

THE TRUE DEMOCRAT.

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Tallahassee, Friday, June 16, 1905.

The Supreme Court of New Jersey has sustained the constitutionality of the law which prohibits the shooting of live pigeons as that of marksmanship.

The Brooksville Argus is kept busy these days defending the Jennings administration. Well that is only as might be expected, if not as it should be, for did not most all of Brooksville come to the capital with that administration.

Secretary Shaw announces that the payment of the second instalment of \$12,000,000 of public deposits, called from the depository banks, will not be required until July 1st, but may be made by the banks at any time on or before July 15.

Frank G. Bigelow, the former Milwaukee banker, began serving his ten years' sentence at the Federal prison Monday. His hair was cut and a prison suit given him. He was photographed and measured by the Bertillon system. Bigelow will be given a clerical position.

The Governor vetoed "An act providing for a study of the State forest conditions by the agricultural experiment station of the University of Florida in co-operation with the United States Department of Agriculture," because the University of Florida having been abolished the bill will be inoperative and would only tend to confusion and to cumber the records.

Perhaps Governor Broward's future attitude towards the disclosure of conditions existing at the State hospital may remove the almost universal impression that he stands ready to defend the administration of his immediate predecessor against the almost innumerable counts of the indictment filed against it by the Legislature, simply because some of the subordinate officials of administration boards of the State government happen to belong to both administrations.

Many thoughtful persons believe that Governor Broward and the "hold-over" members of his "cabinet" were inveigled into the issuance of the broadside protest which the Legislature declined to receive, by an unnatural and irrational impression that their own official integrity had been deliberately attacked. However strong that impression may have been forced upon them by the cunning insistence of those interested in obliging them to share unduly the responsibility for the conditions unearthed by legislative action, the general impression seems to be that they were purposely, yet unnecessarily, alarmed; and that few connected them with the real causes of the conditions reported to the Legislature.

Through the support of South Florida, Albert Gilchrist was elevated to the Speakership. Despite this he worked against the Tampa fair bill. In the matter of ingratitude Gilchrist measures up to the average political standard.—Palatka Times-Herald. That's not all, he lead nine other members of the House in an effort to refuse to accept the report of the committee on conditions at the insane asylum. But then, he was very much in evidence at all times, when doings of the Jennings administration were questioned. His hand was again seen when he appointed the second asylum investigating committee, and Representative Noble may tell the public something more about that matter yet.

Those who charge that the first asylum investigating committee made their report not on facts as found, but for the purpose of bringing discredit on the Jennings administration have only the report of that committee on which is based their charges—on the other hand it can be charged with more semblance of truth that the second committee was appointed for the purpose of whitewashing the Jennings administration and to prevent any further action being taken by the Legislature. The evidence on which the committee based their conclusions has not as yet been printed. Let us hope that it is not unprintable as part of the first report was.

WHY DID THEY DO IT?

A correspondent of the Times-Union pertinently inquires—or rather expresses his desire to know—"the reason why the 'nays' voted against allowing the matter (of the Wailes claim) to come up in our State courts on its merits; and asks, "Do they fear that Wailes can establish his claim?"

As to the motive underlying any member's vote, the general public and the press should not, in courtesy, inquire. Whatever right to do so belongs to his immediate constituents, and secondary only to the whole people when the result affects them as a whole. This result occurred in the matter of the Wailes claim, and every citizen of Florida, being directly affected, has the right to know, of those who acted in the matter, precisely why they acted as they did.

Whether this laudable and legitimate curiosity will ever be satisfied by those whose acts are thus questioned is another matter, and one purely of speculation.

If one who voted to close the doors of justice against Col. Wailes should say that he did so because he believed the claim to be without merit or fraudulent, and that the State does not owe Col. Wailes anything, did he not usurp the judicial prerogative, and decide a question of law which was only properly to be decided by the courts.

If one says that while he acknowledged the existence of a valid contract upon which the claim is based, he believed that only a small part of the amount claimed is due, and that Col. Wailes should have been satisfied with the sum which the Legislature of 1903 awarded to him, (about 15 per cent of the face of the claim), then did he not, like that Legislature, usurp the functions of an impartial jury, organized under due form of law, and sworn to do justice between parties litigant according to the rules and principles governing judicial procedure?

The fact is, that the trouble connected with the Wailes claim is just beginning. As the correspondent above quoted aptly remarks: "The courts ought to be allowed to let any honest man present his claims, and no honest man ought to object to an honest, legal claim being paid. No business man would consent to have his mercantile claims go before the Legislature; no man would want to advance money to the State under these conditions."

