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## In Memoriam: Francis Philip Fleming

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T H E

# FLORIDA HISTORICAL SOCIETY QUARTERLY.

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I N M E M O R I A M .

Francis Philip Fleming.

Among the most distinguished names of Floridians who have been honored with the position as chief magistrate of the state stands the name of Francis Philip Fleming. Notable and conspicuous as were his many public services unquestionably that of the establishment of a State Board of Health exceeded all others, since this service has proven of immeasurable benefit to the state and also to the country at large in preventing the introduction of epidemic diseases from other lands.

Governor Fleming was not only himself a native of Florida, but both of his parents were also born Floridians, back of whom can be traced a long line of distinguished Scotch-Irish ancestry, of which any man might well be proud. His paternal grandfather was George Fleming, a descendant of the barons of Slane, who, after the loss of titles and estates as a most devoted adherent of the unfortunate James Stuart, emigrated to Florida, in 1785, there to begin life over again in a new world. He soon attained prominence in the military service of the Spanish government, and received large grants for his "distinguished and extraordinary services, to which he contributed both his property and person in defence of the said province at different periods, sacrificing and abandoning his property, as a faithful subject, worthy of every recompense for his love, fidelity and patriotism," according to the quaint language of the ancient grants. He married Sophia, daughter of Francis Philip Fatio, a Swiss immigrant of wealth and prominence, and their son, Lewis, born in 1798, became a citizen known and honored by all, who distinguished himself in the Indian wars as a major on the staff of Governor Richard K. Call, was especially mentioned for gallantry at the battle of Wahoo Swamp, the greatest battle of the war, and died "full of years and honors" in

1862. His home for a short time was in St. Augustine, but he spent much time in the improvement of a fine estate on the St. John's River, at Hibernia, which became the permanent home of his descendants and yet remains a valued and beloved family possession.

Col. Lewis Fleming lived in Cuba for several years when a young man, where he married his first wife, Augustina Cortez, a direct descendant of Hernando Cortez, the conqueror of Mexico, who was the mother of George and Lewis I. Fleming, and Sophia, the wife of Clark Stevens. His second wife, the mother of Governor Fleming, was Margaret Seton, also a native of Florida, and the daughter of Charles Seton, a member of the famous Scotch family of that name and a descendant of that Sir Christopher Seton whose wife was Christine, the sister of Robert Bruce, the celebrated Scottish patriot. A son of this marriage, Charles Seton Fleming, was a captain in the Confederate service and was killed while in command of his regiment, the Second Florida Infantry, as its senior surviving officer, June 3rd, 1864, while leading it in a gallant charge at the battle of Cold Harbor. Col. Lewis I. Fleming, son of the first wife, was a prominent lawyer of Jacksonville, the partner of Col. James J. Daniel, and Francis P. Fleming, this being for many years one of the leading law firms of the State. A younger son, ex-State Senator Frederic A. Fleming; was also a soldier in the Confederate service, and now resides in the old family home at Hibernia.

Governor Francis P. Fleming was born at Panama, in Duval County, September 28th, 1841. His education was begun at home under the instruction of private tutors, and before he had reached the age of twenty he enlisted as a private in the company of Capt. John W. Starke, afterwards a part of the famous Second Florida regiment. In the Virginia and Peninsula campaigns he served under Generals Magruder, Johnson and Lee. He became quartermaster-sergeant of his regiment in November, 1862, and in August, 1863, was made first lieutenant of Company D., First Florida Cavalry, serving under Generals Johnson and Hood.

Governor Fleming's war record was a brilliant one. In the Peninsula Campaign he participated in the battles of Peach Orchard, Williamsburg, Seven Pines, Second Manassas, Fredericksburg, Chancellorsville, Harper's Ferry, the Wilderness, Spottsylvania, Cold Harbor,

Petersburg, Seven Days' Fight around Richmond, Antietam and Gettysburg. In the latter part of July, 1863, he was transferred to the western army as first lieutenant of Company D., First Florida Cavalry (dis-mounted), and took part in the battles of Chickamauga, Missionary Ridge, Tunnel Hill, Resaca, Cassville, Dallas, New Hope Church, Kennesaw, Dead Angle, Peach Tree Creek, Atlanta, and Jonesboro, and while at home on sick leave commanded a company of volunteers at the battle of Natural Bridge, near Tallahassee.

At the close of the war he returned to Florida and at once began the study of the law, and was admitted to the bar in Jacksonville, May 12th, 1868, shortly after becoming a member of the firm of Fleming and Daniel. He married, May 23rd, 1871, Floride Lydia Pearson, a daughter of Hon. Bird M. Pearson, formerly a justice of the Florida Supreme Court. Their children are, Francis Philip Fleming, Junior, and Charles Seton Fleming, both associated with him in the practice of law under the firm name of Fleming and Fleming, and a daughter, Elizabeth Legere Fleming.

No citizen of Florida took a more active interest in the political conditions prevailing in Florida than did Governor Fleming, being prominent among those determined and undaunted Democrats who led the way to deliverance of Florida from carpetbag misrule. He served for several years as a member of the State Democratic Executive Committee, and as an effective and convincing speaker on the hustings, particularly during the campaign which resulted in the election of Governor George F. Drew in 1876. The years which followed he devoted to his profession, and, although still deeply interested in all political affairs, could-not be prevailed upon to accept office, until he was nominated for the governorship at St. Augustine, in 1888. The ensuing campaign was one of peculiar difficulty and hardship. A severe epidemic of yellow fever prevailed in many parts of the state, and local authorities, in the absence of general regulations, established a vigorous quarantine. Notwithstanding these difficulties of communication and the personal bereavement caused by the death of both of the senior members of his firm, the campaign was vigorously conducted, and a larger vote polled for Governor Fleming than had previously been cast for that office.

