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PENSACOLA, FLORIDA, TUESDAY MORNING, MARCH 19, 1907.

As to the I. I. Board's Special Counsel.

In a lengthy editorial entitled "About Cobwebs and Things," the Tallahassee Sun avers that there are some cobwebs hanging about The Journal mental vision and, assuming the role of the old woman with the broomstick, Editor L'Engle rises skyward and Journalward for the expressed laudable purpose of clearing up the atmosphere through which he says The Journal has been looking at the policy of the Trustees of the I. I. Fund in the employment of special counsel. The Sun asserts that—

There are cobwebs on the sky encompassing our mental horizon, which must needs be brushed away. So I will mount my little broom to brush a few cobwebs that I see hanging to the sky above my good friend Mayes, editor of The Pensacola Journal.

I would not attempt to brush the cobwebs from the sky above some editors, because it would be love's labor lost. They could not see things clearly, no matter what process was used to clear away obstructions.

But with Mr. Mayes it is different. He is willing to see clearly, and can not see clearly on one particular point which he is now discussing, because of some cobwebs.

Mr. Mayes has indulged in some criticism about the expenditure of attorney's fees made by the Trustees of the Internal Improvement Fund. He says, in a recent issue, that if the attorney general needs legal help in the proper performance of his duties he should be given this assistance, but it should be given him only on his request, and when this is done, the services of these lawyers should be under his direct supervision.

The editor of The Journal makes use of this expression and then criticises the Trustees because they employ special counsel, and further says that the Trustees have done wrong to pay out "such lavish sums for special counsel" and that they are doing wrong today in paying one man $5,000 a year for his services.

Our original friend of the Sun then goes on to state in effect—

1. That the Trustees have the right to employ special counsel and pay whatever fees they think best.

2. That the Trustees are not under the supervision of the attorney-general as to the employment of counsel.

3. That the attorney-general is not the legal adviser of the Trustees.

4. That $5,000 per year for a special attorney is not an unreasonable price to pay.

5. That previous attorneys have been paid more than that; and

6. That the article published elsewhere in the Sun (which The Journal reproduces to-day) ought to be the means of brushing all of the cobwebs that are left, out of our mental sky.

We do not care to go into a special discussion of any of the propositions stated above, because, details ommitted and cobwebs brushed away, this whole matter hinges on the question of whether or not the expenditure of more than $20,000 for special counsel during the past two years was reasonable or unreasonable.

The mere fact that Judge Raney drew some $23,911.83, as special counsel, in addition to his pay as attorney-general, during all the years that he represented the Trustees, only proves, when taken in connection with recent similar expenditures, that the Internal Improvement Fund has furnished some exceedingly fat living for more than one attorney since the payment of these fees began in 1869.

If the attorney-general is not or cannot be the legal advisor of the Trustees, them there is no reason why he should be associated, in the capacity of an attorney, with the special counsel that they employ. If a special attorney is to be employed, there is no reason why he should receive double the salary of the attorney-general for services which consume only a portion of his time. And if this special attorney is not going to be required to live at the state capital, like the other officers or employes of the state government do, there is absolutely no reason in the world why the Trustees should pay the traveling expenses of this attorney to and from the capital, merely for the privilege of letting him practice law in Jacksonville.

The Journal is not opposed to proper and adequate payment for ability in any line where proportionate services are rendered, but it submits that legal expenses which aggregate over $20,000 in two years, where only a small portion of the attorney's time has been employed, are unreasonable in the extreme.

The mere fact that the Trustees have been extravagant and that one or two political favorites have had some fat fees in the years gone by, does not justify the continuance of a practice that should never have been begun.

Chicago Irishmen are jubilant. As St. Patrick's day fell upon Sunday they celebrated it upon three days —one on each side and the day itself in the middle.

Commissioners Report on Florida State Hospital

(Continued from Page Two.)

surabls, to be clothed with the powers of a justice of the peace and that the reservations owned by the state for these purposes shall consitute a justice of peace district.

