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Minutes of the Proceedings  
— OF THE —  
BOARD OF TRUSTEES  
— OF THE —  
INTERNAL  
IMPROVEMENT  
FUND

OF THE  
STATE OF FLORIDA,  
VOLUME I.

Published Under the Authority of  
the Board

— By —

WILLIAM M. MCINTOSH JR., SECRETARY AND  
TREASURER, BOARD OF TRUSTEES OF THE  
INTERNAL IMPROVEMENT FUND  
OF THE STATE OF FLORIDA.

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The subjoined acts of Congress of the United States and laws of the State of Florida, show the origin and nature of the grants to the lands committed to the management and direction of the

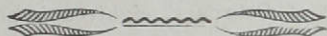
TRUSTEES OF THE INTERNAL IMPROVEMENT  
FUND OF THE  
STATE OF  
FLORIDA,

Together with the powers and duties of such Trustees in so far as is shown by the Act of 1855, Chapter 610 of the laws of Florida and the amendments thereto.





ACTS OF  
CONGRESS OF THE UNITED  
STATES.



CHAP. XLVIII. An Act for the admission of the States  
of Iowa and Florida into the Union. (a).

Whereas, the people of the Territory of Iowa did, on the seventh day of October, eighteen hundred and forty-four, by a convention of delegates called and assembled for that purpose, form for themselves a constitution and State government; And Whereas, the people of the Territory of Florida did, in like manner, by their delegates, on the eleventh day of January, eighteen hundred and thirty-nine, form for themselves a constitution and State government, both of which said constitutions are republican; and said conventions having asked the admission of their respective Territories into the Union as States, on equal footing with the original States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the States of Iowa and Florida be, and the

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same are hereby, declared to be States of the United States of America, and are hereby admitted into the Union on equal footing with the original States, in all respects whatsoever.

\* \* \* \*

Sec. 5. *And be it further enacted*, That said State of Florida shall embrace the territories of East and West Florida, which by the treaty of amity, settlement and limits between the United States and Spain, on the twenty-second day of February, eighteen hundred and nineteen, were ceded to the United States.

\* \* \* \*

Sec. 7. *And be it further enacted*, That said States of Iowa and Florida are admitted into the Union on the express condition that they shall never interfere with the primary disposal of the public lands lying within them, nor levy any tax on the same whilst remaining the property of the United States: Provided, That the ordinance of the convention that formed the constitution of Iowa, and which is appended to the said constitution, shall not be deemed or taken to have any effect or validity, or to be recognized as in any manner obligatory upon the Government of the United States.

Approved, March 3, 1845.

Pages 742 and 743, Vol. 5, United States Statutes at large.

\* \* \* \*

Chap. LXXV. An Act supplemental to the act for the admission of Florida and Iowa into the Union, and for other purposes.



*Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled,* That in consideration of the concessions made by the State of Florida in respect to the public lands, there be granted to the State eight entire sections of land for the purpose of fixing their seat of Government; also, section number sixteen in every township, or other lands equivalent thereto, for the use of the inhabitants of such township, for the support of public schools; also, two entire townships of land, in addition to the two townships already reserved, for the use of two seminaries of learning, one to be located east, and the other west of the Suwannee river; also, five per centum of the net proceeds of the sale of lands within said State, which shall be hereafter sold by Congress, after deducting all expenses incident to the same; and which said net proceeds shall be applied by said State for the purposes of education.

\* \* \* \*

Approved, March 3, 1845.

Page 788 Vol. 5, United States Statutes at large.

\* \* \* \*

Chap. LXXXIV. An Act to enable the State of Arkansas and other States to reclaim the "Swamp Lands" within their limits.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled,* That to enable the State of Arkansas to construct the necessary levees and drains to reclaim the swamp and overflowed lands therein, the whole of those swamp and overflowed lands, made unfit thereby for cultivation, which shall remain unsold at the passage of this

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act, shall be, and the same are hereby, granted to said State.

Sec. 2. *And be it further enacted*, That it shall be the duty of the Secretary of the Interior, as soon as may be practicable after the passage of this act, to make out an accurate list and plats of the lands described as aforesaid, and transmit the same to the Governor of the State of Arkansas, and, at the request of said Governor, cause a patent to be issued to the State therefor; and on that patent, the fee simple to said lands shall vest in the said State of Arkansas, subject to the disposal of the Legislature thereof: Provided, however, That the proceeds of said lands, whether from sale or by direct appropriation in kind, shall be applied, exclusively, as far as necessary, to the purpose of reclaiming said lands by means of the levees and drains aforesaid.

Sec. 3. *And be it further enacted*, That in making out a list and plats of the land aforesaid, all legal subdivisions, the greater part of which is "wet and unfit for cultivation," shall be included in said list and plats; but when the greater part of a subdivision is not of that character, the whole of it shall be excluded therefrom.

Sec. 4. *And be it further enacted*, That the provisions of this act be extended to, and their benefits be conferred upon, each of the other States of the Union in which such swamp and overflowed lands, known as designated as aforesaid, may be situated.

Approved, September 28, 1850.

Pages 519 & 520, United States Statutes At Large, Vol. 9.

