

any committee on a question where his private right is immediately concerned.

On motion of Mr. Knight, rule 20th, having been read, was amended by striking out the words, "unless there be a quorum left present," and adopted, to be numbered 19, and read as follows:

RULE 19. No member shall absent himself from the Senate without leave.

On motion of Mr. Bradwell, Robert M. Smith, Senator elect from the Sixteenth District, came forward and took the oath of office.

On motion of Mr. Bradwell, rule 21st, having been read, was adopted, to be numbered 20, and read as follows:

RULE 20. Any rule or order may be altered, dispensed with or rescinded, a majority of the members present consenting thereto.

On motion of Mr. Bradwell, rule 22d, having been read, was adopted, to be numbered 21, and read as follows:

RULE 21. Whenever a question shall be taken by yeas and nays, the Secretary shall call the names of all the members, except the President, in alphabetical order, and every member present shall answer to his name, unless excused; and no member shall be permitted, under any circumstances, to vote after the decision is announced from the Chair.

On motion of Mr. Alden, rule 23d, having been read, was amended by striking out the committees named therein and inserting others, and was adopted, to be numbered 22, and to read as follows:

RULE 22. The following Standing Committees shall be appointed at the commencement of the first session, to wit:

- A Committee on the Judiciary.
 - A Committee on Education.
 - A Committee on Finance and Taxation.
 - A Committee on Claims.
 - A Committee on Corporations.
 - A Committee on City and County Organization.
 - A Committee on the Militia.
 - A Committee on Legislative Expenses.
 - A Committee on Agriculture.
 - A Committee on Public Printing.
 - A Committee on Enrolled Bills.
 - A Committee on Engrossed Bills.
 - A Committee on State Institutions.
 - A Committee on Railroads.
 - A Committee on Public Lands.
 - A Committee on Privileges and Elections.
- And each of these Committees shall consist of five members.

Mr. Smith moved to postpone the further consideration of the rules for to-day.

On motion of Mr. Meacham, the motion was laid on the table.

Rule 24 was read, and Mr. Bradwell moved its adoption, when a message was received from his Excellency the Governor, nominating David Montgomery for Sheriff of Madison county.

On motion of Mr. Knight, the Senate went into Executive session, the Assistant Door-keeper having been sworn.

The President directed the yeas and nays to be called on the confirmation of the appointment, and David Montgomery was unanimously confirmed to be Sheriff of Madison county, and the Governor notified of the confirmation.

On motion of Mr. Smith, the Senate adjourned till 10 A. M. to-morrow.

WEDNESDAY, July 8th, 1868.

The Senate met pursuant to adjournment, at 10 A. M.

The President in the Chair.

The roll being called, a quorum was present.

On motion of Mr. Knight, the reading of the Journal was dispensed with.

On motion of Mr. Mobley, leave of absence was granted Mr. Meacham for five days.

The rules being suspended, it was, on motion of Mr. Hunt, *Resolved*, That a committee of three Senators be appointed by the President to wait upon his Excellency the Governor, and inform him that the Senate has a quorum present, and is ready to receive any communication he may be pleased to make.

The President appointed Messrs. Hunt, Davis, and Alden as such committee, and the committee withdrew.

On motion of Mr. Mobley, leave of absence until Saturday next was granted Mr. Jenkins.

On motion of Mr. Knight, leave of absence was granted Mr. Purman during his illness.

The consideration of the rules was taken up, where it was suspended yesterday.

On motion of Mr. Davidson, rule 24th having been read, was adopted, to be numbered 23, and to read as follows:

RULE 23. All committees shall be appointed by the President, unless otherwise specially directed by the Senate; and the person first named shall be chairman, and whenever a member of a committee shall be absent and a substitute shall be appointed, the substitute shall hold the same rank in the committee as the member held for whom he is substituted. In all elections of

committees by ballot, the person having the highest number of votes shall act as chairman.

The committee returned and reported that the Governor would meet the Legislature in joint session at 12 M., and read his message in person.

On motion of Mr. Knight, the report was received, and the committee discharged.

On motion of Mr. Bradwell, the rules being suspended, it was *Resolved*, The Assembly concurring, that the Legislature meet in joint session at 12 M., to hear the Governor's message, and a message was sent to the Assembly informing the Assembly of their action.

On motion of Mr. Goss, rule 19, as adopted yesterday, was reconsidered and stricken out.

On motion of Mr. Knight, rules 25th, 26th, and 27th, were stricken out.

On motion of Mr. Goss, rule 28th, having been read, was amended by striking out the whole of the first sentence, and was adopted, to be numbered rule 23, and to read as follows:

RULE 23. No bill or resolve shall be introduced by a member without special leave; and all bills and resolves when so introduced, shall be committed before they are passed to a second reading.

On motion of Mr. Knight, rule 29th was stricken out.

On motion of Mr. Knight, rule 30th was stricken out, and substitute adopted, to be numbered 24, and read as follows:

RULE 24. No bill or resolve shall pass to be engrossed without two several readings on two several days.

On motion of Mr. Knight, rule 31st was stricken out.

On motion of Mr. Knight, rule 32d, having been read, was amended by striking out the word "engrossed" between the words "all" and "bills," inserting the words "after the second reading" after the word "resolves," and dropping all after the word "thereof," and was adopted, to be numbered 25, and read as follows:

RULE 25. All bills and resolves, after the second reading, shall be committed to the standing committee on Engrossed Bills, whose duty it shall be to strictly examine the same, and if found by them to be rightly and truly engrossed, they shall so endorse on the envelope thereof.

On motion of Mr. Bradwell, rule 33d, having been read, was adopted, to be numbered 26, and read as follows:

RULE 26. No engrossed bill or resolve shall be amended without the unanimous consent of the members present.

On motion of Mr. Goss, rule 34 was stricken out.

On motion of Mr. Goss, rule 35, having been read, was amended by striking out the words, "the principal or executive clerk,"

and the words, "and the Door-keeper and the Assistant Door-keeper," and was adopted, to be numbered 27, and read as follows:

RULE 27. When acting on confidential or executive business, the Senate shall be cleared of all persons except the Secretary and the Sergeant-at-Arms.

A message was received from the Assembly announcing that that body had adopted the joint rules reported by Committee on Joint Rules.

On motion of Mr. Knight, the message was received.

On motion of Mr. Hunt, rule 36th, having been read, was adopted, to be numbered 28, and read as follows:

RULE 28. Messages shall be sent to the Assembly by the Secretary, who shall previously indorse the final determination of the Senate thereon.

On motion of Mr. Knight, the following rule was inserted, and adopted, to be numbered 29:

RULE 29. Committees are authorized, when they report a bill which in their opinion should be printed, to forward it at once to the printer without previous action of the Senate.

On motion of Mr. Knight, the following rule was inserted and adopted, to be numbered 30:

RULE 30. No person not a member of the Senate shall be allowed inside the bar; while the Senate is in session, except the Governor, his Cabinet officers, and Judges of the Supreme and circuit courts, unless by invitation of the President, or a majority of the members present.

On motion of Mr. Smith, rule 37, having been read, was adopted, to be numbered 31, and read as follows:

RULE 31. The rules of parliamentary practice comprised in Jefferson's Manual, shall govern the Senate in all cases to which they are applicable and in which they are not inconsistent with the standing rules and orders of the Senate, or the joint rules of the two branches of the Legislature.

On motion of Mr. Knight, the following rule was inserted and adopted, to be numbered 32:

RULE 32. The following shall be the hours of the daily sessions of the Senate, unless otherwise ordered, 10 A. M. and 4 P. M.

On motion of Mr. Knight, rules 38 and 39 were stricken out.

