

# JOURNAL OF THE SENATE

Of the Eighth Regular Session of the Legislature, under the Constitution of A. D. 1885, begun and held at the Capitol, in the City of Tallahassee, State of Florida, Tuesday, the Second day of April, A. D. 1901, being the day fixed by the Constitution of the State of Florida for the meeting of the Legislature.

TUESDAY, APRIL 2, 1901.

The Senate convened at 12 M., and was called to order by President Adams.

Secretary Appleyard called the roll of Senators holding over, and the following answered to their names:

Mr. President (Adams).  
Baker of 20th District.  
Broome of 6th District.  
Crill of 26th District.  
Denham of 22d District.  
McCreary of 32d District.  
O'Brien of 2d District.  
Palmer of 14th District.  
Rogers of 18th District.  
Sams of 28th District.  
Wadsworth of 10th District.  
Wilson of 4th District.  
Williams of 16th District.

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

Senators

Blitch of 21st District.  
Butler of 23d District.  
Carson of 19th District.  
Cottrell of 12th District.  
Crews of 15th District.  
Dimick of 13th District.  
Kirk of 9th District.  
Law of 29th District.  
Miller of 25th District.  
McCaskill of 1st District.

MacWilliams of 31st District.

Neel of 3d District.

Palmer of 11th District.

Peacock of 17th District.

Rouse of 5th District.

Wilson of 7th District.

Whidden of 27th District.

A quorum present.

The roll of new Senators was called four at a time, and the oath of office prescribed by the Constitution administered to them by Chief Justice R. F. Taylor.

Mr. Baker moved that the Senate proceed to the election of officers and attaches of the Senate for the present session.

Which was agreed to.

Mr. MacWilliams placed in nomination the name of Hon. Thomas Palmer, of Hillsborough, to be President of the Senate.

Which was seconded by Mr. Williams.

Mr. Law moved that Hon. Thomas Palmer be elected by acclamation.

Which was agreed to.

Mr. Law moved that a committee of three be appointed to conduct the newly-elected President to the chair.

Which was agreed to.

The Chair appointed Messrs. Law, Carson and Miller, who performed their duty.

The President-elect was then introduced to the Senate in a few appropriate remarks by retiring President Adams, and addressed the body.

Mr. MacWilliams moved that Hon. E. S. Crill be elected President pro tem.

And it was seconded by Mr. McCreary.

Mr. Broome moved that Mr. Crill be elected by acclamation.

Which was agreed to.

And Mr. Crill was declared elected President pro tem.

Mr. MacWilliams put in nomination the name of Hon. T. J. Appleyard, of Monroe, to be Secretary of the Senate.

Mr. MacWilliams moved that Mr. Appleyard be declared elected Secretary by acclamation.

Which was agreed to.

Mr. MacWilliams put in nomination the names of the following persons to be officers and attaches of the Senate for the present session, to wit:

Assistant Secretary, L. L. Ramsey, of Lafayette.

Recording Secretary, L. B. Bouchelle, of Volusia.

Assistant Recording Secretary, John R. Willis, of Levy.

Bill Secretary, Fred L. Robertson, of Hernando.

Recording Secretary, Ellis F. Davis, of Jackson.

Engrossing Secretary, S. A. Edmundson, of Alachua.

Enrolling Secretary, C. J. Hardee, of Madison.

Sergeant-at-Arms, S. A. Ogilvie, of Nassau.

Doorkeeper, T. J. Peavy, of Gadsden.

Messenger, Chas. D. Clark, of Calhoun.

Chaplain, Rev. A. L. Woodward, of Leon.

Janitor, M. C. Burns, of Suwannee.

Pages, Mallory O'Brien, of Escambia; Eli Futch, of Alachua, and T. M. Cox, of Duval.

Mr. MacWilliams moved that they be declared elected by acclamation.

Which was agreed to.

And they came forward with the exception of the chaplain, janitor and pages, and took the oath of office prescribed by the Constitution, which was administered by Chief Justice R. F. Taylor.

Mr. McCreary moved that the rules for the government of the Senate at the close of the last session be in force until rules be adopted for the present session.

Which was agreed to.

Mr. Broome moved that the chaplain be requested to invoke the Divine blessing on our proceedings.

Which was agreed to.

And the Chaplain came forward and offered up prayer.

Mr. Carson moved that a committee of three be appointed to notify the House of Representatives that the Senate is organized and ready to proceed to business.

Which was agreed to.

The President appointed the following as such committee, viz.: Messrs. Carson, Blich and Cottrell.

Who, after a short absence, appeared at the bar of the Senate and announced that they had performed the duty assigned them, and were discharged.

Mr. Kirk moved that a committee of three be appointed by the President to wait upon His Excellency, the Governor, and inform him that the Senate was organized and ready to receive any communication he may see proper to communicate.

Which was agreed to.

The President appointed Messrs. Kirk, Baker and Broome.

Who, after a brief absence, returned to the bar of the Senate and announced that they had performed the duty assigned them, and were discharged.

A committee of three from the House of Representatives appeared at the bar of the Senate and announced that they were instructed by the House to inform the Senate that that body was organized and ready to proceed to business.

A communication was received from the Governor, as follows:

State of Florida, Executive Department,  
Tallahassee, April 2, 1901.

Hon. Thomas Palmer,

*President of the Senate.*

My Dear Sir: In obedience to the mandate of the Constitution, which directs 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 have the honor of submitting the following statements and recommendations.

Very respectfully,

W. S. JENNINGS,

Governor of Florida.

The message and document contained in the above was ordered spread upon the Journal.

# Message of the Governor.

## STATE OF FLORIDA

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EXECUTIVE OFFICE, April 2, 1901.

*Gentlemen of the Senate and House of Representatives:*

In obedience to the mandate of the Constitution, which directs 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 have the honor of submitting the following statements and recommendations:

### *Financial.*

The financial standing of Florida is of the best, she has no floating debt, and has moneys in all her various funds, as shown by the Treasurer's Report, including \$277,885.10 in the general revenue fund, which makes a creditable showing. This fund, however, would be somewhat reduced if the items advanced by the State Treasurer on account of expenditures in excess of appropriations for the Hospital for the Insane, and for the State Board of Health, amounting to about \$50,000 and \$125,000 paid during the month of January and about \$70,000 to defray the expenses of the Legislature were deducted.

The bonded indebtedness of the State amounts to \$1,032,500. One issue of these bonds bear interest at 6 per cent and the other 7 per cent., as specially mentioned elsewhere; one of which issues has matured, and the other will mature January 1, 1903. These matured 7 per cent bonds have been purchased by the Trust Funds of the State, and are now held by such State funds except \$900, which are held by individuals, and provision should be made for refunding them at a lower rate of interest, not to exceed 3 per cent. per annum.

It will be observed that there has not been a dollar paid on these issues of the bonded indebtedness of Florida, except that there are now in the sinking fund, State bonds amounting to \$242,500 which bonds should be destroyed by Legislative authority.

The interest paid on the State debt in 1900 amounted to \$66,921. The State's credit will guarantee a ready sale of

her bonds bearing 3 per cent. interest, and thus relieve the tax payers of one-half of this burden.

It must be borne in mind that the demands of the State Institutions are great, those of the Hospital for the Insane are approaching an expenditure of \$100,000 per annum, and the necessary appropriations for the various Schools, the State Capitol Building, and other Departments and Buildings, suggests the most rigid economy in every step of Legislation, the application and enforcement of the law, and the greatest effort is demanded to preserve our financial standing to avoid making the burden of taxation heavier.

#### *Reports of Cabinet Officers.*

In transmitting herewith the bi-ennial reports of the Secretary of State, Comptroller, Treasurer, Attorney-General, Superintendent of Public Instruction and Commissioner of Agriculture, I can only invite your attention to a careful study of these reports as they are filled with statistical data and information that can not be obtained elsewhere, and no member of the Legislature can afford to pass these important documents by without a most careful study in order that he may understand the present financial condition of the State, its needs and requirements and thus better fit himself for the task imposed upon him.

#### *Reports of Other State Officers.*

I beg to invite your attention to the reports of the State officers and appointees transmitted herewith. These reports consists of the report of the Railroad Commissioners, the State Chemist, the Adjutant-General, the State Health Officer, the Superintendent of the Hospital for the Insane, the Secretary and Treasurer of the Board of Trustees of the Internal Improvement Fund, all of which reports have been published and are transmitted herewith and are of great importance.

#### *Comptroller's Warrants Issued for 1899.*

By reference to the Comptroller's report, it will be seen that warrants were issued in 1899, aggregating \$727,366.31, distributed as follows:

Expenses Executive Department . . . . .	\$ 39,525 71
Expenses Judicial Department . . . . .	121,959 51
Expenses Legislative Department . . . . .	65,016 47
Expenses Assessment and Collection of Revenue . . . . .	66,412 05
Expenses Florida State Troops . . . . .	12,016 70
Expenses maintenance of Lunatics . . . . .	71,716 35

Expenses of Educational Institutions. . . . .	182,508	29	7
Expenses of State Chemist and Laboratory. . .	3,669	66	4
Miscellaneous. . . . .	164,541	57	7
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	\$727,366	31	1

*Comptroller's Warrants Issued for 1900.*

Expenses Executive Department. . . . .	\$ 39,192	45	1
Expenses Judicial Department. . . . .	99,175	22	2
Assessment and Collection of Revenue. . . . .	58,776	45	1
Florida State Troops. . . . .	8,362.43		
Maintenance of Lunatics. . . . .	68,302	63	1
Educational Institutions. . . . .	177,831	34	1
State Chemist and Laboratory. . . . .	3,892	28	1
Miscellaneous. . . . .	210,873	88	1
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	\$666,404	68	1

*Public Lands and Agricultural Statistics.*

The Constitution provides that the Commissioner of Agriculture shall have supervision of all matters pertaining to the public lands and shall keep the Bureau of Immigration. He shall also have supervision of the State Prison, and shall perform such other duties as may be prescribed by law.

From the report of the Commissioner of Agriculture the following items of interest are extracted:

Swamp lands sold 1899. . . . .	1,778.87	acres
Swamp lands sold 1900. . . . .	2,700.53	acres
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Total lands sold in 1899 and 1900. . . . .	4,479.40	acres
Swamp lands on hand, January 1st, 1901	417,598.42	acres
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Internal Improvement lands sold in 1899	16,311.62	acres
Internal Improvement lands sold in 1900	5,088.55	acres
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Total sold in 1899 and 1900. . . . .	22,399.17	acres
Internal Improvement lands on hand Jan. 1, 1901. . . . .	73,706.55	acres
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School land sold in 1899. . . . .	15,660.21	acres
School lands sold in 1900. . . . .	31,317.65	acres
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Total sold in 1899 and 1900. . . . .	46,977.86	acres
School lands on Hand January 1, 1901. . . . .	295,646.99	acres

Seminary lands sold in 1899 . . . . .	1,994.32 acres
Seminary lands sold in 1900 . . . . .	49.10 acres

Total sold for 1899 and 1900 . . . . .	2,043.42 acres
Seminary lands on hand January 1, 1901	28,337.92 acres

*The Bonded Debt of Florida.*

The bonded debt of Florida is now \$1,032,500, consisting of 7 per cent. bonds issued in 1871, to mature January 1, 1901, and 6 per cent. bonds issued in 1873, to mature January 1, 1903, as follows:

Seven per cent Bonds of 1871.

Amount issued . . . . .	\$350,000 00	
Deduct amount in sinking fund	82,300.00	\$267,700 00

Six per cent. Bonds of 1873.

