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FRIDAY, January 11th, 1839.

The Senate met pursuant to adjournment, and the journal of the three preceding days was read, and adopted.

Mr. Wright presented the petition of sundry citizens of Escambia, praying a division of said county, which was read and referred to a select committee. Messrs. Wright, Mills, and Dupont, were appointed said committee.

On motion of Mr. Wright, Mr. Walker was added to said committee.

Mr. Berthelot introduced the following resolution, viz.

Resolved that the select committee appointed to draft rules for the government of the Senate be directed to confer, with a committee to be appointed by the House of Representatives in order that the several committees, may draft joint rules for the government of both Houses.

Resolved, That a copy of this resolution be immediately sent to the House for their action thereon.

Which was read, the rule waived, and adopted.

Mr. Berthelot introduced the following resolution, viz :

Resolved that the Senate, now go into an election for Printer of the Senate, which was read.

Mr. Mills, from a select committee, made the following report :

The select committee, appointed to wait on the Governor of the Territory, to inform him that the Senate was now organized and ready to receive his communication, report, that the committee have in conjunction, with the committee of the House, performed that duty, and that his Excellency will communicate his message this day.

Signed,

WILLIAM J. MILLS,
Chairman.

His Excellency, the Governor, by his private Secretary, Mr. Copeland, transmitted to the Senate the following, as his annual message to both Houses of the Legislature, which was read and five hundred copies ordered to be printed.

MESSAGE.

To the Senate and House of Representatives of the Legislative Council of Florida:

We have much cause to be thankful to the Giver of all blessings for the dispensations of the past year. Uninterrupted health has prevailed throughout our country, and abundance is every where to be found. One cause alone continues to cast a shade over our prosperity, but while it is painful to reflect on the sufferings and distress of those who have been visited with

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the calamities of war, it is gratifying to know that so large a portion of our Territory has escaped its ravages, and continues to prosper under the protecting care of Heaven, and the industry and enterprize of our citizens.

In pursuance of an act of the last session of the Legislative Council, an important measure has been adopted by the people of Florida. Delegates have been elected to represent them in Convention. Those Delegates have assembled, and are now deliberating on the provisions of a Constitution for our future government, as an independent and sovereign people. The opinions I have heretofore expressed on this interesting subject, in my annual communications with the Legislative Council, remain unchanged. I entertain no doubt with regard to the expediency of the measure, and the advantages which will result from a change in our form of government. Should the proceedings of the Convention be approved by the people, and our right of admission into the Union be acknowledged by Congress, it will become necessary, during your present session, to provide for the organization and support of a State Government.

Preparatory to this desirable event it is important that our revenue system should be revised and remodeled. At each session since I have been clothed with the executive authority I have endeavored to impress on the Council the urgent necessity of this measure. The imperfections of the present system are too glaring to require illustration by argument, and the objections it presents are too manifold to enumerate. The law imposes no penalty on the proprietor for a false, or imperfect return of his taxable property, nor is he required to make his return under oath, either as it regards the quantity or quality of the property assessed. Hence it is believed that a large proportion of the real estate in this Territory subject to taxation, has never been reported, and it often occurs that land is returned in a lower grade than is consistent with its character. Lands are required to be taxed according to their quality, and in most instances the assessor is compelled to depend on the description given by the proprietor. I therefore recommend an entire re-organization of this department, and the adoption of such measures as will insure the faithful assessment, collection, and disbursement of the public revenue.

The Reports of the several Banks of the Territory required by their charters to be made to the Executive, at the close of the year, not having yet been received, I am unable to give you certain information with regard to their present condition. I am happy to inform you, however, that it is believed they have

