

Revised Statutes of the State of Florida, entitled "parks streets, etc."

Which was read the first time by its title and referred to the Committee on City and County Organization.

Mr. Harris moved that the Senate adjourn until 10 o'clock a. m., tomorrow.

Which was agreed to.

Thereupon the Senate stood adjourned until ten o'clock tomorrow, Wednesday, May 31, 1905, at 10 o'clock a. m.

WEDNESDAY, MAY 31, 1905.

The Senate met pursuant to adjournment.

The President in the chair.

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

Mr. President, Senators Adams, Alford, Bailey, Baskin, Blount, Canova, Clarke, Crane, Crews, Crill, Davis, Faulkner, Gillen, Harris, Hudson, Humphries, Jackson, Lee, McCreary, Massey, Neel, Newlan, Raney, Sams, Scott, Stockton, Wadsworth, West, Wilson, Zim.—31.

A quorum present.

Prayer by the Chaplain.

The Journal was corrected and approved.

INTRODUCTION OF RESOLUTIONS.

Mr. Lee introduced the following:

Senate Concurrent Resolution No. 22:

Be it resolved by the Senate, the House concurring, that beginning with June 1st, the Senate shall only consider House Bills and the House only consider Senate Bills; That no other Bills shall be considered except by unanimous consent.

Which was read the first time.

Mr. Lee moved that the rules be waived and the Resolution be read a second time.

Mr. Lee withdrew the resolution.

Mr. Adams introduced the following—

Senate Concurrent Resolution No. 23:

Be it resolved by the Senate, the House of Representatives concurring, that the Board of Commissioners designated by an act passed by the legislature at this session.

"to examine into and report upon claims against the State arising from moneys received by the State on account of Indian War Claims, be directed to consider in the introduction made under said act the reports of commissioners appointed under pension acts of the legislature, a copy of which reports are spread upon the journals of the legislature in adopting this resolution.

Which was read the first time.

Mr. Adams moved that the rules be waived and the resolution read a second time.

Which was agreed to by a two-thirds vote.

And the resolution was read a second time.

Mr. Adams moved the adoption of the resolution.

Which was agreed to.

(See Appendix.)

Mr. McCreary introduced the following:

Senate Concurrent Resolution No. 24:

Whereas, Numerous amendatory acts have been passed relating to public roads and highways, and pertaining to the duties of County Commissioners; therefore, be it

Resolved, That the Attorney-General be requested to compile and have printed in pamphlet form all acts relating to public roads and the duties of County Commissioners; and

Resolved, 2, That the Secretary of State be required to furnish such compilation to any person upon the payment of one dollar (\$1.00) for each copy.

Which was read the first time.

Mr. McCreary moved that the rules be waived and the resolution be read a second time.

Which was agreed to by a two-thirds vote.

And the resolution was read a second time.

Mr. McCreary moved the adoption of the resolution.

Which was agreed to.

Mr. Alford introduced Senate Concurrent Resolution No. 25:

Asking Congress to make a sufficient appropriation of monies to deepen the channel at Carrabelle Harbor so as to allow sea-going vessels and other water crafts to come up to the docks of Carrabelle to take on and discharge cargoes.

Be it resolved by the Senate, the House of Representatives concurring:

That our Senators and Representatives in Congress be and the same are hereby instructed to introduce in

the next United States Congress some suitable measure to make a sufficient appropriation of monies for the harbor of Carrabelle, in Franklin county, Florida, for the purpose of deepening the channel of said harbor, so as to allow sea-going vessels and other water crafts to take and discharge their cargoes at the wharves of said town of Carrabelle, Florida; the appropriations for said harbor heretofore made being wholly inadequate to secure a sufficient depth of water up to said town, to permit sea-going ships and all water crafts of average tonnage to discharge their cargoes and reload at the wharves of said town, which is materially to the detriment of the great business interest of this part of the State, and to the southern counties of the State of Georgia lying contiguous to this section.

Which was read the first time.

Mr. Alford moved that the rules be waived and that the resolution be read a second time.

Which was agreed to by a two-thirds vote.

And Senate Concurrent Resolution No. 25 was read a second time.

Mr. Alford moved the adoption of the resolution.

Which was agreed to.

By permission—

Mr. Scott, Chairman of the Committee on Enrolled Bills, submitted the following report:

Senate Chamber,

Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,

President of the Senate.

SIR—Your Committee on Enrolled Bills, to whom was referred—

An act to authorize and empower the Board of County Commissioners of Taylor county to levy a special road tax of one dollar (\$1.00) per annum upon every person subject to road duty in said county in addition to the tax now authorized by law on personal property and real estate, and to provide penalties for refusing to pay said special road tax by the person subject to said road duty.

Also,

An act authorizing the City of Jacksonville to issue bonds and providing for the payment thereof.

Also,

An act to authorize the sale and disposal of duplicate volumes of books belonging to the Supreme Court Library.

Also,

An act to extend the time for completing the canal of the Florida Coast Line Canal and Transportation Company, and to preserve and continue the grant of land to aid in its construction and authorizing the Trustees of the Internal Improvement Fund of the State of Florida to hold one hundred thousand acres of the lands now held in reserve for said company until it shall complete its canals and waterways from St. Augustine to the St. Johns River, and providing the time said canals and waterways between St. Augustine and the St. Johns River shall be commenced and for its continuous prosecution until completed, and providing that in the event said company desires to sell its canal, the State of Florida shall have the refusal, and providing that the provision as to one hundred thousand acres, and the provision as to giving the State of Florida the refusal, if said company desires to sell, shall not be construed so as to interfere with, alter, change or impair any rights, privileges, property, grants or franchises of said company now existing, except as to the one hundred thousand (100,000) acres of land as hereinafter mentioned.

Also,

An act to repeal Chapter 5291, of the Laws of Florida, Acts of 1903, entitled "An act to regulate the catching or taking of fish in the waters of Manatee county of the State of Florida and to prohibit the taking or catching of fish except for personal consumption during the period from the twenty-third of November to the thirty-first of December of each and every year, and to regulate the manner and means to be employed in taking fish caught from said waters and the length, depth and kind of nets that may be employed in the taking of fish from said waters and to prescribe a limit to the size of mesh of nets allowed to be used for the purpose of catching and taking fish from the waters of said county, and to prohibit the transportation for the purpose of sale of any food fish from the limits of said county from the twenty-third day of November to the thirty-first day of December of each and every year, and to prescribe a penalty for the violation of the provisions of this act.

Also,

An act to prohibit the catching of food fish in the fresh water lakes of Manatee county, State of Florida, with any

seine, net or set device, also to prohibit common carriers from transporting or receiving for transportation such fish within the limits of said county, and to prohibit persons from selling or offering to sell, shipping or offering for shipment or transportation within the limits of said Manatee county, food fish caught or taken from the waters of such lakes otherwise than with a hook and line, and prescribing a penalty for violation thereof.

Also,

A joint resolution proposing to amend Section 9 of Article V of the Constitution of the State of Florida, relating to the salaries of Justices of the Supreme Court and Circuit Judges.

Have examined the same and find them correctly enrolled.

Very respectfully,

T. M. SCOTT,

Chairman of Committee.

And the acts contained in the above report were referred to the Joint Committee on Enrolled Bills.

By permission—

Mr. Sams, Chairman of the Committee on City and County Organization, submitted the following report:
Senate Chamber,

Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,

President of the Senate.

SIR—Your Committee on City and County Organization, to whom was referred—

Senate Bill No. 398:

A bill to be entitled an act to amend Section 680 of the Revised Statutes of the State of Florida, entitled "Parks, Streets, etc."

Have had the same under consideration and recommend that it do pass.

Very respectfully,

FRANK W. SAMs,

Chairman of Committee.

And Senate Bill No. 398, contained in the above report, was placed on the Calendar of Bills on second reading.

By permission—

Mr. Adams, Chairman of the Committee on Appropriations, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,

President of the Senate:

SIR—Your Committee on Appropriations, to whom was referred—

House Bill No. 410:

A bill to be entitled an act to appropriate the sum of \$130, or as much thereof as is necessary for the preservation of the Battle Flags of the State of Florida.

Also,

House Bill No. 547:

A bill to be entitled an act to provide for buildings and other improvements for the Florida Hospital for the Insane.

Also,

Senate Bill No. 388:

A bill to be entitled an act to amend an act entitled an act to prescribe the mode of procedure in cases of supposed insanity, to provide for competent examination, to define the duties of county and circuit judges, and to repeal all laws in conflict with this act.

Also,

House Committee Substitute for—

House Bill No. 252:

A bill to be entitled an act defining the manner and course of commitment of minors to the Florida State Reform School, at Mariana, defining who shall be committed, and for what time, and upon what conditions, regulating the discipline, providing for the proper management of said reform school, and appropriating money for the benefit of said institution.

Have had the same under consideration and recommend that they do pass.

Very respectfully,

F. A. ADAMS,

Chairman of Committee.

And House Bills No. 410, 547 and House Committee Substitute for House Bill No. 252, and Senate Bill No. 388 contained in the above report, were placed on the calendar of bills on second reading.

By permission—

Mr. Harris, Chairman of the Committee on Judiciary, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,
President of the Senate.

SIR—Your Committee on Judiciary, to whom was referred—

Senate Bill No. 389:

A bill to be entitled an act providing for buildings and other improvements for the Florida Hospital for the Insane.

Beg leave to return the same herewith without recommendation.

Very respectfully,
W. HUNT HARRIS,
Chairman of Committee.

And Senate Bill No. 389, contained in the above report, was placed on the calendar of bills on second reading.

By permission—

Mr. Harris, Chairman of the Committee on Judiciary, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,
President of the Senate.

SIR—Your Committee on Judiciary, to whom was referred—

House Bill No. 546:

A bill to be entitled an act to amend an act entitled an act to prescribe the mode of procedure in cases of supposed insanity; to provide for competent examination; to define the duties of county and circuit judges, and to repeal all laws in conflict with this act.

Have had the same under consideration and recommend that it pass.

Very respectfully,
W. HUNT HARRIS,
Chairman of Committee.

And House Bill No. 546, contained in the above report, was placed on the Calendar of bills on second reading.

By permission—
Mr. Harris, Chairman of the Committee on Judiciary,
submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,
President of the Senate.

SIR—Your Committee on Judiciary, to whom was referred—

House Bill No. 420:

A bill to be entitled an act to provide for the cancellation of void, illegal or imperfect tax certificates now or hereafter to be held by the State and to provide compensation for the clerks making such cancellation.

Have had the same under consideration and recommend that it do not pass.

Very respectfully,
W. HUNT HARRIS,
Chairman of Committee.

And House Bill No. 420, contained in the above report, was placed on the calendar of bills on second reading.

By permission—
Mr. Harris, Chairman of the Committee on Judiciary,
submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,
President of the Senate:

SIR—Your Committee on Judiciary, to whom was referred—

House Bill No. 552:

A bill to be entitled an act to provide for the effect of the record of deeds and mortgages of realty as notice, and to provide for the relinquishment of dower.

Leg leave to return the same without recommendation.

Very respectfully,
W. HUNT HARRIS,
Chairman of Committee.

And House Bill No. 552, contained in the above report, was placed on the Calendar of bills on second reading.

By permission—
Mr. Gillen, Chairman of the Committee on Education,
submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,
President of the Senate.

SIR—Your Committee on Education to whom was referred—

Senate Bill No. 395:

A bill to be entitled an act requiring the county commissioners of the various counties of this State to levy and assess such millage for taxes for school purposes, within their various counties, as may be necessary to meet the itemized estimate now required by law to be made up by the board of public instruction in the various counties in this State.

Have had the same under consideration and recommend that it do not pass.

Very respectfully,
GUY GILLEN,
Chairman of Committee.

And Senate Bill No. 395, contained in the above report, was placed on the calendar of bills on second reading.

By permission—

Mr. Blount, Chairman of the Committee on Constitutional Amendments, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,
President of the Senate:

SIR—Your Committee on Constitutional Amendments to whom was referred—

Senate Joint Resolution No. 56

A joint resolution proposing an amendment to Article XIX, Section 1, of the Constitution of the State of Florida relating to local option to decide whether the sale of intoxicating liquors, wines or beer shall be prohibited.

Have had the same under consideration and report the same without recommendation.

Very respectfully,
W. A. BLOUNT,
Chairman of Committee.

And Senate Joint Resolution No. 56, contained in the above report, was placed on the Calendar of Bills on second reading.

By permission—

Mr. Adams, Chairman of the Committee on Appropriations, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,
President of the Senate.

SIR—Your Committee on Appropriations, to whom was referred—

Senate Bill No. 380:

A bill to be entitled an act to aid the furtherance of the Florida Historical Society.

Have had the same under consideration and beg to report as a substitute therefor the accompanying bill to be entitled—

An act to establish a department of archives and history for the State of Florida; to prescribe its functions and duties, and to provide for its maintenance.

And your committee recommend that such substitute be passed.

Very respectfully,
F. ADAMS,
Chairman of Committee.

And Senate Bill No. 380, contained in the above report, together with the substitute therefor, was placed on the Calendar of bills on second reading:

By permission—

Mr. Harris, Chairman of the Committee on Judiciary, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,
President of the Senate.

SIR—Your Committee on Judiciary, to whom was referred—

Senate Bill No. 126:

A bill to be entitled an act providing that common carriers shall pay claims for a loss of or damages to any shipment received by the said common carrier, within a certain time from the filing by the shipper of said claim with the said common carrier, and when under certain conditions they fail so to pay said claim, the said common carrier shall pay interest on the said claim at the rate of twenty-five per cent. per annum, and under certain conditions shall be allowed judgment for the said interest in addition to the said claim.

Return the same without recommendation as the Senate has already passed a bill on the same subject.

Very respectfully,

W. HUNT HARRIS.

Chairman of Committee.

And Senate Bill No. 120, contained in the above report, was placed on the calendar of bills on **second reading**.

By permission—

Mr. Scott, Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber,

Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,

President of the Senate:

SIR—Your Joint Committee on Enrolled Bills, to whom was referred—

An act to authorize and empower the Board of County Commissioners of Taylor county to levy a special road tax of one dollar (\$1.00) per annum upon every person subject to road duty in said county in addition to the tax now authorized by law on personal property and real estate, and to provide penalties for refusing to pay said special road tax by the person subject to said road duty.

Also,

An act authorizing the City of Jacksonville to issue bonds and providing for the payment thereof.

Also,

An act to authorize the sale and disposal of duplicate volumes of books belonging to the Supreme Court Library.

Also,

An act to extend the time for completing the canal of the Florida Coast Line Canal and Transportation Com-

pany, and to preserve and continue the grant of land to aid in its construction and authorizing the Trustees of the Internal Improvement Fund of the State of Florida to hold one hundred thousand acres of the lands now held in reserve for said company until it shall complete its canals and waterways from St. Augustine to the St. Johns River, and providing the time said canals and waterways between St. Augustine and the St. Johns River shall be commenced and for its continuous prosecution until completed, and providing that in the event said company desires to sell its canal, the State of Florida shall have the refusal, and providing that the provision as to one hundred thousand acres, and the provision as to giving the State of Florida the refusal, if said company desires to sell, shall not be construed so as to interfere with, alter, change or impair any rights, privileges, property, grants or franchises of said company now existing, except as to the one hundred thousand (100,000) acres of land as hereinafter mentioned.

Also,

An act to repeal Chapter 5291. of the Laws of Florida, Acts of 1903, entitled "An act to regulate the catching or taking of fish in the waters of Manatee county of the State of Florida and to prohibit the taking or catching of fish except for personal consumption during the period from the twenty-third of November to the thirty-first of December of each and every year, and to regulate the manner and means to be employed in taking fish caught from said waters and the length, depth and kind of nets that may be employed in the taking of fish from said waters and to prescribe a limit to the size of mesh of nets allowed to be used for the purpose of catching and taking fish from the waters of said county, and to prohibit the transportation for the purpose of sale of any food fish from the limits of said county from the twenty-third day of November to the thirty-first day of December of each and every year, and to prescribe a penalty for the violation of the provisions of this act.

Also,

An act to prohibit the catching of food fish in the fresh water lakes of Manatee county, State of Florida, with any seine, net or set device, also to prohibit common carriers from transporting or receiving for transportation such fish within the limits of said county, and to prohibit per-

sensations, calling or offering to sell, shipping or offering for sale, or in any manner introducing into the waters of said lakes, or into the waters of said lakes from the waters of such lakes otherwise than with a hook and line, and prescribing a penalty for violation thereof.

Also,

A joint resolution proposing to amend Section 9 of Article V of the Constitution of the State of Florida, relating to the salaries of Justices of the Supreme Court and Circuit Judges.

Have examined the same and find them correctly enrolled.

Very respectfully,

T. M. SCOTT,

Chairman of Committee.

And the acts contained in the above report were referred to the Joint Committee on Enrolled Bills, to be conveyed to the House of Representatives for the signatures of the Speaker and Chief Clerk thereof.

By permission—

Mr. Scott, Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber,

Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,

President of the Senate.

SIR—Your Joint Committee on Enrolled Bills, to whom was referred—

An act to provide for reprinting Supreme Court Reports of Florida.

Also,

An act for the relief of T. A. Beggs.

Also,

An act to amend an act entitled an act to provide for the assessment, levy and collection of revenue for the City of Pensacola, approved May 22, 1901.

Also,

An act for the protection and preservation of fish in the State of Florida, and to prohibit the shipping of certain fish during certain months and providing a penalty for the violation thereof.

Also,

An act providing that corporations doing an express business, transporting express shall pay claims for a loss

or damage to any shipment received by the said corporation, within a certain time from the filing by the shipper of said claim with the said corporation and when under certain conditions they fail to pay said claim the said corporation shall pay interest on the said claim at the rate of twenty-five per cent. per annum; and under certain conditions shall be allowed judgment for the said interest in addition to the said claim.

Have examined the same and find them correctly enrolled.

Very respectfully,

T. M. SCOTT,

Chairman of Committee.

And the acts contained in the above report were referred to the Joint Committee on Enrolled Bills, to be conveyed to the House of Representatives for the signatures of the Speaker and Chief Clerk thereof.

Mr. Adams moved that the rules be waived, and that messages from the House of Representatives be taken up.

Which was agreed to by a two-thirds vote.

And the Senate proceeded to consider—

MESSAGES FROM HOUSE OF REPRESENTATIVES.

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla., May 30, 1905.

Hon. Park M. Trammell.

President of the Senate.

SIR—I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

House Bill No. 388:

A bill to be entitled an act to amend Section 2598 of the Revised Statutes of Florida, being entitled "Carnal intercourse with unmarried females under the age of sixteen years."

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

And House Bill No. 388, contained in the above message S. B.

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

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla., May 30, 1905.

Hon. Park M. Trammell,
President of the Senate.

SIR—I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

House Bill No. 412:

A bill to be entitled an act authorizing the town of Dade City, Florida, to issue bonds for grading, paving and otherwise improving the streets of said town and to provide for the payment of the principal and interest of said bonds and the application of the proceeds of any such bonds to the purpose for which the same may have issued.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,
J. G. KELLUM,

Chief Clerk of the House of Representatives.

And House Bill No. 412, contained in the above message, was read the first time by its title.

Mr. Jackson moved that the rules be waived and House Bill No. 412 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 412 was read a second time by its title only.

Mr. Jackson moved that the rules be further waived, and that House Bill No. 412 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 412 was read a third time in full.

Upon call of the roll on the passage of the bill the vote was:

Yeas—Mr. President, Senators Adams, Alford, Bailey, Baskin, Blount, Canova, Crane, Crews, Crill, Faulkner, Gillen, Harris, Hudson, Jackson, Lee, McCrary, Massey, Neel, Newlan, Raney, Sams, Scott, Stockton, Wadsworth, West, Wilson, Zim—28.

Nays—none.

So House Bill No. 412 was passed, title as stated.

By permission—

Mr. Scott, Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,
President of the Senate.

SIR—Your Joint Committee on Enrolled Bills, to whom was referred—

An act to provide for reprinting Supreme Court Reports of Florida.

Also,

An act for the relief of T. A. Beggs.

Also,

An act to amend an act entitled an act to provide for the assessment, levy and collection of revenue for the City of Pensacola, approved May 22, 1901.

Also,

An act for the protection and preservation of fish in the State of Florida, and to prohibit the shipping of certain fish during certain months and providing a penalty for the violation thereof.

Also,

An act providing that corporations doing an express business transporting express shall pay claims for a loss or damage to any shipment received by the said corporation, within a certain time from the filing by the shipper of said claim with the said corporation and when under certain conditions they fail so to pay said claim the said corporation shall pay interest on the said claim at the rate of twenty-five per cent. per annum; and under certain conditions shall be allowed judgment for the said interest in addition to the said claim.

Beg to report that the same have been duly signed by the Speaker and Chief Clerk of the House of Representatives, and is herewith presented to the Senate for the signatures of the President and Secretary thereof.

Very respectfully,

T. M. SCOTT,
Chairman of Committee.

ENROLLED

The Speaker announced that he was about to sign—
An act to provide for reprinting Supreme Court Reports of Florida.

Also,

An act for the relief of T. A. Meggs.

Also,

An act to amend an act entitled an act to provide for the assessment, levy and collection of revenue for the City of Pensacola, approved May 22, 1901.

Also,

An act for the protection and preservation of fish in the State of Florida, and to prohibit the shipping of certain fish during certain months and providing a penalty for the violation thereof.

Also,

An act providing that corporations doing an express business, transporting express shall pay claims for a loss or damage to any shipment received by the said corporation, within a certain time from the filing by the shipper of said claim with the said corporation and when under certain conditions they fail so to pay said claim the said corporation shall pay interest on the said claim at the rate of twenty-five per cent. per annum; and under certain conditions shall be allowed judgment for the said interest in addition to the said claim.

The acts were therefore duly signed by the President and Secretary of the Senate, and ordered returned to the Chairman of the Joint Committee on Enrolled Bills to convey to the Governor for his approval.

By permission—

Mr. Scott, Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber,

Tallahassee, Fla., May 30, 1905.

Hon. Park M. Trammell,

President of the Senate.

SIR—Your Joint Committee on Enrolled Bills, to whom was referred—

An act to authorize and empower the Board of County Commissioners of Taylor county to levy a special road tax of one dollar (\$1.00) per annum upon every person subject to road duty in said county in addition to the tax

now authorized by law on personal property and real estate, and to provide penalties for refusing to pay said special road tax by the person subject to said road duty.

Also,

An act authorizing the City of Jacksonville to issue bonds and providing for the payment thereof.

Also,

An act to authorize the sale and disposal of duplicate volumes of books belonging to the Supreme Court Library.

Also,

An act to extend the time for completing the canal of the Florida Coast Line Canal and Transportation Company, and to preserve and continue the grant of land to aid in its construction and authorizing the Trustees of the Internal Improvement Fund of the State of Florida to hold one hundred thousand acres of the lands now held in reserve for said company until it shall complete its canals and waterways from St. Augustine to the St. Johns River, and providing the time said canals and waterways between St. Augustine and the St. Johns River shall be commenced and for its continuous prosecution until completed, and providing that in the event said company desires to sell its canal, the State of Florida shall have the refusal, and providing that the provision as to one hundred thousand acres, and the provision as to giving the State of Florida the refusal, if said company, desires to sell shall not be construed so as to interfere with, alter, change or impair any rights, privileges, property, grants or franchises of said company now existing, except as to the one hundred thousand (100,000) acres of land as hereinafter mentioned.

Also,

An act to repeal Chapter 5231, of the Laws of Florida, Acts of 1963, entitled "An act to regulate the catching or taking of fish in the waters of Manatee county of the State of Florida and to prohibit the taking or catching of fish except for personal consumption during the period from the twenty-third of November to the thirty-first of December of each and every year, and to regulate the manner and means to be employed in taking fish caught from said waters and the length, depth and kind of nets that may be employed in the taking of fish from said waters and to prescribe a limit to the size of mesh of nets allowed to be used for the purpose of catching and taking fish from the waters of said county, and to pre-

hibit the transportation for the purpose of sale of any food fish from the limits of said county from the twenty-third day of November to the thirty-first day of December of each and every year, and to prescribe a penalty for the violation of the provisions of this act.

Also,

An act to prohibit the catching of food fish in the fresh water lakes of Manatee county, State of Florida, with any seine, net or set device, also to prohibit common carriers from transporting or receiving for transportation such fish within the limits of said county, and to prohibit persons from selling or offering to sell, shipping or offering for shipment or transportation within the limits of said Manatee county, food fish caught or taken from the waters of such lakes otherwise than with a hook and line, and prescribing a penalty for violation thereof.

Also,

A joint resolution proposing to amend Section 9 of Article V of the Constitution of the State of Florida, relating to the salaries of Justices of the Supreme Court and Circuit Judges.

Beg to report that the same have been duly signed by the Speaker and Chief Clerk of the House of Representatives, and is herewith presented to the Senate for the signatures of the President and Secretary thereof.

Very respectfully,

T. M. SCOTT,

Chairman of Committee.

ENROLLED.

The President announced that he was about to sign—

An act to authorize and empower the Board of County Commissioners of Taylor county to levy a special road tax of one dollar (\$1.00) per annum upon every person subject to road duty in said county in addition to the tax now authorized by law on personal property and real estate, and to provide penalties for refusing to pay said special road tax by the person subject to said road duty.

Also,

An act authorizing the City of Jacksonville to issue bonds and providing for the payment thereof.

Also,

An act to authorize the sale and disposal of duplicate

volumes of books belonging to the Supreme Court Library.

Also,

An act to extend the time for completing the canal of the Florida Coast Line Canal and Transportation Company, and to preserve and continue the grant of land to aid in its construction and authorizing the Trustees of the Internal Improvement Fund of the State of Florida to hold one hundred thousand acres of the lands now held in reserve for said company until it shall complete its canals and waterways from St. Augustine to the St. Johns River, and providing the time said canals and waterways between St. Augustine and the St. Johns River shall be commenced and for its continuous prosecution until completed, and providing that in the event said company desires to sell its canal, the State of Florida shall have the refusal, and providing that the provision as to one hundred thousand acres, and the provision as to giving the State of Florida the refusal, if said company desires to sell, shall not be construed so as to interfere with, alter, change or impair any rights, privileges, property, grants or franchises of said company now existing, except as to the one hundred thousand (100,000) acres of land as hereinafter mentioned.

Also,

An act to repeal Chapter 5291, of the Laws of Florida, Acts of 1903, entitled "An act to regulate the catching or taking of fish in the waters of Manatee county of the State of Florida and to prohibit the taking or catching of fish except for personal consumption during the period from the twenty-third of November to the thirty-first of December of each and every year, and to regulate the manner and means to be employed in taking fish caught from said waters and the length, depth and kind of nets that may be employed in the taking of fish from said waters and to prescribe a limit to the size of mesh of nets allowed to be used for the purpose of catching and taking fish from the waters of said county, and to prohibit the transportation for the purpose of sale of any food fish from the limits of said county from the twenty-third day of November to the thirty-first day of December of each and every year, and to prescribe a penalty for the violation of the provisions of this act.

Also,

An act to prohibit the catching of food fish in the fresh water lakes of Manatee county, State of Florida, with any

seine, net or set device, also to prohibit common carriers from transporting or receiving for transportation such fish within the limits of said county, and to prohibit persons from selling or offering to sell, shipping or offering for shipment or transportation within the limits of said Manatee county, food fish caught or taken from the waters of such lakes otherwise than with a hook and line, and prescribing a penalty for violation thereof.

Also,

A joint resolution proposing to amend Section 9 of Article V of the Constitution of the State of Florida, relating to the salaries of Justices of the Supreme Court and Circuit Judges.

The acts were therefore duly signed by the President and Secretary of the Senate, and ordered returned to the Chairman of the Joint Committee on Enrolled Bills to convey to the Governor for his approval.

Mr. Stockton moved that House Bill No. 528 be taken up out of its order and now considered.

Which was agreed to by a two-thirds vote.

And

House Bill No. 528:

A bill to be entitled an act to amend Section 1, Chapter 5347, Laws of Florida, being an act entitled an act amending the charter and affecting the government, powers, duties, jurisdiction, officers, boards and elections of the city of Jacksonville, extending and enlarging the powers of the city government, and providing a method whereby the city charter may be hereafter amended by ordinance, approved by the electors of the city.

Was taken up and read a second time in full, together with the amendments offered by the Committee on City and County Organization.

Mr. Stockton moved that the rules be waived and House Bill No. 528 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 528 was read a second time by its title only.

Mr. Stockton offered the following amendment to House Bill No. 528:

Strike out all of "Section 1" after the words "as follows," and insert in lieu thereof the following:

"Section 1. The number, powers, duties, terms of office and time and manner of election or appointment of any and all boards and officers of the City of Jacksonville, whether created by or recognized in State legislation or city ordinance, excepting only the legislative powers and duties of the City Council, may be amended and changed, and any and all the boards and officers, whether created by or recognized in State legislation or city ordinance, may be abolished and new boards and officers created by ordinance adopted by the affirmative vote of not less than two-thirds of all the members of the City Council and approved by the Mayor or passed over his veto, and at a special municipal election approved by the affirmative vote of a majority of all the electors qualified to vote at such election, (or if fifty-five per cent. or more of all the qualified electors shall have voted on the proposition) then by a majority of votes cast upon such proposition. Provided, That three times a week for eight weeks next preceding such special election such ordinance or ordinances shall have been published in the city, and Provided further, That such election shall not be held within sixty days of any general State or city election, or of any primary election held for the nomination of candidates for State or municipal offices, and Provided further, That the city electors shall be given the opportunity at such election to vote separately upon each amendment and upon the proposed change as to each office to be affected thereby, and Provided further, That this act shall not deprive the City Council under existing State legislation of the power to create or abolish any office not created by or recognized in State legislation, or by ordinance approved by vote of electors of the city."

Mr. Stockton moved the adoption of the amendment.

Which was agreed to.

Mr. Stockton moved that the rules be further waived, and that House Bill No. 528 as amended be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 528 as amended was read a third time in full.

Upon call of the roll on the passage of the bill the vote was:

Yeas—Mr. President, Senators Adams, Alford, Bailey, Baskin, Blount, Canova, Clarke, Crane, Crews, Crill,

Faulkner, Gillen, Harris, Hudson, Lee, McCreary, Massey, Neel, Newlan, Raney, Sams, Scott, Stockton, Wadsworth, West, Wilson, Zim—28.

Nays—none.

So House Bill No. 528 as amended was passed, title as stated.

Mr. Lee moved that House Memorial No. K be taken up out of its order and now considered.

Which was agreed to by a two-thirds vote.

And

House Memorial No. K:

A memorial to Congress asking an appropriation for deepening the entrance to St. Andrews Bay; and for the deepening of the channel at the mouth of Bear Creek and Bayou George Creek in Washington county.

Was taken up.

Mr. Baskin moved that the rules be waived and House Memorial No. K be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Memorial No. K was read a second time by its title only.

Mr. Clarke moved that the rules be further waived, and that House Memorial No. K be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Memorial No. K was read a third time in full.

Upon call of the roll on the passage of the memorial the vote was:

Yeas—Mr. President, Senators Adams, Alford, Bailey, Baskin, Blount, Canova, Clarke, Crane, Crews, Crill, Davis, Faulkner, Gillen, Harris, Hudson, Humphries, Lee, Massey, Neel, Newlan, Sams, Scott, Wadsworth, West, Wilson, Zim—22.

Nays—None.

So House Memorial No. K was passed, title as stated.

Mr. Wadsworth moved that House Bill No. 540 be taken up out of its order and now considered.

Which was agreed to by a two-thirds vote.

And

House Bill No. 540:

A bill to be entitled an act providing for the signing of vouchers of pensioners of this State by either clerks of the circuit court or notaries public.

Was taken up.

Mr. Wadsworth moved that the rules be waived, and House Bill No. 540 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 540 was read a second time by its title only.

Mr. Wadsworth moved that the rules be further waived, and that House Bill No. 540 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 540 was read a third time in full.

Upon call of the roll on the passage of the bill the vote was:

Yeas—Mr. President, Senators Adams, Alford, Bailey, Baskin, Blount, Canova, Clarke, Crane, Crews, Crill, Davis, Faulkner, Gillen, Harris, Hudson, Humphries, Lee, Massey, Neel, Newlan, Sams, Scott, Wadsworth, West, Wilson, Zim—27.

Nays—none.

So House Bill No. 540 was passed, title as stated.

Mr. West moved that Senate Bill No. 396 be taken up out of its order and now considered.

Which was agreed to by a two-thirds vote.

And,

Senate Bill No. 396:

A bill to be entitled an act to provide for the submission by the County Commissioners of Escambia county, to the voters of that county, at the next general election, of the question of the establishment of a court of record therein.

Was taken up.

Mr. West moved that the rules be waived and Senate Bill No. 396 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 396 was read a second time by its title only.

Mr. West moved that the rules be further waived, and that Senate Bill No. 396 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 396 was read a third time in full.

Upon call of the roll on the passage of the bill the vote was:

Yeas—Mr. President, Senators Adams, Alford, Bailey,

Baskin, Blount, Canova, Clarke, Crane, Crews, Crill, Davis, Faulkner, Gillen, Harris, Hudson, Lee, Massey, Neel, Newlan, Roney, Sams, Scott, Wadsworth, West, Wilson, Zim—27.

Nays—None.

So Senate Bill No. 396 was passed, title as stated.

Mr. Wilson moved that House Bill No. 252 be taken up out of its order and now considered.

Which was agreed to by a two-thirds vote.

And,

House Bill No. 252:

A bill to be entitled an act defining the manner and cause of commitment of minors to the Florida State Reform School, at Marianna; defining who shall be committed, and for what time, and upon what conditions, regulating the discipline, providing for the proper management of said reform school, and appropriating money for the benefit of said institution.

Was taken up.

Mr. Wilson moved that the rules be waived and House Bill No. 252 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 252 was read a second time by its title only.

Mr. Wilson moved that the rules be further waived, and that House Bill No. 252 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 252 was read a third time in full.

Upon call of the roll on the passage of the bill the vote was:

Yeas—Mr. President, Senators Adams, Alford, Baskin, Blount, Canova, Clarke, Crane, Crews, Crill, Davis, Faulkner, Gillen, Harris, Hudson, Humphries, Lee, McCreary, Massey, Neel, Newlan, Sams, Scott, Stockton, Wadsworth, West, Wilson.—Zim.—27.

Nays—None.

So House Bill No. 252 passed, title as stated.

Mr. Sams moved that Senate Bill No. 398 be taken up out of its order and now considered.

Which was agreed to by a two-thirds vote.

And

Senate Bill No. 398:

A bill to be entitled an act to amend Section 680 of the

Revised Statutes of the State of Florida, entitled "parks streets, etc."

Was taken up.

Mr. Sams moved that the rules be waived and Senate Bill No. 398 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 398 was read a second time by its title only.

Mr. Sams moved that the rules be further waived and that Senate Bill No. 398 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 398 was read a third time in full.

Upon call of the roll on the passage of the bill the vote was:

Yeas—Senators Adams, Alford, Bailey, Baskin, Blount, Canova, Clarke, Crews, Crill, Davis, Faulkner, Gillen, Harris, Hudson, Humphries, Jackson, Lee, McCreary, Massey, Neel, Newlan, Raney, Sams, Scott, Stockton, Wadsworth, Wilson, Zim—28.

Nays—None.

So Senate Bill No. 398 was passed, title as stated.

Mr. Davis moved that Senate Bill No. 105 be taken up out of its order and now considered.

Which was agreed to by a two-thirds vote.

And,

Senate Bill No. 105:

A bill to be entitled an act for the relief of J. L. Horsey, M. D., and compensating him for services rendered as agent of the State Board of Health at the city of Fernandina, Nassau County, Florida.

Was taken up, and read a second time in full.

Mr. Davis offered the following amendment to Senate Bill No. 105:

After the word "Treasurer, in line 7, Section 1, insert the following: "Payable out of the State Board of Health Fund."

Mr. Davis moved the adoption of the amendment.

Which was agreed to.

And Senate Bill No. 105 as amended was ordered referred to the Committee on Engrossed Bills.

The hour of 11 a. m. having arrived, the committee appointed in accordance with Senate Resolution No. 60 made the following report, which was read and ordered spread upon the Journal:

Senate Chamber,
Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,
President of the Senate,
Tallahassee, Fla.

In accordance with Senate Resolution No. 60, adopted yesterday, your committee appointed to prepare suitable resolutions on the death of Hon. Burton G. Dyal, beg leave to submit the following:

Whereas, The announcement has been made to the Senate of the death of the Honorable Burton G. Dyal, a member of the House of Representatives from Nassau county; and

Whereas, Both in legislative, business and domestic life he has reflected honor upon the State of Florida; therefore be it

Resolved, I, That in the death of Honorable Burton G. Dyal this Legislature has lost a faithful, able and honored member, and the State a useful citizen and an exemplar of her progressive development. Burton G. Dyal was born in Coffee county, Georgia, in the early fifties and removed to Florida very shortly after the civil war, engaging in the logging and lumber business, in which, as well as his later enterprises, he achieved great success. He was at the same time one of the wealthiest and most charitable men in the State. His benefactions, quiet and unostentatious, were almost without number. He was the friend of the poor and the oppressed. Notwithstanding his many business activities he still found time for public work and public life. Deeply devoted to all the interests of his State, her progress and upbuilding, he was recognized as one of Florida's most public-spirited citizens. For a number of terms he had represented his county in the Florida Legislature, and his course in that body has ever been marked by fidelity, honor and ability.

Resolved, II, That the sympathy of the members of the Senate is extended to the family of our lamented colleague of the House.

Resolved, III, That these resolutions be engrossed and signed by the President of the Senate and the Secretary and that a copy be sent to the bereaved widow, and furnished the press of the State for publication.

