

Mr. Miller introduced—

Senate Memorial No. 1:

A Memorial to Congress of the United States for an appropriation for Yellow River in Santa Rosa County, Florida.

Which went over under the rules.

Mr. Dayton moved to adjourn.

Which was agreed to.

Whereupon the Senate stood adjourned to 10:00 o'clock Saturday, April 15, 1911.

SATURDAY, APRIL 15, 1911

The Senate met pursuant to adjournment.

The President in the chair.

The roll was called and the following Senators answered to their names:

Mr. President, Senators Adkins, Baker, Broome, Calkins, Carney, Cook, Culpepper, Davis, Dayton, Finlayson, Flournoy, Henderson, Hilburn, Hudson, Humphries, Johnson, Malone, Massey, McCreary, McMullen, Miller, Perkins, Sloan, Stokes, Williams, Wilson, Withers, Zim.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal of April 14 was dispensed with.

The Journal was corrected, and approved as corrected.

Mr. Hosford was excused from attendance upon the session of today.

Mr. Finlayson moved to waive the rules and that a report from him be read and spread upon the Journal.

Which was agreed to by a two thirds' vote.

Mr. Finlayson submitted the following report:

The committee appointed to prepare resolutions on the death of late Senator William M. Girardeau, beg leave to report the appended resolution:

D. A. FINLAYSON,
LOUIS C. MASSEY,
CHAS. E. DAVIS.

Whereas, God in His everwise dealings with men, has removed from the sphere of earthly activity and usefulness William M. Girardeau, lately Senator from the Twenty-second district; now therefore,

Be it resolved by the Senate of Florida, That, fully sensible of the loss to the members of this body of a companion so considerate of others and so genial and so true in his friendship, and of the great loss to the citizenship of this State, of one so accurate in his judgment, so earnest in his efforts, so strong in his conviction, and so fearless in his advocacy, and one ever found on the side of the common people, this body expresses its intense sorrow, and orders that this resolution be spread upon its Journal as a Memorial of him; and that the Secretary send a copy of the same to his widow.

Mr. Finlayson moved to adopt the report by a rising vote.

Which was agreed to.

The Senate arose and stood a moment with bowed heads.

Mr. Calkins moved to waive the rules and that a report to be submitted by him be read and spread on the Journal.

Senate Chamber,
Tallahassee, Fla., April 15, 1911.

Hon. Fred P. Cone,

President of the Senate.

Sir:

Your Committee on Governor's Message, to whom was referred the Governor's message containing a statement of pardons, sentences commuted, etc.

Has had the same under consideration and recommends that same be spread on the Journal.

Very respectfully,

JAMES E. CALKINS,

Chairman of Committee.

Mr. Calkins moved to adopt the report.

Which was agreed to.

THE GOVERNOR'S MESSAGE ON PARDONS.

State of Florida,
Executive Department,
Tallahassee, April 15, 1911.

Hon. Fred P. Cone,
President of the Senate.

Sir:

In compliance with the requirement of Section 11, Article IV, of the State Constitution, I have the honor to transmit herewith a statement showing "every case of fine or forfeiture remitted, or reprieve, pardon or commutation granted, stating the name of the convict, the crime for which he was convicted, the sentence, its date, and the date of its remission, commutation, pardon or reprieve."

Very respectfully,

ALBERT W. GILCHRIST,
Governor.

PARDONS, REPRIEVES, FINES REMITTED AND SENTENCES COMMUTED SINCE THE CONVENING OF THE LEGISLATURE IN REGULAR SESSION, 1909.

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RESTORATION TO CITIZENSHIP.

There have been nine pardons granted for the purpose of restoring to the beneficiaries the rights of citizenship of which they were deprived by reason of convictions for crime in the past. The pardons granted for this purpose did not relieve the beneficiaries from the payment of any fine nor from the service of any prison sentence; but may be termed formal pardons, granted in each case to persons who had long since satisfied the sentence imposed upon them and who furnished satisfactory evidence to the Board that they had in the interim lived law abiding and useful lives, and earned by such exemplary living the privilege of restored citizenship and of a full pardon.

