

Amount expended in payment of debts contracted 1st, 2d and 3d years after location of Seminary and incidental exp's of said year, pr. Globes included,	1,276 43
Am't remaining on hand from said year,	42 51

\$3,337 73—\$3,337 73.

You will perceive by the above Report, that the present Board of Education are economical in their management of the affairs of the Seminary. They have only paid to Teachers for the last scholastic year \$657 58, out of the \$2,080⁵⁴, received from the Seminary Fund, and have liquidated nearly all the old debts; I believe I might say all, for there are several accounts due for tuition which will be collected and will be sufficient to satisfy all the legal claims against the Seminary. There is a claim made against the Seminary for \$647, which the Board of Education do not feel authorized nor legally or morally bound to pay. I expect you will receive a communication from Col. S. St. Geo. Rogers on the part of the Board of Education in reference to said claim before this reaches you.

The present session commenced 4th Oct., 1858, with a very flattering prospect; there have 35 Females, and 17 Males attended this week, 52 in number, and we expect 6 or 8 additional pupils to enter next week. All opposition to the School and its management has subsided, and every person residing near Ocala, manifests satisfaction and a desire to promote and sustain the interests, as well as participate in the advantages offered, which no longer remain in doubtful obscurity, but are manifest to all who visit the School during recitation hours. The examination at the close of the last session was very satisfactory, and creditable to all concerned or in anywise interested, which has induced several students to come from other counties. With these few remarks, I respectfully submit the foregoing Report.

JOHN M. McINTOSH,
Sec. Bd. Ed. E. F. S. S.

Ocala, October 23, 1858.

ATTORNEY GENERAL'S REPORT.

ATTORNEY GENERAL'S OFFICE,
TALLAHASSEE, November 15, 1858. }

To His Excellency, M. S. PERRY, Gov., &c.

Sir:—The Act of July 23d, 1845, requires the Attorney General of this State, to report to the Governor "as to the effect and operation of the Acts of the last previous session, the decisions of the

courts thereon, referring to the previous legislation on the subject, with such suggestions as in his opinion the public interest may demand."

It will be found by a reference to the laws of the last session of the General Assembly, that they are of a nature not to bring them under early investigation by the courts, and as no decision upon any of them has come to my knowledge, and none of the rights and interests of the citizens generally of the State, so far as I have been able to learn, have been affected by any of them, I am unadvised of any particular "effect or operation" which they have had either as connected with any previous legislation, or as flowing directly from their several provisions.

If it may be permitted me to trespass somewhat beyond the limits assigned by the Act of 1845, I would respectfully call the attention of the General Assembly to the condition of the laws concerning costs in criminal cases, before Justices of the Peace. Owing to the want of some fixed rule to guide the Comptroller, he has found it necessary in most of the cases brought before a Justice of the Peace on a preliminary examination, to apply to me for my opinion as to whether the costs taxed by the Justice are payable by the State, and if so whether payment is to be made at the close of the case before him, or whether the officer who has thus rendered his services at the call of the State should be required to wait until the case is finally disposed of in the Circuit Court. On examining the question I was constrained to advise him that all such costs were payable at once and by the State. The reasons for this opinion will be obvious by attending to what follows: It is the duty of a Justice of the Peace, on complaint being made before him, to issue his warrant for the arrest of any person charged with a violation of any of the criminal laws of the State, and after examination either to commit, discharge, or hold the alleged criminal to bail. For the services thus rendered by him, the law has properly prescribed certain fees, but is silent as to the manner in which such fees are to be paid, even in the case of a commitment, or a holding to bail. No provision being made for the payment of the costs by the defendant, it follows that the State having called upon its officer, through its laws, to perform a certain service should itself satisfy him by paying what it has authorized him to charge. It cannot properly be urged that the Justice should await the final determination of the case before the Circuit Court, because, in the first place, his duty is ended when the examination before him is concluded; and in the second, there is no law which directs or authorizes the costs in his Court to be taxed in the case before the Circuit Court, and hence the costs before the Justice are not taxable nor taxed in the Circuit Court. I would therefore suggest that as frequent embarrassments, owing to the different phases of the cases that come up before Justices of the Peace, are presented to the Comptroller, the General Assembly will

declare some fixed rule for the payment of costs in all such cases, and in so doing, that they provide some means of imposing them upon the defendant, either by directing that they shall be included in the costs the Circuit in Court against the defendant on conviction, or that he pay them on being committed or held to bail, with the right to be reimbursed by the State in case of his ultimate acquittal.