Respectfully submitted,

T. S. DAVIS,
J. H. HUMPHRIES,
T. ADAMS.

Mr. Clarke moved that House Bill No. 351 be taken up out of its order and now considered.

Which was agreed to by a two-thirds vote.

And

House Bill No. 351:

A bill to be entitled an act to legalize and confirm the incorporation of the town of Blountstown in Calhoun county, Florida, and to declare the same a legally incorporated town.

Was taken up.

Mr. Clarke moved that the rules be waived and House Bill No. 351 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 351 was read a second time by its title only.

Mr. Clarke moved that the rules be further waived, and that House Bill No. 351 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 351 was read a third time in full.

Upon call of the roll on the passage of the bill the vote was:

Yeas—Mr. President, Senators Adams, Alford, Baskin, Blount, Canova, Clarke, Crane, Crews, Crill, Davis, Faulkner, Gillen, Harris, Hudson, Humphries, Jackson, McCreary, Massey, Neel, Newlan, Raney, Sams, Scott, Stockton, Wadsworth, West, Wilson, Zim—28.

Nones—none.

So House Bill No. 351 was passed, title as stated.

By permission—

Mr. Scott, Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber,

Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,

President of the Senate:

SIR—Your Joint Committee on Enrolled Bills, to whom was referred—

An act to authorize and empower the Board of County Commissioners of Taylor county to levy a special road tax of one dollar (\$1.00) per annum upon every person subject to road duty in said county in addition to the tax now authorized by law on personal property and real estate, and to provide penalties for refusing to pay said

special road tax by the person subject to said road duty.

Also,

An act authorizing the City of Jacksonville to issue bonds and providing for the payment thereof.

Also,

An act to authorize the sale and disposal of duplicate volumes of books belonging to the Supreme Court Library.

Also,

An act to extend the time for completing the canal of the Florida Coast Line Canal and Transportation Company, and to preserve and continue the grant of land to aid in its construction and authorizing the Trustees of the Internal Improvement Fund of the State of Florida to hold one hundred thousand acres of the lands now held in reserve for said company until it shall complete its canals and waterways from St. Augustine to the St. Johns River, and providing the time said canals and waterways between St. Augustine and the St. Johns River shall be commenced and for its continuous prosecution until completed, and providing that in the event said company desires to sell its canal, the State of Florida shall have the refusal, and providing that the provision as to one hundred thousand acres, and the provision as to giving the State of Florida the refusal, if said company desires to sell, shall not be construed so as to interfere with, alter, change or impair any rights, privileges, property, grants or franchises of said company now existing, except as to the one hundred thousand (100,000) acres of land as hereinafter mentioned.

Also,

An act to repeal Chapter 5291, of the Laws of Florida, Acts of 1893, entitled "An act to regulate the catching or taking of fish in the waters of Manatee county of the State of Florida and to prohibit the taking or catching of fish except for personal consumption during the period from the twenty-third of November to the thirty-first of December of each and every year, and to regulate the manner and means to be employed in taking fish caught from said waters and the length, depth and kind of nets that may be employed in the taking of fish from said waters and to prescribe a limit to the size of mesh of nets allowed to be used for the purpose of catching and taking fish from the waters of said county, and to prohibit the transportation for the purpose of sale of any

food fish from the limits of said county from the twenty-third day of November to the thirty-first day of December of each and every year, and to prescribe a penalty for the violation of the provisions of this act.

Also,

An act to prohibit the catching of food fish in the fresh water lakes of Manatee county, State of Florida, with any seine, net or set device, also to prohibit common carriers from transporting or receiving for transportation such fish within the limits of said county, and to prohibit persons from selling or offering to sell, shipping or offering for shipment or transportation within the limits of said Manatee county, food fish caught or taken from the waters of such lakes otherwise than with a hook and line, and prescribing a penalty for violation thereof.

Also,

A joint resolution proposing to amend Section 9 of Article V of the Constitution of the State of Florida, relating to the salaries of Justices of the Supreme Court and Circuit Judges.

Beg to report that the same has been presented to the Governor for his approval.

Very respectfully,

T. M. SCOTT,

Chairman of Committee.

By permission—

Mr. Scott, Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

Tallahassee, Fla., May 31, 1905.

Senate Chamber,

Hon. Park M. Trammell,

President of the Senate:

SIR—Your Joint Committee on Enrolled Bills to whom was referred—

An act to provide for reprinting Supreme Court Reports of Florida.

Also,

An act for the relief of T. A. Beggs.

Also,

An act to amend an act entitled an act to provide for the assessment, levy and collection of revenue for the City of Pensacola, approved May 22, 1901.

Also,

An act for the protection and preservation of fish in the 100 S. B.

State of Florida, and to prohibit the shipping of certain fish during certain months and providing a penalty for the violation thereof.

Also,

An act providing that corporations doing an express business, transporting express shall pay claims for a loss or damage to any shipment received by the said corporation, within a certain time from the filing by the shipper of said claim with the said corporation and when under certain conditions they fail so to pay said claim the said corporation shall pay interest on the said claim at the rate of twenty-five per cent. per annum; and under certain conditions shall be allowed judgment for the said interest in addition to the said claim.

Beg to report that the same has been presented to the Governor for his approval.

Very respectfully,
T. M. SCOTT,
Chairman of Committee.

Mr. Raney moved that House Memorial No. G. be taken up out of its order and now considered.

Which was agreed to by a two-thirds vote.

And

House Memorial No. G:

Memorial to the Congress of the United States, asking for a further survey of Orange Creek and for an appropriation of seventy thousand dollars for the purpose of improving the navigation of Orange Creek by removing obstructions from its mouth.

Was taken up and read a second time in full.

Mr. Harris moved that the rules be further waived and that House Memorial No. G. be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Memorial No. G. was read a third time in full.

Upon call of the roll on the passage of the bill the vote was:

Yeas—Mr. President, Senators Adams, Alford, Bailey, Baskin, Blount, Canova, Crane, Crews, Crill, Davis, Faulkner, Gillen, Harris, Hudson, Humphries, Jackson, Lee, McCreary, Massey, Neel, Newlan, Raney, Scott, Stockton, Wadsworth, West, Wilson, Zim.—27.

So House Memorial No. G. was passed, title as stated.

Nays—None.

By permission—

Mr. Humphries introduced—

Senate Bill No. 399:

A bill to be entitled an act to grant rights and franchises to the Manatee Light and Traction Company; to operate Street Cars and electric lighting and power business within the municipality of Braidentown, and for other purposes.

Which was read the first time by its title.

Mr. Humphries moved that the rules be waived and Senate Bill No. 399 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 399 was read a second time by its title only.

Mr. Humphries moved that the rules be further waived and that Senate Bill No. 399 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 399 was read a third time in full.

Upon call of the roll on the passage of the bill the vote was:

Yeas—Mr. President, Senators Adams, Alford, Bailey, Baskin, Canova, Clarke, Crane, Crews, Crill, Davis, Faulkner, Gillen, Harris, Hudson, Humphries, Lee, McCreary, Neel., Sams, Wadsworth, Zim.—23.

Nays—Senator Blount.—1.

So Senate Bill No. 399 was passed, title as stated.

A message was received from the Governor.

SPECIAL ORDERS.

Senate Bill No. 386:

A bill to be entitled an act to extend the time for beginning work upon the Pan-American Railway, and thereupon to confirm to said railway all rights, powers, privileges and grants heretofore conferred upon the same.

Was taken up and read a third time in full.

The time set for its consideration having arrived.

Upon call of the roll on Senate Bill No. 386 the vote was:

Yeas—Senators Adams, Alford, Bailey, Baskin, Crane, Crews, Crill, Davis, Gillen, Harris, Hudson, Humphries, Jackson, McCreary, Neel, Sams, Scott, Wadsworth, Zim.—19.

Nays—Senators Blount, Clarke, Faulkner, Stockton, Wilson.—5.

So the bill passed, title as stated.

Senate Bill No. 383:

A bill to be entitled an act to extend the time limit for the commencement and construction of the St. Andrews, Quincy and Northern Railway and to prescribe the land grant to aid in its construction.

Was taken up and read the third time in full.

The time set for its consideration having arrived.

Upon call of the roll on Senate Bill No. 383 the vote was:

Yeas—Senators Adams, Alford, Bailey, Baskin, Canova, Crane, Gillen, Harris, Humphries, McCreary, Neel, Newlan, Sams, Scott, Wadsworth, Zim.—16.

Nays—Senators Blount, Faulkner, Lee, Stockton, West, Wilson.—6.

So the bill passed, title as stated.

The motion of Mr. McCreary to reconsider vote by which Senate Bill No. 385 failed to pass was taken up.

The hour set for its consideration having arrived.

Mr. Harris moved that the vote by which House Bill No. 385 failed to pass the Senate be reconsidered.

Which was agreed to.

And,

Senate Bill No. 385:

A bill to be entitled an act granting a pension to Mrs. Henrietta E. Townsend of Alachua county, Florida.

Was again placed before the Senate.

Upon call of the roll on Senate Bill No. 385 the vote was:

Yeas—Senators Adams, Bailey, Baskin, Canova, Crill, Davis, Gillen, Jackson, McCreary, Newlan, Sams, Scott, Wadsworth, Wilson, Zim.—15.

Nays—Mr. President, Senators Alford, Blount, Clarke, Crane, Crews, Faulkner, Hudson, Raney Stockton, West.—11.

So the bill passed, title as stated.

The motion of Mr. Crane to reconsider the vote by which House Bill No. 509 failed to pass.

Was taken up.

The time set for its consideration having arrived.

Mr. Crane moved that the vote by which House Bill No. 509 failed to pass the Senate be reconsidered.

Which was agreed to.

And,

House Bill No. 509:

A bill to be entitled an act granting a pension to William Robert Napier, of Putnam county, Florida.

Was again placed before the Senate.

Upon call of the roll on House Bill No. 509 the vote was:

Yeas—Senators Adams, Bailey, Blount, Canova, Crane, Crill, Davis, Faulkner, Jackson, McCreary, Neel, Newlan, Sams, Scott, Stockton, Wadsworth, Wilson, Zim.—18.

Nays—Senators Alford, Baskin, Clarke, Crews, Hudson, Raney, West.—7.

So the bill passed, title as stated.

By permission—

Mr. Bailey introduced—

Senate Bill No. 400:

A bill to be entitled an act directing the State Board of Pensions to place the name of William Platt, of Jefferson county, Florida, on the pension roll at the rate of eight dollars per month.

Which was read the first time by its title.

Mr. Bailey moved that the rules be waived and Senate Bill No. 400 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 400 was read a second time by its title only.

Mr. Crews offered the following amendment to Senate Bill No. 400:

Amend by adding to Section 1: "and all other confederate soldiers and sailors in this State, or who enlisted from this State."

Mr. Crews moved the adoption of the amendment.

The yeas and nays were demanded on the amendment to Senate Bill No. 400.

Upon the call of the roll on the adoption of the amendment the vote was:

Yeas—Mr. President, Senators Adams, Alford, Bailey, Clarke, Crews, Davis, Faulkner, Gillen, Lee, McCreary, Massey, Neel, Newlan, Stockton, Wadsworth, West, Wilson, Zim.—19.

Nays—Baskin, Blount, Canova, Crane, Harris, Hudson, Humphries, Jackson, Raney, Sams, Scott.—11.

So the amendment was adopted.

Mr. Bailey moved that the vote by which the amendment of Mr. Crews to House Bill No. 400 was adopted be reconsidered, and that action on the motion to reconsider be made a special order for 4 o'clock this afternoon.

Which was agreed to.

At 12:05 p. m. Mr. Sams moves that the Senate go into executive session.

Which was agreed to.

And the doors were closed.

At 12:20 the doors were opened.

The President in the chair.

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

Yeas—Mr. President, Senators Adams, Alford, Baily, Baskin, Blount, Canova, Clarke, Crane, Crews, Crill, Davis, Faulkner, Harris, Hudson, Humphries, Jackson, Lee, Neel, Newlan, Raney, Sams, Scott, Stockton, Wadsworth, West, Wilson, Zim.—28.

A quorum present.

Mr. Blount moved that the rules be waived and the Senate take up messages from the House of Representatives.

Which was agreed to.

And the Senate proceeded to consider—

MESSAGES FROM HOUSE OF REPRESENTATIVES.

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,

President of the Senate:

SIR—I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

Senate Bill No. 12:

A bill to be entitled an act to appropriate the sum of fifteen thousand dollars annually for two years to aid the Florida State Midwinter Fair Association in making a display of the agricultural, mineral, industrial, horticultural, forestry, live stock and other resources of the State of Florida; to encourage and promote immigration from

other States of the United States, also foreign countries, and to influence competition among the various producers, that will tend to improve the character of all products known to the State of Florida, the said fair to be held in the City of Tampa, Florida, between November 1st, 1905, and March 1, 1906; also between November 1, 1906, and March 1, 1907, and to provide for the payment therefor.

With the following amendments, to-wit:

The House of Representatives offer the following amendments to Senate Bill No. 12:

1st. Add after the word "act" in line 7, Section 1: "Provided, said Fair shall not be kept open on Sunday."

2nd. Add at the end of Section one the following: "Provided, That there shall be no gambling devices or gambling within or near said fair grounds."

3rd. Also, "Provided, That the Florida Mid-Winter Fair Association shall make out, swear to, and publish in three or more newspapers of this State an itemized statement of expenditures of all money donated or granted to said Association by the State of Florida, within sixty days after the close of each fair.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

And Senate Bill No. 12, contained in the above message, together with amendments of the House of Representatives thereto, was placed before the Senate.

Mr. Crane moved that the Senate concur in the amendments of the House of Representatives to Senate Bill No. 12.

Which was agreed to.

And Senate Bill No. 12, as amended by the House of Representatives and concurred in by the Senate, was referred to the Committee on Enrolled Bills.

The following message from the House of Representatives was read:

House of Representatives.

Tallahassee, Fla., May 30, 1905.

Hon. Park M. Trammell,

President of the Senate:

SIR—I am directed by the House of Representatives to

inform the Senate that the House of Representatives has passed—

House Bill No. 469:

A bill to be entitled an act to regulate the holding of political primary elections in the State of Florida for nominating candidates for any office under the laws of this State, and for nominating delegates to political conventions and prescribing a penalty for any violation thereof.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

And House Bill No. 469, contained in the above message, was read the first time by its title and referred to the Committee on Privileges and Elections.

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,

President of the Senate:

SIR—I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

Senate Bill No. 115:

A bill to be entitled an act authorizing the payment of interest on school warrants.

With the following amendments, to-wit:

Strike out all of Section 1 and insert the following:

Section 1. That whenever there is no money in the county school fund applicable to the payment of outstanding warrants issued by any county school board in this State, the County Boards of Public Instruction of the several counties in this State are hereby authorized and empowered to borrow money at a rate of interest not to exceed eight per cent. per annum, for the purpose of paying all such outstanding warrants and for the further purpose of paying any and all legitimate expenses incurred in operating the schools of said county.

Also,

Strike out all of Section 2.

Also,

Make Section 3 read Section 2; make Section 4 read Section 3; make Section 5 read Section 4, and make Section 6 read Section 5.

Also,

Strike out the title and insert in lieu thereof the following:

A bill to be entitled an act authorizing the County Boards of Public Instructions to borrow money for payment of school warrants when there are no funds in the treasury for such purpose and to pay interest for such loans not exceeding eight per cent. per annum.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

And Senate Bill No. 115, contained in the above message, together with amendments of the House of Representatives thereto, was placed before the Senate.

Mr. Adams moved that the Senate concur in the amendments of the House of Representatives to Senate Bill No. 115.

Which was agreed to.

And Senate Bill No. 115, as amended by the House of Representatives and concurred in by the Senate, was referred to the Committee on Enrolled Bills.

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,

President of the Senate:

SIR—I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

Senate Bill No. 392:

A bill to be entitled an act giving the Florida Railroad Commission authority to fix the rates of toll bridges now constructed or to be hereafter constructed over and across the Matanzas and North Rivers in the State of Florida, and providing for the maximum rates of toll thereon, the hours during which said toll bridges shall remain open for traffic and authorizing the said railroad commission to

prescribe penalties for the violation thereof, and penalties for violation of such rules and regulations made in compliance herewith.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

And Senate Bill No. 392, contained in the above message, was referred to the Committee on Enrolled Bills.

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,

President of the Senate:

SIR—I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

House Bill No. 551:

A bill to be entitled an act giving the Florida Railway Commission authority to fix the rates of toll on toll bridges now constructed or to be hereafter constructed over and across the Matanzas and North Rivers, in the State of Florida, and providing for the maximum rates or toll thereon, the hours during which said toll bridges shall remain open for traffic, and authorizing the said Railroad Commission to prescribe penalties for the violation hereof, and penalties for violation of such rules and regulations made in compliance herewith.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

And House Bill No. 551, contained in the above message, was read the first time by its title.

Mr. Zim moved that House Bill No. 551 be indefinitely postponed.

Which was agreed to.

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,

President of the Senate:

SIR—I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

Senate Concurrent Resolution No. 21:

Relative to the printing of the Journals and laws.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

And Senate Concurrent Resolution No. 21, contained in the above message, was referred to the Committee on Enrolled Bills.

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,

President of the Senate:

SIR—I am directed by the House of Representatives to inform the Senate that the House of Representatives has indefinitely postponed—

Senate Bill No. 313:

A bill to be entitled an act for the regulation of the sales of stocks of goods in bulk and to prevent the fraudulent sale thereof.

Very respectfully,

J. G. KELLUM.

Chief Clerk of the House of Representatives.

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,

President of the Senate:

SIR—I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

House Concurrent Resolution No. 42:

Asking Congress to make a sufficient appropriation of money to deepen the channel at Carrabelle Harbor, so as to allow sea-going vessels and other water crafts to come up to the docks to take on and unload cargoes.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

And House Concurrent Resolution No. 42, contained in the above message, was read the first time.

Mr. Alford moved that the rules be waived, and House Concurrent Resolution No. 42 be read a second time.

Which was agreed to by a two-thirds vote.

And House Concurrent Resolution No. 42 was read a second time.

Mr. Alford moved the adoption of the resolution.

Which was agreed to.

The following message from the House of Representatives was read:

Senate Chamber,
Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,

President of the Senate:

SIR—I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed by a constitutional three-fifths vote of all members elected to the House of Representatives:

Senate Joint Resolution No. 168:

A joint resolution proposing amendments to Article V of the Constitution of the State of Florida relative to the Judiciary Department.

With the following amendment, to-wit:

Add at the end: "Provided, however, That the county of Escambia shall refund to the State of Florida within six months after the next general election, the expenses incurred in advertising, are any other expenses connected with this resolution."

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,
 J. G. KELLUM,
 Chief Clerk of the House of Representatives.

And Senate Joint Resolution No. 168, contained in the above message, together with the amendment of the House of Representatives thereto, was placed before the Senate.

Mr. Blount moved that the Senate non-concur in the amendments of the House of Representatives to Senate Joint Resolution No. 168, and request the House of Representatives to recede therefrom:

Which was agreed to.

The following message from the House of Representatives was read:

House of Representatives,
 Tallahassee, Fla., May 30, 1905.

Hon. Park M. Trammell,

President of the Senate:

SIR—I am directed by the House of Representatives to inform the Senate that the House of Representatives has refused to concur in Senate amendment to—

House Bill No. 19:

A bill to be entitled an act to provide for the disposition by the several counties of the State of Florida, of the funds arising from and apportioned to the said several counties from the hire of State convicts,

As follows:

Strike out all of Section 1 and insert in lieu thereof the following:

Section 1. That the fund arising from the hire of State convicts, and apportioned to the several counties of this State, shall be credited by the Board of County Commissioners to the school fund, the fine and forfeiture fund, or to any other regular county fund, as may be deemed proper in the discretion of the Board of County Commissioners.

And respectfully requests the Senate to recede therefrom

Very respectfully,
 J. G. KELLUM,
 Chief Clerk of the House of Representatives.

And House Bill No. 19, contained in the above message, together with amendments of the Senate thereto, was placed before the Senate.

Mr. Harris moved that the Senate insist upon its amendment to House Bill No. 19, and refuse to recede therefrom, and respectfully requests a conference thereon.

Which was agreed to.

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,

President of the Senate:

SIR—I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

Senate Bill No. 390:

A bill to be entitled an act to authorize the city of Gainesville, in Alachua county, to issue bonds for educational purposes.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

And Senate Bill No. 390, contained in the above message was referred to the Committee on Enrolled Bills.

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell

President of the Senate:

SIR—I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

Senate Bill No. 149:

A bill to be entitled an act to provide for the privileges of witnesses in investigations and prosecutions for the violation of the Statutes against bribery, gaming and gambling, and for violation of the statutes against the illegal sale of spirituous, vinous or malt liquors.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

And Senate Bill No. 149, contained in the above message was referred to the Committee on Enrolled Bills.

Mr. Gillen moved that House Bill No. 275 be taken up out of its order and now considered.

Which was agreed to by a two-thirds vote.

And

House Bill No. 275:

A bill to be entitled an act empowering county boards of public instruction and trustees of special tax school districts to establish kindergartens under certain conditions.

Was taken up.

Mr. Gillen moved that the rules be waived and House Bill No. 275 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 275 was read a second time by its title only.

Mr. Gillen moved that House Bill No 275 be indefinitely postponed.

Which was agreed to.

By permission—

Mr. Blount introduced—

Senate Joint Resolution No. 401:

Be it resolved by the Senate and House of Representatives, That the Senate and House of Representatives of the State of Florida do hereby jointly determine that a revision of the Constitution of the State of Florida is necessary.

Which was read the first time.

Mr. Blount moved that the rules be waived and Senate Joint Resolution No. 401 be read a second time.

Which was agreed to by a two-thirds vote.

And Senate Joint Resolution No. 401 was read a second time in full.

Mr. Blount moved that the rules be further waived and that Senate Joint Resolution No. 401 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Joint Resolution No. 401 was read a third time in full.

Upon call of the roll on the passage of the resolution, the vote was:

Yeas—Mr. President, Senators Adams, Alford, Bailey, Baskin, Blount, Canova, Clarke, Crane, Crews, Crill, Davis, Faulkner, Gillen, Harris, Hudson, Humphries, Jackson, Lee, McCreary, Massey, Neel, Newlan, Raney, Sams, Scott, Stockton, Wadsworth, West, Wilson, Zim—31.

Nays—None.

Senate Joint Resolution No. 401 having received the constitutional majority of two-thirds of all the members elected to the Senate was passed, title as stated.

By permission—

Mr. West, Chairman of the Committee on Canals and Telegraphs, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,

President of the Senate:

SIR—Your Committee on Canals and Telegraphs, to whom was referred—

Senate Bill 342:

A bill to be entitled an act declaring canal companies to be "common carriers" subject to regulation and control by the Railroad Commissioners of the State of Florida, to the same extent as railroads, and authorizing the Railroad Commissioners to fix and regulate canal tolls and the charges for transportation on canals, and to require canal companies to keep their canals in proper condition.

Have had same under consideration and recommend that it do pass, with the following amendments, to-wit:

Strike out the words "in such physical condition as may be necessary to enable the use thereof for the purposes of transportation." in Section 3, commencing on line 2, and insert in lieu thereof the following:

"In accordance with the specifications filed in the office of the Secretary of State by said canal companies at the time of their incorporation."

Very respectfully,

T. F. WEST,

Chairman of Committee.

And Senate Bill No. 342, contained in the above report, together with the amendments, was placed on the Calendar of Bills on second reading.

By permission—

Mr. Clarke, Chairman of the Committee on Engrossed Bills, submitted the following report:

Senate Chamber,

Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,

President of the Senate:

SIR—Your Committee on Engrossed Bills, to whom was referred—

Senate Bill No. 105:

A bill to be entitled an act for the relief of J. L. Horsey, M. D., and compensating him for services rendered as agent of the State Board of Health at the City of Fernandina, Nassau county, Florida.

Have examined the same and find it correctly engrossed.

Very respectfully,

H. W. CLARKE,

Chairman of Committee.

And Senate Bill 105, contained in the above report, was placed on the calendar of bills on third reading.

AFTERNOON SESSION

3:30 O'CLOCK P. M.

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, Senators Adams, Alford, Bailey, Baskin, Blount, Canova, Clarke, Crane, Crews, Crill, Davis, Faulkner, Gillen, Harris, Hudson, Humphries, Jackson, Lee, McCreary, Massey, Neel, Newlan, Raney, Sams, Scott, Stockton, Wadsworth, West, Wilson, Zim—31.

A quorum present.

House Bill No. 156:

A bill to be entitled an act to regulate the delivery of messages by all telegraph companies, or other companies, or persons receiving and transmitting messages for pay, carrying on such business of receiving and transmitting messages within the corporate limits of any incorporated city or town within this State, and to provide a penalty for failure or refusal to do so.

Was taken up.

Mr. Humphries moved that House Bill No. 156 be indefinitely postponed.

Which was agreed to.

House Bill No. 33:

A bill to be entitled an act to provide for the payment by the State of Florida of the actual traveling expenses of the judges of the circuit courts of this State when holding sessions of court in their respective circuits.

Was taken up and read a second time, together with the amendments of the Committee on Finance and Taxation.

The following committee amendment was read:

After the word "dollars," line 14, Section 1, add: "Provided further, That should the Constitution of the State be so amended as to increase the salary of the judges of the Circuit Court, then no further sum or sums of money shall be paid said judges for traveling expenses under this act."

Mr. Wilson moved the adoption of the committee amendment.

Which was agreed to.

Mr. McCreary moved that House Bill No. 33 be indefinitely postponed.

Mr. McCreary withdrew the motion.

Mr. Wilson moved that the rules be further waived, and that House Bill No. 33 as amended be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 33 as amended was read a third time in full.

Upon call of the roll on the passage of the bill the vote was:

Yeas—Mr. President, Senators Bailey, Baskin, Blount, Canova, Crane, Davis, Harris, Humphries, Jackson, Lee, McCreary, Massey, Neel, Newlan, Sams, Stockton, West, Wilson, Zim—20.

Nays—Senators Adams, Alford, Crews, Raney, Scott, Wadsworth—6.

So House Bill No. 33, as amended was passed, title as stated.

Senate Bill No. 227:

A bill to be entitled an act to provide for the appointment of a commission to select and recommend to the next Legislature suitable grounds to be acquired as a permanent camp site for the Florida State Troops.

Was taken up and read a second time in full.

Mr. Wilson asked permission to withdraw Senate Bill No. 227.

Which was granted.

And Senate Bill No. 227 was withdrawn.

Mr. Wilson moved that House Bill No. 277 be taken up out of its order and now considered.

Which was agreed to by a two-thirds vote

And

House Bill No. 277:

A bill to be entitled an act to provide for the appointment of a commission to select and recommend to the next Legislature suitable ground to be acquired as a permanent camp site for the Florida State Troops.

Was taken up.

Mr. Wilson moved that the rules be waived and House Bill No. 277 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 277 was read a second time by its title only.

Mr. Wilson moved that the rules be further waived, and that House Bill No. 277 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 277 was read a third time in full.

Upon call of the roll on Senate Bill No. 262 the vote was:

Yeas—Mr. President, Senators Adams, Alford, Bailey, Baskin, Blount, Canova, Crane, Crews, Davis, Harris, Hudson, Humphries, Jackson, Lee, McCreary, Massey, Newlan, Raney, Sams, Stockton, Wadsworth, West, Wilson, Zim—25.

Nays—none.

So House Bill No. 277 was passed, title as stated.

Senate Joint Resolution No. 207:

A joint resolution proposing an amendment to Section 1, Article X, of the Constitution of the State of Florida, relating to homesteads and exemptions.

Was taken up and read a second time in full.

And Senate Bill No. 207 was ordered referred to the Committee on Engrossed Bills.

Mr. Jackson asked permission to withdraw Senate Joint Resolution No. 207.

Which was granted.

And Senate Joint Resolution No. 207 was withdrawn.

Mr. Jackson moved that House Bill No. 260 be taken up out of its order and now considered.

Which was agreed to by a two-thirds vote.

And,

House Bill No. 269:

That there be created an act to amend Section 150 of Title 4 Chapter 1 of the Code of Statutes of the State of Florida, and to amend Sections 150, 150.1, 150.2, 150.3, 150.4, 150.5, 150.6, 150.7, 150.8, 150.9, 150.10, 150.11, 150.12, 150.13, 150.14, 150.15, 150.16, 150.17, 150.18, 150.19, 150.20, 150.21, 150.22, 150.23, 150.24, 150.25, 150.26, 150.27, 150.28, 150.29, 150.30, 150.31, 150.32, 150.33, 150.34, 150.35, 150.36, 150.37, 150.38, 150.39, 150.40, 150.41, 150.42, 150.43, 150.44, 150.45, 150.46, 150.47, 150.48, 150.49, 150.50, 150.51, 150.52, 150.53, 150.54, 150.55, 150.56, 150.57, 150.58, 150.59, 150.60, 150.61, 150.62, 150.63, 150.64, 150.65, 150.66, 150.67, 150.68, 150.69, 150.70, 150.71, 150.72, 150.73, 150.74, 150.75, 150.76, 150.77, 150.78, 150.79, 150.80, 150.81, 150.82, 150.83, 150.84, 150.85, 150.86, 150.87, 150.88, 150.89, 150.90, 150.91, 150.92, 150.93, 150.94, 150.95, 150.96, 150.97, 150.98, 150.99, 150.100, 150.101, 150.102, 150.103, 150.104, 150.105, 150.106, 150.107, 150.108, 150.109, 150.110, 150.111, 150.112, 150.113, 150.114, 150.115, 150.116, 150.117, 150.118, 150.119, 150.120, 150.121, 150.122, 150.123, 150.124, 150.125, 150.126, 150.127, 150.128, 150.129, 150.130, 150.131, 150.132, 150.133, 150.134, 150.135, 150.136, 150.137, 150.138, 150.139, 150.140, 150.141, 150.142, 150.143, 150.144, 150.145, 150.146, 150.147, 150.148, 150.149, 150.150, 150.151, 150.152, 150.153, 150.154, 150.155, 150.156, 150.157, 150.158, 150.159, 150.160, 150.161, 150.162, 150.163, 150.164, 150.165, 150.166, 150.167, 150.168, 150.169, 150.170, 150.171, 150.172, 150.173, 150.174, 150.175, 150.176, 150.177, 150.178, 150.179, 150.180, 150.181, 150.182, 150.183, 150.184, 150.185, 150.186, 150.187, 150.188, 150.189, 150.190, 150.191, 150.192, 150.193, 150.194, 150.195, 150.196, 150.197, 150.198, 150.199, 150.200, 150.201, 150.202, 150.203, 150.204, 150.205, 150.206, 150.207, 150.208, 150.209, 150.210, 150.211, 150.212, 150.213, 150.214, 150.215, 150.216, 150.217, 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150.995, 150.996, 150.997, 150.998, 150.999, 150.1000.

Was taken up.

Mr. Foy moved that the rules be waived and House Bill No. 269 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 269 was read a second time by its title only.

Mr. Baskin moved that the rules be further waived, and that House Bill No. 260 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 260 was read a third time in full.

Upon call of the roll on House Bill No. 260 the vote was:

Yeas—Mr. President, Senators Adams, Alford, Bailey, Baskin, Blount, Canova, Crews, Davis, Faulkner, Humphries, Jackson, Lee, McCreary, Massey, Neel, Newlan, Raney, Sams, Stockton, Wadsworth, West, Wilson.—23.

Nay—Senator Zim—1.

So House Bill No. 260 was passed, title as stated.

By permission—

Mr. McCreary introduced—

Senate Bill No. 402:

A bill to be entitled an act to repeal Chapter 5199, Laws of Florida, being "An act providing for the publication of the acts of the Legislature of a general and permanent nature, prescribing the duties of the Secretary of State and Boards of County Commissioners, and providing compensations for publishers," approved June 4, 1933.

Which was read the first time by its title.

Mr. McCreary moved that the rules be waived and Senate Bill No. 402 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 402 was read a second time by its title only.

Mr. McCreary moved that the rules be further waived, and that Senate Bill No. 402 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 402 was read a third time in full.

Upon call of the roll on Senate Bill No. 402 the vote was:

Yeas—Mr. President, Senators Adams, Alford, Bailey, Baskin, Blount, Canova, Crane, Crews, Crill, Davis, Faulkner, Hudson, Humphries, Jackson, Lee, McCreary, Massey, Neel, Newlan, Raney, Sams, Scott, Stockton, Wadsworth, West, Zim.—27.

Nay—Senator Wilson—1.

So Senate Bill No. 402 was passed, title as stated.

SPECIAL ORDER.

The motion of Mr. Harris to reconsider the vote by which the Senate agreed to the printing of the message

from the Governor and accompanying document yesterday.

Was taken up.

Mr. Harris withdrew the motion to reconsider.

By permission—

Mr. Adams introduced the following:

Senate Resolution No. 61:

Resolved by the Senate, That a committee of five Senators shall be appointed by the President to whom shall be referred the communication received from the Governor on yesterday, together with the accompanying documents from the Board of State Institutions.

Resolved further, That said committee shall report to the Senate without delay their findings and recommendation by resolution.

Mr. Adams moved the adoption of the resolution.

Which was agreed to.

The President appointed as the committee, under the above resolution, Messrs. Adams, Raney, Harris, Blount and Baskin.

Mr. Bailey moved that the vote by which the amendment of Mr. Crews to Senate Bill No. 400 was adopted at the forenoon session be reconsidered.

Which was not agreed to.

And Senate Bill No. 400 as amended was ordered referred to the Committee on Engrossed Bills.

By permission—

Mr. Raney, Chairman of the Committee on Legislative Expenses, submitted the following report:

Senate Chamber,
House of Representatives,
Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,

President of the Senate:

SIR—Your Committee on Legislative Expenses, to whom was referred—

Senate Bill No. 346: }

A bill to be entitled an act for the relief of J. G. Baskin.

Also,

Senate Bill No. 320:

A bill to be entitled an act to fix the pay of members, officers and attaches of the Legislature of A. D. 1905.

Also,

House Bill No. 427:

A bill to be entitled an act to fix the pay of members, officers and attaches of the Legislature of A. D. 1905.

Beg leave to report that they have carefully considered the same and recommend the passage of the accompanying substitute in lieu thereof:

A bill to be entitled an act to fix the pay of members, officers and attaches of the Legislature of A. D. 1905, and the expenses of witnesses and others in the service of such Legislature.

Very respectfully,

GEO. P. RANEY,
Chairman of Committee.

Mr. Raney, Chairman of the Committee on Legislative Expenses, offered a substitute for bills contained in the above report, with the following title:

A bill to be entitled an act to fix the pay of members, officers and attaches of the Legislature of A. D. 1905, and the expenses of witnesses and others in the service of such Legislature.

Mr. Raney moved the adoption of the substitute.

Which was agreed to.

Mr. Raney moved that the rules be waived and the substitute be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And the substitute was read a second time by its title only.

Mr. Raney asked unanimous consent to amend the substitute.

Which was granted.

Mr. Raney offered the following amendment to the substitute:

Add to first paragraph, ending on page 2, the following: "And the stenographer to the Senate Judiciary Committee is allowed \$6.00 per day for fifteen days."

Mr. Raney moved the adoption of the amendment.

Which was agreed to unanimously.

Mr. Raney asked unanimous consent to amend the substitute.

Which was granted.

Mr. Raney offered the following amendment to the substitute:

Add to Section 2: "And the clerk of the committee on

ownership of stock in Capital Publishing Company be allowed \$19.50 for his services."

Mr. Harris moved the adoption of the amendment.

Which was agreed to unaimously.

The Secretary was instructed to insert the amendments in open Senate.

Mr. Raney moved that the rules be further waived, and that the substitute be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And the substitute was read a third time in full.

Mr. Scott moved that the substitute be placed back on the calendar of bills on second reading for amendments.

Mr. Scott withdrew the motion.

Upon call of the roll on the passage of the substitute the vote was:

Yeas—Senators Adams, Alford, Bailey, Blount, Canova, Crane, Crill, Davis, Harris, Humphries, Jackson, Lee, McCreary, Massey, Neel, Newlan, Raney, Sams, Scott, Stockton, Wadsworth, West, Wilson, Zim—24.

Nays—None.

So the substitute passed, title as stated.

By permission—

The Committee on Finance and Taxation introduced—
Senate Bill No. 403:

A bill to be entitled an act to provide for the levy of taxes for the years 1905 and 1906.

Which was read the first time by its title.

Mr. Crill moved that the rules be waived and Senate Bill No. 403 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 403 was read a second time by its title only.

Mr. Crill moved that the rules be further waived, and that Senate Bill No. 403 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 403 was read a third time in full.

Upon call of the roll on Senate Bill No. 403 the vote was:

Yeas—Mr. President, Senators Adams, Alford, Baskin, Blount, Canova, Crane, Crews, Crill, Davis, Paulkner,

Hudson, Humphries, Jackson, Lee, Massey, Neel, Newlan, Raney, Sams, Scott, Stockton, Wadsworth, Wilson, Zim
—25.

Nays—None.

So Senate Bill No. 403 was passed title as stated.

Mr. Harris moved that the rules be waived and the Senate take up messages from the House of Representatives.

Which was agreed to by a two-thirds vote.

And the Senate proceeded to consider—

MESSAGES FROM HOUSE OF REPRESENTATIVES.

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,

President of the Senate.

SIR—I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

Senate Bill No. 398:

A bill to be entitled an act to amend Section 680 of the Revised Statutes of the State of Florida, entitled "Parks, Streets, Etc."

With the following amendment to-wit:

Amend the title by striking out words "entitled Parks, Streets," and insert in lieu thereof "Relating to Parks, Streets, etc."

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

And Senate Bill No. 398, contained in the above message, together with amendments of the House of Representatives thereto, was placed before the Senate.

