

SENATE JOURNAL.

JOURNAL OF THE PROCEEDINGS

OF THE

**SENATE**

OF THE

TERRITORY OF FLORIDA,

AT ITS SEVENTH SESSION,

BEGUN AND HELD IN THE CITY OF TALLAHASSEE,

ON MONDAY,

JANUARY 6th, 1845.

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TALLAHASSEE:  
OFFICE OF THE FLORIDA SENTINEL,  
PRINTED BY JOSEPH CLISBY.

1845.

# A JOURNAL

OF THE PROCEEDINGS OF THE SENATE OF THE TERRITORY  
OF FLORIDA, AT ITS SEVENTH SESSION, HELD AT THE  
CAPITOL, TALLAHASSEE, 1845.

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MONDAY, January 6th, 1845.

The Senate was called to order by Thomas Brown, Secretary at the last session of the Council.

The following members answered to their names, and were qualified by the Honorable Isaac Bronson, Judge of the Eastern District:

*From the Western District.*—Messrs. N. A. Long, Walker Anderson, and W. W. J. Kelly.

*From the Middle District.*—Messrs. W. D. Moseley, A. G. Johnson, J. M. Gilchrist, S. B. Richardson, and T. Baltzell.

*From the Eastern District.*—Messrs. J. Summerlin, I. D. Hart, J. Carter, and B. A. Putnam.

*From the Southern District.*—Messrs. T. Pent, and G. W. Macrae. Mr. Macrae was then unanimously called to the Chair; after which, the Senate adjourned until to-morrow, 10 o'clock, A. M.

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TUESDAY, JANUARY 7th, 1845.

The Senate met pursuant to adjournment, Mr. Macrae in the Chair. There being a quorum present, on motion of Mr. Hart, the Rev. Mr. Martin was invited to open the session with prayer, which was done accordingly.

On motion of Mr. Baltzell, the Senate proceeded to the election of its officers. The following was the result:

FOR PRESIDENT OF THE SENATE,  
William D. Moseley received 7 votes,  
Jacob Summerlin " 1 vote,  
Blank, " 6 votes.

There being no election, the Senate proceeded to a second balloting, which resulted as follows:

W. D. Moseley, 7  
Blank, 6

The Chair declared W. D. Moseley duly elected President of the Senate.

Mr. Hart appealed from the decision of the Chair, on the ground that Mr. Moseley had not received a majority of the votes of the Senate.

The Senate reversed the decision of the Chair and went into a third balloting, which resulted as follows:

W. D. Moseley, 7  
Blank, 2  
I. D. Hart, 4

There being no election, the Senate proceeded to a fourth balloting, which resulted as follows:

W. D. Moseley,	7
I. D. Hart,	4
N. Long,	1
Blank,	1

The Senate proceeded to a fifth balloting, which resulted as follows:

W. D. Moseley,	7
I. D. Hart,	4
Blank,	2

Mr. Kelly moved that the Senate adjourn until Thursday, 11 o'clock. Which motion was lost.

The Senate proceeded to a sixth balloting which resulted as follows:

W. D. Moseley,	7
I. D. Hart,	3
G. W. Macrae,	1
W. W. J. Kelly,	1
Blank,	1

Mr. Putnam renewed the motion to adjourn. A division was called, which showed ayes 5, nays 7. So the motion was lost.

The Senate proceeded to a seventh balloting which resulted as follows:

W. D. Moseley,	7
Blank,	1
I. D. Hart,	3
B. A. Putnam,	2

Mr. Moseley having withdrawn from the chamber, Mr. Baltzell moved that inasmuch as Mr. Moseley having received a majority of the votes of the Senators present, he be considered duly elected President of the Senate.

The Chair decided the motion out of order.

The Senate proceeded to an eighth balloting, which resulted as follows:

G. W. Macrae,	6
W. D. Moseley,	5
J. Carter,	1

There being no choice, Mr. Hart renewed the motion to adjourn. A division being called, the motion was lost.

The Senate proceeded to a ninth balloting, which resulted as follows:

G. W. Macrae,	6
W. D. Moseley,	6
J. Carter,	1

The Senate proceeded to a tenth balloting, which resulted as follows:

W. D. Moseley,	7
G. W. Macrae,	6

The Senate proceeded to an eleventh balloting, which resulted as follows:

G. W. Macrae,	7
W. D. Moseley,	6

The Senate proceeded to a twelfth balloting, which resulted as follows:

G. W. Macrae,	7
W. D. Moseley,	6

Mr. Hart again renewed the motion to adjourn; which was lost after some discussion.

The Senate proceeded to a thirteenth balloting, which resulted as follows:

G. W. Macrae,	6
W. D. Moseley,	6
Blank,	1

The Senate proceeded to a fourteenth balloting, which resulted as follows:

W. D. Moseley,	5
G. W. Macrae,	6
W. Anderson,	1
Blank,	1

The Senate proceeded to a fifteenth balloting, which resulted as follows:

G. W. Macrae,	7
W. D. Moseley,	4
W. Anderson,	1
Blank,	1

So there was no election of President of the Senate.

On motion of Mr. Anderson, the Senate then adjourned until Thursday morning, 11 o'clock.

THURSDAY, JANUARY 9, 1845.

The Senate met pursuant to adjournment, Mr. Macrae in the Chair. The Journals of the 6th and 7th were read and the Senate proceeded to business.

Mr. Baltzell moved that the Senate proceed to the election of President of the Senate, viva voce, and that the ayes and noes be taken on the motion, which motions were, upon questions thereon severally put, decided in the negative.

On motion of Mr. Hart the Senate then proceeded to the election of President, which resulted as follows:

G. W. Macrae,	7
W. D. Moseley,	5
Blank,	1

The Chair declared that there was no election, whereupon Mr. Baltzell appealed from the decision of the Chair, and moved that G. W. Macrae, Esqr. be declared duly elected President of the Senate.

The Chair decided this motion to be out of order, on the ground that by the former decision of the Senate, a majority of their whole number was necessary.

The Senate then proceeded to a second balloting, which resulted as follows:

G. W. Macrae, 12  
W. D. Moseley, 1  
Blank, 1

Mr. Moseley was then called to the chair, when on motion of Mr. Baltzell, Mr. Macrae was unanimously declared duly elected President of the Senate.

On motion of Mr. Hart, a committee, consisting of Messrs. Hart and Long, were appointed to conduct the President to the chair.

Which having been done, the President addressed the Senate in a neat and pertinent manner, in acknowledgment of the honor conferred upon him.

On motion of Mr. Moseley, the Senate proceeded to the election of its other officers.

Which, upon ballots severally and separately taken, resulted as follows:

Thomas F. King, *Secretary*.  
R. E. Gibson, *Assistant Secretary*.  
I. V. Garnie, *Foreman*.  
J. A. Summerlin, *Messenger*.  
Neil McPherson, *Sergeant-at-Arms*.

On motion of Mr. Moseley, a committee, consisting of Messrs. Moseley and Hart, were appointed to inform the House that the Senate was duly organized and ready to proceed to business.

On motion of Mr. Anderson, a committee consisting of Messrs. Anderson and Moseley, was appointed to wait jointly with a committee of the House of Representatives, on his Excellency the Governor, and inform him that the two Houses of the Legislative Council are duly organized, and ready to receive any communication his Excellency may think proper to make.

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

FRIDAY, JANUARY 10, 1845.

The Senate met pursuant to adjournment, and a quorum being present, yesterday's proceedings were read.

Mr. Moseley moved that the rules of the last session of the Senate be in force until others were adopted.

Which motion prevailed.

On motion of Mr. Gilchrist, a committee was appointed by the President, consisting of Messrs. Gilchrist, Moseley and Hart, to draft rules for the government of the Senate at its present session.

Mr. Hart offered the following resolution:  
*Resolved*, That the Reverend Mr. Martin be invited to act as Chaplain, for the present session of the Senate.

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

A committee of the House of Representatives informed the Senate, through their chairman, Mr. Child, that they were appointed to act with a similar committee on the part of the Senate, to wait upon his Excellency the Governor, and inform him that both Houses of the Legislative Council are duly organized, and ready to receive any communication he may wish to make them.

Mr. Carter offered the following resolution:  
*Resolved*, That the Sergeant-at-Arms be instructed to furnish fifteen extra chairs for the use of the Senate.

Which was adopted, the rule being waived.

Mr. Anderson from the committee appointed to wait on the Governor, reported, that they had performed that duty, and his Excellency the Governor would in a few minutes forward his message.

The annual message of his Excellency the Governor, transmitted through the hands of his private Secretary, W. H. Branch, was then received.

#### GOVERNOR'S MESSAGE.

*Gentlemen of the Senate  
and House of Representatives:*

In discharging the responsible duty of recommending the most appropriate subjects for your legislative deliberations, I am deeply sensible of my insufficiency to the proper performance of such an office. In advance, therefore, I invoke the aid of that Omniscient Being, to whom, as a Nation, we have been so often and so signally indebted. Under His guidance, and in the confident belief that my imperfect efforts will be generously aided by your prudent counsels and co-operation, I shall, without farther preliminary, proceed to the execution of the task—barely premising that all governments, controlled by the enlightened and honest public opinion, are to promote the greatest good of the greatest number, and can only be carried into practical operation, in a spirit of mutual concession and compromise.

Under the influence of these fundamental truths, my purpose will be to confer ingenuously and freely with you, and to unite cordially with every honest patriot in placing our adopted country in the best position to assert her rights, and redress her wrongs, with energy, dignity and unyielding firmness. For it must be admitted that Florida has rights to maintain, as well as wrongs to redress, of such a character as to demand our undivided energies. With these convictions, I should be wanting in a proper discharge of my duty, were I to shrink from the high responsibility of recommending them, not only to your favorable notice, but to your efficient action.

If ever there existed a community with well-founded claims on its government for indemnity, it is to be found in Florida—a country highly favored by Providence, but laid waste by a ferocious and implacable foe—provoked and goaded on, not only without a provident preparation for such an occurrence, but in the prosecution of a war, to say the least, of doubtful policy. It is painful, as it is unnecessary, for me to dwell on the manner in which it was conducted and protracted. It is enough to know, as our citizens but too sensibly feel, that by this ill-advised measure, Florida has become, through no agency of her own, an almost blood-stained wilderness; and that half a century will scarcely suffice to place her where she would have been but for the mismanagement of her Federal Trustee. Would that this were all—but not so! Through the same agency, an unwise and ruinous legislation has been inflicted on her, worse, if possible, than "war, pestilence and famine." I mean the blighting influence of a corrupt and corrupting paper system,

so utterly rotten, that I cannot undertake its dissection. You will, however, see from the accompanying correspondence marked B, that I have assumed what some may deem a weighty responsibility. May I not expect your energetic aid, in the effort I am making to rescue our good name from the reproach of faithlessness, in the discharge of *honest* liabilities? I say emphatically, *honest liabilities*, for none other would I recognize as an individual, and no other would I advise you to assume. One thing, however, is certain, that whether the loss on the loans negotiated by the Banks, upon the faith of the Territory, is to fall on the Territory, your Federal Trustee, or the capitalists, you are bound in honor to prevent, by every means in your power, the waste or misapplication of the property mortgaged, to any other purpose than their payment.

It is true that *all* parties now denounce the Banking system, as it has existed in Florida, as a Pandora's box, and cry aloud for the nuisance to be forthwith abated. In this I concur. But let us take care, that we do not involve the innocent with the guilty, in one indiscriminate wreck; for in critical operations in surgery, the utmost caution and skill are necessary.

In addition to all this, Florida has had indignities superadded to injuries. She has been charged with repudiating her just debts.—Nothing can be more libellous; and in her behalf, I feel it to be my duty to ~~report the charge~~. On the contrary, it is her anxiety to pay her *honest* debts, that induces her to scrutinize the spurious demands of speculators and bank-swindlers, generated and fostered by irresponsible Federal rulers. Under such circumstances, it is expecting too much to suppose that the unsuspecting citizens of Florida will suffer themselves to be crushed by so unholy an alliance; and this, too, without a murmur.

Under the Providence of God, Florida earnestly desires to carve out her own fortunes in her own way. She asks to be permitted to appoint her own officers, and to make and administer her own laws; and in thus asking, she feels that she seeks nothing but what she is justly entitled to, and what she would be recreant to her best interests and posterity, were she not to insist on. She demands the rights of a Sovereign State, so long withheld from her, though guaranteed by the Constitution of the United States, and the Treaty of Cession.—With a solitary Delegate in Congress, without even a vote to oppose aggressions on your rights, how can you expect successfully to contend for an equal participation in the benefits of this glorious confederacy! Allow me, then, to advise you to gird on the armor of State Sovereignty—to shake off the *old boy*, and put on the new man!

To those of our fellow-citizens, who believe that we are incapable of sustaining the expenses of a State Government, I would respectfully say, that if the estimates of our able and indefatigable Delegate are to be accredited—of which I cannot doubt—your fears are groundless. Instead of being a loss of a few dollars and cents, it will be a gain of thousands and tens of thousands. But, I would remark, that we ought not to be deterred from the pursuit of the great prize, by such considerations. The right of self-government is inestimable to freemen, and ought not to be abandoned for light and trivial causes.

In making the foregoing remarks on our Federal relations, it is not my intention to question the *motives* or patriotism of any administration, either past or present; but to do justice to a people over whom I have the honor and responsibility of presiding, as their chief Magistrate, by a plain narrative of facts, which I believe to be incontrovertible, and to hold those responsible, and those only, who have been the causes of your insufferable ills. On the contrary, I should do violence to my own feelings, were I not to acknowledge the debt of gratitude we owe to the patriotic officers and soldiery, both of the regular army and militia, who periled every thing in this inglorious war; and that, too, under the most discouraging circumstances. And I may further add, that I sincerely sympathize with them, that from the character of the enemy with whom they had to contend, and the country in which their operations were carried on, so few laurels have been won—though doubtless merited—in a way to be appreciated and rewarded by their countrymen; in a word, that all cannot be "Worths."

Having thus, with the pencil of unvarnished truth, briefly stated your grievances, and just demands on an enlightened and magnanimous Government, and pointed to the remedy, I shall pass on to other matters not less interesting to the philanthropist and patriot.

As intimately connected with the redress of your own wrongs, allow me to impress upon you the sacredness of your obligations to the rising generation and to posterity, to extend every facility in your power to the acquisition of a liberal education. This can only be done by establishing schools in every part of your Territory, to the extent of your ability; and your ability will greatly depend on the proper disposition and preservation of your School Lands. It is to the diffusion of knowledge that we must look for the security and perpetuation of our liberties. Intelligence is the main-spring of all Republics. In this our day, "instead of the strong arm, it is the strong head that is the moving principle of society. You have disenthroned Force, and placed in his high seat, Intelligence, and the necessary consequence of this great revolution is, that it has become the duty and the delight equally of every citizen to cultivate his mind."

The report of the Trustees of the Seminary Lands accompanies this communication, and is worthy of your special notice. It is, so far as I am informed, the first digested movement to establish order out of chaos, and may constitute the basis of the most useful institutions.

As a crisis is evidently approaching in the affairs of Florida, fraught with important results, it behoves you to examine with great care your laws and institutions, as they now exist, and conform them to what they should be under a new state of things.

The maintenance of either a Territorial or State Government requires that adequate ways and means should be provided, to impart vitality to the whole system, and give stability and character to our institutions. While no more should be drawn from the pockets of the people than is absolutely necessary to secure these desirable and

indispensable objects, a proper respect for public opinion, and our own character, should induce us to pay our debts. This can only be done by making timely requisitions from those to whom the Government belongs, and who, at all times, will cheerfully submit, provided a proper degree of vigilance and economy be practised in the collection and disbursement of taxes, adjusted on an equitable and prudent basis. It cannot be a matter of surprise that the people should murmur, when they know that their contributions are wastefully handled, and their debts left unpaid.

Among the documents accompanying this communication, are the Auditor's and Treasurer's reports. In looking into the condition of the Treasury, and examining the process by which your taxes have been hitherto levied, collected and paid in, I find that the greater portion has been distributed among assessors and collectors, and that little has found its way into your Treasury; and much of that little, consists of the "promises to pay" of broken Banks.

The Criminal Code, wisely designed to protect the citizen and preserve the peace and dignity of the country, has manifestly failed to accomplish its object; otherwise we should not so often witness the violation of both private and public justice. It may be that something is owing to the want of a penitentiary and common jails, or an adequate revenue to enable the officers to prosecute with effect, or to the mal-administration of the existing laws. Let the cause be what it may, it is your solemn duty to trace it out, and apply the remedy; otherwise, to use the language of one of our Judges, "our Territory may become a rendezvous for felons."

Every facility should be afforded, for the enforcement of *bona fide* contracts, and the abrogation of all executed in *bad* faith. The property of every man should be made subject to the payment of his just debts. It is a reproach to any people, to allow fraud to be perpetrated, either by exempting equities of redemption from legal liability to the payment of honest debts, or by any other device. It is wise and humane to protect the *personal* liberty of the honest debtor; but *fraud* of every kind should be visited with condign punishment. In short, the protection of wise laws, steadily and faithfully administered, constitutes the perfection of human government. I therefore, earnestly recommend to you the most effective legislation on these various subjects.

It would seem to be scarcely necessary for me to caution you against the renewal of a *Territorial* paper system, when it is recollected that our citizens have suffered so repeatedly, so severely, and so recently, by the machinations of mere adventurers. But, such is the gullibility of man, when suffering in *extremis*, that he is too often found willing to experiment on any and every quack nostrum that may be offered him. Hence, but a short time since, through the fascinating appliances of a Trio of these gentry, who contrived to insinuate themselves into the confidence of some of our public functionaries and many of our good citizens, the country has again for almost the twentieth time, been inundated with a base currency, not even

made payable in Florida, but in New York, at the counting house of an individual, who stands charged by indictment with being "particeps criminis." It may not, therefore, be inappropriate, to lay before you a correspondence, marked C, which I find on file in the Executive office, between my predecessor and the late Governor of New York, by way of illustrating the evils which have attended the renewal of the Bank of Florida—the last, in the series of infatuated experiments—which, you were officially informed by a Federal officer of high authority in recommending it to popular favor, had remained dormant for a number of years, and was purchased in by an individual, and said to be "one of the safest and best charters which has ever been granted in the Territory, and provides better than any other against an over-issue, and the consequent depreciation of its paper." And, but a few weeks before the bank escaped your jurisdiction by flight, you were again told by the same authority, that "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." From it, I trust, we may be enabled to derive some useful lessons, both as regards Banking, Territorial responsibility and International law. In New York, it would seem, that to swindle a whole community, through the agency of Bank officers, is regarded as a *venial* indiscretion; and, therefore, the fugitive charged with such an offence, made by our statute a *crime*, will not be delivered up by the authorities of New York, to be tried and punished in Florida.

This is somewhat analogous to the grounds taken by the British Minister in attempting to justify the refusal to deliver up the fugitive slaves, who were charged in this Territory with robbery and murder. As the laws of Great Britain recognize no such relation as master and slave, in their West India Islands, and had provided no punishment for such cases, *ergo* they would recognize none such in Florida. Thus, it would seem, we have places of refuge, provided for our murderers, robbers, and Bank Swindlers, and we may expect, unless some steps be taken to arrest it, that the whole catalogue of crimes will be embraced by these pseudo-philanthropists. My respect for the authorities of New York, forbid my making further comment, at this time, on this extraordinary state of things; under a hope, that wiser counsels may gain the ascendancy, and avert the threatened and impending conflict, that must ensue from a persistence on the part of New York and Great Britain in such wanton aggressions on our rights.

On the tendency of a *Paper* System, my opinions have been formed (and are now confirmed by the experience of the country) for more than a quarter of a century; and I, therefore, feel the less hesitancy, in recommending to you the most cautious legislation in relation to the currency of the country. Our sagacious forefathers, in framing a Constitution for the United States, gave to Congress, the power to coin money and to regulate its value; and expressly inhibited the States from emitting bills of credit, or making any

thing but gold and silver coin, a legal tender in payment of debts.— They had grievously felt the evils of an inflated and depreciated paper currency, and were particularly anxious to protect the country from a recurrence of similar ills. They doubtless thought they had achieved their purpose, but such has been the disposition of man, from the days of Adam, that he has been restless under restraints however salutary, and but too prone to grasp at forbidden power. In theory, we live under a government of limited powers; yet in practice, it must be acknowledged, the restraints of our fundamental and municipal laws are too often disregarded by those, wielding the sceptre of power.

Having, some twenty-five years since, had occasion to perform a task similar to the one in which I am now engaged, and at a crisis in the paper system, very much in its effects like the present, I cannot believe that you will be less disposed to respect my opinion of that day, than the crude suggestions of the present; more especially as they have "grown with my growth and strengthened with my strength;" and, as I believe, within a month or two past, have received the sanction of a majority of the people of the United States. The following extracts are taken from my message to the General Assembly of North Carolina in 1819—when, as I before remarked, the whole country was suffering from nearly the same causes, aggravated by a Bank of the United States, with a capital of thirty-five millions of dollars, then in full operation:

"The Banks—the regulators of our currency—have led the citizens of our once happy country into the wilds and mazes of speculative life, and, finally, into a labyrinth of difficulties, from which, I apprehend, it will require all your sagacity to extricate them. Yet it behooves you, who have given them their existence, to probe the wound to the bottom, and, if possible, avert the alarming visitation with which they are threatened. The extraordinary fluctuations in the price of property, and indeed of every necessary and convenience of life, have excited, throughout the land, such a thirst for visionary and enthusiastic speculation, as totally to subvert the industrious habits of our people. The man who has a competency to-day may be plunged into the depths of poverty to-morrow. While I am on this subject, permit me to caution you against the too frequent practice of bestowing on a few importunate applicants, desiring to be associated as a body politic, the exclusive privileges and immunities which usually attach to chartered companies, without due consideration of the latent principles contained therein, or the remote bearings they may have on society; for, in this way, we have been parting with our sovereignty, from time to time, and if the practice be persisted in, we shall soon become a government of corporations, instead of a government of the people. I cannot, however, but hope that, notwithstanding the depressed price of the staple commodities of the State, and the difficulties and embarrassments with which many of our fellow-citizens have to struggle, that the period is approaching when the ease and independence which have heretofore

"been their happy allotment, may be restored. But this must be the result of a renewed industry and the observance of a rigid economy; and above all, by ceasing to cherish the delusive idea which has for some time past prevailed in our country, that speculation, not labor, is the source of wealth—a spirit which has been tolerated, not to say encouraged, by legislative sanction. The miseries arising from this chimera of speculation—this dream of wealth—are now felt and deplored in almost every section of the country."

Notwithstanding every intelligent man knows that like causes will produce like effects, and that the causes of our pecuniary embarrassments in 1819, were much the same as now, yet such is the bold daring of American statesmen that they disregard mathematical truths, and rush blindfold into the gambler's arena, resolved to "do or die." Hence, I fear, that we must construct some stronger bulwark than a constitutional or paper barrier to save the Republic harmless from this hydra-headed monster; and I know of no other than an enlightened, patriotic and honest public sentiment, otherwise we may expect to be attacked periodically with a Bank or paper mania; and while laboring under such delusion, what ligament is strong enough to restrain the partisan leader!

It is, however, a source of mutual congratulation, that the recent elections throughout the United States indicate a sound state of public sentiment on these momentous and vital questions. Although our task-masters, the monopolists, have paralyzed our energies, and would soon have consummated our utter ruin, yet, they are now, thank God, checked, if not disarmed; and the Executive power, which providentially fell into the hands of an enlightened patriot, instead of being clutched by this formidable aristocracy, will be gently transferred to a kindred spirit, who believes that the tiller of the soil is as much entitled to the protection of his government, as the capitalist; more especially as the latter is by his 20 or 30 per cent. extorted tribute, fattening on the spoils, while the former is daily becoming impoverished. Nothing but a confident belief that help is at hand, could sustain us, or make our present burdens bearable.

These burdens I foresaw and deprecated twenty-five years ago, and, in my humble way, attempted to guard the country against them, as will appear from the following extracts taken from the message previously referred to:

"If success attends the gigantic strides of the friends of manufactures, and the onerous burdens sought to be imposed on the agricultural, and indeed many other branches of industry, should not be averted, away with our boasted equality of pursuit, and freedom from unnecessary restraint, hitherto the pride of our country. I am aware that no act of legislation can grow out of my remarks; but a silent acquiescence, while the chains are forging, would be a gross dereliction of duty. I would nevertheless barely ask, is it just that the independent yeomanry of our country should be made tributary to the degraded and debased population, the growth of manufacturing establishments; or is it politic, that this virtuous and

"intelligent yeomanry, the only safe depository of the liberties of the country, should, by this hot-bed establishment of workshops, be ultimately amalgamated with them, or driven by oppression, constrained to abandon the fair and exhilarating pursuits of rural life, the prolific nursery of heroes, statesmen, patriots and philanthropists!"

I deem it proper to lay before you a copy of a letter which I received, (marked D) in October, from the Secretary of the Commonwealth of Massachusetts, in relation to our domestic police, and which I forthwith submitted to Walker Anderson, Esq. U. S. Attorney for the Western District—a gentleman whose refined feelings and high character afford a sure guarantee against unjust prosecution. From it you will perceive that the Government of Massachusetts has been instigated to call on the Executive of this Territory to interpose and stay the proceedings of a co-ordinate department of this Government, to gratify the morbid feelings of Northern fanatics, thereby impeaching the impartiality and purity of our highest judicial tribunals. While I could not, from a proper official respect, recognize any right in the authorities of Massachusetts to interpose in such a delicate matter, I nevertheless for my own satisfaction and the respect I entertain for the good opinion of an enlightened and impartial world, lost no time in making the communication known to the prosecuting officer, on whom the high responsibility rested. The answer of Mr. Anderson is full of instructive admonition to those deluded victims of a vicious credulity; and it is to be hoped that their incendiary and disorganizing intermeddling with our domestic institutions, will stand rebuked by his calm and dignified refutation of their unfounded calumnies. The result of this prosecution has proven most conclusively, that instead of being too sanguinary, our punishments are of too mild a type for such aggravated crimes. I therefore, recommend that henceforth no such incendiary be permitted to escape our jurisdiction. Death is the punishment provided by law for such offences in the slave-holding States generally, and it ought to be so in Florida. As intimately connected with this subject, I herewith submit to you a letter which I received from the late Governor of South Carolina, covering certain resolutions adopted by the Legislature of that State.

These and the grounds of opposition to the annexation of Texas, and many other unerring indications of the fixed purpose of the abolitionists to destroy our domestic repose, ought to satisfy the most skeptical among us that our Constitutional rights are insidiously assailed, and that to enjoy them much longer, we must be prepared to defend them.

The proper and efficient organization of the Militia cannot be a subject of indifference, when it is borne in mind that on this species of force we have mainly to rely for the defence of this, the most exposed portion of the United States. Permit me to urge its importance, and respectfully to recommend a revision of your laws so far at least as to ensure prompt and accurate returns to the Adjutant Gen-

eral of the United States. For the want of such returns our citizens are comparatively unarmed, and so have been for the last thirteen years, although engaged in a bloody war for more than half that time. Having done our duty, we may then confidently rely on the Federal Government for the fortification of our extended seaboard. This, I am gratified to learn, is now attracting the attention of Congress, and I cannot doubt that every thing will be done that money and the indomitable spirit and energy of our fellow-citizens can achieve to render our exposed frontier impregnable to a foreign foe. For this, we have an ample guarantee in the great interests at stake—embracing the commerce, navigation and agriculture of the Northern States, and the valley of the Mississippi, much the largest portion of the wealth and population of the United States. They will not—they cannot—long permit these great interests to remain unprotected—liable at any moment to be put in jeopardy, if not annihilated, by a formidable naval power.

The internal improvement of Florida, by the construction of roads, canals, etc., is so intimately connected with these, our National defences, that we must believe Congress devoid of the ordinary instinct of self-protection, to doubt that the most effective steps will be taken to accomplish these important National objects. Already have partial appropriations been made, and skillful engineers employed, to make surveys, all of which clearly indicate this to be the settled policy of the Federal Government.

Under such auspices, with a virgin soil, a genial climate, and a wise and paternal government, to develop and foster her resources, Florida may yet promise herself a prosperous and happy future. Although, causes beyond her control, as previously remarked, have retarded her growth and cast a shade over her Territorial fortunes and good name; and although at the moment of throwing off the degrading yoke of vassalage, her difficulties may seem to be appalling; yet when calmly viewed, and impartially weighed, by intelligent, patriotic, and honest statesmen, Florida will have nothing to dread.

It is true, a remnant of our savage foe is permitted to linger in the extreme Southern peninsula, contrary to the wishes of many of our fellow citizens. While we could not for a moment tolerate the idea of their being permanently located on any portion of a soil which they have polluted with their horrid barbarities, let us not indulge in a spirit of hasty crimination, inasmuch, as we have the most satisfactory assurances that their continuance is but temporary, and that a proper degree of vigilance and energy will be exercised, and that ere long every thing we have a right to expect will be accomplished. Were we inclined to do so, of what avail would it be, or on whom should we cast censure? on the President of the United States, to whom the nation owes a debt of gratitude which posterity will recognize, though now *repudiated* by political aspirants and rivals? on the Cabinet, adorned by a brilliant gem that would shed lustre on any administration? or on the valiant soldier, and accomplished chief-tain, now in command, who has won an enviable renown in your

service, and whose military skill has given security and repose to our defenceless settlements? No! all will exclaim. Away, then, with distrustful forebodings, at a moment of general rejoicing, when every bosom should overflow with gratitude and thanksgiving.

In conclusion, I fondly trust that your deliberations will be characterized by reciprocal acts of kindness and moderation; and that your labors will redound to the lasting welfare of our citizens. For these ends I desire to unite with you, in fervent supplications to "The Author of every good and perfect gift."

JOHN BRANCH,  
*Governor of Florida*

The Message was read, and on motion of Mr. Hart, 500 copies thereof, with the accompanying documents were ordered to be printed.

On motion of Mr. Putnam the Senate proceeded to the election of Printer of the Senate, which resulted in the election of J. Clisby.

Mr. Long offered the following resolution:

*Resolved*, That the foreman of the Senate discharge the duties of Enrolling and Engrossing Clerk.

Which was adopted, the rule being waived.

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

SATURDAY, JANUARY 11, 1845.

The Senate met pursuant to adjournment, and a quorum being present, yesterday's proceedings were read and corrected.

Mr. Moseley offered the following resolution:

*Resolved*, That a message be sent to the House of Representatives, proposing to raise a joint Committee of two on the part of the Senate, and three on the part of the House of Representatives, to propose joint rules for the government of the two Houses during the present session.

Which was adopted, and Messrs. Hart and Richardson appointed that committee.

Mr. Moseley from the Committee appointed to draft rules for the government of the Senate at its present session, reported that they had performed that duty in part, as follows: Strike out all of the 30th rule after the word "otherwise," and insert the following in lieu thereof: a Committee on the Judiciary, a Committee of Ways and Means, a Committee on the State of the Territory, a Committee on Banks, a Committee on Schools and Colleges, a Committee on Propositions and Grievances, a Committee on Internal Improvements, a Committee on Elections, a Committee on the Militia, a Committee on Accounts, a Committee on Claims, and a Committee on Enrolled Bills.

Which report was concurred in.

The President announced to the Senate the appointment of the following

STANDING COMMITTEES.

*Judiciary.*

Messrs. Anderson,  
Putnam,  
Baltzell,  
Kelly,  
Moseley.

*State of the Territory.*

Messrs. Johnson,  
Moseley,  
Long,  
Putnam,  
Anderson.

*Schools and Colleges.*

Messrs. Baltzell,  
Putnam,  
Bellamy,  
Anderson,  
Richardson.

*Internal Improvements.*

Messrs. Hart,  
Moseley,  
Summerlin,  
Baltzell,  
Pent.

*Militia.*

Messrs. Richardson,  
Hart,  
Bellamy,  
Kelly,  
Carter.

*Claims.*

Messrs. Carter,  
Summerlin,  
Gilchrist,  
Long,  
Richardson.

*Ways and Means.*

Messrs. Moseley,  
Anderson,  
Summerlin,  
Long,  
Gilchrist.

*Banks.*

Messrs. Gilchrist,  
Putnam,  
Moseley,  
Pent,  
Long.

*Propositions and Grievances.*

Messrs. Putnam,  
Kelly,  
Johnson,  
Bellamy,  
Carter.

*Elections.*

Messrs. Kelly,  
Baltzell,  
Bellamy,  
Summerlin,  
Pent.

*Accounts.*

Messrs. Summerlin,  
Johnson,  
Hart,  
Richardson,  
Pent.

*Enrolled Bills.*

Messrs. Long,  
Kelly,  
Hart,  
Carter,  
Gilchrist.

ORDERS OF THE DAY.

Mr. Hart's Resolution in relation to a Chaplain for the Senate came up.

Mr. Moseley offered the following amendment:

*Resolved*, That a Committee be appointed to wait on the Rev. Alexander Martin, and communicate to him the resolution of the Senate, inviting him to officiate as Chaplain of that body.

Which amendment was adopted, and Messrs. Hart, Moseley and Post appointed that Committee.

On motion of Mr. Kelly, Mr. Bellamy, Senator elect from West Florida was sworn by J. E. Broome, Judge of Leon County Court.

Mr. Moseley offered the following resolution, which was read for the first time and ordered for Monday :

*Resolved*, That the Secretary of the Senate be required to furnish each member of the Senate with ——— copies of each of the newspapers published in the city of Tallahassee.

Mr. Hart moved to fill up the blank by inserting five.

Which was adopted.

Mr. Baltzell offered the following resolution, which was read for the first time and ordered for Monday :

*Resolved*, That a joint Committee of three from each House, be appointed to consider the question of the expenditures of this session of the Legislature, and the appropriation made therefor by Congress, so that the Legislature may not exceed in their expenses the sum appropriated by Congress.

On motion of Mr. Kelly, the Senate adjourned until Monday, 10 o'clock.

#### MONDAY, January 13, 1845.

The Senate met pursuant to adjournment, and a quorum being present, Saturday's proceedings were read and amended.

Mr. Moseley presented a memorial from the Trustees of the Jefferson Academy, praying the passage of an act explanatory of the act of the session of 1844, for their relief.

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

Mr. Putnam offered the following resolution :

*Resolved*, That the Secretary of the Territory be requested to furnish each of the members of the Senate with a copy of Duval's Compilation. Also, a copy of the laws passed subsequently, and a copy of the acts of Congress, relating to Florida.

Which was read, the rule waived, and adopted.

Mr. Moseley, from the Select Committee appointed to draft rules for the government of the Senate, at its present session, submitted a report.

Which report was received, and on motion of Mr. Hart, laid on the table, and fifteen copies ordered to be printed for the use of the Senate.

#### ORDERS OF THE DAY.

The resolutions in relation to furnishing newspapers to the Senate, and to the appointment of a committee to consider the expen-

ditures of the present session, coming up, the Senate resolved itself into a Committee of the Whole, Mr. Putnam in the Chair, and after some time spent therein, the Committee rose and reported the resolutions without amendment.

On motion of Mr. Moseley, the same were laid on the table.

Mr. Baltzell offered the following resolution :

*Resolved*, That a message be sent to the House of Representatives, proposing to raise a Joint Select Committee of two on the part of the Senate, and three on the part of the House, to contract for the printing and incidental expenses of the Council during its present session.

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

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

#### TUESDAY, January 14, 1845.

The Senate met pursuant to adjournment, and a quorum being present, yesterday's proceedings were read and amended.

Mr. Gilchrist offered the following resolution :

*Resolved*, That a suitable place be assigned by the President, for such reporters of newspapers as may choose to report the proceedings of the Senate.

Which was adopted.

The following communication was received from the House of Representatives :

*Resolved by the Senate and House of Representatives*, That a Joint Select Committee of two from each House be appointed to superintend the expenses of the present session, so as to prevent the same from exceeding the appropriation made by Congress for the incidental expenses of the Territorial Legislature of Florida, for the year 1845.

Which was read, and laid on the table.

Mr. Anderson offered the following resolutions :

1. *Resolved*, That so much of the Governor's message as relates to the Banks of this Territory, together with the documents respecting the same, be referred to the committee on Banks, with instructions to report thereon, on or before the 27th day of this month.

2. *Resolved*, That so much of the Governor's message as relates to the Seminary lands and to the School lands, and to schools and education, and the documents respecting the same, be referred to the committee on schools and colleges, with instructions to report thereon, on or before the 27th day of this month.

3. *Resolved*, That so much of the Governor's message as relates to the admission of the Territory as a State, and to the organiza-

tion of a State Government, be referred to the committee on the state of the Territory, with instructions to report thereon, on or before Thursday next, the 17th instant.

4. *Resolved*, That so much of the Governor's message as relates to the militia, and so much as relates to the Indian war, and so much as relates to the continuance of the Seminoles within the Territory, be referred to the committee on the militia, with instructions to report thereon, on or before the 27th day of this month.

5. *Resolved*, That so much of the Governor's message as relates to internal improvements, roads, canals, &c., be referred to the committee on Internal Improvements; and likewise so much thereof as relates to the defence of the sea-board by the National Government, be referred to the same committee with instructions to report thereon, on or before the 27th inst.

6. *Resolved*, That so much of the Governor's message as relates to the revenue and taxation, together with the Auditor's and Treasurer's reports, be referred to the committee on Ways and Means, with instructions to report thereon, on or before the 27th day of this month.

7. *Resolved*, That so much of the Governor's message as relates to the attempt of the Government of Massachusetts to interfere with the administration of justice in this Territory, and likewise so much as relates to the letter of the Governor of South Carolina and said letter, and, also, so much of said message as relates to the refusal of the British Government to surrender certain fugitive slaves, charged in this Territory with robbery and murder, and, also, so much of said message as relates to the refusal of the late Governor of New York to surrender certain fugitives charged with the commission of crimes in this Territory, in managing the Bank of Florida, and the documents therewith transmitted, be referred to the committee on Propositions and Grievances, with instructions to report thereon, on or before the 27th instant.

8. *Resolved*, That so much of the Governor's message as relates to the amendment of the Criminal law code, be referred to the committee on the Judiciary, with instructions to report thereon, on or before the 27th instant.

9. *Resolved*, That so much of the Governor's message as relates to the preservation of the reputation of this Territory from impeachment, in respect of the faith bonds and guaranties issued to the Banks; and so much of said message as relates to securing the property mortgaged for the payment of the faith bonds and guaranties from misapplication and waste, and the documents relating to the same—and so much of said message as relates to subjecting equities of redemption and equitable estates to sale under executions at law, be referred to the Committee on Banks, with instructions to report thereon, on or before Monday, the 3d day of February next.

10. *Resolved, further*, That said Committees be authorized to report by bill, resolution or otherwise.

Which were read and ordered for to-morrow.

Mr. Putnam gives notice that he will, on some future day, ask leave to introduce a bill to be entitled, An act to amend the several acts now in force in relation to the Collection of Rents.

Mr. Bellamy gives notice that he will, on some future day, ask leave to introduce a bill to alter and amend the Militia Laws of Florida now in force.

Also, a bill to subdivide the present Western Senatorial District of Florida, into four Districts.

Mr. Putnam offered the following resolutions:

*Resolved by the Governor and Legislative Council of the Territory of Florida*, That our Delegate in Congress be, and he is hereby requested to endeavor to procure a renewal of the appropriation made by Congress, previously to the commencement of Indian hostilities, for clearing out the obstructions in the river Ocklawaha, and rendering the same navigable.

That he also endeavor to procure an appropriation for clearing out the obstructions in the Suwannee river, and making that navigable.

That he also endeavor to procure a branch mail, to some convenient point in New river, in Columbia County, which may be effected with but little additional expense to the Government, and by which a large and increasing population will be accommodated with the means, of which they are now entirely deprived, of communication with the people in other portions of the District.

*Resolved*, That a copy of the foregoing resolutions, duly certified and authenticated, be forwarded to Hon. David Levy, our Delegate in Congress.

Which were read and ordered for to-morrow.

Mr. Kelly offered the following resolutions:

*Resolved*, That this body in its Legislative capacity, cannot legitimately act upon any Resolution instructing our Delegate in Congress to insist upon our admission into the Union.

*Resolved*, That the right to pass upon our readiness to assume the burthen of an Independent State of this Republic, belongs exclusively to the people.

*Resolved*, That as their representatives in Territorial Council assembled, we would be transgressing the high prerogative of the people, by adopting a resolution insisting upon the admission of Florida into the Union.

Which were read and ordered for to-morrow.

#### ORDERS OF THE DAY.

Mr. Baltzell's resolution in relation to the appointment of a committee on expenditures came up, and on motion of Mr. Putnam, was laid on the table.

Mr. Moseley's resolution in relation to furnishing the Senate with certain newspapers, was then on motion of Mr. Putnam, taken

from the table and placed among the orders of the day. Whereupon, on motion of Mr. Hart, the blank in the resolution was filled with the word "five." The question being put upon the resolution as thus amended, the same was adopted.

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

WEDNESDAY, JANUARY 15, 1845.

The Senate met pursuant to adjournment and a quorum being present, yesterday's proceedings were read and corrected.

Mr. Loog gives notice that he shall, on some future day, ask leave to introduce a bill to be entitled, An act relating to Executors and Administrators.

Mr. Kelly offered the following resolution:

*Resolved*, That the compilation of the public acts of the Council of Florida and other subsequent acts, especially the existing Election Law, be referred to the Judiciary Committee, for examination and revision, and that said Committee be authorized to report thereon, by bill, resolution or otherwise, at as early a day as practicable.

Which was read and ordered for to-morrow.

On motion of Mr. Anderson, his resolutions offered yesterday, referring the different subjects in the Governor's Message to the various committees, were taken up.

Mr. Kelly moved to amend the first resolution, by striking out all after the word "Banks" in the latter part of the resolution, and inserting in lieu thereof, the following: And that said Committee report thereon at as early a day as practicable.

Which amendment was concurred in, and the resolution adopted as amended.

Mr. Loog moved to amend the second resolution, by striking out all after the word "Colleges," and inserting in lieu thereof, the following: "and that said committee report thereon at as early a day as practicable."

Which amendment was concurred in, and the resolution adopted as amended.

Mr. Hart moved to lay the third resolution on the table.

Which motion was lost.

Mr. Gilchrist moved to amend the resolution by striking out all after the word "resolved," and inserting in lieu thereof, the following: "that so much of the Governor's message as relates to State Government, be referred to a joint select committee of both Houses, consisting of five members on the part of the Senate, to act with such as may be appointed on the part of the House; which committee shall report with as little delay as possible, the course proper to be pursued, to obtain a speedy admission into the Union; said committee to be appointed by the President."

Upon which motion the yeas and nays were called by Messrs. Putnam and Moseley, and were as follows:

Yeas—Mr. President, Messrs. Anderson, Baltzell, Carter, Gilchrist, Johnson, Moseley, Pent, Richardson—9.

Nays—Messrs. Hart, Kelly, Long, Putnam, Summerlin—5.

So the amendment was concurred in.

The question was then taken on the adoption of the resolution as amended, and the yeas and nays being called by Messrs. Putnam and Gilchrist, were as follows:

Yeas—Mr. President, Messrs. Anderson, Baltzell, Carter, Gilchrist, Johnson, Moseley, Pent, Richardson—9.

Nays—Messrs. Hart, Kelly, Long, Putnam, Summerlin—5.

So the resolution was adopted, as amended.

Messrs. Anderson, Putnam, Gilchrist, Moseley and Pent, were appointed a committee in pursuance of said resolution.

Mr. Hart moved to amend the fourth resolution, by striking out all after the word "Militia," in the latter part of the resolution.

Which amendment was concurred in, and the resolution adopted as amended.

Mr. Hart moved to amend the fifth resolution, by striking out all after the word "Committee" in the latter part of the resolution.

Which amendment was concurred in, and the resolution adopted as amended.

Mr. Hart moved to amend the sixth resolution, by striking out all after the word "means."

Which amendment was concurred in, and the resolution adopted as amended.

Mr. Kelly moved to amend the seventh resolution by striking out all after the word "referred," and inserting in lieu thereof, the following: "to a select committee."

Which amendment was rejected.

Mr. Putnam moved to amend the resolution, by striking out all after the word "grievances," and inserting in lieu thereof, the following: "and that said committee report thereon at as early a day as practicable, and have power to send for persons and papers."

Which amendment was concurred in, and the resolution adopted as amended.

Mr. Hart moved to amend the eighth resolution by striking out the word "law," and all after the word "Judiciary."

Which amendments were concurred in, and the resolution adopted as amended.

Mr. Gilchrist moved to amend the ninth resolution, by striking out the word "Banks," in the latter part of the resolution, and inserting in lieu thereof, the words "the Judiciary."

Pending which motion, Mr. Moseley moved the indefinite postponement of the resolution and amendment.

Which motion prevailed.

Mr. Gilchrist offered the following resolution.

*Resolved*, That the Secretary of the Territory be requested to furnish the Senate with a list of the names of the Justices of the

Peace, whose commissions expire during the present session of the Legislative Council.

Which was read and ordered for to-morrow.

Mr. Hart, from the committee appointed to wait on the Reverend Mr. Martin, reported that they had discharged the duty assigned them, and that the Reverend Mr. Martin had accepted the invitation of the Senate to officiate as Chaplain.

#### ORDERS OF THE DAY.

On motion of Mr. Moseley, the report of the committee on rules for the government of the Senate, was taken from the table and considered.

Mr. Hart moved to strike out the 35th rule as reported.

Which motion was lost.

Mr. Hart moved to strike out the 42nd rule as reported.

Which motion was carried.

Mr. Gilchrist moved to strike out the 43d rule as reported, and insert in lieu thereof the following:

No rule herein adopted for the government of the Senate, shall be amended or suspended without the consent of a majority of two-thirds of the Senate.

On motion of Mr. Moseley, the motion to amend was divided, and the question being put on the motion to strike out the 43d rule, the same was decided in the negative.

So the rule was not stricken out.

Mr. Moseley moved to reconsider the vote upon striking out.

Pending which, sundry motions were made to adjourn, which were lost.

The question was then taken on the motion for re-consideration, and decided in the negative.

Mr. Moseley then moved the adoption of the rules as amended.

Which was carried in the affirmative.

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

#### THURSDAY, January 16th, 1845.

The Senate met pursuant to adjournment, and a quorum being present, yesterday's proceedings were read.

Mr. Hart moved to add Mr. Kelly to the committee on State Government, appointed yesterday.

Pending which motion, Mr. Moseley moved to reconsider the vote of yesterday, on the resolution of Mr. Anderson, as amended on the motion of Mr. Gilchrist, referring so much of the Governor's message as relates to State Government, to a Joint Select Committee of both Houses.

Which motion prevailed.

Whereupon the question recurring upon the adoption of the amendment proposed by Mr. Gilchrist.

Mr. Hart moved to lay the same on the table.

Which motion was lost.

Mr. Hart then moved to amend the amendment, by striking out the word "five," and inserting in lieu thereof, the word "seven."

Which was carried, and the amendment as amended, adopted.

The question being put on the resolution as amended, the same was adopted.

Messrs. Anderson, Putnam, Gilchrist, Moseley, Pent, Kelly and Hart, were appointed a committee in pursuance of said resolution.

A committee of the House, through their Chairman, Mr. Heir, made the following communication:

WHEREAS, It has pleased an all-wise Providence, in His wisdom, to deprive us of the counsels and companionship of our friend and brother member of this House, the Hon. James Gibbons, from Benton county, who departed this life while on his way to the Capitol: Therefore,

*Be it resolved by the House of Representatives of the Legislative Council of Florida,* That the members of this House shall wear the usual badge of mourning on the left arm, for the space of thirty days.

*Be it further resolved,* That we tender to the afflicted family of our deceased brother our sincere sympathies in their and our bereavement and that the Secretary furnish a certified copy of these resolutions, to the widow of the deceased.

Which was read.

Whereupon, Mr. Hart offered the following preamble and resolutions:

WHEREAS, The Senate has heard with extreme sorrow of the death of the Hon. James Gibbons, a member elected to the House of Representatives from Benton county, who died on his way to this place: And being desirous of paying a proper tribute to the memory, merit and character of the deceased, and being sensible of the loss sustained, not only by this Legislative Council, but by the community of which he was a member, by this bereavement:

*Therefore be it resolved,* That the members of this body will wear crape on the left arm for thirty days.

Which were read, and unanimously adopted.

Mr. Hart offered the following preamble and resolutions:

WHEREAS, by an act of Congress, passed on the 7th day of July, 1838, appropriating ten thousand dollars to repair the road from Jacksonville, in East Florida, to the Mineral Springs in said Territory, the direct mail route to Tallahassee: but in consequence of the Indian war, the said sum was not applied on said road as was intended, and by operation of law, the said sum has reverted back to the Treasury of the United States. Therefore:

*Be it resolved by the Governor and Legislative Council of the Territory of Florida.* That the attention of our Delegate in Congress be called to the preamble and resolutions of the Legislative

Council, approved on the 24th February, 1843, and also a preamble and resolutions, approved the 9th day of March, 1844, relating to this subject, and that he do urge the re-appropriation of the aforesaid sum of ten thousand dollars to repair the road aforesaid.

And be it further resolved, That as soon as this preamble and resolutions pass the House of Representatives, and are approved by the Governor, that a copy of the same, duly authenticated, be sent to our Delegate in Congress.

Which were read and ordered for to-morrow.

A message from his Excellency the Governor was received, and on motion of Mr. Hart laid on the table.

Mr. Hart presented a petition from Mrs. Martha E. Cohoon, of Jacksonville, praying that her name be changed to Martha E. Sutton.

Which was read and referred to a select committee consisting of Messrs. Hart, Anderson, and Putnam.

#### ORDERS OF THE DAY.

The resolutions of Mr. Putnam, relating to the renewal of certain appropriations made by Congress, coming up, were, on motion of Mr. Baltzell, laid on the table.

The resolutions of Mr. Kelly, relating to the examination and revision of the laws of Florida, also his resolutions relative to State Government, came up, and were postponed until to-morrow.

The resolution of Mr. Gilchrist, requesting the Secretary of the Territory to furnish a list of the names of the Justices of the Peace, whose commissions expire during the present session of the Legislative Council, was read a second time, and adopted.

On motion of Mr. Moseley, the message of the Governor, and the accompanying documents, received a short time previously and laid on the table, were placed among the orders of the day, as follows:

EXECUTIVE DEPARTMENT, }  
Tallahassee, January 16th, 1845. }

Gentlemen of the Senate  
and House of Representatives:

I herewith transmit to you the annual report of the Union Bank, and the Southern Life Insurance and Trust Company.

I have the honor to be, your obedient servant,

JOHN BRANCH.

UNION BANK OF FLORIDA, }  
Tallahassee, Jan'y. 6, 1845. }

SIR: I have the honor herewith to present the annual statement of the condition of this institution as it stood on the books at the close of the past year.

Very respectfully, your obedient servant.

JOHN G. GAMBLE, Pres't.

His Excellency JOHN BRANCH, Gov. of Fla.

#### STATE OF THE UNION BANK OF FLORIDA, on Tuesday Evening, December 31st, 1844.

CR.

To Stock Notes discounted,	1,795,335 13	
Notes, Bonds and Bills do.	908,315 86	
Loan to the Territory,	14,584 00	
		2,718,234 99
Territorial Bonds unsold,		767,500 00
Due by Banks and Agents,		433,035 95
Real Estate,		102,416 46
Protest Account,		831 29
Cash in Specie and other Bank Notes,		13,692 67
		<hr/>
		\$4,035,701 36

DR.

By Capital Stock secured on Land and Negroes,	2,974,500 00	
Do. on Territorial Bonds,	25,500 00	
Do. Cash,	9,400 00	
		3,009,400 00
Deposits,		10,984 17
Post Notes issued,		102,573 72
Certificates on Time,		66,905 13
Sterling Bonds issued,		285,582 07
Due to Banks and others,		396,326 65
Union Bank Notes issued,	866,500 00	
Do. burnt,	815,730 00	
Do. in Bank,	12,775 00	
		828,505 00
Circulation Union Bank Notes,		37,995 00
Central Bank transfer,	103,995 00	
Do. burnt,	99,681 00	
Do. in Bank,	70 00	
		99,751 00
Circulation Central Bank Notes,		4,244 00
Sinking Fund on 1st Jan. 1844,	113,134 43	
Discount Account,	55,343 55	
Inter't Account, 6,637 80		
Incidental and Legal Ex- penses, Ex- change and premium ac- counts,	40,149 56	46,787 36
	8,556 10	121,690 62
		<hr/>
		\$4,035,701 36

Tallahassee, December 31st, 1844.

HY. L. RUTGERS, Cashier.

Sworn to and subscribed before me, this 6th day of Jan., 1845.

JAMES E. BROOME,  
Judge of Leon County Court.

TALLAHASSEE, January 14, 1845.

To his Excellency JOHN BRANCH, Governor of Florida :

SIR :—I have the honor to transmit you herewith a report of the condition of the Southern Life Insurance and Trust Company, on the 1st inst. The company have been greatly embarrassed by an injunction and order, placing the assets in the hands of Receivers. We have, however, full confidence, that upon a re-hearing of the case, the Judge will order the assets returned to the company's representatives.

Suits are pending in New York for the recovery of the outstanding faith certificates, and we have strong assurances that the result will be in our favor, recent decisions having settled the principles involved in this case.

Suits are also pending here upon the coupons, for interest on the same, which the Plaintiffs do not appear over anxious to try.

The same reasons in my communication of January 8th, 1844, in regard to the mortgages with the Executive still exist, so far as applicable to the property mortgaged. I would again suggest the propriety of placing such mortgages as may be proper to proceed upon, in the hands of Attorneys of respectability and standing, with the view to preserve the property, and make it applicable to the liabilities of the Territory, if they should be held bound, and the certificates declared valid, and if not, to the general debts of the company. The company have no wish to interfere with, or control this security further than to protect and save it, to be properly applied to the payment of its debts.

I am sir, your obedient servant,  
ROBERT LYON, Cashier.

**STATEMENT of the condition of the SO. LIFE INSURANCE AND TRUST COMPANY, January 1, 1845.**

Aggregate assets of the Company, held up by injunction.	1,551,704 62
Balance Profit and Loss,	29,077 37
	<hr/>
	\$1,580,781 99

<i>Due from the Company for—</i>	
Circulation,	22,473 00
Post Notes,	6,400 00
Certificates of Deposit,	20,805 05
Bills payable,	102,489 25
Bonds payable,	62,780 33
Depositors,	14,569 79
Other obligations of the Company,	104,902 99
	<hr/>
	334,420 41

Certificates of Deposit issued to Union and Union and Potomac Companies of Maryland and Virginia,	63,300 00
Deposits to apply on debts due the Company,	19,711 48
Sterling certificates guaranteed by the Territory,	240,000 00
	<hr/>
	657,431 89

Capital Stock,	923,350 00
	<hr/>
	\$1,580,781 89

Tallahassee, January 14th, 1844.

ROBT. LYONS, Cashier.

Which were read and referred to the Committee on Banks, and two hundred copies ordered to be printed.

A communication was received from Thomas H. Duval, Esq., Secretary of the Territory, which was read and laid on the table.

On motion of Mr. Baltzell, the resolution of the House, in relation to the expenditures of the present session of the Legislature, was taken from the table, and placed among the orders of the day.

On motion of Mr. Baltzell, the resolution was concurred in, and Messrs. Baltzell and Gilchrist were appointed a committee in pursuance thereof.

Mr. Moseley offered the following resolution :

*Resolved by the Senate and House of Representatives,* That a joint committee, consisting of three on the part of the Senate and four on the part of the House, be raised for the purpose of reporting joint rules for the government of both branches of this Legislature, during the present session.

Which was adopted, and Messrs. Baltzell, Long and Carter, were appointed that committee.

The following communication was received from the House of Representatives :

WHEREAS, by reference to the various maps of Florida, it is found that the head waters of Indian river and of the river St. Johns are laid down as approaching very near to each other : And whereas, this information is confirmed by the opinions of those who have travelled in and are acquainted with that section of the country :— And whereas, it is for these reasons confidently believed that a canal, six or seven miles in length, might be made to connect the navigable waters of the two said rivers : And whereas, the opening of such a canal would be of great importance to that portion of this Territory through which these two rivers flow, inasmuch as it would open an inland communication with a vast extent of country in Florida with the cities of Savannah and Charleston, which they do not now possess, and would have a tendency to increase very rapidly the population of the Southern part of Florida, and consequently add vastly to its importance and prosperity, increasing at the same time the value of all the lands in that section of country : Therefore,

*Be it resolved by the Governor and Legislative Council of the Territory of Florida,* That our Delegate in Congress be requested to use his best efforts to obtain an appropriation from Congress for a survey of that portion of country lying between the head waters of Indian river and the river St. Johns, with a view to the opening of a canal to connect the two rivers.

*And be it further resolved,* That as soon as this preamble and resolutions shall have passed both Houses and been approved by the Governor, a copy thereof, duly authenticated by the proper officers, be forwarded to our Delegate in Congress.

Which received their first reading and were ordered for to-morrow.

A message was received from the House, communicating in concurrence in the resolution adopted by the Senate relating to State Government, and the appointment of Messrs. Heir, Spencer, Long, Baldwin, Brown, Philips and McClellan, on the part of the House, in pursuance thereof.

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

FRIDAY, JANUARY 17th, 1845.

The Senate met pursuant to adjournment, and a quorum being present, yesterday's proceedings were read.

A message was received from the House, communicating in concurrence in the resolution adopted by the Senate, relating to joint rules for the government of both Houses, and the appointment of Messrs. Brown, Heir, Chapman and McClellan a committee on the part of the House.

Mr. Moseley moved to re-consider the vote taken on Wednesday last, on the adoption of the rules reported to the Senate.

Which motion prevailed.

Mr. Moseley moved the following amendments :

Insert after the word "Senate," in the sixth line of the thirteenth rule, the following : " Or when the Senate shall be engaged in taking a vote."

Insert after the word "bill," in the first line of the twenty fourth rule, the following : " Resolution of a public nature, or resolution for the appropriation of the public money."

Insert after the word "Senate," in the third line of the twenty-fifth rule, the following : " At which reading, the introducer shall have the right to state the general principle of the bill or resolution, as the case may be, and the causes for introducing it."

Insert after the word "bill," in the first line of the twenty-sixth rule, the following : " Resolution of a public nature."

Insert after the word "bill," in the first line of the twenty-seventh rule, the following : " Resolution of a public nature."

Strike out all between the figures "39," and the word "shall," in the 39th rule, and insert in lieu thereof, the following : " The Governor, Secretary, Judges of the Court of Appeals and County Courts, members of the House of Representatives, former Governors, former members of the Council, former Judges of the Court of Appeals and County Courts, Governors and former Governors of States."

Which said amendments, upon questions thereon severally put, were concurred in.

Mr. Gilchrist moved to amend the forty-third rule by striking out all after the figures "43," and inserting the following : " no rule herein adopted for the government of the Senate shall be amended or suspended without the consent of a majority of two thirds of the Senate."

Which motion was lost.

Mr. Gilchrist then moved the same amendment, substituting "three-fourths" for "two-thirds."

Which motion was lost.

The question was then taken on the adoption of the rules as amended and decided in the affirmative.

Mr. Long moved to re-consider the vote just taken on the thirty-ninth rule.

Which motion prevailed.

Mr. Bellamy moved to strike out all after the figures "39," in said rule and insert the following : " Any person upon being invited by a member of the Senate, shall be entitled to a seat within the bar."

Which was carried.

Mr. Anderson moved the reconsideration of the vote just taken, upon which motion the ayes and nays were called by Messrs. Bellamy and Kelly, and were—

*Yeas*—Mr. President, Messrs. Anderson, Baltzell, Carter, Gilchrist, Hart, Johnson, Kelly, Long, Moseley, Putnam, Pent, Richardson, Summerlin.—14.

*Nays*—Mr. Bellamy.—1.

So the vote was reconsidered.

Mr. Bellamy then withdrew the amendment, and moved the following amendment : Strike out all after the figures "39," in the thirty ninth rule, and insert in lieu thereof, the following : The Governor and Secretary, and members of the House of Representatives, shall be admitted to a seat within the bar of the Senate Chamber, and any other person shall be admitted in like manner, upon being invited by a member of the Senate."

Which amendment was concurred in.

The question was then taken on the adoption of the rules as amended, and decided in the affirmative, and one hundred copies ordered to be printed for the use of the Senate.

## RULES FOR THE GOVERNMENT OF THE SENATE.

**RULE 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.

**RULE 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.

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

**RULE 4.** No member shall speak to another, or otherwise interrupt the business of the Senate, while the journals or public papers are being read; or pass between the President and another member who is addressing the Senate.

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

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

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

**RULE 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, but subject to an appeal to the Senate.

**RULE 9.** If a member be called to order for words spoken, the exceptionable words shall immediately be taken down in writing, that the President may be better enabled to judge of the matter.

**RULE 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 authorized to send the Sergeant-at-Arms, or any other person or persons by them authorized, 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.

**RULE 11.** No motion shall be debated until it be seconded.

**RULE 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.

**RULE 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 to adjourn shall always be in order, unless when a member shall be engaged in addressing the Senate; or when the Senate shall be engaged in taking a vote; and the mo-

tions to adjourn and to lie on the table, shall be decided without debate.

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

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

**RULE 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.

**RULE 17.** When the yeas and nays shall be called for, by two of the members present, every member within the bar of the Senate, at the time the question was put by the President, 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 the call of the Senate, the names of the members shall be taken alphabetically.

**RULE 18.** On a motion made and seconded, to shut the doors of the Senate, in 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 whatever.

**RULE 19.** The following order shall be observed, in taking up the business of the Senate, to wit:—1st, motions; 2d, petitions, memorials, and other papers, addressed either to the Senate, or to the President thereof; 3rd, resolutions; 4th, reports of standing committees; 5th, reports of select committees; 6th, messages from the House of Representatives; and lastly, orders of the day.

**RULE 20.** When a question has been once made and decided, it shall be in order for any member of the majority to move the reconsideration thereof; but no motion for the reconsideration of any vote, shall be in order, after a bill, resolution, message, report, or amendment, upon which the vote was taken, shall have gone out of the possession of the Senate, announcing its decision; nor shall any motion for reconsideration be in order, unless the same shall be made within the two next days of actual session thereafter.

**RULE 21.** The President shall have the right to name a member of the Senate to perform the duties of the Chair; but such substitution shall not extend beyond an adjournment.

**RULE 22.** Before any petition, or memorial, addressed to the Senate, shall be received and read, 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; after which it may be referred to a committee.

**RULE 23.** One day's notice, at least, shall be given, of an intended motion for leave to bring in a bill.

**RULE 24.** Every bill, resolution of a public nature, or resolution for the appropriation of the public money, shall receive three read-

ings previously to its being past, 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 shall unanimously otherwise direct.

**RULE 25.** The first reading of a bill or resolution of a public nature, or for the appropriation of the public money, shall be for the information of the Senate; at which reading, the introducer shall have the right to state the general principle of the bill or resolution, as the case may be, and the causes for introducing it; and if opposition be made to it, the question shall be, "shall the bill or resolution be rejected?" upon which question there shall be no debate. If no opposition be made, or if the question to reject be negatived, the bill or resolution shall go to a second reading without a question.

**RULE 26.** No bill or resolution of a public nature requiring the appropriation of public money shall be committed or amended, until it shall have been twice read, after which, it may be committed or amended.

**RULE 27.** When a bill or resolution of a public nature for the appropriation of public money shall have been read the second time, and before both sales of the question shall have been put to the Senate, upon its passage, it shall be in order for any member to move its commitment to a committee of the whole house—that it lie on the table—for its indefinite postponement—for its postponement to a day certain—for its commitment to a standing committee—to a select committee—or to amend, which motions shall have precedence in the order above stated. After a bill or resolution shall have been amended, it shall again be read as amended for the information of the Senate, before the question shall be put upon its passage.

**RULE 28.** The final question upon the second reading of every bill or resolution, requiring three readings, previously to being passed, shall be, "whether it shall be engrossed and read a third time?"

**RULE 29.** Before a bill or resolution requiring three readings, shall be read the third time in the Senate, it shall be carefully engrossed (without interlineation or erasure,) under the direction of the Secretary of the Senate, and upon this reading of the bill or resolution, it shall not be committed or amended without the unanimous consent of the Senate.

**RULE 30.** It shall not be in order to amend the title of a bill or resolution, until it shall have passed its second reading.

**RULE 31.** The titles of bills and such parts thereof only, as shall be affected by proposed amendments shall be inserted in the journals.

**RULE 32.** The following Standing Committees shall be appointed by the President, to consist of at least three members, who shall report by bill or otherwise, viz: A Committee on the Judiciary; a Committee of Ways and Means; a Committee on the State of the Territory; a Committee on Banks; a Committee on Schools and Colleges; a Committee on Propositions and Grievances; a Committee on Internal Improvements; a Committee on Elections; a

Committee on the Militia; a Committee on Accounts; a Committee on Claims; a Committee on Enrolled Bills.

**RULE 33.** 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.

**RULE 34.** All information or remarks touching or concerning the character or qualifications of any person nominated by the Governor to office, shall be kept secret.

**RULE 35.** When acting on confidential or Executive business, the Senate shall be cleared of all persons, except the Secretary, Assistant Secretary, Sergeant-at-Arms and Messenger.

**RULE 36.** The proceedings of the Senate, when not acting in Committee of the Whole, shall be entered on the journals as concisely as possible, care being taken to detail an accurate and true account of the proceedings.

**RULE 37.** Messages shall be transmitted to the House of Representatives by the Assistant Secretary; upon which message shall previously be endorsed by the Secretary, the final determination of the Senate thereon.

**RULE 38.** Messengers may be introduced in any stage of the business, except while a question is being put, while the yeas and nays are being called, or while the ballots are being counted.

**RULE 39.** The Governor and Secretary, and members of the House of Representatives, shall be admitted to a seat within the bar of the Senate Chamber, and any other person shall be admitted in like manner, upon being invited by a member of the Senate.

**RULE 40.** The Secretary of the Senate, the Assistant Secretary, Sergeant-at-Arms, and Messenger, 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.

**RULE 41.** No member who was without the bar of the Senate when the question was put by the Chair, shall be permitted to vote on the question then before the Senate, without the unanimous consent of the Senate.

**RULE 42.** No rule herein adopted for the government of the Senate shall be amended or suspended without the unanimous consent of the Senate.

Mr. Carter gives notice that he will on some future day, ask leave to introduce a bill to be entitled, An Act to amend the Revenue Laws of Florida.

Also, a bill to be entitled, An Act to amend the law regulating license on Pedlars in this Territory.

Mr. Long offered the following resolution,

*Resolved,* That so much of the Governor's Message as relates to the preservation of the reputation of this Territory from impeach-

ment, in respect of the Faith Bonds and guarantees issued to the Banks, be referred to the Committee on the State of the Territory—so much of said message as relates to securing the property mortgaged for the payment of the Faith Bonds and Guarantees, from misapplication and waste, and the documents relating to the same, and so much of said message as relates to subjecting equities of redemption and equitable estates to sale under execution at law, be referred to the Committee on the Judiciary.

On motion of Mr. Anderson, the consideration of the foregoing resolution was postponed till to-morrow.

Mr. Hart, from the select committee upon the petition of Martha E. Cohoon, reported a bill for her relief.

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

Mr. Anderson, from the joint select committee on State Government, submitted the following report, memorial, preamble and resolutions, and other papers:

The Joint Select Committee of the Senate and House of Representatives, to which was referred so much of the Governor's Message as relates to State Government, with instructions to report with as little delay as possible, the course proper to be pursued to obtain a speedy admission into the Union,

#### REPORT:

That they cordially concur with the Governor in the sentiments expressed in his message on this important subject.

The people of Florida have a right to demand at the hands of the national Government the fulfilment of the pledge of the Treaty of Cession, which has already been too long postponed, for the honor of the United States, and for the interests of the Territory.

The people of Florida have again and again asserted in various ways their claims under this treaty, to be incorporated into the Union of the United States as soon as possible, according to the principles of the Federal Constitution.

