CHAPTER 5924—(NO. 55).

AN ACT Changing the Name of the Florida Female College.

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

Section 1. That the Florida Female College as at present defined by law be and is hereby changed to and shall be known as the Florida State College for Women.

Sec. 2. This Act shall go into effect immediately upon its passage and approval by the Governor.

Approved May 22, 1909.

CHAPTER 5925—(NO. 56).

AN ACT Changing the Name of the Colored Normal School.

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

Section 1. That the Colored Normal School as at present defined by law be and is hereby changed to and shall be known as the Florida Agricultural and Mechanical College for Negroes.

Sec. 2. This Act shall go into effect immediately upon its passage and approval by the Governor.

Approved May 22, 1909.

CHAPTER 5926—(NO. 57).

AN ACT Changing the Name of the University of the State of Florida.

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

Section 1. That the University of the State of Florida as at present defined by law be and is hereby changed to and shall be known as the University of Florida.

Sec. 2. This Act shall go into effect immediately upon its passage and approval by the Governor.

Approved May 22, 1909.

CHAPTER 5927—(NO. 58).

AN ACT Changing the Name of the Institute for the Blind, Deaf and Dumb.

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

Section 1. That the Institute for the Blind, Deaf and Dumb as at present defined by law be and is hereby changed to and shall be known as the Florida School for the Deaf and the Blind.

Sec. 2. This Act shall go into effect immediately upon its passage and approval by the Governor.

Approved May 22, 1909.

CHAPTER 5928—(NO. 59).

AN ACT Making it Unlawful for Any Person or Corporation to Pay the Poll Tax of Any Other Person or Furnish the Money Therefor, or for any Tax Collector to Accept Payment of Poll Taxes from Any Person Other Than the Person Whose Poll Tax is Being Paid, and Fixing a Penalty for the Violation Thereof.

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

Section 1. It is hereby made unlawful for any person or corporation in this State to pay the poll tax for any other person, or furnish the money to any other person for the purpose of paying such other or any other person's poll tax, or for any Tax Collector to accept the payment of poll taxes from any person other than the person whose poll tax is being paid, except that one person may pay the poll tax of another, provided the person paying such poll tax shall at the same time pay a tax duly assessed on property belonging to the person whose poll tax is being paid.

Sec. 2. That upon the conviction of any person or corporation for the violation of this Act, a fine of not more than five hundred dollars, or imprisonment in the county jail for not more than six months, shall be imposed.

Approved June 11, 1909.

CHAPTER 5929—(NO. 60).

AN ACT to Require Certain Sworn Statements of Campaign Expenses from Candidates in Primary Elections, Making Certain Requirements in the Form of Ballots Used in Primary Elections, Requiring Certain Duties of Inspectors in Properly Identifying Persons to Whom Ballots are Given in Primary Elections, Providing for the Absenting of Employees from Their work on Primary Election Days, Prohibiting Candidates from Making Donations of Things of Value, Prohibiting Persons from Distributing Certain Writing Against any Candidate in the Primary on Primary Day, Providing for Compensation of Inspectors of the Primary in Certain Cases, Prescribing Penalties for Violation of the Primary Laws of this State by Officials, Electors and Other Persons, Prohibiting the Use or Solicitations of Money to Influence Primary Elections, Including Payment of Poll Taxes, Prohibiting Tax Collectors from Receiving Poll Taxes from Persons Other Than the One Owing it, and Providing Penalties for Violations of the Primary Law by Members of Committees, Inspectors and Clerks of Primary Elections, and for the Publication of this Act.

Be It Enacted by the Legislature of the State of Florida.

Section 1. That each and every candidate voted upon in the State and county primaries of the State of Florida, be and is hereby required to file in the office of the clerk of the circuit court of his county if he is a candidate for a county office, or in the office of the secretary of State if he is a candidate for a national or a State office, not less than ten days before the primary in which he is a candidate, a complete statement in itemized form of his campaign expenses. This statement shall include the names of all the contributors to his campaign fund, whether they be persons or corporations, firms or associations, and their relationship to him by blood, marriage, business or association, political, fraternal or otherwise, and all the expenses incurred as a result of his candidacy, and shall be given under oath. And each candidate voted upon in the State or county primaries, as aforesaid, shall file not later than ten days after the primary in which he is a candidate another statement in the same place as is respectively provided herein for the first statement, and including any, every and all of the specifications, divisions and requirements of the first statement, naming all the additional expenses incurred by him beside those mentioned in first statement, as above required, up to and including the day of the primary in which he was a candidate, and each candidate furnishing this last statement shall swear at the time, that the two statements of campaign expenses herein required, include a complete and full account of all the expenses incurred by him as a result of his candidacy.