Amount issued . . . . .	\$925,000 00	
Deduct amount in sinking fund	160,200 00	\$764,800 00

\$1,032,500 00

Of the seven per cent bonds issued in 1871, there are now \$269,700.00 outstanding as valid obligations against the State.

Of this amount, there was on January 1st, 1901, in the State School, Seminary and Agricultural College Funds \$255,700, leaving in the hands of individuals \$12,000. Since January 1st, 1901, the State School Fund has bought \$11,100 leaving now in the hands of individuals \$900, which do not bear interest since January 1st, 1901, and will be taken up when presented.

These bonds matured January 1st, 1901, and the Legislature should provide for "redeeming or refunding them" at "a lower rate of interest." Constitution of Florida, Article IX, Section 6.

As all these bonds of 1871 are now held by the several educational funds of the State, except \$900 which will be taken up by the State school fund when presented, it would be advisable if these bonds are to be refunded to provide for the execution of one manuscript bond, payable to each fund, covering the amount of the bonds held by them respectively. This will avoid the expense of issuing lithograph bonds and prevent the possibility of the loss of the bonds.

Of the bonds issued in 1873 there are now \$764,800 outstanding as valid obligations against the State, of this amount there was on January 1st, 1901, in the State School, Seminary and Agricultural College funds \$586,000, leaving in the hands of individuals \$178,800.

These bonds will mature and become payable on January 1st, 1903, therefore it is incumbent upon this Legislature to provide for "redeeming or refunding" them "at a lower rate of interest." Constitution of Florida, Article IX, Section 6.

The bonds of this issue now held by the educational funds of the State could be converted into manuscript bonds, as recommended for the seven per cent bonds.

The report of the State Treasurer for January 1st, 1901, shows that the three permanent educational funds of the State own Florida State bonds amounting to \$841,700, and also bonds of other States amounting to \$106,000, and that a little more than \$30,000 belonging to these funds then remained uninvested.

The bonds of other States belonging to these funds, can be sold and the proceeds invested in Florida State bonds. This, with the amount on hand uninvested, and the proceeds from the probable sale of school and seminary lands during this year and the next will enable the educational fund of the State to take up as investments the entire bonded debt of this State by January 1st, 1903, when the bonds issued in 1893 mature. This will not reduce the bonded debt of the State from its present amount, viz: \$1,032,500, but it will put the State in the position of controlling in her own trust funds the entire debt of the State.

#### *Bonds and Other Papers.*

My attention was called to the fact that there is an old safe in the watchman's room underneath the Treasurer's office in the Capitol building, said to contain bonds and other papers. Its contents not being known, the safe having been securely locked for several years and the key left with the State Treasurer, and believing that the interests of the State could be best subserved by bringing the matter to the attention of the Legislature, the Governor directed the State Agents, Messrs. W. V. Knott, J. P. Cobb and J. E. King, to open the said safe in the presence of the State Treasurer and in the presence of each other and make a complete inventory and list of the contents thereof and report the same in detail to be transmitted to the Legislature.

In obedience thereto their inventory and report is transmitted herewith, which will show in detail the contents of the said safe: Among the items will be observed three thousand (3,000) bonds of the Jacksonville Pensacola and Mobile Rail-Company of \$1,000 each with coupons, dated January 1st, 1870, payable to the State of Florida, and amounting to \$8,984,360, which are known as the M. S. Littlefield bonds.

One thousand (1,000) bonds of the Florida Central Railroad Co. of \$1,000 each with coupons, dated January 1st, 1870, and amounting to \$3,376,000 payable to the State of Florida, endorsed on the back by Harrison Reed, Governor of Florida.

One hundred (100) first mortgage bonds of the South Florida Railroad Company of \$10,000 each, dated November 4th, 1871, payable to the State of Florida, with coupons, amounting to \$3,306,000.

There were many other items contained in this safe consisting of coupons, detached, Comptroller's paid warrants, Treasurer's certificates, several thousand in number, as will appear by the report, all of which is submitted.

#### *General Revenue Fund.*

This fund consists of the annual tax levy authorized by the Legislature, the licenses collected for the State, the receipts from insurance companies and other items enumerated in the Treasurer's report.

The expenditures from this fund cover all the general expenses of the State government, including the expenses of the Legislature and the appropriations made by the Legislature for the assessment and collection of revenue, the interest on the State debt, the maintenance of the several State Colleges and Seminaries, the Hospital for the Insane, the Institute for the Blind, Deaf and Dumb, for jurors, the salaries of all State officers and clerks, and all other appropriations made by the Legislature when no other fund is specially mentioned.

The tax levy for general revenue purposes for the year 1900 was 2½ mills on the dollar, and it is hoped the Legislature will be able to reduce this rate in the future since the annual payments of interest on the State debt will be reduced if the maturing State bonds are renewed at a lower rate of interest. It is reasonable to suppose the receipts for general revenue purposes from other sources will be increased in the future.

#### *State Board of Health Fund.*

The Legislature of 1899 authorized the levy of a half mill on the dollar for the expenses of the State Board of Health, and the receipts to this fund for 1900 were: From one-half mill tax, \$43,556.10; from sale and redemption of tax certificates, \$1,415.02, making a total of \$44,971.12. The expenses of the State Board of Health for 1900 exceeded the receipts owing to unusual demands on the fund, and it may become necessary for the Legislature to supplement the State Board

of Health Fund by an appropriation from the General Revenue Fund.

*Pension Tax Fund.*

Under Chapter 4670, Acts of 1899, an annual tax levy of one mill upon the dollar is collected for pensions. There are now on the Pension Roll 780 persons, and the number is steadily increasing.

*The Sinking Fund.*

The collection of a special tax for raising a sinking fund for the ultimate redemption of the bonded debt of the State has been suspended for a number of years, and as a consequence, the bonded debt has not been diminished. The bonds now in the sinking funds should be cancelled or otherwise disposed of by the Legislature and the cash carried in the funds should be converted into the general revenue fund.

*Principal of State School Fund.*

The principal of the State School Fund, as shown by the Treasurer's report of January 1, 1901, consists of \$696,200 invested in bonds of several States, and of \$30,720.38 uninvested at that time. This fund is derived from the sale of the lands granted by the United States to the State, for the support of public schools, by the Act of Congress approved March 3, 1845. The report of the Commissioner of Agriculture shows that there were on the 10th of January, 1901, 295,977.86 acres of school lands unsold. The uninvested portion of the fund, as well as the proceeds from the sale of the school lands are being invested by the State Board of Education as rapidly as the bonds required by Section 267 of the Revised Statutes can be purchased at reasonable rates.

*Interest of State School Fund.*

The interest on the bonds of the State School Fund is required by Section 7, Article 12 of the Constitution of Florida, as amended in 1894 to be distributed "for the support and maintenance of public free schools, among the several counties of the State in proportion to the average attendance upon the schools in said counties respectively." The Legislature during the last four years has made appropriations out of these funds for the clerical assistance and incidental expenses of the Superintendent of Public Instruction.

*Agricultural College Fund.*

By Act of Congress approved July 2, 1862, the United States granted certain lands to the State of Florida to be sold and the proceeds invested in United States or State securities to constitute a perpetual fund, the capital of which shall remain forever undiminished, and the interest of which shall be inviolably appropriated to the endowment, support and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agricultural and mechanic arts. The proceeds from the sale of this land were invested in State bonds and this constitutes the principal of the Agricultural Fund which is shown by the Treasurer's report to be \$153,800. The annual interest of this amount has been \$9,1107. This, with the appropriation made by the Legislature, has made the annual receipts in the Agricultural College Fund for current expenses. Some of the Florida State bonds held by this fund matured January 1, 1901, and others will mature January 1, 1903. If these bonds are renewed by the Legislature at a lower rate of interest as provided by Section 6, Article 9, of the Constitution of Florida, the annual receipts of interest on the principal will be reduced.

*Seminary Fund.*

By Act of Congress approved March 3, 1845, the United States granted to the State of Florida two entire townships of land for the use of two seminaries of learning, one to be located east and the other west of the Suwannee river. From the proceeds of sales of lands there are now in the principal of the Seminary Fund, \$37,700.00 invested in Florida State bonds. From this the fund has derived an annual interest of \$5,937.00, which amount has been equally divided between the West Florida Seminary, at Tallahassee, and the East Florida Seminary, at Gainesville. The Legislature has made appropriations to each of these Seminaries to provide suitable buildings and to meet current expenses. The renewal of the matured Florida bonds in this fund will probably reduce the annual interest receipts. The report of the Commissioner of Agriculture shows that there were 28,383.92 acres of land belonging to this fund, on January 1, 1901, the proceeds from which when sold will be invested in State bonds.

*The Morrill Educational Fund.*

By act of Congress, approved August 30, 1890, the United States annually appropriates a sum of money which now aggregates \$25,000 per annum to this State "in aid of land grant colleges of agriculture and mechanic arts." The appropriation is equally divided between the Agricultural College for white students, at Lake City, and the Normal and Industrial College for colored students, at Tallahassee, to be applied only to instruction in agriculture, the mechanic arts, the English language, and the various branches of mathematical, physical, natural and economic science, with special reference to their applications in the industries of life, and to facilities for such instruction."

*Experiment Station Fund.*

By act of Congress approved March 2, 1887, the United States appropriates annually to the State \$15,000, which is used at the Experiment Station at Lake City for the purposes defined in the act cited.

*One Mill School Fund.*

Section 6, Article 12, of the Constitution provides that "a special tax of one mill on the dollar of all taxable property in the State, in addition to the other means provided, shall be levied and apportioned annually for the support and maintenance of public free schools." The receipts in this fund for 1900 were: one mill tax collected, \$88,166.60; from sale and redemption of tax certificates, \$5,229.32, making a total of \$93,385.92, which was distributed to the several counties of the State as provided by Section 6, Article 12 of the Constitution, after paying the printing and other expenses in the office of Superintendent of Public Instruction.

The attention of the Legislature is called to the imperfect condition of the law regulating the conveyance of school lands the title to which is in the State under the Act of Congress, approved March 3, 1845. As the laws of this State now read, there is no direct authority in any officer or person to convey the title to purchasers. The Constitution, Section 3, Article 12 provides that the Governor, Secretary of State, Attorney-General, State Treasurer and State Superintendent of Public Instruction shall constitute a body corporate to be known as the State Board of Education of Florida, of which the Governor shall be President and the Superintendent of Public Instruction Secretary. This board "shall have the management and investment of all State school funds under such regulations as may be prescribed by law."

Section 234 of the Revised Statutes vests said board "with full power to perform all corporate acts for educational purposes." Section 235 authorized the board "to obtain possession of and take charge, oversight and management of all lands granted or held by the State for educational purposes and to fix the terms of sale, rental or use of such lands, and to do whatever may be necessary to preserve them from trespass or injury, and for their improvement." Section 151 of the Revised Statutes of Florida provides that deeds signed by the officers or trustees making the sale and impressed with the seal of the "Department of Agriculture of the State of Florida" shall be operative and valid without witnesses to the execution thereof, but nowhere is authority directly given to any one to convey the title to school or seminary lands the title to which is in the State under the Act of Congress above mentioned. This should be remedied in justice to persons who purchase these lands, by an act confirming all titles heretofore sought to be passed and to provide a definite mode of conveyance for the future.

*Relief of the Supreme Court.*

Many years ago the Supreme Court Docket became congested, and for the past several years much has been said and written upon the subject, yet we find the problem unsolved.

