

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

TRANSMITTING,

In compliance with a resolution of the Senate, additional information in relation to the bonds issued by the Legislature of Florida.

JANUARY 6, 1841.

Read, and ordered to be printed.

To the Senate of the United States :

I communicate to the Senate sundry papers, in further answer to its resolution of the 30th of December, 1839, which have been received from the Governor of Florida since the adjournment of the last session of Congress.

M. VAN BUREN.

WASHINGTON, January 5, 1841.

ST. AUGUSTINE,

Saturday Morning, April 11, 1840.

SIR: His excellency the Governor of this Territory has conferred upon Edwin T. Jencks, J. Simeon Sanchez, Leigh Read, John M. Fontane, John L. Doggett, and the undersigned, the appointment of commissioners to investigate the affairs and ascertain the condition of the Southern Life Insurance and Trust Company, located in this city, and the branch in Jacksonville. The undersigned has been selected by the commissioners present, who are a majority, to act as their chairman; and, preparatory to an application to enter upon the duties of the commission, they have directed inquiry to be made of you for the names of the directors of the bank in this city, and the branch in Jacksonville, and the name of the vice president.

Your obedient servant,

A. WATSON, *Chairman.*

BUCKINGHAM SMITH, *Secretary.*

THOMAS G. LEE, Esq.

*Assistant Cashier of the So. Life Ins. and
Trust Co. St. Augustine.*

OFFICE SO. LIFE INSURANCE AND TRUST COMPANY,
St. Augustine, April 11, 1840.

SIR : This bank cheerfully complies with your request to know the names of the directors here and at Jacksonville. The directors here are Thomas Douglas, Joseph L. Smith, and Peter Sken Smith; and at Jacksonville, Arthur M. Reid. We have no vice president.

Respectfully, &c.

THOMAS G. LEE, *Assistant Cashier.*

A. WATSON, Esq.

ST. AUGUSTINE, Saturday, April 11, 1840.

SIR : In my note of this date you are apprized of the object of the appointment of commissioners for the investigation of the Southern Life Insurance and Trust Company bank of this city, and its branch at Jacksonville. I now respectfully solicit you to lay before Thomas Douglas, Joseph L. Smith, and Peter Sken Smith, Esqs., directors of the institution in this city, at as early a period as possible, that it is the desire of the commissioners to enter on their duties, and therefore wish to be informed when they can be admitted into the institution, for the purpose of complying strictly with the letter of their commission.

Waiting the pleasure of an early reply, I am, sir, your obedient servant,

A. WATSON, *Chairman.*

BUCKINGHAM SMITH, *Secretary.*

THOMAS G. LEE, Esq.

Assistant Cashier So. Life In. and Trust Co.

OFFICE SO. LIFE INSURANCE AND TRUST COMPANY,
St. Augustine, April 11, 1840.

SIR : In my note of this morning, I omitted to state that Antonio Alvarez, of this city, has recently been appointed by the Governor and Legislative Council a director of this institution ; but we have not as yet been advised that he has qualified, although he has presented his commission.

It is presumed, however, that Mr. Alvarez will qualify, if he has not ; and that he will take his place in the board of directors. He will be notified to appear in the board when the board meets.

Respectfully, yours, &c.

THOMAS G. LEE, *Assistant Cashier.*

A. WATSON, Esq.

OFFICE SO. LIFE INSURANCE AND TRUST COMPANY,
St. Augustine, April 13, 1840.

SIR : At a meeting held this day, of the directors of this institution, who reside in this city, to wit : Antonio Alvarez, Joseph L. Smith, Thomas Douglas, and Peter Sken Smith, they have had under consideration your letters of the 11th instant, addressed to "Thomas G. Lee, Esq., assistant cashier" of this institution ; in which you solicit him to lay before the directors the desire of Messrs. Edwin T. Jencks, J. Simeon Sanchez, Leigh Read, John M. Fontane, John L. Doggett, and yourself, whom you state to

be "commissioners to enter upon the duties of the commission," and "to investigate the affairs and ascertain the condition of the Southern Life Insurance and Trust Company, located in this city, and the branch at Jacksonville;" as, also, your expression of their "wish to be informed when they can be admitted into the institution," for the purpose stated in your correspondence.

In reply to your request, the directors have unanimously instructed me to propose, through you, to the gentlemen you have denominated "commissioners, appointed by the Governor of this Territory," the following preliminary inquiries:

Are Messrs. Jencks, Sanchez, Read, Fontane, Doggett, and yourself, members of the Legislative Council of the Territory?

