

same during the closed season, and providing a penalty therefor.

Was taken up.

Mr. Turner moved that the rules be waived and House Bill No. 155 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 155 was read a second time by its title only.

Mr. Turner moved that the rules be further waived and that House Bill No. 155 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. 155 was read a third time in full.

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

Yeas—Mr. President, Senators Andrews, Baker, Bradshaw, Cash, Crawford, Crosby, Eaton, Hughlett, Hulley, King, Malone, Mathis, Moore, Plympton, Roland, Turner, Wilson—18.

Nays—None.

So the bill passed, title as stated.

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

Mr. Mathis moved that the Senate do adjourn.

Which was agreed to.

And the Senate stood adjourned to 10:30 a. m. Monday, May 19, 1919.

### Monday, May 19, 1919

The Senate met at 10:30 o'clock A. M., pursuant to adjournment.

The President in the chair.

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

Mr. President, Senators Andrews, Baker, Butler, Carlton, Cash, Crawford, Crosby, Eaton, Hughlett, Hulley,

Igou, Johnson, King, Lowry, MacWilliams, Malone, Mathis, McLeod, Roland, Russell, Turnbull, Turner, Wilson—24.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

The Journal of May 17 was corrected and approved as corrected.

### REPORTS OF COMMITTEES.

Mr. Johnson, chairman of the Committee on Claims, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., May 19, 1919.

*Hon. James E. Calkins,*  
*President of the Senate.*

Sir:

Your Committee on Claims, to whom was referred: Senate Bill No. 96:

A bill to be entitled An Act for the relief of Henry Langhout.

Have had the same under consideration, and recommend that the same do pass with Committee Substitute Bill, which Committee Substitute Bill is submitted herewith, with title as follows:

A bill to be entitled An Act for the relief of Henry Langhout and providing for proof to be made to the Clerk of the Circuit Court of Alachua County in connection therewith.

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

Very Respectfully,

J. B. JOHNSON,  
Chairman of Committee.

And Senate Bill No. 96, contained in the above report, with Committee Substitute therefor, was placed on the Calendar of Bills on Second Reading.

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

Senate Chamber,  
Tallahassee, Fla., May 19, 1919.

Hon. James E. Calkins,  
President of the Senate.

Sir:

Your Committee on Engrossed Bills, to whom was referred—

(With amendment of House of Representatives adopted May 16th, 1919)—

Substitute for Senate Bill No. 90:

A bill to be entitled An Act making appropriations for the support and maintenance of the State Institutions for Higher Education created and required to be maintained by Chapter 5384 of the Laws of Florida, approved June 5, 1905, now known as the University of Florida, the Florida State College for Women, the Florida School for the Deaf and the Blind, and the Florida Agricultural and Mechanical College for Negroes; and for the support and maintenance of Summer Schools created by Chapter 6498, Laws of Florida, Approved June 5, 1913.

Have examined Committee Substitute for Senate Bill No. 90 with amendments of House of Representatives thereto, and find same correctly engrossed.

Very respectfully,

W. A. McLEOD,  
Chairman of Committee.

And Committee Substitute for Senate Bill No. 90, contained in the above report, was referred to the Committee on Enrolled Bills.

#### INTRODUCTION OF RESOLUTIONS AND CONSIDERATION OF SENATE RESOLUTIONS.

Mr. Johnson, on behalf of the Committee on Claims, offered the following resolution:

By Chairman of Committee on Claims—

Senate Resolution No. 14:

Resolved, That the attached compilation of the history and evidence on the old Indian War Claims be spread upon the Senate Journal for preservation and information.

Origin and history of the "Blue Script," or warrants issued by R. C. Williams, Comptroller, under the Act of

February 8th, 1861, Chapter 1175 of the Laws of Florida, under the head of services, rendered the State of Florida in the Last War with the Seminole Indians.

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 1175 (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 in 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 Captains 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's, Parker's and other volunteer companies for services in the year 1849, as the said companies or individual members thereof, person or persons, their agents or attorneys, may elect to receive.

Sec. 7. *Be it further enacted*, That the warrants or State scrip issued as aforesaid, shall be paid out of any moneys 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 27, 1862.)

"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 payment of all warrants issued by the Comptroller under the said Act 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 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 State.

*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 may be 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 to 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 moneys 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, Fla., June 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 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 the 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 the 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 day 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 instruction to General Jesse Carter, (the special agent of the State, as will hereafter appear). On the 18th of 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 others may deem advisable." This order is liable to serious objection. We want the United States to pay these par-ticipating, to be relieved alternately, as the commands, 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

hours' 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 3rd of January to 11th of March, 1856 .....	4,945.52
A. D. Johnson, from 25th December, 1855, to 26th of February, 1856, .....	21,014.79
	<hr/>
	\$46,029.44

And F. M. Durrance's from 29th of December, 1855, to 22nd 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 Lieut. Hartsuff, of the U. S. 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 commissioner 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 roll 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 Department, 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. D. 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 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 1st 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 3d, 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 22d, 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, 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, an account for 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
Under-claimed . . . . .	.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. Durrance, as far as can be now ascertain- ed, 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 substance 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 now come 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 Febru- ary, 1856, to 8th September, 1856.....	4,080.54
Moses Horn's 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 Febru- ary, 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. 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 22d 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 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 "States 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 forces in Florida to have these State 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 of 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. Slone, 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 forged. 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 has 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 is 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 3d 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 ex-

pected 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 association, 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-imburements 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 23 July, 1849, to 23d 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 payments for 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 or \$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 Comp-

troller 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 had been commissions paid at Tallahassee, and that there was more truth than poetry in what Mr. Wheeler had said.

Judge Turman sworn.—States that he held in his pos-

session 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 was 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 by 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 re-

turned 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 Cassady two ninety-one dollar scripts or warrants, and eighteen dollars in 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 Mrs. Janes 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 day 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 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 deponents 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 fogery. 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 things, 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 first 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 5 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 part 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 Cassidy'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 at 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 2½ 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 script in all cases, and, in the aggregate, amounted to \$3,800, which has been endorsed 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 11, 1879:

The Governor did, in pursuance thereof, appoint three Commissioners for the purposes herein 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 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, Fla., 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 payment 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 conven-

tion 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 committee 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 questions 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 Act 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 with 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 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 mentioned 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 Department 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 12, 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 3d, 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 upon, 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 by 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 owners 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.

Which was read.

Mr. Johnson moved the adoption of the resolution.

Which was agreed to.

Mr. MacWilliams moved to waive the rules and that Senate Bill No. 41 be certified to the House of Representatives immediately.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 41 was immediately certified to the House of Representatives.

Mr. Eaton moved that Senate Bill No. 310 be taken up out of its order and now considered.

Which was agreed to by a two-thirds vote.

And—

Senate Bill No. 310:

A bill to be entitled An Act defining and fixing the territorial limits and boundaries of the Tenth Judicial Circuit of Florida; creating the Twelfth Judicial Circuit; providing for a Circuit Judge and State Attorney in the Twelfth Judicial Circuit; and providing and fixing the time for holding the terms of the Circuit Court in said Circuits.

Was taken up.

Mr. Eaton moved that the rules be waived and Senate Bill No. 310 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 310 was read a second time by its title only.

Mr. Eaton moved that the rules be further waived and that Senate Bill No. 310 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.  
that Senate Bill No. 310 be read a third time in full and

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

Yeas—Mr. President, Senators Andrews, Baker, Butler, Carlton, Cash, Crawford, Eaton, Hughlett, Hulley, Igou, King, Lowry, MacWilliams, Malone, McLeod, Roland, Russell, Turnbull, Turner, Wilson—21.

Nays—None.

So the bill passed, title as stated.

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

Mr. Butler, by unanimous consent, called up Senate Bill No. 382.

Mr. Butler moved that Senate Bill No. 382 be made a special order for Wednesday, May 21, at 3 o'clock P. M., and that 200 copies of same be printed.

Which was agreed to by a unanimous vote.

And it was so ordered.

#### PETITIONS AND MEMORIALS.

A petition from W. R. Hardee, in re licensing in St. Lucie County, was read and ordered filed.

The following communication was read:

#### FROM THE RECORDS OF THE CITY COUNCIL, SESSION OF MAY 6, 1919.

Resolution by Councilman White:

Whereas, the first centennial of the purchase of Florida from the Spanish Government will occur July 16, 1921, which event should be celebrated with more than passing notice, and it now seems fit and proper that the people of Florida should begin their preparations looking to some kind of a grand entertainment at that time; and,

Whereas, the great people of the State of Florida have always proven themselves equal to anything which they

have set as a task for themselves, and they are perfectly competent to begin and carry to a successful conclusion any object of merit that will benefit our grand old State, which State has probably more historical events connected with it than any other State in the Union, dating back, at it does, to the landing of Ponce de Leon; and,

Whereas, the war will have been over for more than two years before it is time for this grand event and celebration should take place, and fully believing that nothing is too good for Florida and her people, so it is hereby suggested that the State have a World's Fair upon the same grand scale as former world fairs have been held in other States. Such a fair would provide labor with employment and advertise the State on a great scale; foreign countries, especially the South American countries, with whom we are endeavoring to build up our trade, would be induced to erect buildings and displays, all the States in the Union probably could be induced to erect State houses and exhibits, and during the operation of the fair hundreds and thousands of people would be induced to visit Florida and to boost this State in a wonderful way. Florida is a natural tourist State and is in position to take care of the great volume of people that would visit our State, and the climate is such that the fair would run in summer and winter, and now is the opportunity and the people of the State of Florida should not let it slip away from them; therefore, be it

Resolved, That our Honorable Senator and Representatives in the present Legislature are hereby requested to have the necessary legislation enacted to make a World's Fair possible, and to seek such appropriation from the State as will establish the sincerity of the State in the proposition, and to have the necessary committee or committees appointed to take the matter up with the government of the United States for exhibits and appropriations and such other matters as may appear necessary to them.