Mr. Sams moved that the Senate concur in the amendments of the House of Representatives to Senate Bill No. 398.

Which was agreed to.

And Senate Bill No. 398 as amended by the House of Representatives and concurred in by the Senate, was referred to the Committee on Enrolled Bills.

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,

President of the Senates

SIR—I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

Senate Bill No. 312:

A bill to be entitled an act providing for the refunding and payment of any unused and unexpired portion of license tax issued by the State of Florida, and any county, for the sale of wines, beers and liquors, in counties where wet and dry elections were held since January 1st, 1902, and are hereafter held in any county in the State of Florida, where the result of said election is the discontinuing of the sale of wines, beers and liquors prior to the expiration of said license, and authorizing the county commissioners of any county to refund and pay to such party its portion of said license tax so issued for the unexpired and unused portion of the license tax issued by the county in such cases.

Very respectfully,

J. G. KELLUM.

Chief Clerk of the House of Representatives.

And Senate Bill No. 312, contained in the above message, was referred to the Committee on Enrolled Bills.

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,

President of the Senate:

SIR—I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

Senate Bill No. 177:

A bill to be entitled an act to amend Section 22 of Chapter 4322, of the Laws of Florida, the same being "An act

for the assessment and collection of revenue," approved June 1, 1895.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

And Senate Bill No. 177, contained in the above message, was referred to the Committee on Enrolled Bills.

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,

President of the Senate:

SIR—I am directed by the House of Representatives to inform the Senate that the House of Representatives has laid on the table—

Senate Bill No. 145:

A bill to be entitled an act to require record of instruments relied on as color of title.

Very respectfully.

J. G. KELLUM,

Chief Clerk of the House of Representatives.

House Bill No. 121:

A bill to be entitled an act to amend Section 3066 of the Revised Statutes of the State of Florida, relating to contractors giving bond and to validate certain bonds heretofore taken and approved by the Board of Commissioners of State Institutions in connection with leasing State prisoners.

Was taken up.

Mr. Stockton moved that the rules be waived, and that House Bill No. 121 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 121 was read a third time in full.

Upon call of the roll on the passage of the bill the vote was:

Yeas—Mr. President, Senators Adams, Alford, Baskin, Blount, Canova, Clarke, Crane, Crews, Crill, Davis, Harris, Hudson, Humphries, Lee, McCreary, Massey, Neel, Newlan, Raney, Sams, Stockton, Wadsworth, West, Wilson, Zim—26.

An act to authorize the City of Gainesville, in Alachua county, to issue bonds for educational purposes.

Have examined the same and find them correctly enrolled.

Very respectfully,

T. M. SCOTT,

Chairman of Committee.

And the acts contained in the above report were referred to the Joint Committee on Enrolled Bills.

By permission—

Mr. Wilson introduced—

Senate Bill No. 405:

A bill to be entitled an act to organize and establish a county court in and for Jackson county, Florida, and to prescribe the terms thereof.

Which was read the first time by its title.

Mr. Wilson moved that the rules be waived and Senate Bill No. 405 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 405 was read a second time by its title only.

Mr. Wilson moved that the rules be further waived, and that Senate Bill No. 405 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote,

And Senate Bill No. 405 was read a third time in full.

Upon call of the roll on the passage of the bill the vote was:

Yeas—Mr. President, Senators Adams, Alford, Bailey, Baskin, Blount, Canova, Clarke, Crane, Crews, Crill, Davis, Harris, Humphries, Jackson, Lee, Massey, Neel, Newlan, Rauev, Sams, Scott, Stockton, Wadsworth, West, Wilson, Zim—27.

Nays—none.

So Senate Bill No. 405 was passed, title as stated.

Senate Bill No. 125:

A bill to be entitled an act to provide for the payment of mileage to sheriffs when required to go beyond the limits of the State.

Was taken up and read a second time, together with

the amendments of the Committee on Judiciary.

Mr. Stockton requested permission to withdrawn Senate Bill No. 125.

Which was agreed to.

And Senate Bill No. 125 was withdrawn.

Mr. Stockton moved that House Bill No. 195 be taken up out of its order and now considered.

Which was agreed to by a two-thirds vote.

And

House Bill No. 195:

A bill to be entitled an act to provide for the payment of mileage to sheriffs when required to go beyond the limits of the State.

Was taken up and read a second time, together with the amendments of the Committee on Finance and Taxation.

The following committee amendment was read:

In Section 1 strike out all after the word "escaped," and insert in lieu thereof the following:

Shall receive the sum of five cents per mile for the actual distance traveled and in addition thereto the actual and necessary expenses paid out for and on account of returning the prisoner to the State of Florida.

Mr. Wilson moved the adoption of the committee amendment.

Which was agreed to.

Mr. Wilson moved that the rules be further waived, and that House Bill No. 195 as amended be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 195 as amended was read a third time in full.

Upon call of the roll on the passage of the bill the vote was:

Yeas—Mr. President, Senators Adams, Bailey, Baskin, Blount, Canova, Crane, Crews, Crill, Davis, Harris, Hudson, Humphries, Jackson, Lee, McCreary, Massey, Neel, Newlan, Raley, Sams, Stockton, Wadsworth, West, Wilson. Yim—26.

Nays—none.

So House Bill No. 195 as amended was passed, title as stated.

By permission—
Mr. Clarke, Chairman of the Committee on Engrossed Bills, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,
President of the Senate.

SIR—Your Committee on Engrossed Bills, to whom was referred—

Senate Bill No. 400:

A bill to be entitled an act directing the State Board of Pensions to place the name of William Platt, of Jefferson county, Florida, on the pension roll, at the rate of eight dollars per month.

Have examined the same and find it correctly engrossed.

Very respectfully,
S. W. CLARKE,
Chairman of Committee.

And Senate Bill No. 400, contained in the above report, was placed on the Calendar of Bills on third reading.

By permission—
Mr. Scott, Chairman of the Joint Committee on Enrolled Bills, submitted the following report:
Senate Chamber,
Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,
President of the Senate.

SIR—Your Joint Committee on Enrolled Bills, to whom was referred—

the bill for the salary of the Governor.

Have examined the same and find it correctly engrossed.

Also, to authorize the City of Jacksonville to make certain payments to hospitals.

Also, to authorize the City of Orlando to issue additional bonds to the amount of one hundred and fifty thousand dollars.

Also,
Tallahassee, Fla., May 31, 1905.

An act fixing the time for holding terms of the Circuit Court in and for the Sixth Judicial Circuit of the State of Florida.

Also,

A concurrent resolution.

Have examined the same and find them correctly enrolled.

Very respectfully,

T. M. SCOTT,

Chairman of Committee.

And the acts contained in the above report were referred to the Joint Committee on Enrolled Bills, to be conveyed to the House of Representatives for the signatures of the Speaker and Chief Clerk thereof.

By permission—

Mr. Scott, Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber,

Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,

President of the Senate.

SIR—Your Joint Committee on Enrolled Bills, to whom was referred—

AN ACT to abolish the Florida Agricultural College, now officially designated as the University of Florida, located at Lake City; the West Florida Seminary now known as the Florida State College, located at Tallahassee; the White Normal School located at De Funiak Springs; the East Florida Seminary, located at Gainesville; the South Florida College, located at Bartow; the Florida Agricultural Institute, located in Osceola county, and to vacate and revoke their charters, powers, franchises and privileges, and to abolish their Boards of Trustees, managers and officers; to declare their assets and property the property of the State of Florida, and to vest the title to same in the State Board of Education in trust for the purposes provided in this act; to require the conveyance of title and the delivery of all property and assets of said abolished institutions to the said State or other persons having the title, possession, custody or

control of the assets of said institutions; requiring an accounting and reports therefrom, including a statement of all their liabilities and the auditing of the same; providing for the payment of the indebtedness of said institutions; revoking and abolishing all continuing appropriations made or granted thereto; for the repeal of Sections 278, 279, 280, 281, 282, 283, 284, 285, 287, 288, 289, 291, 292, 293, 294, 295, 296, 297, 298 and 299 of the Revised Statutes of Florida, relating to the creation and establishment of the Florida Agricultural College, its organization, powers, rights and privileges and matters pertaining thereto; for the repeal of Sections 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 325, 326 and 327 of the Revised Statutes of Florida relating to the organization, creation and establishment of the Seminaries East and West of the Suwannee River, their location, powers, rights, privileges and matters pertaining thereto; the repeal of Section 268 of the Revised Statutes of Florida relating to the establishment of a White Normal School at DeFuniak Springs, and providing for the election of a faculty therefor; the abolishing of the Normal and Industrial department created in the St. Petersburg Normal and Industrial School located at St. Petersburg, and the repealing of Chapter 4998 of the Laws of Florida, entitled "an act to assist in the maintaining an Industrial and Normal department in the St. Petersburg Normal and Industrial School; to create scholarships therein and to make appropriations therefor," approved May 31, 1901; providing that no further appropriations or State aid shall be made to the said institution, the striking from the name of said institution of the words "Normal and Industrial," and the relinquishing to the county of Hillsborough of all interest possessed by the State in and to the said school or its property by reason of the appropriations made and aid granted thereto; for the amendment of Section 269 of the Revised Statutes of the State of Florida relating to the establishment of a normal school for colored teachers, and providing for the election of a faculty therefor; the establishment, creation and lo-

cation of the University of the State to be known as the University of the State of Florida, and one female Seminary to be known as the Florida Female College, and for the maintenance and support of same; providing for the change of location of the Institute for the Blind, Deaf and Dumb now located at St. Augustine, and its enlargement, maintenance and support; providing for the maintenance, support and greater efficiency of the Colored Normal School located at Tallahassee, and for the change of location of the same as may be desired; for the creation of a Board of Control to manage and control all of said several institutions created and provided to be supported and maintained by this act, and to provide for their appointment, terms of office, manner of their succession, organization, compensation, modes and manner of payment and matters connected therewith; granting unto said Board, the control and management of said institutions and every department thereof, full power and authority to that end, and for the employment of all instructors, teachers, servants and employees; for the purchase of all property, furniture, paraphernalia and matters for said institutions and the proper administration of the same, and the mode and manner by which the expense of their operation, support and maintenance shall be provided and paid; making the said Board and its actions subject to the control and supervision of the State Board of Education, and providing for joint meetings of the same; creating the said Board of Control a body corporate and prescribing its powers and duties; appropriating the assets and property of such institution so selected to the location, establishment, support and maintenance of the said institution or institutions that may be so located; providing as to how the said funds, assets and property of the abolished University of Florida shall be disposed of, including the funds arising under the Hatch and Morrill acts, and as to the establishment of the Experiment Station provided by the United States; providing for the disposition of any endowment or funds belonging to the said State College and not the property of the State of Florida in case

none of said institutions created or maintained by this act shall be located at Tallahassee, and in case one of said institutions created by this act shall be located there, and for any necessary accounting between the City of Tallahassee and the State of Florida in regard thereto; providing for the establishment in the University of the State of Florida created by this act of an Agricultural, Industrial and Mechanical Department and Normal Department for the Instruction of White Teachers, Summer Schools, a classical and scientific department, and such other departments of higher education as the said Boards shall deem necessary; providing for the design of education for the admission of students for scholarships, for rules and regulations in that regard, and as to grades of education; and the powers of said Boards in regard thereto; providing for the appropriation of the Seminary Morrill and Hatch funds and the interest thereon as required by the act of Congress granting the same; providing for a settlement with the City of Gainesville and the town of Lake City in case neither of the Institutions created or maintained by this act shall be located at either of said places and for the refunding of donations made by said places respectively to the institutions formerly located thereat and abolished by this act, in case that none of the institutions are located by said Boards at such points; providing for the sale and disposal of all the assets by this act not specifically appropriated, and for the creation of a fund arising from any surplus assets and property, and the disposal of the same; providing for an appropriation by the State for the purpose of aiding and assisting in carrying out the provisions of this act, and for a continuing appropriation for the maintenance and support of said institutions as may be requisite and necessary from time to time; providing for the auditing and approving of all accounts in the operation, enlargement, maintenance and conduct of the institutions provided for and maintained by this act, and the modes and manner of their payment; providing as to who shall keep and have possession of all funds provided for under this act and subsequent acts in relation thereto, as to how

the same shall be paid out and disposed of; providing for the powers and duties of the Board of Control in relation to the prescribing of examinations and the forms thereof in the public schools of this State and as to admission therefrom and from other institutions of learning into the said institutions created and maintained by this act, and the issuance of certificates in regard to the same; for the vesting in the State Board of Education of the title to all the assets and property of the Colored Normal School and the Institute for the Blind, Deaf and Dumb; requiring the abolition of such trustees, managers and officers and the surrender of the management, possession and control of such institutions and their property to the Board of Control—the vesting in said board of all powers now provided by law and this act in regard thereto; the duties of the State Treasurer, Comptroller, Superintendent of Public Instruction, State Board of Education and Board of Control in regard to said institutions; to provide for a Normal Department and Summer School for white teachers in the Florida Female College and a Summer School for colored teachers in the colored normal school—whenever necessary and to repeal all laws in conflict with the provisions of this act.

Have examined the same and find it correctly enrolled.

Very respectfully,

T. M. SCOTT,
Chairman of Committee.

And the act contained in the above report was referred to the Joint Committee on Enrolled Bills, to be conveyed to the House of Representatives for the signature of the Speaker and Chief Clerk thereof.

By permission—

Mr. Scott, Chairman of the Joint Committee on Enrolled Bills, submitted the following report:
Senate Chamber,
Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,

President of the Senate:

SIR—Your Joint Committee on Enrolled Bills, to whom was referred—

An act to appropriate the sum of fifteen thousand dollars annually for two years to aid the Florida State Mid-Winter Fair Association in making a display of the agricultural, mineral, industrial, horticultural, forestry, live stock and other resources of the State of Florida; to encourage and promote immigration from other States of the United States, also foreign countries, and to influence competition among the various producers, that will tend to improve the character of all products known to the State of Florida, the said fair to be held in the City of Tampa, Florida, between November 1st, 1905, and March 1, 1906; also between November 1, 1906 and March 1, 1907, and to provide for the payment therefor.

Also,

An act to authorize the City of Gainesville, in Alachua county, to issue bonds for educational purposes.

Have examined the same and find them correctly enrolled.

Very respectfully,

T. M. SCOTT,

Chairman of Committee.

And the acts contained in the above report were referred to the Joint Committee on Enrolled Bills, to be conveyed to the House of Representatives for the signatures of the Speaker and Chief Clerk thereof.

By permission—

Mr. Sams, Chairman of the Committee on Fisheries, submitted the following report:

Senate Chamber,

Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,

President of the Senate.

SIR—Your Committee on Fisheries, to whom was referred—

Senate Bill No. 308:

A bill to be entitled an act for the protection and preservation of food fish in the St. Johns River, south of Jacksonville, in the State of Florida.

Beg leave to report that they have carefully considered the same and recommend the adoption of the following amendments:

In Section 1 line 4 after word "Seine" insert the word "drag" at the end of Section 1, add the following, provided, further that this Act shall not prohibit the use of gill nets or cast nets.

Recommend that it do pass as amended.

Very respectfully,

F. W. SAMS,
Chairman of Committee.

And Senate Bill No. 308 contained in the above report together with amendment was placed on the Calendar of bills on second reading.

By permission—

Mr. Crill, Chairman of the Committee on Finance and Taxation, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,

President of the Senate:

SIR—Your Committee on Finance and Taxation to whom was referred—

Senate Bill No 397:

A Bill to be entitled an Act to amend Sections 66 and 67, Chapter 4322 Laws of Florida, Providing compensation for Tax Assessors and Tax Collectors.

Have had the same under consideration and return it without recommendation.

Very respectfully,

E. S. CRILL,
Chairman of Committee.

And Senate Bill No. 397, contained in the above report was placed on the Calendar of bills on second reading.

By permission—

Mr. Scott, Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber,

Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,

President of the Senate.

SIR—Your Joint Committee on Enrolled Bills, to whom was referred—

An act to fix the salary of the Governor.

Also,

A concurrent resolution.

Also,

An act to authorize the City of Jacksonville to make donations or payments to hospitals.

Also,

An act to authorize the City of Orlando to issue additional bonds to the amount of one hundred and fifty thousand dollars.

Also,

An act fixing the time for holding terms of the Circuit Court in and for the Sixth Judicial Circuit of the State of Florida.

Also,

A concurrent resolution.

Beg to report that the same has been duly signed by the Speaker and Chief Clerk of the House of Representatives, and is herewith presented to the Senate for the signatures of the President and Secretary thereof.

Very respectfully,

T. M. SCOTT,

Chairman of Committee.

ENROLLED.

The President announced that he was about to sign—

An act to fix the salary of the Governor;

Also,

A concurrent resolution.

Also,

An act to authorize the City of Jacksonville to make donations or payments to hospitals.

Also,

An act to authorize the City of Orlando to issue additional bonds to the amount of one hundred and fifty thousand dollars.

Also,

An act fixing the time for holding terms of the Circuit Court in and for the Sixth Judicial Circuit of the State of Florida.

Also,

A concurrent resolution.

The acts were therefore duly signed by the President and Secretary of the Senate, and ordered returned to the Chairman of the Joint Committee on Enrolled Bills to convey to the Governor for his approval.

By permission—

Mr. Scott, Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber,

Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,

President of the Senate.

SIR—Your Joint Committee on Enrolled Bills, to whom was referred—

AN ACT to abolish the Florida Agricultural College, now officially designated as the University of Florida, located at Lake City; the West Florida Seminary now known as the Florida State College, located at Tallahassee; the White Normal School, located at DeFuniak Springs; the East Florida Seminary, located at Gainesville; the South Florida Seminary, located at Gainesville; the South Florida College, located at Bartow; the Florida Agricultural Institute, located in Osceola county; and to vacate and revoke their charters, powers, franchises and privileges, and to abolish their Boards of Trustees, managers and officers; to declare their assets and property the property of the State of Florida, and to vest the title to same in the State Board of Education in trust for the purposes provided in this act; to require the conveyance of title and the delivery of all property and assets of said abolished institutions to the said State Board of Education by the Trustees, managers or

other persons having the title, possession, custody or control of the assets of the said institutions; requiring an accounting and reports therefrom, including a statement of all their liabilities and the auditing of the same; providing for the payment of the indebtedness of said institutions; revoking and abolishing all continuing appropriations made or granted thereto; for the repeal of Sections 278, 279, 280, 281, 282, 283, 284, 285, 287, 288, 289, 291, 292, 293, 294, 295, 296, 297, 298, and 299 of the Revised Statutes of Florida, relating to the creation and establishment of the Florida Agricultural College, its organization, powers, rights and privileges and matters pertaining thereto; for the repeal of Sections 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 325, 326 and 327 of the Revised Statutes of Florida relating to the organization, creation and establishment of the Seminaries East and West of the Suwannee River, their location, powers, rights, privileges and matters pertaining thereto; the repeal of Section 268 of the Revised Statutes of Florida relating to the establishment of a White Normal School at DeFuniak Springs, and providing for the election of a faculty therefor; the abolishing of the Normal and Industrial department created in the St. Petersburg Normal and Industrial School located at St. Petersburg, and the repealing of Chapter 4998 of the Laws of Florida, entitled "an act to assist in the maintaining an Industrial and Normal department in the St. Petersburg Normal and Industrial School; to create scholarships therein and to make appropriations therefor," approved May 31, 1901; providing that no further appropriations or State aid shall be made to the said institution, the striking from the name of said institution of the words "Normal and Industrial," and the relinquishing to the county of Hillsborough of all interest possessed by the State in and to the said school or its property by reason of the appropriations made and aid granted thereto; for the amendment of Section 269 of the Revised Statutes of the State of Florida relating to the establishment of a normal school for colored teachers, and providing for the election of a faculty therefor; the establishment, creation and lo-

cation of the University of the State to be known as the University of the State of Florida, and one female Seminary to be known as the Florida Female College, and for the maintenance and support of same; providing for the change of location of the Institute for the Blind, Deaf and Dumb now located at St. Augustine, and its enlargement, maintenance and support; providing for the maintenance, support and greater efficiency of the Colored Normal School located at Tallahassee, and for the change of location of the same as may be desired; for the creation of a Board of Control to manage and control all of said several institutions created and provided to be supported and maintained by this act, and to provide for their appointment, terms of office, manner of their succession, organization, compensation, modes and manner of payment and matters connected therewith; granting unto said Board, the control and management of said institutions and every department thereof, full power and authority to that end, and for the employment of all instructors, teachers, servants and employees; for the purchase of all property, furniture, paraphernalia and matters for said institutions and the proper administration of the same, and the mode and manner by which the expense of their operation, support and maintenance shall be provided and paid; making the said Board and its actions subject to the control and supervision of the State Board of Education, and providing for joint meetings of the same; creating the said Board of Control a body corporate and prescribing its powers and duties; appropriating the assets and property of such institution so selected to the location, establishment, support and maintenance of the said institution, or institutions that may be so located; providing as to how the said funds, assets and property of the abolished University of Florida shall be disposed of, including the funds arising under the Hatch and Morrill acts, and as to the establishment of the Experiment Station provided by the United States; providing for the disposition of any endowment or funds belonging to the said State College and not the property of the State of Florida in case none of said institutions created or maintained by

this act shall be located at Tallahassee, and in case one of said institutions created by this act shall be located there, and for any necessary accounting between the City of Tallahassee and the State of Florida in regard thereto; providing for the establishment in the University of the State of Florida created by this act of an Agricultural, Industrial and Mechanical Department and Normal Department for the Instruction of White Teachers, Summer Schools, a classical and scientific department, and such other departments of higher education as the said Boards shall deem necessary; providing for the design of education for the admission of students for scholarships, for rules and regulations in that regard, and as to grades of education, and the powers of said Boards in regard thereto; providing for the appropriation of the Seminary Morrill and Hatch funds and the interest thereon as required by the act of Congress granting the same; providing for a settlement with the City of Gainesville and the town of Lake City in case neither of the Institutions created or maintained by this act shall be located at either of said places and for the refunding of donations made by said places respectively to the institutions formerly located thereat and abolished by this act, in case that none of the institutions are located by said Boards at such points; providing for the sale and disposal of all the assets by this act not specifically appropriated, and for the creation of a fund arising from any surplus assets and property, and the disposal of the same; providing for an appropriation by the State for the purpose of aiding and assisting in carrying out the provisions of this act, and for a continuing appropriation for the maintenance and support of said institutions as may be requisite and necessary from time to time; providing for the auditing and approving of all accounts in the operation, enlargement, maintenance and conduct of the institutions provided for and maintained by this act, and the modes and manner of their payment; providing as to who shall keep and have possession of all funds provided for under this act and subsequent acts in relation thereto, as to how the same shall be paid out and disposed of; providing for the powers and duties of the Board of Control in relation to the prescribing of examinations and the

forms thereof in the public schools of this State and as to admission therefrom and from other institutions of learning into the said institutions created and maintained by this act, and the issuance of certificates in regard to the same; for the vesting in the State Board of Education of the title to all the assets and property of the Colored Normal School and the Institute for the Blind, Deaf and Dumb; requiring the abolition of such trustees, managers and officers and the surrender of the management, possession and control of such institutions and their property to the Board of Control—the vesting in said board of all powers now provided by law and this act in regard thereto; the duties of the State Treasurer, Comptroller, Superintendent of Public Instruction, State Board of Education and Board of Control in regard to said institutions: to provide for a Normal Department and Summer School for white teachers in the Florida Female College and a Summer School for colored teachers in the colored normal school—whenever necessary and to repeal all laws in conflict with the provisions of this act.

Beg to report that the same has been duly signed by the Speaker and Chief Clerk of the House of Representatives, and is herewith presented to the Senate for the signatures of the President and Secretary thereof.

Very respectfully,
 T. M. SCOTT.
 Chairman of Committee.

ENROLLED.

The President announced that he was about to sign—

AN ACT to abolish the Florida Agricultural College, now officially designated as the University of Florida, located at Lake City; the West Florida Seminary now known as the Florida State College, located at Tallahassee; the White Normal School located at DeFuniak Springs; the East Florida Seminary, located at Gainesville; the South Florida College, located at Bartow; the Florida Agricultural Institute, located

in Osceola county, and to vacate and revoke their charters, powers, franchises and privileges, and to abolish their Boards of Trustees, managers and officers; to declare their assets and property the property of the State of Florida, and to vest the title to same in the State Board of Education in trust for the purposes provided in this act; to require the conveyance of title and the delivery of all property and assets of said abolished institutions to the said State other persons having the title, possession, custody or control of the assets of said institutions; requiring an accounting and reports therefrom, including a statement of all their liabilities and the auditing of the same; providing for the payment of the indebtedness of said institutions; revoking and abolishing all continuing appropriations made or granted thereto; for the repeal of Sections 278, 279, 280, 281, 282, 283, 284, 285, 287, 288, 289, 291, 292, 293, 294, 295, 296, 297, 298 and 299 of the Revised Statutes of Florida, relating to the creation and establishment of the Florida Agricultural College, its organization, powers, rights and privileges and matters pertaining thereto; for the repeal of Sections 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 325, 326 and 327 of the Revised Statutes of Florida relating to the organization, creation and establishment of the Seminaries East and West of the Suwannee River, their location, powers, rights, privileges and matters pertaining thereto; the repeal of Section 268 of the Revised Statutes of Florida relating to the establishment of a White Normal School at DeFuniak Springs, and providing for the election of a faculty therefor; the abolishing of the Normal and Industrial department created in the St. Petersburg Normal and Industrial School located at St. Petersburg, and the repealing of Chapter 4998 of the Laws of Florida, entitled "an act to assist in the maintaining an Industrial and Normal department in the St. Petersburg Normal and Industrial School; to create scholarships therein and to make appropriations therefor," approved May 31, 1901; providing that no further appropriations or

State aid shall be made to the said institution, the striking from the name of said institution of the words "Normal and Industrial," and the relinquishing to the county of Hillsborough of all interest possessed by the State in and to the said school or its property by reason of the appropriations made and aid granted thereto; for the amendment of Section 269 of the Revised Statutes of the State of Florida relating to the establishment of a normal school for colored teachers, and providing for the election of a faculty therefor; the establishment, creation and location of the University of the State to be known as the University of the State of Florida, and one female Seminary to be known as the Florida Female College, and for the maintenance and support of same; providing for the change of location of the Institute for the Blind, Deaf and Dumb now located at St. Augustine, and its enlargement, maintenance and support; providing for the maintenance, support and greater efficiency of the Colored Normal School located at Tallahassee, and for the change of location of the same as may be desired; for the creation of a Board of Control to manage and control all of said several institutions created and provided to be supported and maintained by this act, and to provide for their appointment, terms of office, manner of their succession, organization, compensation, modes and manner of payment and matters connected therewith; granting unto said Board, the control and management of said institutions and every department thereof, full power and authority to that end, and for the employment of all instructors, teachers, servants and employees; for the purchase of all property, furniture, paraphernalia and matters for said institutions and the proper administration of the same, and the mode and manner by which the expense of their operation, support and maintenance shall be provided and paid; making the said Board and its actions subject to the control and supervision of the State Board of Education, and providing for joint meetings of the same; creating the said Board of Control a body corporate and prescribing its powers and duties; appropriating the assets and property of such

institution so selected to the location, establishment, support and maintenance of the said institution or institutions that may be so located; providing as to how the said funds, assets and property of the abolished University of Florida shall be disposed of, including the funds arising under the Hatch and Morrill acts, and as to the establishment of the Experiment Station provided by the United States; providing for the disposition of any endowment or funds belonging to the said State College and not the property of the State of Florida in case none of said institutions created or maintained by this act shall be located at Tallahassee, and in case one of said institutions created by this act shall be located there, and for any necessary accounting between the City of Tallahassee and the State of Florida in regard thereto; providing for the establishment in the University of the State of Florida created by this act of an Agricultural, Industrial and Mechanical Department and Normal Department for the Instruction of White Teachers, Summer Schools, a classical and scientific department, and such other departments of higher education as the said Boards shall deem necessary; providing for the design of education for the admission of students for scholarships, for rules and regulations in that regard, and as to grades of education, and the powers of said Boards in regard thereto; providing for the appropriation of the Seminary Morrill and Hatch funds and the interest thereon as required by the act of Congress granting the same; providing for a settlement with the City of Gainesville and the town of Lake City in case neither of the Institutions created or maintained by this act shall be located at either of said places and for the refunding of donations made by said places respectively to the institutions formerly located thereat and abolished by this act, in case that none of the institutions are located by said Boards at such points; providing for the sale and disposal of all the assets by this act not specifically appropriated, and for the creation of a fund arising from any surplus assets and property, and the disposal of the same; providing for an appropriation by the State for the

purpose of aiding and assisting in carrying out the provisions of this act, and for a continuing appropriation for the maintenance and support of said institutions as may be requisite and necessary from time to time; providing for the auditing and approving of all accounts in the operation, enlargement, maintenance and conduct of the institutions provided for and maintained by this act, and the modes and manner of their payment; providing as to who shall keep and have possession of all funds provided for under this act and subsequent acts in relation thereto, as to how the same shall be paid out and disposed of; providing for the powers and duties of the Board of Control in relation to the prescribing of examinations and the forms thereof in the public schools of this State and as to admission therefrom and from other institutions of learning into the said institutions created and maintained by this act, and the issuance of certificates in regard to the same; for the vesting in the State Board of Education of the title to all the assets and property of the Colored Normal School and the Institute for the Blind, Deaf and Dumb; requiring the abolition of such trustees, managers and officers and the surrender of the management, possession and control of such institutions and their property to the Board of Control—the vesting in said board of all powers now provided by law and this act in regard thereto; the duties of the State Treasurer, Comptroller, Superintendent of Public Instruction, State Board of Education and Board of Control in regard to said institutions; to provide for a Normal Department and Summer School for white teachers in the Florida Female College and a Summer School for colored teachers in the colored normal school—whenever necessary and to repeal all laws in conflict with the provisions of this act.

The act was therefore duly signed by the President and Secretary of the Senate, and ordered returned to the Chairman of the Joint Committee on Enrolled Bills to convey to the Governor for his approval.

By permission—
Mr. Scott, Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,
President of the Senate:

SIR—Your Joint Committee on Enrolled Bills, to whom was referred—

An act to appropriate the sum of fifteen thousand dollars annually for two years to aid the Florida State Mid-Winter Fair Association in making a display of the agricultural, mineral, industrial, horticultural, forestry, live stock and other resources of the State of Florida; to encourage and promote immigration from other States of the United States, also foreign countries, and to influence competition among the various producers, that will tend to improve the character of all products known to the State of Florida, the said fair to be held in the City of Tampa, Florida, between November 1st, 1905, and March 1, 1906; also between November 1, 1906 and March 1, 1907, and to provide for the payment therefor

Also,

An act to authorize the City of Gainesville, in Alachua county, to issue bonds for educational purposes.

Beg to report that the same has been duly signed by the Speaker and Chief Clerk of the House of Representatives, and is herewith presented to the Senate for the signatures of the President and Secretary thereof.

Very respectfully,

T. M. SCOTT,
Chairman of Committee.

ENROLLED.

The President announced that he was about to sign—

An act to appropriate the sum of fifteen thousand dollars annually for two years to aid the Florida State Mid-Winter Fair Association in making a display of the agricultural, mineral, industrial, horticultural, forestry, live stock and other resources of the State of Florida;

to encourage and promote immigration from other States of the United States, also foreign countries, and to influence competition among the various producers, that will tend to improve the character of all products known to the State of Florida, the said fair to be held in the City of Tampa, Florida, between November 1st, 1905, and March 1, 1906; also between November 1, 1906 and March 1, 1907, and to provide for the payment therefor

Also,

An act to authorize the City of Gainesville, in Alachua county, to issue bonds for educational purposes.

The acts were therefore duly signed by the President and Secretary of the Senate, and ordered returned to the Chairman of the Joint Committee on Enrolled Bills to convey to the Governor for his approval.

Mr. Davis moved that Senate Bill No. 105 be taken up out of its order and now considered.

Which was agreed to by a two-thirds vote.

And,

Senate Bill No. 105:

A bill to be entitled an act for the relief of J. L. Horsey, M. D., and compensating him for services rendered as agent of the State Board of Health at the city of Fernandina, Nassau county, Florida.

Was taken up and read a third time in full and put upon its passage.

Upon call of the roll on Senate Bill No. 105, the vote was:

Yeas—Senators Adams, Bailey, Baskin, Blount, Canova, Crane, Crews, Crill, Davis, Harris, Hudson, Jackson, Lee, McCreary, Massey, Newlan, Raney, Sams, Scott, Stockton, Wadsworth, Wilson—22.

Nays—Senators Alford, West—2.

So the bill passed, title as stated.

Senate Bill No. 251:

A bill to be entitled an act to amend Section 2874 of the Revised Statutes of the State of Florida, relating to "examination before magistrates."

Was taken up.

Mr. Humphries requested permission to withdraw Senate Bill No. 251.

Which was agreed to.

And Senate Bill No. 251 was withdrawn.

Mr. Humphries moved that House Bill No. 213 be taken up out of its order and now considered.

Which was agreed to by a two-thirds vote.

And

House Bill No. 213:

A bill to be entitled an act to cure certain informalities in the execution of deeds and other instruments conveying or transferring real or personal property, made by married women prior to the 15th day of April, A. D. 1905.

Was taken up.

Mr. Humphries moved that the rules be waived and House Bill No. 213 be read a second time by its title only.

Which was agreed to by a two-thirds vote,

And House Bill No. 213 was read a second time by its title only.

Mr. Humphries moved that the rules be further waived, and that House Bill No. 213 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 213 was read a third time in full.

Mr. Harris moved that the vote by which House Bill No. 213 was passed be reconsidered.

Which was agreed to.

Mr. Harris moved that House Bill No. 213 be placed back on the Calendar of Bills on second reading for amendment.

Which was agreed to.

Mr. Humphries offered the following amendment to House Bill No. 213:

Insert in third line of title after the words "personal property" the following "or relinquishing dower."

Mr. Humphries moved the adoption of the amendment.

Which was agreed to.

Mr. Humphries moved that the rules be further waived, and that House Bill No. 213, as amended, be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 213 as amended, was read a third time in full.

Upon call of the roll on the passage of the bill the vote was:

Yeas—Mr. President, Senators Adams, Alford, Bailey, Baskin, Blount, Canova, Crane, Crews, Davis, Harris,

Hudson, Humphries, Jackson, Lee, McCreary, Massey, Neel, Newlan, Raney, Sams, Scott, Stockton, Wadsworth, Zim—24.

Nays—Senators West and Wilson—2.

So House Bill No. 213, as amended, was passed, title as stated.

Mr. Bailey moved that Senate Bill No. 400 be taken up out of its order and now considered.

Which was agreed to by a two-thirds vote.

And

Senate Bill No. 400:

A bill to be entitled an act directing the State Board of Pensions to place the name of William Platt, of Jefferson county, Florida, on the pension roll, at the rate of eight dollars per month.

Was taken up and read a third time in full and put upon its passage.

Upon call of the roll on Senate Bill No. 400, the vote was:

Yeas—Mr. President, Senators Adams, Alford, Bailey, Canova, Crews, Crill, Davis, Jackson, Lee, McCreary, Newlan, Sams, Wadsworth, West, Wilson, Zim—17.

Nays—Senators Baskin, Blount, Crane, Harris, Hudson, Humphries, Raney, Scott, Stockton—9.

So the bill passed, title as stated.

Mr. Hudson moved that House Bill No. 236 be taken up out of its order and now considered.

Which was agreed to by a two-thirds vote.

And,

House Bill No. 236:

A bill to be entitled an act to amend Section four of Chapter 4434, Laws of Florida, the same being an act entitled an act to organize a county court in and for the county of Dade, to prescribe its jurisdiction and powers, to provide for the appointment of a prosecuting attorney and for the compensation of judge of said court.

Was taken up.

Mr. Hudson moved that the rules be waived and that House Bill No. 236 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 236 was read a second time by its title only.

Mr. Hudson moved that the rules be further waived

and that House Bill No. 236 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 236 was read a third time in full.

Upon call of the roll on the passage of the bill the vote was:

Yeas—Mr. President, Senators Adams, Alford, Baskin, Blount, Canova, Crane, Crews, Crill, Davis, Harris, Hudson, Jackson, Lee, Massey, Neel, Newlan, Raney, Sams, Scott, Stockton, Wadsworth, West, Wilson, Zim.—25.

Nays—None.

So House Bill No. 236 was passed, title as stated.

Senate Bill No. 283:

A bill to be entitled an act to increase the pay of bailiffs of the courts of the State of Florida.

Was taken up.

Mr. Stockton requested permission to withdraw Senate Bill No. 283.

Which was agreed to.

And Senate Bill No. 283 was withdrawn.

Mr. Stockton moved that House Bill No. 419 be taken up out of its order and now considered.

Which was agreed to by a two-thirds vote.

And

House Bill No. 419:

A bill to be entitled an act providing for a study of State forest condition by the Agricultural Experiment Station of the University of Florida, in co-operation with the United States Department of Agriculture.

Was taken up and read a second time, together with the amendments of the Committee on Forestry.

The following committee amendment was read:

Strike out the words "Five Hundred" wherever they occur in the bill and insert in lieu thereof "One Thousand."

Mr. Stockton moved the adoption of the committee amendment.

Which was agreed to.

Mr. Stockton moved that the rules be further waived, and that House Bill No. 419, as amended, be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 419, as amended, was read a third time in full.

Upon call of the roll on the passage of the bill the vote was:

Yeas—Senators Adams, Alford, Bailey, Baskin, Blount, Canova, Crews, Crill, Davis, Harris, Hudson, Humphries, Jackson, Massey, Neel, Newlan, Raney, Sams, Stockton, Wadsworth, West, Zim.—22.

