yonge—7.

So the bill was rejected.

A Resolution introduced by Mr. Walker, fixing the day for the adjournment of the Legislative Council, *sine die*, which had been taken from the table, and placed amongst the orders of the day, was taken up for a third reading, but before the question was taken, The Senate was adjourned until 10 o'clock to-morrow.

TUESDAY, January 30th, 1844.

The Senate met pursuant to adjournment, a quorum of members being present, the Journal of yesterday was read, corrected and approved.

Mr. Long gave notice that he shall, on some future day, ask leave to introduce a bill to be entitled, An Act to amend an act authorizing Edwin G. Booth to establish a ferry across the Apalachicola River.

On motion of Mr. Long, leave of absence was granted to Mr. Yonge for a few days.

Mr. Haughton gives notice that he will, at a future time, ask leave to introduce a bill entitled, An Act for the relief of Partners and Joint Debtors.

Mr. English, from the Select Committee appointed on the petition from Dade County, reported a bill entitled, An Act to establish the County site of Dade County, and for other purposes;

Which was read the first time, and made the order of the day for to-morrow.

Also, the following Joint Resolution, which was read the first time:

*Be it Resolved by the Senate and House of Representatives of the Territory of Florida,* That the petitions of our fellow citizens in the county of Dade, be forwarded by our Secretary forthwith to our Delegate in Congress, the Hon. David Levy, requesting his earliest attention to the same, and desiring him to use his best exertions to procure for them a Post Office and Port of Entry at their County site.

*Be it further Resolved,* That the Hon. David Levy, our Delegate in Congress, be requested in like manner to use his exertions to procure a suitable appropriation to assist our fellow citizens in the county of Dade to erect a Court House and Jail, at their county site, on the Miami, Cape Florida.

## ORDERS OF THE DAY.

The Resolution offered by Mr. Walker, to fix a day certain for the adjournment of the Legislative Council, *sine die*, which was under discussion, when the Senate adjourned on yesterday, was taken up.

Mr. Long moved its indefinite postponement, on which motion the yeas and nays were called for by Messrs. Livingston and Long, and were:

*Yeas*—Mr. President, Messrs. Cooper, Long, Priest, Ramsay, Smith, Yonge—7.

*Nays*—Messrs. English, Hart, Haughton, Livingston, Mathers, Pelot and Walker—7.

So the motion failed.

Mr. Long then moved to lay the Resolution on the table, which prevailed.

A Preamble and Resolution offered by Mr. Walker, in relation to newspapers taken by the Senate, came up in order, on a third reading.

Mr. Pelot moved that the Preamble and Resolution be recommended to the Committee of the Whole, which prevailed, and the Senate went into Committee of the Whole, Mr. Haughton in the Chair, and after some time spent therein, the Committee rose, and Mr. Haughton reported the Preamble and Resolution, with an amendment of another Resolution, in these words:

*And be it further Resolved*, That each member of the Senate be furnished with one copy of each newspaper published in this city.

Which amendment was concurred in, and the Preamble and Resolutions as amended, made the order of the day for to-morrow.

Sundry bills from the House of Representatives came up for a third reading, viz:

An Act to change the time of holding the Superior Courts in Walton County, which was, on motion of Mr. Ramsay, laid on the table.

An Act more particularly to define and change the Western boundary line of Madison county, read a third time and passed.

Ordered, that the title be as read.

An Act to alter and change the name of Sarah Ann Vandergriff, was read a third time and passed.

Ordered, that the title be as read.

An Act to admit Cameron Anderson to practice law in the several Courts in this Territory, read a third time and passed.

Ordered, that the title be as read.

An Act to incorporate the town of New-Port, read a third time and passed.

Ordered, that the title be as read.

Preamble and Resolutions, asking our Delegate in Congress to use his best exertions to procure the passage of a law establishing St. Joseph into a Surveyor's District, were read the third time.

Mr. Cooper moved the recommitment of the Preamble and Resolutions to the Committee of the Whole, which prevailed; and the Senate resolved itself into a Committee of the Whole, Mr. Haughton in the Chair, and after some time spent therein, the Committee rose, and Mr. Haughton reported the Preamble and Resolutions, with the second Resolution stricken out, which amendment was

concurred in by the Senate; and the said Preamble and Resolutions as amended, were ordered to a third reading on to-morrow.

A Preamble and Resolutions, asking our Delegate in Congress to make an earnest appeal to the Government of the United States for the payment of losses suffered from Indian depredations, was received from the House of Representatives, and read the first time, and ordered to a second reading on to-morrow.

A communication was received from the House of Representatives:

The House of Representatives has passed the Preamble and Resolutions from the Senate, relative to Public Lands, without amendment.

And has passed the Preamble and Resolutions asking of Congress an appropriation for clearing out the obstructions in the Suwannee River, with an amendment, and ask the concurrence of the Senate.

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

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

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WEDNESDAY, JANUARY 31st, 1844.

The Senate met pursuant to adjournment. A quorum of members being present, the journal of yesterday was read and approved.

On motion of Mr. Cooper, leave of absence was granted to Mr. Pelot for a few days.

On motion of Mr. English, leave of absence was granted to Mr. Long for a few days.

On motion of Mr. Smith, An Act to enable the Union Bank of Florida and others, more readily to collect their debts, was taken from the table, and placed amongst the orders of the day.

On motion of Mr. Haughton, An Act to change the time of holding the Superior Courts in Walton county, was taken from the table, and placed amongst the orders of the day.

On motion of Mr. Cooper, the Preamble and Resolutions relative to Marvin's Code, was taken from the table, and placed amongst the orders of the day.

Mr. Pelot gave notice that, on some future day, he will ask leave to introduce a bill to amend an act entitled an act concerning Wills, Letters Testamentary, and Letters of Administration, and the duties of Executors, Administrators and Guardians.

Mr. Pelot offered the following Resolution, which was received and read:

*Resolved by the Senate*, That a majority of its members constitute a quorum.

Mr. Cooper offered the following Preamble and Resolution, which was read:

WHEREAS, His Excellency the Governor informed the Legislative Council, at their last session, that there was \$1,545 96 cents,

in the Treasury of the United States, subject to the order of the Territory;—that the said sum was the amount at that time due to the Territory of Florida, as her portion of the proceeds accruing from the sale of the Public Lands. Therefore,

*Be it Resolved*, That the Governor be requested to inform the Senate, whether he or his agent has received said money, and if so, what disposition, if any, has been made of the same.

Mr. Baltzell presented the petition of the citizens of Wakulla County, praying the establishment of their County site, which was read the first time.

#### ORDERS OF THE DAY.

The Preamble and Resolutions introduced by Mr. Walker, on the subject of newspapers furnished the members of the Senate, which had been amended in Committee of the Whole, was read the second time, and adopted, as follows:

WHEREAS, The sum estimated to defray the contingent expenses of the Legislative Council, is only \$1,200: *And whereas*, the resolution heretofore passed by the Senate, directing eight copies of three newspapers to be furnished weekly to each member of the Senate, will cause the contingent expenses to exceed the appropriation:

*Be it therefore Resolved*, That said resolution be, and the same is hereby repealed.

*And be it further Resolved*, That each member of the Senate be furnished with one copy of each newspaper published in the city.

The Preamble and Resolutions, asking our Delegate in Congress to use his best exertions to procure the passage of a law establishing St. Joseph into a Surveyor's District, which had been amended in Committee of the Whole, was read the third time and adopted as amended, and ordered to be returned to the House of Representatives for its concurrence.

The Preamble and Resolutions from the House of Representatives, asking the Delegate in Congress to make an earnest appeal to the Government of the United States for the payment of losses of property, suffered from Indian depredations, was read the second time, and referred to the Committee on the State of the Territory, on motion of Mr. Pelot.

Mr. Baltzell asked that the rule be waived, that he might have an opportunity to make a motion to take from the table the Preamble and Resolutions introduced by him on Tuesday last, relating to the Judiciary system of this Territory, which was lying on the table.

No objection being made, the rule was waived and the Preamble and Resolutions placed amongst the orders of the day.

A bill reported by the Select Committee, created on the petition of the citizens of Dade County, entitled, An Act to establish the County-site of Dade County, and for other purposes, was read the second time, and ordered to be engrossed for a third reading to-morrow.

Also, the Resolutions reported by the same Committee, were read the second time, and ordered to be engrossed for a third reading to-morrow.

An act to enable the Union Bank of Florida and others, more readily to collect their debts, as reported by the Select Committee with amendments, and concurred in by the Senate, was read the second time, and ordered to be engrossed for a third reading to-morrow.

An act to change the time of holding the Superior Courts in Walton County, was read the third time and passed.

Ordered that the title be as read.

The Preamble and Resolutions relative to Marvin's Code, were read the third time and adopted.

Messrs. Cooper, Baltzell, Walker, Smith and Livingston, were appointed the Committee on the part of the Senate, to act jointly with a Committee to be appointed on the part of the House of Representatives.

Mr. Baltzell moved that he be excused from serving on said Committee, which was not granted by the Senate.

The Resolutions introduced by Mr. Baltzell, relating to the Judiciary system of this Territory, were read the second time.

On their adoption, the yeas and nays were called for by Messrs. Hart and Pelot, and were:

*Yeas*—Messrs. Baltzell, Cooper, English, Haughton, Livingston, Priest, Ramsay, Smith, Walker, Yonge—10.

*Nays*—Mr. President, Messrs. Hart and Pelot—3.

So the Resolutions were adopted.

The following Bills and Resolutions from the House of Representatives, were read the first time, and ordered to a second reading to-morrow.

A bill to be entitled, An act to establish and regulate Pilotage on the waters and in the harbour of Mosquito.

A bill entitled, An act to authorize the Clerk of St. John's County to refund certain taxes by him collected for County purposes.

A Preamble and Resolution, asking the Delegate in Congress to procure a re-appropriation for clearing out the obstructions in the Oclawahaw River.

A Preamble and Resolution, asking Congress for an appropriation to remove obstructions in the rivers Chattahoochie and Holmes.

A Preamble and Resolution relating to Light-Houses.

Mr. Yonge asked that the rule be waived, to allow him to introduce a resolution. No objection being made, the rule was waived, and the following Preamble and Resolution read:

WHEREAS, authentic information has been received of recent depredations and massacres committed in Washington County, West Florida, by the Indians: *And whereas*, the very exposed situation of our fellow-citizens in that section of the country demands the prompt action of the Legislative Council:

*Be it therefore resolved*, That the Committee on the State of the Territory be, and they are hereby, instructed, to enquire into these depredations, and report, at as early a day as possible, what means should be adopted to afford protection to the people in that exposed and defenceless portion of the country.

On motion, the rule was waived and the Preamble and Resolutions were read the second time and adopted.

A communication was received from His Excellency the Governor, making certain nominations, which was on motion, laid on the table.

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

THURSDAY, February 1st, 1844.

The Senate met pursuant to adjournment, and a quorum being present, the Journal of yesterday was read and approved.

Mr. Yonge gave notice that he will, on a future day, ask leave to introduce a bill to be entitled, An Act concerning County Commissioners.

Also, An Act to abolish County Courts and to establish a Court of Probate.

On motion of Mr. Baltzell, An Act to provide against a fraudulent and depreciated currency, was taken from the table and placed among the orders of the day.

Also, an act to amend an act entitled, An Act to organize Wakulla County, was taken from the table and placed among the orders of the day.

The Select Committee to whom was referred the petition of Reuben Scott, reported the same back to the Senate without amendment.

#### ORDERS OF THE DAY.

Sundry Bills and Resolutions from the House of Representatives, were read, viz :

An Act to establish and regulate Pilotage on the waters and in the harbour of Mosquito, was read the second time, and referred to the Committee on the State of the Territory ;

An Act to authorize the Clerk of St. Johns County to refund certain taxes by him collected, for county purposes, was read the second time, and referred to the Committee on the Judiciary ;

A Preamble and Resolution, asking the Delegate in Congress to procure a re-appropriation for clearing out the obstructions in the Ocklawahaw River ;

A Preamble and Resolution, asking Congress for an appropriation to remove obstructions in the Rivers Choctawhatchie and Holmes ;

A Preamble and Resolution relating to Light-Houses, were read the second time, and referred to the Committee on the State of the Territory.

An Engrossed Bill, to enable the Union Bank of Florida, and

others, more readily to collect their debts, which came up on its third reading, was, on motion of Mr. Haughton, laid on the table.

The Resolution offered by Mr. Pelot, to determine what shall constitute a quorum of the Senate, was amended by striking out the words, "a majority," and inserting, "two-thirds," and as amended was adopted in the following words :

*Resolved by the Senate*, That two-thirds of its members constitute a quorum.

The Preamble and Resolution offered by Mr. Cooper, calling on the Governor for information in relation to Florida's proportion of the proceeds of sale of the public lands, was read the second time and adopted.

An Act more efficiently to prevent a fraudulent and depreciated currency, was taken up ;

Mr. Pelot moved to lay the bill on the table.

Which motion was lost.

Mr. English moved the indefinite postponement of the bill.

On which motion the yeas and nays were called for by Messrs. Pelot and Cooper, and were,

YEAS—Messrs. English, Haughton, Livingston, Walker—4.

NAYS—Mr. President, Messrs. Baltzell, Cooper, Hart, Pelot, Priest, Ramsay, Smith, Yonge—9.

So the bill was not indefinitely postponed.

Mr. Pelot again moved to lay the bill on the table, and print fifty copies.

On this motion the yeas and nays were called for by Messrs. English and Priest, and were,

YEAS—Mr. President, Messrs. Baltzell, Cooper, Hart, Haughton, Pelot, Priest, Ramsay, Smith, Walker, Yonge—11.

NAYS—Messrs. English and Livingston—2.

So the bill was laid on the table and fifty copies ordered to be printed.

An Engrossed Bill entitled, An Act to establish the County-site of Dade County, and for other purposes, was read the third time and passed.

Ordered that the title be as read.

Also Engrossed Resolutions, requesting our Delegate in Congress to use his best exertions to procure certain benefits and appropriations for Dade County, was read the third time and adopted.

An Act to amend an act to organize Wakulla County, was taken up on its third reading ; and a memorial and a counter memorial from many citizens of said county, were read.

Mr. Walker moved that the Senate go into a Committee of the Whole on the said bill :

Whereupon the Senate resolved itself into a Committee of the Whole, Mr. Haughton in the Chair, and after some time spent therein, the Committee rose and reported the bill without amendment.

Mr. Livingston moved to strike out the first section of the bill,

which provides that New Port shall be the County-site of Wakulla County, and substitute a provision which refers the question of location of the County-site to the qualified voters of the County.

On which motion the yeas and nays were called for by Messrs. Livingston and Walker, and were,

YEAS—Mr. President, Messrs. Hart, Haughton, Livingston, Ramsay, Walker—6.

NAYS—Messrs. Baltzell, Cooper, English, Pelot, Priest, Smith, Yonge—7.

So the motion to amend was lost.

Mr. Walker moved to lay the bill on the table.

On which motion the yeas and nays were ordered, and were,

YEAS—Mr. President, Messrs. Hart, Haughton, Livingston, Ramsay, Walker—6.

NAYS—Messrs. Baltzell, Cooper, English, Pelot, Priest, Smith, Yonge—7.

So the bill was not laid on the table.

The bill was then put on its passage, and the yeas and nays were called for by Messrs. Walker and Livingston, and were,

YEAS—Mr. President, Messrs. Baltzell, Cooper, English, Pelot, Priest, Smith, Yonge—8.

NAYS—Messrs. Hart, Haughton, Livingston, Ramsay, Walker—5.

So the bill passed.

Ordered that the title be as read.

Messrs. Sanchez, Heir and Sanderson, a Committee from the House of Representatives, presented the memorial of the Governor, Senate and House of Representatives of Florida, to the Congress of the United States.

Which was received and laid on the table.

A communication from the House of Representatives, was received and laid on the table.

A communication from his Excellency the Governor, was received and laid on the table.

The following Enrolled Bills from the House of Representatives were signed by the President and Secretary of the Senate, and returned to the House of Representatives.

An Act to admit Mariano D. Papy to practice law in the several Counties in this Territory.

Preamble and resolutions, asking the establishment of a mail route from St. Augustine to some point on Indian River, &c.

Preamble and resolutions, to obtain from Congress an appropriation for roads in Nassau County.

A resolution relating to compensation to Nathaniel Bryan, Esq.

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

A. M.

MONDAY, February 5, 1844.

The roll of the Senate was called, and a quorum not appearing, the Senate was adjourned until to-morrow morning, 10 o'clock.

TUESDAY, February 6th, 1844.

The Senate met pursuant to adjournment. A quorum being present, the Journal of Thursday was read and approved.

On motion of Mr. Cooper, leave of absence was granted to Mr. English.

Mr. Baltzell gave notice that he will, at a future time, introduce the following bills:

A bill entitled, An Act for the advancement of Education in this Territory.

A bill entitled, An Act to incorporate the inhabitants of the different Townships of this Territory for the institution and establishment of Common Schools.

A bill entitled, An Act to repeal and abolish the Revenue System of this Territory.

A bill entitled, An Act to incorporate the Tallahassee Law Library Association.

Mr. Walker gave notice that he will, on a future day, ask leave to introduce a bill to exempt Cotton sold at auction in this Territory from auction tax.

Mr. Haughton introduced the petition of Caroline G. Jones, of Gadsden County, praying to be divorced from her husband, James S. Jones, which was read.

Mr. Baltzell introduced the following Resolution, which was read:—

*Resolved*, That the individuals nominated for Directors to the Union Bank of Florida, be, and they are hereby requested, before action by the Senate on their nominations, to state their views and sentiments as to the future management of the Bank, and what plan they would propose for conducting its affairs.

#### ORDERS OF THE DAY.

A bill for the relief of Reuben Scott came up on its second reading.

Mr. English moved a substitute in the form of a Resolution.

On motion of Mr. Haughton, the bill and the substitute were laid on the table.

A Preamble and Resolution from the House of Representatives, asking the Delegate in Congress to procure a re-appropriation for clearing out the obstructions in the Ocklawaha River, were read the third time and adopted.

A Preamble and Resolution from the House of Representatives, asking Congress for an appropriation to remove the obstructions in the rivers Choctawhatchie and Holmes, were read the third time and adopted.

A Memorial from the House of Representatives, by a special committee, on the subject of Indian losses, was read and referred to the Committee on the State of the Territory.

Preamble and Resolutions relative to a Mail West from Alligator Fort to Centreville, Georgia, from the House of Representatives, were read the first time and ordered to be read a second time to-morrow.

Several acts from the House of Representatives were read the first time, viz :

An Act to incorporate the West Florida Collegiate Institute, was read the first time, and ordered to a second reading to-morrow.

An Act to divorce Huldah Manning from her husband May Manning, and to change the name of Huldah Manning to that of Huldah Johnson, was read the first time, and ordered to a second reading to-morrow.

An Act to amend an act incorporating the city of Apalachicola, approved 2d Feb. 1838, was read the first time, and on motion the rule was waived, and the act read the second time, and referred to the Committee on the Judiciary.

An Act to authorize John L. Taylor and V. J. Strickland to establish a Toll Bridge across the Ocilla River, at the Indian trail, was read the first time, and ordered to a second reading to-morrow.

Preamble and Resolution, asking of Congress an appropriation for repairing the road leading from Tampa Bay to Palatka, was read the first time, and ordered to a second reading on to-morrow.

An Act to organize a County to be called St. Lucie County was read the first time, and ordered to a second reading on to-morrow.

An Act to divorce Matilda Bice, from her husband Henry Bice, late of Gadsden County, was read the first time, and on the question shall the bill be read a second time on to-morrow, the yeas and nays were called for by Messrs. Baltzell and English, and were :

YEAS—Messrs. Haughton and Walker—2.

NAYS—Mr. President, Messrs. Baltzell, Cooper, English, Priest, Ramsay, Smith and Yonge—8.

So the act was not ordered to a second reading, which amounts to a rejection.

An Act to change the time of holding the County Court in Madison County, was read the first time, and ordered to a second reading to-morrow.

An Act to organize an Independent Company of Artillery, to be called the Florida Artillery Company, was read the first time, and ordered to a second reading on to-morrow.

Preamble and Resolutions, asking an appropriation of Congress for clearing out obstructions in the navigation of Gum Swamp,

were read the first time, and ordered to a second reading to-morrow.

Resolutions relating to a Chamber of Commerce at Key West, were read the first time, and on motion of Mr. English the rule was waived, and the Resolutions read a second and third time, and adopted.

A communication from the House of Representatives :

The House of Representatives concur in the amendment made by the Senate in the Preamble and Resolutions, asking our Delegate in Congress to use his best exertions to procure the establishment of a Surveyor's District at St. Joseph.

The House of Representatives have adopted the Preamble and Resolutions of the Senate relative to "Marvin's Code," and have appointed Messrs. Sanderson, Sanchez, Shine, Arnou and Floyd, a Committee on the part of the House, to act jointly with the Committee appointed on the part of the Senate.

The House of Representatives have passed an act from the Senate, to establish the County site of Dade County, and for other purposes, without amendment.

Also, the Resolutions requesting our Delegate in Congress to use his best exertions to procure certain benefits and appropriations for Dade County.

The following Enrolled Bills were received from the House of Representatives, and signed by the President and Secretary of the Senate :

An Act to change the time of holding the Superior Courts of Walton County ;

An Act more particularly to define and change the Western boundary line of Madison County ;

An Act to alter and change the name of Sarah Ann Vandergriff ;

An Act to admit Cameron Anderson to practice law in the several Courts in this Territory ;

Preamble and Resolutions asking of Congress the establishment of a Surveyor's District at St. Joseph.

A communication was received from His Excellency the Governor, which was read, and with the accompanying documents referred to a Select Committee, consisting of Messrs. Baltzell, Yonge and Walker :

EXECUTIVE OFFICE, }  
Tallahassee, 5th February, 1844. }

To the President of the Senate :

STR—In compliance with the resolution adopted by the Senate on the 25th ult., requesting the Governor of the Territory to furnish all the information in his office, or which he can procure, in reference to the location of the two townships of land, authorized by act of Congress for a Seminary of Learning in this Territory—what

contract was made for said selection, and whether any further action remains to be had in relation thereto?—I herewith transmit copies of sundry letters on these several subjects, together with a list of the lands which have been located by the Agent of the Territory. From these documents it will appear that 25,541 85-100 acres of land have been located under the grant of the Government, and that the selection of the residue, amounting to 20,538 15-100 acres, was suspended by order of Gov. Duval, in 1829, and that no additional locations have been made subsequent to that time. The most valuable lands in Middle and West Florida having been appropriated, at the suggestion of the Agent, it appears that Gov. Duval deemed it advisable to suspend the location of the residue of the lands granted by Congress, until others should become subject to entry for this purpose. For the last eight years the war with the Seminoles has rendered it impracticable for the Government to extend the surveys of the public lands, except in a very limited degree, and it has been equally impracticable for the Territory to complete the location of the grant. This impediment now being removed, it becomes necessary for the Legislative Council to provide for the appointment and payment of a competent Agent to perform this duty. It is believed that, by a careful examination of the lands in East Florida, advantageous locations may be made, and it is desirable that an equal proportion of the grant should be selected in that part of the Territory.

With regard to the contract for locating these lands, I beg leave to refer the Senate to the enclosed copy of correspondence between Gov. Duval and the late Judge Allen, from which it will appear that the Governor was authorized by a resolution of the Legislative Council, adopted in 1828, and did allow the Agent one section of land, as a compensation for the location of each township when completed. How far it was competent for the Legislative Council to make such a disposition of any portion of the land granted and appropriated by Congress, for a specific purpose, is at least exceedingly questionable; and no title to the section designated, having vested in the Agent or his heirs, I recommend that an adequate appropriation be made to compensate the legal representatives of the Agent for the services performed by him, instead of the section of land allowed by the resolution of the Legislative Council. The duty of locating these lands was arduous and responsible; it is believed that it was faithfully and judiciously performed and an adequate compensation should be provided by law for this purpose.

R. K. CALL.

A communication from His Excellency the Governor was received, read and laid on the table:

EXECUTIVE OFFICE, }  
Tallahassee, 6th February, 1844. }

*To the President of the Senate:*

SIR: In compliance with the resolution adopted by the Senate on the 1st inst., and which was not received until to-day, enquiring of the Executive whether he, or his agent, has received the sum (\$1,545 96,) to which the Territory was entitled under the first distribution of the proceed arising from the sales of the public lands; and if so, what disposition, if any, has been made of the same, I refer the Senate to the enclosed copy of my answer to a similar resolution on the same subject, adopted by the House of Representatives on the 25th ultimo.

(Signed)

R. K. CALL.

[COPY.]

EXECUTIVE OFFICE, }  
Tallahassee, 5th February, 1844. }

*To the Speaker of the House of Representatives:*

SIR: In compliance with the request contained in the resolution adopted by the House of Representatives on the 31st ult., inquiring of the Governor whether the Agent of the Territory, or any other person, has received the sum of money, (fifteen hundred and forty-five dollars ninety-six cents,) to which the Territory is entitled under the first distribution of the proceeds arising from the sale of the public lands, "and if so, what disposition, if any, has been made of the same?" I have to inform the House of Representatives that this sum has been received by the Agent of the Territory, Mr. George K. Walker; and with regard to the manner in which it has been applied, I beg leave to refer the House of Representatives to the Act of the Legislative Council, approved 5th March, 1843, entitled, An Act for the preservation of the Seminary Lands, granted by Congress for a Seminary of Learning, and the disposition of the funds arising therefrom, and to my Annual Message of the present session. From these documents, it will appear that the money has been disposed of by law, but that the Commissioners appointed under the act have performed none of the duties required of them, hence the amount still remains in the hands of the Agent of the Territory, subject to the order of the Commissioners.

(Signed)

R. K. CALL.

The following communication was received from His Excellency the Governor, read and laid on the table:

EXECUTIVE OFFICE, }  
Tallahassee, 6th February, 1844. }

*Gentlemen of the Senate  
and House of Representatives :*

I have approved the following acts and resolutions passed by the Legislative Council, during its present session :

An Act to admit Mariano D. Papy, to practice law in the several Courts of this Territory.

A resolution requesting the establishment of certain Mail Routes in East Florida.

A resolution concerning the pay and mileage of Nathaniel Bryan.

A resolution concerning the Roads and Bridges of Nassau County.

An Act to change the time of holding the Superior Court in Walton county.

An Act more particularly to define and change the Western boundary line of Madison county

An Act to alter and change the name of Sarah Ann Vandergriff.

An Act to admit Cameron Anderson to practice law in the several courts of this Territory.

A resolution relative to the establishment of a Surveyor's district at St. Joseph.

R. K. CALL.

Also, the following communication was received from His Excellency the Governor, and read and laid on the table :

EXECUTIVE OFFICE, }  
Tallahassee, 6th February, 1844. }

*Gentlemen of the Senate  
and House of Representatives :*

I have received from the President of the Union Bank of Florida, twenty-five Bonds of the Territory, for one thousand dollars each. These Bonds have been redeemed by the Bank, and have been this day cancelled, according to the provisions of an act on that subject.

(Signed) R. K. CALL.

A communication was received from His Excellency the Governor, making sundry nominations, which was laid on the table.

Also, a communication covering a report from the Auditor of Public Accounts, in reply to the resolutions adopted by the Senate on the 25th January, asking information in relation to the finances and revenues of the Territory, &c.

Which were read and laid on the table.

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

WEDNESDAY, February 7th, 1844.

The Senate met pursuant to adjournment. A quorum being present, the Journal of yesterday was read and approved.

Mr. Baltzell gave notice that he will at a future day, introduce a bill to be entitled, An Act to provide for the election of officers by the Legislative Council.

Mr. Walker gave notice that he will, on a future day, ask leave to introduce a bill to be entitled, An Act to repeal the first section of an act entitled, an act to amend an act to regulate the foreclosure of mortgages approved, January 20, 1838.

On motion of Mr. Baltzell, an Engrossed Resolution, providing for the appointment of a Joint Select Committee of five from each House, to consider the best ways and means of discharging the indebtedness of the Territory, &c., was taken from the table and placed among the orders of the day.

The following preamble and resolutions introduced by Mr. Baltzell, were read the first time, and on motion, the rule was waived, and the preamble and resolutions were read the second and third time and adopted, and sent to the House of Representatives for concurrence :

WHEREAS, by an act of Congress passed as early as the 3d of March, 1823, it was enacted, "That an entire township in each of the Districts of East and West Florida, shall be reserved from sale, for the use of a Seminary of Learning, to be located by the Secretary of the Treasury :"

AND WHEREAS, by a communication made by the Governor of Florida to the Senate, it appears that only 25,541 acres have been located, leaving 20,538 acres yet to be selected under said law : And Whereas, payment to the Agent who made such location has not yet been made, although the service has been long since rendered :

Be it therefore resolved by the Governor and the Legislative Council of the Territory of Florida, That our Delegate in Congress be, and he is hereby requested to urge upon the Secretary or the Treasury, the taking of immediate steps to complete the location of the two entire townships directed to be selected by the act of Congress aforesaid.

Be it further resolved, That he be farther requested to procure payment for the services rendered by the Agent who located the amount of acres above stated.

Be it further resolved, That the said Delegate be, and he is hereby requested to communicate the result of his action in this respect as early as practicable, that action may be had on the subject if necessary, by the present Council.

In accordance with previous notice given, Mr. Baltzell asked and obtained leave to introduce the following Bills, which were read the first time and ordered to a second reading on to-morrow.

A bill entitled, An Act to repeal the Revenue System of the Territory of Florida.

A bill entitled, An Act to incorporate the Tallahassee Law Library Association.

Also, a bill entitled, An Act to incorporate the Townships of this Territory.

Which was read the first time, the rule waived, and the bill placed among the orders of the day for a second reading this day.

Also, a bill entitled, An Act for the advancement of education in this Territory.

Which was read the first time, the rule waived, and the bill placed among the orders of the day for a second reading this day.

Mr. Yonge, from the Select Committee to whom was referred a bill from the House of Representatives, entitled An Act to amend an act fixing the time of holding the Superior Courts in the Apalachicola District, reported the same with amendments, which was read and the report concurred in.

#### ORDERS OF THE DAY.

A resolution offered by Mr. Baltzell on yesterday in relation to the nomination of Directors to the Union Bank of Florida, was on his motion laid on the table.

The petition of Caroline G. Jones, praying to be divorced from her husband James S. Jones, late of Gadsden county, was on motion of Mr. Haughton laid on the table.

An Act from the House of Representatives, to organize an independent company of artillery, to be called the Florida Artillery Company, was read the second time and referred to the Committee on the Militia.

An Act to change the time of holding the County Court in Madison County, from the House of Representatives, was read the second time and ordered to a third reading on to-morrow.

An Act from the House of Representatives, to organize a county to be called St. Lucie county, was read the second time and referred to the Committee on the state of the Territory.

An Act to divorce Huldah Manning from her husband May Manning, and to change the name of the said Huldah Manning to that of Huldah Johnson, from the House of Representatives, came up on a second reading, and on motion of Mr. Baltzell was laid on the table.

The following bills and preambles and resolutions from the House of Representatives, were read the second time and ordered to a third reading on to-morrow.

An Act to authorize John L. Taylor and V. J. Strickland, to establish a toll bridge across the Ocala River, at the Indian trail.

An Act to incorporate the West Florida Collegiate Institute.

Preamble and Resolutions relative to a Mail route from Alligator, Florida, to Centreville, Ga.

Preamble and resolutions, asking an appropriation of Congress for clearing out obstructions in the navigation of Gam Swamp.

Preamble and resolutions, asking of Congress an appropriation

for repairing the road leading from Tampa Bay to Palatka.

The following Bills, from the House of Representatives, were read the first time, and ordered to a second reading to-morrow :

An act to incorporate the Trustees of the Presbyterian Church of Iamonia.

An act to empower John Q. Worthington, a minor, to assume the management of his own estate.

An act to divorce William H. Brouse from his wife, Sarah Ann Brouse.

An act to authorize Joseph Forsyth to build a bridge across Pond Creek, in Santa Rosa county.

An act to divorce Martha Conner from her husband, James Conner, late of Leon county.

An act to establish and organize a Mayor's Court, for the city of Apalachicola.

Preamble and Resolutions relative to mail route from Palatka to Tampa Bay, via Micanopy, &c., were read the first time, and ordered to a second reading to-morrow.

Preamble and Resolutions relative to opening an inland communication from the city of St. Augustine to Cape Florida, from the House of Representatives, were read the first time, and on motion of Mr. English, the rule was waived, and the Preamble and Resolutions were read the second and third time, and adopted.

A Resolution from the House of Representatives, creating a Joint Select Committee of both Houses to revise the Revenue system of the Territory of Florida, &c., was read the first time, and on motion, the rule was waived, and the Resolution read the second and third time, and adopted.

Committee on the part of the Senate to act with the Committee from the House of Representatives, Messrs. Baltzell, Livingston and Smith.

A communication was received from his Excellency the Governor, making certain nominations.

Which was laid on the table.

A Bill entitled, An Act to incorporate the Townships of this Territory, which had been placed amongst the orders of the day for to-day, was read a second time, and laid on the table, and fifty copies ordered to be printed.

Also, a bill entitled, An Act for the advancement of education in this Territory, was read the second time, and laid on the table, and fifty copies ordered to be printed.

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

THURSDAY, February 8th, 1844.

The roll was called, and a quorum of members not answering, the Senate was adjourned until to-morrow.

FRIDAY, February 9th, 1844.

A quorum of members not appearing, the Senate was adjourned until Monday, 12 o'clock.

MONDAY, February 12th, 1844.

A quorum of members not appearing on a call of the roll, the Senate was adjourned until to-morrow, 10 o'clock, A. M.

TUESDAY, February 13th, 1844.

The Senate met pursuant to adjournment, and a quorum being present, the Journal of Wednesday last was read and approved.

Mr. Yonge gave notice that he will, on a future day, ask leave to introduce a bill concerning Depositions.

Mr. Haughton gave notice that he will, on to-morrow, ask leave to introduce a bill entitled, An Act to amend an act concerning Attachments.

Mr. Long asked and obtained leave to introduce a bill entitled, An Act to amend an act to authorize Edwin G. Booth to establish a ferry across the Apalachicola river, below Ochesee, approved 20th Feb., 1844;

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

Mr. Walker asked and obtained leave, agreeable to notice previously given, to introduce a bill entitled, An Act to exempt Cotton sold at auction from Auction Tax;

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

Also, a bill entitled, An Act to repeal an act entitled an act to amend an act to regulate the foreclosure of mortgage;

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

The following bills were taken from the table, and placed among the orders of the day, on motion of Mr Baltzell:

A bill to incorporate the Townships of this Territory.

A bill for the advancement of education in this Territory.

On motion of Mr. Livingston, the Preamble and Resolutions, asking Congress for an appropriation for clearing out the obstructions in the Suwannee River, were taken from the table, and placed among the orders of the day.

Mr. Long presented the petition of William King and many others, praying that a law may pass, protecting the rights of persons keeping wood yards on rivers, and the landing of freight from boats, which was read.

Mr. Haughton introduced the following Preamble and Resolutions, which were read:

WHEREAS, it is understood that HENRY CLAY is contemplating a journey through the Southern States, the line of which, as designated in letters from that gentleman, published in the newspapers, will not be very remote from this Territory: *And whereas*, his great talents, his extended fame, his chivalrous devotion to his country, his Roman eloquence, and his long career of eminent public service in almost every station of the Government, render him not alone the pride and boast of a particular party or section of the United States, but an object of distinguished consideration to the whole American people: *And whereas*, it is a rule sanctioned no less by the amenities of society than by high official usage, that no suitable occasion should be omitted for paying that respect which it merits, to such a rare combination of moral and intellectual qualities as attaches to this illustrious citizen: *And whereas*, to see and converse with such a man and tender to him the hospitalities of the people of this Territory, would form an occasion of extraordinary interest:

*Be it therefore resolved by the Senate and House of Representatives of the Territory of Florida*, That his Excellency, the Governor, be requested to communicate with Mr. Clay, assuring him of the high respect entertained for his character and public services by the Legislature and people of this Territory and inviting him to visit the Capital during the present session, or at such other time as may comport with his convenience.

*Resolved*, That his Excellency be also requested to enclose a copy of the foregoing Preamble and Resolutions to Mr. Clay.

Mr. Walker, from the Judiciary Committee, reported sundry bills to that Committee referred, viz:

An Act to amend an act incorporating the city of Apalachicola, approved 2d Feb. 1838, with an amendment.

An Act to change the time of holding the Superior Courts in Gadsden and Leon Counties, without amendment.

An Act in relation to Slaves and Colored Persons, on which bill the Committee make an unfavorable report.

The Committee also make an unfavorable report on the bill entitled, An Act in addition to the acts regulating Judicial Proceedings.

A bill relating to Corporations, reported with amendments.

A bill entitled, An Act to amend the law on the subject of Chancery Proceedings, reported from the Committee without amendment.

An Act to authorize the Clerk of St. Johns County to refund certain taxes by him collected for County purposes; on which bill the Committee make an unfavorable report.

An Act in relation to administering oaths, with an amendment.

The Joint Select Committee in relation to Marvin's Code, made the following

#### REPORT:

The Joint Select Committee, who were appointed to wait upon

the Hon. Wm. Marvin, and confer with him respecting the amount necessary to compensate him for the services rendered in revising the Statutes of Florida, have discharged that duty, and beg leave to report :

That his Honor, Judge Marvin, declines naming any amount as such compensation; particularly as his code has not met with that reception which was desired and expected. But your Committee, taking into consideration the labor and time necessarily expended in accomplishing a work, valuable for its system, excellence and adaptation to the wants and circumstances of the citizens of Florida, as also the resolution of the Legislative Council, passed at its session in 1841, inviting him to undertake the revision, would respectfully recommend the adoption of the following resolution :

*Resolved by the Governor and Legislative Council of the Territory of Florida,* That the Territory of Florida is justly indebted to the Hon. William Marvin in the sum of twenty-five hundred dollars for services rendered the Territory in revising her Statutes.

*Resolved further,* That the Treasurer of the Territory be required, and he is hereby authorized to pay to the Hon. William Marvin, or his order, the aforesaid sum of \$2,500, out of any moneys which are or may be in the Territorial Treasury.

JOHN C. PELOT,

Chairman Select Committee on the part of the Senate.

The following Enrolled Bills, and Preambles and Resolutions were received from the House of Representatives, and signed by the President and Secretary of the Senate :—

An Act to amend an act organizing Wakulla county.

An Act to incorporate the Town of New Port.

Preamble and Resolutions, asking an appropriation by Congress, to open an inland water communication from St. Augustine to Cape Florida.

Preamble and Resolutions, asking Congress to re-appropriate a sum for clearing out obstructions in the Ocklawaha River, &c.

Preamble and Resolutions, asking Congress to appropriate twenty thousand dollars to clear out obstructions in the Choctawhatchie and Holmes Rivers.

Resolutions asking of Congress the establishment of a Chamber of Commerce at Key West.

#### ORDERS OF THE DAY.

An Act to change the time of holding the County Court in Madison County, from the House of Representatives, came up on a third reading, but was laid on the table on motion of Mr. Livingston.

The following Bills, and Preambles and Resolutions, from the House of Representatives, were read the third time and passed.

An Act to authorize John L. Taylor and V. J. Strickland to es-

tablish a Toll Bridge across the Ocilla River, at the Indian Trail ;

On motion, the Senate resolved itself into a Committee of the Whole, Mr. Yonge in the Chair, and after some time spent therein the Committee rose, and reported the bill with amendment ;

Mr. Pelot moved to strike out the word "two" in the fourth section, and insert "one," so as to read "shall fail to erect the said bridge within one year," &c.

On which motion the yeas and nays were called for by Messrs. Cooper and Long, and were :

YEAS—Mr. President, Messrs. Baltzell, Haughton, Livingston, Pelot, Ramsay, Walker—7.

NAYS—Messrs. Cooper, Long, Priest, Smith, Yonge—5.

So the amendment prevailed.

The bill was further amended on motion of Mr. Pelot, and passed.

Ordered, that the title be as read.

An Act to incorporate the West Florida Collegiate Institute, was passed without amendment.

Ordered, that the title be as read.

Preamble and Resolutions, relative to a mail route from Alligator, Florida, to Centreville, Ga., were adopted.

Preamble and Resolutions, asking an appropriation of Congress for clearing out obstructions in the navigation of Gum Swamp, were adopted.

Preamble and Resolution asking of Congress an appropriation for repairing the road leading from Tampa Bay to Palatka, were adopted.

An Act to empower John Q. Worthington, a minor, to assume the management of his own estate, from the House of Representatives, was referred to the committee on the Judiciary.

An Act to divorce William H. Brouss of Calhoun county, from his wife, Sarah Ann Brouss, from the House of Representatives was, on motion of Mr. Livingston indefinitely postponed.

An Act to incorporate the Trustees of the Presbyterian Church of Iamonia, was amended on motion of Mr. Pelot, and ordered to a third reading on to-morrow.

An Act to authorize Joseph Forsythe to build a Bridge across Pond Creek, in Santa Rosa county, was read the second time and ordered to a third reading to-morrow.

An Act to divorce Martha Conner of Leon county from her husband James Conner, was, on motion of Mr. Long, postponed indefinitely.

An Act to establish and organize a Mayors' Court for the city of Apalachicola, was read the second time and referred to the Committee on the Judiciary.

Preamble and Resolutions asking for a mail route from Palatka to Tampa Bay via. Micanopy, &c., were read the second time and ordered to a third reading to-morrow.

Joint Resolution on the subject of a Territorial Revenue, was on motion of Mr. Baltzell laid on the table.

An Act to amend an act fixing the time of holding the Superior

Courts of the Apalachicola District, from the House of Representatives, as reported from the Select Committee, to which it was referred, with amendments, was read and concurred in, and ordered to a third reading to-morrow.

An Act to repeal the Revenue System of the Territory of Florida, &c., came up for a second reading, but was, on motion of Mr. Baltzell, laid on the table.

An Act to incorporate the Tallahassee Law Library Association, was read the second time, and ordered to be engrossed for a third reading to-morrow.

A memorial from a meeting of the citizens of Tallahassee, &c., on the subject of Mail derangements, was received and read.

HON. GEORGE WALKER,

*President of the Senate, Legislative Council:*

SIR:—A public meeting of the citizens of Florida, held in this city during the present week, adopted the enclosed memorial in reference to the mail routes throughout the Territory, and also a resolution to lay the same before both Houses of the Legislative Council of the Territory, requesting their co-operation in the measures proposed in the memorial.

The undersigned, officers of said meeting, beg leave, through you, to present the said memorial to the honorable Senate.

Respectfully, &c..

JOHN P. DuVAL, Chairman.

THOS. T. RUSSELL, Secretary.

To the HON. CHARLES A. WICKLIFFE,

*Post Master General:*

The undersigned memorialists, citizens of the Territory of Florida, respectfully represent, that serious injury is sustained by the irregularity and uncertainty of mail communications throughout the Territory, and particularly from the numerous failures of the Northern mail, via Charleston, Savannah, Macon, &c. As one evident cause of the great irregularity of the Mail from Macon, south, is the change which has recently been made at the Post Office department at Washington, or by law of Congress, of transferring the mail route by the old Alligator Line, down the east side of Flint River to the west side of said River, by which change, Flint River has to be crossed *twice*, and a much worse and longer road to be encountered, running through a broken oak and hickory country, intersected by deep streams and heavy clay hills, which in good weather delay the mail at least *ten hours*, and in time of high water, cause it to be obstructed altogether for weeks at a time. Your memorialists respectfully request that the old Alligator route down the east side of Flint River may be restored, believing that it is the best road for the same distance in all the southern part of Georgia, passing over high and dry pine lands, without crossing the Flint River

at all, and having but one or two streams to cross, neither of which are subject to high waters. Whilst the Mail was carried over that route, few, if any interruptions occurred in Georgia, and it is a fact well known to all who feel an interest in the mails in this region of country, as well as to all travellers over that route, that during the contract of the Messrs. Stockton, the Alligator Line was the most regular and convenient mail line that has ever been established in this country.

Your memorialists would therefore respectfully beg leave to recommend the restoration of the mail by the old Alligator route to Quincy—thence to Rock Bluff on the Apalachicola River and on to Marianna. This change of the route from Quincy to Marianna would be a very decided improvement, as it would shorten the distance from ten to fifteen miles and cross the Apalachicola and Chipola Rivers at much better places than the old route, besides affording a much better road.

Your memorialists beg leave further to state that they are credibly informed that the mail is now transported from Savannah, Geo., to Jacksonville, East Florida, by steamboat—that from Jacksonville to Tallahassee, as appears by the public surveys does not exceed one hundred and fifty-four or one hundred and fifty-five miles, Jacksonville being in Range twenty-six, Township two, Section nine, south and east from Tallahassee—that the whole country between those places is highly susceptible of a straight and comfortable road, which could not exceed one hundred and sixty or one hundred and seventy miles—the mail on that route, with proper post coaches, travelling at the rate of *five miles per hour* might be transported between Jacksonville and Tallahassee in thirty-three or thirty-four hours. If from this place, (Tallahassee,) the New Orleans Mail, brought by Jacksonville, was transported to St. Marks on the Rail Road, and thence to New Orleans by steamboats or *schooners with propellers*, it is believed it would reach New Orleans in *fifty hours* more, making from Jacksonville to New Orleans, on the proposed route, the time about *eighty-three or eighty-four hours*.

