

Mr. Long nominated A. Perry Amaker, of Leon, as a candidate for the office of Assistant Secretary of the Senate.

For Amaker the vote was, Mr. President, Messrs. Bird, Brinson, Cone, Eppes, Hawes, Long, Myrick, Perry, Smith and Tracy—11.

A. P. Amaker was declared duly elected Assistant Secretary, and, on motion, the oath of office was administered to him by the Hon. T. J. Eppes, a Notary Public.

On motion, the Senate proceeded to the election of Sergeant-at-Arms.

Mr. Long nominated Mr. Carman, of Wakulla county.

Mr. Brinson nominated Mr. Patterson, of Gadsden county.

For Carman the vote was, Mr. President, Messrs. Bird, Cone, Hawes, Long, Perry, Smith and Tracy—8.

For Patterson, Messrs. Brinson, Eppes and Myrick—3.

Mr. Carman was declared duly elected Sergeant-at-Arms, and the oath of office administered to him by Hon. T. J. Eppes, a Notary Public.

On motion of Mr. Long, the Senate next proceeded to the election of Engraving Clerk, vacated by the absence of Benjamin F. Parker, which motion, after discussion, was withdrawn for the present.

Mr. Hawes gave notice that he would, on some future day, ask leave to introduce a Bill, to be entitled an Act in relation to a road tax in Putnam County.

Mr. Myrick gave notice that he would, on some future day, ask leave to introduce a Bill to establish Sale Days monthly in this State, and for other purposes.

On motion, the Senate took a recess of 30 minutes.

The Senate resumed its session, and on motion adjourned until tomorrow 10 o'clock A. M.

WEDNESDAY, Nov. 28, 1855.

The Senate met pursuant to adjournment.

Rev. Mr. Turner officiated as Chaplain.

On motion of Mr. Tracy, the reading of the journal of yesterday was omitted.

A committee from the House of Representatives consisting of Messrs. Parsons, Galbraith and Penn, informed the Senate that the House was organized and ready to proceed to business.

Mr. Long, moved to amend the journal of yesterday, which was done.

On motion of Mr. Long, a committee of three, consisting of Messrs. Long, Tracy and Hopkins, was appointed to inform the House of Representatives, that the Senate was organized, and ready to proceed to business.

Mr. Hawes gave notice, that, on some future day, he would ask leave to introduce a Bill to be entitled an Act, in relation to certain election precincts in Putnam County.

Mr. Brinson gave notice, that, he would on some future day, ask leave to introduce a Bill for the division of Madison County, and for other purposes.

The committee appointed to inform the House of Representatives, that the Senate was ready to proceed to business, returned and reported that duty discharged.

On motion, a committee of three, consisting of Messrs. Long, Eppes and Cone, was appointed to act with a similar committee on the part of the House, to inform his Excellency the Governor, that the General Assembly was now organized and ready to receive any communication he might be pleased to make.

Mr. Perry gave notice, that, he would on some future day, ask leave to introduce a Bill to be entitled an Act for the drainage of Lake Orange, and for other purposes.

The committee appointed to wait upon his Excellency the Governor, returned and reported the duty assigned them discharged, and that the Governor would send in his communications immediately.

Mr. Eppes presented the memorial of citizens of Apalachicola which was read.

On motion, the rule was waived, and Mr. Eppes allowed to introduce without previous notice a Bill to be entitled an Act to amend an Act incorporating the City of Apalachicola, approved January 22d, A. D. 1851, which was placed among the orders of the day.

The memorial of certain citizens of this State, relative to the employment of a Chaplain by the Senate, was received and read, and on motion, ordered to be laid upon the table.

The following Message from the Governor, was received and read :

GOVERNOR'S MESSAGE.

EXECUTIVE CHAMBER,
TALLAHASSEE, November 26, 1855. }

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

It gives me pleasure again to welcome you to the seat of Government, and to be able, most sincerely, to congratulate you upon the favorable circumstances under which you re-assemble. Our people have been blessed with a good degree of health—the earth has yielded an abundant harvest, and our commonwealth has probably never been in a more comfortable and prosperous condition.

I am charged by the Constitution with the duty of giving to the General Assembly information, from time to time, of the state of the Government, and to recommend to their consideration such measures as I may deem expedient. The present being an adjourned session, and having at its commencement submitted my views very fully upon most of the measures deemed important, I shall add but little, and in discharge of the duty assigned me, beg leave to call your attention to the communication then submitted, for such additional information as you may desire.

OFFICIAL REPORTS.

The absence of the Comptroller of Public Accounts at the beginning of the session, and his unfortunate detention prevented me then from presenting his reports for the fiscal years 1853 and 1854. These are now supplied, and to-

gether with his report for the fiscal year 1855, are herewith submitted. A reference to the report for the last fiscal year will show that the receipts of the Treasury, exclusive of the sum of three hundred dollars loaned by the School Fund to the Contingent Fund, amount to sixty-eight thousand three hundred and sixty-four 50-100 (68,364 50-100) dollars, and that the warrants issued during the same period, amount to eighty-five thousand three hundred and sixty-five 19-000 (85,365 19-100) dollars. Thus showing a deficiency in the revenue of seventeen thousand and 68-100 (17,000 69-100) dollars.

You are respectfully referred to the report of the Treasurer for a full statement of the transactions of his office embracing the School Fund, Seminary Fund, and the Internal Improvement Fund, so far as they have passed into his hands as State Treasurer. This account, so far as these funds are concerned, should be taken in connection with that of the State Register. Such is the law under which sales of our public lands are effected, collections made and the money invested, that no single account exhibits a full and perfect statement of the condition of the fund, and I respectfully renew the recommendation made in my last message, that the law be modified.

I invite your attention to the report of the Register of Public Lands herewith submitted, for all necessary information on the subject of the Seminary and Common School interests of the State, and ask for his suggestions your careful consideration.

The report of the Secretary of State on the Census returns, will show a gratifying increase in our population and wealth, since the last enumeration of inhabitants was made. It is herewith submitted.

The accompanying report from the State Engineer and Geologist, will place you in possession of the transactions

of that officer for the past year, and your attention is called to its suggestions.

STATE DEBT.

The people will never complain of taxation as long as their public servants can show that the amounts collected are necessary to defray the legitimate expenses of their State Government; but these expenses they desire to pay annually. They want to know by the demand made upon them, whether their Government has been economically, or extravagantly administered, and will complain when assessed to pay a heavy annual interest upon a State debt, for money raised by loans, which should have been raised by taxation. The tendency under our State Government has been, I think, to touch too cautiously the taxing power, and to rely too much upon loans to supply our deficiencies. This may be seen by reference to the following table:

	Revenue collected.	Warrants issued.
For the fiscal year, ending 31st Oct., 1846,	\$27,597 28	\$56,009 57
" " " " 1847,	46,357 60	52,737 46
" " " " 1848,	56,832 72	54,913 81
" " " " 1849,	58,638 11	55,807 79
" " " " 1850,	46,079 84	38,559 33
" " " " 1851,	57,141 10	67,187 73
" " " " 1852,	55,619 63	55,234 49
" " " " 1853,	57,278 36	108,607 88
" " " " 1854,	62,801 51	53,417 13
" " " " 1855,	68,365 19	85,365 19
	<u>\$535,711,34</u>	<u>\$627,890,38</u>

This shows a deficiency of Revenue for the ten years, of ninety-two thousand one hundred and seventy-nine 04-100 (92,179 04-100) dollars, or equal to an average deficiency of over nine thousand dollars per annum. To supply this, loans have been resorted to by special Acts and under the law authorizing the Comptroller to invest the School, Sem-

inary, and Internal Improvement funds in the stocks *this* and other States. These loans have been as follows:

January 24, 1851, Borrowed of School Fund	\$25,000 00	Interest due	\$9,534 83
July 8, 1852, " In. Im. "	5,000 00	" "	1,066 20
Nov. 17, 1842, " Sem'y. "	4,500 00	" "	846 87
Feb'y. 17, 1853, " In. Im. "	10,000 00	" "	1,706 01
" 17, 1853, " School "	10,000 00	" "	1,706 01
Dec. 22, 1853, " In. Im. "	15,000 00	" "	1,716 85
	<u>\$69,500 00</u>		<u>\$16,578 77</u>

The loans amount to sixty-nine thousand five hundred (\$69,500) dollars, and the interest due upon them, on the first day of the present month, amounted to sixteen thousand five hundred and seventy-eight 77-100 (16,578 77-100) dollars. Add to these amounts, twenty-two thousand, six hundred and seventy-nine 04-100 (22,679 04-100) dollars, being the difference between the aggregate deficiency and the amount of loans made, and which is necessarily outstanding in the shape of Treasury certificates and Comptroller's warrants, and it makes the aggregate indebtedness one hundred and eight thousand seven hundred and fifty seven 81-100 (108,757 81-100) dollars.

