WALTER GWYNN, *in account with the Internal Improvement Fund, State of Florida, for the year ending December* 31, 1877.

DR.

To amount received from Sales of Lands	$44,358.56
To amount received on account of Trespass on Public Lands	1,543.69
	$45,902 25

CR.

By amounts paid to A. Doggett, Receiver	$21,460 97
By amounts paid Williams, Swann & Corley, selecting Agents Swamp and Overflowed Lands	17,763.10
By amount paid for Printing, Stationery, Binding and Advertising	173 10
By amount paid for Postage, Telegrams, Express and Exchange	140.63
By amount refunded for Canceled Land Entries	462.98
By amount Salaries of Treasurer, Salesman and Secretary	2,199 96
By amount Salaries of Timber Agents	1,019.24
By amount on account of Trespass Collections	37.58
By amount paid for Copp's Land Laws	10.10
By amount paid for Florida Immigrant, by order of Board	294.95
By amount paid G. A. Johnson, by order of Board	90.00
By amount paid G. R. Frisbee, by order of Board	5 00
By amount paid expenses of H. A. Corley to Washington	107.20
By amount paid expenses of Gov. Drew to New York	180.00
By amount paid expenses of H. A. Corley to New York	180 03
By amount Commissions paid to M. A. Williams on Sales of Land	492 53
By amount Attorney Fees and Court Records	867.00
By amount paid John Varnum, Fees to Receiver and Register U. S. Land Office, for noting final location of lists 1 and 2 selections of land, under Act 1841, by order of Board, 1st August, 1877	418.00
Total	$45,902.35

WALTER GWYNN, *in account with the Internal Improvement Fund, State of Florida, for the year ending December* 31, 1878.

DR.

To amount received from Sale of Lands	$44,336.65
To amount received on account of Trespass on Public Lands	648.61
To amount refunded from School and Seminary Funds, being one-fifth of the amount of Sales of Timber Agents from April, 1877, to 31st August, 1878	357.50
	$45,342.76

CR.

By amount paid on account of Master's Certificates	$25,439 30
By amount paid to A. Doggett, Receiver	10,923.91
By amount paid Salary to Treasurer, Salesman and Secretary	2,200.00
By amount paid Salary to Timber Agent	1,437.50
To amount paid Stationery, Advertising and Printing	212.75
To amount paid Attorneys' Fees and Court Records	2,020 60
To amount refunded for Canceled Land Entries	319.89
To amount expenses of Trespass	694 80
To amount paid Williams, Swann & Corley, selecting Agents Swamp and Overflowed Lands	140.29
To amount paid A. Doggett, for Statement of Coupons filed with him	5.09
To amount paid H. A. Corley, for sundries	128.79
To amount paid H. S. Duval, for Survey and Maps for Land Office	823.02
To amount paid Miss S. M. Archer, for repairing Maps in Land Office	93.87
To amount paid Surveyor-General's Office for Plats, &c.	11.00
To amount paid Commissions to M. A. Williams on Sales of Land	682.63
To amount paid Postage, Telegrams and Express	126.86
To amount paid Florida Immigrant	82.56
Total	$45,342.76

REPORT OF THE ATTORNEY-GENERAL.

ATTORNEY-GENERAL'S OFFICE,
Tallahassee, Fla., January 4, 1878.

His Excellency Geo. F. Drew, Governor:

I am required by law to make a written report to you as to the effect and operation of the acts of the last session of the Legislature, the decisions of the courts thereon, and referring to the previous legislation on the subject, with such suggestions as, in my opinion, the public interest may demand.

I have the honor to submit the following:

JURORS AND WITNESSES.