The resolution was adopted.

Attest:

C. A. FUTCH,  
Town Clerk.

Mr. Andrews moved that the communication be spread upon the Journal.

Which was agreed to and it was so ordered.

## REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Mr. Eaton, Chairman of the Joint Committee on Enrolled Bills on the part of the Senate, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., May 19, 1919.

*Hon. James E. Calkins,*  
*President of the Senate.*

*Sir:*

The Joint Committee to whom was referred—  
(Senate Bill No. 302):

An Act to legalize and validate all contracts heretofore made by the Town of Winter Haven, Florida, for, as well as ordinances, resolutions and acts relating to paving the streets of said town; and also constructing sewers in said town; curing all irregularities in all proceedings relating to said work, and declaring all assessments made and the certificates of indebtedness therefor against the abutting property to pay the cost of such work, or any part thereof, valid and binding liens.

Also—

(Senate Bill No. 151):

An Act to grant the water front, riparian rights and submerged lands in Lake Eustis within the incorporate limits of the Town of Eustis, in Lake County, Florida, title to which is now in the State of Florida by right of sovereignty, to the said Town of Eustis.

Also—

(Senate Bill No. 174):

An Act to abolish the present municipal government of the Town of Haines City, in the County of Polk, Florida, and to establish, organize and constitute a municipality to be known and designated as the Town of Haines City; to define its territorial boundaries; to provide for its jurisdiction, powers and privileges and for the exercise of same.

Also—

(Senate Bill No. 266):

An Act prohibiting the killing or capturing of any fish in the fresh water lakes, ponds, rivers and streams of Jefferson County, Florida, by means of shooting said fish, and providing penalties for the violation of this Act.

Have carefully examined the same and find them correctly enrolled.

The same having been duly signed by the Speaker and Chief Clerk of the House of Representatives, we herewith present the same for the signature of the President and Secretary of the Senate.

Very respectfully,

C. M. EATON,

Chairman of Joint Committee on the Part of the Senate.

The bills contained in the above report were duly signed by the President and Secretary of the Senate in open session and ordered referred to the Chairman of the Joint Committee on the part of the Senate to be conveyed to the Governor for his approval.

Mr. Eaton, Chairman of the Joint Committee on Enrolled Bills on the part of the Senate, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., May 19, 1919.

*Hon. James E. Calkins,*  
*President of the Senate.*

Sir:

The Joint Committee to whom was referred—  
(Senate Bill No. 258):

An Act to legalize, confirm and validate the establishment of a Special Tax Road and Bridge District, in Levy County, Florida, Number 7, and known as the Cedar Key Sub-road District, established by an election held by the free-holders of said district on July 13th, 1918; to validate tax levies to meet the obligation of certain time warrants authorized at said election and to further establish and confirm said district and to authorize the construction of hard-surfaced roads in said district.

Also—

(Senate Bill No. 269):

An Act to authorize the trustees of Sub-road District No. 2 of Alachua County, Florida, commonly known as the Newberry Sub-road District, and the trustees of Sub-road District No. 9 of Alachua County, Florida, known as the Trenton Sub-road District, to issue bonds for the purpose of building certain roads within said sub-road districts.

Also—

(Senate Bill No. 292):

An Act authorizing the Board of County Commissioners of Duval County, Florida, to refund certain taxes that were illegally collected, to provide for payment of interest and sinking fund on unsold St. John River Bridge Bonds.

Also—

(Senate Bill No. 268):

An Act to enlarge the powers of Monroe County, Florida, relative to issuing bonds for the building, construction and operation of a fresh water trunk pipe line for the purpose of supplying fresh water to settlers, cities and towns within said county and to make rules and regulations relative to the distribution of said fresh water at its trunk pipe line and for other purposes incident thereto.

Also—

(Senate Bill No. 140):

An Act to create and incorporate the Winter Haven Lake Region Boat Course District, in Polk County, Florida, as and into a special taxing district by the said name, to fix its territorial lines and boundaries, prescribing its powers, privileges, duties and liabilities, and to provide for the government and administration of said district, define the powers of the Board of Commissioners thereof, naming the first Board of Commissioners of said district, and to authorize said district to acquire, own, hold and control rights-of-way for, and to acquire, construct, own, maintain, operate and control canals and locks to connect the lakes within and adjacent to said district, and all other works necessary or proper in connection therewith or for the protection thereof, providing for the levying of taxes upon the property in said district, and the collection of the same, and authorizing said district to borrow money and to issue bonds and dispose of same, to procure money to carry out the provisions of this Act, and provide the necessary funds for the purposes of said district, giving to such district full power to acquire such lands and property as may be necessary and proper for its purposes; and to protect and prevent injury to any works constructed under this Act, and to provide a penalty for the violation of such provisions.

Have carefully examined the same and find them correctly enrolled.

The same having been duly signed by the Speaker and Chief Clerk of the House of Representatives, we herewith present the same for the signature of the President and Secretary of the Senate.

Very respectfully,

O. M. EATON,

Chairman of Joint Committee on the Part of the Senate.

The bills contained in the above report were duly signed by the President and Secretary of the Senate in open session and ordered referred to the Chairman of the Joint Committee on the part of the Senate to be conveyed to the Governor for his approval.

#### INTRODUCTION OF BILLS.

By Mr. Roland—

Senate Bill No. 390:

A bill to be entitled An Act to appropriate certain books to the use of the College of Law, University of Florida.

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

By Mr. MacWilliams—

Senate Bill No. 391:

A bill to be entitled An Act providing for the compensation of the County Judges when acting as Probation Judges and the Probation Officers in all counties wherein the compensation has not been prescribed by special law.

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

By Mr. Hughlett—

Senate Bill No. 392:

A bill to be entitled An Act providing that certain territory in Brevard County, Florida, described as follows, to-wit: Beginning in the Southerly line of the Delespine Grant in Brevard County, Florida, where the same is intersected by the West line of Section twenty-four (24), Township twenty-three (23) South, Range thirty-five (35) East, thence Northeasterly along the Southerly line of said Delespine Grant to its intersection with the West shore of the Indian River, thence Easterly across said river to the East shore of said river where

the same is intersected by the South line of Section sixteen (16), Township twenty-three (23) South, Range thirty-six (36) East, thence East, following the section lines to the West shore of the Atlantic Ocean, thence Southerly along the meanderings of the West Shore of the Atlantic Ocean, being also the East line of Brevard County aforesaid, to the South line of Township twenty-five (25) South, thence West along said Township line to the East line of Section thirty-three (33), Township twenty-five (25) South, Range thirty-six (36) East, thence North along the East lines of Sections thirty-three (33) and twenty-eight (28), Township twenty-five (25) South, Range thirty-six (36) East, to the Northeast corner of Section twenty-eight (28), thence West along the South line of Section twenty-one (21), Township twenty-five (25) South, Range thirty-six (36) East, to the Southwest corner of said Section twenty-one (21), thence North along the West line of Sections twenty-one (21) and sixteen (16), Township twenty-five (25) South, Range thirty-six (36) East, to the Northwest corner of said Section sixteen (16), thence West one (1) mile to the Northwest corner of Section seventeen (17), Township twenty-five (25) South, Range thirty-six (36) East, thence North two (2) miles along the West line of Sections eight (8) and five (5), Township twenty-five (25) South, Range thirty-six (36) East, to the Northwest corner of said Section five (5), thence west one (1) mile to the Northwest corner of Township twenty-five (25) South, Range thirty-six (36) East, thence North along the Range line between Ranges thirty-five (35) and thirty-six (36) to the Northeast corner of Section thirteen (13), Township twenty-four (24) South, Range thirty-five (35) East, thence West one (1) mile to the Northwest corner of said Section thirteen (13), thence North along the Section line to the point of beginning, may be constituted into a Special Road and Bridge District under the provisions of Chapter 6208, Laws of Florida, Acts of 1911, and its amendments, and that among the roads and bridges to be constructed in said territory there may be included the re-constructing, re-surfacing or remodeling of any portion of the Dixie Highway which may be included within the boundaries of said proposed Special Road and Bridge District.

Which was read the first time by its title.

Mr. Hughlett moved that the rules be waived and Senate Bill No. 392 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 392 was read a second time by its title only.