On motion of Mr. Knight, rule 21, as yesterday adopted, was transposed, to be numbered 32, and the necessary changes in the numbers of the other rules was ordered to be made.

On motion of Mr. Knight, the rules were read and adopted as a whole, and two hundred corrected copies were ordered to be printed.

Mr. Mobley moved that a committee of three be appointed to

prepare a code of practice in civil and criminal cases for the courts of this State.

Mr. Goss moved to amend by striking out the words "and criminal."

On motion of Mr. Knight, the amendment was laid on the table.

The question being put on the original motion, the motion was agreed to.

On motion of Mr. McCaskill, leave of absence was granted Mr. Weeks.

The President announced the following standing committees:

STANDING COMMITTEES OF THE SENATE.

Committee on Judiciary.

Messrs. GOSS, KNIGHT,
MOBLEY, PURMAN,
SMITH.

Committee on Education.

Messrs. GINN, PEARCE,
DAVIS, DAVIDSON,
UNDERWOOD.

Committee on Finance and Tax.

Messrs. MOBLEY, JENKINS,
PURMAN, DAVIDSON,
McCASKILL.

Committee on Claims.

Messrs. PURMAN, KATZENBERG,
MEACHAM, WOOD,
GOSS.

Committee on Corporations.

Messrs. HUNT, MOBLEY,
SMITH, BRADWELL,
MORAGNE.

Committee on City and County Organizations.

Messrs. KNIGHT, BRADWELL,
ATKINS, WEEKS,
PEARCE.

Committee on Militia.

Messrs. JENKINS, ALDEN,
PURMAN, McCASKILL,
DAVIS.

Committee on Legislative Expenditures.

Messrs. GOSS, GINN,
UNDERWOOD, MEACHAM,
KRIMMINGER.

Committee on Agriculture.

Messrs. KRIMMINGER, DAVIDSON,
WEEKS, CRAWFORD,
GINN.

Committee on Public Printing.

Messrs. ALDEN, KATZENBERG,
KNIGHT, WEEKS,
MEACHAM.

Committee on Enrolled Bills.

Messrs. DAVIS, SMITH,
HUNT, WOOD,
KRIMMINGER.

Committee on Engrossed Bills.

Messrs. DAVIDSON, GOSS,
ATKINS, PIERCE,
ALDEN.

Committee on Railroads.

Messrs. SMITH, HUNT,
WEEKS, MOBLEY,
KATZENBERG.

Committee on State Institutions.

Messrs. PEARCE, KNIGHT,
JENKINS, MOBLEY,
KENDRICK.

Committee on Public Lands.

Messrs. BRADWELL, KRIMMINGER,
MORAGNE, JENKINS,
CRAWFORD.

Committee on State Affairs.

Messrs. KATZENBERG, SMITH,
PURMAN, CRAWFORD,
DAVIDSON.

Committee on Privileges and Elections.

Messrs. PURMAN, DAVIDSON,
MEACHAM, MORAGNE,
ALDEN.

On motion of Mr. Mobley, a committee was sent to inform Col. Sprague that the Governor's message was about to be read.

A message was received from the Assembly announcing that that body was ready to meet with the Senate in joint session.

On motion of Mr. Mobley, the Senate proceeded to the Assembly room, and the joint session was called to order by the President.

On motion of Mr. Knight, a committee consisting of Messrs. Knight, Pearce, and Stearns, were sent to inform the Governor that the Legislature was ready to receive him.

After a brief absence, the committee returned, and his Excellency the Governor and Col. J. T. Sprague entered the Hall.

The Governor then read the following message, and presented accompanying reports:

GOVERNOR'S MESSAGE.

GENTLEMEN OF THE SENATE AND OF THE ASSEMBLY:

On the 8th of June you convened under peculiar and extraordinary circumstances. In a military district, but without military sanction, you met under the authority of Federal laws and in obedience to the requisitions of the new constitution of the State, which the people had adopted, and which is to be our fundamental law. You promptly complied with the conditions prescribed by Congress as necessary to our recognition and admission as a State in the Union, and then informally dispersed to await the action of Congress. On the 25th, Congress declared us entitled to admission, and on the 30th Florida was represented in both branches of the National Legislature—A STATE WITHIN THE UNION.

You adjourned, a *provisional* government, subordinate to military authority; to-day you assemble, a *government in fact*—sovereign and independent, within the sphere of the Federal Constitution.

After near eight years of defiant wandering and estrangement—during a portion of which no peaceful citizen was safe from the demands of a lawless despotism, and life and property were at the mercy of usurpers, Florida has renewed her allegiance to the Federal Constitution and resumed her position in the Union of States, with a radical change in her fundamental law, which compels a corresponding change in our system of legislation.

With most devout gratitude to Almighty God, who has restored the inheritance of our fathers and brought freedom and republican government to our famished and suffering State, I congratulate you on this great consummation, so dear to every true American heart, and bespeak your earnest co-operation, one and all, in rendering permanent and secure the advantages He has graciously vouchsafed us.

FEDERAL RELATIONS.

Congress has manifested the most earnest desire to secure to the conquered States of the South all the advantages of civil government, and to foster our interests and encourage our prosperity. It has repealed the unjust and oppressive cotton tax, and gives every assurance of a most liberal appreciation and reciprocation of all efforts on the part of our citizens to restore civil authority and establish law and order. If we now manifest a spirit of loyalty to the government, and unite in behalf of the highest interests of the State, regardless of the past, Congress will in the most liberal spirit co-operate in our material restoration, by granting us facilities for the completion of our works of internal improvement and the reparation of our dismantled coast defences and our fallen commerce.

In its wisdom, in legislating for the restoration of the government upon a safe and permanent basis, Congress, as a measure of precaution, and in no spirit of vengeance, saw fit to exclude from places of trust and power, a class of our citizens who had been prominent in the effort to overthrow the constitution. This exclusion is so limited that it probably affects less than a thousand of the people of the State. Included among these are many who were not voluntary parties in the rebellion, and who since the surrender have faithfully co-operated in the work of restoration; and for such, and such only as have thus manifested their fealty to republican government, and their disposition to render it permanent, I recommend the favor of the Legislature, in securing the clemency of the national government for a restoration of their forfeited privileges.

OUR CONSTITUTION.

Much wild and mischievous denunciation has been passed upon the authors of our most wise and beneficent constitution by thoughtless men, who have permitted their passions and prejudices to control their judgment. In some instances, this opposition may be the result of reflection and the exercise of their best judgment. A few, no doubt, have read the constitution, article by article and section by section, and have come to the conscientious conclusion that they could not approve. Of these we cannot complain; this is a free government—they are

entitled to their opinions. The masses, however, led by reckless leaders, who oppose any and every system that does not invest the powers of the government in the hands of a particular class, have opposed it. Men who oppose every system that does not manifest in its construction the intent and purpose to carry out a spirit of hostility to true republicanism, have sported with the true interests and welfare of the people of our State, by wild and reckless denunciation, and have led many really good meaning men astray upon this subject. These men have no charity for those who differ with them as to governmental policy. The simplest whisper which would indicate a difference in opinion as to measures, and the propriety of accepting the results of the past, is met by bitter denunciation, vituperation, and abuse.

It should be remembered by all thinking men that many of the citizens of this State—indeed, if the issue had been openly made, perhaps a majority of them were opposed bitterly to the inauguration of those measures which led to hostilities between the two sections, and which first resulted in financial ruin and bankruptcy, and finally ended in conquest. The desire of a majority of the southern people, no doubt, was that no revolution should have been inaugurated until some act had been done by the general government, looking to the destruction or disregard of their rights; and, had they waited for this, the unnumbered thousands that have been slain would now be living men, and the ruin and bankruptcy which followed never would have occurred. This they did not do. Urged on by mad theorists and theories, these men were led to adopt such measures as necessarily resulted in war. The large class of men in the Southern State who were opposed to the inauguration of these measures, by yielding, lost their prestige, and they have ever since been the subjects of a despotism of the few.