Soon after the adjournment of the last session of the Legislature, I was called upon by the Comptroller for an opinion as to whether the legislation of that session had repealed the law allowing jurors and witnesses mileage, and upon examination of the subject found that there was no escape from the conclusion that it had, and consequently advised the Comptroller that he could not pay them mileage. It is not believed that the Legislature desired to do this; but such is the effect of section 6 of chapter 2089, approved March 2, 1877, judged by the decisions of the Supreme Courts of different States in like cases. I respectfully suggest that you recommend such legislation as will provide for the payment of reasonable mileage.

Section 6 of chapter 3010, approved February 17, 1877, provides, among other things, that six men shall constitute a jury to try all offences not capital, and all civil causes within the jurisdiction of the Circuit Courts. The constitutionality of this provision was raised and decided in the case of Gibson vs. the State, (a criminal cause,) at the June Term, A. D. 1877, of the Supreme Court; that court holding it to be constitutional in view of section 11 of article VI. of the Constitution, which, as amended in 1875, provides that "the number of jurors for the trial of causes in any court may be fixed by law." I have heard no serious complaint of this, to us, new feature in juries. Some lament the absence of the time-honored "twelve," but I believe the administration of justice is secured under the new system as fully as it was under the old, and certainly at much less expense.

One of the State Attorneys, after stating in his report that the provision of chapter 2094, (approved March 2, 1877,) which

requires Justices of the Peace to take bond or recognizance of all witnesses in criminal cases examined before them, whose evidence is deemed material in behalf of the State, to appear on the second day of the term of the court to which the criminal is bound or committed, has both expedited the business of the grand juries very much and saved costs, remarks that the neglect of some justices to carry out this provision has demonstrated very forcibly the wisdom of the law. I respectfully suggest that it would be well for the Legislature to impose a penalty upon justices for any unreasonable neglect of this important duty, and would further suggest that this law should be so amended as to provide that witnesses shall be recognized to appear on the first day of the term, instead of the second day. From the best information obtained, I am confident this would be a wise amendment, and that the business of the Circuit Courts would be thereby expedited.

ATTENDANCE OF WITNESSES IN CRIMINAL CASES.

From reports made to me, it can hardly be doubted that the cause of justice has suffered from witnesses in criminal cases intentionally absenting themselves for the express purpose of keeping from testifying. There should be a statute making this a felony, and punishing it severely. It is due both to the State and the accused.

REGISTRATION OF ELECTORS.

The act of 1877, (chapter 3021,) in so far as it provides for the restoration to the registration lists of voters stricken therefrom by the County Commissioners, has been differently construed by lawyers of acknowledged ability and experience. Some hold that the clerk and the registration officers appointed by him can register such persons who reside in their respective districts, under the power to register given them by the act; that if a person, who has been so stricken from the lists, shows satisfactorily (under oath if deemed necessary) that he resides in the election district in which he seeks to be registered, is twenty-one years of age, or will be twenty-one years of age on or before the day of election; that he is a citizen of the United States, or has declared his intention to become such in conformity to the acts of Congress on the subject of naturalization, and has resided in the State one year and in the county six months, or will have done so on or before the day of election, these officers must register and cannot refuse to do so. Others hold that the Board of County Commissioners alone can restore such persons to the lists; that this is a special power which is not included in that given to the clerk and the registration officers appointed by him. The law should be made so specific

upon this subject as to leave no room for doubt or construction.

I would suggest that the meeting of the Boards of County Commissioners, provided by section 2 of chapter 3021, to be held on the first Monday in October of such year in which there is a general election, for the purpose of revising the lists, should be held at least as early as the first Monday in September, and that the Board should be required to complete its labors during that week; and to publish in the following week in a newspaper, if there is one published in the county, the names of the persons so stricken from the lists by them, and the number of the district in which he resided, as shown by the list, and the cause for which each was so stricken off. When there is no newspaper published in the county, this notice should be posted at the court-house door, and in several other public places in the county. The Clerk of the Circuit Court should be required to furnish the registration officers appointed by him with the names of such of these persons as reside in their respective districts, and these officers should not have power to re-register such persons. The Clerk of the Circuit Court and the County Commissioners alone should have such power. This power the clerk should exercise at any time, and the Board at any regular or special meeting. The Board should also meet for this purpose on the second Tuesday in October, and hold open from day to day from ten o'clock A. M. until five o'clock P. M., for a specific number of days. They should also have the power to restore any one whom the clerks may have refused to restore when they find that the facts justify restoration. My reason for conferring the power of restoration on the Boards of County Commissioners and the clerks is, that they will have much better facilities and more time for inquiring into the different facts and circumstances which disfranchise a person, than the deputies appointed by the clerks.

