CHAPTER 5196—(No. 91.)

An Act to Prohibit the Placing of Water Hyacinths in Certain Fresh Water Lakes and Streams of this State, and to Prescribe a Penalty for Violation Thereof.

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

Section 1. That whoever places, or cause to be placed any water hyacinths in any of the fresh water lakes and streams of this State, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not exceeding fifty dollars or by imprisonment not exceeding thirty days in county jail.

Sec. 2. That this act shall go into effect and be in full force from and after its passage and approval by the governor

Approved May 26, 1903.

CHAPTER 5197—(No. 92.)

An Act to Amend Chapter 4601, Laws of Florida, Approved June 5, 1897, Being Entitled An Act to Amend Section 720 of the Revised Statutes of the State of Florida, in Contracting of Territorial Limits of Cities and Towns.

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

That Section 720 of the Revised Statutes of the State of Florida, be amended to read as follows:

720. Contracting of Territorial Limits. It any incorporated city or town shall desire to contract its territorial limits by excluding from its corporate limits and jurisdiction any portion of its incorporated territory, it shall be lawful so to do in the following manner: The council of such city or town, by ordinance, shall declare its desire to exclude such district, describing the same by metes and bounds, and shall call an election of the registered voters of the remaining district of the city or town to approve or disapprove of the said ordinance. Each election shall be held separately in the respective districts but upon the same day; and thirty days, public notice shall be given of the time, purpose and place of said election, by proclamation issued by the Mayor, which proclamation shall contain a copy of said ordinance. If two-thirds of the registered voters actually voting in each shall approve of such ordinance, the council shall thereupon, by ordinance, declare the new limits of the city or town, excluding therefrom the portion so excluded, and cause the said ordinance, together with the previous ordinance aforesaid, the Mayor's proclamation aforesaid, and certificate of the result of such election, to be recorded in the records of the council, and also in the clerk's office in the county where such city or town is situated.

That when any incorporated town (or city) containing less than one hundred and fifty qualified electors shall, owing to extent of territory, have embraced within its limits any lands which may from distance or other cause be virtually or commensurately excluded from the benefits of such municipal organization it shall be lawful for any owner or owners of such lands or three-fourths of them desiring to have the same excluded from such corporate limits and jurisdiction, to apply by petition to the Circuit Court in and for the county in which said incorporated town is situated, setting forth in said petition the limits of such incorporated town as then existing and the grounds of his or their objection to being included within the limits of such corporation, whereupon the said Circuit Court shall order notice of said application to be served upon the Mayor of said town or city and appoint a day for the hearing of such application.

If upon the hearing of said application the said court shall sustain the said objection, the said tract or tracts of land shall be so excluded. Such petition may be heard and determined by said court in term time or vacation, and any question of fact may be determined by said court without a jury.

Approved June 4, 1903.

CHAPTER 5198—(No. 93.)

An Act to Provide for the Erection and Construction of Dams for the Purpose of Supplying Power for Grist Mills, Electric Light Powers, and Other Engines and Machinery, and Providing for Condemnation Proceedings of Certain Lands Necessary for Such Purposes.

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

Section 1. Whenever any person, persons or corporations owning lands in this State on any water course, may desire to erect dams for furnishing power for a water grist mill, electric light power, or other machine of public utility, and shall not have the fee simple title to the lands on the opposite side thereof, against which the petitioner would abut his dam, or surrounding lands which will be overflowed thereby, the petitioner may file a petition in the office of the Clerk of the Circuit Court of the county wherein the property lies, which petition shall set forth: First, the act or authority under which the petitioner claims the right to take the property; second, a description as accurate as may be of the property sought to be taken; third, the names of the occupants of the property, and the names and places of residence, legal disabilities (if any), and the interests of all owners and mortgagees, if the same by diligent search and inquiry can be ascertained; fourth, the purpose of the taking, and that the property is necessary for that purpose.

Sec. 2. If any interest in the property, or any lien thereon belong to the unsettled estate of a decedant, the executor or administrator shall be made the party defendant with respect to such interest without joining the devisee or heir, and if a trust estate, the trustee shall be made defendant without joining the cestui que trust. No married woman shall be made a party defendant with respect to any inchoate right of dower. No judgment creditor or other lienor (except mortgagees as aforesaid) need be made parties defendant by the petitioner.

