

nishing or providing to minors of cigarettes, cigarette tobacco, snuff or cigars, or any substitute therefor; and to provide penalties for violation of the same.

On motion, the Senate adjourned until 10 A. M. Wednesday, April 8, 1891.

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WEDNESDAY, April 8, 1891.

The Senate met pursuant to adjournment.

The President in the chair.

The roll was called, and the following Senators answered to their names:

Mr. President, Messrs. Baya, Borden, Bristol, Brett, Broome, Bryant, Calhoun, Coulter, Crosby, Hammond, Hardee, Johnson, King, Kirk, McKinne, Myers, Pirrong, Rogers, Rosborough, Smith of 30th, Smith of 31st, Summers, Swearingen, Thomas, Wadsworth, Wall, Wilkinson, Wolfe, Yancey—30.

A quorum present.

Prayer by the Chaplain.

Senator Wadsworth, of the 10th District, advanced to the stand and was sworn in by Senator J. B. Wall.

The Secretary proceeded to read the Journal of the preceding day.

Mr. Rogers moved that further reading of the Journal be dispensed with;

Which motion was agreed to, and it was so ordered.

Mr. McKinne moved that ex-Senator Chaires be invited to a seat within the bar of the Senate;

Which motion was agreed to, and the invitation was extended.

Journal was approved as corrected.

A committee from the House appeared at the bar of the Senate and notified the Senate that the House of Representatives was organized and ready for business.

The President announced the appointment of the following standing committees, to-wit:

#### STANDING COMMITTEES OF THE SENATE.

##### *On Judiciary.*

Senator YANCEY,

SENATORS WALL,  
WOLFE,

CALHOUN,  
SUMMERS.

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##### *On Finance and Taxation.*

Senator BAYA,  
SENATORS PIRRONG,  
ROGERS, ROSBOROUGH,  
BRYANT.

##### *On Agriculture.*

Senator ROGERS,  
SENATORS CROSBY,  
WILKINSON, HARDEE,  
THOMAS.

##### *On State Affairs.*

Senator ROSBOROUGH,  
SENATORS COULTER,  
McKINNE, KIRK,  
YANCEY.

##### *On Immigration.*

Senator HAMMOND,  
SENATORS MYERS,  
SWEARINGEN, SMITH, 31st,  
HARDEE.

##### *On Commerce and Navigation.*

Senator McKINNE,  
SENATORS HAMMOND,  
BROOME, WOLFE,  
CALHOUN.

##### *On Public Lands.*

Senator PIRRONG,  
SENATORS ROGERS,  
WADSWORTH, JOHNSON,  
COULTER.

##### *On Engrossed Bills.*

Senator KIRK,  
SENATORS CROSBY,  
BORDEN, ROSBOROUGH,  
JOHNSON.

##### *On Enrolled Bills.*

Senator MYERS,  
SENATORS BAYA,  
KIRK, WILKINSON,  
BROOME.

##### *On Appropriations.*

Senator WALL,  
SENATORS THOMAS,  
SMITH, 30th, BRYANT,  
McKINNE.



3132 of the laws of Florida, entitled "An act to amend Section 1 of Chapter 3010 of the laws of Florida entitled an act to amend Section 2, Chapter 1628, laws of Florida, relating to jurors; and to repeal Chapter 2049, laws of Florida," approved February 20, 1879;

Which was referred to the Committee on Judiciary.

Also,

Senate Bill No. 4:

To be entitled an act to prohibit the sale or giving, or furnishing or providing to minors of cigarettes, cigarette tobacco, snuff or cigars, or any substitute therefor; and to provide penalties for violation of the same;

Which was referred to Committee on Temperance.

By Mr. Myers:

Senate Bill No. 5:

An act entitled an act to empower the Governor, Treasurer and Comptroller to borrow money for State purposes;

Which was read first time by its title and was referred to Committee on Finance and Taxation.

Also,

Senate Bill No. 6:

To be entitled an act to incorporate the Florida, Georgia and Western Railway Company and to grant certain lands to aid in the construction of said railway;

Which was read first time by its title and was referred to Committee on Railroads and Telegraphs.

By Mr. Hammond:

Senate Bill No. 7:

To be entitled an act to amend Chapter 3681 of the laws of Florida, approved June 13, 1887, entitled "An Act for the Assessment and Collection of Revenue;"

Which was read first time in full.

Mr. Hammond moved that 100 copies of the bill be printed for use of the Senate.

Mr. Smith moved to amend by making it 200 copies;

Which amendment was accepted.

The motion as amended was agreed to, and it was so ordered.

By Mr. Summers:

Senate Bill No. 8:

To be entitled an act to facilitate the listing of property for taxation;

Which was read first time by its title, and was referred to Committee on Finance and Taxation.

Also,

Senate Bill No. 9:

To be entitled an act to prohibit the sale and disposing of cigarettes to persons under eighteen years of age and to prohibit persons under eighteen years of age from smoking cigarettes;

Which was read first time by its title and was referred to Committee on Temperance.

Also,

Senate Bill No. 10:

To be entitled an act for the relief of Albert P. Fries;

Which was read first time and was referred to Committee on Judiciary.

By Mr. Yancey:

Senate Bill No. 11:

To be entitled an act to supply deficiencies in the appropriations for years 1889 and 1890:

Which was read first time by its title and was referred to Committee on Appropriations.

By Mr. Wolfe:

Senate Bill No. 12:

To be entitled an act regulating appeals from municipal and recorders' courts in this State;

Which was read first time by its title and was referred to Committee on Judiciary.

Also,

Senate Bill No. 13:

To be entitled an act for the relief of persons imprisoned for non-payment of fines and costs of courts imposed by the sentence of any of the courts of this State;

Which was read for the first time by its title and referred to the Committee on Judiciary.

Also,

Senate Bill No. 14:

To be entitled an act to require the judges of the circuit courts of this State to omit certain parts of their charges to petty juries, and to give certain additional charges under circumstances therein stated;

Which was read the first time by its title and was referred to the Committee on Judiciary.

By Mr. Coulter:

Senate Bill No. 15:

To be entitled an act to promote and encourage the culture of oysters and the industry of oyster farming, and to protect persons engaged in the same;

Which was read first time by its title and was referred to the Committee on Judiciary.

Also,

Senate Bill No. 16 :

To be entitled an act to continue the rights, privileges, powers, franchises and grants of the Suwannee and Gulf Railway Company, and to extend the time for the completion of the same;

Which was read for the first time by its title and was referred to the Committee on Railroads and Telegraphs.

By Mr. Wall :

Senate Bill No. 17 :

To be entitled an act for the protection of game and game birds;

Which was read for the first time by its title, and was referred to the Committee on Judiciary.

Also,

Senate Bill No. 18 :

To be entitled an act to punish the larceny of dogs;

Which was read for the first time and was referred to the Committee on Judiciary.

By Mr. Summers :

Senate Bill No. 19 :

To be entitled an act to suppress gambling and defining the powers of municipal corporations thereunder;

Which was read the first time by its title and referred to the Committee on Judiciary.

Also,

Senate Bill No. 20 :

To be entitled an act to amend an act entitled "An act to protect the interests of farmers, planters and others," Chapter 3012, approved February 17, 1877;

Which was read the first time by its title and referred to the Committee on Agriculture.

Mr. Yancey moved that the Governor's message be now read;

Which motion was agreed to.

The Secretary proceeded to read the message which was as follows :

## GOVERNOR'S MESSAGE.

STATE OF FLORIDA,  
EXECUTIVE OFFICE, April 7, 1891. }

*Gentlemen of the Senate and House of Representatives:*

The Constitution provides that "The Governor shall communicate by message to the Legislature at each regular session information concerning the condition of the State, and recommend such measures as he may deem expedient." I shall endeavor, as briefly as may be consistent with the public interest, to comply with this duty.

### GENERAL CONDITION OF THE STATE.

It is gratifying to note the increasing prosperity of our State. Her varied industries and resources have continued to attract immigration and capital. Her population has increased from 269,493 in 1880, to 391,422 in 1890—an increase of 45.24 per cent, being a greater percentage of increase than any other Southern State or any other State east of the Mississippi. Her extensive system of railroads has been added to, within the last two years, by the completion of several important lines, and the inauguration of new routes, thereby facilitating the transportation of our produce to the markets of the country. Transportation facilities to the East Coast country, extending as far south as Lake Worth, has stimulated and rendered profitable the growing of the pineapple, cocoanut and other tropical products, and has opened up to settlement one of the most attractive portions of the State. Notwithstanding the fact that the freeze of last year, following an unusually mild winter, caused the apprehension that

serious damage had befallen the orange industry, the crop of the past season has, at least, equalled that of any previous season, and better prices have generally been realized than for several years past. The successful drainage and reclamation of large areas of submerged lands, unsurpassed in fertility and unexcelled in the growth of sugar-cane which, by reason of a semi-tropical climate, more thoroughly matures than in any other State, gives reasonable assurance that in the near future Florida will produce the great bulk of sugar consumed in this country. The successful culture of the finest grades of Cuba and Sumatra tobacco within our State, has given an impetus to this industry, which promises great expansion and most gratifying results. Besides a large yield of the short staple, Florida produces more than two-thirds of the long staple cotton raised in the world. Our lumber interests are growing and prosperous and, with the abundant supply of our vast forests, will so continue for many years. Our manufactures are increasing and becoming more varied; and there is reason to hope that a realization of our propitious climate and abundant and varied material will demonstrate the advantages of Florida as a manufacturing State which will rapidly increase such industries. There is nothing, however, which gives promise of greater wealth and prosperity to the State than the discovery, in large quantities, of rich phosphate deposits in various sections. Already fifty-one companies, with authorized capital aggregating \$20,688,000, have been organized for the mining of phosphates, many of which are in successful operation, yielding a large out-put and providing an important commodity of commerce, and one or more factories for the manufacture of phosphate fertilizers within the State, have been put in operation.