Nor is this the only debt due by the State. There was an Act approved January 7, 1853, entitled "An Act to provide for the payment of Captain Sparkman's, Parker's and other Volunteer Companies for services in the year 1849." Under the requirements of this Act, there was State Scrip signed by the Comptroller and Governor, payable in two, three and five years, with interest at the rate of six per cent. per annum, and issued, amounting to sixty-four thousand three hundred and sixty-one 90-100 (64,361 90-100) dollars, \$64,361 90

Interest upon this sum to November 1, 1855, being an average of 2 years, 3 months and 6 days, \$8,753 21

\$73,115 11

This amount added to the deficiencies as shown by the Comptroller's reports, makes up a State debt of one hundred and eighty-one thousand eight hundred and seventy-two 92-100 (181,872 62-100) dollars. About one hundred and sixty thousand dollars of this amount is bearing interest and adds annually to the debt nearly ten thousand dollars. It is true that a majority of this debt was contracted for the protection of our frontier inhabitants against Indian depredations; a protection which the General Government was bound to give them, and which consideration should have induced the return of the money. Of such return, however, there is no immediate prospect, and the State, having assumed the obligations, paid one class of them and *required her Governor and Comptroller, by law*, to sign and issue State Scrip, bearing interest in payment of the other class, cannot, consistently with honor and good faith, refuse to provide for the payment of principal and interest of the scrip now due, and for the redemption of the balance as it becomes due. The interest upon the amount of scrip now due, was, on the first of the present month, a little less than three thousand dollars, and for this and the interest to fall due in July next, amounting to nearly four thousand dollars more, I respectfully recommend an appropriation. For the principal now due and to become due in July next, amounting to forty-two thousand nine hundred and seven 92-100 dollars, I respectfully recommend that the Governor and Comptroller be required to issue State Bonds, with interest at the rate of six per cent. payable semi-annually at the Treasury, and having two, four and six years to run. And with a view to the extinguishment of the whole debt, I respectfully recommend the establishment of a sinking fund, sufficient to meet the semi-annual interest, and at least ten thousand dollars per annum of the principal.

So far as the principal of the debt due to the School and Seminary Funds, amounting to thirty-nine thousand five hundred dollars, is concerned, there is no necessity for a payment at present. The interest due upon these funds, however, should be paid. This is all that under the grants, can be applied to the cause of education, and there could be no justification for the State, who is the trustee, should she undertake to apply these funds to her own use and fail to provide promptly for the semi-annual interest. The interest now due on them amounts to twelve thousand and eighty-seven 71-100 (12,087 71-100) dollars, and to that extent I respectfully recommend an appropriation and the necessary provision for raising the money.

The debt due to the Internal Improvement fund, amounting now to the sum of thirty-four thousand four hundred and ninety-one 06-100 (34,491 06-100) dollars, will, I hope, be needed at an early day, and I therefore recommend that the Comptroller be authorized to borrow from the School and Seminary Funds, as collections may be made, the amount necessary to discharge this debt, and pay the same to the Treasurer of the Board of Internal Improvements.

TAXATION.

Taxes are paid by the people cheerfully, because the money raised is necessary for the support of a government which guarantees to every citizen the protection of life, liberty and property. These being the purposes and objects of free Government, the question naturally arises, in what proportion should each citizen contribute to its support? The answer should be, according to the protection which he receives! Now so far as the Government protects the life and liberty of its citizens, their contribution should be the same, because each man receives the same measure of protection; and for this a capitation tax is lev-

ied. So far as the protection of property is concerned, every man should pay exactly in proportion to the amount of property which he has protected. Every man in our country has a right to invest his money in what he pleases; one man may invest in land, another in horses; one in slaves and another in furniture; each consults his own interest or fancy in the investment. The Government gives to each exactly the same measure of protection, and there is in my judgement no good reason why one of these should be required to pay and another be exempted, and yet under our present revenue law such is the case. I charged the census takers with the duty of obtaining the valuation of slaves, lands, buildings not embraced in Towns or Villas, household and kitchen furniture and horses, mules and plantation outfits. These as reported amount to forty-nine million five hundred and twenty one thousand and twenty one (49,521,021) dollars. Add to this sum the assessments made by the Tax Collectors on Town lots, stock in trade, pleasure carriages, saw mills, money at interest and cattle, and it will show that the aggregate private property of the State is not less than fifty five million (55,000,000) dollars. A tax on this amount, at twenty two cents upon the hundred dollars, as is now levied upon Town property, saw mills, money at interest, &c., would yield a gross revenue of one hundred and twenty one thousand dollars, and yet we are collecting but little over one half of that amount. This is easily accounted for. A large proportion of the property of the State is now taxed upon a supposed valuation which is but little over one half of its real value, while another portion, amounting to about nine million dollars, is not taxed at all. This nine million is composed of horses, mules and plantation outfit, buildings in the country and furniture. All of these, of great value, are owned by the wealthy, who, we are bound to presume, desire no special

exemptions, and if they do, are not entitled to them.— Referring you to my former communication for a discussion of the unconstitutional character and unequal bearing of our present revenue system, I now respectfully recommend an *ad valorem* Tax, and that no return shall be received except upon oath or affirmation, and no tax collector settled with until he makes oath or affirmation that he has complied with the law in this respect, with such other safe guards as the wisdom of the General Assembly may provide.

INDIANS.

In my former Communication I expressed my views fully in regard to the Indians still remaining in our State.— Nothing has since occurred to change the opinions I then entertained, and it is only necessary for me to refer you to that Communication. There have been no depredations on the frontier reported to me since your adjournment, and the forces stationed by the Government on the border of, and in the Indian Country, has been sufficient to preserve order.

I have received a Communication from Samuel S. Hamilton, President of the Indian Emigrating Society of the Creek Nation, proposing to enter into a Contract for the removal of the Indians from the State. I have made no reply, preferring to lay the matter before the General Assembly. The letter is herewith communicated.

INTERNAL IMPROVEMENTS.

The Act to provide for, and encourage a liberal System of Internal Improvement, approved on the 6th January last, has inaugurated a new era in our State. The lethargy of former years has given place to energy and enterprize. Under its encouragements, the Central, Atlantic and Gulf Rail Road Company have surveyed and located the Road from Jacksonville to Alligator, a distance of sixty miles,

and have advertised for proposals for its construction. The Pensacola and Georgia Company have surveyed and located their line of Road from Alligator westward as far as Tallahassee, and have advertised for proposals for its construction. There are also encouraging, and I think reliable assurances from the west, that as soon as the part now located is placed under contract, and a connexion with the Atlantic rendered reasonably certain, there will be a movement made in that direction which will hardly fail at an early day to place our Atlantic ports in connexion with the beautiful bays of St. Andrews and Pensacola. The Florida Road has been located from Fernandina to Cedar Key, and the whole line placed under contract. The Tallahassee and St. Marks Road has been nearly re-graded, the cross ties furnished, the iron purchased, a part delivered, and the balance expected daily. These are the results of about ten months of active effort, and furnish a happy assurance that our great system of Roads can, and will be completed at no distant day.

Each of the companies above named, have, since your adjournment, had the aid of practical and intelligent Engineers; and experience, it is said, has shown that some of the details embraced in the general bill may be repealed or modified with great advantage to the Stockholders, and without detriment to the Internal Improvement Fund.—These modifications will probably be asked by the companies interested, and so far as they may be made, without impairing the security of the fund or encroaching upon vested rights, and are calculated to facilitate the construction of the Roads, I shall take great pleasure in co-operating with the General Assembly.

CHARTERS.

The Southern or Peninsula Road, extending to Tampa

Bay, and which I regard as a most important part of the system, has been retarded in consequence of the failure to procure the necessary amendment to the charter of the Florida Road, at your regular session. This, to me, has been a matter of deep regret; and I cannot too earnestly urge upon the General Assembly the importance of granting a liberal charter for the construction of that important link in the chain of our great State enterprise.

The Pensacola and Georgia Road, I understand, was also an applicant for important amendments to its charter. That application, like the one for Tampa, failed, and the failure has, I understand, resulted in some embarrassments to the company. It is not too late, however, to make the necessary amendments, and I respectfully recommend that the General Assembly grant such charters and make such amendments to existing charters, as may be necessary to carry out and perfect the State system as inaugurated by the general bill approved January 6th, 1855. While I would thus earnestly recommend great liberality in granting, amending, or modifying charters of companies which have undertaken, or which may undertake the construction of any part of the great lines of Rail Road embraced in the State System, I would, with even greater earnestness, urge the General Assembly to protect the system by refusing to grant charters calculated to allow rival enterprises from neighboring States to connect with the Gulf through our territory on such terms as to secure advantages over our own Roads. Such grants would be hazardous to the State fund, and illiberal to our own citizens who have embarked in the construction of our State system.

In this connection, I would respectfully call the attention of the General Assembly to the bill entitled "An Act incorporating the Florida and Macon Rail Road Company," which passed both Houses prior to your adjournment, and

which under a high sense of my official duty I was compelled to return, without my approval, to the House in which it originated. This bill, with my objections, was laid upon the table, and will properly come up for consideration at an early day. I beg leave to state that reflection has only confirmed me in the opinion I then expressed of its unconstitutional character, and of the destructive influences which its passage would be calculated to exert over our State System. To the objections I then urged, I would beg leave now to add another. It is, that the Corporators are strangers to us and to our State, and not presumed to feel special interest in our success except to the extent that it could be made beneficial to them. On this subject, our neighboring State, Georgia, furnishes us a warning and a probable illustration, in her Brunswick enterprize. Let us profit by her experience.

AMENDMENTS OF THE CONSTITUTION.

The 3d Section of the 6th Article of the Constitution provides that "No President, Director, Cashier, or other officer of any Banking Company in this State, shall be eligible to the office of Governor, Senator or Representative to the General Assembly of this State, so long as he shall be such President, Director, Cashier, or other officer, nor until the lapse of twelve months from the time at which he shall have ceased to be such President, Director, Cashier or other officer."

When our Constitution was adopted, we had in existence several large Banking institutions, which, it was feared by some, would exercise a controlling influence over our State legislation. These institutions have failed, and are in existence only for the purpose of winding up their affairs with as little loss as possible. Their influence is gone, and no one now apprehends danger from them or their officers.

