

privilege of concluding the argument in defence of the contested seat of Mr. Brokaw.

On motion of Mr. Holland, Mr. Papy was allowed the concluding remarks.

On motion, a call of the Senate was then made and a quorum being present, the question was upon the following resolutions:

[See resolutions reported by Committee.]

The yeas and nays being called for, the vote was:

Yeas—Mr. President, Messrs. Clary, Carter, Smith, Arnow, Cooper, Hopkins, Roper and Holland—9.

Nays—Messrs. Abercrombie and Norwood—2.

Which were adopted.

Messrs. Allison and Scott having requested to be excused from voting, permission was granted them.

On motion, the Senate then adjourned until ten o'clock to-morrow morning.

THURSDAY; November 20th.

Senate met pursuant to adjournment.

President in the chair.

Quorum present.

The Journal of yesterday was read, corrected and approved.

President declared motions in order.

Mr. Haughton, the newly elected Assistant Secretary of the Senate appeared and was sworn in.

Mr. Taylor moved that a committee of three be appointed by the President of the Senate for the purpose of revising, altering and amending the Rules of the Senate which were adopted at the present session of the Senate,

Which was agreed to, and Messrs. Taylor, Abercrombie and Hogue appointed said committee.

Mr. Allison gave notice that he would on to-morrow ask leave to introduce a bill to be entitled an act to amend an act entitled an act concerning Wills, Letters Testamentary, and Letters of Administration, and the duties of Executors, Administrators and Guardians.

Mr. Hogue moved that the Senate now proceed to elect one Engrossing and one Enrolling Clerk,

Which was agreed to.

Mr. Abercrombie nominated Mr. John Brass for Engrossing Clerk.

Mr. Hogue nominated Mr. J. L. Tatum for Engrossing Clerk.

The following was the vote:

FOR BRASS—Mr. President, Messrs. Abercrombie, Hopkins and Smith—4.

FOR TATUM—Messrs. Allison, Arnow, Clary, Carter, Holland, Hogue, Roper, Scott and Taylor—9.

BLANK—Mr. Norwood.

Mr. Tatum was declared elected.

Mr. Hogue nominated Mr. West, of Leon, for Enrolling Clerk.

Mr. Holland nominated Mr. Davis, of Jefferson, as Enrolling Clerk.

The following was the vote :

FOR WEST—Messrs. Arnow, Clary, Carter, Hopkins, Hogue, Roper, Scott and Taylor—8.

FOR DAVIS—Mr. President, Messrs. Abercrombie, Allison, Holland and Smith—5.

BLANK—Mr. Norwood.

Mr. West was declared elected.

Mr. Hopkins moved the Sergeant-at-Arms be instructed to furnish the members of the Senate with a copy of the journals of the last session ; and also a copy of the Constitution and ordinances of the Convention,

Which was adopted.

Mr. Holland gave notice that at some future day he will ask leave to introduce the following bills :

A bill for the relief of Calhoun county, and to establish the records of said county.

Also, a bill to punish persons who refuse the Treasury Notes of the Confederate States, or the Treasury Notes of the State of Florida.

Also, a bill to allow officers of Insurance Companies to hold their offices until their successors are elected, where such elections cannot be held on account of the war.

Also, a bill to tax cotton for the relief of soldiers' families.

Also, a bill to incorporate the Apalachicola Channel Company.

Mr. Allison moved a Committee be appointed to inform the House of Representatives that the Senate is now organized and prepared to proceed to business,

Which was passed.

Messrs. Allison, Hopkins and Carter, were appointed said Committee.

Mr. Abercrombie moved, that in consequence of the illness in Dr. Russell's family, he be excused for an indefinite time,

Which was adopted.

Mr. Abercrombie gave notice that he would on some future day introduce a bill to be entitled an act in relation to the Courts of Escambia county ; also,

A bill to be entitled an act to authorize the removal of slaves and other property from the State.

Mr. Holland moved that a Committee be appointed to act with a similar Committee on the part of the House to inform his Excellency the Governor that the General Assembly of the State is now

organized and prepared to receive any communication he may desire to make thereto.

Which was passed.

The President appointed the following gentlemen said Committee: Messrs. Holland, Hogue and Cooper.

Mr. Arnow gave notice that he would, on some future day, introduce a resolution requesting the Postmaster General of the Confederate States to rescind his order of February 27th, 1862, concerning mail route 65 in this State.

The President announced the following Standing Committees:

STANDING COMMITTEES.

On the Judiciary:

Messrs. HOGUE,
HOLLAND,
ALLISON,
NORWOOD.
TAYLOR.

On Engrossed Bills:

Messrs. ABERCROMBIE,
COOPER,
SCOTT,
CLARY,
ROPER.

On the State of Commonwealth.

Messrs. COOPER,
ALLISON,
ABERCROMBIE,
ARNOW,
CLARY.

On Enrolled Bills:

Messrs. TAYLOR,
HOGUE,
SCOTT,
CLARY,
SMITH.

On Corporations.

Messrs. RUSSELL,
ALLISON,
ARNOW,
TAYLOR,
ROPER.

On the Executive Department.

Messrs. ALLISON,
HOPKINS,
HOGUE,
HOLLAND,
SMITH.

On Schools and Colleges.

Messrs. ARNOW,
HOGUE,
SMITH,
SCOTT,
NORWOOD.

On Military Affairs.

Messrs. HOPKINS,
COOPER,
SCOTT,
HOLLAND,
TAYLOR.

On Propositions and Grievances. On Taxation and Revenue.

Messrs. HOPKINS,
COOPER,
ALLISON,
TAYLOR,
NORWOOD.

Messrs. COOPER,
ALLISON,
HOPKINS,
RUSSELL,
SCOTT.

On Internal Improvements. On Confederate Relations.

Messrs. ALLISON,
COOPER,
ABERCROMBIE,
CLARY,
ARNOW.

Messrs. NORWOOD,
RUSSELL,
HOGUE,
CARTER,
ARNOW.

On Elections.

Messrs. HOLLAND,
RUSSELL,
HOPKINS,
TAYLOR,
SMITH.

On Public Lands.

Messrs. ARNOW,
RUSSELL,
SCOTT,
ABERCROMBIE,
HOLLAND.

On Finance and Public Accounts.

Messrs. RUSSELL,
HOPKINS,
COOPER,
HOGUE,
ABERCROMBIE.

On Agriculture.

Messrs. SMITH,
HOPKINS,
RUSSELL,
ABERCROMBIE,
ROPER.

Mr. Holland moved that the Committee on Military Affairs be requested to report without delay a bill to organize and arm the militia.

Adopted.

Mr. Allison introduced a resolution relative to deceased soldiers, which was, on motion, read the 1st, 2d and 3d times, and put upon its passage, with the following result:

Yeas—Mr. President, Messrs. Abercrombie, Allison, Arnow, Clary, Carter, Cooper, Hopkins, Holland, Hogue, Norwood, Roper, Smith, Scott and Taylor—15.

Nays—None.

So the resolution passed.

Ordered that the same be certified to the Senate.

The Joint Committee appointed to inform the House of the organ-

ization of the Senate, returned and reported that they had discharged their duty.

The committee appointed to act with a similar committee on part of the House to inform the Governor of the organization of the General Assembly, returned and reported that they had performed their duty, and were discharged.

Mr. Arnow moved that the President appoint a committee to select a printer for the Senate,

Which was agreed to, and Messrs. Arnow, Hogue and Cooper appointed said Committee.

Mr. Arnow moved that the President appoint a committee to obtain the services of a Chaplain during the session of the Senate,

Which was agreed to, and Messrs. Allison, Arnow and Taylor appointed said committee.

The rule being waived, Mr. Allison introduced, without further notice, a bill to be entitled an act to amend an act concerning Wills, Letters Testamentary, and Letters of Administration, and the duties of Executors, Administrators and Guardians,

Which was read the first and second times.

Mr. Holland moved to insert after the words "Bonds of the Confederate States," the words "or Bonds issued by the State of Florida," but not Internal Improvement, Seminary, Canal or Railroads Bonds, or any other Bonds issued to aid Corporations.