Since the power of the government of the United States has been extended over this State, and since the surrender, these same men, controlled by the same theorists and crushed by their power, while they have in their hearts desired peace and a reorganization of the government, have yet submitted to the continued control of this oligarchy. Many of them have conscientiously opposed the measures of the government, looking to the inauguration of legal governments in the Southern States, because they did not

like the gift of suffrage to the colored man—a gift resulting from the action of the republican party, and which, if it had been denied, would have been a most ungrateful act. The government could not, with honor, deny to the man who carried a musket in its defense, a voice in its administration. To have required him in war to fight, and in peace to bear the burden of all other citizens, and then deny him a voice in its administration, cannot be sustained by any argument based upon principles of justice or morals. Some persons' ideas of policy may lead them to oppose it. We hear never-ending abuse on the part of the man who is rendered ineligible to office for out-spoken and openly-acted rebellion in arms, because he is required to pass through a probation of ineligibility for this cause; and in the very next breath the act of vesting the right of suffrage upon the man who bore arms in its defense, and who pays equal taxes with himself, is cursed as an evidence of despotism. Is this consistent, or is it just?

This is what we say to that majority of the white people of this State who opposed secession, and who have yet opposed our constitution on account of the suffrage question: it was but justice, and we freely gave it to the colored man. But, again, we say the suffrage question is settled—it is fixed. No politician, however great a blunderer he may be, can fail to perceive, from the results of the late election, what will be for all time in this State the destiny of the party that will attempt to wrest the suffrage from the colored man. Defeat—signal defeat—will be henceforth the result; therefore, we regard this question as settled in the State of Florida, and do not expect that it can or will in future be a living political question.

Under this state of circumstances, to those of this State who have been under the despotism of the few—whose property has been depreciated in value—whose lands have been made waste by their rash acts, we say, unite with us in the inauguration of a government, and aid us with your counsel and support, so that we may once again have civil rule, with peace and prosperity throughout our entire State.

But, I have wandered from the subject—our State constitution. I do not purpose to argue the policy of the appointing power vested by it in the Executive, or other questions of like

character. These questions are not the ones which the people will expect and desire to hear discussed. The first question which I shall consider, and that one which most materially affects our people, is: Can the government, with the salaries provided by the constitution, be maintained without imposing any additional taxation upon the people?

I think it can be demonstrated that it can.

The receipts at the treasury, for the fiscal year ending November 1st, 1867, amounted to,.....	\$161,806 21
The warrants issued amounted to,.....	187,667 63
Difference between warrants and receipts,.....	25,861 42
There is, however, due for the year 1866, not yet collected, the sum of.....	28,477 60
Thus, if the revenue had been collected, as it should have been, we would have had an excess of revenue over warrants paid of.....	2,616 18

We have, also, that the revenue of the State for the year 1866, stood thus:

Amount received at the treasury,.....	\$161,806 21
Amount which should have been received and due for 1866,.....	28,477 60

The total amount under present assessment,.....\$190,283 81

Now let us see if, with the salaries prescribed by the Constitution for executive, legislative, and judicial officers, the State government cannot readily be maintained under existing taxation.

The salaries, as prescribed by the constitution, embracing executive, legislative, and judicial officers, amount to, say, at the greatest, \$105,000. This leaves a margin of \$85,000 under present assessments to defray the other expenses of the government. But not to leave the matter to speculation, suppose we make a more accurate calculation, thus:

We have seen above what amount will be necessary to pay executive, legislative, and judicial officers. If from the revenue of 1866 we deduct the amount then found necessary to maintain the executive, legislative, and judicial officers, we will have left some data from which to ascertain whether we can pay the other expenses of the government with \$85,000.

The expenditures, other than those mentioned above, are as follows:

Criminal prosecutions.....	\$35,733 05
Jurors and witnesses.....	22,675 54
Governor's residence.....	1,000 00
School fund.....	1,171 79
Seminary fund.....	891 21
Contingent expenses circuit court.....	2,656 04
West Florida Seminary.....	7,581 00
East Florida Seminary.....	3,700 00
Contingent expenses State.....	5,702 26
Maintenance of lunatics.....	1,019 65
Indian hostilities, 1849.....	2,516 86
Contingent expenses Supreme Court.....	1,345 76
Printing and publishing.....	17,204 49
Post mortem examinations.....	765 87
Pension Mrs. Reed.....	300 00
Compensation to Attorney General.....	33 00
Expenses of boundary line.....	50 00
Executors of Gov. Perry.....	5,567 09
School fund interest.....	914 91
Artificial limbs.....	125 00
State debt.....	2,606 00
Freedmen's school fund.....	2,892 88
Expenses of convention.....	206 00
Repairs of capitol.....	1,144 44
Moneys refunded.....	50 00
Census of 1867.....	7,040 78
Supreme Court reports.....	250 00
Total.....	\$125,143 62

Thus we have the expenses of the State government, other than executive, legislative, and judicial, amount to \$125,143.62. In regard to these items, we can safely estimate with proper legislation that we will diminish two of them thus:

Criminal prosecutions.....	\$15,000 saving—	\$20,733 05
Jurors and witnesses.....	10,000 “	— 12,675 54

And we will not have to incur the following:

Pension Mrs. Reed.....	300 00
Compensation to Attorney General.....	33 00
Boundary line.....	50 00
Executors of Gov. Perry.....	5,567 00
Artificial limbs.....	125 00
Expense of convention.....	206 00
Census of 1867.....	7,540 00
Total.....	\$47,229 59

Leaving to be provided, according to expenditure of 1866, which we will have to provide for after paying salaries, executive, legislative, and judicial, the sum of \$77,914.03, bringing the sum within the amount of \$80,000. But again, some items which upon the basis above taken we have supposed will have to be paid by the State, will not have so to be paid. The item of West Florida Seminary, \$7,581, will not be more than one-half this amount.

In connection with this subject, I would remark further, that it cannot be doubted that, under the present system, a very large amount of property is not taxed, and the system of assessment is so radically defective that the assessor is not really able to know but little of it. A proper system for the assessment of all the taxable property in the State, at a fair cash value, will result in great relief to that portion of our citizens who have heretofore borne the burthen and expense of maintaining the State government. Immense tracts of land, owned by non-residents, and others, some of which lands are among the most valuable and productive, have either escaped taxation altogether, or been charged so slightly that they have been withheld from market and from cultivation, thus impeding immigration and the increase of population, and throwing the burthen of maintaining the government, the improvement of roads and bridges, and opening the avenues of commerce and agriculture upon the property of others, and upon individual industry and enterprize. Beside this, there is no good reason why corpora-

tions, which exist upon the necessities of the people, should monopolize a large portion of the property and business of the State, and be exempt from their share of the expense of maintaining the government that creates and protects them. So far as they can properly be made subjects of taxation, it should be done. Uniformity in the assessment, and the certainty of the enforcement of revenue laws, tend also to enhance the financial credit of the State, at home and abroad. The right to levy taxes includes the right to enforce their prompt collection, by the sale of the property of non-residents as well as of residents.

Again, the remarkable fact is disclosed by the report from the treasury department that the amount due by revenue officers for a series of years is now \$88,585.71

And there is due for the year 1866 28,477.60

Total \$117,063 31

Again, it appears that no assessments were made during the year 1866 in the counties of Brevard, Dade, and Putnam.

The most prompt attention should be given to these matters, and whatever legislation is necessary to collect the dues of the State, should be had.

We think we have answered satisfactorily the question, Can the State government, with the salaries provided by the constitution, be maintained without imposing any additional taxation upon the people?

