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WEDNESDAY, November 27th, 1850.

The Senate met pursuant to adjournment.

A quorum being present, the proceedings of yesterday were read and approved.

A Committee from the House informed the Senate that the House was now organized and ready to proceed to business.

Mr. Finley moved that the Secretary of the Senate be instructed to call upon the Secretary of State and procure a copy of Thompson's Digest for the Chairman of each of the Standing Committees of this body.

Which was adopted.

Mr. Brown, of Columbia, presented a petition from sundry citizens of Columbia county, praying that a Chaplain may not be employed by the present Senate.

Which was read and referred to a Select Committee consisting of Messrs. Smith, Johnson and Brown, of Columbia.

The Committee heretofore appointed to act with a similar Committee on the part of the House, to wait upon and inform His Excellency, the Governor, that the General Assembly was now organized and ready to receive any communication he may be pleased to address to them, reported that they had performed the duty assigned to them.

The following message from his Excellency, the Governor, was received and read:

GOVERNOR'S MESSAGE.

EXECUTIVE DEPARTMENT, }
November 25, 1850. }

*Fellow-Citizens of the Senate
and House of Representatives:*

I greet with sincere pleasure the re-assembling of the Constitutional Representatives of the People, after the lapse of so long an interval, and I doubt not it will be our mutual purpose to co-operate, in a spirit of disinterested patriotism, for the benefit of our beloved State. Let us humbly invoke the aid of the Almighty Ruler of Nations in so ordering the affairs of this Commonwealth that we may find a rich reward in His favor, the approbation of our constituents, and the public advancement in virtue, order, intelligence, enterprise, prosperity, and happiness.

The two years which have elapsed since your last meeting, have been seasons of more than ordinary prosperity. A kind Providence has preserved, to an unusual degree, the health of our People, and crowned their agricultural labors with great abundance. A dark cloud, it is true, has hovered over our Indian border and still remains undispeled; but in all else I may be allowed to congratulate you upon our prosperous condition as a State and People. The confident hope is entertained that the difficulties which have so long cramped our energies and retarded our progress, are all fast disap-

pearling, and that Florida is destined soon to realize, in her actual wealth, population, and progress, all the fond anticipations which, in darker days, we began to regard as dreams, but which her immense and undeveloped resources fully justified us in indulging.

In a State in the condition of ours, no subject can claim a more pressing interest than that of public instruction. In older communities, under our government of popular opinion, it justly takes the first rank—but *here*, recently embarked upon the experiment of State government, with a population rapidly increasing by immigration, scattered over a vast extent of country and to a great degree destitute of the ordinary means of civil and religious instruction, no subject can appeal in stronger terms, for all possible and speedy attention. The fund already realized from the sale of the sixteenth sections, is perhaps sufficient to justify a commencement of a system of common school education, if aided by laws judiciously framed to elicit co-operation from the People. Indeed, without this, any fund would be powerless to effect the beneficent purpose of public instruction; and with this view I respectfully suggest to the Legislature the expediency of a careful revision of the law already enacted upon the subject of common schools, and such further legislation as may seem proper. The first simple, yet grand and important object, is to place within the reach of every child in this State the opportunity of learning to read and write—of acquiring those indispensable elements of education which shall place him in a position to fit himself for the enlightened discharge of his important civil and social duties; and the more remote he is from such opportunity, the greater would seem to be his claim upon us for relief. A plan characterized by simplicity and economy—placing the main administrative power in the hands of county authorities—making the payment of all *pro rata* dividends from the fund contingent upon equal or greater sums to be raised by county taxation, appears likely to be the most efficient; and I feel confident that should the sum so raised be found, for the present, wholly inadequate to the support of a sufficient number of regular daily schools, it could yet, by the employment of itinerant teachers, accomplish the great object of teaching our children to read and write, by extending to them at least two or three months' tuition in the course of each year.

The Constitution of this State makes it the duty of the Legislature to encourage a "liberal system of Internal Improvements," and "as soon as practicable to ascertain by law proper objects of improvement in relation to roads, canals, and navigable streams, and to provide for a suitable application of such funds as may be appropriated for such improvements." Nothing has yet been realized from the munificent donation of land by the General Government for the purpose of Internal Improvements in this State. It cannot, however, be doubted that, eventually, a large sum will accrue from this grant; and if the recent cession to this State of the immense tracts of swamp and overflowed lands within her borders, be devoted to the same object, we can hardly fail to realize a most ample

and efficient fund. The provision of the Constitution before quoted, requires a "liberal system"—not detached, fragmentary, isolated and speculative projects of Internal Improvements; and the geographical configuration of the State is such, as to show the importance of such a "system." Except a common government, the South, the East, the Middle and the West, may be said to have no other community of interest. Each stands isolated—perhaps viewing the other with more or less jealousy, and it needs no prophet's eye to discover that we shall never enjoy that unity of feeling so essential to our well being as a State, until bound together by a system of Internal Improvement. We have also commodious harbors on the Atlantic and the Gulf, but never will we realize their full value as depots of trade until they are connected with the producing back country by a system of improvement; and on the other hand, a large portion of the most fertile lands in the State are rendered comparatively valueless, by the want of the means of easy and cheap communication with the seaboard; while for the same reason immense and heavily timbered pine regions, which otherwise might be found exceedingly valuable, are wholly worthless except for mere grazing purposes.