CONDITIONAL PARDONS.

In every conditional pardon granted by the Board, the following provision is incorporated: "This pardon is granted to and accepted by the said upon the express understanding and condition that if at any time hereafter any person shall make complaint before the State Board of Pardons or the Governor of this State that the said has violated any of the above conditions, the said Board or the Governor shall have full power and authority, without notice to the said , to investigate and inquire into such alleged breach of conditions, and if satisfied, after such investigation, that any of the conditions hereof have been violated, may order the said arrested by any sheriff or constable and immediately delivered to the prison authorities, and he shall thereafter suffer such part of said original sentence of said court as has not already been suffered by him at the date of this pardon."

JAMES C. BUTLER.—Convicted of selling liquor unlawfully by Criminal Court of Record for Volusia County, December term, 1908. A letter being presented from the Judge who tried said case stating that the article sold was grape juice, or domestic wine, and that the said Judge had

agreed to suspend sentence upon payment of costs, and that in his opinion no injustice would be done under the circumstances to remit the costs, it was ordered by the Board of Pardons May 6, 1909, that the costs in this case be remitted.

JOHN SYLVESTER WATERS.—Convicted of larceny and sentenced for one year by Polk County Circuit Court, fall term, 1908. Application being endorsed by Circuit Judge and State Attorney who tried case, and there being strong evidence that applicant was a person of very weak mind, it was ordered May 6, 1909, that a conditional pardon be granted.

MARGARET STANDLEY.—Convicted in County Court of Suwannee County of unlawfully selling liquor and sentenced to pay \$250.00 fine and costs, or serve nine months imprisonment, February term, 1909. It appearing to the Board that applicant is a woman over 70 years old and infirm, and that she was convicted upon the testimony of only one witness, a man who had been formerly convicted in Suwannee County for unlawfully selling liquor; and that of the costs in this case, fifty dollars was to be paid as a reward to said witness for furnishing testimony against applicant, and this application being endorsed by numerous leading citizens of Suwannee County, it was deemed that the interests of justice will be best served by granting to applicant a conditional commutation of sentence, to a sentence to pay a fine of \$100.00; so ordered May 15, 1909.

JAMES FORD.—Convicted of manslaughter and sentenced for 20 years by Orange County Circuit Court, fall term, 1901. Letters being submitted from the Circuit Judge and State Attorney who tried the case, and it appearing that there were mitigating circumstances therein, and that applicant is a cripple whose prison conduct throughout eight years of service has been excellent; ordered May 15, 1909, that he be granted a conditional pardon.

JOE CHINT DeCosmo.—Convicted of trespass on realty and sentenced to pay a fine of \$15 and costs by County Judge's Court of Franklin County, October, 1908. It appearing that the costs amount to about \$150.00; that in committing the trespass applicant was virtually the agent of another person; that applicant is a deaf youth of very limited mentality; that the evidence indicates that he

was probably unaware that he was committing any offense against the law; and that he and his widowed mother are very poor; ordered June 3, 1909, that the costs be remitted upon payment of the fine of \$15.00.

ANNIE THOMPSON.—Convicted of vagrancy by a Justice of Peace Court of Marion County in May, 1909, and sentenced for ninety days. Gave birth to baby twelve days after arrest. Arrest for vagrancy therefore considered improper. Full pardon granted June 22, 1909.

EDWARD ALVAREZ.—Application for restoration to the rights given him by this Board in 1904 from a conviction for murder in second degree and sentence for life by Bradford County Circuit Court, spring term, 1899. Upon the strong recommendation of the prison officials under whom applicant has worked, who certify that a reformation of this young white man seems to have been wrought; upon the recommendation of numerous citizens of Bradford County, and upon the expressed opinion of the Judge of the Fourth Circuit, who recommitted applicant for violations of the conditions of the pardon granted him in 1904, that a conditional pardon in this case, if it appears that applicant has reformed, would be probably appropriate; ordered July 1, 1909, that applicant be granted a conditional pardon. The conditional pardon thus granted Edward Alvarez was revoked January 5, 1911, upon a showing that Alvarez had violated the conditions of his pardon. Alvarez was ordered remanded to the State prison to serve out the remainder of his term.

