

The committee appointed to wait upon the Governor to notify him that the Senate was duly organized and ready to receive any communication he may see proper to submit, appeared before the bar of the Senate and announced that they had performed their duty, and were discharged.

A message was received from the Governor.

The following resolution was offered by Mr. Beard:

"Resolved by the Senate, That the Chair appoint a committee of five to draft rules for the government of this body and report to the next daily session,"

Which was adopted,

And the President appointed as said committee Messrs. Massey, Harris, Flournoy, Sloan and McMullen as said committee.

Mr. Harris moved that the Senate adjourn until tomorrow at 12 o'clock noon,

Which was agreed to.

Thereupon the Senate stood adjourned until tomorrow, Wednesday, April 7, at 12 o'clock.

## WEDNESDAY, APRIL 7, 1909.

The Senate met pursuant to adjournment.

The President in the chair.

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

Mr. President, Senators Adkins, Baker (20th Dist.), Baker (29th Dist.), Beard, Broome, Buckman, Crill, Cone, Cottrell, Davis, Dayton, Flournoy, Girardeau, Harris, Henderson, Hosford, Humphries, Johnson, Leggett, Massey, McCreary, McLeod, McMullen, Miller, Sams, Sloan, West, Williams, Withers, Zim—31.

A quorum present.

Prayer by the Chaplain.

Hon. Buel Cook appeared at the bar of the Senate and was sworn in as a member of the Senate from the 25th District, the oath of office being administered by Hon. W. Hunt Harris, a duly authorized officer of the State.

A message from the Attorney General was received.

A message from the Secretary of State was received.

The Special Committee on Rules for the government of the body submitted the following report:

Tallahassee, Fla., April 7, 1909.

*Hon. Frederick M. Hudson,*  
*President of the Senate.*

*Sir:*

Your committee appointed to report rules to govern the Senate during the regular session of 1909 respectfully report and recommend:

That the rules adopted by the Senate at the regular session of 1907 be adopted as the rules to govern this body, with the following amendments and additions:

1. In Rule 15 strike out the word "inadvisable" and insert in lieu thereof the word "indisvisible."

2. Rule 20 should be made to read as follows:

Rule 20. The following Standing Committees shall be appointed at the commencement of the session, to wit:

A Committee on the Judiciary (A).

A Committee on the Judiciary (B).

A Committee on Education.

A Committee on Finance and Taxation.

A Committee on Claims.

A Committee on Corporations.

A Committee on County Organization.

A Committee on Municipalities.

A Committee on the Militia.

A Committee on Legislative Expenses.

A Committee on Agriculture and Forestry.

A Committee on Public Printing.

A Committee on Engrossed Bills.

A Committee on Enrolled Bills.

A Committee on Banking.

A Committee on Railroads.

A Committee on Public Lands and Drainage.

A Committee on Privileges and Elections.

A Committee on Appropriations.

A Committee on Indian Affairs.

A Committee on Commerce and Navigation.

A Committee on Immigration.

A Committee on Canals and Telegraphs.

A Committee on Public Health.

A Committee on Constitutional Amendments.

A Committee on Temperance.

A Committee on Mining and Mineral Resources.

- A Committee on Game and Fisheries.
- A Committee on Organized Labor.
- A Committee on Public Roads and Highways.
- A Committee on Prisons and Convicts.
- A Committee on Pensions.

Each of these committees shall consist of five members, except the two Judiciary Committees which shall consist of nine members each. There shall also be appointed a committee of three members, to which shall be referred the message of the Governor for the purpose of distributing the various subjects treated therein to the appropriate standing committees for consideration and report.

All applications to the Senate for clerical aid to any committee shall be referred to the Committee on Legislative Expenses for investigation and report whether or not the proposed clerical aid is necessary for the dispatch of the public business.

The chairman of any committee which has been authorized to appoint a clerk shall, as soon as the appointment is made, certify the appointment and the name of the clerk with the date of his appointment to the Chairman of the Committee on Legislative Expenses, and the compensation of such Clerk shall begin on the date that such certificate is filed with the chairman of the latter committee. All expenses incurred by any special committee shall be certified, with the items thereof, under oath to the chairman of the Committee on Legislative Expenses, who shall keep on file all certificates made to him under this rule.

3. Rule 35 should read as follows:

"Rule 35. The Senate shall meet daily except Sunday. The hours of the daily sessions shall be 10 a. m. and 3 p. m., unless otherwise ordered by the Senate."

4. A new rule to be numbered 38 should be added, as follows:

"Rule 38. Every bill and resolution referred to a committee shall be reported back to the Senate within seven days from the date of its commitment."

5. A new rule to be numbered 39 should be added, as follows:

"Rule 39. When a bill, which has been unfavorably reported by the committee to which it was referred, is reached on the Calendar of Bills on Second Reading, or of Bills on the Table Subject to Call, it shall be con-

sidered a part of the official duty of the chairman of such committee to move the indefinite postponement of the bill, and such motion shall not be deemed an expression of the attitude of the chairman towards the bill. In such case the entry on the Journal shall be: 'Mr. \_\_\_\_\_, Chairman of the Committee on \_\_\_\_\_, as required by the rules, moved that \_\_\_\_\_ Bill No. — be indefinitely postponed.' ”

Respectfully submitted on behalf of the Committee,  
 LOUIS C. MASSEY,  
 Chairman.

Mr. Massey moved that the report be received and that the rules offered by the committee be adopted.

Which was agreed to, and so ordered.

Mr. Massey offered the following:

Senate Resolution No. 2.

Resolved, That 500 copies of the Rules of the Senate, with the several committees, be printed for the use of the Senate.

Which was read.

Mr. Massey moved the adoption of the resolution.

Which was agreed to.

Mr. Harris offered the following:

Senate Resolution No. 3.

Whereas, Much time of the Senators is taken up in writing letters in answer to inquiries from their constituents relating to pending legislation, and in making copies of bills that have been introduced, and

Whereas, There are many Senators who have from time to time been forced to pay for the services of a stenographer in such matter, and

Whereas, The time of the Senators should be given to the consideration of measures pending before the Legislature, and they should not be forced to pay out of their salary money for the business of the State; therefore, be it

Resolved, That the President of the Senate be authorized to appoint a committee of three, whose duty it shall be to select two stenographers to be known as Official Stenographers of the Senate.

That said stenographers shall do all the clerical work of a public character that may be required of them by any Senator.

That said committee shall require said stenographers to be present in some room in the Capitol easily accessible

to the Senate during certain hours, and to perform such duties as may be prescribed by said committee.

Which, by request of Mr. Harris, was referred to Committee on Legislative Expenses.

Mr. Miller offered Senate Resolution No. 4, which was read as follows:

**Senate Resolution No. 4:**

Whereas, It is desirable that, as wide publicity be given the official proceedings of this body as possible,

Resolved, That each Senator who desires file a list of persons to receive the Senate Journal, not to exceed fifty in any case, with the Messenger of the Senate, whose duty it shall be, with such assistance as he may require from the Pages and Committee Clerks, to address and have such Journals mailed, the expense of the postage to be certified to the Chairman of the Committee on Legislative Expenses for payment.

Resolved Further, That a sufficient number of the Senate Journal be printed to meet the requirements of this resolution.

Which was read and referred to the Committee on Legislative Expenses.

Mr. Leggett offered the following resolution:

**Senate Concurrent Resolution No. 1:**

Be it Resolved by the Senate, the House of Representatives concurring, That a committee of five, to be composed of three members from the House and two from the Senate, be appointed to visit and examine into the condition and administration of the Florida Hospital for Insane, at Chattahoochee, and report their findings thereon to the Legislature.

Which was read, and referred to the Committee on State Institutions.

Mr. McCreary offered the following resolution:

**Senate Resolution No. 5:**

Resolved, That the United States mail authorities be and they are hereby requested to put special mail pouches, or packages, on the mail trains coming into Tallahassee during the remainder of the session of the Legislature, in which pouches or packages shall be put by the railway mail clerks all mail addressed to the members of the Legislature and attaches of either House, and that said mail pouches or packages be delivered from the Tallahassee Postoffice by the Postmaster thereof to the Mes-

The following messages from the Governor were read:

State of Florida,  
Executive Chamber,  
Tallahassee, April 6, 1909.

*Hon. Frederick M. Hudson,*  
*President of the Senate.*

*Sir:*

I have the honor to transmit herewith the Biennial Message of the Governor, accompanied by the reports of the administrative officers and other State officers, as follows:

Report of the Secretary of State.  
Reports of the Attorney General.  
Reports of the Comptroller.  
Reports of the Treasurer.  
Report of the Superintendent of Public Instruction.  
Report of the Commissioner of Agriculture.  
Reports of the State Board of Health.  
Reports of the State Chemist.  
Report of the State Geologist.  
Reports of the Railroad Commission.  
Report of the Superintendent of the Florida Hospital for the Insane.  
Minutes of the Trustees of the Internal Improvement Fund for 1907 and 1908.  
Other reports and information will be transmitted in due course.

Very respectfully,

ALBERT W. GILCHRIST.

Governor.

The Secretary was instructed to proceed with the reading of the Governor's Biennial Message (see appendix), pending which reading Mr. Buckman moved that further reading be dispensed with and that the message be spread on the Journal and referred to proper committees under the rules.

(Said message will appear as an appendix in today's Journal.)

Mr. Beard moved to amend that so much of the message that appertained to a holiday for Abraham Lincoln be laid on the table.

The ayes and nays were called for on the amendment.

Whereupon the roll was called and the following was the vote:

Yeas—Messrs. Beard, Flournoy, Hosford, McLeod, Williams—5.

Nays—Mr. President, Messrs. Adkins, Baker (20th), Baker (29th), Broome, Buckman, Crill, Cook, Cone, Cottrell, Davis, Dayton, Girardeau, Harris, Henderson, Humphries, Johnson, Leggett, Massey, McCreary, McMullen, Miller, Sams, Sloan, West, Withers, Zim—26.

So the amendment was not agreed to.

The question then recurred upon the motion of Mr. Buckman.

The motion was agreed to.

The following message from the Governor was received and read:

State of Florida,  
Executive Chamber,  
Tallahassee, April 6, 1909.

*Hon. Frederick M. Hudson,  
President of the Senate,  
Tallahassee, Fla.*

*Sir:*

I have the honor to transmit herewith special message relating to the Indian War claim of Alderman Carlton.

Very respectfully,

ALBERT W. GILCHRIST.

Governor.

State of Florida,  
Executive Office,  
Tallahassee, April 6, 1909.

*Gentlemen of the Legislature:*

In my regular message to the Legislature (Page 52, printed message) will be found the following statements, relating to Indian War claims:

“The amount refunded to the State was simply a reimbursement of the money actually paid out, and no claim not actually paid out in cash by the State was allowed in such settlement. There is probably one exceptional case, that of Lieutenant Alderman Carlton, to which your attention will be invited.”

Since writing the above, I am in receipt of the following, which is transmitted for your information:

House of Representatives U. S.

Washington, D. C., March 27, 1909.

*Hon. Benj. T. Harper,*  
*Auditor War Department,*  
*Washington, D. C.*

*Dear Sir:*

I am in receipt of another letter from the Governor of Florida asking especially as to whether, in the settlement between the State of Florida and the Government, by which the former received the amount, under the legislation of 1902, of nearly \$700,000, there was an item allowed for one Alderman Carlton, lieutenant in one of the companies serving in the War of 1856, '57 and '58. He was killed some time in the summer of 1856 and, it is supposed, did not receive from the Government the amount due him for his services, and the Governor wishes to know whether this larger amount, above mentioned, embraces any sum for him.

Can you give me this information? If you can and will do so it will be appreciated.

Yours very truly,

(Signed) S. M. SPARKMAN.

Treasury Department,

Office of Auditor for the War Department,

Washington, D. C., March 30, 1909.

*Respectfully returned to*  
*Hon. S. M. Sparkman,*  
*House of Representatives.*

The records show that Alderman Carlton, Second Lieutenant in Capt. Francis M. Durrance's Company, Florida Volunteers, was paid by the State of Florida for services of himself and servant from Feb. 22 to June 14, 1856, 3 months and 22 days, \$483.92. This sum was paid to his administrator, F. M. Hayman, for which the State was reimbursed by the United States.

(Signed) B. F. HARPER,

Auditor.

Very respectfully,

ALBERT W. GILCHRIST.

Governor.

State of Florida,  
Executive Chamber,  
Tallahassee, April 7, 1909.

*Hon. Frederick M. Hudson,*  
*President of the Senate.*

*Sir:*

I have the honor to transmit herewith verified copy of the report made by the Commission appointed in pursuance of Chapter 5634, Acts of 1907, being "An Act to provide for examination and auditing of claims against the State of Florida for services rendered during the Seminole Indian wars, and for examination and audit of claims for forage, subsistence and transportation furnished during the said wars.

Very respectfully,  
ALBERT W. GILCHRIST.

Governor.

Which was ordered spread on the Journal.

Also the following message from the Governor was received and read:

*To His Excellency,*

*N. B. Broward, Governor of Florida:*

The undersigned Commissioners, who were appointed by Your Excellency under and by virtue of Chapter 5634 of the Laws of Florida, same being "An Act providing for the examination and auditing of claims against the State of Florida for services during the Seminole Indian wars and for examination and auditing of claims for forage, subsistence and transportation during the said wars," beg leave to report as follows:

That within thirty days after their appointment by Your Excellency they gave legal notice by publication in four newspapers in this State, to-wit, The Florida Times-Union, Jacksonville; The Pensacola Journal, Pensacola; The Tampa Tribune, Tampa, and The Sun, Tallahassee. that they would hold their first meeting in the City of Tallahassee on the 17th day of September, A. D. 1907, for the purpose of receiving and investigating such claims as hereinbefore mentioned, which said meeting was not more than sixty days nor less than 45 days from the date of the publication of said notices of said meeting.

That said Commission met at Tallahassee on the 17th

day of September, A. D. 1907, and the following claims were presented:

Mr. Benj. Rush, of Gainesville, on behalf of himself, submitted the following claims:

Warrant No. 1361, in favor of J. M. Bridges....	\$ 114.37
Warrant No. 1362, in favor of Aaron Smith....	114.37
Warrant No. 1359, in favor of Calvin Smith....	114.37
Warrant No. 915, in favor of Malcolm McGeachy.	25.07
Warrant No. 949, in favor of B. W. Crews.....	303.93
Warrant No. 1397, in favor of S. T. Thomas....	233.63
Warrant No. 1030, in favor of B. W. Crews....	233.63
Warrant No. 1333, in favor of B. O. Grenads, Atty. ....	340.60
Warrant No. 782, in favor of B. O. Grenards, Atty. ....	372.00
Warrant No. 806, in favor of A. L. Caruthers....	264.00
Warrant No. 1391, in favor of Sam'l B. Colding	145.79
Warrant No. 692, in favor of Aaron Wooley....	70.64

Capt. Samuel E. Hope, on behalf of the estate of W. W. Wall, deceased, submitted the following claims:

Warrant No. 1041, in favor of Jacob Wells....	\$ 80.17
Warrant No. 1382, in favor of Wilson Tyner....	50.40
Warrant No. 1354, in favor of Thos. N. Wilson..	114.37
Warrant No. 1136, in favor of Isam A. Munden..	184.22
Warrant No. 1394, in favor of Wright W. Bowen.	145.79
Warrant No. 1101, in favor of Edwin C. Mc- Geachy. ....	185.73
Warrant No. 1389, in favor of John McNeil.....	145.77
Warrant No. 1112, in favor of John F. Bassett..	115.41
Warrant No. 1104, in favor of Rufus Hoyt....	185.75
Warrant No. 1097, in favor of Chesley B. Hill..	211.47
Warrant No. 1398, in favor of S. T. Thomas....	233.63
Warrant No. 1127, in favor of A. Ganardo.....	690.26
Warrant No. 1387, in favor of Jas. F. Fountain.	45.62
Warrant No. 1385, in favor of Wm. W. Lang....	114.37

Capt. Samuel E. Hope, on behalf of the estate of C. L. Friebele, deceased, submitted the following claims:

Warrant No. 1050, in favor of Thomas R. Tucker.	70.35
Warrant No. 977, in favor of John W. Harrell..	63.00
Warrant No. 1005, in favor of Lewis W. Walmsley	31.50
Warrant No. 988, in favor of Thos. R. Tucker..	31.50
Warrant No. 1054, in favor of Lewis W. Walmsley	70.35
Warrant No. 1011, in favor of George Stafford..	47.25
Warrant No. 993, in favor of Alonzo W. Tucker..	49.89
Warrant No. 1066, in favor of Thos. M. Tucker.	70.35

Warrant No. 1010, in favor of George Stafford...	47.25
Warrant No. 1046, in favor of George Stafford..	73.68
Warrant No. 1001, in favor of Edw. D. Tucker..	31.50
Warrant No. 1049, in favor of Edw. D. Tucker..	70.35
Warrant No. 1082, in favor of Alonzo Ham....	66.57
Warrant No. 1071, in favor of John W. Harrell..	70.35
Warrant No. 1346, in favor of Jas. M. Cooper...	185.73
Warrant No. 974, in favor of Nathan Boyett....	63.00
Warrant No. 986, in favor of Jas. H. Hand....	21.00

Capt. Sam'l E. Hope, on behalf of F. B. Hagan, submitted the following claim:

Warrant No. 1381, in favor of F. B. Hagan..\$ 65.10

Capt. Sam'l E. Hope, on behalf of John M. Bates, submitted the following claim:

Warrant No. 1376, in favor of John M. Bates.\$ 70.35

Capt. Sam'l E. Hope, on behalf of Mrs. Eliza B. Platt, Am. of the estate of Joshua M. Platt, deceased, submitted the following claim:

Warrant No. 1375, in favor of Joshua Platt....\$ 70.35

Capt. Sam'l E. Hope, on behalf of Mrs. E. H. Thompson, submitted the following claims:

Warrant No. 985, in favor of Morgan Mizell..\$ 49.35

Warrant No. 608, in favor of A. D. Johnson,  
Atty. .... 500.00

Warrant No. 994, in favor of Jacob Godwil.... 47.25

Warrant No. 1384, in favor of Richard D. Win-  
gate. . . . . 18.13

Warrant No. 1051, in favor of P. T. Tucker.... 70.35

Warrant No. 978, in favor of Stephen D. Hall.. 63.00

Warrant No. 1052, in favor of Elijah A. Tucker. 70.35

Warrant No. 00, in favor of Robt. J. Bates.... 42.00

Warrant No. 1068, in favor of John Knight.... 70.35

Warrant No. 991, in favor of Wm. L. McMinn.. 63.00

Warrant No. 1086, in favor of Wm. L. McMinn.. 60.78

Warrant No. 1000, in favor of Jesse Carter.... 31.50

Warrant No. 1004, in favor of P. J. Tucket.... 31.50

Warrant No. 1084, in favor of Jackson Tyner.. 66.57

Warrant No. 990, in favor of John F. Barnes.... 94.50

Warrant No. 1070, in favor of Jacob Godwin.. 70.35

Warrant No. 1094, in favor of E. A. Tucker.... 18.12

Warrant No. 1356, in favor of Howell Morrison 114.37

Warrant No. 1363, in favor of Roderic Morrison. 114.37

Warrant No. 1090, in favor of Jas. F. Barnes.... 40.45

Warrant No. 1374, in favor of Wilson Tyner.... 70.35

Mr. R. W. Williams, on behalf of W. C. Trabue, presented the following claims:

Warrant No. 584, in favor of W. H. Kendrick, Atty. . . . .	\$1,000.00
Warrant No. 596, in favor of W. H. Kendrick, Atty. . . . .	500.00
Warrant No. 602, in favor of W. H. Kendrick, Atty. . . . .	500.00
Warrant No. 773, in favor of A. D. Johnson, Atty. . . . .	5,746.00
Warrant No. 781, in favor of B. O. Grenad, Atty. . . . .	454.00
Warrant No. 787, in favor of B. O. Grenad, Atty. . . . .	500.00
Warrant No. 817, in favor of I. F. P. Johnston. . . . .	500.00
Warrant No. 897, in favor of B. O. Grenad, Atty. . . . .	139.00
Warrant No. 898, in favor of B. O. Grenad, Atty. . . . .	97.00
Warrant No. 1183, in favor of M. C. Peterson, Atty. . . . .	54.67
Warrant No. 1335, in favor of B. O. Grenad. . . . .	516.15
Warrant No. 1403, in favor of M. C. Peterson. . . . .	168.11
Warrant No. 1419, in favor of I. W. F. Eichelberger. . . . .	56.17
Warrant No. 1463, in favor of A. D. Johnson, Atty. . . . .	107.00
Hon. R. W. Williams, on behalf of George Lewis, Trustee, filed the following claims:	
Warrant No. 716, in favor of W. H. Kendrick, Atty. . . . .	\$ 500.00
Warrant No. 778, in favor of B. O. Grenad, Atty. . . . .	500.00
Warrant No. 792, in favor of A. Wooley. . . . .	264.00

Roberson & Small, Trustees, on behalf of themselves, submitted the following claims:

Warrant No. 1384, in favor of James Munroe. \$	226.95
Warrant No. 1322, in favor of Wm. Godwin. . . . .	226.95
Warrant No. 1297, in favor of A. R. Williams. . . . .	226.95
Warrant No. 1328, in favor of J. Johnson. . . . .	226.95
Warrant No. 1013, in favor of Michael Whitman . . . . .	265.13
Warrant No. 1316, in favor of James W. Stanley. . . . .	226.95
Warrant No. 1323, in favor of S. Godwin. . . . .	226.95
Warrant No. 1296, in favor of John Hawkins. . . . .	226.95
Warrant No. 1317, in favor of W. W. Cassidey. . . . .	226.95
Warrant No. 851, in favor of Wm. Mills. . . . .	264.00
Warrant No. 1320, in favor of James Gough. . . . .	226.95
Warrant No. 1321, in favor of Allen J. Cassidey. . . . .	226.95
Warrant No. 1410, in favor of D. C. Cook, Atty. . . . .	241.64

Mr. F. H. Myers, on behalf of the heirs of Isadore V. Garnie, submitted the following claims:

Warrant No. 121, in favor of Jno. T. Adle....\$	23.76
Warrant No. 122, in favor of Jno. A. Adle....	23.76
Warrant No. 123, in favor of Jno. T. Adle.....	23.76
Warrant No. 130, in favor of James Baxton.....	23.76
Warrant No. 131, in favor of James Baxton....	23.76
Warrant No. 132, in favor of James Baxton....	23.76
Warrant No. 148, in favor of Jno. C. Cain....	23.76
Warrant No. 163, in favor of Alfred Davis.....	23.76
Warrant No. 164, in favor of Alfred Davis.....	23.76
Warrant No. 165, in favor of Alfred Davis.....	23.76
Warrant No. 178, in favor of Jno. L. Fox.....	23.76
Warrant No. 179, in favor of Jno. L. Fox.....	23.76
Warrant No. 180, in favor of Jno. L. Fox.....	23.76
Warrant No. 190, in favor of Thos. W. Frink....	23.76
Warrant No. 191, in favor of Thos. W. Frink....	23.76
Warrant No. 192, in favor of Thos. W. Frink....	23.76
Warrant No. 193, in favor of Benj. Gardner....	23.76
Warrant No. 194, in favor of Benj. Gardner....	23.76
Warrant No. 195, in favor of Benj. Gardner....	23.76
Warrant No. 199, in favor of Wm. G. Gore.....	23.76
Warrant No. 200, in favor of Wm. G. Gore.....	23.76
Warrant No. 201, in favor of Wm. G. Gore....	23.76
Warrant No. 202, in favor of Geo. L. Glass....	23.76
Warrant No. 203, in favor of Geo. L. Glass....	23.76
Warrant No. 204, in favor of Geo. L. Glass....	23.76
Warrant No. 217, in favor of Moses Jernigan....	23.76
Warrant No. 218, in favor of Moses Jernigan....	23.76
Warrant No. 219, in favor of Moses Jernigan....	23.76
Warrant No. 220, in favor of Lewis M. Jernigan.	23.76
Warrant No. 221, in favor of Lewis M. Jernigan.	23.76
Warrant No. 222, in favor of Lewis M. Jernigan.	23.76
Warrant No. 235, in favor of Sam'l P. Jinks....	23.76
Warrant No. 236, in favor of Sam'l P. Jinks....	23.76
Warrant No. 271, in favor of Andrew J. Riggs..	23.76
Warrant No. 272, in favor of Andrew J. Riggs..	23.76
Warrant No. 277, in favor of John W. Smith....	23.76
Warrant No. 278, in favor of John W. Smith....	23.76
Warrant No. 279, in favor of John W. Smith....	23.76
Warrant No. 469, in favor of Ozias Robinson....	24.80
Warrant No. 470, in favor of Ozias Robinson....	24.80
Warrant No. 241, in favor of Ozias Robinson....	24.80
Warrant No. 273, in favor of Andrew J. Riggs..	23.76

Capt. S. E. Hope, on behalf of W. A. Jones, Adm., submitted the following claim:

Warrant No. 1059, in favor of M. E. Jones..\$ 70.35

Capt. S. E. Hope, on behalf of Mrs. Anderson Mayo, submitted the following claims:

Warrant No. 1380, in favor of James T. Phelps..\$ 63.00

Warrant No. Blank, in favor of Tyborn Kersey. 66.57

Warrant No. 1088, in favor of J. W. Jackson... 40.00

Warrant No. 1047, in favor of Nathan Boyett.. 73.68

Warrant No. 1379, in favor of Richard G. Wingate. . . . . 38.07

Warrant No. 1075, in favor of W. E. Boyett.. 70.35

Warrant No. 1023, in favor of Joseph Merritt.. 233.63

Warrant No. 973, in favor of J. W. Jackson.... 63.00

Warrant No. 1076, in favor of J. A. Boyett.... 770.35

Hon. John E. Hartridge, on behalf of the estate of Theodore Hartridge, deceased, submitted the following claims:

Warrant No. 808, in favor of James Murcher..\$ 264.00

Warrant No. 823, in favor of Fletcher Phelps.. 91.00

Warrant No. 1253, in favor of L. A. Hardee.... 100.00

Warrant No. 904, in favor of Dan'l J. Thomas.. 91.00

Warrant No. 786, in favor of T. E. Johnson.. 264.00

Warrant No. 856, in favor of J. S. Barrenton.. 101.00

Warrant No. 803, in favor of J. S. Lee..... 264.00

Warrant No. 802, in favor of J. W. Fussell..... 264.00

Warrant No. 842, in favor of B. A. Fussell.. 264.00

Warrant No. 858, in favor of J. C. Fussell.... 91.00

Warrant No. 887, in favor of B. O. Grenad..... 39.00

Warrant No. 1250, in favor of L. A. Hardee.... 100.00

Warrant No. 865, in favor of Moses Jernigan.... 91.00

Warrant No. 609, in favor of A. D. Johnson, Atty. . . . . 500.00

Warrant No. 828, in favor of John B. Gant..... 294.00

Warrant No. 779, in favor of B. O. Grenad, Atty. . . . . 246.00

Warrant No. 791, in favor of Sam'l Caruthers.. 264.00

Warrant No. 794, in favor of B. A. Fussell.... 264.00

Hon. R. W. Williams, on behalf of John McDougall, submitted the following claims:

Warrant No. 1177, in favor of M. C. Peterson, Atty. . . . . \$ 50.00

Warrant No. 784, in favor of B. O. Grenad, Atty. . . . . 294.00

Warrant No. 719, in favor of W. H. Kendrick,

Atty. . . . . 500.00  
 Warrant No. 600, in favor of W. R. Kendrick,  
 Atty. . . . . 500.00

Hon. W. V. Knott, on behalf of R. B. Gorman, submitted the following claim:

Warrant No. 637, in favor of A. D. Johnston,  
 Atty. . . . . \$ 174.24

Hon. J. W. Knight, on behalf of Jas. A. Hay, submitted the following claim:

Warrant No. 1141, in favor of Jas. A. Kay. . . . . 184.22

Messrs. Rowe & Hardee, on behalf of Mrs. F. L. Lanier, submitted the following claim:

Warrant No. 678, in favor of Simon Turman,  
 Atty. . . . . \$ 384.19

Hon. Cromwell Gibbons, on behalf of the estate of Barton C. Pope, deceased, submitted the following claims:

Warrant No. 886, in favor of I. M. Singleton. . \$ 264.00

Warrant No. 777, in favor of B. O. Grenard,  
 Atty. . . . . 5,000.00

Warrant No. 1342, in favor of Wm. Cook. . . . . 253.65

Hon. Cromwell Gibbons, on behalf of Mrs. Martha Had-  
 dock, submitted the following claim:

Warrant No. 815, in favor of I. F. P. Johnston. \$1,000.00

Mr. Edwin Spencer, of Ocala, Fla., on behalf of the estate of Joshua McGahagin, submitted an affidavit bearing the signature of W. E. McGahagin wherein he claims to be possessed of certain warrants therein described.

