

Yeas—Mr. President, Messrs. Cone, Criglar, Eppes, Filor, Gillis, Hopkins, Long, Myrick, Nicholson, Smith and Tracy—12.

Nays—Messrs. Brinson, Hawes and Provence—3.

So said Bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

Engrossed Bill to be entitled, An Act to regulate the performance of the duties of the Supreme Court of this State and to change the time and place for holding the terms thereof;

Came up on its third reading.

On motion of Mr. Myrick its further consideration was postponed until Wednesday next.

Engrossed Bill to be entitled, An Act to Incorporate the Lagoon and Perdido Canal Company;

Was read the third time, and upon the question of its passage the vote was:

Yeas—Mr. President, Messrs. Brinson, Cone, Criglar, Eppes, Filor, Gillis, Hawes, Long, Myrick, Nicholson, Smith and Tracy—13.

Nays—None.

So said Bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

Engrossed Bill to be entitled, An Act granting the right of Appeal from the Judges and orders of the Board of County Commissioners to the Circuit Court;

Was read the third time, and upon the question of its passage the vote was:

Yeas—Mr. President, Messrs. Cone, Criglar, Eppes, Filor, Hawes, Long, Myrick, Nicholson, Provence, Smith and Tracy—12.

Nays—None.

So said Bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

On motion, the Senate adjourned until Wednesday morning, 11 o'clock.

WEDNESDAY, December 27, 1854.

The Senate met pursuant to adjournment.

The Rev. Mr. Turner officiated as Chaplain.

A quorum being present, on motion, the reading of the Journal of Saturday was dispensed with.

The following Bills and Resolutions which had passed the Senate, were transmitted to the House of Representatives, viz:

A bill to be entitled An act to Incorporate the Lagoon and Perdido Canal Company;

A bill to be entitled An act in relation to the Institution of Suits before Justices of the Peace in Santa Rosa County;

A bill to be entitled An act granting the right of appeal from the Judges and Orders of the Board of County Commissioners to the Circuit Court;

A bill to be entitled An act to abolish the office of State Engineer and Geologist;

House bill to be entitled An act making additional appropriations to defray the expenses of Criminal Prosecutions and for the payment of Jurors and State Witnesses for the fiscal years 1853 and 1854;

House Resolution authorizing the Governor to turn over sixty muskets and accoutrements to the Florida Independent Blues and others;

House Resolution asking that Tampa be made a Port of Entry with "enclosed amendments."

The following Bills which had passed both Houses of the General Assembly and had been duly enrolled and signed, were transmitted for approval to his Excellency the Governor, viz:

An act in relation to a Road Tax in the Counties of Putnam and Marion;

An act to allow the Supreme and Circuit Courts of this State to hold extra terms, whenever the regular terms cannot be safely held in consequence of the prevalence of any contagious disease at the time and place or places appointed by law for holding the regular terms;

An act for the relief of Dr. C. A. Hentz;

An act to establish a ferry at Brown's Ferry in Jackson County;

An act to enforce the laws against violations of the Sabbath Day in Monroe County;

An act in relation to Evidence;

An act to repeal Section Four of An act amendatory of an act to establish and organize a Mayor's Court for the City of Apalachicola, approved January 5th, 1853.

Mr. Hawes presented the memorial of Citizens of Putnam County, in relation to a loan of money from the State for the purpose of building a jail for said County;

Which was read, and on motion of Mr. Hawes was referred to the Committee on Propositions and Grievances.

Mr. Filor from the Committee on Engrossed Bills made the following report:

The Committee on Engrossed Bills have examined the following Bills and find the same correctly Engrossed:

A bill to be entitled An act explanatory of the several Acts in relation to the migration of negroes or free persons of color into Key West.

A bill to be entitled An act to empower the County Commission-

ers of Wakulla County to levy a tax for the purpose of building a Court House in said County.

Respectfully submitted,
JAMES FILOR,
 Chairman.

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

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, December 22, 1854.

Hon. President of the Senate :

SIR:—The House has ordered the printing of 500 copies of the Report of the Board of Internal Improvement, and 100 copies of a Bill to be entitled An act to provide for and encourage a liberal system of Internal Improvements in this State.

Very respectfully,
HUGH A. CORLEY,
Clerk Ho. Reps.

Which was read.

