

Which was agreed to.

Mr. Hudson moved that 1,600 copies of the Governor's message be printed.

Which was agreed to.

Mr. Hudson moved to reconsider the vote by which his motion prevailed to have 1,600 copies of the Governor's message printed.

Which was agreed to by a two-third vote.

Mr. Hudson withdrew his motion to print the message.

A committee from the House appeared at the bar of the Senate and announced that the House of Representatives was organized and ready to proceed to business.

Mr. Henderson moved that the Senate adjourn to 10 o'clock a. m. tomorrow.

Which was agreed to.

Whereupon, the Senate stood adjourned to 10 o'clock a. m., Wednesday, April 5, 1911.

WEDNESDAY, APRIL 5, 1911.

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, Broome, Calkins, Carney, Cook, Culpepper, Davis, Dayton, Finlayson, Flournoy, Henderson, Hilburn, Hosford, Hudson, Humphries, Johnson, L'Engle, Malone, Massey, McCreary, McLeod, McMullen, Miller, Perkins, Sloan, Stokes, Williams, Wilson, Withers, Zim—32.

A quorum present.

Prayer by the Chaplain.

Mr. Malone moved that the Journal of April 4th be approved.

Mr. Johnson moved as a substitute that the reading of the Journal be dispensed with temporarily.

Which was agreed to.

INTRODUCTION OF RESOLUTIONS.

Mr. Massey offered the following—

Senate Resolution No. 3:

Resolved, That when any Senator shall desire a copy of the General Statutes or of the Session Laws of 1907 and 1909 of this State, for his use during the session, he shall make a requisition for the same in writing to the Sergeant-at-Arms of the Senate 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, and the Sergeant-at-Arms shall deliver the same to the Senator making the requisition, taking his receipt for the same.

Mr. Massey moved the adoption of the resolution.

Which was agreed to.

Mr. Johnson offered the following—

Senate Resolution No. 4:

Whereas, In times past large items of expense have been incurred by the Legislatures in miscellaneous printing and other incidental expense, and, as we believe, out of proportion to the benefit accruing; and,

Whereas, At past sessions of the Senate it has been the custom to have printed daily sixteen hundred copies of the Senate Journal for distribution among the members, and, as we believe, without proportionate results accruing; therefore, be it

Resolved, That the Senate, at this session, do have five hundred copies of the daily Journal printed each day for distribution among the several counties in the State, giving to each county ten copies, to be mailed as follows: 1 copy to Clerk of Circuit Court, 1 copy to County Judge, 1 copy each to Tax Assessor, Tax Collector, Superintendent of Public Instruction and Sheriff, and one copy to each newspaper in the county. Provided, That 15 copies each be allowed to the counties of Duval, Hillsboro and Escambia.

Mr. Miller offered the following substitute to 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 me 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 Senate Journals be printed to meet the requirements of this resolution.

Mr. Miller moved to adopt the substitute to Senate Resolution No. 4.

Mr. Hilburn moved to amend the substitute to Senate Resolution No. 4, that the number of copies to each member should not exceed twenty-five.

The motion to amend was not agreed to.

The question recurred upon the motion to adopt the substitute to Senate Resolution No. 4.

Pending which—

The hour for the consideration of the Governor's Message having arrived, it was taken up.

Mr. McMullen moved that the message be spread on the Journal.

Which was agreed to.

The consideration of the substitute offered by Mr. Miller to Senate Resolution No. 4 was resumed.

A yea and nay vote was demanded.

The roll was called and the following was the vote—

Substitute to Senate Resolution No. 4:

Yeas—Mr. President, Senators Adkins, Baker, Broome, Calkins, Cook, Culpepper, Dayton, Finlayson, Flournoy, Henderson, Hilburn, Hosford, Hudson, Malone, Massey, McCreary, McLeod, McMullen, Miller, Perkins, Stokes, Williams, Withers—24.

Nays—Carney, Davis, Humphries, Johnson, L'Engle, Sloan, Wilson, Zim—8.

The substitute to Senate Resolution No. 4 was agreed to.

Mr. Dayton offered the following—

Senate Resolution No. 5:

That the Secretary of State be requested to furnish the Senator with a copy of the General Statutes and Acts of 1907 and 1909.

Which was withdrawn.

Mr. Zim offered the following—

Senate Concurrent Resolution No. 1:

Be it Resolved by the Senate, the House concurring, That inasmuch as it has pleased the Divine Ruler of the Universe to remove the late Governors, W. B. Bloxham and N. B. Broward, from the scenes and activities of life, that a committee consisting of two members of the Senate and three members of the House be appointed to draft resolutions expressive of the great loss sustained by the people of our State in the death of the great Floridians.

Mr. Zim moved that the rules be waived, and the resolution be read the second time.

Which was agreed to by a two-thirds vote.

And the Concurrent Resolution No. 1 was read the second time.

Mr. Zim moved the adoption of the resolution.

Which was agreed to.

Messrs. Zim and Wilson were appointed as the committee on the part of the Senate.

And the same was ordered to be certified to the House of Representatives.

Mr. Cook moved to reconsider the vote by which the reading of the message of the Governor was dispensed with.

Mr. Calkins made a point of order that the motion to reconsider should go over to the following day.

The point of order was sustained.

Mr. McLeod moved that the rules be waived and the motion to reconsider be now considered.

Which was agreed to by a two-thirds vote.

The motion to reconsider prevailed.

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

Which was agreed to.

The Governor's message was read.

MESSAGE OF THE GOVERNOR.

EXECUTIVE OFFICE,
TALLAHASSEE, FLA., April 4, 1911.

Gentlemen of the Legislature of the State of Florida:

Section 9, Article IV of the Constitution: "The Governor shall communicate by Message to the Legislature at each regular session, information concerning the condition of the State, and recommend such measures as he may deem expedient."

"CONDITION OF THE STATE."

The state of the condition of affairs in this State is as satisfactory as is "the condition of the State." The State and her people are progressing in every line of human endeavor. The Government Census Report for 1910 showed an increase of population for the Nation at large of 21.1 per cent, for Florida of 42.2 per cent. From the foregoing it is quite apparent that thousands of people in other portions of the United States and from the world at large, consider that the climate, health, fertility of the soil, social conditions and general resources of the State are good roads to health, wealth, happiness and prosperity.

RECOMMENDATIONS

PRIMARY SYSTEM.

Statement of Candidates' Expenses—Contributions By Others—Pledge Relative Appointment County Officers. Second Primary Should Be Obviated—Ballot Might Provide for Second Choice—Test of Right to Participate in White Primary.

The primary system of nominating officers by the Democratic party has, in my opinion, come to stay. The expense of the same is, however, quite burdensome, especially to the candidates for the offices of United States Senator and Governor. In the primary for the United States Senate, held in May and June, 1910, the following were the expenses incurred: (See Biennial Report of the Secretary of State, commencing at page 251.)

N. B. Broward: Account of expenses filed May 20, date of first primary and prior thereto, \$6,507.14, of which amount \$575 was contributed; filed subsequently, \$7,761.39, of which \$55 was contributed; total amount expended by N. B. Broward, \$14,268.53. Of this amount, total amount contributed, \$610.00.

James P. Taliaferro: Account of expenses filed May 20th and prior thereto, \$18,364.24; filed subsequently thereto, \$10,748.79; total amount expended by James P. Taliaferro, \$29,113.03. Amount contributed, nothing.

Claude L'Engle was eliminated as the result of the first primary. Amount expended by him, \$3,698.75. Amount contributed, nothing.

In the more recent primaries, the first of which was held January 10, 1911, and the second January 30, 1911, the following were the expenses incurred:

J. N. C. Stockton: Account of expenses filed December 31, 1910, \$7,451.48, of which amount \$3,125 was contrib-

uted. Filed January 20th, 1911, account of expenses filed \$8,786.96, of which \$300.00 was contributed; total amount expended by J. N. C. Stockton, \$16,238.44; of this, total amount contributed, \$3,425.00. He was eliminated as a result of the first primary.

W. A. Blount: Account of expenses filed December 29, 1910, \$11,164.81; filed January 20, 1911, \$5,464.29; filed January 20, 1911, \$926.02; filed February 10, 1911, \$6,520.99; total expended by W. A. Blount, \$24,076.11. Contributed, nothing.

N. P. Bryan, the successful candidate: Account of expenses filed December 31, 1910, \$7,220.76; of which amount \$945 was contributed. Filed January 20, 1911, \$2,206.86; of which \$1,875.00 was contributed. Filed January 21, 1911, \$2,944.87; of which \$50.00 was contributed. Filed February 7, 1911, \$5,229.45; of which \$1,265 was contributed; total amount expended by N. P. Bryan, \$17,601.94. Of this amount, contributed, \$4,135.00.

For the other positions the expenses were comparatively light. For Congress in the First Congressional District S. M. Sparkman, no opposition, \$290.00; Second Congressional District, Frank Clark, \$890.30, contributed, nothing; Lewis W. Zim, \$1,135.49, of which amount \$287.50 was contributed; Third Congressional District, D. H. Mays, \$1,119.05, contributed, nothing; J. F. C. Griggs, \$1,489.60, contributed, nothing.

For Justices of the Supreme Court, each \$150.00. No opposition.

For Railroad Commissioners: Newton A. Blich, \$295.18; R. Hudson Burr, \$359.09; W. K. Jackson, \$445.70.

This report does not show the amount of money spent by individuals and by county organizations. In politics, there are people who always cast an anchor to windward with the possibility of electing a Democratic President. It is not only possible but quite probable that aggregations of men in each county contribute money to the campaign in their respective counties, expecting to be paid

back in the office of postmaster or in other federal offices. It is also probable that there are numbers of men who contribute towards the campaign of a candidate for Governor and who work for each candidate with a view of securing a lien upon a few loaves and fishes at the disposal of the Governor, by appointment. It is possible not exactly to sell out if he be a candidate for Governor, but for him to be placed in a position such as makes it almost incumbent upon him to give as a reward certain positions for aid and assistance. The same would apply to a candidate for United States Senator or for other offices.

It is recommended that no one be allowed to become a candidate for Governor unless he pledges his honor to fill county vacancies upon the recommendation of a primary or upon the recommendation of the Executive Committees of the respective counties. The Governor should appoint his Private Secretary, the four Convict Inspectors, Pure Food and Drug Inspector, Inspector of Feed Stuffs and Fertilizers, and Supervising Inspector of Naval Stores, as the salaries and the duties of these officers are not such as to warrant their being placed in a primary. In case there should be a Democratic President, each postmaster should be recommended for appointment by the Senators and Congressmen, upon a recommendation determined by a local primary.

The amount stated in the expenses above enumerated do not show the amount of money expended on Senatorial candidates. For various reasons, individuals in different counties and communities raise funds and expend them for the candidate of their choice. Examining the account of expenses, however, it shows that the expenses of the second primary are nearly equal to those of the first. In the second primary, there being only two candidates, there is more or less rancor and sometimes bitterness. It would be well to obviate the necessity of a second primary. In some States each elector votes for a second choice. In Wisconsin there is one election, the highest

vote nominating. In South Carolina there are two primaries, in case no one receives a majority in the first. In that State the expenses of a candidate rarely exceeds \$5,000.00 to \$6,000.00. In Georgia there is but one primary, instructed delegates being elected to a convention. In the State of Washington, where there are less than four candidates for the same office, a plurality elects. Where there are four or more, each elector must vote for a second choice. If any candidate receives forty per cent or more first choice votes, he is declared the nominee, provided only one receives such vote. If more than one receives such vote, the one receiving the highest is declared the nominee. If no one receives such vote, then the one receiving the highest vote of first and second choice votes is the nominee. A tie vote is decided by lot. In the event of the adoption of the second choice ballot, I would recommend that such second choice vote be rated at one-half to two-thirds of the first choice vote. The ballot is so arranged that there is absolutely no confusion or difficulty in voting for the second choice.

As a matter of fact, our Primaries, though called Democratic Primaries, are generally white primaries, Democrats, Republicans, Socialists, etc., vote in the same. The party law submits it to Democrats. Every qualified white elector who will abide the result of the primary should be invited to participate. The party should invite others to become members, rather than repel them.

Being a party question, some one might think that this question is not for the consideration of the Legislature representing all the people. I understand that every member of this Legislature was nominated in a Democratic primary. It will also be remembered that the present primary law was necessarily passed by a former Legislature, all being Democrats.

Your attention is invited to a decision of Judge J. B. Wall of the Sixth Judicial Circuit, relating to the constitutionality of the manner in which the primary law

of 1909 was passed. A party was being prosecuted for a violation of this law. It was contended by his attorney that the statute passed the House of Representatives under full title, but that when it was voted on in the Senate, more than one-half the title, and that the portion covering the penalty for the violation of the Act had been left off, and the full title was afterwards restored by the Joint Committee on Enrolled Bills. Upon investigation, Judge Wall found that this contention was sustained by the facts and held that the Act had been passed in violation of Section 16, Article 3 of the Constitution. He therefore discharged the defendant from custody, as no prosecution under the Act could be sustained. This case is now pending in the Supreme Court upon appeal.

In voting, an elector is directed to place a cross (X) in front of the candidate of his choice. This is considered as being to the left of the name. Some few place this mark to the right. Some inspectors throw out such ballots. The courts have uniformly held that such ballots should be counted. The law should make it mandatory on the inspectors to count them. Whenever the wishes of the electors can be determined from his ballot, the inspector should be directed to count the same.

CLOSING SALOONS PRIMARY DAY.

It appears that the provisions of Section 240 of the General Statutes requiring barrooms to be closed on election days is not broad enough to require the closing of saloons on the days of primary elections. The enactment of a law which will cover this matter is recommended.

DUE PROCESS OF LAW.

English Law of 1873 and Its Good Effects—Recommendations of American Bar Association—Delays Under Our Present System—Recent Action of Florida Bar Association—Reform Advocated by President Taft, Governor Hughes and Justice Brewer, and Adopted in Several States—Due Process of Law Should Not Be So Technical As to Force Judge Lynch to Act Without Due Process of Law—Due Process of Law Should Not Be so Construed As to Make the Denial of "Right and Justice" a Virtue.

Section 12 of the Florida Declaration of Rights declares that no one shall "be deprived of life, liberty or property without due process of law." Under the operation of our laws, Due Process of Law is always spelled with capital letters. In Section 4, "Right and justice shall be administered without sale, denial or delay." The word "delay" is always spelled with a small "d." "Right and justice and delay" are always spelled with small letters when they butt up against Due Process of Law. The result of which is that people refuse to submit their cases to Due Process of Law, if it is possible to compromise the same by losing not more than one half. In criminal cases, Judge Lynch is too often enthroned as the presiding judge.

In 1873, the Parliament of England passed a law authorizing the High Court of England to regulate all matters of pleading and practice. The rule adopted was substantially the same as that recommended by the American Bar Association, quoted below. As the result of which Judge Charles Amydon, of the United States District Court of North Dakota, in an able speech, stated: "No cause has appeared for the second time in an appellate Court of England for more than thirty years." "During the last seventy-five years, nowhere in the British Empire has a man been snatched from the custody of the law and

sacrificed to mob violence." Burns well says that "it's the fear of hell that holds the wretch in order." It is the certainty of punishment which operates as a preventative of crime.

In 1908, a committee of nine able lawyers recommended to the American Bar Association the adoption of certain amendments to the laws of the United States. These recommendations were adopted and a committee was appointed to present the same before the proper committee of Congress. The first of these is substantially the same as that adopted by the English Court:

"No judgment shall be set aside or reversed, or new trial granted by any court of the United States in any case, civil or criminal, on the ground of misdirection of the jury or the improper admission or rejection of evidence, or for error as to any matter of pleading or procedure, unless in the opinion of the court to which application is made, after an examination of the entire cause, it shall appear that the error complained of has resulted in a miscarriage of justice."

These proposed amendments furthermore provided that:

"The trial judge may in any case submit to the jury the issues of fact arising upon the pleadings, reserving any question of law arising in the case for subsequent argument and decision, and he and any court to which the case shall thereafter be taken on writ of error shall have the power to direct judgment to be entered either upon the verdict or upon the point reserved, if conclusive, as its judgment upon such point reserved may require."

I learn that the House of Representatives of the last Congress passed a bill embodying these recommendations.

As the law now is, the Appellate Court might reverse the lower court on a question of law, the question of fact having been determined by the jury. The case then comes up for trial on both the question of law and the facts. In the meantime, many of the witnesses by whom the facts

were established have died, or moved away, or have forgotten.

The recommendation of the American Bar Association also provided that:

"No writ of error returnable to the Supreme Court shall be issued in any criminal case, unless a Justice of the Supreme Court shall certify that there is probable cause to believe that the defendant was unjustly convicted." Similar provisions were made for writs of error returnable to the Circuit Courts.

Section 1698 of the General Statutes of Florida, referring to civil cases, states that all writs of error "shall issue on demand as a matter of right," etc. Section 4045 states that "writs of error in criminal cases shall issue as of right."

Under our laws, if an attorney so desires, it is almost impossible to secure final judgment in less than seven or eight months from the date of the conviction. In case of a death sentence, all that is necessary is for the attorney to take exceptions. Exceptions being overruled, sixty to ninety days are allowed in which to prepare a bill of exceptions. At the end of such time no writ of error is sued out. The Governor issues the death warrant, returnable within a reasonable time, say three or four weeks. Just before the date of execution, a writ of error is sued out as a "matter of right." This writ is returnable to the Supreme Court at its next term "unless the first day of said next term shall be less than thirty days from the date of the writ, when it shall be returnable to a day in said next succeeding term, more than thirty days and not more than fifty days from the date of the writ." Then the Attorney General has thirty days in which to make reply. Then the attorney for the defendant has twenty days. If the Supreme Court is ready to hear the case at once, it thus takes seven or eight months at the shortest time to hear any such case. Suppose the writ of error is taken out at the beginning of a term, return-

able to the next term, six months distant. It thus appears that fully eleven or twelve months may be necessary in order to hear the case. In the event the case should be reversed on a point of law, by the time the case is tried again the witnesses who have testified as to facts have died or moved away or have forgotten. The facts in the case, as well as the law, are at issue in the next trial. Then, according to "Due Process of Law," not on account of "right and justice," but for some error for which the attorney is responsible, another long drawn out trial is obtained, involving not only questions of fact, but questions of law. If a verdict of guilty is again obtained, it goes before the Supreme Court again. Can you wonder that on account of the "Due Process of Law," Judge Lynch acts "without due process of law?"

It is gratifying to know that at the last meeting of the Florida State Bar Association held in February, 1911, at Pensacola, Hon. Park Trammell, Attorney General, moved the adoption of a resolution to be submitted to the Legislature recommending substantially the law adopted by the English Court, the same being practically the first section recommended by the American Bar Association. It is also refreshing to know that a man of the high legal standing of Hon. W. A. Blount, President of this Association, proposed as a substitute that which is practically recommended in their first two sections by the American Bar Association. I have been informed that this resolution and substitute were referred to the next meeting of the State Bar Association by a vote of 22 to 18. I have not the yea and nay vote on this reference. I would recommend that these two propositions embraced in Mr. Blount's substitute be considered in separate bills.

In Chapter 192, Laws of 1909, Wisconsin adopted substantially the first section recommended by the American Bar Association, the same being practically that adopted by the English Court. In Arizona, Connecticut, Indiana, Kentucky and Ohio the practice is that a case will not be

reversed upon appeal unless it appears to the Appellate Court that the judgment of the lower court resulted in an injustice.

In his Message to the Legislature of New York in January, 1910, Governor Hughes wrote, "I urge upon your attention the importance of simplifying the procedure of our courts." He referred also to the necessity "to reduce the importance of technicalities in litigation and to facilitate the speedy disposition of causes upon their merits."

