THE GULF COAST BREEZE.

Entered as Second-class Matter
In the Postoffice at Crawfordville, Fla.

CRAWFORDVILLE, FLA., FRIDAY, SEPTEMBER 8, 1905

R. L. M. McLeod

General and Permanent Laws

ENACTED BY THE LEGISLATURE OF FLORIDA SESSION OF 1905.

PUBLISHED BY AUTHORITY.

CHAPTER 5372.—(NO. 1.)

AN ACT to Enact the General Statutes of the State of Florida and to Provide for the Printing, Sale and Distribution Thereof and Making an Appropriation for the Compensation of the Commissioners appointed to Revise the Statutes.

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

Section 1. That the accompanying general revision of the public Statutes of Florida of a general and permanent nature, revised and reported by the Commissioners under an act entitled "An Act to provide for the revision and consolidation of the public statutes of this State," approved June 3, 1903, be, except as otherwise provided herein, and the same is hereby enacted as Statute Law under the title of "The General Statutes of the State of Florida." Every statute of a general and permanent nature enacted by the State of Florida or by the territory of Florida and every part of such statute not included in said general statutes or recognized and continued in force by reference therein is hereby repealed, but no special or local statute is repealed hereby, and for the purpose of this saving from repeal any statute of any of the following classes shall be taken to be included in such exception, namely: Any statute for or concerning only a certain county or certain designated county; any statute for concerning or operative in only a portion of the State; any statute for or concerning only a certain municipal corporation; any statute for or concerning only a designated individual corporation; any statute incorporation a designated individual corporation or making a grant thereto; but the foregoing enumeration of classes of statutes not repealed shall not be contrued to imply a repeal of other statutes which are local or special in their nature. Statutes passed at this session of the Legislature shall not be repealed or affected by said general statutes but shall have full effect as if passed after the enactment of said general statutes except those acts passed at this session which are amendatory of laws omitted from the said general statutes.

Sec. 2. Said general statutes shall go into effect and be operative on the thirtieth day after the date of the Governor's proclamation announcing the publication thereof, which proclamation he shall make immediately upon the report of the said Commissioners that the publication of said work is complete.

Sec. 3. The repeal of any statute by said general statutes shall not affect any right accrued before any such repeal nor any civil remedy where suit is pending.

Sec. 4. Nothing in this act shall prevent the said Commissioners in the further preparation of said work for publication, from altering the number of sections or other sub-divisions thereof or supplying any omissions in numbering the sections or other sub-divisions thereof or in reference to the numbering of such sections or other subdivisions thereof or from correcting manifest clerical errors; and wherever in the report of the said Commissioners the words "Revised Statutes" occur, with reference to said work the same shall be struck out and the words "General Statutes" shall be inserted in place thereof; and the said work as thus amended and as amended in this act shall be the law of this State as provided in Section One of this act. In preparing the copy of the General Laws hereby enacted the Commissioners shall omit Section 1501 of the draft of the laws which accompanies this bill. And they shall amend Section 1504 of the said draft so as to make it read as follows: 1504.—Effect of his action.—Any and all Judgments, decrees and orders, heretofore or hereafter rendered in causes where the disqualifications appear of record in the cause, shall be void, but where the disqualification does not so appear, they shall not be subject to collateral attack.

Sec. 5. If any section in the civil part of said general statutes creating a crime or prescribing a punishment conflicts with any section in the part thereof relating to crimes the latter section shall prevail.

Sec. 6. The Commissioners shall as soon as possible after the adjournment of this session of the Legislature amend the general statutes as submitted by them so as to incorporate with the body of the text the amendments made to any of the statutes of this State at the present session wherever said amendments do in express terms refer to the section of the Revised Statutes of 1892 or to sections and chapters of the laws of Florida enacted since the Revised Statutes of 1892. They shall omit any sections or statutes expressly repealed at this session of the Legislature. They shall prefix to the said general statutes an indexed copy of the Constitution of the United States and its amendments, and an indexed copy of the Constitution of the State of Florida and its amendments and a copy of the first eight sections of this act. They shall add an appendix containing the acts of the present session of the Legislature which are general and permanent in their nature except such as shall be incorporated into the body of the work as hereinbefore provided.