Also the following:

HOUSE OF REPRESENTATIVES, }
 December 23, 1854. }

Hon. President of the Senate :

SIR:—The following Bills and Resolutions have passed the House:

A Bill to be entitled An act authorizing the Governor to borrow money to redeem the outstanding State Scrip issued under the act of the 7th of January, 1853:

A Bill to be entitled An act to define the Boundary Lines of Duval and Nassau Counties;

A Bill to be entitled An act extending the time authorizing George H. Tresper to establish a Ferry across the Suwannee River at Clay Landing, and for other purposes;

A Bill to be entitled An act legalizing the proceedings of the Judge of Probate of St. Lucie County;

A Bill to be entitled An act to provide for the relinquishment to the United States in certain cases, title to, and jurisdiction over lands for sites of Light Houses, and for other purposes, on the coast and waters of this State;

A Bill to be entitled An act to unite the offices of Sheriff and Tax Assessor and Collector in Hernando and Escambia Counties;

A Bill to be entitled An act for the regulation of the Pilots and Pilotage of the Bay and Harbor of Pensacola;

Resolution asking Congress to declare Indian River a Port of Delivery;

Resolutions making appropriation for repairs on the Capitol;

Senate Bill to be entitled An act to improve the navigation of the Harbor and Bay of Apalachicola, without amendment;

Senate Bill to be entitled An act governing Judges of Probates in certain cases, with the following amendment, viz:

Add the following additional sections:

Sec. 4. *Be it further enacted,* That hereafter every Judge of Probate shall, before entering upon the duties of his office, give bond with two sufficient sureties, in a sum to be fixed by the County Commissioners, not less than five hundred nor more than five thousand dollars to the Governor and his successors in office, conditioned in the faithful discharge of his duties, which bond shall be approved by the County Commissioners, and filed with the Clerk of the Circuit Court.

Sec. 5. *Be it further enacted,* That said bond may be prosecuted or sued upon from time to time in the name of the Governor, for the use of any person or persons interested or aggrieved.

Sec. 6. *Be it further enacted,* That when the Judge of Probate shall find it necessary to take charge of Estates, he shall be entitled to the same fees and commissions now allowed by law to administrators and guardians.

Senate Bill to be entitled An act in relation to slaves and free persons of color, with the following amendments, viz:

Strike out the words "ten dollars" in the 26th line of the 2d section, and insert "one hundred dollars, and thirty days imprisonment, or thirty-nine stripes on their bare back;"

Insert the word "oral" between the words "prohibit" and "religious" in the 31st line of the 2d section;

Senate Bill to consolidate the office of Sheriff and Tax Assessor and Collector of Jackson County, with the following amendments, viz:

Strike out section 4;

Amend the title by inserting the words "to be entitled An act," after the word "bill;"

Senate Bill to be entitled An act in relation to Pilotage at the Port of Key West, with the following amendments, viz:

Insert the word "section" before the figures 2, 3, 4, 5, and 6, in the margin, and after said figures insert the words "*Be it further enacted, That;*"

Strike out figures "7 and 8 in the margin;"

Strike out figure "9" in the margin and insert "Section 7. *Be it further enacted, That;*"

Strike out "10" in the margin and insert "Section 8. *Be it further enacted, That.*"

In all which amendments, the concurrence of the Senate is respectfully requested.

Very Respectfully,
HUGH A. CORLEY,
C'l'k. House Rep's.

Which was read.

25 S

Ordered that the House Bills and Resolutions be placed among the orders of the day, and the Senate Bills be Enrolled.

Also the following :

HOUSE OF REPRESENTATIVES, }
December 27, 1854.

Hon. H. V. SNELL,

President of the Senate :

SIR:—The following Bills and Resolutions have passed the House viz :

A Bill to be entitled An act to hold the Courts of Orange County at Mellonville ;

A Bill to be entitled An act to prevent the abduction and escape of Slaves from this State ;

A Bill to be entitled An act to change the periods now fixed by law for the payment of Taxes, and for the settlements of Tax Collectors ;

A Bill to be entitled An act to admit Anderson J. Peeler to practice law in the several Courts of this State ;

A Bill to be entitled An act to amend an act concerning Roads and Highways in this State ;

Senate Bill to be entitled An act to empower Charles H. Longworth of Gadsden County, to manage his own estate ; and

Senate Resolutions in relation to a mail route from Tallahassee, by the way of Sopchoppy, in Wakulla County, to White Bluff or Pickettsville, at the mouth of Crooked River on the Apalachicola Bay ;

The House has concurred in Senate amendment to House bill to be entitled An act to permanently locate the Court House of Hernando County.

