

Mr. Dell gave notice that he would, on some future day, ask leave to introduce a bill to be entitled An Act to incorporate the Alachua and Columbia Railroad Company.

On motion of Mr. Dell, the Senator from Leon was granted leave of absence for one week.

On motion of Mr. Dell, the Sergeant-at-Arms and Door-keeper were instructed to take their seats opposite the Secretary.

Mr. Hawes gave notice that he would, at some future day, ask leave to introduce

A bill to be entitled An Act to change the name of Abraham Dupont Zylstra.

Mr. Baker gave notice that he would, at some future day, ask leave to introduce the following bills:

A bill to be entitled An Act amendatory of the existing acts as to Dowers in this State;

A bill to be entitled An Act amendatory of the existing acts as to Garnishment in this State;

A bill to be entitled An Act explanatory and declaratory of the lien of Executions in this State;

A bill to be entitled An Act to authorize the Solicitors of the different Circuits in this State to change the venue in criminal cases, under certain circumstances;

A bill to be entitled An Act to define and fix the duties of Sheriffs in this State in the sale of lands for taxes, and establish more certainly the validity of tax deeds;

A bill to be entitled An Act to change the time of holding the Circuit Courts for Orange County;

A bill to be entitled An Act to fix and locate the time and place of holding the Circuit Courts in Sumter County;

A bill to be entitled An Act for the relief of the Volunteer Company of Capt. Hansford D. Dyches, and other Companies of Volunteers therein named.

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

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WEDNESDAY, November 24th, 1858.

The Senate met pursuant to adjournment.

A quorum present.

The journal of the last two days was read and approved.

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

The committee appointed to wait upon his Excellency the Governor, and inform him of the organization of the Senate, reported that they had performed that duty, and were discharged.

Mr. Dell gave notice that he would, on some future day, ask leave to introduce a bill to be entitled an Act to authorize actions at law, to be instituted upon all notes and contracts executed by married women.

Mr. McElvy gave notice that he would, on some future day, ask leave to introduce the following bills:

A bill to amend An Act to organize the County of Liberty, (which was passed at the last session.)

A bill defining the liability of endorsers of promissory notes;

A bill for the relief of John H. Keadle, of Gadsen county; and

A bill for the relief of Larkin Bell.

Mr. Eppes gave notice that he would, on some future day, ask leave to introduce the following bills:

An Act to be entitled an Act to amend Article 3, Sections 14 and 23, of the Constitution of the State of Florida, and Article 5th, Sec. 16, of the Constitution of the State of Florida, so as to give the election of Secretary of State, State Treasurer, Comptroller of Public Accounts and Attorney General of the State, to the people; also

An Act to be entitled an Act to amend Section 1, Clause 2, of the "Attachment Laws of this State, approved February 15th, 1834."

Mr. Eppes moved that the Secretary of State be requested to furnish the committees of the Senate, the Journals and Acts of the two last sessions of the General Assembly, the Constitution of the State, and Thompson's Digest; and, that the Door-keeper be instructed to obtain the same.

Pursuant to previous notice, Mr. Hawes introduced a bill to be entitled An Act to change the name of Abraham Dupont Zylstra;

Was read for the first time, and ordered to be read a second time on Friday.

Mr. Duncan gave notice that he would, on some future day, ask leave to introduce a bill to be entitled An Act for the relief of the Volunteer Company of Capt. Alexander Bell.

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

Governor's Message.

EXECUTIVE CHAMBER,
Tallahassee, November 22, 1858. }

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

In welcoming you to the seat of government, it affords me great pleasure to congratulate you upon the favorable circumstances under which you have assembled.

Through a kind Providence, the general health of our people has been preserved in an unusual degree, and the husbandman rewarded with fair returns. Whilst some sections of our sister communities have been visited with destructive floods and droughts, blighting the prospect of the husbandman, and disease and death have stalked abroad in their most unrelenting forms, our commonwealth has enjoyed a state of prosperity which should be satisfactory, and which calls upon us to be devoutly thankful to the Author of all Good for mercifully protecting us against such visitations.

I pledge you, gentlemen, my cordial co-operation in all matters requiring our mutual concurrence, not doubting that your action will be confined to legitimate subjects of legislation, influenced by disinterested patriotism to promote the interests of our beloved State.

The State has had cause of complaint, in times past, that the consideration of important measures was postponed until near the close of the session, and if acted upon at all, they were characterized by the errors and defects incident to hasty and inconsiderate legislation. It is therefore hoped that a mere allusion to the subject will prevent similar occurrences in the future.

The Constitution makes it incumbent upon the Executive to give the General Assembly information of the state of the government, and recommend to their consideration

such measures as he may deem expedient. In discharge of this duty, I beg leave to invite your attention to the accompanying

OFFICIAL REPORTS.

The reports of the Comptroller of Public Accounts, the Treasurer, the Register of Public Lands, the Attorney General, and the Secretary and Treasurer of the Board of Internal Improvement, are respectively referred to for all matters severally relating to their offices.

TAXATION.

On this subject, I beg leave to refer to the reports of the Comptroller of Public Accounts for the year ending October 31st, 1856, referred to the last General Assembly, and those referred herewith. It will be seen by the Treasurer's report for the year ending October 31st, 1858, that at that date there was a much larger balance than usual in the Treasury, but the General Assembly will bear in mind that the further disbursements of the present year, and the sinking fund of five thousand dollars, as provided for the redemption of State Bonds, will probably consume this balance.

The *ad valorem* system of taxation adopted by this State in 1855 is, in my opinion, the correct principle. Property of every description should be taxed in proportion to the protection given. No one is taxed on that which he does not own, and should be taxed on that which he does own. The details of the law are no doubt imperfect, and could be amended with advantage to the State and tax-payer. Doubts exist as to the power of Tax Assessors to correct or adjust returns made, however well assured they may be that an under-valuation of property has been made. No doubt should exist on that point. I believe that a proper valuation is most generally placed upon property by the

owners, (and they are certainly the best judges of its value,) and justice to them requires that provision should be made to compel all who, from ignorance or otherwise, are disposed to evade the law, to make a true return of their property "according to the value thereof." It is equally as important to know that the revenue collected has been properly expended as to know what amount has been collected. The people never complain of taxes when convinced that they are necessary to the *economical* administration of government.

INTERNAL IMPROVEMENTS.

The General Assembly, in 1855, passed an act "To provide for and encourage a liberal system of Internal Improvement in this State," and indicated in the fourth section of said act the objects to be aided under its provisions from the Trust Fund, and appointed the Governor, Comptroller, Treasurer, Attorney General and Register of State Lands the Trustees of said Fund.

The grant of five hundred thousand acres of land, made to this State by Congress in 1845 for internal improvement purposes, and all the swamp lands subject to overflow granted by Congress in 1850 to this State, together with all the proceeds that have accrued, or may hereafter accrue, to the State from the sale of said lands, constitute the Internal Improvement Fund.

Nearly ten million of acres have been patented to the State under the act of 1850, and it is estimated that several millions will yet accrue to the State in South or Peninsula Florida. As soon as that portion of the State is surveyed, the other selections will be made and reported. Companies have been organized, and have accepted the provisions of the act, on the various lines of road indicated in the 4th section, and all are in course of construction except that portion of the line from Tallahassee to Pensa-

cola, the greater portion of which is under contract conditionally, and that portion of the line from Amelia Island on the Atlantic to Tampa Bay in South Florida, with an extension to Cedar Key in East Florida as lies between the point of divergence with the extension and Tampa Bay. A company has been organized to construct that portion of the line which lies between the point of divergence with the extension known as the Bellamy Station or Waldo and Tampa Bay, the Florida Railroad Company having failed to accept that portion of the line within the time prescribed by the act, and an application will be made to the present General Assembly for a charter to build a road on said line.

The Florida Railroad Company have completed the grading on their road, which is one hundred and fifty-four miles in length, with the exception of a small amount of trestle, which is in course of construction, and have laid the iron upon about seventy-five miles, upon which the cars are daily running.

The entire grading on the Florida Atlantic and Gulf Central Road, a distance of sixty-two miles, is completed, and about fifteen miles of the iron laid and the work steadily progressing.

The Tallahassee and St. Marks Road, twenty-one miles in length, is completed and in successful operation, and has declared a dividend, after having provided for the payment of the interest on their bonds.

