

FRIDAY, December 4th, 1863.

The Senate met pursuant to adjournment.

The President in the chair.

The roll having been called the following Senators answered to their names:

Mr. President, Messrs. Abercrombie, Allison, Carter, Clary, Cooper, Holland, Hopkins, Jones, King, Norwood, Roper, Russell of Jefferson, Scott and Taylor—14.

A quorum present.

The Journal of yesterday was read and approved.

Mr. Taylor moved to suspend the rule in reference to new matter being introduced in the Senate;

The yeas and nays being called for by the Senators from the 4th and 20th Districts;

The vote was:

Yeas—Messrs. Allison, Arnqw, Cooper, Holland, King, Roper, Russell of Jefferson and Taylor—8.

Nays—Messrs. Abercrombie, Cater, Clary, Hopkins, Jones, Norwood, Russell of 17th District and Scott—8.

So the motion was lost.

On motion, the following communication, which was received from the House of Representatives, was read:

HOUSE OF REPRESENTATIVES,
December 3d, 1863. }

HON. E. J. VANN,

President of the Senate:

SIR—The House has this day passed the following resolution, to-wit:

Senate resolution in relation to the accounts of the late United States Receivers and Registers.

Respectfully,

THOS. B. BAREFOOT,
Clerk of the House of Representatives.

The Senate resolution was ordered to be enrolled.

Mr. Hogue presented the following resolution:

Resolved, That the Governor be requested to communicate to the Senate, copies of correspondence between him and the Hon. D. L. Yulee and Gen. Beauregard, in relation to Railroad iron;

Which was adopted.

Mr. Taylor moved, that the papers referred to the Committee on Internal Improvements, in compliance with a resolution offered in the Senate by Joseph M. Taylor, be, and they are hereby placed at the disposal of his Excellency, the Governor;

Which was adopted.

ORDERS OF THE DAY.

Resolution relative to the Indian River Canal,

Was read the first time.

Mr. Holland presented a substitute:

The question being upon the passage of the substitute,

The vote was:

Yeas—Messrs. Allison, Cater, Clary, Cooper, Hogue, Holland, Jones, King, Russell of Jefferson, Russell of 17th District, Scott and Taylor—12.

Nays—Messrs. Hopkins and Roper—2.

So the substitute was adopted—title as stated.

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

The following communication was received from His Excellency the Governor.

EXECUTIVE DEPARTMENT,
Tallahassee, Fla., Dec. 4th, 1863. }

HON. E. J. VANN,

President of the Senate:

SIR—I respectfully recommend the following nomination for the advice and consent of the General Assembly viz:

W. W. Hull, Auctioneer for the county of Clay.

Very respectfully,

JOHN MILTON.

Which was read and nomination concurred in.

Also the following:

EXECUTIVE DEPARTMENT,
Tallahassee, December 4, 1863. }

HON. E. J. VANN,

President of the Senate:

SIR—I have approved and signed the following bill and resolution, viz:

An act to provide for the payment of plats furnished the Counties of Clay, Jackson and Calhoun.

Joint resolution relative to the pay of the Soldiers of the Confederate States.

Very Respectfully,

JOHN MILTON.

Which was read.

Also the following:

EXECUTIVE DEPARTMENT,
Tallahassee, December 4th 1863. }

HON. E. J. VANN,

President of the Senate:

SIR—I herewith return to the Senate, in which it originated, the

bill entitled "an act, to amend an act entitled an act to amend the act of 1851, providing for the establishment of two Seminaries of Learning, approved February 14th, 1861," without my approval and for the following reasons:

First, I cannot conceive of any benefit which the Institute could derive from a change of its name, and the change as proposed might invite future Legislation, expensive and useless to the State. If it be desirable to establish a Military School, the Mount Vernon Arsenal is well adapted to the purpose.

Moreover, I am not prepared to say, that the proposed change would not cause a forfeiture of some of the existing privileges under the present name.

Secondly, I am unwilling and resolved not to commission a teacher or any one else, to exempt such person from conscription, either as a Colonel, Major, Captain, or to any other military position.

No man shall ever be authorized under a commission issued by me, to appear in a military uniform, except to fight for and defend the civil and political rights of the country; certainly not to manage children in their course of education, to collect taxes, or for any other purpose in the civil administration of the Government or in the social relations of life.

Very Respectfully,
JOHN MILTON.

The question being upon the passage of the bill over the Governor's veto,

The vote was:

Yea—Mr. Hogue—1.

Nays—Mr. President, Messrs. Abercrombie, Allison, Arnow, Carter, Holland, Hopkins, Jones, King, Russell of Jefferson, Russell of 17th District, Scott and Taylor—13.

So the Governor's veto was sustained.

The rule was waived to allow the Committee on Enrolled bills to report.

The Committee on Enrolled Bills report the following resolution correctly enrolled:

Resolution in relation to the accounts of the late United States Receivers and Registers.

J. M. ARNOW, Chairman.

Which was read.

The following communication was received from the House of Representatives.

HOUSE OF REPRESENTATIVES,
December 4th, 1863.

Hon. E. J. VANN,

President of the Senate:

SIR—The House has this day passed the following bill, viz:

A bill to be entitled an act to declare and establish the rights of the State of Florida in certain Railroads.

Respectfully, &c.,

THOS. B. BAREFOOT,

Clerk of the House of Representatives.

Which was read and Senate bill ordered to be enrolled.

On motion, the rule was waived, to allow the Joint Committee on Finance and Public Accounts, to make the following report:

The Joint Standing Committees of the Senate and House on Finance and Public Accounts, beg leave to report: that they have destroyed by fire, the forty-eight thousand four hundred and thirty-seven dollars and fifty-five cents, of redeemed Treasury Notes in the Treasurer's office, reported by this Committee on yesterday, and which were ordered to be burned by resolution approved 3d inst.

JESSE NORWOOD,

Chairman Senate Committee

JOSEPH PRICE,

Chairman House Committee.

Which was read.

The following communication was received from his Excellency, the Governor:

EXECUTIVE DEPARTMENT,
Tallahassee, December 4, 1861.

Hon. E. J. VANN,

President of the Senate:

SIR—In reply to the resolution of the Senate, asking me "to inform the Senate how many bushels of salt has been voluntarily contributed to the State for the use of the poor, and the names of those persons contributing the same, and also, how many bushels of salt has been purchased by him or his order for the use of the poor of this State, and what disposition has been made of the same." I have the honor to submit the accompanying reports of E. Barnard, Q. M. General, and Hon. Walter Gwynn.

Respectfully,

JOHN MILTON,

Governor of Florida.

QUARTER MASTER GENERAL'S OFFICE,
Tallahassee, December 3d, 1863.

To His Excellency, JOHN MILTON,

Governor of Florida:

SIR—I have the honor to report that there has been delivered at the Railroad Depot in this place, fifty-eight sacks of salt amount-

ing to about two hundred and twenty five bushels, and according to the account of the Railroad Agent, twenty-eight sacks more, making about eighty bushels more. There has been ten bushels received in bulk.

Of the above amount, eighty five bushels have been delivered to the Judge of Probate of Clay county, and the ten bushels in bulk were turned over to the Judge of Probate of Leon county, leaving in hand the amount of about two hundred and twenty bushels.

Very respectfully,

EDWARD BARNARD,
Q. M. General.

RECAPITULATION :

Received 315 bushels, distributed 95 bushels, and 220 bushels, or thereabout in hand.

TALLAHASSEE, December 3d, 1863.

His Excellency, JOHN MILTON,

Governor of Florida:

SIR—In compliance with your request, I hand you herewith, a copy of the list of contributions of salt for soldiers' families, procured by me on your solicitation, in the month of October. I made application to but thirty-five salt makers, thirty-one of whom responded readily, cheerfully and liberally, as shown in the list. Had my office permitted my absence long enough to have visited all the salt makers on our coast, I am satisfied that I could have readily procured by voluntary contributions, and sales at prices 33 1-3 per centum below the market, an abundance of salt for the needy families of soldiers' throughout our State. All of the salt contributed in this list was to be delivered at St. Marks, where, at the time the contributions were made, it was in great demand at sixteen dollars per bushel.

Yours respectfully,
WALTER GWYNN.

We the undersigned salt makers on the coast of Florida, do pledge and bind ourselves, to make a donation or gift of the number of bushels of salt placed opposite our names, respectively under the head of "donation" to the Government of the State of Florida, for distribution to the families of soldiers' in this State. We also further pledge and bind ourselves, to sell to said Government, the number of bushels placed opposite our names under that head, at the rate of ten dollars (\$10,) per bushel, for the same purpose:

	DONATION.	SALE.
Solomon Rouse,	20	30
Barrington and Gwynn,	10	10
W. M. Maxwell,	10	
G. A. Chaires,	50	
D. T. Pinkston,	10	25
T. S. Potts,	10	
A. T. Freeman,	5	0
R. Gamble,	30	50
W. Fisher,	10	
Jas. B. Gauble,	10	20
Peerce and Carter,	10	10
Anderson and Morris,	10	
J. Caverley,	5	
R. C. Parkhill,	10	30
Scott and Brokaw,	20	20
E. M. Mettner,	10	20
A. A. Fisher and Gwynn,	30	50
Jos. Chaires,	10	10
Lyman Smith,	10	10
Benj. Chaires Sr.,	25	
A. Nims,	31	
J. T. Howard,	10	25
D. Ladd,	25	25
J. C. Hill,	5	10
W. A. Young,	20	10
Kemp and Hutchinson,	4	
W. T. Jackson,	10	10
Jos. L. Dutton,	10	
G. D. Chaires,	5	
E. T. Hayne,	20	
R. G. Shepard,	10	
	475	345

Total bushels,
Which was read, and message and accompanying documents ordered to be spread upon the journals.