So far as this is concerned, then, there can be no reasonable objection to our constitution. We hope, by judicious management, not only to support our government with the present amount of taxation, but, at an early day, to discharge the entire amount of interest due upon our State debt.

We do not propose to resort to expedients to postpone the debt to the next administration, and then, before we are done with postponements, leave it as a legacy to the next generation. This policy has been pursued long enough; it is our purpose to realize it at once and attack it at once.

It has been said that our constitution is proscriptive. Is this so?

No subject can be measured without a standard, and the highest measure of justice on the part of one of two parties who

differ upon any question, is to leave the question to be decided by such standard as his opponent may conscientiously prescribe and adopt. In the event of success in the late rebellion, what would the extreme secessionists have done to a citizen of the United States? We find on page 92 of the Convention Journal of 1861, the answer to this question in the following words:

"Be it ordained by the people of the State of Florida in Convention assembled, That the sixth article of the constitution of this State be amended by the addition thereto of the following section, to become the 19th section of such article:

"No citizen of any of the States or Territories of the United States, which are now at war with the Confederate States, shall ever be admitted to the rights of citizenship in this State; no such person shall vote at elections, be eligible to office, hold real estate, exercise any profession or trade, be engaged in mechanical, manufacturing, commercial, banking, insurance or other business, under pain of confiscation to the use of the State of all property of such person as shall violate this clause of this Constitution."

This was passed unanimously.

Such was the standard of our opponents in their day of authority; what says *our* constitution on these subjects? First, as to rights of citizenship: It protects all persons without discrimination, guarantees the right of trial by jury, secures them in the possession and protection of their property. It expressly provides that every male person, of the age of twenty-one, shall vote, who is a citizen of the United States, and who shall have had his permanent place of abode in Florida for one year, and who will swear to support the constitution of the United States, and will bear true faith to the government of the United States; and all persons are eligible to office who have not been rendered ineligible by the constitutional amendment covering the subject.

We do not appeal to the man whose prejudices control his judgment, and whose passions do not permit his reason to be exercised, and whose argument consists of vulgar abuse; but we ask any just and honest thinking man to look upon these two

pictures, and answer the question, Is the present constitution of this State proscriptive? We leave this question to be answered, and do not conceive that any intelligent man cares to have anything further said, to enable him to reach a proper conclusion.

These have been the chief grounds of objection to the constitution. There are others which, it must be admitted, have some foundation, but they are not such as should have led any thoughtful man, under all the circumstances, to have opposed it, no matter what may have been his particular political views. There are other considerations, too, affecting the very highest interest of every individual in the State, which should have led them to support it.

GENERAL LEGISLATION NECESSARY.

I invite your attention to the following, among the subjects which will necessarily claim your attention:

1. Laws providing for registration and the conducting of elections.
2. Laws for the organization and government of the Legislature, and prescribing the powers, privileges, and duties of its members and officers.
3. Laws for the organization of the executive and administrative affairs of the State, prescribing the duties and powers of each, the bonds to be given, &c.
4. Laws for the organization of the public school system; the care and distribution of school funds, and their income; the management and sale of school, university and seminary lands. The school system will be under the management of the Superintendent of education; but the management, sale, and investment of the lands and funds will necessarily require the action of a Board, to be properly composed of at least three persons. In most newly-organized States, the Secretary of State or Surveyor-General, Treasurer, and Attorney-General, constitute this Board.
5. Laws for the organization of the internal improvement system. This will require a thorough knowledge of the interna-

improvement laws, the transactions of the Board under former laws, and a thorough examination of the condition of the internal improvement fund, and the lands pertaining to that department.

6. Laws for the organization of the Board of Commissioners of public institutions, viz: Insane, blind, and deaf and dumb asylums, and State prison, in pursuance of Section 20 of Article V of the Constitution.

7. Laws for the organization of the militia.

8. Laws for the assessment and collection of taxes, and a revenue system for the State.

9. Laws for the uniform government of public and private corporations. These are required by the provisions of the Constitution, and are destructive of the monopolies and exclusive privileges which retard private enterprises.

10. Laws for the organization of the judiciary, including the Supreme Court, the circuit and county courts, and justices of the peace, are demanded by the greatest good of the people. The speedy and certain enforcement of wholesome law, for the protection of private rights, and the redress of public and private wrongs, tends to lessen litigation and to diminish crime.

11. The jury system, deemed so indispensable to the rights and liberties of the people, should be carefully organized. The value of the jury is in a great measure dependent upon the probity and intelligence of its members. Jurors should be selected by proper and discreet officers, according to their intelligence and love of justice, and their independence and patriotism.

12. A well digested system of practice and pleadings in the courts should be adopted as soon as practicable. The bar and the judiciary complain much of the uncertain condition of the laws on these subjects. It is submitted whether a code similar to that adopted in several of the oldest States, and indeed recently copied by England, which preserves the beauty and harmony of the science of jurisprudence, and yet simplifies and abridges the voluminous forms and ceremonies of antiquity, will not be serviceable.

13. Laws providing for the payment of a just compensation

for the services of judges of the county courts, justices of the peace, and all administrative officers, will be found necessary. The payment of salaries to these officers is forbidden by the constitution.

14. The publication of all laws and the decisions of the Supreme Court should be provided for. No law of a general nature should go into effect until a sufficient time after its publication, to enable the people to know its provisions.

15. A speedy revision of all permanent statutes adapted to the condition of the State and the requirements of the new constitution should be made. There are some statutes, and especially those reported by a commission in 1865, which the Legislature should immediately repeal or modify. Some of these are unworthy a civilized people, and in their provisions shocking to the civilization of the age. After this action is taken, I would recommend such legislation as would secure a digest of the laws of the State. An ordinance of the convention in relation to this subject directs the appointment of a commission by the Governor, and provides for an expensive preparation and publication of the laws, court reports, &c. I have delayed action under this ordinance, which undoubtedly has the force of a law, until you could consider the matter and have an opportunity to amend or modify its provisions so as to conform to the necessities and present resources of the State.

While I call attention to all these subjects, I would advise no hasty legislation upon any of them. I think only such legislation should be had at this session as is necessary to re-organize the government, to prescribe and define the duties of cabinet officers, as near as may be, and such other legislation upon general subjects as the interest of the State imperatively demands.

AMENDMENT OF THE CONSTITUTION.

Section 27 of Article XVI. of the Constitution of this State, is as follows:

Section 27. All persons who, as alien enemies under the sequestration act of the so-called Confederate Congress, and now resident of the State, had property sequestered and sold by any

person acting under a law of the so-called Confederate States or the State of Florida, subsequent to the 10th day of January, A. D. 1861, and prior to the 1st day of May, 1865, shall be empowered to file a bill in equity in the circuit court of the State, and shall be entitled to obtain judgment against the State for all damages sustained by said sale and detention of property. The court shall estimate the damages upon the assessed valuation of the property in question in the year A. D. 1860, with interest at six per cent. from the time the owner was deprived of the same. But all judgments against the State shall be paid only in certificates of indebtedness, redeemable in State lands. Said certificates shall be issued by the Governor, countersigned by the Secretary of State and by the Comptroller, upon the decree of the court. Oral testimony shall be sufficient to establish a sale having been made.

There is certainly no principle of law which would require the State of Florida, by taxation, to pay damages to any person, which may have been occasioned by an illegal, odious, and unjust system of confiscation, instituted and carried out by the government of the late so-called Confederate States; and it is questionable whether organic action of this character, totally without, and beyond the purpose for which the convention was called, is of any legal force.

If the constitution had required that the people of Florida should pay the debt of Great Britain, I suppose no court would sanction such action. When such sales were had, it was the act of the so-called Confederate Government; it conferred no title upon the purchaser, and he is the proper party to whom the owner of the property should look for relief.