Chap. XVI. An Act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled*, That from and after the thirty-first day of

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December, in the year of our Lord one thousand eight hundred and forty-one, there be allowed and paid to each of the States of Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, Louisiana, Arkansas and Michigan, over and above what each of the said States is entitled to by the terms of the compacts entered into between them and the United States, upon their admission into the Union, the sum of ten per centum upon the net proceeds of the sales of the public lands, which, subsequent to the day aforesaid, shall be made within the limits of each of said States respectively: Provided, That the sum so allowed to the said States, respectively, shall be in no wise affected or diminished on account of any sums which have been heretofore, or shall be hereafter, applied to the construction or continuance of the Cumberland road, but that the disbursements for the said road shall remain, as heretofore, chargeable on the two per centum fund provided for by compacts with several of the said States.

Sec. 2. *And be it further enacted,* That after deducting the said ten per centum, and what, by the compacts aforesaid, has heretofore been allowed to the States aforesaid, the residue of the net proceeds, which net proceeds shall be ascertained by deducting from the gross proceeds all the expenditures of the year for the following objects: Salaries and expenses on account of the General Land Office; expenses for surveying public lands; salaries and expenses in the surveyor general's offices, salaries, commissions, and allowances to the Registers and Receivers; the five per centum to new States, of all the public lands of the United States, wherever situated, which shall be sold subsequent to the said thirty-first day of December, shall be divided among the twenty-six States of the Union and the District of Columbia and the territories of Wisconsin, Iowa and Florida, according to their respective federal representative popula-

tion as ascertained by the last census, to be applied by the legislatures of the said States to such purposes as the said Legislatures may direct: Provided, That the distributive share to which the District of Columbia shall be entitled, shall be applied to free schools, or education in some other form, as Congress may direct: And provided also, That nothing herein contained shall be construed to the prejudice of future applications for reduction of the price of the public lands, or to the prejudice of applications for a transfer of the public lands, or reasonable terms, to the States within which they lie, or to make such future disposition of the public lands, or any part thereof, as Congress may deem expedient.

Sec. 3. *And be it further enacted,* That the several sums of money received in the treasury as the net proceeds of the sales of the public lands shall be paid at the treasury half yearly on the first day of January and July in each year, during the operation of this Act, to such person or persons as the respective legislatures of the said States and Territories, or the Governors thereof, in case the legislatures shall have made no such appointment, shall authorize and direct to receive the same.

Sec. 4. *And be it further enacted,* That any sum of money, which at any time may become due, and payable to any State of the Union, or to the District of Columbia, by virtue of this Act, as the portion of the said State or District, of the proceeds of the sales of the public lands, shall be first applied to the payment of any debt due, and payable from the said State or District, to the United States: Provided, That this shall not be construed to extend to the sums deposited with the States under the Act of Congress of the 23, of June, eighteen hundred and thirty-six, entitled "An Act to regulate the deposits of the public money," nor to any sums apparently due to the United States as balances of debts growing out of the transactions of the Revolutionary War.

Sec. 5. *And be it further enacted,* That this Act shall continue and be in force until otherwise provided by law, unless the United States shall become involved in war with any foreign Power, in which event, from the commencement of hostilities, this Act shall be suspended during the continuance of such war: Provided, nevertheless, That if, prior to the expiration of this Act, any new State or States shall be admitted into the Union, there be assigned to such new State or States, the proportion of the proceeds accruing after their admission into the Union, to which such State or States may be entitled, upon the principles of this Act, together with what such State or States may be entitled to by virtue of compacts to be made on their admission into the Union.

\* \* \* \*

Sec. 8. *And be it further enacted,* That there shall be granted to each State specified in the first section of this Act five hundred thousand acres of land for purposes of internal improvement: Provided, That to each of the said States which has already received grants for said purposes, there is hereby granted no more than a quantity of land which shall, together with the amount such State has already received as aforesaid, make five hundred thousand acres, the selections in all of the said States, to be made within their limits respectively in such manner as the legislatures thereof shall direct; and located in parcels conformably to sectional divisions and sub-divisions of not less than three hundred and twenty acres in any one location, on any public land, except such as is or may be reserved from sale by any law of Congress or proclamation of the President of the United States, which said locations may be made at any time after the lands of the United States in said States respectively, shall have been surveyed according to existing laws. And there shall be and hereby is, granted to each new State that shall be hereafter admitted into the Union, upon such admissions, so much land as, including such

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act, except so far as it may be found necessary to locate the routes of said railroads or branch through such reserved lands; in which case the right of way only shall be granted, subject to the approval of the President of the United States.

Sec. 2. *And be it further enacted,* That the sections and parts of sections of land which, by such grant, shall remain to the United States within six miles on each side of said roads and branch, shall not be sold for less than double the minimum price of the public lands when sold; nor shall any of said lands become subject to private entry until the same shall have been first offered at public sale at the increased price.

Sec. 3. *And be it further enacted,* That the said lands hereby granted to the said State shall be subject to the disposal of the legislature thereof for the purposes aforesaid, and no other; and the said railroads and branch shall be and remain public highways for the use of the government of the United States, free from toll or other charge upon the transportation of any property or troops of the United States.