The yeas and nays being called upon the adoption of the amendment, the vote was as follows:

Ayes—Messrs. Abercrombie, Arnow, Clary, Carter, Cooper, Hopkins, Holland, Roper, Smith and Taylor—10.

Nays—Mr. President, Messrs. Allison, Hogue, Norwood and Scott—5.

So the amendment was adopted, and said bill ordered to be engrossed for a third reading on to-morrow.

The Governor's Message was received and ordered to be read, which is as follows:

GOVERNOR'S MESSAGE.

EXECUTIVE DEPARTMENT,
Tallahassee, November 17, 1862.

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

Since the adjournment of the last General Assembly important events have occurred in the State. Our enemy, the United States, have taken possession of Pensacola, Fernandina, St. Augustine, and the St. John's River. The loss of property to the State, and to many of our fellow citizens individually, has been immense, but a brave and generous people never complain of sacrifices necessary to the maintenance of their freedom and independence, and will ever cheerfully and cordially exert themselves to uphold the government of their choice, to which they have confided all their means of protection. The enemy threaten not simply to subjugate Florida, but to drive off, rob or murder the citizens, and to colonize the State with negroes and foreigners. To give fearful effect to the diabolical threat, much reliance is placed upon a recent proclamation of His Excellency Abraham Lincoln, the President of the United States. As the means the most terrific which could be devised to alarm the people of the South, and thus terminate the bloody war inaugurated by the fanaticism and wicked folly of the Abolitionists of the North, President Lincoln has been induced to issue a Proclamation, attested by his distinguished Secretary of State, Hon. William H. Seward, emancipating the slaves in States which refuse to recognise his power, and to be represented in the Congress of the United States.

The Proclamation has been regarded by the people of the Confederate States with scorn and contempt, and the effects produced by it upon the minds of enlightened and patriotic statesmen in the United States and Europe, have presented to the consideration of President Lincoln his own despicable character as a perjured usurper and malignant tyrant.

Thus placed *hors de combat* with the judgment of civilized nations, his pitying sympathizers, to relieve the distinguished President from the disreputable position, have insinuated that he issued the Proclamation to convince pestiferous fanatics of their folly, as an ancient king of England and Denmark did, when, "to confound his flatterers, he seated himself upon the strand and commanded the waves to retire." But, unfortunately for his Excellency, his Proclamation illustrates the wicked folly of Belshazzar, rather than the wisdom of Canute.

Belshazzar sacrilegiously polluted the golden vessels that were taken out of the house of God which was at Jerusalem. Lincoln, with a traitor's ambition, has desecrated the Constitution of his country, which was revered as the palladium of civil liberty and the ark of its political safety. Under the righteous condemnation of all statesmen of intelligence and patriotism, President Lincoln now tremblingly beholds written "upon the plaster of the wall", "MENE, MENE, TEKEL, UPHARSIN."

STATE TROOPS AND STATE DEFENCES.

Florida has responded fully to every call made for troops to sustain the Confederate Government. Previous to the Act of Congress known as "the Conscript Act," nearly all capable of bearing arms had volunteered for Confederate service.

When the last General Assembly adjourned, Middle Flo-

rida, and that part of West Florida between Apalachicola and Choctawhatchee River, were defended exclusively and successfully by troops in the service of the State.

There were no Confederate forces in the State East of Choctawhatchee River, except those at Fernandina, at St. Augustine, and near the St. John's River, and at Tampa.

On the 14th of January last there was "a called Session of the Convention, begun and held at the Capitol."

The President of the Convention, in his address to it, stated that "The principal cause which has moved me to call you together on this occasion, is the danger that in my judgment threatens the finances of the State. These are extraordinary and momentous times. The difficulties and embarrassments that now press upon our whole country—growing out of the war in which we are engaged—make it necessary to resort to extraordinary means to enable the State to act her part in conducting it.

"The blockade has cut off all intercourse with other countries, and for the present, has rendered useless and valueless the staples by which our people have heretofore been enabled to raise money, and it has become necessary to raise and use credit as a substitute. Accordingly, the General Assembly, on the 14th of January last, passed an Act to authorize the issue of \$500,000 in Treasury Notes, to be used as money, and to sustain their credit, provided that they should be received in payment of all dues of the State, including the Public Lands; and on the same day passed also, 'An Act to authorize the issue of Bonds to the amount of \$500,000 by the Commonwealth of Florida,' making an aggregate of \$1,000,000, Bonds and Treasury Notes.

"Your Convention, on the 26th April, 1861, passed 'An Ordinance to raise money for the immediate exigencies of the State, and for the payment of the public debt.'"

"In the first section of that ordinance it is ordained 'That the Governor be and he is hereby authorized to borrow the sum of \$500,000, to be applied first to the debts of the State,

and secondly to such other purposes as the condition of the country may render necessary.'

"In the fourth section of this ordinance it is 'ordained that the revenue arising from the sales of the Public Lands, except the proceeds of the sales of lands specially set apart for Education and Internal Improvement, shall be primarily applied to the payment of the interest of the Bonds enacted by this ordinance.'

"On the 29th April, 1861, the Convention passed an ordinance supplemental to the ordinance just recited, the first section of which is, 'Be it ordained by the People of the State of Florida in Convention assembled, that the Register of Public Lands of this State be and he is hereby directed and instructed to receive in payment for any lands heretofore sold, or that may be hereafter sold, through or by his office, nothing but gold or silver coin, or the bills of solvent Banks, anything that may be contained in any act of the General Assembly to the contrary notwithstanding.'

"It is manifest, therefore, that the General Assembly and the Convention felt the necessity of making preparation for the crisis, and both did so; but their schemes of finance are in some respects inconsistent, and conflict.

"The Act of the General Assembly authorizes the purchase of Public Lands with Treasury Notes of the State—the ordinance of the Convention forbids it. The ordinance of the Convention also repealed the Act of the General Assembly authorizing a loan of \$500,000 upon Bonds of the State, leaving in force the Act directing the issue of \$500,000 in Treasury Notes, and the ordinance of the Convention authorizing the Governor to borrow \$500,000 upon the 8 per cent. Coupon Bonds of the State. In the practical working of these schemes of finance, it is found the Coupon Bonds of the State, authorized to be issued by the Convention, cannot be sold, and the money contemplated to be raised by this means is not available, leaving the only

resource for the supply of money for the State the Treasury Notes.

"To sustain the credit of these notes, therefore, has become a matter of vital importance to the State. With them she must pay her debts, meet her current expenses, and defray the expenses of her army. To suffer them to depreciate would entail upon her people a disaster that would be appalling indeed.

"How, it may be asked, can the Convention accomplish this desirable object? Let it be replied, by the application of every resource within her power or control."

"The Act of the General Assembly of the 14th February, 1861, provides that they shall be received in all the dues of the State. Let the Convention so modify, amend or repeal the ordinances heretofore passed, that they may be received in payment of the proceeds of the sales of public lands heretofore made or hereafter to be made, and authorize the holders to invest them in the 8 per cent. Coupon Bonds, directed to be issued by Ordinance No. 34. These are the resources of the State that occur to my mind as fairly and properly applicable to the object of sustaining the credit of the Treasury Notes. I commend the subject to the earnest consideration of the Convention, hoping that by your wisdom the well-being of the commonwealth may be provided for through the trying crisis in which we are involved."

It was no doubt presumed when the Convention had assembled and accomplished the alleged purpose for which it was called, it would adjourn, but it continued in session from the 14th to the 27th of January, and passed many important ordinances, vitally affecting the best interests of the State. It passed an ordinance in the following words, as appears by the Journal of the Convention:

"Be it ordained by the People of the State of Florida in Convention assembled, That, whereas, it is the sense of this Convention, that in all Military operations a divided power

engenders confusion and weakness; that in prosecuting this war of defence, the several States are a unit, represented by the Confederate Government, to which the sole power and management of such war of right belongs :

“Be it therefore Ordained, That the Governor be, and he is hereby required, on or before the 10th day of March next, to transfer into the Confederate service, all troops now in the service of the State; and, if they fail, or refuse to go into the Confederate service, said troops shall be disbanded.”