I feel satisfied that unless the Legislature shall do all in its power to relieve the State of this burden, it will be rendered bankrupt; its paper will become worthless, and even the existence of the government itself may be imperilled.

It will be difficult for the State to maintain its credit with its present debt and with its legitimate expenses; and, independent of personal interest or influence, we should see that the State treasury should be protected from the assaults which this clause in our constitution justifies.

This section is not organic in its character; it defines the powers of no department of the government, and, while I am not

in a condition to express any positive opinion upon the subject, I am inclined to think that it is of no more force than an ordinary legislative enactment.

To prevent the financial ruin which this clause will entail upon the State, and to force the injured parties to seek legal redress of those legally responsible, viz: the purchasers at such illegal and void sales, I recommend that an act be passed which will operate as a repeal of this section.

If the courts should hold that the section in question is of no more force than an ordinary act of legislation, this will be sufficient. In the event, however, that such should not be the case, I recommend that the Legislature, in addition to the act above suggested, should pass an act to amend the constitution in this respect, complying with the requirements of the constitution upon the subject of amendments.

I cannot too strongly call your attention to this matter, and I hope no suggestion will induce you to hesitate to act in the premises at once.

JUDICIAL SYSTEM.

Our judicial system requires a more extended notice. The organization of the Supreme Court and the circuit courts of the State, their jurisdiction and powers, under the present constitution, do not differ essentially from the powers and jurisdiction exercised by these courts anterior to this time, and no further legislation is necessary in respect to these courts, except such as may be necessary to prescribe the terms of the circuit court in the several counties, and the enactment of a general statute, making applicable to the present system such laws as it is desirable should be continued. The judges of the circuit and Supreme Courts have now ample power to call extra and special terms, but some legislation is necessary, prescribing what cases can be heard at such terms, and the notice to be given to suitors in such courts, whose causes are to be heard at such extra or special terms.

A material, and, I think, a wise modification of the judicial system of this State has been made in the present constitution by the organization of the county court. Hitherto the juris-

isdiction exercised by the justices of the peace in actions of such important character as those of forcible entry and detainer, often involving the question of possession of homesteads and valuable tracts of land, and too often, in fact, made to involve, by misconception of the justice, questions of title, has been, no doubt, often the grounds of just complaint, and been the means, to say the least, of unintentional wrong in many cases.

Again, under the existing statutes of this State, important questions, involving the possession of rented premises between landlord and tenant, are subjects within the jurisdiction of justices of the peace; and while these questions affect only the possession of the property, yet this is often very important, and involves large sums. Under the existing system, the judges of the circuit courts are required to hold but two terms of their courts in each county during the year, and to require additional terms, would not give them sufficient time to dispose of their chancery causes, and the consequence would be, without such terms, that all parties committed by magistrates would remain confined, at the expense of the State, for months before their trial.

All of these difficulties are obviated by the organization of the county court system, and, to meet them, I respectfully suggest that acts be passed upon these several subjects investing the jurisdiction in the county courts to try these possessory actions, authorizing in all cases the right of appeal, subject to the condition that the appeal shall not operate as a supersedeas. A statute organizing this court, prescribing its terms and defining its general powers, is necessary.

This court having been invested with the powers and duties of the probate courts, legislation is necessary to prescribe the mode and manner of its practice in this respect. There never has been in this State any statute regulating in its detail the practice of the probate courts, although there has been a statute authorizing appeals from its judgments in certain cases; and some system of practice must be prescribed by law in order to arrive at uniformity in records, where appeals are taken, as well as to have evidence in the records of the office as to the character of the questions raised, the issues in causes, and the judgment of the court. This court, sitting as a court of

probate, should be open at all times, having, as it has, the entire management of questions connected with the administration of estates.

In this connection, I would also call attention to the fact that the civil jurisdiction of justices of the peace, under existing laws, is limited to their district. I think that parties residing in one section of the county, and especially when they reside in the section in which the contract may have been made, should not be obliged to sue their debtor in a neighboring district.

With the wise and beneficent system of exemptions, authorized by our constitution, I think the creditor, in all cases, should be afforded every means for the speedy recovery of his claims, and to this end I would recommend that the judge of the county court should be invested with the powers of a justice of the peace, and that his civil jurisdiction should extend throughout the county. The constitutional jurisdiction of this court extends to the trial of all misdemeanors and to all civil cases where the amount in controversy does not exceed three hundred dollars.

I would recommend a general statute defining specifically what shall be felonies and what misdemeanors, and that the offences most frequently committed, and which will more frequently require the attention of the courts, such as larceny, shall be embraced in the list of misdemeanors. If such legislation as this is not had, the jurisdiction for their trial must remain in the circuit court, and, upon commitment by magistrates, the parties accused must remain imprisoned for months, at a very heavy expense to the State. It is true that the terms felony and misdemeanor, as used in the constitution, in the absence of special legislation, must receive their interpretations from the definition attached to these terms at the common law. With this view it might be questionable whether an offence which was a felony anterior to the act of the Legislature, and committed before its passage, could be affected by this legislation, but, if at the time the crime is committed, it is embraced in the list of misdemeanors, there certainly can be no doubt that the jurisdiction will attach. The classification of crimes is a matter entirely within the power of the legislative branch of the government; and the constitution, certainly, cannot properly receive such a construction as would prohibit the effectual exercise of

this power in future, to bring all offences of this character within the jurisdiction of this court.

In fixing the compensation of the County Court judges, and in providing the general system of its practice, every means should be adopted to secure a court attended with as little expense as possible. In all probate matters, the parties at whose request the services are performed, should, as at present, pay the officer for his labor. In all civil suits, the parties, as a matter of course, pay the costs. I recommend, in order to secure certainty in this matter, that the fees should be fixed at a small amount, and that the officer be given the power to require payment in advance, the result of which will be a more certain compensation to the officer and less expense attending litigation to suitors. Under some circumstances, the county court judge should receive from the county a small compensation for his services in criminal cases.

With legislation of this character, I think the county court will add to the efficiency and promptness of the judicial system, will lessen expense to the State, and will result in great good to the people.

EXPENSE OF CRIMINAL PROSECUTIONS AND PAY OF JURORS AND WITNESSES.

Immediately following a consideration of the judicial system, it may be well to refer to some of its incidents, not directly connected with the organization of courts, but which, in their results, have had a very considerable influence upon the financial system of the State, as well as its past credit. By reference to the Comptroller's report for the fiscal year ending October 21, 1867, it will be found that two of the principal sources of expenditure on the part of the government are as follows:

Criminal prosecutions,	- - - - -	\$35,733 05
Jurors and witnesses,	- - - - -	22,675 54

The first head of expenditure mentioned above embraces simply fees of justices of the peace; constables, or sheriffs performing constables' duties in criminal cases; fees of clerks of circuit courts, and sheriffs, in connection with the trial of criminals in the circuit court; and fees of jailors for supporting and feeding

prisoners. It does not embrace salaries of solicitors or other officers. The second item of expense mentioned above, so far as the pay of jurors is concerned, cannot be materially lessened, as a certain number of jurors must be in attendance at each term of the courts, and, in point of fact, the pay of jurors is but a very small portion of this sum, and the larger portion of it is expended for the pay of witnesses.

It might be natural to suppose that criminal prosecutions, costing so large a sum, would result in bringing at least something to the State treasury; but by reference to the head of receipts at the treasury, we will find that the result of all this expense incurred by the government is the collection of \$1,787.28 of fines.

Thus we have that the State of Florida expended during the fiscal year 1867, in criminal prosecutions and for jurors and witnesses, the sum of \$58,408.59, equal to the interest for one year at six per cent. on nine hundred and seventy-three thousand dollars—a sum exceeding the bonded debt of the State; and for all this expenditure it receives into its treasury, under the head of fines, the sum of \$1,787.28.