Sec. 2. At the time the last statement required in Section 1 of this act is given, another statement shall be furnished also under oath, by each and every candidate voted upon in any State or county primary of Florida, giving the names of his political workers and telling for what consideration, if any, such work was done, the term "political workers" to refer to those who left for a time or part of a time their ordinary avocations to further his candidacy. This statement shall be filed in the office of the clerk of the circuit court of his county, or in the office of the secretary of state, according to whether candidate furnishing it was a candidate for a county or a national or a State office.

Sec. 3. At the same time that sworn statement required in Section 2 of this act is furnished each and every candidate for a county or State office in the primaries as hereinbefore mentioned, shall furnish and file in the office of the clerk of the circuit court of his county or in the office of the secretary of State, according to whether he is a candidate for a county, or national or a State office, another statement giving the names of all those persons to whom loans were made during his candidacy, which would not have been made had he not been a candidate. This statement shall also be given under oath.

Sec. 4. All the statements hereinabove required except the one to be furnished before the primary in which candidate furnishing it is voted upon, may be sworn to at one time, and shall be given and filed on the same day and date.

Sec. 5. Any candidate refusing or wilfully failing to obey any of the provisions of this act shall be punished by a fine not to exceed five hundred dollars, and shall not be allowed to have his name printed on the official ballot at the next ensuing general election, or his name presented as a candidate of any party for the office of United States senator to the next succeeding legislature, according to whether he is a candidate for a State or county office, or for a national office, as the case may be.

Sec. 6. The ballots required for any primary election shall be prepared as follows: The official heading or caption of the ballot shall be printed all the way across the top of the ballot. There shall be printed on all tickets immediately below the caption a perforated facsimile of the signature of the chairman of the State executive committee.

Above the caption of each ballot there shall be two stubs, with a perforated line between them and with a perforated line between the lower stub and the top of the ballot. On each of the said stubs shall be printed the following words: "Official Ballot, Number —," with sufficient space beneath said words for the writing of one line.

Sec. 7. As to the size of type, quality of paper and in all other respects not herein specially provided for, the ballots shall be in conformity with the present requirements of law.

Sec. 8. Before any ballot is delivered to any voter one of the inspectors shall write the consecutive number of the ballot in the blank space on each of the stubs after the word "Number." He shall also write upon the upper stub the name of the voter to whom the ballot is delivered, and shall write his own initials in the lower stub. The inspector shall then detach and retain the upper stub with the name of the owner written thereon, thereupon the voter shall retire to the booth and mark his ticket preparatory to depositing it in the ballot-box. After the voter has marked his ballot he shall so fold it as to leave the stub visible and in such position that it may be detached without unfolding. When the prepared ballot is returned, the inspector shall compare it with the stub he has retained and shall examine the back of the folded ballot for the perforated signature of the chairman of the State executive committee, and if he finds it to be the same ballot delivered to the voter he shall detach and retain the remaining stub and the voter shall then deposit his folded ballot in the ballot-box. But if the marked ballot returned by the voter proves to be a different one from the one delivered to him, the inspector shall then and there search the person of the voter preferring such ballot, and if the original ballot is found on or about his person, shall take same into their possession and discharge said voter from the polling place without permitting him to vote. Inspectors of primary elections are hereby clothed with such police powers as may be necessary to carry out the provisions of this section. Any voter thus attempting to vote a substituted ballot shall be deemed guilty of a felony, and upon conviction thereof, shall be imprisoned in the State prison for not more than two years.

Sec. 9. Any person entitled to vote at any primary held under this act shall, on the day of such primary, be entitled to absent himself from any service or employment in which he is then engaged or employed for a necessary and reasonable period of time between the time of opening and closing the polls, and such primary elector shall not, because of absenting himself, be liable to any penalty.

Sec. 10. No person who is a candidate for any office, or who has made known his intention of becoming a candidate, shall donate, contribute or give away, or promise or agree to do so, or encourage any other person to do so for him, any money, intoxicating liquor, or any other thing of value to any person, association or corporation, in an attempt to directly or indirectly influence any person's vote, or influence for or against any candidate. This section shall be construed so as to embrace churches, schools and any and all charitable organizations.

