

APPENDIX.

COMPTROLLER'S REPORT.

OFFICE OF COMPTROLLER, }
TALLAHASSEE, January 1, 1873. }

SIR: I have the honor to submit the following report from this office for the fiscal year ending 31st December, 1872, for transmission to the General Assembly.

At the close of the last fiscal year the bonded debt of the State was given as follows:

Total amount of bonds of 1856 now outstanding.	\$221,000 00
Total debt to the School Fund, less \$50,000 in bonds of 1856, included in the foregoing item, \$221,000.	140,752 03
Total debt to the Seminary Fund, less \$7,000 in bonds of 1856, included in the foregoing item, \$221,000.	64,292 45
Debt to Internal Improvement Fund.	45,000 00
Bond to E. N. Dickerson, December 3, 1866.	21,000 00
Eight per cent. bonds of 1868—expenses Convention.	30,000 00
In 6 per cent. bonds, issued under act of 1868 and 1869.	79,000 00
Due B. C. Lewis on bonds of 1868 and by hypothecation.	3,322 16
Due on same class of bonds hypothecated in New York.	112,000 00
Total.	\$716,367 24
Less amount of bonds of 1867 redeemed in 1869.	25,000 00
Total.	\$691,367 24
The interest on this debt as correctly as can be ascertained from official records is	\$157,606 09
Total principal and interest of bonded debt.	\$848,973 33

In this statement I have only included so many of the bonds of 1868 and 1869, that is, \$79,000, as have been actually sold, and have repeated the amount stated in my report for the fiscal year ending 31st of December, 1870, to be due at that time on the remaining \$421,000 of these bonds. To this sum of \$115,322.16 due on 31st of December, 1870, must be added whatever of expense in the way of commissions and interest has since accrued. But of this and the present status of these \$421,000 bonds, your Excellency is better informed than I, as they have been in your control since January, 1870. As they are still

outstanding, however, should they not be added to the debt of the State, as also the \$4,000,000 bonds issued to the Jacksonville, Pensacola & Mobile Railroad under act of January 28, 1870? If so, the debt would stand thus:

Amount before stated,	\$848,973 33
Floating debt,	458,892 20
Bonds of 1868 and 1869,	421,000 00
Bonds issued to Jacksonville, Pensacola & Mobile Railroad,	4,000,000 00
Showing a debt of	\$5,728,865 53

From this amount must be taken the amount then given as the floating debt, a statement of which will appear hereafter.

Amount bonded and floating debt,	\$5,728,865 53
Less floating debt,	458,892 20
Total,	\$5,269,973 33

To this must be added another year's interest, as no interest has been paid except that due the School and Seminary funds, which was paid by warrant on the treasury, thus increasing the volume of the floating debt. There must also be added the bonds issued under act of 21st January, 1871, entitled "An act relating to the Finances of this State," thus:

Debt as above,	\$5,269,973 33
Add bonds under foregoing act, 30-year, 7 per cent.,	350,000 00

making a bonded debt of \$5,619,973.33, exclusive of any interest since the close of the last fiscal year, except that paid to the School and Seminary funds, as before stated, and a portion of the interest on the bonds of 1871, which will appear in the report of the Treasurer.

A more particular statement of transactions under the act of January, 1871, relating to the finances of this State, showing amount of bonds issued and of scrip funded, will be found appended to this report and marked "B."

FLOATING DEBT.

1873.		
January 1.—The warrants issued for the fiscal year 1872 amount to.....	\$304,214.35	
Amount warrants and Treasurer's certificates outstanding January 1, 1872, after deducting amount exchanged for seven per cent. bonds of 1871.....	286,098.80	
Total.....		—\$590,313.15
1873.		
January 1.—Amount of warrants and Treasurer's certificates redeemed by Treasurer.....	2161,902.05	
Amount funded in seven per cent. bonds of 1871 during year 1872.....	203,583.43	—\$365,485.48
Total amount warrants and certificates outstanding January 1, 1873.....		—\$224,827.67

In accordance with the requirements of the act of 1871 relating to the finances of the State, there was apportioned among the several counties of the State a tax of \$34,438.67, to meet the interest on and create a sinking fund for the redemption of the bonds issued under said act. Of this sum there has been collected and paid into the treasury \$20,268.17, and of this amount there was set aside for the sinking fund the sum of \$1,383, which I, in conjunction with the Treasurer, as required by the act, invested in these bonds, purchasing twenty-two (22) of them at thirty-five and one-half (35½) cents on the dollar, and fourteen (14) of them at forty-three (43) cents on the dollar, thus retiring thirty-six (36) (or \$3,600) of the bonds.

It will be seen that the collections or payments into the treasury have not been nearly sufficient to meet the interest on the bonds.

The statement of "receipts and disbursements" hereto appended marked (A) shows that of the sum of \$437,372.84 levied for the various purposes of the State for the year 1871, exclusive of the "general school tax," which is by law made payable to the Treasurer of the Board of Public Instruction of the respective counties, there still remains uncollected, or at all events not paid into the treasury, \$180,256.25.

Statements of the account of officers charged with the collection of this tax, together with copies of their official bonds, have been placed in the hands of the State's Attorneys for the several circuits with instructions to take such steps as will insure an "immediate settlement." This has had the effect of bringing some few to a settlement of their accounts; but my past experience leads me to believe that, in a large majority, and of the most important cases, it will be utterly disregarded. I have reason for asserting that to no inconsiderable extent these taxes have been paid to and are now in the hands of tax collectors who, from a failure to prosecute criminally, and the known worthlessness of their bonds if civil process is resorted to, give themselves very little concern on the subject.

I have in each official report during my incumbency of this office called attention to the neglect of revenue officers of their duties, the utter insufficiency of their bonds, and the neglect or failure of district attorneys to compel them to a settlement of their accounts.

It would, I think, surprise a committee of the Legislature were they to examine the bonds on file in my office. They would see how little security is placed around the hard-earned money of the tax-payer after it gets into the hands of the tax-gatherer. In the majority of cases (and it is a fact that this applies to the largest tax-paying counties of the State,) the bonds are *simply worthless*. No one fully acquainted with the

practical workings of our revenue system can be at all surprised at the financial condition of the State.

Under our revenue system the boards of county commissioners of the respective counties have the sole and exclusive jurisdiction in the matter of the approval of bonds of tax collectors and assessors. Their approval is final, and all that the Comptroller is required to or can do is to see that the prescribed forms of the bonds have been complied with, and if they have, he simply notifies the Secretary of State that A.'s bond as tax collector has been filed, and thereupon the Secretary of State issues A.'s commission to collect the taxes. The Comptroller may be well satisfied that the bond is of no value, and may even so inform the Governor, but neither would have any remedy except that the Governor might return the bond and appoint a new board of commissioners. The fact is that, as a body, the boards of county commissioners, with the powers they now have, are second in importance to none in our government, and should be constituted of men of *experience, integrity*, and having a personal interest in the faithful performance of the important duties. If such were the case the taxes would be collected, and, what is of more importance, paid into the treasury. Only men of character, capacity, and responsibility could give bond, and when they did the bond would be of such a character as to secure the State (and county) against fraud and wrong. A reference to the law defining the duties of county commissioners will convince your Excellency of the importance of this board and the *necessity* of having proper men to constitute it. The value of this to the State cannot be overestimated.

The warrants drawn on the treasury for the fiscal year just ended amount to \$304,214.35, under the different heads of expenditure as specified in statement of "Receipts and Disbursements." As large as this expense is, if the revenues of the State had been properly accounted for, the State would now have money in her treasury instead of having to issue her paper at a depreciated value, as has been necessary to keep up the penitentiary. With our heavy rate of taxation, and a relatively small amount of "scrip" in circulation, this scrip has been selling, until within the past few weeks, at from 56 to 62 cents on the dollar. The inference is very plain.

In a former report from this office, I most urgently called attention to the claims of lunatic asylums of other States for the care and custody of subjects from this State. The demands from these institutions for the settlement of their claims have been most urgent and pressing, but all that I could do was to beg their forbearance until the Legislature could meet again, when I would place the matter before them and ask that something be done. I do not think that they will much longer sub-

mit to the disregard of their most just demands, but proceed to execute the threat more than once made, to turn our unfortunate subjects from their asylums, to be subjected to all the hardship and suffering incident to their helpless condition. I hope your Excellency may be impressed with the necessity of prompt action, and be able to make such recommendations as may be adopted and effectual.

In the statement of the debt of the State there is an item of \$3,322.16 due B. C. Lewis in February and May, 1870, for money borrowed of him on hypothecation of bonds of 1868 and 1869. This money was borrowed for the purpose of paying for provisions for the guard and prisoners at the penitentiary, to avoid the necessity of issuing warrants at a much depreciated value. As this money was obtained by me at a time of great necessity to the State, I respectfully ask that it may meet the early consideration of the Legislature, and that they may make some provision for its payment.

Another debt of the State, contracted by me under the act of 18th February, 1870, for engraving the warrants provided for by said act, is still unpaid. The bill has been recently sent to me and amounts to—

Principal,	\$4,376 00
Interest to 1st December, 1872,	682 30
Total,	\$5,058 30

To this claim I also respectfully call the early attention of the Legislature.

On the 21st September, 1870, a warrant for \$4,376 was issued against the "Contingent Fund" to pay the claim, but there being no money in the treasury to pay it, and the company refusing to receive it in payment of their claim, it is still in the hands of Messrs. Earle and Perkins, but entirely unavailable for the purpose for which it was issued.

In conclusion I respectfully ask that a committee be appointed as early as practicable to examine the records of this office.

In this connection I think it not inappropriate to make some suggestions in regard to the system of checks and counter-checks in this department. The acts heretofore passed do not meet the necessities of the case, and are cumbersome and unsatisfactory.

The requirements are very simple and easily perfected.

In the first place all payments into the treasury are chargeable to the Treasurer on the books of this office, and when payments are made directly to the Treasurer the payor should be required to deliver the Treasurer's receipt to and obtain the receipt of this office to make the payment valid. All warrants drawn on the treasury should be, when paid by the Treasurer,

handed into this office weekly, and a receipt given him for them. These warrants would be credited to him, and the balance shown against him would be the actual balance in his hands, or the warrants issued and not yet presented to or paid by him. The record of "warrants and certificates paid," now required to be kept, should be continued, and a comparison of those paid by and receipted for to the Treasurer, with this record, would show the numbers, amounts, and to whom issued, of the warrants still outstanding.

To start this system successfully, a complete and perfect inventory of the money, scrip, bonds, &c., of the respective officers should be taken, and the amounts actually on hand charged to them. This plan, I think, will commend itself by its simplicity.

I would further recommend that the books of this office be closed by stating the accounts on them up to and including the year 1871, and that these statements be placed in the hands of the solicitors or State's Attorneys of the several circuits, and the amounts due in the respective circuits be charged to them. If deemed advisable, the State's Attorneys might be required to give bond for the faithful discharge of their duties, and payment of any and all moneys collected by them under this law into the treasury, the penalty of the bond to be in like amount with the accounts placed in their hands.

I suggest this for the reason that there are large amounts due the State from revenue and other officers which will never be realized. These amounts are looked to to meet to some extent the annual expenses of the State government. If they are ever collected it will place that much in the treasury to be estimated in determining the rate of taxation necessary to carry on the government and pay the interest on the debt of the State.

All of which is respectfully submitted,

R. H. GAMBLE,
Comptroller.

(A)

RECEIPTS AND DISBURSEMENTS.

The receipts at the Treasury for the fiscal year ending December 31, 1872, amount to..... \$257,232.54

viz.: For revenue, 1867..... \$139.30
 For revenue, 1868..... 94.61
 For revenue, 1870..... 6,732.04
 For Sinking Fund tax (1870)..... 1,163.16
 For School Fund tax (1870)..... 887.81
 For revenue, 1871..... 128,358.06
 For general Sinking Fund (1871)..... 45,667.98
 For special Sinking Fund and Int. tax (1871)..... 16,520.04
 For revenue, 1872..... 3,991.53
 For general Sinking Fund (1872)..... 342.00
 For special Sinking Fund and Int. tax (1872)..... 245.00
 For License tax..... 21,705.15
 For commission's account..... 1,206.27

For Bush's Digest..... 105.53
 For Common School Fund (from fines)..... 630.83
 For School Fund (from sale of lands)..... 7,362.03
 For Seminary Fund (from sale of lands)..... 1,980.66
 For County Seals..... 7.00
 For School Fund, interest..... 14,332.63
 For Seminary Fund, interest..... 5,587.39 \$257,232.54

The warrants issued during the year amount to..... \$304,214.35

viz.: Criminal prosecutions..... 2,673.35
 Jurors and witnesses..... 43,996.80
 Contingent expenses, Circuit Court..... 232.75
 Contingent expenses, Supreme Court..... 1,831.47
 Contingent expenses, State..... 2,344.52
 Contingent Fund for acting Governor (Samuel T. Day)..... 4,000.00
 West Florida Seminary Fund interest..... 3,623.99
 East Florida Seminary Fund interest..... 6,500.00
 Maintenance of lunatics..... 8,050.22
 Salaries Executive Department..... 18,231.42
 Salaries Judicial Department..... 29,171.02
 Salaries Military Department..... 2,000.00
 Repairs of Capitol..... 1,034.01
 Interest State debt (School and Seminary funds)..... 19,920.02
 Fund for Clerk Supreme Court..... 625.00
 Printing (general advertising and State printing)..... 9,976.16
 Pay of County Judges (appropriation to George W. Sayers, County Judge, Holmes county)..... 420.00
 Expenses collection of revenue..... 48.25
 Expenses Bureau of Immigration, exclusive of salary of Commissioner..... 3,412.00
 Expenses Adjutant-General's Department (enrolling militia)..... 228.30
 Revenue refunded..... 561.92
 Expenses printing Digest Laws of Florida..... 3,324.00
 Expenses 1st session 16th Legislature..... 1,400.00
 Expenses printing Supreme Court Reports..... 2,512.55
 Common schools..... 9,363.75
 Expenses of penitentiary..... 19,703.91
 Expenses Legislature, 1872 (regular session)..... 59,802.44
 Expenses of impeachment of Harrison Reed (paid to F. A. Dockray and J. P. C. Drew, managers)..... 1,000.00
 Expenses Board of Equalization..... 400.00
 Expenses Extra Session Legislature, 1872..... 8,317.28
 Expenses furnishing and repairing Executive Chamber..... 252.01
 Appropriations to R. H. Gamble (expenses of self and W. R. Pettes to New York, \$677.29; attorneys and costs in suit of D. C. Willard & Co., in connection with sale of State bonds, \$1,050)..... 1,727.29
 Appropriation to Robert Hawkins (for services as watchman in 1871)..... 375.00
 Appropriation to Geo. P. Raney (counsel fees in suit of E. C. Weeks)..... 250.00
 Appropriation to W. H. Gleason (three months services as fiscal agent of the State)..... 600.00
 Appropriation to E. C. Weeks (expenses to Washington and expenses in Mandamus vs. Comptroller)..... 412.00
 Appropriation to C. W. Kinne (Private Secretary to Governor for 1871)..... 1,000.00
 Appropriation to clerk in Treasurer's office for 1871..... 1,000.00
 Appropriation to J. P. C. Drew (Supreme Court reports)..... 250.00

Appropriation to Hattie Tray (for services as teacher).....	96.00
Appropriation to Est. G. T. Ward (for wood furnished Capitol in 1869).....	276.00
Appropriation to Leonard Johnson (for services as teacher).....	216.00
Appropriation to Samuel Trent (for services as teacher).....	96.00
Appropriation to A. L. Woodward (for legal services rendered the State).....	100.00
Appropriation to Henry Cook (for services as janitor in 1871).....	300.00
Appropriation to C. H. Foster, clerk, &c. (services in examining Treasurer's account).....	56.00
Appropriation for expenses contesting election (to Wm. P. Frink).....	250.00
Act for relief of J. H. Goss, Judge, &c., expenses holding court, Monroe county.....	342.00
Act for relief of Ben Saxon, sheriff, Hernando county.....	148.00—\$304,214.35
<i>School Fund—Capital.</i>	
1873.	
January 1.—Balance in Treasury, as per last report.....	\$21,817.05
Receipts during fiscal year 1872 (sales of land).....	7,262.03
Receipts from fines Common School Fund in 1870, omitted in previous reports.....	1,447.05
Receipts from fines Common School Fund in 1871, omitted in previous reports.....	676.11
Receipts from fines Common School Fund in 1872.....	558.25
Total.....	\$31,760.47
<i>School Fund—Interest.</i>	
1873.	
January 1.—Balance in Treasury, as per last report.....	\$927.83
Interest collected to July 1, 1872.....	14,332.63
Total.....	\$15,260.46
Amount warrants issued during fiscal year 1872.....	30,063.56
Amount overdrawn.....	\$15,403.10
<i>Seminary Fund—Capital.</i>	
1873.	
January 1.—Balance in Treasury, as per last report.....	\$10,723.26
Receipts during fiscal year 1872.....	1,980.66
Total.....	\$12,703.92
<i>Seminary Fund—Interest.</i>	
1873.	
January 1.—Balance interest due as per last report.....	\$7,559.48
Interest collected to July 1, 1872.....	5,587.39
Total.....	\$13,446.87
Amount warrants issued during fiscal year 1872.....	10,322.99
Balance due.....	\$3,323.88

(B)

Statement showing the number of bonds funded under act of the 26th of January, 1871, entitled "An act in relation to the Finances of this State."

Amount funded in 1871, as per report for the fiscal year ending 31st of December, 1871:

1,619 bonds of \$100 each, numbered from 1 to 1,619, inclusive,	\$161,900 00
Accrued interest funded,	10,048 51—\$171,948 51

Amount funded in 1872:

1,881 bonds of \$100 each, funded in 1872, numbered from 1,620 to 3,500,	\$188,100 00
Accrued interest funded,	15,483 43—\$203,583 43

Total amount of bonds funded,	\$350,000 00
Total amount interest funded,	25,531 94

Total principal and interest funded,	\$375,531 94
Total amount of bonds issued under the act,	—\$350,000 00

TREASURER'S REPORT.

TREASURER'S OFFICE,

TALLAHASSEE, Fla., January 1, 1873. }

To His Excellency Harrison Reed, Governor of Florida.

SIR: I have the honor to submit herewith my annual report of the transactions of this office for the year 1872, including a separate statement of the Special Sinking Fund account, and also of the School and Seminary Funds accounts, as derived from the sales of lands belonging to those funds. I submit also a statement of all the returns and statements made and accepted during the year by insurance companies as required by law.

The balance on hand consists of Special Sinking Fund, Comptroller's Warrants, Jurors' and Witnesses' Certificates, unaudited bills, &c.

I respectfully request that the Legislature will at an early day appoint a competent and impartial committee to thoroughly examine and verify all my accounts of whatever kind; and conscious as I am of having endeavored honestly and earnestly to discharge the responsible duties of my office during the last four and a half years, I shall retire without regret.

S. B. CONOVER,
State Treasurer.

Annual Statement of S. B. Conover, Treasurer of the State of Florida, from the first day of January, A. D. 1872, to the first day of January, A. D. 1873:

DR.	
December 31, 1872—	
To balance last report (exclusive of School and Seminary Funds),	\$15,652.55
To amount received on account—	
Revenue, 1867,	139.30
Revenue, 1868,	94.61
Revenue, 1869,	271.73
Revenue, 1870,	6,732.04
Revenue, 1871,	128,358.06
Revenue, 1872,	3,994.33
Sinking Fund tax, 1870,	1,163.16
School Fund tax, 1870,	887.81
General Sinking Fund tax,	46,009.98
Special Sinking Fund and Interest tax,	16,765.04
License tax,	21,705.15
Circuit Court Seals,	7.00
Common School Fund (from fines),	630.82
Commission Account,	1,206.27
Bush's Digest,	105.53
Interest on State debt (School Fund)	14,332.63
Interest on State debt (Seminary Fund),	5,587.39
	\$263,643.40—\$263,643.40

CR.

December 31, 1872, by amount paid on account—	
Expenses of collection of revenue,	\$176.07
Expenses first session Legislature of Florida,	1,510.00
Expenses of Penitentiary,	10,301.58
Expenses Legislature, extra session, 1870,	737.20
Expenses first session Sixteenth Legislature,	4,100.12
Expenses of Adjutant-General's Department,	78.80
Expenses of Presidential Election,	139.09
Expenses of furnishing, &c., Executive Chamber,	1.00
Expenses of Bureau of Immigration,	1,520.00
Expenses of Public Instruction,	88.05
Expenses of Legislature, extra session, 1868,	45.00
Expenses of Legislature, extra session, 1872	6,981.43
Expenses of Legislature, 1872,	16,874.83
Expenses of Printing Supreme Court Reports,	70.40
Expenses of Printing Digest Laws of Florida,	750.00
East Florida Seminary Fund interest,	3,000.00
Indian hostilities,	13.30
Indian hostilities (supplies),	70.90
Salaries Military Department,	1,350.00
Salaries Judicial Department,	13,952.41
Salaries Executive Department,	11,626.83
Printing,	6,054.76
Criminal Prosecutions,	5,462.94
Contingent expenses of State,	1,815.37
Contingent expenses of Circuit Court,	526.16
Contingent expenses of Supreme Court,	1,670.31
Contingent Fund for acting Governor,	3,000.00
Common Schools,	8,805.63
Act for relief of Benjamin Saxon,	118.00
Appropriation to R. H. Gamble,	950.00
Appropriation to Henry Cook,	300.00
Appropriation to Charles H. Foster,	306.00
Appropriation to A. L. Woodward,	100.00
Appropriation to Hattie Triay,	96.00
Appropriation for expense contesting election,	250.00
Appropriation for clerk in Treasurer's office,	800.00
Pay of County Judges,	467.00
Pay of County Judges (1872),	210.00
Post-mortem examinations,	63.50
Treasury Certificates,	14,376.53
Convention Certificates,	215.00
Jurors' and Witnesses',	14,766.90
General Assembly,	969.25
Common schools, for Freedmen,	230.00
Cancelled coupons, Seven per cent. State bonds,	17,983.00
Thirty-six Seven per cent. State bonds, placed to Sinking Fund,	1,383.00
Comptroller's Warrants (greenback scrip),	66,136.76
Interest on State debt (School Fund),	14,332.63
Interest on State debt (Seminary Fund),	5,587.39
Repairs of Capitol,	588.99
Maintenance of Lunatics,	270.00
Revenue refunded,	166.00
To balance,	\$17,225.38—\$263,611.00

SCHOOL FUND ACCOUNT.

DR.	
To balance, January 1, 1872,	\$5,833
To amount of School Fund (received from sales of land),	7,202
Total,	\$13,035
CR.	
By amount invested in Seven per cent. State bonds,	\$8,457
To balance,	4,638
Total,	\$13,095

SEMINARY FUND ACCOUNT.

DR.	
To balance, January 1, 1872,	\$8,275
To amount of Seminary Fund (received from sales of land),	1,980
Total,	\$10,255
CR.	
By amount invested in Seven per cent. State bonds,	\$9,874
To balance,	377
Total,	\$10,251

STATEMENT OF SPECIAL SINKING FUND ACCOUNT.

DR.	
To balance, January 1, 1872,	\$468
To amount received during year 1872,	2,095
Total,	\$2,563
CR.	
By amount invested in Seven per cent. State bonds (placed to Special Sinking Fund),	\$1,382
To balance,	1,180
Total,	\$2,562

Insurance Companies that have deposited bonds under "An act to provide for the Protection of the Citizens of this State against Defaulting Foreign Corporations," approved January 27, 1871, and entitled to business in this State:

- December, 1871—The Piedmont and Arlington Life Insurance Company, of Richmond, Va., in Florida Six per cent. State bonds, \$30,000.
- 1872—The Equitable Life Assurance Company of the United States, Florida Seven per cent. State bonds, \$30,000.

- The following Fire and Life Insurance Companies, viz.:
 - The Franklin Fire Insurance Company, of Philadelphia, Pa.
 - The Continental Insurance Company of the City of New York.
 - The Continental Life Insurance Company, of New York.
 - The National Life Insurance Company, of Washington, D. C.
 - The Aetna Insurance Company, of Hartford, Ct.
 - The Home Insurance Company, of New York, and
 - The Phoenix Insurance Company, of Brooklyn, N. Y.,

Having filed the statement as required by section one of "An act Relating to Insurance Companies," approved February 27, 1872, have been furnished the following certificate, based upon an opinion of the acting Attorney-General, C. P. Cooper, and hereto annexed:

CERTIFICATE.

I hereby certify that the _____ Company of _____ has filed in this office a sworn statement as required by section one of an act entitled "An act Relating to Insurance Companies," approved February 27, 1872.

(Signed) S. B. CONOVER,
State Treasurer.

OPINION OF THE ACTING ATTORNEY-GENERAL.

JACKSONVILLE, Fla., July 4, 1872.

Sir: S. B. Conover, State Treasurer, Tallahassee.

Sir: Yours requesting my official opinion "as to whether you are authorized under existing laws to issue such certificates as are provided for in sections one and two of an act entitled 'An act relating to Insurance Companies, approved February 27, 1872'" has been received, and the subject of inquiry commanded my careful attention.

The language of said act is plain and positive. I presume the only difficulty arises in the fact that there is a prior statute on the same subject, to wit: The act approved January 27, 1871, entitled "An act to provide for the Protection of the Citizens of this State against Defaulting Foreign Corporations;" and that in consequence of the absence of a section of repeal in the first act referred to, to wit: The act approved February 27, 1872, that there may be a question whether said act repealed the act of January 28, 1871, or was only cumulative.

I regard the last act passed as a total repeal of and substitution for the first act.

It provides for new and different evidences of solvency on the part of foreign insurance companies, and places them on the same footing with domestic companies. It virtually abolishes all vital distinctions and discriminations made between them by the act of 1871. It also provides for proceedings, remedies, and penalties, against defaulting and insolvent insurance companies, inconsistent with those provided by the first act. It imposes new duties on the Treasurer in respect to all insurance corporations, and furnishes the tests of solvency to be applied to such companies. It requires the Treasurer to issue this certificate to those (whether foreign or domestic) who stand the test of solvency; and authorizes all such "to transact the business of insurance in this State." The only discrimination it makes in favor of home companies, is in the amount required to be invested either in United States securities or State bonds. The act under consideration, also creates a "Board of Insur-

ance Commissioners," whose duty it is to examine into the affairs of any insurance company in the State. This feature was unknown to any previous legislation on the subject, and furnishes the security sought to be attained by the act of 1871 against the want of responsibility of those artificial persons whose existence was created by, and depends upon, foreign legislation, and whose assets are removed from the jurisdiction of this State.

It is true there is no express section of repeal attached to the last act; but this is not necessary to constitute a repeal in fact of all previous acts which are conflicting or inconsistent with said act in their application and operation.

A careful comparison of the two acts referred to, is convincing that any attempt to enforce both acts as one would prove impracticable.

Section second of the act of 1872 says distinctly that "upon complying with the preceding section, and upon furnishing evidence to the satisfaction of the Board of Insurance Commissioners that such company has actually invested the amount above stated in such securities as are herein before mentioned, the State Treasurer shall issue a certificate thereof, with authority to such company to transact the business of insurance in this State."

The language is emphatic and exclusive. It does not say by complying with the conditions of this act, and the condition precedent of the act of 1871, insurance companies may proceed to do business in this State; but it does say that it is the duty of the Treasurer to issue his certificate authorizing companies to engage in insurance business in Florida, whenever they perform certain acts required by the law of 1872. Having done so, said companies have a right to demand your certificate, as the evidence of the fact and of their authority to do business. You cannot withhold it without incurring responsibilities.

Whatever may have been the intention of the legislators at the passage of the act of 1872 is not for me to say.

I can only construe it as I find it. Its legal effect is what I have stated: Your duties under it are plain.

I have the honor to be very respectfully your obedient servant,

C. P. COOPER,
Acting Attorney-General.

DEPARTMENT OF PUBLIC INSTRUCTION.

REPORT

OF THE

SUPERINTENDENT OF PUBLIC INSTRUCTION

Of the State of Florida, for the Year ending Sept. 30, 1872.

To His Excellency the Governor of Florida:

SIR:—In conformity to the law, I have the honor to submit the following report of the Department of Public Instruction for the year beginning October 1, 1871, and ending September 30, 1872:

During the past year many circumstances have existed unfavorable to the progress of education. The failure of the crops, the imperfect collection of revenue, the inadequacy of legislative appropriations, the excitements of the Presidential and State election, with other causes which need not be mentioned, have tended in some degree to embarrass the efforts of the friends of common schools.

It is an evidence of the inherent vitality of the system, and of the increasing hold it is gaining upon the popular mind, that in spite of these obstacles a manifest advance has been made, both in the number of schools, the aggregate of pupils, and in the number and qualifications of the teachers employed.

In my last report, the whole number of schools in the State was given as 331. The establishment of 113 additional schools raises this number to 444, an increase of more than one-third in the number of schools. The aggregate of pupils has also increased from 14,000 to 16,258. The ratio of pupils enrolled in the common schools last year was about one-fifth of the youth between 4 and 21. This year it is over one-fourth. If it is saddening to reflect that three-fourths of the youth of the State are yet unreached by the educational system, it is surely encouraging to know that the ratio is so rapidly changing. A similar rate of increase, could it be secured, would, in less than twenty years enroll every child in the State in the public schools.

The law provides that the census of the youth shall be

taken annually by the Assessors of the several counties. An attempt was made at the last Legislature to have the time changed to once in five years. An impression seems to have prevailed extensively that this attempt was successful. Very few returns in consequence have been forwarded, and we are obliged therefore to base our calculations on the census of last year. Once in five years would seem often enough for all practical purposes, and the change would effect a considerable reduction of expense.

The interest on the Common School Fund apportioned among the several counties the past year amounted to \$15,784.53. It is impossible to say what the warrants for this amount have realized. If 60 cents on the dollar be taken as the probable average value, the amount would be \$9,470.80. From the extremely defective character of the returns, it is impossible to state with precision the amount raised by taxation in the several counties. Including the one mill constitutional tax, the amount may be estimated at about

Add to this private contributions about	\$75,000.00
Received from the Peabody Fund	10,000.00
Interest on School Fund	7,350.00
	9,470.80

And the total amount is \$101,820.80
 This divided among all the children of the State is at the rate of \$1.64 per head.

PEABODY FUND.

The aid derived from the Peabody Fund is of peculiar value, because it is so distributed as to sustain schools for about ten months in places where they become models of what good schools ought to be. The following is a list of places so benefited:

St. Augustine.....	\$1,300	Tampa.....	450
Tallahassee.....	1,000	Quincy.....	300
Gainesville.....	1,000	Ocala.....	300
Key West.....	1,000	Apalachicola.....	300
Monticello.....	700		
Pensacola.....	600		50
Lake City.....	500		

EDUCATIONAL FUNDS.

The following table has been prepared, showing the bonds constituting the main part of the Common School and Seminary Funds, the interest of which is by the Constitution and laws of the State annually apportioned among the several counties.

Statement of Bonds belonging to the School Fund in the hands of A. H. Gamble, Comptroller, March 31, 1871.

BONDS OF.	NUMBER.	AMOUNT.	BOND WHEN ISSUED.	BOND WHEN DUE.	INTEREST WHEN PAYABLE.	17	
9-7 per cent. State of Florida.	78 to 86 inclusive.	\$9,000 00	Jan'y 1, 1857.	1st Jan'y, 1887.	Semi-Annual.		
35-7 "	{ 211, 213, 215, 221 to } { 252 inclusive, 355 }	35,000 00	do.	do.	do.		
6-7 "	241, 390 to 394 inclusive.	6,000 00	do.	do.	do.		
10-8 "	421 to 429 inclusive, 431.	5,000 00	Jan'y 1, 1867.	1st July, 1881.	do.		
1-7 "	.....	29,747 63	October 23, 1867.	1st Jan'y, 1883.	do.		
1-6 "	.....	1,000 00	June 10, 1856	1st April, 1866.	do.		
1-6 "	.....	5,000 00	March 29, 1856	9th June, 1866.	do.		
1-6 "	.....	505 00	May 10, 1856.	10th May, 1866.	do.		
1-8 "	.....	99,500 00	Jan'y 1, 1863.	1st Jan'y, 1883.	do.		
9-7 "	{ 254 to 257 inclusive, } { 260, 341 to 334 inclu. }	9,000 00	Jan'y 1, 1857.	1st March, 1891.	do.		
1-8 "	Putnam county.	3,000 00	Balance due of about \$3,500.				
4-8 "	Marion county.	1,000 00	Balance due of \$21.73	March 26, 1859.			
1-5 "	Gadsden county.	\$999 00	Matter in controversy—balance claimed as due by both the State and County.				