Nays—Mr. President, Senators Lee, Scott, Wilson.—4.
So House Bill No. 419, as amended, was passed, title as stated.

Senate Bill No. 250:

A bill to be entitled an act to amend Section 2880 of the Revised Statutes of Florida relating to "witnesses to be recognized."

Was taken up.

Mr. Raney asked permission to withdraw Senate Bill No. 250.

Which was agreed to.

And Senate Bill No. 250 was withdrawn.

Mr. Raney moved that Senate Bill No. 247 be taken up out of its order and now considered.

Which was agreed to by a two-thirds vote.

And

Senate Bill No. 247:

A bill to be entitled an act to amend Section 1859 of the Revised Statutes of the State of Florida, relating to preference in appointment of administrator.

Was taken up.

Mr. Raney moved that the rules be waived and Senate Bill No. 247 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 247 was read a second time by its title only.

Mr. Raney moved that the rules be further waived, and that Senate Bill No. 247 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote

And Senate Bill No. 247 was read a third time in full.

Upon call of the roll on the passage of the bill the vote was:

Yeas—Mr. President, Senators Adams, Alford, Baskin, Blount, Canova, Crews, Crill, Davis, Humphries, Jackson, Lee, Massey, Newlan, Raney, Sams, Wadsworth, West, Wilson, Zim.—20.

Nays—None.

So Senate No. 247 was passed, title as stated.

By permission—

Mr. Scott, Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber,

Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,

President of the Senate:

SIR—Your Joint Committee on Enrolled Bills, to whom was referred—

An act to fix the salary of the Governor.

Also,

A concurrent resolution.

Also,

An act to authorize the City of Jacksonville to make donations or payments to hospitals.

Also,

An act to authorize the City of Orlando to issue additional bonds to the amount of one hundred and fifty thousand dollars.

Also,

An act fixing the time for holding terms of the Circuit Court in and for the Sixth Judicial Circuit of the State of Florida.

Also,

A concurrent resolution.

Beg to report that the same has been presented to the Governor for his approval.

Very respectfully,

T. M. SCOTT,

Chairman of Committee.

By permission—

Mr. Scott, Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber,

Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,

President of the Senate:

SIR—Your Joint Committee on Enrolled Bills to whom was referred—

AN ACT to abolish the Florida Agricultural College, now officially designated as the University of Florida, located at Lake City; the West Florida Seminary now known as the Florida State College, located at Tallahassee; the White Normal School, located at DeFuniak Springs; the East Florida Seminary, located at Gainesville; the South Florida Seminary, located at Gainesville; the South Florida College, located at Bartow; the Florida Agricultural Institute, located in Osceola county, and to vacate and revoke their charters, powers, franchises and privileges, and to abolish their Boards of Trustees, managers and officers; to declare their assets and property the property of the State of Florida, and to vest the title to same in the State Board of Education in trust for the purposes provided in this act; to require the conveyance of title and the delivery of all property and assets of said abolished institutions to the said State Board of Education by the Trustees, managers or other persons having the title, possession, custody or control of the assets of the said institutions; requiring an accounting and reports therefrom, including a statement of all their liabilities and the auditing of the same; providing for the payment of the indebtedness of said institutions; revoking and abolishing all continuing appropriations made or granted thereto; for the repeal of Sections 278, 279, 280, 281, 282, 283, 284, 285, 287, 288, 289, 291, 292, 293, 294, 295, 296, 297, 298, and 299 of the Revised Statutes of Florida, relating to the creation and establishment of the Florida Agricultural College, its organization, powers, rights and privileges and matters pertaining thereto; for the repeal of Sections 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 325, 326 and 327 of the Revised Statutes of Florida relating to the organization, creation and establishment of the Seminaries East and West of the Suwannee River, their location, powers, rights, privileges and matters pertaining thereto; the repeal of Section 268 of the Revised Statutes of Florida relating to the establishment of a White Normal School at DeFuniak Springs, and providing for the election of a faculty therefor; the abolition

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ishing of the Normal and Industrial department created in the St. Petersburg Normal and Industrial School located at St. Petersburg, and the repealing of Chapter 4998 of the Laws of Florida, entitled "an act to assist in the maintaining an Industrial and Normal department in the St. Petersburg Normal and Industrial School; to create scholarships therein and to make appropriations therefor," approved May 31, 1901; providing that no further appropriations or State aid shall be made to the said institution, the striking from the name of said institution of the words "Normal and Industrial," and the relinquishing to the county of Hillsborough of all interest possessed by the State in and to the said school or its property by reason of the appropriations made and aid granted thereto; for the amendment of Section 269 of the Revised Statutes of the State of Florida relating to the establishment of a normal school for colored teachers, and providing for the election of a faculty therefor; the establishment, creation and location of the University of the State to be known as the University of the State of Florida, and one female Seminary to be known as the Florida Female College, and for the maintenance and support of same; providing for the change of location of the Institute for the Blind, Deaf and Dumb now located at St. Augustine, and its enlargement, maintenance and support; providing for the maintenance, support and greater efficiency of the Colored Normal School located at Tallahassee, and for the change of location of the same as may be desired; for the creation of a Board of Control to manage and control all of said several institutions created and provided to be supported and maintained by this act, and to provide for their appointment, terms of office, manner of their succession, organization, compensation, modes and manner of payment and matters connected therewith; granting unto said Board, the control and management of said institutions and every department thereof, full power and authority to that end, and for the employment of all instructors, teachers, servants and employees; for the purchase of all property, furniture, paraphernalia and matters for said institutions and the proper administration of the same, and the mode and manner by which the expense of their operation, support and

maintenance shall be provided and paid; making the said Board and its actions subject to the control and supervision of the State Board of Education, and providing for joint meetings of the same; creating the said Board of Control a body corporate and prescribing its powers and duties; appropriating the assets and property of such institution so selected to the location, establishment, support and maintenance of the said institution or institutions that may be so located; providing as to how the said funds, assets and property of the abolished University of Florida shall be disposed of, including the funds arising under the Hatch and Morrill acts, and as to the establishment of the Experiment Station provided by the United States; providing for the disposition of any endowment or funds belonging to the said State College and not the property of the State of Florida in case none of said institutions created or maintained by this act shall be located at Tallahassee, and in case one of said institutions created by this act shall be located there, and for any necessary accounting between the City of Tallahassee and the State of Florida in regard thereto; providing for the establishment in the University of the State of Florida created by this act of an Agricultural, Industrial and Mechanical Department and Normal Department for the Instruction of White Teachers, Summer Schools, a classical and scientific department, and such other departments of higher education as the said Boards shall deem necessary; providing for the design of education for the admission of students for scholarships, for rules and regulations in that regard, and as to grades of education, and the powers of said Boards in regard thereto; providing for the appropriation of the Seminary Morrill and Hatch funds and the interest thereon as required by the act of Congress granting the same; providing for a settlement with the City of Gainesville and the town of Lake City in case neither of the Institutions created or maintained by this act shall be located at either of said places and for the refunding of donations made by said places respectively to the institutions formerly located thereat and abolished by this act, in case that none of the institutions are located by said Boards at such

points: providing for the sale and disposal of all the assets by this act not specifically appropriated, and for the creation of a fund arising from any surplus assets and property, and the disposal of the same; providing for an appropriation by the State for the purpose of aiding and assisting in carrying out the provisions of this act, and for a continuing appropriation for the maintenance and support of said institutions as may be requisite and necessary from time to time; providing for the auditing and approving of all accounts in the operation, enlargement, maintenance and conduct of the institutions provided for and maintained by this act, and the modes and manner of their payment; providing as to who shall keep and have possession of all funds provided for under this act and subsequent acts in relation thereto, as to how the same shall be paid out and disposed of; providing for the powers and duties of the Board of Control in relation to the prescribing of examinations and the forms thereof in the public schools of this State and as to admission therefrom and from other institutions of learning into the said institutions created and maintained by this act, and the issuance of certificates in regard to the same; for the vesting in the State Board of Education of the title to all the assets and property of the Colored Normal School and the Institute for the Blind, Deaf and Dumb; requiring the abolition of such trustees, managers and officers and the surrender of the management, possession and control of such institutions and their property to the Board of Control—the vesting in said board of all powers now provided by law and this act in regard thereto; the duties of the State Treasurer, Comptroller, Superintendent of Public Instruction, State Board of Education and Board of Control in regard to said institutions; to provide for a Normal Department and Summer School for white teachers in the Florida Female College and a Summer School for colored teachers in the colored normal school—whenever necessary and to repeal all laws in conflict with the provisions of this act.

Have examined the same and find it correctly enrolled.

Very respectfully,

T. M. SCOTT,

Chairman of Committee.

Beg to report that the same has been presented to the Governor for his approval.

Very respectfully,

T. M. SCOTT,

Chairman of Committee.

By permission—

Mr. Scott, Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber,

Tallahassee, Fla., May 31, 1905.

Hon. Park M. Trammell,

President of the Senate:

SIR—Your Joint Committee on Enrolled Bills to whom was referred—

An act to appropriate the sum of fifteen thousand dollars annually for two years to aid the Florida State Mid-Winter Fair Association in making a display of the agricultural, mineral, industrial, horticultural, forestry, live stock and other resources of the State of Florida; to encourage and promote immigration from other States of the United States, also foreign countries, and to influence competition among the various producers, that will tend to improve the character of all products known to the State of Florida, the said fair to be held in the City of Tampa, Florida, between November 1st, 1905, and March 1, 1906; also between November 1, 1906 and March 1, 1907, and to provide for the payment therefor.

Also,

An act to authorize the City of Gainesville, in Alachua county, to issue bonds for educational purposes.

Beg to report that the same has been presented to the Governor for his approval.

Very respectfully,

T. M. SCOTT,

Chairman of Committee.

Senate Bill No. 245:

A bill to be entitled an act to amend Section 1329 of the Revised Statutes of Florida, in reference to decisions, reports and other papers and records of the Supreme Court, to be furnished to the Attorney-General.

Was taken up.

Mr. Wilson asked permission to withdraw Senate Bill No. 245.

Which was agreed to.

And Senate Bill No. 245 was withdrawn.

Mr. Wilson moved that House Bill No. 272 be taken up out of its order and now considered.

Which was agreed to by a two-thirds vote.

House Bill No. 272:

A bill to be entitled an act to provide for the taking of the census of the State of Florida in the year 1905.

Was taken up and read a second time in full.

Mr. Adams moved that House Bill No. 272 be indefinitely postponed.

Which was not agreed to.

Mr. Humphries moved that the rules be further waived, and that House Bill No. 272 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 272 was read a third time in full.

Upon call of the roll on the passage of the bill the vote was:

Yeas—Senators Alford, Bailey, Blount, Canova, Crane, Crews, Crill, Harris, Humphries, Jackson, Lee, Massey, Neel, Raney, Sams, Stockton, West, Wilson.—18.

Nays—Mr. President, Senators Adams, Baskin, Davis, Scott, Zim.—6.

So House Bill No. 272 was passed, title as stated.

Mr. Stockton moved that the Senate adjourn until 9 o'clock a. m. tomorrow.

Which was agreed to.

Thereupon the Senate stood adjourned until tomorrow June, 1, 1905, at 9 o'clock a. m.

CONFIRMATIONS.

Clark Knight to be Harbor Master in and for the port of Tampa, Fla.

V. B. McIlvaine, John Trice, George H. Benjamin and T. M. Jones, to be Pilot Commissioners in and for the Port of Tampa.

J. Fred Lohman, to be Harbor Master in and for the Port of Fernandina.

D. P. Mularkey, H. Goldstein, B. K. Richardson, W. B. Bell, S. A. Swan, to be Pilot Commissioners in and for the Port of Fernandina, Florida.

J. O. Wilson, to be Pilot Commissioner in and for the Port of Tampa, Florida.

Isaac A. Stewart, to be judge of the Criminal Court of Record in and for Volusia county, Florida.

J. W. Perkins, to be Solicitor of the Criminal Court of Record in and for Volusia county, Florida.

J. Edwin Abercrombie, to be Harbor Master in and for the Port of Pensacola, Florida.

T. A. Jennings, Geo. L. Lappington, J. H. Harvell, I. H. Aikin, Richard M. Cary, to be Pilot Commissioners in and for the Port of Pensacola, Florida.

APPENDIX.

Following is the report referred to in Senate Resolution No. 23, page 1543, bound journal.

Tallahassee, Fla., July 22, 1890.

The Board of Commissioners on Indian War Claims met in the City of Tallahassee, pursuant to adjournment at Tampa.

Present—Geo. W. Walker, Chairman.

Charles F. Wall.

H. W. Long.

The following warrant was received and properly receipted for:

W. J. Baker.

The Board adjourned till 9 a. m., July 23d.

Tallahassee, Fla., July 23d, 1890.

The Board met at 9 a. m., pursuant to adjournment. Full Board present.

The following warrants were received and properly receipted for:

Enoch B. Phelps,

Annie Mayo, Admx.

The Board adjourned till 8 a. m., July 24th.

Tallahassee, Fla., July 24, 1890.

The Board met pursuant to adjournment. Full Board present. On motion, it was ordered that the Chairman be authorized to employ a Secretary at \$3.00 per diem.

Mr. E. G. Chesley was accordingly employed for that purpose.

On motion of Mr. Long, seconded by Mr. Wall, the following resolution was adopted:

"Resolved, That when any warrant is presented to this Board, and it shall be voted on for approval or rejection, that a two-thirds vote shall determine as to the validity or fraudulency of said warrant."

Mr. Long in the chair.

Mr. Walker offered the following resolution:

"Resolved, That the vote on each warrant shall be made by yeas and nays, and a record of the same kept and filed with the Comptroller of the State."

The above resolution was lost.

Mr. Walker offered the following resolution, seconded by Mr. Wall:

"Resolved, That the minority as well as the majority shall have a right to report on each warrant approved or rejected by this Board—the same to be filed with the Comptroller of the State."

This right being conceded by the Board, the above resolution was withdrawn without formal action.

Mr. Walker in the chair.

On motion of Mr. Long, it was

Ordered, That the following Rules and Regulations adopted by the Indian War Claims Commissioners at a meeting held in the city of Tampa during the month of February last be spread upon the Minutes of this meeting, to-wit:

First. No warrants will be approved unless the evidence or circumstances show that the service rendered for which they were issued was enrolled service.

Second. Warrants bearing regularity upon their face with no evidence to the contrary will be considered as prima facie evidence of having been legally issued.

Third. When the circumstances or evidence show irregularity as to the issue of warrants, the onus of proof as to their regularity will devolve upon the holder of such warrants.

Fourth. Where there is a doubt from the evidence, or the circumstances as to the validity of a warrant, the holder of such warrant will be given the benefit of such doubt."

After due consideration the following warrants, presented by Mr. W. J. Baker, were approved:

No.	Issued to	Date	Amount.
1131	W. J. Baker.....	May 1, 1861.....	\$210.12
1138	John F. Baker.....	May 1, 1861.....	184.00

The Board took recess till 2 p. m.

On re-assembling for afternoon session, R. W. Williams appeared on behalf of James McNeal, as heir of Lieut. John McNeal, and filed certain documents in support of such claim, the Board giving receipt therefor. The warrant in this case is represented as lost, the Board receiving the documents in custody on the contingency of a possible discovery of the missing warrant, said warrant never having been in possession of the Board.

After due consideration the following warrants, presented by Annie Mayo, Admx. of Est. of Anderson Mayo, were duly approved:

No.	Issued to	Date	Amount.
1366	Calvin H. Mason....	May 24, 1861.....	\$184.22
1365	Ezekiel J. Giddings..	May 24, 1861.....	184.22
1367	James A. McKeown..	May 24, 1861.....	184.22
1352	J. Thomas	May 24, 1861.....	114.37
1360	John A. Geiger.....	May 24, 1861.....	114.37
1160	Jesse Giddings,....	May 1, 1861.....	184.22
1162	G. P. Yelverton....	May 1, 1861.....	184.22
1156	John F. Carter.....	May 1, 1861.....	184.22
1053	J. A. Geiger.....	May 1, 1861.....	78.75
927	F. J. Giddcon.....	May 1, 1861.....	51.70
948	Hampton Kersey ...	May 1, 1861.....	71.06
1164	Hampton Kersey ...	May 1, 1861.....	184.22

In case of warrants of estate of W. W. Wall, in possession of Board, viz:

No.	Issued to	Date	Amount.
1386	Wm. M. Lang.....	May 24, 1861.....	\$114.37
1387	Jos. T. Fountain....	May 24, 1861.....	45.62
1127	A. Ganard	May 1, 1861.....	690.25
1398	S. T. Thomas.....	May 24, 1861.....	233.63
1097	Charley B. Hill....	May 1, 1861.....	211.47
1104	Rufus Hoyt	May 1, 1861.....	185.73
1112	John F. Barrett ...	May 1, 1861.....	115.41
1389	John McNeal	May 24, 1861.....	145.77
1101	Edward C. McGeachy.	May 1, 1861.....	185.73

1394	Wright W. Bowen..	May 24, 1861.....	145.79
1136	Isam A. Munden....	May 1, 1861.....	184.22
1354	Thomas N. Wilson..	May 24, 1861.....	114.37
1382	Wilson Tyner	May 24, 1861.....	50.40
1041	Jacob Wells	May 1, 1861.....	80.17

The same were not acted upon, awaiting completion of affidavit and testimony as to character of service.

In case of Warrants of E. B. Phelps, viz:

No.	Issued to	Date	Amount.
1042	Enoch B. Phelps....	May 1, 1861.....	\$ 80.17
1009	E. B. Phelps.....	May 1, 1861.....	47.25
937	Enoch B. Phelps....	May 1, 1861.....	18.12

The same were not acted upon, awaiting completion of affidavit and testimony as to character of service.

In case of Warrants of Annie Mayo, Admx.

No.	Issued to	Date	Amount.
1380	James T. Phelps....	May 24, 1861.....	\$ 63.00
1088	Tyburn Kersey ..	.....1861.....	66.57
1075	W. E. Boyett.....	May 1, 1861.....	70.35
973	J. W. Jackson.....	May 1, 1861.....	63.00
1076	J. A. Boyett.....	May 1, 1861.....	70.35
1023	Joseph Merritt	May 1, 1861.....	233.63
1379	Richard G. Wingate..	May 24, 1861.....	38.07
1047	Nathan Boyett	May 1, 1861.....	73.68
1088	J. W. Jackson.....	May 1, 1861.....	40.45

The same were not acted upon, awaiting completion of affidavit and testimony as to character of service.

In case of Warrants of Perry G. Wall, viz:

No.	Issued to	Date	Amount.
1123	Perry G. Wall.....	May 1, 1861.....	\$ 70.35
1122	David H. Wall.....	May 1, 1861.....	70.35
1344	Levi S. Whitehurst..	May 24, 1861.....	185.73

After due consideration the same were approved.

In case of Warrant of W. S. Smith, viz:

No.	Issued to	Date	Amount.
1057	Henry Harn....	May 1, 1861.....	\$ 70.35

No action was taken, awaiting completion of affidavit and testimony as to character of service.

The Board adjourned till 8 a. m., July 25th.

Tallahassee, Fla., July 25, 1890.

The Board met at 8 a. m., pursuant to adjournment. Full Board present.

The minutes of the preceding meetings of July 22d, 23d and 24th were read and approved.

A communication from D. Lany, Adj. Genl., enclosing documents supporting claim of Angus Gillis, was, on motion, re-referred to General Lang, on account of absence of warrant, the Board ruling that it had no jurisdiction where warrant was not presented.

On motion of Mr. Long, it was ordered:

"That Rule 1 of Regulations adopted at Tampa be so amended as to require holders of a warrant or warrants to prove by the affidavits of two reputable citizens that they know from their personal knowledge that the services rendered for which said warrant or warrants were issued, was enrolled service."

On motion of Mr. Long, it was ordered:

"That when this Board adjourn, it adjourn to meet at Ocala, Florida, on Tuesday, the 11th day of November next.

Mr. Long moved the following resolution:

Resolved, "That all affidavits heretofore made and filed with the predecessors of this Board shall be considered to have the same force and effect as if made and filed with this Board."

Mr. Walker moved as an amendment to add—"So far as they apply to a regular organization of the company to which the affidavit belonged and shall be considered as adverse testimony to the warrants issued in the Company of said affiant."

Mr. Long moved to lay the amendment on the table, which was carried, and the original motion, without amendment, was adopted.

Mr. Long moved to reconsider the amendment to Rule 1, previously adopted at this meeting, and the amendment was reconsidered, and subsequently laid upon the table, upon motion of Mr. Long.

On motion, it was

Ordered, That Rule 3 of Regulations adopted at Tampa be so amended as to add thereto:

Which proof shall consist of the affidavits of two reputable citizens that they know from their personal knowl-

edge that the services rendered for which said warrants were issued was enrolled services.

The following warrants were presented to the Board for consideration by John A. Pearce, Agt., and duly receipted for:

No.	Issued to	Date	Amount.
1297	A. R. Williams.....	May 22, 1861.....	\$226.95
1316	James W. Stanley...May	22, 1861.....	226.95
851.	William Mills.....	April 29, 1861.....	264.00
1013	Michael Whitman ..May	1, 1861.....	265.13
1317	W. W. Cassidy	May 22, 1861.....	226.95
1328	J. Johnson	May 22, 1861.....	226.95
1296	John Hawkins	May 22, 1861.....	226.95
1320	James Gough	May 22, 1861.....	226.95
1323	S. Godwin	May 22, 1861.....	226.95
1322	Wm. Godwin	May 22, 1861.....	226.95
1321	Allen J. Cassidy....May	22, 1861.....	226.95
1324	James Munroe	May 22, 1861.....	226.95
1410	D. C. Cook, Atty....May	27, 1861.....	241.64

On due consideration the following warrants, belonging to Samuel E. Hope, were approved:

No.	Issued to	Date	Amount.
1161	James B. Wilson....May	1, 1861.....	\$184.22
1118	John A. Sutton.....May	1, 1861.....	70.35
1350	William J. Hart....May	24, 1861.....	211.47
1386	William J. Hart....May	24, 1861.....	62.58
1152	Francis R. Nicks....May	1, 1861.....	184.22
1154	James R. Nicks....May	1, 1861.....	184.22
1153	William R. Nicks...May	1, 1861.....	184.22
984	C. B. O'Neal, Admr..May	1, 1861.....	49.35
1151	Benjamin R. Nicks..May	1, 1861.....	184.22
996	W. D. O'Neal	May 1, 1861.....	31.50
1045	William D. O'Neal..May	1, 1861.....	73.68
1390	William M. Garretson..May	24, 1861.....	171.77
925	E. J. Knight.....May	1, 1861.....	25.00
919	Robert M. Hill.....May	1, 1861.....	30.37
1348	James A. Allen....May	24, 1861.....	185.73
1393	Samuel E. Hope....May	24, 1861.....	145.79
1105	Alijah A. Hill.....May	1, 1861.....	185.73
1392	David Hope	May 29, 1861.....	145.79
924	Levi S. Whitehurst..May	1, 1861.....	25.67

921	Richard M. Crum...	May 1, 1861.....	28.35
1120	Francis E. Saxon...	May 1, 1861.....	70.35
1132	Jackson L. Anders...	May 1, 1861.....	210.12
946	Edward C. McGeachy...	May 1, 1861.....	60.68
1113	Richard R. Crum...	May 1, 1861.....	115.41
1110	W. W. Wall.....	May 1, 1861.....	185.73
922	Morris Giddeons....	May 1, 1861.....	30.37
923	James M. Cooper....	May 1, 1861.....	25.67
940	John A. Suttan....	May 1, 1861.....	43.58
947	Samuel E. Hope....	May 1, 1861.....	44.63
1347	Wm. M. Lang.....	May 24, 1861.....	185.73
1147	David A. Allen....	May 1, 1861.....	184.22
1146	James S. Fountain..	May 1, 1861.....	184.22
1107	Horace H. Hale....	May 1, 1861.....	185.73
1159	Charles Giddings...	May 1, 1861.....	184.22
1396	William W. Wall...	May 24, 1861.....	43.58
1096	John Bassett	May 1, 1861.....	139 27
916	Thomas I. Hill....	May 1, 1861.....	16.10

By request of G. W. Walker, his vote is recorded as against the approval of all the above-mentioned warrants, except the following Nos. 1350, 1386, 1118, 1161, 916, 1096, 1396, 947, 940, 922, 923 1110, 1113, 946, 1120, 921, 924, 1302, 1105, 1393, 919, 1390.

By request of G. W. Walker, his vote is recorded as against the approval of the following warrants, approved July 24, 1890, viz: 1131, 1138, 1366, 1365, 1367, 1352, 1360, 1160, 1162, 1156, 1053, 927, 948, 1164, 941, 1122.

The foregoing minutes were read and approved and ordered filed.

The Board finally adjourned.

Attest:

E. G. CHESLEY,
Secretary.

GEO. W. WALKER,
Chairman.

Tallahassee, Mar. 10, 1897.

I hereby certify this document, included in sheets 1, 2, and 3, to be the true and original minutes of the meetings of the Board of Commissioners on Indian War Claims, held at Tallahassee July 22 to July 25, 1890.

E. G. CHESLEY,
Secretary.

I, W. V. Knott, Treasurer of the State of Florida, do hereby certify that the above and foregoing is a true and

correct copy of the original paper which is now on file in my office.

In testimony whereof I have hereunto set my hand and official seal this the fifteenth day of December, A. D. 1904.
(SEAL) "W. V. KNOTT,"

Treasurer of the State of Florida.

The claims herein referred to have no connection whatever with, and are entirely separate from, the claims actually paid by the State of Florida and filed as the basis of the claim against the United States, set out in "Executive Document No. 68" and recently paid to the State of Florida under "Public act—No. 124" by the General Government.

CHAPTER 1,175—(No. 82.)

An Act to provide for the payment of the Florida Volunteers and others, who have not been paid for services actually rendered the State of Florida in the last War with the Seminole Indians.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Comptroller of this State be and he is hereby required to audit and allow, and the Treasurer of this State is hereby required to pay upon warrant from the Comptroller, all amounts due Volunteer Companies, or person or persons performing volunteer service, transportation, or in any manner doing service or furnishing supplies for the State of Florida during the last Seminole Indian war in said State, who have not been paid for the same.

Sec. 2. *Be it further enacted,* That said companies, or person or persons who actually did service for the State during the time of said war, shall be allowed the same compensation for their services, subsistence, supplies, transportation, etc., as is allowed by the laws of late the United States of America, and the said Comptroller shall be governed by said laws in making allowances to the companies and persons herein and above enumerated.

Sec. 3. *Be it further enacted,* That it shall be at the option of said volunteer companies, person or persons

mentioned in the first section of this act, to receive from the Comptroller of Public Accounts warrants upon the Treasury, or to avail themselves of the provisions of an act approved January 7th, A. D. 1853, entitled an act to provide for the payment of Captain Sparkman, Parker's, and other volunteer companies for service in the year 1849.

Sec. 4. *Be it further enacted,* That if there be any monies remaining in the Treasury or in the hands of any officer of this State raised by virtue of an act to provide for the payment of the debts of the State, approved 27th December, 1856, the same shall be paid pro rata upon the warrants or scrip issued according to the provisions of this act, and the said act to provide for the payment of the debts of the State, approved 27th December, 1856, shall, and the same is hereby in full force, and the money may be raised by the provisions of said last mentioned act to pay the sums found by the Comptroller to be due and owing by the provisions of the first section of this act.

Sec. 5. *Be it further enacted,* That the person or persons applying for the benefit of this act shall make affidavit before the Judge of Probate of the county in which he or they reside, that he or they has or have actually rendered the service of the kind and for the time specified, or that he or they has or have actually furnished provisions, &c., for which he or they claim remuneration, which shall also be sworn to by three disinterested members of the company to which the claimant belonged, or for which the supplies were furnished or services rendered, and the claimant or claimants shall also make affidavit that he or they has or have never been paid for said services, &c., either by the late United States of America or by the State of Florida, after which the Judge of Probate shall certify he has reason to believe and does believe that the persons making the affidavit aforesaid are the persons they represent themselves to be, and that he believes them to be men of veracity; and shall affix his proper seal of office to the same upon the production of which certificate by the person so entitled, or his agent or attorney, the Comptroller shall issue his warrant as aforesaid.

Sec. 6. *Be it further enacted,* That whenever the provisions of this act are complied with, it shall be the duty of the Comptroller to issue warrants on the Treasury for the amounts due said companies, person or persons, or

issue scrip, according to the provisions of the act approved January 7th, 1853, entitled an act to provide for the payment of Captain Sparkman, Parker's and other volunteer companies for services in the year 1849, as the said companies or individual members thereof, persons or persons, their agents or attorneys, may elect to receive.

Sec. 7. *Be it further enacted*, That the warrants or State script issued as aforesaid, shall be paid out of any monies in the Treasury not otherwise appropriated, whenever the same shall be by the holder thereof presented at the State Treasury.

Passed the House of Representatives January 26th, 1861. Passed the Senate February 1st, 1861. Approved by the Governor February 8th, 1861.

(ORDINANCE No. 60.—Adopted July 27th, 1862.)

“Be ordained by the people of the State of Florida in convention assembled: That the act of the general assembly, approved February 8th, 1861, and entitled ‘an act to provide for the payment of the Florida volunteers and others who have not been paid for services actually rendered the State of Florida in the last war with the Seminole Indians,’ be and the same is hereby repealed, and the payment of all warrants issued by the Comptroller under the said act to be suspended.”

The following ordinances are published in connection with the Constitution of 1868, Page 53, McClellan's Digest of the Laws of Florida:

Sec. 8. “All State Treasury Notes issued, and all other liabilities contracted by the State of Florida, on or after the 10th day of January, A. D. 1861, to the 25th day of October, A. D., 1865, except such liabilities as may be due to the seminary and school funds, and such other liabilities as are provided for by this Constitution, be and are declared void, and the General Assembly shall have no power to provide for the payment of the same or any part thereof.”

Ordinance adopted by Convention, November 6, 1865.
 Sec. 9. "The ordinance in relation to State Liabilities and Treasury Notes shall not be so construed to invalidate, impair, or make void any *bona fide* contract or liability of the State of Florida, incurred or undertaken prior to the date of the ordinance of secession: *Provided, That this ordinance shall not apply to any claims which have heretofore been declared fraudulent or have been rejected by the State.*"

Ordinance adopted by Convention, November 7, 1865.

CHAPTER 3113—(No. 15.)

AN ACT to Provide for the Examination and Settlement of the Claims against the State of Florida for Services rendered during the Last Seminole Indian War, and for the Settlement of Claims of the State of Florida against the United States.

The People of the State of Florida, represented in Senate and Assembly, do enact as follows: Section 1. That the Governor is hereby empowered to appoint three suitable persons, who shall constitute a Board of Commissioners, to examine and approve or reject any and all warrants issued by the Comptroller of this State in payment for services rendered during the last Seminole Indian war, under and by virtue of Chapter 1175 of the laws of Florida, approved February 8, 1861, which are presented to said board.

Sec. 2. Any person presenting any warrant as aforesaid, shall by himself or herself, his or her agent or attorney, make affidavit and file the same with the said board that he or she is the original payee named in said warrant and actually rendered the services for which the same was issued, or that he or she actually became the owner of the same for a valuable consideration and without notice of any defect in the said warrant, or that he or she are the legal heirs or assigns of the original payee or of the *bona fide* purchaser of the warrant or warrants presented, and shall produce such other evidence as to the validity of the original claim for which the said warrant was issued, or any part thereof, as the said board may in each case deem proper and be satisfactory to said board.

Sec. 3. Every warrant examined and approved shall be so endorsed by the chairman of said board and deposited with the Comptroller; and the Comptroller shall thereupon make and deliver to the owner or holder of such warrant his certificate, under the seal of his office, that the warrant specified therein had been so examined, approved and surrendered, and that the holder of said certificate is entitled to the amount of said warrant.

Sec. 4. That the said board shall, without unnecessary delay, give such public notice as it may deem necessary for all persons holding said warrants to present the same for examination.

Sec. 5. That the Governor is hereby authorized and empowered to appoint a commissioner with power to proceed to Washington and adjust the claims of the State of Florida against the United States; and the moneys paid by the United States, or so much thereof as may be necessary for that purpose, shall be and are hereby appropriated for the payment of the certificate issued as aforesaid, and to defray the expenses of the said Board of Commissioners; and the sum of two thousand dollars, or so much thereof as may be necessary, from any monies in the State Treasury not otherwise appropriated, is hereby appropriated to defray the expense of said commissioner to Washington, and the incidental expenses of the said commission.

Approved March 11, 1879.

Tallahassee, January 20, 1881.

His Excellency W. D. Bloxham, Governor:

By authority of an act approved March 11, 1879, a board of three commissioners, consisting of Robert Bullock, W. C. Brown and W. K. Beard were appointed in December, 1879, to "examine and approve or reject any and all warrants" issued by the Comptroller under and by virtue of an act approved February 8, 1861. (Chapter 3113, Laws of Florida.)

As required by the act of 1879, the Commission gave notice that they would hold a session at Tampa, but, from the inability of members of the Commission to attend at the appointed time, the meeting was postponed to a future day, of which notice was also given. At this last

date a quorum of the Commission met at Tampa, and held a session, receiving, examining and filing such warrants as were presented.

The second section of the act creating the Commission conferred upon them power to require such evidence as to the "validity of the original claim" upon which warrants had been issued as the Board might deem necessary. At this, the very threshold of the investigation, the Board were confronted with difficulties that have been insurmountable. These difficulties have been greatly enhanced by the failure of the law creating the Board to confer upon them power to send for persons and papers, or to administer oaths. Yet it came to the knowledge of the Board, from sources it could not ignore, that a large portion of the warrants in question were tainted with fraud, forgery and perjury, while others were issued to persons having, in the opinion of the Board, no claims whatever against the State. The Board further found that a great part of the warrants were in the hands of third parties who could give no evidence as to the "validity of the original claims."

In this dilemma the Board determined to examine no more warrants then, but to meet at Tallahassee, where access could be had to contemporaneous correspondence, and other documentary evidence bearing upon and relating to the service for which the warrants were issued.

In pursuance of this plan, the Board invites your attention to the following extract from a special message of Governor M. S. Perry to the Legislature, dated December 9, 1859:

"In this connection I would call your attention to the fact that no claim for services prior to the mustering in of the several companies has been paid. In several instances companies were organized on the first outbreak of the Indians, without awaiting orders, and promptly marched to the defense of the unprotected inhabitants, who were being massacred by the savages, and actually performed active and arduous services for which they have not been paid. This service was recognized and approved by the Executive, but the agent has not felt authorized to pay from the date of enrollment, but from the date of mustering in, in accordance with the army regulations of the United States. I would respectfully recommend that the several companies of State troops be paid from the date of enrollment, upon satisfactory proof

being made that they did actually perform active service in suppressing Indian hostilities." (Senate Journal, adjourned session, 1859, page 102.)

From this extract the Board are constrained to believe that the then Executive only referred to and recognized the services of those volunteers on the frontier whose organizations had been authorized and recognized by his predecessor, and for the period embraced between the date of their enrollment and the date of their actual muster into the service of the State. The nature of this service and what was expected of the volunteer forces of the State is plainly indicated in the correspondence with and instructions to General Jesse Carter, (the special agent of the State, as will hereafter appear). On the 18th March, 1856, Governor Broome wrote General Carter: "I notice that you have ordered one-half of each company to be actively employed on the frontier, while the remaining half should be encouraged in planting and cultivating, to be relieved alternately, as the commanders may deem advisable." This order is liable to serious objection. We want the United States to pay these parties, and it is not likely that we shall get our accounts passed for a full company when only half are in service, and even if no pay is required except for the time in the field, the disproportion of officers to privates would operate as a bar to our recovery. Again: It is not fair to reduce the force while other sections of the State are calling for protection for which I have not the ability to grant. If the organization of companies on the frontier interferes with the agricultural interests to such an extent as to forbid the organization to be preserved, it would be better to muster them out, and let me supply their places from the interior. If such a course be desirable, I can furnish substitutes at short notice. So far, then, as this order is concerned, you will please countermand it, and notify the commanding officers that the State troops must, at all times, be efficient and ready to march at an hour's notice in pursuit of the enemy. "Appendix to Journal of 1856, page 44).

But it is claimed that the act of 1861, under which the warrants now in question were issued, is more comprehensive in its provisions, and was intended to embrace a different class of service.

The first section of that act provides that the Comptroller be required to audit and allow "all accounts due volunteer companies, or person or persons, performing volunteer service, transportation, or in any manner doing service, or furnishing supplies, for the State of Florida, in the last war with the Seminole Indians in said State, who have not been paid for the same."

The fifth section of this act restricts the board and comprehensive language of the first section, by providing that the affidavit made by the claimant shall be "sworn to by three disinterested members of the company to which the claimant belonged, or for which the supplies were furnished, or services rendered," which seems clearly to require that a company shall have been organized, as distinct from "person or persons" as used in the first section; and, in the opinion of the Board, in order that such an organization could have existed at all, so as to entitle them to compensation, they must have been authorized and recognized by, and *subject to the orders* of, the constituted authorities of the State.

The act of 1853 (Chapter 555, Laws of Florida) which was the authority of the Governor for calling for volunteers in 1856, provided in Section 12 that these troops "shall not be entitled to nor receive any pay from the State until they have received orders to march into the Indian territory for the protection and defense of the same."

The warrants issued in 1861 by Comptroller Williams, under the act of February 8th, 1861, were in payment for two distinct classes of claims. The first class were for those volunteers who rendered service on the frontier in the early part of 1856, and who were recognized then by the Governor, and subsequently mustered into the service of the State under the act of 1853. The muster rolls furnish the data for these claims; and for the amounts due these companies a correct statement could have been made by Comptroller Williams in 1861. They are the best evidence as to the validity of the original claims.