Each Legislature since 1893 has considered to some extent various plans for relief, and bills have been introduced looking to the solution of this condition. During the sessions of the Legislature of 1893 and 1895, an impression was made upon my mind as a member of the House of Representatives, that all plans submitted were subject to a Constitutional objection, and that the Supreme Court Justices were opposed to the enactment of any law upon that subject. I am advised that at subsequent sessions of the Legislature of 1897 and 1899, an impression again prevailed that the Court was opposed to the enactment of any law upon this subject. This however, I am now authoritatively prepared to state was not authorized by the Justices nor was such an impression created by them, or with their consent, and I am glad to be able to state that the present Supreme Court Justices are perfectly willing that such a law be enacted and given a fair trial, the only anxiety in the matter being that a law be so framed as not to violate the provisions of the Constitution. It is conceded that the question involves many Constitutional considerations.

The power of the Government of the State is divided by the Constitution into three departments, Legislative, Exec

tive and Judicial, which must be maintained and respected. The Judicial power of the State is vested in the Supreme Court, and other courts as therein stated. The Supreme Court, in the language of the Constitution, shall consist of three Justices. Thus it is clear that the Legislature has no authority under the provisions of the Constitution, to enact a law providing for additional Justices, or to direct the Judiciary in its work, or to clothe other persons (except as stated therein,) with Judicial functions.

A study of the decisions upon this subject of other States, suggests with much force the grave Constitutional rocks that must be guarded against in order to enact an effectual law, and the delicacy with which the Court itself must approach the consideration of such a law. If a law on this, or any other subject, is enacted by the Legislature that is in violation of the Constitution, it is the Court's sworn duty to declare such law unconstitutional. Nothing short of that could be expected of the Court, nor anything else than the faithful discharge of its duties would meet the approval of the people of Florida. Many of the States have enacted laws creating a Supreme Court Commission, to enable the Court to dispose of the accumulated cases, which, when properly framed, have been declared Constitutional. In California a law was passed authorizing the Justices of the Supreme Court to employ suitable persons learned in the law to assist the Justices in their work, and to perform such duties as the Justices should require under rules and regulations to be prescribed by the Court. This law was held to be Constitutional. These Commissioners were not vested with Judicial powers or official duties.

The operation of the law was a success, and I recommend the enactment of a similar law, carefully prepared to guard against Constitutional objections, authorizing the Justices of the Supreme Court to select and employ three suitable men learned in the law to assist them in their work, and that an appropriation be made to pay such Commissioners of the Supreme Court a like sum as compensation as the Supreme Court Justices receive.

#### *Taxation on Banks.*

The assessment of bank stocks and property presents many difficult problems. We have private banks which do not make statements or reports of their financial condition or capital to any official, others are carrying on a banking business under special charters, many State banks are organized under the general banking act, some with the mini-

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mum capital of stock, others with the maximum, there are also many national banks, some with \$50,000 capital stock, others with \$100,000 and upwards with other resources, undivided profits and surplus, with many other items of value, many times greater than their capital stock, for which they make no showing upon the tax books.

An examination of the assessment rolls, shows perhaps greater inequality in such assessments than that of any other property in the State, and in view of the fact that the county assessors do not have access to the records and reports of our State banks or national banks, having no means of reviewing same, and are thereby unable to make uniform assessments upon bank stocks and property, I therefore recommend that a law be enacted authorizing the State Comptroller, who is the custodian of the records, has supervision over the State banks, and access to the records of the national banks, to assess, with the assistance and advice of the Attorney-General and State Treasurer, the bank stock in this State, and notify the assessors of the valuations placed upon such stock.

#### *Taxation.*

One of the most important questions for your consideration is that of taxation. I took occasion to refer to this subject in my inaugural address which I take the liberty of reproducing here as expressing my views on this subject:

Section 1, Article IX of the Constitution reads "The Legislature shall provide for a uniform and equal rate of taxation, and shall prescribe such rules and regulations as shall secure just valuations of all property both real and personal, exempted property excepted."

This is a subject that has perplexed men of experienced minds from time immemorial and will continue to do so while the subject lasts. It has been ascertained that under our present system of valuations, property in some of the counties is assessed at 90 per cent. of its value, while in other counties it is assessed at less than 20 per cent. of its value. In 1871, the Legislature created a State Board of Equalization to determine the relative value of real estate in the different counties. This Board made its report to the Legislature of 1872, which report was confirmed. Since that time, nearly thirty years, there has been no power or board of equalization to determine the relative values of real estate in the different counties, resulting in a policy of local depression of valuations which has placed our State in the awkward position of maintaining an uneven burden of government and

a higher rate of taxation than would otherwise have been required. That a remedy should be provided to relieve those who are bearing unjust burdens and to provide for a uniform and equal rate of taxation must be apparent. I am convinced that such is the will and the wish of the people of Florida, and suggest the creation of a State Board of Equalization, whose powers shall be prescribed by law.

*Tax Sales and Redemption Department.*

The several laws regulating the sale and redemption of the tax sale certificates held by the State are found to be in a very unsatisfactory condition. There are many thousands of these certificates in their original form as forwarded by the tax collectors of the various counties, in the custody of the State Treasurer, who is authorized to make sales and assign the certificates held by the State.

The importance of this Department, both to the State and to the various counties, may be fully appreciated when it is understood that the State has received during the year 1900 from the sale and redemption of tax sale certificates held by the State, the sum of \$114,469.89, and that of this sum \$53,988.45 has been remitted to the counties.

Many of the counties contend that the county should receive its full proportion of the interest received from sales and redemptions, and have been answered, I am informed, that the State pays all the expenses of advertising the lands for the non-payment of taxes, and the expense of maintaining this Department. It is also expressly provided that at the expiration of two years from the dates of such certificates purchased by the State, that the title to the lands described in the certificates becomes vested in the State, without deed or other evidence of title, and under this theory lands so purchased by the State, being State property, are exempt under the provisions of the Constitution from further taxation. Much inconvenience has also been experienced by those whose lands have been sold for the non-payment of taxes, who desire to redeem their lands under the present system, which requires a certificate of the clerk of the circuit court of the county where the land is situated, setting forth a description of the property, date of sale and number of sales against the same, such certificates to be forwarded to the Capital and returned to the county where the lands are situated.

In considering this subject the Executive is mindful of

its magnitude, not only as a source of general revenue to the State, but for the reason that the operation of this law is inconvenient, complicated and expensive.

In my opinion a new law upon the subject should be enacted and I therefore recommend that a law be framed to comprehend the entire subject, taking up the entire system of State taxation on properties, with a definite millage for State purposes, and a separate definite millage for county purposes, requiring each county to bear its proportionate expense of the advertising and cost incident to collection of the same to be audited by the State Comptroller, and receiving each its proportion of the taxes and interest arising from the sale and redemptions, the State receiving its just proportion of the taxes and interest.

In my opinion the tax certificates held by the State should be returned to the clerks of the circuit courts of the counties from whence they came, where the lands are situated, the clerks to have charge of and execute deeds for the sales thereof under rules and regulations to be prescribed by law, that all redemption and sales be made by the clerks of the circuit courts, and that they be directed to keep a complete record of all such certificates and sales, making stated reports and remittances to the proper officers of all redemption and sales of property sold for the non-payment of taxes, a record of all such tax sales to be kept in each office in such form as the State Comptroller shall prescribe, a like record to be kept by the Comptroller in which shall be kept a complete list of all certificates and reports of sales and redemptions made by the various clerks of the circuit courts, and that such law provide that all lands sold for the non-payment of taxes shall remain upon the tax books.

#### *State Board of Health.*

Questions have arisen of vital importance to our health laws. The Quarantine Station erected on Mullet Key was built without first procuring a title to the land upon which it is situated, and the only right of occupancy we hold under is a temporary license, or as the reading is, "revokable license" at the pleasure of the War Department. During the past month the War Department notified the State Board of Health to vacate Mullet Key. Unfortunately all of our important quarantine stations are located on Government property where we hold only "revokable license" at the pleasure of the War Department.

It is plain that the Marine Hospital Service, which is acting under powers delegated by the War Department, are undertaking to usurp the powers of our State Board of Health and

State control of the protection of the health of our citizenship. It may be argued that the Marine Hospital Service can operate the quarantine stations or plants, and thus rid the State of the heavy expense and commercial shipping interests of taxation, the Government service being free to such interests. It may be only a short time when the Treasury Department will revoke the permission given to the State authorities for the occupancy of Pensacola Quarantine Station and that at Fernandina, which are both on military reservations of the Government. This will no doubt lead to an ejectionment from Santa Rosa Island, Amelia Island, and probably Gasparilla Island, Charlotte Harbor. The President of the State Board of Health, under the circumstances, recommends in his report to the Board, that the Mullet Key station be sold to the General Government. This report I am advised was not adopted by the Board at its meeting held in the City of Jacksonville in February last, and the whole matter was referred to the Executive for investigation and consideration. I requested Attorney-General Lamar to confer with the Secretary of War at Washington upon the subject, which conference was held on or about the 10th of March, and after considering his report of such conference, and an investigation of the matter, during the limited time I have had opportunity to consider it, I have reached the firm conclusion that the State should not sell its plant or quarantine station at Mullet Key, or lease or surrender its control to the General Government. When the State yields its power to control entries of infected vessels to our ports, it yields the power and the right to protect the citizenship of Florida from epidemics. One infected vessel in 1878 gave yellow fever and desolation to the Mississippi Valley, from Port Eads to Gallipolis, O., and Chattanooga, Tenn. One infected vessel entering the port of Savannah in 1876 and another entering Brunswick the same year gave serious loss; an infected vessel entering the port of Pascagoula caused the death by yellow fever of many good Mississippians and one who had been an honored citizen of this State. It only requires one patient from an infected vessel to form a focus from which an epidemic may arise—  
Extract from twelfth annual report of the State Health Officer of Florida.

I am informed that to remove this plant from Mullet Key, that the State might continue to operate it, is met with a serious obstacle that there is no other land that the State has or can acquire, suitable for such location. This, however, can be overcome by the expenditure of a small sum over and

above what a suitable location would cost, if the State could procure one, by the construction or purchase of a suitable barge upon which this plant could be placed and operated, which can be done to a greater advantage than a stationary plant, on account of its being portable, and thus more useful. Therefore, I strongly urge that no sale or lease of the plant at Mullet Key, or at any of the stations owned and operated by the State be granted or authorized, and I recommend that the State Board of Health be empowered and directed to proceed to purchase or construct a suitable barge, and continue to operate it, as in the wisdom of the Board and the State Health Officer may be required.

In 1889 the Executive found it necessary to call an extra session of the Legislature to enact a law upon this subject in compliance with section 3 of Article 2 of the Constitution of the State. Governor Fleming in his message to that Legislature in reference to the epidemic of the year 1888, said, "During the past year a great shadow rested upon our State. Various communities within her borders were stricken with yellow fever. Death claimed for many of its victims some of the most highly esteemed and useful of our citizens whose loss will be sorely felt for many years to come. Grief and affliction have overwhelmed many of our people. Business was sorely interrupted throughout the State and in places entirely destroyed, and our people have sustained pecuniary losses which can not be estimated." It is unnecessary for me to say more. The causes that actuated the establishment of the State Board of Health have not been removed. The chances of epidemics have been increased many fold by the activity of commerce that has been permitted by our beneficent laws and the importance that Florida bears to foreign infected ports. The efficiency of the operation of the State Board of Health is no longer an experiment; it has been and is a success; we do not follow in the scientific prevention of epidemics, but lead the world, having the best system known to civilization, being the model for the plan that the General Government is operating under. This high standard should not be relaxed, but improved. Money economically expended for the protection of the health and lives of the citizenship of Florida is well spent.