Statement of Bonds belonging to the Seminary Fund in the hands of R. H. Gamble, Comp., March 31, 1871.

BONDS OF:	NUMBER.	AMOUNT.	BONDS WHEN ISSUED	BOND WHEN DUE.	INTEREST WHEN PAYABLE.
1-7 per cent. Fla. R. R.	258	\$1,000 00	Jan'y 1, 1857.	1st March, 1891.	Semi-Annual.
1-6 " State of Florida.	.....	2,300 00	June 10, 1856.	10th June, 1866.	do.
1-8 " " do.	420	500 00	July 1, 1861.	1st July, 1881.	do.
1-8 " " do.	432	500 00	do.	do.	do.
1-7 " " do.	76	1,000 00	Jan'y 1, 1857.	1st Jan'y, 1887.	do.
1-7 " " do.	77	1,000 00	do.	do.	do.
1-7 " " do.	216	1,000 00	do.	do.	do.
1-7 " " do.	217	1,000 00	do.	do.	do.
1-7 " " do.	218	1,000 00	do.	do.	do.
1-7 " " do.	219	1,000 00	do.	do.	do.
1-7 " " do.	220	1,000 00	do.	do.	do.
1-8 " " do.	.....	60,992 45	Jan'y 1, 1863.	1st Jan'y, 1883.	do.

One Treasurer's Certificate for \$2,028.83 being amount of principal and interest on Duval county Bond for \$1,000 due March 1, 1871, paid by Treasurer of Duval county.

There are also in the office of the State Treasurer sixty-one 7 per cent. bonds of \$100 each, dated Jan'y 1, 1871, belonging to the Common School Fund, and seventy-seven of the same bonds belonging to the Seminary Fund.

SUMMARY.

COMMON SCHOOL FUND.

Principal.	
Bonds in Comptroller's office, (omitting Gadsden county.)	\$209,752 63
Bonds in Treasury,	6,100 00
Increase from fines, and sales land, less \$8,457.08 invested in bonds above mentioned in Treasurer's office,	21,933 93
Appropriation by Legislature of 1869,	50,000 00
Total,	\$281,785 56

SEMINARY FUND.

Principal.	
Bonds in Comptroller's office,	\$72,292 45
Bonds in Treasurer's office,	7,700 00
Increase from sales land, less \$9,879 invested in last mentioned bonds,	2,824 92
Total,	\$82,817 37

The following statement respecting School and Seminary lands is taken from the last annual report of the Commissioner of Lands and Immigration :

SCHOOL LANDS.

The "School Lands" in this as in several of the newer States, consist of lands granted under a general law, bestowing the sixteenth section in every township for the support of schools in that township, which inure to the benefit of the schools immediately upon the survey of such township. The precise quantity, therefore, is constantly varying, but if the number of townships now surveyed be estimated at 1,000, which is not far from the truth, and the sections are given an average area of one square mile, we have 640,000 acres as the amount of "School Lands." The exact amount is 704,692.21 acres; aggregate sales to January 1, 1872, 108,677.34 acres; balance unsold, 596,014.87.

SEMINARY LANDS.

The "Seminary Lands" consist of lands granted by the general government for the special support of two seminaries in East and West Florida respectively.

The amount thus approved to the State for seminary purposes is 85,714.08 acres.

Under existing laws, the control and disposition of the

III.

The president shall preside over all meetings of the Directors at which he may be present; he shall appoint all committees not otherwise provided for by these rules, or by vote; he shall call the annual meetings and all other meetings of the Directors, giving fifteen days' notice thereof, at the request of any three members; he shall vote upon all questions submitted to the determination of the Directors, and may give the casting vote in case of a tie; he shall perform all the duties and exercise the powers usually pertaining to his office, and the customary rights and duties shall attach to all the other officers of the board.

IV.

The executive committee are empowered to act for and in behalf of, and under the direction of the board between the regular meetings thereof, and are invested with all necessary authority so to do.

V.

No proxies shall be permitted to affect the transactions of business in the meetings of the board or of committees, unless such proxies shall have been appointed by the Justices of the Supreme Court, as is provided by law.

VI.

The annual meetings of the board shall be held on the first Thursdays of September in each year, and other meetings by adjournment or on call of the president with fifteen days' notice, and all meetings not otherwise provided for shall be held at the office of the Superintendent of Public Instruction.

VII.

No removals shall be made from office in the board except after fifteen days' notice and a full hearing before the board.

VIII.

Annual and detailed reports shall be made to the Superintendent of Public Instruction by the secretary and treasurer of all the doings of the financial and other transactions of the board by the first day of September annually, thereby furnishing the Superintendent of Public Instruction with the material for the annual report required of him by law in regard to these matters.

IX.

Amendments or additions to these rules and regulations may be made at any meeting of the board regularly called, by a two-thirds vote.

X.

The following shall be the order in which the transactions of business in the board shall occur:

1. Reading and approval of records.
2. Unfinished business.
3. Reports of executive and other committees and officers.
4. New business.
5. Elections, when necessary.

XI.

In all cases not provided for in these rules, the transaction of business shall be governed by parliamentary usage.

XII.

The foregoing rules were adopted by unanimous vote.

The board then requested the Executive Committee to take prompt and effectual measures to secure the Agricultural Scrip belonging to the College Scrip, and hold the same subject to the order of the board.

The secretary was requested to solicit donations to the college as an inducement to its location.

The above abstract is respectfully submitted as probably the most satisfactory account of the proceedings of the board.

J. S. ADAMS, Secretary.

TREASURER'S REPORT.

To Hon. Charles Beecher, Superintendent of Public Instruction:

As treasurer of the Directors of the Florida State Agricultural College, I am required by law to report annually to you the financial transactions of the board.

I beg leave to state that no funds of any description having come to the charge or under the control of the Directors of the college, for its benefit, no financial report can well be made.

The expectations of the receipt of the Agricultural Scrip, entertained by the Directors at their last meeting, have been disappointed by the utter failure of all the efforts of the Executive Committee to secure any portion of the scrip belonging to the State.

Respectfully submitted,

J. S. ADAMS, Treasurer.

To the Hon. the Directors of the Florida State Agricultural College:

GENTLEMEN: Your Commissioners who were instructed to report for your consideration a plan and course of study for the Florida State Agricultural College, having given to the matter such consideration as has been practicable, beg leave to report that they are prepared to report the general plan upon which they recommend that the college shall be conducted, but are not prepared to report in detail the course of study that shall be adopted.

Whatever may be the general plan adopted, much care, labor and thought will, of necessity, be required in so framing it as to secure at once the greatest degree of conformity to the general plan adopted, and also of adaptation to the present and actual educational wants of the people of the State, and to those legitimate and proper growing necessities for moral, mental and physical culture, which may be well hoped for and expected in the future from an ambitious and improving people.

And in order to do this successfully and so determine and arrange the course of study as to insure a respectable measure of success, the assistance and constant advice of practical and professional teachers, and desirably of the teachers who will be engaged to give instruction in the course of study that will be established, in the opinion of your Commissioners, will be absolutely necessary.

We therefore recommend that the arrangement of the details of the course of study, and the determination of the time and labor that shall be given to each particular branch or topic, as well as the degree of mastery that shall be exacted, be not finally determined until teachers are employed for the new college, and thus their valuable assistance be secured in framing the course of study in whose success they will have a vital and continuing interest.

In regard to the general plan or character that should now be so permanently fixed upon the college as to determine for all time its general scope and direction, your Commissioners report:

That such general scope and character should now be given to the contemplated institution, whose foundation you, the directors, are about to establish, as will secure beyond any risk of change, such a character and administration as will give them at most practicable conformity with the legislation of Congress, and with that of the State.

First. By specially adapting the college to supply the educational necessities of the practical working classes, and better fit them for those agricultural and mechanical pursuits which, whether from choice or necessity, they will be called to follow.

Second. To accomplish this result by giving special promi-

nence and constant attention to the fundamental branches, and to those topics and branches which are of necessity closely related to and necessary for successful prosecution of an infinite variety of mechanical and agricultural labor to which the industrial classes in this State habitually apply themselves.

Third. To develop physical strength, and at the same time to train growing citizens in habits of due subordination to proper and rightful authority by placing the new college under the strict control of military discipline.

Fourth. To more perfectly adapt the institution to its special purpose and at the same time to assist effectively in promoting the economy of its management by devoting a portion of the time of teachers and pupils to the practical pursuits of agriculture, horticulture, and the mechanic arts, making it partially a manual-labor school, able by the results of the labor of its students to assist in its own maintenance as largely as possible.

Fifth. To adapt the college, in its agricultural character, to the peculiar semi-tropical character of the vegetable capacity of Florida, and thus avail ourselves to the fullest possible extent of the climatic advantages of the State.

The chairman of your committee will verbally address you on the considerations which have induced to the adoption of the conclusions reached, and your Commissioners will now close their report by presenting their results in the form of several resolutions, whose adoption they recommend, and a certified copy of the resolutions, if adopted, will furnish the best possible evidence of the sincerity and good faith of the State in accepting the grant.

WHEREAS, The State of Florida, by an act of its Legislature entitled An act _____, approved _____, 18—, did fully and formally accept the grant, by act of Congress, approved July 2, 1862, of lands in aid of the establishment of a State Agricultural College, with all its conditions and binding obligations; and whereas, by an act of the Legislature, approved February 17, 1872, the State of Florida did proceed to secure the organization of the Florida Agricultural College, and to provide for its support in full accordance with the act of Congress granting the lands; and whereas, the organization of the Florida Agricultural College was completed by the election and acceptance of the necessary directors and officers on the 20th day of March, 1872; now, therefore, in order to fix for the College such permanent general features as shall insure its present and continuing accordance with the United States and State Legislature to which it owes its origin, it is by the directors of the Florida Agricultural College

Resolved. First—That the Florida Agricultural College shall, in general as well as in all necessary particulars, specially aim

to adapt its ministrations to the educational necessities of the practical working classes by the selection of such topics for thought and branches of study for instruction therein as will most directly and most certainly fit them for industrial pursuits, whether agricultural or mechanical, which the majority of such classes, whether from choice or necessity, will be apt to follow.

Second—It shall, in order to obtain this result, give special prominence and constant attention to arithmetic, algebra, surveying, geography, natural history, English language, natural philosophy, chemistry, geology, botany, and to other similar and kindred branches which most particularly relate to and are most directly necessary in the successful prosecution of the mechanical and agricultural labors to which the industrial classes in this State habitually apply themselves, without excluding other classical and scientific branches, that in the future may become desirable.

Third—It shall be a leading aim of the College at all times to aid in the development of physical strength and symmetry, and at the same time do its part in endeavoring to train its students in habits of due subordination to proper and rightful authority, so indispensable to republican citizenship, by placing the new college under regular and steady military discipline, while instruction in military art and tactics shall be imparted to all.

Fourth—It shall be the constant purpose of directors and instructors to adapt the college to its special purposes, and likewise to provide thorough economy in its management by regularly devoting a portion of the time of teachers and scholars to the regular and practical pursuit of agriculture, horticulture, and the mechanic arts, making it in fact, to some extent, a manual-labor school, and enable it thus, from the results of its own labor, to contribute as largely as possible to its own support and maintenance.

Fifth—It shall also be a matter of special effort to adapt the college, in its agricultural and horticultural character, to the peculiar and unique semi-tropical character of the vegetable capacity of Florida, and thus inculcate among the people a strong and intelligent determination to avail themselves, as fully as possible, of the valuable climatic advantages of the State.

With the assistance and advice of the Commissioner of Agriculture, and with his co-operation, the directors shall establish an extensive nursery for the introduction and cultivation of those rare and precious tropical and semi-tropical plants and fruits that can in all the United States be only raised by open-air culture in Florida, and thus endeavor to furnish a valuable adjunct to the natural department of agriculture.

All of which is respectfully submitted.

J. S. ADAMS, Committee.

Although the above resolutions have not been formally adopted by the Trustees, owing to a failure to secure a meeting in season, they undoubtedly would be unanimously approved, and may be accepted as indicating the views and principles in which they are fully agreed.

It is gratifying to be able to state that at length the obstacles to the issue of the scrip have been surmounted, and that the scrip is now in preparation, and will be immediately issued.

Respectfully submitted,

CHAS. BEECHER,
Sup't Public Instruction.

APPENDIX.

ALACHUA COUNTY.

Superintendent of Schools, Rev. S. F. Halliday, Gainesville. Whole number of Schools 23, or counting departments of Gainesville Schools 27; total enrolled pupils 1,239; whole number of days teaching as per last report 1,848; do. as per present report 2,697; gain 849 days. Received from the State \$1,125, from the county \$6,198.51, from private contributions \$1,305; whole expenditure for Schools \$6,847.49.

The East Florida Seminary is in a flourishing condition, but the report is not received in season for insertion here. We give the following letter:

GAINESVILLE, FLA., Dec. 24, 1872.

REV. CHARLES BEECHER, Superintendent Public Instruction:

SIR: The 30th September last closed the third year of our school operations in Alachua county since the organization of the public school system in Florida. Although our annual statistical report does not show a greater number of schools or a greater number of pupils taught therein than our report for the preceding year, yet there is a considerable gain in the time for which the schools have been continued and corresponding increased progress and advancement on the part of the pupils. There has perhaps been too great a desire on the part of County Superintendents and Boards of Public Instruction to multiply the number of schools. It is a question for serious consideration if the cause of education would not be better promoted by fewer schools of a higher grade and continued a greater length of time. The Trustees and General Agent of the Peabody Education Fund seem to be of this opinion, from the manner in which their appropriations are made. A school of only three months, with an interval of nine, can be of little lasting benefit, though much better than none.—From our experience of the two preceding years, at the commencement of the last year, it was thought best to proceed gradually and continually in the employment of teachers lest at the expiration of their terms we

might not, from the tardiness of tax-payers, be able to pay their salaries. Besides, we found some difficulty in procuring competent teachers. We first endeavored to enforce a high standard of qualification, but before our schools were all supplied, we were obliged to lower the standard, and the question with us was, in some instances, not is he fully competent? but is he better than none? We have, in some instances, employed teachers believing that they would improve with the progress of their pupils. We have in this county a respectable number of well qualified and successful teachers, who compare favorably with teachers in other States, but there are some who manifest very little pride in or a fondness for their profession who are deficient in that *esprit du corps* so essential to success in any profession. To remedy this evil, we need the influence of a Teacher's Institute, and we should give the preference to successful incumbents, holding out the prospect of increased pay and higher position.

In this county, our chief dependence for competent teachers is in the graduating pupils of the East Florida Seminary and the Union Academy.

UNIFORMITY OF TEXT BOOKS.

We have made considerable progress to this desirable end during the last year. The books adopted by the State-Superintendent are generally in use in our schools. We have no difficulty in this respect with our colored schools, as, with them, we have neither prejudice nor conceit to encounter. They willingly adopt whatever is prescribed by authority, so that in these schools, the entire Union Series of books are used with great results. Sanders' Readers and Pelters' Arithmetics, so well adapted to the different ages, capacity and advancement of the pupils. We cannot conceive of anything better adapted to the ends in view than these progressive readers and arithmetics. We have in use in four of our best schools Jeffers' Panoramic Charts, and the teachers who use them are well pleased with the success of the experiment of their use. There are still some schools that have not a uniformity of books. This is owing, in a great measure, to the prejudices of parents and guardians, who are disposed to give the preference to such books as they were accustomed to in their own school days. This want of uniformity increases the labor of the teacher and is a great obstacle in the way of his success.

SCHOOL-HOUSES.

There are in this county twenty-eight school-houses. Of these, about one-half are comfortable and convenient. The remainder need much improvement, although for the present they are made to answer the purpose. They have all been erected by the patrons, excepting Union Academy, at Gainesville, the school building at Archer, and the colored school at Newnansville, which were erected by the United States through the agency of the Freedman's Bureau. The buildings of the East Florida Seminary were erected by the Seminary Funds, and by private donation. Two of our school buildings, one at Newnansville and one at Jamestown, were erected by Masonic funds. With the exception of these and one at Waldo, the most of our school-houses are log-buildings. These school-houses would not furnish accommodation for one-half of the children and youth of this county between the ages of four and twenty-one, if they should attend, but many of them reside in remote and sparsely settled portions of the county, where it seems impossible at present to furnish them with schools. Many families have chosen their residence from other considerations than the education of their children. The Board of Public Instruction of this county have not yet expended anything in the erection of school buildings, deeming it better in the present state of the free school system to expend the entire amount of the school fund for teachers' salaries and other unavoidable expenses, requiring the people to furnish

school-houses and school furniture, and they are generally willing to do so. During the last year, four additional school-houses were erected and many more since the 30th September last.

PUBLIC SENTIMENT.

There has been a decided improvement in public sentiment on the subject of free schools in this county during the last year. That diabolical spirit that has in some portions of our country manifested itself in the burning of school-houses, and the persecution of teachers, is unknown in Alachua. All classes manifest an interest in the education of their children and in the promotion of common schools, and there are few, if any, who are opposed to the extension of their benefits alike to all classes. The interest manifested by the colored people in the cause of education is not a little remarkable when we consider how little they have hitherto experienced of its advantages. In their minds there seems to be associated

education and freedom. For the perpetuation of their freedom, which they so ardently desire, they very properly consider education indispensable. They therefore manifest a great willingness to build school-houses and make other sacrifices in the education of their children.

Very respectfully,

S. F. HALLIDAY,
County Superintendent.

BAKER COUNTY.

Superintendent, J. W. Howell, Sanderson. Whole number of Schools 2; enrolled pupils 45; whole amount of School assessments \$257.28. Small as this work may appear, it is double that of last year.

BRADFORD COUNTY.

Superintendent, J. R. Richard, Providence. Whole number of Schools 14; enrolled pupils 326; loss of Schools 1, of pupils 180. Received from State not reported, from county not reported; amount expended none, amount due \$1,210.

BREVARD COUNTY.

The following correspondence is given as throwing light on the condition of things in the largest county in the State, and the difficulties with which the common school system must cope in many parts of the State:

INDIAN RIVER, FLA., April 9th, 1872.

REV. CHAS. BEECHER, Superintendent of Public Instruction:

DEAR SIR—Your letter of March 21st in relation to county schools, &c., reached me on the 3d of this month. In reply I beg leave to answer your interrogatories as follows:

1st. There never has been a school, within my knowledge, kept or taught in this county.

2d. I am unable to inform you as to the exact number of children between four and twenty-one years, but from the opinion of others in the way of knowing there must be between eighty and one hundred.

3d. At present I am unable to give you the names of any who would

serve as a Board of Education, nor can I name a suitable person as Superintendent, but will give the matter due consideration and assist you all I can. Our county has more extent of territory than any other in the State, having a length of about one hundred miles and from sixty to one hundred in breadth, very thinly settled, so much so that we have never had a county organization, and consequently no taxes have ever been collected. I am now at work trying to get county officers appointed, and have hopes of success, so that taxes can be collected, courts opened and a better state of things take place.

I feel a deep interest in the cause of education, and trust your efforts in the good work will be a success. As soon as I can get proper persons to take the positions you desire, I will inform you.

I am, very resp'y, your obd't serv't,
JAMES PAINE, Sr.

INDIAN RIVER, FLA., May 18th, 1871.

REV. CHAS. BEECHER, *Superintendent of Public Instruction*:

SIR—Your favor of April 25th reached me by last mail, and in answer I beg leave to say that to facilitate your desire to have a school organized within the time prescribed by law, so as to secure the portion of the fund allowed to our county, and to make a beginning in the matter, I have concluded to accept the appointment of Superintendent until I can find one more competent to take charge.

At present there is no officer in our county before whom I can qualify, and I will be compelled to wait until one is appointed. I am now making the effort and think there is no doubt but a school will be in operation in a week or two. Hoping soon to report it a success,

I am, very resp'y, your obd't serv't,
JAMES PAINE, Sr.

INDIAN RIVER, FLA., July 12th, 1871.

REV. CHAS. BEECHER, *Superintendent of Public Instruction*:

DEAR SIR—I have delayed an answer to your note of June 2d in relation to our county school, as I was anxious to make an effort and try if possible to get one organized and under way, and thereby carry out your benevolent desire. I have put myself to some trouble, feeling it important to secure the appropriation (though small) for the county, but have met with very little encouragement from our people. They seem to look upon "ignorance as bliss," and education as a waste of time. Our county is so thinly settled that it is difficult to get at the people to bring the subject properly before them, and with only one school, it would benefit but one or two families, which would cause dissatisfaction with the rest.

I have urged upon our sheriff, (who is tax assessor and collector,) in his tour through the county, to bring the matter before the people, and request them to subscribe according to their means, so as to raise a school fund independent of the aid from the State. He has promised me to do so. I regret that circumstances will compel me to give up the attempt for the present, but indulge the hope that when the county is more thickly settled I shall meet with better success.

I am, with much respect, your obd't serv't,
JAMES PAINE, Sr.

INDIAN RIVER, FLA., August 4th, 1871.

REV. CHAS. BEECHER, *Superintendent of Public Instruction*:

DEAR SIR—Yours of July 4th, in relation to a package of school books sent to my care, with instructions, &c., reached me on the 24th, and on

the 31st July I received a large box and small bundle. I have not opened the box; the bundle contained books for beginners.

I will hold them subject to your orders, as we have no school or schools to appropriate them as you have directed. I shall attend the sitting of the Legislature the coming winter, when I will see you and confer together on the subject of our county school.

I am, very resp'y, your obd't serv't,
JAMES PAINE, Sr.

CALHOUN COUNTY.

Superintendent, H. J. Yearty, Abe's Springs. Whole number of schools 7; gain 2; pupils 192; gain 92. Received from the State \$224.79, from county none, private contributions, board of teachers \$141. Expended on schools \$102.66. Due \$777.84.

CLAY COUNTY.

Superintendent, Ozias Buddington. Schools 6; gain 1; pupils 168; gain 78. Received from State \$212.65, from county 218.75, private contributions about \$419. Total expenditures for schools \$544.55.

COLUMBIA COUNTY.

Superintendent, A. H. Hutchingson, Lake City. Schools 39; gain 27; pupils 825; gain 539.

Hon. CHARLES BEECHER,

SIR: I beg leave to report that I have visited thirty schools during the year and delivered lectures to each school. Much interest is being manifested by the patrons and scholars, and the system is rapidly growing in general favor.

The unusual amount of sickness throughout the county this year prevented a full attendance of pupils.

I respectfully beg leave to submit the following extract from the General presentment of the grand jury for Columbia county at the October term of the Circuit Court, as containing matter of interest in reference to our school operations.

EXTRACT.

"On examination of the books and papers of the Board of Public Instruction and the Treasurer accounts with the sums we find accounted for with proper vouchers and amount of State school scrip coming into the hands of the Treasurer up to date: and the State and county school Tax of all the years previous to 1871 since the organization of the Board, and for \$3,277.29 of the State and county school tax for the year (1871). We also find that the board have secured titles to land for twenty-two schools—that they have established thirty-nine schools within the county, nineteen of which have been taught during the present year. This reference of the grand jury is for the year since January, 1872, eleven being taught at present, and contracts being made for the teaching of five others, and negotiations pending for securing teachers for four others.

Respectfully submitted,

PRIMUS HARRISON,

Chairman of the Committee of Grand Jury."

Respectfully submitted,

A. J. HUTCHINGSON,

County Superintendent of Public Schools for Columbia County.

DADE COUNTY.

No report. It is believed that no schools have been maintained by the Board the past year in this county. The number of youth is small, families scattered, and, as in Brevard, the obstacles to educational progress are very great.

DUVAL COUNTY.

W. H. Christy, Superintendent, Jacksonville. Schools, 25; gain 20. Whole number of pupils not reported. The following letter will be read with interest:

REV. CHAS. BEECHER:

DEAR SIR—In behalf of the Board of Education of the county of Duval, I have the honor and pleasure to report twenty-five Public Schools in the county in successful operation. In these are employed thirty-five teachers.

But, it is to call your attention especially to the Duval Graded High School, that I now write. This school is organized with a full corps of competent teachers. The President, Hon. J. W. Tucker, has had long experience in teaching and has been most successful in the present organization. We have now in this school one hundred and eighty pupils, and if they continue to come in as they are now daily doing, by the first week in January next, we shall have over 200 or 225 pupils. In order to remove the prejudices existing in the community against public schools, we have made special effort to get a school of high grade. It is rapidly winning the confidence of our best citizens, and many of them are sending their children, and are highly pleased with their progress. The expenses of this school are now \$400 per month. We would be glad to pay off our teachers monthly, and have paid them the first month. Our treasury is now exhausted and will likely remain empty for awhile, as the tax collector has been delayed in making his collections by Injunction. The Injunction has now been removed. We need financial help now more than we shall need it any future time.

We wish to make this school a model school, both for the good results which may follow here, and for the influence it may have on the general cause of education throughout the State. Heretofore the cleverest of our citizens have paid their taxes grudgingly to the school fund, supposing they were only throwing away their money.

The other school, Staunton Institute, is again in successful operation, having seven teachers and nearly four hundred pupils; at present rate of increase will have 450 or 500 by middle of January. Some of our citizens are encouraging us with the promise of liberal subscriptions to enlarge the grounds and buildings of the Duval Graded High School.

Wishing you great success in your important work of superintending the cause of education throughout the State, &c.,

I remain, yours truly,

T. W. MOORE, Ch. Board P. I.

DUVAL GRADED HIGH SCHOOL—JACKSONVILLE, FLA.

Board of Public Instruction—Capt. C. B. Wilder, Mr. Samuel Spearing, Hon. J. S. Adams, Hon. J. M. Daniel, Rev. T. W. Moore, Chairman
Corps of Instructors—J. Wofford Tucker, Principal and Professor of English Literature; Rev. L. Webb, Professor of Languages and Mathematics; Miss J. A. Tredwell, Instructor in Vocal Music and English

Branches: Miss Nellie Murdoch, Assistant in English; Mrs. Julia Livingston, Assistant Preparatory Department.

The Scholastic Year embraces two Sessions—from the first of October to the first of February, and from the first of February to the first of June. No tuition fees are charged.

The order and classification of the School are as perfect as practicable, and the work of instruction is most carefully and accurately done.

It is the design of the Board to furnish to the youth of this county the most favorable opportunity to acquire either a liberal English education, or to fit themselves for any college.

COURSE OF STUDY IN DUVAL HIGH SCHOOL.

First Year.—1st Session—Written Arithmetic, Physiology, Latin Grammar, English Grammar, English Composition, History of United States. 2d Session—Algebra, Chemistry, Latin Reader, English Grammar, Goldsmith and Composition, History of United States.

Second Year.—1st Session—Algebra, Chemistry, Cæsar, Sketch Book, Irying, Composition, History of England. 2d Session—Geometry, Book-keeping, Cæsar, Latin Composition, Milton and Composition, Ancient History, Ancient Geography.

Third Year.—1st Session—Trigonometry, Geology, Ovid, Latin Composition, Shakespeare and Composition, Ancient History, Ancient Geography. 2d Session—Navigation, Surveying, Zoology, Virgil, Greek or French, Rhetoric, Mental Philosophy.

Fourth Year.—1st Session—Analytical Geometry, Botany, Cicero, Analysis of French, Logic, Moral Philosophy. 2d Session—Philosophy and Mechanics, Astronomy, Horace, Herodotus or French, Political Economy, Constitutional Law.

Music to be taught throughout the course.

ESCAMBIA COUNTY.

Superintendent, A. J. Pickard, Pensacola. Schools 16; gain 10; pupils 563; gain 339. Receipts from the State and county, not reported; private contributions \$540.—Total expenditure for schools \$4,111.58.

FRANKLIN COUNTY.

Superintendent, F. B. Wakefield, Apalachicola. No report has been received. Number of schools the previous year 2; pupils 200.

GADSDEN COUNTY.

Superintendent, Samuel Galloway D. D., Quincy. Schools 30; gain 24; pupils 1,116; gain 891. Received from State \$461.24, from county \$2,752.30. From private contributions, board of teachers, \$2,330. Total expenditure for schools \$6,083.93.

HAMILTON COUNTY.

Superintendent, Samuel McInnis, White Springs.—Schools 24; gain 19; pupils 679; gain 579. Received

from State \$596.41, from county \$1,192.81. Under date of October 7, 1872 the Superintendent writes "several new and comfortable school houses are being built in the county, entirely at the expense of the citizens. At some of these localities the people, I think, contemplate giving the houses to the Board. We have no funds, nor have we had, except the small sum raised by taxation in the county. The assistance rendered by the State has done us no good. No one will receive the warrants or bonds in payment of claims against the Board. Their orders, however, have never failed to bring 100 cents on the dollar."

HERNANDO COUNTY.

Superintendent, T. S. Coogler, Brooksville. Schools 10; gain 3; pupils 287; gain 43. Amount assessed for 1871 \$972.04—this tax was paid by the Collector into the State Treasury and the Board of Public Instruction does not appear to have received it. Total expenditures for schools \$511.12. Under date of April 25, 1872, Mr. Coogler writes:

The Board of this county has been very careful in opening schools and has limited the number to that only which our funds could warrant. We have fully paid every obligation and contract with our teachers, and all the debts to become due, we have the means of paying. All of our payments have been, and will be made, in current funds. We have received only six hundred dollars (\$600.00) of the school tax of 1871—to wit—\$300.00 of the State tax and \$300.00 of the county tax. There is yet a considerable amount due us, but owing to the expiration of the term of office of our Collector it could not be collected. This evil, I hope, will soon be remedied, and we may get the money due us in time to meet our obligations of the coming fall.

We have progressed very harmoniously and satisfactorily during the present year, and teachers, parents and pupils seem perfectly satisfied with our course of management.

We have had only four schools in operation during the past three months, but they have been well attended and ably taught. Three of them have ceased, and the fourth terminates in a few days. Owing to the fact that all of our people are poor, and during the working, or farm season, are compelled to retain their children at home to aid them in their farm work, we have permitted the majority of the patrons of each school to select the time, when they prefer the school to be taught. Hence six out of ten schools have selected the months of June, July and August, as during these months, they can send all their children. We have but one school at this place (Brooksville) and it is a colored one. It is the largest and best attended school in the county. The second term of this school has just ended, the number of scholars having been 72. And it has been taught by a Southern white lady, who has discharged her duty faithfully and well. I attended the examination of the pupils on the last day of this term, and having attended the examination of the first term, I was enabled to form a just estimate of the progress made by the colored pupils, and I am free to admit, that my former belief (having been a slave-owner) of the mental incapacity of the negro, underwent a complete

change, and I am convinced that all they need is half of an opportunity, and they will develop as much mental calibre as any other race. Any suggestion, recommendation or advice which you may be pleased to give me, will be gladly received and promptly acted upon.

Very truly yours &c.,

T. S. COOGLER,
County Superintendent of Hernando county.

HILLSBOROUGH COUNTY.

W. F. White, Superintendent, Tampa. Schools 14; gain 7. Pupils 436; gain 287. Received from State \$379.06; from county \$758.12; from private contributions the balance not paid by board. Total expenditure for schools \$1,125.

The cause of education in this county is believed to be in a prosperous condition.

HOLMES COUNTY.

W. W. Brown, Superintendent, Cerro Gordo. No report from this county this year or the year previous.

JACKSON COUNTY.

D. L. McKinnon, Superintendent, Marianna. Schools 18; gain 8. Pupils (estimated) 1,100; gain 200. Received from State \$735.75; from county \$2,136.67. Total expenditure for schools \$2,364.50.

The progress of the good cause of education in Jackson county is quite marked and is matter of rejoicing to all. Let all the citizens of the county take courage and redouble their efforts.

JEFFERSON COUNTY.

R. C. Loveridge, Superintendent, Monticello. Schools (estimated) 25; gain 3. Pupils about 1000; gain 100. Received from the State in Warrants \$2,600; from county, about \$2,750.

LAFAYETTE COUNTY.

W. D. Sears, Superintendent, New Troy. No report.

LEON COUNTY.

Rev. Josephus Anderson, D. D., Superintendent, Tallahassee. Schools 35; gain 4. Pupils 1,449; loss 40. Received from State \$1,501.74; from county, not reported. Total expenditure for schools \$11,767.84.