Sec. 3. The petiton shall be verified by the oath of the petitioner and if a private corporation by the oath of its president or some other executive officer. There shall be annexed by an affidavit by the same affiant that diligent search and inquiry has been made by the petitioner to ascertain the names, places of residence, legal disabilities (if any) and interest of the owners and mortgagees of the property, and that these, as ascertained are set forth in the petition. The prayer shall be that the property described in the petition may be condemned for the uses and purposes set forth therein.

Sec. 4. When the petition is filed the clerk shall issue writ or writs of scire facias directed to the sheriff or sheriffs of the county or counties wherein the defendants or any of them reside as alleged, commanding him or them that he or they make known to the defendants that they be and appear in the said Circuit Court on the second rule day after the issuing of the writ to show what interest they have in the property, and to show cause why it should not be taken for the uses and purposes set forth in the petition, which writs shall be served by the proper sheriffs in the same manner as writs of summons are served. Alias and pluries writs may be issued as in other cases, returnable, however, as writs of summons are returnable. If any defendant be alleged to be a non-resident of the State, the clerk shall, within two days of issuing the writ of scire facias, mail a certified copy of such writ to such defendant at his place of residence, as named in the petition, which mode of service shall be as effectual as though the defendant had been actually served within this State, and the clerk shall file a certificate of such constructive service of record in the cause. If the residence of any defendant be given as unknown he shall be held served by the notice of publication provided in this section. After issuing the writ the clerk shall in every case, forthwith publish in some newspaper published in the county once a week for as many weeks as may be until the return day a notice directed to all persons interested in or having liens upon the property, in the same terms as the writ of scire facias, to appear and show cause, or else be barred, and the clerk shall file a certificate of the publication of the record in the cause. All persons not appearing and answering on the return day, whether under disabilities or not, shall be bound by the proceedings, and defaults may be entered against them, but nothing shall prevent any person who is shown by the record to be interested in the property from appearing before the jury to contest for and to claim the amount of compensation that he conceives to be due from the property. Defaults may be opened by the judge before the next rule day for good cause shown.

Sec. 5. Any person interested or having a lien upon the property, not made a party, may become a party as of course, by filing his petition of intervention, setting forth under oath his interest before the return day, or afterward by order of the judge.

Sec. 6. If no cause be shown to the contrary, the judge of the Circuit Court shall cause a jury of twelve men to be empaneled, to try what compensation shall be made to the defendants for the property sought to be appropriated, irrespective of any benefit from any improvement proposed by the petitioner, which issue shall be tried in the same manner as other issues of fact are tried in said Circuit Court. The jury shall in all cases view the property, unless the parties interested in the issue, consent to dispense with the viewing. The judge, may, in his discretion, try any such case in vacation in the county, and may make all necessary orders for procuring a jury or in reference to the case. If the jury cannot agree, another jury may be empaneled forthwith.

Sec. 7. The court shall have full power to order or grant amendments, and to make all orders necessary to the justice of the cause, and also to grant new trials.

Sec. 8. The verdict of the jury shall state: first, an accurate description of the property taken; second, the compensation to be made therefor; third, the amount of such compensation to which owner is entitled.

Sec. 9. The judgment shall recite the verdict in full, and shall be that the property therein described, be appropriated to the petitioner for the uses alleged in the petition, upon the petitioner paying or securing by deposit of money the compensation found by verdict of the jury.

Sec. 10. The petitioner, within ten days after the rendition of the judgment, shall pay into the court for the use of the defendant, the compensation ascertained by the jury, or else the proceedings shall be null and void, unless further time be allowed by the court. Upon such payment and upon the recording in the registry of deeds, of the judgment with the Clerk's certificate that the compensation has been paid into court, the petitioner shall have full and lawful authority to enter upon and appropriate the property for the uses aforesaid with the same effect as though the petitioner held the same by deed or grant from the defendant.

Sec. 11. Any party aggrieved by the final judgment of the court may have a writ of error, as in common law cases, but such writ of error shall in no case operate as a supercedeas where the petitioner has paid the amount of compensation into the court as aforesaid, so as to prevent a petitioner's appropriation of the property, pending the proceedings in error. If at any time after the writ of error taken by any defendant he shall take out of court the amount found to be due him, the writ of error shall be dismissed in the Supreme Court upon the certificate of the clerk of the Circuit Court that the defendant has taken out the compensation as aforesaid.

Sec. 12. Whenever the judge shall be satisfied that any person or persons, whether holding under the defendant or not, are preventing or obstructing the petitioner from entering upon or taking possession of the property after the petitioner is entitled to do so, he may grant such writs of assistance as he may think necessary, or he may proceed by attachment as for contempt of court.