Mr. Gustav Stark, on behalf of himself, submitted a letter wherein he claimed to be possessed of two warrants therein described.

Capt. John T. Lesley, of Tampa, Fla., on behalf of Mrs. E. Matilda Attman, submitted a claim for services, subsistence and forage of John Attman, deceased. Accompanying this claim was a power of attorney from Mrs. E. Matilda Attman to John T. Lesley.

Mrs. N. L. Hay, of New Smyrna, Fla., submitted a claim for the pay of her husband, Daniel Hay, during the Indian wars.

Mr. J. M. Condrey, on behalf of the estate of G. M. Condrey, deceased, submitted a claim of a list of warrants said to have been in his father's possession at the time of his death. Accompanying this letter was a state-

ment from J. A. Tillman, County Judge, Sumter county, stating that among the items scheduled and returned by the appraisers of the estate of said G. M. Wall were warrants as claimed above.

John T. Lesley, on behalf of the heirs of below named, submitted a claim for pay for services, forage and subsistence of the following:

James Week—Amount of claim.....	\$ 205.68
Stephen Weeks—Amount of claim.....	106.14
M. M. Edwards—Amount of claim.....	110.27
Sam'l J. Pearce—Amount of claim.....	109.27
T. S. Coogler for D. F. Hays, Warrant 1368...	184.22

Accompanying these papers were power of attorney from heirs of the claimants to Jno. T. Lesley, and an affidavit from T. S. Coogler relative to the beforementioned warrant.

Capt. S. E. Hope, on behalf of the estate of Alderman Carlton, deceased, submitted a claim for the services of this party, amounting to \$410.39, with interest at 7 per cent.

Capt. S. E. Hope, on behalf of himself, submitted a claim for sums alleged to be due W. B. Hooker, said claim consisting of receipts from various persons to W. B. Hooker for divers amounts. Accompanying said receipts is a document signed by various persons, acknowledging before John C. Oats, on the 21st day of August, 1856, appointing W. B. Hooker their lawful attorney to sign the payrolls for such pay as may be due them from the United States or from the State of Florida for services in Capt. W. B. Hooker's Company of Florida Volunteers in service in the Seminole Indian War in 1856 in Florida.

Mr. D. J. Peterson, on behalf of himself, submitted two receipts from Wm. C. Brown, Commissioner, to E. C. Peterson for certain warrants therein described.

Mr. John T. Lesley, on behalf of the heirs of George Stafford and Wm. Stafford, deceased, submitted a claim for services, subsistence and forage during the Indian war of 1856 for the above. Mr. Lesley also submitted a claim for the above, consisting of a bill from George Stafford amounting to \$1,030.00 for team hire furnished to Capt. F. M. Durrance's company during the Indian war of 1856, said bill being approved by Capt. F. M. Durrance.

Capt. John T. Lesley, on behalf of the heirs of the below named parties, submitted a claim for their services, sub-

sistence and forage during the Indian war of 1856:  
 Lieut. John Knight .....\$ 205.68  
 Jos. E. Mums..... 105.14  
 Edw. D. Tucker ..... 105.14

Accompanying this claim were powers of attorney from services having been performed by the above named parties.

John T. Lesley, on behalf of the heirs of Wm. H. Kendrick, submitted a claim for Wm. H. Kendrick's service, subsistence and forage during the Seminole Indian war of 1856, together with a claim for forage and subsistence furnished by Capt. A. Jernigan. Accompanying this claim were invoices against the State of Florida for supplies furnished by Capt. Jernigan to his company in said war, and also an affidavit stating that Capt. W. H. Kendrick had purchased same from Capt. Jernigan.

Mr. John T. Lesley, as agent, submitted a list of names of members of various companies in the Indian wars of 1856, together with powers of attorney from the divers members to him, claiming any pay due them for services, subsistence and forage, during the above mentioned war. Accompanying said claim was an affidavit by John T. Lesley to the effect that he was personally acquainted with the persons whose names appear, that he knows of his own knowledge that they served in said war, and that to the best of his knowledge and belief they have never received any pay for same.

Hon. R. W. Williams, on behalf of George Lewis, Trustee, submitted a claim consisting of the following bonds of the State of Florida of the issue of 1861:

No. of Bondl.	Date of Last Coupon.	Principal.
1.....	July 1, 1867.....	\$ 25.00
2.....	July 1, 1867.....	100.00
3.....	July 1, 1867.....	100.00
4.....	July 1, 1867.....	100.00
5.....	July 1, 1867.....	100.00
6.....	July 1, 1867.....	100.00
433.....	July 1, 1867.....	500.00
437.....	July 1, 1867.....	500.00
438.....	July 1, 1867.....	500.00
439.....	July 1, 1867.....	500.00
434.....	July 1, 1869.....	500.00
435.....	July 1, 1869.....	500.00

436.....	July 1, 1869.....	500.00
1.....	July 1, 1869.....	100.00

He also presented with this claim a list of the warrants which had been exchanged for the above bonds, copies of the muster rolls of Captain H. D. Dyche's and A. Jernigan's companies, and a letter relative to this claim signed by W. D. Barnes, Comptroller, February 9, 1883.

Mr. Fred T. Myers, on behalf of the heirs of Isadore Garnie, submitted a claim for \$160, with interest, for payment of a Treasury Certificate, No. 625, issued by the State of Florida, and dated at Tallahassee, Fla., May 28, A. D. 1867. This certificate purports to be "receivable in payment of all public dues" by "the officers charged with the collection of the State taxes, Act 13, Chap. 148, of 1847," and bears the signature of I. H. Bull, ad interim State Treasurer.

Capt. John T. Lesley, on behalf of F. A. Hendry, submitted a claim for pay for service, subsistence and forage in the Indian war of 1856. This claim was accompanied with an affidavit from F. A. Hendry to the effect that he had actually performed such service and had never been paid for same.

Capt. John T. Lesley, on behalf of the heirs of Isaac Lanier, submitted a claim for pay for services, subsistence and forage furnished during the war of 1856.

Robert Glazier, of Manatee, Fla., submitted a claim in behalf of the heirs of Ezekiel Glazier and Jas. A. Glazier for services, subsistence and forage, rendered during the war of 1856.

Mr. James E. Comerford, of Cypress Station, Jackson county, Florida, submitted a claim for services, forage and subsistence furnished during the war of 1856.

Mr. Enoch B. Phelps submitted a claim on behalf of himself for services, subsistence and forage furnished during the war of 1856.

Capt. John T. Lesley submitted a claim on behalf of the heirs of Wm. Smith, deceased, for services, subsistence and forage furnished during the war of 1856. Accompanying this claim was a power of attorney from Elizabeth Smith and W. S. Smith to Capt. John T. Lesley, authorizing him to handle this claim for them.

The Commission in passing upon such claims were very much restricted by Section 9 of the act under which they were appointed, which reads as follows:

"That only such claims shall be allowed and paid as have been used by the State of Florida in its account against the Government of the United States, admitted by the National Government and paid to the State of Florida."

It will be seen from the reading of this section that there are three elements that are necessary to be present before passing favorably upon any one claim. In the first place it must have been used by the State of Florida in making its account against the Government of the United States; in the second place, it must have been admitted by the National Government, and in the third place, it must have been paid to the State of Florida.

Also, it will be seen that, while Section 1 of the act confers very broad powers upon the Commission in auditing claims for enrolled services rendered, and forage, subsistence and transportation furnished by authority of the State of Florida, or its duly authorized officials, during the Seminole Indian wars of 1849, '55, '56, '57, and while the Commissioners were very much impressed with the idea that it was the intention of the bill as originally introduced in the Legislature that this Commission should audit and examine all claims against the State, whether for enrolled service, forage, subsistence or transportation, we nevertheless came to the conclusion in construing the act that the proviso to Section 5 very much and very materially restricted our duties in that behalf. This proviso reads as follows:

"Provided, That no claim or warrant be allowed for enrolled services where the name of the original holder does not appear on the original muster rolls or certified copies thereof, furnished by the War Department at Washington, of the companies which were regularly mustered in the State service, and that no claims be allowed except for enrolled services."

The Commission not being able to reconcile the last clause of this proviso with the evident purpose of the bill as evidenced by the title, and believing that it must have been adopted as an amendment in one of the two houses of the Legislature to confine the Commission to narrower limits than first intended, made an examination of the Journal of the House of Representatives of the Legislature of 1907, and as a result of their investigation found on page 1648 of said Journal that this pro-

viso was offered as an amendment to the bill by Mr. Wilson, and upon motion of Mr. J. W. Knight, a member of this Commission, it was adopted. The Commission thereupon came to the conclusion that the proviso should be construed to mean what it would if read as follows:

“Provided, That no claim be allowed except for enrolled services, and that no claim or warrant be allowed for enrolled services where the name of the original holder of the warrant does not appear on the original muster rolls or certified copies thereof, furnished by the War Department at Washington, of the companies which were regularly mustered into the State service.”

However reluctant the Commission was in coming to this conclusion, they deemed it inevitable and considered it their plain duty to confine their investigations within the limits of the power conferred upon them by the Legislature. Such being the construction of the law under which we were acting, we readily came to the conclusion that we should consider no claim except for enrolled service, and in our deliberations we accordingly discarded and rejected all claims that were filed with us for forage, subsistence and transportation.

The Commission further finds that the sum of \$261,-934.31. as mentioned in the preamble of Chapter 5634 aforesaid was allowed to the State of Florida under and by virtue of a provision introduced in an Act of Congress and approved May 27, 1902, being entitled “An Act for the allowances of certain claims for stores and supplies reported by the Court of Claims under provisions of the Act approved March 3, 1883, commonly known as the Bowman Act, and for other purposes,” said provision being in words following:

“That the Secretary of the Treasury be and he is hereby authorized and directed to settle the mutual account heretofore stated between the United States and the State of Florida, under the authority of an Act of Congress, according to the mode of stating same, found near the foot of the third page of the letter of the Secretary submitting his report, dated December the sixteenth, eighteen hundred and eighty-nine, published as Executive Document numbered sixty-eight, House of Representatives, Forty-

first Congress, first session, by continuing the computation of interest upon the principal on both sides to the date of settlement, and ascertaining the balance due the said State. And the Secretary of the Treasury is hereby authorized to surrender to the Governor of the State of Florida the bonds of said State held by the United States which are included in such statement and, such sum of money is hereby appropriated as is necessary to pay the State of Florida whatever balance is found due said State: Provided, That in further computing the said mutual account from the first day of January, eighteen hundred and ninety (at which time it was stated by authority of an Act of Congress), no greater rate of interest shall be allowed the State of Florida than said State has paid, and is obliged to pay or has lost in connection with said account."

We made an examination of Executive Document numbered sixty-eight, Fifty-first Congress, first session, and find therein a detailed statement making such correction and allowing additional amounts which were suspended in the report of the Secretary of War, same being found in House Executive Document numbered 203, Forty-seventh Congress, First Session. On page eight of Executive Document numbered sixty-eight aforesaid will be found a summary of the third auditor's allowances for pay of troops from December 1, 1855, to January 1, 1860, which is, in words and figures, as follows:

COMPANY	No. 10 Roll	PERIOD OF SERVICE		Claim	Amount Allowed	Amount Disallowed
		From	To			
W. B. Hooker.....	1	Jan. 3, 1856	Feb. 21, 1856	\$ 4,809.57	\$ 4,557.01	\$ 252.56
F. M. Durrance.....	2	Feb. 21, 1856	Aug. 22, 1856	15,794.91	15,416.21	378.70
F. M. Durrance.....	3	Aug. 22, 1856	Dec. 21, 1856	9,693.00	9,567.92	125.08
Wm. H. Kendrick.....	4	Feb. 26, 1856	Aug. 28, 1856	16,277.99	16,158.46	119.53
Wm. H. Kendrick.....	5	Aug. 28, 1856	Dec. 6, 1856	8,906.50	8,832.11	74.39
A. D. Johnson.....	6	Feb. 26, 1856	Sept. 2, 1856	16,739.85	16,459.66	280.19
A. D. Johnson.....	7	Sept. 2, 1856	Dec. 20, 1856	8,833.93	8,706.46	127.47
Leroy G. Leslie.....	8	Mar. 12, 1856	Aug. 20, 1856	14,108.34	13,740.30	368.04
A. J. T. Wright.....	9	Apr. 28, 1856	May 17, 1856	574.68	544.49	30.19
A. J. T. Wright.....	9	May 18, 1856	Aug. 1, 1856	9,667.71	9,566.96	100.75
John McNeil.....	11	May 15, 1856	Aug. 12, 1856	2,059.45	2,004.05	55.40
Asa A. Stewart.....	12	May 18, 1856	Sept. 30, 1856	11,510.89	11,492.31	18.58
Robert Youngblood.....	13	May 18, 1856	Sept. 30, 1856	800.18	5,698.05	106.13
Enoch Daniel.....	14	May 30, 1856	July 20, 1856	1,994.82	1,981.85	12.97
Wm. B. Hardee.....	15	June 1, 1856	June 29, 1856	180.14	179.04	1.10
Alexander Bell.....	16	June 24, 1856	Sept. 30, 1856	3,526.62	3,411.61	115.01
Thomas Hughey.....	17	Aug. 18, 1856	Sept. 30, 1856	784.40	781.02	3.38
E. T. Kendrick.....	18	Oct. 23, 1856	Jan. 14, 1857	3,243.36	3,199.16	44.20
John Addison.....	19	Apr. 8, 1856	Oct. 7, 1856	10,232.43	10,232.43	.....
John Parker.....	20	Oct. 7, 1856	Dec. 15, 1856	4,556.59	4,023.98	532.61
John McNeil.....	21	Not stated on	abstract.	3,303.06	3,237.00	66.06
S. Sparkman.....	22	Not stated on	abstract.	2,967.31	2,907.96	59.35
R. B. Sullivant.....	23	Not stated on	abstract.	809.15	809.15	.....
Field and Staff.....	26½	Not stated on	abstract.	12,341.49	10,138.60	2,202.89

EXHIBIT I.--Summary of Third Auditor's allowances for  
 "pay of troops" from December 1, 1855, to January 1, 1860.  
 (Abstract A).

The General Summary of the Third Auditor's allowances on items pertaining to the Indian Wars of 1849, 1855-56-57, as shown in Exhibit II, page 8, Executive Document numbered sixty-eight aforesaid, shows that the State has allowed the sum of \$163,645.79 for the pay of troops covering said period, being disallowed \$5,074.58 of the total claim of \$168,720.37.

In Exhibit IV, page 10, Executive Document numbered sixty-eight aforesaid, in a general summary of the Third Auditor's allowances of items pertaining to the Indian hostilities of 1849, it is shown that for services of Capt. H. D. Dyche's Company the State claimed \$4,786.43, and was allowed the same amount. A claim for \$4,920.48 was made for the services of Capt. A. Jernigan's Company, which amount was allowed, and a claim was made for the services of Capt. J. O. Devall's Company, amounting to \$1,601.00, which was allowed to the extent of \$1,389.50.

It will be noticed that Exhibit I gives the names of the commander of each company engaged in the wars of 1855-56-57, the number of the roll, period of service, claim made by the State, the amount allowed by the National Government, and the amount disallowed for each company. The muster rolls of these various companies, with the exceptions of Captains Dyche's, Jernigan's and Devall's companies, are shown on pages 43-88, inclusive of report No. 1962, Forty-ninth Congress, second session, said report being made to the Senate of the United States by the Committee on Claims, of which Mr. Jones, of Arkansas, was chairman. The correctness of these muster rolls were verified by Commissioner Knight to his satisfaction in comparing the same with the original payrolls as receipted by the various officers and soldiers of the several companies on the original muster rolls now on file in the Treasury Department of the National Government in the City of Washington, mention of which is made by him in his report to this Commission, and filed herewith. The several amounts claimed by the State of Florida for pay of the officers and soldiers of the various companies referred to as shown by these several muster rolls, substantially with the claim made by the State as shown in Exhibit I, page 8, Executive Document number sixty-eight aforesaid. We find that Capt. J. W. Pearson, disbursing agent of the State of Florida, in his report to His Excellency, Governor Perry, dated November 30th, 1859, makes a statement of his account with the State of Flor-

26th day of April, A. D. 1861. For these bonds in question certain warrants were surrendered, said warrants having been issued to take up certain certificates, which certificates had been issued under and by virtue of an act entitled "An Act to provide for the payment of the Volunteer Company of Capt. Hanford D. Dyche's and other companies therein mentioned," approved January 5, A. D., 1859. There seems to be no doubt but what the certificates which were surrendered for the bonds in question were issued in good faith and for actual services rendered and that if the bonds had not been issued at all the certificates would have been a valid and subsisting claim against the State of Florida. The Constitution of the State of Florida, 1868, Article 15, Section 4, provides "That State Treasury notes, all bonds issued and all other liabilities contracted by the State of Florida or any county or city thereof on and after the 10th day of January, A. D. 1861, and before the 25th day of October, 1865, except such liabilities as may be due to the Seminary or School Fund, be and are declared null and void, and the legislature shall have no power to provide for the payment of the same or any part thereof; but this shall not be construed so as to invalidate any authorized liabilities of the State contracted prior to the 10th day of January, A. D. 1861, or subsequent to the 25th day of October, A. D. 1865." It is clear to this Commission that this bond issue was not invalidated by this provision in so far as they were issued to take up authorized liabilities contracted by the State prior to the 10th day of January, A. D. 1861, and that these certificates were issued prior to that date by authority of law; but in the opinion of a majority of the commission the holders of the certificates had the option of taking the bonds in question or Confederate money at the date of maturity of the certificates, and inasmuch as they elected to take the bonds payable in 1881, and that on said date Confederate money was of no value, the bonds, therefore, were of no value, and, consequently, there is no legal or moral obligation resting upon the State to pay the same. The majority of the commission further holds that under the law creating this commission we have no jurisdiction of the claim because the same appears to be for regular "mustered" service authorized by the State and not for "enrolled" service. In this opinion of the majority, Commissioner Davis can not concur, for the reason that in his opinion, the State

having made use of this claim for the purpose of making an account against the National Government, and having been paid the same (see pages 9-10 Ex. Doc. No. 68) there is a moral obligation resting on the State to pay the parties holding these bonds; that if the bonds in question were liabilities which had been incurred by citizens of the State of Florida at the time of and for the amounts mentioned in the bonds the holders of such obligations could have collected in lawful money of the United States an amount equal in value to the Confederate money called for on the face of the several obligations at the time of the making of the same and inasmuch as the obligations were made during the very beginning of the war of secession, when Confederate money probably passed current at its face value, the entire amount should be regarded a legal and subsisting claim. The State should be not less careful of her credit than she demands of her citizens. She should do no violence to the public conscience by withholding something of value received by her in trust for another. The conclusion of Commissioner Davis is, that as these bonds represent certificates that were originally issued for valid claims against the State of Florida, that have never been paid to the owners thereof, and that the State having collected from the National Government the money represented by the bonds, it is her duty to pay the bonds with interest to the individuals holding them.

#### CLAIM OF THE HEIRS OF ISADORE GARNIE.

The commission is of the opinion that the claims of the heirs of Isadore Garnie (with the exception of Treasury Certificate No, 625, hereinafter fully described same being hereinbefore enumerated, should not be allowed for the reason that they were never used by the State of Florida in making its claim against the Government of the United States, and that same were not allowed and paid by the National Government to the State of Florida.

The claim represented by Treasury Note No. 625, which was issued for \$160.00 by the State of Florida for payment of 8 coupons of \$20.00 each, of bond No. 434, and purports to be 'receivable in payment of all public dues "by" the officers charged with the collection of the State Taxes "Act 13, Chap. 148 of 1847," dated Tallahassee, Fla., May 28th, 1867, and bears the signature of I. H.

Bull, ad interim State Treasurer, a majority of the commission voted to disallow for the same reasons stated in disallowing the Lewis claim, Commissioner Davis dissenting for the reasons stated in passing on the Lewis claims.

An itemized statement of the expenses of the commission are hereto appended and forms a part of this report.

Respectfully submitted,

CHAS. E. DAVIS,  
J. W. KNIGHT,  
J. H. HARVELL.

Madison, Fla., February 25th, 1908.

The Florida Indian War Claim Commission, City.  
Gentlemen:—

By your appointment and request at our meeting in Tallahassee on the 6th inst., I proceeded at once to Washington to obtain what facts and data I could with regard to the statement of the account of the State of Florida against the National Government for Indian War services in the years 1855, 1856 and 1857, and being guided by the statute we were then working under, being entitled "An Act to Provide for the Examination and Auditing of Claims against the State of Florida for Services rendered during the Seminole Indian Wars, and for the Examination and Auditing of Claims for Forage, Subsistence and Transportation furnished during said wars, Chapter 5634, General Statutes of Florida, it occurred to my mind that our powers were limited to a large extent by Section 9, and the proviso in the latter part of Section 5 of said act. Proceeding under these limitations I decided that the first question to settle was whether any or all of the enrolled service as claimed by the present day claimants had been included in the statement used by the State of Florida in making the account against the Government for the suppression of Indian hostilities. Working under this conviction, I got interested with me our present delegation to Washington and their assistants, through which medium it was easy for me to have access to the records and documents necessary. We found the bill which carried the amendment which authorized the Secretary of the Treasury to pay this account as it had been previously stated. This amendment also referred us to Executive Document Numbered Sixty-eight, near the foot of the third page thereof a statement of this account had been made by the Third Auditor of the Treasury, which seemed, and in fact

did, include the whole statement. From this report of the Third Auditor, we got reference to another document known as "Report No. 1962, and Views of the Minority," 49th Congress, second Session, which bore on this subject and carried the rolls of the companies and officers published in this report. Upon investigation, I found that this was the real true statement of the account by the State of Florida against the United States Government and included every item by exhibits of the account. I then formed the conclusion that to check these rolls and items against the original receipted rolls and various items of the account in the Auditor's Department of the Treasury, would give our commission the facts in the case sufficiently to pass upon the claims which have been filed with us. This I proceeded to do by the help of the Secretaries of two of our representatives in Congress and in this way avoided having an expensive transcript of all of this matter made by stenographers.