Sec. 7. The work prepared as directed in Section Six shall be printed under the supervision of the said Commissioners. The Constitution of the United States and the Constitution of the State of Florida with the indexes thereto shall be printed in such type, style and manner as the Commissioners may direct. The body of the general statutes shall be printed in the type, style and manner of the draft submitted by said Commissioners and accompanying this act. The marginal references and the annotations shall be printed in such type, style and manner as the Commissioners may direct.

Sec. 8. There shall be printed of the work prepared as directed in this act Six thousand copies, of which Three thousand copies shall be bound and Three thousand copies unbound. The bound volumes shall be substantially bound in full law sheep. The unbound copies shall be sold for Three dollars and fifty cents per copy and the bound copies for five dollars per copy by the Secretary of State.

Sec. 9. The said Commissioners shall award the contract for the printing and binding of the said work to the lowest responsible bidder and shall require from him a good and sufficient bond in such sum as they may think proper for the faithful performance of the contract. Such contract shall contain an express provision that no more copies of the said general statutes shall be printed than is therein provided for and that all copies printed shall be delivered to the Secretary of State.

Sec. 10. Copies of the said general statutes shall be distributed in the same number and to the same persons as pamphlet laws of the Legislature are by law directed to be distributed and one bound copy shall be given to each member of this Legislature and to each of the said Commissioners.

Sec. 11. The Comptroller is hereby authorized and directed to draw his three warrants upon the State Treasurer for the sum of Fifteen hundred dollars each payable to the three Commissioners Benjamin S. Liddon, Thomas F. West and James C. B. Koonce respectively for their compensation in making said revision and consolidation as heretofore fixed by the act providing for such revision and consolidation, and the sum of Forty-five hundred dollars is hereby appropriated to pay said warrants out of any money in the Treasury not otherwise appropriated.

Sec. 12. The sum of Ten thousand dollars or so much thereof as may be necessary is hereby appropriated, from any money in the Treasury not otherwise appropriated, to pay for the publication of the general laws as aforesaid, for five hundred dollars to each of the said Commissioners for the extra duties imposed upon them by this act for clerical hire and for other expenses in carrying out the provisons of this act.

Sec. 13. This act shall take effect immediately upon its approval by the Governor or if he does not approve the same immediately upon its becoming a law without his approval.

Approved May 29, 1905.

CHAPTER 5373.—(NO. 2.)

AN ACT Making Appropriation for the Expenses of the State Government for Six Months of the Year 1905 and for the Year 1906 and for Six Months of the Year 1907.

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

Section 1. That the following sums be and are hereby appropriated for the payment of the expenses of the State Government for six months from July 1, 1905 to December 31, 1905:

For salaries Executive Department, nine thousand one hundred and fifty dollars $9,150.00.

Governor.

For private secretary	$ 600 00
For clerk	360 00
For stenographer	300 00
For contingent expenses of State	2,000 00

Secretary of State.

For chief clerk in Secretary of State's office	750 00
For clerk (Corporation clerk)	600 00
For stenographer	300 00
For fuel, lights and water for Capitol	1,000 00
For postage, express and telegrams for Secretary of State	300 00
For repairs, refitting and other incidental expenses of Capitol	750 00
For watchman at Capitol	390 00
For two janitors at Capitol	360 00
For engineer and gardener at Capitol	360 00

Comptroller.

For chief clerk	750 00
For auditing clerk	750 00
For bookkeeper	750 00
For stenographer and typewriter	600 00
For pension clerk	600 00
For special clerk	250 00
For bookkeeper in tax redemption department	600 00
For auditing clerk in tax redemption department	600 00
For correspondence clerk in tax redemption department	600 00
For recording clerk in tax redemption department	600 00
For entry clerk in tax redemption department	600 00
For distribution clerk in tax redemption department	600 00

State Treasurer.

For chief clerk and bookkeeper	750 00
For cashier and assistant bookkeeper	[illegible]
For clerk and assistant bookkeeper	6[illegible] 00
For adding machine for State Treasurer's office	375 00
For electrical burglar alarm protection system for Treasury vault	900 00

Attorney-General.

For clerk	450 00
For secretary	750 00
For incidental expenses of office	100 00
For books and book case	600 00

Superintendent of Public Instruction.

For chief clerk	600 00
For assistant chief clerk	600 00
For stenographer and typewriter	300 00
For postage, printing and contingent expenses	800 00
For traveling expenses	500 00

Commissioner of Agriculture.