The troops which were in the service of the State, were well armed and finely disciplined; had rendered and were rendering efficient service. They had protected from invasion the portion of the State which they were intended to protect; prevented slaves from escaping to the enemy; and had effectually cut off communication between the enemy and disloyal persons near the coast. Long previous to the meeting of the Convention I had used every proper influence to induce the volunteers in the State service to enter into, and had applied to the Secretary of War to receive them in the Confederate service, preserving their military organization; or if he would not do so, to assume the expenses incurred for the maintenance of State troops in the defence of the State. Called upon, by him, to co-operate in the defence of the State with State troops, a doubt could not be reasonably entertained of the willingness and duty of the Confederate Government to defray all necessary expenses. For a precedent to justify this opinion, consider the history of the American Revolution, and of the United States Government in the adjustment of Military claims. But the expense should have been a matter of trivial consideration compared with the objects to be accomplished.

I regretted very much and yet regret, the hasty action of the Convention upon the subject. The effect of their Ordinance was, in spite of every effort I could make, to disband the State forces, and thus create the necessity of abandoning

Apalachicola and other important positions to the mercy of the enemy. I believed then, and now believe, a more successful defence could be made at the city of Apalachicola, than at any point on the river, and I believed also, that the maintenance of our position at the city, was necessary to the proper protection of Middle and West Florida.

Impressed with this belief, I used every effort in my power to induce the Confederate Government to maintain the position, and I was informed by the Secretary of War that he could spare no forces for the purpose, but appealed for active efforts on the part of the State. I then applied to the Governors of Georgia and Alabama to aid me with forces to do it. The Governors of these States informed me that it was out of their power to render assistance. Letters upon the subject from the Secretary of War were submitted to the consideration of the Convention, and I appeared in person before their august body with the entire correspondence, and appealed to them, by every argument which I had the ability to make, to prevent their Ordinance going into effect—pointed out then what would be, and have been, the disastrous results of the Ordinance. But all efforts in my power were wholly unavailing.

No sooner was the Ordinance and its effect upon the State troops made known officially to the Confederate Government, than, impressed with the imminent danger to which other important parts of the Confederacy were thereby exposed, the Confederate forces which were in service in East, South and Middle Florida, were ordered to the Chattahoochee River. St. Augustine, Fernandina, the St. Johns River, Tampa and even St. Marks, were ordered to be abandoned. The order was indiscreet and extraordinary, and successful efforts were made by me to have it revoked or modified—but previous to its revocation, all important positions in East Florida were lost.

Unable to induce the troops at Apalachicola to volunteer in the Confederate service, or continue them in the State service at Apalachicola after the 10th March, and no forces having reached the river in time to occupy the position, I was constrained to issue an order to Gen. R. F. Floyd, the gallant officer in command of the troops, to dismount his guns and retire with them out of the reach of the enemy. The order was executed in the presence of the enemy without the loss of a gun, any munitions of war, or any of the commissary stores. The guns were brought up the river, placed in battery at Rico's Bluff, and turned over to the officer then in command of the Military Department. The State troops having been paid off, were disbanded, except the few who volunteered in Confederate service, upon condition for furloughs to return home.

Such are the facts. But it is unnecessary to deplore the past. The question is, what can now be done for the defence of the State? Shall we depend exclusively upon the Confederate Government for defence? Shall we not do all in our power to aid the Government in our defence? We have no militia ready for service, and for reasons assigned in a special message to the last General Assembly, and which appear upon the Journals. The militia laws of the State are worse than dead letters; they are a tissue of absurdities, and I appeal to you to repeal the militia laws entirely, and to enact a suitable law by which every man and boy between the ages of 16 and 60, capable of bearing arms, may be immediately organized into an effective body of militia and prepared for immediate service. Vacate the few militia offices which have not been vacated by resignations, and let suitable officers be elected or appointed to command.

Ignore the militia "beat" lines as established, and organize companies, battalions and regiments, according to the condition of our population. No man should be exempt from militia service who is capable of bearing arms. Upon

your prompt and wise legislation upon this subject depend, perhaps, the lives, liberty and property of your fellow citizens—the existence and the honor of the State.

You may suppose the late act of Congress and its amendments may interpose insuperable obstacles, in regard to those between the ages of 18 and 45 years. Such, however, is not the fact. Those between the ages of 18 and 35 have already been enrolled, and the number capable of efficient military service are scarcely enough to make one company. Thus, by the enforcement of the Conscript act, the patriotism evinced by Floridians in volunteering to fight the battles of the country has been attested and made manifest. The act of Congress gives a discretion to the President of the Confederate States, which, under the peculiar circumstances of the State, he will exercise wisely and judiciously.

The militia may be organized so as to embrace those under 18 and over 45, to act as minute men, when necessary to co-operate with forces in Confederate service. Those between those ages, when organized, may be mustered into Confederate service for the defences of the State.

The number who in Florida have volunteered in the Confederate service, and promptly obeyed orders to march to Virginia, Georgia, Tennessee and other States, has been made known officially to the proper department of Government. In almost every battle that has been fought, Florida has been honorably distinguished by her gallant sons. Many of them have nobly fallen, vindicating fearlessly and unflinchingly the sacred rights and high character of intelligent freemen. Florida feels the inspiring loss, and should be animated by it to sustain during the war, the distinguished position won by the chivalry of her sons.

THE CONSCRIPT ACT.

You may believe it to be my duty to express the opinions I entertain, with regard to the constitutionality and expedi-

ency of the Act of Congress, called the Conscript Law.— When notified by the Secretary of War of the passage of the Act, and when I read it, and reflected upon the causes which induced Congress to pass it, the impression made upon my mind was, that the extraordinary circumstances which threatened the disbandment of the army in the field, and the Confederate States with subjugation by the enemy, demanded of Congress extraordinary legislation, and that if the Act was not constitutional, it was a judicial question, which should be decided, if at all, by the proper department of Government, and that each individual whose rights might be considered in jeopardy, would have the protection of an enlightened judiciary. I did not consider it necessarily, a question of political power between the Confederate and State Government. Moreover, in the existing condition of political and social affairs, concert of action between the State Governments and the Confederate Government was and is necessary to the successful maintenance of the war with the United States, the achievement of the independence of the Confederate States, and the protection of the lives, liberty and property of the citizens of the respective States. I know that it is frequently said, that “vigilance is the price of liberty,” and that the independence and sovereignty of the States, should be equally guarded against the encroachments of Confederate power. The unity of interest between the States is such that I entertain no serious apprehension of permanent detriment to the rights of the States, and while I appreciate the axiom that “vigilance is the price of liberty,” I consider it much more important, during the existence of the war, to watch and baffle the purposes of the enemy, than with skeptical apprehensions to criticise and defeat the purposes of the Government of our choice, administered by statesmen of our own selection. If circumstances would have justified delay, it would have been much more satisfactory for the General Assemblies of the respective States to have

enacted laws for the accomplishment of the purposes designed by the act of Congress, but the demand for immediate action in the premises was imperative. There was no time for argument or controversy. The enemy had calculated the causes which threatened our armies with disbandment, and boasted of the prospects afforded for our subjugation. The war still rages with almost unabated fury on the part of the enemy. Impending clouds of destruction hover over, and threaten the destruction of our liberties, of all rights of property, and the dishonor of our wives and children. These threatened evils can only be prevented by concert of action between the State Governments and the Confederate Government, and the indomitable and invincible courage and unfaltering patriotism of our entire population.

God forbid! that you, or I should do, directly or indirectly, aught to impede the victory of our arms. Let us do all in our power to animate our brave and suffering soldiers, and to expedite the glorious triumph which awaits their deeds of generous daring.

Let Florida always be ready to yield upon the altar of the country her last son and her last dollar to maintain the struggle against the usurpation of the United States in attempting to degrade the women, children and freemen of the South.

THE WAR TAX.

It affords me pleasure to inform your honorable body, that the War Tax imposed last year by the Confederate Congress, was promptly paid as soon as the amount could be ascertained, and without any discount or loss upon the Treasury notes authorized by the General Assembly to be issued for that purpose. The amount authorized to be issued was \$500,000, but only \$233,000 was signed and prepared to be issued. This amount proved to be more than was neces-

sary. But I supposed from the data before me at the time; that it would be barely sufficient. Being called upon by the officer in command of the department to advance; on the credit of the Confederate Government, \$96,436 and eleven cents, to enable him to pay the Regiments who were ordered from our State the amount which was due them previous to their departure; I advanced the amount upon the Confederate Treasurer's certificate of deposit. At the time I had not been notified of the full amount of the War Tax, the returns of assessment not having been completed, and believed that by advancing the amount in State Treasury Notes, I would accomplished two objects, viz: the payment of our troops, and in return for the amount advanced receive funds which were necessary to be had to pay the balance of the War Tax. This amount is now in the State Treasury to be applied to the payment of debts which will be due from the State the first of January next.