Many new demands have been made upon the State Board of Health and upon the Health Officer, the Board of Health requiring much of the time of its agents in various sections of the State and the consequent expenditure of money. One important item of such expenditure has been caused by the prevalence throughout the State of small pox, the State

Health Officer has been called upon by almost every community, and the Board has responded with liberality to stamp out this loathsome disease. I therefore respectfully recommend that a compulsory vaccination law be enacted; and that the necessary appropriations for the efficient work of the State Board of Health, and a deficiency appropriation be made to cover the amount advanced by the State Treasurer with the consent of the Governor, in excess of the appropriation, amounting to \$19,799.67, as shown by the Treasurer's report filed with the Governor.

*State Capitol Building.*

For some years past the question of the removal of the State Capital has been occasionally mentioned, and this question was passed upon by the State Convention held in the City of Jacksonville June 20, 1900, in which it was declared that the question of the removal of the seat of Government should be settled by the white Democratic electors of the State at a primary election to be held at the time of the holding of the State election, November 6, 1900. It was further declared by the Convention, as expressed in the platform, "that if Tallahassee shall receive a plurality vote, then the Legislature shall provide better and safer accommodations for the State's records and business." Part of section 25.

In accordance with this provision of the platform, the question of the removal of the Capital was submitted to such primary election, and the returns of such primary election on this question were canvassed by the State Democratic Executive Committee on the 20th day of November, 1900, and a certificate of the result of said election has been filed in the Executive office by Hon. Frank Clark, Chairman of the Committee, attested by Hon. James E. Crane, Secretary of the Committee, in which it is stated, "that the returns did show that the City of Tallahassee did receive, not only a plurality of the votes cast thereat, but did receive a majority over all of the candidate cities for the State Capital location." Thus it is made apparent that a necessity exists for additional room, better and safer accommodations for the State's records and business, and that the seat of Government shall remain at Tallahassee.

The departments are greatly crowded and are in need of more room. Two plans have been suggested, one that suitable additions be made to the present Capitol buildings, the other than a separate building be erected for certain departments. These are questions for your consideration and determination. I respectfully recommend the erection of suit-

able structures such as the necessities of our prosperous and growing State demands. My present information leads me to favor the erection of additions as wings to the present Capital building, which I am advised can be constructed of suitable material, made commodious, comfortable and substantial of approved architectural design, within the cost of \$75,000.

*State Auditor.*

One of the most important positions is that of State Auditor, authorized by the Act of the Legislature of 1897, Chapter 4587, Laws of Florida. Under this authority Mr. W. V. Knott was employed and the results of his work, have demonstrated the wisdom of the law, and thousands of dollars have been saved to the State and the counties by his examinations of accounts. The appropriation made for this position is wholly inadequate as his salary is meagre and much of same is required to be paid as traveling expenses and thus limits his usefulness. There are more demands, and of the most urgent character, made upon his time than he is able to comply with, and I therefore recommend, that the expenses of the Traveling Auditor be paid upon the approval of statements rendered in addition to his salary, to the end that his time can be given to the investigation of accounts for the State and of the various counties.

*Education.*

Our Democratic Platform declared in favor of the most liberal policy in the development of the Public School System, pointing with pride to the record made and insisting upon energetic advances in the same direction, and I therefore, recommend that liberal appropriations be made for the support, not only of our State Institutions, but of the public school system throughout the State, and I beg to call your special attention to the condition of the buildings at the State Agricultural College at Lake City. This Institution is in great need of a substantial, commodious main building, and I recommend that an appropriation be made to construct such building as found necessary at that institution, not to exceed \$50,000. It is of the utmost importance that the barracks be enlarged, repaired and furnished, and I also recommend a suitable appropriation be made for that purpose.

*South Florida Military and Educational Institute.*

Under the act of the Legislature passed during the session of 1895 establishing the South Florida Military and Educa-

tional institute at Bartow, placing it under the direction and control of the State Board of Education, suitable grounds were selected, containing 13.50 acres of land, upon which has been erected a commodious school building containing offices, classrooms and quarters sufficient to accommodate the faculty and cadets. This school has prospered, and its high rank is acknowledged by those familiar with its work. In view of the fact that the State owns all other educational institutions that comes under the management and control of the State Board of Education, I recommend the purchase of these grounds and buildings that the State may have further control of the improvements and betterments needed.

*Florida Hospital for the Insane.*

The Florida Hospital for the Insane, near Chattahoochee, in Gadsden county, is situated on a tract of land formerly known as the "Chattahoochee Arsenal," which was granted and donated to the State of Florida by an Act of Congress, approved December 15, 1870, for "educational purposes," as stated in the first section thereof. It is further enacted in the second section of said law, that "the Secretary of War is hereby authorized and directed to transfer said property to the Board of Internal Improvement of the State of Florida to be held by them in trust for the use, benefit and extension of the purposes of this grant or for such other public purposes as said board may deem proper." In 1877 Hon. Geo. P. Raney, Attorney-General of the State, made application to have the title to this property conveyed to the trustees of the Internal Improvement Fund, and on October 30, 1877, submitted to the board a communication from Brigadier-General S. V. Benet, Chief of Ordnance, in which it is shown that the Judge Advocate General of the Army, to whom the request was referred, had expressed to the Secretary of War the opinion that the State authorities of Florida, having been in actual occupation of the lands and buildings of the Apalachicola or Chattahoochee Arsenal at the date of the Act of Congress donating them to the State was complete, and that no formal deeds were necessary to be given to the State of Florida under said Act, stating further that the appurtenances on the land are embraced in a deed of J. W. King, attorney for Daniel Matchett, dated February 17, 1834, and recorded in the clerk's office of Gadsden county, requesting that the proper authorities constituting the Board of Internal Improvement of the State of Florida, file in his office a suitable receipt for said property. Thus there seems to be a question as to whether this title stands vested in the State of Florida, or whether

It is vested in the Board of Trustees of the Internal Improvement Fund of the State of Florida, to be held by them in trust for the use, benefit and extension of the purposes of the grant, or for such other public purposes as said board may deem proper, as stated in the Act and to which your attention is invited.

The following memoranda will give some idea of the buildings and improvements upon the property and when constructed:

1. Old laundry building one story, wood, constructed in 1894.
2. Dynamo room, one story brick, constructed 1834, addition 1897.
3. Workshop, one story, brick, constructed 1834.
4. Electric power house, wood, constructed 1897.
5. Stables, one story, brick, constructed 1834.
6. Commissary, one story brick with basement, constructed 1834.
7. Superintendent's office, one story brick with basement, 1896.
8. Administration residence, three-story brick with basement, 1834.
10. Tower building, three-story brick with tower, 1834.
11. Water tower on top of tower building, 60,000 gallons, 1896.
12. Annex to tower building, two-story brick, 1899.
13. Steam laundry plant, wood, 1899.
14. Steam heat and power house, wood, 1896.
15. Colored male building, three-story brick, 1890.
17. White female, three-story brick, 1834, third story 1896.
18. White convalescent building, 1834, additions 1896.
19. Creamery building, one-story wood, 1898.
22. Bakery and store room, one-story brick, 1834.
23. Steam cooking plant, one-story wood, 1899.
24. Supervisor's residence.
25. Three attendants' cottages.
26. Barn, cow shed and stalls.
27. Water station and plant.

I beg to transmit herewith for your careful consideration, the report of this institution made by Hon. J. W. Trammell, Superintendent, dated December 31, 1900, to the Board of Commissioners of State Institutions, which report sets forth statistical data as well as a general report of the condition, management and progress of the institution for the biennial period ending December 31, 1900.

It will be observed from the Superintendent's recommendations that the hospital is in great need of more storage room. The present stock building inside the walls he suggests might be changed so as to meet this requirement without great expenditure of funds, and a stock lot be constructed at a convenient point outside the institution walls. This recommendation I especially urge as a necessity. The present building used as a stable within the brick walls is situated within a few feet of buildings occupied by patients and its removal would greatly improve the sanitation. This building was constructed in 1834 by the Federal Government, one side of which being the wall of the enclosure of the institution, this wall could be raised to make another story to this building, making it a two story building to be used as a general commissary building where all supplies can be kept and distributed from, and a stable constructed outside the walls thus removing it from the premises used for general hospital purposes.

I also recommend that an appropriation be made for building material and improvements separate and apart from the appropriation for the maintenance of the institution, also that a deficiency appropriation law be enacted to cover the amounts being carried by the State Treasurer in excess of appropriation for the maintenance of this institution, which amounted to \$28,939.61 on December 31, 1900, as shown by the Treasurer's report filed with the executive, the above amount with bills due that were paid January consumed the entire appropriation of \$35,000 made for the first six months of 1901.

#### *State Prisoners.*

The following statistical table will show the cost of maintenance of State Prisoners each year from 1876 to 1901 inclusive, the number of convicts each year, the names of contractors or lessees, when leased, and for what amount leased:

1876, cost of maintenance. . . . .	\$20,646 75
1877, cost of maintenance. . . . .	2,500 00
1878, cost of maintenance. . . . .	2,500 00

#### No. of Convicts.

1879, Contract, H. A. Wise, State to receive \$100 per annum. . . . .	163
1880, Contract, H. A. Wise, State to receive \$100 per annum. . . . .	151

1881, Contract, East Florida Ry Co., \$15 each . . . . .	129
1882, Contract, East Florida Ry Co., \$15 each . . . . .	149
1883, Contract, H. N. Wood, Agt. C. K. D. \$4,600 per annum . . . . .	135
1884, Contract, H. N. Wood, Agt. C. K. D. \$4,600 per annum . . . . .	162
1885, Contract, H. N. Wood, State to pay him, \$8,500..	197
1886, Contract, C. K. Dutton, no expense or revenue to State . . . . .	236
1887, Contract, C. K. Dutton, no expense or revenue to State . . . . .	281
1888, Contract, C. K. Dutton, no expense or revenue to State . . . . .	339
1889, Contract, C. K. Dutton, no expense or revenue to State . . . . .	319
1890, Contract, E. B. Bailey \$15 per convict, per annum	388
1891, Contract, E. B. Bailey, \$22.50 per convict, per annum . . . . .	409
1892, Contract, E. B. Bailey, \$22.50 per convict, per annum . . . . .	453
1893, Contract, E. B. Bailey \$22.50 per convict, per annum . . . . .	482
1894, Contract, Bailey, Cranford and West, \$21,000 per annum . . . . .	530
1895, Contract, Bailey, Cranford and West, \$21,000 per annum . . . . .	617
1896, Contract, Bailey, Cranford and West, \$21,000 per annum . . . . .	688
1897, Contract, Bailey, Cranford and West, \$21,000 per annum . . . . .	656
1898, Contract, West, Knight, Varnadoe and Camp, \$21,000 per annum . . . . .	692
1899, Contract, West, Knight, Varnadoe and Camp, \$21,000 per annum . . . . .	717
1900, Contract, West, Knight, Varnadoe and Camp, \$21,000 per annum . . . . .	797
1901, Contract, West, Knight, Varnadoe and Camp, \$21,000 per annum . . . . .	800

The present law provides that the sum arising from the hire of State convicts shall be distributed to the counties in proportion to the number of State prisoners sentenced from each county to the State penitentiary during the sentence.

In 1897 a law was enacted authorizing the construction of buildings for the establishment of a State Reformatory School for juvenile offenders the sum of \$1,500 for the purchase of grounds, \$10,000 for buildings, \$1,000 for furnishing said

buildings, \$5,000 for maintenance for the first two years, and \$5,000 additional for buildings, all of which sum to be paid out of the funds arising from the hire of State prisoners.