Our State continues to be the favored resort of winter tourists—whether in the pursuit of health or pleasure, not a few of whom, appreciating our attractions and resources, make investments and give us the benefit of their capital and energy. The tourist season just drawing to a close has probably exceeded any other, in the number of persons who have visited Florida.

Good health and domestic tranquility are among the many blessings vouchsafed us by a merciful Providence.

#### BONDED INDEBTEDNESS.

The investment of the School, Seminary and Agricultural College Funds in the bonds of the State has reduced the amount of such bonds held by private parties to the sum of \$359,000.00, as shown by the following statement:

Seven per cent. Bonds of 1871.....	\$350,000.00
Six per cent. Bonds of 1873.....	925,000.00
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	\$1,275,000.00
Deduct bonds of 1871 and 1873 in Sinking Fund.....	242,500.00
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	\$1,032,500.00
Bonds in School, Seminary and Agricultural College Funds.....	673,500.00
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Leaves in hands of private parties.....	\$359,000.00

The bonds command a high premium and the credit of the State is first rate.

In the statement of our bonded indebtedness I have not included \$132,000.00 of State bonds remaining unpaid of an issue of 1856, to provide for the expense of troops called into the State service to repel the hostilities of the Seminole Indians, which are held by the United States in the Indian Trust Fund, for the reason that the State has valid and admitted claims against the General Government which will pay these bonds and leave a large balance due the State.

#### STATE FINANCES.

I invite your attention to the reports of the Comptroller and Treasurer for the years ending December 31, 1889 and 1890,

respectively, which are herewith submitted for full information as to the finances and financial condition of the State.

In his last report the Comptroller specifically sets forth the increased expenditures of the State since the adoption of the present Constitution by reason of the additional demands upon the State Treasury, in part by constitutional provisions, and in part by subsequent legislation.

The principal annual expenses added to the State by the present Constitution and subsequent legislation may be illustrated by the statement thereof for the year 1890, as follows:

Criminal Prosecutions.....	\$72,482.97
Pensions.....	29,882.83
Railroad Commission.....	9,184.02
State Board of Health.....	27,327.34
Normal Colleges.....	8,000.00
Additional pay to jurors by raising per diem from \$1.25 to \$2.00 (estimated).....	40,000.00
Total.....	\$186,877.16

Besides such annual increase, to fully appreciate the demands upon the State Treasury, we must take into consideration the cost of the Constitutional Convention of \$55,000.00, and extra appropriations for public school buildings, furniture, apparatus, etc., and for additional buildings for the Insane Asylum made by the last Legislature, amounting to \$59,915.00,

The State expenditures were increased in a much greater proportion than the increase in the taxable values of property, nor was provision made for such increased expenditures by an adequate increase in the rate of State taxation. Within the same period there was for two years a decided shrinkage of the license revenue by reason of the adoption, in a number of the coun-

ties, of the law prohibiting the sale of intoxicating liquors, which, in most cases, has contributed more to produce a dry treasury than a dry county. Effect follows cause, and a deficiency in the general revenue of the State was the natural and inevitable result of the causes above mentioned.

A deficiency at the inception of the present administration and the expense of the Legislature in extra and regular session was met by a temporary loan of \$100,000.00, effected in pursuance of authority of the last Legislature, which netted the State \$95,500.00. This became due May 29, 1890, and not being in funds to pay it, was taken up by a new obligation which becomes due May 1, 1891, which should be provided for; besides which the necessary deficiency appropriations, estimated by the Comptroller to be \$35,000.00, the current expenses and the expenses of the ensuing Legislature, will exceed our income so as to produce a still further deficiency, which should also be provided for.

The financial problem of the State is the most serious which will claim your attention. That prince of English novelists and wonderful portrayer of human nature, gives us in "David Copperfield" an interview between Mr. Micawber, who had experienced all the vicissitudes and inconveniences of gentlemanly poverty, and young David Copperfield, in which that gentleman impresses upon David that the financial margin between happiness and misery is a very narrow one. Says Mr. Micawber, "If a man had twenty pounds a year for his income and spent nineteen pounds nineteen shillings and sixpence, he would be happy; but if he spent twenty pounds one, he would be miserable."

The moral may well be heeded in State as well as personal affairs; and we must bring our expenses within our income if we would avoid serious embarrassment and the depreciation of the State's credit, which now stands high.

In furtherance of the subject, I recommend a wholesome, but judicious economy in appropriations—bearing in mind that certain expenses are as necessary to the interest and prosperity of the State, as the avoidance of others are conducive to the same result.

I recommend the proposal of an amendment to the Constitution providing for the payment of the costs and expenses of criminal prosecutions by the counties in which the proceedings are had. The local authorities can best adjust the costs which are incurred in their vicinage.

It seems most appropriate that fines and forfeitures which result from criminal prosecutions should be utilized for the payment of the costs thereof. I recommend, therefore, in connection with the foregoing, the proposal of a further constitutional amendment providing for the payment of all such fines and forfeitures to the several counties to be used for the purposes above indicated.

The State paid to the grand jurors for the year 1890 about \$23,000. While the Constitution of the United States, as well as that of the States, provides that no person shall be tried for a capital crime unless on presentment or indictment of a grand jury, the question presents itself whether the rights of the people would not be as well guarded by the reduction of the number of the grand jury to a maximum of nine and minimum of seven, with six to concur in an indictment, and thereby save about one-half of the expense. The province of the grand jury is to ascertain from the evidence presented in behalf of the prosecution whether it shows probable cause that a crime has been committed so as to put the accused on trial. In no sense do they try the issue; the accused not being permitted to appear before them in person or by counsel, or to present testimony in his own behalf. It is not apparent to me why nine men are not as competent to make this inquiry as eighteen, nor why, with such reduced panel, the sufficiency of six to concur in an indictment would violate any principle of justice or jeopardize any right. The magic number of twelve appears to me has only its antiquity to recommend it, and the objection of the innovation of ancient custom might as well have been urged to the reduction of the petit jury from twelve to six, which, in fourteen years, has saved the State a vast amount of money. I therefore recommend reducing grand juries to the number above suggested.

The increase in the pay of jurors from a dollar and a

quarter to two dollars per day, as shown by the Comptroller's report, has increased the annual expense of the State for jurors about \$40,000. Jury service is a duty which the citizen owes to the State for the good of society. The juror should receive a sufficient compensation to cover his actual expenses, but the pay should not be an inducement to seek such service. I, therefore, recommend the reduction in the pay of jurors to a dollar and a quarter a day, or to such other amount, as in your opinion, will be sufficient to cover their expenses.

A reduction in conformity with such recommendations and others which I shall make in connection with other subjects, and avoiding extraordinary and unnecessary appropriations, will bring our expenses within a moderate taxation. But the necessity still exists to provide for the deficiencies resulting from past expenses, and instead of placing on the people the burden of such increased taxation as would be necessary to pay the same instantly, I submit to you, with my approval, the recommendation by the Comptroller of the proposal of a Constitutional amendment, authorizing the funding in bonds of the \$100,000 loan and other indebtedness of the State by reason of the deficiency in the general revenue, and that a temporary loan be authorized in the meantime to meet such deficiencies.

#### TAXATION.

The Constitution directs that "the Legislature shall provide for a uniform and equal rate of taxation, and shall prescribe such regulations as shall secure a just valuation of all property, both real and personal, excepting such property as may be exempted," etc.

In compliance therewith the Legislature has provided for the assessment of all taxable property at its "full cash value." If such direction was complied with, it would insure "a uniform and equal rate of taxation" and "a just valuation" of property whereby the burden of taxation would be equally distributed upon property throughout the State. But a wide departure from the law is the rule in almost every part of the State, and the disposition to make low assessments so as to avoid paying more than a due proportion of the State taxes, obtains and is acted upon in probably every county. I pre-

sume it is safe to say that the average rate of valuation of the taxable property of the State is not more than one-third of its value; and while the assessments of 1890 aggregate about \$92,000,000, the actual value of the taxable property is at least \$300,000,000. Another unfortunate result of this disregard of the law is the want of uniformity of valuation, which results in very unequal taxation. The benefit to the State of a full valuation of taxable property and a corresponding low rate of taxation is manifest. I therefore, repeat to you my recommendation to the Legislature of 1889 to provide for a State Board of Equalizers, to visit each county and revise assessments, with a view of securing a just and proper valuation of property and a uniform and equal rate of taxation throughout the State.

Much injury has accrued to the State by the placing of State and United States lands on the assessment rolls in various counties, which have subsequently been sold for non-payment of taxes. This has resulted in the payment of improper fees and commissions to assessors and collectors and advertising bills for lands not subject to taxation. There are instances of the bidding off of such lands at tax sales by individuals, who, under color of pretended tax title, have despoiled them of valuable timber and committed other depredations thereon. It has also resulted in a cloud upon the title of State lands which has seriously interfered with sales. Lists of all State and United States lands in the various counties have been furnished the assessors by the Comptroller, so that there will be no excuse hereafter for such improper assessments, and the attention of the collectors has been called to such lists, and they have been instructed not to advertise or sell any such State and United States lands which may be improperly placed on the assessment rolls.

I recommend an amendment to the tax law, which will prevent the payment to assessors or collectors of fees or commissions for such lands improperly assessed or sold.

#### INDIAN WAR CLAIM.

The claim of the State of Florida against the General Government to reimburse the State for moneys expended by her

in the equipment, maintenance and pay of troops to repel the Indian outbreak of 1855-7 still remains unsettled. By an act of Congress approved March 2, 1889, the Secretary of the Treasury was directed "to examine the claim of the State of Florida reported in the letter of the Secretary of War dated May 22, 1882, and under previous acts of Congress and in connection therewith to report the amount of all claims in favor of the General Government against the State of Florida and in said report to state the account between the General Government and the State of Florida." The importance to the State of Florida of the account so directed to be stated was such that notwithstanding the efficient services of the State agent at Washington in the matter, I deemed it proper during the summer of 1889 to send the Comptroller to Washington to confer with the government officials in reference thereto, and later in the year myself visited Washington in the same interest.

