

JOURNAL OF THE SENATE.

Of the fifteenth session of the Legislature under the Constitution of A. D. 1885, begun and held at the Capitol in the City of Tallahassee, State of Florida, Tuesday, the 6th day of April, A. D. 1915, being the day fixed by the Constitution of the State of Florida for the convening of the Legislature.

Tuesday, April 6, 1915.

The Senate convened at 12 o'clock, noon, and was called to order by Hon. Herbert J. Drane, President of the Senate.

Prayer by Rev. Mr. J. D. Adcock.

Secretary Charles A. Finley called the roll and the following answered to their names:

R. A. McGeachy, First district.
B. H. Lindsey, Third district.
S. P. Roddenberry, Fifth district.
H. J. Drane, Seventh district.
Fred L. Stringer, Ninth district.
W. F. Himes, Eleventh district.
F. M. Hudson, Thirteenth district.
A. Z. Adkins, Fifteenth district.
J. B. Johnson, Seventeenth district.
Arthur E. Donegan, Nineteenth district.
J. S. Blich, Twenty-first district.
W. M. Igou, of the Twenty-third district.
A. J. McClellan, Twenty-fifth district.
F. M. Cooper, Twenty-seventh district.
Max M. Brown, Twenty-ninth district.
L. W. Zim, Thirty-first district.

The President instructed the Secretary to call the names of the newly elected members. The roll of the newly elected members was called from the list certified to the body by the Secretary of State, and the following answered to their names:

District No. 2—John B. Jones.
District No. 4—R. B. Willis.
District No. 6—Y. L. Watson.
District No. 8—A. S. Wells.
District No. 10—Chas. E. Davis.
District No. 12—J. M. Gornto.

District No. 14—M. L. Plymton.
 District No. 16—James E. Calkins.
 District No. 18—Ion L. Farris.
 District No. 20—Glenn Terrell.
 District No. 22—J. R. McEachern.
 District No. 24—J. N. Fogarty.
 District No. 26—W. S. Middleton.
 District No. 30—W. H. Greene.
 District No. 32—D. G. Roland.

The oath of office was administered to the newly elected members of the Senate, except J. B. Conrad, of the 28th District, by Hon. R. Fenwick Taylor, Chief Justice of the Supreme Court of Florida.

The Senate proceeded to the organization of the body.

Mr. J. B. Johnson placed in nomination for President of the Senate the name of Hon. Charles E. Davis.

Mr. Johnson moved that Hon. Charles E. Davis be elected by acclamation.

Which was agreed to.

And Mr. Charles E. Davis was declared unanimously elected President of the Senate for the Session of A. D. 1915.

The President appointed Messrs. Johnson, Willis and Watson as a committee of three to escort the newly lected President to the Chair.

The Committee performed the duty assigned them and the newly elected President was received by the retiring President, who introduced him to the body.

President Davis in the chair.

President Davis returned his thanks for the high honor conferred.

Mr. J. B. Johnson placed Mr. James E. Calkins in nomination as President pro tem., and moved that Mr. Calkins be elected by acclamation.

Which was agreed to.

Mr. James E. Calkins was declared the President pro tem. of the Senate for the Session of A. D. 1915.

Mr. John B. Johnson placed in nomination Mr. Chas. A. Finley for Secretary of the Senate and moved that his election be by acclamation.

Which was agreed to.

And Mr. Chas. A. Finley was declared Secretary of the Senate for the Session of A. D. 1915.

Mr. Jno. B. Johnson placed in nomination the following officers and attaches of the Senate for the Session of A. D. 1915:

Assistant Secretary—D. M. Newman, Calhoun County.

Bill Secretary—J. B. Sutton, Polk County.

Reading Secretary—J. A. Bedingfield, Hillsborough County.

Assistant Reading Secretary—Rainey Martin, Hernando County.

Journal Secretary—R. S. Holly, Seminole County.

Assistant Journal Secretary—R. J. Davis, DeSoto County.

Sergeant at Arms—J. R. Adair, Holmes County.

Enrolling Secretary—A. E. Lester, Suwannee County.

Engrossing Secretary—Leota Conklin, Lake County.

Recording Secretary—Mrs. L. B. Young, Leon County.

Messenger—C. S. Zim, St. Johns County.

Janitor—W. E. Lewis, Santa Rosa County.

Doorkeeper—Nat Roddenberry, Wakulla County.

Chaplain—J. D. Adcock, Leon County.

Page—Donald Adkins, Bradford County.

Page—Clifford Blich, Levy County.

Page—Harold Turner, Baker County.

Mr. Johnson moved that the names as presented by him be elected by acclamation.

Which was agreed to.

And they were declared unanimously elected for the session of A. D. 1915.

The oath of office was administered to the Secretary and attaches by John B. Johnson, a duly authorized officer of the State of Florida.

Mr. Stringer moved that a committee be appointed to inform the House that the Senate is organized and ready for business.

Which was agreed to.

And the President appointed as such committee the following Senators:

Senators Stringer, Farris and Lindsey.

Mr. Hudson moved that a committee be appointed to inform the Governor that the Senate is organized and ready for business.

Which was agreed to.

And the following Senators were appointed as such committee:

Senators Hudson, McGeachy and Fogarty.

By permission, Mr. Johnson offered the following resolution:

Senate Resolution No. 1:

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

Resolved further, That until other rules are adopted the rules governing the session of 1913 of the Senate shall govern this body.

Mr. Johnson moved that the Resolution be adopted.

Which was agreed to.

Mr. Blich offered the following:

Senate Resolution No. 2:

Be it Resolved, That the Senate appreciates the courtesy of the noble women of Tallahassee, as exemplified in their beautiful offerings of Florida flowers, spread so lavishly about this chamber.

Mr. Blich moved that said Resolution be adopted.

Which was agreed to.

Mr. Himes offered the following Resolution:

Senate Resolution No. 3:

Resolved, That the Committee on Legislative Expense is hereby authorized and instructed to employ three expert and competent stenographers and typewriters to serve the Senate during this session, or so long as their services shall be needed.

Resolved, further, That the President of the Senate be and he is hereby authorized to employ one competent stenographer and typewriter, who shall serve the President at all times when services shall be required by him, and who shall serve the Senate as stenographer typist when her services are not required by the President.

Which was read the first time.

Mr. Himes moved that Senate Resolution No. 3 be adopted.

Which was agreed to.

Mr. Gornto offered the following Resolution:

Senate Resolution No. 4:

Be it Resolved:

1. That the daily journals of the Senate, to the number of one hundred (100) to each member of this Senate, be

mailed daily by and under the direction of the Sergeant-at-arms of the Senate, to such persons in the State of Florida whose addresses shall be furnished to the Sergeant-at-Arms by the respective members of the Senate.

2. That the following words be printed in plain, bold type, on a fly-leaf of different colored paper, and attached to the daily journals:

"Please read and pass to your neighbor. It is sent you for this purpose and not to keep."

3. That two capable and competent persons be elected by this Senate to assist the Sergeant-at-Arms in addressing and mailing the daily journals, who shall be paid the same per diem as other clerks employed by the Senate.

4. That the Sergeant-at-Arms shall certify to the Committee on Legislative Expenses, from time to time, as may be necessary, the amount required for stamps, wrappers and other expenses necessary to carry out the provisions of this resolution, which amounts shall be paid from the same fund and as other Legislative expenses.

5. That the State Printer be required to furnish, for the use of the Senate, and the distribution aforesaid, thirty-six hundred copies of each day's Journal during the session.

Which was read the first time.

Mr. Gornto moved that Senate Resolution No. 4 be adopted.

Mr. Johnson moved as substitute that the Resolution go over until Wednesday.

Which was agreed to.

The following message from the Governor was received:

Executive Chamber,

Tallahassee, April 6th, 1915.

Hon. Chas. E. Davis,

President of the Senate.

Sir:

I have the honor to transmit herewith in printed form the message to the Legislature contemplated by Section 9 of Article IV of the State Constitution.

I also transmit herewith in printed form the report of pardons, etc., granted as required by Section 11 of Article IV of the Constitution.

I also transmit herewith a report submitted by the

Attorney General in pursuance of the requirement of Section 91 of the General Statutes.

Very respectfully,

PARK TRAMMELL,
Governor.

Mr. Wells moved that the message from the Governor be spread upon the Journal.
Which was agreed to.

MESSAGE OF THE GOVERNOR.

EXECUTIVE OFFICE,
STATE OF FLORIDA,
TALLAHASSEE, APRIL 6, 1915.

TO THE FLORIDA LEGISLATURE:

In compliance with Section 9, Article IV of the Constitution, which provides that "The Governor shall communicate by Message to the Legislature at each regular session, information concerning the condition of the State, and recommend such measures as he may deem expedient," I respectfully transmit this, my message, for the consideration of your Honorable Body.

CONDITION OF THE STATE.

Considering the more or less depressed conditions prevailing throughout the United States on account of our disturbed foreign trade conditions due to the great European War, Florida people and her industries are getting along remarkably well. To say, however, that we have our usual prosperous and satisfactory conditions in all lines of business would be misleading and untrue. Unquestionably, some of our large industries are very much hampered at present on account of being shut off from the markets in which they dispose of their products. This condition, however, is only temporary and the great industries

involved will soon return to their former prosperous condition. Despite the war, and its effect upon our Nation, in a general way our State continues to grow and prosper. The increased activities in the farm and fruit industries, and the continued growth of most of our towns and cities, is very gratifying. In all parts of the State, notable public improvements are being made. Florida is rapidly forging its way into the front rank of the greatest commonwealths of America.

FINANCIAL CONDITION OF STATE.

Florida is maintaining a splendid financial condition. The State is without debt excepting about \$600,000 of State bonds, which are held by the State School Fund. On March 1st, 1915, there was in the General Revenue Fund \$399,934.23, and a safe balance in all of the other funds. By proper economy in expenditures there is no reason why the present satisfactory condition of the State finances cannot be continued.

INVESTMENT OF STATE SCHOOL FUND.

A policy of investing the State School Fund exclusively in Florida public securities is now being followed. This policy keeps the money at home, results in the funds producing from five to six per cent. interest per annum, as against three and four per cent when formerly invested in State bonds. It also aids in making improvements in our own State and stimulates the price of Florida securities. It was a source of gratification that the interest upon the State School Fund apportioned to the counties recently, was the largest in the history of the State.

REDUCTION OF STATE TAXES.

Acting under the provisions of the law authorizing the Governor to reduce the tax millage fixed by the Legislature for General Revenue and pensions, I reduced the 1914

millage from four mills to two and a quarter mills for pensions, and from two mills to one and three-quarters mills for General Revenue. The total reduction being from seven and one-half mills to five and one-half mills.

The effect of the reduction in the State tax levy made by me was to reduce by about six hundred thousand dollars the amount of State taxes which would have been collected had the levy been left as fixed by law.

The reduction also resulted in the tax payers of the State being required to pay approximately One Hundred and Eighty-five Thousand Dollars less State taxes upon the assessment for 1914, than upon the assessment for 1913. It necessarily follows that a very large majority of the tax payers paid less State taxes for the 1914 assessment than paid by them on the 1913 assessment.