LEM DAVIS.—Convicted of larceny of two suits of clothes valued at \$7.00, being a charge of second larceny, and sentenced to 18 years imprisonment by Criminal Court of Record for Duval County in 1899. Upon the recommendation of one of the State Supervisors of Convicts and of the prison officials under whom he has worked, showing that applicant's conduct has been excellent, and he having served nearly ten years imprisonment, which appears to the Board, in view of his good prison record, to be sufficient punishment for the offense of which he was convicted; ordered July 1, 1909, that applicant be granted a conditional pardon.

JACOB BLUE.—Convicted of murder, first degree, with recommendation to mercy of Court and sentenced to life imprisonment by Hamilton County Circuit Court, fall

term, 1896. Upon recommendation of one of the Supervisors of State Convicts that "this man is one of the most deserving of the convicts in the State prisons;" of the prison officials under whom he has worked, that "he has behaved himself exceedingly well, has been industrious, obedient and peaceable;" and it appearing that he has served nearly 13 years imprisonment for his said offense, which occurred at a general shooting at a negro festival; ordered July 1, 1909, that applicant be granted a conditional pardon.

CHARLIE RIGGS.—Convicted of assault with intent to murder and sentenced for two years by Walton County Circuit Court, spring term, 1908. Both the Circuit Judge who tried applicant and the State Attorney who prosecuted him having recommended that this is a proper case for clemency, the prison officials under whom applicant has served having certified to his good conduct, and it appearing that regular and respectable employment outside the State of Florida awaits applicant if he is released; ordered, July 29, 1909, that he be granted a conditional pardon.

JAMES MOODY.—Convicted of murder and sentenced for life by Hamilton County Circuit Court, fall term, 1894. It appearing from a letter from the State Attorney who prosecuted applicant that the evidence against him was circumstantial, and that there was some doubt in the mind of the Circuit Judge, now deceased, as to applicant's guilt, and that said Judge came very near granting him a new trial; also, that the said State Attorney recommends that applicant be granted a conditional pardon; and an exceptionally strong petition being presented urging clemency to applicant, setting up his good character and exemplary conduct; and he now having served fifteen years' imprisonment and been always faithful and obedient; ordered, July 29, 1909, that he be granted a conditional pardon.

MARCELLUS O. BROWN.—Convicted of vagrancy and sentenced for ninety days by County Judge of Franklin County, July 16, 1909. Granted conditional pardon July 29, 1909, upon letters from a number of business men of Apalachicola reciting that applicant had, between time of his recent arrival there and time of his arrest made frequent and urgent requests of them to give him work—which facts were not known to the trial judge.

NATHANIEL FORD.—Convicted of larceny and sentenced for six months by the Escambia Criminal Court of Record, February 15, 1909. Upon the written request of the Chairman of Escambia County Commissioners, County Physician, the Trial Judge, and the County Solicitor, who state that Ford is afflicted with tuberculosis and should be pardoned for that reason, as well as to keep him from infecting the other prisoners; ordered July 29, 1909, that he be granted a conditional pardon.

WILLIS POPE.—Convicted of assault to murder and sentenced for three years by the Levy County Circuit Court, spring term, 1908. It appearing that this petitioner was sentenced upon a plea of guilty when his attorney was not in the court and that in entering said plea petitioner intended merely to admit the deed with which he was charged; that he had no chance to submit to the court any evidence of justification for the deed; and it appearing that he probably committed said assault in self defense; and the Circuit Judge who sentenced him recommending that he be granted clemency; ordered July 29, 1909, that he be granted a conditional pardon.