In his Message to Congress in December, 1909, President Taft made reference to the action of the American Bar Association, stating, "in my judgment, a change in judicial procedure with a view to reducing its expense to private litigants in civil cases and facilitating the dispatch of business and final decision in both civil and criminal cases, constitutes the greatest need in our American institutions." He stated, "The cruelty exhibited in lynchings is directly due to the uncertainties and injustice growing out of the delays in trials, judgments and the executions thereof by our courts."

The late Justice Brewer of the United States Supreme Court, in an interview published in *The North American*, used language showing that he favored the English procedure.

In my opinion, this is one of the most important subjects that could possibly engage the attention of this or any other Legislature. I first invited attention to this subject in the House of Representatives while a member from DeSoto County during the legislative session of 1893. We have progressed in every line of human endeavor. Men objected at first to the substitution of the hum of machinery for the loom, preferring the movement of deft fingers. That objection has long since been removed. Years ago, the great King David delighted most in riding on an ass. Very few people now would insist on tying a modern, well-equipped passenger train to the tail of such an animal. Electricity has superseded the

candle and the light of pine knot fires. Yet our courts are too often tied to the tail of what was once the royal animal on which Blackstone, the great King David of the lawyers, rode. Our courts too often prefer the flickering and uncertain light of the tallow candles of precedent of years ago, to the electric light of "right and justice." Some people say that our Supreme Court is not now technical and that no such law as has been proposed is necessary. To all such, attention is invited to that part of my message to the last Legislature in which this subject was discussed. I could get up enough data for a pretty good sized book, showing decisions by which "Due Process of Law" has run roughshod over "right and justice." For illustration, take the following:

In *Mobley v. State*, 57 Fla., 22, defendant was convicted in the Trial Court of the larceny of a cow. The Supreme Court reversed the judgment of the lower court and awarded defendant a new trial on the ground that the information charged the defendant with stealing a cow on a certain day from H. T. Lykes, while the evidence introduced at the trial showed that the defendant on the same day stole a *steer* from the said Lykes. This was held by the Supreme Court to be a fatal variance between the allegations in the information and the proof on which the verdict of guilty was obtained. Had this steer proved to be a bull, there is no telling what effect it would have had upon determining the decision of the court.

In *Teston v. State*, 50 Fla., 138, the defendant was convicted in the lower court of embezzlement, a felony, and the judgment of the lower court was reversed by the Supreme Court and a new trial awarded the defendant on account of the ruling of the Judge of the lower court sustaining an objection of the prosecuting attorney to certain questions asked by defendant's counsel of the State witnesses on cross-examination.

In *Frink v. State*, 56 Fla., 62, the defendant was con-

victed in the lower court of embezzlement, a felony. The judgment of the lower court was reversed by the Supreme Court on the ground of erroneous charges to the jury by the Trial Judge.

In *Hampton v. State*, 50 Fla., 55, the defendant was convicted of manslaughter in the lower court, and the judgment was reversed and a new trial ordered by the Supreme Court, the Supreme Court holding that the Judge of the lower court erred in denying the motion of defendant to strike "the testimony of State's witness, J. W. Evans, to the effect that his wife (the deceased) would have eaten breakfast on the morning of the fatal operation upon her had she not been prevented by one of the defendants, etc." The Supreme Court also held that it was an error for the Judge of the lower court to sustain objection by the State's counsel to the following questions propounded by defendant's counsel to State witness: "Why did you do that? Was it because you thought my friend Simonton was incompetent?" The Supreme Court also holding as error the trial court permitting certain questions to be asked on cross-examination by State's counsel; also holding as error certain charges given by the court below with respect to the right of the jury to discard evidence which they did not believe and charges of the lower court defining reasonable doubt.

All of the above are recent decisions by the Supreme Court, and represent decisions on technical grounds in cases appealed from only one of the forty-seven counties of the State.

Section 4 of the Declaration of Rights provides that "right and justice shall be administered without sale, denial or delay."

Section 12 provides, "nor be deprived of life, liberty or property without due process of law."

Which of these two sections should have precedence over the other? If "Due Process of Law" defeats "right and justice," causing "denial or delay," which should prevail?

STATE CONVICTS.

Annual Revenue From Lease—Apportionment of Proceeds to Counties—Withdrawal of Women and Infirm Men From Lease—Low Death Rate in Convict Camps. Objections to Convicts Working on Roads—Comparison With Georgia System—State Entitled to Part of Convict Revenue to Recoup Expenses of Prosecutions. Part Should Also Be Applied to Hospital for Insane and Payment of Public Debt.

The State convicts on March 2, 1909, were leased to the Florida Pine Company of Jacksonville for a period of four years, commencing January 1, 1910, at \$281.60 each per year. Under this lease there was paid to the State for the year 1910, \$366,134.81. Deducting incidental expenses, salaries of Supervisors of Convicts, \$10,000 appropriation for the State Reform School, etc., aggregating for 1910 about \$20,000.00, there is left some \$346,000.00, all of which is apportioned to the various counties in proportion to their assessed valuations. 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. As will be remembered, the contract provides for the withdrawal of all female prisoners, invalid male prisoners and such other prisoners who from any cause may be deemed unable to perform reasonable manual labor. The contract provides that after the withdrawal of the said women and invalid men prisoners, the lessees agreed to pay an extra fifteen per cent on the said per capita of \$281.60 for the prisoners remaining in their custody. This would make the price paid for those remaining in their custody \$323.84 each. With the approval of the Board of Commissioners of State Institutions the female prisoners and the invalid male prisoners were withdrawn, a special arrangement having been agreed upon by the Florida Pine Company for their care at the expense of said Company. Under the terms of this agreement,

the additional fifteen per cent is retained by said company.

During the year 1909 there were handled 1,705 prisoners; during 1910 there were handled 1,781 prisoners. During 1909 there were fourteen deaths. During 1910 there were twenty deaths. The death rate per thousand for 1909 was 8.21; for 1910, it was 11.23. Considering that so many are diseased before entering the camps, this is a remarkably low death rate. 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 per thousand. I have no access to the death rate as shown by the United States census for 1910.

Some think it would be well to use the convicts in road building as is done in Georgia. This system has some objectionable features. I have examined somewhat into the Georgia system. In some of the counties, especially those in which there are cities, the longer term State convicts are assigned for work in such cities. The shorter term convicts are used in the construction of roads in the country. In some counties, in which there are no such cities, the long and short term men work on the roads. I examined a convict road camp in one of the counties of Georgia. In these camps, the men sleep in a movable car placed on four wheels, with bars, constructed very much in the manner in which a car is constructed in which animals are conveyed around in the various menageries forming a part of the circuses showing throughout our State, with this exception: in the circus cars there are usually only one or two animals. In the convict cars, there are sometimes ten or twelve convicts. They are shackled and connected with a chain at night. On Sundays they rest under a canopy. Those who are not trusties are shackled and are attached to what is known as a log chain. Those whom I found located in a city were in comfortable quar-

ters, with good beds, and apparently as well cared for as those in the convict camps of Florida.

I hardly think that it is fair for a long term convict to be required to spend eight, ten or more years in such cramped-up quarters. Such movable carriages on roads, in road building are absolutely necessary, else if the convicts had permanent quarters they would necessarily consume all the time in going to and from work.

From an economical standpoint such a road system would not be advisable. Able-bodied convicts under the present lease will bring \$323.84 per year, guards, good clothing and medical attention being furnished by the lessee, together with transportation from the place of conviction. The same amount of money expended in free labor would probably produce better results than if the convicts were placed on the roads. In my judgment, the convicts would fare better in the present permanent convict camps than they would, if used in such temporary quarters. It might be well for a committee of the Legislature to visit a Florida Convict Camp and also to visit a convict camp in the neighboring State of Georgia. If the object in placing the State convicts on the roads is the amelioration of the condition of the convicts, actual observation of the conditions existing in Georgia and in Florida might result in a change of opinion. If the intention of those desiring such a change is to have more roads built, better results would probably be obtained if the law was such that the money proportioned to the counties, should be spent exclusively in the construction of good roads.

Considering that one-half of the time of a Circuit Judge is devoted to criminal cases, then one-half of the salary paid said judges, with the salaries of Prosecuting Attorneys and the amount paid out by the State for jurors and witnesses in criminal cases would represent an annual expenditure by the State of between \$125,000 and \$130,000 on account of criminal prosecutions. The receipts from

the lease of such convicts for the year 1910 amounted to \$366,134.81. I submit that a part of this money, say \$50,000, should be by law paid to the State, the money so received to be expended at the Hospital for the Insane. It would be well if \$25,000 to \$50,000 more should be allowed the State, to be expended in taking up the bonded indebtedness of the State.

PUBLIC DEBT.

The public debt of the State consists solely of refund bonds amounting to \$601,506.00, bearing interest at the rate of 3 per cent per annum. They are all held by the State Board of Education.

STATE PRISON FARM.

Eight Thousand One Hundred and Fifty-Four and Five-Tenth Acres Purchased—Option Taken on 7,445 Acres. Price, \$5.00 Per Acre—Eventually a Second Hospital for the Insane Might Be Located on Some of This Land. The Land is Well Adapted for Location of a Reform School.

Chapter 5941, Acts of 1909, appropriated \$50,000.00 for the purchase of a tract of land to be used as a State Prison Farm, and directed the Board of Commissioners of State Institutions to select and purchase same. For this purchase several tracts of land were offered and investigated. After careful examination the Board purchased 8,154.50 acres at \$5.00 per acre, situated in Bradford County near Ellerbe and Raiford. The Board took an option on 7,445.50 acres more at the same price, subject to action of the Legislature in appropriating money for the purchase of the same. This land is conveniently located to railway facilities. The Atlantic Coast Line Railroad runs along one side of it. There is a station, Ellerbe, on the land. The Seaboard Air Line Railroad is

three to four miles from the tract. The land is slightly rolling, well drained, underlaid with clay. I consider it as fine a patch of land as can be secured. The Board recommends the purchase of the entire acreage. This land is suitable for the production of staple products, such as Sea Island cotton, corn, sugar cane, etc., vegetables and strawberries, potatoes, etc. In fact, I regard it as a splendid piece of property. Eventually, in my opinion, the convicts of the State will be placed upon this or some other lands. In case it should ever be decided to remove the Reform School, it could be placed upon this land, as the boys at such school could be of much assistance in the production of strawberries and early vegetables. Of the 1,800 acres of land owned by the State at the Hospital for the Insane, there is scarcely ten per cent suitable for cultivation. As Florida increases in population it may be decided to locate another hospital in some other portion of the State. If so, it would be well to locate the same on some of these lands. The lands of good quality in the immediate vicinity of this hospital are not of such quantity as to give sufficient employment to those patients of the hospital who would be glad to do some manual labor and to whom such work would be a Godsend. However, if after purchasing the same it should be decided that the State does not need all this land, I am satisfied that one-half of it can be easily sold for enough money to pay for it all. In the event authority is given for the purchase of the remainder, it is recommended that a bill be passed authorizing the Board of Commissioners of State Institutions to dispose of such portions of it on such terms and for such price as the Board may deem just and proper. This land is not a solid tract, as there are several settlers owning land within its limits. The Board might consider it advisable to dispose of some of it with a view of purchasing lands so as to solidify its holdings. It would be well for a committee to examine this patch.

BOARD OF PARDONS.

Keeping of Minutes Started—Procedure at Board Meetings—Impositions Upon the Board—Present Policy of Investigating Applications Appearing to Possess Merit. Applications Considered in Executive Sessions of Board—Power to Pardon is Wise and Should Be Exercised in Certain Cases—Summary of Pardons Granted in Last Two Years.

At the first meeting of the Board of Pardons under the present administration, a suitable record book was purchased in which the Secretary was instructed to keep full and accurate minutes of the Board's proceedings. As the cases are presented, I take down, in a book, the salient points of the applications. As some of these cases are rejected and applications on behalf of the same parties are later re-submitted, I find this book of valuable assistance. In many instances, as the alleged evidence is being presented by an attorney, I write down about as follows: "The Grand Jury who indicted this prisoner, the Petit Jury who convicted him, the Prosecuting Attorney and the Judge who passed sentence should all have been sent to the penitentiary for being parties to such a miscarriage of justice." In these presentations it has been apparent to me that though the attorneys may recognize the fact that there is "the truth, the whole truth and nothing but the truth," still the applications for pardon are not always based on such principles.

No disparagement of the legal profession is intended. It is second only to the ministry. To the lawyers the people must look for protection of their lives, their rights, their property and their pursuit of happiness. There is no better citizen than a high-toned lawyer. Nor is this any disparagement of the pardon attorney, for he often presents a case as it is submitted to him.

The Board has been sometimes imposed upon. We have adopted the practice now of referring those applications

which seem to possess merit to the various officers of the trial court and to others for the procurance of information which will guide the Board. The officers of the courts of whom we ask information seem to realize that the Board is trying to act in conjunction with them and trying to respect them. I regret to state, however, that there are one or two State Attorneys from whom it seems absolutely impossible to secure any information.

Heretofore, it seems that as an application for pardon was presented it was the custom of the Board to consider the same in the presence of the attorney for the applicant and in the presence of such friends and relatives of the applicant as were in attendance. The embarrassment of a member of the Board in refusing a pardon under such conditions can be imagined. Especially would this be embarrassing if some member of the Board would speak out promptly and express himself as being in favor of granting such application; this being done, too, on ex parte hearing.

The policy now adopted is to consider all applications for pardon in executive session. After the Board has been deceived several times, by acting too hastily on applications for pardon, it finally became the fixed policy of the Board to refer the statement of facts presented, where no certified copy of the evidence at the trial is obtainable, to the various officers of the court and to citizens who can be relied upon to furnish proper information. Upon all the information thus obtained, the Board either grants or denies the application for pardon, as the circumstances demand.

In some cases, however, where a party has served a sufficient length of time, and has a good prison record, showing evidence of reform worthy of pardon, pardons were granted, regardless of the nature of the offense. Punishment should be meted out as retributive, preventive and reformative. I have seen some notices in the press in which the position is taken that no pardons should be

granted. I disagree with such sentiment. The bright beacon of hope should be held out to all prisoners, giving them to understand that a pardon will be granted upon proper behavior and upon their showing by their actions that they have endeavored to reform themselves, so that in case their freedom is granted they will become worthy citizens.

It should also be borne in mind that theoretically the criminal laws of our State are uniform, but in their practical operation they are not. For the same offense the same Judge, if he should be irritated or nervous, will give a greater punishment than he would under other conditions. Different Judges will give degrees of punishment different from other Judges for the same offense. This may be due to the temperament of the Judge, or to his physical condition at the time he passes sentence. The color of local sentiment oftentimes has its weight upon the Judge. However, the pardoning power is as necessary to the criminal side of law as a Court of Equity is to the civil side. So far as the present Chief Executive is concerned, it is his desire not to grant fewer or more pardons than were granted during other administrations; but to feel that the pardons granted were proper to be granted.

Since the convening of the Legislature in regular session in 1909, there have been presented to the Board of Pardons applications for clemency on behalf of 327 separate convicts. Owing to the fact that some applicants have caused their petitions to be re-submitted one or more times after same had been denied, the Board of Pardons has during the two years heard and passed upon 491 presentations of applications for clemency.

Some measure of relief has been granted by the Board in 104 of these applications. Two death sentences were commuted to life imprisonment, while eight applications for commutation of death sentences were denied; four full pardons were granted in cases where the Board was

unanimous in feeling that the conviction of the parties had been a miscarriage of justice; restorations to citizenship were granted to nine persons, all of whom had previously been discharged from prison or satisfied the penalty imposed, and were shown to be leading, useful and law-abiding lives; in fifteen cases the prison sentences or fines were commuted; costs were remitted in two cases. and fines remitted in three cases. Conditional pardons were granted to sixty-nine persons, the conditions of such pardons being that the beneficiary should, after receiving same, lead a sober, peaceable and law-abiding life, upon violation of which the party was made subject to re-arrest, and to suffer such part of the original sentence of the court as had not already been suffered by him at the time of the pardon. In seven cases, where it was shown to the satisfaction of the Board that conditional pardons theretofore granted had been violated, such pardons were revoked, and the parties ordered recommitted to the State prison to finish their sentences. Of the remaining 223 applications which were presented during the two years' period, 206 were denied and seventeen are now pending for further investigation and consideration by the Board of Pardons.

In obedience to the requirement of Section 11, Article IV of the Constitution, there will be communicated to the Legislature without delay a report showing "every case of fine or forfeiture remitted, or reprieve, pardon or commutation granted, stating the name of the convict, the crime for which he was convicted, the sentence, its date, and the date of its remission, commutation, pardon or reprieve." Such report will show, as to each case, the grounds upon which the Board granted the pardon or commutation.

RELIEF FOR JIM HENRY.

Wrongfully Convicted of Crime and Sent to Prison.
Granted Full Pardon at State Attorney's Request.
Should Be Paid Sum State Received for His Labor.

Your special attention is invited to the case of Jim Henry, a negro, who was granted a full pardon January 3, 1911. It appeared from the statements made by the State Attorney who prosecuted this man and by other officers of the trial court that Jim Henry was improperly convicted. He was charged with assault with intent to commit murder, duly tried and convicted, on circumstantial evidence exclusively. A year and a half later satisfactory evidence was furnished to the State Attorney and other officers of the court, and by them transmitted to the Board of Pardons, that Henry had been unjustly convicted. The real criminal was afterwards duly tried and convicted on direct evidence and voluntary admissions.

It is certain that Jim Henry was innocent of the charge for which he was convicted and put in prison. Under the lease of the S. A. Rawls Company, this prisoner put in 264 days' labor, for which the State was paid at the rate of \$207.70, thus earning for the State \$150.21. He put in 365 days under the lease of the Florida Pine Company, at the rate of \$281.60. There has been paid to the State for the services of this prisoner \$431.81. I recommend that this amount be appropriated out of the funds received for the lease of State prisoners, for the use and benefit of the said Jim Henry. It is needless to say that he was granted a full pardon. I wrote to him telling him to keep me posted as to his address, and that it would not be necessary for him to employ a lawyer to represent him in the collection of this amount.

PROBATION LAW.

Object is to Give First Offenders Chance to Reform.
Authorizes Courts in Their Discretion to Suspend Sentence and Provides for Probation Officers—Summary of Good Results Claimed for It.

“It is better to keep a man from becoming a criminal than to make a criminal of him.”

I recommend with slight modification the passage of an Act now a law in fully twenty States, the same being urged by the National Probation League. This act makes it the duty of all courts having criminal jurisdiction “to administer the laws with a view to the reformation of such prisoners as have not, by their previous conduct or by the character of their offense shown themselves to be incorrigible or vicious criminals, and for this purpose such courts are hereby authorized to suspend the imposition of sentence and place upon probation during his or her good behavior,” etc.

There are numerous safeguards provided. The appointment of Probation Officers is contemplated. It is claimed that such a law will produce the following beneficial results:

1. “It will reduce crime by giving first offenders a chance to reform instead of forcing them through imprisonment into the ranks of the professional criminal.”

2. “By reducing crime, it will also reduce the results of crime, among which are poverty, disease and taxes.”

3. “It will protect innocent wives and children who now suffer by the imprisonment of those who are their only means of support.”

4. “It will require judges to deal with offenders as individuals instead of as a class, and will make the court instead of a prison the reformatory.”

5. “It will place the idea of reformation first, and it should be in the treatment of the casual offender.”

GAIN TIME FOR CONVICTS.

Should Be Based On Graduating Scale—Service For Twenty Years With Good Conduct Should Secure Release From Life Sentence—Gain Time for County Prisoners.

Referring to Section 4140 of the General Statutes, in which provision is made for allowing gain time to State prisoners for good conduct, and for faithful service, it appears that other States use a graduating scale, increasing gradually, so that after two or three years, the number of days of gain time will increase upon good behavior, the same to be forfeited by an attempt to escape. Such should be our law. The said Section should also be amended to provide that upon good behavior, a convict sentenced for life shall receive his freedom at the expiration of twenty years service in prison. For exceptionally good conduct, such as preventing escapes, the Board of Commissioners of State Institutions should be authorized to allow a time credit of not exceeding five years, or such time as the Legislature may deem proper.