I have presented this matter to you in as strong a light as possible. It is a matter about which we should not only reflect, but which demands action of the most prompt character. In order to correct an evil, we must ascertain its causes and remove them.

The causes of this evil are:

First. The disposition of magistrates to stir up and encourage complaints of a trivial character, generally resulting in the discharge of the accused, leaving the costs to be paid by the State.

Second. The summoning of a larger number of witnesses than is necessary, and the attending fees of constables.

Third. The long term of imprisonment, at the expense of the State, that often follows a commitment by the magistrate to await the trial at the next term of the circuit court.

Fourth. The general insolvency of parties convicted of offences and fined, and their confinement in idleness in jail for a long term after conviction.

The first and second causes can, in a great measure, be removed by a proper exercise of the power vested in the Executive,

and I assure you, without indicating at length the means or the policy by which it can be accomplished, that I shall use all the authority vested in me to counteract this crying evil.

The third cause will be remedied by the organization of the county court system, which will afford the means of a speedy trial in all these cases, and I would recommend that the fees of officers in criminal prosecutions be reduced one-half.

The removal of the fourth and chief cause can only be effected by a radical change, which will not only result in saving a large amount to the State, but which will accomplish, in a great measure, one of the first objects of punishment—the reformation, and the inculcation of habits of industrious and systematic labor with the criminal. That change will be the establishment of a

PENITENTIARY.

We do not deem it necessary to argue at any length any question relative to the propriety of the penitentiary system, except its economy as a system of punishment. There can be no doubt that it is the best that has ever been devised.

Under the present system, the State has really been unable to punish its criminals. To place them in jail, has simply resulted in daily expense without the most remote probability of a payment of fines imposed; the consequence has been that the Governor has found it necessary to exercise the pardoning power to save the State from bankruptcy, and while this course has resulted, no doubt, in saving perhaps considerable sums, yet it has at the same time resulted in releasing the criminal without really adequate punishment for the offence. Crime must be punished or society cannot be maintained.

A penitentiary not only answers all the purposes of society, in the punishment and reformation of those who violate the laws, but instead of being an expense to the government, it can readily maintain itself, and be made a source of income.

Without any accurate information on the subject, we may suppose that there is at least an average of one hundred persons per day, throughout the year, supported throughout the entire State, at the expense of the State, in idleness.

The cost of maintaining this number per day, under the pres-

ent fee bill, amounts to sixty dollars per day, or about \$19,500 per year. We think that any person at all familiar with the actual cost of maintaining one hundred men, with absolute necessities, would not estimate at a greater sum than \$20 per day, equal to the sum of \$7,300 for the maintenance of one hundred men for a year. The difference in these sums is \$12,000, a sum equal to the interest at 7 per cent. on \$174,000. The result of this is that the establishment of a penitentiary, without even bringing in an income of one cent, would save to the State the sum of \$12,000. It is true that no estimate is here made for the pay of keepers, but this expense would be but little, and would not materially modify what is stated above.

This is considering the matter in its very worst aspect; that is to say, upon the basis that the convict does nothing. If, however, on the other hand, we inaugurate a judicious system, it may be made a source of profit. So early as 1813, in one of the States of the Union, where the number of convicts in the penitentiary was not very large, its account was thus:

Result of labor of convicts,	\$20,204 55
Expenses, cost raw material. &c.,	13,000 00
	<hr/>
Gain,	\$7,204 55

It is to be hoped that the State may be able to accomplish something in this respect, and your thorough consideration of the subject is respectfully requested.

Should your efforts to this end be successful, we will have accomplished a great deal for our State. We hope to secure a suitable site, and buildings and grounds for the purpose, at but little, if any, expense. I would recommend the passage of a joint resolution requesting Congress to pass an act which will place the arsenal at Chattahoochee at the disposal of the State for this purpose.

INTERNAL IMPROVEMENTS.

Early in the history of the State a system of internal improvements was projected, which was in the highest degree creditable, and which should be completed at the earliest practicable period.

This system contemplated a line of railroad from Jacksonville,

on the St. Johns river, through the State, west to Pensacola, the finest harbor on the Gulf of Mexico; and a line of railroad from Fernandina, south to Tampa Bay and Charlotte Harbor. This was a magnificent conception, and worthy of the fostering care and liberal consideration of the State. It was based on a grant of lands from Congress, sufficient, with prudent management and proper appliance, to insure its consummation. It was arrested by the rebellion, and it is one of the most inscrutable mysteries of that great political blunder and legal crime, that a State so indebted for Congressional munificence and so dependent upon national favor, should have consented to a measure insuring its own destruction.

One of the results of the rebellion was the arresting this great work when half accomplished, and the forfeiture of the lands upon which it was based. And here the present government of the State finds the project: The work half done, the companies who undertook it bankrupt, the grant of lands forfeited.

Connected with this system, and by the action of the Legislature involved in it, in my judgment improperly, was the magnificent grant of swamp and overflowed lands, amounting to near fifteen million acres.

This grant should have been appropriated without previous incumbrance to the connecting the waters of the St. Johns and Indian river, and Biscayne Bay, opening navigation from the headwaters of the St. Johns river, through the Kissimmee to Lake Okechobee; the improvement of the Ocklawaha and Peace Creek, and through them and the intermediate lakes, opening navigation from the St. Johns to Charlotte Harbor; the connecting Lake Okechobee with the Caloosahatchee and Charlotte Harbor, and the draining the Everglades; the improvement of the Apalachicola river, and draining its swamps, &c., &c.

I am not sufficiently acquainted with the details of the complications which now exist in regard to the railroad land grants, the swamp land fund and lands, and the present status of the State in relation to them, to give an opinion as to what course should be pursued, to relieve all parties and secure the early completion of the railroads and the improvement of our streams. I doubt if it will be possible, without a thorough investigation into these subjects, and an extended and careful consideration

of them, which will require more time than now remains to you of this session, to arrive at any safe conclusions as to the legislation necessary. I therefore recommend that steps be taken to secure a full report, to be carefully prepared with such recommendations as shall be found necessary, in relation to these matters, and submitted to the Legislature at its session in January next.

FREE LABOR.

The past three years have demonstrated satisfactorily to my mind the practicability of free labor and its advantages over slave labor. Under the most unfavorable circumstances, without adequate security and protection, in the midst of prejudice and demoralization consequent upon the war, the freedman has given sufficient assurance of his capacity and qualification for self-subsistence and freedom.

Owing to the want of capital on the part of our planters, which made it impossible for them to pay their laborers in money as the work was done, and necessitated a system of labor contracts which produced constant misunderstandings between the laborers and their employers; and when, through bad seasons, a failure of the crops deprived both parties of the expected reward of their labor, much discouragement and disappointment naturally arose. Without seeking for the real cause of this failure—the inexperience of those who were thus inaugurating a new system of labor without entirely discarding the ideas and prejudices of the old system the whole blame was sought to be laid upon the inability or the unwillingness of the freedmen to work. Time and facts have proved this charge to be unmerited, and, as each class begins more clearly to apprehend its relations to the other, to understand its own obligations and its own interests, a better understanding and more mutual confidence is growing up and promising excellent results in the future.

Where the freedmen have best consulted their interests, and located themselves and their families upon lands of their own, the result has been most satisfactory, and proved that their willingness to work and their capacity to become industrious, intelligent, and prosperous citizens, is beyond a question. The

homestead system, founded under our constitution, is the basis upon which we should build up a permanent civilization, and if this system is properly carried out we shall soon possess a large class of small farmers, self-reliant and independent, building up their own fortunes, and adding to the wealth and prosperity of the State.