generally resumed specie payments, and that in every other respect they are in good condition, and worthy of high credit.— They have done much to encourage the enterprize and industry of this community. They have sustained the credit and promoted the interest of every class of society, and the general prosperity and success of our merchants, at a period when the whole commerce of the nation was prostrate, and embarrassment and bankruptcy every where else appeared, is mainly to be attributed to the accommodation and relief afforded by these institutions. Amidst the wreck of commerce, the destruction of credit, and the loss of public confidence, it is worthy of remembrance, that no commercial house failed within our Territory. Another important advantage has resulted from the establishment of the Banks. They have not only afforded facilities for the purchase of property, which has given every article an increased value, but they have promoted promptness in the payment of debts, and there is perhaps no part of the world where there is greater punctuality in the discharge of pecuniary obligations, than is to be found among the people of this Territory. The rich products of our soil, and the present activity of commerce, will soon enable our planters and merchants to return to the Banks the sums which have been borrowed, and when this shall have been done, the Banks of Florida will be in as prosperous a condition as the best monied institutions in our country. With the exception of two inconsiderable corporations which exploded during the past year, it is believed that the Banks of Florida have been conducted with distinguished integrity and propriety. Some of them may have been too liberal in relieving the wants and necessities of those who required relief; but this should not constitute a ground of complaint against them in that community which has experienced the advantages of this liberality. My opinion on the subject of Banks has heretofore been fully expressed. I am opposed to the policy of giving them unbridled liberty to issue bills beyond their power of redemption, and believe that every charter should provide for its own forfeiture, when the institution shall fail to redeem its notes according to their tenor. But I would not abolish them, even if we had the power to do so, or impose on them such restrictions as would destroy their usefulness to the people. I consider them indispensable agents for the promotion of commerce, and highly advantageous in the ordinary transactions of life. And while I would not advance them at the expense of individual interest, I regard them as having just claims to our favourable consideration and protection. So soon as the reports from the several Banks shall have been received, they shall be communicated to

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the Legislature with such remarks as their respective conditions may seem to require.

Since the last session of the Legislative Council, our frontier settlements have been greatly harrassed by the marauding bands of the enemy. Notwithstanding the formidable and well appointed force employed by the Government in prosecuting the war, and in defending the frontier, the struggle with the Seminoles still continues with all the appalling incidents of savage warfare. During the last summer, numerous and distressing instances occurred, in which whole families were murdered by the midnight attacks of the enemy. The frontier inhabitants were kept in a state of perpetual danger and alarm, and although the troops of the Government were actively employed in their defence, it became necessary in the opinion of the Executive, on the urgent application of the people and the officers of the exposed districts, to order a portion of the militia into service. In Middle Florida these troops have been recognised by the Government, and most of them have been mustered and paid for their services. But in East Florida, where a much larger force was employed, the Commanding General did not consider them necessary for defensive operations. In consequence of which, the troops called out from the counties of Alachua and Columbia have not, and perhaps will not be paid by the United States. A correct return of the number of officers and men, or of their term of service, has not been received from the county of Alachua. But, the officer commanding the militia of Columbia county, reports a whole regiment to have been in service, amounting in the aggregate to seven hundred and ninety three officers and men. Whether so large a force was necessary for the defence of the settlements, is a question which the Executive is not prepared to decide, as the scene of operations was too remote to enable him to form a correct opinion on the subject. The laws of the Territory require the Executive, in cases of invasion or insurrection, to order out such portion of the militia as he may deem necessary for the defence of our citizens. But, relying on the protection of the army, it was not until repeated outrages had been committed, and a number of lives had been sacrificed, that recourse was had to the local militia for defence. In adopting this measure at a time when the Indians in small bands hovered on the skirts of every settlement, and every inhabitant was exposed to massacre, it became necessary to invest the officer in command with discretionary power, in relation to the number of troops to be employed, for the purpose of restoring tranquility, and to insure the safety of those who were exposed to danger. But, he was specially instructed

to employ no larger force than in his judgment should be absolutely necessary for defensive operations. The tragical occurrences on that frontier for some time preceding, and subsequent to the date of this order, demonstrates the propriety of the course pursued. It matters not how numerous may have been the regular force engaged on that frontier, or what may have been its efficiency, gallantry, and enterprise; the unquestionable presence of the enemy, the invasion of the country, and the murder of our citizens at their own threshold, or while engaged in cultivating their fields, without discrimination of age or sex, is the best proof that sufficient protection was not given by the army, and that it was necessary and proper that the militia should be called out in the defence of their families and their homes. Under these circumstances, it appears to me that there should be no hesitation on the part of the General Government in paying the troops thus employed. I am not disposed to encourage an extravagant expenditure of the public treasure, or to ask compensation for services which were never rendered. But, the troops in question having been called into service, consistently with the laws of the Territory, so far as services have been performed, I recommend that their claims for compensation be presented in an appropriate memorial to Congress, and that if they should not be paid by the United States, that the Territorial Government provide the necessary compensation.