The Pensacola and Georgia Railroad Company have laid the iron from Tallahassee to Station Three, a distance of twenty-five miles, and the grading will be completed to Madison Court House by the 1st of January, 1859. From Madison to Alligator, where it connects with the Florida Atlantic and Gulf Central Road, is all under contract for the grading, and the contractors are prosecuting it vigorously to completion. The distance from Tallahassee to

Madison Court House is fifty-six miles, and from Madison to Alligator fifty miles, making the entire length of this end of the line 106 miles.

The bridge across the Suwannee river is under contract and in course of construction.

Means have been organized to continue the road from Tallahassee to Quincy, a distance of twenty-two miles from Tallahassee. The grading, &c., from Apalachicola river to Pensacola is under contract conditionally, leaving only a gap from Quincy to the Apalachicola river, about twenty miles, to be provided for.

The various lines of Road embrace about seven hundred miles through the most fertile portions of the State, and when completed will, (with the water facilities,) afford every facility for travel and a ready means of transport for freight of every character, and form an era in the prosperity of our State of which the most sanguine have no conception.

The Canal Commissioners have organized and are making preliminary arrangements for the construction of a Canal to connect the waters of the St. John's with Indian river. This is perhaps one of the most important enterprises contemplated by the Internal Improvement system. The Canal, it is thought, will drain large bodies of valuable land, and render available some of the very best sugar lands in the State. Valuable timber and the tropical fruits will also form important items of export. It is estimated that Peninsula Florida is capable of supplying abundantly the demand of the United States for tropical fruits.

In inaugurating a system of Internal Improvement on so large a scale, perfection in all its parts could hardly have been expected.

The principle upon which it was organized is perhaps unobjectionable, and whilst good faith requires that no act which would manifestly impair the efficiency of the Fund

should be tolerated, it is nevertheless the part of wisdom for the legislature to correct such errors of detail as have been developed by the practical workings of the system, and clearly to define the powers and duties of the Trustees where doubts have arisen.

There exists a difference of opinion as to the powers confided to, and duties required of, the Trustees of the Internal Improvement Fund "in order to assure a proper application of the Trust Fund," and to this subject I invite the consideration of the Legislature. We have but fairly made a beginning to carry out the grand scheme of Internal Improvements contemplated and authorized by the act "to provide for and encourage a liberal system of Internal Improvement in this State," and it is highly proper that the rights and duties of all parties operating under it should be clearly defined and well understood. It will not be denied that all the lines of Road within the State, which are in course of construction, are dependent upon the Bonds upon which the interest is guaranteed by the Trust Fund for their farther progress.

It is made the duty of the Trustees to pay the interest on the bonds during the construction of the Roads indicated in the 4th section of the act, should the companies fail to pay the same, and after their completion should the nett earnings of the roads prove insufficient. The 13th section provides, "That if, on completion of any of the Rail Roads indicated in section 4, the nett earnings should be less than six per cent. on the capital stock paid in, and bonded debt of said company, first deducting one per cent. per annum paid in to the sinking fund, it shall be divided pro rata between the stock account paid in and bonded debt, and the Internal Improvement Fund shall pay the deficiency due on account of interest from time to time as it may fall due."

All the lines of Road indicated in the 4th section have

filed with the Trustees "notices of acceptance of the provisions of the act," upon the doing of which the Trust Fund is bound to guarantee the interest on the bonds of the several companies at the rate of ten thousand dollars per mile, upon being satisfied that the party making application has complied with the requirements of the act. It is considered by some, that the only duty imposed upon the Trustees is to certify the interest upon the bonds of the several companies as presented and when presented, upon the filing of the certificate and affidavits required by the provisions of the act; that they are not authorized or empowered to enquire whether or not the proposed location of any Road is a good one, in reference to the wants of the people and the safety of the Trust Fund, (which forms the basis of the whole superstructure,) or if the Roads are being constructed in accordance with the specifications of the Act, and have "sufficient outlet to the ocean for sea steamers at their termini," as required by some of their charters; or, in any wise to supervise the action of the companies which have accepted the provisions of the Act.

If this is the proper interpretation of the law; if the State has set apart ten or twelve million acres of land to aid in the construction of certain lines of Road upon conditions which are rapidly absorbing and will probably absorb the whole fund, and the Trustees are powerless, save to execute the bonds when presented and as presented, the sooner the error is corrected the better, or otherwise abolish the Board of Trustees, and at least save the seventeen hundred dollars which are annually being paid to some of its members in the shape of salaries. I entertain very different views of the powers and duties of the Trustees, and will act upon them in the absence of further legislation upon the subject.

By the second section of the act this fund is *vested in the Trustees*, with express power to sell and convey the lands, and to receive, invest, manage and control the pro-

ceeds. The paramount object of this trust is to "assure the proper application of the Fund" to the *uses and purposes set forth* and expressed in the act. In order to enable the Trustees to execute and carry the Trusts herein reposed in them, certain powers are expressly confided by the provisions of the act, and while these expressed provisions serve to provide for the protection of the Fund against the failure of the several Railroad Companies to refund to the Trustees the amount of interest paid by them out of the Fund upon the Bonds of the several Companies, after the completion of their roads, provided the nett earnings of the Road are sufficient after their completion; yet there are no expressed powers given which adequately protect the fund against frauds, misrepresentation, false certificates and the like. It is a question, therefore, whether or not, the Trustees may for these, or any other purposes, exercise discretionary powers, or powers not expressly set forth in the act. I think they may, and ought to exercise such powers whenever in their judgment the protection of the fund against fraud of any character demands it. This is a question of great importance and demands the serious consideration of the General Assembly, and will I trust find such solution as may best subserve the objects of the Trust and the speedy consummation of the system it is intended to promote.

I am clearly of opinion that the Trust Fund should be represented by at least one Director in every company, as soon as notice is given by said company of its acceptance of the provisions of the act. As soon as the notice of acceptance is filed with the Trustees, the fund is pledged for the interest upon the ten thousand dollars per mile, and should be represented by a Director, whose duty it should be to examine all contracts relating to the construction of the road, the manner of construction, and exercise a general supervision, "in order to assure a proper application

of the fund," and report to the Trustees all failures to construct the road in strict conformity to the specifications of the act. This could not be objected to by any company disposed to deal fairly, and no company should be allowed to deal otherwise. The Director should be subject to removal by the Trustees during the adjournment of the Legislature, and the Trustees should have the power to fill said vacancy, subject to the approval of the Legislature at its next session. True, the 14th section of the act provides, "That for all payments made by the Trustees of the Internal Improvement Fund on account of interest for any railroad company, agreeably to the provisions of this act, said Trustees shall demand and receive from said railroad company equal amounts of the capital stock, which stock shall entitle the Internal Improvement Fund to all the rights, privileges and advantages of private stockholders," which means, that the Trust Fund can never be represented until the Trustees shall have purchased a sufficient amount of stock, by the *payment of interest on the bonds of the company, to elect one of their number a Director*. Before which, however, a few individuals make a bogus subscription for a large sum, organize a company, locate the road unwisely, may be, not to say improperly, let out the contracts at a high figure and construct a portion of it, perhaps, very imperfectly. All this is or may be done before the Trust Fund can be represented in the Board of Directors. Take, for example, the Florida Railroad Company. A few individuals subscribe a million of dollars of capital stock, organize a company, locate the road and let out the contracts. The 31st section of the act authorizes the issuing of "one hundred thousand dollars for the structure necessary to cross from the West side of Nassau river to Amelia Island: *Provided*, That said bonds shall not issue except in payment for work done, and then only *as the work progresses*, upon the certificate of the State

Engineer that such work has been done, and that the amount of bonds issued is required therefor." The company made the certificates required by the law through the State Engineer, and drew the bonds. In this connection, Mr. John Bradford, an Engineer of character, intelligence and strict integrity, who had been ordered by the Trustees to examine and report upon the manner of construction and condition of the Florida Railroad, remarks in his report to the Trustees, "that, as the road does not cross Nassau river, I do not know on how much of the road the company used the one hundred thousand dollars of bonds, but am confident, that, at the price paid for that kind of work, all the bridges and trestle work on the first fifty miles of the road could have been built for fifty thousand dollars."

He further says: "The trestle across Amelia marsh is a very simple and cheap structure, and has not the strength which it should have, it being a bent of two piles every ten feet, sawed off level on top, with a cap-sill *pinned* on their top and two stringers pinned to those caps immediately over the piles, and in the whole one and a quarter mile of trestle there is not, that I could find, a mortice or tenon joint, or a brace of any kind, and on that trestle is a three degree curve."