Sec. 4. *And be it further enacted,* That the lands hereby granted to said State shall be disposed of by said State only in manner following, that is to say; that a quantity of land, not exceeding one hundred and twenty sections for each of said roads and branch, and included within a continuous length of twenty miles of each of said roads and branch, may be sold; and when the Governor of said State shall certify to the Secretary of the interior that any twenty continuous miles of any or either of said roads or branch, is completed, then another quantity of land hereby granted, not to exceed one hundred and twenty sections for each of said roads or branch having twenty continuous miles completed as aforesaid, and included within a continuous length of twenty miles of each of such roads or branch may be sold; and so, from time to time, until said roads and branch are completed; and if any or either of said roads or branch is not completed within ten years, no further sales shall be made, and the lands unsold shall revert to the United States.

Sec. 5. *And be it further enacted,* That the United

States mail shall be transported over said roads and branch, under the direction of the Post Office Department, at such price as Congress may, by law, direct: Provided, That until such price is fixed by law, the Post Master General shall have the power to determine the same.

Sec. 6. *And be it further enacted*, That a similar grant of alternate sections of public land is hereby made to the State of Alabama to aid in the construction of a railroad from Montgomery, in said State, to the boundary line between Florida and Alabama, in the direction of Pensacola, and to connect with the road from Pensacola, to said line, upon the same terms and conditions in all respects as are hereinbefore prescribed for the grant to Florida.

Approved, May 17, 1856.

Pages 15 & 16, United States Statutes at Large, Vol. 11.

## LAWS OF FLORIDA.

### CHAPTER 610—[No. 1.]

AN ACT to Provide for and Encourage a Liberal System of Internal Improvements in this State.

WHEREAS, The Constitution of this State declares "that a liberal system of Internal Improvements, being essential to the development of the resources of the country, shall be encouraged by the government of this State, and it shall be the duty of the General Assembly, as soon as practicable, to ascertain by law, proper objects of improvement in relation to roads, canals and navigable streams, and to provide for a suitable application of such funds as may be appropriated for such improvements," therefore—

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That so much of the five hundred thousand acres of land granted to this State for Internal Improvement purposes, by an act of Congress, passed the third

day of March, A. D. 1845, as remains unsold, and the proceeds of the sales of such of said lands heretofore sold as now remain on hand and unappropriated, and all proceeds that may hereafter accrue from the sales of said lands; also all the swamp land or lands subject to overflow, granted to this State by an act of Congress, approved September 28, A. D. 1850, together with all the proceeds that have accrued or may hereafter accrue to the State from the sale of said lands, are hereby set apart and declared a distinct and separate fund, to be called the Internal Improvement Fund of the State of Florida, and are to be strictly applied according to the provisions of this act.

Sec. 2. *Be it further, enacted,* That for the purpose of assuring a proper application of said fund for the purposes herein declared, said lands and all the funds arising from the sale thereof, after paying the necessary expenses of selections, management and sale, are hereby irrevocably vested in five Trustees, to-wit: In the Governor of this State, the Comptroller of Public Accounts, the State Treasurer, the Attorney-General and the Register of State Lands, and their successors in office, to hold the same in trust for the uses and purposes hereinafter provided, with the power to sell and transfer said lands to the purchasers and receive payment for the same and invest the surplus moneys arising therefrom, from time to time, in stocks of the United States, stocks of the several States, or the Internal Improvement bonds issued under the provisions of this act, and drawing not less than six per cent. annual interest; also, the surplus interest accruing from such investments, and to pay out of said fund, agreeably to the provisions of this act, the interest, from time to time, as it may become due on the bonds to be issued by the different railroad companies under authority of this act; also, to receive and demand, semi-annually, the sum of one-half of one per cent. (after each separate line of rail-



road is completed) on the entire amount of the bonds issued by said railroad company, and invest the same in stocks of the United States, or State securities, or in the bonds herein provided to be issued by said company. Said Trustees shall also invest the surplus interest of said sinking fund investment as it may accrue. Said Trustees shall also demand and receive from each railroad company named in this act, the amount due to the Internal Improvement Fund from said railroad company, according to the provisions herein contained, on account of interest on the bonds issued by said company and a refusal or neglect on the part of the president and directors of any railroad company herein named to comply with the provisions of this act, as to the payment to said Trustees of the amount due and payable to the fund, as provided in sections eleven, twelve and thirteen, on account of interest and sinking fund, the individual property of each and all the directors shall be liable in an action of debt to said Trustees for the amount due and unpaid, with twenty per cent, interest until paid.

Sec. 3. *Be it further enacted,* That all bonds issued by any railroad company under the provisions of this act, shall be recorded in the Comptroller's office, and so certified by the Comptroller, and shall be countersigned by the State Treasurer, and shall contain a certificate on the part of the Trustees of the Internal Improvement Fund that said bonds are issued agreeably to the provisions of this act, and that the Internal Improvement Fund, for which they are Trustees, is pledged to pay the interest as it may become due on said bonds. All bonds issued by any railroad company under the provisions of this act shall be a first lien or mortgage on the road-bed, iron, equipment, work-shops, depots and franchise; and upon a failure on the part of any railroad company accepting the provisions of this act to provide the interest as herein provided on the bonds issued by said company,

and the sum of one per cent. per annum, as a sinking fund, as herein provided, it shall be the duty of the Trustees, after the expiration of thirty days from said default or refusal, to take possession of said railroad and all its property of every kind, and advertise the same for sale at public auction to the highest bidder, either for cash or additional approved security, as they may think most advantageous for the interest of the Internal Improvement Fund and the bondholders. The proceeds arising from such sale shall be applied by said Trustees to the purchase and cancelling of the outstanding bonds issued by said defaulting company, or incorporated with the sinking fund: *Provided*, That in making such sale, it shall be conditioned that the purchasers shall be bound to continue the payment of one-half of one per cent. semi-annually to the sinking fund until all the outstanding bonds are discharged, under the penalty of an annulment of the contract of purchase, and the forfeiture of the purchase money paid in.