The time is approaching when we shall be called upon

to settle definitely the question, whether we will continue to use the paper currency of our neighboring States in all our commercial transactions, or whether we will make a currency of our own. The latter policy will ultimately be adopted; probably not, however, for some years yet.—Should the State ever charter a Bank, every citizen would be interested in its being a solvent and prudently managed institution. To guarantee this, it would be desirable to place in its direction our best and most practical men.—But Bank Directors receive no compensation for their services, and who, except the reckless speculator or the man who desires to borrow more than his due proportion of the money, would consent to be a Director for nothing, when, by accepting the office, he would disfranchise himself as a citizen? Men of character, talents and independence, would hesitate thus to surrender their equality for the purpose of protecting the interest of those who put them under such unnecessary proscription.

The 8th Section of the 6th Article provides that "no Governor, Justice of the Supreme Court, Chancellor or Judge of this State, shall be eligible to election or appointment to any other or different station office, or post of honor or emolument under this State, or to the station of Senator or Representative in Congress of the United States, until one year after he shall have ceased to be such Governor, Justice, Chancellor, or Judge."

These are officers elected by the people, and are presumed to possess at the time of their election a good degree of the confidence of their fellow citizens. Now, unless there is something demoralizing in these high positions, I can see no good reason why they should be ineligible to other offices until after they had received a year's purification. Where should we more naturally look for a Governor than to a venerable Justice of the Supreme Court,

who had devoted his life to the best interests of the State, and who, full of years and full of honors, felt that the position was overtasking his physical energies? Or where would we so naturally look for Justices of our Supreme Court, or for Chancellors when that Court is established, as to the Judges of our Circuit Courts? But these are all ineligible. Instead of transferring our Circuit Court Judges, as they become venerable in years and profound in learning, to the appellate Court bench, to establish the laws of the State and give to our reports a proud position among those of our sister States, we shall continue our legal learning upon the Circuit Court benches, and place our young and untried lawyers upon the bench of the Supreme Court, to review and set aside the decisions of age and experience. This I am sure should be reversed, and it can only be done by repealing or amending the section.

The 10th section of the 6th Article provides that "no minister of the gospel shall be eligible to the office of Governor, Senator or member of the House of Representatives of this State."

Ministers of the gospel are not often disposed to engage in political life, but there is, I think, no good reason why they should be Constitutionally prohibited. I have never been able to sympathize with that species of intolerance that would exclude a man from office on account of his religion, and especially for having too much of it. These sections are all proscriptive, anti-Republican and unnecessary, and I respectfully renew the recommendation made at the opening of the session, that the General Assembly take the necessary measures to place the question of their repeal before the qualified voters.

In my former communication, I recommended a return to annual sessions of the General Assembly. I was then

under the impression that the interest of the State would be promoted by such return. I am still under that impression, and respectfully recommend that the question of a change in that provision be submitted to the people at the next election.

BOUNDARY LINE.

The suit pending in the Supreme Court of the United States, for the settlement of the question of boundary between this State and Georgia, has not been decided, and believing that with the information elicited by the Commission of last year, this unpleasant controversy may be settled without the interposition of a judgment of the Court, I have suggested to his Excellency, Gov. Johnson, the propriety of continuing the cause, by consent of parties, with a view to procure from the Legislatures of the two States, authority to negotiate a settlement. To this proposition he readily assented, and the cause will be continued at the December term of the Court. I respectfully request of the General Assembly the appointment of a special Commissioner, or that it confer upon the executive special authority to negotiate a settlement.

SWAMP AND OVERFLOWED LANDS.

The State's agents have been dilligently employed in perfecting the selections of the swamp and overflowed lands granted by Congress, and they now amount to something over eleven million acres, with a prospect ultimately of about three million more. The approvals have been somewhat delayed, and very few patents are yet received, so that there is no means of deciding when these lands can be offered for sale.

CRIMINAL PROSECUTIONS.

The Comptroller's report shows that during the fiscal

year just closed, the collections from fines and forfeitures have been quite inconsiderable, whereas the amount of warrants issued on account of criminal prosecutions is larger than for any previous year. The collections from this source have been regularly decreasing, and the expenses regularly increasing for years past. This shows that there is some defect in the law on this subject, or that there is an inexcusable want of attention in executing it. I cannot too earnestly urge upon the General Assembly the importance of a thorough examination of this subject, and the application of an efficient remedy.

FEDERAL RELATIONS.

On the subject of Federal Relations nothing has occurred to change the views which I expressed in my former communication, and to that I beg leave respectfully to refer.

With an anxious desire that the God of all grace may preside over your deliberations and direct your counsels for the prosperity of our Commonwealth and the promotion of His glory, I am,

Your fellow citizen,

JAMES E. BROOME.

On motion, it was ordered that five hundred copies of the Governor's Message, be printed for the use of the Senate.

On motion of Mr Long, it was

Resolved, That a Committee of five members of the Senate, be appointed to act with a similar committee on the part of the House of Representatives, to whom shall be referred the subject of Census, and apportionment.

On motion of Mr. Hawes, ordered that the Secretary of the Senate be required to procure of the Secretary of State, for the use of the members of the Senate, each a copy of the Journal and Acts of the last Session.

On motion of Mr. Long,

Resolved, That so much of the Governor's Message as refers to "official reports" be referred to the Standing Committee on the

Executive Department; that so much of said Message as refers to "State debt" be referred to the Standing Committee on the State of the Commonwealth; that so much of said Message as refers to "taxation" be referred to the Standing Committee on Taxation and Revenue; that so much of said Message as refers to "Indians" be referred to the Standing Committee on the State of the Commonwealth; that so much of said Message as refers to "internal improvements" be referred to the Standing Committee on Internal Improvements; that so much of said Message as refers to "charters" be referred to the Standing Committee on Corporations; that so much of said Message as refers to "amendments of the Constitution" be referred to the Standing Committee on Revision of the Constitution; that so much of said Message as refers to "boundary line" be referred to the Standing Committee on the State of the Commonwealth; that so much of said Message as refers to "swamp and overflowed land" be referred to the Standing Committee on Internal Improvements; that so much of said Message as refers to "criminal prosecutions" be referred to the Standing Committee on the Judiciary; that so much of said Message as refers to "federal relations" be referred to the Standing Committee on that subject.

On motion of Mr. Long, it was ordered that Mr. Perry's name be inserted in all the Standing Committees of the Senate where the name of Mr. Provence now appears, and that he be appointed a member of each of said committees to which Mr. Provence belonged.

ORDERS OF THE DAY.

A Bill to be entitled, An Act to amend An Act Incorporating the City of Apalachicola, was read the first time, the rule waived, read a second time by its title, and ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Long, the rule was waived, and the Senate proceeded to the election of an engrossing Clerk.

Mr. Long nominated T. S. Haughton, as a candidate for said office.

For Haughton, the vote was:

Mr. President, Messrs. Bird, Brinson, Cone, Eppes, Hawes, Long, Perry, Smith and Tracy—10.

Blank:

Messrs. Hopkins and Myrick—2.

Mr. Haughton was declared duly elected Engrossing clerk, and the oath of office administered to him by Hon. T. J. Eppes, a Notary Public.

The following messages were received from the Governor:

EXECUTIVE CHAMBER,
TALLAHASSEE, November 24, 1855. }

Fellow Citizens of the Senate and

House of Representatives:

After your adjournment in January last, I received two bills which had passed both Houses of the General Assembly, one entitled "An Act granting certain lands to the Palatka and Micanopy Plank Road Company," and the other entitled "An Act to remove the obstructions to the navigation of the Suwannee River." I could not consistently with my views of duty approve and sign either of these bills, and they failed under the sixteenth Section of the 3d Article of the Constitution to become laws.

These bills are alike in their objectionable features, and may therefore with propriety be considered together. The one grants certain Swamp Lands to the Palatka and Micanopy Plank Road Company to aid in the construction of their Road, and the other grants certain Swamp Lands for the purpose of removing the obstructions which interfere with the navigation of the Suwannee River.

The General Assembly by An Act approved January 6, 1855, provided for a State system of Internal Improvements. It was seen that the success of that system would depend to a very great extent upon the use which could be made of our land fund, and it, therefore, in the general bill, set apart the Internal Improvement lands remaining unsold, the proceeds of such as had been sold, together with all the swamp and overflowed lands, and made them a separate and distinct fund, and by the second section vested them as follows: "That for the purpose of assuring a proper application of said fund, for the purposes herein declared, said land and all the funds arising from the sale thereof, after paying the necessary expenses of selection, management and sale, are hereby irrevocably vested in five Trustees, to-wit: In the Governor of this State, the Comptroller of Public Account, the State Treasurer, the Attorney General and the Register of State Land, and their successors in office, to hold the same in trust for the uses and purposes hereinafter provided, with the power to sell and transfer said land to the purchasers, and receive payment for the same." This act vests the whole fund in a board of Trustees for certain well defined purposes, and divests the General Assembly of title. These bills seek under authority of the General Assembly to withdraw a portion of the fund, and if the power exists to withdraw any portion, or for any purpose, not expressly provided, then it exists to withdraw the whole, and the deed of trust

is of no value. But such I think is not the case. The fund cannot be applied to objects other than those specified in the general law, and therefore had the bills been signed, they could only have lead to unpleasant litigation.

For these reasons I felt that it was my duty to withhold my signature.

Very Respectfully,

JAMES E. BROOME.