I went to Washington strongly believing that some, if not all of the claims that are being made against the State for services, subsistence, forage, transportation, etc., had been included in the statement by the State of Florida against the United States Government and I therefore felt that the State Treasury held money that really belonged to many, if not all of these claimants, but upon investigation made as indicated above, I very soon concluded that these items, amounts and claims had not been included in the account made by the State against the National Government, and that by Article 9 of the Statute under which we are making this investigation we are debarred from allowing or hardly considering any of these claims for enrolled services, subsistence, forage, transportation, etc.

I made the trip as hurriedly as was consistent with a careful investigation of the records and was fortunate in getting what information I thought our commission needed and was compelled to have, and returned at once to Florida, the total cost of the trip being not more than \$125.00, and I now offer you this, my report.

Respectfully submitted.

J. W. KNIGHT.

## TRAVELING EXPENSES.

July 18th—	
J. W. Knight.....	\$ 19.30
J. H. Harvell.....	16.92
Chas. E. Davis.....	5.80—\$ 42.02
Sept. 17th—	
J. W. Knight.....	\$ 19.00
J. H. Harvell.....	19.50
Chas. E. Davis.....	8.80—\$ 47.30
Feb. 6th—	
J. W. Knight.....	\$ 11.40
Chas. E. Davis.....	6.05—\$ 17.45
Feb. 28th—	
J. H. Harvell.....	\$ 29.30
Chas. E. Davis.....	16.80
J. W. Knight.....	28.05—\$ 74.18
J. W. Knight, expenses to Wash- ton .....	— 103.90
	<hr/>
	\$284.85
Clerical assistance .....	141.25
Postage, stationery and miscellane- ous .....	11.00
Advertising notice of meeting.....	\$ 21.00—\$458.10

The following message from the Governor was received and read:

State of Florida,  
Executive Chamber,  
Tallahassee, Fla., April 7, 1909.

*Hon. Frederick M. Hudson,*  
*President of the Senate.*

*Sir:*

I have the honor to transmit herewith, for the information of the Senate, verified copy of report made under date of March 20, 1909, by the Secretary of the Trustees of the Internal Improvement Fund, in pursuance of the resolution adopted by the Trustees on March 30, 1908, which resolution directed said Secretary to state an account showing the indebtedness of the Trustees of the Internal Improvement Fund to the State Board of Education under that provision of Section 4, Article 12 of the Constitution, which provides that "the State School Fund . . . shall be derived from the following sources:

Twenty-five per centum of the sales of public lands which are now, or may hereafter be owned by the State."

I have to advise that the statistical data which accompanied said report of the Secretary of the Trustees has been transmitted to the State Printing Contractor, the reading matter of said report being submitted herewith. Unless otherwise ordered by the Senate, this statistical data will be printed.

Very respectfully,  
ALBERT W. GILCHRIST,  
Governor.

Which was ordered spread on the Journal and referred under the rule.

Tallahassee, Fla., March 20, 1909.

*Trustees Internal Improvement Fund of Florida.*

*Gentlemen:*

In pursuance of the resolution adopted by the Trustees on the 30th day of March, 1908, a careful investigation has been made with the view of ascertaining the amount of cash derived from the sale of land under the act of 1855, Chapter 610 of the Laws of Florida, that would be subject to the provisions of the Constitution of 1868, setting apart 25 per cent. of the sales of State land for the benefit of the State School Fund.

At the beginning of the examination, it appeared that no reliable information could be found as to whether the payments made for land were in cash, or in coupons, master's certificates, etc. In order that you may understand the condition of affairs immediately succeeding the adoption of the State Constitution of 1868, a copy of the order of Judge W. B. Wood, Judge of the Courts of the United States for the Fifth Judicial Circuit is hereby annexed, marked Exhibit "A." You will see by this order that the Judge charges the Trustees of the Internal Improvement Fund then in office with lawless and fraudulent acts, and with misapplying the fund and disposing of land for nominal consideration, and accepting other than money for the purchase of land. This was followed by an order of Judge Phillip Fraser, made in the same case, dated June 1st, 1872, appointing Aristides Doggett as Receiver of the Fund and ordering all moneys, securities, etc., turned over to him. See Exhibit "B." From that time until about October 1st, 1881, the entire man-

agement of the fiscal affairs of the Trustees was in the hands of the Court and administered by the Receiver under orders of the Court. The destruction by fire of the building in which the court records were kept in Jacksonville, completely destroying all the records thereof, precluded the possibility of obtaining information from that source, and the want of proper records here prevented investigation as to the proceeds of the sale of land during that period, hence it was determined to commence with October, 1881, and list all of the land sold for cash from that date to February 5, 1908, the last date mentioned in the resolution.

During the period last named, the entire proceeds of the Disston sales were disbursed in the payment of coupons with interest, adjudged by the United States Court to be due, hence the money received from that sale is not included in the Statement of cash sales from which the 25 per cent. may be set aside under the Constitution of 1868. Entries made on account of commissions for selecting and patenting land, on account of railroad and canal land grants, and on account of drainage and canal companies, for which no cash consideration was received, are also eliminated.

The total amount received from October 1, 1881, to February 5, 1908, so far as it has been possible to ascertain in pursuance of the resolution of the Trustees, following the course above outlined, is \$962,503.34. See Exhibit "C."

This amount is subject to reduction on account of expenditures made by the Trustees in liquidating indebtedness contracted under the act of 1855, prior to 1868, for interest on bonds, judgment, etc., which expenditures were necessary in order to release the land from the encumbrance placed thereon by the terms of the act of 1855, Chapter 610 of the Laws of Florida. It appears that prior to 1901, practically all of the funds received by the Trustees were used in discharging this indebtedness which was a lien on the land under the act of 1855, except such funds as were used in paying attorneys to represent the Trustees and the other incidental expenses connected with the selection, management and sale of the land, hence the amount of cash sales from October 1,

1881, to February 5, 1908, has been divided into two parts, as follows:

From Oct. 1, 1881, to Dec. 31, 1900.....	\$484,334.38
From Jan. 1, 1901, to Feb. 5, 1908.....	478,168.96
Total .....	<u>\$962,503.34</u>

The second item in this division shows the period during which the Trustees were practically relieved of all claims on account of indebtedness, incurred in carrying out the obligations created by the act of 1855, in connection with the construction of the lines of railroad specially set forth in said act and made the beneficiaries thereof.

Attached hereto, marked Exhibit "D" is a statement showing the land conveyed to railroad, canal and drainage companies, to State land selecting agents, etc., and land sold for coupons detached from railroad bonds issued under the act of 1855.

The question as to whether or not the land sold to Diss-ton *et al.*, the proceeds of which were applied to the payment of claims adjudged by the United States Court to be a lien of prior dignity on all the land held by the Trustees, were properly eliminated in making up the figures for this report, must be decided by the Trustees. The figures given are based upon the assumption that sufficient land had to be sold to relieve all of the land from indebtedness created by the act of 1855, which had the same force and effect as a mortgage lien, before the Trustees could dispose of the land for any other purpose. This view is primarily predicated upon the orders of the court annexed hereto.

Upon this construction there could be no sales of land within the meaning of the Constitution of 1868, until the prior lien had been removed, and therefore the School Fund was not entitled to percentage except on sales made from January, 1901, to February 5, 1908, and subsequent thereto. Should this view be adopted, the figures given for the period from January 1, 1901, to February 5, 1908, show the amount upon which the 25 per cent. fixed by the Constitution of 1868 may be allowed to the School Fund. In the event a contrary view is taken, the figures can be changed accordingly.

Section 2 of Chapter 610 of the Laws of Florida, approved January 6, 1855, provides in part as follows:

"For the purpose of assuring the proper application of said fund for the purpose herein declared, said lands and all funds arising from the sale thereof, *after paying the necessary expenses of selection, management and sale*, are irrevocably vested in five Trustees" .....

.....Under this provision "the necessary expenses of selection, management and sale," constituting practically all of the expenditures made prior to January 1, 1901, except on account of expenditures made out for the purpose of liquidating indebtedness created by said act, were considered as a claim of prior dignity as against all other claims that might arise under the act of 1855.

The Supreme Court of the State of Florida has held, that the provisions of the act of 1855, in so far as relates to the guarantee by the Trustees of the interest on the bonds issued by the railroads thereunder, constituted a contract, and the provision of the State Constitution of 1868 provided for 25 per cent. of the sale of land, would seem to be an impairment of contract if applied to the sale of land rendered necessary to enable the Trustees to carry out said contract.

Respectfully submitted,

W. M. McINTOSH, JR.,

Secretary.

EXHIBIT "A."

United States of America,  
State of Florida.

In the Fifth Circuit Court of the United States for the Northern District of Florida.

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

*Whereas*, It appears to me, W. B. Woods, Judge of Courts of the United States for the Fifth Judicial Circuit, that Francis Vose, a resident and citizen of the State of New York, brings his bill of complaint in the Circuit Court of the United States for the Northern District of Florida, in which he shows that he is the owner

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

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

I do, therefore, in the name, and by the authority of the United States of America, strictly enjoin and command you, the said Harrison Reed, Robert H. Gamble, Alvin R. Meek, Frank W. Webster, Simon B. Conover and John S. Adams, the Trustees of the Internal Improve-

ment Fund of Florida, and your successors, under penalty for attachment for contempt and a pain of ten thousand dollars for each act violative of this injunction, that you, and each and all of you, both in your individual and collective capacity, do desist from selling or donating or disposing of the land belonging to the said trust otherwise than in strict accordance with the provisions of said act of 1855, fixing the prices and allowing pre-emptions of the same in obedience to all the restrictions of that act, that you desist from selling said lands for scrip or State warrants of any kinds, or for aught else than current money of the United States, that you desist from lending, or investing, appropriating, disposing of, or using any of the moneys or property of said trust fund except in applying them to the creation of the sinking fund provided by said act of 1855 and so applying them in strict accordance with the provisions of that act, where said moneys properly belong to said sinking fund or in payment of the coupons of said bonds when said moneys have proceeded or shall proceed from the sale of said lands, and that you desist from paying said coupons in any other mode than in the order of their priority fixed by the date of their coming to maturity paying first such as first become due and the others in the order in which they fell due.

And I do enjoin and command you further and specially that you desist and refrain from any and all action in executing and carrying out the agreement between you and the said, The Florida Improvement Company described in said agreement—the New York and Florida Lumber, Land and Improvement Company, which said agreement is embodied in the resolutions passed by you, the said Trustees on the first day of March in the year eighteen hundred and seventy or thereabouts, and by which said agreement you, the said Trustees, give and grant to the said Company, their successors and assigns authority to select and locate from the lands belonging to the Internal Improvement Fund, one million, one hundred thousand acres of said land, at the rate of, and price of, ten cents per acre, upon terms and conditions which are therein set forth.

And I do enjoin and command you, the said Florida Improvement Company, and you, the said Myron S. Mickles and others, the agents and servants of the said the New York and Florida Lumber, Land and Improve-

ment Company, that under the penalty and pain herein set out you desist from further action under the said agreement with the said Trustees whether in selecting or locating lands embraced in said agreement or in advertising and selling the same, or in disposing of or intermeddling with the proceeds which have resulted from the sale of any portion of the same further than to retain safely subject to the further order and decree of this Court.

Witness the Honorable Salmon P. Chase, Chief Justice of the Supreme Court of the United States and the seal thereof, at the City of Jacksonville in said District, this eighth day of December, A. D. one thousand eight hundred and seventy.

I. E. TOWNSEND, Clerk.

EXHIBIT "B."

*Order of Court Appointing Aristides Doggett Receiver.*

Francis Vose vs. Harrison Reed, et al, Trustees, et al.—  
—In Chancery.

This cause came on to be heard this day upon the petition of the complainant praying for a rule upon Harrison Reed, Robert H. Gamble, Frank W. Webster, Simon B. Conover, and John S. Adams and J. C. B. Drew, and their successors, Trustees of the Internal Improvement Fund of the State of Florida, to show cause why an attachment for contempt should not be issued against them and why a receiver should not be appointed to take charge of the moneys and securities constituting the Trust Fund, and upon the answers to the said petition, and was argued by counsel, and thereupon it is ordered by the court that an attachment as for a contempt be issued against the said Harrison Reed, Robert H. Gamble, Frank W. Webster, Simon B. Conover and John S. Adams, to be made returnable to the next term of this court to be holden on the first Monday of December next at the court room in the City of Jacksonville; that when arrested upon said attachment they shall be severally committed to jail unless they shall enter into bond in the sum of five thousand dollars each, with sufficient sureties to answer for the said contempt at the time aforesaid. It is further ordered that Aristides Doggett, Esq., be and

he is hereby appointed receiver of all moneys and securities belonging to said Trust Fund in the hands of said Trustees or of any other person or persons whomsoever, to demand and receive the same, and to sue for and recover the same and also to demand and receive from said Trustees, from time to time as any moneys may come into the hands of the said Trustees belonging to said funds, all such moneys, and to demand, sue for and recover from any and all persons having in their hands or control any of said Trust Fund or any property belonging to said Fund or who have misapplied said fund or converted any part thereof to their own use; that the said Trustees and every of the defendants in cause having possession of any part of said fund are hereby ordered to pay to said receiver all moneys in their possession or control, and to deliver up to said Receiver all securities or evidence of indebtedness belonging to said Fund, and to pay over to said Receiver from time to time all moneys which may come into their hands from the sale of land or any other source whatever, together with all books and papers necessary to enable the Receiver properly to discharge his duties in the premisses. It is further ordered that the said Receiver do enter into bonds for the faithful discharge of his duty, with sufficient sureties in the sum of ten thousand dollars, and that on the first Monday of each and every month after having taken upon himself the said Receivership he do file in the Clerk's office a full and detailed report of all his doings in the premisses, together with his charges and the costs and expenses incurred by him; and that the said Receiver do proceed without delay to the discharge of his said duties aforesaid. It is further ordered that the Clerk do furnish said Receiver a copy of this order duly certified.

Done in open court this first day of June, A. D. 1872.

PHILIP FRASER,

Judge.

#### EXHIBIT "D."

Table showing the status of all swamp and overflowed lands patented to the State prior to January 1, 1909, under the Act of Congress of September 28, 1855.

Number of acres patented to the State.....	20,204,311.16
Number of acres conveyed to rail- road companies .....	8,720,461.33
Number of acres deeded to canal and drainage companies .....	2,779,772.68
Number of acres deeded E. N. Dickenson in 1867 for coupons of Florida R. R. bonds, which fell due prior to 1866.....	248,602.98
Number of acres deeded to Wm. E. Jackson in 1868 for coupons on Florida, Atlantic & Gulf Central R. R. bonds.....	113,064.80
Wells and Randolph, Agents of the State to select swamp and overflowed lands, under con- tract with the Governor of Florida, of Nov. 8, 1851, re- ceived the proceeds from sale of about .....	100,000.00
Number of acres deeded on ac- count of L. G. Dennis, agent of the State to procure and re- ceive patents for swamp and overflowed lands at Washing- ton, under contract with the Governor of Florida of Nov. 10, 1875 (see orders of Trus- tees of July 5, 1881, and April 14, 1883) .....	5,800.27
Number of acres deeded on ac- count of Williams & Swann, Agents of the State, to select swamp and overflowed lands under contract with the Trus- tees of the Int. Imp. Fund of March 5, 1871 .....	39,480.27
(Other lands were deeded on account of W. & S. under the above contract, belonging to the Int. Imp. Fund proper, embrac- ing 4,837.98 acres, are not em- braced in this statement, as they were not swamp and overflowed	

lands.

Number of acres deeded on account of Williams and Swann & Corley, Agents of the State, to select swamp and overflowed lands under contract with the Trustees of the Int. Imp. Fund of May 18, 1873 ..... 13,542.61

Other lands were deeded on account of W., S. and C., under above contract, belonging to the Int. Imp. Fund proper, amounting to 15,163,56 acres which are not embraced in this statement, as they were not swamp and overflowed lands.

Number of acres deeded on account of Sydney I. Wailes, Agent of the State to procure patents for swamp and overflowed lands at Washington, under contracts with the Trustees of the Int. Imp Fund of April 13, and Oct. 19, 1878.. 224,562.80

Number of acres deeded on account of John A. Henderson, Agent of the State to select swamp and overflowed lands under contract with the Trustees of the Int. Imp. Fund, of March 15, 1884 ..... 161,134.68

Other lands were deeded on account of J. A. Henderson, amounting to 3,685.72 acres, which have not been patented and are not embraced in this statement, as they are not patented.

Number of acres deeded on account of S. W. Teague, Agent of the State, to select swamp and overflowed lands under contract with the Trustees of the Int. Imp. Fund of March

22, 1902 .....	5,778.37
Number of acres deeded in Dis- ton sale .....	4,000,000.00
Number of acres deeded to all other persons .....	2,260,847.55
Total disposed of.....	18,673,148.34
Leaving balance on hand Jan. 1, 1909 .....	1,531,162.82

State of Florida,  
Executive Chamber.

Tallahassee, Florida, April 7, 1909

*Hon. Frederick M. Hudson,*  
*President of the Senate.*

*Sir:*

I have the honor to transmit herewith verified copy of the Biennial Report of the Board of Managers of the Florida State Reform School.

Very Respectfully,  
ALBERT W. GILCHRIST,  
Governor.

Marianna Fla., March 22, 1909.

*To the Hon. Albert W. Gilchrist,*  
*Governor of the State of Florida,*  
*Tallahassee, Fla.*

*Sir:*

In accordance with the requirements of the Laws of Florida for the Board of Managers of the Florida State Reform School, I have the honor of submitting this, the biennial report of its conditons and progress. It was impracticable for me to make this report earlier as I did not return from Washington until the 14th day of March, and finding that the report had not ben made by any other member of the Board, I am hurriedly making this.

The Florida State Reform School is situated on 600 acres of land about three miles southwest of Marianna. There are two school buildings or dormitories; the one used for white children being on the south side of the public road, and the one for colored children being situate on the North side of the public road. Both buildings are alike, being two and a half story brick

buildings with a thirty foot wing recently added to each building. Both buildings are supplied with artesian water from a well on the place, and the water is elevated to a steel tank situated on a steel tower of sufficient height to carry the water throughout both buildings; the mains also carry the water used at the brick plant. At each building there are some out-houses, stables, barns, etc.

The school owns and operates a brick plant, and this plant, together with the farming operations, constitute the principal work of the inmates. The children also do most of the necessary work about the place, in the blacksmith's shop, carpenter shop, repairing of shoes, etc.

I do not attach an itemized list of receipts and disbursements of the School for the last two years, for the reason that the Treasurer of the Board of Managers has filed with the Comptroller of the State each quarter an itemized, detailed account of the expenditures of the school for the preceding three months, and these accounts being on file in the Comptroller's office are subject to the inspection of any interested person.

The appropriation for the maintenance of the school for the past two years was not sufficient, and the President and Secretary of the Board being unable to obtain from the State Treasurer sufficient funds for its maintenance, borrowed the amount necessary from the First National Bank of Marianna; and there is now due this bank the sum of \$8,052.35.

I attach hereto the report of S. Belch who for the past two years has been superintendent of the school. This report is not as complete as it should have been, and it was referred to Mr. Belch for further information, but after he was not re-elected superintendent, he failed to complete the report. At the last meeting of the Board of Managers, Mr. B. T. Morgan was elected superintendent, and has been actively engaged since that time preparing for this year's field crops. There has been prepared about 350 acres of land for this purpose, which the superintendent proposes to plant as follows: In corn, 150 acres; cotton, forty acres; cane, 8 acres, oats and pasture, 60 acres; sweet potatoes, 10 acres, peas and velvet beans, 55 acres; and of his corn land he proposes to plant 125 acres in ground peas.

For operating the farm and brickmaking business, the school now has seven mules and one horse; this number,

however, is not sufficient, as there is needed at least another pair of mules and another horse. There are 14 head of cattle belonging to the school, and they furnish some milk and butter, but not sufficient, and it would be advantageous if we could purchase more cows, as they furnish an abundance of cheap and wholesome food. There are about 80 head of hogs which will probably furnish enough meat.

The managers of the school are making every effort to emphasize the reform idea of the institution, and to that end are giving as much instruction as possible in the school room by a competent teacher during the time the children can be spared from the necessary work to keep it in good operation.

In regard to the needs of the institution I would state that another building of about the same size and cost of the present building is needed. We cannot afford to keep girl inmates in either of the present buildings, and I think it would be best to build another building with two wings, one for white girls and one for colored girls; and that all of the officers of the institution should live in this building, except such as are needed to maintain discipline in the other buildings. Such a building would cost about \$10,000.00, but as the school makes its own brick, it could probably be erected for about \$5,000.00.

There is also needed a smoke house and store room which could be used for a laundry, drying and pressing room; also contain a bath room or swimming pools for the boys. This is very necessary as we have only one bath tub in either institution, and it takes from one-half to a day for them to bathe. Such a building would cost, in addition to the brick and work done by the institution, \$1,500.00. This, of course, would have to be duplicated for each school, and the cost would be about \$3,000.00.

The present brick machine is not sufficient for the purpose in that it has never been satisfactory, as the clay which we have shrinks to such an extent that the finished brick is about one-fifth under the standard size, and on this account we lose considerable sale of brick. It would cost about \$2,000 to put the brick plant in thorough repair and buy the additional machinery necessary to make it turn out standard brick.

The pumping machinery for the well is now exposed to the weather, and it would cost about \$300.00 to build a

proper building for a pumping station. There is also needed about \$500.00 for repairing fences and erecting new fences. The present buildings need some repairs, and the sanitary condition of one of the buildings is not very good as the sewerage system is not sufficient for the number of inmates. I estimate that about \$1,200.00 would cover cost of repairs and the additional sewerage system.

We would recommend the following appropriations: \$8,000.00 to pay the present indebtedness of the institution, and \$10,000.00 for the purpose of erecting the buildings and making the improvements outlined above; and for the maintenance of the School, the annual appropriation of \$15,000.00, all to be payable from the hire of convicts.

The School continues to grow in size each year, and continues to show better results in the reformation of the inmates committed to it. At the last meeting of the Board of Directors, fourteen inmates were discharged as reformed, two were discharged on account of illegal commitments, two were paroled, and two were remanded to the custody of the Sheriff to serve their alternative sentences. It was found after thorough trial that the two remanded to the Sheriff were utterly incorrigible, and that their further stay at the institution would be detrimental to the other children and to the discipline of the School.

In permanent good results, I believe that the School will compare favorably with any institution in the State, as with very few exceptions, every child who is committed to the school improves mentally, morally and physically, and many of them will be returned to the State as good citizens. The appropriations suggested above are not extravagant, and are necessary to place the school in good condition, and enable its officers to better carry out the intentions of the law in establishing the institution.

Respectfully submitted,  
W. H. MILTON,  
President Board of Managers,  
Florida State Reform School.

TO THE HONORABLE BOARD OF DIRECTORS,  
STATE REFORM SCHOOL.

Marianna, Fla., Dec. 31, 1908.

*Gentlemen:*—

At the close of this, our second year, we are pleased to submit to you our Annual and Biennial report of the School.

We now have 102 inmates, all in good condition, and we are very much pleased with the success we have had along the line of 'reformation.'

January 1st, 1907—

Number of inmates.....	white 15	colored 30	total 45
Admitted for the year....	white 20	colored 36	total 56
Pardoned and discharged.	white 7	colored 3	total 10
Escapes .....	white 0	colored 18	total 18

School commenced April 13th and continued balance of the year. Giving one-half day to each department.

January 1st, 1908—

Number of inmates.....	white 29	colored 44	total 73
Admitted for the year....	white 18	colored 40	total 58
Pardoned and discharged.	white 9	colored 4	total 13
Escapes .....	white 4	colored 12	total 16
Inmates present .....	white 31	colored 71	total 102

School commenced January 20th and continued until December 15th, giving the School about eleven months for the present year. The white boys attended school in the morning and work in the afternoon, and the colored boys attended in the afternoon and work in the morning.

We are very much pleased with the progress the boys have made in their studies this year. Some who could not read at all when they entered can now read fairly well, and can write their own letters.

Very respectfully,

S. BELCH,  
Superintendent.

**ANNUAL REPORT FOR THE YEAR ENDING DE-  
CEMBER 31ST, 1908.**

To amounts paid as per ledger.....	\$14,011.10	
By amount sales of brick.....		\$1,589.50
By amount sale of timber.....		125.19
By amount sale of cotton.....		330.58
By amount for boys' work.....		65.42
		<hr/>
	\$14,011.10	\$2,110.69

**INVENTORY.**

59,100 lbs. forage, estimated.....	\$ 443.25
1,000 lbs. corn .....	1,000.00
1,000 bu. potatoes.....	500.00
62 bbls. syrup.....	1,000.00
6,500 lbs. pork.....	520.00
500,000 brick .....	3,000.00
8 head of mules.....	
1 horse .....	
14 head cattle.....	
85 head hogs.....	

Respectfully submitted,

**S. BELCH,**  
Superintendent.

We have now in cultivation 200 acres and, in addition are clearing up 100 acres of new land, which will be in cultivation the coming year.