Section 2 of chapter 1,868, approved February 27, 1872, which prescribes the powers and duties of the Board of State Canvassers, should either be entirely superseded or such additional legislation be had as will supply the board with the additional machinery necessary to a satisfactory exercise and performance of such powers and duties. This section received a partial construction from the Supreme Court in the case of The State *ex rel.* Geo. F. Drew vs. Board of State Canvassers, (16 Fla., 17.) The clear effect of that decision is that the board can go outside of a county return to ascertain whether it represents the true vote cast in the county from which it comes, or whether it is a fraudulent return; and the court says that where a return is so irregular, false or fraudulent that the board is unable to determine the actual vote cast as distinct

from the legal vote," the return should be rejected. Though there is no room for doubt as to the meaning of the statute as construed by the court, in so far as the power and duty of the board to ascertain the false and fraudulent character of a return, yet the Legislature has failed to provide the machinery for summoning witnesses and compelling their attendance and subjecting them to examination against their wills. Unless provision is made for this, there can be no satisfactory performance of the duties imposed by the statute. I do not mean to say, however, that such satisfaction can be given even with this provision. I doubt the advisability of a board which has no power to inquire into the legality of votes, and finally settle the question as to who is elected, having the powers conferred by the statute.

In most States the only power given to such boards in so far as ascertaining any question by resorting to means outside of the return, is the implied power of determining whether or not the papers before them, purporting to be returns which they are to canvass, are in fact genuine. It is true that there are many objections to this system, as is known to any one having any correct idea of the injustice that has frequently resulted, and may result, from the absence of greater power, still I believe it would be wise to return to this system, which obtained in Florida prior to 1872. By doing this, and requiring a preservation of ballots, and giving full time for the courts to act upon precinct inspectors and county canvassers, in any case in which the one shall not have counted according to the ballots, or the other according to the precinct returns, every right can be secured which it is possible to secure before tribunals having no power to pass upon the legality of a vote, which power the Supreme Court says cannot be given to this Board under our Constitution.

In the canvass lately made by the State Board of the returns of the election of 1878, the return from Brevard county was laid aside and not included in the canvass because it represented more votes than were actually cast. Thus the actual votes of a large number of persons for representatives in Congress were not counted, and consequently so many honest voters were virtually disfranchised, in so far as the question of awarding the certificate of election was concerned. The return from Madison county was also laid aside and not included in the canvass, because it failed to show all the votes actually cast, and thus a large number of persons were similarly disfranchised.

The question as to whether the action of the Board, in not counting the return from Madison, was within the rule and principle laid down in the opinion of the court, pronounced by

Mr. Justice Westcott in the case of the State *ex rel.* Drew, above referred to, is now before the Supreme Court, which has assembled for the express purpose of passing upon this question. It was announced by members of the board, upon the rendition of the decision made by the board, that if there were any errors in it, they hoped the Supreme Court would be called upon to correct them. It is to be hoped that the opinion of the court in the case now before it will throw additional light upon the section in question, and demonstrate whether it is wise to amend or supersede the system introduced by it.