Sec. 13. All costs of proceedings shall be paid by the petitioner except the costs upon the writ of error taken by defendant on which the judgment of the Circuit Court shall be affirmed.

Sec. 14. In any case where the petitioner shall not have acquired title to any lands which the petitioner is using, or if at any time after attempt to acquire title by condemnation proceedings or otherwise, it shall be found that the titles so acquired are defective, the petitioner may proceed under this article to acquire or perfect such title

Sec. 15. The right obtained by the petitioner under the provisions of this article shall be a right only to use the property taken for the purpose specified, and shall be held to create an easement, and not a fee simple in the property taken.

Sec. 16. All laws or parts of laws in conflict with the provisions of this law, be, and the same are hereby repealed.

Sec. 17. This act shall go into effect immediately upon its passage and approval by the Governor.

Approved June 4, 1903.

CHAPTER 5199—(No. 94.)

An Act Providing for the Publication of the Acts of the Legislature of a General and Permanent Nature in Newspapers, Prescribing the Duties of the Secretary of State and the Boards of County Commissioners, and Providing Compensation for Publishers.

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

Section 1. That within sixty days from the adjournment of each session of the Legislature the Secretary of State shall furnish to the clerks of the Boards of County Commissioners of the several counties of the State, certified copies of the acts of the Legislature which are of a general and permanent nature.

Sec. 2. That the Boards of County Commissioners of the several counties of the State, at their first regular meeting after the receipt of the certified copies of the acts of the Legislature from the Secretary of State, shall designate one daily or weekly newspaper which has been continuously published for a period of not less than one year in their respective counties, in which the acts as certified by the Secretary of State shall be published one time.

Sec. 3. The acts shall be published as certified by the Secretary of State, and the publisher of the paper designated by the Board of County Commissioners shall receive as compensation for said publication the sum of one hundred dollars, which amount shall be paid by the Comptroller on receipt of affidavit of said publication by the publisher of the newspaper in which said acts have been published, that the publisher of said newspaper has mailed one copy of the issue containing said laws to each registered voter in said county and the bill for said work duly approved by the Boards of County Commissioners of the county in which publication is made.

Sec 4. That payment for these publications shall be made from any money in the State Treasury not otherwise appropriated.

Sec. 5. That this act shall take effect upon its passage and approval by the Governor.

Approved June 4, 1903.

CHAPTER 5200—(No. 95.)

An Act to Amend Section 596 (Being Embraced in Article 2, Part 1, Title 9, Chapter 2) of the Revised Statutes of the State of Florida Relating to the Notice for Publication of Bids and the Disposition of County Bonds.

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

Section 1. That Section 596 (being embraced in Article 2, Part 1, Title 9, Chapter 2) of the Revised Statutes of the State of Florida be, and the same is hereby amended so as to read as follows:

596. Notice for Bids, and Disposition of Bonds.—In case the issuing of bonds shall be authorized by the result of such election, the county commissioners shall cause notice to be given by publication in a newspaper of general circulation published in the county (or in some paper published in the same judicial circuit, if there be none published in the county,) that they will receive bids for the purchase of county bonds at the clerk's office, on or before the expiration of thirty days from the first publication of such notice. The notice shall specify the amount of bonds offered for sale, the rate of interest, and the time when the principal and installments of interest shall be due and where payable. Any and all bids may be rejected if the commissioners shall deem it for the interest of the county so to do, and they may cause a new notice to be given in like manner, inviting other bids for the said bonds; Provided, that such bonds shall not be sold at less than ninety-five cents upon the dollar.

Sec. 2. All laws and parts of laws in conflict with the provisions of this act, be, and they are hereby repealed, and this act shall take effect immediately upon its passage and approval by the Governor.

Approved June 5, 1903.

CHAPTER 5201—(No. 96.)

An Act to Amend Chapter 5035 of the Laws of Florida, Entitled, "An Act to Provide for the Construction and Maintenance of Drains by the Several Counties of the State of Florida, and to Provide for the Assessments of the costs Thereof Against the Property Benefited Thereby, and Further to Provide for the Collection and Enforcement of Such Assessments and to Legalize All Contracts for Drains Which Heretofore May Have Been Entered Into and Assessments Made by the County Commissioners of Any County in the State of Florida, Under Chapter 4807 of the Laws of Florida," Approved May 3rd, 1901.