Also the following:

EXECUTIVE CHAMBER,
TALLAHASSEE, November 24, 1855. }

Fellow Citizens of the Senate and

House of Representatives:

After your adjournment in January last, I received a bill entitled "An Act to prevent non residents of this State from hunting or killing any deer or other game within the limits of this State, and for other purposes." As I could not consistently with my views of duty approve and sign this bill, it failed under the 16th section of the 3d Article of the Constitution to become a law.

The provisions of the first section would subject a man who owned land on both sides of the boundary line between Florida and either of our neighboring States, but whose house was beyond our jurisdiction, to indictment for shooting vermin in his own plantation, or for taking game for his table use. The citizen would no longer be able to offer his guest, if a non resident, a participation in the sports of the chase, lest he should be placed upon the Grand Jury where he would be bound to report him for having at his own invitation, shot a deer, a turkey, or a partridge. The party thus indicted may be fined five hundred dollars or be imprisoned six months, and cannot be fined less than twenty dollars or be imprisoned less than one month.

The second Section is still more stringent. If our Georgia or Alabama neighbor, planting on both sides of the lines, should find it necessary in building or otherwise, to "insert nails, spikes or any other metal into any lumber, logs or trees, he is to be deemed guilty of a felony, and upon conviction is to receive thirty-nine lashes upon his bare back." Such would be the effect of these sections. That they were designed for another, and far different purposes I entertain no doubt, but they were evidently hastily drawn. For these reasons I felt it my duty to suspend their action for the time being, by withholding my signature. Very Respectfully,

JAMES E. BROOME.

Also the following:

EXECUTIVE CHAMBER, }
TALLAHASSEE, November 24, 1855. }

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

After your adjournment in January last, I received a bill which had passed both houses of the General Assembly, entitled "An Act for the relief of M. Whit. Smith," which I could not, consistently with my views of duty approve and sign, and it therefore failed under the 16th Section of the 3d Article of the Constitution to become a law.

This bill seems to have been based upon an act approved January 8th, 1853. That act authorized the Judge of Probate of Hernando County to appoint some suitable person to take charge of, and convey one William Crawford, a lunatic, (then in the Jail of Hernando county, charged with a high criminal offence,) to some Lunatic Asylum—authorized the agent to sell the estate of the said lunatic—pay all his just debts that should be presented within two months, and use the residue of his estate in his maintainance in the Asylum; and further required the said Judge of Probate to take bond and security conditioned for the faithful performance of the trust, &c. M. Whit. Smith it appears was appointed such agent, and conveyed the said Crawford to the Asylum at Columbia, South Carolina, where he still remains.

There were found to be large demands against the said Crawford, for Attorney's fees, &c., and the General Assembly, in the bill under consideration, undertakes to make a Judicial investigation of the claims, and awards to James T. Magbee, one hundred dollars; to David Provence, one hundred dollars; to M. Whit. Smith, two hundred and fifty dollars; to M. Whit. Smith, for expenses (on producing vouchers) to Asylum, two hundred and fifty dollars; to M. Whit. Smith for two years maintainance of Lunatic in Asylum, five hundred dollars, for clothing, fourteen dollars, and for Physician's bill, twelve dollars. The claim of M. Whit. Smith to be approved by "the Judge of Hernando county," (an officer unknown to our Constitution or laws,) "and that he be discharged from said Guardianship." These are all questions which I think belong to the Judicial tribunals of the State; and the bill, when it undertakes to adjudicate the demands, distribute the estate, and discharge the guardian, is in conflict with the 2d Section of the 2d Article of the Constitution, which provides that "no person or collection of persons, being of one of these departments, (Legislative, Executive or Judicial,) shall exercise any power properly belonging to either of the others,

except in the instances expressly provided in this Constitution."

Respectfully,
JAMES E. BROOME.

Also the following:

EXECUTIVE CHAMBER, }
TALLAHASSEE, November 24, 1855. }

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

After your adjournment in January last, I received a bill which had been passed by both houses of the General Assembly, entitled "An Act for the relief of J. P. K. Savage and Halcy T. Blocker, and for other purposes." I could not consistently with my views of duty, approve and sign this bill, and it therefore failed under the 16th Section of the 3d Article to become a law.

The first Section provides "that the Clerk of the Supreme Court and the Sheriff of said county shall be entitled to draw their per diem from the day of the convening of said Court to the day of its final adjournment."

These are both offices of perquisites, and it should be borne in mind that the incumbents thereof are not required to leave their homes, so that as soon as the Court is adjourned over, they repair to their offices, and engage in their business. The Supreme Court is in the habit, (and very properly too,) of accommodating the Attorneys by continuing the Court from day to day until they have heard the argument of a number, or perhaps of all the cases on the docket. They note the points made, and the vast number of authorities cited. They cannot examine these authorities, nor write out their decisions in the Court room. They therefore adjourn over for one, two or three weeks, or perhaps a month, according to the business on hand, during which time they are doing office work, and require the services of neither Sheriff nor Clerk. These opinions when prepared, must be delivered in open Court, and they therefore notify the Clerk and Sheriff to attend on a certain day. A few hours are employed in reading the opinions, and the Court makes "its final adjournment." Now is there any good reason why the people should pay one hundred and eighty dollars per month to these officers, when they have not rendered one hour's service in the whole time, and have not been required to render any?

Let us make an illustration. Suppose that the General Assembly should be requested to pay the officers of the two houses their per diem, from the 27th day of November last, the day on which it convened, to the day of "its final adjournment," which may not take

place before the first of January next. Would the appropriation be made?

The second Section provides for paying "J. P. K. Savage, Clerk, and Haley T. Blocker, Sheriff, of the Supreme Court, the amount of three dollars per diem, from the convening of the Court, at its last session, to the time of its final adjournment."

The last session here spoken of, convened in Marianna in March or April, and from the sickness of the Judges, whose presence were required, the business could not be finished, and the Court, for the convenience of parties, adjourned over to meet in Tallahassee in July or August, at which time, after clearing the docket, they finally adjourned. This bill would give these officers nearly or quite, four hundred dollars each, for services never rendered. I am sure they would not accept the money, but the bill grants it. I respectfully suggest that the better course would be, to leave the Justices to certify the number of days, attendance, and pay for no more. If the per diem is insufficient, increase it, but limit it to services actually rendered.

Respectfully,
JAMES E. BROOME.

Also the following :

EXECUTIVE CHAMBER,
TALLAHASSEE, November 24, 1855. }

Fellow Citizens of the Senate and

House of Representatives :

On the day of your adjournment, I received a bill which had passed both Houses of the General Assembly, entitled "An act to amend An Act entitled An Act to grant pre-emption rights to settlers on State Lands, approved December 31, 1852." As I could not consistently with my views of duty approve and sign the bill, it failed under the 16th Section of the 3d Article of the Constitution to become a law.

The Seminary and Common School funds are the most sacred trusts that have ever been committed to our State—they were donations for the education of our youth. A large portion of each of these funds, is in lands yet unsold, and much of this land valuable only for its timber. If I understand this bill, it authorizes a pre-emption on these lands, and permits the pre-emptor to take any quantity desired, not exceeding one section. These pre-empted lands he is to use for three years from the date of his permit, and then if he fails to show that he has in cultivation, at least five acres for every forty acres so pre-empted, he simply loses his right to

purchase at the appraised price. The timber lands lying on water courses, would all be pre-empted at an early day under so liberal a bill. In three years the timber would all be sold, the land rendered worthless, and the pre-emptor be ready to confess, that he had been unable to make the clearing required and would surrender his rights as a purchaser. Believing that such would be the effects of the law, I was forced to suspend the question for the time being by withholding my signature.

Very Respectfully,
JAMES E. BROOME.

The President of the Senate announced the following Standing Committees for the present Session :

STANDING COMMITTEES OF THE SENATE.

Committee on the Judiciary.

Messrs. LONG,
PERRY,
EPPES,
W. J. J. DUNCAN,
TRACEY.

Committee on the State of the Commonwealth.

Messrs. PERRY,
BIRD,
CONE,
SMITH,

Committee on Federal Relations.

Messrs. BIRD,
PERRY,
CONE,
NICHOLSON,
TRACEY.

Committee on Agriculture.

Messrs. WYNN,
HOPKINS,
BIRD,
KILCREASE,
CONE.

Committee on Claims & Accounts.

Messrs. SMITH,
BRINSON,
HAWES,
MYRICK,
NICHOLSON.

Committee on Corporations.

Messrs. PERRY,
GILLIS,
HOPKINS,
WYNN,
HAWES.

Committee on the Militia.

Messrs. KILCREASE,
SMITH,
EPPES,
W. J. J. DUNCAN,
MYRICK.

Committee on Elections.

Messrs. HAWES,
GILLIS,
BRINSON,
WYNN,
MYBICK,

Committee on Propositions and Grievances.

Messrs. HOPKINS,
W. J. J. DUNCAN,
GILLIS,
SMITH,
BRINSON.

Committee on Internal Improvements.

Messrs. BRINSON,
TRACEY,
NICHOLSON,
HAWES,
BIRD.

Committee on Schools and Colleges.

Messrs. MYRICK,
FILOR,
LONG,
SMITH,
KILCREASE,

Committee on Enrolled Bills.

Messrs. LONG,
EPPES,
HOPKINS,
W. J. J. DUNCAN,
BRINSON.

Committee on Engrossed Bills,

Messrs. FILOR,
GILLIS,
SMITH,
CONE,
EPPES.

Committee on Executive Department.

Messrs. TRACEY,
KILCREASE,
SMITH,
HOPKINS,
CRIGLER,

Committee on Revision of the Constitution.