Some counties allow to county prisoners gain time for good conduct and faithful service. Some counties do not. All county prisoners should receive such gain time as a matter of right. County prisoners should also be given some moral or religious instruction. Under the contract, this is done for State prisoners.

ALTERNATIVE SENTENCES.

It is recommended that a statute be enacted providing that when a person is convicted of crime and there is imposed upon him by the court the alternative of paying a fine or serving a term of imprisonment, such person may, after serving a portion of such prison sentence, be given such proportionate credit on the amount of the fine as the period served bears to the period designated

in the court's sentence, and may be released upon payment of the remainder of the fine after such credit is deducted. For instance, if a defendant is sentenced to pay a fine of \$100.00 or serve four months prison sentence, he may, after serving two months, being one-half of the prison sentence imposed by the court, be given credit for one-half of the amount of the fine, and secure his release from prison by paying the remaining one-half, \$50.00, of the fine, such amount to be paid as the original sentence would have been paid. Such law should be operative without reference to the Board of Pardons for commutation, or to any other authority.

STATE REFORM SCHOOL.

Appropriation To Be Increased—Change in the Law of Commitment Recommended.

Your attention is invited to the report made by Hon. W. H. Milton, President Board of Managers of the State Reform School. This school is located within about three miles of Marianna. His report will be submitted to you in full by special message.

On the first of January, 1911, there were 124 inmates, consisting of 26 white boys, three white girls, six negro girls and 89 negro boys. During the years 1909-1910, 44 of the inmates were discharged as reformed, and on account of the termination of their term of commitment. Twenty-five were placed on probation. There were 70 escapes, of which 52 were re-captured. "Of the children who have been discharged as reformed, none have ever been returned to the school, and the reports which we receive of them indicate that they have derived great benefit from the institution, and that they are making good and honorable citizens. Of those who have been placed on probation, three have been returned; and the reports which we receive from them and the persons to whom they are committed, show that they have derived much

benefit from their instruction in the school. There is no doubt that the institution is doing a great deal of good and that its beneficent influence will increase from year to year. It would be a source of much more good if the appropriations were sufficient to thoroughly equip the school and enable the Board of Managers to employ a larger corps of assistants. For the training of these boys and girls of criminal dispositions it requires guards and officials of more education than we can employ from the meager appropriations heretofore made the school."

Your attention is invited to the fact that in a similar institution having 200 inmates, the annual appropriation for maintenance is \$65,000.00, while such appropriation for this school is only \$10,000.00. I would state that all appropriations for this school are made from the hire and lease of State convicts. Mr. Milton states in his report that the school is in debt \$5,000.00 for maintenance for the last two years. He recommends that the law be changed from a commitment for a specific length of time to a commitment for an indefinite term, term to be limited upon the reformation of inmate and upon his arriving at the age of twenty-one.

Mr. Milton recommends, in his report, that the annual appropriation for maintenance be increased from \$10,000 to at least \$25,000. To what extent this appropriation should be increased, I am not informed. From personal inspection, I am satisfied that the amount now appropriated is entirely too small. The boys and girls there need more shoes, better clothing, more beds and better beds. There should be better school facilities, better bathing facilities, and better equipments generally.

JUVENILE COURTS.

Necessity for Same—Constitutional Amendment May Be Necessary.

Many of the States have established courts for juvenile offenders. Such courts should be established in Florida. As our Constitution limits the number of courts to be established, it may be considered necessary to amend the constitution in this respect.

APPEAL BY STATE IN CRIMINAL CASES.

On all legal questions, the State should have the right of appeal in criminal cases. Sometimes one judge will hold a statute unconstitutional or will interpret same different from another judge. In order for the laws to operate uniformly and to prevent miscarriage of justice, the State should have the right of appeal.

LARCENY AND KINDRED CRIMES.

Should Be Combined In One Offense to Avoid Miscarriage of Justice.

There should be legislation combining in one offense the present separate crimes of larceny, embezzlement and obtaining money under false pretenses. The distinction between these crimes is shadowy and elusive, and present grave danger of miscarriage of justice. In all essentials the crimes are the same and can well be assimilated. Other States have obliterated the distinction with good practical results. Such enactment would be in line with the enlightened spirit of the age. Any danger to the accused, by way of possible surprise, may be eliminated by conferring upon him the right to a bill of particulars, if desired.

As an illustration, the case of *Neal v. State*, 55 Fla., 140, may be cited. In this case, a washerwoman found in

the clothes sent to her for cleaning a bag containing over \$2,000.00 in paper money. This she did not return to its owner, and was indicted and convicted for embezzlement. The case was appealed to the Supreme Court. Four of the six Justices of the Supreme Court decided that embezzlement had been proved, and affirmed the judgment of the lower court. Two Justices of the Supreme Court, however, dissented, on the ground that the facts of this case constituted larceny and not embezzlement. Had a majority of the Supreme Court considered this was larceny and not embezzlement, the judgment of the lower court would have been reversed. As the washerwoman had been acquitted of larceny by the jury, had the case been reversed she would have gone scot free.

If the six Justices of the Supreme Court, with a house full of law books and unlimited time in which to consider the case, divided, four to two, as to whether this was embezzlement or larceny, what could be expected of the six lay jurors, unfamiliar with these fine distinctions, and with only a few minutes to dispose of the matter?

TAXATION.

Railroad Property Assessed by Comptroller, Treasurer and Attorney General—Assessed Valuation of All Personal Property \$33,689,074; Actual Value of All Personal Property Between \$300,000,000 and \$400,000,000; Assessed Valuation of All Property \$177,723,981—Actual Value is Nearer \$1,000,000,000—Valuable Information From International Tax Association—Valuable Report of Rhode Island Commission—Defects and Weaknesses of General Property Tax—Necessity for Amending Section 1, Article IX of the Constitution. Taxation of Intangible Property—Revision of Florida's Revenue Laws Needed—Failure To Do So May Force An Extra Session.

During the last session of the Legislature, there was

some discussion throughout the State in relation to the operation of Section 46 of Chapter 5596, Acts of 1907. Referring to that portion of the same relating to the returns of railroads: "Such returns are made, or should any such returns not be made, or should the Comptroller have reason to believe that any return so made does not give a complete and correct value of such railroad property, it is hereby made the duty of the Comptroller, the Attorney General and State Treasurer," after giving certain notice, "to assess the same from the best information they can obtain." As a matter of fact, the Comptroller has uniformly acted on the proposition that every return "so made does not give a complete and correct value of such railroad property." In every instance, the assessments as to railroad, telegraph and Pullman Car Companies' properties was made by these three officers. It is erroneously claimed by some that the Comptroller alone makes these assessments. It may be interesting to know the valuation placed per mile on some of the railroads in Florida. The following is taken at random from the report of the Comptroller for the year 1910:

Atlantic Coast Line Railroad, Polk County, \$7,250 per mile; Hillsborough, \$8,000; Clay County, \$7,000; DeSoto County, \$6,000; Bradford County, \$5,000; Lake County, Altoona District, \$2,500; etc.

Seaboard Air Line Railroad, Duval County, \$10,000 per mile; Hernando, \$6,500; Leon, \$6,500; St. Marks Branch, \$3,500; etc.

Louisville & Nashville Railroad, Escambia County, \$9,000; the other West Florida counties, \$7,000; Yellow River Branch, \$5,000.

Florida East Coast, generally, \$7,000; Enterprise Branch, \$3,000.

Georgia, Southern and Florida, \$6,000.

Georgia, Florida and Alabama, \$4,000.

Tampa and Jacksonville, \$2,500

Apalachicola Northern, \$3,300.

Florida, \$3,400; Luraville Branch, \$1,000; Alton Branch, \$2,500.

Live Oak, Perry and Gulf, \$3,400; Alton Branch, \$2,500.

Charlotte Harbor and Northern, \$3,000.

Tampa Northern, \$3,000 to \$4,750, etc.

According to the report of the Railroad Commission of the State of Florida, some portions of these roads are laid being a license tax of \$10.00 for each mile of track, including main, branch and side tracks. (See pages 4 and 9, Comptroller's Report.)

The telegraph lines are assessed at different valuations per mile, depending on the number of wires per mile, for one wire, \$50; for two wires, \$70, etc. The International Ocean is assessed at \$323,222; the Western Union at with rails varying in weight from 35 pounds per yard to 90 pounds. In addition, the railroads pay \$48,615.70, \$116,580.00; the Atlantic Coast Line Telegraph Company at \$23,715; the Postal Telegraph Cable Company at \$26,679. In addition, the telegraph companies pay a license tax of 50 cents per mile of poles.

As to whether these officers have made a fair, relative assessment or not, can be determined by yourselves from the following:

It would probably be of interest to compare these assessments with other assessed valuations throughout the State. On pages 154-155 of the Comptroller's Report for the year 1910, appears the following: Number of acres, 32,159,302; number of acres improved, 1,358,277. Valuation, except town and city lots, \$63,923,891. Valuation of town and city lots, \$49,924,905. From the foregoing, it appears that the valuation of all lands in Florida, for taxable purposes, not owned by the State or the United States, exclusive of city and town lots, and on which lands are located all the orange, pecan, pear or other groves, vegetable farms, houses, timber, phosphate and other minerals, plantations and other improvements, are valued at \$63,923,891.

In the Report of the Commissioner of Agriculture for 1909-1910, page 300½, Table No. 9; total value of farm products, \$56,712,734. It will be observed that the following nine counties made no report: Citrus, Gadsden, Lee, Manatee, Monroe, Nassau, Osceola, Pasco and Putnam. Deducting from this, the total value of the live stock, \$23,967,501, leaves a balance of \$32,745,233. Estimating that the value of these products of the nine counties omitted would probably average the same as these 38 counties, the annual grand total of the farm products of the State, exclusive of live stock, is \$40,500,683.00. On page 329 of the Report of the Commissioner of Agriculture appears the following: "Mines and Mining, Cost of Material and Value of Products, Total for State, Value of Work, including Custom Work and Repairing, \$53,074,905"—a number of persons and corporations not reporting.

It will be observed that on page 300½ the total acreage in cultivation is put at 1,157,546 acres, nine counties not reporting. As before stated, the total assessed valuation of the 32,159,302 acres of land in Florida is \$63,923,891. Considering also the value of the annual output of lumber and of naval stores, any one can estimate whether the value of the total output from the lands of Florida is not equal to two or three times the total assessed valuation of all the real estate in Florida, exclusive of city and town lots. The value of the live stock in Florida for the 38 counties is shown on the same page to be \$23,967,727. Adding to this the proportionate value of such for the other nine counties, \$5,676,566, we have a grand total of \$29,644,293, in the Comptroller's Report assessed at \$7,069,067.

In the report of the Comptroller of Currency of the United States for 1910, page 412, appears the following: "September 1, 1910, Resources of Banks in Florida. Forty-three National Banks, total resources, \$44,563,618.41, in which appears the following: individual deposits, \$25,837,662.94; capital stock, \$5,750,800; surplus fund, \$2,219,980; undivided profits, \$800,471.56."

In the report of the Comptroller of the State of Florida for the year 1910, page 409, number of State Banks, 134; resources, \$23,320,825.53, on which page may be found the following: Unpaid dividends, \$19,566; deposits subject to check, \$14,949,760.89; certificates of deposit, \$2,168,982.58; certified checks, \$37,148.26; cashier's checks, \$105,810.76; specie and currency on hand, \$1,298,653.43; checks and other cash items, \$233,242.61; banking house, furniture and fixtures, \$861,054.75; other real estate owned, \$124,675.63; United States, State, County and Municipal bonds, \$696,269.36; other bonds, stocks and securities, \$626,851.33.

It appears from the foregoing that the resources of banks, State and National, in Florida for the year 1910, aggregate \$67,884,443.94.

On page 5 of the Comptroller's Report of the State of Florida for the year 1910 is a statement that on November 10, 1910, the deposits in the State Banks amounted to \$19,773,457.59. As previously shown, the deposits in the National Banks amounted to \$25,837,662.94. Total deposits in the State and National Banks for the year 1910, \$45,611,120.53. These reports do not show the deposits in private banks, do not show notes, jewelry, bonds, stocks, mortgages, merchandise, boats and the value of other property held by individuals, yet the total assessed valuation of all the personal property in Florida, excepting animals, is \$26,620,007.

Section 430 of the General Statutes defines personal property for the purpose of taxation: "All goods and chattels, moneys, effects, all boats and vessels, whether at home or abroad, all debts due or to become due from solvent debtors, whether on account, contract, note or otherwise, all public stocks or shares in any incorporated or unincorporated companies."

From the annual report of the Commissioner of Internal Revenue of the United States for the fiscal year ending June 30, 1910, commencing on page 63:

Class A, financial and commercial corporations, including banks, banking associations, trust companies, guaranty and surety companies, title insurance companies, building associations for profit and insurance companies not specifically exempt. For Florida, number of returns received, 209.

Amount of capital stock\$10,155,974.80
 Amount of bonded and other indebtedness. 2,876,648.23

Class B, public service, such as railroads, steamboats, ferry boats, stage line companies, pipe lines, gas and electric light companies, transportation and storage companies, telegraph and telephone companies. For Florida, number of returns received, 142.

Amount of capital stock\$57,110,655.90
 Amount of bonded and other indebtedness. 48,163,361.22

Class C, industrial and manufacturing, such as mining, lumber, etc. Number of returns received, 372.

Amount of capital stock\$34,754,227.24
 Amount of bonded and other indebtedness. 19,452,777.87

Class D, including all dealers in coal and lumber, grain, etc. Returns received, 358.

Amount of capital stock\$14,486,537.88
 Amount of bonded and other indebtedness. 9,203,318.09

Class E, miscellaneous, architects, contractors, hotels, etc. Number of returns received, 406.

Amount of capital stock\$21,725,950.58
 Amount of bonded and other indebtedness. 11,108,651.38

Total for corporations of all classes for each collection district:

Number of returns received	1,487
Amount of capital stock	\$138,233,346.40
Amount of bonded and other indebtedness	90,804,757.79
Net income	\$ 8,923,425.36

How much of this stock and bonded indebtedness is owned in Florida is not known. How much of the bonds of other States, how much of the bonds and stocks issued by corporations under the laws of other States and owned by citizens of Florida, is unknown. How much of the bonds and other forms of indebtedness issued by counties and cities and owned by citizens of the State is unknown. How much of notes, mortgages and other forms of indebtedness, owned by citizens of Florida is unknown. It is safe to say that if the personal property, exclusive of animals, subject to taxation, was all assessed, the same would aggregate between \$300,000,000 and \$400,000,000. Yet, exclusive of animals, it is assessed at \$26,620,007. The Insurance Department of the State of Florida estimates that the amount of fire insurance carried in Florida on personal and real estate is fully \$200,000,000. This is on a three-fourths valuation for insurance, representing an actual valuation of \$266,666,667. On page 323, Report of the Commissioner of Agriculture, Manufactures, number of establishments reporting, 3,778; "capital invested, including lands, buildings, improvements, machinery, cash," \$47,169,584—eleven counties not reporting. Assuming relative amount of investments would apply to them, this total would represent \$61,582,785. The value of the fishery products in 1908 was \$3,389,000, \$1,421,000 was invested in boats and vessels. Yet the total cash valuation of all the property in Florida is assessed at \$177,723,981. It is quite apparent that the full cash valuation of all the property in Florida subject to assessment under our laws is much nearer \$1,000,000,000 than it is to the amount assessed.

I have invited your attention to the foregoing in order that the relative valuation of property for taxation may

be known. It also corrects an erroneous idea as to the assessors of certain property. It also demonstrates the necessity for wise legislation with reference to the assessment of all property, more especially of personal property. I have a very valuable report, being entitled "The Second Report of the Joint Special Committee on the Taxation Laws of the State of Rhode Island." Rhode Island appointed a committee to attend the Fourth International Conference on State and Local Taxation held under the auspices of the International Tax Association at Milwaukee, Wisconsin, August 30th, September 1st and 2nd, 1910. This committee analyzes the actions of that conference. This committee quotes much from the doings of that conference. The committee appointed by a previous conference to make this report to this conference stated: "All the current discussion of the general property tax is concerned with personal property. Therefore for the purpose of the resolution the 'general property tax will be considered as a system of assessing each person for all the personal property he possesses and taxing this sum at the same rate as real estate.'

"That the general property tax has broken down in administration may be regarded as an established fact. It is so asserted in the text of the resolution appointing this committee and is acknowledged by both advocates and opponents of the system. Our concern now is to say whether this breakdown is due to inherent defects in the system itself or to weakness in its administration."

Commenting upon the report of that committee, the Rhode Island Committee says:

"The committee reviews the attempts which have been made at stringent administration, citing in particular the case of the State of Ohio, where, under extremely rigorous provisions of law calculated to disclose personal property, the amount of personalty valuation in the city of Cincinnati alone decreased from upwards of \$67,000,000 in 1866, in which year it exceeded the valuation of real estate, to

less than \$45,000,000 in 1892, less than one-third the then realty valuation. The amount raised by taxation in Ohio in 1866 was nearly \$3,000,000 more than it was one quarter of a century later, while the amount collected in Hamilton County, which contains the City of Cincinnati, was nearly five times as great at the beginning of the same twenty-five-year period as at the close. Universal condemnation and failure eventually resulted in the 'tax inquisitor' law being declared unconstitutional by the Ohio Supreme Court."

"The committee quotes the opinions of investigating commissions in nine States whose constitutions require the general property tax. These reports all have been made within the last five years, and in no case does the investigating commission advocate a more strict enforcement of the general property tax as a cure for the evils which all have found to exist under this system. Each of these States, with a single exception, has advised the abandonment of the attempt to tax all property at a uniform rate and by the same method."

"The committee finds the breaking down of the general property tax system attributable to two reasons, first: because under modern conditions it cannot be enforced extensively; second, because of a more or less conscientious recognition of the fact that a strict enforcement would result in a still greater injustice than now prevails."

It would be well for the Committee on Finance and Taxation of both Houses of the Legislature to carefully read this valuable report. I shall endeavor to secure a copy of the same for each member of the Legislature.

Our Constitution requires a general property tax.

Section 1, Article IX of the Constitution. "The Legislature shall provide for a uniform and equal rate of taxation and shall prescribe such regulations as shall secure a just valuation of all property, both real and personal, excepting such property as may be exempted by law for

municipal, educational, literary, scientific, religious or charitable purposes.”

It will at least be contended that the words “both real and personal” do not embrace intangible property. It may therefore become necessary to amend that section by striking out those limiting words. During the Legislative session of 1905, I introduced in the House a proposed constitutional amendment striking out these words. The same passed the House but failed of passage in the Senate. The remainder of the section should also be amended.

It is quite apparent that the revenue laws of the State require your earnest attention. In the event the Legislature should not have time to pass suitable tax laws, the necessity for calling an extra session will be regretted by me, as well as by the tax payers of the State.

FEDERAL INCOME TAX.

The Joint Resolution passed by the United States Congress, proposing an amendment to the Constitution of the United States, authorizing the Federal Government to collect a tax, on incomes, will be submitted to you in a special message recommending its ratification.

GRADUATED INHERITANCE TAX.

Such a Tax is Just and Constitutional and Has Been Adopted by Thirty-nine States—State is Entitled to Share in Inheritance.

In my Message to the Legislature of 1909, attention was invited to the fact that thirty-six States had passed a law relating to a graduated inheritance tax. For the year ending October 1, 1908, the inheritance taxes collected in these States aggregated \$11,720,795.49. On the first of the year, 1911, thirty-nine States had passed some such law. All of the Southern States have some such law except Alabama, Florida, Georgia, Mississippi and South Carolina.