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

Section 1. That Chapter 5035 of the Laws of Florida, entitled "An Act to Provide for the Construction and Maintenance of Drains by the Several Counties of the State of Florida, and to Provide for Assessments of the Costs Thereof Against the Property Benefited Thereby, and Further to Provide for the Collection and Enforcement of Such Assessments, and to Legalize All Contracts for Drains Which Heretofore May Have Been Entered Into and Assessments Made by the County Commissioners of any County in the State of Florida, Under Chapter 4807, of the Laws of Florida," approved May 3rd, 1901, be amended by adding thereto, after Section 11, the following, to-wit:

Sec. 12. That the provisions of this act with reference to locating, surveying, cutting and maintaining the same, and every other provision of said act with reference to such public ditch, drain or canal, be and the same is hereby made applicable to all lateral ditches and drains that may be deemed necessary or expedient for the drainage and benefit of lands lying in the vicinity of such public ditch, drain or canal, that may be reached, drained or benefited by lateral ditches or drains.

Sec. 13. And such lateral ditches or drains may be made a part of the original plat and survey of such main ditch, drain or canal, and may be included in the original petition for digging cutting, opening and maintaining the same, or such lateral ditch or drain may be established in like manner under the provisions of this act at any time after the opening of such main ditch, drain or canal, upon a petition of a majority of those whose lands are to be benefited thereby.

Sec. 2. That this act shall take effect immediately upon its passage and approval by the Governor.

(Became a law without the approval of the Governor.)

CHAPTER 5202—(No. 97.)

An Act to Reorganize the Militia Forces of the State; to Adopt and Make of Force a Military Code and to Provide Penalties for the Violation Thereof; to Repeal All Laws Referring to the Military Forces Not Herein Re-enactetd, and for Other Purposes.

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

Section 1. All able-bodied male inhabitants of Florida, including those of foreign birth, who have declared their intentions to become citizens of the United States, of the age of eighteen years, and under the age of forty-five years, who are not exempted by the laws of the United States, or of this State, shall be enrolled in the Militia, and be subject to military duty.

In addition to those exempted by the laws of the United States, the following persons shall be exempt from military duty: Officers of the State Government, Judges of the Supreme Court and of all Courts of Record, members of the Legislature, all county officers, except notaries public, all teachers engaged in public enducational institutions and public schools, and ministers of the gospel. The militia shall be divided into two classes—the organized militia and the remainder to be known as the reserve militia.

Sec. 2. The reserve militia shall not be subject to any active military duty, except when called into the service of the State or of the United States, in which case they, or so many of them as the necessity requires, shall be ordered out by draft or otherwise, as the Governor may direct. The portion of the reserve militia ordered out or accepted, shall be mustered into the service for such period as may be required, and the commanding officer shall assign them to existing organizations of the Florida State Troops, or organize them as exigency of the occasion may require

Sec. 3. The County Assessor of each county shall, immediately upon receipt of an order from the Governor of this State, to that effect, return a list of the names of all persons residing in such county who are liable to military duty, to the County Clerk, who shall within fifteen days after the receipt of such return, number the names and file the lists in office, and return the number of all persons so enrolled to the Adjutant-General. The Assessors shall have authority to question under oath, which they are hereby authorized to administer any person liable to perform military duty, but who denies the same; and if any person refuses to be sworn the Assessor shall enroll his name in the same manner as though he had admitted his liability. If any Assessor shall neglect or refuse to perform the duty enjoined upon him by this act, he shall be subject to the same liabilities, penalties and punishments as are prescribed by law for a neglect or refusal to perform any other duty of his office.

Sec. 4. 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 Florida State Troops, as then organized, shall be the first troops to be called into actual evrice. 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 county clerk, 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 the County 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 near 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. 5. Every person so ordered out, and who shall not appear at the time and place designated by the Sheriff or other proper officer; or who shall not produce some able or proper substitute at such time and place, unless physically incapacitated, shall be guilty of a misdemeanor, and shall be punished by a fine not exceeding five hundred dollars, and by imprisonment not exceeding six months, one or both, at the discretion of the court.

Sec. 6. The Governor shall be Commander-in-Chief of the Militia, except when it is actually called into the service of the United States, and shall have all the powers necessary to carry into full effect the provisions of this title. He shall commission all officers, and shall by and with the consent of the Senate, appoint all general officers of the line, and may fill any vacancy that occurs until the meeting of the Senate. All officers so appointed and commissioned shall hold office four years, unless otherwise provided by law.

