

Good Government; Honesty in Public Office; Equal Justice to All--Special Privileges to None.

HISTORY OF THE WAILES-BEARD CASE

Matter Will Be Presented at the Coming Session of Legislature.

Col. S. I. Wailes, whose claim with that of the estate of W. K. Beard, deceased, against the State of Florida for payment for services rendered in connection with the collection of the Indian war claim from the United States government has attracted so much attention, is in Pensacola for a few days. Col. Wailes was seen by a Journal representative yesterday in reference to the claim.

"Is it your intention," was asked of him, "to again ask the Legislature to take up and act upon the Wailes-Beard claim?"

"It certainly is," replied Col. Wailes. "It is not, however, a claim, but a vested right, under a contract entered into with a Governor of the State, by authority of an act of the Legislature. And to add to the solemnity of this contract, the Governor had attached thereto the great seal of the State of Florida. The last Legislature passed a bill, which became a law by the approval and signature of the Governor, directing the Governor to pay to S. I. Wailes, and to the estate of W. K. Beard, deceased, the sum of \$25,000. The State either owed us all that the contract called for, viz: 15 per cent on \$1,089,158.66, the amount allowed the State by the United States, which amounted to \$163,373.79, and due under the contract the day the \$1,089,158.66 was paid into the State treasury; or the State did not owe us a dollar.

"There never was, nor can there be, a pretense that we did not fully and faithfully perform our part of the contract. It would probably be more satisfactory, however, to the people of the State of Florida, to read not what I think of the obligations of the State under that contract, but what your distinguished townsman and State Senator, W. A. Blount, acting chairman of the judiciary committee of the Senate of the last legislature, said after five weeks spent in investigating this matter. After the examination of ex-governors, ex-senators and ex-representatives of the United States Congress, as well as Judge Rainey, who, as attorney-general, drew this contract, messages of governors and reports of committees of various legislatures, on this contract, he made the following report:

"Senate Chamber, Tallahassee, Fla., May 22, 1903.
"Hon. Frank Adams,
"President of the Senate:
"Sir:—The undersigned, a minority of the Judiciary Committee, concur in all of the views of the majority, contained in its report, filed May 21, 1903, upon the claims of S. I. Wailes and others, in the matter of the Indian War Claim Fund, except as to that portion which fixes the amount recommended to be paid to S. I. Wailes and Mrs. L. G. Beard, at fifteen per cent of the Indian War Claim allowed by the United States. That is, of \$261,934.31, less the \$132,000 of bonds of the State held by the United States to-wit, fifteen per cent of \$129,934.31, with interest.

"The undersigned are of the opinion that the compensation to be paid Wailes and Mrs. Beard, ought to be fifteen per cent upon the amount allowed to the State by the United States on the Indian War Claim. This amount was \$1,089,158.66, and the compensation ought to be \$163,373.79.

"Under the contract made between the State and Wailes by the commission given by Governor Drew, to Wailes, July 16th, 1879, and the acceptance of it by Wailes, he was to receive fifteen per cent of all sums collected from the general government upon such Indian War Claims. There was collected the sum above mentioned, of \$1,089,158.66, and he is entitled to fifteen per cent of this.

"The majority say that the State was indebted to the United States in the sum of \$132,000, and that Wailes did not collect this. This is true, but he did collect the whole of the Indian War Claim, and the fact that a part of this collection was required to pay the debt of the State, did not make the collection any less.

"The amount which he collected, brought in cash to the treasury a large sum, and cancelled a debt of the State amounting to another large sum, and the aggregate of these are \$1,089,158.66.

"If the State had not been indebted, he clearly would have been entitled to fifteen per cent of the whole. Does the fact that the State was indebted lessen the benefit derived by him?"

"The transaction precisely is, that he brought to the State the whole \$1,089,158.66, and that the State paid with it the \$132,000 of bonds and interest, and has the balance in cash so that he benefited the State to the full amount of which it thus made use.