It is confidently believed that a steamer or schooner with propellers, direct from Wilmington N. C., to Jacksonville, East Florida, would make the run at sea in about thirty-six hours; making the whole time from Wilmington to New Orleans about one hundred and twenty hours or *five days*, and from Washington to New Orleans about *six and a half days*.

Your memorialists believe on good authority, that on the route from Tallahassee to Jacksonville, but five obstructions of water courses intervene to obstruct mail transportation, even at the greatest freshets. Four of them are susceptible of bridges at a small expense; and the other, (the Suwannee river), with proper arrangements, at all times susceptible of being ferried. This route would need a small appropriation to render it fit for mail coaches, but it is believed would be very speedy and highly advantageous to be adopt-

of the transportation of the mail between New Orleans and all the eastern commercial cities. Your memorialists think it highly deserving the serious consideration and investigation of the Post Office Department.

There is at present a weekly mail between Jacksonville and Tallahassee, running in a meandering course through the country, making the distance between the two places little less than double that by a direct route. The rapid settlement of the country east of the Suwannee will speedily require mail facilities extended to the settlers. From this main, direct route through the Territory, cross mails might supply all the necessary wants of the inhabitants, and could be furnished at a small expense to the Post Office Department.

An Act to Incorporate the Townships of this Territory, came up on a second reading, and on the motion of Mr. Baltzell, the Senate resolved itself into a Committee of the Whole, Mr. Haughton in the Chair, and after some time spent therein, the Committee rose, and reported the bill with sundry amendments, in which the Senate concurred.

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

WEDNESDAY, February 14th, 1844.

The Senate met pursuant to adjournment. A quorum being present, the Journal of yesterday was read and approved.

Mr. Walker moved that the several communications of his Excellency, the Governor, making nominations, which lie on the table, be taken up and placed among the orders of the day for to-morrow.

Also, the Resolutions in relation to the election of certain officers, by a joint vote of both Houses of the Legislative Council.

Which motions prevailed.

Mr. Pelot moved to reconsider the vote taken yesterday, on the bill to authorize John L. Taylor and J. V. Strickland, to establish a Toll Bridge across the Ocilla River, at the Indian Trail.

Which motion prevailed, and the bill was placed among the orders of the day.

Mr. Haughton moved that the Preamble and Resolutions introduced by him yesterday, in relation to Mr. Clay, be made the special order of the day for to-morrow.

Which motion prevailed.

Mr. Yonge gave notice that he will, on a future day, ask leave to introduce a bill concerning Hawkers, Pedlars, and itinerant Traders.

Mr. Haughton gave notice that he will, at a future day, ask leave to introduce a bill in relation to the change of venue in criminal cases.

Mr. Walker, in accordance with notice given, asked and obtained

leave to introduce a bill entitled, An Act to provide for appeals and writs of errors in criminal cases.

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

Mr. Walker introduced the following Resolutions, which were read :—

*Resolved by the Governor and Legislative Council of the Territory of Florida,* That our Delegate in Congress be requested to have established by law, if practicable, a mail route from St. Marks to Key West, via Cedar Keys, Tampa Bay and Manatee, twice a month.

*Be it further resolved,* That a copy of these resolutions be forwarded to the Hon. David Levy, and the Post Master General of the United States.

Mr. Long offered the following resolution, which was read.

*Resolved by the Senate,* That the Judiciary Committee be instructed to enquire into the expediency of conferring the power to the County Courts, of granting charters for ferries and toll bridges, and report by bill or otherwise.

Mr. Walker offered the following resolutions, which were read.

*Resolved by the Governor and Legislative Council of Florida,* That our Delegate in Congress be requested to use his best exertions to procure an appropriation of four dollars per diem, for the payment of the Rev. Dr. Yeager, for his services as Chaplain of the Senate, and a similar compensation for the Chaplain of the House of Representatives during the present session, and that allowance be made in each annual appropriation to pay such officers.

*Be it further resolved,* That a copy of these Resolutions be signed and forwarded to the Hon. David Levy, our Delegate in Congress.

On motion, the rule was waived, the Resolution read a second time, and ordered to be engrossed; and was read a third time, and adopted.

Mr. Long offered the following Preamble and Resolutions :

WHEREAS, Col. Dempsey Pittman, of the Third Regiment of Florida Militia, was called into the service of the United States, by an order emanating from an officer of the army of the United States, to aid in the removal of a certain tribe of Indians, then situated on the frontier of Jackson county: *And whereas,* the said Col. D. Pittman has, as yet, received no compensation from the United States for his services: *And whereas,* the Legislative Council did, at the session of 1840, pass certain resolutions, recommending the matter to the consideration of the proper Department at Washington :

*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 requested to use his best exertions to procure the passage of a law by Congress, providing the payment for services rendered by this meritorious officer.

*Be it further resolved,* That a copy of these Resolutions, together with a copy of the Resolution approved 2d March, 1840, in relation

to the matter, be certified by the proper officers of the Legislative Council, and transmitted to the Hon. David Levy.

Which were read.

Mr. Pelot, from the Committee on the Militia, made the following

REPORT :

The Committee to whom was referred a bill from the House of Representatives, to organize an independent company of artillery, to be called the Florida Artillery Company, return the bill back to the Senate requesting that it may be sent to the House whence it originated, in order that it may be engrossed, as it is impossible for the Committee fully to understand the object of the bill in its present shape.

(Signed)

JOHN G. PELOT,  
Chairman Militia Committee.

Which was read and received.

Mr. Livingston, from the Committee on the State of the Territory made the following

REPORT :

The Committee on the State of the Territory report, without amendment, a Resolution from the House respecting the Census Returns; also a Preamble and Resolutions from the House relating to Light Houses; and a Preamble and Resolutions from the House, asking the Delegate in Congress to make an earnest appeal to the government of the United States, for the payment of losses of property suffered from Indian depredations.

(Signed)

M. C. LIVINGSTON, Chairman.

Which was read and received.

A communication was received from the House of Representatives.

The House has appointed Messrs. Barkley, Shaw and McClellan, a Joint Committee on the part of the House, to act with a similar Committee of the Senate, on a memorial of the citizens of Florida, to the Post Master General, on the subject of mail communications.

The following Bills, Preambles and Resolutions, were received from the House of Representatives, and read the first time, and ordered to a second reading.

An Act to incorporate the town of Milton.

An Act to incorporate the Protestant Episcopal Church at Monticello.

An Act to change and alter the name of Susan E. Johnson to that of Susan J. Edmonds.

An Act to change the time of holding the County Court of Santa Rosa county.

An Act to authorize William Cason to establish a ferry across Santa Fee river at Fort White.

An Act to authorize Lewis B. Davis to establish a ferry across the Suwannee River, at a place known as Booth's Spring.

An Act to alter and change the present boundary lines of Herando County.

An Act to legalize the acts of the acting Clerk of Dade County.

An Act to establish a ferry across the St. Johns River at or near Constantia.

An act to repeal an act entitled, An Act to change the time of holding the election for Calhoun County.

An Act to alter and amend an act, approved the 4th March, 1842, authorizing William H. Walker to establish a ferry across the Wakulla River.

An Act for the appointment of Pilots for the Bay of Apalachee.

An Act to amend an act regulating the rate of interest, approved Feb. 12, 1833.

An Act to authorize Elijah Andrews to establish a ferry across the Ocklockonee, at or near Harvey's Mill.

Preamble and Resolutions, relating to the establishment of a Marine Hospital, in the town of Jacksonville, East Florida.

Preamble and Resolutions asking of Congress a donation of certain lots in St. Augustine for school purposes.

Preamble and Resolutions directing the Secretary of the Territory, to cause to be re-printed such acts of the Legislative Council as are out of print.

Preamble and Resolutions asking for an appropriation for opening a road from the St. Johns River opposite Pilatka, &c., to the city of St. Augustine.

Preamble and Resolutions asking an appropriation of Congress to remove obstructions in the Chipola River.

Preamble and Resolutions respecting the lands reserved for Military purposes in Hillsborough county.

Preamble and Resolutions relating to New Port.

Also, An Act to provide for the partition or division of real estate, which was read the first time and on motion the rule was waived, and the bill read the second time and referred to the Committee on the Judiciary.

A communication was received from the Secretary of the Territory, responding to certain enquiries of the Senate, by Resolutions adopted the 24th January.

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

The House of Representatives has passed a bill from the Senate entitled, An Act to authorize Willis Watson to establish a Ferry across the Chipola River, in Jackson County, without amendment.

Also, Preamble and Resolutions from the Senate, relating to Seminary Lands, without amendment.

The Preamble and Resolutions from the Senate, asking of Congress an appropriation for clearing out the obstructions in the Suwannee River, &c., which came back from the House of Representatives with an amendment, were taken up, and the amendment of

the House concurred in, and ordered to be engrossed for a third reading to-morrow.

An Act for the advancement of Education in this Territory, was read the second time, and referred to the Committee on Schools and Colleges.

An Act from the House of Representatives, to amend an act incorporating the city of Apalachicola, approved 2d February, 1838, which was reported from the Committee on the Judiciary, was taken up, and the first amendment proposed by the Committee was not concurred in. The second amendment, which proposes to strike out the 5th section of the bill was concurred in and the bill ordered to a third reading on to-morrow.

An Act to authorize the Clerk of St. Johns County to refund certain taxes by him collected for county purposes, which was reported against by the Committee on the Judiciary, was on motion laid on the table.

Also An Act to change the time of holding the Superior Courts in Gadsden and Leon Counties, reported from the same Committee without amendment, was on motion of Mr. Walker, laid on the table.

Also, a bill relating to Slaves and Colored persons, reported unfavorably from the same Committee, was, on motion, laid on the table.

An Act in addition to the acts regulating Judicial Proceedings, which was reported upon by the same Committee unfavorably, was read the third time, put upon its passage, and rejected.

A bill in relation to Corporations, reported with amendments from the Committee on the Judiciary, was, on motion, laid on the table.

A bill on the subject of Chancery Proceedings, reported from the Judiciary Committee, without amendment, was on motion, laid on the table.

An Act in relation to Administering Oaths, which was reported from the Committee on the Judiciary with amendments, was taken up, and the amendments concurred in, and the bill ordered to be engrossed for a third reading to-morrow.

An Act to incorporate the Trustees of the Presbyterian Church of Isonia, from the House of Representatives, was read the third time as amended by the Senate, and passed.

Ordered, that the title be as read.

An Act to authorize Joseph Forsythe to build a bridge across Pond Creek, in Santa Rosa County, from the House of Representatives, was read the second time and passed.

Ordered, that the title be as read.

Preamble and Resolutions relating to a mail route from Palatka to Tampa Bay, via. Micanopy &c., were read the third time and adopted.

An Act to amend an act fixing the time of holding the Superior Courts of the Apalachicola District, from the House of Representa-

tives, which was referred to a Select Committee of the Senate, and reported back with amendments, was taken up, and the amendments concurred in, and the bill read a third time and passed, ordered that the title be as read.

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

THURSDAY, February 15th, 1844.

The Senate met pursuant to adjournment, and a quorum being present, the Journal of yesterday was read, corrected and approved.

Mr. Long gave notice that he will, on some future day, ask leave to introduce a bill to be entitled, An Act to exempt from levy and sale certain property therein mentioned.

Mr. Hart gave notice that he will, on some future day, ask leave to introduce a bill to be entitled, An Act to amend the law concerning depositions, approved 15th March, 1843.

Mr. Hart moved that the Resolutions offered by him some time ago, in relation to the division of the Territory, and which were laid on the table, be now taken therefrom, and placed among the orders of the day.

Which motion prevailed.

Mr. Haughton, in accordance with previous notice given, asked and obtained leave to introduce a bill entitled, An Act for the relief of Partners and Joint Debtors.

Which was read.

On motion of Mr. Pelot, An Act to divorce Huldah Manning from her husband, May Manning, was taken from the table and placed among the orders of the day for this day.

On motion of Mr. Haughton, the petition of Caroline G. Jones, was taken from the table and placed among the orders of the day for this day.

Mr. Smith offered the following Preamble and Resolutions:

WHEREAS, it is believed that the interests, both of the United States and of the Territory of Florida will be advanced by the latter becoming a State and taking her admission into the Federal Union, as soon as that end can well be attained; and that harmony and good understanding among the States will be promoted by the admission of Florida and Iowa at the same time: *And whereas*, the Territory of Iowa has already petitioned Congress for an appropriation of \$15,000 to defray the expenses of organizing a State Government for that Territory, which, it is believed, cannot much longer be delayed:

*Be it therefore resolved by the Governor and Legislative Council of the Territory of Florida*, That our Delegate in Congress be requested to procure, if possible, an appropriation by that body of \$15,000 to defray the expense of holding a convention for the purpose of forming a constitution for the future State of Florida, and that a copy of this preamble and resolution be forwarded to him.

Which were read.

Mr. Livingston from the Committee on the State of the Territory, reported An Act to establish, and regulate pilotage on the waters, and in the harbor of Mosquito, with an amendment.

Mr. Pelot from the Select Committee, to whom was referred an act, from the House of Representatives, for the relief of Sarah Ross, reported the same without amendment, and moved to place it amongst the orders of the day for this day, which motion prevailed.

#### ORDERS OF THE DAY.

The Preamble and Resolutions introduced yesterday by Mr. Haughton, in relation to Henry Clay, and which were made the special order for to day, were read the second time and ordered to be engrossed for a third reading on to-morrow.

The communications of his Excellency the Governor, making nominations, and

The Resolutions in relation to the election of officers, were, on motion of Mr. Walker, made special the order of the day for to-morrow.

A bill entitled, An Act to exempt Cotton sold at auction from Auction Tax, was read the second time, and referred to the Committee on the Judiciary.

The petition of William King and others, asking the passage of a law to protect wood yards on rivers, &c., was read the second time, and referred to a Select Committee.

Messrs. Long, Pelot and Smith, were appointed that Committee.

A bill entitled, An Act to repeal an act to amend an act to regulate the Foreclosure of Mortgage, &c., was read the second time, and referred to the Committee on the Judiciary.

The report of the Joint Select Committee on Marvin's Code, was made the order of the day for Monday next.

The memorial of Citizens of Florida, on the subject of Mail Communications, was read the second time and referred to the Committee on the State of the Territory.

A bill to be entitled, An Act to amend an act to authorize Edwin G. Booth to establish a ferry across the Apalachicola River was read the second time and ordered to be engrossed for a third reading to-morrow.

An act to divorce Huldah Manning from her husband May Manning, &c., was read the third time, and on the question of its passage the yeas and nays were called for by Messrs. Smith and Priest, and were

YEAS—Messrs. Cooper, Hart, Houghton, Livingston, Mathers, Pelot, Priest and Walker—8.

NAYS—Mr. President, Messrs. Long, Ramsay and Smith—4.

So the bill passed—ordered that the title be as read.

An Act for the relief of Sarah Ross, was read the third time, and on the question of its passage, the yeas and nays were called for by Messrs. Long and Pelot, and were,

YEAS—Messrs. Cooper, Hart, Haughton, Livingston, Mathers, Pelot, Priest and Walker—8.

NAYS—Mr. President, Messrs. Long, Ramsay and Smith—4.

So the bill passed—ordered that the title be as read.

The petition of Caroline G. Jones, praying to be divorced from her husband James S. Jones, was read and referred to a Select Committee, consisting of Messrs. Haughton, Hart and Ramsay.

Engrossed bill to incorporate the Tallahassee Library Association, was read the third time and passed, ordered that the title be as read.

The Senate resolved itself into a Committee of the Whole, Mr. Haughton in the Chair, on a bill to authorize John L. Taylor and V. J. Strickland, to establish a Toll Bridge across the Ocilla River, at the Indian Trail; and after some time spent therein, the Committee rose and reported the bill with amendment, which was concurred in, and the rule waived, the bill read the third time and passed.

Ordered, that the title be as read.

Resolutions asking the establishment of a mail route from St. Marks, via Cedar Keys to Tampa Bay, &c., to Key West, were read the second time, and referred to the Committee on the State of the Territory.

A Resolution, instructing the Committee on the Judiciary to enquire into the expediency of conferring power to the County Courts for granting charters for Ferries, toll Bridges, &c., was read the second time, and adopted.

Preamble and Resolutions, asking the Delegate in Congress to make an earnest appeal to the Government of the United States for the payment of losses of property suffered from Indian depredations, were read the third time, and on motion of Mr. Walker, were laid on the table.

Sundry Bills, Preambles and Resolutions from the House of Representatives.

Preamble and Resolution relating to Light Houses, reported from the Committee on the State of the Territory without amendment, were read the third time, and adopted.

Resolutions in relation to Census Returns, reported from the Committee on the State of the Territory without amendment, were read the third time, and adopted.

An Act to amend an act incorporating the city of Apalachicola, approved 2nd February, 1838, reported from the Judiciary Committee, with an amendment, was read the third time as amended, and passed.

Ordered that the title be as read.

An engrossed bill entitled an act in relation to administering oaths, was read the third time and passed.

Ordered that the title be as read.

A bill entitled, An Act to incorporate the town of Milton, in San-

to Rosa County, was read the second time and the rule waived, and the bill read the third time and passed.

Ordered that the title be as read.

A bill entitled, An Act to incorporate the Protestant Episcopal Church at Monticello, was read the second time and amended, and the rule waived and the bill ordered to a third reading on to-morrow.

An Act to change and alter the name of Susan E. Johnson to that of Susan J. Edmonds, was read the second time, the rule waived, read the third time and passed.

Ordered, that the title be as read.

A bill entitled, An Act to change the time of holding the County Court in Santa Rosa County, was read the second time, and ordered to a third reading to-morrow.

A bill entitled, An Act to authorize William Cason to establish a Ferry across Santa Fee River at Fort White, was read the second time, the rule waived, read the third time and passed.

Ordered, that the title be as read.

A bill entitled, An Act to authorize Lewis B. Davis to establish a ferry across the Suwannee River, at a place known as Booth's Springs, was read the second time, the rule waived, read the third time and passed.

Ordered, that the title be as read.

A bill entitled, An Act to alter and change the present boundary lines of Hernando County, was read the second time and referred to the Committee on the State of the Territory.

A bill entitled, An Act to legalize the acts of the acting Clerk of Dade County, was read the second time and laid on the table.

A bill entitled, An Act to establish a Ferry across the St. Johns River at or near Constantia, was read a second time, the rule waived and read the third time and passed.

Ordered that the title be as read.

A bill entitled An Act to repeal an act entitled an act, to change the time of holding the election in Calhoun county, was read the second time, the rule waived, read the third time and passed.

Ordered that the title be as read.

A bill entitled, An Act to alter and amend an act, approved the 4th March, 1842, authorizing William H. Walker to establish a ferry across the Wakulla River, was read the second time and amended, the rule waived, the bill read the third time, and passed.

Ordered that the title be as read.

A bill entitled, An Act for the appointment of Pilots for the Bay of Apalachee, was read the second time, and laid on the table.

A bill entitled, An Act to amend an act regulating the rate of interest, approved February 12th, 1833, was read the second time, and referred to the Committee on the Judiciary.

A bill entitled, An Act to authorize Elijah Andrews to establish a Ferry across the Ocklockonnee River, at or near Harvey's Mill,

was read the second time, the rule waived, read a third time, and passed.

Ordered that the title be as read.

Preamble and Resolution in relation to a Marine Hospital at Jacksonville, was read the second time, the rule waived, read the third time and adopted.

Preamble and Resolutions, relative to lots in the city of St. Augustine, for School purposes, were read the second time, the rule waived, read the third time and adopted.

Preamble and Resolution, relating to the reprinting of certain acts of the Legislative Council, was read the second time, and referred to the Committee on the Judiciary.

Preamble and Resolutions, asking for an appropriation for opening a Road from the St. John's River opposite to Palatka, &c., opposite to the city of St. Augustine, were read second time, the rule waived, read a third time and adopted.

Mr. Long moved to re-consider the vote indefinitely postponing the bill to divorce Martha Conner, &c. Mr. Pelot objected to the waiving the rule to make such a motion. The President decided it to be a privileged motion and in order. Mr. Pelot appealed from the decision of the Chair, and the yeas and nays were called for by Messrs. Pelot and Long, and were,

YEAS—Messrs. Hart, Houghton, Livingston, Long, Mathers, Ramsay and Walker—7.

NAYS—Messrs. Cooper, Pelot, Priest and Smith—4.

So the decision of the Chair was sustained.

Before this vote was taken, Mr. Pelot moved a call of the House, and the absent members were sent for.

The Secretary informed the Senate that the bill which was postponed had been returned to the House of Representatives, where it originated.

The Chair decided that it was, nevertheless, in the possession of the Senate. From this decision, Mr. Pelot appealed to the House; and the yeas and nays were called for by Messrs. Pelot and Cooper, and were,

YEAS—Messrs. Hart, Haughton, Livingston, Long, Mathers, Ramsay and Walker—7.

NAYS—Messrs. Cooper, Pelot, Priest and Smith—4.

So the decision of the Chair was sustained.

Mr. Long's motion to reconsider was then put; whereupon the yeas and nays were called for by Messrs. Cooper and Pelot, and were:

YEAS—Messrs. Hart, Haughton, Mathers, Priest, Ramsay and Walker—6.

NAYS—Mr. President, Messrs. Cooper, Livingston, Long, Pelot and Smith—6.

So the Senate refused to reconsider the vote, indefinitely postpon-

ing the bill to divorce Martha Conner from her husband James Conner.

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

FRIDAY, February 16th, 1844.

The Senate met pursuant to adjournment. A quorum being present, the Journal of yesterday was read and approved.

On motion of Mr. Pelot, An Act to authorize the Clerk of St. John's County to refund certain taxes by him collected for County purposes, was taken from the table, and placed among the orders of the day.

On motion of Mr. Smith, An Act to legalize the acts of the acting clerk of Dade County, was taken from the table, and placed among the orders of the day.

In accordance with notice given, Mr. Yonge asked and obtained leave to introduce a bill, entitled An Act concerning Hawkers, Pedlars &c., which was read the first time, and placed amongst the orders of the day.

Also, A bill entitled An Act to establish a Board of County Commissioners &c., which was read the first time, and placed amongst the orders of the day.

Mr. Baltzell, agreeably to notice previously given, asked and obtained leave to introduce a bill entitled, An Act defining the duties of Auditor of the Territory.

Which was read the first time and placed with the orders of the day.

On Mr. Baltzell's motion, a bill entitled, An Act to incorporate the Townships of this Territory, and a bill on the subject of Chancery proceedings, were taken from the table and placed among the orders of the day.

Mr. Hart offered a Preamble and Resolutions asking of Congress an appropriation to repair the road from Jacksonville in East Florida, to the Mineral Springs in said Territory, the direct mail route to Tallahassee.

Which was read.

The Committee on the State of the Territory, made the following Report, on an act to alter and change the name of Hernando county:

The Committee on the State of the Territory having considered the bill referred to them, entitled, An Act to alter and change the name of Hernando County, respectfully

#### REPORT:

That in the opinion of a majority of this Committee, the present name of the County is appropriate—that it is associated with the early history of our Territory, particularly with that section of Flo-

rida where the said county of Hernando is situated. The Committee are opposed to the principle of changing the names of the counties of this Territory to suit the taste of any particular section or county. They believe the *whole Territory* has an interest in the naming of the counties, and their wishes should be consulted.—They are also opposed to the naming of counties after *living* political leaders—the people may change their politics and wish the name altered again: (which is the history of our legislative action on this subject). A majority of the Committee are therefore of the opinion that it is impolitic and unnecessary to change the name of Hernando County, and report unfavorably and ask to be relieved from the further consideration of the subject.

M. C. LIVINGSTON, Chairman.

#### ORDERS OF THE DAY.

The Preamble and Resolutions relative to Henry Clay, were read the third time and adopted.

A bill entitled, An Act to amend an act to authorize Edwin G. Booth to establish a ferry across the Apalachicola River, was read a third time and passed.

Ordered, that the title be as read.

A bill entitled, An Act to change the time of holding the County Court in Santa Rosa County, was read the third time and passed.

Ordered, that the title be as read.

A bill entitled, An Act to incorporate the Protestant Episcopal Church at Monticello, was read the third time and passed.

Ordered, that the title be as read.

A bill entitled An Act for the relief of Partners and Joint Debtors, was read the second time and referred to the Committee on the Judiciary.

Preamble and Resolutions respecting the Lands reserved for Military purposes in Hillsborough county, were read the second time and referred to the Committee on the Militia.

Preamble and Resolutions relating to the town of New Port, were read the second time. Mr. Pelot moved to strike out the Preamble, which failed; Mr. Walker moved to lay on the table, and print twenty-five copies; Mr. Baltzell moved to print one hundred copies—both motions failed. The bill was then ordered to a third reading, on which motion the yeas and nays were called for by Messrs. Baltzell and Long, and were:

YEAS—Mr. President, Messrs. Baltzell, Cooper, Long, Pelot, Priest and Smith—7.

NAYS—Messrs. Hart, Livingston, Mathers and Walker—4.

A bill entitled, An Act to provide for Appeals and Writs of Error in Criminal Cases, was read the second time, and referred to the Committee on the Judiciary.

Preamble and Resolutions relating to Militia Claims of Col.

Pemsey Puttman, were read the second time, the rule waived, and read a third time and adopted.

Preamble and Resolutions, asking an appropriation of Congress to remove obstructions in the Chipola River, were read the second time, rule waived, read the third time, and adopted.

Preamble and Resolutions asking an appropriation from Congress to defray the expense of a Convention preparatory for a State Government, was read the second time and laid on the table.

An Act to establish and regulate pilotage on the waters and in the harbor of Mosquito, reported from the Committee on the State of the Territory, with an amendment, which was concurred in, the rule waived and the bill read a third time as amended, and passed.

Ordered that the title be as read.

An Act to authorize the Clerk of St. Johns county to refund certain taxes, by him collected for county purposes, from the House of Representatives, which was reported against, by the Committee on the Judiciary, was read the third time, and on the question of its passage, the yeas and nays were called for, by Messrs. Pelot and Livingston, and were :

YEAS—Messrs. Cooper, Hart, Long, Pelot and Priest—5.

NAYS—Mr. President, Messrs. Haughton, Livingston, Mathers, Smith and Walker—6.

So the bill was rejected.

On motion the Senate went into secret session on Executive nominations, and after some time spent therein, the doors were opened.

And on motion the Senate adjourned until Monday 12 o'clock.

#### MONDAY, February 19, 1844.

The Senate met pursuant to adjournment, and a quorum being present, the Journal of Friday was read and approved.

Mr. Cooper gave notice that he will on some future day ask leave to introduce a bill, to be entitled, An Act to provide for the trial of slaves and free negroes, in certain cases.

Mr. Ramsay gives notice that he will on some future day, ask leave to introduce a bill to change the time of holding the County Court, of Walton county.

A Communication was received from the House of Representatives, and placed amongst the orders of the day.

The Preamble and Resolutions of Mr. Hart relating to a division of the Territory, which were made the special order of the day, for to-day, were on motion of Mr. Hart, postponed until to-morrow.

The report of the Select Committee on the subject of Judge Marvin's code, was on motion laid on the table.

A bill entitled An Act to incorporate the Townships of this Territory, was taken up and read a second time, and further amended, and ordered to be engrossed for a third reading.

A bill entitled An Act on the subject of Chancery proceedings, was made the order of the day for to-morrow.

An Act from the House of Representatives, to legalize the acts of the acting Clerk of Dade county, was read the third time and passed.

Ordered that the title be as read.

Preamble and Resolutions from the House of Representatives, in relation to the town of New Port, &c., were read the third time and adopted.

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

#### TUESDAY, February 20th, 1844.

The Senate met pursuant to adjournment. A quorum of members being present, the journal of yesterday was read and approved.

On motion of Mr. Long, the Preamble and Resolutions offered by him, in relation to the removal of the seat of the Territorial Government, which were laid on the table, were taken therefrom, and placed among the orders of the day.

The special order of the day was taken up, being the Preamble and Resolutions offered by Mr. Hart to divide the Territory into two Territorial Governments, which were read the second time. Mr. Long offered an amendment, proposing to annex that portion of West Florida bordering on the State of Alabama to that State, which was rejected without a division, and the Preamble and Resolutions ordered to be engrossed for a third reading, without amendment.

The Senate then adjourned until to-morrow, 10 o'clock, A. M.

#### WEDNESDAY, February 21st, 1844.

The Senate met pursuant to adjournment, and a quorum being present, the Journal of yesterday was read and approved.

On motion of Mr. Baltzell, the bill entitled, An Act to provide against a fraudulent and Depreciated Currency, was taken from the table and placed among the orders of the day.

In accordance with previous notice, Mr. Hart obtained leave to introduce a bill to be entitled, An Act to repeal the first thirteen sections of an act to amend the law concerning Depositions, approved the 15th March, 1843.

Which was read and placed amongst the orders of the day.

Mr. Baltzell gave notice that he will introduce a bill to amend the law of last session concerning Depositions.

The following Enrolled Bills and Preambles and Resolutions were signed by the President and Secretary of the Senate.

An Act to incorporate the town of Milton in Santa Rosa County.

An Act to incorporate the Trustees of the Presbyterian Church of Iamonia.

An Act to alter and amend an act approved 4th March, 1842, authorizing William H. Walker to establish a ferry across Wakulla River.

An Act to amend an act fixing the time of holding the Superior Courts of Apalachicola District.

An Act to authorize Lewis B. Davis to establish a ferry across the Suwannee River at a place known as Booth's Spring.

An act to repeal an act entitled, An Act to change the time of holding the election for Representatives of the Legislative Council for the County of Calhoun.

An Act to divorce Huldah Manning from her husband May Manning, &c.

An Act to change the name of Susan E. Johnson to that of Susan J. Edmonds.

An Act to establish a ferry across the St. Johns River at or near Constantia.

An Act to authorize William Cason to establish a ferry across Santa Fee River at Fort White.

An Act to authorize Elijah Andrews to establish a ferry across the Ocklockonnee River, at or near Harvey's Mill.

An Act to incorporate the West Florida Collegiate Institute.

An Act to authorise John L. Taylor and V. J. Strickland to establish a toll bridge across the Ocilla River at the Indian Trail.

An Act for the relief of Sarah Ross.

Preamble and Resolutions relating to public lots in the City of St. Augustine.

Preamble and Resolutions in relation to a mail route from Alligator, Florida, to Centreville, Ga.

Preamble and Resolutions asking an appropriation to clear out the obstructions in Chipola River.

Preamble and Resolutions relating to opening a Road from Palatka to St. Augustine, &c.

Preamble and Resolutions asking an appropriation for the repairs of the road from Palatka to Tampa Bay.

Resolutions relating to the census returns.

Mr. Haughton, from the Select Committee to whom was referred the petition of Caroline G. Jones, reported a bill entitled, An Act for the relief of Caroline G. Jones.

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

Mr. Livingston, from the Committee on the State of the Territory, reported the act from the House of Representatives, to alter and change the present boundary lines of Hernando County, without amendment.

Mr. Baltzell, from the Select Committee to whom the same was referred, reported a bill entitled, An Act for the advancement of education in the Territory of Florida, without amendment.

## ORDERS OF THE DAY.

An Engrossed Bill entitled, An Act to enable the Union Bank of Florida, and others, more readily to collect their debts, came up on a third reading, but was on the motion of Mr. Livingston, made the order of the day for Friday next.

A bill entitled, An Act on the subject of Chancery Proceedings, which had been reported from the Committee on the Judiciary, without amendment, came up on its second reading. On motion of Mr. Baltzell, the Senate resolved itself into a Committee of the Whole, Mr. Long in the Chair, and after some time spent therein, the Committee rose, reported progress, and asked leave to sit again, which was granted.

An Act to alter and change the name of Hernando County, which was reported from the Committee on the State of the Territory unfavorably, came up on a concurrence with the report of the Committee, on which the yeas and nays were called for by Messrs. Cooper and Pelot, and were :

Yeas—Mr. President, Messrs. Haughton, Livingston and Ramsay—4.

Nays—Messrs. Baltzell, Cooper, English, Hart, Long, Mathers, Pelot, Priest, Smith and Yonge—10.

So the report of the Committee was not concurred in.

The bill was then read the third time and passed.

Ordered, that the title be as read.

A bill entitled, An Act defining the duties of Auditor of the Territory, &c., was, on motion of Mr. Baltzell, laid on the table.

Preamble and Resolutions, asking an appropriation to repair the road from Jacksonville, East Florida, to the Mineral Springs, were read the third time, and ordered to be engrossed for a third reading on to-morrow.

A bill entitled, An Act concerning Hawkers, Pedlars and itinerant traders, was read the second time, and laid on the table.

An Act to amend an act to authorize David Platt to establish a ferry at the junction of the Suwannee and Withlacoochee Rivers, in the County of Madison, was read the first time, the rule waived, read a second time, and referred to a Select Committee, consisting of Messrs. Pelot, Livingston and Yonge.

The following bills and resolutions from the House of Representatives were read the first time, and ordered to a second reading :—

An Act to incorporate the Southern Greys ;

An Act to alter and change the name of Rebecca Stevens ;

Resolutions asking the establishment of a mail between Alligator and Black Creek ;

A bill entitled, An Act to establish a Board of County Commissioners, was read the second time, and referred to a Select Committee, consisting of Messrs. Yonge, Baltzell and Pelot, and fifty copies ordered to be printed.

A communication was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }  
16th February, 1844. }

To the Hon. President of the Senate:

SIR:—The House of Representatives, concur in the amendments of the Senate to the following bills, viz:

An Act to alter and amend an act approved 4th March, 1842, authorising William H. Walker to establish a Ferry across the Wakulla river.

An Act to authorise John L. Taylor and V. J. Strickland, to establish a toll bridge across the Ocilla river, at the Indian trail.

An Act to incorporate the Trustees of the Presbyterian Church of Iamonia.

Also, An Act to amend an act fixing the time of holding the Superior Courts, of the Apalachicola Districts.

The House refuses to concur in the amendments of the Senate, to a bill entitled An Act to amend an act incorporating the City of Apalachicola, approved 2nd February, 1838; but insists on the original bill.

On the question, will the Senate adhere to its amendment? the same prevailed; so the Senate adheres to its amendment to the bill.

The following communication were received from his Excellency the Governor:—

EXECUTIVE OFFICE, }  
Tallahassee, 15th February, 1844. }

Gentlemen of the Senate  
and House of Representatives:

I have received from the President of the Union Bank of Florida, an additional number of fifty-one Bonds of the Territory, for one thousand dollars each, which have been cancelled in conformity to the law on that subject.

(Signed)

R. K. CALL.

Also, the following:

EXECUTIVE OFFICE, }  
Tallahassee, 16th February, 1844. }

Gentlemen of the Senate  
and House of Representatives:

I have approved the following Acts and Resolutions passed by the Legislative Council, during the present session.

An Act to incorporate the town of New Port.

An Act to amend an act entitled an act to organize Wakulla county.

A Preamble and Resolution, relative to an appropriation to improve the navigation of the Rivers Choctawhatchie and Holmes.

A Resolution relative to the establishment of a Chamber of Commerce at Key West.

A Preamble and Resolution relative to the establishment of an inland water communication, between St. Augustine and Cape Florida.

A Preamble and Resolutions asking an appropriation to improve the navigation of the Ocklawaha.

R. K. CALL.

Engrossed Preamble and Resolutions, relating to a division of the Territory, were read the third time, and on the passage of the same, the yeas and noes were called for by Messrs. Cooper and Priest, and were,

Yeas—Messrs. Baltzell, Cooper, English, Hart, Houghton, Livingston, Mathers, Pelot, Priest, Yonge—10.

Nays—Mr. President, Messrs. Long and Ramsay—3.

So the Preamble and Resolutions were adopted.

An engrossed bill entitled, An Act to incorporate the inhabitants of the different Townships of this Territory for the institution and establishment of Common Schools, was read the third time and passed.

Ordered that the title be as read.

Preamble and Resolutions relating to the removal of the Seat of the Territorial Government, came up on a second reading, and on motion the Senate resolved itself into Committee of the Whole on the same, Mr Hart in the Chair, and after some time spent therein, the Committee rose, 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 22d, 1844.

The Senate met pursuant to adjournment, and a quorum of members being present, the Journal of yesterday was read and approved.

A communication was received from the House of Representatives, which was on motion laid on the table to be placed among the orders of the day.

Mr. Long moved that this being the birth day of WASHINGTON, the Father of his country, the Senate now adjourn. On which motion the yeas and nays were called for by Messrs. Baltzell and Priest, and were:—

Yeas—Messrs. Cooper, English, Hart, Haughton, Livingston, Long, Mathers, Pelot, Priest, Ramsay and Smith—11.

Nays—Mr. President and Mr. Baltzell—2.

So the Senate stands adjourned until 10 o'clock A. M. to-morrow.

FRIDAY, February 23d, 1844.

The Senate met pursuant to adjournment, and a quorum being present the Journal of yesterday was read and approved.

The President laid before the Senate the following communication from the Delegate in Congress, which was read and laid on the table :

HOUSE OF REPRESENTATIVES, }  
Washington, February 12, 1844. }

Sir :—I have the honor to inform the honorable body over which you preside, that I have received this morning a certified copy of Resolutions, in one of which I am desired to inform them, what causes led to the adoption of a certain resolution of the House of Representatives of the Congress of the United States, therein referred to. The Resolution of this body was introduced by the Chairman of the Committee of Ways and Means, by the order of the Committee, and adopted by the House. The cause was understood to be the very extraordinary amount expended for judicial proceedings in Florida, exceeding by much, similar expenses of any Territory or State of the Union. To be more certain, however, I have addressed, this day, a note to the Chairman of the Committee of Ways and Means, requesting the necessary information. As soon as his reply is received I shall lose no time in transmitting it to you. I have the honor to be, with high respect,

Your Fellow-citizen,

D. LEVY.

HON. GEORGE WALKER,  
President of the Senate of Florida.

On motion of Mr. Cooper, Mr. Pelot was added to the Committee on Enrolled Bills.

In accordance with notice given, Mr. Long obtained leave to introduce a bill entitled An Act to exempt from levy and sale certain property therein mentioned; which was read the first time and placed among the orders of the day.

Mr. Pelot, from the Committee on the Militia, reported without amendment, the Preamble and Resolutions to them referred, respecting the lands reserved for military purposes in Hillsborough County, and asked leave to be discharged from their further consideration, and moved that the same be referred to a Select Committee; which was granted, and Messrs. Pelot, Baltzell and Livingston were appointed that Committee.

Mr. Baltzell, agreeably to previous notice, obtained leave to introduce a bill entitled An Act to amend the law concerning depositions; which was read the first time, the rule waived, read the second time and referred to the Committee on the Judiciary.

Mr. Livingston, from the Committee on the state of the Territory, reported the bill from the House of Representatives, to them referred, entitled An Act to organize a county to be called St. Lucie

County, with an amendment; which was received and placed among the orders of the day.

Mr. Livingston, from the same Committee, also made the following

#### REPORT :

The Committee on the state of the Territory, having considered the Preamble and Resolutions referred to them, instructing the Committee to enquire into the recent depredations and massacres committed by the Indians in Washington county, West Florida, and report what means should be adopted to afford protection, ask leave to report the following Preamble and Resolution :

WHEREAS, there are no adequate means for the removal of the Indians in the power of the Territory, and the attempt to do so by force, (granting we had the power), might embarrass the action of the General Government, by producing a conflict and confusion in their management of the Indians, which is to be avoided if possible :

Therefore be it resolved by the Governor and Legislative Council of the Territory of Florida, That the attention of his Excellency, the Governor, is hereby called to this subject; and that he is requested to communicate with Congress, the Secretary of War and the General commanding in Florida, presenting a statement of the depredations and massacres committed by the predatory bands of Indians infesting our settlements, and requesting action to be had in reference thereto; such as the appointment of suitable agents to negotiate with them, or the employment of such force for their removal as may be adequate to that end.

MADISON C. LIVINGSTON, Chairman.

Also, a favorable report on the Resolutions asking the establishment of a Mail-route from St. Marks, via Cedar Keys and Tampa Bay, to Key West.

Which were received.

Mr. Walker, from the Committee on the Judiciary, to which was referred the Resolutions in relation to the election of Auditor and Treasurer of the Territory and Justices of the Peace, reported that further action on this subject is not advisable.

Mr. Walker, from the same Committee, made the following

#### REPORT :

The Judiciary Committee which was instructed by resolution of the Senate "to inquire at as early a period as practicable into the present Judiciary system of Florida; how far the same is, and has been acceptable to the people, &c.; and whether a system more acceptable to the people, rendering the attainment of justice more certain, and its administration more satisfactory may not be devised," report in part only, at this time.

Your Committee are of opinion that the mode of Territorial organization in the United States, particularly in the appointment of

the principal officers by the President of the United States, instead of being chosen by the people, and the entire independence of the officers over those they govern, presents an anomaly in Republican institutions, and is at war with the first principles of free government. Such a political organization cannot long find favor, or be even tolerated with patience by a people who have been taught from infancy to regard self-government as a birth-right of incalculable value. If Florida at this time occupied the relative position to the United States that Louisiana did at the period of its acquisition, a good reason might be found for the want of confidence that is manifested towards the Territory. Almost the only similarity between the countries however is, that both Territories were acquired from foreign nations, and inhabited in part by citizens of the nation from which the Territories were acquired. In every thing else they are quite dissimilar. Louisiana immediately before coming under the dominion of the United States, was attached to a powerful monarchy, the subjects of which were proud of their national character and entirely unacquainted with our language, laws and usages. To keep in subjection and check a foreign people who had no attachment to the Republic, whose feelings we may readily suppose were embittered towards their new rulers, and who it was reasonable to fear might be induced to indulge in treasonable practices, and unite, should an opportunity offer, with the enemies of the country, the distrust evinced by the existing restraints of Territorial vassalage was no doubt proper. But there is no likeness between the present condition of Florida and that of Louisiana at the period alluded to. Nineteen-twentieths of the present inhabitants of Florida are probably natives of the United States, as ardently attached to the land of their nativity, and as capable of self-government as the people of any section of the Union. Prior to their removal to this Territory, they have been accustomed to participate in all public affairs, and to feel they had a deep interest and corresponding influence and responsibility in all transactions that concerned the general welfare. It cannot be supposed that this valuable franchise would be willingly surrendered by our enlightened people, proverbially proud of their privileges and jealous of their liberty.

Whenever there is an absence of responsibility of the officers to the people, the citizen has lost his highest political right and sinks below the rank of a freeman. That any portion of the enlightened inhabitants of this Government should long quietly submit to the existing state of things, is as little to be expected as desired.

Your Committee are therefore of opinion that the present Judiciary system, as well as the mode of appointing the other Federal officers in Florida is unacceptable to the people and should be changed. While the Territory was in its infancy and appointments were conferred on meritorious individuals who wished to identify their fortunes with the youthful Territory, as was the case in the earlier period of our history, but little dissatisfaction was evinced.

The people were consoled by the reflection that if they had not the selection of their own officers, that the right would not long be denied them, and that in every new appointment they at least acquired a valuable citizen. Near a quarter of a century has now elapsed since Florida passed from under the Spanish flag and became a part of the domain of the first Republic in the world, and yet her political institutions do not now more nearly approximate to those of the United States than they did the first year after the American flag claimed the allegiance of her people.

In some respects we have rather retrograded than advanced. It is no longer thought a requisite in Federal appointments that the officer should even become a citizen of the Territory, and the highest trusts are sometimes conferred on those who have no intention of identifying their fortunes with those they are sent to govern, and scarcely spend one-half of their time in the country.

In one of the Judicial Districts, your Committee is informed that no citizen has held the office of Judge for near four years, and during that period the incumbents have been absent from the Territory about half their time. When this is the case with any officers, it necessarily becomes the source of well founded complaints, and when it occurs, as it sometimes does, with a Judicial officer, the evil and injury resulting from it may be incalculable. In every portion of the United States, with few exceptions, it is admitted that the salaries of Judicial officers are an insufficient compensation for the high order of talent that is required on the bench. Your Committee are of opinion that this is particularly the case in Florida. The cost of living is generally higher here than in other parts of the country, and as for the most part the Judicial Districts are extensive, and the District Judges hold annually an Appellate Court at the Capital, which involves most of them in long journeys, a large proportion of their small salaries must be consumed in travelling expenses.

Your Committee are of opinion that the mode of appointing the Judiciary can be made more satisfactory to the people of Florida. It has been said with much truth, that next to correctness of decision in a Judge, is the importance of giving satisfaction. While the community feel that there is no identity of interest, no sympathy in common between the officer and the people, that perhaps even the ties of a common citizenship do not exist, dissatisfaction and discontent will prevail. Our people have been accustomed to hold the officer, in some form or other, responsible to those among whom he exercises the functions of his office, and nothing short of such responsibility should satisfy them. When the responsibility of the officer is not to the people, he will be but too apt to be regarded rather as a task master placed over them, than as a minister of justice and to guard and protect their rights. The importance of an enlightened and virtuous judiciary cannot be too highly appreciated. The importance of every other department of government dwindles into insignificance when compared with this. Through a firm, enlight-

ened, and upright Judiciary alone, can the great objects of civil government be attained. The punishment of crime, the protection of the weak against the aggressions of the strong, and the administering of equal justice to all, are the high duties of the Judge. When faithfully executed, they insure stability to government, the enjoyment to every one of his rights, and peace, good order, and harmony to the whole community. The reverse of the picture is as dark as this is bright. A blow at the public confidence in the Judiciary, is a stroke at the very existence of society. When the suitor ceases to expect justice from the Courts, he will seek redress of his private wrongs by violence, and all the evils attendant on disorder and anarchy speedily ensue.