The reduction in the tax levy was made because of my desire to relieve and lighten as much as possible the burden upon the tax payers of the State and to enforce economy by preventing the accumulation of large and tempting surpluses which might tend to encourage extravagant and unnecessary appropriations.

The reduction was made possible by the excellent financial condition of the State and by the substantial increase in the total assessed valuations in the State.

It is my earnest hope that the necessity for a future increase in the State tax millage will not arise; this, however, will depend upon the prudent exercise of economy by your Body.

SUGGESTED REDUCTION OF COUNTY TAXES.

Feeling that the increase in the assessed value of the property in the State for 1914 would make possible a reduction in the county tax millage, I addressed a communication to each Board of County Commissioners and each County School Board in the State urging them to reduce the 1914 county tax millage as much as possible.

RECOMMENDATIONS.

For your consideration, and for such action thereon as your wisdom directs, I submit my views and recommendations relative to the measures which I deem expedient, under their respective heads, as follows:

NECESSITY FOR ECONOMY.

At least for many years a Legislature has not convened in this State, when there was greater need for the strictest economy in dealing with those matters which involve the expenditure of public funds. The burden of taxes should even during the most prosperous periods be made as light as possible, with due consideration for a proper administration of government. When a large number of the taxpayers of the State are not enjoying to a considerable extent their usual prosperity, as at present—due to the European War—the wisdom of, and the demand for care and economy in public expenditures are doubly apparent. At this session of the Legislature it is my opinion that you should not authorize the expenditure of one dollar that is not required for a strictly worthy purpose, and one for which there is apparent need at present. Doubtless you will have before you a number of demands for appropriations which, in more favorable times, should be granted, but at this time to grant them would work a hardship and place an increased burden on the tax payers. Such demands, when for purposes not urgently required at present for the efficient administration of government, should be deferred until our people are in better shape to meet the expenditures they require. The greatest scrutiny and caution should be exercised in passing upon appropriation measures. The merits of every measure contemplating the creation of a new office, additional clerkship and salary raise should be thoroughly investigated, and denied and defeated by you unless absolutely worthy and

proper. My experience with public affairs for a number of years has convinced me that a few people at least, are going to get all they can out of the public treasury, whether their demands are or are not meritorious. Then greater is the necessity for those whose duty it is to protect the general good, the interest of the great majority, to be constantly on guard, watching and safeguarding the interest of the tax payers.

No money can be paid from the Treasury except upon appropriations made by the Legislature. This places the full responsibility for protecting the tax payers upon your branch of the government, and it is hoped and believed that it will by you be prudently and economically exercised.

STOP WASTE IN LEGISLATIVE EXPENSES.

At some previous sessions of the Legislature about two to three times as many clerks and attaches of the Legislature have been employed as were necessary to efficiently carry on the work. When this was true, it was a great injustice to the tax payers, upon whom fell the burden of these expenses. My confidence in you leads me to believe you will not at this session permit of any such waste of the public funds of this State. The necessary clerks should be employed, but the tax payers should not be forced to pay for unnecessary clerks, as has sometimes been true in the past, when the principal labor performed by the useless clerks was that of visiting the State Treasury to draw their unearned and unmerited salary.

AUTHORIZE CITIES TO CHANGE CHARTERS.

Much of the time of each session of the Legislature is consumed in the consideration of city charter measures. To relieve the Legislature of this work, and in order that the people of the towns and cities may have authority to

make their own charters and after same, as desired locally, a Constitutional amendment removing this authority from the Legislature and vesting it in the towns and cities should be submitted.

REQUIRE INTEREST ON COUNTY FUNDS.

For some years, by law, interest has been required on State funds on deposit. The same policy should be adopted regarding County funds, and I repeat my recommendation of two years ago that a law be enacted requiring banks when holding county funds on deposit to pay interest on the same. Such law would result in the counties deriving an income of from \$50,000 to \$75,000 annually from a source now producing no revenue.

COUNTY FINANCE, TAXATION, LIMITING MILLAGE.

Possibly one of the most important subjects with which you will have to deal is the problem of the administration of the business of the counties respectively of our State. Every tax payer is interested in the use being made of the tax money which he contributes to the State government, but he is far more directly concerned in the contributions he is making to the county. More directly interested because he pays four to six times as much taxes to the support of his county as he pays for all State purposes, including pensions. Also because his tax money going to the county is used for purposes which brings to him and his family more direct benefits, in the way of school advantages and local public improvement and development.

Every safe-guard should be thrown around the county finances. The people are entitled to a painstaking and business-like administration of the county affairs. In some counties there is entirely too much extravagance

and too little regard for the interest of the tax payers. Improvements and progress are desirable, but it is also desirable that the tax burden be held down to as low minimum as possible, commensurate with a proper administration of the public business. Taxes are too high in some of the counties. As a means to remedy this condition to an extent at least, I suggest that a law should be passed limiting the maximum millage which can be levied for the various county purposes, and also plainly providing that no expenditures shall be made in a county in excess of the annual revenue of the County, unless such expenditure is first authorized by a vote of the tax payers. The law to provide specifically for the removal of any officer who violates its provisions.

REQUIRE RECORD VOTE MEMBERS COUNTY BOARDS.

The tax payers and citizens generally are entitled to know how each member of the Board of County Commissioners and each member of the County School Board stand upon the many questions with which they deal. It is also desirable to have properly placed the members of these Boards who are rendering a faithful and creditable service, and those who are not doing so. To accomplish this, I recommend the passage of a measure requiring that a ye and nay vote be required upon all questions before these boards, and that the Clerk or Secretary of said boards shall record such vote with names in the official minutes of the Board.

REQUIRE OFFICERS TO PAY OVER PUBLIC FUNDS PROMPTLY:

All money belonging to the State or a county, when paid to an officer, should be promptly paid over to the public Treasury. No officer should be allowed to hold the

public funds for an indefinite period. I would suggest the enactment of a law requiring that all officers collecting public funds shall pay the same to the proper officer within ten days after the first day of the month next succeeding the month of receiving the same, with the penalty of removal for a failure to comply with the law, and the loss of commission on the amount which is not so paid.

UNIFORM SYSTEM OF PUBLIC ACCOUNTS.

There has been in recent years a great improvement in nearly all the counties in regard to the system of keeping the public accounts, but in order that this may be perfected, I recommend that a uniform system of public accounting in the county offices be established by providing for the State Comptroller and the State Auditor to prescribe and enforce the use of uniform books and blanks, and also authorizing them to require the system prescribed to be used by every county official, whose duty includes the keeping of any part of the public accounts.

APPLY GAME REVENUE TO AID OF RURAL SCHOOLS.

Under the provisions of the law creating a State Game Department the revenues derived from hunting licenses is paid into the State School Fund, and is invested in securities paying about five per cent interest annually. This interest is distributed to the several county school funds upon the basis of the average daily attendance of pupils. Under this plan the amount to which each county is entitled is so very small that it cannot be of any substantial aid toward defraying the expenses of the county schools. I think it desirable to have the net revenue from the Game Department, amounting to about \$25,000 per annum, used for the more direct benefit and improvement of our public schools. Entertaining this view, and know

ing the urgent needs of providing longer terms and better facilities for our rural schools, as well as being aware that many School Boards find it difficult to finance the schools with the funds now available, I know of no more worthy way in which this fund can be used than to have it applied for the benefit and development of the public schools in the rural districts of this State. To this end I recommend that a measure be passed providing that the net proceeds from the State Game Department shall annually be distributed to the counties, and shall constitute a fund in each county to be known as the Rural School Fund, and applied specifically for the use of the rural schools. The apportionment of said fund by the State to the counties to be made upon some equitable basis.

STATE AID TO STAMP OUT PESTS.

In my message to the last Legislature I recommended that an annual appropriation be made to be used in stamping out and preventing the spread of any disease or insect which threatens any of our agricultural and horticultural interests. No action was taken upon my suggestion, and as a result, when the citrus canker appeared on the lower East Coast during last year, there were no State funds available for use in the campaign to eradicate this disease. Though my contingent fund was small, I felt that I was justified in doing so, and used \$1,000 for assisting in the work to stamp out the disease, and also assisted in every way I could the voluntary efforts to handle the citrus canker situation. Through the activity and financial aid of many of the citrus growers and other citizens, a persistent fight has been waged to rid our citrus industry and our State of this disease, and only recently the Federal Government appropriated and began the expenditure of \$35,000 for the eradication of the citrus canker in the limited territory now affected. This appropriation terminates in June of this year, and we will then have no fur-

ther assistance from the Federal Government. The campaign to eradicate this disease should not be allowed to stop with the expenditure of the funds furnished by the Federal Government and now being used. Ample provision should be made by your Body to continue the campaign to a successful conclusion, and to this end I recommend that an appropriation be made with which to carry on the work of exterminating this disease or any other disease or insect which may threaten our horticultural or agricultural interests.

CROP PEST LAW.

In order to successfully carry on the work of studying and investigating diseases and insects which attack our grove and agricultural interests, to prevent their entrance into the State, and for controlling and exterminating any such diseases and pests that may get a foothold, it is necessary for us to have a law granting the necessary authority and providing the system to be pursued in such work. Our laws are not sufficient upon this subject, and I urge the enactment of a thorough crop pest law.

COUNTY AID IN CROP PEST ERADICATION.

It is recommended that a law be enacted giving the Boards of County Commissioners the authority to extend aid in the extermination of crop pests and diseases prevalent in the County, whenever it is deemed advisable.

PROTECTION OF CATTLE INDUSTRY.

One of the large industries of this State is cattle raising, and we have the possibilities for making Florida the greatest cattle and stock raising State east of the Mississippi River. A menace to the cattle industry is the cow tick. To eradicate this pest some effort has been made

by the Federal Government and also by our State through the State Board of Health. It is my opinion, however, that more extended efforts should be made, and to this end I recommend that an appropriation of Fifteen Thousand Dollars be annually appropriated to carry on a campaign for cow tick extermination.

FARMERS' AND GROWERS' DAY.

Throughout our country more and more the people are being impressed with the importance and value of the farmers and growers, as the main factors in the material development and prosperity of our land. Our citizens generally are concerned and interested in every movement for the stimulation and encouragement of the agricultural interests. For the encouragement of our farmers and growers, and as a compliment to them for their great service to their communities, their State and Nation, I recommend the enactment of a law setting aside and designating one day in each year to be known as "Farmers' and Growers' Day." The said day to be observed as a legal holiday throughout the State.

A MARKETING BUREAU.

Produce of all kinds can be produced in Florida. Our growers are wonderfully successful in raising good crops. The serious question, however, with our producers is the proper marketing and successful selling of what they raise. With a good market, where fair prices can be procured for our vegetable and staple crops, the Florida farmer is certain to succeed. To assist our farmers in this matter and for the general good of all the people of the State, I recommend that provision be made for a State Marketing Bureau. The said Bureau to be directed by a Commissioner whose duties it shall be to take all action necessary to bring about the successful marketing of the

farm products of Florida. Such Bureau with proper management would not only be a wonderful aid to our farmers but can be made self-sustaining.

COUNTY AGRICULTURAL AND HORTICULTURAL AGENTS.

