

# WEEKLY TALLAHASSEE

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## CONGRESS IN SESSION

### The Legislation that will Come Up this Term.

## ARMY OF 100,000 MEN

### Recommended—Also Building of Nicaragua Canal.

Washington, December 1.—Congress is in full blast. The great comes on Ways and Means, Rivers, Harbors, Merchant Marine, Reclamation and Agriculture have the most important measures on which they desire action at this session, and each is now crowding for consideration for its bill. Add the Nicaragua Canal bill and the colored Hay-Pauncefote abominations, and treaties with Nicaragua and Costa Rica, will have to be considered, to say nothing of fifteen appropriation bills, it will be a busy session. So busy will it be that re-appointment and ship subsidy are likely to be allowed to go over to the next session. Certainly, if Democrats care to make a fight against them, as they certainly will, the latter and probably will win the former unless it is drawn out, their passage can easily be prevented. The same is true of the Hay-Pauncefote treaty, but the Democrats will be chary of fighting it, although they will vote against it because if they do so they will probably be held responsible for the delay in constructing the Nicaragua Canal.

On army legislation, there will probably be little or no opposition, unless the Republicans attempt to force through some measure fastening a standing army on the country. The Democrats, it is understood, will stand ready to give the President whatever army he wants, if he will consent to have it go out of existence when the Philippine situation will permit. If the Republicans insist on the Root bill, however, a fight is certain. Secretary Root has sent a letter to the Military Affairs Committee asking Congress to authorize a regular army whose minimum force shall be about 59,000 and whose maximum shall be a little over 100,000. The actual number at any time between these limits is to be fixed by the President, who will increase it or reduce it by enlisting or discharging privates, the regimental formations remaining unchanged. Five regiments of cavalry, five of infantry, five of artillery and two battalions of engineers are asked in addition to the present standing army of 29,000 men, the minimum force each being as now provided by law. The Secretary says, that experience with volunteers has shown that by placing experienced officers at their head they become remarkably efficient in a very short time, but that the experiment has been a most expensive one for the country, compared to what would have been the case had the same number of troops been raised for three years' service as regulars. This excess of cost arises from the necessity for sending these regiments many thousand miles away from home for a short term of service, during which the allowances are much greater than would be the case if their service extended over three years. The Democrats will certainly oppose this bill unless the right of the President to increase the army to the maximum is made conditional on the existence of war in the Philippines or elsewhere, and is not left to his mere whim.

The Republicans will again make a bluff at passing the reciprocity treaties negotiated last winter but allowed to go over until after the election, owing to the protests of people whom the party managers did not dare to ignore at that time. The chances are, however, that nothing will be accomplished. In fact, we might as well strike reciprocity out of our national policy, although it has been prominent in republican platforms for many years. The history of legislation on this subject demonstrates, that while we, as a nation are in favor of the principle, we are opposed to the practice. One of the first reciprocity treaties ever made in the United States was negotiated by General Grant with the Republic of Mexico, nearly twenty years ago, and if it had been allowed to go into effect we would now have a monopoly of the trade of our nearest neighbor, which amounts to something like \$150,000,000 a year; but through the influence of the cattle growers,

fruit dealers and lead-ore producers of the Northwest, Congress refused to enact the legislation necessary and it was allowed to die. During the same administration of President Arthur, a commission sent to South America initiated reciprocity treaties with all of the republics except Chile, Bolivia and Paraguay. The commission had just reached Brazil when President Cleveland came into office and called it home. When Mr. Blaine came into power, the movement was revived and fourteen reciprocity treaties were made, but as soon as the Democrats again came into power they were revoked. The Democrats frankly say that they do not believe in reciprocity and the Republicans claim to do so in the abstract, but find some fatal objection to each particularly case, as it comes up.