Mr. Hughlett moved that the rules be further waived and that Senate Bill No. 392 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. 392 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 Andrews, Baker, Carlton, Crawford, Eaton, Hughlett, Hulley, Johnson, King, Lowry, MacWilliams, Malone, Mathis, McLeod, Roland, Russell, Turner, Wilson—19.

Nays—None.

So the bill passed, title as stated.

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

By Mr. MacWilliams—

Senate Bill No. 393:

A bill to be entitled An Act to amend Section 150 of General Statutes of Florida, relating to the duties of the Commissioner of Agriculture.

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

By Mr. Butler—

Senate Bill No. 394:

A bill to be entitled An Act to allow the State Auditor to employ two additional accountants, fixing their compensation, and providing for their traveling expenses.

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

#### CONSIDERATION OF OTHER RESOLUTIONS.

House Concurrent Resolution No. 25:

A resolution providing for a committee to recommend a law to the Legislature of 1921 providing for the handling and sale of seed.

Was taken up.

Mr. Igou moved to adopt the resolution.

Which was agreed to, and the resolution was adopted.

Mr. Johnson moved to waive the rules and that House Bill No. 588 be recalled from the Committee on Claims and that the bill be referred to the Committee on Judiciary B.

Which was agreed to by a two-thirds vote.

And it was ordered to be so referred.

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES.

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 16, 1919.

*Hon. James E. Calkins,*  
*President of the Senate.*

*Sir:*

I am directed by the House of Representatives to inform the Senate that the House of Representatives has concurred in the following Senate amendments to House Bill No. 162:

In Section 2, line 2, strike out all of said Section after word "from," and insert in lieu thereof the following: "August 15 to February 15 of each year. From February 15 to August 15 of each year is hereby declared closed season for fishing with seines in such lakes."

Very respectfully,

*J. G. KELLUM,*  
Chief Clerk, House of Representatives.

Also—

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 16, 1919.

*Hon. James E. Calkins,*  
*President of the Senate.*

*Sir:*

I am directed by the House of Representatives to inform the Senate that the House of Representatives has concurred in Senate amendments to House Bill No. 500:

(1). In line 5 of the title of the bill, after the word "machines," insert the words, "or disc harrows."

(2). In Section 4, line 2, of said section, after the word "vehicle," insert the words, "well machines, or disc harrows."

(3). On page 2, Section 4, line 13, after the word "and," insert the words, "disc harrows and."

(4). In Section 7, line 5, after the word "truck" and before "on," insert the following, "of more than one ton capacity."

(5). In Section 11 strike out all of Section 11 and insert in lieu thereof the following: "Any person convicted of violating any of the provisions of this law shall be considered guilty of a misdemeanor and punished in accordance with the penalty provided in Chapter 6222 of the Acts of 1911, providing for punishment of misdemeanors; that is to say, shall be fined not exceeding two hundred (\$200.00) dollars or imprisonment not exceeding ninety (90) days, or both, at the discretion of the court."

Very respectfully,

J. G. KELLUM,

Chief Clerk, House of Representatives.

Also—

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 16, 1919.

*Hon. James E. Calkins,*  
*President of the Senate.*

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has concurred in Senate amendments to House Bill No. 396:

And has adopted the following amendments:

1. In Section 5, strike out the following: "I hereby certify that the last prescription given by me to the person herein named, prescribing the use of alcohol was on the (give date) ..... of A. D. ...."

2. In Section 5, strike out the following: "At the end of each month by the druggist or pharmacist making the sale, in the office of the County Judge of the County. All statements, affidavits of prescriptions required by this Act to be filed in the office of the County Judge, shall be recorded and properly indexed by him in a book

kept for that purpose, which shall at all times be kept open for public inspection; and a certified copy of such record, or the original statement, affidavit or prescription with the certificate of the County Judge endorsed thereon, showing that it has been recorded shall be prima facie evidence of the facts recited therein. For making such record the County Judge shall be entitled to charge and collect for each prescription ten cents, and for all statements other than prescriptions, a fee of twenty-five cents, which shall be paid by party filing same," and insert in lieu thereof the following: "And kept as provided for in this Act."

Very respectfully,

J. G. KELLUM,

Chief Clerk, House of Representatives.

Also—

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 16, 1919.

*Hon. James E. Calkins,*

*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. 46:

A bill to be entitled An Act to amend Section 5, Section 6 and Section 7 of Chapter 7376, Laws of 1917, being An Act entitled, "An Act assenting to and accepting the provisions of an Act of Congress, approved February 23, 1917, to provide for the promotion of vocational education, etc.," and making an appropriation to carry out the purpose of said Chapter 7376 as amended.

Very respectfully,

J. G. KELLUM,

Chief Clerk, House of Representatives.

And Senate Bill No. 46, contained in the above message, was referred to the Committee on Enrolled Bills.

Also—

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 16, 1919.

*Hon. James E. Calkins,*  
*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. 347:

A bill to be entitled An Act to provide water supplies for the cities and towns of southeast and southwest coasts of Florida.

Also—

Committee Substitute for House Bill No. 184:

A bill to be entitled An Act to regulate the practice of chiropractic; to create and provide for the appointment of a Board of Chiropractic Examiners; to define the powers and duties of said board, and to provide a penalty for violation of the provisions of this Act.

Also—

House Bill No. 692:

A bill to be entitled An Act authorizing the Board of Public Instruction of Washington County, Florida, to issue time warrants to the amount of twenty thousand (\$20,000.00) dollars, bearing interest at the rate of six per cent per annum and maturing not more than fifteen years after date of issue, and providing for the levying of a tax to pay the interest thereon and to provide a sinking fund for the redemption thereof and for other purposes.

Also has adopted—

House Concurrent Resolution No. 26:

A resolution disapproving certain histories for use in public schools and public libraries of this State.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

J. G. KELLUM,

Chief Clerk, House of Representatives.

And House Bill No. 347, contained in the above message, was read the first time by its title and referred to the Committee on Cities and Towns.

And Committee Substitute for House Bill No. 184, contained in the above message, was read the first time

by its title and placed on the Calendar of Bills on the Second Reading without reference.

And House Bill No. 692, contained in the above message, was read the first time by its title and placed on the Calendar of House Local Bills on Second Reading.

And House Concurrent Resolution No. 26, contained in the above message, was read the first time by its title and was laid over under the rules.

Also—

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 17, 1919.

*Hon. James E. Calkins,*  
*President of the Senate.*

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has concurred in the following Senate amendments to House Bill No. 108:

(1) In Section 1, line 12, strike out "\$1.25" and in lieu thereof insert "\$3.00."

(2) In Section 4, line 12, strike out "\$2.00" and insert in lieu thereof the following: "\$3.00."

Very respectfully,

J. G. KELLUM,

Chief Clerk, House of Representatives.

Also—

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 17, 1919.

*Hon. James E. Calkins,*  
*President of the Senate.*

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has concurred in the following Senate amendments to House Bill No. 19:

(No. 1.)

Which amendments to House Bill No. 19 are as follows:

Amendment No. 1. Strike out the title and insert in lieu thereof the following:

"A bill to be entitled An Act to amend Sections 2, 3 and 5 of Chapter 7259 of the Laws of 1917, entitled: An Act creating a State Board of Pensions, defining who shall receive pensions, who shall not receive pensions, who shall be retained as pensioners, how applications shall be made, how pensions shall be paid; duty of County Commissioners in regard to pensions; providing for the levy of a pension tax, and authorizing the State Board of Pensions to make regulations to carry into effect the provisions of this Act."

Amendment No. 2. Sec. 3. That Section 5 of Chapter 7259, Laws of 1917, be and the same is amended so as to read as follows:

"Sec. 5. The payment of all allowed claims shall be made from the date of the filing of the application in the Pension Department; provided, that an applicant for pension under this Act, whose application for pension has been denied by the Board for any cause, shall file within three months of the denial of said application, additional proof that is satisfactory to the State Pension Board, otherwise the action of the Board will be considered final on such application; provided, however, such action of the Board shall not prevent a new application from being made and filed under the provisions of this Act, which, if granted, shall entitle the person applying to receive a pension from the date of filing of such new application; provided, further, that nothing in this Act shall be considered to prevent Chaplains in the regular Confederate service from receiving a pension. Any person who draws a pension from the State of Florida at the time of the passage of this Act, and is entitled to a pension under this Act, shall not be required to make new proof and shall be paid from the passage of this Act. Payments shall not continue to pensioners during absence from this State of longer duration than twelve months; provided, that when a pension has been discontinued because of such absence, it shall be renewed upon return of pensioner to this State where it is shown that such absence was not permanent; provided, that payments to pensioners be discontinued immediately upon their removal from this State, if said removal is shown to be permanent; provided, further, that upon any pensioner being incarcerated or confined in any State institution in this State, the payment of any pension shall be discontinued during such time of confinement, unless such

pensioner has a wife or minor children dependent upon him or her for support, when such pension shall be paid to those so dependent upon such pensioner.