The West Florida Seminary the past year was placed under charge of the County Board, as the Tallahassee High School. Mr. Edward Aikin was employed as principal of the male, and Miss Sara Horner of the female departments, with a

corps of able and experienced assistants. Under these auspices the school for a time flourished in a most gratifying manner. The closing examinations particularly in the female department passed off agreeably, reflecting credit both upon the pupils and upon their accomplished instructors.

The cause of education in this county suffered a severe loss in the accidental burning of the colored school building. This was a substantial two-story edifice, with four large rooms, amply accommodating the colored schools of the city. Since that time these schools have been inconveniently kept in churches and other buildings such as could be obtained. It is to be hoped that the public spirit of the community will soon replace a structure so deeply needed.

LEVY COUNTY.

W. A. Shands, Superintendent, Bronson. Received from State \$224.24; from county \$162. Whole amount assessed \$1,672.20. Under date of December 16, 1872, the Superintendent writes:

I mail to you to-day, a summary, not hardly to be called an accurate report, for that would be impossible where so many negligent officers are concerned.

As you will see in the report as made by the Assessor of Taxes, and also by the Treasurer, only a very small portion of the taxes assessed have been paid to the Treasurer. You ask, why? One reason is, that there have been three incumbents of the Collector's office. Roger resigned, Leavitt was appointed, then removed, I think any way Wimberly was commissioned, then he is ordered to return his commission and Leavitt re-appointed. Wimberly refuses to give up and they have left it to the courts to decide, which is not yet decided. Also the Railroad has filed an injunction against the Collection of Taxes due for this year; therefore, the Board, I think, has wisely concluded to have no schools until the warrants of 1870 are paid and the money is in the treasurer's hands.

We are, and have been without schools this year, and will be until there is funds collected to pay teachers; for our former superintendent recklessly established schools and has got us into this dilemma. Yours,

WM. A. SHANDS, Co. Sup't. Levy county.

LIBERTY COUNTY.

Niel Black, Jr., Superintendent, Blue Creek. No report.

MADISON COUNTY.

D. Eagan, Superintendent, Madison. Schools 25; gain 14. Pupils 1153; gain 396. Received from State \$746.39; from County, \$3,150. Total expenditures for schools, including indebtedness for 1871, \$4,778.

Under date of November 14, 1871, Mr. Eagan writes:

* * * * The present scholastic year opens under more favorable auspices, and the friends of popular education are using every

effort to recover lost ground, and endeavoring to get all interested in schools, so that our free school system may be considered as a permanent fixture in our State.

The white school at this place opened on the 1st inst., in charge of Mr. John Brass, a teacher of great experience and fine culture. He is assisted by Miss Moseley, a lady of good learning, and said to have been a very successful teacher. Mr. Brass informs me that the school is largely attended, and the number of scholars daily increasing. It is the intention of the Board of this County to make this a first class school and bring it up to that standing, so that we may be able to avail ourselves of the benefit of the Peabody fund so kindly offered by Dr. Sears.

The colored school here has not yet opened but will on the first Monday in December. Two Northern lady teachers have been engaged for this school. They come highly recommended from New York. This school has made great and wonderful progress, the children manifesting great eagerness to learn. I doubt if there is a better school in the State. Probably the rapid progress made by the scholars of this school is owing to the fact that they have been favored with the best of teachers. I have also engaged another Northern lady teacher for the school at Ellaville, who will be here in a few days. I find the men who persistently opposed the introduction of free schools at first, begin to reflect and now manifest great interest in the schools, and they cheerfully co-operate and render me all assistance possible. Patrons cheerfully furnish school houses and comply with all the conditions exacted of them by the Board of Public Instruction of this county. But the houses furnished are anything but comfortable, many of them having no desks or even comfortable seats for the children. I would suggest that a plain, simple, and comprehensive manual on school houses be prepared and distributed among the people of this State.

The Board have taken the necessary steps to locate twenty schools throughout the county for the present year. This will place schools within the reach of all, excepting a few who live in the remote and sparsely settled portion of our county. Dr. Sears has donated 1000 primary school books to this county, which will be distributed gratuitously among the poor and indigent pupils of the county. Thus you see there will be no excuse for parents, &c., to have their children grow up in ignorance and poverty. Although a great deal has been done by the friends of the cause for the benefit of both classes, yet much remains to be done, and it becomes us who have seen and realized the benefits of free schools to use our most earnest efforts to make the system effectual in the State. Until this is done, our State will not be what nature intended it should be.

I am, sir, very resp'y, your obd't serv't,

D. EAGAN, Co. Sup't.

MANATEE COUNTY.

John F. Bartholf, Superintendent, Manatee. Schools 4; gain 1; pupils 119; gain 59. Received from State (warrants) \$153.74, from county \$788.71. Private contribution (board &c.) \$180. Under date of September 30, Mr. Bartholf writes:

Accompanying find report of school operations in this county during the past scholastic year. I regret very much that it does not present a more encouraging state of affairs, so far as the establishment of schools is concerned. Financially, matters are much improved, as unlike most of the counties in the State, we did not sacrifice the warrants we received in settlement of our apportionment of the School Fund, but held on to them, and now are benefitted by them as tax-paying scrip. This will help us out

very much the coming year, as the accumulation of the fund amounts to about one thousand dollars, worth, I presume, about seven hundred in cash, and in addition, we have the taxes of this year, a balance from last, on hand, and are clear of debt, so that you perceive, financially, our prospects, our condition is good, yet still we labor under many obstacles, and chief among these is the scarcity of competent teachers and unfortunately, we cannot offer inducement sufficient to cause competent persons to come here and take charge of schools. The people are so widely scattered, and there are so many children, that we are unable to establish schools for a sufficient length of time to justify persons to incur the expense and inconvenience of travel from a distance to come and conduct them. From a careful survey that I have made, I find that twenty schools can be established in this county this winter, with an average attendance of fifteen pupils, making a total of three hundred that will be benefited; but that is only half the children of school age in the county. The remainder are living so remotely and in out-of-the-way places, that they cannot receive any benefit from the schools.

I am making every possible effort to put the number of schools designated in operation, but fear very much I shall not be able to obtain teachers. What we are to do, I do not know. The utmost amount of funds that we can realize will scarcely enable us to establish even *three* months' schools; (so many are needed) and even if we had the means, I doubt very much if the attendance would be sufficient to justify the expense, as people here will not send their children to school during the cropping or cow-pen season, and owing to the country being flooded with water from about the first of June until the first of October, it is extremely inconvenient for them to send during that time. In some neighborhoods, I am happy to say this is not the case, and the people show a disposition to make any sacrifice, submit to any inconvenience, in order to send their children regularly to school.

MARION COUNTY.

H. W. Lang, Superintendent, Ocala. Schools 30; loss 4; pupils 1,277; loss 223. Received from State \$478.87, from county \$6,700. Total expenditures for schools \$7,947.65.

This is one of the best counties in the State for its schools, and although the number this year is somewhat less than that last, owing to some unexplained causes, there is no diminution of zeal on the part of officers or of interest among the citizens.

MONROE COUNTY.

J. W. Locke, Superintendent, Key West. Schools 11, considered in report as 2, but equivalent to what in ordinary cases would be 11 schools; pupils 448. Received from State, bonds, \$1,799, scrip \$578, from county \$5,145. Total expenditure for schools \$5,677.27.

The only schools in the county are located at Key West. They are well graded, ably conducted, and successful.

NASSAU COUNTY.

J. C. Emerson, Superintendent, Fernandina. No report.

ORANGE COUNTY.

N. W. Prince, Superintendent, Orlando. No report.

POLK COUNTY.

W. B. Varn, Superintendent. Schools none; loss 9; pupils none; loss 252. Amount received from State, warrants, \$604, from county nothing.

PUTNAM COUNTY.

E. R. Chadwick, Superintendent, Palatka. Schools 12; gain 4; pupils 332; gain 32. Received from State \$462.74, from county \$1,031.47. Total amount public moneys expended by Board \$1,325.18. The Superintendent writes July 11, 1871:

"There seems to be an increasing interest in schools among the people of this county, and we only lack money in order to make free schools a grand success."

"I wish, if possible, to induce our Board to erect in Palatka a good school-house, capable of accommodating 100 pupils. We have a school-house for the colored children built by the U. S. Government but none at all for white."

SANTA ROSA COUNTY.

J. A. Chaffin, Superintendent, Milton. Schools 8; gain 6; pupils 237; gain 162. Received from State nothing, from county \$608. Expenditures for schools \$600; amount paid Superintendent none; Board of Pub. Instruction none; expenses none.

ST. JOHNS COUNTY.

O. Bronson, M. D., Superintendent, St. Augustine.—Schools 9; gain 3; pupils 350; gain 50. Received from State \$246.49, (warrants), from county \$2,698.86, from private sources \$1,300.

The following letter from the Superintendent is worthy of general attention:

MY DEAR SIR:—The schools in our city are doing very well. Mr. Waterbury, Principal of the Peabody School, says his school has never been in a better condition. His opinion is confirmed by the visiting committee of the trustees of the school, who make a careful inspection of the school weekly. Mr. Waterbury's qualifications are so well known to you that it is not necessary for me to speak of them. The principal of the primary department is faithful in the discharge of her duties. The principals are aided by two competent female assistants. The discipline of the whole school will compare favorably with the best regulated schools in any part of the country.

In this connection, it may be proper to give our experience on a subject of much importance and one which has been a good deal discussed in works which are devoted to the practical matters in education. I refer to the expediency of having boys and girls taught in the same room together. There is some diversity of opinion on this subject among teachers and school trustees. I believe a majority, if not a very large number in pre-

portion, of those who speak from actual experience would confirm our opinion that there are great advantages in the plan we have adopted of having the two sexes in the same room. I speak only of schools of moderate size, where there are not more scholars of both sexes than could be accommodated in one room. The bringing the sexes together in the school room transfers to it some of the benefits enjoyed in the family circle, where brothers and sisters exert so happy an influence on each other's character. Our children are to live together in society as men and women, and they cannot be too early trained in the exercise of that mutual deference and respect on which all higher civilization is founded. I am not aware that anything has occurred to cause us to regret that we have brought our boys and girls together in the same room. The happy influence of our practice is very manifest.

In large towns or cities, in schools of the higher branches of education and in colleges, the question assumes another aspect. Confining our remarks to such schools as we have in this State and such as we are likely to have for some time to come, I have no doubt that the same system which so largely prevailed in New England is the best for us to adopt.

I might add that our school house and grounds are so arranged that the boys and girls have separate entrances and separate play grounds.

There have been objections made to placing boys and girls in the same room, but all that I have heard have proceeded from persons whose views on free public schools are entirely at variance with those entertained by the Board of Public Instruction.

School instruction in our county, outside of the city of St. Augustine, has many difficulties to contend against, chiefly derived from the sparseness of the population and the poverty of the people. Reasonable efforts are made by the inhabitants of the rural districts to enjoy the benefits of education. Where schools have been established, the attendance of the pupils has been as good as could be expected.

There is no building in the county outside of St. Augustine at all adapted to the purposes of a school house. I do not know of one provided with desks and seats. Until there is an increase of population, there will not probably be any substantial improvement. Another difficulty is the want of uniform books, and in some cases of a sufficient supply of books of any kind. Until the school fund is much larger than it is at present, it will be impossible to render the inhabitants of the school precincts sufficient aid to enable them to supply the deficiencies referred to. However, there appears to be a commendable desire among the people that their children should receive the benefits of an education, and where there is a will a way of some sort or other is generally found.

Yours respectfully and sincerely,

O. BRONSON.

SUMNER COUNTY.

Superintendent, A. P. Roberts, Leesburg. Schools 7; loss 1; pupils 215; gain 98. Received from State in warrants, \$247.24, from county \$543.58. Total expenditure for schools \$676.75.

SUWANNEE COUNTY.

Superintendent, M. M. Blackburn, Live Oak. Schools 9; gain 7; pupils 302; gain 211. Received from State in warrants \$300, from county \$1,568.29. Total expenditure for schools \$1,756.72.

Extract from letter of Superintendent Blackburn.

"About 33 per cent. of the school funds expended was used to pay the old Board for services before the present Board came into office. This expense will not occur again, as the new Board will draw their pay from the county funds as other county expenses are provided for. We may be mistaken, but we are confident in our own estimation that we will be able to present you with a more favorable report from this county at the end of the present year."

TAYLOR COUNTY.

Superintendent, James H. Wentworth, Shady Grove.—Schools 7; loss 3; pupils 193; loss 131. Received from State (warrants) \$130.49, sold for \$75, from county \$313.75; from private sources \$195. Total expenditure for schools \$555.40.

VOLUSIA COUNTY.

Superintendent, Champ H. Spencer, Port Orange.—Schools 10; gain 7; pupils 193; gain 114. Received from State nothing, from county nothing; from private sources \$62.50. Expenditure \$467.50.

Extract from letter of Superintendent.

The Board of County Commissioners complain that they can never get sheriff, collector and assessor of the county to a settlement. I have inserted in the report, what I believe the County School Board will apportion to the various schools. One thing you will be able to gather from the number of schools in a county so scarcely populated. A healthy public opinion will soon manifest itself in looking after the school fund where citizens and all parts of the country become interested in schools. The school Board and Superintendent serve gratuitously. It is almost impossible to get anybody to pay attention to attending school board meetings and if Thayer persists in declining as school Treasurer, I know not where to look for another.

WAKULLA COUNTY.

John S. Moring, Superintendent, Crawfordville. Schools 6; loss 1; pupils 156; loss 102. Received from State, (warrants) \$721.69, from county \$424.84. Total expenditure \$1,770.

The Board have wisely determined to establish no more schools than they have funds to sustain—hence, for a time, a diminution in number of schools. It is hoped soon to bring matters upon a cash basis.

WALTON COUNTY.

Duncan G. McLeod, Superintendent, Eucheeana. No report.

WASHINGTON COUNTY.

Thomas Hannah, Superintendent, Vernon. Schools 7; pupils 195, same as previous year. Received from State in warrants \$249.24, from the county \$362.79, contributions by citizens \$433.20. Total expenditure for schools \$593.25.

SUPPLEMENTARY REPORT.

OFFICE OF SUPERINTENDENT PUBLIC INSTRUCTION,
TALLAHASSEE, Fla., January 9, 1873.

His Excellency O. B. Hart, Governor:

DEAR SIR: I have the honor to submit the following supplementary report:

1. Returns received since my report was given to the printers augment the number of pupils in the schools of the State to nearly one in three and a half. Last year it was one in five, the year before about one in six, of youth between four and twenty-one.

2. The appropriation by the last Legislature for this department was, "for interest of School and Seminary Fund, \$20,000." This the law requires to be apportioned among the counties, and divided between East and West Florida seminaries. Nothing was appropriated for the necessary expenses of this office—postage, stationery, travelling expenses, blanks, school registers, &c.

The law requires the Superintendent of Public Instruction to supply all needed blanks. The supply provided by Mr. Chase is nearly exhausted, especially school registers, which are of the greatest necessity. The Comptroller declined to issue his warrant for this purpose, hence the schools are now suffering. I have given an order to Adams, Blackmer & Lyon for registers and other necessary blanks, and they promised to supply them. Apparently, however, they will wait to see whether an appropriation is made. You are aware that travelling in Florida is somewhat expensive. An appropriation is necessary to make it possible for the Superintendent of Public Instruction to visit the several counties. The law also makes it his duty to establish a Historical Bureau and Cabinet. Means must be provided to enable him to do this. I desire to call your Excellency's attention to these important matters, without presuming to mention the sum that may be necessary. The school registers, blanks, &c., however, will cost from \$1,500 to \$2,000.

3. The officers of the department have been generally faithful. In one or two counties there has been apparent torpidity and neglect—particularly Holmes county. I can cheerfully recommend the continuance of almost all the county superintendents, and desire to mention with especial praise those of Alachua, Columbia, Gadsden, Hamilton, Hernando, Hillsborough, Jefferson, Leon, Madison, Manatee, Marion, Putnam, and St. Johns. As a large part of the white population are Conservative, and as it is important to secure their co-operation in educational movements, the principle has been, since this department was first organized by Mr. Chase, to place some Conservatives on every board, and in counties where no competent Republican could be found, to employ Conservatives, if qualified, as County Superintendent. This principle, the fundamental one of civil service reform, it is hoped, will be continued, so that this department may, as far as possible, be separate from party politics and the liabilities and mutations of party strife. In educational matters the experience of years goes to establish the importance of stability, and the harmfulness of constant official change.

Respectfully submitted,

CHARLES BEECHER,
Superintendent Public Instruction.

REPORT

OF

TRUSTEES OF INTERNAL IMPROVEMENT FUND.

SECRETARY'S OFFICE,
TRUSTEES INTERNAL IMPROVEMENT FUND,
December 21, 1872.

His Excellency the Governor of Florida:

I have the honor to make the annual report of the transactions of the Trustees of the Internal Improvement Fund for the year last past, by presenting an abstract of the records for the year, giving the substance of every resolution and transaction, with its date, with a review of the doings of the Trustees during your administration, in my own official report as Commissioner of Immigration.

January 4, 1872.—Resolutions adopted reciting the granting of a decree in the Vose case by Judge Woods, as being without the consent of the Trustees in formal meeting assembled, and instructing Attorney-General Drew to enter in court a motion to set the same aside.

That future meetings of the Trustees be held, on proper notice to members, in the office of the Attorney-General.

The Attorney-General and Treasurer were appointed a special committee and directed to examine the account of the former Treasurer, Conover, compare it with the vouchers, and audit and settle the same.

January 8, 1872.—Preamble and resolutions reciting the existence of a suit, Trustees vs. George W. Swepson, for \$472,065, and the arrest of Swepson thereon, and instructing the Treasurer to receive a satisfactory bond for \$25,000, for said Swepson's appearance in February next, and the Attorney-General to continue the suit on filing such bond.

January 16, 1872.—Former resolution rescinded and all meetings of the Trustees ordered to be held in the office of Commissioner of Lands and Immigration.

Resolution rescinding the grant of lands made to the Great Southern Railway, November 24, 1870, was adopted by vote of three to one.

Resolution extending the time for the completion of the contract made with Hubbard L. Hart on the 4th of February, 1869, for three years, in consequence of the effect of the injunction in the Vose suit, was unanimously adopted a like extension to other contracts.

January 17, 1872.—Messrs. Conover and Adams were ap-

pointed to examine and report upon the account of Attorney-General (Drew) for his services as attorney.

Special committee reported the examination and adjustment of the account of Treasurer Adams, charging himself with balance on hand of cash \$65.83, railroad coupons (cancelled) \$27,910, and bonds \$29,500, and the report was adopted.

January 27, 1872.—The Commissioner of Lands and Immigration was directed to reserve certain lands for two years from sale to other parties, subject to purchase by George F. Drew, according to a proposition submitted by him and accepted by the Trustees.

February 20, 1872.—Ordered that a list of the bonds received on sale of the Pensacola and Georgia Railroad and cancelled under order of the Trustees of June 9, 1869, and of the coupons attached, be made and presented to the Trustees, that the bonds and coupons may be destroyed.

The treasurer was instructed whenever any property of George W. Swepson can be found subject to levy, to institute a suit against him for the balance due from him and unaccounted for as confidential agent of the Trustees.

Special committee reported that they had, upon examination of the account of the Attorney-General, disallowed thereon \$1,250, and adjusted it at that disallowance. The report was accepted and adjustment adopted as reported.

February 26, 1872.—Trustees met in Comptroller's office and proceeded to destroy the bonds received of F. Dibble and associates, amounting to \$153,100 in bonds of the Tallahassee Railroad, and \$807,600 of the Pensacola and Georgia Railroad, with the coupons attached.

The treasurer reported the bringing of suit against George W. Swepson and the garnishment of funds in the hands of M. D. Papy; but upon Mr. Papy's appearance before the Trustees and denying the possession of any funds of said Swepson, the Trustee process as against Mr. Papy was ordered discontinued.

March 6, 1872.—Mr. Bisbee, as Attorney-General, appearing and acting as one of the Trustees.

The Commissioner of Lands was instructed to suspend all conveyances of land to Messrs. Swann & Williams, under their contract, till some progress be made in the approval of their selections.

Ordered, that all necessary corrections of errors in conveyances to purchasers of land be made by the Commissioner of Lands and Immigration upon consultation with the Attorney-General.

By a vote of three to two, the Trustees refused to recognize the consent decree in the suit of F. Vose against Trustees as any longer of any binding force.

Attorney-General Bisbee was authorized to demand and re-

ceive, and institute such suits as he may deem necessary to recover, the balance due of the purchase money for the sale of the Pensacola and Georgia and Tallahassee Railroads, and to report monthly to the Trustees till further instructions.

Attorney-General Bisbee was authorized to take and have full control of all litigation in which the Trustees are interested, exclusive of any attorneys heretofore employed.

Attorney-General Bisbee was requested to confer with Mr. Vose and arrange and report some practicable settlement of the suit.

March 7, 1872.—Regular meetings of Trustees ordered to be held on the first Tuesdays of every month

Resolution presented by Commissioner Adams, that Trustees assent to the Homestead act of the last session, and instructing the Commissioner of Lands and Immigration to prepare a system of rules and regulations for carrying out the directions of the act.

Resolution was postponed.

Treasurer was directed to render monthly accounts.

The lands heretofore conveyed to the Florida Improvement Company and E. A. Studwell, and by them reconveyed to Trustees under order of court, were restored to market at the established price, said Company and said Studwell having preference as purchasers, by majority vote.

Proposition of Jacksonville and St. Augustine Railroad for a grant of lands in aid of the road was accepted, and Attorney-General Bisbee was instructed to prepare and present the necessary contract for execution.

March 8, 1872.—Attorney-General Bisbee presented a resolution for the settlement of the Vose claim, by which the sinking fund, under control of the Trustees, and his pro-rata share of the sinking fund of the Florida Railroad to accrue, should be loaned to Mr. Vose at compound interest, and floats for 432,000 acres delivered to Mr. Vose for his \$216,000 past due coupons.

Resolution lost by vote of three to two.

March 8, 3:30 P. M.—Action was taken in the effort to settle the claim of Mr. Vose as follows:

The resolutions offered by Mr. Bisbee in the morning session were then again considered, and after long discussion and amendment, were presented as follows:

Resolved, That the Trustees invest the following described sinking fund, to wit: \$26,000, in currency, in the hands of a receiver in New York; \$1,000, State scrip, and \$3,000, six per cent. State bonds, \$21,000 in Dickinson's bond, \$8,500 in Tallahassee Railroad bonds, the par value thereof being allowed and taken at \$50,000, in the bonds of the Florida Railroad Company in the hands of F. Vose, in the following manner, that is to say said Vose shall pay and allow to said Trustees seven per cent.

interest on the said \$50,000, compounded semi-annually, and shall receive from Trustees semi-annually \$975 due from Florida Railroad Company semi-annually on account of sinking fund for said bonds, and when said \$50,000 and the semi-annual payment to him of \$975 compounded semi-annually at seven per cent. shall equal the principal of his 195 bonds, the same being \$195,000, all right, title and interest of said Francis Vose in said 195 bonds, and his right to receive the \$975 semi-annually shall cease; and when the said bonds shall mature, the same shall be cancelled. And the Trustees, in payment of all the coupons of the bonds of said Vose, both those past due and those to accrue, will issue and deliver to Mr. Vose floats as he shall desire for 600,000 acres of swamp and overflowed land.

And if at any time the Trustees (although not now proposing to change the established price of lands) should reduce the established price of lands to less than fifty cents per acre, then enough land shall be added to the 600,000 acres above granted to indemnify Mr. Vose for such contingent reduction in value of the lands so granted and then remaining in his hands and unsold; such grant to be received by Mr. Vose in full settlement of his claim against the Trustees, and his suit to be discontinued.

Upon motion said resolutions were adopted, Messrs. Day, Conover, Bisbee, and Adams voting aye, and Mr. Gamble voting nay.

If Mr. Vose accept the proposition, Mr. Bisbee was requested to prepare a contract to be executed by the members of the board individually.

Attorney-General Bisbee then presented a contract in reference to the grant of lands to the Jacksonville and St. Augustine Railroad, prepared by him, which was approved and executed by the Trustees and by F. A. Dockray, president of the road, and is recorded at length.

April 2, 1872.—The account of Edward Houston, as special agent of the Trustees for taking up the bonds of the Florida, Atlantic and Gulf Central Railroad, was referred to a special committee consisting of Conover, Bisbee, and Adams, to examine and report upon.

Resolution modifying the mode of compensation to be given H. L. Hart, under the contract made with him in February, 1869, was then, at Mr. Hart's request, adopted by the Trustees.

Peter Knowles, as attorney of the Pensacola and Louisville Railroad, presented a formal acceptance by the road of a conditional grant of lands made to the road by resolution of the Trustees of February, 1869; and he also presented a contract executed by said road in accordance with the direction of said resolutions with a formal certificate of the completion of the road to the northern boundary of the State.

The acceptance, the contract, and the certificate were accepted as satisfactory, and ordered filed.

A proposition for a grant of lands conditional, on clearing obstructions in the Chipola river, was presented by Messrs. White, Davidson, and Malone; also a proposition for a grant of lands for the construction of a canal in Nassau county.

But the Trustees, while expressing favorable opinions of both enterprises, declined to take definite action thereon until relieved from the injunction in the Vose case.

Treasurer Adams presented his account as treasurer of the bonds received, expended, and on hand for the four months since the last settlement of his account, November 30, 1871, charging himself with funds on hand, March 31, 1872, bonds and coupons, \$7,410, and in cash \$433.93, which account was approved, and Mr. Adams resigned his position as treasurer, and Samuel T. Day, Acting Governor, was chosen treasurer.

April 3, 1872.—Various propositions received, but were not proceeded to.

The treasurer was authorized to provide means to pay counsel employed by the Trustees in case such means are not otherwise provided, Attorney-General Bisbee being of opinion that the fund could be used in self-defence.

Mr. Conover moved to take from the table and act upon the resolution offered by Commissioner Adams at the meeting of March 7, providing for the acceptance and putting into immediate operation the Homestead law of the last session of the Legislature, but Attorney-General Bisbee expressing doubt of the validity and propriety of the act, the matter was postponed.

The bond of Acting-Governor Day, as treasurer of the Trustees, was presented and approved.

Mr. Swann then presented a showing of the expense and difficulty attending the selection of lands under the contract with Swann and Williams, but, on motion, it was ordered that the contract with Swann and Williams be terminated, only two-thirds of the compensation due them to be paid in land until their selections are approved, by majority vote.

April 4, 1872.—A petition to appear in the Vose suit, by D. P. Holland, president of Pease Creek Insurance Company, was presented, and the secretary directed to accept service thereof and procure the assent of Trustees thereto.

Messrs. Conover and Adams, special committee to examine the account of Edward Houston, reported thereon, finding in Houston's hands \$7,200 to take up thirty-six bonds of Florida, Atlantic and Gulf Central Railroad, and \$630 of sinking fund of same road, which, with \$98,000 in bonds, are subject to the order of the Trustees, and recommending a settlement of the account as ordered and the destruction of the bonds and coupons. The report was adopted.

May 7, 1872.—J. P. C. Emmons, as Attorney-General, appearing as one of the Trustees, was made the attorney of the Trustees till further order.

Attorney-General Emmons was requested to take sole charge of all litigation of the Trustees exclusive of all attorneys appointed by him.

Samuel T. Day having ceased to be Acting Governor, was requested to present his account as treasurer, and turn over funds in his possession to his successor.

S. B. Conover was appointed treasurer, and requested to give bond in \$20,000.

At the instance of M. D. Papy, a resolution was adopted releasing and discharging the Florida, Atlantic and Gulf Central Railroad from the order appointing a receiver over the Jacksonville, Pensacola and Mobile Railroad, and instructing the attorneys of the Trustees accordingly.

May 16, 1872.—Trustees assent that the receiver of the Jacksonville, Pensacola and Mobile Railroad satisfy the claim of J. P. C. Emmons, former attorney of the railroad, his account being certified by Mr. Flagg, treasurer of the road.

Another account of Edward Houston, special agent of the Trustees, was presented, showing a further taking up of bonds of Florida, Atlantic and Gulf Central Railroad, and a balance of \$5,430 in his hands. The account was approved, and Mr. Houston requested to retain the balance in his hands till further order of the Trustees.

June 19, 1872.—Trustees assembled in Tallahassee, and on account of sickness of Attorney-General Emmons adjourned to meet at room of Mr. Emmons, in Jacksonville, on 20th of June 1872.

June 20, 1872.—Former Treasurer Adams presented his account on retiring from office April 2, charging himself with \$433.93 as cash then on hand, claiming allowance of \$430.90 necessarily expended, leaving \$3.03 in his hands. The account was examined, compared with vouchers, and approved.

The order of his Honor Judge Fraser, appointing A. Doggett receiver in the suit of F. Vose against Trustees, was read, a preamble reciting that whereas by the Internal Improvement act the proceeds of the sales of lands "after paying the necessary expenses of selection, management, and sale," are vested in the Trustees to constitute said fund, therefore the Commissioner of Lands and Immigration is directed to keep an accurate monthly account of all moneys received, and, after paying the necessary expenses of selection, management, and sale, to pay over the balance to the treasurer; and the treasurer, after paying the necessary expenses of his office, is directed to pay over the balance to the receiver and take his receipt therefor.

June 21, 1872.—The resolution of March 7, 1872, restoring

market the lands reconveyed to the Trustees by the Florida Improvement Company and by E. A. Studwell, said conveyances being still in possession of the Circuit Court of the United States for this State, and subject to its order, was rescinded, and the Commissioner of Lands was directed to stop further sales thereof.

June 22, 1872.—The Trustees, after hearing the supplemental complaint in suit of Trustees vs. Jacksonville, Pensacola and Mobile Railroad, prepared by Attorney-General Emmons, approved the same, and requested Mr. Emmons to file it and proceed with the case as rapidly as possible.

November 30, 1872.—Resolutions fully re-ratifying the agreement between the Trustees and the Jacksonville and St. Augustine Railroad made on the 8th of March, 1872, and extending the time therein limited to three years from December 1, 1872, were adopted, binding the Trustees only so far as such action does not conflict with existing orders or decrees of the United States Court.

Respectfully submitted.

J. S. ADAMS,

Secretary of Trustees of Internal Improvement Fund.

REPORT
OF THE
COMMISSIONER OF LANDS AND IMMIGRATION.

STATE LAND OFFICE, Jan'y, A. D. 1873.

To his Excellency, Governor Hart :

Having already made report of the sales of land effected in this office during the past year, and also of the acts and doings of the Trustees of the Internal Improvement Fund during the same time, I desire now, in accordance with law, to make report more fully as Commissioner of Lands and Immigration.

And, at this time, it being the close of the administration of the Fund by one Board of Trustees, and its management being about to pass into the hands of another Board, the propriety of a brief review of the history and administration of the Fund up to the present time will suggest itself to all.

And the propriety of such course is still more apparent from the many difficulties that have embarrassed the direction of the Fund from circumstances beyond the control of the Trustees, and in fact becomes a matter of necessity and of justice to all the previous Trustees from the virulent and apparently malignant criticism, which, from various sources, has been lavished upon all the State officials who have had charge of the Fund from the period of its creation.

I propose, therefore, to ask general as well as Legislative attention to, *First*—A sketch of the Public Lands of the State, with a statement of their derivation and the purposes of their grants. *Second*—A historical statement of the origin and purpose of the Fund. *Third*—The Internal Improvement Law creating the Fund, with some observations upon its leading features, and *Fourth*—A review of the policy pursued by all the Trustees up to the present time.

THE PUBLIC LANDS OF FLORIDA.

All the lands in Florida of which the State in any way has the control, may be classified as, first, the "School and Seminary Lands;" second, "The Internal Improvement Lands," and third, "The Swamp and Overflowed Lands."

THE SCHOOL AND SEMINARY LANDS

Were composed of 85,714 acres of land granted by Congress for the support of two Seminaries, one in East, and one in West Florida, which lands were selected and appraised by agents of the State and approved by the Department; then of the 16th sections granted by Congress to the State for general educational purposes, and amounting originally to 704,692 acres. Of the Seminary lands, some 46,000 acres have been sold, leaving a balance on hand of about 39,000 acres. Of the School lands, about 110,000 acres have been sold, leaving a balance of very nearly 594,500 acres.

The School and Seminary lands are not in any way connected with the Internal Improvement Fund, and are entirely under the direction and control of the State Board of Education. They are sold in the State Land Office, but sold for the State Board of Education and account of the proceeds is made to them.