Have these "commissioners" at any time been authorized and appointed a committee to examine the condition and state of this institution, by a joint or concurrent resolution of the Senate and House of Representatives of the Legislative Council?

Have the gentlemen you designate "commissioners" to investigate the affairs and ascertain the condition of the Southern Life Insurance and Trust Company, at any time been appointed by, and named in, a resolution of either the said Senate or of the said House of Representatives, independent of the action of his excellency Governor Reid?

Have the "commissioners appointed by the Governor" to investigate the affairs and ascertain the condition of this institution, any authority or credentials authorizing, naming, and appointing them commissioners, other than that conferred by appointment of Governor Reid?

I would further state, in explanation, that after Mr. Lee had, in answer to your inquiry, furnished you with the names of the directors here and at Jacksonville, he was, on the morning of the 11th instant, called into the country on business of the institution, and is still absent.

Respectfully, &c.,

PETER S. SMITH,

Acting Cashier, in the absence of T. G. Lee, Assis. Cash.

To A. WATSON, Esq.

ST. AUGUSTINE, 1 O'CLOCK, P. M.,

April 13, 1840.

SIR: I herewith enclose the several commissions of the gentlemen composing the commission to investigate the affairs of the Southern Life Insurance and Trust Company in this city, and its branch at Jacksonville, under a resolution of the Senate of the United States, and a resolution of the House of Representatives of the Legislative Council of this Territory; copies of both of which are herewith also enclosed. The commissioners having met, have appointed me as their chairman; and I have been directed to state to you that they have not assembled to be interrogated, but to interrogate. I therefore respectfully ask whether or not the directors intend to permit said investigation. The answer can be categorical, yea or nay, as all that is required for the present.

I am, sir, your obedient servant,

A. WATSON, *Chairman.*

BUCKINGHAM SMITH, *Secretary.*

To PETER S. SMITH,

Act. Cash. in the absence of T. G. Lee, Esq., Assist. Cash.

OFFICE SO. LIFE INSURANCE AND TRUST COMPANY,
St. Augustine, April 14, 1840.

GENTLEMEN: The directors residing in St. Augustine, to wit, Antonio Alvarez, Joseph L. Smith, Thomas Douglas, and Peter Sken Smith, at a meeting held this day, have had under consideration your letter of the 13th instant, signed by A. Watson, Esq., as chairman; which communication, it is presumed, was intended to be an answer to the letter of the directors of the same date, although the receipt of their letter has not been acknowledged, unless an answer be inferred from the remark of your chairman, that "he has been directed to state" to this institution that you "have not assembled to be interrogated, but to interrogate." Still, as you have presented your commissions from the Governor, which are herewith returned, and ask for a "categorical answer," you shall have it in the words of the charter of the institution, entitled "An act to incorporate the Southern Life Insurance and Trust Company," passed February 12, 1835, by the Legislative Council of this Territory, and approved February 14, 1835, by John H. Eaton, Governor of the Territory.

Extract from section 17.

"The Legislative Council shall have power, at all times, to appoint a committee from its own body, whose duty it shall be to examine the condition and state of said body politic and corporate, to inspect the books and minutes of proceedings of the board of trustees, to ascertain the amount of deposits therein, an exact list of balances due to and from said body politic and corporate, all other affairs of the same, and make a report thereon at such times as they may be instructed and directed."

Your answer, through your chairman, discloses to the directors the fact that you have not been appointed by authority of law, in conformity with the charter of this institution; and it therefore declines the honor of being examined by "a committee" appointed, not by the Legislative Council "from its own body," but appointed by his excellency the Governor of this Territory, without the authority of a law or resolution of the Legislative Council, and in direct violation of the charter of this institution.

Your not answering the inquiries respectfully put by the directors is waived, to expedite a conclusion. And at the same time the directors would remark, that this institution is at all times open to investigation by "the representatives of the people," in conformity with the charter.

With respect to that part of the resolution of the Senate of the United States of 30th of December, 1839, asking for information from the constituted authorities in Florida "relative to the Territorial bonds issued or authorized to be issued in the Territory of Florida," the condition of this institution, &c.: the directors make answer, that they are willing at all times to render every information in their power, on that subject, when properly called for by "the constituted authorities of Florida," in conformity with the charter, as aforesaid.