Messrs. EPPES,
FILOR,
CRIGLER,
BIRD,
WYNN,

Committee on Taxation & Revenue.

Messrs. WYNN,
HOPKINS,
LONG,
PERRY,
GILLIS.

On motion of Mr. Long, the rule was waived and the following resolution adopted, viz :

Resolved, That the Secretary of the Senate cause to be printed on card or paste-board 75 copies of the list of Standing Committees of the Senate.

The following message from the Governor was received and read :

MESSAGE OF THE GOVERNOR

ON A BILL TO BE ENTITLED

"An Act to create a Fifth Judicial Circuit, and to confer the powers and devolve the duties of the Justices of the Supreme Court upon the Circuit Judges."

EXECUTIVE CHAMBER,
TALLAHASSEE, NOVEMBER 24, 1855. }

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

A bill entitled "An Act to create a fifth Judicial Circuit and to confer the powers and devolve the duties of the Justices of the Supreme Court upon the Circuit Judges," which passed both Houses of the General Assembly in January last, did not reach the Executive office until after you had adjourned over to the fourth Monday in the present month. Your absence made it impossible for me to return the bill with my objections within five days; and as I could not, consistently with my views of duty, approve and sign it, it failed under the 16th Section of the 3d Article of the Constitution to become a law.

In interposing to arrest the action of the General Assembly for the time being, in a matter of so much importance, I assumed a very grave responsibility, and justice to myself as well as a proper courtesy towards a co-ordinate department of the Government, requires me to assign the reasons which induced my action.

Passing for the present the question of creating a fifth Judicial Circuit, I will consider the competency of the General Assembly "to confer the powers and devolve the duties of the Justices of the Supreme Court upon the Circuit Judges."

We derive the powers of Government from the Constitution. So far as that instrument undertakes to vest powers, or jurisdiction, or has provided specially for the appointment or election of those charged with their administration, its action is fundamental, and the General Assembly cannot abrogate, annul, change or transfer, either the power so vested, or the officer so elected, and charged with its execution. Let us then consult the Constitution, and ascertain how

far it has vested the Judicial power of the State, and how far it has authorized the General Assembly to vest it; how far it has distributed jurisdiction to the Judicial tribunals, and how far it authorized the General Assembly to distribute it; how far it has ordained the time, mode, and manner of electing those charged with the administration of the powers, and how far it has devolved that duty upon the General Assembly. A careful investigation upon these points, will aid us in arriving at a correct conclusion, as to the extent of the powers granted to the Legislative over the Judicial department of the State Government.

The first section of the fifth Article vests the Judicial power as follows:

"The Judicial power of this State, both as to matters of law and equity, shall be vested in a Supreme Court, Courts of Chancery, Circuit Courts and Justices of the Peace; *provided*, the General Assembly may also vest such criminal jurisdiction as may be deemed necessary in Corporation Courts, but such jurisdiction shall not extend to capital offences."

The second section of the same article confers jurisdiction upon the Supreme Court as follows:

"The Supreme Court, except in cases otherwise directed in this Constitution, shall have appellate jurisdiction only which shall be co-extensive with the State, under such restrictions and regulations, not repugnant to this Constitution, as may from time to time be prescribed by law; *Provided*, that the said Court shall always have power to issue writs of injunction, mandamus, quo warranto, habeas corpus, and such other remedial and original writs as may be necessary to give it a general superintendence and control of all other Courts."

The sixth section of the same Article confers jurisdiction upon the Circuit Courts as follows:

"The Circuit Courts shall have original jurisdiction in all matters civil and criminal within this State, not otherwise excepted in this Constitution."

The eighth section of the same article confers equity jurisdiction as follows:

"The General Assembly shall have power to establish and organize a separate Court or Courts of original equity jurisdiction, but until such Court or Courts shall be established and organized, the Circuit Courts shall exercise such jurisdiction."

The tenth section of the same article authorizes the General Assembly to confer jurisdiction as follows:

"A competent number of Justices of the Peace shall be from

time to time appointed or elected in and for each County, in such mode, and for such term of office as the General Assembly may direct, and shall possess such jurisdiction as may be prescribed by law."

These extracts fix with certainty the intention of the Convention, so far as the general construction of the Judicial department of the Government is concerned. They show that the Constitution vests the Judicial power of the State in certain tribunals of its own creation; that it distributes jurisdiction to the Supreme Court, Circuit Courts and Courts of Equity, and expressly confers upon the General Assembly power to distribute jurisdiction to Justices of the Peace, and to a limited extent, to Corporation Courts. They show that the Courts are the creatures of the Constitution, and derive their powers and jurisdiction, except in the instances above specified, directly from that instrument. The Legislative department is a coordinate department of the Government, deriving its powers from the same source, and unless specially authorized, can have no power to raise or create a tribunal or tribunals, in conflict with those created by the Constitution; nor can it vest judicial power in conflict with that vested by that instrument.

To create the tribunals and assign them their powers, may, however, be one thing, and the appointment or election of those charged with the administration of these powers quite another. The tribunals may be the creatures of the Constitution, and the officers charged with the administration of their powers, the creatures of the General Assembly; and this fact brings up for consideration one of the most important questions involved in this investigation.

To determine correctly how far there is such a distinction existing, in the case under consideration, we must ascertain what the Convention meant when it used the terms Court and Judge—whether it intended to treat the Judge as a part of the Court, and make him, like the tribunal, the creature of the Constitution, or, whether it intended to commit him to the Legislative department of the Government, and make him the creature of the General Assembly. Information on this point can only be obtained in the Constitution itself, and to that tribunal this question should be referred.

The first section of the fifth article quoted above vests Judicial power in the Supreme Court. The 2d section fixes its jurisdiction, and the 3d section provides that "For the term of five years from the election of the Judges of the Circuit Courts, and thereafter until the General Assembly shall otherwise provide, the powers of the Supreme Court shall be vested in, and its duties performed by the Judges of the Circuit Court."

Now if it is conceded, as I believe it is, that by virtue of the powers conferred by the first and second Sections of the 5th Article, the Supreme Court is made the creature of the Constitution, it can hardly be denied, that by virtue of the third section, in which *these identical powers are vested in the Judges of the Circuit Court, when acting as Justices of the Supreme Court*, they were also made the creatures of that instrument. And if they, having no powers conferred upon them by this section, except those legitimately pertaining to the Justices of the Supreme Court, were treated as part and parcel of the Court, and placed upon the same footing with the tribunal itself, it would be difficult to assign a good reason, why the Justices of that Court when elected should not occupy the same position. If they do, then the distinction suggested does not apply in this case, because the tribunal and the Justice are alike made the creatures of the Constitution.

To show that such was the intention of the Convention, we are not limited, however, to the fact, that it vested the same powers, and jurisdiction in the Circuit Judges as Justices of the appellate Court, which it had vested in the Court itself, for the same section goes on to charge these Circuit Judges with the performance of the *duties of the Supreme Court*. Now if we suppose that the Constitution intended to make a distinction between the Court and the Justice, and that in using the term Court it simply meant the tribunal, we make the Convention guilty of the absurdity of charging these officers with the performance of duties that had no existence. The Court as a tribunal has no duties. The Constitution, as we have seen, confers *powers* upon the Court, in common with the Justice, but the duties attach exclusively to the Justice, and pertain to the administration of the powers conferred. If this be true, it must follow as a necessary consequence that in speaking of the duties, the Constitution embraces the Justice as part and parcel of the Court. If so, the General Assembly must show a special agency or grant of power in its favor, or it can have no more authority to supersede or change the Justice than it would have to supersede or change the Tribunal itself.

If any such agency exists under the Constitution, it must be found either in the third, eleventh, or twelfth Sections of the fifth Article.— Let us examine them. The 11th Section requires that the “Justices of the Supreme Court, Chancellors, and Judges of the Circuit Court shall be elected by the concurrent vote of a majority of both Houses of the General Assembly.” The duty here enjoined is purely ministerial—as much so, as the duty enjoined upon the Governor to commission them when elected. Suppose the General Assembly had

concluded to dispense with the *concurrent vote*, and had elected the Judges by the joint ballot of the two Houses. Would such election have been valid? Would such Judges have been constitutionally chosen? Would they have been Judges? I think not. I hazard little in saying, that no Judge could have been found who, under his oath to “preserve, protect and defend the Constitution,” would have accepted the office, under such an election. Now, if the General Assembly, under a Constitution which authorized it to elect Justices, could not vary the manner of election in so small a particular, how can it, under a Constitution giving the election to the qualified electors of the State, remove the Justices elected by them, and devolve their powers and duties upon others not so elected?

Having now seen the manner in which the General Assembly was required to elect the Justices, Chancellors and Judges of the Circuit Courts, let us ascertain, if possible, the time at which these elections were to be made. The 12th Section requires that “The Judges of the Circuit Courts shall, at the first session of the General Assembly, to be holden under this Constitution, be elected for the term of five years, and shall hold their offices for that term, unless sooner removed under the provisions made in this Constitution, for the removal of Judges by address or impeachment; and at the expiration of five years, the Justices of the Supreme Court, and the Judges of the Circuit Courts, shall be elected for the term of, and during their good behavior.”