In compliance with a resolution passed at the last session of the Legislative Council, requiring the Executive to furnish provisions for the suffering inhabitants of the frontier, a quantity of corn was purchased and sent to be distributed among the families of Alachua and Columbia, in East Florida, and to those of Walton and Washington, in West Florida. For information with regard to the amount of money expended for this purpose, I refer you to the reports of the Treasurer and Auditor of the Territory. It is gratifying to learn, that with few exceptions, the provision crops of the last year are most abundant throughout Florida, and although the frontier inhabitants have lived in the midst of danger and alarm, and were exposed to the utmost peril during the whole season of cultivation, their labor has been rewarded with abundance. With a degree of fortitude and perseverance, which reflects on them the greatest credit, they have maintained their positions under every trial and every vicissitude, and still present a formidable barrier to the further encroachments of the enemy.

Convinced by three years experience in prosecuting the war against the Seminoles, that they cannot be subdued by the plan of operations heretofore pursued, the

Secretary of War has wisely resolved on a change of policy. The plan which he has judiciously recommended for the protection of the frontier settlers, by encouraging the return of those who have been driven from their homes, and organizing the whole force along our exposed borders into companies and battalions for the defence of the inhabitants, and the energy and activity with which he proposes to prosecute the war to a successful termination, is calculated to give strength to the frontier, and confidence and security to the people of every portion of the Territory. If this plan is carried into execution, it is confidently believed that the whole country which has been desolated by the ravages of the enemy, will, in a short time, be re-occupied—the Indians will be driven, and confined within more narrow limits, and the scenes of rapine and murder with which we have been so frequently harrassed, will no longer be exhibited on our borders. Connected with this plan of defence, an important measure for the expulsion of the enemy has been recommended to Congress. It is proposed to grant a portion of the Public Lands to those persons who will obligate themselves to settle and improve them. For more than three years this desolating war has been maintained within our limits. Our most experienced Generals, and our best appointed armies have been unsuccessful in its prosecution, though all has been done which skill, bravery, and untiring perseverance could accomplish. Many of the Indians have been captured or destroyed—every portion of the enemy's country has been invaded—every village, every hut has been demolished—their fields have been laid waste, their cattle driven off, and the nation broken and dispersed in small fugitive bands, prowl through the wilderness, or hover on the frontier. But even in flight they are unsubdued, and often turn on their pursuers with furious energy, or fall with fatal desperation on the defenceless inhabitants of the frontier.— Experience has proven that it is not by the march and countermarch of armies through the enemy's country that he is to be expelled from the land of his nativity. He has only to avoid battle, to evade pursuit for a few days, and the army, exhausted with fatigue and hunger, retires before him, without the fire of a gun, leaving him again in undisturbed possession of the field. It is not from superior bravery or skill in the use of arms that the Indians have thus long resisted our power, but from their mode of life, the nature of the country they inhabit, the congeniality of the climate to their habits and pursuits, and its often fatal consequences to their pursuers. The spontaneous productions of nature supply them with abundant and nutritious food. The wild arrow root, the wild potatoe, the brier root, the