Very respectfully,

HUGH A. CORLEY,
Clerk House of Representatives.

Which was read.

Ordered that the House Bills and Resolutions be placed among the orders of the day, and the Senate Bills and Resolutions be Enrolled.

ORDERS OF THE DAY.

Engrossed Bill to be entitled An act to regulate the performance of the duties of the Supreme Court of this State, and to change the time and place for holding the terms thereof ;

Was read the third time, and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Brinson, Gillis, Hawes, Hopkins, Myrick, Nicholson, Provence and Tracy—9.

Nays—Messrs. Bird, Cone, Criglar, Eppes and Long—5.

So the bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

House bill to be entitled An act in relation to Pilotage at the Port of Bayport ;

Was read the third time, and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Eppes, Gillis, Hawes, Hopkins, Long, Myrick, Nicholson, Provence and Tracy—14.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

On motion of Mr. Eppes, the Senate took a recess until 3 o'clock, P. M.

3 O'CLOCK, P. M.

The Senate resumed its session. A quorum present.

House bill to be entitled An act for the relief of John Sapp of Madison County ;

Was read the third time, and put upon its passage, upon which the vote was :

Yeas—Mr. President, Messrs. Brinson, Bird, Criglar, Filor, Gillis, Hawes, Long, Myrick, Nicholson and Tracy—11.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

House resolution requesting an order from the Secretary of War to the Indian Agent in Florida, for the delivery of a negro man belonging to B. M. Dell of Florida ;

Was read the third time, and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Brinson, Criglar, Filor, Gillis, Hawes, Long, Myrick, Nicholson and Tracy—10.

Nays—None.

So the resolution passed.

Ordered that the same be certified to the House of Representatives.

A bill to be entitled An act to provide for, and encourage a liberal system of Internal Improvements in this State ;

Was read the first time, the rule waived, read the second time by its title, and on motion of Mr. Long, referred to the Committee on Internal Improvements.

Engrossed bill to be entitled An act to empower the County Com

missioners of Wakulla County to levy a tax for the purpose of building a Court House in said County;

Was read the third time, and upon the question of its passage, the vote was:

Yeas—Mr. President, Messrs. Bird, Brinson, Criglar, Filor, Gillis, Hawes, Hopkins, Long, Myrick, Nicholson and Tracy—12.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

Engrossed Bill to be entitled An act explanatory of the several acts in relation to the migration of negroes or free persons of color into Key West;

Was read the third time, and upon the question of its passage, the vote was:

Yeas—Mr. President, Messrs. Bird, Brinson, Criglar, Filor, Gillis, Hawes, Hopkins, Long, Myrick, Nicholson, Provence and Tracy—13.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

On motion, the rule was waived, and on motion of Mr. Long, the following bills were taken from the table and placed among the Orders of the Day, viz:

A bill to be entitled An act to create a State Librarian;

A bill to be entitled An act to change the mode of compensating the several Solicitors or Prosecuting Attorneys of this State.

House amendments to Senate bill entitled An act governing Judges of Probate in certain cases;

Were read, and on motion of Mr. Hopkins, the Senate refused to concur in said amendments.

Ordered that the same be certified to the House of Representatives.

House amendments to Senate bill to consolidate the office of Sheriff and Tax Assessor and Collector of Jackson County;

Were read, and on motion of Mr. Long, the Senate refused to concur in said amendment, so far as to "strike out section four," and concurred in amendment to the title of said bill.

Ordered that the same be certified to the House of Representatives.

House amendments to Senate bill entitled An act to amend An act in relation to Pilotage at the Port of Key West;

Were read, and on motion of Mr. Filor, the Senate concurred in said amendments.

Ordered that the same be certified to the House of Representatives.

House amendments to Senate bill to be entitled An act in relation to slaves and free persons of color;

Were read, and on motion of Mr. Eppes, the Senate refused to concur in the amendments proposed in the 26th line of the second section, and concurred in the amendments proposed in the 31st line of said section.

Ordered that the same be certified to the House of Representatives.

House bill to be entitled An act to provide for the relinquishment to the United States in certain cases title to and jurisdiction over lands for sites of Light Houses and for other purposes on the coast and waters of this State;

Was read the first time, and ordered for a second reading on tomorrow.

House bill to be entitled An act extending the time authorizing George H. Tresper to establish a ferry across the Suwannee River at Clay Landing and for other purposes;

Was read the first time.