7—The commission is thoroughly persuaded that in an up-to-date hospital for the insane apartments should be prepared for the reception of pay patients where they can receive the same attention that is given to others but also be served with such luxuries and comforts as they or their friends are able to pay for. These fees would tend to bear quite appreciably the expenses of such an institution.

Administration Commended.

Your commission cannot close their report without commending in the highest terms the administration of the present hospital for the indigent insane at Chattahoochee. We found that the superintendent, the physicians and the staff of nurses were discharging their delicate duties in such a manner as to secure for the inmates every comfort possible under existing conditions. We noted that t he presence of the superintendent and of the physicians were hailed with demonstrations of joy and affection wherever they went with us over the grounds and through the buildings. Such demonstrations as could never be counterfeited by the patients in the hospital.

We therefore feel that these faithful servants richly merit the approval and confidence of every good citizen in the state.

All of which is respectfully submitted.

FOOLED THE PREACHER

A Doctor's Brother Thought Postum Was Coffee.

A wise doctor found out coffee was hurting him so he quit drinking it.

He was so busy with his practice, however, that his wife had to write how he fooled his brother, a clergyman, one day at dinner. She says:

"Doctor found coffee was injuring him and decided to give Postum a trial, and we have used it now for four years with continued benefit. In fact, he is now free from the long train of ills that follow coffee drinking.

"To show how successful we are in making Postum properly, I will relate an incident. At a dinner we gave, Doctor suggested that we serve Postum instead of ordinary coffee.

"Doctor's brother, a clergyman, supposed it was old fashioned coffee and remarked, as he called for his second cup: 'If you do preach against coffee I see you haven't forgotten how to make it.'"

This goes to show that well-made —fully boiled—Postum has much the flavor and richness of good coffee although it has an individuality all its own. A ten day's trial will prove that it has none of the poisonous effects of ordinary coffee but will correct the troubles caused by coffee. "There's a reason." Name furnished by Postum Co., Ltd., Battle Creek, Mich.

BECAME VIOLENTLY INSANE ON STEAMER

James Henning, of Chicago, Raves Over wife and Family Lost in Iroquois Fire.

By Associated Press.

New York, March 18.—During religious services yesterday aboard the steamship Cedric, arriving today, James Henning, of Chicago, became violently insane, and raving about his wife and family who were lost in the Iroquois fire, rushed to the upper deck where he was overpowered and held under guard until the ship reached port, when he was taken to Bellvue hospital.

ADMITS RAILROADS ARE NOT PERFECT

President of Frisco System Says Mistakes Should Be Corrected.

By Associated Press.

Birmingham, Mar. 18.—President A. J. Davidson, of the Frisco system, on the railroad situation said today that the railroad undoubtedly make some mistakes and these should be corrected; they should do what is fair and right by the people, who are powers that be. The railroads should get together and try to adjust everything to the perfect satisfaction of all concerned.

KILLED ASSASSIN WHEN NEAR DEATH

Mortally Wounded Superintendent Kills Assailant and Wounds His Brother.

By Associated Press.

Birmingham, Mar. 18.—While trying to quell a disturbance in the store of the Crescent Coal Company, at Sloca, Superintendent H. H. Chamberlain was shot twice by Joe Creek, a miner and died later, but while lying on the floor of the store pulled a gun and killed Creek and mortally wounded his brother, Will. Chamberlain formerly lived at Richmond, Va.

STOCK MARKET IS UNSETTLED

Price Varied Considerably During the Day, the Close Showing Losses.

By Associated Press.

New York, Mar. 18.—Prices in the stock market sustained heavy losses early in the day, followed by recovery, leaving only fractional losses. Later prices again sagged off under a heavy selling movement and several active stocks sold lower than in the morning, varying from two and one half to six and one half points.