INTERNAL IMPROVEMENT LANDS.

In March, 1845, Congress, by special enactment, granted to the State of Florida for the purposes of internal improvement 500,000 acres of land, the lands to be selected and appraised by agents of the State, and upon certification of such selection, to be approved and patented by the Department. Of these lands, 446,115 acres have been selected and patented to the State, of which some 227,000 have been disposed of, leaving a balance of about 219,000 acres now under control of the Trustees.

SWAMP AND OVERFLOWED LANDS.

By act of Congress of September 28, 1850, all of the Swamp and Overflowed Lands within the limits of the State of Florida, which at that time remained unsold, were explicitly granted to the State. These lands, while thus "granted" generally to the State, enured to its benefit only when, by actual survey by the agents of the State, they should be "selected" and upon evidence of such agents designated or separated and patented to the State from time to time.

The leading and primary and expressed purpose of this grant was the reclamation of these lands by construction of the necessary canals, drains, &c.

Upon proper selection and approval, patents were to issue to the State, which would convey to the State such lands in fee simple, subject to the disposal of the Legislature thereof, but with the express proviso "that the proceeds of said lands, whether from sale, or direct appropriation in kind, should be applied exclusively, as far as necessary, to the purpose of reclaiming said lands by means of the levees and drains aforesaid."

From time to time different agents have been employed by the State to select these lands, and such selections have been

made and approved by the Department, and patents have been issued to the State conveying in all 10,644,333 acres. Of this amount, 1,349,660 acres have been sold to individuals and railroads, and 7,500,000 acres have been granted conditionally for works of drainage and reclamation, and other internal improvements, to revert to the Fund on failure to construct the improvements contracted. Of course there remain in the control of the Trustees some 2,000,000 of acres, with 3,000,000 acres selected, but not yet approved, and a probable reversion on account of forfeited contracts of 5,000,000 acres in addition.

In 1855, the Legislature enacted an important law commonly called the Internal Improvement Law, which is here inserted as a matter of general interest to every citizen, and as indispensable to a proper judgment of the management of the Fund by the Trustees who have hitherto controlled it.

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 23, 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 selection, 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 railroad 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. Marks river, or Crooked river, at White Bluff on Apalachicola bay, in Middle Florida, and to the waters of St. Andrews 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. Johns 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 rail, 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, equipment, work-shops, 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, said company shall deposit with the Trustees of the Internal Improvement Fund the first semi-annual instalment 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 or 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.

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 into the sinking fund, it shall be divided *pro rata* between the stock account paid in and bonded debt, and the Internal Improvement 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 drainage of the swamp and 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. Johns 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 Fund 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 subdivision, 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 a 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 interest 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 cent. 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 pur-

pose 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 Postmaster-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 Postmaster-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 Postmaster-General, shall subject said company to a fine of one hundred dollars for each and every day they refuse to perform the said award, which will be recoverable by an action of debt by the Postmaster-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 con-

secutive 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 side-tracks, that this privilege may be extended to one hundred feet on each side of the road and of such side-track.

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 eighty 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.

OBSERVATIONS UPON THE ACT OF CONGRESS AND INTERNAL IMPROVEMENT ACT OF FLORIDA.

It will be noticed that, *while a general grant to the State is effected by the act of Congress of September 28, 1850, still none of the lands referred to enure to the State or come into her possession till, upon inspection, they shall be selected by agents of the State, and these selections are approved by the department.*

It will be noticed, secondly, that by the second section of the Internal Improvement Act the "expenses of selection, management and sale," are expressly to be provided for before the residue is added to the fund, and therefore that compensation for "selection, management and sale" are properly to be paid before the other dues from the fund.

It will be noticed that, by act of Congress, while the internal improvement lands were granted for "*internal improvement*" generally, the swamp and overflowed lands were expressly and exclusively granted "*for purposes of drainage and reclamation so far as necessary.*"

It will be noticed that in the second section of the Internal Improvement Act it is provided that all the railroads that are beneficiaries are to pay one per cent. annually to constitute a sinking fund for the ultimate redemption of all the bonds issued by the roads and guaranteed by the fund; and that, in case of default in payment of this one per cent. and interest the railroads are to be taken by the Trustees and sold at public auction, and that the proceeds of such sale, as well as the sinking fund itself and all the proceeds of sales of land effected by the Trustees, are by the express terms of the act *authorized to be invested in United States or State securities, or in the bonds of the several roads beneficiaries of the act.*

It will be observed that the internal improvements which were contemplated in the Internal Improvement Act of 1855, are specially mentioned in the act and comprise a railroad from

the waters of the St. Johns, at Jacksonville, to the waters of Pensacola Bay; a railroad from Amelia Island to Tampa, with an extension to Cedar Keys; and a canal from the waters of the St. Johns to Indian river, and then by plain implication were all the works of internal improvement that were originally supposed to be capable of being efficiently assisted under and by means of the provisions of the act, as appears by the fact that Hon. D. L. Yulee, chairman of the committee introducing the Internal Improvement Act, which they had drafted in their report, says: "These improvements, with roads from Macon in the direction of Cedar Keys, and from Montgomery to Pensacola, and to some other more eastern point of our system, *will complete all the desirable lines for a prosperous system.*"

And in regard to the necessity and value of these specified improvements, the committee, in the same report, says: "*The rapid enhancement of the general wealth and population certain to follow their construction would be ample recompense for the surrender of the whole fund.*"

It will also be observed that the provisions of the Internal Improvement Act for the assistance of the specified railroads and Indian River Canal were of the most liberal description, the railroads on the completion thereof and the laying down of the iron being entitled to issue bonds to the amount of \$10,000 per mile, the interest guaranteed by the fund, and to have alternate sections of land for six miles in width on each side of the road, it being equivalent to sixty square miles for every ten miles of the track laid, with right of way and liberty to take earth, ties, and stone for 200 feet in width; and the Indian River Canal was to have from the Trustees not exceeding 4,000 acres and \$4,000 for each mile of canal that should be constructed.

It will also be observed that, as the distance from the terminus at Quincy to Mobile, it being the length of the proposed continuation of the Jacksonville, Pensacola and Mobile Railroad, is 174 miles, such continuation at the rate specified in the Internal Improvement Act of 60 square miles to every 10 miles of road, would, under the specific terms of that law have been entitled to nearly 1,000,000 acres of the State lands, which is about one-half of what would have been given to the road by the consent decree mentioned in the last report of this office, and under which all claims against the fund were to be paid.

It will be noticed that the fund was originally created for the liquidation ultimately of direct and contingent liabilities, amounting in the aggregate to \$3,500,000, with thirty-five years to run, at the end of which time these liabilities would amount to upwards of \$12,000,000 with accrued interest.

The bonds for the benefit of the railroads having issued in 1856, with thirty-five years to run, do not mature till 1891, and their principal is not due till then.

And it is now claimed that the only liabilities that remain against the fund are the balance of the purchase money of the Jacksonville, Pensacola and Mobile Railroad of \$462,000, the amount due on the Vose claim of \$195,000, principal and interest \$409,500, amounting in the whole to \$1,066,000, and the amount required to take up the bonds and coupons floating about in the hands of citizens of the State, which may be safely put at not exceeding \$400,000, and we reach this important conclusion in regard to

THE MANAGEMENT OF THE FUND.

We find that a fund created in 1855, for the liquidation of liabilities, direct and contingent, of more than \$12,000,000, with thirty-five years to run has, by the Trustees who have had it in charge, been so managed that in less than one-half of the time allowed for such liquidation, more than seven-eighths of all the liabilities against the fund have been paid and satisfied, and the evidences destroyed.

And this general management, so far from being properly liable to imputation of wastefulness and carelessness, is believed to have no parallel in the whole country. Where can be found a fund of this magnitude of which seven-eighths of all its debts have been fully paid in one-half the time given?—with a large margin for future works of internal improvement.

The possibility of accomplishing so satisfactory an administration of this fund has been mainly secured through the judicious and efficient assumption by the Trustees of the power specifically given in the Internal Improvement Act to take and sell the railroad franchises on their default in the payment of the interest on their bonds and the one per cent. due annually for the sinking funds of the road.

Among the public works to be benefitted by the fund was a line of railroad from Amelia Island, on the Atlantic, to the waters of Tampa Bay, in South Florida, with an extension to Cedar Keys. This work was undertaken by the Florida Railroad Company, which accepted the conditions of the act and built the Florida Railroad from Fernandina to Cedar Keys.

This railroad company issued \$1,617,000 in \$1,000 coupon bonds, dated March 1, 1856, with interest at seven per cent., and payable March 1, 1891, but failing to pay the accruing interest on these bonds, and the annual payment of one per cent. due to the sinking fund of the road, the Trustees took possession of the franchise and road, and sold the same on the 6th October, 1866, to Edward N. Dickinson and associates, who were bondholders and creditors of the road for \$323,400. This sum, as will be perceived, was twenty per cent. of the bonded debt, and would pay \$200 on each bond, and if properly invested at that time would have sufficed to pay the principal of all the outstanding bonds before their maturity.

Accordingly, pro rata distributive shares of the purchase money of the road, thus amounting to \$200 on each bond, were offered to the bondholders in satisfaction of their claims, and the Trustees thus, in fact, purchased bonds of the Florida Railroad to the amount of \$1,128,000, thus extinguishing at once sixty-nine per cent. of the principal of the bonded debt of the road, together with all the subsequently accruing interest, amounting to nearly \$2,000,000. After accomplishing this sale, some of the bondholders refusing to sell upon those terms and preferring to retain their bonds till their maturity, there remained in the hands of the Trustees \$97,800, which they deposited with Moses Taylor, a New York banker, who was made the confidential agent of the Trustees to hold the balance for the purpose of purchasing the remaining thirty-one per cent. of bonds against the Florida Railroad then outstanding. It is known that a portion of this balance, perhaps \$50,000, has been expended in the purchase of outstanding bonds of the Florida Railroad, but the exact amount cannot be stated as the Trustees have never been able to secure an account from Moses Taylor.

And at or about the time of the sale of the Florida Railroad to Dickinson and associates, \$146,000 were also paid in land for that amount of past-due coupons held by Mr. Dickinson.

Thus it will be seen that the first Trustees, by the sale of the franchise and property and of lands sold for past-due coupons, extinguished \$1,128,000 in bonds and \$146,000 in coupons of the \$1,617,000 of the original bonds and accrued interest, which, in the aggregate, amounts to about seventy-two per cent. of the whole indebtedness of the Florida Railroad.

On the 4th of March, 1868, for similar default in the payment of interest and sinking-fund tax, the Trustees took possession of and sold the Florida, Atlantic and Gulf Central Railroad, extending from Jacksonville to Lake City. The railroad and property was sold to W. E. Jackson and associates for \$111,000, which amount was deposited with Colonel Edward Houston, who was made confidential agent of the Trustees for the purpose of purchasing the outstanding bonds of the Florida, Atlantic and Gulf Central Railroad at twenty per cent., or \$200 for each \$1,000 bond.

And under the direction of the Trustees, Colonel Houston has purchased more than nine-tenths of the outstanding bonds of the Florida, Atlantic and Gulf Central Railroad, with a large proportion of the coupons attached, and has a balance in his hands sufficient to take up all that still remain outstanding at the same rate.

On the 20th day of March, 1869, for default in payment of interest and sinking-fund tax, the Trustees, as directed by law, took possession of and sold the Pensacola and Georgia and the Tallahassee railroads. These roads were sold to F. Dibble

and associates for enough to take up all the outstanding bonds against both of the roads, being something over \$1,400,000, upon the terms and conditions prescribed in the Internal Improvement Act and publicly announced at the sale.

A conveyance of the roads was directed to be prepared, and Attorney-General A. R. Meek and Comptroller R. H. Gamble were appointed agents of the board to proceed with the conveyance to New York, and deliver the same to F. Dibble and associates, the purchasers of the roads, upon their compliance with the terms of the purchase.

At the same time resolutions were adopted by the Trustees, making Calvin Dibble and George W. Swepson, who were two of the "associates" of F. Dibble, and who were known to control nearly one million of dollars in bonds of the road, confidential agents of the Trustees to buy and take up the outstanding bonds.

Messrs. Meek and Gamble proceeded to New York, and having transacted their business, made report thereof as follows:

To the Trustees of the Internal Improvement Fund of the State of Florida:

By resolution of your board, adopted March 29, 1869, we were directed and empowered to proceed to New York City with the deeds of the Pensacola and Georgia and Tallahassee railroad, executed by you to F. Dibble, on behalf of himself and his associates, there present said deeds and receive payment for the roads conveyed by said deeds.

We beg to report that the duty devolved upon us by said resolution was duly performed; that we received eight hundred and six thousand six hundred dollars first mortgage bonds of the Pensacola Railroad Company, at par, and one hundred and fifty-three thousand and seven hundred dollars of first mortgage bonds of the Tallahassee Railroad Company, at between 94 and 95 cents on the dollar, and that the difference between the sum represented by these bonds and the sum bid for said roads was turned over by us, as required by a resolution of your board, to George W. Swepson, as confidential agent of said board, to take up the outstanding bonds of said companies.

The receipt of Mr. Swepson, for \$472,065, we have passed over to the treasurer of this board. We respectfully ask for approval of our action.

Signed:

A. R. MEEK, Attorney-General.
R. H. GAMBLE, Comptroller.

The report was unanimously accepted and approved.
The receipt of Mr. Swepson referred to is as follows:

Received, New York, April 22, A. D. 1869, of the Trustees of the Internal Improvement Fund of the State of Florida, by hand

of A. R. Meek, Attorney-General, and R. H. Gamble, Comptroller, the sum of \$472,065, being full balance due said Trustees from sale of the Pensacola and Georgia and Tallahassee railroads, made by said Trustees on March 20th last; the said sum to be held in pursuance of a resolution of said Trustees adopted the 8th inst., and for the purposes in said resolution set forth.

(Signed)

GEO. W. SWEPSON.

This receipt passed into the hands of the treasurer of the board, and Mr. Swepson, though often pressed, has refused hitherto either to account for the amount thus acknowledged or to pay the same. And although repeated suits have been instituted for the recovery of the balance of the purchase money, no collection has been made.

But the amount of the bonds received, \$960,700, with the coupons attached, running from fourteen to forty-seven on each bond, amounted to \$901,143, all of these were destroyed, thus making a most effectual liquidation of \$1,861,843 of liabilities against the fund accomplished, and a balance of \$472,000 in bonds in hands of an agent of the Trustees, the receipt of which is acknowledged and which is no doubt collectable when properly pressed.

Thus it will be seen that the sale of the Pensacola and Georgia and Tallahassee railroads, although hitherto severely reprobated, and especially by those who knew the least about it, was, after all, of such nature as, notwithstanding the large balance of purchase money hitherto uncollected, to meet nearly \$2,000,000 of claims against the fund.

By the sales, as above sketched, of the various railroads, a very large proportion of all the claims against the fund have been paid and satisfied. Of the Tallahassee road, the bonds may be said to be taken up; of the Florida, Atlantic & Gulf Central road, not more than \$25,000 are unpaid; of the Pensacola & Gulf road, \$472,000 of bonds are outstanding and unpaid, except so far as the receipt of George W. Swepson may prove to be collectable, and of the Florida Railroad, it is estimated that \$228,000 of bonds are still outstanding. There remains, therefore, of claims against the fund an amount composed as follows:

Florida, Atlantic & Gulf Central Railroad	\$25,000	outstanding	
in bonds with twenty years' interest	\$35,000	giving an aggregate of	\$60,000
Florida Railroad:	\$228,000	in bonds now outstanding with	
twenty years' interest	\$319,200	giving total of	547,000
Calling Swepson's receipt a total loss, gives			462,000
And allowing for coupons floating about in the hands of business men as deposited for collaterals or actually sold			431,000

And a total indebtedness is found of \$1,500,000

which is one-eighth of the original liability of the fund, thus showing seven-eighths of all liabilities discharged in one half the time given.

Such an administration of so immense and important a trust, in the light of the facts cited and the demonstrations made, does not, to a fair-minded man, seem worthy of the torrent of malignant and vindictive abuse which has been poured upon it.

As appears from the report, and as is otherwise well known, the policy of the early Trustees of the Internal Improvement Fund seems to have received a strong impress from the pre-existing fact that the desirability and necessity of railroad communication to connect and convene the widely separated portions of so large a territory, was the principal moving cause of the creation of the fund, and largely tended to give tone and character to the policy of the early Trustees, and make them strongly conservative of the special interests of railroads.

That this was well, so far as relates to the internal improvement lands, little doubt has ever been expressed. But that the same policy should control the disposition of the swamp and overflowed lands ever was and still is decidedly problematical, whether as a matter of legal right or of expediency; for by the letter as well as spirit of the act of Congress bestowing these lands upon the including States, they were all directed to be so disposed of that "proceeds of said lands, whether from sale or direct appropriation in kind, shall be applied exclusively, as far as necessary, to the purpose of draining said lands by means of levees and drains."

Hence, notwithstanding the policy of devoting the swamp and overflowed lands almost exclusively to the construction of railroads, almost to the entire neglect of the claims of reclamation, drainage, and occupation, based upon the supposed paramount character of railroad claims and liabilities, seemed to have become fixed with preceding Trustees, and to be fortified by a series of decisions of our State courts; still, the present Trustees have always felt that in any thorough litigation arising out of their administration of the fund, their acts or refusals to act would, in the United States Courts, of last resort, be judged by the language and spirit of the act of Congress, from which, through State legislation, the fund and its Trustees both originated.

And accordingly, as before stated, the present Trustees have in all their grants and contracts, whether with railroad or canal companies, made through drainage, or occupation and settlement, inevitable conditions precedent to all grants.

And this policy seems to have been abundantly sustained by Hon. J. Bradley, of the United States Supreme Court, in an interlocutory decision made in May last in the case of *F. Vose vs. Trustees*, in giving the opinion in which that learned Judge

remarks: "It is not merely to preserve the fund as a security for the payment of railroad bonds that the trust is created, but to provide for the drainage and reclamation of the lands, and their settlement and cultivation. These are political objects of the most important character." * * * "And these as well as railroad improvements are made objects of the trust. *Drainage, reclamation, development, immigration*, are all of them objects of the first National and State importance."

Believing these views to be well founded, they have governed the action of the Trustees and dictated their policy by which, without detriment to the sufficiency of the fund to meet all its railroad liabilities, they have fostered and assisted all deserving plans of drainage, improvement, and occupation.

In section 4 of the Internal Improvement Act of 1855, which created the fund and its Trustees, the building of railroads, canals, roads, and drainage by canals or levees, are made the object of the trust, and by repeated subsequent legislation, the improvement of water courses is also recognized as another legitimate object of the original trust.

The Internal Improvement Act specifies a railroad from St. Johns river to Pensacola, with extensions to St. Marks and St. Andrew, a railroad from Amelia Island to Tampa, with an extension to Cedar Keys, and a canal from Indian river to the St. Johns, as the real and substantial objects of the trust; and Hon. D. L. Yulee, chairman of the committee introducing the Internal Improvement Act which they had drafted in their report says: "These improvements with roads from Macon in the direction of Cedar Keys, and from Montgomery to Pensacola, and to some other more eastern point of our system, will complete all the desirable lines for a prosperous system."

And in regard to the necessity and value of these specified improvements, the committee, in the same report, says: "*The rapid enhancement of the general wealth and population certain to follow their construction would be ample recompense for the surrender of the whole fund.*"

In the report of the Commissioner, it will appear that upon the coming in of the present Trustees they found the fund in the same confused condition that characterized other branches of the State government, as depicted in the report of Comptroller Williams in 1861, in which he says: "Since the year 1848 there have been no accounts kept showing the expense for which the State has been liable. For instance, there is no executive, no judicial, no military, and no contingent, nor other necessary expense accounts to be found from the year 1848 down to the year ending November 1, 1860."

And this situation, thus evidently bad enough at that time, was rendered indescribably worse by the intervention of the terrible war of the rebellion, which interrupted the business,

scattered the records and papers, and wasted the resources of the Internal Improvement Fund as well as those of the State, so as to exceedingly embarrass all the operations of the Trustees.

And upon the final closing of the war and the resumption of Federal control of the State, all the books and papers, both of the United States Land office and the State Land office, were found in one confused heap in one of the rooms of the Capitol, and many important books and papers have never been recovered.

Upon their accession, the Trustees gathered in the remnants of the papers belonging to the fund, and set themselves about the work imposed upon them. They found none of the objects of the trust entirely completed. The railroad from Fernandina, completed to Cedar Keys, but without its extension; the railroad from the St. Johns to Pensacola less than half done, and both so far as completed, sold or liable to be sold for non-compliance with the provisions of the Internal Improvement Act. The Indian River Canal had been attempted, but had failed; while the fund, indebted to the amount of millions for the building and equipment of the roads, was receiving little or nothing from the sale of lands, and the great object of drainage, for the special accomplishment of which the swamp and overflowed lands were deeded by Congress, had been almost entirely neglected.

Under all these discouraging circumstances the steady effort of the Trustees has been to complete the railroad to Pensacola, to give the proper attention to the drainage so much required by the health and business of the State, to pay the existing liabilities of the fund, increase the sale of lands, and stimulate immigration and development.

Nearly all of the grants or concessions of land made by the former trustees were grants made directly or indirectly in aid of the construction of railroads, and with the exception of assistance rendered the Indian River Canal, the clearing of the obstructions of the Ocklawaha river, and the concessions to Messrs. Hunt and Gleason, comparatively little attention had ever been given to drainage.

But upon the accession of the present Trustees they, in view of the fact that the act of Congress bestowing the swamp and overflowed lands specifically provided that the proceeds of their sale should be devoted exclusively to drainage, so far as necessary, and in consideration of the advancement nearly to completion of the other works of internal improvement, deemed it their bounden duty to turn their attention largely to works of reclamation, drainage, settlement, and occupation.

Accordingly they were disposed to consider with favor the propositions made relating to the reclamation of inundated

lands, the construction of canals and of railroads, contracting for the drainage and reclamation of overflowed lands.

The Indian River Canal, which had been particularly mentioned in the act creating the trust and constituting the Trustees, as a proper object of the trust, and to which specific assistance was given in the act to an amount not exceeding \$4,000 and 4,000 acres of land to each mile of canal constructed, had been undertaken in former times and fairly begun, but for some unknown reason had failed.

Yet, as was evinced by the specific mention given to it in the act of 1855, the wide discussion of the project at the time and the large measure of assistance given with particularity in the law, it seemed to be generally conceded that, while Middle and West Florida, and the western portion of East Florida, could only be made accessible by railroads, East Florida would be compelled to rely for the improvement of its facilities for travel and commercial intercourse upon the St. Johns and its tributaries, and Indian river and canals connected therewith. Such seemed the general verdict of the common public sentiment.

Accordingly the revival of the Indian River Canal project specially mentioned in the act, and the improvement of the Ocklawaha River with a connection thereof with the waters of the Gulf, were, from the first, objects of much interest with the present Trustees.

When, therefore, under the lead of its president, Hon. N. H. Morange, the Southern Inland Navigation Company proposed to the Trustees for a sufficient consideration in land to undertake and complete a canal which should furnish a continuous line of steam navigation from the waters of the St. Johns to Key Biscayne at the southern extremity of the peninsular, the opportunity to perfect a work so necessary to the general convenience, and for so long a time a favorite scheme with the people of East Florida, was gladly taken and from time to time the concessions that seemed necessary to complete the work were given, keeping the compensation entirely within the rate of \$4,000 and 4,000 acres sanctioned in the act of 1855.

And again when H. L. Hart, Esq., so well known as one of our most enterprising and energetic business men, of well known character for honor and integrity, proposed for alternate sections along the route, to complete an uninterrupted line of steam navigation from the St. Johns westward to the Gulf, his proposition was accepted and the needed concession made.

So of the Pease Creek Immigration and Improvement Company under the lead of D. P. Holland and W. H. Kendrick, whose projected improvement of that river and tributaries would breathe the breath of new life through Southwest Florida and redeem and make accessible an exceedingly valuable region.

So likewise of the Wekiva Steamboat Company with Messrs.

Mills and Stewart at the head, which proposed to open up one of the best known regions for the cultivation of oranges and sugar-cane.

So of the Great Southern Railway Company, that for a large concession of lands was willing to undertake the construction of a great railway that should extend from the northern boundary entirely through the State to its Southern extremity under a contract to effect the reclamation and drainage of a vast extent of land along its route.

So, at the solicitation of Dr. John Westcott, largely interested personally, valuable assistance was rendered the railroad from Toco to St. Augustine, under a contract for similar drainage.

And, under a firm conviction, subsequently fully sustained by Judge Bradley of the United States Supreme Court, that "occupation, settlement, development," were legitimate and co-ordinate objects of the trust, a contract was made with the Florida Improvement Company to secure the occupation and development of the State, by the introduction of actual settlers, by the grant of lands in alternate tracts at an almost nominal price, but under conditions involving the expenditure of large sums of money in the support of numerous agencies and the procurement of extensive advertisement.

Some of the grants made were quite large, it is true, but they were nearly all in remote and wild regions that had so remained in an uncultivated condition in a State known and settled two hundred and fifty years before many of the new States in the West and Northwest had been even named.

Most of the concessions were in alternate tracts so arranged upon conditions of drainage and accessibility that the alternate remaining tracts were more valuable upon completion of contracts made than were the whole before.

Nearly every grant was made upon contracts conditioned for the accomplishment of works of the highest public and private importance, and so made that the lands conceded only inured progressively to the grantees, as the work contracted for was by degrees accomplished, or where actual deeds of land were made to assist in loaning means for the prosecution and completion of the connected contracts, the proceeds of the sales were made to follow the same rule, and passed to the contractors only as the work progressed.

With authority to invest even the sinking fund in State and railroad securities, they made State scrip and railroad coupons receivable for land, hoping thus to bring the purchase of lands within the reach of all, and at the same time to place the claims against the fund, represented by coupons, in the process of liquidation.

They have, in addition to the special objects mentioned in

the act, made a grant of large proportions to secure the construction of a railroad four hundred miles long, running north and south along the eastern coast. They have measurably secured, by a liberal grant, the construction of inland canals from the St. Johns to Miami, from the St. Johns to the Gulf, from one extremity of the interior lakes in Sumter and Marion counties to the other. They have provided for the improvement of the Wekiva and the Ocklawaha and Pease Creek. They have encouraged the railroad from Toco to St. Augustine, and they had hoped to finish the original plan of the Internal Improvement Act by securing the completion of a railroad from Jacksonville to Pensacola, thus stifling in the most effective way all talk of annexation to Alabama, and quieting all movements for the change of the Capitol by making Tallahassee the convenient and commercial, as well as geographical centre of the State, and all this from the lands now in hand, without trenching upon future accretions to the fund.

But all their operations have been hampered and embarrassed, and the sale of lands nearly stopped, while the proceeds received have been consumed in litigation arising out of the prosecution of old debts and accruing liabilities, in which the character and conduct of all who have ever acted in the management of the fund has been violently assailed, while the legality and validity of all the grants of land for promotion of drainage, reclamation and development, though recognized by Judge Bradley as legitimate, have been attacked, thus so tainting the validity of these grants as almost to stop the work of improvement so well begun.

Anxious to save the fund for some purpose more valuable to the people than to support a useless litigation, the Trustees have always been ready to settle all such litigations upon the best attainable terms within their power. And conferences and negotiations, innumerable, have, under the direction of the Trustees, occurred in order to effect a settlement.

Unwilling to continue a litigation so expensive, which may in the Supreme Court of last resort, end in a condemnation of our railroad policy, so far as affects the appropriation of lands thereto, specially given for drainage and reclamation, and so disturb a policy in which so many of our citizens have so deep an interest, and at the same time equally unwilling to brand as illegal a policy of drainage which they fully believe to be both legal, necessary and expedient, the Trustees have so far refused to involve future additions to the fund in present litigation, or to turn over to the control of any other parties, contracts for improvement effected with men of all parties, who may be under their protection, and consequently such negotiations have hitherto failed.

As has before been noticed herein, the swamp and overflowed

lands that were granted to the State by act of Congress only inure to its benefit after the same are surveyed and selected and proved to be lands of that description by the evidence of State agents who survey and furnish maps and plats and field notes to the State land-office, and these are forwarded to the General Land Office at Washington and there approved, and the lands are conveyed definitely to the State by patent.

Accordingly the appointment of agents whose capacity and character should authenticate and give force to the selections made and relieve them from the imputations of fraud that have sometimes prevailed, became a matter of more than common importance.

When, therefore, Messrs. Samuel A. Swann and M. A. Williams, of Fernandina, made a proposition to proceed with the selections upon reasonable terms, the Trustees gladly accepted. It is hardly necessary to say a word in favor of the character of these gentlemen. Florida has none who stand higher in the general estimation for honor and probity, and Mr. Williams had peculiar claims from the fact that he had been occupied for many years in surveying for the United States, while Mr. Swann had long acted and been commissioned as an Assistant Commissioner of Immigration.

It was the duty of the Trustees to secure the continuance of the selection, and they deemed themselves fortunate in the opportunity given. The proposition of Messrs. Swann and Williams was as follows:

To the Honorable Board of Trustees of the Internal Improvement Fund of the State of Florida:

By act of Congress approved September 28, 1850, certain large grants of swamp and overflowed lands were, under certain conditions, conveyed to the State of Florida, which yet remain unselected, and indeed, partly unsurveyed, and deeming it conducive to the interest of the State that all lands of which the State may ultimately obtain title, should be surveyed and selected as soon as possible and State titles thereto consummated, I propose, in connection with Samuel A. Swann, who I am authorized to represent, to examine and locate all the lands which have not been selected and located that are due the State of Florida under act of Congress, September 28, 1850, above mentioned, which have been surveyed as well as those yet to be surveyed.

In connection with the selection we will furnish the maps and tract-books necessary for the use of the State Land Office, in as good (or better) style as those heretofore furnished for the same purpose. This work we will complete as rapidly as possible, upon a compensation of two cents per acre, to be paid as our selections are returned to the proper land offices, in

United States currency, deducting twenty per cent. for such payment, or we will take in lieu of cash land at one dollar per acre.

Respectfully submitted,

M. A. WILLIAMS.

This is a fair and reasonable proposition, and to all who are conversant with land matters will vindicate itself. But during the litigation which has been referred to, and the discussions at the bar and in the press, there has been so much of invective and accusation of corrupt collusion, that a letter from M. A. Williams is inserted here upon the subject. The letter was addressed to Judge Fraser, after Swann and Williams had been subjected in open court to vindictive attacks and accusations of corrupt collusion.

FERNANDINA, Fla., June 6, 1872.

HON. PHILIP FRASER: I have but recently returned from my survey South, much exhausted and worn out, and too late to hear of the case of Vose vs. the Trustees of the Internal Improvement Fraud upon which you have recently delivered a decision. The pending litigation was likewise unknown to Mr. Swann, my partner, although at home. Could we have had an opportunity of presenting our case before your court, I feel satisfied that you would have found nothing in it that was not proper, fair and just. I speak without knowledge of law, but of fair and honest dealing between man and man.

Permit me to give you a history of the location of swamp land in Florida.

Soon after the passage of the act of Congress September 28, 1850, donating the swamp and overflowed lands lying within the States containing public lands, Dr. A. M. Randolph and Henry Wells were appointed by Governor Brown to select the same, their compensation being eight mills per acre, to be paid in cash from the proceeds of not only the selections made by them but also from the Internal Improvement selections, and when I speak of Internal Improvement lands, I mean the land-grant of 500,000 acres for internal improvement purposes, which could be selected from any surveyed lands, and were so selected, embracing some of the best land in Florida. But to return: Randolph and Wells were engaged in the selection of lands under act of Congress September 28, 1850 (swamp land), when the Internal Improvement Bill was passed by the Florida Legislature January, 1855. This act consolidated the swamp and the Internal Improvement lands, making one fund, under which act Trustees were appointed, the present Trustees being their successors.

Now I have not examined the records, but I venture to assert that not more than three millions of acres of the swamp land had been selected at the time of the passage of this act, and that

Randolph and Wells continued to select, and were paid for such selections in *cash* up to 1861.

The war intervened, Dr. Randolph had died, and Wells had left the State. There was still a large number of acres of land lying far South, to which the State was entitled under the Swamp Land Act—lands surveyed in 1860—1861.