The seventh section provides—"That after any Rail-road company shall have graded twenty miles of road-bed continuously, and furnished the cross-ties agreeably to the specifications of this act, and shall give notice to the State Engineer, it shall be his duty to examine personally said section of twenty miles, and if, after full examination, he shall approve the construction of said twenty miles, then it shall be his duty to certify the same to the Trustees of the Internal Improvement Fund; and on the completion of the grading and furnishing of the cross-ties of each additional ten miles continuously, the State Engineer shall also examine the same, and if constructed in accordance

with the provisions of this act, shall certify the same to the Trustees of the Internal Improvement Fund."

On the 18th day of August, 1857, the Engineer selected to examine the Florida Railroad certified that the company was in condition to receive bonds on thirty additional miles, having previously drawn for fifty miles, making eighty miles in all, and that the road was constructed in accordance with the specifications of the act as to grade, clearing, ditches, &c., and that the cross ties were delivered along the line of the road, of good heart timber, at the rate of one for every two and a half feet. The President and four of the Directors made oath that the iron to lay the last section of thirty miles, for which bonds were applied for, was within the limits of the State, paid for and to be paid for with the proceeds of the bonds, and the President executed a bond with security, conditioned that the iron should be laid upon the last section of thirty miles upon which bonds had been guaranteed. Thereupon the Trustees certified and delivered unto the Florida Railroad Company bonds to the amount of two hundred and forty thousand dollars. It was suggested to the Board of Trustees, some time after the bonds had been delivered to the Florida Railroad Company, that application for bonds had been made by the Company in advance of its legal right; that a large amount of work had been done between the fifty and eighty mile points subsequent to the date of the certificate of the Engineer, and that it was not completed until the latter part of November or the first of December, 1857, (from three to four months :) whereupon the Board of Trustees, by a resolution, instructed the Secretary of the Board to notify the Engineer who gave the certificate that the facts were not in accordance with his certificate, and that an explanation was desired. This information was lodged with the Trustees on the 12th of February, 1858, and is in the possession of the President of the Board. I regret to say that no explanation has ever been offered.

The second clause of the "Act incorporating a company

to construct a railroad across the Peninsula of Florida, under the name and style of the Florida Railroad Company," is as follows:

"Sec. 2. *Be it further enacted*, That the said Railroad shall commence in East Florida upon some tributary of the Atlantic Ocean, within the limits of the State of Florida, having a sufficient outlet to the ocean to admit of the passage of sea steamers, and shall run through the eastern and southern part of the State in the most eligible direction to some point, bay, arm or tributary of the Gulf of Mexico in South Florida, south of the Suwannee River, having a sufficient outlet for sea steamers, to be determined by a competent engineer with the approval of a majority of the Directors of said Company."

This Act was passed in 1853, and the Road was to have been built, if built at all, by private subscription; yet the Legislature thought it important that there should be a "sufficient outlet to the ocean for sea steamers" as shown by the above clause. In 1855 the Trust Fund was created to aid in the construction of several lines of Road, the Florida Railroad among the number, upon conditions which gave the State or Trust Fund a direct interest as Stockholder, which should make it of *greater importance* that the *terminii* of the road should be at points where there is a "sufficient outlet to the ocean for sea steamers," as required by the charter. I will pass over the objection which is urged by many, that the road as located "does not run through the eastern and southern portion of the State, in the most eligible direction," and come directly to the important question, what constitutes a sufficient outlet to the ocean for sea steamers, and does Cedar Key possess such outlet? It is due to the Florida Railroad Company and to the Trust Fund that this question should be solved. If Cedar Key does possess a sufficient outlet to the ocean for sea steamers, the Florida Railroad Company should have the full benefit of it, and if it does not, the question would arise have the terms of the charter been complied with, and if not,

is it proper that the Trustees should continue to guarantee the interest on the bonds of the Florida Railroad Company?

These questions are not propounded in a captious spirit, but with a view to relieve some of the Trustees of the doubts which have been engendered by the many statements from apparently reliable sources as to the unfitness of the harbor of Cedar Key for commercial purposes, on a sufficient scale to warrant the investment of the Trust Fund in the capital stock of said company.

I am not skilled in such things, and do not profess to know what would be considered a sufficient outlet to the ocean for sea steamers, but do know, that experienced navigators consider vessels drawing less than ten feet water unsafe sea-boats. A vessel drawing ten feet water, would perhaps require $12\frac{1}{2}$ feet water on the bar "to admit of ready ingress and egress;" and the question is again presented, has Cedar Key that water on the bar?

Lieut. Berryman's report in 1855, gives ten feet on the bar at ordinary low water, with a mean rise and fall of $2\frac{1}{2}$ feet. Admitting the correctness of the report of Lieut. Berryman at the time it was made, it is contended that that depth of water cannot now be found.

Whether the report of Lieut. Berryman was incorrect, or whether the channel has shifted or partially filled up from some cause, as is frequently the case, is not undertaken to be demonstrated, but the facts incline to the opinion that not above $8\frac{1}{2}$ feet water can now be had at medium low water, with a mean rise and fall of about two feet.

CHARTERS.

The Legislature of Florida in 1852, following the example of several of the older States, enacted what is usually known as a *general or Free Banking Law*. By that law the Comptroller of Public Accounts is required, on receiving a transfer of a portion of the public stocks of the several States (including Florida,) or of the United States, from any person

or association of persons desirous of engaging in the business of Banking, to furnish such person or association of persons circulating notes in the similitude of Bank notes of the denomination of fives, tens, twenties, fifties and hundreds, equal in amount to the stock transferred to him. The stocks thus deposited are to constitute in the hands of the Comptroller a Trust fund for the redemption of the bills in circulation, in the event of the suspension or failure of any Bank organized in accordance with the provisions of the Act. And the law as originally passed contemplated no security to which the bill holder could look, but these deposited stocks.

The theory was, that in the case of a refusal or inability of the Bank to redeem its bills, the Comptroller could, by sale of the deposited stocks in his hands, raise a fund sufficient to redeem them, while, if properly managed, remunerative profits would be secured to the stockholders in the Bank, from the double source of its legitimate Banking operations, and the receipt of the interest as it accrued on the deposited stocks. This theory has been demonstrated in those States where the system has been tried, with an important limitation, however, that the very state of things (a financial crisis for example) most likely to cause a suspension of the banks depresses the value of the securities provided for the redemption of the bills, so that the bill holder is still exposed to some loss, though not equal to that usually suffered on failure of the Banks working under the old system, as it has prevailed throughout the United States. The last session of the Legislature, by an amendment of the above named act, ventured on the hazardous experiment of giving to county, city, town and certain Railroad Bonds the same bankable quality as that possessed under the original act by United States and State stocks. To strengthen, however, these securities, (of whatever class,) a section was added providing that "the private property of the stockholders in any such banking association, shall be liable to the full amount

of all the liabilities of the said Bank of any nature and description *pro rata*, according to the amount of stock owned by each stockholder." This clause would doubtless establish public confidence but for the danger that on the announcement of a Bank failure, it would be found that all the solvent and reliable stockholders had disposed of their stock to men of *straw*. Foreseeing a failure, on its eve, the great body of original stockholders might, to escape liability, even give a consideration to persons wholly irresponsible to accept their stock. This section should therefore be amended so as to fix liability, not only on all stockholders who are such at the time of a Bank failure or suspension but upon all who had been stockholders within twelve months next preceding such failure or suspension. With this amendment embodied in a section properly worded, there will perhaps be little to object to the General Banking Law of the State. The deposited stocks (which the Comptroller is bound under a severe penalty never to receive at a higher price than their market value) and the private property of the stockholders in the Bank being *both* liable for the redemption of the bills, it is not probable that the bill holder will ever suffer loss from a bank suspension, and what is better, *it is by no means probable that a Bank will ever suspend*, for the reason that with such responsibilities hanging over them, it is not likely that its stockholders will ever find it to their interest to suspend.

How far corporate powers may in safety be granted is problematical. Corporate powers and privileges are sometimes essential to the successful prosecution of enterprises, both of a public and private nature, and when feasible and founded on public utility, should be granted as necessary evils. The tendency of all corporate powers is to centralize and concentrate power and influence, as do all monopolies, and grind out tribute from the hard earnings of the people for the benefit of a privileged few, which is at war with the

spirit and genius of our government and people, although extensively practiced.

Some of the corporators have become so bold as to compare the corporate influence in this State to the "car of Juggernaut," and an attempt has been made to cover over the abuse of corporate privileges with the broad elastic folds of a political mantle. The growing power of corporate influence in this State is a subject for serious consideration and should be well looked to by the people, unless they are content to bow the willing neck to the yoke of unscrupulous monopolists.

LUNATIC ASYLUM.