There is one question which arose in the canvass just referred to, to which I feel it would be proper to call the attention of the Legislature. Some of the county returns represented the candidates for Congress by their initials only in so far as their Christian names were concerned, while others represented the first Christian name in full: e. g., some returns represented the votes as being cast for R. H. M. Davidson and S. B. Conover, and other returns represented them as being cast for Robert H. M. Davidson and Simon B. Conover. The same peculiarity appeared in the case of votes for State Senator, as shown by returns from different counties composing a Senatorial district; and in one case it appeared in a county constituting of itself a Senatorial district. Again, in this return, the Christian name was incorrectly spelled. It was contended before the Board with great seriousness that votes represented by returns as being cast for R. H. M. Davidson should not be counted as being cast for Robert H. M. Davidson, and *vice versa*, and that it should not be assumed that these votes were meant for one and the same person. It was also contended that while the board could take notice of the fact that R. H. M. Davidson and Robert H. M. Davidson, and S. B. Conover and Simon B. Conover, and H. Bisbee, Jr., and Horatio Bisbee, Jr., respectively meant one and the same person, in the case of a State Senator it could not exercise the same power. The board, as is well known, counted the votes in such cases as meant for one and the same person. Believing as I do that the action of the Board was entirely proper in this matter, and can be sustained, I still feel, in view of the decision of the Supreme Court of Maine in a similar case, that it is worthy of the attention of the Legislature that the will of the people should be secured by proper legislation against the defeat and wrong which a contrary view from that adopted by the board would entail. A statute providing that no ballot should be counted unless it contained the first Christian name in full, and requiring the inspectors to accompany their returns with a specimen ballot of each different name voted for any officer, would secure the end. Candidates and their friends would always cheerfully provide

correct ballots. It would soon be universally known that it was necessary; and inspectors should be required to return votes according to the ballots, and failure to do should be made a felony. No notice should be taken of bad spelling where there is sufficient similarity of sound to indicate an intention to vote for a candidate.

The above-named chapter 3,021 provides in its 6th section that "no ballot or other material than plain white paper, blank on the side opposite that on which the name or names are printed or written, shall be received by the inspectors at any polling place." This should be amended so as to provide that no ballot upon which there is any number, name, word or mark other than the name of the persons voted for, and the offices for which they are voted, should be either received or counted by the inspectors. No voter should be required to show his ballot. It is a constitutional right for each elector to vote for whom he pleases. This right should be exercised free and independent of the knowledge of the inspectors, and also of any individual who may seek to control this right by any mark or sign on the ballot. The above provision will secure to each elector the full exercise of this right, and at the same time it will defeat the purpose of any man, or set of men, to control the will of any elector. Under it, it is true, the ballot so cast under the duress indicated by the suggestive and distinguishing mark or number may be received by the inspectors, but it will be received with the declaration of the law that no such ballot shall be counted. It should, of course, be provided that all marked ballots should be preserved by the inspectors, and a note made by them of the marks invalidating it. This provision, with that providing that the ballot shall be of plain white paper, blank on the side opposite that on which the name or names are printed or written, will secure the freest exercise of the electoral franchise.

It should also be provided that the taking from an elector against his will, on the day of election, of a ballot, should be a felony, and punished by imprisonment in the penitentiary or other adequate punishment. The electoral franchise is a farce unless it can be exercised by each elector independent of the views or desires of his fellow-citizens.

ENACTMENT OF LAWS.