Beyond a simple choice between individual aspirants, this section certainly confers no discretionary powers upon the General Assembly. Indeed it would be difficult to employ language that would go further to exclude all presumption in favor of such powers. The duty required is plain, simple and ministerial. The General Assembly is instructed at its first session to elect the Circuit Judges for the term of five years, and *at the expiration of that time*, to elect *the Justices of the Supreme Court, and the Judges of the Circuit Courts*, for another and different term. So far as the election of Circuit Judges is concerned, no discretion, as far as I know, has ever been claimed for the General Assembly. All have conceded that the instruction was peremptory, and could not be disregarded without the violation of a Constitutional duty. And yet, when the *identical* language, which makes this so plain in reference to the Circuit Judges, is used in regard to the election of Justices of the Supreme Court, discretion is claimed. It is not claimed, however, under the section above quoted, but under the third section, which is supposed to control and modify the peremptory character of the 12th section, by conferring upon the General Assembly discretion, as to the time that the appel-

late jurisdiction of the Circuit Judges should be terminated, by the election of the Justices of the Supreme Court. How far such supposition is well founded, may be ascertained by examining the section relied on. It provides as follows:

"For the term of five years from the election of the Judges of the Circuit Courts and thereafter until the General Assembly shall otherwise provide, the powers of the Supreme Court shall be vested in, and its duties performed by the Judges of the Several Circuit Courts."

By this section the Judges of the Circuit Courts are required to perform the duties of the Justices of the Supreme Court for five years, and until the General Assembly "shall otherwise provide," and by the 12th Section of the same Article it is provided that the General Assembly "shall otherwise provide" at the expiration of the five years. The two sections must be construed together, and in such manner, if possible, as to make them harmonize. In this there is fortunately no difficulty, as there is no discrepancy. The effect of the two sections, taken together, is simply to provide for an election, at the expiration of five years from the date of the first election; and to require the Judges of the Circuit Courts to exercise the powers, and perform the duties, of the Justices of the Supreme Court for five years, and until their successors (the Justices) should be elected and qualified. Such a provision is very common. It is found in the organization of the Executive department of our own State Government. The Governor is required to be elected for the term of four years, and to "remain in office until his successor is elected and qualified." Will it be contended that this provision authorizes a postponement of the election to a period beyond the time fixed by the Constitution? I think not. Where then is the difference? The one authorizes the Governor to serve four years, and until his successor is elected and qualified, and requires the election to be held at a *certain time*. The other authorizes the Circuit Judges to exercise certain powers for five years, and until the General Assembly should otherwise provide, and requires the General Assembly to make such provision at a *certain time*. To my mind, there is, practically, no difference. The duty of the Legislature to elect at the time appointed is plain, and is, I think, in no way controlled or modified by the third Section. So far from it, that section relates entirely to the powers and duties of the Judges, and seems to have been specially designed to enable them to continue to the State the benefits of an appellate tribunal, even should the General Assembly fail or refuse to discharge its Constitutional duty.

But if there exists a doubt as to the duty of the General Assem-

ly on this subject, it will be removed by an examination of the amendment of the 12th clause, adopted and made a part of the Constitution on the 12th day of December, 1848. It provides "That at the expiration of the *present term* of office of the Judges of the Circuit Court, with the exceptions hereinafter mentioned, the Justices of the Supreme Court and the Judges of the Circuit Courts shall be elected for a term of eight years." (The "exceptions" relate only to the classification.) Here it is expressly made the duty of the General Assembly to elect Justices of the Supreme Court at the expiration of the then "present term of office of the Judges of the Circuit Courts." These Judges were elected in July, 1845, and their terms of office expired in July, 1850. That, then, was the time at which the Constitution required the General Assembly to elect Justices, but the duty was not discharged until the month of January, 1851—six months thereafter, and this fact shows the wisdom of the Convention in giving to the Circuit Judges the powers conferred by the 3d section.

In these elections, the General Assembly rendered a tardy obedience to a mandate of the Constitution—an obedience, however, which, in accordance with the provisions of that instrument, terminated forever the appellate jurisdiction of the Circuit Judges. The powers vested in, and the duties devolved upon them by the 3d section of the 5th article, were then vested in and devolved upon the Justices elected by order of the Constitution, and they became the creatures of that instrument.

A further amendment was adopted which became a part of the Constitution on the first of January, 1853, the 1st Section of which provides as follows:

"That on the first Monday in October, in the year one thousand eight hundred and fifty-three, and on the first Monday in October, every six years thereafter, there shall be elected by the qualified electors of each of the respective Judicial Circuits of this State, one Judge of the Circuit Court, who shall reside in the Circuit for which he may be elected, and continue in office for the term of six years, from and after the first day of January next succeeding his election, unless sooner removed under the provisions made in this Constitution for the removal of Judges by address or impeachment," &c. The 3d Section of this amendment provides, "That whenever the General Assembly shall create a separate Supreme Court, or Chancery Court, under the provisions of this Constitution, the Judges thereof shall be elected in the manner provided in the first section of this act, and shall hold their offices for the same term, and be subject to all the provisions of said first section: *Provided, however, That the Judges*

of the Supreme Court shall be elected by general ticket," &c. The third Section above quoted is certainly ambiguous, and in construing it, we should conform as far as possible to the intention of the body which adopted it. Could that body have intended the section to be construed literally? Let us see.

Provision is made for the election of Justices of the Supreme Court, by the qualified electors voting by general ticket, "whenever the General Assembly shall create a separate Supreme Court***under the provisions of this Constitution." If it is true that the Constitution created the Supreme Court, and did not authorize the General Assembly to create any other, or "separate" Supreme Court, and if we undertake to construe the language of this section literally, we shall be forced to conclude that the General Assembly, acting as a constitutional Convention, was strangely obtuse, and in adopting the amendment, intended simply to provide for an election by the qualified electors, whenever the Legislature should perform an impossibility by creating a separate Supreme Court under the provisions of a Constitution having no such provision in it. To charge the Convention with such folly, would be doing it great injustice.

But this is not all. The consequences which would result from adopting such a construction, would be most embarrassing. An election was held under this amended section on the first Monday in October, 1853, for one Chief Justice, and two Associate Justices. They were elected by the qualified electors voting by general ticket, and entered upon their duties on the first day of January, 1854. In doing so, they superseded the Justices who had been elected by the General Assembly, under the former amendment, and before the terms for which they had been elected had expired. Now if we are limited to a literal construction of the language of this amendment, it must be shown that the General Assembly had, prior to the date of that election, created a "separate Supreme Court under the provisions of this Constitution;" or the time had not arrived when the amended section was in force, and consequently that election was void. If so, the present Justices are usurpers—their adjudications have all been unauthorized; the amendment of 1848 is still in force, and the Justices elected under it, whose terms have not expired, are still the Justices, and only Justices of the Supreme Court of the State of Florida.

Such embarrassments would necessarily result from a literal construction of the language of this amendment and furnish unmistakable evidence, that it does not represent the intention of the Convention. A further evidence that it does not, is found in its own action on this subject. The amendment under consideration was passed on

the 23d day of December, 1850, and the same body, on the 6th day of January, 1851, and at the same session, passed a bill entitled "An Act to organize the Supreme Court of the State of Florida," and as a doubt existed on the minds of some whether this act created the Supreme Court, or simply organized a former creation, the official opinion of the then Attorney General, the Hon. D. P. Hogue, was requested by the General Assembly, and promptly furnished. An extract from that opinion is here given, as follows: "With respect to the restraining operation and effect of the ninth Section of the same article, I am of opinion that a Senator or Representative in the present General Assembly of this State, is eligible to a seat upon the bench of the Supreme Court. He would not be eligible to any civil office of profit created at the present session. A bill has been passed at the present session organizing a Supreme Court, but not creating it. The Supreme Court is the creature of the first Section of the fifth Article of the Constitution, and the law lately passed only provides for the organization of a constitutional creation." This official opinion from the State's law adviser, was placed upon the Journals, and went to the people in company with the proposed amendment, and was considered conclusive as to the creative power of the Legislature. Such, too, was its effect upon the General Assembly; for the Hon. Walker Anderson, a member of the House of Representatives, was elected Chief Justice, and several other members were voted for as Associate Justices, notwithstanding the ninth Section of the sixth Article, which declares that "no Senator or Representative shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased during such term," &c. This election may therefore be considered a most solemn decision on the part of the General Assembly—a decision made under their oaths of office—that the Court was created by the Constitution, and leaves no room to doubt, that when that body, in the amendment under consideration, uses the words "created by the General Assembly," it only intended to use them as synonymous with the words "organized by the General Assembly."

But we are not confined to legislative decisions upon either of these points. They have both been decided in the most solemn manner by the highest Judicial authority known to this State. If the Court was not created by the Constitution, then it was created by the General Assembly, and if so, Chief Justice Anderson was disqualified for a seat upon that bench. Therefore, in taking the oath of office, he, in the most solemn manner, decided that the Court was

the creature of the Constitution. Associate Justices Semmes and Thompson, subsequently elected, made the same decision when they accepted their offices, for they could not have sworn to "preserve, protect, and defend the Constitution of this State," when they intended to aid in its violation by associating with a Chief Justice who was constitutionally disqualified for his office.

The question of the construction of the amended section has, if possible, been still more authoritatively adjudicated. In a former part of this argument, I attempted to show that *if we adopt a literal construction* of the language of this amendment, then the time had not arrived on the first Monday in October, 1853, when the third section could be in force, and that the election then held was without Constitutional authority. The Supreme Court had, prior to that time, been organized—the Justices had been elected, taken the oath of office, and entered upon their duties. These distinguished jurists were incapable of countenancing a deliberate violation of the Constitution which they had sworn to "preserve, protect and defend." And yet they, each and all, became candidates under this amended section for re-election. This they could not have done, without deciding that the election was constitutionally ordered. They failed to receive a majority of the votes, and promptly retired from office. This they could not have done, and at the same time "defend the Constitution," without deciding that their successors were constitutionally elected. In assuming, then, the powers and duties of the Supreme Court, the Justices first elected, decided that the Court was the creature of the Constitution, and in retiring from their offices, they decided that their successors were constitutionally elected.