As to the constitutionality of the inheritance tax, as applied to this State, see favorable opinion of the Attorney General, submitted in the message above mentioned. Such a tax is just. The beneficiaries inherit by virtue of the laws of the State. If they inherited by virtue of "divine right," or, as in years ago, by virtue of the "big stick," or by a show of teeth, the beneficiaries would be under no obligations to pay anything towards the administering of the laws, by virtue of which they now receive such inheritance. The State spends much money in guarding the health of its citizens, by virtue of which many grow to manhood and womanhood and are enabled thereby to accumulate this world's goods. The State spends much money in teaching and training its citizens so as to make them worthy of citizenship and better able to accumulate this world's goods. The State spends much money in protecting their lives and their property. There is no just reason why the State should not receive a moiety of inheritance. This tax should be rated as to consanguinity of the beneficiaries to the deceased and should be progressive as to the amount bequeathed.

I have secured copies of the laws of several States relating to the inheritance tax. It will afford me pleasure to lend the same to any one seeking information as to such.

LAW AFFECTING AUTOMOBILES.

Should Require Annual Registration and License of Motor Vehicles, Chauffeurs, Etc.—Suggestions From Laws of Other States.

Section 1 of Chapter 5437, Acts of 1905, requires owners of automobiles and other motor vehicles except railroads, to file with the Secretary of State, with their names a brief description of such motor vehicle, stating the horse-power and the make. The registration fee is two dollars. Section 12 of the same statute requires chauffeurs to register with the Secretary of State and imposes a fee of two dollars therefor.

Under this law, for 1909 and 1910 there were registered 1,660 automobiles, paying \$2.00 each, a total of \$3,320.00; transfers of automobiles, 41 at \$2.00, \$82.00. Automobiles previously registered, 734. Total number of automobiles registered in Florida, 2,394. Registered chauffeurs, 210, at \$2.00, paying \$420.00. Chauffeurs previously registered, 197; total number of registered chauffeurs, 407.

Many States now have laws requiring annual registration of automobiles and other motor vehicles. The following features found in some of the State laws are submitted:

New Jersey.—There is imposed an annual tax of three dollars on automobiles of ten-horse power or less; five dollars on automobiles of eleven to twenty-nine horse power, inclusive, and ten dollars on automobiles of thirty horse power or more. An annual license tax of two dollars is imposed upon each motorcycle. Persons regularly engaged in carrying passengers for hire, by means of automobiles pay a license tax of one hundred dollars.

New York.—The annual licenses required by New York are as follows: Five dollars for a motorcycle of twenty-five-horse power or less; ten dollars for a motorcycle of between twenty-five and thirty-five horse power; fifteen dollars for a motorcycle of between thirty-five and fifty horse power; twenty-five dollars for a motorcycle of fifty-horse power. These licenses are in lieu of all other taxes.

Massachusetts.—The annual license taxes are as follows: For every motorcycle, two dollars; for every commercial motor vehicle used solely as such, five dollars; for every motor vehicle of less than twenty-horse power, five dollars; for every automobile of between twenty and thirty horse power, ten dollars; for every automobile of between thirty and forty horse power, fifteen dollars; for every automobile of between forty and fifty, twenty dollars; for every automobile of fifty horse power and above, twenty-five dollars.

Wisconsin.—Annual licenses: two dollars for registra-

tion of each automobile, and a fee of one dollar, for each motorcycle, and a fee of five dollars for garages.

Missouri.—Annual licenses: two dollars for each motor vehicle of less than twelve horse power; three dollars for each motor vehicle of between twelve and twenty-four horse power; five dollars for each motor vehicle of between twenty-four and thirty-six horse power; seven dollars for each motor vehicle of between thirty-six and forty-eight horse power; eight dollars for each motor vehicle of between forty-eight and sixty horse power; ten dollars for each motor vehicle of between sixty and seventy-two horse power; twelve dollars upon each motor vehicle of over seventy-two horse power.

TRUST COMPANIES.

Necessity for General Law on This Subject—Should Be Required to Give Proper Security for Faithful Discharge of Trusts.

Your attention is invited to the following quoted from pages 6 and 7 of the Comptroller's Report:

"A trust company is a banking company with such enlarged powers as may be given by the statutory provisions that may be made in each State. There is no law in this State providing for the organization of trust companies, independent of the banking laws, and if organized under the banking laws, they would be limited to the transaction of such business only as banks in the State are authorized to conduct.

"A trust company cannot be organized under the general incorporation laws of this State, for the reason that any such company would come within the provisions of the special law relating to banking companies.

"Whenever a special law exists for enabling individuals to organize banks, they cannot organize under a general

law providing for the creation of corporations. In this State, there is a special law providing for the organization of banks, and no corporation, by whatever name, can be legally created under the general laws providing for the creation of corporations with the right to conduct any business that is included in the special laws relating to banking companies or that has been established by law and custom as pertaining to the banking business.

"To the extent that any charter granted under the general corporation laws of this State seeks to authorize any corporation by any name whatever to transact any part of the banking business, the charter is void, as any such provision is in direct conflict with the special laws of this State providing for the creation and operation of banking companies."

It is quite apparent from the foregoing that a general law in relation to the incorporation of trust companies should be enacted. They should be required to give satisfactory security for the faithful performance of the trusts entrusted to their care.

PRIVATE BANKS.

On page 8 of the Comptroller's Report may be found the following:

"The private banks in the State are under the supervision of this office, but it is impossible to bring them into a satisfactory condition when there is no law fixing the amount of capital to be used in the business and prescribing regulations governing the business. Private banks should be regulated or prohibited in order that the earnings of the people, who deposit therein, may be safeguarded."

ACCOUNTING FOR PUBLIC MONEYS.

Payments Should Be Made to Proper Officer Promptly.
Penalties for Failure to Account Within Specified
Time Should Be Adequate.

Every State and County officer authorized to receive and collect public money should be required to pay the sums collected by them to the proper officer within ten days after the first day of the month next succeeding the day of receiving same. Failure to pay the same by the end of the next succeeding month should operate as a forfeiture of all commissions on the same. Failure to make such payment by the end of the next succeeding month should operate as a cause for removal. Most of the shortages in the accounts of county officers are due to small shortages, steadily increasing and eventually resulting in a shortage of thousands of dollars, to the detriment of the bondsmen and the tax payers, and to the disgrace of the officer. Bondsmen usually go on these bonds without any compensation. They are entitled to the strict enforcement of strict laws.

ACCOUNTING BY COUNTY TREASURERS.

Should Be Required to Render Itemized Statements,
With Proper Vouchers, Monthly, Under Sufficient Pen-
alty—Banks Should Be Required to Inform Authorized
Auditor As to Status of Official Accounts.

Your attention is invited to Sections 816-818 of the General Statutes. Section 816 should be amended, so as to require the County Treasurer to render to the State Treasurer and to the County Commissioners and to the County School Boards, and to the Trustees of the School Districts, at their first meeting in each month, a sworn statement showing itemized account of receipts and disbursements for the previous month, showing by certificates of the bank or banks the amount of money on

hand to his credit. He should also show the amount of cash in his possession. For failure to do such, he should be punished by making it unlawful for him to receive any commission on receipts or disbursements for such period. As such failures sometimes happen accidentally or may sometimes happen with fraudulent intent, the penitentiary term might also be inserted, to be applied by the court, as the evidence warrants. In this connection, your attention is invited to the fact that according to Section 4035 of the General Statutes, certain payments by the Justices of the Peace and by the Sheriffs are required to be promptly made. There is no reason why a similar law should not apply to the County Treasurers. Banking institutions having State or county funds on deposit should, upon demand of any officer authorized to audit the books and accounts of such officer, be compelled to immediately inform such officer as to the amount to the credit, at any time, of such officer.

Whenever a County Treasurer, or other officer, is shown to be short in his accounts, the Governor should be authorized to direct the Tax Collector to cease making any further payments to the same, pending the order of the Governor. During the month of March, 1911, the State Auditor invited my attention to a shortage of fully \$12,000 in the accounts of a Treasurer of one of the counties. Without any law, I at once directed the Tax Collector of that county to pay no more money to the said Treasurer. The Comptroller was at once notified of said shortage. Had the County Commissioners, monthly, examined the cash statements and bank statements of said Treasurer, there would have been no shortage.

COUNTY FUNDS IN BANKS.

Statute Similar to Law Relating to the Deposit of State Funds Recommended.

It is recommended that a statute be enacted providing for the deposit in banks of moneys under the control of

county officers belonging to the several counties, due provision being made for security of the deposits and for the payment of interest. There should be a provision for the county to receive the benefit of interest paid on moneys so deposited. Such a law now exists (see Secs. 132 to 137, General Statutes) for the deposit of money in banks belonging to the State. This law works very satisfactorily.

Within the last ten days, a report was submitted to me representing that the County Treasurer of one of the counties was being paid interest upon a deposit of funds, belonging to said county, which were in his custody as County Treasurer. Instead of the county receiving such interest, the County Treasurer was appropriating it to his own personal use.

FEE SYSTEM AS APPLIED TO SHERIFFS.

Sheriffs Should Be Paid Salaries, and Not Have to Hound Down Petty Offenders to Make a Living—Fees for Some Services Proper—Policy As to Requisitions.

Sheriffs should be paid salaries. These officials should not be placed in a position, so that they will have to run down unfortunate people for minor offenses, in order to make a living. For the more serious offenses, their salaries should be supplemented by fees. In civil cases, they should also be paid fees.

POLICY AS TO REQUISITIONS.

Since I have been Governor, I have refused to grant requisitions upon other Governors or to honor requisitions from other Governors, where comparatively trivial offenses were charged, unless such offenses were attended by circumstances of an aggravating nature. My position can be illustrated as follows: A requisition was received by me from the Governor of one of

the neighboring States for a man indicted, seven years previously, for the illegal sale of liquor, in one of the counties of such State. I told the Sheriff, who presented the requisition, that I would examine into the recent conduct of this man, and that upon the result would depend my action. I found that he had been living in this State for several years, and was a farmer, making a good citizen. The requisition was not honored. I have an absolute sympathy for a poor, unfortunate who is being pushed to the wall for some little minor offense, especially when committed years ago. In fact, at my suggestion, a tentative understanding and agreement has been entered into by myself as Governor with the Governors of Alabama and Georgia to curtail the use of the process of requisitions, where only minor offenses are involved.

TRUSTEES INTERNAL IMPROVEMENT FUND.

Superintendent of Drainage—Bonus for Extra Work Reduced, Saving Cost—Comparative Cost of Drainage Work, Showing Decrease—J. C. Luning Elected Secretary, and State Treasurer Made Custodian of Funds. Suits to Enjoin Collection of Drainage Taxes Dismissed By Agreement—Deferred Payments of R. J. Bolles To Be Made Earlier Than Time Fixed in Bolles Contract. Contract With Furst-Clark Construction Company to Cut Approximately 200 Miles of Canals To Be Completed July 1, 1913—J. O. Wright Elected Chief Engineer of Drainage—Work in Everglades Involves Drainage, Irrigation and Transportation — Private Land Owners, East of Drainage District, Should Bear Part of Expense—Policy of Trustees Is to Solidify Their Holdings.

At a meeting of the Trustees of the Internal Improvement Fund, held on January 15, 1909, page 16, Minutes of Trustees Vol. 8, the following resolution was adopted:

"Resolved, That after February 1, 1909, the bonus heretofore allowed the parties operating the dredges, Okeechobee and Everglades, be abolished and discontinued, and the parties so interested be notified by the Secretary of the Trustees, and that the Superintendent of Drainage, to be elected by the Trustees, shall make his recommendation affecting the question of allowing a bonus, when the Trustees will make further arrangements as to paying a bonus for extra work." The minutes do not show the conditions of the bonus nor the amount heretofore paid per cubic yard for such. However, under the previous administration, the dredges were given a task of 15,000 cubic yards per month and all over 15,000 yards excavated, the crew were allowed a bonus of one cent per cubic yard, to be divided among the crew. Under the present administration, this bonus was allowed for the month of January. For succeeding months it was reduced to one-half. The bonus paid to each of the two boats would probably amount to \$500.00 each per month. With four dredges in operation, under the present administration, the bonds at this rate would have aggregated about \$2,000.00 per month. This bonus was reduced one-half. A Superintendent of Drainage was elected, having immediate charge of the work. The cost of excavation, as stated in the report of a joint Visiting Committee of the Legislature of 1909, page 1601, Senate Journal, reviewed the cost of the work, the figures being secured from John W. Newman, engineer in charge. I quoted his report in my Bi-ennial Message of 1909. He was not in a position to give the cost, other than that which came under his observation relating to expense of operation, especially of the crews. But very few people would imagine that the cost of a crew on a freight or passenger train was the entire cost of operating the railroad.

Under similar conditions, and under similar management, the cost of the work, under the present administration, would have been less, on account of the bonus having

been cut in two, and on account of the relative use of more dynamite in blasting rock under the present administration than under the preceding.

Your attention is invited to the following report of the Secretary to the Trustees of the Internal Improvement Fund, dated March 25, 1911. The introductory words are omitted.

REPORT.

The dredge, Everglades, began work, July 4, 1906, and excavated 915,156 cubic yards of material of all kinds and moved 6.52 miles on the North New River Canal to January 1, 1909. (Beginning of present administration.)

The dredge Okeechobee began work on the 1st of April, 1907, and excavated 759,865 cubic yards of material of all kinds and moved 6.72 miles on the North New River Canal to January 1, 1909.

The total cost of constructing the dredges, Everglades and Okeechobee and operating these dredges to January 1, 1909, was \$275,374.59. The amount expended on construction of the dredges, Caloosahatchee and Miami up to January 1, 1909, was \$31,577.80, making a total expenditure of cost of construction of dredges and excavation of canals from the beginning of work, to January 1, 1909, of \$306,952.39. Deducting the amount received for the dredges, Everglades and Okeechobee, \$60,000.00, and the proportionate amount received for the dredges Caloosahatchee and Miami, \$28,050.00, when these dredges were sold to the Furst-Clark Construction Company, makes a total of \$88,050.00 received from the sale of dredges, leaving the sum of \$218,902.39 actually expended in drainage operations from the beginning of the work until the first day of January, 1909, at a cost of 13.1 cents per cubic yard.

OPERATIONS FROM JANUARY 1, 1909, TO JULY 1, 1910.

The dredge, Everglades, excavated 436,901 cubic yards of material of all kinds, and moved 4.67 miles in the North

New River Canal. This dredge was taken off the work, on May 29, 1909, for repairs, and was not placed back, at work, until the 1st of January, 1910.

(Note by the Governor: The dredge, Everglades, was practically ruined, owing to the failure to use dynamite in rock excavations, the entire strain being thrown upon the dredge. The repairs cost \$33,550.88. It was sold to the Furst-Clark Construction Company for \$35,000.00. about the cost of repairing the same. In my opinion, fifty per cent. or more of this entire amount should be charged against the previous administration, thereby increasing the cost of excavation under the same, and diminishing the said cost, under the present administration.)

The dredge, Okeechobee, excavated 667,278 cubic yards of material of all kinds, and moved 6.92 miles in the South New River Canal.

The dredge, Miami, began work in May, 1909, and excavated 481,355 cubic yards of material of all kinds, four-fifths of which was rock, and moved 4.25 miles, in the Miami Canal.

The dredge, Caloosahatchee, began work in July, 1909, in the Caloosahatchee River, and was engaged the entire period, in deepening, straightening, and in some instances widening the Caloosahatchee River, and excavated 418,819 cubic yards of material of all kinds.

The total cost of completing the construction of the dredges, Caloosahatchee and Miami, repairing the Everglades and operating the entire force of dredges was \$307,533.06. Of this total expense \$33,550.88 was expended in repairing the Everglades. Deducting this amount and the proportion of the \$85,000.00 received from the sale of the Caloosahatchee and Miami to the Furst-Clark Construction Company, \$56,950.00, from the total expenditure during this period, leaves the sum of \$217,032.18 expended in actual operations, at a cost of 10.8 cents per cubic yards for excavation.

OPERATIONS FROM JULY 1, 1910, TO MARCH, 1911.

In June, 1910, a contract was let to the Furst-Clark Construction Company, of Baltimore, Md., to excavate about 184 miles of canal in the Everglades, and they purchased the dredges, Everglades, Okeechobee, Caloosahatchee and Miami, paying the sums, respectively, of \$35,000.00, \$25,000.00, \$45,000.00 and \$40,000.00 for the same, the contract for excavation being 20 cents per cubic yard for rock and 8 cents per cubic yard for excavation of all other character of material. From July 1, 1910, to March 1, 1911, they excavated in the—

North New River Canal.....	5.3	miles
Upper North New River Canal.....	3.72	miles
South New River Canal.....	1.70	miles
Upper South New River Canal.....	6.60	miles
Miami Canal	5.00	miles
Hillsboro Canal	1.74	miles
Total	24.06	miles

SUMMARY.

Number of miles of canal excavated by State to January 1, 1909—

North New River Canal.....	6.52
South New River Canal.....	6.72
Total	13.24

Number of miles of canal excavated by State from January 1, 1909, to July 1, 1910—

North New River Canal.....	4.67
South New River Canal.....	6.92
Miami Canal	4.25
*Caloosahatchee	
	15.84

*NOTE—It is impossible to estimate the relative number of miles of excavation by the dredge Caloosahatchee.

Number of miles of canal excavated by Furst-Clark Construction Company—

Upper North New River Canal.....	3.72	
North New River Canal.....	5.3	
Upper South New River Canal.....	6.60	
South New River Canal.....	1.70	
Miami Canal	5.00	
Hillsboro Canal	1.74	
Total	24.06	24.06
Grand total of mileage of all canals excavated to March 1, 1911.....		53.14

The total length of the canals now being constructed is 205.79, leaving on March 1, 1911, 152.65 miles to be excavated.

The Furst-Clark Construction Company excavated 2,309,869 cubic yards of material of all kinds from July 1, 1910, to March 1, 1911, at a cost of \$241,148.12, making the cost per cubic yard, 10.43 cents. Of this material removed 469,655 cubic yards was rock and 1,840,214 cubic yards was earth and all material other than rock. As the work progresses, it shows that the percentage of rock is gradually getting less. For instance, in July, 1910, the cost of excavation per cubic yard was 11.38 cents; in February, 1911, the cost of excavation per cubic yard was only 10.02 cents per cubic yard, and as the work nears Lake Okeechobee, it is reasonable to suppose that the percentage of rock will continue to be less, thus further reducing the cost of excavation per cubic yard, making the cost per cubic yard of the entire excavation, by the Furst-Clark Construction Company, about 9 cents. As shown above, it cost the State prior to January 1, 1909, 13.01 cents per cubic yard for excavation; and from January 1, 1909, to July 1, 1910, 10.08 cents per cubic yard, and as the work of excavation advanced towards Lake Okeechobee, getting farther and farther from the base of supplies, making it more difficult to get supplies and fuel to the dredges, the

cost of excavation per cubic yard would have naturally increased.

The fact, that it is being demonstrated, that by contract the cost of excavation per cubic yard will in all probability be about 9 cents, or 1.08 cents per cubic yard less than the lowest figure that the State was able to do the work for, unmistakably demonstrates the economy of letting the contract, to say nothing of the matter of greatly advancing the completion of the work, the contract calling for the completion of same on or before June 25, 1913.

NOTE.—You will notice that in this estimate, the cost per cubic yard for excavation for the period ending January, 1 1909, is given as 13.1 cents, and in a report made to the Trustees on December 31, 1910, of the cost per cubic yard, for excavation, during the same period, it is given as 12.64, a difference of 0.46 cents per cubic yard. This difference is caused by the fact that in the December estimate, interest of \$7,200.00 is figured on the investment, no interest being included in this estimate. Interest was likewise figured on the investment in the December, 1910, estimate for operations from January 1, 1909, to July 1, 1910, and no interest is figured on the investment for the same period in this estimate, nor is the sum of \$33,550.80, expended in repairing the Everglades, included in the estimate of December, 1910, which accounts for the difference given in the cost per cubic yard between that estimate, and this of 0.22 cents, for the period ending July 1, 1910.