Despite the efforts of the War Department to conceal the truth by oft repeated denials, reports whose authenticity is not open to question, show conclusively that mental and physical disorders amongst our soldiers in the Philippines are increasing most alarmingly. The terrible climate of the Philippines, the despondency produced by homesickness and the continued experience of dealing with a foe fighting only from ambush has shattered both the mental and physical systems of officers and men. Officers of both the army and navy, who went from here in the full vigor of health not many months ago, are broken down in body and are almost imbeciles. Nothing has been said about it, but some of them are now being brought home to their sorrowing families. It is very pretty to talk about a soldier's duty and a soldier's pride, and it is very pretty to read the eloquent flights of the expansion statesmen and orators who discourse on the subject at the long range distance of eight to ten thousand miles. Every now and then also the country is favored with extracts from the letters of some fire-eating soldier in the Philippines who is as one in a thousand. At the same time the President and the War and Navy Departments are fully aware that almost the entire body of our forces in the Philippines would be glad to come home today if they had the sanction of superior authority so to do. The strongest social and personal influence is constantly exerted to secure a homeward order for officers in the Philippines, and the President himself is frequently appealed to. Not one of these appeals is heeded, except in the cases where the pitiable condition of the officers renders him mentally incapable.

### A Distinguished Lecturer.

Dr. Edward Thompson, L. L. D., General Manager of the Sunday League of America, will occupy the pulpit of the Methodist church, Dec. 16th, at a union service of the churches of the city. He will probably speak at the Presbyterian church at night.

Dr. Thompson is one of the most eloquent and graceful speakers of the South. He is highly commended by distinguished ministers of all denominations, Congressmen, Governors of various States, educators of ability, and editors of reputation. Let the people of the city give him a hearing and they will be amply repaid.

### "Honor to Whom Honor."

Mr. Editor: Your complimentary mention of those who have done such faithful service for Tallahassee in the interest of the retention of the capital, was wise and well done. I desire to call attention to another citizen who has done a grand work for our city and whose name should be enrolled among those of Tallahassee's true friends. I speak of Dr. W. L. Moor. The work he has done to secure the Georgia Pine Railroad is worthy of all commendation. A few more such public spirited men would make a decided change in Tallahassee—all of which would be for the better.

### Civil Appointments.

Governor Bloxham has made the following civil appointments:  
W. C. Kilgore, of Wildwood, to be notary public for the State at large.  
H. H. Kenyon, of Tampa, to be notary public for the State at large.  
Abram H. Fisher, of Baltimore, to be commissioner of deeds for the State of Florida in the State of Maryland.  
J. E. Bryant, of Kathleen, to be notary public for the State at large.  
Clarence H. Sanders, of Jacksonville, to be inspector of timber and lumber for Duval county.

## SUPREME COURT

### Headnotes to Decisions, Just Term, A. D. 1900.

Charlie Long, Plaintiff in Error, vs. The State of Florida, Defendant in Error.—Jackson county.

MABRY, J.:  
1. Verdicts should be certain and import a definite meaning, but any words that convey beyond reasonable doubt the meaning and intention of the jury will be sufficient, though the spelling may be bad.  
2. A new trial should not be granted on the ground of newly discovered evidence that goes merely to impeach the character of witnesses or that is simply cumulative.  
3. The evidence in this case held to be sufficient to sustain the verdict of the jury.  
Judgment affirmed.  
M. D. Price, for Plaintiff in Error; William B. Lamar, Attorney-General, for the State.