LIEUT. COMMANDER CARTER RETURNS

From Washington Where he Took Examination for Promotion to Rank of Commander.

Lieut. Commander T. F. Carter, who left here about two weeks since for Washington to take the examination for promotion in the navy to the rank of commander, returned to the city Sunday morning and is again on duty at the yard.

It is probable that the commission of Lieut. Commander Carter as commander will arrive at the yard during the course of the next ten days. He is in charge of the steam engineering department at the yard.

CASTRO GIVEN A BIG OVATION

By Associated Press.

Caracas, Venzuela, Mar. 18.—President Castro, returning to the capitol Saturday, was given an ovation by thousands as he was driven from the station to the palace. He shows great improvement in health.

SAYS ROOSEVELT IS RESPONSIBLE

By Associated Press.

Los Angeles, Calif., Mar. 18.—President E. P. Ripley, of the Santa Fe Railroad, says President Roosevelt is responsible for the present conditions in Wall street.

First Minstrel Show by Elks.

Memphis, Tenn., Mar. 18.—The first minstrel show by the Elks was given last night. Sixty persons were in the first cast. Special scenery was used and every man acted as though he had served in a regular minstrel show and performed with Dockstader himself. It was a fine performance.

Ask Tax Exemption.

Providence, R. I., March 18.—The tax-payers, in public meeting today, are considering the petition of the Forestdale Manufacturing Company, asking that the new addition to be erected by the company at Forestdale be exempted for a period of ten years.

Died of Apoplexy.

Birmingham, Mar. 18.—Attacked by apoplexy while alone in the store of Chambers Brothers sometime yesterday, Frank P. Chablee, a member of the firm, laid unconscious on the floor until found by clerks today and died an hour later.

Carpenters Strike Over.

Savannah, Mar. 18.—The striking carpenters returned to work today, accepting the contractors' concession of twenty-eight and one half cents per hour and an eight hour day.

Will Rebuild Dam.

Austin, Tex., Mar. 18.—At an election today the citizens voted to rebuild the dam destroyed in 1900 by the flood, at an estimated cost of two and one half million dollars.

Theatre Destroyed.

Pen Yan, N. Y., Mar. 18.—Fire destroyed the Yates Lyceum theatre tonight while the "Hottest Coon in Dixie" was on the stage. No one was injured. The loss is twenty-five thousand dollars.

Italians Killed.

Cincinnati, Mar. 18.—Several people are reported killed and injured by the collapse of a building on Front street in the flooded district. All are believed to be Italians.

Big Fire in Mississippi.

Hattiesburg, Miss., Mar. 18.—Half the business section of Sumrall, twenty miles from here, was destroyed by fire to-day. The loss is fifty thousand dollars.

It takes 8 days to make perfect malt by the famous Pabst process. Perfect malt means rich, nourishing, wholesome Beer—Pabst Blue Ribbon.

TRUSTEES ALWAYS HAD SPECIAL ATTORNEYS WHO WERE WELL PAID

J. H. REESE, IN TALLAHASSEE SUN.

The public is not too discriminating.

Let one man who by virtue of his position has some influence and following announce an opinion on any subject and at once there is a sentiment in favor of that thing. It matters not what the thing is. It may be belief in the divinity of Joe Smith or the wearing of a live chameleon as an ornament. That good Methodist revival hymn, "We All Like Sheep Have Gone Astray" has a real truth wound up in it. People go astray because they either do not think for themselves or are influenced against their own beliefs.

A great cry has been raised in Florida concerning the transactions of the Internal Improvement Trustees. It is dollars to dingbats that the average citizen of Florida doesn't care what the Internal Improvement Trustees have done, or are doing. There may be assigned two reasons for his apathy. The first is that the average man has enought troubles of his own and is willing to side step any additional worry as to what the public servants are doing. The second is that the average man does not think that the country is on the verge of blue ruin and that all public servants are dishonest; he is willing to leave the administration of public affairs in the hands of those men who have been placed in their positions by the elective choice of the people, of which he is one.