I submit to the wisdom of the General Assembly, whether, even now, some plan of Internal Improvement might not be evolved, worthy the name of a State system, which should stimulate the enterprise and enlist the co-operation of all our people—some plan which should have in contemplation the accomplishment of the great objects to which I have alluded—which should unite the waters of the Atlantic with the Gulf—furnish a great thoroughfare of intercommunication between the cities of the Southwest, the Pacific and those of the Atlantic coast, and which, by a judicious improvement of the water courses of the Peninsula, might unite all interests, and concentrate the enterprise of all sections in a truly valuable State system of improvement. Before mere local, temporary and isolated projects shall be conceived and brought forward to divert the attention of the various counties; let the public mind be directed to something which shall be of vast, common and permanent utility. It may reasonably be apprehended if schemes for mere local expenditure of this fund shall once arise, they will vastly multiply—that a grant to one will furnish only the occasion for a grant to another, until finally they will sink into mere appropriation seeking each county claiming only to get as much as its neighbor, without regard to the objects to be accomplished, and the whole fund be squandered without permanent benefit to the people. Nothing short of the early adoption by the Legislature of a *general system* of Internal Improvements, seems likely to avert so sad a catastrophe; and among the numerous considerations which seem to indicate the propriety of this course, is that of early obtaining a further grant of land for this purpose from the General Government. Liberal appropriations of land have been made by Congress for similar objects in other States, and it may be truly said that no project of Internal Improvement

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would possess a higher national character, or, as such, be likely to present a stronger claim on the favorable consideration of Congress, than the plan of a great highway between the Atlantic and the Gulf. Congress has lately evinced a disposition of extraordinary liberality with regard to the public domain, and I do not entertain a doubt that an application by your honorable body for a grant of land, connected with the adoption of some plan for such an enterprise, would be attended with entire success. As little doubt have I of our ability to accomplish this great work with the present and prospective means of the fund, and the co-operation of private enterprise, and that the cost of the work might be covered by the increased value it would give to lands within the reach of its influence.

In connection with this enterprise, my attention has been called to the fact, that negotiations have been completed with Mexico for the Tehuantepec route to the Pacific, and that a company has already been organized in the State of Louisiana for the construction of the road. This route is believed to be by far the most direct and practicable, and likely to command a vast proportion of the travel and transportation to California, Oregon, and the Asiatic coast and islands. A glance at the map will show you that a railroad across our State would be in the direct line, and form a most important and essential link of connection between the Gulf depot of this route and the Atlantic coast and cities.

As essential to the maturing and prosecution of any important scheme of State Internal Improvement, and the proper management of the funds arising from grants already made, or which may be hereafter made by the General Government, I respectfully suggest the propriety of creating a Board of Internal Improvements, under such restrictions as the General Assembly may deem salutary.

It is gratifying to know that, for the first time, public attention out of the State is becoming awakened to the immense and varied agricultural resources of Florida. A spirit of earnest inquiry has been aroused, and occasional and interesting facts are developed, but still the means of information upon this important subject are lamentably imperfect. It has been earnestly suggested to me from various sources, to recommend to you the creation of a Board of Agriculture, which, filled by enterprising, intelligent and patriotic citizens, who would consent to receive the appointment, might, without expense to the State, serve as an important nucleus and medium for the collection and dissemination of valuable facts with regard to the agricultural resources of Florida, and at the same time awaken a spirit of improvement and progress in the great planting interest of the State.

The terms of office of the Circuit Judges, under the provisions of the Constitution, expiring in July last, I re-appointed the incumbents, to serve until the adjournment of the present session of the General Assembly. The duty will, therefore, devolve upon you of electing the entire judiciary of the State. Upon the subject of the organization of this important branch of the Government, certain

considerations suggest themselves to me, to which I invite your attention.

As our highest tribunal, announcing the law without further appeal, and determining the rights of the citizen in the last resort, it is all-important that the constitution of the Supreme Court be such, as in the best degree to ensure accuracy in its decisions, and public respect and confidence. Our judicial system has now been in operation for a period of five years—a lapse of time which may enable us to detect and remedy any defects in its organization. Of some one hundred and five cases presented to the Supreme Court, during this time, for its adjudication, upwards of two-thirds of that number have arisen in the Middle Circuit. If the Judges had been confined to their respective Circuits, the Judge of the Middle Circuit would have been excluded from all participation in the decision of this large number of cases, and the Circuit would have been, to all intents, without a representative upon the bench. The alternating law prevailing for upwards of two years, relieved this inequality, and imposed nearly equal burdens upon the Justices of the Appellate Court. Since the repeal of that law, however, the objectionable inequality has revived. Referring to the printed Reports of the Court, I find adjudications since that time of only three cases from the Eastern Circuit, one from the Southern, and four from the Western. During the operation of the alternating law, appeals were in nearly the same ratio; so that this inequality would seem to consist either in the small amount of business in the Courts of those Circuits, or in the inconvenience attending an appeal. If the latter be the case, then the double objection presents itself, that the people of those Circuits are practically excluded from the Appellate Court by their distance from the seat of government, and that the people of the Middle are prejudiced by the exclusion of their judicial officer from the bench of this tribunal.

Another objection of no slight importance is, that decisions are frequently given in the Supreme Court by two of the Judges, so as to be decisive of the case, whilst the two other Judges hold a different opinion—there being no common arbiter or fifth Judge to decide this difference. Common reason and obvious propriety would forbid this; yet the constitution of the Court renders such a result inevitable—thus, I fear, doing injury to individuals, and causing confusion and uncertainty in the law itself, and its administration.

Various plans have been proposed to remedy these evils, and improve our judicial system. My design is not to recommend any particular plan, leaving it to the wisdom of the Legislature to contrive and determine such remedies as to them may seem most salutary and expedient. A return to the alternating system, would remove a part of the evil. A separate Court of Chancery for the State, to consist of one Judge, to discharge equity duties, and to be added to the Supreme Court; and a separate Supreme Bench, have also been suggested. But perhaps the plan better suited to the financial circumstances of the State, and which, it is believed, would

go far to remove all the objections which have been raised, would be to reorganize the present Judicial Circuits, by creating a new one, thereby making the circuits smaller, and the duties less, and more equal. This plan would give five Judges to the Supreme Court, and make a concurrence of three necessary to the reversal of a decision. It has also been proposed to provide for two additional sessions of the Supreme Court to be held, one in the East, and the other in the West—by which arrangement, the people of the East and South, and the West, would be relieved from the onerous necessity of attending the Supreme Court at the capital of the State, without additional public expense.