G. Towney Kennard, Plaintiff in Error, vs. The State of Florida, Defendant in Error.—Alachua county.

MABRY, J.:  
1. As a general rule a witness must depose to facts within his knowledge, and can not testify to matters of mere conjecture; but where a witness has knowledge of pertinent facts and speaks from a recollection of them as they actually appeared to him, though his impression may not amount to positive assurance, it is competent to be considered by the jury.  
2. In lawfully defending himself a man may take life when as a reasonably prudent person he has reasonable ground to apprehend a design to commit a felony on him or to do him some great personal injury and there shall be imminent danger of such design being accomplished, though as a matter of fact there was no actual danger; but if he wrongfully occasions or brings about the necessity for his action, though as a prudent man he may have reasonable ground to apprehend a design to commit a felony on him or to do him some serious personal injury and there be imminent danger of such design being accomplished, he can not lawfully kill and justify his conduct on the ground of self-defense.  
3. An objection to a portion of a charge stating an abstract proposition of law on the ground that it is misleading may be removed by another portion covering the ground so fully as to leave no room for a misdirection of the jury.  
4. The mere statement in a motion for a new trial that the prosecuting officer made a certain statement to the jury, where the motion is overruled without a certificate from the judge that such statement was made, affords no evidence of the existence of such fact.  
5. It is proper for the trial court in charging the jury to confine a principle of law applicable to the cause to the facts disclosed by the evidence.  
6. In considering an objection to a portion of a charge the entire portion bearing on the subject may be considered, and if the objection be removed when the entire portion is taken together, there is no ground of complaint.  
7. When the substance of requested charges has been fully given in instructions, it is not error to refuse to repeat the instructions, though expressed in different language.  
8. A requested instruction for an acquittal predicated upon an isolated fact, or only part of the evidence that is not conclusive of the merits of the case, is properly refused.  
Judgment affirmed.  
Evans Haile and Clark & Gibbons, for Plaintiff in Error.

S. R. Lang, Plaintiff in Error, vs. The State of Florida, Defendant in Error.—Nassau county.

MABRY, J.:  
1. An indictment for larceny under Section 2440, Revised Statutes, in proper form and found to be a true bill by a grand jury in a court having jurisdiction of the subject-matter, properly signed, endorsed and presented as required by statute, and describing the property alleged to have been stolen as one hundred dollars, of the currency of the United States of America, the denomination of which was to the grand jurors unknown, of the property of a named person, is not so defective in reference to the description of the property as to amount to no indictment.  
2. In criminal pleading the omission to state some matters of de-

scription, not essential constituents of an offense, but which are required to be stated if known, may be excused by an allegation that they were unknown to the indicting grand jury, and this rule applies to the description of property in indictments for larceny.  
3. Whether the allegation in an indictment for larceny of a want of more perfect knowledge of the description of the property alleged to have been stolen is subject to enquiry before the trial jury, need not be considered in a case, where there is no evidence that the grand jury was in possession of information that would enable them to give a better description.  
4. The trial court should not by any arbitrary standard direct the jury, thereby to weigh and estimate the testimony of a defendant who takes the stand as a witness.  
5. A request to charge on behalf of a defendant who testifies in his defense that the jury have no right to disregard his testimony on the ground alone that he is the defendant in the case, is properly refused, especially where the court instructs the jury fully as to how they should weigh the testimony of witnesses generally.  
6. In an indictment for grand larceny under a statute providing that if the property stolen is of the value of twenty dollars or more the offense shall be grand larceny, and if the value is less than twenty dollars the offense shall be petit larceny, with punishments graduated to each offense, the testimony should show property stolen of sufficient value to sustain the sentence imposed by the court.  
7. In identifying the property alleged to have been stolen the evidence must substantially correspond with the description given in the indictment, but this may be done by circumstantial as well as direct proof.  
8. Evidence held sufficient to sustain a verdict.  
Judgment affirmed.  
T. A. & B. B. MacDonell, for Plaintiff in Error; William B. Lamar, Attorney-General, for the State.

William H. Reynolds, as Comptroller and John A. Pearce, as Sheriff, Appellants, vs. The Florida Central and Peninsular Railroad Company, Appellee.—Leon county.

MABRY, J.:  
1. Where, on an appeal in chancery, the decree is affirmed in part and reversed in part, with directions for the entry of a proper decree, and permission is given by the appellate court to apply to the chancellor for leave to file a bill of review of a part of the decree to be entered, the application to the extent permitted, if made, must be governed by the general rules applicable to obtaining leave and filing bills of review.  
2. Where, on an appeal in chancery, the decree is affirmed in part and reversed in part, with directions for the entry of a proper decree, and permission be given by the appellate court to apply to the chancellor for leave to file a bill of review of a several part of the decree to be entered, the authority to entertain the application is confined to the part of the decree as to which permission is given to apply for leave to file the bill, and the chancellor has no jurisdiction beyond this.  
3. The filing of a bill of review on the ground of newly discovered evidence is not a matter of right, but leave to file the bill must first be obtained and this rests in the sound discretion of the court, subject to review by the appellate court.  
4. A bill of review on the ground of newly discovered evidence should allege that it is filed by leave of the court; must state the former bill and proceedings, including the final decree entered, and the particulars in which the party conceives himself aggrieved, and also state distinctly and specifically the evidence alleged to have been discovered and that it came to the knowledge of the party for the first time after the final decree, or too late to be used at the hearing, and that by the exercise of reasonable diligence it could not have been discovered sooner; and further, it must appear that the new evidence is not merely cumulative or corroborative, but must be relevant and material and likely to produce a different determination.  
5. The allegation of the discovery of new matter and that it could not be exercised of reasonable diligence before the trial, required to be stated in a bill of review on the ground of newly discovered evidence, is material and