The second class were those for whose organization the Board can find no authority whatever, and who were never recognized by, or known to, the State authorities, as far as there is any record of the fact, up to the filing and payment of their claims.

The Commission desire to present their views in regard to these two classes of claims separately.

THE FIRST CLASS.

This class comprises the following companies, with period of service, and amounts paid to each by Comptroller Williams:

E. T. Kendrick's, for various periods in 1856.	\$ 430.86
Asa Stewart's, from 10th of July to 30th of September, 1856	497 10
John McNeill's, from 19th of January to 14th of May, 1856	2,064 16
W. H. Kendrick's, from 1st of January to 26th of February, 1856	17,077 01
L. G. Lesley's from 3d of January to 11th of March, 1856	4,945 52
A. D. Johnson, from 25th of December, 1855, to 26th of February, 1856.	21,014 79

\$46,029 44

And F. M. Durrance's, from 29th of December, 1855, to 22d of February, 1856. It has been impossible as yet to tell the exact amount in warrants issued to this company, but is between \$1,600 and \$2,000, say.

1,800 00

\$47,829 44

Under the act of 1853 the Executive of the State was empowered and required to organize a volunteer force for the final removal of the Indians, or for the suppression of Indian hostilities, to be called out whenever actual hostilities commenced. Hostilities commenced in December, 1855, by the Indians attacking Lieutenant Hartsu of the United States Army, and his command. Before the decision of the Executive could be had, volunteers organized themselves into companies, elected officers, and marched to the frontier.

On the 4th of February, 1856, Governor Broome appointed General Jesse Carter, of Tampa, a special agent for the State, and on the same day instructed him to muster certain companies into the service of the State. In

these instructions General Carter was directed to "diligently enquire and ascertain upon what day each of these commands entered upon active frontier service in suppressing Indian hostilities since the attack upon Lieutenant Hartsuff and his command, and the day upon which each individual of each command entered upon such service, and report the same to this department." Governor Broome recognized the services of these companies as for the State, from the date of their enrollment, and entering upon active service, and assured them that he would use his "best endeavors" to have them paid. According to instructions, General Carter mustered these companies into the service of the State, and it is for their service prior to this muster that they were entitled to pay. And as far as the Board have been able to obtain these muster rolls, they are prepared to state with exactitude, the amounts that were due to each company at the time they were paid by Comptroller Williams.

The Board ascertained recently that all of these muster rolls were on file in the War Department at Washington city, and on the 21st of December last Governor Drew made application for copies of them, but these we regret to say, have not yet been received and the Commission have the rolls of only two companies, to-wit, W. H. Kendrick's and L. G. Lesley's.

The companies comprised in this class were paid in 1859 by Colonel John W. Pearson, by authority, and under instructions from Governor M. S. Perry, from the date of their actual muster into the service of the State to their final discharge. Colonel Pearson construed his instructions from the Governor to limit him in their payment to the period of their muster, and hence did not pay them for services previous to that date; and it was to this service that Governor Perry referred in the message before quoted.

From these muster rolls the Board are able to give the history, and a statement of the amount that should have been paid to two companies, viz: W. H. Kendrick's and L. G. Lesley's.

W. H. KENDRICK'S COMPANY.

This company was mustered into service on the 26th

day of February, 1856, and the muster roll gives the following history of its enrollment:

January 1st, 1856.—Three commissioned officers, 8 non-commissioned officers, 2 musicians, 1 farrier and blacksmith and 3 privates.

January 9th, 1856.—Eight privates.

January 26th, 1856.—Forty-seven privates.

February 20th, 1856.—Four privates.

February 26th, 1856.—Seven privates.

The pay roll we have made upon the basis of this muster roll shows that there was due to this company for services prior to their regular mustering in, \$4,037.49, after making all allowances for subsistence and forage to which they were entitled, if these were supplied by themselves. If the company was not entitled to these allowances by reason of the State having supplied them, then they were entitled to only \$2,518.85. It will be observed, too, from the statement given as to the dates of the enrollment of this company, that the 26th of January is the earliest date at which Captain Kendrick had such a company as would entitle him to the full complement of commissioned and non-commissioned officers, but in our estimate we have dealt with it as a full company.

The pay rolls made for this company in 1861, for this term of service, and upon which they were then paid by Comptroller Williams, show that there were warrants issued to them to the amount of \$17,077.01, which includes \$7,362.26 for subsistence and forage with which the company claimed to have supplied themselves. Yet after making this allowance to both officers and men on the pay rolls, Captain Kendrick claimed, and was paid, an account for forage furnished by him amounting to \$3,700. Either this account was improper, or the pay rolls for these items should have been this much less.

It is true that while the charges for subsistence and forage are made on pay rolls claiming to cover a period from the 1st January to 26th February, 1856, the affidavits show in a few instances, that the claim was for forage and subsistence during a period after their regular muster into the State service.

In regard to the claim, and allowance in pay rolls for subsistence and forage as having been supplied by themselves, the Board desire to make the following statement, as derived from the correspondence and accounts

of General Jesse Carter, the special agent of the State at Tampa.

Among other duties of General Carter, he was charged with those pertaining to the Quartermaster's, and Commissary Departments, or with subsisting and foraging the State's troops. The accounts and correspondence between the Executive and General Carter show that large sums of money were remitted to, and received by General Carter, and disbursed by him for the purposes above indicated. This correspondence up to the meeting of the Legislature in 1856, is contained in the Appendix to the Journals of that year, transmitted with the Governor's message. In addition to this (and supplying much needed information) the record, or letter book of General Carter during the last Indian war, was sent to the Board recently by Mr. W. C. Brown, of Tampa, one of the appointed Commissioners, and prevented from attending here, we regret to say, by sickness. From this record the Commission find that on the 12th of August, 1857, General Carter wrote to Governor Broome as follows:

"I have the honor to transmit herewith duplicate abstracts of accounts against the State remaining unpaid, covering all items of expenditure, except pay for services, from the commencement of service—December 25th, 1855, to June 30th, 1857, which amounts to the sum of \$44,845.15. To this I have added amount disbursed on all accounts to same date, \$26,881.06. Total expenditure for the time stated on all accounts pay for service excluded, \$71,726.21. I deem this data reliable, the abstracts submitted being based upon the abstract of accounts paid and unpaid now made up."

General Carter seems to have had some difficulty (in fact he so wrote the Governor early in the spring of 1857) in getting these accounts from commanders of companies, or those who had furnished the supplies, forage, etc., for on the 20th of January, 1857, he sent Mr. Samuel E. Hope with instructions to "repair to Hernando and Sumter counties, and collect from claimants all accounts, certificates, etc." for supplies, hire of teams, etc., and "especially to call for accounts for supplies to Captain A. Johnson's company for two terms in 1856."

The statement above of General Carter shows that he had disbursed \$26,881.06, and that there then remained unpaid \$44,845.15 for supplies. The reports of the Treasury Department show that there was paid during the

years 1856 and 1857 for these expenses (subsistence and forage) the sum of \$72,024.85, of which the sum of \$43,442.81 was paid in the fall of 1857, after General Carter had rendered his abstract of accounts remaining unpaid.

We have stated before that the troops of the class to which Captain's Kendrick's company belonged were paid by Colonel John W. Pearson covering the period of their mustering in, and discharge. These pay rolls show that the officers, and their servants were allowed, and paid, for subsistence and forage, presumably upon the claim that they had supplied themselves. But no allowance is made for these items to the non-commissioned officers or privates, and the Board are constrained to believe that had they or any of them supplied themselves with subsistence and forage, they would then have made their claims. Colonel Pearson had ample means in his hands for their payment, as his report to the Governor shows that he turned into the Treasury, after paying these troops, \$28,684.

In addition this charge on the pay rolls paid by Comptroller Williams, the Board find that the rolls are made in each case to cover the period from the 1st day of January, 1856, to the 26th of February, 1856, whereas the muster roll shows that on the 1st of January Captain Kendrick had only three (3) privates; that eight joined on the 9th, and forty-seven on the 26th of January, and four on the 20th, and seven on the 26th of February. And again, that there are many names on the pay rolls paid by R. C. Williams that do not appear on the muster roll at all.

The Board have not had time to go into an investigation on this point, but they find, in one instance at least, that members of this company were paid for the same charges on the pay rolls of J. W. Pearson and those of R. C. Williams. Second Lieutenant John Knight, of this company, was allowed and paid by J. W. Pearson for subsistence and forage from the 26th of February, 1856, to 28th of August, 1856. On the 27th of March, 1861, Lieutenant Knight made affidavit that he had supplied himself with subsistence, and his horse with forage from the 26th of February to the first of June, 1856, and upon this affidavit, he was allowed and paid by R. C. Williams. The signature to the receipt to the Pearson pay roll is apparently written by Lieutenant Knight, and witnessed by W. H. Ken-

drick, while the affidavit upon which he was paid by R. C. Williams is signed with his X mark.

A summary statement as to the amount that was due this company, as ascertained by the Board from the muster rolls, and the amount paid him by Comptroller Williams, is given hereafter in this report.

CAPTAIN L. G. LESLEY'S COMPANY.

This company was mustered into the service of the State on the 12th of March, 1856. The muster roll gives the following facts in regard to its enrollment:

January 3rd, 1856—One Captain, 1 First-Lieutenant, 6 non-commissioned officers, 1 bugler, 14 privates.

January 10th, 1856—Thirty-four privates.

February 8th, 1856—Five privates.

February 18th, 1856—Fifteen privates. 2 Sergeants, 1 bugler, 1 farrier and blacksmith.

February 22nd, 1856—One Second-Lieutenant.

March 12th, 1856—Three privates.

Taking the dates of enrollment as given by the muster roll, and this company was entitled to pay for their services up to the date of actual muster, \$3,764.47, exclusive of any allowance for subsistence and forage, or if allowed for these items, they were entitled to \$4,946.21. The pay roll presented for pay to R. C. Williams claims \$4,945.52; so that, if the charge for subsistence and forage as having been supplied by themselves is correct, then there is only a difference of 69 cents between the amount claimed, and the amount found to have been due by this Commission.

It is claimed that warrants were never issued to this company except in a few instances, amounting, in the aggregate, to \$572.97, and this claim the Board are inclined to believe true. The pay roll presented to the Comptroller is signed as receipted on the margin, opposite each name, by S. Turnau, as attorney, but the usual receipt for the aggregate amount is not signed as in other cases. Again, the letter "D" is placed opposite certain names to indicate that the warrant was delivered, and the amounts due these names form in the aggregate \$572.97, which agrees with certain warrants delivered Judge Turnau.

Unfortunately for this investigation the payments made by R. C. Williams were, in a large majority of cases,

in aggregate sums, to attorneys, some warrants being for over \$5,000.00. So that it is difficult, and, in fact, in some cases, impossible to identify any particular warrant, or to ascertain the proper voucher for such warrant.

The Commission are induced to believe, however, that the facts can be ascertained in regard to Captain Lesley's company.

As before stated the companies of W. H. Kendrick and L. G. Lesley are the only ones in this class of which we can give a full history and determination, as to what amounts were due them. Of the remaining companies of this class, the amounts claimed of, and paid by R. C. Williams, with the exception of A. D. Johnson's company, were small, as will be seen from the tabular statement before given.

A. D. JOHNSON'S COMPANY.

This company was mustered into service on the same day with that of Captain W. H. Kendrick's, viz: on the 26th day of February, 1856, from which date it was paid by J. W. Pearson. These facts we obtain from the correspondence of General Carter and from the pay rolls of Colonel Pearson. The muster roll the Commission have not yet been able to obtain. The correspondence of General Carter with the Executive shows that this company was raised or enrolled, about the same time Captain Kendrick's was, and that it contained about the same number of men. Taking, then, Captain Kendrick's company as a basis for an estimate for this company, and there was due them for service prior to their muster into the service of the State, the sum of \$4,037.49. There was paid to this company by R. C. Williams in 1861, the sum of \$21,014.79. On these pay rolls is full allowance to both officers, and men for subsistence and forage as having been supplied by themselves. Yet Captain Johnson claimed, and his claim was allowed and paid by Comptroller Williams, on account of forage as furnished by him amounting to \$6,200.00. As in a similar charge by Captain Kendrick, this account is entirely unfounded, or the allowance for these items on the pay rolls should have been this amount less.

The following summary statement shows the amounts paid, and the amounts that should have been paid, to these three companies:

To W. H. Kendrick's Company, paid by R. C. Williams	\$17,077 01	
There was due this company....	4,037 49	
Overpaid		\$13,039 52
To A. D. Johnson's Company, paid by R. C. Williams.....	\$21,014 79	
There was due this company....	4,037 49	
Overpaid		\$16,977 30
Overpaid these two companies.....		\$30,316 82
There was due L. G. Lesley's com- pany	\$ 4,946 21	
Pay rolls presented to R. C. Wil- liams	4,945 52	
Underclaimed		69

The remaining companies of this class paid by R. C. Williams, with amounts paid, are as follows:

E. T. Kendrick's Company.....	\$ 430 86
Asa Stewart's Company	497 10
John McNeil	2,064 16
F. M. Durriance, as far as can be now ascer- tained, about	1,800 00

What errors were committed in these last four companies cannot be ascertained until the muster rolls are received and examined.

All estimates made by the Commission have been based upon the idea that these companies supplied their subsistence and forage themselves. Whether this is correct or not cannot be determined without a minute and detailed examination of General Carter's accounts and vouchers; and as these papers are now on file in Washington City, in support of claims against the United States now pending, the Board are unable to make this examination.

It will be recollected that General Carter claimed that all of these expenses had been borne by the State, and that the books of the Treasury Department show that the accounts rendered by General Carter had been paid.

SECOND CLASS.

We come now to the consideration of the second class

of claims paid by R. C. Williams. This class comprised the following organizations, and we give the periods of service, and amounts paid to each:

W. W. Slone's Company, from 22d January, 1857, to 3d March, 1858.....	\$ 75,514 10
J. J. Carter's Company from 27th December, 1855, to 11th July, 1856	473 30
T. C. Ellis' Company, from 14th February, 1856, to 14th May, 1856	8,232 96
Robert Bullock's Company, from 26th February, 1856, to 8th September, 1856.....	4,080 54
Moses Horns' Company, from 15th January 1856, to 15th April, 1856	2,353 50
A. Jarnigan's Company, from 1st January, 1856, to 10th March, 1856.....	5,057 54
J. P. Crighton's Company, from 15th February, 1856, to 10th July, 1856.....	11,777 04
Joshua McGahegan's Company, from 1st April, 1856, to 1st November, 1856.....	10,287 50
	\$117,776 48

After having made diligent and exhaustive examination of all the correspondence contemporaneous with this service, as well as all other documentary evidence in any way bearing upon the subject of compensation for services, or supplies, or transportation, during the last war with the Seminole Indians, the Board have been unable to find any mention of, or allusion to, any service or supplies other than that referred to in the extracts from the messages of Governors Broome and Perry before given.

It would seem, therefore, that it was the intention of Governor Perry to recommend only the payment of such troops as had not been paid from the date of their enrollment to the date of their muster. The Board are unable to find any Executive recommendation for the payment of any other service, or even the knowledge of the existence of any other service, and the conclusion is irresistible, that the Legislature had in view only this service when it passed the law approved Feb'y 8th, 1861, under and by virtue of which all the warrants were issued.

The Board find that most of these warrants were issued for this second class of service.

These organizations were in the nature of neighborhood associations, in counties remote from the frontier, and only for protection against actual Indian incursions.

As a sample of these organizations, and perhaps the best, being the largest and receiving nearly one-half of the warrants issued, we ask your attention to the company commanded by Captain W. W. Slone.

This company made claim for service from the 22nd January, 1857, to the 3d of March, 1858, and received Comptroller's warrants for such service (including allowance for subsistence and forage) amounting to the sum of \$75,514.10.

As early as the 31st of December, 1856, General Carter wrote Governor Broome that he would "soon be able to report the State entirely relieved of her military burdens;" and on the 16th January, 1857, he wrote Captain Thomas Hughey that the "State forces have been entirely disbanded, and General Harney does not desire State co-operation."

On the 8th of May, 1857, Governor Broome, then in Washington, addressed a communication to the Secretary of War giving a detailed history of the outbreak of the Indians, and the circumstances that had made it necessary to call out State troops, and asked that the services of these troops be acknowledged as for the United States. The Secretary of War, in acknowledging this letter, accepts the explanation as given by the Governor, and says he will direct the officer commanding United States forces in Florida to have these troops "mustered into and out of the service of the United States, in order that they may be paid," and in reply to this letter Governor Broome advises the Secretary of War that this muster cannot be made, as the State troops "had long since been disbanded."

It will be seen, therefore, that at the time this company claimed to have performed service, General Carter says, "the State forces have been entirely disbanded, and General Harney does not desire State co-operation," and Governor Broome says to the Secretary of War that the State troops have "long since been disbanded."

In further evidence of the nature of this organization, and of the service rendered, we give the affidavits of W. W. Slone, who commanded, and of S. A. Curry, who was a member of this company, taken before the chairman of this Board on the 25th December, 1880:

STATE OF FLORIDA,
Sumter county.

Be it remembered that on this, the 25th day of December, A. D. 1880, personally came before me the undersigned, a Notary Public for the State large, W. W. Stone, who, being duly sworn, deposes and says as follows, to-wit: That on or about the 27th day of January, 1857, he organized a company of mounted volunteers, and commanded said company as Captain, from time to time, until the 3rd of March, 1858. The object of the organization was for home protection against the Indians, believing his section to be exposed to great danger. During the period of the organization of his companies, from January, 1857, to March, 1858, said companies did of actual field service to the extent of three months or thereabouts; that to the best of his recollection his company consisted of thirty or thirty-five men, who did service alternately in squads of fifteen to twenty-five; that when not in actual service the men were at their respective homes engaged in their usual vocation; that when the service was being performed it was not believed by the men under his command that they would be paid for the same, and that he was surprised that the act for the payment of the Florida volunteers, &c., approved March 8, 1861, had been so construed as to cover such service as his and other similar organizations in other sections of the State; that he was induced to make claim for his two six months' term of service, only after being repeatedly assured by men of intelligence and reputed integrity, that the law intended to pay, not only for the service actually performed, but for the time he preserved his organization, and that upon reading the act for himself he believed its letter if not its spirit would bear such interpretation. This deponent further states that he had nothing to do with the making out the pay rolls of his companies; that he knew nothing of the pay allowances of an officer; that he appointed M. C. Peterson, his attorney; that he did not know until this day his attorney had claimed pay for a servant; that he had no servant, and no such allowance should have been made. The deponent further states that today, for the first time, he had had access to the list of names of persons who drew pay as members of his companies, and that he finds the names of many who did no service at all, others whom he never heard of or saw, and

others he has good reason to believe were forced. This deponent further states that he never bought, owned or had any interest in the claim of any member of his companies, and that a most unmitigated fraud had been perpetrated upon the State by men who claimed to be members of his companies.

W. W. Slone.

Sworn to and subscribed before me, R. Bullock, Notary Public, State at large.

(STATE OF FLORIDA.

Sumter County.

On this 25th day of December, 1880, personally appearing before me, R. Bullock, Notary Public, S. A. Curry, who, being sworn, says that he never was a member of Captain W. W. Slone's company, and never authorized B. O. Grenard to make claim for his services as such, and if there is any such claim in his name it is a forgery.

S. A. CURRY.

Sworn to and subscribed before me, R. Bullock, Notary Public, State at large.

The Board are informed and believe that both Captain Slone and Mr. Curry are men of high character and indisputable integrity; and that the facts as set forth in their affidavits, are true in all respects the Board have not the least doubt.

Here then is an organization for which claims were made, and warrants issued to the amount of \$75,514.10, upon the representation that it contained, officers included, 82 men, and rendered service from the 22d day of January, 1857, to the 3rd day of March, 1858, while the commander of the organization swears that it contained only thirty to thirty-five men, who did service alternately in squads of fifteen to twenty-five, and that in all this service amounted to "three months or thereabouts." That he had seen on the 25th day of December, 1880, *for the first time*, the list of men claiming to have belonged to his organization, and that this list contains the names of many who did no service at all, others whom he never heard of or saw, and others whose names he has good reason to believe were forged; and that he was induced to "make claim for his two six months term of service only after being repeatedly assured by men of intelligence and reputed integrity that the law intended not only to pay

for the service actually performed, but for the time he preserved his organization, "and he admits that upon "reading the act for himself he believed its letter, if not its spirit, would bear such interpretation." We can well see how an unsuspecting man could be led astray, as well by the designs of others as the ill-concealed purpose of the act. The law was adroitly drawn, and, as the Commission believe, with a purpose that escaped the attention of the Legislature. Governor Perry in his message to the Legislature of November 1st, 1861, says, after calling attention to the act of 1861: "You will see by the report of the Comptroller, that under his act he has issued warrants to the amount of one hundred and sixty-eight thousand five hundred and twenty-four dollars and eighty-three cents, an amount far exceeding, if the Executive is rightly informed, the contemplation of the General Assembly when the act was passed. The Comptroller felt compelled by the law to issue the warrants when the claims were made according to the provisions of the act. The Legislature were actuated by the noblest motives in enacting the law, but doubtless frauds have been committed under its provisions, and the most rigid scrutiny, by legal enactment, is recommended." (Senate Journal, 11th Session, 1861, pages 10 and 11.)

In the same session of the Legislature a joint select committee was appointed to investigate this matter, and your attention is respectfully invited to the testimony taken by this committee to be found on pages 288 to 294 inclusive (same journals), and which the Commission beg may be taken as a part of this report. This testimony will disclose other motives on the part of the Comptroller than simply being "compelled by the law to issue these warrants." (See Appendix.)

The Commission beg to call your attention to the following affidavits in regard to other organizations in this class of service:

STATE OF FLORIDA,
Marion county.

On this 28th day of December, A. D., 1880, personally appeared A. L. Eichelberger, who being duly sworn says that he belonged to an organization commanded by J. L. McGahegan in the year 1856, said organization being formed to protect the county against the Seminole Indians who were then hostile; that said organization was

without authority of law, and a neighborhood organization; that said organization was preserved, as he now remembers, about seven months; that no pay was expected by the members of said organization; that he was surprised when informed that the act approved February 8th, 1861, was construed to cover such organizations, and that he and others made claim to pay upon the idea of constructive service; and that very little actual service was done by any of the members of said organization.

A. L. EICHELBERGER.

Sworn to and subscribed before me, R. Bullock, Notary Public, State of Florida.

STATE OF FLORIDA,
Leon county.

On this, the 19th day of January, A. D. 1881, personally appeared before me the undersigned, a Notary Public for the State at large, Wm. J. McGrath, who, being duly sworn, says that he made claim to pay as a member of Moses Horn's company on the Withlacoochee in Marion county, from the 15th day of January, 1856, to the 15th day of May, 1856. That said company was a voluntary neighborhood organization, for the better protection of the neighborhood, that he did not expect any pay as a member of said company, that not more than eight or ten days' service could have been done by said company, and that the members of said company remained at home when not out looking after Indian signs, (none of which was ever found) pursuing their usual occupations. The members of said company made claim to pay upon a construction given to the laws by the authorities that it was passed for and intended to cover such service as his company had performed.

W. J. McGRATH.

Sworn to before me, R. Bullock, Notary Public State at large.

STATE OF FLORIDA,
Leon county.

On this, the 19th day of January, 1881, personally appeared before me the undersigned, a Notary Public for the State at large, James G. Speer, now the State Senator for Orange county, Florida, who, being sworn, says that

he resided in the same neighborhood with Aaron Jernigan in the year 1856; that he had no knowledge of an organization or company commanded by said Jernigan, from the 1st of January, 1856, to 10th of March, 1856; that said organization could not have existed without his knowledge; that some years after 1856 he was approached by W. H. Kendrick and offered \$25.00 for his claim as a member of said company; that he said to Kendrick that if he (Kendrick) wished to make him a present of \$25.00 he would accept it, but that he had no claim and would not sell any.

J. G. SPEER.

Sworn to and subscribed before me, R. Bullock, Notary Public, State at large.

In addition to the affidavit of the Hon. J. G. Speed in regard to Captain Aaron Jernigan's company the Commission have before them a letter from Gen. Jesse Carter to Governor Broome, dated February 29th, 1856, in which he says: "Captain Jernigan has been notified of his appointment and will present a company in a few days." This company Captain Jernigan did present, and it was mustered into the service of the United States on the 10th of March, 1856.

It will be seen from these affidavits that all of these organizations were of a like nature—simply neighborhood associations, expecting no pay, performing little, if any, service, and entirely without authority of law. They voluntarily organized and voluntarily disbanded; and they could as well have claimed pay from the date of the attack on Lieutenant Hartsuff, to the date of the final removal of the Indians, as for the period they did claim it, or for any other period. All law, usage, precedent, and, indeed, we think common sense, discredit, and utterly repel the idea that the State could assume to pay such claims as these, and if committed to their payment by the illegal and fraudulent acts of her officers and agents, she could, or would never make claim for re-imbursments by the United States.

Besides the warrants issued by Comptroller Williams in classes 1 and 2, as herein before stated, the Board find that he paid also the following claims:

R. J. Kendrick, as Medical Surgeon to the Company commanded by W. H. Kendrick, for services from January 1 to December 6, 1856....\$1,537 59
 For the same period for his servant..... 564 73

Making\$2,102 62

The Board find from General Carter's letter book that on the 18th of March, 1856, *E. Carter* was assigned to duty with W. H. Kendrick's company as assistant surgeon, with rank of 1st Lieutenant. And further; that in the opinion of the Board, if any such service had been rendered the claims would have been presented to, and paid by Colonel J. W. Pearson.

L. A. Hardee, for subsistence and forage supplied to sixty-four men and sixty-four horses for sixteen days, while on march from Jacksonville to Ocala, between the 4th and 20th of July, 1856.

With this expense the State had nothing to do. Captain Hardee's company was raised under a requisition by the United States on the Governor of Florida for volunteers, and under the Army Regulations of the United States, this company was entitled to twenty-five cents "for subsistence and forage for each man for every twenty miles travel, the necessary transportation, and the soldiers per diem" while on the march from the point where organized to the point of rendezvous, and the letter-book of General Carter shows that letters and circulars were issued to that effect.

J. O. Deval, "for subsistence furnished eighteen men of his command for ninety-one days, next before October 24th, 1849".....\$ 386 92
 For forage furnished eighteen men of his command for ninety-one days..... 693 90

 \$1,880 82

S. B. Todd, M. D., Surgeon to companies of Captains Sparkman and Parker, from 23d July, 1849, to 23rd October, 1849—pay, subsistence and forage\$ 528 00
 For two servants for same period..... 174 00
 For hospital stores furnished company..... 300 00
 For transportation of stores..... 15 00

 \$1,017 00

The act of 1861, under which these warrants were issued, provided for the payment of services rendered in the "last war with the Seminole Indians," which was in 1856-57. But apart from this, all accounts against the State for services or otherwise for the war of 1849 had been "paid, suspended or disallowed," as the Commission are advised and believed.

For the reasons assigned, the Commission "reject" the warrants issued by Comptroller Williams for these last four accounts.

CONCLUSION.

It will doubtless be expected that the Commission shall make some suggestions with reference to future action on the matters they have had under consideration.

That there was due to the volunteers designated as comprised in the first class compensation for services actually rendered, and recognized at the time, there is no doubt. The amount of compensation thus due can be accurately ascertained as soon as access can be had to the muster rolls, and it will be, as the Board now believe, about \$16,000 to \$18,000. If the Legislature should determine to pay this, which the Board recommend as just and proper, they would make the following suggestions:

1. Let pay rolls be prepared in duplicate from data afforded by the muster rolls of each company.
2. As soon as the pay rolls are prepared, let proper notice be given, and make it incumbent on the holder of any warrant issued by Comptroller Williams for services in the respective companies, to present such warrant, and require that the payee of the said warrant, his assignee, or legal representative, be identified by the pay roll. If the identification be satisfactory, and the amount of the warrant thus presented shall correspond in amount with the amount shown by the pay roll to have been due them, let the warrant be paid or endorsed as approved. If not so agreeing, let it be surrendered, and the proper amount be paid, or another warrant issued for it.
3. Make an appropriation not to exceed \$1,800.00, to be available, (or so much thereof as may be necessary) after the pay rolls are examined, and approved by the Attorney-General, Comptroller, and Treasurer.

The third suggestion is made for the following reasons: The payment by the State if shown to be equitable and

just, will be reimbursed to the State by the United States, *but not until actually paid by the State.*

If the appropriation is made available at once upon the ascertainment of the amount due, and the application of the payee or claimant, the Commission believe that it would be acknowledged, and allowed as such payment by the State as would bring it within the rules of the departments at Washington, and could be embraced in the claims now pending before Congress.

4. Declare null and void all warrants issued by Comptroller Williams in payment for this class of service, until presented as provided in suggestion number two, and then to be endorsed or exchanged as therein provided, or to be absolutely void.

5. Upon proper proof of identity, issue warrants to all in Captain Lesley's company who have not already received them.

In determining as to the result of their action in respect to the second class of claims for which warrants were issued by Comptroller Williams, the Board respectfully call your attention to the provisions of the act creating the Commission.

Three duties are imposed upon the Commission by that act:

1. To examine, and approve, or reject, any and all warrants issued under said act.
2. To determine the status of the holder of the warrant, as to the warrant he holds.
3. To ascertain and determine the validity of the original claims.

In determining the validity of the original claims, the Board have spent much time in patient research, and investigation with an earnest desire to do even justice to both State and claimant. The result of their labors has been given, in part, in other portions of this report, and now it remains for them to approve or reject these warrants; and as there does not appear to the Commission to have been any foundation, whatever, for the claims upon which Comptroller Williams issued them to these organizations embraced in the second class, the Board are compelled to, and do, *reject* them.

There remains, then, only the question as to the State's liability for the acts of her auditing officer, whether illegal and fraudulent or not, and with this question the

Commission have no authority to deal. They would call your attention in this connection to the action of the Convention of 1862, which by ordinance No. 60, dated January 27, 1862, repealed the act of 1861, under which these warrants were issued, and suspended the payment of the warrants, which action of the said Convention the Commission are of the opinion was notice of "defect" in said warrants.

Respectfully submitted,

ROBERT BULLOCK,
W. K. BEARD.

APPENDIX.

Testimony Taken in Secret Session by the Joint Committee on the Comptroller's Accounts.

S. St. George Rogers states that he, on some occasion, asked Captain Abner D. Johnson how he could pass through the Comptroller's office such claims as those he had settled? To which he replied, that we or I greased him; that he subsequently conversed with W. H. Kendrick and B. O. Grenard, and without recollecting the remarks of either distinctly, states that from each he received the same impression; that Captain Johnson stated that he had struck them for twenty-four thousand dollars; that the distinct impression left upon his mind, from the conversation with each, was that a part of the amount received was used to secure the passage of the claims, and that such use was with State offices. Witness gathered from some one of the parties named above, or from Captain J. F. P. Johnson, that the parties, or some of them, had paid Mr. Galbraith, or the Attorney-General, one thousand dollars for an opinion, which opinion was favorable. Witness was informed by Captain Robert Bullock, that when he came up with claims, Mr. West, the Clerk of the Comptroller, after arranging the accounts, asked him (Bullock) whether there was anything to be retained out of his claims for Mr. Williams. Bullock replied that there was no understanding, but that if it was usual he could take it out. But West did not retain from his claims.

The distinct impression left on the mind of witness was that the fee above stated was to the Attorney-General.

Colonel T. Ingram stated that he had conversed with a man by the name of Wheeler, who stated to witness that some parties in South Florida had told him that they had paid the Comptroller, or been charged by the Comptroller, thirty per cent. That Mr. Sparkman had told witness that he knew something on this subject, which he could not communicate, but that there was more truth than poetry in what Mr. Wheeler had said.

Judge Turman sworn.—States that he held in his possession claims which he knew to be honest, but had settlement suspended by the Comptroller because of fraudulent claims having been presented, &c. Witness states that Mr. Williams, the Comptroller, told him that he would be compelled to charge him for his trouble in making out pay rolls and settling the claims. He thinks that two and a half per cent. was mentioned as the price for the whole work. The claims presented by deponent were about fifteen thousand dollars. Captain W. H. Kendrick stated to deponent that he would have no difficulty in getting his claims through if he would pay five cents. That he (Kendrick) had been charged that amount, and the same remarks were used to deponent by Captain J. F. P. Johnson; that deponent has heard that Captain J. F. P. Johnson, Mr. Grenard, and W. H. Kendrick had collected a large amount, probably one thousand dollars. Deponent further states that he had a small portion of the claims represented by him passed by the Comptroller, and covered by warrants, and expects to pay Comptroller, but as he has not yet withdrawn said warrants he has made no settlement. Deponent further states that he had left his claims with the Comptroller previous to conversing with Kendrick, but he did not converse with the Comptroller on the subject of commissions until after he had conversed with him (Kendrick).

Judge M. C. Peterson sworn, in regard to Indian war claims, under act of last session, deposes and says that he was agent or attorney in fact for claims under that law, to the extent of about forty thousand dollars or upwards; that upon the amount here stated the Comptroller did issue warrants, and from said warrants retained two and a half per cent. as an amount claimed by him for compensation, which, deponent understood him to say he

was entitled to claim in his character of Paymaster. That about the time that deponent was procuring the issue of warrants for the claims presented to him, he understood that the Comptroller procured the opinion of the Attorney-General in regard to the authority for suspending the operation of the law. The deponent further states that Mr. Williams, the Comptroller, stated that he had charged these other men five per cent., but did not name the parties. Deponent further states that the Comptroller stated that the treasury notes to pay these warrants would soon be issued, and if the warrants were returned to him he would collect them, in said treasury notes, free from further charge.

J. Lee, sworn in regard to the claims above described, says he knows that scrip has been issued by the Comptroller on claims having no foundation in fact. He knows that E. M. Lee and George M. Lee have been represented at the Comptroller's office as claimants for about one thousand and fifty-six dollars, by B. O. Grenard without authority of the parties, and said parties so represented decline to make a claim, having performed no service. The name of the agent deponent derives from the Comptroller's books and other sources. Deponent has knowledge of the fact that the said Grenard also represented J. C. Lee, as administrator of G. M. Condrey, for about five hundred and twenty-eight dollars, which, deponent believes, was without foundation, and that the administrator has never made such claim. Deponent further says he knows Wilson C. Williams, Judge of Probate of Sumter county, Florida, and that said Williams has stated to deponent that he had sat up one night and filled up blank certificates of the reputability of witnesses, to the extent of one hundred; that said blanks were purloined from his office. Deponent, about the 10th day of May last, heard James Stanley offer William Cassady two hundred dollars for his chance in William Sloan's Company; that said Cassady declined to make any testimony on the subject, and stated that he had no place in said Company and no claim for such service. The said Stanley, however, did pay the said Cassidy two ninety-one dollar scrips or warrants, and eighteen dollars in cash for said claim, and that said claim, and that said claim cash for said claim, and that said claim has been passed

by the Comptroller at about \$528. Deponent further states that he finds that he has himself been represented here by one D. C. Cook, and that he drew a Comptroller's warrant for him of two hundred and sixty-seven dollars or thereabouts, for which the said Cook had no authority; that deponent was not in Florida at the time when such service is alleged to have been performed, and has no claim to such warrant, and has never authorized said Cook or any other person to present such claim. Deponent further states that Captain William Sloan has stated to him that he had two terms of service—one company numbered seventy-four men and the other eighty-seven men. Deponent has heard that one negro slave of Mrs. James Stanley, named Nero Goff, and one negro slave named Joe Weeks, property of James Weeks, had each drawn warrants, but is unable to state who represented the slaves or either of them.

Judge Peterson, recalled, says he heard a conversation between Enoch B. Phelps and W. H. Kendrick in regard to subsistence and forage in January and February, 1856, in which Phelps insisted that if he received anything from Captain Kendrick it was not more than half a bushel of corn, which he paid for, or intended to do so; that deponent collected the scrip or Treasury warrants for the men of W. H. Kendrick's company, for the above described service, and that with the exception of one or two cases, he collected forage and subsistence for each man. Deponent further states that he was informed by the Comptroller that a larger allowance had been made to others than he had made to him; that said allowance had been made under a different law.

Morgan Mizell, sworn, says that he was a member of Captain W. H. Kendrick's company—entered it when first organized and continued as long as it remained in the State service. The company was cavalry. The company was entered into the State service on the 26th day of February, entered on the service on the 1st day of January, 1856. During that period the men furnished themselves with forage and subsistence. They took a scout about the 26th of January, and was informed by some of the men the Captain purchased about \$10 worth of supplies. Witness was a near neighbor of Captain W. H. Kendrick, and thinks he had about five hundred bushels

of corn. Does not know how much fodder or bacon he had. Witness thinks that had Captain Kendrick have furnished corn between the first of January and the 26th of February he would have known it, and does not think he furnished any. Deponent has never received from Captain Kendrick any pay for his subsistence and forage. Corn, at that time, was worth from one dollar to one dollar and twenty-five cents—the latter being the highest paid for any corn by any State agent. Fodder was worth from one and a quarter to one and a half dollars per hundred. Captain Kendrick did not furnish any bacon, fodder or corn within the knowledge of this deponent. Major Peterson collected deponent's claim and the claims of Captain Kendrick's company.