As early as 1834, we find upon journals of the Legislative Council, that the people of Florida had become alive to the inestimable privileges which had been secured to them, and that measures were then proposed to take the initiatory steps necessary to the solemn assumption of our guaranteed rights.

In 1838, the Constitutional Convention was convened at St. Joseph, charged with the high duty of carrying into effect the mandate of the people of Florida in their sovereign capacity—to form a constitution for the government of the new State, and to present to the Congress of the United States an application for admission into the great confederacy.

The labors of that Convention resulted in the formation of a constitution, of which it is sufficient to say, that it subsequently met with the approval of the people of Florida, with whom alone rests

the prerogative to judge whether or not its provisions are adapted to the protection of their rights and to the promotion of their interests.

The application was forthwith made, and we asked for admission into the Union, not as a boon, but as a sacred right, secured to us by the highest of all national sanctions, acknowledging the right in the Congress of the United States to enquire whether our constitution was republican in its form, and consistent with the principles of the federal constitution. That right we still concede, but we owe it to ourselves to insist, that the enquiry be restricted to those limits.

With this concession, we asked of a government of freemen, to be permitted to cast off the bonds of vassalage with which we were fettered, and to assume the position which was our birthright, but we were met with neglect and indifference.

We demanded of the nation, which by solemn compact with the former sovereign of Florida had guaranteed to its inhabitants, an admission into the Union as soon as possible a redemption of its pledge, and six years have passed away without our having been favored with the cold charity of a hearing.

In 1842, the public mind was again awakened in relation to this important subject, and manifestations were made, of a wish to re-assemble the St. Joseph Convention, under a resolution of that body, which provided for its re-assembling in the event of our rejection by Congress. Twenty-eight of the members of that Convention signed a request to the Committee authorized to convene it, but the call was not made. Reliance upon the justice of Congress was not yet exhausted, and it was hoped that our guaranteed rights would yet be awarded to us, by the Federal Government. The measure was postponed, and the evils of our Territorial condition, were yet longer borne in patience and in hope.

It is true, that some years after our first application for admission into the Union, the sufferings growing out of the Indian war, to which we were exposed, prompted the Legislative Council, to ask of Congress to postpone the consideration of our application under the impression, doubtless, that our resources, impaired and embarrassed as they were, would be inadequate to the support of a State Government. This movement, however doubtful it may be, whether it should have operated upon Congress, in contravention of the expressed will of the people of Florida in their sovereign capacity, we are willing to believe has contributed, in part, to the neglect which it has been our humiliating fate to have suffered at their hands. But those causes which for a time fettered our energies and dried up our resources, have happily passed away, and Florida is emerging from the difficulties and trials which she has so long endured, and is now ready to receive into her own keeping, that precious legacy of freedom and self-government, which was entrusted to the United States, in the solemn confidence that it would not be with-

held or denied upon vain and unfounded pretences. The Committee would, however, state, that at nearly every session of the Territorial Legislature, since 1838, measures have been adopted, to carry out the wishes of the people on this subject. Reports, resolutions and memorials, have been repeatedly transmitted to Congress, but they have hitherto received only neglect and inattention.

Your Committee do not deem it to be within their province, to urge upon this body, or upon the people of Florida, any considerations to excite them in the pursuit of the right of self-government. The people have already spoken upon this subject, in a voice which cannot be misunderstood. Born to the heritage of liberty, they have endured the evils of Territorial dependence, till those evils have become intolerable, and they have been driven to the assertion of their inalienable right to self-government, and to appeal at once to the sympathies and the sense of justice of their countrymen, for the vindication and acknowledgment of that right.

Florida asks nothing of the Congress of the United States inconsistent with the principles of that Constitution, under the shadow of which she seeks to place her future destiny. She asks but to share that common inheritance which was purchased by the blood of our common ancestry. She asks for freedom—for the privilege of self-government and of self-support—for the privilege of pursuing her own ends in her own way.

She seeks admission upon terms of equality into the common brotherhood, prepared to share the common burdens, to participate in the common struggles, to partake the common triumphs, to bear the common sufferings.

And while she thus asks in the spirit of kindness and respect, to be received into the Union, she knows that she is asking what she has a right to demand.

The King of Spain, the former Sovereign of this Territory, in transferring this country and its inhabitants to the United States, was so solicitous of the future well being of his then subjects, that in the very act by which he transferred us, he imposed upon the United States, a sacred obligation to admit us with as little delay as possible, into the Union of the States; and the United States by accepting us, acknowledged that obligation, and in the presence of God and man, solemnly pledged themselves to its fulfilment. Your committee will not permit themselves to apprehend that the provision so anxiously made by the King of Spain, for the future liberty of his subjects, will be thwarted and evaded by the representatives of the people of the United States. It cannot be, that the tributes which was thus paid by the *Monarch* to the spirit of liberty, will be trampled under foot, and desecrated by the freest people in the world.

There are, at this period, other considerations added to those which have heretofore operated upon the people of Florida, in inducing them to assert their rights under the Treaty of Cession. The Ter-

ritory of Iowa has formed a constitution, and applied for admission into the Union, at the present session of Congress. To her demand it is presumed that no objection will be made, and it is probable that she will soon add her strength to the non-slave holding States, in the councils of the nation; and if Florida is excluded, she will thus destroy the equilibrium which now happily exists in the higher branch of the national Legislature. The disposition of some of the non-slave-holding states, to encroach upon the rights and interests of the South, has been too often and too boldly exhibited for us to be longer insensible to the danger of destroying this balance of power. We owe it to ourselves, we owe it to the South, we owe it to the country, (for wrong and injustice to the South, is danger to the whole,) no longer to faiter or to hesitate in the assertion of our rights.

Were the blessings of self-government less desirable, and the evils of Territorial vassalage more tolerable than they are, still, a regard to the common good—to the maintenance of the rights of that section of the Union with whose destiny for weal or woe our own is indissolubly connected, should prompt us to make some sacrifices, to secure the common safety. But, desirous as we long have been, to be admitted to the enjoyment of our rights as freemen, the considerations to which we have adverted, should add new ardor to our zeal, and give additional emphasis to our application for admission.

The Committee believe that the time has now arrived for fixed and definite action. The great blessings of self-government for which we have asked, and which have been so long withheld, are too precious to be surrendered with indifference; are too clearly our right for us to submit to their denial, without remonstrance.

Longer acquiescence in the wrong and injustice to which we have hitherto submitted, would bring upon us the contempt of the nation, and the loss of our own self-respect, without which, no people are fitted for the enjoyment of freedom.

Your Committee are satisfied that a very large majority of the people of Florida are anxious for immediate admission into the Union, as a State, under the St. Joseph constitution, and with the view of carrying those wishes into effect, the Committee have prepared and recommend to the consideration of the Senate and House of Representatives—

First—A joint memorial to the Congress of the United States for the admission of Florida as a State, at the present session of Congress;

Second—Joint resolutions and a preamble on the same subject, which, if adopted, are to be transmitted to our Delegate in Congress:

WALKER ANDERSON,

*Chairman of the Committee on the part of the Senate.*

THOS. JEFF. HEIR,

*Chairman of the Committee on the part of the House.*

## MEMORIAL.

*To the Senate and House of Representatives  
of the United States, in Congress assembled :*

The Memorial of the Senate and House of Representatives of the Territory of Florida, in behalf of the people of said Territory, respectfully sheweth :

That the people of Florida have heretofore, at various times and in various modes, expressed their anxious desire to take upon themselves the privileges and responsibilities of a free people, and to be admitted into the National Union as a Sovereign State.

For many years they were content to postpone the exercise of the inalienable right of self-government, secure in the confident hope that, under the Treaty of Cession, that right was guaranteed to them by such solemn sanctions that it could not be withheld from them when they should deem it expedient to require it at the hands of those in whose keeping it had been deposited. The difficulties and embarrassments incident to their position as a frontier country, lately acquired from a foreign power, and occupied, to a great extent, by the Indians, and subsequently the war which was provoked with those Indians, through no agency of the people of Florida, nor for their peculiar benefit, though they were the sole sufferers from its calamities—all these causes contributed to induce the people of Florida to submit themselves, contentedly, to the government of a kindred people, the principles of which they regarded as the best security, that the rights, which were never relinquished, would be accorded, when required by them. The people of Florida would not be worthy of the destiny to which they are now anxiously looking, if they had endured this long privation of all that is dear to freemen, without aspirations after a higher and freer condition. Though the Government under which they lived was paternal, and, they may add with gratitude, was beneficent in the care which was extended to our infant condition ; yet no true American could forget that the relation in which the people of Florida stood to that Government, was not that of freemen. Their Executive and Judicial officers were appointed by the General Government, and no law which the people of Florida adopted for themselves, through the Legislative Representatives which that Government permitted them to have, was of any validity without the permission of the Congress of the United States.

The memorialists, then, owe it to the character of the people of Florida to show to your honorable bodies, by reference to the past acts of the people and their representatives, that they have not, while in the enjoyment of the parental care of the United States, forgotten the high privileges which belong to them, nor been unmindful or heedless of the duties which those privileges imposed—duties which they owe not less to the Government of the United States than to themselves. In 1834, the Legislative Council first took action on the subject of a State Government, the proceedings in relation to which, are to be found at pages 106 and 109 of the journals of that year.

In 1837, an act was passed, entitled, "An act to take the sense of the people of this Territory on the policy and propriety of becoming a State," a copy of which act is to be found in the journals of that year.

The proclamation of the Governor, showing that the popular vote, under this law, exhibited in an aggregate vote of 3485, a majority of more than one thousand, is respectfully referred to. In 1838, the Legislative Council again took action on this subject, in affirmation of the popular will, and reference is respectfully made to the proceedings in the journal of that year. In compliance with a law enacted for that purpose, elections were held in every County in the Territory, in October 1838, for Delegates to the Constitutional Convention.

In December, of the same year, that Convention assembled at St. Joseph, and adopted a Constitution in behalf of the people of Florida, to which and to the journals of the Convention, reference is respectfully made. Under an order of the Convention, a memorial was transmitted to Congress in behalf of the people of Florida, demanding admission as a State, which was read in the House of Representatives on February 20th, 1839, laid on the table, and ordered to be printed. It will be found in Document 208, of the House of Representatives U. S., 3d session, 25th Congress. In May, 1839, the Constitution, formed at St. Joseph, was submitted to the people, and was accepted and ratified by them, as appears from the proclamation of the President of the Convention, and the official statement of the votes hereto annexed. In 1840 and 1841, proceedings were again had in the Legislative Council, with a view of urging upon the notice of Congress, our application for admission, which proceedings, with the reports of committees, will be found in the journals of those years.—In 1842, a requisition was made upon a special committee, appointed by the St. Joseph Convention, by more than one-third of the members of that Convention, to re-assemble the Convention under a resolution of that body, which provided for its re-assembling in the event of our rejection by Congress. The call was, however, not made by the committee; a copy is annexed hereto. All these documents, with the exception of the one last mentioned, have been heretofore laid before Congress, besides many memorials from the people in their primary assemblies. It will be thus seen that it is no fault of the people of Florida that the National Government have not been ere this relieved of the burden of maintaining the Territorial institution, and that they have not shown themselves unworthy of the blessings of a free government, by a contented submission to the condition of dependence and vassalage, which it has been their lot to endure.—The appeals to Congress for the acknowledgment of our rights, so urgently and so repeatedly made, have not heretofore been effective. Our prayers and memorials have hitherto scarcely elicited notice, and no action whatever has resulted from them.

Once more the people of Florida, through their representatives, present their claim for admission into the Union of the States, at the present session of Congress.

They will not permit themselves to believe that your honorable bodies will disallow the force of the treaty obligations, by which the United States as a part of the consideration by which they acquired the dominion of this Territory, solemnly undertook to admit the people of Florida into the Union as soon as possible, consistent with the principles of the Federal Constitution. They will not fear that the representatives of the people of the United States will doom to an indefinite exclusion from the blessings of self-government a kindred people, taught by their example to value liberty as the highest earthly good, nor by continued wrong and injustice try too severely the forbearance and long suffering of those who have been brought up in that school in which it is taught that the right of self-government is inalienable and indestructible.

#### PREAMBLE AND RESOLUTIONS.

WHEREAS, in pursuance of an act of the Legislative Council of the Territory of Florida, entitled, An Act to call a Convention for the purpose of organizing a State Government, passed 3d January, 1838, and approved Feb. 2d, of the same year, the several Delegates elected by the people from the different Counties of the Territory, did assemble at St. Joseph, according to the provisions of said act, on Monday, the 3d day of December, 1838, for the purpose of devising and adopting the most efficient and proper measures for the formation and establishment of an independent State Government for the people of Florida, and to form and adopt a bill of Rights and Constitution for the same, and all needful measures preparatory for the admission of Florida into the National Confederacy: *And whereas*, the intention of the Legislative Council, and the wishes of the people, were carried out and complied with by said Convention, in the formation and adoption of a Constitution, which, in order to test more fully the sentiments of the people of Florida on the subject of State Government, was submitted to them in the year 1839: *And whereas*, said Constitution was confirmed by a majority of the legally qualified voters of this Territory: *And whereas*, the application of the Territory of Iowa for admission into the Union at the present session, renders it a duty which the people of Florida owe to the whole South, as well as to themselves, to urge their right to admission without further delay. We therefore conceive it necessary, expedient, and wise, to throw off our Territorial vassalage, and assume an independent State Government, not only from motives of policy, but from the repeated declarations of the will of the people on this subject. And in order to do so, that an early application should be made to the Congress of the United States for the admission of Florida into the Union as a sovereign and independent State:

1. *Be it therefore Resolved by the Governor and Legislative Council of the Territory of Florida*, That our Delegate in Congress be requested to submit again the Constitution adopted at St. Joseph, and subsequently ratified by the people of Florida, to the Congress of

the United States, and to urge upon that body its reception, and the desire of the people of Florida to be admitted into the National Confederacy as an independent State, at an early period of the present session.

2. *Resolved, secondly*, That a copy of this Preamble and Resolutions be forwarded to the Hon. David Levy, properly certified by both Houses.

#### STATE OF FLORIDA.

WHEREAS, the People of Florida assembled in Convention at the city of Saint Joseph, on Monday, the third day of December, A. D. 1838, 'to devise and adopt the most efficient, speedy, and proper measures for the formation and establishment of an Independent State Government, for the People of Florida, and to form and adopt a Bill of Rights, and a Constitution for the same, and needful measures, preparatory to the admission of Florida into the National Confederacy,' in pursuance of an Act of the Governor and Legislative Council of the Territory of Florida, approved February 2d, 1838, did form, and on the 11th day of January, 1839, did adopt a Bill of Rights, and a 'Constitution or form of Government for the People of Florida:' *And whereas*, in pursuance of the 5th section of Article XVII of said Constitution, designated therein the 'Schedule and Ordinance,' said Constitution was submitted to the People for ratification, at the election for Delegates on the first Monday of May, 1839, and was duly ratified by a majority of the votes of the People, and proclamation was duly made of such ratification, according to the provisions of said Constitution: *And whereas*, the People of Florida, assembled in Convention as aforesaid, respectfully memorialized the Congress of the United States for admission as a free, sovereign, and independent State, into the National Confederacy: *And whereas*, the People of Florida have, in divers modes and ways, since the adoption and ratification of said Constitution, otherwise respectfully asked of Congress the recognition of their rights to such admission, under the stipulations of the Treaty between Spain and the United States, ceding the Floridas to the latter: *And whereas*, the Territorial Legislature have also repeatedly, in behalf of the People of Florida, made similar requests of the Federal Government: *And whereas*, the aforesaid memorials, applications and requests, have been treated with inexcusable neglect by the Congress of the United States, and it has been hitherto omitted and refused by Congress to admit Florida into the Union as a State: *And whereas*, said Convention, by the same 5th clause of the XVIIth article of said Constitution aforesaid, did ordain, that "in case the Constitution be ratified by the People, and immediately after official information shall have been received that Congress have approved the Constitution, and provided for the admission of Florida, the President of this Convention shall issue writs of election to the proper officers of the different Counties, enjoining them to cause an election to be held for Governor, Representative in

Congress, and members of the General Assembly, in each of their respective Counties. The election shall be held on the first Monday after the lapse of sixty days following the day of the date of the President's proclamation, and shall take place on the same day throughout the State. The said election shall be conducted according to the then existing election laws of the Territory of Florida: Provided, however, that in case of the absence or disability of the Secretary, a committee, consisting of five, to wit: Leigh Read, George T. Ward, James D. Westcott, Jr., Thomas Brown, and Leslie A. Thompson, or a majority of them, shall discharge the duties herein imposed on the Secretary of the Convention, and the members of the General Assembly, so elected, shall assemble on the fourth Monday thereafter at the seat of Government. The Governor, Representative in Congress, and members of the General Assembly, shall enter upon the duties of their respective offices immediately after their election under the provisions of this Constitution, and shall continue in office in the same manner, and during the same period, they would have done had they been elected on the first Monday in October." *And whereas*, said Convention did, on motion of Hon. Walker Anderson, of Escambia County, by a large majority, adopt a resolution in the following words:

"RESOLVED, That when this Convention adjourns, it adjourn to meet at Tallahassee, subject to the call of the President, made at the request, in writing, of one-third of the members of this Convention, in the event of the Congress of the United States refusing to admit Florida into the Union: and in event the President of this Convention not acting from any cause, the committee specified in the ordinance shall perform that duty."

*And whereas*, when said Convention was adjourned, upon motion of Hon. William Marvin, of Monroe County, by a vote of 42 yeas to 7 nays, it was adjourned subject to the call stated in the aforesaid resolution, adopted by the Convention, "in the event of Congress refusing Florida admission into the Union." *And whereas*, the Hon. Robert Raymond Reid, President of said Convention, has since deceased, and the duty prescribed in said resolution has devolved on said committee, one member whereof, General Leigh Read, has also deceased: *Now, in consideration of said premises*, the undersigned, members of said Convention, being more than one-third thereof, do hereby request the surviving members of said Committee, under authority of said Resolution, to call the said Convention together, at Tallahassee, on Monday, the \_\_\_\_\_ day of \_\_\_\_\_ next, at the Capitol, in said city, to the end that the People of Florida may be enabled to establish, maintain and uphold their rights as *Freemen*, by the organization of the State Government, under said Constitution, for themselves; and to adopt measures to ensure the speedy recognition of

their right to admission into the National Confederacy as a State, under the solemn pledge of the *Treaty of Cession*:

Florida, May, A. D. 1842.

JAMES D. WESTCOTT, Jr.,  
L. A. THOMPSON,  
W. WYATT,  
THOMAS BROWN,  
GEO. T. WARD,  
JNO. TAYLOR,  
JOHN C. MCGHEE,  
GEO. E. MCCLELLAN,  
JOHN F. WEBB,  
SAML. B. STEPHENS,  
BANKS MEACHAM,  
JNO. W. MALONE,  
JOHN M. G. HUNTER,  
C. E. BARTLETT,

WALKER ANDERSON,  
A. G. SEMMES,  
JNO. N. PARTRIDGE,  
J. McCANTS,  
E. C. CABELL,  
A. L. WOODWARD,  
SAML. BELLAMY,  
RICHD. H. LONG,  
THOMAS BALTZELL,  
R. FITZPATRICK,  
JOSEPH B. WATTS,  
WM. B. HOOKER,  
S. J. ROCHE,  
E. ROBBINS.

## PROCLAMATION,

By R. K. CALL, Governor of the Territory of Florida.

WHEREAS, an election was held on the 1st Monday in May, 1837, for the election of a Delegate from this Territory to the next Congress of the United States, and to take the sense of the people on the policy and propriety of this Territory becoming a State:

*And Whereas*, Charles Downing, of St. John's County, received a greater number of votes than any other candidate for Delegate, and there was given a greater number of votes for a State than a Territorial Government, as appears by the returns legally made to me:

*Now, therefore*, in pursuance of law, I do proclaim the said Charles Downing, duly elected Delegate from the Territory of Florida to the next Congress of the United States, and I do further proclaim, that there was given a majority of 1005 votes for a State Government.

Given under my hand at Tallahassee, this 27th day of July, 1837.

(Signed)

R. K. CALL,  
Governor of Florida.

Votes, at the Delegate's election, for State and no State, in May, 1837.

		State.	No State.			State.	No State.
<i>Escambia County.</i>				<i>Hamilton County.</i>			
Pensacola,	59	147		4th Precinct,	17	3	
2d Precinct,	0	30		Court House,	20	6	
5th Precinct,	26	2					
Beach Water,	1	10		Whole vote M. Dist.	1152	266	
Keyzer's,	0	0		<i>Columbia County.</i>			
<i>Calhoun &amp; Franklin.</i>				Mineral Springs,	31	21	
<i>Washington Co.</i>				Palmetto,	17	3	
Hickory Hill,	1	5		Sapp's,	13	1	
Merlett's Bluff,	0	0		Carver's,	0	25	
Holmes' Creek,	0	0		Fort Mills,	13	12	
Econofee,	0	0		Fort Lancaster,	11	20	
<i>Walton Co.</i>				Lea's,	0	6	
Davis,	0	0		<i>Nassau County.</i>			
Eucheanna,	8	46		Fernandino,	0	17	
Maltose,	0	0		Court House,	0	14	
<i>Jackson Co.</i>				Kirkland's,	1	9	
McNealey,	14	0		Vangban's,	0	0	
Marianna,	104	12		Sparkman's,	0	0	
Blountstown,	0	0		<i>Alachua County.</i>			
Campbellton,	35	31		Newnansville,	72	3	
Brown's Ferry,	18	0		Santafée,	54	2	
Webbville,	4	13		Tarvers,	10	0	
Ocheseo,	0	0		<i>Duval Co.</i>			
<i>Franklin Co.</i>				Jacksonville,	6	156	
Apalachicola,	217	17		St. John's Bluff,	2	0	
St. Joseph,	245	11		Mandarin,	23	18	
<i>Whole vote W. Dis.</i>				Whiteville,	0	0	
<i>Gadsden Co.</i>				<i>St. John's Co.</i>			
Sadbury's,	9	0		St. Augustine,	1	220	
Chattahoochie,	15	42		Anastasia,	0	6	
Aspalaga,	0	0		Weedman's,	0	6	
Quincy,	223	13		Harrison's,	0	10	
Morgan's,	27	33		Ft. Matanzas,	0	4	
Thomas',	14	32		<i>Mosquito Co.</i>			
<i>Leon County.</i>				New Smyrna,	1	62	
Tallahassee,	302	49		<i>Whole vote E. Dist.</i>			
Stewart's,	15	1		<i>Dade Co.</i>			
Hair's,	0	0		Key Vacas,	0	0	
Micosukie,	124	19		Indian Key,	70	0	

VOTE FOR STATE AND NO STATE CONTINUED.

Magnolia,	0	0	<i>Monroe Co.</i>		
St. Marks,	57	8	Key West,	0	0
<i>Jefferson County.</i>			<i>Hillsborough Co.</i>		
4th Precinct,	41	0	Palm Island,	0	21
Monticello,	163	8	Tampa,	5	49
Ocilla,	7	45			
Ulmer,	32	16	Whole vote S. Dist.	75	70
<i>Madison County.</i>					
Townsend's,	14	0		2314	1274
San Pedro,	72	1		1274	
Atkin's,	0	0			

Majority for State, 940

N. B. In the above statement, the votes given for "Territory," although not conformable to the act, are counted as for "No State," which it is presumed, makes the majority stated in the Proclamation above, of 1005.

EXECUTIVE DEPARTMENT, }

Tallahassee, 10th February, 1841. }

To the Legislative Council of Florida:

I respectfully transmit, in obedience to your wishes, a statement of the votes taken for and against the Constitution. The returns are all on file in the Executive Department, and were so for many months before I came into office. They are open to examination of the Legislative Council, or any individual who takes an interest in the subject. Copies of the whole would have been presented to you, had there been time to prepare so voluminous a document.

COUNTIES.	For Const.	No Const.	COUNTIES.	For Const.	No Const.
<i>Escambia County.</i>			<i>Madison.</i>		
Pensacola,	27	166	San Pedro,	13	0
Navy Yard,	3	27	Court House,	38	16
<i>Calhoun.</i>			<i>Hamilton.</i>		
St. Joseph,	50	233	Bell's House,	16	45
Iola,	15	33	Bell & Johnson's Store,	3	6
Chipola,	8	0	<i>Columbia.</i>		
<i>Washington.</i>			Mineral Springs,	11	33
Jones' Store,	12	18	Sapp's Store,	3	34
Hickory Hill,	3	3	Fort Call,	24	15
Roche's Bluff,	0	32	Alliga'r Tackers,	3	40
<i>Walton.</i>			Carver's House,	0	17
Pea River,	10	0	<i>Nassau.</i>		
Court House,	28	27	Court House,	0	11
<i>Jackson.</i>			King's Ferry,	0	25
Ocheseo,	39	0	<i>Alachua.</i>		
M. C. Nealey's,	5	9			

## VOTE ON THE CONSTITUTION CONTINUED.

Campbelton,	40	41	Newnansville,	42	6
Webbville,	2	15	Fort Clark,	16	0
Marianna,	103	46	Fort Crane,	24	0
Brown's Ferry,	53	3	Fort White,	18	0
<i>Franklin.</i>			Fort Harlee,	0	26
Apalachicola,	94	117	<i>Duval.</i>		
<i>Gadsden.</i>			Cedar Creek,	3	0
Sadbury's,	10	0	Mandarin,	24	18
Chattahoochie,	33	0	St. John's Bluff,	0	28
Thomas' Store,	20	28	Whitesville,	7	108
Quincy,	141	67	Jacksonville,	8	147
<i>Leon.</i>			<i>St. John's.</i>		
St. Marks,	91	17	St. Augustine,	24	224
Magnolia,	42	2	North River,	56	4
Shell Point,	24	0	Mocasin Branch,	11	18
Mickasukie,	83	14	<i>Dade.</i>		
Tallahassee,	242	109	Indian Key,	59	0
<i>Jefferson.</i>			Key Vaccas,	5	0
Precinct No. 1,	175	13	<i>Mamroe.</i>		
do. No. 2,	14	38	Pine Key,	6	7
do. No. 3,	34	0	Key West,	91	11
do. No. 4,	33	0	<i>Hillsborough.</i>		
do. No. 5,	34	0	Tampa Bay,	56	49
do. No. 6,	5	0			
do. No. 7,	32	0			
				2072	1953

Majority in favor of the Constitution, 119.

From the above statement 26 votes, returned from Fort Harlee, in Alachua County, "No Constitution," should be deducted; they were given as "No State" votes.

The following irregular returns have not been admitted into the calculation:

At Parish's, Columbia County, "No State,"	22
At Fernandina, Nassau County, " "	14
At Fink's, " " "No Convention,"	9
At Kirkland, " " "No State,"	25

A mistake has perhaps occurred in the return from Fort Crane—the vote may have been 14, instead of 24, for the Constitution.

The provision of the Constitution, under which the above votes must be rejected, is as follows: "Each qualified voter shall express his assent or dissent to the Constitution, by directing the managers of said election to write opposite his name on the Poll Book, either the word 'Constitution' or 'No Constitution.'" Of course, votes not in the form thus prescribed, are void.

I will only add, that, by the 17th article of the Constitution, the President of the Convention is required to make Proclamation of the

result; which was done as soon as it was ascertained that the popular vote was in favor of the Constitution.

ROBERT RAYMOND REID.

(COPY.)

## A PROCLAMATION.

After a careful examination of the votes returned to me, I hereby PROCLAIM and DECLARE that the CONSTITUTION adopted by the Convention lately held at St. Joseph, has been APPROVED and RATIFIED by the people of Florida.

Given under my hand at St. Augustine, Florida, this twenty-first day of October, in the year eighteen hundred and thirty-nine.

ROBERT RAYMOND REID,

President of the Convention lately in session at St. Joseph.

Which having been read, the memorial, preamble and resolutions were ordered for a second reading on to-morrow.

Mr. Gilchrist moved to print 500 copies, and Mr. Baltzell 1,000 copies, of the foregoing report and other papers.

The question being put on Mr. Baltzell's motion, the same was decided in the affirmative.

## ORDERS OF THE DAY.

On motion of Mr. Putnam, the resolutions relating to certain re-appropriations by Congress, were taken up, and read a second time.

Mr. Johnson proposed the following amendment: After the word "navigable" in the second paragraph, add the following: Also, an appropriation for cleaning out the Withlacoochee river, to Rosetter's Ferry on said river.

Which was concurred in, and the resolutions as amended, were ordered to be engrossed and read a third time.

The resolution of Mr. Kelly, referring the subject of the compilation of the public acts, &c., to the Judiciary Committee were then taken up, read a third time and adopted.

The resolutions of Mr. Kelly, in relation to State Government, came up on their second reading.

Mr. Gilchrist moved to postpone the resolutions indefinitely.

Upon which motion the yeas and nays being called by Messrs. Gilchrist and Putnam, were as follows:

Yeas—Messrs. Anderson, Carter, Gilchrist, Johnson, Moseley, Pent, Richardson—7.

Nays—Mr. President, Messrs. Bellamy, Hart, Kelly, Long, Putnam, Summerlin—7.

So the motion was lost.

Mr. Gilchrist then moved to lay the resolution on the table.

On which motion the yeas and nays being called by Messrs. Putnam and Bellamy, were,

*Yeas*—Mr. President, Messrs. Anderson, Carter, Gilchrist, Johnson, Moseley, Pent, Richardson—8.

*Nays*—Messrs. Bellamy, Hart, Kelly, Long, Putnam, Summerlin—6.

So the resolutions were laid on the table.

Mr. Hart's preamble and resolutions relating to a certain re-appropriation by Congress for repairing road, were read a second time and ordered to be engrossed and read a third time.

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

SATURDAY, January 18, 1845.

The Senate met pursuant to adjournment, and a quorum being present, yesterday's proceedings were read.

Mr. Bellamy moved to adjourn until Monday, 10 o'clock.

Upon which the yeas and nays being called by Messrs. Moseley and Bellamy, were,

*Yeas*—Messrs. Bellamy, Hart, Long, Pent, Putnam, Summerlin—6.

*Nays*—Mr. President, Messrs. Baltzell, Gilchrist, Johnson, Kelly, Moseley, Richardson—7.

So the motion was lost.

Mr. Moseley gave notice that he shall, on some future day, ask leave to introduce a bill to be entitled, An act to increase the jurisdiction of Justices of the Peace in civil matters.

Also, a bill to be entitled, An act to consolidate civil actions in certain cases.

#### ORDERS OF THE DAY.

Mr. Long's resolution offered yesterday in relation to the reference of certain portions of the Governor's Message to the Committee on the State of the Territory and the Judiciary, came up.

On motion of Mr. Moseley, the resolution was divided and the question being put on the first section, the same was adopted.

The second section was amended on motion of Mr. Baltzell, and was adopted as amended, as follows:

*Resolved*, That so much of the Governor's Message as relates to securing the property mortgaged for the payment of the Faith Bonds and Guarantees from misapplication and waste, and the documents relating to the same, be referred to a Joint Select Committee of both Houses, to consist of three from the Senate, to act jointly with such number as shall be appointed by the House.

Messrs. Baltzell, Long and Putnam, were appointed that committee.

The question being put upon the third section, the same was adopted.

Mr. Hart's bill for the relief of Martha E. Cohoon, was read a second time, and ordered to be engrossed.

The memorial and preamble and resolutions from the Joint Committee on State Government came up, were read a second time, and on motion of Mr. Carter, the further consideration thereof was unanimously postponed until Monday next.

On motion of Mr. Hart, the Preamble and resolutions from the House, in relation to a re-appropriation by Congress, for the construction of a certain canal, &c., was taken from the table, read a second time, and on motion of Mr. Pent, referred to the Committee on Internal Improvements.

Mr. Putnam's resolutions asking for certain re-appropriations for the improvement of the River Ocklawaha, &c., came up, were read a third time and adopted.

Mr. Hart's Preamble and resolutions asking a re-appropriation by Congress for repairing a certain road, &c., came up, were read a third time and adopted.

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

MONDAY, January 20th, 1845.

The Senate met pursuant to adjournment, and a quorum being present, Saturday's proceedings were read and approved.

Mr. Putnam asked to be excused from serving on the Joint Select Committee to whom was referred so much of the Governor's message as relates to the Faith Bonds and Guarantees.

Which on the question being put, was refused.

The President presented to the Senate a communication from the Secretary of the Territory, which, on motion of Mr. Richardson was laid on the table, and twenty copies ordered to be printed for the use of the Senate.

SECRETARY'S OFFICE, }

Tallahassee, January 20th, 1845. }

Hon. G. W. MACRAE, Pres't of the Senate :

Sir: In pursuance of the Resolution adopted by your honorable body on the 16th inst., I herewith enclose a list of the Justices of the Peace in the different Counties of the Territory, whose commissions will expire prior to the 20th day of March next.

Respectfully, your obt. servt.

THO. H. DUVAL, Sec'y of Florida.

*List of Justices of the Peace in the different Counties of this Territory, whose commissions will expire prior to the 20th day of March next.*

*Alachua*.—George Mackay, Samuel J. Russell, Thomas C. Ellis, Cotton Rawles, William J. Turner and Moses Curry.

*Columbia*.—Elisha Green.

*Calhoun.*—Nehemiah Hayden.

*Dade.*—John S. Heermans and Charles Loring.

*Duval.*—Harrison R. Blanchard, Kingley B. Gibbs, James McCormick, Isaac Bush, James G. Landon, Charles Broward, John Houston, L. S. Bennet, Benjamin Frisby, A. W. Montgomery, Chandler S. Emery, John M. J. Bowden and James A. Pickett.

*Escambia.*—Benjamin D. Wright, G. G. Patterson, Joseph E. Cars, Wm. W. J. Kelly, Micajah Crupper, Henry D. Wiggins and Charles N. Jordan.

*Franklin.*—Henry T. Simmons, David G. Raney, William Valieu, Thomas Ormon, Seth P. Lewis, W. G. M. Davis, H. W. Terry and B. F. Cars.

*Gadsden.*—Thomas Harrison, Daniel M. Hinson, Daniel McDonald, Daniel Buie, Stockley Sadbury, John Buie, Isaac R. Harris, Uz Wood, Philip Blount, John McElvy, John W. Mann, Sr., Hardy Shelfer, James Gibson, Alexander Melver, Abner C. Chester, Jonathan Robinson, George W. Bruton, A. J. Forman, Isaac Nathans, Isham Cain and Marcellus Morgan.

*Hamilton.*—Joshua H. Roberts, Silas S. Overstreet, William M. Hunter, Sen'r, James T. Stewart, James McDonald, George W. Smith.

*Jefferson.*—William B. Kilpatrick, William H. Scruggs, Andrew Denham.

*Jackson.*—John T. Myrick, Jesse Kolb, Edward H. Alderman, James D. Finley, John Davis, Isaac H. Stone, Daniel Williams, Robert C. Adams, Rufus Bullard and William Simms.

*Leon.*—Cosam Emir Bartlett, Benjamin Hale, Benjamin Byrd, Alexander Cromartie, H. Clifford, Richard Van Brunt, R. B. Ker, Robert West, Turbutt R. Belton, Benjamin W. Gause and Kenneth Bemby.

*Madison.*—John Smith, C. L. Carruth and Sherrod Edwards.

*Monroe.*—Charles Howe.

*Mosquito.*—John Simpson, Henry C. Demastus and Samuel Taylor.

*Nassau.*—William Haddock, William Frink, Jackson Tyner, Samuel Hudson, David Lang and Henry F. Parmenter.

*St. John's.*—Adolphus L. Heine.

*Walton.*—David Girtman, Neil McPherson, Alexander Turner, James D. Clury, William Gaskins and Lewis B. Britt.

*Washington.*—Henry Boit, Ivey S. Williams, Joseph D. Averitt, James L. Lucas and Ellis Davis.

*Santa Rosa.*—Lewis Frater, George W. Thompson, Elijah Gailor, Joseph Owens and Charles A. Tweed.

*Benton.*—Isaac Garrison, James A. Boyt, William Harn, William Cooley, Eli Hart and Richard Crum.

*Wakulla.*—Nathaniel W. Walker and William Harrison.

THO. H. DUVAL, Secy. of Florida.

Mr. Hart presented a petition from James N. Myers, of Duval county, praying a divorce, which was read and referred to a select committee, consisting of Messrs. Hart, Anderson and Putnam.

Mr. Johnson offered the following resolution:

*Resolved,* That the Committee of Ways and Means be instructed to enquire into the expediency of reducing the salaries and fees of the officers of this Territory, and also, of abolishing such offices as may be abolished, without inconvenience to the public interest. Which was adopted.

Mr. Moseley according to previous notice, obtained leave, and introduced a bill entitled, An Act to increase the jurisdiction of Justices of the Peace in civil matters.

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

Also, a bill entitled, An Act to consolidate civil actions in certain cases.

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

#### ORDERS OF THE DAY.

A bill entitled, An Act to change the name of Martha E. Cohoon, was read a third time and passed.

Ordered that the title be as read.

The Preamble and Resolutions in relation to State Government came up on their second reading.

Mr. Putnam, on behalf of himself and others of the Joint Select Committee on State Government, submitted a report accompanied with sundry resolutions, which last, he moved as a substitute for the resolutions reported by said committee, by striking out all after the word "Resolved," in the first resolution, and insert the said substituted resolutions in lieu thereof.

Which said report and accompanying resolutions are in the words following:

#### MINORITY REPORT ON STATE GOVERNMENT.

Messrs. Hart, Putnam and Phillips, from the Joint Select Committee of the Senate and House to which was referred so much of the Governor's Message as relates to the admission of Florida into the Union, not concurring with the majority of the Committee, submit the following minority

#### REPORT:

We dissent from the majority of the Committee, and believe that we are sustained in this by the majority of our constituents. We regret that we cannot harmonize in this matter, but there appears to be points of difference between the different divisions of Florida, entirely and hopelessly irreconcilable. This results in part from sectional interest, in part from a settled conviction of the inexpediency of going into a State Government at this time, with many; and with a majority, we believe, of the people of East Florida, of going into the Union under any circumstances as one State.

It may be possible that we are in error in relation to the wishes of our constituents; but if we are to rely upon the evidence of public sentiment in that portion of our Territory, heretofore so strongly and repeatedly expressed, as well in their primary assemblies as in convention; by petitions, resolutions, memorials and remonstrances, transmitted to the National Congress; and in the action of their Senators and Representatives in the Legislative Council, which has received their prompt and decided approbation, as also in letters received by some of us, since our arrival in this place, from individuals of influence, and high in the confidence and esteem of their fellow citizens, giving assurances of the unwavering and unalterable decision of the people of their section of country adverse to a State Government: And lastly, by the result of the recent Territorial elections, notwithstanding the well known and publicly avowed opinions of the candidates on this subject—then are we justified in the conclusion that East Florida is opposed to a State Government at this time, and particularly to a State Government in connection with the Middle and West; not from any unfriendly feelings towards any of our fellow citizens in either of those sections, for their are numbers in both with whom we should regret to sever our political relations, whilst for all we cherish a spirit of amity and friendship.

Our own individual opinions are not of recent origin; and as we may safely declare, not founded on any basis of individual selfishness, but they have been formed upon a calm and deliberate examination and investigation of the subject which has agitated the public mind in East Florida, and constituted a topic for argument and discussion since 1838.

Decided, however, as we are, in our own views on this interesting question, yet if we could be convinced that these are antagonistical to the interest, as well as to the wishes of our constituents, we would not permit their expectations to be defeated, or to be even embarrassed by any action of ours as their Representatives. We could not surrender our own convictions, but we should deem it our duty not to take any part against them.

We are aware that, within a recent period, some excitement on the subject of State Government has occurred among a portion of our fellow citizens of the East, and that some demonstrations have been made there in favor of a State Government; but we apprehend that the number is limited, and confined chiefly to those who have heretofore avowed themselves favorable to that measure, but when circumstances induced to relax their efforts in its accomplishment, and which a different state of things has led them to renew.

These demonstrations have been made since the appearance of our Delegate's circular among the people, portions of which are calculated strongly to excite the alarm and apprehensions of some, whilst the hopes and expectations of others have been greatly stimulated by the fascinating prospects of golden advantages which it is anticipated will be realized. The views and reasoning in this document are

unsatisfactory to us, and we cannot subscribe to them; and we believe that when the public mind shall have been composed, and reason resumed its sway, the judgment of the people will be with us.

This excitement has been regarded as evidence of an entire change in public sentiment on this subject, and a willingness on the part of the people of East Florida to assume the burthens and responsibilities of a State Government. We cannot coincide with those who think so.

The first position, then, we assume is, that the people of East Florida have a right to separate Territorial Government, and to go into the Union hereafter as a separate State. To sustain this position, we will retrace the history of the Floridas to the earliest period we can of their political organization as Provinces of Spain; and in doing so, we find that previously to 1763 they belonged to the crown of Spain, and were separate and distinct Territories, under the government of officers appointed by the king, each independent of the other, and within their respective geographical limits exercising powers and jurisdiction in which there was no mutual participation. As separate Provinces, they were ceded by Spain to Great Britain in 1763, and underwent no change in their political organization; and so they continued up to the period of 1783, when they were re-ceded by Great Britain to Spain, who received them as separate Provinces, and so retained and governed them up to the treaty of cession in 1819, by which they were transferred by Spain to the United States as separate Territories, known as East and West Florida. The Government of the United States seemed to regard them in this light, for immediately after their cession, although General Jackson, clothed with the powers of Captain General of Cuba, had been appointed to govern them, yet two separate officers were commissioned under him, and assigned to the immediate charge of each Province, irresponsible to each other; and their present union was originally a measure of temporary convenience. In the language of a memorial of the people of St. John's County, adopted at a large public meeting in April, 1844—"It is a fact entitled to strong consideration, that these two portions of Territory were never united under one Provincial Government, either during Spanish or British occupation. This was not done until the cession of the Territory to the Government of the United States by Spain, by the treaty of 1819. They had always, up to that time, enjoyed the advantages of separate Provincial Governments, and no thought had been entertained that they could be united in one."

In all the negotiations leading to that treaty, as well as in the treaty itself, they were uniformly spoken of as the "two Floridas," or two separate Provinces; and the cession itself is of the "Territories" known as East and West Florida. And though it was not in explicit terms stipulated that they should so continue, yet such was the fair implication of the Treaty; and the sixth article provides that the inhabitants shall be incorporated in the Union of the United

States as soon as shall be consistent with the principles of the Federal Constitution; yet it is by no means to be inferred that this was to be done by admitting them as one State. Any such inference would be a strained construction of that stipulation of the treaty. On the contrary, the fair and liberal import obviously is, that they were to be admitted as two separate and independent governments, as they always had existed, and as was manifestly consistent with their best interest, and in fact essential to secure them a good government. The union of the two Floridas under one Territorial government, was an arrangement hastily adopted under pressing exigencies, or as a temporary measure, until Congress could make a more suitable and permanent provision. The original establishment of one Territorial government for the whole country was, in other respects, under a state of things very different from that which now exists. The population of the Floridas was limited and sparse, and mostly confined to the cities of St. Augustine and Pensacola, and their Union was therefore submitted to as a measure of expediency then, without any decided opposition. But the people of East Florida are not to be excluded, by this act of the National Congress from asserting and insisting upon the right which it is conceived has been secured and guaranteed to them by the Treaty of Cession.

We believe it to be the desire, at least of a majority of our constituents, that the Territory should be divided, and that the Suwannee River should be the Western boundary line of the Eastern Division; and a glance at the map of Florida will show that nature seems to have intended this River as the proper dividing line between East and West Florida, including what is now known as Middle Florida, and to any person at all acquainted with the country, this geographical demarcation recommends itself with peculiar force. The whole of the two Floridas has usually been estimated to contain about 57,000 square miles, of which at least 37,000 are East of the Suwannee, and within the proposed Territory of East Florida, (say about 24,000,000 acres of land,) and allowing nine-tenths for bad and waste land, which is by far too great a deduction, still it would show that East Florida proper is abundantly capable of sustaining a very large population.

That such is the wish of the majority of the people of East Florida we can entertain no doubt, manifested, as it has been, by their frequent action with a view to effect this division. We find that, at the last session of the Legislative Council, the following preamble and resolutions were adopted:

"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 interests 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 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 is much larger than several of the States, and each capable of receiving and sustaining a much larger population. Their 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 provinces under that Government. And when they were receded 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 the cession, although General 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 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 a separate State, as soon as shall be consistent with the principles of the Federal Constitution.

"Therefore be it resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress do urge, and use his utmost exertions to procure the passage of a law dividing the Territory of Florida, and establishing two separate Territorial governments, to be called respectively East 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 the 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 to the Speaker of the House of Representatives of the Congress of the United States."

In addition to this action of the Legislative Council, two conventions of the people of East Florida, were held in July last, one at Palatka, and the other at Fort King, at which, nearly all the counties of the Eastern District were represented by Delegates, and resolutions were adopted by both of these Conventions, evincing a settled determination to urge a division of the Territory, until it should be accomplished; and although the session of the present Legislative Council is somewhat advanced, and the subject of State Government has been strongly and warmly pressed in other portions of the Territory; yet we have received no instructions from our constituents, evidencing an abandonment of their favorite project, or directing us to advocate the admission of Florida into the Union as one State.

We conceive it to be the interest as well as the right of the people of East Florida, that the Territory should be divided, and that portion of it should be organized into a separate Territorial Government. Many advantages would accrue to them from such an arrangement, which would require too much time to detail; but among these, we consider as important and prominent, the location of the Seat of Government in their midst, and a Legislative Council of their own, as well as a delegate to represent their interests exclusively. These would be calculated to give them power and influence which would soon be beneficially felt.

They would lead to a rapid development of their rich natural resources and their speedy application to purposes of public utility; give an impetus to industry and enterprise; speedily augment our population, and infuse an energy and vigor throughout, insuring public prosperity and welfare. We have an extent of territory amply sufficient to constitute a large State, as it is to sustain a large population, with a soil and climate adapted to the culture and growth of the most valuable staple products, and of nearly all the tropical fruits. Again, if on our admission into the Union, we shall become entitled to the 500,000 acres of the public land, and most of the richest and most valuable is situated within the limits of East Florida, this rich donation will be exclusively ours, and will be applied within our own limits, as the public interest may require, either in defraying our State expenses, or in internal improvements, or for purposes of education.

We regard the division of the Territory as a measure not involving an advantage and benefit to East Florida alone, but one that will operate beneficially upon the interests of the people of each section; and especially do we regard it as deeply involving the highest interest of the South, if it be deemed expedient (to which all will assent) to maintain a balance of power in that branch of our National Congress, to which we must look, and upon which we must rely, for protection against encroachment upon our constitutional rights.

But there are other grounds upon which we oppose the admission of Florida into the Union at this time.

In the first place, our population are not in a condition to meet the expenses and onerous burthens consequent upon a State Government; which will necessarily be large and heavy, notwithstanding the opinions of some who are very sanguine and ardent in their views on this subject, and who believe that a State Government may be sustained and conducted on a basis so economical as to relieve the people from any distressing taxation. The proposition may be very imposing, and to some the demonstration may be satisfactory; but all past experience in other governments serves to convince us that theory and practice do not agree in this respect,— and it will be too late to retrace our steps after we shall have gone into the Union, however distressing our disappointment may be, or however severe and trying the evils with which we may be visited.

The people of the East have been particularly afflicted with the miseries of a savage and desolating war, and merit the sympathy as well as the forbearance of their fellow-citizens in the other portions of the Territory, who are themselves not unacquainted with the distressing calamities which have grown out of that unhappy conflict. They are but slowly recovering from their prostration and misfortunes, and require for a time exemption from additional burthens, as well as the aiding hand of the General Government in works of internal improvement, which seem to be indispensably necessary to their welfare, and which, unsided, they will be utterly unable to execute. In the course of a few years, it is believed, they will be better prepared for a change. If we do go into a State Government, it is desirable that we should assume, and be able to maintain, a respectable and prominent position, and that our Government be one of efficiency and energy. But we fear that in the present precipitate movement, we are sacrificing too much to the desire of self-government, as well as to the spirit of patriotism, which we highly appreciate and which is creditable to those whom it actuates.

But when, in addition to our losses by war, our pecuniary sufferings and embarrassments that are now pressing upon us an intolerable weight of affliction, there shall be subtracted from our means and resources, the sum of \$100,000 and upwards, which annually flows to our relief from the national treasury, we shall become so crippled that our body politic will unhappily, for a long time, be much in the same condition of the human body, which has become the victim of a lingering and wasting disease.

We think no action should be taken on the subject by the Legislative Council, because it is one not legitimately before them. It is a matter, in our opinion, belonging exclusively to the people, and which they have the exclusive right to discuss and act upon in their primary assemblies; and having no delegated power from them, we have no right to assume it or interfere.

But if we are in error in this view, then the second ground we assume is, that we do not admit that as yet we have any constitution framed for a State Government, as we do not admit that the St. Joseph's constitution has been ratified and approved by the people.

It is a well known fact, and one that will be remembered, as it was an occasion that called forth much excitement, that the constitution met with a very decided and strong opposition when the question of its adoption was submitted to the people, and the report of the result shows that if in fact it was adopted, the vote was very close. That for some time it was doubted whether it was adopted; and it is now believed that if the votes that were written "no State," but evidently intended to be "no constitution," had not been rejected, and if the returns from certain precincts in East Florida had reached their destination, that this constitution would have been lost.

We hold, therefore, that an instrument of so much importance as this, organizing a permanent government for the people of Florida, should not be forced upon them, when the contest for its adoption has been so warm, the disapprobation of the instrument itself so strongly evinced, and the issue so doubtful. Years have elapsed since the question of its adoption was submitted; and since that time many changes have taken place; numbers have been added to our population, who should have a participation in framing a constitution under which they are to live. Either another convention of the people should be called, or the question of adoption of this constitution should be again submitted to the people.

This view seems to have been entertained by the Legislative Council that convened here in 1843, as will appear by the following preamble and resolutions adopted by them at that session:

WHEREAS, great pecuniary distress and embarrassment prevails in this Territory, tending to paralyze industry, retard improvement, and destroy confidence: And whereas, State Government, if assumed, necessarily imposes additional burthens and taxes on a people already laboring under accumulated difficulties; and whereas, four years have elapsed since the adoption of the constitution prepared at St. Joseph's for the people of Florida, in which period important changes have taken place in the population of this Territory: And whereas, the country heretofore in possession of the Seminole Indians is now fast filling up by a full tide of emigrants, which population should have a due influence in the formation of a constitution for the permanent government of the State of Florida:

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

*Be it further resolved,* That the objection to going into a State Government under the St. Joseph Constitution is greatly strengthened by the well known fact, that said constitution was adopted by a meagre majority of the voters of Florida, and has at all times been highly exceptionable to a large portion of the people of Florida,

whose opposition to State Government has in part originated in opposition to that instrument.

*Be it further resolved,* That our Delegate in Congress be, and he is hereby requested to oppose the admission of Florida into the Union as an independent State, until the people in convention, shall have formed a new Constitution, or until they have expressed by a vote at the polls, their willingness to adopt the St. Joseph Constitution.

Approved, 17th February, 1843.

The sentiments expressed in the foregoing preamble and resolutions are creditable to the individual who introduced them, and to the Legislature that adopted them. The doctrine contained in them is, in our opinion, sound and unexceptionable, and to which we readily and heartily subscribe.

The St. Joseph Constitution may embrace many sound and wholesome principles; and there are some features in it we should like to see in any constitution adopted by the people; but there are also, features exceedingly obnoxious and objectionable. It contains proscriptive provisions in our opinion arbitrary and despotic, foreign to the spirit of our institutions, and to which we think few can deliberately subscribe.

For the reasons therefore, set forth in this report, we have felt constrained to dissent from the majority of the committee; and herewith we submit for the consideration of, and adoption by, the Senate, the following resolutions:—

*Be it resolved by the Governor and Legislative Council of the Territory of Florida,* That the question of State Government cannot with propriety, receive any action from the Legislative Council, it being one that belongs exclusively to the people, and ought to be left to them for their consideration and decision.

*Be it further resolved,* That it is expedient that the Territory of Florida be divided, and that our Delegate in Congress do urge, and use his utmost exertion to procure the passage of a law to divide the same, and to establish two separate Territorial Governments, to be called respectively East 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.

B. A. PUTNAM,  
ISAIAH D. HART,  
Of the Senate.  
H. H. PHILIPS,  
Of the House.

Mr. Carter offered the following Preamble and Resolutions as an amendment to the amendment:

WHEREAS, The admission of the Territory of Iowa as a sovereign State of the Union, would, in our opinion, (if Florida is not

at the same time admitted) give an undue preponderance in the national councils, to the Northern and non-slaveholding States, and tend to destroy that balance of power, which ever ought to prevail between the conflicting and sectional interests of the Republic:

AND WHEREAS, We are warned by facts and circumstances, most significant, that the interests and institutions peculiar to ourselves, and the South generally, will be assailed with renewed vehemence, and that it is a duty which we owe to our Southern brethren of the Confederacy generally, as well as to ourselves, to seek and gain admission to the Union as an independent State, in order that we may have our due weight and just share of influence in the Congress of the United States: And although we are well aware that the people of Florida (who are but just recovering from the desolating and ruinous effects of a protracted Indian War, as well as from very general and severe pecuniary embarrassments) are but poorly able to bear the burdens and expenses of a State Government, and that their individual interests might, perhaps, be better advanced by remaining still longer in a Territorial Government, and until they are more numerous and more able, in a pecuniary point of view, to conduct the affairs of a State Government; yet in view of the more important and paramount interests above suggested, and believing that the people of Florida are ready and willing to make any and all reasonable sacrifices for the general good, and in this emergency to assume burdens which under other circumstances might be better postponed to a future day:

*Therefore, Resolved,* That it is expedient and proper, in our opinion, that Florida should be brought into the Union as an independent and sovereign State, at the same time that Iowa shall be admitted.

*Resolved,* That our Delegate in Congress be requested, in case Iowa is admitted, or seeks admission to the Union, to use his utmost endeavors to procure the passage of a law, admitting Florida also, to the Confederacy, with a provision for the future division of the State, as provided for in the bill of the last session of Congress, reported by Mr. Brown, or with some other similar provision, which will secure to us the right of ultimately forming two States out of the present Territory, as was contemplated and secured to us by the treaty of 1819, with Spain.

Mr. Moseley moved that the Preamble and Resolutions under consideration, together with the amendments proposed by Messrs. Putnam and Carter be laid on the table.

Upon which motion the yeas and nays being called by Messrs. Anderson and Gilchrist, were as follows:

*Yeas*—Mr. President, Messrs. Bellamy, Carter, Hart, Kelly, Moseley, Putnam, Pent, Richardson, Summerlin—10.

*Nays*—Messrs. Anderson, Baltzell, Gilchrist, Johnson and Long—5.

So the motion prevailed.

On motion of Mr. Moseley, 1000 copies of the minority report and accompanying resolutions, and the Preamble and resolutions offered by Mr. Carter, were ordered to be printed for the use of the Senate.

The memorial in relation to State Government was then taken up on its second reading, and laid on the table.

The orders of the day having been disposed of, Mr. Kelly on behalf of himself, as one of the minority of the Joint Select Committee on State Government, on leave, submitted a report and resolutions, which on his motion, were laid on the table, and 500 copies thereof ordered to be printed for the use of the Senate, which report &c., are as follows:

As one of the Joint Select Committee, to whom was referred, so much of the Governor's Message as relates to the speedy admission of Florida into the Union, dissenting from the Report of a majority of the committee, and not concurring entirely with the minority report, made by others of said committee, I beg leave to

#### REPORT:

That there are two grounds which I assume for opposing the admission of Florida into the Union at this time.

The first is, that the condition of Florida at this time is not such as to meet the expenses and onerous burthens consequent upon State Government, which will necessarily be large, notwithstanding it be the opinion of some who are very sanguine and ardent in their feelings, that State Government may be sustained and conducted on a basis so economical as to relieve the people from any distressing taxation. The proposition may be very imposing, and to some, the demonstration may be satisfactory, but all past experience in other governments serves to convince us that theory and practice in this respect do not agree; and it will be too late to retract our steps after we shall have gone into the Union, however distressing our disappointment may be, or however trying the evils that may be visited upon us. The people of the Territory are embarrassed—those of the Middle suffering under pecuniary losses, whilst those of the East have been particularly afflicted with the miseries of a savage and desolating war, meriting the sympathy as well as the forbearance of their fellow-citizens in other portions of the Territory who are not unacquainted with the evils and afflictions which have grown out of that unhappy conflict. Nor is the West, from its limited resources, entirely free from the consequences of the pressure which has almost entirely paralyzed our whole country for several years past. It is believed that a few years will relieve us from our present distressed condition, when we may assume the responsibility of State Government. Let us not, then, press our admission until we are fully assured that the point may be attained, so desirable to all—that we assume a respectable and prominent position in the Union, and that our government be one of efficiency and energy. But we fear that in the present precipitate

movement, we are sacrificing too much to the spirit of patriotism and the desire of self-government, and that our body politic will unhappily, for a long period, be much in the same condition of the human body which has become the victim of a lingering and wasting disease.

Again—I do not consider the question of State Government, as legitimately before us. This is a matter belonging exclusively, in my opinion, to the public at large, and one which they have the exclusive right to discuss and act upon in their primary assemblies; and as they have not delegated to us authority, we have no right to interfere with the question.

The second ground is, I do not admit that we, as yet, have any constitution framed for State Government. I cannot admit that the St. Joseph Constitution has been accepted and approved by the people. It is a well known fact, and will be remembered, because it was an occasion which called forth much excitement, that this constitution met with a very decided and strong opposition, when the question of its adoption was submitted to the people, and the report of the result shows that, if in fact it was adopted, the vote was so very close, that for some time it was doubted whether it was accepted, and it is now believed, that if the votes that were written "No State," evidently intended to be against the adoption of the Constitution, had not been rejected, and if two returns from certain precincts in East Florida had reached their destination, that this constitution would have been rejected.

I insist, therefore, that an instrument of such importance as this, organizing a government for the people of Florida, should not be forced upon them, when the contest for its adoption has been so warm, their disapprobation of the measure so strongly evinced, and the issue so doubtful. Years have elapsed since the question for its adoption was submitted, and since that time many changes have taken place; numbers have been added to our population, who should have a participation in framing a constitution under which they are to live. Either another convention of the people should be called, or the question of the adoption of the present constitution should be again submitted to them. This view seems to have been entertained by the Legislative Council that assembled here in 1843, as will appear by the following preamble and resolutions adopted by them during that session.

WHEREAS, Great pecuniary distress and embarrassments prevail in the Territory, tending to paralyze industry, retard improvement, and destroy confidence: And WHEREAS, State Government, if assumed, necessarily imposes additional burthen and taxes on a people already laboring under accumulated difficulties: And WHEREAS, Four years have elapsed since the adoption of the constitution prepared at St. Joseph, for the people of Florida, in which period important changes have taken place in the population of this Territory: And WHEREAS, The country heretofore in the possession of

the Seminole Indians, is now fast filling up by a full tide of emigrants, which population should have a due influence in the formation of a constitution for the permanent government of the State of Florida:

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

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

*Be it further resolved,* That our Delegate in Congress be, and he is hereby requested to oppose the admission of Florida into the Union as an Independent State, until the people in Convention shall have formed a new constitution, or until they have expressed by a vote at the polls, their willingness to adopt the St. Joseph Constitution.

Approved 17th February, 1843.

The sentiments expressed in the foregoing resolutions, are creditable to the individual who introduced them, and to the Legislature that adopted them. The doctrine contained in them, in my opinion is sound and unexceptionable, which I readily and heartily subscribe.

The St. Joseph Constitution may embrace many sound and wholesome principles, and there are some features which I should like to see in any Constitution adopted by the people; but there are other features exceedingly obnoxious and objectionable, characteristic of the times in which this instrument was framed. It contains proscriptive provisions, in my opinion, arbitrary and despotic, to which I think few can deliberately subscribe.

For the reasons set forth, I have felt constrained to dissent from the views of the majority of the committee, and with this report submit for the consideration and adoption by the Senate, the following resolutions:

*Resolved by the Governor and Legislative Council of Florida,* That this body in its Legislative capacity, cannot legitimately act upon any resolution instructing our Delegate in Congress to insist upon our admission into the Union.

*Resolved,* That the right to pass upon our readiness to assume the burthen of an Independent State of this Republic, belongs exclusively to the people.

W. W. J. KELLY,

From Joint Select Committee.

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

TUESDAY, 21st January, 1845.

The Senate met pursuant to adjournment, and a quorum being present, yesterday's proceedings were read and approved.

Messages were received from the House, announcing the passage, by the House of Representatives, of a bill from the Senate entitled, An Act to change the name of Martha E. Coboon. Also, its concurrence in the resolution from the Senate, referring so much of the Governor's message as relates to the Faith Bonds and Guarantees, to a Joint Select Committee, and the appointment of Messrs. Mays, Ferguson, Taylor, Bush, Child and Randolph, a committee on the part of the House.

Also, a communication, which was laid on the table.

Mr. Anderson offered the following resolution :

*Resolved*, That the Secretary of the Territory be requested to prepare, and communicate forthwith to the Senate, an abstract, showing the population of each county of the Territory in 1838, as exhibited by the census taken under the Territorial act, passed for that purpose; also, the votes in each county at every general election for members of the Legislative Council and delegate to Congress, during the same year and subsequently; and also the population of each county at the census taken in 1840, under the act of Congress, with such other information, as to the population of the country, as he may have it in his power to furnish.

Which was adopted.

Mr. Baltzell offered the following resolution :

*Resolved*, That the committee raised by both Houses, for the preservation of mortgaged property, from waste, &c., be instructed to inquire into the propriety of employing Counsel to represent the Territory in the case now depending before the Court of Appeals, wherein Kissam & Co., are appellants, and John R. Chapman is appellee.

Which was adopted.

#### ORDERS OF THE DAY.

A bill entitled, "An Act to increase the jurisdiction of Justices of the Peace in civil matters:" Also, a bill entitled, "An Act to Consolidate Civil Actions in certain cases," came up, when, on motion of Mr. Moseley, the further consideration thereof was postponed till to-morrow, and fifty copies ordered to be printed for the use of the Senate.

On motion of Mr. Moseley, the Preamble and Resolutions reported by the Joint Select Committee on State Government, were taken up for consideration.

On leave granted, Mr. Putnam withdrew his amendment to said resolutions, offered on yesterday.

Mr. Carter then moved to amend the resolutions of the Joint Committee by striking out all after the word "Resolved," in the first resolution, and inserting in lieu thereof the resolutions moved by him as an amendment to Mr. Putnam's amendment.

Mr. Long offered the following Preamble and Resolutions as an amendment to Mr. Carter's proposed amendments :

WHEREAS, West Florida, while under the dominion of Spain and Great Britain, enjoyed for the term of a hundred years or more, a separate administration, detached and distinct from the province of East Florida, with which it had then, as it has now, no community of interest :

And whereas, the Treaty of Cession and Boundaries secures to the inhabitants of the territory, between the Apalachicola and Perdido rivers, the right of admission into the Union, as soon as possible—that it is now possible, and the time, and other circumstances propitious; and if there be any doubt in the construction of the Treaty herein indicated, there is no doubt that calculations founded on political expediency, urge the permanent incorporation of West Florida into Alabama, as other parts of the Province of West Florida have already been incorporated into Louisiana, Mississippi and Alabama, with results so satisfactory to all parties: And whereas, the shape, figure, and geographical position of West Florida, combine to render it an unnatural, and inconvenient appendage of East Florida; these features serving to demonstrate, that by the fiat of nature, West Florida and Alabama form a unit—that their union by law, under one government, is essential to the prosperity and safety of both, and necessary to the construction of those great artificial highways of commerce from the interior of Alabama, to the ports on the sea coast of Florida, required by the present wants of both; and more especially is this union necessary, as securing for the defence of that coast, the co-operation of the Military power of Alabama.

Be it therefore resolved by the Senate and House of Representatives of the Territory of Florida, That our Delegate in Congress be instructed to use his best exertions, to cause all that part of Florida, situated between the rivers Apalachicola and Perdido, to be annexed to the State of Alabama :

Be it further resolved, That copies of the above Preamble and Resolutions be properly authenticated, and transmitted to the Hon. D. Levy, Delegate in Congress from Florida, to the members in Congress from the State of Alabama, and to the Governor of that State.

Resolved by the Senate and House of Representatives, That a Joint Select Committee of two from each House be appointed to superintend the expenses of the present session, so as to prevent the same from exceeding the appropriation made by Congress for the incidental expenses of the Territorial Legislature of Florida for the year 1845.

Which was read, and laid on the table.

Mr. Anderson offered the following resolutions :

1. *Resolved*, That so much of the Governor's message as relates to the Banks of this Territory, together with the documents respect-

ing the same, be referred to the committee on Banks, with instructions to report thereon, on or before the 27th day of this month.

Pending these motions,

On motion of Mr. Moseley, the Senate resolved itself into a Committee of the Whole, Mr. Hart in the chair, on said preamble and resolutions, and after some time spent therein, the Committee rose and reported the same with an amendment, being the preamble and resolutions introduced by Mr. Carter in the House.

Mr. Kelly moved to amend the amendment, adopted by the Committee of the Whole, by striking out all after the word "Resolved," in the first resolution, and inserting in lieu thereof, the resolutions offered by him on yesterday. On which amendment the yeas and nays being called for by Messrs. Kelly and Hart, were as follows:

*Yeas*—Messrs. Bellamy, Hart, Kelly, Long, Putnam, Summerlin—6.

*Nays*—Mr. President, Messrs. Anderson, Baltzell, Carter, Gilchrist, Johnson, Moseley, Pent and Richardson—9.

Mr. Putnam moved to amend the last of the resolutions reported by the Committee of the Whole, by striking out all between the words "State" and "which."

Which was concurred in.

Mr. Anderson moved to strike out the word "with," in the same resolution, and insert the following in lieu thereof: "And to endeavor to introduce into the same."

Which was concurred in.

When, on motion of Mr. Bellamy, the Senate adjourned until tomorrow, 11 o'clock.

WEDNESDAY, January 22, 1845.

The Senate met pursuant to adjournment, and a quorum being present, yesterday's proceedings were read and approved as amended.

Mr. Gilchrist gave notice that he will on some future day, ask leave to introduce a bill permitting Gideon L. Stewart to practice law in the Courts of this Territory.

Mr. Anderson offered the following resolution:

*Resolved by the Senate and House of Representatives of Florida,* That his Excellency the Governor be requested to communicate to Mrs. Martha Reid, relict of the late Robert R. Reid, President of the Constitutional Convention, the respectful request of the Council, that the original copy of the State Constitution, which was left in the possession of her deceased husband, may be delivered into the charge of the Governor of the Territory, and that his Excellency the Governor be further requested to deposit the same upon its receipt, in the public archives of the Territory.

Which was adopted.

#### ORDERS OF THE DAY.

A bill to be entitled, An act to increase the jurisdiction of Justices of the peace in civil matters; also, a bill to be entitled, An act to

consolidate civil actions in certain cases, were read a second time and referred to the committee on the Judiciary.

The Preamble and Resolutions reported yesterday by the Committee of the Whole, in relation to State Government, as amended by the Senate, came up.

Mr. Long moved to amend the Preamble and Resolutions, by substituting his Preamble and Resolutions offered yesterday, in lieu thereof.

On which motion, the yeas and nays being called by Messrs. Long and Kelly, were:

*Yeas*—Messrs. Bellamy, Kelly, Long, Putnam—4.

*Nays*—Mr. President, Messrs. Anderson, Baltzell, Carter, Gilchrist, Hart, Johnson, Moseley, Pent, Richardson, Summerlin—11.

So the motion was lost.

Mr. Baltzell moved to amend the Preamble reported by the Committee of the Whole, by striking out all of the second paragraph of said Preamble, after the word "States," in the eighth line, and inserting the following in lieu thereof:—And although the individual interests of the people of Florida, who are but just recovering from the desolating and ruinous effects of a protracted Indian war, as well as from very general and severe pecuniary embarrassments, might perhaps be better advanced by remaining still longer in a Territorial Government; yet, in view of the more important and paramount interests above suggested, and believing that the people of Florida are ready and willing to make any and all reasonable sacrifices for the general good.