**S BELCH,**  
Superintendent.

Which was ordered spread on the Journal and referred under the rule.

The following message from the Attorney General was received and read:

State of Florida,  
Office of the Attorney-General.  
Tallahassee, Fla., April 6, 1909.

*Hon. F. M. Hudson,*  
*President of the Senate of Florida,*

*Sir:*

In compliance with Section 13, Article V of the Con-

stitution which provides that "The Attorney General shall report to the Legislature at each session, such legislation as may be deemed advisable," I beg to respectfully transmit this, my report, for the consideration of your honorable body.

Respectfully submitted,  
**PARK TRAMMELL,**  
 Attorney General.

Also the following message from the Attorney General was read:

State of Florida,  
 Office of Attorney General.  
 Tallahassee, Fla., April 6, 1909.

*To Hon. F. M. Hudson,*

*President of the Senate of Florida:*

In compliance with Section 13, Article V of the Constitution, which provides that "The Attorney General shall report to the Legislature at each session, such legislation as may be deemed advisable," I beg to respectfully transmit this, my report, for the consideration of your honorable body.

Which was ordered spread on the Journal and to be referred under the rule.

#### SUGGESTION AS TO LEGISLATION.

I would respectfully recommend the enactment of laws upon the following subjects:

##### ADVERTISE PROPOSED LAND SALES.

A law requiring that when any of the departments of the State contemplate the sale of large tracts of public land, the purchasing public shall be put on notice by the publication of notice, in several leading newspapers of the State, that said lands are being offered for sale, would, in my opinion, be a good law.

##### DETAILED BIENNIAL STATE REPORTS.

I deem advisable, a law requiring that the biennial reports of all officers of the administrative department of the State government should contain a statement showing:

First—The name of every person in regular or special

employment in each officer's department; the period of time of said employment; the character of employment and the salary paid each of such persons.

Second—All expenditures in detail in each officer's department made under the head of the collection of revenue, the enforcement of the law, current or incidental expenses paid from either incidental funds, contingent funds or any other funds.

Third—A budget of the expenses of each officer's department for the next succeeding two years.

And that said biennial reports containing this, and other information now required by law, should be printed and a copy thereof mailed to each member of the Legislature, at least twenty days prior to the convening to the Legislature, and also distributed among the newspapers of the State.

#### PUBLICITY IN PUBLIC RECORDS.

I would suggest a law providing that at all times all the public records of the State, County and municipal officers shall be open for a personal inspection of any citizen of Florida.

#### REQUIRE INTEREST ON COUNTY FUNDS.

A good law for Florida would be a law requiring that county funds, including proceeds from bonds, shall be deposited in banks that will pay interest thereon based upon daily balances, just the same as is now required by law governing State funds. And that the sinking funds, as far as practicable, shall be deposited in the savings department of the bank at the regular interest allowed. A law of this character would bring into the county treasuries many thousand dollars annually.

#### ABOLISH LAW TECHNICALITIES.

A law providing that no new trial shall be granted; no judgment arrested, and no case reversed in the appellate court upon mere technicalities that do not reach the merits of the case, should be enacted.

#### GRADUATED CORPORATION TAX.

The privileges given to a corporation by the State are

valuable to the incorporators, and give them rights and exemptions from liabilities that individuals do not enjoy. Many States impose a small annual tax on all corporations, and I would suggest the enactment of a law imposing a small annual license tax on corporations doing business in this State—say from \$5.00 to \$15.00, based upon capital stock.

#### INCORPORATION LAWS.

The laws providing for the formation of corporations should be so amended as to require that at least twenty-five per cent. of the subscribed stock shall be paid in before the incorporators are allowed to do business.

#### RULES GOVERNING PARDONS.

In my opinion there should be passed a law providing that applicants for pardons should give at least fifteen days' notice of the intention to apply for a pardon. A copy of the petition and notice for pardon with all required records connected therewith, should be filed with the Secretary of the Board of Pardons at least ten days prior to the date upon which application is to be made, and immediately upon receiving said notice the Secretary of the Board should advise the judge and the prosecuting attorney, who tried the convict, of the application, and the said officers should be required to advise the Board as to their opinion regarding the merits of the application. The law should further provide that a certain day in each month should be set for the hearing of pardons and that all applications should be set down for a hearing on that day.

#### STATE PRINTING.

The cost of State printing has become an item of great expense. It seems that under the present law—Sections 652, 653, 654, 655 and 656 of the General Statutes, it is contemplated that all of the printing should be let to one person or firm. This, at least, has heretofore been the policy adopted. I think it probable that there would be a saving in this item of expense if the Board of Commissioners of State Institutions had full power if deemed advisable, to let the printing for the several departments

separately, and I would, therefore, suggest an amendment so that this would be clearly authorized.

#### PRINTING MESSAGE AND DOCUMENTS.

In addition to five hundred or more copies each of the Messages of the Governor and the reports of the several State officers, one hundred of each being bound copies, it has been customary for years to have printed five hundred copies additional of these reports, including the Governor's message and the several reports of all the State officers combined in one volume, known as "Messages and Documents," a large part of which are stored away in the Capitol cellar and never used. The cost of this five hundred "Messages and Documents," printed recently, is approximately \$6,500.00. As the messages of the Governor and the reports of the several State officers are printed in sufficient number to supply the demand, and are just as substantial records for the future, I deem the printing of the "Messages and Documents," in one volume, every two years, practically a useless expense, and would, therefore, suggest a law providing for the discontinuance of the printing of the same, and that the Secretary of State shall have ten volumes of the individual reports of the several State officers bound together in volumes containing one report of each State officer, which said ten volumes shall be kept as permanent records

#### PRINTING HOUSE AND SENATE JOURNALS.

It has been the custom for years to have printed two hundred bound copies and three hundred unbound copies each, of the Journal of the Senate and the House of Representatives, at a cost for the session of the Legislature of 1907 of \$6,354.00. Of these 500 copies, there are 101 of them sent to the members of the Legislature, about 60 of them are sent to Federal and State offices, and a copy each to the several State officers, and possibly 40 or 50 of the unbound copies given away. The remaining, about 280 of the 500 copies of each of the Senate and House Journals, representing a cost of about \$3,500, are stored away in the cellar of the Capitol.

A law should be enacted providing that 200 bound copies and 50 unbound copies only, of the Senate and House Journals, respectively, shall be printed. That the

bound volumes shall be distributed by the Secretary of State, one volume each to the members of the Legislature; one volume each to the Secretary of State of the several States; one volume to each department of our State; and a volume each to the departments at Washington. Ten volumes to be held by the Secretary of State, as permanent State records. The 50 unbound copies to be held for free distribution to those who may request the same from the Secretary of State. This would save the State about \$3,000 every two years and every reasonable demand would be supplied.

#### INCORPORATION OF TOWNS AND CITIES.

Under our present law a considerable part of the time of the Legislature is consumed in the consideration of city and town charters. To prevent this expenditure of money and loss of time, I would suggest the submission of a constitutional amendment providing that no special city or town charter should be issued by the Legislature, and that general laws be provided regulating and dividing them into proper classes.

#### EQUALIZATION OF TAXATION.

Tax assesment laws that do not apply in equal terms to all are not just laws. The Florida laws relative to the assessment of railroads is a special law. The law should be amended so as to assess railroad property the same as individual. To accomplish this, I suggest the enactment of a law providing that in assessing railroads the franchise value should be taken into consideration.

#### LIMITING AND PUBLISHING CAMPAIGN EXPENSES.

I deem advisable a law prohibiting a candidate, or supporter of any candidate, from expending money in his behalf for other than legitimate expenses at regular and customary values, and limiting the amount and purposes for which expenditures may be made; prohibiting campaign contributions by corporations and associations, and requiring the publication of a sworn statement of the contributions and campaign expenses of each candi-

date for a State office two weeks prior to the date upon which the primary is held, and also two weeks after the holding of the primary.

#### CAMPAIGN WORKERS.

We should have a law requiring that any person who is employed by a candidate, or by anyone else, to work for a candidate, shall immediately upon his employment register his name with the Clerk of the Circuit Court of the county in which he resides, giving the name of his employer, the candidate for whom he is working, and publicity should be given to such employment by requiring the publication of the name of the worker and the candidate for whom he is working.

#### PURITY OF THE BALLOT.

I would suggest the passage of a very stringent law against fraud in the conduct of the Primary Election; also a law imposing a severe penalty upon any voter accepting a bribe, and upon any person offering or giving a bribe to a voter.

#### STATE SCHOOL FUND.

There is in the State School Fund a large sum of money which under the law is invested in State and Federal bonds. The interest on this money ranges from 3 to 4 per cent. Under the present law this fund can not be invested in county or city securities. I believe it for the financial interest of our counties and cities, as well as the advancement of the school interest, to authorize the investment of a portion of the State School Fund in county and municipal securities, issued for school purposes, and, therefore, suggest the enactment of a law carrying out this idea. The interest on the money to be invested in said county and municipal securities to be four per cent. As most school bonds bear five and six per cent. interest, a law of this character would save considerable for the taxpayers of our counties and cities, as well as keep our money at home, instead of having it invested abroad.

## SPECIAL ELECTIONS FOR LEGISLATORS.

Under our present law, if there occurs a vacancy in the office of State Senator or Representative between the General Election and a session of the Legislature, only those voters who have paid their poll tax that are due on or before the second Saturday of the month next preceding the day of the election are entitled to vote in the special election to fill the vacancy. The time for paying poll tax running until April 1st of each year, if an election is held in January, February, March or April, but few are qualified voters. I would, therefore, suggest a law providing that any person who was qualified to vote in the last general election should be qualified to vote in a special election to fill a vacancy in the Legislature.

## PAYMENT OF POLL TAX.

The corrupting influence caused by candidates and factions frequently paying poll taxes for a large number of voters should be checked. A law should be enacted making it unlawful for any person to pay another's poll tax.

## VOTING IN PRIMARY ELECTIONS

The primary elections, being restricted to the white voters, mere irregularities in marking the ballot should not be cause for throwing out the ballot, if the intention of the voter is clearly indicated by his ballot. The primary law should be so amended as to provide that where a voter's intention is clear on the ballot, the vote should be counted, though technically there might be an error in the marking of the ticket.

## LIMIT NUMBER OF CLERKS IN LEGISLATURE.

There have been apparently too many clerks and employees in both branches of the Legislature for the past few sessions. To check this, a measure should be passed providing for the number of employees that are actually needed, and providing that thereafter no others should be employed except upon the complete and full passage of a law.

### ANTI-TRUST LAW.

A large majority of the States have passed anti-trust laws, and in my opinion it is advisable that a strong anti-trust law should be enacted in Florida.

### HOMESTEADS AND EXEMPTIONS.

Under our present homestead and exemption law, a person may have property worth many thousand dollars exempt from his debts. The law is too liberal, and a constitutional amendment should be submitted to the voters, cutting the homestead exemptions down to real estate of reasonable value and a reasonable amount of personal property.

### ADVERTISE GRANTING OF FRANCHISE.

City franchises are often very valuable, and for the protection of the interests of the towns and cities, I would suggest the passage of a law requiring that when an application for a franchise is presented to a city or town council, the said council, if it is desired to consider the application, shall give public notice through the press of the application, for at least two weeks before acting upon it, in order that others may make application also, and that the citizens may be advised.

### CRIMINAL ASSAULT ATTEMPT.

A law should be enacted providing that any person who commits an assault with intent to commit rape, shall be punished by imprisonment for life, or by the death sentence. Section 3220 of the General Statutes fixes the penalty at not exceeding twenty years.

### CRIMINAL ASSAULTS.

A law should be passed prohibiting newspapers from publishing the name of any woman or girl upon whom a criminal assault is made. This law would, I believe, be appreciated by the press and public generally.

### DRUNKENNESS.

Section 2631 of the General Statutes provides a fine not exceeding five dollars for drunkenness. I believe the penalty should be increased, so as to provide a fine not exceeding twenty-five dollars. This would give better protection to people living outside of incorporated towns and cities, and also to the traveling public.

### PISTOL PERMIT.

I would suggest an amendment of Section 3267 of the General Statutes so as to make the penalty for carrying a pistol or Winchester rifle without a permit, a fine of not less than one hundred dollars and not exceeding five hundred dollars, or imprisonment in the county jail not less than three months and not exceeding six months. This amendment being necessary to make the law correspond with the law for carrying concealed weapons.

### GIVING LIQUOR ON SALE OF OTHER ARTICLES.

Section 3551 of the General Statutes provides that "Whoever gives, or by pretended sale of any other article furnishes any liquor, wine or beer to a customer, or permits the same to be done with a view to entice custom or evade the law, shall be deemed a seller without a license and liable to the penalty for selling without license." This provision does not apply in prohibition counties. I would, therefore, suggest a similar law so drafted as to be enforced in counties that have adopted local option.

### COUNTY COMMISSIONERS.

I would advise the passage of a measure prohibiting a County Commissioner from holding any position or job created by the Board of which he is a member during his service as Commissioner.

### FEES OF COUNTY TREASURER.

There seems to be a question as to whether or not a County Treasurer is entitled to a commission for handling borrowed money. The law is found in Section 821 of the General Statutes should be amended so as to

clearly indicate the intention of the Legislature in this matter.

#### STATE ATTORNEY FILES BRIEFS.

I would suggest the passage of a law requiring that the State Attorneys of the several circuits of the State be required to file a brief on behalf of the State in each criminal case appealed to the Supreme Court from their respective circuits.

#### RULE DAYS IN JUSTICE COURTS.

The law should be changed so as to provide that the first and third Mondays in each month shall be rule day in the Justice of the Peace Court. Only one rule day a month, as at present, draws out litigation too much in this court.

#### MUZZLE THE LOBBYIST.

A law should be enacted requiring that any and every person representing or desiring to represent before any committee of the Legislature any interest, should be required to register, in a book to be kept by the Secretary of the Senate and Chief Clerk of the House of Representatives, his name, giving the nature of his employment and the name of his employer. The next succeeding day the name of the person so registering should be published in the Journal with the name of his employer and character of his employment.

#### PROHIBIT WATERED STOCK.

The over-capitalization of public service corporations is one of the greatest menaces of the present age. The past cannot be corrected but for the future I would suggest a law that would require that the issuance of all railroad and express company stocks and bonds be subject to the scrutiny and approval of the Railroad Commission.

#### RAILROAD EMPLOYEES' PASS.

Section 2119 of the General Statutes fails to provide that railroad companies can secure exchange passes for

members of the family of their employees. The law should be amended so as to allow his privilege on exchange passes the same as from the railroad for which the employee works.

#### ELIMINATE PROFESSIONAL JUROR.

A menace to justice in the professional juror. For his elimination, I would suggest the enactment of a law providing that no person shall be allowed to serve as a juror in the Circuit Court, the Criminal Court of Record or County Court, during more than one term of court in any one year.

#### TAX ON REFRIGERATOR CARS.

The independent lines of refrigerator cars pay no taxes of any description in this State. I, therefore, think a measure should be passed requiring a reasonable license tax on these cars.

#### PROHIBIT INSURANCE COMBINES.

There is considerable complaint that life and fire insurance is excessively high. I would, therefore, suggest a law that would make it unlawful for two or more insurance companies doing business in this State, or for officers, agents or employees of such companies, to make or enter into any combination or arrangement relating to the rates to be charged for insurance, the amount of commission to be allowed agents for procuring the same, or the manner of transacting such business within this State.

#### GARNISHMENT.

The garnishment law should be so amended as to require a bond from the person instituting garnishment proceedings, the same as is required in attachment proceedings.

#### APPEAL IN CHANCERY.

The present law allows six months in which to take an appeal in chancery. In my opinion the law should be

amended so as to restrict the time to ninety days for an appeal.

#### RECEIVER SHOULD BE DISINTERESTED.

A receiver should be an impartial and disinterested person. I would, therefore, suggest that our law be amended so as to prohibit any interested person, the employee or agent of any person interested in a receivership from being appointed as receiver.

#### STANDARD ORANGE FIELD CRATE.

At the suggestion of a number of orange growers I would advise the passage of a law prescribing a standard size of the orange field crate.

#### APPROPRIATION FOR MANDAMUS PROCEEDINGS.

While it may at any time become necessary for the Attorney General to institute mandamus proceedings or quo warranto, there is no appropriation made to meet the expenses that would be incident thereto. I therefore suggest that a standing appropriation of one thousand dollars should be made to meet any emergency that may arise in such extraordinary proceedings.

#### LAW AUTHORIZING CASH BOND.

Hon. W. S. Bullock Judge of the Fifth Judicial Circuit recommends a law providing that a cash bond may be given in criminal cases and I heartily concur in his suggestion.

#### SETTLER'S ACT.

On account of the cost of the drainage of lands in the Everglades, these lands should not be offered for twenty-five cents per acre to settlers. I would, therefore, suggest that Sections 624, 625 and 626 of the General Statutes be repealed and that other suitable provisions be made for settlers if deemed advisable.

#### SEPARATE RAIROAD CARS.

Section 2860 of the General Statutes relative to separ-

rate cars for white and colored passengers should be so amended that there could be no question as to its constitutionality.

### TAX TITLE SUITS.

A law should be enacted providing that in ejectment suits where defendant is claiming under a tax title, he shall be allowed to set up as a set off against mesne profits, reasonable value for improvements and his expenses for taxes and assessments against the property while held by him under tax title.

### PUBLIC ROADS ACROSS RAILROADS.

I deem advisable the passage of a law requiring railroads to make public road crossings crossing their tracks easy of approach, and to keep such crossing in good repair.

### GREEN GROCER'S LICENSE.

The license tax required of a green grocer has been construed to be required of regular merchants having a merchant's license. I do not believe that a regular licensed merchant should be required to take out this additional license in order to handle the farm products, and would therefore, suggest that Section 8 of Chapter 5597 of the Acts of 1907 be so amended as to provide that the green grocer's license shall not be required of a merchant taking out a merchant's license.

Respectfully submitted,

PARK TRAMMELL,

Attorney General.

Which was ordered spread upon the Journal.

The following message from the Secretary of State was received and read:

Office of the Secretary of State,  
State of Florida.

Tallahassee, April 7, 1909.

*Hon. F. M. Hudson,*  
*President of the Senate,*

*Sir:*

In conformity with the requirements of the Constitu-

tion of the State of Florida, I herewith transmit to you, for consideration of the Senate, the following vetoed act, with the Governor's objections written thereon, viz:

"An Act to amend Sections 654 and 655 of the General Statutes of Florida, relating to public printing."

Respectfully,

H. CLAY CRAWFORD,

Secretary of State.

The vetoed act, with message of veto were referred to the Committee on Public Printing.

Mr. Flournoy moved that Senate Resolution No. 3, introduced by Mr. Harris, be read.

Which was agreed to.

The resolution was read, and Mr. Harris moved its adoption.

Mr. Zim moved to indefinitely postpone.

Upon which the yeas and nays were called for.

The roll was called and the following was the vote:

Yeas—Senators Baker, 20th District; Baker, 29th District; Broome, 6th District; Crill, 26th District; Cottrell, 12th District; Girardeau, 22d District; Henderson, 8th District; Johnson, 17th District; Legget, 10th District; McCreary, 32d District; MeLeod, 30th District; West, 4th District; Williams, 21st District; Withers, 23d District; Zim, 31st District.—15.

Nays—Mr. Speaker, Senators Adkins, 15th District; Beard, 2d District; Buckman, 18th District; Cook, 25th District; Cone, 14th District; Davis, 16th District, Dayton, 9th District; Flournoy, 3d District; Harris, 24th District; Hosford, 5th District; Humphries, 27th District; Massey, 19th District; McMullen, 11th District; Miller, 1st District; Sams, 28th District; Sloan, 7th District.—17.

So the motion to indefinitely postpone was lost.

The question recurred upon the original motion to adopt the resolution.

Pending which, on the motion of Mr. Cone, the Senate took a recess to 3 o'clock p. m.

## AFTERNOON SESSION.

Tallahassee, Fla., April 7, 1909.

The Senate met pursuant to adjournment.

The President in the chair.

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

Present—Mr. President. Senators, Adkins, 15th District; Baker, 20th district; Baker, 29th district; Beard, 2d district; Broome, 6th district; Buckman, 18th district; Crill, 26th district; Cook, 25th district; Cone, 14th district; Cottrell, 12th district; Davis, 16th district; Dayton, 9th district; Flournoy, 3d district; Girardeau, 22d district; Harris, 24th district; Henderson, 8th district; Hosford; 5th district; Humphries, 27th district; Johnson, 17th district; Leggett, 10th district; Massey, 19th district; McCreary, 32d district; McLeod, 30th district; McMullen, 11th district; Miller, 1st district; Sams 28th district; Sloan, 7th district; West, 4th district, Williams, 21st district; Withers, 23d district: Vim. 31st district—30.

A quorum present.

The consideration of Senate Resolution No. 3 was resumed.

Mr. Williams offered the following amendment to the resolution:

Whereas, Much time of the Senators is taken up in writing and making copies of bills that have been introduced, and

Whereas, There are many Senators who have from time to time been forced to pay for the services of a stenographer in such matters, and

Whereas, the time of the Senators should be given to the consideration of measures pending before the Legislature and they should not be forced to pay out of their salary money for the business of the State, therefore be it

Resolved, That the President of the Senate be authorized to appoint a committee of three to select one or more stenographers to be known as official stenographers of the Senate.

That said stenographer or stenographers shall write and make copies of bills that may be required of them by any Senator.

That said committee shall require said stenographers to

be present in some room in the Capitol, easily accessible to the Senate during certain hours to perform any Senatorial duties required by said committee.

Mr. Williams moved the adoption of the amendment, which was not agreed to.

The question recurred upon the adoption of the resolution.

The yeas and nays were called for.

The roll was called and the vote was as follows:

Yeas—Mr. President. Senators, Adkins, 15th district; Baker, 20th district; Beard, 2d district; Buckman, 18th district; Cook, 25th district; Cone 14th district; Davis, 16th district; Dayton, 9th district; Flournoy, 3d district; Harris, 24th district; Humphries, 27th district; Massey, 19th district; McMullen, 11th district; Miller, 1st district; Sloan, 7th district—15.

Nays—Baker 29th district; Broome, 6th district; Crill, 26th district; Cottrell, 12th district; Girardeau, 22d district; Henderson, 8th district; Hosford, 5th district; Johnson 17th district; ; Leggett 10th district; McCreary, 32d district; McLeod, 30th district; Sams, 28th district; West, 4th district; Williams, 21st district; Withers, 23d district; Zm, 31st district—14.

So Senate Resolution No. 3 was adopted.

Mr. Harris offered the following Resolution:

Senate Resolution No. 9:

Be it resolved by the Senate, that the Secretary of the Senate be and is hereby required to prepare a daily calendar for the use of the Senate, and that 250 copies of the same be ordered printed.

Which was read.

Mr. Harris moved the adoption of the Resolution.

Which was agreed to, and the Resolution was adopted.

Mr. Massey offered the following Resolution—

Senate Resolution No. 10:

Resolved that when any Senator shall desire a copy of the General Statutes or of any session laws of this State for his use during the session, he shall make a request for the same in writing to the Sergeant-at-arms of the Senate, who shall make requisition on the Secretary of the State for the same. The Secretary of State shall furnish such copy or copies upon such requisition, taking the receipt of the Sergeant-at-arms therefor. The Sergeant-at-

arms shall deliver the same to the Senator making the requests, taking his receipt for the same.

Which was read.

Mr. Massey moved the adoption of the Resolution.

Which was agreed to.

And the Resolution as amended was adopted.

#### INTRODUCTION OF BILLS.

By Mr. McMullen—

Senate Bill No. 1.

A bill to be entitled an act to amend Section 2697, 2700, 2707, 2710, 2715, 2719, 2723, 2724, of the General Statutes of the State of Florida Relating to the Capital Stock of Banks and Banking Companies, and the liability of their stockholders, the authority of such companies to begin business, their special powers, including limits upon loans, the regulation of their reserv and capital and dfining bad debt, requiring them to advertise statements of their condition and submit to examinations, and prescribing the manner of their liquidation; and also providing for the creation of a depositors' guarantee fund and prescribing the manner of its collection and disbursement, and limiting the rate of interest which banks may pay, and imposing penalties for the violation of certain sections thereof.

Which was read the first time by its title and referred to the committee on banking.

Mr. Crill moved that 250 copies of the bill be printed, which was agreed to and so ordered.

By Mr. McCreary—

Senate Bill No. 2.

A bill to be entitled an act to secure to the people of Florida school text books at reduced prices; to provide special editions of said books at low prices; to empower County Boards of Public Instruction to adopt such books, if desired; to authorize County Boards of Public Instruction to make contracts with publishers; to provide for the filing of contracts to provide for children who may move from one county to another; to provide a penalty for any dealer, clerk or agent who may sell school text books at greater prices than the contracts entered into between Boards of Public Instruction and publishers, and for other purposes.

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

Mr. McCreary moved that 250 copies be printed, which was agreed to and so ordered.

By Mr. McCreary—

Senate Bill No. 3.

A bill to be entitled an act to protect benevolent, humane, fraternal or charitable corporations in the use of their names and emblems, and providing penalties for the violation thereof.

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

By Mr. Beard—

Senate Bill No. 4:

A bill to be entitled an act to punish persons voting, attempting, or offering to vote in a primary election who in the preceding general election voted for any candidate other than the candidate of the party holding primary election.