Edwin M. West was sworn. Says he has been clerk in the Comptroller's office since the 17th December last. In the month of May, D. C. Cook and one Hamilton, who presented claims purporting to belong to men who were of Cassady's, Sloan's and other companies. The powers of attorney were signed in writing and the declaration with a cross mark. These were disallowed, with the exception of three which were drawn by Cook, one of which proved to be a forgery. Deponent further says, W. H. Kendrick presented a bill for corn, fodder and bacon. Kendrick presented claims for various parties on which allowance was claimed for subsistence and forage, and which claims were covered by the Comptroller's warrants. Kendrick filed also a claim for corn, fodder and bacon for the same period, and corn, he thinks, at \$2.50 per bushel. All warrants issued to him, whether for his own claims or those that he represented as attorney, were issued to him as attorney. The above relates to his first visit, on or about the 9th of April, 1861. On or about the 25th of April last, the said Kendrick, B. O. Grenard and James F. P. Johnson came up with an additional lot of claims, which were audited and allowed, upon affidavits made before W. C. Williams, Judge of Probate of Sumter county, which claims were allowed, except a few which were rejected because the said Judge was one of the witnesses and certified his own integrity. And deponent further says that, about the 9th of April, Abner D. Johnson came to the office with claims for himself and his company, properly stated according to law which were allowed, and

covered by warrant. The claims presented contained nothing to excite suspicion of fraud. Deponent considers that the only claims presented that were made and certified according to law, were those presented by Peterson. Kendrick bargained with deponent to collect the claims of Abner D. Johnson, and his own, for which he agreed to pay 5 per cent., but does not know of any cases in which charges were made by the Comptroller. Deponent further says, he did ask Robert Bullock whether there was any deduction to be made on account of commissions, but no contract having been made, no deduction was made. Deponent further says, that the opinion of the Attorney-General was obtained in regard to the law, and that warrants had been previously issued, and were subsequently issued. Deponent further says that Mr. Williams the Comptroller, was appointed by Governor Perry as Paymaster in 1860. The deponent examined the claims of A. D. Johnson and W. H. Kendrick, at night, and reported to the Comptroller, who also examined the same. That deponent has been the Clerk of the Comptroller since the 17th December, 1860. Thinks that M. C. Peterson had some warrants issued to himself for his fees. Deponent was to have five per cent, for collecting the claims, when collected; that the parties did not leave any warrants with him, and that he has not received any compensation. The contract was made on Saturday night of their arrival, and their claims were not examined until Monday; that Kendrick sold his warrants at fifty cents on the dollar, and has not paid over any of the proceeds, nor has he left with deponent any warrants for collection. Deponent stated that he charged the five per cent. as attorney-at-law.

On motion, the committee adjourned to meet at 3 p. m. on Monday.

The committee met pursuant to adjournment. Present, Messrs. Baldwin, Chain, Magbee, Broome, Pooser and Coffee.

Colonel R. C. Williams sworn—Says A. D. Johnson and W. H. Kendrick were the first applicants, under the law of 1860, for payment of Indian war claims. Further says: As soon as claims were presented, he applied to the Attorney-General for his opinion, and received said opinion to the effect that when the claims were properly

certified, according to law, there was no discretion in regard to issuing the warrants. Opinion dated April 29, 1861. Claimants had previously applied for warrants. Does not recollect that any parties advised him to get the opinion of the Attorney-General. Did not tell Kendrick that he need not make the claims separate, but told him that he must make up forms specifying the various articles enumerated by the army regulations; that there was considerable argument and controversy with claimants in regard to the number of claims proved on one sheet—Comptroller desiring them to be separated. The claims as presented were legally and exactly proved and stated.

Comptroller suspended the issue of claims, because he found out in Cassady's company that some men had signed claims with their cross mark and on another claim would sign as witness with his name written out in full; that Johnson was here during the session of the Legislature; may or may not have received deponent's opinion of the law at that time; did not tell Johnson or Kendrick that they would save a great deal of time by combining many claims on one sheet. Deponent rejected many claims presented by Mr. Turman, because he was informed that Captain Lesley had signed the names of many persons who were absent from the county. Few claims allowed from Hillsborough. Claims presented by Major Peterson, from Hernando, had each its own sheet. Persons who came up here represented themselves some as claimants and others attorneys. Deponent further says, the warrants to a large extent were made payable to the party as attorney; thinks Johnson and Kendrick took most of theirs to themselves as attorney, but did not state for whom they were attorney. Persons who came up as agents had represented that they had claims for commissions and that he, deponent, had made for them warrants for their commissions. Deponent charged Peterson $2\frac{1}{2}$ per cent.; charged Turman nothing, his claims being principally returned to him. W. H. Kendrick he does not recollect the exact amount charged, but will furnish exact amount. Deponent charged A. D. Johnson, J. F. P. Johnson and B. O. Gerard, but does not recollect the exact amount. The payment to deponent was made in scrip in all cases, and, in the aggregate, amounted to \$3,800, which has been en-

dorsed to deponent by other parties. He further states that he received his compensation as Paymaster.

Mr. Galbraith, the Attorney-General, appeared before the committee. There being no judicial officer present, he was not sworn, but stated that the report in circulation of his having received a fee, either in his official or professional character, from any of these parties or in regard to any of these claims, is false in every particular; that he is not even personally acquainted with the parties whom report says paid him the said fee.

CHAPTER 3930—(NO. 84.)

AN ACT Supplemental to an Act to Provide for the Examination and settlement of the Claims against the State of Florida for Services Rendered during the last Seminole Indian War. Approved March 11th, 1879.

Whereas, By an act of the Legislature of the State of Florida entitled "An Act to Provide for the Examination and Settlement of the Claims against the State of Florida for Services Rendered during the last Seminole Indian War." Approved March 11th, 1879.

The Governor did, in pursuance thereof, appoint three Commissioners for the purposes therein set forth; and whereas, said Commissioners, on account of the death of Col. William K. Beard (one of said Commissioners) in the year 1881, did not complete the work of examination and settlement as provided by said act; and whereas, it is important to many of the citizens of this State who have been for many years kept out of their just pay for services rendered in said Indian war.

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

Section 1. That the Governor be empowered to appoint three suitable persons to act as Commissioners to examine and settle said claims, as provided in sections one, two, three and four of said act. And said Commissioners shall be authorized to take possession of all warrants, accounts and other papers left by the late W. K. Beard, pertaining to said war claims, for the purpose of carrying out the provisions of said act.

Sec. 2. That said Commissioners shall receive such com-

compensation for their services as may be allowed by the Governor, as reasonable and just, to be paid upon accounts approved by him.

Sec. 3. That when said Commissioners shall examine and approve any warrant or claim as provided for in said act, they shall deposit the same in the Comptroller's office with an endorsement thereon to that effect.

Sec. 4. When the claim of the State of Florida against the United States for and on account of expenditures in said Indian war shall be settled and paid over to the State Treasurer, the Comptroller shall draw his warrant on said Treasurer to pay such claims as have been examined and approved, and so endorsed and filed with him by said Commissioners with the same rate of interest as the United States Government shall allow the State in the settlement of its claims.

Sec. 5. That the sum of one thousand dollars, or so much thereof as may be necessary is hereby appropriated to pay said Commissioners for their services, upon accounts approved by the Governor.

Approved June 3, 1889.

State of Florida, Executive Department,
Tallahassee, May 15, 1891.

Gentlemen of the Legislature:

I have the honor to transmit herewith for your consideration the report which has just come to me of the commissioners appointed under the act approved June 3, 1889, entitled "an act supplemental to an act for the examination and settlement of the claims against the State of Florida for services rendered during the last Seminole Indian war, approved March 11, 1879."

There is a vacancy on the board which has not yet been filled.

The board appointed in pursuance of the said act was for the purpose of completing the work of examination and settlement of the claims which was left unfinished by the board appointed under the act of March 11, 1879. a report of whose work is found in the House Journals of 1881, commencing on page 291.

The report of the present board suggests the question as to whether or not the adoption of an ordinance, July 27, 1862 by the people in convention assembled, which in

terms repealed the act of February 8, 1861, under which warrants were issued for such alleged claims against the State and suspended the payment thereof, could be set aside by the act of the Legislature of 1879 and the act of 1881 supplementary thereto so as to authorize the payment of any of said warrants.

The said ordinance is in the following words:

“Be ordained by the people of the State of Florida in convention assembled: That the act of the general assembly, approved February 8, 1861, and entitled ‘an act to provide for the payment of the Florida volunteers and others who have not been paid for services actually rendered the State of Florida in the last war with the Seminole Indians,’ be and the same is hereby repealed, and the payments of all warrants issued by the Comptroller under the said act be suspended.”

Such ordinance was declared to be permanent by the convention assembled. I am not aware of the repeal or abrogation of this ordinance by any subsequent convention of the people, and it appears to me that it has continued to be a part of the fundamental law of the State which could not be nullified by legislative action. I submit this question for your consideration in connection with the question as to the propriety of further legislation on the subject.

I would invite your attention to the report of the conference to which was made after much investigation.

If, after investigating the matter, you consider that claims based upon the warrants issued under the act of February 8, 1861, may still be paid, I invite your special attention to the defects of existing statutes as pointed out by the report herewith submitted, and recommend such further legislation as may be necessary to secure same as suggested by the commissioners.

FRANCIS P. FLEMING.

To His Excellency, Francis P. Fleming, Governor of Florida:

Dear Sir—The undersigned, who were appointed commissioners to complete the work of Messrs. Bullock, Beard and Brown, commissioners appointed under the act of 1879 to settle the Indian war claims allowed in Comptroller's warrants under the act of 1861, beg leave

to communicate to your Excellency the following matters for consideration:

We find many difficulties in the way of properly serving the State and those interested in these claims. The act of 1879, in the first place, proceeds upon the supposition that the original act of 1861 was still in force, and that the claims comprehended therein were still valid and subsisting against the State. And likewise does the act of 1889. Whereas an ordinance No. 60 of the Constitution of 1861 repealed said act and suspended all payments of claims thereunder. During the same convention, to emphasize the said repealing ordinance, another ordinance, No. 63, was passed, which set forth what ordinances passed thereat should be temporary and what should be permanent in their nature, and the said ordinance No. 60 was put in the class of permanent legislation. When one has read all the contemporaneous law and history of these claims it is quite apparent that the convention of 1861 had come to the conclusion that to separate the just from the unjust claims allowed by Comptroller R. C. Williams, under the act of 1861, was even at that time not so remote from the time when these claims originated, a work almost impossible of performance. Nearly twenty years afterwards the Legislature again provides for an investigation of these claims that it is obvious had been repudiated by the said Constitutional Convention. And here the serious question that may arise in the closing up of the settlements both by the State and the United States, that is, whether or not the Constitutional Convention's ordinance repudiating these claims was, or could be set aside by the act of 1879, presents itself. Inasmuch then, as a settlement of this question must be made some time, it appears to us wise that it should be settled now before the present commissioners newly appointed should proceed to complete the work in hand.

Your commissioners further represent that another question arises as to the validity of the act of 1879. That statute embraces two distinct subjects of legislation, *i. e.*, the appointment of commissioners to examine and report upon the Comptroller's warrants issued under the act of 1861, and the appointment of a commissioner to go to

Washington to adjust the claims of the State of Florida against the United States. This, in the opinion of your commissioners, makes unconstitutional the act of 1879.

Your commissioners further represent that even if the acts of 1879 and 1889 are valid they nevertheless do not provide fully and clearly for the purposes of their enactment, and we mention the following particulars wherein we think they should be amended:

First. Act of 1879 limits no time in which claims should be filed with the commission, and in which the commissioners should finally report. We advise an amendment now giving six months time in which all claims under the statute shall be filed, and that none shall be received after that time by the commission, and that the commission shall make its final report eighteen months after the date of such amendment.

Secondly. The statute of 1879 while clearly casting suspicion upon all the warrants of the Comptroller, does not set forth for what cause any warrant shall be rejected. The inference that warrants should be rejected when holders fail to show the "validity of the original claim" should be in the shape of positive law and not handicapped by other requirements at the hands of the holders which virtually destroy the requirement to show the validity of the original claim.

Thirdly. The act of 1879 does not authorize the Commission to administer oaths, to subpoena witnesses and require their presence and the production of papers, without which the duties of the Commissioners can be but imperfectly performed.

Fourthly. The legislature should declare what compensation the commissioners shall be entitled to in serving under said commission.

In connection to these matters we refer to the report of the first commissioners, under said act of 1879, Messrs. Bullock, Beard and Brown, wherein they reject all warrants of a certain class pretended to have been issued under the act of 1861. We consider that with these warrants when identified, these commissioners have nothing to do. Those warrants are finally disposed of. It is only the warrants to the amount of \$18,000 that your commissioners will have to deal if the report just men-

tioned should be in line with further legislation disclosing what class of warrants shall be held fraudulent and not to be paid.

We think it advisable that the whole matter as it now stands should be brought to the attention of the legislature now in session for such action in the premises as it may think is expedient.

We think it advisable that the commissioners should be authorized to obtain from the authorities at Washington certain papers, muster rolls, etc., in connection with the subject-matter of their duties as they will need in settling these claims, and if need be that they can send one of their number to the City of Washington for that purpose.

Respectfully submitted,

GEO. W. WALKER,
Chairman.

JNO. G. REARDON,

Tallahassee, Fla., May 12th, 1891.

Which was read, ordered spread upon the Journal and referred to the Judiciary Committee.

CHAPTER 4428—(No. 107.)

AN ACT Authorizing and Empowering the State Treasurer to receive from the Commissioners Appointed under Chapter 3930, Laws of 1889, to Examine and Settle Claims against the State of Florida, for Services rendered During the last Seminole Indian War, all Warrants and Papers Relative to the Subject Matter of Said Act; and to Receipt to said Commissioners Therefor and to hold the same Subject to Future Legislation or to Deliver the Same to Owners Thereof.

Whereas, Under the act of the Legislature of the State of Florida, approved June 3rd, 1889, entitled an act supplemental to an act to provide for the examination and settlement of the claims against the State of Florida, for services rendered during the last Seminole Indian War, approved March 11th, 1879, there were appointed by the Governor of the State, commissioners to perform the duties by said act required: And Whereas, Said commissioners reported their proceedings thereunder and their views thereupon, to his Excellency, Francis P. Fleming, the then Governor of the State, which said report and

the communication of the Governor thereon, to the Legislature, appears in the Journals of the Senate for 1891, on pages 472, 473, 474, 475 and in the Journals of the House of Representatives same year, on pages 647, 648, 649, 650, according to which said report will be seen the impracticability under existing legislation of the accomplishing of any definite result by said commissioners relative to the subject matter of said act: And Whereas, Under said act, a large number of warrants in said act mentioned came in possession of said commissioners, which upon their face represent a large amount of money, necessitating the renting of said commissioners of some secure place in which to keep them: And Whereas, The commissioners desire to and should be relieved from the payment of said rent or from the necessity of asking the State to pay the same, as there is not any time mentioned under the present laws for the final disposing of said warrants: And whereas, The State should through some of its officers keep said warrants at and in some secure place free of cost to the State; therefore

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

Section 1. That the State Treasurer is hereby empowered and directed within thirty days after the passage and approval thereof, or as soon thereafter as may be, to receive from said commissioners all papers and warrants in their possession relative to the subject matter of the act aforesaid, and that it shall be the duty of said treasurer to give to the said commissioners an itemized receipt for all of said warrants and papers delivered to him by the said commissioners and to deposit and keep the same subject to future legislation; *Provided, however,* That said treasurer may deliver any warrant or warrants to the owner thereof or to his or her legally authorized agent or attorney, upon their giving to him a proper itemized receipt therefor.

Sec. 2. This act shall take effect upon its passage and approval by the Governor.

Approved May 31, 1895.

HISTORY OF THE FLORIDA INDIAN WAR CLAIM.

In order that the public may understand the nature of the expenditures made by the State and the dates thereof, upon which is based the Indian War Claim recently or-

dered settled by an act of Congress, the report of the claim as established in 1889, together with the act of Congress, is here given in full.

REPORT ON FLORIDA INDIAN WAR CLAIM:

House of Representatives, Fifty-first Congress, First Session, Executive Document, No. 68.

Account Between the General Government and the State of Florida. Letter from the Secretary of the Treasury, Transmitting with Accompanying Papers the Report of the Third Auditor of the Treasury upon the Mutual Demands of the State of Florida and the United States. December 18, 1889—Referred to the Committee on Appropriations and Ordered to be Printed.

Treasury Department, Dec. 16, 1889.—Sir: In compliance with section 5 of the deficiency act of March 2, 1889 (25 Stat., p. 939)—

That the Secretary of the Treasury be, and he is hereby, authorized and directed to examine the claim of the State of Florida, reported in the letter of the Secretary of War, dated May 22, 1882, and under previous acts of Congress, and to make a report upon the same to the next regular session of Congress, and in connection therewith to report the amount of all claims in favor of the general Government against the State of Florida, and in said report to state the account between the general Government and the State of Florida, I have the honor to transmit herewith the report of the Third Auditor of the Treasury of the 14th instant, with accompanying papers, upon the mutual demands of the State and the United States.

Respectfully yours,
GEO. S. BATCHELLER,
Acting Secretary.

The Speaker of the House of Representatives.

Treasury Department, Third Auditor's Office, Washington, D. C., Dec. 14, 1889.—Sir: The deficiency act of March 2, 1889, section 5, provided: That the Secretary of the Treasury be, and is hereby, authorized and directed to examine the claim of the State of Florida reported in the letter of the Secretary of War, dated May 22, 1882, and under previous acts of Congress, to make report of the same to the next regular session of Congress, and in con-

nection therewith to report the amount of all claims in favor of the general Government against the State of Florida, and in said report to state the account between the general Government and the State of Florida.

Under date of March 26, 1889, you instructed the Third Auditor to prepare a report in accordance with said provision.

The State advances two claims under this provision, viz:

First—The claim specifically referred to in the act as reported in the letter of the Secretary of War, May 22, 1882. This claim is for the reimbursement of certain expenses incurred by the State in suppressing Indian hostilities between December 1, 1855, and January 1, 1860, \$268,103.40 (vide joint resolution of March 3, 1881; also report by Secretary of War, in House Ex. Doc. No. 203, Forty-seventh Congress, first session.)

Second—Sundry expenses for similar purposes, incurred in 1849, but not paid by the State until 1859, \$21,685.72. In making the report above referred to, the Secretary of War excluded these items because the joint resolution under which he was acting was limited to expenses incurred between December 1, 1855, and January 1, 1860. But the act of 1889 requires a report upon any now unsettled claims by the State.

On the claim originating in the years 1855-59 (vide detailed statement) I find an expenditure proven in the sum of.....	\$246,426 51
Deduct amount realized by the State by sales of military stores (Ex. III).....	1,405 65
	<hr/> \$245,020 86

In the items of expenses in 1849 (paid by the State in 1859) I find an expenditure proven (vide detailed statement) in the sum of.....	16,913 45
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Aggregate.....	\$261,934 31
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Offsets—Demands Against the State.—In reply to the inquiry addressed to you by this office April 10, 1889, you have transmitted responses by the departments and bureaus respecting the existence of any such demands. Only two are reported, viz:

First—The Comptroller states that a balance of \$72,756,-

41 stands against the State on account of "direct tax" under act August 5, 1861. In the case of the United States vs. Louisiana (122 U. S. Rep., 32) the Supreme Court decided that the apportionment of the tax (\$20,000,000) among the States was merely descriptive of the aggregate to be assessed upon lands of individuals within each State; that the act contemplated, in the first instance, that the United States would, by its own direct processes, collect the tax upon each parcel of land from the parcel itself, and that such aggregate constituted no debt of the State in its corporate capacity, unless the State had, as in some instances, specially assumed it.

As Florida did not assume the aggregate assessed upon the lands within its boundaries, I presume Congress will not regard the balance above mentioned as a debt of the State, or treat it as an offset to a demand due to the State.

Second—The Secretary of the Interior reports that the United States holds, as assets of its "Indian trust fund," bonds of the State in the sum of \$132,000, bearing 7 per cent interest; that the interest to July 1, 1862, was paid by the State, and that, since the suspension of the interest payments by it, the Interior Department has from time to time applied to the interest sundry accounts falling due to the State on sundry accounts. And thus it appears that at this date the interest has been paid to include November 26, 1873.

Note.—This computation includes the 5 per cent, due the State on sale of United States Swamp Lands, as shown in the settlement of the accounts of the United States Land Office at Gainesville, Fla., covering the fiscal year 1888-89. Such percentages due the State are liable to appear in the future settlements of the land office accounts.

The question now arises in respect to interest upon the demands of the State. If this were a case wherein the accounting officers had been directed to make a final settlement, I would be compelled to say that the Executive Departments have no power to award interest upon claims against the United States unless expressly so provided by statute. But this proceeding is not of that nature. Congress has reserved to itself the determination what shall be the plan and terms of the general and final settlement between the United States and the State, and has merely

called upon this department to aid its deliberations, by examining into the details of any mutual demands, and by suggesting some equitable mode of settlement.

In the debate upon this provision in the act of March 2, 1889, it was assumed in the Senate that mutual interest would be the rule in the final adjustment, and the general tenor of the provision for a final settlement of all mutual demands seems to indicate that Congress intends eventually to make or provide for a settlement upon the broad and equitable principles applicable to settlements between individuals of their mutual accounts and demands.

It is not clear in what precise sum the funds of these expenditures were provided by loans effected upon interest. It is, however, evident that the amount borrowed upon 7 per cent. bonds and thus applied went much beyond the \$132,000 procured from the United States; and it is highly probable that the entire bulk of the funds for these expenditures was borrowed upon interest.

It also appears that the State was compelled to put its bonds (except those sold to the United States) on the market at a heavy discount.

It would be impossible to fix with strict precision upon any equated date from which an aggregate due the State should draw interest. The payments by the State were in a vast number of small sums, scattered through the period 1855-59, and the exact day of payment in many cases is not known; also the exact dates at which the State effected loans or sold bonds (except those sold to the United States) are not known. The two purchases by the United States were about midway of this period, viz: \$125,000, July 1, 1857, and \$7,000, January 1, 1858.

Under the circumstances, absolute precision being impossible, I have assumed that January 1, 1858, would be fair to each party as a date to which to reckon interest on the amount due to the State.

Upon the basis above stated two modes of stating a mutual account are suggested, viz:

First—By computing interest on each side to January 1, 1890, and there striking a balance, thus:

Aggregate due the State.....	\$261,934 31
Interest thereon at 7 per cent, Jan. 1, 1858, to Jan. 1, 1890.....	586,732 85

\$848,667 16

Principal of bonds held by United States	\$132,000 00
Interest from Nov. 27, 1873 (to which date interest has been paid), to Jan. 1, 1890.....	148,712 66
	<u>\$280,712 66</u>
Balance.....	\$567,954 50
Second—By computing interest on the aggregate due the State to include November 26, 1873 (to which date inclusive the interest on the bonds held by the United States has been paid), and striking a balance as of that date, viz: Principal due State.....	\$261,934 31
Interest, at 7 per cent, Jan. 1, 1858, to Nov. 26, 1873, inclusive....	\$291,634 74
Deduct bonds held by United States	132,000 00
	<u>Leaving balance due as interest.....</u>
	\$159,634 74
	<u>\$421,569 05</u>

If Congress deems proper to allow interest on the principal (\$261,934.31) from Nov. 27, 1873, to January 1, 1890, the interest at 7 per cent, would be \$295,098.10: or, at 6 per cent, \$252,941.23.

In any final settlement which may apply and thus liquidate the bonds held by the United States, it would be advisable that the act of Congress make express provision for the surrender of the bonds and coupons to the State.

Detailed statements of the two claims follow.

Very respectfully,

W. H. HART, Auditor.

Hon. William Windom, Secretary of the Treasury.

CLAIM FOR EXPENSES IN 1855-59—DETAILED STATEMENT.

(Vide House Reports, Ex. Doc. 203, First Session Forty-Seventh Congress.)

By act of August 30, 1856 (11 Stat., 150), an appropriation of \$240,667.42 was made for pay and supplies of mounted and foot companies of Florida volunteers; and by act of June 30, 1859 (11 Stat., 429), an appropriation of \$413,600 was made for pay of certain Florida volunteers

in 1857-58. The accounts of the United States paymasters and quartermasters, by whom these two appropriations were disbursed, show that their payments were exclusively for the periods after the muster of volunteers into the United States service. This claim by the State is confined to the period prior to such muster and to pay and expenses of troops never so mustered, and was not embraced to any extent in those disbursements.

The report of the Secretary of War upon this claim was in great detail, and is printed in executive document above referred to. To avoid needless recapitulation I have taken that report as my basis, examining the items in the order therein observed, and specially commenting only upon a few, in respect to which I differ from the conclusions of the War Department.

Voucher No. 2. Abstract A.—F. M. Durance's Company.
(Page 6 and Exhibit No. 19, page 30.)

The War Department excluded the service of Second Lieutenant Alderman Carlton because the officer's name did not appear on the muster roll. F. M. Durance, the captain of the company, in a report to General Jesse Carter on June 14, 1856 (vide Journals General Assembly 1856, Indian Affairs, page 20,) mentions the services of Lieutenant Carlton, and the killing of this officer by Indians on that day. The omission to report him no doubt arose from the fact that the muster roll was not made up until after August 22, 1856. At this date Joseph Howell was Second Lieutenant of the company, he having been elected on June 20, 1856, to succeed Lieutenant Carlton. The evidence of service is satisfactory; I therefore allow the item of \$410.49.

Claimed by the State for this company.....	\$15,794 91
I disallow for reasons stated in War Department report.....	378 70

I allow.....	\$15,416 21
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Voucher No. 10. Abstract A.—A. J. T. Wright's Company.
(Page 6 and Exhibit No. 27, page 52.)

Included in the disallowances was an item of \$105.45 in the payment to James S. Turner, for the reason that Turner, receipted for the entire term, whereas the muster roll shows that after June 3, 1856, Elisha Gibson served as Turner's substitute.

The fact may have been that the substitute received his portion either from the paymaster or from Turner, and it may have been arranged between them that Turner should receipt for the whole sum and then compensate Gibson. At all events, the service was performed, and the State has paid for it. If Gibson is now entitled to anything his claim would be against the State. The United States is not interested in the question. I therefore allow this item.

Claimed by the State for this company.....	\$9,677 71
I disallow for reasons stated in the War Department report	100 75

I allow	\$9,566 96
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Voucher No. 21. Abstract A.—John McNeill's Company.
(Page 7.)

The War Department excluded the amount claimed as payment to this company, because the State is not now able to produce the rolls, which have been lost.

There is no doubt of the company's service; also that Captain Pearson paid it, and that his account for such payment was duly rendered to the State and underwent precisely the same process of auditing with the accounts for the payment of the other companies. It must be presumed that Captain Pearson paid this company in accordance with the same rules and scale of prices applied to the other companies.

In the absence of precise information, it is reasonable to suppose that about the same percentage of errors would now be found in the rolls of this company, if they could be produced, which were found in the others.

Claimed by the State for this company.....	\$3,303 06
I disallow 2 per cent.....	66 06

I allow for reasons above stated.....	\$3,237 00
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Voucher No. 22. Abstract A.—Simeon Sparkman's Company. (Page 7.)

The same remarks apply to this expenditure as are noted in regard to voucher No. 21.

Claimed by the State for this company.....	\$2,967 31
I disallow 2 per cent.....	59 35

I allow for reasons above stated.....	\$2,907 96
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Voucher No. 26 1-2. Abstract A.—Field and Staff Roll.
(Page 7 and Exhibit No. 39, Page 75.)

The War Department excepted to the amount paid to M. Whit Smith as salary, \$1,075.40, on the ground that he was not an officer of a regiment, there being no regimental organizations.

The law contemplates the allowance to Florida for reasonable and legitimate expenses of keeping the force in active service. There were eighteen companies, scattered in different localities. For the duties of supplying these companies in all respects the State paid five persons, viz: Jesse Carter (designated as special agent, but in fact discharging the duties of a quartermaster-general and commissary-general), M. Whit Smith, commissioned by the Governor (vide Journal, 1856) and acting as quartermaster and commissary, and three minor officers. This does not seem an over-proportion to the duties, and not in excess of the provision which would be made for the same number of companies in the United States service when widely scattered. The War Department took no exception to the compensation paid Jesse Carter, although it was not upon any scale of any grade in the United States army, he having been paid a salary as agent, with commissions on disbursements, and reimbursement of office and traveling expenses. If the objections taken in Smith's case were good, they would seem to apply with equal force in Carter's case.

I hold that the State should be allowed this item—as computed by the War Department, \$1,075.40. For reasons above stated I also allow items \$833, \$367.50, and \$87.33. Claimed by the State on this roll.....\$12,341.49
I disallow for reasons stated in War Department report 2,202.89

I allow\$10,138 60
Abstract B.—Subsistence. (Page 8, and Exhibit No. 42, Page 77.)

On this abstract the Commissary-General recommended disallowances aggregating \$17,775.13 1-2, but the Judge-Advocate (with approval of the Secretary of War) disallowed only items as follows:

Vouchers missing	\$ 2,614 79½
Voucher Not received.....	11,575 59¼
Vouchers unauthorized expenditures	1,755 13
 Total	 \$15,945 51¼

The amount stated as \$11,575.59¼ is in fact only \$9,434.90. The item of \$2,140.69 (E. G. Rogers & Co.,) and which was made to swell this amount, has no existence. There was no such item on the State's voucher, No. 53 (No. 1, miscellaneous). Hence so much of this amount (\$11,575.59) was without any other foundation than some clerical mistake. Referring to the residue (\$9,434.90) in said amount, and also to the bill of \$2,120.56 (E. G. Rogers & Co.), included in the sum of \$2,614.79½ above. I consider that these items should be allowed. There is no room for doubt in any case that the supplies had been actually purchased by and delivered to the State, and had been used by the State in subsisting troops. On all these points the evidence is clear. The presumption of payment is so strong that I do not feel justified in excluding the items because technical receipts are not produced. Excepting about \$50 in small items the two amounts represent purchases in large quantities by the State officers on account of the State, from two firms in New Orleans, viz: Post & Mel, and E. G. Rogers & Co. The presumption is very strong that these merchants did not neglect to ask and receive payment of these large bills. The purchasing officers duly rendered their accounts to the State, and these items were included therein as bills which had been paid. Indeed, in one case (voucher 49) it clearly appears that the State commissary had drawn \$2,000 from the Governor and had sent it in advance to Post & Mel to make purchases.

Where, as in this case, the United States is liable only to the State, and in no event to the vendors, there is no occasion for extreme strictness in insisting on the production of technical and formal evidence of the discharge of the debts. It is sufficient that presumption puts it beyond reasonable doubt that the State did actually pay those from whom it made the purchases. I therefore allow the items \$11,575.59 and \$2,120.56.

Claimed by the State on this abstract..... \$23,474 90
 Errors in vouchers to be added..... 361 54

Correct total of abstract23,836 44
 I disallow for reasons stated in War Department
 report 2,249 37

I allow\$21,587 07
 Abstract C.—Forage. (Page 9, and Exhibit No. 45, Page
 83.)

On this abstract are four items, \$636.85, \$641.72, \$324, and \$350.12, for purchases of forage from Post & Mel, and E. G. Rogers & Co. These items were embraced in the same bill with the items for subsistence bought from them (see Abstract B), and the remarks above made respecting the subsistence items apply here. I allow these items, amounting to \$952.69. I also allow sundry items, \$3, \$19.09, \$11.66, \$19.12, \$23.91, and \$23.91, aggregating \$100.69, for which there are no formal receipts, but where the evidence of purchase and use by the State is substantial.

In the total allowed by the War Department on the forage abstract was included an item of \$4,293.52, paid to A. L. Caruthers for corn and fodder for Capt. H. D. Dyche's company, in the period from July 22, 1849, to October 27, 1849.

The allowance was doubtless made through oversight. Probably the fact of the payment being made in October, 1859, misled the examiner into a supposition that the service was in 1859, whereas it was ten years earlier. The act of March 3, 1881, relates only to expenditures incident to the suppression of Indian hostilities between December 1, 1855, and January 1, 1860. I exclude the amount here, and consider it in the separate claim for expenditures in 1849.

Claimed by the State on this abstract.....	\$42,279	52
Errors in vouchers to be added.....	56	00
	\$42,335	52
Errors in vouchers to be deducted.....	30	90
	\$42,304	62
Items of 1849 expenditures deducted.....	4,293	52
	\$38,011	10
I disallow for reasons stated in War Department report	5,581	50
I allow	\$32,429	60
Abstract G.—Ordnance. (Page 10, and Exhibit No. 49, Page 94.)		

I consider that items \$156.50 and \$163.40 (vouchers 24 and 61), purchases of Post & Mel, and E. G. Rogers & Co., should be allowed. The evidence is substantial that the State bought, received, and paid for the ordnance—

Claimed by the State on this abstract.....	\$	808	43
I disallow for reasons stated in War Department report		300	63

I allow	\$	507	80
Abstract H.—Contingencies. (Page 10, and Exhibit No. 45, Page 89.)			

Item of \$310.75, which it is claimed was paid by General Jesse Carter. The bill of lading is not intelligible. In the body thereof the items are stated, and aggregate \$310.75, but in the heading it is recited that the entire freight (to be paid by General Carter) is \$190.23; also in a note thereon the master of the boat was directed by Post & Mel (the shippers) to collect the \$190.23 from General Carter, or, if he failed to pay that sum, to reserve certain parts of the cargo for sale to pay said freight. As the evidence stands, it does not seem that Carter paid more than \$190.23, and I allow only that sum. I also allow items \$65.36, \$122.07, \$1.65, \$289.50, and \$177.97 of item \$198.10 (\$20.13 having been allowed in subsistence account. Abstract B). The evidence is fully satisfactory that Post & Mel and E. G. Rogers & Co. sold the goods to the State, shipped them to Florida, and were reimbursed by the State the freight thereon.

Claimed by the State on this abstract.....	\$10,332 84
I disallow for reasons stated in War Department report ..	470 25
	<hr/>
I allow.....	\$ 9,862 59
Abstract I.—Stationery. (Page 10, and Exhibit No. 45, Page 90.)	
For reasons stated respecting subsistence (Abstract B), items \$44.10 and \$50 are allowed.	
Claimed by the State on this abstract.....	\$ 111 11
I disallow for reasons stated in War Department report ..	6 91
	<hr/>
I allow	\$ 104 20

EXHIBIT I.

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

Company.	No. of roll.	Period of service.		Claim.	Amt. allowed.	Amt. dis-allowed.
		From—	To—			
W. B. Hooker.....	1	Jan. 3, 1856,	Feb. 21, 1856..	\$ 4,809 57	\$ 4,557 01	\$ 252 56
F. M. Durance.....	2	Feb. 21, 1856,	Aug. 22, 1856..	15,794 91	15,416 21	378 70
F. M. Durance.....	3	Aug. 22, 1856,	Dec. 21, 1856..	9,693 00	9,567 92	125 08
William H. Kendrick..	4	Feb. 26, 1856,	Aug. 28, 1856..	16,277 99	16,158 46	119 53
William H. Kendrick..	5	Aug. 28, 1856,	Dec. 6, 1856..	8,906 50	8,832 11	74 39
A. D. Johnson.....	6	Feb. 26, 1856,	Sept. 2, 1856..	16,739 85	16,459 66	280 19
A. D. Johnson.....	7	Sept. 2, 1856,	Dec. 20, 1856..	8,833 93	8,706 46	127 47
Leroy G. Leslie.....	8	Mar. 12, 1856,	Aug. 20, 1856..	14,108 34	13,740 34	368 64
A. J. T. Wright.....	9	Apr. 28, 1856,	May 17, 1856..	574 68	544 49	30 19
A. J. T. Wright.....	10	May 18, 1856,	Aug. 1, 1856..	9,667 71	9,566 96	190 75
John McNeill.....	11	May 15, 1856,	Aug. 12, 1856..	2,059 45	2,004 05	55 40
Asa A. Stewart.....	12	May 18, 1856,	Sept 30, 1856..	11,510 89	11,492 31	18 58
Robert Youngblood ..	13	May 18, 1856,	Sept 30, 1856..	5,804 18	5,698 05	106 13
Enoch Daniel.....	14	May 30, 1856,	July 20, 1856..	1,994 82	1,981 85	12 97
Wm. B. Hardee.....	15	June 1, 1856,	June 29, 1856..	180 14	179 04	1 10
Alexander Bell.....	16	June 24, 1856,	Sept 30, 1856..	3,526 62	3,411 61	115 01
Thomas Hughey.....	17	Aug. 18, 1856,	Sept 30, 1856..	784 40	781 02	3 38
E. T. Kendrick.....	18	Oct. 23, 1856,	Jan. 14, 1857..	3,243 36	3,199 16	44 20

EXHIBIT I—(Continued).

Company.	No. of roll.	Period of service.		Claim.	Amt. allowed.	Amt. dis-allowed.
		From—	To—			
John Addison	19	Apr. 8, 1856,	Oct. 7, 1856..	10,232 43	10,232 43	.....
John Parker	20	Oct. 7, 1856,	Dec. 15, 1856..	4,556 59	4,023 98	532 61
John McNeill	21	Not stated on abst.		3,303 06	3,237 00	66 06
S. Sparkman	22	Not stated on abst.		2,967 31	2,907 96	59 35
R. B. Sollivant	23	Not stated on abst.		809 15	809 15	.....
Field and staff.....	26½	Not stated on abst.		12,341 49	10,138 60	2,202 89
Total				\$168,720 37	\$163,645 79	\$5,074 58

Note.—Rolls 24, 25 and 26, aggregating \$11,316.91, pertain to payments by the State of Florida for services in 1849, and are not included in above statement.

EXHIBIT II.