Sec. 11. It shall be and is hereby declared a misdemeanor for any candidate or other person to have or distribute on the day of the primary at or near any polling place any cards, pictures, literature, or other writing against any candidate in the primary.

Sec. 12. Each inspector of the primary designated to deliver the ballot-box to the clerk of the circuit court shall be allowed a per diem of three dollars, in making such delivery, and no additional sum shall be paid for mileage.

Sec. 13. If any person whose vote is challenged, or any witness sworn under the provisions of this act, or any officer who shall have taken any oath prescribed by law, shall knowingly, wilfully and corruptly swear falsely, he shall be deemed guilty of perjury and, on conviction thereof, shall be punished accordingly.

Sec. 14. Whoever votes more than once at any primary, or offers to vote after having once voted at such primary, or knowing that he is not a qualified elector at a primary, wilfully votes at such primary, shall, on conviction thereof, be fined in the sum not exceeding $1,000 or be imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

Sec. 15. Any person who shall give, lend, solicit, request, demand or receive, directly or indirectly, any money, intoxicating liquor, or any other thing of value, or whatever nature or kind whatsoever, or the promise thereof, either to influence a vote or under pretense of being used to procure the vote of any other person or persons, or to be used at any poll or other place prior to or on the day of any primary election, for or against any candidate for office, shall be deemed guilty of the infamous crime of bribery and, upon conviction thereof in any court of record, shall be sentenced to disfranchisement by the judge of such court for a term of not more than ten years, and to the county jail for not less than one year; and for the conviction of a second offense under this section, the first being alleged and proven, such offender shall be, by sentence of the court, forever thereafter disfranchised and deprived of his right to vote at a primary in this State, and to be imprisoned in the State penitentiary not more than five years. Prosecutions may be had under this section by indictment in the circuit court or by information in a criminal court of record, and the effect of a sentence of disfranchisement in either of said courts, both having jurisdiction of offenses hereunder, shall be to deprive such person sentenced of the right to vote at any primary in this State for a period of time fixed by the court where such person shall be convicted under this section.

Solicitations of any person for a loan or gift of money or the purchase of anything of value, or any other subterfuge, shall be deemed a violation of the provisions of this section.

This section shall be construed so as to embrace any payment or attempt to pay, or solicitation or acceptance of the payment of any poll or capitation tax, or the loan of money therefor, whether it be for the express purpose of influencing any voter or not.

Sec. 16. Any tax collector or person acting under his authority or direction, who receives or permits to be received any money or other thing of value in payment of poll or capitation taxes, from any person, firm, association or corporation, either by a check, draft or any other method of payment, or any tax collector issuing a poll tax receipt without payment in advance therefor, other than the person whose poll or capitation taxes is to be paid, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment in the county jail for not more than three months; Provided, That nothing in this act shall be construed to prevent any person paying, or any tax collector from collecting, the poll tax due by another person from any other person, who shall also pay, upon the request of the person owing the poll or capitation tax, the real and personal taxes of the person for whom he offers to pay the capitation or poll tax; Provided, That where the payment of poll or capitation tax is necessary to qualify voters for participation in the primaries herein provided for, that such poll or capitation tax shall be paid not later than the second Saturday in the month preceding the month in which such primary is held.

Sec. 17. If any person whose duty it is to canvass the returns or to make or tabulate a statement thereof, who shall be deemed guilty of fraud, corruption or misbehaviour or of violating any of the laws of this State in canvassing the returns or making the tabulated statement thereof, he shall, upon conviction thereof, be fined not more than $1,000, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

Sec. 18. Whoever shall wilfully and wrongfully take or carry away from the place where it has been deposited for safekeeping, or deface, mutilate or change any primary ballot, poll tax, tally sheet or ballot box, or any name or figure thereon or thereon, he shall, upon conviction thereof, be fined not more than $1,000, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

Sec. 19. Any person or member of any committee or any primary inspector, clerk or other officer who is guilty of stealing, wilfully and wrongfully breaking, destroying, mutilating, defacing, or unlawfully moving or securing or detaining the whole or any part of any ballot box, or any record, primary poll book, tally-sheet, or copy thereof, oath, returns, or any other paper or document provided for by the laws of this State, or who shall fraudulently make any entry, erasure or alteration therein, except as allowed and directed by the laws of this State, or who permits any other person to do so, shall, upon conviction thereof, be fined in the sum of not exceeding $1,000 or imprisonment in the county jail not exceeding one year, or both, in the discretion of the court.