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

By Mr. Sloan—

Senate Bill No. 5:

A bill to be entitled an act to prohibit drinking of intoxicating liquors of any kind on railway passenger trains, coaches, or vestibules, thereof, or the platforms connected therewith, while said train or coach or vestibules are in the service of passenger transportation within this State, and providing a penalty for the violation of the provisions of this act.

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

By Mr. Sloan—

Senate Bill No. 6:

A bill to be entitled an act providing that no judgment shall be reversed to an Appellate Court, except for reasons affecting the merits of the action.

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

By Mr. Sloan—

Senate Bill No. 7:

A bill to be entitled an act requiring certain State officers and certain Departments of the State government to make detailed reports and providing a penalty for failure to comply with said requirements.

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

By Mr. Sloan—

Senate Bill No. 8:

A bill to be entitled an act to require that public notice shall be given when any of the public lands of the State are to be sold in large tracts.

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

By Mr. Johnston —

Senate Bill No. 9:

A bill to be entitled an act to repeal Chapter 5690 of the Laws of Florida, passed by the Legislature in 1907, the same being entitled an act to amend Section 3556 of the General Statutes of the State of Florida, relative to the sale of liquors in counties or precincts voting against such sale, and to amend Section 3448 of the General Statutes of the State of Florida, relating to selling liquors without a license.

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

By Mr. Johnston—

Senate Bill No. 10.

A bill to be entitled an act prohibiting fire insurance companies doing business in this State, in the absence of fraud, misrepresentation or deceit upon the party insuring, from setting up as a defense against the payment of a policy, lack of title in the party insuring.

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

By Mr. Johnston—

Senate Bill No. 11:

A bill to be entitled an act requiring the Clerk of the Supreme Court of the State of Florida, in all cases in which the Supreme Court writes an opinion, to send to the Clerk of the Circuit Court of the county from which such case is appealed or writ of error taken a correct copy of such opinion and decision of the Supreme Court.

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

By Mr. Beard—

Senate Bill No. 12.

A bill to be entitled, an Act to authorize the City of

Pensacola to permit the Pensacola Hotel Company to occupy and use a portion of certain streets in said city.

Which was read the first time by its title.

Mr. Beard moved that the rules be waived and that Senate bill No. 12 be read a second time.

Which was not agreed to.

Senate Bill No. 12 was referred to the Committee on Municipalities.

By Mr. Beard—

Senate Bill No. 13.

A bill to be entitled an act for the incorporation of banks, and prescribing their general powers, duties and liabilities; to provide for the establishment of a depositors' guarantee fund, and fixing penalties for the violation of the provisions of this act.

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

Upon motion of Mr. Crill 250 copies of Senate Bill No. 13 as ordered to be printed.

By Mr. Dayton—

Senate Bill No. 14.

A bill to be entitled an act for the relief of George R. Carter, sheriff of Citrus county, Fla., for loss of fees during his suspension from said office.

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

By Mr. Beard—

Senate Bill No. 15.

A bill to be entitled an act to prohibit the sale, exchange or barter of intoxicating liquors, wines, or beers, in the State of Florida, and providing a penalty for the violation thereof.

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

By Mr. Beard—

Senate Bill No. 16.

A bill to be entitled an act to regulate osteopaths and osteopathy.

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

By Mr. Beard—

Senate Bill No. 17.

A bill to be entitled an act requiring all persons, associations of persons, firms or corporations operating inter-

urban and suburban or either, electric cars as common carriers of passengers in this State to sweep clean and scrub such cars.

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

By Mr. Beard—

Senate Joint Resolution No. 18.

Proposing a namendment to Section 1, Article 6, of the Constitution of the State of Florida, relating to suffrage.

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

By Mr. Beard—

Senate Bill No. 19.

A bill to be entitled an act to punish persons using profane or obscene language on any car propelled by electricity and operated in this State as a common carrier of passengers, and authorizing and empowering conductor or other person in charge of such car, to prevent intoxicated persons entering such car, and authorizing conductor or other person in charge of such car to arrest and eject boistrous, intoxicated, profane or obscene persons from such car; and providing a penalty for the failure, refusal or neglect of the conductor or other person in charge of such car to carry out the provisions of this act.

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

By Mr. Beard—

Senate Bill No. 20.

A bill to be entitled an act to punish spitting and smoking inside of cars propelled by electricity and operating as common carriers of passengers in this State; and prescribing the duties of the common carrier operating, and the conductor or other peson in chage of such car, and providing a penalty for the failure of such common carrier operating, and of the conductor or other person in charge of such car, to comply with and enforce the provisions of this act.

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

By Mr. Zim—

Senate Bill No. 21:

A bill to be entitled an act to provide for the better protection and preservation of the forests, fish and game of this State, and for the proper enforcement of the laws

relating to the same; for the appointment of county forest, fish and game wardens, and fixing their term of office; for the creation of a separate county forest, fish and game protection fund, fixing the compensation of the county forest, fish and game wardens, and the manner in which each shall be paid; defining the powers and duties of the county forest, fish and game wardens, and prescribing penalties for neglect of duties, and providing for an appropriation to give effect to this act.

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

By Mr. Dayton—

Senate Bill No. 22:

A bill to be entitled an act relating to State banks and banking, and declaring an emergency fund; and for guaranteeing depositors from loss.

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

Mr. Crill moved that 250 copies of the bill be printed.

Which was agreed to and so ordered.

By Mr. Dayton—

Senate Bill No. 23:

A bill to be entitled an act to allow the Circuit Judges to employ clerical and other aid in the discharge of their official duties.

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

By Mr. Dayton—

Senate Bill No. 24:

A bill to be entitled an act to prohibit the dismissal of suits in courts in certain instances, by clerks, and to provide for dismissal by the judges of the courts upon notice to the opposite party or his attorney.

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

By Mr. Beard—

Senate Memorial No. 1:

A memorial instructing our Senators and requesting our Representatives in Congress to secure a revocation of the order discontinuing the Pensacola Navy Yard.

Mr. Beard moved that the rules be waived and that Senate Memorial No. 1 be read the second time.

Which was agreed to.

Senate Memorial No. 1 was read the second time.

Mr. Beard moved the adoption of the Memorial.

Which was agreed to.

And Senate Memorial No. 1 was adopted.

Upon motion of Mr. Harris, the Senate went into executive session at 4:20 o'clock p. m.

The doors will open at 4:30 o'clock p. m.

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

Present—Mr. President, Senators Adkins, Baker (20th district), Baker, Beard, Brooms, Buckman, Crill, Cook, Cone (cottrell, Davis, Dayton, Flournoy, Harris, Henderson, Hosford, Humphries, Johnston, Leggett, Massey, McCreary, McLeod, McMullen, Miller, Sams, Sloan, West, Williams, Withers Zim—30.

A quorum present.

Mr. Harris moved that the Senate do now adjourn.

Which was agreed to.

Thereupon the Senate stood adjourned until 10 o'clock a. m., April 8, 1909.

# APPENDIX

# MESSAGE OF THE GOVERNOR.

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Executive Office,  
Tallahassee, Fla., April 6, 1909.

*Gentlemen of the Legislature:*

It is my constitutional duty to "communicate by Message to the Legislature, at each regular session, information concerning the condition of the State, and recommend such measures as may be deemed expedient."

## GENERAL CONDITION OF THE STATE.

### POPULATION.

"The condition of the State" is satisfactory. The last United States census report shows that the population has increased 35.5 per cent. for the preceding ten years, showing greater increase than in any other States except North Dakota, Oklahoma, Idaho, Washington, Texas and Montana.

### ILLITERACY.

The illiterates of the State are less than in any State from Louisiana to Virginia. Comparisons with other States were not made. They are decreasing at a greater rate than probably in any other State.

### HEALTH.

The State Census Report shows the death rate in the State to be 6.6 to each 1000. In the registration area of

the United States representing the New England States, New York, New Jersey, Delaware and the District of Columbia, it is 17.8.

#### GENERAL PROGRESS.

We are now producing more than one-half of the phosphate of the United States, and more than one-third of the phosphate of the world. We are producing more than one-half of the naval stores of the United States. We are accomplishing satisfactory and increasing results in agriculture, horticulture, manufacturing, and in fisheries; in mining, in commerce, in hygiene, in education, in banking, in transportation, religion, politics, and climate: In the products of the field, farm, forest and fireside.

#### DUE PROCESS OF LAW.

Declaration of Rights—English Rule—Errors of Attorneys Visited Upon Clients—Recommendations of Judge W. H. Taft, Now President.

The Declaration of Rights declares: "No man shall be deprived of life, liberty, or property, without due process of law." Make "due process of law" to embrace the following: "No judgment shall be reversed, or new trial granted on the ground of misdirection of the jury, or the improper admission of evidence, or for error, in any matter of pleading, practice, or procedure, unless in the opinion of the Appellate Court, after an examination of the entire cause, it shall affirmatively appear that the error complained of has resulted in a miscarriage of justice." This rule was adopted by the English court in 1878. It has worked satisfactorily. It has been recommended by the American Bar Association.

These errors, by the attorneys, in civil cases, work hardships on their clients. In criminal cases they work

hardships on the individual, or upon the people of the county, or the State at large. The errors made by the attorneys are visited upon the heads of others.

The following, from Mr. Taft, now President, is concurred in: "No judgment of a court below should be reversed except for error, which a court, reading the entire evidence, can affirmatively say would have led to a different verdict. It should be for the defeated party to satisfy the Appellate Court that the error was really prejudicial to him, upon the merits."

DUE PROCESS OF LAW AS PRACTICED IN THE SUPREME COURT  
OF FLORIDA.

"This Cause" From Polk County, Dismissed on Account of Carelessness of Attorney—Case of Akin v. Morgan Dismissed on Account of "Oversight or Neglect of Counsel"—The Law—Rule of the Court in 1887—*Nunc pro tunc* Amendments Allowed—Rule of Present Court Easy Way to Dispose of Cases—Such Rule Operated as a Kidnapper of Justice—Difficulty of Appealing Cases. Your attention is invited to the following causes re-

ported to the Southern Reporter, for Feb. 6, 1909: Keen et al. v. State ex rel. Drane et al. (Supreme Court of Florida, Dec. 11, 1908.) *Per curiam*. "This cause brought here by writ of error to the Circuit Court in and for Polk County having been reached and taken up for final consideration, in its regular order on the docket, the court finds that no properly certified transcript of the record therein has ever been filed. The certificate of the Circuit Court Clerk appended to what purports to be a transcript of the record filed here states simply that 'it contains a correct transcript of the judgment, and a true and correct recital of all such papers and proceedings in said cause as appears from the records and files of my office, etc.' *It fails to certify that it contains true and correct copies of such papers.*"

"It has been repeatedly held here that where a cause is reached for final determination in regular order, and it appears that the certificate of the court necessary to give authenticity to the transcript of the record is fatally defective, the writ of error or appeal will be dismissed, and that the defect found in the certificate of the clerk to the transcript in this case is a fatal one." It will be observed that Justice Parkhill dissented.

In Fla. Reports, Vol. 50, June Term, 1905, in the case of Akin et al. v. Morgan et al. may be found the following: "When a cause is submitted to this court on its merits, and the cause remains upon the docket until it is reached by the court in regular order for final decision upon its merits, the parties have had their day in court; and if upon consideration of the case it is dismissed for some fatal defect due to oversight or neglect of counsel, where such defect or oversight was not beyond the control of counsel, the cause will not be reinstated." . . . It will be observed that the client and not the attorney is punished for "neglect of counsel."

"It has been the universal practice of this court to deny applications to reinstate cases that have been dismissed by the court for some fatal defect in the clerk's certificate to the transcript of the record due to oversight or neglect of counsel in matters within their control, when such dismissals were by the court of its own motion in considering the cases when taken up in regular order for final determination on the merits."

The law upon which the court acted in this case may be found in Sec. 1705, of the General Statutes: Filing of Transcript of Record and Proceedings Thereon.—"It shall be the duty of the Plaintiff in error to demand of the Clerk of the Court below, or from the Judge, if it have no Clerk, a true copy of all such proceedings in such cause in the court below, and to file said copy in the Appellate Court on or before the return day of the writ of error. If the plaintiff in error fails to file the proceedings as aforesaid, it shall be the duty of said court, *unless*

*good cause be shown*, to dismiss said writ of error on the adverse party producing a certificate from the Clerk of the Court below," etc. "Good cause" would show that justice would be thwarted on account of the carelessness of the attorney. This law was passed in 1832. The Supreme Court of Florida, in 1887, acting under the same law, allowed an amendment *nunc pro tunc*. There were then only three members of the Court. There are now six. Georgia has six Justices of the Supreme Court. South Carolina, four; North Carolina, five; Virginia, five. These States have far greater population and wealth than we have. There appears to be no reason why our Supreme Court has not the time in which to try cases promptly on their merits. The rule as now applied operates as a kidnapper of justice.

In the Florida Reports, Vol. 23, January Term, 1887, *S. J. Temple v. Florida Land and Immigration Co.*, may be found the following:

"The motion to strike the Bill of Exceptions from the Record will be granted, but if the evidence furnished by the transcript of an order having been made is, as we are bound to assume, correct, there is no doubt that the Minutes may be amended by an entry in them, *nunc pro tunc* of such order, and we will postpone the hearing of this cause for a reasonable time to permit appellant to have such amendment made, and to move to reinstate the Bill of Exceptions in the Record." In which rule is there more of justice, the rule of 1887, allowing amendments, or the rule of the present day, in which amendments are prohibited?

The rule of the present court, of course, is an easy way to dispose of cases. It is recommended that said Section 1705 be so amended that the attorney be punished for carelessness, and not the client. The failure to permit an amendment punishes the client.

Many attorneys complain of the difficulty in appealing cases to the Supreme Court. Under present rules, cases will often be thrown out, without a hearing, the client

suffering and not the attorney who makes the error. Make the rules easier for application. It is recommended that acts be passed, whereby the final decisions may be obtained based on justice, rather than upon the carelessness and ignorance of attorneys, known also as officers of the court.

### PURE FOOD INSPECTORS.

Inspectors of Pure Food to Inspect Feed Stuffs and Fertilizers and Vice Versa—Sheriffs and Constables to Draw Samples and Send Them to State Chemist.

Oftentimes Inspectors of Pure Food and Drugs, especially in small towns, could well inspect, without extra expense, feed stuffs and fertilizers. In a similar manner, the Inspectors of Feed Stuffs and Fertilizers could inspect in the same town drugs and pure food. Both of these laws, authorizing the appointment of such inspectors, should be amended, so that these two inspectors may each inspect pure food and drugs, and feed stuffs and fertilizer. This does not increase the number of inspectors.

The Pure Food Law should be amended so that the Sheriff, his Deputy, or any Constable, should have authority to draw samples and send such samples, at the expense of the State, to the State Chemist. This would be especially beneficial in determining promptly the difference between "soft drinks" and intoxicating drinks.

### RAILROAD COMMISSION.

Appropriation for Investigating Books of Common Carriers—Separate Coaches for Races—Joint Rates for Railroads and Water Carriers—Commission's Penalties to be Liens—Commission's Powers Should be More Specific.

The necessity and importance of appropriations to be expended investigating the books and papers of the railroads, common carriers and express companies is shown at length in the Report of the Railroad Commission.

The following recommendations of the Railroad Commission are concurred in: "A valid law requiring separate passenger coaches for white and negro passengers." "A law empowering the Commissioners to prescribe joint rates for railroads and water carriers." "A law making penalties imposed by the Commissioners liens on the property of the carrier, until they are paid, or until they are determined in favor of the carrier." The object of this is that, in case a railroad should go into the hands of a receiver, the penalties may be preserved. "A law making the powers of the Commission in some instances more specific," thereby saving law suits.

#### TELEGRAPH COMPANIES UNDER RAILROAD COMMISSION.

There is no good reason why telegraph companies should not be placed under the operation of the Railroad Commission.

#### PRIMARY ELECTIONS.

Too Expensive—Publicity Clause—Expense in South Carolina.

The primaries are too expensive. The law should be amended so as to provide a publicity clause. It should require at least every candidate and some specified workers to certify to the public, under suitable penalties, at some time prior to said election, a statement of the amount of money expended, and from what source the money was received.

I happened to be in South Carolina in 1908, at the time of the primaries. It was a surprise to see that the amount of money expended by the successful candidate for Governor was less than \$400.

#### STATE CONVICTS.

Revenue From—Protection for Convicts—Women and Infirm Convicts May be Withdrawn—Lessees to Pay 15% Additional for Remaining Prisoners—Prison Farm

for Women and Infirm Convicts as Nucleus for the State Penitentiary—Low Death Rate in Florida Convict Camps—Objections to Use of State Convicts on Road Work—Money from Convict Lease Could be Used on Roads.

The State convicts, on March 2nd, 1909, were leased to the Florida Pine Company, for a period of four years, commencing January 1st, 1910, at \$281.60 apiece. This is practically free of all expense to the State. This will pay annually to the State approximately \$316,000.00. Deducting incidental expenses, for inspectors and appropriations for State Reform School, aggregating \$20,000, there is left about \$296,000, or \$1,184,000, for the four years' lease. The terms and conditions of the lease are such that every suitable means of protecting the interest and welfare of the convicts is provided for. A copy of the lease contract and conditions will be set out in full, by special message.

The following is quoted from the contract :

"It is further covenanted and agreed that the State may at any time during the life of this contract or prior to the time actual performance of the same is entered upon on January 1st, 1910, withdraw from said contract all female prisoners, invalid male prisoners, and such prisoners who from any cause may be deemed unable to perform reasonable manual labor, and from the time of the withdrawal of said women and male prisoners, the said Florida Pine Company agree and bind themselves to pay fifteen (15%) per cent. additional on the said \$281.60 per capita, for the prisoners remaining in their custody under this contract. Said additional fifteen per cent. to be paid from the date of the withdrawal of the said female and infirm male prisoners above described." It will be observed that, in the event the Legislature sees proper to allow the withdrawal from the lease of the women and invalid men, the other prisoners will be leased for \$323.84 apiece.

Florida is the only State which now leases such class of prisoners. It is therefore recommended that suitable legislation be enacted to carry these provisions into

effect, and that the Board of Commissioners of State Institutions be authorized to purchase a suitable tract of land, to be used as a Penitentiary for such class of convicts, and that a suitable amount of money shall be set aside for such purposes out of the proceeds of said lease. This would become a nucleus for a future Penitentiary. Owing to the scarcity of labor, and the demand for labor in our State, the employment of convicts in turpentine farms, and in phosphate mines, in which they are usually employed, does not conflict with free labor.

In our warm climate large bodies of criminals could not be well kept in one enclosure, without serious detriment to their health. In our lease system, there are really thirty-odd penitentiaries. During the year 1908 there were handled 1,756 prisoners, of which seventy-five were white. During 1908 there were twenty-six deaths, twenty being natural deaths; 12.25 per 1,000. This was a remarkably low death rate, when it is considered that so many of the convicts are diseased before entering the camps. In the Registration Area of the United States, including the New England States, New York, New Jersey, Delaware and the District of Columbia, as shown by the United States Census for 1900, there were 17.8 deaths to the 1,000.

Some have thought that it would be well to use the convicts in building roads. It is not considered advisable, from a sanitary point, to employ long-term convicts in the necessarily temporary camps used in the construction of roads.

From an economical point, it would not be advisable. Able-bodied convicts, such as would be used on roads, are now leased at \$323.84 a year. Add to this the cost of temporary camps, the cost of guards, and the food, and the cost of management, sanitation, medicine and other incidentals. However, so much of the money resulting from the lease of the convicts as the Legislature may deem proper could be used for roads. The short-term county convicts could be advantageously employed on the roads. For road work, many of the States use tents for sheltering short-term convicts.

## COUNTY CONVICTS.

### County Commissioners to Impose Certain Conditions Upon Lessees.

Most all of the adverse criticism of the lease system grows out of the lease of county convicts. It is recommended that a law be passed by which the County Commissioners shall stipulate in their lease such conditions as may be prescribed by the Commissioner of Agriculture, upon the advice and recommendation of the Board of Commissioners of State Institutions. The failure upon the part of the County Commissioners to enforce such rules and regulations to be cause for removal, at the discretion of the Governor.

## PARDONS.

### Laws Uniform, But Sentences Are Not--Parole System for Convicts.

Whilst the criminal laws are uniform throughout the State, the application of them is very un-uniform, depending upon the disposition and temperament of the various judges throughout the State. For the same offense, one judge will give a sentence of from six to twelve months; another will give as many years. In order to produce the best results, the bright beacon of hope should be within the sight of every prisoner, whereby he may feel that upon good behavior his days as a convict will be lessened. Owing to these, and for other reasons, the use of the pardoning power is absolutely necessary.

Several States use the parole system, in addition to the system of conditional pardons, now used almost exclusively in this State.

It is recommended that a law be enacted authorizing the Board of Pardons to parole prisoners upon such terms as in their judgment may seem best. As an incentive to good behavior, time allowance is now made.

## PARDONS OR COMMUTATIONS.

Sec. 4, Art. 11, of the Constitution directs the Governor

to "Communicate to the Legislature, at the beginning of every session, every case of fine or forfeiture remitted, or reprieve, pardon, or commutation granted, stating the name of the convict, the sentence, its date, and the date of its remission, commutation, pardon, or reprieve." Such a statement will be found in tabulated form on the last pages of this communication.

### PUBLIC DEBT.

**\$127,347.18 Annually Paid By the State in Convicting Criminals—Part of Funds Arising from Lease of Convicts to Go to the State to be Used as a Sinking Fund and a Part to be Appropriated for the Hospital for the Insane.**

The public debt of the State consists solely of refund bonds, amounting to \$601,506, bearing interest at the rate of 3% per annum. They are all held by the State Board of Education. The money from the hire of State convicts (see Chap. 5156, Acts of 1903) is apportioned to the counties, in proportion to the assessed valuation of the same. During 1908 the State paid for the salaries of the prosecuting attorneys, \$19,200; for witnesses and jurors, \$86,703.95. The State also paid during 1908 for salaries of judicial officers, exclusive of State Attorneys, \$40,000; for traveling expenses, Circuit Judges, \$2,061.76; for expenses of Judges in other circuits, \$24.70, making a total of \$42,086.46. Fully half of this expense was on account of criminal prosecution. Adding this half, \$21,043.23, to \$106,303.95 makes a grand total of \$127,347.18, spent by the State on account of criminal prosecutions. It is recommended that at least \$40,000 of this amount be annually appropriated from the proceeds from the lease of State convicts to be used as a sinking fund for the payment of these bonds; that the remainder of this amount, \$87,347.18, or so much thereof as may be deemed proper, be appropriated toward the support and maintenance of the Hospital for the Insane. Although the debt of the State is held by the State Board of Education, yet it should be paid. The Board of Education could invest

advantageously in the bonds of other States, or, if deemed advantageous, in bonds of Florida counties.

#### DISPOSAL OF TIMBER IN NAVIGABLE STREAMS.

There is some timber in the State, mostly timbered with cypress, growing in navigable waters. This is owned by the State by right of sovereignty. There is no authority for the disposition of any of this timber. It is recommended that a law be passed, authorizing the Governor, with the advice of the Board of Commissioners of State Institutions, to dispose of any or all of such timber.

#### STATE TROOPS.

Appropriation for Expenses of Calling Out State Troops.  
The Troops Are of Inestimable Value to the State.

During the first two months of my administration it became necessary to call out some of the State Troops. A contingent fund to be used in defraying the expenses incident to such service is recommended. The mere fact of there being such a well-organized body of State Troops is of inestimable value to the State, in preventing riots. They never fail to leave their civil duties to answer calls in suppressing riots.

#### DRAINAGE TAX.

Drainage Tax of 5 Cents an Acre Burdensome—Reduction to 3 Cents—Refund of Drainage Taxes Collected for 1905—Litigation Over Drainage Act of 1907.

The drainage tax is now five cents per acre, in addition to the regular taxes levied upon the same. This is burdensome. Owing to funds arising from various sales, the tax of as much as five cents an acre is no longer required. The Governor should be authorized, upon the advice and consent of the Drainage Board, to reduce the same whenever deemed expedient. As this change may result in a

lawsuit, owing to the claim that the Drainage Board was using legislative powers, it would be preferable to reduce the tax from five to three cents per acre.

Had the Drainage Tax of five cents an acre been collected for 1908 it would have amounted to \$215,332.05. At three cents an acre this would represent \$125,199.23. The Drainage Act, passed by the Legislature of 1905, was declared unconstitutional in the United States Court for the Southern District of Florida. The amount of the Drainage Tax collected for the year 1905 amounted to \$4,380.57. No Drainage Tax was levied for the year 1906. It is recommended that a law be passed appropriating this amount of money with which to refund to the respective taxpayers this amount collected. The constitutionality of the Drainage Act of 1907 was questioned in the United States Court for the Southern District of Florida. On the 27th day of June, 1908, the Judge declared in favor of the constitutionality of the tax. The case was appealed to the United States Circuit Court, sitting at New Orleans. The constitutionality of the Act was declared in the affirmative, February 23rd, 1909. One of the three Judges dissented.

My information is that the appellants are endeavoring to appeal the case to the Supreme Court of the United States. Should the parties to the suit withdraw their appeal, and accept the situation, it would be well to authorize a reduction of the Drainage Tax of 1907 and 1908 from five cents an acre to three cents an acre, as such tax, with the amount of money derived from sales already made, would be amply sufficient to continue drainage operations. A small amount has been collected under the Drainage Tax levy for 1907. In case the suggested reduction is made, refund should be made to those taxpayers who have paid on the basis of the five cents levy.