Sec. 4. *Be it further enacted*, That a line of railroad from the St. Johns' river, at Jacksonville, and the waters of Pensacola bay, with an extension from suitable points on said line to St. Mark's river, or Crooked river, at White Bluff on Apalachicola bay, in Middle Florida, and to the waters of St. Andrew's bay, in West Florida, and a line from Amelia Island, on the Atlantic, to the waters of Tampa bay, in South Florida, with an extension to Cedar Key, in East Florida; also a canal from the waters of St. John's river, on Lake Harney, to the waters of Indian river, are proper improvements to be aided from the Internal Improvement Fund, in manner as hereinafter provided.

Sec. 5. *Be it further enacted*, That the several railroads now organized or chartered by the Legislature, or that may hereafter be chartered, any portion of whose routes as authorized by their different charters, and

amendments thereto, shall be within the line or routes laid down in section four, (4), shall have the right and privilege of constructing that part of the line embraced by their charter, on giving notice to the Trustees of the Internal Improvement Fund of their full acceptance of the provisions of this act, specifying the part of the route they propose to construct; and upon the refusal or neglect of any railroad company now organized to accept, within six months from the passage of this act, the provisions of the same, any other company, duly authorized by law, may undertake the construction of such part of the line as they may desire to make, and which may not be in progress of construction under a previous charter.

Sec. 6. *Be it further enacted,* That before any railroad company shall be entitled to the provisions of this act, said railroad company shall first grade continuously, twenty miles, according to the following specifications:

*First.* The line of road for sixty feet from the centre shall be cleared of all the standing timber.

*Second.* The grading shall be for a single track except at depots, turn-outs and similar places, where it shall be wider if required by the State engineer, with a road-bed twenty feet wide in cuttings, with ditches from two to three and a half feet in depth below grade, with such widths as the State engineer may direct, and eighteen feet wide on embankments, at the grade line, with slopes of one and a half feet base to one foot rise; and in all excavations and embankments, they shall be so constructed as to have a perfect drainage, and not permit any standing water to come within three feet of the lower side of the cross-tie.

*Third.* All the cross-ties shall be delivered on the line of the road and be of heart yellow pine, cypress, white, yellow, post, live or Spanish oak, white or red cedar, and not less than nine feet long, with not less than nine inches face, and eight inches in thickness, and shall be

well and carefully bedded, and laid within two and a half feet from centre to centre.

*Fourth.* At all water-ways, sufficient space shall be left for the unobstructed passage of water; and at all points on the line of the road where side ditches can be cut that will carry off the surface water, they shall be constructed by the company under the direction of the State engineer.

*Fifth.* In the crossing of all streams, the bridges shall be constructed according to plans approved by the State engineer; and over all streams that are navigated, suitable draws shall be put in to admit the passage of boats or vessels usually navigating the same, to be decided by the State engineer.

*Sixth.* The gauge of the different railroads shall be uniformly five feet, and connected continuously, so that cars, or trains of cars can pass on all the routes indicated, without changing freight. And it shall be the duty of the different railroad companies to adopt a uniform tariff for transportation of passengers and for hauling the freight in the cars of another company, upon usual and equitable terms, and no discrimination shall be made by one company against the freight or passengers of another company.

*Seventh.* The iron rail used shall weigh not less than sixty pounds per lineal yard, and be of the best quality of iron, and well fastened to the cross-ties, with the best quality of spikes and plates.

*Eighth.* The entire equipment shall be of the first class, and shall at all times be sufficient for the prompt transportation of all the passengers and freight ordinarily offering.

*Ninth.* The grade on no portion of the routes indicated by this act shall exceed forty-five feet per mile, and no single curve shall exceed three degrees of curvature, or be adopted unless approved of by the State engineer.

Sec. 7. *Be it further enacted,* That after any railroad company shall have graded twenty miles of road-bed continuously, and furnished the cross-ties agreeably to the specifications of this act and shall give notice to the State engineer, it shall be his duty to examine personally said section of twenty miles, and if, after full examination, he shall approve the construction of said twenty miles, then it shall be his duty to certify the same to the Trustees of the Internal Improvement Fund; and on the completion of the grading and furnishing of the cross-ties of each additional ten miles continuously, the State engineer shall also examine the same, and, if constructed in accordance with the provisions of this act, shall certify the same to the Trustees of the Internal Improvement Fund.

Sec. 8. *Be it further enacted,* That on the completion of the grading and the furnishing of the cross-ties of twenty miles continuously, and every additional ten miles, as provided by this act, said railroad company are hereby authorized to issue coupon bonds, having not more than thirty-five years to run, and drawing not more than seven per cent, annual interest, payable semi-annually in the city of New York or Tallahassee, at the option of the purchaser, at the rate of eight thousand dollars per mile for the purchase and delivery of the iron, spikes, plates, and chairs and after the rail has been laid down on the line, the additional sum of two thousand dollars per mile, for the purchase of the necessary equipments; and said bonds shall always afterwards constitute and be a first lien or mortgage upon the road-bed, iron, equipment, workshops, depots and franchise.