It is the duty of every community to make provision for the support, comfort and protection of that class of its population who, by affliction, are rendered incapable to provide for themselves.

Our sister States have gone forward in this work of humanity in a manner highly commendable to them, and have provided for the care, maintenance and treatment of their lunatics and insane persons in a manner suited to their unfortunate condition, and that is worthy of emulation by us. It is needless that I should offer argument to show that a Lunatic Asylum is much needed in our State; the number of our people now in Asylums of other States fully demonstrates this fact.

The General Assembly, at its late session, took a step in this direction, but I think stopped short of what might have been done, *even then*. An act approved December 27th, 1856, provides that lunatics and insane persons shall, by order of a Judge of any of our Circuit Courts, be sent to and placed in Asylums of other States, and that the State of Florida shall pay for the maintenance of such as are destitute of the pecuniary ability to maintain themselves; but this is not her only expense. She must also pay the cost of transportation to and from such Asylums. The atten-

tion of the General Assembly, it appears, was called to this subject at an earlier date than that mentioned above, and by an act approved January 8th, 1853, directed that William Crawford, then a prisoner in the common jail of Hernando County, but who had been adjudged a lunatic by the Circuit Court for that County, be removed from said jail and placed in an Asylum of some neighboring State. By direction of said act, the Judge of Probate of said County appointed a guardian for said Crawford, upon whom devolved the duty of carrying out the provisions of said act, and the guardian removed the said lunatic from prison and placed him in the Lunatic Asylum of South Carolina. But in order to secure the admission of said lunatic, the guardian was required to enter into personal bond, with resident security, for his maintenance in the Asylum, at the rate of two hundred and fifty dollars per annum. The estate of Crawford has long since been exhausted, and his guardian is liable to pay the entire expense from his private funds. A considerable amount has been advanced by the guardian, and there remains at this time several hundred dollars due and unpaid.

I am advised that there are at the present time several insane persons in the State, who will probably be sent off to asylums in other States as soon as the requisite judicial proceedings are had. Some of these persons have estates adequate to the expenses of their maintenance, but others are destitute and must be chargeable to the State. It is due to the State and to humanity that some more permanent provision should be made for this unfortunate class of persons, and to this end I have consulted some experienced mechanics, and have been advised that a building of suitable dimensions for the accommodation of 35 or 40 subjects may be erected and completed in the most desirable manner for about (\$20,000) twenty thousand dollars, and that it may be so constructed as to admit of enlargement by the erection of other buildings as may be neces-

sary or desired. I therefore earnestly recommend that the initiatory steps be at once taken, by the passage of an act providing for the erection of a building which may *form the nucleus* of a well appointed asylum, adequate to the wants and comfort of this class of the afflicted of our own State; that it be provided in such act that such lunatics or insane persons as have estates adequate to their maintenance be charged therewith at such rate as the General Assembly may think just and right, and that the State be charged with the maintenance of such only as are destitute. And I also recommend that provision be made by law for the relief of William Crawford, whose estate has been exhausted and whose expenses in the asylum of South Carolina are charged to his guardian; and that the amount paid by his guardian out of his private funds be refunded to him out of the State Treasury.

EDUCATION.

For a definite statement of the condition of our School and Seminary Funds, I invite your attention to the report of the Hon. D. S. Walker, ex-officio Superintendent of Public Instruction. It will be seen from his report that the amount subject to distribution only gives about 20 cents to each child entitled to the benefits of the fund. This amount cannot be so employed as to accomplish the great end desired by the founders of our system, and yet I am not prepared to suggest any changes.

It is believed that the system is a good one, and that, with sufficient funds to carry it out, the most successful results might be obtained. I therefore invite the attention of the Legislature to the subject, and earnestly hope that some proper measure may be adopted by which the School Fund may be increased and the great end of educating the youth of our State be attained.

AGRICULTURE.

It is to be regretted that so little has been done by the State to encourage her agricultural interests. No occupation is more useful or honorable, and although almost every other class is in some wise dependent upon agriculture, its importance has been overlooked. The farmers of our country bear the chief burdens of government, and have a right to demand some of its *special benefits*. I would recommend the appointment of a competent Geologist and Chemist to make a geological survey of the State and a chemical analysis of the soils, the nature of the soils, the best means for their improvement, and a general acquaintance with the philosophy of agriculture.

Nature has indeed been most bounteous in the bestowal of her gifts upon us, and we should not bury the talent but improve it by every means in our power. We have a fertile soil and genial climate, producing in great abundance the most valuable agricultural staples in the world. Let us move in the matter, and should we fail to accomplish all we desire, we will at least accomplish something.

MILITIA.

With the exception perhaps of one or two volunteer companies, there is no organized militia in this State. There are no "official returns" to the Adjutant General, and in the event of a call being made in a sudden emergency upon the militia to repel invasion, suppress insurrection, and enforce the execution of the laws, the State would be literally without men and without arms. I will take the earliest occasion to get the quota of arms to which the State is entitled from the General Government, and have them deposited in the armory. Whatever objections may have been urged in times past to a strict military organization in this State, in consequence of the sparseness of the population, &c., they fail in my judgment to apply at present. Our country has

doubled its population within a few years, and large districts of country which were recently the favored haunts of the Indians, are now the abodes of industry, wealth, and intelligence. And besides the late elections in the non-slaveholding States forbode no good to us of the South. However unpleasant it may be to contemplate the picture, or however much we may be disinclined to give serious reflection to the largely increasing strength and influence of the abolition element which now darkens the political horizon, he would be a false sentinel, who, under the present aspect of affairs, would cry peace. I would respectfully recommend a thorough organization of the Militia of this State.

LANDS GRANTED BY THE UNITED STATES.

Having noticed a paragraph going the rounds of the newspapers, to the effect that certified lists had been issued by the Commissioner of the General Land Office, for the lands lying along the line of the Florida, Atlantic & Gulf Railroad, being a portion of the land enuring to this State, conditionally under the Act of Congress of May 17th, 1856, I addressed a letter to the head of that Department in which I contended that the grant of lands by the United States to this State, to aid in the construction of certain railroads, was an entirety, "subject to the disposal of the Legislature thereof, for the purpose aforesaid," and that his department could not recognise third parties to whom no assignment had been made by the State.

By an act of the Legislature dated December 27th, 1856, the State of Florida accepted the lands granted to her upon the terms, conditions and restrictions imposed in the Congressional act of May 17th, 1856, and by the second section of said act disposed of that portion of it to which the Alabama and Florida Railroad Company are entitled and have received. The Legislature has as yet made no further disposition of the lands enuring to the State under the act of Congress, May 17th, 1856. I have requested the Commis-

sioner of the General Land Office to adjust the grant to the State, and that lists be made out in the name of the State and forwarded to me that I may lay the matter before the Legislature for disposition as provided for in the 3d section of the act of Congress of May 17th, 1856, making the grant. As soon as the lists are received, I will communicate the fact to the Legislature, and hope that such action will be had as to insure an equitable distribution of the lands among the several lines of road that are entitled to its benefit.

EXEMPTIONS.

The question of exempting one or more slaves from execution, attachment, or other legal process, in favor of any citizen or person residing in this State capable of holding slaves, who may be the owner, or who may hereafter become the owner of a slave or slaves, was made before the late General Assembly and a bill introduced for that purpose. It was not expected that the General Assembly would at once give its approval of a measure of such importance and involving so many doubts as to its propriety and justice. Much thought, however, has since then been bestowed upon that question by many of our intelligent and experienced citizens, and I think that an unqualified decision has been had in favor of such a law. The principal objection urged against such a measure is, that it will operate to defraud creditors; but this objection is answered by providing for the prospective operation of the law, so that it may exempt slaves against levy and sale for debts contracted after its passage only, leaving them liable to levy and sale, as the law now stands, for all debts contracted before the passage of the act. I think the time has arrived when our people should be a *unit in sentiment* touching the institution of slavery, not only as to its expediency, but as to its morality, and whatever may facilitate the attainment of this end, I think ought to be encouraged by the Legislature. Not until within the last quarter of a century had the institution of

slavery been made to abide the tests of morality laid down in the precepts of the Bible, and until driven to the investigation, southern men were not disposed to go into it. But after having been violently assailed, and their motives, piety and patriotism ruthlessly denounced, some of the great minds of the south boldly took up the subject, and in a masterly yet truthful manner demonstrated from the sacred writings, that slavery, as it exists in the southern States, is *morally right*, and ought to be perpetuated. The spirit of investigation thus awakened resulted in a radical revolution of sentiment in the southern mind upon the morality of the institution, and thousands became its zealous advocates who had previously entertained serious conscientious scruples which rendered them lukewarm towards the institution, if not negatively opposed to it. This spirit of investigation ought to be encouraged, and I think that the passage of a law securing every person in the possession of at least one slave free from molestation would tend materially to that end. It would inspire every man with an ambition to own at least one slave, and I am clearly of opinion that the result of such a law would be to make hundreds of our citizens actual slave owners who, without some such encouragement, would probably never own a slave. I cannot too strongly commend your attention to this important subject.