#### TAXATION OF PULLMAN CARS.

The county tax on Pullman cars should be paid through the Comptroller's office, instead of being collected by the county. The present system creates confusion and in-

justice. The imposition of a suitable tax on Pullman cars, to be collected by the Comptroller, and to be distributed as the law may direct, is recommended.

### ASSESSED VALUATION.

#### Assessments of Railroad Property—Personal Property and Real Estate in Florida Compared—Resources of Banks.

By request, the following information was furnished me by the Comptroller:

“Aggregate amount of valuation of the State for 1908:

Real estate .....	\$ 99,372,097.00
Personal property .....	31,299,129.00
Railroads .....	28,016,588.00
Telegraph lines .....	572,292.00
Pullman cars .....	130,124.00

Total assessed value for State.....\$159,390,230.00

Personal property .....	\$31,299,129.00
Less horses and other animals.....	7,078,533.00

Total personal property, less horses and other animals .....

	\$24,220,596.00
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License tax on railroads; \$10 per mile on—  
3,873.10 miles main track  
674.73 miles side track

4,520.83 .....

	\$45,208.30
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(One-half to State, one-half to counties.)

License tax on telegraphs—

50 cents per mile on 4,131 miles of line.....\$ 2,065.50  
(One-half to State, one-half to counties.)

License tax on express companies—

\$7,500 per annum, in lieu of all State and county license.  
(One-half to State, one-half to counties.)

“As to the assessed valuation of express companies, there is only one express company doing business in the State, and I am unable to give you the ad valorem tax as assessed in the State. Their property consists only of delivery wagons, safes and office furniture, so far as I know, and consequently they do not have to pay any property tax to speak of.”

In connection with this, your attention is invited to the following data from the Report of the Comptroller of the Currency, U. S., for the year 1908:

“FLORIDA BANKS, 1908.

Capital stock of all banks.....	\$ 8,263,760.00
Surplus funds of all banks.....	2,484,014.00
Undivided profits of all banks .....	1,097,507.52
Dividends unpaid of all banks.....	8,050.00
Individual deposits in all banks.....	31,245,570.00

Resources of all banks .....\$51,898,695.00

Securities (other than U. S. bonds), real  
estate and banking houses, furniture and  
fixtures owned by banks.....\$ 6,760,417.00

Examining the report of the State Comptroller, and comparing the same with the table in his report, showing the valuation of railroads, it will be apparent that the railroads are assessed at about one half to two-thirds of their true valuation. The Report of the State Comptroller shows that less the valuation of horses, cattle and other animals, the assessed valuation of all personal property in the State is \$24,220,596; this is supposed to include household goods, jewelry, money, notes, stocks, bonds, etc. Only a small part of this is represented in

the resources of banks. The Report of the Comptroller of the United States Currency, for 1908, shows that the resources of all banks in the State aggregated \$51,898,695. It is quite apparent that the personal property in the State is assessed at about one-third of its value. The real estate is assessed at \$99,373,097. Examining the assessed valuation of tracts of timber land, or improved property in the State, it will be apparent that the real estate in the State is assessed from one-half to two-thirds of its value.

#### LICENSE TAX.

It is recommended that there be a thorough revision of the license taxes. There are many industries on which this tax bears heavily.

#### EXPRESS COMPANIES.

##### License Tax Based on Gross Earnings.

The Express Companies, like the Insurance Companies, pay but little taxes on property, because, as the Comptroller's Report shows, they own but little. It is recommended that the license tax of the Express Companies be like that of the Insurance Companies, such a per cent. on their gross earnings. The total receipts in Florida of the Southern Express Company, for the year ending June 30th, 1908, were \$625,934.15. I understand that this sum does not embrace that part of the inter-State business which would be credited as coming to or from Florida.

#### GRADUATED INHERITANCE TAX.

Thirty-six States have a graduated inheritance tax. Why not make Florida the thirty-seventh? For the year ending October 1, 1908, the inheritance tax collected from the following States, aggregated \$11,720,795.49: Arkansas, California, Colorado, Connecticut, Delaware, Idaho, Illi-

nois, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

### HOMESTEADS IN DRAINAGE DISTRICTS.

Amendment to Section 624, General Statutes, Relative to Homesteaders Purchasing Eighty Acres of Land at Twenty-five Cents an Acre—Lands in Drainage District to be Excluded.

Section 624, General Statutes, authorizes certain persons to purchase as much as eighty acres at 25 cents an acre. It is recommended that such section be amended so as not to apply to lands situated in any drainage District, now established, or which may be established by the Board of Drainage Commissioners. These lands are now being drained out of the proceeds of the sales of lands. Should many choice selections be sold at 25 cents an acre, it would seriously hamper the work of the Trustees.

### PENSIONS.

Report of Pension Board—Deficiency in Pension Fund—How Met—Part of Health Fund and Part of Convict Fund Might Be Appropriated for Paying Pensions—Pension Statistics From Other Southern States.

In reference to Pensions, the following report of the Board of Pensions is submitted in full:

“Tallahassee, Florida, March 1, 1909.

Honorable Albert W. Gilchrist, Governor,  
Tallahassee, Florida.

Dear Sir:—In compliance with Section 14, Chapter

5600 of the Laws of Florida, we, the State Board of Pensions, submit the following report:

There are now seven thousand, five hundred and seventy (7,570) names on the pension roll of Florida.

Pension claims filed under the Act of 1907, from May 29, 1907, to March 1, 1909, four thousand one hundred and seventy-six (4,176).

Pension claims allowed under said act, from May 29, 1907, to March 1, 1909, three thousand six hundred six (3,606).

Pension claims pending, five hundred seventy (570).

Seventy-five (75) pensioners who had been dropped from the roll on account of property restriction, or to draw pensions from the United States for Mexican or Indian war service, have been restored to the roll.

Two hundred and forty-eight (248) pensioners died during the year 1908. The roll is not materially decreased, however, by death, as the pensioner's widow generally takes his place on the roll.

Pension warrants issued during the year 1907.	\$357,010.47
Pension warrants issued during the year 1908.	730,835.31
Pension warrants issued during the months of January and February, 1909.....	187,275.05
Deficit in Pension Fund, March 1, 1909.....	21,194.19

There was a balance of \$263,313.69 in the Pension Fund on May 31, 1907. This amount, together with the levy of four mills allowed under the present law, has fallen short of meeting the roll, as is shown by the deficit in the fund March 1, 1909.

The levy of four mills will produce annually on the present valuation, approximately, \$640,000.00. During the year 1908 the payment for pensions amounted to \$730,835.31.

One hundred and twenty new claims were filed during the months of January and February, 1909, an average of sixty per month. There will be sufficient money in the fund when the 1908 taxes are in the State Treasury to

make two more quarterly payments, but there will not be sufficient to make the third payment, which will be due September 30, 1909, and the attention of the Legislature should be directed to this fact, so that some provision shall be made for the quarterly payment due September 30, 1909, and December 31, 1909.

The amount needed for pensions will be increased from the following causes:

Men who enlisted as boys in organizations of Home Guards will be eligible as soon as they attain the required age of sixty years; the rate per annum will be increased from one hundred to one hundred and fifty dollars per annum as pensioners increase in age and its attendant infirmities; soldiers from other States who have not been residents of this State ten years will be eligible as soon as they can establish the required period of citizenship, and widows of deceased pensioners, as soon as they have been married the required period of ten years.

It will require a levy of six mills on the taxable property of this State to produce sufficient funds to meet the payments during the two years that will intervene between the sessions of the Legislatures of 1909 and 1911, unless the Legislature by a revision of the law limits or restricts the granting of pensions and decreases the present roll.

Respectfully submitted,

ALBERT W. GILCHRIST, Governor.

A. C. CROOM, Comptroller.

W. V. KNOTT, Treasurer.

The shortage in the Pension Fund can be met only by cutting down pensions, by paying some, and allowing others to go unpaid, by prorating, by borrowing money, or by diverting money from funds which are not needed immediately. If the cutting down process prevails, it should not apply to the pensions of those who are needy and infirm. If the amount on hand is prorated, this would naturally diminish the payments of all, unless the prorations were made by classification. If only some are to be

paid, this should be applicable to those who are needy and infirm.

The Legislature has authorized the borrowing of money by note. The Constitution prohibits **bonding for purposes** other than refunding, repelling invasion, or suppressing insurrection.

The Report of the Treasurer, February 28, 1908, shows in the State Health Fund a balance of \$128,742.17. There will be received by this fund, from the collections for the 1908 taxes, fully \$70,000.00. For the year 1908 the State Board of Health expended \$34,819.57. Deducting this amount for the expenses of the State Board of Health for the year 1909, there will be in this fund, by the end of the year, fully \$165,000. The annual half-mill State Health tax for 1909 will result in fully \$75,000.00. It is quite apparent that a part of the Health Fund could be diverted, if deemed advisable. From the lease of the State convicts there will be received fully \$38,000.00, July 1st, and the same amount on October 1st. By taking this money from the counties, for which it is now appropriated, a part of this fund could be diverted toward the Pension Fund. There are hundreds of well-to-do men whose names are on the Pension rolls. Unless some action is taken, their names being on the list will prevent many needy and infirm veterans from receiving assistance.

The following is submitted for information:

The State of Georgia, in 1907, paid to 15,607 Confederate pensioners, \$932,685.55, as follows:

To 2,726 disabled soldiers, \$153,885.00, or \$56.45 each.

To 2,358 widows of soldiers, \$141,467.50, or \$60.00 each.

To 8,257 indigent soldiers, \$495,373.15, or \$60.00 each.

To 2,366 indigent widows, \$141,960.00, or \$60.00 each.

15,607 pensioners received \$932,685.55, or an average of \$59.69 each.

#### ALABAMA.

For the year ending September 30, 1908, the State of Alabama paid \$778,361.00 to Confederate pensioners.

First-class pensioners received \$85.00 per annum each.

Second-class pensioners received \$68.00 per annum each.  
 Third-class pensioners received \$54.40 per annum each.  
 Fourth-class pensioners received \$42.50 per annum each.  
 There were 16,546 pensioners on the roll for the fourth quarter of 1908.

### SOUTH CAROLINA.

The State of South Carolina paid in 1908 the sum of \$252,343.60 in Confederate pensions.

123 pensioners in Class A received \$11,808.00, or \$96.00 each.

169 pensioners in Class B received \$12,168.00, or \$72.00 each.

645 pensioners in Class C (1) received \$30,960.00, or \$48.00 each.

4,089 pensioners in Class C (2) received \$86,686.80, or \$21.20 each.

737 pensioners in Class C (3) received \$35,376.00, or \$48.00 each.

3,554 pensioners in Class C (4) received \$75,344.80, or \$21.20 each.

9,316 pensioners received \$252,343.60, or an average of \$27.08 each.

### LOUISIANA.

The State of Louisiana, under Act 269 of 1908, appropriated \$250,000.00 per annum for Confederate pensions.

She has four grades of pensioners, as follows:

Grade 1 receives .....	\$60.00 per annum.
Grade 2 receives .....	\$56.00 per annum.
Grade 3 receives .....	\$44.00 per annum.
Special grade receives .....	\$80.00 per annum.

### TENNESSEE.

The State of Tennessee appropriates \$300,000.00 per annum for Confederate soldiers' pensions, and \$75,000.00 for widows' pensions. On July 31, 1908, there were 6,100

pensioners on the roll in Tennessee. The amount paid to each pensioner ranges from \$60.00 per annum to \$300.00 per annum. The average to each pensioner is \$61.47 per annum.

### TEXAS.

The State of Texas appropriates \$500,000.00 per annum for Confederate pensions. There are 8,950 pensioners on the roll. The law provides that each pension shall be \$8.00 per month, but the appropriation being insufficient and limited by the State Constitution, each pensioner now gets about \$55.00 per annum.

### PENSION STATISTICS—1908.

STATE.	Total number of Confederate Pensioners.	Total amount paid in Pensions.	Average amount paid to Pensioners.
South Carolina .....	18,633	\$252,343.60	\$ 27.08
Tennessee .....	6,100	375,000.00	61.47
Texas .....	8,950	500,000.00	55.86
Alabama .....	16,546	778,361.00	47.04
Georgia (1907) .....	15,707	932,685.65	59.69
Florida .....	6,481	730,835.31	112.75
Estimated for 1910, Florida,		\$950,000.00	

### APPROPRIATION FOR MAINTENANCE OF VETERANS AT CONFEDERATE HOME.

Your attention is invited to the fact that only \$100.00 per capita is appropriated for the maintenance of the Confederate veterans, at the Confederate Home, at Jacksonville. They each receive a pension, probably the limit, \$150.00. This pension is not for their maintenance at the Home. It would be well to appoint a committee to examine into the conditions at the Home, with the view of determining the amount necessary to be appropriated to make them comfortable. There are less than a dozen inmates.

## Recommendations of Judges.

### RECOMMENDATIONS OF JUDGE R. M. CALL, OF THE FOURTH JUDICIAL CIRCUIT—COURT STE- NOGRAPHERS—ADVERTISEMENT FOR BIDS BY COUNTY COMMISSIONERS.

The following recommendations of Judge R. M. Call are concurred in. Judge Call's recommendations are given at length in the Report of the Attorney General:

He recommends: "That court stenographers be subject to the order of the trial judge in civil cases, the same as is now provided in criminal cases, and that the fees be taxed as costs, in the case where the stenographer is assigned to take it by the trial judge, and paid by the county. That this cost be taxed as other costs against the losing party and, when collected in the case, paid over to the County Treasurer, to reimburse the county for payment of stenographers." He says that this recommendation is based upon his experience upon the bench.

He also recommends that the "Statutes should be so framed as to require the County Commissioners of the different counties to advertise for bids, and give to the lowest bidder giving a good and sufficient bond for the performance all work required to be done for the benefit of the county by the Commissioners thereof."

### RECOMMENDATIONS OF JUDGE J. EMMET WOLFE OF THE FIRST JUDICIAL CIRCUIT.

Repeal of Law Authorizing Reward of \$50.00 to Informers—Carbon Copies to be Furnished by the Clerk of the Supreme Court.

The following recommendation is made by Judge J. Emmet Wolfe, First Judicial Circuit, and is concurred in:

He recommends the repeal of the law allowing a reward of \$50.00 to informers in liquor cases. He says: "I think this law leads to perjury."

He recommends: "A law requiring the Clerk of the Supreme Court to send a carbon copy of the Supreme

Court's decision in appealed cases to the Circuit Judge who tried the case."

RECOMMENDATIONS OF JUDGE W. S. BULLOCK,  
OF THE FIFTH JUDICIAL CIRCUIT.

The following recommendations by Judge W. S. Bullock, of the Fifth Judicial Circuit, are concurred in:

Cash Bond for Defendants—Repeal of Law Authorizing Reward to Informers—Section 3448, General Statutes, "Unintelligible."—Judges of Circuit Courts Certifying to Pay Rolls—State Attorney to Appear Before Pardon Board.

He recommends that a law be passed: "Authorizing a defendant in a criminal case to give a cash bond."

He also recommends a repeal of the law offering a reward of \$50.00 in cash in case of conviction of accused for selling liquor without a license. He uses very strong language, stating that it is "Premium on perjury. The temptation is too great to commit perjury."

"The law requiring the Circuit Judge to certify to pay rolls should be repealed at once." "At each term of the Circuit Court I am required by law to certify to a fact of which I have no knowledge." The reasons of all the Judges are given in full in the Report of the Attorney General.

He also invites attention to Section 3448 of the General Statutes, stating that it is "unintelligible," and says, "If it really passed the Legislature as it is printed in the Acts," that he believes it to be unconstitutional. He states: "You will notice that it says, 'Be imprisoned in the county jail for more than six months!' They have left out the word 'not' after 'the county jail for.'"

Referring to the Board of Pardons, he says: "If the State of Florida were represented before the Pardoning Board by the State Attorney, in the circuit, or district, in which the applicant was convicted, it would have the effect of bringing out the true condition and state of feeling, and at least give the Pardoning Board an oppor-

tunity to know and hear both sides." The law should be such that whenever the Governor, upon the advice and consent of the Pardoning Board, deemed it advisable the State Attorney who conducted the case could appear before the Pardoning Board, and the case before the Pardoning Board could be set for a hearing at a time which would not conflict with the duties of the State Attorney. If it were necessary for the case to be set for a hearing at a time which would conflict with the duties of the said attorney, in that event the Governor should have the power to direct some other attorney temporarily to represent the State in that judicial circuit."

#### NOTES BY THE GOVERNOR.

Any expense incidental to such should be paid out of the funds arising from the lease of State convicts.

Such a law would be of special force in petitions before the Board of Pardons to commute death sentences to imprisonment for life.

#### RECOMMENDATION OF JUDGE J. B. WALL, OF THE SIXTH JUDICIAL CIRCUIT.

Amending Section 3529, General Statutes.

Judge Wall recommends that Section 3529 of the General Statutes be so amended as to make it unlawful for whites and negroes to live or cohabit together in this State, though married in another State or country. This is concurred in.

#### CONSTITUTIONAL AMENDMENTS.

Compiling the Amendments, and Embodying the Same in the Constitution.

The passage of the following Constitutional Amendments is recommended: That a Board, consisting of the Governor, Attorney General and Secretary of State, be

authorized to revise the present Constitution, by inserting in the body of the same the amendments which have already been passed, and which may pass at the next general election. These amendments to be substituted in the body of the Constitution, and to take the place of such sections, or articles, as may be or may have been amended. This to be known as the "Constitution as amended in 1910," or to be designated in any other manner, as the Legislature may see proper.

#### Constitutional Amendment Relating to One-Mill School Tax for High Schools and Rural Graded Schools.

The Supreme Court has decided the Acts of 1907, appropriating in the aggregate \$165,000.00 for each of the years 1907 and 1908, for encouraging High Schools, and for encouraging average daily attendance, to be unconstitutional. The passage of a constitutional amendment is recommended, authorizing the levy of a one-mill tax, to be expended for the benefit of high schools and rural graded schools throughout the State, as the Legislature may direct. A one-mill tax will result in \$150,000 to \$155,000. The total assessed valuation of all the property for 1908 was \$159,390,230. Though all is not collected for each particular year, yet the annual redemptions and sales for previous unpaid taxes will partially offset the unpaid taxes for each particular year.

#### CONSTITUTIONAL AMENDMENT — COST OF PRINTING.

Your attention is invited to the fact that, prior to and including the year 1902, all the constitutional amendments submitted by the Legislature to the qualified electors were approved. Since that time there has been, at each election, at least one constitutional amendment, which elicited much discussion. The effort to defeat such amendment, in many cases, caused the electors, in order to be sure of voting against the objectionable amendment, to vote against all. By examination of the vote cast, you will observe that less than one-third of the electors voted for

or against the Constitutional Amendments. In my opinion, the efforts in 1904 to defeat the Constitutional Amendment conferring civil jurisdiction on the Criminal Courts of Record, which amendment deprived Justices of the Peace of all jurisdiction, caused the defeat of all but one of the proposed amendments at that election, and the efforts to defeat the amendment referring to drainage, in 1906, practically caused the defeat of the other amendments, and in 1908, the effort to defeat the one-mill tax for higher educational purposes caused the defeat of the other amendments.

The voters are not, evidently, sufficiently educated on the amendments to be able to vote intelligently. Sec. 1, Art. 17, of the Constitution requires an amendment to be advertised three months. This should be reduced to one month. Posters, or other means, should clearly set forth the effect of the proposed amendments. The cost of advertising the proposed amendments, in 1908, amounted to \$3,588.00. Some one may use this as an argument for a Constitutional Convention. If a new Constitution were adopted, at the first session of the Legislature thereafter, there would be just as many amendments proposed as there are now. This cost of three months' advertisement should be lessened to one month.

#### SCHOOL FUNDS—HOW DERIVED.

The School Funds are derived from the following sources: One-mill State tax, apportioned in proportion to the actual school attendance; interest on State School Fund; the county tax of not less than three, or more than seven mills; the net proceeds of all fines collected under the penal laws of the State, within the county; and capitation taxes.

#### SCHOOL DISTRICT TAX.

Authority for Trustees of School Districts to Bond Districts for School Houses—Sec. 11 of Art. XII of the Constitution Relating to School Districts.

In addition to this, the Legislature of 1907 appropriated \$165,000 annually for High Schools and Rural Graded Schools. This represented approximately a one-mill tax. The Supreme Court of the State declared these acts unconstitutional. This amount, which has heretofore gone to the schools, will have to be supplemented, either by constitutional amendment, suggested in another portion of this message, or by the establishment of more school districts throughout the State, as now authorized by the Constitution. Referring to school districts, your attention is invited to the fact that, under the present law the trustees of the school district are not allowed to bond a district, for the purpose of building a school house. If deemed expedient and also necessary, it would be well to amend the Constitution, so as to permit the bonding of districts for the erection of school houses. This is an age of advancement in civilization, consequently there are more wants. As these school houses are to be used for the future, as well as the present, there is no reason why posterity should not help to pay for them.

#### ONE OR MORE HIGH SCHOOLS FOR EACH COUNTY

Anyone possessed of energy, common sense and a high school education can, with a little application, become a well-educated man or woman. It is recommended that the County Boards of Public Instruction be required to establish one or more High Schools in their respective counties.

That part of the Constitution referring to School Districts is herewith quoted. A perusal of it may convince you of the necessity of amending it, in case it is deemed advisable to permit buildings in such districts.

Sec. 11 Art. 12 of the Constitution: "Any incorporated town or city may constitute a school district. The fund raised by Sec. 10 may be expended in a district where levied for buildings or repairing schoolhouses, for the purpose of school libraries and text-books, for salaries of teachers, or for other educational purposes, so that the

distribution among all the schools of the district be equitable.”

### INDEMNITY LANDS DUE THE STATE.

Wright v. Roseberry, 121 U. S. Sup. Ct. Reports—Swamp and Overflowed Lands—Deed *in praesenti*—U. S. Government to Indemnify State for Swamp Lands Sold or Homesteaded.

Under Act of Congress, Feb. 28, 1850, Florida, like other States, became entitled to all the swamp and overflowed lands within her borders. In this connection, your attention is invited to the following syllabus in the case of Wright v. Roseberry, 121 United States Reports, decided May 21, 1887:

“The grant of swamp and overflowed lands to the several States by Act of Sept. 28, 1850, is one *in praesenti*, passing title to the character of the lands therein described, from its date, and requiring only identification thereof to render such title perfect.

“Such identification by the Secretary of the Interior is conclusive against collateral attack as being the judgment of the special tribunal on which such duty was imposed.

“On neglect or failure of that officer to make such designation, it is competent for the grantees of the State to identify the lands in any other appropriate mode to prevent their rights from being defeated.

“After segregation of the lands by the State, and adoption of the segregation surveys by the proper Federal officers, the right of the State’s grantees to maintain an action for recovery thereof cannot be defeated because such lands have not been certified or patented to the State.

“The issue of patents for these lands to defendants or their grantors, under the preemption laws, upon claims initiated subsequent to the swamp grant to the State, is not conclusive at law as against parties claiming under such grant, and in an action for their possession evidence is admissible to determine whether or not the lands were

in fact swamp and overflowed at the date of the swamp land grant; if proved to have been such, the rights of subsequent claimants under other laws are subordinate thereto."

The United States authorities have sold, or allowed to be homesteaded, much land which is undoubtedly swamp and overflowed. The government should indemnify the State by returning to the State all cash received for such sales. In the case of homesteads, other lands should be given the State as indemnity lands.

It is recommended that a concurrent resolution be passed, requesting the Senators and members of Congress from this State to take suitable action toward having the State indemnified in such cases.

#### RECOMMENDATIONS OF ADJUTANT GENERAL.

Brigade Encampment—State Rifle Team Competition—National Matches—Enlargement of Duties of Brigade Commanders.

The Adjutant General recommends encampment of the Brigade Infantry, State rifle team competition, State rifle team to be sent to participate in the national matches, all of which is concurred in. He recommends enlargement of duties of Brigade commanders, and the employment of a stenographer to such commander to be paid by the State. He states that two Brigade commanders have resigned on account of their military duties conflicting with their civil duties. The duties of the Brigade commander in peace should be diminished, instead of being increased. This recommendation is not concurred in.

#### MORE LIBERAL LIBEL LAW.

Freedom of the press is the bulwark of the freedom of a free people. A more liberal libel law is recommended.

## GOOD ROADS.

## Full Power to Counties to Assess Taxes for Roads.

In my inaugural address, attention was invited to the number of miles of good roads built by the several counties at their own expense. The suggestion was made that it would hardly be fair to tax these counties by State taxation, for the purpose of building good roads in other counties. Good roads are good roads for the farmer, and for others, including the politicians. It is recommended that general laws be passed whereby counties can avail themselves of the privileges of raising such taxes as they may deem advisable.

## STATE BOARD OF HEALTH.

Full Authority Over Infectious and Contagious Diseases—State Board of Health to be "Department of Health of Florida"—Home for Consumptives Offered by Dr. J. E. Ennis—Improvements Worth \$6,000.00—State Board of Health Recommends Acceptance—Permission Requested to Spend \$10,000.00 a Year in Connection Therewith.