TREASURY NOTES.

I would respectfully suggest to the General Assembly to grant authority to arrange for, and deposite suitable fund in solvent Banks in other States, to sustain the circulation of the Treasury Notes of Florida in those States, and thus enhance the value of the bonds of the State, as well as sustain the credit of the Treasury notes as a circulating medium.

REPORTS OF HEADS OF DEPARTMENTS.

Herewith is submitted to your consideration reports made to me by the Attorney General, the Comptroller, the Register of lands, and the Treasurer.

Many important facts are stated, and valuable suggestions made in the respective reports, to which your attention is respectfully invited.

The Treasurer's and Comptroller's reports will exhibit to your consideration the fiscal affairs of the State. These reports show, as usual, that the expenditures of the State, even for civil purposes, exceed the receipts. I have had no reason to change the opinions which were expressed in a message to the last General Assembly as to the most advisable plan of reducing the expenditures. These opinions appear upon the journal, and it is deemed unnecessary to repeat them.

To derive the means necessary to meet the expenditures and sustain the Government, is a matter within your discretion, and is to be provided for by suitable legislation. It is difficult and perhaps extremely unjust to enforce laws for the collection of taxes against the property of the brave men who are absent from the State fighting the battles of the country, and especially against the property of such as are poor, and have left scarcely means enough, if enough, to aid in the support of their families.

The amount which has been paid for military purposes has been prepared, arranged in duplicate vouchers, and submitted through Col. Hugh Archer, the Adjutant and Inspector General of the State, (as a special agent of the State,) to the consideration of the proper department of the Confederate Government. His report relative thereto is herewith submitted.

LOAN TO THE PENSACOLA AND GEORGIA RAIL ROAD.

Since the adjournment of the last General Assembly, and at a time when an assault upon Fernandina was threatened and expected, the Pensacola and Georgia Railroad Company had the misfortune to lose by fire their foundry, machine shops, one of the locomotives, and all the oils and materials necessary to the operations of the road. I was informed by the President of the Road that owing to this misfortune and the consequent want of materials, as well as the want of money to procure them, the order of the officers in command

of the Military Department could not be executed. Brig General Trapier at the time was at Fernandina, gallantly awaiting the expected attack of the enemy. The Confederate Government had neither money nor agent here to supply the means, and agreeably to the authority vested in the Governor of the State by the first section of the 34th ordinance of the Convention then in force, as the Governor of the State I procured by loan from the State Bank of Florida Five Thousand Dollars, and advanced the amount to the President of the Road, upon the faith of the Confederate Government to refund money advanced necessary for the support of military operations. The advancement of the amount was necessary to ensure the transportation of the forces and munitions of war requisite for the defences of Fernandina and East Florida generally. The amount has since been refunded to the State—the note given me has been paid and cancelled.

THE \$21,000 DRAFT.

It is perhaps due to the State and to myself to allude to a circumstance referred to by a committee in a report to the last Convention. In the report it is stated, "Your committee cannot omit to note the fact that \$21,000 of the funds of the State were in the hands of the Governor at the time his first communication in response to the resolution of the Convention was made, and no information given thereof." In regard to this matter there seems to have been a misapprehension of facts. By reference to the first communication made by me, according to the journal of their proceedings, it will appear that I had expressed a desire to receive a committee of discreet men, free from prejudices, to be sent by the Convention, to whose prudence I could entrust a knowledge of facts that I was unwilling, for the credit of the State, to make public. One fact was that the Treasury of the State was empty; that to subsist our forces in service,

the only reliance, without unnecessary sacrifice, was a draft of \$21,419,50 which had not yet been discounted, and which, if discounted and the proceeds placed in the Treasury, would be drawn out upon warrants upon civil claims, and leave the forces at Apalachicola without the means of subsistence. When the committee was appointed and visited the Executive Chamber this draft was exhibited to the committee, and the reasons for my keeping control of it explained, and in presence of gentlemen who were present, the committee approved of my course. The draft could not be discounted in Tallahassee, but was soon after sent to Savannah and discounted, the proceeds deposited in the Treasury and used for the purposes for which the amount was intended. It is not to be presumed that any members of the Convention were anxious to have the draft discounted and the money placed in the Treasury, drawn out to pay the expenses of the Convention, and thus leave the troops to suffer for the means of subsistence.

AID TO INDIGENT FAMILIES OF VOLUNTEERS, &C.

I would respectfully recommend to your honorable body to make ample provisions to secure the necessary food and clothing to the indigent families of those who have volunteered or been brought into service as conscripts. A fund should be provided for the purpose by taxation, the amount thus raised deposited in the State Treasury and prudently distributed. In pursuance of the spirit manifested by Congress in imposing "the War Tax" those who are in service, whose entire property does not amount to five hundred dollars, should be exempted from such taxation. The plan of relief devised by the last Legislature is imperfect. There are several counties in the State where the amount of property is not sufficient to raise by a county tax the means necessary, and in these counties particularly, the citizens have

manifested their patriotism by volunteering and leaving their parents, wives and children, dependent upon the good will and faith of the State for their support.

In considering the provision made in other States for this purpose, my mind has been favorably impressed with the act passed by the General Assembly of Alabama, a copy of which is herewith submitted, and to which your attention is respectfully invited.

DISTILLERIES.

There is no statute of the State forbidding distilleries. Circumstances connected with the present war have exhibited prominently the wicked influences of intemperance. Nevertheless the Confederate Government have deemed it necessary to have Whiskey and Alcohol distilled for medicinal purposes, and a correspondence between Dr. E. W. Johns the Medical Purveyor and myself is hereby attached, to which your attention is respectfully invited. I am anxious that Florida should afford every facility to the Confederate Government to provide for the health and comfort of the soldiers, but candor requires me to say, that with the prospect before us of the continued scarcity of flour which is now experienced, my judgment does not approve of the policy of converting corn into whiskey or alcohol. The corn will be needed by the people for bread, and to feed the immense number of horses which are in use for military purposes. Notwithstanding the alleged bountiful crop of corn, it is already commanding high prices, and in proportion to the amount which shall be distilled, the price will be increased, and lessen the opportunities of the poor and needy to procure bread.

Moreover, experience has proved that in some instances, intemperance has been the alleged cause of defeat to our arms, and that among the healthy ardent spirits create a morbid appetite which exerts the most demoralizing influences

upon society. Especially, while the wives and children of our soldiers are intrusted to the care of the State, should the use of ardent spirits be discountenanced.

I would respectfully recommend to your honorable body the enactment of a law which will forbid, under severe penalties, the distilling of whiskey or other spirituous liquors. If permitted, heartless speculators will monopolize the corn which is for sale, convert it into whiskey, and by its sale in the State demoralize our citizens, or take it into other States to the injury of their citizens. The corn which should afford bread to our needy citizens—the wives and children of our soldiers—should not be converted into whiskey for any purpose.

Previous to the planting of the last crop public sentiment required corn and grain crops to be planted to the exclusion of cotton. If there shall have been made an abundant crop of corn, (which the present prices would seem to imply is not the fact), shall the abundance insure corn at reasonable prices to the needy? or shall it be decreased in quantity by converting the grain into whiskey, thereby increasing the price by producing a scarcity, and thus thwarting the patriotic object the planters had in view in planting corn to the exclusion of cotton?

In connection with the subject I would respectfully invite the attention of your honorable body to Ordinance No. 52, of the last Convention, entitled "An Ordinance for strengthening the Executive Department during the exigencies of the present war." The gentlemen selected by the Convention as a Council passed an advisory resolution upon the subject of distilleries, which will appear in the proceedings of the Council herunto attached.

EXECUTIVE COUNCIL.