Also the following :

EXECUTIVE DEPARTMENT,
Tallahassee, December 4th, 1863.

Hon E. J. VANN,
President of the Senate:

SIR—In response to your resolution of this date, I have the honor herewith to submit a copy of a correspondence between the Hon.

D. E. Yulee, Gen. Demaregard, the Secretary of War, Gen. Finegan and others and myself in relation to the use of Railroad Iron in the State by the Confederate Government, in the conduct of the existing war, and respectfully ask the attention of the Senate to the subject matter of the correspondence, involving as it does the faith of the State, and its defences and the right of the Confederate Authority to conduct the war upon the pledged faith of the State.

Respectfully,

JOHN MILTON.

EXECUTIVE DEPARTMENT,
Tallahassee, May 7th, 1863. }

Brigadier General FINNEGAN,

Lake City :

GENERAL—I would respectfully invite your attention to the enclosed copy of a letter from Lt. Gift. The scarcity of iron seems to give a peculiar charm to the iron on the rail road alluded to, for all important war purposes.

Your intimate relations with Mr. Yulee, and knowledge of facts connected with the ownership of *the iron*, induces my appeal to you for the necessary assistance to obtain it for the use of the Government.

However much Mr. Yulee may have been opposed to yield to the claims of railroad companies, which he may have considered based upon the hopes of private benefit, I will not permit myself to believe, that he will not cheerfully yield the iron or any thing else that he owns or controls, to sustain the Confederate States in their defence.

Will you do me the favor to write to him on the subject and inform me of the result.

I have the honor to be, General,

Respectfully,

JOHN MILTON,

Governor of Florida.

C. S. S. "CHATTAHOOCHEE,"
Chattahoochee, Fla., May 4th, 1863. }

His Excellency, JOHN MILTON,

Governor of Florida :

SIR—The object of this note is to solicit the co-operation of your Excellency concerning a matter which I think of some importance, in connection with the defences of the coast of Florida. I will state

my proposition as briefly as possible. The Confederate Government is now contracting at Columbus, Ga., a very formidable vessel to be iron-clad, and furnished with a powerful battery of five Brooke guns. The wood work and engine will be complete by the end of September, the vessel will be launched about the 1st of July. The intention is that this vessel shall operate against the enemy's blockading force at Apalachicola and along the coast, in both directions, from that place. As I have already remarked, the hull and machinery will be completed and ready for service by the latter part of September. Yet one of the most important parts of her will not be commenced unless the material can be obtained, to wit: the iron plating. As you are probably aware great difficulty is experienced by the Government in obtaining the iron necessary to plate the iron clads, now far advanced at places where it is deemed they will be first required. In fact, the Columbus boat will have to take her turn after three new ones at Charleston, two at Savannah, three in Alabama, and three in the Tombigbee rivers have been served.—Some of these, or rather the most of them, are very large vessels, and I, therefore, conjecture that at least nine months from now will be consumed before any iron will come to Columbus. Three months will then be necessary for the operation of plating, which would bring us up to May '64, when the rivers would be down and no operations could be begun until fall. I have a plan by which I think many of these difficulties may be obviated. Railroad bars are as good as plates for the mail of Steamers or batteries, at least I found them so in five encounters with the enemy on the Mississippi last year. The road leading from Cedar Keys towards Fernandina, in Florida, is now virtually in the hands of the enemy, and the iron upon it of no use consequently to the State of Florida or its Stockholders. Now why can't a sufficient quantity of iron be obtained from that abandoned road to plate the new vessel, say about 5 miles will be required for the purpose. By using it no one can be damaged, and much good will accrue especially to the State of Florida. Apalachicola will be re occupied at once by our forces and its refugee citizens; the blockaders can be driven off at stated times in order to allow vessels to run the blockade with *ease and certainty*, and thus that place, instead of being deserted by its citizens, and held in a manner by the enemy, will become again a place of commerce and trade. Negro stealing can be put an end to, as the fess now on this river can be distributed in suitable localities for the protection of the coast.

I am sure that you will agree with me that no imaginary interest of any Railroad Company should be allowed to interfere with the public defence or the public weal.

I have stated a part of the facts in connection with this important

matter, and you will at once see better than I that nothing should be left untried to effect an object of so great import.

I confess that I am at sea as to the means of peaceably getting possession of the much prized article, and, therefore, apply to you. The Government will pay liberally and take it off the ground.

Will you do me the favor to reply at your earliest convenience.

I have the honor to be, very respectfully,

Your ob't Serv't,

GEO. W. GIFT,

Lt. C. S. N.

HEAD QUARTERS DIST E. FLA.,
Lake City, May 12th, 1863. }

His Excellency, JOHN MILTON,

Governor of Florida:

GOVERNOR:—Your letter of the 7th inst., enclosing a communication from Lieutenant Gift on the subject of using the iron on the Florida Railroad for naval purposes, because, as is alleged, the road is in possession of the enemy, has been received and referred to the President of the Florida Rail Road for an answer.

The road, as you must be aware, is not in possession of the enemy any more than is the road from Tallahassee to St. Marks. I have troops at Cedar Keys and in the immediate vicinity of Fernandina, who can be supplied only by the use of the Florida road, which is indispensably necessary for the military defence of this District, and the removal of the iron could be construed only as a prelude to the abandonment of East Florida to the enemy.

I have found it necessary to apply to the President of the road to make some repairs on the track near Fernandina, to enable me to move my large guns, mounted on rail road trucks close to the bridge.

It is not perceived in what way the iron could be transported to the Apalachicola river, even if there were no difficulty in the way of its appropriation, unless indeed it is a part of the plan to build the road from Quincy to Chattahoochee at the cost of the Florida Road, in order that the balance of its iron may be appropriated to "naval purposes."

I have the honor to be, Governor, very respectfully,

Your ob'd't Serv't,

JOSEPH FINEGAN,

Brig. Gen. Com'dg.

EXECUTIVE DEPARTMENT,
Tallahassee, May 21st, 1863. }

Brigadier General FINEGAN,

Lake City:

GENERAL:—I have received your esteemed favor of the 12th inst., and immediately on its reception, forwarded a copy of it to the Secretary of War. While enjoying the immunities of peace, none would have been more opposed than I, to any interference with the rights of the Florida Railroad Company. In my humble judgment, no road in the State would have contributed ultimately more to the prosperity of the State, as one of the United States.

But the separation of the States having unexpectedly caused war; a wonderful and fearful change in our political relations has ensued. A change which threatens Florida and her sister States with subjugation; unless the citizens of the Southern States shall promptly and cordially yield to the exigencies of the present war, whatever is or may be necessary to our defences. The superior naval force and the excessive numbers of the enemy, demand the use of all our means for the concentration and support of troops.

I am of opinion that the iron from camp Cooper to Fernandina, and from Gainesville to Cedar Keys, should be appropriated to extend the Pensacola & Georgia Railroad from Quincy to Chattahoochee; and also to connect the Pensacola & Georgia Railroad with the Albany & Gulf Railroad. If insufficient for the extension and connection, the iron on the Railroad leading from this place to St. Marks should also be used, and the surplus of iron applied to the finishing of the Gunboat. The extension to Chattahoochee on the connection between the two roads, would afford the means of transportation for the iron needed to finish the boat, and also would enable the planters and stock owners of Florida, to contribute materially to the support of our armies in other States; moreover, would secure the means of transportation for troops, guns and munitions of war, for the better defence of East Florida and other parts of the State. I know no reason why the troops you have near Fernandina and Cedar Keys cannot be subsisted without the iron on the parts of the roads alluded to; a larger number of troops in this military district, have been supplied by wagons, hauling forage and subsistence a much greater distance than would be necessary to haul, to support the forces you have near Fernandina and at Cedar Keys.—I cannot conceive, therefore, why the use of the parts of the roads alluded to, can be indispensably necessary for the defence of your military district, nor why the removal of the iron could be construed only as a prelude to the abandonment of East Florida to the enemy. "But I can imagine how the enemy with their superior force may take possession of the Florida Railroad, and use it in co-operation with forces from the St. Johns River, for the subjugation of

East Florida; and I apprehend it is their purpose, and that you have not the force to prevent their taking possession of the Florida Railroad, and consequently, that your means of defence would be greatly improved by the removal of the iron from the parts of the road indicated."