Your Committee deem these general remarks not inappropriate, as the satisfactory selection of the Judiciary of the Territory, they deem of the greatest importance.

Your Committee have read with much pleasure the resolutions introduced into the Congress of the United States by the Hon. Mr. McKay, of North Carolina, proposing inquiry into the propriety of separating the Courts for the transaction of Territorial business from the United States Courts. Such a separation is not only practicable but advisable, and may be made greatly to subserve the interest of the people of Florida, and the government of the United States.

Your Committee are of opinion that three Judicial Circuits, to be held by Judges to be selected or chosen in such manner as the Legislature may think proper to provide, with the Sheriffs of the several Counties, as ministerial officers, and Clerks appointed by the Courts, would be sufficient to discharge all Territorial business, either criminal or civil; while the United States business, which is small and comparatively unimportant, could be disposed of by District and Circuit Courts of the United States, on the same plan as in the several States in the Union. If this is asked of Congress, your Committee do not entertain a doubt that it will be granted. By this arrangement of the Courts, an immense saving will accrue to the United States in the per diem allowances to Marshals, Clerks, District Attorneys, &c.; and the salaries of three Judges would constitute the principal item of expense for the Courts of Florida.

Your Committee therefore propose the passage of the accompanying resolutions.

G. K. WALKER, Chairman.

*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 have provided by law, if the same is practicable, for the separation of the Courts in this Territory for the transaction of Territorial business from the District or Federal Courts of the United States.*

*Be it further Resolved, That our Delegate be further requested to have provision made by law for the establishment of three Judicial Circuits in the Territory of Florida, one for East, one for Mid-*

dle, and one for West Florida, and to give, said Courts exclusive jurisdiction of all such business as properly appertains to the State Courts of the Union, leaving to the United States Circuits and District Courts the jurisdiction alone of such matters as such Courts have charge of in the States; and that he provide in said law that said Judges shall be appointed in such manner as the Legislature of Florida may direct, and have such ministerial officers as may be provided for by the Legislature of Florida.

*Be it further Resolved, That it is inexpedient to extend the proposed alteration to the Southern Judicial District of Florida.*

Which was read.

Mr. Baltzell moved that five hundred copies be printed, but before the question was taken, a motion was made to lay the report on the table.

Which prevailed.

Mr. Pelot, from the Select Committee to whom was referred an act to amend an act to authorize David Platt to establish a Ferry at the junction of the Suwannee and Withlacoochie Rivers, made the following

#### REPORT:

The Committee, to whom was referred an act to amend an act to authorize David Platt to establish a Ferry at the junction of the Suwannee and Withlacoochie Rivers, in the County of Madison, have had the same under consideration, and beg leave to report unfavorably on said bill; for they conceive it to be improper (unless in extreme cases) for the Legislature to interfere with the jurisdiction of the County Court of Madison, who has the right, when the rates of Ferriage are shown to be oppressive, to alter those rates, by any necessary reduction. The Committee further believe, that the Courts to whom this business is specially confided by Legislative enactment, are far better qualified to judge of the proper rates of ferriage than the Legislature can be.

JOHN C. PELOT,

Chairman Select Committee on David Platt's Ferry.

#### ORDERS OF THE DAY.

An engrossed bill entitled, An Act to enable the Union Bank of Florida, and others, more readily to collect their debts, being the special order for to-day, was taken up for a third reading.

Mr. Yonge moved that the bill be recommitted to the Committee of the Whole.

Which motion prevailed, and the Senate resolved itself into a Committee of the Whole, Mr. English in the Chair.

After some time spent therein, the Committee rose, reported progress, and asked leave to sit again. Which was granted.

A communication was received from the House of Representatives.

The House concurs in the amendment of the Senate to an act to incorporate the Protestant Episcopal Church of Monticello;

Also, An Act to establish and regulate pilotage on the waters and in the harbor of Mosquito.

The following Bills and Resolutions were received from the House of Representatives, and read the first time.

An Act supplementary to an act approved 5th March, 1842, relative to roads and highways.

Preamble and Resolutions respecting a mail communication by water from New Port, via Cedar Keys, &c., to Key West.

Preamble and Resolution, asking a donation by Congress to the free school of the city of Pensacola of the public lots in said city, not intended for other purposes, were read the first time, the rule waived, read the second and third time, and passed.

An Act to organize an independent company of artillery, to be called the Florida Artillery Company, came back from the House of Representatives, and was referred to the Committee on the Militia.

An Act to provide for improvements made on public lands, was read the first time, the rule waived, and read the second time, and referred to the Committee on the State of the Territory.

A bill entitled, An Act to repeal the first thirteen sections of an act to amend the law concerning depositions, approved the 15th March, 1843, was read the second time, and referred to the Committee on the Judiciary.

A bill entitled, An Act for the advancement of education in the Territory of Florida, was taken up on its second reading, and on motion of Mr. Baltzell, the Senate went into Committee of the Whole, Mr. Pelot in the Chair, and after some time spent therein, the Committee rose, and reported the bill without amendment, and asked to be discharged from the further consideration thereof, which was granted, and the bill laid on the table.

A bill entitled, An Act for the relief of Caroline G. Jones, came up on its second reading, and was on motion made the order of the day for Monday next.

Preamble and Resolutions, asking the establishment of a mail between Alligator and Black Creek, were read the second time, the rule waived, read the third time and adopted.

An Act to incorporate the Southern Greys, was read the second time, the rule waived, read a third time and passed.

Ordered that the title be as read.

An Act to alter and change the name of Rebecca Stevens, was read the second time, the rule waived, read the third time and passed.

Ordered that the title be as read.

An Act to alter and change the present boundary lines of Hernando county, reported from the Committee on the State of the Territory without amendment, was read the third time and passed.

Ordered that the title be as read.

Engrossed Preamble and Resolutions, asking a re-appropriation

to repair the road from Jacksonville East Florida, to the Mineral Springs, was read the third time and adopted.

A bill entitled An Act to provide against a fraudulent and depreciated currency, which came up on a second reading, was on the motion of Mr. Cooper, made the order of the day for Monday next.

On motion of Mr. Baltzell, the Senate resolved itself into a committee of the whole, on the bill on the subject of chancery proceedings, Mr. Pelot in the chair, and after some time spent therein, the committee rose and reported the bill with sundry amendments, which were concurred in by the Senate, and the bill ordered to be engrossed for a third reading.

On motion, leave of absence was granted to Mr. Mathers until Tuesday next.

Mr. Walker moved that as the orders of the day were disposed of, the Senate adjourn until Monday next, 12 o'clock.

On which motion the yeas and nays were called for by Messrs. Pelot and Cooper, and were:

YEAS—Messrs. Baltzell, Hart, Livingston, Long, Mathers, Ramsay and Walker—7.

NAYS—Mr. President, Messrs. Cooper, Pelot, Priest, Smith—5.  
So the Senate adjourned until 12 o'clock, Monday next.

MONDAY, February 26th, 1844.

The Senate met pursuant to adjournment, and a quorum of members being present, the Journal of Friday was read and approved.

Mr. Long asked leave of absence for Mr. English for the remainder of the session.

Which was granted.

Mr. Long gave notice that he will, at some future time, ask leave to introduce a bill to be entitled, An Act to repeal certain acts therein mentioned.

Mr. Ramsay, agreeably to notice heretofore given, asked and obtained leave to introduce a bill entitled, An Act to change the time of holding the County Court of Walton county.

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

Mr. Walker presented the petition of a large number of citizens of Leon county, praying the remission of a penalty assessed against David Downey Young, in the Superior Court of Leon county, on a forfeited recognizance.

Which was read.

Mr. Walker, from the Committee on the Judiciary, made an unfavorable report on the bill from the House of Representatives, entitled, An Act to empower John Q. Worthington, a minor, to assume the management of his own estate.

Which was received.

Mr. Walker, from the same Committee, reported without amend-

ment, An Act in addition to and amendatory of the several acts in relation to divorce.

Mr. Walker, from the same Committee, in accordance with that part of the Governor's Message to the Judiciary Committee referred, reported a bill entitled, An Act to amend the Attachment Law.

Which was read the first time, the rule waived, read the second time, and fifty copies ordered to be printed.

A bill entitled, An Act for the relief of Caroline G. Jones, was read the second time, and laid on the table.

A bill entitled, An Act to provide against a fraudulent and depreciated currency, came up as a special order of the day. Mr. Pelot moved that the Senate go into Committee of the Whole on the same, which prevailed, and the Senate resolved itself into a Committee of the Whole, Mr. Haughton in the Chair, and after some time spent therein, the Committee rose, reported progress, and asked leave to sit again, which was granted.

The following Enrolled Bills, and Preamble and Resolutions from the House of Representatives, were signed by the President and Secretary of the Senate.

An Act to change the time of holding the County Court of Santa Rosa county.

An Act to regulate Pilotage on the waters and in the harbor of Mosquito.

An Act to incorporate the Protestant Episcopal Church at Monticello.

An Act to authorize Joseph Forsythe to build a bridge across Pond Creek, in Santa Rosa county.

Preamble and Resolutions in relation to a mail route from Panama, &c., to Tampa Bay.

Preamble and Resolutions asking the removal of obstructions in the Chipola River.

Preamble and Resolution in relation to Light Houses.

Preamble and Resolutions in relation to a Marine Hospital at Jacksonville.

A communication was received from the House of Representatives, which was placed among the orders of the day.

A communication was received from his Excellency the Governor, which was laid on the table.

The Senate adjourned until to-morrow, 10 o'clock, A. M.

TUESDAY, February 27th, 1844.

The Senate met pursuant to adjournment. A quorum of members being present, the journal of yesterday was read and approved.

Mr. Long, agreeably to notice previously given, obtained leave to introduce a bill to be entitled, An Act to repeal certain acts therein mentioned.

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

Mr. Haughton, in pursuance of previous notice, asked leave to introduce a bill entitled, An Act in relation to the change of venue in criminal cases.

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

Mr. Yonge, from the Select Committee to whom was referred the bill entitled, An Act for the protection of the rights of Females, made the following

#### REPORT:

The Committee to whom was referred a bill for the protection of the rights of females, ask leave to report:

That they have given the subject a close investigation, and will state in a brief manner some of the reasons that have influenced them in reporting the bill favorably.

The bill proposes to abrogate some important doctrines of the common law in relation to the rights of females covert, and to substitute doctrines similar to those of the civil law. We have been taught so much respect, and even veneration, for the common law of England, that it is only natural our prejudices should be aroused, when innovations upon it are proposed.

That system of law has, perhaps with truth, been said to embody the accumulated wisdom of ages; but your committee are, nevertheless, impressed with the belief, that some of its features are ill adapted to the wants of the people of this country, or to the spirit of this age. It is of human origin, and therefore not perfect. The wants of man change, and the law should change with them. We should not then, allow our high regard, and great respect for it, as a system of laws, to prejudice us against a proposed alteration or modification of some of its doctrines, but should give to such a proposition an unprejudiced and fair consideration. Now, the doctrines alluded to are, that by marriage, the civil abilities and rights of the wife become merged. That the husband and wife are considered one person, and that one person recognized by the law, is the husband, who, upon marriage, becomes entitled to all the goods and chattels of the wife, and to the rents and profits of her lands. These doctrines are entirely compatible with the spirit of the age in which they originated. Among all uncivilized nations—in all countries where the light of science and Christianity has not superseded the darkness of ignorance and heathenism—woman has been considered an inferior being, placed upon the earth to minister to the wants of man, moving in the sphere of his servant, rather than as his equal—regarded, it is true, as a convenience and blessing, but not respected as a moral and intellectual being, from the hands of the same Creator, gifted with the same powers, and capable of the same high attainments. But as a nation becomes enlightened, we see woman ascending in the scale of society. In the most barbarous, she is the most degraded—in the most enlightened, she is the most respected, so that the sphere

in which she moves may be considered a fair index to the character of a people.

Your Committee have sought in vain for satisfactory reasons to sustain these doctrines of the common law. It was, perhaps, right and proper, that the wife should be considered merged in her 'prot and scarcely known to the law, when the constant occupation of man was to do battle for his chieftain, and when it was maintained that warfare was man's *natural* state. When the sovereign saw only the soldier in the citizen, and valued the subject only for his ability to kill and to plunder. In *such* times, it may be, that woman rendered but little service to the State. No wonder then, that such an age failed to appreciate her, and denied and trampled upon her rights. But in this enlightened day, when the arts of peace flourish—when the wealth of a nation is held to consist in the industry, intelligence, and moral worth of its inhabitants—when the only acknowledged aristocracy is that of virtue and intelligence, and when so many females have, with the vigor of their intellect, the depth of their understanding, and the brilliancy of their imagination, so successfully vindicated the claims of their sex to intellectual equality with man, is it not strange that the *law making power* should still consider them the inferior beings of the common law, with no legal abilities, and not deserving a civil existence.

But your Committee are of the opinion that the operation of these common law doctrines are unwholesome. The contract of marriage is most intimately blended with the social condition of a community, and gives rise to many, and important relations, rights and duties. It is necessary to the well being of society, that this institution, sanctioned by laws, both human and divine, should be preserved pure and spotless. But does not the doctrine that the husband shall be entitled to the property of his wife, contribute to some extent to make marriage a matter of speculation; a sort of business transaction, in which there is to be a calculation of profit and loss? Its effect is, to discourage the industrious youth in his daily efforts to gain an honorable subsistence, and lay up for a future day a competency for the support of a family, by holding out to him the alluring temptation of a golden fortune and a rosy bride, as the reward of the constant devotion of his time to the fair, and the neglect of his more laborious, though more creditable and honorable pursuits. It is to bind together, in the holy bonds of matrimony, persons unsuited to each other in feeling, habits, tastes, association and disposition; persons morally and physically disqualified to be happily together as man and wife, and entailing upon the country all the evils that follow in the train of ill assorted matches.

Now, this bill simply proposes to *effect marriage contracts* by operation of law, and all those who believe in the wisdom and expediency of such contracts must be favorable to its passage, for it effects the same thing in a manner, more certain and less ex-

pensive. We have all seen the ruinous consequences of parties failing to enter into these contracts, and such instances are by no means rare, occasioned sometimes by feeling of false delicacy in the parties, but oftener from pure neglect and thoughtlessness.

But your Committee will not argue the matter further. They will content themselves to invoke you, in the name of common justice, to respect the rights of property. Divest not the child of its patrimony, because that child is a *daughter* and not a *son*. Destroy not the reasonable expectation of the parent that the estate he has amassed through a long and laborious life, will place his offspring beyond the reach of poverty and want, by rendering that estate subject to the wasteful extravagance of a profligate and dissolute husband. Lastly, discourage not the holy alliance of matrimony, by attaching to it the forfeiture to the woman of loss of her property and indeed her civil existence.

Your Committee recommend the adoption of the bill.

CHANDLER C. YONGE, Chairman

Which was read and fifty copies ordered to be printed.

Mr. Yonge, from the Select Committee to whom was referred the bill entitled, An Act to establish a board of County Commissioners, reported the same with sundry amendments.

Which was received and placed with the orders of the day.

Mr. Long, from the Select Committee to whom was referred the petition of William King and others, reported a bill entitled, An Act respecting Steam Boats, &c.

Which was read and placed among the orders of the day.—Mr. Smith dissenting.

On motion of Mr. Smith, the Senate resolved itself into a Committee of the Whole, Mr. English in the Chair, and took up the bill entitled, An Act to enable the Union Bank of Florida, and others, more readily to collect their Debts, in which the Committee had made some progress in a former setting, and after some time spent therein, the Committee rose, reported progress and asked leave to sit again; which was granted.

The Senate then went into secret session on Executive nominations, and after some time spent therein the doors were opened.

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

WEDNESDAY, February 28th, 1844.

The Senate met pursuant to adjournment, and a quorum being present, the Journal of yesterday was read and approved.

On motion of Mr. Pelot, leave of absence was granted to Mr. Priest for the remainder of the session, after the 13th of March.

On motion of Mr. Yonge, the rule was waived and he was permitted to introduce without previous notice, a bill entitled, An Act to amend the acts concerning Executors and Administrators.

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

On motion of Mr. Haughton, a bill entitled, An Act for the relief of Caroline G. Jones, was taken from the table and placed among the orders of the day.

Also, a bill entitled, An Act to change the time of holding the Superior Courts in Gadsden and Leon Counties.

On motion of Mr. Long, the Preamble and Resolutions asking the Delegate in Congress to make an earnest appeal to the Government of the United States for the payment of losses of property suffered from Indian depredations, was taken from the table and placed among the orders of the day.

Mr. Haughton, from the Select Committee on the memorial of James G. Landon and others, made a report adopted by a majority of said Committee; which was read with the documents accompanying. Mr. Pelot made a minority report; which with the accompanying documents were also read and fifty copies of both reports and the documents were ordered to be printed.

## MAJORITY REPORT.

The majority of the Select Committee to whom was referred the petition of James G. Landon, John M. Hanson and Frederick Weedon of East Florida, with the accompanying papers, praying to be discharged from a judgment obtained at the suit of the Territory vs. said parties, for the recovery of a forfeiture, upon a recognizance entered into by them, in behalf of John McMullen and D. P. Bryant, have had the same under consideration, and ask leave to

### REPORT:

That they regard it as one of those cases, which from its peculiar circumstances, commends itself to the favorable consideration of the tribunal to which they have appealed for relief. Two young men residing in Tallahassee, visited a distant portion of the Territory, to whose inhabitants they were utter strangers, and became involved in a quarrel, which terminated in their arrest for the crime of homicide, and their incarceration in a damp and unwholesome prison, to await their trial at the succeeding Term of the Court, for the county of Duval. In this extremity, far from home, and shut out from the sympathies of friends, the petitioners generously stepped forward and recognized in the sum of six thousand dollars for their appearance at Court, which secured their liberation. The petitioners had a right to infer, that such disinterestedness and generosity on their part, exercised in behalf of strangers, would have their appropriate effect upon young men of elevated sense of honor, as well as upon their friends, and would furnish of themselves, a sufficient guaranty against any loss they might otherwise sustain. They, moreover, received voluntary and repeated assurances from those interested, made, doubtless, in the utmost good faith, that no injury should result to them, in consequence of their kind offices towards these unfortunate individuals. The defendants,

however, not presenting themselves at the December term of 1840, at which court, they were recognized to appear, it was considered not unreasonable to account for their default, upon the ground, that the great distance which separated their place of residence from that of holding court, and the presence of a savage foe along much of the route which they would have been compelled to travel, or some other sufficient reason over which they had no control, had rendered their attendance impracticable; and they accordingly, obtained the consent of the Court to their application, that the recognizance should stand over, until the succeeding May term, in 1841. About this time, one of the defendants, Mr. Bryant, was probably attacked with sickness in the city of New Orleans, as the Committee were fully satisfied by evidence adduced before them, as well as from other sources, that he died in May or June of 1841; which, of course, precluded the possibility of his appearance, and which certainly, so far as he is concerned, should release the securities from their liability. The other, Mr. McMullen, being absent from the Territory, at that and the succeeding December term of 1841, it would seem, rendered it equally impossible for the securities to procure his appearance, in discharge of their recognizance. Shortly after his return, at the instance of the Judge of the Eastern District, he was arrested in Tallahassee, and thrown into prison, from which, in a few days, he effected his escape and fled to Texas, joined the army of the Republic, was taken prisoner at the Battle of Mier, and is now confined in the dungeons of a fortified castle, where he is undergoing a retribution, which may well atone to the deferred vengeance of the law, for whatever errors he may have committed in his own country.

In regard to the precise time at which the recognizance was forfeited, if the Senate should deem that an object of importance, one of the petitioners who was examined before the Committee, is morally certain that it occurred at the May term of 1841. On this and other points embraced in the petition, the Chairman of the Committee addressed a note to Judge Bronson who presided over the case, and the evidence furnished by that gentleman in reply, is submitted along with this report.

But your Committee are of opinion, that this has, if any, but a remote and incidental bearing upon the true merits of the petition referred to them.

The more appropriate and leading inquiry in the opinion of the Committee is, whether under the peculiar circumstances of the case, a reasonable time should not have been allowed for the securities to bring in the defendants. When we take into consideration the distance at which Bryant and McMullen lived from the place of holding court, the danger of traversing a country infested by bands of hostile Indians, and the sickness which often prevails to an extent so alarming in this part of the Territory, and which has invested a portion of the period in question, with the most melancholy recollections. When these and other facts are considered,

the Committee are of opinion that a period not less than two years from the granting of bail, would not have been too large an indulgence to the securities, within which to bring the defendants to trial. Indeed the Committee do not entertain a doubt, that at any time before the rendition of judgment for the recovery of the forfeiture, it would have been perfectly competent for the securities to have brought in the defendants, in discharge of the suit. Such a course would have been sanctioned, no less by the ingenuous spirit of our laws, than by the uniform practice of the Courts, in all similar cases. If then, circumstances arose, either by the act of man, or in the Providence of God, which precluded the possibility of bringing the defendants to trial, notwithstanding all the energy and vigilance of the securities directed to that purpose, the Committee are of opinion, that they are of right, entitled to relief at the hands of the proper authorities. When, therefore, it is not denied, that one of the defendants in this case died at or about the time when the recognizance was forfeited, and the other, not long afterwards, and nearly two years before final judgment on the recognizance, was arrested at the instance of the Judge who admitted him to bail, and confined in prison, from which he escaped and fled the country, the Committee are of opinion, that a case is thus presented, which cannot fail to force itself upon the favorable consideration of the Legislature. This view of the subject is still further strengthened by the reflection, that one of the defendants mingles no more in the strifes and agitations of men, but is long since gone to his final resting place, in which have alike been buried the resentments of the living, and the law's last stern exaction, while the other is immured in a living grave, a thousand times more horrible than the last, amid the dungeons of a tyrant, who conveys death a far too merciful fate for the victims of his demonic revenge.

The Committee, after having concluded this report, received a communication from Jas. D. Westcott, Esq., the counsel for the defendants on their application for bail, in reply to a note addressed to that gentleman, by their chairman, to which, as it still further strengthens the prayer of the petitioners, they beg leave to direct the attention of the Senate. The Committee also refer the Senate to a long and able memorial on this subject, received from East Florida, by the mail on last evening, and which is understood to be signed by the most respectable citizens of all parties residing in that section of the country.

The Committee in conclusion report the resolution with which the petition referred to them concluded, without amendment.

*Resolved, by the Senate and House of Representatives of the Territory of Florida,* That His Excellency the Governor of Florida be, and he is hereby requested to take under his consideration, the case of a judgment rendered by default in Duval County Superior Court, at its last term, against James G. Landon, John M. Hanson, and Frederic Weedon, for the sum of six thousand dol-

lars (\$6000,) and costs, on the forfeited recognizance of D. P. Bryant and John McMullen, as set forth in the foregoing petition, and grant unto the said petitioners such relief as the case merits, and justice and good government require.

R. B. HAUGHTON, Ch'n.  
I. D. HART.

PETITION OF J. G. LANDON AND OTHERS.

*To the Honorable the Legislative Council  
of the Territory of Florida :*

The petition of James G. Landon, John M. Hanson, and Frederic Weedon, citizens of East Florida, RESPECTFULLY SHEWETH :

That some time in the month of June, in the year 1840, your petitioners became bail for the appearance of D. P. Bryant and John McMullen, two young men from Tallahassee, who were entire strangers in East Florida, and who had been arrested there under a charge of homicide, but under such mitigating circumstances as to induce the Judge of the Eastern District, to release them from prison, on their recognizance to appear at the following December Term of the Superior Court for Duval county, on which recognizance your petitioners became bound as their securities, from the representation of many gentlemen of Tallahassee, who presented them to your petitioners as young men of good families and excellent characters, and, although placed by unforward circumstances in their perilous situation, were nevertheless highly deserving our kind aid and assistance.

Your petitioners further respectfully represent, that they used all the means in their power to secure the appearance of the said Bryant and McMullen, at the December Term of the said Court agreeably to the terms of their recognizance, but were informed, and verily believe, that the accused were prevented from appearing, by circumstances entirely beyond their control, residing, as they did, at a very great distance from the Court at which they were bound to appear, and at that time, an almost impassable country intervening. So imposing were the facts of the case, that the Court and the District Attorney, upon a representation by your petitioners, allowed them until the next term of the said Court to surrender the said D. P. Bryant and John McMullen; but before the next December Term of the said Court, one of the accused, viz., the said D. P. Bryant, died in the city of New Orleans; and the other, viz., the said John McMullen, in the early part of the January following, was arrested in the city of Tallahassee; and committed to the jail of Leon county, at the instance of the Judge of the Eastern District, from whence he made his escape, and fled to Texas, and is now, if alive, one of the Meir prisoners confined

in Mexico, as your petitioners have understood and do verily believe. All of which are of public notoriety as facts, and susceptible of proof.

Your petitioners further respectfully shew: That at the last term of the Superior Court for Duval county, held in December, 1843, a judgment by default was rendered against your petitioners on the forfeited recognizance of the said D. P. Bryant and John McMullen, for the sum of six thousand dollars and costs, which your petitioners will be compelled to pay at great sacrifice and injury, unless relieved by your honorable body.

Your petitioners being at a great distance from the places of residence of the said D. P. Bryant and John McMullen, were unable to procure such legal testimony of the facts herein set forth, (which they are advised could have been successfully pleaded in bar of the judgment) were constrained to let the said judgment go against them without making a defence, believing that they could obtain relief from the Legislative and Executive authorities, where the power of relief is so wisely confined by the genius of our humane government, to guard the citizen from oppression, whilst it punishes the evil doer.

Your petitioners further respectfully and earnestly pray your honorable body to take the hardship of their case under your consideration; and, if it seem meet and proper, that your honorable body will pass the subjoined resolution, or any other act, which in your wisdom may be considered as best suited to the relief of your petitioners.

And your petitioners will ever pray, &c., &c.

JAMES G. LANDON,  
JOHN M. HANSON,  
FREDERICK WEEDON.

#### MEMORIAL OF JOHN M. HANSON.

*To the Honorable the Legislative Council  
of the Territory of Florida:*

The memorial of John M. Hanson, of the city of St. Augustine,  
RESPECTFULLY SHEWETH:

That in the year eighteen hundred and forty, Dean P. Bryant and John McMullen, then citizens and residents of the Middle District of this Territory, were arrested in Duval county, on a charge of murder, alleged to have been committed by them in Jacksonville, in that county, and were, after an examination of their case before the Honorable the Judge of the Superior Court of the Eastern District, admitted to bail. But, at a distance from their homes and their friends, the difficulty in availing themselves of this privilege by furnishing the required security for their appearance at court to answer to the charge, was found to be almost insu-

perable. In this situation of these young men, application was made to your memorialist to become one of their bail. This application was made with no claim on their part, that your memorialist should assume so great a responsibility in their behalf; for he had not even a personal acquaintance with either of them. But your memorialist, seeing that they were brought to the calamitous condition in which they were placed, in a strange land, and in the midst of a justly excited community; believing, moreover, that there must have existed some mitigating circumstances in the case, from their having been admitted to bail; and understanding that they could be saved from the horrors of a common jail, only by his according to them the boon which they craved at the hands of your memorialist, he consented, without the slightest motive of interest to impel him to the act, to become one of their bail. This he did, in a full reliance on their honor and integrity, authorised by the representations made to him of their standing in society, for the fulfilment to the letter of their recognizances to appear and answer to the charge. But in this they failed. The recognizances of themselves and their securities were estreated, and at the last term of the Superior Court for Duval county, judgments were obtained by the Territory upon them to the amount of six thousand dollars.

Your memorialist further represents to your honorable bodies, that the said Dean P. Bryant, departed this life sometime in the year 1841, and that the said John McMullen, after having been apprehended by, and having been in the custody of the civil authorities of the Territory, escaped, and fled the country, some time in the year 1843.

Your memorialist admits that both the death of Bryant and the escape of McMullen occurred after the forfeitures at law of their recognizances, which circumstances precluded their sureties from availing themselves of them as a defence to the actions which the Territory instituted against them, as your memorialist has been advised.

Your memorialist prays leave to represent, with no purpose of disrespect to others, that he is the only one of the sureties of these persons, who can be made responsible to the claims of the Territory, on the judgments rendered against them, and that the whole burden of their payment must fall on him if they shall be enforced.

But your memorialist indulges a confident hope that your honorable bodies will interfere to protect him from the disastrous consequences of their enforcement. In this hope he is sustained by the consideration, that he believes your honorable bodies will not fail to perceive, that the judgments against him stand upon no principle of equity, but on mere rigorous rules of strict law; yielding not even to the intervention of the Providence of God, or the act of the Territory—which will be recognized by your honorable bodies in the death of Bryant, and the escape of McMullen. Your memorialist is further supported in the hope he entertains of your interposition in his behalf, by the additional consideration that he

assures himself it cannot be the desire or design of the government, or the disposition of your honorable bodies, to draw to the Treasury from the resources of the citizen, by an over rigorous enforcement of the law, especially when bearing, as it does on this occasion, on an act of disinterested humanity; and when no beneficial result can ensue to the Territory from such a course, unless, which your memorialist cannot imagine for a moment, your honorable bodies would deem that to be a gain to the public which is, —and only because it is,—irretrievable ruin to the individual.

In view of the several premises above stated, your memorialist humbly and respectfully prays, that your honorable bodies will be pleased, by such means as shall seem to you proper, to cause the aforementioned judgments to be released, and that your memorialist may be discharged from them.

And your memorialist, as in duty bound, will ever pray.

JOHN M. HANSON.

*St. Augustine, East Florida,* }  
13th February, 1844. }

We, citizens of St. John's county, unite in the prayer of the above named memorialist, and respectfully solicit, for the reasons stated in his memorial, that the prayer thereof may be granted.

[Signed by many citizens.]

#### *The Memorial of the Citizens of Tallahassee.*

We, the undersigned, having understood that a judgment has been obtained in favor of the Territory of Florida, against James G. Landon, John M. Hanson, and Frederick Weedon, of East Florida, on a forfeited recognizance of D. P. Bryant and John McMullen, for whose appearance, at Duval Superior Court, held in December, 1840, they became security, and that there is great hardship in the case, D. P. Bryant having died in New Orleans, before the forfeiture occurred, and John McMullen having been soon after arrested, at the instance of the Judge of the Eastern District, and confined in the jail of Leon County, from which he effected his escape, and is now understood to be a prisoner in confinement in Mexico; but these facts the sureties were not able to bring in a legal form in their defence, although not doubted by any one, and therefore suffered judgment to go against them by default:

We, therefore, believing it would be highly unjust that the said sureties should be compelled to pay the said judgment and costs, and that the ends of justice would not be promoted thereby, do respectfully petition the Governor and Legislative Council of Florida, to remit the said judgment and costs.

[Signed by many citizens.]

#### MINORITY REPORT.

The Select Committee, to whom has been referred the case of Landon and others, have had the same under consideration, and there being a difference of opinion between the Chairman and a majority of the Committee, it was agreed that two reports should be submitted to the Senate. I therefore beg leave to make a minority report:

That I deem it improper to grant the prayer of the petitioners, because I consider it subversive of justice, except in extreme cases, for the Legislature to interfere with the decisions of the Courts, particularly in criminal cases.

Florida has heretofore been proverbial for the commission of crime, and the inefficient manner in which our laws have been administered,—and justly so; for crimes of the highest grade have been openly committed, society outraged and human life recklessly thrown away, while the guilty offenders were not merely shielded from justice, but encouraged, and allowed to stalk abroad in the community. A change in this respect has gradually taken place, under the prompt and decided action which has latterly prevailed in our Courts; and society is already beginning to entertain just and healthy sentiments, as a natural consequent upon a strict and efficient administration of justice. Under such circumstances, the Legislature should be the last power to interfere and step between the offender and that justice which the sternness and majesty of the law demands.

The petition which has been presented to the Senate and referred to the Committee for their action, sets forth that because of the mitigating circumstances connected with the case of Bryant and McMullen, the Judge of the Eastern District thought proper to admit them to bail. It also states that one of the party, for whom bail was given, died before the forfeiture of the recognizance; which, from the reading of the petition, appears to have been in December, 1841. These statements appear not to be in accordance with the facts of the case, as presented by his honor, Judge Bronson, in a communication from him elicited by the Committee, which accompanies and forms a part of this report.

The true statement of the case appears to be this, from all the information which could be collected by the Committee: Some time in the month of June, 1840, McMullen and Bryant, two young men charged with the crime of homicide, were taken from prison and admitted to bail. Messrs. Landon and others, became bound in the sum of \$6,000, conditioned for their delivery at the Court House in Jacksonville, Duval county, East Florida, (where the offence was committed,) at the December term of the Court following. They failed to comply, and the Judge thinks their recognizance was then declared forfeited; but if not at that time, he is certain they were the May term following, the sureties still failing to comply with their obligation. In the month of June, 1841, it is said Bryant died in New Orleans, which I have no reason to doubt;

McMullen was permitted to go at large until the month of January, 1842, at which time he was arrested, in Tallahassee, at the instance of the Judge of the Eastern District. He shortly after made his escape; and, from letters which have been exhibited, I have no doubt but that he is, or was a short time since, a prisoner in Mexico. There may be mitigating circumstances connected with this case, but I do not think of sufficient character to call for Legislative interference; for it has not been shown that the bondsmen, who now apply for relief, made use of the least exertion to comply with their obligation. But on the contrary, an entire carelessness has been exhibited in the whole matter;—so much so, that I am led to believe, upon a careful examination of the matter, that there was from the commencement, a want of good faith on the part of the bondsmen; for the only reason assigned to the Committee for the non compliance, was the dangers of the road between this place and Jacksonville. I cannot conceive this at all extenuating, knowing that the mail travelled weekly the most dangerous road, and that there were others leading East, on which there was no danger to be apprehended. I view this reason, therefore, as of no weight, for the urgency of the case demanded that they should have surmounted every possible difficulty, or at least used every exertion to do so.

The section of country in which this unfortunate affair took place, has been much excited;—so much so—that the honorable Judge Bronson, who was then a stranger among us, (having been in the Territory but a few days when the prisoners were admitted to bail, and before his explanation of reasons which induced him to grant bail,) was greatly censured by the whole Eastern District. In fact, so general was the feeling on this subject, that the Grand Jury of Duval county, in their general presentments, also reflected upon his Honor. With these facts before me, I do most sincerely believe that as the bondsmen were the cause of those unfortunate men escaping from justice, that they should be compelled to pay their forfeited bonds. And as this is the first case of the kind which has been presented to the Legislature for their interference, within my knowledge, the good of the Territory at large, demands that we should set a wholesome precedent.

A petition signed by many citizens of Tallahassee, which accompanied the petition praying for release, has also been considered. I believe the majority of the petitioners are entire strangers to the facts connected with the fatal tragedy; and although their sympathies are excited—so much so, as to induce them to join their prayers for release—yet I think it should have no weight with Legislators in the discharge of their duties.

Another part of the petitioners are actuated by interested motives. For, in comparing that petition with the communication of J. D. Westcott, (which also accompanies and makes a part of this report) I find that their names are identified with others who wrote an indemnifying letter to the citizens of East Florida, and there is no

doubt in my mind, but they will prove ultimately the responsible persons. I could, under no circumstances, considering the peculiar situation in which His Excellency the Governor is placed by the statement of one of the witnesses, consent to comply with the resolution annexed to the petition, as its adoption would place that functionary in truly an unenviable situation.

These are my views in relation to this truly unpleasant and lamentable affair, and I would probably do myself injustice, did I not state to the Senate that in making this plain statement of facts, I am not actuated by any unfriendly feelings to those connected with the petition, but on the contrary, entertain feelings of friendship to all concerned. I, as much as any one, lament the unfortunate affair. But my duty to the Territory at large, and particularly to the citizens of East Florida, who I more immediately represent, demand that I should take a decided stand against crime in every shape. With this report I submit two communications to be attached for its explanation, and also for information of the Senate.—Read No. 1, Bronson's communication—No. 2, J. D. Westcott's. I also return the papers referred to the Select Committee, and pray to be discharged from the further consideration of the subject.

JOHN C. PELOT.

Since the introduction of my report on yesterday, I have been furnished with a copy of the indemnifying letter sent to the citizens of East Florida, which I also attach to this report for explanation.

JOHN C. PELOT.

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#### LETTER OF HON. JUDGE BRONSON.

TALLAHASSEE, January 31, 1844.

To HON. J. C. PELOT,

*Senator and Chairman Committee, &c.:*

Sir: Your letter of this date has just been handed to me, enclosing copy of the petition of J. G. Landon and others, (for relief against a judgment,) and requesting me to examine the petition and note the errors, if any, and set forth the facts of the case as they occurred.

Not having at hand the records of the Court, or my own minutes, I can speak only from memory, and perhaps not with precise accuracy of the facts alluded to in the petition.

McMullen and Bryant were arrested in Duval County, some time in May or June, 1840, on a charge of homicide, and confined in Fort Marion, at St. Augustine, which was then the only prison or place of confinement for the safe-keeping of prisoners in the Eastern District, which could be used by the Marshal of that District. They were brought before me by habeas corpus some time in June or July, and application made to let them to bail. It was, among other things, urged, on the hearing before me, and shown to my satisfaction at that

time, that the Fort was an unsafe and insecure place for keeping prisoners, and that the cells in which they were kept were damp and unhealthy, and that it would seriously endanger the health, if not the lives, of the prisoners, to confine them there until the December Term in Duval county.

For these reasons, and, I think, these alone, I decided that they should be bailed, and accordingly took the recognizances in question, for their appearance at the next December Term of the Court in Duval County, at which latter term they were indicted for murder, but failed to appear; and either at that or the next May Term in 1841, their recognizances were regularly forfeited by order of the Court. I am quite sure, but not positively certain, that the forfeiture of the recognizances took place at the December Term, 1840.

Subsequently, and I think immediately after the May Term, 1841, suit was instituted on the recognizances on which the judgment in question had been taken.

McMullen was subsequently arrested here, in Tallahassee, in January, 1842, on a warrant issued by order of the Court of Appeals, entered on my suggestion and information to the Court, and committed to jail, from whence he escaped a few days afterwards. And on the hearing of a habeas corpus, which he sued out at that time from the Court of Appeals, it was suggested or shewn to the Court that Bryant died in New Orleans, in August or September, (I think,) of the year 1841.

From this statement you will perceive that there is an error or mistake in that part of the petition wherein it is stated that McMullen and Bryant had been arrested on a charge of homicide, "*but under such mitigating circumstances as induced the Judge of the Eastern District to release them upon recognizance,*" &c.

The grounds or reasons for bailing them were those hereinbefore stated, and perhaps there might have been other reasons which I do not now recollect, for I have not my minutes to refer to; but those were the principal if not the only reasons, and I am sure that it was not on the ground of any "*mitigating circumstances.*" I do not, however, mean to be understood as saying that no such mitigating circumstances did or did not exist—or whether any such were or were not shown, but merely that no such circumstances were the grounds of the decision. It was urged that the proofs showed only a case of manslaughter, and not murder; and if manslaughter only, the offence was, of course, bailable; and I expressly stated that I would not pro- judge the case for or against the prisoners by intimating any opinion on that point, and that they were not bailed on that ground, but for the reasons and on the grounds first abovementioned.

Whether the Court or the District Attorney, or both, allowed the parties time, from December until May Term, 1841, to bring in the defendants in discharge of their recognizance, I cannot now remember, though I presume that might have been so; but I am very confident that the recognizance was regularly forfeited at the December Term, 1840, and not at the May Term, 1841.

If this is a matter of any importance, it can easily be ascertained by reference to the records of the Court, or perhaps on application to Senator Hart who is Clerk of the Court.

As to the other facts and circumstances stated in the petition, not relating to the action of the Court, or my action officially in the premises, I have no personal knowledge, nor do I consider them embraced within the scope of your enquiry.

I am, sir, very respectfully,

Your obedient servant,

I. H. BRONSON,

U. S. Judge for District of East Florida.

LETTER OF J. D. WESTCOTT, Esq.

TALLAHASSEE, February 23, 1844.

HON. JOHN C. PELOT,

*Chairman Select Committee:*

SIR—I cheerfully comply with your request to state such facts as are within my knowledge, respecting the cases of Dean P. Bryant and John McMullen, and which bear upon the petition by their bail to be released, referred to your Committee.

I was of counsel for these two young men, and went in 1840 to St. Augustine, to effect their release from confinement as such counsel, by writ of habeas corpus. Judge Bronson heard the case fully.—Mr. Douglas, the District Attorney, attended to the prosecution in behalf of the Territory. The Judge (in my humble opinion) *very properly* admitted them to bail—chiefly, as I understood, on the grounds that the old Fort at St. Augustine, then used as a jail, was insecure and unsafe as well as unhealthy, and there was no other place to put them in. I referred the judge on the argument to several cases in which for less cause bail had been allowed, even after indictment found by Judges Randall, Cameron, Allen and Balch. I mention these facts because it has been told me that persons have been found willing to indulge in censure of the judge, and of myself as counsel about their discharge on bail. I don't care a fig for such censure of those ignorant of the facts, and who, if they know the facts, could not probably even understand the law, but it is well to take occasion to set matters right. I signed the petition you showed to me this morning, without paying particular notice to its phraseology in regard to the judge's decision, or I should have had it corrected. The petition is manifestly very bungling and does not state the case, in my opinion, as favorable to the petitioners as it might.

I think it proper to state that I am perfectly satisfied that John McMullen did not kill either Yeomans or Hallam. D. P. Bryant killed them both. He repeatedly admitted it to me as his counsel and declared he would say so on McMullen's trial. There is no

doubt of this fact. McMullen was however present and avowed the deed, and the law would probably have held him equally responsible.

When I went to St. Augustine I was accompanied by George McMullen, (John's brother,) Hugh T. Fisher, L. H. Bryant, J. W. Bryant, John Bowen, W. H. Wyatt, S. L. Barrett, Michael Ledwith and others of the friends of the young men. Part went from this place—part joined us in Madison, and part in Jacksonville. The Indians were then infesting the whole country between this place and St. Augustine. A letter was taken to Colonel Hanson by George McMullen from General Call, (who was not then *Governor* however,) and also another letter (directed, I believe, to Mr. Jenckes or Mr. Alvarez,) signed by General Brown, John Parkhill, Esq., L. A. Thompson, J. A. Berthelot, Esq., and some dozen or more citizens residing hereabouts, (whose names Gen. Brown or Mr. Landon can give you,) requesting that bail might be given or procured for John McMullen. I do not recollect the precise purport of this document—although I am told I signed it myself. It was gotten up by Mrs. McMullen, the respected mother of John, for whom there was much sympathy felt here. Colonel Hanson, J. G. Landon, F. Weedon, and others, [I believe, but may be mistaken, Hugh T. Fisher, George McMullen, J. W. Bryant, L. H. Bryant, M. Ledwith and W. H. Wyatt, were also bail on the same bonds,] entered bondsman for both the young men.

After the return of D. P. Bryant and J. McMullen here, and after their failure to attend the first court, a *capias* was received here from East Florida to arrest them and L. H. Bryant, but why it was not executed, and who was to blame that it was not executed while they were all here, I do not know. Since then D. P. Bryant died in New Orleans. There is no doubt of the fact. John McMullen in the winter of 1842, was arrested here and put in jail for the murder of Yeomans and Haffam. While a motion I made and argued before the Court of Appeals for his discharge or bail was under consideration, his mother went into the jail, changed clothes with him, and thereby enabled him to escape. He went to Georgia—from thence to Texas, and having volunteered in the Meir expedition, was taken prisoner by the Mexicans, and there is no doubt, if living, is still in Mexico.

In 1842 Col. Hanson and J. W. Bryant sent me some documents to lay before the Legislature to effect their release; but peculiar circumstances prevented me from aiding them—and besides, I considered Governor Call possessed ample power. As he declines acting, however, in any similar case where the circumstances did not exist that do in relation to myself *in this case*, I should advocate the granting of the prayer; but in this case I am restrained from intermeddling in favor of the petitioners by *these circumstances*.

Yours truly,

J. D. WESTCOTT, Jr.

## INDEMNIFYING LETTER.

TALLAHASSEE, June 1, 1840.

To J. M. Hanson, Gabriel Perpall, John M. Fontane, Antonio Alvarez or Edwin T. Jenckes, Esq., or any other citizens of East Florida, to whom this letter may be shown:

GENTLEMEN: We learn with unfeigned regret, that two young gentlemen formerly of this city, have been arrested and are now in confinement in St. Augustine on a charge of homicide. The persons referred to are Mr. John McMullen and Mr. Dean Bryant. Mr. McMullen is the son of one of the oldest and most respectable merchants of this place, the late James McMullen, Esq., and his misfortune has caused the deepest affliction to his widowed mother and sisters, than whom none are more respected and esteemed by our citizens generally. Mr. Bryant's relatives and connexions are of the most respectable character. These young gentlemen have hitherto borne with us the most estimable standing, and here there would be no difficulty in procuring bail for either of them.

We are not able to ascertain the true facts of the case, but whatever they are, we have the fullest confidence that these young men would not let friends or sureties become involved in any difficulty on their account, and we have no hesitation in pledging ourselves to such, (if you or any others,) who may become their bail, to become responsible to you, and agree to indemnify you from all harm and damage.