Agreeably to the Ordinance above mentioned the Governor and Executive Council were invested, as far as the Con-

vention had the power to invest them, with extraordinary power "to declare martial law, to such extent, in such places and at such times as shall be required by the exigencies of public affairs to arrest and detain all disloyal and disaffected persons whose being at large they shall deem inconsistent with the public safety; to order and enforce (subject to the owner's right to receive due compensation from the State) such disposition or appropriation of private property for public uses as the public necessity shall appear to them to require; to make and cause to be executed all such orders, regulations and amendments as they shall from time to time find expedient, in cases of imminent danger from invasion or otherwise, for bringing into service, organizing and supporting the whole, or any part of the population of the State, to be employed in the public service, and also for maintaining such efficient police as shall by them be thought necessary; to make, secure or employ arms or munitions of war, and whatever else may be required for the defence of the State; to constitute and appoint such agents as shall be necessary for the more efficient execution of the powers hereby confided to them; for these purposes to draw money from the public Treasury by warrants from the Comptroller for the same, which warrants the Comptroller is hereby required to issue on their demand; to make all such nominations and appointments for military offices as the Governor has heretofore been authorized to make; to fill all offices and appointments when there is any vacancy for default of action by the General Assembly, or otherwise during a recess, and to fill any vacancy which may occur in the Council by reason of the death, resignation, or removal from the State, of any one of the members thereof chosen by this Convention."

In the execution of these extraordinary powers it is provided in the 5th section of said Ordinance, "That the Governor and any two of the members of Council shall constitute a quorum for the transaction of business, and the con-

currence of a majority of all present shall be required for the validity of any action in which the Governor and Council are required to act conjointly.”

When the Convention assembled, soon after their organization, they informed me of their presence by a committee. Composed of respectable gentlemen from various positions of State I extended the civilities due to fellow citizens of commanding influence, but frankly expressed to them the opinion which I entertained, and now entertain, “that the powers with which they had been invested by the people ceased with the accomplishment of the objects for which they had been elected as delegates to represent the people in Convention, as well as by their own action in Convention, and by the terms of their own adjournment. That I would not, however, arrogate the right of deciding upon their claims to power, unless brought in conflict with them in the performance of duties incidental to my official position, in which event I should, to the best of my ability, ‘preserve, protect and defend’ the Constitution, and enforce the laws of the State--- that I would extend to them the respect which was due to gentlemen of intelligence, and afford them every facility, as citizens of the State, for ascertaining the true condition of State affairs--- especially in regard to finances—and would be happy to co-operate with them consistently with the Constitution and laws, in any practical effort, to promote the welfare and dignity of the State.”

The primary object and purpose of the Convention was to decide whether or not Florida should secede from the United States—and if she did, whether or not she would do so alone, or co-operate with other states in dissolving the Union.

I have no reason to believe that any other questions were discussed by the people. Upon the issues incidental to these questions alone, parties were arrayed and delegates to the Convention elected.

The people certainly did not intend to invest the Convention

with the ordinary legislative powers. Accustomed to act upon the principles which time immemorial had established as necessary to the preservation of civil liberty, they certainly did not intend to intrust their liberty, lives and property to the caprices of unrestrained legislation. The history of ancient Republics and of the United States, had taught them to know the value of constitutional restraints upon legislation and the dangers incident to a majority despotism. The Congress of the United States and the General Assemblies of the several States, in their legislative action were subjected to Constitutional restraints, and no proposition would have been considered by the intelligent people of Florida more preposterous than a legislative body without restraint. The Constitution of the Confederate States, and the Constitution of each of the Confederate States, provides for the exercise of the veto power, to restrain hasty and detrimental legislation. Of all despotisms a majority despotism is most dangerous to civil liberty. But if the people did intend to invest the Convention with sovereign power and the ordinary power of legislative assemblies, the Convention, by the adoption of the Constitution which they promulgated on the 27th day of April, 1861, as the supreme law of the State of Florida, and which they themselves, (previous to their last meeting,) and the civil and military officers of the State had sworn to "preserve, protect and defend," had yielded the powers of legislation in the terms of the Constitution.

In my judgment very erroneous opinions have prevailed on two subjects. First, that when the State seceded its own organic Government ceased. Second, that the people of the State are indebted to the Convention for the present Constitution of the State.

If the first proposition were true, Florida was not an Independent Sovereign State, but a mere appendage of the United States Government, and had no right to secede in a

political character, although her people as individuals had the right, with a hazard of rebellion and revolution.

If the second proposition were true, it would be the incident of the first, and if Florida had no Constitution for the Government and protection of the people, until Convention adopted the Constitution, there are no statutes or laws of force in the State, except such as have been enacted, or adopted, since adoption and publication of the Constitution by the Convention.

The facts are, the Convention did no more have republished the Constitution of the State which authorized Florida, as a free, sovereign and Independent State, by the will of her people, through a Convention to secede. The Convention was authorized to make such amendments to the Constitution as the cessation of political relations demanded, and for the amendments made by them, the people are indebted to their wisdom.

The second article of the Constitution provides, 1st, that :the powers of the Government of the State of Florida shall be divided into three distinct departments, and each of them confided to a separate body of magistracy, to-wit: those which are Legislative to one; those which are Executive to another; and those which are Judicial to another.”

2nd “No person or collection of persons, being one of these departments, shall exercise any power properly belonging to either of the others, except in instances expressly provided for in the Constitution.”

By the 1st section of the 3rd Article of the Constitution, “the supreme executive power is vested in a Chief Magistrate, who shall be styled the Governor of the State of Florida.”

By the 1st section of the 4th Article, “the Legislative power of the State is vested in two distinct branches, the one styles Senate, the other the House of Representatives,

and both together, the 'General Assembly of the State of Florida.'"

The 1st section of the 5th Article vests the judicial power of the State in a Supreme Court, Courts of Chancery, Circuit Courts and Justices of the Peace—and no one of these departments has any right to exercise any power belonging to either of the other.

The Convention did not possess Executive, Legislative, or Judicial powers, but simply delegated authority to exercise the power of the people, in severing the relations of the State, with the United States, and making such amendments to the Constitution, as were necessary to Florida as a free sovereign and independent State, separated from other States, without detriment to the Commonwealth.

The Convention had no power to destroy the Government of the State as established by the Constitution, and thus hurl the people into a state of anarchy and confusion.

The Convention had no right therefore, to create an Executive Council and invest the Council with Supreme power over the liberty, lives and property of the citizens.

These opinions I expressed respectfully to the gentlemen whom the Convention elected as members of the Council, and extended to them the courtesy due to gentlemen of intelligence, patriotism and integrity.

We had, as you will perceive by the copy of the proceedings attached, several meetings, and adjourned on the 1st of May last, with mutual respect and kindness, to meet again on the 7th day of July, but none of them attended on that day; and since that time I have not had the pleasure or honor of meeting with them.

If the opinions I have entertained and expressed are erroneous, and the Convention possesses the powers it claimed, then in Florida there are three legislative bodies—the Convention—the Executive Council—and the General Assembly—the last the only one subject to constitutional restraint.

The causes assigned by the President of the Convention why he called the Convention to its last session, viz: to repeal an ordinance which repealed a statute of the General Assembly—which statute a short experience had proved even to the members of the Convention, to be necessary to the credit and plighted faith of the State—proved conclusively, at least in that particular, the superior wisdom I respectfully invoke to repeal that portion of the 49th Ordinance of the Convention which authorizes the sale of lands of the State at nominal prices. The effects of the Ordinance have been to enable speculators to purchase large bodies of land at much less than their value, and in some instances, to deprive the wives and children of our absent soldiers of homes, at which they had left their families under the protection of the State. In my humble opinion, the sale of lands in the State should have been suspended during the war, that when it closed, our gallant soldiers—honorably distinguished by their noble deeds—should, upon their return, have been afforded the opportunity of procuring in their own State comfortable homes at reasonable prices. The ordinance of the Convention has a provision which was intended, no doubt, to protect soldiers in exemption rights, but there was no clause in the provision which accomplished the object.

CLASSIFICATION OF THE ORDINANCES.