The demonstration work which has been carried on by the State University and the Federal Government has made apparent the value to our farmers and fruit growers of agricultural, horticultural and stock breeding demonstrations. There is room for enlargement of this very beneficial work. The fact that the work of the Agricultural Experiment Station is more or less limited by lack of funds and the large territory to cover suggests the value of a demonstrator in the counties, who would be skilled in proper methods of farming and fruit growing, selection of seed and plants, breeding of live stock, extermination of pests, judging the value and proportions of fertilizers, treatment of soils and the diseases of trees and plants.

I recommend that a law be passed authorizing the Board of County Commissioners of each county to employ such agricultural and horticultural demonstrator, when in their judgment it would be for the best interest of the county to do so, and to authorize such agent to employ assistants. The Federal Government will join the counties in paying the salary of such agents. Such demonstrator in addition to his other duties also could render valuable service by giving practical lessons in agriculture in the public schools, thereby making more efficient this branch of the public school work; also in co-operating with the corn clubs and tomato clubs, stimulating and extending this commendable work. The law should allow two or more counties to jointly employ such demonstrator if desired.

AGRICULTURAL PRIZES FOR BOYS AND GIRLS

Any policy which tends to encourage and increase agricultural activities is of unquestionable value to our State. Florida has an unlimited amount of rich and productive land, and it has untold possibilities for agricultural expansion. Every reasonable effort should be made to promote our farming interests. The ambitious boys and girls of the State will readily respond to the encouragement which might be offered to them by contests in growing the crops to which the soils of their respective sections are adapted.

I recommend legislation which will authorize the County Commissioners of the various counties to offer prizes for such contests.

NO LICENSE TAX ON FARM PRODUCTS.

Florida is vitally concerned in extending its grove and agricultural interests. We want to encourage our farmers and producers. In this behalf, I recommend the enactment of a law exempting absolutely from a City, County or State license tax, all farm and grove products or the products manufactured therefrom, when being handled by and disposed of by the original producers thereof.

CANNING AND CORN CLUBS.

For the funds expended wonderful results are being accomplished through the Girls' Canning Club and the Boys' Corn Club movement. This work should be continued and enlarged. Ample provision should be made by you in this behalf.

COUNTY CANNING AND CORN CLUB AGENTS.

The work being carried on through the medium of the Canning Clubs and Corn Clubs is proving very valuable

to our State. This commendable work should be encouraged in every way possible. At present the Boards of County Commissioners have no authority to employ agents to carry on this work. They should be so authorized and I recommend a law so providing.

REGULATION OF COMMISSION MERCHANT BUSINESS.

The fruit growers and truck farmers of Florida ship annually millions of dollars worth of their products to Commission Merchants in other States. Many of these merchants deal honestly with our people but some of them do not. To require fair dealing and prompt returns to our farmers and growers, a Federal law regulating the business of the Commission Merchant is necessary, and I would suggest that Congress be memorialized to enact such law.

ACCEPT PROVISIONS OF AGRICULTURAL EXTENSION BILL PASSED BY CONGRESS.

The 63rd Congress passed a measure known as the Smith-Lever Act providing for co-operative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an Act of Congress approved July 2nd, 1862, and of Acts supplementary thereto, and the United States Department of Agriculture. Under the provision of this Act, Florida, upon the acceptance of the provisions of the Act by me as Governor, received \$10,000 in 1914, and upon the assent to the provisions of the Act by your Body will receive \$10,000 in 1915, and an additional amount of approximately \$6,480 for 1915; and an annual increase thereafter of about \$5,500 for a period of years will be paid to the State upon an equal amount being appropriated for the said work by the State. It will be necessary for a measure to be passed

assenting to the provisions of this Act of Congress and also making the appropriation necessary for the State to procure the additional amount over the annual appropriation of \$10,000. I therefore recommend the enactment of the legislation necessary for the State to avail itself of the provisions of the said Act of Congress.

SOIL SURVEY BY U. S. GOVERNMENT.

The Federal Government has made comprehensive soil surveys in many of the States, but heretofore little has been done along this line in Florida. I deem advisable a memorial asking Congress to make provision for a soil survey in the counties respectively of Florida.

REQUIRE COMMON CARRIERS TO FURNISH CARS FOR PERISHABLE PRODUCTS IN CERTAIN TIME.

That the producers of perishable fruits and farm products may have cars furnished to them by common carriers for the prompt shipment of such perishables, or in the event of their failure to promptly furnish cars, that the producer may be compensated in damages, I recommend the enactment of a law making it the duty of common carriers to furnish to any grower or growers of perishable fruits and vegetables, suitable icing and refrigerator cars or other suitable cars for the transportation of such products when application in writing is made therefor, a reasonable number (the number to be inserted) of hours in advance of the time such car or cars are wanted for loading. And providing that in the event common carriers shall fail to so furnish such cars, the shipper shall be entitled to recover the damage he has suffered on account of such failure or delay based upon the market value of his products.

PUBLIC ROAD COMMISSION.

Within the past decade the public has become more or less alive to the necessity for and the advantage derived from good roads. This good road sentiment has become quite general in Florida. A large number of the counties of the State are now either by direct taxation or by funds raised from bonds engaged extensively in road construction and improvement. With the expenditure of the large sums of money which is now being applied, and will in the future be used in even larger amounts for road building, it will be both wise and economical to have the roads of the counties laid out with system; to have them made of proper materials and scientifically constructed. There is no avenue for greater waste of public funds than in road building, when the work is carried on in a slipshod fashion, without proper skill, a comprehensive system and suitable material.

I believe that the County should be the unit for road building; but while the first object should be to serve the people of the County which defrays the expense, each County should be neighborly and co-operate with the adjoining counties in making proper and suitable connections for highways, so far as the same can be done without detriment to the best interest of the county road system.

To advance the good road movement, to bring about greater efficiency in road construction in the various counties of the State, to ascertain the most advisable methods, the best materials to be used, and in a general way to have the road building of the counties placed upon the most economical business-like basis and to stop waste, I believe it advisable to have created a State Road Commission, to be composed of three members, who shall be allowed their expenses when engaged in the public business, but who shall serve without salary.

The said Commission should be granted ample authority to conduct all inquiries, to make all necessary investigations, and take all necessary action for the advancement of public road improvements in the State. The Commission should be authorized to employ a Highway Engineer, at a salary not exceeding twenty-five hundred dollars per annum, who should be required to investigate and report upon the methods of road construction best adapted to the various sections of the State, and define standards for the construction and maintenance of highways in the various counties of the State, suggest routes for State highways, and perform such other duties incident to and properly connected with such position. He should also be required to co-operate and advise with the Boards of County Commissioners and County Engineers with reference to County Roads.

GOOD ROADS.

In my study of public problems for the past twelve years I have given more or less thought to the subject of good roads and the advisability of governmental activity along this line. From my interest in this subject and its study, I am firmly convinced that a thorough system of good roads in each county in Florida will add more to the material advancement of our varied resources, to the upbuilding of our State, to property enhancement and to the comfort and convenience of our rural citizens and to the people generally of the State than any other one step that can be taken.

LIBRARIES FOR PUBLIC SCHOOLS.

That the school youth of the State have easy access to good books and proper reading matter, is deemed highly important. With a carefully selected library in the public schools suitable for the respective grades, the boys and

girls would be inclined to cultivate a taste for reading the right kind of literature and their attention diverted from trashy reading to which they are too often attracted when the better class of books is not available.

I would, therefore, recommend a law making it the duty of the County Board of Public Instruction in each county to provide for circulating school libraries, to contain not less than fifty volumes each, the number of libraries to be not less than one to every ten schools, and to provide for the care of the libraries and their exchange from one school to another. The supervision of the libraries and the details of the circulation of the same, and the system and rules for use thereof might very properly be made the duty of the County Superintendent of Public Instruction.

The initial and maintenance expense for these libraries would be but a trifle compared with the great good which they would accomplish.

RURAL SCHOOL INSPECTORS.

The two Rural School Inspectors which were authorized by a law enacted at the last session of the Legislature have been doing splendid work. Too much cannot be done for our rural schools, and I earnestly urge that ample provision be made for continuing the Rural School Inspectors.

EQUAL LENGTH TERM OF CERTAIN SCHOOLS.

The tax payers of the rural districts being required to pay the same rate of taxation to the General School Fund for school purposes that is paid in the towns and cities, it is my opinion that the country schools should be maintained from the said General School Fund for terms equal to those provided for the town and city schools from this general fund. A law should be passed so providing.

AGRICULTURAL, MECHANICAL AND DOMESTIC SCIENCE TRAINING IN THE PUBLIC SCHOOLS.

Practical training for our boys and girls is quite as essential as book-learning. Our present law requires that the elements of Agriculture and Civil Government be taught in the public schools. I believe we should also have a law requiring the teaching of at least the elementary principles of Domestic Science, Mechanical training, and also practical Farming.

AUTHORIZE SCHOOL BOARDS TO ACQUIRE LAND FOR FARM DEMONSTRATION.

A law should be enacted authorizing County School Boards, when deemed advisable, to acquire by gift, purchase or lease, a limited acreage of suitable land to be used for farm demonstration work in connection with the school or schools for which acquired.

ONE MILL STATE SCHOOL TAX.

The basis upon which the one mill State school tax is apportioned to the counties under the present constitutional requirements works an injustice against many of the counties of the State. A large number of the counties receive back far less than paid in by them to this fund, while other counties receive often as much as from two to three dollars for every dollar paid into the fund. It is not infrequent that the counties suffering on account of the plan of apportionment are paying a higher rate of taxes for school purposes than the counties receiving from this fund much larger sums than said counties contribute on account of said tax. A constitutional amendment correcting these discriminations should be submitted. The best plan would probably be to abolish the tax and to increase the maximum county school millage one mill.

STATE PRISON FARM.

The last Legislature enacted a law providing for the establishment of a State Prison Farm, on a tract of land approximately eighteen thousand acres, in Bradford County, previously purchased for this purpose. As no improvements had theretofore been made towards such farm upon this land, it became necessary for the Board of Commissioners of State Institutions to begin the establishment of this farm upon a new and uncleared tract of land. Buildings were to be erected and all lands to be used had to be cleared and put in tillable condition.

The Board first sent a Committee to other States to gather desirable information as to buildings and improvements best suited for such institutions. The Board then inspected the tract of land with a view to selecting a site for the buildings necessary. After these preliminaries, as many prisoners as could be safely handled in the woods with the necessary free labor, began clearing for the buildings, and in regular course the erection of buildings was pushed forward. When once able to house a substantial number of prisoners, the work of clearing land was begun, and has been constantly continued since.

We now have at this farm ample buildings for the accommodation of five or six hundred prisoners and for Superintendent and all other employees. The prison buildings are modern, equipped with electric lights, baths and sewerage and screened throughout. While of economical construction they furnish as comfortable prison quarters as can be found in the United States. The cottages erected for employees are all neat in appearance and comfortable.

Such barns and storage houses as required for present needs have been erected. A complete water and sewerage plant, and an electric light plant, serving the entire headquarters premises have been installed. Care was exercised in laying out the land upon which the buildings were to

be erected, necessary streets, avenues and parks being provided. System has been followed in the location of all buildings.

About six hundred acres of land has been cleared, and such crops as will do well on new land and are needed for the prisoners and stock have been and are now being planted on a large acreage of this land. The initial steps have been taken for the raising of live stock, hogs and chickens on this Farm. I believe the showing made on this farm, considering the time the work has been in progress, is quite creditable.