For Agricultural Department Deficiency on account of printing, stamps, tags, and bulletins, estimated to June 30, 1905	800 00
For clerk in prison and fertilizer department payable from hire of State convicts	750 00
For clerk in fertilizer department	600 00
For clerk in agricultural department	750 00
For clerk in school land department	600 00
For postage and stationery for agricultural department	375 00
For printing, stamps, tags, monthly bulletins, etc., for agricultural department	900 00
For express and telegrams	75 00
For incidental expenses of Commissioner of Agriculture	125 00
For printing maps	850 00

State Chemist.

For salary State Chemist	1,000 00
For salary assistant State Chemist	900 00
For chemicals, apparatus and incidental expenses of State Laboratory	500 00
For traveling expenses inspecting fertilizers	500 00

Supervisor of State Convicts.

For salary, to be paid from hire of State convicts	750 00
For traveling expenses, payable from hire of State convicts	500 00
Salary for chaplains for State convicts, payable from hire of State convicts	750 00
For the use of Board of Commissioners of State Institutions in conducting matters pertaining to prison affairs	1,250 00
(Payable from hire of State convicts.)	
For expenses Legislature of 1905	85,000 00
Stationery for Legislatures and Executive Departments	750 00
Expenses Legislature of 1903, Deficiency on account of Legislative printing	2,275 20
For salaries judicial department	27,200 00
For jurors and witnesses before the grand jury	53,000 00
Rewards and expenses of arrests of fugitives from justice	1,000 00
For expenses of circuit court judges sitting on supreme bench	75 00
For costs adjudged against the State in civil cases	50 00
For expenses of circuit judges sitting in other circuits	250 00

Supreme Court.

For contingent expenses	1,500 00
For clerk, per diem under Sec. No. 1321 R. S.	468 00
For clerk as Librarian, under Sec. No. 1321 R. S.	150 00
For sheriff Supreme Court, per diem Section No. 1255 R. S.	125 00
For messenger	180 00
For janitor	450 00
For Secretary to Supreme Court Justices	600 00
For stenographer to Justices Supreme Court	300 00
For purchase of books for Supreme Court Library	250 00
For printing Supreme Court reports	1,000 00
For expenses of collection of Revenue	30,000 00
For lists of land entries for assessors, assessment of railroads and other contingent expenses Comptroller's office	500 00
For printing delinquent tax lists, under Sec. 50 of Chapter 4322 of the Laws of Florida	4,000 00
For expenses of State troops, including rent of armories	6,000 00
For expenses annual encampment of State troops	15,000 00
For salary Adjutant-General	1,000 00
For general printing and advertising	7,500 00
For general printing and advertising deficiency on account of printing constitutional amendments and election notices	12,544 00
For salaries and expenses Railroad Commissioners	7,500 00
For maintenance of lunatics	50,000 00
For interest on bonds in Educational Funds	9,023 50
For salary State Auditor and Clerk	1,000 00
For adding machine in State Auditor's office	375 00
For payment for Florida six per cent bond No. 786, presented for payment after all other bonds had been retired	100 00

Sec. 2. That the following sums be and are hereby appropriated for the payment of the expenses of the State Government for the year 1906:

For salaries Executive Department, eighteen thousand three hundred dollars ($18,300.00.)

Executive Office.

For clerk for Governor	$ 720 00
For private Secretary	1,200 00
For stenographer	600 00
For contingent expenses of the state	4,000 00

Secretary of State.

For chief clerk	1,500 00
For corporation clerk	1,200 00
For stenographer	600 00
Fuel, lights and water for Capitol	2,000 00
For postage, express and telegrams	600 00
For repairs, refitting and other incidental expenses of Capitol	1,500 00
For watchman at Capitol	780 00
For two janitors at Capitol	720 00
For engineer and gardener at Capitol	720 00

Comptroller.

For chief clerk	1,500 00
For auditing clerk	1,500 00
For bookkeeper	1,500 00
For stenographer and typewriter	1,200 00
For pension clerk	1,200 00
For special clerk	500 00
For bookkeeper in tax redemption department	1,200 00
For auditing clerk in tax redemption department	1,200 00
For correspondence clerk in tax redemption department	1,200 00
For recording clerk in tax redemption department	1,200 00
For entry clerk in tax redemption department	1,200 00
For distribution clerk in tax redemption department	1,200 00

State Treasurer.