The expense attending the confinement of criminals in prison for a long time, before trial, is very onerous and burdensome to the treasury. This may, in some cases, be for the time of seven months, owing to the interval between the terms, and the want of a provision to allow the judges to hold special or called terms for the trial of such cases, when demanded by the public interests, or requested by the accused. Such confinement during the summer months, before conviction, should scarcely be regarded in any other light than as an act of cruelty and oppression, revolting to the senses, and shocking to humanity, and little short of the punishment of death. It is believed that most of the States have provisions for such an exigency, by the allowance of adjournments, or permission to their judges to hold extra terms. By the Constitution of this State, the Circuit Courts have all the jurisdiction of a separate Chancery Court, which is believed confers the power to hear and adjudicate cases in vacation. There is every reason why this should be done. Cases of complex and intricate character require time for deliberation and reflection, and cannot be disposed of in the hurry of a term taken up in criminal and jury trials of other descriptions. It may be desirable, in a matter of such importance, that the power should be undoubted, and expressed in clear and unquestionable language. The Constitution of this State directs, "that all the courts shall be open and right and justice be administered without sale, denial, or delay," as a "means by which the great and essential principles of liberty and free government may be recognized and established." This provision is obligatory upon the Legislature, whose office it is for the most part to furnish the remedies and modes of action for the Courts, and to provide all proper facilities and provisions for their due observance and execution.

It is well known that a difference of opinion has prevailed in regard to the proper construction of that provision of the Constitution which fixes the period when the term of office of the first Governor of Florida shall expire. My predecessor claimed the right to hold over until the first Monday of October, 1849, while I held the opinion that I was duly elected on the first Monday of October, 1848, as announced to me by a joint committee of both Houses of the General Assembly, and that his authority ceased as soon as his successor was chosen and qualified. The General Assembly having adjourned

without the expression of any opinion on the subject, except what might be inferred from conferring upon me in Constitutional form, the obligations of office, and possessing no power myself to bring the question properly before the Supreme Court of the State for a judicial decision, I had no alternative but to submit to the construction placed upon the Constitution by my predecessor, and therefore did not receive the seals of office until the first Monday of October, 1849, my predecessor having continued to perform the functions of office to that day. A report of his proceedings, addressed to your honorable bodies, was left in the Executive Department, and accompanies this Message.

It is proper, however, that I should declare that I have seen no cause to change my previous opinion. I hold that I was elected for four years from the first Monday of October, 1848, and that I constitutionally entered upon the duties of office at the time I was *qualified* in the presence of the Representatives of the People; and consequently, that my term of office will close on the first Monday of October, 1852, or as soon thereafter as my *successor shall be chosen and qualified*. The question of construction, however, still remains unsettled, and will be a source of embarrassment to all time, unless settled by the proper authority. For this purpose, I proposed to my predecessor to make a friendly case in the Circuit Court, so that an appeal might properly go up to the Supreme Court of the State for a final decision, but he declined. I now invite the attention of the General Assembly to this subject, that such action may be taken as will bring the question properly before the Supreme Judiciary of the State, so that a final decision may be had before the election of my successor.

Twenty-two bonds of the late Territory issued in favor of the Union Bank of Florida have been delivered to me by order of the Circuit Court of the Middle Circuit, and I have caused them to be deposited in the Treasury Department for safe keeping, until the pleasure of the General Assembly respecting them, shall be made known. I am also informed that a large number of these Bonds, and also of the Bonds issued in favor of the Life Insurance and Trust Company, have been paid into those Banks by stockholders, and mortgaged property to a corresponding amount released. How many of like Bonds have been heretofore returned to the Executive of the State and Territory and cancelled, I have no precise information. I would recommend an inquiry into this subject, and also into the condition of these institutions. I submit herewith a letter from Col. John G. Gamble, President of the Union Bank of Florida, and invite the attention of the General Assembly to the subjects therein presented.

Application will probably be made to you, during your present session, for the incorporation of another banking institution. While it must be acknowledged that past experience in this State has not been such as to encourage a favorable anticipation of the success of such institutions, yet it is worthy the attention of the Legislature to

inquire whether public convenience and security may not be promoted by a banking institution of moderate capital, established upon sound principles and under salutary restrictions.

Having been officially advised that a United States force was upon the frontier, deemed by the commanding General sufficient to protect the inhabitants and keep the Indians in check, and having also learned that the State volunteers called out by my predecessor, would not be received into the United States service, I early directed their discharge; and for the payment of their expenses home, as there were no funds in the State Treasury, by law applicable to this purpose, I drew upon the contingent fund, in favor of the Quarter Master General, R. A. Shine, for the sum of \$1,584,57, which you will find accounted for in his accompanying Report.

I also communicate herewith my correspondence with the President of the United States and the Secretary of War, on the subject of the claims of our citizens for military service, and for losses sustained from Indian depredations, and the removal of the Seminoles beyond the limits of this State. It is hoped that a bill for the payment of the volunteers called into service by my predecessor, which has already passed one branch of Congress, and is now upon the calendar of the other, will become a law soon after the re-assembling of that body. But there are other companies of settlers on the frontier, who were forced into service in defence of their families, and rendered hard service and suffered severe privations, for whom, as yet, no provision has been made. I respectfully solicit the attention of the General Assembly to some action in their behalf. The removal of the Indians from Florida has been assumed by the General Government as a duty, so repeatedly, and in such various and solemn forms, that it is beyond the power of language to make it clearer or more binding and emphatic. As a measure dictated by every principle of justice to our citizens upon the frontier, who have bought lands and settled under these repeated assurances from the Government—as indispensable to the security of our frontier inhabitants, and the advancement and prosperity of the State, I invite the General Assembly again to invoke the speedy and decisive action of the Federal Government to the discharge of its obligations upon this subject.