Sec. 20. If any person shall commit any act prohibited herein or refrain from doing any act or duty required by the law to be done, or if any person shall in any manner be guilty of a violation of the primary law of this State, such person shall, upon conviction thereof, be fined in the sum of not more than $1,000 or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

Sec. 21. As soon as possible after the passage and approval of this act, and not longer than ninety days after it shall become a law, the secretary of State shall cause to be printed in pamphlet form, with paper cover, 2,000 copies of this law, and shall distribute them free to the chairman of the executive committees of all political parties that had a regular ticket voted for at the last general election on demand of the said chairman of the executive committees of said political parties.

Sec. 22. All laws and parts of laws in conflict with this act, whether herein specifically mentioned or not, be and the same are hereby repealed.

Sec. 23. This act shall take effect immediately upon its passage and approval by the governor.

Approved June 11, 1909.

CHAPTER 5930—(NO. 61).

AN ACT to Amend Sections 666, 669, 670, 671, 672, 673, 674, 675, 678, 679, 680, 682, 683, 684, 686, 687, 688, 689, 690, 692, 693, 695, 699, 700, 703, 704, 707, 708, 713, 720, 721, 722, 723, 724, 725, 726, 729, 731, 732, 736, 737, 743, 745, and 748 of the General Statutes of the State of Florida, Relating to the Militia and Naval Organizations of the State.

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

Section 1. That Section 666 of the General Statutes of the State of Florida be, and the same is hereby amended so as to read as follows:

666—How Called Out.—Whenever any call is made by the President to repel invasion from any foreign nation, to suppress rebellion against the Government of the United States, or to execute the laws of the Union in any part thereof; or whenever necessary to preserve the public peace, to execute the laws of the State, to suppress insurrection or to repel invasion, the Governor shall call out the whole or as much of the militia of the State as the public necessity demands; Provided, That in the event of such call, or such necessity arising, the National Guard of Florida, as then organized, shall be the first troops to be called into actual service. Whenever it becomes necessary to call out any portion of the reserve militia, the Governor may appoint the number by draft according to the population of the several counties of the State, or otherwise, and shall notify the Sheriff of each county from which any draft is so required, of the number of persons his county is to furnish. Upon the requisition of the Governor being received by the Sheriff he shall immediately notify the Clerk of the Circuit Court of the County or in case of the absence of such Clerk, or his inability to act, then his legally authorized deputy or deputies, who shall repair to the office of said Clerk, and in public copy from the assessor's roll of such county, by name or number, persons who are returned as liable for military duty; such names, or their corresponding numbers, shall be placed on slips of paper of the same size and appearance, as nearly as practicable, which slips so named or numbered shall be placed in a box suitable for the purpose and the number required to fill such draft or requisition, drawn therefrom by the Clerk. All persons so drawn and liable to perform duty shall be determined to be legally held to serve in the manner and for the time specified in the requisition, and the Sheriff shall notify the persons so drafted, orally or in writing, at what time and place they shall appear. The Sheriff shall make return to the Clerk of all persons drawn who could not be found, and the Clerk shall then draw as many additional names as may be required to complete the draft, and continue in like manner until the draft is completed.

Sec. 2. That Section 669, of the General Statutes of the State of Florida be, and the same is hereby amended so as to read as follows:

669—The Governor's Staff.—The Staff of the Governor shall consist of The Adjutant General, who shall be ex-officio Chief of Staff, the chief officer of each of the several staff departments, and such number of aids, not to exceed five, as may be detailed from the several staff corps and departments and from the line; Provided, That such detail as aid shall not operate as relieving the officers so detailed from the corps, department or command with which they may be serving, or from any duty connected therewith, except at such times as their services may be exclusively required by the Governor; and That the detail of all aids shall terminate upon the expiration of the term of office of the Governor upon whose staff they may be serving; Provided, further, That the provisions of this Section shall in no way effect the commission of any officer holding appointment at the time of the passage of this Act, nor shall they apply to the staff of the present Governor.