A highly interesting and valuable report is submitted by the State Board of Health. It is to be regretted that the Board did not summarize the legislation desired. The following recommendations, which meet my concurrence, are submitted for your consideration: That the law for the control of contagious and infectious diseases in the State should be so amended that the Board of Health shall have full authority to effect in such manner as may seem best to the interests of the citizens, management of all infectious and contagious diseases, occurring either sporadically or in epidemic prevalence.

In the Report of 1907, the following recommendations are made: That the Board of Health accept the property

of Dr. Ennis at Narcoossee, as a sanitarium for the treatment of consumptives. Authority to engage the services of an engineer, as required. That the title of "State Board of Health" be changed to "Department of Health of Florida," together with the change of title of "State Health Officer" to "Commissioner of Health."

Dr. J. E. Ennis has organized a Home for Consumptives about two miles from Narcoossee, between Lake Hendon and Lake East Tohopekaliga. There are twenty-two acres of land in this tract, the surface slightly undulating, with the original forest of yellow pine on it, interspersed with a few oaks.

The improvements are worth about \$6,000, consisting of house, barn, small pinery, orange grove and garden. Tents are used for the accommodation of the guests, though it is proposed to build cottages, at a cost of \$150 each for them.

Dr. Ennis offers to donate this property in fee simple to the State Board of Health, for the use of consumptives, provided the Board will appropriate adequate funds to carry on the experiment a sufficient length of time to prove its practicability. The State Board of Health recommends: That the generous offer of Dr. Ennis be accepted, or to give permission to the State Board of Health to expend at least \$10,000 a year, or so much thereof as may be necessary, to demonstrate whether the institution conducted upon a plan for the open air treatment of consumption, can be successfully conducted to the benefit and cure of this class of disease."

#### HOSPITAL FOR THE INSANE.

Addition of Two Internes or Clinical Assistants and Visiting Staff—Certain Improvements.

The Board of Commissioners of State Institutions, consisting of the Governor and entire Cabinet, have taken

steps to provide two internes, or clerical assistants, for the Hospital. They are to be graduate physicians. It is also learned that two such can be obtained for about the price paid a nurse. In addition to these, there is a Chief and Assistant Physician. The Board also passed the following resolution: That after April 1st, 1909, there shall be appointed a visiting staff for the Florida Hospital for the Insane, to consist of not more than seven reputable Florida physicians, each of whom shall be an expert in the special field for which he is appointed. The members of the Visiting Staff shall serve without pay, but their traveling expenses and entertainment, while at the Hospital, will be defrayed by the State.

The Superintendent recommends certain improvements, the cost to aggregate \$32,900. The necessities for such expenses will be determined by the visiting committee, to be appointed by the Legislature.

#### ADVERTISING THE RESOURCES OF THE STATE.

It is recommended that at least \$5,000 or more be appropriated, to be used by the Commissioner of Agriculture for advertising the resources of the State, under such restrictions as the Legislature may deem proper.

#### TOWN AND CITY CHARTERS.

Charter to be Amended by the Council, Subject to Referendum.

Much time of the Legislature is usually taken up in the consideration of town and city charters. Such measures affect the local interests of the various members of the Legislature. They are usually of more importance to them, than general legislation that affects the entire State. It is recommended that an act be passed, by which these various charters can be amended by the councils of the various towns and cities, the same to be submitted to

the qualified electors as a referendum. This is undoubtedly a better plan of safeguarding the interests of the people of the various towns and cities, than the usual manner of passing any old bill, which may be introduced, without giving it any attention whatever.

#### SILVER SERVICE FOR BATTLESHIP FLORIDA.

The battleship Florida, being built, will be launched about June or July, 1911. It is usual to appropriate fully \$5,000, or more, for a silver service, to be presented to the ship, named in honor of the State.

#### LOBBYING.

Lobbying in General—Lobbying by Employes of Legislature.

It would be well to enact an effective law prohibiting corrupt practices concerning, or in opposition to, or in support of, laws or pending legislation, or in opposition to or in support of claims against the State, and providing penalties for the violation of such law.

It would be well to pass an act, with suitable penalties, making lobbying unlawful by employes of the Legislature, Senate or House, or for any other officer, clerk, secretary, attache, or employe of either the Senate, or the House of Representatives, or of any committee of either house to act as legislative counsel, agent, or lobbyist, for any person, firm, or corporation, or association of whatever character, or to attempt personally or directly or indirectly or by any means whatever to influence any member of the Legislature to support or oppose or to vote for or against any measure or claim, pending before the Legislature.

It has been claimed that lobbyists have tried to exert undue influence with some past Legislatures. It is possible that some such efforts will be exerted some time in the future.

## ABRAHAM LINCOLN.

## Anniversary of His Birthday a Legal Holiday.

The three greatest men this nation has produced are George Washington, Robert E. Lee and Abraham Lincoln. By legislative enactment, this State has declared the anniversary of the birthday of the first two a legal holiday. It is recommended that February 12th, the anniversary of the birth of Abraham Lincoln, be declared a legal holiday.

Abraham Lincoln showed no animus toward the South. He was correct in the application of the principle, as applied to slavery in the United States: "A house divided against itself cannot stand." He would even have sacrificed this conviction in order to preserve the Union. We revere the courage, fortitude, self-denial, and devotion to duty of those who wore the gray. We naturally feel more kindly toward them, because they were blood of our blood. We suffered with them, and we naturally glory in their achievements. We must also appreciate the same qualities in those who wore the blue. The record made by both armies is now our common heritage. Many veterans of the Union army and their relatives and sympathizers have purchased property in our State, and are interested in the development of our resources. Thousands of relatives of those who wore the blue are visitors to our State. There is no other Southern State which has better reasons for taking the initiative in this matter, than Florida. Some have said let some Northern State first act toward recognizing some Confederate chieftain. There is no Northern State in which one-tenth the reasons exist for such action toward recognizing some Confederate chieftain, as there exists in Florida for the action recommended. Besides, Abraham Lincoln was President of the United States. As such it was his duty to defend and preserve the Union. Had he lived, he would undoubtedly have been in fact, as well as in name, the President of the whole United States. His untimely death was a great blow to the Southland, and consequently to the United States.

## RELIEF OF ROBERT H. ROESCH, CLERK OF THE CIRCUIT COURT, MANATEE COUNTY.

At the fall term of the Circuit Court in and for Manatee County, one C. P. Fuller was in attendance as a witness in a criminal case, after having been requested to come from Seattle, Washington, to testify in an important case. He was paid by the Clerk of the Circuit Court, Robert H. Roesch, with the approval of the presiding judge, J. B. Wall, \$434.50. Afterwards, the Attorney General held that only mileage from the Florida line to Bradentown and return, including per diem for attendance on court, could be allowed out of the appropriation for jurors and witnesses. In consequence, \$364.20 was deducted by the Comptroller from the amount allowed the Clerk. The Comptroller recommends that the same be paid; in which recommendation I concur.

### INTERNAL IMPROVEMENT FUND.

Status of the Lands Held by the Trustees of the Internal Improvement Fund—The Nature of the Compromises or Real Estate Deals by the Trustees With Claimants, Holding Through Legislative Land Grants to Railroad Companies—The Acreage Now Claimed by Railroad Companies—The Number of Acres Now Held by the Trustees—The Residuary Interest in All Lands Held by the Trustees is Now Vested in the State Board of Education.

Prior to the administration of Governor Jennings, it was the policy of the administration to deed lands to the various railroad companies, in accordance with the terms of their charter, which had been granted them by the Legislature.

During his administration (see page 267, Vol. 5, Minutes of the Trustees of the Internal Improvement Fund of the State of Florida) he submitted the following prop-

ositions, as reasons for not complying with the various railroad charters, deeding lands to railroads.

October 28, 1904, at a meeting of the Trustees of the Internal Improvement Fund, after reciting the Act of Congress, September 28, 1850, ceding the swamp lands to the State of Florida, and the Act of the Legislature of the State of Florida, of January 6, 1855, creating the Board of Trustees, resolutions were unanimously adopted, the substance of which is as follows: "That the trustees will assert their rights and defend the title to the lands granted and irrevocably vested in them for the purposes therein set forth, of reclaiming said lands by means of levees and drains;" that the trustees "had no legal right, authority, or power to bind their successors by means of certificates, or instruments of writing, or obligations other than duly executed deeds passing the legal title to lands of the fund, and that all certificates, or other instruments of like character, tenor and effect, issued by the predecessors of these trustees be and the same are hereby declared to be of no binding force or effect, and are hereby specifically and separately revoked and annulled."

"That there remained in the State, subject to the disposal of the Legislature thereof, no title to the swamp lands granted to the State of Florida by Act of Congress of September 28, 1850, subsequent to the approval of the Act of January 6, 1855, Chapter 610, Laws of Florida, creating the Internal Improvement Fund, and declaring that said lands and all the funds arising from the sale thereof, after paying the necessary expenses, are thereby irrevocably vested in the trustees."

"That under Act of Congress of September 28, 1850, the legal titles remain in the United States and pass to the State only on delivery of the patent. Therefore the lands embraced in the patent, numbering 147, dated the 29th day of April, 1903, conveying 2,862,280 acres, known as the 'Everglades Patent,' are not subject to any claim of any railroad, or canal company, by reason of any special legislative enactment granting lands thereto, or certificates issued, or obligations entered into by the trustees of said fund, prior to the date of said patent."

During the campaign of 1904 these various reasons became a factor in the election of a successful candidate for Governor. The L. & N. Railroad having succeeded to the lands and land grants of the Pensacola & Atlantic Railroad Co., brought suit against the trustees of the I. I. Fund, ex-Governor W. S. Jennings being the attorney for the trustees. On the final hearing of the case, May 22, 1907, this case was decided against the trustees. Pending the appeal, the trustees, through their attorney, made a compromise with the L. & N. Railroad Co. Practically, they went into the real estate business. They deeded the railroad company 374,874 acres of land, situated in Lee County. In addition to this they gave the railroad company \$113,396.36 for the remaining claim of the railroad company to 1,062,242.93 acres, being approximately \$0.10 23 per acre for their claim. This claim was assigned to the State Board of Education. The amount of land is given by the Commissioner of Agriculture, on page 537 of his report for the year 1908. This differs slightly from the acreage stated by the said attorney in his report. The claims of certain other railroads had been purchased by the Wisner Land Company. The names of these railroad companies appear on page 544 of the Seventh Volume of the Minutes of the Trustees of the Internal Improvement Fund.

The aggregate number of acres given on this page, 544, differs slightly from the number of acres given in the Report of the Commissioner of Agriculture for 1908. From the Report of the Commissioner of Agriculture the number of acres conveyed to the State Board of Education, under these compromises, or real estate deals, aggregated 1,855,947.57 acres.

Sec. 4, Art. 12, of the Constitution provides: "That 25% of the sales of public lands which are now or may hereafter be owned by the State" shall become a part of the State School Fund." This was in the Constitution of 1868, and is in the present Constitution. This provision had long been neglected.

On February 5, 1908, upon the request of the Governor, the Attorney General rendered an opinion, "holding in

effect that the provision of the Constitution referred to applied to the lands of the Internal Improvement Fund;" "the recognition of this claim of the State Board of Education against the Internal Improvement Fund was considered an important feature and largely influenced the adjustment and settlement of claims by the trustees of the Internal Improvement Fund and conveyances to the School Board under said settlements." The foregoing is quoted from page 545, Vol. 7, of said minutes.

On page 593, Report of the Commissioner of Agriculture, the number of acres of State lands on hand January 1, 1909, is as follows:

Swamp .....	1,531,162.82
I. I. proper .....	5,700.32
School. ....	255,548.05
Seminary . . . . .	444.86

1,792,856.05

In the Report of the Commissioner of Agriculture, page 575, it appears that the lands claimed by railroads, and not deeded, aggregate 5,093,587.26. This does not include the claims of several other railroads having land grants, but which have not put in their claims. Of these claims, the claims to 1,855,947.57 acres have been transferred to the State Board of Education, leaving 3,237,639.69 acres still claimed by the railroads. The total number of acres of swamp lands, as shown from the statement above given, January 1, 1909, by the trustees, are 1,531,162.82 acres. It will be remembered that in all the legislative grants, there was a provision to the effect that each grant was subject to prior grants. The transference of these claims to the State Board of Education does not militate against the claims of those railroads which have received no lands. If the railroad companies, having prior claims, had received these lands, then there would have been no lands with which to satisfy the subsequent claimants. It thus appears that this "prior, superior and preferred" claim of the State Board of Education to 1,855,947.57 acres of land

is greater than the total acreage now remaining in the Fund, and therefore there will be no lands left for subsequent claimants." Page 543, Vol. 7, Minutes of the Trustees of the Internal Improvement Fund. The Trustees of the I. I. Fund have instructed the Secretary to make a report, showing the number of acres of lands sold since the adoption of the Constitution of 1868, and the price per acre, and from which the School Fund would be entitled to 25%. This full report will be submitted to you in a special message. A condensed statement of this report is now presented.

Terms of the sale by the trustees to Robert J. Bolles of 500,000 acres of lands may be found on page 502, Vol. 7, Minutes of the Trustees of Internal Improvement Fund; of the sale to R. P. Davie of 100,000 acres, page 261 of the same volume; of the sale to Comfort & Co. of 6,422.13 acres, on page 438, same volume; of the sale to J. H. Tatum & Co. of 12,000 acres, on page 457, same volume.

#### LANDS CONVEYED TO STATE BOARD OF EDUCATION.

Approximate statement, relating to twenty-five per cent. of cash sales of all lands held by the Internal Improvement Fund. Under Sec. 4, Art. 2, of the Constitution, this percentage constitutes a part of the State School Fund.

From the Report of the Secretary of the Trustees of the Internal Improvement Fund it appears that upon "June 1, 1872, A. Doggett was appointed receiver of the Fund by the United States Judge, and all moneys and securities, etc., were ordered turned over to him. From that time until about October 1, 1881, the entire management of the fiscal affairs of the trustees was in the hands of the court, administered by this receiver, under orders of the court. The destruction of the building by fire in which the court records were kept in Jacksonville, completely destroying all the records thereof, precluded the possibility of obtaining information from that source. The want of proper records here prevented the investigation as to the proceeds of the sale of land during that

period. Hence it was determined to commence with October, 1881, and list all the land sold for cash, from that date to February 5, 1908, the last date mentioned in the resolution called for by the trustees."

"During the period last named the entire proceeds of the Disston sales were disbursed in the payment of coupons and interest, adjudged by the United States Court to be due, hence the money received from that sale is not included in the statement of cash sales, from which the 25% may be set apart, under the Constitution of 1868.

"Entries made on account of commissions for selecting and patenting land, on account of railroad and canal land grants, and on account of drainage and canal companies, for which no cash consideration was received, are also eliminated.

"The total amount received from October 1, 1881, to February 5, 1908, so far as it has been possible to ascertain, in pursuance of the resolution of the trustees, following the course above outlined, is \$962,503.34. This amount is subject to reduction, on account of expenditures made by the trustees, in liquidating indebtedness, contracted under Act of 1855, prior to 1868, for interest on bonds, judgments, etc., which expenditures were necessary in order to release the land from the encumbrance placed thereon by the terms of the Act of 1855, Chap. 610, of the Laws of Florida.

"It appears that prior to 1901 practically all of the funds received by the trustees were used in discharging this indebtedness, which was a lien on the land, under Act of 1855, except such funds as were used in paying attorneys to represent the trustees, and the other incidental expenses connected with the selection, management and sale of the land. Hence the amount of cash sales from October 1, 1881, to February 5, 1908, has been divided into two parts, as follows:

From Oct. 1, 1881, to Dec. 31, 1900.....	\$484,334.38
From Jan. 1, 1901, to Feb. 5, 1908.....	478,168.96
<b>Total .....</b>	<b>\$962,503.34</b>

“There could be no sales of lands within the meaning of the Constitution of 1868, until the prior liens, created by Act of 1855, had been removed, and therefore the School Fund was not entitled to any percentage, except on sales made from January, 1901, to February 5, 1908, and subsequent thereto. The figures given for the period from January 1, 1901, to February 5, 1908, show approximately the amount upon which the 25% fixed by the Constitution of 1868 may be allowed to the School Fund.” A more itemized statement may give a different result. The foregoing is condensed from the Report of the Secretary of the Trustees of the Internal Improvement Fund, March 20, 1909.

Under the compromise, or land trade, made by the trustees, reference to which is more fully set out on page 40, there was paid on December 9, 1907, to the L. & N. Railroad Co., \$113,936.95. There was similarly paid on February 25, 1908, to the Wisner Land Co., \$17,456.57. Total, \$131,393.52.

There have been paid to the State School Board in cash the following amounts:

Nov. 17, 1908—25% of sales from Feb. 5, 1908, to Aug. 31, 1908—\$8,324.94.

Jan. 23, 1909—25% of sales from Sept. 1, 1908, to Dec. 31, 1908—\$22,123.40.

Feb. 8, 1909—25% of sales during January, 1909—\$3,225.17.

March 3, 1909—25% of sales during February, 1909—\$6,455.25.

Total—\$40,128.76.

The cash payment of the transference of the claims due under certain railroad charters and land grants to the State Board of Education aggregated \$131,393.52. This was paid out for lands the residuary titles to which are in the State Board of Education. This is more than 25% of \$478,334.38, being the amount derived from the sales from January 1, 1901, to February 5, 1908. Although the trustees are now transferring 25% of the cash received from the sales to the State Board of Education, still this policy may be questioned, until some money is re-

ceived from the Drainage Tax, the constitutionality of which is still in question. Until the constitutionality of the tax is settled, and the tax collected, the trustees will probably require all the money collected from the sales to carry out the necessary drainage operations. After the lands are drained, the residuary title to them will vest in the State Board of Education.

### DRAINAGE.

Cost Per Cubic Foot—Number of Miles of Canal Cut—  
Dredges—Total Cost to March 1, 1909.

The following report, relating to drainage operations in the vicinity of Fort Lauderdale, is herewith submitted:

“March 12, 1909.

“Governor A. W. Gilchrist:

“Complying with your order wired me March 9, by Mr. W. M. McIntosh, Jr., the Secretary of the Internal Improvement Fund, I beg to hand you herewith a tabulated statement of the work of each dredge since they began, up to March 1st:

“Column of ‘costs’ include all working expenses, repairs, and supplies, and are ascertained each month for preceding month, all bills being reported to me for that purpose by the purchasing agent, Mr. R. A. Bryan.

“In this statement, the costs for February cannot be given, as the bills for that month have not yet been reported to me.

“Permit me to say that it is not practicable to separate cost of rock digging from dirt digging, both being done together and the rock being very irregular.

1, 1909:

“Work of Dredge Okeechobee, April 1, 1907 to February 1, 1909:

Year.	Rock cu. yds.	Earth cu. yds.	Total cu. yds.	Cost.	Cost per cu. yd.	Length feet
9 mos. 1907. . .	170,000	33,434	203,434	\$20,398.35	10.2c	10,166
All 1908. . .	200,000	56,431	556,431	28,382.76	5.1c	24,231
Jan. 1909. . .	5,000	100,884	105,884	3,935.63	3.71c	5,956
			865,749	\$52,716.74	6.09c	40,352
Feb. 1909. . .	16,133	30,000	46,133	—not stated—	—	2,259

"The figures for February, 1909, are given for information, but are not included in the totals, as cost could not be stated.

"Length of south canal, with branch, Feb. 1, 7 miles and 3,392 feet. Average cost per cu. yd., 6.09 cents.

"Work of Dredge Everglades, July 4, 1906, to Feb. 1, 1909:

Year.	Rock cu. yds.	Earth cu. yds.	Total cu. yds.	Cost.	Cost per cu. yd	Length feet
6 mos. 1906...	63,000	20,455	83,455	\$ 7,706.88	9.23c	3,661
All 1907...	85,829	114,962	300,791	25,599.15	8.51c	9,758
All 1908...	12,200	518,780	530,980	25,962.49	4.89c	21,934
Jan. 1909...	.....	71,964	71,964	22,493.31	3.46c	4,048
			987,190	\$61,761.83	6.25c	39,401
Feb. 1909...	.....	40,000	40,000			2,250

"Length of north canal, with branch, Feb. 1, 1909, 7 miles 2441 feet. Average cost per cu. yd., 6.25 cents.

"February not included, because I have not yet the costs.

"Respectfully,

"JOHN W. NEWMAN,

"Engineer in Charge."

The total length of the two canals dug to March 1, 1909, was 15.1 miles, each of the two canals being approximately seven and one-half miles long. These canals are 60 feet wide by 10 feet deep. The total cost of operating dredges, see Newman's figures, is \$114,478.57. The average cost per mile is \$7,591.36. The total outlay by Trustees, on account of operating dredges, including cost of two new dredges, is \$377,642.72. By comparing the cost per cubic yard of the work done by the Everglades, in January, 1909, in which there was no rock excavated, cost 3.46 cents, with the cost of the work done in 1907, when it was part rock and part dirt, the cost being 8.51 cents per yard, the natural inference is that the remainder of the work will be done more cheaply. It will not, however, be done proportionately more cheaply, because, as

the canals increase in length, the cost of the transportation of materials, provisions, fuel, etc., proportionately increases. However, it is safe to say that the average cost of the work will be more cheaply done, than heretofore, owing to the fact that there will not be so much rock.

It will be observed that the dredge Everglades commenced work July 4th, 1906. It is digging a canal on the continuation of the North Fork of New River, to Lake Okeechobee. To February 1st, 1909, this canal had been cut nearly seven and a half miles. It is working with a day force only. During the month of January, where there was no rock, it cut about four-fifths of a mile. From Ft. Lauderdale to Lake Okeechobee, the distance is estimated to be about fifty miles.

The Dredge Okeechobee commenced work in April, 1907. It uses both a day and a night force. It has cut somewhat over seven and a half miles. It is working in the prolongation of the South Fork of the New River. It is the intention of the Trustees to have this dredge continue its course for about six miles in a westward direction, at which point it will turn southeastwardly toward Miami.

Two dredges have just been completed at Tampa, Fla. One, the Caloosahatchee, was towed up the Caloosahatchee River, leaving Tampa March 22, 1909. It is the intention of the Trustees to have this dredge work its way into Lake Okeechobee. After entering Okeechobee, it is intended to go southward for a few miles, and thence southeastwardly in continuation of the canal being cut toward Miami, by the Dredge Okeechobee.

The other dredge, Miami, was towed to Miami, leaving Tampa March 26, 1909. It will work northwestward to meet the Dredge Okeechobee, coming toward Miami.

#### SO-CALLED INDIAN WAR CLAIMS.

Bills Leading Up to the Act of 1905, Authorizing Appointment of Commission—Report of Commission—The

Commission Recommended Appointment of Another Commission—Act of 1907 Authorizing Appointment of Another Commission—Williams Warrants—Ordinances of Two Constitutional Conventions, Declaring Them Fraudulent and Ineffective.

The following brief history of the so-called Indian War Claims is submitted for your consideration :

On April 10, 1905, Mr. Knight, of Citrus County, introduced in the House of Representatives, House Bill No. 72:

A bill to be entitled An Act to provide for examination and settlement of claims against the State of Florida for services rendered and supplies furnished during the last Seminole Indian War; to provide for appointment of a Commission to investigate and adjudicate such claims; to provide manner of payment, and to make appropriations to carry same into effect.

Mr. Knight's bill provided "That the filing in evidence of a warrant of the Comptroller of the State of Florida, or the production of duly authorized muster rolls showing enrolled service, shall be taken and deemed by said Board of Commissioners as prima-facie evidence of the validity of claims, and unless the State can show by competent evidence that the same are illegal and invalid, the said Commissioners shall find for the claimants and make an award accordingly." As the "competent evidence" to be provided by the State was about all dead, the passage of this bill would have cost the State about \$675,000.

It further provided that "Whenever the Commission shall pass upon a claim and decide that the same is a just and a valid charge against the State of Florida, such Commission shall file the record of such case, together with their award as to the amount of principal and interest due thereon, interest being at the rate of seven per cent. per annum from the date of the original warrant filed in evidence or from the completion of the enrolled service as shown by the muster roll, as the case may be, in the office of the Comptroller of the State of Florida, who shall immediately issue in favor of the claimant his warrant upon the Treasurer of the State of Florida for

the full amount of the principal and interest so found to be due."

On May 10, 1905, the said bill came up upon its second reading, as a special order. Mr. Gilchrist, of DeSoto, offered the following amendment: "They shall also examine into the service of those who entered into the service of this State, or the service of the Confederate States from this State, during the war between the States. If any have not been paid properly they shall so report, stating amount due them." Mr. Knight, of Citrus, moved to lay the amendment on the table, but by a vote of 18 to 42 Mr. Knight's motion was not agreed to, after which the amendment offered by Mr. Gilchrist was agreed to. After the adoption of other amendments, Mr. Gilchrist, of DeSoto, moved to indefinitely postpone House Bill No. 72, which motion to indefinitely postpone was agreed to by a vote of 39 to 20.

On May 11, 1905, Mr. Gilchrist, of DeSoto, introduced in the House of Representatives House Bill No. 401: "A bill to be entitled An Act constituting the Governor, the Attorney General and the State Treasurer a Board of Commissioners to examine into and report upon the claims against the State arising from moneys received by the State on account of Indian War claims." (Page 912, House Journal, 1905.)