The statement of the account by the Secretary was as fair and satisfactory to the State as we could have reasonably expected, and I had hoped that there would be no obstacle to an appropriation, by the last Congress for its payment, but such hopes have not been realized.

I submit herewith the report of S. I. Wailes, Esq., the State agent, which, with the papers appended thereto, will give you full information as to this claim—its present status and the efforts made to secure its recognition by Congress, and an appropriation to pay it.

#### REFUNDING OF THE UNITED STATES DIRECT TAX.

The last Congress passed an act to credit and pay to the several States and Territories and the District of Columbia all the moneys collected under the direct tax levied by the act of Congress, approved August 5th, 1861.

By the report of the Secretary of the Treasury to the 49th Congress, Ex. Doc., No. 158, it appears that of this tax, there was collected from the State of Florida the sum of \$43,529.81, which the State is entitled to receive under the provisions of the said act. It is also provided by the said act that where the sums, or any part thereof credited to any State, have been

collected by the United States from the citizens or inhabitants thereof, or any other person, either directly or by sale of property, such sums shall be held in trust by such State for the benefit of those persons or inhabitants from whom they were collected, or their legal representatives; and that all claims under such trust shall be filed with the Governor of the State within six years next after the passage of the act; and all claims not so filed shall be forever barred and the money attributable thereto shall belong to the State.

The act also contains the following provision: "But no money shall be paid to any State or Territory until the Legislature thereof shall have accepted, by resolution, the sum herein appropriated and the trusts imposed in full satisfaction of all claims against the United States on account of the levy and collection of said tax, and shall have authorized the Governor to receive said money for the use and purposes aforesaid."

I, therefore, recommend the adoption of a joint resolution to comply with the foregoing conditions so as to authorize the payment to this State of the money to which she is entitled under the said act.

#### CAPITAL OFFENSES.

The statute, after defining murder in the first, second and third degrees, and manslaughter in like degrees, (Chap. 55, McClellan's Digest) provides as follows: "Every other killing of a human being by the act, procurement or culpable negligence of another, where such killing is not justifiable or excusable, or is not declared in this chapter murder or manslaughter of some other degree, shall be deemed manslaughter in the fourth degree." Under an indictment for murder in the first degree, any lower grade of homicide may be found, and to justify a verdict of "not guilty" a jury must conclude that the killing, if proven, was either "justifiable or excusable." The frequent acquittals in murder trials, where the testimony would not appear to the ordinary mind to justify the conclusion that the homicide was justifiable or excusable, demands the attention of the law-making power, and the inquiry whether there is not some defect in the machinery of criminal

procedure which may be remedied with benefit to the commonwealth. In this connection I would call your attention to a statutory provision which allows the accused in a capital case twenty peremptory challenges, besides as many more as he may show cause for, while the peremptory challenges of the State is limited to five besides those for cause. Such a disproportion had its origin in tender regard for human life and the necessity in the early ages for throwing around the prisoner all possible safeguards to prevent oppression and improper conviction. Such dangers are very remote in this day. Popular sentiment, which prevails throughout the whole country, on the contrary, in harmony with the law, is disposed to resolve all reasonable doubts in favor of the innocence of the accused. The advantage to the prisoner of having four times as many peremptory challenges as the State is not necessary, in my opinion, in order to secure a fair and impartial trial, and it renders the impaneling of a jury in such cases difficult and expensive, and too often sifts out the most responsible men on the panel, and results in a jury of the friends of the accused disposed to acquit in spite of the evidence. I therefore recommend that the law be amended, reducing the peremptory challenges of the prisoner in the trial of indictments for capital offenses to the same number as that allowed the State.

#### STATE BOARD OF HEALTH.

The yellow fever epidemic which prevailed in our State during the years 1887 and 1888, extending to many places in East and South Florida, caused financial losses to our people which cannot be estimated, but may safely be placed at many millions, besides the loss of the lives of many valued citizens. During the latter year, in making a canvass of the State, I fully realized the confusion and want of harmony of action, as well as the inefficiency and great expense of the quarantines under the direction of the County Boards of Health with their limited jurisdiction, and the urgent necessity for a health organization with jurisdiction and authority co-extensive with the limits of the State. I presume there is scarcely an intelligent individual in the State who has given the matter any

consideration, who does not believe that an efficient State Board of Health could have restricted the yellow fever which visited our shores in 1887 to narrow limits and effectually stamped it out during the winter that followed and prevented its wide spread in 1888.

Upon assuming the responsibilities of the executive chair in January of 1889, I considered it to be my duty to convene the Legislature in extra session early in February of that year, to provide for a State Board of Health, so that the same might be organized for work before the warm season was upon us. Acting upon this conviction of duty, the Legislature was so convened and appropriate legislation enacted, which resulted in the appointment and organization of the efficient State Board of Health which has rendered such valued services to the State during the past two years, and fully demonstrated the wisdom of my action in the premises. By their efforts and the blessing of Almighty God, we have been spared an epidemic of any dreaded disease; several sporadic cases of yellow fever have been controlled and a spread of the disease prevented; confidence has been restored within our State and abroad, and in one or more instances disastrous panics have been prevented.

I submit to you herewith the reports of the State Board of Health and of the State Health Officer for the years 1889 and 1890, which will give you full information as to the work of the Board since its organization.

While in cases of emergency a quarantine is absolutely necessary, trade and travel should not be restricted except in so far as it may be necessary for the preservation of the public health. So impressed, the Board formulated and adopted a system of rules and regulations as to intercourse with West Indian, South American and other foreign ports where epidemic, contagious or infectious diseases exist, involving the restriction of travel of unacclimated persons and the fumigation and disinfection of baggage and all fomites whereby, upon compliance therewith, steamship communication with Havana was permitted and continued during the summer.

The Board has erected on Mullet Key, at the entrance to

Tampa Bay, a Disinfection and Quarantine Station, with the most approved machinery and appliances for thorough fumigation and disinfection, which will still further reduce the danger of intercourse with the tropics. A similar station has been erected on Santa Rosa Island by the County Board of Health of Escambia county.

The State Board have also recently purchased a small steamer to be used in connection with the Quarantine station on Mullet Key and as an aid in further protecting our inlets on the South Gulf coast from the menace to health by the introduction of epidemic disease through illicit traffic with the West Indies. I have several times communicated with the Secretary of the Treasury of the United States and Surgeon-General J. B. Hamilton, of the Marine Hospital Service, on this subject, urging the propriety of the General Government providing suitable steamers to afford ample protection against smuggling, which continues to be practiced on the coast, and the introduction of disease thereby. My efforts in such direction have been ably seconded by the State Health authorities and I have reason to hope that efficient means of protection will be adopted by the Government in the near future.

I commend to your favorable consideration the amendments to the law recommended by the President of the State Board of Health and the State Health Officer in their annual reports for 1890. The interests of our people demand that whatever is necessary to render the Board more efficient to protect the public health and avert the dire calamity of another epidemic shall have your sanction and appropriate action.

#### PUBLIC EDUCATION.

It is gratifying to realize the continued progress and improvement of the public schools of the State. The number of county schools is constantly increasing, having reached, at this time, 2,333, and many new school buildings have been erected within the past two years. Every year marks an improvement in the buildings, equipment and appliances of the public schools and the competency and efficiency of their teachers. The school door is open to all classes and conditions in every section, and an aggregate enrollment of 92,472 of the youth of

the State are enjoying the benefits and privileges of free education in the county schools; besides about 450 who are matriculated in our higher institutions of learning. The resultant good to the State of such intellectual and moral training of her youth, upon whom the duties and responsibilities of citizenship will soon devolve, cannot be measured.

The endowment of the Florida Agricultural College, located at Lake City, has been greatly increased by an act of Congress, approved August 30, 1890. This act appropriates to each State and Territory, for the more complete endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts, then or thereafter established, in accordance with an act of Congress, approved July 2, 1862, out of the proceeds of the sales of public lands, \$15,000 for the year ending June 30, 1890, and an annual increase of such appropriation for ten years thereafter of \$1,000 over the preceding year, until the annual appropriation shall reach \$25,000, and then to be continued at that sum, the same to be applied to instruction in agriculture, the mechanic arts, the English language and the various branches of mathematical, physical, natural and economic sciences, with special reference to their application to the industries of life and the facilities for such instruction. This appropriation is upon the condition that no money is to be paid out to a college where there is a distinction of race or color made in the admission of students; but the establishment and maintenance of a college separately for white and colored students, it is provided, shall be a compliance with the statute—the funds to be equitably divided between the two. Under this appropriation the Florida Agricultural College receives an additional endowment of at least \$7,500 for the first year, with an annual increase of at least \$500 for ten years, and a continuation thereafter of the sum thus reached. With its former endowment this gives the college a little in excess of \$16,500 per annum, which, with the increase above stated, will reach an annual income of at least \$22,000. This endowment furnishes the means to make this college an institution to impart such higher education as to avoid the necessity of sending the youth of our State beyond

its confines in order to attain, and to bring the college up to such a standard as our people have the right to expect.

The Seminaries east and west of the Suwannee river are in a flourishing and prosperous condition and are accomplishing a good work in the cause of education. The former, located at Gainesville, is under military discipline and is well provided with handsome and commodious buildings, erected by the State, including the buildings for instruction and a barracks, or dormitory, for the teachers and non-resident students.

The West Florida Seminary, at Tallahassee, has erected and nearly completed an ornate and commodious educational building located on College Hill—a commanding eminence in the suburbs of the city. This was built under an appropriation made by the last Legislature and will add very much to the efficiency of this excellent school.

The Normal College for white students at DeFuniak and that for colored students at Tallahassee, are accomplishing a good work in preparing students for the important and responsible position and duties of teachers.

With the appropriations made by the last Legislature, the State Board of Education have caused to be erected at DeFuniak a neat and well arranged college building on a beautiful site, with ample grounds, which they were enabled to purchase, together with a building for a dormitory and a residence for the President, at a price far below their value, through the generosity of one of the public spirited citizens of that place.