Sec. 3. That Section 670 of the General Statutes of the State of Florida be, and the same is hereby amended so as to read as follows:

670—The National Guard of Florida.—That portion of the militia organized as a land force shall be known and designated as the National Guard of Florida, and shall be composed of able-bodied volunteers between eighteen and forty-five years of age. Every applicant for enlistment shall furnish satisfactory proof of good character, and shall, before taking the oath of enlistment, be subjected to a physical examination conforming, as nearly as possible, to the requirements for enlistment in the United States Army, such examinations to be conducted by medical officers of the National Guard of Florida, or, if this be impracticable, then by any reputable physician or surgeon who may be designated by the commanding officer of the organization which the applicant desires to join, and such medical officer shall furnish a certificate to the effect that the applicant is physically fitted to perform the duties of a soldier, which certificate shall be forwarded, together with the oath of enlistment, to The Adjutant General.

Sec. 4. That Section 671 of the General Statutes of the State of Florida be, and the same is hereby amended so as to read as follows:

671—Enlistments.—Before any person shall be mustered into the military service of the State under the provisions of this Chapter, he shall take the following oath: "I do solemnly swear that I will support and defend the Constitution and the laws of the United States and of the State of Florida, and that I will observe and obey the lawful orders of the President of the United States, the Governor of this State, and the officers appointed over me according to the articles and regulations provided for the government of the armies of the United States and of the National Guard of Florida, for the period of three years, unless sooner lawfully discharged. And I consent to be mustered into the service of the United States whenever during the term of my enlistment the United States is invaded, or in danger of invasion, from any foreign nation, or of rebellion against the authority of the government of the United States, or the President is unable, with the other forces at his command, to execute the laws of the Union in any part thereof, and the organization of which I am a member is called into the service of the United States." All officers of the organized militia of this State shall be empowered to administer oaths of enlistment, and the same shall have the same force and effect as if made before a magistrate or other civil officer competent to administer oaths.

a—Term of Enlistment.—The term of service of an enlisted man shall be three years; Provided, That any enlisted man serving his second term or other consecutive enlistment, shall, after the expiration of the first year thereof, be entitled to an honorable discharge upon request therefor. Soldiers who re-enlist within sixty days after the expiration of their former terms of enlistment shall be considered to have served continuously.

b—Fraudulent Enlistment.—It shall be unlawful for any person to mis-state his age for the purpose of securing enlistment in the militia of this State. It shall be unlawful for any person to enlist in two military organizations at the same time. Any person violating the provisions of this paragraph shall be deemed guilty of fraudulent enlistment.

c—Oath of Office.—Every officer commissioned for service in the National Guard of Florida shall, before entering upon his duties, take and subscribe to the prescribed constitutional oath of office, which oath shall be filed with The Adjutant General.

Sec. 5. That Section 672 of the General Statutes of the State of Florida be, and the same is hereby amended so as to read as follows:

672—Armament, Discipline, Organization and Authorized Strength.—The organization, armament and discipline of the National Guard of Florida shall be the same as that which is now or may hereafter be prescribed for the regular or volunteer armies of the United States.

b—The Governor, as Commander-in-Chief of the military forces of the State, shall have the power and is hereby authorized to prescribe in orders the organization of the National Guard of Florida, in such manner and form as to make the said organization conform to the requirements for the organized militia under the laws of the United States, and for that purpose, he shall have the power to alter, divide, annex, consolidate, disband, organize or reorganize any corps, department or arm of the service, so as to conform to any organization, system, drill, instruction or discipline which is now or may hereafter be prescribed by the laws of the United States for the organization, government and discipline of the organized militia, and, for that purpose, the number of officers and non-commissioned officers of any grade in any organization, department or corps, may be increased or diminished, and the grade of such officers or non-commissioned officers may be altered to the extent necessary to secure such uniformity.

b—In time of peace the strength of the National Guard of Florida shall not exceed three thousand enlisted men and such number of commissioned officers as may be required under the prescribed plan of organization. This force, and such naval militia as is now or may hereafter be provided for by law, shall, in time of peace, constitute the only organized militia of this State; Provided, however, That in case of war, insurrection, invasion, or imminent danger thereof, the Governor shall have power to increase this force beyond the maximum now established by law, and to organize the same, with proper officers, as the exigencies of the service may require.

(**c**)—It shall be unlawful for any body of men whatsoever, other than the regularly organized land and naval militia of this State, the troops of the United States, and the students of regularly chartered educational institutions where military science is a prescribed part of the course of instruction, to associate themselves together as a military organization for drill or parade in public with fire-arms in this State, without special license from the Governor for each occasion; and application for such license must be approved by the Mayor and Board of Aldermen of the town or city where such organization may propose to parade. (For penalty for unlawfully participating in drill see Section 3246.)