STATE DEBT.

By reference to the report of the Comptroller of Public Accounts, it will be seen that a settlement of debt due by the State to the School and Seminary Funds, was made on the 1st of January, 1857, by the State's paying that debt, principal and interest, in bonds authorized to be issued to provide for the same. A settlement of the debt due by the State to the Internal Improvement Fund was also made in the same manner.

There has been received into the Treasury, as shown by

the Treasurer's report, on account of Indian Hostilities of 1849, the sum of \$64,084.06, an amount sufficient to liquidate the principal of the scrip issued under the act of January 7th, 1853. Also the sum of \$50,250 from the sale of State bonds, which sum was disbursed in payment of forage and subsistence accounts contracted on account of the late Indian disturbances.

The present debt of the State, (exclusive of the amount due for the suppression of Indian Hostilities of 1855-6,) may be summed up as follows, to-wit:

Bonds outstanding of the State of Florida,	\$143,000
Interest on State scrip,	15,000
Balance due on account of Indian Hostilities of 1856, estimated at	225,000

Of this sum, \$143,000 is bearing interest at the rate of 7 per centum per annum, and only about \$64,000 is the ultimate debt of the State—the balance being a *bona fide* debt due by the General Government.

BOUNDARY LINE.

I am pleased to make known to you, that a basis has been agreed upon by the Governors of Georgia and Florida (subject to the ratification of the Legislatures of their respective States) for the final settlement of the boundary line between the States of Georgia and Florida. This subject of boundary engaged the attention of the United States when Florida was a Spanish province, and has ever been a fruitful source of disputation between the States of Georgia and Florida until the present period. Several efforts to adjust the boundary line having proved unsuccessful, the State of Florida at length instituted suit in the Supreme Court of the United States against the State of Georgia, which suit was suspended with the view, if possible, to effect an amicable adjustment upon terms alike equitable and honorable to both parties. The basis of settlement, as agreed upon, will, in my opinion, fully accom-

plish the desired object, and meets with my cordial approbation. It affords me, in this connection, great pleasure to state, that both Gov. Johnson and Gov. Brown have evinced throughout the whole correspondence a most praiseworthy readiness to adjust this vexed question of boundary between the States of Georgia and Florida on terms of strict equity. The basis of settlement, as agreed upon by the Governors of Georgia and Florida, subject to their respective Legislatures, was: "To adopt the terminal points of the present recognized line as the true terminal points of the boundary line, to be resurveyed, corrected and marked: Provided, it is shown by either party that the present line is incorrect, subject to the ratification of the respective Legislatures of Georgia and Florida."

The Legislature of Georgia ratified the action of Gov. Johnson, late Executive of that State, in relation to the boundary line between the States of Georgia and the State of Florida by the adoption of the following resolutions, on the 29th day of December, 1857:

COPY OF THE GEORGIA RESOLUTIONS IN REGARD TO THE BOUNDARY CAUSE

WHEREAS, in the matter of controversy now pending in the Supreme Court of the United States between the State of Florida and the State of Georgia touching the boundary line of the two States, we deem it of much importance that this protracted and expensive litigation should cease; and whereas, with a view to the settlement of the question, a negotiation has been progressing between the late Executives of the aforesaid States, the result of which was an agreement "to adopt the terminal points of the present recognized line as the true terminal points of the boundary line, to be resurveyed, corrected and marked: Provided it is shown by either party that the present line is incorrect;" the agreement aforesaid being made subject to the ratifications of the Legislatures of the two States—

1st. Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That we do hereby ratify the action of the late Executive of this State in accepting the proposition of the Governor of Florida to adopt the terminal points of the present recognized line as the true terminal points of the boundary line, and will regard, adopt and act upon the present line as run and recognized between those points as the settled bound-

dary of the two States, or will so recognize and adopt any other line between those points which may be ascertained and established on a re-survey and re-marking of the boundary, provided said boundary correction is made by virtue of law and by the joint action of the States aforesaid.

2d. *Be it further resolved*, That, should it be deemed essential or important by either State to have the boundary line between the terminal points of the present recognized boundary re-surveyed and re-marked, the Governor of this State is hereby authorized to appoint a competent surveyor, to join any such surveyor on the part of Florida, to run out and mark distinctly such a line from one to the other terminal point herein indicated, to be known as the line and settled boundary between the two States, the surveyor on the part of Georgia to be paid such compensation as may be determined on by the present or any future Legislature.

3d. *And be it further resolved*, That the Governor of this State shall, as soon as the same shall have passed both branches of the present General Assembly, transmit a certified copy to the Governor of Florida.

I would respectfully recommend, that the General Assembly concur in the settlement of the boundary line on the basis as agreed upon by the Governors of Georgia and Florida and ratified by the Legislature of Georgia; and that suitable provisions be made to have the boundary line re-surveyed, corrected and marked by a joint commission of the States of Georgia and Florida.

INDIAN AFFAIRS.

When I entered upon the duties of my office, I found that the State had in the field in the United States service, a Regiment, under the command of Col. Rogers, and ten independent Companies. The Secretary of War authorized Col. Loomis "to make a requisition upon the Governor of Florida for such troops as he might deem proper to supply the vacancies of those whose terms of service were about expiring, provided that the force then employed should not be increased."

The companies having been mustered in irregularly, (that is as soon as organized,) their terms of service would of course expire irregularly. In conformity to the order of the Secretary of War, Col. Loomis, the Commandant of the Florida Department, made requisitions upon me from

time to time for companies to supply vacancies, which I promptly furnished, but objected to the course as unfair.— I contended that we were willing to furnish the men and do the fighting upon fair and honorable terms. That if ten companies were needed we should organize and present a Regiment; if five, a Battalion, that the path of ambition and distinction should be open to our officers and soldiers.

Col. Loomis, like a gallant soldier, acknowledged the justice of the demand by making a requisition upon me for a Battalion of five companies. I immediately set about to organize the Battalion, and had proceeded so far as to issue an order to the Captains composing the Battalion to rendezvous at Ocala on a certain day, when I was advised by Col. Loomis "not to raise the Battalion, or to disband it if raised," as he would not need any more troops than were then in the field. This movement was induced by the announcement that Col. Rector, Indian Agent, would attempt the peaceable removal of the Indians, aided by a large delegation of the Seminole Indians who had previously emigrated West. Upon the arrival of Col. Rector, hostilities were suspended. The hostile Indians demanded that the troops should be removed from their midst or that they would not attempt to negotiate. This point was conceded and the troops removed accordingly.

Col. Rector succeeded in inducing the chief, Billy Bowlegs, and about one hundred and sixty Indians, the greater part of his tribe, including thirty-eight warriors, to emigrate to the West; leaving Sam Jones and his tribe, part of Billy's tribe, and the Tallahasseees, numbering, according to the best information, forty warriors, or more than half of the acknowledged Indian force, and they the most desperate spirits of the band. Hereupon Col. Loomis issued his proclamation declaring the war closed, and wrote thanking me for the service which I had rendered him in bring-

ing about so desirable a result. The opinion that I then entertained of that "termination of the Seminole war," as expressed in a letter to Col. Loomis in reply to his enclosing his proclamation, has undergone no change, and I insert it as expressive of my present views on that subject:

EXECUTIVE DEPARTMENT, May 24th, 1858.

SIR—Your communication enclosing your proclamation of the 8th inst., declaring the Florida War closed, is received. Whilst I congratulate you on the partial success which has crowned your efforts to remove the Indians from this State, I regret that I am compelled to differ with you as to the policy of disbanding the troops and declaring the war closed, when it is known that one half, and they the most determined, have refused to emigrate.

In my humble judgment, the presence of the Indians known to have remained will as effectually retard the settlement of the Peninsula, and render the lives and property of our citizens as insecure, as though Billy and his tribe had not been removed. Besides, from the well known character of the Indians, it is evident that if permitted to remain, and they should, from prudential motives, suspend hostilities for a time, another war, costing a heavy outlay of money and perhaps valuable life, will be the consequence.