The appropriation for a dormitory for the colored Normal College, made by the last Legislature, has not yet been used as the State Board of Education have hoped to be able to procure more ample grounds for the purposes of the college. The property now used by the college is inadequate for the instruction in agriculture and the mechanic arts which the students should receive under said act of Congress above referred to, which contains the following provision: "That in any State in which there has been one college established in pursuance of the act of July second eighteen hundred and sixty-two, and also in which an educa-

tional institution of like character has been established, or may be hereafter established, and is now aided by such State from its own revenue, for the education of colored students in agriculture and the mechanic arts, however named or styled, or whether or not it has received money heretofore under the act to which this act is an amendment, the Legislature of such State may propose and report to the Secretary of the Interior a just and equitable division of the fund to be received under this act between one college for white students and one institution for colored students established as aforesaid, which shall be divided into two parts and paid accordingly, and thereupon such institution for colored students shall be entitled to the benefits of this act and subject to its provisions, as much as it would have been if it had been included under the act of eighteen hundred and sixty-two, and the fulfilment of the foregoing provisions, shall be taken as a compliance with the provision in reference to separate colleges for white and colored students." The act also provides as follows: "The grants of moneys authorized by this act are made subject to the legislative assent of the several States and Territories to the purpose of said grants: Provided, That payments of such installments of the appropriation herein made as shall become due to any State before the adjournment of the regular session of the Legislature meeting next after the passage of this act shall be made upon the assent of the Governor thereof, duly certified to the Secretary of the Treasury."

The Normal College at Tallahassee is an institution supported by the State for the higher education of colored students in which instruction in agriculture and the mechanic arts had been provided for by the State Board of Education. In order that the installments coming due before the meeting of the Legislature might be available to the State without delay, a conference was had between the Executive Committee of the Trustees of the Florida Agricultural College and the State Board of Education to determine an equitable division of the fund appropriated by the said act of Congress. Taking into consideration the fact that the colored race had not participated in the endowment of the Agricultural College under

the act of 1862, it was thought that an equal division of the fund provided by the act of 1890, would be an equitable division of the same between the two races. I, therefore, assented to the act and was able to certify such facts to the Secretary of the Interior as entitled us to receive the first annual payment of \$15,000 to be divided between the Florida Agricultural College at Lake City and the State Normal College for colored students at Tallahassee, which sum was recently paid to the State.

Under the terms of the act, no part of the said funds can be used for the purchase, erection, preservation or repair of any building or buildings. The building and grounds of the said Normal College are entirely inadequate to the instruction which should be given by means of the said appropriation under the terms of the act. I, therefore, recommend that provision be made for suitable grounds and buildings for this college.

I also recommend that you propose and report to the Secretary of the Interior a just and equitable division of the fund to be received under the terms of the said act of Congress between the said colleges for white and colored students, and such further legislation as may be proper to enable the State to get the benefits of the appropriation made by Congress.

The Institute for the Blind, Deaf and Dumb at St. Augustine, under the direction of Prof. William A. Caldwell, who was appointed to succeed the late Principal, Mr. Park Terrell, is making gratifying progress in the instruction of that unfortunate class of our youth who do not enjoy the possession of all their faculties. The number receiving instruction at this time is about forty, which is very greatly in excess of any other session.

For full and detailed information as to the Department of Education including the Common Schools, and the higher educational institutions of the State, I refer you to the reports of the Superintendent of Public Instruction for the years 1889 and 1890, and the reports of the presiding officers respectively of the said institutions, contained therein, all which are herewith submitted.

I have been greatly impressed with what appears to me to have been an unwise policy which has resulted in a division of the State's resources for providing the means for higher education among four separate institutions, each under a different board of management—without homogeneity or any unity of action in management or system, each entirely separate and independent of the other. Such division of our funds limit the endowment of each of such institutions so as to seriously militate against its usefulness. If our means had been concentrated in a State University, under efficient management, we would possess to-day an institution of learning of high rank which would compare favorably with those of most of the other States, would be a pride to Florida and furnish us with educational facilities greatly in advance of those which we now possess.

While it may not be practicable, by reason of the large amount invested by the State in educational buildings at the several localities to concentrate such institutions, I am of the opinion that great good would be accomplished by placing them under one management, so that they would at least proceed in harmony, the one contributing to and facilitating the other in the great work of education in which they are engaged. I therefore recommend legislative provision for the appointment of a single Board of Regents or Trustees—not more than five—who shall hold office for a limited term, to manage the Florida Agricultural College, the two Seminaries and the Normal Schools. Such trustees should be selected with a view to their qualifications for the work, and should receive a small salary.

The Constitution has made liberal provision for the support and maintenance of "public free schools;" I can see no reason therefore, why it should be necessary to draw upon the general revenue of the State in its depleted condition to support the Normal Colleges or any other educational institution, or for the tuition of the Institute for the Blind, Deaf and Dumb, instead of the general school fund. The said institutions are in every sense "public free schools." I therefore recommend that whatever may be necessary for their support and main-

tenance, be provided to be paid out of the fund raised for the support of such schools in compliance with the provisions of the Constitution.

#### STATE LANDS.

The report of the Commissioner of Agriculture for 1889 and 1890 contains full and detailed statements of the transactions in the lands of the State during these years and the lands of the various classes remaining on hand at the expiration of that period, which is submitted for your information.

Of the grant made to the State by the General Government by act of September 28th, 1850, of what are known as the swamp and overflowed lands, embracing all legal subdivisions, the greater part of which, at the date of the grant, was "wet and unfit for cultivation," the State, up to January 1, 1889, has received patents for 16,191,672.52 acres. In addition to what has already been received, the State claims about 6,030,000.00 acres, probably four-fifths of which lie in and in the vicinity of the Everglades. I have urged upon the Secretary of the Interior the investigation and determination of the character of the remaining unpatented lands claimed by the State, and the patenting of such as come within the terms of the act of Congress. In this connection I deem it proper to submit for your information copies of a correspondence had with the Secretary in reference to charges of fraud against the State in the matter of her swamp lands. I have had no response to my letter of August 26, last, but the Secretary, in his report, makes the following reference thereto: "The State of Florida has become quite urgent that more patents should be issued to it. In the last annual report mention was made of the claim of this State, which has been recently supported by a letter to the Secretary by the Governor and *ex-officio* president of the Board of Trustees of the Internal Improvement Fund of the State of Florida, replying to the last annual report of the Acting Commissioner of the General Land Office:

"Of the 37,931,520 acres constituting the entire area of Florida, lists have been filed by the State for over 22,221,469 acres as swamp lands, the patents for 16,061,129.98 acres of which

have already been issued. The law grants all legal sub-divisions the greater part of which is 'wet and unfit for cultivation.' These lands are selected by State agents in the first place and lists filed, with report of the Surveyor-General, in the General Land Office. Special agents then make actual examination of the lands themselves, and, upon favorable report, these are ordinarily patented. But Congress by the act of March 3, 1857, (11 Stat., 251), confirmed lists to the States not then thus examined, and, among others, confirmed to Florida, of the above swamp lands, 11,630,271.51 acres. This act, it is now claimed, is an absolute grant of the lands listed at its date, whether in fact swamp or not, under decision of the United States Supreme Court in *Martin vs. Marks* (97 S. C. R., 345). The letter of the Governor ends as follows:

"In conclusion, Mr. Secretary, no matter what proportion of the lands heretofore patented to the State may be high and dry, or whether frauds have heretofore been perpetrated by Government or State agents, it can in no manner affect the right of the State to the unpatented selections which come within the terms of the grant. It is unreasonable that I should ask, now that nearly forty years have elapsed since the passage of the act, that with as little further delay as is consistent with due care, you make accurate lists and plats of such lands and transmit the same to the Governor, and on his request to cause patents to issue to the State therefor.

"To say nothing of lands of this class elsewhere, there are over 4,000,000 acres of unpatented selections within the Everglade region, which, to any one familiar with the topography of Florida, are as certainly known to be 'wet and unfit for cultivation' as that the east coast of the State is washed by the waves of the Atlantic."

"This is a subject of grave importance, and will require further consideration."

I also submit for your information the report of Mr. S. I. Wailes, who was appointed some years ago the agent of the State of Florida to procure patents to the State for lands to which she is entitled.

THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT  
FUND.

I submit for your consideration the reports of the Secretary and the Treasurer of said Board showing the transactions of the Board for the past two years.

The Board have acted upon the claims of various transportation companies, and have made conveyances of lands earned under legislative grants as far as consistent with the trust reposed in them, and with due regard to the rights of actual *bona fide* settlers.

The Board, appreciating the value to the State of the drainage and reclamation of her overflowed lands, have recently contracted to sell to Maj. M. R. Marks and associates about 112,000 acres of such overflowed land lying in Brevard county, west of Indian river, being townships 30, 31 and 32, south, of range 36, east, and townships 31 and 32, south, of range 37, east, except the school lands, at 50 cents per acre upon installments. One condition of the sale is the expenditure of \$50,000.00 in the drainage of the land, which is to be secured by a bond in the penal sum of \$50,000.00.

The Atlantic Gulf Coast Canal and Okeechobee Canal Company have made satisfactory progress with their extensive drainage operations during the past two years, within which time a capacious canal about 6½ miles long, with a width of 50 feet at the base, and depth of 10 feet, has been excavated from Lake Hart—the headwaters of the system—in a northeasterly direction, connecting with the Econlochatchee creek. The waters from this lake, which formerly flowed southward through the lakes Tohopekaliga and by the course of the Kissimmee and its connections to the Gulf, are thus diverted northward to the St. Johns and on to the Atlantic Ocean. The canal leading southward from Lake Tohopekaliga has been considerably widened and deepened and a canal excavated connecting Lakes Cypress and Kissimmee, so that it is believed that the reclaimed lands of the upper portion of the drainage system are thoroughly protected from submergence by even an abnormal rainfall.

The drainage already accomplished has enabled the com-

pany to more thoroughly extend its surveys in the Okeechobee region, which will be of great value in the further prosecution of the work, which, I understand, is now to be directed energetically to the lowering of Lake Okeechobee through the Everglades.