"According to the reasoning of the majority, that no account should be taken in fixing his compensation of the debt due to the State by the United

States, if he had succeeded in getting only \$132,000 and interest, he would have been entitled to no compensation, although his services had been large, and his expense proportionate, and although he had succeeded in wiping out the debt of the State to the extent of \$132,000, and interest.

"In the view of the undersigned, he is entitled to fifteen per cent of the amount of money which he has given the use of the State, whether such use consisted of the payment of debt or placing of cash in the treasury."

Respectfully submitted,
W. A. BLOUNT,
W. HUNT HARRIS,
W. A. MACWILLIAMS.

"Not one but testified that it was the work of Col. Beard and myself in securing the evidence and preparing the claim of the State, and pushing it before the department, that made it possible to secure the passage by Congress of a law to pay the amount of this claim.

"The accounting officer of the United States Treasury had reported the amount due the State to be more than \$800,000. After all the years of our work and expenditure, the United States has paid to this State \$1,089,158.66, without a dollar of cost to the State, and not one dollar of the money expended by me has ever been returned to me by the State."

"Why have you not brought a suit against the State, which, being a non-resident, you could bring in the United States Court?" was asked.

"Thanks for the question," replied Col. Wailes. "It does not seem to be generally understood that a citizen cannot sue a State, not even under a contract, being prevented by the 11th section of the Constitution of the United States.

"It is due to the Governor who made the contract, and the other Governors who followed in office, up to the last one, Governor Jennings, to state that each one told me he recognized the contract, and knew of my service (because I was in constant communication with them, and all of them at the critical times the measures were being considered by Congress, were often at my request in Washington.)

"Had the money been paid the State during the term of either of the said Governors it would have come to the State in two drafts, one for fifteen per cent (15 per cent), which would have been handed to us.

"Governor Perry, in his message in 1887 to the Legislature, suggested that they authorize and empower our Senators and Representatives in Congress to accept the \$92,648.09 which had been offered by the United States in full settlement of Florida's Indian war claims, and the Legislature, by joint resolution (page 289, Acts of 1887) advised and instructed our Senators and Representatives in Congress to use their utmost efforts at the next session of Congress to secure the passage of a bill providing for the settlement of claims and counter claims, upon the terms and conditions stated in the bill mentioned in the Governor's message above referred to."

Col. Wailes will remain in Pensacola for several days, and he will visit Tallahassee when the Legislature convenes next month.

Dr. Crane Dead.

Dr. Edward Payson Crane, of New York, brother-in-law of R. Fenwick Taylor, died at the home of the Judge in this city Monday.

Dr. and Mrs. Crane have been spending the winter here. On Sunday Dr. Crane was to have preached at the Presbyterian church at the morning service. He seemed to be feeling unusually well and ate a hearty breakfast. Shortly afterward he was taken suddenly ill with acute indigestion; a physician was sent for and he was relieved. His condition was not regarded as serious, but about 1 o'clock Sunday morning he had an attack of heart failure, from which he died.

Dr. Crane was an eminent divine of the Presbyterian church, an upright, honorable Christian gentleman, whose long life has been spent in noble works. He was at one time a professor in the Western University of Pennsylvania, and during the two administrations of President Cleveland was United States Consul to Stuttgart and Hanover, Germany. He was 73 years of age and a native of New York. He and Mrs. Crane have made many warm friends in Tallahassee during their stay, and his death is greatly deplored. Mrs. Crane, before her marriage, was Miss Lydia Taylor, a sister of Judge R. Fenwick Taylor of the Supreme Court.

A son of Dr. Crane arrived here on Wednesday, and he and Mrs. Crane accompanied the body to his northern home for interment.

Only one machine in a lifetime is necessary if you buy the Wheeler & Wilson No. 9 from L. C. Yaeger.

The perfection of light-running sewing machines—the ball-bearing Wheeler & Wilson. Sold by L. C. Yaeger.

For summer's sewing, likewise in spring, you'll find the Wheeler & Wilson No. 9 is just the thing. Call at Yaeger's and see how nice and light it runs.

THIS IS APPRECIATED.