On which motion, the yeas and nays being called by Messrs. Putnam and Hart, were:

*Yeas*—Mr. President, Messrs. Anderson, Baltzell, Carter, Gilchrist, Johnson, Moseley, Pent, Richardson and Summerlin—10.

*Nays*—Messrs. Bellamy, Hart, Kelly, Long and Putnam—5.

So the amendment was concurred in.

The question was then put upon concurring in the amendment reported by the Committee of the Whole as amended, and carried in the affirmative.

The question was then put—shall the preamble and resolutions be engrossed and read a third time?

On which the yeas and nays being called by Messrs. Putnam and Kelly, were:

*Yeas*—Mr. President, Messrs. Anderson, Baltzell, Carter, Gilchrist, Johnson, Moseley, Pent and Richardson—9.

*Nays*—Messrs. Bellamy, Hart, Kelly, Long, Putnam and Summerlin—6.

So the question was decided in the affirmative.

The preamble and resolutions from the Senate, asking a re-appropriation for the repair of the road from Jacksonville to the Mineral Springs, in East Florida; Also, the preamble and resolutions from the Senate, relative to the navigation of the Ocklawaha, Suwannee and Withlacoochee rivers, and a branch Mail-route to

some point on New river, were returned from the House, concurred in.

An act to authorize Jesse Donaldson to establish a ferry across Yellow river, in Santa Rosa county; also, an act to alter and change the name of Mosquito county to that of Orange, were received from the House, read the first time, and ordered for to-morrow.

Preamble and Resolutions relative to a State Government, were received from the House, read a first time and ordered for to-morrow.

Preamble and Resolutions from the House, asking of Congress an appropriation for removing obstructions in the Chipola river; also, Preamble and Resolutions from the House, asking appropriations for the erection of a light house at Indian river bar, were placed among the orders of the day, read a second time, and ordered to be engrossed for a third reading.

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

THURSDAY, January 23, 1845.

The Senate met pursuant to adjournment, and a quorum being present, yesterday's proceedings were read, amended, and approved.

Mr. Moseley offered the following preamble and resolutions:

WHEREAS, large portions of the public lands in the Territory of Florida, heretofore offered for sale, (owing to the poverty of the soil, and the high price affixed to them by the Federal Government,) remain unsold:—And whereas, it is believed, that if Congress would pass a law, graduating and reducing the price of said lands, they would be speedily entered—thereby increasing the revenue of the Government, and at the same time, furnishing facilities for the poor to secure permanent homes:

*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 endeavours, to procure the passage of a law, at the present session of Congress, to graduate and reduce the price of the public lands in the Territory of Florida, heretofore offered for sale, and which now remain unsold.*

*Be it further resolved, That a copy of the foregoing preamble and resolution, properly authenticated, be forthwith transmitted to the Hon. David Levy, our Delegate in Congress.*

Which were read the first time, and ordered for to-morrow.

Mr. Anderson, from the committee on the Judiciary, reported the bill entitled, "An Act to consolidate civil actions in certain cases," with sundry amendments to the first section, which, having been read, the same were, on motions severally made, amended by the Senate, by first, striking out the words, "and it is hereby enacted by the authority of the same," in the first and second lines of printed bill. Second, inserting word "makers," after word "obligors."

in second line. Third, striking out the words, "or other negotiable instrument," in third line, and inserting in lieu thereof the words, "bill of exchange, or any writing obligatory." Fourth, inserting after the word "obligatory," in last amendment, the words, "it shall be lawful for the plaintiff or plaintiffs, to embrace in one suit all makers of any promissory note, or drawers and acceptors of any bill of exchange, and all endorsers thereon, and also all obligors to any bond, or other writing obligatory." Fifth, inserting word "if," after word "and," and the words "or plaintiffs," after word "plaintiff," in third line. Sixth, striking out words, "or negotiable instrument," in fourth line, and inserting words, "bill of exchange or writing obligatory." Seventh, inserting word "said," before, and word "makers," after the word "obligors," in same line. Eighth, inserting after word "consolidated," in fifth line, the words, "at the costs of the plaintiff, or plaintiffs, as the case may be." Ninth, inserting after the word "therein," in sixth line, the words, "against the defendant or the defendants, as the case may be."

And the first section was concurred in, as amended.

The second section was then concurred in, as reported.

The bill, as amended, was then ordered to be engrossed, and read a third time.

#### ORDERS OF THE DAY.

The preamble and resolutions, relative to State Government, came up, and were read the third time, when the question being put on their adoption, the yeas and nays were called by Messrs. Putnam and Hart, and were as follows:

Yeas—Mr. President, Messrs. Anderson, Baltzell, Carter, Gilchrist, Johnson, Moseley, Pent, Richardson—9.

Nays—Messrs. Bellamy, Hart, Kelly, Long, Putnam, Summerlin—6.

So the preamble and resolutions were adopted.

Mr. Long, on leave, submitted a protest on the subject of State Government.

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

Mr. Putnam moved that fifty copies of the protest be printed.

Mr. Moseley moved to lay the motion to print on the table.

On which motion, the yeas and nays being called for by Messrs. Long and Kelly, were:

Yeas—Mr. President, Messrs. Anderson, Baltzell, Carter, Gilchrist, Johnson, Moseley, Richardson—8.

Nays—Messrs. Bellamy, Hart, Kelly, Long, Putnam, Pent, Summerlin—7.

So the motion to print was laid on the table.

On motion of Mr. Gilchrist, the protest was taken from the table and considered.

Mr. Kelly moved to spread the protest on the journal.

On which motion, the yeas and nays being called for by Messrs. Long and Kelly, were:

*Yeas*—Mr. President, Messrs. Anderson, Bellamy, Carter, Gilchrist, Hart, Johnson, Kelly, Long, Moseley, Putnam, Pent, Richardson, Summerlin—14.

*Nays*—Mr. Baltzell—1.

So the motion prevailed.

### PROTEST OF MR. LONG.

The undersigned, by virtue of his privilege, as a member of the Senate, asks that he may be permitted to enter upon the journals, his *protest* against the resolutions relating to State Government, adopted by the Senate, for the reasons herein stated :

1. It is a political axiom, universally admitted by statesmen, that a radical change in the constitution of a Republican Government is unwise and inadmissible, unless sanctioned by a large majority of the people.

2. The only legitimate expression of popular opinion on this subject, the discussion of which is now renewed, was the popular suffrage obtained in conformity to an act of the Legislative Council, passed in the year 1838, which exhibited the meagre majority of one hundred votes, as proclaimed by the advocates and authors of the movement, and this result was questioned at the time by their adversaries.

3. There being no evidence before the Legislative Council of a predominant desire in the Territory, at this time, for a change in the form and character of Government, and it being a fact of general notoriety, that to a large and respectable portion, if not a majority of our fellow-citizens, the proposed change is unwelcome, nay, odious ; it is respectfully submitted to this honorable body, whether legislation, designed as the basis of, and inducement to the change, is not a momentous usurpation of power and a contempt of the high prerogative of the people, and whether it may not properly be regarded in Congress as good cause for rejecting the application.

4. If these and other objections be overlooked or silenced, application for admission under the Constitution formed at St. Joseph's is nevertheless held to be impolitic at any time, because that Constitution contains novel and unnecessary provisions, such as produced animadversions and excited enmity amongst our own people, and such as may be employed in Congress to defeat suit for admission.

5. West Florida cannot, except with the consent of its inhabitants, be permanently annexed to East Florida, the treaty recognizing them as distinct political communities, and providing for their separate admission into the Union.

6. This measure has a tendency to embarrass West Florida, in the prosecution of her just and legal right to obtain an act from the proper authorities, uniting that portion of the Territory to the State of Alabama.

N. A. LONG.

A bill from the House entitled, An Act to authorise Jesse Donaldson to establish a ferry across Yellow river, in Santa Rosa county : also, a bill from the House entitled, An Act to alter and change the name of Mosquito county to that of Orange, were read a second time and ordered for a third reading.

The preamble and resolutions from the House relative to State Government, were read a second time and laid on the table.

The preamble and resolutions from the House, asking of Congress an appropriation for removing obstructions in the Chipola river. Also, preamble and resolutions from the House, asking an appropriation of Congress for the erection of a Light House at Indian River Bar, were read a third time and adopted.

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

FRIDAY, January 24th, 1845.

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

Mr. Carter moved that the preamble and resolutions from the House, relative to State Government, be taken from the table, and placed first among the orders of the day.

Which was lost.

Mr. Baltzell gave notice that he will on to-morrow, or at some early period, introduce the following bills :

A bill to be entitled, "An Act to reduce the public expenditures, and to provide for the payment of the public debt."

A bill to be entitled, "An Act to prescribe the mode of levying taxes in this Territory."

Mr. Baltzell offered the following resolution :

*Be it resolved by the Governor and Legislative Council of the Territory of Florida,* That the Commissioner of the city of Tallahassee, proceed forthwith, to dispose of the lands and lots belonging to the Territory, and which were granted for the erection of the Capitol, so as to close up and settle the affairs of said office as early as practicable.

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

Mr. Richardson offered the following resolution :

*Resolved,* That the Committee of Privileges and Elections, be instructed to enquire into the expediency of amending the election law, so that the election for members of the Legislative Council shall take place on the first Monday in October, in each and every year, instead of the first Monday in November, as is now provided by law.

Which was adopted.

Mr. Kelly offered the following preamble and resolutions :

WHEREAS, it is contemplated that Florida will soon be admitted into the Union as a free and Independent State, under the Constitution framed at St. Joseph, in the year 1839 :

And whereas, a probable doubt at least exists, that said Constitution was never adopted by a majority of the whole of the qualified voters of this Territory, but from circumstances perhaps not controllable, said Constitution was proclaimed as legally and fully adopted by the people:

Be it therefore resolved, That the St. Joseph Constitution, by proclamation, be again submitted to the people for their ratification and adoption.

Resolved, The Senate and House of Representatives concurring in the foregoing resolution, that proclamation be made without delay.

Which were read the first time, and ordered for to-morrow.

Mr. Richardson offered the following resolutions:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of amending the laws in relation to the annual meeting of the Legislative Council, so as to provide, that it shall hereafter convene on the first Monday in December, in each and every year.

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of abolishing the County Courts of the several Counties in this Territory.

Which were adopted.

Mr. Gilchrist, from the Committee to whom so much of the Governor's message as relates to banks and the currency, had been referred, on leave reported a bill to be entitled, "An Act to provide against a fraudulent and depreciated currency."

Which was read the first time and ordered for to-morrow, and 100 copies thereof ordered to be printed.

Mr. Baltzell on leave presented the following

#### REPORT:

The Committee on Schools and Colleges have instructed me to report a bill to be entitled, An Act to amend the law approved 15th March, 1844, to incorporate the inhabitants of the different townships of the Territory.

Which bill was read the first time and ordered for to-morrow, and fifty copies thereof ordered to be printed.

Mr. Gilchrist according to previous notice, on leave, introduced a bill to be entitled, An Act to admit Gideon T. Stewart to practice law in the several Courts in this Territory.

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

#### ORDERS OF THE DAY.

The preamble and resolutions, relative to graduating and reducing the price of the public lands, came up on a second reading. Upon which, the Senate resolved itself into a committee of the whole, Mr. Hart in the chair; and after some time spent therein, rose, reported progress, and asked leave to sit again.

Which was granted.

#### Communication from the House:

A bill to legalize certain elections, and preamble and resolutions asking an appropriation of Congress for a certain mail route, were received and laid on the table.

A bill to be entitled, "An act to consolidate civil actions in certain cases," was read a third time, and passed.

Ordered that the title be as read.

A bill from the House entitled, "An Act to authorize Jesse Donaldson to establish a Ferry across Yellow river, in Santa Rosa county;" also, a bill from the House entitled, "An Act to alter and change the name of Mosquito county to that of Orange," were read a third time, and passed.

An act to authorize the sale of certain real estate; also, preamble and resolutions asking an appropriation from Congress for a certain road, were received from the House, and laid on the table.

On motion of Mr. Moseley, the preamble and resolutions from the House, relating to State Government, were placed among the orders of the day.

Mr. Anderson moved to amend the same, by substituting in lieu thereof, the preamble and resolutions reported by the joint select committee on State Government.

Mr. Kelly moved the following amendment to the amendment:

Resolved, That any action in relation to instructions to our Delegate in Congress upon the subject of State Government, adopted by this Senate, is only expressive of our individual opinions, and not assuming in our Legislative capacity, the right which belongs exclusively to the people.

On which motion, the yeas and nays being called for by Messrs. Gilchrist and Kelly, were:

Yeas—Messrs. Bellamy, Hart, Kelly, Long, Putnam, Summerlin—6.

Nays—Mr. President, Messrs. Anderson, Baltzell, Carter, Gilchrist, Johnson, Moseley, Pent, Richardson—9.

So the amendment to the proposed amendment was rejected.

Mr. Long moved to postpone the preamble and resolutions indefinitely.

On which motion the yeas and nays being called for by Messrs. Gilchrist and Pent, were:

Yeas—Messrs. Bellamy, Hart, Kelly, Long, Putnam, Pent—6.

Nays—Mr. President, Messrs. Anderson, Baltzell, Carter, Gilchrist, Johnson, Moseley, Richardson, Summerlin—9.

The question being put on the amendment proposed by Mr. Anderson, the yeas and nays were called for by Messrs. Gilchrist and Moseley, and were:

Yeas—Messrs. Anderson, Baltzell, Bellamy, Gilchrist, Johnson, Long—6.

Nays—Mr. President, Messrs. Carter, Hart, Kelly, Moseley, Putnam, Pent, Richardson, Summerlin—9.

Mr. Anderson moved to adjourn to to-morrow, 11 o'clock, A. M.  
Which was lost.

Mr. Anderson moved to lay the preamble and resolutions on the table.

Which motion prevailed.

Mr. Kelly moved to adjourn until Monday, 11 o'clock.

On which motion the yeas and nays being called for by Messrs. Baltzell and Summerlin, were:

Yeas—Messrs. Carter Hart, Kelly, Putnam and Pent—5.

Nays—Mr. President, Messrs. Anderson, Baltzell, Bellamy, Gilchrist, Johnson, Long, Moseley, Richardson and Summerlin—10.

So the motion was lost.

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

SATURDAY, January 25, 1845.

The Senate met pursuant to adjournment, and a quorum being present, yesterday's proceedings were read, amended and approved.

Mr. Putnam gave notice that he will, on some future day, ask leave to introduce a bill for the relief of Thomas T. Russell.

Mr. Gilchrist offered the following resolution:

*Resolved*, That the Secretary of the Territory be requested to furnish for the use of the Senate, the following information, with a view to equalize representation in the present Legislative Council, to wit:

1st. The whole or full vote given in each county in the last election.

2nd. The whole vote in each Senatorial district in the Territory at the last election.

Mr. Kelly moved to lay the resolution on the table.

Which motion was lost.

The Chair deciding that the resolution did not to require another reading, under the rules, Mr. Hart appealed from the decision of the Chair. On the question being put, the Chair was sustained in its decision.

The resolution was then adopted.

Mr. Baltzell offered the following resolution:

WHEREAS, the donation made by the General Government to the late Marquis De LaFayette, of the first township in range one, North and East, in this Territory, embraces the sixteenth section of the said township, whereby the inhabitants thereof, have been deprived of the privileges extended to all lands throughout the Union:

*Be it therefore resolved by the Senate and House of Representatives of the Territory of Florida*, That our Delegate in Congress be, and he is hereby requested to procure for the inhabitants of said township, the privilege of location elsewhere, of a section in place of the sixteenth section, granted by the Government to the late

General LaFayette, to be for the benefit of the inhabitants of said township.

Which was read the first time and ordered for Monday.

Mr. Hart presented the following Report:

The Committee on Internal Improvements, to which was referred a preamble and resolutions from the House, asking Congress for an appropriation to make a survey of that portion of the country lying between the head of Indian River and the River St. Johns, having had the same under consideration,

#### REPORT:

That from all the investigation they have been able to make of the subject, in which they have availed themselves both of the personal knowledge of some of the Committee, and other means of information of the situation and character of the country, they believe that the opening of a canal at the place proposed, would not only confer all the benefits mentioned in the preamble accompanying the resolutions, upon a large tract of country, but would be of immense value to the General Government, as it would, in the opinion of your committee, drain near a million of acres of land (if not more) bordering upon the head waters of the river St. Johns, which is now, owing to numerous deep creeks and small rivers, running in almost every direction, overflow, and would be made fit for cultivation, without any material injury resulting as to the depth of those streams. The head of Indian River is nearly on a level with the ocean, and the head of the river St. Johns, although so near that of Indian River, is very high, supposed to be about sixty feet above the level of the ocean, so that a current would be created through the proposed canal into Indian River. The St. Johns would receive no detriment from the water thus diverted from its usual course; and on account of that current and diversion, more than a million of acres of the richest kind of land would (in all probability) be well drained, and made saleable at a high price, and capable of being easily brought into cultivation, thus presenting a very important inducement for settlers to occupy a country already possessing superior natural advantages, in regard to climate as well as in many other respects.

The current produced by the canal into Indian River, would have a strong tendency to deepen Indian River Bar and Jupiter Bar, the latter of which, through the indomitable spirit of enterprise, so often manifesting itself on the part of the citizens of St. Lucie county, has lately been opened and rendered accessible to vessels of considerable size. The more your committee reflect upon this subject, the more forcibly they are persuaded of its immense importance, not only as it regards the interests of the Government in a military and pecuniary point of view, but in regard to the interests of the whole Peninsula. And they earnestly recommend such consideration and action as this important subject demands; and

also that the project be extended to the cutting a canal from the south prong of Jupiter River into Lake Worth, a distance of not more than one mile and a half. A tract of country containing a great deal of good land, and amounting to about seven miles square, lying between Jupiter River and Lake Worth, which is now very much in the same situation as the Lands about the head waters of the River St. Johns, would be relieved from the danger of being overflowed, and consequently made much more valuable, and would offer an inducement for the formation of settlements, and the building of a commercial town about Jupiter Bar. This canal would lengthen the inland water communication about thirty-five miles to the south end of Lake Worth, a body of water already deep enough for large vessels to navigate.

And further: a canal of four miles, commencing at the south end of Lake Worth, and running south through a low prairie and savannah country, supposed to be, by good judges, as good land as any in the whole southern country, would connect said lake with Boca Raton River, which empties into the ocean, and would add six miles more of good navigation to the chain, which would reach Hillsborough River, which can be connected with New River, by not more than about two miles canalizing. The same kind of prairie and savannah land lies between New River and the head waters of Key Biscayan Bay, a distance of eight miles. A canal here would produce the same effects, as to draining all the lands in its neighborhood, and would complete the chain of safe inland water communication from Charleston, via Savannah, to Cape Florida, where the great Florida Reef commences, affording safe navigation for small as well as large vessels to Key West.

Your committee need not further urge the importance of this measure to the whole country; but recommend the adoption of the following resolution, as an amendment to the preamble and resolutions of the House, to be inserted after the first resolution:

*Be it further resolved,* That our said Delegate be requested to urge the appropriation by Congress, of a sum sufficient to defray the expenses of a survey of the water courses and intervening lands, lying between the head of Indian River and Cape Florida, with a view to the ultimate connexion of said water courses by canals, for the purpose of forming an inland water communication to Cape Florida.

Which resolution was read the first time and ordered for Monday.

#### ORDERS OF THE DAY.

The resolution instructing the Commissioner of Tallahassee to dispose of certain lots and lands, came up and was read a second time and was referred to the Committee on Internal Improvements.

The preamble and resolutions in relation to graduating and reducing the price of the public lands, came up on their second reading.

The Senate resolved itself into a Committee of the Whole, Mr. Hart in the Chair, and after some time spent therein, rose and reported back the preamble and resolutions with an amendment.

The question being put on the concurrence with the amendment, the same was rejected.

The original preamble and resolutions were then ordered to be engrossed for a third reading.

Mr. Kelly's preamble and resolutions proposing to submit the St. Joseph's Constitution again to the people, were read a second time and laid on the table.

An act to provide against a fraudulent and depreciated currency; also An Act to amend the law approved March 15th, 1844, to incorporate the inhabitants of the different townships of this Territory, came up, and their further consideration was postponed till Monday.

An act to admit Gideon T. Stewart to practice law in the several Courts of this Territory, came up.

Mr. Putnam proposed to amend the bill by adding another section, making it no disqualification in any applicant for admission to the practice of law, that he should be under the age of 21 years.

Which was rejected.

The question upon the engrossment of the bill being then put, the yeas and nays were called for by Messrs. Baltzell and Gilchrist, and were:

Yeas—Messrs. Bellamy, Gilchrist and Loog—3.

Nays—Mr. President, Messrs. Anderson, Baltzell, Carter, Hart, Johnson, Kelly, Moseley, Putnam, Pent, Richardson and Summerlin—12.

So the bill was rejected.

A message was received from the House announcing its concurrence [in the preamble and resolutions adopted by the Senate relative to State Government.

The following bills and resolutions from the House, were placed among the orders of the day, read a first time and ordered for Monday.

An Act to authorize Malinda Folsom, administratrix, &c., to sell certain real estate.

Preamble and resolutions asking Congress for an appropriation for a mail route in East Florida.

Preamble and resolutions asking an appropriation for a road from Columbus to Garey's Ferry.

An Act to legalize certain elections.

A bill to authorize the Clerk of Mosquito County Court to keep his office at his place of residence, and for other purposes.

On motion of Mr. Pent the Senate adjourned until Monday, 14 o'clock.

MONDAY, January 27th, 1845.

The Senate met pursuant to adjournment, and a quorum being present, Saturday's proceedings were read and approved.

On motion of Mr. Anderson, leave of absence was granted to Mr. Moseley for to-day.

Mr. Putnam gave notice that he will on some future day ask leave to introduce a bill in relation to the limitation of actions.

Mr. Long gave notice that he will on some future day, ask leave to introduce a bill to be entitled, An Act for the relief of Nancy Fountain.

Mr. Bellamy according to previous notice, introduced a bill to be entitled, An Act to divide the Western Senatorial District.

Which was read the first time.

Mr. Baltzell offered the following resolution :

*Resolved*, That the Committee on Banks be instructed to inquire into and report to the Senate, the items constituting the heavy amount of expenditure of the Union Bank, showing the same particularly; and whether it is practicable to reduce such expenditure;

That they inquire into all and singular the sales made by said Bank, if any, of property mortgaged to secure Territorial bonds—on what account said sales were had—by whom made—what property was sold—the purchasers—what money was received thereon—how appropriated—and whether the interests of the Territory, in guarding the rights of the bond-holders, were attended to and protected.

That they ascertain the amount due by stockholders, for interest on stock-notes, and for how many years due—report the stockholders who may have been sued for interest—and such as have not been sued therefor—with the causes, if any, for such omission—obtaining the names of the parties accused.

That they ascertain and report the names of the stockholders against whom judgments have been obtained on stock-notes, and the amount thereof.

That they ascertain and report whether any of the officers of said Bank have *failed*, within the meaning of the nineteenth section of the act incorporating said Bank, so as to be legally incapable of holding office therein.

Which was adopted.

Mr. Putnam according to previous notice, introduced the following bills to be entitled,

An Act for the relief of Thomas T. Russell,

An Act to amend the several acts now in force, providing for the collection of rent.

Which were read the first time.

Mr. Long, from the Committee on Enrolled Bills, presented the following REPORT :

The Committee on Enrolled Bills, report as correctly enrolled, the resolutions relating to State Government.

The preamble and resolutions having for their object the procuring for the inhabitants of LaFayette township, the privilege of locating the sixteenth section of said township elsewhere, was read a second time, and ordered to be engrossed.

The amendment reported by the Committee on Internal Improvements, to the preamble and resolutions from the House, relative to a survey between Indian and St. Johns rivers, was read a second time, and with said preamble and resolutions ordered to be read a third time.

An act constituting a Board of Wardens and Commissioners of Pilotage for Indian River and Jupiter Bars, was received from the House, and laid on the table.

Preamble and resolutions relative to the graduation and reduction of the price of the public lands, were read a third time and adopted.

An Act to provide against a fraudulent and depreciated currency came up on its second reading; whereupon the Senate resolved itself into committee of the whole, Mr. Hart in the Chair, and after some time spent therein, rose and reported progress, and asked leave to sit again; which was granted.

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

TUESDAY, January 28, 1845.

The Senate met pursuant to adjournment, and a quorum being present, yesterday's proceedings were read, amended and approved.

On motion of Mr. Putnam, Mr. Hart had leave of absence for one week.

Mr. Baltzell, according to previous notice, introduced a bill to be entitled "An act to reduce the public expenditures, and to provide for the payment of the public debts."

Which was read the first time.

Mr. Long offered the following resolution :

*Resolved*, That the Legislative Council do adjourn "sine die," on Saturday the 22d day of February next.

Which was read the first time.

Mr. Baltzell offered the following preamble and resolutions :

WHEREAS, The Senate of Florida at its session of 1844, adopted a resolution in the following words: "Whereas, the House of Representatives of the United States on the 10th day of January inst., adopted the following resolutions: '*Resolved*, That the Committee on Territories be instructed to inquire into, 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 affairs 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 may prescribe and direct, and that they report by bill or otherwise :

"Be it therefore resolved, That our Delegate in Congress 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."

Which said resolution of the Senate of Florida, was in part replied to by the Delegate, at its past session, with a promise of further information, which has not as yet been given :

Be it therefore resolved, That our Delegate be again requested to communicate as early as practicable, the information above asked for, and forward a copy of the report made to Congress in answer to said resolution, if any was made; and if there was none, that he procure and remit copies of the amounts of expenses of the Judiciary Department of Florida, at as early a period as practicable, for the information of the Senate, with such other information on the subject as he may think proper to communicate.

Which were read and postponed until to-morrow.

Mr. Baltzell offered the following resolution :

Resolved, That the Judiciary Committee be instructed to enquire, at as early a period as practicable, whether there be a deficiency in the present judiciary system of Florida—how far the same 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 such refusal, denial or delay.

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.

That said committee be authorized to send for books and papers, and examine witnesses.

Which were read, and the consideration thereof was postponed until to-morrow.

Mr. Long, from the Committee on Enrolled Bills, on leave, presented the following report :

The Committee on Enrolled Bills, report as correctly enrolled, the following resolutions and bills :

Resolutions asking an appropriation for the river Ocklawaha.

Resolutions asking an appropriation to repair the road from Jacksonville to the Mineral Springs, in East Florida.

An act to change the name of Martha E. Cohoon.

Mr. Anderson, on leave, presented the following report :

The Judiciary Committee, to which was referred a bill to be entitled "An Act to increase the jurisdiction of Justices of the Peace in civil matters," report the same with amendments.

Which report was concurred in, and the further consideration of the bill postponed until to-morrow.

Mr. Anderson, on leave, made the following report :

The Judiciary Committee, to whom was referred so much of the Governor's message as relates to the Criminal Code, report the following bill.

Which report was concurred in, and the bill to be entitled, An Act to amend an act relating to crimes and misdemeanors, approved February 10th, 1832, was read a first time.

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

SECRETARY'S OFFICE, }  
Tallahassee, January 27th, 1845. }

Hon. G. W. MACRAE, Pres't. of the Senate :

Sir :—In compliance with the resolution adopted by the Senate on the 25th inst., I have the honor herewith, to transmit the enclosed abstract. I deem it proper to state, that the number of votes given in the counties of Monroe, Nassau, Hillsborough, Mosquito, Benton, Washington, Walton, St. Johns and Alachua, cannot be precisely ascertained from the returns sent to my office. The number of candidates voted for, together with the character of the returns, renders this impossible. I believe, however, that the number of votes, assigned by me to each of the above named counties, respectively, is nearly correct.

Respectfully, your obt. servt.

THO. H. DUVAL, Sec'y of Florida.

ABSTRACT, showing the whole number of votes given in each Senatorial District, and in each County of the Territory of Florida, for Senators and Representatives, at the election held in November, 1844.

Counties.	Senators.	Representatives.
<b>WESTERN DISTRICT.</b>		
Escambia,	267	236
Santa Rosa,	178	157
Walton, [about]	290	281
Washington, [about]	130	124
Jackson,	511	496
Franklin,	138	186
Calhoun,	67	1,631

## ABSTRACT CONTINUED.

Counties.	Senators.	Representatives.
<b>MIDDLE DISTRICT.</b>		
Gadsden,	545	565
Leon,	583	562
Walulla,	183	171
Madison,	334	397
Jefferson,	413	417
Hamilton,	212	202
	2,270	

<b>EASTERN DISTRICT.</b>		
Columbia,	455	423
Alachua,	350	247
Marion,	158	146
DuVal,	379	351
St. Johns, [about]	250	180
Hillsborough,	100	97
Benton,	95	82
Mosquito,	40	40
St. Lucie,	5	12
Nassau,	[about] 70	70
	1,812	

<b>SOUTHERN DISTRICT.</b>		
Monroe,	[about] 185	180
Dade,	42	58
St. Lucie,	18	245

## ORDERS OF THE DAY.

The bill to be entitled "An act to provide against a fraudulent and depreciated currency," came up, when the Senate resolved itself into a Committee of the Whole, for the consideration thereof. Mr. Hart in the Chair, and after some time spent therein, rose and reported the bill with sundry amendments, which were concurred in by the Senate.

Whereupon, on motion of Mr. Anderson, the bill as amended was recommitted to the Committee on Banks.

A bill to be entitled, An Act to amend the law approved March 15th, 1844, to incorporate the inhabitants of the different townships, coming up, the Senate resolved itself into a committee of the whole, for the consideration thereof, Mr. Anderson in the Chair, and after some time spent therein, rose and reported the bill with sundry amendments.

Which amendments were concurred in, and the bill as amended, was ordered to be engrossed.

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

WEDNESDAY, January 29, 1845.

The Senate met pursuant to adjournment, and a quorum being present, yesterday's proceedings were read and approved.

On motion of Mr. Richardson, leave of absence was granted to Mr. Moseley for to-day.

On motion of Mr. Putnam, Messrs. Baltzell and Anderson were added to the Committee on Banks.

Mr. Putnam gave notice that he will on some future day, ask leave to introduce a bill to amend the law in relation to Chancery proceedings.

Mr. Carter offered the following resolution:

*Resolved,* That the Committee on the Judiciary be instructed to enquire into the expediency and propriety of repealing or amending that part of the law subjecting administrators to suits at law, five years after a discharge from their administration by the Court of Probate, and that they report by bill or otherwise,

Which was adopted.

Mr. Long, according to previous notice, introduced a bill to be entitled an act for the relief of Nancy Fountain,

Which was read the first time.

On motion of Mr. Kelly, his preamble and resolutions proposing to refer the St. Joseph Constitution again to the people, was taken from the table and placed among the orders of the day.

Mr. Carter, agreeably to previous notice, introduced a bill to be entitled an Act to amend an act to impose a tax on Hawkers and Pedlars in this Territory,

Which was read the first time.

Mr. Hart from the committee on Internal Improvements, to whom was referred a resolution relative to the lots belonging to the Territory, granted for the erection of the Capitol, reported the same without amendment.

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

SECRETARY'S OFFICE,  
January 28th, 1845.

Hon. G. W. MACRAE, *President of the Senate:*

Sir: The enclosed abstract contains the information requested by your honorable body, in their resolution of the 21st inst.

I do not submit it to the Senate as being strictly accurate in all respects. The returns of the elections held in 1838, '39, '40 and '41, are in some instances very imperfect, and from this cause, as well as the manner in which they are made, the number of candidates voted for, &c., an approximation only can be made to a correct result.

The return of votes at the election held in 1842, '43, and '44, with the statement of population, as shown by the census returns of 1838 and 1840, are believed to be very nearly correct.

Hoping that the Senate will be enabled, thereby, to form a cor-

rect idea of the number of voters now in each county in the Territory, I have taken the liberty of incorporating in the abstract a statement of the same, as estimated by the present Representatives from the different counties.

Respectfully, your obt. servt.

THO. H. DUVAL, Secy. of Florida.

	Election of members of the Convention and Council, Oct. 1838.		Election for Delegate, in 1839.		Election for members of Council, in 1839.		Election for members of Council, in 1840.		Election for Delegate, in 1841.		Election for members of Council, in 1841.		Election for members of Council, in 1842.		Election for Delegate, 1843.	
Western District.																
Escambia,	319	266	417	362	225	328	264	238								
Santa Rosa,							255	109								
Walton,	62	71	113	124	129	140	229	209								
Washington,	67	71	35	70	57	76	60	89								
Calhoun,	260	343	171	222	121	98	122	56								
Jackson,	306	380	323	265	262	347	380	397								
Franklin,	262	209	113	100	177	73	140	254								
Middle District.																
Gadsden,	438	343	372	459	403	402	432	459								
Leon,	629	640	828	799	669	499	350	610								
Wakulla,								159								
Jefferson,	328	377	328	408	367	240	202	353								
Madison,	97	65	83	311	254	196	173	187								
Hamilton,	46	63	128	130	114	172	209	126								
Eastern District.																
Columbia,	250	179	231	217	231	196	364	388								
Alachua,	168	125	35	169	221	251	297	366								
Marion,																
Duval,	317	344	288	307	406	312	284	344								
St. Johns,	293	276	230	407	368	216	328	307								
Hillsborough,	76	85	78	68	67	64	38	51								
Benton,																
Nassau,	50	87	62	64	42	18	132	76								
Mosquito,	63		04	03	04	05	21	29								
St. Lucie,																
Southern District.																
Monroe,	113	108	90	91	147	86	102	149								
Dade,	10	72	58	47	14	03	17	14								
Total,	4144	4104	3987	4533	4269	3722	4399	4870								

Abstract Continued.

	Election for members of Council, 1843.		Election for members of Council, 1844.		Number of votes in each county, according to the estimate of the members of the present Legislature, 1845.		Territorial Census of 1838.		Census of 1840.	
Western District.										
Escambia,	255	267	270				4,549	3,993		
Santa Rosa,	154	178	200							
Walton,	288	281	350				1,154	1,461		
Washington,	28	124	135				688	859		
Calhoun,	11	67	90				1,645	1,142		
Jackson,	386	511	550				4,460	4,681		
Franklin,	144	188	250				2,066	1,030		
Middle District.										
Gadsden,	554	545	700				5,542	5,992		
Leon,	461	583	800				10,031	10,713		
Wakulla,	107	183	200							
Jefferson,	370	413	450				5,264	5,713		
Madison,	129	334	365				1,695	2,644		
Hamilton,	184	212	250				(No returns)	1,464		
Eastern District.										
Columbia,	304	455	550				2,618	2,102		
Alachua,	270	247	260				910	2,282		
Marion,		158	160							
Duval,	395	379	425				3,226	4,156		
St. Johns,	302	256	350				2,293	2,694		
Hillsborough,	72	101	150				95	452		
Benton,	81	87	100							
Nassau,	131	70	200				1,592	1,892		
Mosquito,	35	40	100				(No returns)	73		
St. Lucie,		12	60							
Southern District.										
Monroe,	133	180	190				618	688		
Dade,	58	60	70				314	446		
Total,	4792	5931	7225				48,760	54,477		

A bill from the House, entitled An act to authorize Malinda Folsom, administratrix, &c. to sell certain real estate, was read a se-

good time, and the further consideration thereof postponed until to-morrow.

Preamble and resolutions from the House, asking of Congress an appropriation for a road and mail route from Tampa Bay to Enterprise; also, preamble and resolutions from the House, asking an appropriation to open a mail route from Columbus to Garey's Ferry, were read a second time and ordered for a third reading.

A bill from the House, entitled An act to legalize certain elections held in St. Lucie county, was read a second time, amended by striking out the third section, and ordered for a third reading as amended.

A bill from the House to authorize the Clerk of Mosquito County Court to keep his office at his place of residence, and for other purposes, was read a second time, and its further consideration postponed until to-morrow.

The preamble and resolutions from the House asking an appropriation for a canal between Indian and St. John's rivers, with the amendment thereto, were read a third time, and adopted as amended.

Engrossed preamble and resolutions relating to the location of a sixteenth section by the inhabitants of Lafayette Township, elsewhere, were read a third time and adopted.

A bill to be entitled An act to divide the Western Senatorial District, was read a second time and referred to a select committee, consisting of Messrs. Bellamy, Anderson, Baltzell, Long and Putnam.

A bill to be entitled An act to amend an act entitled an act to raise a revenue for the Territory, approved November 22, 1829; also, a resolution requesting Congress to pay the account of Gibson & Hibbard, were received from the House and laid on the table.

A Bill to be entitled An Act for the relief of Thos. T. Russell, was read a second time, and with the accompanying documents, referred to a select committee consisting of Messrs. Putnam, Hart, Anderson, Gilchrist and Summerlin.

A Bill to be entitled An Act to amend the several acts now in force providing for the collection of rents, was read a second time and referred to the Committee on the Judiciary.

A Bill to be entitled An Act to reduce the public expenditures, and to provide for the payment of the public debts, was read a second time and referred to the Committee of Ways and Means.

The resolution that the Legislative Council adjourn "sine die," on Saturday the 23d day of February next, was read a second time and ordered to be engrossed and read a third time.

A message was received from the House announcing its concurrence in the resolution from the Senate in relation to graduating and reducing the price of public lands.

Also of the appointment of Messrs. Mays, Ferguson, Taylor, Bush, Child and Randolph a Joint Select Committee on the part of the House, on the subject of securing property mortgaged for the payment of faith bonds, &c., from misapplication, &c.

On motion Messrs. Baltzell and Putnam were excused from serving on the Joint Select Committee on the part of the Senate, on the security of mortgaged property, &c., and Messrs. Johnson and Moseley were appointed on said committee, and the same ordered to consist of Messrs. Moseley, Long and Johnson.

Preamble and resolutions calling for certain information from the Delegate of Florida in Congress, in relation to Resolution of Hs. of Reps. U. S. touching expenses of Judiciary, &c., were read a second time.

Mr. Hart moved to lay the Preamble and Resolutions on the table. Which motion was lost.

Mr. Anderson moved the indefinite postponement of the Preamble and Resolutions, on which the ayes and nays being called for by Messrs. Bellamy and Baltzell, were,

Yeas—Messrs. Anderson, Carter, Hart, Long, Putnam, Summerlin—6.

Nays—Mr. President, Messrs. Baltzell, Bellamy, Gilchrist, Johnson, Kelly, Pent, and Richardson—8.

So the motion was lost.

The question recurring upon the engrossment and third reading of the preamble and resolutions, on that question, the yeas and nays were called for by Messrs. Anderson and Carter, and were:

Yeas—Mr. President, Messrs. Baltzell, Bellamy, Gilchrist, Johnson, Kelly and Richardson—7.

Nays—Messrs. Anderson, Carter, Hart, Long, Putnam, Pent and Summerlin—7.

So the question on the engrossment and third reading of the preamble and resolutions, was decided in the negative.

Mr. Baltzell moved to reconsider the vote just taken.

Pending which motion, Mr. Anderson moved to adjourn till to-morrow, 11 o'clock, A. M.

Which motion was lost.

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

THURSDAY, JANUARY 30th, 1845.

The Senate met pursuant to adjournment, and a quorum being present, yesterday's proceedings were read and approved.

Mr. Moseley offered the following resolution:

Resolved, That the House of Representatives concurring, that two be added on the part of the Senate, to the Joint Select Committee on the subject of securing property mortgaged for the payment of the Faith Bonds, &c., from misapplication &c., with such additional number on the part of the House, as may be appointed by that body.

Which was adopted.

Mr. Gilchrist offered the following resolution:

Resolved, That the report of the Secretary of the Territory, communicating the vote of the last and previous years, be referred to

the Select Committee, appointed to consider the propriety of dividing the Western Senatorial District, and that said committee be instructed to enquire into the expediency and propriety of dividing the other Senatorial Districts—and also, of reporting a bill equalizing representation as provided for by the late law of Congress.

Which was adopted.

Mr. Carter offered the following resolution:

*Resolved*, That the Committee on the Judiciary be requested to examine into the propriety or expediency of amending or repealing that part of the election law of this Territory, which provides, that a native citizen of the United States, who is a voter, may vote (if his vote be challenged,) by making affidavit, that he is a native of the United States, and which prohibits a naturalized citizen, and legal voter (who may have lost or mislaid his papers of naturalization,) from voting in a like manner. And that said committee report by bill or otherwise.

Which was adopted.

Ordered that Mr. Pent be added to the Select Committee, to whom was referred the bill to divide the Western Senatorial District.

Agreeably to previous notice, Mr. Putnam on leave, introduced a bill to be entitled, "An Act to amend the several acts now in force in relation to proceedings in Chancery; also, a bill to amend the several acts in relation to the limitation of actions, and for other purposes.

Which were read the first time.

Agreeably to previous notice, Mr. Carter on leave, introduced a bill to be entitled, "An Act to amend the Revenue Laws of this Territory.

Which was read the first time.

Mr. Baltzell gave notice that he will on some future day, ask leave to introduce a bill to be entitled, An Act to Incorporate the Tallahassee Female Academy.

Mr. Moseley, from the Committee of Ways and Means, to whom was referred a bill to be entitled "An Act to reduce the public expenditures, and to provide for the payment of the public debt," reported the same without amendment.

On motion of Mr. Moseley, the bill was laid on the table, and 30 copies ordered to be printed.

Mr. Gilchrist, from the Committee on Banks, to whom was referred a bill to be entitled "An Act to provide against a fraudulent and depreciated Currency," reported the same with amendments, and the same were placed among the orders of the day.

Mr. Anderson, from the Judiciary Committee to whom was referred the memorial from the Trustees of Jefferson Academy, on leave, made a report, the consideration of which was postponed until to-morrow.

Mr. Anderson, from the same committee, to whom was referred a resolution relating to the change of the time at which the Legis-

lative Council shall convene, made a report, accompanied by the following resolution:

*Resolved*, That it is inexpedient to make any change in the time of the Legislative Council commencing its annual session.

Which was read the first time.

Mr. Anderson, from the same Committee, to whom was referred a resolution respecting the expediency of abolishing the County Courts of the several counties of this Territory, made a report, accompanied by a bill to be entitled "An Act to establish a board of County Commissioners."

Which bill was read the first time, and fifty copies thereof ordered to be printed.

Mr. Putnam, from the select committee, to whom was referred the bill for the relief of Thomas T. Russell, and the accompanying accounts, reported the same without amendment.

#### ORDERS OF THE DAY.

A memorial from the House relative to State Government, was received, and on motion of Mr. Anderson, placed among the orders of the day, considered, and read the first time, and

Mr. Putnam moved that the memorial be rejected.

On which motion the yeas and nays being called for by Messrs. Putnam and Moseley, were,

*Yeas*—Messrs. Bellamy, Carter, Kelly, Long, Putnam, and Summerlin—6.

*Nays*—Mr. President, Messrs. Anderson, Baltzell, Gilchrist, Johnson, Moseley, Pent and Richardson—8.

So the motion was lost.

On motion of Mr. Putnam, the vote of yesterday, by which the preamble and resolutions calling for certain information from the Delegate of Florida in Congress, in relation to expenses of Judiciary, &c., were refused to be engrossed, was reconsidered.

The preamble and resolutions were then ordered to be engrossed and read a third time.

The resolutions instructing the Judiciary Committee to make certain enquiries into the present Judiciary system of Florida, came up.

Mr. Putnam proposed the following amendment, to be added to the first resolution:

*Provided*, That the Eastern, Western, Apalachicola and Southern Districts of Florida be not included in the proposed enquiry, as the people of those Districts are, in the opinion of the Senate, satisfied with the administration of justice, by the District Courts of these districts respectively.

Pending which motion,

On motion of Mr. Baltzell, the resolution and proposed amendment, were laid on the table.

A message was received from the House, announcing its concurrence in the amendment proposed by the Senate, to the preamble,

and resolutions, asking appropriation for a survey between Indian and St. John's rivers.

A bill to be entitled, An Act to increase the jurisdiction of Justices of the Peace in civil matters, was read a second time.

Mr. Carter proposed the following, to be added to the first section, as an amendment:

*Provided, however,* That the said Justices of the Peace shall not hold more than two terms of their Courts in each year.

On motion of Mr. Baltzell, the bill and proposed amendment were laid on the table.

An Act to amend an act regulating crimes and misdemeanors, approved February 10, 1839, was read a second time, and laid on the table.

A bill to be entitled, "An Act to amend the law approved March 15th, 1844, to incorporate the inhabitants of the different Townships of this Territory," was read a third time, and passed.

Ordered that the title be as read.

A resolution instructing the Commissioner of Tallahassee to dispose of certain lots belonging to the Territory, was read a third time and adopted.

The resolutions to refer the St. Joseph's Constitution again to the people of Florida, came up.

The question being put on the adoption of the first resolution, the yeas and nays were called by Messrs. Gilchrist and Kelly, and were:

*Yeas*—Messrs. Bellamy, Kelly, Long, Putnam, Summerlin—5.

*Nays*—Mr. President, Messrs. Anderson, Baltzell, Carter, Gilchrist, Johnson, Moseley, Pent, and Richardson—9.

So the resolution was rejected.

The second resolution was then laid on the table.

A bill to be entitled *An act for the relief of Nancy Fountain* was read a second time.

Mr. Carter moved to lay the bill on the table. On which motion the yeas and nays being called for by Messrs. Carter and Long, were:

*Yeas*—Mr. President, Messrs. Anderson, Bellamy, Baltzell, Carter, Gilchrist, Johnson, Putnam, and Summerlin—8.

*Nays*—Messrs. Baltzell, Kelly, Long, Moseley, Pent, and Richardson—6.

So the bill was laid on the table.

A bill to be entitled, "An Act to amend an act to impose a tax on Hawkers and Pedlars in this Territory," was read a second time,

and ordered to be engrossed, and read a third time.

The bill from the House entitled, An Act to authorize Folsom, administrator, &c., to sell certain real estate, came up on a second reading, and was referred to the Committee on the Judiciary.

Preamble and Resolutions from the House asking an appropriation for a road from, and mail route from Tampa Bay to Enterprise: Also, Preamble and Resolutions from the House, asking an appropriation to open a road from Columbus to Gary's Ferry: were read a third time and adopted.

A bill from the House to be entitled, An Act to legalize certain elections held in St. Lucie County, was read a third time, and passed as amended.

A bill from the House to authorize the Clerk of Mosquito County Court to keep his office at his place of residence, and for other purposes, came up on a second reading.

Mr. Putnam moved to amend the bill by striking out the word "Mosquito," and inserting the word "Orange," wherever it occurs in the bill.

Which amendment was concurred in, and the bill was ordered to be read a third time.

The Resolution that the Legislative Council adjourn *sine die*, on the 22d February, next came up.

Mr. Kelly moved to lay the resolution on the table.

Which was lost.

The resolution was then read a third time and adopted.

A bill to be entitled An act for the relief of Thos. T. Russell, came up on a second reading, and with the accompanying papers, was postponed until Monday next.

An act to provide against a fraudulent and depreciated currency, came up on its second reading, and was laid on the table.

An act from the House, to constitute a Board of Wardens and Commissioners of Pilotage, for Indian river and Jupiter bars: also,

An act from the House to amend an act entitled an act to raise a revenue for the Territory, approved Nov. 22, 1829, were placed among the orders of the day, and read a first time.

Resolution from the House requesting Congress to pay an account of Gibson & Hibbard, with the accompanying papers, was placed among the orders of the day, and read a first time.

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

FRIDAY, January 31, 1845.

The Senate met pursuant to adjournment, and a quorum being present, yesterday's proceedings were read and approved.

Mr. Baltzell gave notice that he will, on some future day, ask leave to introduce a bill to be entitled An act to prescribe the mode of levying taxes in the counties, as well as the cities and towns, of this Territory.

Mr. Pent offered the following resolution:  
*Resolved*, That the Committee on the Judiciary be instructed to enquire into the expediency of altering and amending the laws in regard to slaves, free negroes and mulattoes, so as to establish more effective police regulations in relation thereto, more especially in the sea-port towns of this Territory.

Which was adopted.  
Mr. Baltzell, from the Joint Select Committee on the expenses of the present session of the Legislative Council, made a report accompanied by the following resolution:

*Resolved by the Governor and Legislative Council of the Territory of Florida.* That our Delegate in Congress be, and he is hereby requested to obtain an appropriation of \$10,000, in addition to the sum already appropriated, for the payment of the expenses of the Legislative Council, the amount of the appropriation made by the last Congress, being inadequate to the purpose.

Whereupon the rule requiring three readings was waived, and the question being put upon the final passage of the resolution, the ayes and nays were called by Messrs. Long and Baltzell, and were:

*Yeas*—Mr. President, Messrs. Baltzell, Carter, Gilchrist, Johnson, Moseley, Putnam, Pent and Richardson—9.

*Nays*—Messrs. Kelly, Long and Summerlin—3.  
So the resolution was adopted.

#### ORDERS OF THE DAY.

On motion of Mr. Summerlin, the vote of yesterday, ordering the bill to be entitled An act to amend an act to impose a tax on Hawkers and Pedlars in this Territory, to be engrossed and read a third time, was reconsidered.

On motion of Mr. Carter, the bill was referred to the Committee on the Judiciary.

The bill from the House, entitled An Act to authorize the Clerk of Mosquito County Court to keep his office at his place of residence, and for other purposes, with the amendments thereto, were read a third time, and said bill was passed as amended.

The title of said bill was amended by striking out the word "Mosquito," and inserting in lieu thereof the word "Orange," and adopted as amended.

A bill from the House, entitled An Act constituting a board of Wardens and Commissioners of Pilotage for Indian river and Jupiter Bar, was read a second time and ordered for a third reading.

A bill from the House to be entitled An Act to amend an act to raise a revenue for the Territory, approved Nov. 22, 1829, came up, and was read a second time, when Mr. Moseley moved to refer the bill to the Committee on the Judiciary,

Which motion was lost.  
Mr. Gilchrist moved to amend the bill by striking out the words "officer or other," in the 6th line of the bill, and inserting in lieu thereof the word "a."

On which motion the ayes and nays being called for by Messrs. Gilchrist and Baltzell were:

*Yeas*—Messrs. Baltzell, Bellamy, Gilchrist, Johnson, Moseley and Richardson—6.

*Nays*—Mr. President, Messrs. Anderson, Carter, Kelly, Long, Putnam, Pent and Summerlin—8.

So the amendment was rejected.

Mr. Moseley offered the following amendment to be added to the bill:

*Provided, nevertheless,* that the provisions of this Act shall not

be extended to the collection of any monies, made previously to its passage.

On which motion the ayes and nays being called by Messrs. Moseley and Gilchrist, were:

*Yeas*—Mr. President, Messrs. Anderson, Bellamy, Baltzell, Carter, Gilchrist, Johnson, Kelly, Long, Moseley, Putnam, Pent, Richardson, Summerlin—14.

*Nays*—0.

So the amendment was adopted.  
Mr. Baltzell moved to amend the bill by adding the following, as an additional section:

*Be it further enacted,* That the provisions of this Act shall not be construed to operate upon any suit or suits that have been or may be instituted against any officer or officers, or other person, for a violation of said act, or to recover for delinquencies occasioned or arising under the same.

On which motion the ayes and nays being called for by Messrs. Moseley and Baltzell were:

*Yeas*—Messrs. Baltzell, Bellamy, Johnson, Long, Moseley and Richardson—6.

*Nays*—Mr. President, Messrs. Anderson, Carter, Gilchrist, Kelly, Putnam, Pent and Summerlin—8.

So the amendment was rejected.

On motion of Mr. Kelly, a call of the House was ordered.

The following members answered to the call:

Mr. President, Messrs. Anderson, Bellamy, Baltzell, Carter, Gilchrist, Johnson, Kelly, Long, Moseley, Putnam, Pent, Richardson—13.

Mr. Moseley then moved the indefinite postponement of the bill.

On which motion the ayes and nays being called for by Messrs. Gilchrist and Moseley, were:

*Yeas*—Messrs. Baltzell, Bellamy, Gilchrist, Johnson, Moseley, and Richardson—6.

*Nays*—Mr. President, Messrs. Anderson, Carter, Kelly, Long, Putnam, Pent, and Summerlin—8.

So the bill was not indefinitely postponed.

The question "shall the bill be read a third time?" was then put, and the ayes and nays being called for by Messrs. Baltzell and Moseley, were:

*Yeas*—Mr. President, Messrs. Anderson, Carter, Kelly, Long, Putnam, Pent and Summerlin—8.

*Nays*—Messrs. Baltzell, Bellamy, Gilchrist, Johnson, Moseley and Richardson—6.

So the bill was ordered to be read a third time.

The resolution from the House, requesting the account of Gibson & Hibbard to be paid by Congress, was read a second time, and ordered for a third reading.

A bill to be entitled, An Act to amend the several acts now in

force, in relation to proceedings in Chancery, was read a second time, and ordered to be engrossed, and read a third time.

A bill to be entitled, An Act to amend the several acts in relation to the limitation of actions, and for other purposes, was read a second time, and ordered to be engrossed, and read a third time.

A bill to be entitled, An Act to amend the Revenue Laws of this Territory, was read a second time, and referred to the Committee of Ways and Means.

The report of the Committee on the Judiciary, in relation to the memorial of the Trustees of Jefferson Academy, came up, and the further consideration thereof, was postponed until Monday next.

The resolution from the Judiciary Committee, resolving that it is inexpedient to make any change in the time of the Legislative Council commencing its annual session, was read a second time, and ordered to be engrossed, and read a third time.

The memorial from the House, relating to State Government, came up, and the question being put, "shall the memorial be engrossed and read a third time?" the yeas and nays were called by Messrs. Putnam and Anderson, and were:

*Yeas*—Messrs. Anderson, Baltzell, Gilchrist, Johnson, Moseley, Pent and Richardson—7.

*Nays*—Mr. President, Messrs. Bellamy, Carter, Kelly, Long, Putnam and Summerlin—7.

So the question on the third reading was decided in the negative.

The preamble and resolution calling for certain information from the Delegate of Florida in Congress, in relation to expenses of Judiciary, &c., were read a third time, when the question was put, "shall the preamble and resolution be adopted?"

On which question, the yeas and nays being called for by Messrs. Moseley and Pent, were:

*Yeas*—Mr. President, Messrs. Baltzell, Bellamy, Gilchrist, Johnson, Moseley, Richardson—7.

*Nays*—Messrs. Anderson, Carter, Kelly, Long, Putnam, Pent, Summerlin—7.

So the preamble and resolutions were rejected.

A bill to be entitled, An Act to provide against a fraudulent and depreciated currency, was taken from the table and considered.

The amendments to said bill, reported by the Committee on Banks, were concurred in, and the bill as amended, was ordered to be engrossed, and read a third time.

The bill to be entitled, An Act to increase the jurisdiction of Justices of the Peace in civil matters, was taken from the table and considered.

Mr. Moseley offered the following amendment, to be made an additional section:

Sec. 3. *Be it further enacted*, That if the amount sued for exceeds fifty dollars, the defendant, upon entering his appearance, shall be entitled to a continuance, till the third term of said Justice's Court thereafter.

Mr. Carter moved to strike out the word "third," and insert, in lieu thereof, the word "fourth."

Which amendment to the amendment was concurred in, and the amendment, as amended, adopted.

Mr. Long moved to strike out all in said bill after the enacting clause.

On which motion, the yeas and nays being called for by Messrs. Long and Carter, were:

*Yeas*—Messrs. Baltzell, and Long—2.

*Nays*—Mr. President, Messrs. Bellamy, Carter, Gilchrist, Johnson, Kelly, Moseley, Putnam, Pent, Richardson, Summerlin—11.  
So the motion was lost.

The bill was then ordered to be engrossed, and read a third time, as amended.

Ordered, that Mr. Baltzell be added to the Committee of Ways and Means.

On motion of Mr. Baltzell, the bill to be entitled, "An Act to reduce the public expenditures and to provide for the payment of the public debts," was taken from the table, and referred to the Committee of Ways and Means.

On motion of Mr. Long, the bill for the relief of Nancy Fountain, was taken from the table.

Mr. Carter moved its indefinite postponement.

On which motion, the yeas and nays being called for by Messrs. Long and Carter, were:

*Yeas*—Mr. President, Messrs. Baltzell, Carter, Gilchrist, Johnson, Moseley, Putnam, Pent, Richardson—9.

*Nays*—Messrs. Bellamy, Kelly, Long, Summerlin—4.

So the bill was indefinitely postponed.

A message was received from the House, announcing its concurrence in the proposal to add to the joint committee on the subject of securing mortgaged property from waste, &c.

The Chair then appointed Messrs. Anderson, Baltzell, Putnam, Long and Johnson, to constitute said committee on the part of the Senate.

Mr. Putnam moved that the Senate adjourn until Monday, 12 o'clock.

On which motion, the yeas and nays were called for by Messrs. Johnson and Long, and were:

*Yeas*—Mr. President, Messrs. Baltzell, Bellamy, Carter, Gilchrist, Kelly, Moseley, Putnam, Pent, and Richardson—10.

*Nays*—Messrs. Johnson, Long and Summerlin—3.

So the Senate adjourned till Monday, 12 o'clock.

MONDAY, February 3rd, 1845.

The Senate met pursuant to adjournment, and a quorum being present, Friday's proceedings were read and approved.

The President laid before the Senate, a preamble and resolutions

adopted by certain citizens of Walton county, remonstrating against a division and re-organization of said county.

Which was read, and laid on the table.

Mr. Moseley gave notice that he will, on some future day, ask leave to introduce a bill for the relief of the Trustees of Jefferson Academy.

On motion of Mr. Richardson, the vote ordering the resolution declaring it inexpedient to change the time of the commencement of the session of the Legislative Council, to be engrossed, was reconsidered.

On motion of Mr. Moseley, the resolution was laid on the table.

Mr. Long from the Committee on Enrolled Bills, reported as correctly enrolled, preamble and resolutions asking Congress to graduate and reduce the price of the public lands.

#### ORDERS OF THE DAY.

A bill to be entitled, An Act for the relief of Thos. T. Russell, came up, and the consideration thereof was postponed until to-morrow.

A bill to be entitled, An Act to establish a board of County Commissioners, was read a second time, and made the special order of the day for Wednesday next.

An Act from the House, constituting a Board of Wardens and Commissioners of Pilotage, for Indian river and Jupiter bars, was read a third time and passed.

Ordered that the title be as read.

A bill from the House to be entitled An Act to amend an act to raise a revenue for the Territory, approved Nov. 22, 1829, came up on a third reading, and the consideration thereof was postponed until to-morrow.

The resolution from the House, asking payment by Congress of the account of Gibson & Hibbard, came up on a third reading, and the consideration thereof was postponed until to-morrow.

The engrossed bill entitled An Act to amend the several Acts now in force in relation to proceedings in Chancery, was read a third time and passed.

Ordered that the title be as read.

The engrossed bill entitled An Act to amend the several Acts in relation to the limitation of actions, and for other purposes, was read a third time and passed.

Ordered that the title be as read.

The resolution, from the Judiciary Committee, recommending that the prayer of the Trustees of Jefferson Academy be denied, was read a first time.

The bill entitled An Act to provide against a fraudulent and depreciated currency, came up on a third reading and the consideration thereof was postponed until to-morrow.

The engrossed bill to be entitled, An Act to increase the jurisdiction

of Justices of the Peace in civil matters, came up on its passage.

On the question of its passage, the ayes and nays were called for by Messrs. Moseley and Hart, and were :

*Yeas*—Mr. President, Messrs. Anderson, Carter, Kelly, Moseley, Pent, Richardson and Summerlin—8.

*Nays*—Messrs. Baltzell, Gilchrist, Hart, Johnson and Long—5.  
So the bill passed.

Ordered that the title be as read.

The following bills and resolutions were received from the House :  
A resolution from the Senate, requesting a further appropriation by Congress for the expenses of the Council, was concurred in by the House.

A resolution from the Senate, appointing an additional number to the Joint Select Committee on securing mortgaged property from waste, &c., concurred in by the House, and announcing the appointment of Messrs. Loring, Brown and Long such additional number on the part of the House.

Also ; a bill entitled, An Act to establish and regulate pilotage on the waters, and in the harbors of Dade County :

A bill entitled, An Act to authorize Alexander Hunt to establish a ferry on the Suwannee river :

A bill entitled, An Act respecting witnesses.

A preamble and resolutions asking an appropriation for removing obstructions in the Miami river :

A preamble and resolutions asking Congress to declare the town of Milton, in Santa Rosa County, a port of entry :

A preamble and resolutions relative to a light house on Key Biscayne, Cape Florida :

A preamble and resolutions relative to the opening of a road from Newnansville to Tampa Bay.

Which were laid on the table.

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

TUESDAY, February 4th, 1845.

The Senate met pursuant to adjournment, and a quorum being present, yesterday's proceedings were read, and approved.

Mr. Putnam gave notice that he will, on some future day, ask leave to introduce the following bills :

A bill to be entitled, An Act further prescribing the duties of recording officers :

A bill to be entitled, An Act providing for the teste of writs, and other process :

And a bill to be entitled, An Act to amend the several acts concerning authentication of conveyances.

Mr. Johnson gives notice that he will, on some future day, ask leave to introduce a bill to be entitled, An Act declaratory of the

law of dower, and widow's portions of their deceased husbands' estates.

Agreesably to previous notice, Mr. Moseley, on leave, introduced a bill to be entitled, An Act for the relief of the Trustees of Jefferson Academy. Which was read the first time.

Mr. Carter offered the following resolutions:

*Resolved*, That the Auditor of this Territory, be requested to furnish the Senate, at as early a day as practicable, a statement of the entire Territorial debt up to the first of January, 1845, stating the amount due in each Judicial District, and for what the same is due.

*Resolved*, That the Judiciary Committee be instructed to enquire into the expediency of amending the existing attachment laws of this Territory, and that they report by bill or otherwise.

Which were adopted.

Mr. Putnam offered for adoption by the Governor and Legislative Council of Florida, a resolution, with a memorial to Congress accompanying the same, asking for remuneration for losses occasioned by the late Indian war.

Which were read the first time.

Mr. Anderson, from the Committee on the Judiciary, to whom was referred the bill from the House, to be entitled, An Act to authorize Malinda Palsom, Administratrix, &c., to sell certain real estate, &c., on leave, reported the same without amendment.

The bill was then placed among the orders of the day.

Mr. Baltzell, from the Committee on joint rules, on leave, made a report accompanied by the following resolution:

*Resolved by the Senate and House of Representatives of the Legislative Council of Florida*, That the following rules be, and they are hereby adopted for the joint government of both Houses during the present session:

1st. In every case of disagreement between the Senate and House of Representatives, either House may suggest a conference, and appoint a committee to confer, at a convenient hour, to be agreed on by their respective chairmen; said committee shall meet and confer freely on the subject of disagreement.

2d. Messages from either House to the other, shall be sent by such persons as a sense of propriety in each House may determine proper.

3d. After a bill shall have passed both Houses, it shall be duly enrolled by the Clerk of the House of Representatives, or by the Secretary of the Senate, as the bill may have originated in one or the other Houses, before it shall be presented to the Governor.

4th. When bills are enrolled, they shall be examined by the committee on enrollments of the House in which they shall have originated, who shall carefully correct errors, and forthwith report the same to the House, whereupon the presiding officer of such House shall sign the same, and order the same to be transmitted to the other House, and which shall be sufficient authority for the other presiding officer to sign also.

5th. In signing enrolled bills, the Speaker's name shall be signed above the name of the President of the Senate.

6th. If a bill be returned, rejected by the Governor, the yeas and nays upon its re-consideration shall be first taken in the House in which the bill originated. If a majority of two-thirds of that House vote for the bill, it shall be transmitted to the other House, and if two-thirds of the whole number of both Houses respectively concur in the passage thereof, it shall be so certified by the President of the Senate and the Speaker of the House of Representatives respectively, and the bill shall be passed to the Secretary of the Territory.

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

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

9. Each House shall transmit to the other all papers on which any bill or resolution shall be founded.

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

#### ORDERS OF THE DAY.

The following bills and preambles and resolutions from the House, were taken from the table, placed among the orders of the day, and read the first time.

An Act respecting witnesses.

An Act to authorize Alexander Hunt, to establish a Ferry on the Suwannee river.

An Act to establish and regulate Pilotage on the waters, and in the Harbors of Dade county.

Preamble and resolutions relative to the opening of a Road from Newnansville to Tampa Bay.

Preamble and resolution relative to a Light House on Key Biscayne, Cape Florida.

Preamble and resolutions asking Congress to declare Milton, in Santa Rosa county, a Port of Entry.

Preamble and resolutions asking an appropriation for removing obstructions in Miami river.

A bill for the relief of Thos. T. Russell, came up, and the consideration thereof was postponed till to-morrow.

A bill to be entitled, An Act to amend an act, entitled an act, to raise a revenue for the Territory, approved, Nov'r. 22, 1829, came up, and the consideration thereof was postponed until to-morrow.

The resolution from the Judiciary Committee, recommending that the prayer of the Trustees of Jefferson Academy, in relation to leases of the School Lands, be denied, came up on its passage, and the yeas and nays being called for by Messrs. Gilchrist and Hart were:

*Yeas*—Mr. President, Messrs. Anderson, Baltzell, Bellamy, Carter, Gilchrist, Hart, Johnson, Kelly, Long, Putnam, Pent, Richardson, Summerlin—14.

*Nays*—None.

So the resolution was concurred in.

A message was received from the House, informing the Senate of its concurrence in the amendment to the bill entitled An Act to legalize certain elections in St. Lucie County.

The resolution from the House, asking Congress to pay the account of Gibson & Hibbard came up on its second reading.

Mr. Moseley offered the following amendment as a substitute for the resolution:

*Resolved by the Governor and Legislative Council of the Territory of Florida*, That Congress be requested to pay to the legal representative of Gibson & Hibbard, printers for the Executive Department of the Territory aforesaid, the sum of one hundred and twenty-five dollars, being the amount of their account for the year 1841, heretofore appended.

*Resolved further*, That our Delegate in Congress, the Honorable David Levy, be requested to lay the above resolution, with the accompanying accounts, before Congress, at as early a day as practicable.

THE UNITED STATES:

*To the Estate of Gibson & Hibbard,*

Dr.

1841			
Feby. 8.	For printing, for the use of the Executive Office, Florida, 2 reams of commissions at \$25, -	50	00
" 15.	2 do. Regt. Officer's commissions, at 7 50,	15	00
	60 Bonds,	30	00
	Adv. Proclamation for R. Armstrong,	15	00
	do. do. W. J. Carr,	15	00
		<hr/>	
		\$125	00

I do hereby certify, that while Secretary of Florida, Messrs. Gibson & Hibbard were employed to do the printing of the Secretary and Executive offices, and that the foregoing account is correct.

J. MCANT'S,

Late Secretary of Florida.

TALLAHASSEE, Aug. 3, 1843.

I hereby authorize the Hon. David Levy to collect the above account.

F. H. FLAGG,

Adm'r. of the estate of Gibson & Hibbard.

Witness—SAM. S. SIBLEY.

Which was adopted.

The further consideration of the resolutions, was then postponed until to-morrow.

The bill entitled, An Act to provide against a fraudulent and de-

preciated currency, came up on its passage, and the yeas and nays being called for by Messrs. Carter and Gilchrist, were:

*Yeas*—Mr. President, Messrs. Anderson, Baltzell, Carter, Gilchrist, Hart, Johnson, Kelly, Long, Moseley, Putnam, Pent, Richardson and Summerlin—14.

*Nays*—None.

So the bill passed.

The bill from the House to be entitled, An Act to authorize Malinda Folsom, administratrix, to sell certain real estate, came up, and the consideration thereof, was postponed until to-morrow.

On motion of Mr. Anderson, ordered, that the Printer of the Senate do furnish, from time to time, to each Senator ten copies, and to each member of the House of Representatives, one copy of the corrected Journal of the Senate, as its printing progresses, to be stitched in parcels of thirty-two pages or more, each, and that the number of copies so furnished, be deducted from the copies required to be printed and published annually.

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

WEDNESDAY, February 5, 1845.

The Senate met pursuant to adjournment, and a quorum being present, yesterday's proceedings were read and approved.