Sec. 9. *Be it further enacted,* That it shall be the duty of said railroad company to deposit said bonds with the Comptroller of Public Accounts, to be by him recorded, and the record certified on each bond; and the State Treasurer shall enter, in a book to be kept for the purpose,

the amount of each bond, with the rate of interest, the time it becomes due, and the place where the principal and interest is payable, and shall countersign the same; and it shall also be the duty of the Trustees of the Internal Improvement Fund, after having received a certificate from the State engineer that twenty miles, or ten miles, as the case may be, have been graded in all respects agreeably to the specifications of this act, to sign said bonds agreeably to the provisions of this act, and deliver them to the said railroad company: *Provided*, The president and at least four of the directors, file with the Trustees of the Internal Improvement Fund a statement under oath that the necessary quantity or quality of iron for said twenty or ten miles, as the case may be, has been purchased, and is within the jurisdiction of this State, and paid for, or to be paid for, with said bonds or their proceeds: *Provided further*, That before said Trustees shall deliver to said railroad company the said bonds, the said company shall deposit with the Trustees of the Internal Improvement Fund the first semi-annual installment of interest on the amount of bonds certified to by said Trustees, to meet the same when due, (or they shall retain the coupons for the first semi-annual interest,) and shall give to the Trustees of the Internal Improvement Fund a bond, with approved security, that said quantity and quality of iron shall be laid down on the line of their road within six months after the said bonds are issued.

Sec. 10. *Be it further enacted*, That any railroad company receiving said certified bonds shall apply the same or their proceeds to no other purpose than purchasing the iron rail, spikes, plates or equipments; and before any additional bonds shall be certified by the Trustees of the Internal Improvement Fund, the iron rail shall be laid on that part of the route for which the bonds were issued, and so on continuously until the line is completed

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Sec. 11. *Be it further enacted,* That it shall be the duty of the president and directors of every railroad company accepting the provisions of this act, while the road is under construction, to report to the Trustees of the Internal Improvement Fund every six months, under the oath of the president and at least two of the directors, the gross receipts of said company from the traffic of the road for the past six months, the cost of transportation and repairs, and the total amount of the net receipts of said company; and it shall be the duty of the president and directors to pay to the Trustees of the Internal Improvement Fund fifty per cent. of said net receipts every six months, which sum or sums shall be applied by the Trustees of the Internal Improvement Fund towards the payment of the interest of any bonds issued by said company.

Sec. 12. *Be it further enacted,* That every railroad company accepting the provisions of this act shall, after the completion of the road, pay to the Trustees of the Internal Improvement Fund at least one-half of one per cent. on the amount of indebtedness, or bond account, every six months, as a sinking fund, to be invested by them in the class of securities named in section two, or to be applied to the purchase of the outstanding bonds of the company; but it shall be distinctly understood, that the purchase of said bonds shall not relieve the company from paying the interest on the same, they being held by the Trustees as an investment on account of the sinking fund.

Sec. 13. *Be it further enacted,* That if, on completion of any of the roads indicated in section four, the net earnings should be less than six per cent. on the capital stock paid in and bonded debt of said company, first deducting the one per cent. per annum paid in to the sinking fund, it shall be divided *pro rata* between the stock account paid in and bonded debt, and the Internal Im-

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provement Fund shall pay the deficiency due on account of interest, from time to time, as it may fall due. In the event the net earnings are over six per cent. on the capital stock paid in and bonded debt and sinking fund of one per cent., then the president and directors shall first pay into the hands of the Trustees of the Internal Improvement Fund the amount due on the interest account of the bonded debt, in addition to the provision for the Sinking Fund, every six months.

Sec. 14. *Be it further enacted,* That for all payments made by the Trustees of the Internal Improvement Fund on account of interest for any railroad company, agreeably to the provisions of this act, said Trustees shall demand and receive from said railroad company equal amounts of the capital stock of said company, which stock shall entitle the Internal Improvement Fund to all the privileges and advantages of private stockholders.

Sec. 15. *Be it further enacted,* That on the routes indicated for the construction of the different lines of railroad, the State hereby grants to each of the different companies that may hereafter construct portions of such line or route, the alternate sections of State lands on each side for six miles, but the title to the same shall not vest in the company except as the road progresses, and not until thirty miles are completed, when the company may sell one-half of the same within said thirty miles; and on the completion of thirty additional miles, then they may sell the balance of their lands remaining unsold in the first thirty miles, and so on for each division of thirty miles until the road is completed.

Sec. 16. *Be it further enacted,* That the Trustees of the Internal Improvement Fund shall hereafter fix the price of the public lands included in the trust, having due regard to their location, value for agricultural purposes, or on account of timber or naval stores, and make



such arrangements for the drainage of the swamp or overflowed lands, as in their judgment may be most advantageous to the Internal Improvement Fund, and the settlement and cultivation of the land, and the said Trustees shall encourage actual settlement and cultivation of said lands by allowing pre-emptions under such rules and regulations as they may deem advisable: *Provided*, That in no case shall a pre-emption for more than one section of land be granted to any one settler.