Knowing these facts I applied to the Trustees to make the selections, and in fixing compensation I argued that as these lands were far South and necessarily requiring a large expenditure to make examination of them, that the compensation should be much greater than that of Randolph and Wells, whose selections were upon lines of travel and in settlements easy of access and cheaply to be done.

One of the first parties I approached on this subject was Mr. Gamble (although I have, he says he don't recollect), I stated the case, and told him of my intended application, and the compensation which I should ask.

Mr. Gamble thought my proposal reasonable and I left him believing that he would, as a member of the board, sanction it and I think did.

I had previously talked with Governor Reed, who had promised to make me the agent for such selections, leaving compensation to the board.

I then called upon Mr. Adams and mentioned in detail all I had stated to Mr. Gamble, whereupon Mr. Adams asked me to present my application in writing, promising to present it to the board at their next meeting. I did so, and made the proposition just as it is recorded upon the journals of the board. I had the name of S. A. Swann added with mine jointly in the contract. I did so under the following circumstances: When I left Fernandina upon the errand, I met Mr. Swann and told him my business in going to Tallahassee. I said to him that if I got the contract for the selection of the remaining State lands, I should need him—particularly in money to carry it out; that I should be compelled to considerable expense in making selections before I could possibly get any pay. This was one reason, and another was, that Mr. Swann was one of the most competent men I know in the whole State for general superintending a land office.

So, as I have before said, the application was made and approved. We paid no Trustee to the extent of a cent—we never promised to pay any Trustee, nor has any Trustee any interest whatever in our contract. No man or men have one cent's interest in it except ourselves.

We have done the work faithfully and to the best of our ability, and we feel hurt even by implication in being supposed to have engaged in anything fraudulent and improper. Mr. Vose claims that we have no right to land in payment for our

survey, except out of our own selections. I can't understand upon what grounds. The Internal Improvement Act contemplated the selection of all lands to which the State was entitled under act of Congress September 28, 1850, and it must also have contemplated its being done through a series of years, for, at the time of the passage of the act, not more than half of what the State now owns was surveyed. A large quantity is yet to be surveyed. And as I said before, much the greater portion selected by Randolph and Wells was selected before the passage of the Internal Improvement Act. The authors of the Internal Improvement Bill regarding the titles to all swamp lands in Florida as being secured to the State from the date of the passage of the act of Congress, it only remained to describe and define them, and this could only be done as the surveys progressed. In the second section of the bill they provided, first, that necessary expense for these selections should be paid.

Randolph and Wells continued to select up to 1860, and were paid for the same. Why are not we equally entitled to pay for the continuation of the same? Again, regarding compensation: We have paid out in cash more than three thousand dollars. We have labored for eighteen months, and I know of no man in Florida than myself that could have made the selections for less than five times the cost to us, from the fact that I surveyed a large portion of the lands selected by us, and had previously examined it and did not require the expense of a personal examination which any other party would have been compelled to incur to make the necessary affidavit.

I feel that I am entitled to pay just the same for information acquired through long years of labor, as though I had to undergo the expense of a personal examination of every forty acre lot.

We have selected about 2,300,000 acres and have to our credit \$46,000, payable in lands at one dollar per acre. By advertising all over Florida we have sold about one-fourth, and have realized about \$2,000, each. The above are precisely the facts.

The internal improvement bill required the Trustees to have the swamp land selections made and provides payment thereof. I can't see any thing wrong in the Trustees employing us and in paying us for our labor, or in our accepting such employment and payment.

We occupy precisely the position that Randolph and Wells did, and whilst we got more pay per acre in land than they did in cash, the work done by us is much more costly in proportion to the pay.

It seems to be the general impression that nothing can be done in Florida without fraud. I again repeat, and I will be sworn to it if necessary, that we have never paid to the extent

of one cent for any man's influence or aid in the contract, that we have never promised payment of one cent or of any amount, and that no Trustee or any other human being has any interest in our contract. We alone are interested. I know that mere assertions or mere oaths are regarded as amounting to but little, yet I believe that you will believe my statement.

As we are informed we cannot obtain titles to any more land under your decision, I respectfully beg that you look into this matter, and if you find, as I cannot help believe you will, that it is unjust to us, that you relieve us. I make this statement in the shape of a letter. I don't know yet the effect of your decision, but if on proper information we find it necessary we will advise with a lawyer and present the matter in proper legal form.

Signed:

Yours, truly,

M. A. WILLIAMS.

The internal improvement lands having been bestowed specifically for works of internal improvement, and the swamp and overflowed lands for reclamation and drainage exclusively and the whole, as Mr. Justice Bradley declared, liable to contribute to "settlement, occupation, development and immigration" as co-ordinate objects of the trust, it is evident that reasonable projects of immigration, occupation, and development are not only worthy the attention of the Trustees, but demand their fostering care under and by virtue of the Internal Improvement Act itself, and that whenever all proper objects of the trust under the decision of Judge Bradley, are to a reasonable extent accomplished, the State has, of right and by law, the reversionary interest in the fund.

It is also as evident that the Trustees being constituted from the Governor and other chief executive officers, it was manifestly proper that they should have been, as in the second section of the Internal Improvement Act they most plainly were, authorized at any time, in their discretion, to invest not only the proceeds of sales of land, but the sinking fund, indeed the whole fund, in United States or in State securities or bonds of the beneficiary railroads.

And being thus authorized and themselves the judges of the propriety of their action, it became also their duty by the plainest implication, so to manage the fund as to conduce to the convenience and maintain the credit of the State of Florida the residuary owner of the whole fund.

And so far as the legality and propriety of investment is concerned there is little difference in the various descriptions of State securities whether bonds or scrip or Comptroller's warrants.

Accordingly as the sales of the railroads by degrees continued to relieve the fund, and as the State became embarrassed

and found itself unable to provide for the two seminaries for the support of its unfortunate lunatics, for providing food and clothing for prisoners in the penitentiary, it was not only proper for the Trustees to assist when possible by an exchange of securities, but they would have been derelict in duty not to have made such exchanges of State securities when desired.

Again coupons were evidences of legal claim against the fund, while a receipt of State scrip for lands directly operated to strengthen and support the credit of the State the residuary proprietor.

From all which it appears that the receipt of State scrip for lands, and the exchanges of different kinds of scrip and of scrip for coupons of guaranteed bonds, were all within the direct line of the duty of the Trustees—were all authorized by the organic law of the fund, and have been commented on both in and out of court with unnecessary severity.

Copies of all the important contracts made by the Trustees will appear at the close of this report, but still some observations upon their character and importance in the body of this report seem quite appropriate.

Upon the accession of the present Trustees, the Florida Railroad had been sold and seemed to require no further aid. The Pensacola and Georgia Railroad was in such an apparent situation as through a sale to be put in a better situation with prospect of completion; accordingly they turned their attention to other works of commanding importance.

In the report of Mr. Yulee, introducing the Internal Improvement Act, it is stated, referring to the works specially mentioned in the act, that "these improvements with roads from Macon in the direction of Cedar Keys, and from Montgomery to Pensacola, and to some other more eastern point of our system, will complete all the desirable lines for a prosperous system;" and further, it is said:

"The rapid enhancement of the general wealth and population certain to follow their construction would be ample recompense for the surrender of the *whole fund*."

Hence the desirability of railroad connection between Pensacola, and of a road from the direction of Macon southerly through the Peninsula, were distinctly recognized at the time of the introduction of the act, thus indicating the necessity of the Pensacola and Louisville Railroad and of the Great Southern Railway.

The Trustees, therefore, at once, considering the other railroads as completed, or with fair prospect of completion, made a conditional grant of lands to the Pensacola and Louisville Railroad, hoping thus to secure the completion of a chain of railroad communication between Pensacola, with its magnificent harbor, and the whole of the West and Northwest. This grant was

never completed till the spring of the present year, when Mr. Bisbee who, as opposing attorney in the progress of litigation, severely attacked the grant in his petition, was acting Attorney-General, and united with the other Trustees in unanimously approving the grant. (For contract see close of report.)

Upon proper application also, the Trustees made a large grant of lands to the Great Southern Railway, a road which, running from St. Marys river entirely through the State to Key West, and to be connected by steamers with the West Indies, would open up and make accessible and subject to occupation and development a vast region more than 300 miles in length, that though offering most tempting opportunities for a cultivation of semi-tropical plants, had lain waste and solitary for 300 years, while the United States was stretching to the southward and westward.

Such a road would also obviate and do away with the one great obstacle to the development of the whole State; for, whereas, from its geographical situation and peculiar construction, Florida is entirely out of the line of ordinary travel. Immediately upon the completion of such a road as the Great Southern Railway it would become a part of the most direct thoroughfare to the West Indies and to South America.

The Trustees, therefore, under proper guards as to drainage and reclamation, as will appear from a copy of their contract at the close of the report, made a liberal concession of lands to aid in the construction of the Great Southern Railway, but still conditional and enuring to the company as the work was done.

This railroad shortens the distance between Florida and the centres of Northern railroad connections, and will become the means of assisting largely in the development of a portion of the State that can have such development in no other way, while if, as seems likely, our connection with South America and the West Indies should become intimate, Florida will become the great Southern thoroughfare to a most valuable commerce and an immense winter travel.

The importance of a strong immigration to the State in order to its rapid advancement and development early attracted the attention of the Legislature and people, as is evinced by the creation of the Bureau of Immigration, and the promotion of "settlement, immigration, and development" judicially recognized as legitimate objects of the trust, early attracted the attention of the Trustees and became a subject of earnest and frequent consideration.

The desirability of a strong immigration, and the expediency and sound policy of using the most efficient agencies in securing it, have been universally conceded and known by the dwellers in the Western and Northwestern States. These States

have looked upon their different immigration bureaus and agencies, by whatever name known, as of the highest importance.

They have endowed them with ample means for active operation at home, and have enabled them to employ, at liberal rates of compensation, effective agents in the leading cities on the seaboard in this country, and similar agents to reside abroad, and there to operate in favor of their various States, upon the different streams that go to make up the grand tide of Western immigration. They have published and distributed with lavish hand books, circulars, and maps. And as individuals, in prosecution of their own business, find a liberal advertisement of their own ability to meet current wants to be the best economy, so these States have, without exception, reaped unexpected and incalculable benefit in their policy of inviting immigration, and have received returns in direct proportion to the liberality of the policy pursued.

This fact is incontestably proved by the figures of the census of 1860. Among the States, the four that have especially distinguished themselves by the liberality of the inducements offered, and the activity and energy of the agencies employed, are—excluding those upon whom extraordinary influences have been brought to bear, as was the case with California and Oregon—Texas, Wisconsin, Minnesota and Iowa. The increase of population received by these States in ten years preceding the census of 1860 amounted to the following percentage, viz.: Wisconsin 154 per cent., Texas 184 per cent., Iowa 251 per cent., and Minnesota 2,760 per cent. Such results demonstrate conclusively the efficiency of the means employed.

Well knowing these facts, and equally aware that in the future as in the past, the same results might be expected to follow the same causes, had the means of setting similar agencies in operation been in my hands, I could have had little hesitation in determining the question of policy.

But, in the experience of all these States, it had been demonstrated that agencies in the very countries where were the sources of the great tide of immigration, were far the most effective, for they could materially assist in giving, in the beginning, any desirable direction to the current before such direction had been determined, and when, as yet, little momentum had been acquired. Next to these in efficiency were the agencies in the great Northern cities, which could operate upon the incoming flood, and by giving reliable information as to their several States, and aiding in securing reduced rates of transportation, could exert a powerful influence.

But with us there were two serious obstacles. First, there was no general and vivid sense of the vast importance of immigration considered with reference to the rapid and certain development of the State; and second, the financial condition

of the State, although by no means discouraging as to the future—having infinite capabilities and a comparatively small State debt—was one of embarrassment and complication in the present.

Hence there existed slight disposition to expend largely in promoting immigration, and little means on hand for that purpose.

In this juncture it was recollected that liberal grants of land, either directly to immigrants or to railroad or other companies making the introduction of immigration a specialty, and the sale of public lands on almost nominal terms, with an exemption of such lands from taxation for State and county purposes, for a limited time after occupation, had been prominent among the inducements offered by other States. Florida had in possession some seven to ten millions of such lands lying vacant and unoccupied, and contributing nothing to the expenses of the State Government, and apparently of such little value in the general consideration, that while no man could estimate their quantity within a half million of acres, the acquisition of several millions more only awaited energetic and combined effort on the part of the Representatives of the State; and the suggestion whether, as had been often done in other States, these lands could not be made use of in stimulating immigration, and to save a vast expenditure of money, and secure the great ends of simplicity, economy, and freedom from complication to the State Government, readily occurred.

Frequent correspondence had been held with various companies having immigration and the sale of lands in view; but as with them the control of large amounts of land had been an indispensable prerequisite to the commencement of any negotiation, and as I had no such control to impart, no arrangement seemed possible.

But meeting some of the active members of one of these companies in New York, in September, 1869, and a majority of the Board of Trustees of the Internal Improvement Fund being also present in the city, a proposition was made by the company to the Trustees which, with some modifications, seemed worthy of acceptance. Accordingly a meeting of the Board of Trustees was held at Tallahassee on the 22d of October, 1869, and continued on subsequent days, and the whole subject was carefully considered and thoroughly discussed. It appeared from a careful inspection of the act creating the board and defining its powers, and of all subsequent legislation upon the subject, that while the encouragement of a liberal system of internal improvement was the primary cause of creating the board, and entrusting to them, under certain specific restrictions, the control and disposal of the State lands, still plenary power was specifically given them to affix absolutely the prices of the lands, and they were directed

so to regulate the prices and so dispose of the lands as to encourage their drainage and improvement, and so as to stimulate their settlement and occupation. Power was also given them to grant rights of pre-emption to actual settlers, but in such case the pre-emptory right was restricted to one section to each settler.

After this thorough discussion and full consideration, the original proposition of the company was so modified, and restrictions so severe were imposed, that the proposition was at one time withdrawn; but after further conference and consideration, the proposition was renewed, and on the 26th day of October the following preamble and resolutions were adopted in a meeting at which all the members were present, and with only one dissenting vote:

“WHEREAS, The New York and Florida Lumber, Land and Improvement Company have made a proposition to the Trustees of the Internal Improvement Fund of the State of Florida, whereby said company propose to establish agents in all the principal seaboard cities of the United States, in Canada, England, Germany, France, Italy, and the south of Europe, in order to promote and establish immigration to the State of Florida, and to furnish such immigrants full and complete information as to the climate, soil, productions, and other advantages, of the State, by a republication and translation of the book entitled ‘Florida,’ together with maps, and all such other authentic information as may be practicable, and to furnish such immigrants low rates of passage to their respective points of settlement or location in said State, and generally to take all such measures as may be calculated to promote and encourage immigration to the largest extent and in the most speedy manner: And whereas, the object of the State and of this board is to secure said immigration in the most speedy and effective manner which will tend directly to a great development of the material prosperity of the State, and to a rapid increase in the value of the real property of all the residents of the State; Now, therefore, it is

“Resolved, That authority be and is hereby given and granted by the Trustees of the Internal Improvement Fund of the State of Florida, to the ‘New York and Florida Lumber, Land and Improvement Company,’ their successors or assigns, to select and locate from the lands belonging to the Internal Improvement Fund, one million one hundred thousand acres of said lands, which shall be designated and described upon the State township maps in the office of the Surveyor-General at Tallahassee—it being agreed and understood by and between said board and the said company, that in making such selection, said company shall select such lands by quarter townships, and may take either the half or the whole of the Internal Improvement lands in any two of the quarter townships, viz.: of the northeast or

northwest, or southeast or southwest quarter of any township.

"*And it is further Resolved*, That such selection and designation, when made as aforesaid, shall operate to reserve such lands from any sale or conveyance by this board or by the State to any other person or parties for the period of three years from the first day of January, A. D. 1870, and during which time said company may purchase, and this board on behalf of the State will convey to said company, their successors or assigns, their duly authorized agent or agents, or upon the order of said company, all such lands at the rate and price of ten cents per acre, upon the following terms and conditions, to wit: The said company shall be entitled to a deed from this board at any time, on the payment for one hundred thousand acres of the land so selected, at the rate and price above mentioned, and on furnishing a bond to be approved by a board consisting of the Governor of the State, the Attorney-General, the Commissioner of Immigration, and the Comptroller, conditioned for the actual sale, within two years from the first day of January, 1870, of such lands or of such portions thereof, to heads of families of male adults, who intend to become citizens or actual settlers in said State, or for the introduction of such heads of families of male adults within said State, at the rate and in the proportion of one settler to each half section in said one hundred thousand acres; such settlers to be brought from the Northern or Western States, or from foreign nations; also conditioned for the fulfillment of the proposals contained in the recital prefixed to these resolutions; and on failure to comply with said last mentioned condition, to pay fifty cents per acre for so much of said land as they may have failed to become entitled to by non-compliance therewith, said bond to be filed in the office of the State Treasurer, and to be re-delivered to said company for cancellation upon the performance of said conditions.

"That thereafter and from time to time as the company may require, and on payment for one hundred thousand acres more or less, and at the price first above mentioned of ten cents per acre, together with evidence which shall be deemed satisfactory by a board consisting of the Commissioner of Immigration, the Comptroller, and the Surveyor-General, to parties as hereinbefore specified, in the proportion of one settler to each half section of land, a deed or deeds for and to such further sections as they, the said company, may require, in the aggregate not to exceed the total amount herein above specified of eleven hundred thousand acres.

"*And be it further resolved*, That this board will afford any and every assistance to the said company in the prosecution of this enterprise, which is calculated to promote the interest of the State, and as the measure of the value of property and the prosperity of any community is determined by the number,

intelligence and industry of its members, therefore, in recommending the citizens of our State to afford support and co-operation to the company in its legitimate efforts, we feel confident the citizens, residents, and property-holders are thereby promoting their own interests as well as those of the State, and lightening the burden of taxation by its distribution over greater numbers.

"*Resolved*, That nothing in these resolutions contained shall exclude citizens from other Southern States from the right to become purchasers of any of said lands from said company for the purpose of settling thereon, but this board will reserve the right to determine whether such citizens, so settling, shall be counted in determining whether the conditions of the bond required have been complied with."

Upon the adoption of these resolutions, proper provision was made for the conveyance of 100,000 acres of land, and the approval and receipt of sufficient security. A bond was approved in \$100,000 conditioned for the faithful performance of the conditions of the contract, and a deed was made for 100,000 acres of land and the stipulated price received. This was all accomplished in October, 1870, some two months prior to the issue of any injunction whatever.

In 1871, Mr. C. W. Godard, the president of the company, appeared before the Trustees and showed that, on the part of the company their obligations under the contract had been to a great extent discharged, that they had established an office in New York, and agencies in many principal cities where the immigration to this country concentrates, that they had published in English and German 10,000 copies of a book on Florida, and widely circulated them, had advertised extensively, and by lectures and circulars had done a good work at an expense to them, as appeared by the sworn testimony of witnesses, including the payment made for the land, of more than \$100,000.

Under these circumstances, in fulfillment of their obligations under the contract, while prohibited from proceeding with the contract with the New York company by an injunction, but acting, as they thought, with the assent of Mr. Bisbee, the opposing counsel in the pending litigation, they made a similar contract with Mr. E. A. Studwell, and conveyed to him under similar conditions a large tract of land.

It was absolutely impossible for the State to make the necessary expenditures to give full force and power to the agencies of the Bureau of Immigration that were requisite to give them efficiency; and while other States were inducing immigration by extensive and outright gifts of land in large quantities, it seemed not only natural but wise to accept an offer that would relieve the State from heavy expense by selling waste and unoccupied land even at a very low price.

An over estimate of the abstract value of lands as lands, if I may so speak, is one of the chief obstacles to the rapid occupation and development of all the Southern States, and we feel its effects very strongly in Florida. Many of our citizens find themselves much straightened in their pecuniary ability by the results of the war, and the absolute re-organization of the whole system of home-labor which has occurred. Numbers who still retain their large tracts of land, which seemed a necessity for successful cultivation of corn and cotton under the old system, confess themselves to be unable to cultivate the huge and remote plantations of old times, but are not willing to part with a portion to increase their power to properly farm the remainder, preferring to sell all or none. On the other hand, unless they come in colonies, immigrants from other sections are unwilling to invest in large tracts, and so investment and occupation are obstructed.

The experience of all new States and countries proves conclusively that the one-quarter of 2,000 acres of land owned by one man, whether wild or cultivated, is worth more in cash after the other three-quarters are occupied and settled, than the whole tract would ever bring without such occupation; and could the number of people in the State be immediately doubled by a gratuitous distribution among a number of tax-paying citizens equal to the present number of land-holders of the unoccupied land in the State, the State would be benefitted, and no individual would suffer loss. But in the whole South the policy prevailing in regard to land seems to proceed upon an entirely different hypothesis; individuals refuse to sell who yet would double their means by offering to actual settlers alternate tracts of land upon condition of settlement, while States regard with jealous suspicion all grants for actual occupation and improvements, as though uncultivated and waste land were a treasure in itself, and tax-paying citizens not to be desired. That Florida lands are in a sense valuable, no one acquainted with them can doubt; but it is as true of these lands as of lands anywhere, and universally, they are subject to one invariable measure of value; the value of all lands is measured by the results that can be made to grow out of them. What can be done with them? What can be produced from them? What can they be sold for? These are the questions whose answers determine the actual value of lands everywhere.

To a State, unoccupied and unused lands, like the hoards of a miser, are of no value till expended—are not only valueless, but are a hindrance to settlement and an incumbrance.

It was believed at the time—it is believed now—that the contract was most advantageous to the State, and that it will vindicate itself if ever relieved from the trammels of litigation.

In the Western portion of the State, Pease Creek, a very con-

siderable river, traverses one of the most valuable portions of the State. It is a magnificent cattle range, and is peculiarly adapted to the cultivation of tropical and semi-tropical productions. But the whole region has been effectually closed to all development except that which comes from stock-raising, by its inaccessibility.

The Trustees felt that West and South Florida had received less than their pro rata share of the benefits that might arise from a fair administration of the funds, and when a proposition was made by the Pease Creek and Immigration Company to make Pease Creek a navigable river, and through this to give natural, cheap, and convenient vent to all the products of this rich and important region, they felt no scruples in accepting the proposition, and made a grant of lands conditioned upon the completion of the work in accordance with the contract made.

There is quite a large tract of land lying between the St. Johns River and the Atlantic coast, and extending through the counties of St. Johns and Duval, which, although it has to a certain small extent been known and occupied for some three hundred years, has still remained in a great degree an unknown and undeveloped region, while in good land and valuable timber it contains many and various attractions.

To aid in the development of this region, assistance was given by the Trustees to the railroad running East from Tocol and to the Jacksonville and St. Augustine railroad, which grants appear at the close of the report.

Along the eastern or Atlantic coast of the State and near the coast extends a region of very peculiar character. Along and near the coast are an infinite variety of lakes, lagoons, bayous, and inlets, some of which are called rivers. These, near to but separated from each other by portions of land, are separated from the ocean by a narrow strip of sand beach bordering one of the most dangerous coasts in the United States. On the other side extends a sort of sand ridge, separating the inlets from the submerged region of the upper St. Johns and the Everglades.

The upper St. Johns makes its way through an almost continuous marsh, which is composed largely of some of the richest known land, but for the greater portion of the year submerged, although never to a great depth.

Between this marshy border of the St. Johns at the north, and the sandy ridge at the south which has been referred to, and all on the east and the Everglades on the west, stretches a vast extent of savannah, as it is called, or rich prairie land, also slightly submerged during most of the year from the outpouring of the Everglades.

This land is varied in character, the sandy part very poor, but having interspersed here and there the richest and most valuable hammocks, while the submersion hides millions of the

best known sugar lands that would grow cane to the height of twelve to fourteen feet, if only they could be relieved from the existing submergence, and all with a climate as luxurious and genial as can be found on earth.

All these lands may be said to be useless and without any appreciable value, so long as liable, as at present, to continuous inundation, but if they could possibly be reclaimed they would, from the mildness of the climate, become invaluable.

While the actual source of the St. Johns is unknown, and it is supposed to be supplied by the overflow of the Everglades, certain it is that its sources of supply are enormously abundant; the slight inclination of its bed so obstructs the rapid exit of its surplus waters that much of the land along its whole line is marshy, while that upon its upper waters is one immense submerged prairie, but a difference in the height of the water of two feet would reclaim millions of acres.

From Lake Washington to Indian River the difference of elevation is only thirteen feet in a distance of six and a half miles, while the length of the St. Johns from Lake Washington to its mouth must be more than 350 miles, with, of course, the inclination of thirteen feet in that distance, from all of which it is evident that relief from inundation cannot come by way of the river in its downward course, but, if at all, it must come through a deepening of the channel of the upper St. Johns and a connection of its waters, through Lake Washington or Winder, with those of Indian River.

Such a process would relieve millions of the best sugar land upon the earth, but involves the expenditure of so much labor and money that it seemed impracticable, and as a direct work of the State, would be so.

Yet the immense value and importance of this work, which would open up an immense region in South Florida to the reach of incoming settlers, was so great that it was recognized in the Internal Improvement Act itself, with liberty and direction for assistance, but with the restriction of the grant to "not more than \$4,000, and 4,000 acres to the mile of the work done.

It is and was perfectly evident that the extreme eastern portion of the peninsular would be compelled to rely upon the construction of canals for those improvements in accessibility and convenient transportation that railroads would bring to other portions of the State.

It was also equally plain that the existence of such masses of fresh water, alternately hiding and exposing so vast a region of rich land, would engender a malarious influence of a powerful character that would always obstruct the settlement and occupation of that portion of the State.

The Trustees, therefore, gladly availed themselves of the proposition made by the Southern Inland Navigation and Improve-

ment Company to remove the obstructions, deepen the natural channels and construct navigable canals, so as to give a continuous line of water communication from the mouth of the St. Johns to Key Biscayne Bay, for alternate sections of land along the route, but conditioned upon the progress of the work, and only going to the company as the work was done.

When a careful survey and estimate was made by a competent engineer, and ascertained that all the land adjoining the route of the work, with liberty to bond and mortgage, was necessary to secure the completion of the work, such grant was made, proper measures being taken to secure all the interests of the State and the due prosecution of the work by retaining the bonds, or their proceeds, they to issue as the work is done.

This original contract will be found in appendix.

Accessibility is an important inducement to immigration, and immigration is the very fountain of life and growth, particularly for new or sparsely settled States, and now, in making my last report, I desire to impress, if possible, the idea that if disposing of the unoccupied lands of the State can be made directly to conduce to filling up her borders with active, busy, productive citizens, or to effect the same object by increasing the facilities of access, then such is the best possible disposition to be made of them.

The State is to derive its revenues from the tax-paying citizens, and not by any possibility from unoccupied lands, inasmuch as judging by the experience of the Western and Northwestern States, the taxes levied upon unoccupied lands will eat up their value once in every five years.

It is by no means difficult to illustrate this truth, although it is not generally credited. Suppose two tracts of land of same value and under the same circumstances, each of 100 acres and each at same price of \$125: Let one remain vacant in the possession of the State for five years from a given date, without any change of circumstances, it will remain unchanged in value, and at the end of five years will be worth the same \$125. Sell the other to an industrious working settler of ordinary prudence, and at the end of five years the 100 acres by improvement have become worth \$1,250. The occupant has accumulated personal property to the amount of \$1,000, and has consumed \$2,000 worth of produce in sustaining his family, contributing so much to the current business of community, while he himself, according to the average estimate of statisticians, is worth to the State \$1,000. The first 100 acre tract thus, at the end of five years, is worth \$125, while occupation has caused the other to add \$5,375 to the resources of the State, and in the course of the five years the last will have contributed through taxation the sum of \$265, or more than twice the value of the unoccupied tract to the State.

Such and many more illustrations could easily be given, all

tending to show the immediate and exceeding value to any State of all measures taken to bring within its borders a strong and steady flow of immigration from abroad, that always has and always will by occupation and development so powerfully and directly invigorate and increase all the resources of the State.

Unable by the establishment and support of expensive agencies abroad to affect the streams of immigration at their sources and within those countries from which they mainly take their origin, we are restricted to those means which can be put in operation here at home. Among these means the most prominent as well as the most effectual are the diffusion of reliable knowledge of the value of our lands, the increase of the means of access to them, and the reduction of the terms at which they can be obtained.

So far as regards the dissemination of authentic information in regard to our inducements to settlers, much and good work has been done through the direct operations of the Commissioner, and indirectly by the encouragement which has been extended to associations organized for the express or incidental purpose of introducing actual settlers into the State; and this necessary work can easily proceed under the natural working of the law organizing the Bureau.

And both the other means of facilitating immigration, viz: by improving the means of access and reducing the terms of purchase, can probably be accomplished as well and as certainly through the completion of the great works of internal improvement now projected as in any other way; for the value of lands, whether used for lumbering, for turpentine, or for the raising of crops, is as effectually increased by facilitating their access to markets as by actually reducing the price at which they can be purchased. The value of a bale of cotton or barrel of syrup is increased by building a railroad or canal so as to bring a market 50 miles nearer by just as much as the hauling for the 50 miles would cost.

All those companies which have organized for the perfection of works of internal improvement in other States have been assisted by county, State or individual grants of land, and the possession of lands has in itself operated to make the rapid introduction of immigration and the occupation and cultivation of their lands a matter of direct and important interest, thus making their interest and that of the State in immigration identical; for the business of the railroads and the resources of the State alike depend upon the purchase price of the lands and the proceeds of their cultivation. Thus the Illinois Central, the Hannibal and St. Joseph Railroads, and others of the Great Western and the North Western Railroads, have proved absolutely the most efficient possible agents for promoting the purchase, occupation and improvement of those western territories

whose progress and development has been a continued surprise to the world. These roads thus out of necessity and out of an inevitable regard for the promotion of their own corporate interests, become active and thoroughly organized associations for immigration, working directly in the interests of the State.

From the peculiar topography of the southern portion of Florida, and its location directly between the easterly rain-bearing winds of the Atlantic, and the westerly winds of the Gulf, it receives and retains a very large annual rain-fall, for the outside, or coast portion of the Peninsula, is more elevated than the interior, and the outlets being few and more or less obstructed by the luxuriant growth of those semi-tropical regions, the inner portions are more or less submerged, and hence the Everglades, characteristic features of South Florida, are supposed by strangers to represent the general character of the State.

But the bottom of the whole bed of the Everglades is sufficiently elevated above the ocean level, although below the level of the coast region, to admit of the drainage of immense sections of land, now utterly worthless from submersion, which upon the accomplishment of thorough drainage will supply a vast extent of capital sugar lands, equal to any known. Hence the drainage of the whole peninsula becomes a matter of the highest moment to the State and the people, both on account of the effect that would thus be wrought upon the general health as well as the resources of the State.

The drainage of the eastern portion of the State, facilitated as it is by the location of Indian river and the St. Johns along and parallel to the Atlantic ocean, will be effectually accomplished by the completion of the Southern Inland Navigation Canal, a work which the Trustees have assisted by a large concession of land; but the complete drainage of the whole peninsula, although apparently an entirely feasible project, is a work of such gigantic magnitude and the proportion of submerged land is so large, that a concession of the land adjacent will hardly suffice to defray the expenses of the work. Still the drainage that would be effected for the State by a canal connecting the Atlantic and the Gulf, beside being a matter of great local interest, is made one of national importance by the liability to loss by shipwreck of the large commercial marine that is compelled to pass along the Florida coast. This commercial intercourse between New York, New Orleans, Galveston, Mexico and the South American ports is so much more extensive and the losses incurred so much more severe than is ordinarily supposed, that I insert here certain statistics showing the number of vessels that have been partially wrecked on the Florida coast from 1848 to 1859, with the values of vessels and cargo, the amount of salvage allowed and the total expenses incurred by vessels adjudicated upon at Key West:

Years.	Nos.	Value.	Salvage.	Total ex.
1848	41	1,282,000	125,000	200,060
1849	46	1,205,000	127,870	219,160
1850	30	929,800	122,831	200,860
1851	34	950,000	75,850	165,000
1852	23	675,000	80,112	163,600
1853	57	1,973,000	174,950	310,100
1854	59	2,469,000	182,400	211,805
1855	80	2,844,177	100,495	190,910
1856	71	2,000,000	163,117	262,664
1857	59	1,837,950	101,890	181,772
1858	52	2,692,600	142,182	247,537
1859	66	3,025,400	198,404	293,497
Totals,	618	\$22,043,327	\$1,595,101	\$2,666,388

The total wrecks south of Cape Canaveral unadjudicated are probably equal to same account, which would give the total annual loss \$5,000,000 and upwards.