I have made reference before to the wonderful fertility of the lands reclaimed by this company and the success of the sugar culture thereon. There is reason to believe that the cultivation upon them of rice as well, which has been undertaken this year to a considerable extent, will approximate, if not equal in importance and value, that of sugar, and will add an important industry to our State.

#### IMMIGRATION.

The benefits of immigration to the State in the further development of her many resources, the increase of her wealth and the promotion of her general prosperity can scarcely be overestimated. Impressed with its importance, the Legislature of 1889 established a Bureau of Immigration for the State of Florida, composed of the Governor, Secretary of State and Commissioner of Agriculture—the last named officer being designated as president—and provided an eighth of a mill tax for the purposes of immigration. This tax realized a little more than \$10,000 on the assessment of 1889, being available in 1890, an amount slightly in excess may be expected on the assessment of last year.

The disposition of this fund and the work of the Bureau is so fully set forth in the report of the Commissioner of Agriculture under the head of "Immigration," embracing also the reports of the chief clerk in charge of the branch office at Jacksonville, and other agents employed by the Bureau, that I deem it only necessary to call your attention to the same herewith submitted for such information, whereby you will appreciate the earnest, active and efficient labors of the Bureau in their efforts to carry out the purposes of its creation for the best interests of the State.

Realizing that the Bureau has been in operation little more than a year, and that in the nature of such work, as well as by the history of immigration associations generally, but small

tangible results may be expected for the first year or two, which is necessarily devoted to sowing the seed in the hope of a reasonable harvest in the future, there is much cause for congratulation that already upward of one hundred families have been brought to the State as the result of the labors of the Bureau. Much good seed has been sown, but the planting should not cease, and care should be taken that the seed which have been sown, are not devoured before germination by rival States, and that the soil is kept properly cultivated so that we may reasonably hope that it will bring forth fruit to our State, even an hundred-fold. I therefore recommend as liberal provision for the support of the Bureau as our financial condition will justify.

As germane to this subject I may properly mention the annual convention of the National Farmers' Alliance and Industrial Union recently held at Ocala, which I doubt not will prove a potent factor in the cause of immigration and a permanent benefit to our State. This was a gathering in our midst of some four hundred intelligent and prominent representatives of the most important industry of our country from almost every State in the Union. Especially were the Western and Northwestern States well represented. At the Semi-Tropical Exposition in Ocala they were brought in contact with an admirable exhibit of the products, resources and industries of the State. Upon the adjournment of the convention they were taken upon an itinerary of the State, occupying more than a week and affording the opportunity to visit every section except the extreme south. The liberality of the transportation lines and the hearty welcome and generous hospitality of our people which everywhere greeted our Alliance visitors and contributed in every way to render their sojourn in Florida pleasant, instructive and enjoyable, appeared to be fully and gratefully appreciated by them, which I am assured will result not only in valued accessions to our population, but will do much to eliminate the remains of any unkindly feeling which, in the past, interfered with the harmonious relations between the sections North and South.

## THE WORLD'S COLUMBIAN EXPOSITION.

The World's Exposition at Chicago to celebrate the 400th Anniversary of the discovery of America by Columbus, will be opened May 1st, 1893. This Exposition, in which all foreign nations have been invited to participate, will probably exceed in scope and magnificence any other in the history of this country, and will not be excelled by those which have been attempted in Europe. It will celebrate an event, which, with one exception, led to greater results than probably any other in the World's history. Within 400 years from their discovery, two continents, inhabited by savage tribes, yielding to the potent influence of Caucasian domination, have been transformed into an unsurpassed civilization, with systems of government which are looked to as models by the profoundest statesmen of the world. This celebration having been properly undertaken by the Government of the United States as the most advanced, and the principal of the American Republics, it is the duty of every patriotic citizen to encourage and promote its success.

An important feature of the Exposition will be the exhibits of the individual States of the Union, many of which have made large appropriations for such purpose. The patriotism of our people, as well as self-interest and State pride, should prompt us to avail ourselves of this opportunity to place within the Exposition as extensive and effective a display of the exhibits of the products, resources and industries of Florida, as our means will permit.

Whatever reasonable amount may be so expended, will be returned to us many times in the promotion of immigration and our general prosperity. In order to economize and avoid as far as possible the needless increase of officers and multiplicity of salaries, I recommend that such an exhibit be authorized under the direction of the State Bureau of Immigration, and whatever expenditure may be necessary therefor, be paid out of the funds of the Bureau; and this should be taken into consideration in providing the means for the Bureau's operations.

## THE PARIS EXPOSITION.

Though there was no appropriation by this State for an ex-

hibit at the Universal Exposition of the Republic of France held in Paris in 1889, exhibits from the State were gotten up and maintained by private enterprise which resulted in the following awards: To Messrs. H. F. Dutton & Co., of Gainesville—a diploma and gold medal for the best display of long staple cotton. To the Florida Horticultural Society—a diploma and bronze medal. To the Florida Tobacco Producing Company—a diploma and bronze medal. A diploma and honorable mention for Florida's Collective Exhibition, and a diploma and gold medal for the Collective Exhibition of the States of California, North Carolina, *Florida*, Illinois, Missouri, New Hampshire, New York, Pennsylvania and the cities of Buffalo, Cleveland, New York, Philadelphia, Pittsburg, San Francisco, St. Paul, Springfield, Syracuse and Washington.

## FERTILIZERS.

In compliance with the duty imposed upon me by Chapter 3858, being "An Act to provide for a State Chemist and Inspectors of Fertilizers," I appointed Prof. Norman Robinson, an expert chemist and a gentleman of high attainments in such science, as State Chemist, and I also appointed six Inspectors of Fertilizers for different sections of the State.

The operations of this department were commenced without available funds—the sole income being the fees resulting from the inspection of fertilizers. Its work, begun under a law which had not been tested by experience, with some defects, and with many difficulties encountered, has been prosecuted with a vigor and zeal which has produced gratifying results and accomplished much good to the people of the State in preventing the fraudulent imposition upon them of adulterated and spurious compounds recommended as valuable fertilizers.

Upon consultation with the Commissioner of Agriculture and the State Chemist, I caused the latter to visit the North and purchase the necessary apparatus and chemicals for a laboratory. A convenient building on the Capitol grounds was utilized and the necessary changes made to convert it into a laboratory. The laboratory was ready for the work of analysis on or about the 15th of January, 1890, and from that time to the 1st of January, 1891, the analysis of one hundred

and sixty-five brands of fertilizer was made and has been published, together with the guaranteed analysis of the manufacturer. There have been inspected 43,233.68 tons of fertilizers, which have yielded an income from inspection fees amounting to \$10,816.34.

It affords me pleasure to state that the law has generally been readily complied with by the manufacturers and others engaged in the sale of fertilizers.

Notwithstanding the extra expense incident to the inauguration of the work, the department has been self-sustaining with a small balance to its credit at the end of the year.

For further and full information in detail of the work of this department, I refer you to the reports of the Commissioner of Agriculture and State Chemist, which are herewith submitted.

I also recommend to your favorable consideration the amendments to the law suggested by those officers whose experience and zealous labors under the law enacted by the last Legislature, peculiarly qualify them for the ascertainment of the defects and the suggestion of the amendments most desirable.

#### STATE PRISON.

Chapter 3883, Acts of the last Legislature, provides that the Board of Commissioners of State Institutions shall, by the first of January, A. D., 1891, establish a State Prison for the safe keeping and punishment of State prisoners, and shall cause all necessary buildings to be erected to accommodate all convicts, and from time to time make such additional alterations as may be necessary to provide for any increase in the number of convicts, etc. No appropriation was made to carry into effect the provisions of the law, so that it was impossible for the Board of Commissioners to comply with such requirements. Nor would it have been practicable to do so, even with an appropriation in the depleted condition of the Treasury. Such permanent prison should be established as soon as the finances of the State will permit, so that the convicts may be kept together under the immediate charge and supervision of State officers, in preference to the contract system, which

has many objectionable features. But there appears to be no other course practicable at the present than the leasing of the convicts.

For several years and up to the first of January, 1890, the convicts had been leased to Major C. K. Dutton, who took them upon condition of paying all expense from the time of their conviction. Prior to the termination of Major Dutton's lease, the Board of Commissioners of State Institutions advertised for proposals for leasing them and accepted the most favorable, being a proposal from Hon. E. B. Bailey, with whom a contract was made for their lease for two years—the lessee bearing all expense and paying the State at the rate of \$15 per year for the first year and \$22.50 for the second year for each convict. Subsequently the Board extended the contract for two years longer at the same rate as that of the second year.\* This extension is upon condition that a State Prison is not established during that period.

From information derived in part from personal observation, I am of the opinion that the convicts are humanely treated and not overworked. Still it is one of the objections to the lease system, that the State authorities cannot keep the same oversight of them which might be done if they were confined in a State Prison.

It appears to me that it would be better that a physician be employed by the State instead of by the lessee of the convicts, to attend them. This would more certainly insure proper attention to the sick.

I refer you to the report of the Commissioner of Agriculture for a more detailed report of the State convicts.

The law providing for the pardons and commutation of sentence requires the applicant to publish a notice of his intended application for ten days in the county where the crime of which he stands convicted was committed, proof of which, together with a copy of the indictment or information upon which the conviction was made, and a statement of the facts testified to at the trial, must be furnished the Board of Pardons to bring a case properly before them. It is not difficult to comply with the law by those who have friends interested

in procuring a pardon, or have the means to employ an attorney for that purpose; but the indigent and friendless who comprise the great majority of the convicts, are absolutely deprived of all opportunity to apply for a pardon, or commutation of sentence. And while it would not do to open the doors so as to deluge the Board of Pardons with applications from every convict, it appears to me that it would be well so to amend the law as to give authority to the Commissioner of Agriculture, under whose supervision the convicts are, to make the necessary publication and bring before the Board the application of convicts who, upon investigation, he is of the opinion, present claims for Executive clemency, and I recommend such amendment.

I also recommend that the State furnish a discharged convict with transportation to his home and a cheap suit of clothes upon his discharge.