General summary of Third Auditor's allowances on items pertaining to Indian hostilities, 1855-59:

Abstract.	For what purpose.	Amount of claim.	Amount allowed.	Amount disallowed.
A	Pay of troops	\$168,720 37	\$163,645 79	\$ 5,074 58
B	Subsistence	23,836 44	21,587 07	*2,249 37
C	Forage	42,304 62	32,429 60	†9,875 02
D	Transportation	19,843 28	17,286 89	2,556 39
E	Camp and garrison equipage.....	193 81	98 59	95 22
F	Quartermaster's stores	589 67	395 16	194 51
G	Ordnance	808 43	507 80	300 63
H	Contingencies	10,332 84	9,862 59	470 25
I	Stationery	111 11	104 20	6 91
K	Medical and hospital stores.....	1,362 83	508 82	854 01
Total		\$268,103 40	\$246,426 51	\$21,676 89

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Note.—Abstract K includes accounts of J. M. Cooper, J. A. Jarrad, Fred K. Lykes and Perry G. Wall for \$7.50, \$22, \$5.90, and \$31.25, respectively. (See Col. Barr's report, pages 91 and 96.)

*The sum of \$1,514.52 of the amount disallowed is for subsistence of Captain Dyche's company in 1849, and is commented on under head of expenditures for that period.

†Items \$150, \$4,410.77 and \$4,293.52 of the amount disallowed are for forage for troops in 1849, and are commented on under head of expenditures for that period.

EXHIBIT III.

Summary of sales of military stores (subsistence, forage etc.), as shown by returns of Jesse Carter, special agent:

Date.	Amount.
October, 1856	\$ 80 00
November, 1856	26 27
December, 1856	660 38
January, 1857	114 97
January, 1857	24 55
First quarter, 1857.....	499 48
Total.....	\$1,405.65

CLAIM FOR EXPENSES IN 1849—DETAILED STATEMENT.

Large payments have already been made to the State on account of expenses incurred in 1849. But upon careful examination it is found that they did not include any of the items embraced in the present claim. The acts of June 30, 1851, and March 3, 1857, under which such payments were made, did not permit the consideration of any items, unless payment thereof had actually been made by the State. As the State had not then paid the items in this claim (and did not pay them until 1859), it was not able to include them in the previous claims.

The claim is as follows:

Voucher.

24 A.—Capt. H. D. Dyche's Co., July 22 to Oct. 27, 1849	\$ 4,786 43
25 A—Capt. A. Jernigan's Co., July 22 to Oct. 23, 1849	4,929 48
26 A—Capt. J. O. Devall's Co., July 24 to Oct. 24, 1849	1,601 00
53 B—A. L. Caruther's, subsistence, July 22 to Oct. 27, 1849	1,514 52
77 C—S. L. Sparkman, forage.....	150 00
79 C—A. Jernigan, forage	4,410 77
79 C—A. L. Caruthers, forage	4,293 52
Total	\$21,685 72

Vouchers No. 24 and No. 25 A.—The aggregate paid by the State to Captain Dyche's company and Captain Jernigan's company is not in excess of what would have been paid by the United States for similar companies for the same time. I therefore allow the items in full.

Voucher No. 26 A.—Of the aggregate claimed to have been paid by the State to Captain Devall's company, three privates, whose pay is stated at \$70.50 each, do not sign receipts, and there is no evidence upon which to base an allowance. Disallowing these items, I allow the balance, \$1,389.50.

Voucher No. 53 B.—The item is cost of subsistence for Capt. H. D. Dyche's company of sixty-nine men for ninety-five days. The articles purchased are component parts of a ration, and the prices charged appear reasonable. I therefore allow the item, \$1,514.52, in full. The State has produced no vouchers and has claimed no reimbursement for subsisting the other two companies.

Voucher No. 77 C.—In respect to this item of \$150 for forage there is no voucher, and no data whatever on which to base an allowance; I therefore exclude it.

Voucher No. 79 C (part).—This item is said to be cost of forage for Captain Jernigan's company. The same general remark applies in this case as is noted in regard to Voucher 77 C above, and the amount is disallowed.

Voucher No. 79 C (part).—For cost of forage (corn and fodder) for Captain Dyche's company between July 22, 1849, and October 27, 1849, \$4,293.52.

The prices paid, I think, may be accepted as reasonable, and I allow the item claimed. The State has presented no vouchers for forage furnished Captain Jernigan's company or Captain Devall's company.

H. Ex. 68—2.

EXHIBIT IV.

General summary of Third Auditor's allowances on items pertaining to Indian hostilities in 1849.

For What Purposes.	Amount of claim.	Amount allowed.	Amount disallowed
Capt. H. D. Dyche's company	\$ 4,786 43	\$ 4,786 43	.....
Capt. A. Jernigan's company	4,929 48	4,929 48	.....
Capt. J. O. Devall's company	1,601 00	1,389 50	\$ 211 50
A. L. Caruthers, subsistence	1,514 52	1,514 52	.....
S. L. Sparkman, forage	150 00	.....	150 00
A. Jernigan, forage	4,410 77	.....	4,410 77
A. L. Caruthers, forage	4,293 52	4,293 52	.....
	\$21,685 72	\$16,913 45	\$4,772 27

1698

The following is the act of Congress approved May 27, 1902:

PUBLIC—No. 124.

“An act for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman act, and for other purposes.

“Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled. * *

“That the Secretary of the Treasury be, and he is hereby authorized and directed to settle the mutual account, heretofore stated, between the United States and the State of Florida, under the authority of an act of Congress, according to the mode of stating the same, found near the foot of the third page of the letter of the Secretary submitting his report, dated December 16, 1889, published as executive document numbered 68, House of Representatives, Fifty-first Congress, first session, by continuing the computation of interest upon the principal on both sides to the date of settlement, and ascertaining the balance due the said State. And the Secretary of the Treasury is hereby authorized to surrender to the Governor of the State of Florida the bonds of said State held by the United States, which are included in such statement; and such sum of money is hereby appropriated as is necessary to pay to the State of Florida whatever balance is found due said State; provided, that in further computing the said mutual account from the first day of January, 1890 (at which time it was stated by authority of an act of Congress), no greater rate of interest shall be allowed the State of Florida than said State has paid, is obligated to pay, or has lost in connection with said account.”

Committee appointed by the Senate to investigate the Board of State Institutions of this State met at 10:30 o'clock, May 26, 1905, to hear the testimony of W. B. Lamar:

W. B. Lamar being duly sworn by Mr. West, Chairman of the Committee, testified as follows:

W. B. LAMAR.

By Mr. West:

Q. What is your name? *

A. Wm. B. Lamar.

Q. Do you occupy any official position at this time?

A. Congressman from the Third District of Florida.

Q. How long have you occupied this position?

A. Since about the 4th day of March, 1903.

Q. Did you occupy any official position prior to that time?

A. Yes, prior to that time for fourteen years I was Attorney-General of the State of Florida.

Q. Where did you reside at that time?

A. My official residence was at Tallahassee, my political and domestic residence was at Monticello.

Q. Do you know of a business known as the Capital Publishing Company?

A. Yes, I know of the Hilson Paper Plant, and I know of some corporation of that kind.

Q. Have you known of the existence of that business since the time it was established?

A. Yes, I remember when Mr. Hilson first established the newspaper business.

Q. How long to the best of your judgment has it been established?

A. I could not say to the best of my judgment, I think Mr. Hilson remarked a few days ago that it was his third or fourth anniversary.

Q. Do you know who owns the stock of the Capital Publishing Company?

A. Not in the slightest,—I heard a rumor to the effect that Mr. Hilson, Mr. Trice and Mr. Gamble were the owners, I don't know now whether I got that from a newspaper or in conversation. There was a newspaper here until lately called "The Weekly Tallahasseean" that went under, they sold out and my impression is that I heard Mr. Hil-

son took the type, the linotype, etc.—I don't know how it was but I understood that Mr. Hilson, Mr. Trice and Mr. Gamble owned the Capital Publishing Company; I don't know how I got that impression whether it was from a published statement or from conversation.

Q. Do you know the members of the Board of State Institutions of this State?

A. As now organized. Governor Broward, Secretary of State Crawford, Comptroller Croom, State Treasurer Knott, Attorney General Ellis, Commissioner of Agriculture McLin,—I believe that is all.

By Mr. Harris:

Q. Is not the Superintendent of Public Instruction Holloway a member of this Board?

A. Oh yes, and the Superintendent of Public Instruction. Under Governor Jennings' administration.

By Mr. West:

Q. It is not necessary to name those, we are referring to the present Board. Do you know General, of any connection between the Capital Publishing Company and any member of the Board of State Institutions?

A. None whatever sir.

Q. Do you know whether or not they are interested in the capital stock or property of any character of the Capital Publishing Company?

A. No sir, I do not in the slightest.

Q. If they are interested in any way you do not know it?

A. If they are interested in any way I have not the remotest knowledge of it, either by direct knowledge or credible hearsay, I did not know it was even suspected.

By Mr. Clarke:

Q. They were not interested in any way while you were Attorney-General?

A. Not in the slightest.

By Mr. Harris:

Q. Do you know or have you heard whether or not any member of the Board of State Institutions is now interested in the stock of the Capital Publishing Company, or that he has any interest in the matter of the contract for the State printing?

A. I never heard it rumored until the Senate passed the resolution. I will state finally my conclusion.—I never had the slightest reason to believe that under Governor

Jennings' administration or at the present time, that any member had any interest with Mr. Hilson of any kind. I have been intimately associated with Mr. Hilson,—seen him from day to day and the only thing I ever heard was rumors during my campaign, of his paper being my organ,—I had no interest then and have none now.

Q. Then there were rumors?

A. None except that they charged that it was my personal organ, I never had any interest whatever. There was no rumor except that Mr. Hilson was my personal organ. There was no charge that I controlled his paper except that Hilson was my mouth piece, but I never had seen or heard the slightest rumor that any member of the Board had had any monetary or other interest in the business.

At a meeting of the Committee appointed by the Senate to investigate the rumors concerning the Board of State Institutions, held at 8 o'clock, p. m., in the office of the Comptroller in the Capitol, May 26, 1905, witnesses being present and sworn, the following testimony was taken:

N. B. BROWARD.

By Mr. West:

Q. What is your name?

A. Napoleon B. Broward.

Q. Do you occupy any official position?

A. Yes, Governor of the State of Florida.

Q. How long have you occupied that position?

A. Since the 3rd day of January of the present year.

Q. Governor, do you know of the business known as the Capital Printing Company?

A. I know where it is and that we have printing done there.

Q. Who operates it?

A. Mr. Hilson.

Q. Governor, do you know anything of the ownership of this plant—who owns the capital stock or the property of that concern?

A. Only from hearsay.

Q. Do you know of your own knowledge?

A. No.

Q. As the Governor of the State, are you a member of the Board of State Institutions?

A. Yes.

Q. Do you own any stock in that concern?

A. No.

Q. Do you know whether or not any other member of the Board of State Institutions is interested in any way in that concern?

A. I have not heard of it,—of any member of the Board being interested.

Q. You do not know of their being interested in any way?

A. No.

A. C. CROOM.

By Mr. West:

Q. What is your name?

A. A. C. Croom.

Q. Mr. Croom, do you occupy any official position in the State of Florida?

A. I am Comptroller of the State of Florida.

Q. How long have you occupied that position?

A. Since 1902—the fall of 1901, probably.

Q. Do you know anything of the establishment known as the Capital Printing Company?

A. Do I know of it?

Q. Yes?

A. Yes. I know there is such an establishment.

Q. Do you know who owns it?

A. Only from hearsay.

Q. Are you a member of the Board of State Institutions of the State of Florida?

A. I am.

Q. Do you own any of the stock of the Capital Printing Company?

A. I do not.

A. I do not.

Q. Do you own any of the property—or have any interest in any way in the Capital Printing Company?

A. I do not.

Q. Are you acquainted with the other members of the Board of State Institutions?

A. I am.

Q. Do you know whether or not they, or either of them, own any of the capital stock in this concern?

A. I do not.

Q. Do you know whether or not they are interested in any way in any of the property belonging to this concern?

A. I do not.

By Mr. Harris:

Q. Mr. Croom, before the formation of the corporation, was anybody associated with Mr. Hilson before it was incorporated?

A. I do not know of my own knowledge anything about it—but I don't think there was.

Q. Then, from what you know, he was the independent owner?—running it independent.

A. He was at that time, so far as I know.

By Mr. Clarke:

Q. Mr. Croom, did you negotiate the purchase of the Tallahasseean?

A. I did not sir, I don't know anything about it except what I have heard.

By Mr. West:

Q. I suppose you understand the purpose of this examination Mr. Croom,—is there anything you desire to state concerning it?

A. I don't know as I understand the purport of this meeting.

Q. It is simply to know if any member of the Board of State Institutions is now, or has been since 1901, connected with the business known as the Capital Printing Company, or that same business before it was incorporated?

A. I have nothing more to say.

H. CLAY CRAWFORD.

By Mr. West:

Q. What is your name?

A. H. Clay Crawford.

Q. Mr. Crawford, do you occupy any official position in this State?

A. Yes sir.

Q. What is it?

A. Secretary of State.

Q. How long have you occupied this position?

A. Since January 28th, 1902.

Q. Do you know of the business known as "The Capital Printing Company?"

A. Yes, I know there is such a business.

Q. Where is it located?

A. In Tallahassee.

Q. Mr. Crawford, are you a member of the Board of State Institutions of this State?

A. I am.

Q. Do you own any stock in the Capital Printing Company?

A. I do not.

Q. Do you own or are you interested in any way in the capital stock belonging to that company?

A. I do not.

Q. Do you know who has owned it and operated it under its present name or any other name since the year 1901?

A. I have never known of anybody being connected with it except Mr. Hilson until this consolidation.

Q. Do you know who owns it now?

A. I only know from the records in my office showing the charter.

Q. Do you know the other members of the Board of State Institutions?

A. Yes sir.

Q. Do you know whether they or either of them own any part of it or are interested in any way or have any connection with it?

A. I do not know.

By Mr. Harris:

Q. Do you know anything of your own knowledge, or have you been told anything by either one of the members of the Board of State Institutions, or have you ever heard any conversation that would lead you to believe that any member of the Board of State Institutions was interested with Mr. Hilson in the contract for State printing whether as owners of the Capital Publishing Company or as a private individual?

A. No I never have, of course I have heard rumors in the streets, I never heard anything directly.

Q. Will you kindly state what these rumors were if you can remember?

A. I can't remember,—I can't remember sufficiently to tell you just who I heard the rumors from,—I remember

distinctly enough to know I never heard them from any of the members of the Board of State Institutions. There was a rumor during the last campaign, the last Primary, that Governor Jennings, the Comptroller, and General Lamar,—I never heard they owned the stock but that they were backing Hilson.

By Mr. Clark :

Q. Mr. Crawford you stated awhile ago that you knew from your records who owned the stock in that Publishing Company, will you state to this Committee who owns that stock?

A. I have got the records here (Records exhibited).

Wm. V. KNOTT.

By Mr. West :

Q. What is your name?

A. Wm. V. Knott.

Q. Mr. Knott, do you occupy any official position in this State?

A. Yes sir, Treasurer of the State.

Q. How long have you occupied that position?

A. Since the 28th of February 1903.

Q. Are you a member of the Board of State Institutions?

A. Yes sir.

Q. Do you know of the establishment known as the Capital Printing Company?

A. I have heard of it.

Q. Do you know who owns that business?

A. No sir.

Q. Mr. Knott, do you own any of the capital stock of the Capital Printing Company?

A. No sir.

Q. Are you interested in any way in the property of the Capital Printing Company?

A. I am not interested directly or indirectly nor never have been in any printing establishment. I will also add in answer to my answer I made a while ago if I knew who owned the capital stock in the Printing Company, that I understand Mr. Hilson to be the manager of it,—I don't know anything further.

Q. Do you know the other members of the Board of State Institutions?

A. Yes sir.

Q. Do you know whether they are interested in this establishment?

A. Not that I know of in the least.

Q. Is there anything else you desire to state in this connection?

A. No sir.

ROBERT H. GAMBLE.

By Mr. Harris:

Q. What is your name?

A. Robert H. Gamble?

Q. Were you one of the owners of the "Tallahasseean," the newspaper that was printed in Tallahassee, Florida, until recently?

A. Yes, sir; I was.

Q. Are you now an owner, or interested in that paper?

A. No.

Q. Who was your partner in the publishing of that paper?

A. Mr. Trice.

Q. Is it a fact that he sold out to you?

A. Yes.

Q. To whom did you sell the Tallahasseean?

A. We organized a company.

Q. State how that company came to be organized?

A. That company was organized—it was suggested by myself,—we organized and consolidated the two papers.

Q. Who did you suggest it to?

A. To Governor Jennings. I asked him to assist me; he did so, and saw Mr. Hilson for me, and the company was organized.

Q. Were you owner of any of the stock?

A. M. G. Collins.

A. I took the amount of the stock that the Tallahasseean was valued at.

Q. Do you know the members of the Board of State Institutions at present, the board as now comprised, and the last board?

A. Yes, sir..

Q. Do you know whether or not any of them were interested in the Capital Printing Company?

A. Not to my knowledge.

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Q. Have you ever heard they were interested in any way in it?

A. No.

Q. Do you know whether any one of them were interested in this Printing Co. before you and he formed this Capital Printing Co.?

A. I do not know.

Q. You are not a stockholder now?

A. No.

Q. You did not sell your stock either directly or indirectly to any member of the Board?

A. I did not.

Q. Do you know Mr. William McIntosh, Jr.?

A. Yes, sir.

Q. What is he doing?

A. He is working here in the Capitol.

Q. In the Comptroller's office?

A. Yes, sir.

Q. Did you have any conversation with Mr. McIntosh in this connection?

A. I did.

Q. State what that conversation was?

A. We tried to get him to take charge and handle the paper. I talked to him about it, but he would not give up his position—his employment here—to do it.

Q. Do you know whether or not he is interested with Mr. Hilson in the publishing business?

A. Not to my knowledge.

By Mr. West:

Q. Do you know of any stock in the Capital Printing Company being owned by any member of the Board of State Institutions?

A. I do not.

JOHN G. COLLINS.

By Mr. West:

Q. What is your name?

A. J. G. Collins.

Q. Where do you reside?

A. In Tallahassee.

Q. What business are you engaged in?

A. The printing business.

Q. Do you know the members of the Board of State Institutions as that Board is at present constituted?

A. Yes, sir.

Q. Have you known the different members of the Board of State Institutions since the year 1901?

A. Yes, sir.

Q. Do you know whether any member of this Board owns any of the capital stock of the Capital Printing Co.?

A. Not of my own knowledge.

Q. Do you know whether any of the members of the Board as it is now, or at any time since 1901, owns any of the stock in this business now known as the Capital Printing Company?

A. I have reason to believe so from propositions that were made to me.

Q. By whom were those statements made, that you refer to?

A. By parties connected—

Q. Name them.

A. William McIntosh, Jr., on several occasions.

By Mr. Clarke:

Q. Is he a member of the Board of State Institutions?

A. No.

J. C. TRICE.

By Mr. West:

Q. What is your name?

A. J. C. Trice.

Q. What business are you engaged in, Mr. Trice?

A. The hotel business, now.

Q. Were you at any time, previous to this, engaged in the newspaper or printing business?

A. Yes, sir.

Q. At what place were you located?

A. Here.

Q. Up until what time?

A. Well, I had an interest in the business up to January of this year. I was not at the office after the 13th of June last. I left the office then to go to the springs for my health. I severed my connection with the business in January last.

Q. Do you know of the business known as the Capital Printing Co., or Capital Publishing Co.?

A. Here at Tallahassee?

Q. Yes.

A. Yes, sir.

Q. Do you know the different members of the Board of State Institutions of this State?

A. Yes, sir.

Q. Have you known the members of the Board of State Institutions since 1901?

A. Yes, sir.

Q. Do you know whether or not any of the members of the Board of State Institutions own any of the capital stock of the Capital Printing Co.?

A. No sir, I don't.

Q. Do you know whether or not, there are now, or has been, any member of the Board of State Institutions, interested in the business known as the Capital Publishing Co., or the business before it was incorporated under that name,—since 1901?

A. No sir, I don't know. Of course there has been rumors around town to that effect,—I don't know of my own knowledge anything about it.

By Mr. Harris:

Q. When you say "rumors to that effect"—what do you mean?

A. That members of the Board held stock in that company.

Q. Who did you sell your interest in the Tallahasseean to?

A. Robert Gamble.

Q. Did any member of the Board of State Institutions, or anybody representing them, make offers to you to get your stock?

A. Mr. Collins—No sir.

Q. Did any member of the Board?

A. No sir.

Q. Did Mr. McIntosh come to see you?

A. Mr. Collins came to see me representing Mr. McIntosh, on one occasion.

Q. Did Mr. McIntosh come to see you?

A. Yes, he came once.

Q. What did he say to you?

A. He offered to buy it.

Q. That is all he said—just offered to buy it?

A. Yes sir.

Q. Is there anything else you want to say?

A. No sir.

By Mr. Clarke:

Q. You say you heard rumors,—what kind—where did they originate?

A. No sir, I don't know—just common rumors, such as you hear I presume now.

Wm. M. McINTOSH, JR.

By Mr. West:

Q. What is your name?

A. Wm. M. McIntosh, Jr.

Q. What is your occupation Mr. McIntosh?

A. I am Secretary and Treasurer to the Infernal Improvement Fund of the State of Florida, and I am employed incidentally in the Comptroller's office.

By Mr. Harris:

Q. Mr. McIntosh, are you not chief clerk in here?

A. No sir, my father was chief clerk for a number of years—he died last week.

By Mr. West:

Q. How long have you been in the Comptroller's office?

A. I have been connected with the Comptroller's office twenty-eight years.

Q. Do you know the members of the Board of State Institution?

A. I do.

Q. Have you known the members of the Board of State Institutions since 1901?

A. I have.

Q. Do you know of the business known as the Capital Publishing Co.?

A. I do.

Q. Have you known of the business under that name and under any other name since 1901?

A. I knew it as the private property of J. B. Hilson and afterwards as the Capital Publishing Company.

Q. Do you know whether or not any member of the Board of State Institutions owns any stock in the Capital Publishing Co.?

A. I want to submit a written statement of what I know of the affairs of the Capital Publishing Company.

(Here the witness read his statement to the Committee as follows)

Some time in January, 1905, I was sent for by Mr. Robert Gamble, formerly of Tallahassee, but now of Thomasville, Georgia, and when I saw him he stated that he was the sole owner of the Weekly Tallahasseean plant, and desired to consolidate with the Daily Capital if satisfactory arrangements could be made. He then asked me if I would see Mr. Hilson and find out on what terms a consolidation could be had. I consented to do so, and did see Mr. Hilson and soon had Mr. Gamble and Mr. Hilson in consultation and an agreement was reached. In the meantime, in view of the local political conditions then existing and the fact that much unpleasantness had been brought about by the tone of the local press on political subjects, I conceived the idea that it would be for the best interest of this community if a number of our leading business men and representative citizens belonging to both factions would become stockholders in the consolidated company and spoke to several parties, not in any way connected with the State Government, on the subject, and they agreed to take stock, if I would assume the editorial control of the paper and the business management of the new company. I discussed this view of the matter with my friends, including Comptroller A. C. Croom, and he stated positively that if I became connected in any way with any printing or publishing company in Tallahassee, although the arrangement might be temporary, it would be necessary for me to sever my connection with the Comptroller's office. He said that this expression was not based on the possibility of any wrong resulting to the State from any connection with any such printing company, but that it might lead to unjust criticism and was therefore objectionable. I saw the force of his views and declined to have anything to do with the proposed printing or publishing company. When my determination was made known, my friends who had agreed to take stock withdrew, and the new printing company, i. e., the Capital Publishing Company, was organized solely by the owners of the two printing plants. Mr. George I. Davis, whose name appeared in the articles of

incorporation, also withdrew and did not take stock. So far as I know, and from information and belief, I am prepared to say that the only stockholders of the Capital Publishing Company are I. B. Hilson, and his wife, and Robert Gamble.

I have never invested one dollar in the printing business and am not in any way connected with any printing or publishing company either as a stockholder or otherwise.

In the matter of the consolidation of the two printing plants in Tallahassee, I simply carried out the request of Mr. Robert Gamble, by bringing him and Mr. Hilson together and subsequently performing notarial work for them in connection with the incorporation of the two plants and did not ask or receive any compensation from either of the parties for any services rendered. Prior to the recent rumor that gave rise to this investigation, I never heard even a suggestion that any member of the Board of State Institutions had ever thought of taking stock in the Capital Publishing Company and am certain that none of the gentlemen composing the Board ever contemplated for an instant the idea of becoming a stockholder therein. I speak advisedly on this subject as I know the views thereof and now entertained by each and every member of the Board of State Institutions.

By Mr. Harris:

Q. Do you know John G. Collins?

A. I do.

Q. Did you ever make a proposition to Mr. Collins to buy out his business, and have him to come and take charge of the Capital Publishing Co., and take charge of the Capital Publishing Company, and at the following election that Mr. Hilson would be voted out, and he would come in and take charge at a salary of \$25.00 a week, or words to that effect?

Q. As before stated in my evidence, I had arranged to organize a corporation of the citizens of Tallahassee.

Q. Was that before the incorporation?

A. No, before that I had attempted to organize a local company. I approached Collins and asked him if he would become connected with the company. He said he thought he would. I told him if he did, his plant would be purchased by those organizing the company, and he would be given employment as a job printer; I did not

mention any compensation, because I was not in a position to do so.

Q. Did you tell him he could take Mr. Hilson's place?

A. I did not. I told him I would give him a job as a printer in the office. I could not give him any other.

Q. That was before the company was formed?

A. That was while the company was being formed, and afterwards I withdrew altogether.

Q. Do you own any of the stock of the Capital Publishing Company, directly, indirectly or any other way?

A. I do not, as I have previously testified, I have no connection with it.

Q. Then none of the members of the Board of State Institutions after 1901, owned any of the stock of that concern, either in connection with I. B. Hilson or the Capital Publishing Company?

A. To my knowledge and belief, I would state positively, no member of the Board of State Institutions is, or ever has been connected with any printing company in Tallahassee.

By Mr. Harris:

Q. Do you know that they have not been connected with it directly or indirectly?

A. Either directly or indirectly, they never have been connected with it.

I. B. HILSON.

By Mr. Harris:

Q. What is your name?

A. I. B. Hilson.

Q. You started a printing establishment about what time in Tallahassee?

A. In February, 1901.

Q. Who was connected with you as partners, directly or indirectly—as partner in the printing business?

A. Nobody.

Q. You were by yourself?

A. Yes, sir; by myself.

Q. Who formed the Capital Printing Co.?

A. Here are the Minutes, and here is the Stock Book.

Q. Just state who composes the corporation?

A. In the construction of the Capital Publishing Co., I had an inventory of the value of my plant, \$40,000, and

Mr. Gamble estimated his plant at \$8,000; therefore we issued \$48,000 worth of stock, of which Mr. Gamble has \$8,000. In order to make enough to have stockholders I had to give my wife \$1,000 worth of stock to have officers. Here is hers, and here is mine.

Q. Has any of the stock been transferred since it has been issued?

A. No, sir.

Q. And the only owners of the stock are you and your wife and Mr. Gamble?

Q. Yes; and what Mr. Gamble did with his, I don't know.

Q. Since the formation of this company, has any one of the members of the Board of State Institutions either directly or indirectly, to your knowledge, partaken of any of the profits or benefits of the company on accounts of the printing of State periodicals—State printing?

A. Neither before or after—at no time. Not only that but I wish to state right here, Mr. Wm. M. McIntosh, Jr., was the cause of the consolidation between the Tallahasseean and the Daily Capital. He was thinking of taking \$1,000 worth of stock, and being made President of it; that was before anything was done at all. One night he approached me, and next day he said that Mr. Croom said he would have to quit this thing or quit his job.

Q. That is all, Mr. Hilson.

A. I would like to know who has made this statement; who has made this statement against me?

A. Mr. John G. Collins. The testimony of Mr. Collins will be furnished you by the chairman. The charge is that tutions were interested in the printing contract. They were only indefinite. This examination is for the purpose of investigating these rumors.

A. In the meantime, this thing has gone abroad and caused reflection upon the members of the Board. This thing ought to be made as public as the charges have been.

B. E. McLIN.

By Mr. West:

Q. What is your name?

A. B. E. McLin.

Q. Do you occupy any official position?

A. I do, Commissioner of Agriculture of the State of Florida.

Q. How long have you occupied that position?

A. Four years last January.

Q. Since what date?

A. I believe it was the 8th day of January, 1901.

Q. Are you a member of the Board of State Institutions of this State?

A. I am, sir.

Q. Do you know of a business now known as the Capital Publishing Company?

A. I do.

Q. Do you own any stock in this concern?

A. None whatever.

Q. Have you ever been interested directly or indirectly in the capital stock of that company? or that company prior to the time of its incorporation?

A. In no way shape or form, I have never been interested in any publishing company either here or any other State.

Q. Do you know the other members of the Board of State Institutions?

A. Yes I do.

Q. Have you known them since 1901?

A. Yes, they have not been in all that time, I have known them as they came in, and knew them as men before.

Q. Do you know whether or not since 1901 any of them have been interested directly or indirectly in this business?

A. I never heard of it,—it never entered my mind that they would,—men occupying that position,—I feel this way, that an intimation that I as a member of the Cabinet, would hold stock in the publishing company that was doing printing for the State,—where I would have to let the contract, would be an insult to any one who had any of the instincts of propriety or self respect.

CONTINUATION OF TESTIMONY OF JOHN G.
COLLINS.

By Mr. Harris:

Q. What is the matter you refer to?

A. Well first,—Mr. McIntosh made several proposi-

tions to buy out the Tallahasseeans in my name—
By Mr. West:

Q. State the matter fully, so we will know what we are talking about.

A. He sent for me to come to see him—said they would buy the Tallahasseean,—said it was to be bought in my name,—that was the purpose of Trice selling his interest; afterwards Trice sold out to Gamble, and Gamble merged it into the Capital Publishing Co.,—everything pointed to the idea that that was what he wanted me to do.

Q. Is that the matter you referred to, that you state led you to believe some of the members of the Board of State Institutions owned stock in the Capital Publishing Company?

A. No, there was other information.

Q. State what it was?

A. As an employee, I was at the opening of the bids by the Board of State Institutions, and as his employee and at his request, I stayed at the Capital until after the bids were opened. Mr. C. H. Dickenson and some other clerk in one of the departments, I don't remember which—took the bids into an adjoining room, down the hall to figure upon the results,—or get results. Just about sundown or a little before, that evening, he passed through the hall,—I was talking to Mr. Talbot Whitfield,—I asked him the result,—he said they wasn't quite through figuring, but it appeared that Mr. Trice was the lowest bidder on all of the work. A little later, I went to the basement of the Capitol, one of the members of the Board, as well as I can remember now, it was Mr. Croom,—he stated to me that the train had been delayed on account of a wreck, and Mr. Sheats being absent, it would be impossible for the Board to announce the result that afternoon. and an adjournment was taken until the next morning. When the contract was awarded,—Class "A" and "B" was awarded to Mr. Hilson and Class "C," Supreme Court Reports, was awarded to Mr. Trice.

By Mr. West:

Q. Is that all?

A. That is all pertaining to that point.

Q. Did you ever hear Governor Jennings or any other member of the Board say anything about the printing?

A. No sir, I didn't hear that,—you will get that testimony from Mr. Trice, I expect.

By Mr. Clark:

Q. Mr. Collins, do you know whether or not Mr. Jennings or any other member of the Board of State Institutions owned any stock in the Capital Publishing Co?

A. There was no way for me to know that; there was another proposition to me to sell out my present business—

Q. Who made that proposition?

A. Mr. McIntosh—took place since the merger of the Capital,—after the notice of incorporation was published.

Q. But you stated awhile ago that Mr. McIntosh was not a member of the Board of State Institutions?

A. No, the Committee can question him about it. This point I expect to testify about is that they wanted to get me to go in—I didn't go in, so I could not say who owned the stock.

Q. Is Mr. McIntosh a member of the Board of State Institutions?

A. No, but he is a clerk.

By Mr. Harris:

Q. You stated, since you started your new business of printing and after the notice of letters patent being taken out, for incorporation of the Capital Publishing Co., that Mr. McIntosh proposed to buy out your business for the purpose of merging it into the Capital Publishing Company?

A. Yes sir, he stated that.

Q. Just state what he said?

A. He made that proposition twice, or probably three times, the last time he came to me and asked me how much I had invested up to that time, and I told him \$1500. He made the proposition to buy me out and pay me in cash,—leave the business for my brother to run, and if I accepted the proposition, to walk into Hilson's Company and take charge—take the position as Superintendent,—and not ask Hilson anything about it, and I

was given to understand that on the 15th,—after the next election, Hilson was not to be in it. I had that proposition about hiring me through Mr. Palmer; he knew I would not accept any position under Hilson,—I had refused that before, there was any talk about that.

Q. Who was McIntosh representing?

A. He didn't say—he didn't mention any names.

Q. Do you know of anything else, of your own knowledge touching this matter?

A. Not of my own knowledge.

By Mr. West:

Q. What is the feeling existing between you and Hilson?

A. Nothing at all—I simply know the man—have no relations with him at all.

By Mr. Clarke:

Q. What is your feeling towards the members of the Board of State Institutions?

A. Very good there is no feeling between me and them, —I have the highest respect for all of them.

REPORT OF BOARD OF STATE INSTITUTIONS.

Referred to in Governor Broward's message to Senate,
page 1512, Bound Journal.

State of Florida,
Executive Department,
Tallahassee, May 29, 1905.

Hon. Park M. Trammell,

President of the Senates

SIR—The fact that the report of the Joint Committee appointed under House Concurrent Resolution No. 5, to visit, inspect, investigate and report its findings of the condition, needs and affairs of the Hospital of the Insane of the State, has been adopted by the Legislature of Florida, renders it of importance to the people of the State of Florida that the Board of Commissioners of State Institutions which has the management and control of that institution should either affirm or deny the remarkable allegations in the committee's report. It is very much to be regretted that the Legislature, with so much apparent avidity and so little consideration, adopted a report which is not only untrue, inaccurate and wholly unjustified by the fact, but is in its tone and character scandalous and disreputable to a degree that one almost suspects it to have been inspired by other considerations than a fair and just, full and accurate investigation and consideration of all the facts.

The report has afforded to a certain class of newspapers in this State a splendid opportunity for the exhibition of that character of journalism, which though so offensive, to the gentility and refinement of the reading public, appeals strongly to the sensationalist and the scandalmonger. Those newspapers have, with the morbid humor of those who traffic in disgrace and shame, emphasized that lamuch of dishonor; against the Board of Commissioners of much of dishonor; against the Board of Commissioners of State Institutions so much of incompetency, and against the attendants and employees of the institution, many of who are virtuous and pure women of our State, so much of immorality and vice, until the people of the State are humiliated, and outraged honor demands a correction of the falsehoods.

In the first place the opening clause of the report should discredit so far as the management, past and present, of the Hospital as that management relates to the handling

and disbursement of the funds of the institution is concerned. The report states that "on account of not being furnished with records and detailed itemized accounts and other data asked for, the investigation and report is not as thorough and complete as the Committee desired to make". What records did they seek? What data was asked for, and whom did they ask and where did they seek? Were the members of the Board of Commissioners of State Institutions examined as witnesses? Were the records of that body sought and its methods, as there revealed, inquired into? Was the Comptroller's office, which is made by law the depository of all accounts, vouchers and evidence upon which warrants are drawn, examined? Was the Executive Office or any one therein requested to furnish a report from the Superintendent of the Institution for the past two years? Was the Governor's message to the legislature of 1905, which referred to the Superintendent's report and gave a synopsis of thereof, read or studied?

Apparently, nothing of this kind was done. As a matter of fact nothing of that kind was done by the Committee. The Committee could not have urged ignorance as an excuse for not doing so,—their failure to make such inquiries of the persons and at the places named could not have been consistent with a sincere desire to make a full, faithful and unprejudiced report in the particular above named—because Capt. B. F. Whitner, the present Superintendent of the Hospital, in his testimony as the same appears upon page 16 of the journal of the Senate of May 17, 1905, told the Committee that the invoices and contracts for supplies for the Institution were in the Comptroller's office; that the Board of Commissioners of State Institutions was the purchasing agent for the Hospital; that requisitions were made on the Board for the supplies needed by the Superintendent. And Section 836 of the Revised Statutes places upon the Board of Commissioners of State Institutions the duties of management and control of the Hospital.

Being ignorant of neither the law nor the fact, they nevertheless failed to seek in such places and from such persons for the records, accounts and data, which were necessary to a full, complete and fair report upon the fi-

nancial administration of the Hospital affairs. How, then, in the name of common decency and honesty, justice and purity, could the Committee report that: "Reports of misappropriation of State's money and effects have come to the Committee. Evidence before the Committee; observation of the manner and method of purchase and disbursement; no check against collusion whatever in any way. The fact that itemized accounts of expenditure were not furnished the Committee as asked for and to the mind of the Committee now could not be furnished for the reason that no complete or accurate system of accounts have been maintained. The Committee is forced to the belief that there is ground for such reports. That at least some money and effects used did not go to the use and benefit of the Institution."

For what wrong purpose was the State's money used? What "effects" belonging to the State were misappropriated? Did the Committee rely for those statements upon the evidence of Chas. A. Gramling who was the book-keeper from the Institution from October, 1901, to June, 1904, and who if he knew of the misappropriation of the State's money and effects, failed to report it to the Board of Commissioners of State Institutions and thereby became *particeps criminis*? He said (P 24) "The nearest approach to a misappropriation was when Dr. Gwynn (the then Superintendent) hauled the State's timber with men and teams that were paid for by the State to do the work. It was made into cupboards, wardrobes and various other pieces of furniture. He used those for his own personal use." When he left there, some of the pieces were in the institution, one had been sent to West Virginia and two to a lady.