Section 14 of Art. IV. of our Constitution provides, among other things, that "no law shall be amended or revised by reference to its title only, but in such case the act as revised or section as amended shall be re-enacted and published at length." This provision is mandatory; and an act which is expressly amendatory or revisory, and does not comply with it substantially, would be held by our courts as nugatory. At the session of 1877 the Legislature passed an act, entitled "An act in relation to the Florida Agricultural College," being chapter 3,045. It purports to be an express amendment of the 2d section of "An act supplementary to chapter 1,765 of the Session Laws of A.D. 1877, being an act to establish the Florida Agricultural College" This act is chapter 1,905. The 2d section of said act of 1877 purports to be an express amendment of said supplementary act, and refers to it as chapter 1,905. The 3d and 4th sections of the act of 1877 do not purport to expressly amend any particular sections of chapter 1,905, but with the two former sections were intended as an expressly amendatory act. It became necessary to file an information in the nature of a *quo warranto* against the corporators of such college, under the acts passed prior to that of 1877. They took the position that although the 2d and 3d sections of the act of 1872, chapter 1,905, had been re-enacted and republished at length, the act of 1877 was nugatory because it undertook to amend chapter 1,905 by reference to its title only. The court decided that the point was not well taken as a matter of fact, because it also referred to it by its chapter; and the sections as amended are also re-enacted and published at length. What the decision would have been if the act of 1872 had not been referred to by its chapter I cannot positively say, but do know that others of great learning and experience thought it would have been different; so I feel it my duty to respectfully suggest through you to the Legislature that it would be wise that all acts expressly amendatory or revisory of other acts should refer to the acts amended or revised, not only by their titles, but also by their chapter or date of approval. This course will insure the validity of legislation in so far as this feature of the section of the Constitution is concerned.

BAIL.

There is a necessity for a statute regulating the admission to bail of persons who may be arrested after the adjournment of a Circuit Court at which an information has been filed by a State Attorney, or an indictment found against him. Complaint is made that in many cases the bail sureties taken by the sheriff are entirely irresponsible, or the amount of the bail inadequate. In our Circuit the Judge requires the bond to be sent to him for approval. There has been no uniform practice upon this subject. The Circuit Judges and State Attorneys respectively should be authorized to fix the amount of the bail and approve the sureties. They might always specify the amount of bail after the filing of the information or finding of the indictment and before leaving the county, and the sureties

might be approved by either of them, or by the clerk and sheriff, or either of them together with a justice of the peace, when the arrest is made. Sureties should in all cases be required to make affidavit as to their being worth property to the amount for which they obligate themselves, over and above the exemptions allowed by the Constitution.

Chapter 1,417, approved December 3rd, 1863, provides that whenever a person charged with crime has failed to appear in conformity with the condition of his bond or recognizance the Clerk of the Circuit Court shall issue a *scire facias* against the principal and sureties, *returnable to the next term of the Circuit Court.* When this act was passed, original writs in all common law cases were returnable to a term of the court, and all common law proceedings were very slow. Since then a great improvement has been made by making them returnable to Rule days. I am unable to see why writs of *scire facias* issued in cases of such forfeitures should not be made returnable to Rule days, and similar rules adopted as to making up the issues as now obtain in civil cases at common law, with power in the clerks to enter up final judgment and issue execution when no defence is interposed. If there is any defence, it can be plead and the issues made up as in other cases, and the case be ready for trial at the next term. If there is no defence, there is no reason why the State should be delayed in obtaining its judgment or realizing the money due it.

There is another feature of this act which is subject to and receives a just criticism. It is the provision "that in case any of the signers of the bond or recognizance should be beyond the jurisdiction of the court for service, then he or they shall be made parties by publication in some newspaper published within the State for three months." Of course the person charged with crime is always the sole absentee or one of the absentees. If the person so charged, ever had anything he has almost invariably carried it away with him, and the delay and expense of the publication are both useless, as any judgment against him would consequently be of no benefit to the State or his sureties. A judgment obtained against him on such publication merely could not be sued on in another State. There should be such an amendment of this feature of the statute as to permit judgment to be taken in all cases against such as are personally served, such judgment not to have the effect of releasing or preventing judgment from being taken against the others when served.

Provision should be made for reaching by attachment proceedings any property of the absent parties lying within the jurisdiction of the court.

PROOF OF MARRIAGE.