Now would seem the most propitious time to virtually close the war by removing the last Indian from the State. Their fastnesses have been found and their lodges and provisions destroyed. They have been hotly pursued for a time, and are worn with fatigue and dispirited by the desertion of a portion of their warriors and families, and it is confidently believed that a vigorous campaign would end in removing the last Indian from the State. I trust that you will not disband the troops under your command, without at least protecting the frontier securely, should you persist in your determination not to carry on an offensive warfare.

Very respectfully,

M. S. PERRY.

COL. G. LOOMIS,
Commanding Department of Florida.

However contemptible the number of the Indians may seem, and whatever may be the jeers at Florida by certain Congressmen and others at the protracted state of hostilities with such an enemy, he has proven sufficiently powerful to *baffle the skill of the ablest Generals*, and to defeat and defy the best disciplined troops of the United States

for twenty-three years, the greater portion of which time having been spent in formidable efforts to either conquer him by force of arms, or effect his removal by strategy or diplomacy. The Indians commenced open hostilities in 1835, and continued them for seven years, at a cost of much valuable life and many millions of money to the treasury. During this seven year's war, every great captain of the age, (at different intervals,) backed by the flower of the regular army, with large and frequent drafts of gallant volunteers, (the best soldiery in the world,) attempted to conquer or remove this "contemptible enemy;" but the efforts resulted in a drawn battle, or suspension of hostilities, claimed (and rightfully so) as a victory by the Indians who refused to submit or remove. A truce was kept up by the contestants from 1842 to 1855, with the exception of a few outbreaks on the part of the Indians. In 1855 active hostilities were actually renewed by the Indians, and in so formidable a manner as to induce my predecessor to make an appeal to the patriotism of our citizen soldiery to rally to the rescue of our people on the frontier, who were being stricken down by the stealthy murderous attacks of the Indians and scenes of cruelty enacted known only in a warfare with savages, and to prevent if possible the abandonment of that interesting portion of our State to the Indians.

The appeal, as was expected, was responded to most promptly and the requisite number of companies gallantly marched to the rescue. But for the prompt, continuous, and efficient service of the State troops during the years 1855 and 1856, South Florida would have been depopulated. Too much praise cannot be awarded to the gallant volunteers for the prompt manner in which they responded to the call of their country, and periled their lives in the cause of humanity, and it is humiliating to know that by rank injustice, not one dollar of the hard earnings of this ardu-

ous service had been paid them. The presence of the volunteers enabled the citizens to make a stand in defence of their lives and property and to retain every inch of ground then occupied, and to carry the war into the enemy's country. True, it was accomplished at a heavy sacrifice.— South Florida has been for several years virtually a military camp. The ploughshare of the husbandman has been converted into the sword.

Agricultural pursuits, if not wholly abandoned, have of necessity received but little attention, and every branch of industrial pursuit has been paralyzed. The burden of the war, both physically and pecuniarily, has been borne by that people; nearly all who were able, were under arms, and the greater portion of the capital of the country has been absorbed in furnishing and relieving the pressing wants of the troops without having been re-imbursed.— Comparisons are unpleasant and not introduced here with the view to disparage the merits of the regular soldier; but experience has shown that they are unsuitable for fighting Indians in the everglades of Florida, and that whatever of credit may attach to the partial removal of the Indians, belongs pre-eminently to the skill, endurance and indomitable courage of the volunteer corps of this State.

The act of the Legislature passed in 1852, forbidding the whites to trade with the Indians under heavy penalties, was at the time a wise provision, but I would suggest that under existing circumstances the same might be repealed or essentially modified with advantage to the State and Indians, provided it is the policy of the State to permit the remnant of Indians to remain within her borders upon any terms. A few of the Indians have been in recently at Fort Myers and expressed an unwillingness to remove, and were very desirous to trade, and said that they had plenty of money and wanted clothes. They are represented to be in sad want of clothing, the chief article of dress being composed of old crocus sacks which they had picked up.—

If the Tallahasseees and others, who will visit the whites, should be permitted to trade and mingle with the settlers, they might in time exercise a wholesome influence over Sam Jones and his party, who are still hostile and refuse to listen to any overtures of peace, or in relation to their removal.

I have been appealed to by citizens of high character in South Florida urging the State to move in the matter and compel the Indians still in the State to emigrate to their homes in the West; that the frontier settlements were still insecure, and would ever be subject to their cruel midnight attacks as long as they were permitted to remain. As the Indians were quiet and no immediate danger apprehended by the citizens, I preferred to submit the subject to the Legislature for its action, the meeting of which was near at hand, rather than move in the matter by the exercise of extraordinary powers unwarranted perhaps by the exigencies of the case. Besides it had been announced that Col. Rector, under authority of the General Government, would attempt their peaceable removal and did not want any interference. I thought it fair under the circumstances to allow him the opportunity to make the effort in his own way, and in the event of a failure it would not be chargeable to State interference.

Should Col. Rector fail to make the effort, or should the effort prove a failure, I would recommend to the Legislature to provide for the removal of the Indians from the limits of the State forthwith. In my opinion, justice, humanity and good policy require it. It cannot be denied that the frontier settlements are insecure and subject to the murderous attacks of the savage creatures, and that neither life nor property is secure whilst they are permitted to remain.

The Indians that were removed out West some years ago have been greatly benefitted in every respect, and are perfectly satisfied. It is highly gratifying to know, that several

of the Indians who were rude savages, in the fullest acceptance of the term, when captured in the first war and sent West, returned with Col. Rector recently, civilized and christianized. Some of them are respectable planters, own negroes and stock of every kind, dress well, and what is above all other considerations, have experienced and stand forth boldly acknowledging the gracious influence of the revealed religion of our Saviour. Humanity demands therefore their removal, as in their present savage hostile state it is impossible ever to offer them the means of salvation or to instruct them in the arts of civilization.

That they will have ultimately to be removed by force is not questioned by those who are best prepared to form a correct judgment on the subject, and now above all times would seem to be the most propitious. In the late campaign our volunteers have found their fastnesses and dislodged them, destroyed their lodges and provisions and reduced them to very great extremities; and they are dispirited by their losses in killed, captured and by desertion, and would yield more readily now than if permitted to recover from their present straightened condition by a temporizing policy.

I cannot well close my remarks on this subject without urging upon your immediate attention the importance of providing for the payment of a debt the State owes to many of her citizens who have heroically suffered privation and hardships to sustain its credit and defend its borders. Impressed with the justice and importance of this subject, I, by virtue of "an act to provide for the payment of the debts of the State," approved December 27th, 1856, appointed Mr. John W. Pearson agent to negotiate a loan for the State for two hundred and thirty thousand dollars.

Mr. Pearson, when last heard from, had not succeeded in raising the funds. The period limited for the negotiation of the loan by the terms of his appointment and accompa-

nying instructions, expires this day, and the result must soon be known and will be immediately communicated to the Legislature.

RE-OPENING OF THE SLAVE TRADE.

The subject of the renewal of the Slave Trade having become a matter of discussion in States holding this species of property, it seems to me incumbent on my position as well as an act of courtesy to those similarly situated, that I should at least express my opinion in regard to the policy and expediency of such a measure.

In the first place, the advocates of the measure proposed are met at the threshold by laws and treaties that must be repealed and annulled before our people could, consistently with individual security or public faith, embark in such an enterprise. That the nations with which the United States have subsisting treaties for the suppression of the Slave Trade, would agree to annul them, no one, who is at all informed on the subject, can for a moment believe. But grant that the powers of Europe, who are parties to these treaties, would consent to their abrogation, there would remain still a mightier obstacle at home. I do not allude exclusively to the fanatical sentiment of non-slaveholding States; this *united south* might disregard or defy; but unhappily for us we are not united. On the contrary, in all of the Southern States, there are large masses decidedly opposed, from motives of policy, to the re-opening of the Slave Trade.

Impressed with these views, I would deprecate the agitation of a subject so exciting in its nature, and so fraught with mischief to that portion of the confederacy which has my strongest sympathies. I entertain no feeling of sickly sentimentality upon this subject—far from it. My whole life has been spent in slave States, and an *experience* of upwards of forty years, added to a close observation of the general treatment of slaves in the southern States, confirms me in the opinion, that had we the ability to import and

continue in servitude all the negroes of Africa, they would be most unquestionably benefited. No people on earth are more degraded than the African negroes, under the absolute sway of their chiefs. In their native country they are the subjects of slavery in its most cruel and unmitigated forms, without any of the ameliorating influences which characterize the patriarchal form of slavery in our civilized and christianized land; and as a moral right humanity and philanthropy unite in commending it; but as a question of policy or expediency, I think it would prove injurious to the best interests of the South.