The reformation of the individual should be one of the principal objects of punishment, and more especially may we hope to accomplish such object in the case of juvenile offenders who have not yet become hardened in crime; but the contrary is more apt to result from subjecting such offenders to the corrupting influences of indiscriminate association with older criminals. I cannot doubt but that much good would be accomplished by the establishment of a House of Refuge for juvenile offenders, as contemplated by the Constitution, combining with it an educational feature and instruction in manual training and mechanics. This matter should claim your attention for such action as our conditions will permit.

#### STATE INSANE ASYLUM.

The death on July 28, 1889, of Maj. Alexander Moseley, Superintendent of the State Insane Asylum, who had proven a most faithful and efficient officer, rendered it necessary for the Board of Commissioners of State Institutions to fill the vacancy. Realizing the importance of such position, and their duty to select a competent and proper person for the place, the Board exercised a careful deliberation and after due consideration appointed Dr. J. N. Smith of Bartow, a gentleman highly endorsed both personally and professionally, who had

the benefit of some six years experience as a physician of the State Insane Asylum of Indiana. Dr. Smith took charge of the institution October 1, 1889. His report for the year ending December 31, 1890, is herewith submitted for your information.

The water supply for the institution has given the Board much trouble and concern. A deep well yielding apparently a sufficient supply had been excavated at the bottom of the tower of the white male building, at the top of which tower, at an altitude of 62 feet, a tank was constructed with a capacity of about 11,000 gallons, with which pipes were connected to take the water to the various buildings and wards with sufficient natural hydraulic pressure for fire protection. A wind-mill has been placed over this tank by the predecessors of the present Board as the motive power for pumping the water from the well to the tank, but after a faithful trial it was found that with the ordinary winds it was insufficient to do the work. The Board then purchased and placed over the well an improved Rider compound hot-air pumping engine, which was unsatisfactory in its work at first and was injured by want of experience in operating it. It has since been thoroughly repaired and at this time is working well, and, we trust, will solve the question of an abundant water supply for fire protection and other purposes. The hot-air engine has been supplemented by a powerful hand pump to be used in case of emergency.

By reason of lack of funds in the treasury, the Board deferred erecting the additional buildings for which an appropriation was made by the last Legislature, until last fall, at which time a contract was made for their erection within the appropriation. These buildings are now nearly completed and give 102 additional rooms—all that are needed for the present and for sometime to come, except for white males. In the building for white males and some other of the old buildings the floors and wooden partitions have absorbed impurities which are not effectually counteracted by the free use of disinfectants, and as soon as the condition of the treasury will warrant the expense, the same should be removed and replaced with new material.

The buildings, premises and all the departments of the institution are kept as clean as possible and in as good condition as our means will permit.

The employes under the present management appear to be under thorough and effective discipline.

#### THE MILITARY.

The military organizations existing in the State, consist of nineteen independent volunteer infantry companies organized under the act of 1868, and ten infantry companies and two batteries of artillery enlisted and organized under the provisions of the act of 1887, which latter constitute a special corps, known as the Florida State Troops. The term of enlistment of this corps as first organized, expired during the past year. Most of the companies re-enlisted, and those which failed to do so, with two exceptions, continued their organizations as independent companies under the act of 1868. The places of those which failed to re-enlist have been supplied by the enlistment and acceptance of other companies. In filling the vacancies in this corps, which, under the law, are primarily liable to be called out to suppress insurrection, riot, etc., which may be beyond the control of the city authorities, I have, as far as practicable, accepted companies so distributed as to be readily accessible to the various sections of the State and the large cities where disturbance is to be more apprehended.

The corps is organized into three battalions; the first under command of Major R. M. Call, with headquarters at Jacksonville, consisting of three infantry companies and one battery of artillery; the second under command of Major T. D. Lancaster, with headquarters at Ocala, consisting of four infantry companies and one battery of artillery, and the third under command of Major W. F. Williams, with headquarters at Pensacola, consisting of three infantry companies. The troops of the corps are generally well drilled and in a good state of discipline; but the omission, for the past two years, of the annual encampment, prescribed by the act, for the reason that a sufficient appropriation was not provided by the last Legislature, has been detrimental to the corps, depriving them of the bene-

fits resulting from the practical details of camp life, the opportunities for battalion drill, and that *esprit du corps* and company emulation which result from such assembly of the troops from various sections of the State. I cannot too strongly urge the importance of providing for such annual encampment as the best means of rendering these troops most efficient, providing, at the same time, a wholesome conservator of the peace and a safe reliance to our people in case of disturbance beyond the control of the civil authorities.

During the past summer, company "A" of the third battalion (Escambia Rifles) and the Chipley Light Infantry, then an independent company, went into voluntary encampment near Pensacola; and the Gainesville Guards, then company "A" of the second battalion, State Troops, went into voluntary encampment at Suwannee Springs. Each camp was visited by me in company with the Adjutant-General, and it gives me pleasure to express my commendation of the soldierly bearing, good discipline and efficiency in the drill of the respective companies, as well as the spirit which prompted them, in the absence of a State appropriation, to bear all the expense incident to such encampments.

An inter-State drill was held in Jacksonville in April last, under the auspices of the Sub-Tropical Exposition, which was attended by a number of companies from other States and several companies of Florida State Troops. The drills were witnessed by myself and staff, and the troops reviewed on that occasion. The handsome and soldierly appearance of the troops and their excellent drill challenged my admiration, as well as that of the immense crowd which witnessed their exercises.

The occasion, however, was marked by an event which cast a shadow upon its bright memories. Capt. T. J. Shine, of the Orlando Guards, while engaged in the drill of his company, became overheated, which resulted in a fatal illness, whereby the State was deprived of a valued and esteemed citizen, and the State Troops of one of the best company commanders of the corps.

There have been two occasions within the past two years when I have deemed it proper to issue an order to the State

Troops to aid the civil authorities. The first was a strike of mill employes at Apalachicola, commencing the 19th of January, 1890. The strike was of such proportions, and accompanied by demonstrations of violence, threatened burning, and the shooting of a man—that there appeared to be imminent danger of a riot and breach of the peace beyond the control of the civil authorities. I, therefore, on January 21st, upon the urgent appeal of the Sheriff of Franklin county and the Mayor of Apalachicola, ordered Major W. F. Williams, commanding the third battalion, to send a company of his battalion to Apalachicola to suppress the riot and assist the civil authorities to preserve order. Major Williams obeyed this order with great promptness, and himself proceeded with company "A" (Escambia Rifles) of his battalion to Apalachicola, arrested the ringleaders of the strikers, and very soon restored order.

The second occurrence, on March, 1890, was the threatened lynching by a mob of a negro confined in the Duval county jail at Jacksonville, charged with the murder of a policeman, which the sheriff apprehended would overpower his force. Upon his representation and request, and those of the Mayor of Jacksonville, I ordered Major R. M. Call, commanding the first battalion, to use such portion of his battalion as might be necessary to prevent the threatened riot and sustain the civil authorities in case of an attempt to lynch the prisoner. Major Call promptly obeyed the order by placing and keeping under arms companies "A," "B," and the Wilson Battery company "F" of his battalion until the danger apprehended appeared to be at an end.

I may mention another occasion, November 15, 1890, when there appeared to be danger of a serious riot at Reddick in Marion county, at which time Capt. R. B. McConnell placed his company under arms to await orders from headquarters, if it should be deemed necessary to use military force; but the exigency did not appear to me such as to render it necessary to order out the troops, and the disturbance was soon quieted.

I cannot too highly commend the alacrity of the State Troops to respond to all orders, especially those which require them to face danger and subject them to personal discomfort,

inconvenience and pecuniary loss. The services which they render the State with inadequate pay and but little requital, except that which arises from the consciousness of duty performed, should be gratefully remembered and appreciated by our people.

I submit herewith and commend to your consideration, the report of the Adjutant-General which will give you full information in reference to the military of the State. The legislation suggested in the report generally meets my approval, but I am inclined to doubt whether there would be compensatory benefits to justify the expense necessary for an enrollment of the militia.

#### PENSIONS.

The pension law passed by the last Legislature placed upon the Governor the duty of investigating the cases of all persons claiming a pension, including those who had been pensioners under the previous laws, as well as new applicants. All claims had to be made *de novo* with proofs in accordance with the last act. Such investigation involved the following inquiry: 1st. Whether the applicant is a citizen of the State, and was such citizen at the time of his enlistment, or has been since January 1st, 1875; 2d. Whether he served in the Confederate army or navy; 3d. Whether the disability is the result of wounds received or disease contracted during the service and while in line of duty; 4th. Whether such disability comes within the terms of the statute; 5th. Whether the applicant or his wife, or both, together own property to the value of one thousand dollars; 6th. Whether the applicant is otherwise enabled or in a position to earn a livelihood.

As in most cases the applicant was not personally known to me, and it was necessary to determine the foregoing questions upon evidence taken at a distance, and not upon personal examination of the applicant or others making the proofs, the difficulties of a conscientious discharge of the duty imposed so that on the one hand all persons entitled to a pension shall receive it, and, on the other, that no one not entitled to it under the terms of the statute shall be placed upon the pension roll will readily be appreciated.

My labors have been greatly facilitated by the Adjutant-General, who, notwithstanding the fact that the statute does not place the duty upon him, kindly consented to keep the records and do the correspondence incident to pension claims. His intelligent assistance has been invaluable to me in the matter.

I have investigated, up to this time, 469 applications for pensions, of which 292 have been allowed, including 69 widows, and 175 have been rejected. Two have died and 31 claims are still undetermined.

One new feature of the present law is the granting of pensions to the widows of soldiers killed in battle, or those who have since died of wounds received while in the line of duty, who have since remained unmarried, and the widows of those who have received a pension under the present law. It was thought that there were very few widows living who would come under the terms of the act; but the claims proved by this class of pensioners show a considerable number.

A list of all pensioners up to January 1st, 1891, is given in the report of the Adjutant-General.