OFFICERS OF THE LEGISLATURE.

In order to secure an economical administration of the government, we must be careful to prevent an unnecessary expenditure of the public funds in every particular. Some legislation prescribing the number of employees in each House is necessary to accomplish this object. The example set by the constitutional convention on this subject was not worthy of commendation or imitation, and this first Legislature under the new constitution should establish a proper system, which shall be regarded by the future Assemblies, and relieve them of the annoyance and embarrassment attending an unreasonable demand for personal patronage. The Senate can readily conduct its business with a Secretary, Assistant Secretary, Enrolling Clerk, Engrossing Clerk, Recording Clerk, Sergeant-at-Arms, and Messenger—seven officers. The House does not need more than a Chief Clerk, Assistant Clerk, Enrolling Clerk, Engrossing Clerk, Recording Clerk, Sergeant-at-Arms, and Messenger. I recommend that an act be passed restricting the employees in each House to the officers specified above, and that compensation be limited to the number of days actually employed in labor. I shall not desire to approve any legislation making unnecessary expenditures of the public funds for these purposes.

SPECULATING IN EVIDENCES OF INDEBTEDNESS OF THE STATE.

Officers of the revenue, whose duty it is to protect the credit of the State, have, within the past two years, if my information is correct, impaired it very seriously by an organized system of speculation at the expense of the warrant-holder.

The tax-assessor, receiving large amounts of money from the revenue, instead of paying it to the government, buys warrants and certificates at sixty, seventy-five, or eighty cents on the dollar, and settles his accounts with the government with his warrants at par.

The revenue of the State collected in 1866, from various sources, amounted to \$161,000. This gives us about \$32,000 as the profit to the assessor. This does not, however, disclose the whole fact; the same state of things exist as to county taxes. Most of this profit is made at the expense of honest officers of the government, and they should unite in war upon such rascality.

FALSE RETURNS.

Some uniform system as to the valuation of property, when returns are made to the tax-assessor, should be devised. The valuation of property is now very unequal. Delay in collecting taxes and paying them over to the government beyond the time when they should be paid, should be prohibited. I recommend such legislation as will make it a criminal offense on the part of any revenue officer to purchase, directly or indirectly, any evidence of the indebtedness of the State, whether it be receivable in the payment of taxes or not, or whether he purchases it with government funds or his own. I also recommend the passage of an act making it a criminal offense on the part of the officer, whose business it will be to make assessments, to receive or approve a false return, as well as making it a highly punishable offence on the part of the tax-payer to render a false return. In addition, we need such legislation as will make any unnecessary delay in paying over monies by the revenue officers a criminal offence.

In order that the people may know the law on these subjects, and that the subject may be brought to their attention continually, I would require a copy of these acts to be posted in the office of each officer of the revenue.

In addition to this legislation, I would recommend that the acts should require the circuit court judges to charge the grand juries of the several counties especially upon these subjects.

STAY-LAW.

Without discussing at length the propriety of a stay-law, I would recommend that the Legislature pass an act repealing ordinance No. 2 of the late convention, entitled "An ordinance for the relief of the people of Florida." I think, how-

ever, that the operation of the repealing statute should be suspended until the first of November next, so that another crop may come in and enable execution debtors to settle their debts without the necessity of a levy and resulting expenses and sacrifice.

CONVENTION TAX.

It will be the duty of the Comptroller of Public Accounts to direct the levy of the special tax, authorized by the ordinance, to provide the means of defraying the expenses of the late State convention, and I do not think it necessary to say anything further upon this subject.

FEDERAL MILITARY FORCE.

The institution of a civil government in the midst of the demoralization arising from a protracted civil war, in any community and under any circumstances, is necessarily attended with difficulties. And when, as in our case, is added the necessity of enforcing respect for an entirely new principle of government, which is distasteful and contrary to the prejudices of the people, it becomes doubly difficult and hazardous. It will be too much to expect a quiet assent to the enforcement of civil law, and a regard by all classes for the rights of the people under all the peculiar circumstances of our case; especially since some of the opposition are threatening to organize to render impossible the execution of the laws, and the collection of the revenues of the State. In view of these facts, and the further consideration that the small band of remaining Indians are being resorted to, to join refugees from justice, both black and white, now congregating in South Florida, to assist in depredations upon peaceful citizens, it becomes us to exercise every caution, and secure the necessary physical force to insure obedience to the laws before violence shall be resorted to. To this end I desire that the Legislature should take the necessary steps to secure the continuance in the State of the present military force, and an additional force of two hundred mounted men as a police force, subject to the call of the Executive. Until we shall have time to organize and discipline our militia, it will be necessary to the peace and tranquillity of the State, and the security of the government.

STATE MILITIA.

A State militia system is contemplated by the Constitution, and ample power is granted to render it effective and reliable. It will be necessary for you to enact such laws as will enable the Adjutant General to proceed as rapidly as possible in organizing this important arm of the government, and in doing this, regard must be had to the peculiar situation and condition of the people, and the circumstances of the State. The Federal Government will undoubtedly supply the necessary arms whenever our organization is perfected.

UNITED STATES DIRECT TAX.

In the year 1862 the United States government levied a direct tax upon the real estate of the country for war purposes. The loyal States promptly assumed and paid each its allotted portion, and relieved the Federal Government of the necessity of collecting it through its own agencies, for which the States received an allowance of 15 per cent. The States in rebellion did not, of course, attempt to pay this tax, and only a portion of it has ever been collected. The amount of that tax apportioned to Florida was in round numbers \$77,000. A small portion of this was collected by officers of the United States, and the remainder is still unpaid. It will be necessary to take some steps to adjust this debt, or it will be collected under the summary process provided by the act of Congress. If paid by the State, it falls equally upon all the property of the State; if collected by the United States, it falls upon the real estate alone.

THE STATE FINANCES.

Herewith submit the reports of the State Comptroller and the Treasurer, for the year 1867, from which will be gathered the financial condition of the State in November of that year. The entire debt of the State is shown to have been at that time \$523,856.95, having been increased from the previous year, \$153,239.95. Of this debt, \$195,239.63 is due the school and seminary funds, and \$45,000 to the internal improvement fund; leaving outstanding \$283,617.32, November 1st, 1867. This is an inheritance from the past which we must provide for, and which,

with our other obligations, must be met. Our constitution admits of an efficient system of taxation and revenue, and it is our duty to see that it is perfected and administered, and every obligation of the State faithfully discharged.

GENTLEMEN OF THE SENATE:

Upon you devolves the important duty of passing upon and approving or rejecting the appointments to office made by the Governor. In making selections for the various offices under the government, I shall endeavor to apply the Jeffersonian test of "honesty and capability;" and I shall also feel it my duty to find those who are not opposed to the principle of republican government, or whose prejudices, arising from education or habit, do not unfit them for the equal and impartial administration of the laws. Under our constitution, the rights of the colored man are in all respects the same as those of the white man, while there is a class of our citizens, more or less intelligent, who believe that republican government is designed exclusively for white men. It is obvious that a person imbued with the latter idea is unfit to administer an office where he is required to act impartially between blacks and whites. It will be my purpose to so discriminate as to appoint no man who is thus disqualified to act justly.

Again, under our constitution, in addition to the ordinary crimes which constitute impeachable offences, "drunkenness and other dissipations, gambling, or any conduct detrimental to good morals," are enumerated. It will be my duty, under my oath of office, as well as from a sense of moral obligation, to present only such persons for your approval as are free from these vices, as well as otherwise fit; and if I should inadvertently do otherwise, it becomes your duty, promptly and unhesitatingly, to reject the nominations. It is of the first importance that this rule be regarded by all branches of the government, and that no drunkard, gambler, or grossly immoral man, be suffered to occupy an official position under this government.