In 1897 a law was enacted authorizing the Governor to appoint a Supervisor of State Convicts, at a salary of \$125 per month, payable out of revenue derived from the hire of convicts.

The State also pays out of such funds the sum of \$10 to each prisoner when discharged, as a matter of incidental expenses, authorized by law.

The following statistical table will show the distribution of the revenue and funds arising from the hire of State prisoners, during the present contract, beginning January 1, 1898:

## 1898.

Total to counties. . . . .	\$10,416 18
Incidentals as shown by reports transmitted. . . . .	6,035 73
	<hr/>

## 1899.

Total to counties. . . . .	\$ 9,831 28
Incidentals as shown by reports transmitted. . . . .	13,462 70

## 1900.

Total to counties. . . . .	\$10,660 32
Incidentals as shown by report transmitted. . . . .	7,546 69

Incidental items embrace appropriations for building State Reformatory School and upwards of two thousand dollars per annum paid discharged prisoners.

During the session of the Legislature of 1899, a committee was appointed to investigate and inspect the various convict camps and report their findings of the care, treatment and maintenance of the convicts, which report was unfavorable, and the Legislature enacted the law authorizing the employment of a supervisor of convicts, above mentioned. It is by said law made the duty of the supervisor at intervals not to exceed sixty days, or oftener when required, to visit and inspect the convict camps of the State, and to make monthly reports setting forth in detail the number of convicts at each camp, the quantity and kind of their average daily food, clothing, bedding, punishment, condition of hospital, cells, etc. A marked improvement is reported in the care, maintenance and

provision for the convicts under this arrangement, as will more fully appear by reference to the annual report of the Supervisor of Convicts transmitted herewith.

The report of the supervisor for the month ending February 28, 1901, shows that there are 800 convicts at the various camps of the lessees and sub-lessees, as follows:

At Wade, Fla., W. N. Camp, lessee . . . . .	112
At Dutton, Fla., W. N. Camp, lessee . . . . .	87
At Elliston, Fla., W. N. Camp, lessee . . . . .	84
At Dutton, Fla., Dutton Phos. Co., sub-lessees . . . . .	49
At Floral City, Fla., W. J. Hillman, sub-lessee . . . . .	45
At Summerfield, Fla., W. J. Hillman, sub-lessee . . . . .	44
At Cordeal, Fla., Buttgenbach & Co., sub-lessees . . . . .	163
At Floral City, Fla., Buttgenbach & Co., sub-lessees . . . . .	50
At Thompson, Fla., Myers Brothers, sub-lessees . . . . .	30
At Romeo, Fla., C. H. Hargraves, sub-lessee . . . . .	44
At Waller, Fla., Edward & Durham, sub-lessees . . . . .	60
At Brooksville, Fla., G. W. Varn, sub-lessee . . . . .	31

Three reported sick temporary.

Thus it will be observed that the condition, health, care and maintenance of the State prisoners has not only improved, but has reached a very satisfactory condition.

The supervisor from time to time, made unfavorable reports as to the condition of some of the camps, which received prompt and vigorous attention from the Commissioner of Agriculture and Board of State Institutions, and in one instance it was found necessary to direct the supervisor to return to a camp and remain there until his proper requirements were complied with, or to abolish the camp. These instructions were promptly complied with, and are now being observed. The reports of State prisoners show at present, white males 105, white females 1, colored males 666, colored females 28, making a total of 800.

The lessees and sub-lessees are working the prisoners in the two leading industries, about one-half in the mining of phosphate, and one-half in the manufacture of naval stores, lumber mills, etc. It will be observed that the lessees pay the State about \$26.40 per capita per annum, the sub-lessees pay the lessees amounts ranging from \$90 to \$180 per capita per annum. The \$180 contracts being for picked men. Sub-lessees paying the higher prices not bearing the expense of prisoners from the date and place of sentence to the headquarters and during the period up to date of distribution. Sub-lessees have paid similar prices as here mentioned for several years past. In 1890 Mr. Wiley, a railroad contractor and builder, as sub-lessee of State prisoners, paid, so I am in-

formed, \$12 per month per convict for 75 prisoners, and during the years 1892 and 1893, the Marion Phosphate Company paid \$100.00 per day for the labor of 100 convicts, the lessee furnishing the guards and maintaining the prisoners, and there are other similar instances not necessary to mention here. This information and these figures have but recently been authoritatively obtained. It is now ascertained that the labor of the State prisoners are reasonably worth upward of \$130 per capita per annum, without pick or choice, net to the State, the lessees paying all expenses after sentence is pronounced, which is equivalent to upwards of \$104,000 per annum net to the State. It is assumed that the average number of convicts will not fall below 900 for the next four years, which would be equivalent to \$468,000 for four years.

The Legislature of 1899 enacted a law in which it is stated in the preamble, that the present system of leasing the convicts deprives the State of thousands of dollars, as the lessees invariably pool their bid and secure them at a nominal sum and sub-lease them at a big profit, and believing that if the lease system is to be continued that under proper management same can be done in such a way that the State will receive a proper remuneration for the services of the convicts, and that they will receive better and more civilized treatment. Section one of the said act authorizes the Governor to appoint a committee of three citizens to investigate, consider and report to the next Legislature the most humane practical and profitable method of working the State convicts, and in accordance therewith my predecessor, Hon. W. D. Bloxham, appointed as such committee, Senator E. S. Crill of Putnam, Representative J. W. Watson of Osceola, and Judge J. T. Bernard of Leon, who have given this subject much attention, and who have shown a special interest in this work by procuring statistical data and conferring with State officials, etc., in their researches for information, and the committee will make its report to your body, therefore I refrain from making any recommendation for the present upon this subject.

#### *Reformatory School.*

The report of the Board of Managers of the State Reformatory School is transmitted herewith, and your attention is invited to its contents, as it is the first bi-ennial report, showing its condition and progress, and in approval of the recommendations therein, I recommend that longer sentences be imposed and that the managers of the institution should be vested with the discretion as to the length of time that those

sentenced to the Reformatory School should remain in the school, and that such a law be enacted.

I submit a statement prepared by State Agent W. V. Knott, showing the financial condition, the amount of appropriations, receipts and disbursements of this institution for your consideration.

*Buildings.*

Appropriation 1897.. . . . .	\$10,000 00	
Appropriation 1899.. . . . .	5,000 00	
Total.. . . . .	\$15,000 00	
Paid by State.. . . . .		\$ 14,350 41

*Purchase of Grounds.*

Appropriation 1897.. . . . .	\$1,500 00	
Paid by State.. . . . .		\$ 1,065 22

*Furnishing Buildings.*

Appropriation 1897.. . . . .	\$1,000 00	
Paid by State.. . . . .	1,000 00	
Paid from \$1,400 donation of citizens.. . . . .	322 43	
Total.. . . . .		\$ 1,322 43

*Improving Grounds.*

Paid from \$1,400 donation		
Total.. . . . .		\$ 1,007 67

*Maintenance Teams and Farming Implements.*

Paid by State for the period ending March 31, 1901.. . . . .	\$ 3,125 00	
Paid by counties to February 7, 1901.. . . . .	836 38	
Balance of the \$1,400, donation of citizens.. . . . .	69 88	
From rent of land.....	27 50	
From sale of wood.. . . . .	5 00	
From sources not stated.. . . . .	49 60	4,113 8
		<hr/>
		\$21,859

Of the \$4,113 36 there is cash on hand Feb. 7, 1901 . . . . .	\$234 6	
Due from counties for quarter ending March 31, 1901, Feb. 7, 1901 . . . . .	162 50	\$397 06

*Recapitulation.*

Total from State . . . . .	19,540 63
Total from counties . . . . .	836 38
Donation from citizens of Marianna	1,409 00
Rent of land . . . . .	27 50
Sale of wood . . . . .	5 00
Sources not stated . . . . .	49 60
	\$21,859 11

*Appeals in Criminal Cases.*

My attention has been called to the lax system of appeals in criminal cases, which permits in some instances, great delays in the enforcement of sentences of the lower courts, and final disposition of cases in the Supreme Court; therefore I recommend that a law be enacted regulating appeals in criminal cases or by an amendment limiting the time in which a supercedas bond may be granted, and requiring writs of error be returnable to the Supreme Court to any day of any term within thirty (30) days of sentence.

*Supervisor of Convicts.*

The care, maintenance and humane treatment of the State prisoners is one of the greatest responsibilities resting upon the State officials, and especially upon the Commissioner of Agriculture, who is given the supervision of the State prisoners by the Constitution. This work demands great courage and vigilance, the importance of which should have attention every day, of one man, and possibly more. The present compensation of the Supervisor of State Convicts, which includes his traveling expenses, is inadequate, and I therefore recommend that the expenses of the Supervisor of Convicts be paid by the State upon vouchers approved by the Commissioner of

Agriculture, and that the Supervisor be subject at all times to the direction of the Commissioner of Agriculture.

*Harbor Masters.*

Many complaints have reached the Executive from the ports of the State concerning the arbitrary movement of vessels, and the consequent cost which it is urged imposes unreasonable charges upon commerce, the law upon the subject not being uniform nor complete in its operation, therefore I recommend that a law be enacted upon this subject, prescribing a salary for Harbor Masters, their deputies and other port officials to be paid out of fees, such fees to be regulated by law, directing such officials to make full and complete reports of work performed, and of amounts collected to some of the State Boards or Departments, who should be authorized to hear grievances and correct evils.

*Foreign Building and Loan Associations.*

The law requiring the admission of Foreign Building and Loan Associations and other similar corporations and associations doing business in the State for profit should be so amended as to require security to the investor, therefore, I recommend that Chapter 4158, Laws of Florida, be amended so as to require security to be deposited with the State Treasurer of the State of Florida subject to the indebtedness of such associations within the State.

The third bi-ennial report of Messrs. R. W. Williams, Louis C. Massey, and John C. Avery, Commissioners for the Promotion of Uniformity of Legislation in the United States, appointed by the Governor under authority of Chapter 4447, Laws of Florida, is transmitted herewith.

*Uniformity of Legislation.*

It is observed from this report that the State Boards of Commissioners held their ninth conference in the city of Buffalo, N. Y., in August, 1899, their entire time being devoted to the careful preparation and consideration of a law governing divorces, and that the tenth conference of the said Boards of Commissioners was held in the city of Saratoga, N. Y., in August, 1900, and that at this conference a law governing divorce procedure was given careful consideration and adopted a copy of which proposed law as recommended and adopted at such conference is attached to their report, and your especial attention is invited to this important work.

*Third Congressional District.*

Under a recent Act of Congress on apportionment, Florida was allowed an additional representative in Congress, and the power to re-district the State being vested in the Legislature, I beg to call your attention to this subject and recommend that the State be re-districted, creating three Congressional Districts.

*Constitutional Amendments.*

## STATES ATTORNEYS.

I recommend that a Constitutional Amendment be proposed creating a States Attorneyship for each Senatorial District in order that our laws may be more faithfully executed.

## SUPREME COURTS JUSTICES.

I recommend that a Constitutional Amendment be proposed authorizing the Legislature to increase the number of Justices of the Supreme Court, or create an additional Supreme Court or division thereof at the pleasure of the Legislature.

## CIRCUIT COURT JUDGESHIPS.

I recommend that a Constitutional Amendment be proposed authorizing the Legislature to create additional Circuit Court Judgeships for the State at large, with power to act in either circuit to meet growing demands or otherwise at the pleasure of the Legislature.

