

and the Palatka and Indian River Railway Company, filed Dec. 31st, 1888.

DISTRIBUTIONS.

Pamphlet copies of the Acts, Resolutions and Journals of the last session of the Legislature have been distributed to the State and county officials, and also to the States and Territories, agreeably to the statutes in such cases made and provided.

SALES.

Thirty-eight pamphlet copies, Laws of Florida, 1885, have been sold at \$1 per copy.....	\$38
Three hundred and sixteen pamphlet copies, Laws of Florida, 1887, have been sold at \$1 per copy.....	316
Forty unbound volumes of McClellan's Digest have been sold at \$2 per volume.....	80
Sixty-nine bound volumes of McClellan's Digest have been sold at \$3 per copy.....	207
	<hr/>
	\$641
Paid into the State Treasury.....	\$641

Very respectfully,
JOHN L. CRAWFORD.

REPORT
OF THE
ATTORNEY - GENERAL.

REPORT OF THE ATTORNEY-GENERAL.

ATTORNEY-GENERAL'S OFFICE,
TALLAHASSEE, FLA., January 7, 1889. }

To His Excellency, E. A. Perry, Governor of Florida:

SIR—I have the honor to submit the following biennial report of the business of this office, and of the effect and operation of legislation, with such suggestions as in my opinion may be to the public interest, as required by law.

I have, since my last biennial report, continued the performance of the routine duties of my office, representing the State in all cases in the Supreme Court of the State, reporting the decisions of that Court, and advising, in matters of law, the Governor and the officers of the Executive Departments. The questions which have arisen under the new Constitution and recent statutes have been very numerous, and sometimes not a little perplexing; but the new system is now working with reasonable smoothness.

I have also cheerfully devoted as much time as could be spared from the performance of my legitimate duties in advising county officers, citizens of the State and others upon matters involving construction or interpretation of the laws, and have regretted that it has not always been possible for me to answer all such questions, owing to their great number.

RAILROAD COMMISSION CASES.

Upon the request of the Railroad Commissioners, and under the direction of the statute, I have instituted actions in the Circuit Courts of various counties against the Pensacola and Atlantic Railroad Company for violation of the rates of charges prescribed by said Commissioners. I have prepared a list of those cases, with a statement of the status of each for the Commissioners and for my successor. In six of these cases I have obtained judgments against the said railroad company, aggregating \$14,000.

The prosecution of actions against said company was inter-

rupted by an injunction granted by Judge McClellan, of the First Circuit, in a suit brought by said railroad company against said Commissioners. I procured a dissolution of this injunction before Judge White, when sitting in said First Circuit. Upon an amended bill of complaint, another injunction was granted by Judge McClellan against said Commissioners, whereupon I took an appeal for them to the Supreme Court of the State, which court reversed the decision of the court below, dissolved the injunction and dismissed the bill of complaint of said railroad company.

It having been recently represented to me that the Florida Southern Railway Company was violating Commission rates by making overcharges for transporting oranges, I applied to the Supreme Court of the State for a mandamus to compel said last named company to observe the Commission rates in the premises, and an alternative writ issued accordingly. The railroad company moved to quash this writ and demurred thereto, but the motion and demurrer were overruled by the Court, whereupon the company made return that it would observe said Commission rates, and that it had issued orders to its employees so to do.

As there are a number of cases now pending in the Supreme Court as aforesaid, based on the Railroad Commission act, I do not deem it advisable to make any recommendations concerning said act, as the Legislature will have the benefit of the light which may be cast upon the act by such decisions and opinions as the court may render in those cases, and any expressions of opinion on my part in advance thereof would be premature.

INTERNAL IMPROVEMENT FUND.

At the request of your Excellency and the Trustees of the Internal Improvement Fund, I have defended for the Trustees a suit brought by the Jacksonville, Tampa and Key West Railway Company against said Trustees, and against the Florida Southern Railway Company, the Pensacola and Atlantic Railroad Company, and the Florida Coast Line Canal and Transportation Company, which suit involves in effect the entire assets and administration of the fund. The suit was dismissed in the Circuit Court of the Fifth Circuit, but the J. T. & K. W. Ry. Co. has appealed to the Supreme Court; which appeal is now pending. I have also filed a bill for said Trustees in the Circuit Court for Duval county, against the Florida Central and Peninsular Railroad Company, and against H. R. Duval, as Receiver of the Florida Railway and Navigation Company's railroad, for sinking fund on the outstanding bonds of the Florida Atlantic and Gulf Central Railroad Company,

and on the outstanding bonds of the Florida Railroad Company, and to have delivered to the said Trustees, or cancelled under the direction of the court, a large number of bonds of the Florida Railroad Company, believed to have been taken up or satisfied by the railroad, but which have not been delivered to said Trustees, or the satisfaction thereof noted in their records.

I also represented the said Trustees in a suit brought against them by the Florida Land and Mortgage Company, in the Circuit Court of the United States for the Northern District of Florida, and have procured an order for the dismissal of said suit.

OTHER LITIGATION.

Since my last report an old suit, pending in New York city, by one Jewett against the State, for alleged services or commissions for an alleged negotiation of Florida bonds during the administration of Governor Harrison Reed, was being pressed against the State, and an attachment of moneys belonging to the State in New York was threatened. I procured the services of Mr. Charles A. Davison, of New York city, on behalf of the State, and he succeeded in having said suit dismissed in the original court and on appeal. There is a balance due Mr. Davison of \$250 for those services, for which I ask an appropriation by the Legislature.

LEGISLATION.

I have not received any reports or suggestions concerning defects or amendments of legislation from any of the Circuit Judges, under section 13, article V, of the Constitution. Legislation is needed to put in operation, or to remove doubts as to the jurisdiction of the court of the "County Judge," under the new Constitution; also, to provide a seal for said court. There should also be further legislation defining the jurisdiction of Justices of the Peace under the present Constitution and the new district system.

Legislation seems also to be required to provide for the condemnation of lands by cities and towns for streets or other public uses.

Legislation is needed to authorize sentences in the alternative of a certain fine or a certain imprisonment of persons convicted of minor offenses. At present there is no way of releasing a person committed for a fine which he is unable to pay, except by the action of the Pardoning Board, which often results in undue hardship to the prisoners, unnecessary expense