Sec. 17. *Be it further enacted*, That as the Board of Internal Improvement recommend the construction of a navigable canal connecting the waters of the St. John's with those of Indian river, the State engineer is hereby authorized to make a final location of the same as soon as practicable, and furnish detailed estimates and plans for the information of persons desirous of engaging in the work, and invite bids for its execution for one year—the bidders to specify the amount for which they will do the work, and the mode and manner in which payments are to be made, whether in lands or money, or in portions of each. And the Trustees of the Internal Improvement Fund are hereby authorized to pay out of said fund, as the work progresses, the whole amount agreed upon by the terms of the contract. *Provided*, The entire cost shall not exceed four thousand dollars in money, and four thousand acres of land per mile: *Provided, further*, That the Trustees of the Internal Improvement shall be of the opinion that this sum in money can be applied to said purpose without impairing the efficiency of the fund for railroad purposes.

Sec. 18. *Be it further enacted*, That the capital stock of any railroad company accepting the provisions of this act shall be forever exempt from taxation, and the roads, their fixtures and appurtenances, including work-shops, ware-houses, vehicles, and property of every description needed for the purpose of transportation of freight and

passengers, or for the repair and maintenance of the roads, shall be exempt from taxation while the roads are under construction, and for the period of thirty-five years from their completion; and that all the officers of the companies, and servants, and persons in the actual employment of the companies, be and are hereby exempt from performing ordinary patrol or militia duty, working on public roads, and serving as jurors.

Sec. 19. *Be it further enacted,* That should any of the officers or persons in the employ of any Railroad Company in this State, make any fraudulent statement of accounts, or make false issues or transfers of the capital stock or bonds of any Railroad Company, or shall fraudulently apply any money or property in his charge, belonging to said company, or in charge of said company, to his individual use or benefit, or to the benefit of any other person, it shall be considered a felony, and, on conviction, in any Court having jurisdiction of the same, shall be punished by fine at the discretion of the Court, and imprisonment of not less than two nor more than ten years.

Sec. 20. *Be it further enacted,* That after the routes indicated have been actually surveyed and adopted, and a plat thereof deposited in the office of the Secretary of State, it shall not be lawful for any other railroad to be built, cut, or constructed in any way or manner, or by any authority whatsoever, running laterally within twenty-five miles of the route so adopted, unless by said company, or with the consent of the Trustees of the Internal Improvement Fund and a majority of the Stockholders, at an annual meeting on a stock vote.

Sec. 21. *Be it further enacted,* That should the Government of the United States grant land to the State of Florida, for the purpose of aiding in the construction of the lines of railroad indicated, and their extensions, by general or special act, said lines of railroad shall be

entitled to all the benefits and advantages arising from said grant that the State of Florida would be entitled to by the construction of said lines of Railway and their extensions; and the Governor of the State is hereby authorized and required, should such an Act be passed by the Government of the United States, to direct said railroad companies to select said land, and, after such selection, to give the Secretary of the Interior notice of such selection, and furnish him with a list of lands so selected, the number of each section, fractional section, or sub-division, and take such other action as may be necessary to fully secure the grant of lands to said railroad companies, subject to all the conditions and restrictions of the Act of Congress making such grant.

Sec. 22. *Be it further enacted*, That it shall be lawful for the Board of County Commissioners of any county, or the Mayor and Council of any city, or the Trustees of any town, through or near which such railroads or their extensions may pass, or in which they may terminate, and they are hereby authorized to subscribe and hold stock in said company, upon the same terms and conditions, and subject to the same restrictions as other Stockholders: *Provided*, It shall be first submitted to the vote of the legal voters of said county, city or town, to be held and taken at such times and places, and in such manner, as said authorities respectively may appoint, whether or not stock shall be subscribed and taken; and if, when the vote be thus taken, it shall appear that a majority of the votes shall be in favor of such subscription, it shall thereupon be lawful for the Board of County Commissioners, city or town authorities, by agents by them appointed, to subscribe and take in such company, such an amount of stock as they shall determine: *Provided*, That in no case of county subscription the amount shall exceed fifty per cent. of the cost of construction through said county; and to issue the bonds of such county, city or town, payable with interest at such times

and places as they may deem proper, and dispose of the same for the payment of such subscription, pledging the faith and resources of such county, city or town for the payment of such bonds and interest; and they shall, from time to time, levy and collect such a tax as shall be necessary to pay the instalments of interests and the bonds, as the same become due, or to create a Sinking Fund for the gradual reduction of the same: *Provided*, That the rate of interest shall not exceed ten per centum per annum, or funds may be raised by such Board of County Commissioners, or city or town authorities, by tax, in such sums or instalments as will meet such subscription, and the receipt for the payment of such tax shall entitle the payers thereof, for every One Hundred Dollars so paid, to have one share or more, as the case may be, of the stock so subscribed by said County Commissioners, city or town, in said company, and which receipts shall be assignable. No stock held by any county, city or town, shall be assignable by said county, city or town, until the bonds issued for the purpose of procuring funds for the payment of said county, city or town subscription shall be paid, except in exchange for such bonds.