HANDLING OF STATE CONVICTS.

Two years ago I recommended the enactment of a law providing for the removing of the State prisoners from the lease system on an installment basis, the prisoners to be placed on the public roads and the State Prison Farm then contemplated. The idea being to eventually discontinue the lease, but to accomplish this aim in such gradual way as to not disturb the State and County finances or to necessitate an increase of taxes with which to raise funds to build up a prison farm and to maintain the prisoners until those on the proposed farm could be made self-sustaining.

A measure was passed carrying out, to a large extent, my suggestion. It did not, however, dispose definitely of the policy of abolishing the lease system. This will be one of the questions with which you will have to deal. Under the Act passed by the last Legislature upon this subject, with the funds therein provided which were derived from the hire of convicts, splendid progress has been made in establishing a State Prison Farm at Raiford, in Bradford County. Suitable buildings for accommodation of about five hundred prisoners have been provided, and several hundred acres of land have been cleared.

To provide additional buildings for more prisoners, to clear additional land and make tillable the acreage which should be utilized on this place and to support the prisoners now on this farm, numbering over five hundred, until the place is made self-sustaining, will require quite an expenditure. It is my opinion that this expense should be defrayed from the proceeds from the hire of that portion of the convicts who remain under temporary lease until the prison farm is properly equipped and made capable of taking care of all prisoners who will be sent there upon the abolition of the lease system. It is my opinion that within two years more this farm can be so enlarged that it will meet all demands and also become self-sustaining. During this period the able-bodied prisoners who are not desired by the counties for road work, and for whom there is not sufficient accommodations at the prison farm, of necessity will have to remain under temporary lease unless an appropriation is made from the General Revenue Fund for their immediate care and support.

Considering the conditions which confront us, and the guarding of the State finances, while dealing with this problem, I would recommend the enactment of a law providing that during the next two years counties may procure State convicts for road work upon the terms now authorized by law, that as many as can be cared for and advantageously used at the State Prison Farm, shall be used there, and those in excess of the number so required shall remain under temporary lease during the said two years. The said measure to further and specifically provide that at the end of said period no State prisoner shall be further leased, but thereafter all able-bodied male prisoners shall be used exclusively and only in road work as far as they can be used by the counties, and the remainder to be cared for and worked at the State Prison Farm. In this way it is my opinion we can build up a creditable State Prison Farm, have a large number of the prisoners to work in road-building, and permanently abolish the

lease system and do so without inflicting any financial hardships upon the State and the counties.

GAIN TIME FOR CONVICTS.

In the enactment of Chapter 6177, Acts of 1911, same being an Act to amend Section 4140 of the General Statutes, relative to gain time to be allowed to convicts, an error was made in not providing an allowance of gain time for the fifth year of sentence. This mistake was doubtless purely a clerical error and should be corrected, so as to preserve the symmetry of the Act and carry out what was unquestionably the real intent of the Legislature in passing the law.

AUTHORITY TO PAROLE PRISONERS.

The Board of Commissioners of State Institutions should be given authority to grant parole to prisoners, either upon bond made payable to the Governor, or without bond, when deemed advisable, and I recommend a measure granting such authority.

ALLOWANCE TO PRISONERS UPON DISCHARGE.

The average prisoner, at the end of his term of imprisonment is penniless. To turn him loose on the public without money or friends will possibly force him to again commit crime before he can get employment to make sufficient to buy food and shelter. He should at least have sufficient to sustain him for a few days. I therefore recommend the passage of a law requiring that each county prisoner who has served as much as thirty days shall by the county be given \$5.00 upon his discharge, and those who have served ninety days or more shall be given \$10.00 upon discharge. And all State prisoners shall be given \$15.00 upon being discharged.

SHOULD STOP SUB-LEASING OF COUNTY PRISONERS.

The law regarding the leasing of State prisoners prohibits the lessees from sub-leasing. The law regarding county convicts should also contain a similar provision.

FIRE ESCAPES FOR JAILS.

A law should be passed making it the duty of the Board of County Commissioners to have all jails equipped with ample exits and such fire escapes as necessary for the safety of prisoners against fire.

PROHIBIT INSURANCE COMBINES.

There is considerable complaint that life and fire insurance is excessively high. It is also apparent that the insurance companies have some mutual understanding in the matter of fixing rates. I would, therefore, suggest a law that would make it unlawful for two or more insurance companies doing business in this State, or for officers, agents or employees of such companies, to make or enter into any combination or arrangement relating to the rates to be charged for insurance.

INVESTMENT OF INSURANCE FUNDS.

It is the policy of insurance companies to invest their surplus funds in interest-bearing securities. Every State is, in my opinion, entitled to have invested in the State a reasonable percentage of the net surplus realized in that State. Our people are not getting a fair deal when their money is being used to build up other States. At least a part of the money earned in Florida should be invested in this State. I therefore recommend the enactment of a

law requiring that life insurance companies invest a reasonable percentage of its net surplus from Florida earnings in securities of this State.

ANTI-TRUST LAW.

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

FUND TO GUARANTEE BANK DEPOSITS.

Our National banking system has been materially strengthened by the new banking laws enacted by Congress, yet I am of the opinion that a State law requiring the banks to maintain a bank guarantee fund for the protection of depositors is desirable and should be enacted.

INCREASE MAXIMUM CORPORATION CHARTER FEE.

Under our law, regardless of how large may be the capital stock of a corporation being incorporated in this State or for a foreign corporation desiring to do business in Florida, the maximum charter fee is \$250. I recommend that the law be amended so as to fix it at \$500.

GRADED CORPORATION TAX.

The privileges given to a corporation by the State are valuable to the incorporators, and give them rights and exemptions from liabilities that individuals do not enjoy. It is for the purpose of exercising these privileges that persons form corporations. Many States impose an annual tax on all corporations, and I would suggest the enactment of a law imposing a small annual license tax on corporations doing business in this State—say from \$5.00 to \$50.00, based upon capital stock.

ABOLISH STATE MILLAGE TAX.

Possibly no subject is more difficult of solution than the tax problem. We should have the tax burden bear equally upon all. There should be absolutely no favoritism extended, either by the tax laws or by the assessing officers. A long step towards equalizing of taxes, in my opinion, could be accomplished by changing our system so as to provide for the discontinuance of the levy of all State millage, and have the State government supported exclusively by the license and franchise taxes. This would remove the necessity of State Uniformity in assessments, leaving uniformity necessary only in the counties.

UNIFORMITY OF TAXATION—FRANCHISE TAX.

Tax assessment laws that do not apply in equal terms to all are not impartial and just laws. The Florida tax laws governing assessments require that all properties shall be assessed at their full cash value, excepting the properties of railroad, Pullman and telegraph companies. The properties of these corporations are assessed under a special law which makes assessable physical properties only, not including the value added to the physical property on account of the franchise privileges enjoyed. We have no such law regarding other properties.

I respectfully recommend that the law governing the assessment of the properties of such public utility corporations should be so amended as to have such properties assessed upon the same basis as all other properties.

INHERITANCE TAX LAW.

A very large majority of the States have enacted laws providing for a reasonable tax upon inheritances. This seems to be one of the most equitable ways by which to

raise revenue. I recommend the passage of a graduated inheritance tax law, which will apply to all estates of more than a certain amount, to be fixed by the law.

AUTHORIZE DEPUTY TAX COLLECTOR.

A measure should be passed authorizing the Tax Collector to have a Deputy with authority to act in his stead and place when necessary.

PAY TAX REDEMPTION MONEY TO STATE TREASURER.

Under the present law the money arising from the Tax Redemptions is forwarded by the Clerks of the Circuit Courts to the State Comptroller and by him held on deposit until his clerks make up the figures for the distribution of the funds to the State and County. The law should be so changed as to require that tax redemption money be sent direct to the State Treasurer the same as other funds are remitted. By this change the State would begin to get interest on these funds as soon as deposited with the State Treasurer. Whereas under the present system the State receives no interest so long as the funds are held by the Comptroller awaiting a distribution.

PROVISION FOR HANDLING COUNTY FUNDS.

At the last general election the Constitutional amendment providing for the abolishing of the office of County Treasurer was adopted by the voters of the State. This makes necessary the enactment of a law providing a system for the handling of the county funds. My suggestion is that on and after the expiration of the terms of the present county treasurers, the County Tax Assessors should be required to perform the duties heretofore performed by the County Treasurers.

REDUCTION OF INTEREST RATE.

I respectfully repeat the recommendation made by me to the last Legislature that a law be enacted changing the legal rate of interest from eight to six per cent, and that the rate which is allowed to be charged by contract or agreement be changed from ten to eight per cent. It has now been twenty-four years since the present law fixing the legal rates of interest in this State was enacted. Within this time conditions have wonderfully changed. Our State has more than quadrupled in population and developed remarkably in scope and value of all her industries and resources. The rate of interest suggested by me is equally as reasonable in our State at the present time as the rate now allowed was when fixed in 1891. As evidence of the fact that the rate suggested by me is reasonable, a large majority of the banks and individuals loaning money on contract now require not exceeding eight per cent. In fact, much capital is now loaned in Florida at slightly lower interest charges, and business men generally consider a return of eight per cent. upon money loaned a good investment. It is not believed that the amendment of the law here suggested would in the slightest degree retard the investment of capital or the extension of loans. It would permit loans at eight per cent. and that is the rate generally charged now. It would merely be adjusting the statutes of the State to the changed conditions of the times. Most of the Southern States now have a lower legal rate of interest than is fixed by Florida.

REDUCE NUMBER OF FOOD INSPECTORS.

Under the provisions of Section 9 of Chapter 6541, Laws of the last session of the Legislature, the number of Food Inspectors was increased from two to four, but fortunately in the appropriation Act provision was made for the

salary of only three, and therefore we have only had three in the service. Three Inspectors are ample and have all the time necessary to carry on the inspections required. The law should be so amended as to authorize only three Inspectors.

TRAVELING MEN AND RAILROAD EMPLOYEES
RIGHT TO VOTE WHEN ABSENT
FROM HOME.

Many travelling men, and also a considerable number of railroad employees, who are qualified voters of this State, are often deprived of the privilege of voting on account of their absence from the County in which they are registered, upon the date of the primary or election, such absence being due to the fact that their employment requires them to be away from home a great deal of the time. That they may be allowed to vote when absent from their home County, I repeat my previous recommendation, the enactment of a law providing that a travelling man or railroad employee or other voter who is required to be absent from his home upon presenting his registration certificate, his poll tax receipts, and satisfying the election officers as to his identity, and that he has not voted in his home county or any other county or precinct, and will not be able to do so, shall be allowed to vote for National and State officers at the place where he may be, and that his vote shall be restricted to such officers.

NEEDED CHANGES IN PRIMARY LAW.

The new primary law enacted at the last session of the Legislature, being Chapter 6469 of the Laws of Florida, was given its first trial in the Primary of last year. The policy of eliminating the second primary as provided for in this law, I think very desirable. The law in some of its

details, however, should, in my opinion, be changed, and I recommend the following:

First. This law requires each voter to register every two years, if he is to participate in the primary. This requirement is unnecessary, expensive to the voter and to the county. The law should be changed so as to not require registration every two years, except in cities of more than twenty thousand population.