Sec. 7. The Commander-in-Chief shall have a personal staff to consist of not more than ten aides-de-camp, with the rank of Colonel, and one military secretary, with the rank of Major; Provided, That the commission of the aides-de-camp and of the military secretary shall not continue in force beyond the term of office of the Governor by whom they are appointed; but the provisions of this section shall in no way effect the commission of any officer holding commission at the time of the passage of this act. There shall be a general staff, to consist of the Adjutant-General, with the rank of Major-General, a Quartermaster General, a Commissary General, a Judge Advocate General, a Chief of Ordnance, a Surgeon-General, an Inspector-General, an Inspector of Small Arms' Service, and an Assistant Adjutant-General, each with the rank of Colonel, and a Naval Secretary with the naval rank of Captain. The Adjutant-General shall be appointed by the Governor, and the remaining officers of the general staff shall be appointed by the Governor upon the recommendation of the Adjutant-General. No person shall be appointed to the general staff 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.

Sec. 8. That portion of the militia organized as a land force shall be known and designated as the Florida State Troops, 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 examination to be conducted by a medical officer of the Florida State Troops, 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 able to perform the duties of a soldier, which certificate shall be forwarded, with the oath of enlistment, to the Adjutant-General. No person shall be commissioned as an officer of the Florida State Troops until his fitness for the position has been determined and certified by an examining board appointed by the Commander-in-Chief; Provided, That this shall not be considered to apply to those appointed to the general staff or to the personal staff of the Commander-in-Chief.

Sec. 9. Before any person shall be mustered into the service of the State under the provisions of this Act, he shall take the following oath: "I do solemnly swear that I will support and defend the constitution and 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 State, 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 Florida State Troops, for a 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 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 officer competent to administer oaths. All officers commissioned for service in the Florida State Troops shall, before entering upon their duties, take and subscribe to the prescribed constitutional oath of office, which oath shall be filed with the Adjutant-General.

Sec. 10. The Florida State Troops shall consist of two regiments of infantry, a battalion of artillery and a medical department, including a hospital corps, constituted as herein provided. This force, and such naval militia as is now or may hereafter be provided by law, shall, in time of peace, constitute the only organized militia of this State, and 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 prescribed part of the course of instruction, to associate themselves together as a military organization for drill or parade in public with firearms, in this State, without special license from the Governor for each occasion, and applications for such license must be approved by the Mayor and Aldermen of the cities and towns where such organizations may propose to parade. Each person unlawfully participating in such drill or parade shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars and not more than twenty-five dollars, and imprisoned not exceeding thirty days, one or both, at the discretion of the court.

Sec. 11. Each regiment of infantry shall consist of a band and the same number of battalions and companies as prescribed for like organizations in the United States army. The battalion of artillery shall consist of a major, three first lieutenants for detail as adjutant, quartermaster and commissary, respectively; one sergeant major, one quartermaster sergeant, one commissary sergeant, each with the rank, pay and allowance of a batttalion sergeant-major of infantry and four companies or batteries of artillery at the discretion of the Commander-in-Chief. All regiments, battalions, companies, batteries or bands of the Florida State Troops shall be organized and officered as is now or may hereafter be prescribed by law, or in orders for co-relative organizations in the United States Army; and the minimum number of enlisted men of each company, battery and hospital corps shall, in time of peace be such as may be fixed by order of the President. The formation, conformation and size of each infantry band shall conform to the requirements of bands in the regiments of infantry of the United States Army. The regimental commanders of infantry shall appoint the regimental non-commissioned staff officers and the non-commissioned officers of the band; they shall, upon the recommendation of the battalion commanders, appoint the battalion non-commissioned officers staff officers of the companies. The commander of the battalion of artillery hall appoint the non-commissioned officers of artillery. Every non-commissioned officer shall receive a warrant of his rank from the officer appointing him. Every non-commissioned officer may be reduced to ranks by sentence of a court martial or a summary court, or by order of the regimental commander, or the [illegible] of the battalion of artillery, issued upon the recommendation of his immediate commanding officer.

Sec. 12. The medical department shall consist of the Surgeon-General, three surgeons, with the rank of major, not more than five assistant surgeons, with the rank of captain and first lieutenant, and a hospital corps composed of so many hospital stewards, acting hospital stewards and privates as may be prescribed for a brigade in time of war. No assistant surgeon shall hold the rank of captain until he has served three years as first lieutenant; but nothing in this section shall in anywise affect the commission of medical officers who hold commissions at the time of the passage of this act. The Surgeon-General shall enlist, or cause to be enlisted, men for the hospital corps, and may recommend the requisite number of hospital stewards and acting hospital stewards to the Adjutant-General for appointment; but all persons so recommended for appointment shall be regularly licensed pharmacists of this State.