The second committee appointed by the Legislature to investigate the State insane asylum and the report of the first committee reported on Thursday of last week entirely exonerating the Board of Commissioners of State Institutions, the superintendent of the asylum and the female attaches. The report was unanimously adopted by the Legislature, thereby throwing a cloud upon the report of the first committee. Hon. C. S. Wilson, of Hernando county, was a member of the second committee.—Brooksville Argus.

Quite so, but ex-Gov. Jennings and Hon. A. C. Croom, two very influential members of the Board, the two who possibly more than any other members, had supervision over the management of the asylum, and Dr. Gwynn, the superintendent of the asylum, all these hailed from Hernando county, and the latter two were appointed by the governor. Further comment would be superfluous.

The Buckman bill, which has passed both houses and been signed by Governor Broward, puts enormous power into the hands of the executive which no doubt, will be exercised by Governor Broward with the most conscientious care and deliberation. It is of the greatest importance that the State Board of Control, to be appointed by the Governor, absolutely should be a body of upright, competent and untrammelled men. To this end the Tribune urges that the Governor should not appoint on it any member of the Legislature who might be biased for or against any practical location for either of the State Colleges, or any one who is interested financially in any town likely to become a competitor for said location.—Tampa Tribune.

The latest advices from the grafters' retreat in Canada is to the effect that the Savannah contractors, Gaynor and Greene, having exhausted every expedient which their high-priced lawyers could invent to enable them to escape the consequences of their greed, are about to be surrendered for extradition and trial in the United States courts. This, however, is only the beginning of another chapter of dilatory tactics in the courts, for they cannot, like their accomplice, Capt. Carter, be tried by court-martial.

For neat, clean Job Printing, see Collins.

ADVISORY OPINION.

Governor Broward on the 5th instant sent a communication to the justices of the supreme court requesting that they send him an opinion advising him "if under the provision of such section of the Constitution (Sec. V, Art. III) a Senator or Member of the House of Representatives during the time for which he was elected may be appointed by the Governor, a member of the Board of Control created by law during such time, whose term of office is definite, with provision for removal and appointment to fill vacancies whose powers and duties, under the law, subject to control and supervision of the State Board of Education, consist in part in locating, controlling and managing State institutions of learning, but who are paid only actual expenses while in the performance of prescribed duties?"

After deciding that the Board of Control was an office within the meaning of the Constitution of the State the court rendered an unanimous opinion, to which they all affixed their signatures, that no Senator or Member of the House of Representatives be a member of the Board of Control, created by the last Legislature. The court concludes as follows:

Sec. 5, Article III of our Constitution provides as follows: "No senator or member of the House of Representatives shall, during the time for which he was elected, be appointed or elected to any civil office under the Constitution of this State, that has been created, or the emoluments whereof shall have been increased during such time." The purpose of this provision of the organic law was to put it beyond the powers of the legislative branch of the government to create official positions to be filled by its members, thereby removing the temptation of an improvident or unwise creation of offices not expressly provided for by the Constitution. Under its provisions we think that it is clear that no member of either house of the Legislature is eligible to the incumbency of any civil office of this State that is created during any part of the time for which such member was elected, and that such ineligibility continues during the entire time for which such member was elected, and that such member can not render himself eligible during such time by resigning his legislative membership. Our opinion is that you as Governor can not constitutionally appoint any member of either house of the present legislative branch of the government to membership on such Board of Control, since the Constitution clearly forbids their being appointed to any such civil office created during the time for which they were elected as members of such Legislature. State Ex rel. Childs v. Sutton, 63 Minn. 147, 65 N. W. Rep. 262, S. C. 30 L. R. A. 630.

Another matter which the members of the Legislature may find some embarrassment in explaining is the fact that no provision was made for the cause of immigration, while large sums were given away to some local fairs—not because it was inherently wrong to encourage the spirit of competition among producers by the offer of prizes and premiums for the best products at local fairs (at the expense of the whole body of taxpayers), provided the financial condition of the State is such as to justify such partial generosity; but because the real and vital interest of the whole people in the cause of immigration was ignored.

A bear has been killed in Osceola, a blind tiger has been seen at Daytona, and occasionally men see snakes in Palatka.—Times-Herald. During the recent session of the Legislature in Tallahassee many funny things were seen "to shoot at when you hadn't any gun," particularly so when it would leak out that something or somebody was to be investigated.