On motion of Mr. Hopkins, the rule was waived, and the bill read the second and third time by its title, and upon the question of its passage, the vote was:

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Eppes, Filor, Gillis, Hawes, Hopkins, Long, Myrick, Nicholson and Tracy—14.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

House bill to be entitled An act authorizing the Governor to borrow money to redeem the outstanding State Script issued under the act of the 7th January, 1853;

Was read the first time and ordered for a second reading on tomorrow.

House bill to be entitled An act to unite the offices of Sheriff and Tax Assessor and Collector in Hernando and Escambia Counties;

Was read the first time, and ordered for a second reading on tomorrow.

House bill to be entitled An act to legalize the proceedings of the Judge of Probate of St. Lucie County;

Was read the first time and ordered for a second reading on tomorrow.

House Resolution making appropriations for repairs on the Capitol;

Was read the first time, and ordered for a second reading on tomorrow.

House bill to be entitled An act to define the boundary lines of Duval and Nassau Counties;

Was read the first time; on motion of Mr. Hopkins, the rule was waived, the bill read the second time by its title, and referred to a Select Committee, consisting of Messrs. Hopkins, Tracy and Hawes.

House Resolution asking Congress to declare Indian River a Port of Delivery;

Was read the first time.

On motion of Mr. Brinson, the rule was waived, the Resolution read the second and third time by its title, and upon the question of its passage, the vote was:

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Filor, Gillis, Hawes, Hopkins, Long, Myrick, Nicholson, Provence and Tracy—14.

Nays—None.

So the Resolution passed.

Ordered that the same be certified to the House of Representatives.

On motion, the rule was waived, and Mr. Provence from the Committee on Federal Relations made the following report:

The Committee on Federal Relations to whom was referred a Resolution "authorizing the Governor to compensate James D. Westcott for services in the Supreme Court of the United States, and for other purposes," have had the same under consideration and respectfully

REPORT:

That they have communicated with Mr. Papy, the Attorney General, concerning the matter, and have received from him the following communication, viz:

ATTORNEY GENERAL'S OFFICE, }
TALLAHASSEE, December 27, 1854. }

HON. D. PROVENCE, *Chair'n pro tem.*

Committee on Federal Relations:

SIR:—I have received your note of yesterday's date, and in reply to the enquiries propounded to me, have to state, that I consider it important to the interest of this State to have the services of the Hon. J. D. Westcott in the cause pending in the Supreme Court of the U. S., between Florida and Georgia, to settle the question of boundary between the two States, not only because of the value of such services in the abstract, but because from the great research, and the intimate knowledge which Mr. Westcott possesses, in reference to all the matters of fact and of law connected with the subject, he is better qualified to present the question in behalf of Florida than any person I could designate who has not had the same opportunities for investigating the subject, and the same access to the various sources of information.

I am informed that the records in the Executive Office show that

Mr. Westcott was originally engaged in the case by Gov. Moseley and continued by Gov. Brown, and also that the bill now on file was prepared by Mr. Westcott after devoting much time and labor to the task.

I am, very respectfully, &c.,

M. D. PAPY.

Which sets forth sufficient reasons for passing the resolution, therefore, your Committee recommend its passage.

Respectfully submitted,

DAN'L. BIRD, Sen.,

Chairman.

Which was read, and Resolution placed among the Orders of the Day.

On motion, the rule was waived, and Mr. Myrick, from the Committee on Schools and Colleges, made the following report:

Your Committee, in taking the subject of Schools and Colleges into consideration, most respectfully represent that they have examined the Report of the Register of Public Lands, who is the Superintendent of Common Schools, and find the affairs of the several Funds in a most flourishing and prosperous condition, and invite the strictest scrutiny.

Upon further examination into the affairs of these respective funds, however, we do not arrive at so favorable a conclusion. We allude to the report of the Treasurer. We find in that report that a large amount of the Seminary Fund has been directed from its munificent purposes, by lending it to the State for the purpose of paying off certain indebtedness of the State, known as the Indian Hostilities, thereby placing said fund in a position rendering it unavailable. Your Committee fear that great inconvenience may arise, and serious difficulty be found in reimbursing the Treasury of the State from the source that it seems to rely upon. The Committee are aware that the amount loaned from this fund was under the sanction of law, and take great pleasure in bearing testimony to the fact, that no blame is to be attributed to the State Treasurer. We would not be considered either as condemning the action of the Legislature, but do most sincerely regret that so unfortunate an occurrence has happened, as to be even necessary that any part of said fund should be diverted from the purposes for which it was granted. The loan bears on its face, by the Report of the Treasurer, a loan to the State of Florida, but seems to look entirely to the United States for the payment of the same. Your Committee fear that the wish that the same may be actually paid by the United States, may not prove farther to the thought.