Sec. 13. The Commander-in-Chief may organize the Florida State Troops into a brigade and appoint one Brigadier-General to command it, and such staff officers as are prescribed for a brigade in the United States Army in time of war; but no other general officer of the line shall be appointted unless it becomes necessary to call the reserve militia into active service. No person shall be eligible for appointment as Brigadier-General who has not served five years as a commissioned officer in the Florida State Troops, or in the regular or volunteer forces of the United States.

Sec. 14. Whenever the minimum number of men who are eligible for military duty shall associate themselves together for the purpose of forming a military company, they may apply to the Commander-in-Chief, through the Adjutant-General, to be organized as such, and shall designate the persons selected as commissioned officers. If the application is approved of, the persons so selected to be commissioned officers shall be directed to appear before an examining board, and if found to be qualified, may be commissioned. An officer will then be detailed to muster the organization into service. The muster roll will be made in duplicate, one copy to be retained by the company, and the other, together with the enlistment papers of each soldier, will be forwarded to the Adjutant-General with the report of the mustering officer.

Sec. 15. When any company or band has been organized under this Act, it may become a body corporate, with power to sue and to be sued by its corporate name; to hold, own and acquire property, real, personal and mixed, and to dispose of the same by virtue of letters patent, which shall be issued by the Secretary of State upon the application of such company, battery or band. The officers of such company or battery, the chief musician, principal musician and drum major of such band shall constitute the board of directors of such respective organization.

Sec. 16. The term of service of an enlisted man shall be three years; Provided, That any enlisted man serving his second term or other conecutive enlistment shall after the first year thereof, be entitled to an honorable discharge upon request therefor. Soldiers who re-enlist within three months after the expiration of their former term of enlistment shall be considered to have served continuously.

Sec. 17. It shall be unlawful for any person to enlist in two military organizations at the same time.

Sec. 18. No enlisted man, when duly sworn, shall be discharged from the service without a discharge in writing, signed by a field officer of the regiment to which he belongs, or by the commanding officer, when no field officer is present; and no discharge shall be given to any enlisted man before his term of service has expired, except by order of the commander-in-chief, or by sentence of a court martial. Every enlisted man shall be promptly discharged upon the expiration of his term of service unless under arrest or charges; but the expiration of his term of service shall not *ipso facto* operate as a discharge. Honorable discahrges will be given: First, upon the completion of term of enlistment; second, upon application of the soldier or of his immediate commanding officer, based upon any of the following grounds: Physical disability, supported by a certificate of a medical officer of the troops or any reputable physician or surgeon; engagement in business, such as precludes the soldier from properly performing his military duties; removal of residence beyond the limits of the organization to which he belongs, 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, on account of being, at the time f the expiration of term of service, under sentence of court martial which does not provide for dishonorable discharge; fifth, when especially ordered by the Commander-in-Chief for any other reason. No dishonorable discharge will be given except by a sentence of a court martial. 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. No person shall be re-enlised in the Florida State Troops who did not receive an honorable discharge therefrom for his former term or terms of service.

Sec. 19. Not more than ten honorary contributing members may be enrolled in each company or battery, each of whom shall, upon the payment to such organization annually on or before the fifteenth day of December, of not less than ten dollars, become exempt from jury duty for the next following calendar year. It shall be the duty of the commanding officers of companies and batteries to furnish the Clerk of the Court of their Circuit on or before the first day of January of each year, for the information of the County Commissioners in making a list of persons to serve as jurors, a roll of all active and honorary members of their command.

Sec. 20. Every person commissioned as an officer in the Florida State Troops shall, unless otherwise especially provided by law, be examined as to his qualifications for office, and no person shall be appointed until he has passed a satisfactory examination as to his capacity, 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 examinig boards, composed of not less than two officers, to conduct such examinations, and whenever any candidate 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 also convene examinig boards to determine the fitness of officers for promotion; and also whenever to him it appears advisable, or upon the request of any superior commanding officer, may order any officer before a board for examination as to his fitness for practical service, and upon report of the board if adverse to the officer, may declare his commission vacated; and if any officer so ordered before a board shall neglect or refuse to appear, the Commander-in-Chief may, upon report to him of such refusal or neglect, vacate the commission of the officer

Sec. 21. Officers of all grades in each arm of the service shall be assigned to regiments, transferred from one regiment to another, as the interests of the service may require, by order of the Commander-in-Chief, and all appointments in the line will be by commission in the arm of service, and not by commission in any particular regiment. The Commander-in-Chief may divide the State into regimental and battalion districts, and all field officers 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 delinquent or responsible for public property or funds, the Adjutant-General shall announce a vacancy, which will be filled after the manner prescribed in the regulations. All company or battery officers must be residents of the station of their organization or its vicinity.