Amendment No. 3. Add Section 4:

Section 4. This Act shall become effective on becoming a law.

Amendment No. 4. To House Bill No. 19:

After the word, "husband," in Section 2, line 33, of House Bill No. 19, insert the following: "Provided that such subsequent marriage shall not prevent any widow over the age of forty years of a deceased soldier from drawing a pension under the provisions of this Act if said marriage has been dissolved by death or decree in chancery.

(No. 5): In Section No. 1, line 8, after the word, "States," insert: "Provided further that the provisions of this Act shall apply to those who were members of the militia of any of the Confederate States, who saw actual service in the Confederate service for at least one year and who have been bona fide residents of the State of Florida for fifteen years."

(No. 6): After the word, "death," last line, Section 2, House Bill No. 19, add the following: "Provided that all persons receiving pensions under Special Acts heretofore passed shall in lieu of the amounts they are now are receiving thereunder be paid at the same rate and the same manner that all pensioners are paid under this Act."

(No. 7): After "department" add the following: "Unless the applicant is the widow of a soldier receiving a pension at the time of his death under this Act when payment shall be made to such widow from the date of the death of her husband if her application be filed within ninety days after his death."

Very respectfully,

J. G. KELLUM,

Chief Clerk, House of Representatives.

Also—

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 17, 1919.

*Hon. James E. Calkins,*  
*President of the Senate.*

*Sir:*

I am directed by the House of Representatives to inform the Senate that the House of Representatives has adopted the following amendments to—

Senate Bill No. 48:

A bill to be entitled An Act to provide for the assistance of poor mothers or other poor women having children dependent upon them for support and care, under the age of sixteen years, and to provide the necessary means of carrying the law into effect.

Amendment No. 1:

In Section 3, lines three and four of paragraph fourth of conditions, strike out "one year in State" and "six months in county" and insert in lieu thereof: "Four years in State" and "one year in county."

Amendment No. 2:

In Section 3, line three of paragraph one, strike out "one-fourth of one mill" and insert in lieu thereof "one-half of one mill."

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

J. G. KELLUM,

Chief Clerk, House of Representatives.

And Senate Bill No. 48, with House amendments thereto, contained in the above message, was placed before the Senate.

Mr. Baker moved that House Amendment No. 1 to Senate Bill No. 48, as contained in the foregoing message, be agreed to and concurred in.

Which was agreed to.

Mr. Baker moved that the House Amendment No. 2 to Senate Bill No. 48, as contained in the foregoing message, be agreed to and concurred in.

Which was agreed to.

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

And Senate Bill No. 48, as amended by the House of Representatives and concurred in by the Senate, was referred to the Committee on Engrossed Bills.

Also—

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 17, 1919.

*Hon. James E. Calkins,*  
*President of the Senate.*

*Sir:*

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed, with amendment—

Senate Bill No. 205:

A bill to be entitled An Act to provide for the payment of the expense incurred by the Duval County Guards on its tour of duty from Duval County, to Madison County, by direction of the Governor of Florida, to uphold, protect and enforce the administration of justices according to law, and to provide also compensation to the commissioned and non-commissioned officers and men who actually did duty on that occasion, and appropriating moneys therefor.

Which amendment is as follows:

After the word "Guards" in line 4 of Section 4, type-written bill, insert these words: "And upon the audit and approval of said pay roll and expense accounts by the said Comptroller."

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

J. G. KELLUM,

Chief Clerk, House of Representatives.

And Senate Bill No. 205, with House amendments thereto, contained in the above message, was placed before the Senate.

Mr. Johnson moved that the Senate do concur in the House amendment to Senate Bill No. 205.

Which was agreed to.

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

And Senate Bill No. 205, as amended by the House of Representatives and concurred in by the Senate, was referred to the Committee on Engrossed Bills.

Also—

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 19, 1919.

*Hon. James E. Calkins,*  
*President of the Senate.*

Sir:

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

House Concurrent Resolution No. 27:

A concurrent resolution inviting Hon. Roger E. Simmons to address the House of Representatives and Senate this evening at 9 o'clock.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

J. G. KELLUM,

Chief Clerk, House of Representatives.

And House Concurrent Resolution No. 27, contained in the above message, was read the first time.

Mr. Lowry moved that the rules be waived and that House Concurrent Resolution No. 27 be read the second time.

Which was agreed to by a two-thirds vote.

And House Concurrent Resolution No. 27 was read the second time.

Mr. Lowry moved the adoption of the resolution.

Which was agreed to.

And House Concurrent Resolution No. 27 was adopted.

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

Also—

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 19, 1919.

*Hon. James E. Calkins,*  
*President of the Senate.*

Sir:

I am directed by the House of Representatives to in-

form the Senate that the House of Representatives has adopted—

House Concurrent Resolution No. 28:

A concurrent resolution memorializing the Congress of the United States to pass the bill in Congress proposing the establishing of engineering experiment stations in the various States.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

J. G. KELLUM,

Chief Clerk, House of Representatives.

And House Concurrent Resolution No. 28, contained in the above message, was read the first time and laid over under the rules.

Also—

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 16, 1919.

*Hon. James E. Calkins,*  
*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 recede from its position on the amendments adopted by the House to—

Senate Bill No. 4:

A bill to be entitled An Act to refund to owners of automobiles with a seating capacity of not more than five persons all license taxes collected by the Comptroller for the year 1918 in excess of five dollars for the full year and two dollars and fifty cents for the half year on such automobiles, and making an appropriation for that purpose and other provisions relating thereto.

Which amendments are as follows:

At the end of Section 1, add, "Provided, such refund shall be made directly to party entitled thereto and not through any attorney or collection agent or agency."

Also in Section 1, lines 11 and 12, strike out the words "or to his or her legal representative."

And respectfully requests that the Senate concur in said amendments.

Very respectfully,  
J. G. KELLUM,

Chief Clerk, House of Representatives.

Mr. McLeod moved that the Senate insist upon its action on the House amendments to Senate Bill No. 4, with title of bill and the House amendments thereto, as contained in the foregoing message, and that the Senate request the appointment of a conference committee to be appointed to adjust the differences between the Senate and House of Representatives.

Which was agreed to.

The President appointed Messrs. McLeod, Turnbull and Johnson as said committee.

And the action of the Senate was ordered to be certified to the House of Representatives.

Also—

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 17, 1919.

*Hon. James E. Calkins,*  
*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. 694:

A bill to be entitled An Act to make lawful the use of trawl nets in the waters of Nassau County, Florida, for the purpose of catching shrimp.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,  
J. G. KELLUM,

Chief Clerk, House of Representatives.

And House Bill No. 694, contained in the above message, was read the first time by its title and was placed on the Calendar of House Local Bills on Second Reading.

Also—

The following message from the House of Representatives was read:

House of Representatives,  
Tallahassee, Fla., May 16, 1919.

*Hon. James E. Calkins,*  
*President of the Senate.*

*Sir:*

I am directed by the House of Representatives to inform the Senate that the House of Representatives has concurred in the following Senate amendment to—

House Bill No. 297:

In Section 9 strike out the word "six," and insert in lieu thereof the following: "eight."

The House has also concurred in the following Senate amendments to—

House Bill No. 420:

(1) In Section 5, after the words "Section 2," add "and Section 4."

(2) In Section 4 strike out the words, "800 yards," and insert in lieu thereof the following: "600 yards."

Very respectfully,

J. G. KELLUM,  
Chief Clerk, House of Representatives.

#### ORDERS OF THE DAY.

The motion of Mr. King to reconsider the vote by which the Senate passed Senate Bill No. 71 was taken up.

Mr. MacWilliams moved that the Senate do request the House of Representatives to return Senate Bill No. 71 to the Senate.

And by consent the further consideration of Senate Bill No. 71 was informally passed over.

The consideration of—

Senate Bill No. 354:

A bill to be entitled An Act prescribing the liability of an employer to make compensation for injuries received by an employee in performing services arising out of and incidental to his employment in the course of his employer's trade, business or occupation in certain trades, business and occupations; abolishing in certain cases the defenses of assumption of risk, contributory negligence and negligence of a fellow servant in actions for personal injury and death; establishing a schedule of compensation, regulating procedure for the determination of liability

and compensation thereunder, and providing for methods for payments of compensation thereunder.

Was resumed.

Section No. 39 was read.

Section No. 40 was read.

Section No. 41 was read.

Section No. 42 was read.

Mr. Johnson offered the following amendment to Senate Bill No. 354:

By adding a new section to be numbered Section 42 1-2:

That none of the provisions of this Act shall apply to any orchard, grove or any agricultural industry, or to the packing, manufacturing or finishing of the products of any orchard, grove, farm, or any other raw products by the owners thereof, for market, or to any work or business incidental to or connected therewith.

Mr. Johnson moved the adoption of the amendment.

Which was agreed to.

Section No. 43 was read.

And Senate Bill No. 354 was ordered to be referred to the Committee on Engrossed Bills.

#### BILLS ON THIRD READING.

Senate Joint Resolution No. 3-A was taken up in its order and the consideration of the same was temporarily passed over.