Of what did the "various other pieces of furniture" consist? Who made them? What was their value? How many of the pieces are yet in the hospital? And who asserts that the handiwork of the inmates is the property of the State? Who denies to those inmates who are physically and mentally able to do so, the right to occupy their hands and their minds in wholesome occupations that may bring to them a temporary surcease of their sorrows and afflictions? Were not these articles of furniture which were used in the Hospital and the three or four pieces that were shipped away, paid for in money, services, or kindnesses to the inmates? And could they not

have been made by those inmates and presented to their benefactors or friends as an expression of their gratitude? Would the Committee and legislature deprive the unfortunates who on account of their mental condition, are a charge upon the State but who have at times lucid intervals when the light of reason breaks upon their minds and makes them for the time being reasonable creatures with the emotions and sentiments of normal persons, from indulging the noblest sentiment that warms the heart of grateful man?

Did the Committee intend to say that it was a criminal thing to do, to give or loan to Mrs. Morrison, who had come to the Hospital to visit her husband, an inmate therein, sufficient money to enable her to pay her passage home? The amount so loaned or given is not stated, but the Superintendent intended to reimburse the Hospital out of the pension money which the husband was to receive. Was Dr. Gwynn called or sent for and asked to explain? Were the motives of this Gramling inquired into? Was any effort made, further than his own statements exhibit, to show the venom—the poison of his mind—toward the ex-Superintendent? Did the Committee endeavor to show that any of these transactions were brought to the attention of the Board? And if the witness considered them wrong why did he not report them?

Does the Committee base its accusation of the misappropriation of the State's money and effects, upon the testimony of V. F. Balkeon, who if his partner was so rapacious of gain as to insist upon fifteen per centum profit upon drugs and paints and oils, instead of ten per centum, was equally avaricious in that he was made easily to see the justice and moderation of even twenty per centum profit, which he said was charged upon the advice of his associate in business.

Why was not Mr. Dickinson heard? Why was he not given an opportunity to deny the statements of his former associate in business? But how could this affect the question, until it was shown that the drugs and paints and oils purchased during that period when this business relation existed, were paid for at a higher price than goods of the same quality, quantity and description could have been purchased at the time? Was this the only evidence before the Committee upon which to base such charges? What observations did they make of the "manner and

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method of purchase and disbursement?" They submitted none.

How could the "mind of the Committee now" be impressed with the idea that itemized accounts of expenditures could not be furnished? Did they ask the Comptroller for the privilege of inspecting them? What forced the Committee to the "belief that there is ground" for such scandal as was contained in that part of their report? Did they so far forget themselves and the obligations they owed to honor as to accuse their fellow-man of crime and dishonesty upon mere rumor? And that, too, in a forum where there was no opportunity for defense.

As to that feature of the report, the Board of Commissioners of State Institutions asserts that: There have been no misappropriations of the State's money and effects; that the method and manner of purchase and disbursement is good and preserves a check against collusion and fraud, that all accounts and vouchers for all expenditures are preserved and can be produced when asked for; that there is an accurate system of accounts; and that from nothing that the Committee saw or heard could they infer and believe that there was ground for the statement that the Board of Commissioners of State Institutions or any one in its employment connected with the Hospital, was or had been guilty of misappropriation of the State's money or effects; and that the charge made by the Committee was wholly untrue and without the slightest foundation in fact.

The next statement is: "Evidence before the Committee, observation of the Committee and other information authorizes the Committee in saying that the Institution is not a 'Hospital for the Insane,' but is a mere dumping place for all sorts of people, where they are maintained after a fashion at an enormous expense to the State. Little children, young men and young women, middle aged men and women, old, feeble and decrepit men and women, afflicted with all sorts of mental and physical ailments are dumped into the Institution as 'indigent insane.' Many of whom are not indigent or insane and should be at home with parents or relatives, or in the county poor houses, infirmaries or free to earn their own living." The Committee does allege here, that there are inmates of the hospital who are not insane within the meaning of Chapter 4357, Acts of 1895, the first Section of which reads as follows:

"Section 1. When it supposed that a person, resident of the State, is insane, either non compos mentis or sufficiently devoid of reason to be incapable of self control, a petition signed by five reputable citizens, not more than one of whom shall be a relative of the person, setting forth that he or she is to each of the petitioners personally known, and their knowledge of the mental condition of the subject is sufficient to justify the belief that he or she is insane, and asking that the examination be instituted and made as provided by law, may be presented to the county Judge of the Circuit Court having jurisdiction."

Section 2 of the Act, as Amended by Chapter 5264, Acts of 1903, provides for the appointment of "an examination committee" who shall examine the supposed insane person and ascertain his or her mental and physical condition, and if considered insane, whether the insanity is acute or chronic, its apparent cause, the hallucination, if any, and the age and propensities of the subject; also whether indigent or not.

Section 3. of the Act provides for the report of the examination committee. Section 4 provides that the Judge upon receiving the report, shall examine the same and if satisfied therefrom that the person examined and reported "is insane within the meaning of this act" shall so adjudge and decree and shall make his order that the sheriff of the county from which the report is submitted shall at once deliver the person so adjudged to the Superintendent of the Florida Asylum for the Indigent Insane, for care, maintenance and treatment. There is a proviso to the effect that the judge shall, in case the report shows that the "alleged insanity is chronic or produced by epilepsy or senility, and the person does not require confinement nor mechanical restraint to prevent self injury or violence to others, and that he or she is indigent, adjudging that the person is incurably insane, harmless, and indigent and shall make an order directing the county Commissioners to provide for such person.

It is clear from the provisions of the Act that if the insanity is chronic or produced by epilepsy or senility, and the person does require confinement or mechanical restraint to prevent self injury or violence to others, such person would be adjudged insane within the meaning of this Act and committed to the "Florida Asylum for the Indigent Insane."

Chapter 4359, Acts of 1895, provides for the appoint-

ment of guardians of the property of persons of unsound mind; and Chapter 4720, Acts of 1899, prescribes the powers and duties of such guardians. Chapter 4358, Acts of 1895, provide for the repeal of Sections 847, 848, 849, 850, 851 and 852 of the Revised Statutes, and further provides for the persons subject to the provisions of those sections to be committed to the Florida Asylum for the Indigent Insane. Those sections provided for the care of insane persons by private parties at the State's expense.

The truth is there is not an inmate of the Hospital who has not been duly and legally committed under the laws of the State of Florida. If the legislature of this State has made of the Hospital a dumping place for all sorts of people, ought the officers whose duty it is to enforce the statutes, the product of the wisdom of the legislative bodies, be censured therefor? If the Committee did not know it is quite time that they should be informed, that no person can be committed to the Hospital except upon an order from a Court having jurisdiction; and when the order is made and the patient delivered, the Hospital authorities must receive them. Did the Committee intend, by saying "all sorts of people" were dumped there, to insinuate that the Judiciary of this State was both corrupt and incompetent? That the Courts of this State were continually ordering persons to be confined in the Hospital, without reference as to whether they were insane or not, within the meaning of the Act to which reference has been made? The Board of Commissioners of State Institutions desires to say: That, if such was the intention of the Committee, they owed it to the legislature and the people to make the charge definitely and in no uncertain terms. The use of innuendo is common in scandal picking, but below the dignity of representatives of the people.

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Dr. Goodbred in his testimony which appears on page 19 said that in his opinion there were persons in the Hospital who did not belong in a "hospital for the insane." In the next moment he said, there were persons there suffering from "imbecility of old age," and that there were a large portion of "epileptics." Dr. Randolph said that in his opinion, the Hospital was not a "Hospital for the Insane," that "epileptics" were getting drug treatment—nothing more than that."

Did those gentlemen mean to distinguish between in-

sane persons, and non compos mentis, epileptics and persons of senile infirmities of mind? And, so distinguishing, assert that the latter person had no place in "The Florida Hospital for the Insane," under the laws of the State? If so, they have failed to discharge their duty as employees of the institution in not reporting the names of such persons to the Superintendent or the Board of Commissioners and recommending the discharge of such persons from confinement in the Hospital; and the Committee failed to perform its duty in not placing the blame upon them and furnishing to the legislature the names of the persons who are thus unlawfully deprived of their liberty.

It is the policy of this State, as indicated by the Act of 1895 and amendments thereto, and other statutes, that all insane persons, whether such insanity is chronic or produced by epilepsy or senility, and all non compos mentes who require confinement or mechanical restraint to prevent self injury or violence to others, shall be committed to the Hospital.

The Board of Commissioners of State Institutions is authorized by Section 853 of the Revised Statutes to direct the Superintendent to admit into the Hospital any lunatic, idiot or insane person, whose friends, parents or guardians are able and willing to pay for the care, custody and maintenance of such lunatic, idiot or insane person. Were any of this latter class among those who in the judgment of this Committee "should be at home with parents or relatives or in the county poor house (Although many counties in this State have no poor houses) infirmaries, or free to earn their own living?"

Did the Committee intend by the above statement to find fault with the State policy in this regard? Then, why in the name of all that is decent and respectable, did they by innuendo leave the impression that the Hospital authorities were responsible? The legislature of 1901, under House Concurrent Resolution No. 8, appointed a committee composed of Hon. F. W. Sams, on the part of the Senate, and Hon. Joseph Y. Porter and Hon. Frank McRae, on the part of the House, to visit the State Hospital for the Insane. That Committee report may be found on page 1148 of the House journal of 1901. That Committee said "that the development of the institution during the past ten years, has been one of remarkable growth, and that

from a condition devoid of system and lacking in almost every detail of comfort and safety for the unfortunate patients confined therein, it has been brought up to a fine state of efficiency and can by proper nurture and support on the part of the Senate be made in mates laras emfwyp on the part of the State be made a credit and honor to the humane and charitable thought of a great and growing commonwealth."

Why has not that nurture and support been given to it by the State? It is for the legislature to answer. It was pointed out by the Committee that some of the buildings were old government buildings, which during the war were used as government arsenals, and after the war were used as a penitentiary, and since had been imperfectly transformed into an asylum for the insane.

The Committee also reported that "At the date of your Committee's visit there were ninety epileptics, thirty-two imbeciles, nineteen idiots and twenty senile patients. Your committee submits that epileptics, idiots, feeble minded from senility and partly deformed children are not and should not be a charge for the State's charity for care and treatment for the insane and your Committee suggests legislation on that line."

"Further, "Your Committee is of the opinion that the laws and statutes governing the commitment of the insane in the State need revision."

The Committee recommended the appointment of a committee to sit "during the recess of the legislature for the purpose of considering the laws of the State of Florida respecting adjudging persons insane, and committing said adjudged insane persons to the State Hospital for the Insane and also to carefully inquire into the management of the State Hospital for the Insane, and to make recommendations to the next legislature of Florida, of the necessities of said hospital with a view of increasing the facilities of care of the inmates and improving and treating of their mental condition and providing for the expense of said committee." The Committee then closed its report by commending the work of the Superintendent and Physician whom the Board of Commissioners of State Institutions had selected for that most "onerous and difficult work; a work fraught with danger and demanding the most careful exercise of discretion and good judgment," a duty which the Committee said had been most earnestly and zealously performed.

But the legislature of 1901 adjourned without having met the suggestions of the Committee anent the revision of the laws governing the commitment of insane persons to the hospital, and appropriated only seventy thousand dollars per year for "current expenses maintenance of lunatics" notwithstanding the be-ennial report of the Superintendent of the Hospital for the Insane for the years 1899-1900 showed that expenditures for the Hospital, not including expenses paid upon vouchers which did not require the Superintendent's approval were for the 1899, \$80,484.60 and for the year 1900, \$71,065.00.

The Superintendent in that report recommended that an "Epileptic colony should be instituted and a separate department to be used in the care of little children should be constructed." That report showed that the number of patients was increasing; that the monthly per capita expenses of maintenance including "Salaries," "Board and rations for all officers and employees," "Mules, horses, wagons, tools," "Expenses of going after and returning with patients," freight and other incidental expenses including "repairs." But even this recommendation failed to direct the wisdom of the legislature into the channels of charity, whereby the inmates of the institution could have profited by such accommodations and conveniences. The Board of Commissioners were powerless during those years to provide the required changes and improvements.

The expenses of the institution during the years 1901 and 1902 were much in excess of the appropriation. The amounts expended on accounts, pay rolls, transportation, cash incidentals, improvement, drugs, farm, dairy, and chaplain were for the year 1901, \$70,704.30, and for the year 1902, \$77,472.18, as appears from the Superintendent's report for those years.

Notwithstanding the economy which seemed to have possessed the legislature of 1901, to the exclusion of the demands of the Hospital upon the legislature's sense of duty towards the unfortunates, the Board nevertheless continued to make some improvements in buildings and in the matter of equipping the institution with modern bath-tubs, toilets, heating apparatus and other conveniences, which action the recess committee commended.

Your Committee referred to the presence of little children, of the young, the middle aged and the old men and women, afflicted with all sorts of mental and physical ailments, and complained that they were "dumped into

the institution as indigent insane." What did they expect to find in an institution devoted to the care, custody and maintenance of lunatics, idiots, non compos mentes and insane persons, whose mental ailments came to them from various causes and invariably entail some more or less serious physical derangements?

Misfortunes of this kind is visited alike upon the old and the young, the physically strong and the physically weak, the male and the female, and it has been and is now the policy of this State to provide for their care and maintenance out of the abundance of its charity. But the legislature does not often rise to the standard of generosity required to provide all the comforts and conveniences which the inmates of the Hospital deserve at the hands of a charitable people, and sometimes contents itself with adopting the senseless vaporings of a committee, who, forgetting its duty to the people indulges in the notoriety which sensational stories bring.

Did the Committee complain that "Little Children" were dumped in the Hospital? Then why did it not place the blame on the legislature of 1901, whose Hospital Committee reported as follows: "Your Committee strongly insists that no one should be committed or admitted to the institution for the care of the Insane in this State who is under ten years of age, or over ninety, or is a harmless idiot or an imbecile," but who failed to notice the recommendation? Was the legislature of 1903 wholly without fault, when it failed to make such provision by the enactment of such laws as would have met the views of the Committee of 1901? Is the present legislature blameless, in the judgment of the Committee, seeing that it has failed up to the present moment to make such provision?

The recess Committee appointed by the Legislature of 1901 was composed of Hon. F. W. Sams, on the part of the Senate, and Hon. W. A. Fulton and Hon. Joseph Y. Porter on the part of the House, and early during the session of the legislature of 1903 submitted its report. That Committee adopted as part of its report the report of the Committee of 1901, and said further that "From personal observation and inquiry, and also from reports and statements of the Superintendent of the Hospital, that there are persons now in the State Hospital for the Indigent Insane as patients therein, who although adjudged insane and have been committed as insane are not insane; that is to

say, they are not bereft of reason, or of responsible thought and action."

The Committee, after stating that its purpose was to inquire into the general conduct of the Hospital, its needs and requirements, proceeded as follows: "The Committee is of the opinion that although these persons may be of a low order of intelligence and may be indigent, yet that they are not properly inmates of an institution designed and intended for the care and treatment of insane persons. The Committee believes that these persons should be excluded from an insane hospital and placed in another institution to be hereafter provided for by the State for the indigent of that class." The Committee then report certain findings, and make such suggestions in regard thereto as required the appropriation of money by the legislature to carry into effect. It recommended extensive improvements which would secure improved scientific methods, LIBERAL management, the best buildings and furnishings obtainable, competent and able professional and administrative talent, that might be classed as skilled and expert in character. Cheapness in administration was deprecated, efficiency was urged to be the requirement at whatever cost.

The Committee recommended the remodeling of the buildings, the putting in of an adequate water supply for protection against fire, for bathing purposes and toilet and sewerage; that provision be made for separating the "criminal insane" from other harmless patients. They found that the general "Hospital facilities for treatment of ordinary acute and other ailments which insane persons are as liable to equally with persons of sound mind are not sufficient, nor are the WARDS NOW USED for the purpose well equipped or arranged." They said: "This is due to NO FAULT of the Superintendent or the Physician of the institution, but to a lack of appropriation by the legislature of funds for the purchase of instruments and appliances which the Committee deems absolutely needful in a Hospital of this nature."

Several recommendations were made which depended for adoption upon sufficient appropriations for the purpose. The Committee then submitted certain "Bills for proposed enactment as follows:"

1st. An Act to amend procedure in cases of supposed insanity.

2nd. An Act to provide a home for indigent epileptics, idiots, feeble-minded, etc.

3rd. An Act to provide for a Hospital for general purposes of sickness of an acute type, or other ailments not mental at the State Hospital for the Insane.

4th. An Act to provide separate wards in State Hospital for the Insane.

5th. An Act to provide for the appointment of guardians of persons and property of insane persons.

The committee recommended the establishment of a Commission of State Charities and Correction, which Board should have control and management of the State institutions of a charitable nature. The Committee submitted a form of the proposed bill. The Committee also reported that it was "Impressed from observation and other means which it has acquired, that patients in the Insane Hospital are kindly and humanely treated by both officers and attendants, and that every effort is made for comfort and happiness; therefore, any criticism of management which the committee makes, it is desired shall be understood to be directed against faulty methods which are due to the statute laws and not against the officials of the institution."

But the legislature of 1903 adjourned, having failed to adopt a single one of the many recommendations made by the Committee for the comfort, scientific and humane treatment of the inmates or the separation of the epileptics from others who are insane, or the exclusion of children under ten years or old persons over ninety years. An appropriation of \$75,000.00 per year was made for the "Expense of maintenance of Lunatics." The superintendent's report shows that the expense for the year 1903 was \$85,071.10, and for the year 1904, \$87,475.27. This included the expense of certain improvements for those two years, amounting to \$13,228.59. Every voucher for every dollar of which is in the Comptroller's office. The message of Governor Jennings called attention to the Committee and the reports which it would submit and to the Biennial report of the Superintendent for the years 1901 and 1902. That report is hereby referred to and made a part of this document. It called attention to the wear and tear of buildings and machinery; the crowded condition of the department; the necessity for a steam heating plant, ice and cold storage plants; the necessity for an artesian

well to supply drinking water; pointed out the danger to health from the use of creek water and urged the necessity of an appropriation sufficiently large to enable the management to adopt the most approved medical, hygienic and moral treatment, and asked for an appropriation of \$175,000.00 for the years 1903 and 1904.

Your Committee said that the inmates were "maintained after a fashion at an enormous expense to the State. This statement was made wholly without regard to the facts. The message of Governor Broward shows that the average number of patients treated for the year 1903 was 717, and the average number treated for the year 1904 was 759, which, said he, shows "an average for each patient per day for 1903 of 33 cents and for 1904 of 32 cents. How could gentlemen, charged with the high duty of investigating and reporting upon the truth, make a statement so utterly at variance with the facts? The legislature of 1903 appointed a committee to "visit the State Insane Asylum at Chattahoochee, Florida," under House Concurrent Resolution No. 1 providing "That a committee of three, two on the part of the House and one on the part of the Senate, be appointed to visit, investigate and report on the condition, management and needs of the State Hospital for the Insane located at Chattahoochee, Florida.

This resolution was afterwards changed so that three were appointed on behalf of the House and two on behalf of the Senate. Hons. E. N. Dimick and T. M. Scott were appointed by the Senate, and Hons. W. K. Jackson, J. E. Blanton and H. J. Drane were appointed by the House. This Committee visited the Hospital and presumably did its duty in the matter of investigating the affairs of the institution, and never submitted a report.

Most of the evidence which your Committee had before it covered a period antedating the appointment of 1903. Mr. Grambling was in the employment of the institution and so was Dr. Goddard. The latter left the Hospital in July, 1903, so that his testimony related exclusively to a period antedating the appointment of the committee of 1903.

That Committee visited the Hospital, heard the testimony of witnesses, among whom were Mr. Grambling and Dr. Goddard and other employees; the Superintendent offered, when the Committee signified its intention to re-

turn to Tallahassee, to send any of the employees of the institution before the Committee at Tallahassee if the Committee desired. The Superintendent asked for a full a complete investigation, yet no report was made. Could have anything have been very wrong with the management? Dr. Goddard's testimony then must have been the same as that printed by your committee, but the Committee of 1903 did not regard it of sufficient value upon which to base a report.

Thirty-two cents per day for the maintenance of the inmates and yet the Committee said that was "an enormous expense." What a flagrant misuse of words! With what reckless abandon they misrepresented the officials in charge of the Hospital! Enormous expense, indeed! And out of the thirty-two cents the legislatures which had assembled in this State expected buildings to be erected, Superintendent, skilled physicians, attendants, nurses and other employees to be paid for their services. Horses, mules, stock, wagons, farming implements, surgical instruments and apparatus to be purchased. Ice plants, furnaces for steam heating, water works and other conveniences to be erected and operated; furniture and clothing to be paid for; medicines to be bought and other expenses to be met. All of this the legislatures have expected to be paid out of the thirty-two cents per day per patient before groceries could be purchased for the inmates.

Your Committee, however, had the assurance to criticize adversely the management that accomplished this work. The biennial report of the Superintendent for the years 1903 and 1904 is hereby referred to and made a part of this document. Under the head of "Improvements" he said, "By economy in management we have been able to add during this biennial term many improvements both in buildings and equipments." The improvements amounted to \$13,228.51, which did not include some expenses incurred as the result of the fire. The Superintendent recommended the erection of new buildings; advised that such changes be authorized that would more effectually separate the races, and give the patients sufficient ground for exercise yards. That the new buildings should be fire proof and provision made for steam heating. He called attention to the fact that the steam pipes now in use would have to be replaced with new ones, as the old ones were

completely worn out; and other wise suggestions looking to the improvement of conditions are contained in the report.

The Board of Commissions of State Institutions assert that it is untrue that the Hospital for the Insane is a place where the inmates are "maintained after a fashion at an enormous expense to the State." That if persons are committed to the institution for treatment who, under the laws should not be committed, it is not the fault of the Board. That, if sufficient accommodations and conveniences have not been provided for the inmates, it is due to the failure of the legislature in not making sufficient appropriations therefor.

The Committee said that "No systematic or scientific effort whatever has been made, or treatment given for the restoration of the mind. The sick and afflicted have not been given the necessary medical or other attention due or needful for their cure or restoration." In what particulars have there been a lack of systematic, or scientific effort or treatment, for the restoration of the mind of the inmates? The Committee fails to point out. What constitutes systematic scientific treatment is a matter of opinion. That matter is left to the physician. They have always been furnished by the Board of Commissioners with whatever medicines they required. Their suggestions and requisitions have always been met by the management to the extent that the appropriations would permit. The statement of Dr. Condon's that the sanitary condition of the institution was the merest apology, is not a fair statement, nor was it a truthful one. It could not have been true during his term of office, because he made no complaint whatsoever to his employers, the Board of Commissioners. The only complaint made was by the Board against him for practicing his profession outside of the institution when his whole time was engaged and needed by the State within the walls of the Hospital, after which he developed an antagonism to the Superintendent, because, doubtless, he supposed the Superintendent had informed upon him.

This witness's statement could not have related to the time when he took charge in January, 1902, because that would be equivalent to saying that the administration of his predecessors, Drs. Colson and Blocker, was inefficient, and that the management of Superintendent Trammell was incompetent. He cannot in an effort to cast discredit unjustly upon the Superintendent, involve such men as

Dr. Blocker or Dr. Colson in disgrace, or disparage the capabilities of a man like J. W. Trammell was.

Besides, two legislative Committees, one in 1901 and the recess Committee who reported in 1903, said "That the development of the institution during the past ten years has been one of remarkable growth and that from a condition devoid of system and lacking in almost every detail of comfort and safety for the unfortunate patients confined therein, it has been brought up to a fine state of efficiency." It concluded by commending the earnest and zealous manner in which the work of both Superintendent and Physician had been performed. It may be well to observe that the report did not relate to any part of Dr. Goddard's administration.

The statistics from the Hospital do not justify the conclusions reached by the Committee. From 1897 to 1904, inclusive, the percentage of recoveries based upon the number of inmates has grown from nine per cent. to twelve and thirty-hundredths per cent. The number of recoveries based upon yearly admission has increased from twenty-eight and fifty-hundredths per cent. to forty and nine tenths per cent. The death rate since 1897 has been about the same, ranging from 9.30 per cent. in 1897 and 13.67 per cent in 1898 to 11.11 per cent in 1903, and 14.05 per cent. in 1904, the death rate reaching the highest mark during Dr. Christie's administration.

Dr. Goddard said he had no "equipment necessary to the proper care and treatment of the inmates." He never made requisition therefor upon the Superintendent, nor did he ever complain to the Board that he must have and was denied proper "equipment." He said that his directions as physician were not carried out by the Superintendent "on account of instructions by those who were supposed to represent the administrative side." If he meant by that statement to insinuate that the Board had for some mysterious reason directed that his instructions as physician should not be carried out by the Superintendent, then his statement was simply a low malicious falsehood, entirely unworthy of belief, and his confession that he made no special efforts to benefit his patient's mental condition is merely a criticism upon his own inefficiency.

Dr. Christie's statement was different. He said the Hospital was in fairly good condition; that effort WAS made to restore the mind. The general practice was to build up

the system and treat the mind as much as possible, that his facilities were not the best in the world; that he could make out with the apparatus, (Dr. Goddard said there was no apparatus.) When asked in what it was deficient, he said there were no "X Ray, electric batteries."

It is not contended by the Board that the most approved modern hospital necessities and conveniences are in possession of the Hospital authorities, or that all the modern appliances and apparatus necessary to fully equip a college clinic are owned by the Hospital, nor is it contended that the highest degree of skill, experience, expertness and ability obtainable in the management of the Hospital for the insane and the treatment of mental troubles is now in the employment of the Board in connection with the Hospital; not has it been possible with the small amount of money appropriated by the legislature for that purpose. The amount paid the officers, physicians and employees average less than ninety cents per day, which was equivalent to taking from the inmates ten cents per day of the munificent sum of thirty-two cents per day per capita allowed by the legislature for their maintenance. Deducting five cents per capita per day, for repairs and improvements leaves seventeen cents per day for food, medicine, and clothing per capita. With this pittance allowed by the legislature, it comes with poor grace for them to say that the scientific effort displayed at the Hospital in the treatment of insanity and the degree of skill and knowledge exhibited by the alienists in the employment of the Board do not come up to the standard required by such institutions for best results. The Board asserts that the system adopted at the Florida Hospital for the Insane and the scientific methods used for the restoration of the minds of the inmates is as perfect and thorough as could be obtained with the limited means at hand. The Committee's report to the contrary is unfair, unjust and wholly without justification in fact.

The Committee said that there was evidence "that the management had been cruel, negligent and heartless in some instances; that attendants and nurses had been drunk while on duty; have been brutal and inhumanly cruel to helpless inmates in some instances." If the Committee had manifested the slightest degree of fairness, the minutest particle of ingeniousness in its investigation

and report upon the management of the Hospital, the above charge would demand the most serious consideration by the Board, but it is submitted that any allegation derogatory to one which rest upon such utterly insufficient evidence as offered in support of the above charge, cannot arise above the level of slander, and the Board would be justified in treating it as base calumny. What evidence is relied upon by the Committee that justifies such a charge?

Mr. Gramling who was in the employment of the institution for two years and eight months said that he thought the moral status of the attendants were not very good, he had seen them drunk. When asked if he knew of drunkenness on the part of attendants while on duty, he said, "only from hearsay;" as to cruel treatment he said, there was to his belief, "quite a good deal," to his knowledge, "very little;" he said that one man "Ben Morris" from Levy county was forced to work; that he was dragged by the feet until he promised to work; "Sam Cobb," a teamster, was lifted by the neck two or three times; that patients were hitched to wagons and plows and made to do what no "human person should do." He said that P. H. Clark, S. H. Poythress and J. M. Dolan, attendants were in the habit of getting drunk. The instance he gave upon which to found that statement, was the time when Poythress was away, "the baker said he was drunk." He said that bread was burned once or twice and the patients had to go without; and that a Mrs. Parish died from neglect. Not a single question propounded to this witness was met by a clear, direct and positive answer. He always replied with what some one told him, some rumor he had heard or some belief which he claimed to entertain. This witness was discharged in 1904. The transactions to which he pretended to refer, occurred, if at all, during his employment. Yet not one time did he make report of them to the Board. If he was so base and indifferent, so callous, unfeeling and disregarding of every sense of duty as to conceal the alleged abuses, his statements, if he had been under oath, which was not the case, should be at least regarded with suspicion.

It is submitted that his statement uncorroborated is insufficient upon which to base so serious, so grave a charge against the management of the institution.

The certificate of Dr. Christie as to the cause of the

death of Mrs. Parish, a patient from Citrus County shows that she did not die from neglect. Why did the Committee not seek for corroboration of Mr. Gramling's statement? Why were not the attendants and nurses called and questioned? Why were not the ministers of the Gospel, one of whom has been attending the institution for the past twenty years, who when engaged in the work of religious instruction to the inmates and employees, called and questioned as to their observation? Why was not the only case of drunkenness referred to by Mr. Gramling more thoroughly inquired into? Why did the Committee receive the hearsay statements of the witness, Gramling, and not follow them to the last source? Why was he not required to give the names of patients who were required to plow, and the circumstances under which it was done, if at all? The only effort on the part of the Committee in this regard was made, when the witness was asked "How long did they plow the men?" His reply was, "I do not know," and then resorted to the unmanly expedient of dodging behind the name of a deceased lady.

As to cruelty to patients, Mr. Yarborough's statement shows that there have been discharges of employees for failure to perform duty, and one or two for cruelty to patients, but does that show that patients have been "brutally and inhumanly treated?" If an attendant mistreats a patient and is discharged therefor, is it not proper to infer that the management is watchful of the treatment of the inmates instead of neglectful? He said if an attendant is harsh unkind or cruel it is sufficient cause for dismissal, and that rule is lived up to but "probably not as closely as it might." The Superintendent cannot possibly witness every act of the attendants and nurses and must rely upon the honesty and assistance of his associate officers; but if they conceal from him their observations like Mr. Gramling must have done, if this statement is worthy of any consideration at all, how is it possible for him to rectify every evil?

From Dr. Goddard's statement, it appears that during his employment, he had the exclusive treatment medically, of the patients. He claims to have had some evidence of cruel treatment of patients by attendants. There were, said he, "two or three or four or possibly a half dozen in-
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stances that employees were discharged; and there were several instances when the matter was reported and the employees were retained." That loose, indefinite and uncertain statement is used as a basis for the charge that the management was cruel and inhuman. Did he so regard it? If so, why did he not report it? He served from January, 1902, until July, 1903, during which time he had sole charge of the treatment of patients, except when he was practicing outside, yet he observed only "two or three or four or possibly a half dozen" instances in which patients were mistreated? Why was he not asked to explain his reason for not reporting them to the Board? He was employed by the Board, and not by the Superintendent. Why was not he required to name the parties who committed the alleged acts of mistreatment? The fact might have been revealed that he, himself, committed an attack upon one of his own patients, which he also failed to report to the Board. The attack may have been and doubtless was justified and probably could not appropriately be described as cruel. The circumstances may have warranted heroic treatment from the physician; but it all goes to show the necessity for a full, complete, thorough investigation and the danger of drawing conclusions derogatory to one's character from the loose, equivocal, insinuating statements from a person whose mind is charged with the venom of personal animosity.

Dr. Christie, who was recently discharged from the hospital because of a personal difficulty with the Superintendent, was the next witness. He was employed by the Board in July, 1903. He claimed that he was "like a bump on a log about fixing the prescriptions" for patients; and thereby "hangs a tale" for it was this incompetency with which he was charged by the Superintendent that brought about the difficulty between him and his superior officer, and made it possible for him to tell of cases of cruelty and mistreatment on the part of the attendants and nurses toward patients, which during his employment he could not reveal. Even when asked by the President of this Board, if he knew of any such, denied that he knew and said that he had nothing whatever to report. and this only a few weeks before his discharge.

It may be as well to observe that during the witness' incumbency of the position of physician, he was a candi-

date for the position of his superior officer. Now he says that he observed some cases of drunkenness on the part of attendants; but he did not report them, even to Dr. Gwinn. He said he knew of cases where patients were cruelly and inhumanly treated. In the case of Mrs. Mercer, why did not the committee try and obtain the facts? There the name of the patient was given, and it was stated that the attendants who were charged with mistreating her were still in the employment of the Hospital. Why were not those witnesses to the alleged abuse of Mrs. Mercer called and required to make statements? It might have developed that there was a difference of opinion between the doctor and a nurse who has had several years experience as a trained nurse, as to whether the hemorrhage was from the lungs or the lips. It was this very case which precipitated the difficulty between Dr. Gwinn and Dr. Christie. The former investigated Dr. Christie's charge that the young women nurses had thrown Mrs. Mercer down and abused her. It would have developed that she was a large woman and a violent patient and that it required three or four nurses to control her. It was often necessary to do so by force, and so it was upon the occasion to which Dr. Christie referred. There was neither abuse, injury nor mistreatment. In her violent paroxysm of rage the patient bit her lips and blood came therefrom, which Dr. Christie said was a hemorrhage from the lungs. Dr. Gwinn did not believe, after hearing all the facts, that those young women would wilfully, maliciously and from mere wantonness, mistreat and abuse a hospital patient. He satisfied himself that there was no hemorrhage from the lungs, and so told Dr. Christie, who, deeming his standing as a physician to be discredited, made a personal matter of it with Dr. Gwinn, whereupon both gentlemen were asked for their resignations.

The case of Eugène Davis from Live Oak, was not fully inquired into by the Committee. His brothers visited him several times at the Hospital and expressed themselves as being entirely satisfied with his treatment. There was no abuse of him; at times he was violent, and of course had to be restrained.

It is utterly untrue that there has been at any time, in recent years, instances of cruel and inhuman treatment

of the patients, and the Board alleges that a full, fair and careful investigation will fail to make good the Committee's report. The Board asserts that the Committee's finding in this regard is wholly sensational and utterly without foundation in fact.

The next charge made by the Committee is "The very atmosphere of the institution has been scented with vice and immorality, to the extent that even inmates have begged and pleaded for release on account of it, and citizens nearby have felt outraged by it."

This cruel, harsh attack upon the chastity of the female attendants and nurses at the hospital is unsupported by a single word of evidence. It seemed to have been begotten in the evil minds of those who would impute a lack of virtue to a lady who, in company with her escort, takes an evening stroll. The charge made by the Committee is the product of minds which believe that a woman sells her virtue when she consents to toil. This ungenerous allegation of the Committee the Board deems unworthy of a reply and contents itself with the statement that it is untrue, vicious, scandalous and outrageous to the point of criminality.

The white women employed at the Hospital are with one or two exceptions citizens of Florida, they come principally from Gadsden and the surrounding counties, and are from as nice families as may be found anywhere in the State.

Dr. Goddard's insinuation that the moral status of the attendants was not high, saying, it "was as good as could be expected from that class of people," is insufficient upon which to base a charge like the one contained in the report. Particularly is this true when the testimony of Dr. Goddard shows him to have been guilty of misconduct and dereliction of duty in not making complaint to his employers of the conditions about which he spoke, when they came to his attention. This callousness and disregard for his plain duty and moral obligation renders him but an indifferent moral critic. The statement of H. H. Spear was purely hearsay. He said that he had heard expressions that were detrimental to the morality of the institution. Upon such utterly worthless evidence, the committee who were supposed to have at heart the interests of the State, who were too modest to have published some of the evidence, which they say was unfit for public print,

who pretended to a high degree of virtue as public servants, and pretended to do their duty without "fear or favor, free of whitewash or prejudice," showed themselves wholly deficient in the very first of Southern manly virtues, and published without cause or evidence an attack upon the chastity of woman and sought to place under the ban of suspicion the female attendants and nurses at the hospital, who doubtless have sought employment there as a means by which they might aid their parents in the maintenance of the home. The Board of Commissioners of State Institutions denies that there is any truth whatsoever in the committee's report so far as this allegation is concerned.

The balance of the Committee's report, appearing on pages four and five, consist of allegations of a general nature embraced in those already discussed in this document and requires no further reply.

The report of the Committee as to certain "Wards" in the Hospital is a mere rehash of the reports of the Superintendents for years past, in which they urged upon the legislature the necessity of appropriations sufficient to make the necessary repairs and improvements.

The remainder of the report contained on pages seven, eight, nine and ten of the journal, is a mere plagiarism, it being a verbatim copy of the report of the Recess Committee appointed by the legislature of 1901 and made to the legislature of 1903. The purpose of which being to urge upon the legislature the necessity for favorable consideration of the propositions to enlarge and improve the buildings at the Hospital and the placing therein of the conveniences that would minister to the comfort and happiness of the inmates. As stated herein the Committee of 1901 directed the attention of the legislature to the needs of the institution and commended the management. It recognized the fact that the legislature is responsible for the lack of conveniences, comforts and necessities that would make the life of the inmates easier to bear. That committee appreciated the fact that it was a preposterous proposition to provide by law for the payment of forty cents per day per capita, to sheriffs and jailors for the "feeding" of county prisoners, and to provide in addition thereto, at the expense of the county, a place in which to confine them and to supply all their clothing and necessary medicines; while providing only thirty-two cents per

day for the maintenance of those "poor, helpless unfortunate inmates," whose frailties of mind and impoverished condition make them a charge upon the charity of the State, and expect the management to save enough out of that munificent fund to pay salaries of officers and employees, repairs and improvements, medicines and surgical apparatus and all other expenses in and about the maintenance of the Florida Hospital for the Insane.

All of which is respectfully submitted as the reply to the report of your Committee of those whom the people of this State have intrusted with the management and control of the Hospital for the Insane.

N. B. BROWARD, Governor,
H. CLAY CRAWFORD, Sec. of State,
W. H. ELLIS, Attorney General,
A. C. CROOM, Comptroller,
W. V. KNOTT, State Treasurer,
B. E. McLIN, Com. of Agriculture,
W. M. HOLLOWAY,

State Sup. of Pub. Inst.,
Constituting the Board of Commissioners of State Institutions.