The School Fund too has shared a like blow; not so large in amount it is true, but equally fatal in its results.

Your Committee would, therefore, respectfully beg leave to enter their most solemn protest against any like act of legislation, where-

by any portion of the School or Seminary Fund may be diverted from its true intent and meaning. We would not be so understood as to desire that said fund shall not be so invested, as to bring into the respective funds such a rate of interest as shall have been before received, but do on the contrary recommend that so much of said fund as remains safe and secure in the hands of the State Treasurer, be speedily lent out to the Counties in the State, for such purposes as they may desire, or invested in stocks that are selling at par or premium, as seems to have been the case upon other occasions.

Your Committee are of opinion that the plan now adopted by the Register of Public Lands, as Superintendent of Common Schools, is a most excellent one, and that time only is required to develop itself, to the great advantage of the system of education adopted for our sparsely settled people. The law passed at the last Session of the Legislature, authorizing the location of two Seminaries of Learning, one East and the other West of the Suwannee, has only been carried out so far as the East is concerned, and your Committee, in the absence of the report of the Commissioners appointed to designate a place for the location of said Seminary West, beg leave to report that in their opinion the location of said Seminary of Learning any where West of the Suwannee, cannot be effected, and give that satisfaction to parties interested as a matter of so much importance demands; and being perfectly satisfied that the Act of Congress granting the means to carry into requisition so great and desirable an object, can, by the influence and representations of our delegation in Congress, be so altered as to suffer and require the same to be appropriated to Seminaries of Learning in Florida, East and West of the Suwannee.

Your Committee, therefore, in the absence of any report from the Commissioners so appointed to locate said Seminary, and believing that the interest of all parts of the State can be more fully subserved and carried out for the general good of our young State, by securing each and every County a part of said fund, for the purpose of establishing a County Seminary, suggest that the present Legislature dissent from any attempt to locate said Seminary, but wait the action of Congress now in session. And to that end, feeling perfectly satisfied that the views entertained by your Committee can be effected by the means proposed in their report, beg leave to present the following resolution, and ask the passage of the same by the Senate, and ask to be discharged from the further consideration of the subject.

Respectfully submitted.

J. T. MYRICK, *Chairman.*

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Representative and Senators in Congress be, and they are hereby requested to procure an amendment to the law passed by Congress appropriating

Lands in Florida for the purpose of establishing two Seminaries of Learning, so or in such a way as that the proceeds of said Lands may be applied to Seminaries of Learning in the State of Florida instead of two Seminaries of Learning, as is now the case.

Which was read, the report concurred in, and the resolution placed among the Orders of the Day for to-morrow.

Mr. Long, from the same Committee, made the following minority report:

The undersigned, one of the Standing Committee of the Senate upon the subject of "Schools and Colleges," begs leave to express his dissent to the Report of the majority of said Committee, as made to the Senate through their Chairman. The policy of the State in relation to said Seminary, as expressed in the Act of January 24, 1851, seems eminently wise. While it is admitted that the blessings desirable from a common school education, for the support of which there will ultimately be a very respectable fund accumulated from the sale of the school lands of the State, still the scarcity of suitable teachers of those schools, seems so to have impressed itself upon the minds of the General Assembly, as to cause an express provision in the above mentioned Act, for the education of suitable common and other school teachers, at the two Seminaries so liberally endowed by the grant of the Federal Government. And while the undersigned is not unimpressed with the arguments which have been advanced through the public press and otherwise, in favor of distributing the Seminary Fund to the respective Counties, in aid of County Academies, still these arguments do not appear altogether conclusive, because, among other considerations, it is obvious that the division of the Fund at command, into as many separate parcels as there are Counties in the State west of the Suwannee River, would reduce the sum to be used annually by each, to a very inconsiderable, if not insignificant amount. Now, when it is recollected that the whole Fund at present is a little short of sixty thousand dollars, the annual income or interest on the same can only be about three thousand six hundred dollars, one half of which has already been appropriated to the endowment of the Seminary established by Act of the last Legislature at Ocala, in Marion County, east of the Suwannee River. Thus there is only an available fund of about one thousand eight hundred dollars per annum, to be used for all the Counties west of that River. This sum divided annually by the number of Counties west of the Suwannee River, being fourteen in number, would give to each only about \$128. It does appear probable that any County Academies which cannot sustain themselves without aid from this fund, can scarcely be expected to do so with this meagre addition to their means. Therefore, the undersigned humbly suggests that such a disposition of the small, but sacred fund in question, would be little better than a total waste of the whole.