If our means are not sufficient to extend the road from Quincy to Chattahoochee, and also, to connect the Pensacola & Georgia Railroad with the Albany & Gulf Railroad, I prefer the road to be extended rather than the connection be made, for the reason assigned in a message on the subject to the General Assembly of the State, which message you have read. The Confederate Government is willing to pay a just price for the iron, and I believe, under the circumstances, that not only the State at large would be benefitted, but that the interests of the stockholders would be promoted by the appropriation of the iron to the purposes for which it is desired by the Government.

Very respectfully,
JOHN MILTON.

FLORIDA RAIL ROAD OFFICE,
Gainesville, May 23d, 1863.

His Excellency, JOHN MILTON,
Governor of Florida:

SIR:—Brigadier General Finegan has transmitted to me your letter to him of May 7th, inst.

As the application of Mr. Gift, whose communication is not authorized by the Navy Department, was probably written without much consideration of the gravity of his request, and as your letter is supposed to be no more than a courteous formality in the treatment of an official communication from an officer of the Confederate service, it is not deemed necessary for me to say more than that this Company has no legal power, as your connection with the State Government and the Internal Improvement Fund makes you of course aware, to accede to any proposal for the destruction of the tract of its road.

Regular trains run upon the Florida Railroad for the accommodation of the public and the Government throughout its length, except a small part at each end, not accessible, on account of the destruction by the military of portions of the track near the extreme points, one of which (Amelia Island) is in the possession of the enemy.

I have the honor to be, very respectfully,
Your obed't Serv't,

D. L. YULEE,
President Fla. R. R. Co.

EXECUTIVE DEPARTMENT,
Tallahassee, May 30th, 1863.

Hon. D. L. YULEE,

DEAR SIR—I had the honor to receive your esteemed favor of the 23d inst, on the day before yesterday, and to-day to submit it to the consideration of "the Trustees of the Internal Improvement Fund." The Trustees appreciated the delicacy which may have heretofore restrained you from making a generous offer of the iron on part of Florida Rail Road, to aid the Confederate Government to conduct successfully the defences of the State in a war which threatens our political existence and most sacred rights with destruction. To relieve you from all embarrassment on the subject, the Board of Trustees promptly and unanimously passed the Resolution, a copy of which is herewith enclosed.*

I am much indebted to you for your kindness in supposing that the letter addressed by me to Brigadier General Finegan and transmitted by him to you with a copy of Lt. Gift's letter to me, was "a courteous formality in the treatment of an official communication from an officer of the Confederate Service." The reputation of Lt. Gift as a brave, patriotic and intelligent officer, would doubtless have justified the courtesy if I had not been previously informed of the necessities of the Confederate Government for the iron and its purpose to compensate owners for it, provided they were not alien enemies, as well as, the desire of "the Trustees of the Internal Improvement Fund," to facilitate any movements the exigencies of the war might require the Confederate Government to make for the defence of the State.

Agreeably to recollection, my attention was first invited to the necessity for the removal of the iron from Gainesville to Cedar Keys, by the proceedings of public meeting at the former place, in which you were represented to me as having participated and to have expressed an anxiety for the removal of the iron and a willingness for it to be used if necessary by the Confederate Government.

Impressed with your generous patriotism at the time, now that I have reason to know that the Confederate Government very much needs iron, and that the necessity is daily becoming more pressing in the conduct of the existing and formidable war, and believing the enemy is fully apprised of this necessity and may, therefore, in the execution of their purpose to subjugate Florida, and especially East Florida, capture the Florida Rail Road and not only use it for conquest over that portion of the State, but deprive the State of the most tangible and convenient means at its disposal, for the Confederate Government to make the connections necessary to secure the transportation of troops and munitions of war for the defence of

* See Resolution marked 'A.'

the State, as well as to afford to the State desired opportunities to contribute to the subsistence of the armies in Confederate service. It affords me pleasure to give assurance of the solicitude of "the Trustees of the Internal Improvement Fund" to co-operate cordially with you in patriotic efforts to aid the Confederate Government in making a judicious use of the iron from Gainesville to Cedar Keys, and from Camp Cooper to Fernandina.

It is probable "the Florida Railroad Company" have the implements for the removal of the iron with out injury, and that it would afford them pleasure to turn over the implements for the purpose to "the Officer of the Confederate Service" to whom the duty of having the iron removed may be assigned.

I have the honor to be, very respectfully,
JOHN MILTON,
 Governor of Florida, and President of the
 Board of the Internal Improvement Fund.

FLORIDA RAIL ROAD OFFICE,
 Gainesville, June 4th, 1863. }

His Excellency, JOHN MILTON,

Gov. of the State of Florida:

SIR:—Your communication of May 30th, post marked June 2d, was received this morning.

The considerations connected with the subject of your letter are very grave. Excuse me if I prefer to preserve a tone in my correspondence comporting with the serious issue of public concernment it involves, and with its official character.

I am not aware of any authority vested in the Trustees of the Internal Improvement Fund, any more than in this company, to diminish or change the security of *cestuis qui trusts*, or to deal with the Trust Fund, or the rights of the State or of the creditors of the fund, any otherwise than other ordinary trustees might under the direction and control of the Courts of the State. I am also unaware of any power existing in this company, or in the Executive branch of Government, to authorize or permit the destruction of a public way. There are circumstances, truly, under which extreme measures, in dealing with extreme and sudden emergencies, would be promptly excused and tolerated by the public as well as by individuals, whose particular interests might be injured. But, you will agree with me, it is not allowable in public officers, either lightly to suppose emergencies, or needlessly to create them, for the purpose of accomplishing a preconceived design and desire. Especially should they guard themselves against being made unconscious in-

strument of injustice, by employing the powers their public trust confers, in promoting the ends of those who urge their action.

No such proceedings as your letter describes occurred at Gainesville. You have evidently been misinformed. The true version of what transpired upon the occasion was communicated soon after its occurrence to the President of the Pensacola and Georgia Rail Road Company, in a letter which I supposed, from the circumstances of the time, might have been seen by you.

The much allusion you make to the idea of patriotic efforts and sacrifices, in which you intimate the Trustees of the Internal Improvement Fund are disposed to unite with me, requires some response. I humbly trust I may not be wanting at any time in necessary and dutiful sacrifices and contributions to the great cause in which all citizens are engaged, and will gladly unite with yourself and other Trustees in liberal and patriotic devotion of our own means.—But I have not the right to make myself free with the property of others, nor to seek merit for a generous patriotism at another's cost.

I have the honor to be, very respectfully,
D. L. YULEE,
 President Florida Rail Road Co.

EXECUTIVE DEPARTMENT,
 Tallahassee, June 8th, 1863. }

Hon. D. L. YULEE,

President of the Florida R. R. Company,
 Gainesville:

SIR:—Your esteemed favor of the 4th inst., is before me, when writing the letter to which it is a reply, I presumed you to be familiar with the conversations and correspondence, which had occurred relative to iron on parts of the Florida Rail Road, between Brig. Gen. Finegan and myself; had no reason to doubt the correctness of the reports made to me of your remarks, relative to the removal and use of the iron, at the time the meeting was held at Gainesville; and had no recollection, of ever having seen any letter from you to the President of the Pensacola and Georgia Rail Road Company on the subject.

I do not remember ever to have seen or read any letter from you to the President of the Pensacola & Georgia Railroad Company upon that or any other subject, nor from you to any other person relative to the proceedings of the meeting.

I know that apprehensions were entertained, by intelligent gentlemen of East Florida, that the enemy would take possession of the

Florida R. Road, and their reasons for the apprehensions were submitted to the consideration of the late Executive Council, in which East Florida was ably represented, and that Brig. Gen. Trapier, then in command of this Military District, and who was assigned to the command, if I am correctly informed at your instance and request, issued orders on the subject. Enclosed you will have copies of those orders and of the resolutions of the Executive Council.* The President of the Pensacola and Georgia Rail Road Company was requested to aid in the execution of Brig. Gen. Trapier's order for the removal of the iron, but declined to do so, especially if it was to be used on any other road, without the consent of the Florida R. R. Company. The order of Brig. Gen. Trapier was prevented from being executed, as I have been informed, by an Injunction granted by the Judge of the Judicial Circuit.

Since that time the enemy have several times occupied Jacksonville, now command the St. John's River, have continued to occupy Fernandina; and on one occasion took possession of, and committed serious depredations at Cedar Keys. Have threatened and yet threaten to invade Florida, and especially East Florida. Have the Confederate government sufficient forces in the State, even if all the forces in it could be concentrated without exposing other portions of the State, as important to defend as East Florida, to drive the enemy from Fernandina, to reclaim possession of the St. Johns River, or to prevent the invasion, if attempted, by ten thousand of the enemy, a less number than that with which they threaten. Apprized as we are of the purposes of the enemy and their numbers and means of warfare, these matters should claim our greatest consideration. We have, not in my opinion, the forces in the State nor the arms and munitions of war necessary to its defence, and if an emergency should occur requiring additional troops, and if the forces could be spared from Georgia and South Carolina, we could not obtain them promptly, because destitute of the means of transportation. To prove the fact, I would refer to the causes which led to the late loss of St. John's Bluff, with guns, munitions of war, &c. Under these circumstances, believing that if the enemy shall invade East Florida in large numbers, the numbers with which they threaten to invade, the Florida Railroad will be captured and destroyed, or be used by them for the subjugation of East Florida, and ruinous depredations will be committed. I have respectfully urged upon you, as President of the road, to yield the iron from certain parts of the road, which would prevent its being used by the enemy, to the control of the Confederate Government, and to be used, together with the St. Marks road, to extend the Pensacola & Georgia R. R. to the Chattahoochee river, and also to connect that road with the Albany and

* See Orders and Resolutions marked B.