#### RAILROADS AND THE RAILROAD COMMISSION.

The mileage of railroads in the State has reached 2,566.84 miles, being an increase of 239.86 miles within the past two years. There are but few States in the Union which have equal transportation facilities in proportion to population, and it has been the history of railroad construction in our State that it has usually preceded the demand for transportation, which has been created by the same source which supplied it, by the promotion of settlement and the development of the State's resources. Other roads are projected with a reasonable prospect of construction in the near future, and we have the assurance of past experience that transportation facilities will be supplied to every section of the State as rapidly as there is reasonable demand therefor.

I submit herewith the 3d and 4th Annual Reports of the Railroad Commission, which give in detail the transportation of their office for the past two years.

An experience of two years under the law creating the

Commission, impressed the importance of certain amendments to the original act, which were made by the last Legislature and prove to have been well considered, materially facilitating the work, and contributing to the success of the Commission.

There appears to be a better understanding and less friction with the transportation companies than was the case in the earlier experiences of the Commission; and, at the same time, the interests of shippers and other patrons of transportation lines are better and more certainly protected.

The passenger rates prescribed by the Commission have been complied with by all lines in the State with the exception of the Florida Southern Railway Company, which is in the hands of a receiver of the Circuit Court of the United States for the Northern District of Florida. The Receiver refused to comply with the Commissioners' rates, claiming that they were unreasonable, and that he was not under the control of the Commission, and upon application to the Court, was ordered to take such steps under the law as will test the right of the Commissioners to enforce their order as to passenger rates. Proceedings are now pending in said Court to test the reasonableness of the rates prescribed and other questions involved.

The freight schedules approved and prescribed by the Commission have been complied with by the transportation companies, with the exception of a very few articles by some roads—notably the rate on phosphates, and where there has been a departure, litigation has been instituted to test the reasonableness of the rates made by the Commission.

The litigation instituted to enforce compliance with the requirements of the Commission is given in detail in the report of the Attorney-General.

The further amendments to the law suggested by the Commissioners in their last report, have my approval and are submitted for your consideration.

#### COMMISSIONERS OF FISHERIES.

Under the act of the Legislature approved May 31, 1889, entitled "An Act to provide for the appointment of Commissioners on Fisheries and to define their duties in the State of Florida," I appointed as such Commissioners Messrs. L. C.

Sellars of Pensacola, Matthew Mosley of Cedar Keys, and J. H. Smith of Titusville. I am not advised of the Commissioners ever having held a meeting, or taken any action under the statute collectively or individually, with the exception of Mr. Mosley, who appears to have considerable interest in the subject, and has sent me an interesting report of the fish and fisheries of the Gulf coast, which I take pleasure in submitting herewith, and commending his suggestions to your consideration. I cannot doubt that the work of an active Commission, under the statute, would accomplish good for the State; but it is difficult to secure active and efficient work in this or any other matter without adequate pay.

#### REPORT OF THE ATTORNEY-GENERAL.

The report of the Attorney-General which is herewith submitted, will inform you as to the transactions of his office and the principal civil litigation of the State. His duties have been greatly increased by the litigation which has arisen in connection with the Railroad Commission.

I commend to your favorable consideration the legislation recommended by the Attorney-General.

#### REPORT OF THE SECRETARY OF STATE.

I herewith submit for your consideration the report of the Secretary of State for the years 1889 and 1890. And I recommend an amendment to the election law as suggested by him, requiring the Supervisors of Registration, immediately after the county canvass, to certify and transmit to the Secretary of State a list of the county officers elected, with their respective post-office addresses, so that the Secretary may transmit proper blanks to enable the persons elected to qualify within the limit prescribed by the Constitution.

#### PHOSPHATES.

I have hereinbefore incidentally mentioned the discovery of large deposits of phosphate rock in various portions of the State, and the activity in mining operations resulting therefrom. Not only have large quantities of land rich in phosphates been purchased for mining purposes and are now being worked, but a number of companies have been organized and

are engaged in the work of mining phosphates in the beds of the navigable streams and waters of this State.

With a view of such operations, although, at the time it was not supposed that the industry would assume large proportions, the Legislature of 1887 passed an act granting to H. S. Greeno and others mentioned therein and their associates, the right to dig, mine and remove, for the full term of twenty-five years, from the beds of the navigable streams and waters within the jurisdiction of the State of Florida, the phosphate rocks and phosphatic deposits, provided, that they should not in any way interfere with the free navigation of the navigable streams or waters of the State, or the private right of any citizen, or citizens residing upon or owning lands upon the banks of said navigable rivers and waters. This grant was upon the condition that the said grantees should pay to the State of Florida the sum of one dollar per ton for every ton of phosphate rock and phosphate deposit dug, mined and removed from said waters. The statute required the said grantees, before commencing operations, to file in the Comptroller's office, a bond in the penal sum of fifty thousand dollars, conditioned to make true and faithful returns to the Comptroller annually on or before the first day of October, of the number of tons of phosphate rocks and phosphatic deposit mined and removed from the beds of the navigable streams, and pay to the State Treasurer annually on the first day of October, one dollar per ton for every ton of phosphate rock and phosphatic deposit so dug, mined and removed during the preceding year.

The act granted the same rights, privileges and franchises, under the same conditions to other persons who may incorporate under the laws of the State. The following companies presented bonds under the terms of the act, which were approved by the Attorney-General and filed in the Comptroller's office as follows, to wit: The Dunnellon Phosphate Company—bond filed January 30th, 1890; the Lee County Phosphate Company—bond filed March 10th, 1890; the Gulf Phosphate Mining and Manufacturing Company—bond filed March 25th, 1891, and the Tampa Phosphate Company—bond filed March 28th, 1891. A bond was also filed by J. W. Bushnell, September 1st, 1890.

So far as I am advised, none of the companies which filed bonds mined and removed any phosphate rock or phosphate deposit from the beds of the navigable streams or waters of the State up to the first day of last October, with the possible exception of a small quantity by the Dunnellon Phosphate Company.

Being informed that a number of companies were mining phosphates in the beds of the navigable waters of the State, being the State's property, without complying with the statute by filing the bond required, or making an accounting, or paying the royalty, I caused a notice to be published in several newspapers of the State in the following language:

"Notice to all persons mining phosphates in the beds of navigable streams and waters of the State of Florida.

"The beds of all navigable streams and waters within the State of Florida, and all phosphate rock and phosphate deposits therein, are the property of the State.

"Permission was granted by act of the Legislature, approved June 7, 1887, to dig, mine and remove such phosphate rock and phosphate deposits, upon the condition of the payment of one dollar per ton for every ton thereof so dug, mined and removed. And the further provisions that before commencing operations, a bond in the penal sum of fifty thousand dollars must be filed with the Comptroller, conditioned to make faithful returns to the Comptroller annually, on or before the 1st day of October, of the number of tons of phosphate rock and phosphate deposits so dug, mined and removed, and to punctually pay to the State Treasurer, annually, on the date aforesaid, one dollar per ton for every ton thereof so dug, mined and removed; said bond to be renewed annually and approved by the Attorney-General.

"All persons engaged in such operations are notified to comply promptly with the requirements of said statute. In default thereof proceedings will be instituted to enforce the same and protect the interests of the State.

"FRANCIS P. FLEMING,  
"Governor."

No response being made to such notice I sent an agent to investigate and report to me the companies so engaged in mining phosphates in the navigable waters of the State. After such investigation the agent reported the Peruvian Phosphate Company, mining in the Alafia river in Hillsborough county; the Peace River Phosphate Company, the Arcadia Phosphate Company and the George W. Scott Manufacturing Company, mining in the Peace river or Peace creek in DeSoto county; and the Black River Phosphate Company, mining in Black creek or Black river, as it is sometimes called, in Clay county; none of which companies had complied with the statute. I thereupon instructed the Attorney-General to institute such legal proceedings against the said companies as should be necessary and proper to protect the rights of the State. In consequence of the largely increased duties imposed upon the

Attorney-General by reason of the litigation resulting from the Railroad Commission, which largely monopolizes his time, the fact that the companies engage in such mining operations represent large capital with ample means to employ counsel, and with the great interests of the State involved in the determination of the questions to be raised by the proposed litigation, I deemed it advisable to employ assistant counsel for the State, and this I did by engaging the services of Messrs. A. W. Cockrell & Son of Jacksonville. Bills were filed in November last against the said companies to restrain them from mining in the beds of navigable waters of the State without compliance with the statute and to require them to account for the phosphates already so mined.

Upon the sustaining of the demurrer to the bill against the Black River Phosphate Company, that case was appealed to the Supreme Court and has been submitted on argument. The main positions taken by the defense, other than questions as to the sufficiency of the pleadings, are that the State does not own the beds of streams above tide-water, whether navigable in fact or not; and further, that the State, by the act of 1856, known as the "Riparian Act," parted with her title to that part of the beds of her navigable waters lying between the shore line and the edge of the channel, so that she has no right to any phosphates which may be found therein. I hope for an early decision by the court defining the rights of the State.

The litigation in the other cases is not pressed—awaiting the decision in the Supreme Court in the case now before it.

If the decision is favorable to the State, there is every reason to believe that it will yield a large revenue to the State, tend greatly to solve the financial problems which now confront us, and lighten the burdens of the tax-payer.

There is no appropriation out of which I am authorized to pay assistant counsel employed in said suits. Such counsel has rendered services of great ability and value to the State in the litigation which has been instituted. I therefore recommend that the counsel so employed be paid ten per cent. of the moneys which shall be recovered by such litigation.

Upon the predicate that the State's claim is sustained, I recommend the following amendments to the act of 1887:

That the time for accounting be made quarterly instead of annually.

That the Governor, Comptroller and Attorney-General constitute a Board of Phosphate Commissioners, to have the control and management of the phosphate interests of the State, and that the Board be authorized to enter into contracts in be-

half of the State with parties for the mining of phosphates in the navigable waters of the State, giving exclusive rights within certain well defined limits.

That an inspector of phosphates be appointed at a fair salary, whose duty it shall be, under the direction of the Board of Phosphate Commissioners, to visit and inspect the operations of all companies or persons mining in the navigable waters of the State, and to examine their accounts, and, in all respects, to act as the Executive Officer of the Board of Phosphate Commissioners.