Second. A registration under this law is not good for the General Elections. It should be so changed as to make primary registration good for general elections.

Third. This law allows a second choice vote, but does not require the voter to vote his second choice. The result was, in the last primary, that only a very small percentage of the voters indicated a second choice. Consequently, in its operation, this law allows a plurality vote to nominate and does away with the democratic policy of requiring a majority vote to nominate. I do not believe wise a policy allowing a plurality to nominate. The will of a majority should be expressed in favor of a person before he becomes the nominee of his party. To remedy this defect in the law, it should be amended so as to require each voter to cast his ballot for a second as well as first choice.

Fourth. This law is applicable only to the General Primary held every two years. It should be so amended as to extend to special primaries.

Fifth. As the Executive Committees have practically no duties to perform, or any authority under this law, it seems useless for the law to require such committees. This being true, the law should not authorize the Committees to make assessments against candidates to the extent of two per cent of one year's salary. The candidates should be required only to pay the fee of three per cent, which is used for defraying the expense of the election.

Sixth. In a large majority of the counties the County Commissioners exercised judgment and care in fixing the compensation to be paid Registration Officers and their

Deputies. In a few counties, however, they seemed to have no regard whatever for the tax payers, and paid fabulous prices for the work done. The law should be amended so as to fix the maximum amount to be paid Registration Officers and their Deputies.

Seventh. If it can be done, the law should prescribe a more simple form for the election officers to use in making up the tally sheet of the first and second choice votes.

APPROPRIATION FOR DETECTION OF ELECTION FRAUDS.

A law should be passed providing a small appropriation which may be used by the Governor or the Attorney General, for the purpose of employing detectives and special agents to detect and have punished any violations of the election laws or the Primary Election laws. This measure may also provide for the Sheriff and other police officers to report to the Governor or Attorney General any suspected violations requiring special investigation.

CLOSING SALOONS PRIMARY ELECTION DAYS.

Section 240 of the General Statutes requires the closing of all saloons on days of general elections. There seems to be a question as to whether the requirement that saloons be closed must apply to days on which primary elections are held. Saloons should certainly be closed on primary election days, and I recommend that the law be so amended that there can be no doubt of its application to same.

PROHIBIT GIVING OF LIQUOR ON PRIMARY DAY.

Section 3554 of the General Statutes makes it a violation of law for a person to give away liquor or other intoxicating drinks on General Election day. This law should be so amended as to also apply to Primary Elections.

WATCHERS ALLOWED AT ELECTIONS.

Every provision necessary for the purity of the ballot and in the interest of honest elections should be made. While in many counties it is quite customary for watchers to be allowed at the polls, it has come to my notice that in some counties the election officers object to having anyone inspect their work as they proceed with the canvassing of the ballots. In my opinion, watchers should be allowed, and I recommend a law so providing.

AUTHORIZE COUNTY COMMISSIONERS TO EMPLOY DETECTIVES WHEN NEEDED.

Under the present law, the Board of County Commissioners are without authority to employ detectives when deemed advisable to investigate alleged crimes, when the circumstances are such as to make it practically impossible for the Sheriff to detect the crime. I believe a law granting such authority advisable, and recommend its enactment.

COUNTY COMMISSIONERS.

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

PUBLISH MINUTES STATE BOARD OF EDUCATION.

Many important State transactions are handled by the State Board of Education. At present the minutes of this Board are not printed for circulation. That publicity may be given to the transactions of this Board, I would

suggest the enactment of a law requiring that these minutes be printed bi-ennially, for distribution to the members of the Legislature, the press and the public. Three hundred dollars should be appropriated bi-ennially for this purpose.

SALE STATE SCHOOL LANDS ON INSTALLMENTS.

A law authorizing the State Board of Education to sell State School lands on reasonable installments should be enacted. Such authority would frequently result in the State getting a better price, would encourage settlers, and often aid a poor man to purchase, who would otherwise be unable to pay all cash for the land he desires.

REFORM CIVIL COURT PROCEDURE.

The court procedure in this State has become more or less antiquated and out of balance with the present day thought and progressive spirit of the times. There is need for reform in the law and rules which govern the proceedings in our courts.

Florida has as honorable, able and efficient judiciary as any State in the Union. The fault is not with the judiciary, but with the law and rules by which our courts are guided. Under our present system it is impossible to force a trial in a civil case in less than six to twelve months. Every kind of technical dodge that will cause delay is permitted. The law should be so changed as to expedite and hasten trial. A litigant should be able to get a hearing on his case within one to two months after suit is instituted. The pleadings should be simplified and technicalities eliminated in all of the courts. The time allowed for entering and perfecting appeals should be shortened. With a change of our law along these lines much will be accomplished towards giving to our citizens justice without unreasonable delays and without excessive cost.

REFORM CRIMINAL PROCEDURE.

Our laws relative to indictments and informations in criminal cases should be so reformed as to make more simple the complaints against alleged offenders. These proceedings are now so technical that often the guilty escape punishment.

I would recommend a law prescribing and setting forth a simple form of indictments and informations applicable to the most frequent crimes.

GIVE STATE RIGHT OF APPEAL.

Under our present law the State is deprived of the right of appeal in a criminal case upon the constitutionality of the law. Should a Justice of the Peace, a County Judge or the Circuit Judge in a criminal case declare the statute under which the case is being tried to be unconstitutional, there is no means provided for the State to have the ruling of the trial court passed upon by a higher court—an appellate court. That we may have the constitutionality of criminal statutes passed upon by the appellate court when they are declared unconstitutional by the lower courts, I suggest that a measure should be passed allowing the State the right of appeal in such cases.

SUPREME COURT'S OPINION, CERTAIN CONSTITUTIONAL QUESTIONS.

A measure should be passed authorizing the Governor, the Legislature or the Attorney General, in matters of great public moment, to submit to the Supreme Court of the State, questions for decision, in which constitutional points are involved. At present the Governor only may request the Supreme Court to give an advisory opinion upon its interpretation of the Constitution upon questions

affecting the constitutional powers and duties of the executive only. This authority would doubtless be seldom exercised; however, at times it would be best for the State if such power existed.

CONSTITUTIONAL QUESTIONS RAISED IN SUPREME COURT.

Under our present procedure frequently a constitutional question raised upon appeal is not passed upon by the Supreme Court when raised, it being the rule to dispose of a case upon other than constitutional points when it can be done. That the constitutionality of a law may be settled when raised, I recommend a law requiring that when the constitutionality of a statute is raised in the appellate court, the question should be passed upon. Such law would often save the time required and the expense to the county and litigants for a second trial.

ABOLISH RULE UNANIMOUS JURY VERDICT.

I strongly believe in a fair and impartial trial by jury and that this right should in no way be infringed; yet I think our system, which requires a unanimous verdict, often defeats justice and entails upon the State or litigants large additional expense by allowing one member of the jury to bring about a mistrial, thereby necessitating the expense of another trial and delay in justice, although all other jurors favor and agree upon a verdict.

I think the system should be so changed that in cases tried by jury of six, five out of six of the jurors, and in cases tried by twelve jurors ten out of twelve jurors agreeing can render the verdict of the jury, and I would suggest a constitutional amendment so providing. This would certainly still leave every protection of a fair trial by jury and would in no wise injure the just cause of any one.

TRANSFER CASE TO PROPER COURT.

In certain cases where a suit is brought in the wrong court and thrown out for the want of jurisdiction, the party may lose his right on account of the statute of limitations having barred his action. To remedy this weakness in the law, I would recommend the passage of a law providing that no cause, proceeding or appeal should be dismissed or thrown out of court solely on account of being brought in or taken to the wrong court or venue, but if there is a court where it may be brought or prosecuted, it should be transferred to such court, all prior proceedings being saved.

SUBSTITUTE JUDGE FOR PREJUDICE JUDGE.

A change of venue on account of the prejudice of the judge, as provided in Sections 1471 and 1475 of the General Statutes, requires the transfer of the cause to another district or county entailing either to the witnesses, to the district or county to which the case is transferred, necessarily making the expense much larger than if the case was tried in the county in which it was instituted. When the change of venue is asked merely upon the prejudice of the judge, there is no reason why the case should be transferred. Instead, a judge should be substituted for the one who is alleged to be prejudiced. I recommend that the law be amended accordingly.

ABOLISH PENALTY CLAUSE IN CHANCERY SUBPOENA.

Section 1864 of the General Statutes in prescribing the form of a subpoena in chancery prescribes a penalty of \$500 for a failure to appear. It not being understood that personal appearance is not required, this form of sub-

poena often causes persons the unnecessary trouble and expense of a trip to the court house. The penalty clause should be eliminated.

REQUIRE BOND IN GARNISHMENT.

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

PROHIBIT FOREIGN PUBLIC SERVICE CORPORATIONS SUING IN U. S. COURT.

I would suggest the passage of a law providing that a foreign public service corporation, which removes a suit to a Federal Court, or institutes a suit therein, which it could not move to a Federal Court or institute and maintain therein if it were a domestic corporation, shall forfeit its right to do intra-state business within this State. A law of this character would, I think, aid the State in regulating public service corporations and very much hasten litigation in which foreign public service corporations become involved in this State.

RECLAMATION OF EVERGLADES.

The Everglades reclamation project has, within the past two years, been carried forward as rapidly as the funds available would permit. The problem of raising money with which to make the desired progress with this work has been a difficult one, due largely to the more or less financial stringency during the past year and a half. The funds arising from the drainage district tax is not sufficient to carry on the work on a large scale, and until very recently the Drainage Board was unable to get purchasers for any of the drainage district bonds authorized by the last Legislature. I am pleased to report, however, that

at present the prospects are very promising for the successful carrying out of this great and meritorious undertaking. A large contracting firm has taken a contract for a number of the main canals, agreeing to accept in payment for the work small monthly cash payments and notes of the Drainage Board, secured by drainage district bonds for the remainder, due in two years from the dating of the notes and bonds, to be given from time to time as the work progresses. The work under this contract, with other work that is planned, no doubt means the ultimate success of the drainage and reclamation of the Everglades. The Drainage Board will bring to your attention needed changes in the present drainage law.

EXPERIMENTAL FARM IN EVERGLADES.

That the diversity of crops for which the soil of the Everglades land is suitable may be ascertained, and also for the purpose of demonstrating the agricultural value of this land for the production of the different crops, I deem it advisable that you pass a bill providing that the Trustees of the Internal Improvement Fund shall establish and maintain, so long as they believe for the best interest of the State, one or more experimental farms in the Everglades. The State owns within the Everglades over one million acres of land, and it is my opinion that such Experimental Farms, which would be of but little expense upon the Internal Improvement Fund, would add very materially to the development of the State, as well as enhance very much the value of the State's land and other lands in that territory.

WATERWAY ACROSS SOUTHERN PART OF STATE.

As part of the system of drainage canals in the Everglades, we have canals which furnish a waterway across the southern part of the State. These canals furnish an

excellent beginning upon which the Federal Government could construct a transportation water course from the Eastern to the Western shores of Florida. That we may endeavor to get Congress interested in such project, I suggest the adoption by your Body of an appropriate memorial asking that Congress make appropriation for a survey looking to the establishment by the Federal Government of such waterway.