The western and north-western States have long been suffering under a lack of facilities for transportation, which has caused them a continual annual loss on their produce of more than 50 per cent. Indeed, it has been stated by competent authority that in the north-western States and remote western States, it costs two bushels of wheat to transport a third bushel to market. The exit of all this western produce is over the eastern roads and canals, and down the Mississippi river, the latter being, if unencumbered and ample, the preferable route. But the exit by the Mississippi is restricted and made costly by the lack of tonnage and its expense. Hence, throughout the west and north-west an intense interest has been awakened to the possibility of a large addition to the means of transportation by the construction of a Southern Inland Canal from New Orleans across Mississippi, Alabama, Florida and Georgia to the Atlantic. And the severe losses by wreck upon the Florida coast, and consequent heavy rate of insurance, have combined to increase the interest in all southern lines of trans-continental transportation, and particularly in the Southern Pacific R. R. and New Orleans Canal.

By the completion of either of these enterprises, the State of Florida would be very largely benefited; and partly in response to the interest felt in these great works, I attended the National Commercial Convention, held in Baltimore on the 25th day of September, 1871, as it was hoped that the attention of the Convention could be drawn somewhat particularly to these great and useful projects; and in these expectations, the friends of these works were not disappointed, for much time and attention were given to them in the Convention, and the reports and resolutions bearing upon them, as matters of general commercial and national importance, were unanimously and cordially approved. The Committee on Railroads in their report says:

Your committee are also of the opinion that a Southern Trans-continental Railroad from ocean to ocean is entirely feasible, and under as favorable conditions and with as fair a promise of success, as has attended the construction of the Northern or Central Pacific Railroad; and believing that a Southern Pacific Railroad is necessary to the full and round completion of a National Railroad system, and believing that the endorsement of such an enterprise by this National Convention will be cordially given and received, and largely tend to the promotion of a warm and cordial spirit of common nationality, they recommend the adoption of a resolution prepared upon that subject, and submitted with this report.

And one of their resolutions is as follows:

"3. Resolved, That this Convention is fully persuaded of the feasibility and desirability of a railroad chain extending from the Atlantic to the Pacific, and lying entirely to the South of the Central Pacific, and will most heartily hail its completion as a practical and necessary portion of a truly National Railroad system."

And the Committee on Interior Lines of Water Communication reported as follows among other things:

"Whereas, Recent surveys, conducted by individual enterprise, have demonstrated the practicability of making the whole Valley of the St. Johns accessible to sea-going vessels of heavy draught by giving a channel of eighteen feet in depth through Nassau Inlet; therefore,"

"Resolved, That the improvement of the navigation of St. Johns river is a matter of national importance, and worthy the attention of all interested in general commercial prosperity, for two main reasons:—"

"First. The existing railroad systems, with less than two hundred miles of additional construction, will reach through Florida, Alabama and Mississippi, from Jacksonville to New Orleans, and will thus complete the eastern portion of that grand Southern trans-continental railroad system to which the South is fairly entitled, and which is destined to become one of the great avenues of travel and transportation from the Atlantic westward—reaching out, on the one hand, to India, China, Japan, and the farthest isles of the East, and on the other gathering in the rich harvest of South American commerce."

Second. Through the channel of the St. Johns and the inner lake region of Florida, a path is opened for that important line of Southern Inland Transportation, traversing the Gulf States and touching New Orleans, Mobile and Pensacola, by means of which some measure of relief may be afforded to the Valley of the Mississippi, now suffering and stagnating under the immense weight of its own surplus productions—unprofitable through their immovability, while an adequate exit may be given through

the channel suggested, by a canal, whose cost of construction shall not exceed the annual aggregate loss on western produce through insufficiency and expense of existing means of transportation:

Thus making it apparent that these works of internal improvement within our borders are not only of great interest to us, but in a National Convention of twenty-seven States are cordially recognized as of commanding importance to the internal commerce of the nation.

Whenever the great works of internal improvement now projected and in process of actual completion in our State shall have been accomplished, so that each settler can locate according to his fancy, and command the means of ready access to his location, then the commanding advantages of the State will begin to exercise their legitimate influence, and working capital and working men will find opportunities of lucrative employment now undreamed of.

It is perfectly evident from the tenor of these resolutions, taken as they properly may be as indications of the enlightened generous sentiment of intelligent commercial and representative men, that the existence of a small, but complete line of inland water communication across the Peninsula would with a sufficient water supply demonstrate the feasibility of a still larger canal, and such canal would inevitably result as an acknowledged commercial and national necessity; and this, with the completion of the J. P. & M. Railroad, would make our State the centre of two of the most important lines of communication in the United States, and would quadruple the value of the whole State.

With eyes fully open to the possible future importance to the State and the nation of water communication by steamer across the State, the Trustees made with H. L. Hart a contract, by which, through the removal of obstructions in the natural water courses, and the construction of the necessary cuts and canals, a navigable channel, sufficient for the passage of steamers of 20 feet beam, should be accomplished from the St. Johns through the Ocklawaha and the interior lakes to Lake Apopka on one side, and to the Gulf on the other, for alternate sections of land along the route, titles to be given as the work progressed.

In pursuance of this contract the work was commenced and progressed until now steamers have penetrated to within six miles of Lake Apopka on the east, and to within 14 miles of the Withlacoochee, emptying into the Gulf, on the west. But here this great work of possibly incalculable value to the State was of necessity arrested by a litigation, by which a direct attack was made upon the validity and legality of the contract under which the great work has been so nearly accomplished.

Two routes across the State have been suggested and these two alone have attracted much attention. One is by the way of

the Suwannee river and its branches across the State to the St. Marys, and by the St. Marys to the ocean. The other route is precisely along the line of the Hart canal, up the Withlacoochee through the lakes, and down the Ocklawaha, or across from Lake Harris to Lake George, and down the St. Johns. And the existence of an interior lake region of 150 square miles in area, with an average depth of 18 feet, and so located that for six months in every year its waters run in two directions, down the Ocklawaha and St. Johns to the eastward, and down the Withlacoochee to the Gulf, thus evincing an abundant water supply for a canal of any size, all seem to indicate the line of Hart's canal as the best route for the proposed great canal and thus magnify the importance of his work.

The contract will be found in the appendix.

The confusion in which all the books and papers were found at the close of the war has been alluded to, and will serve partly to account for the lack of ample records and a perfect system in the first part of the last administration; but some two years since a method of accounting and a system of keeping books was adopted that insures an accurate record of every transaction in the land office, and all deeds are now so issued that full description of the kind, quantity and value of every parcel of land sold, the name of the purchaser, and the amount paid and in what paid, is left upon the issue of each deed.

Upon the accession of the last Board of Trustees, the Treasurer of the former Board was absent from the State, and no regular Treasurer's book was found, and since that time no settlement has been made with him, although repeated efforts to obtain such accounting have been made. Each Treasurer of the last Board has kept a book, with account of his own receipts and expenditures, but any other and more perfect system has, from time to time, been deferred in the hope of obtaining from the former Treasurer an accounting, together with the Treasurer's books belonging to the Fund.

THE VOSE SUIT.

At the time of the sale of the Florida Railroad, for defaults in the payment of interest and the one per cent. due the Sinking Fund, it was sold to E. N. Dickerson & Associates, who were leading creditors as bondholders. The road sold, as before stated, for 20 per cent. of its bonded debt, and the bonds were taken up from their holders, at that time, at the rate of \$200 per bond, or 20 per cent. of their face value.

As before stated, a large proportion of the creditors were very glad to dispose of their bonds at that rate, but the owners of bonds, to the amount of \$228,000, declined, preferring to retain their bonds till maturity or payment. The amount offered, 20 per cent., if invested at that time, as it might easily have been,

at the then current rates of interest, and compounded in this State, would have entirely paid the principal of all the bonds bearing the coupons, for the payment of which the Fund was pledged.

When the Florida Railroad was constructed, the iron was, as is commonly understood, purchased of an English firm through the New York firm of Vose, Livingston & Co., their brokers. For a portion of this iron, a note was given by the Florida Railroad Company, upon which D. L. Yulee placed his personal endorsement.

Among the creditors, at the time of the sale of the railroad, was Mr. Francis Vose, who claimed to be the owner of 195 \$1,000 bonds against the Road, asserting that he had purchased them at par. Mr. Vose, as such creditor, refused to accept the pro rata share of 20 per cent. accepted by a large majority of the other creditors. He also refused to become one of the purchasers of the road.

At or about the time of the accession of the last Board, Mr. Vose applied, as holder of 195 bonds, for the payment of his coupons, which, he stated, had remained unpaid since March 1, 1861. The Trustees, acknowledging the validity of the claim, from want of means were unable to accede.

The law creating the Bureau of Immigration was approved in February, 1869, and the Commissioner, to which position I had been nominated and confirmed, was made a member of the Board. Previous to that time I had, as one of a real estate agency, executed a contract in writing with Mr. Vose, by which, in case the coupons of Mr. Vose were made receivable for lands, the agency was to take and sell the same on terms prescribed in the contract.

Mr. Vose brought at least two suits in New York against the Trustees, and Moses Taylor as garnishee, alleging non-payment of coupons, the existence of assets of the Fund in Taylor's hands and praying for a Receiver, and alleging gross negligence and recklessness on the part of the Trustees, and praying for an injunction upon them. But in the progress of the litigation, the Supreme Court of New York, on the 20th of May, 1870, or '71, decided against Mr. Vose. A record of this judgment is on file in Jacksonville with the Clerk of the United States Circuit Court for the Northern District of Florida. The case was tried by Judge Ingraham, whose ability is well known, and this record gives the findings of the Court, denying a Receiver, denying an injunction, finding that the Trustees are not a corporation; that they are not guilty of negligence or malfeasance; and also finding that there are, then, three suits of Mr. Vose against the same parties, and dismissing Mr. Vose's petition, with costs. From this judgment Mr. Vose appealed, and the suit is pending in the New York Court of Appeals.

The facts in this last suit are all established by a Judgment Roll, officially certified and filed in the "Vose Case" in Jacksonville.

During the pendency of these suits in New York, Mr. Vose also brought suit against the Trustees, joining the New York Company, and other parties, to whom the Trustees had made grants of lands, and praying an injunction and the appointment of a Receiver, and alleging, in common Chancery forms, all manner of crimes and corruption, wastefulness, neglect and collusion with the grantees of the Trustees, specially with Messrs. Swann and Williams, in his final complaint, and in the original specially alleging the sale of lands to the New York Company, and others, at nominal prices, and for State Scrip and Comptroller's Warrants, and for past due coupons, without reference to the time of their maturity.

On the 6th of December, 1870, his Honor, Judge Wood, at chambers in Jacksonville, did not appoint a Receiver, but issued an injunction, which is as follows:

IN THE UNITED STATES CIRCUIT COURT FOR THE NORTHERN DISTRICT OF FLORIDA.

Francis Vose, Complainant, vs. Harrison Reed, et. al. Trustees of the Internal Improvement Fund of Florida, et. al.

On this the 6th day of December, A. D., 1870, at Chambers in Jacksonville, in the State of Florida and in the said Northern District of Florida, this cause came on to be heard upon the motion of the complainant, that a writ of injunction issue according to the prayer of the bill. And on notice of said motion having been given to defendants, and the same having been argued by counsel of the parties and considered by the Court, it is therefore

Ordered that the writ of injunction issue out of this Court and under the seal thereof, in manner and form following, that is to say:

UNITED STATES OF AMERICA, STATE OF FLORIDA, IN THE FIFTH CIRCUIT COURT OF THE UNITED STATES, FOR THE NORTHERN DISTRICT OF FLORIDA.

To Harrison Reed, Robert H. Gamble, Almon R. Meek, Frank W. Webster, Simon B. Conover, and John S. Adams, the Trustees of the Internal Improvement Fund of Florida, and to their successors, The Florida Improvement Company and its agents and servants, in the said State of Florida.

WHEREAS, It appears to me, W. B. Woods, Judge of the Court of the United States for the Fifth Judicial Circuit, that Francis Vose, a resident and citizen of the State of New York, brings his Bill of Complaint in the Circuit Court of the United States for the Northern District of Florida, in which he shows

that he is the owner of a large number of Bonds issued by the Florida Railroad Company, with a large number of coupons upon them, which are past due, and which you the said trustees named above, refused to pay, in violation of an act passed by the Legislature of Florida, on the 6th day of January, in the year 1855, irrevocably vesting in you 10,500,000 acres of land in trust, to make sale of the same according to the provisions of said act, and from the proceeds of such sales to pay the coupons on such bonds as they should fall due; but that instead thereof you, the said trustees, are misapplying the funds belonging to said trust; are improperly and fraudulently misappropriating the same, and selling and transferring said lands in amounts, in manner, and for consideration that are wholly inconsistent with and violative of the provisions of said act; that you are donating and disposing of the same for merely nominal prices, and for scrip and State Warrants, not recognized as the lawful currency of the United States; more especially and recently have entered into an agreement with you the said, the Florida Improvement Company, and you the said Myron L. Mickles, the agent of said company, by which said agreement 1,100,000 acres of land belonging to said trust, to be selected from the entire trust domain, are transferred to the said New York and Florida Lumber, Land, and Improvement Company at the nominal price of ten cents per acre, and that you the said Mickles and others, the agents and servants of said company are selecting, locating, advertising and selling the said lands, and that thus you, the said trustees, are wasting and destroying the land and fund so vested in you by said act of 1855, and by the foregoing and by other lawless and fraudulent acts are diverting the moneys which have come and are coming into your hands by virtue of said trust from the payment of said coupons in the order in which they fell due.

AND WHEREAS, The complainant by his said bill prays that the writ of injunction be issued, restraining you the above named parties from the acts which are therein complained of.

I do, therefore, in the name and by the authority of the United States of America, strictly enjoin and command you, the said Harrison Reed, Robert H. Gamble, Almon R. Meek, Frank W. Webster, Simon B. Conover, and John S. Adams, the Trustees of the Internal Improvement Fund of Florida, and your successors, under penalty of attachment for contempt, and a pain of ten thousand dollars for each act violative of this Injunction, that you and each and all of you, both in your individual and collective capacity, do desist from selling or donating or disposing of the land belonging to said trust otherwise than in strict accordance with the provisions of said act of 1855, fixing the price and allowing pre-emptions of the same in obedience to all the restrictions of that act; that you desist from selling said lands for scrip

or State warrants of any kind, or for ought else than current money of the United States; that you desist from lending or investing, appropriating, disposing of, or using any of the moneys or property of said Trust Fund, except in applying them to the creation of the Sinking Fund provided by said act of 1855, and so applying them in strict accordance with the provisions of that act, when said moneys properly belong to said Sinking Fund, or in payment of the coupons of said bonds when said moneys have proceeded or shall proceed from the sale of said lands, and that you desist from paying said coupons in any other mode than in the order of their priority fixed by the date of their coming to maturity, paying first such as first became due, and the others in the order in which they fell due, and I do enjoin and command you further and specially, that you desist and refrain from any and all action in executing and carrying out the agreement between you, the said the Florida Improvement Company, described in said agreement, and the New York and Florida Lumber, Land and Improvement Company, which said agreement is embodied in the resolution passed by you, the said trustees, on the first day of March, in the year eighteen hundred and seventy, or thereabouts, and in which said agreement, you, the said trustees, given and grant to the said company, their successors and assigns, "authority" to select and locate from the lands belonging to the Internal Improvement Fund one million one hundred thousand acres of said land at the rate of and price of ten cents per acre, upon terms and conditions which are therein set forth.

And I do enjoin and command you, the said Florida Improvement Company, and you, the said Myron L. Mickles and others, the agents and servants of the said the New York and Florida Lumber, Land and Improvement Company, that, under the penalty and pain hereinbefore set out, you desist from further action under the said agreement with the said trustees, whether in selecting or locating lands embraced in said agreement, or in advertising and selling the same, or in disposing of or intermeddling with the proceeds which have resulted from the sale of any portion of the same further than to retain them safely, subject to the further order and decree of this court.

In witness whereof, I have hereunto set my official hand, at Jacksonville, in the Northern District of Florida, this sixth day of December, in the year eighteen hundred and seventy.

W. B. WOODS,

U. S. Circuit Judge for the 5th Circuit, Northern District of Florida.

Upon the complainant entering into and filing bond, with two or more sufficient sureties, to be approved by the clerk of said circuit court, in the penal sum of twenty-five thousand dollars, conditioned that the complainant shall pay all damages sustained

by the parties enjoined or either of them by reason of said injunction, in case said injunction is wrongfully obtained.

W. B. WOODS, Judge.

A true copy of the original as on file in this office.

Given under my hand and the seal of said court, this [L. s.] seventh day of December, A. D. one thousand eight hundred and seventy.

J. E. TOWNSEND, Clerk.

It will be seen that the main features of the injunction are to prohibit the sale of land for aught but U. S. currency; to forbid the payment of coupons except in the order of their priority, and to suspend the conveyance of lands under the contract with the New York Company.

The Trustees were of course seriously embarrassed, for in the pursuance of their duty as they conceived, to convene and to support the credit of the State that was residuary owner of the Fund, they had previously, as expressly directed in the organic law "invested the proceeds of sales" in State securities by making State scrip receivable for lands. They had also, for the express purpose of stimulating sales to enable them to pay the claim of Mr. Vose and others, made past due coupons receivable for lands, but not conceiving themselves competent to create a class of preferred creditors by confining it to the coupons of Mr. Vose, had made all past due coupons receivable. They endeavored in good faith to yield implicit obedience to the injunction.

But an amended petition in the same suit asking for a Receiver and an attachment as for contempt was filed in the case, and was argued before Judge Bradley on the 18th May, 1871; and after argument, while the injunction was continued, the Receiver and attachment were refused, and it is from Judge Bradley's opinion in this case that the quotations herein made were taken.

I add here fuller extracts from the opinion of Judge Bradley: "I. The next question is whether the court will appoint a Receiver. This is a matter always in the discretion of the court; but as a general rule a Receiver will be appointed for the purpose of protecting the fund, where the complainant has an equitable interest in the subject, and the defendant having possession of the property is wasting it or removing it out of the jurisdiction of the court. But all the circumstances of the case are to be taken into consideration. And if the case be such that a greater injury would ensue from the appointment of a Receiver, than from leaving the property in the hands now holding it, or if any other consideration of propriety or expediency render the appointment of a Receiver improper or inexpedient, none will be appointed. In this case the Trustees having possession of the Trust fund and property, are public officers of the State and they are Trustees *ex officio*. And it cannot with propriety be

and that their appointment is a mere *designatio personarum*. The Governor of the State, the Treasurer, the Comptroller, and other State Executive Officers are named Trustees for a purpose.

"The State has a great interest in the Trust. It is not merely to preserve the fund as a security for the payment of railroad bonds that the Trust is created; but to provide for the drainage and reclamation of the lands and their settlement and cultivation. These are political objects of the most important character. To obtain these objects, they are authorized to grant pre-emption rights for not more than a section of land to each settler. Increase of population, and development of resources are primary elements in the prosperity of a State; and these as well as Railroad improvements, are made objects of the Trust. *Drainage, Reclamation, Development, Immigration* are all of them objects of first National and State importance: and none of them will be likely in the end to depreciate the value of the pecuniary security afforded by the lands, whether for the payment of Railroad bonds or anything else of like character.

"Now these public and political objects of the Trust make it extremely fitting that the Chief Executive Officers of the State should administer the fund. And it must be a very strong case, indeed, which will induce the court to take the property out of their hands, and put it into the hands of its own officers. The Legislature has seen fit to entrust the Chief Officers of the State with these important duties, and it would show a great disrespect to this co-ordinate branch of the government for the judiciary, on light grounds, to displace these officers from the Trust and to put appointees of its own in their stead.

"If they are guilty of breach of duty they can be enjoined, they can be made personally responsible, the fund can be followed in the hands of persons getting hold of it in a fraudulent manner. It would be very strange if the courts could not in some way secure the rights of parties having an interest in the fund, without removing from the trust those official personages to whose administration it has been entrusted by the Legislature.

"The court will not shut its eyes to the fact that these officers are constantly being changed by the suffrages of the people of the State, and the constituted power of appointment; and it would be very inconvenient and awkward for the court by the appointment of a Receiver to withhold the property from the possession and management of new State officers fresh from the confidence of the people, and against whom no charges of incapacity or want of integrity have been made.

"To my mind it seems to be a case in which, if a Receiver can be appointed at all, the appointment ought not to be made until every other remedy has been tried in vain.

"Besides, looking at the peculiar and important duties attaching to the trust, how could a Receiver, how could a court, with-

out the greatest embarrassment, administer the trust? How could the court take cognizance of the requirements of a vast political territory in reference to drainage, development, pre-emption and population? it would be a Herculean task for a court, or the Receiver of a court to perform.

"I do not feel that I ought to take the trust fund out of the hands of the State officers in this case, and place it in the hands of a Receiver. The motion for a Receiver is therefore denied."

Judge Bradley then proceeds as follows:

"We come then to the question whether the defendants have violated the injunction and so rendered themselves amenable to an attachment.

"The complainants by their petition allege that they have done so in several particulars which will be separately examined.

"I. The sale of 300,000 acres of land to E. A. Studwell is alleged to be a direct violation of the injunction. I do not see how it can be seriously contended that it is not. If not a direct violation, it is at least a palpable attempt at an evasion, and must be treated as such. But as the defendants have, in their answer, stated that they acted in good faith, not supposing that they were violating the injunction, and that they desire to act in obedience to the views of the Court, it will be proper to allow them an opportunity to retrieve the error which they have committed. I shall therefore order that an attachment do issue against them unless on the first day of the next term of the Court a cancellation of the deed to Studwell be produced."

[A similar order was made with regard to the 100,000 acres conveyed to the Florida Improvement Company. But as to the remaining charges of violation of the injunction, the Court, after an examination of the answers and affidavits, considered that they were not substantiated. The motion to dissolve the injunction was denied.]

As to the general powers of the Trustees, and the degree of control which the Court will exercise over them, the presiding Justice remarked, in substance, as follows:

The discretion with which the law has invested the Trustees in the management of the fund is very large; and so long as they act in good faith, and not palpably in violation of their trust, the exercise of that discretion cannot be interfered with. It is *their* discretion, and not that of the Courts, to which the State has entrusted the management of this important fund, consisting, as it does, of the whole public domain of the State.

But if the Trustees are not acting in good faith; if they are acting fraudulently, and in collusion with the donees and grantees of the various large grants which they have made, they will not only be personally liable to answer to the Complainant and other bond-holders similarly situated for the payment of their bonds, but the fraudulent sales will be set aside, and the prop-

erty sold will be followed by the Court, and put up for sale at public auction. And any proceeds of sales which ought to be in the hands of the Trustees, but which from their default or fraud, are not forthcoming, will also be followed in their hands, or in the hands of those who have them, and applied to the purposes of the Trust.

But the settlement of these questions is proper for the final hearing of the cause, after all the issues have been made, and after all the evidence is in. They cannot be determined now, and the Court cannot properly express any opinion upon them.

At the next term of the court the re-conveyances of the land theretofore conveyed to the Florida Improvement Company, and to E. A. Studwell, were filed in the court.

And, in reference to these grants, I wish to say, that as before stated, the first conveyance of 100,000 acres was executed and the payment made on the 11th October, 1870, two months before the date of the injunction.

With reference to the grant to E. A. Studwell, it was made after conference with the counsel of Mr. Vose, and in the most perfect good faith, having received a letter from such counsel, the Trustees supposed that they were acting without any danger of opposition from him. The letter may have been misapprehended, but if so it was without any intention of violating the injunction.

But at the December term of the court held before Judge Wood a Receiver was appointed to make investigation into the facts, and to take and receive all the assets in the hands of the Trustees of the Fund, and to receive all that should be thereafter received, and an attachment for contempt was granted, and the Trustees were each put under \$5,000 bonds to answer for the contempt.

The case came on again before Judge Woods in January last, when the matter of contempt was still continued, and the order for bail renewed, the injunction was continued, and the Receiver was continued, and was ordered to sell all the assets of the various sinking funds in his hands at public auction, and apply the proceeds in the purchase of bonds of certain creditors named.

Such is a brief sketch of the case which has become somewhat notorious throughout the State, mainly from the severity of the comments of the press, they not seeming to know that not a particle of testimony has yet been taken by the Trustees, and that, so far, the whole discussion has been practically ex-parte.

This report contains a reference to all the contracts of any importance that have been made within the last four years, and copies of the contracts and the beneficiaries can all easily be examined upon the matter of the corrupt collusion alleged.

Repeated attempts have been made to settle and compromise

this suit, but, as yet, without avail. Offers, going to the full extent of what the Trustees deemed within the line of their duty, have from time to time been made, but without success. The last offer was made after Mr. Vose's attorney, Mr. Bisbee, became Attorney-General, and by him was thought to be all that, as a Trustee, he would willingly assent to, and is as follows, taken from the report already made to the Legislature of the doings of the Trustees of the Internal Improvement Fund:

"March 8, 3:30 P. M.—Action was taken in the effort to settle the claim of Mr. Vose as follows:

The resolutions offered by Mr. Bisbee in the morning session were then again considered, and, after long discussion and amendment, were presented as follows:

Resolved, That the Trustees invest the following described sinking fund, to wit: \$26,000, in currency, in the hands of a receiver in New York; \$1,000, State scrip, and \$3,000, six per cent. State bonds, \$21,000 in Dickinson's bond, \$8,500 in Tallahassee Railroad bonds, the par value thereof being allowed and taken at \$50,000, in the bonds of the Florida Railroad Company in the hands of F. Vose, in the following manner, that is to say, said Vose shall pay and allow to said Trustees seven per cent. interest on the said \$50,000, compounded semi-annually, and shall receive from Trustees semi-annually \$975, due from Florida Railroad Company semi-annually on account of sinking fund for said bonds, and when said \$50,000 and the semi-annual payment to him of \$975, compounded semi-annually at seven per cent., shall equal the principal of his 195 bonds, the same being \$195,000, all right, title and interest of said Francis Vose in said 195 bonds, and his right to receive the \$975 semi-annually shall cease; and when the said bonds shall mature, the same shall be cancelled. And the Trustees, in payment of all the coupons of the bonds of said Vose, both those past due and those to accrue, will issue and deliver to Mr. Vose floats as he shall desire for 600,000 acres of swamp and overflowed land.

And if at any time the Trustees (although not now proposing to change the established price of lands) should reduce the established price of lands to less than fifty cents per acre, then enough land shall be added to the 600,000 acres above granted to indemnify Mr. Vose for such contingent reduction in value of the lands so granted and then remaining in his hands and un-sold; such grant to be received by Mr. Vose in full settlement of his claim against the Trustees, and his suit to be discontinued.

Upon motion said resolutions were adopted, Messrs. Day, Conover, Bisbee, and Adams voting aye, and Mr. Gamble voting nay.

If Mr. Vose accept the proposition, Mr. Bisbee was requested to prepare a contract to be executed by the members of the board individually."

This offer has never been rescinded but still stands open upon the records. The \$50,000 of assets compounded as is proposed with the accruing pro-rata share of the sinking fund of the Florida Railroad, would pay the principal of Mr. Vose's bonds some three years before they mature and become payable in 1891, and the 600,000 acres of floats, which would not be liable to taxation until sold, are worth more than double that amount of lands decided outright.

Still, attacking, as the suit does, all the contracts of the Trustees both for railroads and for drainage, under the claim that the whole fund is pledged to pay the claim of Mr. Vose first, has operated to embarrass the whole administration of the fund. Every one of the great enterprises that could so much conduce to the interest of the State is, of necessity, at a standstill. The sale of lands is nearly stopped, for many who would buy with coupons or State scrip, cannot raise the necessary amount in currency, and all on account of one claim against the fund, and that amply secured.

The decree in the suit, granting all that is asked in the petition, has, probably, enough of finality to warrant an appeal, and either this or a settlement, furnish the only means of extrication from the dilemma.

I most earnestly hope that ere long this complete obstacle to the rapid development and progress of the State may be removed, either by compromise or appeal.

GENERAL SUMMARY.

At the time of the accession of the last Board of Trustees, the works specially mentioned in the Internal Improvement Act were in the following situation: The Florida, Atlantic and Gulf Central Road had been constructed from Jacksonville to Lake City, but had been sold for non-payment of interest and sinking fund. The Florida Railroad had changed its termination from Tampa to Cedar Keys, had been constructed and had also been sold for a similar reason.

The Pensacola and Georgia Railroad had been built from Lake City to Quincy, and the Tallahassee Railroad from Tallahassee to St. Marks, but both were in default for non-payment of interest and sinking fund and liable to be sold, while some \$1,400,000 of bonds were out against them.

The Indian River Canal had once been commenced, but its prosecution had been abandoned.

But the first Trustees, while somewhat neglecting in the disposition of the swamp and overflowed lands the purposes of drainage and reclamation for which they were granted by Congress, "exclusively, so far as necessary," must be allowed to

have managed the railroads most admirably. By means of selling under the law and investing as they did, they extinguished a large amount of the indebtedness against the fund, although their action was misrepresented and severely attacked at the time.

The last Board of Trustees, viewing their duty in a somewhat different light, attached more importance to the drainage, the reclamation, and the occupation of the State.

But the whole administration of the fund by all the Trustees has been jointly assailed, and so violently, that a glance at what, by such joint administration, has been accomplished, will be appropriate and of interest.

The works of internal improvement, mentioned in the organic law, under an implication that they were all that the fund was sufficient to aid, were a line of railroad from Amelia Island to the Gulf, another line from the St. Johns to Pensacola, and the Indian River Canal, while in the report introducing the act, it was hinted that a railroad from Macon to some eastern or southeastern point, and a connection by railroad from Pensacola to Montgomery would complete the system, and would be ample compensation for the whole fund.

The fund was composed of an aggregate of 11,060,448 acres of land, and was pledged, without counting what would go to the construction of the Indian River Canal, to more than \$12,000,000, if allowed to run till maturity, and having 35 years in which to accomplish the work.

Now what has been done by the administration of the fund in less than half the time given for its accomplishment? The railroad from Amelia Island was completed under the old Trustees, as was also one-half of the line from the St. Johns to Pensacola, also the line from Tallahassee to St. Marks, and the Indian River Canal was begun, although afterwards abandoned, while a partial clearance of the Oclawaha had been effected, and contracts to some extent were made for drainage.

Under the new Trustees, contracts have been made for a railroad from Toccoi to St. Augustine; from Jacksonville to St. Augustine; for a steamboat communication from the St. Johns, through the lake region, to the Gulf; also from the St. Johns, along the eastern coast, to Key Biscayne; also in Southwest Florida for making Pease Creek navigable; also to connect Pensacola with the more northern railroad connections; and have contracted for the introduction of a large amount of immigration.

And the joint administration, after accomplishing thus more than double the amount of work contemplated in the Internal Improvement Act, have, in 17 years, or less than one-half the time given, absolutely liquidated more than seven-eighths of the whole liabilities of the fund, and now, without reference to the

grant to the Great Southern Railway, which was one of the best guarded grants that has been made, and one of the most value to the State, but which now purports to be rescinded, find themselves with the control of more than six millions of acres of land and with only one and one-half millions of liabilities at the maximum, with 18 years in which to pay them, and having also some 3,000,000 acres of land selected but not yet approved, and with millions of acres of land in South and Southwest Florida that must ultimately accrue to the fund as swamp and overflowed land.

And I now again assert, that *prima facie*, there not only does not appear any necessity or propriety in the unmeasured severity with which the administration of the fund has been visited, but that it will be difficult to find in the United States a fund of nearly the same magnitude that can show a better administration in the time between 1856 and 1873.

In the peculiar circumstances of the fund and in consideration of its present hampered situation through a useless and expensive litigation, I have thought it my duty to make an exposition of the character I have, and have expended thereon so much time and space that I must conclude.

And in reference to the efficiency and usefulness of the bureau, will refer to the census which shows Florida to stand as the third among all the Southern States for her ratio of increase (34 per cent.) in the last ten years, a very large proportion of which increase has occurred since the creation of the bureau.

With sincere thanks to the many who have always been interested in the work of the bureau, and have ever been ready with both sympathy and assistance, I tender most cordial thanks; to the late Executive, from whose steady and continuous encouragement I have derived most valuable assistance, I am cordially grateful, and I close this my last report with an earnest hope in the continued success of the Bureau of Immigration.