Gulf Railroad, and to prepare a gunboat for service on our coast. With the road extended to Chattahoochee and connected with the Albany and Gulf Railroad, troops and munitions of war could be promptly transported from adjoining States for the defence of Florida, and the citizens of Florida would have the means afforded to aid liberally in subsisting and supporting not only the armies in Confederate service, but less fortunate citizens whom the enemy have driven from their homes into other States. If correctly informed, the P. & G. R. Road company will consent cheerfully to the iron on the St. Marks road being removed and used to aid in the accomplishment of the important object proposed.

In a technical sense "The Trustees of the Internal Improvement Fund and the rail road companies may not have the right to change or diminish the security of *cestuis qui trusts*, or to deal with the trust fund, or the rights of the State, or of the creditors of the fund, any otherwise than any other ordinary trustees might under the direction and control of the Courts of the State; and there may be no power existing in the rail road companies or the Executive branch of the Government to authorize or permit the destruction of a public way." I quote from your letter and will add, unless the public safety shall require it. It is not to be presumed that the exercise of any such power would be attempted unless demanded for the general welfare against impending danger. Is not danger threatened and imminent.

The defences of the State in the fearful war in which we are engaged have been entrusted to the Confederate government. Circumstances have required, on the part of the government, the exercise of extraordinary powers. The confidence of the people have entrusted officers of that Government to decide upon "extreme emergencies" which will justify extreme measures for our defence. To save the Confederate States from being subjugated, some of our citizens, *without their consent*, have been taken from their homes, to distant battle fields, the property of farmers, merchants and other citizens have been impressed and appropriated to the use of the Government, in the conduct of the war, why should not iron from rail roads be impressed if needed? Railroad companies have no claims paramount to the general safety, their claims should not be more respected, than the rights of freemen to personal liberty, or of farmers, merchants and other citizens, to enjoy the peaceful possession of their property. "You are right in saying that I will agree with you that" it is not allowable in public officers, either lightly to suppose emergency, or needlessly to create them, for the purpose of accomplishing a preconceived design and desire. "Especially should they guard themselves against being made unconscious instruments of injustice by employing the powers their public trusts confers in promoting the ends of those who urge their action;" and I would res-

pect fully add, that gentlemen whose distinguished resources from wealth and social or political position, and especially those who have enjoyed public confidence and public favors, should not permit themselves to be wadded to schemes of personal ambition, or particular local and selfish interests, at the peril of the political existence of the State, and the lives and property of their fellow citizens. I presume you will agree with me, that lightly supposed emergencies, or such as were needlessly created for the purpose of accomplishing preconceived designs and desires, or a culpable ignorance of military science and utter disregard of the general interest of East Florida, caused immense expenditures of money and labor to defend Fernandina—which would have been sufficient to have made the defences complete on the St. John's river and at St. Augustine—but did not save Fernandina. The loss of that place, and the heavy loss of guns and munitions of war, imperriled the iron on the Florida Rail Road, and hence the action of the Executive Council and of Gen. Trapier, for its removal, to prevent the enemy from the use of the road, and to save the iron for the benefit of the proprietors, and if need be, for the defences of the State.

It certainly was, or has been lamentably proved, much more important to the defence of East Florida to have prevented the enemy from controlling the St. Johns river, than from occupying Fernandina. This opinion was entertained and urged by me but unsuccessfully—because distinguished gentlemen entertained a different opinion—and, perhaps, because public officers did not properly guard themselves against being made unconscious instruments of injustice, and employing the power their public trust conferred, in promoting the ends of those who urged their action, to the great and irreparable injury of the citizens in the counties bordering on the St. Johns, and especially to the citizens of St. Augustine and Jacksonville.

The enemy, with Fernandina, captured nearly all the guns of value and munitions of war, which, at the time, were in Middle, East and South Florida. And what important advantages have the enemy gained by the occupancy of Amelia Island, except the use of the buildings in Fernandina. Will you not agree with me that it will be an epoch in the history of Florida, of which Floridians may be proud, when public officers, gentlemen distinguished for their abilities as statesmen, and the citizens generally, shall rise superior to local and selfish interest, and devote their abilities to the general welfare and honor of the State and of the Confederate States; and by their patriotism impose a quietus upon the efforts of demagogues, to embarrass the Confederate Government in generous efforts for the defence of Florida and her sister States of our glorious Confederacy.

The Trustees of the Internal Improvement Fund confide in and respect your "humble trust, that you will not be wanting at any time in necessary and dutiful sacrifices and contributions to the great

cause in which all citizens are engaged, and will gladly unite with yourself and other Trustees in liberal and patriotic devotion of our own means." That is exactly what we desire you to do, and therefore, with great respect, ask leave to express the opinion that you do yourself, as President of the Florida Railroad Company, as well as the members of the company, provided they are citizens of and loyal to the Confederate States—unintentional injustice in the remarks, "but I have not the right to make myself free with the property of others, nor to seek merit for a generous patriotism at another's cost." By the "another's," it is presumed you mean the Florida Railroad Company, and, therefore, I would respectfully invite your attention to the accompanying extract from our records,* and invite your consideration to the means with which the Florida Railroad was built, and the favor extended to it in a much larger amount than to any other road. It cannot, as it seems to us, be reasonably presumed that those you represent can be entirely insensible to the general welfare of the State, and consider your vain glorious, if, as their representative, you should contribute the iron, and especially at a full price, for the defences of the State, unless the stockholders, as the actual holders of the bonds, are, as represented to be, enemies residing in the United States, who would prefer the subjugation of Florida to the sale of the iron at any price.

The propositions for your consideration are very simple: Are the means of transportation proposed necessary for the defence of the State? It is believed that they are by military officers, of distinguished character, entrusted with the defences of the State, who have no personal interest to subserve. Can the iron be procured without using that on parts of the Florida Railroad, and on the road leading from this place to St. Marks? I am informed and believe it cannot be. It has been said that possibly it might be taken from the Brunswick Railroad in Georgia; but Floridians should have too much self respect, and cherish too sacred a regard for the honor of Florida, to prefer to use, for their own defence, iron belonging to a company in a sister State, rather than iron of a road in Florida, built by the credit of the State, and belonging to a company represented by a President who "would gladly unite with other Trustees in the liberal and patriotic devotion of our own means, and who does not believe that he has the right to make himself, as their representative, free with the property of others, or to seek merit for a generous patriotism at another's cost."

The iron on the parts of the Florida railroad, which it has been proposed to use, may be valuable to its owners and serviceable to citizens residing near the road. Should their particular interest and the accommodation it affords a few of our worthy fellow citizens,

* See extracts from records marked C.

be temporarily sacrificed for the general defence of the State? I believe that the sacrifice should be made, not simply because necessary to the general safety of the State, but especially to preserve the rights of the owners, and to secure to our fellow citizens, permanently the advantages to be desired from the road. But it is said that a difference of opinion upon this subject, will cause some of our fellow citizens to resist by force, if need be, any attempt by the Confederate Government to remove the iron. I hope that such is not the fact. It has been presumed that all who are able and willing to fight for the rights and honor of the Confederate States are in military service, and that but few had remained at home, unless legally exempted from age, physical disability, or to aid in the administration of the State Government, but if this presumption is erroneous, will it not be better for those who are at home and feel valiant, to report themselves for duty to Brigadier General Finegan; and fight, bleed and die in the achievement of the Independence of the Confederate States, rather than engage in a neighborhood fight for a little railroad iron?

Permit me to assure you that I have no pecuniary interest in any railroad; no preference for one road more than another; except under the existing circumstances for the public good; no feeling of unkindness or distrust towards the officers or any citizens of the State having an interest in any of the railroads; have always advocated the railroad system as the best means of Internal Improvements, and desire ardently that each road in the State, may contribute to the prosperity of its proprietors as well as the power and general welfare of the State. I have suggested and urged the extension of the Pensacola & Georgia Railroad to the Chattahoochee, and its connection with the Albany & Gulf Road—and the use of the iron of parts of the Florida Railroad and that on the St. Marks Railroad—because I believed my official duty required me to do so, as the best means of saving Florida from inroads of the enemy which would be perhaps more destructive and calamitous, than have been experienced from the enemies raids in Louisiana, Mississippi and other States. The apprehensions I have felt and yet feel for the safety of the State, may not be well founded, and the suggestions I have made may not be wise, but the apprehensions have been entertained and the suggestions made, with the utmost sincerity and anxiety, for the public good, and without any purpose or willingness to injure the pecuniary interest of the owners of the Florida Railroad; on the contrary, I believe that their interest as well as the public good would be promoted by the measures advised.