The figures of amount of excavation, given in this report, are taken from reports submitted by Engineer John W. Newman for the period ending January 1, 1909, by Engineer P. F. Jenkins for the period ending July 1, 1910, and by Engineer J. O. Wright for the period ending March 1, 1911, these Engineers being respectively in charge of the work during those periods.

Respectfully submitted,

J. C. LUNING,
Secretary.

The Secretary of the Trustees, Mr. W. M. McIntosh, Jr., was also Chief Clerk in the Comptroller's Office, which position in the Comptroller's Office rendered it impossible for Mr. McIntosh to give to the position of Secretary the time and attention which was necessary. He was offered the position of Secretary, with the understanding that he was to resign any other position he might have. He declined it. To such position, Mr. J. C. Luning was elected in December, 1909. On December 3rd, 1909, the Comptroller, at his own request, was relieved of the duty of Treasurer, upon which it was resolved: "That the Treasurer of the State of Florida be and is hereby declared to be the custodian of all bonds, notes and securities of every kind belonging to or held as security by the Trustees," etc.

On January 3, 1910, a memorandum of agreement was entered upon by the Trustees and the Board of Drainage Commissioners, hereafter referred to simply as the Trustees, and Richard J. Bolles, and the representatives of certain land companies, and the Florida East Coast Railway Company, by which it was agreed "that the suits of these companies against the Drainage Commissioners to enjoin the collection of the drainage tax now pending in the Supreme Court of the United States shall be dismissed, each party paying its own cost." "That the Land Companies shall pay the drainage taxes assessed upon their lands respectively for the years 1907-1912 inclusive," etc. The said Richard J. Bolles agreed to pay his taxes in the same manner and the said Bolles agreed to pay the notes executed by him within the time specified, these said notes having been made payable under the sale to him of December, 1908, so much annually, the last note being payable in 1916. This agreement was to become binding upon the Trustees and the Board of Drainage Commissioners, accepting a bid and entering upon a contract or contracts for the performance of the drainage work herein contemplated. If no such contract was made, then the agreement contemplated a "new conference" among the parties

thereto. The location and excavation of 200 miles of canals, or less, was determined upon. The Trustees were also to submit to the Legislature certain territory subject to tidal overflow and not capable of reclamation and certain lands which were designated as a watershed and reservoir constituting the fresh water supply of the City of Key West and stations along the Florida East Coast Extension, the same not being capable of being drained. The Governor was to request the Legislature to amend the Drainage Act by eliminating these lands from the Drainage District. See Vol. 8, pages 301-310. Specific information on this subject will be communicated to you later by special message. On April 2, 1910, the tentative agreement not having been ratified, the Trustees declared the agreement abrogated, calling for another conference, which conference was held April 7. The second agreement was practically the same as the former agreement, with the exception that one certain canal which was represented in the first agreement was stricken out of the second. This was the real object of the Trustees in calling the second conference. The following appears in this agreement, referring to said Richard J. Bolles: "And that he will pay all of said notes within two years from date, except a certain note for \$100,000.00 due January, 1916." It might be stated here that on March 4, 1911, the said R. J. Bolles appeared before the Trustees in relation to certain business matters and upon the necessity being made known to him, he agreed to pay said note within the time, in which the other notes were to be paid. On June 15, 1910, agreeable to certain advertisements, bids were opened for excavation of certain drainage canals in the Everglades. There were several bidders. The Furst-Clark Construction Company of Baltimore made the lowest and best bid for same, being 8.4 cents per cubic yard for earth excavation and 20.2 cents per cubic yard for rock excavation. A contract was finally let to this company at 8 cents and at 20 cents flat, per cubic

yard. These parties agreed to take the dredges owned by the Trustees at the price fixed upon by the Trustees in the advertisement for bids. Mr. J. O. Wright, Chief Engineer of Drainage, stated: "As the work progresses, the dredges will be going farther and farther from the base of supplies and the cost of operating will increase. The price submitted is probably less than it would cost the State to do the work by owning and operating its own dredges." This contract provides for the excavation of fully 20,000,000 cubic yards, 184 miles of canals, this in addition to the work already done, the same to be completed within three years from July 1, 1910. The Trustees sold for a good price their dredges. Had they continued the work themselves, these would eventually have been so much junk. One of the dredges, the Everglades, was repaired, repairs commencing June 21, 1909, costing \$33,550.88, almost as much as a new dredge. The necessity for this heavy repairing was due somewhat to the fact that while operating in rock, dynamite was not used, or if used, very scantily. The strain, therefore, was thrown largely on the dredge. In addition to the cost of excavation being practically the same under the contract, or probably less, the specifications under the contract calls for better work than that done under the preceding or under the present administration. This is embraced under specifications as to slopes of the canals, width of the berms and as to the dumps. These specifications relate beneficially to the work done and add to the initial expense of the work. In addition to this, the litigation as to the payment of taxes was stopped, the parties agreed to pay the same from 1907 to 1912 inclusive, and R. J. Bolles agreed to make all of his payments within that time, his notes all having been distributed up to and including the year 1916. By the terms of the contract, the 20,000,000 cubic yards are to be excavated within three years commencing July 1st, 1910. By means of this contract, the work was largely expedited. The work in the Everglades involves the

drainage and after drainage, irrigation and transportation. For irrigation and transportation, the Trustees are having permanent locks placed in the canals. It is highly probable that railroads will be built on the banks of the canals. The railroads will, of course, pay for the embankment and right of way, eventually diminishing the cost of the canals. There are now employed in the work of excavation six dredges. Within the next few months, another dredge will be placed in commission. On March 1, 1911, the Dredge Everglades, being in the North New River and going toward Lake Okeechobee was 34 miles from the Dredge Caloosahatchee going Southeastward, toward this dredge. They are approaching each other at the rate of two and one-half or three miles per month. Within twelve or thirteen months, it is safe to say that the Atlantic Ocean will be connected by canals with Lake Okeechobee. Lake Okeechobee has already been connected by canal with the Gulf of Mexico. There are numerous little streams also called rivers making from the Everglades toward the Atlantic ocean. The Trustees realize the necessity of having these various streams opened up into the Everglades as soon as possible. Many of these are outside of the drainage area. There should be some law passed by which lands to the Eastward of the present drainage district should be taxed, in order that the cost of opening up these streams may be borne by the land owners of the property, in more or less close proximity to the same. The opening up of these streams will be beneficial to this property which is now untaxed. Of the lands situated in the Everglades now owned by private individuals much of the same has been sold in small quantities, to different individuals. The necessity for prompt reclamation of these lands, in order that they may be more quickly prepared for settlement and cultivation, is quite apparent. Under the preceding administration, lands were sold in alternate sections. As laterals will have to be constructed, it is the policy of the present administration to solidify their holdings as much as possible.

On the 19th day of February, 1909, the Trustees completed the purchase of one-half interest of the only outstanding certificated lands, same having been certificated years ago to the Palatka and Indian River Railroad Company, paying therefor for 67,500 acres at the rate of ten cents per acre. The remaining one-half of the certificates had been purchased by the East Coast Railway Company. Afterwards, upon the advice of W. S. Jennings, Attorney, and Attorney General, Park Trammell, that one-half purchased by the East Coast Railway Company was conveyed to said company, said company agreeing to pay up all the drainage taxes. The idea was that the land was either the property of this company or not. If it was, the sooner the title was settled, the better it was for all parties. The East Coast Railway Company agreed to take the alternate townships instead of the alternate sections. Their certificate called for the alternate sections. The negotiations for the purchase of the alternate sections, by the Trustees, was commenced under the previous administration.

COUNSEL FOR TRUSTEES.

On October 28, 1910, several lawsuits, involving large amounts of lands and of money, having been instituted in the courts against the Trustees, and for additional reasons, which are fully set out on pages 569-572, Volume 8, Minutes of the Trustees, the Trustees demed it for the best interests of the State to employ a special counsel upon a stated yearly salary. Hon. W. H. Ellis, former Attorney General, was employed at a salary of \$2,500.00 per annum, \$2,000.00 to be paid by the Trustees and \$500.00 to be paid by the Board of Drainage Commissioners. Under the terms of his employment, Mr. Ellis is to "be the legal adviser for the Trustees upon any and all legal questions; shall represent the Trustees and advise them upon all claims or demands made against them, and shall represent the Trustees and advise them upon all claims, demands, actions or suits they may have against

others; shall, when requested, negotiate the settlement or compromise of, and make settlement or compromise of any demand, claim, action or suit in which the Trustees are interested or involved; shall prepare all contracts, and shall render any and all legal services, required of him by the Trustees in connection with their duties and the affairs of the Internal Improvement Fund;" and shall in like manner be counsel for the Board of Drainage Commissioners.

The litigation now pending to which the Trustees are a party is as important and as varied as at any time in the history of this trust. This special counsel is to receive no compensation whatever, except his salary of \$2,500.00 per annum.

INTERNAL IMPROVEMENT FUNDS.

Chapter 5245, Acts of 1903, Appropriating Internal Improvement Moneys for Hard Roads, Should Be Repealed. State Treasurer Should Be Made, By Law, Custodian of Internal Improvement Funds, His Bond To Be Liable.

Your attention is invited to Chapter 5245, Acts of 1903, an act providing for the building of county hard roads, and appropriations therefor. By the provisions of this act, all the moneys in the hands of the Trustees of the Internal Improvement Fund, after the payment of all legal obligations against said money, were to be placed in the hands of the State Treasurer and was to be placed by him to the credit of the several counties of the State, in proportion to the assessed valuation. All the swamp and overflowed lands were to be sold by the Trustees and the proceeds were similarly to be placed in the hands of the said Treasurer. The money thus obtained was to be paid to the County Commissioners of each county "contingent upon its being used exclusively for the building and constructing of a system of hard, macadamized,

or other hard surface roads." This act was approved June 8, 1903.

June 2, 1905, Governor Broward vetoed a bill, requiring the Trustees of the Internal Improvement Fund paying to the State Treasurer all moneys now in their possession and to make the State Treasurer responsible, under his official bond, for the safe keeping of the same, and to repeal Chapter 5245 above referred to. In his veto message, he quoted from the Act of September 28, 1850: "The said lands, and all the funds arising from the sale thereof after paying the necessary expenses of selection, management and sale, are hereby irrevocably vested in five Trustees, to-wit:" He also stated, referring to the Act of 1855: "This law has been in force more than fifty years, and the Trustees are granted under this law the full power, possession, control, and are vested with the responsibility of the moneys that may be in the fund, from time to time, which is not subject to legislative will or direction."

The subject matter of this veto message was maintained by his predecessor as may be seen by examining page 263 to 268, Volume 5, Minutes of the Trustees of Internal Improvement Fund, dated November 21, 1904. This position is no longer tenable, as may be seen from the following:

In the case of Trustees of the Internal Improvement Fund, et. al., Appellants vs. Chas. H. Root, Appellee, January Term, 1910, Fla., Supt. Ct. Reports, Vol. 59, in the head notes may be found the following:

"The Legislature did not lose control of the lands 'irrevocably vested' in the Trustees of the Internal Improvement Fund of Florida, by Chapter 610, approved January 6, 1855. All the authority possessed by the Legislature before the enactment of Chapter 610, Laws of Florida, with reference to the lands irrevocably vested in the Trustees by that act, was possessed by the Legislature after

the passage of the act, except that no vested rights could be impaired by subsequent legislation."

Owing to the decision of the Supreme Court of Florida, and owing to the conditions as to the drainage of the Everglades, it is highly necessary that the act vetoed by Governor Broward on June 2, 1905, be re-enacted. That act contained two separate features, one repealing Chapter 5245 appropriating for the benefit of "hard" etc., roads, the money held by the Trustees and the proceeds from the sale of lands held by the Trustees, and making the State Treasurer custodian of the funds of the Trustees and requiring said Treasurer to give bond. There should be a separate act repealing said Chapter 5245. Under the previous administration, the Comptroller was custodian of the funds. He resigned. The Treasurer was elected custodian. A statute should be passed, making the State Treasurer ex-officio treasurer of the Trustees of Internal Improvement Fund. Under Section 123, of the General Statutes, his bond would be liable.

HOMESTEAD LAWS—SHOULD REQUIRE TERM OF ACTUAL SETTLEMENT.

Your attention is invited to Sections 624, 625 and 626 of the General Statutes of Florida, relating to the securing of homesteads. Under Section 624, any person being the head of a family, 21 years of age and a citizen of the State, "shall be entitled to purchase 80 acres or less quantity of any lands of the Internal Improvement Fund donated to the State by the Act of Congress of September 28, 1850, at the price of 25 cents per acre."

Sections 625 and 626 do not require any term of actual settlement, simply requiring "shall have made improvement thereon by erecting a building and fencing and cultivating not less than one acre thereon." Formerly, the United States Government sold their lands at \$1.25 per acre cash. They also allowed homesteads and preemptions. The United States Government is now very strict as to home-

steads. The passage of a proper homestead act is recommended. Upon my recommendation, the Legislature of 1909 amended Section 624 as follows: "Provided, however, that provisions of this Section shall not apply to any lands in the drainage district now created, or which may be hereafter created." Under the two preceding administrations, this section was held invalid, as the act was passed subsequent to the act of 1855 "irrevocably vesting" the lands in the Trustees. Were such a law in force now, it is needless to state that some of the best located lands in the drainage district might be secured at 25 cents per acre. This might have seriously embarrassed the Trustees.

RECOMMENDATIONS OF CIRCUIT JUDGES.

Reward For Informers in Liquor Cases Should Be Repealed—Title in Ejectment Suits.

Your attention is invited to the following recommendations made by certain Judges of the Circuit Courts. The same were submitted to the Legislature of 1909. (See my message.)

Judge J. Emmet Wolfe of the First Circuit, referring to the advisability of repealing the law allowing a reward of \$50.00 to informers in liquor cases, says: "I think this law leads to perjury."

Judge W. S. Bullock of the Fifth Circuit, writing in reference to the same law, says it is a "premium on perjury. The temptation to commit perjury is too great."

This law operates against the enforcement of the liquor laws. I have been informed that many juries refuse to convict on account of such a law. There are many earnest Prohibitionists, some of whom may or may not oppose the repeal of such a law. Earnest Prohibitionists work for the benefit of mankind, as they see it. Such a repeal may or may not be opposed by the Prohibisees. The Pro-

hibisees work for the "other fellow." A Prohibisee is a Prohibition Pharisee. While taking a drink himself, he is opposed to the "other fellow" drinking anything except Stomach Bitters, Jamaica Ginger, or Coca-Cola. This idea did not necessarily first occur to me at Pensa-Cola.

Judge J. B. Wall of the Sixth Judicial Circuit has submitted certain recommendations, all of which appear in the report of the Attorney General. Your attention is especially invited to the following:

"The statute should provide that in actions of ejectment proof of the execution of the scire facias by the sheriff without production of the writ, should be prima facie evidence of the title, for the reason that a great many executions are lost either by the sheriff or the clerk." He might have added, "Or stolen by interested parties." If such are lost, strayed or stolen, a miscarriage of justice would be the result.

CIRCUIT JUDGES AND STATE ATTORNEYS.

Action of State Executive Committee Withdrawing These Officers From Primary—Policy As to Appointments.

Under the ruling of the State Democratic Executive Committee, Judges of the Circuit Court and State Attorneys were not placed in nomination by the primary. Personally, and officially, I would have preferred their nomination by such means. The appointment of such officers, under the Constitution, devolves upon me. I find that there are members of the Bar, who feel a delicacy in recommending for appointment of Judge one who might not be appointed, stating that the Judge who is appointed might be small enough to use their adverse recommendation as a sword with which to cut off their heads and the heads of their clients. In the appointment of Judges, I will not be bound by the recommendations of the Bar or by the recommendations of any one. I will be glad, however, to receive all the recommendations pos-

sible which will throw light upon the proper person to be appointed. The men whom I appoint to be Judges, I would like to be just, to have executive ability, and to be competent. I would like for them, too, to have a certain amount of backbone. The delay of business in many of our courts is often times due to the lack of executive ability of the Judge. I would like for a Judge to run his court in a business-like manner. When a case is called, the lawyers, witnesses and jurors should be there; else without a sufficient excuse, should be fined in such an amount that they will necessarily be there the second time; that when a Judge has decided upon a question of law and the lawyer is uselessly haranguing, he will say substantially, but more diplomatically, to the attorney: "Write out what you have to say on this subject, hand it to the clerk, and the clerk will please pitch it out of the window."

State Attorneys are now paid a salary. There is no reason in the world why, if there is any doubt as to the guilt of the prisoner, the State Attorney should not nolle pros the case. Some people may take the position that the Governor has nothing to do with the courts, the Executive being separate from the Judiciary. In this particular instance, however, the appointment of these officers of the court devolves upon me and if I can get suitable information, I am mighty apt to appoint them along the lines indicated. As one branch of the Legislature confirms or rejects such appointments, the subject is mentioned.

COSTS IN JUSTICES' COURTS.

Law Requiring That Costs *Shall* Be Paid in Advance is Unjust and a Hindrance to Justice, and Should Be Amended, Leaving Such Prepayment Discretionary.

Your attention is invited to Chapter 5651, Laws of Florida, approved June 3, 1907:

"An Act to Amend Section 4072 of the General Statutes of the State of Florida Relating to Payment of Costs in Cases Before Justices of the Peace.

Be it Enacted by the Legislature of the State of Florida:

"Section 1. That Section 4072 of the General Statutes of the State of Florida shall be and the same is hereby amended so as to read as follows:

"4072 (2843-2844 and 2996) Prepayment May be Required.—In all cases, Justices of the Peace and County Judges, in this State, shall require payment in advance or security for costs of process service of the same and of examination, unless the party applying for a warrant shall make an affidavit of insolvency and of substantial injury to person or property by him suffered, in which case process shall issue without payment of costs."

This is practically the same as Section 4072 of the General Statutes, with this exception: that the words "may require payment in advance" are used in the General Statutes and the words "shall require payment in advance" are used in the Act of 1907. As a result of this law, the Justice of the Peace of a certain District in Franklin County, and the Judge of the County Court of said county, refused to issue process for the Sheriff in the case of a person charged with murder. It was necessary for the Sheriff to go miles away to the Judge of the Circuit Court of the Circuit in which Franklin County is located.

SCHOOL FUND.

Now Invested in Florida County and City Bonds, Paying More Interest Than Former Investments.

Under the Constitution, Article 12, Section 5, the principal of the School Fund is to remain forever inviolate.

This principal is, according to Section 3, Article XII of the Constitution, invested by the State Board of Education. Heretofore, this money has been invested in various State bonds, affording a cheap market for the bonds of other States, which pay about 3 per cent. interest. Under the present administration, it has been deemed advisable to invest the funds in Florida county and city bonds, which pay from 4 to 6 per cent. interest, thus affording a ready market for our home securities and eventually increasing the revenue for the School Fund, from such investments, forty to fifty per cent.

SCHOOLS—NINETY-THREE HIGH SCHOOLS—COURSE OF STUDY.

Since the adjournment of the last Legislature, there has been waged a campaign, under the auspices of the Superintendent of Public Instruction, in the interest of the schools of the State. Basic purpose being "The general awakening of the people in public education," making the school, the center of gravity of community life. "The High School, its Necessity, the People's College." "Not Less than One High School for Each County in the State." "Trained Teachers, Longer School Terms and Efficient Supervision for Schools." "Establishment of Departments of Manual Training, Domestic Science, Business and Agriculture," etc.

The constitution authorizes the levying, by the county, for the school purposes, of a 7-mill tax. Forty of the 47 counties now levy the maximum, only one county is assessed less than six mills. Due to the establishment of numerous special districts of three mills, it appears that there is generally now an eight-months term.

Attention is invited to the report of G. M. Lynch, State Inspector of High Schools.

In his report, he names 93 high schools, 79 being in special tax districts.