Respectfully submitted,

J. S. ADAMS,

Commissioner of Lands and Immigration.

COMMISSIONER'S OFFICE, January, 1873.

APPENDIX.

GRANT TO GREAT SOUTHERN RAILWAY.

The Great Southern Railway Company, a corporation duly chartered by the Legislature of the State of Florida, by act approved February 19th, A. D. 1870, for the purpose of constructing and operating a railroad from the St. Mary's River to Key Biscayne Bay, or the most available harbor in that vicinity, and also operating a line of steamers from the southern terminus of said road to Cuba and the other West India Islands, submits to the Trustees of the Internal Improvement Fund of the State of Florida, the following proposition:

While the company will rely upon through freights and travel for the greater portion of its profits, a sound policy, it is conceived, requires the settlement and cultivation of the lands along the line of the road. These lands, known as swamp and overflowed lands, now under the law vested in said Trustees, from their liability to overflow, are comparatively of little value. That they may be settled and cultivated, the said company propose to said Trustees to relieve from inundation and liability to overflow all the lands on the line of the road on each side thereof for the distance of ten (10) miles back.

In consideration for so relieving said lands from inundation and liability to overflow for the distance from the road named, the company shall receive from the Trustees a grant from and out of every ten (10) miles fronting on each side of said road, as the ten miles of said road are completed, a conveyance of eight (8) adjoining miles fronting on said railroad and running back ten miles. And whenever there shall be any deficiency in amount of said lands, in the Trustees, within the limits named, then the company shall be entitled to relieve other of said lands lying nearest the road and the lands herein granted, from inundation and liability to overflow, on the same terms, to make up such deficiency. Conveyances shall be made to the company as each ten (10) miles of the road are completed, and the said lands along the same are so relieved, the evidence of the facts to be the certificate of the Governor of the State of Florida; *Provided, however,* That for the encouragement of the work, the company will require that eight (8) miles on each side of the line of the road, and running back ten (10) miles for the first ten miles along the line of the road, commencing at Jacksonville and running northwardly along the line of said road, shall at once be conveyed to the company; upon the express condition, however, that the same shall, within eighteen (18) months from date, be relieved from liability to overflow. It is provided further, that the lands named along the line of the road shall

by the Trustees be retired from market, or sold only to actual settlers, and when sold, the portion to which the company shall be entitled of the proceeds of sales at \$1.25 per acre, be set apart and held in trust for said company by the Trustees until such time as the company would have become entitled to such lands had the sales not taken place. The line of the road subject to change as the engineer of the company may determine, and to be in accordance with the map of the road, to be filed in the office of the Surveyor-General previous to any conveyance or reservation hereunder, each variation of the line to be reported at once to the said office; *Provided further,* That if the company shall relieve from inundation and liability to overflow a greater amount of said land than that above specified, along the line of said road, and within fifteen (15) miles on each side thereof, then the company shall be entitled to a like proportion of the additional lands so relieved, as above provided; *And provided also,* That if that portion of said road between Jacksonville and the St. Mary's River shall not be completed within two (2) years, and that portion between Jacksonville and Palatka within four (4) years, and that portion between Palatka and the southern terminus of the road within eight (8) years from date, then, and in either event, the Trustees shall be relieved from any and every obligation hereunder not discharged at the time of such failure.

A. C. OSBOEN,
President G. S. R. Company.

At a meeting of the Trustees of the Internal Improvement Fund of the State of Florida, it was

Resolved, That the President and Secretary of this board are hereby authorized and directed to make conveyances to the Great Southern Railway Company, in accordance with the propositions of the company this day duly accepted by the Trustees, of such lands as the company may from time to time become entitled to under the provisions of said propositions so accepted.

GRANT TO THE JACKSONVILLE AND ST. AUGUSTINE RAILROAD.

Articles of agreement made and executed this eighth (8th) day of March, A. D. 1872, by and between the Board of Trustees of the Internal Improvement Fund of the State of Florida, of the first part, and the Jacksonville and St. Augustine Railroad Company, a corporation created by and existing under the laws of the State of Florida, of the second part.

WITNESSETH, That whereas, on the seventh (7th) day of March, A. D. 1872, at a meeting of the said Board of Trustees

of the Internal Improvement Fund of the State of Florida, held at Tallahassee, Florida, the following resolutions were unanimously adopted, to wit:

"WHEREAS, application has been made to this board by the Jacksonville and St. Augustine Railroad Company for a grant of lands to aid the construction of said railroad and its branches;

And whereas, it has been made to appear satisfactory to this board that the building of said line of railroad will result in reclaiming a large quantity of the public lands held in trust by this board, so that said lands will thereby be rendered fit for cultivation, opened to easy and direct communication, and made highly desirable for settlement;

And whereas, the grant of lands made to said company by act of the Legislature of Florida, approved February 18, A. D. 1870, in accordance with the provisions of Section Twenty-nine (29) of the Internal Improvement Act, approved January 6, A. D. 1855, has been rendered inoperative, nugatory, and void by reason of the existing lien upon said lands in favor of unpaid creditors of the Internal Improvement Fund;

And whereas, to successfully accomplish the enterprise projected and authorized by the charter of the said Railroad Company, is an undertaking worthy of the liberal support and encouragement of the Internal Improvement Fund, so far as said enterprise is calculated to aid in accomplishing the purposes of the trust held by this board, to-wit: the drainage of the swamp and overflowed lands, and to provide means for the actual settlement and cultivation of all the lands held in trust for internal improvements;

And whereas, it is of the greatest importance to the fund that the lands held in trust be so disposed of as will inure most beneficially and speedily to the Internal Improvement Fund; it is therefore

Resolved, That there be and hereby is granted to the Jacksonville and St. Augustine Railroad Company, to aid the construction of its line of railroad, out of the lands not heretofore sold or disposed of, all the odd-numbered sections of swamp and overflowed lands for six (6) miles in width on each side of its line of road and its branches and of the termini of said road and of the termini of its branches, and if there be not sufficient lands unsold or not disposed of within said limits to amount to full sections of six hundred and forty (640) acres each, then said company may select the quantity necessary to make a total of six hundred and forty (640) acres for each and every odd-numbered section within six (6) miles on each side of its line of road and its branches, and of the termini of said road and of the termini of its branches, from any lands held in trust by this board and not heretofore sold or disposed of, lying nearest adjacent to the lands hereby granted and sold to said company.

Provided, That the titles to said lands shall vest in said company only as the building of said road progresses, to wit: On the completion of the first five (5) miles of said road, the titles to one-eighth ($\frac{1}{8}$) of the total quantity of lands hereby granted shall vest in fee simple in said company, and so on for each and every five (5) miles as the road is completed: *Provided further*, That the selection made by said company of lands sufficient to make up the full odd-numbered sections, as heretofore provided, shall be made within six months after the adoption of this contract, and notice of said selections shall be filed in the office of the Commissioner of Lands and Immigration, and said selections shall then be withdrawn from sale or entry and reserved to said company: *And provided further*, That said company shall take such measures as may be necessary to relieve from overflow and render fit for settlement and cultivation both the odd-numbered sections hereby granted and the even-numbered sections of said lands within six (6) miles of the line of said railroad on each side thereof, and of its branches, and of the termini of said road and of its branches, and upon the presentation to this board of the certificate of the State engineer that the foregoing requirements have been fully complied with, then the titles as aforesaid shall be transferred to and be vested in said company. It is further

Resolved, That the even-numbered sections of the swamp and overflowed lands for six (6) miles in width on each side of said railroad and of its branches and all the odd and even-numbered sections of said lands not heretofore sold or disposed of, in township seven (7), south of range twenty-seven (27), twenty-eight (28), and twenty-nine (29) east, and in township eight (8), south of range twenty-seven (27), twenty-eight (28), and twenty-nine (29) east, and in township nine (9), south of range twenty-seven (27), twenty-eight (28), and twenty-nine (29) east, and in township ten (10), south of range twenty-seven (27), twenty-eight (28), twenty-nine (29), and thirty (30) east, and in township five (5), south of range twenty-seven (27) east, and in township two (2), south of range twenty-eight (28) and twenty-nine (29) east, be and are hereby sold to the said railroad company for ninety-six (\$96) dollars per section of six hundred and forty (640) acres, and the titles to said lands shall be transferred to and shall vest in said company in fee simple, in the same manner and subject to the same requirements and conditions as is herein provided for the grant of the odd-numbered sections and of the selections which may be made by said company; it is further

Resolved, That the said company shall pay to the Treasurer of this board at the time of the delivery of the title deeds herein provided, the sum of ninety-six (\$96) dollars per section of six hundred and forty (640) acres each, for each and every

section of land hereby granted, except the odd-numbered sections within six (6) miles upon each side of its line of road and of its branches, and of the termini of said road and of the termini of its branches, and it is expressly understood as a condition of this contract that the said Jacksonville and St. Augustine Railroad Company assumes no indebtedness for which said lands are pledged or mortgaged in law to the unpaid creditors of the Internal Improvement Fund, but, that on the payment of the aforesaid sum of ninety-six (\$96) dollars per section, as aforesaid, any or all liens under which said lands now exist are fully and completely discharged and removed; it is further

Resolved, That the Commissioner of Lands and Immigration do reserve from public sale or entry all the lands herein granted or sold to the Jacksonville and St. Augustine Railroad Company, including the lands which may be selected by said company as herein provided, whenever the said company shall file in the office of the said commissioner a map indicating the route of said road and its branches, or shall file an accurate description of said route, indicating townships, ranges, sections and fractional parts of sections through which the line of said road shall be built; it is further

Resolved, That said railroad shall be commenced on or before December 1, A. D. 1872, and completed within one year thereafter."

Now, therefore, the said Board of Trustees of the Internal Improvement Fund of the State of Florida, to wit: Samuel T. Day, Acting Governor of the State of Florida, Robert H. Gamble, Comptroller, Simon B. Conover, State Treasurer, Horatio Bisbee, Jr., Attorney-General, and J. S. Adams, Commissioner of Lands and Immigration, party of the first part, in consideration of the aforesaid promises and agreements and undertakings of the said Jacksonville and Saint Augustine Railroad Company, of the second part, do hereby covenant and agree for themselves and for their successors in office, to faithfully execute all the provisions contained in the foregoing resolutions; and the said Jacksonville and Saint Augustine Railroad Company, of the second part, does also covenant and agree for itself and for its successors and assigns, in consideration of the provisions contained in said resolutions whereby said party of the second part receives the titles to all the said lands, to faithfully perform and execute all the requirements named in the foregoing resolutions.

In testimony whereof, the said Trustees of the Internal Improvement Fund of the State of Florida, of the first part, and the said Jacksonville and Saint Augustine Railroad Company, by its President, duly authorized to execute this

instrument, of the second part, have hereunto subscribed their names, and affixed their seals, at the Capitol, in the city of Tallahassee, the day and year first above written.

SAMUEL T. DAY,	[SEAL]
Acting Governor.	
R. H. GAMBLE,	[SEAL]
Comptroller.	
S. B. CONOVER,	[SEAL]
State Treasurer.	
H. BISBEE, JR.,	[SEAL]
Attorney-General.	
J. S. ADAMS,	[SEAL]
Com'r of Lands and Immigration.	
THE J. & ST. A. R. R. Co.,	
By F. A. DOCKRAY,	[SEAL]
President.	

THE HART CONTRACT.

Be it resolved, That Hubbard L. Hart, of Palatka, Putnam county, Florida, is hereby permitted to make, cut, or dig a canal from Lake Eustis to Lake Dora, a canal from said Lake Dora to Lake Apopka, and a canal from Lake Griffin to Lake Harris, to make three cuts or canals between Lake Griffin and the shoals above Silver Spring Run, in the Oclawaha river, and to dredge said shoals on said river in the State of Florida. Each of said canals or cuts to be made navigable for barges, canal and steamboats of not less than twenty feet beam; and by said board be it further

Resolved, That as said Hart makes, cuts or digs said canals so navigable as aforesaid, that the Trustees of said board shall and do hereby agree to sell and convey unto said Hart or to such person or persons as he may in writing direct, all lands known as the swamp and overflowed lands which are now vested in said Board of Trustees in the odd-numbered sections on each side of and within six miles of the lakes by said canals connected, and on each side of and within six miles of the Oclawaha river, from Lake Griffin to the mouth of Silver Spring Run, at the price of 6¼ cents per acre, as follows, viz.:

One-eighth of the said lands when the said canal between said Lakes Eustis and Dora is completed and approved by a member of said board or by some suitable person appointed by said board.

Three-eighths of said land when said canal between said Lakes Dora and Apopka is completed and approved as above, and the remainder of said lands when the said canal between Lakes Griffin and Harris, and the cuts or canals between Lake Griffin and Silver Spring Run are completed and the shoals above Silver Spring Run dredged and approved as aforesaid.

The said Hart, or those holding under him, to have six months in which to commence the above work, and three years from commencing in which to complete the same; and by said board it is further

Resolved, That for any of the swamp and overflowed lands in these odd-numbered sections which may have been previously conveyed, said Trustees will deed in lieu thereof an equal number of acres to said Hart, or such other person or persons as he in writing may direct, from the swamp and overflowed lands (as they have power to convey) nearest to said lakes and river as may be agreed upon between said Board of Trustees and said Hart, or such person or persons as he may in writing direct. In order to meet the requirements of this resolution the said Board of Trustees to be paid by said Hart or those holding under him the necessary travelling expenses paid by the person sent to examine and approve said work.

Be it resolved, That Hubbard L. Hart, of Palatka, Putnam county, Florida, is hereby permitted to make, cut, or dig a canal from Lake Harris to Lake Pansoffka, a distance of about sixteen miles in said State, to be navigable for barges, canal-boats, and steamboats of not less than 20 feet beam; and by said board be it further

Resolved, That when said Hart, or such person or persons as he may direct, makes, cuts, or digs said canal, so navigable as aforesaid, that the Trustees of said board shall and hereby agree to sell and convey to said Hart, or to such person or persons as he in writing may direct, all lands known as the swamp and overflowed lands which are now vested in said Board of Trustees in the odd-numbered sections on each side of and within six miles of the Withlacoochee river and Lakes Pansoffka and Charlie Apopka, at the price of 6½ cents per acre, as follows, viz.:

When said canal is completed and approved by a member of this board, or by some suitable person appointed by said board, the said Hart or those holding under him to have five years from the signing of this contract in which to complete said canal; and by said Board of Trustees it is further

Resolved, That for any portion of the swamp and overflowed land in the odd-numbered sections which may have been conveyed to other parties, then the said Board of Trustees will deed and convey in lieu thereof an equal number of acres of the swamp and overflowed lands (as they have power to convey) nearest said river and lakes to said Hart, or to such person or persons as he in writing may direct. In order to meet the requirements of this resolution, the said Board of Trustees to be paid by said Hart or those holding under him the necessary travelling expenses paid by the person sent to examine and approve said work.

These resolutions were adopted February 4, 1869. Subsequently, on account of the attack upon a grant so manifestly in accordance with the act of Congress, made in the Vose suit, the time for the completion of the contract was extended two years, and the proportions of payment were changed.

The patent fact, that the alternate sections along the route, if made accessible by steamboat, will be worth more than twice the whole without such improvement, sufficiently vindicates the grant from any imputation of "wastefulness."

GRANT TO PENSACOLA AND LOUISVILLE RAILROAD.

On the 6th of February, 1869, the following resolution was adopted:

Resolved, That whenever the Pensacola and Louisville Railroad Company shall exhibit evidence of the completion of said railroad from Pensacola northwardly to the northern boundary line of the State of Florida, which shall be deemed satisfactory by this board, said railroad company shall purchase, and this board will convey all the right, title and interest which said board has or may have to any swamp or overflowed lands lying along and on each side of said railroad, and within six miles thereof on payment by said company to said board of 6½ cent. for each acre of said land so conveyed, reserving forty acres of land for the use of any railroad running from the Chattahoochee river at the point where such railroad may desire to connect with said Pensacola and Louisville railroad.

This resolution to become binding and of force and beyond the control of this board whenever the Pensacola and Louisville railroad shall have formally accepted the conditional grant of land herein made, and shall have executed a contract with this board by which the corporators of said Pensacola and Louisville Railroad shall bind themselves to impose no obstacles to the completion and operation of the contemplated railroad from the Chattahoochee river to the city of Pensacola or its vicinity by which any discrimination in the carrying of freight on their road shall be made against said Chattahoochee railroad.

This was the very connection with northern railroad systems through Montgomery mentioned in the report introducing the Internal Improvement Act, but no compliance with the conditions of the resolution was made till April 1872, when the formal acceptance of the road and the prescribed contract were presented to the board by Peter Knowles, Esq., and thus the contract was closed.

GRANT TO SOUTHERN INLAND NAVIGATION AND IMPROVEMENT COMPANY.

On the 13th February, 1869, the following proposition came before the board.

The Southern Inland Navigation and Improvement Company do respectfully request and ask aid from the Internal Improvement Fund for the purpose of carrying out and into effect the powers which are granted to them by their charter. The sections of country through which these improvements pass from Biscayne Bay to the head of Halifax river is an almost uninhabited country, although this portion of the State has been open for settlement for the last 25 years, and settlements have repeatedly been made and abandoned from time to time in consequence of there being no outlet or egress for its products. The State has vast quantities of lands, amounting in the aggregate to over three millions of acres, which will be benefited and opened up to settlement and immigration by this company. These lands are wholly unavailable to the State. In the event of the completion of an inland navigation from Biscayne Bay to the St. Johns river, these lands would be enhanced at least to \$2.50 per acre, aside from the impetus that would be given to immigration and the wealth which immigration brings into any community.

We submit to your honorable body a schedule of lands, all of which will be benefited by the improvement. The company would ask that the Honorable Board convey to the said company the odd-numbered sections of the swamp and overflowed lands in the following named townships, to wit: Townships 11, 12, 13, 14, and 15, of ranges 26, 27, 28, 29, 31, 32 east; townships 16, 17 and 18, of ranges 28, 29, 30, 31, 32, 33, and 34 east; townships 19, 20 and 21, of ranges 30, 31, 32, 33 and 34 east; and township 21, of ranges 33, 34, and 35 east; townships 23, 24, 25, 26, 27, and 28, of ranges 34, 35, 36, and 37 east; townships 29, 30, 31, 32, and 33, of ranges 35, 36, 37, 38, and 39; townships 34, 35, 36, and 37, of ranges 39, 40, 41, and 42 east.

The construction of the canal from the St. Johns to the Indian river can be used during the seasons of inundation for the purposes of drainage, and will reclaim thousands of acres of land that are nearly worthless, upon the head waters of the St. Johns river. It will also, during the seasons of flood, save from overflow immense quantities of land on the St. Johns river below the place of the intersection of the canal with the St. Johns. The deepening of Indian river and the removal of bars will accelerate the movement of its waters which flow from its tributaries, and will help reclaim and prevent overflow of the lands upon the St. Lucie and St. Joseph rivers. Consequently, an appropriation of lands from the aggregate body for this purpose will add to the value of the remaining lands belonging to the fund, and will increase their value to more than double the present value of the whole. We would ask that the lands be confirmed to the company and titles made from time to time as the work progresses, as follows, to wit:

For any dredge-boat built and put in operation and kept in operation on said work for six months, 72 sections of said swamp and overflowed lands, to be selected from said odd-numbered sections.

For dredging and making navigable from Elbow Creek to Jupiters Inlet, 36 of the said odd-numbered sections of swamp and overflowed lands.

For dredging and making navigable from Elbow Creek to Dummetts, 36 of the odd-numbered sections of the said swamp and overflowed lands.

For dredging and making navigable from the outlet of Lake Harney to Lake Washington, 72 of the odd-numbered sections of the said swamp and overflowed lands.

For cutting canal from the St. Johns to Indian river, 200 of the odd-numbered sections of said swamp and overflowed lands.

For every lock built and constructed, 36 of the odd-numbered sections of the said swamp and overflowed lands.

For cutting the canal from Indian river to Lake Worth, 72 of the odd-numbered sections of the said swamp and overflowed lands.

For cutting canal from Lake Worth to Hillsboro Inlet, 72 odd-numbered sections of the said swamp and overflowed lands.

For cutting canal from Hillsboro Inlet to New river, 36 odd-numbered sections of the said swamp and overflowed lands.

For cutting the canal from New river to Biscayne Bay, 72 of the odd-numbered sections of the said swamp and overflowed lands.

For cutting the canal from Indian river to Mosquito Lagoon, 36 of the odd-numbered sections of the said swamp and overflowed lands.

For dredging and clearing out Mosquito river to the head of Halifax river, 37 odd-numbered sections of the said swamp and overflowed lands.

For dredging and making an inside steamboat channel from Biscayne Bay to Key West, 36 odd-numbered sections of swamp and overflowed lands.

And when the work is completed to a continuous inland steamboat navigation from the St. Johns river to Key West, the lands due thereunder to said company shall be conveyed thereto. In the meantime the Board of Trustees to issue floats, to be located by said company or its assignees, within the limits of territory above described, to be located on the odd sections thereof. The Trustees of the Internal Improvement Fund to sell the odd-numbered sections within the limits conceded, until the same are selected by the company, and hold the funds subject to the order of the company as the work progresses.

All of the aforesaid canals to be cut and the streams to be dredged, shall be so cut and dredged as to admit steamboats of 25 feet beam, and all locks to be so constructed as to admit

steamboats of 25 feet breadth and 100 feet in length. The said company, upon the acceptance of this proposition, to have no claims whatsoever upon lands heretofore conveyed by the Board of Trustees of Internal Improvement Fund to other parties. The lands in said odd-numbered sections shall be confirmed or conveyed at the times aforesaid only upon the payment by the said company therefor to the said Trustees the sum of \$25 for each and every section of 640 acres.

All dredge-boats built shall be constructed at a cost of not less than \$13,000, otherwise not to be considered as dredge-boats.

(Signed)

N. H. MORAGNE,
President.

(Signed)

CHAS. L. MATHER,
Secretary and Treasurer.

(Signed)

W. H. GLEASON,
Chief Engineer.

The modifications subsequently made in this contract are mentioned, and the importance of this great work is enlarged upon in the body of the report.

CONTRACT WITH PEASE CREEK IMMIGRATION AND IMPROVEMENT—ENTERED INTO FEBRUARY 16, 1870.

Know all men by these presents: That the Pease Creek Immigrant and Agricultural Company, a body corporate and politic, created by the laws of Florida, for and in consideration of the following grant of lands, lying and being in the counties of Manatee and Polk, in this State, and designated as follows, to wit: All that certain body or tract of land comprised and being described as the odd-numbered sections of the lands described in the resolution of the Board of Trustees of the Board of Internal Improvement Fund of the State of Florida, said odd-numbered sections of land lying and being in said counties of Manatee and Polk, and commencing at a point to be determined by the Surveyor-General of the State of Florida, as the junction of Pease Creek with Charlotte Harbor, thence up said Pease Creek on each side of said Pease Creek, taking said odd-numbered sections up to the county site of Polk county, known and designated as Bartow, and upon the execution and delivery of said titles to the lands aforesaid to this company, made and executed in the usual form by the Trustees of the Internal Improvement Fund of the State of Florida, the said Pease Creek Immigrant and Agricultural Company does hereby covenant, obligate, and bind itself to and with said Trustees of the Internal Improvement Fund of the State of Florida, that the said company will see and cause the channel of the said Pease Creek, from the point of junction of said creek

with Charlotte Harbor, determined by the Surveyor-General of Florida as aforesaid, to be improved so as to permit a steamboat drawing two feet of water to ascend and navigate said channel of said Pease Creek as aforesaid, from the point of junction as aforesaid to Fort Meade, in the county of Polk, in this State. Said channel aforesaid to be put in such condition as to permit a steamer drawing two feet of water to ascend and descend Pease Creek between the point of junction of said creek with Charlotte Harbor and Fort Meade, and by said improvements of said channel of said Pease Creek to assist the drainage or draining of the swamp and overflowed lands on or adjacent to said Pease Creek.

And further, the said company does covenant to and with the said Trustees and bind itself that no person or persons shall hereafter be made a stockholder of this company, or a member of the same, unless and until he or they shall become individually responsible for the faithful performance of the covenants herein contained and made.

In witness whereof the said Company have caused the same to be signed and executed by its President in conformity to and by order and resolution of said Company and the Board of Directors.

Done at Tallahassee this 13th day of February, A. D. 1870.

[SEAL]

D. P. HOLLAND,
President of Pease Creek Improvement and Agr'l Co.

Attest:

R. STEWART, Assistant Secretary.

GRANT TO TOCOI RAILROAD COMPANY.

Resolved, That the remaining even sections of the lands granted to the State of Florida by the act of Congress of the 28th of September, 1850, along the line of the St. Johns Railway, for six miles on each side of the line of road proposed to be reconstructed by said company, are hereby sold to said company: *Provided, however,* That the title to said lands shall not vest in said company, except upon the completion of the road and the payment to the treasurer of the sum of ten cents per acre for the land so sold.

Resolved further, That upon the completion of the road and its necessary drains and ditches, as required by the second clause of the sixth section of the Internal Improvement Act, and a tender of the price named to the board, it shall be their duty and they agree to execute to the said company a deed in fee simple for the lands so sold: *Provided,* That said road shall be completed by the 1st day of January, A. D. 1872: *And also provided,* That all persons that are at the date of this resolution actual settlers upon the land thus to be conveyed shall be en-

titled to purchase not to exceed eighty acres of such land, each within two years, at thirty cents per acre.

After some further discussion of the above subject it was further

Resolved, That it is understood and agreed between this board and Dr. Westcott, as representing the interests of said railway company, that no lands shall be conveyed to the above railway company under the above resolutions until the certificate of a competent engineer appointed by this board shall, at the expense of the said railway company, be filed with this board showing that two-thirds of said lands is too wet in its present condition for actual cultivation.

GRANT TO THE WEKIVA STEAMBOAT COMPANY—JANUARY 2,
1870.

The Wekiva Steamboat Company states to the Trustees of the Internal Improvement Fund of the State of Florida, that within six miles of each side of the Wekiva river, from its mouth to Clay Run, and within six miles of each side of said run from said run to Clay Spring, in Orange county, in said State, there are now vested in said Trustees about seventeen thousand acres of swamp and overflowed lands, a greater portion of which is subject to overflow. That to open and deepen said river from its mouth to said run and from said river to said spring so as admit and float vessels drawing two and a half feet of water, the entire distance named would relieve said swamp and overflowed lands or the greater portions thereof from inundation, and thereby reclaim them for cultivation and also greatly assist in reclaiming a large body of lands outside of said limits. Said company proposes to said Trustees to relieve the lands now vested in said Trustees along the Wekiva river from its mouth to said run, and along said run from said river to said spring from inundation by opening and deepening the said river and run so that the same will admit and float boats drawing two and a half feet water the entire distance named within twelve months from date, and upon completion of said work resulting in relieving said lands, as aforesaid, and in consideration thereof, agree to receive and be paid by said Trustees therefor two-thirds of the swamp and overflowed lands now vested in said Trustees and not heretofore agreed to be on any terms conveyed to other parties, and within six miles of the river and run as aforesaid, the same to be taken by said company and granted by said Trustees in strips of two sections fronting on said river and run and running back six miles or as nearly so as possible, so that as far as possible there shall intervene to remain in said Trustees between each strip so taken and granted one strip of land fronting one section and running back six miles.

Said company agrees further that, upon receiving titles to the lands as indicated, and in further consideration therefor the rights of said company to collect taxes on vessels navigating said river and run shall forever cease and determine.

MILES & STEWART,

For Wekiva Steamboat Company.

Whereupon, upon due consideration of the above proposition, it was, upon motion, unanimously

Resolved, by the Trustees of the Internal Improvement Fund of the State of Florida, That the proposition of the Wekiva Steamboat Company as above set forth be, and the same is hereby, fully accepted and considered a contract between the parties, provided an engineer appointed by said Trustees after survey shall report to them that said river and run from the mouth of said river to said spring are not now navigable for vessels drawing two and a half feet of water, and that to open and deepen the same so as to admit and float vessels of such draft will reclaim the swamp and overflowed lands named as alleged.

This contract became complete by compliance with the conditions imposed, but being also obstructed by the Vose suit the time was afterwards extended.

I certify the foregoing to be true copies of the contracts made by the Trustees as they purport.

J. S. ADAMS, Secretary.

REPORT
OF
SALES OF LANDS FOR THE YEAR.

STATE LAND OFFICE,
December 20, 1872. }

His Excellency the Governor of Florida :

As Commissioner of Lands and Immigration, to which position I had the honor of receiving a commission in January last, and in performance of the duties devolving upon my office in consequence of the amendment of the Constitution by which the two offices of Surveyor-General and Commissioner of Immigration were consolidated, I have the honor to submit the following statement, arranged in tabular form, of the sales of land effected in the State Land office during the year last past, from December 1, 1871, to December 1, 1872.

I have thus followed the plan of last year in reckoning the year, for the purpose of my reports, from December 1st in one year to December 1st in the next, in order to make the annual report a complete exposition of the transactions in land of a whole year, and finish the report in readiness for the session of the Legislature.

STATEMENT showing the quantity of Swamp and Internal Improvement Lands sold, and the amount received therefor, from December 1, 1871, to December 1, 1872 :

MONTH.	SWAMP LANDS.		INT. IMP. LANDS.		TOTAL.	
	Quantity sold.	Amount purchase money.	Quantity sold.	Amount purchase money.	Quantity sold.	Amount purchase money.
	Acres.		Acres.		Acres.	
December, 1871	304.41	\$ 380.51	40.07	\$50.09	344.48	\$ 430.60
January, 1872	2,721.73	2,964.99	80.19	100.24	2,801.92	3,065.23
February, 1872	3,263.51	3,326.12	191.62	378.75	3,455.13	3,704.87
March, 1872	511.26	680.23			511.26	680.23
April, 1872	10,135.40	11,130.59	162.91	235.82	10,298.31	11,366.41
May, 1872	1,261.84	1,411.95	50.02	159.95	1,311.86	1,571.90
June, 1872	166.90	533.63	238.92	355.45	405.82	989.08
July, 1872	392.42	790.52	10.66	50.08	403.08	840.60
August, 1872	78.61	98.20			78.61	98.20
September, 1872	181.58	226.97	39.81	49.76	221.39	276.73
October, 1872	513.21	641.51	114.09	161.32	627.30	802.83
November, 1872	78.46	98.08	71.57	107.34	150.03	205.42
Total	20,182.33	\$23,036.46	1,059.26	\$1,648.01	21,241.59	\$23,684.47

Of the above, \$3,843.58 consisted of coupons previously deposited with the treasurer of the board by the Southern Inland Navigation and Improvement Company. Received in coupons (besides those deposited by said Company), \$3,610.21.

The sales to Williams and Swann, at \$1 per acre, under their special contract for selecting swamp lands, and included in the foregoing statement, amount to 12,765.94. Amount received in cash, \$3,463.33.

The \$3,843.58 referred to at the foot of the above list as received in coupons, consisted of coupons deposited several years since with Treasurer Conover in payment of land contracted by the Trustees to be sold at a reduced price to the Southern Inland Navigation and Improvement Company, in consideration of certain works of reclamation and drainage, and are charged to that Company as they select and take deeds for the lands.

The \$3,610.21 coupons noted as received, are coupons of an equal or prior date to March 1, 1861, and were paid in land in the order of priority or maturity, according to the direction of the injunction in the Vose case.

Under a contract made by the Trustees with Messrs. Swann & Williams, they were to select swamp and overflowed lands for the fund, and were to receive in payment for their services land at \$1 per acre. They have selected a large amount of lands within the last two years by actual survey and personal inspection, and credit for land has been given them in pursuance of the contract, upon which they have drawn by giving receipts which have been charged against their compensation from time to time as those receipts have come in.

Aside from the two cases noted, the sales of land have been considerably restricted, both from want of means induced by repeated failure of crops, and as the result of protracted and vexatious litigation and an injunction upon the Trustees, at the instance of Francis Vose, a citizen of New York, to which reference is made in the report of the Trustees of the Internal Improvement Fund.

Repeated trespasses continue to be committed upon the choicest timbered lands of the State, inflicting serious damage upon the fund, and deserving the serious attention of the Legislature.

In the endeavor to check these depredations and by virtue of the authority conferred by law, I have, in several sections of the State, appointed agents for the protection of the State lands, and have instructed them to prosecute trespassers and seize and sell the stolen timber where possible, taking for compensation one-half of the proceeds of such sale. By this arrangement and without expense to the fund, some diminution of the depredations has resulted.