(**d**)—The several staff corps and departments shall each consist of such number of officers and enlisted men as may be necessary to perform the duties relating to the several staff corps and departments at General Headquarters, on the staffs of brigades and divisions, and at camps, posts, depots, and other similar military establishments; and their grades and designations shall be the same as prescribed for similar staff corps and departments of the Regular Army. The Adjutant General shall be appointed by the Governor, and the remaining officers of the staff corps and departments shall be appointed by the Governor upon the recommendation of the Adjurant General in his capacity as Chief of Staff. No person shall be appointed as chief officer of any staff corps or department who has not held commission in the Army or Navy of the United States, the Confederate States, or in the organized militia of this State for at least two years.

(**e**)—The organization of each unit of the hospital corps of engineers, signal corps, cavalry, infantry and coast artillery corps shall be the same as is now or may hereafter be prescribed for the Regular and Volunteer Armies of the United States; Provided, That in time of peace the minimum number of enlisted men for a company or troop, and each unit of the hospital corps, corps of engineers, signal corps, etc., shall be such as may be fixed by order of the President of the United States.

Sec. 6. That Section 673 of the General Statutes of the State of Florida be, and the same is hereby amended so as to read as follows:

673—Appointment of non-Commissioned Officers—The appointment of non-commissioned officers in all staff corps and departments shall be made by the Adjutant General upon the recommendation of the chief officers of such staff corps or departments. The appointment of all other non-commissioned officers shall be made in the same manner as like appointments are made in the Regular Army, and every non-commissioned officer so appointed shall receive a warrant of his rank from the officer by whom he is appointed. Non-commissioned officers may be reduced to the ranks by sentence of a court-martial or summary court, or upon the recommendation of their immediate commanding officer, by order of the officer having authority to appoint them. The warrant of a non-commissioned officer may be continued in force upon his discharge and re-enlistment if re-enlistment is made within ten days after his discharge; otherwise a vacancy is created in the non-commissioned office and re-enlistment must be made as a private.

Sec. 7. That Section 674 of the General Statutes of the State of Florida be, and the same is hereby amended so as to read as follows:

674—The Medical Department.—The Medical Department shall consist of the officers necessary to perform the duties relating to the Medical Department at General Headquarters, upon the staffs of brigades and divisions, and at camps, depots, posts and other military establishments; of the surgeons and assistant surgeons required to be attached to each organization of the troops of the line in each arm of the service, in accordance with the prescribed plan of organization; and of the Hospital corps. No assistant surgeon shall hold the rank of captain until he has served at least three years as first lieutenant, and all surgeons shall be appointed from among the assistant surgeons of the Medical Department. No person shall be appointed sergeant, first-class, in the Hospital Corps, unless he be a regularly licensed physician or pharmacist of this State.

Sec. 8. That Section 675 of the General Statutes of the State of Florida be, and the same is hereby amended so as to read as follows:

675—General Officers.—The Commander-in-Chief may organize a brigade in the National Guard of Florida and appoint one brigadier general to command it; but no other general officer of the line shall be appointed unless it becomes necessary to call the Reserve Militia into active service, Provided, however, That should there be organized more than twelve companies of coast artillery the chief of artillery may be given the rank of brigadier general. No person shall be eligible for appointment as a general officer in the National Guard of Florida who has not served for five years as a commissioned officer in the organized militia of this State or in the Regular or Volunteer forces of the United States.

Sec. 9. That Section 678 of the General Statutes of the State of Florida be, and the same is hereby amended so as to read as follows:

678—Disbandment of Inefficient Organizations.—The Commander-in-Chief may disband any organization of the National Guard of Florida which falls below the proper standard of efficiency.

Sec. 10. That Section 679 of the General Statutes of the State of Florida be, and the same is hereby amended so as to read as follows:

679—Discharges.—No enlisted man shall be discharged prior to the expiration of his term of enlistment except by order of the Commander-in-Chief.

(**a**)—Every enlisted man shall be promptly discharged upon the expiration of his term of enlistment, unless under arrest or charges; but the expiration of his term of enlistment shall not *ipso facto* operate as a discharge, and he shall be subject to Military discipline until actually discharged.

(**b**)—Every enlisted man, on his discharge from the service, shall be given a certificate of discharge signed by a field officer of his regiment or corps, or by the commanding officer when no field officer is present. When more than one field officer of the regiment or corps is present, the commanding officer may designate the particular field officer to perform this duty. Enlisted men of the respective staff corps and departments will, on their discharge, be given a certificate of discharge signed by the chief of the corps or department to which they belong.