It is also true that the annual income of the fund now at command, (no diminution of the principal fund being allowable,) is much too small to sustain a College or Seminary of Learning sufficiently respectable in character to educate the youth of the country, and to supply the State with a sufficient number of educated young men to teach the Common and higher Schools in all the Counties of the State; and this difficulty is enhanced by the recollection that it would require the aggregate annual income for many years to be expended in the purchase or erection of suitable buildings for the accommodation of such a School, College or Seminary of Learning. To obviate this insurmountable difficulty, and to make the immediate establishment of so desirable an institution possible, which might otherwise be delayed for many years, the citizens of Tallahassee have, through their Mayor and Common Council, offered to add to the interest fund at present available, the sum of ten thousand dollars, payable in part in a handsome and substantial edifice, now near completion, at cash valuation, and the balance of said sum of ten thousand dollars payable in cash; and what is still more important, the city also offers to guarantee to the support of said institution the annual sum of one thousand five hundred dollars forever. The only condition upon which this donation is made, is that the Seminary in question shall be located in Tallahassee. The suitability of this location is forcibly presented in the interesting communication conveying this proposition to the General Assembly, through the Honorable the Speaker of the House of Representatives, a copy of which is hereto appended, having been kindly furnished to the undersigned by the Chairman of the Committee on Schools and Colleges in the House of Representatives, to whom the same had been referred. The undersigned takes pleasure in submitting this proposition of his fellow-citizens to the consideration of the Senate, in the hope and persuasion that it will be regarded as at once liberal and wise, and that it may prove acceptable to the General Assembly.

The undersigned also herewith submits a Bill to be entitled An Act to locate the Seminary of Learning West of the Suwannee River, the passage of which he respectfully recommends.

M. A. LONG,
Of Committee on Schools and Colleges.

To the Hon. Speaker of the
House of Representatives :

SIR:—As Intendant of the City of Tallahassee, I have been instructed, by its Corporate Authorities, to call the attention of the General Assembly to the propriety of establishing at this place the State Seminary that is to be located West of the Suwannee River.

We submit that the City of Tallahassee offers inducements for the location of the Seminary equal to, if not *greater* than those offered by any other point West of the Suwannee. In point of health, we

claim that this City is not surpassed by any place in Florida. Prior to 1843 our City was occasionally visited with severe disease, but since that period the temporary causes of disease have been removed, and we can safely challenge a comparison in point of salubrity with any other locality. For the last ten or twelve years, any serious malady has been almost unknown among us. While various other sections of our State have been visited with yellow fever and other epidemics, we have been happily exempt; and we have every reason to believe that in the future we shall have occasion to number our uninterrupted health as among the greatest of our blessings.

We cannot claim that Tallahassee is exactly in the geographical centre of that portion of the State lying West of the Suwannee, but we do claim, and we think justly, that it is sufficiently in the centre of the population, both present and prospective; and, moreover, we claim that no place can be found, West of this, more accessible from either of the extremes. Distance, for all practical purposes, in this age of steamboats and railroads, is no longer calculated by the number of miles between one place and another, but by the length of time required to accomplish the trip. If it be objected, then, to this place that it is too far *East*, we would ask what point *West* of this can be reached, by persons from the extreme West, with more facility than this? We have, now, a regular line of steamers along our coast from Pensacola to St. Marks, and St. Marks is connected with Tallahassee, at present, by railroad, and in a short time will be by plank road. Persons from Pensacola or any intermediate points, by this route, can reach Tallahassee in less time and at less expense, than any other point West of this, which is likely to compete with us. It is within our knowledge that persons wishing to go from Pensacola to Marianna, have found it most convenient to take Tallahassee in their route. The trip from Pensacola to St. Marks, by steamer, need not occupy more than from fifteen to twenty hours, thus bringing us within reach of the extreme *Western* point in less than twenty-four hours. The time now required to reach this place from Hamilton County, (the extreme *Eastern* point,) is nearly double this. The argument, therefore, that Tallahassee is too far *East*, should not have weight. Another argument in favor of this place is, that it is the Seat of Government, and the Institution, if located here, will be under the immediate supervision and control of the Executive and General Assembly, and thus have a State character given to it, which it cannot possibly otherwise possess. No one can doubt that the immediate guardianship of the Executive and General Assembly will have a vast influence in inspiring the public at home and abroad, as well as the professors, teachers and pupils of the Institution, with that confidence and zeal which is so essential to success. It will be, here, as in the State of South Carolina, whose State College is located at the Seat of Government. Every individual in the State will feel an interest and a pride in its success, and, in a few years, in-