Mr. Gilchrist's bill was enacted into law, becoming Chap. 5451, Acts of 1905, which provided that "The Governor, Attorney General and Treasurer are hereby constituted a Board of Commissioners to examine into all claims in which it is set forth that 'the State of Florida has received moneys from the United States in the settlement of Indian War claims, which moneys the State has never paid out, and which is now justly due to the claimants.'"

Section 2 provided that "It shall be the duty of the Commissioners to make such examination into the claims as they may deem best, etc."

The Commission provided for by the Act of 1905, Chap. 5451, consisting of the Governor, the Attorney General and the Treasurer, made its report to the Legislature of 1907, in which it set up and described a large number of claims which were submitted to them, and made the following observations:

"The claims which have been filed with the Board, including interest at seven per cent. from Jan. 1, 1858, aggregate about \$225,000.00.

"No proof was submitted by any of the claimants, which, in the opinion of this Board, established the fact that the claims submitted, or any of them, form any part of the State's claim against the United States, for which the State received payment.

"We think that the Legislature should provide by law for the appointment of a Commission, and vest it with the power to hear and investigate all claims against the State on account of expenses incurred in the suppression of Indian hostilities since Jan. 1, 1849, and authorize such Commission to employ the services of such persons as it may deem necessary to secure copies of all the State's vouchers now on file in all of the Departments of War and the Treasury in Washington, filed in support of its claim against the United States, for expenses incurred in the suppression of Indian hostilities, and such clerical assistance as may be necessary; and authorize the Commission to subpoena witnesses and pay for their attendance, and to pay the necessary traveling expenses of the Commission, if any should be incurred."

This report crystallized into Senate Bill 247, introduced by Senator Jackson, which was enacted into Chap. 5634, Laws of 1907.

Governor Broward appointed as members of the Commission created by the Act of 1907, Hon. Chas. E. Davis, of Madison County; Hon. J. W. Knight, Citrus County, and Hon. J. H. Harvel, Santa Rosa County. These Commissioners have filed a comprehensive report setting out claims which had been submitted to them of the face value of \$43,297.06, which, with interest from Jan. 1, 1858, would now amount to approximately two hundred thousand

dollars. Said report will be submitted by special message for the information of the Legislature. In said report, it is made clear that the claims which are now being pressed against the State for alleged services, subsistence, forage, etc., rendered during the Indian wars of 1855, '56, '57, *should not be allowed for the reason that such claims were not used by the State of Florida in making its claim against the government of the United States, and were not allowed and paid by the government of the United States to the State of Florida.*

The Commission of 1907 delegated one of its members, Hon. J. W. Knight, to proceed to Washington to obtain what evidence and data he could with regard to the statement of the account between the State of Florida and the United States government for Indian war services in the years 1855, '56, '57, and Mr. Knight made a report to the Commission which clearly illuminated the real status of the present day claims. Mr. Knight says: "I went to Washington strongly believing that some, if not all, the claims which are being made against the State for services, subsistence, forage, transportation, etc., had been included in the statement by the State of Florida against the United States government, and I therefore felt that the State Treasury held money that really belonged to many, if not all, of these claimants; but upon investigation, made as indicated above, I *very soon concluded that these items, amounts and claims had not been included in the account made by the State against the National Government.*"

It seems, from the evidence on file in the Capitol, that during the years of the Indian hostilities, 1855, '56, '57, there were certain companies organized under the authority of the State government, for the purpose of suppressing such hostilities, which companies were in regular form received and enrolled in the service of the United States. Payment of these regularly enrolled companies was made by the State, and such payments afterwards became the basis of the State's claim against the United States government.

It appears, further, from evidence on file in the Capitol,

that there were other companies, in the nature of Home Guards, with various numbers of citizens as members, and with more or less regular organizations, which companies, however, were never received or enrolled, or recognized in the service of the State, or of the United States. It appears that after the suppression of Indian hostilities a large number of State warrants were issued on account of the alleged services rendered by such irregular companies, and there are public and official charges of fraud having existed in the issue of such warrants, as is evidenced by the official documents which have been submitted to former Indian War Claims Commissions, and to former Legislatures.

It seems to be settled, from the records of all the officers and commissions, that such claims form no part of the basis of settlement between the State of Florida and the United States government, which was concluded and adjusted in 1902, and that the State of Florida has not received from the United States government any money which should be used in payment of such claims.

The amount refunded to the State was simply a reimbursement of money actually paid out, and no claim not actually paid in cash by the State was allowed in such settlement. There is probably one exceptional case, that of Lieutenant Alderman Carlton, to which your attention will be invited. This is not a part of the Williams warrants. The claims represented by the Williams warrants, or Blue Scrip, were all rejected by the United States government, and the State never received a cent on account of such claims from the government, or from any other source.

The warrants upon which these numerous claims are based were issued by Comptroller R. C. Williams, under an Act of the General Assembly approved February 8, 1861.

The Constitutional Convention in session on July 27, 1862, adopted Ordinance No. 60, as follows: "Be it ordained by the people of the State of Florida, in convention assembled, That the Act of the General Assembly approved February 8, 1861, and entitled 'An Act to pre

vide for payment of the Florida Volunteers, and others who have not been paid for services actually rendered the State of Florida in the last war with the Seminole Indians,' be and the same is hereby repealed, *and the payment of all warrants issued by the Comptroller under said Act be suspended.*"

During the same Convention, to emphasize the said repealing ordinance, another ordinance, No. 63, was passed, which set forth what ordinances passed thereat should be temporary, and what should be permanent in their nature, and said ordinance No. 60 was put in the class of permanent legislation.

On November 6, 1865, the Constitutional Convention then in session, adopted an ordinance providing that "The ordinance in relation to State Liabilities and Treasury Notes shall not be so construed as to invalidate or impair, or make void any *bona fide* contract or liability of the State of Florida incurred or undertaken prior to the date of the Ordinance of Secession. *Provided, That this ordinance shall not apply to any claims which have heretofore been declared fraudulent, or have been rejected by the State.*"

The R. C. Williams Warrants, the basis of the Indian War Claims which have been pressed to this date, are the claims referred to as having been rejected by the State. So far as has been ascertained, the warrants issued by R. C. Williams aggregated the sum of \$165,606, which, with interest, would now amount to about \$675,000.00.

The Act of February 8, 1861, under which the R. C. Williams Warrants were issued, which are the basis of the claims which have survived up to this time, was expressly repealed and payments thereunder expressly suspended by the Ordinance No. 60 of the Constitutional Convention of 1862, and repeal emphasized by Ordinance No. 63 of the Constitutional Convention of 1865.

Since the adoption of Ordinance No. 60, on July 27, 1862, there has never been any validity whatever to any warrants issued under the above mentioned Act of 1861.

Under Chap. 5268, Acts of 1903, \$25,201.83 was paid to holders of certain warrants issued under Act of February 8, 1861. Not a cent of this amount was received by the State from the United States, or from any other source. It is safe to say that not a cent of it will ever be refunded to the State.

At the time of the Indian War, by means of Home Guard organizations, or otherwise, men protected their homes, just as men now protect their homes from fire in towns in which there are no fire companies. There is not as much reason for paying them, as there would be for paying Confederate soldiers, who were paid off in worthless Confederate money. The Confederate soldiers were mustered into service, and were recognized as such. Had these men been mustered into service, and had been recognized as soldiers, they would have been paid with those who were so recognized. The Commission appointed under the Act of 1905 had the following information:

“Treasury Department, State of Florida.  
Comptroller's Office,  
Tallahassee, Fla., May 11, 1905.

“Hon. A. W. Gilchrist, Speaker of the House of Representatives, Capitol.

“Sir:—In response to your inquiry, I beg to say that the money paid to the State of Florida by the General Government under Public Act No. 124, was to reimburse the State of Florida for money actually paid out by said State to individuals who served in the Indian Wars, or who furnished supplies, transportation, etc., for the soldiers, during such wars.

“The claims filed in Washington by the State of Florida were supported in every case by the actual receipt of the person to whom the amount had been paid by the State of Florida in cash, and no claim would have been considered or allowed, by the United States government, which was based on anything but an actual payment of cash by the State of Florida.

"The State of Florida received from the United States government only such money as was actually paid out by the State, and there is, therefore, no basis for any claim whatsoever against the State of Florida, for or on account of any part of the money received by the State of Florida from the United States of America under Public Act No. 124.

"Very respectfully,

"A. C. CROOM,

Pages 880 and 881, H. J., 1905. "Comptroller."

It will be observed that the Commission appointed under Act of 1907, after having one of their number examine the records at Washington, arrived at the same conclusion as is stated in the foregoing by the Comptroller.

These claims were presented after the settlement of the mutual claims between the State and the United States growing out of the Indian Wars. The evident presumption is that these claimants thought the State had received moneys on account of them from the United States. Otherwise, the claims would have been presented earlier. During the Gubernatorial campaign of 1908, these claims played an important part. Some of the parties interested in securing their payment wrote throughout the State to the heirs of the original claimants, telling them that if one candidate was elected Governor they would receive so many hundred dollars, and that if another candidate was elected they would receive nothing. As these repudiated claims, with interest, aggregate \$675,000.00, held by many voters, in a close election these claimants might determine the result of an election.

#### SCHOOL FUND INVESTMENTS.

The State Common School Fund Is Now Invested in 3% State Bonds—The Counties Pay From 3% to 6% On Their Bonds—Authority to Invest the Funds in County Bonds Is Recommended.

The Constitution, Section 3, Article 12, provides that the State Board of Education "shall have the management and investment of all State School Funds, under such regulations as may be prescribed by law." Under Sec. 267 of the Revised Statutes of 1892, the State Board of Education was directed "to invest moneys of the common school fund in bonds of the United States, or of the several States," under certain specified conditions. This section was omitted in the General Statutes of 1906.

In the Act of 1905, "adopting and providing for the General Statutes," in Sec. 1, provision is made for the repeal of "every statute of general and permanent nature," etc., "not included in such general statute, or recognized and continued in force by reference therein."

Sec. 336 of the General Statutes of 1906 provides that the State Board of Education is directed and empowered "to have the direction and management, and provide for the safekeeping and expenditure of all the educational funds of the State, with due regard to the highest interests of education."

Some of the counties pay from three to six per cent. interest on their bonds. The State School Funds are now invested in three per cent. bonds. It appears that the State Board of Education could now lend the school funds on county bonds. As this would be a departure from long established custom, it would be well to enact a law, specifically authorizing the Board to invest the common school funds "in such county bonds, and under such restrictions as may be deemed advisable." This should not be to the exclusion of all investments in United States and State bonds.

As a general proposition, it is not good policy to lend the funds of the State to counties, as future Legislatures may pass bills relieving the counties of such indebtedness. Such a policy would usually tend to impair the fund. Future Legislatures would hardly relieve counties of debts for moneys borrowed by them from the common school fund.

## LAWS GOING INTO EFFECT ON THE APPROVAL OF THE GOVERNOR.

Of the 273 acts passed by the Legislature of 1907, 209 became operative on their approval by the Governor. The Constitution wisely provides that "unless otherwise specially provided in such law," they become effective "sixty days from the final adjournment of the Legislature." As Florida has been a State for sixty-four years, and as the State and the people have gotten along fairly well without such laws, it does look as if we could get along in most instances without such laws, for a few weeks longer. There is no chance for anyone to become posted on such laws. What then becomes of the justice of the proposition—"Ignorance of the law is no excuse for crime?"

### STATE PRINTING.

The Sections 652 to 660 of the General Statutes, relating to the public printing of the State, should be so amended as to permit the Board of Commissioners of State Institutions, after advertising, to let by contract the work, as seems best to the Board. Under the present law, the work is required to be let to one firm or corporation.

### RAILROAD TRANSPORTATION—PASSES—EDI- TORS—FAMILIES OF EMPLOYES.

Your attention is invited to Sec. 2919, General Statutes. There are good reasons why it should be amended so as to allow common carriers, through their proper officers, to exchange "passes or tickets with other railroad companies, for their officials and employes," *and their families*; to give reduced rates or free passes to intending settlers; to exchange transportation for advertisements in newspapers; to permit railroad companies and steamboat and steamship companies to exchange transportation. Editors do much free advertising, and aid much in developing the country. The securing of one good, active settler on a

railroad line would be of more benefit to the railroad company than a year's transportation.

### JOURNALS.

Your attention is invited to the manner in which the records of the minutes of the Legislature are prepared for filing in the office of the Secretary of State. It is recommended that the Committee on Journals examine their records, as filed in the office of the Secretary of State.

#### NAVAL STORES—MEMORIAL TO CONGRESS.

The naval stores industry is one of the chief industries in the State. The representatives of this industry are anxious for the passage of the Naval Stores Bill, now pending in Congress. This bill is intended to prevent the adulteration of spirits, and the re-grading of rosin. It is in the interest of honesty. Their representatives are anxious for the passage of a memorial to Congress, urging the passage of such a law. Their recommendations are concurred in.

### HORTICULTURAL SOCIETY.

Five Hundred to One Thousand Dollars to Assist in the Publication of Proceedings and Distribution Through the State Agricultural Department.

The Florida Horticultural Society has done much for the horticultural interests of the State, and the citrus fruit growers of the world. It is recommended that \$500 to \$1,000 be annually appropriated to assist in the publication of their proceedings, for distribution through the Agricultural Department of the State.

### STATE REFORM SCHOOL.

Recommendations by the President of the Board of Managers, and by the Woman's Club, of Jacksonville, Fla.

The President of the Board of Managers, Florida State Reform School, has submitted his report:

He recommends certain improvements, the necessity for which will be best determined by the committee to be

appointed by the Legislature to examine into and report upon the same. This report will be submitted in full by special message.

The Woman's Club of Jacksonville, through its special representative, has submitted certain recommendations for the betterment of the inmates of this institution. These recommendations will also be submitted to you in full, by special message. The aforesaid committee will necessarily have an opportunity of determining upon the advisability of adopting them. Any appropriation for this institution should be made from the funds derived from the lease of State convicts.

#### REIMBURSEMENT OF DE SOTO COUNTY.

Extra Expense Due to the Maintenance of Isaiah E. Cooper.

Isaiah E. Cooper was convicted of murder in the first degree at the spring term of 1904 of the Circuit Court in and for the county of De Soto. He remained in the county jail until his sentence was commuted to life imprisonment, January 26, 1909. It is only just that the county of DeSoto be reimbursed for the extra expense, over and above a reasonable time, incidental to his support and maintenance in the county jail. If such an appropriation is made, it should be from the funds derived from the lease of State convicts.

#### THE GOVERNOR NOT TO BE ELECTED CONGRESSMAN OR SENATOR DURING HIS TERM.

The Constitution forbids the Governor succeeding himself. In addition, make it so that the Governor cannot be elected Congressman or United States Senator during his term of office.

#### ASYLUM FOR LIFE FOR CRIMINALLY INSANE

Sometimes a party charged with crime comes clear, on the ground of criminal insanity. Such people should be

placed in an asylum for life, not as a punishment, but as a means of protection for society. Criminally insane people may explode at any moment. In an asylum their explosions can do no harm. An asylum for life would prevent some people from going insane.

### DEFICIENCIES.

Excess of appropriations over revenue, \$489,612.23  
Accrued deficits, \$117,000.00.

Total, exclusive of pensions, \$606,612.23. Utmost economy is necessary.

Your attention is invited to the following report of the Comptroller, under date of March 30, 1909:

"In response to your inquiry of even date, I beg to submit the following information:

On January 1, 1907, the balance in the State Treasury to the credit of the General Revenue Fund was.....	\$ 116,534.63
Receipts from taxes, licenses and miscellaneous sources during 1907....	818,940.60
	\$ 935,475.23
Warrants issued in 1907.....	899,972.92
Balance in General Revenue Fund on January 1, 1908.....	35,502.31
Receipts from taxes, licenses and miscellaneous sources in 1908.....	975,686.18
	\$1,011,188.49
Warrants issued in 1908.....	749,374.57
Balance in General Revenue Fund January 1, 1909.....	261,813.92
The appropriations made by the Legislature of 1907, amounted to.....	\$2,366,190.34
The revenue provided by the two mill tax for the years 1907 and 1908, approximately .....	\$ 600,000.00
Receipts from licenses and miscellaneous sources in 1907.....	603,389.86
Receipts from licenses and miscellaneous sources in 1908.....	\$ 673,188.25—\$1,876,578.11
Excess of appropriation over revenue.....	\$ 489,612.23
The expenses of collection of revenue to July 1, 1907, to date. amount to .....	\$ 172,438.34

"The following appropriations made by the Legislature of the State of Florida, at the session of 1907, have not been paid, either in whole or in part, for the reason that they were held by the Attorney General to be subject to the restraining provisions of Chapter 5603 of the Laws of Florida, and were not payable until after sufficient funds were in the State Treasury to pay the current expenses of the State, including the current expenses of the State Schools:

Appropriation by Chapter 5631 of the Laws of Florida, to construct a lock with gateways across what is known as the Lake Hicpochee Canal at or near the Lake shore.....	\$ 25,000.00
Appropriation by Chapter 5653 of the Laws of Florida, for the uniform system of public (county) schools, \$65,000.00 each year for 1907 and 1908 .....	130,000.00
Appropriation by Chapter 5654 for State aid to public (county) schools, based on attendance, \$60,000.00 each year for 1907 and 1908.....	120,000.00
Appropriation by Chapter 5657 of the Laws of Florida, for State aid to extend term of county schools receiving no other aid except from one-mill State school tax, \$40,000.00 each year for 1907 and 1908.....	80,000.00
Appropriation by Chapter 5711 of the Laws of Florida to erect a monument on the battlefield at Chickamauga.....	15,000.00
Appropriation by Chapter 5735 of the Laws of Florida, for the West Florida Fair Association, \$2,000.00 each year for 1907 and 1908..	4,000.00
Appropriation by Chapter 5734 of the Laws of Florida, for the Florida Mid-Winter Fair Association, \$15,000.00 each year for 1907 and 1908 .....	30,000.00

"In addition to the above appropriations, which have not been used in whole or in part, there was an appropriation for the Educational Fund under Chapter 5602 of the

Laws of Florida to meet the current expenses of the State schools, and for buildings and repairs for said schools, including the State University, the Florida Female College, the Blind, Deaf and Dumb Institute and the Colored Normal School, in the sum of \$570,711.43, out of which there has been disbursed the sum of \$206,732.68, leaving balance unexpended at this date, \$363,978.75.

"This latter appropriation has also been held by Attorney General to be subject to the provisions of Chapter 5603 of the Laws of Florida, but the current expenses, and such other expenses as were deemed by the Board of State Institutions to be actually necessary, were paid under the authority of said Board.

"The estimated deficiencies in the appropriations made by the Legislature of 1907 to June 30, 1909, are as follows:

General printing and advertising, estimated deficiency caused by having to pay therefrom part of the printing for the Legislature of 1907, and publishing notice of election on constitutional amendments .....	\$ 7,000.00
Expenses collection of revenue, estimated deficiency due to increase in collection and compensation. ....	50,000.00
Maintenance of Lunatics, estimated deficiency due to increase in inmates.....	30,000.00
Jurors and witnesses, estimated deficiency due to increase in business before the courts.....	30,000.00

"Respectfully yours,

"A. C. CROOM,

"Comptroller, State of Florida."

The excess of appropriations over receipts appears to be .....\$489,612.23

The following are actual accrued deficits:

Publication of Constitutional amendments....	\$ 7,000.00
Amount of appropriation for collection of revenue .....	50,000.00
Maintenance of Lunatics .....	30,000.00
Appropriation for jurors and witnesses.....	30,000.00
Railroad Commission reports and accrued deficit of .....	5,000.00
	<hr/>
Total actual accrued deficits.....	\$122,000.00

If, in providing for the actual accrued deficits, the Legislature provides for the payment of the excess of appropriations over receipts, the total amount to be provided for, in addition to the current expenses for the two coming years, and for the other amounts to be appropriated, will aggregate \$611,612.23.

This does not include the deficit in the Pension Fund heretofore mentioned. Of this amount, the Supreme Court decided to be unconstitutional the appropriations for high schools and graded schools—\$330,000.

It seems as if these appropriations were made and were practically vetoed by failing to provide sufficient revenue, and by the enactment of Chap. 5603, Acts of 1907, being:

An Act to Regulate the Making of Contracts, and the Incurring of Obligations for the Expenditure of Money Payable Out of the General Revenue Fund of the State.

The appropriation of \$330,000 for high schools and graded schools was practically all spent by the County Boards of Education. It looks as if the State was in honor bound to pay them. On the other hand, it looks as if the payment of the same is prohibited by the Constitution. The Legislature will necessarily be called upon to practice the utmost economy.

## REPORTS OF STATE DEPARTMENTS.

I herewith submit the able reports of the several heads of administrative departments, the State Board of Health, the Adjutant General, the Superintendent of the Hospital for the Insane, the State Geologist, the State Chemist, and such other reports as have been submitted in accordance with law.

I have the honor to be,

Very respectfully,

ALBERT W. GILCHRIST,

Governor.

85  
86  
87  
88  
88  
88  
88  
88  
88

# INDEX

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	Page.
Adjutant General, Recommendations of.....	32
Advertising Constitutional Amendments.....	29
Appropriations, Deficiencies in.....	60-63
Assessed Valuations .....	16
Asylum for Criminal Insane.....	59
Attorneys, Neglect of .....	4, 5
<sup>2</sup> Banks, Resources of .....	17
<sup>23</sup> Battleship, Silver Service for.....	36
<sup>24</sup> Bonds for School Houses.....	30
<sup>25</sup> Bullock, W. S., Recommendations of.....	26
<sup>26</sup> Call, R. M., Recommendations of.....	25
Cash Bond for Defendants.....	26
Charters, Town and City, Amending.....	35
Circuit Judges, Recommendations of.....	25
City Charters, Amending .....	35
Common Carriers, Investigating Books of.....	8
Compromises by Trustees I. I. Fund.....	38, 42
Condition of State .....	3
Confederate Home .....	24
Constitutional Amendments .....	27, 28, 29
Consumptives, Home for.....	33
Convict Camps, Health of.....	11
Convicts, County .....	12
Convicts, State .....	9
Convict Hire Fund, Disposition of.....	13
Convicts on Road Work.....	11
Counsel, Neglect of.....	4, 5
County Commissioners .....	25

County Work, Bids for.....	25
Court Stenographers .....	25
Criminal Insane, Asylum for.....	59
Criminal Prosecutions, Cost of.....	13
Debt, Public .....	13
Debt, Public, sinking fund for.....	13
Deficiencies in Appropriations.....	60
DeSoto County, Reimbursement of.....	59
Drainage Districts, Homesteads in.....	19
Drainage, Progress and Cost of.....	45
Drainage Tax .....	14
Due Process of Law.....	4, 5
Express Companies, Tax on.....	18
Female Convicts .....	10
Fertilizers, Inspection of.....	8
Good Roads .....	33
Governor, Candidacy of for Congress or Senate...	59
Health of State .....	3
Health, State Board of.....	33
High Schools, Tax for .....	28, 30
Homesteads in Drainage Districts.....	19
Hospital for Insane .....	34
Hospital for Insane, funds for.....	13
Horticultural Society .....	58
Illiteracy .....	3
Indemnity Lands Due the State.....	31
Indian War Claims .....	47-55
Informers, Reward for.....	25, 26
Inheritance Tax .....	18
Internal Improvement Fund.....	38
Insane, Hospital for.....	34
Investments of School Fund.....	56

Lands in I. I. Fund.....	38, 42
Laws, Date When Effective.....	57
Law, Due Process of .....	4, 5
Lease, Convict .....	9
Libel Law .....	32
License Taxes .....	18
Lincoln, Abraham .....	37
Lobbying .....	36
Marriage Between Whites and Blacks.....	27
Militia .....	14, 32
Naval Stores, Memorial to Congress.....	58
Navigable Streams, Timber in.....	14
Pardons .....	12, 26
Parole System for Convicts.....	12
Payrolls, Judge Certifying to.....	26
Pensions .....	19
Pension Fund, Deficiency in.....	22
Pension Statistics of Southern States.....	22
Penitentiary .....	9
Population .....	3
Primary Elections .....	9
Printing, State .....	57
Property, Taxation of.....	16, 17
Public Work, Bids for.....	25
Public Debt .....	13
Pullman Cars, Taxation of.....	15
Pure Food, Inspection of.....	8
Railroad Commission .....	8, 9
Railroad Passes .....	57
Railroad Transportation .....	57
Recommendations of Circuit Judges.....	25
Reports of State Departments.....	64
Resources of State. Advertising.....	35
Roads, Convicts on .....	11
Roesch, R. H., Relief of.....	38

School District Tax .....	29
School Funds, How Derived.....	29
School Fund Investments .....	56
School Houses, Bonds for.....	30
Silver Service for Battleship Florida.....	36
State, Condition of.....	3
State Attorneys Before Pardon Board.....	26
State Board of Education, Lands Conveyed to....	42
State Board of Education, Moneys Paid to.....	44
State Board of Health.....	33
State Convicts .....	9
State Reform School .....	58
State Troops .....	14, 32
Stenographers, Court .....	25
Supreme Court, Decisions of.....	25
Supreme Court, Due Process of Law in.....	5
Taxation .....	14, 15, 16, 18, 33
Telegraph Companies .....	9
Timber in Navigable Streams.....	14
Troops .....	14, 32
Wall, J. B., Recommendations of.....	27
Wolfe, J. Emmet, Recommendations of.....	25
Women, Convicts .....	10