By the 63rd ordinance the Convention classified their ordinances, distinguishing such as they intended should be permanent, and such as might be repealed by the General Assembly. Such ordinances as were not permanent in their character the 63rd ordinance makes repealable. For the convenience of the General Assembly I present herewith an analysis of all ordinances of the Convention, to which the attention of your honorable body is respectfully invited.

PUBLIC LANDS.

The resources of the State to redeem its Treasury Notes and sustain its government, are the lands owned by the State and taxation.

The lands are ample for the purpose, if wisely disposed of. I would respectfully recommend that the sale of lands be postponed until the termination of the existing war. That then, those who have rendered military service should each have secured to him or his heirs an exemption right of at least one hundred and sixty acres of land; that having been done, the remaining lands should be disposed of from time to time, at public outcry, after reasonable notice of the time of sale has been published in the State and the adjacent States. The competition thus excited would secure reasonable prices, and invite emigration to the State, and in proportion to the property introduced by emigrants, and the improvements which would be made on the lands—if the proceeds of the sales should be insufficient to relieve the State from debt—the weight of taxation would be lightened, and additional facilities secured for the support of the government and the prosperity of the State.

I recommend that returns of all taxable property should be made under oath, and the owner, or owners, or agents be required to specify the tract or tracts of land owned agreeably to the descriptions given in the patents of title or Register's certificate; also that returns should specify certain ages of slaves, and a specific tax be imposed accordingly as suggested in the Comptroller's report.

ESTATES.

The Treasury Notes of the Confederate Government should be made receivable in payment of all dues to estates of deceased persons, to remedy existing evils arising from the hesitancy of Executors, Administrators and Guardians

to receive them in payment of claims. Executors, Administrators, and Guardians should be authorized to invest any funds belonging to estates, or to minors in Confederate bonds. I would also respectfully recommend such legislation as may be consistent with the Constitution to sustain the circulation of the Confederate Treasury Notes at par value.

SALT.

In November last I was informed that there was a large quantity of salt at Apalachicola, held for the purposes of speculation. Citizens of this and adjacent States desired to purchase, and a refusal to sell at reasonable prices, produced excitement which threatened to terminate in violence by the seizure of the salt by a mob. At the time, Apalachicola was threatened by the enemy, and the salt was liable to fall into their hands. The salt was much needed for the use of the State Forces and their families and other citizens. General Floyd, the officer in command, was ordered to take possession of the Salt and send it (except such as might be necessary at Apalachicola) to Ocheseec, 90 miles above Apalachicola, and store it there with Mr. Jason Gregory. The order was executed. Suitable agents were appointed to dispose of it, by sale to the soldiers families and to other citizens. It was distributed by sale as directed, except a small quantity now in the Quarter-Master's Department, to be distributed gratuitously to citizens unable to purchase.

There was a quantity of the salt owned by Mr. D. K. Dodge, (agreeable to the information I had received,) a respectable citizen and merchant of Apalachicola. Mr. Dodge visited me at this place on the subject. I assigned to him the reasons why the salt had been taken, and the conditions and price, viz: five dollars per sack, upon which it had been ordered to be disposed of, and offered to pay him five dollars per sack at that time, or whenever he should desire it, for the

quantity which had been seized. He declined to receive the money, but agreed to receive in payment for a large portion of the salt which had been sold by Mr. Isaac R. Harris, of Gadsden, and Mr. Isaac Widgeon, of Jackson county, drafts for the amount which had been sold by these gentlemen, and to receive the amount which would be due for the balance of the salt whenever he might demand it.

I accordingly gave him drafts on Mr. Harris and on Mr. Widgeon, but from some cause unknown to me, he did not present the drafts to these gentlemen, or return them to me. The proceeds of the sales are on special deposit in the State Treasury, and herewith is submitted copies of the orders and correspondence on the subject, together with a statement specifying the sales made of the salt.

It has been an important question for some time past, what provision shall be made to secure to our citizens the salt which will be needed in the State. Twelve thousand sacks of ordinary size would be an abundant supply, and I should have endeavored to procure the quantity necessary, but I had no authority to use the funds of the State for the purpose.— During the last three or four months immense quantities of salt have been, and still are, being made in the State. Daily thousands of bushels have been, and are being transported from the State.

◆ The makers of salt have the protection of the State, and have made, and are making immense profits in its manufacture. The laborers and teams necessary to its manufacture and transportation have consumed, and are consuming large quantities of grain which has been made in the State, and in proportion to the quantity consumed, and being consumed prices upon bread stuffs have been advanced, and they rendered more difficult to procure.

Salt makers who make a maximum quantity per diem, have been exempted by an act of Congress from the military service of the Confederate States, and to secure at least

sufficient salt to supply the indigent families of those who have volunteered and are in military service, or have been conscripted, killed, wounded or been discharged for disability; I would respectfully recommend to your honorable body to enact a law requiring those engaged in making salt to pay for the privilege one tenth part of the salt manufactured or hereafter to be manufactured in the State, to be appropriated to the use of indigent families particularly, and for the benefit of the State generally, and by the same statute to provide for suitable agents to receive and distribute the salt, and for its enforcement.

While in other States hundreds of bushels have been manufactured, thousands of bushels have been manufactured in Florida. Daily hundreds of wagons and teams are passing to and fro through Florida from other States, transporting salt manufactured in this State; consuming our means of subsistence, contributing only to the cupidity of speculators, who refuse, if I am informed correctly, to receive the Treasury Notes of the State in all their fiscal transactions, and thus while deriving subsistence from the State, inflict injury upon its credit. It is said and believed that parties engaged in making salt upon our coast, soon after they commenced its manufacture sold it at three dollars per bushel, and considered that price remunerative for the labor and attention necessary to its manufacture. But a wicked spirit of speculation induced a monopoly on the part of some engaged in its manufacture, which has caused the price to be advanced to sixteen and twenty dollars per bushel. I appeal to the wisdom of your honorable body for suitable remedies against the evils complained of, compatible with the comity and kindness of commercial intercourse which should be maintained between the States.

MONOPOLIES.

The 24th section of the 1st article of the Constitution de-

clares, "that perpetuities and monopolies are contrary to the genius of a free State and ought not to be allowed." In pursuance of this wise provision of the Constitution, the last General Assembly of the State enacted a law to prevent monopolies, and the law, while generally considered of force, restrained the cupidity of those disposed to monopolize and speculate upon the prime necessities of life. But the Convention at the last called session alluded to, repealed the act of the General Assembly, and immediately, thereafter the flood-gates of every species of villainy seemed to be unhinged, and from every portion of the State intelligence has been received at the Executive Department of the vile acts of heartless villains, in monopolizing and speculating at the most exorbitant prices upon salt, leather and other articles of prime necessity.

Upon this subject, I have been requested by the Governor of Georgia, made agreeably to a resolution of the General Assembly of that State, to invite the attention of the General Assembly of the State of Florida, to an act passed by the General Assembly of Georgia, entitled "An Act to prevent during the existing war, monopolies, extortions and speculations in breadstuffs and other articles of general use and consumption, and to make such acts criminal, and to provide penalties for the same."

The copy of the act is herewith submitted to your serious consideration. I respectfully recommend to your honorable body to enact a suitable act for the protection of the people of Florida.

HOSPITAL IN VIRGINIA.

The hapless condition of troops from Florida in service in Virginia, made a hospital in Richmond necessary to their personal comfort. By the patriotic and energetic efforts of Gen. M. Whit Smith, Dr. Green H. Hunter, Mrs. M. M. Reid, and other good citizens, a suitable building was provi-

ded there, and to supply it with what was necessary, many citizens have contributed generously, and as the Governor of the State, I advanced the amount necessary to make up any supposed deficiency. From a list annexed, your honorable body may ascertain the respective amounts subscribed by communities and individuals, so far as they have been made known to me, and the amount advanced and applied by the State. At the request of many prominent citizens, I agreed to aid in the management of the Hospital, and for the purpose have appointed Dr. Palmer Superintendent and Director, and Dr. Green H. Hunter a special agent. I have recently been informed that Dr. E. T. Sabal, a worthy citizen of this State, a surgeon of distinguished ability, had been assigned to the Hospital by Confederate authority. From the personal acquaintance which I have of Dr. Sabal as a patriotic and intelligent gentleman; a learned and skilful physician and surgeon, the intelligence of his appointment was entirely agreeable to me and can but inspire the immediate relatives and friends of those who may be inmates of the Hospital, with confidence as to the kind and skilful treatment which they will receive.