We are respectfully,

WM. M. GIBSON,  
JAMES D. WESTCOTT, JR.  
TURBUTT R. BETTON,  
THOMAS BROWN,  
JAMES A. BERTHELOT,  
J. H. RANDOLPH,  
W. WYATT,  
GORMAN & HALL,

JOHN GRAHAM,  
JOSEPH DOWLING,  
R. H. BERRY,  
WM. P. DUVAL, by T. H. DUVAL,  
THO'S. H. DUVAL,  
L. A. THOMPSON,  
WILLIAM TRADEWELL,  
JOHN PARKHILL.

Mr. Cooper, from the Joint Select Committee on the Revised Statutes of Judge Marvin made the following

### REPORT:

That upon examination, they find that there were originally one hundred and eleven Chapters submitted to the Legislative Council at their annual session in 1843, by the Reviser, as the result of his labors. Of this number, sixty-three passed that body, and received the approval of his Excellency the Governor, viz: Advertisements, Apprentices, Assignments, Attachments, Auctioneers, Bonds, Bills of Exchange, Certiorari, Commissions, Constables, Coroner, County Commissioners, County Clerks, County Revenue, County Surveyor, County Treasurer, Counties, Costs, Descents, Divorce, Draining

Lands, District Attorney, Election, Escheats, Evidence, Estrays, Ejectment, Forcible Entry and Detainer, Fences, Fines, Penalties and Forfeitures, Ferries, Free Negroes and Mulattoes, Fugitives from Justice, Gaming, Insane Persons, Joint Obligations, Jurors, Landlord and Tenant, Library, Marriages, Marks and Brands, Mechanics, Official Oaths, Official Records, Perpetuating Testimony, Physicians, Posse Comitatus, Partnerships, Patrols, Quo Warranto, Roads, Bridges and Highways, Rents, Replevin, Resignations, Revised Statutes, Revenue, Secretary of the Territory, Set-Offs, Sheriff, Seamen, Schools, Witnesses, Weights and Measures. From an attentive examination of the Journals of the last session, and from other sources within reach of the committee, they find also ten additional Chapters which passed both Houses, and were sent to the Governor, but returned by him disapproved, viz : Cattle, Estates, Contempts, Jails, Frauds, Laws, Militia, Notaries Public, Treasury Department. The following five Chapters, viz : Conveyances, Justices of the Peace, Partition, Securities and Wills, were returned by the Governor for error erasures and interlineations in the enrollment. The Chapters Habeas Corpus, Bastardy, Fees, Interest, and Surrogates, appear, from the best information your committee have been able to obtain, to have passed so late in the session, that the Council adjourned before any action was had upon them by the Governor. Eighty-three Chapters, therefore, have been acted upon by both Houses ; sixty-three signed by the Governor ; ten vetoed ; ten yet to be laid before the Executive, and twenty-eight remain subject to the action of the Legislative Council, viz : Administration, Account, Appeals, Attornies at Law, Arbitration, Banking, Chancery, Courts, Corporations, County Boundaries, Crimes, Criminal Proceedings, Dower, Executions, Freedom, Guardian and Ward, Judgments and Decrees, Justices' Courts, Limitations, Miscellaneous Provisions, Mortgages, Oaths, Poor Persons, Practice, Salvage, Slaves, Ships and Vessels, Writs and Process.

Your committee have deemed it necessary to be thus particular in presenting the situation of the several Chapters, that it might appear at one glance what progress has been made towards adopting them. It is evident from the above exhibit, that by far the larger part of the labor incident to giving effect to the revision, has already been performed, and that the time and labor necessary to complete the passage of the remaining Chapters, is comparatively small, when taken in connection with the advantages attained by having a systematic and uniform code of laws. Your committee, therefore, urge upon the Legislative Council the propriety and importance of at once declaring those Chapters which have already passed both Houses, and received the assent of the Executive, to be laws, in full force and effect, so soon as they can be printed and distributed ; and also, immediately to take up the remaining Chapters, and pass them, and thus give to the citizens of Florida the privilege of examining and testing for themselves their utility. Your committee make no apology for availing themselves of the present occasion, to detail some of the rea-

sons which induce them to urge upon the Legislative Council this immediate action.

As yet the great body of those, who are mostly interested in having good and wholesome laws, have had no opportunity afforded them of examining and judging for themselves, of the merit or demerit of the Digest, and it is but reasonable and just that this privilege should be extended to them. From the fact, that very few have had access to the revised statutes, erroneous notions have taken root, prejudice is allowed to sway and bias, and unless the Legislative Council will take the responsibility of giving them to the public, there is every reason to fear that the Territory will be entirely deprived of those advantages which even the most prejudiced and biased mind cannot fail to accord to the revised code. That the work which has been submitted for legislative action is perfect or what, in every respect would be desirable, can hardly be expected. No individual can prepare a system of laws which will embody the notions and views of every one. To prepare an entire and systematic code, is a work of no small undertaking ; but to remodel, revise, amend, and reduce to system, the broken, disconnected, and confused statutes of the Territory, was an effort not only of labor and difficulty, but one demanding a rigid exercise of sound judgement and discretion. Yet, this effort has been made—the work accomplished, with that talent and research, which commends it to favorable consideration. The Legislature, since the formation of the Territorial Government, has enacted, repealed, re-enacted, revised, altered, amended, and modified the laws, till they have become so confused, that even the Judges and members of the bar, are scarcely able to ascertain what the law is upon the most common subject. This mass of complication, the Reviser has succeeded in reducing to system, the importance of which, in the operation of laws, addresses itself without comment to every mind. With these views, your committee leave the subject, feeling that, whatever may be the action, with reference to the revised statutes, they have discharged their duty to themselves, their constituents and the Territory.

To carry into effect the views suggested by your committee, they would respectfully recommend the adoption of the following resolutions :

*Be it resolved by the Senate and House of Representatives,* That a Joint Select Committee, consisting of three from each House, be appointed to designate the time when the Revised Statutes shall go into effect, and make report to the House.

*Resolved further,* That said committee take into consideration the Chapters of said Statutes, not acted upon, and report the same as early as practicable.

All of which is respectfully submitted.

JAMES G. COOPER,

Chairman of Joint Select Committee on part of the Senate.

Which was read.

Mr. Baltzell moved that fifty copies be printed of the report of

the Auditor of Public Accounts, made in obedience to a call of the Senate some time past, and which was laid on the table.

Which motion prevailed, and fifty copies were ordered to be printed.

On motion of Mr. Smith, the Senate resolved itself into a Committee of the Whole, on the bill entitled, An Act to enable the Union Bank of Florida, and others, more readily to collect their debts, which bill had been before the Committee of the Whole the two preceding days, and after some time spent therein, the Committee rose and reported the bill without amendment, and asked to be discharged from its further consideration; which was granted.

Mr. Walker moved to re-commit the bill to a Select Committee of five, and on this motion the yeas and nays were called for by Messrs. Smith and Cooper, and were,

Yeas—Mr. President, Messrs. Baltzell, Livingston, Long, Mathers, Ramsay and Walker—7.

Nays—Messrs. Cooper, English, Haughton, Pelot, Priest, Smith and Yonge—7.

So the motion to re-commit, failed, and

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

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THURSDAY, February 29th, 1844.

The Senate met pursuant to adjournment, and a quorum being present the Journal of yesterday was read and approved.

Mr. Pelot, from the Committee on the Militia, to which was referred, a bill entitled An Act amendatory of an act to organize and regulate the Militia of the Territory of Florida, and to repeal all former acts in relation to the same, reported the same with sundry amendments, which was received and placed among the orders of the day.

Mr. Pelot, from the same Committee reported without amendment, An Act to organize an Independent Company of Artillery, to be called the Florida Artillery Company, from the House of Representatives, which was received and placed among the orders of the day.

A communication was received from his Excellency the Governor, and placed among the orders of the day.

A communication was also received from the Secretary of the Territory and laid on the table.

The bill entitled An Act to enable the Union Bank of Florida and others, more readily to collect their debts, reported by the Committee of the whole on yesterday, was made the special order of the day for to-morrow.

On motion of Mr. Baltzell the Senate resolved itself into Committee of the whole, on the bill entitled An Act to provide against a

fraudulent and depreciated currency, Mr. Haughton in the chair, and after some time spent therein, the Committee rose, reported progress, and asked leave to sit again, which was granted.

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

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FRIDAY, March 1, 1844.

The Senate met pursuant to adjournment. A quorum being present, the Journal of yesterday was read and approved.

Mr. Baltzell moved to amend the 19th rule in relation to the order of business, by inserting after the words "Select Committee," the words "Communications from the House of Representatives," which motion prevailed, and the 19th rule as amended, reads

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, communications from the House of Representatives, orders of the day.

Mr. Walker from the Judiciary Committee, reported the following bills, which were received and placed among the orders of the day.

A bill entitled An Act to exempt cotton sold at auction from auction tax, with amendments.

An Act from the House of Representatives, to provide for the partition or division of real estate, without amendment.

Preamble and Resolutions from the House of Representatives, providing for the reprinting certain acts of the Legislative Council, reported upon unfavorably.

Mr. Pelot from the Select Committee, to which was referred, the Preamble and Resolutions respecting the lands reserved for Military purposes, &c., made the following report:

The Committee to whom was referred a preamble and resolution from the House of Representatives, respecting the lands reserved for military purposes in Hillsborough county, have had the same under consideration, and beg leave to

REPORT:

That they believe the grievances set forth in the preamble call aloud for legislative interference. Our people in that section of country are seriously oppressed by military despotism, and by the reservation of sixteen miles square, they are deprived of all the privileges and benefits arising from the waters of the harbor and river of Hillsborough, there being no secure landing place but within said reservation. The Committee in investigating this matter, can find no law of Congress granting this unnecessary reservation, and are therefore led to the conclusion that it is a usurpation of authority by the military, not sanctioned by Congress. They would therefore recommend the unanimous adoption of the preamble and resolution, with two slight amendments.

JOHN C. PELOT,  
Chairman Select Committee.

Mr. Baltzell from the Joint Select Committee of both houses, appointed to consider and devise the best means and ways of discharging the indebtedness of the Territory, reported the following bills, which were read the first time, the rule waived, and read a second time, and fifty copies of each bill ordered to be printed.

A bill entitled An Act in relation to county Treasurers.

A bill entitled An Act for the election of Assessors.

A bill entitled An Act for the election of county Auditors.

The following bills, and Preambles and Resolutions from the Senate, have been passed by the House of Representatives, and returned to the Senate.

A bill entitled An Act to amend an act to authorize Edwin G. Booth to establish a ferry across the Apalachicola river, passed without amendment.

Resolutions asking compensation to the Chaplains of the Senate and House of Representatives, with an amendment, which was concurred in by the Senate.

Preamble and Resolutions, asking a re-appropriation to repair the road from Jacksonville East Florida to the Mineral Springs, adopted without amendment.

Preamble and Resolutions, relating to the Militia claims of Col. Dempsey Pitman, adopted without amendment.

The following bills and resolutions, from the House of Representatives, were read the first time, and appropriately disposed of.

A bill entitled, An Act to establish a Board of Commissioners of Pilotage, for the Port of Key West and other harbours, in the county of Monroe, was read the first time and placed among the orders of the day.

A bill entitled An Act to authorize Maria Doggett to keep a ferry at Jacksonville on St. John's river, was read the first time, the rule waived, read the second and third time, and passed without amendment.

Ordered that the title be as read.

A bill entitled An Act to authorize Wm. J. Hendricks to keep a ferry at the Cow Ford, on St. Johns River, was read the first time, and the rule waived, read the second and third time, and passed without amendment.

Ordered that the title be as read.

A bill entitled An Act for the relief of a person therein named, was read the first time, the rule waived and read the second time, and referred to a Select Committee, consisting of Messrs. Cooper, Livingston and Ramsay.

A bill entitled An Act to legalize certain acts of the Clerk of Columbia County Court, and for other purposes, was read the first time, the rule waived, read the second and third time and passed without amendment.

Ordered that the title be as read.

Preamble and Resolutions asking compensation for Capt. Arnou's Company of Volunteers, called the Iola Volunteers, were read the

first time, the rule waived, read the second and third time and adopted.

The following communication was received from his Excellency the Governor:

EXECUTIVE OFFICE, }  
Tallahassee, 23d February, 1844. }

*Gentlemen of the Senate  
and House of Representatives:*

I have approved the following acts and resolutions:

A resolution relative to the establishment of a mail route from Alligator, Florida, to Centreville, Georgia.

An act entitled, An Act to incorporate the Trustees of the Presbyterian Church of Iamonia.

A resolution relative to the repairs of the road leading from Tampa Bay to Palatka.

An act entitled, An Act to amend an act fixing the time of holding the Superior Courts of the Apalachicola District.

An act entitled, An Act to incorporate the town of Milton, in Santa Rosa county.

An act entitled, An Act to alter and amend an act approved 4th March, 1842, authorizing William H. Walker to establish a ferry across the Wakulla river.

An Act to authorize Lewis B. Davis to establish a ferry across the Suwannee river, at a place known as Booth's Springs.

An Act to divorce Huldah Manning from her husband May Manning, and to change the name of the said Huldah Manning to that of Huldah Johnson.

An Act to incorporate the West Florida Collegiate Institute.

An Act to authorize William Cason to establish a ferry across the Santa Fee river at Fort White.

A resolution relative to the improvement of the navigation of Chipola river.

An Act to establish a ferry across the St. Johns' river, at or near Constantia.

A resolution relative to the distribution of the Census Returns.

An Act to repeal an act entitled an act to change the time of holding the election of a Representative of the Legislative Council for the county of Calhoun, and for other purposes.

An Act for the relief of Sarah Ross.

Preamble and Resolutions relative to certain public lots in the city of St. Augustine.

Preamble and Resolutions relative to the opening of a road from Palatka to St. Augustine.

An Act to change the name of Susan E. Johnson to that of Susan E. Edmonds.

An Act to authorize Elijah Andrews to establish a ferry across the Ocklockonnee river, at or near Harvey's mills.

An Act to authorize John L. Taylor and V. J. Strickland to establish a bridge across the Ocilla river, at the Indian trail.

R. K. CALL.

Also, the following communication :

EXECUTIVE OFFICE, }  
Tallahassee, 28th February, 1844. }

*Gentlemen of the Senate  
and House of Representatives :*

I have approved the following Acts and Resolutions of the Legislative Council, passed at its present session :

An Act to authorize Joseph Forsyth to build a bridge across Pond creek, in Santa Rosa county.

A Resolution relative to the improvement of the navigation of the Chipola river.

A Resolution relative to the increase of the light houses on the coast of Florida.

An Act to change the time of holding the County Court of Santa Rosa county.

A Resolution relative to the establishment of mail routes in the counties of Hillsborough and Hernando.

A Resolution relative to the establishment of a Marine Hospital in Jacksonville, East Florida.

An Act to incorporate the Episcopal Church at Monticello.

An Act to establish and regulate pilotage on the waters and in the harbor of Mosquito.

R. K. CALL.

Also, the following communication :

EXECUTIVE OFFICE, }  
Tallahassee, 28th February, 1844. }

*Gentlemen of the Senate  
and House of Representatives :*

I have received from the President of the Union Bank of Florida, an additional number of seventy-one bonds of the Territory, for one thousand dollars each, which have been cancelled in conformity to the law on that subject.

R. K. CALL.

A communication was received from Thomas H. Duval Esq., Secretary of the Territory, which was read and laid on the table.

A resolution of the House of Representatives, appointing a Joint Select Committee of both Houses of the Legislative Council, to designate the time when the Revised Statutes, which have been passed by the Legislative Council, and approved by the Governor, shall go into effect. Also, to take into consideration the Revised Chapters of said Statutes not acted upon, and make report to their respective Houses as early as practicable, was read the first time, the rule waived, and read a second and third time and adopted.

Messrs. Pelot, Smith and Cooper were appointed on the part of

the Senate, a Committee to act Jointly with Messrs. Sanderson, Floyd and Arnou, the Committee on the part of the House of Representatives, under said Resolution.

The Senate went into Secret Session on Executive nominations, and after some time spent therein, the doors were opened, and the special order of the day was taken up, which was the engrossed bill entitled An Act to enable the Union Bank of Florida and others, more readily to collect their debts.

Mr. Baltzell moved to recommit the bill to the Committee of the whole, which motion failed.

Mr. Long moved to lay the bill on the table, which motion also failed.

The bill was then read the third time and put on its passage, and the yeas and nays were called for by Messrs. Pelot and Smith, and were,

Yeas—Mr. President, Messrs. Cooper, Pelot, Priest, Smith—5.

Nays—Messrs. Baltzell, Hart, Livingston, Long, Mathers, Ramsay and Walker—7.

So the bill was rejected.

An engrossed bill entitled, An Act to amend the law on the subject of Chancery proceedings, was read the third time and passed. Ordered that the title be as read.

A bill from the House of Representatives entitled, An Act supplementary to an act approved 5th March, 1842, relative to Roads and Highways, was read the second time and referred to the Committee on the State of the Territory.

Preamble and Resolutions from the House of Representatives, respecting a mail communication by water from New Port via Cedar Keys, &c. &c., to Key West, came up on a second reading.

Also, Senate's resolutions on the same subject, reported from the Committee on the State of the Territory, were taken up, and the Senate resolved itself into Committee of the Whole on both resolutions, Mr. Hart in the Chair, and after some time spent therein, the Committee rose and reported the Senate's resolutions, without amendment, and asked to be discharged from the further consideration of the preamble and resolutions from the House of Representatives, on which the yeas and nays were called for by Messrs. Pelot and Cooper, and were,

Yeas—Mr. President, Messrs. Baltzell, Hart, Haughton, Livingston, Long, Mathers, Ramsay, Smith and Walker—10.

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

So the report of the Committee of the Whole was concurred in.

And the Senate's resolutions were ordered to be engrossed for a third reading to-morrow, and the preamble and resolutions from the House, were on motion laid on the table.

A bill entitled an act to exempt from levy and sale certain property therein mentioned, was read the second time and referred to the Committee on the State of the Territory.

The petition of many citizens of Leon county praying that David

Downey Young may be released from the payment of a certain penalty on a forfeited recognizance therein named, was read the second time and referred to the Committee on the State of the Territory.

The following bills were read the second time and referred to the Committee on the Judiciary.

A bill entitled, An Act to repeal certain acts therein mentioned.

A bill in relation to the change of venue in criminal cases.

The Senate resolved itself into Committee of the Whole on the bill entitled, An Act respecting Steam Boats, &c., Mr. Pelot in the Chair, and after some time spent therein, the Committee rose, reported the bill without amendments and asked to be discharged from the further consideration thereof.

Which was granted, and on motion, the bill was re-committed to a Select Committee, consisting of Messrs. Yonge and Long.

A bill entitled, An Act to change the time of holding the County Court of Walton County, was read the second time, the rule waived, read the third time and passed.

Ordered that the title be as read.

Mr. Pelot, from the Select Committee to whom was referred the bill entitled, An Act to amend an act to authorize David Platt to establish a ferry at the junction of the Suwannee and Withlacoochee rivers, in the county of Madison, made the following Report:

The Committee to whom was referred an act to amend an act to authorize David Platt to establish a ferry at the junction of the Suwannee and Withlacoochee rivers, in the county of Madison, have had the same under consideration, and beg leave to

## REPORT

Unfavorably on said bill—for they conceive it to be improper, (unless in extreme cases,) for the Legislature to interfere with the jurisdiction of the County Court of Madison, who has the right, when the rates of ferriage are shown to be oppressive, to alter those rates by any necessary reductions. The Committee further believe, that the Courts, to whom this business is specially confided by Legislative enactments, are far better qualified to judge of the proper rates of ferriage than the Legislature can be.

JOHN C. PELOT,

Chairman Select Committee on David Platt's Ferry.

Which was read, concurred in, and on motion, the bill was indefinitely postponed.

The bill entitled An Act to organize a county to be called St. Lucie county, from the House of Representatives, reported from the Committee on the State of the Territory, with an amendment, was taken up and the amendment read, which proposes to strike out the 9th section, on which a discussion ensued, and before the question was determined, the bill was on motion laid on the table.

And Mr. Houghton moved that the Senate adjourn until Monday next 12 o'clock, on which motion the yeas and nays were called for by Messrs. Baltzell and Cooper, and were:

YEAS—Messrs. Houghton, Livingston, Long, Ramsay, Smith and Yonge—6.

NAYS—Mr. President, Messrs. Baltzell, Cooper, Hart, Mathers, Pelot, Priest and Walker—8.

So the Senate refused to adjourn to Monday 12 o'clock.

Mr. Long moved to adjourn to 10 o'clock on Monday, and the yeas and nays were called for by Messrs. Baltzell and Pelot and were:

YEAS—Messrs. Houghton, Livingston, Long, Mathers, Ramsay, Smith and Yonge—7.

NAYS—Mr. President, Messrs. Baltzell, Cooper, Hart, Pelot, Priest and Walker—7.

So the Senate refused to adjourn to 10 o'clock A. M., on Monday. On motion, the Senate adjourned until to-morrow, 10 o'clock.

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SATURDAY, March 2d, 1844.

The Senate met pursuant to adjournment, but a quorum of members not being present, the Senate adjourned until Monday, 10 o'clock, A. M.

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MONDAY, March 4th, 1844.

The Senate met pursuant to adjournment, and a quorum being present the Journal of Friday was read and approved.

Mr. Pelot moved that the rule be waived to enable him to introduce a bill without notice.

Which was granted, and he introduced a bill entitled, An Act to amend the charter authorizing David Platt to establish a Ferry at the junction of the Suwannee and Withlacoochee rivers.

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

On motion of Mr. Yonge, the bill entitled, An Act concerning hawkers, pedlars, and itinerant traders, was taken from the table, and placed among the orders of the day.

The bill entitled, An Act for the protection of Females, was, on motion of Mr. Yonge, made the special order of the day for Wednesday next.

Mr. Hart, from the Select Committee, to which was referred the petition of Frances Dummett, reported a bill entitled, An Act to divorce Frances Dummett from her husband, Douglass Dummett, of St. Johns county.

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

Mr. Yonge, from the Select Committee, to which was referred the bill entitled, An Act respecting Steamboats, &c., reported the bill with amendments.

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

Mr. Hart, from the Committee on Schools and Colleges, to which was referred the bill entitled, An Act for the advancement of education in this Territory, reported unfavorably, and asked to be discharged from the further consideration of the same, Mr. Yonge dissenting.

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

The Committee on Enrolled Bills, beg leave to report the following Bills and Resolutions as correctly enrolled, viz :

An Act to authorize Willis Watson to establish a Ferry across the Chipola river, in Jackson county.

A bill entitled, An Act to amend an act to authorize Edwin G. Booth to establish a Ferry across the Apalachicola river.

An Act to establish the county-site of Dade county, and for other purposes.

Preamble and Resolutions respecting Marvin's Code.

Resolutions requesting our Delegate in Congress to use his best exertions to procure certain benefits and appropriations for Dade county.

Preamble and Resolutions asking a re-appropriation to repair the road from Jacksonville, East Florida, to the Mineral Springs.

Preamble and Resolutions relative to Public Lands.

Preamble and Resolutions relating to Militia claims of Colonel Dempsey Pittman.

Preamble and Resolutions asking of Congress an appropriation for clearing out the obstructions in the Suwannee river, &c.

Preamble and Resolutions relative to Seminary Lands.

And Preamble and Resolutions relative to Marvin's Code.

Mr. Livingston, from the Committee on the State of the Territory, reported a bill from the House of Representatives entitled, An Act to authorize Thomas Livingston to establish a Ferry across the Suwannee river.

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

Mr. Livingston, from the same Committee, reported a Memorial to the Congress of the United States, respecting losses sustained by the people of Florida, in consequence of the Indian war.

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

The following enrolled bills were signed by the President and Secretary of the Senate :

An Act to alter and change the name of Hernando County.

An Act to incorporate the Southern Grays.

An Act to change the name of Rebeck Stevens.

An Act to legalize the acts of the acting Clerk of Dade County.

An Act to alter and change the present boundary lines of Hernando County.

Preamble and Resolutions asking a post route from Alligator to Black Creek, &c.

Preamble and Resolutions asking a donation of certain lots in the city of Pensacola for a Free School, &c.

Preamble and Resolutions concerning New Port in Wakulla County.

The following communication was received from his Excellency, the Governor :

EXECUTIVE OFFICE, }  
Tallahassee, 1st March, 1844. }

*Gentlemen of the Senate*

*and House of Representatives :*

I herewith transmit for the information of the Legislative Council, the report of the Commissioners appointed for the Western Territorial District, under the provisions of the act entitled, An Act concerning Indian depredations, and for other purposes," approved 24th Feb., 1841.

R. K. CALL.

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

The Senate went into secret session on Executive nominations, and after some time spent therein the doors were opened, and the orders of the day were taken up.

#### ORDERS OF THE DAY.

Preamble and Resolutions, reported by the Committee on the State of the Territory, in relation to Indian depredations in Washington county, West Florida, were read the third time, and adopted.

An Act to empower John Q. Worthington, a minor, to assume the management of his own estate, from the House of Representatives, came up on a third reading, on which the yeas and nays were called for by Messrs. Baltzell and Smith, and were,

*Yeas*—none.

*Nays*—Mr. Speaker, Messrs. Baltzell, Cooper, Hart, Livingston, Long, Pelot, Priest, Ramsay, Smith and Walker—11.

So the bill was rejected.

A bill entitled, An Act to establish a Board of County Commissioners, reported from a Select Committee, with amendments, was laid aside for to-day.

Also, a bill entitled, An Act in addition to and amendatory of the several acts in relation to divorce, and the bill on attachments, were likewise temporarily passed over.

The Report of the Select Committee on the Revised Statutes of Judge Marvin, was laid on the table.

A bill entitled, An Act to amend the charter authorizing David Platt to establish a ferry at the junction of the Suwannee and Withlacoochee, was read the second time, the rule waived, read third time and passed.

Ordered, that the title be as read.

The Report of the Committee on the petition of John M. Hanson and others, came up, and on the question of concurrence with the report of the Committee, the yeas and nays were called for by Messrs. Cooper and Priest, and were :

YEAS—Mr. President, Messrs. Baltzell, Hart, Haughton, Livingston, Long, Ramsay and Walker—8.

NAYS—Messrs. Cooper, Pelot, Priest and Smith—4.

So the report of the Committee was concurred in, and the resolution of the Committee read the second time, when the Senate resolved itself into Committee of the Whole on the motion of Mr. Haughton, Mr. Long in the Chair, and after some time spent therein, the Committee rose, and reported the resolution as amended, in which report the Senate concurred, and the Resolution was ordered to be engrossed, and made the special order of the day for to-morrow.

A bill entitled, An Act to amend the acts concerning Executors and Administrators, was read the second time, and referred to a Select Committee, consisting of Messrs. Pelot, Yonge and Baltzell.

A Preamble and Resolution from the House of Representatives, asking the Delegate in Congress to make an earnest appeal to the government of the United States for the payment of losses of property, suffered from Indian depredations, were read the third time and adopted.

A bill entitled, An Act to change the time of holding the Superior Courts in Gadsden and Leon Counties, was read the third time and passed.

Ordered that the title be as read.

A bill entitled, An Act for the relief of Caroline G. Jones, was ordered to be engrossed for a third reading on to-morrow.

An Act to organize an independent company of artillery, to be called the Florida Artillery Company, from the House of Representatives, was read the third time and passed.

Ordered that the title be as read.

A bill entitled, An Act amendatory of an act to organize and regulate the Militia of the Territory of Florida, and to repeal all former laws in relation to the same, was on motion of Mr. Haughton, laid on the table.

Resolutions in relation to the election of certain officers by the joint vote of both Houses of the Legislative Council, which was reported by the Committee on the Judiciary, that further action is not advisable, came up on a concurrence with the report of the Committee, and the report of the Committee was concurred in, which amounts to a rejection of the resolutions.

An Act to provide for the Partition or Division of real estate, from the House of Representatives, was read the third time and passed.

Ordered, that the title be as read.

Preamble and Resolutions from the House of Representatives, providing for the reprint of certain acts of the Legislative Council, which are considered out of print, reported unfavorably upon by the Committee on the Judiciary, came up on the report of the Committee, which was concurred in. So the Preamble and Resolutions were rejected.

An Act to establish a Board of Commissioners of Pilotage for the Port of Key West, &c., from the House of Representatives, was read the second time, the rule waived, read third time and passed.

Ordered that the title be as read.

Preamble and Resolutions respecting the lands reserved for military purposes in Hillsborough county, came up on the report of the Select Committee, which was concurred in, and placed among the orders of the day.

Engrossed Resolutions asking the establishment of a mail route from St. Marks via Cedar Keys, Tampa Bay, &c., to Key West, were read the third time and passed.

A bill entitled, An Act to exempt Cotton sold at auction from auction tax, reported from the Committee on the Judiciary, with amendments, came up on the report of the Committee, which was concurred in, and the bill ordered to be engrossed for a third reading.

A bill entitled, An Act to provide against a fraudulent and depreciated currency, was laid over for this day.

A bill entitled, An Act for the election of County Assessors ; also, An Act for the election of County Treasurers, were laid on the table.

A bill entitled, An Act for the Protection of Females, was made the special order of the day for Wednesday next.

The Senate adjourned until to-morrow, 10 o'clock, A. M.

TUESDAY, March 5th, 1844

The Senate met pursuant to adjournment. A quorum of members being present, the journal of yesterday was read and approved.

On motion of Mr. Pelot, the bill entitled, An Act to organize a county to be called St. Lucie County, was taken from the table and placed among the orders of the day.

Also, the report of the Joint Select Committee to wait on Judge Marvin, &c.

On motion of Mr. Yonge, Mr. Smith had leave of absence granted him for the remainder of the session.

Mr. Walker asked and obtained leave to introduce a bill entitled, An Act for the more effectual punishment of trespass.

Which was read the first time and placed among the orders of the day.

Mr. Cooper from the Select Committee to which was referred a

bill from the House of Representatives entitled, An Act for the relief of a person therein named, reported the same without amendment.

Mr. Walker, from the Committee on the Judiciary, reported the following bills :

A bill entitled, An Act to amend an act regulating the rate of interest, approved 12th Feb., 1833, without amendment.

A bill entitled, An Act to repeal certain acts therein mentioned, with amendments.

A bill entitled, An Act in relation to the change of venue in criminal cases, with amendments.

A bill entitled, An Act to provide for appeals and writs of error in criminal cases, without amendment.

A bill entitled, An Act to amend the execution laws, with amendments.

The resolution on the petition of John M. Hanson and others, which was the special order of the day for to-day, was on motion of Mr. Haughton, postponed to Thursday next.

On motion of Mr. Baltzell, the Senate resolved itself into Committee of the Whole, Mr. Haughton in the Chair, on the bill to provide against a fraudulent and depreciated currency, and after some time spent therein, the Committee rose and reported the bill with amendments.

Which were concurred in by the Senate.

Mr. Walker offered an amendment to the bill in the form of an additional section, which went to suspend the operation of the 4th section, until the first day of December next, which he had previously offered in Committee of the Whole, and called for the yeas and nays, seconded by Mr. Livingston, which were,

Yeas—Mr. President, Messrs. Haughton, Livingston, Long, Ramsay and Walker—6.

Nays—Messrs. Baltzell, Cooper, Hart, Pelot, Priest, Yonge—6. So the amendment was rejected.

Mr. Baltzell moved the re-instatement of the eleventh section of the bill, which had been stricken out in Committee of the Whole, and called for the yeas and nays, seconded by Mr. Livingston, which were,

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

Nays—Messrs. Hart, Haughton, Livingston, Ramsay and Walker—5.

So the eleventh section of the original bill was re-instated, and the bill read a second time and ordered to be engrossed for a third reading.

An engrossed bill entitled, An Act for the relief of Caroline G. Jones, was informally passed over.

An engrossed bill entitled, An Act to exempt cotton sold at auction from auction tax, was read the third time and passed.

Ordered that the title be as read.

A bill entitled, An Act concerning Hawkers, Pedlars and Itinerant Traders, was amended by adopting a substitute for the bill, except the title.

Which was read the second time and ordered to be engrossed for a third reading.

A bill entitled An Act to divorce Frances Dummett from her husband Douglas Dummett of St. Johns county, was read the second time, and ordered to be engrossed for a third reading.

A bill entitled An Act respecting Steamboats, was laid over until to-morrow.

A bill entitled An Act to establish a board of County Commissioners, was taken up, and the Senate resolved itself into Committee of the whole, Mr. Cooper in the chair, and after some time spent therein, the Committee rose and reported the bill without amendment, which was ordered to be engrossed for a third reading.

The Senate resolved itself into Committee of the whole, on the bill entitled An Act for the advancement of education in this Territory, Mr. Long in the chair, and after some time spent therein, the Committee rose and reported the bill with amendments, which were concurred in.

Mr. Yonge moved to amend the bill so as to provide pay and mileage for the Trustees, on which the yeas and nays were called for by Messrs. Cooper and Priest, and were :

Yeas—Messrs. Cooper, Long, Priest, Ramsay, Walker and Yonge—6.

Nays—Mr. President, Messrs. Baltzell, Hart, Haughton, Livingston and Pelot—6.

So the motion failed.

Mr. Baltzell moved that the bill be engrossed for a third reading, on which motion the yeas and nays were called for by Messrs. Hart and Pelot, and were :

Yeas—Mr. President, Messrs. Baltzell, Cooper, Haughton, Livingston, Priest, Walker and Yonge—8.

Nays—Messrs. Hart, Long, Pelot and Ramsay—4.

So the bill was ordered to be engrossed for a third reading.

A communication was received from the House of Representatives, informing the Senate that the House has appointed Messrs. Floyd, Sanchez and Chapman, a committee of conference, on the disagreement of the two Houses, on the bill entitled, An Act to amend an act incorporating the city of Apalachicola.

Whereupon Messrs. Cooper, Baltzell and Yonge, were appointed a committee on the part of the Senate, to confer with said committee of the House of Representatives.

An Act to authorize Thomas Livingston to establish a ferry across the Suwannee River, reported from the Committee on the State of the Territory, with an amendment, was taken up, the amendment concurred in, the rule waived, the bill read a second and third time and passed.

Ordered that the title be as read.

The following enrolled bills were signed by the President and Secretary of the Senate :

An Act to authorize Willis Watson to establish a Ferry across the Chipola river, in Jackson county.

A bill entitled, An Act to amend an act to authorize Edwin G. Booth to establish a Ferry across the Apalachicola river.

An Act to establish the county site of Dade county, and for other purposes.

Preamble and Resolutions respecting Marvin's Code.

Resolutions requesting our Delegate in Congress to use his best exertions to procure certain benefits and appropriations for Dade county.

Preamble and Resolutions asking a re-appropriation to repair the road from Jacksonville, East Florida, to the Mineral Springs.

Preamble and Resolutions relative to Public Lands.

Preamble and Resolutions relating to Militia claims of Colonel Dempsey Pittman.

Preamble and Resolutions asking of Congress an appropriation for clearing out the obstructions in the Suwannee river, &c.

Preamble and Resolutions relative to Seminary Lands.

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

WEDNESDAY, March 6th, 1844.

The Senate met pursuant to adjournment, and a quorum being present, the Journal of yesterday was read and approved.

Mr. Yonge moved that the rule be waived, to enable him to introduce a bill without notice ; which was granted, and he introduced a bill entitled, An Act to prohibit the issue of change bills, &c.

Which was read the first time and placed among the orders of the day.

The following bills were received from the House of Representatives and read the first time :

An Act to alter and change the present county-site of Calhoun County.

An Act to divorce Wm. H. Brouss.

#### ORDERS OF THE DAY.

The Senate resolved itself into Committee of the Whole, on the bill entitled, An Act for the protection of Females, Mr. Long in the Chair, and after some spent therein, the Committee rose and reported the bill with amendments, which were concurred in, and on motion of Mr. Yonge, the title of the bill was so amended as to read, An Act for the Protection of the Rights of Women, and the bill was ordered to be engrossed for a third reading.

A memorial of the Governor, Senate and House of Representatives of Florida to the Congress of the United States, from the House of Representatives, was read the third time and adopted.

Preamble and Resolution from the House of Representatives respecting the lands reserved for Military purposes in Hillsborough county, were read the third time and adopted.

A bill entitled An Act to amend the attachment laws, was read the second time, and ordered to a third reading on to-morrow.

A bill entitled An Act in addition to, and amendatory of the several acts in relation to divorce, was read the second time and ordered to be engrossed for a third reading.

An engrossed bill entitled, An Act for the relief of Caroline G. Jones, was read a third time, and on the question of the passage of the same, the yeas and nays were called for by Messrs. Pelot and Priest, and were,

Yeas—Messrs. Cooper, Hart, Haughton, Priest and Walker—5.

Nays—Mr. President, Messrs. Baltzell, Livingston, Long, Pelot and Yonge—6.

So the bill was rejected.

A bill entitled, An Act respecting steam boats, was read the second time and amended, and ordered to be engrossed for a third reading.

A bill entitled An Act to amend the execution law, came up for a second reading, upon which the Senate resolved itself into committee of the whole, Mr. Cooper in the chair, and after some time spent therein, the committee rose, reported progress, and asked leave to sit again, which was granted.

And then the Senate took a recess until half past 3 o'clock, P. M.

HALF PAST 3 O'CLOCK, P. M.

The Senate met pursuant to adjournment. A quorum being present, the Senate again resolved itself into a Committee of the Whole on the bill entitled, An Act in relation to Executions, in which the Committee had made progress, and after some time spent therein, the Committee rose and reported the bill with amendments.

Which were concurred in by the Senate, and the bill ordered to be engrossed for a third reading.

A bill entitled, An Act to provide for appeals and writs of error in criminal cases, was ordered to be engrossed for a third reading.

A bill entitled, An Act in relation to the change of Venue in Criminal Cases, was read the second time, amended, and ordered to be engrossed for a third reading.

A bill entitled, An Act to repeal certain acts therein mentioned, was taken up, and the report of the Committee concurred in—and on motion the Senate went into Committee of the Whole on the said bill, Mr. Haughton in the Chair, and after some time spent therein, the Committee rose, and reported the same without amendment, and the bill was then ordered to be engrossed for a third reading.

A report of a Joint Select Committee on the part of the Senate, in relation to Judge Marvin's Revised Statutes, was read a second time, and on the question of concurrence with the same, the yeas and nays were called for by Messrs. Pelot and Long, and were:

*Yeas*—Messrs. Cooper, Pelot and Priest—3.

*Nays*—Mr. President, Messrs. Baltzell, Hart, Haughton, Long, Ramsay and Walker—7.

So the report was rejected.

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

THURSDAY, March 7th, 1844.

The Senate met pursuant to adjournment. A quorum being present, the Journal of yesterday was read, corrected and approved, by inserting,

On motion of Mr. Baltzell, the vote on the bill from the House of Representatives, to empower John Q. Worthington, a minor, to assume the management of his own estate, was reconsidered, and the bill again placed among the orders of the day.

Messrs. Cromartie and Shine, a Committee from the House of Representatives, announced the melancholy intelligence of the death of the Hon. Richard Burney, a member of that body from the county of Leon. Whereupon Mr. Haughton, a Senator from the Middle District, made some feeling and eloquent remarks on the character and worth of the deceased, and Mr. Walker offered the following Preamble and Resolutions:

*Whereas*, this Senate has heard with extreme sorrow of the death of the Hon. RICHARD BURNEY, a member of the House of Representatives from the County of Leon, and being desirous of paying a proper tribute to the acknowledged merit and estimable character of the deceased, and being deeply sensible of the loss sustained not only by this Legislature, but by the community of which he was a member, by this bereavement:

*Be it therefore resolved*, That the members of this body will wear crape on the left arm for thirty days.

*Be it further resolved*, That the Senate adjourn and unite with the House of Representatives in paying funeral honors to the deceased.

On motion, Messrs. Haughton, Pelot and Walker, were appointed a Committee on the part of the Senate, to act jointly with a Committee of the House of Representatives, in making arrangements for the funeral obsequies.

On motion, the Senate adjourned.

FRIDAY, March 8th, 1844.

The Senate met pursuant to adjournment, and a quorum being present the Journal was read and approved.

On motion of Mr. Long, the vote on the bill for the relief of Caroline G. Jones, was reconsidered, and the bill again placed among the orders of the day.

Mr. Long gives notice that he shall on some future day ask leave to introduce a bill to be entitled An Act to repeal the election laws now in force in this Territory.

On motion of Mr. Cooper, a bill for the relief of a person therein named, was taken from its position among the orders of the day, and made the special order for this day.

On motion of Mr. Walker, the rule was waived to enable him to introduce without the usual notice, a bill entitled An Act to authorize the qualified voters of Wakulla county to establish their county site, which was read the first time, and ordered to a second reading to-morrow.

Mr. Cooper, agreeably to notice given, asked and obtained leave to introduce a bill entitled An Act to regulate the trial of slaves and free negroes in certain cases, which was read the first time and placed among the orders of the day.

Mr. Long conformably to notice given, obtained leave to introduce a bill to be entitled An Act to repeal an act therein mentioned, which was read the first time, and placed among the orders of the day.

Mr. Hart introduced the following Preamble and Resolutions, which were read, the rule waived, and the preamble and resolutions read the second time and adopted:

*WHEREAS*, it appears by the return of the Auditor of Public Accounts for the Territory of Florida that there was, on the 5th day of February, 1844, in the Treasury of said Territory fifty-nine thousand six hundred and seventy dollars or thereabouts: *AND WHEREAS*, it further appears by said return that there are outstanding Treasury Warrants against said Territory, which have not been paid, to the amount of sixteen thousand seven hundred and ninety-eight dollars, or thereabouts:

*Therefore, be it resolved by the Senate of the Territory of Florida*, That the Auditor of Public Accounts do forthwith inform the Senate, why it is that said Warrants are not paid and taken up.

*And be it further resolved*, That the said Auditor do furnish the Senate with an account current of all the money which has been received on account of the Territory for the last ten years, with an exact account of the amount paid out, the exact amount of outstanding Warrants, and the exact amount which is now in the Treasury.

Mr. Baltzell from the Select Committee to whom was referred the Message of the Governor, in reply to a resolution of the Senate, on the subject of the Seminary Lands, made the following report, which was read:

The Select Committee to whom was referred the Message of the Governor, in reply to a resolution of the Senate on the subject of the Seminary Lands, have had the same under consideration, and

#### REPORT :

That the donation of two townships, being 72 sections or 46,080 acres of land for a Seminary of Learning in Florida, was made by Congress, in the year 1823.

The earliest notice of it seems to have been taken by the late Governor of Florida, Wm. P. Duval, in a letter addressed to Mr. Rush, then Secretary of the Treasury, dated the 10th December, 1825, in which he "solicits permission to designate the sections intended to be reserved"—which was given in the reply of the Secretary, dated June 27th, 1826. In May, 1826, the late Richard C. Allen, who afterwards filled the office of Judge of one of the Superior Courts, was employed by Gov. Duval to perform this duty.

The law of Congress, as construed by the Secretary of the Treasury, confined the selection to entire townships, and in compliance with its requisitions, township five, in range eleven, north and west, lying in Jackson County, was selected, being at that time considered one of the most fertile and valuable tracts in the Territory.—As this restriction in the selection greatly impaired the value of the grant, remonstrances were made to Congress, which prevailed in 1827, when another law was passed by which it was declared "that the township of land reserved in the District of East Florida for a Seminary of Learning shall be located east of Apalachicola River, and may be located in sections corresponding with any of the legal divisions into which the public lands are authorized to be surveyed, so as not to interfere with private land claims, or the rights of preemption, and the township located west of the Apalachicola River so far as it is covered by the claims of those entitled to the right of preemption, shall be located in sections upon any unappropriated lands in said District, &c."

This law giving to preemption claimants the preference in selection, they were thus allowed to take nearly all the best lands in the township selected. Twelve sections were taken under these rights and one under the general law reserving the sixteenth section for the use of Common Schools, thus leaving twenty-three sections to the Seminary in this township. Selections were further made of six entire sections and four fractional sections in other parts of the District, a portion of which, however, has been sold by the Government through mistake, leaving yet three or four sections to complete the location of the township west of the Apalachicola River.

Ten sections and three quarters only, seem to have been located east of the Apalachicola, leaving twenty-five and a quarter sections, or 16,160 acres of this township to be located, unless, as is very probable, a mistake has been made by the officers so as not to enter

in the books in their office selections made in the Eastern District. This we think probable, as the grant which was made to Judge Allen for his services designates a section as part of the Seminary Lands which is no where enumerated in the list transmitted by the department. Further examination and enquiry may rectify this error if there be one, and the subject is recommended to the attention of the Board of Trustees, who will be able to give more time to it than the Committee has been able to spare.

There would then be in all 29½ sections, or upwards of 18,720 acres yet to be located, four sections in West Florida, and 25½ east of the Apalachicola River. Whilst some apprehension is entertained that the best lands have been taken up in the West, the hope is indulged that advantageous selections may be made in East and South Florida by the great quantity of excellent land recently obtained from the Indians.

In January, 1827, power was given by Congress to the Governor and Legislative Council to take possession of these lands and the sixteenth sections, "and lease them from year to year," and directing the money arising from the rent to be appropriated to the use of schools and the erection of a seminary of learning."