That the Board of Phosphate Commissioners be authorized to pay all expenses necessary to enforce and protect the rights of the State out of the income to be derived from phosphates.

That it be made a penal offense to mine phosphates in the beds of navigable waters of the State without a compliance with the statute.

#### REVISION OF LAWS.

In compliance with the act of the Legislature approved June 1st, 1889, entitled "An act to provide for the revision and consolidation of the public statutes of this State," I appointed Messrs. W. A. Blount of Pensacola, C. M. Cooper of Jacksonville, and L. C. Massey of Orlando, Commissioners, to revise, simplify, arrange and consolidate the laws of general nature, in force in this State. By such appointment I was enabled to secure for this important work, gentlemen, not only of marked ability, but of energy, industry and sound discrimination. The Commissioners have not caused their work to be printed in parts and delivered to me so that it could be distributed to the members of the Legislature, as provided in section 3 of the act, for the reason, as I am informed by them, that in order to perform their work, it was necessary for the different members of the Commission to take up certain divisions of it, and a part could not be perfected until the whole arrangement is approved and decided upon. I am assured by the Commission that the work will be completed for submission to you on or about the commencement of the session.

#### PUBLIC ROADS.

The importance and benefits of good public roads, bridges and ferries, facilitating travel and the convenient transportation of the produce of the country to market, are realized by all. The law enacted by the last Legislature entitled "An act to provide for placing and keeping in condition the public roads, bridges and the laying out and constructing of the same, and the raising of revenue for that purpose," has generally

proven impracticable and unsatisfactory, and has failed to accomplish the objects of its enactments. The provisions therein for a board of Road Superintendents unnecessarily increases the county officials, complicates the machinery for the administration of county affairs, and adds to the county expense. I recommend the repeal of the act and the relegation of public roads and bridges to the charge and direction of the County Commissioners with such provisions as will best distribute the burdens among those who derive the benefits.

#### PROTECTION OF GAME AND PLUME BIRDS.

I do not know that I can more fittingly bring to your attention the importance of legislation for the protection of game and plume birds than to repeat the language contained in my message to the Legislature of 1889, as follows:

"The game of our State is being rapidly thinned out by a slaughter and destruction constantly going on, without regard to the breeding seasons, and unless restrained and regulated by law, will soon almost completely annihilate the game whether of fur or feather. And the same may be said of many of our beautiful birds of plume, which are followed to their breeding grounds and ruthlessly destroyed, because of the traffic in their plumage.

"I recommend the enactment of such laws as will protect and preserve the game, and the plume birds of our State and regulate the killing of them."

#### UNITED STATES MILITARY POSTS.

I am in receipt of a communication from the Secretary of War of the United States, requesting legislative enactment by this State, ceding jurisdiction to the United States of all forts and military posts and reservations in the State of Florida. Such request is predicated upon the fact that the act of July 24th, 1845 (vide McClellan's Digest 686-7-8), which gives consent to the purchase by the United States of sites for forts, etc., in general is apparently prospective and applicable to future acquisitions. Whereas, the lands of the posts as to which legislation is desired were mainly acquired before the date of such enactment. The draft of an act as desired accompanies the letter.

I recommend the legislation requested by the Secretary of War, which is entirely consistent with previous grants of the State.

#### ESTABLISHMENT OF THE TRUE POLAR MERIDIAN.

At a meeting of the Southern Society of Civil Engineers, held March 15, 1886, an interesting paper was read on the subject of "the Desirability of the Establishment by the States of a True Polar Meridian and Standard Lengths

setting forth at considerable length and with great force the desirability of the establishment in each county of a true polar meridian on which to test and adjust the surveyor's compass, or other instrument used in running land lines and a correct standard measurement by which to test and adjust the surveyor's chain. Among the prominent reasons urged are briefly, the frequent errors in running the land lines by reason of the inaccurate allowance for the variation of the magnetic meridian, which is constantly undergoing change, and the frequent incorrectness of measurements by reason of the stretching and consequent lengthening of surveyor's chain by use. To illustrate: A and B are abutting owners of land and employ different surveyors to establish the division line between them. The line run by the surveyor of A differs materially from that run by the surveyor of B—such difference resulting from want of uniformity of the variation used, or the difference in instruments. A dispute arises which results in an expensive law suit. In the language of the paper referred to: "Were such a meridian standard used it would save much vexatious litigation and confusion of records and deeds."

The Governors of the States were requested by the Society to call this matter to the attention of their Legislatures. This request I cheerfully comply with, realizing the benefits which would result from the establishment of such standard upon which to adjust compass and chain. The only question is the practicability of doing so at this time on account of the cost to the State. Unless such standards were established by a competent engineer, they would be worse than useless. I submit the matter for your consideration.

#### EXECUTIVE PORTRAITS.

I have made an effort to procure for the Executive Office, the portraits of the ex-Governors of Florida as contributory to the preservation of State history and the promotion of State pride. Having no fund which I felt justified in using for such purpose, I have applied to those of the ex-Governors who are living, and the relatives of those deceased, for such contributions. My applications have usually met with a kind and favorable response, and have resulted, up to this time, in placing in the Executive Office the portraits of ex-Governors Duval, Mosely, Madison S. Perry, Milton and Edward A. Perry, which were kindly contributed by their surviving relatives. I have also received a bust of Governor Madison S. Perry, kindly donated by Mrs. Anna D. Douglass of Cambridgeport, Mass., which was executed by her father, the late

Henry Dexter of Massachusetts, from a cast taken by him while Governor Perry was in office.

I have the promise of other portraits, but in order to secure an approximately complete collection, it is necessary to incur some expense. I recommend, therefore, an appropriation not to exceed \$500 for such purpose.

#### IN MEMORIAM.

Since the adjournment of the last Legislature, our State has sustained the loss of two of her distinguished citizens and faithful public servants. General Edward A. Perry, Governor of the State from January, 1885, to January, 1889, departed this life in Texas, on the 15th day of October, 1889. His death was followed soon after by that of the Hon. James F. McClellan, Judge of the First Judicial Circuit, which occurred at his home in Pensacola, April 15, 1890. Their names adorned the history of Florida, and their memory will be perpetuated in the State which they served with fidelity and ability in war and peace.

#### PARDONS AND COMMUTATION OF SENTENCE.

In obedience to the requirement of the Constitution, I submit herewith a statement of the fines and forfeitures remitted, reprieves, pardons and commutations granted by the Board of Pardons since the beginning of the regular session of the Legislature of 1889.

#### CONCLUSION.

Florida has entered upon a career of prosperity which may be greatly promoted by such well considered and discreet legislation as our people have the right to expect at your hands.

With confidence in your wisdom, patriotism and fidelity, I invoke the blessing and guidance of Divine Providence upon your deliberations, with the earnest hope that they will result in best securing the happiness and welfare of the people, and the prosperity of our beloved State.

FRANCIS P. FLEMING.

Mr. Rogers moved that further reading of the Governor's message be dispensed with and that the several parts be referred to the respective committees and that the message be spread upon the journal;

Which motion was agreed to and it was so ordered.

Mr. Rogers moved that the part of the Governor's message relating to the Columbian Exposition be referred to a Special Committee of five;

Which motion was agreed to and it was so ordered.

The Chair announced that he would announce the appointment of said Committee to the Senate to-morrow.

By Mr. Yancey:

*Resolved*, That the Sergeant-at-Arms of the Senate be directed to procure for the use of the Senate Messenger a pouch in which to carry and bring the mail of the Senators, with duplicate keys; one to be kept by the city postmaster and one by the Sergeant-at-Arms or the Secretary;

Which on motion of Mr. Yancey was adopted.

Mr. Drake moved that this body instruct the Sergeant-at-Arms to request the Secretary of State to furnish thirty-two copies of the acts of the last session of the Legislature for the use of the Senate;

Which motion was agreed to and it was so ordered.

The committee appointed to notify the House of Representatives of the organization of the Senate appeared at the bar of the Senate and stated that they had performed that duty.

The report was received and the committee was discharged.

Mr. Calhoun announced that the city of Palatka had, for the first time in years, a Democratic administration.

On motion of Mr. Wall, the Senate adjourned until 10 o'clock Thursday morning, April 9, 1891.

THURSDAY, April 9, 1891.

The Senate met pursuant to adjournment.

The President in the chair.

The roll being called the following Senators answered to their names:

Mr. President, Messrs. Baya, Borden, Bristol, Brett, Broome, Bryant, Calhoun, Coulter, Crosby, Drake, Farmer, Hammond, Hardee, Johnson, King, Kirk, McKinne, Myers, Pirrong, Rosborough, Smith of 30th, Smith of 31st, Summers, Swearingen, Thomas, Wadsworth, Wall, Wilkinson, Wolfe, Yancey—31.

A quorum present.

Prayer by the Chaplain.

The Secretary proceeded to read the Journal of the preceding day.

Mr. Kirk moved that further reading of the Journal be dispensed with;

Which was agreed to, and it was so ordered.

The Journal was corrected to read:

Mr. Rogers moved that the rules be waived and that hereafter all bills introduced into this body be read by title only on first reading;

Which was agreed to, and so ordered.

The Journal was approved as corrected.

Mr. Yancey moved that the rules be waived and that the Chair be requested to increase the Committee on Judiciary to seven;

Which was agreed to and so ordered.

#### INTRODUCTION OF RESOLUTIONS.

By Mr. King:

Senate Concurrent Resolution No. 2;

Which was read as follows:

*Resolved*, That a committee of two be appointed by the Senate, to act with a committee to be appointed by the House of Representatives, to examine the books of the Land Office and employ such clerical aid as may be necessary.

By Mr. Smith, of the 31st District:

Senate Concurrent Resolution No. 3;

Which was read as follows:

*Resolved by the Senate, the House of Representatives concurring*, That a committee of four from the Senate to act with a similar committee from the House be appointed to visit the Deaf and Blind Institute at St. Augustine.