The following little paragraph is highly appreciated, for Hon. J. C. B. Koonce of the Sumter County Times is an experienced newspaper man, an old and experienced Florida Legislator, and an able attorney at law,—one who knows just how faithfully and well we have performed our duties in the past. He says:

"John Collins' True Democrat is a good paper, well edited, nicely printed, and splendidly arranged. We hope it will meet with deserved success.

CARRABELLE LETTER.

A series of interesting meetings are being conducted at the First Baptist Church by Rev. Wells of Quincy, who is assisted by a minister from Tennessee.

The steamer Iola left Monday for Kyle Landing, on the Ocklockonee river, with a large load of machinery for the Hayes Lumber Company. Carrabelle can boast the most industrious justice of the peace in the State. Judge Waldren was seen last night at 7.45 p. m. hoeing in his garden by moonlight, it being full moon. He said it was unnecessary to turn on the "arc light." But evidences had better look out; he'll turn on the searchlight. Messrs. T. B. Greener, W. D. Gauding, B. Griffin and Dougless Harrell, of Bainbridge, are pleasant visitors. Ex-Postmaster McDonald of Bainbridge is a prominent visitor. Bridge Foreman Mallard has a crew of men to accommodate the increasing naval stores and lumber business. Steamer Sego brought down the largest cargo of naval stores—eight carloads—from J. A. Harn & Co., Stoutsmire Landing, for Barnes & Jessup Co., Jacksonville. A large barge was also towed in, loaded with naval stores. A barge loaded with wood was towed from here to Apalachicola by the steamer Lottie yesterday. Business must be rushing in Apalachicola, when Carrabelle is called on to help furnish its fuel.

Capt. W. E. Shackelford, with the launch J. N. Coombs, towed a barge up Crooked river for the Franklin County Lumber Company in an exceedingly short time. We predict that in the near future these small crafts will be used almost exclusively for this kind of work. Dr. B. B. Blunt is again at his post of duty, to the delight of his many friends. Tax Collector Hinsey says "pay me before April 1 or it will be pay the printer for his services and ink. Senator Alford has treated his handsome residence to a fresh coat of paint, which adds materially to the looks of that part of town. Josh Goosby, edgeman at the Franklin County Lumber Company's mill, died last week as the result of an accident. An inserted tooth flew from the edge-saw, embedding itself in his forehead. Dr. F. F. Ferris of Apalachicola attended him to no avail.

"THE TRUE DEMOCRAT."

Our friend John Collins, has again bestrode the tripod. Many is the time, John, old fellow, that we have lined up the type together in days recent and days long gone by, and wished "we didn't have to." Now you are at it again in dead earnest. Everybody knows you are a "true Democrat," as well as a true friend and a royal good fellow. Your paper will only insist upon that standard in others which you have set for yourself. We put another star in our galaxy of State exchanges. May it never be less than of the first magnitude.—Florida Christian Advocate.

KEEP YOUR EYE ON CARRABELLE.

New iron steamers, schooners, barks and barkentines are coming in each week. We are in "hallowing" distance of Lanark Springs—the wires were strung this week.

Soon the largest and only up-to-date restaurant ever opened here will throw open its doors. Capt. Joe Marzeyke has leased from Joe Daly the barber shop building opposite the depot, and will "ger" the inside and rearrange the same in first-class shape and proceed to furnish pure food for the southern and northern stomachs.

Our farmers are turning over the soil in great shape. All fruit trees are in full bloom and things have assumed a springlike appearance.

Eufaula now bobs up and says she must have the G. F. & A. R. R. built around her way to Atlanta. Such being the case, by-by big river steamboating. Under instructions of the good roads experts, Dodge and Spoon, we are putting Curtis avenue in shape. It will be completed after the rainy season.

Will Waldren, our efficient county commissioner, is in charge of the ice factory since the death of Mr. Dickinson.

To the cotton mill owner in the eastern States, seeking a location for his coarse mill and a new field to conquer, this port of entry offers inducements. We have three Baptist divines here this week: Rev. Edge, Bristol, Tenn.;

Rev. Wells, Quincy, and Rev. Cramer, Tallahassee. A revival is in progress.