Under this law the Committee regret to state that nothing effectual has been done—certainly nothing to the advancement of schools. Large portions of these lands are now in cultivation, and have been for many years in the occupancy of private individuals who pay no rents, are exhausting the soil, destroying the timber, and rendering the land wholly worthless.

At the last session of the Legislature an act was passed, appointing five trustees to take charge of them. It appears, however, by the report of the Governor, that they paid no attention whatever to the matter. Your committee have witnessed with deep mortification, the indifference and inattention given to this important subject, and hope for better things in future. They are convinced that the vast fund provided by Congress for the education of children in Florida, will afford ample means to all our people, without encroaching upon other resources, and trust that public attention may be given to it. To allow this munificent donation—worth at the rate of three dollars per acre, at a low estimate, nearly two hundred thousand dollars, and the annual rent at \$1 per acre, if improved nearly fifty thousand dollars—to allow this magnificent fund, to remain unemployed, that would educate in the best manner all our youth, and by proper attention, would put a good and complete education in the reach of every child in the Territory, would, in the opinion of this committee, be a shame and reproach, not only upon the Legislature, but the people. Already too long has this sacred and important duty been neglected, and who can tell the consequences? What genius might have been fostered? What intellect and talent nurtured? What mind developed? How far might the cause of morality, and virtue, and religion have been pro-

moted? And what a change might have been wrought in our general prosperity and improvement? By attention to this matter for the twenty years years past, may not our young men, who are now suffering for the want of education, and who unfortunately have been reared in ignorance, now subject to vice, dissipation and debauchery, justly complain that they have been the sufferers by this omission of public duty?

The past, however, is beyond redemption and remedy; it exists only for instruction and advice to us. The future we may provide for. Let us then arouse ourselves—let the public attention be awakened, and a vigorous, united effort of all our citizens, in every part of the Territory, in the higher and humbler walks, be directed, first and of the highest importance, to the establishment of common schools, through means of the donation of 640 acres, belonging to the people of each township. Let this land be taken from those who have been turning it to private advantage, and be returned to the use of its true owners—the poor children of the township, who have no other means of education, and who, if deprived of this, may indeed be said to be robbed of their inheritance.

Let our next attention be directed to the seminary lands, as an important auxiliary in the cause of education. Let the people take this matter up in earnest, and let them exact it of their public officers, and of those who solicit office of them, to aid in this cause. If this is done, success will undoubtedly crown our efforts.

The committee, whilst they see much in the past to discourage are yet not disheartened—where nothing has been done, nothing is to be expected—there is no harvest without labor—they perceive in the cause itself all that is calculated to bring into activity the higher and better powers of our nature—a cause that appeals to the patriot and the philanthropist—the man of wealth and of leisure—to the old man who, tired of the passing follies of the day, may desire to connect himself with a work of unquestioned good to his species—to the young man emulous of preferment who might with certain prospect of reward, devote his entire energies to it. The committee are not without hope that there are some such in Florida. They most earnestly and fervently make their appeal to every Floridian, not to desert this cause without a trial, but to give his aid to it, his sanction and countenance. Let him not retard a measure of such vital interest to the cause of good order, the prosperity of the country and its improvement, by his declarations in advance, that the thing is impracticable. Every thing is rendered impossible by deeming it so. Nothing is practicable without trial. To him who admits not the impossibility of a measure, but perseveres, thro' trials, and difficulties, and obstacles, where there is truth, and justice, and right on his side, there is a surety, not only of success but of reward.

The committee propose the following resolutions:

*Resolved by the Governor and Legislative Council of Florida,*

That the subject of education is of pre-eminent interest and importance with the people of Florida; that they esteem the grants by the Congress of the United States of one entire quarter section of one hundred and sixty acres of land in every township in the Territory, to the inhabitants of the township for the establishment of common schools, as a remarkable example of the high regard of the Government for its citizens and desire for their improvement in virtue and knowledge, and that the land so given should be devoted with a sacred care to this use and purpose, and no other.

*Resolved further,* That the grant of two townships or 46,080 acres of land for a seminary of learning, is a further evidence of a benevolent disposition on the part of the Government, which should be met in a becoming spirit by the people; that these lands should be turned to proper account, and the people should enjoy the advantages which the means thus afforded them, by proper management, and attention can so well supply.

*Resolved further,* That the attention of the trustees of the seminary lands be earnestly requested to the completion of the location of these lands as designated by the act of Congress, and to carry out these views of the Legislature.

Mr. Walker from the Judiciary Committee, reported a bill from the House of Representatives, entitled An Act to establish and organize a Mayor's Court for the city of Apalachicola, with amendments, which were read and received.

Mr. Walker from the same Committee, reported a bill entitled An Act to repeal an act to amend an act to regulate the foreclosure of mortgage &c., with amendments, which were read and received.

Mr. Long introduced a Resolution for the relief of Eliza Mallet, for house rent during the year 1841, &c., which was read, the rule waived, read a second time, and with the accompanying document referred to the Committee on the State of the Territory.

The following Bills and Preambles and Resolutions from the House of Representatives, were read the first time, and appropriately disposed.

An Act to regulate the taking of testimony in chancery proceedings, was read the first time, the rule waived, and read the second time and referred to the Committee on the Judiciary.

An Act relative to roads and high-ways in Nassau county, was read the first time, the rule waived, and read the second time, and referred to the Committee on the State of the Territory.

Preamble and Resolutions relative to the compensation of the officers of the two Houses, were read the first time, the rule waived, and read the second time, and amended, and ordered to a third reading.

Preamble and Resolutions relative to a Marine Hospital at New Port, Wakulla county, were read the first time, the rule waived, and read the second and third time, and adopted.

Preamble and Resolutions respecting an appropriation from Con-

gress for opening a road and building bridges, from Webbville in Jackson county, to Milton in Santa Rosa county, were read the first time, the rule waived, and read the second and third time, and adopted.

Preamble and Resolutions respecting the establishment of a mail route from Apalachicola via St. Joseph, &c. &c., to Mariana, were read the first time, the rule waived, read a second and third time and adopted.

Preamble and Resolutions relative to a road from St. Augustine to Indian River, were read the first time, the rule waived, read the second and third time and adopted.

Preamble and Resolutions for the relief of John A. Edwards, were read the first time and ordered to a second reading.

An Act from the Senate to incorporate the Tallahassee Law Library Association, passed by the House of Representatives, with an amendment.

Which was concurred in by the Senate.

The following communication was received from his Excellency, the Governor:

EXECUTIVE OFFICE,  
Tallahassee, 6th March, 1844. }

Gentlemen of the Senate  
and House of Representatives:

I have approved the following acts and resolutions of the Legislative Council, passed at its present session:

A Resolution relative to the establishment of a mail route from Alligator to Black Creek.

An Act to incorporate the Southern Greys.

An Act to alter and change the name of Rebecca Stevens.

An Act to alter and change the name of Hernando County.

A Resolution relative to public lots in the city of Pensacola.

An Act to alter and change the present boundary line of Hernando County.

An Act to legalize the acts of the acting clerk of Dade County.

R. K. CALL.

#### ORDERS OF THE DAY.

A bill entitled, An Act for the relief of a person therein named being the special order, was read the third time and passed.

Ordered that the title be as read.

The resolution on the memorial of John M. Hanson, and others, was taken up and read, on which a discussion ensued, and before the question was taken, the Senate took a recess until half past 3 o'clock, P. M.

HALF-PAST 3 O'CLOCK, P. M.

The Senate met pursuant to adjournment. A quorum being present, the Resolution for the relief of James G. Landon, John M.

Hanson, and others, being under discussion, the same was, on motion, laid over for the present.

And the Engrossed bill entitled, An Act for the protection of the rights of Women, was taken up and read the third time, and upon the question of the passage of the same, the yeas and nays were called for by Messrs. Pelot and Cooper, and were,

Yeas—Messrs. Cooper, Hart, Haughton, Long, Mathers, Pelot, Priest, Ramsay and Yonge—9.

Nays—Mr. President, Messrs. Baltzell, Smith and Walker—4.  
So the bill passed. Ordered that the title be as read.

The Engrossed Resolution for the relief of James G. Landon, John M. Hanson, and others, was taken up and read the third time, and on the question of the passage of the said resolution, the yeas and nays were called for by Messrs. Pelot and Cooper, and were,

Yeas—Mr. President, Messrs. Hart, Haughton, Long, Mathers, Ramsay and Walker—7.

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

So the Resolution was adopted.

On motion, the Senate adjourned.

SATURDAY, March 9th, 1844.

The Senate met pursuant to adjournment. A quorum of members being present, the journal of yesterday was read and approved.

Mr. Livingston from the Committee on the State of the Territory, made an unfavorable report on the bill from the House of Representatives, entitled An Act to provide for improvements made on public lands, which was read and received.

Mr. Livingston from the same Committee, reported without amendment, a bill from the House of Representatives entitled An Act supplementary to an act approved 5th March, 1842, relative to roads and highways, which was received and placed among the orders of the day.

Mr. Livingston from the same Committee, made the following report, which was read and received.

The Committee on the State of the Territory to which was referred the communication of the Governor of Florida in relation to the report of the Commissioners appointed for the Western District of Florida, under the provisions of an act entitled, An Act concerning Indian depredations, and other purposes, approved 24th Feb., 1841, beg leave to report the following resolution.

Resolved by the Governor and Legislative Council, That the said report be published and copies sent to our Delegate in Congress and the Secretary of the Treasury, and the original papers be placed in the office of the Secretary of the Territory for safe keeping.

M. C. LIVINGSTON, Chairman.

## A RECORD OF PROCEEDINGS

*Of the Board of Indian Commissioners for the Senatorial District of West Florida.*

IOLA, September 15, 1842.

An adjourned session of the Board of Indian Commissioners for the Senatorial District of West Florida, assembled this day at Iola, for hearing causes within the County of Calhoun. Present, Messrs. Francis Arnou, L. W. Du Bois, Commissioners—a quorum.

Personally appeared before us, Harman G. Harlan, (a claimant for compensation for losses by Indian depredations,) who was sworn.—He deposed and saith, that he justly and truly claims to have suffered losses by reasons of Indian depredations, at the time, and the place, and to the amount set forth in the application for compensation, which is now handed in in writing, and which is hereunto hereafter appended.

Harman G. Harlan, claimant as above, deposed and saith, as follows :

I was comfortably settled upon a tract of land, about seven miles above Iola, in the county of Calhoun, whereon I resided with a family, composing my wife and two sons, the one fifteen, the other nine years of age. Upon the 27th day of January, 1840, came unexpectedly, upon my premises, where I had just left with a neighbor—Mr. Nall—to go to his place about five miles off. When we had got off about a half a mile, we heard the dogs barking furiously at my place, and we turned back. When we got within some seventy yards of my house, we saw Indians in my yard, and about. Nall hollowed at them, and they fired upon us two volleys, I suppose some twenty guns, and I should judge there were between fifty and sixty of them, though I can't say for certain. We were unarmed at the time, and retreated of course, and I went for help up to Nall immediately, about five miles off. When I got there, I discovered that Nall had reached there before me; and for security, he had already gone off with his family. I returned on my steps, and reached what was once my home at about dark, when I saw my house in flames. There were no Indians about there then—at least they did not trouble me. I hurried on down to Iola that same night. A party of the citizens of Iola went out the next morning, and we found my wife and one of my children about sixty yards from the house. My wife was dead, shot with ball in four different places. One arm was broken, and her throat was cut entirely across into the bone. The boy had his skull broken in—a physician said so—and it was thought it was done with a light wood limb. He never spoke afterwards, and he died on the second day. The bones of my oldest son was discovered in the smoking ruins of one of the out-

houses. He was burnt up with the building. These are the facts connected with the destruction of my property. My dwelling house was burnt, and this caused the destruction of all the out-houses, my orchard, vineyard, and every thing upon the premises. I had a large amount of various articles in my house, which were either carried off or destroyed.

I have handed in a list of those articles, and I ask your attentive consideration of my case.

HARMAN G. HARLAN.

*Copy of the papers handed in by Harman G. Harlan.*

"I, Harman G. Harlan, do hereby desire to claim from the United States, compensation for the losses which I have sustained by depredations committed by Indians upon my property, which they in a great measure destroyed, upon the 27th day of January, 1840, after they had most inhumanly murdered my family, comprising my wife and two sons—one fifteen years, and one nine years of age.

The annexed schedule will exhibit the articles destroyed, and their value to me.

HARMAN G. HARLAN.

Iola, September, 1842.

"IOLA, CALHOUN COUNTY, FLA., }  
September 5th, 1842. }

*United States Government*

To HARMAN G. HARLAN, Dr.

*January 27th, 1840—To Indian depredations—*

To burning dwelling house, smoke house, and kitchen and other out buildings, destroying fruit trees and vineyard, and destruction of bee hives,	1000	200	
Provisions on hand for use,		200	
Dry goods on hand for sale,		500	
Specie on hand,		300	73
Paper money on hand,		100	65
3 beds and furniture,		100	50
5 cotts and matrasses, and furniture,			50
Ready made clothing for sale on hand, 173 pieces, at 150 cts. per piece,	200	59	50
1 box tobacco, at 140 lbs. 1 at 1.10 do. 250 lbs., (I sold at 62 1-2 cts. per lb.)	100	31	25
Wearing apparel for the family,	300		
6 fancy counterpanes, at \$8 a piece,			48
13 head of beef cattle, at 15 per head, (that I believe the Indians killed,)		100	95
1 sett of carpenter's tools,			75
Farming utensils,			25
Glass and crockery ware, for use and sale,			50
	3	7	71 75

Sweet potatoes on hand about one hundred bushels.

At a meeting of the Commissioners, held at St. Joseph, on the 16th day of December, 1842, the testimony was examined in the claim case of Harman G. Harlan—and it appears to us from the testimony of *all* the witnesses, that his premises were attacked by Indians—and that his property was by them destroyed. The testimony of A. McAlpine, one of the witnesses, establishes this loss as amounting to between 2000 and 3000 dollars, in confirmation of the amount as claimed by Harman G. Harlan. We, therefore, the undersigned commissioners, feel fully warranted and bound to fix and award to said claimant, Harman G. Harlan, the sum of twenty-five hundred dollars, as the amount of damage sustained by him, by having his property burnt and destroyed by Indians.

Given under our hands, this the sixteenth day of December, one thousand eight hundred and forty-two.

J. F. POTTS,  
FRAN'S ARNOU, } Commissioners.  
L. W. DuBOIS, }

*To the Honorable the Senate and House of Representatives, in Congress assembled:*

We, the undersigned, citizens of the Territory of Florida, respectfully recommend the claims of Harman G. Harlan, (for losses sustained during the Indian war, commonly known as the Seminole war), to the consideration of Congress. The undersigned are acquainted with Harman G. Harlan, and know that on or about the 27th January, 1840, his house was attacked by a party of hostile Indians; upon which occasion the wife of the said Harlan and his two sons were murdered, his dwelling house, store and out buildings, were burned and destroyed, and he escaped narrowly with his life. The said Harlan is now in very destitute circumstances and the undersigned would respectfully recommend his claims as meritorious and worthy of the consideration of Congress.

R. J. MOSES,	J. C. MACLAY,
WM. G. PORTER,	D. G. RANEY,
E. J. WOOD,	WM. FOSTER,
G. S. HAWKINS,	JAMES L. BARBER,
H. N. WOOD,	H. W. BROOKS.

On the 28th of January, 1840, I was called upon by certain individuals belonging to Iola, in the Territory of Florida, to accompany them to one of the most heart-rending scenes I ever witnessed, at the former residence of Harman G. Harlan, six or seven miles above Iola, on the Apalachicola River, to ascertain the fate of his family. When we arrived at his place, we found his buildings consisting of one two-story house nearly finished, one kitchen, one smoke-house and other necessary out-houses burnt to the ground. The reason why I am so explicit, is because I had previously been an intimate acquaintance in the family for the space of two or three years, and was well acquainted with the whole family, and found them each

and every member as fine people as I ever met with. A gentleman by the name of Wm. Blunt, after the company under Captain Francis Arnou had been at the place for an hour or so, found the body of Mr. Harlan's wife about one hundred yards from the house, pierced with several bullets and her throat cut. Her youngest son, who generally went by the name of Buddy, was lying about fifteen or twenty yards from her with his head badly cut and skull fractured with a light-wood knot, and to appearance he had been lying there all night in the most excruciating pain. We, after interring the mother and having the poor little fellow's head dressed by Reuben Hicks, Esq. an inhabitant at that time of Calhoun County, and a native of Virginia, made a litter and carried the dear boy to Iola, where he died the next day of his wounds, while his father, with others under the command of Capt. Arnou, all as volunteers, went in pursuit of the Indians. The bones of his eldest son were found among the ruins, and he was supposed to have been consumed in the flames.

With humble deference to the honor and generosity of my countrymen in Congress assembled, I before God witness the above as facts.

SAMUEL BEECH,  
JAMES H. DAVIS.

May 20th, 1842.

The Commissioners, (under an act of the Legislative Council of the Territory of Florida, of 24th Feb., 1841,) appointed for the Senatorial District of West Florida, (commissioned 8th March, 1842,) assembled at the city of St. Joseph, in the county of Calhoun, this the 20th day of May, A. D., 1842, to wit:

Messrs. FRANCIS ARNOU,  
JESSE F. POTTS,  
L. W. DuBOIS,

When having been duly qualified, the Board was organized; whereupon, it was

*Ordered*, That the United States District Attorney for the Apalachicola District be notified in writing, that the Board of Commissioners will sit in the several counties composing said District, for the purposes of hearing and of adjudicating all claims for losses by Indian Depredations, at the following named places, on the days specified, to wit: In Calhoun County, at St. Joseph, on Monday, the 20th June next, the Commissioners will be in session, and will continue to sit from day to day, until the cases to be adjudged shall have been all heard and disposed of.

A letter to Wm. H. Brockenbrough, Esq., U. S. District Attorney, was forwarded in compliance with this order.

The Commissioners are unanimously of opinion that the public convenience will be promoted by deferring the time of holding the sessions of the Board in the other Counties, of which due notice shall be given in time, publicly.

Adjourned until June 20th.

JUNE 20th, 1842.

The Board met pursuant to notice, and adjourned.

JUNE 27th, 1842.

An adjourned meeting of the Board is this day held at St. Joseph, in the county of Calhoun Present, a quorum,

Messrs. JESSE F. POTTS,

L. W. DuBOIS.

Personally appeared before us, Jehu Richards, a claimant, who being sworn, declares that the accompanying schedule is presented in good faith as the true exposition of his losses by Indians.—That he can prove by competent witnesses, that he was so possessed of the property therein described; and that he was robbed thereof by the Indians, as he states, and at the period herein-mentioned in the accompanying paper, to wit:

(COPY.)

FLORIDA, CALHOUN COUNTY, }

October 4th, 1837. }

This day the fugitives of the Creek Nation, came upon my house and robbed me of the following property:

Three hundred and thirty-three dollars and thirty-seven and a half cents, in cash, and all my feather-beds and bed-clothes, household and kitchen furniture, all the wearing apparel of myself and family; also, one barrel of flour, one barrel of mess pork, one barrel No. 1 mackerel, one and a half bushels salt, twenty gallons of molasses, fifty bushels of corn, twenty bushels of peas, thirty bushels of potatoes, one gun, two axes, one hatchet, one foot-axze, one brace and bits, two bee-hives, fifty head of poultry, twelve head of cattle, ten bolts of domestic, one bolt of satinett: which have been valued at something over eleven hundred (1100) dollars.

Also, they have killed my cows, in the years of 1839, '40, and '41, to the amount of twenty-eight head, at fifteen dollars a head.

(Signed)

JEHU RICHARDS.

*Examination of Jehu Richards (on oath) personally present before us.*

Query 1st.—State whether you were personally present on the premises; whether you witnessed the commission of the depredations charged by you as having been committed by Indians upon the 4th October, 1837.

Query 2d.—State whether any witness, (and if any, name them,) can substantiate the fact of the robbery by corroborating the evidence you have given.

Reply to the 1st.—I was not present at the time, and did not see the Indians at the time of the robbery, because I was with my family in a field at work about a mile off, where I stayed. I had been staying there about three or four days.

Reply to the 2d.—John Richards can prove that the robbery was committed—that he knows the amount of my property at the

time of the robbery—that some part of it was recovered from Indians afterwards captured, and which was identified as my property.

Other witnesses to the same facts are, W. P. Riley, who was living with me, and W. B. Goodrum.

W. P. Riley and W. B. Goodrum reside now in Jackson county.

*Additional remarks made by Jehu Richards;*

At the time of the Indians coming upon my place, we had no thought that such would be the case. After we found out they had plundered me, we took their trail, and followed it till we came up with them, and took 'em. There was twenty-three of them. I was a planting another field about a mile off, and me and all my people had gone out there about three or four days, and we used to stay there at night. There was a house at this old field, in which we slept at night, as long as we were busy a working in that field, after that we came back to the other place. We got done that same day, and came back the next day after the Indians had been there and plundered the place. It was a providential circumstance that we were all out of the sight of the Indians, or we should have all been killed.

*Examination of John G. Richards, (under oath), a material witness, personally present before us.*

Query 1st—You will state what you know respecting an attack made by Indians upon the possession of Jehu Richards, with the date of such attack.

Query 2d—State what you know of the amount in property on the premises of Jehu Richards, at the time of such said attack by Indians.

Query 3d—State what you know of the subsequent search after and capture of the band of Indians, who had committed said depredations upon said Jehu Richards.

Query 4th—State whether you know, and how you know the cattle belonging to Jehu Richards.

Reply to the 1st.—On the 4th October, 1837, at night, a body of Indians attacked and plundered the property of Jehu Richards, and on the 5th (the next day) I was at the place and saw the destructions that had been made.

Reply to the 2d.—I have seen the schedule rendered in to the Commissioners, and believe the amount of property therein described to have been truly in possession of, and on the premises of Jehu Richards, at the time of the attack by Indians, October 4th, 1837.

Reply to the 3d.—I was an officer of the company of volunteers that pursued on the trail of those Indians. After some days we came up with them. We found in their possession some part of many of the articles claimed as above. They had destroyed the balance. Of the money they had taken, (which was in cash most

of it,) the Indians had worked it up into ornaments, except some eighty dollars, which they delivered up on being made prisoners. The name of their Chief was Coha-hadjo.

Reply to the 4th.—Know the cattle belonging to Jehu Richards as well as I know my own. We drive together—mark and brand in the Fall—in the Spring we gather, and know what's missing.

JOHN G. RICHARDS.

W. P. Riley and Wm. B. Goodrum, other two materials in this claim case of Jehu Richards, it appears, do reside at present in another county, it is therefore,

*Ordered*, That their depositions shall be taken, on oath, before two approved "sub-commissioners" residing in their neighborhood; and that Chesley Folsom, and R. S. Dickson, Esqrs, be, and they are empowered, and directed to act as such in this matter; and that they be requested to transmit the result of their proceedings as soon as possible.

And, in accordance with this order, the appended documents were made out—forwarded and filed, to wit: The commission with interrogatories, and replies:

(A COPY)

TERRITORY OF FLORIDA, }  
Calhoun County } ss.

By L. W. DuBois and J. F. Potts, commissioners appointed for the Senatorial District of West Florida, to hear and adjudge claims on account of Indian depredations.

To Chester Folsom and Robert S. Dickson, Esqrs, Greeting:

WHEREAS, A certain controversy is now depending, wherein, one Jehu Richards, claims from the United States, compensation for losses by Indian depredations: And whereas, William B. Goodrum and William Riley, are material witnesses in said case of controversy, and cannot attend before us in person, without manifest inconvenience:

*Now know ye*, That we, reposing special trust and confidence in your prudence and fidelity, have appointed you, and you are hereby authorized and required, to cause the said William B. Goodrum and William Riley, personally to come before you, and after being duly sworn, to examine them agreeably to the interrogatories hereunto annexed. And the answers to the same being plainly and distinctly written, you are to send the same closed up, under your hands and seals, as early as practicable to us, together with this writ:

Witness our hands and seals, at the city of St. Joseph, this twenty seventh day of June, A. D., 1842, and of the Independence of the United States the sixty-sixth year.

L. W. DuBOIS, }  
J. F. POTTS. } Commissioners.

TERRITORY OF FLORIDA, }  
Calhoun County. } ss.

Interrogatories to be propounded to William Riley, a material witness for Jehu Richards, in a claim case against the United States, on account of Indian depredations.

Interrogatory 1st—Do you know the party?

Interrogatory 2d—How long have you known him?

Interrogatory 3d—Was he living in the county of Calhoun, Territory aforesaid, in the year 1837? Were you not employed by Mr. Richards in that year to work on his farm?

Interrogatory 4th—Do you know that Mr. Richards was robbed in the year 1837, by the Indians. If yea, state the extent of damage as near as you can, and describe the property destroyed, and also the number of cattle destroyed by them.

(REPLY.)

TERRITORY OF FLORIDA, }  
Jackson County. } ss.

Personally came before us, W. P. Riley, and after being duly sworn, says, in answer to the enclosed interrogatories of L. W. DuBois and J. F. Potts, Commissioners, &c.,

In answer to interrogatory the 1st—Says he knows the party Jehu Richards.

Answer to interrogatory 2d—Has known him about six years.

Answer to interrogatory 3d—He was living in Franklin county near Calhoun county, in the year 1837, and he was employed by Mr. Richards that year to work on his farm.

In answer to interrogatory 4th—Says he believes Mr. Richards was robbed by the Indians in 1837, having seen some of the property in their possession, and he thinks the damages about (\$800) eight hundred dollars. The property taken by the Indians consisted in beds, bed furniture, clothes of different kinds, and household and kitchen furniture of all description. The number of cattle killed he thinks was about twelve head, worth one hundred and eighty dollars, (\$180). The whole amount of damages sustained by Mr. Richards, as near as he can recollect, he thinks is about nine hundred and eighty dollars (\$980.) He says he knows Mr. Richards had money, but that he does not know how much.

Witness our hand and seal, this the 12th day of August, A. D. 1842, and of the independence of the United States the sixty-sixth year.

his  
CHELSEY FOLSOM, [L. s.]

mark.  
R. S. DICKSON, [L. s.]

TERRITORY OF FLORIDA, }  
Calhoun County. } ss.

Interrogatories to be propounded unto William B. Goodrum; a

material witness for Jehu Richards, in a claim case against the United States, on account of Indian depredations.

Interrogatory 1st—Do you know the party?

Interrogatory 2nd—What length of time have you known him?

Interrogatory 3rd—Was he living in the county of Calhoun, Territory aforesaid, in the year 1837?

Interrogatory 4th—Do you know that Mr. Richards was robbed in the year 1837, by the Indians? If yea, describe the property taken, and destroyed by them, and state as near as you can, the extent of damage, or the amount in dollars, so destroyed. Also, state the number of cattle taken away, or destroyed by the Indians.

(REPLY.)

TERRITORY OF FLORIDA, }  
Jackson County. }

Personally came before us, Wm. B. Goodrum; and after being duly sworn, says, in answer to the enclosed interrogatories of S. W. Du Bois and J. F. Potts, Commissioners, &c.

Answer to interrogatory 1st—Says he knows the party Jehu Richards.

Answer to interrogatory 2d—Has known him seventeen years.

Answer to interrogatory 3d—Mr. Richards was living in Franklin county, near Calhoun county, in 1837.

Answer to interrogatory 4th—He knows that he was robbed by the Indians in the year 1837. The property taken from Mr. Richards was provisions, household and kitchen furniture, clothing and clothes. He thinks that the damages were, as near as he can judge, about eight hundred dollars. Knows nothing of the number of cattle destroyed by the Indians, except that the Indians told him that they killed some cattle belonging to Mr. Richards. The Indians informed him that they got a considerable quantity of money, besides the other things, but does not know how much.

Witness our hand and seal, this 12th day of August, A. D. 1842, and of the Independence of the United States the sixty-sixth year.

his  
CHESLEY & FOLSOM, [L. s.]  
mark.

R. S. DICKSON, [L. s.]

At a meeting of the Commissioners held at St. Joseph on the 16th day of December, 1842, the testimony of William B. Goodrum and William Riley, was examined in the claim case of Jehu Richards, and it appearing from said testimony, that the claimant was robbed by the Indians, to the amount of about eight hundred dollars, we the undersigned Commissioners, fix and award to said claimant, Jehu Richards, the sum of eight hundred dollars, being the amount of damage sustained by him, as is shown by the testimony of the above named witnesses.

Given under our hands this sixteenth day of December, one thousand eight hundred and forty two.

Messrs. FRANCIS ARNOU, }  
JESSE F. POTTS, } Commissioners.  
L. W. DuBOIS. }

Personally appeared before us, James Nall, a material witness in the claim case of Harman G. Harlan, who was duly sworn.

Interrogatories propounded unto James Nalls, who is under oath, and a material witness in the claim case of Harman G. Harlan.

Query 1st—State whether you know that Indians made an attack upon the premises of H. G. Harlan, and the date of such attack; with such information respecting that occurrence, as you deem of importance.

Query 2d—Was H. G. Harlan in comfortable circumstances, and what amount of damage did he sustain by said attack?

Reply to 1st—About a quarter from his house when I heard the dogs barking—(he, H. G. Harlan, and myself had started to go to my house)—and we heard yells—and I was astonished at first—but on a moment's reflection I was confident it was Indians. I ran back towards his house, and he too. He ran down the branch towards the house, and I run up in open view of them—I supposed about one hundred yards of them. They were emptying a bed-tick; so I called a halt—hollowed at them, and as I saw them gather their guns I wheeled my mare, and as I wheeled they fired on me, and kept on firing after I had run my mare I should say about one-hundred yards. They were in the yard. As soon as I turned off I went home as fast as I could, expecting to find them there. But I saw no more of them.

Reply 2nd—He was in as good circumstances as most men in the county, I could not say, being I am not a judge; being he had a good deal of property, that I did not know the worth of. They destroyed every thing about his premises of any value—and they didn't leave him any thing of any value.

JAMES NALL.

Interrogatories propounded unto A. McAlpine, a material witness in the claim case of Harman G. Harlan, (on oath).

Query 1st—State how long you have been personally acquainted with Harman G. Harlan.

Query 2nd—State if you know, where he resided in January, 1840, and if yea, state whether he was comfortably settled.

Query 3rd—State whether you know that he was attacked by Indians, the time when, and whatever you know relating to that occurrence.

Query 4th—State whether you have seen the schedule of his property destroyed, handed in by H. G. Harlan, and what, in your opinion, is the value of the property so carried off, or destroyed by Indians.

Reply to the 1st—I have known Harman G. Harlan many years, and I have know him personally and well since 1837.

Reply to the 2nd—He resided about seven miles above Iola, in Calhoun county, and I should say that he was as comfortably settled as any man in the county.

Reply to the 3rd—I believe that it was on the 27th day of January, 1840, that one Wm. Burkley, who resided with Harlan, came to Iola with a report that Harlan's house had been set fire to by the Indians. That evening a party went out and saw the flame. The next day a party of men went up with Capt. Arnou, and I was one. We found the bones of Harlan's oldest boy, lying in the door-way of the kitchen, we gathered them partly with our hand, and partly with a shovel, and buried them. We found the bodies of his wife and his youngest son, about sixty or seventy yards from the house, the wife killed by balls, the boy with his skull broken, he lingered on till he died on the evening of the second day.

Reply to the 4th—I have not seen the schedule handed in by H. G. Harlan, but I do not know how much property was in his possession at the time. I know that I saw that his dwelling-house, kitchen, smoke-house, and all his outer buildings were entirely destroyed by fire, which caused the destruction of his bee-hives, his orchard, and vineyard. I cannot say what was the real value of these, but should say the loss sustained by H. G. Harlan cannot be less than between two and three thousand dollars.

A. McALPINE.

Personally appeared before me, Samuel Lofton, a material witness in the case of Harman G. Harlan, who was duly sworn.

Interrogatories propounded to Samuel Lofton, (on oath,) who is a material witness in the claim case of H. G. Harlan.

Query 1st—State whether you were personally acquainted with H. G. Harlan, in January 1840.

Query 2nd—State if you know where he resided January 27, 1840, and whether he was comfortably settled.

Query 3rd—State if you know that he was attacked by Indians, the time when, and whatever circumstances you are acquainted with, connected with that occurrence.

Reply to the 1st—I was not acquainted with him until after the attack upon his premises by Indians.

Reply to the 2nd—I didn't know him personally until I went up, the day after the attack, as one of a party under the command of Capt. Arnou—the place is about seven miles above Iola. The property was already destroyed.

Reply to the 3d—About a month after Christmas, Indians made an attack upon the premises of Harman G. Harlan, about seven miles above Iola. We found the buildings burnt, with all they had contained. The body of Mrs. Harlan, wife of the claimant, was discovered, I suppose some one hundred and forty or one hundred and fifty steps from the house, and one of the children. The child

was not dead, but insensible. We brought him away with us to Iola—he never spoke—I waited on him, and he died afterwards. The body of Mrs. Harlan was pierced with balls in three or four different parts—one ball had entered at the temple. I saw the patch of the bullet-hole in the temple, which was taken out by Capt. Arnou. Her arm was broken, and her throat was cut deep. Found the bones of the eldest boy near the door of the kitchen—the boy had evidently been burnt with the buildings, for you could just make them out to be human bones, and that was all.

his  
SAMUEL ~~X~~ LOFTON.  
mark

JOHN S. HUNTER, *witness to signature of Lofton.*

Mr. Haughton from the Committee on Public Accounts, made the following report, which was read and received.

The committee on public accounts, to whom was referred the memorial of Benjamin F. Allen, with the accompanying papers, praying the intervention of the Legislature to procure from Congress a suitable compensation for services performed by the Hon. R. C. Allen, deceased, in locating the two townships of land, granted by Congress to Florida, for the use of a seminary of learning,

#### REPORT :

That they entertain serious doubts whether it was competent for the Legislature of Florida to have granted any portion of the lands located by the agent aforesaid, as a compensation for his services, since a donation of this valuable fund was made by Congress to the Territory, for a defined and specific purpose, viz : the promotion of a seminary of learning. If the legislature had power to part with any portion of it, for one object, however laudable it might be, it cannot be denied, that it would possess equal power to appropriate it to the advancement of any other which it might conceive desirable and proper. And thus the benevolent intentions of the government in making this munificent endowment, might be entirely defeated. Besides, no titles to these lands having vested in the Territory, but it being only permitted to take possession of them, and lease them out from year to year, a conveyance of any portion of them by said Territory could not be valid.

The committee, however, acknowledge the value of the services performed by the agent above mentioned, and deem it but an act of justice to his Representatives that an early and adequate compensation should be provided for their payment. They therefore ask leave to report the following resolutions :

*Resolved*, That this Legislative Council is duly sensible of the services performed by R. C. Allen, deceased, in locating the lands granted by Congress, for the use of a seminary of learning, and invoke the early attention of Congress to the necessity and justice

of providing such compensation for said services, as they may deem right and proper.

*Resolved*, That our Delegate in Congress be requested immediately on the receipt thereof, to lay this report, and the resolutions annexed, before Congress, together with the accompanying memorial and other papers, and use his best exertions to procure its early and favorable action on the subject.

*Resolved*, That the Secretary of the Senate certify this report and resolution, as also the accompanying papers, and transmit them to our Delegate in Congress as early as practicable.

R. B. HAUGHTON, Chairman.

The following Bills and Preambles and Resolutions, were received from the House of Representatives, read and otherwise disposed of.

An Act to divorce Martha Conner from her husband, James Conner, was read the first time, and ordered to a second reading.

An Act to organize Monroe county school, was read the first time, the rule waived, and read the second and third time and passed.

Ordered that the title be as read.

An Act to incorporate the Town of Columbus, was read the first time, the rule waived, and read the second and third time and passed.

Ordered that the title be as read.

An Act to amend an act now in force in this Territory, in relation to Roads, Highways and Ferries, was read the first time, the rule waived, read a second and third time and passed.

Ordered that the title be as read.

An Act to amend the Law concerning Depositions, was read the first time, the rule waived, and read the second time, and referred to the Committee on the Judiciary.

Preamble and Resolutions relative to the transportation of the United States mail on the Alligator route, instead of the present route via Americus &c., were read the first time, the rule waived, read the second and third time and adopted.

Preamble and Resolutions asking an appropriation by Congress to open a road from Newnansville to Fort King &c., were read the first time, the rule waived read the second and third time and adopted.

Resolution concerning Temple Pent, Esq., &c., was read the first time and ordered to a second reading.

The following communication was received from his Excellency the Governor, and read and referred to a Select Committee, consisting of Messrs. Livingston, Smith and Cooper.

EXECUTIVE OFFICE, }  
Tallahassee, 6th March, 1844. }

Gentlemen of the Senate

and House of Representatives :

I transmit herewith a copy of a letter I have just received from the Treasurer of the Territory, accompanied by a copy of his correspondence with the United States District Attorney for the Southern Judicial District, relative to a certain sum of public money collected at Key West, and paid into the Treasury in depreciated paper during the past year.

You will perceive from the letter of the Treasurer of this date that he asks further instructions in the case from the Executive.— I have deemed it proper to submit the documents to the Legislative Council to receive such action as the subject may seem to require.

R. K. CALL.

#### ORDERS OF THE DAY.

The Senate resolved itself into Committee of the Whole, Mr. Hart in the Chair, on a bill from the House of Representatives entitled, An Act to amend an act regulating the rate of interest, approved February 12th, 1833. After some time spent therein the Committee rose and reported the same with amendment.

Which was concurred in by the Senate, and the bill ordered to a third reading.

An Engrossed bill entitled, An Act to amend the Execution laws, came up on a third reading.

Mr. Yonge offered, by way of an engrossed rider, the following amendment :

*Be it further enacted*, That the third section of this act shall be in force for two years and no longer. Which was overruled by the Chair.

And upon the passage of the bill, the yeas and nays were called for by Messrs. Cooper and Priest, and were :

*Yeas*—Mr. President, Messrs. Baltzell, Hart, Haughton, Livingston, Long, Mathers and Walker—8.

*Nays*—Messrs. Cooper, Pelot, Priest, Smith and Yonge—5.

So the bill passed.

Ordered that the title be as read.

It was moved that the Senate adjourn until Monday 10 o'clock, on which motion the yeas and nays were called for by Messrs. Baltzell and Priest, and were :

*Yeas*—Messrs. Hart, Haughton, Livingston, Long, Mathers, Smith and Yonge—7.

*Nays*—Mr. President, Messrs. Baltzell, Cooper, Pelot, Priest and Walker—6.

So the Senate adjourned until Monday morning, 10 o'clock.

MONDAY, March 11th, 1844.

The Senate met pursuant to adjournment, and a quorum being present, the Journal of Saturday was read and approved.

On motion of Mr. Pelot, the bill from the House of Representatives entitled An Act to organize a county to be called St. Lucie county, was taken from its position among the orders of the day, and made the special order for this day.

On motion of Mr. Baltzell, all the engrossed bills now coming up in order, were made the special order next in order for to-day.

On motion of Mr. Walker, the report of the Committee on the Judiciary, on the subject of the Judiciary system of Florida &c., was taken from the table and placed among the orders of the day.

Mr. Baltzell from the Select Committee on the Petition of the representative of R. C. Allen, deceased, in relation to the location of Seminary Lands, made the following report :

The Select Committee to whom was referred the Message of the Governor in reply to a resolution of the Senate requesting information as to the Seminary Lands and the compensation to the agent for such service, have had the same under consideration and beg leave to make an additional

#### REPORT :

That on the 3d of March, in the year 1823, the Congress of the United States passed a law, by which it was provided "that an entire township, in each of the Districts of East and West Florida, shall be reserved from sale, for the use of a seminary of learning, to be located by the Secretary of the Treasury."—Land Laws U. S. p. 843.

That the Secretary of the Treasury, the Hon. Richard Rush, by a letter dated January 29th, 1826, requested Governor Duval to "make the selection of the said land and report the same to the Department for revision and confirmation."

That Governor Duval, acting under these instructions, engaged the late Judge Allen as early as May, 1826, to perform this duty.

That the said Allen, shortly thereafter, selected the fifth township in Jackson County and made other locations of land, which were reported to and approved by the Government, leaving, however, a few sections, the locations of which he was directed to suspend until a decision was had of some trials depending in court between the Government and private claimants, which, it was thought, would present a favorable opportunity of closing the selection.

That in 1828, the said Allen made application to the Legislative Council to be compensated for the services rendered, being under the impression that the Territory was bound to pay the same, and accordingly resolutions were passed by the Governor and Legislative Council, on the 18th day of November, 1828, in which, after reciting his services and their satisfaction therewith, they gave and granted to him two sections of the land he had selected, and request-

ed that the Government of the United States might grant patents therefor—a copy of which resolutions, as well as of the letter of Judge Allen, is appended to this report.

No patents, however, have ever been issued for this land; and the probability is that the same have been refused and will not be issued. In the mean time, Judge Allen, and his representatives, have sustained injury from the position in which his claim has been placed; getting neither the land nor the money to which they are entitled.

While the committee can appreciate the just and very laudable desire and disposition of the Legislature that Judge Allen should be liberally paid for his services, they are yet wholly at a loss for any rational ground on which this grant of land can be sustained. According to the view they take of the subject, the Legislature, or Government of Florida, had nothing to do with the land nor any power over it. The selection, it is true, was for the people of Florida, but was made wholly independent of them and their Legislature. The selection was ordered to be made "under the direction of an officer of the General Government," who in his letter to Governor Duval, above alluded to, uses the following language, confirmatory of the view we have taken:—"For the purpose of giving effect to the instructions of Congress, before the good lands should be otherwise disposed of, it becomes necessary to call in the aid of local information, and although the subject does not properly belong to your official duties, it has occurred to me that it would be agreeable to your Excellency, as well as to the people of Florida, for you to select the lands intended for their benefit."

The committee cannot see how a service of this kind is to be distinguished from the directions given to officers of the General Government, in the ordinary discharge of their duties. Service enjoined, or duty directed to be performed by its officers, is paid of course by the United States. It would be idle and absurd to suppose otherwise. In the case under consideration, if the Secretary had performed the duty in person, would he have applied for pay to the Territorial government. Certainly not—he had no orders from it—was not directed to report to it—was not its agent—and could not, with propriety, lay a claim against it for compensation. Nor is the matter at all altered, because the Secretary, employed Judge Allen through Gov. Duval to discharge the duty. He employed him as an officer of his Government, who, directing the service, and consequently responsible for its payment.

But whether the Territorial Government or the United States is liable for this service, is, perhaps, not directly presented by the facts of this case, though important to be ascertained. The question arising here is, whether a part of the land selected could be given by the Territorial Legislature—and we answer unhesitatingly in the negative. Until the year 1827, no power or control whatever of the land was given to the Legislature, and then only the right "to lease from year to year." A reservation was made of the

lands in the first instance, not a gift or grant. The United States are still holders of the legal title.

The committee then recommend the passage of the following resolutions :

*Resolved by the Governor and Legislative Council of Florida.* That the resolutions of the Legislative Council of the Territory of Florida, passed in the year 1828, making assignment and transfer of two sections of the seminary land to the late Richard C. Allen, for services in making a selection of the said lands, were without authority, and consequently null and void, and that said two sections aforesaid of right belong to, and are a portion of the land reserved under the act of Congress for a seminary in Florida.

*Resolved further,* That the representatives of the said Richard C. Allen, are justly entitled to be paid liberally for his services in making said selection, and that the government of the United States are justly liable therefor, and that the Secretary of the Treasury or Congress, be, and they are hereby requested to make early payment of the same.

Mr. Baltzell from the Committee on Banks and Finance reported the bill submitted by the Committee of the Stockholders of the Union Bank of Florida, without amendment, and asked that the same be laid on the table, which was granted.

The following Bills and Preambles and Resolutions from the House of Representatives, were received and read the first time and otherwise disposed of.

An Act to authorize William Frink to keep a Ferry across the Suwannee river, was read the first time, the rule waived, and read the second and third time and passed.

Ordered that the title be as read.

An Act to organize a county to be called Marion County, was read the first time, and ordered to a second reading.

An Act to authorize Alexander McAlpin to establish a Ferry across the Chipola river, was read the first time, the rule waived, read the second and third time, and passed. Ordered that the title be as read.

An Act in addition to the laws relating to crimes and misdemeanors, was read the first time, and on the question shall the bill be read a second time, the same was rejected.

An Act respecting Physicians, was read the first time, the rule waived, and read the second time, and on motion was indefinitely postponed, the yeas and nays being called for by Messrs. Livingston and Pelot, and were :

*Yeas*—Mr. President, Messrs. Cooper, Pelot, Priest, Ramsay, Smith and Walker—7.

*Nays*—Messrs. Baltzell, Hart, Haughton, Livingston, Long and Mathers—6.

Resolution relative to a Judicial District, was read the first time and ordered to a second reading.

Preamble and Resolutions relative to straightening and deepening

the channel of the Chesschowiska river, were read the first time, the rule waived, and read the second and third time and adopted.

Preamble and Resolutions asking an appropriation for the relief of Military Companies therein named, were read the first time, the rule waived, read the second and third time and adopted.

Mr. Walker from the Judiciary reported a bill from the House of Representatives, entitled An Act to regulate the taking of testimony in chancery proceedings, with amendment, which was received.

Communication from the House of Representatives :—The House has passed a bill from the Senate entitled, An Act to change the time of holding the Superior Courts in Gadsden and Leon counties, with amendments, which were concurred in by the Senate.