Your Excellency is better informed of the present condition of the suit instituted to determine the question of boundary between Georgia and Florida, and of the steps that have been taken to bring it to an end, and can therefore best advise the General Assembly on the subject. I believe the action of the General Assembly is all that is wanting to close the controversy in a manner honorable to both States.

I am very respectfully, &c.,

M. D. PAPY.

REPORT
OF THE
TRUSTEES
OF THE
BOARD OF INTERNAL IMPROVEMENTS.

TALLAHASSEE, Nov. 17, 1858.

To His Excellency, MADISON S. PERRY, Governor of Florida.

For the information of the General Assembly, the following statement of the transactions of the Board of Trustees of the Internal Improvement Fund, since the last report, is submitted.

With the view of carrying out so much of the Internal Improvement law as makes a grant of the alternate sections of land on the line of the several Railroads, the Trustees on the 29th of December, 1856, adopted the following mode of allotment, viz:

"That there is hereby set apart to the several Railroad Companies entitled to land, all the Swamp and Internal Improvement lands lying within six miles of their several roads, and which are embraced in the odd numbered sections and fractional sections, and there is reserved to the Internal Improvement Fund all the land embraced within the even numbered sections or fractional sections.

"That whenever the greater part of any section shall be within six miles of any Railroad the whole of said section shall be deemed to be within six miles of said Railroad, and whenever the greater part of any section shall be more than six miles of any Railroad the

whole of said section shall be deemed to be more than six miles from said Railroad.

"That if it shall result by the distribution of lands, by odd and even sections, that either the Railroads or the Internal Improvement Fund shall get more than one half of all the Swamp and Internal Improvement lands, then the said Railroad, or the Trustees of the Internal Improvement Fund, as the case may be, shall surrender to the other a sufficient quantity of lands to equalize the two, which lands shall be selected by lot from the unsold lands within six miles."

On the same 29th day of December, 1856, on the proper certificate that the iron had been laid on the first ten miles of the Florida Rail Road, the Trustees agreed to endorse the guaranty of interest on twenty thousand dollars of the equipment bonds, of the Florida Railroad Company, being at the rate of two thousand dollars per mile. It being also certified that twenty miles, in addition to the first ten miles of said road has been graded, and the pre-requisite of the law being complied with, the Trustees on the same day agreed to guaranty the interest on one hundred and sixty thousand dollars of the Bonds of the said Florida Railroad Company, being at the rate of eight thousand dollars per mile.

On the 3d day of January, 1857, the Trustees accepted a proposition in behalf of the Tallahassee Railroad Company, to pay the interest on the bonds of said Company held by the Trust Fund, by giving other like bonds at ninety cents in the dollar, and by depositing the coupons on all the remaining bonds with the Treasurer.

On the 16th day of May, 1857, on the application of the Florida Railroad Company, and being furnished with the necessary certificate and affidavits, that twenty miles of the Florida Railroad in addition to the first thirty had been graded, the trustees agreed to endorse the guaranty of interest on one hundred and sixty thousand dollars of the bonds of said Company, being at the rate of eight thousand dollars per mile. On the same day, on the proper certificate that the iron on twenty miles additional to the first ten had been laid, the guaranty of interest was resolved to be endorsed on forty thousand dollars of the Equipment Bonds of said Florida Railroad Company, being at the rate of two thousand dollars per mile.

On the same 16th day of May, 1857, the lands embraced within the even numbered sections, and within six miles of the several Railroads, and which had been reserved from sale, with a view to their allotment between the several Companies and the Trust Fund, were made subject to purchase—the Swamp lands at the enhanced price of two dollars and fifty cents per acre, and the Internal Improvement lands at the valuations already fixed.

On the 20th day of June, 1857, the Trustees agreed to receive from the Tallahassee Railroad Company, in payment of the amount due the Sinking Fund by said Company, its bonds issued under the Internal Improvement law at their market value, to the extent of the