Senate Bill No. 103 was taken up in its order and the consideration of the same was temporarily passed over.

Senate Bill No. 86 was taken up in its order and the consideration of the same was temporarily passed over.

Senate Bill No. 201:

A bill to be entitled "An Act to amend Section 2652 of the General Statutes of the State of Florida, relating to corporation not to transact business until certain requisites complied with, and to prescribe certain duties of the Secretary of State in connection therewith."

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 201, the vote was:  
Yeas—Mr. President, Senators Baker, Carlton, Craw-

ford, Hughlett, Hulley, Johnson, King, Lowry, MacWilliams, Malone, McLeod, Russell, Turnbull, Wilson—15.

Nays—Senators Andrews, Cash, Mathis, Turner—4.

So the Bill passed, title as stated.

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

Senate Bill No. 265 was taken up in its order and the consideration of the same was temporarily passed over.

Senate Bill No. 291 was taken up in its order and the consideration of the same was temporarily passed over.

Senate Bill No. 276 was taken up in its order and the consideration of the same was temporarily passed over.

Senate Bill No. 274:

A bill to be entitled An Act to amend Section 1337, General Statutes of Florida, relating to disqualifications of judges.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 274 the vote was:

Yeas—Mr. President, Senators Andrews, Baker, Carlton, Cash, Crawford, Crosby, Eaton, Hughlett, Hulley, Johnson, King, Lowry, MacWilliams, Malone, McLeod, Roland, Russell, Turnbull, Wilson—20.

Nays—None.

So the bill passed, title as stated.

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

Senate Bill No. 280:

A bill to be entitled An Act requiring contracting parties to procure license before marriage.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 280, the vote was:

Yeas—Senators Andrews, Baker, Carlton, Cash, Crawford, Crosby, Eaton, Hughlett, Hulley, Igou, Johnson, MacWilliams, Mathis, McLeod, Roland, Russell, Wilson—17.

Nays—Senator Malone—1.

So the Bill passed, title as stated.

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

## House Bill No. 324:

A bill to be entitled An Act to authorize, empower and order the Trustees of the Internal Improvement Fund to construct a lock at the point of intersection of the West Palm Beach Canal and the Main County Highway in Palm Beach County, Florida, of size, dimensions, design and construction to correspond with other locks constructed or to be constructed in State canals; and to provide when such lock shall be constructed.

Was taken up and read the third time in full.

Upon the passage of House Bill No. 324, the vote was:  
Yeas—Senators Anderson, Andrews, Baker, Crawford, Crosby, Eaton, Hughlett, Hulley, Malone, Turner—10.

Nays—Senators Carlton, Igou, Johnson, MacWilliams, Mathis, McLeod, Russell, Turnbull, Wilson—9.

So the bill passed, title as stated.

And the same was ordered to be certified to the Senate.

By consent—

Mr. Moore was excused from attendance for today.

## Senate Bill No. 265:

A bill to be entitled An Act amending Section 3267 and Section 3268 of the General Statutes of the State of Florida, same having reference to the carrying of pistols, repeating rifles and repeating shot guns.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 265, the vote was:

Yeas—Senators Andrews, Baker, Crawford, Crosby, Hughlett, Hulley, Johnson, McLeod, Russell—10.

Nays—Senators Anderson, Butler, Eaton, Igou, Lowry, MacWilliams, Malone, Mathis, Roland, Turnbull—10.

So the bill failed to pass, title as stated.

Mr. MacWilliams moved that the Senate do reconsider the vote by which it failed to pass Senate Bill No. 265.

Which motion was laid over under the rules.

By consent—

Mr. Wilson introduced—

## Senate Bill No. 395:

A bill to be entitled An Act to enlarge and amend Chapter 5085 of the Laws of Florida, entitled An Act to incorporate and establish a municipal government of the Town of Punta Gorda, DeSoto County, Florida, provide for its government, prescribe its jurisdiction and

powers, to authorize and empower the Town of Punta Gorda, Florida, to improve the streets thereof, and provide for the payment of the costs of said improvements.

Which was read the first time by its title.

Mr. Wilson moved that the rules be waived and Senate Bill No. 395 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 395 was read a second time by its title only.

Mr. Wilson moved that the rules be further waived and that Senate Bill No. 395 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. 395 was read a third time in full.

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

Yeas—Senators Anderson, Andrews, Baker, Crawford, Eaton, Hughlett, Hulley, Igou, Johnson, Lowry, MacWilliams, Malone, Mathis, McLeod, Roland, Turnbull, Wilson—17.

Nays—None.

So the bill passed, title as stated.

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

Senate Joint Resolution No. 274 was taken up in its order and the consideration of the same was temporarily passed over.

Senate Bill No. 226 was taken up in its order and the consideration of the same was temporarily passed over.

Senate Bill No. 388 was taken up in its order and the consideration of the same was temporarily passed over.

#### CONSIDERATION OF BILLS ON SECOND READING.

Senate Bill No. 101 was taken up in its order and the consideration of the same was temporarily passed over.

Senate Joint Resolution No. 73 was taken up in its order and the consideration of the same was temporarily passed over.

## House Bill No. 5:

A bill to be entitled An Act to provide hog cholera serum and virus for the suppression of hog cholera in the State of Florida.

Was taken up.

Mr. Andrews moved that House Bill No. 5 be made a special order for Thursday, May 22, at 11:00 o'clock, A. M.

Which was agreed to and so ordered.

Senate Bill No. 236 was taken up in its order and the consideration of the same was temporarily passed over.

Senate Bill No. 248 was taken up in its order and the consideration of the same was temporarily passed over.

## Senate Bill No. 215:

A bill to be entitled An Act to regulate the conferring of degrees by educational institutions.

Was taken up, and was read the second time in full.

There being no amendment offered, Senate Bill No. 215 was, under the rule, placed on the Calendar of Bills on Third Reading.

## Senate Bill No. 259:

A bill to be entitled An Act relating to setting fire to and burning forests, woods, lands or marshes, and providing a penalty for the violation of this Act.

Was taken up, and was read the second time in full.

The Committee on Agriculture offered the following amendment to Senate Bill No. 259:

In Section 1, line 6, after the word "person" add the words "or persons."

Mr. Hughlett moved to adopt the amendment.

Which was agreed to.

The Committee on Agriculture offered the following amendment to Senate Bill No. 259:

In Section 1, line 6, after the words "the same" add the words "or who shall have first obtained permission from the owners of any such forests, woods, lands or marshes to set fire to or burn the same."

Mr. Baker moved to adopt the amendment.

Which was agreed to.

And Senate Bill No. 259, as amended by the Senate, was referred to the Committee on Engrossed Bills.

Mr. Butler moved that Senate Bill No. 261 be referred to Committee on Judiciary B.

Which was agreed to and so ordered.

Senate Bill No. 79 was taken up in its order and the consideration of the same was temporarily passed over.

By consent—

Mr. Turnbull introduced—

Senate Bill No. 396:

A bill to be entitled An Act to incorporate and establish a municipal government for the Town of Monticello in the County of Jefferson, and State of Florida, provide for its government, prescribe its jurisdiction and powers, and to abolish the present corporation of said Town.

Which was read the first time by its title and placed on the Calendar of Local Bills on Second Reading.

## Senate Bill No. 289:

A bill to be entitled An Act to amend Section 1791 of the General Statutes of Florida relating to Assistant State Attorneys.

Was taken up and was read the second time in full.

There being no amendment offered, Senate Bill No. 289 was, under the rule, placed on the Calendar of Bills on Third Reading.

## Senate Bill No. 136:

A bill to be entitled An Act to repeal Chapter 7750, Acts of 1918, said Chapter 7750, Acts of 1918, being an Act entitled: "An Act to amend Section 2 of Chapter 6208, Acts of 1911, and Section 4 of said Chapter 6208 as amended by Section 2 of Chapter 6879, Acts of 1915, and to add to said Chapter 6208 a Section to be known as Section 4½, validating and legalizing Special Road and Bridge Districts constituted of territory lying wholly or in part in one or more other Special Road and Bridge Districts; said Chapter 6208, Acts of 1911, being An Act entitled, 'An Act to authorize the counties of the State of Florida to create and constitute Special Road and Bridge Districts within said counties: and to issue bonds and levy and collect a Special Road and Bridge Tax with

which to pay for the construction, repair and maintenance of the roads and bridges with said Special Road and Bridge Districts.' Approved June 5, 1911," and which said Chapter 7750, Acts of 1918, was approved December 6th, 1918: to provide that the repeal of said Chapter 7750, Acts of 1918, shall not prejudice, injure, make illegal or invalidate any Special Road and Bridge District heretofore created, established and constituted, or now being created, established and constituted, under the provisions of said Chapter 7750, Acts of 1918, or any proceedings heretofore had or taken, or now being had or taken in connection with the creation, establishment, or constitution of any Special Road and Bridge District under the provisions of said Chapter 7750, Acts of 1918; to amend Section 1 of Chapter 6208, Acts of 1911, and Section 4 of said Chapter 6208 as amended by Section 2 of Chapter 6879, Acts of 1915, and to add to said Chapter 6208, a Section to be known as Section 4½, validating and legalizing Special Road and Bridge Districts constituted of territory lying wholly or in part in one or more other Special Road and Bridge Districts; said Chapter 6208, Acts of 1911, being An Act entitled: "An Act to authorize the counties of the State of Florida to create and constitute Special Road and Bridge Districts within said counties; and to issue bonds and levy and collect a Special Road and Bridge Tax with which to pay for the construction, repair and maintenance of the roads and bridges within said Special Road and Bridge Districts." Approved June 5, 1911.