The Seminoles concerned in the murders of Indian River and Pease Creek, committed in July, 1849, having been surrendered to the United States commanding general, he was instructed by the authorities at Washington to report them to the Executive of Florida, to be dealt with according to the criminal laws of this State. No communication has, however, been received by this Department on that subject, nor am I aware of what disposition was made of these offenders. A communication has been received from Captain Casey, Special Indian Agent, with regard to the present condition and temper of the Seminoles in Florida, which is herewith submitted. I regret to inform you that but little progress has been made in the settlement of the vexed question of boundary between the

States of Georgia and Florida. The General Assembly, at its last session, passed a resolution, instructing the Attorney General to file a bill in the Supreme Court of the United States, for the purpose of bringing the question to the arbitrament of that tribunal. This action seems to have been in accordance with the expressed wishes of the authorities of Georgia; but much to my surprise, the Governor of the State, in his late Message to the General Assembly, appears to have mistaken it as discourteous and unfriendly. To remove such an impression, I early addressed him a letter, which led to the accompanying correspondence upon the boundary question; and at one time I indulged a sanguine hope that the controversy would be adjusted by negotiation, without a resort to the Supreme Court. I, therefore, directed the Attorney General to suspend proceedings. But I was disappointed; and as no other course appeared to be left, the case was re-instated, by my direction, in the Supreme Court, and associate counsel employed, to take proper steps for a speedy decision.

It is doubtless within the personal knowledge of every member of the General Assembly, that the Militia of the State is entirely disorganized, and whatever efforts I have been able to make to remedy this state of things have proved wholly ineffectual. The law is radically defective in principle, as well as unwieldy and cumbersome. I invite your attention to the elaboration and enactment of some simpler and more efficacious law.

The Grand Jury of Leon County having twice presented the condition of the Public Armory as unsafe, I am led to recommend to you an appropriation for the construction of a small and safe building for this purpose, to be located on the Capitol Square.

The Board of Managers of the Washington National Monument Association, having "extended an invitation to each of the States of the Union to furnish a block of marble, or other stone, the production of its soil," for that structure, I caused a block of Limestone to be quarried near St. Marks, of suitable dimensions and texture, and to be forwarded to the National Capitol, with instructions to have it suitably prepared and inscribed with the name of the State, the date of her admission into the Union, and the following inscription: "Florida sees in his counsels safety—in his life an example—in his memory a perpetual bond of Union."

That provision of the Constitution which declares that the salary of the Governor shall neither be increased nor diminished during the term of the incumbent, relieves me from any embarrassment I might otherwise feel in pressing upon your attention a subject of much public importance. While a system of rigid economy in every department of the government is an imperative duty, of which I am sure we shall never be unmindful, it cannot be disguised that the salaries of the officers connected with the Executive Department of this State are so low, as, in effect, to create an odious monopoly to residents near the capital, or to more wealthy citizens who can af-

ford to incur expense, for the sake of the honors of office. A public office of trust which requires the whole time of the incumbent, ought to afford a competent support for himself and his family, and to that extent, at least, justify the citizen living at a distance from the capital in removing here to perform its duties. At present such is not the case, and the effect of existing provisions has been almost as entirely to exclude the great body of the people from these offices, as if they were constitutionally disqualified. Reflection must satisfy us that this is a false economy, and that its practical tendency is likely to be, to exclude talent, experience and ability from the service of the State, to seek other channels where it can find a more adequate reward. Under a wiser and more liberal system, the various State offices might serve to develop statesmen to vindicate and do honor to the commonwealth abroad, and our State would be represented in the national councils by men who had previously earned character and public confidence by official service at home. A course like this would practically go farther to vindicate State rights and sovereignty, than all the abstract reasoning upon the subject.— As the election of my successor will take place before another session of the General Assembly, I invite such action as will have the salutary effect of opening the door to every portion of the State for its participation in the honors of the Chief Magistracy, as well as other Executive offices.

In compliance with the provisions of an act of the last General Assembly, the Secretary of State caused to be procured seals, with appropriate devices, for the Circuit Courts, which have been distributed to the Clerks of the respective Courts in each of the Counties of this State.

By a resolution of the last General Assembly, it was made the duty of the Governor to correspond with M. Alexandre Vattemare, the distinguished author and promoter of a system of international literary exchanges, which duty I have caused to be performed; and I have now the satisfaction to inform the General Assembly, that I have recently received a highly interesting communication from that eminent philanthropist, detailing his plans and operations, with a catalogue of rare and valuable literary works for our State Library. These have been shipped from the city of New York, and may be expected here in a short time—when they will be submitted to the Legislature, with his communication, for such action as you may think proper.

The Report of the State Register of Public Lands will be found an interesting document, embracing practical views and suggestions on the subject of schools, worthy the consideration of the General Assembly.

It will be seen that some inconvenience has occurred in locating the school lands on the line of boundary with Alabama, owing to the distance between the mounds thrown up by Ellicott. I submit

whether it would not be advisable to make provision to have that line accurately run, and more distinctly marked.

The Attorney General's Report points out some defects in the existing laws, which require amendment. I would particularly ask the consideration of the General Assembly to his suggestions upon the necessity of making some provision for the care and safe-keeping of indigent insane persons.

The Reports of the Comptroller and Treasurer exhibit a healthy and improving condition of the financial resources of the State—and with such improvements in our revenue system, as experience has enabled the Comptroller to suggest, the gratifying prospect is presented of a Treasury capable of meeting all proper and reasonable demands upon it. If the General Assembly should think favorably of the suggestion, which I would strongly recommend, of borrowing the surplus school fund at a reasonable rate of interest, for the purpose of taking up all the outstanding Treasury certificates, it would abolish that very objectionable and unwise system, which nothing but necessity could justify, and relieve the holders of State scrip from the oppression of submitting to a discount upon their just demands. A sinking fund could be provided, which would repay the sum borrowed whenever it might be required, and would surely be as safe an investment of that fund as any that might offer.