stead of seeing our people sending their children abroad, where their minds are too often poisoned with prejudices against the institutions of the land of their birth, we shall see them properly educated at home; and it may be, youths from more northern latitudes may be attracted to enjoy, at once, the advantages of a collegiate education and the health-restoring influences of our mild and salubrious climate.

Tallahassee claims no precedence over other parts of the State in the morality and intelligence of her citizens; but at the same time, she yields superiority to none in these particulars. This is not a large commercial city, where the morals of young persons are liable to great exposure, but it is at the same time sufficiently large to afford those moral, religious and conventional advantages which result from a refined state of society. It is situated, too, in the heart of the best provision growing portion of the State, thus giving a guaranty as to cheapness of board, at least equal to any other portion of it.

I respectfully submit that these considerations alone are sufficient to determine the General Assembly to locate the Seminary at this point, but I am instructed by the City Authorities to offer still further inducements.

On the high hill immediately west of the City, overlooking it and the adjacent country, the Corporate Authorities own ten acres of land, on which they are now erecting and have nearly completed for Seminary purposes, a large and commodious brick building, the cost of which, when fully completed, according to the contract of its constructors, will be about \$7,000. The City Council have instructed me to say that if the Seminary shall be located here, they will, at once, give to it the sum of \$10,000, to be paid in part by a conveyance of the above described property, at whatever price the appraising agents of the State may put on it, and the balance in cash; and that in addition to the said sum of \$10,000, which is to be paid immediately, they will give to said Seminary the further sum of \$1,500 per annum, for every year, so long as the Institution shall exist—the said \$1,500, however, to be expended in the tuition of the children of the City, in such manner as may be agreed upon between the Board of Direction and the Corporate Authorities of the City.

Should this arrangement be adopted, the Seminary may go immediately into operation, as it will have not only the necessary buildings and grounds to commence with, but also a cash capital, independent of what it will receive from the State, of several thousand dollars, and a sure annual income of \$1,500—to say nothing of its additional income from pupils not residents of the City.

If this offer be not accepted, the Seminary West of the Suwannee cannot hope to go into operation for many years yet to come, as the sum it is at present entitled to receive from the State is only about \$1,600 a year, a sum entirely inadequate to build up such an Institution as we desire.

If the General Assembly shall accept the offer which I now have the honor to make, I think I hazard but little in saying that when they next meet here, for the discharge of their duties, they will find our Seminary in a condition which will be alike gratifying to their patriotism and State pride.

I have the honor to be, &c.,
WM. R. HAYWARD,
Intendant City of Tallahassee.

Which was read.

On motion, the Rule was waived, and Mr. Long permitted to introduce without previous notice, a bill to be entitled An act to locate the Seminary of Learning to be established West of the Suwannee River in this State;

Which was placed among the Orders of the Day.

On motion, the rule was waived, and Mr. Filor pursuant to previous notice, made the following minority report:

The undersigned from the Select Committee to whom was referred the Petition of J. W. Porter, Mayor of the City of Key West, begs leave to present the reasons which induced him, and the considerations, as he understood them, which prompted the Committee to report against the aforesaid Petition, and by permission

REPORTS:

The question of the "Water Rights at Key West being the property of the State of Florida," was *not distinctly* under the consideration of the Committee, inasmuch as they deemed it unnecessary to express an opinion in relation thereto, the matter being so informally presented.

Which informality consists of the following point:

The Petition purports to be in behalf of the City Council, but is merely signed by J. W. Porter, Mayor of the City of Key West, in behalf of City Council; whereas, to properly reflect the wishes of the City Council, it should have been properly certified by the Clerk of said Council as a *true transcript* of the proceedings of a *regular or adjourned* meeting of the Council, in order to give it due weight as such.