For chief clerk and bookkeeper	1,500 00
For cashier and assistant bookkeeper	1,200 00
For clerk and assistant bookkeeper	1,200 00

Attorney-General.

For Secretary to Attorney-General	1,500 00
For clerk	900 00
For incidental expenses of office	250 00

Superintendent of Public Instruction.

For chief clerk	1,200 00
For assistant chief clerk	1,200 00
For stenographer and typewriter	600 00
For postage, printing and contingent expenses	1,600 00
For traveling expenses	1,000 00

Commissioner of Agriculture.

For clerk in prison department payable from hire of State convicts	1,500 00
For clerk in fertilizer department	1,200 00
For clerk in agricultural department	1,500 00
For clerk in school land department	1,200 00
For postage and stationery in agricultural department	750 00
For printing, stamps, tags, monthly bulletins, etc., for Agricultural Department	1,750 00
For express and telegrams	150 00
For incidental expenses	250 00

State Chemist.

Salary State Chemist	2,000 00
Salary assistant State Chemist	1,800 00
For chemicals, apparatus and incidental expenses of State Laboratory	1,000 00
For traveling expenses inspecting fertilizers	1,000 00

Supervisor of State Convicts.

For salary, to be paid out of hire of state convicts	1,500 00
Traveling expenses, payable from hire of State convicts	1,000 00
For salary Chaplains for State convicts, payable from hire of State convicts	1,500 00
For use of Board of Commissioners of State Institution in conducting matters pertaining to prison affairs, payable from hire of State convicts	2,000 00
For stationery for Legislature and Executive Departments	1,500 00

Judicial Department.

For salaries judicial department	54,400 00
For jurors and witnesses before grand jury	70,000 00
For rewards for and expenses of arrest of fugitives from justice	2,000 00
For expenses of circuit judges sitting on supreme bench	150 00
For costs adjudged against the State in civil cases	100 00
For expenses of circuit judges sitting in other courts	500 00

Supreme Court.

For contingent expenses	2,000 00
For clerk, per diem under Section No. 1321 R. S.	936 00
Clerk, as Librarian, under Section No. 1321	300 00
For sheriff, per diem, under Section No. 1255, R. S.	250 00
For messenger	360 00
For janitor	900 00
For secretary to Justices	1,200 00
For stenographer to Justices	600 00
For purchase of books for Supreme Court Library	500 00
For printing Supreme Court Reports	2,000 00
Expenses of collection of revenue	60,000 00
Lists of land entries for assessors, assessment of railroads, and other contingent expenses Comptroller's office	1,000 00
For printing delinquent tax lists, under Section 50 of Chapter 4322, of the Laws of Florida	4,000 00
For expenses State Troops, including rent of armories	12,000 00
For expenses annual encampment of State Troops the sum of fifteen thousand dollars	15,000 00
For salary Adjutant-General	2,000 00
For general printing and advertising	20,000 00
For salaries and expenses Railroad Commissioners	15,000 00
For maintenance of lunatics	100,000 00
For interest on bonds in educational Funds	18,047 00
For salary State Auditor and clerks	3,200 00

Sec. 3. That the following sums be and are hereby appropriated for the payment of the expenses of the State Government for six months from January 1st to June 30, 1907:

For salaries Executive Department, nine thousand one hundred and fifty dollars (9,150.00):

Executive Office.

For private secretary to Governor	600 00
For clerk to Governor	360 00
For stenographer to Governor	300 00
For contingent expenses of State	2,000 00

Secretary of State.

For chief clerk	750 00
For corporation clerk	600 00
For stenographer	300 00
For fuel, lights and water for Capitol	1,000 00
For postage, express and telegrams	300 00
For repairs, refitting and other incidental expenses of Capitol	750 00
For watchman at Capitol	390 00
For two janitors at Capitol	360 00
For engineer and gardeneg at Capitol	360 00

Comptroller.

For chief clerk	750 00
For auditing clerk	750 00
For bookkeeper	750 00
For stenographer and typewriter	600 00
For pension clerk	600 00
For special clerk	250 00
For bookkeeper in tax redemption department	600 00
For auditing clerk in tax redemption department	600 00
For correspondence clerk in tax redemption department	600 00
For recording clerk in tx redepmtion deprtment	600 00
For entry clerk in tax redemption department	600 00
For distribution clerk in tax redemption department	600 00
For clerk in fertilizer department	600 00

State Treasurer.