Mr. Moseley gave notice that he will, on some future day, ask leave to introduce a bill for the election of Justices of the Peace, by the people of this Territory.

Mr. Baltzell offered the following resolution:

*Resolved*, That the Secretary of the Territory be, and he is hereby, requested and required to furnish to the Committee on Banks of the Senate, the Territorial bonds returned by the Union Bank of Florida to be cancelled, together with the communications of the Bank on the subject.

Which was adopted.

Agreeably to previous notice, Mr. Putnam, on leave, introduced the following bills to be entitled, An Act further prescribing the duties of recording officers;

And, An Act to provide for the teste of writs, and other process.

Which were read the first time.

Mr. Gilchrist, from the Committee on Banks, who were instructed by the Senate to obtain certain information from the Union Bank, on leave reported the following communication in reply to said instructions:

COMMITTEE ROOM, January 28th, 1845.

Sir:—The Committee on Banks have instructed me to enclose to you, the resolutions which passed the Senate on yesterday, requesting certain information in reference to the Union Bank.

I hereby enclose the said resolutions, and request that the infor-

mation desired, may be communicated to the committee, with as little delay as practicable.

Yours respectfully,

JAMES M. GILCHRIST, Chairman.

To JOHN G. GAMBLE, President Union Bank, Tallahassee.

*Resolved*, That the Committee on Banks be instructed to inquire into and report to the Senate, the items constituting the heavy amount of expenditure of the Union Bank, showing the same particularly; and whether it is practicable to reduce such expenditure.

That they inquire into all and singular the sales made by said Bank, if any, of property mortgaged to secure Territorial bonds—on what account said sales were had—by whom made—what property was sold—the purchasers—what money was received thereon—how appropriated—and whether the interests of the Territory, in guarding the rights of the bond-holders, were attended to and protected.

That they ascertain the amount due by stockholders, for interest on stock-notes, and for how many years due—report the stockholders who may have been sued for interest—and such as have not been sued therefor—with the causes, if any, for such omission—obtaining the names of the parties accused.

That they ascertain and report the names of the stockholders against whom judgments have been obtained on stock-notes, and the amount thereof.

That they ascertain and report whether any of the officers of said Bank have failed, within the meaning of the nineteenth section of the act incorporating said Bank, so as to be legally incapable of holding office therein.

Which was adopted.

UNION BANK OF FLORIDA,  
February 4, 1845.

JAMES M. GILCHRIST, Esq.,

Dear Sir: I herewith enclose the answers of this Bank to the several resolutions of the Senate, which I had the honor to receive through you, as Chairman of the Committee on Banks. And as you may not so readily lay your hands upon the resolutions of the Council of 15th March, 1843, referred to in the enclosed, I take the liberty of enclosing herewith a printed copy thereof; and also, copies of the resolutions of the Stockholders, of which those of the Legislative Council were denunciatory.

Very respectfully,

JOHN G. GAMBLE, President.

UNION BANK OF FLORIDA, Feb. 3, 1845.

Sir:—I have the honor to acknowledge the receipt of yours of the 28th ult., with copy of certain resolutions of the Senate, directing your committee to make sundry enquiries into matters pertaining to this institution. My reply has been delayed by the amount of labor it required, from the few officers retained in the service of the

Bank—the least number competent to the discharge of the necessary daily business.

By the first resolution the committee is directed "to inquire into and report to the Senate, the items constituting the heavy amount of expenditure of the Union Bank, shewing the same particularly, and whether it is practicable to reduce such expenditure.

The items of expenditure referred to, embrace the

*Salaries of Officers*—and include seven quarters' salary due the President for the years 1842 and 1843; arrears of salary due to two officers, whose offices had been abolished, and a part of arrears of salary due to the late Cashier. These items constitute an aggregate of \$10,939 59, although the salaries of the officers of the Bank now form an item of only \$6,700 per annum.

*Rent of Banking House—Taxes—Postages—Stationary—Fuel—Servants' hire*, and other small expenses.

*Commutation of debts of doubtful character due the Bank.* The difference between the sum due and that received, being charged under this head.

*Legal Expenses*—including Attorneys', Marshal's and Clerk's fees. Loss incurred in paying judgments against, and executions levied on, the property of endorsers of Bank liabilities; and for whose indemnification the faith and funds of the Bank were pledged at the time of endorsing.

*Exchange Account*—for the difference between the nominal *par*, and actual value of sterling money, in which some of the liabilities of the Bank are payable—the *par* of a pound sterling being four dollars forty-four cents; whereas the pound sterling is actually equal to four dollars eighty-five cents. This item was probably improperly placed under the head of expenditure. Many of the items named, could be paid only in gold or silver, or their equivalent—and the cost of converting Union Bank money into that equivalent, is charged under the head of *expenditure*.

To the enquiry, "Whether it is practicable to reduce such expenditure," the obvious answer is, that the subject may be safely left in the hands of the stockholders, whose direct interest will prompt to the exercise of all proper retrenchment.

The second resolution directs enquiry "into all and singular, the sales made by said Bank, if any, of property mortgaged to secure Territorial bonds—on what account said sales were had—by whom made—what property was sold—the purchasers—what money was received thereon—how appropriated—and whether interest of the Territory, in guarding the rights of the bond-holders, were attended to and protected.

An answer to these enquiries in the manner they are put, would seem to be an unnecessary publication of the private affairs of persons who have been, or now are stockholders of the Bank; and whilst unpleasant to them, can conduce to no useful end. The last enquiry suggested by the resolution, "Whether the interests of the Territory, in guarding the rights of the bond-holders were attended to

and protected," would call forth all the information which can be desirable. I proceed therefore to answer :

That by order of decrees of Court, mortgages given to secure bank stock amounting to . . . . .	\$47,800
have been transferred to parties who held subsequent mortgages on the same property.	
That by private arrangements between stockholders, the Bank mortgages have been released to the amount of . . . . .	58,200
That by order of Court sundry slaves were sold, who were mortgaged to secure Bank stock, but after being run off by the parties in possession, were recovered. The mortgages amounted to . . . . .	29,700
A tract of land mortgaged to secure forty shares of stock, was sold by the Bank by virtue of an execution.	4,000
Land and slaves, referred to in the Governor's message to the Legislative Council, mortgaged to secure stock, have been sold under execution.	26,000
There have been converted into cash stock, 94 shares,	9400
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Mortgages have therefore been released amounting to,	\$175,100
The Bank has delivered to the Governor, for the purpose of being cancelled, 207 Territorial bonds, amounting to . . . . .	\$207,000

Which exceeds the amount of mortgages released, by \$31,900

It is apparent, therefore, that the interests of the Territory, and of the holders of her bonds, have been faithfully guarded by the Bank. And that such will continue to be the case, may be relied upon, from the consideration that it is no less the interest of the stockholders, than of the Territory, that a stockholder shall be permitted to release his property from mortgage, only in such way as will not devolve his responsibilities upon his copartners.

As directly pertinent to the subject of the *second* resolution, justice to the Bank demands the correction of some errors to be found in document IV. which accompanied the annual message of his Excellency, the Governor of the Territory. If all of the documents properly pertaining to the subject had been submitted, the conduct of the Bank would have required no vindication. They would have shewn that the "*sterling bonds*," which were delivered to the Bank by John S. Shepherd, Esq., were accompanied by the surrender of thirty three thousand dollars of the Territorial bonds, for securing the payment whereof, to the extent of twenty-six thousand dollars, the property of A. M. Gatlin, dec'd had been mortgaged; and they would have shewn that those Territorial bonds had been delivered to the Governor, by the Bank, for the purpose of being cancelled. The Bank, therefore, was not, as charged, "co-operating with speculators in impairing the Territorial securities."—If by the term "speculator," the Governor meant to designate those

who purchase the liabilities of the Bank at less than their nominal value, a very numerous class will be included. But it is obvious that the rate paid for its liabilities, is not the standard whereby the Bank will be required to redeem them.

The cases of Gatlin and Dupont are so different in character, that it is amazing to see them described by his Excellency as "similar." In the one case, the interests of the Territory, and of her bond holders, were protected by the delivery and cancelment of Territorial bonds, exceeding, by seven thousand dollars, the amount for which Gatlin's property was mortgaged. In the other case, no Territorial bonds were even tendered to be delivered, and the proposed sale of Dupont's property would have been a sacrifice of the interests, both of the Territory and of her bond holders, for whose security his property had been mortgaged.

Of the contents of the letter of Hon. W. D. Moseley, mentioned in the Governor's letter of 9th ult., to Mr. Sibley, I am not acquainted. But there has as yet been no action of the Bank in relation to the Parkhill estate, in regard to which the Governor could have supposed his interference necessary. When judgments against that estate shall have been completed, the Bank will not be unmindful of the interests of the Territory, in its action upon them.

Since this letter was commenced, the Bank has made a further release of slaves mortgaged to secure stock, to the amount of ten thousand eight hundred dollars—that amount having been converted into cash stock, secured by deposit of bonds of the Territory.

There are also about one hundred thousand dollars more of Territorial bonds, belonging to individuals, lodged in the Bank for safe keeping, and to await future arrangements between it and the owners—arrangements which would probably be made greatly to the satisfaction of both parties, if the Legislative Council would repeal the resolutions passed on the 15th day of March, 1843, denouncing certain measures which had been proposed by the stockholders of this Bank. I cannot but think that, upon consideration, the measures proposed by the stockholders would now be deemed free from objection. If your Committee shall coincide with me in this opinion, I trust that they will recommend a repeal of the resolutions referred to.

The *third* resolution directs the Committee to "enquire into the amount due by stockholders for interest on stock notes, and for how many years due—report the stockholders who may have been sued for interest—and such as may not have been sued therefor—with the causes, if any, for such omission—obtaining the names of the accused."

Some of these enquiries cannot be answered in the way they are put, without a violation of the eighteenth section of the Charter of the Bank. And I feel sure that you will agree with me, that all the information which can be of any use will be found in what follows.

The unpaid interest on stock notes on 1st May, 1844, was \$157,167; that due and unpaid on the 1st instant, is \$315,474.

On the 15th April, 1844, the Board of Directors ordered a circular to be addressed to delinquent stockholders, advising that on the 15th October following, suit would be instituted upon all stock notes upon which interest up to 1st May, 1844, should not have been paid. When this order was made, the Board did not recollect that on the 15th October, it would be too late to bring suits returnable to the Fall Term of Courts, held in the Counties lying East of Jefferson. And when, on 15th October, the matter came before the Board for action, there was some disposition to postpone suits until the Spring Term; but after some discussion it was thought best to proceed as proclaimed in the Circular,—with the understanding that the suits would be dismissed upon payment of interest, and the Clerk's and Marshal's fees, for issuing and serving the *precipe*.—The delinquent list was then taken up and all marked for suit, with the following exceptions, viz:

1. Parties having money to their credit in Bank sufficient to pay the interest required.
2. Parties known by the directors to have provided the requisite funds, which would come into their possession upon shipment of their crops.
3. Parties to whom the Bank was a debtor.
4. Parties who were usually punctual in their payments, and whose delinquency at the time only extended to a few weeks.
5. Parties whose property mortgaged to secure stock, had been destroyed by fire—and who had restored, and increased its value by the erection of better buildings, with an understanding, that a reasonable indulgence in paying their interest would be extended.
6. Parties where a transfer of shares had been assented to by the Board, but the transfer not consummated—the whole arrear of interest to be paid at the time of transfer.
7. Parties whose accommodation debt, of large amount, had been transferred to Bank creditors—and to whom under the circumstances, indulgence was thought reasonable.
8. A case in which an error in describing property mortgaged to the Bank had been discovered. It was deemed best to have the error rectified before proceeding to sue.

Under these several heads, sixteen cases were exempted from suit. And upon re-examination of the list, since receipt of your letter, I have found two cases in which stock-holders, of twenty shares each, had been accidentally overlooked.

The apparent unwillingness of the Board to sue upon stock notes, prior to the last session of the Court of Appeals, will be readily accounted for by the well known fact, that in a suit upon a stock note, the defendant's plea of usury had been sustained. And although at its last session that decision had been overruled, the case has gone to the Supreme Court of the United States for final decision.

The fourth resolution asks "the names of the stock-holders

against whom judgments have been obtained, and the amount thereof." In answer thereto, this Bank has certain knowledge of three such judgments only. Two of them, together amounting to \$32,199 have been satisfied; and are included in the answer to the enquiries of the second resolution. The other is a judgment upon a stock note of \$1,467, given by a gentleman who was drowned at St. Joseph Bay, about eight years ago—it remains unsatisfied. There is reason to believe that three judgments have lately been obtained in Jackson County, upon stock notes respectively in amount, \$15,666, \$15,133, and \$5,833. The two last are the notes of stockholders, who a few years since, fraudulently carried to Texas their slaves which were mortgaged to the Bank. The former is due by the estate of a gentleman, who, except as to the Bank debt, died insolvent.

To the enquiry of the fifth resolution, I am instructed to answer, that the Board of Directors does not know that any officer of this Bank has been disqualified from holding office under the provisions of the 19th section of the Charter.

Respectfully,

JOHN G. GAMBLE, President.

To JAMES M. GILCHRIST, Esq.,  
Chairman of Committee on Banks.

Which was read, and laid on the table.

Mr. Anderson, from the Committee on the Judiciary, to whom was referred a bill to be entitled, An Act to amend the several acts now in force for the collection of rent, on leave, reported the same without amendment.

Mr. Moseley, from the Committee of Ways and Means, to whom was referred a bill to be entitled, An Act to reduce the public expenditures, and to provide for the payment of the public debt, on leave, reported the same without amendment, and asked that the Committee be discharged from the further consideration of the bill.

When the Committee were discharged accordingly.

Mr. Kelly, from the Committee on Elections, who were instructed to enquire into the expediency of changing the time of holding the election for members of the Legislative Council, on leave, made a report, accompanied with the following resolution:

*Resolved*, That it is inexpedient and unwise to alter the present time of holding the election for members of the Legislative Council.

Which was placed among the orders of the day.

Mr. Moseley, from the Committee on Ways and Means, to whom was referred a bill from the House to be entitled, An Act to amend the revenue laws of this Territory, on leave, reported the same without amendment, and asked that the Committee be discharged from the further consideration of the bill.

When the Committee were discharged accordingly.

#### ORDERS OF THE DAY.

A bill to be entitled, An Act to establish a Board of County Com-

missioners, which was made the special order for to-day came up. Which was laid on the table.

A bill for the relief of Thos. T. Russell, coming up, was made the special order of the day for Friday next.

A bill from the House to be entitled, An Act to amend an act entitled an act to raise a revenue for the Territory, approved Nov. 22, 1829, came up.

Mr. Putnam offered the following amendment to be added, as an additional section to the bill:

Sec. 2. *Be it further enacted*, That the collecting officers of the several Counties, shall hereafter be authorized to exchange with any holder of a Territorial Warrant, or Warrants, or Territorial Scrip, such funds as they may receive for taxes in their respective Counties, for such Warrant or Warrants, or Territorial Scrip, and transmit the same to the Treasurer of the Territory.

Mr. Carter moved to amend the amendment by inserting after the word "authorized," the words, "and required upon application."

Which was adopted.

Mr. Carter also moved to amend the amendment by inserting the words "at par," after the word "scrip," in the latter part of the amendment.

On which the yeas and nays being called for by Messrs. Kelly and Long, were:

Yeas—Mr. President, Messrs. Anderson, Baltzell, Carter, Gilchrist, Hart, Johnson, Kelly, Long, Moseley, Pent, Richardson and Summerlin—13.

Nays—None.

So the amendment to the amendment was adopted.

The question being then put on the amendment of Mr. Putnam, as amended, the same was adopted.

Mr. Baltzell offered the following amendment, as an additional section to the bill:

Sec. 3. *Be it further enacted*, That in case of speculation by public officers in public funds, as authorized by this act, the same shall be for the benefit of the Territory, and the officer making such speculation shall account to the Treasury for as much money as he may make by such speculation, and on failure to account therefor, said officer shall be liable to thrice the amount made by him in such speculation.

On which the yeas and nays being called for by Messrs. Carter and Pent were:

Yeas—Messrs. Baltzell, Gilchrist, Hart, Johnson, Moseley and Richardson—6.

Nays—Mr. President, Messrs. Anderson, Carter, Kelly, Long, Putnam, Pent and Summerlin—8.

So the amendment was rejected.

Mr. Hart moved to amend, by striking out all after the title of the bill, and inserting the following:

*Be it enacted by the Governor and Legislative Council of the Ter-*

*ritory of Florida*, That from and after the passage of this act, it shall be lawful for all collecting officers of public money in this Territory, upon application, and they are hereby required, to exchange with any holder of Territorial scrip at par, for any funds in their hands belonging to the Territory.

On which the yeas and nays being called for by Messrs. Gilchrist and Richardson, were:

Yeas—Messrs. Baltzell, Gilchrist, Hart, Johnson, Moseley, and Richardson—6.

Nays—Mr. President, Messrs. Anderson, Carter, Kelly, Long, Putnam, Pent and Summerlin—8.

So the amendment was rejected.

Mr. Baltzell moved to postpone the bill and amendments indefinitely.

On which the yeas and nays being called for by Messrs. Baltzell and Gilchrist, were,

Yeas—Messrs. Baltzell, Gilchrist, Hart, Johnson, Moseley, and Richardson—6.

Nays—Mr. President, Messrs. Anderson, Carter, Kelly, Long, Putnam, Pent, and Summerlin—8.

So the motion was lost.

Mr. Carter moved to strike out the preamble.

On which the yeas and nays being called for by Messrs. Carter and Moseley, were,

Yeas—Mr. President, Messrs. Anderson, Carter, Gilchrist, Hart, Johnson, Kelly, Moseley, Putnam, Pent, Richardson, and Summerlin—12.

Nays—Messrs. Baltzell and Long—2.

So the preamble was stricken out.

Mr. Anderson moved to strike out the word "therefore," in the first line of the bill.

Which motion prevailed.

Mr. Putnam offered the following amendment as an additional section:

*Be it further enacted*, That the repeal of said fourth section, shall not affect any suit already instituted, or hereafter to be instituted, for any violation thereof, previous to the passage of this law.

Which was adopted.

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

Which motion was lost.

Mr. Moseley offered the following amendment, as an additional section:

Sec. 4. *Be it further enacted*, That if any collecting officer shall receive any warrant, scrip, or other liabilities of the Territory, at less than par, he shall be indicted in the Superior Court of Law, for the county in which such offence may have been committed, and upon conviction, shall be fined in the sum of \$500, and imprisoned at the discretion of the Jury, not exceeding six months.

On which motion, the yeas and nays being called for by Messrs. Moseley and Carter, were :

Yeas—Messrs. Baltzell, Gilchrist, Hart, Johnson, Kelly, Moseley and Richardson—7.

Nays—Mr. President, Messrs. Anderson, Long, Putnam, Pent and Summerlin—7.

So the amendment was lost.

The question being put on the passage of the bill as amended, the yeas and nays were called for by Messrs. Pent and Moseley, and were :

Yeas—Mr. President, Messrs. Anderson, Carter, Kelly, Long, Putnam, Pent, Summerlin—8.

Nays—Messrs. Baltzell, Gilchrist, Hart, Johnson, Moseley and Richardson—6.

So the bill passed.

Ordered that the title be as read.

On motion of Mr. Baltzell, leave of absence was granted to Mr. Bellamy, for ten days.

A bill was received from the House to be entitled, An Act to divorce Agnes Bell, from her husband Joseph G. Bell, and to change her name to that of Agnes Woolf.

Which was placed among the orders of the day.

The resolution from the House, relative to the account of Gibson & Hibbard, as amended by the Senate, was read a third time, and adopted, as amended.

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

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

#### THURSDAY, February 6, 1845.

The Senate met pursuant to adjournment, and a quorum being present, yesterday's proceedings were read and approved.

Mr. Baltzell offered the following resolution :

*Resolved*, That the Treasurer of the Territory be, and he is hereby, requested, to communicate to the Senate the names of the individuals to whom payments have been made, and from whom money has been received, within four years past, stating the nature of the funds, and from received; stating also, the present state and condition of the Treasury, with the character of the funds, if any, on hand.

Which was adopted.

Agreeably to previous notice, Mr. Moseley asked and obtained leave to introduce a bill to be entitled, "An Act to authorize the people of Florida to elect Justices of the Peace for their respective Counties."

Which was read the first time and laid on the table.

Mr. Baltzell offered the following resolution :

*Resolved*, That the Judiciary Committee be, and they are hereby, instructed to inquire into the expediency of organizing a tribunal for the trial of suits instituted by or against Judges or other officers appointed for this Territory by the President of the United States, and of indictments, if any, that may be preferred against the same.

That said Committee be further instructed to inquire into the propriety of reporting a bill, or memorialising Congress to pass a law declaring the office vacant, held by any person, whatever, who shall absent himself from the Territory for the space of two months or longer, thereby leaving the duties of his office, neglected and unattended to, and of requiring the Governor of the Territory, in case of such absence, to apply to the President of the United States, informing him of the fact, with a request that he will remove said officer, and appoint another in his stead.

That said Committee be further instructed to inquire into the propriety of reporting a bill imposing suitable penalties on such officers as may leave the Territory, without providing for the discharge of the duties of their offices in their absence, and also of giving redress to individuals who may sustain injury thereby, or from other cause.

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

Mr. Putnam offered the following resolution :

*Be it resolved by the Governor and Legislative Council of the Territory of Florida*, That the Commissioner of Tallahassee be, and he is hereby, directed to select convenient and suitable rooms in the Capitol not otherwise already appropriated, for the holding of the Courts, as well of the United States as of the Territory, after her admission into the Union as a State: *Provided*, That the Government of the United States do agree to fit up and furnish the Court room and offices, at the expense of the United States, in a suitable manner: *And provided also*, That the said Court room and offices shall be appropriated as well for the use of the State Courts as of the United States, at convenient times, each to the other.

Which was read the first time.

Mr. Anderson, from the Joint Select Committee, to whom was referred so much of the Governor's message as refers to the subject of securing property mortgaged for the payment of the faith bonds from misapplication, &c., on leave, made a report, accompanied by a bill to be entitled, An Act for the protection of property mortgaged to secure the payment of the bonds commonly called faith bonds.

Which was read the first time, and one hundred copies thereof ordered to be printed.

Mr. Long, from the Committee on Enrolled Bills, reported as correctly enrolled :

A resolution asking Congress for an additional appropriation of \$10,000, to pay the expenses of the Legislative Council.

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

EXECUTIVE DEPARTMENT, }  
Tallahassee, February 5th, 1845. }

*Gentlemen of the Senate  
and House of Representatives :*

I have approved the following Act and resolutions of the Legislature, at its present session :

1st. An Act to legalize certain elections held in St. Lucie County.

2nd. A preamble and resolutions relative to the clearing out and repairing the road leading from Tampa Bay to Enterprise, or Lake Monroe, on the St. John's river.

3rd. A preamble and resolutions relative to a survey of that portion of country lying between the head waters of Indian river, and the river St. Johns, with a view to the opening of a canal to connect the two rivers, and also a survey of the water courses and intervening land, lying between the head of Indian river and Cape Florida.

4th. A preamble and resolutions relative to a road from Columbus to Garey's ferry, on Black creek.

5th. A preamble and resolutions relative to the graduation and reduction of the price of the public lands in the Territory of Florida.

I have the honor to be, &c.

JNO. BRANCH.

#### ORDERS OF THE DAY.

An Act to authorize Malinda Folsom, administratrix, &c., to sell certain real estate, came up on a second reading.

Mr. Anderson offered the following amendment to be added to the first section of the bill :

*Provided*, That the said Malinda Folsom shall enter into a bond for the faithful and legal application of the proceeds of said sale, as required by the second section of An Act to amend the several acts regulating County Courts in this Territory, approved Feb. 8, 1838.

Which was adopted.

On motion of Mr. Moseley, the bill was then postponed until the 22d of February next.

A bill to be entitled, An Act for the relief of the Trustees of Jefferson Academy, and for other purposes, was read a second time and laid on the table.

The memorial and resolution asking Congress for remuneration for losses in the late Indian war, was read a second time and ordered to be engrossed for a third reading.

The following bills, and preamble and resolutions from the House, were read a second time and ordered for a third reading :

An act respecting witnesses.

An act to authorize Alexander Hunt to establish a Ferry on the Suwannee River.

An act to establish and regulate pilotage on the waters and in the harbors of Dade county.

Preamble and resolution relative to the opening of a road from Newnansville to Tampa Bay.

Preamble and resolutions relative to a Light-house on Key Biscayne, Cape Florida.

Preamble and resolutions asking an appropriation for removing obstructions in Miami River.

Preamble and resolution from the House, asking Congress to declare the town of Milton, in Santa Rosa County, a Port of Entry, coming up,

Mr. Kelly moved to amend the resolution, by striking out the word "Navy" in said resolution, and inserting in its place the word "Treasury."

Which amendment was adopted, and the preamble and resolution as amended, ordered for a third reading.

The bill to be entitled, An Act to reduce the public expenditures and to provide for the payment of the public debts, coming up on a second reading, the Senate resolved itself into a Committee of the Whole, Mr. Long in the chair, and after some time spent therein, the committee rose and reported the same with an amendment.

On motion of Mr. Moseley the blank in the third section was filled with the word "ten," and the first blank in the ninth section, with the word "six."

On motion of Mr. Moseley, all of the ninth section after the word "dollars" in the second line, was stricken out, and the following words, "As a full compensation for all the services required by this act," were inserted in lieu thereof.

On motion of Mr. Moseley, the title of the bill was amended by striking out all after the word "entitled," and inserting the following words, "An Act to reduce the expenditures of the Government, provide for the election of Auditor and for other purposes."

The bill as amended was then ordered to be engrossed, and read a third time.

The following communication was received from his Excellency the Governor, and read :

EXECUTIVE DEPARTMENT, }  
Tallahassee, February 6th, 1845. }

*Gentlemen of the Senate  
and House of Representatives :*

I have approved the following Acts and Resolutions of the Legislature at its present session :

1st. An Act to alter and change the name of Mosquito County, to that of Orange.

2d. A preamble and resolutions relative to an appropriation by Congress for the removal of obstructions in the rivers Ochlawha and Withlacoochee, and the establishment of a mail route to New River in Columbia county.

3d. A preamble and resolutions relative to the admission of Florida to the Confederacy.

4th. A preamble and resolutions relative to the repairing the road from Jacksonville in East Florida to the Mineral Springs.

5th. An Act to change the name of Martha E. Cohoon.

6th. A preamble and resolutions relative to the making navigable the Chipola River.

7th. A preamble and resolutions relative to the construction of a Light-house at Indian River Bar.

8th. An Act to authorize Jesse Donaldson to establish a Ferry across Yellow River, in Santa Rosa County.

I have the honor to be, &c.,

JNO. BRANCH.

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

The resolution relative to changing the time for the election of members to the Legislative Council, came up, and was laid on the table.

A bill to be entitled, An Act to amend the revenue laws of this Territory, came up on a second reading, and was postponed till to-morrow.

An Act to provide for the teste of writs and other purposes, came up on its second reading, and was postponed until to-morrow.

A bill to be entitled, An Act further prescribing the duties of recording officers, was read a second time and ordered to be engrossed.

A bill from the House to be entitled, An Act to divorce Agnes Bell from her husband, Joseph Bell, &c., was read a first time.

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

FRIDAY, FEBRUARY 7th, 1845.

The Senate met pursuant to adjournment, and a quorum being present, yesterday's proceedings were read and approved.

Mr. Anderson, from the Committee on the Judiciary, to which was referred, the question of "the expediency of altering and amending the law in regard to slaves, free negroes and mulattoes, &c., made a report, accompanied by a bill to be entitled, An Act to amend an act, to prevent the future migration of free negroes or mulattoes to the Territory, and for other purposes.

Which was read the first time, and 15 copies ordered to be printed.

A communication from the Auditor of the Territory, in pursuance of a resolution from the Senate, showing the indebtedness of the Territory, was received, read, and 100 copies ordered to be printed.

Which communication is as follows:

TREASURY DEPARTMENT, }  
Auditor's Office, 6th February, 1845. }

To the President and Senate

of the Territory of Florida:

The undersigned begs leave, in obedience to your resolution of the 4th inst., to submit the accompanying statement, showing the indebtedness of the Territory at this date, to be seventeen thousand one hundred and ninety-three ninety seven-hundredths, (\$17,193 97-100,) with the names and Districts, as near as practicable, where the parties reside. The expenses under their different heads, are as follows:—

Expenses prosecuting criminals in Western Dist.,	\$3834 10
" " " Apalachicola Dist.,	2008 72
" " " Middle Dist.,	2716 52
" " " Eastern Dist.,	445 34
" " " Southern Dist.,	245 25
" Collecting Revenue,	374 44
" State Convention,	1265 24
" Executive Department,	1098 37
" Treasury "	1600 00
" Reviewing Militia,	1523 00
" Indian Hostilities,	915 02
" Prosecuting Banks,	470 67
This amount borrowed from Orphan Fund, 1835,	707 30

Making in all, \$17,193 97

As will more fully appear by reference to the statement alluded to.

Very respectfully, your ob't serv't,

JOHN MILLER, Aud. pub. acct. Fla.

Hon. President of the Senate.

1839. Western District.	Western District, Continued.
Feb. 9, H. A. Henry, \$ 14 25	1843.
Mar. 4, J. Surrie, 11 25	Jan. 20, Noah McElvy, 7 33
May 1, J. Seville, 5 75	Jan. 31, Geo. Brown, 100 00
1840.	" Lucretia Tynor, 6 25
Jan. 3, J. B. Griffin, 154 50	" W. Ward, 6 25
" 31, R. Joiner, 800 00	" Stokes Baker, 6 25
" Peter Woodbine, 260 00	" J. C. Clary, 6 25
1842.	" James D. Clary, 18 00
Jan. 20, S. Sentifer, 800 00	" W. Moore, 8 00
" E. McCurdy, 700 00	Feb. 9, J. W. Ernest, 47 05
" G. L. Phillips, 6 75	" Thos. Delany,
" D. G. McLean, 84 12	" G. D. Fisher, 10 00
" L. McLean, 3 00	" W. McLean, 1 75
" Enos Evans, 15 25	" Z. McNeilson, 5 75
" Wm. Ward, 12 00	" Walter Young, 36 13
" A. H. Brownell, 65 00	" J. Harralson, 8 00

1843. <i>West. Dist. Continued.</i>	1843. <i>West. Dist. Continued.</i>
" J. McLean, 25 00	" Wm. Turner, 4 35
" H. G. Ramsay, 73 53	" M. Gibson, 24 10
" Lucretia Rogers, 8 25	" G. W. Barkley, 2 25
" John Filligan, 2 06	" J. Farena, 17 50
" F. T. Ward, 8 25	" J. Wilkins, 3 50
" C. Evans, Mar'l. 394 26	" Jacob Felure, 4 00
Jan. 20, John Williams, 36 00	
" Hugh McLean, 32 00	Total, \$3,834 10

*Expenses Apalachicola District.*

1839.	
Feb. 9, D. Northrup, \$ 5 00	
Mar. 9, R. Whipple, 123 56	
" Fuller & Hoyt, 29 00	
" T. M. White, 159 00	
1841.	
Jan. 5, Josiah Horn, 40 50	
" T. M. White, 231 00	
" 27, John Thomas, 309 50	
" Thos. Cooper, 7 00	
" Ed. Bolen, 200 00	
" Wm. Ross, 6 75	
" Jas. McChub, 8 00	
" Jas. Barnes, 18 50	

*Exps. Middle District.*

1840.	
Jan. 3, C. S. Sibley, \$ 130 00	
" R. West, 37 87	
" Minor Walker, 32 62	
" C. S. Sibley, 125 00	
" R. R. Company, 1000 00	
" Rachael Reals, 1 50	
" E. B. Clark, 42 50	
" John Shaler, 12 75	
" T. Covington, 6 75	
" Lewis Conner, 9 00	
" H. Mantox, 11 25	
" A. G. Austin, 5 05	
" P. Condelay, 4 92	
" P. H. Swaim, 10 76	
Dec. 8, E. Saunders, 3 43	
1842.	
Dec. 8, C. C. Moore, 4 31	
" Daniel Houck, 5 35	
" David Brown, 4 49	

*Apalachicola Dist., Continued.*

1841.	
Jan. 27, T. M. Bush, 20 56	
" C. C. Young, 143 75	
" R. H. Floyd, 200 00	
" Hooks & Harrall, 200 00	
" W. Hawkins, 60 00	
" W. W. Briggs, 97 00	
" U. R. Wood, 5 85	
" John Parker, 45 25	
" John Padget, 23 90	
" Luke Lott, 16 75	
" Nat. Preston, 7 25	
Total, \$2,008 72	

*Middle District, Continued.*

1842.	
" James Reans, 12 72	
" J. Forehand, 14 13	
" W. B. Maner, 10 70	
" L. A. Madden, 36 93	
" Isaac Harris, 36 79	
" D. Graham, 12 00	
1843.	
Jan. 20, R. K. Shaw, 27 12	
" P. H. Swaim, 9 42	
" R. W. Jenkins, 7 76	
" N. Black, 4 00	
" A. Johnson, 3 00	
" I. Ferguson, 3 00	
" James Mayo, 6 75	
" J. W. Poindexter, 11 25	
" U. Wood, 12 75	
Dec. 10, F. Worthington, 11 50	
" I. R. Harris, 14 75	
" Jense Stephens, 2 75	

1842. <i>Mid. Dist. Continued.</i>	1843. <i>Mid. Dist. Continued.</i>
" Wm. Edwards, 11 70	" Jas. B. Jones, 11 00
" Wm. Deas, 525 00	" John Manning, 47 62
" N. P. Bains, 70 93	" Jas. H. Nicks, 3 56
" W. McNaught, 24 12	" Lewis Lynn, 5 59
" T. Baltzell, 47 00	" John Wilson, 15 00
" C. L. Caruth, 4 25	" John H. Rhodes, 3 75
" Jno. W. Powers, 4 50	" Rob't White, 13 50
" Wm. D. Moseley, 5 40	" N. P. Bomis, 155 24
" J. G. Williams, 18 75	" Jas. Caverly, 22 45
" Wm. Shaw, 4 75	" Francis Munroe, 5 75
" Edgerton Willis, 13 35	
" Wm. Anderson, 7 50	Total, \$2,716 52
" Wm. Tradewell, 10 74	

*Exps. Eastern District.*

1840.	
Jan. 31, R. D. Fontano, \$ 34 50	
" I. D. Hart, 196 00	
" Lawrence Ryan, 101 37	
" John Haynes, 5 75	
" Jno. G. Tynor, 23 12	
" R. S. Haughton, 24 85	
" Joseph Sanchez, 46 25	
" John Moore, 23 50	

*Exps. Pros. Cr's. Southern Dist.*

1840.	
March 9, Geo. Willis, \$ 208 53	
" Tho's T. Russell, 21 50	
" A. Smith, 15 20	
\$245 23	

*Exps. Collecting Revenue.*

1839.	
June 19, M. Crupper, w. d. 21 75	
" J. Carter, e. d. 90 33	
" A. M. Alexander, 24 13	
" D. McReany, 50 00	
" Michael Jones, 12 00	
" Benjamin Hale, 12 00	
" F. R. Pittman, 20 00	
" D. Pittman, 107 25	
" J. Bannerman, 24 00	
" John Munroe, 12 00	

\$374 44

*Exps. State Convention.*

1839.	
July 17, E. T. Jenckes, \$ 327 24	
" R. Fitzpatrick 444 00	
" B. D. Wright, 271 00	
" Jackson Morton, 223 00	
\$1,265 24	

This amount borrowed from Orphan Fund, Leon county. 707 30

*Exps. Executive Department.*

184.	
May 7, Thos. J. Heir, \$ 42 12	
" J. H. Hawkins, 77 19	
" Hugh Archer, 50 00	
" J. H. Hawkins, 555 56	
" C. E. Barlett, 101 00	
" G. W. Call, 72 50	
" Wm. H. Branch, 200 00	
\$1,098 37	

*Exps. Treasury Department.*

1840.	
Mar. 15, T. H. Austin, \$ 800 00	
1841.	
Dec. 17, John Miller, 800 00	
\$1,600 00	

*Exps. Prosecuting Banks.*

1843, F. H. Flagg, 240 00	
1845.	
Jan. 10, T. H. Douglas, 230 00	

\$470 67

<i>Exps. Prot. Indian Hostilities.</i>	John Burdgoft,	36 13
1839.		
Jan. 19, I. Garrison,		\$915 02
" Moseley, Adm'r.		
<i>Exps. Reviewing Militia.</i>	<i>Reviewing Militia, continued.</i>	
1843, J. Knowles,	" F. D. Flemming,	700 00
" M. C. Livingston,		\$1,523 00
" " " "		244 44

The following communication was received from the House and read :

HOUSE OF REPRESENTATIVES, }  
Thursday, 6th February, 1845. }

To the Hon. President of the Senate :

The House concurs in the amendments of the Senate, to a bill entitled An Act to authorize the Clerk of Mosquito County Court to keep his office at his residence, and for other purposes, to wit :

By striking out the word " Mosquito," and inserting the word " Orange," wherever it occurs in said bill.

Attest, H. ARCHER, Sec'y. Hs. Rep.

A resolution from the House, requesting the establishment of a post office at Campbellton, in Jackson County, was received and laid on the table.

#### ORDERS OF THE DAY.

A bill for the relief of Thos. T. Russell, which was made the special order for to-day, came up.

Mr. Carter offered the following amendment, to be added to the first section of the bill :

*Provided*, That it shall be made to appear to the satisfaction of the Auditor, that the publication of such orders and proclamation were authorized by the officers by whom the same were made and issued.

Which was adopted.

Mr. Richardson offered the the following amendment as an additional section :

Sec. 3. *Be it further enacted*, That said Auditor allow, and the proper officer pay, all claims for services similarly rendered, which may be presented, after due proof made to him.

On which amendment, the yeas and nays being called for by Messrs. Richardson and Gilchrist, were :

*Yeas*—Mr. Richardson—1.

*Nays*—Mr. President, Messrs. Anderson, Baltzell, Carter, Gilchrist, Hart, Johnson, Kelly, Long, Moseley, Putnam, Pent, and Summerlin—13.

So the amendment was lost.

Mr. Moseley moved to strike out the words, " Militia, Regimental and Brigade orders, and also."

Which motion was lost.

Mr. Baltzell offered the following as a substitute for the bill :

*Be it enacted by the Governor and Legislative Council of Florida*, That the 28th section of the act, approved 5th March, 1842, entitled an act to organize and regulate the Militia of the Territory of Florida, and to repeal all former acts in relation to the same, be so far amended as to authorize the payment of publications of returns given by officers in pursuance of law, and of all other necessary and legal expenses.

Mr. Long moved to amend the substitute by striking out all after the word " that," in the first line, and inserting the following : " The Militia Laws now in force in this Territory, be, and the same are hereby repealed."

Which amendment was lost.

The question being then put on the substitute, the same was rejected.

The question being put on the engrossment and third reading of the bill as amended, the yeas and nays were called for by Messrs. Gilchrist and Carter, were :

*Yeas*—Mr. President, Messrs. Anderson, Hart, Kelly, Long, Moseley, Putnam, Pent, and Summerlin—9.

*Nays*—Messrs. Baltzell, Carter, Gilchrist, Johnson, and Richardson—5.

So the bill was ordered to be engrossed and read a third time.

The following bills and resolutions were received from the House and placed among the orders of the day :

A bill to be entitled, An Act to amend an act to incorporate the Protestant Episcopal Church of St. John's parish, Tallahassee.

An Act to incorporate the Trustees of the " Fund of special Relief," of the Florida Annual Conference of the Methodist Episcopal Church.

An Act to incorporate the " Preachers Aid Society," of the Florida Annual Conference of the Methodist Episcopal Church, and a resolution respecting donation of public lands to the County of Wakulla, for a Court House and for common schools.

The memorial to Congress asking remuneration for losses in the Indian war, was read a third time and passed.

A bill to be entitled, An Act respecting witnesses, came up.

On motion of Mr. Putnam, the word " word," in the 15th line of the bill was stricken out, and the word " record" inserted in its place.

The bill was then ordered for a third reading, as amended.

The following bills from the House, were read a third time and passed :

A bill entitled, An Act to establish and regulate pilotage on the waters, and in the harbors of Dade County, and

A bill entitled, An Act to authorize Alexander Hunt to establish a ferry on the Suwannee river.

Ordered that the title be as read.

The following preamble and resolutions from the House were read a third time and adopted:

Preamble and resolutions relative to the opening of a road from Newnansville to Tampa Bay.

Preamble and resolutions relative to a light house on Key Biscayne, Cape Florida.

Preamble and resolutions asking an appropriation for removing obstructions in Miami river.

Preamble and resolutions asking Congress to make Milton, in Santa Rosa County, a port of entry, as amended.

A bill to be entitled, An Act to amend the several acts now in force, providing for the collection of rent, came up, and the consideration thereof was postponed until Monday next.

A bill to be entitled, An Act to amend the revenue laws of this Territory, came up.

Mr. Carter moved to amend said bill, by striking out all of the first section of said bill, after the enacting clause, and inserting in its place the following:

That from and after the passage of this act, the sheriffs of the respective counties of this Territory, shall be assessors and collectors of county taxes, in and for their respective counties, who shall (before entering upon the duties of such office,) be required to give additional bond and security, and shall take and subscribe an oath, or affirmation, for the faithful discharge of their duties, such bond to be approved by the county courts, and to be in such penalty as said courts may determine.

Mr. Moseley offered the following as an amendment to be added to the amendment:

Provided, That the sheriff shall be allowed a sum, not exceeding \_\_\_\_\_ per cent on the amount of taxes assessed, and a sum not exceeding \_\_\_\_\_ per cent on all sums by him collected, in full compensation for his services as assessor, and collector aforesaid.

Which was adopted.

Mr. Long moved to fill the blanks in the amendment to the amendment, by inserting "three."

Mr. Carter moved to insert "five."

The question being put on the latter motion, the yeas and nays were called for by Messrs. Richardson and Long, and were:

Yeas—Mr. President, Messrs. Carter, Gilchrist, Hart, Johnson, Kelly, Pent and Summerlin—8.

Nays—Messrs. Long, Moseley and Richardson—3.

So the motion prevailed.

The amendment as amended, was then adopted.

Mr. Long moved the indefinite postponement of the bill.

On which motion the yeas and nays being called for by Messrs. Moseley and Richardson, were,

Yeas—Messrs. Long, Moseley, and Richardson—3.

Nays—Mr. President, Messrs. Baltzell, Carter, Gilchrist, Hart, Johnson, Kelly, Pent, and Summerlin—9.

So the motion was lost.

Mr. Long then moved to refer the bill to the Committee on Propositions and Grievances.

Which was lost.

Mr. Hart moved to amend the second section of the bill by inserting after the word "Act," in the latter part thereof, the following: "And all laws or parts of laws conflicting with the same."

Which was adopted.

The question was then put on the engrossment and third reading of the bill as amended, when the yeas and nays were called for by Messrs. Long and Gilchrist, and were,

Yeas—Mr. President, Messrs. Carter, Hart, Kelly, Putnam, Pent, and Summerlin—7.

Nays—Messrs. Anderson, Gilchrist, Johnson, Long, Moseley—5.

So the bill was ordered to be engrossed as amended, and read a third time.

An engrossed bill to be entitled, An Act to reduce the expenditure of the Government, provide for the election of Auditor, and for other purposes, was read a third time and passed unanimously.

Ordered that the title be as read.

On motion of Mr. Gilchrist, the following bills from the House, were placed among the Orders of the Day, and read a first time.

An Act to incorporate the "Preachers Aid Society," of the Florida Annual Conference of the Methodist Episcopal Church.

An Act to incorporate the Trustees of the Fund of Special Relief of the Florida Annual Conference of the Methodist Episcopal Church.

Mr. Kelly moved to adjourn until Monday 10 o'clock.

On which the yeas and nays were called for by Messrs. Gilchrist and Long, and were,

Yeas—Messrs. Anderson, Hart, Kelly, Long, Moseley, Putnam and Pent—7.

Nays—Mr. President, Messrs. Baltzell, Carter, Gilchrist, Johnson and Summerlin—6.

So the Senate adjourned until Monday, 10 o'clock.

MONDAY, February 10th, 1845.

The Senate met pursuant to adjournment, and a quorum being present, Friday's proceedings were read and approved.

Mr. Baltzell gave notice, that he will, on some future day, ask leave to introduce a bill to be entitled, An Act to amend the law giving a lien to mechanics and others.

On motion of Mr. Moseley, leave of absence was granted to Mr. Richardson, for one week.

Mr. Kelly offered the following preamble and resolution :

WHEREAS, The citizens of Escambia county, setting forth and declaring that it is their earnest wish, and that it is essential to their present and future welfare, and that it is demanded by numerous evils and inconveniences with which they are now surrounded and subjected to, that they be, as speedily as possible, set off from the Territory of Florida, and annexed to the State of Alabama as a part of its territory : From the geographical position of said county in relation to said State, Nature seems to have designed that it should form a part of said State : Therefore,

*Be it resolved by the Governor and Legislative Council of Florida,* That our Delegate in Congress be, and he is hereby, instructed to procure the passage of an act of Congress, ceding all that portion of this Territory which lies within the boundary lines of the county of Escambia, to the State of Alabama—and that our said Delegate be, and he is hereby, further instructed, to confer with the delegation in Congress from the State of Alabama, as to the best and most speedy method of attaining this end, so desirable to the people of said county of Escambia.

Which was read the first time.

#### ORDERS OF THE DAY.

On motion of Mr. Carter, the following bills from the House were placed first among the Orders of the Day, read a second time and ordered for a third reading :

A bill to be entitled, An Act to incorporate the "Preachers Aid Society," of the Florida Annual Conference of the Methodist Episcopal Church.

A bill to be entitled, An Act to incorporate the Trustees of the "Fund of Special Relief" of the Florida Annual Conference of the Methodist Episcopal Church.

A bill to be entitled, An Act to provide for the teste of writs, and other process, was read a second time and ordered to be engrossed.

An engrossed bill to be entitled, An Act further prescribing the duties of recording officers, was read a third time and passed.

Ordered that the title be as stated.

A resolution requesting the Commissioner of Tallahassee to procure rooms for Courts of the United States, &c., came up on a second reading, and was postponed until to-morrow.

A bill to be entitled, An Act for the protection of the property mortgaged to secure the payment of the bonds, commonly called the faith bonds, was read a second time and laid on the table.

An engrossed bill to be entitled, An Act to amend the revenue laws of this Territory, came up on its passage.

On which the yeas and nays being called for by Messrs. Moseley and Long, were :

*Yeas*—Mr. President, Messrs. Baltzell, Carter, Gilchrist, Kelly, Putnam and Summerlin—7.

*Nays*—Messrs. Johnson, Long, and Moseley—3.

So the bill passed.

Ordered that the title be as read.

A bill from the House to be entitled, An Act to divorce Agnes Bell, &c., was read a second time, and postponed until Tuesday, the 18th instant.

An engrossed bill to be entitled, An Act for the relief of Thos. T. Russell, came up, and was postponed until Wednesday next.

A bill to be entitled, An Act to amend the several acts now in force, providing for the collection of rent, came up on a second reading, and was postponed until Wednesday next.

A bill to be entitled, An Act to prevent the future migration of free negroes or mulattoes to this Territory, and for other purposes, was read a second time, and laid on the table.

Resolution from the House, respecting a donation of public lands to the County of Wakulla, for a Court House and common schools, was read a first time.

A bill, from the House, to be entitled An Act to amend an act to incorporate the Protestant Episcopal Church of St. John's Parish, Tallahassee, was read the first time.

Mr. Kelly offered the following resolution :

*Resolved,* That a Select Committee be appointed to examine engrossed bills and resolutions, and report thereon, as they shall deem proper, from time to time.

Which was adopted ; and Messrs. Kelly, Carter and Johnson, were appointed that Committee.

On motion of Mr. Long, the resolution from the House requesting the establishment of a post office at Campbellton, was taken from the table, and read the first time, when the rule having been waived, the same was adopted.

On motion of Mr. Anderson, a bill to be entitled, An Act to establish a board of County Commissioners, was taken from the table and placed among the orders of the day for to-morrow.

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

TUESDAY, February 11, 1845.

The Senate met pursuant to adjournment, and a quorum being present, yesterday's proceedings were read and approved.

Agreeably to previous notice, Mr. Baltzell asked and obtained leave to bring in a bill to be entitled, An Act to prescribe the mode of levying taxes in the counties and towns of this Territory, and for other purposes ;

Which was read the first time, and fifteen copies ordered to be printed.

Mr. Anderson, from the Committee on the Judiciary, reported a bill to be entitled,

An Act to establish and regulate Surrogates ;

Which was read the first time.

The President presented to the Senate the following communication from the Treasurer of the Territory :

TREASURY DEPARTMENT, }  
Treasurer's Office, Tallahassee, Feb. 10, 1845. }

SIR:—Agreeable to the resolution of the Senate on the 6th inst., I have the honor herewith, to hand you Statements of my accounts as Treasurer of the Territory, from the day of my appointment to the 8th of the present, inclusive. In these accounts, I have stated the names of all persons from whom money was received, also, to whom paid. The disbursements made, have been always in the very funds received—part specie, part bills of a great variety of Banks, which, having been both received and disbursed at par, no note was made of the kind. The warrants received have always been handed over to the Auditor at the close of each year.

With respect, your ob't servant,

HY. L. RUTGERS, *Treasurer.*

HON. G. W. MACRAE, *President of the Senate.*

*The Territory of Florida in acct. with Henry L. Rutgers, Treasurer.*

Dr.

1842.	<i>To Expenses Prosecuting Indian War.</i>	
	Paid Warrant No. 33, favor M. H. Martin,	\$100
	<i>To Expenses Executive Department.</i>	
	Paid Warrant No. 206, favor A. Crane,	3 50
	<i>To Expenses Prosecuting Criminals Middle District.</i>	
	Paid Warrant No. 1 favor R. K. Shaw,	99 12
	" " " 51 " Wm. Holland,	27 75
	" " " 52 " Elijah Bryan,	3 75
	" " " 54 " H. Robinson,	41 25
	" " " 57 " R. B. Kerr,	7 50
	" " " 61 " E. Carnigan,	23 38
	" " " 62 " "	33 25
	" " " 63 " "	32 63—268 63
	<i>To Expenses Prosecuting Criminals Southern District.</i>	
	Paid Warrant No. 9 favor Sam'l T. Vail,	86 87
	<i>To Expenses Prosecuting Criminals Western District.</i>	
	Paid Warrant No. 36 favor G. W. Barkley,	31 01
	" " " 36 " do.	24 58— 55 59

*To Expenses Treasury Department.*

	Paid Warrant No. 74 favor John Miller,	10 15
	" " " 75 " Hy. L. Rutgers,	200
	" " " 253 " A. P. W. Crane,	30 —240 15
	<i>To Paid Auditor's Warrant No. 279 favor Hayward &amp; Austin for balance due R. J. Hackley, on account Auction Tax for 1840,</i>	500
	To Balance,	26 77
		<hr/> \$1281 51

1842.

Cr.

	By balance received from T. H. Austin late Tr.,	2 65
	<i>By Auction Tax.</i>	
	Rec'd of G. W. Barkley, Escambia Co.,	31 01
	" do do.	24 58
	" H. Lindsey, Hillsborough Co.,	20 25
	" R. J. Hackley, Leon "	623 51
	" E. W. Dorsey, " "	381 39 —1079 74
	<i>By Fines and Forfeitures.</i>	
	Rec'd of I. R. Harris, Cl'k Gadsden Sup. Court,	199 12
		<hr/> \$1281 51
	Dec. 16. By balance in the Treasury,	\$26 77
	HY. L. RUTGERS, <i>Treasurer.</i>	

*The Territory of Florida, in acct. with Henry L. Rutgers, Treasurer.*

Dr.

	<i>To expenses Treasury Department.</i>	
1843.	Paid Warrant No. 54, favor T. H. Austin, Tr.	200
	" " " 56, " do. "	200
	" " " 17, " do. "	189
	" " " 123, " Hy. L. Rutgers,	300
	" " " 57, " T. H. Austin,	29
	" " " 82, " Jno. Miller,	696 56
	" " " 132, " Hy. L. Rutgers,	150
	" " " 142, " Jno. G. Camp,	10 —1774 56
	<i>To expenses Executive Department.</i>	
	Paid Warrant No. 5, favor A. J. Fisher & Co.	132 81
	" " " 81, " J. H. Hawkins,	100
	" " " 84, " Jas. S. Robinson	50
	" " " 137, " T. H. Duval, Sec'y,	50 —322 81
	<i>To expenses pros. Criminals Middle District.</i>	
	Paid Warrant No. 83, favor B. Thornton, Jr.	65 25
	" " " 86, " W. T. Madevaite,	5 67
	" " " 87, " Neil Ferguson,	24 71
	" " " 60, " Jacob Chuson,	6 89
	" " " 70, " Ben. Horn,	12

1843	"	"	290,	"	M. Frazier,	10	
"	"	"	44,	"	E. B. Clark,	25	
"	"	"	34,	"	E. G. Tillinghast,	144	87
"	"	"	45,	"	Waller Taylor,	47	25
"	"	"	82,	"	W. J. Atwater,	11	08
"	"	"	55,	"	John Parker,	9	36
"	"	"	51,	"	E. Vickers,	5	25
"	"	"	56,	"	F. B. Whiting,	7	76
"	"	"	141,	"	Jno. G. Camp,	106	60
"	"	"	53,	"	D. Robertson,	13	50
"	"	"	65,	"	E. Saunders,	3	45
"	"	"	"	"	Edgerton Willis,	12	31
"	"	"	120,	"	N. P. Bemis,	25	50
"	"	"	72,	"	Joseph Johnson,	7	06
							—543 51

*To expenses pros. Criminals Eastern District.*

Paid Warrant No. 271,	favor	Jno. C. Hemmings,	700			
"	"	"	271,	do,	145	43
"	"	"	19,	F. L. Dancy,	12	84
"	"	"	85,	R. D. Fontane,	28	40
"	"	"	43,	Andrew Robb,	4	42
"	"	"	105,	I. D. Hart,	35	
"	"	"	124,	J. R. Sanchez,	31	50
						—957 59

*To Expenses Prosecuting Criminals Apalachicola District.*

Paid Warrant No. 89	favor	Wm. Milligan,	82			
"	"	"	4	W. H. Brockenbrough,	100	
"	"	"	308	Dan'l Munn, Agt.,	222	
"	"	"	6	F. L. Ming, Adm'r,	199	83
"	"	"	138	N. Baker, D. Marshal,	250	
"	"	"	51	Geo. Baltzell,	77	81
"	"	"	115	do	103	37
"	"	"	1	W. H. Brockenbrough,	100	
"	"	"	2	do	100	
"	"	"	5	do	100	
"	"	"	6	do	100	
"	"	"	7	do	80	
						—1515 01

*To Expenses Prosecuting Criminals Western District.*

Paid Warrant No. 8	favor	Donald Gunn,	14	75		
"	"	"	103	H. G. Ramsay,	11	18
"	"	"	37	Wm. Hall,	15	
"	"	"	281	G. Willis, late Mar.	55	
"	"	"	92	D. C. Watkins,	18	75
"	"	"	93	Thos. Cooper,	2	63
"	"	"	278	Geo. D. Fisher,	100	
"	"	"	"	Walker Anderson,	130	
"	"	"	261	Mrs. Allen,	500	
"	"	"	263	J. B. Griffin,	208	50
"	"	"	277	Jesse C. Allen,	13	95
"	"	"	40	C. Evans, Marshal,	5	
						—1074 78

*To Expenses Prosecuting Criminals Southern District.*

Paid Warrant No. 12 favor F. A. Pinkney, 20

*To Expenses Prosecuting Indian War.*

Paid Warrant No. 73 favor Joseph Hall, 30

*To Expenses State Convention.*

Paid Warrant No. 162 favor Walker Anderson, 274

*To Expenses Collecting Revenue.*

Paid Warrant No. 136 favor H. T. Blocker, As'r., 12

" " " " W. C. Campbell, 12

" " " 131 " A. M. Alexander, 18 39

" " " 124 " G. W. Macrea, 50 37

To Balance, —92 76

575 31

87180 33

1843

CR.

By Balance in Treasury as per last Report, 26 77

*By Escheats.*

Received of J. G. Ziriax, adm'r of the estate of Isaac Frith dec'd, of Monroe County, 1035 45

*By Revenue.*

Rec'd of Her Smith, Tax Col. Franklin Co., 181 18

*By Fines and Forfeitures.*

Rec'd of J. W. Poindexter, Dep. Marshal, 100

" I. D. Hart, Clk Duval County, 35

" E. Dorr, Marshal West. Dist., 11 18

" " " " 1226 45

" J. Beard, Marshal East. Dist., 145 43

" F. Hawley, Marshal Apa. Dist., 225

" P. W. Gautier, late do, 25

" J. G. Camp, Marshal Mid. Dist., 1318 81—3086 87

*By Auction Tax.*

Rec'd of A McNeil, Hillsborough county, 2 63

" C. S. Shepard, Franklin " 109 52

" Shepard & Hollenbeck, Franklin co., 13 29

" Robert Myers, do, 380 14

" Wm. Munroe, Gadsden county, 24 73

" A. F. Tift, Monroe, " 145

" J. Filer, do " 44

" R. R. Fletcher, do " 7 57

" W. H. Wall, do " 100

" A. Patterson, do " 98 13

1843. Auction Tax Continued,		
"	J. B. Starr, Franklin, Auctioneer,	88 67
"	R. D. Fontane, St. Johns "	34 43
"	L. Phillips, do "	6 81
"	H. Lindsey, Hillsborough "	35 07
"	W. H. Wall, Monroe "	20
"	B. Van Baun, Escambia "	92 46
"	R. H. Berry, Leon "	58 33
"	C. Bisbee, Duval "	5 23
"	J. S. Shepard, Franklin "	11 86
"	Robt. Myers, do "	230 14
"	R. J. Hackley, Leon "	197 67
"	R. H. Berry, do "	15 52
"	R. J. Hackley, do "	10 26
"	T. D. Wilson, Gadsden "	12
"	E. P. Hunt, Monroe "	75 58
"	F. B. Whiting, Wakulla "	50
"	A. F. Tift, Monroe "	66 63
"	Wm. Monroe, Gadsden "	77 75
"	G. W. Barkley, Escambia "	4 29
"	J. P. Baldwin, Monroe "	646 79
"	F. A. Browne, do "	107 14
"	Hackley & Berry, Leon "	67 74
"	F. B. Whiting, Wakulla "	48
"	A. M. Alexander, do "	16 04
"	C. J. Shepard, Franklin "	5 34
"	M. A. Myers, do "	45 60
"	T. D. Wilson, Gadsden "	71
"	G. W. Barkley, Escambia "	3 90—2850 06
		<hr/>
		7180 33

By Balance in Treasury, 575 31  
 HY. L. RUTGERS, Treasurer.

The Territory of Florida, in acct. with Henry L. Rutgers, Treasurer.

Dr.

1844. To expenses prosecuting criminals Western District.

Paid Warrant No. 190, favor A. McCloud,	4
" " " 191, " E. Pippins,	6
" " " 192, " Jas. Stocks,	7 50
" " " 195, " J. C. Anderson,	4
" " " 197, " S. Johnson,	3
" " " 128, " W. Anderson,	12 75
" " " 116, " S. C. Keyser,	41 75

1844. Expenses prosecuting Criminals West. Dist. Continued.		
"	" " 40, " C. Evans,	17 90
"	" " 94, " R. Milligan,	6 75
"	" " 182, " W. Hull,	32 54
"	" " 183, " W. Dougherty,	6 75
"	" " 184, " Jas. Daffin,	6 90
"	" " 185, " Lydia (a slave)	6 01
"	" " 186, " J. C. Allan,	16 50
"	" " 200, " A. K. Allison,	87 50
"	" " 96, " Sarah William,	63 75
"	" " 198, " A. K. Allison,	140 25
"	" " 171, " D. G. Gunn,	137 75
"	" " 103, " H. G. Ramsay,	122 37
"	" " 32, " Jas. Bowers,	3 90
"	" " 102, " James Evans,	6 15
"	" " 112, " J. Morrison,	4
"	" " 23, " Jno. McLean,	11
"	" " 21, " Jas. Evans,	3 90
"	" " 202, " Jesse Evans,	3 90
"	" " 193, " S. Gillis,	3 70
"	" " 188, " N. McCloud,	4
"	" " 204, " H. McDonald,	6
"	" " 199, " J. E. Harrilson,	4
"	" " 196, " A. Douglas,	6
"	" " 103, " W. Endfinger,	6
"	" " 189, " J. Brownell,	24
"	" " 187, " J. McKashill,	6
"	" " 194, " J. McKensie,	4
"	" " 200, " S. McSween,	6
"	" " 198, " G. D. Fisher,	2 25
"	" " 111, " C. Grady,	76 00—\$ 964 82

To Expenses Prosecuting Criminals Eastern District.

"	" " 173, " E. S. Aldrich,	35
"	" " 105, " I. D. Hart,	25
"	" " 212, " L. S. Burnett,	119 75— 179 75

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\$3,540 56

Expenses Prosecuting Criminals Middle District.

1844. Dr.		
To amount brought forward,		\$3,540 56
Paid Warrant No. 201, favor R. J. Moore,	\$ 17 43	
" " 144 " E. S. Shepard,	12 50	
" " 172 " R. K. Shaw,	27 12	

1844. *Expenses prosecuting Criminals Mid. Dist. Continued.*

"	"	181	"	J. Forehand,	15	15	
"	"	163	"	R. Bozeman,	39	85	
"	"	173	"	J. & L. O. Branch,	110	00	
"	"	216	"	Jesse Robinson,	26	73	
"	"	240	"	John Manning,	150	00	= 398 78

*Expenses Prosecuting Criminals Apalachicola District.*

"	"	109	"	J. McEachran,	245	25	
"	"	126	"	J. B. Taylor,	309	50	
"	"	178	"	Geo. Baltzell,	156	39	
"	"	52	"	"	36	56	
"	"	178	"	"	109	62	= 857 39
To balance,							544 12
							<u>85,340 78</u>

*The Territory of Florida in acct. with Henry L. Rutgers, Treasurer.*

1844 Dr.

*To Expenses Treasury Department.*

Paid Warrant No. 160 favor H. L. Rutgers,	75	
" " " 82 " Jno. Miller,	103	30
" " " 126 " do	186	66
" " " 180 " S. S. Sibley,	8	
" " " 161 " H. L. Rutgers,	7	47
" " " 162 " Jno. Miller,	12	70
" " " 215 " H. L. Rutgers,	75	
" " " 231 " do	75	
" " " 231 " do	75	
" " " 214 " Jno. Miller,	300	
" " " 247 " H. L. Rutgers,	75	
" " " 244 " Jno. Miller,	71	89 = 1065 09

*To Expenses Executive Department.*

Paid Warrant No. 133, favor J. H. Hawkins,	40	
" " " 125, " do.	111	10
" " " 125, " do.	200	
" " " 125, " do.	100	
" " " 125, " do.	100	
" " " 228, " G. W. Call, Jr.	127	
" " " 125, " J. H. Hawkins,	100	
" " " 206, " G. W. Call, Jr.	200	= 978 10

1844. *To Expenses Census, 1837.*

Paid Warrant No. 114, favor C. H. Edwards, =84 75

*To Expenses collecting Revenue, 1843.*

Paid Warrant No. 174, favor G. W. Taylor,	48	
" " " 156, " F. R. Pittman,	20	
" " " 210, " G. W. Taylor,	36	
" " " 140, " Wm. Budd,	30	
" " " 230, " D. McRaeny,	50	
" " " 236, " James Barry,	54	75 = 238 75

*To Expenses collecting Revenue, 1844.*

Paid Warrant No. 237, favor Geo. E. Dennis,	12	
" " " 238, " W. C. Campbell,	12	= 24

*To Auction Tax.*

Paid W. H. Wall draft for this amount overpaid by him in 1843, 5 37

*To Expenses prosecuting Criminals Western District.*

Paid Warrant No. 164, favor Jas. Willis,	28	25
" " " 175, " F. E. De la Run,	2	25
" " " 176, " do.	3	
" " " 177, " do.	6	
" " " 30 " Jesse Evans,	20	05

1844 *To Expenses Treasury Department.*

Paid Warrant No. 244 favor Jno. Miller,	128	11
1845 " " " 35 " T. H. Austin,	54	58
" " " 59 " Jno. Miller,	530	06 = 712 75

*To Expenses Executive Department.*

Paid Warrant No. 220 favor G. W. Call, Jr.,	50	
" " " 125 " J. H. Hawkins,	100	
" " " 79 " Jas. Barry,	18	
" " " 258 " W. H. Branch,	200	
" " " 281 " do. on acc.	4	= 372

*To Expenses Prosecuting Criminals Middle District.*

Paid Warrant No. 220 favor F. B. Whiting,	17	90
" " " 233 " W. Anderson,	7	50
" " " 246 " Jno. G. Camp,	133	36
" " " 95 " N. McElvy,	17	30
" " " 71 " James Reeves,	12	72
" " " 150 " J. W. Poindexter,	11	25
" " " 2 " Talla. R. R. Co.,	162	
" " " 67 " D. Horgan,	3	45
" " " 170 " T. Baltzell,	2	61
" " " 58 " P. Condely,	4	92 = 373 01

*To Expenses Prosecuting Criminals Eastern District.*

Paid Warrant No. 229 favor J. S. Sanchez,	46 25
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*To Expenses Prosecuting Criminals Western District.*

Paid Warrant No. 12 favor T. M. White,	20
" " " 113 " J. W. Ernest,	47 05= 67 05

*To Expenses Prosecuting Criminals Apalachicola District.*

Paid Warrant No. 30 favor T. M. White,	40 50
" " " 178 " Geo. Baltzell,	26 90= 67 40

*To Expenses Collecting Revenue 1843.*

Paid Warrant No. 151 favor D. Pittman,	107 25
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*To Expenses Collecting Revenue, 1844.*

Paid Warrant No. 243 favor M. Jones,	12
" " " 275 " Geo. Munroe,	12
" " " 242 " D. McRaeny,	50
" " " 270 " Jas. Barry,	57 87= 131 87

*To Capitol Fund.*

Paid C. G. English, Commissioner, draft favor R. A. Shine,	1000
P'd C. G. English, Com. d'ft fav. J. W. Levinus,	1000= 2000
To Balance,	486 96
	4364 54

1844.	CR.	
By balance in Treasury as per last report,		\$ 575 31

*By Auction Tax.*

Rec'd of E. W. Dorsey, Auct'r, Leon County,	\$ 75 13
" J. L. Taylor, " Jefferson "	15 49
" W. G. Ferris, " Hillsboro' "	9 57
" F. A. Browne, " Monroe, "	422 08
" J. Filer, " " "	90 35
" A. F. Tift, " " "	6 97
" A. Patterson, " " "	2 58
" Jas. Gonzales, " Escambia, "	36 87
" P. J. Fontane, " St. Johns, "	29 18
" — Medecis, " " "	2 41
" F. B. Whiting, " Wakulla, "	2 98
" A. P. W. Crane, " " "	4 72
" J. L. Taylor, " Jefferson, "	3 12
" Hackley & Berry, " Leon, "	233 04

*1844. By Auction Tax Continued.*

" S. Dill, " Franklin, "	10 50
" M. A. Myers, " " "	188 42
" G. W. Barkley, " Escambia, "	44 92
" T. D. Wilson, " Gadsden, "	4 39
" Joseph Quigles, " Escambia, "	11 03
" W. G. Ferris, " Hillsboro' "	1 61
" C. J. Shepard, " Franklin, "	15 50
" R. D. Fontane, " St. Johns, "	53 42
" V. Sanchez, " " "	2 50
" R. VanBauu, " Escambia, "	75 00
" J. N. Brush, " St. Johns, "	2 15
" G. W. Barkley, " Escambia, "	20 47
" M. A. Myers, " Franklin, "	159 64
" C. J. Shepard, " " "	1 28
" Hackley & Berry, " Leon, "	52 80
" Jas. Filer, " Monroe, "	196 96
" T. D. Wilson, " Gadsden, "	28
" H. Holgerson, " Duval "	06= 1775 42

*By Fines and Forfeitures.*

Rec'd of I. D. Hart, Clerk Duval county,	25
" E. Dorr, Marshal Western District,	172 85
" J. Beard, " Eastern "	99 75= 297 60

*By Territorial Tax, 1843.*

Rec'd of G. W. Taylor, Tax Col. Jefferson co.,	66
" do do do	48
" L. Starling, " Madison co.,	99 48
" Bank of Florida, Leon county,	92 62 =306 10

1844.	CR.	
By amount brought forward,		\$306 10=\$2,648 33

*By Territorial Tax, 1843.*

Rec'd of G. W. Taylor, T. C., Jefferson County,	36
" R. K. Shaw, " Gadsden "	846 04
" James Barry, " Leon "	384 65
" G. W. Taylor, " Jefferson, "	30
" S. A. Braswell, " Wakulla, "	271 87
" H. Smith, " Franklin, "	416 10
" Jas. Barry, " Leon, "	71 66= 2,362 42

*By Territorial Tax, 1844.*

" James Barry, " Leon, "	177 09
" C. J. Shepard, " Franklin, "	152 94= 330 03

\$5,340 78

1844. By balance in Treasury as per account rendered, 544 12

*By Auction Tax.*

Received of F. B. Whiting, Wakulla County,	77	03	
" R. D. Fontane, St. Johns "	46	25	
" H. S. Clark, Hillsborough, "	7	60	
" Thos. P. Kennedy, do. "	29	26	
" Wm. Monroe, Gadsden "	1	89	
" E. P. Hunt, Monroe "	13	06	
" H. Holgerson, Duval "		98	
" Geo. E. Weaver, Monroe "	56	74	
" C. J. Shepard, Franklin "	26	90	
" A. P. W. Crane, Wakulla, "	4	72	=264 43

*By Fines and Forfeitures.*

Received of J. G. Camp, Marshal M. Dist.,	291	68	
" John Beard, do. East. "	7	50	
" Robt. Myers, do. Apala. "	40	50	=339 68

*By Territorial Tax, 1843.*

Received of D. Pittman, T. C. Jackson Co.	140	76	
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*By Territorial Tax, 1844.*

Received of Jas. Barry, T. C. Leon County,	305	21	
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*By Escheats.*

Received of J. B. Allen, admr. J. Kifadder, Hillsborough County,	88	49	
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*By Capitol Fund.*

Received of Jno. Branch, Governor of Florida, his two drafts of \$1000 each on Secretary of the Treasury,	2000		
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*By Auction Tax.*

Received of W. H. Wall, Monroe County,	681	94	
			4364 54

1845.  
Feb. 8. By balance in Treasury, 486 96

This balance is composed of \$439 12 Union  
Bank funds, and in par funds 47 84

486 96

HY. L. RUTGERS, Treasurer.