The undersigned does not hesitate to say as his belief, that J. W. Porter signed the same, but he would hesitate to legislate or recommend legislation upon a matter of such grave importance, coming in conflict with large private interests as the Petition itself shows, when the same is *not made distinctly* to appear, by proper authentication, as the legal act or even wish of the City Council, or through them of the citizens of Key West. Such action would be opening too wide a scope for individuals to give expression to their private views and wishes as the views and wishes of the people they may, under certain circumstances, be entitled to represent; too dangerous as remo-

ving the safeguard of proof, by authentication of proceedings of a Board established by law, and provided with means for the proper authentication of their legal proceedings.

The undersigned fully recognizes the right of petition, and would not hesitate to present and act upon any petition sent him by the citizens of Key West, and do all in his power to gain them any and all rights or privileges of property or otherwise, but so informal a petition as that of J. W. Porter, bears upon its own face its own condemnation.

The question as to the State being "the proprietor of the water rights and privileges from high tide on the coast to the distance of one marine league seaward," may have been suggested before the Committee, yet it could only be considered as the expression of an opinion, as the matters in the petition were to abide the determination whether or no the said petition was properly, authoritatively and legally presented for action; that being decided in the negative, the question of water rights remained unacted upon.

Such, in the opinion of the undersigned, were the controlling reasons which actuated the Committee in reporting against the petition of J. W. Porter, and he disclaims even intending to represent that the "citizens of Key West were unwilling to accept a conveyance of important and valuable franchises," but on the contrary holds it to be his duty as his pleasure to acquire or obtain any and all rights and privileges in his power for the Counties he represents, when the same is presented as the wish and petition of the citizens, and not merely of a citizen.

Respectfully submitted,
JAMES FILOR.

Which was read.

House bill to be entitled An act for the regulation of Pilots and Pilotage of the Bay and Harbor of Pensacola;

Came up on its first reading;

On motion of Mr. Hopkins, the rule was waived, the bill read the first time by its title, and ordered for a second reading on to-morrow.

House bill to be entitled An act to admit Anderson J. Peeler to practice law in this several Courts of this State;

Was read the first time, on motion the rule was waived, the bill read the second time by its title, and on motion of Mr. Hawes, laid upon the table.

House bill to be entitled An act to hold the Courts of Orange County at Mellenville;

Was read the first time, and ordered for a second reading on to-morrow.

House bill to be entitled An act to change the periods now fixed by law for the payment of taxes and for the settlement of Tax Collectors;

Was read the first time, and ordered for a second reading on to-morrow.

House bill to be entitled An act to amend An act concerning Roads and Highways now in force in this State;

Was read the first time, and ordered for a second reading on to-morrow.

House bill to be entitled An act to prevent the abduction and escape of slaves from this State;

Was read the first time, and ordered for a second reading on to-morrow.

A bill to change the mode of compensating the several Solicitors or Prosecuting Attorneys of this State;

Was read the second time.

On motion of Mr. Long, the amendments proposed by the Judiciary Committee, to whom it had been referred, were adopted, the Bill as amended read the second time, and ordered to be Engrossed for a third reading on to-morrow.

A bill to be entitled An act to create a State Librarian;

Was read the second time, and ordered to be engrossed for a third reading on to-morrow.

House Resolution authorizing the Governor to compensate James D. Westcott for services in the Supreme Court of the United States, and for other purposes;

Was read the third time, and upon the question of its passage, the vote was:

Yeas—Mr. President, Messrs. Bird, Brinson, Criglar, Filor, Hawes, Long and Provence—8.

Nays—Messrs. Eppes, Gillis, Hopkins, Myrick, Nicholson and Tracy—6.

So the Resolution passed.

Ordered that the same be certified to the House of Representatives.

A bill to be entitled An act to locate the Seminary of Learning to be established west of the Suwannee River in this State;

Was read the first time, and ordered for a second reading on to-morrow.

On motion, the rule was waived, and Mr. Myrick permitted, without previous notice, to introduce the following bills, viz:

A bill to be entitled An act for the relief of Dr. William S. Wilson and Dr. Etheldridge Phillips;

A bill to be entitled An act to amend An act now in force in relation to the Partition of Estates, real and personal;

Said bills were placed among the Orders of the Day for to-morrow.

On motion,

The Senate adjourned until to-morrow, ten o'clock, A. M.