For chief clerk and bookkeeper	750 00
For cashier and assistant bookkeeper	600 00
For clerk and assistant bookkeeper	600 00

Attorney-General.

For clerk	450 00
For secretary to Attorney-General	750 00
For incidental expenses of Attorney-General's office	100 00

Superintendent of Public Instruction.

For chief clerk	600 00
For assistant chief clerk	600 00
For stenographer and typewriter	300 00
For postage, printing and contingent expenses	800 00
For traveling expenses	500 00

Commissioner of Agriculture.

For clerk in prison and fertilizer department payable from hire of State convicts	750 00
For clerk in agricultural department	750 00
For clerk in school land department	600 00
For postage and stationery for agricultural department	375 00
For printing, stamps, tags, monthly bulletins, etc.	875 00
For express and telegrams for agricultural department	75 00
For incidental expenses	125 00

State Chemist.

For salary State Chemist	1,000 00
For salary Assistant State Chemist	900 00
For chemicals, apparatus, and incidental expenses of State Laboratory	500 00
For traveling expenses inspecting fertilizer	500 00

Supervisor of State Convicts.

For salary, to be paid out of hire of convicts	750 00
For traveling expenses, payable from hire of State convicts	500 00
For salary of Chaplains for State convicts, payable from hire of State convicts	750 00
For use of Board of Commissioners of State Institutions in conducting matters pertaining to prison affairs	1,250 00
(Payable from hire of State Convicts.)	
For stationery for Legislature and Executive departments	750 00
Grand jury [illegible]	27,200 00
For rewards for and expenses of arrest of fugitives from justice	1,000 00
For expenses of circuit judges sitting on supreme bench	75 00
For costs adjudged against the state in civil cases	50 00
For expenses of circuit judges sitting in other circuits	250 00

Supreme Court.

For contingent expenses	1,000 00
For clerk, per diem under Sec. No. 1321 R .S.	468 00
For clerk as Librarian, under Sec. No. 1321 R. S.	150 00
For sheriff, per diem under Sec. No. 1255 R. S.	125 00
For messenger	180 00
For janitor	450 00
For Secretary to Justices	600 00
For stenographer to Justices	300 00
For purchase of books for Supreme Court Library	250 00
For printing reports	1,000 00
For expenses collection of revenue	30,000 00
For lists of land entries for assessors, assessment of railroads and other contingent expenses of Comptroller's office	500 00
For printing delinquent tax lists, under Section 50 of Chapter 4322 of the Laws of Florida	4,000 00
For expenses State Troops, including rent of armories	6,000 00
For salary Adjutant-General	1,000 00
For general printing and advertising	7,500 00
For salary and expenses of Railroad Commissioners	7,500 00
For maintenance of lunatics	50,000 00
For interest on bonds in educational funds	9,023 50
For salary State Auditor and clerk	1,600 00

Sec. 4. That all laws or parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

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

Approved.

CHAPTER 5374.—(NO. 3.)

AN ACT to Provide for the Levy of Taxes for the Years 1905 and 1906.

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

Section 1. That for the purpose of securing an equal and uniform rate of taxation and to pay the appropriations for the current expenses of the State for the years 1905 and 1906, and for interest on the bonded debt for said years, and paying other appropriations by the Legislature, there shall be levied upon the real and personal property of the different counties for the year 1905 a tax of one and one-half mills upon the dollar, and for the year 1906 a tax of one and one-half mills upon the dollar; and there shall also be levied for each of the years 1905 and 1906 a constitutional school tax of one mill upon the dollar; Provided, that if the Governor shall discover from the aggregate assessment of the property of the State, and from other sources of revenue, the reduction of three mills State tax of either or both of said years will be justified, he is hereby authorized to reduce the same as low as he may deem advisable, and is hereby empowered to instruct the Tax Collector to collect only such reduced tax as he may fix as aforesaid.