## TAX ON FRANCHISES, ETC.

I recommend that a Constitutional Amendment be proposed authorizing the imposition of a license tax on all corporate franchises, and a tax on inheritance, gifts and devises.

*Amendments of the Laws.*

Sections 1265, 1266 and 1267 of the Revised Statutes, being part of Chapter 521 Laws of 1853, require the Supreme Court to review questions of fact, on appeal in order to present the evidence submitted in the lower courts, where the questions of fact are usually passed upon by a jury who have the opportunity of viewing the witnesses and are given the province of being the judges of the facts where to a great extent the finding of the jury is conclusive.

Much of the time of the Supreme Court is taken up in examining questions of fact required under these sections, therefore, I recommend that these sections of the Revised Statutes be repealed, and that a law be enacted in lieu thereof, requiring only such evidence as may be necessary to present the

The ratification of the Constitutional Amendment at the general election in November last prohibiting special legislation upon the subject of charters, etc., makes it important that the general law upon this subject be revised, to which task your attention is especially invited.

Many complaints have reached the Executive wherein it is shown that the operation of Chapter 4032, Laws of Florida, in many of the counties is being invoked for the collection of debts, in violation of the Constitution, and there is little doubt in my mind from the information at hand that there are now many county convicts serving under sentences imposed under this law for debt. I recommend that this law be repealed.

*Florida Fisheries.*

In transmitting the report of Messrs. John Y. Detwiler, of Volusia county, and John G. Ruge of Franklin county, Commissioners of Fisheries, I beg to call your attention to the fact that the Legislature has not made any appropriation for the expenses of the Commissioners, as provided for by Section 457 of the Revised Statutes, consequently what has been done has been accomplished through the generosity of the commissioners at their own expense, as shown by their report, to which your attention is especially directed.

This report is full of valuable information and suggestions that should lead to a proper development of this industry.

It will be observed that the commissioners have, since submitting their previous report, received from the United States Fish Commission 2,016,000 shad fry which were distributed in the various waters of the State as therein shown.

It will also be observed in their report, that the commissioners are of opinion that the oyster industry is one of Florida's great resources, and under proper conditions would afford a greater revenue than at present.

Their report also calls attention to the fact that a survey and investigation of the grounds for the development of the sponge industry of Florida, should lead to a large revenue to the State and become a large factor in her marine products. In a recent publication which has reached me since the report of the commissioners was filed, taken from the statistical bulletin of the United States Commission of Fish and Fisheries covering the extent of this industry as at present established it is shown that during the past year 2,245 persons were employed in the sponge industry in Florida, producing a yield of 364,990 pounds of sponges taken, with a market value of \$567,685. These statistics also show the yield and value

the sponge fisheries of Florida for the years 1895, 1896, 1899 and 1900, as follows.

Kinds	1895		1896		1899		1900	
	Lbs.	Value	Lbs.	Value	Lbs.	Value	Lbs.	Value
Sheeps wool	231,275	\$303,167	149,724	\$248,196	153,700	\$332,390	191,311	\$483,307
Yellow	29,599	11,798	23,655	9,308	55,800	16,205	55,178	44,045
Grass	21,387	5,464	44,617	11,508	76,900	14,319	109,265	33,263
Other	23,954	6,502	18,315	3,990	18,000	5,000	19,236	7,104
Total	306,120	\$386,871	236,311	\$273,012	304,400	\$367,914	364,990	\$567,685

This will give some idea of the present value of this industry, and I may add that this industry is also unknown to the tax books of Florida.

### *Naval Stations, Ports and Harbors.*

It was my pleasure to accept an official invitation and to attend the Naval Parade at Pensacola on February 18, which was participated in by the marines from the battleships Alabama, Kearsarge and Massachusetts, the Chipley Light Infantry Luverne Rifles of Alabama, and the Governor's Guards, which parade was reviewed by Admiral Farquhar, Admiral Endicott, the captains and officers of the battleships, and myself and staff. After which it was my privilege to receive Secretary Long, Admiral Farquhar, Admiral Endicott, General Haywood, the captains and officers of the warships named, and found they were much interested in the harbor at Pensacola. It was gratifying to note the appreciation on the part of the Federal Government of the advantages of Pensacola Bay for a naval station, and the recognition that no other waterway on the Gulf Coast or on the Atlantic south of Hampton Roads or Newport News, affords a better ground for tactical maneuvers than does Pensacola Bay. The many natural advantages of this climate and bay has become a profound conviction, and at the same time the Government recognizes the commercial advantages of this great waterway, and there is great hope that the Federal Government will be advised by Secretary Long, Admiral Farquhar and his officers and the officers of the battleships to make such port a permanent naval station, especially for the winter months. This would mean much to Pensacola and to the State of Florida, such a decision on the part of the Federal Government would aid materially in the development of this splendid harbor, the increase in the width of the channel to 500 feet and other projects, dry docks, etc., of magnitude for harbor improvements, and the probable recommendation to have one of the largest battleships yet planned for our navy named, "Flori-

da," and to this end, I recommend that the Legislature memorialize Congress to name one of the modern battleships "Florida."

Our delegation in Congress loses no opportunity to present to that body the interest and importance of our waterways, both for our national service in time of war, and for peaceful domestic commerce. The improvement of our waterways and harbors is at present of paramount importance. Deep water to our port cities of Jacksonville, Fernandina, Tampa, Key West, Pensacola and other ports would be of inestimable value. A comparison of these harbors with the best, such as Boston harbor, is not discouraging. At Boston harbor the Federal Government is now excavating a channel 1,200 feet wide and 30 feet deep on the southerly side of Broad Sound between President roads and the ocean. It is also excavating a channel 1,000 feet wide and 27 feet deep, and other great projects of improvements in the harbor which will require an expenditure of \$8,000,000, which is authorized by the River and Harbor Bill, making a contract for \$3,600,000 for the one port.

#### *Carrying Weapons.*

Section 20 of the Declaration of Rights, Constitution of 1885, reads, "The right of the people to bear arms in defense of themselves, and the lawful authority of the State shall not be infringed, but the Legislature may prescribe the manner in which they may be borne.

The second Article of the Amendment to the Constitution of the United States securing to the people to keep and bear arms, is held to be a restriction only upon the powers of the National Government and not upon those of the several States. *Miller vs. Texas*, 153 U. S. 35.

The Statutes forbidding the carrying of concealed, dangerous and deadly weapons upon the person, and the exhibition of the same has been held to be a valid exercise of the Legislative power by the Supreme Courts of various States, and by the Supreme Court of the United States. The abuse of the privilege of carrying weapons and the flagrant violation of the law has become alarming. In recent years laws have been enacted in various States on this subject, and in 1895 the law was enacted in this State requiring any person who sought to carry a Winchester or repeating rifle to execute a bond to be approved by the County Commissioners which has been effective, but it is limited to a certain kind of weapon.

It is estimated now that there are upwards of ten thousand laborers employed by the naval stores manufacturers an

phosphate mines, and that 75 per cent of such laborers carry deadly weapons, which is dangerous to the safety and business of the citizenship of Florida. Seven deaths have been reported to the Executive Department during the past forty days, including two brave and gallant officials, a sheriff and a deputy in the discharge of their official duty, attributed solely to the fact that irresponsible and desperate persons were permitted to carry deadly weapons. The citizenship of Florida is entitled to protection at your hands. The carrying of such weapons by irresponsible persons should be prohibited and I recommend with much confidence that you enact a law requiring any person to execute a good and sufficient bond to be approved by the Board of County Commissioners in each county and procure a permit from such Commissioners before they shall be permitted to carry deadly weapons of any kind, and providing heavy penalties to make such law effective.

#### *Good Roads.*

One of the most important issues before the American people, and especially those of Florida, is the construction of good roads. I have noted with much satisfaction the interest taken in this subject by the leading citizens of the State and the press. The agricultural, manufacturing and commercial, as well as the social, religious, educational and business interests of the country are greatly interested in the object to be obtained by the uniform construction of good roads throughout the State.

At the annual meeting of the State Convention of County Commissioners held in the city of Jacksonville on February 20 last, a valuable and interesting report was read to the convention, in which it is shown that a great work has been accomplished throughout the State in the improvement of our highways, and that public sentiment is aroused to a degree that promises much that is solid and substantial on these lines. In many sections of the State a large amount of work has been done on our highways, which has but increased the desire for more and better roads. It was also suggested that this is one of the most important questions to be considered by the Legislature, and I beg to add my hearty approval thereto.

#### *State Troops.*

The 17th Section of the Democratic Platform declares in favor of a liberal policy towards the Florida State Troops and the Florida Naval Militia, and in the encouragement of our citizen soldiery in their patriotic service. In sympathy with this expression and believing as I do that when the nation or State is in danger the volunteer soldier is the country's best

defender, and that such organizations are our elements of strength and safety, I recommend that appropriations be made sufficient to defray the necessary expenses of the annual encampment of the State Troops to the end that the troops may have a term of encampment instructions.

*The Confederate Soldiers of Florida.*

Many of the States have published in suitable book form a history and roster of their soldiers engaged in the several wars with the record of each officer and soldier. Florida has no such record or roster of her soldiers and sailors who served in the war between the States, and therefore, I heartily recommend that a law be enacted authorizing an appropriation for the compilation and publication of a brief history and complete roster of all who served in the war between the States enlisting from the State of Florida.

*Confederate Home.*

I am pleased to transmit the report of Hon. Francis P. Fleming, President of the Confederate Soldiers' and Sailors' Home Association for the year 1900. From this report it will be observed that this association is doing a grand work, and are in need of a hospital, which it has neither the means to establish or to maintain. When it is considered that the property of the home consists of 7.62 acres of land, a building of seven rooms (besides a small kitchen), which cost \$4,250, all of which was paid for by private donations, as shown by the report, and that they are in great need of this addition to cost about \$500, with the earnest request that the State appropriate that sum for such purpose, to aid in the good work that is being accomplished by this association, the request must be reasonable, deserving and entitled to your careful consideration, and I therefore recommend that an appropriation be granted as requested.

*Pensions for Confederate Soldiers.*

The Legislature of 1899 enacted a law on this subject which is just being fairly put into operation, as it required an entire change in the applications, not only of those who desired to file or renew applications, but also those who were drawing pensions under the old law.

An investigation shows that the present law is more liberal in its operation than any previous law upon the subject, when the number of pensioners is taken as the base of liberality. Under the old law there were 525 pensioners on the roll, while under the present law there are 780, with many appli-

cations on file that will undoubtedly be granted by the Board of Examiners when some clerical omissions and additional proofs are supplied to bring them within the provisions of the law.

*Soldiers of the Indian Wars in Florida.*

Section 1,657 of the Revised Statutes of the United States, being an act of Congress approved March 19, 1836, provided that "the volunteers of militia who have been received into the service of the United States to suppress depredations in Florida, shall be entitled to the benefits which are afforded to persons wounded or otherwise disabled in the service of the United States."

In 1892 Congress passed an act granting pensions to the survivors of the Indian Wars of 1832 to 1842, inclusive, known as the Black Hawk War, Creek War, Cherokee disturbances and the Seminole War, approved July 27th, which provides "that the Secretary is authorized and directed to place on the pension roll the names of the surviving officers and enlisted men, including marines, militia and volunteers of the military and naval service of the United States, who served for thirty days in the Black Hawk War, the Cherokee disturbances or the war with the Seminole Indians, embracing a period from 1832 to 1842, inclusive, and were honorably discharged." There is now a bill pending before Congress providing for pensions of soldiers of Florida who served in the Indian Wars of 1857 to 1859.