Like provision should be made for troops from Florida in other States, and I would respectfully recommend to your honorable body to make ample provisions to secure the comfort of the wounded, sick and needy soldiers of the State, wherever they may be. It would afford me pleasure to render any assistance, but the entire management of affairs necessary to the accomplishment of the purpose, could and would be much more efficiently conducted by special agents, who could devote the personal attention necessary, and which official duties render impossible on my part.

HOSPITAL IN FLORIDA.

In this city is a Hospital, which was established by the ladies of Tallahassee. The commodious and pleasant building

occupied for the purpose, was generously offered to them, free of expense to the State, by our worthy fellow-citizen, Col. Alfred Fisher.

Every article which was necessary to the comfort of the sick and wounded soldiers who had been or were in service, was contributed by the ladies, and their personal attendance and kindness, have gently imposed upon those who were inmates of the Hospital, and upon the State generally, a sacred debt of gratitude.

The generous citizens of Monticello and of Lake City, also provided and furnished Hospitals in those places, which have exalted the distinguished reputation of our citizens for charity and generosity, and entitle them likewise, to the endearing obligations of gratitude on the part of the State, and of the many soldiers who experienced the blessings provided. It is a proper subject of congratulation, that in every village and neighborhood throughout the State, the citizens generally, and the ladies particularly, have extended to every passing soldier, sick or wounded, the attention and means necessary to his personal comfort and relief: and whenever and wherever efforts for relief have been unavailing and death has ensued, the gallant soldier has been consigned to the grave with appropriate ceremonies, with grief at his country's loss, and sympathy for his friends.

CLOTHING FOR THE SOLDIERS.

The vicissitudes of war movements have, according to information received, rendered many of the forces from this State destitute of necessary clothing. The ample provision which it was believed would be made by the War Department—from causes that perhaps could not have been overcome—it appears has not been made. In various portions of the State, the citizens have contributed freely, and I have exhausted all the resources authorized by law in efforts to provide what was necessary.

The women of Florida "God bless them," have signalized themselves and our noble cause by their generous, patriotic and untiring efforts to feed and clothe our gallant soldiers, and cheer them on to victory in the achievement of our Independence—by bold and defiant resistance to villanous and daring efforts of the enemy for our subjugation.

I would respectfully recommend to your honorable body, to make liberal appropriations and suitable provisions to aid the Confederate Government in clothing and supporting the armies in the field.

CONSTITUTIONAL PROVISIONS.

I would respectfully invite your attention to the fact, that the construction placed by me on the latter clause of the 16th section of the 3rd article of the Constitution—upon which construction I have acted, and shall continue to act while Governor of the State—is different from that given to it by my immediate predecessors, who acted upon their own construction. The clause alluded to is as follows: "if any bill shall not be returned by the Governor within five days, (Sunday excepted,) after it shall have been presented to him, the same shall be a law in like manner, as if he had signed it, *unless the General Assembly by their adjournment prevent its return, in which case it shall not be a law.*" The construction placed upon this clause of the Constitution by my immediate predecessors was, that they had the right to sign bills after the adjournment of the General Assembly, and they did sign many bills after the adjournment, all of which, if in the course of litigation they had been submitted to the consideration of an intelligent Court, would, in my humble judgment, have been pronounced unconstitutional and consequently of no legal force.

The last General Assembly passed many important bills which had not been enrolled, others which had been enrolled

were not presented to my consideration previously to the adjournment, consequently much of their arduous labor in Legislation was useless and expensive to the State.

Your attention is invited to the subject, that, being apprised of the opinion which I entertained, and upon which I shall act, the legislation which your honorable body shall deem necessary to the welfare of the State may be perfected previous to your adjournment.

The attention of the General Assembly is respectfully called to the twenty-sixth and twenty-seventh sections of the fourth article of the Constitution, with a view to such legislation as shall be needful in the exercise of the authority therein granted. The twenty-sixth section, directing the removal of officers for incapacity, misconduct or neglect of duty, charges the General Assembly with the duty of passing a law providing the mode in which all trials shall be had, where no special mode is provided by the Constitution. Aside from the importance of such a law, the duty of enacting it will be seen to be imperative, and should not be overlooked in your deliberations. It is believed that no simple and expeditious means now exist to deprive incompetent and inefficient officers of their commissions, however injurious their continuance in office may be to the public interests, and I therefore invoke your early attention to the subject, in the hope that you will not suffer the present session to expire without supplying the want which has been so seriously felt in the past.

The twenty-seventh section refers to the organization of a Court for the trial of offences committed by slaves, free negroes and mulattoes. The provision made in this section for such trials was manifestly intended to be but temporary, and until the General Assembly could act upon the subject. Experience has proved that the court which has been constituted is extremely cumbersome, and indeed utterly unfit

for the due and proper examination and decision of the principles of law involved in nearly every criminal trial. A Court composed of fourteen persons to whom is committed the decision of the law and the facts of a case, at once suggests the difficulty in the way of arriving at a prompt and certain conclusion in reference to all the points that arise in the course of a trial. When we reflect too that two Justices of the Peace and twelve citizens, unlearned in the law, compose the Court as at present constituted, the necessity for a change better suited to the end in view, and better calculated to insure the administration of justice, becomes apparent.

THE BLOCKADE.

From the first moment that it was ascertained that foreign nations had signified their purpose to respect the blockade of the ports of the Confederate States, made on the part of the Lincoln Government, I entertained the opinion that the policy of the South was, to remedy the imperfections of the blockade, and to cut off entirely all commerce with the United States and other foreign nations, until commercial necessities should demand the recognition of the independence of the Confederate States, and the removal of the blockade by suitable commercial treaties.

In a letter addressed by me to the Senators and Representatives of Florida in Congress, my opinion and knowledge of facts to sustain it, was made known, as will appear by the following extract from the letter :

“The ability of the Confederate Government to command the respect and the recognition of the European Governments, and maintain the war successfully with the United States, depends very much upon wise control of cotton. The villainous traffic which is carried on by speculators, under the plea of furnishing the people of the South with the prime necessities of life, should be suppressed.

"In November last I opposed vessels leaving Apalachicola with cotton, but agreed, after consulting the Secretary of the Navy, to let them depart with turpentine. In violation of this understanding an attempt was made to leave the port with a ship load of cotton, which was prevented by my order to Gen. Floyd, then in command of the forces at Apalachicola. The Secretary of War, the Hon. J. P. Benjamin, interposed, insisting on the right of the vessels to depart. Agreeably to the views of the Secretary of War, five vessels were permitted to leave the port, and were captured by the enemy in transitu."

"Since then other vessels have left our ports with cotton, some of which have returned with coffee, salt, and other articles of merchandise, which the owners or their agents have disposed of at the most exorbitant rates to the citizens of this and adjacent States.

"Some of the goods were manufactured in the United States, and over the manufacturers stamps upon these goods the names of English manufacturers were stamped, which, upon being removed exhibited the cunning device of Yankee villainy, thus confirming a suspicion which I had entertained and expressed, that frauds were perpetrated under the pretence of loyalty to the South.

"After patient enquiries of several months the evidence obtained, satisfied me beyond doubt that individuals residing in New York, Boston, Havanna and Nassau, and in some of our Southern cities had formed co-partnerships by which to carry on the most nefarious and profitable traffic under false pretences. Partners residing in the South professing loyalty to the South, partners residing at the North expressing loyalty to the North, and partners at intermediate points loyalty only to circumstances. The owners or agents in Havana or Nassau receive merchandise sent from Northern cities and receive also cotton shipped from the Southern ports; the merchandise to be sent to the Confederate States,

the cotton to the United States, and thus the people North and South have been and are fleeced by speculating traitors.

“By such base means our citizens have been and are subjected to the vilest system of extortion for the “prime necessities of life,” and not only has cotton been thus obtained by the enemy, but information prejudicial to our interests has been obtained; our slaves have been corrupted and decoyed off, and some of the more ignorant of our white population made disloyal by the influence of traitorous speculators.

