

equity, which should be passed upon by the General Assembly and not by the Governor alone ; and, accordingly, I respectfully recommend that you take their memorial into consideration, and extend to them such measure of equitable relief, as upon a review of all the facts and circumstances of the case, shall appear to you to be fair and just.

I notice that the memorial makes no mention of the third bond, and proposes no indemnity to the State for the costs and expenses of the litigation. And therefore, if you shall see fit to grant their application in whole or in part, I suggest that in any bill which you shall pass, provision be made for the payment by the sureties on the third bond of the amount misappropriated subsequent to its approval; and also for full indemnity to the State for the costs of all the suits at law and in equity in the Circuit Courts and in the Court of Appeals, and also for proper compensation, out of the sum to be paid by them, to the State's special counsel, for his laborious services in the whole litigation.

The liability upon the third bond is not disputed, I believe, and hence, it seems to me to be only reasonable that the amount covered by it should be paid, together with all the expenses of every kind to which the State has been subjected, throughout the entire controversy, as a condition of any *equitable* adjustment of their responsibility upon the first bond.

FRANK BROWN,

Governor.

Which was read, and referred to the Committee on Finance.

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At 2.10 P. M.,

On motion by Mr. Robinson,

The Senate went into executive session.

At 2.20 P. M.,

The Senate resumed the consideration of Legislative business, and

On motion by Mr. Toadvin,

The Senate adjourned.