Mr. Anderson, from the Committee on the Judiciary, reported a bill to be entitled, An Act in relation to Garnishees and Garnishee process;

Which was read the first time, and fifteen copies ordered to be printed.

Mr. Anderson, from the same Committee, which was instructed to inquire into the expediency of abolishing the County Courts, made a report, accompanied by the following resolution:

*Resolved*, That it is inexpedient to abolish the County Courts of the several counties of this Territory.

Which was read the first time, and on motion of Mr. Moseley, was laid on the table.

Mr. Anderson, from the same Committee, reported a bill to be entitled, An Act concerning Replevin;

Which was read the first time, and fifty copies ordered to be printed.

Mr. Anderson, from the same Committee, which was instructed to inquire into the expediency of amending the election law respecting the qualifications of natives and naturalized citizens, made a report, accompanied with the following resolution:

*Resolved*, That it is inexpedient to change the existing law in relation to the qualification of voters.

Which was read the first time.

Mr. Anderson, from the same Committee, to which was referred a bill to be entitled, An Act to amend an act to impose a tax on hawkers and pedlars in this Territory, reported the same without amendment.

Mr. Bellamy, from the Select Committee to which was referred a bill to be entitled, An Act to divide the Western Senatorial District, reported the same without amendment.

A message was received from the House, informing the Senate of its concurrence in the resolution from the Senate, instructing the Commissioner of Tallahassee to dispose of the lands and lots granted for the erection of the Capitol.

Also, its concurrence in the amendments by the Senate, to the resolution from the House, asking Congress to declare the town of Milton, in Santa Rosa county, a port of Entry.

The following bill and resolutions from the House, were received and read the first time.

An act to amend an act, entitled, An Act to incorporate the Trustees of the Presbyterian Church of Quincy.

A preamble and resolution asking an appropriation for the improvement of the navigation of the Straight Channel, in the Bay of Apalachicola.

A resolution asking Congress to pass a law regulating the time of holding the terms of certain Courts.

## ORDERS OF THE DAY.

The following bills from the House, were read a third time and passed :

A bill to be entitled, An Act to incorporate the "Preachers Aid Society," of the Florida Annual Conference of the Methodist Episcopal Church.

A bill to be entitled, An Act to incorporate the Trustees of the "Fund of Special Relief," of the Florida Annual Conference of the Methodist Episcopal Church.

Ordered that the titles be as read.

An Engrossed bill to be entitled, An Act to provide for the Tests of writs, and other process, was read a third time and passed.

Ordered that the title be as read.

A resolution requiring the Commissioner of Tallahassee, to procure rooms for the Courts of the United States, &c., was ordered to be engrossed.

A bill from the House to be entitled, An Act to amend an act, to incorporate the Protestant Episcopal Church of St. John's Parish, Tallahassee, was read a second time.

A resolution from the House, respecting a donation of Public lands to the county of Wakulla, for a Court House and for Common Schools, was read a second time.

A bill to be entitled, An Act to establish a board of County Commissioners, came up, and was postponed until Tuesday the 18th instant.

The preamble and resolution relative to annexing Escambia county to Alabama, came up on a second reading.

Mr. Long moved to lay the preamble and resolution on the table. On which the yeas and nays being called for by Messrs. Kelly and Long, were :

Yeas—Mr. President, Messrs. Anderson, Carter, Johnson, and Summerlin—5.

Nays—Messrs. Gilchrist, Hart, Kelly, Long Moseley, and Putnam—6.

So the motion was lost.

Mr. Gilchrist moved the indefinite postponement of the preamble and resolution.

On which the yeas and nays being called for by Messrs. Kelly and Long, were,

Yeas—Mr. President, Messrs. Anderson, Carter, Gilchrist, Johnson, Moseley and Summerlin—7.

Nays—Messrs. Hart, Kelly, Long, and Putnam—4.

So the motion prevailed.

A bill to be entitled, An Act to amend an act to impose a tax on hawkers and pedlars in this Territory, came up on its second reading.

Mr. Summerlin offered the following amendment as an additional section to the bill :

SEC. 3. *Be it further enacted*, That from and after the passage

of this act, the tax on retailers of spirituous liquors, shall not exceed twelve dollars, and the fee of the clerk, for issuing a license for the same, shall not exceed one dollar and fifty cents.

Which was rejected.

Mr. Hart moved to strike out the word "fifty," in the first section of the bill, and insert "twenty-five" in its place.

Which motion prevailed.

Mr. Moseley moved to postpone the bill indefinitely.

On which, the yeas and nays being called for by Messrs. Carter and Long, were :

Yeas—Mr. President, Messrs. Anderson, Bellamy, Gilchrist, Johnson, Kelly and Moseley—7.

Nays—Messrs. Carter, Hart, Long, and Summerlin—4.

So the bill was indefinitely postponed.

A bill to be entitled, An Act to divide the Western Senatorial District, came up on its second reading.

Mr. Gilchrist moved its postponement till Tuesday, the 18th inst. Which motion was lost.

On motion of Mr. Moseley, the bill was postponed until to-morrow.

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

EXECUTIVE DEPARTMENT,  
Tallahassee, February 11th, 1845. }

*Gentlemen of the Senate  
and House of Representatives :*

I herewith transmit to you a communication, which I have received from the President of the Union Bank, relative to a loan made by that institution, to the Territory, in the Fall of 1839, for the defence of its inhabitants.

I have the honor to be, &c.

JNO. BRANCH.

UNION BANK OF FLORIDA, Feb. 7th, 1845.

*Sir* :—In the Fall of 1839, this Bank lent to the Territory of Florida, the sum of fifty thousand dollars, to enable the Governor to defend its inhabitants against the hostile incursions of the Indians ; and, as evidences of debt, it received fifty bonds of one thousand dollars each, payable with interest at the rate of eight per cent. per annum, at the Bank of the United States in Philadelphia, the interest to be paid half yearly. Those bonds were issued by virtue of an act of the Governor and Legislative Council, approved 4th March, 1839.

In the month of January, 1842, Gen. Mercer, the Cashier of the Bank, acting as the agent of the Governor, received from the Government of the United States, the sum of thirty-five thousand four hundred and sixteen dollars (\$35,416) to be applied toward the payment of the bonds ; and it sufficed to pay four thousand dollars of

interest due upon them on 1st January, 1842, and to pay thirty-one thousand four hundred and sixteen dollars of the principal—leaving of principal unpaid, the sum of eighteen thousand five hundred and eighty-four dollars, upon which interest from 1st January, 1842, is unpaid.

In a letter dated 2d January, 1844, I respectfully asked your predecessor, to bring the subject of these bonds to the notice of the honorable Legislative Council, in order that provision might be made for the payment, at least, of the semi-annual interest. No provision, however, has been made; and three years' interest was in arrear on the first of last month.

The unpaid bonds have, by endorsement, been transferred to parties who supplied the funds for paying the interest upon Territorial bonds received by this Bank under the provisions of its Charter; and if the Legislative Council will provide the means of even paying the interest, it will enable the holders to make them in some way available. If nothing more can be done, I respectfully suggest that the coupons for the interest of the bonds, be made receivable in payment of taxes, and other claims of the Territory upon its citizens.

Very respectfully,

JOHN G. GAMBLE, Pres't.

HON. JOHN BRANCH, Governor of Florida.

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

WEDNESDAY, FEBRUARY 12, 1845.

The Senate met pursuant to adjournment, and a quorum being present, yesterday's proceedings were read and approved.

There being no other business, the Senate proceeded to the consideration of the

#### ORDERS OF THE DAY.

The resolution requiring the Commissioner of Tallahassee to procure rooms for the courts of the United States, came up on its passage, when the yeas and nays being called for by Messrs. Baltzell and Long, were:

Yeas—Mr. President, Messrs. Hart, Kelly, Long, Putnam and Summerlin—6.

Nays—Messrs. Anderson, Baltzell, Bellamy, Carter, Gilchrist, Johnson and Moseley—7.

So the resolution was rejected.

A bill to be entitled, An Act to divide the Western Senatorial District, came up on its second reading.

Mr. Gilchrist moved to amend the bill by striking out all after the enacting clause, and inserting in lieu thereof, the following, by way of a substitute for the bill:

That from and after the passage of this act, the several counties

of this Territory, shall be entitled to the following representatives, viz: Escambia, one; Santa Rosa, one; Walton, one; Washington, one; Calhoun, one; Franklin, one; Jackson, two; Gadsden, three; Leon, three; Wakulla, one; Jefferson, two; Madison, one; Hamilton, one; Columbia, two; Alachua, one; Marion, one; Duval, two; St. Johns, two; Hillsborough and Benton, one; Nassau, one; Orange and St. Lucie, one; Monroe one; Dade, one.

Sec. 2. *Be it enacted*, That hereafter there shall be fifteen Senatorial Districts, to be composed of the following counties, viz:—The counties of Escambia and Santa Rosa shall compose the first district. The counties of Walton and Washington shall compose the second district. The counties of Franklin and Calhoun shall compose the third district. The county of Jackson shall compose the fourth district. The county of Gadsden shall compose the fifth district. The counties of Leon and Wakulla shall compose the sixth district. The county of Jefferson shall compose the seventh district. The county of Madison shall compose the eighth district. The county of Hamilton shall compose the ninth district. The county of Columbia shall compose the tenth district. The counties of Alachua and Marion shall compose the eleventh district.—The counties of Hillsborough and Benton shall compose the twelfth district. The counties of Duval and Nassau shall compose the thirteenth district. The counties of St. Johns, Orange and St. Lucie shall compose the fourteenth district. The counties of Monroe and Dade shall compose the fifteenth district.

Sec. 3. *Be it further enacted*, That no election under this act for Senators shall take place until the expiration of the term of the present Senate.

Mr. Carter moved to amend the amendment by striking out the first section thereof.

On which motion the yeas and nays being called for by Messrs. Gilchrist and Carter, were:

Yeas—Mr. President, Messrs. Anderson, Carter, Hart, Kelly, Long, Putnam and Summerlin—8.

Nays—Messrs. Baltzell, Bellamy, Gilchrist, Johnson and Moseley—5.

So the amendment to the amendment was adopted.

The question being then put on the adoption of the amendment as amended, the same was rejected.

The bill was then ordered to be engrossed for a third reading.

A bill from the House to be entitled, An Act to amend an act, to incorporate the Protestant Episcopal Church of St. Johns Parish, Tallahassee, was read a third time and passed.

Ordered that the title be as read.

A resolution from the House respecting a donation of Public Lands to the County of Wakulla, for a Court House and for Common Schools, was read a third time and passed.

An engrossed bill to be entitled, An Act for the relief of Thos. T. Russell, was read a third time and passed.

Ordered that the title be as read.

A bill to be entitled, An Act to establish and regulate Surrogates, was read a second time, and fifteen copies ordered to be printed.

A bill from the House to be entitled, An Act to incorporate the Trustees of the Presbyterian Church of Quincy, was read a second time.

The preamble and resolution from the House, asking of Congress an appropriation for the improvement of the navigation of the Straight Channel in the Bay of Apalachicola, were read a second time.

A bill to be entitled, An Act to amend the several acts now in force, providing for the collection of Rent, came up on its second reading.

Mr. Moseley moved to amend, by striking out all after the enacting clause, and inserting the following as a substitute:

That all laws which give to any person the power of collecting rent by distress, be, and the same are hereby repealed.

On motion of Mr. Moseley the bill and proposed amendment, were postponed until to-morrow.

A resolution from the House, respecting the holding of the Superior Courts in certain counties, came up on its second reading.

Mr. Hart moved to postpone the resolution indefinitely.

On which motion the yeas and nays being called for by Messrs. Carter and Moseley, were:

Yeas—Messrs. Gilchrist, Hart, Kelly and Moseley—4.

Nays—Mr. President, Messrs. Anderson, Bellamy, Carter, Johnson, Long, Putnam and Summerlin—8.

So the resolution was not indefinitely postponed.

On motion of Mr. Hart, the resolution was then laid on the table.

A bill to be entitled, An Act to prescribe the mode of levying taxes in the counties and towns of this Territory, and for other purposes, came up on its second reading, and on motion of Mr. Gilchrist, was postponed until to-morrow.

On motion of Mr. Moseley, the bill to be entitled An Act to prevent the future migration of free negroes or mulattoes to this Territory, and for other purposes, was taken from the table and considered.

Mr. Moseley offered the following amendment to be added to the first section of the bill:

*Provided*, That it shall not be unlawful for any free negro or mulatto residing in this Territory, to return into the same, from a visit to either of the adjoining States of Georgia and Alabama, within twenty days after his or her departure on such visit.

Which was adopted.

The first section as amended was then adopted.

On motion of Mr. Hart the further consideration of the bill as amended was postponed until to-morrow.

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

THURSDAY, February 13, 1845.

The Senate met pursuant to adjournment, and a quorum being present, yesterday's proceedings were read and approved.

There being no other business, the Senate proceeded to the consideration of the

#### ORDERS OF THE DAY.

An engrossed bill to be entitled, An Act to divide the Western Senatorial District, was read a third time and passed.

Ordered that the title be as read.

A bill to be entitled, An Act concerning replevin, came up on a first reading, and was postponed until to-morrow.

A bill from the House, to be entitled An Act to amend an act to incorporate the Trustees of the Presbyterian Church of Quincy, was read a third time and passed.

The preamble and resolution from the House, asking of Congress an appropriation for the improvement of the navigation of the Straight Channel in the bay of Apalachicola, were read a third time and passed.

A bill to be entitled, An Act to amend the several acts now in force, providing for the collection of rent, came up on its second reading, and was postponed until to-morrow.

A bill to be entitled, An Act to prescribe the mode of levying taxes in the cities and counties of this Territory, and for other purposes, came up on its first reading, and was postponed until to-morrow.

The bill to be entitled, An Act to prevent the future migration of free negroes or mulattoes to this Territory, came up on its second reading, as amended.

Mr. Hart moved to postpone the bill indefinitely.

Which motion was decided in the negative.

The bill as amended was then ordered to be engrossed and read a third time.

The following bills were received from the House, and read the first time:

An Act to secure certain rights to women.

An Act to amend an act entitled an act to organize Monroe County School.

An Act to amend an act to incorporate the town of Columbus, approved 14th March, 1844.

On motion of Mr. Kelly, the resolution from the House respecting the holding of the Superior Courts in certain counties, was taken up and considered.

Mr. Putnam moved to postpone the resolution indefinitely.

On which motion the yeas and nays being called for by Messrs. Hart and Bellamy, were :

*Yeas*—Mr. President, Messrs. Bellamy, Carter, Gilchrist, Johnson, Kelly, Putnam and Summerlin—8.

*Nays*—Messrs. Anderson, Hart and Long—3.

So the resolution was indefinitely postponed.

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

FRIDAY, February 14th, 1845.

The Senate met pursuant to adjournment, and a quorum being present, yesterday's proceedings were read, and approved.

Mr. Anderson offered the following resolution :

*Resolved*, That the Committee on the State of the Territory, be instructed to enquire and report to the Senate :—1st. What are the existing treaty or treaties between the Government of the United States and the Seminole Indians remaining in Florida. 2d. What number of Indians remain in Florida, and what portion of country has been assigned to them. 3d. Whether the continuance of the Indians in Florida is consistent with the safety and with the rights of the people of Florida. 4th. What measures it is proper and expedient for the Legislative Council to adopt in relation to these several subjects.

Which was adopted.

#### ORDERS OF THE DAY.

A bill to be entitled, An Act to establish and regulate Surrogates, came up on a second reading, and on motion of Mr. Gilchrist, was postponed until to-morrow.

A bill to be entitled, An Act concerning Garnishees and Garnishee process, came up.

Mr. Anderson offered the following amendment to be made the 13th section of the bill :

Sec. 13. *Be it further enacted*, That if any garnishee shall enter his appearance upon the return of the summons *ad respondendum*, into the court in which he may be sued, he shall be entitled to a continuance till the next ensuing term of said court.

Which was adopted.

The bill as amended was then ordered to be engrossed and read a third time.

A bill to be entitled, An Act concerning Replevin, came up on a second reading, and was ordered to be engrossed and read a third time.

A bill to be entitled, An Act to amend the several acts now in force, in relation to the collection of rent, came up on a second reading.

Mr. Moseley moved to amend the bill by striking out all after the enacting clause, and inserting the following :

That all laws which give to any person the power of collecting rent by distress be, and the same are hereby, repealed.

The question being put on the adoption of the amendment, the yeas and nays were called for by Messrs. Gilchrist and Carter, and were :

*Yeas*—Messrs. Anderson, Bellamy, Carter, Gilchrist, Johnson, Long and Moseley—7.

*Nays*—Mr. President, Messrs. Hart, Kelly, Putnam, and Summerlin—5.

So the amendment was adopted.

The question being then put on the engrossment and third reading of the bill as amended, the yeas and nays were called for by Messrs. Kelly and Gilchrist, and were,

*Yeas*—Messrs. Anderson, Carter, Gilchrist, Johnson, Long and Moseley—6.

*Nays*—Mr. President, Messrs. Hart, Kelly, Long, Putnam—5.

So the bill was ordered to be engrossed, and read a third time.

A bill to be entitled, An Act to prescribe the mode of levying taxes in the counties and towns of this Territory and for other purposes came up on a second reading.

Mr. Moseley moved to postpone the bill indefinitely.

On which the yeas and nays being called for by Messrs. Moseley and Long, were,

*Yeas*—Mr. President, Messrs. Anderson, Bellamy, Carter, Hart, Johnson, Kelly, Long, Moseley, Putnam and Summerlin—11.

*Nays*—Mr. Gilchrist—1.

So the bill was indefinitely postponed.

A bill from the House to be entitled, An Act to secure certain rights to women, was read a second time, and referred to the Committee on the Judiciary.

A bill from the House to be entitled, An Act to incorporate the town of Columbus, came up on a second reading.

Mr. Hart offered the following, to be made an additional section to the bill :

Sec. 5. *And be it further enacted*, That from and after the passage of this act, no person shall be eligible to the office of Mayor, or Intendant, Alderman or Councilman, in any city, town or village, within this Territory, who shall not be a free holder within the corporate limits of such city, town or village.

On the question of the adoption of the amendment, the yeas and nays were called for by Messrs. Gilchrist and Long, and were :

*Yeas*—Messrs. Bellamy, Hart, Kelly, Moseley and Putnam—5.

*Nays*—Mr. President, Messrs. Anderson, Carter, Gilchrist, Johnson and Long—6.

So the amendment was rejected, and the bill was ordered to be read third a time.

A bill was received from the House, to be entitled An Act to amend the several acts relating to depositions, read a first time, and referred to the Committee on the Judiciary.

A bill from the House, to be entitled An Act to organize Monroe County School, was read a second time.

The following bills, preamble and resolutions, were received from the House, and read a first time :

A bill to be entitled, An Act to authorize Alexander Clark to establish a ferry across the Chipola river.

A bill to be entitled, An Act to repeal the 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 to and from the Territorial treasury.

A bill to be entitled, An Act to amend the several acts now in force, in regard to summoning jurors.

A bill to be entitled, An Act to authorize Alexander McAlpine to establish a ferry across the Chipola river.

A bill to be entitled, An Act to permit Nelson Gray to practice law in the several courts in this Territory.

A bill to be entitled, An Act to establish the county site of Hillsborough county.

A bill to be entitled, An Act to authorize John Gaskins to establish a ferry across Yellow river.

A bill to be entitled, An Act to authorize Lewis Miller to establish a ferry across Holmes Creek.

A bill to be entitled, An Act to organize the Centreville Greys.

A bill to be entitled, An Act to fix permanently the county seat of Wakulla county.

A Preamble and resolutions asking an appropriation for removing obstructions in Yellow river.

A preamble and resolution relative to the establishment of a tri-weekly mail between Chattahoochee and Apalachicola.

A preamble and resolutions relative to the appointment of a custom house officer for Jupiter and Indian river bars.

A preamble and resolutions asking an appropriation for connecting Indian river and Mosquito lagoons.

A preamble and resolutions asking an appropriation for building a bridge across Hillsborough river.

A preamble and resolutions relative to the erection of a light house upon Egmon Key.

A resolution for a road from Socchoppi to Apalachicola.

A resolution respecting the navigation of the St. Marks river.

On motion of Mr. Moseley, the vote indefinitely postponing the bill to prescribe the mode of levying taxes in the counties and towns of this Territory, and for other purposes, was reconsidered.

The bill was then read a second time and on motion of Mr. Bellamy, was postponed until Wednesday next.

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

SATURDAY, February 15, 1845.

The Senate met pursuant to adjournment, and a quorum being present, yesterday's proceedings were read, amended and approved.

Mr. Anderson gave notice that he will, on some future day, ask leave to introduce a bill in relation to runaway slaves, and other negroes, imprisoned for crimes.

Mr. Long, from the committee on enrolled bills, reported as correctly enrolled, the resolution requiring the Commissioner of Tallahassee to dispose of the lands belonging to the Territory, granted for the erection of the Capitol, &c.

Mr. Baltzell presented a petition from certain citizens of Wakulla county, relative to the County-site of said county.

Which was received and laid on the table.

#### ORDERS OF THE DAY.

An engrossed bill to be entitled, An Act in relation to Garnishees and Garnishee process, was read a third time, and passed.

Ordered that the title be as read.

An engrossed bill to be entitled, An Act concerning replevin, was read a third time, and passed.

Ordered that the title be as read.

An engrossed bill to be entitled, An Act to amend the several acts now in force in relation to the collection of rent, came up on its passage, and the yeas and nays being called for by Messrs. Gilchrist and Carter, were :

Yeas—Messrs. Anderson, Bellamy, Carter, Gilchrist, Johnson, Long, and Moseley—7.

Nays—Mr. President, Messrs. Baltzell, Hart, Kelly, Putnam, and Summerlin—6.

So the bill passed.

On motion of Mr. Moseley, the title was amended so as to read, "An Act to repeal all laws, and parts of laws, giving to any person the power of collecting rent by distress."

Mr. Moseley moved to reconsider the vote just taken on the amended title.

On motion of Mr. Anderson, the motion to reconsider was laid on the table.

A bill from the House to be entitled, An Act to organize Monroe County School, came up on a second reading.

Mr. Kelly moved to amend the bill by inserting after the word "having," in the sixth line, the words "a child or."

Which was adopted, and the bill as amended ordered for a third reading.

A bill from the House to be entitled, An Act to amend an act to incorporate the Town of Columbus, approved 14th March, 1844, was read a third time, and passed.

A bill from the House to be entitled, An Act to repeal the 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, came up on a second reading.

Mr. Gilchrist moved to strike out all after the enacting clause of said bill, and insert the following in its place :

That from and after the passage of this act, the revenue laws of this Territory shall be suspended, so far as they may authorize the assessment and collection of a Territorial revenue for the present year, and no farther : *Provided*, That the operation of this act shall not be construed to extend to the tax on auction sales, retailers of spirituous liquors, keepers of billiard tables, exhibitors of public shows, and pedlars, or to prohibit the assessment and collection of county taxes.

Sec. 2. *Be it further enacted*, That the retailers of liquor, as heretofore provided, shall not be construed to embrace the sale of liquor for amounts exceeding a quart.

Mr. Carter moved to strike out the second section of the proposed amendment.

Which motion prevailed.

On motion of Mr. Anderson, the bill and proposed amendment were referred to the Committee on Ways and Means.

The following communication was received from his Excellency the Governor, and read :

EXECUTIVE DEPARTMENT, }  
Tallahassee, February 15th, 1845. }

To the Senate and House of Representatives :

With my opening message, I submitted a letter from the Secretary of the Commonwealth of Massachusetts, in relation to a certain Jonathan Walker, convicted of stealing negroes, and who was then, and is now, confined in the Jail of Pensacola for said outrage; to which I again particularly invite your attention, in connection with the accompanying letters, which I received by the last mail from the Marshal of the U. States, for the Western District of Florida. From their perusal, you will see that the "British and Foreign anti-slavery society for the abolition of slavery, and the slave-trade throughout the world," has been clandestinely co-operating with the authorities of Massachusetts, in fiendish machinations against our domestic institutions. Under such circumstances, farther forbearance on our part, not only ceases to be a virtue, but would be in effect, an abandonment of our vital interests.

I therefore recommend the subject to your dispassionate investigation, with a decided opinion on my own part, that the time has arrived, when Florida has a right—nay, would be false to herself were she not to demand from the Federal Government, a prompt enforcement of the guarantees of the Federal Constitution.

I have the honor to be, your ob't serv't.

JOHN BRANCH.

As the original letters are herewith sent, the Honorable Senate will please transmit them to the House of Representatives after such orders shall be given, as are deemed necessary concerning them, together with this communication.

J. B.

MARSHAL'S OFFICE, D. W. Florida, }  
Pensacola, 9th February, 1845. }

Dear Sir :—Jonathan Walker, imprisoned in this city for stealing slaves, made an attempt last evening, to break jail, but was discovered before he could make his escape; on his person was found the enclosed communication from the British Foreign Anti-Slavery Society, which document might be viewed by some, of little importance; but to my mind, taken in connection with the other facts, is further evidence of the interference of a foreign power with our institutions, under the fictitious garb of anti-slavery. Actuated by this impression, I transmit this specimen of British vituperation to your Excellency's inspection.

I have the honor to be, sir, very respectfully,  
Your obbt. servt.

EBEN DORR,  
U. S. Marshal D. W. Florida.

His Excellency Gov. BRANCH, Tallahassee.

27 New Broad Street, London, Oct. 9, 1844.

Dear Sir :—The painful circumstances in which you have been placed by your humane and Christian attempt to deliver some of your fellow-men from the sufferings and degradation of slavery, are not, as you will perceive by the accompanying resolution, unknown to the abolitionists in Great Britain. They truly sympathize with you in your affliction; and they trust that the efforts which are to be made for your deliverance from the power of evil men and evil laws, will be succeeded by the divine blessing.

Your faith and patience may be greatly tried, but I trust you will be divinely sustained through the conflict, and that you will have a large share in the prayers, as well as in the sympathies and assistance, of your friends.

Trusting that you will meet with becoming fortitude your approaching trial, and, that whatever may be its issue, you may find the "Joy of the Lord to be your strength."

I am, dear sir, with great respect and esteem,

Yours very truly,  
JOHN SCOBLE, Sec.

To Capt. JONATHAN WALKER.

BRITISH AND FOREIGN ANTI-SLAVERY SOCIETY, FOR THE ABOLITION OF SLAVERY AND THE SLAVE TRADE THROUGHOUT THE WORLD.

27 New Broad Street, London.

At a meeting of the Committee of the British and Foreign Anti-Slavery Society, held at No. 27, New Broad Street, on Friday, Oct. 4, 1844, GEORGE STACEY, Esq. in the Chair, it was resolved unanimously—

That considering the enormous wickedness of American slavery, whether viewed in relation to the iniquity of its principle, which deprives nearly three millions of human beings of their personal rights, or to the atrocity of its practice, which subjects them to the deepest degradation and misery, this committee feel it to be their duty publicly and warmly, to express their sympathy with those devoted friends of humanity, the Rev. Charles T. Torrey, and Capt. Jonathan Walker, who are now incarcerated in the prisons of Maryland and West Florida, for having aided, or attempted to aid, some of their enslaved countrymen in their escape from bondage; and to assure these Christian philanthropists, that they consider the cause for which they may hereafter be called to suffer, as honorable to them as men and as Christians; and the laws under which they are to be arraigned, as utterly disgraceful to a civilized community, and in the highest degree repugnant to the spirit and precepts of the gospel.

On behalf of the Committee,

THOMAS CLARKSON, *President.*

JOHN SCOBLE, *Secretary.*

October 8, 1844.

To Capt. JONATHAN WALKER.

On motion of Mr. Anderson, the orders of the day were suspended, and thereupon he offered the following resolutions:

*Resolved,* The House of Representatives concurring, that the Governor's communication in relation to the correspondence of the British and Foreign Anti-Slavery Society with Jonathan Walker, with the accompanying papers, be referred to a Joint Select Committee of the two Houses, consisting of three on the part of the Senate, and as many on the part of the other House as they may direct.

*Resolved farther,* That said Communication and accompanying papers be forthwith transmitted to the House of Representatives for their consideration in the premises, with the request, that the same, after such consideration, may be returned to the Senate.

Which were adopted.

The following bills from the House, were read a second time, the rule waived, read a third time and passed without amendment:

An Act to authorise Alexander Clark to establish a ferry across the Chipola river.

An Act to authorise Alexander McAlpine to establish a ferry across the Chipola river.

An Act to authorise John Gaskins to establish a ferry across Yellow river.

An Act to authorise Lewis Miller to establish a ferry across Holmes creek.

A bill from the House to be entitled, An Act to amend the several acts now in force, in regard to summoning Jurors, was read a second time, and referred to the Committee on the Judiciary.

A bill from the House to be entitled, An Act to fix permanently the County site of Wakulla county, was read a second time, and was, with the petition presented a short time previously by Mr. Baltzell, relative to fixing said site, referred to a Select Committee consisting of Messrs. Baltzell, Kelly and Gilchrist.

The following bills, preamble and resolution from the House, were read a second time, and postponed until Monday next:

An Act to organize the Centreville Grays.

An Act to admit Nelson Gray to practice law in the several Courts of this Territory.

Preamble and resolution relative to the establishment of a tri-weekly mail between Chattahoochie and Apalachicola.

The following bills, preambles and resolutions from the House, were read a second time, and ordered for a third reading:

An Act to establish the County-site of Hillsborough county.

Preamble and resolutions asking appropriation to remove obstructions in Yellow river.

Preamble and resolutions asking appropriation for the building a bridge across Hillsborough river.

Preamble and resolutions relative to the erection of a Light House on Egmon Key.

Preamble and resolutions for a road from Socchoppi to Apalachicola.

Preamble and resolutions respecting the navigation of the St. Marks river.

Preamble and resolution relative to the appointment of a Custom House officer for Jupiter and Indian river Bars.

Preamble and resolutions from the House, asking an appropriation for connecting Indian River and Mosquito Lagoon, came up on a second reading.

On motion of Mr. Hart, the words, "and to the Secretary of War," was added to the last of said resolutions.

The following bills and preamble and resolution, were received from the House and read the first time:

An Act for the relief of David D. Young.

An Act to regulate the pilotage of the port of St. Marks.

A bill to alter the line between Orange county and St. Lucie.

An Act to legalize the elections of Mosquito county.

Preamble and resolution relative to obstructions in Santa Fee river.

On motion, the Senate adjourned until Monday, 11 o'clock, A. M.

MONDAY, February 17th, 1845.

The Senate met pursuant to adjournment, and a quorum being present, Saturday's proceedings were read and approved.

Mr. Hart gave notice that he will, on some future day, ask leave to introduce a bill to be entitled, An Act to repeal all the statute laws now in force in this Territory, and establish in lieu thereof, the statute laws of the State of South Carolina.

#### ORDERS OF THE DAY.

A bill to be entitled, An Act to establish and regulate Surrogates, came up on a second reading and was postponed until Thursday next.

A bill from the House, to be entitled, An Act to organize Monroe county School, was read a third time and passed as amended.

A bill from the House, to be entitled, An Act to organize the Centreville Greys, was read a third time and passed.

A bill to be entitled, An Act to permit Nelson Gray to practice law in the several courts of this Territory, came up on a second reading, and was postponed until to-morrow.

A bill to be entitled, An Act to establish the county site of Hillsborough county, came up on a second reading and was referred to a Select Committee, consisting of Messrs. Carter, Putnam and Hart.

Preamble and resolutions from the House, asking an appropriation for connecting Indian river and Mosquito lagoon, were read a third time and passed as amended.

The following preambles and resolutions from the House, were read a third time and passed without amendment:

Preamble and resolutions asking appropriation to remove obstructions in Yellow river.

Preamble and resolutions asking appropriation for the building of a bridge across Hillsborough river.

Preamble and resolutions relative to the erection of a Light-house on Egmon Key.

Preamble and resolutions for a road from Socchoppi to Apalachicola.

Preamble and resolutions respecting the navigation of the St. Marks river.

Preamble and resolutions relative to the appointment of a Custom House officer for Jupiter and Indian river bars.

Preamble and resolutions from the House, relative to the establishment of a tri-weekly mail between Chattahoochie and Apalachicola, came up and were ordered for a third reading.

A bill from the House, to be entitled, An Act for the relief of David D. Young, was read a second time and referred to the Committee on Propositions and Grievances.

The following bills, preamble and resolutions, from the House, were read a second time, and ordered to be read a third time.

A bill to be entitled, An Act to regulate the pilotage in the port of St. Marks.

A bill to be entitled, An Act to alter the line between Orange county and St. Lucie.

A bill to be entitled, An Act to legalize the elections of Mosquito, now Orange county.

A preamble and resolution relative to obstructions in Santa Fee river.

A bill to be entitled, An Act to authorize John Sheifler to establish a ferry across the South Prong of Black creek, about half a mile above its mouth, was received from the House and read the first time.

A bill to be entitled, An Act for the protection of property mortgaged to secure the payment of the bonds commonly called the faith bonds, was taken from the table and made the order of the day for to-morrow.

The following communication was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,  
Tallahassee, 15th February, 1845.

To the Hon. President of the Senate:

Sir—The accompanying bill and message of his Excellency the Governor, was acted upon by the House, and the bill entitled An Act to amend an act, approved November 22d, 1829, to raise a revenue for the Territory, passed over the veto by a vote of 23 to 4. (See endorsement on the back of the bill.) The House asks the concurrence of the Senate.

Attest,

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

EXECUTIVE DEPARTMENT,

Tallahassee, February 15th, 1845.

Gentlemen of the Senate

and House of Representatives:

The bill entitled, "An Act to amend an act entitled an act to raise a revenue for the Territory, approved Nov. 22, 1829," repealing the 4th section of said act, which is in the following words, "Be it further enacted, That from and after the passage of this act, it shall not be lawful for any person, charged with the collecting or paying over money into the Treasury of the Territory, to speculate, either 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, one-half shall go to the party prosecuting to conviction, the other half to the use of the Territory," is herewith returned *disapproved*.

First, because the section proposed to be repealed by this bill, is, in my opinion, founded on a wise and honest policy, and ought to be strictly enforced against every officer, who directly or indirectly

violates its provisions. Secondly, because the bill under consideration virtually allows speculation to be made, though indirectly, with the public money. And thirdly, because the effect of the bill must be, to prevent a dollar passing into the Territorial Treasury, to delay the indispensable expenses authorized by the Legislative Council; thus withholding from those charged with the administration of the government, the ways and means necessary to execute the laws, and thereby constraining them to rely solely on the Territorial credit, already greatly impaired by improvident legislation.

I have the honor to be,  
Your obedient servant,

JN. BRANCH.

Whereupon, the Senate proceeded to reconsider the bill mentioned in said communication, as passed by the House against the veto of the Governor;

When, after some time spent therein, on motion of Mr. Moseley, the question on agreeing to the passage of the same by the Senate, against said veto, was postponed until to-morrow for further consideration.

The orders of the day having been gone through, Mr. Moseley offered the following resolution:

*Resolved*, That all acts and resolutions of the Legislative Council, which, by the organic law, are required to be presented to the Governor for his approval, shall, on the part of the Senate, be presented by the Secretary thereof, by himself or his Assistant Secretary, within one day of actual session after the enrolling and signing thereof, accompanied by a written communication from the Secretary, under cover, sealed and dated, setting forth the title of each act and resolution so communicated. *And resolved further*, That every such communication shall be spread upon the Journal.

Which was adopted.

Mr. Moseley offered the following resolution:

*Resolved*, That the Committee on the state of the Territory be instructed to enquire into the expediency of revising and amending the laws in relation to patrols.

Which was adopted.

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

TUESDAY, February 18, 1845.

The Senate met pursuant to adjournment, and a quorum being present, yesterday's proceedings were read and approved.

Mr. Bellamy offered the following preamble and resolutions:

*Whereas*, There has been a great influx of population into the County of Walton, in this Territory, in the last two years: And whereas, at the next general election it will be able to vote nearly as large a vote as the County of Leon, now entitled to three representatives in the lower branch of this Legislature, and a much

larger vote than many counties now entitled to two Representatives: And whereas, the said County of Walton has but one representative, thereby rendering the representation of the people very unequal, contrary to the true spirit of our institutions:

*Be it therefore resolved by the Governor and Legislative Council*, That our Delegate be requested to use his best exertions to have another representative allotted to the County of Walton.

Which was read the first time.

Mr. Carter, from the Select Committee to which was referred a bill from the House to be entitled, An Act to establish the County-site of Hillsborough County, reported the same without amendment.

#### ORDERS OF THE DAY.

A bill to be entitled, An Act for the protection of property mortgaged to secure the payment of the bonds commonly called the faith bonds, which was made the special order for to-day, came up; whereupon, the Senate resolved itself into a Committee of the Whole, Mr. Kelly in the Chair, and after some time spent therein rose, reported progress, and asked leave to sit again. Which was granted.

Mr. Moseley moved that the Committee sit again on Thursday next, on the consideration of said bill.

Which motion prevailed.

The following communication was received from his Excellency the Governor:

EXECUTIVE DEPARTMENT, }  
Tallahassee, February 18th, 1844. }

Gentlemen of the Senate,  
and House of Representatives:

I have approved the following acts and resolutions of the Legislature at its present session:

1st. An Act to authorize the clerk of Orange county court to keep his office at his place of residence, and for other purposes.

2d. An Act constituting a board of Port Wardens and Commissioners of pilotage for Indian river and Jupiter bars.

3d. Certain resolutions relative to the payment of Gibson & Hibbard, printers for the Executive Department in 1841.

4th. An Act to authorize Alexander Hunt to establish a ferry on the Suwannee river.

5th. A preamble and resolutions relative to the establishment of a Light-house on Key Biscayne.

6th. A preamble and resolutions relative to a port of entry and delivery at the town of Milton, in Santa Rosa county.

7th. A resolution asking a further appropriation for the expenses of the Legislative Council.

8th. A preamble and resolutions relative to the removal of obstructions in the Miami river.

9th. An Act to establish and regulate pilotage on the waters and in the harbors of Dade county.

10th. A preamble and resolutions relative to the opening of a road from Newnansville to Tampa Bay.

I have the honor to be, &c.

#### JNO. BRANCH.

A bill to be entitled, An Act to permit Nelson Gray to practise law in the several Courts in this Territory, came up on its passage.

Mr. Kelly moved to postpone the bill indefinitely, on which the yeas and nays being called for by Messrs. Kelly and Long, were:

*Yeas*—Mr. President, Messrs. Kelly and Summerlin—3.

*Nays*—Messrs. Anderson, Baltzell, Bellamy, Carter, Gilchrist, Hart, Johnson, Long, Moseley, Putnam and Richardson—11.

So the motion was lost.

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

WEDNESDAY, February 19th, 1845.

The Senate met pursuant to adjournment, and a quorum being present, yesterday's proceedings were read and approved.

There being no other business, the Senate proceeded to the consideration of the

#### ORDERS OF THE DAY.

A bill from the House, to be entitled, An Act to admit Nelson Gray to practice law in the several courts of this Territory, came up.

Mr. Putnam offered the following, to be made an additional section:

*Sec. 2. Be it further enacted*, That from and after the passage of this act, it shall not be a disqualification in an applicant for admission to the bar, that he is under the age of twenty-one years, and all laws and parts of laws requiring such qualification, be, and the same are hereby repealed.

Which was rejected.

The question being then put on the passage of the bill, the yeas and nays were called for by Messrs. Gilchrist and Kelly, and were:

*Yeas*—Messrs. Bellamy, Carter, Hart, Long and Moseley—5.

*Nays*—Mr. President, Messrs. Baltzell, Gilchrist, Johnson, Kelly, Putnam, Pent and Summerlin—8.

So the bill was rejected.

A bill to be entitled, An Act to prescribe the mode of levying taxes in the counties and towns of this Territory, and for other purposes, came up and was laid on the table.

The following bills, preambles and resolutions, from the House, were read a third time and passed without amendment:

A bill to be entitled, An Act to alter the line between Orange county and St. Lucie.

A bill to be entitled, An Act to legalize the elections of Mosquito, now Orange county.

Preamble and resolutions relative to the establishment of a tri-weekly mail between Chattahoochee and Apalachicola.

Preamble and resolutions relative to obstructions in the Santa Fee river.

The following bills were received from the House and read a first time:

A bill to be entitled, An Act to provide for the erection of a public jail and premises in the county of Monroe.

A bill to be entitled, An Act to provide for the election of Justices of the Peace.

A bill to be entitled, An Act to change the time of holding the Superior Courts for the counties of St. Johns, Mosquito and St. Lucie, in the Eastern District of Florida.

On motion of Mr. Putnam, the bill last read was taken up, the rule waived, read a second and third time, and passed unanimously.

The following communication was received from the House of Representatives:

HOUSE REPRESENTATIVES, 18th Feb., 1845.

To the Hon. President of the Senate:

SIR:—The House concurs in the amendment of the Senate, to a bill entitled, An Act to organize the Monroe County School.

Also the amendment made by the Senate to the preamble and resolutions asking an appropriation of fifteen hundred dollars, for connecting the waters of Indian River and Mosquito Lagoon.

Attest

H. ARCHER, Sec. H. Rep.

Also a communication informing the Senate of its concurrence in the resolution from the Senate relative to the message of his Excellency the Governor, respecting Jonathan Walker, and of the appointment of Messrs. Ferguson, De la Rua, Spencer, Heir, Loring, and Patterson, a committee on the part of the House, in pursuance of said resolution.

Messrs. Anderson, Moseley and Putnam were then appointed a committee on the part of the Senate.

A bill from the House, to be entitled, An Act to establish the county site of Hillsborough county, came up and was ordered for a third reading.

A bill from the House, to be entitled, An Act to authorize John Sheifer to establish a ferry across the South prong of Black creek about half a mile above its mouth, was read a second time and ordered for a third reading.

The question on agreeing to the passage of the bill to be entitled, An Act to amend an act approved Nov. 23d, 1829, to raise a revenue for the Territory, vetoed by the Governor, and passed by the House against the veto, came up, and the further consideration thereof was postponed until to-morrow.

A bill from the House, to be entitled, An Act to regulate the Pilotage of the Port of St. Marks, came up on a second reading, and was laid on the table.

A bill from the House, to be entitled, An Act to divorce Agnes Bell, from her husband, Joseph G. Bell, &c., came up on a second reading.

On the question of a third reading, the yeas and nays were called for by Messrs. Moseley and Gilchrist, and were,

*Yeas*—Messrs. Bellamy, Hart, Johnson, Long, Moseley, Pent and Richardson—7.

*Nays*—Mr. President, Messrs. Baltzell, Carter, Gilchrist and Summerlin—5.

So the bill was ordered for a third reading.

A bill to be entitled, An Act to establish a Board of County Commissioners, came up on a second reading.

Mr. Long moved to postpone the bill indefinitely.

On which the yeas and nays being called for by Messrs. Pent and Richardson, were,

*Yeas*—Messrs. Bellamy, Hart, Long and Summerlin—4.

*Nays*—Mr. President, Messrs. Carter, Gilchrist, Johnson, Kelly, Moseley, Pent and Richardson—8.

So the motion was lost.

The bill was then postponed until Monday next.

Preamble and resolutions relative to the county of Walton, were read a second time and ordered to be engrossed for a third reading.

The Senate then adjourned until to-morrow, 10 o'clock.

#### THURSDAY, February 20, 1845.

The Senate met pursuant to adjournment, and a quorum being present, yesterday's proceedings were read and approved.

On motion of Mr. Putnam, leave of absence was granted to the Chaplain of the Senate for ten days.

#### ORDERS OF THE DAY.

A bill from the House, to be entitled, An Act to establish the county-site of Hillsborough county, was read a third time and passed, without amendment.

Ordered that the title be as read.

A bill from the House to be entitled, An Act to authorize John Sheifler to establish a ferry across the South prong of Black Creek, about half a mile above the mouth, was read a third time and passed.

Engrossed preamble and resolutions relative to the county of Walton, came up and were laid on the table.

The question on the reconsideration of the vote on the bill to be entitled, An Act to amend an act entitled an act to raise a revenue for the Territory, approved Nov. 22d, 1829, vetoed by the Governor, and passed by the House against the veto, came up, and the yeas and nays being called on the passage of the bill, were,

*Yeas*—Mr. President, Messrs. Anderson, Carter, Hart, Kelly, Long, Putnam, Pent and Summerlin—9.

*Nays*—Messrs. Baltzell, Gilchrist, Johnson, Moseley and Richardson—5.

So the bill was declared by the Chair not to be passed by the majority requisite to pass it against the veto of the Governor.

The Senate resumed, in Committee of the Whole, the consideration of the bill to be entitled, An Act for the protection of the property mortgaged to secure the payment of the bonds commonly called the Faith Bonds, and after some time spent therein, rose, reported the same without amendment, and asked to be discharged from the further consideration thereof.

Which leave was granted.

Mr. Gilchrist offered the following amendment as a substitute for the bill, to be added after the enacting clause :

That it shall not be lawful for the Union Bank or Southern Life Insurance and Trust Company, to sell or have sold, for any purpose whatsoever, any portion of the property which has been, or shall be mortgaged to secure the payment of Territorial bonds, or to assign or transfer any mortgage on the same, unless at or before the time of such proposed sale, transfer or assignment, there shall be delivered to the Governor, to be cancelled, an amount of the said bonds of the Territory, (exclusive of the interest thereon,) which shall be equal to the amount for which the said property shall have been mortgaged; nor without the assent of the mortgagor, unless in cases of failure to pay his mortgage or the interest on his stock note.

*Sec. 2. Be it further enacted*, That before any creditor of a stockholder in either of the above named banks, shall be permitted to proceed against any of the property so mortgaged as aforesaid, he shall be required to deliver to the Governor, to be cancelled, an amount of the aforesaid Territorial bonds, (exclusive of the interest thereon,) which shall be equal to the amount for which the property shall have been so mortgaged as aforesaid.

*Sec. 3. Be it further enacted*, That it may be lawful for the Union Bank of Florida, from time to time, to reduce the capital stock of the same in such manner as may be deemed expedient by the stockholders : *Provided*, the same be done without, in any wise, impairing the security for the payment of the Territorial bonds.

*Sec. 4. Be it further enacted*, That if it be made to appear satisfactorily to the court in any suit to which the Bank may be a party, that the interest of the estate of a deceased person, whether in the hands of an executor or administrator, would be promoted by an immediate sale of the mortgaged property, it shall be competent for said court to order the property mortgaged, to be sold for Territorial bonds, or in specie, to be invested in bonds by said bank, to the extent of the mortgage given to secure the same, and the remainder, if any, for such funds as the Bank may direct : *Provided*, that no such sale shall take place for a less amount in Territorial bonds, without including the interest, than such property was mortgaged to secure.

*Sec. 5. Be it further enacted,* That if any mortgagor shall be guilty of fraud, by attempting to remove his property from the Territory, or by any other course calculated to affect the security on the mortgaged property, or prevent its application to its proper use, the said mortgage shall be immediately subject to foreclosure thereon; and the sale of the same shall be had for the Territorial bonds, or in specie, to be invested in bonds by said bank, which the mortgage was given to secure to the extent of said bonds. *Provided,* No such sale shall take place for a less amount in Territorial bonds, without including the interest, than such property was mortgaged to secure.

*Sec. 6. Be it further enacted,* That all sales, transfers, assignments or arrangements, in contravention of this act, shall be null and void, and of no effect, or validity whatsoever; and the party making them, or accepting them, shall be subject to a fine not exceeding five thousand dollars and imprisonment not exceeding four years, at the discretion of a jury; and whenever it may come to the knowledge of the Governor, that the provisions of this act have been violated, and the security about to be impaired or affected, which the act is intended to preserve by the unlawful action of the Bank or of any person whatsoever, then and in that case, it shall be the duty of the Governor to cause such judicial proceedings to be forthwith instituted as may be deemed necessary to protect the interest aforesaid.

The bill and proposed substitute were then postponed until Monday next.

On motion of Mr. Bellamy, the engrossed preamble and resolutions relative to Walton county, were taken up, and the yeas and nays being called for by Messrs. Bellamy and Long, were,

*Yeas*—Mr. President, Messrs. Bellamy, Carter, Hart, Johnson, Kelly, Long, Putnam, Richardson and Summerlin—10.

*Nays*—Messrs. Anderson, Baltzell and Gilchrist—3.

So the preamble and resolutions were adopted.

A bill from the House to be entitled, An Act to divorce Agnes Bell from her husband, &c., came up on its passage, and the yeas and nays being called for by Messrs. Baltzell and Gilchrist, were:

*Yeas*—Messrs. Bellamy, Hart, Johnson, Kelly, Long, Richardson and Summerlin—7.

*Nays*—Mr. President, Messrs. Anderson, Baltzell, Carter and Gilchrist—5.

So the bill passed.

Ordered that the title be as read.

A bill to be entitled, An Act to establish and regulate Surrogates, came up, and was laid on the table.

A bill from the House to be entitled, An Act to provide for the erection of a Public Jail and premises, in the county of Monroe, was read a second time, and ordered for a third reading.

A bill from the House to be entitled, An Act to provide for the election of Justices of the Peace, came up, and was read a second time.

Mr. Anderson moved to refer the same to the Committee on the Judiciary, with instructions to amend the bill so as to provide for the election of Judges of the County Court by the people.

Which motion prevailed.

The following communication was received from his Excellency the Governor:

EXECUTIVE DEPARTMENT, }  
Tallahassee, February 6th, 1845. }

Gentlemen of the Senate,  
and House of Representatives:

I have approved the following resolutions and acts of the Legislature, viz:

1. Resolution relating to a Post Office at Campbellton, in Jackson county.

2. Resolution relative to the Commissioner of the Tallahassee Fund.

3. An Act to incorporate the Trustees of the Fund of Special Relief of the Florida Annual Conference of the Methodist Episcopal Church.

4. An Act to incorporate the Preachers Aid Society of the Florida Annual Conference of the Methodist Episcopal Church.

I have the honor to be

Your ob't servant,

JNO. BRANCH.

The orders of the day having been gone through with, Mr. Bellamy presented a memorial from certain citizens of Walton county, relative to changing the time of holding elections for members of the Legislative Council.

Which was received, read and laid on the table.

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

FRIDAY, February 21, 1845.

The Senate met pursuant to adjournment, and a quorum being present, yesterday's proceedings were read, and approved.

Mr. Richardson moved to reconsider the vote of the Senate on yesterday, on the bill from the House entitled, An Act to amend an act entitled an act to raise a revenue for the Territory, approved Nov. 22nd, 1829, vetoed by the Governor, and passed by the House against the veto.

Which motion prevailed.

The yeas and nays were then called on the passage of the said bill, notwithstanding said veto, and were:

*Yeas*—Mr. President, Messrs. Anderson, Bellamy, Carter, Hart, Kelly, Long, Putnam, Pent, Richardson and Summerlin—11.

*Nays*—Messrs. Baltzell, Gilchrist, Johnson and Moseley—4.  
So the bill was declared to have been passed, notwithstanding the veto, there being a majority of two thirds of the Senate voting for it.

Mr. Carter presented a memorial from John M. Hanson, asking to be released from certain judgments of the Territory against him. Which was read and laid on the table.

Mr. Johnson from the Committee on the state of the Territory, made the following report :

The Committee on the state of the Territory, which was instructed to enquire into the expediency of revising and amending the law in relation to patrols, have had the same under consideration, and ask leave to report a bill to be entitled, An Act to regulate the appointment of patrols in the county of Monroe.

Which bill was read the first time.

Mr. Baltzell made the following report :

The Select Committee to whom was referred the bill from the House of Representatives, to fix permanently the county seat for Wakulla county, report the same with an amendment of the first section, providing for the election of commissioners by the people.

Which amendment was concurred in by the Senate, and the bill was ordered for a third reading as amended.

Mr. Hart made the following report :

The Select Committee, to whom was referred the petition and accompanying documents of James N. Myers, praying to be divorced from his wife Tabitha, beg leave to report : That they have had the same under consideration, and beg leave to report a bill for the relief of the said James N. Myers. All of which is most respectfully submitted.

Which bill was read the first time.

The following communication was received from his Excellency the Governor, and read :

EXECUTIVE DEPARTMENT,  
Tallahassee, February 21, 1845. }

*Gentlemen of the Senate  
and House of Representatives :*

I have approved the following acts and resolutions of the Legislature, viz :

1st. An Act to amend an act entitled an act to incorporate the trustees of the Presbyterian Church in Quincy.

2nd. An Act to amend an act to incorporate the Protestant Episcopal Church of St John's Parish, Tallahassee.

3rd. An Act to amend an act to incorporate the town of Columbus, approved 14th March, 1844.

4th. A preamble and resolutions respecting a donation of public lands to the county of Wakulla for a Court House and Common Schools.

5th. A preamble and resolutions asking an appropriation for the improvement of the Straight Channel in the Bay of Apalachicola.

I have the honor to be,

Your obedient servant,

JNO. BRANCH.

#### ORDERS OF THE DAY.

A bill from the House, to be entitled, An Act to provide for the erection of a public jail and premises in the county of Monroe, was read a third time and passed, without amendment.

The House communicated to the Senate, the following bill and preamble and resolutions, viz :

A bill to be entitled, An Act for the relief of Thos. T. Russell, indefinitely postponed by the House.

Also, a preamble and resolution asking of Congress a remuneration for losses in the Indian War ; adopted by the House without amendment.

Also, a preamble and resolutions relating to the location of a sixteenth section by the inhabitants of Lafayette Township ; adopted by the House without amendment.

Also, a preamble and resolutions, asking Congress to fix permanently, the northern boundary line of the Territory of Florida.

Which were read the first time, the rule waived, read a second and third time and passed.

The following bills were received from the House and read a first time :

A bill to be entitled, An Act to protect and secure the citizens of Florida, in the free and undisturbed lawful use of Hillsborough river.

A bill to be entitled, An Act to alter and fix the time for holding the Spring Term of the Superior Court of Wakulla county.

A bill to be entitled, An Act to provide for the holding of an additional Term of the Superior Court in the Eastern District.

Whereupon, on motion, the Senate adjourned until Monday, 10 o'clock, A. M.

MONDAY, February 24th, 1845.

The Senate met pursuant to adjournment, and a quorum being present, Friday's proceedings were read and approved.

On motion of Mr. Moseley, the bill to be entitled, An Act to prescribe the mode of levying taxes in the counties and towns of this Territory, was taken from the table and placed among the Orders of the Day.

On motion of Mr. Gilchrist, the bill from the House, to be entitled, An Act to regulate the pilotage of the port of St. Marks, was taken from the table and placed among the Orders of the Day.

## ORDERS OF THE DAY.

A bill from the House to be entitled, An Act to authorize Malinda Folsom, administratrix, &c. to sell certain real estate, came up on a second reading, and was ordered to be read a third time.

A bill to be entitled, An Act for the protection of the property mortgaged to secure the payment of the bonds commonly called the faith bonds, came up on a second reading, and was unanimously laid on the table.

A bill to be entitled, An Act to establish a board of county commissioners, came up on a second reading, and was indefinitely postponed.

A bill from the House to be entitled, An Act to fix permanently the county seat of Wakulla county, was read a third time and passed as amended.

A bill to be entitled, An Act to regulate the appointment of patrols in the county of Monroe, was read a second time and laid on the table.

A bill from the House to be entitled, An Act to protect and secure the citizens of Florida in the free and undisturbed lawful use of the Hillsborough river, was read a second time and postponed till to-morrow.

A bill from the House to be entitled, An Act to alter and fix the time for holding the Spring Term of the Superior Court of Wakulla county, was read a second time and ordered to be read a third time.

A bill to be entitled, An Act to divorce James N. Myers, was read a second time, and on the question of engrossing the bill, the yeas and nays were called for by Messrs. Anderson and Pent, and were:

*Yeas*—Messrs. Bellamy, Hart, Johnson, Long, Moseley, Richardson, and Summerlin—7.

*Nays*—Mr. President, Messrs. Anderson, Baltzell, Carter, Gilchrist, and Pent—6.

So the bill was ordered to be engrossed, and read a third time.

A bill from the House to be entitled, An Act to provide for the holding of an additional term of the Superior Court in the Eastern District, was read a second time, and laid on the table.

A bill to be entitled, An Act to prescribe the mode of levying taxes in the counties and towns of this Territory, and for other purposes, came up on a second reading.

Mr. Moseley moved to postpone the bill indefinitely.

On which motion the yeas and nays being called for by Messrs. Richardson and Pent, were:

*Yeas*—Mr. President, Messrs. Anderson, Baltzell, Bellamy, Carter, Gilchrist, Hart, Johnson, Kelly, Long, Moseley, Putnam, Pent, Richardson and Summerlin—15.

*Nays*—None.

So the bill was indefinitely postponed by a unanimous vote.

A bill from the House to be entitled, An Act to regulate the Pi-

lotage of the port of St. Marks, was read a third time and passed without amendment.

The orders of the day having been gone through with, Mr. Putnam offered the following resolution:

*Resolved by the Senate and House of Representatives*, That the Secretary of the Territory be, and he is hereby required to furnish each member of the Senate and House with a copy of the Journal of proceedings of the St. Joseph Constitution, and also, a copy of the Constitution adopted by that Convention.

Which was adopted.

Mr. Kelly gave notice that he will on some future day, ask leave to introduce a bill to be entitled, An Act to amend the Charter of the Alabama, Florida, and Georgia Rail Road Company.

Agreeably to previous notice, Mr. Baltzell obtained leave to introduce a bill to be entitled, An Act to amend the law giving a lien to mechanics in certain cases.

Which was read the first time, and the rule being waived, read a second time, and referred to the Committee on the Judiciary.

A bill was received from the House to be entitled, An Act to authorize David L. Palmer to build a toll bridge with floodgate and dike across St. Pablo Creek, on the St. Johns river.

Which was read the first time.

A communication was received from his Excellency the Governor, read and referred to the Committee on Banks.

The Senate then adjourned until to-morrow 11 o'clock.

TUESDAY, February 25, 1845.

The Senate met pursuant to adjournment, and a quorum being present, yesterday's proceedings were read and approved.

The following communication was sent to his Excellency, the Governor:

SENATE CHAMBER, Feb. 25, 1845.

To his Excellency, JOHN BRANCH, Governor of Florida:

I herewith transmit, for the approval of your Excellency, a memorial and resolution asking remuneration of Congress for losses in the Indian war, adopted by the Senate and House of Representatives and signed by the officers of both Houses.

Your Obedient Servant,

THOS. F. KING,

Secretary of the Senate.

Mr. Anderson, from the Committee on the Judiciary, to which was referred the following bills from the House, reported the same without amendment. Which were received:

A bill to be entitled An Act to provide for the election of Justices of the Peace.

A bill to be entitled An Act to amend the several acts now in force in regard to summoning Jurors.

A bill to be entitled An Act to secure certain rights to Females.

Mr. Anderson, from the same Committee, to whom was referred a bill from the House to amend the several acts relating to depositions, reported the same with an amendment to be made an additional section.

Mr. Gilchrist from the Committee on Banks, made the following report:

The Committee on Banks, to whom was referred a communication of the Governor, enclosing a letter of the President of the Union Bank, have had the same under consideration, and have instructed me to REPORT:

That the Committee deem it inexpedient to have any legislative action on the subject.

Which was received, and concurred in.

Mr. Johnson, from the Committee on the State of the Territory, made the following report:

The Committee on the State of the Territory, to which was referred a resolution instructing them to enquire and report to the Senate:

1. "What are the existing treaty or treaties between the Government of the United States and the Seminole Indians remaining in Florida?"

2. "What number of Indians remain in Florida, and what portion of country has been assigned to them?"

3. "Whether the continuance of the Indians in Florida is consistent with the safety and with the rights of the People of Florida?"

4. "What measures it is proper and expedient for the Legislative Council to adopt, in relation to these several subjects?"

They leave to report:

That they have examined as to the first subject of enquiry, and find that the only existing treaties with the Seminole Indians on this subject, ratified and confirmed by the U. S. Senate, according to the requirements of the Constitution of the United States, are—1. The Treaty of Payne's Landing, concluded on the 9th of May, 1832; ratified by the Senate of the U. S., April 8th, 1834. (See page 1240, vol. 9, L. U. S.) 2. The Treaty of Fort Gibson, concluded on the 28th of March, 1833; ratified by the U. S. Senate, 5th April, 1834. (See page 1244, &c., same book.)

The public newspapers of the day have, from time to time, during several years past, made known various and different negotiations, agreements and arrangements, by officers of the regular army of the United States with portions of the Seminole Indians—some for one purpose and some for another. All of these arrangements, it is believed, (and it is perhaps well for the credit of the Nation that it is so), have not been fully disclosed to the public. The committee have not been able to ascertain, so as to state definitely, what of those agreements, or arrangements, or understandings, are now regarded as existing, and to be observed by the United States of America on the one side, and the savages on the other. Negotia-

tions, it is believed, have been had, and some sort of compact or bargain has been made, by which the Indians now in Florida are allowed to remain for some period yet to elapse,—whether definite in its duration, however, the committee are not able to declare with precision, and certainly not what are the terms and conditions of such continued residence. The arrangement is alleged to be "temporary." The committee do not hesitate to express the opinion that all these "arrangements," and "agreements," and "understandings," are in contravention of the treaties above referred to; and which treaties are declared by the Constitution of the United States, to be the supreme and paramount law of the land. No officer of the Federal Government, from the lowest subaltern in the army, up to the President of the United States, has any rightful power or authority to make any such agreement or arrangement in violation of the provisions of those treaties. Until altered or abrogated by a constitutional act, ratified and confirmed by the advice and consent of the Senate of the United States, those provisions must be obeyed and fulfilled. The Federal Government is faithless to itself and to the People of Florida, if it falters in efforts made in good faith to carry those treaties into effect, by the use of all the constitutional power it possesses. The first treaty declares that the Seminole Indians, in 1832, agreed to "relinquish to the United States all claim to the land" they then occupied "in the Territory of Florida," and to "emigrate to the country assigned to the Creeks, West of the Mississippi," &c. The Indians were paid a large amount for this agreement. A delegation of Chiefs was sent to examine the country West of the Mississippi, in 1833. The Seminole nation agreed to emigrate within three years after the ratification of that treaty. The second treaty was concluded with the delegation that examined the country West of the Mississippi, and declared their satisfaction with that country, and that the Seminole nation should commence their "removal to their new home as soon as the Government made arrangements for their emigration satisfactory to the Seminole nation." Until a short time prior to the outbreak of hostilities by them, in 1835, the whole nation apparently acquiesced in those treaties. That some of the warlike spirits of the nation were secretly opposed to removal, from the outset, subsequent developments proved; but the artful courses pursued to keep the extent of the dissatisfaction concealed from the officers and agents of the Federal Government, and the favorable success of the Indians, proved that their capacity for diplomacy was equal to that of war; and that in either, unfortunately for our country, history will record, they were not surpassed by but very few of those to whom the conduct of the war was at different times entrusted. Among the many different causes assigned for the Seminole war, some of the unscrupulous maligners of Florida have imputed its origin to matters prejudicial to the reputation of our People. Their imputations are unjust. The war was not caused by us—it was not provoked by us—it was not commenced or conducted for our benefit—but to

carry out the established policy of the Federal Government; and so far from its having, as has been alleged, advanced the pecuniary interests of our People, the devastated plantations and the graves of our murdered citizens, from one end of Florida to the other, are sorrowful evidences of the reverse being the fact. And yet, under all these circumstances, the People of Florida have received no reproaches, abuse and calumny from those whose duty it was to afford us protection. We had hoped, now the war (as has been so often said) is "ended," these things would cease. And the committee regret to see that as late as Nov. 17, 1843, an official document, emanating from a high source, should declare that the frontier settlers, "occupants under the armed occupation bill have neither weapons nor the disposition to use them," &c., and that the wisest policy of the armed occupation act should be denounced by stating that the assertion just quoted was "a practical SATIRE upon the purpose and policy of the law," and that the occupants are sneered at in the taunt that there will on their part "be some caution and hesitation in the indulgence of hostile feelings toward the Indians," and that "ten warriors" would "suffice to break up and scatter the entire line of new settlements although ten-fold their numbers." We do not deem it necessary to express more than our regret at these statements.

The committee cannot ascertain what number of Indians yet remain in Florida. They place very limited reliance on the statements made as to their numbers having decreased by emigration, and those killed during the war, to less than one hundred warriors and less than three hundred women and children. From the best data they can obtain, it is believed, thrice those numbers will be nearer the fact. At the commencement of the Seminole war, the number of warriors was reported to be less than a thousand; but sad experience proved that their numbers were not only underrated by the United States officers, but also their valor and military resources and skill.

We do not intimate that any interested motive has induced the present members of the remaining Indians to be intentionally underrated, but aware of the arts and devices practised by the wily savage to conceal their true numbers, we have little doubt they have deceived those who have made the estimate.

What portion of country has been assigned to the remaining Indians, the committee cannot certainly state, beyond the information contained in the documents annexed. Order No. 28, dated August 24, 1842, gives the following boundaries: "From the mouth of Takachopke, or Pease Creek, up the left bank of that stream to the left of the Southern branch, and following that branch to the head of the Northern edge of Lake Istokpoga, thence down the eastern margin of that lake, to the stream which empties from it into the Kissimmee river, following the left bank of said stream and river to where the latter empties into Lake Okeechobee; thence due south through said lake and the everglades to Shark River, following the right

bank of that river to the Gulf; thence along the Gulf shore (excluding all islands between Punta Rassa and Charlotte Harbor) to the place of beginning."