constitutes an essential equity in the maintenance of the bill, and when put in evidence must be established by clear and decisive proof. (Taylor, C. J., dissenting).  
Decree reversed and bill of review dismissed.  
William B. Lamar, Attorney-General, for Appellants; T. L. Clarke, for Appellee.

### Leon Academy, November.

STAR ROLL—Fenton Davis, Delle Stromau, Mabel Woodward, Annie Nail, Ruth Reynolds, Eva Dyer, Getavia Chaires, Beatrice Wallace, Ola Maxwell, Genie VanBrunt, Clifton Byrd, Marie Leydock, Sallie Lewis, Mina Alford, Jennie Myers, Daisy Walling, Genie Carter, Alice Shirstski, Carrie Ferrell, Susie Pearce, Helen Carter, Douglas Barbour, Herbert Felkel, Chas. Demilly, Morse Lanier, Abram McDougall, Crowell Dawkins, Philip Carter, Wallace Quarterman, Fred Householder, Whitman Carpenter, Bernard Byrd, Arthur Griffin, Jessie Williams, Norman Sutton.

HONOR ROLL—Marion Bowen, Birdie Alger, Mary Gwynn, Ruby Carter, Olivette Head, Elizabeth Lewis, Mary Cureton, Lulu Keith, Margaret Demilly, Minnie Dennard, Eloise McGuff, Julia Chaires, Katie Barker, Florence Ellis, Ida Carter, Helen Alford, Susie Taylor, Rubie Byrd, Kathleen Demilly, Helen Butler, Pauline Forbes, Emma Myers, Flossie Myers, Dan Taylor, Frank Eppes, John Clark, Leonard Donk, Shannon Perkins, Donnie Marcus, Harry Wilson, Virginius James, Ford Barco, Horace VanBrunt, Charlie Whitaker, Allen Freeman, Burk Leydock, Fred Montgomery, Foster Davis, Walker Stille, Russell Mickler, Mosely Collins, Walter Averitt, Jean Montgomery, Ernest Householder, Rawls Johnson, Bryant Carpenter, Rob McKinnon, Olon Warren, Frank Mallory, Rufus Willis.

### Seminary Notes.

The fortnightly debate of the Platonic Debating Society was held at the seminary Friday afternoon. The question was: "Resolved, That Lee was a greater soldier than Jackson." Julius Evans and Joseph Shanton advocated the affirmative, and J. T. G. Crawford and J. K. Johnson spoke for the negative.  
In the regular debate the decision was in favor of the negative, but in the general debate the affirmative won. The students of the seminary are preparing to present a play at the opera house on the Friday before Christmas. This play will be a sequel to "The Deacon," which they presented two years ago.

### Wm. Moody Dead.

The many friends of Mr. Wm. Moody will regret to hear of his death, which took place Sunday morning at his home near Woodville, in Wakulla county. Mr. Moody at the time of his death was a member of the Board of County Commissioners of Wakulla county and was a most prominent citizen of that county and his death will be severely felt.  
He was formerly a citizen of Leon county, having moved to Wakulla several years ago. His many near relatives living in this county has the sympathy of a large number of friends in their bereavement.