The Savannah Trust Company has instituted suit in the United States Circuit Court for the northern district of Florida, at Tallahassee, in behalf of the holders of the first mortgage bonds of the Carrabelle, Tallahassee and Georgia Railroad Company to foreclose the mortgage on the railroad and other property of that company which secures these bonds. This, it is understood, is the first step towards the actual consolidation of the Carrabelle, Tallahassee and Georgia railroad and the Georgia, Florida and Alabama railway, both of which are controlled by J. P. Williams, of Savannah, and is preliminary to the ultimate connection of the magnificent deep-water harbor at Carrabelle with Columbus and Atlanta, as indicated in the trust deed of the G. F. and A. recently recorded in the several counties of Georgia and Florida traversed by that road.

The City Council has passed an ordinance imposing a license tax of \$100 on all hackmen running hacks to and from the depots, to go into effect in October.

THE GOVERNOR VETOS.

"An act to provide a method of assistance to any elector applying to vote in the primary elections in this State who, by reason of blindness, or the loss of a hand or hands, or who is unable to read or write, to prepare his ballot by the inspectors of such election, and providing a penalty for any violation of this act."

Governor Broward, by his veto of the above act, shows clearly that he is not in favor of affording to political tricksters further means of rascality and trickery in primary elections. The flimsiest excuses imaginable were resorted to by inspectors of election and election officers in the precincts of many Florida counties during the primaries of last year, under the guise of blindness, etc., to vote people who were not qualified. The Governor gives the following good reasons for vetoing the act: "While its purpose—that of affording opportunity for the worthy voter who, by misfortune or otherwise, is not able to intelligently mark his ballot so as to express his honest choice thereby—meets my approval, yet the opportunity afforded by its provision for the abuse of this privilege by the vicious and corrupt in the large cities and towns of the State greatly outweigh this advantage and make it a very dangerous means in the hands of the unscrupulous, affording an opportunity for the abuse of the confidence of the voter and destroys the secrecy of the Australian ballot. For these reasons I object to this act becoming a law, and therefore deem it my duty to withhold my approval therefrom."

A New York telegram states that Paul Morton has accepted the position of chairman of the board of directors of the Equitable Life Assurance Society. Immediately following the acceptance by Mr. Morton, resignations were tendered by President Alexander, First Vice President Hyde, Second Vice President Tarbell, Third Vice President Wilson and Fourth Vice President McIntyre. The resignations were tendered to Mr. Morton, who accepted the position of chairman on condition that he should have a free hand both as to measures and men. Mr. Hyde has agreed, it is said, to divest himself of his stock in the manner outlined by the State superintendent of insurance, viz., policy-holders to have a representation of 28 directors against 24 directors for the stockholders. It was stated later that Mr. Hyde has agreed to dispose of a majority of his stock to a syndicate of policy-holders represented by Thos. F. Ryan.

But who is to hold the syndicate? What will that body do to the Equitable when things quiet down and the policy-holders go to sleep again?

With a few men like Senator Harris in the Florida Legislature we would have a good session every time. He is not afraid to suggest the investigation of any report which relates to the State's interests.—Bristol Bee.

The Legislature appropriated \$40,000 for new buildings and improvements at the Florida Hospital for the Insane. From all accounts, the institution is sadly in need of aid.—Palatka Herald.

Drowning in the Ocklockonee.

A telephone message the first of the week conveyed the shocking news of a disaster that brings sorrow to one of Thomas county's most prominent families. Ethel, the 11-year-old daughter of Mr. Kedar P. Wight, and Alden, his 9-year-old son, were drowned yesterday afternoon in the Ocklockonee river, near Walden's bridge.

It is the annual custom of the Wight brothers of Cairo to give the little ones of their families a picnic each year. This event is eagerly looked forward to by the children, and they were a happy crowd when yesterday and picnic day came. The ladies of the families were not present, but Messrs. K. P. Wight, W. and Henry Wight and other members of the families took the little ones to Walden's bridge, on the Ocklockonee, for a day's fun.

All went well until afternoon. At that time Ethel and little Laleah, the daughter of J. B. Wight, were in wading and got beyond their depth. They screamed for help, and the first to respond was Alden, K. P. Wight's young son. The heroic little fellow made a brave endeavor to rescue his sister and cousin. In his endeavor he went too far and lost his own life. The agonized parents rushed into the river, and little Laleah was saved and the other bodies brought out. All were unconscious and only the one could be resuscitated. Physicians were hastily summoned from Cairo, but their endeavors and skill could not restore the life that had fled.

The family is one of the most highly-respected families in all South Georgia. Their connections in Thomasville and Thomas county are numerous, and all bow with them in sorrow at their grief.—Thomasville Times.

Mr. K. P. Wight, whose little children, as mentioned above, met so sad and untimely an end, is a brother of Mr. Walter L. Wight of this city. The grief-stricken family have the sympathy of many friends in this county.

Col. Evans Haile, Robert Davis and Horatio Davis, prominent attorneys of Gainesville, were in attendance on the Supreme Court this week.