REQUIRE RAILROADS TO PROVIDE OPENINGS FOR DRAINAGE CANALS.

In carrying on the drainage work the Drainage Board has found that in order to pass a dredge through the railroad right-of-way, it was necessary for the Board to pay all of the expense required in making the opening across the railroad, and also in rebuilding trestles or building new trestles when necessary.

As the drainage canals are part of the work of a great public system for the reclamation of swamp and overflowed lands, and are beneficial to every business interest in the territory where they are excavated including the railroads, it is my opinion that a law should be enacted requiring railroads to provide openings for drainage canals, without cost to the State.

I further recommend that a law be passed requiring railroads to provide sufficient draw bridges, when necessary, to permit of navigation upon any drainage canal of sufficient capacity to be used for navigation.

REQUIRE R. R. COMMISSION TO FIX CANAL TOLL RATES.

At present the law requires that the Trustees of the Internal Improvement Fund shall approve the toll rates to be charged by canal companies. At the time of the enactment of this law, Florida had no R. R. Commission.

Now, since we have the Commission, it would be much more proper to have canal toll rates made and regulated by the Commission, and I recommend that a law be passed so authorizing.

PROHIBIT WATERED STOCK.

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

EMPLOYERS' LIABILITY LAW.

The present system governing the recovery of damages for personal injury sustained by employees of railroads and other public service corporations imposes very often a great hardship upon the family of the injured person or upon the injured person himself; and, furthermore, very frequently under our present law those who are injured while working in such hazardous occupations do not recover anything whatever on account of the injury. Many of the States have enacted employers' liability laws providing that employees so engaged may recover an appropriate amount for an injury, without the necessity of prolonged extensive litigation. I believe that those engaged in these hazardous employments are entitled to proper damages for injury sustained; that the family of an employee who loses his life in such employment should, under the law, be given a reasonable sum on account of the death of the one upon whom they were dependent.

That we may have a better law governing such class of personal injury cases, and that ample protection may be provided for those who are engaged in such hazardous employment, I recommend the enactment of a strong employers' liability act.

RAILROAD EMPLOYERS' LIABILITY.

The best modern thought recognizes the dignity of labor, which may well be called the cornerstone of industrial life. We know that those engaged in hazardous occupations are deserving of suitable compensation for loss of life or serious injury or accident; however, under our present law, damages cannot be recovered for the loss of life or for serious injury or accident to a public service corporation employee, should the employee have been guilty of any negligence whatever.

This is true, although there may have been much greater negligence on the part of the company. The system requires the employee to carry all of the blame for the negligence and the company none.

That this injustice to the employee may be remedied, I suggest that the passage of what is commonly known as the law of comparative negligence.

REQUIRE SAFETY R. R. SWITCHES.

The railroad employees and the travelling public are entitled to have every precaution made for their safety when travelling on the railroads. Every reasonable provision should be made to safeguard against wrecks. As a measure of affording greater safety, I think it proper to have our railroads to equip with safety switches, that accidents due to the present character of switches may be minimized, and I recommend legislation that will bring about such desirable improvement.

DISQUALIFICATION OF CERTAIN OFFICERS.

I deem advisable a law providing that county and State officers shall not at the same time they are holding such public offices be permitted to serve as a salaried attorney or counsel for railroad corporations; such law being con-

sidered advisable on account of the frequent conflict of interest between such corporations and the public interests.

AUTHORIZE SPECIAL AGENT OF GOVERNOR TO ARREST.

While the Governor is expected to look after delinquent officers and to see that the laws are enforced, he has very limited means provided him for carrying out these duties. The funds for investigating complaints and alleged law violations are very limited, and the person he employs has absolutely no authority to take any action if he apprehends law violations. The person who is undertaking an investigation for the Governor should have authority to make arrests if necessary in the course of his work and to exercise in a criminal case arising in course of his work the same authority as a Sheriff. I suggest a law so providing.

INCREASE PENALTY FOR DRUNKENNESS.

Section 2631 of the General Statutes provides a fine not exceeding five dollars for drunkenness. I believe the penalty should be increased so as to provide a fine not exceeding fifty dollars or imprisonment not exceeding sixty days. This would give better protection to people living outside of incorporated towns and cities, and also people traveling on trains. The present small penalty has not sufficient deterring effect on those disposed to become intoxicated.

GIVING LIQUOR ON SALE OF OTHER ARTICLES.

Section 3551 of the General Statutes provides that "Whoever gives, or by pretended sale of any other article furnishes any liquor, wine or beer to a customer, or per-

mits the same to be done with a view to entice custom or evade the law, shall be deemed a seller without a license and liable to the penalty for selling liquor without license." This provision does not apply to dry counties. I would, therefore, suggest a similar law so drafted as to be enforced in counties that have adopted local option.

ASSAULT UPON WOMEN.

A law should be passed more severely punishing indecent assaults upon women, such assaults as do not quite come up to the definition of assault with intent to commit rape. At present the only punishment is as for ordinary assault. This subject is discussed by the Supreme Court in the case of *Rushton vs. State*, 58 Florida Reports, at page 94.

CRIMINAL ASSAULT, ATTEMPT, PENALTY.

A brutal attempt to rape is deserving of just as severe punishment as rape. In such cases it is not the fault of the brute that he fails in his purpose, yet our law provides only a sentence of not exceeding twenty years for an attempt. I think the law should provide that such offenses shall be punished by death or life imprisonment, and it is recommended that the law be made to so provide.

PROHIBIT SALE OF PUBLIC PROPERTY TO MEMBER OF BOARD.

A measure should be passed providing that no State, County or City Board should sell to one of its members any of the public property which may be disposed of by such Board.

PROHIBIT DISCOUNT OF PAY CHECKS.

When a pay check or a merchandise check is given to a person for labor rendered, the laborer should be able to get dollar for dollar for such checks. The person who issues the checks should not be allowed to discount the same, whether presented by the person to whom given or by someone else. A law so providing should be enacted.

CHECK LAND FRAUDS.

Every county in Florida has a large quantity of rich, fertile land, and there is no reason why there should be any land frauds in our State. To check the few who are disposed to defraud and deceive land purchasers, I think we should have a law providing that all literature relative to lands to be sold under the colonization or kindred plans shall be first approved by the Department of Agriculture—the expense incident to this requirement to be paid by the party offering the land for sale.

REQUIRE SEPARATE SPACE FOR WHITES AND NEGROES IN OPERA HOUSES.

In all public theaters and opera buildings patronized by both races, separate and distinct space should be provided for whites and negroes. As a matter of policy the segregation idea is followed rather generally in Florida, but that there may be no exceptions I deem advisable a law requiring such separation and recommend its enactment.

CRIMINAL STATISTICS.

A law should be passed requiring the Clerks of the Circuit Courts, Criminal Courts of Record and County Courts, to make bi-ennial reports to the Attorney General

of all criminal cases in such courts respectively, said report to give all information necessary for the preparation of a State Report on Criminal Statistics, for which service the clerks should be allowed a reasonable fee.

CONFEDERATE SOLDIERS.

The heroism, the bravery, the love of country and devotion to duty of our Confederate heroes is a heritage of which our State and the South is justly proud. Every homage and tribute should be paid these veterans by our State and her people. Liberal pension provisions should be continued.

CONFEDERATE SOLDIERS' HOME.

The need and usefulness of the Confederate Home located near Jacksonville will increase with the advancing years and increasing helplessness of those veterans of the Southern Army who are at this home. These time-worn and valiant heroes of the Southland are deserving of generous treatment and everything required for their comfort and happiness should be done.

AUTHORITY TO SELL LANDS HELD BY RIGHT OF SOVEREIGNTY.

In Florida, as in practically all other States of the Union, the State owns more or less land held by right of sovereignty. In this State no authority is vested in any of the State officials to sell such property. Phosphate deposits exist on some of the land so owned. At some future date it may be desirable for the State to sell these mineral deposits, and for this reason I recommend that a measure be passed authorizing the Trustees of the Internal Improvement Fund to sell such lands upon which

phosphate is discovered, when deemed advisable. It should be provided, however, that in no such sale shall the riparian rights authorized by the laws of Florida, be jeopardized.

ENCOURAGE OWNING OF HOMES.

Our citizens of limited means, whether living in the country or in towns, should be encouraged to acquire and own their own homes. For the purpose of offering them some encouragement, and for the upbuilding of our State, I believe it would be wise to submit a constitutional amendment providing for exempting from taxation of a reasonable amount of the assessed value of the homestead when actually used and occupied by the owner.

A SETTLER'S ACT.

While the State owns only about one hundred thousand acres of land, other than school lands, and those located within the Everglades, I think it would be a wise policy to enact a settler's act applying to this land—one hundred thousand acres—under which a bona fide settler, who had continuously lived for a required period upon a tract, and made certain substantial improvements thereon, could purchase a tract of not exceeding forty acres, at a price which would be reasonable for an actual settler.

IMMIGRATION BUREAU.

Suitable provision should be made for the Department of Agriculture to provide literature relative to the climate, the soil, and the varied industries and resources of Florida. Many inquiries are now being made relative to our State, and as we are interested in bringing desirable immigration this way, we should have sufficient literature and information to acquaint those making inquiries, with Florida's many advantages.

WHARF AND DOCK PRIVILEGES.

The tendency on the part of public service corporations has more or less been towards monopolizing the wharf and dock privileges in our towns and cities. The result often is that competitive railway or waterway transportation lines are excluded, and the patrons of such common carriers are therefore deprived of the advantages in passenger and freight rates which are usually produced by competition. I believe it essential that a law be enacted authorizing towns and cities to acquire suitable facilities for wharves and docks, and recommend the passage of a law so providing.

ADVERTISE GRANTING OF FRANCHISE.

City franchises are often very valuable, and for the protection of the interests of the towns and cities, I would suggest the passage of a law requiring that when an application for a franchise is presented to a City or Town Council, the said council, if it is desired to consider the application, shall give public notice through the press of the application, for at least three weeks before acting upon it, in order that others may also make application, and that the citizens may be advised. The law should further provide for a referendum vote upon all grants of franchise when requested by a substantial number of the voters of the town or city.

SET ASIDE ROYAL PALM STATE PARK.

At the suggestion of the State Federation of Women's Clubs, I recommend that you take proper action to set aside and designate as "Royal Palm State Park" a certain tract of State land located in Dade County known as the "Royal Palm Hammock," and containing about one section of land. The said park to be placed under the

supervision and care of the State Federation of Women's Clubs. Upon this tract is found a large number of the royal palms, and it is believed a beautiful and attractive State Park can be developed.

STATE CENSUS.

Your attention is invited to the provisions of Section 5 of Article VII of the Constitution, which provides that the Legislature shall provide for a State Census every ten years. It is now ten years since the last census was taken.

CONGRESSIONAL DISTRICTS.

Section 3 of Chapter 6472, Acts of 1913, dividing the State into four Congressional Districts, contains an obvious clerical error which should be corrected. The word "Third," in the said section, should be "Second."

STATE TAX COMMISSION.