Everybody living in the country between here and Bristol are talking about better and hard roads and there is no doubt but what they will get one as soon as the Latimer bill passes Congress. Long ago the people both in town and the country knew that poor roads are a species of extravagance which the county authorities ought to shake right away. Our own County Commissioner, Will Waldren, is heartily in favor of the movement. On his own hook Pres. Williams will build a shell drive from his Lanark Springs to this place. W. H. LAWRENCE.

A New Railroad.

The Tampa Tribune of Tuesday contained the following, which will be read with eager interest and hopefulness by all Tallahasseeans:

The Tribune is authorized to announce that a line of railroad is to be built from Tampa to Tallahassee.

Prominent New York capitalists are back of the deal, and some of those who are foremost in the enterprise will be in Tampa before April 1 to take the preliminary steps toward the building of the road.

In less than two weeks the principal promoters of the line will be here and will then go to Tallahassee to incorporate the company and proceed to business. The name of the road will be the Tampa, Tallahassee and Southern railway.

Among the directors will be men of strength in the financial world, whose names will be sufficient guarantee that the road will be built.

Found in a Satchel.

Saturday night, so Mr. George Cravy one of Tallahassee's most artistic tonorial artists informs us, Mr. T. J. Standley, postmaster at Ivan, Wakulla county, went over to visit his father, and that when he returned home some time afterwards, he found on his front steps in a satchel with holes punched in it to give ventilation, a fine baby boy. Mr. and Mrs. Standley have been married a number of years and have no children of their own, but our informant says they are proud of their find and will adopt the boy and raise him as their own.

Mrs. Alice Walker is in the city visiting her Tallahassee relatives and friends.

Messrs. John Maner and "Fig" Sutton, two of Wakulla's hustlers, were in the city yesterday.

Mrs. Della Lynn, of Carrabelle, died last Tuesday, leaving a husband, two children and a host of friends.

Dr. J. Elmore McNair, prescription clerk at Balcomb's drug store, is visiting his former home, Carville, Ga.

Dr. Carnes, wife and daughter, of Oxford, Miss., are here visiting their son and brother, Geo. H. Carnes, assistant city engineer.

Dr. Henry E. Palmer's hosts of Tallahassee friends are delighted to know that he is getting along nicely with his broken arm.

We print Books, Minutes, Pamphlets, Stationery, Cards—anything to be printed—and we do it NEAT and CLEAN, and at time promised.

See us if you want Neat, Clean Printed Matter of any kind at as close prices as the other kind costs. We deliver all work on time promised.

LeRoy D. Ball and Miss Borden, of New York, for three weeks guests at the home of Mr. and Mrs. George Lewis, left this week for home.

If you see an advertisement in this paper that leads you to make a purchase, kindly tell your merchant you read his "ad." in The True Democrat.

If you wish the very best in Gent's Furnishings and Shoes, for the least money, Wight & Burns is the place to get it.

The many friends of Mr. Willie Munro McIntosh are sorry he met with such a painful accident a few days ago, in having his knee cap struck by a chunk of coal, which necessitates his using crutches.

Mc. Robert F. Howard is an accredited agent of this newspaper, and any favors shown him will be highly appreciated by the editor and proprietor. He is authorized to enter into contracts for us and to give receipts for any money our friends wish to turn in to this office.

Mr. H. R. Sauls is in Crawfordville this week placing a tin roof on Wakulla county's new jail house. The contractor expects soon to have the building completed and ready to turn over to the county officials.

The last issue of J. W. White's Fraternal Record, a very neat and well-edited magazine, that looks well after the interests of all secret and benevolent orders of Florida, contains an excellent picture of Hon. H. Clay Crawford, Florida's popular Secretary of State. The Hon. H. Clay is a chip off the old block.

DOINGS AT THE STATE CAPITOL

Items of Interest from the Various State Departments.

EXECUTIVE DEPARTMENT.

Governor Broward yesterday made the following civil appointments:

To be constables:
N. E. Kinnear, for District 5 of Brevard county.
Henry S. Kelley, for District 10 of Manatee county.