He states: "In the matter of new high school buildings,

I do not believe there is a State in the American Union that has outstripped Florida very far in the past two and a half years, when all things are considered." He says: "Show me your school house and I will size up your city." "Measured by this criterion, forty towns and cities in Florida would sit in the councils of the great."

It seems that his report is not very favorable to the libraries and laboratories. He states: "The furniture is first-class and modern in nearly all the high schools."

The course of study in the high schools comprises: English Grammar, Composition and Rhetoric, English Literature and Classics, Latin, Caesar, Cicero, Virgil, Algebra, Plane Geometry, Plane Trigonometry, English History, General History or Ethics, United States History and Civics, Botany, Zoology, Physical Geography, Physics, Physiology, or Commercial Arithmetic and Bookkeeping. In some schools, French and Spanish, or both, are taught. I submit that anyone who has graduated in such a course, with the benefit to be derived from reading newspapers and magazines and from other sources, is in a better position to become, on his own initiative, a well-educated man or woman. But few of the captains of industry of this State have had any such educational advantages.

**UNIVERSITY OF FLORIDA—HIGH STANDARD—INCREASING IN
PUBLIC FAVOR.**

Your attention is invited to the report of Dr. A. A. Murphree, President of the University of Florida. The curriculum at this University is high. The standard is high in every respect. This University is worthy of the patronage of the citizens of the State. Outside of its educational advantages, much benefit is being derived, from its course of instruction, by the agricultural and horticultural interests of the State. As to the benefits to agriculture, referring to farmer institutes: during the year ending July 1, 1910, twenty-two sessions of the institutes were held, with a total attendance by actual count of

little less than ten thousand persons." "The most recent and improved method of crop production and animal husbandry" is taught. Referring to a meeting of the Citrus Growers' Seminar at the University, April 22, 1910, a committee of these growers stated: "As a body of practical citrus growers, with years of experience, we wish to express our opinion that the information given us at this Seminar has been of incalculable value to us in a strictly practical way and has been presented in a manner most pleasing and easy to understand."

The University is evidently growing in favor. For the year 1906-7, there were enrolled 102 students; for 1907-8, 103; for 1908-9, 103; for 1909-10, 187; for 1910-11, 201. There has been a change in the personnel of the President of this University, for the past two years.

The President recommends the passage of an amendment, levying a one-mill tax for the support of high schools and higher institutions of learning.

During the present administration over \$100,000.00 has been expended in the construction of buildings at the University.

FLORIDA STATE COLLEGE FOR WOMEN—HIGH STANDARD.
HOME ECONOMICS. NORMAL SCHOOL.

Dr. Edward Conradi, President of the Florida State College for Women, makes his report. The report in full is laid before the Legislature. This college is in every way worthy of the favorable consideration of the people of Florida and of other States. The fathers and mothers should consider it a great privilege for their daughters to receive the benefits of a course of training there. The curriculum is high, giving the girls' minds a good training. The usual well known accomplishments are taught. In addition to this, much of the course taught in the college of common sense is taught there.

DEPARTMENT OF HOME ECONOMICS.

Sanitation, dietetics, prevention of diseases, personal hygiene, hygiene of the family and community, "The principles that underlie the management of a home in all its phases." "Special attention is given to the analysis of food, the students are taught to plan, to evaluate, to purchase, to prepare and to serve meals that contain the ingredients that will give the individual, the greatest amount of energy on the most economic basis, considering the kind of work in which he is engaged." In fine, they are taught how to make good biscuits and to serve the same. "You can do without books," etc., "but civilized man cannot do without cooks." "Students are taught the principles and practice of designing, drafting of patterns, dress-making, study of textiles, developing skill and artistic taste. In fine, to make a dress and to put their hats, ribbons and hair on in a becoming manner. During the present administration, buildings costing \$140,000.00 have been constructed; eight acres of land, costing \$2,000.00 have been added to the grounds. For the year 1908-9, total enrollment was 257; 1909-10, total enrollment, 273. During the last year a new steam laundry was built and equipped. The laundry is now in operation and doing the laundry work of the students.

NORMAL SCHOOL.

For the preparation of young women for the profession of teaching. This is about the only feature of the College designed specially as a means by which a woman could secure a livelihood. There has been a time in the past, when but little of the practical affairs of life were taught women. There is a certain amount of mind-training, accomplishments and blandishments taught in such colleges. In this college, they are taught some of the duties which will have to be met and overcome after they shall have left college. Some people say that every woman

wants to get married, sooner or later. Of those who marry, a certain portion become widows. Whether they are widows, or live in single blessedness, each will have some business to which to attend. At any time, some may be called upon to earn a livelihood. I think more attention ought to be paid to making a woman more self-reliant and trying to instill into her more common sense than is usually taught them.

FLORIDA SCHOOL FOR THE DEAF AND BLIND.

Professor A. H. Walker, President, has submitted his report, to which your attention is invited. In 1909-10, there were inmates, white, deaf, 46; blind, 31. Negroes, deaf, 20; blind, 8; total, 105; being an increase of 15 over the preceding year. The statute provides that this school shall be open to such deaf and blind children, whose parents are unable to defray their expenses, residents of the State who are found to be of suitable age and mental capacity to receive instruction, by the methods prosecuted therein. To children, whose parents are able to pay, a charge of \$12.50 per month, for the eight months' term is made. The health, discipline and progress is good. "The training is such as to make these unfortunate children, more self-reliant and more useful and to elevate them." "An especial work of the school is to take the deaf, blind children from the rank of dependents and give them just as far as possible a foremost place among the wage earning and self-supporting, and to this end we strive to give every blind boy and girl a knowledge of some useful trade."

During the present administration, there has been expended on buildings \$84,035.25. The cost per capita, for the scholastic year 1909-10, including every expense, was \$61.74.

FLORIDA AGRICULTURAL AND MECHANICAL COLLEGE FOR
NEGROES.

Prof. N. B. Young, President of this institution, makes his report, showing an attendance for the year ending July 9, 1910, of 289. The construction of certain buildings is very much needed. The appropriations, however, have not been available. There can be no doubt that these funds will become available during the year 1911. It would be well, however, for the Legislature to make a direct appropriation for such purpose. This college is well managed and is a credit to the State.

In fact, all the institutions of Higher Learning are a credit to the State and all are worthy of patronage.

The total amount of money expended thereon during the present administration, for improvements and erection of new buildings for the Higher Institutions of Learning, was over \$230,000.00.

In considering the Higher Institutions of Learning, your attention is invited to the able report of the State Board of Control. This report shows the necessity for the erection of other buildings, stating the amount necessary for the construction of the same.

BILLS RELATING TO SCHOOLS.

Certain Proposed Constitutional Amendments and Laws
Recommended by the Committee on Compilation of the
School Laws of Florida.

On September 9, 1910, I appointed a Committee in relation to the Compilation of the School Laws of Florida. The Superintendent of Public Instruction, Hon. W. M. Holloway, was Chairman. He has submitted to me certain proposed changes in the laws and the constitution of the State as follows:

“A joint resolution proposing an amendment to Article

XII of the Constitution of the State of Florida, relative to Education, to be known as Section 16 of said Article, providing for the levy of a Special Tax for the support and maintenance of the Rural Graded Junior and Senior High Schools, and the University of Florida, the Florida State College for Women, the Florida School for the Deaf and Blind, the Florida Agricultural and Mechanical College for Negroes."

The passage of this joint resolution is recommended.

A joint resolution "proposing to amend Section 10 of Article XII of the Constitution relative to Education."

The effect of this amendment would be, 1st, to elect three school trustees for four years instead of two years, for each school district; 2nd, relating to the levy and collection of a district school tax for the use of public free schools within the district "whenever a majority of the qualified electors thereof that pay a tax on real or personal property shall vote in favor of said levy," as at present provided in the constitution, for which the following is substituted: "Whenever a majority of the qualified electors thereof that pay a tax on real or personal property, voting at said election, shall vote in favor of such a levy;" 3rd, in the proposed amendment five mills is authorized instead of three.

The passage of the first feature is recommended. The passage of the second feature is recommended. It is highly important that the Constitution be amended so as to produce the second effect. As it is now, there is practically never any objection to the establishment of these school districts. In consequence of which, the vote is very light. It is improbable that a majority of these qualified electors ever vote in the school district elections. It is my opinion, that there is now scarcely a single school district tax properly levied. By all means, the second feature should be adopted.

There has also been submitted by the Chairman of this Committee a bill to be entitled an Act Authorizing and

Directing the County Treasurers to Transfer the Surplus Money of the Fine and Forfeiture Fund to the School Fund of the Respective Counties, and that the same be Used for School Purposes.

Whether the details of this bill would be satisfactory to, or would hamper the County Commissioners of the various counties, is unknown to me.

Also a bill to be entitled An Act to Secure Better Attendance upon the Public Schools of the Counties in this State.

This is practically a bill for compulsory education.

Also a bill to be entitled An Act to Make Mandatory the Creation of at Least One High School in Each County in this State.

The passage of this bill is recommended.

Also a bill to be entitled An Act to Provide for the Issuing to Teachers, First Grade Certificates; also State Certificates to Persons Holding a Diploma from the Normal Department of the University of Florida, or from the Normal Department of the Florida State College for Women, and Other Chartered Institutions of Florida.

The passage of this bill is recommended.

Also 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 Provide for the Exchange of Books Without Cost to the Children Who Move from County to County, etc.

The passage of this bill is recommended.

Also a bill to be entitled An Act to Amend Section 358 of the General Statutes of the State of Florida, Relating to the Penalty for Cheating.

The passage of this bill is recommended.

Also a bill to be entitled An Act to Amend Section 378 of the General Statutes of the State of Florida, relating to the Pay of Grading Committees.

The passage of this bill is recommended.

Also a bill to be entitled An Act to Amend Sections 365-367 of the General Statutes of the State of Florida,

Relating to Certification of Teachers' Third Grade Certificates and First Grade Certificates.

The passage of this bill is recommended.

Also a bill to be entitled An Act to Amend Section 370 of the General Statutes of the State of Florida, Relating to State Certificates.

The passage of this bill is recommended.

Also a bill to be entitled An Act to Amend Section 371 of the General Statutes of the State of Florida, Relating to Life Certificates.

The passage of this bill is recommended.

Also a bill to be entitled An Act to Repeal Chapter 4666 of the Laws of Florida, Relating to the Collection of and Accounting for Poll Tax Collected in this State. The Superintendent of Public Instruction informs me that this law is practically disregarded and is of practically no force and effect.

"A Joint Resolution providing an amendment to Article XII of the Constitution of the State of Florida, relative to Education, to be known as Section 17 of said Article, providing for the issuance of bonds by incorporated cities and towns, regular school districts and special tax school districts, for the exclusive use of public free schools, within such city, town, or school district, and authorizing the levy of a tax to pay the sinking fund, for the payment of interest, and redemption of such bonds."

This authorizes the issuance of bonds for such purpose in such political sub-divisions "not to exceed five mills on the dollar for one year, on the taxable property." "Whenever a majority of the qualified electors thereof, that pay a tax on real or personal property, shall vote in favor of the issuance of such bonds."

Under the present Constitution, there is assessed for school purposes as follows:

The one mill State tax, distributed to the counties in proportion to average attendance;

Seven mill county tax;

Three mill school district tax;

In addition to these, there is the interest from the State School Fund, derived as follows: The proceeds of all lands that have been or may hereafter be granted to the State by the United States for public school purposes; appropriations of the State; the proceeds of escheated property and forfeitures; twenty-five per cent of the sale of public lands which are now or may hereafter be owned by the State. "The net proceeds of all fines collected under the penal laws of the State within the county;" all capitation taxes collected within the county.

HOSPITAL FOR THE CURE OF INDIGENT CRIPPLES.

There should be established a hospital for the treatment of indigent crippled boys and girls of Florida. The expenses of the same should be paid out of the money collected on account of the State Board of Health. This hospital should be located near some city, as there is no doubt there are many surgeons who would gladly operate on such children, as an act of charity and for humanity's sake. By these operations, these children would become useful men and women instead of a burden on the tax payers of the country, or fit subjects for the penitentiary.

ROOM IN CONFEDERATE MANSION, RICHMOND, UNITED DAUGHTERS OF THE CONFED- ERACY—\$100.00 APPROPRIATION.

In the Mansion of the former President of the Confederacy at Richmond, one room is set aside for each State of the former Confederacy. In such rooms are kept appropriate relics and souvenirs. Representatives of the United Daughters of the Confederacy request that \$100.00 be appropriated for the care of the room assigned to Florida. Such an appropriation is recommended.

HOLIDAY ON LINCOLN'S BIRTHDAY.

A Native of the South, Who Did His Duty as He Saw It,
Without Malice, Floridians Can Well Honor Him as
One of America's Greatest Men.

Abraham Lincoln is universally recognized as one of the great men of the past century. He was born in the Southland, in the same State which gave birth to Jefferson Davis, the great leader of the Southern Confederacy. He was raised in a portion of the country other than that of the South. His environment naturally placed him in opposition to the people of the Southland, in the great struggle between the States. He was a Union man. Without malice toward the Southland, and with charity to all, he did his duty as he saw it. We fought for constitutional rights. Through no lack of courage or devotion to duty, the flag of the Confederacy was furled in honorable defeat. The situation was accepted. There is now no more patriotic portion of the United States and no more representative portion of its true citizenship than is found in the Southland. Over two million sons of the South are making good throughout the various portions of the Union. The sons of other portions of the Union are making good in Florida, becoming one of us and assisting in the development of our great resources. Millions of dollars of capital from every portion of the Union are flowing into Florida. The anniversary of the birthday of Jefferson Davis, President of the Confederate States, a native of Kentucky, has been made, by legislative enactment, a legal holiday in Florida. It is recommended that the anniversary of the birthday of Abraham Lincoln, a native of Kentucky, President of the United States, be made, by legislative enactment, a legal holiday.

TIME.

Our Time Half-Hour Behind the Sun—Nearby States Half-Hour Ahead of Sun—Commencing Work Usually An Hour Later, We Lose Much Time in Fifty to One Hundred Years.

The standard time, adopted by the railroads, is the time generally accepted throughout the State of Florida. In Florida, the standard time is about one-half hour behind sun time. In the States immediately North of us, where Eastern time commences, the time is about half an hour ahead of sun time. Therefore, when it is about nine o'clock in Florida, it is called ten o'clock in some of the nearby States. But few business men who now go to their offices at nine o'clock would have the cheek to go to their offices, at the same time of day, if it were called ten o'clock. In the same way, but few servants, or cooks, for instance, who commence work at 6:30, would have the nerve to report at 7:30. By the operation of this railroad time law, the people of our State naturally commence work generally about an hour later than in some of the nearby Southern States and half an hour later than it would be if sun time were used. It is quite apparent that through the operation of the railroad time, many thousands of hours of valuable time are lost in the development of the State of Florida. Should the railroads set the time up uniformly an hour, or uniformly half an hour, you can just conceive of the great benefit, in the works of accomplishment, it would be to the people of the State, in forty or fifty years.

A law should be enacted advancing the official time thirty, forty-five or sixty minutes, commencing in April or May, and extending to September or October. Public service corporations should be compelled to observe the same.

AMENDMENTS TO CONSTITUTION.

Publication Should Be Required for Only One Month.
Instead of Three, and Should Be Accompanied by
Brief Statement Explaining Effect of Amendment If
Adopted.

Section 1 of Article XVII of the Constitution requires that proposed constitutional amendments be advertised for three months. When a proposed constitutional amendment is advertised, but few are in a position to compare the proposed amendment with the Constitution. The electors are not in a position to determine the advisability of voting for or against such a proposition. The law should provide for the publication of a statement, showing the effect of such proposed amendment. There is absolutely no necessity for a proposed amendment to be advertised three months. It is recommended that the Constitution be changed, "one month" being inserted in lieu of "three months." If such a proposed amendment were now submitted to the qualified electors, the electors would have no way of determining the effect of this proposed amendment. The electors would know how to vote intelligently if, at the bottom or at the top of such proposed amendment, there was printed the effect of the proposed constitutional amendment. If some such statement as this was placed on the ballot, every voter would know the effect of the change. As it is now, whenever the electors vote on several amendments, a large majority of them do not vote at all. Of those who do vote, if they are earnestly in favor of any particular amendment, they vote for them all. If they are earnestly opposed to any particular amendment, they vote against them all. Some few vote intelligently on all of the amendments. Only a few are in a position to vote intelligently, as only a few are in a position to know the effect of the changes proposed.

PENSION DEPARTMENT.

Statement As to Number of Pensioners, and Amounts Received and Disbursed—Detailed Report Being Prepared for Legislature—Amounts Paid By Other Southern States.

The following statement from the Board of Pensions is submitted:

STATE OF FLORIDA, DEPARTMENT OF PENSIONS,
TALLAHASSEE, FLA., March 1, 1911.

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

SIR:

Pursuant to the requirement of Section 14 of Chapter 5885 of the Laws of Florida, the Board of Pensions respectfully submits the following report:

Complying with the provisions of Section 15 of Chapter 5885 of the Laws of Florida this Board furnished to the County Commissioners of the several counties a list of all persons drawing pensions from the State of Florida who were residents of the several respective counties, and a list of such claims as had not been passed upon by the Board of Pensions.

During the period this law has been in operation, from July 1, 1909, to March 1, 1911, there have been 6,414 pension claims filed. Of this number, 5,905 were allowed. One hundred and forty-three names have been stricken from the pension roll for statutory reasons during this period. There are 509 claims pending which were considered and not allowed for various reasons or defects.

The pension roll is divided as follows: Widows, 2,442; soldiers, 3,463.

Deaths reported from July 1, 1909, to March 1, 1911, 302.

Number of accounts not paid for the quarter ending December 31, 1910, of which the greater number are probably dead, 290. Total number of pension warrants issued in payment of the pension quarter ending December 31, 1910, 5,229.

The number of pensioners on the roll June 30, 1909, pensioned under the Act of 1907 was 7,660. The number paid for the quarter ending June 30, 1909, the last payment under the Act of 1907, was 6,505.

The disbursements under the Act of 1909 from October 1, 1909, to March 1, 1911, amounted to \$948,109.48.

Balance in pension fund January 1, 1910.....	\$ 85,245.62
Receipts in 1910	650,573.25
Warrants canceled in 1910	288.75
Warrants issued in 1910	644,606.52
Balance in fund December 31, 1910	91,501.10
Balance in Pension fund January 1, 1911	91,501.10
Warrants outstanding	3,795.57
<hr/>	
Treasurer's balance	\$ 95,296.67
Receipts during January, 1911	\$ 23,597.06
Receipts during February, 1911	23,356.52
Balance in fund March 1, 1911	138,454.68
Warrants issued for quarter ending December 31, 1910, during January and February, 1911	154,871.92
Deficit in pension fund March 1, 1911	16,417.24

The pension law of this State is the most liberal law in operation in the South. Florida pays a higher rate per annum for pensions and has a more liberal levy for pensions than any other of the States that formed the Confederacy.

The indications are that if the present pension law continues in force, that after 1912 the tax levy of four mills as authorized by the law, will produce a greater fund than

will be needed for the payment of pensions. The power to reduce the levy, if warranted when the levy is to be made, should be vested in the Governor, as is the power to reduce the General Revenue Levy.

Respectfully submitted,

ALBERT W. GILCHRIST,
Governor.

A. C. CROOM,
Comptroller.

W. V. KNOTT,
State Treasurer.

The Board is having prepared for publication, in pamphlet form, a list, by counties, showing the names of all pensioners, their postoffice address, and the amount paid each, for all the year 1910 and for the latter half of the year 1909.

Your attention is invited to the following quotation from the foregoing: "The pension law of this State is the most liberal law in operation in the South. Florida pays a higher rate per annum for pensions and has a more liberal levy for pensions than any other of the States that formed the Confederacy."