The time may come, and there are already signs of its advent, when the nation that took the lead in the fanatical crusade against African servitude, will sound a truce and reverse her course. The other nations of Europe, who are now her reluctant auxiliaries, will joyfully follow in the retreat "the meteor flag of England," and then our loving brethren of *New England*, whose filial affections are admirable, will gladly again follow the example of their pious mother and become only too anxious to engage once more in what they now style the "horrid" but *lucrative traffic in human flesh*.

Let the southern States then "bide their time;" let them continue faithful to their compacts, vigilant to their covenants and reserved rights, united and prompt in their defence, and that Providence which has hitherto blessed them will shape their ends, and conduct them to their high destiny.

Without the slave trade question, the Southern States have enough practicable subjects of legislative controversy which may well engage the attention of our Southern members of Congress. Prominent among them are the tariff—taxes imposed and collected from the consumer of manufactured articles for the benefit of the manufacturers; also the laws granting bounties to the cod-fisheries and mackerel fisheries, restrictions on for-

eign built vessels and on their employment in the transportation of goods and produce, immense expenditures for internal improvements, for useless custom houses, when the revenue collected is not enough to pay for the collection, enormous appropriations for publishing maps, books and *pictures*, and for the transmission of those by mail to every nook in the Union. These are all evils of sufficient magnitude already to excite the alarm of every thinking man. They show the strong tendency, so much dreaded by some of the framers of the Constitution, of centralization of power in the Federal Government, to the gradual undermining of the whole fabric by means of money improperly drawn from the people and corruptly expended to build up the fortunes of influential classes or individuals, who receive the wages of their iniquity—some in tariff taxes, some in offices of profit and others in appointments of both honor and profit. Fault-finding by one public functionary with others in a different department is not desirable; nevertheless, when there is evident necessity for it, it is an obvious duty. When the Federal Constitution was submitted to the several States, its ratification was opposed by many of the wise patriots of the day, on the ground that it did not sufficiently guard the States from the usurpations of the General Government, and that the States would be left powerless to check aggressions on their reserved rights. This objection was met by the arguments of other men, equally patriotic, who contended that the *State* governments, ever watchful, would give the alarm whenever any attempt should be made by the Federal authorities to transcend their prescribed limits. Acting in accordance with this theory, which is sanctioned by general usage, I, as a co-ordinate member of the general government of Florida, do but discharge an unpleasant but high duty in designating some of the dangerous aberrations of the General Government that ought to be

checked, before precedent, supported by money, shall have supplanted the Constitution.

Earnestly desiring that your deliberations may be under the guidance of a kind Providence, and that your actions may redound to the happiness of the people and interests of the State,

I am, your fellow-citizen,
M. S. PERRY.

On motion of Mr. Eppes, the message and accompanying documents were laid upon the table, and six hundred copies of the same ordered to be printed for the use of the Senate.

The President announced the following Standing Committees:

STANDING COMMITTEES OF THE SENATE.

On Judiciary:

Messrs. EPPES,
CALL,
BAKER,
McELVY,
McCALL.

On Agriculture:

Messrs. WALKER,
LAMAR,
McQUEEN,
DUNCAN,
JONES.

On State of Commonwealth:

Messrs. WELCH,
McELVY,
EUBANKS,
DUNCAN,
JONES.

On Claims and Accounts:

Messrs. McQUEEN,
WALKER,
LAMAR,
EPPES,
DAWKINS.

On Federal Relations:

Messrs. CALL,
EPPES,
LAMAR,
McELVY,
DELL.

On Corporations:

Messrs. BAKER,
EUBANKS,
BROWNE,
BALDWIN or
BROWARD,
McCALL.

On Militia:

Messrs. McCALL,
McQUEEN,
DELL,
KEITT,

On Internal Improvements:

Messrs. LAMAR,
EPPES,
McELVY,
EUBANKS,

FISHER.

BALDWIN or
BROWARD.

On Elections:

Messrs. DELL,
CALL,
BAKER,
NICHOLSON,
FISHER.

On Schools and Colleges:

Messrs. BALDWIN or
BROWARD,
BAKER,
HAWES,
EPPES,
LAMAR.

On Propositions & Grievances:

Messrs. DAWKINS,
HAWES,
FISHER,
EUBANKS,
McCALL.

On Enrolled Bills:

Messrs. McELVY,
NICHOLSON,
EUBANKS,
WELCH,
JONES.

On Engrossed Bills:

Messrs. LAMAR,
NICHOLSON,
WELCH,
DELL,
FISHER.

On Revision of Constitution:

Messrs. CALL,
EPPES,
BAKER,
NICHOLSON,
McELVY.

On Executive Department:

Messrs. KEITT,
HAWES,
BROWNE,
EUBANKS,
NICHOLSON.

On Taxation and Revenue:

Messrs. HAWES,
KEITT,
EPPES,
LAMAR,
McELVY.

Mr. Dell introduced a Resolution requiring the Comptroller of Public Accounts to make a statement of the amount of taxes received into the Treasury from the different Counties, for the years 1854, '55 '56 '57, &c., which was adopted.

On motion of Mr. Dell, the Sergeant-at-Arms was instructed to enquire of the Treasurer what use is made of the Committee Rooms in the Capitol, and whether or not the same can be had for the use of Committees.

On motion of Mr. Baker, the memorial presented by Col. John Broward, was referred to the Committee on Elections.

Mr. Dell, from the Committee appointed to select a Chaplain made the following report:

The Committee appointed to select a Chaplain for the Senate beg leave to

REPORT :

That they have selected the Rev. Dr. Dubose for that purpose.
 PHILLIP DELL,
 GEO. W. CALL.

Mr. Eppes, from the Select Committee appointed to draft Rules for the Government of the Senate, made the following

REPORT :

Your Committee have duly considered the subject, and instruct the undersigned to report the following Rules, and recommend their adoption :

STANDING RULES OF THE SENATE.

Rule 1. The President shall take the chair every day at the hour to which the Senate shall have adjourned ; shall immediately call the members to order, and on the appearance of a quorum, shall cause the Journal of the preceding day to be read, unless the reading thereof shall by unanimous consent be dispensed with.

Rule 2. He shall preserve order and decorum ; may speak to points of order, in preference to other members, rising from his seat for that purpose ; and shall decide questions of order, subject to an appeal to the Senate by any two members ; on which appeal, no member shall speak more than once, unless by leave of the Senate.

Rule 3. He shall rise to put the question, but may state it sitting.

Rule 4. No member shall speak to another, or otherwise interrupt the business of the Senate, while the journals or public papers are being read, or pass between the President and any other member who is addressing the Senate.

Rule 5. Every member, when he speaks, shall address the Chair, standing in his place ; and when he has finished, shall sit down.

Rule 6. No member shall speak more than twice in any one debate on the same subject, without leave of the Senate.

Rule 7. When two or more members shall rise at the same time, the President shall name the person entitled to proceed.

Rule 8. When a member shall be called to order, he shall sit down until the President shall determine whether he is in order or not ; and every question of order shall be decided by the President without debate, but subject to an appeal to the Senate.

Rule 9. If any member shall be called to order for words spoken, the exceptionable words shall be immediately taken down in writing, that the President may be better enabled to judge of the matter.

Rule 10. No member shall absent himself from the service of the Senate without leave of the Senate ; and in case a less number than

a quorum shall convene, they are hereby authorized to send the Sergeant-at-Arms, or any other person or persons by them authorized, for any or all absent members, as the majority of such members shall agree, at the expense of such absent members respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient.

Rule 11. No motion shall be debated until it be seconded.

Rule 12. When a motion shall be made and seconded, it shall be reduced to writing, if desired by the President, or any member, delivered in at the table and read, before the same shall be debated.

Rule 13. When a question is under debate, no motion shall be received, but to adjourn, to lie on the table, to postpone indefinitely, to postpone to a day certain, to commit or to amend ; which several motions shall have precedence in the order in which they stand arranged ; and the motion to adjourn shall always be in order, unless when a member shall be engaged in addressing the Senate, or when the Senate shall be engaged in taking a vote ; and the motions to adjourn and to lie on the table shall be decided without debate.

Rule 14. If the question in debate shall contain several points, any member may have the same divided.

Rule 15. In filling up blanks, the largest sum and the longest time shall be first put.

Rule 16. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by vote of the Senate without debate.

Rule 17. When the yeas and nays shall be called for by two of the members present, every member within the bar of the Senate, at the time the question was put by the President, shall (unless, for special reasons, he be excused by the Senate) declare, openly and without debate his assent or dissent to the question. In taking the yeas and nays upon the call of the Senate, the names of the members shall be taken alphabetically.