Thus is the average man unaroused.

But let some one come along and tell him that his public servants are dishonest; that the public affairs are being maladministered and let this cry fly fore and aft, and it isn't long until the solitary few are joined by a mass and the call becomes a chorus.

The average man does not inquire too closely into the motives of people who set themselves up as leaders. Mr. Pocksniff was regarded by many as a very good man and great. None except his intimates knew him to be the most miserable hypocrite. And this leads most naturally to the mention of the Times-Union newspaper at Jacksonville which has been persistently misrepresenting the actions and reports of the Internal Improvement Trustees for many months with the result that the Big Fraid has a number of smaller papers echoing its cry of suspicion against the trustees and their transactions.

For quite awhile the Times-Union called for a report from the trustees and the little papers also called. The Times-Union made it appear through its hypocritical yawping that the trustees had never made a report and that all the actions of the body were shrouded in mystery.

Reports Always Published.

As a matter of fact the trustees had long since published its deeds in detail up to the beginning of the Broward administration and according to the custom of printing reports biennially the last report covering the period to the first of the present year has been printed, having during the past week been delivered to the trustees for distribution.

The reports from every other administrative department have been made also, as is the custom, and those that have not been published are in the hands of the state printer and will be published so soon as mechanical and human energy combined can turn them from the presses.

Possessed of the knowledge that these reports would be published in due order, for the Times-Union cannot afford to admit that it didn't have this knowledge, and imposing upon the forgetfulness or the ignorance of its readers the Times-Union first called loudly for the report and when the report was published, the Times-Union cocked itself up and announced: "We forced them to do it."

But that is not all.

The announcement was echoed by the diminutive Cimmerian who publishes a paper at the capital, who piped also "we helped to do it," and so down the line of the vicious and unthinking the cry has gone forth that the trustees have been forced to do something which they had no intention of doing. It is hardly necessarry to state the truth any more clearly than it has already been stated.

But that is not all.

Since the report has been published the Times-Union has felt duty bound after having cast suspicion upon the trustees, to pick out segregated portions of the financial report and attempt to make political capital of these disconnected items without explanation, and shrieking "Why?"

Attorneys' Fees.

The item which has been most questioned is that of attorney's fees. The particular object of the Times-Union is to throw discredit upon the Broward administration; it is pleased also to cast slurs upon the Jennings administration. The Sun has stated previously and will state again that the reason why the Times-Union seeks to question the honesty of these administrations is because the Jennings administration denied the legality of the legislative grants made the railroads and refused to deed the people's land to the railroads. The railroad ownership of the Times-Union must be remembered when these things are recited. The legislature has given the public lands away three times; first to the Internal Improvement Trustees; next to the railroads and next to the public school fund. By virtue of its trusteeship of these lands for the people the Jennings board held that the prior grant should obtain and this policy has been followed and emphasized by the Broward administration. The Times-Union is particularly displeased with Broward because he defeated the Times-Union candidate for the governorship and the railroads were consequently denied the possession of these lands.

The question of attorney's fees or any other subject that offers pretext for condemnation of Broward and his administration is seized by the Times-Union and used to influence the ignorant and unthinking. This is the motive of its attacks, ad when this is known no further attention should be given it.

But consideration is due to those people who are misled by such allusions. The Times-Union suggests that there is something crooked at Tallahassee and the smaller papers echo the suggestion and the people begin to wonder if there isn't something crooked. It is perfectly natural. The newspaper is the greatest means of disseminating information of public affairs and if the newspapers are wrong and careless and ignorant the people will readily fall into the same error. They are guided in their opinions by the public prints.

Thus it is for the justice of things that the Sun has delved into the records and has dug out one at a time the items paid to lawyers by the trustees since the creation of the trust.