In February last, certain correspondence took place between our delegation in Congress and the Executive, on the subject of the Southern Convention at Nashville. While regarding with much anxiety the threatening aspect of the great sectional controversy, the Executive was constrained to the belief that he had no constitutional or legal power to commit the State to that measure, or officially to interfere to procure a representation in the Convention; and that the measure itself was ill-timed and inexpedient—ill-timed, because Congress was then in session, attempting to settle the question—inexpedient, because, if resolutions were wanted, resolutions had been taken, emphatically taken, by the legislatures of the Southern States; and if resistance was contemplated, the point for resistance had not yet been reached. The Constitution, that great charter of our rights, is sufficiently explicit to need even no formal resolutions to elucidate it, and were this not so, the dictates of inter-sectional comity are plain. Both regard the States and their respective citizens as political co-equals—entitled to the same measure of right or privilege, and whatever specious sophistry may be used to sustain positions leading to a different result, is equally abhorrent to that written and unwritten law. In the attempt to vindicate our rights under the Constitution, it seems to me that the day for mere moral effect conventions and resolutions has passed, nor can I see much hope of a permanent peace between sections from a reluctant compliance with the plain conditions of the federal compact thus *extorted*. Nothing short of a willing and cheerful submission by all

sections to the paramount law of the Union, seems likely much longer to preserve it in real vitality or even in hollow semblance.

Congress, after unprecedented delay and difficulty, succeeded in adopting a plan of compromise. It was not such as to meet the just expectations of the People of this State; but considering that it is not often incidental to an award fully to gratify both or either of the parties, and that no surrender of constitutional principle was demanded, we were disposed to acquiesce in this settlement, looking that it should be carried out in hearty good faith by the other sections of the Confederacy. This reasonable expectation, I am led to fear, by recent indications, may be doomed to disappointment. The ink is scarcely dry upon the parchment of the Compromise before the threat to repeal the bill for the recovery of fugitives is heard from sources which leave little room to doubt that an earnest effort is about to be made in Congress to wipe from the statute book a bill whose only office was to afford the people of the non-slaveholding States the opportunity to perform, or to acquiesce in the performance of a plain constitutional duty. Passed, as it was, by an actual minority of the popular branch of Congress, it seems to me little likely to withstand in that body the storm of odium which has been raised against it, unless a great and unexpected change in apparently dominant Northern opinion shall take place. While it affords sincere gratification to believe that a disposition exists with the Federal Administration and a majority of the Senate of the United States to maintain the compromises of the Constitution, we are painfully reminded that unless the turbid and swollen tide of fanaticism be stayed by the people themselves, all such barriers must soon be swept away. Nothing is surer than that this government must eventually furnish a faithful reflection of the established opinion of a popular majority, and this fact, considered in connection with the manifestations of Northern sentiment upon their obligations under the federal compact, justifies a serious concern for the perpetuity of the Union. The repeal or essential modification of the law for the recovery of fugitive slaves will, in my judgment, be tantamount to a formal record and notification of the unwillingness of our Northern brethren longer to abide by the Constitution of the United States. It is not seriously contended that this law is an abuse, or violative of any constitutional right. The only rational objection which can be urged against it is, that it is likely to accomplish, with some degree of efficacy, the object for which it was enacted—the restoration of fugitive slaves to their rightful owners. Without a constitutional provision stringently enforcing this duty and fully securing this right, it is a matter of historical truth that the Union could never have been formed; and equally true it is, that the Union cannot endure a practical repudiation of this plain constitutional right and duty in the repeal or emasculation of a law designed to secure and enforce it. It is idle to contend that this cry of repeal or amendment has any foundation in the provisions of the law, except in so far as they harmo-

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nize and co-operate with the provisions of the Constitution. Its repeal, therefore, is a practical repudiation of that instrument.

Such an event would leave us no alternative, compatible with national unity; for it seems to me there can be no treason so ignominious as that which should acquiesce in a violated Constitution—none more fatal to the cause of civil liberty throughout the world—none more ruinous in its ultimate consequences to ourselves and posterity. Should the General Assembly concur with me, as the next regular session will not take place until 1852, I invite you, if you think proper, to authorize the Executive, by law or resolution, in the event of the repeal of the Fugitive Slave Bill, or the consummation of any other aggressive measure, at his discretion to proclaim and convoke a Convention of the People of this State, at such time as may comport with harmonious action with our sister States of the South, for the purpose of devising a remedy. It is with inexpressible pain that the General Assembly and the Executive must contemplate any contingency, imperilling the stability of a government which has, in general, so well and so wisely discharged its great functions, and which, like some proud monument tottering to its fall, seems to inspire a deeper sense of grandeur at the apparent threatening of a catastrophe; and while it manœuvres our safety, to call forth a more poignant sympathy and vivid recollection of the many grateful and hallowed associations which cluster around it. I can only add the hope, that a kind Providence, which watched over our national infancy, and averted so many perils, may yet extend a protecting arm, and save us from the calamities of disunion.

Your fellow-citizen and obedient servant,

THOMAS BROWN.

Communication by Ex-Governor Moseley.

EXECUTIVE OFFICE, September 29, 1849.

*Gentlemen of the Senate, and
of the House of Representatives:*

As my official functions are drawing to a close, and will have ceased long before your honorable bodies will have assembled, unless convened in extra session, I deem it not only my right, but my duty to leave some record of my course, during a period of nearly nine months, since your adjournment; and especially in relation to a recent emergency, threatening the immediate peace and safety of the inhabitants of Florida, upon our Indian frontier.