The present Justices, elected under the third Section of the amended Article, took a solemn oath that they would "preserve, protect and defend the Constitution." This they could not have done without deciding that they were themselves Constitutionally elected.

The Judges of the Circuit Courts have all sworn to "preserve, protect and defend the Constitution," and each of them has rendered a cheerful obedience to the mandates of the Supreme Court, whether issued by the former, or present Justices. In thus acting, they have recognized the Court as the creature of the Constitution, and the present Justices as Constitutionally elected.

The Executive, acting under the same oath of office, commissioned Chief Justice Anderson, by which he recognized the creation of the Court by the Constitution, and commissioned the present Justices, by which he recognized their election as Constitutional.

Thus it is seen, that all the departments of the Government have uniformly declared by their acts that the Court is the creature of

the Constitution, and that the present Justices were elected in accordance with its provisions. If these decisions have been sanctioned by the Constitution, then there can be no power in the Legislative department of the Government to reverse them, nor in all the departments combined, to abolish the Court, or supersede the Justices, except by amending that instrument in the manner authorized by its framers.

I have now shown, or attempted to show, that the Supreme Court, and its Justices, are alike the creatures of the Constitution, deriving their powers and jurisdiction directly from that instrument—that the General Assembly was a ministerial agent, appointed by the Convention to organize the Court, and elect the Justices—that in performing these duties it acted under peremptory instructions as to time, manner, &c.—that the amended Constitution deprives it of all agency in the election by transferring it to the qualified electors of the State—that the present Justices were elected by such qualified electors, under the authority of the Constitution, and without the agency of the Legislature—that the Constitutionality of their election has been decided by their immediate predecessors, by the Judges of the Circuit Courts, and by themselves, in the most solemn manner—that the other departments of the Government have sustained these decisions, and that the General Assembly has no power to abolish the Court, or to remove, supersede, or transfer the Justices, except by amending the Constitution in the manner authorized by the Convention.

I will now examine the bill under consideration, and attempt to shew in what particulars it is in conflict with the conclusions at which I have arrived, and assign the reasons which induced me to withhold my signature. So far as it relates to the Supreme Court, it provides as follows:

Sec. 12.—"Be it further enacted, That from and after the passage of this act, the Judges of the Circuit Courts, elected or chosen in pursuance of the Constitution, shall compose the Supreme Court of the State, and shall exercise all the powers and perform all the duties of such Court."

Sec. 13.—"Be it further enacted, That the Act entitled 'An Act to organize the Supreme Court of the State of Florida,' approved January 11, 1851, being inconsistent with this Act, and all other acts and parts of acts inconsistent with this act, be and the same are hereby repealed."

Sec. 14.—"Be it further enacted, That it shall be the duty of said Circuit Judges, and they are hereby required as Justices of the Supreme Court, to hold annually at least one session of said Supreme

Court at Tallahassee, one at Marianna, one at Jacksonville, one at Newnansville, and one at Tampa; beginning at Tallahassee on the first Monday in January, in each and every year, and holding its other sessions at such times as they shall determine upon, and the said Justices shall have authority to hold such other special terms as they may deem necessary, and shall receive therefor, for each and every session, three dollars per day for every day they shall be detained by their Judicial duties, as also ten cents per mile going to, and returning from said places, computing the distance from the respective homes of said Justices."

It has been shown in a former part of this communication, that the Constitution requires the Justices of the Supreme Court to be elected by the qualified electors, voting by general ticket. They were so elected for the term of six years from the first day of January, 1854, and were commissioned by the Executive. These Justices, except the venerable and lamented Douglas, who has been called to enjoy the reward of a well spent life on earth, are still in office, protected by the Constitution, and exercising the powers vested in them by that instrument.

The 12th Section, above quoted, undertakes to create another Supreme Court, separate and distinct from the one created by the Constitution; for it declares that it shall be "composed" of the Judges of the Circuit Courts. These Judges were elected to another, and different office, by the qualified electors of their respective Judicial districts, and derived from the Constitution only original jurisdiction. In providing that they shall "compose" the Supreme Court, the General Assembly confers upon them all the powers of such Court, and requires them to perform all its duties. There being no authority in the Constitution for an appellate Court so "composed," there is no warrant for its organization by the General Assembly, and consequently, the Court is the creature of that body, and in direct conflict with that created by the Constitution itself.

But suppose that the tribunal was created by the Constitution, and that this law is to be regarded only as an organization, where does the General Assembly get its power to confer jurisdiction upon these Judges? The first and tenth Sections of the fifth Article of the Constitution do authorize it to confer jurisdiction, not, however, upon Judges or Justices of the Supreme Court, but upon corporation Courts, and Justices of the Peace. So far from these grants raising even a presumption in favor of the possession of the power claimed, they negative such presumption in the most direct terms; for there is nothing better settled than that the grant of a part of any particular power, operates as a reservation of the balance. In this

case, however, there is no need of presumptive evidence, for the fact exists, that the Convention not only reserved, but exercised the power, leaving nothing to be appropriated by the General Assembly except what was specially delegated. The effect of this bill would be to give us two Supreme Courts, in direct conflict with each other; one created by the Constitution, deriving its power and jurisdiction from that instrument, the other created by the General Assembly, and deriving its power and jurisdiction from that body.

But the 13th Section attempts to disembarass the question, by repealing the law of 1851, organizing the Supreme Court; supposing that the Justices elected under the provisions of the Constitution, would be thereby removed from office, in which event, the Legislative Justices would be enabled to get possession of the Constitutional tribunal. Suppose this could be done, would a Court Constitutionally created, and unconstitutionally supplied with Justices, be a Court capable of action? The tribunal itself can adjudicate nothing, and however ample its powers or jurisdiction, if there are no officers to exercise these powers, they must remain in a state of inaction. Nor would the usurpation of these powers by unauthorized parties relieve the matter. It is conceded that the powers vested in, and jurisdiction conferred upon the Supreme Court are ample for all purposes. Now suppose that the Constitutionally elected Justices should all die, resign, or be removed, and circumstances prevented their places from being supplied for a length of time; would the fact that the most ample powers have been conferred upon the appellate tribunal, authorize the General Assembly to take possession of that tribunal, and exercise its powers? Certainly not. Then, if on the removal of the Justices, the General Assembly cannot take possession of the tribunal, and exercise its powers, can it confer authority upon another party to do so? Or can a body confer upon its agent, powers which it does not itself possess? I think not.

To show the danger of conceding the power claimed by this bill for the General Assembly, I will offer an illustration taken from the legislative department of the government. The 13th Section of the 4th Article of the Constitution provides that "the General Assembly shall make provision by law for filling vacancies that may occur in either House by death, resignation, or otherwise, of any of its members." In obedience to this mandate, the General Assembly passed a law authorizing the qualified electors of the County, or senatorial district, in which such vacancy might exist, to fill it by election.— Now suppose that on the fourth Monday in the present month, it should be found that nine new Senators are occupying seats upon the floor of the Senate Chamber, elected by the people, to supply

nine vacancies caused by resignations since the adjournment in January last. Suppose these nine Senators should be personally or politically disagreeable to the remaining ten, and they, in concurrence with a majority of one in the other House, repeal the law under which the people had elected these Senators. Would such repeal vacate their seats, by removing them from office? I suppose not; and for the simple reason that they would not be the officers or agents of the Legislature, but of the people, and holding their offices by a Constitutional tenure. But by way of making the case more strikingly analogous, let us suppose the General Assembly not only undertakes to remove the nine Senators by repealing the election law; but that it proceeds to confer senatorial powers, and devolve senatorial duties upon nine members of the House of Representatives.—These Representatives were constitutionally elected by the people; as much so, as the dismissed Senators, but like the Circuit Court Judges, they were elected to a different station. Now I ask whether the General Assembly would feel authorized, either to remove the Senators or to manufacture their successors out of Representatives? If it would not, then on what grounds does it undertake to remove Justices of the Supreme Court, and appoint their successors from the Circuit Judges?

But would the Justices be removed by repealing the law? This is a point worthy of investigation. The Act is based upon the second Section of the fifth Article of the Constitution, which confers upon the General Assembly power to "prescribe" for the Supreme Court "restrictions and regulations not repugnant to this Constitution." Under this authority, the General Assembly organized the Court, restricting the number of Justices to three, and their salaries to the minimum fixed by the Constitution. The other portions of the law relate only to the duties of the Court—the times and places at which it should hold its sessions, and comprise the necessary "regulations." The section fixing the number of Justices and providing for their election, is the only one pertinent to this inquiry.—That section provides that the Justices shall be "elected according to the provisions of the Constitution." Now what were the "provisions of the Constitution" under which the present Justices were elected? They were that the Justices should be elected by the qualified electors, voting by general ticket, and for the term of six years. They were elected in accordance with those provisions, and so far as they are concerned, the law has been executed, and has passed beyond the control of the General Assembly. The bill under consideration seeks to limit the term of the present Justices to two years or less, but I humbly conceive that such a "restriction" would

be "repugnant to the Constitution," and therefore void. But suppose it could restrict, the effect would be to remove the Justices and render their seats vacant, and in such case the Constitution fixes the manner in which they are to be supplied. Section four of the amendment of 1853, provides "That should a vacancy occur in either the Supreme, Chancery, or Circuit Courts, by death, resignation, removal or otherwise, it shall be the duty of the Governor to issue a writ of election to fill such vacancy," &c., and further "Provided however, That should it become necessary to fill any such vacancy before an election can be held under the provisions of this Constitution, the Governor shall have power to fill such vacancy by appointment," &c. Now if the power either to fill the vacancy, or to provide for an election for that purpose, has been specially conferred upon the Governor, then the second Section of the Second Article of the Constitution expressly prohibits the General Assembly from exercising it. It provides as follows: "No person or collection of persons, being of one of those departments, (Legislative, Executive or Judicial,) shall exercise any power properly belonging to either of the others, except in the instances expressly provided in this Constitution." As this is not one of the "instances expressly provided" for, it is apparent that even admitting the power of the General Assembly to remove the Justices, they could not supply their places, for that duty has been expressly assigned to the Executive.