Rule 18. On a motion made and seconded to shut the doors of the Senate, in the discussion of any business which may, in the opinion of any member, require secrecy, the President shall direct the gallery to be cleared ; and during the discussion of such motion, the door shall remain shut ; and no motion shall be deemed in order to admit any person or persons whatever.

Rule 19. The following order shall be observed in taking up the business of the Senate, to-wit :—First, Motions ; Second, Petitions, Memorials and other papers, addressed either to the Senate, or to the President thereof ; Third, Resolutions ; Fourth, Reports of Standing Committees ; Fifth, Reports of Select Committees ; Sixth, Messages from the House of Representatives ; and, Lastly, Orders of the Day.

Rule 20. When a question has been once made and decided, it shall be in order for any member of the majority to move the re-consideration thereof; but no motion for the re-consideration of any vote shall be in order after a bill, resolution, message, report or amendment, upon which the vote was taken, shall have gone out of the possession of the Senate, announcing its decision; nor shall any motion for reconsideration be in order, unless the same shall be made within the next two days of actual session thereafter.

Rule 21. The President shall have the right to name a member of the Senate to perform the duties of the Chair; but such substitution shall not extend beyond an adjournment.

Rule 22. Before any petition, or memorial, addressed to the Senate, shall be received and read, whether the same be introduced by the President or a member, a brief statement of the contents of the petition or memorial shall verbally be made by the introducer; after which, it may be referred to a committee.

Rule 23. One day's notice, at least, shall be given of an intended motion for leave to bring in a bill.

Rule 24. Every bill, resolution of a public nature, or resolution for the appropriation of the public money shall receive three readings previously to its being passed, and the President shall give notice at each, whether it be the first, second or third, which readings shall be on three different days, unless in cases of emergency four-fifths of the Senate may deem it expedient to dispense with the rules.

Rule 25. The first reading of a bill or resolution of a public nature, or for the appropriation of the public money, shall be for the information of the Senate; at which reading the introducer shall have the right to state the general principles of the bill or resolution, as the case may be, and the causes for introducing it; and if opposition be made to it, the question shall be, "shall the bill or resolution be rejected?" upon which question there shall be no debate. If no opposition be made, or if the question to reject be negatived, the bill or resolution shall go to a second reading without a question.

Rule 26. No bill or resolution of a public nature, requiring the appropriation of public money, shall be committed or amended until it shall have been twice read, after which it may be committed or amended.

Rule 27. When a bill or resolution of a public nature, for the appropriation of public money, shall have been read the second time, and before both sides of the question shall have been put to the Senate upon its passage, it shall be in order for any member to move its commitment to a committee of the whole house—that it lie on the table—for its indefinite postponement—for its postponement to a day certain—for its commitment to a standing committee—to a select committee—or to amend; which motions shall have precedence in the order above stated. After a bill or resolution shall

have been amended, it shall again be read as amended, for the information of the Senate, before the question shall be put upon its passage.

Rule 28. The final question upon the second reading of every bill or resolution, requiring three readings previously to being passed, shall be, "whether it shall be engrossed and read a third time."

Rule 29. Before a bill or resolution requiring three readings shall be read the third time in the Senate, it shall be carefully engrossed, (without interlineation or erasure,) under the direction of the Secretary of the Senate, and upon this reading of the bill or resolution it shall not be committed or amended without the consent of three-fourths of the Senate.

Rule 30. It shall not be in order to amend the title of a bill or resolution until it shall have passed its second reading.

Rule 31. The title of bills, and such parts thereof only as shall be affected by proposed amendments, shall be inserted in the Journals.

Rule 32. The President of the Senate shall appoint the following Standing Committees, which shall thus be denominated:

1. Committee on the Judiciary.
2. Committee on the State of the Commonwealth.
3. Committee on Corporations.
4. Committee on Schools and Colleges.
5. Committee on Propositions and Grievances.
6. Committee on Internal Improvements.
7. Committee on Elections.
8. Committee on Claims and Accounts.
9. Committee on Engrossed Bills.
10. Committee on Enrolled Bills.
11. Committee on Amendments and Revision of the Constitution.
12. Committee on the Executive Department.
13. Committee on the Militia.
14. Committee on Taxation and Revenue.
15. Committee on Federal Relations.
16. Committee on Agriculture.

Rule 33. All confidential communications made by the Governor to the Senate, shall be, by the members thereof, kept secret, until the Senate, by their resolution, take off the injunction of secrecy.

Rule 34. All information or remarks touching or concerning the character or qualifications of any person nominated by the Governor to office, shall be kept secret.

Rule 35. When acting on confidential Executive business, the Senate shall be cleared of all persons, except the Secretary, Sergeant-at-Arms, Messenger and Door-Keeper.

Rule 36. The proceedings of the Senate, when not acting in Committee of the Whole, shall be entered on the Journals as concisely as

possible, care being taken to detail an accurate and true account of the proceedings.

Rule 37. Messages shall be transmitted to the House of Representatives by the Secretary; upon each of which shall previously be endorsed by the Secretary, the final determination of the Senate thereon.

Rule 38. Messengers may be introduced in any stage of the business, except while a question is being put, or while the yeas and nays are being called.

Rule 39. The Governor of the State, former Governors of the State and Territory, Senators, and Representatives from this State in the Congress of the United States, State House officers, members of the Representative branch of the General Assembly, and Judges of the Chancery and Circuit Courts of this State, shall be admitted to a seat within the bar of the Senate Chamber and any other person upon the invitation of a member of the Senate.

Rule 40. The Secretary of the Senate, Sergeant-at-Arms, Messenger and Door-Keeper, shall be severally sworn by the President, well and faithfully to discharge their respective duties, and to keep secret the proceedings of the Senate, when sitting with closed doors.

Rule 41. No member who was without the bar of the Senate when the question was put by the Chair, shall be permitted to vote on the question then before the Senate, without the unanimous consent of the Senate.

Rule 42. No Rule herein adopted for the Government of the Senate, shall be amended or suspended, without the consent of four fifths of the Senate, except Rule No. 1, which shall only be suspended by the unanimous consent of the Senate.

Rule 43. That upon the adjournment of the General Assembly, the Secretary of the Senate shall be required to file in the office of the Secretary of State, all papers on file with him relating to unfinished business, all original papers and Journal of the Senate, and that he be required to obtain a certificate from the Secretary of State that such has been done, and file the same with the Treasurer before receiving his compensation.

T. J. EPPES, Chairman.

On motion of Mr. Baker, the Rules reported by the Select Committee for the Government of the Senate, were adopted.

On motion of Mr. Hawes, the Senate proceeded to the election of a printer.

Mr. Dell nominated Benj. F. Allen.

The vote was:

For Allen—Mr. President, Messrs. Baker, Call, Dawkins, Dell, Duncan, Eppes, Eubanks, Hawes, Jones, McElvy, Nicholson, Walker and Welch—13.

Mr. Allen having received the requisite Constitutional vote, was declared duly elected.

On motion of Mr. Duncan, a committee of three was appointed consisting of Messrs. Duncan, Nicholson and Dell, to act with a similar committee on the part of the House, to arrange with the printer in reference to the compensation to be paid for printing for the Senate at the present session.

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

FRIDAY, November 26, 1858.

The Senate met pursuant to adjournment.

A quorum present.

The Rev. Dr. Dubose officiated as Chaplain.

The Journal of Wednesday was read and approved.

On motion of Mr. Hawes, the reading of the Rules of the Senate was dispensed with.

Mr. Hawes gave notice that he would, on some future, day ask leave to introduce a bill to be entitled an Act, to improve the navigation of the Ocklawaha River, in this State.

On motion of Mr. Eppes, it was ordered that so much of the Governor's Message as relates to taxation, be referred to the standing committee on Taxation and Revenue;

That so much of said Message as relates to Official Reports, be referred to the standing committee on Executive Department;

That so much of said Message as relates to Internal Improvements, and Public Lands, be referred to the standing committee on Internal Improvements;

That so much of said Message as relates to Charters, be referred to the standing committee on Corporations;

That so much of said Message as relates to Lunatic Asylums, be referred to the standing committee on the state of the Commonwealth;

That so much of said Message as relates to Education, be referred to the standing committee on Schools and Colleges;

That so much of said Message as relates to the Militia, be referred to the standing committee on said subject;

That so much of said Message as relates to Exemption, be referred to the standing committee on Taxation and Revenue;

That so much of said Message as relates to the Boundary Line, be