The same order just quoted, states, the "arrangements are in accordance with the instructions of the President of the United States." On the same subject, in the talk of July 21, 1842, the commanding officer of the United States' forces in Florida, says to the Indians, "that the great father (Mr. Tyler) who sends this word, (the permitting them to remain in Florida) is not the same they had some time since, (Gen. Jackson or Mr. Van Buren) but has been recently chosen by his white children," and that "he is willing his red children should remain in Florida or go to Arkansas as they may prefer," &c., and "as their numbers are now so few, the great father is quite indifferent whether they remain in the country or go to the West; but if any shall hereafter wish to emigrate, they will be sent to Arkansas at any time their numbers amount to forty or fifty."

As to the third point of enquiry, the committee have a brief answer. It is not consistent with the safety and rights of the people of Florida, that these Indians should remain in the Territory. And the safety and rights of the people of Florida should not be jeopardized, to promote the convenience of third persons not having any community of feeling or interest with them; nor should arrangements made to comport with the wishes and views of such persons in conflict with the safety and rights of the people and with the provisions of the treaties above quoted, be allowed.

We will not dilate on the considerations imperatively calling for the removal of the Indians promptly—forthwith—peaceably if we can, forcibly if we must. The danger of being used by a foreign enemy, in case of war, especially while located on such an exposed sea-board, as the Southern end of the Florida peninsula—their continuance here affording a refuge for runaway slaves and fugitive criminals—the absolute impossibility of preventing for any length of time, hostilities between them and the frontier white settlers—and the consequent prevention of emigration to the peninsula—the necessity of continuing in the heart of the country between the whites and Indians, while the Indians are allowed to stay here, a large regular force, which on many accounts is to be deprecated, should induce the Federal Government to cause the speedy removal of every Indian from Florida.

They must be sent out of Florida, without delay. If an officer of the regular Army of the United States cannot be found willing to run the risk of undertaking the task by the regular fulfilment of the duties of his profession, and without seeking reputation as a diplomatist, we trust there are citizen soldiers, who can be called forth, willing to do such duty to their fellow-citizens, and who can do it. The committee feel it to be their duty to commend the course of the Hon. David Levy, our Delegate, and to say, that in their opin-

ion, he has truly represented the wishes and expressed the will of the people of Florida on this subject.

As to the measures proper and expedient for the Legislative Council to adopt in relation to this subject, the committee have come to the conclusion that as Florida will soon be able to assert and maintain her rights as a sovereign and independent State, it may be best to leave it for State action, in case the Federal Government and its officers omit any longer their solemn duties imposed by the treaties above quoted. We have confidence, however, that the now "great father" of "our red brethren" still more "recently chosen by his white children," and his administration, when put in possession of the facts will not neglect such duty, or suffer its subordinate officers to contemn the supreme law of the land and the rights and wishes of the People of the State of Florida, or insult and abuse them without rebuke. If we should, however, be disappointed, the voice of the People of the State will be heard through her Senators and Representatives in Congress, and it is believed will be potential enough to secure us justice. If that fails we will rely on the means and resources of the State Government and the united action of our whole people. They will be ample to maintain our rights.

The committee deem it sufficient to have expressed these opinions, and ask to be discharged from the further consideration of the subject.

#### DOCUMENTS ANNEXED.

1. Extract instructions of Sec'y Spencer to Gen. Scott, dated May 16, 1842.
2. Extract of despatch from Gen. Worth with Fosse Hadjoe, stated to be an "Indian of some distinction," held at Fort Brook, July, 1842.
3. Copy of order No. 28, dated August 11, 1842.
4. Copy of a report of Gen. Worth to the Adjutant General, dated November 17, 1843.
5. Card of Gen. Worth to the citizens of Florida, dated December, 1844.

Which was received, read and laid on the table.

Mr. Gilchrist offered the following resolution:

*Resolved*, That the communication of the Governor, of yesterday, enclosing a letter of the President of the Union Bank, be transmitted to the House of Representatives, for their consideration.

Which was adopted.

The communication was accordingly sent to the House.

Mr. Moseley, from the Committee of Ways and Means, made the following report:

The Committee of Ways and Means, to whom was referred a bill to be entitled "An Act to repeal the 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 Terri-

torial Treasury," have instructed me to report the same with the amendment accompanying the bill.

They respectfully ask that they may be discharged from the further consideration of the bill.

Which was received and the Committee was discharged from the further consideration of the bill.

The House returned to the Senate a bill to be entitled An Act further prescribing the duties of recording officers, indefinitely postponed by the House.

Also a resolution requiring the Secretary of the Territory to furnish copies of the Journals of the St. Joseph Convention, and of the Constitution, to the members of the Senate and House of Representatives, adopted by the House.

#### ORDERS OF THE DAY.

A bill from the House to be entitled, An Act to authorize Malinda Folsom, administratrix, &c., to sell certain real estate, was read a third time, and the yeas and nays being called for by Messrs. Pent and Bellamy, on the passage of the bill, were:—

*Yeas*—Mr. President, Messrs. Bellamy, Carter, Hart, Johnson, Moseley, Richardson and Summerlin—8.

*Nays*—Messrs. Baltzell, Gilchrist, Long and Pent—4.

So the bill passed as amended.

An engrossed bill to be entitled, An Act to divorce James N. Myers, came up on its passage, and the yeas and nays being called for by Messrs. Gilchrist and Richardson on the passage of the bill, were:

*Yeas*—Mr. President, Messrs. Bellamy, Hart, Johnson, Long, Moseley, Richardson and Summerlin—8.

*Nays*—Messrs. Anderson, Baltzell, Carter, Gilchrist, Kelly, Putnam and Pent—7.

So the bill passed with the title as stated.

A bill from the House to be entitled, An Act to alter and fix the time for holding the Spring Term of the Superior Court of Wakulla county, was read a third time and passed without amendment.

A bill from the House to be entitled, An Act to secure the citizens of Florida in the free and undisturbed use of Hillsborough river, came up on a second reading and was postponed until to-morrow.

A bill from the House to be entitled, An Act to authorize David L. Palmer to build a toll bridge with floodgate and dike across St. Pablo creek on the St. Johns river, was read a second time and ordered for a third reading.

A bill from the House to be entitled, An Act to secure certain rights to women, came up on a second reading and was postponed until to-morrow.

Ordered that fifteen copies of the bill be printed.

A bill from the House to be entitled, An Act to provide for the election of Justices of the Peace, came up on a second reading and was postponed until to-morrow.

Ordered that fifteen copies of the bill be printed.

A bill to be entitled, An Act to amend the several acts now in force in regard to summoning jurors, came up on a second reading, and was laid on the table.

A bill from the House to be entitled, An Act to amend the several acts relating to depositions, came up on a second reading.

The question being put on the concurrence of the House in the amendment reported by the Committee on the Judiciary, the same was concurred in, and the bill as amended was ordered for a third reading.

A bill from the House to be entitled, An Act to repeal the 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 Territory, came up on a second reading, with the amendment reported by the Committee of Ways and Means, as a substitute for the bill.

Mr. Carter moved to strike out the last section of the substitute. Which motion was lost.

Mr. Gilchrist moved to reconsider the vote just taken on striking out.

Which motion was lost.

Mr. Carter moved the indefinite postponement of the bill, and reported amendment.

On which motion the yeas and nays being called for by Messrs. Carter and Gilchrist, were:

Yeas—Mr. President, Messrs. Baltzell, Carter, Gilchrist, Johnson, Richardson and Summerlin—7.

Nays—Messrs. Anderson, Hart, Kelly, Long, Moseley, Putnam and Pent—7.

So the motion was lost.

Mr. Long offered the following amendment to the amendment, to be made an additional section to the bill:

*Be it further enacted*, That the tax on the license for retailing spirituous liquors shall not exceed ten dollars.

Which was adopted.

On motion of Mr. Moseley, the title of the bill was stricken out and the reported amendment to the title, viz: "A bill to be entitled, An Act to suspend the revenue laws, for the year one thousand eight hundred and forty-five, and for other purposes," was adopted.

The bill as amended was then ordered for a third reading.

The following bills were received from the House, and read a first time:

A bill to be entitled, An Act to prescribe forms to regulate proceedings before Justices of the Peace, Coroners, and other officers in the Territory of Florida,

A bill to be entitled, An Act to authorize George W. Thompson to establish a ferry across Escambia river,

A bill to be entitled, An Act to establish a Board of Commissioners of Pilotage, for the harbors and waters of Apalachicola bay.

A bill to be entitled, An Act to provide for the sale of Equities of Redemption,

A bill to be entitled, An Act to organize and regulate the militia, A bill to be entitled, An Act to organize a county to be called Levy county,

A bill to be entitled, An Act to amend an act entitled an act to establish a Board of Port Wardens and Commissioners of Wrecks for the port of Apalachicola.

The Senate adjourned until to-morrow, 10 o'clock.

WEDNESDAY, February 26th, 1845.

The Senate met pursuant to adjournment, and a quorum being present, yesterday's proceedings were read, amended and approved.

Mr. Long gave notice that he will, on some future day, ask leave to introduce a bill to be entitled, An Act declaring Dry Creek, in Jackson County, a navigable stream.

Mr. Baltzell offered the following preamble and resolution:

WHEREAS, a declaration of the terms by which a stockholder may release his mortgaged property from the Union Bank of Florida, so far as the Territory of Florida is concerned to protect the interests of those holding Territorial bonds, is believed important to the interests of all parties:

*Be it therefore resolved by the Governor and Legislative Council of the Territory of Florida*, That a stockholder of the Union Bank of Florida may, as far as the Territory is concerned, release himself from his bond and mortgage to said Bank, by paying Territorial bonds, given by the said Bank in amount equal to his said mortgage, without including the interest of said Territorial bonds, the same to be taken as part of the payment.

Which was read the first time.

The following bills, preamble and resolutions were received from the House, and read the first time:

A bill to be entitled, An Act for the relief of Crawford Sprowl, A bill to be entitled, An Act to annex a part of Jackson county to Calhoun county,

Preamble and resolutions asking of Congress an appropriation for the rebuilding of a Court-house in Hillsborough county.

Mr. Anderson, from the Committee on the Judiciary, to which was referred a bill to be entitled, An Act to amend the law giving a lien to Mechanics in certain cases, reported the same with amendments.

Which was received, and the bill and proposed amendments placed among the orders of the day.

Mr. Putnam, from the Committee on Propositions and Grievances, to which was referred a bill to be entitled, An Act for the relief of David D. Young, reported the same without amendment.

Which was received, and the bill placed among the orders of the day.

Mr. ANDERSON, from the Joint Select Committee, to which was referred the communication of his Excellency the Governor, and accompanying papers, respecting Jonathan Walker, made the following report:

The Joint Select Committee, to which was referred the Governor's communication in relation to the correspondence of the British and Foreign Anti-Slavery Society with Jonathan Walker, with the accompanying papers, beg leave to report:

That they regard the right of defaming crimes and passing laws to prevent or punish such crimes as amongst the clearest and most valuable rights of a free people, and the interference of foreign States with the exercise of that right, as insulting and unwarrantable, and that it should be repelled promptly and indignantly.

This principle, so undeniable in the abstract, acquires additional interest and importance from the circumstances of the particular case to which the duty of the Committee has directed its attention. It can no longer be denied that systematic and powerful influences are at work throughout a large portion of Europe and many parts of our own country, the direct tendency of which is to impair our rights of property, and to involve ourselves and the unconscious objects of this false philanthropy in one common ruin. A vicious fanaticism, clothed in the garb of religion, is prowling around our borders, and by means of its more reckless and abandoned instruments, invading our inmost sanctuaries, whose direct purposes, scarcely concealed, are to deluge our very hearth-stones in blood and to rear an altar to its false principles upon the ruin of all that is precious to us as freeman and dear to us as men.

The most sanguine and forbearing amongst us must long since have been painfully convinced of the existence of this unfriendly feeling towards us among some of our own countrymen; and the public mind throughout the whole of the Southern States has been roused to a state of distrust and watchfulness, which augurs ill for that harmony which is becoming between members of the same great family. The South has no cause for self-reproach, growing out of this feeling of estrangement. Their position has been eminently that of self-defence; and they are prompted to maintain that position by every consideration of duty and of self-interest. They would be recreant to themselves and unworthy of the rank which they hold among the nations, if they were to falter in the assertion of their rights and in their resistance to this foul injustice.

In the unhappy dissensions which have grown up between ourselves and our countrymen of the North there are, however, considerations prompting us to still longer forbearance. It is not easy to forget that we are brothers, enjoying the same great heritage of liberty which was purchased by the blood of our common sires. We are reluctant to let go our confidence in the returning sense of justice of those who are bound to us by such endearing ties, and we will not willingly dissever from our soil, the blood-honored fields of Lexington, of Bunker Hill and of Saratoga—we will "suffer long

and be kind"—will bear many things, hope many things, and endure many things. And we do this the more readily because there is no hesitation amongst us as to the limits of this endurance.—Among the millions of bosoms that are throbbing under a sense of the injury and outrage which have been so wantonly inflicted upon us, by our northern brethren, though there are many that plead for longer forbearance and forgiveness, there is probably not one that does not feel that there is a point beyond which forbearance would be ruin and dishonor—there is not one that would not unhesitatingly fling to the winds all the cherished recollections of the past, and all the exulting hopes of the future, rather than bow down in slavish abasement to the demands of those who seek to sacrifice us upon the shrine of their unholy fanaticism.

But the feelings which thus prompt us to forbearance under the injury done to us by the abolition incendiaries of the North, teach no such forbearance towards the foreign incendiaries who intermeddle with our domestic institutions, and seek to interfere with the administration of our laws. We regard their false and intrusive philanthropy with unmingled resentment, and it becomes us to resist at once, and in the most effectual manner, all their efforts to control us in our internal police. The committee regret that the only means which are within our reach to counteract their hostile designs, and to avert danger from ourselves, consist of increased penalties for the violation of our laws, and in stricter police arrangements in regard to the negro population. It is to be regretted that the punishment for such flagrant crimes should fall rather upon the less responsible agent, who is induced by a desire of gain or by an ignorant fanaticism to come among us on his unholy crusade, than on the more wicked and intelligent felon, who plots his cowardly schemes of mischief in the security of a foreign country, and still more is it to be regretted that we are constrained, in self-defence, to cut off some of those indulgencies to our SLAVES, which has made their situation hitherto one of happy contentedness.

But the responsibility is not with us. Heavy is the accountability of the abolitionist, both in Europe and at the North, not so much for the happiness and harmony of a great nation which he has disturbed and perilled by his ignorant and wicked intermeddling with affairs of which he knows but little, as for the new burdens which he has imposed upon the slave, and the new obstacles which he has interposed to the gradual amelioration and improvement of his condition.

Self protection is the primary law, and we shall stand justified in the eyes of God and of man, in defending ourselves from unjust aggressions, though the means of safety may bring punishment and suffering where it is not most deserved.

The crime of negro stealing has heretofore been punished by our laws with exceeding leniency, and in the very striking case to which the attention of the Committee is now directed, where the offence was flagrant, and the evidence conclusive, the punishment of the

guilty man was so slight, as to prove that heretofore, in punishing this crime, we have not in any degree been moved by undue resentment. Henceforward we are compelled to regard negro stealing, by the instruments of the abolitionists, as a crime of a different character. It is no longer a mere larceny, but a species of treason against the State—a direct assault upon the very existence of our institutions. The negro stealer, too, is now armed with new powers—he is upheld, encouraged, aided, and almost canonized, by men in high places, whose commendation and sympathy inspire new vigor and fresh perseverance. The thief is taught to regard himself as an agent in the hand of providence, and he encounters danger with the spirit of a martyr. Slight punishments will not deter him from renewed offences, for he is taught to believe that his sufferings excite the sympathies and bring down upon his head the blessings and the prayers of the christian world.

In obedience, then, to the rule which requires that the punishment of an offence, should be commensurate with the difficulty of preventing it, as well as its enormity, the Committee feel constrained to recommend that the crime of negro stealing and of aiding and abetting negro stealing, be made punishable hereafter by death. They make this recommendation, not lightly, but with a deep and impressive sense of the responsibility which they assume—but they feel that the responsibility in its heaviest extent, rests elsewhere. They believe that such a law is necessary to the safety of the country in the new aspect in which this crime must now be regarded; and if blood be the penalty which the negro stealer has to pay for his crime, it will be upon the skirts of those whose incitements and applause have driven him to his doom.

As there is a bill now before the Senate making negro-stealing punishable with death, the committee content themselves on this head with earnestly recommending its enactment into a law.

Some of the circumstances developed in this case of Jonathan Walker, have satisfied the committee that there are evil disposed persons amongst us, who permit themselves to be made channels of intercourse between the convicted felons in our prisons and their accomplices abroad, and in other ways lend their aid to the dissemination of unsound and dangerous doctrines on the subject of slavery.—Towards such offenders, the law should be unsparing in its penalties. To punish such of this class as are found amongst us with sufficient severity, and exclude those who may be officiously intruded upon us, its most solemn sanctions should be invoked; but the committee apprehend that while we remain in a Territorial Government some embarrassment might arise in the enforcement of police laws adequate in their rigour to the suppression of the mischief; and as we are about to assume, under the blessing of God, the privileges and the powers of a free sovereign State, the committee recommend that this subject, together with that of new police regulations, with regard to the slaves themselves, be postponed till the meeting of the first General Assembly of the State of Florida, and they earnestly invoke its

serious attention to the whole subject in all its relations and bearings. The committee having considered all the subjects referred to them, beg to be discharged from their further consideration.

WALKER ANDERSON,  
Chairman of the Senate Committee.  
L. FERGUSON, Jr.,  
Chairman of the House Committee.

Which was read and concurred in, and the Committee discharged as asked.

Whereupon Mr. Baltzell offered the following resolution:

*Resolved by the Senate and House of Representatives, That 500 copies of the report of the Joint Select Committee on the case of Jonathan Walker, with the message of the Governor and accompanying documents, and other documents communicated by the Governor at the present session, relating thereto, be printed for the use of the two Houses, and that his Excellency the Governor, be requested to forward copies to the President and Vice President, and President and Vice President elect of the United States, the Secretary of State of the United States, Governors of the States of the Union, and especially of the State of Massachusetts, and to the members of the Senate and House of Representatives in Congress.*

Mr. Gilchrist moved to amend the resolution by striking out all after the word "copies," in the second clause of the resolution and inserting the following words, "to the Governors of the slave-holding States, for their consideration."

Mr. Carter offered the following amendment to the amendment of Mr. Gilchrist:

*Resolved, That 500 additional copies of the report (accompanied by the documents from the State of Massachusetts and the London Abolition Society) be printed for distribution through the Northern and Eastern States, and in foreign countries.*

Which amendment was rejected.

The amendment proposed by Mr. Gilchrist was then adopted.

Mr. Mosely moved to amend the resolution by striking out all after the word "Houses."

On which motion the yeas and nays being called for by Messrs. Mosely and Baltzell, were:

Yeas—Messrs. Anderson, Baltzell, Carter, Hart, Johnson, Long, Mosely, Putnam, Pent, Richardson and Summerlin—11.

Nays—Mr. President and Mr. Gilchrist—2.

So the amendment was adopted.

The resolution as amended was then adopted.

On motion of Mr. Anderson, the bill to be entitled, An Act relating to crimes and misdemeanors, approved February 10, 1832, was taken from the table and placed among the Orders of the Day.

## ORDERS OF THE DAY.

A bill from the House to be entitled, An Act to protect and secure the citizens of Florida in the free and undisturbed lawful use of the Hillsborough river, came up on a second reading.

Mr. Baltzell moved to strike out the words "by legal process," in the sixth line of the bill.

Which motion prevailed.

The bill as amended was then ordered for a third reading.

Mr. Carter moved to strike out the title of the bill, and insert the following its place :

A bill to be entitled, An Act declaring Hillsborough river a navigable stream, and for other purposes.

Which motion prevailed.

The Senate then adjourned until to-morrow 10 o'clock.

THURSDAY, February 27, 1845.

The Senate met pursuant to adjournment, and a quorum being present, yesterday's proceedings were read and approved.

Mr. Baltzell presented a Memorial from the Trustees of Leon Female Academy, praying to be incorporated.

Which was read, and referred to the Committee on Schools and Colleges.

## ORDERS OF THE DAY.

A bill from the House to be entitled, An Act to protect and secure the citizens of Florida in the free and undisturbed lawful use of the Hillsborough river, was read a third time, and passed as amended.

A bill from the House to be entitled, An Act to secure certain rights to Women, came up on a second reading, and was postponed until to-morrow.

A bill from the House to be entitled, An Act to authorize David L. Palmer to build a toll-bridge, floodgate and dike across St. Pablo Creek, on the St. Johns river, was read a third time, and passed.

A bill from the House to be entitled, An Act to provide for the election of Justices of the Peace, came up on a second reading, and was postponed till to-morrow.

A bill from the House to be entitled, An Act to amend the several acts relating to depositions, was read a third time, and passed as amended.

A bill from the House to be 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, came up on its passage as amended.

The yeas and nays being called for by Messrs. Carter and Long on the passage of the bill, were :

Yeas—Mr. President, Messrs. Baltzell, Carter, Gilchrist, Hart, Johnson, Kelly, Long, Putnam, Pent, Richardson and Sumner—12.

Nays—None.

So the bill passed unanimously as amended.

The following communication was received from the House :

HOUSE REPRESENTATIVES, }  
27th February, 1845. }

To the Hon. President of the Senate :

The House refuses to concur in the amendments of the Senate to the bill entitled, An Act to authorize Malinda Folsom, widow and administratrix of Bryan Folsom, deceased, late of Jefferson county, to sell certain real estate ; and insist on the original bill.

H. ARCHER, Sec'y H. Rep.

Which bill was laid on the table.

The following bills were received from the House, and read a first time :

A bill to be entitled, An Act to amend an act relating to crimes and misdemeanors,

A bill to be entitled, An Act to repeal the Charter of the Bank of Florida,

A bill to be entitled, An Act to authorize Henry E. Purviance to establish a ferry on the Suwannee river,

A bill to be entitled, An Act to reduce the tax on billiard tables.

A bill from the House to be entitled, An Act to prescribe forms to regulate proceedings before Justices of the Peace and other officers, came up and was read a second time, and referred to the Committee on the Judiciary.

A bill from the House to be entitled, An Act to authorize George W. Thompson to establish a ferry across the Escambia river, was read a second time, and ordered for a third reading.

A bill from the House to be entitled, An Act to establish a Board of Commissioners of Pilotage for the harbors and waters of Apalachicola Bay, was read a second time.

On motion of Mr. Kelly, the eighth section of the bill was amended by striking out all between the words "enacted" and "all," and the word "other."

The bill was then ordered for a third reading as amended.

A bill from the House to be entitled, An Act to provide for the sale of Equities of Redemption, was read a second time and referred to the Committee on the Judiciary.

A bill from the House to be entitled, An Act to organize and regulate the militia, was read a second time and referred to the Committee on the Militia.

A bill from the House to be entitled, An Act to organize a county to be called Levy county, was read a second time and postponed until Saturday next.

A bill from the House to be entitled, An Act to amend an act to establish a board of Port Wardens and Commissioners of Wrecks for the port of Apalachicola, was read a second time and postponed until to-morrow.

A bill to be entitled, An Act to amend the law giving a lien to

mechanics in certain cases, came up on a second reading, and with the amendment proposed by Mr. Baltzell, was laid on the table.

The preamble and resolution relative to the release of property mortgaged to the Union Bank, was read a second time and ordered for a third reading.

A bill from the House to be entitled, An Act for the relief of David D. Young, came up on its second reading and was ordered for a third reading.

A bill from the House to be entitled, An Act for the relief of Crawford Sprowl, was read a second time and postponed until to-morrow.

A bill from the House to be entitled, An Act to annex a part of Jackson county to Calhoun county, was read a second time and postponed until Monday next.

The preamble and resolutions asking of Congress an appropriation for the rebuilding of a court-house in Hillsborough county, were read a second time and ordered for a third reading.

A bill to be entitled, An Act to amend an act relating to crimes and misdemeanors, approved Feb. 10, 1832, came up a second reading and was laid on the table.

The following communication was received from the House:

HOUSE REPRESENTATIVES, 27th Feb., 1845.

To the Hon. President of the Senate:

SIR:—The House have passed the bill from the Senate, entitled, An Act to reduce the expenditure of the Government, provide for the election of Auditor, and for other purposes, with the following amendments, viz:

Strike out from the 6th line 3d section, the word "twenty," and insert the word "ten."

Also, Strike out from the 9th line 6th section, the word "Specific," and insert "specific."

The House concur in the amendments of the Senate to the bills entitled, An Act to amend the several acts relating to depositions.

Also, An Act to protect and secure the citizens of Florida, in the free and undisturbed lawful use of the Hillsborough river.

H. ARCHER, Sec'y Ho. Rep.

The bill returned with said communication, entitled, An Act to reduce the expenditure of the Government, &c., with the amendments, was postponed until to-morrow.

The Senate then adjourned until to-morrow, 10 o'clock.

FRIDAY, February 28, 1845.

The Senate met pursuant to adjournment, and a quorum being present, yesterday's proceedings were read and approved.

On motion of Mr. Long, leave of absence was granted to Mr. Hart, for two days.

On motion of Mr. Moseley, leave of absence was granted to Mr. Baltzell, until Wednesday next.

Mr. Moseley moved to print 500 additional copies of the report of the Joint Select Committee, and the communications of his Excellency the Governor, respecting Jonathan Walker, for the use of the Senate.

Which motion to print was laid on the table.

On motion of Mr. Moseley, the bill from the House to be entitled, An Act to authorize Malinda Folsom, administratrix, &c., to sell certain real estate, passed by the Senate with amendments, in which the House refused to concur, was taken from the table and placed among the Orders of the Day.

On motion of Mr. Moseley, the Senate bill returned by the House entitled, An Act to reduce the expenditure of the Government, provide for the election of Auditor and for other purposes, with amendments, was taken from the table, and placed among the Orders of the Day.

Mr. Anderson, from the Committee on the Judiciary, to which was referred a bill from the House to prescribe forms to regulate proceedings before the Justices of the Peace, Coroners and other officers in the Territory of Florida, reported the same without amendment.

Which was placed among the Orders of the Day.

Agreeably to previous notice, Mr. Long obtained leave to introduce a bill, to be entitled, An Act declaring Dry Creek in Jackson county, a navigable stream.

Which was read the first time.

#### ORDERS OF THE DAY.

The bill from the House, to be entitled, An Act to secure certain rights to women, coming up on a second reading, the Senate resolved itself into Committee of the Whole, Mr. Long in the Chair, upon said bill, and after some time spent therein, rose and reported the same without amendment.

Mr. Carter moved to strike out the word "purchase" in the second line of the second section of the bill.

Which motion was lost.

Mr. Carter offered the following to be added to the seventh section:

And provided, also, That nothing in this act shall be so construed as to permit the wife to contract debts after such marriages.

On the adoption of which the yeas and nays being called for by Messrs. Carter and Summerlin, were,

Yeas—Messrs. Baltzell, Carter, Moseley and Summerlin—4.

Nays—Mr. President, Messrs. Bellamy, Gilchrist, Johnson, Kelly, Long Putnam, Pent and Richardson—9.

So the amendment was rejected.

Mr. Carter moved to postpone the bill till to-morrow.

Which motion was lost.

On the question of the third reading of the bill, the yeas and nays were called for by Messrs. Baltzell and Pent, and were,

*Yeas*—Mr. President, Messrs. Anderson, Bellamy, Johnson, Kelly, Long, Putnam, Peat and Richardson—9.

*Nays*—Messrs. Baltzell, Carter, Gilchrist, Moseley and Sumnerlin—5.

So the bill was ordered to be engrossed and read a third time.

The following bills from the House were read a third time and passed :

An Act to authorize George W. Thompson, to establish a ferry across Escambia River : without amendment. Title as stated.

An Act to prescribe forms to regulate proceedings before Justices of the Peace, Coroners and other officers in the Territory of Florida : without amendment. Title as stated.

An Act to establish a Board of Commissioners of Pilotage for the harbors and waters of Apalachicola : as amended. Title as stated.

An Act to amend an act entitled, An Act to establish a Board of Port Wardens and Commissioners of Wrecks for the Port of Apalachicola : without amendment. Title as stated.

An Act for the relief of David D. Young ; without amendment. Title as stated.

A bill from the House, to be entitled, An Act to provide for the election of Justices of the Peace, came up on a second reading and was postponed until Monday next.

The following communication was received from his Excellency the Governor, and read :

EXECUTIVE DEPARTMENT,  
Tallahassee, February 28th, 1844. }

*Gentlemen of the Senate,  
and House of Representatives :*

I have approved the following acts and resolutions of the Legislature :

1st. An Act to legalize the elections of Mosquito, now Orange county.

2d. Resolutions relative to the appointment of a custom house officer for Jupiter and Indian River Bars.

3d. An Act to authorize John Sheaffer to establish a ferry across the south prong of Black Creek, about half a mile above its mouth.

4th. An Act to organize the Centreville Grays.

5th. Resolutions relative to obstructions in the Santa Fee River.

6th. An Act to change the time of holding the Superior Courts for the counties of St. Johns, Mosquito and St. Lucie, in the Eastern District of Florida.

7th. An Act to alter the line between Orange county and St. Lucie.

8th. An Act to amend an act to organize the Monroe County School.

9th. Resolutions asking Congress for an application of an appropriation previously made for connecting the waters of Indian River and Mosquito Lagoon.

10th. An Act to authorize John Gaskins to establish a ferry across Yellow River.

11th. An Act to authorize Lewis Miller, Sr., to establish a ferry across Holmes Creek.

12th. Resolutions respecting the navigation of St. Marks River.

13th. An Act to authorize Alexander McAlpine to establish a ferry across the Chipola River.

14th. Resolutions asking Congress for an appropriation to remove obstructions in Yellow River.

15th. Resolutions relative to the erection of a light house on Egmon Key.

16th. Resolutions relative to a road from Sepchoppi to Apalachicola Bay.

17th. Resolutions asking of Congress an appropriation for the building of a bridge across the Hillsborough River.

18th. An Act to authorize Alexander Clark to establish a ferry across the Chipola River.

19th. Resolutions asking a tri-weekly mail between Chattahoochee and Apalachicola.

I have the honor to be, your ob't serv't.

JOHN BRANCH.

Also the following communication, which was read :

EXECUTIVE DEPARTMENT,  
Tallahassee, February 28th, 1844. }

*Gentlemen of the Senate  
and House of Representatives :*

I hereby nominate the following persons, as Directors in the Union Bank, on the part of the Territory :

John C. McGehee, of Madison county ; John G. Anderson, of Jefferson ; G. W. Holland, of Leon ; Isaac R. Harris, of Gadsden ; William Stafford, of Gadsden.

I have the honor to be, your ob't serv't.

JNO. BRANCH.

The following bill and preambles and resolutions, were received from the House and read a first time.

A bill to be entitled, An Act to change the time of holding the Superior Courts in the Eastern District of Florida.

Preamble and resolutions asking our delegate to procure an appropriation for the payment of the Washington county volunteers.

Preamble and resolutions asking a quarter section of land for Marion county.

Preamble and resolutions relating to the erection of a light house at or near New Smyrna.

Preamble and resolutions asking our Delegate to endeavor to procure from Congress a grant of a quarter section of land for Washington county.

Resolution asking the Delegate to procure from Congress an alteration in the organic law, &c.

The House returned to the Senate a bill to be entitled, An Act in relation to garnishees and garnishee process: passed by the House without amendment.

Also, a resolution respecting the printing of the report of the Joint Select Committee on the case of Jonathan Walker, adopted by the House without amendment.

The engrossed preamble and resolution relative to the release of stock in the Union Bank, was postponed until to-morrow.

A bill from the House to be entitled, An Act for the relief of Crawford Sprowl, came up on a second reading.

On motion of Mr. Anderson, a call of the House was ordered, when the following members answered to their names:

Mr. President, Messrs. Anderson, Carter, Gilchrist, Johnson, Kelly, Long, Moseley, Pent, Richardson and Summerlin—11.

On the question of the third reading of the bill, the yeas and nays were called for by Messrs. Anderson and Richardson, and were:

Yeas—Messrs. Johnson, Kelly, Long, Richardson and Summerlin—5.

Nays—Mr. President, Messrs. Anderson, Carter, Gilchrist, Moseley and Pent—6.

So the bill was refused to be read a third time.

Mr. Moseley moved that the Senate recede from its amendments to the bill from the House entitled, An Act to authorize Malinda Folsom, administratrix, &c., to sell certain real estate, in which the House refused to concur.

Which motion was lost.

Several motions were made to adjourn. Which were lost.

On motion of Mr. Moseley, his motion to print 500 additional copies of the report of the Joint Select Committee on the case of Jonathan Walker, and the Governor's communication relating thereto, was taken from the table and adopted.

On motion of Mr. Carter, the bill from the House to be entitled, An Act to change the time of holding the Superior Courts in the Eastern District of Florida, was taken up, and the rule being waived, was read a second time and postponed until to-morrow.

The resolutions from the House, asking our Delegate to procure from Congress an alteration in the Organic Law, so as to give the Superior Court jurisdiction of civil actions of the value of fifty dollars, was taken up, and the rule being waived, was read a second time and postponed until to-morrow.

The following preambles and resolutions from the House, were taken up, and the rule being waived, were read a second and third time and passed without amendment.

Preamble and resolutions asking of Congress an appropriation for the rebuilding of a Court-house in Hillsborough county.

Preamble and resolutions asking the Delegate to endeavor to procure from the Congress Agent a quarter section of land for Washington county.

Preamble and resolutions relative to the erection of a light-house at or near New Smyrna.

Preamble and resolutions asking a quarter section of land for Marion county.

Preamble and resolutions asking appropriation for the payment of the Washington county volunteers.

Mr. Baltzell moved to adjourn until Monday, 10 o'clock.

On which motion the yeas and nays being called for by Messrs. Carter and Richardson, were:

Yeas—Messrs. Baltzell, Gilchrist, Johnson, Kelly, Moseley and Pent—6.

Nays—Mr. President, Messrs. Anderson, Carter, Putnam, Richardson and Summerlin—6.

So the motion was lost.

Mr. Carter moved to adjourn until to-morrow, 10 o'clock.

Which motion was lost.

A bill from the House to be entitled, An Act to repeal the Charter of the Bank of Florida, was read a second time and referred to the Committee on Banks.

A bill from the House to be entitled, An Act to reduce the tax on Billiard Tables, came up on a second reading.

Mr. Gilchrist moved to postpone the bill indefinitely.

On which motion the yeas and nays being called for by Messrs. Gilchrist and Pent, were:

Yeas—Mr. President, Messrs. Anderson, Baltzell, Carter, Gilchrist, Johnson, Moseley and Richardson—8.

Nays—Messrs. Kelly, Putnam, Pent and Summerlin—4.

So the bill was indefinitely postponed.

Mr. Anderson moved to adjourn until to-morrow, 10 o'clock.

Which motion was lost.

A bill to be entitled, An Act to reduce the expenditures of the Government, provide for the election of Auditor and for other purposes, returned by the House with amendments, was taken from the table, placed among the orders of the day, and postponed until to-morrow.

A bill from the House to be entitled, An Act to authorize Henry E. Purviance to establish a ferry on the Suwannee river, was read a second time, and the rule being waived, was read a third time and passed without amendment.

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

Mr. Richardson moved to adjourn until Monday, 10 o'clock.

On which motion the yeas and nays being called for by Messrs. Richardson and Carter, were:

Yeas—Messrs. Baltzell, Gilchrist, Johnson, Kelly, Moseley and Richardson—6.

Nays—Mr. President, Messrs. Anderson, Carter, Putnam, Pent, and Summerlin—6.

So the motion was lost.

A bill from the House to be entitled, An Act to amend an act relative to roads and highways in Nassau county, &c., was read a second time, and postponed until to-morrow.

Mr. Anderson offered the following resolution :

*Resolved*, That the editors of the *Star* be requested to print, in pamphlet form, one thousand copies of the St. Joseph's Constitution, for the use of the House : *Provided*, That the cost of the same does not exceed thirty dollars.

Which was adopted.

Mr. Pent moved that the Senate adjourn until Monday, 10 o'clock.

On which motion the yeas and nays being called for by Messrs. Pent and Richardson, were :

*Yeas*—Messrs. Baltzell, Gilchrist, Johnson, Kelly, Moseley, Pent and Richardson—7.

*Nays*—Mr. President, Messrs. Anderson, Carter, Putnam and Summerlin—5.

So the Senate adjourned until Monday, 10 o'clock.

MONDAY, March 3d, 1845.

The Senate met pursuant to adjournment, and a quorum being present, Friday's proceedings were read and approved.

On motion of Mr. Putnam, the vote of Friday, by which the Senate refused to recede from its amendments to the bill from the House entitled, An Act to authorize Malinda Folsom, administratrix, &c., to sell certain real estate, was reconsidered and the bill placed among the Orders of the Day.

On motion of Mr. Moseley, the vote of Friday, by which the Senate refused the third reading of the bill from the House, for the relief of Crawford Sprowl, was reconsidered, and the bill referred to a Select Committee, consisting of Messrs. Long, Moseley and Kelly.

Mr. Macrae, the President, (Mr. Long in the Chair) moved to reconsider the vote of Friday, by which the bill from the House entitled, An Act to reduce the tax on Billiard Tables, was indefinitely postponed.

On which motion the yeas and nays being called for by Mr. Macrae and Mr. Pent, were :

*Yeas*—Mr. President, Messrs. Bellamy, Kelly, Long, Putnam and Pent—6.

*Nays*—Messrs. Anderson, Carter, Gilchrist, Johnson, Moseley, Richardson and Summerlin—7.

So the motion was lost.

The following communications were received from the House :

HOUSE OF REPRESENTATIVES, 1st March, 1845.

To the Honorable President of the Senate :

Sir:—The bill entitled, An Act to provide for the erection of a Jail and premises in the county of Monroe," was returned to this

House, from whence it originated, by his Excellency the Governor, with the accompanying message containing his objections to the passage of said bill.

On a reconsideration of the bill by the House this day, the said bill was passed over the veto of the Governor, by a vote of yeas 30—nays, none—and ordered to be certified to the Senate for their concurrence. [See record of yeas and noes endorsed on the back of the Enrolled bill.]

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

EXECUTIVE DEPARTMENT, }  
Tallahassee, February 28th, 1845. }

*Gentlemen of the Senate*

*and House of Representatives :*

I regret that I cannot approve the bill entitled, "An Act to provide for the erection of a public Jail and premises in the county of Monroe," inasmuch as the want of a common Jail, and in my opinion, Penitentiary in the Territory is very seriously felt; and yet, such are the objections to this bill, that I am constrained from a high sense of duty, to appeal to the "sober second thought" of the Legislature.

First, because the bill, in some parts, is ambiguous, and not sufficiently guarded, to secure the completion of the laudable object which the Legislature have in view. Secondly, because stern justice forbids it. Justice to those to whom the Territory owes some fifteen or sixteen thousand dollars, and for which no provision has been made, lays claim to this money, which the bill proposes to give to the county of Monroe, to assist in building a jail for county purposes, an expense which every other county in the Territory has to incur and provide for, by the taxation of their respective citizens. While, therefore, Territorial warrants are floating in our community, at a discount of fifty or sixty per cent., and while no provision is made, or can be made, to perform the same liberal offices for other counties, equally destitute of common jails, I cannot believe that we should be acting wisely or justly, to make the contemplated appropriation.

Again, what guarantee have we, that the additional amount of money, which will be required to build the jail, will be raised by taxes, or any other way? No person can believe that two thousand dollars, in addition to the proceeds of the sale of the old jail, will be sufficient for the completion of the new. In the event, then, of the failure to secure the additional means, what is to become of the two thousand dollars. It must necessarily remain in the pockets of individuals; and how long? Perhaps for years, at a loss of interest and risk of principal. In conclusion, I must be permitted to bring to the notice of the Legislature, and the citizens of Key West the deep solicitude I have always manifested for their protection both from foreign and domestic violence; and appeal to the unequivocal evidences I have given on former occasions (while occupying a position of irresponsibility to them) of *this*, my solicitude

for their welfare, and the welfare of that portion of the country with which their destiny is so indissolubly connected. And I am now frank to avow, that had I the control of the purse strings of the United States Treasury, I would bestow millions to accomplish the objects alluded to, and which I deem so vitally connected with the future growth, security and glory of this Republic.

I have the honor to be your ob't serv't.

JNO. BRANCH.

HOUSE OF REPRESENTATIVES, 27th Feb. 1845.

To the Hon. President of the Senate :

Sir—The House have passed the bill from the Senate, entitled, An Act to reduce the expenditure of the Government, provide for the election of Auditor, and for other purposes, with the following amendments, viz :

Strike out from the 6th line 3d section, the word "twenty," and insert the word "ten."

Also—Strike out from the 9th line 6th section, the word "specie," and insert "specific."

The House concur in the amendment of the Senate to the bills entitled, An Act to amend the several acts relating to depositions.

Also—An Act to protect and secure the citizens of Florida in the free and undisturbed lawful use of the Hillsborough river.

H. ARCHER, Sec'y Ho. Rep.

The bills therein mentioned were placed among the Orders.

The Senate bill entitled, An Act to amend the several acts in relation to the limitation of actions, and for other purposes, was returned, passed by the House without amendment.

The following bills were received from the House and read a first time :

A bill to be entitled, An Act to incorporate Dade Lodge No. 14, in the city of Key West.

A bill to be entitled, An Act for the relief of John M. Hanson.

A bill to be entitled, An Act to provide for holding the County and Superior Courts for Calhoun county.

A bill to be entitled, An Act to amend the chapter entitled Elections, approved 15th March, 1843.

A bill to be entitled, An Act respecting bank notes or bills.

A bill to be entitled, An Act to authorize Stanislaus Glenski to establish a ferry across the St. Johns river at Palatka.

A bill to be entitled, An Act respecting the property of, and debts due to corporations that have been dissolved and of debts owing by them.

A bill to be entitled, An Act to prescribe the mode of punishment for certain offences at Key West, in the Southern Judicial District.

A bill to be entitled, An Act in relation to roads and highways in Duval and Alachua counties.

A bill to be entitled, An Act respecting Corporations.

A bill to be entitled, An Act to authorize the county of Santa Rosa, to raise a county revenue.

A bill to be entitled, An Act to amend an act providing for the change of venue in criminal cases.

On motion of Mr. Long, leave of absence was granted to Mr. Kelly, after Wednesday next, for the remainder of the session.

Mr. Richardson, from the Committee on Elections to which was referred the bill from the House, to be entitled, An Act to organize and regulate the Militia, reported the same with amendments.

Which, with the bill, were placed among the Orders of the Day.

Mr. Anderson offered the following preamble and resolution :

WHEREAS, It is desirable to afford mail facilities to a large portion of Walton county, which is now cut off from such facilities :  
Therefore,

*Be it resolved by the Governor and Legislative Council of the Territory of Florida,* That our Delegate in Congress be requested to endeavor to procure the extension of the mail route now existing between Marianna and Eucheeanna, as far as the town of Geneva in the State of Alabama.

Which was read, the rule waived, read a second and third time and passed.

Mr. Anderson, from the Committee on the Judiciary, to which was referred a bill from the House, to be entitled, An Act to provide for the sale of Equities of Redemption, reported the same with amendments.

Mr. Anderson, from the same committee, to whom was referred a bill from the House, to be entitled, An Act to amend an act relating to crimes and misdemeanors, reported the same with amendments.

The Senate went into secret session, on Executive nominations, and after some time spent therein, the doors were opened, and the Senate proceeded to the

#### ORDERS OF THE DAY.

On motion of Mr. Moseley, the Senate receded from its amendments to the bill from the House to be entitled, An Act to authorize Malinda Folsom, administratrix, &c., to sell certain real estate.

A bill from the House to be entitled, An Act to provide for the election of Justices of the Peace, came up on a second reading.

Mr. Gilchrist moved to insert the words "or more" in the seventh line of the printed bill.

Which motion prevailed.

Mr. Putnam offered the following as a substitute for the first section of the bill :

That hereafter, two or more Justices of the Peace shall be annually elected for each District of each county, by joint ballot of the Legislative Council, and that the Justices in office, shall continue

in office, until the election and qualification of the Justices so to be elected by the Legislative Council.

Which was rejected.

Mr. Moseley moved to amend the fifth section of the bill, by inserting after the word "Districts," in the fifth section of the printed bill, and "by removal or otherwise," and by striking out the word "his," in the fifth line of the same section, and inserting "the" in its place.

Which motion prevailed.

The rule was then waived, and the bill read a third time and passed as amended.

A bill from the House to be entitled, An Act to organize a county to be called Levy county, came up on a second reading, the rule was then waived, and the bill read a third time and passed without amendment.

A bill from the House to be entitled, An Act to annex a part of Jackson county to Calhoun county, came up on a second reading, the rule was then waived, and the bill read a third time and passed without amendment.

Engrossed preamble and resolution relative to the release of Stock in the Union Bank, was read a third time and passed.

The Senate took a recess until 3 o'clock, P. M.

### THREE O'CLOCK, P. M.

On motion of Mr. Putnam, a call of the House was made, when the following members answered to their names:

Mr. President, Messrs. Bellamy, Carter, Gilchrist, Johnson, Kelly, Long, Moseley, Putnam, Pent, Richardson and Summerlin—12.

A bill from the House entitled, An Act to secure certain rights to women, was read a third time and passed without amendment.

An engrossed bill to be entitled, An Act declaring Dry creek in Jackson county a navigable stream, was read a third time and passed. Title as stated.

A bill from the House to be entitled, An Act to change the time of holding the Superior Courts in the Eastern District of Florida, came up on a second reading and was ordered for a third reading.

The Senate bill entitled, An Act to reduce the expenditures of the Government, provide for the election of Auditor, and for other purposes, returned by the House with amendments, came up and the amendments were concurred in by the Senate.

Resolutions from the House asking Congress to alter the Organic law, so as to give the Superior Court jurisdiction of civil actions of the value of fifty dollars, came up on a second reading and was laid on the table.

A bill from the House to be entitled, An Act to amend an act relative to roads and highways in Nassau county, approved 14th March, 1844, was read a third time and passed without amendment.

The bill from the House, entitled, An Act to provide for the erec-

tion of a jail and premises in the county of Monroe, vetoed by the Governor and passed by the House over the veto, came up.

On the question of passing the bill by the Senate over the veto of the Governor, the yeas and nays, were,

Yeas—Mr. President, Messrs. Anderson, Bellamy, Carter, Gilchrist, Hart, Johnson, Kelly, Long, Moseley, Putnam, Pent, Richardson and Summerlin—14.

Nays—None.

So the bill passed by the requisite majority over the veto.

The Senate bill entitled, An Act to amend an act to amend the law, approved March 15, 1844, to incorporate the inhabitants of the different townships in this Territory, returned by the House with amendments, came up, and the amendments were concurred in.

A bill from the House, to provide for the sale of Equities of Redemption, came up on a second reading, and was, with the proposed amendment, postponed till to-morrow.

A bill from the House entitled, An Act to organize and regulate the Militia, came up on a second reading, and was, with the proposed amendments, postponed until to-morrow.

A bill from the House entitled, An Act to amend an act relating to crimes and misdemeanors, came up, and the amendments reported by the Committee on the Judiciary, were concurred in.

The bill was then ordered for a third reading.

A bill from the House entitled, An Act to incorporate Dade Lodge No. 14, in the city of Key West, came up, the rule waived, read a second and third time and passed without amendment.

A bill from the House to be entitled, An Act to provide for holding the County and Superior Courts for Calhoun county, was read a third time and passed without amendment.

A bill from the House entitled, An Act for the relief of John M. Hanson, came up on a second reading.

On motion of Mr. Putnam, the following amendments were made:

Insert the words "Duval county in," after the word "for" in the fourth line of the bill.

Insert the words "and that he," after the word "Hanson," in the ninth line of the bill.

The Senate then adjourned until to-morrow, 10 o'clock.

TUESDAY, March 4, 1845.

The Senate met pursuant to adjournment, and a quorum being present, yesterday's proceedings were read and approved.

On motion of Mr. Long, leave of absence was granted to Mr. Anderson after to-day, for the remainder of the session.

Mr. Moseley offered the following preamble and resolutions:

WHEREAS, his Excellency the Governor, in the year 1839, was authorized by an act of the Legislative Council to raise a force, consisting of several companies of militia, for the protection of the frontier, which companies were mustered into the service of the

Territory for a period of six months: And whereas, the Government of the United States assumed the payment of those troops, subsequent to their being mustered into the Territorial service; and before the expiration of the period for which they were mustered, were received and mustered into the service of the United States for payment, and turned over to the command of a United States officer: And whereas, those men commanded by Allen G. Johnson were rejected by the mustering officers of the United States: And whereas, said men did perform service in defence of the frontier for a period of two months and fifteen days; and in consequence of their being rejected by said mustering officer of the United States, have not received any pay for said services: And whereas, said services were necessary and said men were received by the mustering of the Territorial Government, raised for the protection of the frontier:

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 before Congress, and use his best exertions to obtain an appropriation to pay the claims of said men.

Be it further resolved, That as soon as this preamble and resolution are adopted by the Legislature, the proper officer be instructed to certify and forward the same to the Honorable Delegate in Congress.

Which were read the first time, the rule waived, read a second and third time, and passed.

Mr. Moseley, from the Select Committee on the bill for the relief of Crawford Sprowl, made the following report:

The Select Committee to whom was referred a bill entitled, An Act for the relief of Crawford Sprowl, have had the same under consideration, and have instructions to report it to the Senate without amendment. They further report such evidence as they have been enabled to procure; which they ask may be submitted to the Senate, and that the Committee may be discharged from the further consideration of the bill.

All of which is respectfully submitted.

Which bill was placed among the Orders of the Day, and the Committee discharged from the further consideration of the bill.

#### ORDERS OF THE DAY.

A bill from the House entitled, An Act for the relief of John M. Hanson, of the unfinished business of yesterday, came up as amended.

Mr. Carter moved to amend the bill by striking out all after the enacting clause, and inserting the following in its place:

That the judgment rendered against John M. Hanson, in the Superior Court of Duval county, in the District of East Florida, as security on a recognizance forfeited in said Court, in the case of the Territory of Florida against Dean P. Bryant and John O. McMullin, be cancelled, as to the said John M. Hanson as said security.

Sec. 2. *Be it further enacted*, That said judgment be cancelled as to the said John M. Hanson, and that he be, and hereby is, forever released and discharged from the same, on his paying his proportion (as one of the securities on the bond on which the same has been rendered) of one-half of said judgment, without interest: *Provided*, That nothing in this act contained, shall be so construed as to release the said Dean P. Bryant and John O. McMullin from their liabilities on said forfeited recognizance and judgment.

The President, Mr. Moseley in the chair, offered the following as an amendment to the amendment:

Strike out all between the word "Hanson" and the word "forever," in the ninth line of the bill, and insert the following words, "by the payment by said Hanson, his executors or administrators, of the sum of \_\_\_\_\_ dollars, and the costs attending the judgment aforesaid and the proceedings thereon, on account of the same, upon which payment, said Hanson shall be, and he is hereby declared to be "

Which was rejected.

The question being then put on the adoption of the amendment offered by Mr. Carter, the yeas and nays were called for by Messrs. Baltzell and Gilchrist, and were:

Yeas—Mr. President, Messrs. Baltzell, Carter, Gilchrist and Johnson—5.

Nays—Messrs. Anderson, Bellamy, Hart, Long, Moseley, Putnam, Pent, Richardson and Summerlin—9.

So the amendment was rejected.

On the question of reading the bill a third time, the yeas and nays were called for by Messrs. Gilchrist and Baltzell, and were:

Yeas—Messrs. Anderson, Bellamy, Carter, Hart, Long, Moseley, Putnam, Pent, Richardson and Summerlin—10.

Nays—Mr. President, Messrs. Baltzell, Gilchrist and Johnson—4.

So the bill was ordered for a third reading.

The rule was then waived, and the bill was read a third time, and passed as amended.

A bill from the House to be entitled, An Act to amend an act relating to crimes and misdemeanors, was read a third time, and passed as amended.

A bill from the House entitled, An Act to regulate and organize the militia of the Territory of Florida, and to repeal all former laws in relation to the same, came up on a second reading.

Mr. Hart offered the following amendments to the bill:

In the tenth line of the 2d section strike out Benton and Hillsborough, and insert Duval and Nassau, so as to make it read—eleventh, Duval and Nassau.

In the same line, strike out Duval and Nassau, and insert St. Johns, St. Lucie and Orange, so as to make it read—twelfth, St. Johns, St. Lucie and Orange.

In the eleventh line of the same section, strike out St. Johns, St. Lucie and Orange, and insert Benton and Hillsborough, so as to make it read—thirteenth, Benton and Hillsborough.

Which were adopted.

Mr. Carter moved to postpone the bill and amendments indefinitely, on which motion, the yeas and nays being called for by Messrs. Richardson and Gilchrist, were :

Yeas—Mr. Carter—1.

Nays—Mr. President, Messrs. Baltzell, Bellamy, Gilchrist, Hart, Johnson, Long, Moseley, Putnam, Pent, Richardson and Summerlin—12.

So the motion was lost.

The question was then taken upon the adoption of the following proviso to the second section of the bill, reported by the Committee on the Militia :

*Provided*, That the Governor be, and he is hereby required to re-commission the officers who have been elected and commissioned in the eleventh, twelfth, and thirteenth Regiments, under the act passed in 1842; said commissions to take effect, and be in force, as of the date of the commissions now issued to said officers. The number of said Regiments having been changed from the eleventh, twelfth, and thirteenth Regiments, to that of the twelfth, thirteenth and fourteenth Regiments.

Which was rejected.

On the question of the adoption of the second section as amended, the yeas and nays were called for by Messrs. Carter and Moseley, and were :

Yeas—Mr. President, Messrs. Baltzell, Bellamy, Gilchrist, Hart, Johnson, Long, Moseley, Putnam, Pent and Richardson—11.

Nays—Mr. Carter—1.

So the section was adopted as amended.

On motion of Mr. Bellamy, the second rule in the seventh section was stricken out.

Mr. Baltzell moved to postpone the bill and amendments until tomorrow.

Which motion was lost.

On motion of Mr. Gilchrist, the word "civil," in the seventh rule of the seventh section was stricken out, and the word "Judicial" inserted in its place.

Mr. Pent moved to strike out the word "eighteen," in the eighth line of the eighth section, and insert the words "twenty-one" in its place.

Which motion was lost.

Mr. Baltzell moved to strike out the words "at least," in the first line of the sixteenth section.

Which motion prevailed.

Mr. Richardson moved to strike out the word "five," in the fourth line of the eighteenth section, and insert "ten."

Which motion prevailed.

Mr. Baltzell moved to insert the following words, after the word "same," in the third line of the twenty-eighth section, "after paying all necessary and proper expenses thereof."

Which motion prevailed.

Mr. Baltzell moved to insert after the word "act," in the 3d line of the 30th section, the following: "specifying particularly the judgment of said Court."

Which motion prevailed.

Mr. Baltzell moved to insert after the word "five," in same section, the following—"within ten days after its imposition."

Which motion prevailed.

Mr. Baltzell offered the following to be made the 32nd section of the bill :

*Be it further enacted*, That all proper expenditures of the different regiments, battalions and companies, and that their debts already incurred, shall be paid respectively out of the funds and monies belonging to the same, and not in any event, form a claim upon the Territorial Treasury.

Which was adopted.

And the 32nd section of the printed bill made the 33rd.

Mr. Carter moved to insert after the word "Territory" in the second line of the last section, the words "or of the United States."

Which was rejected.

The amendment proposed by the Committee, viz:—insert the words "that conflict with this act" after the word "Territory," in the second line of the 32nd section of the printed bill was adopted.

On the question of the third reading of the bill as amended, the yeas and nays were called for by Messrs. Carter and Pent, and were

Yeas—Mr. President, Messrs. Anderson, Baltzell, Bellamy, Gilchrist, Hart, Johnson, Moseley, Putnam, Richardson and Summerlin—11.

Nays—Messrs. Carter and Pent—2.

So the bill was ordered for a third reading.

Mr. Carter moved to amend the title by inserting after the word "Territory" the words "and the United States."

Which motion was lost.

Mr. Hart offered the following amendment to the title :

Strike out "and to repeal all former acts in relation to the same," so as to make the title read—An Act to organize and regulate the militia of the Territory of Florida.

Which was adopted.

The following communication was received from the House :

HOUSE OF REPRESENTATIVES, 3d March, 1845.

To the Hon. President of the Senate :

Sir : The amendments of the Senate to a bill entitled, An Act to establish a board of commissioners of pilotage for the harbors and waters of Apalachicola, are concurred in by the House.

Attest.

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

The resolution from the Senate relative to a mail route between Marianna and Eucheeanna was returned by the House, adopted without amendment.

A resolution relative to the establishment of a post office at Jackson's Landing in Calhoun county, was received from the House and adopted.

The following bills and resolutions were received from the House and read a first time :

A bill to be entitled An Act to provide for the election of a Major General and Brigadier Generals of the Militia of Florida.

A bill to be entitled An Act to admit copies of deeds and other instruments of writing to be given in evidence in the courts of this Territory.

A bill to be entitled An Act to authorize Nathaniel Roberts to establish a Ferry across the Ocklockonnee River.

Resolutions relative to the St. Andrews and Chipola Canal and Rail Road Company for non user of its franchise.

Joint resolution to adjourn *sine die* 11th March.

The Senate then adjourned until to-morrow, 10 o'clock.

#### WEDNESDAY, March 5th, 1845.

The Senate met pursuant to adjournment, and a quorum being present, yesterday's proceedings were read and approved.

Mr. Moseley offered the following preamble and resolution :

WHEREAS, A bill to be entitled, An Act to annex a part of Jackson county to Calhoun county, has been prematurely transmitted to the House of Representatives, said bill not having passed its third reading in the Senate :

Be it therefore resolved, That a Committee be appointed to wait in the House of Representatives, and respectfully to request of that body, that the said bill may be transmitted to the Senate for its further action.

Which was adopted and Mr. Long was appointed that Committee.

Mr. Gilchrist from the Committee on Banks to which was referred a bill from the House entitled, An Act to repeal the Charter of the Bank of Florida, reported the same without amendment.

Which was placed among the Orders of the Day.

The following communication was received from the House of Representatives :

HOUSE REPRESENTATIVES, 4th March, 1845.

To the Hon. President of the Senate :

SIR :—The amendments of the Senate to the bill entitled, An Act for the relief of John M. Hanson, are concurred in by the House.

The House also concurs in the amendments to the bill entitled, An Act relating to crimes and misdemeanors.

Attest;

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

A bill to be entitled, An Act for the relief of the Trustees of the Methodist Episcopal Church of Tallahassee, was received from the House and read a first time.

A resolution relative to a mail route in Gadsden county was received from the House and read a first time.

A bill from the House entitled, An Act to regulate the Militia of the Territory of Florida, and to repeal all former acts in relation to the same, was read a third time and passed as amended.

A bill from the House entitled, An Act to change the time of holding the Superior Courts in the Eastern District of Florida, was read a third time and passed without amendment.

A bill from the House entitled, An Act to authorize Stanislaus Glenski to establish a ferry across the St. Johns River at Palatka, was read a second time, the rule waived, read a third time and passed without amendment.

A bill from the House entitled, An Act to amend the chapter entitled elections, approved 15th March, 1843, was read a second time and ordered for a third reading.

A bill from the House entitled, An Act to prescribe the mode of punishment for certain offences at Key West, in the Southern Judicial District, came up on a second reading.

On the question of the third reading of the bill, the yeas and nays were called for by Messrs. Pent and Carter, and were,

Yeas—Mr. President, Messrs. Baltzell, Carter, Gilchrist, Johnson, Pent, Richardson and Summerlin—8.

Nays—Messrs. Hart, Moseley and Putnam—3.

So the bill was ordered for a third reading.

The rule was then waived, and the bill read a third time, and passed without amendment.

A bill from the House entitled, An Act to provide for the holding of an additional Term of the Superior Court in the Eastern District, was, on motion of Mr. Carter, taken from the table and considered.

On motion of Mr. Carter, the third section of the bill was stricken out.

On motion of Mr. Carter, the title was amended so as to read, "An Act to provide for the transfer of records of the Superior Court from Alachua county to Benton county, and for other purposes."

The following communication was received from his Excellency the Governor, and read :

EXECUTIVE OFFICE, }  
Tallahassee, March 5th, 1845. }

Gentlemen of the Senate  
and House of Representatives :

I approve, heartily approve, a " Memorial and resolution to Congress asking remuneration for losses in the Indian War," adopted by the Legislature. I have the honor to be,

Your ob't servant,

JNO. BRANCH.

A bill from the House entitled, An Act to authorize the County of Santa Ross, to raise a county revenue, was read a second time, the rule waived, read a third time and passed without amendment.

A bill from the House entitled, An Act to provide for the sale of Equities of Redemption, came up on a second reading, with the amendment reported by the Judiciary Committee, and that offered by Mr. Moseley, postponing the operation of the act until December next.

On motion of Mr. Carter, a call of the House was ordered, when the following members answered to their names :

Mr. President, Messrs. Carter, Gilchrist, Hart, Johnson, Long, Moseley, Pent, Richardson and Summerlin—11.

The Sergeant-at-arms was then sent for members absent without leave of the Senate.

Mr. Gilchrist moved the indefinite postponement of the bill and amendments.

On the question of indefinite postponement, the yeas and nays were called for by Messrs. Carter and Pent, and were :

Yeas—Messrs. Bellamy, Gilchrist, Hart, Long, Putnam, Pent and Summerlin—7.

Nays—Mr. President, Messrs. Baltzell, Carter, Johnson, Moseley and Richardson—6.

So the bill with the amendments was indefinitely postponed.

Mr. Long made the following report :

The Committee appointed by the Senate to wait on the House of Representatives, and request the return of a bill entitled, An Act to annex a part of Jackson county to Calhoun, have performed that duty, and Report :

That the House of Representatives have delivered the committee the bill, which is now returned to the Senate. The committee ask to be discharged from the further consideration of the matter.

N. A. LONG, Committeeman.

Which bill was placed among the Orders of the Day, considered as read a second time, and postponed until to-morrow.

A bill from the House entitled, An Act to amend an act providing for the change of venue in criminal cases, was read a second time, and the rule being waived, was read a third time and passed without amendment.

A bill from the House entitled, An Act respecting Corporations, was read a second time.

Mr. Gilchrist moved the indefinite postponement of the bill. On which motion, the yeas and nays being called for by Messrs. Carter and Gilchrist, were :

Yeas—Mr. President, Messrs. Baltzell, Bellamy, Gilchrist, Hart, Johnson, Long, Moseley, Pent, Richardson and Summerlin—11.

Nays—Messrs. Carter and Putnam—2.

So the bill was indefinitely postponed.

A bill from the House entitled, An Act respecting Bank notes or bills, was read a second time and laid on the table.

A bill from the House entitled, An Act respecting the property of, and debts due to Corporations that have been dissolved, and of debts owing by them, was read the second time and laid on the table.

A bill from the House entitled, An Act for the relief of Crawford Sprowl, came up on a second reading.

On the question of the third reading of the bill, the yeas and nays were called for by Messrs. Pent and Gilchrist, and were :

Yeas—Messrs. Bellamy, Hart, Johnson, Long, Moseley, Pent, Richardson and Summerlin—8.

Nays—Mr. President, Messrs. Carter and Gilchrist—3.

So the bill was ordered for a third reading.

The Senate then adjourned until to-morrow, 10 o'clock.

THURSDAY, March 6, 1845.

The Senate met pursuant to adjournment, and a quorum being present, yesterday's proceedings were read and approved.

Mr. Baltzell gave notice that he will, on some future day, ask leave to introduce a bill to be entitled, An Act to facilitate the organization of the State of Florida.

Mr. Long, from the Committee on Enrolled Bills, made the following report :

The Committee on Enrolled Bills report as correctly enrolled the following bills :

An Act in relation to Garnishees and Garnishee process,

An Act to amend the several acts now in force in relation to the limitation of actions, and for other purposes.

#### ORDERS OF THE DAY.

On motion of Mr. Carter, the resolution from the House to adjourn on the 11th March, was placed first among the Orders of the Day, read a second time, and made the special order for to-morrow.

A bill from the House entitled, An Act to provide for the election of a Major General and four Brigadier Generals of the Militia of Florida, was read a second time, and laid on the table.

A bill from the House entitled, An Act to admit copies of deeds and other instruments of writing to be given in evidence in the courts of this Territory, was read a second time, the rule waived, read a third time and passed without amendment.

A resolution from the House relative to the St. Andrews and Chipola Canal and Rail Road Company, for non-user of its franchise, was read a second time and laid on the table.

A bill from the House entitled, An Act to authorize Nathaniel Roberts to establish a ferry across the Ocklocknee river, was read a second time, the rule waived, read a third time and passed without amendment.

A bill from the House entitled, An Act to repeal the charter of

the Bnk of Florida, was read a third time and passed without amendment.

A bill from the House entitled, An Act to annex a part of Jackson county to Calhoun county, came up on a second reading, and the rule being waived, was read a third time and passed without amendment.

A bill from the House entitled, An Act for the relief of the Trustees of the Methodist Episcopal Church of Tallahassee, was read a second time, the rule waived, read a third time and passed without amendment.

A resolution from the House relative to a mail route in Gadsden county, was read a second and third time, and adopted without amendment.

A bill from the House entitled, An Act to amend the Chapter entitled elections, approved, 15th March, 1843, was read a third time, and passed without amendment.

A bill from the House entitled, An Act in relation to roads and highways in Duval and Alachua counties, was read a third time, and passed without amendment.

A bill from the House entitled, An Act for the relief of Crawford Sprowl, came up on its passage, and the yeas and nays being called for by Messrs. Gilchrist and Richardson, were :

Yeas—Messrs. Bellamy, Hart, Johnson, Long, Moseley, Pent, Richardson and Summerlin—8.

Nays—Mr. President, Messrs. Carter and Gilchrist—3.

So the bill passed without amendment.

The Senate adjourned until to-morrow, 10 o'clock.

FRIDAY, March 7, 1845.

The Senate met pursuant to adjournment, and a quorum being present, yesterday's proceedings were read and approved.

The following communication was transmitted to his Excellency the Governor :

SENATE CHAMBER, March 7, 1845.

His Excellency JOHN BRANCH, Governor of Florida :

I herewith transmit, for the approval of your Excellency, the following bills, and preamble and resolution, passed by both Houses.

Your ob't serv't,

THOS. F. KING, Sec'y Senate.

An Act to amend the several acts now in force in relation to the limitation of actions, and for other purposes.

An Act in relation to garnishee and garnishees process.

Preamble and resolution asking an extension of the mail route between Marianna and Eucheeana to Geneva.

On motion of Mr. Hart, leave of absence was granted to the Messenger of the Senate, after to-morrow, for the remainder of the session.

On motion of Mr. Moseley, leave of absence was granted to Mr. Richardson, after to-morrow, for the remainder of the session.

The following communication was received from his Excellency, the Governor, and read :

EXECUTIVE DEPARTMENT,  
Tallahassee, March 7th, 1845. }

To the Honorable Senate :

I herewith submit, for your consideration, various nominations, which have heretofore been made to the House of Representatives.

I have the honor to be, your ob't serv't,

JNO. BRANCH.

The Senate then went into secret session on said nominations, and after some time spent therein, the doors were opened, and the injunction of secrecy being removed, the following nominations, advised and consented to, were directed to be spread on the Journals :

For the County of Wakulla—Justice of the Peace, Andrew Denham. Auctioneers, George Miller, A. M. Alexander. Notary Public, Andrew Denham. Port Wardens for the Port of St. Marks, Peter H. Swaim, George Miller, A. M. Alexander, R. W. Jenkins, Wm. R. Pettes. Tax Collector, James Frederick.