The most surprising thing that this record discloses is that one man was paid a third of the money expended prior to the Jennings administration and that this man was during a part of the time drawing a salary from the state as attorney general; that he was paid a general retainer afterward and was then paid additional money when he did anything; and when there was anything undertaken of importance associate counsel was employed to assist him.

It must be observed that the trustees had very little litigation prior to the Jennings administration. There was little cause for it. Former administrations did nothing towards saving the land; they deeded it without question to the railroads. Jennings was the first governor to put a halting hand upon the pillage and Broward was the first governor to take any active steps toward reclaiming the lands and making them of some real value to the state.

Employment of Jennings.

The point upon which the controversy is pitched is the employment by the Broward board of former Governor Jennings as counsellor at a salary of $5,000 a year. It is argued that this sum is too large and that the board is extravagant in retaining special counsel. To indicate that the charge is unreasonable the Sun has epitomized the amounts paid to attorneys during the period from 1879 to 1886, which covered the two cases of importance in the history of the trustees prior to the Jennings term. This covers a period of about seven years and shows an expenditure for legal services of $37,389.85. The period of six years covering both the Jennings administration and the Broward term to Jan. 1, 1907, shows $24,100.24 and of this last amount the fees paid to counsel other than the regular counsel was for the greater part in consideration for services prior to the Broward administration and leaves a sum of only $10,757.01 paid to the regular attorney.

These facts cannot be disputed; they cannot be questioned. The special counsel has made a report which is published in the report of the trustees showing the service performed. He shows that suits are pending against the trustees and standing of them. He makes the only comprehensive report of legal services ever made to the board, and it is certainly of the greatest importance at this time that special and competent counsel should have the legal direction of the cases when they attack the very life of the trust. This condition has never before existed, and the people should know that the Times-Union represents the interests antagonistic to the life of the trustees and the trust they represent, and it calls for investigation with the sinister secret purpose of converting the property held in trust by the trustees to the possession of the railroads.

Judge Raney's Fat Fees.

It is possible withal that the people are more inquisitive now than they were some years ago. A cry is raised because the trustees employ special counsel at a reasonable salary when there is real need for an attorney, but so far as the record shows nothing was said when a fee of $12,000 was paid for legal services during the Drew administration when Judge George P. Raney was attorney general and received $7,200 of the amount stated. Nor was any howl raised during the Perry administration when Fleming & Daniel were paid $7,450. These transactions bear the earmarks of political favoritism, for the importance of the cases as compared with the magnitude of the present was trivial. During his service as attorney general from 1871-81 Judge Raney received in fees and expense items $8,875.88. Later he became chief justice of the supreme court and subsequent to that service he was retained again in 1894 during the Mitchell administration under the following resolution:

"June 1, 1894.

"Resolved, That the Board of Trustees of the Internal Improvement Fund retain ex-Chief Justice George P. Raney as general counsel of the board during the present administration, and that the treasurer of the board is hereby instructed to pay Judge Raney the sum of one thousand dollars as a general retainer during that period."

Then such items in the minutes as these following, indicating that the sum of one thousand dollars a year was paid as retainer and that when any real service was performed extra compensation was asked and given. And all this happened in the Saturnian times when the railroads were getting all they wanted. Here follows the specimen entries:

"July 11, 1895—I have received from the board $1,000. Of course my services to the board in the suits at Jacksonville have been attended with some expense. I will be obliged if the board will allow me some additional compensation and I am willing to render an account for services rendered in such of the above matters as have been concluded, or if this board prefers they can make me a general allowance on account and postpone the final adjustment of accounts till the other matters are concluded. On motion it was resolved that the treasurer of the board pay Judge George P. Raney one thousand dollars on account."

"Jan. 31, 1896—Dear Governor: If you and the other members of the Board of Trustees I. I. Fund think it proper I will be obliged if you will allow me $500 on fee account as attorney for the board. I have not mentioned the matter to any of them.