The State Tax Commission, authorized by the last Legislature, has now been in existence a little less than two years. The tax problem has been a perplexing one all down through the ages, and it remains so. The task of the Commission to bring about uniformity of tax assessments, and to have all property assessed as required by law, has been a difficult one. The membership of this Commission have been faithful, diligent and aggressive in their efforts to perform the duties required of them by the law under which they have been operating, and have made excellent progress with their work. A review by you of the able and comprehensive report made by the Commission will fully advise you in detail as to what the Commission has accomplished and as to such additional laws it deems necessary.

STATE SHELL FISH COMMISSIONER.

The State Shell Fish Commissioner has worked faithfully and diligently to carry out the provisions of the law creating that Department. He has revived interest in the oyster industry, and the prospects for this industry to be greatly enlarged in the future are quite promising. Although the expenses of this Department have necessarily been more for the past two years, due to the necessity of purchasing boats and other equipment, than they will be when the work is thoroughly organized, the revenues derived have more than paid the operating expenses, and have lacked but little of providing the funds required for the purchase of equipment. It will be only a few years until this Department will produce a substantial net revenue. A law regulating the salt fish industry and placing it under the direction of the Shell Fish Commissioner should be enacted.

STATE GAME DEPARTMENT.

The last Legislature created a State Game Department and provided for a Commissioner to administer the laws pertaining to game and fish. In accordance with the provisions of this measure I appointed Hon. E. Z. Jones, of Jacksonville, as State Game Commissioner. The law has now been in operation for two hunting seasons, and in a general way I am impressed that the policy embraced within this law has proven a success. The game has been better protected than formerly, and under the provisions of the law considerable revenue over and above the expenses of the Department has been realized. The net revenue over and above expenses for the year 1913-1914 hunting season was \$27,136.64. For the 1914-1915 season was \$19,300.46. The Commissioner has rendered splendid service. He has made quite a full and comprehensive report, which is worthy of your attention.

STATE HOTEL COMMISSIONER.

Soon after the adjournment of the last Legislature I appointed a Hotel Commissioner, as required by the law creating such office. Acting under the provisions of the law, the Commissioner has endeavored to keep well up with the inspection of hotels and to require the erection of fire escapes on all of the hotels throughout the State. This being a new measure, and making requirements not heretofore required of hotels, the work of the Commissioner has necessarily been more or less difficult and more expensive than it should be after once thoroughly in operation. The work of the Commissioner is proving successful. The fees collected under the law authorizing this department, have contributed largely towards defraying the expenses of the Department.

STATE LABOR INSPECTOR.

Pursuant to the provisions of Chapter 6488, of the Acts of the last Legislature, I appointed a State Labor Inspector, who, on January 1, 1914, entered upon the duties of his office, as prescribed by the law authorizing such officer. In the matter of enforcement of the Child Labor Law, and performing other duties required of him, the Inspector has been faithful and active. His services have been quite beneficial towards preventing abuses of the Child Labor Law, in bringing about better sanitary conditions in factories and work shops, and in having safety appliances installed, as well as along other lines.

Having recommended the creation of this office, I have been very much gratified to see the progress being made and the good being accomplished under its provisions. The law fixes the annual salary of the Inspector at \$1,200.00, which is too little, considering the responsibilities upon and the duties required of the Inspector. His salary should be raised to \$1,500.00 per annum.

The law under which the Inspector is operating failed to provide an appropriation for the incidental expenses and the printing required. I recommend an annual appropriation of three hundred dollars to cover these items of expense.

The Inspector has made a very thorough and interesting report covering his work during the period from January 1 to December 31, 1914. In this report he recommends certain needed laws. His report and his recommendations are deserving of your careful and favorable consideration.

STATE COLLEGES AND SCHOOL FOR DEAF AND BLIND.

Under the efficient supervision of the State Board of Control the improvements at The State University at Gainesville, The State College for Women at Tallahassee, and the School for the Deaf and Blind at St. Augustine, have been quite satisfactory. New buildings have been added and everything done to make these institutions creditable. They are worthy of as liberal consideration at your hands as the State finances, and a due regard for the burdens of the taxpayers, will permit.

INDUSTRIAL SCHOOL FOR GIRLS.

At the last session of the Legislature the law governing the former State Reform School at Marianna, was so changed that this Institution was made exclusively for the boys. The necessity therefore for establishment of a girls school is apparent. While only a comparatively small number would be sent to such institution, we should make ample provision for the few who should have the care of such school.

STATE INDUSTRIAL SCHOOL FOR BOYS.

The State Industrial School for Boys, at Marianna, is an institution deserving of being liberally provided for at your hands. The proper maintenance, supervision and conduct of such institution should appeal strongly to all persons interested in the welfare of erring youth. No more sacred duty rests upon us than that of doing everything possible for the inmates of this institution. Heretofore the appropriation for maintenance has been too small and the buildings and equipment provided have not been what was required in order to maintain the institution at the high standard desired. During the past two years, however, a determined effort has been made to better the general conditions at the institution and improvement in a general way is noticeable.

In November of last year the main building at this Institution was destroyed by fire. This indeed was a most deplorable accident because of the fact that six of the inmates and two of the employees lost their lives in the fire. Immediately upon receiving the news of this sad and most regrettable misfortune, I set about to ascertain all the facts as to the origin of the fire, its cause and to ascertain as to whether or not there was any dereliction of duty causing the fire, and if diligent and prudent efforts had been made to try to prevent loss of life in the event of a fire at this institution. The Board of Commissioners of State Institutions, composed of all the Cabinet officers, which has a general supervision over this institution joined me in the investigation.

We will be pleased to furnish to your Honorable Body any and all information we have upon the subject.

I would recommend that ample appropriation be made for this Institution and for such new buildings as are required.

New buildings on the cottage plan should be provided.

A new school room should be erected. Buildings are necessary for instruction in practical training.

For the safety of the inmates an electric light plant is absolutely essential.

The law should also be changed so as to require that all accounts of the Institution shall be audited by the Comptroller before payment, the same as required of all other State Institutions.

FLORIDA HOSPITAL FOR THE INSANE.

Since the Legislature was last in session every effort has been made by the Board of Commissioners of State Institutions to build up and improve the Florida Hospital for the Insane. The local management of the institution has been active and alive for the improvement of the facilities and in raising the standard of the institution. The New Receiving Hospital has been completed and is now in use. A Tuberculosis Hospital is in course of construction. What is known as the new negro building has been completed and is in use. New cottages have been erected; one old building remodelled. The lands adjacent to the buildings have been cleared and now constitute an attractive natural park surrounding the Institution. The work of enlarging and installing a water and sewerage plant capable of taking care of the institution is now in progress.

The unfortunate inmates of this institution are worthy of most liberal consideration at your hands, and I recommend that sufficient funds be appropriated for their comfortable maintenance and such permanent improvements as are necessary.

For full information regarding the condition and needs of the Hospital, reference is made to the full and interesting report of the Superintendent.

REPORT OF STATE OFFICERS.

There will be placed before you the official reports of all the departments of the State government. These reports have been carefully and intelligently prepared, and contain a great fund of useful information relating to the State's business. They are deserving of the careful attention of all the members of the Legislature.

RIGHT TO INITIATE, VOTE ON LEGISLATION AND RECALL OFFICERS.

It is my opinion that a constitutional amendment granting to the people the right by petition to initiate legislation and the right by petition to vote upon laws enacted by the Legislature, when a desire to do so is expressed by a substantial percentage of the qualified voters, should be submitted for the consideration of the electorate. Another and separate constitutional amendment giving the electors the right, upon demand of a substantial percentage of the qualified voters, to vote upon the recall of public officers, whom it is believed are not doing their duty, should be submitted. Such measures should be so framed as to not allow an abuse of the privileges authorized.

LEGISLATIVE COMMITTEE SHOULD INSPECT STATE INSTITUTIONS PRIOR TO SESSION OF LEGISLATURE.

Heretofore it has been the policy of the Legislature to designate committees composed of a considerable number of the House and the Senate to visit the Institutions for Higher Education, The Hospital for the Insane, The Deaf and Dumb Institute, The Convict Camps, the State Reform School and the Drainage Operations, during the

session of the Legislature, and report thereon while the body is in session. This plan for having these institutions inspected by committees from the Legislature takes a considerable number of the members away from the daily sessions, and also on account of the desire of the committee to return to the regular legislative work, gives but limited time for making the inspections.

It is my opinion that some plan should be devised whereby these committees could be designated prior to the convening of the Legislature, so that they may make their visits and inspections prior to the session, and be ready to make a report when the Legislature meets.

MUZZLE THE LOBBYIST.

A law should be enacted requiring that any and every person representing or desiring to represent before any committee of the Legislature any interest, should be required to register, in a book to be kept by the Secretary of the Senate and Chief Clerk of the House of Representatives, his name, giving the nature of his employment and the name of his employer, and the measure upon which he appears. The next succeeding day the name of the person so registering should be published in the Journal with the name of his employer and character of his employment. Only such persons who have so registered should be allowed to appear before the Legislature or a committee thereof for or against a proposition.

A similar recommendation was made to the Legislature of 1913, and the House of Representatives by resolution followed such practice.

CIRCULATE STATE REPORTS PRIOR TO CONVENING OF THE LEGISLATURE.

Under the present system, the biennial reports of the State Officers are not required to be distributed among

the Legislators until after the Legislature is in session. Not reaching them until this time they have but little opportunity to study the reports and consider the suggestions made by the heads of the various departments. These reports contain valuable information and should be in the hands of every legislator at a time when he can give them careful study. A law should be enacted requiring that said binennial reports be furnished to each member of the Legislature at least thirty days prior to the regular session of the Legislature.

CONCLUSION.

The recommendations made by me in this Message, I earnestly believe are for and on behalf of policies, the adoption of which is for the best interest of the people of Florida. It is within my province to suggest needed measures. It is yours to give to the public needed and desirable laws.

We are all servants of our great commonwealth. In our every act we should have as our supreme aim and purpose the rendering of a service which shall bring even a greater degree of prosperity and happiness to the citizens of Florida.

In your endeavors I assure you that you will have my hearty co-operation and sincere good will.

Respectfully submitted,

PARK TRAMMELL,

Governor.

Mr. Calkins moved that the Attorney General's report be spread on the Journal and that 2,000 copies of the report of the Attorney General be printed in pamphlet form.

STATE OF FLORIDA,

OFFICE OF THE ATTORNEY GENERAL.

Tallahassee, April 1, 1915.

Honorable Park Trammell, Governor,
Tallahassee, Florida.

Sir:—It is provided by Section 91 of the General Statutes that it shall be the duty of the Attorney General to make a written report to the Governor, five days before the first day of every session of the Legislature, as to the effect and operation of the Acts of the last previous session, and the decisions of the courts thereon, and referring to the previous legislation on the subject, with such suggestions as in his opinion the public interest may demand.

In obedience to this command I submit the following report:

Gross Receipts Tax on Sleeping and Parlor Car Companies.

I. Prior to the last session of the Legislature there was imposed upon sleeping or parlor car companies, by Section 46 of Chapter 5596, Laws of Florida, an ad valorem or property tax, and by Section 47 of the same statute a gross receipts tax. A license tax was also imposed upon such companies by Section 8 of Chapter 5597, Laws of Florida (see p. 53, Acts of 1907).