Also, a bill from the House entitled, An Act to authorize Thomas Livingston to establish a ferry across the Suwannee river, which was amended in the Senate, and returned to the House, and the House amended the Senate's amendment ; and the Senate concurred in the amendment by the House to the Senate's amendment.

Resolutions of the Senate, asking the establishment of a mail route from St. Marks via Cedar Keys, Tampa Bay, &c., to Key West. The House adopted a Preamble and Resolutions as a substitute, in lieu of the Senate's resolution, and returned both to the Senate for its concurrence. The Senate insists on the resolution adopted by the Senate.

A bill from the Senate entitled, An Act to amend the charter authorizing David Platt to establish a Ferry at the junction of the Suwannee and Withlacoochie rivers, was, on motion of Mr. Selph, indefinitely postponed by the House of Representatives.

Preamble and Resolutions in relation to Indian depredations in Washington county, West Florida, from the Senate, adopted by the House without amendment.

The following communication was received from his Excellency the Governor :

EXECUTIVE OFFICE, }  
Tallahassee, 9th March, 1844. }

*Gentlemen of the Senate  
and House of Representatives :*

I have approved the following Acts and Resolutions of the Legislative Council, passed at the present session :

Preamble and Resolutions relating to Seminary Lands.

An Act to authorize Willis Watson to establish a ferry across the Chipola river, in Jackson county.

A bill to be entitled, An Act to amend an act to authorize Edwin G. Booth to establish a ferry across the Apalachicola river.

Resolutions requesting our Delegate in Congress to procure certain benefits and appropriations for Dade county.

Preamble and Resolutions asking of Congress an appropriation for clearing out the obstructions in the Suwannee river, &c.

Preamble and Resolutions relative to Public Lands.

An Act to establish the county site of **Dade county**, and for other purposes.

Preamble and Resolutions relating to Militia **claims** of Colonel Dempsey Pittman.

Preamble and Resolutions asking a re-appropriation to repair the road from Jacksonville, East Florida, to the Mineral Springs.

R. K. CALL.

### ORDERS OF THE DAY.

The bill from the House of Representatives entitled, An Act to organize a county to be called **St. Lucie county**, being the special order, was taken up and amended by striking out the ninth section.

Mr. Walker moved to amend the bill by inserting a new section in lieu of the section stricken out, and on this amendment the yeas and nays were called for by Messrs. Cooper and Priest, and were:

Yeas—Mr. President, Messrs. Baltzell, Haughton, Livingston, Mathers, Ramsay, Smith and Walker—8.

Nays—Messrs. Cooper, Hart, Long, Pelot and Priest—5.

So the amendment was adopted, and the bill ordered to a third reading.

An Engrossed bill entitled, An Act to provide against a fraudulent and depreciated currency, was read the third time, and on the question, shall this bill pass, the yeas and nays were called for by Messrs. Baltzell and Livingston, and were:

Yeas—Mr. President, Messrs. Baltzell, Cooper, Hart, Pelot, Priest and Smith—7.

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

So the bill passed. Ordered that the title be as read.

An Engrossed bill to be entitled, An Act to establish a board of County Commissioners, was, on motion, laid on the table.

An Engrossed bill entitled, An Act to amend the attachment laws, was read the third time and passed. Ordered that the title be as read.

An Engrossed bill entitled, An Act in relation to the change of venue in criminal cases, was read the third time and passed. Ordered that the title be as amended, An Act in relation to the change of venue.

An Engrossed bill entitled, An Act for the advancement of education in the Territory of Florida, was read the third time and passed.

On the question of its passage, the yeas and nays were called for by Messrs. Long and Baltzell, and were:

Yeas—Mr. President, Messrs. Baltzell, Haughton, Livingston, Long, Mathers and Ramsay—7.

Nays—Messrs. Cooper, Hart, Pelot, Priest, Smith and Walker—6.

So the bill passed. Ordered that the title be as read.

An Engrossed bill entitled, An Act for the relief of Caroline G. Jones, was read the third time, and on the passage of the same, the

yeas and nays were called for by Messrs. Cooper and Mathers, and were,

Yeas—Messrs. Hart, Haughton, Livingston, Mathers, Priest and Walker—6.

Nays—Mr. President, Messrs. Baltzell, Haughton, Long, Pelot, Ramsay and Smith—7.

So the bill was rejected.

An Engrossed Bill entitled, An Act to divorce Frances Dummett from her husband, Douglas Dummett, was read the third time, and on the passage of the same, the yeas and nays were called for by Messrs. Smith and Pelot, and were,

Yeas—Messrs. Cooper, Hart, Livingston, Mathers, Priest and Walker—6.

Nays—Mr. President, Messrs. Baltzell, Cooper, Long, Pelot Ramsay and Smith—7.

So the bill was rejected.

The Senate then took a recess until half past three o'clock, P. M.

HALF PAST 3 O'CLOCK, P. M.

The Senate met pursuant to adjournment, and a quorum being present,

An Engrossed bill entitled, An Act concerning Hawkers, Pedlars and Itinerant Traders, was read a third time and rejected.

An Engrossed bill entitled, An Act to repeal certain acts therein named, was read the third time, and on the passage of the same, the yeas and nays were called for by Messrs. Long and Cooper, and were,

Yeas—Mr. President, Messrs. Baltzell, Hart, Haughton, Ramsay, Smith and Walker—7.

Nays—Messrs. Cooper, Livingston, Long, Mathers, Pelot and Priest—6.

So the bill passed. Ordered that the title be as read.

An Engrossed bill entitled, An Act to provide for appeals and writs of error in Criminal Cases, was read the third time and on the passage of the same, the yeas and nays were called for by Messrs. Walker and Cooper, and were,

Yeas—Mr. President, Messrs. Hart, Haughton, Long, Mathers, Ramsay and Walker—7.

Nays—Messrs. Baltzell, Cooper, Livingston, Pelot, Priest and Smith—6.

So the bill passed. Ordered that the title be as read.

An Engrossed bill entitled, An Act respecting Steam Boats, was read the third time and passed. Ordered that the title be as read.

An Engrossed bill entitled, An Act amendatory of the several acts in relation to divorce, was read the third time and passed.

Ordered that the title be as read.

A bill entitled, An Act to prohibit the issue of Change Bills, &c. was laid on the table.

A Bill from the House of Representatives entitled, An Act to amend an act regulating the rate of Interest, approved Feb. 12th, 1833, was read the third time and passed with amendment.

Ordered that the title be as read.

A bill entitled, An Act for the more effectual punishment of trespasss, was read the second time and ordered to be engrossed for a third reading.

On motion of Mr. Haughton, the rule being waived, A bill entitled An Act amendatory of an act to organize and regulate the Militia of the Territory of Florida, and to repeal all former acts in relation to the same, was taken from the table, and placed among the orders of the day.

A bill from the House of Representatives entitled, An Act to divorce Wm. H. Brouss, was read the third time, and on the passage of the same, the yeas and nays were called for by Messrs. Baltzell and Mathers, and were :

*Yeas*—Messrs. Cooper, Hart, Haughton, Mathers, Priest and Walker—6.

*Nays*—Mr. President, Messrs. Baltzell, Livingston, Long, Pelot, Ramsay and Smith—7.

So the bill was rejected.

A bill from the House of Representatives entitled, An Act to alter and change the present county site of Calhoun county, was read the third time, and passed as amended.

Ordered, that the title be as read.

Preamble and Resolutions from the House of Representatives, relative to the compensation of the officers of the two Houses, &c., was read the third time and adopted as amended.

A bill from the House of Representatives entitled, An Act to establish and organize a Mayor's Court for the city of Apalachicola, was read the third time and passed as amended.

Ordered that the title be as read.

A bill entitled, An Act to repeal an act to amend an act to regulate the foreclosure of mortgage, was amended and ordered to be engrossed for a third reading.

Preamble and Resolutions from the House of Representatives, were read the second time, and laid on the table.

A bill entitled, An Act to authorize the qualified voters of Wakulla county to establish their county site, was read the second time and ordered to be engrossed for a third reading.

A bill entitled, An Act to regulate the trial of slaves and free negroes, in certain cases, was read the second time, and ordered to a third reading.

A bill from the House of Representatives entitled, An Act to empower John Q. Worthington, a minor, to assume the management of his own estate, which had been reconsidered and placed among the orders of the day, was read the third time, and on its passage, the yeas and nays were called for by Messrs. Baltzell and Mathers, and were :

*Yeas*—Messrs. Hart and Mathers—2.

*Nays*—Mr. President, Messrs. Baltzell, Cooper, Haughton, Livingston, Long, Pelot, Ramsay, Smith and Walker—10.

So the bill was rejected.

A bill entitled, An Act to repeal an act therein mentioned, was read the second time, and ordered to be engrossed for a third reading.

A bill from the House of Representatives entitled, An Act to provide for improvements made on public lands, was read the third time, and on the passage of the same the yeas and nays were called for by Messrs. Pelot and Priest, and were :

*Yeas*—Messrs. Cooper, Hart, Haughton, Livingston, Long, Mathers, Pelot, Priest, Ramsay and Walker—10.

*Nays*—Mr. President, Messrs. Baltzell and Smith—3.

So the bill passed. Ordered that the title be as read.

Resolution from the House of Representatives, in relation to Temple Pent, Esq., was read the second time, the rule waived, read the third time, and adopted.

A bill from the House of Representatives entitled, An Act supplementary to an act, approved 5th March, 1842, relative to roads and highways, was read the third time, and passed. Ordered that the title be as read.

A bill from the House of Representatives entitled An Act to divorce Martha Conner, was read the third time, and on the passage, the yeas and nays were called for by Messrs. Smith and Priest, and were :

*Yeas*—Messrs. Cooper, Hart, Haughton, Mathers, Priest, Ramsay and Walker—7.

*Nays*—Mr. President, Messrs. Baltzell, Livingston, Long, Pelot and Smith—6.

So the bill passed,

Ordered that the title be as read.

The report of the Committee on the State of the Territory relating to Indian depredations, was read the second time and adopted.

The Resolutions reported from the Committee on Public Accounts, with the report of the Committee on the petition of the representative of R. C. Allen, deceased, were read the second time and ordered to be engrossed for a third reading.

The Resolution reported from the Select Committee on the Seminary Lands, was read the second time, and ordered to be engrossed for a third reading.

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

TUESDAY, March 12th, 1844.

The Senate met pursuant to adjournment. A quorum of members being present, the journal of yesterday was read and approved.

Mr. Pelot moved to reconsider the vote taken yesterday on the bill entitled an act to divorce Frances Dummett.

Mr. Walker proposed to reconsider also, the vote taken on yesterday on the bill for the relief of Caroline G. Jones, and also, the bill to divorce Wm. H. Brouss, and after some conversation between Messrs. Pelot, Cooper and Walker, the vote was reconsidered on the three named bills, and they were again placed among the orders of the day.

On motion of Mr. Pelot, the rule was waived to enable him to introduce without notice, a bill entitled An Act to authorize Joseph B. Watts and others to establish a toll bridge across the Suwannee river, which was read the first time, the rule waived, and read the second and third time and passed.

Ordered that the title be as read.

Mr. Cooper offered the following protest, which was read :

#### PROTEST.

The undersigned, members of the Senate, do hereby solemnly protest against the passage of the resolution adopted by a majority of one vote in the Senate on the eighth instant, in the absence of two members, for the following reasons, which they desire entered on the Journals :

The case in which the release is given, is the highest and most heinous in the catalogue of crimes. In the Spring of 1840, two citizens of Jacksonville, in East Florida, one of them a peace-officer, the other a man of large family and of unoffending disposition, were attacked and shot down in a public house in the village in which they resided, by D. P. Bryant and John McMullen. The perpetrators of the deed were from the Metropolis of the Territory, did not belong to Jacksonville, and the quarrel arose from their manifestation of a disposition to disregard the local laws of the village and over-awe its officer. They were, on the commission of the crime, arrested. A Coroner's inquest found them guilty of murder. They were sent to jail in St. Augustine. So soon as the news reached Tallahassee, powerful and influential friends rallied to effect their rescue. Legal counsel was employed to proceed forthwith three hundred miles to St. Augustine, accompanied by a large number of connexions and friends, and a *habeas corpus* was procured to effect their being bailed. Letters of indemnity signed by their influential friends here were taken with them to enable them to procure the bail. The present worthy and able Judge of the Eastern District, the very day of his first arrival in Florida, was applied to for the *habeas corpus*, and was induced, as we do not hesitate to say, in all respect for that officer, most erroneously to admit them to bail. Experienced, expert and able counsel appeared in their behalf while the public cause was most inefficiently represented. From thence they came back in triumph through Jacksonville home to Middle Florida. At the next term of Jacksonville Court, they were indicted for wilful murder, and their being bailed by the Judge was also presented as an outrage. Since then they

never appeared in East Florida. They were notoriously at large in the Capitol for a long time afterwards, and until January, 1842, the prosecuting officer for East Florida, nor their bail nor any one else adopted any means to secure them. In January, 1842, Judge Bronson, while attending the Court of Appeals, issued a warrant for McMullen's arrest, as he was then walking publicly, unmolested, in the streets of Tallahassee; and he was put in Tallahassee jail. Another application to bail him was made to and refused by the Court of Appeals, and he shortly after escaped from prison and fled from the Territory to Georgia, and from thence to Texas. Bryant had previously fled to Missouri. Their recognizance, entered into at St. Augustine were sued on and judgment got against the bail, who were indemnified by their Tallahassee friends.

The bail now ask to be released. The real parties, however, seeking the release are the Tallahassee gentlemen, who wrote to the bail and promised to save them harmless. What claim have these persons on the public favor or liberality? Had they done their duty they should have sent these murderers to Jacksonville according to their recognizance, to be tried for their crimes instead of countenancing their crime by allowing them to go at large and finally to escape. It is now said Bryant is dead, whether he is or not we regard as immaterial, but there is no positive proof that he is. McMullen it is said is in Mexico a prisoner, being one of the Texas army captured at Meir.

To exonerate the bail, and those who sustained these young men in their outrage, will be a precedent fraught with monstrous danger and evil. It will establish the fact that it is only necessary for a criminal to have rich, powerful, and influential friends and connexions, who will employ adroit and able counsel, to enable him to escape unpunished in Florida. The poor, unknown and friendless, may be hanged as scape-goats, but the powerful and aristocratic can violate the law with impunity, if this precedent is followed. It is alleged that the Indians infesting the country between Tallahassee and St. Augustine, was a good excuse for their bail not having arrested them after the indictment. Yet their counsel and friends, to effect their release, could travel the road, the members of the Legislature, and Judges of the Court of Appeals came by it. This excuse is a mere pretence. What other excuse is there? None whatever. What other circumstance exist to justify the release of the bail. If Bryant is really dead, there was ample time and opportunity for him to have been arrested and yielded up. After their release, it is not impossible he may come to life again, and McMullen, if really a prisoner, on his release, return to the scene of his outrage with impunity. We believe the blood of the murdered Yeoman and Huffan demands, in this case, a rigid adherence to the law. The widow and orphans of the poor and unoffending Huffan demand justice at the hand of the authorities for the murder of the husband and father. Shall they be disregarded? If they are, the laws will be a mockery, justice

a farce, and murderers may stalk abroad, glorying in their God-defying deeds. The poor and friendless will be compelled to take the law into their own hands, and violence and bloodshed will be the order of the day.

JAMES G. COOPER,  
GABRIEL PRIEST.

Mr. Hart presented the petition of Rebecca Mary Hardin, praying to be divorced from her husband John B. Hardin, which was read, and referred to a Select Committee, consisting of Messrs. Hart, Mathers and Livingston.

Mr. Livingston from the Committee on the State of the Territory, to which was referred the claim of Eliza Mallet, reported the following resolution :

*Resolved by the Governor and Legislative Council of the Territory of Florida, That the Auditor of the Territory be, and he is hereby authorised and required to audit and allow the claim of Eliza Mallet for house rent, and for the safe keeping of a prisoner during the year 1841, amounting to \$27.*

Which was read the first time, the rule waived, and read the second and third time and adopted.

Mr. Livingston from the same Committee reported a bill from the House of Representatives entitled An Act relative to roads and highways in Nassau county, without amendment.

Mr. Livingston, from the same Committee, also made the following Report on the petition for the relief of David D. Young, which was received and read.

The Committee on the State of the Territory, having duly considered the petition for the relief of David D. Young, respectfully REPORT :—That the relief sought to be obtained from the Legislative Council, is in the power of the Executive of the Territory, and to him should the said petitioner apply. The Committee ask to be relieved from the further consideration of said subject.

M. C. LIVINGSTON, Chairman.

Mr. Livingston, from the Select Committee to which was referred the Preamble Resolutions relative to the mail route between Tallahassee and Jacksonville, made the following Report, which was read, the rule waived and the Preamble and Resolutions and the Report read the second time and adopted :

The Select Committee to which was referred the preamble and resolutions relative to a mail route from Tallahassee to Jacksonville, three times a week, respectfully

#### REPORT :

That the present mail route is very circuitous, losing more than fifty miles, (which will be readily seen by examining the accompanying diagram of the route.) The committee have ascertained that a direct route is practicable, and that the whole distance will not exceed one hundred and seventy-five miles. They therefore recommend the following resolutions :

*Resolved, by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be requested to have established by law, a mail route from Tallahassee to Jacksonville in East Florida, direct, to be carried in four horse post coaches three times a week and back—and from Jacksonville to Charleston via Savannah, by steamers, to connect with said stage route.*

*Resolved further, That copies of the above preamble and resolution, with the annexed diagram, be sent to our Delegate in Congress, and the Post Master General.*

M. C. LIVINGSTON, Chairman.

The following bills and preambles and resolutions were received from the House of Representatives, and read the first time and otherwise disposed of :

An Act to provide for the establishing of public schools in the County of Franklin, the rule was waived, the bill read the second and third time and passed. Ordered that the title be as read.

An Act for the relief of S. S. Sibley, the rule waived, the bill read the second and third time and passed. Ordered that the title be as read.

Resolution appointing Commissioners to lay off the county-site in Nassau county, rule waived, read the second and third time, and adopted.

Preamble and Resolutions asking an establishment of a mail route from Cedar Keys to Columbus, Florida, the rule waived, the Preamble and Resolutions read the second and third time, and adopted.

Mr. Livingston moved that Mr. Baltzell have leave of absence for this day. Which was granted.

On motion of Mr. Baltzell, the vote on the bill entitled, An Act concerning hawkers, pedlars and itinerant traders, was reconsidered and the bill placed among the orders of the day.

An act from the House of Representatives, to amend an act incorporating the city of Apalachicola, approved 2d March, 1838, came back on an amendment adopted by the Committee of Conference, and concurred in by the House of Representatives. The Senate refused to recede from its amendment to the bill.

A bill from the House of Representatives, entitled An Act for the relief of John Burgdorff, was read the first time and ordered to a second reading.

A communication from the House of Representatives:—the House has passed the Preamble and Resolutions from the Senate, asking a division of the Territorial Government, without amendment, also.

A bill entitled An Act for the protection of the rights of women, without amendment.

The House of Representatives has appointed Messrs. Baldwin, Sanchez, Selph, Sanderson and Chapman, a Joint Select Committee on the part of the House, to act with a similar committee on the part of the Senate, to take into consideration the subject of compe-

sation for the present session, and Messrs. Livingston, Hart, Pelet, Ramsay and Long, were appointed the committee on the part of the Senate, to act jointly with said committee.

An engrossed bill entitled An Act to establish a board of county commissioners, was laid on the table.

A bill from the House of Representatives entitled An Act to regulate the taking of testimony in chancery proceedings, reported from the Committee on the Judiciary, with amendments, which were concurred in, and the bill further amended, and ordered to a third reading to-morrow.

A bill entitled An Act amendatory of an act to organize and regulate the Militia of the Territory of Florida, was amended as reported from the Committee on the Militia, and ordered to be engrossed for a third reading.

A bill from the House of Representatives entitled An Act to organize a county to be called Marion county, was read the second time and ordered to a third reading to-morrow.

Resolution from the House of Representatives relative to a Judicial District, was read the second time and amended, the rule waived, and read a third time and adopted as amended.

A bill from the House of Representatives entitled, An Act to organize a county to be called St. Lucie county, was read the third time, and passed as amended. Ordered that the title be as read.

The report of the Judiciary Committee, in relation to the Judiciary system of this Territory, was laid on the table.

The Senate then took a recess until half-past three o'clock, P. M.

#### HALF-PAST 3 O'CLOCK, P. M.

The Senate met pursuant to adjournment, and a quorum being present, an engrossed bill entitled, An Act for the more effectual punishment of trespass, was read the third time, and on the passage of the same the yeas and nays were called for by Messrs. Long and Cooper, and were:

*Yeas*—Mr. President, Messrs. Baltzell, Cooper, Livingston, Mathers, Priest, Ramsay, Smith and Walker—9.

*Nays*—Mr. Long—1.

So the bill passed. Ordered that the title be as read.

Mr. Livingston, from the Select Committee on the Message of his Excellency the Governor, made the following report:

The Select Committee to whom was referred the communication of his Excellency the Governor, relative to certain money said to have been paid into the Treasury in the depreciated liabilities of the Territory, by the administrator of the estate of one Isaac Frith, beg leave to

#### REPORT:

That on examination of the said communication and the accompanying correspondence, which his Excellency says he has "deem-

ed proper to submit to the Legislative Council, to receive such action as the subject may seem to require," your Committee can discover nothing therein calling for any Legislative action whatever. From the papers referred to them, they learn only that the said administrator, having money in his possession belonging to the said estate, paid the same into the Treasury in Treasury warrants, or the due bills of the Territory; and they are left to conjecture what cause of complaint is found in this procedure, and what object his Excellency sought to obtain in laying the subject before the Council. It is presumed, however, that his object was to apprise the Council of a violation of that Statute, which provides that "it shall not be lawful for any person charged with the collecting or paying over money into the Treasury of the Territory, to speculate in claims against the Territory," under the penalty, on conviction, of \$500. If so, your Committee would suggest that offences against the laws of the Territory are proper subjects of investigation for the Judicial Tribunals of the country, and not for the Legislature. It is the province of the Legislature to make laws—of the Judiciary to enquire into and decide upon their infraction—and of the Executive to "take care that the laws be faithfully executed;" and it is sufficient for each branch of the government faithfully to discharge its own appropriate duties.

Hence your Committee are of the opinion that the Legislative Council can properly have nothing to do with the subject matter referred to them, and they ask to be discharged from its further consideration.

M. C. LIVINGSTON, Chairman.

Which was read.

Mr. Livingston also made a minority report on the same subject. Which was read as follows:

The undersigned, being one of the Committee to whom was referred the message of the Governor, with the letter of the Treasurer and other papers, in relation to the money arising from the escheated estate of Frith,

#### REPORTS:

That from the several letters referred to, it appears that the sum of \$1,035.45, was realized from the sale by the administrator of said estate, which was placed in the hands of the Hon. Wm. Marvin, with instructions from the administrator, as it is stated, to convert the same into Territorial scrip, and pay the sum due the Territory in this depreciated paper; which was done by the Hon. WILLIAM MARVIN.

The evidence, as far as it goes, however, shews that his honor the Judge, has not accounted to the administrator for the difference in funds, and as Territorial scrip, at the time of this transaction, was worth only from 30 to 40 cents on the dollar, the greater portion of the sum received is still in the hands of Judge Marvin, to which the Territory is justly entitled.

By the 4th section of an act on the subject of Territorial Revenue, approved Nov. 22, 1829, [Laws of Florida, page 321.] it is provided: "That it shall not be lawful for any person charged with the collecting, or paying ever money into the Treasury of the Territory, to speculate either directly or indirectly, on claims against the Territory, but they shall, in all cases, pay over such funds as they shall receive, and any person violating the provisions of this section, shall, on conviction in any Court of record in this Territory, pay a fine of five hundred dollars; one-half shall go to the party prosecuting to conviction, the other half to the use of the Territory."

That there has been an open palpable violation of this law, I have no doubt, and it is the bounden duty of the Legislature to direct the law to be enforced, however high the functionary it may reach. The administrator, we are informed by the District Attorney, pleads his ignorance of the laws. If he was ignorant, it was the duty of Judge Marvin to have informed him, and not to have united with an ignorant person in committing a speculation on the Territorial Treasury.

He, at least, cannot plead ignorance. From his knowledge of the laws of the Territory, which must be presumed from his high judicial station; he had, in addition, just completed a thorough revision of our statutes, by special appointment of the Legislature, and must have been familiar with every act in our Statute Book. Under such circumstances, that such an officer should have been selected, and become the agent in such a transaction, almost surpasses belief. We are informed that, although twelve months have elapsed since the transaction, the profits of this speculation are unaccounted for by Judge Marvin, and it is therefore proper that the funds should be arrested in his hands. I therefore propose to the Senate the adoption of the annexed Resolution:

*Be it therefore Resolved by the Senate,* That the proper officer of the Treasury be instructed to demand from the Hon. Wm. Marvin all money by him received from the estate of Frith, and not expended in the purchase of the Territorial scrip, by him paid into the Treasury, on account of said estate; and in default of payment, to institute proper legal proceedings, as well for the recovery of the money, as for the violation of the revenue laws, by said Judge and said administrator.

M. C. LIVINGSTON.

An Engrossed bill entitled, An Act to repeal an act to amend an act to regulate the foreclosure of mortgage, was read the third time and passed. Ordered that the title be as read.

An Engrossed bill entitled, An Act to authorize the qualified voters of Wakulla county to establish their county-site, was read the third time and passed. Ordered that the title be as read.

Resolutions respecting Seminary lands, were read the third time adopted.

Report and Resolution concerning Richard C. Allen's representative, were read the third time and adopted.

An engrossed bill entitled An Act to repeal an act therein mentioned, was read the third time, and on the passage of the same, the yeas and nays were called for by Messrs. Cooper and Priest, and were:

*Yeas*—Messrs. Baltzell, Hart, Long, Mathers and Ramsay—5.

*Nays*—Mr. President, Messrs. Cooper, Livingston, Pelot, Priest, Smith and Walker—7.

So the bill was rejected.

On motion of Mr. Livingston, the rule was waived and he was permitted to introduce the petition of Benjamin D. Battle and others, praying the passage of a law to authorize them to sell at private sale the real estate of their intestate. Which was read and referred to a Select Committee consisting of Messrs. Livingston and Yonge.

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

WEDNESDAY, March 13th, 1844.

The Senate met pursuant to adjournment, and a quorum being present the Journal of yesterday was read and approved.

On motion of Mr. Walker, the report of the Judiciary Committee in relation to the Judiciary system of Florida, was taken from the table, and placed among the orders of the day.

Mr. Pelot, from the Committee on Enrolled Bills, reported the following Bills and Resolutions, correctly enrolled:

An Act to change the time of holding the Superior Courts of Gadsden and Leon Counties;

An Act for the protection of the rights of Women;

Resolution for compensation to the Chaplains of the Senate and House of Representatives;

An Act to incorporate the Tallahassee Law Library Association.

Mr. Pelot, from the Select Committee, to which the same was referred, reported the bill entitled, An Act to amend the acts concerning executors and administrators, without amendment, which was read.

Mr. Yonge from the Select Committee, to which was referred the petition of Benjamin D. Battle, and others, reported a bill entitled, An Act to enable certain persons to dispose of real estate at private sale.

Which was read the first time, and ordered to a second reading.

The following report was received from the Auditor of Public Accounts, in response to a resolution of the Senate calling on the Auditor for certain information:

TREASURY DEPARTMENT.  
Auditor's Office, 12th March, 1844.

Hon. President of the Senate:

SIR:—The resolution of the Senate of the 8th inst., came to hand to day.

In my reports of the 5th February and 8th inst., I estimate receipts from all sources to be about \$119,895 38-100, for ten years past. And disbursements in the same period about \$89,835 29-100—less receipts \$30,051 9-100.

I have examined some of the items put down as receipts, (and as mentioned in my report of the 5th of February,) and there was lost on account of auction tax by E. Wood, Apalachicola, on sale of city lots, \$6,335 52. B. Vanbaun on accounts of lots in Pensacola, \$11,602 70, Lake Wimico and St. Joseph R. R. Company, sale of lots, \$7,500 00; making on account of auction tax, in 1838, \$25,438 22-100.

In the amount put down as collected from the Central Bank, I find a credit of \$1,493 55-100, over-charged by a committee of finance, in 1834; and in 1836, \$561 34-100 remitted by the Legislature to the Central Bank, on account of a claim in favor of the United States, making in these two items, \$27,493 11-100.

By a reference to reports from this office in 1841 and 1842, you will find a large amount of arrears uncollected, either from death, removal or inability to pay, in principal and securities.

To examine every item charged in the books of this office since 1833—to see how much of each one was paid in money—how much by offsets—how much remitted and placed to the credit of each one, by the Legislature, Executive Department, Courts, &c., would require more time and labor than could possibly be given to the subject at this time.

The amount of warrants issued upon the Treasury, since my report of the 15th December, 1843, is \$2,725 75-100.

The receipts into this office upon the Treasury Department since the 15th December, has been \$1,162 62-100,—his report will show the balance at that date.

The only cause known to the undersigned, why the outstanding warrants on the Treasury are not cancelled is, that the Legislature have authorized the payment of debts, without providing the means of doing it. The last resolution has been fully answered in my report of the 5th of February.

All of which is respectfully submitted by your obedient servant,

JOHN MILLER,

Auditor Public Accounts, Fla.

To the Senate of Florida.

P. S. By payments of various kinds, I allude to the example given in my report of the 15th March, of the Tax Assessor's list from Jefferson county, where \$214.17, was assessed, and \$127.70 deducted for expenses in collection.

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

The following bills, preambles and resolutions, were received from the House of Representatives, read the first time, and otherwise disposed of:

An Act to amend an act regulating Judicial proceedings, approved 23d November, 1828, rule waived, read the second time, and referred to the Committee on the Judiciary.

An Act to repeal an act establishing a tariff of fees, passed 10th March, 1843, and for other purposes. Ordered to a second reading.

An Act to authorize the civil officers of Benton county, to officiate at their respective houses, the rule waived, read the second and third time, and passed. Ordered that the title be as read.

An Act to authorize William Pennington to establish a Ferry on the Withlacoochie river, the rule waived, read the second and third time, and passed. Ordered that the title be as read.

An Act to provide for the appointment of Pilots for the Port of Cedar Keys, the rule waived, read the second and third time, and passed. Ordered that the title be as read.

An Act to define more particularly the boundary lines of Columbia and Duval counties. Ordered to be read a second time.

An Act to divorce Daniel McFuller. Ordered back to the House of Representatives to be engrossed.

An Act for the benefit of the City Hospital at the city of Apalachicola, Florida. Ordered to a second reading.

An Act to authorize the legal voters of the Town of New Port to elect Port Wardens for the Bay and Port of Apalachicola and St. Marks, was on motion indefinitely postponed.

An Act to authorize the legal voters of the County of Wakulla to elect their Tax Collector for said county, was on motion indefinitely postponed.

An Act to organize the Jacksonville Guards, was ordered to be read the second time.

Preamble and Resolutions asking of Congress an appropriation for clearing out obstructions in the Chrystal River—the rule was waived, and read the second and third time, and adopted.

Resolutions relative to holding the next session of the Legislative Council, at the city of Pensacola, West Florida—the rule waived, and read the second time, and motion made for indefinite postponement, on which motion the yeas and nays were called for by Messrs. Cooper and Pelot, and were:

Yeas—Mr. President, Messrs. Hart, Livingston, Mathers, Pelot, Walker and Yonge—7.

Nays—Messrs. Cooper, Long and Ramsay—3.  
So the bill was indefinitely postponed.

Preamble and Resolutions, respecting the erection of a Light House, at the entrance of Tampa Bay, the rule waived, and read the second and third time, and adopted.

Preamble and Resolutions relative to asking Congress for an appropriation to erect public buildings, in Calhoun county, the rule waived, and read the second and third time, and adopted.

Preamble and Resolutions respecting a line of four-horse post coaches from Tallahassee to Jacksonville, &c., the rule waived, read the second and third time, and adopted.

The House of Representatives has passed the following bills from the Senate, without amendment :

An Act to change the time of holding the County Court of Walton County.

An Act in relation to administering oaths.

#### ORDERS OF THE DAY.

A bill entitled, An Act to regulate the trial of slaves and free negroes in certain cases, came up on a second reading, on which the Senate resolved itself into committee of the whole, Mr. Hart in the chair, and after some time spent therein the committee rose and reported the bill with amendments, which were concurred in by the Senate, and the bill ordered to be engrossed for a third reading on to-morrow.

A bill from the House of Representatives entitled, An Act to regulate the taking of testimony in Chancery proceedings, and for other purposes, reported from the Committee on the Judiciary with amendments, was further amended in the Senate, and passed as amended. Ordered that the title be as read.

On motion, the Senate took a recess until half-past three o'clock.

#### HALF PAST THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment, and a quorum being present, the engrossed bill entitled, An Act amendatory of an act to organize and regulate the Militia of the Territory of Florida, and to repeal all former acts in relation to the same, which had been recommitted to the Committee of the Whole, Mr. Long in the Chair, and reported to the House, with sundry amendments, was taken up, and the question was taken on the amendment offered by Mr. Livingston, in the form of two additional sections, which went to repeal the provisions for the pay of Brigade Inspectors, and to confer the power on commandants of regiments to make appointments under certain circumstances, which was concurred in; and the question was then taken on the amendment offered by Mr. Baltzell, in the form of an additional section, appointing the month of December, January, February and March, for musters, &c., on which the yeas and nays were called for by Messrs. Livingston and Pelot, and were :

*Yeas*—Messrs. Baltzell, Cooper, Long, Mathers, Ramsay and Yonge—6.

*Nays*—Mr. President, Messrs. Hart, Livingston, Pelot and Walker—5.

So the amendment was adopted.

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

A bill from the House of Representatives entitled, An Act relative to roads and highways in Nassau county, was read the third time and passed.

Ordered that the title be as read.

An engrossed bill entitled, An Act for the relief of Caroline G. Jones, which had been reconsidered, was read the third time, and on the passage of the same, the yeas and nays were called for by Messrs. Baltzell and Yonge, and were :

*Yeas*—Messrs. Cooper, Hart, Livingston, Mathers, Ramsay and Walker—6.

*Nays*—Mr. President, Messrs. Baltzell, Pelot and Yonge—4.

So the bill passed.

Ordered that the title be as read.

An engrossed bill entitled, An Act to divorce Frances Dummett, which had been reconsidered, was read the third time and passed.

Ordered that the title be as read.

A bill from the House of Representatives entitled, An Act to divorce Wm. H. Brouss, which had been re-considered, was read the third time, and on its passage the yeas and nays were called for by Messrs. Baltzell and Pelot, and were,

*Yeas*—Messrs. Cooper, Hart, Livingston, Mathers, Ramsay and Walker—6.

*Nays*—Mr. President, Messrs. Baltzell, Pelot and Yonge—4.

So the bill passed. Ordered that the title be as read.

An Engrossed bill entitled, An Act concerning Hawkers, Pedlars and Itinerant Traders, was taken up and the Senate resolved itself into Committee of the Whole, Mr. Cooper in the Chair, and after some time spent therein, the Committee rose and reported the bill with amendment, which was concurred in, the rule waived and the bill read the third time and passed.

Ordered that the title be as read.

A bill from the House of Representatives entitled, An Act for the relief of John Burgdorff, was read the second time, the rule waived and read the third time and passed.

Ordered that the title be as read.

A bill from the House of Representatives to organize a county to be called Marion County, was read the second time and amended, and ordered to a third reading on to-morrow.

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

THURSDAY, 14th March, 1844.

The Senate met pursuant to adjournment, and a quorum being present, the journal of yesterday was read and approved.

Mr. Yonge offered the following Resolutions, which were read and lie over for to-morrow :

*Resolved*, That our Delegate in Congress be requested to obtain the passage of an act of Congress, allowing one additional Senator for the Western District, one additional Senator for the Middle District, and one additional Senator for the Eastern District of Florida.

*Resolved*, That the population of Jackson county entitles it to an additional Representative in the House of Representatives of the Legislative Council, and that our Delegate in Congress be, and he is hereby requested to obtain the passage of an act of Congress allowing to said county one additional member.

A bill from the House of Representatives entitled, An Act to authorize the Clerk of St. Johns County to refund certain taxes by him collected, under a law of the Territory of Florida, for County purposes, was read the first and second time, and a motion made for indefinite postponement, which failed. The bill was then amended, and ordered to a third reading to-morrow.

The following Bills and Resolutions were received from the House of Representatives, read the first time and otherwise disposed of:

An Act to amend an act to organize the Independent Greys, ordered to a second reading;

An Act to provide for the distribution of the Fund received from the proceeds of the sale of the Public Lands, under an act of Congress, &c., was read the first time, and on the question, shall this bill be read the second time, the yeas and nays were called for by Messrs. Cooper and Pelot, and were:

*Yeas*—Messrs. Cooper and Pelot—2.

*Nays*—Mr. President, Messrs. Baltzell, Hart, Haughton, Livingston, Long, Ramsay and Yonge—8.

So the bill was not ordered to a second reading, which amounts to a rejection.

An Act to amend an act respecting fees in certain cases, ordered to a second reading.

An Act to fix the time for holding the Superior Courts for the county of Marion and for other purposes, ordered to a second reading.

An Act respecting the right of defendants in criminal cases to challenge jurors, and for other purposes.

An Act to empower Maria F. Garey to sell certain town lots in the town of Monticello, the rule waived, and read the second and third time and passed.

Ordered that the title be as read.

An Act to empower Malinda Folsom, administratrix of Bryant Folsom, to sell the estate of said intestate, ordered to a second reading.

An Act to authorize John S. Sammis to sell certain real estate, was on motion indefinitely postponed.

Preamble and Resolutions requiring the Commissioners of the Tallahassee fund to give certain contractors for work on the Cap-

tal, certificates of the amount due on their contracts, was on the question of a second reading rejected.

Resolution concerning the late R. Burney, deceased—the rule waived, and waived the second and third time, and adopted unanimously.

Communication from the House of Representatives: The House has concurred in the amendments of the Senate to the bill from the House of Representatives entitled, An Act to authorize Thomas Livingston to establish a ferry across the Suwannee River; also,

An Act to alter and change the present county site of Calhoun County;

An Act to establish and organize a Mayor's Court for the city of Apalachicola;

An Act to amend an act regulating the rate of interest, approved Feb. 12, 1833; and

Preamble and Resolutions relative to the compensation of the officers of the two Houses, all of which were amended by the Senate, and concurred in by the House of Representatives.

The House of Representatives recedes from insisting on the original bill entitled, An Act to amend an act incorporating the city of Apalachicola, and concurs in the Senate's amendment.

The House of Representatives concurs in the amendments of the Senate to the bill entitled, An Act to organize St. Lucie county; and the House refuses to concur in the amendments of the Senate to the Resolution relative to a Judicial District and insists on the original Resolution of the House of Representatives.

The House of Representatives insists on its substitute to the Resolutions of the Senate, asking the establishment of a mail route from St. Marks via Cedar Keys, Tampa Bay, &c., to Key West, and the Senate adheres to the original Resolution.

The House of Representatives has postponed indefinitely the bill from the Senate entitled, An Act to provide for appeals and writs of errors in criminal cases;

Also, the bill entitled, An Act in addition to and amendatory of the several acts in relation to divorce.

The following Enrolled Bills, Preambles and Resolutions, were signed by the President and Secretary of the Senate:

An Act to authorize Wm. J. Hendricks to keep a Ferry at the Cow Ford on the St. Johns river;

An Act to establish a Board of Commissioners of Pilotage for the Port of Key West, &c;

An Act to organize an independent company of Artillery, to be called the Florida Artillery Company;

An Act to authorize Maria Doggett to keep a Ferry at Jacksonville, on the St. Johns river;

An Act to incorporate the town of Columbus;

An Act for the relief of a person therein named;

An Act to amend an act now in force in this Territory in relation to Roads, Highways and Ferries;

An Act to provide for the partition or division of Real Estate;  
An Act to change the time of holding the Superior Courts in the  
counties of Gadsden and Leon;

An Act to incorporate the Tallahassee Law Library Association

An Act for the protection of the rights of Women;

An Act to legalize certain acts of the Clerk of Columbia County  
Court;

An Act to organize the Monroe county School;

Preamble and Resolutions asking compensation for Capt. Arnou's  
company, called the Iola Volunteers;

Resolution asking compensation to the Chaplains of the Senate  
and House of Representatives;

Preamble and Resolutions asking for the establishment of a Mail  
route from Apalachicola to Marianna;

Preamble and Resolutions asking Congress for an appropriation  
to open a road, &c., from Webbville, in Jackson county, to Milton,  
in Santa Rosa county, &c.;

Preamble and Resolutions asking an appropriation for repairing  
the road and bridges, leading from St. Augustine to New Smyrna,  
&c.;

Preamble and Resolutions asking an appropriation by Congress  
for opening a road leading from Newnansville to Fort King, &c.;

Preamble and Resolutions respecting the mail route on the old  
Alligator line, from Macon to Marianna, &c.;

Preamble and Resolutions relating to the education of poor chil-  
dren in Dade county;

Preamble and Resolutions respecting the growing commercial  
importance of New-Port;

An Act to amend an act to incorporate the city of Apalachicola,  
approved 2d Feb. 1838;

An Act to amend an act regulating the rate of interest, approved  
Feb. 12, 1833;

Preamble and Resolutions asking of Congress the payment of  
losses sustained by Indian depredations in Florida;

An Act to provide for improvements made on public lands;

Preamble and Resolutions asking the establishment of a mail  
route from Cedar Keys to intersect the Central Line from Talla-  
hassee to Jacksonville, East Florida;

Resolution appointing Commissioners to re-locate the county-site  
of Nassau county.

An Act to organize a county to be called St. Lucie county;

An Act for the relief of S. S. Sibley.

#### ORDERS OF THE DAY.

An engrossed bill entitled An Act to establish a board of County  
Commissioners, was read the third time and indefinitely postponed,  
on which the yeas and nays were called for by Messrs. Yonge and  
Long, and were:

Yeas—Messrs. Hart, Haughton, Livingston, Long, Mathers and  
Pelot—6.

Nays—Mr. President, Messrs. Baltzell, Ramsay and Yonge—4.  
An engrossed bill entitled An Act to regulate the trial of Slaves  
and free Negroes in certain cases, was laid on the table.

A bill from the House of Representatives entitled An Act to or-  
ganize a county to be called Marion county, was read the third time  
as amended, and on the question of its passage, the yeas and nays  
were called for by Messrs. Long and Livingston, and were:

Yeas—Messrs. Baltzell, Hart, Haughton, Long, Mathers, Pelot,  
Ramsay and Walker—8.

Nays—Mr. President, Messrs. Cooper, Livingston and Yonge—4.  
So the bill passed as amended. Ordered that the title be as read.

The Report and Resolutions from the Committee on the Judici-  
ary, respecting the present Judicial System of Florida, were taken  
up and a motion was made to lay them on the table, which failed.  
A motion was then made to postpone them indefinitely, on which  
the yeas and nays were called for by Messrs. Baltzell and Walk-  
er, and were,

Yeas—Mr. President, Messrs. Cooper, Hart, Livingston, Long,  
Pelot and Yonge—7.

Nays—Messrs. Baltzell, Hart, Mathers, Ramsay and Walker—5.  
So the report and resolutions were indefinitely postponed.

A bill entitled, An Act to enable certain persons to dispose of  
real estate at private sale, was read the second time, and ordered  
to be engrossed for a third reading to-morrow.

A bill entitled, An Act to prohibit the issue of change bills, was  
read the second time, and ordered to be engrossed for a third read-  
ing to-morrow.

On motion, the Senate took a recess until half-past 3 o'clock.

#### HALF PAST 3 O'CLOCK, P. M.

A bill entitled, An Act to amend the acts concerning Executors  
and Administrators, was read the second time, amended and or-  
dered to be engrossed for a third reading to-morrow.

A bill from the House of Representatives entitled, An Act to  
organize the Jacksonville Guards, was read the second time, and  
amended, the rule waived, and read the third time and passed.

Ordered, that the title be as read.

A bill from the House of Representatives entitled, An Act to de-  
fine more particularly the boundary line of Columbia and Duval  
counties, was read the second time, the rule waived, read the third  
time, and passed.

Ordered that the title be as read.

A bill from the House of Representatives entitled, An Act to  
repeal an act establishing a tariff of fees, passed 10th March, 1843,  
and for other purposes, was read the second time and ordered to a  
third reading on to-morrow.

A bill entitled, An Act for the benefit of the city of Apalachicola, Florida, from the House of Representatives, was read the second time and ordered to a third reading.

The Report of the Select Committee and the Minority Report of the same Committee appointed on the message of the Governor, and the documents accompanying the same, relating to the revenue laws, &c., were taken up and the question recurred on the resolution offered on the part of the minority of the Committee, to which Mr. Walker offered an amendment.

Mr. Cooper moved to lay the resolution on the table, and called for the yeas and nays, seconded by Mr. Yonge, which were,

*Yeas*—Messrs. Cooper, Pelot and Yonge—3.

*Nays*—Messrs. Baltzell, Hart, Haughton, Livingston, Long, Mathers, Ramsay and Walker—8.

So the resolution was not laid on the table.