It is well known to you, that the removal of the remnant of Seminoles out of our State, has been to me a subject of deep interest, throughout my whole term, and that through my annual message, as well as by my official correspondence, it has been my constant endeavor to impress this subject upon the authorities at Washington. I recur with great satisfaction to the entire unanimity and hearty co-operation of your honorable bodies to the same end, as shown by the Acts and Resolutions on this subject, at your last session.

When the news of the murder and robbery by the Indians on Indian river on the 13th July, reached me, on the 23d of that month—not in idle rumor, but upon examinations had, and ample proofs made before the Hon. Isaac H. Bronson, United States Judge of the Northern District of Florida, and this evidence was

accompanied by the concurrent request of numerous respectable citizens of the east, without distinction of party, (as attested by their memorial on file in the Executive office,) I determined to call out two companies of mounted volunteers, and despatch them to the most exposed points on the frontier. One of these companies I called out in this vicinity, because our dense population afforded the best prospect of getting men, and mounting them with the least delay—and it was in my power to arm and equip them better and sooner, than at almost any other point; and the despatch with which this was effected, and with which this company reached its destination, is the best evidence that the arrangement was judicious. I selected Duval, as the best point for raising the other company, because that was a populous and, comparatively, old settled county—remote enough from the frontier to be free from the excitement and confusion caused by an Indian alarm—with a commercial town, (Jacksonville,) from which immediate supplies could be drawn, and the steam navigation in the St. Johns affording quick transportation to the neighborhood, where their services would most probably be required.

On the 30th July, information reached me, by express, of the murder, robbery, &c. on Pease creek, on the 17 and 19th—the inhabitants in that quarter also appealed to me for protection. From this time, I no longer doubted that there was an extensive spirit of hostility among the Indians, and that it was my duty to increase the force intended for the protection of our citizens exposed to depredations by them. I, therefore, determined forthwith to send off supplies for the company already ordered to the frontier on the Gulf, and to forward arms for the use of the inhabitants; and for the protection of these arms and supplies, to raise and send in the same vessel conveying them, a company of infantry from this vicinity, which was effected by the 4th of August. I also ordered out companies from Marion, Benton and Hillsborough, Alachua, Columbia, and another from Duval and Nassau. For the number and description of volunteer militia actually in service under these orders, you are referred to the report of the acting Adjutant General.

The objects contemplated in this call upon the patriotism of my fellow-citizens, will appear from the nature of the orders and instructions issued to them, to which you are respectfully referred—and I record with great pride and satisfaction, the prompt manner in which my efforts were met and sustained by the citizens of Florida generally. There seemed to be a generous pride and emulation as to who should be foremost in rendering the State service, "and the chief complaint was, that some were preferred, where all could not be received." In such apparent preference, however, there was nothing personal; for, as already stated, convenience and despatch were the only considerations for choosing one county rather than another—leaving those on the frontier to take care of their families and property, except in cases of extreme emergency.

It appeared to me, that the occurrence of these Indian outrages, furnished a very proper occasion of renewing the application to the General Government, to have the Indians removed from the State without further delay; and I determined no longer to rely on letters, to be read, and filed away, and forgotten, but to send to Washington two of our citizens of the first respectability, whose representations could not be disregarded, when personally enforced with earnestness and intelligence, as I was sure they would be. These gentlemen—General L. A. THOMPSON and Col. BENJ. F. WHITNER—were charged with the duty of urging the President to take efficient measures for the removal of the Indians, and of explaining the motives and circumstances under which I had acted, for temporary defence. Their reports and communications are on file in the Executive office, and show the zeal, intelligence and patriotism with which their duties were discharged—and I take pleasure in thus attesting my approval of their conduct in this important matter. The assurances of the President that the Indians shall be removed without delay, and the movement of regular troops towards our frontier, so much beyond what has been done for a sister State, Texas, whose citizens are suffering in a still greater degree than our own, are conclusive to my mind, that Florida is greatly indebted to the very efficient labors of these gentlemen.

I entertained no doubt that the Federal Government would cheerfully meet

the expense of calling out the militia—and even hoped that the President would have provided for this, by taking them into the service of the United States—at least until he could throw a sufficient force of regulars into those parts of the State exposed to Indian depredations. But until this was done, it was indispensable to have funds, in order to procure necessary subsistence for our volunteers.

The above named gentlemen, therefore, were authorized by me to negotiate a loan of twenty thousand dollars from a bank of the City of Charleston, which they effected. As I had no authority to pledge the faith of the State in this proceeding, it was done on my personal responsibility. But I have no fears that the proper authorities, both of the State and of the General Government, will hesitate to assume the payment, or make the pledge more than a matter of form. It has enabled me to procure every requisite supply, and at prices greatly below what must have been paid, if the purchases had been made on an indefinite credit.—All disbursements have been rigidly scrutinized, and audited and paid, with the same care and exactness as any other claims or accounts against the State—and I here record my thanks to the State Comptroller, the Treasurer and the Quartermaster General, and refer to their reports and statements, to show the state of these accounts.

I take pleasure in stating, that should it be necessary to keep our volunteers in the field, further pecuniary aid can be had, both in Georgia and in South Carolina—or should my successor deem it advisable to dismiss the volunteers from further service, a sufficient sum can be had in the same way to pay them off at once, and not await the more tardy movements of Congress, subjecting the men to the loss and inconvenience arising from the delay.

I trust that this matter will be disposed of by Congress long before the period of your regular biennial session, and that no serious exigence will require that you should be sooner convened. But I entertain the utmost confidence that you will ever be prepared to act in such manner, as will inspire every citizen with full reliance upon the State for prompt protection of his life and property, and for a just acknowledgment and compensation for his public services.

I have considered that the causes which justified me in calling this force into the field, still exist, to such an extent, at least, as warrant me in continuing them until the close of my term; and I have accordingly caused supplies to be provided for them until the 8th of October ensuing.

From all the information I possess, the number of Regulars actually arrived in Florida up to this time, does not exceed a few hundred men—all of them infantry and artillery, without horses, and as yet without transportation from the seaboard.