For the County of Alachua—Auctioneer, Woodbridge S. Olmsted. Washington County—Justices of the Peace, Joseph B. LockKey, Nathaniel Miller, Jasper Sanders, Timothy B. Kingsbury, John Keith, James Cravy, Charles Porter, Stephen Daniel, Samuel Mitchell, John Wooten. Auctioneer, John W. Cook. Notary Public, David Mitchell.

Duval County—Auctioneers, John H. Gunby, William Hickman, A. J. Philips, George Acosta, Thomas Ledwith, Anthony Canova. Port Wardens, John H. Gunby, John M. Pons, Chester Bisbee, S. D. Fernandez, Charles Willey.

Benton County—Justice of the Peace, William Cooley. Notary Public, Thomas Chave.

St. Lucie County—Notary Public, C. L. Brayton.

Nassau County—Justices of the Peace, Josiah Lewis, William Harris, William Blount, James Wilson, Daniel Vaughan, Thomas Wingate, Alexander Braddock. Auctioneer, John A. Cavado. Notary Public, John A. Cavado.

For St. Lucie County—Sampel H. Peck, Judge of the County Court. Thomas Morrison, John Barker, James H. Jenkins, James S. Grant, Justices of the Peace. Alfred Willis, Nathan F. Merrill, James S. Grant, Port Wardens. Reuben H. Pinkham, James Manahan, Auctioneers. E. L. Brayton, (laid on table), Notary Public.

Waltou County—James D. Clary, David Gurtman, William Gaskin, Neil McPherson, Alexander Turner, Justices of the Peace.

Orange County—William B. Fail, Judge of the County Court.

St. Johns County—Secundino Segui, James Keogh, Auctioneers.

Duval County—Thomas O. Holmes, Notary Public.

Hamilton County—William M. Hunter, Sr., James T. Stewart,

James McDonald, John Pierson, Absolom S. Smith, Justices of the Peace.

Jackson County—Jesse Kolb, John T. Myrick, John Davis, Isaac H. Stone, John Williams, Rufus Ballard, William Sims, Adward C. Bellamy, Justices of the Peace.

For the County of Leon—James E. Broome, Judge of the County Court. Justices of the Peace, Cosam Emir Bartlett, Benj. Hall, Alex. Cromartie, Henry Clifford, Richard Van Brunt, Turbutt R. Benon, John Tooke, Simon Towle, William M. Gibson, Frederick Cotton, Thomas Laversage, James Kirksay, William G. Burgess, John W. Argyle, Auctioneer, Robert H. Berry, Tax Collector, Fletcher Whitaker.

Monroe County—Robert B. Taylor, Justice of the Peace and Notary Public. R. D. Fontane, Auctioneer.

Moore County—Auctioneers, Fernando J. Morano, Charles Robin, Oliver O'Hara, Benj. Meegin, John R. Everton, George I. Bonn, Alexander S. Patterson, Francis Watlington, Joseph C. Whalton, Notaries Public, John R. Everton, Stephen R. Malloy. Justices of the Peace, Philip J. Fontane, Oliver J. Noyes.—Commissioner of Pilotage, Cornelius Curtis. Port Wardens, John H. Geiger, John Walker, James Johnson, Samuel Sanderson, Edward Dexter.

Hillsborough County—Auctioneer, M. C. Brown. Justice of the Peace, Rigdon Brown.

Jefferson County—Justices of the Peace, Joseph L. Dutton, Peter Kerr Baillie and Andrew J. Lea. Auctioneer, Darius Williams.

Columbia County—Joseph Prevatt and Elisha Green, Justices of the Peace. John L. Turner, John W. Lowe and George H. Smith, Auctioneers.

Franklin County—William Valbeau, Seth P. Lewis, Thomas Ormon, David G. Raney, Benite T. Caro, Justices of the Peace.—Robert Myer, Auctioneer.

Hillsborough County—Jno. B. Allen, M. C. Brown and William Ashley, Port Wardens for Tampa.

St. Johns County—Elias B. Gould, Judge of the County Court.

Colleton County—John M. Hansford, Judge of the County Court.

Duval County—Kingsley B. Gibbs, Moses Prescott, Amaziah Coy, Abraham Beasant, Archibald Collins and Solomon Morgan, Justices of the Peace. Kingsley B. Gibbs, Auctioneer and Notary Public.

The injunction of secrecy was also removed from the following nominations, advised and consented to by the Senate on a previous day:

For Directors of the Union Bank—John C. McGehee, of Madison County; John G. Anderson, of Jefferson; G. W. Holland, of Leon; Isaac R. Harris, of Gadsden; William Stafford, of Gadsden.

Madison County—William Langford, Colesworth L. Carruth, Sherrod Edwards, John B. Whitfield, Thomas M. Anderson, David B. Ewing, Lewis B. Davis, Justices of the Peace.

Tax Collector, John H. Patterson.

For Franklin County—Michael A. Myers, Charles J. Shepard, Auctioneers.

John Lucas, Cornelius Grady, Surveyors of Lumber.

For Gadsden County—Daniel M. Hinson, Daniel McDonald, Daniel Buie, Isaac R. Harris, Uz Wood, John McElvy, John W. Mann, Sr., Hardy Shelfer, Stockly Sadbury, John Buie, James Gibson, Alexander McIver, Abner C. Chester, Jonathan Robinson, George W. Bruton, A. J. Forman, Isaac Nathans, Isham Cain, Marcelleus Morgan, John W. Poindexter, Justices of the Peace.

Thomas D. Wilson, W. W. Croom, Auctioneers.

Isaac R. Harris, Notary Public.

For Walton County—James Evans, Justice of the Peace.

For Escambia County—Joseph E. Caro, Wm. W. J. Kelly, Micajah Crupper, Felix Grundy Mason, Charles N. Jordan, Henry J. Wiggins, Daniel Saint, Thomas B. Laffin, Justices of the Peace.

Blyden Vanbaun, Henry F. Ingraham, John Campbell, Alexander McVoy, Francis de la Rua, William Grant, Auctioneers.

Alexander McVoy, George G. Pattison, John H. McRae, Maximo P. De Rioobo, Notaries Public.

Hanson Kelly, Sr., John Campbell, Charles C. Keyser, Henry F. Ingraham, Robert A. Mitchell, Port Wardens for the port of Pensacola.

The following communication was received from His Excellency the Governor, and read:

EXECUTIVE DEPARTMENT,  
Tallahassee, March 7th, 1844.

Gentlemen of the Senate,  
and House of Representatives:

I have approved the following acts and resolutions of the Legislature:

1st. An act to prescribe forms to regulate proceedings before Justices of the Peace, Coroners and other officers in the Territory of Florida.

2nd. An act to amend the several acts relating to depositions.

3d. Resolutions asking Congress to fix permanently the northern line of Florida.

4th. An act declaring Hillsborough River a navigable stream, and for other purposes.

5th. An act to regulate the Pilotage of the Port of St. Marks.

6th. An act to suspend the Revenue Laws for the year 1845, and for other purposes.

7th. An act to alter and fix the time of holding the Spring Term of the Superior Court for Wakulla county.

8th. An act to authorize David L. Palmer to build a toll bridge with flood gate and dike across St. Pablo Creek, on the St. Johns River.

9th. An act to authorize George W. Thompson to establish a Ferry across the Escambia River.

10th. An act to secure certain rights to women.

11th. An act for the relief of John M. Hanson.

I have the honor to be, your ob't serv't,

JOHN BRANCH.

The following communication was received from the House :

HOUSE REPRESENTATIVES, 6th March, 1845.

To the Hon. President of the Senate :

Sir:—The amendments of the Senate to a bill from the House entitled, An Act to provide for the holding an additional term of the Superior Court in the Eastern District, have been concurred in by the House.

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

A resolution relative to compensation for the present session of the council, was received from the House and laid on the table.

A resolution was received from the House, asking of Congress payment of an account of R. A. Dominge, which was read the first, second and third time, and adopted.

#### ORDERS OF THE DAY.

The resolution from the House, that the Council adjourn on the 11th March, *sine die*, made the special order for to day, was read a third time, and adopted unanimously.

The Senate then adjourned until to-morrow, 10 o'clock.

SATURDAY, March 8th, 1845.

The Senate met pursuant to adjournment, and a quorum being present, yesterday's proceedings were read and approved.

Mr. Long made the following report :

The Committee on Enrolled Bills, report as correctly enrolled the following acts :

An act to amend the law, approved March 15th, 1844, to incorporate the inhabitants of the different townships of this Territory.

An act to reduce the expenditures of the Government, provide for the election of Auditor, and for other purposes.

A resolution was received from the House, asking of Congress payment for the Chaplains of the Senate and House of Representatives.

Which was read the first time, the rule waived, read a second and third time and adopted.

The following communication was transmitted to his Excellency the Governor :

SENATE CHAMBER, March 8, 1845.

To His Excellency the Governor of Florida :

Sir—I herewith transmit for the approval of your Excellency the following bills passed by both Houses of the Legislative Council :

An act to reduce the expenditures of the Government, provide for the election of Auditor, and for other purposes.

An act to amend the law, approved March 15, 1844, to incorporate the inhabitants of the different Townships.

Your obedient servant,

THOS. F. KING, Sec'y Senate.

A bill was received from the House entitled, An Act to exempt homesteads from execution, attachment and distress, read the first time.

On motion of Mr. Long, a call of the House was made, and the following members answered to their names :

Mr. President, Messrs. Baltzell, Carter, Gilchrist, Hart, Long, Moseley, Putnam, Pent and Summerlin—10.

The rule was then waived, the bill read a second time and ordered for a third reading.

A bill was received from the House entitled, An Act for the relief of Reuben Scott.

Which was read the first time, with the accompanying papers, the rule waived and read a second time.

Mr. Baltzell offered the following amendment to be made an additional section to the bill :

*Be it further enacted*, That this remission be, and the same is hereby, made on the express condition that said Scott shall not hereafter play at any game of cards, or other game of hazard, in this Territory, or suffer the same to be played in his house, or on his premises ; and it shall be the duty of the Executive of the Territory or State, on being satisfied with a breach in this respect, or non-observance in said Scott of this condition, to enforce the judgment, fine, or penalty, with the like effect as if this bill had not passed and no stay or delay had taken place in said execution or judgment.

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

Which motion was lost.

On motion of Mr. Long, the bill was postponed until Monday next.

A bill was received from the House entitled, An Act to amend the act giving a lien to mechanics, overseers and others in certain cases, approved January 20, 1827, and in addition thereto.

Which was read the first time.

The following communication was received from the House :

HOUSE OF REPRESENTATIVES, 7th March, 1845.

To the Hon. President of the Senate :

The House refuses to concur in the amendments of the Senate, to the bill entitled, An Act to organize and regulate the militia.

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

Mr. Long moved to lay said bill on the table.

On which motion the yeas and nays being called for by Messrs. Carter and Pent, were :

Yeas—Mr. President, Messrs. Baltzell, Gilchrist, Hart, Long, Putnam, Pent and Summerlin—8.

*Nays*—Messrs. Carter and Moseley—2.

So the bill was laid on the table.

On motion of Mr. Carter, the resolution from the House, appointing a Joint Select Committee on compensation, on the part of the House, was taken up and adopted. Messrs. Carter, Gilchrist and Pent were appointed a committee on the part of the Senate.

The following communication was received from the House :

HOUSE OF REPRESENTATIVES, 7th March, 1845.

To the Hon. President of the Senate :

Sir : The bill entitled, An Act to amend the revenue laws of this Territory, has passed the House with the following amendments, viz : 1st. Strike out all after the enacting clause of the bill, and insert the substitute annexed thereto. 2d. Strike out the title of the bill, and insert the title to the substitute, to wit :

A bill to be entitled, An Act to provide for the election of tax collectors.

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

On motion of Mr. Putnam, the last section of said substitute was stricken out.

The substitute as amended was then adopted.

A communication of nominations was received from his Excellency, the Governor. On which the Senate went into secret session, and after some time spent therein, the doors were opened, and the following nominations, advised and consented to by the Senate, were directed to be spread on the Journals :

For Marion County—William Connell, Judge of the County Court. Kenneth Morrison, David A. McDavid, Justices of the Peace.—John G. Reardon, Auctioneer.

Nassau County—Peter Guinn, Asa C. Tanner, Justices of the Peace.

Franklin County—Port Wardens, H. B. Stone, Ben. Ellison, Jas. F. Parrior, David G. Rancy, Thos. L. Mitchel, D. B. Wood, Charles H. Austin. Commissioners of Pilotage, Benjamin Hurd, Chas. S. Tomlinson, Wm. A. Kain, Wm. G. Porter, James L. Barber.

Gadsden County—Justices of the Peace, Seth Hardison, Wm. Edgerton, Henry Lamb, John Chason.

Trustees of the Seminary Lands—John C. McGehee, Robert W. Williams, Britton Barkley, David L. White, Thomas Baltzell.

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

The Senate then adjourned until Monday, 10 o'clock.

MONDAY, March 10, 1845.

The Senate met pursuant to adjournment, and eight Senators answered to their names.

The Chair announced that a quorum was present, and that the Senate was ready to proceed to business.

Mr. Hart appealed from the decision of the Chair.

On motion of Mr. Carter, the Senate took a recess until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Journal of Saturday was read and approved.

The Senate bill entitled, An Act concerning replevin, was returned by the House, passed without amendment.

The substitute of the House to the Senate bill entitled, An Act to amend the revenue laws of this Territory, accepted by the Senate with amendment, was returned by the House with additional amendments.

A resolution appropriating certain rooms to the use of the State and United-States Courts, was received from the House and read a first time.

A resolution asking of Congress the payment of certain companies of militia, was returned by the House without amendment.

The following bills and resolutions were received from the House and read a first time.

A bill entitled, An Act to amend the laws respecting crimes and misdemeanors.

A bill to be entitled, An Act to incorporate the Trustees of Leon Female Academy.

A bill entitled, An Act for the relief of Timothy Wightman, with accompanying papers.

A resolution asking appropriation for the per diem and mileage of Ossian B. Hart.

The following communication was received from the House and read :

HOUSE OF REPRESENTATIVES, 10th March, 1845.

To the Honorable the President of the Senate :

The House concurs in the amendments of the Senate to An Act to fix permanently the County Seat of Wakulla county, with the following amendments to the amendment of the Senate, viz :

Strike out from the first section, "twentieth day of March," and insert "first Monday in May," and add to the end of the first section, the following words :

"And said Electors shall endorse on the ticket of said Commissioners, the point or place they wish the said County Site located, which shall govern the said Commissioners so elected, in selecting the place for said County Site."

Attest

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

Which bill was placed among the Orders of the Day.

The Senate adjourned until to-morrow, 9 o'clock.

TUESDAY, March 11, 1845.

The Senate met pursuant to adjournment.

On motion of Mr. Gilchrist, a call of the House was made, when the following members answered to their names:

Mr. President, Messrs. Carter, Gilchrist, Hart, Long, Putnam, Pent and Summerlin—8.

The Chair announced that a quorum was present.

Mr. Hart appealed from the decision of the Chair.

On the question being put, the decision of the Chair was sustained, and the Senate proceeded to business.

Mr. Hart moved to strike out all after the words, "3 o'clock, P. M." in the Journal of yesterday, and insert the following, "There not being a quorum present, the Senate adjourned until 9 o'clock, tomorrow."

Which motion was lost.

The Journal of yesterday was then read and approved.

Mr. Gilchrist moved to spread upon the Journal the communication transmitted on the 24th February, by His Excellency the Governor, from the President of the Union Bank, and which was omitted to be placed upon the Journal at the time it was received.

Which motion was lost.

Mr. Carter offered the following resolutions:

*Resolved by the Governor and Legislative Council of the Territory of Florida,* That the removal of the Indians from the Territory, at the earliest practicable period, is required by a proper regard to the treaties made by the Government, and to the welfare and safety of the people; and that our Delegate be, and he is hereby requested to urge the same upon the General Government, as a subject of all others, most interesting to the people of Florida.

*Resolved,* That the course of our Delegate, the Honorable David Levy, in protesting against the further stay, and permanent location of the Indians in the Territory, is entitled to commendation and the approval of the people and the Legislature.

*Resolved,* That a copy of these resolutions be forwarded to our Delegate, and laid by him before the President of the United States.

Which were read the first time.

The following communication was received from His Excellency the Governor and read:

EXECUTIVE DEPARTMENT,  
Tallahassee, March 10th, 1845.

Gentlemen of the Senate

and House of Representatives:

I deem it my duty to return to the Legislature for reconsideration, the bill entitled, An Act to reduce the expenditure of the Government, provide for the election of Auditor, and for other purposes.—This I am partly influenced to do, from a belief that it would not have passed, could the Legislature have foreseen its very limited

operation, and of course the small benefits that will result from its passage.

Let us analyze it. It proposes to consolidate the three offices of Treasurer, Auditor and Commissioner of the Tallahassee Fund, and to appoint an Auditor to discharge the functions of all, with a salary of six hundred dollars per annum, under a bond of ten thousand dollars with good security, to be approved of by the Governor.

As our Territory has become a sovereign State, the duration of this office cannot reach beyond ninety days. Thus, the incumbent will be entitled to receive in Territorial scrip one hundred and fifty dollars, equivalent, in good money, to sixty or seventy dollars.

Now, I would respectfully ask whether it is probable that the services of a faithful and competent officer can be obtained for that sum? Who that is trust-worthy, and able to give good security, will undertake it? Again, what will be the saving? Little or nothing. For no appointment of Treasurer will be made by the Executive, inasmuch as no money can be possibly paid into the Treasury, and there will be nothing for a Treasurer to do. But the principal objection to the bill arises from the confusion into which the contract for the completion of the State House may be involved by the ejection of the present Commissioner, who has made all the arrangements with the architects, and who will be better qualified than a stranger to judge of the fidelity with which the work is executed.

His continuance in office for sixty days longer, (in which time I flatter myself the building will be in readiness to receive the first General Assembly of the State of Florida), will be attended with very little additional expense,—say some sixty or seventy dollars. It is, however, for the Legislature to determine, under this new aspect of our Federal relations, whether the inconvenience arising from the passage of the bill, will not more than overbalance the anticipated advantages.

I have the honor to be,

Your obt<sup>d</sup> servant,

JNO. BRANCH.

On the question of the passage of said bill against the veto of the Governor, the yeas and nays were called as follows:

*Yeas*—Mr. President, Messrs. Carter, Long, Putnam, Pent, and Summerlin—6

*Nays*—Messrs. Baltzell, Gilchrist, and Hart—3.

So the question of passing the bill against the veto, was decided in the negative, there not being the requisite majority of two-thirds of the Senate voting for the bill.

The following communication was received from His Excellency the Governor:

EXECUTIVE OFFICE, }  
Tallahassee, March 10th, 1845. }

*Gentlemen of the Senate  
and House of Representatives :*

I hereby nominate the following persons for the County of Monroe :

Auctioneers, Philip J. Fontane, Benjamin H. Keer.

I have the honor to be,  
Your obedient servant,

JN. BRANCH.

Which nominations were advised and consented to.  
Also, the following communications were received and read :

EXECUTIVE DEPARTMENT, }

Tallahassee, March 10th, 1845. }

*Gentlemen of the Senate  
and House of Representatives :*

I have approved the following acts and resolutions of the Legislature :

1. An Act to organize a county to be called Levy county.
2. An Act to amend an act providing for the change of venue in criminal cases.
3. An Act to prescribe the mode of punishment for certain offences at Key West, in the Southern Judicial District.
4. An Act to authorize the county of Santa Rosa to raise a County Revenue.
5. An Act to provide for the transfer of records of the Superior Court from Alachua county to Benton county, and for other purposes.
6. An Act to fix the times of holding the Superior Courts in the Eastern District of Florida.
7. An Act to authorize Stenislous Glenski to establish a ferry across the St. Johns river, at Pilaika.
8. A Resolution relative to a Post Office at Jackson's Landing, in Calhoun county.
9. An Act to amend the law approved March 15th, 1844, to incorporate the inhabitants of the different townships of this Territory.

I have the honor to be,  
Your ob't serv't,

JNO. BRANCH.

EXECUTIVE DEPARTMENT, }

Tallahassee, March 11th, 1845. }

*Gentlemen of the Senate  
and House of Representatives :*

I have approved the following acts and resolutions of the Legislative Council :

1. An Act to authorize Nathaniel Roberts to establish a ferry across the Ocklockonee river.
2. An Act for the relief of Crawford Sprowl.
3. Resolutions asking Congress for an appropriation for the pay of the Chaplains of the House and Senate.
4. Resolutions asking Congress for an appropriation to pay Raymond A.

Dominge for printing the Laws of Florida. 5. An Act in relation to roads and highways in Duval and Alachua counties. 6. An Act to amend the chapter entitled Elections, approved 15th March, 1843. 7. Resolutions relative to certain mail routes in Gadsden county. 8. An Act for the relief of the Trustees of the Methodist Episcopal Church of Tallahassee. 9. An Act to repeal the Charter of the Bank of Florida. 10. An Act to divorce Agnes Bell from her husband Joseph G. Bell, and to change the name of said Agnes Bell to that of Agnes Woolf.

I have the honor to be your ob't serv't,

JN. BRANCH.

EXECUTIVE DEPARTMENT, }

Tallahassee, March 10th, 1845. }

*Gentlemen of the Senate and House of Representatives :*

I have approved the following acts and resolutions of the Legislature :

1. An Act to provide for the election of Justices of the Peace.
2. An Act to provide for holding the County and Superior Courts in and for Calhoun county.
3. An Act to amend an act relative to roads and highways in Nassau county, approved 14th March, 1844.
4. An Act to authorize Malinda Folsom, widow and administratrix of Bryant Folsom, deceased, late of Jefferson county, to sell certain real estate.
5. An Act to annex a part of Jackson county to Calhoun county.
6. An Act to establish a Board of Commissioners of Pilotage for the harbour and waters of Apalachicola.
7. An Act to incorporate Dade Lodge, No. 14, in the city of Key West.
8. An Act to authorize Henry E. Purviance to establish a ferry on the Suwannee river.
9. An Act to amend an act entitled an act to establish a Board of Port Wardens and Commissioners of Wrecks, for the Port of Apalachicola.
10. Preamble and resolution asking an extension of the mail route between Marianna and Euchee-anna to Geneva.
11. Resolutions relative to a Light-House at or near New Smyrna.
12. Resolutions asking of Congress an appropriation for the rebuilding of the Court House in Hillsborough county.
13. Resolutions asking our Delegate to endeavor to procure from Congress a grant of a quarter-section of land for Washington county.
14. Resolutions asking our Delegate to procure an appropriation for the payment of the Washington County Volunteers.
15. Resolutions asking Congress for a quarter-section of land for Marion county.
16. An Act to amend an act relating to crimes and misdemeanors.
17. An Act for the relief of David D. Young.

I have the honor to be your ob't serv't,

JN. BRANCH.

On motion of Mr. Pent, the following nominations of His Excellency the Governor, made some days previously, were taken from the table, and advised and consented to :

For the County of Dade—Justices of the Peace, Joseph Bethell, Wm. H. Bethell, Wm. C. Bethell, George Ferguson. Auction

cers, Wm. H. Bethell, Wm. C. Bethell, John L. Knapp, George D. Medeus, George Ferguson.

Mr. Putnam offered the following resolution :

A Resolution to expedite the first session of the General Assembly of the State of Florida.

Whereas, the first session of the General Assembly of the State of Florida will probably be held at the city of Tallahassee, during the approaching mid-summer, when the health and convenience of the members, as well as a regard to economy, will require that such session should be as short as practicable consistently with the public interests: And whereas, it will tend to expediate the business of the General Assembly to have bills prepared for its consideration by competent persons, especially on those subjects absolutely necessary for it to act upon to organize the State Government, and that such bills should be submitted to it on the first day of its session :

Be it therefore resolved by the Governor and Legislative Council of the Territory of Florida, That six persons, three to be named by the Senate and three by the House of Representatives, if the House concur, shall be requested to act as Commissioners, to perform such service—such drafts of bills to be reported to the Governor of the State of Florida, and by him transmitted to the General Assembly for its consideration, if he shall deem proper so to do, and that \_\_\_\_\_ be named by the Senate, and \_\_\_\_\_ by the House of Representatives, as such Commissioners, and that the Secretaries of the Council transmit to those gentlemen a copy of this resolution.

Which was read the first time.

Mr. Carter, from the Joint Select Committee on compensation, reported a bill to be entitled, An Act to provide for the compensation of the officers of the Legislative Council for the session of 1845, and for other purposes.

Which was read the first time, the rule waived, read a second and third time, and passed. Title as stated.

A bill to be entitled, An Act to facilitate the organization of the State of Florida, was received from the House and read a first time.

#### ORDERS OF THE DAY.

A bill from the House entitled, An Act for the relief of Reuben Scott, with the proposed amendment, came up on a second reading.

The amendment was then rejected.

Mr. Pent moved to reconsider the vote on the amendment.

Which motion prevailed.

On the question of adopting the amendment, the yeas and nays were called for by Messrs. Carter and Pent, and were :

Yeas—Mr. President, Messrs. Baltzell, Carter, Gilchrist, Hart, Long, Putnam and Pent—8.

Nays—Mr. Summerlin—1.

So the amendment was concurred in.

On the passage of the bill as amended, the yeas and nays were called for by Messrs. Carter and Gilchrist, and were :

Yeas—Mr. President, Messrs. Baltzell, Hart, Long, Putnam, Pent and Summerlin—7.

Nays—Messrs. Carter and Gilchrist—2.

Mr. Long made the following report :

The Committee on Enrolled Bills report as correctly enrolled : An Act concerning replevin. Also, Preamble and resolution respecting the militia.

A bill from the House entitled, An Act to exempt homesteads from execution, attachment and distress, came up on its passage, and the yeas and nays being called for Messrs. Gilchrist and Long, were :

Yeas—Mr. President, Messrs. Baltzell, Carter, Hart, Long, Putnam, Pent, and Summerlin—8.

Nays—Mr. Gilchrist—1.

So the bill passed without amendment.

A bill from the House entitled, An Act to amend the act giving a lien to mechanics, overseers and others, in certain cases, approved January 20, 1827, and in addition thereto, was read a second time.

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

On which motion the yeas and nays being called for by Messrs. Gilchrist and Carter, were :

Yeas—Messrs. Carter, Hart and Summerlin—3.

Nays—Mr. President, Messrs. Baltzell, Gilchrist, Long, Putnam and Pent—6.

So the bill was not laid on the table.

Mr. Hart moved to refer the bill to the Committee on Propositions and Grievances.

Which motion was lost.

Mr. Hart moved to refer the bill to the Committee on the Judiciary.

Which motion was lost.

The bill was then ordered for a third reading.

The following communication was received from the House and read :

HOUSE REPRESENTATIVES, 10th March, 1845.

To the Hon. President of the Senate :

The House concurs in the amendments of the Senate, to An Act to fix permanently the county seat of Wakulla county, with the following amendments to the amendment of the Senate, viz :

Strike out from the first section "twentieth day of March," and insert "first Monday in May," and add to the end of the first section the following words :

"And said Electors shall endorse on the ticket of said Commissioners the point or place they wish the said county site located, which shall govern the said Commissioners so elected, in selecting the place for said county site."

Attest.

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

Which amendments to the amendment were concurred in by the Senate.

A resolution from the House to appropriate certain rooms for the State and United States Courts, was read a second time and ordered for a third reading.

A bill from the House entitled, An Act to amend the law respecting crimes and misdemeanors, was read a second time and laid on the table.

A bill from the House entitled, An Act to incorporate the Trustees of Leon Female Academy, was read a second and third time, and passed without amendment.

A resolution from the House relative to paying the per diem and mileage of Ossian B. Hart, and the pay of John G. Smith, was read a second and third time and adopted.

The following communication was received from his Excellency the Governor :

EXECUTIVE DEPARTMENT, }  
Tallahassee, March 11th, 1845. }

Gentlemen of the Senate  
and House of Representatives :

I hereby nominate the following persons for the counties herein mentioned :

Duval county—Henry Hulgerson, Tax Collector.

Franklin county—Seth P. Lewis, Tax Collector.

Gadsden county—Thomas R. Smith, Justice of the Peace.

Leon county—Samuel S. Sibley, Justice of the Peace.

I have the honor to be your ob't serv't,

JN. BRANCH.

Which nominations were advised and consented to.

A bill from the House entitled, An Act for the relief of Timothy Wightman, was read a second and third time and passed without amendment.

A bill from the House entitled, An Act to facilitate the organization of the State of Florida, was read a second time and ordered for a third reading.

A resolution relative to the pay of the Chaplains of the Council, was received from the House, read a first, second and third time, and adopted.

The substitute of the House to the Senate bill entitled, An Act to amend the revenue laws of this Territory, amended by the Senate, was returned by the House, with the amendments by the Senate concurred in.

The following communication was transmitted to his Excellency the Governor :

SENATE CHAMBER, March 11th, 1845.

To his Excellency the Governor of the Territory of Florida :

Sir : I herewith transmit for your approval, An Act concerning

replevin. Also, a preamble and resolutions asking Congress payment of certain companies of militia, passed by the Senate and House of Representatives.

THOS. F. KING, *Sec'y of Senate.*

The Senate took a recess until 4 o'clock, P. M.

FOUR O'CLOCK, P. M.

Mr. Long made the following report :

The Committee on Enrolled Bills, report as correctly enrolled, An Act to provide for the election of Tax Collector.

The following communication was transmitted to his Excellency the Governor :

SENATE CHAMBER, March 11, 1845.

To his Excellency the Governor of Florida :

Sir : I herewith transmit, for the approval of your Excellency, a bill to be entitled, An Act to provide for the election of Tax Collectors, passed by both Houses of the Legislative Council.

Your ob't serv't,

THOS. F. KING, *Sec'y Senate.*

The following communication was received from the House :

HOUSE OF REPRESENTATIVES, 11th March, 1845.

To the Hon. President of the Senate :

The House has also passed the bills entitled, An Act to provide against a fraudulent and depreciated currency, amended by striking out the 9th section, and inserting another section as the 9th, in lieu thereof. (See the amendment appended to the bill.)

Respectfully,

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

Said bill as amended was then, on motion of Mr. Hart, laid on the table.

A bill to be entitled, An Act to facilitate the organization of State Government, was read a third time and passed with various amendments by the Senate.

The following communication was received from the House :

HOUSE OF REPRESENTATIVES, 11th March, 1845.

Hon. President of the Senate :

Sir : The House concurs in the amendment of the Senate to a bill entitled, An Act for the relief of Reuben Scott.

Attest.

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

On motion of Mr. Hart, a committee, consisting of Messrs. Hart, Long and Gilchrist were appointed to wait upon the House, and inform them that the Senate had gotten through its business and was ready to adjourn.

The following communication was received from his Excellency the Governor :

EXECUTIVE DEPARTMENT, }

Tallahassee, March 11th, 1845. }

Gentlemen of the Senate and House of Representatives :

I have approved the following acts and resolutions of the Legislative Council :

1. An Act concerning replevin.
2. A preamble and resolutions asking Congress for the payment of certain companies of militia.
3. An Act to provide for the election of Tax Collectors.

I have the honor to be your ob't serv't,

JN. BRANCH.

Also the following:

EXECUTIVE DEPARTMENT, }  
Tallahassee, March 11th, 1845. }

*Gentlemen of the Senate and House of Representatives:*

I hereby nominate the following persons for Calhoun County: Justices of the Peace—Luke Lott, Thomas Land, Elias Branch, Francis Arno, Nehemiah Hayden. Auctioneers, Alexander Mc Alpine and Nehemiah Hayden. Notary Public, John S. Hunter.

I have the honor to be your ob't serv't,

JN. BRANCH.

Said nominations were advised and consented to.

Mr. Hart, from the committee appointed to inform the House that the Senate was ready to adjourn, reported: That the committee had performed that duty.

Mr. Baltzell offered the following resolution:

*Resolved*, That the Secretary of the Senate be, and he is hereby requested, to take charge of the Senate Chamber, and the furniture thereof.

Which was adopted.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES, 11 March, 1845.

*To the Honorable President of the Senate:*

The House concurs in the amendment of the Senate to the bill entitled, An Act to facilitate the organization of the State of Florida.

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

Also, the following:

HOUSE REPRESENTATIVES, 11th March, 1845.

*To the Honorable President of the Senate:*

The House has passed the bill entitled, An Act to provide for the compensation of the officers of the Legislative Council for the session of 1845, with the following amendment:

Strike out the figures "\$35," allowed Andrew McClellan for contingent expenses, and insert "\$42," being seven dollars allowed for additional servant hire.

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

Which amendments were concurred in by the Senate.

A communication from the House informed the Senate that the House was ready to adjourn, *sine die*.

Messrs. Long, Hart and Pent, were then appointed a Joint Committee on the part of the Senate, to wait on His Excellency the Governor, and inform him that both Houses of the Legislative Council were ready to adjourn, *sine die*.

A message from the House informing the Senate, that a similar

committee consisting of Messrs. Brown, Mays and Loring, were appointed on the part of the House.

The following communications were received from His Excellency the Governor:

EXECUTIVE DEPARTMENT, }  
Tallahassee, March 11th, 1845. }

*Gentlemen of the Senate*

*and House of Representatives:*

I have approved the following acts and resolution of the Legislature:

1st. An Act to incorporate the Trustees of the Leon Female Academy.

2nd. An Act for the relief of Timothy Wightman and others.

3rd. An Act for the relief of Reuben Scott.

4th. A resolution relative to the pay of Ossian B. Hart, Esq., a member from St. Lucie.

I have the honor to be, your ob't serv't.

JOHN BRANCH.

EXECUTIVE DEPARTMENT, }  
Tallahassee, March 11th, 1845. }

*Gentlemen of the Senate*

*and House of Representatives:*

I have approved the following Preamble and Resolutions of the Legislature:

A Preamble and Resolutions asking Congress for an appropriation for the payment of the Rev. Dr. Yeager, and the Rev. Joshua Phelps, Chaplains of the Senate and House, for the session of 1844—and also for the pay of the Rev. Joshua Phelps and the Rev. Alexander Martin, as Chaplains for the present session.

I have the honor to be, your obedient servant.

JOHN BRANCH.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES, March 11, 1845.

*Honorable President of the Senate:*

The House of Representatives have concurred in the amendments of the Senate to the bill entitled, An Act to facilitate the organization of the State of Florida, and have passed the bill as amended.

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

Mr. Long from the Joint Committee appointed to wait on His Excellency the Governor, and inform him that both Houses of the Legislative Council were ready to adjourn, *sine die*, reported that the committee had performed that duty, and that his Excellency would make a communication in a short time.

Mr. Putnam being called to the Chair, the following resolution was offered by Mr. Putnam:

*Resolved*, That the thanks of the Senate are due, and are hereby tendered to the Hon. George W. Macrae, President of the Senate, for the dignity, impartiality and ability, with which he has discharged his duties, during the present session.

Which was adopted.

The President having resumed the Chair, responded to the resolution in a brief and appropriate address.

Mr. Putnam offered the following resolution:

*Resolved*, That the thanks of the Senate are due, and are hereby tendered, to the Secretary, Clerks, and other officers of this body, for the promptness and faithfulness with which they have discharged their duties, during the present session.

Which was adopted.

The following communication was received from His Excellency the Governor:

EXECUTIVE DEPARTMENT, }  
Tallahassee, March 11th, 1845. }

Gentlemen of the Senate  
and House of Representatives:

I have approved the following acts of the Legislature:

1. An Act to fix permanently the county seat of Wakulla county.
2. An Act to exempt homesteads from execution, attachment, and distress.
3. An Act to facilitate the organization of the State of Florida.

I have the honor to be your ob't serv't,

JN. BRANCH.

Mr. Long from the Committee on Enrolled bills, reported as correctly enrolled, a bill entitled, An Act to provide for the compensation of the officers of the Legislative Council, for the session of 1845, and for other purposes.

The following communication was sent to his Excellency the Governor:

SENATE CHAMBER, March 11, 1845.

To His Excellency the Governor of Florida:

Sir:—I herewith transmit for the approval of your Excellency, An Act to provide for the compensation of the officers of the Legislative Council, for the session of 1845, and for other purposes.

Your obedient servant,

THOMAS F. KING, Sec'y Senate.

The following communication was received from His Excellency the Governor:

EXECUTIVE DEPARTMENT, }  
Tallahassee, March 11th, 1845. }

Gentlemen of the Senate  
and House of Representatives:

I hereby approve the following act of the Legislature:

An Act to provide for the compensation of the officers of the Legislative Council, and for other purposes.

I have the honor to be, your obedient servant,

JOHN BRANCH.

Mr. Long from the Joint Committee to wait on the Governor, reported that His Excellency had no further communication to make.

Whereupon, the Senate adjourned *sine die*.

THOMAS F. KING, Sec'y of the Senate.

## APPENDIX.

### Documents accompanying the Governor's Message.

#### No. I.

#### REPORT OF THE TRUSTEES OF THE SEMINARY LANDS,

To His Excellency JOHN BRANCH,

Governor of the Territory of Florida:

SIR—In compliance with the requisitions of the act of the Legislative Council, passed at their session of 1843, organizing a Board of Trustees of the Seminary Lands, and requiring them to make an annual report, they have the honor to state:—

That as early as the 3d of March, in the year 1823, the Congress of the United States passed a law, "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."

The Secretary of the Treasury appointed the late Judge Allen to make selection of the land thus directed to be reserved, who in the year 1826, designated the sections enumerated in a letter of the Commissioner of the General Land Office, dated the 17th July, 1843, which accompanies this Report. It will be seen that only about 26,000 of the 46,080 acres, (two townships,) were located. On his suggestion to the Governor that there were some private claims in litigation, embracing valuable land, that might probably be decided in favor of the Government, unfortunately he was permitted to suspend the location, and since that time the subject of a further selection has been neglected until the session of the Legislature of 1844, when a resolution was passed, requesting the further attention of the Secretary to it.

These Lands should not be confounded with the reservation by Congress of the 16th sections (640 acres) in each township of the Territory, for the use of *Common Schools*. These belong to the inhabitants of the Township, having been expressly reserved for their use by the first Congress under the present Constitution. It is worthy of remark, that the patriots of the revolution, having achieved American Independence, commenced the noble work of its maintenance and preservation, by setting apart and consecrating to the sacred purposes of a diffusion of knowledge amongst the people, a portion of the public domain so great as one mile square in every six miles throughout the vast extent of their lands. And how worthy of

all praise and admiration the forethought and beneficence of this excellent and judicious appropriation! How consoling the reflection that a kind and parental government has provided in all time to come the means of education and moral improvement for his children, under every adverse circumstance that may attend the parent; and what an obligation is imposed upon the officers of the government of every grade, and upon every patriotic citizen, to see that this fund is appropriated to its proper use! Though the Board have to regret the inattention for twenty long years past to this interesting and important subject, they are yet sanguine that a better feeling is beginning to prevail, and a new spirit is being awakened amongst the people, which they trust may lead to good results. It cannot be that this valuable land, the only means of education and moral improvement for poor children, their inheritance by grant from their fore-fathers, will longer be allowed to be wasted and worn out, its valuable timber cut down and destroyed, and its fertility exhausted by private and individual rapacity. May we not indulge the hope that the people of the several townships will organize under the law of 1844, and take possession of their lands, build school houses, and rent out such portions as may be required for the support of good Schools.

The Seminary Lands since their location, have been for the most part, in the occupancy of private individuals until the present year, when the Board of Trustees, organized under the act of 1843, took early measures by the appointment of agents in Jackson and Gadsden counties, where the lands principally lie, to lease out those thus occupied, and to protect the remainder from trespass. Judge White, the agent for Gadsden county, exerted himself with an activity and energy entitling him to great praise, and has succeeded to the entire satisfaction of the Board in the discharge of the arduous duties confided to him. His report is very shortly expected, and will be communicated when received. If the agent in Jackson, Mr. Bartley, has succeeded to the same extent, the Board will be able to present a highly favorable account to the Legislature before its adjournment. We regret not to be able to present a statement of the action at the present time, of these officers in full, more in detail.

The Board have received from Mr. Geo. K. Walker, the agent appointed by the late Governor, to obtain from the General Government the fund due to the Territory from their portion of the proceeds of the public lands the sum of \$1736.29, which was immediately after its receipt invested in good mortgage of Real Estate, as directed by the act of the Council.

From the interest of this fund, and from the rent of the Seminary Lands, the Board indulge the hope that something may be done to advance the cause of education in the Territory. They venture to suggest as an immediate means of effecting good, the distribution in the different counties, and especially those removed from large towns, of Select Libraries. These have been found highly beneficial in infusing a right spirit on the subject of education, and giving

a right direction to the moral improvement of the people. The great States of New York and Massachusetts have taken the lead, and by their patronage and care, not only have selected the best works, but procured their printing at such low rates as to place them within the reach of the most moderate means. One series of the excellent works of the New York Library, consisting of fifty volumes of the most approved works in the language, costing only \$20, with a case and lock and key, may, the Board trust, from the rent this year, added to the interest of the fund derived from the General Government, be placed in every County of the Territory. It might be placed under the control of the Judge of the County Court, as a superintendent of Public Schools, to be given to the Trustees of such Township as would erect a School House on their section, and sustain a School with twenty scholars for one year. The advantages of a dissemination of these Libraries, is thus beautifully portrayed in an extract taken from the Massachusetts Common School Journal:—  
 “By means of the Library, the great and good men of ancient and modern times, statesmen, philosophers, orators, poets, sages, and divines, will come and take up their abode in every secluded nook and corner of the land, and sit down by every fireside in the humblest and lowliest dwelling, and offer to take the young men by the hand, and lead them to a knowledge and contemplation of this glorious universe, the handiwork of God, into which they have been brought, and to unfold the marvels of their own physical structure, and the profounder and more awful mysteries of their spiritual being, and to display before them the heavenly beauty of truth, and justice, and moral intrepidity, and to instil into their young hearts some conceptions of the adorable character of their Creator. How many youths would such a Library save who would otherwise be ruined? How many it will fill with intelligence, who would otherwise grope in perpetual darkness? If ever an act was done for which a Legislature might indulge a feeling, not of pride, but a far nobler and purer feeling than pride, a consciousness that a great deed has been done, and is no longer a subject to chance, whose blessed influences cannot be defeated, but will go on and make the whole future wiser, and better, and happier, than it would otherwise have been, it is the Legislature of 1842.”

That the Legislature may be enabled to judge rightfully as to the propriety of this recommendation, the Board have purchased and hold now subject to their inspection and order, two series of the New York School District Library, and the entire set so far as completed, of the Massachusetts selection. They cannot refrain from expressing the delight and admiration which, as Floridians, they would feel, in seeing these excellent selections, in the course of a few years, largely and extensively distributed to the most remote parts of the Territory, imparting the blessings of light and knowledge to thousands yet unborn. Might not this circulation, in addition to other important advantages, tend to fix on a firmer basis the attachment of the people to their government and free institutions?

With a view of obtaining information on the subject of the School and Seminary Lands, and their disposition, and education generally, the Board caused a circular to be addressed to the different officers of the Territorial Government, having obtained the co-operation and sanction of His Excellency the Governor to that object. The Hon. Dillon Jordan has communicated very satisfactory replies from the teachers of institutions in Pensacola and Escambia, as to the condition of Seminaries there, indicating their highly prosperous state, which it has been quite refreshing to receive. They have received also letters from other quarters, from individuals who have been kind enough to make replies. The information most desired has however not been obtained, and must be the subject of further inquiry.

The census of 1840, taken under the authority of the General Government, to which reference has been made, furnishes some data from which they find the following account of our population:—

Males between the ages of	5 and 10	1947
" " "	10 and 15	1520
" " "	15 and 20	1805
Females " "	5 and 10	1761
" " "	10 and 15	1448
" " "	15 and 20	1832

4772 males between the ages of 5 and 20, and 4531 females, making 9303 children now in need of education! From the same source we learn there were at that time but 732 scholars in the Territory, so that it would seem only 1-13 of the children of Florida are enjoying the advantages of schools. They also find that in the small population of the Territory, there is the large number of 1003 persons over the age of 20, who can neither read nor write.

With such facts, renewed activity would seem to be required on the part of those filling public trusts, to communicate every advantage to be derived from means in their power, to prevent the evils which ignorance may bring upon a people, and to disseminate the blessings which may be derived from the communication of intelligence.

The Board, in conclusion of a report which they fear has already been too far extended, would respectfully recommend a re-organization of their body, so that the other parts of the Territory may be enabled to participate in a work so deeply interesting to all of them. Were a board of education, consisting of twelve or more, to be elected by the Legislature, constituted so as to take charge of the subject of education, and of the funds now held by this Board, the change might be beneficial. They regret that they have been able to accomplish so little. It will be a rich consolation to them, however, if they shall have succeeded in engaging the attention of their fellow citizens, and of others more able and competent than themselves, to a work of such great moment to the welfare and prosperity of their fellow citizens.

All of which is respectfully communicated.

THOMAS BALTZELL,  
President of the Board of Trustees.

GENERAL LAND OFFICE, }  
July 17th, 1843. }

SIR—Your letter of the 21st ult. has been received. The selections for a Seminary of Learning in Florida were made, it is understood, by or under the authority of Gov. Duval, who was authorized to do so by instructions issued direct from the Treasury Department.

It appears from the records of this office, that on the 9th April, 1827, the Register and Receiver at Tallahassee were advised that the Secretary of the Treasury had approved of the selection of Township 5, Range 11, North and West, for the use of the Seminary, and were requested to withhold the lands from sale, "except so far as they may be claimed by pre-emption rights."

On the 9th of June, 1827, Gov. Duval was advised that the selection of the "following sections in lieu of lands covered by private claims," in the above Township, were approved, viz:

Sections 14, 23 and 24, in Township 4, of Range 7, North and West.

Section 18, in Township 3, of Range 9, North and West. And Sections 6 and 14, in Township 5, of Range 10, North and West.

Also, that the selection of the following fractional sections, for the same purpose would be approved; provided he would agree to receive them as *whole* sections, viz:

Fractional sections 3, 10 and 13, in Township 4, of Range 7, North and West; and

Fractional section 33, in Township 5, of Range 7, North and West.

The Governor was at the same time advised that the following selections made by him, "East of the Apalachicola," had also been approved, viz:

Sections 5, 7, 15, 17, 18, 22, 23 and 24, and "the 3 qrs. of section 8," in Township 3, North of Range 3 West, "the other quarter of section 8 having been sold."

The Register and Receiver at Tallahassee were further advised, on the 4th Sept. 1828, that the selections of Sections 17 and 30, and fractional Section 29, in Township 2, North of Range 4, West, had also been approved as Seminary Lands.

I do not find any evidence in this office that Gov. Duval or his successors, have ever signified their willingness to receive the *fractional* sections named in the letter of the 9th June, 1827, as *whole* sections.

The quarter of section 8, T. 3, R. 3, N. and W. stated to have been sold, appears to be the N. E. quarter, which leaves as the lands approved the South half and N. W. quarter in that section.

The foregoing is believed to embrace all the action had by this Office, respecting the location of the two Townships of Land granted to Florida for a Seminary of Learning. I enclose herewith, in compliance with your request, copies of the Township plats in which these locations have been made.

On the plat of T. 5, R. 11, W., the several tracts entered by pre-emptors in 1826 and 1828, are shaded *blue*.

On the plats of T. 4, N., R. 7 W., 3 N., 9 W., 5 N., 10 W., 2 N., 3 W., and T. 2 N., R. 4, W., the selections approved by the Secretary of the Treasury, are shaded yellow.

On the plats of T. 4, N., R. 7, W., and T. 5, N., R. 7, W., the tracts shaded green, represent the selections of fractional sections, which would be approved, provided they were accepted as full sections.

The N. E.  $\frac{1}{4}$  of Section 8, Township 3, N. of R. 3, W., is shaded blue, as having been sold. Of the selections approved by the Secretary of the Treasury, it appears that the W.  $\frac{1}{2}$  of the S. E.  $\frac{1}{4}$  of Section 8, T. 5, R. 10, N. and W., has been inadvertently sold and patented, and that of the fractional sections which the Governor was advised would be approved, provided they were received as whole Sections, the lots 1, 2 and 5, in Section 33, T. 5, N. of R. 7, W., have likewise been sold and patented.

Very respectfully,

Your ob't. serv't.,

THO. H. BLAKE,

Commissioner.

THOMAS RALTZELL, Esq., Tallahassee, Fla.

## No. II.

### AUDITOR'S REPORT.

TREASURY DEPARTMENT,

Auditor's Office, 15th December, 1844.

To his Excellency John Branch—Sir: The Auditor of Public Accounts for the Territory of Florida, begs leave to submit to your Excellency and the Legislative Council his Annual Statement of the condition of the finances of the Territory.

*Statement No. 1*—Shews a settlement with the Territorial Treasurer, leaving a balance in his Office of five hundred and thirty-nine 12-100 dollars, \$539 12-100.

*Statement No. 2*—Shews amount returned on Auction Tax to be two thousand four hundred and thirty-eight 57-100 dollars, \$2,438 57-100, and amount received on Auction Tax, including arrears, to be eighteen hundred and fifty-two 37-100; 1852 37-100, including seventy-seven 3-100 dollars, not embraced in the Treasurer's Report, and on account of Orphan Fund ninety-three 8-100 dollars, \$93 8-100; the balance returned, and not paid upon Auction Tax, is principally from Key West, and will be paid during the Council, their transactions being principally in specie, cannot be remitted by mail.

And amount returned by Clerks of Superior Courts, on account of fines and forfeitures, two thousand two hundred and forty-nine 23-100 dollars, \$2,249 23-100.

*Statement No. 3*—Shews amount received on Territorial or Land Tax for 1843, to be two thousand two hundred and sixty-nine 80-100 dollars, \$2,269 80-100, and for 1844, three hundred and thirty 3-100

dollars, \$330 3-100; for tax on account of fines and forfeitures, five hundred and eighty-nine 28-100 dollars, \$589 28-100, including two hundred and ninety-one 68-100, not included in the Treasurer's Report, and from tax on Banks the sum of ninety-two 62-100 dollars, \$92 62-100.

Making receipts from all sources, including those not included in the Treasurer's Report, five thousand four hundred and ninety-two 81-100 dollars, \$5,492 81-100. The expenses of the current year, as you will see by this statement, for criminal prosecutions in the several Judicial Districts, expense Executive and Treasury Departments, inspecting Militia, prosecuting broken Banks and collecting revenue, amounts to six thousand eighty-nine 81-100 dollars, \$6,089 81-100, exceeding receipts of the present year, five hundred and ninety-seven dollars, \$597 00, to be added to fourteen thousand six hundred and fourteen 45-100 dollars, \$14,614 45-100, outstanding uncanceled warrants of previous years, making the whole amount of uncanceled warrants on the Treasury at this date, fifteen thousand two hundred and eleven 45-100 dollars, \$15,211 45.

You will see by this statement the amount returned on Land Tax for 1844, has been nine hundred and seventy-four 92-100 dollars, and the amount received three hundred and thirty 3-100 dollars, \$330 03.

The returns from all the Counties have not yet been received, and I presume you are apprised that no effort is making to raise a tax in any of the Counties that did not levy and collect a tax last year.

For a list of defaulting officers and debts due the Territory prior to 1840, I beg leave to refer you to my reports of 1842 and '43. The only changes have been by Legislative acts for the relief of Jas. W. Exom, Marshal of the Apalachicola District, Jesse Carter, Tax Collector Alachua County, and the securities of Wm. H. Michael, Tax Collector Leon County. There is not the most remote probability of any portion of it being realized to the Territory—the parties have most of them become insolvent, died or removed from the Territory.

By my report of this date, Statement No. 2, will be seen the whole amount of arrears that have accumulated since my appointment to office in 1840, amounting to two hundred and forty-three 70-100 dollars, \$243 70, and these have been duly certified to District Attorney's for collection, and it is confidently believed will be saved to the Territory.

I would respectfully invite the attention of your Excellency and the Legislative Council to the propriety of an effort to obtain from the General Government the amount expended by the Territory for the suppression of Indian hostilities, and relief of suffering inhabitants, during the Seminole war, amounting to nine thousand three hundred and seventy-seven 39-100 dollars.

During the meeting of the board of United States officers in this city, for the adjustment of claims against the General Government, this account was presented with the best evidence that could be obtained (and a part of this was one of the officers, Major Mapes, who

disbursed the amount,) they adjourned to Washington City, without leaving in this office any decision in the matter. I addressed a letter of enquiry to our Delegate in regard to it, and was informed that the collection had taken a different direction from what I had anticipated, and I have not heard from it since.

Very respectfully,  
Your obedient servant,  
**JOHN MILLER,**  
Auditor Public Accounts, Fla.

*STATEMENT No. 1—Showing a Settlement with the Territorial Treasurer, 15th December, 1844.*

		DR.
1844.—By balance in the Treasury, 15th Dec. 1843,	\$ 570 31	
" amount received from all sources,	4,765 47	
	<u>\$5,335 78</u>	
		CR.
1844.—By amount in the Treasury at this date,	\$ 539 12	
" " Auditor's Warrants cancelled,	4,796 66	
	<u>\$5,335 78</u>	

*STATEMENT No. 2—Showing the Amount returned on Auction Tax; the amount paid; arrears paid; arrears unpaid; Orphan Fund; and the Amount returned by Clerks of Superior Courts on account of Fines and Forfeitures, for the year 1844.*

NAMES OF AUCTIONEERS	AMT RET'D	AMT PAID	ARR'S PAID	ARR'S UNE'D	ORP'N FUND
Alexander Patterson,	\$ 4 14		2 58		
Philip J. Fontane,		29 18			
Blyden Vanbaun,	38 70	38 79	36 21		6 32
F. B. Whiting,	80 01	80 01			
Wm. H. Wall,	681 94				
A. F. Tift,	6 97	6 97			
John L. Phillips,				19 64	
Jas. B. Starr,				99 43	
F. A. Browne,	533 03		422 08		40 45
Geo. W. Parkley,	65 30	65 30			4 00
C. J. Sheppard,	42 68	16 78		25 91	
Taurus Filor,	196 96	196 96	99 35		
John L. Taylor,	3 12	3 12	15 49		
Thos. Wilson,		28			
Hackley & Berry,	285 84	285 84			
Wm. G. Ferris,	11 16	11 15			
H. P. W. Crane,	4 72	4 72			
A. M. Myers,	348 06	348 06			38 68
Jesse A. Brush,	2 92	2 15			77
F. D. Wilson,	4 39	4 39			
Medicis,		2 41			
Venancio Sanchez,	2 50	2 50			
R. D. Fontane,		53 42			
S. Dell,	14 40	10 50		3 90	
Wm. Grant,				68 57	1 60
Jas. Keogh,				11 47	
E. P. Hunt,				13 06	
Joseph Quiggles,	11 45	11 03		42	
E. W. Dorsey,			75 13		
Jas. Gonzalez,			36 87		
S. Staley,	99 60		6		
	2438 57	1173 64	678 79	945 17	93 08

*STATEMENT No. 2—(CONTINUED.)*

NAMES OF CLERKS	COUNTIES	AMT RET'D
Isiah D. Hart,	Clerk of Duval County,	\$ 265 00
G. R. Fairbanks,	" " St. Johns & Mosquito	10 00
Geo. Watson,	" " Alachua & Hillsboro'	21 00
E. Amos,	" " Santa Rosa	300 85
D. G. McLean,	" " Walton	67 00
C. A. Jordan,	" " Escambia	576 12
Jas. O. Orneill,	" " Nassau	20 00
Wm. Budd,	" " Jefferson	405 00
R. T. Birchett,	" " Leon	704 56
		<u>\$2279 22</u>

**STATEMENT No. 3—Shows the Amount expended in Prosecuting Criminals in the several Districts; Expense Executive and Treasury Departments; Expense Prosecuting broken Banks, inspecting Militia, and collecting Revenue for 1843 and '44; the amount received from Clerks and Marshals, on account of Fines and Forfeitures, and the amount received from tax on Banks,**

1844.—Exps. Prosecuting Crimes in M. Dist.	\$1185 92
“ “ “ “ East. Dt.	292 39
“ “ “ “ App. Dt.	905 18
“ “ “ “ Wt. Dt.	342 30
“ “ “ “ So. Dist.	15 20
“ Executive Department,	1019 76
“ Treasury “	728 17
“ Prosecuting broken Banks,	240 00
“ Inspecting Militia,	944 44
“ Collecting Revenue,	416 45=6089 81
Paid on draft in favor of Wm. H. Wall, for balance overpaid Auction Tax,	5 37= 5 37
	<u>6095 18</u>

**1844.—Territorial Tax 1843:**

Rec. of Geo. W. Taylor, Jefferson,	180 00
“ “ L. Starling, Madison,	99 48
“ “ R. K. Shaw, Gadsden,	846 04
“ “ Jas. Barry, Leon,	456 31
“ “ S. A. Braswell, Wakulla,	271 87
“ “ H. Smith, Franklin,	416 10=2269 80

**Territorial Tax 1844:**

Rec. of Jas. Barry, Leon County,	177 09
“ “ C. J. Sheppard, Franklin,	152 94= 330 03

**Tax on account Fines & Forfeitures:**

Rec. of E. Durr, Marshal Wt. Dt.	172 85
“ “ J. Beard, “ East. Dt.	99 75
“ “ L. D. Hart, Clk. Duval Co.	25 00
“ “ J. G. Camp, Marshal M. D.	291 68= 589 28

**Tax on Banks 1843:**

Rec. of Bank of Florida,	92 62= 92 62
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**Ter'l. Tax rec'd. & not paid for 1844:**

By the Clerk of Leon County,	482 29
“ “ “ “ Wakulla County,	316 83
“ “ “ “ Franklin “	175 80= 974 92

**No. III.  
TREASURER'S REPORT.**

TREASURY DEPARTMENT, }  
Treasurer's Office, Dec. 16th, 1844. }

Sir:—Herewith I have the honor to hand you my account as Treasurer of the Territory, showing a balance in its favor of five hundred and thirty nine twelve-hundredths dollars.

I have also the honor to hand you the account of the School Land Fund, showing a balance in its favor of nine-hundred and two twenty-five-hundredths dollars.

With great respect,

Your ob't. serv't.

HY. L. RUTGERS, Treasurer.

To His Excellency, JOHN BRANCH,  
Governor of Florida.

## DR. THE TERRITORY OF FLORIDA IN ACCOUNT

1844. To Expenses Treasury Department :			
Paid Treasury Warrant No. 160	\$ 75		
" " " " 82	103 30		
" " " " 126	186 66		
" " " " 180	8		
" " " " 161	7 47		
" " " " 162	12 70		
" " " " 215	75		
" " " " 231	75		
" " " " 214	300		
" " " " 231	75		
" " " " 247	75		
" " " " 244	71 89=	1,065 92	
To Expenses Executive Department :			
Paid Treasury Warrant No. 133	40		
" " " " 125	111 10		
" " " " 125	200		
" " " " 125	100		
" " " " 125	100		
" " " " 228	127		
" " " " 125	100		
" " " " 206	200=	978 10	
To Expenses Census, 1837 :			
Paid Treasury Warrant No. 114		84 75	
To Expenses Collecting Revenue, 1843 :			
Paid Treasury Warrant No. 174	48		
" " " " 156	20		
" " " " 210	36		
" " " " 140	30		
" " " " 230	50		
" " " " 236	54 75=	238 75	
To Expenses Collecting Revenue, 1844 :			
Paid Treasury Warrant No. 237	12		
" " " " 238	12=	24	
To Auction Tax :			
Paid W. H. Walker's draft for this amount overpaid by him in 1843 :		5 87	
To Expenses Prosecuting Criminals Western District.			
Paid Treasury Warrant No. 164	28 25		
" " " " 175	2 25		
" " " " 176	3		
" " " " 177	6		
" " " " 30	20 05		
" " " " 190	4=	63 55	
Carried forward,	\$2,395 99		

## WITH HENRY L. RUTGERS, TREASURER.

CR.

1844. By Balance in Treasury, as per last Report		\$570 31
" Auction Tax :		
Rec'd of E. W. Dorsey, Auct'r, Leon County,	\$75 13	
" John L. Taylor, " Jefferson,	15 49	
" W. G. Ferris, " Hillsborough,	9 57	
" F. A. Browne, " Monroe,	422 08	
" J. Filer, " "	90 35	
" A. F. Tift, " "	6 97	
" A. Patterson, " "	2 58	
" James Gonzalez, " Escambia,	36 87	
" P. J. Fontano, " St. Johns,	29 18	
" Medices, " "	2 41	
" F. B. Whiting, " Wakulla,	2 98	
" H. P. W. Crane, " "	4 72	
" John L. Taylor, " Jefferson,	3 12	
" Hackley & Berry, " Leon,	233 04	
" S. Dill, " Franklin,	10 50	
" M. A. Myers, " "	188 42	
" G. W. Barkley, " Escambia,	44 92	
" Thos. D. Wilson, " Gadsden,	4 39	
" Joseph Quigles, " Escambia,	11 03	
" W. G. Ferris, " Hillsborough,	1 61	
" C. J. Shepard, " Franklin,	15 50	
" R. D. Fontano, " St. Johns,	53 42	
" V. Sanchez, " "	2 50	
" R. Van Baun, " Escambia,	75	
" J. N. Bush, " St. Johns,	2 15	
" G. W. Barkley, " Escambia,	20 47	
" M. A. Myers, " Franklin,	159 64	
" C. J. Shepard, " "	1 28	
" Hackley & Berry, " Leon,	52 80	
" James Filer, " Monroe,	196 96	
" Thos. D. Wilson, " Gadsden,	28	
" " " " "	06=	1,775 42
" Fines and Forfeitures :		
Rec'd of I. D. Hart, Clerk, Duval County,	25	
" E. Dorr, Marshal, Western District,	172 85	
" J. Beard, " Eastern " "	99 75=	297 60
To Expenses Territorial Tax, 1843 :		
Rec'd of G. W. Taylor, Tax-collector, Jefferson,	66	
" " " " " "	48	
" L. Starling, " Madison,	99 48	
" Bank of Florida,	92 62 =	306 10
Carried forward,	\$2,643 33	

## DR. THE TERRITORY OF FLORIDA IN ACCOUNT

1844	To amount brought forward,	\$63 55	2,335 91
	Paid Treasury Warrant No. 191	6	
	" " " " 192	7 50	
	" " " " 195	4	
	" " " " 197	3 50	
	" " " " 128	12 75	
	" " " " 116	41 75	
	" " " " 40	17 90	
	" " " " 94	6 75	
	" " " " 182	32 54	
	" " " " 183	6 75	
	" " " " 184	16 90	
	" " " " 185	6 01	
	" " " " 186	16 50	
	" " " " 200	87 50	
	" " " " 96	63 75	
	" " " " 198	140 25	
	" " " " 171	137 75	
	" " " " 103	122 37	
	" " " " 32	3 90	
	" " " " 103	6 15	
	" " " " 112	4 00	
	" " " " 23	11 00	
	" " " " 31	3 90	
	" " " " 202	3 90	
	" " " " 193	3 70	
	" " " " 188	4 00	
	" " " " 204	6 00	
	" " " " 199	4 00	
	" " " " 196	6 00	
	" " " " 203	6 00	
	" " " " 189	24 00	
	" " " " 187	6 00	
	" " " " 194	4 00	
	" " " " 200	6 00	
	" " " " 198	2 25	
	" " " " 111	76 00	964 81
	To Expenses Prosecuting Criminals Eastern District:		
	Paid Treasury Warrant, No. 173	35 00	
	" " " " 105	25 00	
	" " " " 212	20 00	
	" " " " 212	25 00	
	" " " " 212	24 75	
	" " " " 212	25 00	
	" " " " 212	25 00	179 75

Carried forward, \$3,510 56

WITH HENRY L. RUTGERS, TREASURER,

CR.

1844	By amount brought forward,	\$306 10	\$2,643 33
Rec'd of	G. W. Taylor, Tax Col. Jefferson Co.	36 00	
"	R. K. Shaw, " Gadsden "	846 04	
"	Jas. Barry, " Leon "	384 65	
"	G. W. Taylor, " Jefferson "	30 00	
"	S. A. Braaswell, " Wakulla "	271 87	
"	H. Smith, " Franklin "	416 10	
"	Jas. Barry, " Leon "	71 66	2,362 42
	By Territorial Tax, 1844.		
"	Jas. Barry, Tax Col. Leon County,	177 09	
"	C. J. Shepard, " Franklin "	152 94	330 63
	Carried forward,	\$5,335 78	

DR.		THE TERRITORY OF FLORIDA IN ACCOUNT	
1844.	To amount brought forward,		\$3,540 36
	" <i>Expenses Pros. Crims. Middle District:</i>		
	Paid Warrant No. 201	17 43	
	" " " 144	12 50	
	" " " 172	27 12	
	" " " 181	15 15	
	" " " 163	39 85	
	" " " 173	110 00	
	" " " 216	26 73	
	" " " 240	150 00	398 78
	" <i>Expenses Pros. Crims. Apalachicola District:</i>		
	Paid Warrant No. 109	245 25	
	" " " 126	309 50	
	" " " 178	100 00	
	" " " 178	56 39	
	" " " 52	36 56	
	" " " 178	109 62	857 33
	" <i>Balance,</i>		539 12
			<u>\$5,335 78</u>

		WITH HENRY L. RUTGERS, TREASURER.		CR.
1844.	By amount brought forward,			\$5,335 78
Dec. 16.	" balance in the Treasury, exclusive of the School Land Fund,			539 12
This balance is composed of the following description of funds, viz:				
	In notes of the Union Bank of Florida,	\$439 12		
	" Bank of Florida,	100 00	\$539 10	
	H'Y L. RUTGERS, Treasurer.			
-----				
<i>The School Land Fund in Account with Henry L. Rutgers, Treasurer.</i>				
-----				
Dr.				
1844.	To balance in hands of Treasurer,			\$902 25
-----				
Cr.				
1843.	Dec'r 15. By balance in hands of Treasurer,			\$833 75
	" 20. " Cash received of J. H. T. Lorimer,			22
	" 29. " " " T. P. Chaires,			8 50
1844.	Jan'y 2. " " " H'y Doggett,			38
				<u>\$902 25</u>
1844.				<u>\$902 25</u>
Dec. 16.	By balance,			\$902 25
This balance is composed of the following description of funds, viz:				
	Four Warrants on the Territory Treasury,	\$200 each,	\$800 00	
	In Notes of the Bank of Florida,	\$100 50		
	In par funds,	2 25	102 25	\$902 25

TREASURY DEPARTMENT, }

Auditor's Office, December 16th, 1844. }

I certify that I have examined the above accounts and compared the same with vouchers, and find them correct.

JOHN MILLER, Aud. Pub. Act's Florida.

## No. IV.

CORRESPONDENCE WITH THE U. S. ATTORNEY  
MIDDLE DISTRICT, &c.

EXECUTIVE OFFICE, }

November the 30th, 1844. }

DEAR SIR:—I am satisfied from representations made to me within the last twenty-four hours, that the President and Directors of the Union Bank of Florida are about to consummate an act which cannot fail to affect injuriously, the character of Florida, if not, to impair her resources. I therefore, feel it to be my duty to call on you, officially, to file an Information with the Judge of the Middle District, for the purpose of obtaining an Injunction to stay all further proceedings, until the merits of the question can be judicially investigated. The facts are briefly these: The Bank has obtained a judgment against the estate of A. Gatlin on a Stock note,—on which an execution has issued for the benefit of John S. Sheppard, who has paid into the Bank *Sterling Bonds*, for the payment of which Bonds, the property about to be sold was never designed to be mortgaged.

The sale is advertised to take place in Tallahassee on Monday next, the second of December. You will, therefore, see the necessity of prompt action.

Respectfully, your obedient serv't.

(Signed)

JOHN BRANCH.

To CHARLES S. SIBLEY, Esq.,

District Attorney.

Tallahassee, December 20th, 1844.

To His Excellency, John Branch, Governor of Florida:

SIR:—We have deemed it our duty as Counsel for the Union Bank of Florida, to call your Excellency's attention to certain proceedings now being taken, whereby the interests of the Territory may be affected.