"Very truly yours,

"Geo. P. RANEY."

"Aug. 20, 1896.—I would be very much obliged if the trustees would allow me about $300 on fee account. Would be glad to have it this week if it can be so arranged conveniently."

The judge always got what he asked for.

Compared With Former Boards.

These references are made with the purpose of emphasizing the point that if the honesty of the present board of trustees is to be questioned it is more reasonable and more just, circumstances considered, to question the honesty of former boards—and it is not recorded that this has ever been the case. If it is not a question of integrity, then it is one of extravagance. If the present board is extravagant, then former boards were more extravagant.

The present board has something real and tangible to show for the money it has spent. The ocular demonstration can be made, but former boards haven't even left so much as a complete record of their transactions, and it was left for the present board to preserve the records and make permanent those that they did leave.

When viewed from a distance objects, and facts as well, present a different meaning to the honest investigator than when he is near.

FEES PAID.

Fees paid attorneys by the Trustees of the Internal Improvement Fund during the period from February, 1879, to April, 1886, ...$37,389.85.

Fees paid attorneys during past six years, including the Jennings and Broward administration, up to Jan. 1, 1907 .. ..$24,100.24.

During the Jennings administration suits were filed against the trustees, attacking the trust, and these suits are now pending. Prior to the Jennings administration there were only two cases of any considerable consequence against the trustees. In one of these, the Vose case, legal services were employed at a cost of $12,000. Of this amount Judge George P. Raney, who was then attorney general, received $7,200; Former Governor D. S. Walker received $3,600, and P. W. White, Esq., received $1,200. The other case was that of Gleason and the Union Trust Company against the trustees. Fleming & Daniel were paid $7,450 for services in this case. Both cases transpired during the period designated, between 1870 and 1886.

The first fees for the services of an attorney were paid in 1859. From that time to the Jennings administration, 1901, the trustees paid for attorneys' fees $66,445.62.

Raney Drew $23,911.83.

The name of George P. Raney was on the payroll for the first time August 27, 1877, and with but little break in continuity up until the year 1901. During that period he received the sum of $23,911.83 in fees and expense items.

While he was serving as attorney general under Governor Drew, 1887-81, and while drawing a salary from the state as an administrative officer he received from the Board of Internal provement Trustees the sum of $8,875.88.

Prior to the adoption of the new constitution in 1885 it was the custom for the comptroller, as secretary, and the treasurer, as treasurer of the board, to draw each a salary. The members also compensated themselves. It was this practice which probably caused the adoption of Section 29 of the Constitution which provides that no administrative officer of the executive department shall receive any additional compensation beyond his salary for any services rendered the state in connection with the Internal Improvement Fund or other interests belonging to the state of Florida. This effectually abolished the custom which permitted the attorney general to draw money from the trustees while acting in the capacity of legal adviser to them.

The public is not too discriminating.

Fugitive From Justice.

Tom Jackson, a negro, who is wanted in Macon, Ga., on a serious charge, is in the county jail upon the charge of being a fugitive from justice. The negro was arrested Sunday by Deputy Sheriff Smith, of Cottage Hill upon request of Georgia officers and is being held awaiting their arrival.

Maximum Temperature 74 Degrees.

The maximum temperature yesterday was 74 degrees at 2:10 p. m., while the minimum was 62 degrees at 6 a. m.

Last year on the same date the maximum was 66 degrees and the minimum 51 degrees.

Not a drop of Alcohol

Doctors prescribe very little, if any, alcohol these days. They prefer strong tonics and alteratives. This is all in keeping with modern medical science. It explains why Ayer's Sarsaparilla is now made entirely free from alcohol. Ask your doctor.

We have no secrets! We publish the formulas of all our preparations. J. C. Ayer Co., Lowell, Mass.

"Plantation" Sarsaparilla. Only 50¢

Equal to any $1.00 preparation on the market.

FOR SALE BY ALL DRUGGISTS.