The following provisions from the pension law of other Southern States are submitted as information. I have no later reports than these noted:

Virginia.—Virginia appropriates \$425,000.00 per annum for pensions to Confederate soldiers and sailors and their widows. No person having as much as \$200.00 yearly income or owning as much as \$750.00 worth of property is entitled to a pension. Soldiers or sailors who have become totally disabled from causes arising in the war receive \$150.00 per annum. Those who lost an arm, leg, foot or hand during the war receive \$65.00 per annum. Those disabled by wounds or disease contracted during the war, if total, receive \$36.00 per annum; if partially, \$24.00 per annum. Those who were loyal soldiers and have become disabled by age receive \$24.00 per annum.

Widows who have not remarried receive \$40.00 per annum. Widows of loyal soldiers who have remarried receive \$25.00 per annum.

North Carolina.—The number of pensioners is 1,700. Total amount appropriated for pensions is \$500,000.00. First class, receive \$72.00 per year; second class, \$60.00 per year; third class, \$48.00 per year; fourth class, \$26.00 per year. Must not own over \$500.00 worth of property, or have over \$300.00 annual income.

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.

Georgia.—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.

Florida.—The limitation as to property owned is \$5,000.00. There is no limitation as to income. There are 2,442 widows on the roll, each drawing \$120.00 per annum, and 3,463 soldiers, each drawing pensions of from \$100.00

to \$150.00. Florida's tax levy for pensions is 4 mills upon all taxable property in the State. The disbursements for pensions in 1910 amounted to \$644,606.52.

Alabama.—Alabama appropriates \$400,000.00 annually for Confederate pensioners. Any resident of the State whose service was satisfactory and who does not now own property to the value of \$400.00 and whose income does not exceed \$300.00 per annum is entitled to a pension. Widows of soldiers who own less than \$400.00 are also entitled. There are four classes of pensioners receiving respectively \$50.00, \$64.00, \$80.00, and \$100.00 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.

Missouri.—Under the Constitution of Missouri no pension to Confederate soldiers or sailors is permitted.

Mississippi.—Mississippi appropriates \$400,000.00 annually for pensions to Confederate veterans and their widows. Persons owning as much as \$600.00 of property can not draw a pension. Veterans totally disabled receive \$125.00 per annum. Veterans partially disabled, \$75.00 per annum. Other soldiers or sailors, and widows who were married to veterans prior to 1885, get the balance of the appropriation, pro rata. This pro rata will be \$37.55 for next year.

Arkansas.—Total number of Confederate pensioners is 8,784. Total amount paid them last year was \$540,000.00. Amount paid each pensioner ranges from \$17.50 to \$70.00 per annum. Persons owning property exceeding \$400.00 in value or having annual income of \$150.00 are ineligible for pensions.

Louisiana.—In Louisiana, pensioners must be in indigent circumstances and unable to earn a livelihood by

his own labor or skill. The total number now on the roll is about 3,900. These are being given \$68.00 a year, except the blind and paralytic, who get \$80.00 a year. The pension fund of Louisiana is raised in part by appropriation and part by taxation. A tax of one-fifth of one mill is levied on all taxable property in the State, and the sum thus raised is supplemented with an appropriation sufficient to bring the total for pensions up to \$250,000.00.

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.

AID FOR CONFEDERATE HOME.

The appropriation for the maintenance of the Veterans in the Confederate Veterans' Home, located at Jacksonville, is only ten dollars per month. This is insufficient. A more liberal appropriation is recommended.

WAILES CLAIM.

Recommendation to Last Legislature Renewed—Appropriation Made in 1903 Might Be Made Payable to S. I. Wailes or Divided for Payment to Wailes and Beard Heirs Separately.

Your attention is invited to my special message to the Legislature of 1909, under date of May 14, in relation to the Wailes Claim. It may be found commencing on page 1215, House Journal of 1909. A number of copies were ordered printed. There are a few copies of the same in the Executive Office. That message was summarized with the following recommendation, which is hereby renewed:

“It is therefore recommended that Chapter 5334, Acts of 1903, Laws of Florida, be amended so that the \$25,000

can be drawn by the said S. I. Wailes as the State of Florida has nothing to do with any settlement between said Wailes and the heirs of the said Beard. If the Legislature assumes that it is its duty to protect the claim of the heirs of the said Beard, it is then recommended that said act be so amended that the said Wailes may draw \$12,500, being one-half of the said \$25,000 appropriated, and that the remaining \$12,500 be placed in the hands of a trustee to be paid subject to any mutual agreement between said Wailes and the heirs of the said Beard, or to be paid out subject to the orders and decrees of a court of competent jurisdiction, adjudicating the respective rights of Wailes and the Beard estate therein."

OIL AND PHOSPHATE RESERVATIONS.

Belief That Oil Will Be Found in Florida—In Sales of State Lands, Oil and Phosphate Rights are Now Reserved to the State. Lands Are Also Graded as to Selling Price. Legislation Recommended.

There is no fund available for the Trustees of the Internal Improvement Fund prospecting State lands for phosphate or other mineral. In my opinion oil will sooner or later be discovered in paying quantities in Florida. There are no means provided for State authorities boring for oil. In the sale of lands now, however, the Trustees make a reservation in the deed of 50 per cent. of any oil and 75 per cent. of phosphate or other mineral that may be found upon the land. Had this been done years ago, the tax levy of the State would have been much less than it is now. The State lands had never been graded. It has been the custom to value the lands at so much per acre, all being considered of the same value. The Trustees have had some of the land graded and priced and will have all of them graded and priced. As a result of which some of the more valuable lands are graded at a price several times greater than they were before.

A law should be passed directing that such reservations be made, hereafter, in the sales of State and school lands, except where contracts for sale have been made in which such reservations were not incorporated.

SILVER SERVICE FOR THE BATTLESHIP FLORIDA.

Appropriation of About \$4,000.00 To Be Asked to Supplement Popular Subscriptions.

The great Battleship Florida was launched May 12, 1910. It is customary for a silver service to be presented to the battleship by the State or the citizens of the State for which the ship is named. I appointed a committee to secure collections for such silver service. This committee consists of the following gentlemen: W. A. Bours, Jacksonville, Fla., Chairman; F. W. Hoyt, Fernandina, Fla., Treasurer; H. H. Richardson, Jacksonville, Fla., Secretary; and Messrs. E. Y. Blackman, Miami; F. C. Bowyer, Tampa; W. W. Hampton, Gainesville; W. Hunt Harris, Key West; W. A. Blount, Pensacola; W. J. Hillman, Live Oak; T. A. Jennings, Pensacola; T. T. Munroe, Ocala; F. T. Myers, Tallahassee; W. R. O'Neal, Orlando; W. F. Stovall, Tampa; A. M. Taylor, St. Augustine; S. E. Teague, Apalachicola. On March 13, 1911, the Chairman of the committee informed me that they are having "fair success in collecting money and will not have to call on the Legislature for more than \$4,000.00." I recommend the appropriation of such an amount.

This Battleship bears the name of our great State. There is no way for every one in the State to contribute something toward it, except by legislative appropriation.

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 safe-guarding the interests of the people of the various towns and cities than the usual manner of passing any old bill as a courtesy to two or three legislators of a county. In many instances, the "courtesy" of passing the local bill is extended to a legislator who does not even reside in the said city or town. He usually receives his information from two, three or more influential citizens.

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.

Often times, 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 fertilizers. 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."

MORE ROOM FOR OFFICES.

Capitol Building Very Crowded—Building for Supreme Court and Railroad Commission Would Relieve Congestion—Parks in Tallahassee Are Available.

When Florida was a territory, the United States Government laid out the now City of Tallahassee. Many blocks for parks were marked on the plat. The Capitol was placed on one of these parks. That part of the block not occupied by the buildings is in all respects a park, maintained by the State. In Washington, the Government buildings are scattered throughout the city, being located in parks. It is quite apparent, that these parks were laid out with the view of being eventually used as the State's business grew, for the public business.

More room is required in the Capitol building, in order that the State's work may be conveniently attended to. It is recommended that a sufficient amount of money be appropriated for a building of sufficient size to accommodate the Supreme Court and the Railroad Commission. It would be well to have the building larger than the actual present needs require. I would recommend that the same be built upon one of the parks.

MORE VAULTS BADLY NEEDED.

The offices of the Comptroller and the Treasurer have been for many years, and are now, inadequately equipped with vault facilities. In both departments, a great number of old records of much value now have to be kept in

so-called fire-proof vaults in the basement of the Capitol. In the event of the Capitol burning, it is highly probable that some heavy material would fall upon and break through the same, causing the destruction of the records. Furthermore, increased office and vault space are needed by the State Treasurer for the convenient and efficient transaction of current business. Some of the counties in Florida have a separate building in which the records are kept. It would be well for such a building to be erected on the Capitol grounds.

MORE LIBERAL LIBEL LAWS.

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

EXCHANGING TRANSPORTATION FOR ADVERTISING.

I can see no reason why the laws should not be amended so as to permit the representatives of a newspaper to sell its advertising space payable in railroad mileage, as well as in cash, sweet potatoes, watermelons, vegetables, or in other produce.

EMPLOYERS' LIABILITY.

All Corporations, Operating Machinery, Should Be Liable for Injury or Death of Employees in Certain Cases.

Your attention is invited to Section 3150 of the General Statutes:

3150. Liability for Injury to Employees.—If any person is injured by a railroad company by the running of the locomotive or cars, or other machinery of such company, he being at the time of such injury an employee of the company, and the damage was caused by negligence of another employee, and without fault or negligence on the part of the person injured, his employment by the

company shall be no bar to a recovery. No contract which restricts such liability shall be legal or binding.

It is recommended that there be inserted after the word "Railroad" the following "or other corporation" and insert "or the operation of its machinery." Under the present law, the men who are least able to bear the risk of accident due to machinery, are the ones who bear the same. It is nothing but just that the business itself should take such risks. The benefits of this act should apply to employees of all corporations, using machinery.

LOCAL BILLS IN LEGISLATURE.

Should Not Delay Consideration of General Measures.

Night Sessions for Local Bills Suggested—Former Practice Recalled Wherein Business Was Expedited.

The public at large sometimes becomes impatient at the delay of the passage of measures affecting the State, while local measures are pressed through. In past Legislatures, these local measures came close home and were naturally of direct interest to each member of the Legislature interested in the passage of the same. I am not wishing to refer to ancient history, yet the Speaker of the House of 1905, after observing the congestion of the State's business on account of the pressure of local measures, advocated and finally secured the passage of a rule by which all local matters were considered at a night session. As a result of which, bills relating to the incorporation of Doodle Bug Ridge, Coon Prairie and other cities and towns, or the navigability of Billy Bowlegs Creek, did not delay the progress of the general legislation of the State. Sometimes, all such bills coming up during the daily sessions, all of which had been favorably acted upon by the committee to which they were referred, were promptly passed, the rules being waived. While there were then sixty-eight members of the House and thirty-two of the Senate, there being sixty-eight names to be called upon the passage of a bill or joint resolution by the House to thirty-

two in the Senate, sixty-eight to talk in the House to thirty-two in the Senate, yet in spite of this, that was the first time in the history of legislation in this State, that the business of the House was up to and ahead of that of the Senate. On the last day of the session, there were not exceeding five or six bills on the House calendar.

The Constitution requires a certain aye and nay vote on the passage of joint resolutions. Except as to constitutional amendments, concurrent resolutions were used instead of joint resolutions. On the passage of concurrent resolutions, only a viva voce vote is required. Such resolutions are usually unanimously passed by waiving the rules—oftentimes, by waving the hands.

FLORIDA EAST COAST RAILWAY.

Two Years Extension of the Time for the Completion of the Same.

Under date of March 17, 1911, Mr. J. R. Parrott, President of the Florida East Coast Railway Company, referring to Chapter 5595, Acts of 1905, wrote me as follows:

“I am of the opinion that we will be able to complete this line within the seven years allowed us by the law; but as it is an important undertaking to us, at least, we do not wish to take any chances and it is more than likely that we shall ask the Legislature to grant us a further time of two years.

“Our reasons for asking this will be based upon the fact that, had it not been for great difficulties to be overcome, we would doubtless have completed the line in less than four years; but we had a heavy storm in 1906, which destroyed a large part of our machinery (and when I tell you that at times we have had over a million dollars' worth of machinery employed in this work, you will understand how necessary such equipment is in the undertaking), which put us back very considerably.

“The large loss of life at this time demoralized our forces for several months, in addition to the direct loss.

"In 1907 the general troubles in the business world behooved us to go slowly; and in 1909 we met with another disaster in the form of a hurricane, which destroyed some equipment and washed away a considerable part of our unfinished work. It did not, however, destroy any of our completed work, but the storm again so demoralized our forces that we were once more unavoidably set back.

"Then came the storm of 1910, very serious in its effect upon our operations, occasioning further delay, destruction of unfinished work, etc., as did that in 1909.

"These several set backs made it necessary to change the character of our work to a very considerable extent, and necessitated the expenditure of several million dollars more upon it than had been originally contemplated. Necessarily changing the character of the work to that of a permanent nature made more time requisite for its completion. We have had, outside of these hurricanes, what seemed almost insurmountable difficulties. However, we have never flagged, but have pushed forward.

"In February, 1909, we opened up 112 miles of this road for operation, and have been strengthening it and building on from Knight's Key the balance of the line (44 miles) since that time.

"We have had as many as 5,000 men employed upon this work at one time, and never less than 1,500. To us it has been a large undertaking, and while we have met with a great many difficulties which have delayed our progress, we have not felt we had the right to complain at what we had to contend with so far as these delays were not occasioned by what might be called the 'act of God;' but it seems to me we have a fair right to ask for leniency."

It is recommended that an act be passed extending the time for the completion of this great scenic railway for two years. The construction of this road will rank with any of the seven wonders of the world. It is quite apparent from the foregoing, that Mr. Flagler's efforts have never flagged.

INSURANCE DEPARTMENT.

Proper Reserve Law Needed. Life and Miscellaneous Companies Should Make Deposit to Secure Their Obligations in Florida. Regulation of Fraternal Orders. Service of Process.

From the Report of the State Treasurer for 1910, it is noted that Chapter 5889, Acts of 1909, requiring fire insurance companies to make certain deposits for the protection of claims in Florida, has proved very satisfactory. I endorse the recommendation of the Treasurer, that provision of like nature, varied to meet the differing conditions, should be made by suitable enactment to apply to other classes of insurance companies operating in this State.

The following other suggestions made by the Treasurer with reference to needed insurance legislation are approved :

“The importance of legislation providing for proper legal reserves to be maintained by insurance companies operating in this State.” There should be a law regulating life insurance companies incorporated under the laws of this State. Such law should require that certain reserves be set aside, and such other restrictions should be placed upon them as are placed upon life insurance companies organized under the laws of other States. We have no such law now.

There should be a law “for the regulation of fraternal insurance orders in this State. At present there is no statute upon the subject.”

“In States where they have been enacted, fire marshal laws appear to have proven highly beneficial in their operation, and such legislation towards reducing the fire loss in this State is recommended.”

“The present law provides for the service of process in civil actions to be made upon any agent of an insurance company operating in this State. It is recommended

that this be amended by designating some State official upon whom such process may be served, requiring each company to agree thereto, and requiring such official to report to the company the service of such process."

HOSPITAL FOR THE INSANE.

Superintendent or Chief Physician Should Be Expert On Insanity—Liberal Appropriation Recommended For Improvements and Maintenance.

The Superintendent of the Hospital for the Insane is a layman. He does not claim to be posted as to the treatment necessary for inmates of this hospital. He is, however, a good business man. The present Chief Physician has tendered his resignation, to take effect May 15th, 1911. The Assistant Physician has been practicing in and around Chattahoochee. He has been at the Hospital for about one year. He has had no experience in matters relating to such hospital work, except such as has been gained during the past year. In my opinion, the Superintendent or the Chief Physician, preferably the Chief Physician, should be posted and have had large experience in the treatment of the diseases of persons committed to such an institution. These inmates are entitled to the best medical attention which can be provided for them. There is a difference of opinion among the members of the Board of Commissioners of State Institutions as to the appointment of the successor of the present Chief Physician. Some of the members are of the opinion that the present Assistant Physician should be promoted. Had he had the necessary experience, I would gladly concur in such, as he is in every respect worthy. In my judgment, he has not, however, had the training and experience necessary for such a position. This hospital is now a hospital in name only. It is practically an asylum. The State of Florida is due to these unfortunate people the best attention possible. There should be erected and equipped a

Tuberculosis Hospital. A Receiving Hospital should be well built and properly equipped. For the 105 unfortunate children at the School for the Deaf and Blind, there was expended for buildings under the present administration by legislative enactment \$77,187.90. For the 982 patients at the Hospital for the Insane, buildings and equipment costing fully as much as that expended for these 105 children should be appropriated. The food given these patients is probably as good as can be furnished, the amount of the appropriation being considered. For the sick, however, other and better food should be provided. I know of nothing which would afford me more pleasure than to know that the Legislature had made suitable appropriation for the care and maintenance of the unfortunate inmates of this Hospital.

NATIONAL GUARD.

Since the adjournment of the last Legislature I have had occasion to call out the National Guard on account of riot, on one occasion. On two other occasions, they were held in readiness. See Adjutant General's Report. On two other occasions they were ordered out, but before going to the scene of disturbance a telegram from the Sheriff showed that there was no further necessity for them. They have never failed to leave their civil duties when called upon. It is difficult to conceive of the advantage in preserving the peace and dignity of the State, by simply having such a well-organized, drilled and equipped body of National Guard. The recommendations of the Adjutant General on Pages 49 to 52 of his report are approved.

STATE PRINTING.

More Competition Secured, Resulted in Saving to State of \$25,000.00 on New Printing Contract—Prices of Work Compared.

Heretofore, the State printing has been advertised for bids, the same having been divided into two classes, Administrative, Class A and Supreme Court work, Class B. A certified check for \$10,000 was to accompany the bid for Class A, and a certified check for \$2,500 for Class B. Class A would necessarily be required to be executed at the Capital. Under the present administration, there were three classifications, for Administrative, for Legislative and for Supreme Court work. A certified check for \$1,000 for each class was to accompany the bid.

The contract for State printing for Classes A, B and C was let September 22, 1909, work to commence October 1, 1909, ending October 1, 1911, to Milton A. Smith, of Tallahassee.

It is difficult to determine the exact amount of percentage which was saved in this contract over previous contracts. For the work commencing October 1, 1907, and ending October 1, 1909, the same was contracted with the Capital Publishing Company, Claude L'Engle, President. Under this contract there was paid, from October 1, 1907, to September 30, 1908, \$23,857.90; from October 1, 1908, to the end of the contract, October 1, 1909, there was paid \$47,012.59, making a total paid under this contract of \$71,870.49. The above is from information furnished me by the Comptroller. In the report of the State Treasurer, for the year 1909, the expenses of the Legislature of 1909 are shown to have been \$82,789.96. On page 2165 of the House Journal for 1909, it is shown that the pay-rolls for the Legislature of 1909, aggregated \$60,645.24. The pay-rolls thus published in the Journals are supposed to include every item of legislative expense except that of printing. It therefore appears that the cost of legislative printing for 1909 was about \$22,000.

It may be well to compare the contract prices under the L'Engle contract and under the Smith contract, relating to the cost of legislative printing.

Two hundred copies of the Daily Calendars of the Senate and House, etc., per page: Under the L'Engle contract 55 cents; under the Smith contract, 43 cents.

Five hundred copies of the Daily Journal of Senate and House Proceedings: Under the L'Engle contract, 80 cents; under the Smith contract 55 cents.

One hundred copies Daily Journal of House or Senate, per page: Under the L'Engle contract, \$1.25; under Smith contract \$1.00 per page.

Senate and House Bills, per page: Under L'Engle contract, 70 cents; Smith contract, 55 cents.

Blank requisitions, Senate and House, price per thousand copies: Under L'Engle contract, \$2.50; under Smith contract, \$2.00.

Messages of Senate and House, per thousand: Under L'Engle contract, \$4.00; Smith contract, \$2.00.