The Confederate Government is willing to pay a just price for the iron; an amount which would probably enable the Florida Railroad Company through an agent in England, to procure new iron, and have it landed at Fernandina, as soon as the cross ties and bed of

the road, would after the cessation of hostilities, be prepared to receive it. If these positions shall be proved by future events to have been correct, but unsuccessfully maintained, and the enemy shall successfully invade the State; because the Confederate Government was denied the means of transportation for its defence, a fearful responsibility will attach to those who have denied the means. The possession of the Florida Railroad by the enemy and their devastations in East Florida may attest the folly and wickedness of those who were unconsciously influenced by local interests, to jeopardize the political existence of the State, and involve their fellow citizens with themselves in scenes of fearful ruin, degradation and disgrace.

I have the honor to be, very respectfully,
JOHN MILTON,
Governor of Florida.

FLORIDA RAILROAD OFFICE, }
Gainesville, June 19, 1863. }

His Excellency, JOHN MILTON,
Governor of Florida:

SIR,—Your letter of the 8th of June, postmarked 11th, came here during my absence, which will account for delay in acknowledging it.

I do not perceive any probable utility in an extended correspondence upon the subject to which it relates, nor in a discussive controversy. It is sufficiently evident that you are desirous to effect the destruction of a considerable part of the track of this road, and the transfer of its iron to the use of the connections in Middle Florida and Georgia. I hope my letters have made it equally evident that I am opposed to this movement, and will endeavor to prevent its success.

It is very clear that we entirely differ in opinion. You think it will be beneficial to the cause and to the State to do what you propose. I, on the contrary, think that the general cause, and the proper defence of East Florida and advantage of the State, will be best served by preserving and holding the Military base which the Florida Railroad furnishes to the Peninsula. My reasons I believe, are sound, but I do not deem it proper or necessary to state or discuss them in this correspondence, as you do not claim authority to execute what you advise. Your opinions are of course entitled to respectful consideration, but I concur with the united sentiment of this part of Florida, that the policy you urge is not only not advisable, but if carried into execution, would inflict a serious injury upon the State, and occasion more damage to the general cause than it will redeem by its benefits.

In respect to many of the facts and inferences of your letter, I deem it proper, without entering now into a review of them, to say that I think you are mistaken, but I do not see any present advantage to the object which alone concerns me in controverting them. I will however briefly state, to prevent any misapprehension, the position which this Company, in agreement with the population of this section holds. They are all ready to make any sacrifice to the common cause, which good citizenship, and an earnest devotion to its success, can require. To all calls for contribution, whether equal or special, which the Constitution and laws authorize and demand, they will cheerfully and promptly respond. In cases of special contribution which officers of government, without legal authority require, they will judge of the discretion and wisdom of the requirement, and will contribute or refuse, as their judgment, exercised in the interest of the cause, may determine them. In the present instance, when a contribution of what is to them so large an interest, is demanded, and which no authority but that of the Congress of the Confederate States is, by the Constitution, competent to demand, they think they have a right to require that their judgment be convinced, and their assent obtained, before the attempt is made to enforce it. They know that notwithstanding the project has all the while, during the provisional government and since, been urged at Richmond by the interests particularly concerned, with remarkable perseverance and energy. The Legislative Department of the Confederacy has persistently refused to regard the Florida connection as a military necessity, and that the Confederate Executive has, with equal persistency, refused to recommend it to Congress. They know too, that their own State has, by law, at its last session, prohibited the removal of any iron now laid upon the public roads, for use in making the only connection which in the opinion of the Legislature had military utility. They also know that the aid of the State to a connection which was the shortest, and was thought by many to be the best, was defeated at the last session by the strenuous efforts of the very interests which have since been active in influencing the aid of military authority for the movement now afoot. They know further, that the Companies which own the connections have ample length of track, of their own property, which can be diverted to these connections, with more propriety (because for their own profit,) and with a less amount of patriotic sacrifice on the part of the communities on the line, than is demanded of them. With such knowledge and with a confident belief that the roads you propose to destroy are a material part of their defences, and that the preservation of them will contribute more to the general cause (for reasons not deemed proper to be produced in public discussion) than their destruction for the uses you propose, you cannot be surprized at the earnestness of their resolution to resist by every legal means

any violent attempt to execute, against their consent, the threatened injury.

I have the honor to be, very respectfully,
Your obt serv't,
D. L. YULEE.

EXECUTIVE DEPARTMENT, }
Tallahassee, June 29th, 1863. }

General G. T. BEAUREGARD,

Charleston, South Carolina:

GENERAL—Your attention is respectfully invited to the accompanying correspondence between Brigadier General Finegan, Hon. D. L. Yulee and myself, relative to the removal of the iron from parts of the Florida Railroad and its appropriation for other purposes.— In submitting it to your consideration I will not allude to recent extraordinary measures to induce an expression of opposition to the removal and use of the iron by persons residing in the neighborhood of the road. If the correspondence could be published consistently with the safety of the State, I have reason to believe, a knowledge of facts would overcome all opposition except that of Brigadier General Finegan, Hon. D. L. Yulee, and a few claiming ownership, as they do, of the iron as stockholders. If there exist no military necessity for the removal and use of the iron from parts of the track alluded to, I should regret extremely any interference with it. If there is a military necessity, no opposition should be permitted to prevent it.

I have the honor to be, very respectfully,
JOHN MILTON,
Governor of Florida,

HEAD QUARTERS, }
DEPARTMENT OF SOUTH CAROLINA, GEO. AND FLA., }
Charleston, South Carolina, July 6th, 1863. }

To his Excellency, Governor JOHN MILTON,

Tallahassee, Florida:

SIR—Your favor of the 29th ult., has been received, enclosing your correspondence with Brigadier General Finegan, and Hon. D. L. Yulee, relative to the removal of the iron from parts of the Florida Railroad and its appropriation for other purposes. After a careful perusal of the correspondence, which I have enclosed to the War

Department for its information and consideration, I can but express my unqualified approval of the position you have assumed, that the connection of the Albany & Gulf Railroad with the Pensacola & Georgia Railroad, and the prolongation of the latter to the Chattahoochee, are indispensable to the proper defence of the State of Florida. Where the required iron should come from, is a question that the State and Confederate Government alone are competent to decide, but your views on the subject appear to me to be conclusive.

Hoping that a spirit of pure patriotism will open the eyes of all concerned, to the necessity of prompt action in measures so vitally important to the safety of your gallant State,

I remain, with high consideration,

Your obedient servant,

G. T. BEAUREGARD,

General commanding.

EXECUTIVE DEPARTMENT,

Tallahassee, July 10th, 1863.

Hon. D. L. YULEE:

SIR—Your letter of the 19th of June, acknowledging the receipt of one from me dated the 8th, came by due course of mail, but intervening circumstances have prevented a reply.

In the commencement of your letter you have stated, "I do not perceive any probable utility in an extended correspondence upon the subjects to which it relates, nor in a discussive controversy."—If you had concluded your letter with this sentence, I should have been indebted to your kindness and courtesy for the commencement and conclusion of an interesting correspondence. But you added, "it is sufficiently evident that you are desirous to effect the destruction of a considerable part of the track of this road, and the transfer of the iron to the use of the connections in Middle Florida and Georgia." This assertion was gratuitous and unauthorized. One of the principal objects I have had in view has been to prevent the road from being captured and used or destroyed by the enemy, and partially to accomplish this object, have advised the iron from parts of the track to be removed by Confederate authority for the defence of the State, and upon conditions which would insure the future use of the road. I am not conscious of ever having desired, or expressed what might have been reasonably considered a desire, to destroy any part of the track. The late Secretary of War, the Hon. G. W. Randolph, believed from representations which had been made to him, "that the line of railroad connecting Cedar Keys and Fernandina was comparatively useless to the Confederacy, in consequence of both termini of the road being in possession of the enemy."

and that the iron and Telegraph wire should be removed. In a letter dated at Richmond, April 3d, 1862, and addressed to me, he stated "under these circumstances, I should be pleased to receive your views of the expediency of removing the iron and Telegraph wire, and if you concur with me in opinion, I will direct the General commanding in Florida, to have the rails and wire removed."—In reply to Mr. Randolph, I submitted to his consideration the information I had received upon the subject from gentlemen residing in East Florida, whom I supposed to be interested in, and friendly to, the prosperity of the road.

Until the receipt of your letter of the 19th ult., I was not apprized that "the project has all the while, during the provisional government and since, been urged at Richmond by the interests particularly concerned, with remarkable perseverance and energy. The Legislative Department of the Confederacy has persistently refused to regard the Florida connection as a military necessity, and that the Confederate Executive has, with equal persistency, refused to recommend it.

Controversies have occurred, since the commencement of the war, relative to railroad iron and telegraph wire, the results of which have seemed to me more worthy of consideration. I am informed that the Confederate authorities desired to remove and use, or reserve for use, the iron on the railroads which connected Petersburg with Norfolk, and Weldon with Portsmouth. The Proprietors of the roads objected, the Government yielded to their objections, and the enemy captured and removed the iron.