Mr. Walker called for the previous question, and Messrs. Cooper and Yonge called for the yeas and nays, which were :

*Yeas*—Messrs. Hart, Haughton, Livingston, Mathers, Pelot, Ramsay and Walker—7.

*Nays*—Messrs. Baltzell, Cooper, Long and Yonge—4.

So the previous question was sustained, and the question recurred on Mr. Walker's amendment, on which the yeas and nays were called for by Messrs. Yonge and Cooper, and were :

*Yeas*—Messrs. Hart, Haughton, Livingston, Long, Mathers, Ramsay and Walker—7.

*Nays*—Messrs. Baltzell, Cooper, Pelot and Yonge—4.

So the amendment was adopted, and the main question recurred on the adoption of the resolution as amended, on which the yeas and nays were called for by Messrs. Cooper and Yonge, and were :

*Yeas*—Messrs. Hart, Haughton, Livingston, Long, Mathers, Ramsay and Walker—7.

*Nays*—Messrs. Baltzell, Cooper, Pelot and Yonge—4.

So the resolution was adopted as amended, as follows :

*Be it therefore resolved by the Senate*, That the Governor be requested to instruct the proper officer of the Treasury, to demand from the Hon. William Marvin, all money by him received from the estate of Frith, and not expended in purchase of the Territorial scrip by him paid into the Treasury, on account of said estate; and in default of payment, to institute proper legal proceedings as well for the recovery of the money as for the violation of the revenue laws by said Judge and said Administrator.

Mr. Walker moved that the Senate adjourn until to-morrow, 10 o'clock, A. M. On which motion, the yeas and nays were called for by Messrs. Long and Yonge, and were :

*Yeas*—Messrs. Hart, Haughton, Livingston, Long, Mathers and Walker—6.

*Nays*—Messrs. Baltzell, Cooper, Pelot, Ramsay and Yonge—5.

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

FRIDAY, March 15, 1844.

The Senate met pursuant to adjournment, and a quorum being present, the Journal of yesterday was read and approved.

On motion of Mr. Long, the bill entitled, An Act amendatory of an act to organize and regulate the Militia of the Territory of Florida, &c., was taken from the table and placed among the orders of the day.

Mr. Pelot offered the following Resolution, which was read, the rule waived, the resolution read the second and third time and adopted :

*Resolved by the Senate and House of Representatives of the Territory of Florida*, That the Auditor of the Territory be required to make out and furnish the Governor, by the first day of January next, a correct and full statement of all the debts due to and from the Territory, prior to and subsequent to his appointment to office, also a correct statement of the monies raised—from what source, and paid out on what account, and also the out-standing Territorial Scrip—which account shall be satisfactory to the Executive, and in default of which the Governor is hereby requested to discharge said officer and appoint another. The Governor is also requested in his next annual message to give a full statement of the indebtedness of the Territory, that provision may be made for the liquidation.

Mr. Baltzell, Chairman of the Committee on Banks, presented the Report of the President of the Union Bank of Florida in reply to certain questions propounded by said Committee, as follows :

UNION BANK OF FLORIDA, }  
March 6th, 1844. }

THOS. BALTZELL, Esq., *Chairman* :

SIR:—Yours of 29th ult. propounding several queries by direction of the Senate's Committee of Finance and Banks, has been received. Correct answers to some of them, will require examinations of the books of the Bank, which, with the limited number of Bank Officers, must require some time. When the information shall have been thus obtained, it will be promptly communicated. Meanwhile I will proceed to reply to such questions as the information now possessed will enable me :

*Question*—What have been the expenses of the Bank annually since the suspension of specie payments?

*Answer*—The annual statements of the condition of the Bank, which, through the Governor, have been regularly submitted to the Legislative Council, shew, that the expenses of the

Year 1837 were	\$20,528 57
" 1838 "	26,568 33
" 1839 "	28,066 49
" 1840 "	32,638 00
" 1841 "	14,516 75
" 1842 "	23,151 62
" 1843 "	35,975 44

The statement of 1841 does not exhibit all of the expense of that year, but only so much as had been paid at the date of the statement. Other expenses properly chargeable to the year 1841, did not come into the books of the Bank until after settlements of amounts subsequently, and served to swell the amounts of 1842 and '43.

*Question*—What is the salary of the President, and what has been his salary for years past, and in what funds has he been paid, and at what expense to the institution?

*Answer*—The 19th section of the Charter of this Bank directs that the salary of the President shall "be fixed by the Stockholders at their first general meeting," and in virtue of this provision, the Stockholders in their first general meeting fixed the salary of the President at three thousand dollars—and although the salaries of the other officers have undergone several changes, that of the President has remained as originally fixed. Up to the 31st March, 1842, the salary was paid in the notes of the Bank; and since that time the President has only received one quarter's salary, which was paid him out of money which had been collected for the Bank in Louisiana.

*Questions*—How much has been paid to the Cashier, and in what funds, and at what cost? How much to the Assistant Cashier, and at what cost to the institution?

*Answer*—The information desired, will probably be best communicated in the following narrative:

At the commencement of its operations the salaries of the officers of the Bank were established as follows, viz: Salary of Cashier, \$1,600; Teller, \$1,200; Book-keeper, \$1,100. In June, 1835, the salaries were increased, viz: That of Cashier was raised to \$2,000, and those of Teller and Book-keeper, each to \$1,700.—On 16th March, 1836, the salary of the Cashier was raised to twenty-five hundred dollars. On 31st October, 1839, the Board of Directors decided that thereafter, the officers of the Bank should be a President, Cashier, Assistant Cashier, Teller, 1st Book-keeper, 2d Book-keeper, and Discount Clerk. That the salary of the Cashier should be \$4,000 per annum; Assistant Cashier, \$2,250; Teller, \$2,000; 1st Book-keeper, \$1,800; 2d Book-keeper, \$1,600; and Discount Clerk should be \$1,400. At a subsequent meeting the latter salary was put on equality with that of 2d Book-keeper. In June, 1842, the Board of Directors ordered that twenty-five per cent. should be deducted from the above salaries, and their emolument be paid in specie or par funds. In the year 1841, the offices of 1st and 2d Book-keeper became vacant by the resignation of one, and the death of the other; and as the business of the Bank had diminished, the vacancies were not filled, and the duties of those offices were devolved upon the remaining officers of the Bank. In April, 1842, the office of Teller was abolished, and his duties transferred to the Assistant Cashier. In April, 1843, the offices of Assistant Cashier, and of Discount Clerk were abolished, and the

salary of the Cashier reduced to two thousand dollars. Up to the end of the quarter, ending 31st March, 1842, the salaries were paid in the notes of the Bank—since that time they have been paid in par funds, which have been purchased at the current rates in the market—generally at 33½ cents per dollar. A portion of the salaries however, (about \$1,200) was paid like that of the President, with money of the Bank collected in Louisiana. The cost to the institution of the salaries paid in par funds, will be reported after the examination now in progress shall have been made.

*Questions*—What duties are assigned and discharged by the officer styled the Solicitor of the Bank? What is his salary, how paid, and the cost to the institution?

*Answer*—On the 25th March, 1840, the office of Solicitor was created, and his duties prescribed in these words, to wit: "It shall be his duty to receive from the President, or other proper officer of the Bank, all notes, protested drafts, or other evidences of debt on which suit may at any time have been ordered by the Board—to engage counsel to attend to the institution and diligent conduct of all such suits—to supply him with the necessary testimony to sustain them—to attend personally to the execution of the judgments obtained in all suits so instituted, by seeing that the executions are promptly sued out on all such judgments, unless staid by the express order of the Board—that sales are duly advertised in pursuance of the judgments and executions—to attend those sales in person, in behalf of the Bank, and to the receipt and payment into the Bank, without delay, of the proceeds of all such sales. That he keep a docket of all suits instituted as aforesaid, noting therein the state or condition of each suit, and reporting quarterly to the Board, or oftener if required, a copy of his docket, and his opinion of the probable recovery of the several debts for which suit may have been ordered or instituted. He shall, moreover, investigate all title papers, mortgages, appraisements, certificates of Clerks, &c., appertaining to the security of the stock held in the Bank, and the transfers made thereof from time to time." Since the reduction in the number of officers of the Bank, the Solicitor, in addition to his peculiar duties, as just described, has also to assist the Cashier in his duties of Book-keeper, &c. His salary is twelve hundred dollars, payable in par funds.

*Question*—What duties are now discharged by the various officers of the Bank, and what part of their time in each day is devoted to its business?

*Answer*—The officers of the Bank are three in number, viz: The President, Cashier, and Solicitor.—The duties of the President are, the general superintendance of the interests and business of the institution—to keep the minutes of the meetings of the Directors—carry on the correspondence of the Bank, &c., &c., &c. His duties require the devotion of all his time, and his attention to them is not restricted to, nor can they be performed during

banking hours only.—The Cashier, besides the duties peculiar to that office, performs those of Teller and Book-keeper—and unless when detained at home by sickness, he is never absent from the Bank during banking hours; and it must be apparent that independent of the responsibilities of his station, he has ample occupation for the whole of his time.—The duties of the Solicitor have been already described, and are sufficiently multifarious to occupy his time. They are duties which require attendance elsewhere as well as in the Banking House. I need not add that with one officer less, the illness of an officer would necessarily close the Bank.

*Questions*—What amount has been paid since the suspension, to Attornies of the Bank? What commission has been paid and is now paid for collection, and what arrangement or agreement is made, if any general one, for attention to the legal business of the Bank?

*Answer*—The answer to portions of this question, must necessarily be deferred until the information required shall have been collected from the examination of the books of the Bank. It may, however, here be stated, that the arrangement with the Bank Attorneys is to the following purport, viz: Upon the amount of claims committed to his charge, which may be either secured, collected, or prosecuted to final judgment, he is allowed a commission of two and a half per cent., and a fee of five dollars. In suits against the Bank, where no defence is proposed to be made, but a simple appearance to prevent judgment by default, a fee of ten dollars.—When advice is asked by an officer of the Bank relating to its business, the advice to be given free from charge—but if a written opinion be required by the President or Cashier, such compensation shall be allowed, as may be agreed between them. For all instruments of writing prepared by request of the President or Cashier, the usual fee in such cases will be allowed. When collections are to be made in places remote from the location of the Bank Attorney, the Bank reserves the right of employing such other attorney as it may choose.

*Question*—Have sales been made of property mortgaged to the Bank? and if so, state the same minutely and particularly, and the causes therefor, the kind of money received and the amount received. State also to what account the money so received has been applied.

*Answer*—The writer remembers but one case of sale of land which was mortgaged to the Bank; but if the examination of the books shall exhibit others, they will be hereafter reported. The sale referred to is that of a tract of 520 acres of land, which had been mortgaged by A. F. Duval to secure four thousand six hundred dollars—the shares of stock standing in name of Duval had been forfeited, and he is a large judgment debtor to the Bank. It is, therefore, desirable to make his property pay as much as possible; and before proceeding to levy execution on any portion of his property, the President has taken care to contract with some party

that a sum then agreed upon should be bid for it—that sum being the utmost which in the opinion of the President could probably be obtained. In the case under notice, the price to be bid was agreed to be six thousand five hundred dollars, or twelve and a half dollars per acre. If a higher price had been bid, the indebted party would have had the benefit of it. The purchase was for the liabilities of the Bank—one-half to be paid down, and the other half to be paid with interest in one year; a mortgage on the property to be given to secure payment. By a subsequent agreement between the purchaser and the Bank, the deferred payment has been extended to one and two years with interest. The object on the part of the purchaser in asking further time, was to be enabled to procure bonds of the Territory, with which to pay. There have been sales of slaves which were mortgaged to the Bank; but the sales were made by commissioners appointed for the purpose by the Judge of the Middle District of Florida. Reference is here made to the slaves of A. F. Duval, of D. M. Graham, and of William Maner, whose shares of stock had been declared forfeit.—Although it does not properly come under the name of a sale, an arrangement was lately made for the transfer of the lien of the Bank upon a tract of land which had been mortgaged to secure twenty shares of stock in the name of Joseph Moore, of Madison County, whose shares of stock were forfeited. Upon the application of a judgment creditor of the mortgager, who proposed to pay the amount due the Bank, on condition of receiving a transfer of its mortgage, the transfer was made. This was done in accordance with decrees of the Superior Court in other cases of similar character, which will be hereafter mentioned. In these, as in all other cases, the money received by the Bank was credited to account of the several liabilities, which were received, viz: If Territorial bonds were received, the account of Territorial bonds was credited—if bank notes were received, that account was credited.

*Question*—What mortgages given to said Bank have been released, or discharged by said Bank, or decree of Court, (not including mortgages that have been substituted for others, unless the amount has been reduced)?

*Answer*—All such cases will be stated in a future communication, if the examination of the books of the Bank shall show their having been done. The answer now to be given will embrace such cases as present themselves to the memory of the writer. The case of Joseph Moore which has been already mentioned is one in which a transfer of a mortgage was made on 11th December, 1843. A transfer of the mortgages of land and slaves given to secure 255 shares of stock in name of E. B. Vass, deceased, was made to Colin MacRae, who held a second mortgage of same property. This transfer was made by order of the Judge of the Middle District of Florida; and the Bank received from said MacRae the sum of \$31,297 79, whereof the sum of \$27,000, was paid in the bonds of the Territory. The payment made by Mr. MacRae covered the

debt due by the estate of Vass for shares of stock, and other liabilities as payer and endorser. In the case of William Livingston, whose stock had been forfeited, the Bank had obtained two judgments, one for \$979, principal and interest of an accommodation note; the other for \$15,358 22, principal and interest of a stock note. Col. William Bailey, who held a subsequent mortgage, tendered to the Bank payment of the said judgments, and demanded an assignment to him of the prior *lien* of the Bank. The Bank refused to make the assignment; but afterwards made it by order of the Judge of the Middle District. The assignment was made on 14th March, 1843.—In the Spring of 1841, the Bank released its lien upon certain slaves which had been mortgaged to secure stock by the late W. B. Nuttall during his life, and by his administratrix after his decease. The right of an administratrix to enter into such engagement had been doubted, and the Board of Directors were also informed that the right of the deceased to mortgage the slaves was questioned. Under these circumstances the Board agreed that upon payment of the amount which had been borrowed upon the shares secured by mortgage of said slaves, and upon the payment or securing payment of another loan of \$8,000 due by the estate, the Bank would release its lien upon the slaves. If, in the examination now being made, any other cases of release of mortgaged property be discovered, they will be communicated to the Committee. No other cases are at this time remembered by the writer. If the object of the enquiry be to learn how the interests of the Territory, and of the holders of its bonds, have been guarded by the Bank, I pray leave to say that bonds of the Territory, payment whereof was intended to be secured by said mortgages, have already been returned to the Governor for the purpose of being cancelled, to more than twice the amount of the mortgages which were released.

The questions which remain unanswered are: The actual amount which has been paid for salaries of officers, and the cost thereof to the Bank? How much has been paid to agents sent to the north and to Europe? How much has been paid to assistant clerks? What amount has been paid to attorneys?

When I shall have procured the necessary information, these questions will be answered. I pray leave to repeat that, with the few officers in the Bank, all of whom have duties to perform which cannot be put aside, the examination cannot be concluded so soon as I would desire. I commenced this letter on the first instant; but since its commencement there has not been during banking hours, an interval of half an hour, in which I was not compelled to give official attention to other matters—hence the delay. My experience in this respect has been that of the other two officers.

JOHN G. GAMBLE, Pres't

Which was read and laid on the table.

Bills from the House of Representatives.

An Act for the relief of J. B. Bull and the Executor of P. Kerr, which was read the first time and ordered to a second reading.

The Report and Resolutions of the Committee on the State of the Territory, adopted by the House of Representative with an amendment, which was concurred in by the Senate.

An Act for the relief of Daniel McFuller, was read the first time and ordered to a second reading.

An Act for the relief of Buckingham Smith, was read the first time, the rule waived and read the second and third time and passed.

Ordered that the title be as read.

An Act to provide for the holding of an additional term of the Superior Court in the Eastern District, was read the first time, the rule waived and read the second and third time and passed.

Ordered that the title be as read.

An Act to incorporate the Apalachicola fire company, was read the first time the rule waived and read the second and third time and passed.

Ordered that the title be as read.

An Act to incorporate the Wakulla Rangers, was read the first time the rule waived, and read the second and third time and passed.

Ordered that the title be as read.

The following communication was received from his Excellency the Governor:

EXECUTIVE OFFICE, }  
Tallahassee, 15th March, 1844. }

*Gentlemen of the Senate  
and House of Representatives:*

I have approved the following acts and resolutions passed at the present session of the Legislative Council:

An Act to legalize certain acts of the Clerk of Columbia County Court, and for other purposes.

A Preamble and Resolutions relative to certain mail routes in West Florida.

A Preamble and Resolutions relative to the establishment of a direct road from Newnansville to Fort King.

A Preamble and Resolutions relative to the establishment of a mail route in West Florida.

An Act to incorporate the town of Columbus.

A Preamble and Resolution relative to the pay of a Volunteer Company in Calhoun county.

An Act to authorize Maria Doggett to keep a Ferry at Jacksonville, on the St. Johns River.

An Act for the relief of S. S. Sibley.

An Act to organize a county to be called St. Lucie county.

A Resolution relative to the location of the county site of Nassau county.

A Preamble and Resolutions relative to the establishment of a mail route from Cedar Keys to Columbus in Columbia county.

Preamble and Resolutions relative to losses sustained by the Seminole Indians.

Resolution for the compensation of the Chaplains of the Senate and House of Representatives.

An Act for the relief of a person therein named.

An Act to organize the Monroe county school.

Preamble and Resolutions relative to the construction of a road from St. Augustine to Cape Florida.

An Act to amend an act now in force in this Territory relative to roads, highways and Ferries.

Preamble and Resolutions relative to the Alligator mail route.

Preamble and Resolutions relative to the poor and orphan children of Dade County.

An Act to organize an Independent Artillery Company to be called the Florida Artillery Company.

An Act to establish a Board of Commissioners of Pilotage for the Port of Key West, and for other harbors in the county of Monroe.

An Act to authorize William J. Hendricks to keep a Ferry at the Cow Ford on the St. Johns river.

A Preamble and Resolutions relative to the establishment of a Marine Hospital at New Port.

R. K. CALL.

An Act to establish a Superior Court in Mosquito county from the House of Representatives, was read the first time the rule waived and read the second and third time and passed.

Ordered that the title be as read.

An Act to amend an act entitled an act giving a lien to mechanics in certain cases, approved 20th January, 1827, was read the first time and indefinitely postponed.

An Act to repeal an act entitled an act to suspend the operation of the Revenue Laws for the year 1840, and to provide for the settlement of all arrears due to and from the Territorial Treasury, was read the first time and indefinitely postponed.

An Act to repeal all laws now in force providing a Revenue for the Territory of Florida, and for other purposes, was read the first time and indefinitely postponed.

An Act for the relief of Francis R. Sanchez and others, from the House of Representatives, was read the first time and ordered to a second reading.

The House of Representatives concurs in the Senate's amendment to the bill entitled An Act to regulate Chancery proceedings, and for other purposes.

The House of Representatives has passed the bill entitled An Act to divorce Frances Dummett.

Also, the bill entitled An Act for the relief of Caroline G. Jones, with the title so amended as to read, An Act to divorce Caroline G. Jones, which was concurred in by the Senate.

An engrossed bill entitled An Act to enable certain persons to

dispose of real estate at private sale, was read the third time and passed.

Ordered that the title be as read.

An engrossed bill entitled An Act to prevent the circulation of change bills, was read the third time and passed.

Ordered that the title be as read.

Mr. Pelot from the Committee on Enrolled bills, reported the following bills and Preambles and Resolutions as correctly enrolled.

Preamble and Resolutions relating to a division of the Territory.

An Act in relation to administering oaths.

An Act to change the time of holding the County Court of Walton county.

Preamble and Resolutions, relating to Indian depredations in Washington county, West Florida.

A bill from the House of Representatives entitled An Act establishing a tariff of fees, passed 10th March, 1843, and for other purposes, came up for a third reading, but on motion the bill was re-committed to the Committee of the whole, Mr. Pelot in the chair, and after some time spent therein the Committee rose and reported the bill with amendments, in which the Senate concurred, and the bill was ordered to a third reading.

The Senate then took a recess until half past three o'clock P. M.

HALF PAST THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment, and a quorum was present.

A message was received from his Excellency the Governor, returning the bill entitled An Act for the protection of the rights of women, with his objections to the same, which was read :

EXECUTIVE OFFICE,

Tallahassee, 15th March, 1844. }

To the President of the Senate :

Sir:—I herewith return disapproved the bill entitled An Act for the protection of the rights of women. If the provisions of the bill extended no farther than its title indicates, I should give it my approval. But the second section provides that married women may hereafter become seized or possessed of real or personal property during coverture, by bequest, demise, gift, purchase, distribution, or otherwise, and shall hold the same to her own separate use, free from the control of her husband, and the same shall not be liable to be taken for his debts.

Under this provision of the bill, during the honey-moon of marriage, it is to be apprehended, that the husband may give his entire estate to his wife, in defiance of his creditors, and that all the property acquired during coverture, will be purchased in the name of the wife, in such a manner as to prevent it from being taken for the debts of the husband, accruing on past or future contracts. From his nature, energy and capacity, business must be done and contracts must be entered into by man; but woman will lock up all the

treasure acquired by his successful industry and enterprise, and when he, from unexpected contingencies, shall fail in any speculation, he will have nothing which the law can reach, to pay the debts which he has contracted. The apprehension of such a result must destroy all confidence and credit in the transactions of men, and compel delicate and refined woman to disguise her fair nature, and become the masculine contracting party in all transactions. Such a revolution in the laws of the country must be attended with a corresponding revolution in the morals and domestic relations of society. It would sever and divide the unity of man and wife, made one and the same by the theory of the laws governing the institutions of marriage. It would in the process of time, could it endure, expell woman from the Eden of domestic retirement.

It would translate her to the market place for purchase, barter and exchange, until her loveliness would fade like a drooping flower, and her modesty be destroyed. Such a result might be considered as the second fall of man.

R. K. CALL.

Whereupon the vote on the passage of the bill was reconsidered, and the yeas and nays taken on the passage of the same against the Governor's objections, and were :

Yeas—Messrs. Cooper, Hart, Livingston, Long, Pelot, Ramsay and Yonge—7.

Nays—Mr. President, Messrs. Baltzell, Houghton, Mathers and Walker—5.

So the bill was rejected, not having received the requisite majority to pass the bill over the Governor's veto.

Resolution respecting a Judicial District, passed by the House of Representatives, and amended by the Senate; the House insists on its original Resolution; the Senate recedes from its amendment.

An Act to incorporate the inhabitants of the different townships of this Territory, for the institution and establishment of Common Schools, from the Senate, passed by the House of Representatives with an amendment, in which the Senate concurs.

The House of Representatives has adopted the Report and Resolutions of the Senate, concerning Richard C. Allen's representative, without amendment.

Also, Resolutions respecting Seminary Lands.

The Senate adheres to its amendment to the bill entitled An Act to organize a county to be called Marion county.

An engrossed bill entitled An Act to amend the acts concerning Executors and Administrators, was read the third time and passed. Ordered that the title be as read.

A bill from the House of Representatives entitled An Act to empower Melinda Folsom, administratrix of Bryant Folsom, to sell the estate of said intestate, was read the second time and ordered to a third reading.

The following communication was received from his Excellency, the Governor :

EXECUTIVE OFFICE, }  
Tallahassee, 15th March, 1844. }

Gentlemen of the Senate  
and House of Representatives :

I have approved the following Acts and Resolutions of the Legislative Council, passed at its present session.

An Act to amend an act incorporating the city of Apalachicola, approved 2nd February, 1838.

An Act to provide for improvements made on public lands.

An Act to authorize the officers of Benton county to officiate at their respective homes.

Preamble and Resolutions relative to the establishment of a mail route from Jacksonville East Florida to New Orleans, via Tallahassee and St. Marks.

Preamble and Resolutions relative to the Military reservations at Tampa Bay.

An Act relative to roads and highways in Nassau county.

An Act to authorize William Frink to keep a ferry across the Suwannee river.

An Act to authorize William Pennington to establish a Ferry on the Withlacoochie river.

Preamble and Resolutions relative to public buildings in Calhoun county.

Preamble and Resolutions relative to a Light-house at Tampa Bay.

Preamble and Resolutions relative to the pay and mileage of Temple Pent.

Preamble and Resolutions relative to certain Military claims.

An Act to establish and organize a Mayor's Court for the city of Apalachicola.

An Act to authorize Thomas Livingston to establish a ferry across the Suwannee river.

An Act supplementary to the act approved 2nd March, 1842, relative to road and highways.

An Act to amend an act regulating the rate of interest, approved February 12th, 1833.

An Act to alter and change the present county site of Calhoun county.

An Act to divorce William H. Brouss.

An Act to divorce Martha Conner.

An Act to authorize Alexander McAlpine to establish a ferry across the Chipola river.

An Act entitled an act to provide for the establishing a public school in the county of Franklin.

An Act for the relief of John Burgdorff.

Preamble and Resolutions relative to Chrystal river.

Preamble and Resolutions relative to the officers of the Legislative Council.

Preamble and Resolutions relative to the division of the Territory.

An Act in relation to administering oaths.

An Act in relation to Indian depredations in Washington county, West Florida.

An Act to change the time of holding the County Court of Walton county.

An Act to regulate the taking of testimony in chancery proceedings, and for other purposes.

A Resolution in relation to the navigation of the Chesehowiska.

An Act to define more particularly the boundary lines of Columbia and Duval counties.

Resolution relative to the pay and mileage of Richard Burney, deceased.

An Act to empower Maria F. Garey, administratrix of John Y. Gary, to sell certain town lots in the town of Monticello.

An Act to amend the execution laws. R. K. CALL.

On motion the Senate took a recess until 8 o'clock P. M.

#### EIGHT O'CLOCK P. M.

The Senate met pursuant to adjournment, and a quorum being present.

Mr. Haughton offered the following resolution, which was adopted, the rule being waived for that purpose.

*Resolved by the Senate,* That the Secretary of the Senate be authorized to employ assistant clerks, to enroll Bills and Resolutions, and that the Secretary of the Territory be requested to certify their accounts to the Treasurer of the United States.

Mr. Livingston from the Joint Committee, for that purpose, reported a bill entitled An Act to provide for the compensation of the officers of the Legislative Council, for the session of 1844, and for other purposes, which was read the first time, the rule waived and read the second and third time and passed.

Ordered that the title be as read.

A communication was received from the House of Representatives. The House insists on the original bill entitled, An Act to organize a county called Marion county, and has appointed Messrs. Sanderson, Branch and McClellan, a Committee on the part of the House. Whereupon Messrs. Pelot, Walker and Yonge, were appointed a Committee on the part of the Senate, to confer with the said Committee on the matter of disagreement between the two Houses.

A bill from the House of Representatives entitled, An Act for the relief of Francis R. Sanchez, and others, was read the second time, the rule waived, read the third time, and passed. Ordered that the title be as read.

Preamble and Resolutions for the relief of John A. Edwards, were read the third time and adopted.

A Resolution from the Senate, respecting the Auditor of Public

Accounts, was adopted by the House with an amendment, which was concurred in by the Senate.

A communication was received from the House of Representatives. The House has amended the bill from the Senate entitled, An Act to authorize David Platt, and others, to establish a Ferry across the Suwannee river, and passed the same as amended; and amended the title so as to read, An Act to authorize Platt, and others, to build a Toll bridge across the Suwannee river.

Which amendments were concurred in by the Senate.

A bill from the House of Representatives entitled, An Act to authorize the Clerk of St. Johns county to refund certain taxes by him collected, under a law of the Territory, for county purposes, was read the third time, and passed. Ordered that the title be as read.

A bill entitled, An Act respecting the right of defendants in criminal cases to challenge Jurors, and for other purposes, from the House of Representatives, was read the second time, and laid on the table.

A bill entitled, An Act to amend an act respecting fees in certain cases, was read the second time; and on the motion, shall the rule be waived and the bill read a third time, the same was rejected.

A bill from the House of Representatives entitled, An Act to repeal an act to suspend the operation of the Revenue Laws for the year 1840, and to provide for the settlement of all arrears due to and from the Territorial Treasury, was read the second time, and laid on the table.

A bill from the House of Representatives entitled, An Act to amend an act to organize the Independent Greys, was read the first time; and on the question, shall the rule be waived and the bill be read a second and third time, the same was rejected.

A bill from the House of Representatives entitled, An Act for the relief of Daniel McFuller, was read the second time, and on the question, shall the rule be waived and the bill read the third time, the same was rejected.

An Act for the benefit of the City Hospital, at the City of Apalachicola, was read the third time, and passed. Ordered that the title be as read.

An Act to fix the time for holding the Superior Court for the county of Marion, was read the first time, the rule waived, read the second and third time, and passed. Ordered that the title be as read.

A bill entitled, An Act to prevent the circulation of Change Bills, from the Senate, was passed by the House without amendment.

A bill entitled, An Act to enable certain persons to dispose of Real Estate at private sale, from the Senate, was passed by the House without amendment.

An engrossed bill from the Senate entitled, An Act amendatory of an act to organize and regulate the Militia of Florida, was read the third time, and passed. Ordered that the title be as read.

A bill from the House of Representatives entitled, An Act to empower Melinda Folsom, administratrix of Bryant Folsom, to sell the estate of said intestate, was read the first time, the rule waived, read the second and third time, and passed. Ordered that the title be as read.

The Committee of Conference, on the disagreement of the two Houses on the bill entitled, An Act to organize a county to be called Marion county, reported an amendment to the bill. Which was concurred in by both Houses, and the bill passed.

A bill from the House of Representatives entitled, An Act to repeal an act to establish a tariff of fees, passed 10th March, 1843, and for other purposes, was read the second time and amended, the rule waived, read the third time, and passed. Ordered that the title be amended so as to read, An Act to regulate fees, &c.

Mr. Yonge offered the following resolution, which was read the first time, the rule waived, read the second and third time, and adopted

*Resolved by the Senate,* That our Delegate in Congress be requested to obtain the passage of an act of Congress allowing one additional Senator for West Florida, one additional Senator for Middle Florida, and one additional Senator for East Florida, in the Legislative Council of the Territory of Florida.

Mr. Yonge also offered the following resolution, which was read:

*Resolved by the Senate,* That the population of Jackson county entitles it to an increased representation in the Legislative Council, and our Delegate be, and he is hereby, requested to obtain the passage of an act of Congress, allowing to said county one additional member.

Mr. Haughton moved the following amendment:

*Resolved,* That our Delegate be also requested to procure an additional member for the county of Gadsden.

Mr. Pelot moved the following amendment:

*Resolved,* That our Delegate be requested to have allowed to the counties of St. Lucie and Marion, one member each in the House of Representatives of the Legislative Council of the Territory of Florida.

Which amendments were severally adopted, and the resolution, thus amended, was adopted.

Mr. Haughton offered the following resolution, which was read, the rule waived, read the second and third time, and adopted:

*Resolved by the Senate and House of Representatives,* That Samuel C. Craft be allowed \$155, as compensation for extra services rendered the Senate as Clerk, during the present session.

A bill from the Senate entitled, An Act for the advancement of education in the Territory of Florida, was returned from the House, passed with an amendment, in which the Senate did not concur; and, on motion, the bill was laid on the table.

A bill from the Senate entitled, An Act amendatory of an act to

organize and regulate the Militia of the Territory of Florida, was returned from the House. Indefinitely postponed.

A bill from the Senate entitled, An Act to provide for the compensation of the officers of the Legislative Council, and for other purposes, was amended by the House and concurred in by the Senate.

A bill from the House of Representatives entitled, An Act for the relief of J. B. Bull, and the Executors of P. Kerr, was read the second time, the rule waived, read the third time, and passed. Ordered that the title be as read.

The following enrolled bills were signed by the President and Secretary of the Senate:

An Act to authorize Thomas Livingston to establish a Ferry across the Suwannee River.

An Act supplementary to an act, approved 5th March, 1842, relative to roads and highways.

An Act to alter and change the present county-site of Calhoun county.

An Act to divorce Martha Conner.

An Act to provide for the establishing a public school in the county of Franklin.

An Act to authorize Alexander McAlpine to establish a Ferry across the Chipola River.

An Act for the relief of John Burgdorff.

An Act to establish and organize a Mayor's Court for the city of Apalachicola.

Preamble and Resolutions respecting public buildings in Calhoun county.

Preamble and Resolutions asking the erection of a Light House at the entrance of Tampa Bay.

Resolution respecting Temple Pent, Esq.

An Act to divorce Wm. H. Brouss.

An Act to authorize Wm. Frink to keep a Ferry across the Suwannee River.

An Act relative to roads and highways in Nassau county.

Preamble and Resolutions asking our Delegate to procure an appropriation by Congress, to pay for certain military services rendered in Middle Florida.

An Act to authorize Wm. Pennington to establish a Ferry on the Withlacoochie river.

Preamble and Resolutions relating to military reservation in Hillsborough county.

Preamble and Resolutions respecting Mail routes in Florida.

An Act regulating the appointment of Pilots for the port of Cedar Keys.

An Act to authorize the civil officers of Benton county to officiate at their respective homes.

An Act in relation to administering oaths.

An Act to change the time of holding the County Court of Walton county.

Preamble and Resolutions in relation to Indian depredations in Washington county, West Florida.

Preamble and Resolutions recommending a division of the Territorial Government of Florida.

Resolutions concerning the pay of officers of the Legislative Council.

Preamble and Resolutions asking an appropriation for clearing out Chrystal river.

An Act to provide for improvements made on public lands.

An Act to amend an act incorporating the city of Apalachicola, approved 2d February, 1838.

An Act to divorce Frances Dummett.

An Act to divorce Caroline G. Jones.

An Act to organize the Jacksonville Guards.

An Act for the relief of Buckingham Smith.

An Act to establish a Superior Court in Mosquito county.

Resolutions respecting Seminary lands.

Report and Resolutions of the Committee on the State of the Territory.

Memorial of the Governor, Senate and House of Representatives of Florida, to the Congress of the United States.

Report and Resolutions concerning R. C. Allen's representative.

An Act to exempt Cotton sold at auction, in certain cases, from auction tax.

An Act to provide for the holding of an additional term of the Superior Court in the Eastern District.

An Act to authorize the Clerk of St. Johns county to refund certain taxes by him collected, for county purposes.

An Act to amend an act to incorporate Wakulla county.

An Act to incorporate the Apalachicola fire company.

An Act to establish a Bridge across the Suwannee river.

An Act to enable certain persons to dispose of Real Estate at private sale.

An Act to prevent the circulation of Change bills.

An Act to incorporate the inhabitants of the different townships of this Territory, for the institution and establishment of Common Schools.

An Act for the relief of J. B. Bull, and the Executors of P. Kerr.

An Act for the relief of Francis R. Sanchez, and others.

An Act to regulate fees in certain cases.

Preamble and Resolutions asking Congress for an appropriation for clearing out the Chesshowiska river.

An Act to regulate the taking of testimony in Chancery proceedings, and for other purposes.

An Act to define more particularly the boundary lines of Columbia and Duval counties.

An Act to empower Maria F. Garey, Administratrix of John Y.

Garey, deceased, to sell certain lots in the town of Monticello Resolution relating to the Hon. Richard Burney, deceased.

An Act to amend the Execution laws.

Preamble and Resolutions for the relief of John A. Edwards.

An Act to provide for the compensation of the Officers of the Legislative Council at the session of 1844, and for other purposes.

Mr. Pelot, from the Committee on Enrolled Bills, reported the following bills, preambles and resolutions as correctly enrolled:

The Memorial of the Governor, Senate and House of Representatives, to the Congress of the United States.

Report and Resolution of the Committee on the state of the Territory.

Report and Resolutions concerning R. C. Allen's representative.

An Act to divorce Caroline G. Jones.

An Act to divorce Frances Dummett.

Preamble and Resolutions relating to the Militia claims of Col Dempsey Pitman.

An Act to amend the Execution laws.

An Act to incorporate the inhabitants of the different townships of this Territory, for the institution and establishment of Common Schools.

An Act to enable certain persons to dispose of Real Estate at private sale.

An Act to prevent the circulation of Change Bills.

An Act to provide for the compensation of the Officers of the Legislative Council for the session of 1844, and for other purposes.

The following communication was received from his Excellency the Governor:

EXECUTIVE OFFICE, }  
Tallahassee, 15th March, 1844. }

*Gentlemen of the Senate*

*and House of Representatives:*

I have approved the following acts and resolutions of the Legislative Council at its present session:

An Act to authorize the Clerk of St. Johns county to refund certain taxes by him collected under a law entitled, An Act to suspend the operation of the Revenue laws for the year 1840, and to provide for the settlement of all arrears due to and from the Territory of Florida, approved 2d March, 1840:

An Act for the relief of J. B. Bull, and the Executors of P. Kerr.

An Act for the relief of Francis R. Sanchez and James L. Townsend.

Preamble and Resolutions relative to the establishment of an additional Judicial District in East Florida.

An Act to provide for the holding of the Superior Court for the county of Marion, and for other purposes.

An Act to repeal an act establishing a tariff of fees, passed 10th March, 1843, and for other purposes.

Preamble and Resolutions for the relief of John A. Edwards.

An Act entitled, An Act for the benefit of the city Hospital at the city of Apalachicola, Florida.

An Act entitled, An Act to organize a county to be called Marion county.

An Act to divorce Caroline G. Jones.

An Act to organize the Jacksonville Guards.

An Act to divorce Frances Dummett.

An Act to incorporate the Wakulla Rangers.

An Act to incorporate the Apalachicola Fire Company.

An Act for the relief of Buckingham Smith.

An Act to establish a Superior Court in Mosquito county.

A Bill to exempt cotton sold at auction from auction tax.

Resolutions relative to the report of the Commissioners on Indian depredations.

Report and Resolutions concerning R. C. Allen's representative.

Memorial of the Governor, Senate and House of Representatives, to the Congress of the United States.

An Act to incorporate the inhabitants of the different townships of the Territory for the institution and establishment of Common Schools.

A Bill to be entitled, An Act to enable certain persons to dispose of Real Estate at private sale.

An Act to provide for the holding of an additional term of the Superior Court in the Eastern District.

An Act to authorize Platt and others, to build a Bridge across the Suwannee river.

An Act to prevent the circulation of Change bills.

R. K. CALL

The following communication was received from his Excellency the Governor :

EXECUTIVE OFFICE, March 15th, 1844.

To the President of the Senate :

I herewith return disapproved, the bill entitled, An Act to provide for the compensation of the officers of the Legislative Council, and for other purposes. I return it because it exceeds the estimate made by me for the expenses of the Legislative Council, and appropriation made by Congress for that purpose.

(Signed)

R. K. CALL

Whereupon the vote on said bill was reconsidered, and upon the question of the passage of the same against the Governor's objections, the yeas and nays were called, and were,

Yeas—Messrs. Cooper, Hart, Haughton, Livingston, Long, Mathers, Ramsay and Walker—8.

Nays—Mr. President, Messrs. Baltzell and Yonge—3.

So the bill passed with the requisite majority, and was sent with the message of his Excellency to the House of Representatives for its concurrence.

A communication was received from the House of Representatives : The House has passed the bill entitled, An Act to provide

for the compensation of the officers of the Legislative Council, and for other purposes, over the objections of his Excellency the Governor, by a vote of twenty yeas—nays, two, being a constitutional majority. So the bill was passed against the veto of the Governor.

The injunction of secrecy having been removed from the confirmation of Executive nominations, the following nominations of his Excellency the Governor were advised and consented to :

For the County of Duval—Fauquhar Bethune, Judge of the County Court ; George D. Miller, Henry Hulgerson, Chester Bestell, Auctioneers ; A. J. Philips, Notary Public ; Henry Hulgerson, Tax Collector ; John Middleton, Calvin Reed, Robert Robertson, David Tanners, John H. McIntosh, William H. Saunders, George Grouard, Royal Boulton and Geo. W. Branning, Justices of the Peace.

For Leon County—James E. Broome, Judge of the County Court ; James Barry, Tax Collector ; William C. Campbell, Cotton Weigher ; Hugh Archer, Edwin W. Dorsey, Alfred M. Hobby and Walter F. Lloyd, Auctioneers ; George Monroe, Haley T. Blocker, Jas. L. Hart, John H. Sheehee, James Willis, William C. Campbell, Francis Eppes, Jesse Atkinson, Lioniel Fletcher, George E. Dennis, John Hale, Jos. W. Bannerman, David F. Huger, Benj. Manning, Jabez B. Bull, John W. Cotten, Justices of the Peace.

For the County of Jefferson—John L. Taylor, Auctioneer ; Jas. C. Johnson, G. W. Houston, E. E. Blackburn, James McNeil, Jas. H. Taylor, Darius Williams, William Kersey, John A. Edwards, A. B. Sheehee, Joshua Taylor, Thomas J. Chase, Bartley Winn, Henry J. Mills, Hachanal Brown and J. B. Brown, Justices of the Peace.

For Columbia County—R. P. Lewis, J. Redish, Thomas R. Ellis, John F. Webb, Granderson Barlin, Isaac Winegourd, Wm. T. Niblack, John H. Haddock, Asa A. Stewart, Moses Barker, James C. Pierce, John Peoples, John W. C. Lead, N. M. Pease, Justices of the Peace ; J. B. Watts and J. W. Lowe, Auctioneers.

For the County of Hamilton—Hendon Cheshire, John L. Stewart, Wiley Lee, Willis W. Burk, Bunyan Mathews, Justices of the Peace.

For Hernando County—Michael Garrison, Judge County Court ; James Bozett, Auctioneer ; Charles Russell, William S. Spencer, John Wiggins, E. J. Knight, Justices of the Peace.

For Walton County—William McCollum, Tax Collector ; John D. Gartman, Elias Branch, James Evans, George D. Fisher, Daniel McDonald, James Cockworth, John L. McKinnon, Redman Crumple, Justices of the Peace.

For Wakulla County—John G. Park, Judge of the County Court ; A. P. W. Crane, Notary Public and Auctioneer ; F. B. Whiting, Andrew Denham, Daniel Ladd, Nathaniel Hamlin, Howell Wooten, Wm. H. Walker, Malachi Jones, Benjamin Lipscomb, Justices of the Peace ; A. M. Alexander, J. D. Bowen, R. W. Jenkins, Notaries Public ; S. A. Braswell, Tax Collector ; F. B. Whiting, R.

W. Jenkins, William R. Pette's, James Ormond, Peter H. Swain, Port Wardens for the Port of St. Marks; Joseph Woodruff, Auctioneer.

*For Dade County.*—S. B. Hill, Judge of the County Court; Temple Pent, Sen., W. F. English, R. R. Fletcher, A. F. Wood, Philip Baker, Anthony Barton, Justices of the Peace; W. C. Bethel, Auctioneer; R. R. Fletcher, Joseph Bethel, James Sanchez, J. B. Hill and Anthony Barton, Auctioneers and Notaries Public.

*For Escambia County.*—Charles Evans, Judge of the County Court; John Campbell, George W. Barkley, Joseph Sierra, Joseph Quigles, Francis Maura, P. A. Caro, Floranies F. Commyns, James Queen, Peter Tapola, James Gonzalis, and F. E. De la Rua, Auctioneers; James R. Riley, Notary Public, Reuben Boeman.

*For Monroe County.*—Wm. R. Hackley, John A. Cavado, James Filor, Salisbury Haley, O. J. Noyes, Notaries Public; P. J. Fontane Francis Washington, Samuel Harvey, James V. Ogden, George Alderslade, Port Wardens for the Port of Key West; John P. Baldwin, A. F. Tift, Joseph Y. Porter, Alexander Patterson, William H. Wall, John A. Cavado, John Wood, Thomas Richards, O. J. Noyes, James Filor, Fielding A. Browne, Geo. E. Weaver, Eleazer P. Hunt, Salisbury Haley, Hiram Bennet, Francis Washington, Auctioneers; Walter C. Malory, Justice of the Peace; Wm. T. Atkins, and Daniel Davis, Lumber Inspectors.

*For Gadsden County.*—David L. White, Judge of the County Court; David Alderman, Joseph T. Micheaux, Marcus Gillet, James M. Gilchrist, W. B. McCall, Daniel G. Smith, Owen Andrews, C. H. Dupont, Jydaliah Wood, Thos. P. Randolph, Wm. Stafford, Thos. Monroe, J. H. Verdier, Jacob Bradwell, Justices of the Peace; J. H. Keedle and Wm. Monroe, Auctioneers.

*For the County of Alachua.*—Thos. J. Prevatt, George Hilvanstone, David Broton, William D. Andrews, John G. Raridon, David Renhart, John L. Livingston, Charles C. Tracy, Francis M. Durand, Wiley Brooks, Justices of the Peace; Thos. J. Prevatt and John Watterson, Auctioneers.

*For the County of Calhoun.*—Nehemiah Hayden, David Webster, Port Wardens for the Port of St. Joseph; Wm. W. Briggs, James Nalls, John G. Richards, Jackson Wood, Joel Porter, Francis Annon, A. J. Wood, Justices of the Peace; James Penn, Alexander McAlpine, Auctioneers.