I find that there is dissatisfaction as to the condition of the law as to proof of marriage. Although I am inclined to think that there is no necessity for any further legislation in so far as the question of proof of a marriage which has taken place in this State, yet as it would be well that a certified copy of the official record of a marriage which has taken place in another State should be made evidence in this State in both civil and criminal cases, a statute covering the whole subject, I am informed and believe, would be of great service in criminal prosecutions for bigamy and other offences involving the question. I do not mean to be understood as advising anything that would do away with the necessity of identifying the parties by proof *dehors* the record.

HABEAS CORPUS.

Under the present Constitution, each justice of the Supreme Court has power to issue writs of *habeas corpus*, and to make such writs returnable before himself or the Supreme Court, or any Justice thereof, or any Circuit Judge. There has been no legislation regulating the practice in cases where such writs are issued by these Justices or the Supreme Court. Proper legislation should be had upon this subject.

MANDAMUS AND QUO WARRANTO.

There is no statute regulating the practice in these cases. I would respectfully suggest that it be provided that the Clerk of the Supreme Court be authorized to issue in vacation the alternative writ in case of mandamus and the original writ in cases of *quo warranto* or informations in the nature thereof, upon an order made by any judge of the court, such order to prescribe the time the writ shall be returnable, and the time for pleading made. This will expedite all such cases, and give time for the preparation of the same.

ASSAULTS.

It has been called to my attention by two of the State Attorneys that it has sometimes occurred in the Circuit Court that a person has been indicted for an offence of which an assault is an element, as for example, "assault with intent to murder," and the jury finding that the testimony would not sustain the whole charge, but only that of a bare assault, have brought in a verdict of "guilty of an assault," and the Circuit Court have, owing to the condition of the law, had to discharge the person so found guilty of an assault. This is in part owing to the fact that the justices' trial courts have exclusive jurisdiction of all bare assaults. How the evil shall be corrected

is a question for the Legislature, and is not without difficulties. Section 8 of Article VI. of the Constitution gives the Circuit Courts jurisdiction "of all criminal cases, *except such* as may be cognizable by law by inferior courts." If the jurisdiction of bare assaults is to be retained in the justices' courts, it may call for the exercise of some ingenuity to provide constitutionally for the conviction and punishment of assaults by the Circuit Courts under the circumstances indicated. If it can be done it should be, and the importance of it causes me to present the matter.

PUNISHMENT.

Assault with intent to kill is *a misdemeanor*, and is punished by a fine not exceeding one thousand dollars, or imprisonment not exceeding six months, (Th. Dig., 490,) whereas assault with intent to commit manslaughter is a felony, and is punishable by imprisonment in the State Penitentiary not exceeding ten years, *or* by fine not exceeding one thousand dollars, and imprisonment in the county jail not exceeding one year. (Section 46, chapter 3 of chapter 1,637.) I can see no reason why these two kinds of offences, if they may be spoken of as two, should not be classed as the same and punished alike. It would be well to amend the section last referred to, so as to make it include assaults with intent to kill.

Simple adultery is not punished by the statutes of Florida. The amendment of 1874 (chapter 1,986) applies to living *in an open state of adultery*. Section 3 of chapter 8 of the act relating to crimes, approved August 6, 1868, which is superseded by the act of 1873, punished simple adultery. It rests with the Legislature to say whether the offence shall be punishable.

EXPENSE OF CRIMINAL PROSECUTIONS.

A subject which is inferior to none in its importance to our people is the expense of criminal prosecutions. In the more thickly populated counties it is a source of great burden to the people. I respectfully suggest that you urge the great necessity which exists in these counties for relief. The system adopted by the last Legislature of putting out the penitentiary convicts has proved a source of great saving to the State in the last two years, over the penitentiary system of the preceding years; but the evil to be yet corrected is the expense accruing prior to sentence in cases of penitentiary convicts, and all expenses incident to prosecutions in which the result is not sentence to a term in the penitentiary. I do not doubt that the representatives from such counties will zealously press this matter upon the Legislature, but it is of too much importance for you to pass it without particular notice.