An order was issued by the Secretary of War, dated April 4, 1895, which provides "that the Secretary of War shall, upon the application of the Governor of any State, furnish to such Governor a transcript of the military history of any regiment or company of his State, under such regulations as the Secretary of War may prescribe, at the expense of the State. Under this provision of law transcripts of the military records of organizations credited to the several States will be furnished to the Governors of the States to which such organizations were credited, upon the request of the Governors and at the expense of the States, under the following regulations:

All applications for transcripts of records under this law should be made over the signature of the Governors of the States in interest, should be addressed to the Secretary of War, and should designate specifically the records of which transcripts are desired. Upon receipt of such application from the Governor of any State, he will be furnished with an estimate of the cost of making the transcripts specified in his application, and will be notified that funds sufficient to

cover the estimated cost should be deposited with the disbursing clerk of the War Department. No work of this character will be undertaken until an amount sufficient to cover its probable cost shall have been deposited with the disbursing clerk, and he shall have certified that fact to the Chief of the Record and Pension Office. \* \* \* \*

The transcripts which will be furnished will be literal copies of the military records of regiments, companies, troops and batteries. No compilation, consolidation or summarizing of records will be undertaken, and no copies of records other than those herein specified will be furnished. Items of information relative to individual officers and enlisted men except as such items may be included in the copies of regimental, company, troop or battery records, hereinbefore provided for, will not be furnished to complete the records of State or of regimental or other associations. Not more than one copy of any record will be furnished to any State. Persons not in the employ of and under the legal control of the War Department will not be allowed to copy or have access to any of the records filed in the Record and Pension office. In view of the fact that provision has been made by law so that any State can obtain transcript of the original records of the organizations credited to it and because the dilapidated condition of the rolls and other records of the volunteer armies, caused by the constant handling to which they have been subjected during the past thirty years, makes it necessary that a strict rule for their preservation shall be adopted, \* \* \* it is hereby ordered that hereafter no copies of records pertaining to military organizations credited to the several States shall be furnished except to the Governors of the States as hereinbefore provided, or as otherwise specifically required by law."

Reference is also made to the subject in the Adjutant-General's report, ending December 31, 1896, in which report it is stated that "an act was passed by the Legislature making it the duty of the Adjutant-General to examine the Indian War muster rolls, and record the names thereon, in order that proof may be obtained by survivors who may be entitled to pensions from the United States Government. The act further states that the Governor of Florida shall collect from the office of the Secretary of War a true copy of all the muster rolls of the Florida State Troops engaged in the Indian Wars. In accordance with your instructions, I communicated with the Secretary of War, enclosing him a copy of this act, and requested him to advise me what it would cost to have copies of their muster rolls made out. His estimate

of the cost was \$1,700. As there was no appropriation made to meet this expense, the copies of the muster rolls could not be procured, and I have been unable to carry out the requirements of this act."

Section 4,748 of the Revised Statutes require that an application should be filed by the applicant setting forth the company and regiment in which the applicant served, the name of the commanding officer of the company or organization, date of enlistment, discharge, etc.

In view of the fact that all of these records are now in the hands of the War Department, in Washington, and that there are no muster rolls or other evidence of service in the hands of the Adjutant-General or other officer of Florida, it seems impossible for those who served in the Indian Wars of Florida, or their survivors, to make the required proof without having these records, or a transcript of them, as required by the Secretary of War, and as directed by the laws of Florida, Act of 1895. These Indian War soldiers sacrificed nearly all they had when they enlisted in these wars for the preservation of the lives and property of her citizens against the devastations of bloodthirsty Indians, and are deserving of the serious attention of the Legislature. These wars occurred some sixty years ago, and during the past twenty years numerous applications for pensions have been received at the office of the Adjutant-General of Florida, and most of the survivors now being dead, the facilities of proving claims for pensions outside of these muster rolls have practically ceased, and can not be supplied, under the provisions of the law above quoted, without an appropriation of \$1700 required to be deposited for that purpose, and I therefore recommend that a bill be passed appropriating such sum that these transcripts may be procured as contemplated by the law of 1895, in order that these deserving soldiers and their survivors may receive what is justly due them, and that the State may have a record of the soldiers who served in these wars. It is estimated that there are more than one hundred entitled to pensions under the provisions of this law, with back pay from 1892.

#### *Indian War Claim.*

The Indian Trust Fund of the United States holds \$132,000 Florida State bonds which are interest bearing at the rate of 7 per cent. per annum from November 27, 1873, the time to which interest was paid by the State of Florida. These bonds were issued by the State to raise funds for the sup-

pression of hostilities growing out of the Seminole War of 1855-1857, and were purchased by the authorities of the United States for the Indian Trust Fund, and have been so held since.

There is no question as to the validity of these bonds issued by the State of Florida now held by the Government in the Indian Trust Fund, neither does there seem to be any doubt as to the validity of the claim of the State of Florida against the Federal Government for necessary expenses incurred in the suppression of Indian hostilities, which claim is largely in excess of this obligation. The fact still remains, however, that these claims have not been adjusted, yet the approval and recognition of the executive Departments of War and the Treasury has been had, sustained by numerous reports of committees of Congress, and bills have passed both the Senate and House at different sessions of Congress, directing the payment of the claims, but unfortunately not passing each House during the same session.

United States Senators Hon. S. R. Mallory and Hon. James P. Taliaferro, under date of February 21, 1901, advise that "a bill for the settlement of the Indian War Claim as reported and now pending in the Senate of the United States is the same as heretofore reported and passed and provides for the payment of the amount found due by the Secretary of the Treasury, namely \$261,934, with interest at 7 per cent. from January 1, 1858, until paid, deducting from this amount \$132,000 of Florida bonds held by the Federal Government with interest at 7 per cent. per annum from November 27, 1873, the date to which interest was paid by the State of Florida, which makes the account stand as follows:

Claim of the State, principal . .	\$261,934.00	
Interest to Jan. 1, 1901 . . . . .	788,421.34	\$1,050,355.34
Claim of Government, prin. . . . .	132,000.00	
Interest to Jan. 1, 1901 . . . . .	251,790.00	383,790.00
		<hr/>
Bal. due State of Florida Jan. 1, 1901 . . . . .		\$666,565.34

In addition to this large sum found to be due the State of Florida from the General Government, the State has another valid and just claim against the Federal Government, same being 5 per centum of the net proceeds of the sale of lands within the State of Florida, as provided by Act of Congress, approved March 3, 1845, entitled "An Act Supplemental to an Act for the admission of Florida into the Union," the Departments at Washington holding that as the State has not paid the amount held by the Indian Trust Fund, that the

moneys arising from the 5 per centum of the sales of such lands can not be paid.

The records here show that no part of this 5 per centum has been paid to Florida, and the accumulation of same since the State was admitted into the Union, as shown by statement of the Assistant Secretary of the Treasury, dated March 9, 1901, to Treasurer Whitfield, is as follows:

CREDIT STATE OF FLORIDA, FIVE PER CENT. FUND, PROCEEDS  
OF SALES OF LANDS.

April 6, 1872, Interior Civil Warrant, 560 ..	\$ 4,063.75
Dec. 5, 1881, Interior Civil Warrant, 1,909 ....	2,170.58
June 8, 1882, Interior Civil Warrant, 1,070 . . .	4,186.83
June 27, 1884, Interior Civil Warrant, 1,697 ..	11,231.28
Jan. 24, 1885, Interior Civil Warrant, 250 . . .	16,580.94
Mar. 15, 1887, Interior Civil Warrant, 418 . . .	6,902.18
April 10, 1888, Interior Civil Warrant, 2,108 ..	8,868.53
Nov. 8, 1888, Interior Civil Warrant, 228 . . .	31,683.02
Dec. 28, 1889, Interior Civil Warrant, 1,225 ..	619.64
Jan. 8, 1892, Interior Civil Warrant, 1,565 . . .	221.56
May 17, 1893, Interior Civil Warrant, 1,982 ..	632.16
Mar. 29, 1894, Interior Civil Warrant, 1,813 ..	298.14
Feb. 27, 1895, Interior Civil Warrant, 1,870 ..	278.36
Dec. 5, 1895, Interior Civil Warrant, 1, 174 ....	111.79
Jan. 27, 1897, Interior Civil Warrant, 1,523 . . .	162.98
April 5, 1898, Interior Civil Warrant, 2,405 ..	56.51
Jan. 16, 1899, Interior Civil Warrant, 1,419 . . .	50.66
Jan. 25, 1900, Interior Civil Warrant, 1,485 ..	22.06
Total . . . . .	\$88,140.97

*Swamp Land Indemnity.*

Settlements made by the United States Treasury in favor of the State of Florida on account of Swamp-Land Indemnity, which amounts were retained and covered into the Treasury as payments by the State for *interest* on her stocks or bonds held in the Indian Trust Fund:

May 18, 1881, Settlement 34,732, Warrant 740 . . . . .	\$ 4,628.40
June 16, 1882, Settlement 35,949, Warrant 1,131	4,511.57
Nov. 27, 1882, Settlement 36,183, Warrant 2,219	5,825.27
Dec. 19, 1882, Settlement 38,113, Warrant 2,339.	2,177.35
Apr. 19, 1883, Settlement 38,663, Warrant 741.	1,512.82
Apr. 27, 1883, Settlement 39,353, Warrant 1,690.	283.62

Jan. 29, 1884, Settlement 37,472, Warrant 308.	308.06
Jan. 29, 1884, Settlement 37,473, Warrant 309.	5,729.93

Total . . . . .	\$25,007.02
Oct. 6, 1859, Settlement 10,459, Warrant 811..	\$42,038.55

This amount was paid to the State.

*State Expert Agents.*

In obedience to Chapter 4,849, Laws of Florida, 1899, authorizing the Governor to have examined whenever he may deem it necessary, by expert agents appointed by him, "the books, vouchers, records and all matters connected with the office of any State official, and to have such examination made as to all State officials handling State funds at least once in every two years, as of the 31st day of December of the year preceding the meeting of the Legislature, and to transmit the result of such examinations, with his message to the Legislature," I appointed Messrs. F. L. Robertson, J. P. Cobb, J. F. Dorman, W. G. Powell, L. W. Zim and J. E. King, as such expert agents, and transmit the result of such examinations with this message. These reports cover the result of such examinations made of the State Treasurer's Department, the Comptroller's Department and the Department of the Commissioner of Agriculture, in detail, together with an inventory of the property of the State at the Hospital for the Insane, which reports it will be observed, contain many pages of statistical data, the result of much research and embracing much useful information, to all of which your attention is invited. The examination of the Tax Redemption Department not being completed, the result can not be transmitted herewith, but will be duly transmitted upon completion.

*Conclusion.*

It is incumbent upon you, the Legislative Department of the Government, at this, the beginning of a new century, to aid in every way possible the development and prosperity of the State. Economy should prevail, yet nothing should be done or regarded that is inimical to the rights of the citizen, and to the vast interests you represent.

I am mindful that I have recommended several appropriations that may seem too liberal, especially for public buildings. yet it is my judgment that expenditures for public buildings should be sufficient to make substantial and permanent improvements, as an economic measure. Upon the

Legislature rests the full responsibility for the enactment of all laws and the granting of all appropriations.

It affords me great pleasure to welcome you to the Capital of our State, and to assure you of my hearty co-operation in all measures tending to a wise and frugal government, and to the progress and development of the various industries of the State, with a zealous care for the rights, interests, honor and happiness of the whole people of Florida.

The citizens of the State of Florida are intensely in earnest in their desire for peace and tranquility, and that justice may be accorded equally to all the people and their interests.