The Confederate authorities, without a special act of Congress to authorize it, decided the removal of the iron (a distance of thirty-eight miles) from the Alabama & Florida Railroad, which connected Pensacola, in West Florida, with Montgomery and intermediate places, and its use for the defence of Mobile Alabama, to be a military necessity. The President of the road objected, the Senators and Representatives of this State in the Congress of the Confederate States protested, and I was appealed to as the Governor of the State and a citizen of West Florida, not only to protest, but if necessary, to prevent the removal and use of the iron, to interpose State authority. I did not feel at liberty to interfere. First, because Florida had entrusted the Confederate Government with the conduct of the war, and "by an ordinance of the State in Convention, as well as by an act of the General Assembly of the State, the faith and honor of Florida was solemnly pledged to sustain the Confederate Government," to the utmost of her resources. Secondly, because that, under the circumstances, the Confederate Government had the exclusive right to decide upon military necessities. Thirdly, because the iron was liable to be captured and taken off or destroyed by the enemy, to the irreparable injury of the Alabama & Florida Railroad.

Company, and of the State; and I was satisfactorily assured, as I am relative to the iron on the parts of the Florida Railroad, that the iron would be removed and used upon equitable terms which would save the State and the Alabama & Florida Railroad Company from ultimate loss. The iron was removed, the Confederate Government agreed to pay a fair price for it, or upon the cessation of hostilities, (or before, if it could be done consistently with the public interests,) to replace the iron, or other suitable iron on the road. I have been recently informed, that the parties in interest who opposed the removal and use of the iron, now approve the action of the Confederate Government, and rejoice in their security against the dangers to which the road was exposed, and the certainty of its future reconstruction and utility.

When Brigadier General Joseph Finegan commanded the military department, composed of Middle, East, and a part of West Florida, he believed it a military necessity to remove the wire from the Telegraph line which had connected Marianna and Tallahassee with Apalachicola, and to appropriate it in the establishment of a Telegraph line between Tallahassee and Lake City. Upon General Finegan's recommendation and my approval, the Secretary of War ordered the wire to be removed, and it was used to establish the Telegraphic connection, which now exists between Lake City and this place.

The wire at the time of its removal could have been made useful in keeping up communications between Tallahassee, (the head quarters of the General,) Marianna and military posts on the Chattahoochee river, and should probably have been used for the purpose; but the opinion seemed reasonably to be entertained, that a Telegraph line connecting Tallahassee with Lake City, would be more useful for the defence of the State generally, and, therefore, the removal and use of the wire from Marianna to Apalachicola, were not opposed.

The loss of the wire to West Florida, was felt, at the time, to be a grievance. The injury of that portion of the State, is becoming more apparent, and will be seriously experienced, when Confederate forces shall again occupy Apalachicola, or its citizens can return there in safety. But I am not apprized that any citizen of West Florida has ever expressed the opinion, that Gen. Finegan was influenced by a desire to injure West Florida, for the benefit of Middle and East Florida; although the owners of the wire and the citizens, regretted the supposed necessity for its removal and appropriation.

To Florida—not to West Florida, East Florida, Middle Florida, or South Florida—but to the State of Florida, citizens owe their allegiance, and should not permit themselves to be influenced by sectional prejudices or selfishness, to forget their allegiance, and the

obligations it imposes for the maintenance of the general welfare; peace and dignity of the State.

But to recur to the Florida Railroad, my attention was more recently invited to the exposed and comparatively useless condition of the parts of the track alluded to, and the important uses to which it might be applied, in securing the means of transporting troops, if they should be needed, for the defence of the State, as well as for the transportation of subsistence, to aid in the support of the armies in Confederate service, and to complete a gunboat intended for service on the coast of Florida. Your attention, as President of the Florida Railroad, was respectfully invited to the consideration of the subject. My views have been frankly made known to you, and it is deemed unnecessary to recapitulate them. But permit me to enquire, if future events shall prove their correctness, and the enemy shall capture the road, remove the iron and destroy the track, if the Florida Railroad Company has the ability to rebuild it, or refund the money which the State has advanced, or could, with reasonable confidence, appeal to the State, to lend its credit, for the reconstruction of the road?

In view of the amount of stock owned by the State, it seems to me that the Trustees of the Internal Improvement fund are excusable for feeling some anxiety for the safety of the iron and the ultimate and permanent utility of the road.

I do not concur in the opinion expressed by you "that the general cause and the proper defence of East Florida and advantage of the State will be best served by preserving and holding the military base which the Florida Railroad furnishes to the Peninsula." I cannot perceive, under existing circumstances, how it can be reasonably considered at all as a *military base*, nor how the portions of the track from which it has been proposed to remove the iron, can be indispensable for defence, or be prevented from falling into the hands of the enemy if they shall attempt to capture it. The number of troops in East Florida are insufficient to defend that portion of the State against the invasion threatened by the enemy, via the St. John's river and St. Augustine, if they shall attempt it, with half the forces they have been reported as marshalling for the purpose. Should the enemy invade East Florida with the forces at their command, divided and brought in simultaneously from the Atlantic and the Gulf, may they not drive off or capture the forces under General Finegan's command, and use the Florida Railroad to subsist their forces, maintain positions of their own selection and take off the persons and property of the citizens. They are well acquainted with the topography, the advantages and disadvantages of that portion of the State. But gentlemen, whom education and experience have qualified for military service, have differed in opinion, both as to the most available means of attack and defence, and therefore our differences

in opinion may be excused. Pardon me if I have more confidence in my opinion than yours. First, because I have no personal interest to bias unconsciously my judgment. Secondly, because official duty has required more of my attention to the defences of the State, and official position afforded greater facilities for information relative to them, and the resources of the Confederate Government. Thirdly, because disasters have occurred in East Florida, as predicted by me, that they would occur, when those who agreed with you thought differently and advised measures of defence which were adopted against my judgement, as made known to the Secretary of War. Fourthly, and chiefly, because all officers of military experience and distinguished character with whom I have conferred or corresponded, concur with me in opinion relative to the means necessary for the defence of the State. But I sincerely hope that the apprehensions which I entertain for the safety of East Florida, may be without sufficient causes to justify them, and that therefore the citizens of that portion of the State generally, may not be subjected to the bitter calamities which have been inflicted by the enemy upon the citizens of Fernandina, St. Augustine, Jacksonville and citizens residing in the vicinity of St. John's river. But with those important parts of East Florida subjected to the will of the enemy, and so many of our worthy fellow citizens refugees and subjects of charity, I am utterly amazed at the apparent security which citizens in other parts of East Florida seem to enjoy, and especially when I consider their claims to intelligence, superior wisdom and foresight.

When I reflect upon the controversies in the Congress of the United States, which preceded and related to the threatened Secession of the Southern States; when I consider the grave national reasons which were then and there assigned why, *Florida especially* was necessary, under the same government with the Northern and Western States, to their commerce, national importance and national security, and remember the solemnly avowed purpose of the most able, least fanatical and most conservative statesmen of the North and West, "to keep Florida in the Union at every hazard and sacrifice of men and money;" when I know St. Augustine, Fernandina, Jacksonville, the St. John's river, Apalachicola, Pensacola, and Milton, to have been occupied by the forces of the enemy; to be now subject to their will, and that the entire coast of the State is under their command; when I reflect upon the feeble condition of Florida compared with the powerful States of Virginia, North Carolina, South Carolina, Mississippi, Tennessee, Arkansas and Missouri; when I read of the wanton destruction of property and the cruel outrages of the enemy in those States; when I occasionally meet with the citizens of those States, who were brave, intelligent and wealthy, but now homeless and penniless wanderers, and listen to the recital of their calamities, and while no reasonable calculation can be made

when the war, being waged for our destruction, will be terminated, I confess, that I am sadly-humiliated by the senseless or *treacherous* jargon of conflicting local interests in the State, and by the grovelling, debasing and shameless desire manifested for the accumulation of wealth, regardless of personal honor and the general welfare.

The soil of Florida will be drenched by the blood of her citizens or disgraced by their degradation, unless they shall be aroused from a false sense of security, to make, with concert of action and heroic purpose, timely preparations for the defence of their rights.

I know no man in Florida under more obligations than yourself, to rise superior to personal considerations and local interests, for the defence and rescue of the State from the threatened and impending dangers.

The political honors you have enjoyed, the rail road iron now needed for the defence of the State, and to which you cling with professional and instinctive pertinacity, were not derived exclusively from East Florida. You are indebted to the State of Florida for the proud positions which were conferred upon you and to the credit of the State for the iron now required for its defence. Should you not therefore exert the ability you may possess, to arouse the good people of East Florida to a sense of their danger; to advise them to organize into military bodies, under the late requisition of the President, for the defence of the State; to rely with generous confidence upon the better informed judgement of officers to whom the defences of the State, by the Constitution and laws of the State and of the Confederate States have been confided, and who are best qualified to decide upon military necessities; to abandon all idea of appeals to the civil authority; to impede by the forms of law and technicalities in pleading the preservations necessary to be made promptly for the defence of the State, rather than encourage sectional strife and riotous conduct, not creditable to the parties engaged and disreputable to the State.