cabbage tree, and the palmetto every where abound. The waters supply them with fish, and the woods with game. Hence want and famine, the attendant consequences of invasion in every other country and to every people, present no terrors to the wandering Seminole. He finds security, food, and shelter in every hammock and in every swamp. My observation on the result of the measures heretofore pursued for the removal of the Indians, have brought me forcibly to the conclusion, that it cannot be done, without a change of policy. The forest must be subdued before the enemy can be finally conquered. Every inch of ground taken from him must be firmly held by permanent settlers who will cultivate the soil and make the wilderness their home. Under this system the savage would gradually retire before the approach of the civilized man. He would be compelled to abandon every portion of the country, susceptible of improvement, and if he should still retreat before the advancing settlements, and seek shelter in the barren wastes and inhospitable everglades, sufficient forces might in a short time be drawn from the settlements, and abundant supplies from the cultivated lands of the interior, to prosecute the war to a final close. In order to carry this plan into execution, and to insure the safety of the settlers, against the attacks of the enemy, to which they would otherwise be fatally exposed, they should in the first place be required to assemble at some convenient rendezvous, where after being armed, and equipped, for service, they should be organized into companies and regiments and elect their officers. They should then be marched in advance of the present settlements, and located in a compact form, on every portion of the unappropriated land, fit for cultivation, in such manner, as to give mutual protection and safety to each other. A portion of them should at all times be required to be under arms, and the residue to be employed in making their improvements, and in cultivating the land. They should be subject to the rules and articles of war and entitled to receive the pay, subsistence, and allowance for clothing generally given to troops in the service of the United States. And at the close of the war, each settler should be entitled in fee simple to one quarter section of arable land, to include his improvements as near as practicable. A further encouragement should be given to emigration, and settlement, by the passage of a prospective Pre-emption Law, conferring the right of purchasing at the Government price, one quarter section of land, on every actual settler, who shall locate himself before a certain period, and continue to inhabit and cultivate until the close of the war. This would invite the emigration of that portion of citizens, who

may be unwilling to place themselves under the restraint of Martial Law, and would add to the number and strength of the settlements. Under this encouragement to emigration, it is confidently believed that 10,000 permanent settlers might in a few months be located in the enemy's country, and in a short time the whole Peninsula would be so completely occupied as to leave no lurking place for the enemy. The adoption of this plan while it would most certainly bring this protracted and harrassing war to a successful termination would save millions of public treasure, and thousands of valuable lives. Another important advantage would result from this policy. It would give us population, wealth and political influence, and forever put to rest the question of your right to admission into the federal union.

I deem it my duty again to present to your consideration another subject which I regard with deep interest. Although our Territory has been for three years the theatre of an exterminating war, and our frontier has been so often lit with the torch of the enemy, our militia is almost without organization, and are equally ignorant of the principles of tactics, and the rules of discipline and subordination. No returns of the strength of the brigades or regiments have been made to the Executive for the last two years, and with the exception of one or two volunteer companies, which have been formed by the spirit and activity of a few individuals, it is believed that neither regiment, battalion, or company has been assembled for drill or inspection during the last year. The evil consequences resulting from this state of things have been too often experienced. Even in cases of the greatest emergency, when the Indians have been burning and plundering within fifteen or twenty miles of the capitol, we have frequently experienced a delay in raising men in the interior, often fatal to those exposed to danger, and greatly humiliating to our pride and character as a people. It is for you, gentlemen, to correct these evils, by providing appropriate punishments for every neglect of military duty. This important subject has often been brought to the attention of the Legislative Council, and the manner in which it has generally been disposed of has rather encouraged than restrained the spirit of insubordination and negligence. In assuming a state government, (if such should be the result of the deliberations of the Convention) we shall necessarily relinquish in some degree our claims on the General government for support and protection. The respectability and efficiency of the militia will become important to sustain the dignity, and insure the safety of the state, against foreign or domestic enemies. These objects, so highly

interesting to every member of the community, cannot be attained without a proper organization, and a rigid observance of the rules of discipline. I most earnestly invite your attention to this subject, and hope it may claim your deliberate consideration.

Another branch having been added to our Legislative department since the last session of the Council, it becomes necessary for its accommodation to extend the public buildings. The capitol should be completed according to the original plan, or with such alterations as the Legislature may direct. The greater portions of the lands heretofore granted by the United States, for this purpose, remain undisposed of. Five quarter sections are situated in the immediate vicinity of the Capitol, and if sold in lots of five and ten acres, would produce a large fund for the erection of public buildings. Another quarter section continues unlocated, owing to the subsequent appropriations of the township in which it was originally selected, to the grant of General Lafayette. The Territory has yet a right to make this location, and I recommend that the Executive be authorized to appoint an agent for that purpose, with instructions to select a quarter section of the land recently acquired from the Apalachicola Indians, or any other unappropriated land which may be deemed more valuable.