TRESPASS ON PUBLIC LANDS.

Though there is no good reason for advising a repeal of the act of 1877, making sheriffs timber agents, and regulating the seizure of timber which has been unlawfully cut on the public lands, yet I am persuaded that it would be wise for the Legislature to require the sheriffs to report to the grand jury, at each term of the Circuit Court, whether there has been any trespasses in their respective counties since the preceding term of the court, and if any, what, and upon what land, and by whom, and what steps have been taken to detect and prevent such trespassing during the period covered by such report. The Governor should also be given power to appoint, in his discretion, special agents, who shall have the same powers as the sheriffs in such matters; and these agents should be paid out of the sales of lands belonging to the different funds. Several efficient agents of this kind would be instruments of great protection to these lands, and consequently of great benefit to the State.

ROADS.

The present road law is a subject of great complaint. The special attention of the Legislature should be called to this important question. Its provisions for enforcing the performance of road duty are inadequate. Failure to perform road duty should be made a misdemeanor, and punished to such a degree as will secure the purpose of the law. It is the almost universal opinion of our most intelligent citizens, that thousands of dollars of trade are annually diverted from our own towns, in the counties bordering on Georgia, by the bad condition of our roads. The subject involves much to our people, and is worthy of particular care upon the part of the Legislature.

REVENUE LAW.

The experience of the last two years has developed a number of deficiencies in the present tax law.

The provisions relating to occupation taxes and licenses require revision. It is not clear that a person who has taken out one county license as a dealer in liquor in quantities less than a quart, having also one State license, cannot open just as many bar-rooms as he pleases in the county issuing the license. This should be changed. A license should be expressly required by law for each separate bar-room.

There are many other imperfections in the license tax feature of this law. It should be made more specific and certain, and thereby many successful attempts at evasion would be defeated.

Without intending to encroach upon the province of the

Comptroller's department, but acting in accord with his wishes, I would also recommend such amendments as will secure a more accurate assessment, and define more particularly the duties and powers of the county commissioners as to equalizing the value of lands, and the powers and duties of the collectors as to advertising and selling lands. It would be well to authorize the collectors to appoint deputies to levy upon personal property for taxes. By prompt action through deputies much could be collected which is now lost. In some of the counties this system is pursued by the collectors with such success as to merit express legislative sanction. I can see no reason why the certificate of the collector should not be the purchaser's title. This would be a considerable saving to the State, as the present law allows the clerk one dollar for each deed.

RENT.

A single statute upon the subject of landlord and tenant, and prescribing the rights of landlords, and regulating the manner of enforcing the same against tenants, would be a great improvement upon the present condition of the law on this subject.

DIGEST OF THE LAWS.

There is now in the consultation room of the Supreme Court a manuscript compilation of the Statute Laws of England in force in Florida, prepared by the late Hon. Leslie A. Thompson. It has been prepared with great care, and is liberally annotated. In it is included a considerable part of the law now in force in Florida. There is now in preparation, under the direction of the Hon. J. F. McClellan, a digest of the laws passed by the Legislature of Florida, now in force. I would respectfully suggest that it would be well that this compilation, or at least such of the statutes contained in it as are in force, should be published. The publication of it would be a valuable addition to the work entrusted to Col. McClellan. Certainly all the statutory laws to which we are subject should be included in this digest. In it are to be found the statutes relating to consanguinity and affinity, and others of great importance. It is reported by one of the State attorneys that in a late criminal case, involving a charge of incest, the prisoner was discharged because the judge doubted the existence of any law of consanguinity in Florida. There can be no time more favorable for such publication. They should be published under the same cover with the statutes, coming within the range of the work assigned to Col. McClellan, whose digest, I may here remark, is not far from completion.

CONCLUSION.

There are other matters requiring attention, which it may be as well to call to the attention of the Legislature through its members.

I have the honor to be, very respectfully,

GEO. P. RANEY,
Attorney General.