Profoundly impressed with the need for better protection from the ravages of epidemic diseases, Governor

Fleming, immediately after his inauguration, proclaimed an extra session of the legislature, to assemble in February, 1889, for the specific purpose of establishing a state Board of Health, in accordance with the authority conferred by the state constitution. A broad, comprehensive and effective law was enacted, creating a state board, conferring upon it necessary powers, and providing for its adequate support by a special tax, and this measure remains practically unchanged to the present time, a monument to the sound judgment of the legislature and the wisdom and executive ability of the governor.

Republican misrule during the reconstruction period had so depleted the public treasury that strong measures of rehabilitation were demanded, but the poverty of the people had impelled the government, under Democratic rule, to reduce taxation to a point that was little less than disastrous to the state finances. The prevailing methods of assessing property appear to have retained their previous defects of inaccuracy and inequality, for the aggregate valuation, nominally represented upon the assessment rolls at some ninety millions of dollars, should have been placed at fully three times that amount of actual value. The entire burden of the cost of criminal prosecution was borne by the state government, the enormously increased expense of providing for the indigent insane, the rapidly increasing cost of the system of public instruction, the pensions of needy and deserving Confederate soldiers, the expenses of the extra and regular sessions of the legislature, all of these things were a heavy drain upon the slender finances of the state. With cheerful courage and undaunted hopefulness Governor Fleming and his cabinet met and solved these knotty problems of statecraft, and wrung success from threatened failure.

In his message to the legislature of 1889 Governor Fleming called attention to the urgent need for a different method of assessing taxable property ; of the duty of the various counties to bear a part of the cost of criminal prosecutions, proportionate to the business arising in their respective courts; the establishment of a bureau of immigration; the building of a State prison; the creation of the office of State Chemist; the establishment of a fisheries commission; the careful revision of the pension law; and many other timely and valuable measures. Many of these recommendations of the governor were

made into laws by the legislature of 1889 and remain on the books to-day.

The senatorial election by the legislature of 1891 was an event of unusual interest, the contestants being Wilkinson Call, who desired re-election, Dannette H. Mays and J. G. Speer. The caucus met from day to day, for several weeks and finally adjourned sine die without making a nomination. The joint session of the two houses also assembled each day and voted without making a choice. Following the adjournment of the caucus, the joint session was called, as usual, but a portion of the senators, determined to prevent the re-election of Senator Call, absented themselves, leaving the Senate without a quorum. The remaining Senators and Representatives proceeded to hold the joint session, and Senator Call was declared elected by a majority of one vote. Governor Fleming, holding that no valid election had occurred; refused to certify the action of the joint session, and appointed R. IS. M. Davidson, who had been a Representative in -Congress for a period aggregating fourteen years, to fill the position of senator, but upon the assembling of the Congress the contest was decided by the Senate, by votes of Republican senators, against Governor Fleming's contention, and Mr. Call was seated as senator.

The legislature of 1891 destroyed the usefulness of the Bureau of Immigration, by depriving it of its income, abolished the Railroad Commission, and refused to make an appropriation for a state exhibit at the World's Fair, at Chicago, in 1893. An effort was made by Governor Fleming to raise a fund for the latter purpose, and a convention, over which he presided, was held at Orlando, at which considerable enthusiasm was manifested, and a fund started, but it was deemed insufficient for the purpose, and the effort had to be abandoned. This legislature, of 1891, adopting a recommendation of the governor, made an appropriation for the expense of a state encampment, which was held at St. Augustine, for ten days in August, 1891, the governor and his military staff going into camp with the troops. This legislature also authorized the Board of Trustees of the Internal Improvement Fund to set apart certain State lands in South Florida for the permanent occupation of the remnant of Indian tribes inhabiting that region; and Governor Fleming appointed a commission

of three prominent citizens to receive and hold such lands in trust for this purpose.

Besides the office of chief magistrate of his native state, Governor Fleming filled many other positions of trust and honor in his home community. He has been commodore and trustee of the Florida Yacht Club; commander of R. E. Lee Camp of Confederate Veterans; aide-de-camp to Gen. John B. Gordon, commander-in-chief, U. C. V., commander of the Florida division of the U. C. V.; vestryman and warden of St. John's Episcopal Church of Jacksonville; chancellor of the Episcopal diocese of Florida; president of the Church Club; member of the Florida Board of Trade, and of the Seminole Club; trustee of the University School of Medicine of Richmond, Va.; president of the Jacksonville Bar Association; and member of the Florida Bar Association; president of the Old Confederate Soldiers' and Sailors' Home Association; president and an active member of the Florida Historical Society; and editor and frequent contributor to that Society's Quarterly Publication, taking an active part in the preservation of the widely scattered material relating to the history of Florida, for the collection and preservation of which the state government has never made any adequate provision. In all of these positions he has performed the several duties belonging to them with wisdom, earnestness and fidelity, endearing himself to his associates and fellow citizens by his kindly and sympathetic disposition, his unwearied devotion to duty and his thoughtfulness and courtesy in every business and social relation.

After retiring from the governorship he resumed the practice of law in Jacksonville, refusing flattering inducements to re-enter political life, including that of a place on the bench of the Supreme Court.

On the 20th of December, 1908, at his home in Jacksonville, after a long and painful illness, Governor Fleming passed to his reward, leaving the entire population of his beloved State to mourn his irreparable loss. A thoughtful and affectionate husband and father, a devoted friend, a brave soldier, a loyal and patriotic citizen, a faithful public officer, a wise counsellor, an ardent and zealous churchman, and a conscientious, charitable and consistent Christian gentleman, his memory will long survive among those for whom he made the world better for his having lived in it.