I invite your careful scrutiny of my appointments, and desire you to share with me the responsibility of them.

GENTLEMEN OF THE SENATE AND ASSEMBLY:

It is a period in our history which calls for the exercise of the most exalted patriotism, and the most enlarged and comprehensive philanthropy—taking counsel of the past only for admonition and instruction in the future. Though peace is restored, and civil government admitted—though slavery is abolished, and freedom and republican equality conceded—though, nominally, the “situation is accepted” by all classes of the people, it is useless to attempt to disguise the fact that there is a latent spirit of hostility cherished by a portion of the people, which is inconsistent with the future peace and prosperity of the State.

Quietly and insidiously an organization is being effected to embarrass the administration of republican government, and bring dishonor upon the State, in order to restore the reign of those in whose hands the State has been desolated and ruined. But I am daily in receipt of such assurances of confidence and support from leading men of intelligence, character, and position in the State, who have not heretofore co-operated with us, that I have the confident hope that, with prudence, firmness, impartiality, and strict justice in the discharge of our various duties, we may sufficiently unite the discordant elements of society to establish the ascendancy of law, and command for the government the respect of all who prefer peace, prosperity, security, and good government, to disorder, alienation, strife, and crime.

No State in the Union presents superior inducements for immigration, and the profitable investment of capital, than Florida. With an unrivalled climate for salubrity, health, and comfort; an area of territory larger than the State of New York; a sea-coast equal in extent nearly to the whole of the Atlantic States, abounding with harbors and inlets; with navigable waters susceptible of extension, with little expense, to fifteen hundred miles in length; with a railroad system projected of a thousand miles in extent, near four hundred miles of which is completed; with millions of acres of unoccupied but fertile lands, which can be had for the occupation and payment of the veriest trifle; with forests of pine, live-oak and cedar without limit; with lakes and streams, abounding in fish, and forests abounding in game; with a free

government, that respects alike the rights of all; a free school and a homestead system, which welcomes alike the poor as well as the rich—if only we will appreciate and improve the advantages we possess, Florida may speedily become one of the wealthiest and most thriving States of the Union.

That we may all so acquit ourselves of our official obligations as to receive the blessings of the Most High on our labors, and secure the highest good of the State and the people, is my most earnest desire, and the end for which I shall labor and give you my hearty co-operation.

[For accompanying documents see Appendix.]

On motion, the joint session adjourned, and the Senate proceeded to its own chamber.

On motion of Mr. Goss, 2500 copies of the message were ordered printed for the use of the Senate.

On motion of Mr. Knight, the rules were suspended, and a bill introduced, and referred to the Committee on the Judiciary, providing for the registration of voters and the conduct of elections.

On motion of Mr. Mobley, the rules were suspended, and the following resolution read the first, second, and third times, and passed:

Resolved, The Assembly concurring, that the present condition of this State requires the protection of the United States against domestic violence, and that therefore the commanding officer of the national forces in this State be, and is hereby, applied to for that purpose.

Resolved, That if he cannot interfere to afford that protection without further orders from his superiors, those superiors are hereby applied to, and respectfully requested to issue the necessary orders to authorize him to co-operate with and aid the Governor of the State in suppressing the violence above mentioned, and in preventing any recurrence thereof.

Resolved, That his Excellency the Governor is hereby respectfully requested to forward a copy of these resolutions to Col. John T. Sprague, commanding the national forces in this State.

Yeas—Messrs. Alden, Bradwell, Crawford, Davidson, Goss, Ginn, Hunt, Katzenburg, Knight, Krimminger, Mobley, Pearce, and Underwood—13.

Nays—Messrs. Atkins, Davis, Moragne, and McCaskill—4.

On motion, the Senate took a recess till 4, P. M.

FOUR O'CLOCK, P. M.

The Senate resumed its session at the specified time.

The President in the Chair.

On motion of Mr. Knight, the President was authorized to refer such portions of the Governor's message as require a reference, to the appropriate committees.

Under a suspension of the rules, on motion of Mr. Knight, it was

Resolved, That the Judiciary Committee be authorized to have two hundred copies of the constitution, with marginal notes, printed for the use of the Senate.

The rules being suspended, on motion of Mr. Knight, a bill to be entitled an act regulating the admission of attorneys and counsellors at law, and solicitors in equity, in the several courts of this State, was read by its title, and referred to Committee on a Code of Practice, to be appointed.

The rules being suspended, on motion of Mr. Alden, the following three bills were read by their titles, and referred to the committees set opposite each, respectively:

A bill to be entitled an act authorizing railroad companies in this State to acquire land for depots, machine shops, and other purposes. Referred to Committee on Railroads;

A bill to be entitled an act authorizing the city of Pensacola to issue bonds. Referred to committee on City and County Organizations; and

A bill to incorporate the Royal Oceanic Telegraph Company. Referred to committee on Corporations.

Mr. Hunt, at his own request, was excused from further service on the Committee on Privileges and Elections. Mr. Moragne appointed in his place.

On motion of Mr. Hunt, the Committee on the Judiciary and the Committee on a Code of Practice were authorized to employ a suitable number of clerks.

Under a suspension of the rules, on motion of Mr. Alden, a bill to incorporate the Pensacola and Perdido Railroad, was read by its title, and referred to the Committee on Railroads.

Mr. Goss moved that a committee of five be appointed to prepare and report a code of criminal laws for the consideration of the Senate;

Which was agreed to.

The following bill was received from the Assembly:

A bill to be entitled an act fixing the time for abolishing the relief ordinance.

On motion of Mr. Crawford, a committee was appointed to take into consideration the propriety of reducing the number of attaches of the Senate.

Committee, Messrs. Crawford, Alden, and Knight.
On motion, the Senate adjourned till to-morrow, 10 A. M.

THURSDAY, July 9th, 1868.

The Senate met pursuant to adjournment, at 10 A. M.

The President in the Chair.

Prayer by the Chaplain.

A quorum present.

The Journal was read, and on motion of Mr. Knight, rule 32d, therein contained, was corrected to read as follows:

The following shall be the hours of the daily sessions of the Senate, unless otherwise ordered, at 10 A. M., and at 4 P. M.

The resignation of William U. Saunders, as 1st Assistant Secretary, was presented, read, and accepted by the Senate.

Mr. Hunt introduced a resolution, with preamble, calling on the President of the United States for military aid, to assist the Governor in preserving the peace of the State.

On motion of Mr. Knight, the rules were suspended to allow immediate action on the resolution.

Mr. McCaskill moved to lay the resolution on the table, and the yeas and nays were called for:

Yeas—Messrs. Atkins, Crawford, Davis, Ginn, Moragne, and McCaskill—6.

Nays—Messrs. Alden, Bradwell, Davidson, Goss, Hunt, Katzenberg, Knight, Krimminger, Mobley, Pearce, and Underwood—11.

So the resolution was not laid on the table.

Mr. Mobley offered the following amendment to the preamble: **AND, WHEREAS**, A resolution of the Legislature of the State was passed on the 8th instant, calling on the military forces of the United States for such aid as may be required to assist the civil authority; and, **WHEREAS**, said resolution does not cover all that is required.

On motion of Mr. Bradwell, the amendment was laid on the table.

The resolution was read the second and third times, and put upon its passage. The yeas and nays were called for, and taken.

Yeas—Messrs. Alden, Bradwell, Davidson, Goss, Hunt, Katzenberg, Knight, Krimminger, Pearce, and Underwood—10.

Nays—Messrs. Atkins, Crawford, Davis, Ginn, Moragne, and McCaskill—6.

So the resolution was adopted.

When Mr. Mobley's name was called, he desired to be excused from voting, and was excused.