(**c**)—No duplicate of a discharge certificate will ever be made.

Sec. 11. That Section 680 of the General Statutes of the State of Florida be, and the same is hereby amended so as to read as follows:

680—Grounds for Discharge.—Honorable Discharges will be given: First, upon completion of term of enlistment; second, upon acceptance of promotion by commission; third, upon application of the soldier or his immediate commanding officer, based upon any of the following grounds: Physical disability, supported by a certificate of a medical officer, or of any other reputable physician or surgeon, to the effect that the soldier is physically disqualified for military service; engagement in business such as precludes the soldier from performing his military duties; removal of residence beyond the limits of the organization to which he belongs, and when specially ordered by the Commander-in-Chief for any other reason. Discharges without honor may be given: First, without trial on account of fraudulent enlistment; second, without trial on account of having become disqualified for service physically or in character through his own fault; third, on account of imprisonment under sentence of a civil court; fourth, where the service has not been honest and faithful; i. e., where the service does not warrant the re-enlistment of the soldier; fifth, when specially ordered by the Commander-in-Chief for any other reason. No dishonorable discharge will be given except by sentence of a court-martial.

(**a**)—Soldiers under charges or undergoing trial shall remain subject to the Articles of War and military law until tried and acquitted or convicted and sentence executed.

(**b**)—No person shall be re-enlisted in the National Guard of Florida who did not receive an honorable discharge therefrom for his former term or terms of service, and no person who has previously served in the Regular or Volunteer Armies of the United States, or in the organized militia of another State, shall be enlisted in the National Guard of Florida unless he holds an honorable discharge from the organization with which he previously served. Any person making a false statement as to his previous military service for the purpose of obtaining enlistment in the National Guard of Florida shall be deemed guilty of fraudulent enlistment.

Sec. 12. That Section 682 of the Compiled Statutes of the State of Florida be, and the same is hereby amended so as to read as follows:

682—Examinations Required for Commission.—Every person commissioned as an officer of the National Guard of Florida, except chaplains, shall, unless otherwise specially provided herein, be examined as to his qualifications for commission; no person shall be appointed until he has passed a satisfactory examination as to his general qualifications and knowledge of military affairs proportionate to the requirements of the office for which he has been selected. The Commander-in-Chief may appoint examining boards to conduct such examinations, and when a candidate for commission shall fail to appear before a board, as directed, he shall be considered to have failed to qualify, and commission will not issue. The Commander-in-Chief may convene examining boards to determine the fitness of officers for promotion.

(**a**)—Whenever the Commander-in-Chief shall deem it advisable, he may order an officer to appear before an examining board for examination as to his fitness for practical service. An officer who, in the opinion of any superior commanding officer or chief of any staff corps or department, is incompetent, or is impairing the efficiency of the organization to which he may be attached by his management, neglect, or by misconduct in any form for which he is not amenable to court-martial, may be ordered upon the recommendation of such commanding officer or chief of staff corps or department to be ordered before a board for examination as to his fitness for holding office. Said board will inquire into the complaints filed against the officer, and may examine him as to his mental and moral qualifications; but the defendant may produce competent evidence by witnesses or otherwise, and may be represented by counsel. The president of an examining board convened under this paragraph may administer oaths to witnesses, issue summonses and require the presence of witnesses; the board having, in this respect, the powers as are granted to courts-martial; a judge-advocate may be detailed to attend the sittings of an examining board convened under this paragraph. Upon the conclusion of its investigations, the board will report its findings upon the testimony presented to it, and its recommendations, to the Commander-in-Chief, who may, if the board so recommends, vacate the commission of the officer and discharge him from the service. Should an officer fail to appear before such a board, so ordered, the Commander-in-Chief may vacate his commission and discharge him from the service. The pay of members of an examining board convened under this section, fees of witnesses and allowance for travel expenses, shall be the same as provided for courts-martial.

(**b**)—Examining boards shall consist of not less than three and not more than five commissioned officers; Provided, however, That a majority of the members of the board shall be competent to conduct an examination.

(**c**)—An examining board shall report its findings upon any candidate for commission or officer ordered before it against whom there is a charge of immorality, dishonesty, intoxication or other conduct unbecoming an officer and gentleman.