Sec. 22. Commissions of officers shall bear the date of actual issue, but each officer shall take rank from the date he finishes his examination, which date shall be expressed in the commission. Officers of each grade shall take precedence according to the date of their rank, and 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; and if of equal service, then by lot. Officers in the Florida State Troops are of superior rank to officers in the reserve militia of the same grade. In no case shall any colored officer command white troops.

Sec. 23. A commissioned officer may be honorably discharged: Upon the acceptance of his resignation; upon the expiration of his term of office, or upon the disbandment of the organization to which he belongs. The Commander-in-Chief may vacate the commission and drop from the roll of the Florida State Troops the name of any officer: Upon the recommendation of a board of examiners, when it appears that the officer is unable or unfit to discharge the duties of his office or exercise proper authority over his inferior officers and soldiers; when he has been convicted of crime by a civil court; when he has been absent from duty without leave for more than thirty days, or when he has disobeyed an order to appear before a board of examiners. No officer shall be dismissed from the service in time of peace except by sentence of court martial, and no officer who has been dismissed from the service by sentence of court martial, properly approved by the reviewing authority, shall ever be restored to the service.

Sec. 24. When any officer who has been removed by order of the Governor makes in writing an application for trial, setting forth under oath that he has been wrongfully removed, the Commander-in-Chief shall, as soon as practicable, convene a court martial to try such officer upon the charges upon which he shall have been removed.

Sec. 25. When any commissioned officer or enlisted man has served ten consecutive years in the Florida State Troops he may, upon application to the Governor be retired from active service and placed upon the retired list. When any officer has reached the age of sixty-two years, he may, at the discretion of the Governor, be so retired and placed upon the retired list. Officers and enlisted men on the retired list shall have the right to wear, on appropriate occasions, the uniform prescribed for the highest grade attained by them during their active service, without corps, department or regimental designation. Any officer or enlisted man who has heretofore been honorably discharged after ten years' service, may be placed on the retired list herein created upon his own application.

Sec. 26. Upon the application of any officer of the Florida State Troops, the Governor may recommend that such officer be authorized to attend any college or military school in the United States, and may relieve him from duty for such time as may be required to pursue the regular course of study at such college or school. While so engaged the officer is entitled to the allowances provided for in Section 16 of the Act of Congress of January 21, 1903.

Sec. 27 The uniform of the Florida State Troops shall be the same as is prescribed for the United States Army, except that the Commander-in-Chief may authorize the use of the State button, and such insignia or collar device as will be distinctive of this State.

Sec. 28. All commissioned officers shall provide themselves with such uniforms and arms as may be prescribed for their use.

Sec. 29. Every enlisted man shall be provided with a uniform, which shall be furnished by the Adjutant-General, upon the requisition of the immediate commanding officer, approved by the regimental commander.

Sec. 30. The uniforms, necessary arms, accoutrements, equipment and military stores furnished by the State shall be obtained through the national appropriation for arming and equipping the militia, and such uniforms, arms, accoutrements, equipment and other military stores are and shall remain public properly, and shall be accounted for in the manner prescribed by law and the regulations.

Sec. 31. Every officer to whom public funds or property is issued shall receipt for the same, and shall give a bond in such sum and with such surety or sureties as may be required by the Governor, for the proper expenditure of, and the care and safe keeping of all public funds and military property which may at any time be under his control or in his charge and to account for the same, which bond shall be approved by the board of County Commissioners of the county in which the officer is stationed, and shall be filed with the Adjutant-General. Upon the discharge, removal, dismissal or death of an officer who has given bond for the safe keeping of public funds or property, he or his legal representative shall be relased from responsibility upon filing with the Adjutant-General the receipt of the officer succeeding him for all public funds or property with which he is charged, and the certificate of such officer that the articles so transferred ar at the rate of the cerificate, in good order and condition, reasonable use and wear thereof expected. All accounts will be finally settled by the Adjutant-General.