May He who is supreme over all protect you and yours during your deliberations, and continue His blessings upon this State and our people, giving to her all possible success consistent with the end of His providence.

W. S. JENNINGS.  
Governor.

## Appendix.

### *Pardons, Reprieves, etc.*

As required by Section II, of Article 4, of the Constitution, I herewith submit a tabulated statement of fines remitted and reprieves, pardons and commutations granted since the convening of the regular session of the Legislature of April 4, 1899.

STATEMENT OF FINES REMITTED

And Reprieves, Pardons and Commutations Granted since the Convening of Regular Session of the Legislature, April 4, 1899.

Name	Crime	Sentence	Date Sentence	Date of Pardon or Reprieve, etc.
Oliver Bell.....	Murder.....	Life at hard labor..	Fall Term, 1898...	Pardoned January 4, 1899.
W H Trainor.....	Aggravated assault.....	6 months.....	Fall Term, 1898...	Pardoned January 4, 1899.
Frank Stakeley...	Murder 2d degree.....	Life.....	Spring Term ....	Pardoned January 4, 1899.
W Higgenbothen.	Murder.....	Life.....	Fall Term, 1892...	Pardoned January 4, 1899.
Bill Oats.....	Murder 3d degree.....	14 years.....	October, 1899.....	Pardoned February 21, 1899.
Geo H Drawdy...	Larceny bull yearling...	\$100 and 60 days...	Spring Term, 1878	Restored to citizenship Feb 24, 1899.
A B Welch.....	Larceny of cow.....	.....	Spring Term, 1881	Restored to citizenship Feb. 27, 1899.
Mack Hogan.....	Assault to murder.....	3 years.....	February, 1898...	Pardoned March 13, 1899.
John T Wilson...	Selling liquors.....	\$1,000 and 6 months.	Fall Term, 1898 ..	Pardoned March 20, 1899.
Joseph T Jordan..	Assault to rape.....	20 years.....	Spring Term, 1895	Pardoned April 10, 1899.
John Hays.....	Aggravated assault.....	1 year.....	Fall term, 1898 ..	Pardoned May 2, 1899.
J J Cribbs.....	Larceny.....	6 months.....	Fall Term, 1886 ..	Restored to citizenship May 19, 1899.
S J Cribbs.....	Larceny.....	6 months.....	Fall Term, 1886 ..	Restored to citizenship May 19, 1899.
C E Darby.....	Altering order for money	18 months.....	Spring Term, 1898	Pardoned May 19, 1899.
Jas V Wilson.....	Grand larceny.....	3 years.....	June Term, 1898..	Pardoned May 24, 1899.
Wm Padgett.....	Manslaughter.....	15 years.....	Fall Term, 1897 ..	Pardoned May 31, 1899.
Jefferson Vaughn	Larceny of a calf.....	1 year.....	Sept. Term, 1898	Pardoned June 6, 1899.
W H Leverett....	Forgery.....	1 year.....	Fall Term, 1898	Pardoned June 29, 1899.
Tucker Swain...	Accessory to assault and bat	10 years.....	Nov. Term, 1897..	Pardoned July 10, 1899.
John Green.....	Petty larceny.....	60 days.....	April Term, 1898	Pardoned August 8, 1899.
Kernal Johns....	Larceny of cows.....	2 years.....	April Term, 1899..	Pardoned September 22, 1899.
Jas Blackburn...	Obtaini'g money false pre.	6 months.....	March Term, 1893	Pardoned September 22, 1899.
John Reynolds...	Larceny of cows.....	2 years.....	April Term, 1899	Pardoned September 22, 1899.
Isaac T Garner...	Murder.....	Life.....	Winter term, 1891	Re-l'd on cond'n trav. State Oct 19, 1899.
Albert Cothran...	Bigamy.....	5 years.....	April term, 1898	Pardoned October 23, 1899.
MORIS McQueen...	Rape.....	Life.....	Fall Term, 1896 ..	Pardoned October 27, 1899.
Horace E Lee.....	Larceny.....	2 years.....	Nov. Term, 1897...	Pardoned November 13, 1899.
Will Whitton....	Larceny.....	2 years.....	Spring Term, 1899	Pardoned November 14, 1899.
Will Bryant....	Assault to murder.....	2 years.....	May Term, 1899..	Conditional pardon Nov. 20, 1899.
W C Cobbin.....	Assault to murder.....	2 years.....	May Term, 1899..	Conditional pardon Nov. 20, 1899.

Emery Jones.....	Manslaughter .....	10 years .....	Fall Term, 1899...	Pardoned December 1, 1899.
W T Hurst.....	Open adultery .....	\$300 and costs.....	Fall Term, 1899...	Commutated to \$100 Dec 22, 1899.
Ed A Wallace.....	Conspiring .....	1 year.....	Jan. Term, 1898...	Pardoned January 11, 1900.
T C Lambreth .....	Grand larceny .....	5 years.....	Spring Term, 1899	Pardoned January 15, 1900.
James L Oliver...	Murder.....	Life.....	Spring Term, 1896	Pardoned January 25, 1900.
Reuben Harris .....	Murder .....	To be hanged.....	Fall Term, 1899...	Com. to life imprisonment Jan. 25, 1900.
Joe Fisher, Jr.....	Larceny .....	1 month .....	Dec. Term, 1893	Restored to citizenship Jan. 27, 1900.
John Browning..	Larceny of animals.....	1 year.....	Spring Term, 1898	Pardoned February 8, 1900
David English....	Larceny of pistol .....	\$10 and costs.....	July 27, 1898....	Restored to citizenship March 12, 1900.
W W Rawlins .....	Assault to murder .....	2 years.....	Dec. Term, 1897	Restored to citizenship March 12, 1900.
Wesley Mobley..	Murder .....	Life.....	Fall Term, 1897....	Pardoned May 29, 1900
Wm H Cleveland.	Selling liquor.....	\$500 and costs.....	Fall Term, 1892...	Pardoned April 15, 1900.
Will Beasley....	Murder .....	Life.....	Spring Term, 1895	Pardoned April 16, 1900.
D Coley.....	Peddling.....	\$300 or 8 months.....	Feb. Term, 1900..	Par. on cond'n leav. State Apl 16, 1900.
John Martin.....	Larceny of a hog.....	18 months.....	Fall Term, 1899...	Pardoned April 20, 1900.
Mart Martin.....	Larceny of a hog.....	2 years.....	Fall Term, 1899...	Pardoned April 20, 1900
Frank Palmer.....	Entering building night..	\$500 and costs (paid)	March Term, 1895	Restored to citizenship April 33, 1900.
Frances A Johns'n	Manslaughter in 4th deg..	6 months.....	Spring Term, 1894	Restored to citizenship April 30, 1900.
Sarah Fair.....	Manslaughter .....	10 years.....	Spring Term, 1897	Pardoned April 30, 1900.
Robt L Evens... ..	Larceny of animal.....	\$200 and costs (paid)	Fall Term, 1897...	Restored to citizenship May 24, 1900.
Radford Yates... ..	Mayhem.....	2 years.....	Fall Term, 1895...	Restored to citizenship May 26, 1900
B F Landen.....	Larceny .....	\$50 and costs (paid)	Fall Term, 1897...	Restored to citizenship July 3, 1900.
Green Ward... ..	Assault to murder .....	3 years.....	Fall Term, 1899...	Pardoned May 26, 1900
James H Bowman	Forgery .....	1 year.....	Fall Term, 1892...	Restored to citizenship Oct. 9, 1900.
Reuben Crews .....	Larceny of animal.....	1 year.....	Spring Term, 1900	Pardoned October 13, 1900.
Robt Williams....	Murder 1st degree.....	To be hanged.....	Spring Term, 1899	Com. to life imprisonment Oct. 30, 1900.
Jerry Whidden... ..	Larceny of animal.....	\$300 and cost, commuted to \$150 (pd)	Spring Term, 1899	Pardoned and restored to citizenship October 13, 1900.
Simpson Johnson.	Murder.....	To be hanged, commuted to life.....	Fall Term, 1892..	Pardoned November 10 1900
Thos Mercer.....	Murder.....	Life.....	Fall Term, 1897....	Conditional pardon Nov 26 1900.

Pardoned during years 1899 and 1900 .....	39
Conditional pardons during years 1899 and 1900 .....	4
Restored to citizenship during years 1899 and 1900.....	14
Sentences commuted during years 1899 and 1900 .....	3
<b>Total.....</b>	<b>59</b>

Mr. Adams offered the following Resolution:

Senate Concurrent Resolution No. 1:

Resolved by the Senate, the House of Representatives concurring, that a committee composed of three from the Senate and five from the House of Representatives be appointed, to whom shall be referred all bills and resolutions relating to the redistricting of the State into Congressional districts, and whose duty it shall be to prepare and submit a bill dividing the State of Florida into three Congressional districts.

Mr. Adams moved to waive the rules and that Senate Concurrent Resolution No. 1 be taken up.

Which was agreed to by a two-thirds vote.

And Senate Concurrent Resolution No. 1 was taken up and read a second time.

Mr. Adams moved the adoption of the Resolution.

Pending the consideration of which—

Mr. Adams further moved that Senate Concurrent Resolution No. 1 be laid on the table subject to call.

Which was agreed to.

Mr. Miller offered the following Concurrent Resolution:

Senate Concurrent Resolution No. 2:

Concurrent Resolution authorizing the appointment of a committee to examine into the condition of the State Buildings.

Be it resolved by the Senate, the House of Representatives concurring, that a committee of two from the Senate and two from the House be appointed to investigate the condition of the State Buildings and to report what repairs are necessary, and what additional buildings are necessary, if any.

Which was read the first time and laid over under the rules.

Mr. MacWilliams offered the following Resolution:

Senate Resolution No. 1:

Resolved, that the Secretary of State be requested to furnish the Sergeant-at-Arms of the Senate as many copies of the Revised Statutes as the Senate may need.

Which was read.

Mr. Kirk moved the adoption of the Resolution.

Which was agreed to.

The President appointed the following Committee on Rules: Messrs. Myers, Kirk, Law, Dimick and Carson.

Mr. Adams requested leave of absence for Mr. Myers for a few days.

Mr. Broome moved that the Senate adjourn until 10 o'clock to-morrow.

Which was agreed to.

Thereupon the Senate stood adjourned till to-morrow at 10 o'clock.

WEDNESDAY, APRIL 3, 1901.

Senate met pursuant to adjournment.

The President in the Chair.

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

Mr. President, Messrs. Adams, Baker, Bitch, Broome, Butler, Carson, Cottrell, Crews, Crill, Denham, Dimick, Kirk, Law, Miller McCaskill, McCreary, MacWilliams, Neel, O'Brien, Palmer of 4th, Peacock, Rogers, Rouse, Whidden, Sams, Wilson of 4th, Wilson of 7th, Wadsworth and Williams—30.

A quorum present.

Prayer by the Chaplain.

Mr. Wilson, of 4th, moved that the reading of the Journal be dispensed with.

Which was agreed to.

The Journal, as corrected, was approved.

#### REPORTS OF COMMITTEES.

Mr. Kirk, Acting Chairman of the Committee on Rules, submitted the following privileged report:

Senate Chamber,  
Tallahassee, Fla., April 3, 1901.

Hon. Thomas Palmer,

*President of the Senate:*

Sir: Your Committee on Rules beg to recommend that a standing committee on "Organized Labor" be added to the list of standing committees already authorized.

Very respectfully,

B. F. KIRK,

Acting Chairman of Committee.

Mr. Kirk moved the adoption of the recommendation of the Committee.

Which was agreed to.