Sec. 2. The Board of County Commissioners of every county at a meeting for correcting and reviewing the county assessment, shall immediately thereafter ascertain and determine the amount of money to be raised by tax for county purposes, including the current expenses, interest on bonded debt, bridges nd county buildings, and to meet the expenses, they are hereby authorized to levy a tax of not more than five mills upon the dollar on the real and personal property of the county; and every such determination and levy so made shall be entered at large upon the records of the Board of County Commissioners, and no county shall levy a greater amount for any purpose than five mills for county purposes except as hereinafter provided, and any indebtedness contracted by the County Commissioners of any county in excess of the said amount shall be null and void and of the said amount shall be null and void and no suits shall be prosecuted in any court in this State for the collection of the same; Provided, That the County Commissioners of each county shall levy a tax not to exceed seven mills nor less than three mills on he dollar, on the real and personal property of the county for county school purposes; Provided further, that the County Commissioners of any county may levy an additional tax not to exceed four mills on the dollar, each year to pay all outstanding indebtedness and interest thereon; Provided, That nothing in this act shall be so construed as to prohibit any county wishing to erect a court house or jail, or constructing paved, macadamized or other hard surfaced highways, from levying the amount of special taxes now allowed by law for that purpose; Provided further, that the foregoing provision relating to taxes for working roads shall not apply to counties working roads under special laws; Provided further, that in counties not constructing paved, macadamizd or other hard surfaced roads, as now provided by law, and in counties not working roads under special laws, the County Commissioners of each of such other counties may levy an additional tax not to exceed three mills on the dollar on the real and personal property of the county, the revenue derived therefrom to be used and appropriated by such County Commissioners exclusively for the purpose of constructing paved, macadamized or other hard surfaced roads.

Sec. 3. That the levying of a tax for the raising of a sinking fund for the ultimate redemption of the bonded debt of the State is hereby suspended for the years 1905 and 1906.

Sec. 4. All laws and parts of laws in conflict with this act, are hereby repealed.

Approved June 6, 1905.

CHAPTER 5375.—(NO. 4.)

AN ACT to Provide for the Levy of a Pension Tax for Each of he Years A. D. 1905 and A. D. 1906, and to Provide for the Payment of Pensions "And to Provide for the Distribution of any Surplus Arising in said Funds for the Said Years 1905 and 1906."

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

Section 1. That there shall be levied and assessed on all the taxable property of the State of Florida, a pension tax of four (4) mills upon the dollar for each of the years A. D. nineteen hundred and five (1905) and A. D. nineteen hundred and six (1906), and all pension claims allowed by the pension board in accordance with law shall be payable only from the taxes so levied; Provided, That if the Governor shall discover from the aggregate assessment of the property of the State that a reduction of the levy of a four mill tax for either or both of said years be justified, he is hereby authorized to reduce the same, as low as he may deem advisable, and he is hereby empowered to direct the levy and collection of such reduced tax as aforesaid; "Provided, That if there shall be a surplus left in said fund arising from the collection of such taxes for the year 1905, after the payment of all pensions due for the year 1905, said surplus shall be apportioned by the Comptroller to the several counties of the State of Florida, in proportion to the assessed value of property of said counties, the said sum so apportioned to be applied by said counties to the Fine and Forfeiture Fund of said counties.

"And provided further, That if there shall be a surplus left in said fund arising from the collection of such taxes for the year 1906, after the payment of all pensions due for the year 1906, the said surplus shall be apportioned by the Comptroller to the several counties of the State of Florida in proportion to the assessed value of property of such counties, the said sum so apportioned to be applied to the Fine and Forfeiture Fund of the said counties.

"Provided further, That the total sum which may be so apportioned from the said pension fund to the several counties for the years [illegible] shall not exceed [illegible] made by the Comptroller, the said Comptroller shall issue his warrant therefor in favor of the treasurers of the several counties and it shall be the duty of the State Treasurer to pay the said warrants from the said pension fund as aforesaid, derived as aforesaid."

Sec. 2. That all laws or parts of laws in conflict with the provisions of his act, be, and the same are hereby repealed.

Sec. 3. That this act shall take effect immediately upon its passage and approval by the Governor.

Approved.

CHAPTER 5376.—(NO. 5.)

AN ACT to Make an Appropriation for the Estimated Deficiency in the Pension Tax Fund for the yers 1904 and 1905.

Whereas, There is a deficiency in the pension tax fund estimated at one hundred and forty thousand dollars; therefore,

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

Section 1. That there is hereby appropriated one hundred and forty thousand dollars, or so much as may be necessary for the purpose of paying pensions for the years 1904 and 1905, to be paid out of funds arising from the hire of State convicts.