CARRABELLE ITEMS.

From Our Regular Correspondent.
Miss Eva Pickett, assistant postmaster, has been quite ill. Dr. F. F. Farris, of Apalachicola, was summoned by telegram Thursday, and he came over on the launch Lillian Weeping. We are glad to learn that Miss Pickett is improving, though it is considered a severe case of typhoid fever.

A steward, whose name we couldn't learn, aboard a vessel in the harbor, committed suicide last Friday. No cause is assigned for the rash act. He was carried to Apalachicola for burial.
Mrs. Chas. F. Ordway and Miss Maude Ordway, of Tampa, are visiting Mrs. Lynn Kibbons.

Business has increased so rapidly that Agent Hollinrake was compelled to have an assistant in the person of Mr. A. F. Mahoney.

Mr. C. Farley's family moved to Tallahassee this week. We regret to lose them, though it's Tallahassee's gain.

Prof. Asa P. Gray, of Hilliardville, is visiting A. P. Holt's family.
Miss May Holt is teaching a private school at Sanbon Landing on the Ocklockonee river.

The wedding bells will soon ring. Ask Mr. S. P. M. Cavey how he feels these days.

Excursions to Dog Island are the order of the day.

WOODVILLE ITEMS.

We are very sorry to say that Mr. W. J. Lyke's youngest child who has been sick for some time died last Saturday and was buried Sunday at the Rhodes cemetery.

Mrs. Matilda Lawhon and Master Dewey Potts returned Saturday from a visit to Taylor county.

Rev. J. D. Bush preached his last sermon while on his visit last Sunday. He intends to return to New York in a few days.

Mrs. R. E. Maxwell has moved to Woodville where she intends to reside in the future.

Mr. Burton Belcher paid Woodville a visit this week.

Mrs. T. J. Isler left Woodville Thursday for Carrabelle. She will spend a few days with her son, Mr. E. R. Isler.

Miss Kate Mae Cox has returned home from Tallahassee where she has been attending school.

Mr. P. D. Lewis and Mr. K. Howard went to the St. Marks river Wednesday morning. The good part of it was the fishing. They killed several large trout and caught several brim. The worst part of it was when they came out they found that their horse had broken loose and gone home. They had to carry their fish seven miles. Mr. Lewis returned Thursday morning after the buggy.

A large crowd of Woodville are planning to spend next week at East Goose Creek.

Miss Sarah Davis of Morris Station, Ga., is visiting Woodville this week.

Is It Not Repudiation?

To the People of Florida:
A majority of the Senate Judiciary Committee, composed of some of the ablest attorneys in the State, presented to the Senate a bill to allow S. I. Wailes and the estate of William K. Beard to sue in the State's court on the contract made by Governor Drew, under seal, with S. I. Wailes. The recommendation of the Senate committee was defeated by one vote. That committee had before it the incontrovertible evidence that in the prosecution of the claim against the United States by me, from July 7, 1879, until its payment to Florida, July 1, 1902, that my expenses in the matter had been about \$55,000, and the State had not paid a dollar (for expenses), but had received in bonds and money July 1, 1902, the sum of \$1,089,158.66; so that, up to date, the status of the whole matter is as follows:

The Legislature authorized Governor Drew to make a contract, all subsequent Governors and Legislatures up to the time that the money due the State was safely in her treasury ratified that contract. That contract was made with myself; was complied with according to its letter and its spirit, in that the State has received her due. The Legislature of 1903 offered me \$12,500, saying, in effect, I should receive no larger sum. That amount I declined. I came before the Legislature which has just adjourned and asked to be allowed to submit my case to the courts of this State (as arbitrator); that, too, has been refused. Is that repudiation of the obligations of a contract or not?

I have the honor to be,
Very respectfully,
S. I. WAILES.

The Seaboard Air Line Railroad Company have commenced work on their new depot.

Mr. R. J. Evans, Jr., has accepted a position as collector for Colliers, and left on June 2nd to take up his round at Live Oak.

Miss Ella Day, instructress of the department of elocution and physical culture at the Florida State College, returned to her Kansas home Saturday last.

Mr. Hamilton Horsey, who has been in attendance at the Florida State College, returned to his Fernandina home Saturday. Hamilton has made many friends here, who regret his departure.

Dr. James Randolph, assistant physician at the asylum, stopped over at Tallahassee on his return trip from Jacksonville, where he had been in attendance at the Randolph-Clarke wedding.

Miss Nannie Gallie, Robert McCord, Lynwood Evans and Miss Susie Van Brunt left Tuesday as delegates to the State Epworth League convention, which met in Madison Wednesday morning, June 14th.