*For St. Johns County.*—George W. Cole, Sen., Geo. L. Philips, Antonio Alvarez, Jesse A. Brush, James Riz, Samuel H. Williams, J. C. Hamming, Jas. B. Colo, John Dick, James M. Gould, F. L. Daney, Justices of the Peace; R. D. Fontane, Charles Robeson, Jesse A. Brush, John Hedrick, George Cooley, F. R. Ferriero, Em. Medicus, Arthur Morzee, Auctioneers; James M. Gould, James B. Cole, Geo. Gooley, G. L. Philips, Jesse A. Brush, Notaries Public.

*For the County of Franklin.*—Wm. M. G. Davis, Judge of the County Court; Charles Sheppard, Tax Collector; William Valteau, James F. Fariior, Notaries Public; T. Kuler, Seward Dill,

H. R. Wood, Auctioneers; A. L. Clements, M. R. Ellis, Notaries Public; Edward R. Boyle, James W. Hammond, James Ruan, Jas. P. Roan, Justices of the Peace; Benj. Ellison, B. F. Nourse, H. B. Stone, James F. Fariior, E. J. Wood, Port Wardens for the Port of Apalachicola; John Lucas, Peter Hobart, Inspectors of Lumber.

*For the County of Madison.*—John C. McGehee, Judge of the County Court; Andrew J. Cruce, S. J. Perry, Benj. Lanier, David B. Townsend, Levi Starling, John H. Bryan, William W. Bridges, John S. Broome, Justices of the Peace; Solomon Rouse, Auctioneer; John H. Patterson, Tax Collector.

*For the County of Hillsborough.*—Edmund Lee, Judge of the County Court; Thomas Kennedy, Auctioneer; Manuel Olivillo, Notary Public; J. C. White, Joseph Moore, William P. Fuller, William Hancock, Wm. B. Hucker, William Ashley, Alex. McKay, Benjamin P. Fuller, James A. Goff, and Josiah Gales, Justices of the Peace.

*For Santa Rosa County.*—Timothy Fiestchill, Judge of the County Court; John Wilkinson, Thomas J. Gardiner, Hugh McCall, Richmond T. McDavid, Isaac Cobb, Jeremiah Savell, William B. Ganis, Laid B. Flemin, David Donaldson, Justices of the Peace.

*For the County of Jackson.*—Josiah Daniel, Owen Williams, John D. Brantley, James M. Brown, Wm. B. Wynn, John J. Russ, W. F. Snelling, Charles F. Britton, Edwin Peyton, Isaac Widgeon, Horace Ely, John J. Edwards, Nicholas A. Long, William C. Neal, John Bird, Isaac Jackson, Amey A. Beach, John R. Chapman, Peter Simmons, Edward C. Pittman, John H. Still, William Bailey, Charles Howard, Washington A. Cooper, Austin Pittman, Luke Lott, Wm. McNealy and Wm. Long, Justices of the Peace; Wm. Hall, John Tanner, Allen H. Bush, Chandler C. Yonge, Wm. Dickson, Hugh Rusk and Luke Lott, Notaries Public; Rufus Ballard, Isaac Jackson and John T. Myrick, Auctioneers; Dempsey Pittman, Tax Collector.

*For the County of Washington.*—Mortimer Bright, Notary Public; Stephen Daniels, Joseph B. Loekey, Auctioneers; Henry O'Neal, Washington Wood, Stephen J. Roach, Benjamin Mellichamp, Sharpless Evans, Henry Clark, John McCormack, Levi F. Miller, Justices of the Peace.

*For the County of Mosquito.*—Algernon F. Speer, Nathaniel C. Jacobi, E. F. Bernard, Justices of the Peace; E. F. Bernard, Notary Public.

*For the County of St. Lucie.*—John C. Cleland, Judge County Court; John S. Hutchinson, Moses Holbroke, Jacob R. Javes, Samuel H. Peck, Justices of the Peace; N. F. Mirell, R. J. Brown, John S. Hutchinson, Auctioneers.

*For the County of Nassau.*—Nathan Norton, Jr., Abraham Mott, Jr., Erasmus D. Tracy, A. J. Braddock, James Wilson, Wayne Swearnegain, John W. Dubaise, Daniel Vaughn, Justices of the Peace; Fielding A. Browne, Benjamin Sawyer, Philip John Fon-

tane, Asa F. Tift, Charles Curtis, Commissioners of Pilotage for the Port of Key West, Monroe County.

John George Anderson, of Jefferson County, Edward Houston, Richard Hayward, of Leon County, Thomas P. Randolph, Banks Meacham, of Gadsden County, *Directors of the Union Bank of Florida.*

Britton Barkley, David L. White, Robert W. Williams, Thomas Baltzell, John C. McGehee, *Trustees of the Seminary Lands.*

On motion, Messrs. Hart, Haughton and Cooper were appointed a Committee, to inform the House of Representatives that the Senate, having discharged the business before it, is now ready to adjourn, *sine die.*

On motion, Messrs. Long, Pelot and Ramsay were appointed a Committee, jointly with a Committee from the House of Representatives, to wait on his Excellency, the Governor, and inform him that the Legislative Council is now ready to adjourn *sine die*, if his Excellency has no further communications to make.

On motion, Mr. Pelot took the Chair and the President retired for a few moments, whereupon Mr. Haughton offered the following Resolution, which was unanimously adopted:

*Resolved by the Senate,* That the thanks of this body be tendered to the Hon. GEORGE WALKER, for the courteous, impartial and dignified manner in which he has presided over its deliberations during its present session.

The President returned and took the chair, and Mr. Livingston offered the following Resolution, which was unanimously adopted:

*Resolved,* That the thanks of the Senate are due to the Secretary and other officers of this body, for the able and satisfactory manner in which they have discharged their respective duties.

The Committee appointed to wait on his Excellency, the Governor, announced to the Senate that they had performed that duty jointly with a Committee from the House of Representatives, and that his Excellency had desired them to inform the Senate that he had no further communication to make to this Legislative Council.

Messrs. Walker, Branch and Austin, a Committee from the House of Representatives, announced to the Senate that the House of Representatives had discharged all the business before it, and was then ready to adjourn *sine die*;

Whereupon, the Senate adjourned *sine die.*

THOS. BROWN, SECRETARY OF THE SENATE.

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## APPENDIX.

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### DOCUMENTS

ACCOMPANYING THE

## GOVERNOR'S MESSAGE,

SUBMITTED

JANUARY 5, 1844.

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# DOCUMENTS.

## No. 1.

### LETTER OF THE COMMISSIONER OF THE TALLAHASSEE FUND.

COMMISSIONER'S OFFICE, }  
Tallahassee, 27th Dec. 1843. }

*His Excellency R. K. Call,*

Governor of Florida :

SIR :—The Commissioner has to report that a contract has been entered into for covering in the unfinished portion of the Capitol, and the work is rapidly progressing, and will be speedily completed. There were no means in the Fund available to meet this engagement, and the contract could not have been made, but for the facility afforded by the Resolution of the Legislature, approved 15th March, 1843, authorizing the Commissioner to borrow the amount necessary for the purpose. The work contracted for, embraces the porticoes, the completion of a durable and permanent roof to the whole edifice, and the finishing of the windows. These when completed will render that portion of the Capitol already finished more commodious, will protect the rest from injury from the weather, and will place what other apartments may at any time be required, in such a situation that they can speedily and at a small cost be prepared for use. The contract was taken at \$6,000, to be paid upon completion of the work ; terms which cannot but be considered moderate.

The liabilities of the Fund are :—

The claims against it enumerated in the last report, amounting to	\$9,006 36
Balance on J. R. Robinson's contract, omitted in last report,	52 22
Orders of A. Scott on the Commissioner, accepted under act of Legislature, 11th March, 1843,	2,000 00
Contract with J. W. Levinus for work now in progress,	6,000 00
	<hr/>
	\$17,058 00

There are also some small bills against the Fund for advertising which have not been presented.

The means of the Fund are:—

Notes for lots sold, payable in the paper of the Union Bank of Florida,	\$1,722 25
Judgment vs. D. F. Wilson and his securities, on his note for	600 00
	\$2,322 25

Also the unsold Lots, and an unlocated quarter of a section of Land, of which it is difficult to estimate the value. The power exists to collect the notes payable in Union Bank paper by summary process, as the Lots for which they were given can upon short notice be sold for their satisfaction. The Commissioner proposes to enforce the immediate payment of these notes, requiring in satisfaction of them in par funds the value of the bank paper (with interest) at the time of their maturity. He deems the present time so unfavorable for disposing of the residue of the Lots and the right of locating the quarter section that, unless otherwise instructed, he will not now offer them for sale.

The expectation is strongly entertained that Congress will at the present session, in accordance with the reasonable request of the Territory, grant such an appropriation as will relieve the Fund from its present embarrassment, and complete the Capitol according to its design.

I have the honor to be,

Very respectfully,

Your obedient servant,

(Signed)

C. G. ENGLISH,  
Commissioner.

NO. 2.

### § AUDITOR'S REPORT.

TREASURY DEPARTMENT, }  
Auditor's Office, 15th Dec. 1843. }

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.

*STATEMENT NO. 1*—Shows a settlement with the Territorial Treasurer, leaving a balance in his office of five hundred and seventy dollars thirty-one cents, (\$570 31.)

*STATEMENT NO. 2*—Shows amount returned on Auction Tax to be three thousand six hundred and twenty-two dollars seven cents, (3,622 07) and the amount paid into the Treasury on account of Auction Sales, including a small amount of arrears, the sum of twenty-eight hundred and fifty dollars six cents, (2,850 06) leaving

a balance due on account of Auction Sales of nine hundred and fourteen dollars ninety-one cents, (914 91), including arrears; and one hundred and sixty-four dollars sixty-two cents Orphan Fund in the different Counties, (164 62.) I will observe that most of this amount is from Key West, accompanied by a promise to remit by the member of Council from that place; their transactions being principally in specie, cannot be remitted by mail.

There has been returned by Clerks of the different Counties, on account of fines and forfeitures, the sum of nineteen hundred and eighty-three dollars sixty-four cents, (1,983 64.)

There has been collected, returned and paid by Marshals of the different Districts, as will appear by this statement, three thousand and eighty-six dollars eighty-seven cents, (3,086 87.) There has been returned and paid by J. G. Zirriax, administrator of the estate of J. Frith, of Monroe County, one thousand and thirty-five dollars forty-five cents. Making receipts in the Treasury from all sources, seven thousand one hundred and eighty dollars thirty-three cents. But few of the tax lists have been returned to this office; I have given you a schedule of those that have been received.

*STATEMENT NO. 3*—Shows expense Criminal Prosecutions in each Judicial District, Executive and Treasury Department, Reviewing Florida Militia, &c., six thousand and fifty dollars forty-seven cents; less receipts upon Auctioneers, fines & forfeitures, &c., one thousand one hundred and three dollars ninety-nine cents, (1,103 99.)

The outstanding warrants to this date amount to fourteen thousand six hundred and fourteen dollars forty-five cents, (14,614 45,) against fifteen thousand five hundred and forty-nine dollars thirty-three cents, (15,549 33) last year. There will be applicable to a further reduction of this amount, the sum of nine hundred and fourteen dollars ninety-one cents (914 91) on account of arrears of Auction Tax, which it is believed may be confidently relied upon, in addition to the land tax authorized by the last Legislative Council.

The arrears that have been standing on the books of this office since the year 1828 to 1838, have so often been brought to the notice of your Excellency and the Legislative Council, that I deem it unnecessary again to bring it before you.

All of which is respectfully submitted

By your obedient servant,

(Signed)

JOHN MILLER,  
Auditor Public Accounts Florida.

*STATEMENT No. 1, showing a settlement with the Territorial Treasurer, from the 17th December, 1842, to the 15th December, 1843.*

DR.

Remaining in the Treasury in 1842,

\$ 26 77

Received from all sources in 1843,

7,153 56

\$7,180 33

CR.

By amount received on Auditor's Warrants,	\$6,610 02
Cash balance on hand,	570 31
	<hr/>
	\$7,180 33

**STATEMENT No. 2.** Return of Auction Taxes, and Orphan Fund, the amount returned and paid, arrears paid and unpaid, and return of Clerks, Marshals, and Administrators, on account of fines and forfeitures, returned, paid and unpaid, and of Clerks of County Courts, on account of Land Tax, and Bank Agencies, for the year 1843.

NAMES OF AUCTIONEERS.	AMOUNT RET'N'D.	AMOUNT PAID.	ARR'S PAID.	ARR'S UNPAID	ORPHAN FUND.
Alexander Patterson,	\$111 96	98 13		13 83	9 87
F. B. Whiting,	95	95			
Wm. H. Wall,	50 57	50 57	70 43		5 55
A. M. Alexander,			16 04		
James Gonzalez,	5 99			36 87	
Wm. Monroe,	112 68	112 68			
A. F. Tid,	211 63	211 63			24 06
Henry Michillett,				12 52	
John Lott Philips,	7 81	6 81		1 00	
Edwin W. Dorsey,	75 13			75 13	
James B. Starr,	201 91	88 67		99 43	
Robert Myers,	380 14	380 14			
F. A. Browne,	514 83	107 14		407 69	43 30
Wm. Grant,	68 57			68 57	
Geo. W. Barkley,	8 19	8 19			81
Cyrus Bisbee,	5 23	5 23			
Henry Lindsey,	35 07	35 07			
R. B. Fletcher,	34 43	7 57		26 86	
James Keogh,				11 47	
R. J. Hackley,	207 93	207 93			
C. J. Shepard,	126 72	126 72			
T. Filor,	140 19	44 00		96 19	5 84
John L. Taylor,				15 49	
R. H. Berry,	73 85	73 85			
E. P. Hunt,	86 21	75 58		10 63	
John P. Baldwin,	646 72	646 72			71 81
Thomas Wilson,	83	83			
Michael A. Myers,	275 74	275 74			
Hackley & Berry,	67 74	67 74			
Blyden Van Baum,	132 69	92 46		40 23	
R. D. Fontane,	34 43	34 43			
Shepard & Hollenbeck,	13 29	13 29			
Archibald McNeil,	2 62	2 62			
	<hr/>				
	3622 07	2763 59	56 47	914 91	164 02

STATEMENT No. 2.—(Continued.)

RET. OF CLK'S ON AC'T OF FINES & FORFEITURES.	AMOUNT RET'D.	AMOUNT PAID.	RET. OF MARSHALS & ADMINISTR'RS.	AMOUNT RET'D.	AMOUNT PAID.
Clerk of Jefferson Co.	\$77 00		P. W. Gautier,	25 00	25 00
" Walton "	11 18		Ebenezer Dorr,	1237 63	1237 63
" Santa Rosa "	2 43		John G. Camp,	1418 81	1418 81
" " "	115 25		Francis Hawley,	225 00	225 00
" Franklin "	642 06		John Beard,	180 43	180 43
" Alachua and Hillsboro' "	276 06			3086 87	3086 87
" Columbia "	40 00				
" Gadsden "	136 00		J. G. Ziriah, Ad- ministrator on the estate of J. Frith,		
" Leon "	683 56		Monroe County,	1035 45	1035 45
" Duval "	00 00				
	<hr/>				
	1983 64				

Returns of Land Tax and Bank Agencies, amount returned and paid.

CLK'S OF COUNTIES.	TO WHOM CHARGED.	AM'T L. TAX RETURNED.	AM'T PAID	AM'T TAX ON BANKS RET.	AMOUNT PAID.
Clerk Franklin Co.	H. Smith,	\$178 75		\$750 00	\$181 18
" Wakulla "	S. A. Braswell,	316 96			
" Jefferson "	G. W. Taylor,	214 17			
" Leon "	James Barry,	465 20			
" Jackson "	J. Pitman,	140 70			
		<hr/>			
		1315 78			

**STATEMENT No. 3,** shewing the Amount of Expenses in each Judicial District; and all other expenses, and the sources of Revenue returned as paid into this, for the year 1843.

Expenses Criminal Prosecutions, &c.

	DR.
Expenses Pros. Crim'ls in Middle District,	\$ 448 01
" " " Western "	849 27
" " " Eastern "	421 14
" " " Apalachicola District,	756 52
" Collecting Revenue,	226 01
" Executive Department,	1,318 18
" Treasury "	1,446 56
" Inspecting Militia,	500 00
" Taking Census by act of Council,	84 75

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CR.

<i>By amount Auction Tax, Fines, Forfeitures, &amp;c.</i>		
Auction Tax,	\$2,850 06	\$914 91
Fines and forfeitures,	3,086 87	
Escheats,	1,035 45	
From Revenue,	181 18	
	<hr/>	
	\$7,153 56	

## ADJUTANT GENERAL'S LETTER.

TALLAHASSEE, Dec. 20th, 1843.

*His Excellency R. K. Call:*

SIR—It becomes my unpleasant duty to inform you that I have not received the annual report of the General Officers of the Territory, which they are required by law to make to the Adjutant General; nor have I received from them any intimation of the cause which has produced this apparent neglect of duty. But in consequence of failure on their part to furnish me with returns of the military strength of the Territory, I have been unable to forward to the Adjutant General of the United States army the annual report required by the act of Congress on that subject. I have deemed it my duty to communicate this intelligence to your Excellency, that you may give such order on the subject as you may think proper.

I have the honor to be,

Very respectfully,

Your obedient servant,

(Signed)

ROB. W. WILLIAMS,  
Adjutant General Territory of Florida.

## TREASURER'S REPORT.

TREASURY DEPARTMENT, }  
Treasurer's Office, December 13th, 1843. }

*To His Excellency, R. K. Call,*

Governor of Florida :

Sir: Herewith I have the honor to hand you my account as Treasurer of the Territory, shewing a balance in its favor of five hundred and twenty 31-100 dollars.

I have also the honor to hand you the account of the School Land Fund, shewing a balance in its favor of eight hundred and thirty 75-100 dollars.

With great respect,

Your obedient servant,

H'Y L. RUTGERS, Treasurer.

2 App.

## DR. THE TERRITORY OF FLORIDA IN ACCOUNT

1843	<i>To Expenses Treasury Department.</i>			
	Paid Auditor's Warrant No. 54			\$200
	" " " " 56			200
	" " " " 17			189
	" " " " 123			75
	" " " " "			225
	" " " " 57			29
	" " " " 82		696	56
	" " " " 132			75
	" " " " "			75
	" " " " 142		10	—\$1,774 56
	<i>To Expenses Executive Department.</i>			
	Paid Auditor's Warrant No. 5		122	81
	" " " " 81		100	
	" " " " 84		50	
	" " " " 137		50	—\$322 81
	<i>To Expenses Prosecuting Criminals in Middle District.</i>			
	Paid Auditor's Warrant No. 83		65	25
	" " " " 86		5	67
	" " " " 87		24	71
	" " " " 60		6	89
	" " " " 70		12	
	" " " " 290		10	
	" " " " 44		25	
	" " " " 34		144	87
	" " " " 45		47	25
	" " " " 82		11	08
	" " " " 55		9	36
	" " " " 51		5	25
	" " " " 56		7	76
	" " " " 141		106	60
	" " " " 53		13	50
	" " " " 65		3	45
	" " " " "		12	31
	" " " " 120		25	50
	" " " " 72		7	06—\$543 51
	<i>To Expenses Prosecuting Criminals in Eastern District.</i>			
	Paid Auditor's Warrant No. 271		700	
	" " " " "		145	43
	" " " " 19		12	84
	" " " " 85		28	40
	" " " " 43		4	42
	" " " " 105		35	
	" " " " 124		31	50—\$957 59

\$3,598 47

WITH HENRY L. RUTGERS, TREASURER

CR.

1843	By Balance in Treasury as per last Report		\$	26	77
	<i>Escheats,</i>				
	Received on Auditor's Certificate,			1,035	45
	<i>Revenue,</i>				
	Received on " "			181	18
	<i>Fines and Forfeitures,</i>				
	Received on Auditor's Certificate, \$ 100				
	" " " " "			46	18
	" " " " "			1,226	45
	" " " " "			145	43
	" " " " "			250	
	" " " " "			1,318	81—\$3,086 87
	<i>Auction Tax,</i>				
	Received on " "			2	62
	" " " " "			109	52
	" " " " "			13	29
	" " " " "			380	14
	" " " " "			24	73
	" " " " "			145	
	" " " " "			44	
	" " " " "			7	37
	" " " " "			100	
	" " " " "			98	13
	" " " " "			88	67
	" " " " "			34	43
	" " " " "			6	81
	" " " " "			35	07
	" " " " "			20	
	" " " " "			92	46
	" " " " "			58	33
	" " " " "			5	23
	" " " " "			11	86
	" " " " "			230	14
	" " " " "			197	67
	" " " " "			15	52
	" " " " "			10	26
	" " " " "			12	12
	" " " " "			75	58
	" " " " "			50	
	" " " " "			66	63
	" " " " "			77	75
	" " " " "			4	29
	" " " " "			646	79

\$2,603 11—\$4,330 27

## DR. THE TERRITORY OF FLORIDA IN ACCOUNT

To Amount brought forward,			\$3,598 47
<i>Expenses Prosecuting Criminals in Apalachicola District.</i>			
Paid Auditor's Warrant No.		\$	
" " " " 89		82	
" " " " 4		100	
" " " " 308		222	
" " " " 6		199	83
" " " " 138		250	
" " " " 51		77	81
" " " " 115		103	37
" " " " 1		100	
" " " " 3		100	
" " " " 5		100	
" " " " 6		100	
" " " " 7		85	00--\$1,520 01
<i>To Expenses Prosecuting Criminals in Western District.</i>			
Paid Auditor's Warrant No.			
" " " " 8		14	75
" " " " 113		11	18
" " " " 37		15	
" " " " 281		55	
" " " " 92		18	75
" " " " 93		2	65
" " " " 278		100	
" " " " "		130	
" " " " 261		500	
" " " " 263		208	50
" " " " 277		13	95
" " " " 40		5	00--\$1,074 78
<i>To Expenses Prosecuting Criminals in Southern District.</i>			
Paid Auditor's Warrant No.	12		\$20
<i>To Expenses Prosecuting Indian War.</i>			
Paid Auditor's Warrant No.	73		30
<i>To Expenses State Convention.</i>			
Paid Auditor's Warrant No.	162		274
<i>To Expenses Collecting Revenue.</i>			
Paid Auditor's Warrant No.	136	\$	12
" " " " " "		12	
" " " " " "	131	18	39
" " " " " "	124	50	37--\$92 76
Balance,			\$570 31
			\$7,180 33

## WITH HENRY L. RUTGERS.

CR.

Amount brought forward		\$2,603 11--\$4,330 27
<i>Auction Tax.</i>		
Received on Auditor's Warrant,		107 14
" " " " "		67 71
" " " " "		48
" " " " "		16 04
" " " " "		5 34
" " " " "		45 60
" " " " "		71
" " " " "		3 90--\$2,850 06
		\$7,180 33
1843		
Dec. 15.	By Balance in the Treasury, exclusive of the School Land Fund,	\$570 31
	This Balance is composed of the following description of funds viz:	
	In notes of the Union Bank of Florida,	\$550
	" par funds,	19 31
(Signed)	HY. L. RUTGERS,	Treasurer.

## TREASURY DEPARTMENT,

AUDITOR'S OFFICE, Dec. 15th, 1843.

I hereby certify that I have examined the foregoing account and compared the same with the voucher and find all correct.

(Signed)

JOHN MILLER,

*Aud. Pub. Act. Fla.**The School Land Fund in Account with Hy L. Rutgers, Treasurer.*

1843.	DR.
To balance in hands of Treasurer,	\$833 75
<hr/>	
1843.	CR.
By balance received from T. H. Austin, late Treasurer	\$815 25
Cash received from Thos. L. Hall,	5 00
"      "      "  Tom Peter Chaires,	8 50
"      "      "  Thos. L. Hall,	5 00
	<hr/>
	\$833 75
Dec. 15—By balance in the hands of the Treasury—	
This balance is composed of the following description of Funds,	
viz:	
Four Warrants on the Territorial Treasury for \$200	
each,	\$800 00
Par funds,	33 75
	<hr/>
	833 75

(Signed)

HENRY L. RUTGERS,  
Treasurer.

## AUDITOR'S LETTER.

TREASURY DEPARTMENT, }  
 Auditor's Office, 5th February, 1844. }

To his Excellency, R. K. CALL.

Sir:—For the information of the Senate, I have prepared you

Statement No. 1—containing a list of outstanding warrants upon the Treasury, with the names, dates and residence of each one, and the account for which they were issued.

Statement No. 2—shews the expenses of each Judicial District for the prosecution of crimes, the payment of executed slaves, and the expense of the Executive and Treasury departments for ten years—from 1833 to 1843.

Statement No. 3—shews the amount of revenue raised from the different counties.

In the Western District, composing the counties of Escambia, Walton, Washington and Santa Rosa, there has been collected on account of revenue for ten years past, \$3,493,29, and disbursed in the same period, as you will see by reference to the statement, \$14,460,61, including the counties of Jackson, Franklin and Calhoun up to 1837, when they became a separate District.

In the District of Apalachicola, composing the counties of Jackson, Franklin and Calhoun, there has been collected since 1833, \$5,975, and disbursed since 1837, \$6,337,14.

In the District of Middle Florida, composing the counties of Gadsden, Leon, Jefferson, Madison and Hamilton, there has been collected \$41,908,86, and disbursed in the same time, \$15,243,39.

In the Eastern District, composing the counties of Columbia, Alachua, Nassau, Duval, St. Johns, Hillsborough and Mosquito, there was collected in ten years, \$2,105,69, and disbursed in the same period, \$6,481,20.

In the Southern District, composing the county of Monroe, there has been collected \$1,766,36, and disbursed, \$2,096,86.

You will see from Statement No. 2, the amount of revenue derived from banks,—being \$4,245,09 from the Central Bank, \$201 from the Commercial Bank, and \$209,06 from the Bank of Florida, for the years 1833 to 1837; since then there has been nothing received from that source, until this year there has been reported from agencies in Apalachicola \$750. There has been reported from tax on auction sales \$54,838,46, for ten years past; but a large proportion of this amount has not been realized, viz: the amounts returned from the sales of city property in Apalachicola, St. Joseph and Pensacola, in the years 1837 and 1838. Received from fines and forfeitures in ten years, \$4,922,80. From the revenue authorised to be collected by the last Legislature, assessors' lists have only been returned: received as follows:—Franklin county, \$178,75; Jackson, \$140,76; Gadsden, \$1,004; Wakulla, \$316,96; Leon, \$465,20; Jefferson, \$214,17. A list of expenses has been sent in from Jefferson county, viz: six assessors, four days each, at three dollars per day, \$72; clerk's charge for making three lists for officers' court, \$30; add per cent. for collection, \$25,70—\$127,70, leaving a net balance of \$76,47. Under this system a larger amount would be attended only with the same expense, except commissions for collection.

Very respectfully, your obedient servant,

JOHN MILLER.  
 Auditor of Public Accounts.

## STATEMENT No. 1, containing a List of Warrants on the Treasury, in whose favor, and residence.

DATE	NAMES.	ON WHAT ACCOUNT.	COUNTIES.	DOLLS.
1839				
Jan'y 17	E. J. Jenks,	Delegate to Convention.	St. Johns	327 24
" 31	Rich'd Fitzpatrick,	" " "	Texas	444 00
Feb'y 9	David Northrop,	Exp's pros. Crim. Ap. Dis	Franklin	5 00
" 9	H. A. Henry,	" " " W. Dis.	Escambia	14 25
" 15	B. D. Wright,	Delegate to Convention.	" "	271 00
" 25	Jackson Morton,	" " "	" "	243 00
March 4	Joseph Surrie,	Exp's pros. crim. Wt. Dis.	" "	11 25
May 31	Jeremiah Seville,	" " " "	" "	5 75
June 19	Issac Garrison,	" Indian hostilities.	Alachua	350 00
" "	M. Crupper	" Collecting revenue.	Escambia	21 75
" "	A. K. Allison,	" " "	Franklin	227 75
Dec'r 9	S. Overstreet,	" pros. crims. Eas. Dist.	Columbia	5 50
1840				
Jan'y 3	C. S. Sibley,	" " " Mid. Dist.	Leon	139 00
" 31	Jno. B. Griffin,	" " " Wn. Dist.	Escambia	154 50
" "	R. Joiner,	" " " "	" "	800 00
" "	Peter Woodbine,	" " " "	" "	260 00
" "	R. D. Fontane,	" " " Eas. Dist.	St. Johns	34 50
March 9	Geo. Willis,	" " " S'n. Dist.	Monroe	208 53
" "	R. West,	" " " Mid. Dist.	Leon	37 87
" "	Treasurer, Leon co.	" Orphan fund,	" "	707 58
" "	Robert Whipple,	" pros. crims. Apa. Dist.	Franklin	193 56
" "	Minor Walker,	" " " Mid. Dist.	Leon	32 61
" 15	T. H. Austin,	" Treasury department,	Franklin	400 00
" "	Fuller & Hoyt.	" pros. crims. Apa. Dist.	" "	29 00
1841				
Jan'y 5	T. M. White,	" " " "	Jackson	159 94
" "	Isaiah Horne,	" " " "	" "	40 50
" "	T. M. White,	" " " "	" "	231 00
Feb'y 27	Jon. Thomas,	" " " "	" "	309 50
" "	Thomas Cooper,	" " " "	" "	7 60
" "	C. S. Sibley,	" " " Mid. Dist.	Leon	125 00
" 20	T. H. Austin,	" Treasury department.	Franklin	400 00
" "	Ewd. Bolen,	" pros. crims. Apa. Dist.	" "	200 00
May 7	Wm. Ross,	" " " "	" "	6 75
" "	T. J. Heir,	" Executive department,	Jefferson	42 12
" "	Jas. M'Chub,	" pros. crims. Apa. Dist.	Franklin	8 00
" 17	Geo. Baltzell,	" " " "	" "	36 56
Dec'r 14	Wm. Budd,	" " " Mid. Dist.	Jefferson	42 12
" 17	John Miller,	" Treasury department,	Leon	800 00
1842				
Jan'y 1	R. R. Company,	" pros. crims. Mid. Dist.	" "	1000 00
" "	Jas. H. Hawkins,	" Executive department.	Jefferson	77 19
" 20	Thos. T. Russell,	" pros. crims. Sou. Dist.	Monroe	21 50
" "	Stephen Sentiifer,	" " " W. Dist.	Escambia	800 00
" 31	Elisha M'Curdy,	" " " "	Walton	700 00
" "	G. L. Phillips,	" " " "	" "	6 75
" "	D. G. M'Cann,	" " " "	" "	84 12
" "	L. M'Cann,	" " " "	" "	11 00
" "	John M'Cann,	" " " "	" "	3 00
" "	Enos Evans,	" " " "	" "	15 25
" "	Wm. Ward,	" " " "	" "	12 00
" "	A. H. Brownell,	" " " "	" "	65 50
" "	J. M'Cann,	" " " "	" "	25 00
" "	H. G. Ramsay,	" " " "	" "	73 53
Jan'y 31	Jesse Evans,	" " " "	" "	20 05
" "	James Bowers,	" " " "	" "	3 90

## Statement No. 1---Continued.

DATE.	NAMES.	ON WHAT ACCOUNT.	COUNTIES.	DOLLS.
1842				
April 6	Lucretia Rogers,	Exp's pros. crim. Wt. Dist.	Walton	8 25
" "	John Filligan,	" " " "	" "	2 06
" "	Francis T. Word,	" " " "	" "	8 25
" "	C. Evans, Marshal,	" " " "	" "	394 26
" "	Sundry persons,	" " " "	" "	72 90
" 30	E. B. Clark,	" " " Mid. Dist.	Leon	42 50
May 4	John Sheeler,	" " " "	" "	12 75
" "	T. Covington,	" " " "	" "	6 75
" "	Louis Conner,	" " " "	" "	9 00
" "	Hampton Mattox,	" " " "	" "	11 25
" "	A. G. Austin,	" " " "	" "	5 05
" "	Peter Condalay,	" " " "	" "	4 92
" "	P. H. Swaim,	" " " "	Wakulla	10 76
Dec'r 8	Wm. D. Mosely,	" Indian hostilities,		
" "		by act Council.	Jefferson	529 89
" 10	E. Saunders,	" " " "	Leon	3 43
" "	C. C. Moore,	Exp's pros. crim. Mi. Dist.	" "	4 31
" "	Daniel Houck,	" " " "	" "	5 35
" "	David Brown,	" " " "	" "	4 49
" "	James Reaves,	" " " "	" "	12 72
" "	James Forehand,	" " " "	" "	14 13
" "	W. B. Maner,	" " " "	" "	10 70
" "	Hugh Archer,	" Executive department,	" "	50 00
" "	Levi A. Madden,	" pros. crim. Mid. Dist.	Wakulla	36 93
" 23	Isaac Harris,	" " " "	Gadsden	36 79
" "	David Graham,	" " " "	Leon	12 00
1843				
Jan'y 20	R. K. Shaw,	" " " "	Gadsden	27 12
" "	Jesse Carter,	" col. rev. by act Council,	Alachua	90 33
" 27	John Williams,	" pros. crim. W. Dist.	Walton	36 00
" "	Hugh M'Kean,	" " " "	" "	32 00
" 31	Rob't Milligan,	" " " "	" "	6 75
" "	Neah M'Elvy,	" " " "	" "	7 33
" "	Sarah Williams,	" " " "	" "	63 75
" "	Geo. Brown,	" " " "	" "	100 00
" "	Lucretia Tynor,	" " " "	" "	6 25
" "	W. Ward,	" " " "	" "	6 25
" "	Stokes Baker,	" " " "	" "	6 25
" "	J. C. Clary,	" " " "	" "	6 25
" "	James Evans,	" " " "	" "	7 15
" "	H. G. Ramsay,	" " " "	" "	134 55
" "	Jas. D. Clary,	" " " "	" "	18 00
" "	W. Moore,	" " " "	" "	8 00
Feb'y 9	Ebenezer Dorr,	" " " "	" "	31 12
" "	I. D. Hart,	" " " East Dist.	Duval	196 00
" "	Lawrence Ryan,	" " " "	" "	101 37
" "	John M'Eachran,	" " " App. Dist.	Leon	245 25
" "	Alex. Patterson,	" " " So. Dist.	Monroe	28 09
March 6	Cornelius Grady,	" " " App. Dist.	Franklin	76 00
" "	John Morrison,	" " " Wt. Dist.	Escambia	4 00
" "	James W. Ernest,	" " " "	" "	47 05
" 8	C. Edwards,	" taking census, by act co.	Madison	84 75
" "	F. C. Kersey,	" pro. crim. App. Dist.	Franklin	41 75
" "	John Haines,	" " " East Dist.	Alachua	5 75
" "	John G. Tyner,	" " " "	" "	23 12
" "	Peter H. Swaim,	" " " Mid. Dist.	Wakulla	9 42
" 21	R. W. Jenkins.	" " " "	" "	7 76

## Statement No. 1--Continued.

DATE.	NAMES.	ON WHAT ACCOUNT.	COUNTIES.	DOLLS.
1843				
June 15	James H. Hawkins	Exp's Exec'e Department,	Jefferson	1,066 50
"	G. W. McCrea,	Col. revenue S. Dist.	Monroe	50 50
"	John Miller,	Treasury department,	Leon	186 66
Oct'r 27	Walker Anderson,	pros. crims. Wes. Dis.	Escambia	242 75
Nov'r 2	Wm. C. Campbell,	col. revenue Mid. Dis.	Leon	12 00
"	Jas. H. Hawkins,	Executi'e department,	Jefferson	59 52
"	Charles Sibley,	Pros. crims. Wes. Dis.	Leon	150 00
Dec'r 10	Wm. Budd,	Col. revenue Mid. Dis.	Jefferson	30 00
" 16	Lewis Gregory,	Pros. crims. Mid. Dis.	Gadsden	4 50
"	E. S. Shepherd,	"	"	12 50
"	Racheus Rials,	"	"	1 50
"	M. C. Livingston,	Reviewing militia,	Madison	500 00
"	Newell Black,	Pros. crims. Mid. Dis.	Gadsden	4 00
"	Augustus Johnson,	"	"	3 00
"	Isaac Ferguson,	"	"	3 00
"	Jas. Mayo,	"	"	6 75
"	J. W. Poindexter,	"	"	11 25
"	Uz Wood,	"	"	12 75
"	F. Worthington,	"	"	11 50
"	I. R. Harris,	"	"	14 25
"	Jesse Stephens,	"	"	2 75
"	Wm. Edwards,	"	"	11 70
"	F. R. Pitman,	Collecting revenue,	Jackson	20 00
"	R. S. Haughton,	Pros. crims. Eas. Dis.	Columbia	24 85
"	Wm. Deas,	Mid. Dis.	Hamilton	525 00
"	N. P. Baines,	"	Leon	70 93
1844				
Jan'y 5	Henry Rutgers,	Treasury department,	"	75 00
"	"	Postage account,	"	7 47
"	John Miller,	Postage,	"	12 70
"	Ralph Bozeman,	Pros. crims. Mid. Dis.	"	39 85
"	Jas. Willis,	"	"	28 25
"	Willis B. Maner,	"	Jackson	6 50
"	Joshua Knowles,	Reviewing militia,	"	79 25
"	Jas. Barnes,	Pros. crims. Apa. Dis.	"	18 50
"	Thos. M. Bush,	Pros. crims. Apa. Dis.	"	30 56
"	C. C. Yonge,	"	Escambia	143 75
"	Thos. Delany,	" W. Dis.	"	6 25
"	G. G. Gunn.	"	"	137 75

## EXHIBIT NO. 2,

Showing expenses of each Judicial District, Executive and Treasury Departments, and Reviewing Florida Militia, from 1833 to 1843.

Middle District.		Western District.		Eastern District.	
Year.	Expenses.	Year.	Expenses.	Year.	Expenses.
1833,	\$ 802 04	1833,	\$165 06	1833,	\$275 36
" 4,	719 80	" 4,	1,885 76	" 4,	482 91
" 5,	2,868 89	" 5,	400 00	" 5,	640 27
" 6,	1,422 75	" 6,	571 90	" 6,	24 88
" 7,	713 18	" 7,	385 43	" 7,	1,134 11
" 8,	1,277 14	" 8,	763 90	" 8,	528 25
" 9,	964 59	" 9,	2,364 08	" 9,	1,028 56
1840,	2,246 74	1840,	3,826 55	1840,	1,382 87
" 1,	2,206 74	" 1,	118 61	" 1,	287 25
" 2,	1,573 48	" 2,	2,629 35	" 2,	95 60
" 3,	448 04	" 3,	849 97	" 3,	421 14
	\$15,243 39		\$14,460 61		\$6,481 20
Southern District.		Apalachicola District.		Executive Department.	
Year.	Expenses.	Year.	Expenses.	Year.	Expenses.
1833,				1834,	\$737 67
" 4,	\$406 59			" 5,	746 80
" 5,	435 29			" 6,	536 17
" 6,	13 75			" 7,	677 00
" 7,	138 41			" 8,	824 64
" 8,	442 13			" 9,	1,258 01
" 9,	67 50	1839,	\$1,241 45	1840,	800 00
1840,	266 62	1840,	1,718 13	" 1,	383 00
" 1,	90 00	" 1,	2,030 08	" 2,	200 00
" 2,	208 39	" 2,	590 86	" 3,	1,318 18
" 3,	30 20	" 3,	756 62		
	\$2,098 86		\$6,337 14		\$7,481 47
Treasury Department.		Treasury Department.		Reviewing Militia.	
Year.	Expenses.	Year.	Expenses.	1842,	\$500 00
1833,	\$77 78	1838,	\$279 50	" 3,	79 25
" 4,	63 12	" 9,	1,860 59		
" 5,	58 90	1840,	1,542 73		\$579 25
" 6,	12 66	" 1,	1,949 83		
" 7,	103 20	" 2,	368 03		
	\$315 66	" 3,	1,446 56		
			\$7,438 24		
			315 16		
			\$7,773 30		

## EXHIBIT No. 3,

Showing the amount of revenue assessed, paid and unpaid in the different counties, from 1833 to 1843, the amount received from banks and other sources in that time.

YEAR.	Tax-Collectors.	Am't assessed.	Amount paid.	Am't unpaid
LEON COUNTY.				
1833	James Bryan	\$1,675 04	\$1,675 04	
34	A. A. Fisher	1,521 06	1,521 06	
35	" "	1,547 95	1,547 95	
36	T. J. French	3,607 88	1,048 00	\$2,559 88
37	Samuel H. Duval	3,315 01		3,157 01
38	Wm. H. Michael	3,239 75	1,500 00	2,739 75
39	James L. Hart	6,528 08	6,528 08	
		\$21,276 77	\$12,620 13	\$8,456 64

## GADSDEN COUNTY.

1833	Robert Forbes	\$973 77	\$973 77	
1834	" "	876 72	876 72	
35	" "	905 65	905 65	
36	" "	1,584 50	1,584 50	
37	James Hall	1,700 75	1,700 75	
38	Roderick Shaw	1,680 37	1,680 37	
39	C. Harris	3,820 85	3,820 85	
		\$11,542 58	\$11,542 58	

## JEFFERSON COUNTY.

1833	Thos. Hardman	\$618 91	\$618 91	
34	Wilkins C. Smith	719 22	719 22	
35	David Wolf,	727 97	727 97	
36	Wilkins C. Smith	936 79	936 79	
37	" "	882 94	882 94	
38	" "	929 69	929 69	
39	Wm. L. Taylor	2,331 35	2,331 35	
		\$7,046 87	\$7,046 87	

## WALTON COUNTY.

1833	Daniel McCloud	\$37 08	\$37 08	
34	" "	58 30	58 30	
35	" "	46 80	46 80	
36	" "	79 55	79 55	
1838	H. Brownell	110 70	110 70	
		\$332 43	\$332 43	

## EXHIBIT No. 3—CONTINUED.

YEAR. | Tax Collectors. | Am't assessed | Amount paid. | Am't unpaid

## HAMILTON COUNTY.

1833	John G. Smith	\$13 29	\$13 29	
1834	Israel Stuart	20 04	20 04	
35	" "	27 22	27 22	
1839	Henry Stephens	453 83	453 83	
		\$514 38	\$514 38	

## JACKSON COUNTY.

1833	Wm. S. Moring	\$634 15	\$634 15	
34	Thos. M. White	1,233 57	1,233 57	
35	" "	766 70	766 70	
36	" "	676 85	676 85	
37 and 8	" "	1,719 93	1,719 93	
		\$5,031 20	\$5,031 20	

## FRANKLIN COUNTY.

1833	Jas. D. Bullock	\$387 70	\$387 70	
1837	John Enderman	2,042 57		2,042 57 }
38	" "	2,309 68		2,309 68 }
		\$4,739 95	\$387 70	\$4,352 25*

\* Principal and securities insolvent.

## ESCAMBIA COUNTY.

1833	Henry A. Nunis	\$620 77	\$620 77	
35	T. F. Cummings	775 37	775 37	
36	" "	774 02	774 02	
37	" "	889 70	889 70	
		\$3,160 86	\$3,160 86	

## CALHOUN COUNTY.

1838	Wm. E. Davis,	\$567 29	\$347 96	\$219 33
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## MADISON COUNTY.

1835	A. Youmans	\$399 10	\$399 10	
36	" "	318 54	318 54	
37	D. B. Yewing	810 62	810 62	
		\$1,528 26	\$1,528 26	

## EXHIBIT No. 3—CONTINUED.

YEAR.	Tax Collectors.	Am't assessed.	Amount paid.	Am't unpaid
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## ALACHUA COUNTY.

1833	John G. Tyner	\$104 56	\$104 56	
34	" "	78 60		\$78 60
35	" "	194 63		194 63
38	Jesse Carter	4,977 27	317 50	4,559 77
		<u>\$5,355 06</u>	<u>\$422 06</u>	<u>\$4,833 00</u>

## HILLSBOROUGH COUNTY.

1835	John Stafford	\$93 25	\$93 25	
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## NASSAU COUNTY.

1833	Louis Bailey	\$222 25	\$222 25	
34	" "	215 61	215 61	
35	" "	209 52	209 52	
		<u>\$637 38</u>	<u>\$637 38</u>	

## ST. JOHNS AND MOSQUITO COUNTIES.

1833	F. J. Avice	\$1,338 14	\$633 00	\$705 14
34	Joshua Joiner	893 00	530 00	363 00
		<u>\$1,497 15</u>	<u>\$1,163 00</u>	<u>\$1,068 14</u>

## MONROE COUNTY.

1834	Louis F. Baker	\$600 18	\$600 18	
35	" "	283 00	283 00	
		<u>\$883 18</u>	<u>\$883 18</u>	

## RECEIVED FROM OTHER SOURCES.

	Banks.	Auction Tax.	Fines and Forfeitures.		
	<i>Central Bank.</i>	1833	\$363 33	1833	\$1,075 53
1833	\$180 95	34	808 50	34	533 06
34	1,312 60	35	1,589 42	35	1,113 48
35	565 73	36	2,417 16	36	766 25
36	1,411 23	37	22,061 12	37	107 36
37	774 08	38	11,791 27	38	867 12
		39	4,222 41	39	195 12
2054.89	\$4,245 09	40	4,685 22	40	1,458 10
	<i>Commercial Bank.</i>	41	2,068 45	41	2,604 66
1836	\$101 16	42	2,801 52	42	1,657 03
37	110 50	43	2,850 06	43	3,086 87
			<u>\$211 66</u>		<u>\$14,922 80</u>
	<i>Bank of West Florida</i>		27,493 11	(see p. 19)	
1833	\$219 06		27,345 36		