You were laboring under a misapprehension when you made the assertion that the people of East Florida "know that their own State has *by law* at its last session, prohibited the removal of any iron now laid upon the public roads." There was no law enacted upon the subject, but a resolution passed simply expressive of the opinion of the General Assembly, and about the same time another resolution was passed pledging Florida to the support of the war.— Enclosed you will find copies of the Resolutions.*

It is not to be presumed, that the General Assembly of Florida, considered railroad iron more sacred than the lives of their fellow citizens whom they represented, or that it was more important to

* See resolution marked D.

accomplish the commercial purposes of individuals, than to use it as an auxiliary to men and muskets in the conduct of the war; or that they desired, (even if under any circumstances they would have claimed the right,) to control the action of the Confederate Government, or to have ignored important provisions of the Constitution intended to invest the Executive of the State with the powers necessary to its defence.

I have just received a letter from General Beauregard, a copy of which is herewith submitted for your consideration.

Your attention has been invited to the subject as a matter of courtesy, and not because the opinion was entertained, that your consent to the removal of the iron was necessary, except to avoid unpleasant litigation. The State claims to own the majority of the stock in the road, exclusive of that belonging to alien enemies. "The Trustees of the Internal Improvement Fund" are alone authorized to represent the interests of the State; the authority exists to remove the iron by civil process, and to execute the process, sufficient force can be promptly commanded, if a result to force should be at all necessary. But I am not inclined to exercise State authority in the premises, while I believe it to be the duty of the Confederate Government, (with or without your consent,) to promptly remove the iron from the parts of the track alluded to, for the proper defence of the State, and despite of any opposition which may be attempted.

From its removal, no permanent injury can result, the rights of the State may be preserved, and the iron, at a suitable time, be restored to the road.

With these remarks, I conclude a correspondence from which you can "perceive no probable utility."

I have the honor to be, respectfully,
JOHN MILTON,
Governor of Florida.

EXECUTIVE DEPARTMENT, }
Tallahassee, July 15th, 1863. }

General G. T. BEAUREGARD,
Charleston, South Carolina:

GENERAL—Your esteemed favor of the 6th inst., was received by due course of mail. The correspondence between the Hon. D. L. Yulee, President of the Florida Railroad Company, and myself, has been concluded by the two letters, copies of which are enclosed herewith, and to which your attention is especially and most respectfully invited. I regret to claim any portion of your valuable time, at this critical moment, but I believe my official position, makes it

a duty to the State of Florida, and to yourself, under whose military protection the State has been placed, to the entire satisfaction of its citizens, and to the civil authorities.

A glance at the map and a knowledge of the forces and their positions in East Florida, will suggest the facilities afforded to the enemy to capture the Florida Railroad and to use it for the subjugation of that portion of the State. If, therefore, the iron on the parts of the track which have been alluded to in the correspondence, is not necessary to connect the Pensacola & Georgia Railroad with the Albany & Gulf Road, and to extend the former to Chattahoochee, still, its removal to a place of safety, where it would be beyond the reach of the enemy, it seems to me, is required by the interests of the State as the principal stockholders, and that the proper defence of that portion of the State demanded it, unless we had assurances of large reinforcements, which we have not and cannot expect.

Having read and considered, be pleased to forward the correspondence to the Secretary of War.

I have the honor to be, General, respectfully,
JOHN MILTON,
Governor of Florida.

FLORIDA RAILROAD OFFICE,
Gainesville, July 17th, 1863.

His Excellency, JOHN MILTON,
Governor of Florida:

SIR—Your favor without date, has been received. In the present agony of our country, I have no taste nor inclination, for a correspondence of the tone and nature to which you invite me.

In a season of more exhilaration in the public feeling, should circumstances then seem to require it, I may respond to such portions of your letter as demand reply.

I have the honor to be, with great respect,
Your obedient servant,
D. L. YULEE, Pres.

[A]

RESOLUTION ADOPTED MAY 30, 1863, BY THE BOARD OF TRUSTEES
OF THE INTERNAL IMPROVEMENT FUND.

Resolved, That in consideration of the exigencies of the country and the great public necessity for railroad iron in the defences of the same, the Trustees of the Internal Improvement Fund do hereby give their consent, and so far as they have authority or power so to do, do authorize the President and Directors of any railroad company in the State, which has accepted the provisions of the Internal Improvement Act, to loan or sell to the government of the Confederate States, any portion of the iron on their respective roads, which the Confederate government may desire to borrow or purchase for the purpose of more effectually defending the country, during the continuance of the existing war.

[B]

HEAD QUARTERS PROV. FORCES,
DEPARTMENT MIDDLE & EAST FLORIDA,
SANDERSON, March 10th, 1862.

SPECIAL ORDER No. 90.

Capt. Buckman, 1st Florida Battalion, with his company, is hereby charged with the special duty of removing the iron from the track of the Florida Railroad and the Jacksonville Railroad, as soon as the trains on the latter shall cease running. The iron will be transported to the junction of the Tallahassee Railroad and the proposed Georgia connection. The cross-ties, &c., burnt. Capt. Hickman, A. Q. M., will furnish the transportation.

By order of General TRAPIER.

R. H. ANDERSON,
Major & A. A. G.

Certified copy.

R. Q. PINKNEY, Captain & A. Q. M.

HEAD QUARTERS PROV. FORCES,
DEPARTMENT MIDDLE & EAST FLORIDA,
TALLAHASSEE, March 18th, 1862.

SPECIAL ORDER No. 108.

Special order No. 90 is hereby modified as follows: The iron from the Florida Railroad will not be taken up south of Callahan, and all the iron removed from this road will be placed at Baldwin.

The iron from the Jacksonville road will be placed at Lake City.
By order of General TRAPIER.

R. H. ANDERSON,
Major & A. A. G.

NOTE.—The foregoing order is in progress of execution by Capt. Lesley, substituted for Capt. Buckman, to whom the order No. 90 was directed.

EXECUTIVE DEPARTMENT,
Tallahassee, March 13th, 1862.

Resolution of the Executive Council, passed March 4, 1862.

Resolved, That the Governor be authorized to have taken up such portions of the railroad iron on the Florida Railroad, when the troops shall have been removed from Fernandina, as the public security demands, and remove the same to a place of safety. Adopted.

Yeas—Messrs. M. D. Papy, Wiggins and Simpkins.

A true copy from the minutes.

Attest: E. BARNARD,
Private Secretary to his Excellency, JOHN MILTON.

E. HOUSTON, Esq.:

Gen. Trapier having ordered the iron taken up from Fernandina to Baldwin, you are requested to send the trains necessary to assist in moving the rails, as they are taken up, to a place of safety, beyond the reach of the enemy.

Gen. Trapier has authority from the government.

JOHN MILTON,
Governor of Florida.
By E. BARNARD,
Private Secretary to his Excellency.

[C]

TREASURY DEPARTMENT, TREASURY OFFICE,
Tallahassee, Fla., June 10, 1863.

Statement of the issue of Bonds and the payment of Interest on account of the following railroads, viz :

<i>Florida Railroad.</i>	
Amount of Bonds issued,	\$1,618,000
Amount of Interest paid,	\$200,799
Less received on net earnings account,	14,514.28
	\$186,280.72

Pensacola & Georgia Railroad.

Amount of Bonds issued,		\$1,200,800
Amount of Interest paid,	\$76.994	
Less received on net earnings account,	<u>25,750.61</u>	
	\$51,243.39	

Florida, Atlantic & Gulf Central Railroad.

Amount of Bonds issued,		\$555.00
Amount of Interest paid,	\$34,820	
Less received on net earnings account,	<u>8,753.71</u>	
	\$26,066.29	

Tallahassee Railroad.

Amount of Bonds issued,		\$206.000
E.E.	C.H. AUSTIN,	
	Treasurer Board Trustees Int. Imp. Fund.	

[D]

RESOLUTION in relation to the present War.

WHEREAS, The State of Georgia has, in a spirit of fraternal sympathy, pledged herself, by resolutions solemnly adopted by her Legislature, to cooperate with her sister States of the Confederacy in the impending struggle for our lives and liberties, and to this end to contribute all the means at her command to the support of the common cause. Therefore ---

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That it is the sense of this Legislature that Florida, one of the first States to secede from the old Union, will be one of the last to lay down its arms, and in the impending struggle will stand by her sister States to the last man and last musket, until peace is established on the basis of a separate nationality, and the independence of the Confederate States is unconditionally acknowledged by the United States.

Be it further resolved, That a copy of said report and resolution be transmitted to the President of the Confederate States and also to the Governors of each State, and to the Congress of the Confederate States.

Passed the House of Representatives Dec. 9, 1862. Passed the Senate Dec. 9, 1862. Approved by the Governor Dec. 11, 1862.

JOINT RESOLUTION relative to the completion of the Pensacola and Georgia Railroad to the Apalachicola River.