Sec. 23. *Be it further enacted*, That in the event of the disagreement between any railroad company accepting the provisions of this Act, and the Post-master General as to the compensation to be paid per mile by the Government of the United States to said companies for transporting the mail of the United States, on the routes indicated by this Act, the matter shall be settled by mutual agreement between the Post-master General and the Governor of the State, and the refusal on the part of any railroad company to perform the services required by the Post-office Department, for the compensation agreed on by the Governor and the Post-master General, shall subject said company to a fine of one hundred dollars for each and every day they refuse to per-

form the said award, which will be recoverable by an action of debt by the Post-master General, but not if he be in arrears for more than one quarter's compensation to such company.

Sec. 24. *Be it further enacted,* That no branch roads from the main line of railroad, provided for by this Act, between the waters of Pensacola or Escambia Bay and the junction with the Florida Railroad shall be made to the northern boundary line of this State, until that part of the line between the Suwannee river and the Florida Railroad has been constructed; nor shall any such branch road be made to a point West of the Alapaha river without the consent of all the companies owning the several portions of the main line, and without the approval of the Trustees of the Internal Improvement Fund.

Sec. 25. *Be it further enacted,* That the completed portion of any railroad authorized by this Act, shall carry the iron rails, spikes and plates or chairs required in the construction of any portion of the line indicated, at the uniform rate of two cents per ton per mile, and for such transportation shall receive in payment the capital stock of the company for which the same was transported.

Sec. 26. *Be it further enacted,* That whenever any of the different railroad companies shall purchase and deliver to the County Treasurer, or to the city or town authorities, the bonds issued by any county, city or town, to pay the subscription of the capital stock of said county, city or town, or any portion of them, the Treasurer of said county, city or town shall transfer an equal amount of the capital stock of said company to said railroad company, and it shall be the duty of the Treasurer of the county, city or town authorities to cancel and deface the bonds exchanged.

Sec. 27. *Be it further enacted,* That after the railroad companies indicated by the provisions of this act, shall, for five consecutive years, pay six per cent. on the capital

stock paid in, and the interest on the bonded debt, and apply the sum of one per cent. yearly to a Sinking Fund on said debt, then the Trustees of the Internal Improvement Fund may apply, under the direction of the Legislature, the annual income arising from said fund to other purposes of Internal Improvement, or to the support of schools, so long as the said company shall continue to pay the same. But should any of said railroad companies thereafter fail to provide the interest upon their bonded debt, and one per cent. annually as a Sinking Fund, then said fund shall pay the deficiency on the interest account, from time to time, as it may arise.

Sec. 28. *Be it further enacted,* That the right of way through the State lands for two hundred feet in width, is hereby granted to the different railroad companies on the routes indicated, with the right to cut timber and procure the necessary earth and stone from the adjacent land, to construct and repair the same, and whenever it is necessary to construct turn-outs or sidetracks, that this privilege may be extended to one hundred feet on each side of the road, and of such sidetrack. ⑥

Sec. 29. *Be it further enacted,* That the alternate sections of the swamp and overflowed lands, for six miles on each side, may be granted by the General Assembly to such railroad companies, to be hereafter chartered, as they may deem proper, on their compliance with the provisions of this Act, as to the manner of constructing the road and drainage, and the sale and transfer of the alternate sections thus granted shall be in accordance with the provisions of this Act.

Sec. 30. *Be it further enacted,* That no bonds shall be issued to the companies under the provisions of this Act in aid of any part of their road not completed at the end of eight years from the passage of this Act, and any company failing to grade twenty miles of their road within four years from filing notice of their acceptance of

the terms of this Act, shall forfeit all right to its benefits.

Sec. 31. *Be it further enacted*, That in addition to the bonds authorized to be issued in the preceding sections of this Act, there may be issued by the proper railroad companies, bonds to the amount of one hundred thousand dollars for a bridge crossing the Choctawhatchie river, and the like amount for a bridge crossing the Apalachicola river; also one hundred thousand dollars for the structures necessary to cross from the West side of Nassau river to Amelia Island, and fifty thousand dollars for the crossing of the Suwannee river—which bonds shall be guaranteed and provided for in the same manner as those hereinbefore authorized: *Provided*, That said bonds shall not issue except in payment for work done, and then only as the work progresses, upon the certificate of the State engineer that such work has been done, and that the amount of bonds issued is required for the payment therefor.

Sec. 32. *Be it further enacted*, That if any person shall, while in charge of a locomotive engine, or acting as the conductor or superintendent of a car or train of cars, or on the car or train as a brakeman, or employed to attend the switches, draw-bridges, or signal stations, on any railway in this State, be intoxicated, he shall be deemed guilty of a misdemeanor, and upon conviction before any magistrate, shall be punished by fine or imprisonment at the discretion of the court.

(Passed the House of Representatives December 29, 1854. Passed the Senate January 2, 1855. Approved by the Governor January 6, 1855)

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CHAPTER 734—[No. 125.]

An Act to Facilitate the Construction of the Various Lines of Railroad provided by the Act entitled "An Act to provide for and encourage a Liberal System of Internal Improvement in this State," approved 6th January,

1855.