At the last Spring Term of Gadsden Superior Court, Robert Maitland & Son, and Nathaniel Weed & Company, of New York, severally obtained judgment against Charles H. Dupont, of the county of Gadsden, as endorser of sundry Post Notes of the Union Bank of Florida. Executions have been issued on those judgments, and levies made, and sales advertised, of all the property of the Defendant, amongst the rest thirty-seven slaves, and one thousand and fifty acres of land, mortgaged many years since by said Dupont, who is a Stockholder of the Union Bank of Florida, to secure three hundred shares of Stock held by him in that institution.

Your Excellency is well aware of the provisions of the Charter of the Union Bank of Florida, whereby the property so mortgaged for Stock, is constituted a fund for the redemption of the Bonds issued by the Territory, upon the faith thereof, to raise the Capital of

the Bank. With the most attentive regard to this Charter, and the positions of the judgment creditors, the Territory, and the Bank, our well-advised opinion is, that the sale of this mortgaged property, to satisfy these judgments, would be wholly improper, and unauthorized. Viewing the Bank as a Trustee, as to the mortgaged property, and the Territory as a cestuique trust, we apprise your Excellency of the facts of the case, that proper steps may be taken without delay, to prevent such misapplication of the property, to purposes foreign from the intention, and destructive of the objects contemplated by the incorporation of this institution.

By the enclosed advertisement, your Excellency will perceive the sale is to take place on the 1st Monday in January next. The measures we would most respectfully suggest to arrest this sale, would be the filing of an Information in the name of the Attorney of the U. S. for this District, setting forth the facts of the case, claiming the intervention of the Court in the premises. The assent and direction of your Excellency, that such proceedings be taken, will enable us to defeat this improper interference with vested rights, while it will be the duty of the Bank, to bear the expenses of the proceedings to be instituted on behalf of the Territorial Government. To obtain such assent and direction, is the object and purpose of this communication.

Very respectfully, your obedient servants.

E. C. CABELL,

M. A. LONG,

THOMAS H. HAGNER.

EXECUTIVE OFFICE, }

Tallahassee, Dec. 1st, 1844. }

GENTLEMEN: I hasten to acknowledge the receipt of yours of yesterday's date, in which you state that "we have deemed it our duty as Counsel for the Union Bank of Florida, to call your Excellency's attention to certain proceedings now being taken, whereby the interests of the Territory may be affected."

You further remark, and very justly, in my opinion, that by the Charter of said Bank "the property so mortgaged for stock, is constituted a fund for the redemption of the Bonds issued by the Territory upon the the faith thereof, to raise the capital of the Bank," and "that the sale of this mortgaged property, to satisfy these judgments would be wholly improper and unauthorized."

You also advise "that proper steps may be taken without delay to prevent such misapplication of the property to purposes foreign from the intention, and destructive of the objects contemplated by the incorporation of this Institution."

You further suggest that the District Attorney be directed to file an information "setting forth the facts of the case, and claiming the intervention of the Court."

I am happy to have it in my power to inform you, that on the

30th ultimo my attention was called to a similar case, and that I lost no time in giving the directions to the District Attorney, which you recommend in this case.

Moreover, prior to the receipt of your letter, I had given similar instructions in this very case; and you will find him I doubt not ready to co-operate with you, to prevent the contemplated misapplication of the mortgaged property.

You have deemed it your duty to call for my official aid in this affair; and I am prepared to sustain you to the utmost of my ability, both in this case, and every other of like kind; embracing the case of the Union Bank vs. A. M. Gatlin, dec'd., in which, I regret to learn, the Bank is co-operating with speculators in impairing the Territorial securities.

In conclusion, you will not deem it obtrusive in me to urge the utmost vigilance, not only in presenting sales of the mortgaged property, but in frustrating all attempts to run it out of the Territory, or to remove it to remote and sequestered spots—contrary, as I believe, to the spirit, if not the letter of the charter.

Respectfully, your obt. servt.

(Signed) JOHN BRANCH.

To Messrs. E. C. Cabell, M. A. Long, T. H. Hagner.

EXECUTIVE OFFICE, }  
December 31st, 1844. }

Sir: I herewith transmit to you a copy of a letter which I have received from Messrs. Cabell, Long, &c., Counsel for the Union Bank of Florida and my answer. You will perceive from its perusal, that they desire to co-operate with you, in certain matters, involving, as they represent, the interests of Florida.

Having previous to the receipt of their letter called your attention to the case mentioned by them, I deem it only necessary for me at present to urge the utmost vigilance in detecting and frustrating every attempt to impair the Territorial securities, whether as in the case of Gatlin's estate and Parkhill's, with the assent and co-operation of the Bank, or as in the case of Dupont, referred to above, with its opposition. You will of course exercise a sound discretion in every case, and adopt the means best calculated to protect the interests or honor of Florida, recollecting that the responsibility as to the manner is with you and not myself.

Very respectfully, your obedient, &c.

(Signed) JNO. BRANCH.

To C. S. SIBLEY, Esqr., U. S. Atty. for M. Florida.

EXECUTIVE OFFICE, }  
January 6th, 1845. }

Sir: I have this moment been informed that Judge Douglas has refused to grant an injunction in the case of the Union Bank vs.

the Executors of A. M. Gatlin, dec'd., and that no opportunity will or can be afforded to sustain the rights of the capitalists or the Territory, as the case may be, either by argument in Court, or by appeal to a higher tribunal.

Under these circumstances, I feel it to be my duty as the Chief Executive Magistrate of the Territory, to call on you to cause the sale of the property, to secure the Territory, or the capitalists, or Bond-holders, (this day advertised to take place.) to be forbidden, in order that innocent purchasers may be on their guard, and the Territory, or Bond-holders saved harmless.

Respectfully, your obt. servant,

JNO. BRANCH.

To C. S. SIBLEY, Esqr. U. S. Dist. Atty.

EXECUTIVE OFFICE, }  
January 9th, 1845. }

Sir:—I herewith transmit to you a communication which I received last night from the Hon. W. D. Moseley, administrator on the estate of S. Parkhill, dec'd., and request that you forthwith take such steps in relation to the subject matter of it as you may deem proper to prevent the misapplication of the property mortgaged to secure the loans made by the Bank on the faith of the Territory.

Although you may have failed in previous applications to the Court in cases similar to this, you are hereby instructed to persevere until the principles involved are settled by the highest judicial tribunals known to the Territory or the United States.

The honor of Florida requires this, independently of the three millions of dollars intended to be secured by these mortgages.

Respectfully, your obedient servant,

(Signed) JOHN BRANCH.

To C. S. SIBLEY, Esqr.,  
U. S. District Attorney.

No. V.

CORRESPONDENCE BETWEEN THE GOVERNOR OF  
NEW-YORK AND THE GOVERNOR OF FLORIDA.

EXECUTIVE DEPARTMENT, }  
Albany, June 21st, 1844. }

His Excellency R. K. CALL;

Sir—Your requisition, under date of 13th ultimo, for the arrest of Edwin G. Booth and James George Graham, claimed to be fugitives from justice, was handed to me last evening by your agent, Mr. Camp.

Duty to public justice requires a strict obedience to the law of Congress, authorizing the arrest and surrender of fugitives from justice.

To surrender a citizen to the authorities of another State or Ter-

ritory, to be tried for a crime is, in all its aspects, delicate; and, in my opinion, it should not be done, unless all the requirements of the law are complied with, and the offence charged is treason or felony, or other crime of sufficient magnitude to justify such a procedure. In the case in question, your Excellency does not certify to the authenticity of the indictment and the accompanying papers, as the law requires: without which the law does not permit me to determine whether they are genuine; hence the necessity of the Executive certificate to their authenticity.

The crime charged in the indictment appears to be for a misdemeanor; and it is alleged that the defendants, while Presidents of the Bank of Florida were guilty of culpable neglect or fraud; by which said Bank was unable to meet its liabilities in specie. The indictment does not set forth of what the neglect and fraud consists. This is regarded as a fatal defect, and does not enable me to determine the enormity of the crime.

The term misdemeanor is of extensive application, and includes all offences that are not declared treason or felony.

Persons guilty of trivial offences may be indicted for a misdemeanor, and I cannot suppose that the term crime in the law of Congress is intended to apply to such cases.

The view I have taken of the subject forbids a compliance with your request.

With respect, I am your obt. servt.

(Signed)

WM. C. BOUCK.

EXECUTIVE OFFICE, }  
Tallahassee, 25th July, 1844. }

To His Excellency, Wm. C. BOUCK,

Governor of the State of New York:

Sir:—I have the honor to acknowledge the receipt of your Excellency's letter of the 21st ultimo, by which I am informed of the determination of your Excellency, not to comply with my requisition for the arrest and delivery of Edwin G. Booth, and James George Graham, demanded as fugitives from justice.

The first named individual has returned to the Territory voluntarily, and surrendered himself to the proper authority. The second is still a fugitive from justice. I have the honor herewith to enclose a copy of the indictment found against this individual, certified in such manner and form as to remove the most fastidious objections to its authenticity, and I now respectfully repeat my demand for the apprehension and delivery of the offender—James George Graham, to the agent of the Territory, by whom this will be presented.

The principal reason assigned by your Excellency for a non-compliance with my former requisition is, that "the crime charged in the indictment appears to be for a misdemeanor; and it is alleged that the defendants, while Presidents of the Bank of Florida

were guilty of culpable neglect and fraud, by which said Bank was unable to meet its liabilities in specie."

Your Excellency adds, "that the Indictment does not set forth of what the neglect and fraud consists," and this is regarded as a fatal defect, and does not enable you to determine the "enormity of the crime."

With every respect for the opinion of your Excellency, I must here venture to remark, that the sufficiency of the Indictment is a judicial question, to be decided alone by a judicial tribunal. Neither the form, or the facts set forth in the indictment are traversable before any other department of the Government. If the Indictment alleges, in terms sufficiently distinct to be comprehended, the fact that a "crime" has been committed by the fugitive from justice, no matter what may be the nature of that crime, it is, I apprehend, sufficient to sustain the demand for such fugitive. By reference to the act of Congress on this subject, your Excellency will perceive that without any indictment whatever, on a mere affidavit, the demand may be supported.

The act of Congress requires, in express terms of the Governor of every State or Territory, the apprehension and delivery of all fugitives from justice, demanded in due form, and by the proper authority where the "offence charged by indictment or affidavit, is treason, felony, or other crime."

This is the language of the law, and all misdemeanors or offences, indictable at common law, or made indictable by Statute, must, by any fair and rational construction, be considered as crimes, and embraced by the act of Congress.

Nor is it by any means necessary that your Excellency should "be enabled to determine the enormity of the crime." This is the peculiar province of a Court and Jury in Florida, where the offender has been indicted, and not of your Excellency. The act of Congress does not make the "enormity of the crime" a matter to be decided by Executive authority. It was never designed to impose on your Excellency the very delicate and embarrassing duty of passing judgment on the nature or enormity of crimes committed against the laws and dignity of this Territory. Your Excellency, in your Commentary on Criminal Jurisprudence, has justly remarked, that "the term crime is of extensive application, and includes all offences that are not declared 'Treason or Felony.'" Your Excellency cannot fail to perceive that the term "crime" in the act of Congress is of still more extensive signification, and embraces all offences of whatever grade or character rendered penal by law, and must, therefore, necessarily include all indictable misdemeanors.

Your Excellency has been pleased to remark, that "persons guilty of trivial offences may be indicted for misdemeanor, and I cannot suppose that the term 'crime' in the law of Congress was intended to apply to such cases." The Indictment against James George Graham, is for misdemeanor, as your Excellency has ob-

served, and it expressly charges fraud and culpable neglect.—“Fraud,” throughout the Christian World, is regarded as “crime,” the moral law has made it “crime,” and in every State and Territory of this Union, it is an indictable offence. “Culpable neglect” in the officers of the Bank of Florida is made “crime,” and is indictable under its Charter of Incorporation. The 8th section of the amended Charter of this Institution contains the following provision:—“That should said Bank, at any time, either from culpable neglect or fraud of the Directors, or officers thereof, fail to redeem its liabilities in specie, the Directors and officers so offending, shall be liable to Indictment, and on conviction, may be imprisoned for any length of time not exceeding ten years, at the discretion of the Jury.”

This is the law which has been violated, and these the offences, with which the defendant stands charged, and which your Excellency has considered too trivial to be embraced in the term “crime.” The facts of the case will shew the extreme delicacy, and the manifold objections to the position assumed by your Excellency.

The fugitive, James George Graham, a citizen of Virginia or New York, came to this Territory during the past winter, an entire stranger, but with letters of introduction, which proved, as no doubt they were intended to be, a passport to the unsuspecting confidence of our citizens. He became the purchaser and the President of the Bank of Florida, an institution, the paper of which was, at that time, equal in value to gold and silver. In less than two months after he took charge of the Bank, as President and proprietor, and while its paper was yet in good credit, Mr. Graham left the Bank under false pretence, to go, as he alleged, to the City of Apalachicola, in this Territory, on business of the Institution. His arrangements were, however, all previously made in secret, for precipitate flight, and after proceeding some twenty miles on the way to Apalachicola, he took the most direct and expeditious route to New York.

Not for many days after his departure was it suspected that the Bank had failed, or that its President had absconded, leaving a large circulation of paper in this community, without one dollar for its redemption; the assets of the Bank with a trivial exception, having been previously sent to New York.

Thus the confidence of a generous people has been abused, the laws of the Territory have been violated, and a whole community has been swindled, either by the deliberate and premeditated fraud or “culpable neglect” of the President of the Bank.

This is the case in which your Excellency, through tender regard for individual liberty, and the delicacy of “surrendering a citizen to the authority of another State or Territory, to be tried for a crime,” has refused to comply with my requisition, made in pursuance of the provisions of the act of Congress on the subject.

Your Excellency may rest assured, that the authorities of this

Territory are not unmindful of the rights and liberty of the American citizen, and that they would, perhaps, be no less unwilling than yourself, to invade those rights, or violate that liberty. But they do persist, and they will continue most strenuously to persist in their just demand, that the offender in this case be apprehended and delivered to the Agent of the Territory, if to be found within the limits of the State of New York.

On taking a review of your decision, I most fervently hope your Excellency will perceive the propriety of complying with this requisition.

I have the honor to be, most respectfully,

Your Excellency's obedient servant,

R. K. CALL.

EXECUTIVE DEPARTMENT, }  
Albany, September 19th, 1844. }

*His Excellency Gov. CALL:*

Sir—John G. Camp yesterday, Esq., handed me your requisition, date of the first of last August for the arrest of James George Graham, claimed to be a fugitive from justice, and also your communication dated the 25th of last July.

In June last, your Excellency made a requisition by your agent, for the arrest of the same person. Public duty, as I then, and now believe, compelled me to deny your application, for reason briefly and plainly stated in my reply of the 13th of that month.

The papers accompanying the requisition then submitted, were not authenticated according to the law of Congress; and the indictment was regarded as defective. In stating these objections I certainly did not intend to be over “fastidious,” nor to evade your demand by those merely technical; but I was then, as I am now, strongly impressed with the highly responsible, and delicate duty of surrendering a citizen to be tried in a distant State or Territory; and while it should not be refused, when legally and properly demanded, it ought, in my opinion, not to be granted, unless the legal forms of the law are fully complied with. I cannot concede the correctness of the position assumed by your Excellency, that I am not to inquire into the “sufficiency of the indictment” in its legal application. The indictment which accompanied your former requisition was submitted to the examination of one of the Judges of the Supreme Court of this State, who had no hesitation in pronouncing it defective. The indictment which accompanied your last requisition is nearly a literal copy of the former. I submitted it with the requisition to the examination of the Attorney General, who fully sustains the opinion of the Judge I had previously consulted; a copy of his report accompanies this communication which you perceive advises me “to disobey the requisition.”

I concur in the opinion of the Attorney General, but in doing so I desire to assure your Excellency that there is no wish to refuse a surrender of the person claimed to be a fugitive, whenever it shall be demanded by the legal forms of law.

I beg you to receive assurances of my esteem.

STATE OF NEW YORK,

Attorney General's Office.—Albany, Sept. 19th, 1844. }

*To His Excellency Gov. BOUCE:*

Sir—I have examined the papers your Excellency was pleased to submit to me, this morning, upon which a requisition is made upon your Excellency by the Executive of the Territory of Florida, for the arrest and delivery to John G. Camp, Esq., one of the Marshals of said Territory, of one James George Graham, who, as alleged in said requisition, is charged with a misdemeanor, committed in said Territory, and as being a fugitive from justice.

From my own conclusions in this case, it will be unnecessary for me to express an opinion, whether the Executive upon whom a requisition is made under the Constitution, and the act of 1778 has any discretion in any conceivable case where a charge is legally made, coming within the common law definition a *crime*, in as much as, upon consideration aided by the extended communication of his Excellency, the Governor of the Territory of Florida, I am clearly of the opinion that the certified copy of the indictment upon which the requisition is made in this case, legally considered, (and I presume that it will not be questioned, but that an indictment is to be considered as a legal proceeding) contains no charge either of treason, felony, or other crime.

The indictment in question contains two counts, to wit:—

First—"That the said Graham, being President of the Bank of Florida, with force and arms, and against the peace of the Territory of Florida, unlawfully was guilty of culpable neglect as such officer, and President of said Bank of Florida, from which unlawful and culpable neglect of the said James George Graham, as such officer and President of said Bank of Florida, the said Bank of Florida then and there failed to redeem their liabilities in specie, &c., concluding against the statute.

The second count charges the said Graham, being President, as aforesaid, with being guilty of fraud as such officer, from which unlawful fraud as such officer, the said Bank failed to redeem, &c. as in the first count.

You will see that the indictment contains the allegation of no facts bringing the case within any common law, or statutory offence, but simply states a conclusion, without a fact, upon which to found such conclusion. Unless, therefore, the Territory of Florida has some statutory enactment dispensing with all substance as well as form in criminal pleadings, (and this you would not be justified in presuming from the communication of its Executive,) this indictment in any count having claims to be considered a count of law, would be quashed on being read, on the ground that it charges no crime.

It is undoubtedly true, that under our Constitution and laws, extending over different sovereignties, the Executive upon whom a requisition is made, should make proper allowances for the practice of the courts in the different States. But he should certainly, before he makes an order to deliver up a citizen, to be carried out of the State to be tried, see that it is done upon some charge, legally

made. Not that he should submit the indictment to any very nice analysis of special pleading; but he should, in my opinion, see that the indictment does something more, than to call the accused by a hard name.

I am of opinion that his Excellency the Governor of Florida, under the Constitution and laws of the United States, has no right, upon the papers submitted to me, to demand the surrender of James George Graham, and that it is the duty of your Excellency to disobey the requisition.

I am, sir, with high consideration,  
Your Excellency's obt. srvt.

GEO. P. BARKER.

## No. VI.

COMMONWEALTH OF MASSACHUSETTS, }

Secretary's Office, Boston, October 2nd, 1844. }

SIR:—I have it in charge from the Governor of this Commonwealth, respectfully to ask your Excellency's attention to the case of Jonathan Walker, a citizen of Massachusetts, said to be now in prison in Pensacola, in the Territory of Florida, awaiting his trial on a charge of abducting certain slaves from that Territory.

It is represented to the Governor, by respectable persons, that the confinement of said Walker, is attended with circumstances of unusual hardship: that, in a feeble state of health, he is loaded with heavy irons, and suffering from other severe treatment, unnecessary, for his safe keeping and endangering his life. It is further alleged that his friends are confident of his having a good legal defence against the charge upon which he stands committed, but that they need time to take the proper steps for his vindication, he being a poor man, the head of a numerous family dependent upon his labor, and unable to command the necessary professional aid, without assistance, which cannot be immediately obtained. And the Executive of this Commonwealth is invoked to interest itself in any manner consistent with its constitutional obligations, to obtain a mitigation of the hardships which he is said to be enduring, and such a delay of proceedings as may afford opportunity for securing that highest object of justice, safety to the innocent.

The Governor feels it to be due to the importance of the occasion, as well as to the high respectability of the sources whence these representations proceed, and to the sensibility which exists upon the subject, among the good people of this Commonwealth, to apprise your Excellency of the circumstances, as they are reported to him, and respectfully request such exertion of influence or authority, on your part, as official obligations may permit, and the claims of justice and humanity may dictate, to prevent the exercise of needless severities in this case by subordinate officers, and to cause the legal proceedings to be delayed for a sufficient time to afford the accused party every reasonable advantage for establishing his innocence. I am accordingly directed, respectfully to request your Excellency to cause this prosecution to be stayed long enough to admit of arrangements being made to obtain for said Jonathan Wal-

ker, such able and effectual assistance as may enable him to maintain his rights before the tribunals of his country. And I am further instructed to request that your Excellency will be pleased to take care that he may be relieved from any illegal or unusual severity in the manner of his confinement.

Assured that your Excellency will estimate justly the solicitude on the part of the Governor of this Commonwealth, for the safety of its helpless citizens, which dictates this communication, I have the honor to subscribe myself,

Most respectfully,

Your Excellency's obedient servant,  
JOHN G. PALFREY, Secretary.

To his Excellency, the Governor of Florida.

EXECUTIVE OFFICE, October 25th, 1844.

MY DEAR SIR:—I herewith transmit to you a copy of a somewhat extraordinary communication which I have received from the Secretary of the Commonwealth of Massachusetts. I have not, and probably may not take any official notice of it, for reasons which will readily occur to you. You are, however, at liberty to make such use of it as you may think proper; as I have entire confidence in your discretion and ability to do justice to a subject which seems to excite the sensibility of the good people of that Commonwealth, and which cannot be one of indifference to the Southern slave-holder.

With the highest respect and esteem,

I am your's truly,

JOHN BRANCH.

To Walker Anderson, U. S. At'y for West Florida.

OFFICE OF THE ATTORNEY OF THE U. S. FOR WEST FLORIDA, }  
Pensacola, November 9th, 1844. }

SIR:—On my return a few days since from Walton Court, I found your Excellency's letter of the 25th October, enclosing a copy of a communication to yourself from the Secretary of the Commonwealth of Massachusetts on the subject of Jonathan Walker now in prison here, awaiting his trial on a charge of negro stealing.

Though I have kept myself informed, generally, as to Walker's condition in prison ever since his arrest, I have taken pains since the receipt of your letter to procure more precise information on the subject, both from himself and from the officers who have had him in charge, and I am happy to inform your Excellency, that the Governor of Massachusetts has been entirely misled by the "respectable persons" who have represented to him, "that the confinement of said Walker is attended with circumstances of unusual hardship, and that in a feeble state of health, he is loaded with heavy irons, and suffering from other severe treatment unnecessary for his safe keeping, and endangering his life."

When he was committed, he was in very feeble health, resulting from his long exposure at sea in an open boat; but notwithstanding his confinement, his health has gradually ameliorated until the present moment, when, as he informs me, and as he looks to be, he is

in perfect health. He assures me that there is nothing he has to complain of in the treatment of the jailor and his family towards him, and that his prison fare has been satisfactory to him, except that for a short time after his arrest, his feeble health made his ordinary fare distasteful to him; but that he was soon able to supply himself with such things as he wished.

It is true that he has been confined with a single chain around his ankle, but this was not regarded as "unnecessary to his safe keeping," nor as being a "circumstance of unusual hardship."—The crime with which he is charged is characterized by our law as a very grave one, and the Executive officers of our Court have looked to that law for their guidance, rather than to the opinions of those to whom they at least owe no accountability. Their duty required them to keep their prisoner securely, and I think I may assure your Excellency, that in performing this duty they have in no degree violated the dictates of humanity, or infringed any of the rights of the unfortunate man.

I trust that these representations when conveyed by your Excellency to the Governor of Massachusetts, may allay "the sensibility which exists upon the subject among the good people of that Commonwealth."

The Secretary of the Commonwealth proceeds to say, "I am directed to request your Excellency to cause this prosecution to be stayed long enough to admit of arrangements being made to obtain for said Jonathan Walker such able and effectual assistance as may enable him to maintain his rights before the tribunals of his country." There is no disposition, I am sure, in any of the officers of this Court to press this trial with unusual precipitancy, but on the contrary, there is a sincere desire to do justice, and no more than justice to the accused; and I may add that there prevails a wish to receive with due respect, the interposition of the authorities of Massachusetts in his behalf; but I apprehend to postpone the trial indefinitely, and thereby prolong a confinement considered so irksome, could scarcely be yielded with propriety to the request of the Governor of Massachusetts, if opposed to the wishes of the prisoner himself. He has a right to demand his immediate trial, and I have been assured by him only to-day, that he is anxious that his case should be disposed of during the present term of the Court. This desire of his, so natural in itself, we shall feel bound to regard as paramount in its claim upon us, to the wishes of his friends abroad—to say nothing of his right to enforce it. I trust, therefore, that his Excellency of Massachusetts will perceive that we are prevented from complying with his request by the superior duty of yielding to the wishes of the prisoner in this regard.

Walker has expressed a wish that his trial should be postponed to as late a period of the term as practicable, and it has accordingly been fixed for the second week of the term, and I doubt not it will be put off to a still later period of the term, if the prisoner should show good cause therefor.

I deem it scarcely necessary to assure your Excellency that the delay so earnestly pressed upon your Excellency by the Secretary

of the Commonwealth of Massachusetts is not indispensable "to obtain for Walker such able and effectual assistance as may enable him to maintain his rights before the tribunals of his country."— Counsel is within his reach here, fully competent to the task of maintaining his rights any where, and your Excellency, I am sure, anticipates me, in the assurance that his poverty will oppose no obstacle to his procuring the aid of such counsel.

I remain, Sir, with much respect,  
Your Excellency's ob't. serv't.,

WALKER ANDERSON,  
U. S. Att'y. for West Florida.

To His Excellency, JOHN BRANCH,  
Governor of Florida, Tallahassee.

### No. VII.

EXECUTIVE DEPARTMENT, }  
Columbia, 30th November, 1844. }

Gentlemen of the Senate  
and House of Representatives:

The accompanying communication was received by the last mail, and I deem it proper that it should be laid before you for your information. It will be seen that the State of Massachusetts has appointed a Special Agent to reside in this State, for the purpose of contesting, by a series of law suits, a long standing law of a peculiar character, which is deemed of vital importance to the security of our property, and the peace of our citizens. She has also appropriated a fund for the purpose of defraying the expenses of the litigation. These facts I gather only from the communication of her Agent, which is transmitted to you. I have received no notification from the Authorities of the State. It is for you to determine whether any, and what measures should be taken to maintain the police regulations of this State within her limits.

J. H. HAMMOND.

CHARLESTON, 28th Nov., 1844.

SIR: Your Excellency is already informed of remonstrances made by the Commonwealth of Massachusetts against the arrest and imprisonment of her citizens in South Carolina, against whom the commission of no crime is alleged. The Legislature of Massachusetts has recently passed a resolve, authorizing the Governor of that State to appoint an Agent "for the purpose of collecting and transmitting accurate information respecting the number and the names of citizens of Massachusetts who have heretofore been, or may be, during the period of the engagement of the Agent, imprisoned without the allegation of any crime." The Agent is also authorized to bring and prosecute one or more suits in behalf of any citizen that may be so imprisoned, at the expense of Massachusetts, for the purpose of having the legality of such imprisonment tried and determined in the Supreme Court of the United States.

The Governor of Massachusetts has appointed me agent of that State, to execute the purposes above mentioned; and I arrived in this

city this morning, for that purpose. I do not know that your Excellency will consider it proper in any way to notice this subject, yet propriety seemed to require this communication.

With great respect, your Excellency's ob. st.

SAMUEL HOAR.

To His Excellency J. H. HAMMOND,  
Governor of South Carolina.

IN THE HOUSE OF REPRESENTATIVES, Dec. 5, 1844.

MR. DESAUSSEURE, from the Committee on Federal Relations, to whom was referred Message No. 3 of his Excellency the Governor, and the communication of Samuel Hoar, submitted the following Report, which was read, and ordered to be considered immediately:

The Committee on Federal Relations, to whom was referred the communication of his Excellency the Governor, transmitting a letter addressed to him by Samuel Hoar, an agent of the State of Massachusetts for certain purposes, submit the following Report:

By an act passed on the 19th day of December, 1835, the General Assembly endeavored to guard against the introduction of free negroes and persons of color into this State, upon principles of public policy, affecting her safety, and her most vital interests. The right of excluding from their territories conspirators against the public peace, and disaffected persons whose presence may be dangerous to their safety, is essential to every Government. It is everywhere exercised by independent States, and there is nothing in the Constitution of the United States which forbids to South Carolina the right, or relieves this Legislature from the duty, of providing for the public safety.

Massachusetts has seen fit to contest this right, and has sent an agent to reside in the midst of us, whose avowed object is to defeat a police regulation essential to our peace. This agent comes here, not as a citizen of the United States, but as the emissary of a foreign government, hostile to our domestic institutions, and with the sole purpose of subverting our internal police. We should be insensible to every dictate of prudence, if we consented to the residence of such a missionary, or shut our eyes to the consequences of his interference with our domestic concerns.

The Union of these States was formed for the purpose, among other things, of ensuring domestic tranquility, and providing for the common defence; and in consideration thereof, this State yielded the right to keep troops or ships of war, in time of peace, without the consent of Congress; but while thus consenting to be disarmed, she has, in no part of the constitutional compact, surrendered her right of internal government and police; and, on the contrary thereof, has expressly reserved all powers not delegated to the United States, nor prohibited by it to the States.

The State of Massachusetts denominates as citizens, those persons for whose protection her tender solicitude has devised this extraordinary mission. Yet if it were admitted that they are citizens of that State, your Committee cannot suppose that she will challenge for them greater rights, immunities and privileges, within our territories,

than are enjoyed by persons of the same class in South Carolina. But your Committee deny that they are citizens, within the meaning of the Constitution; nor did Massachusetts herself treat as citizens, persons of this class residing within her limits, either at the adoption of the Constitution, or since; but, on the contrary, they were subjected to various disabilities, from which her other inhabitants were exempt.

Your Committee cannot but regard this extraordinary movement as part of a deliberate and concerted scheme to subvert the domestic institutions of the Southern States, in plain violation of the terms of the national compact, and of the good faith which ought to subsist between the parties thereto, and to which they stand solemnly pledged.

Your Committee recommend the adoption of the following Resolutions:

*Resolved*, That the right to exclude from their territories, seditions persons, or others whose presence may be dangerous to their peace, is essential to every independent State.

*Resolved*, That free negroes and persons of color are not citizens of the United States, within the meaning of the Constitution, which confers upon the citizens of one State the privileges and immunities of citizens in the several States.

*Resolved*, That the emissary sent by the State of Massachusetts to the State of South Carolina, with the avowed purpose of interfering with her institutions, and disturbing her peace, is to be regarded in the character he has assumed, and to be treated accordingly.

*Resolved*, That his Excellency the Governor be requested to expel from our territory the said agent, after due notice to depart; and that the Legislature will sustain the Executive authority in any measures it may adopt for the purpose aforesaid.

*Resolved*, That the Governor be requested to transmit forthwith to the Governors of the several States and Territories, a copy of his Message, No. 3, to this Legislature, communicating the letter of Samuel Hoar, agent from the State of Massachusetts, and also a copy of the Report and Resolutions of the Committee on Federal Relations of the House thereon, which has been agreed to by both branches of the Legislature.

I hereby certify, that the above Resolution was agreed to in the Senate, and concurred in by the House of Representatives.

THOMAS W. GLOVER, Clerk H. R.

HOUSE OF REPRESENTATIVES, Dec. 6, 1844.

EXECUTIVE DEPARTMENT, }

COLUMBIA, SOUTH CAROLINA, Dec. 6, 1844. }

SIR: I have been requested by the Legislature of this State to transmit to you the above Message, and Report and Resolutions.

I have the honor to be, very respectfully, your obt. serv.

J. H. HAMMOND.

To His Excellency the Governor of Florida.

A bill to be entitled, "An Act to reduce the public expenditures, and to provide for the payment of the public debt."

SECTION 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That the several counties of this Territory shall hereafter pay the expenses incurred within their jurisdiction of all and singular the matters connected with the administration of justice and of the laws, and no charge shall hereafter be made against the Territory for any matter or thing occurring or arising in any of said counties, except as may be hereinafter specially provided.

SEC. 2. *Be it further enacted*, That to enable the said counties to defray said expenses, they shall hereafter have all the means and sources of revenue, with the exception of the auction tax, which may have been had, held, possessed, or enjoyed, by the Territory; and all judgments, fines, forfeitures and penalties which may hereafter be had by, fall due, or accrue to the Territory, shall be paid over to said counties, and may be discharged and satisfied by payment to the same or their properly constituted officer.

SEC. 3. *Be it further enacted*, That to defray the expenses of the Territorial Government, not properly chargeable on said counties, and to pay the debt now due by the Territory, there shall be paid for the present year, by the counties of the Territory, the sums hereinafter stated, agreeably to their taxable property, and such sums as the Legislature may hereafter direct: Escambia County, dollars; St. Rosa, dollars; Walton, dollars; Washington, dollars; Jackson, dollars; Calhoun, dollars; Gadsden, dollars; Leon, dollars; Wakulla, dollars; Jefferson, dollars; Madison, dollars; Hamilton, dollars; Columbia, dollars; Nassau, dollars; Duval, dollars; Alachua, dollars; Marion, dollars; St. John's, dollars; St. Lucie, dollars; Benton, dollars; Orange, dollars; Dade, dollars; Monroe, dollars.

SEC. 4. *Be it further enacted*, That the Auditor of the Territory, shall immediately make out a list of debts due by the Territory, and of the persons to whom due—numbering them according to age, so as to give priority in payment to the oldest; and after making such list, he shall advertise the same in one of the public newspapers for one month, calling upon such creditors to receive, if they think proper, requisitions for the amount due therein.

SEC. 5. *Be it further enacted*, That on the day named and afterwards, the said Auditor shall grant requisitions on the different Counties of the Territory, to the extent of the sum directed to be paid, as aforesaid, in the order of the list, taking care to give, if practicable, to creditors, inhabitants of particular Counties, requisitions on Counties in which they reside, or in which the debt was contracted.

SEC. 6. *Be it further enacted*, That in case of failure to apply

for requisitions, or to receive them from the Auditor, as herein provided, the claim of such defaulter shall be postponed until the list is gone through.

Sec. 7. *Be it further enacted*, That requisitions made as aforesaid, shall be preferred by the Collectors, Treasurers, and other officers of the Counties, before all others, and be received in payment of taxes, fines, and forfeitures; and in case of refusal to pay the same by any officer having money belonging to said County, after application, the Superior Court of said County may award a mandamus to coerce such payment, under penalty of fine for contempt, and imprisonment.

Sec. 8. *Be it further enacted*, That the law giving salaries to the Private Secretary of the Governor, and to Brigade Inspectors, be, and the same is hereby, repealed.

Sec. 9. *Be it further enacted*, That the Auditor of the Territory shall hereafter perform the duties assigned by law to the Treasurer of the Territory, and the Commissioner of the City of Tallahassee, in addition to the duties assigned him by law, and the said last named offices shall be, and they are hereby abolished.

Sec. 10. *Be it further enacted*, That the said Auditor shall hold his office for one year, and until his successor is elected, and chosen by joint vote of both houses of the Legislature.

Sec. 11. *Be it further enacted*, That the said Auditor before entering on the duties of his office, shall give bond, with two or more securities, to be approved by the Governor of the Territory, in the penal sum of ten thousand dollars, conditioned for the faithful performance of the duties of his office, and shall also take and subscribe an oath or affirmation, to be endorsed on his bond, that he will faithfully and impartially discharge the duties of his office, to the best of his skill and ability, which bond shall be deposited with the Secretary of State, and may be sued for the omission of any duty required by law.

Sec. 12. *Be it further enacted*, That in case of vacancy, during the recess of the Legislature, in the office of Auditor, either from death, resignation, failure to give bond, or other cause, the Governor of the Territory is hereby authorized to appoint a suitable person to fill the vacancy, and the person so appointed shall take the oath, give the bond required as aforesaid, and hold the office for the unexpired term for which his predecessor was elected, and until his successor is elected and qualified.

Sec. 13. *Be it further enacted*, That the said Auditor shall keep a fair and accurate account of all moneys by him received, shewing the amount thereof, the time when, and from whom, and on what account received; also, of all disbursements made by him, shewing the amount thereof, the time when, and to whom, and on what account paid, and he shall so arrange his books, that the amount received and paid on account of separate and distinct funds, or specific appropriations, shall be exhibited in separate and distinct accounts.

Sec. 14. *Be it further enacted*, That it shall be his duty, by all proper ways and means, to effect the collection, adjustment and settlement of all outstanding debts, demands and claims due to the Territory, and have the same paid, if possible, and shall state, and audit all claims and demands against the Territory, and shall make reports to the Governor in the months of December and June, of each year, of the true state and condition of his office, the amount of receipts, money on hand, and disbursements, and also make report to the Council on the first of January of each year.

Sec. 15. *Be it further enacted*, That the said Auditor, in the discharge of the duties now performed by the Commissioner of the city of Tallahassee, shall take charge of the books, papers, &c., of said office, of the building and erection of the Capitol, and the collection of all sums of money due thereon, taking care to keep the same separate and distinct from his other transactions, and shall sell the land remaining unsold from said Tallahassee fund, or land given by Congress for the erection of a Capitol, and apply the same to the payment of the debts due thereon; said sale to be had on the same terms as the last sales of the said land were directed by the Legislature. He shall also take charge of any appropriation that may be made by act of Congress for building the Capitol, and in case of sales of land, is authorized, on payment of the purchase money, to make titles to the purchasers in the name of the Territory, and shall pay up the debts due on account of said fund, and take charge of, and keep in order, the Capitol and Capitol Square.

Sec. 16. *Be it further enacted*, That there shall be paid to the said Auditor a salary of five hundred dollars, and five per cent. commission on receipts from the Tallahassee fund, five per cent. on sums due the Territory, more than one year old, and twenty-five per cent. for sums over three years old.

Sec. 17. *Be it further enacted*, That the said Auditor shall take charge of the books, papers, &c., pertaining to the office of the Treasurer of the Territory, and preserve them.

A Bill to be entitled "An Act for the protection of property mortgaged to secure the payment of the Bonds commonly called the Faith Bonds."

SECTION 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That property mortgaged to secure the payment of Territorial bonds, shall not be sold to satisfy any other debt or liability of the owners thereof, to the Union Bank or the Southern Life Insurance and Trust Company, as long as the said bonds remain unpaid, but the same shall be applied to the payment of the said bonds exclusively, till they are redeemed and cancelled; and such property shall be sold only under a decree of foreclosure of the mortgage, and in no other manner. *Provided*, That this section shall not be so construed as to prohibit the sale by a stockholder of his property, mortgaged to secure the Territorial bonds,

for the purpose of purchasing said bonds, to be applied as is herein provided.

SEC. 2. *Be it further enacted*, That bonds, notes, or other obligations, secured by mortgages given as security to the Territory, shall not be assigned or transferred for any other purpose than for such as is hereinafter provided for.

SEC. 3. *Be it further enacted*, That any stockholder, in either of the said Banks, may at any time discharge his bonds and other liabilities, given as aforesaid, by the payment to said Banks of a like amount of Territorial bonds, without including the interest which may be due thereon; and any other person, by payment in like manner, may purchase any of said bonds and mortgages, and have the same transferred and assigned to them; and upon such transfer and assignment, the persons so purchasing, shall be substituted to all the rights of said Banks in said bonds and mortgages.

SEC. 4. *Be it further enacted*, That if it be made to appear satisfactorily to the Court in any suit to which the Bank may be a party, that the interests of an estate of a deceased person, whether in the hands of an executor or administrator, would be promoted by an immediate sale of the mortgaged property, it shall be competent for said Court to order the personal property mortgaged, to be sold for Territorial bonds, to the extent of the mortgage given to secure the same, and the remainder, if any, in such funds as the Bank may direct. *Provided*, That no such sale shall take place for a less amount in Territorial bonds, without including interest, than such property was mortgaged to secure.

SEC. 5. *Be it further enacted*, That if any mortgagee shall be guilty of fraud, by attempting to remove his property from the Territory, or by any other course calculated to defeat the security on the mortgaged property, or prevent its application to its proper use, the said mortgage shall be immediately subject to foreclosure, with the like effect as if the debt was due, and the Court may give judgment and decree of foreclosure thereon; and the sale of the same shall be had for the Territorial bonds which the mortgage was given to secure to the extent of said bonds.

SEC. 6. *Be it further enacted*, That if any of the Directors of the Union Bank of Florida shall fail, in the sense of the terms of the 19th section of the Charter, it shall be the duty of the Governor of the Territory, on being informed of the fact, to enforce the penalty provided in said section for such failure.

SEC. 7. *Be it further enacted*, That all assignments, transfers, or arrangements, in contravention of this act, shall be null and void, and of no effect or validity whatever; and the party making them, or accepting them, shall be subject to fine not exceeding five thousand dollars, and imprisonment not exceeding five years, at the discretion of a jury.

A Bill to be entitled "An Act to amend 'An Act to prevent the future migration of free negroes or mulattoes to this Territory, and for other purposes.'"

SECTION 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That if any free negro or mulatto shall hereafter, voluntarily go beyond the limits of the Territory, into any of the States or Territories, or into the dominions of any foreign power, such free negro or mulatto shall not thereafter be permitted to return, or be brought within the Territory of Florida.

SEC. 2. *Be it further enacted*, That if any free negro or mulatto, shall come or be brought into this Territory, contrary to the provisions of this act, such free negro or mulatto shall be subject to the same penalties and disabilities as are provided for in the act to which this act is an amendment, with respect to free negroes and mulattoes brought into the Territory contrary to the provisions of said act, and it shall be the duty of the several Courts and officers of the Territory, to enforce the provisions of this act in the same manner as is provided in the act to which this is an amendment.

A Bill to be entitled "An Act to prescribe the mode of levying taxes in the cities and counties of this Territory."

SECTION 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That the several counties of this Territory shall hereafter pay the expenses incurred within their jurisdiction of all and singular the matters connected with the administration of justice and of the laws, and no charge shall hereafter be made against the Territory for any matter or thing occurring or arising in any of said counties, except as may be hereinafter specially provided.

SEC. 2. *Be it further enacted*, That to enable the said counties to defray said expenses, they shall hereafter have all the sources and means of revenue, with the exception of the auction tax, which may have been had, held, possessed or enjoyed by the Territory; and all judgments, fines, forfeitures and penalties which may hereafter be had by, fall due or accrue to the Territory, shall be paid over to said counties and may be discharged and satisfied by payment to the same or their properly constituted officer.

SEC. 3. *Be it further enacted*, That taxes shall be levied in the counties and cities of this Territory, in the manner following and not otherwise:

On receiving the assessment by the assessor of taxable property, the county and city authorities shall convene and make an estimate of the sum necessary to be raised for the necessary and proper expenditures of such county and city, for such year, and, after determining the same, having allowed for bad debts and means, if any, from other sources, the said authorities shall direct the collection of such per cent. on the value of the property assessed as may be sufficient, according to the estimate aforesaid, and for no more; and such estimate and imposition shall be duly published, and be at all times subject to inspection by the people.

SEC. 4. *Be it further enacted*, That no county nor city of this Territory shall hereafter issue scrip or bills in the likeness of bank bills or to pass as such, nor borrow money, under the penalty of fine and imprisonment, after indictment against the person or persons authorizing or making the same.

SEC. 5. *Be it further enacted*, That no city or county shall hereafter make a gratuity or gift of money belonging to the same to any person whatever, unless with the express assent and sanction of three-fourths of the people of such city or county first had.

SEC. 6. *Be it further enacted*, That taxes shall be levied on the following subjects:

All free male persons over twenty-one years and under fifty-five years old. All free blacks of the same age above specified. Lands and lots of ground, including the houses and improvements thereon. Leasehold interest in land for the term of twenty years or more, as lands. All slaves. Household furniture used by any family, above the value of \$250. Horses, mules, geldings and neat cattle above three years old and mules and asses above two years old. Money, shares of stock in banks and all incorporated companies, except hospitals and literary institutions. Goods, wares and merchandise, debts due from solvent persons, whether on bond, note or mortgage, salaries and perquisites of civil officers. All other personal property of every description, and goods and chattels.

SEC. 7. *Be it further enacted*, That the assessor of said county or city shall list the said money and debts, and make a true and just valuation of said property in money.

SEC. 8. *Be it further enacted*, That taxes on free male persons shall be on those having no property liable to taxation, and not exceeding dollars per head; taxes on free blacks or colored persons shall not exceed dollars per head.

SEC. 9. *Be it further enacted*, That the above act shall not affect special provisions for specific taxes, as for retailing liquors, on billiard tables, and the like, but the same shall continue as if this act had not passed.

A Bill to be entitled "An Act concerning Replevin."

SECTION 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That whenever any goods or chattels shall have been wrongfully taken, or shall be wrongfully detained, an action of replevin may be brought for the recovery thereof, and for the recovery of the damages sustained by reason of such wrongful caption or detention, in the Superior Court or other Court having jurisdiction in the County in which such property may be found.

SEC. 2. *Be it further enacted*, That no replevin shall lie for any property taken by virtue of any warrant for the collection of any tax, assessment or fine, in pursuance of any statute of this Territory.

SEC. 3. *Be it further enacted*, That no replevin shall lie at the suit of the defendant in any execution or attachment to recover goods and chattels seized by virtue thereof, unless such goods and chattels are exempted by law from such execution or attachment; nor shall a replevin lie for such goods or chattels at the suit of any other person, unless he shall have a right to reduce into his possession the goods taken.

SEC. 4. *Be it further enacted*, That actions of replevin shall be commenced by writ and summons issued by the clerk of the Superior or County Court, or by a justice of the peace, returnable as other summons in actions at law, to the court from which they issued; but in no case shall such writ or summons be issued by a justice of the peace, where the value of the property sought to be replevied shall exceed the jurisdiction of such justice. Such writ and summons shall command the officer to whom it may be directed, to replevy the goods and chattels in possession of the defendant, describing them, and deliver the same without delay to the plaintiff, and to summon the defendant to be and appear before the court from which said writ and summons were issued, on the return day thereof, to answer the plaintiff in the premises.

SEC. 5. *Be it further enacted*, That upon the receipt of the writ, the officer shall forthwith proceed to execute the same, by delivering the possession of the property named and described therein to the plaintiff or to his authorized agent, and by summoning the defendant according to the tenor of the writ.

SEC. 6. *Be it further enacted*, That before any writ of replevin shall issue, the plaintiff or some other creditable person in his behalf, shall make and file with the clerk or justice, to whom application may be made for such writ, an affidavit, stating that the plaintiff is lawfully entitled to the possession of the property, describing it, and that the same has not been taken for any tax, assessment or fine, levied by virtue of any law of this Territory, nor seized under any execution or attachment against the goods and chattels of such plaintiff liable to execution; and such plaintiff or some other competent person in his behalf, shall also execute to the defendant and file with the clerk or justice of the peace (as the case may be) a bond, with good and sufficient security to be approved of by such clerk or justice, in at least double the estimated value of the property to be replevied, conditioned that the plaintiff will prosecute his suit to effect and without delay, and that if the defendant recover judgment against him in the action, he will return the same property, if return thereof be adjudged, and will pay to the defendant all such sums of money as may be recovered against him, by such defendant in the said action, for any cause whatever.

SEC. 7. *Be it further enacted*, That in executing the writ of replevin, if the property or any part thereof be secreted or concealed in any dwelling-house or other building or enclosure, the officer shall publicly demand deliverance thereof, and if the same be not

delivered by the defendant or some other person, he shall cause such house, building or enclosure to be broken open, and shall make replevin according to the writ; and, if necessary, he shall take to his assistance the power of the county.

SEC. 8. *Be it further enacted*, That if the goods and chattels specified in the writ of replevin be not delivered to the plaintiff, and the defendant shall have been duly summoned, the plaintiff may either sue out an *alias writ* or proceed in his suit by filing a declaration in trover or trespass and thereby abandon his action of replevin.

SEC. 9. *Be it further enacted*, That in replevin the plaintiff shall file his declaration on or before the first day of the term to which the writ is returnable, unless the writ be issued by a justice of the peace, when no written pleadings shall be necessary, and unless further time be given by the Court; and the defendant shall demur or plead thereto within such time as is prescribed in other actions at law, and similar proceedings shall in like manner be had as in other personal actions.

SEC. 10. *Be it further enacted*, That the defendant may plead that he is not guilty of the promises charged against him; and this plea shall put in issue, not only the right of the plaintiff to the possession described in the declaration, but also the wrongful taking and detention thereof.

SEC. 11. *Be it further enacted*, That if it shall appear, upon default of the defendant or upon trial or otherwise, that the goods described in the declaration were wrongfully taken or detained by the defendant, the plaintiff shall have judgment for his damages caused thereby, and for his costs of suit.

SEC. 12. *Be it further enacted*, That if it shall appear upon the non-suit of the plaintiff, or upon trial or otherwise, that the defendant is entitled to a return of the goods, he shall have judgment therefor accordingly, with damages for the taking thereof by the replevin with his costs, with a writ of return and restitution thereupon accordingly, unless he shall elect to waive such return, as in the next section provided.

SEC. 13. *Be it further enacted*, That whenever the defendant shall be entitled to a return of the property replevied, instead of taking judgment therefor, he may take judgment for the value of the property replevied, to be assessed by the jury.

SEC. 14. *Be it further enacted*, That where property has been wrongfully taken or is wrongfully detained, and it consist of separate articles, any one of which may in value be within the jurisdiction of a justice of the peace, but taken together, will exceed that jurisdiction, the plaintiff shall not for the purpose of giving jurisdiction to a justice of the peace divide said property, to enable him to bring separate actions therefor; and in all cases of actions of replevin before a justice of the peace, either party may remove the same immediately by certiorari to the Superior or County Court.

SEC. 15. *Be it further enacted*, That where property wrongfully taken or wrongfully detained, exceeds in value the jurisdiction of a justice; and it is inconvenient or impracticable from distance or other cause, or the urgency of the case will not permit, to apply to the Clerk of the Superior or County Court, for a writ of replevin, then and in such case it shall be lawful for a justice of the peace on application, and it shall be his duty, after affidavit and bond and security (and in such case two good and sufficient securities shall be required) shall be made and given as by this act is directed and filed with the justice, to issue a writ of replevin as in other cases. The bond and security to be in the first place approved by the justice, and the writ to be directed to any officer competent to serve the same, and who shall be required thereby to serve and return the same forthwith; and when the said writ and summons shall be returned and executed, it shall be the duty of said justice to cause said bond, affidavit and writ to be immediately or as soon as it can be done, filed in the office of the Clerk of the County or Superior Court as the plaintiff may direct, and the said officer making the replevy, shall not deliver the property so replevied to the plaintiff, until the said bond and security shall be approved by the Clerk of said Superior or County Court, or such other or additional security be given by said plaintiff as said clerk shall require. And when said affidavit, bond and writ shall have been filed in the clerk's office, the plaintiff may proceed in the same manner as if the writ had been issued originally by the clerk of that court.

SEC. 16. *Be it further enacted*, That An Act entitled "An Act to prevent the unlawful and violent taking of personal property," approved February 12th, 1837, be, and the same is hereby repealed, without prejudice, however, to any proceedings that may have been instituted under said act, and are now pending, but the same may be carried on and completed, as if said act had not been repealed.

#### "AN ACT IN RELATION TO GARNISHEES AND GARNISHEE PROCESS."

SECTION 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That on all judgments or decrees rendered, or hereafter to be rendered in the several courts of law or equity in this Territory, it shall be the duty of the Clerks of said courts, and where any judgment shall be rendered by any Justice of the Peace, then it shall also be the duty of such Justice, respectively, on the suggestion of the plaintiff or plaintiffs in judgment or decree, his, her, or their agent or attorney, that any person or persons, other than the defendant or defendants in said execution, are indebted to the said defendant or defendants, or have any of the effects or property of such defendant or defendants, in his, her or their hands or possession or control, to issue a summons or garnishment, directed to the Marshal, Sheriff, or other proper officer of the district or county in which said garnishee or garnishees may reside, and commanding the said garnishee or garnishees to appear at the

term of the Court to which said garnishment or summons is returnable, which shall be the term next after the date of, or after the issuing of said garnishment or summons, (provided there be ten days between the date or day of issuing said garnishment or summons, and the said first day of said next term of said Court, and if there be not ten days, then the said garnishment or summons shall be made returnable to the first day of the term next thereafter of said court,) and state on oath in writing or in answer to interrogations to be propounded to him, her or them, (which oath, the said clerks, under the authority of said courts, respectively, or said Justice of the Peace are hereby authorised to administer,) whether he, she or they are indebted to the said defendant or defendants, and in what sum or sums, and what goods, money, chattels, or effects of said defendant or defendants, he, she or they have in their hands, possession or control, or had at the time of the service upon him, her or them, of the said summons, or if he, she or they were indebted to said defendant or defendants, and in what sum or sums, at the time of the service of said summons, and whether he, she or they know of any other person or persons who are indebted to said defendant or defendants, or who may have any of the effects of said defendant or defendants in their hands, *Provided*, The plaintiff in execution, his agent or attorney, before the issuing of such summons or garnishment, shall be required to make affidavit, and file the same in the office of the Clerk, or with the Justice, that he does not believe that the defendant has in his possession, visible property, upon which a levy can be made, sufficient to satisfy such judgment or execution.

Sec. 2. *Be it further enacted*, That upon the return of any such summons, if it shall appear that said summons or garnishment has been lawfully served or executed, (and the service thereof shall be in the manner now presented by law for the service of summons of respondum,) upon said garnishee or garnishees, and he, she or they shall fail to appear and discover on oath or affirmation, as by this act is directed, it shall be lawful for the Court, after solemnly calling such garnishee or garnishees, to enter up a conditional judgment against such garnishee or garnishees, and thereupon a *scire facias* shall issue against such garnishee or garnishees, returnable to the next term thereafter of said court, to show cause, if any he or they have, why final judgment should not be entered against him, her or them; and upon such *scire facias* being returned executed, and such garnishee or garnishees shall fail to appear and discover as by this act is directed, the court shall confirm such judgment, and award execution for the plaintiff's whole judgment and costs.

Sec. 3. *Be it further enacted*, That if upon the examination of any garnishee, it shall appear to the court, that there is any of the defendant's or defendants' effects or property in the hands of any person or persons, who have not been summoned, such court shall, upon motion of the plaintiff, award a summons or garnishment against such person or persons, having any of the effects or pro-

perty of the defendant or defendants in his her or their custody hands or possession or control, who shall appear and answer, and be liable as other garnishees.

Sec. 4. *Be it further enacted*, That whenever the plaintiff in the execution shall allege that any garnishee has not discovered the true amount of debts due from him to the defendant or defendants, or that goods and chattels, money or effects, belonging to the defendant or defendants, is or are in his or her possession, or were at the time of service of said summons, the court shall direct, without the formality of pleading, a jury to be empanelled, unless a good cause be shown by either party for a continuance, to enquire what is the true amount due from such garnishee to the defendant or defendants, and what goods, monies, chattels or effects are in his or her possession, belonging to the said defendant or defendants, or was due, or were in his or her possession at the time of the service of said summons. If the finding of the jury shall be against said garnishee, the court shall grant judgment in the same manner as if the facts found by the jury had been confessed by him or her, on his or her examination with the costs thereon. If the jury find in favor of the garnishee, he or she shall recover costs against the plaintiff or plaintiffs.

Sec. 5. *Be it further enacted*, That where said garnishee shall confess his or her indebtedness to the said defendant or defendants, or that he or she has or had at the time of service of said summons, any goods, monies, chattels or effects, in his or her hands belonging to said defendant or defendants, and the said plaintiff is satisfied with the statement, admission, confession or discovery, then the court shall award judgment against said garnishee, for the amount so confessed by him or her, and execution may issue for the same, against said garnishee; and if that be not sufficient to satisfy the plaintiff's judgment against said defendant or defendants, then said execution may be also levied on the goods, chattels or effects of said defendant, so admitted or confessed by said garnishee, to be in his or her hands, or possession; or to have been in his or her hands or possession at the time of the service of said summons, which shall be sold in the same manner as under other execution; and if said garnishee will not surrender, provided he have the power to do so, the said goods and chattels belonging to said defendant or defendants, and which he or she has confessed in his or her hands or possession, at the time of his or her examination, or at the time of the service of said summons or garnishment, then execution may be levied on the property of said garnishee, for the whole amount of the plaintiff's judgment against said defendants, or for so much of said judgment as shall then be unpaid; and the officer shall proceed to sell the said property as under other executions. But said garnishee shall have the right to release his property from such levy and sale, by surrendering the said property of the said defendant or defendants, to the officer levying said execution, on the day and hour appointed for the sale of the property so levied on, or at any time previous to the day of sale.

SEC. 6. *Be it further enacted*, That when any garnishee shall have any of the goods, chattels or effects of the said defendant or defendants, in his or her hands or possession, and shall surrender the same, the marshal, sheriff or other officer, shall receive said property, and shall proceed to sell the same as if they were levied on by virtue of an execution.

SEC. 7. *Be it further enacted*, That the garnishee or garnishees shall be allowed by the court, reasonable satisfaction for his, or her, or their attendance out of the effects in his or her possession; and if there should be no such effects in his or her possession, then he or she shall be allowed reasonable satisfaction for his or her attendance against the plaintiff or plaintiffs.

SEC. 8. *Be it further enacted*, That if any person or persons, other than the defendant or defendants shall claim the effects in the hands or possession of any garnishee, and shall make affidavit that the said effects are *bona fide* his or her property, the court shall immediately, and without the formality of pleading, direct a jury to be empannelled, to enquire in the right of such property, between such claimant and the plaintiff, unless good cause be shewn to the contrary; and if the finding of the jury shall be against such claimant, the plaintiff shall recover costs; and if the jury find in favor of such claimant, he, she or they shall recover costs against the plaintiff; and if such claim be interposed after a levy on said property and affidavit is made as aforesaid, then said marshal or other officer making said levy, shall return said execution with his levy thereon, and said affidavit of said claimant to the clerk's office from which said execution issued, or to the justice of the peace who may have issued said execution, and such proceeding shall be had thereon as in other cases of claims made to property taken in execution.

SEC. 9. *Be it further enacted*, That all property in the hands of such garnishee or garnishees, belonging to any such defendant or defendants, at the time of serving any such process of garnishment, shall be bound by such process.

SEC. 10. *Be it further enacted*, That the Clerks of said Court shall keep a docket of garnishments, wherein such cases shall be entered, and be called and disposed of as other cases are.

SEC. 11. *Be it further enacted*, That the provisions in the foregoing sections of this act, so far as they are applicable, shall apply to cases of suits commenced by attachment, and before judgment had therein: *Provided, however*, that where judgment shall be rendered in such cases against any garnishee or garnishees, on his or her confession, or after trial by jury as hereinbefore provided, such judgment shall not be enforced until after judgment shall be rendered against the defendant or defendants in the attachment suit, and in no case shall execution be issued against any garnishee or garnishees, for more than the amount of the judgment against said defendant or defendants in said attachment; and if any plaintiff shall discontinue his suit by attachment, or be non-suited,

or have a verdict against him on the trial in said suit, then said judgment against said garnishee shall become null and void, and such garnishee may have execution for his costs, to be taxed as in other cases, against said plaintiff in said attachment suit.

SEC. 12. *Be it further enacted*, That where no property of the defendant can be found to levy on under any writ of attachment, said writ may be served by service of summons of garnishment on any person or persons owing the defendant, or having any monies, goods, chattels or effects of said defendant in his or her hands, and such service shall be sufficient to authorize the plaintiff to proceed in his suit against such defendant, as if said writ of attachment had been levied on any property of said defendant; but if said plaintiff shall fail to obtain judgment against any such garnishee, then no judgment shall be rendered against such defendant in attachment, and if judgment shall have been rendered against him, then the same shall be cancelled.

SEC. 13. *Be it further enacted*, That all laws or parts of laws relating to garnishments as well in suits by attachment and before judgment, as after judgment rendered in such or other suits, be and the same are hereby repealed; and garnishment process may issue on judgments rendered, whether any execution issued on said judgment be returned or not, provided the plaintiff shall first make and file with the clerk of the Court or the justice of the peace, where or by whom judgment has been rendered, the affidavit mentioned in the first section of this act.

The Committee on the Judiciary report the following bill, to be entitled "An Act to establish and regulate Surrogates."

WALKER ANDERSON, Chairman.

A Bill to be entitled, "An Act to establish and regulate Surrogates."

SECTION 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That there shall be appointed by the Governor, by the advice and consent of the Legislative Council, in each county of the Territory, a Surrogate, who shall hold his office for the term of two years.

SEC. 2. *Be it further enacted*, That every person appointed to the office of Surrogate, shall, before entering on the duties of his office, take and subscribe the official oath prescribed by law, before the county clerk of the county for which he is appointed. He shall also execute to the Territory, with two or more good and sufficient sureties, to be approved of by said clerk, a bond, in the sum of two thousand dollars, conditioned for the faithful performance of his duties and for the application and payment of all monies and effects that may come into his hands, in the execution of his office. Such bond shall be filed and recorded in the county clerk's office.

SEC. 3. *Be it further enacted*, That every Surrogate who shall have qualified by taking the oath and executing the bond, as required by the last section, shall hold a court from time to time, as occasion may require, within the limits of the county for which he was appointed, and shall have power:

1st. To take the proof of wills of real and personal estate in the cases prescribed by law, and also to take the proof of any will relating to real estate situated within the county of such Surrogate, when the testator in such will shall have died out of the Territory, not being an inhabitant thereof, and not having assets therein.

2nd. To grant letters testamentary and of administration.

3d. To direct and control the conduct and settle the accounts of executors, administrators and guardians.

4th. To enforce the payment of debts and legacies and the distribution of the estates of intestates.

5th. To order the sale and disposition of the real estates of deceased persons.

6th. To administer justice in all matters relating to the affairs of deceased persons, according to the provisions of the statutes of this Territory.

7th. To appoint guardians for minors and insane persons, to remove them, to direct and control their conduct, and to settle their accounts as prescribed by law.

8th. To cause the assignment and admeasurement of dower to widows and to issue process to put them in possession thereof.

9th. To perform such other duties as he may be required or authorized to perform by any statute of this Territory.

Sec. 4. *Be it further enacted*, That every Surrogate shall have power:

1st. To issue subpoenas to compel the attendance of witnesses residing or being within the county for which he may be appointed, or within fifty miles of the place where his court may be held, to compel the production of any paper material to any inquiry pending in his court, the form of which subpoenas shall be similar to those used by courts of record in like cases.

2d. To punish disobedience to any such subpoena, and to punish witnesses for refusing to testify, after appearing, in the same manner, and to the same extent, as courts of record in similar cases, and by process similar in form to that used by such courts.

3d. To issue citations to parties in all matters cognizable in his court; and in the cases prescribed by law, to compel the appearance of such parties.

4th. To enforce all lawful orders, processes and decrees of his court, by attachment against the person of those who shall neglect or refuse to comply with such orders and decrees, or to execute such process; which attachment shall be in form similar to that used by courts of record in analogous cases.

5th. To exemplify under his seal of office, all transcripts of records, papers or proceedings therein, which shall be received in evidence in all courts with the like effect as the exemplification of the records, papers and proceedings of courts of record.

6th. To preserve order in his court during any judicial proceedings by punishing contempts which amount to any actual interruption of business, or to an open and direct contempt of his au-

thority or person, in the same manner and to the same extent as courts of record.

7th. To issue commissions to take the deposition of witnesses, in the same cases in which courts of record may issue such commission, to be executed and returned in like manner, as near as may be.

Sec. 5. *Be it further enacted*, That the Surrogate's Court shall be at all times open for the hearing of any matters within the jurisdiction thereof; and on the first Monday of each month, it shall be the duty of every Surrogate to attend at his office to execute the powers and duties conferred on him.

Sec. 6. *Be it further enacted*, That each Surrogate shall procure for his office, a seal, with such device as he shall think proper, upon which shall be inscribed the name of the county for which such Surrogate was appointed, and the words "Surrogate Seal."—He shall also procure all books necessary for recording wills, and other instruments and proceedings required by law to be recorded. The expenses of procuring such seal and books shall be paid out of the county treasury.

Sec. 7. *Be it further enacted*, That every Surrogate shall record, in a book or books, to be kept for that purpose, distinctly and at full length, all wills, testaments and codicils, proved before him, and the proof thereof; all letters testamentary, and of administration; all accounts of executors and administrators settled before him; all minutes of other proceedings in relation to the estates of deceased persons; all orders and decrees made by him, and minutes of all citations, subpoenas, attachments and other process, in relation to such estates; the testimony taken by him in relation to the granting or revocation of letters testamentary, or of administration; the appointments of guardians, and the revocation of such appointment, the accounts rendered by guardians; orders and decrees for the sale of minors' real estate; all orders and decrees for the assignment or admeasurement of dower, and all other orders or decrees, or refusals to make orders or decrees applied for. To every such book or books, he shall make and keep an index of the subjects therein, which, together with such book or books, shall be open to the inspection of any persons paying the fees allowed by law for such examination.

Sec. 8. *Be it further enacted*, That every Surrogate shall carefully file and preserve all affidavits, petitions, reports, accounts, and all other papers belonging to his court; and all such papers, and the book kept by him, shall belong and appertain to his office, and be delivered to his successor.

Sec. 9. *Be it further enacted*, That every marshal, sheriff, jailor, or other executive officer, to whom any citation, subpoena, attachment, commitment, or other process, shall be directed by any Surrogate, shall execute the same in the same manner as if issued by a court of record; and for any neglect or misfeasance therein, shall be subject to the same penalties, actions and proceedings, as if the same had occurred in relation to any process issued by courts of record.

Sec. 10. *Be it further enacted*, That in all cases of contests before the Surrogate's Court, such court may award costs, and issue execution therefor to the party in the judgment of the court entitled thereto, to be paid by either party personally, or out of the estate which shall be the subject of controversy, except as is otherwise provided by law.

Sec. 11. *Be it further enacted*, That upon the office of Surrogate becoming vacant, his successor shall have power and authority to complete any business that may have been begun, or was pending before such Surrogate.

Sec. 12. *Be it further enacted*, That no Surrogate shall be counsel, solicitor, or attorney for or against any executor, administrator, guardian or minor in any civil action over whom or whose accounts he could have any jurisdiction.

Sec. 13. *Be it further enacted*, That when jurisdiction shall have been acquired by any Surrogate's Court, in relation to any matter or proceeding, such jurisdiction over the same matter, and all its incidents shall be exclusive of all other Surrogates, except when otherwise provided by law.

Sec. 14. *Be it further enacted*, That when a Surrogate shall be interested in any case within his jurisdiction, the case shall be transferred to the Surrogate of the most ancient adjoining county, and shall be there disposed of and settled in the same manner as if it had occurred within the latter county.

Sec. 15. *Be it further enacted*, That when a suit shall be commenced in the Superior Court in law or equity in favor of, or against any Judge of such court, or in which he may be interested, the Surrogate of the county in which such suit may be pending, shall sit upon the trial thereof, and take and have jurisdiction to hear, try, and determine the same in as full, and in the same manner, as such judge could do in any suit in which he was not interested.

Sec. 16. *Be it further enacted*, That the judges of the County Courts, in office at the time this chapter shall take effect as a law, shall be ex officio Surrogates within the county for which they may be severally appointed, until a Surrogate shall be appointed and qualified for such county.

Sec. 17. *Be it further enacted*, That when there shall have been no Surrogate appointed in the proper county, or his office shall be vacant, the Surrogate of the oldest adjoining county, shall take jurisdiction in the same manner as if the case had arisen in the latter county.

Sec. 18. *Be it further enacted*, That nothing in the foregoing sections contained, shall be construed to declare the Court of Surrogates not to be a court of record; but the same is hereby expressly declared to be a court of record.

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JOURNAL OF THE PROCEEDINGS

OF THE

HOUSE OF REPRESENTATIVES

OF THE

TERRITORY OF FLORIDA,

AT ITS

Twenty-Third Session,

BEGUN AND HELD IN THE CITY OF TALLAHASSEE, ON  
MONDAY, JANUARY 6, 1845.

TALLAHASSEE:  
OFFICE OF THE FLORIDIAN:

PRINTED BY S. S. HIRLEY.

1845.