WHEREAS, The early completion of the Pensacola & Georgia Railroad to the Apalachicola river, thereby bringing into immediate connection the different portions of the country comprehended in the district over which the command of Brigadier General Cobb extends, is, in the opinion of this General Assembly, a military necessity, which should not be overlooked by the State and the Confederate government; AND, WHEREAS, the completion of said road to the Apalachicola river, will not only greatly facilitate the efforts of the commanding General, defending the country assigned to his command, but will likewise aid in the defence of East Florida, by furnishing the means for the speedy transmission of supplies, which may be drawn from upper Georgia, or through Columbus, in this State, and will likewise afford an easy means to transfer to points in other States the abundant produce of our State, so needful for the support of our armies; therefore,

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Governor be and he is hereby authorized and requested to urge upon the Confederate government the great importance of completing, at an early day, the Pensacola & Georgia Railroad to the Apalachicola river, and to obtain any aid the Confederate government may be enabled to render in procuring the iron rail, or otherwise, with a view to the speedy accomplishment of so important an object: *Provided,* that in the construction of said railroad, none of the iron shall be removed on any of the railroads now completed in the State of Florida.

Passed the Senate Dec. 12, 1862. Passed the House of Representatives Dec. 13, 1862. Approved Dec. 15, 1862.

Which was read, and message and accompanying documents, ordered to be spread upon the journal.

Resolution relative to the war between the Confederate States and the United States.

Was read the first time, rule waived, read the second and third times by its title and put upon its passage;

The vote was:

Yeas—Mr. President, Messrs. Abercrombie, Allison, Arnow, Carter, Cater, Cooper, Hogue, Holland, Hopkins, Jones, King, Roper, Russell of 17th District, Scott and Taylor—16.

Nays—None.

So the resolution passed—title as stated.

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

The rule was waived to allow the Committee on Enrolled Bills to make the following report:

The Committee on Enrolled Bills, have examined the following, and find it correctly enrolled:

A bill to be entitled an act to declare and establish the rights of the State of Florida in certain Railroads.

J. M. ARNOW, Chm'n.

Which was read.

The following communication was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
December 4th, 1863. }

HON. E. J. VANN,

President of the Senate:

SIR:—The House has this day adopted Senate Resolution in relation to the war between the Confederate States and the United States.

Respectfully,
THOS. B. BAREFOOT,
Clerk of the House of Representatives.

Which was read, and the resolution ordered to be enrolled.
Also the following:

HOUSE OF REPRESENTATIVES, }
December 4th, 1863. }

HON. E. J. VANN,

President of the Senate:

SIR:—The House has this day indefinitely postponed Senate bill to be entitled an act to levy a Tax on Blockade or other imported Liquors and other goods.

The House has also refused to pass Senate resolution relative to the Indian River Canal and Fund.

Respectfully,
THOS. B. BAREFOOT,
Clerk of the House of Representatives.

Which was read.

The rule was waived, to allow Mr. Norwood, from the Committee on Finance and Public Accounts, to make the following report:

The Committee on Finance and Public Accounts, beg leave to report the indebtedness of the State at the commencement of the present session of the General Assembly, as follows:

Treasury Notes issued under the various acts of the General Assembly, 1,535,650.20. Treasury Notes redeemed and destroyed by fire, for the years 1862 and 1863, \$62,061.55. Now in the Treasu-

ry, 382,979.40. Having still in circulation, \$1,090,509.24. That the whole bond indebtedness of the State is, \$668,117, of these it seems there is \$247,500.00 of the Confederate loan. The State also has in the Treasury, Confederate Treasury Notes to the amount of 47,364.09. Also in the Treasury, Virginia and North Carolina bonds \$29,500. In the Comptroller's office 27,972.45, in Virginia, North Carolina, Tennessee and Charleston bonds, while her annual revenue from all sources, is not more than about \$80,000.

Your Committee, however, have not thought proper to recommend the raising of the taxes as the public domain is ample, and more than ample for the redemption of her indebtedness; as she yet has about 7,000,000 acres of surveyed lands, together with a large territory of unsurveyed public lands.

JESSE NORWOOD, Chm'n.

Which was read.

The rule was waived, to allow Mr. Hogue to present the following resolution:

Resolved, That the thanks of the Senate be and the same are hereby tendered to the Hon. E. J. Vann, President of the Senate, for the able and impartial manner in which he has presided over the Senate during the present session of the General Assembly; Also, to the Secretary and other Officers for the faithful manner in which they have discharged their duties.

Which was adopted by acclamation.

The following communication was received from his Excellency, the Governor:

EXECUTIVE DEPARTMENT,
Tallahassee, December 4, 1863. }

HON. E. J. VANN,

President of the Senate:

SIR:—I return, without my approval, "An Act to declare and establish the rights of the State of Florida in certain Railroads."—Time will not permit that I should enter at length into an exposition of the reasons for my withholding my approval from this act, as the Legislature will probably adjourn in a few minutes. They are simply these: First, the act is calculated to impede and damage sercously the vitally important military operations of the Confederate Government. Second, it is calculated to produce a conflict between the State and the Confederate Governments at a time when such conflict would be of incalculable damage to our cause. Third, and finally, because the provision of the Act imposing duties other than judicial of the Judges of the Supreme Court, is clearly and positively directly against the provisions of the Constitution of this State.—See Art. V. clause 19th, Constitution. For these reasons I cannot approve this act.

The defences of the State, in the fearful war in which we are engaged, have been entrusted to the Confederate Government. Circumstances have required, on the part of the Government, the exercise of extraordinary power. The confidence of the people has entrusted Officers of that Government to decide upon "extreme emergencies," which will justify extreme measures for our defence. To save the Confederate States from being subjugated, some of our citizens, *without their consent*, have been taken from their homes to distant battle fields, the property of farmers, merchants and other citizens, have been impressed and appropriated to the use of the Government in the conduct of the war. Why should not iron from rail roads be impressed if needed? Rail Road Companies have no claim paramount to the general safety; their claims should not be more respected than the rights of freemen to personal liberty, or of farmers, merchants, and other citizens, to enjoy the peaceful possession of their property.

By an Ordinance of the State in Convention, as well as by an act of the General Assembly of the State, the faith and honor of Florida was solemnly pledged to sustain the Confederate Government "to the uttermost of her resources," and I am not disposed to sanction any measure which deprives the Government of the necessities of actual political existence, when she calls for aid in the darkest and most trying hour of her mighty struggle.

Very Respectfully,
JOHN MILTON.

Which was read.

The question being upon the passage of the bill over the Governor's veto,

The vote was:

Yeas—Mr. President, Messrs. Abercrombie, Arnow, Carter, Cater, Clary, Hopkins, Jones, Norwood, Roper and Scott—11.

Nays—Messrs. Allison, Cooper, Hogue, Holland, King, Russell of Jefferson, Russell of 17th District and Scott—8.

So the Governor's veto was sustained.

The rule was waived to allow the Committee on Enrolled Bills to make the following report:

The Committee on Enrolled Bills, beg leave to report, as correctly enrolled, the following resolution:

Resolution in relation to the war between the Confederate States and the United States.

J. M. ARNOW, Chm'n.

Which was read.

The following communication was received from his Excellency, the Governor:

EXECUTIVE DEPARTMENT,
Tallahassee, December 4th, 1863.

Hon. E. J. VANN,

President of the Senate:

SIR—I have approved and signed the following resolution:
Resolution in relation to the accounts of the late United States Receivers and Registers.

Very respectfully,
JOHN MILTON.

Which was read.

A Committee from the House appeared at the bar of the Senate, and reported that they had been appointed a Committee on the part of the House, to act with a similar Committee on the part of the Senate, to inform his Excellency, the Governor, that the General Assembly was prepared to adjourn, in conformity with a resolution passed by the General Assembly.

Mr. Russell of Jefferson, moved that a Committee be appointed, to act with a similar Committee on the part of the House, to notify his Excellency, the Governor, that the General Assembly was ready to adjourn, and to ask if he has any further business to communicate to the General Assembly;

Which was adopted.

The President appointed as said Committee, Messrs. Russell of Jefferson, Norwood and Cooper.

The Committee retired, and after a short time returned, and reported that they had performed their duty, and that the Governor tendered his respects and congratulations to the Senate, and were discharged.

Mr. Holland moved, that a Committee be appointed, to notify the House of Representatives, that the Senate was prepared to adjourn in conformity with a resolution passed by the General Assembly;

Which was adopted.

The Chair appointed as said Committee, Messrs. Russell of Jefferson, Norwood and Cooper.

The Committee retired, and after a short time returned, and reported that they had performed their duty, and were discharged.

A Committee from the House appeared at the bar of the Senate, and reported that they had been appointed a Committee to inform the Senate, that the House of Representatives was ready to adjourn in conformity with a resolution passed by the General Assembly.

The hour having arrived for the adjournment of the General Assembly, Hon. E. J. Vann, President of the Senate, addressed the Senate briefly, thanking them for the honor bestowed upon him, at the conclusion of which, he declared the second session of the twelfth General Assembly, adjourned *sine die*.