At the last session I called the attention of the Legislative Council to the situation of the office of Commissioner of the Tallahassee fund, and recommended such an increase of the salary as would make it acceptable to an officer capable of performing its duties, and worthy of assuming its responsibilities. This not having been done, the office is yet vacant, and cannot be filled with competent talent, until adequate compensation shall have been provided by the Legislature. It is believed that the Territory has sustained much injury in the careless or prodigal management of this fund, by its former agents, and the business has been conducted in such a loose and irregular manner, as to require much labor in placing it in a condition to be understood, should the legislature determine not to dispose of the public property in the neighborhood of Tallahassee, it will become necessary to adopt more efficient measures to protect it from the waste and trespass to which it is daily exposed, and from which it has already received great injury. It should be placed under the special care of the commissioner, who should be required to prosecute the offender for every trespass.

The enclosure around the Capitol you will perceive is in a state of ruin and dilapidation. The appropriation heretofore made by the Legislative Council for putting it in repair was found entirely inadequate to its accomplishment. Hence no part

of it has been expended for that purpose. I recommend an additional appropriation, and that the Commissioner of the Tallahassee fund be authorized to contract for a new enclosure, to be constructed of durable materials.

In my last annual message I called the attention of the Legislative Council to the subject of internal improvements, and recommended the adoption of a system for that purpose. Deeply impressed with its importance, I cannot forbear to invite your attention again to that subject. I enclose you herewith a map, accompanied with the suggestions of a distinguished officer of the United States Army, (Major General Gaines) on the subject of constructing rail roads as an auxiliary measure of national defence. He has proposed to connect the powerful states of the interior with those of the frontier by rail roads. The view which he has taken of this subject is highly interesting, and demonstrates the great advantages which would result from this system in time of war. The expedition and certainty with which the the largest armies, with the necessary munitions of war and provisions, may be transported from the interior to any exposed point on the frontier; the unity and sympathy it would create in the different states by this connection, and the strength and security it would give to every portion of our country renders it worthy of the consideration of every statesman and soldier. Nor are the commercial advantages arising from this system to be disregarded. It would open a direct channel of communication with the different sections of the interior. In the transit of intelligence, and for the purposes of travel, distance and space will be almost annihilated, and places remotely situated will be brought in close proximity with each other, giving strength to our bond of national union, promoting commerce, industry and intelligence throughout our vast dominion.

The Constitutional objections which may be presented to this important system might be reconciled by an united action of the General and State Governments. Although the United States may not have a right to invade the sovereignty of a State by the construction of public works within its limits, contrary to the wishes of its people, yet when the consent of the State has been obtained, it is believed there is no prohibitory provision in the Constitution which can militate against this system. The increasing wealth and resources of the States, and the vast commerce and revenue of the General Government is fully adequate to this important measure, and no doubt is entertained, that it will, in time, be accomplished. To enable us at a future day to unite with the neighboring States in the adoption of this or a similar system, both for commercial and military purposes, I

recommend that a memorial be addressed to Congress, asking for a grant of a certain portion of land in aid of our internal improvements. Your fellow-citizen,

R. K. CALL, Governor of Florida.

Mr. Wright, from a select committee to draft rules, presented a report which was ordered to be read, on Monday next.

On motion of Mr. Duval, the Secretary was ordered to have the message printed.

On motion of Mr. Dupont, the Senate adjourned to Monday 12 o'clock.

MONDAY, JANUARY, 14th, 1839.

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

The House transmitted to the Senate the following message:

HOUSE OF REPRESENTATIVES. }

FRIDAY, January 11th, 1839. }

Extract from the Journals.

On motion of Mr. Wood: Ordered that a select committee be appointed to report Rules for the Government of the House, during the present session, and also to confer with the Senate's committee, and report a code of joint rules for the government of both Houses, which is ordered to be certified to the Senate.

(Signed)

JOS. B. LANCASTER,

Clerk H. R.

Mr. Duval introduced the following resolution, viz.

Resolved, That a committee of the Senate be appointed to join any committee which may be appointed by the House of Representatives in revising, collating, and condensing the acts of the Legislative Council here before passed—which was read.

On motion of Mr Wright, the Report of the select committee for drafting rules was taken up, read and adopted as follows: and 50 copies ordered to be printed.

The joint committee of the Senate and House of Representatives appointed to prepare joint rules, report the following.

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

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

III. After a bill shall have passed both Houses, it shall be duly