The proposed meeting between General Twiggs and the Seminole Chiefs on the 18th instant, made it highly improper to withdraw the volunteers, or do any thing to weaken his force, until the result was known.

The news (unofficial) that the meeting did not take place, reached here two days ago; but I am still ignorant of the course that the commanding General will adopt, and therefore shall leave the subject to be determined by my successor, who will, doubtless, be more fully advised, within a few days.

Very respectfully,

W. D. MOSELEY.

On motion of Mr. Forward, Ordered that 250 copies of the message, with accompanying documents, be printed for the use of the Senate.

Mr. Baldwin gives notice that, at some future day, he will ask leave to introduce the following bills, to wit:

A bill to be entitled, An act to define specifically the duties of the Board of County Commissioners of Monroe County;

A bill to be entitled, An act to amend an act entitled an act to

exempt Homesteads from Execution, Attachment and Distress, approved March 11th, 1845;

A bill to be entitled, An act in relation to Naturalized Citizens voting in this State;

A bill to be entitled, An act fixing the rates of Wharfage and Storage in Monroe County;

A bill to be entitled, An act consolidating the Counties of Dade and Monroe for Judicial purposes;

A bill to be entitled, An act to amend an act entitled an act concerning Practitioners of Medicine in this State, approved 10th February, 1831;

A bill to be entitled, An act to amend an act entitled an act for the Protection of the Fisheries on the Coast of Florida, approved Dec. 17th, 1845;

A bill to be entitled, An act to establish the Fees of Notaries Public in certain cases;

A bill to be entitled, An act in relation to Pilotage for the Port of Key West;

A bill to be entitled, An act amendatory of the several acts in relation to Executions.

Mr. Avery gave notice that he would, at some future day, ask leave to introduce a bill to be entitled, An act so to amend the Charter of the City of Pensacola as to allow said City, in its corporate capacity, to Subscribe to Stock in the Escambia Plank Road, and also to Subscribe to Stock in the Alabama and Florida Rail Road.

Mr. Avery gave notice that he would, on to-morrow, ask leave to introduce the following bills, to wit:

A bill to be entitled, An act to empower Henry B. Davis, a minor, to assume the management of his own estate;

A bill to be entitled, An act to change the name of Francis St. Johns;

A bill to be entitled, An act to alter and change the name of Elizabeth McCaskill.

Mr. Smith gave notice that he would, at some future day, ask leave to introduce a bill to be entitled, An act to repeal the 10th clause of the 6th Article of the Constitution of this State, so as to allow Ministers of the Gospel to hold any office under the same.

Mr. Austin gave notice that he would, at some future day, ask leave to introduce a bill to be entitled, An act to prevent Members of the Legislature from being eligible to offices bestowed by the Legislature during their term of service.

Mr. Finley gave notice that he would, at some future day, ask leave to introduce a bill to be entitled, An act to amend the Constitution of this State so as to give the election of the Judiciary to the People.

Mr. Forward gave notice that he would, at some future day, ask leave to introduce a bill to be entitled, An act to alter and amend

an act entitled an act to Incorporate the Atlantic and Gulf Rail Road Company.

Mr. Maxwell gave notice that he would, at some future day, ask leave to introduce a bill to be entitled, An act to re-organize the Judiciary System of this State, and to establish a fifth Judicial Circuit.

Mr. Maxwell moved that a Committee of five be appointed to draft and report Rules for the government of the present session of the Senate.

Which was carried, and Messrs. Maxwell, Finley, Forward, Avery, and Baldwin were appointed said Committee.

Mr. Forward moved that the rule be waived, and he allowed to introduce a bill without previous notice.

Which motion was lost.

Mr. Forward gave notice that he would, at some future day, ask leave to introduce a bill to be entitled, An act to punish cheats and false pretences.

Mr. Finley offered the following preamble and resolutions:

WHEREAS, Information has been received by the General Assembly of the State of Florida that Mr. Edmund LaFayette, the grand son of General LaFayette, the friend of our Washington, is now at the Capital of the State: *And whereas*, we desire to show the greatest possible respect to the descendant of that great and good man who aided us so efficiently in the achievement of our Independence, and whose name is forever blended with our national history: Be it, therefore,

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That a welcome to our shores and the freedom of the State be, and the same are hereby, voted to Mr. Edmund LaFayette; and that he be respectfully invited to occupy a seat within the bar of either House of the General Assembly at any time he may visit those bodies.

Be it further Resolved, That a Committee, consisting of two members from each branch of the General Assembly, be appointed to wait upon Mr. Edmund LaFayette, and deliver to him a copy of the foregoing preamble and resolution.

Which were read and unanimously adopted.

Mr. Baldwin offered the following preamble and resolutions:

WHEREAS, Serious disadvantages are suffered by the citizens of South Florida in all causes in Admiralty, where the amount in controversy is less than two thousand dollars, for the want of an Appellate Court to revise the decisions of the District Court of the United States for that District: *And whereas*, it is desirable, and the rights of litigants demand, that Congress should by law make provision for those cases in which there is at present no right of appeal, as well with the view of giving confidence to the decisions of the Federal tribunals, as that the rights of parties may be adjudicated in a manner satisfactory to themselves: Therefore,

Resolved by the Senate and House of Representatives of the State

of Florida in General Assembly convened, That our Senators in Congress be instructed, and our Representative requested, to procure, if possible, the passage of an act granting appeals from the District Court of the United States for the Southern District of Florida to the Circuit Court of the United States holden at Savannah, Georgia, in all causes of Admiralty and Maritime Jurisdiction when the amount in controversy exceeds the sum of three hundred dollars, exclusive of costs.

Be it further Resolved, That his Excellency the Governor be and he is hereby requested to transmit a copy of the foregoing preamble and resolution to our Senators and Representative in Congress.