Was taken up.

Mr. MacWilliams moved that the rules be waived and Senate Bil No. 136 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 136 was read a second time by its title only.

Mr. MacWilliams moved that the rules be further waived and that Senate Bill No. 136 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. 126 was read a third time in full.

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

Yeas—Senators Anderson, Baker, Butler, Carlton, Crawford, Crosby, Eaton, Hughlett, Hulley, Igou, Lowry,

MacWilliams, Malone, Mathis, Roland, Russell, Wilson—17.

Nays—None.

So the bill passed, title as stated.

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

Mr. MacWilliams moved to waive the rules and take up Senate Bill No. 314.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 314 was taken up and placed before the Senate.

Mr. MacWilliams moved that House Bill No. 184 be substituted for Senate Bill No. 314 and that House Bill No. 184 take the place on the Calendar of Senate Bill No. 314.

Which was agreed to.

And the further consideration of the bill was informally passed over.

Senate Bill No. 308:

A bill to be entitled An Act to preserve the true facts and history of the Florida men and women who served in the world war as soldiers, sailors, nurses, or in civilian and charitable activities controlled by the United States Government, and making an appropriation therefor.

Was taken up, and was read the second time in full.

There being no amendment offered, Senate Bill No. 308 was, under the rule, placed on the Calendar of Bills on Third Reading.

Senate Bill No. 319:

A bill to be entitled An Act to fix the salaries of the administrative officers of the State and to make disposition of all fees and prerequisites of these officers.

Was taken up, and was read the second time in full.

There being no amendment offered, Senate Bill No. 319 was, under the rule, placed on the Calendar of Bills on Third Reading.

Senate Bill No. 263 was taken up in its order and the consideration of the same was temporarily passed over.

Senate Bill No. 288 was taken up in its order and the consideration of the same was temporarily passed over.

Senate Bill No. 262 was taken up in its order and the consideration of the same was temporarily passed over.

Senate Bill No. 251 was taken up in its order and the consideration of the same was temporarily passed over.

Senate Bill No. 239:

A bill to be entitled An Act in relation to the taking of deposition in civil cases, and regulating the method of reducing the testimony to writing, and the transmission of said deposition to the court in which the case may be pending.

Was taken up, and was read the second time in full.

The following amendment of the Committee on Judiciary B was read, as follows:

Add the following Section to be known as Section Two:

Section 2. That whenever any disposition is sought to be taken under the preceeding section the opposite party, after notice of such intention to take deposition has been served, may demand interrogatories to be filed and be permitted to file cross-interrogatories, which demand must be made within ten days from said notice, and cross-interrogatories must be filed within ten days from the date of the filing of the interrogatories and cross-interrogatories shall be propounded to the witness by the officer taking such deposition, and the said interrogatories and cross-interrogatories shall be reduced to writing in the same manner as provided in this Act.

Mr. Malone moved to adopt the amendment.

Which was agreed to.

The following Committee amendment was read:

Amendment 2. Change Section Two to read Section Three; Section Three to read Section Four; Section Four to read Section Five; Section Five to read Section Six.

Mr. Malone moved to adopt the amendment.

Which was agreed to.

And Senate Bill No. 239, as amended by the Senate, was referred to the Committee on Engrossed Bills.

**Senate Bill No. 263:**

A bill to be entitled An Act to provide for the enlargement and repair of the Capitol building, and making an appropriation for such purpose.

Was taken up, and was read the second time in full.

There being no amendment offered, Senate Bill No. 263 was, under the rule, placed on the Calendar of Bills on Third Reading.

Mr. Johnson moved that the Senate take a recess to 3:00 o'clock P. M.

Which was agreed to.

And the Senate took a recess to 3:00 o'clock p. m.

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**AFTERNOON SESSION, 3:00 O'CLOCK.**

The Senate convened at 3 o'clock p. m., pursuant to recess order.

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

Mr. President, Senators Anderson, Baker, Cash, Crawford, Eaton, Hughlett, King, Lowry, Oliver, Roland, Singletary, Turnbull, Turner, Wilson—16.

A quorum not present.

The following list of absentees was furnished the President by the Secretary, upon his request:

Messrs. Bradshaw, Butler, Carlton, Crosby, Hughlett, Igou, Johnson, MacWilliams, Malone, Mathis, McLeod, Plympton, Rowe, Russell, Stokes—15.

The President appointed Messrs. Eaton, Lowry and Anderson a committee to go out and bring in the absent Senators.

The Committee withdrew and reappeared before the bar of the Senate and reported that they had visited the committee rooms and called the Senators from them, and were satisfied that a roll call would now show a quorum present.

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

Mr. President, Senators Anderson, Andrews, Baker, Carlton, Cash, Crawford, Eaton, Hughlett, Hulley, Igou, Johnson, King, Lowry, MacWilliams, Malone, Mathis,

McLeod, Oliver, Roland, Rowe, Russell, Singletary, Turnbull, Turner, Wilson—26.

A quorum present.

Thereupon the committee was discharged with thanks.

Mr. Johnson moved that the absentees to the first roll call be excused, they having been engaged upon committee work.

Which was agreed to.

By consent—

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

Senate Chamber,  
Tallahassee, Fla., May 17, 1919.

*Hon. James E. Calkins,*  
*President of the Senate.*

*Sir:*

Your Committee on Engrossed Bills, to whom was referred—

Senate Bill No. 354:

A bill to be entitled An Act prescribing the liability of an employer to make compensation for injuries received by an employee in performing services arising out of and incidental to his employment in the course of his employer's trade, business or occupation in certain trades, business and occupations, abolishing in certain cases the defenses of assumption of risk, contributory negligence and negligence of a fellow-servant in actions for personal injury and death, establishing a schedule of compensation, regulating procedure for the determination of liability and compensation thereunder and providing for methods for payments of compensation thereunder.

Have examined the same and find it correctly engrossed.

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

And Senate Bill No. 354, contained in the above report, was placed on the Calendar of Bills on Third Reading.

By consent—

Mr. McLeod, chairman of the Committee on Engrossed Bills, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., May 19, 1919.

*Hon. James E. Calkins.*

*President of the Senate.*

*Sir:*

Your Committee on Engrossed Bills, to whom was referred:

Senate Bill No. 326 (with House Amendment adopted May 16, 1919):

A bill to be entitled An Act to amend Section Thirty-four (34), Article 7, of Chapter 6695, Laws of Florida, 1913, entitled "An Act to abolish the present municipal government of the Town of Hastings, St. Johns County, Florida, and to establish, organize and incorporate a town to be known and designated as the Town of Hastings, and to define its territorial boundaries and to provide for its jurisdiction, powers and privileges, and for the exercise of the same."

Have examined Senate Bill No. 326 with House amendment and find the same correctly engrossed.

Very respectfully,

W. A. McLEOD,  
Chairman of Committee.

And Senate Bill No. 326, contained in the above report, was referred to Committee on Enrolled Bills.

By consent—

Mr. Lowry, chairman of the Committee on Appropriations, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., May 19, 1919.

*Hon. James E. Calkins,*

*President of the Senate.*

*Sir:*

Your Committee on Appropriations, to whom was referred:

Senate Bill No. 364:

A bill to be entitled An Act to amend Chapter 6137 of the Laws of Florida, entitled "An Act to make appro-

provisions to aid in the endowment of the Florida Room of the Confederate Museum, and to provide for the payment of such appropriation"

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

Very respectfully,

D. M. LOWRY,  
Chairman of Committee.

And Senate Bill No. 364, contained in the above report, was placed on the Calendar of Bills on Second Reading.

By consent—

Mr. Cash, Chairman of the Committee on Education, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., May 19, 1919.

Hon. James E. Calkins,  
President of the Senate.

Sir:

Your Committee on Education, to whom was referred—

Senate Bill No. 271:

A bill to be entitled An Act authorizing County Boards of Public Instruction to purchase school books, sell, rent or furnish them free to pupils; to require publishers to file sample copies of all school books to be sold in the State with the State Superintendent of Public Instruction and County Boards of Public Instruction; to require publishers to sell school books in this State at the lowest net wholesale prices given anywhere in the United States, to require publishers to give bond to the State, to provide rules and regulations for enforcing and punishment and penalties for the violation of this Act, and for other purposes.

Have had same under consideration, and recommend that it do pass with the following amendment:

Amendment No. 1: Strike out the word, "high," where it appears before the word, "school," wherever it occurs in the title or the bill.