For some time the Pullman Company, a corporation under the laws of the State of Illinois, has contended that the gross receipts tax above mentioned was illegal and unenforceable, because unconstitutional. This contention was founded upon the claim that, if this tax was a property tax, its payment and the payment of the other property tax mentioned could not be imposed, because to do so would amount to and result in double taxation upon the property of this company, in contravention of the provisions of the Fourteenth Amendment to the Federal Constitution. And it was claimed that this tax must be a property tax, and not a license tax, because it was not in the Chapter in which most of the statutes imposing taxes on occupations was found.

At the last session of the Legislature the statute expressly imposing a license tax upon this occupation was

changed from a car license tax to a fixed and definite total sum, and the statute on this subject is now Section 44 of Chapter 6421; and at the same time the gross receipts tax was made a part of the statute imposing license taxes on occupations, and is now Section 45 of Chapter 6421.

Since that time the Supreme Court of the United States, in the case of *The Pullman Company v. Knott*, Comptroller, 235 U. S. 23, has held this gross receipts tax to be valid. All the statutes mentioned, as they now exist, were before the court at the time this decision was rendered.

The payment of this gross receipts tax has been delayed by the suits brought to test the validity of the statute. The statute does not require the payment of interest when the amount of this tax is not paid when due; and, since it was generally held that delinquent taxes do not bear interest, unless it is expressly so provided by statute, no interest can be collected on the several amounts due by this company on this account.

I recommend, therefore, that the statute imposing this gross receipts tax be amended so as to require the payment of interest on the sum payable annually to the State by this company, on account of this tax, if it is not paid each year when it becomes due.

Gross Receipts Tax on Insurance Companies.

II. Prior to the last session of the Legislature there was imposed upon Insurance Companies doing business in Florida a tax of "two per cent of the gross amount of receipts of premiums" collected from policy holders in this State. No summary process for the collection of this tax was provided, and the method of enforcing its payment is by an ordinary civil action. Some Insurance Companies have contended that this gross receipts tax is illegal and unenforceable, because unconstitutional. The statute has, however, been held valid in the recent case of *Peninsular Casualty Company vs. State*, 68 Fla. 411.

The Supreme Court of the State had previously passed upon this question, but the Insurance Companies still contended that the statute was obnoxious to the provisions of the Fourteenth Amendment to the Federal Constitution, and intended to take the case to the Supreme

Court of the United States. Inasmuch, however, as the same question was involved in The Pullman Company case, the appeal in this case was abandoned when that case was decided in favor of the State.

We may well conclude now, I think, that the principle is settled, that the State may impose and collect a tax of this kind upon corporations of this character.

In order to require the payment of this tax without delay, and at the request of the State Treasurer, I prepared the following amendment to the statute, which was adopted by the Legislature at the 1913 session, as a portion of Section 29 of Chapter 6421, Laws of Florida:

"Should any insurance company, association, firm or individual fail to pay to the State Treasurer the percentage, as above required, of the gross amount of receipts from policy holders in this State, by the first day of March, in each and every year, the certificate of authority issued to said insurance company, association, firm or individual, as the case may be, to transact business in this State, shall be cancelled and revoked by the State Treasurer, and it shall be unlawful for any such insurance company, association, firm or individual to transact any business thereafter in this State unless such insurance company, association, firm or individual shall be granted a new certificate of authority to transact business in this State, in compliance with provisions of law authorizing such certificate of authority to be issued."

Since the adoption of this amendment, and the decision of the court mentioned, all Insurance Companies doing business in this State have conceded the validity of the statute and the amendment thereto, and have paid the tax becoming due since that time without delay.

Primary Election Law.

"III. At the last session of the Legislature an act providing for and regulating primary elections was passed, making a great many changes in the law previously existing on this subject. This statute is Chapter 6569, Laws of Florida.

Two cases to test the constitutional validity of this statute were brought against the Secretary of State. These cases were H. L. Anderson vs. H. Clay Crawford, Secretary of State, and E. Loomis vs. H. Clay Crawford, Secretary of State, both having been brought in the Second Judicial Circuit of the State, but heard by Judge Simmons, of the Fourth Judicial Circuit, because of the sickness of the Judge of the Second Judicial Circuit at the time.

The court hearing these cases held the statute to be valid and enforceable.

In the case of *State ex rel. vs. Patterson*, 67 Fla. 499, the Supreme Court of the State, while the question of the constitutional validity of the statute seems not to have been urged, assumed this statute to be valid and enforceable.

Corrupt Practices Act.

As a companion measure to the Primary Election Law, referred to, an act commonly called the "Corrupt Practices Act," was also passed at the last session of the Legislature. This statute is Chapter 6470, Laws of Florida.

The question of the validity of this statute was not raised in any case that reached this office, but it was assumed by the Supreme Court to be valid, in the case of *State ex rel. Johnson v. Patterson*, above mentioned.

Blue Sky Law.

IV. The last Legislature passed An Act commonly called the "Blue Sky Law." This statute appears as Chapter 6422, Laws of Florida.

The question of the constitutional validity of this statute was raised and tested in the case of *Ex Parte Taylor*, 68 Fla. 61, in which the Supreme Court held the statute to be a valid exercise of the legislative power of the State.

Under the statutes of this State all charters for domestic corporations, and permits to foreign corporations to do business in this State, are issued by the Secretary of State. Since this is the case, and in order to avoid the possibility of confusion, it seems to me advisable and I, therefore, recommend that the Secretary of State be substituted in this statute for the Attorney General, to act with the Comptroller, in considering applications to do business in the State under the provisions of this Chapter.

Coupon Tax Law.

V. At the last session of the Legislature a statute was passed, providing:

"That each and every person, firm or corporation, who shall offer with merchandise bargained or sold in the course of trade any coupon, profit-sharing certificate, or other evidence of indebtedness or liability, redeemable in premiums, shall pay annually a State license tax of five hundred dollars (\$500.00) and a county license tax of two hundred and fifty dollars (\$250.00) in each and every county in which said business is conducted or carried on, and if more than one place of such business shall be operated by any person, firm or corporation, a separate State and county license shall be taken out for each such place; and no person, firm or corporation shall offer with merchandise, bargained or sold as aforesaid, any coupon, profit-sharing certificate or other evidence of indebtedness or liability, redeemable by any other person, firm or corporation than the one offering the same, without paying the above license for each other person, firm or corporation who may redeem the same. The license prescribed in this section shall be in addition to other licenses prescribed by this Act. Any person violating any of the provisions of this section, whether acting for himself or as the agent of another, shall on conviction thereof be punished by fine not exceeding one thousand (\$1,000.00) dollars or by imprisonment in the county jail not exceeding six months."

This statute appears as a portion of Section 35 of Charter 6421, Laws of Florida.

The constitutional validity of this statute was tested in the case of *Rast et al. vs. Van Deman and Lewis Company et al.*, heard by three Federal Judges, under the provisions of Section 266 of the Judicial Code of the United States.

These Judges held this statute to be in violation of the Fourteenth Amendment to the Federal Constitution, in that it denied to those engaged in the business upon which the tax is imposed the equal protection of the law and deprived them of their property without due process of law. The opinion in the case appears in 214 Fed. Rep. 827.

Because of the importance of certain principles involved in this case, I took an appeal from this decision, in behalf of the officers who are made defendants in the case, to the Supreme Court of the United States, and the case is pending now in that court.

Road Law.

VI. The last session of the Legislature also passed an act providing for the method and manner of opening, establishing, building, constructing and maintaining public roads and bridges in this State. This statute appears as Chapter 6537, Laws of Florida.

The validity of this statute was tested in a case which came to the Supreme Court of the State, and the statute was upheld as valid and enforceable. See *Butler vs. Perry*, 67 Fla. 405. From this decision a writ of error was taken to the Supreme Court of the United States, and the case is now pending there.

Generally as to Suits.

It will be noted that while several statutes of great public importance have been before the courts they have in every case been upheld, the single exception being the case involving the validity of the Coupon License Tax, and the decision in this case is to be reviewed by the Supreme Court of the United States.

Pure Food and Drugs Law.

VII. Under the provisions of Chapter 6122, as amended by Chapter 6541, Acts of 1913, commonly called the "Pure Food and Drugs Law," the Commissioner of Agriculture and the Attorney General are required to conduct hearings in certain cases of alleged violations of this statute, and if it appears at such hearings that the statute has been violated, the Commissioner of Agriculture is required to certify the facts to the proper prosecuting officer, so that those violating the statute may be prosecuted.

Since all cases of this kind that reach the Supreme Court must be briefed in behalf of the State by the Attorney General it seems to me advisable that some officer other than the Attorney General sit with the Commis-

sioner of Agriculture in the hearing in which prosecutions of this kind are initiated.

Board of Pensions.

VIII. In the general pension act of 1913, Chapter 6424, it is provided that the Governor, Comptroller and Attorney General shall constitute the State Board of Pensions. Prior to the passage of this act the State Treasurer was a member of this Board, holding the place on the Board now held by the Attorney General. It had previously been thought best to have the State Treasurer, who must of necessity pay all warrants issued for pensions, a member of this Board, and I suggest the advisability of an amendment to this statute replacing the State Treasurer on this Board.

Conclusion.

IX. Inasmuch as a large part of the work in the office of Attorney General is of a character requiring personal attention, such as legally advising, both orally and in writing, the heads of departments and other officers, legally advising and preparing papers and documents for the several State Boards, representing the State in all its litigation, and the like, I respectfully suggest that the practice of making the Attorney General a member of all the boards created is unwise, and that greater efficiency in the State's Legal Department would be attained if the Attorney General were permitted to give a greater portion of his time to the very important public service for which this Department was primarily designed.

Respectfully,

T. F. WEST,
Attorney General.

Mr. Johnson moved that a committee of five on Rules of the Senate be appointed by the President.

Which was agreed to.

The President appointed as such committee:

Messrs. Johnson, Calkins, Hudson, Himes and Drane.

The committee appointed to notify the Governor that the Senate was organized, appeared at the bar of the

Senate and reported that they had performed the duty assigned to them, and the said committee was discharged.

A committee from the House appeared before the bar of the Senate and notified the Senate that the House was organized and ready to proceed with the business of the session.

The committee appointed by the President to notify the House of Representatives that the Senate was organized and ready to proceed with business appeared at the bar of the Senate and reported that they had performed the duty assigned to them, and the committee was discharged.

Mr. Calkins moved that the Senate do now adjourn until 10 o'clock tomorrow morning.

Which was agreed to.

Whereupon the Senate stood adjourned until 10 o'clock A. M., Wednesday, April 7, 1915.

Wednesday, April 7, 1915.

The Senate met pursuant to adjournment.

The President in the Chair.

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

Mr. President, Messrs. Adkins, Blich, Brown, Calkins, Cooper, Donegan, Drane, Farris, Fogarty, Gornito, Greene, Hudson, Igou, Johnson, Jones, McClellan, McEachern, McGeachy, Middleton, Plympton, Roddenberry, Roland, Stringer, Terrell, Watson, Wells, Willis, Zim—29.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

The Journal of the Senate of April 6 was corrected.

The name of Hon. Glenn Terrell, from the Twentieth District, failing to appear on the Journal of April 6, 1915, as being present, the Journal of that date is hereby corrected, that Mr. Terrell answered to the call of the roll of the newly-elected Senators, and was present.

The Journal of April 6, 1915, as corrected, was approved.