To be notaries public for the State at large:

Frank L. Suber, of Hawkins.
George L. Jones, of Dunedin.
H. McGrady, of High Springs.
E. G. Mack, of Wewahatchka.
Lewis A. Ralerson, of Jacksonville.
Henry M. Lott, of Bond.
Miss Annie Smith, of Quincy.
A. E. Poozer, of Arcadia.
C. L. Wilson, of Homeland.
E. Z. Jones, of Lakeland.
John C. Owens, of Lakeland.
Russell H. Tarr, of Tampa.

To be justice of the peace:
Dr. R. A. Caswell, of Gainesville.
George L. Mount, of Pensacola, to be inspector of naval stores in and for the port of Pensacola.

L. E. McVay, of Jacksonville, and F. A. Wheeler, of Tampa, were appointed notaries public for the State at large.

R. W. Stoops, of DeFuniak, and T. S. McCallum, of Dorcas, to be notary publics for the State at large.

J. Edwin Abercrombie, of Pensacola, to be harbor master for the port of Pensacola.

E. B. Patten, of Allenton, to be justice of the peace for district 9, Manatee county.

C. W. Camp, of Laurel Hill, to be justice of the peace for district 7, Walton county.

R. F. Hawkins, of Bushnell, to be constable for district 8, Bradford county.
S. J. Curraha, of Cottondale, to be justice of the peace for district 15, Jackson county.

Eny Bradley, of Key West, to be fish and game warden for Marion county.

COMPTROLLER'S DEPARTMENT.

The main table of the Comptroller's report as to the aggregate valuation of property for purposes of taxation exceeds \$117,000,000 and shows a net increase of nearly \$6,000,000 over last year.

TREASURY DEPARTMENT.

It appearing to the Board of Insurance Commissioners of the State of Florida that the assets of the National Aid Association, of Tampa, Fla., and of the Union Mutual Aid Association of America, of Jacksonville, Fla., associations organized and doing a sick and funeral benefit insurance business in this State, are insufficient under the laws of Florida to justify their continuance in business, it has been ordered by the board that the license or certificate of authority granted to them be revoked, in compliance with section 2231, Revised Statutes, and chapter 5222, Laws of Florida.

SUPREME COURT.

Simon Reyes, recently convicted of murder in the first degree in the circuit court for Monroe county and sentenced to be hanged, has had his sentence affirmed.

SUPREME COURT DECISIONS.

Ocala Foundry and Machine Works, appellants, vs. P. R. Lester and R. G. Daniels, appellees.—Marion county; Division A, January term. Decree reversed. Allred & Davis for appellant; R. L. Anderson for appellees. Shackelford, J.

The Louisville and Nashville Railroad Company, plaintiff in error, vs. Amanda Wade, defendant in error.—Holmes county. Division A, January term. Order affirmed. Blount & Blount for plaintiff in error; D. L. McKinnon for defendant in error. Whitfield, C. J.

W. E. Williams and D. M. Short, plaintiffs in error, vs. J. A. Finlayson, defendant in error.—Writ of error from Jackson county. Division B, January term. Judgment reversed. Liddon & Smith for plaintiffs in error; C. L. Wilson for defendant in error. Hocker, J.

Ocala Foundry and Machine Works et al., plaintiffs in error, vs. P. R. Lester and R. G. Daniels, defendants in error.—Marion county. Marion county. Division A, January term. Judgment reversed. Allred & Davis for plaintiffs in error; R. L. Anderson for defendants in error. Carter, J.

Gulf Cypress Lumber Company, plaintiff in error, vs. Ocala Foundry and Machine Works, defendant in error.—Marion county. Division A, January term. Judgment reversed. R. L. Anderson for plaintiff in error; Allred & Davis for defendant in error. Whitfield, C. J.

Mr. Charles A. Coate, after a three weeks' stay with us, returned to Pensacola last Saturday. He will return to Tallahassee and remain during the session of the Legislature, if other business engagements does not prevent. Mr. Coate is one of Florida's best all-around newspaper men and has friends all over the State.