### Preparing for Inauguration.

At a special meeting of the City Council held on last Monday night, December 3d, Councilmen F. W. Armstrong, J. A. Edmondson, Julius Ball, T. H. Randolph and A. C. Spiller were appointed a committee to take up the matter of arrangements relative to the inaugural ceremonies to be held in Tallahassee on Tuesday, January 8th, 1901, at which time Hon. W. S. Jennings will be inducted into office as Florida's Chief Executive for the next four years. The committee have gone to work already. A big crowd is expected on inauguration day.

### League Meeting.

A meeting of the Young Men's Business League was held last Friday night, for the purpose of taking some steps toward getting up entertainment for inauguration day. A motion prevailed directing President J. R. Cohen to appoint committees and start them to work. Subsequently it was announced that the matter had been taken up by the City Council and Mr. Cohen, under these circumstances, thinks it unnecessary to proceed further, upon the lines discussed at Friday night's meeting.

**CASITORIA.**  
Bears the Signature of *Chas. H. Hitchcock*  
The Kind You Have Always Bought

## FRATERNAL UNION

### Supreme Secretary Delivers an Address Here.

## AN OYSTER SUPPER GIVEN

### At which All Enjoy a Very Delightful Evening.

Friday night of last week Supreme Secretary Handley, of the Fraternal Union of America, was in the city and delivered a lecture at Odd Fellows Hall on the benefits of benevolent organizations in general, and the Fraternal Union in particular.

Introducing his remarks, Major Handley made some statements very flattering to Florida. When this State was first mentioned as a field for operation by his company, he said, it was considered unfavorable, but upon examination he found that our vital statistics showed better health conditions prevailing in Florida than any other section of this country.

He also paid a splendid tribute to Tallahassee's—and the State's—hospitality. Tallahassee, he thought, would remain for all time to come the Capital of the State.

Reaching the subject of the evening, fraternity, he said that, like all other inventions, it is a product of the nineteenth century, and is the best of them all. His exposition of the purposes and plans of the Fraternal Union of America was plain, to the point and convincing.

At the conclusion of his address Secretary Joseph Duncan announced that in honor of the Supreme Secretary's visit, a special dispensation had been granted reducing the initiation fee of the order from \$10.00 to \$5.00, and that this rate would remain in effect until the next regular meeting night.

Those present were then invited down stairs to an oyster supper. Besides oysters there was fruit, etc., all delightfully served, and the evening passed off very pleasantly.

### A Meteor Bursts.

About 10:30 o'clock Sunday night, after a bright flash of light, two loud explosions in quick succession were heard by the people of this city and throughout the county. It was caused by the bursting of a large meteor. The explosion was so severe as to shake the windows in houses. Many people thought that some heavy body had fallen against their dwelling and made a tour of inspection about their premises. The meteor was observed in Thomasville and was said to have exploded over that place. It caused general comment throughout the community and was really a very remarkable occurrence.

### Under New Management.

Mr. Edwin F. Duke has disposed of his lease upon the Panacea Springs hotel property, etc., and henceforth it will be run by Duval & Hall, Mr. Frank W. Duval having personal management of the business. Mr. Duval is one of the leading business men of Wakulla county, and is too well known and popular to need an introduction to the public. He has had considerable experience in the hotel business, and those who contemplate visiting the spring this winter or next summer will find in him a host well suited to the place, and always desirous of pleasing his patrons.

### A Very Small Egg.

Mr. T. A. Teate brought to this office yesterday and left on exhibition the smallest hen egg on record in the world. It will easily slip through a half inch auger hole and is too light to weigh. Notwithstanding it seems to be well developed, and is incased in a perfectly hard shell. It was laid by a Plymouth Rock hen which weighs six pounds. It was a Thanksgiving presentation from her.

### Friday Night Social.

A very pleasant social was given last Friday night by Mrs. T. J. Roberts, at "The Columns." Quite a number of young people were on hand and enjoyed themselves immensely. Music, recitations, etc., added largely to the evening's enjoyment.

### Attention, Kings' Daughters.

All King's Daughters are urgently requested to attend the regular monthly meeting, Friday afternoon, December 7th, at the residence of Mrs. B. C. Lewis, at 3:30 sharp. A full attendance is earnestly desired, as business of importance will be transacted.