Sec. 32. Every person who shall wantonly, carelessly or intentionally injure or destroy any uniform or other military property issued by the State, and refuse to make good such injury or loss, or shall sell or dispose of, remove or secrete the same with intent to sell or dispose thereof, or who shall refuse to produce the same when ordered so to do by proper authority, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine not exceeding two hundred dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment, at the discretion of the court.

Sec. 33. Whoever uses or wears, except in the performance of military duty, or upon public parades, or by special permission of the commanding officer, any uniform or other article of military property issued by the State, or whoever shall lend the same, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine not exceeding fifty dollars, or by imprisonment in a county jail not exceeding three months.

Sec. 34. Each regiment shall be furnished by the Adjutant-General, upon requisition of the regimental commander, with the national colors and a regimental flag.

Sec. 35. The organization, armament, and discipline of the Florida State Troops shall be the same as that which is now or may hereafter be prescribed for the regular or volunteer armies of the United States and the Articles of War governing the armies of the United States shall be applicable to and shall govern the Florida State Troops in so far as they are not inconsistent with the Constitution and laws of this State.

Sec. 36. The Adjutant-General is hereby authorized to prepare and promulgate articles, rules and regulations for the government and discipline of the Florida State Troops, not inconsistent with the Constitution and laws of the United States or of this State, which articles, rules and regulations, when approved by the Governor, shall be published to the troops and shall be enforced, and a copy of the same shall be filed in the office of the Secretary of State.

Sec. 37. Any company, battery, or band may adopt such Constitution and by-laws for its government and discipline, not inconsistent with this Act and the regulations prescribed by the Adjutant-General, as a majority of the members of such organization may deem proper. And such constitution and by-laws, when approved by the Adjutant-General, shall have the force and effect of regulations.

Sec. 38. The military courts of this State shall consist of general courts-martial, regimental courts-martial, summary courts and courts of inquiry. They shall respectively have cognizance of the same subjects, and possess like powers as similar courts provided for by the laws of the United States, organized under the Articles of War, and the rules and regulations of the United States Army. The proceedings of general courts-martial shall be assimilated to the forms and modes of procedure directed for like courts by the articles of war and the general rules and regulations for the government of the armies of the United States; and the proceedings of regimental courts-martial, summary courts and courts of inquiry shall be assimilated to the modes of procedure in regimental and garrison courts-martial, summary courts and courts of inquiry in the armies of the United States.

Sec. 39. General courts-martial may be convened by order of the Commander-in-Chief or the brigade commander, and such courts shall have power to impose fines not exceeding one hundred dollars; to sentence to a public reprimand; dismissal or dishonorable discharge from the service; or any two of the said prescribed punishments may be combined in a sentence imposed by such courts. Regimental courts-martial may be appointed by regimental commanders, or the commander of a separate battalion, and for the trial of enlisted men, shall have concurrent jurisdiction with general courts-martial, except that fines imposed by a regimentl court-martial shall not exceed fifty dollars. But no sentence to dismissal from the service, or dishonorable discharge, shall be executed until approved by the Commander-in-Chief. Presidents of courts-martial shall have power to issue warrants to the Sheriffs of the State to arrest accused persons and bring them before the court for trial whenever such persons have disobeyed an order in writing of the convening authority to appear before such court, a copy of the charge or charges being delivered to the accused with said order, and shall have authority to issue subpoenas for the attendance of witnesses, and to punish a refusal to be sworn or answer as provided in civil actions.

Sec. 40. The President of any court-martial assembled in pursuance of this act, may make a requisition upon the Sheriff of the county in which the session is held for a deputy sheriff to attend upon the court, and such deputy sheriff shall receive for his attendance and service the same pay and fees and be subject to the same responsibilities as when attending upon the sessions of the Circuit Court. The pay and fees of such deputy shall be paid by the State, upon the certificate of the Judge Advocate, approved by the Adjutant-General, out of the fund for the maintenance of the Florida State Troops.

Sec. 41. When the reviewing officer approves of a sentence of a court-martial imposing a fine on the offender, said offender shall have a period of ten days from the publication of the findings and sentence of said court-martial, and the approval thereof by said reviewing officer, within which to pay said fine to his immediate commanding officer, who shall at once remit the amount of said fine to the State Treasurer to be credited to the fund from which the contingent expenses of the Adjutant-General's office are paid, by whatever name such fund may be known or designated. When such fine and Sheriff's fees are not paid within the time prescribed said immediate commanding officer of the delinquent shall at once report such fact to the reviewing officer, and it shall be the duty of the reviewing offic