By order of the directors, (Mr. Alvarez dissenting.)

P. S. SMITH, Acting Cashier,
In the absence of T. G. Lee, Assistant Cashier.

MESSRS. A. WATSON and others,

representing themselves to be commissioners appointed by the Governor to "investigate the affairs and ascertain the condition" of this institution.

To His Excellency Robert Raymond Reid, Governor of Florida :

SIR : In conformity with the commissions issued by your excellency to Edwin T. Jencks, Leigh Read, Joseph S. Sanchez, John M. Fontane, John L. Doggett, and Alexander Watson, to examine and report to you the condition of the Bank of the Southern Life Insurance and Trust Company at St. Augustine, and the branch thereof at Jacksonville, and to obtain such information as would enable you to reply with fulness and certainty to a resolution of the Senate of the United States, and a resolution of the House of Representatives of the Legislative Council of Florida, the commissioners, (except John L. Doggett, Esq.,) assembled at St. Augustine 11th instant, report :

That those in control of the bank at St. Augustine, and its branch at Jacksonville, denied the right of the commissioners to investigate the institutions over which they presided. The commissioners, however, deem it necessary, from the high respect they entertain for the very honorable body whence the resolution emanated, and to the people of Florida, who are deeply interested in the investigation, to submit the correspondence which passed between them, and those in control of the bank at St. Augustine, with such comments as they consider important.

It is known to the commissioners, that George Fields, the president, and John Williams, the cashier, have not visited the institution at St. Augustine since their appointments, but reside in a distant part of the Territory ; and that T. G. Lee, assistant cashier, is a minor. And, by the correspondence, the important facts are ascertained, that there is no vice president ; that the funds of the bank at St. Augustine are kept by the assistant cashier, who at times is absent from St. Augustine, leaving the sole control of the funds of the institution to Peter Sken Smith, a director, who calls himself "cashier in the absence of T. G. Lee, Esq., assistant cashier," and who officiates in the bank accordingly ; and that the branch at Jacksonville is under the sole control of Arthur M. Reed, Esq., the only director, and who acts as assistant cashier.

The commissioners, in closing their report, call attention to the 6th section of an act (offered by Thomas Douglas, Esq., when a member of the Legislative Council, from the city of St. Augustine and county of St. John's, and who was at the time, and is, the United States district attorney for East Florida, and a director of the Southern Life Insurance and Trust Company Bank in the city,) passed by the Legislative Council at its 16th session, entitled "An act further to amend the charter of the Southern Life Insurance and Trust Company :

"SECTION 6. *Be it further enacted*, That, in lieu of the penalties and forfeitures imposed by the 19th section of the [act] creating the said corporation, in refusing or suspending the payment of specie for its notes or obligations, or of any fund received by them on deposit, for the term of ninety days, that, if the said corporation shall, at any time hereafter, refuse or suspend payment in specie, on any of its notes or obligations, or of any funds deposited with said company, on lawful demand being made, the bearer of such notes or obligations, or any person having the right to demand or receive the amount of funds deposited as above mentioned, shall

be entitled to recover interest, at the rate of ten per centum per annum, on the amount, until the said company shall tender payment thereof, with damages as aforesaid, in specie, at their counter."

The commissioners recommend the aforesaid 6th section be repealed. The bank may suspend specie payments at any time, and remain so for an indefinite period, at the sole option of those in control of the institution; which might prove ruinous to many of the bill-holders.

Respectfully submitted :

A. WATSON, *Chairman.*

MUNICIPAL

CHAMBER OF COMMERCE OF NEW ORLEANS

The passage of a general bankrupt law

January 1, 1911

Addressed by the Chamber of Commerce of New Orleans

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

The Chamber of Commerce of New Orleans

Respectfully presents:

That the Chamber of Commerce of New Orleans, which has always been and is continually and so becomingly, by several years past, has adopted a large number of resolutions and resolutions, in order to bring before the House and Senate of Representatives, in order to have the passage of a general bankrupt law, is hereby presented to the House and Senate of Representatives of the United States in Congress assembled, in order to have the passage of a general bankrupt law.

The Chamber of Commerce of New Orleans, which has always been and is continually and so becomingly, by several years past, has adopted a large number of resolutions and resolutions, in order to bring before the House and Senate of Representatives, in order to have the passage of a general bankrupt law, is hereby presented to the House and Senate of Representatives of the United States in Congress assembled, in order to have the passage of a general bankrupt law.

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