Sec. 2. That the Comptroller is hereby directed to draw his warrants against the said fund for said amount, and the State Treasurer is hereby directed to credit the same to the said fund, to be disbursed according to law.

Sec. 3. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. That this act shall go into effect immediately after its approval by the Governor.

Approved May 4, 1905.

CHAPTER 5377.—(NO. 6.)

AN ACT relating to the Drainage and Reclamation of the Swamp and Overflowed Lands in Florida; to Create a Board of Drainage Commissioners, Prescribing Its Powers and Duties, Authorizing the Establishment of Drainage Districts, Establishing a Drainage System, the Building of Canals, Levees, Dikes and Reservoirs for the Purposes of Drainage, Irrigation and Commerce, the Assessment of Lands to be Drained and Benefitted, the Collection of Necessary Funds by Assessment of Benefits and Taxation, Providing for the Management and Maintenance Thereof and for he Exercise of the Right of Eminent Domain and for the Sale and Uses of Said Lands for the Purposes of Drainage, Reclamation and Improvement Aforesaid:

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

Section 1. The Governor, the Comptroller, the State Treasurer, the Attorney-General and the Commissioner of Agriculture of the State of Florida, and their successors in office, are hereby constituted and designated as a Board of Drainage Commissioners, and are hereby authorized and empowered to establish a system of canals, drains, levees, dikes and reservoirs of such dimensions and depth as in the judgment of said Board of Drainage Commissioners is deemed advisable to drain and reclaim the swamp and overflowed lands within the State of Florida, or such parts or portions thereof as is deemed best by said Board of Drainage Commissioners from time to time, and to provide for the irrigation of the lands reclaimed, and to maintain such canals, drains, levees, dikes and reservoirs in such manner as will be most advantageous to the territory so drained, the State of Florida, its inhabitants and the commerce thereof.

Sec. 2. That the Board of Drainage Commissioners are hereby authorized and empowered to establish drainage districts and to fix the boundaries thereof in the State of Florida. That the Board of Drainage Commissioners be and it is hereby authorized and empowered to prepare a list or lists of all the alluvial or swamp and overflowed taxable lands within such drainage district or districts, and levy thereon an acreage tax not exceeding ten cents per acre per annum to be fixed anually by said Board of Drainage Commissioners, and the various tax assessors of the various counties embraced in part or in whole within such drainage district or districts shall receive such list or lists and enter the same upon the tax rolls of the county or counties in which such lands may lie and the amount so levied by the Board of Drainage Commissioners in such manner and form as may be prescribed by the Board of Drainage Commissioners from time to time, which amount shall be collected by the various tax collectors of the counties wherein such levies have been made as other taxes are collected in accordance with law, and pay over said amounts collected to the Board of Drainage Commissioners.

Sec. 3. That the Board of Drainage Commissioners be and it is hereby authorized to exercise the right of eminent domain in the condemnation of lands for the location of its canals, drains, levees, dikes and reservoirs for the purposes aforesaid, and may enter upon, take and use such and as it may, pending condemnation proceedings deem necessary for such purposes, and in ascertaining the compensation to be paid for such land or right of way, benefits to be derived from such drainage shall be considered by the jury.

Sec. 4. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 5. This act shall take effect upon its approval by the Governor.

Approved May 27, 1905.

CHAPTER 5378.—(NO. 7.)

AN ACT to Enlarge the Powers of the Board of County Commissioners of the Several Counties of this State to Assess Lands Benefitted, or to be Benefitted, by Public Drains and Auxiliaries Thereto Where the Said Drains Have Been Constructed, or are now in Process of Construction, by Assessing Against the Said Lands the Full Amount of the Actual Cost of the Construction, Maintenance and Repair Thereof, and Also by Assessing Against Said Lands any Cost Incurred Necessarily in Enlarging or Deepening Said Drains, and Authorizing Said Boards of County Commissioners to Make and Enter into any and all Contracts Necessary for the Construction, Completion, Enlarging, Maintenance and Repairing of Said Drains, and for the Collection and Enforcement of Said Assessments.