Which were read and ordered to a second reading on to-morrow. The following message from the House of Representatives was received:

HOUSE OF REPRESENTATIVES, }
November 26, 1850. }

Hon. President of the Senate:

Sir: Messrs. Long, Steele and Anderson have been appointed a Committee on the part of the House, to act with a similar Committee from the Senate, in fixing the rate of compensation to be paid for the printing of the present General Assembly.

Respectfully,
W. H. MILTON, Clk. Ho. Rep.

Which was read.

Mr. Forward submitted the following report:

The Committee appointed to select a Chaplain for the Senate, beg leave to report, that they have performed that duty, and invited the Rev. Mr. Pratt, of Tallahassee, to officiate during the session.

W. A. FORWARD,
O. M. AVERY,
GEO. STEWART.

Which was received and concurred in.

The President announced the following Standing Committees:

STANDING COMMITTEES.

Committee on the Judiciary.

Messrs. MAXWELL,
FORWARD,
FINLEY,
BALDWIN,
AVERY.

Committee on Federal Relations.

Messrs. MAXWELL,
FORWARD,
FINLEY,
CRAWFORD,
JOHNSON.

Committee on the State of the Commonwealth.

Messrs. BROWN, of Columbia,
AUSTIN,
PERRY,
BUDDINGTON,
GHENT.

Committee on Taxation and Revenue.

Messrs. PERRY,
STEWART,
TAYLOR,
McMILLAN,
BUDDINGTON.

Committee on the Judiciary.

Messrs. MAXWELL,
FORWARD,
FINLEY,
BALDWIN,
AVERY.

Committee on the State of the Commonwealth.

Messrs. BROWN, of Columbia,
AUSTIN,
PERRY,
BUDDINGTON,
GHENT.

Committee on Corporations.

Messrs. FORWARD,
MOSELEY,
BROWN, of Hillsborough,
PERRY,
CRAWFORD.

Committee on Schools & Colleges.

Messrs. AVERY,
MAXWELL,
FINLEY,
BROWN, of Columbia,
JOHNSON.

Committee on Propositions and Grievances.

Messrs. SMITH,
BROWN, of Hillsborough,
CRAWFORD,
GHENT,
MOSELEY.

Committee on Internal Improvements.

Messrs. TAYLOR,
STEWART,
AUSTIN,
BUDDINGTON,
BROWN, of Columbia.

Committee on Elections.

Messrs. MOSELEY,
SMITH,
STEWART,
BALDWIN,
McMILLAN.

Committee on Claims & Accounts.

Messrs. BROWN, of Hillsborough,
FINLEY,
BUDDINGTON,
BALDWIN,
PERRY.

Committee on Federal Relations.

Messrs. MAXWELL,
FORWARD,
FINLEY,
CRAWFORD,
JOHNSON.

Committee on Taxation and Revenue.

Messrs. PERRY,
STEWART,
TAYLOR,
McMILLAN,
BUDDINGTON.

Committee on the Militia.

Messrs. JOHNSON,
FINLEY,
SMITH,
GHENT,
PERRY.

Committee on Engrossed Bills.

Messrs. BALDWIN,
McMILLAN,
TAYLOR,
AUSTIN,
JOHNSON.

Committee on Amendments and Revision of the Constitution.

Messrs. FINLEY,
MAXWELL,
MOSELEY,
GHENT,
BROWN, of Hillsborough.

Committee on the Executive Department.

Messrs. AUSTIN,
SMITH,
STEWART,
TAYLOR,
BROWN, of Columbia.

Committee on Enrolled Bills.

Messrs. FORWARD,
AVERY,
BROWN, of Columbia,
BUDDINGTON,
JOHNSON.

Committee on Agriculture.

Messrs. BUDDINGTON,
PERRY,
BROWN, of Columbia,
SMITH,
AUSTIN.

On motion of Mr. Smith, the Senate adjourned until Friday next,
11 o'clock, A. M.

FRIDAY, November 29th, 1850.

The Senate met pursuant to adjournment.

A quorum being present, the proceedings of yesterday were read and approved.

The Rev. Mr. Pratt officiated as Chaplain.

Mr. Perry moved that so much of the Governor's Message as relates to Public Instruction be referred to the Committee on Schools and Colleges;

And that so much thereof as relates to Internal Improvements be referred to the Committee on Internal Improvements;

And that so much thereof as recommends the creation of a Board of Agriculture be referred to the Committee on Agriculture;

And that so much thereof as relates to the Organization of the Judiciary be referred to the Judiciary Committee;

And that so much thereof as relates to the speedy Trial of Criminals—holding Extra Terms of the Circuit Courts, and the Power of said Courts sitting in Chancery to hear and adjudicate cases in Vacation—be referred to the Judiciary Committee;

And that so much thereof as relates to the removal of the Seminole Indians be referred to the Committee on the State of the Commonwealth;

And that so much thereof as relates to the Expenditures in the late Indian Depredations, the Payment of the Volunteers, Losses Sustained and Provision for the Settlers forced into Service, be referred to the Committee on Claims and Accounts;

And that so much thereof as relates to the Seminoles concerned in the murders of Indian River and Pease Creek be referred to the Committee on Propositions and Grievances;

And that so much thereof as relates to the Boundary between the States of Georgia, Alabama and Florida, be referred to the Committee on the State of the Commonwealth;

And that so much thereof as relates to the Salary of the Governor be referred to the Committee on the Executive Department;

And that so much thereof as relates to the Report of the State Register of Public Lands be referred to the Committee on Schools and Colleges;

And that so much thereof as relates to the Militia and Public Armory be referred to the Committee on the Militia;

And that so much thereof as relates to the Reports of the Attorney General, Comptroller and Treasurer, be referred to the Committee on Propositions and Grievances;

And that so much thereof as relates to the Southern Convention, and to the fears of his Excellency of the Repeal of the Fugitive