I take the liberty to renew a recommendation of my predecessor in the office of Surveyor, Hon. F. W. Webster, that trespasses upon State lands be punished by both fine and imprisonment, in the hope that this wasting of the resources of the fund may be stopped.

Respectfully submitted,

J. S. ADAMS,

Commissioner of Lands and Immigration.

ADJUTANT-GENERAL'S REPORT.

GENERAL HEADQUARTERS STATE OF FLORIDA,
ADJUTANT-GENERAL'S OFFICE,
TALLAHASSEE, Fla., December 31, 1872.

To His Excellency Harrison Reed, Governor and Commander-in-chief:

SIR: I have the honor to submit the following report of the condition of this department for the year ending December 31, 1872:

Since my last report there has been comparatively little done in completing the organization of our volunteer militia. This can be accounted for by the fact that nearly all of our citizens who are subject to militia duty have been engaged in the last political campaign, and have had very little time to spare in perfecting the militia of our State. Still, there has been no time for the last three years that I could not have furnished a sufficient number of troops for the protection of our State, if a necessity had arisen to require them.

The following is an inventory of the arms, equipments, and ammunition owned by the State: 260 Springfield rifled muskets, breech-loading; 18,000 rounds of metallic ball cartridges, 600 Springfield rifled muskets, 200 Enfield rifled muskets, and all necessary equipments for the same.

I have expended \$1,000 on repairs of Capitol and fence around the same; but could not make all repairs that were required to be done, on account of the appropriation being too small.

I have not received a report from the Warden of the State Prison. As soon as it comes to hand I will submit it with a full statement in relation to the condition of that institution.

In closing our official connection, allow me to extend to you my sincere thanks for the kindness and confidence which you have ever extended to me in my efforts to discharge my duties.

I am, with great respect, your most obedient servant,

JOHN VARNUM,
Adjutant-General.

ROSTER OF THE MILITIA OFFICERS OF THE STATE.

JOHN VARNUM, Adjutant-General.

Colonel FRED. A. DOCKRAY, of Jacksonville, Assistant Adjutant-General.

Colonel LeROY D. BALL, of Tallahassee, Quartermaster-General.

Colonel CHARLES H. FOSTER, of Tallahassee, Commissary-General.

Colonel GEORGE P. RANEY, of Tallahassee, Judge Advocate-General.

Colonel CHARLES V. HILLYER, of Ocala, Chief of Ordnance.

Colonel JOHN A. HENDERSON, of Tampa, Inspector-General.

Colonel P. A. HOLT, of Lake City, Surgeon-General.

FIRST DIVISION.

JOHN W. BUTLER, Major-General Commanding.

STAFF.

Lieutenant-Colonel H. C. Campbell, Assistant Adjutant-General.

Lieutenant-Colonel F. C. Humphreys, Ordnance Officer.

Lieutenant-Colonel John Carlovitz, Quartermaster.

Lieutenant-Colonel L. W. Rowley, Commissary.

Lieutenant-Colonel E. C. Weeks, Division Inspector.

Lieutenant-Colonel F. M. Peters, Surgeon.

Major Hamilton Jay, Aid-de-camp.

Major Frank Smith, Aid-de-camp.

FIRST BRIGADE.

GEORGE E. WENTWORTH, Brigadier-General Commanding.

STAFF.

Major A. B. Munn, Assistant Adjutant-General.

Major H. Hernandez, Brigade Inspector.

SECOND REGIMENT OF INFANTRY.

Colonel, Thomas Harrod.

Lieutenant-Colonel, John Sunday.

FIFTH REGIMENT OF INFANTRY.

Colonel, Rollin A. Stearns.

Lieutenant-Colonel, E. R. Paine.

Major, Leander M. Davis.

SECOND BRIGADE.

J. W. JOHNSON, Brigadier-General Commanding.

STAFF.

Major M. H. Clay, Assistant Adjutant-General.

Major W. E. Burleigh, Brigade Inspector.

Major A. H. McCann, Commissary.

Major B. Dilworth, Ordnance Officer.

Major John H. Gee, Surgeon.

Captain Leslie A. Reed, Aid-de-camp.

FIRST REGIMENT OF CAVALRY.

Colonel, John Bradford.

Major, L. G. Stringfellow.

THIRD REGIMENT OF CAVALRY.

Colonel, Malachi Martin.

Lieutenant-Colonel, S. L. Tibbitts.

FIRST REGIMENT OF INFANTRY.

Colonel, Dennis Eagan.

Major, George W. Bogue.

THIRD REGIMENT OF INFANTRY.

Colonel, A. B. Grunwell.

Lieutenant-Colonel, W. M. Bowen.

Major, Aug. P. Holbrook, Jr.

FOURTH REGIMENT OF INFANTRY.

Colonel, William Steward.

Lieutenant-Colonel, Jonathan C. Gibbs.

FOURTEENTH REGIMENT OF INFANTRY.

Colonel, J. R. Bradford.

SECOND DIVISION.

HORATIO JENKINS, Jr., Major-General Commanding.

STAFF.

Lieutenant-Colonel Joseph H. Durkee, Assistant Adjutant-General.

Lieutenant-Colonel Edward M. Cheney, Quartermaster.
 Lieutenant-Colonel Thomas O. Allen, Commissary.
 Lieutenant-Colonel Peter Jones, Ordnance Officer.
 Lieutenant-Colonel Sherman Conant, Division Inspector.
 Major D. M. McInness, Aid-de-camp.

THIRD BRIGADE.

JOSIAH T. WALLS, Brigadier-General Commanding.

STAFF.

Major Watson Porter, Surgeon.

SIXTH REGIMENT OF INFANTRY.

Colonel, Edwin A. Chew.
 Lieutenant-Colonel, A. B. Osgood.
 Major, Frank Franklin.

SEVENTH REGIMENT OF INFANTRY.

Colonel, J. W. Childs.
 Lieutenant-Colonel, Isaac Middleton.
 Major, Charles M. Ellis.

EIGHTH REGIMENT OF INFANTRY

Colonel, R. B. Sullivan.
 Lieutenant-Colonel, T. H. Willard.
 Major, Isaac McFarland.

THIRTEENTH REGIMENT OF INFANTRY.

Colonel, John W. Brock.

SIXTEENTH REGIMENT OF INFANTRY.

Colonel, Harry S. Harmon.

FOURTH BRIGADE.

W. M. LEDWITH, Brigadier-General Commanding.

STAFF.

Major John S. Driggs, Assistant Adjutant-General.
 Major Charles S. Mather, Brigade Inspector.
 Major N. H. Moragne, Surgeon.
 Major F. B. Knapp, Ordnance Officer.

SECOND REGIMENT OF CAVALRY.

Colonel, W. T. Weeks.
 Lieutenant-Colonel, Charles F. Mawbey.

FOURTH REGIMENT OF CAVALRY.

Colonel, J. D. Stanbury.
 Lieutenant-Colonel, Charles B. Fenwick.
 Senior Major, H. S. Rawson.
 Junior Major, W. H. LeCain.

NINTH REGIMENT OF INFANTRY.

Colonel, W. H. Kendrick.
 Lieutenant-Colonel, Henry Curtis.
 Major, Alexander DeLyons.

TENTH REGIMENT OF INFANTRY.

Colonel, F. E. Little.

ELEVENTH REGIMENT OF INFANTRY.

Colonel, H. T. Baya.

TWELFTH REGIMENT OF INFANTRY.

Colonel, George H. Johnson.

FIFTEENTH REGIMENT OF INFANTRY.

Colonel, W. C. Tinker.

CAPTAINS.

John H. Brown,	George Hadley,	J. S. Wood,
Thos. Lagrant,	W. W. Goza,	Hardee Raulerson,
Gordon Jones,	Chas. Williamson,	J. N. Haddock,
J. S. Ferrell,	Frank Butler,	T. Thomas,
James Drayton,	Wm. James,	Doctor Green,
James Thomas,	Jeff. Evans,	Bethel Durant,
Legaby Brown,	Thos. W. Shine,	J. H. Allen,
John Morrison,	L. B. Grant,	M. J. Clark,
Humphrey Lewis,	Cato Carter,	Henry Bram,
P. Harrison,	M. H. Daniels,	W. W. Wilder,
Washington Ebron,	S. T. Pons,	J. N. Horn,
Emanuel Fortune,	D. E. Maxwell,	E. Hamilton,
Henry C. Pickett,	Isaac Savage,	Arthur St. Clare,
James F. Clark,	Thos. W. Hart,	Isaac R. Hasby,
W. R. Miller,	J. P. Grantham,	James Gillon,
G. H. Washington,	D. P. Summers,	M. Baites,
H. A. Cromartie,	Jacob Ellis,	John L. Taylor,
W. S. Bush,	Lewis Fields,	Geo. Sciplin,
Benj. Dilworth,	F. B. Taylor,	W. A. Hicks,
R. L. Rousseau,	Robt. F. Allison,	D. V. N. Pesson,
Taylor Horn,	M. J. Joyner,	Jos. DeMartine,
Thos. Jones,	Benj. F. Jackson,	J. E. W. Markey,
Jas. H. Wentworth,	Wm. B. Ratcliff,	D. F. Lee,
Robt. F. Hosford,	John Smith,	Morris A. Dzialynski,

E. D. Hodges,	Wm. A. Summersall,	Thomas McKnight,
J. F. McMullen,	Chas. T. Carroll,	Jacob Johns,
Wm. Vandyke,	W. O. Hampton,	Adam Gillard,
Robt. Knickmeyer,	Antonio E. Papy,	Alfred Gass,
D. L. Alvarez,	John Price, Jr.,	Edward Hearn,
Pliny S. Crews,	Moses J. Brown,	David Hall,
S. B. Bell,	D. L. Willis,	Wm. Baya.

FIRST LIEUTENANTS.

Fortune Baker,	W. W. Farmer,	D. F. McDougald,
Thos. Dickerson,	Paul Wilson,	Joseph Thomas,
Joseph Holder,	R. McKannaddie,	J. Armond,
Frank Wanzer,	W. A. W. Simmons,	Job Jones,
James DeLancey,	W. R. Bell,	Henry Williams,
J. H. Oxendyne,	Jno. H. Williams,	Jacob Wyche,
Joseph Morgan,	E. D. Plummer,	A. Fluellar,
Peter Miller,	J. L. Sparkman,	Jaques Shampard,
John C. Gambia, Jr.,	Jas. M. Plant,	L. Robinson,
Edward Pinkney,	D. R. Howell,	E. W. Stephens,
Asa Richard,	J. H. Tucker,	T. J. Edwards,
Moses Mack,	Job Adams,	C. W. Bannerman,
Jas. A. DeLancey,	G. W. Dismukes,	W. H. Dagen,
J. J. Wright,	W. M. Rozier,	Joe Mills,
Grandell Brown,	E. P. Ward,	John S. Collins,
J. P. Smith,	J. B. Jeter, 1st Lt.	G. C. Wilson, 1st Lt.
C. P. Farnell,	and Adj't 7th Reg.	and Adj't 11th Reg.
W. W. Mathews,	Infantry,	Infantry,
Rich'd H. Marks,	Benj. W. Tedder,	M. L. Hartridge, 1st
Wm. A. Ogilvie,	D. M. Papy,	Lt. and Q. M. 11th
B. W. Grant,	Simon Sanchez,	Reg. Infantry,
Isaac Douglas,	Robt. G. Baker,	Geo. H. Emery, 1st
Joseph Rowe,	J. R. Alvarez,	Lt. and Comm'ry
Redie Bird,	Wm. A. Cone,	11th Reg. Infant.,
J. C. Collins,	W. W. Sanders,	J. J. Hawkins,
S. R. Causseaux,	F. M. Weeks, 1st Lt.	J. B. Cone,
J. M. Galphin,	and Adj't 2d Reg.	John F. Livingston,
Peter Bonand,	Cavalry,	Israel Seiplin,
Louis Jackson,	W. O. Tison, 1st Lt.	Lewis Norton,
John H. Tedder,	and Q. M. 2d Reg.	W. S. McBride,
H. L. R. Roberts,	Cavalry,	James Hoey,
Jacob Smith,	H. C. Croom,	Jno. S. Taylor, Jr.,
C. H. Brinson,	Geo. M. Richardson,	James Adams,
Geo. T. Turner,	Saml. James,	T. P. Fleming.
A. H. Lee,		

SECOND LIEUTENANTS.

John Rials,	Wm. A. Cox,	Jesse Paris,
Andrew Cryer,	Edwin Thomas,	Newton Ambrose,

Scipio Middleton,	Sam'l G. Evans,	James Walters,
Joseph Byrdoff,	John C. Wilson,	John Johnson,
Riley Robson,	Edward Forester,	E. Murray,
Thos. Houston,	Willoughby Adams,	J. King,
Archey Hunter,	J. C. Turner,	B. Rowell,
O. J. Colman,	W. F. Harvard,	J. E. Blanton,
Jonas Gibson,	J. T. Allbritton,	Jno. W. O'Neil,
Henry Taylor,	James Hudnall,	P. McKnight,
C. F. McKory,	A. Moseley,	Thos. J. Vann,
S. B. Beverly,	T. B. Tillis,	Robt. Dixon,
Jas. D. Barr,	Jas. S. Denham,	B. H. Tanner,
Geo. B. Dickinson,	H. C. Neal,	H. McMillan,
Henry Wingate,	Jason Gregory,	C. C. Mattox,
Silas Niblack,	W. K. McIntosh,	Thos. J. Shine,
Robert Smith,	Jno. D. Johns,	Thos. Gibbs,
Geo. Hudson,	Jno. Papino,	Wm. E. Hendry,
Geo. C. Wilson, Jr.,	George Adams,	Jno. D. Treadwell,
W. P. A. Wyer,	W. T. Orman,	W. L. R. Tyler,
Sam'l Wilson,	Sam'l D. Crews,	N. S. Tolen,
Geo. W. Tully,	Jno. A. Brooks,	Sim Thompson,
J. S. Parker,	W. M. Barber,	Alfred Gass,
Edward Hearn,	D. F. O'Quinn,	H. A. L'Engle.
Jas. L. Hodges,	P. Williams,	

Return of the Enrolled Militia of the State, for the Year ending December 31, 1871.

COUNTIES.	White.	Colored.	Total.
Alachua.....	445	478	923
Baker.....	108	45	153
Bradford.....	268	50	318
Brevard.....			
Calhoun.....	117	61	178
Clay.....	165	32	197
Columbia.....	491	428	919
Dade.....	11	3	14
Duval.....	1,160	1,213	2,373
Escambia.....	443	308	751
Franklin.....	131	342	473
Gadsden.....	458	440	898
Hamilton.....	351	119	470
Hernando.....	314	129	443
Hillsborough.....	241	46	287
Holmes.....	175	194	369
Jackson.....	343	1,060	1,403
Jefferson.....	450	1,516	1,966
Lafayette.....	236	12	248
Leon.....	180	2,027	2,507
Levy.....	218	82	300
Liberty.....	108	60	168
Madison.....	671	996	1,667
Manatee.....	256	16	272
Marion.....	447	725	1,172
Monroe.....	1,229	311	1,540
Nassau.....	413	365	778
Orange.....	290	28	318
Putnam.....	371	256	627
Polk.....	264	19	283
Santa Rosa.....			
St. John's.....	323	150	473
Sumter.....	253	76	329
Suwannee.....	275	121	396
Taylor.....	176	12	188
Wakulla.....	186	111	297
Walton.....	503	148	651
Washington.....	253	48	291
Volusia.....	174	39	223
Grand total.....	13,297	12,066	25,363

ANNUAL REPORT

OF THE

WARDEN OF THE STATE PRISON OF FLORIDA.

STATE PRISON,
CHATTAHOOCHEE, Fla., December 31, 1872. }

*Major-General John Varnum, Adjutant-General and Inspector
of State Prison:*

GENERAL: I respectfully transmit the following consolidated report of the affairs of this Prison for the year just closed.

My monthly returns and accounts forwarded to your office show in detail the disbursements, issues of rations, clothing, and all other transactions connected with the Prison, and the accompanying tables show the statistics of the Prison since it was established in January, 1869.

DISCIPLINE.

The discipline heretofore existing has been strictly maintained. Owing to the convicts being employed outside the walls and in the woods, the temptation to make their escape is great. On one occasion two convicts succeeded in rushing on the guard who had them in charge, disarmed him, and made their escape. On two other occasions attempts were made to overpower the guard, but were unsuccessful.

IMPROVEMENTS.

In my first annual report I stated the necessity of the erection of cells in which the prisoners could be confined separately, and in every report made by me since the establishment of the Penitentiary I have urged in the most earnest manner the erection of cells. Up to this nothing whatever has been done in the matter. I now again respectfully call the attention of the Commissioners of Public Institutions to this matter. As the prisoners are now herded together in one common dormitory on a

boarded floor, it is to be wondered that they have not succeeded in making an outbreak. They have every opportunity of making and perfecting their plans. Aside from this all the efforts of officers to reclaim the criminal—all the advice and instruction given them, is destroyed. The young and inexperienced are brought in contact with the most vile criminals, who, as a matter of course, contaminate them. It requires the most constant energy of the officers to guard against this great evil. If there was no other reason than the avoidance of such misfortune it should be a sufficient reason for the immediate erection of at least twenty cells in which the worst criminals could be separately confined. The present buildings and grounds cost the State nothing, and if it is to be used as a Prison the State should at least do this much towards making it a fit place to confine criminals.

The present wall should be removed at least forty feet out from the buildings, and be raised to the height of twenty feet; as it is now situated it is *no* prevention to the escape of prisoners.

There is no means of heating the Prison, and during the cold snaps in winter the prisoners suffer severely. Last winter, when the thermometer was down to 16 degrees above zero for several days at a time, the suffering was almost unendurable. Should this winter turn out to be as cold as last, we can expect like hardships unless some means of heating the building is furnished.

EDUCATION, MORAL AND RELIGIOUS AGENCIES.

Our school is very generally attended, and most of the prisoners who have been here a sufficient length of time can now spell and read tolerably well. Those who are most advanced teach the others. Our supply of books is limited, indeed, consisting of only sufficient for a primary school of twenty-five or thirty. Had we slates, many of the prisoners would make considerable progress in arithmetic, but while our finances are in their present condition we can expect but little improvement in this respect.

The regular attendance of our Chaplain on the Sabbath has had a very decided effect for the better on many of the prisoners. It is very satisfactory to notice the change manifested for the better in those who have embraced the holy opportunity offered them.

LABOR OF CONVICTS.

In the months of January and February the prisoners were employed on the railroad near here. The company having no employment for them longer, and the State not having furnished any employment for them, they were employed in getting out cross-ties and clearing land.

We have now ready for market over five thousand cross-ties, and have about two hundred acres of land open and ready for cultivation as soon as we can get sufficient teams to work it. I am satisfied that a sufficient number of the best-conducted prisoners can be guarded with a small number of guards to raise sufficient bread and vegetables for the Prison. Employment for the other prisoners should be provided within the walls of the Prison.

FINANCES.

From Public Document No. 1 you will see that the total cost of maintaining the Prison for the past year has been twenty thousand and seventy-eight dollars and thirty-eight cents (\$20,078.38). Eighteen thousand six hundred and eighty-six dollars and ninety cents (\$18,686.90) of this amount was paid in Comptroller's warrants at an average discount of thirty-eight per cent. The total cost of maintaining the prison in 1871 was forty-three thousand five hundred and fifty-four dollars and twelve cents (\$43,554.12).

The total expenditures in eleven months of 1872 is, therefore, twenty-three thousand four hundred and seventy-five dollars and seventy-four cents (\$23,475.74) *less* than in 1871; and had we been able to pay cash for our expenditures the total cost of maintaining the Prison this year would be only twelve thousand nine hundred and seventy-seven dollars and thirty-six cents (\$12,977.36), from which deduct earnings of prisoners, five thousand three hundred and ninety-five dollars, leaves a balance of seven thousand five hundred and eighty-two dollars and thirty-six cents, expenditures over earnings.

This does not include the labor performed by prisoners in and around the Prison, or the necessary details in the kitchen and laundry, police duty, &c.

CONCLUSION.

I again earnestly urge that at least a few cells and a means of heating the Prison be constructed with as little delay as possible.

Permit me to return you my sincere thanks for the uniform kindness and support extended to me in the discharge of my official duties.

Respectfully,

M. MARTIN, Warden.

PUBLIC DOCUMENT No. 1.

M. Martin, Warden of State Prison, in account with the State of Florida, from January 1, 1872, to November 30, 1872—

	Dr.	Cr.
To total amount drawn from Comptroller in 1872.....	\$18,636 90	
To total amount received for labor of convicts.....	1,391 48	
By total amount of provisions.....		\$6,324 06
By total amount of salaries.....		12,696 50
By total amount of clothing.....		92 90
By total amount of medicines.....		99 26
By total amount of property (horses, harness &c.).....		631.12
By total amount of incidental expenses.....		210.99
By balance due the State of Florida.....		23.55

Total.....	\$20,078.38	\$20,078.38
To amount drawn on account of 1871.....	\$3,838.66	

PUBLIC DOCUMENT No. 2.

Earnings of convicts in 1872—

Cash received.....	\$1,391.48
Five thousand cross-ties on hand, at 25 cents each.....	1,250.00
Clearing 200 acres "hammock land," at \$10 per acre.....	2,000.00
Amount due by M. Martin.....	171 00
Amount due by Jesse Wood.....	60 00
Amount due by United States, for one convict.....	335 00
Amount due by Jacksonville, Pensacola and Mobile Railroad.....	187 52
Amounts due for labor of convicts in 1870—	
Balance due by A. P. Bouknight.....	1,249.62
Balance due by N. W. Haines.....	652.72
Total.....	\$7,297.44

PUBLIC DOCUMENT No. 3.

Average cost of ration per diem for each convict during the year—

	Cts.
For January.....	14 3-8
For February.....	15
For March.....	15 1 2
For April.....	22 2 3
For May.....	17 2 5
For June.....	17
For July.....	17 4-5
For August.....	19 1-2
For September.....	20 3-5
For October.....	21 3 4
For November.....	21 2-5
For December.....	20 1-3

TABLE No. 1.

Number on hand January 1, 1872.....	78
Number received from January 1 to December 31, 1872.....	26
Total.....	104
Discharged in 1872—	
By expiration of sentence.....	5
By remission of sentence for good conduct.....	14
By pardon of sentence.....	31
By escapes.....	9
By deaths.....	2— 61
Remaining on hand December 31, 1872.....	43
Greatest number in Prison at any one time.....	78
Smallest number in Prison at any one time.....	35
Total number received since the establishment of the Prison.....	247

TABLE No. 2.

Ages of convicts received during the year—

From 12 to 15 years.....	1
From 15 to 20 years.....	2
From 20 to 25 years.....	15
From 25 to 30 years.....	2
From 30 to 40 years.....	5
From 40 to 50 years.....	0
From 50 to 60 years.....	1
From 60 to 70 years.....	0
Total.....	26

TABLE No. 3.

Ages of convicts now in Prison—

From 12 to 15 years.....	2
From 15 to 20 years.....	10
From 20 to 25 years.....	13
From 25 to 30 years.....	4
From 30 to 40 years.....	6
From 40 to 50 years.....	2
From 50 to 60 years.....	1
Total.....	43

TABLE No. 4.

Period of sentence of convicts received during the year—

For six months.....	6
For one year.....	5
For two years.....	5
For three years.....	3
For five years.....	5
For seven years.....	1
For twenty years.....	1
Total.....	26

TABLE No. 5.

Period of sentence of convicts now in Prison—

For six months.....	0
For one year.....	4
For two years.....	5
For three years.....	5
For four years.....	4
For five years.....	9
For six years.....	3
For ten years.....	3
For fifteen years.....	1
For twenty years.....	3
For life.....	5
Insane.....	1
Total.....	43

TABLE No. 6.

The profession of convicts now in Prison are as follows—

Carpenters.....	1
Cooks.....	2
Farmers.....	3
House-servants.....	5
Laborers.....	23
Painters.....	2
School teachers.....	1
Sailors.....	2
Shoemakers.....	1
Teamsters.....	1
Tailors.....	1
Watchmaker.....	1
Total.....	43

TABLE No. 7.

States and counties of which convicts received during the year are natives—	
Alabama.....	1
North Carolina.....	4
South Carolina.....	3
Florida.....	10
Georgia.....	3
Maryland.....	1
New York.....	1
Virginia.....	1
West Indies.....	2
Total.....	26

TABLE No. 8.

States of which convicts now in Prison are natives—	
Florida.....	12
Georgia.....	5
North Carolina.....	7
South Carolina.....	11
Maryland.....	1
Mississippi.....	1
New Jersey.....	1
New York.....	1
Pennsylvania.....	1
Virginia.....	1
West Indies.....	2
Total.....	43

TABLE No. 9.

Crimes of convicts received during the year—	
Adultery.....	1
Assault with intent to murder.....	2
Breaking into a building in the day-time with intent to commit felony.....	2
Counterfeiting.....	1
Embezzling.....	1
Larceny.....	1
Murder in third degree.....	1
Manslaughter in second degree.....	2
Obtaining money under false pretences.....	1
Publishing as true a false and forged order for money.....	1
Receiving stolen goods.....	1
Robbery.....	4
Total.....	26

TABLE No. 10.

Crimes of convicts now in Prison—	
Arson.....	1
Assault with intent to murder.....	4
Assault with intent to rob.....	1
Attempt to commit murder by poisoning.....	1
Burglary.....	1
Breaking into a building in the day-time with intent to commit felony.....	1
Burning a dwelling.....	1
Counterfeiting.....	1
Entering a building in the night-time with intent to commit larceny.....	3
House-breaking and larceny.....	1
Larceny.....	9
Murder.....	3
Murder in third degree.....	3
Manslaughter in second degree.....	1
Obtaining money under false pretenses.....	1
Perjury.....	1
Rape.....	1
Receiving stolen goods.....	1
Stealing in a building.....	7

TABLE No. 10—Continued.

Unlawfully and carnally knowing and abusing a female child under the age of ten years.....	1
Total.....	43

TABLE No. 11.

Names of crimes of convicts in Prison under sentence of imprisonment for life—	
Murder.....	3
Rape.....	1
Unlawfully and carnally knowing and abusing a female child under the age of 10 years.....	1
Total.....	5

TABLE No. 12.

Convicts received during the year were convicted in Judicial Circuits as follows—	
<i>Second Judicial Circuit.</i>	
Gadsden county.....	2
Leon county.....	5
Jefferson county.....	3—10
<i>Third Judicial Circuit.</i>	
Columbia county.....	1
Suwannee county.....	1—2
<i>Fourth Judicial Circuit.</i>	
Duval county.....	6—6
<i>Sixth Judicial Circuit.</i>	
Hillsborough county.....	1
Monroe county.....	5—6
<i>Seventh Judicial Circuit.</i>	
Orange county.....	2—2
Total.....	26

TABLE No. 13.

Convicts now in Prison were convicted in Judicial Circuits as follows—	
<i>Second Judicial Circuit.</i>	
Gadsden county.....	3
Jefferson county.....	3
Leon county.....	4—10
<i>Third Judicial Circuit.</i>	
Columbia county.....	2
Hamilton county.....	1
Madison county.....	2—6
<i>Fourth Judicial Circuit.</i>	
Duval county.....	10
Nassau county.....	1
St. Johns county.....	1—12
<i>Fifth Judicial Circuit.</i>	
Alachua county.....	2
Marion county.....	4
Suwannee county.....	1—7
<i>Sixth Judicial Circuit.</i>	
Hernando county.....	1
Hillsborough county.....	1
Monroe county.....	4—6
<i>Seventh Judicial Circuit.</i>	
Orange county.....	2—2
Total.....	43

TABLE No. 14.

The following named convicts were pardoned during the year—

Names.	Color.	Age.	Crime.	Sentence.	Time Served.		
					Yrs.	Mos.	Days.
Edwin Mobley.	White.	17	Manslaughter in second degree	4 yrs.	2	10	
R. Thomas.	Black.	38	Larceny	6 mos.	1	21	
R. Lewis.	"	28	"	6 mos.	1	21	
J. Lipseombe.	"	32	"	6 mos.	1	21	
R. Haines.	"	47	"	6 mos.	1	21	
H. Lewis.	"	69	"	6 mos.	1	21	
A. Walker.	"	38	"	6 mos.	1	21	
B. Samuel.	"	40	"	6 mos.	1	21	
N. Wardlaw.	"	50	"	6 mos.	1	21	
K. Stockton.	"	41	Fraudulently marking an un- marked animal.	3 yrs.	10	9	
A. Stockton.	"	20		3 yrs.	10	9	
R. Moore.	"	24	Larceny	4 yrs.	2	9	10
R. Sadler.	"	25	Stealing in a building	2 yrs.	10	15	
R. Fatio.	"	24	Assault with intent to kill	5 yrs.	2	8	
L. Johnson.	"	27	Murder	10 yrs.	8	10	
H. Miller.	"	22	Lite.	2	8	16	
C. Robinson.	"	22	Stealing in a building	4 yrs.	1	19	
P. McKnight.	"	18	Larceny	3 yrs.	1	2	16
Chas. Young.	"	19	Stealing in a building	5 yrs.	2	2	8
J. McDuffy.	"	60	Larceny	4 yrs.	2	10	5
N. Givins.	"	21	"	1 year.	8	21	
John Lewis.	"	21	"	5 yrs.	2	2	8
Jane Pinkston.	White.	31	Adultery	1 year.	3	29	
A. Wilkinson.	Black.	21	Stealing in a building	4 yrs.	1	19	
Chas. Schreck.	White.	33	Larceny	4 yrs.	2	18	
Wm. Jackson.	Black.	22	Stealing in a building	5 yrs.	2	2	18
John Simpson.	"	29	Grand Larceny	1 year.	5	16	
E. Mott.	White.	21	Adultery	2 yrs.	4	4	
E. Hertel.	"	20	"	6 mos.	7		
H. H. Baggot.	"	20	Assault with intent to commit murder	2 yrs.	11		
J. T. Key.	"	20	Larceny	3 yrs.	1	4	

TABLE No. 15.

Showing the number of convicts received, discharged by expiration and commutation of sentence, deceased, pardoned, escaped, and re-committed up to and including December 31, 1872—

YEARS.							
	Received.	Discharged by commutation.	Discharged by expiration.	Escapes.	Deaths.	Pardons.	Re-committ'g's.
1869.	117	8	2	8	2	2	-
1870.	46	31	2	15	5	10	1
1871.	58	19	2	11	10	3	1
1872.	26	14	2	9	2	31	1
Totals	247	72	24	43	19	46	3

TABLE No. 16.

Showing the races and sex of convicts now in prison—

Whites (male)	7
Whites (female)	0
Colored (male)	35
Colored (female)	1
Total	43

STATE PRISON,
CHATTAHOOCHEE, December 31, 1872. }

Major-General John Varnum, Adjutant-General and Inspector of State Prison:

GENERAL: As the law requires, I herewith hand you my report as Surgeon of prisoners treated during the past year. In my last report attention was called to the inefficiency of the hospital department, in fact there being none and *no substitute*, and now that another twelve months have passed away and no action has been taken by the proper authorities to *remedy this absolute want*, I will again more strongly recommend that suitable quarters and appliances be furnished for this purpose.

Without them, unnecessary suffering must be the consequence, and State pride will always make one of her servants absent himself when tourists present themselves with a view of inspection. It is useless for me to discuss this subject further, as it was fully explained in my report of 1871.

The average number of men confined in Prison during the year was forty-three, and including guard fifty-three per day. The Surgeon's "morning report" shows a loss of only one man (or hand) in two and a half days, or fifty per cent. less than the surrounding country.

This immunity I do not attribute to the fatherly care of the Legislature but to the wisdom, prudence, and judgment of the Warden in enforcing such hygienic measures as were at his command; and here let me express my obligations to him for his hearty co-operation at all times in assisting me in the discharge of my duty.

The prevailing diseases have been of diarrhœa, remittent and intermittent fevers, and of such diseases as are contracted by bad habits and inherited.

I have to report three deaths during the year—two prisoners, one died of dropsy the other chronic diarrhœa, both contracted before their incarceration, the other, one of the guard, who died of typhoid pneumonia.

Finally, I would particularly call attention to the absence of any separate quarters for epidemic cases, which are liable to be thrown in the Prison any day. To this I must call your special attention. I have the honor to be very respectfully, &c.,

W. Q. SCULL,
Surgeon State Prison, Fla.