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

Very respectfully,

W. T. CASH,  
Chairman of Committee.

And Senate Bill No. 271, with proposed amendments, contained in the above report, was placed on the Calendar of Bills on Second Reading.

By consent—

Mr. McLeod, chairman of the Committee on Engrossed Bills, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., May 17, 1919.

Hon. James E. Calkins,  
President of the Senate.

Sir:

Your Committee on Engrossed Bills, to whom was referred:

Senate Bill No. 282:

A bill to be entitled An Act to abolish the present municipal government of the Town of Ormond, in the County of Volusia and the State of Florida, and to establish, organize and constitute a municipality to be known and designated as the Town of Ormond, and to define its territorial boundaries, and to provide for its jurisdiction, powers and privileges.

Have examined the same and find it correctly engrossed.

Very respectfully,

W. A. McLEOD,  
Chairman of Committee.

And Senate Bill No. 282, contained in the above report, was referred to the Committee on Enrolled Bills.

By Consent—

Mr. Eaton, Chairman of the Joint Committee on Enrolled Bills on the part of the Senate, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., May 19th, 1919.

Hon. James E. Calkins,  
President of the Senate.

Sir:

The Joint Committee to whom was referred—

(House Bill No. 674):

An Act fixing the number of terms of the Circuit Court of the Ninth Judicial Circuit of the State of Florida to be held in each county of said circuit and fixing the time for holding the terms of the Circuit Court in the counties composing said Judicial Circuit.

Have carefully examined the same and find it correctly enrolled.

The same having been duly signed by the Speaker and Chief Clerk of the House of Representatives, we herewith present the same for the signature of the President and Secretary of the Senate.

Very respectfully,

O. M. EATON,

Chairman of Joint Committee on the Part of  
the Senate.

The bill contained in the above report was duly signed by the President and Secretary of the Senate in open session and ordered referred to the Chairman of the Joint Committee on the part of the Senate to be conveyed to the Governor for his approval.

By consent—

Mr. Russell, Chairman of the Committee on State Institutions, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., May 17, 1919.

*Hon. James E. Calkins,*  
*President of the Senate.*

Sir:

Your Committee on State Institutions, to whom was referred—

Senate Bill No. 346:

A bill to be entitled An Act establishing a State Library, providing for a State Librarian and a Board of Trustees for the State Library, prescribing the duties, powers and responsibilities of said Librarian and Board of Trustees, and providing an appropriation for carrying out the provisions of this Act.

Have had the same under consideration, and submit the same without recommendation.

Very respectfully,

W. A. RUSSELL,  
Chairman of Committee.

And Senate Bill No. 346, contained in the above report, was placed on the Calendar of Bills on Second Reading.

By consent—

Mr. Russell, Chairman of the Committee on State Institutions, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., May 19, 1919.

*Hon. James E. Calkins,*  
*President of the Senate.*

Sir:

Your Committee on State Institutions, to whom was referred—

Senate Bill No. 228:

A bill to be entitled An Act creating and providing for the organization and management of a State farm colony for epileptic and feeble-minded, and to make an appropriation therefor.

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

Very respectfully,

W. A. RUSSELL,  
Chairman of Committee.

And Senate Bill No. 228, contained in the above report, was placed on the Calendar of Bills on Second Reading.

The Senate resumed consideration of Bills on Second Reading.

Senate Bill No. 173:

A bill to be entitled An Act relating to decimal weights of cornmeal, grits, hominy and corn flour.

Was taken up.

Mr. Roland offered the following amendment to Senate Bill No. 173:

In Section 2, line 20, after the word "sues" add "locally."

Mr. Roland moved the adoption of the amendment.

Which was agreed to.

Mr. Roland offered the following amendment to Senate Bill No. 173:

In Section 2, line 12, after the word "meal" add "grits hominy or corn flour."

Mr. Roland moved the adoption of the amendment.  
Which was agreed to.

And Senate Bill No. 173, as amended by the Senate,  
was referred to the Committee on Engrossed Bills.

Senate Bill No. 281:

A bill to be entitled An Act to amend Section 39 of Chapter 6458, Laws of Florida, entitled An Act relating to the creation, organization and maintenance of drainage districts for the purpose of reclaiming and protecting swamp, wet or overflowed lands, or lands subject to overflow, from the effects of water, for sanitary or agricultural purposes, or when the same may be conducive to the public health, convenience or welfare, or of public utility or benefit, by drainage or otherwise; to define the privileges, powers, duties and liabilities of such drainage districts, the officers and agents thereof; to provide for the levying of taxes upon the property in said drainage districts; authorizing the issuance of bonds by such drainage districts; and giving to said drainage districts full power to acquire such lands and property as may be necessary and proper for its purposes.

Was taken up.

Mr. MacWilliams moved that the rules be waived and Senate Bill No. 281 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 281 was read a second time by its title only.

The Committee on Drainage offered the following amendment to Senate Bill No. 281:

In Section 1, line 15, page 8, strike out the words after the word "Petition" down to and including the word "entered", and insert in lieu thereof the following: "Except in such cases where it appears the Commissioners find the lands to be annexed will be benefited by the carrying out of the plan of reclamation as provided in this Act."

Mr. MacWilliams moved the adoption of the amendment.

Which was agreed to.

And Senate Bill No. 281 as amended by the Senate, was referred to the Committee on Engrossed Bills.

Senate Bill No. 309:

A bill to be entitled An Act to provide for the payment of the expense incurred by Companies H and G of Tampa and Company E of Plant City, all of the Second Regiment, Major V. B. Collins Battalion of the State Militia and National Guard of Florida, on its tour of duty from Tampa to Jacksonville and from Jacksonville to Bradentown, by direction of the Governor of Florida to uphold, protect and enforce the administration of justice according to law and to provide compensation to the commissioned and non-commissioned officers and men who actually did duty on that occasion and appropriating moneys therefor.

Was taken up.

Mr. MacWilliams moved that the rules be waived, and Senate Bill No. 309 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 309 was read a second time by its title only.

Senate Bill No. 309 was, under the rule, placed on the Calendar of Bills on Third Reading.

Senate Bill No. 348 was taken up in its order and the consideration of the same was temporarily passed over.

Senate Bill No. 200 was taken up in its order and the consideration of the same was temporarily passed over.

Senate Bill No. 353:

A bill to be entitled An Act for the relief of P. B. Bird, of Jefferson County, Florida, and providing for the refund of certain taxes paid by the said P. B. Bird to the County of Jefferson, and the State of Florida, and making appropriation for said purpose.

Was taken up, and was read the second time in full.

There being no amendment offered, Senate Bill No. 353 was, under the rule, placed on the Calendar of Bills on Third Reading.

Senate Bill No. 261 was taken up in its order, and the consideration of the same was temporarily passed over.

House Bill No. 191 was taken up in its order, and the consideration of the same was temporarily passed over.

House Bill No. 587:

A bill to be entitled An Act relating to jury lists in counties having a population of less than six thousand.

Was taken up and was read the second time in full.

There being no amendment offered, House Bill No. 587 was, under the rule, placed on the Calendar of Bills on Third Reading.

House Bill No. 29:

A bill to be entitled An Act to prohibit the sale, concealment or disposition of any personal property by any firm, person or corporation in whom the bona fide title thereof is not vested, and providing penalties for violation of same.

Was taken up and was read the second time in full.

There being no amendment offered, House Bill No. 29 was, under the rule, placed on the Calendar of Bills on Third Reading.

House Bill No. 151 was taken up in its order and the consideration of the same was temporarily passed over.

Senate Bill No. 278:

A bill to be entitled An Act to declare the proceeds of phosphate mines, oil wells and mineral deposits to be personal property in this State, and to provide for taxing the same.

Was taken up.

Mr. Eaton moved that Senate Bill No. 278 be informally passed over.

Which was agreed to.

House Bill No. 617:

A bill to be entitled An Act authorizing and requiring the Clerks of the Circuits Courts of this State to record the certificates of discharge of the soldiers and sailors who enlisted from this State in the Army or Navy of the United States Government during the War with Germany, and providing for the payment of the same by the County Commissioners of this State.

Was taken up, and was read the second time in full.

Mr. Mathis offered the following amendment to House Bill No. 617:

In Section 2, line 4, strike out the figures, "50 cents," and insert in lieu thereof the following: "25 cents."

Mr. Mathis moved the adoption of the amendment.

Which was agreed to.

And House Bill No. 617, as amended by the Senate, was referred to the Committee on Engrossed Bills.

House Bill No. 81:

A bill to be entitled An Act for the relief of J. E. Peacock, County Solicitor of the Criminal Court of Record in and for Volusia County, Florida, for loss of salary and fees because of his suspension from said office.

Was taken up, and was read the second time in full.

There being no amendment offered, House Bill No. 81 was, under the rule, placed on the Calendar of Bills on Third Reading.

House Bill No. 416 was taken up in its order, and the consideration of the same was temporarily passed over.

Senate Bill No. 95:

A bill to be entitled An Act to amend Section 2887 of the General Statutes of Florida, as amended by Chapter 5625, Acts of 1907, relating to the Clerk of the Railroad Commissioners; salary; place of holding sessions; annual expenditures; how paid.