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

Section 1. That whenever any public drain or auxiliary thereto has been constructed, is now in process of construction, or may hereafter be constructed by the Board of County Commissioners under the provisions of any law now in force, or that may hereafter be enacted, the actual cost of the construction of said drain or auxiliary shall have exceeded or may exceed the estimated cost thereof, that said Board of County Commissioners shall and they are hereby empowered to assess against the lands benefitted, or to be benefitted by said drain or auxiliary thereto, the difference between the estimated cost thereof and the actual cost thereof.

Sec. 2. That whenever, heretofore or hereafter, a public drain or auxiliary thereto shall have been constructed by the Board of County Commissioners of any county under any law now in force, or that hereafter may be in force, the said Board of County Commissioners upon a petition of one-fourth of the owners of the property originally assessed for said drain, shall enlarge or deepen said drain or auxiliary thereto and assess the cost of such enlargement or deepening of said drain or auxiliary thereto against the lands benefitted thereby.

Sec. 3. That whenever any public drain or auxiliaries thereto shall have been constructed by the Board of County Commissioners of any county under any law now in force, or that may hereafter be in force, the said Board of County Commissioners [illegible] maintenance and repair of said drain or auxiliaries thereto.

Sec. 4. Whenever it shall become necessary in the opinion of the County Commissioners to enlarge or deepen any drain or auxiliary thereto, heretofore constructed, or that may hereafter be constructed, or to contract for the maintenace or repair thereof, the contract for doing such work shall be let to the lowest bidder therefor, after public advertisement for such time as the County Commisioners shall provide by resolution.

Sec. 5. Whenever during the construction of any drain or auxiliary thereto, and before the completion thereof, it shall be made evident to the Board of County Commissioners that the actual cost thereof will exceed the estimated cost thereof, or that further or additional work is necessary to complete said drain or auxiliary not covered or provided for in the original contract of construction, the said Board of County Commissioners are authorized and empowered to enter into any or all additional contracts for the additional work necessary to complete said drain or auxiliary thereto without advertising for bids thereon, and they shall make the best contract they can for the interests of the property owners, whose lands have been and will further be assessed to construct said ditch or auxiliary, and it shall be the duty of said Board of County Commissioners, and they are hereby empowered to make all further and necessary assessments against the lands already assessed to pay all necessary costs and charges for the full completion of said drain or auxiliary.

Sec. 6. Whenever it shall become necessary to raise money for any of the purposes set out in Sections one and five of this act, the Board of County Commissioners shall appoint three competent and disinterested persons who are citizens of the county who shall view the work and all lands benefitted by said drain or auxiliaries thereto, both those lands lying immediately along said drain or auxiliaries and those adjacent thereto, and shall assess against each parcel of land according and in proportion as each shall be benefitted, its proportionate share of such additional cost of such drain or auxiliary above the estimated cost thereto, which said assessment shall be reported to the County Commissioners at a regular meeting of said Board, which said assessment shall show each parcel of land so assessed, the amount of said assessment and the names of the several owners, unless the said owners by diligent inquiry can not be ascertained, when the names shall be given as unknown.

Sec. 7. Whenever the Board of County Commissioners shall have determined upon a petition filed as provided in Section two of this act; to enlarge or deepen any drain, they shall appoint a committee of the three competent and disinterested persons who are citizens of the county, who shall cause an accurate survey to be made of the proposed work, and shall establish the depth or width to which the same shall be deepened and shall make and present to the County Commissioners at their next regular meeting, an estimate of the cost of said work, and upon the report of said committee to them, said County Commissioners shall advertise not less than two weeks in a newspaper published in the county, for bids on said work, to be given to the lowest responsible bidder, with the privilege of rejecting all bids that may be offered, should the same be considered unreasonable; and in case the said bids are rejected, they may again advertise for further bids. The said Board of County Commissioners shall require of the person whose bid is accepted for said work a good and sufficient bond for the faithful performance of said contract, which said work shall be done under the supervision of the committee appointed as aforesaid. When the work shall be completed the committee shall certify the same to the Board of County Commissioners who shall also inspect such work before final payment is made to the contractor, and such confirmation with the report of the committee that the work has been done according to contract, shall be made a matter of record. Provided, that nothing in this act shall prevent the County Commissioners from making payments in installments during the progress of the work, if deemed expedient. Before letting such contract, the committee appointed by the Commissioners, shall view the lands to be benefitted by the enlargement or deepening of said drain, or auxiliary and assess each parcel according and in proportion as