WHEREAS, Differences of opinion exist among competent civil engineers as to the details of construction of railroads best calculated to ensure a desirable and permanent structure; *And Whereas*, It is desirable to construct the several railroads now in contemplation in this State in the most approved manner, and with the aid and assistance of the best scientific skill and experience: *And Whereas*, Also, the details of construction specified in the above mentioned Act can only be modified by and with the consent of the State of Florida, the Trustees of the Internal Improvement Fund, the several railroad companies and all others having vested interests under the law. Therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That all the details of construction specified in the sixth and seventh sections of the "Act to provide for and encourage a liberal system of Internal Improvement in this State," except the sixth specification in the sixth section, may be modified by and with the consent and approval of the Trustees of the Internal Improvement Fund, and the several railroad companies shall be and they are hereby authorized, (having first obtained the assent of the said Trustees,) to adopt such details of construction as may be recommended by a competent engineer, to be approved of by the Trustees of the Internal Improvement Fund.

Sec. 2. *Be it further enacted*, That all the duties devolved upon the State engineer may be performed by any other competent civil engineer, to be designated by the Trustees of the Internal Improvement Fund.

Sec. 3. *Be it further enacted*, That whenever "twenty miles" occurs in the Act above mentioned to encourage and provide for a liberal system of Internal Improvement in this State, the same shall be erased and "ten miles" in-



served in lieu thereof, so as to entitle the several companies to aid on the completion of the first ten miles instead of twenty as heretofore, and for any number of miles less than ten at the termination of any road.

Sec. 4. *Be it further enacted*, That a line of railroad to be constructed from the city of Pensacola, or any other point or points on the waters of Pensacola Bay, or the waters of the St. Andrews Bay, to the north line of the State leading in the direction of Montgomery, Alabama, shall be considered as proper improvements to be aided from the Internal Improvement Fund in the manner provided for, or may hereafter be provided for, in "An Act to provide for an encourage a liberal system of Internal Improvements in this State," approved January 6, 1855.

Approved December 14, 1855.

CHAPTER 874—(No. 16.)

AN ACT to amend an act to provide for and encourage a Liberal System of Internal Improvements in this State, approved January 6, 1855.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That an Act to provide for and encourage a liberal system of Internal Improvements in this State, approved January 6, 1855, be so amended that the Trustees of the Internal Improvement Fund shall be and they are hereby empowered to appoint, at their annual election for directors, one director, not a stockholder, for each of the several railroad companies who have or may hereafter accept the provisions of said Act, said directors to exercise and perform all the rights, privileges and duties appertaining to a director in said company.

SEC. 2. *Be it further enacted*, That the said Trustees may remove at will said directors and shall have power to appoint a successor in case of such removal or in case of vacancy from any cause.

Approved January 14, 1859.

## CHAPTER 1,015—[No. 20].

An Act to repeal in part the 24th Section of the act entitled an act to provide for and encourage a liberal system of Internal Improvements in this State, approved January 6, 1855.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That so much of the 24th section of the act to which this is an amendment as provides that no branch road shall be made from the main line of railroad to the Northern boundary line of this State to a point West of the Alapaha river, without the consent of all the companies owning the main line of road between the waters of Escambia Bay and the Florida Railroad, and without the approval of the Trustees of the Internal Improvement Fund, be and the same is hereby repealed.

Passed the Senate December 17, 1859. Passed the House of Representatives December 22, 1859. Approved by the Governor December 22, 1859.

## CHAPTER 1, 110—(No. 17.).

AN ACT to amend the 22d Section of the Act to provide for and encourage a liberal system of Internal Improvements in this State, approved January 6, 1855.

WHEREAS, Doubts have been suggested whether, by the section of the Act to which this is an amendment, the receipt for the payment of the tax levied and collected by the counties subscribing for stock in any railroad company entitles the payers thereof to a transfer of stock, where the tax levied has been so levied and collected for the purpose of paying outstanding bonds, for remedy whereof.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the County Commissioners of any

county in this State, which shall have subscribed for stock in any railroad company under the provisions of the act to which this is an amendment, shall distribute the stock paid up, or for which bonds have been issued and paid *pro rata*, and transfer and assign to the parties holding tax receipts for taxes levied to pay for any instalment of stock, or for any bond or bonds issued by such county to pay for such instalment or instalments of stock, each person holding such receipts surrendering the same to be entitled to a *pro rata* portion of the stock paid up, or for which bonds have been issued and afterwards paid, which distribution and transfer shall continue as fast and as often as the outstanding bonds are taken up or paid by the county; and thereafter the stock so distributed and transferred shall be represented by the holders thereof, and the county shall only be entitled to represent the remaining stock subscribed for by it.

SEC. 2. *Be it further enacted*, That the several counties subscribing for shares of stock as aforesaid, shall have the right and power, by the consent of the company in which it holds the stock subscribed for by it, to sell and transfer the stock held by it, for which its bonds are outstanding, without waiting until the bonds issued for the purpose of raising money to pay for its stock shall be paid.

SEC. 3. *Be it further enacted*, That if any tax-payer shall present to the County Commissioners a certificate of his having given public notice in a newspaper, published in or nearest to the county of his residence, for one month, of his having lost his tax receipt or receipts, and of his intention to apply for a transfer of his *pro rata* share of the stock as authorized by this act, and shall likewise file with the County Commissioners his affidavit of his having lost his tax receipt or receipts, the County Commissioners on his application shall transfer to him his *pro rata* portion of

the stock, taking as a basis, in the absence of his tax receipt or receipts, the tax book of the county filed with them.

Approved February 14, 1861.