Sec. 13. That Section 683 of the Compiled Statutes of the State of Florida be, and the same is hereby amended so as to read as follows:

683—Assignment and Transfer of Officers.—Officers of all grades in each arm of the service shall be assigned to organizations and stations in districts, transferred from one organization or district to another, as the interests of the service require, by order of the Commander-in-Chief; but all appointments will be by commission to a staff corps or department, or in the arm of service, and not by commission in any particular regiment or command.

(**a**)—The Commander-in-Chief may divide the State into regimental and battalion districts; all field and staff officers of the line shall be residents of the military district in which their regiment or battalion is situated. Field officers permanently removing from the military district of their organization shall be considered to have resigned, and, unless responsible for military property or funds, or delinquent, the Commander-in-Chief may discharge them or provide for filling the vacancy as in the case of officers prescribed by regulations. All company officers must be residents of the station of their organization, or its immediate vicinity.

(**b**)—The Commander-in-Chief may, with the approval of the Secretary of War, assign the organizations of the Coast Artillery Corps of the National Guard of Florida, to the United States coast defense districts within the State of Florida, for purposes of administration and instruction.

Sec. 14. That Section 684 of the Compiled Statutes of the State of Florida be, and the same is hereby amended so as to read as follows:

684—Rank of Officers.—Commissions shall bear the date of actual appointment; each officer shall, upon original appointment, take rank from the date on which he finally accepts his commission, which date shall be expressed in his commission; Provided, however, That in the case of appointments made without further examination from non-commissioned officers who have qualified as "candidates for commission," rank shall be from the date on which the application is made.

(**a**)—Officers of each grade shall take precedence according to the date of their commissions; when two of the same grade are of the same date their precedence shall be determined by length of service, continuous or otherwise, in the military forces of the State, or of the United States; if of equal service, then by lot. Officers appointed, serving continually in the same grade, shall rank from the date expressed in their original commission to such grade.

(**b**)—In no case shall any colored officer command white troops.

Sec. 15. That Section 686 of the Compiled Statutes of the State of Florida be, and the same is hereby amended so as to read as follows:

686—Discharge and Removal of Officers.—An officer may be honorably discharged by the Commander-in-Chief upon the removal of his residence beyond the State, upon tender of his resignation, upon the disbandment of the organization to which he belongs, or upon the expiration of his term of office.

(**a**)—Every officer discharged from the service shall be entitled to a certificate of discharge.

(**b**)—The Commander-in-Chief may revoke the commission of and drop from the rolls of the National Guard of Florida the name of any officer when he has been convicted of an offense by a civil court.

(**c**)—The Commander-in-Chief may revoke the commission of and discharge from the National Guard of Florida any officer who shall fail to obey an order to appear before an examining board for examination, or upon the recommendation of such board of examiners when it appears that the officer is unable or unfit to discharge the duties of his office or to exercise proper authority over officers or enlisted men.

(**d**)—When an officer has been absent from duty without leave for more than three months he shall be considered in desertion, and the Commander-in-Chief may vacate his commission and cause his name to be dropped from the rolls of the National Guard of Florida.

(**e**)—No officer shall be dismissed from the service in time of peace except by sentence of a court-martial, and no officer who has been dismissed from the service by sentence of a court-martial, properly approved by the reviewing authority, shall ever be restored to the service except by pardon of the Governor.

Sec. 16. That Section 687 of the Compiled Statutes of the State of Florida be, and the same is hereby amended so as to read as follows:

687—Right of Officer Removed.—An officer who has been removed from the service by order of the Commander-in-Chief may, within ten days after such removal, apply in writing for trial, setting forth, under oath, that he has been wrongfully removed. The Commander-in-Chief shall, as soon as practicable, order a court-martial to try such officer upon the charges on which he shall have been removed. If the result of such trial by court-martial shall be that he is acquitted, he shall immediately be restored to his former status in the service.

Sec. 17. That Section 688 of the Compiled Statutes of the State of Florida be, and the same is hereby amended to as so read as follows:

688—The Retired List.—When a commissioned officer or enlisted man has served consecutive years in the National Guard of Florida, he may, upon his own application, be placed on the Retired List. An officer who shall be making application for retirement shall be placed in the same grade for the purpose of retirement as he has served as a commissioned officer for fifteen years, or, having served in the Army or Navy of the United States in the Regular or Volunteer Armies, and honorably discharged therefrom, and has served in the National Guard of Florida for a period of ten years, may be placed in a grade above that held by him at the time of his application. Any commissioned officer applying for retirement after twenty years' service may be placed upon the Retired List in such rank as the Commander-in-Chief