Was taken up, and was read the second time in full.

There being no amendment offered Senate Bill No. 95 was, under the rule, placed on the Calendar of Bills on Third Reading.

House Bill No. 267:

A bill to be entitled An Act providing for the care, maintenance, and control of State convicts, and providing for the carrying out of the provisions of this Act and making an appropriation therefor.

Was taken up, and was read the second time in full.

There being no amendment offered, House Bill No. 267 was, under the rule, placed on the Calendar of Bills on Third Reading.

House Bill No. 415 was taken up in its order and the consideration of the same was temporarily passed over.

House Bill No. 71:

A bill to be entitled An Act to authorize the County Boards of Public Instruction to acquire lands for use in farm demonstration work.

Was taken up and was read the second time in full.

There being no amendment offered, House Bill No. 71 was, under the rule, placed on the Calendar of Bills on Third Reading.

House Bill No. 343 was taken up in its order and the consideration of the same was temporarily passed over.

Senate Bill No. 374 was taken up in its order and the consideration of the same was temporarily passed over.

House Bill No. 59:

A bill to be entitled An Act providing for the sanitation, healthfulness and cleanliness of swimming pools, public bath houses, swimming and bathing places; regulating the granting and revocation of permits therefor from the State Board of Health, providing for the inspection of such places; declaring places and things in violation of this Act to be nuisances, dangerous to health and providing for the abatement of the same; making violation of this Act misdemeanors and providing for the punishment of the same.

Was taken up and was read the second time in full.

There being no amendment offered, House Bill No. 59 was, under the rule, placed on the Calendar of Bills on Third Reading.

House Bill No. 84:

A bill to be entitled An Act to provide for the governing and making of morbidity reports and imposing certain duties on physicians and other persons and conferring certain powers on the State Board of Health.

Was taken up.

Mr. Hughlett, Chairman of the Committee on Public Health, under the rules, moved that House Bill No. 84 be indefinitely postponed.

Which was agreed to and action ordered certified to the House of Representatives.

Senate Bill No. 322:

A bill to be entitled An Act curing certain defects in constructive service in chancery cases.

Was taken up, and was read the second time in full.

There being no amendment offered, Senate Bill No. 322 was, under the rule, placed on the Calendar of Bills on Third Reading.

Senate Bill No. 331:

A bill to be entitled An Act relating to pleading, practice and procedure in the courts of this State.

Was taken up.

Mr. Johnson moved that Senate Bill No. 331 be laid on the table.

Which was agreed to.

And Senate Bill No. 331 was laid on the table.

House Bill No. 99 was taken up in its order and the consideration of the same was temporarily passed over.

Senate Bill No. 325:

A bill to be entitled An Act prescribing rules of practice in County Judges' Courts.

Was taken up, and was read the second time in full.

There being no amendment offered, Senate Bill No. 325 was, under the rule, placed on the Calendar of Bills on Third Reading.

By consent—

Mr. Anderson introduced the following—

Senate Resolution No. 15:

Whereas, There is now being constructed a bridge over the Apalachicola River at Chattahoochee, Florida, and said bridge, when completed, will connect an important link in the State Highway known as the Spanish Trail; and,

Whereas, the State Highway Commission has fixed Tuesday, May 20, 1919, as the day on which said bridge shall be dedicated; and,

Whereas, the dedication of said bridge is an important event in bridge building in the State of Florida; and,

Whereas, the citizenship of the State of Florida is interested in said dedication; therefore, be it

Resolved, That the President of the Senate is hereby authorized to appoint a committee of three Senators to represent the Senate on the occasion of the dedication of said bridge, and said committee shall serve without expense to the State.

Which was read.

Mr. Anderson moved the adoption of the resolution.

Which was agreed to.

And the following were appointed by the President as a committee to attend the dedication of the bridge: Messrs. Anderson, Carlton and Igou.

Senate Bill No. 329:

A bill to be entitled An Act to provide for service by publication upon unknown parties in interest in property involved in certain chancery suits and for decrees and other proceedings after such service.

Was taken up and was read the second time in full.

There being no amendment offered Senate Bill No. 329 was, under the rule placed on the Calendar of Bills on Third Reading.

Senate Bill No. 317:

A bill to be entitled An Act to provide for the cancellation and satisfaction of mortgage, liens, judgments and decrees, and providing a penalty for the failure to make such cancellation and satisfaction.

Was taken up, and was read the second time in full.

There being no amendment offered, Senate Bill No. 317 was, under the rule placed on the Calendar of Bills on Third Reading.

Senate Bill No. 327:

A bill to be entitled An Act relating to suits in Chancery for the foreclosure or enforcement of any lien or other relief as against or affecting the title to real estate of which Courts of Chancery have jurisdiction.

Was taken up, and was read the second time in full.

There being no amendment offered, Senate Bill No. 327 was, under the rule placed on the Calendar of Bills on Third Reading.

Mr. Anderson moved that the Senate do reconsider the vote by which the Senate passed House Bill No. 324.

Which motion was laid over under the rules.

Senate Bill No. 328:

A bill to be entitled An Act to amend Section 2486 of the General Statutes of the State of Florida, of 1906, relating to the identity of the grantor, grantors in acknowledgment of the execution of deeds and mortgages, and curing acknowledgements heretofore taken.

Was taken up, and was read the second time in full.

There being no amendment offered, Senate Bill No. 328 was, under the rule, placed on the Calendar of Bills on Third Reading.

Senate Bill No. 330:

A bill to be entitled An Act to amend Section 1445 of the General Statutes of the State of Florida, entitled "Notice of hearing demurrer."

Was taken up and was read the second time in full.

There being no amendment offered, Senate Bill No. 330 was, under the rule, placed on the Calendar of Bills on Third Reading.

Senate Bill No. 318:

A bill to be entitled An Act to prescribe rules of evidence in suits involving the title to or right of possession of land, and to make proof of certain facts *prima facie* evidence of title or right of possession.

Was taken up and was read the second time in full.

There being no amendment offered, Senate Bill No. 318 was, under the rule, placed on the Calendar of Bills on Third Reading.

Senate Bill No. 100:

A bill to be entitled An Act to abolish distinction between principals in the first and second degree and accessories before the fact, and prescribing how they may be tried.

Was taken up, and was read the second time in full.

There being no amendment offered, Senate Bill No. 100 was, under the rule, placed on the Calendar of Bills on Third Reading.

Committee Substitute for House Bills Nos. 3 and 4 was taken up and consideration of same was informally passed over.

Mr. Johnson moved that the Senate do no adjourn.  
Which was agreed to.  
And the Senate stood adjourned to 10:30 o'clock A. M.,  
Tuesday, May 20, 1919.

**Tuesday, May 20, 1919**

The Senate met at 10:30 o'clock A. M., pursuant to adjournment.

The President in the chair.

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

Mr. President, Senators Anderson, Andrews, Baker, Bradshaw, Butler, Carlton, Crawford, Crosby, Eaton, Hughlett, Hulley, Igou, Johnson, King, Lowry, MacWilliams, Mathis, McLeod, Oliver, Plympton, Roland, Rowe, Russel, Singletary, Stokes, Turnbull, Turner, Wilson—29.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

The Journal of May 19 was corrected and approved as corrected.

#### REPORTS OF COMMITTEES.

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

Senate Chamber,  
Tallahassee, Fla., May 20, 1919.

*Hon. James E. Calkins,*  
*President of the Senate.*

*Sir:*

Your Committee on Engrossed Bills, to whom was referred—

House Bill No. 617:

(With Senate Amendments Adopted May 16, 1919):

A bill to be entitled An Act authorizing the requiring the Clerks of the Circuit Courts of this State to record the certificate of discharge of the soldiers and sailors who enlisted from this State in the army or navy of the United States Government during the war with Ger-

many, and providing for the payment of same by the County Commissioners of this State.

Have examined House Bill No. 617, with Senate Amendments, and find it correctly engrossed.

Very respectfully,

W. A. McLEOD,  
Chairman of Committee.

And House Bill No. 617, contained in the above report, was placed on the Calendar of Bills on Third Reading.

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

Senate Chamber,  
Tallahassee, Fla., May 20, 1919.

*Hon. James E. Calkins,*  
*President of the Senate.*

*Sir:*

Your Committee on Engrossed Bills, to whom was referred—

Senate Bill No. 259:

A bill to be entitled An Act relating to setting fire to and burning forests, woods, lands or marshes, and providing a penalty for the violation of this Act.

Have examined the same and find it correctly engrossed.

Very respectfully,

W. A. McLEOD,  
Chairman of Committee.

And Senate Bill No. 259, contained in the above report, was placed on the Calendar of Bills on Third Reading.

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

Senate Chamber,  
Tallahassee, Fla., May 20, 1919.

*Hon. James E. Calkins,*  
*President of the Senate.*

*Sir:*

Your Committee on Engrossed Bills, to whom was referred—

Senate Bill No. 243:

A bill to be entitled An Act to amend Sections 9 and