Reports of committees of Senate and House, per thousand: Under L'Engle contract, \$4.00; under Smith contract, \$2.00.

Roll call, yeas and nays, per thousand, Senate: Under L'Engle contract, \$1.75; under Smith contract, \$1.25.

Roll call, House, yeas and nays, per thousand: Under L'Engle contract, \$2.50; under Smith contract, \$1.75.

Two thousand copies of Laws in pamphlet form, per page: Under L'Engle contract, \$2.25; under Smith contract, \$1.55.

Compilation of such laws and instructions as may be required by any Department, per page. In lots of 4,000, L'Engle contract \$3.50, Smith contract \$2.75; in lots of 2,000, L'Engle contract \$2.50, Smith contract \$1.75; in lots of 1,000, L'Engle contract \$2.00, Smith contract \$1.25; in lots of 500, L'Engle contract \$1.50, Smith contract \$1.00; in lots of 200, L'Engle contract \$1.15; Smith contract 90 cents.

For bids for Supreme Court work, Class B, Claude L'Engle bid \$1.50 per page. This was let to the E. O. Painter Company in 1907, for 95 cents per page. From 1909-1911 the same was let to Smith for 84 cents per page. The cost of the Supreme Court work is, however, quite small, the amount paid under the E. O. Painter contract being only \$2,643.30. It is safe to say that the contract as let to Milton A. Smith will cost fully 33 1-3 per cent. less than the contract awarded the Capital Publishing Company, Claude L'Engle, president. On Classes A and B alone this would represent fully \$23,953.00. As the State's work is increasing, the saving under the present contract to the State, for printing for two years, will represent fully \$25,000. I believe it will be \$30,000—representing about \$60,000 for four years—the life of a Governor's term.

It is very difficult to compare the amount paid under the L'Engle contract with the two preceding contracts, to I. B. Hilson, beginning October 1, 1903, and ending October 1, 1905, and beginning October 1, 1905 and ending October 1, 1907. The difficulty of making such a comparison will be shown upon an inspection of the contracts. The cost of the Hilson contract may be about the same or it may be a little less than that of the L'Engle contract. For the Hilson contract of October 1, 1905, a \$10,000 certified check was required. Under the contract of October 1, 1903, the records are silent as to the amount of certified check to be presented.

In letting this contract under the present administration, every effort was made to secure competitive bids. Whatever was not needed by any Department during the life of the contract was stricken out in the advertisement for bids. This does not appear to have been done in the advertisement for bids in other contracts, especially in the Hilson contracts. It is difficult to differentiate between the items bid upon and not required, and the items bid upon and required. The bids upon the items not required were ridiculously low. The contracts speak for themselves.

REPORT OF STATE DEPARTMENTS

There has been printed and placed upon your desks 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. Your attention is especially invited to the report of the Commissioner of Agriculture. This report is full of much meat. In fact, I do not believe a fuller or abler report was ever before presented by a similar officer of any State. It should be in every library of this State, as well as in the sanctum of every live newspaper. On pages 19 to 22, the Commissioner recommends certain small and necessary appropriations, all of which are approved. The report of the Railroad Commissioners is full of valuable statistics and valuable information. The same may be said of all of the reports. In fact, it is almost an invidious distinction to refer specifically to any of them.

BUSINESS METHODS.

School Fund Investments—State Lands Graded As to Price — Trustees' Work Systematized — Reforms in Board of Pardons—Policy of Trustees Internal Improvement Fund.

The following changes in the business affairs of the State, during the present administration, are summarized:

Investing the principal of the State School Fund in bonds of counties and municipalities of the State at 4% to 6%, instead of in the bonds of other States bearing about 3%. Besides increasing, as we hope, the incomes for the School Fund, from this source about 50 %, we are providing a readier market for these bonds.

The lands of the Trustees of the Internal Improvement

Fund and of the State Board of Education are being graded, instead of all being held at a flat price. The more worthless lands are, and have been sold at less than the flat price. Even when the price has been graded, none is sold in blocks of over 300 acres, unless the same is advertised for sale, to the highest bidder, the prospective purchaser depositing and paying for the advertisement and guaranteeing to bid not less than the upset price.

In all deeds embracing lands not heretofore contracted for, a reservation is made of 75% of phosphate and other minerals, and 50% of any oil.

The business affairs of the Trustees and of the Board of Drainage Commissioners has been better systematized through the employment of a Secretary having no other occupation, and who can give his time exclusively to the same.

All cases coming before the Board of Pardons are considered in Executive Session instead of in open session. Full minutes of the Board are kept. Statements made to the Board of Pardons are carefully considered before action is taken. I am satisfied that there are several convicts whose service and behavior warrant a conditional pardon or parole. I regret to say that one negro sentenced to life, charged with rape on a negro woman, of more or less questionable character, served about twenty years before one of our Inspectors discovered him. Had I known of it, a special meeting of the Board of Pardons would have been called the first or second day of this administration for the consideration of the same.

I consider it fortunate that the present Chief Executive differed with the two preceding ones, in that he took the position, as declared by the Supreme Court of Florida heretofore quoted, relating to the powers of the Legislature over lands which the two preceding Governors held were "irrevocably vested in the Trustees by the Act of 1855," and that succeeding Legislatures had no authority to dispose of the same. In 1909, the present Governor ap-

proved the act directing the Trustees to advertise the sale of lands to the highest and best bidder, in tracts exceeding 300 acres. He also approved the act removing from the 25 cents an acre purchase of 80 acres of land in the Drainage District. In view of the decision of the Supreme Court of 1910, this right to purchase 80 acres of the choicest lands in the Everglades, at 25 cents an acre, on the lax conditions imposed, might have seriously inconvenienced the Trustees of the Internal Improvement Fund.

Although on a rising market, the beef contract for the Hospital for the Insane was let, during the present administration, for a fraction over a cent a pound less than same was let, under the previous contract. This saving will aggregate between \$2,000 and \$2,500 per year.

The State printing has been let for two years at a saving of fully \$25,000.00 over previous contract. I think the saving is greater.

The Trustees of the Internal Improvement Fund and the Board of Drainage Commissioners have employed Hon. W. H. Ellis, former Attorney General, to represent them in all legal work. Salary \$2,500 per year.

Upon being inaugurated Governor, I decided I would write at least two communications monthly to outside papers or magazines, relative to the many advantages of Florida. I have averaged fully three per month.

In making appointments of officers to fill vacancies, I have endeavored to represent the will of the people, as expressed in all regular primary elections and by the action of the Democratic County Executive Committees.

Very respectfully,

ALBERT W. GILCHRIST,
Governor.

The following message from the Governor was received and read :

State of Florida,
Executive Office,
Tallahassee, Fla., April 5, 1911.

Gentlemen of the Legislature :

I have the honor to submit to you for your consideration the following Joint Resolution proposing an amendment to the Constitution of the United States :

“Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each house concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several states, shall be valid to all intents and purposes as a part of the Constitution.

“Article XVI. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration.”

The passage of the same is recommended.

This is a just measure. With the exception of taxes derived from licenses and the tax recently imposed upon the incomes of corporations, the revenue for the Federal Government is derived from taxation upon consumption. This proposed Constitutional Amendment will place a tax upon wealth. Without the strong arm of the law, no one would be in a position to accumulate wealth. Having accumulated wealth, without the strong arm of the law, no one would be in a position to enjoy the same. Wealth should pay its just proportion of the expenses of the Government which makes the procurement and enjoyment of the same possible. The main objection that I have seen urged against the passage of such amendment is that the Federal Government will be in a position to enforce a tax upon the incomes derived from State, County and Municipal bonds, thus impairing the credit of the States, Counties and Municipalities. In the event of the adoption of such a Constitutional Amendment, it is necessary to state that no law, providing for a tax upon incomes could be passed without the votes of the Senators and Congressmen. All of the Senators and Congressmen are residents of a State;

they are all residents of a county, and practically all of them are residents of a municipality. An objectionable tax could not be imposed without the same affecting every member of the Federal Senate and the Federal House of Representatives. Self-preservation is the first law of nature. These gentlemen will undoubtedly conserve the interests of their States, their Counties and their Municipalities.

Very respectfully,
ALBERT W. GILCHRIST,
 Governor.

Mr. McMullen moved that the above message be made a special order for 4 o'clock p. m., Tuesday, April 11, 1911.

Miss Baggett, Journal Secretary-elect of Senate, was duly sworn in.

Mr. Hudson, Chairman of the Special Committee on Rules, submitted the following report:

Tallahassee, Fla., April 5, 1911.

Hon. Fred P. Cone,
President of the Senate.

Sir:

Your committee appointed to revise the rules of the Senate and report, beg leave to recommend that the following rules be adopted for the session of 1911, to-wit:

RULES AND ORDERS OF THE SENATE.

Rule 1. The President shall take the chair every day at the hour to which the Senate shall have adjourned; shall call the Senate to order, and on the appearance of a quorum, shall cause the Journal of the preceding day to be read and any mistakes made in the entries corrected. The reading of the Journal may be suspended by unanimous consent.

The following order of business shall be pursued:

ORDER OF BUSINESS.

1. Reading of the Journal.
2. Correction of the Journal.
3. Reports of Committees.

4. Introduction of Resolutions.
5. Introduction of Bills.
6. Consideration of Resolutions.
7. Messages from the Governor.
8. Messages from the House of Representatives.
9. Orders of the Day.
10. Consideration of Bills upon their Third Reading.
11. Consideration of Bills upon their Second Reading.
12. Miscellaneous Business.
13. Petitions and Memorials.

Rule 2. He shall preserve order and decorum, may speak to points of order in preference to other members, and shall decide all questions of order subject to an appeal. He shall rise to put a question or to address the Senate, but may read sitting.

Rule 3. He shall declare all votes, but if a member rises to doubt a vote, the President shall order return of the number voting in the affirmative and negative without any further debate.

Rule 4. When any member shall require a question to be determined by yeas and nays, the President shall take the sense of the house in that manner, provided that any five of the members present are in favor of it.

Rule 5. When a question is under debate the President shall entertain no motion but to adjourn, to lay on the table, to postpone to day certain, to commit, to amend or to postpone indefinitely, which several motions shall have precedence in the order in which they stand arranged, and a motion to lay on the table and to adjourn shall be determined without debate, except a motion to adjourn to a time certain. Provided, however, that the introducer of a resolution, bill or motion shall be allowed to speak five minutes when he desires to discuss the same, or he may divide his time with, or may waive his right in favor of some other one member before a motion to lay on the table shall be put. When a substitute is offered and taken up for consideration, it shall be subject to amendment in the same manner as the original proposition; and the effect of rejection of the substitute, or of the substitute as amended, shall be to reinstate the original for consideration.

Rule 6. When two or more members rise at once, the President shall name the member who is to speak first.

Rule 7. The President may designate a member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

Rule 8. The President shall not recognize any member who shall address the chair from any position, except at his desk, if objection be made thereto. When a member has finished speaking, he shall sit down.

Rule 9. No member shall speak more than once on one question, to the prevention of any other who has not spoken and is desirous to speak, nor more than twice without obtaining leave of the house.

Rule 10. No member speaking shall be interrupted by another, but by rising up to call to order, or a question of privilege.

Rule 11. After a question is put to vote no member shall speak to it.

Rule 12. Every member presenting a petition, memorial or remonstrance, shall indorse his name thereon.

Rule 13. Every motion shall be received and considered, and shall be reduced to writing upon the request of any member.

Rule 14. When a vote has been passed, it shall be in order for any member voting in the majority to move a reconsideration thereof on the same or succeeding day, and such motion (except during the last seven calendar days of the session) shall be placed first in the orders of the day for the day succeeding that on which the motion is made, and when a motion for consideration is decided, that vote shall not be reconsidered.

Rule 15. A question containing two or more propositions capable of division, shall be divided whenever desired by any member. A motion to strike out and insert shall be deemed indivisible; but a motion to strike out being lost, shall neither preclude amendment nor a motion to strike out and insert.

Rule 16. The unfinished business in which the Senate was engaged at the time of the last adjournment shall have the preference in the orders of the day after motions to reconsider have been disposed of.

Rule 17. The rules and proceedings of the Senate shall be observed, as far as they are practicable, in Committee of the Whole, excepting that a member may speak oftener

than twice on the same subject. In Committee of the Whole the previous question cannot be called, the yeas and nays required, nor can there be an appeal from the decision of the chair.

Rule 18. No member shall absent himself from the Senate without leave.

Rule 19. Whenever a question shall be taken by yeas and nays, the Secretary shall call the names of all the members in alphabetical order, except the President, whose name shall be called at the end of the roll call, and every member present shall answer to his name unless excused, and no member shall be permitted, under any circumstances, to vote after the decision is announced from the chair.

Rule 20. The following Standing Committees shall be appointed at the commencement of the first 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, Canals and Telegraphs.
- A Committee on Public Land and Drainage.
- A Committee on Privileges and Elections.
- A Committee on Appropriations.
- A Committee on Commerce and Navigation.
- A Committee on Immigration.
- 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.
- A Committee on the Governor's Message.
- A Committee on Attaches.
- A Committee on Rules and Procedure.

Each of these committees shall consist of five members, except the two Judiciary Committees, which shall consist of nine members each.

The Senate shall not employ more than six persons to serve as Clerks to the several committees of the Senate. Such persons shall be selected by the Committee on Legislative Expenses, who shall report the same to the Senate for confirmation or rejection. The persons so selected shall be competent typewriters and shall also be experienced stenographers, and their duties shall be: First, to attend upon the several committees and perform such clerical service as may be necessary to be done; and, second, to perform such clerical work for the members of the Senate as may be in line with their official duties as distinguished from their private affairs: Provided, however, that extra clerks may be employed as they may be needed to assist the regular engrossing and enrolling Clerks. These Clerks shall be subject to the assignment, direction and control of the Committee on Legislative Expenses.

All application to the Senate for clerical aid to the Engrossing and Enrolling Committees 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, and if it is authorized the Chairman of the Committee shall, as soon as the appointment is made, certify the appointment and the name of the Clerk with the date of his entering upon his duties to the Chairman of the Committee on Legislative Expenses, and the compensation of such Clerk shall begin upon 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.

Rule 21. All committees shall be appointed by the President, unless otherwise specially directed by the Senate, and the person first named shall be Chairman, the person whose name is next in order on the committee list shall act as Chairman during the absence of the Chairman, and whenever a member of a committee shall be absent, and a substitute shall be appointed, the substitute shall hold the same rank in the committee as the member held for whom he is substituted. In all elections of committees by ballot the person having the highest number of votes shall act as Chairman.

Rule 22. No bill or joint resolution shall be introduced by a member without special leave, except under the regular order of business, and all bills and joint resolutions when so introduced shall be committed before they are passed to second reading.

Rule 23. Any bill or resolution shall be read in full at the request of any Senator, unless objection be made, when the question shall be determined by the Senate without debate.

Rule 24. No bill or joint resolution shall pass to be engrossed without two several readings on two separate days.

Rule 25. All bills and joint resolutions after a second reading shall be committed to the Standing Committee on Engrossed Bills, whose duty it shall be to strictly examine the same, and if found by them to be correctly engrossed, they shall so indorse on the same; Provided, That any bill or joint resolution which has passed second reading without amendment shall be placed on the Calendar of Bills on Third Reading without reference to said committee, unless the Senate shall order otherwise; and such bill or joint resolution shall be considered as engrossed.

Rule 26. No engrossed bills or joint resolutions shall be amended without the unanimous consent of the members present, and when so amended shall be re-engrossed unless it is otherwise ordered by the Senate, and shall not lose its place on the Calendar.

Rule 27. All bills and joint resolutions of a general nature shall be placed upon a calendar to be known as the General Calendar, and shall be taken up on their various readings only in regular order unless otherwise provided by the Committee on Rules and Procedure from

time to time by reports and approved by the Senate. All questions arising on such reports shall be decided without debate.

All bills and joint resolutions of a local nature shall be placed upon a separate calendar to be known as the Special Calendar, and shall be taken up on their various readings only in regular order at such times as may be from time to time designated by the Committee on Rules and Procedure.

Rule 28. All resolutions requiring the concurrence of the House of Representatives shall be read to the Senate and lie over one day before final action thereon, unless otherwise ordered by the Senate.

Rule 29. All orders or resolutions requiring information from the Governor, Cabinet Officers, or action of committee shall be read to the Senate and acted upon as in case of motions, and shall be spread upon the Journals of the Senate.

Rule 30. Message shall be sent to the House of Representatives by the Secretary, who shall previously indorse the final determination of the Senate thereon.

Rule 31. No bill, order, resolution, or other matter for the use of the Senate, shall be printed without the special order of the Senate.

Rule 32. No person not a member of the Senate, shall be allowed inside the bar while the Senate is in session, except the Senators, the Governor, his Cabinet Officers, ex-Governor, United States Senators, members of the House of Representatives of the United States and of the State, and Judges of the Supreme and Circuit Courts; Provided, that the President, upon the suggestion of any member, may invite any person within the bar of the Senate, unless objection be made thereto, in which case a vote of the Senate shall be necessary, but in no case shall any record of such admission within the bar of the Senate be made in the minutes.

Rule 33. Whenever the Senator who introduced any bill or resolution is absent from the Chamber when such bill or resolution is reached in its regular order or any part of its readings, such bill or resolution shall be temporarily passed until the return of said Senator, when he shall have the privilege of calling up said bill or resolution out of its regular order on the calendar.

Rule 34. The rules of parliamentary practice comprised in Jefferson's Manual shall govern the Senate in all cases to which they are applicable, and in which they are not inconsistent with the Standing Rules and Orders of the Senate or the Joint Rules of the two branches of the Legislature.

Rule 35. The Senate shall meet daily except Sunday. The hours of the daily sessions shall be 10 a. m. and 4 p. m., unless otherwise ordered by the Senate.

Rule 36. Any rule or order may be altered, dispensed with or rescinded, by a two-thirds vote of the members present consenting thereto.

Rule 37. The Messenger, Doorkeeper, Janitor and Pages shall be under the supervision and control of the Sergeant-at-Arms, and all attaches shall be under the supervision and control of the Committee on Attaches.

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.

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 considered 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."

Rule 40. The reports of committees upon bills referred to them shall not be set out in the Journal in *haec verba*, but the Secretary shall note in the Journal the fact that each bill has been reported favorably or otherwise, as the case may be, and that the bill was placed upon the calendar.

Your committee would further recommend that the rules governing executive sessions in force for the session of the Senate for 1907 be adopted for the session of 1911.

Respectfully submitted,

F. M. HUDSON,
Chairman.

Mr. Humphries moved that the report be spread on the Journal.

Mr. Humphries moved that the Senate adjourn to 10 o'clock tomorrow morning.

Which was agreed to.

Whereupon, the Senate stood adjourned to 10 o'clock a. m., April 6, 1911.

THURSDAY, APRIL 6, 1911.

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, Broome, Calkins, Carney, Cook, Culpepper, Davis, Dayton, Finlayson, Flournoy, Henderson, Hilburn, Hosford, Hudson, Humphries, Johnson, L'Engle, Malone, Massey, McCreary, McLeod, McMullen, Miller, Perkins, Sloan, Stokes, Williams, Wilson, Withers, Zim.

A quorum present.

Prayer by the Chaplain.

Mr. Johnson moved that the reading of the Journal be dispensed with.

Which was agreed to.

The Journals of April 4 and April 5 were corrected.

Mr. Humphries moved to take up and consider the report of the Committee on Rules.

Which was agreed to.

The report was taken up.

Mr. Hudson offered the following amendment to the report of the Special Committee on Rules. Strike out the word "nine" in the third line of the paragraph following the list of committees on page 9 of Journal, and insert in lieu thereof the following: "Eleven."

Which was agreed to.

Mr. Hudson moved to consider the rules as reported and amended by sections.

Which was agreed to.

Pending the reading of the rules a communication was received from the Attorney General.