“What would be the effect of an Act of Congress prohibiting, under severe penalties, shipments of cotton or other products from our ports, and under like penalties prohibiting the introduction of merchandise, from not only the United States, but all foreign countries which refuse or hesitate to recognize the independence of the Confederate States of America? Our people by industry and enterprise can make all they absolutely need. The citizens of foreign nations, anxious to trade with us, if prevented while our ports shall be blockaded, by our own government and the patriotism of the people, will have a direct and powerful interest in the removal of the blockade.

“The love of speculation and profit which makes thousands anxious for the continuance of the war, if all commerce shall be interdicted, will make the lovers of traffic in the United States and Europe anxious to terminate a war the existence of which shall be ascertained to be the cause of cutting off all trade, legitimate or by fraudulent devices, with the people of the Confederate States.

“But it may be said that some commerce is necessary to enable us to get guns, firearms, and munitions of war. Have not the United States captured as many of these articles, which were purchased by the agents of the Confederate Government, as have run the blockade? In proportion to the number captured by them, our enemies have been armed at our expense for our subjugation. With the arms and mu-

nitions of war now possessed by the Confederate Government, courage and daring deeds well directed, will make us take from the enemy what we need with less expense, and with more glory, honor, and certainty, than we can obtain them otherwise, while our ports shall continue blockaded, and foreign nations shall quietly submit to the blockade.

“It was said to be important to encourage a violation of the blockade to prove to foreign nations its inefficiency, and thus invite their opposition to it. The proof of its inefficiency has been ample, but without producing the desired effect.

“Foreign nations will not recognize the independence of the Confederate States until commerce with the Confederate States will become not only desirable, but necessary to their own prosperity. Then, and not until then, will our independence be recognized, and suitable treaties be made to regulate our political relations, and protect commerce with other nations.”

I am not informed that Congress has done anything upon that subject. If your honorable body shall concur in the opinions which I have expressed, it will be your duty to enact a law for the protection of Florida, and the duty of the Executive of the State to have it executed.

RAIL ROADS.

There are no means of transportation more safe and expeditious than Railroads prudently and wisely conducted, whether for the purposes of commerce in peace, or for the concentration of troops, &c., in war.

The Rail Road Companies of this State have been liberally aided by Government patronage. Frequent complaints, however, have been made, that by mismanagement, they have failed to afford to the military forces as well as the citizens, the prompt, safe and expeditious means of transportation, which of right could reasonably have been expected.

Assembled from the respective counties of the State, your honorable body have the intelligence necessary to determine the justice of these complaints, and if true, the power to correct the evils complained of.

In connection with the military defences of the State, after mature reflection, I still entertain the opinion expressed a year ago, that the completion of the Pensacola & Georgia Rail Road to Chattahoochee, on the river of that name, is a military, political and commercial necessity. It has been time and again urged, that it is equally if not more important, to make the connection at Houston or Monticello, with the Albany & Gulf Railroad, leading from Savannah by Thomasville and Bainbridge to the River. The reasons why I do not yield to the latter opinion are :

First. That if it is a military necessity to connect with the river, it is a pressing necessity ; that to connect with the Albany & Gulf Rail Road and complete it to the river, a distance of 70 miles has yet to be spanned, while the distance is only 22 miles from Quincy to Chattahoochee.

Second. That the Albany and Gulf Road is liable to incursions on the part of the enemy, at various points between Savannah and the proposed points of connection, while the route by Quincy could only be interrupted at its terminus by a large force ascending the river, provided the means of defense of the Military Department should be adequate, which would require a much less force than would be necessary to protect the various points on the Albany and Gulf Road, which is much more exposed to the enemy.

Third. When at Chattahoochee the road will be extended in the direction originally designed, and required by the charter and necessary to the political, commercial and social relations of the State.

Fourth. If the connection should be made with the Albany and Gulf Road, and it extended to the river, the Pensacola and Georgia Railroad will be entirely supplanted,

and the receipts for transportation upon it will not equal the expenses which will necessarily have to be incurred to keep it up, and the consequences will be ruinous to the stock-holders, and to the best interests of the State, and will demand for the relief of the State, the forfeiture of all rights to lands which were promised to the Company upon their good faith and undertaking to complete the road.

Already West Florida complains reasonably and rightfully at the immunities granted to the Road upon conditions not complied with, and which have debarred the citizens from ownership, occupation and cultivation of valuable lands. Important parts of West Florida have not even mail facilities with the Capitol of the State, except by a route through Georgia, and the only important political right which the citizens enjoy, is the right of representation for taxation to support the State Government. The consequence is, much dissatisfaction and serious complaints, which end strongly and defiantly to the connection of that portion of the State, with the State of Alabama.

In conclusion, permit me to invite your patriotic consideration, agreeably to the request of the Governor and General Assembly of the State of Georgia, to the following resolutions, adopted by that proud, powerful and noble State, viz:

Resolved, by the Senate and House of Representatives of the State of Georgia in General Assembly met, That it is the sense of this General Assembly, that the separation of those States now forming the Confederate States of America, from the United States, is, and ought to be, final and irrevocable, and that Georgia will, under no circumstances, entertain any proposition from any quarter; which may have for its object a restoration or reconstruction of the late Union, on any terms or conditions whatever.

Resolved, That the war which the United States are waging upon the Confederate States should be met on our part with the utmost vigor and energy, until our indepen-

dence and nationality are unconditionally acknowledged by the United States.

“Resolved, That Georgia pledges herself to her sister States of the Confederacy, that she will stand by them throughout the struggle – she will contribute all the means which her resources will supply, so far as the same may be necessary to the support of the common cause, and will not consent to lay down arms until peace is established on the basis of the foregoing resolutions.”

The Convention, at its called session already alluded to, have endorsed in a proper spirit, and in appropriate language, the independent and defiant position of Georgia.

Florida, with the least means of defence, and more exposed than any one of the Confederate States, will doubtless, if need be, to the end of time, waive in bold defiance the flag of the State in the face of the enemy, relying upon the wisdom, justice and courage which should inspire freemen to resist usurpation and tyranny against all odds; with a firm reliance that “In God is our Trust,” and faithful to the trust in the exercise of all means in their power, Floridians will, at all hazards vindicate their rights, and cherish too sacred a regard for the intelligence, virtue and patriotism of their mothers, wives and daughters, and for the dignity and honor of the State, ever to consent, under any circumstances, to live under a government which has tolerated the abuse of defenceless women and unprotected children, by armed men, claiming to be soldiers; or to be associated with a people whose prime object seems to be social and political equality with negroes, and who, in wicked disregard of the laws of civilization, have dishonored and disgraced by murder, rapine and robbery, the flag of the chivalric and distinguished sires of the American Revolution.

I have the honor to be, respectfully,

Your fellow citizen,

JOHN MILTON.

Mr. Smith moved the reading of the Message be dispensed with.
Adopted.

Mr. Abercrombie moved that two hundred copies of the Message and accompanying documents be ordered to be printed.

Adopted.

On motion, the Senator from Gadsden was excused for a few days.

Mr. Hogue moved that fifty copies of the Standing Committees be printed for the use of the Senate.

Adopted.

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

FRIDAY, November 21st.

Senate met pursuant to adjournment.

The President in the chair.

A quorum present.

The Journal of yesterday was read, corrected and approved.

The President announced motions in order.

Messrs. Tatum and West, the newly elected Engrossing and Enrolling Clerks, came forward and were sworn in.

Mr. Norwood gave notice that on some future day he would introduce

A bill to be entitled an act to repeal the 20th section of "an act entitled an act to amend and consolidate the several acts of this State in relation to patrols. Approved December the 17th, 1861"; also,

A bill to be entitled an act for the relief of soldier's families also,

A bill to be entitled an act to re-establish lost or destroyed indictments.

Mr. Holland moved that the notice asking leave to introduce a bill in relation to refusing to receive Confederate States or the Treasury Notes of the State of Florida, given by him yesterday, may so be amended as to read: A bill to be entitled an act to sustain the credit of the Confederate and State Treasury Notes.

Adopted.

A message was received from the Governor.

Mr. Hopkins moved that the message be laid over for the present, Which was adopted.

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

A bill authorizing and compelling the Judges of the Supreme Court to codify the laws of the State of Florida; also,