But if it is true, that the grant of a part of any particular power operates as a special reservation of the balance, then on the subject of the removal and appointment of Justices, the General Assembly is expressly prohibited by the Constitution itself. The 19th Section of the 6th Article requires that "The General Assembly shall by law provide for the appointment or election, and the removal from office of all officers, civil and military, in this State, not provided for in this Constitution." Having already shown fully, that the Constitution *does provide for the election* of Justices of the Supreme Court, it is hardly necessary to enlarge the argument to show that under this 19th Section, the General Assembly is prohibited from exercising that power. Let us now see whether the Constitution has made provision for their removal.

The 20th Section of the 6th Article provides that "the power of impeachment shall be vested in the House of Representatives." The 21st Section provides that "All impeachments shall be tried by the Senate; and when setting for that purpose, the Senators shall be upon oath or affirmation, and no person shall be convicted, without the concurrence of two-thirds of the members present." The 22d Section provides that the Governor and all civil officers shall be liable

to impeachment for any misdemeanor in office." The 12th Section of the fifth Article provides as follows: "And for wilful neglect of duty, or other reasonable cause, which shall not be sufficient ground for impeachment, the Governor shall remove any of them, (the Judges or Justices,) on the address of two thirds of each House of the General Assembly; *provided, however,* the cause or causes shall be stated at length in such address, and entered on the journals of each House; and provided further, that the cause or causes, shall be notified to the Judge so intended to be removed, and he shall be admitted to a hearing, in his own defence, before any vote for such address shall pass; and in such cases, the vote shall be taken by yeas and nays and entered on the journals of each House respectively."

These sections provide fully for the removal of Judges and Justices, and therefore, the General Assembly is prohibited by the 19th Section of the 6th Article from providing for such a service. This, however, does not prevent it from discharging the duty assigned it, as the agent of the Convention, in the removal of those officers by address or impeachment. The House of Representatives possesses, under the Constitution, the impeaching power, and the Senate is authorized to organize, under a special oath, as a high Court, to try the impeachment, and if two thirds of its members concur in a verdict against an impeached Judge or Justice, he is removed. And for offences insufficient to justify impeachment, the Judge or Justice may be removed by the Governor, upon the address of two thirds of both houses. But it must be remarked that no address can ever be voted on, until the Judge or Justice is notified of the charges preferred against him, and an opportunity offered him to be heard in his own defence. Until this is done, there is no power in either, or both houses, nor in both, united with the Governor, to displace a Judge or Justice. The right to be heard before he is condemned, is guaranteed by our Constitution to the vilest culprit that has ever darkened the records of our courts, and should certainly never be denied to those in whom the people have reposed the highest trust. The bill under consideration seeks to remove the whole bench of Justices, without preferring a single charge—without giving them notice—without hearing them in their own defence—without organizing a Senatorial Court—without an address to the Governor—without a two third vote, and by the repealing clause of a simple act of legislation, requiring for its passage only a majority of a bare quorum in each house. Is such the agency which the Constitution has conferred upon the General Assembly?

But suppose I am mistaken in the whole matter, and that notwithstanding all the Constitutional provisions against it, the General As-

sembly may, by repealing the law, remove the Justices, and may appoint others to perform their duties. I would then respectfully ask, would it be good policy to do so? If this General Assembly should repeal the law and remove the Justices, the next would probably re-organize the Court, and order another election "in accordance with the provisions of the Constitution." If the Justices then elected by the people, should be disagreeable to the succeeding General Assembly, the organic law would again be repealed, and the Justices displaced, and so on *ad infinitum*. Such a policy would divest the Court of that dignity and elevation which should characterize such a tribunal—would put it into the arena of every political contest, and would secure for the bench the services of groveling partisans. Under such circumstances, our Judiciary would of course occupy a very humble position—our reports would be quoted only to be ridiculed, and our noble State would acquire a most unenviable reputation for stability of purpose.

But suppose the General Assembly may Constitutionally do all that the bill undertakes to do, and that no such unfavorable result as I have apprehended would follow; what advantage should we probably derive from the change? So far as the question of expense is concerned, the saving would be small. The salaries of the present Justices amount to six thousand dollars. The allowance made in the bill, of a per diem and mileage, with the expenses of an additional Court, would not be less than five thousand dollars; showing that as a purely financial question the saving to the treasury would be about one thousand dollars per annum. But can the Circuit Judges discharge their duties, and hold five sessions of the Supreme Court at points remote from each other? Our population is rapidly increasing, and we shall be peculiarly fortunate if our litigation does not increase with it. Aside from this, we have in our State vast amounts of property, under mortgage to insolvent Banking institutions, whose charters are soon to expire, and out of this will doubtless grow an amount of Chancery business, which will give both Judges and Justices a large amount of additional employment. But claiming nothing for this prospective increase, let us make a calculation upon the basis of the present business.

The Justices have been actively employed for four months of the present year, in holding their Courts, and in traveling to and from the places fixed by law for their sessions. If their successors under this bill should be so fortunate as to hold five Courts in the same length of time, then they would each devote four months in the year to Supreme Court duties. Add to these the months of August and September, in which it is ordinarily impracticable to hold Courts of any

kind with regularity, and which should always be devoted to preparing decrees in Chancery, making orders at Chambers, examining authorities, and preparing for their fall terms, and we are left with six months allowed to each Judge to perform all the labors incident to his Circuit duties. We have now four Circuit Judges, and allowing them the months of August and September for the purposes above indicated, and they have each ten months for their Circuit duties. The account may be stated thus. Under the new organization:

Five Judges for 12 months each, would be equal to	-	60	months.
Deduct for Supreme Court duty 4 months			
each, would be equal to	-	20	months.
Deduct for August and September, 2 months			
each, equal to	-	10	" -30 "
<hr/>			
Leaving for Circuit Court duties	-	30	"
Under the present organization:			
Four Circuit Judges for 12 months each, equal to	-	48	"
Deduct for August and September, 2 months			
equal to	-	8	months.
<hr/>			
Leaving for Circuit Court duties	-	40	"

These figures show that under the proposed arrangement, we should have only three-fourths of the amount of labor to devote to Circuit duties that we now have, and show further, that five Judges for six months is exactly equal to three Judges for ten months.— They establish the fact, that we have either one Judge too many under our present arrangement, or we shall require an addition of one and two thirds under the arrangement proposed by the bill.— Now if we deduct one Circuit Judge from the present number, and devolve the whole duties upon three, the present would be a cheaper system of Courts than the one proposed by about one thousand dollars per annum. Or, if we add to the number of Judges proposed until they equal the present Circuit Court strength, we shall have a system costing more than our present system, by about five thousand dollars per annum, supposing the same per diem and mileage allowed as proposed by the bill.

One of three results would evidently follow from the organization proposed. We should be compelled to limit the Supreme Court to a single term, to be held at a single point in the State, or we should increase the number of Judges to at least seven, or we should send out hastily prepared, and poorly sustained decisions. The limit to

a single term would be inconvenient and unsatisfactory to a large portion of the State. The additional number of Judges would be at an expense entirely unnecessary; and the poor and hasty decisions would be a reflection on our young State, which I am sure would be a source of mortification and regret to all.

The experience of our sister States has generally shown the advantage of the separate Supreme Court system, and they have with great unanimity adopted it. I respectfully suggest that we had better profit by their experience.

I have thus, I fear at tiresome length, assigned the reasons which induced me to withhold my signature from the bill entitled "An Act to create a fifth Judicial Circuit, and to confer the powers and devolve the duties of the Justices of the Supreme Court upon the Circuit Judges."

Very Respectfully,

JAMES E. BROOME.

On motion of Mr. Perry, the rule was waived and 500 copies of the Governor's Message upon the subject of the Supreme Court Judges was ordered to be printed for the use of the General Assembly

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

THURSDAY, November 29th, 1855.

The Senate met pursuant to adjournment.

The Rev. Mr. Turner officiated as Chaplain.

Mr. Eppes moved that so much of the Governor's Message as relates to the "State debt," and which was referred to the Committee on the State of the Commonwealth, be referred to the Standing Committee on Finance.

Mr. Long moved that the Secretary of the Senate insert the name of Mr. Duncan in the several Standing Committees of the Senate in all places in which the name of Mr. Stuart now appears.

Mr. Hopkins moved that the bill regulating pilotage on the St. Johns river and harbor be placed among the orders of the day.

Mr. Myrick gave notice that he would, on to-morrow, introduce a bill to make uniform the rate of interest in this State; also,

A bill defining the duties of Sheriffs and other officers collecting money under execution or other process.

Mr. Myrick, according to previous notice, introduced a bill to be entitled An Act to establish Sale Days in this State, and for other purposes, which was placed among the orders of the day.