IVANHOE SILVA.—Convicted of issuing a check upon a bank without sufficient funds on deposit to pay same and sentenced for six months by Hillsborough Criminal Court of Record March 20, 1909. It being shown to the Board that this young man's father had indulged him in the practice which led to his conviction, by paying other checks similarly drawn; that the father was ready and anxious to pay the check in this case, and did pay the same as soon as he was permitted to; that clemency in this case is strongly urged by a large number of upright people of Hillsborough County, and that the punishment already received by petitioner has taught him a severe and effective lesson; and it appearing that if petitioner were a state prisoner instead of a county prisoner, he would gain a reduction of one month in the term of his sentence for good behavior, whereby his term will expire August 20, 1909; ordered July 29, 1909 that he be granted a conditional pardon, effective from and after August 16, 1909.

QUILLION WHITE.—Convicted of forgery and sentenced for eighteen months by the Marion County Circuit Court, spring term, 1908. Upon the recommendation of many worthy citizens of Marion and Sumter Counties who cer-

tify that this young man bore a good reputation prior to this trouble and that they believe his punishment has been sufficient, and of the prison officials under whom he has worked; and it being the sense of the Board that this presents a proper opportunity to give this young man another chance to lead an upright life; ordered August 9, 1909, that he be granted a conditional pardon.

RICHARD BUTLER.—Convicted of entering a store with intent to commit a misdemeanor, and sentenced to one year by Hillsborough County Criminal Court of Record, January term, 1909. Letters being presented to the Board from the Judge of the Criminal Court of Record and the County Solicitor of Hillsborough County, representing that applicant since being sentenced has become a victim of galloping consumption, and that he is confined in the county jail suffering from said disease, thereby being a menace to the health of other prisoners there confined, and both said Judge and said County Solicitor recommending that a pardon be granted to applicant; ordered September 17, 1909, that he be granted a conditional pardon.

DAN HARVEY.—Convicted for rape on a colored woman and sentenced for life by Jackson County Circuit Court, fall term, 1907. It appearing to the Board that since the conviction of this applicant new evidence has been discovered, which evidence has lead the State Attorney who prosecuted applicant to write this Board that he now deems applicant's guilt to be "extremely doubtful" and the Board having considered the said new evidence, and being impressed that it leaves grave doubt as to applicant's guilt, and the said State Attorney having recommended that a pardon be granted to this applicant, and applicant's prison conduct having been certified to as excellent; ordered October 7, 1909, that he be granted a conditional pardon.

JAMES GALVIN.—Convicted of murder in the second degree and sentenced for life by Jackson County Circuit Court, fall term, 1897. Both the Circuit Judge who presided at the trial and the State Attorney who prosecuted applicant having written the Board that there were extenuating circumstances connected with his crime; that they considered the twelve years' imprisonment which he has suffered sufficient punishment for his offense, and both

recommending that he be now pardoned; and it appearing that his conduct throughout his long imprisonment has been very good, and his application for pardon being unusually strongly endorsed by reputable citizens of Jackson County; ordered October 7, 1909, that he be granted a conditional pardon.

GUS WALKER.—Convicted of murder and sentenced for life by Calhoun County Circuit Court, fall term, 1894. This application having been referred for full investigation and report to one of the Supervisors of State Convicts, who has filed a careful and exhaustive report thereon, from which it appears that the crime for which this applicant was convicted was committed in defense of what he had some reason to believe was a night-time attack upon his life and his home; that applicant's prison record showed him to have been a model prisoner throughout his fifteen years' of confinement; that it seems highly probable that applicant will lead an industrious and worthy life if liberated; that if gained time for good conduct were added to the time he has actually served, his period of imprisonment would already cover over seventeen years, which the Board, under the circumstances, deems sufficient punishment; ordered October 7, 1909, that he be granted a conditional pardon.

JOSEPHINE PLAYER.—Convicted of manslaughter for the killing of her infant child and sentenced for fifteen years by Jackson County Circuit Court, fall term, 1904. Nine of the jurors who convicted this applicant having written to the Board recommending that she be granted a pardon on the ground that she is not of sound mind and that if released she will perhaps reform as far as her demented condition will permit, and her weak mental condition being certified to by a physician at her home and by the State Prison Physician and by Supervisor Lewis, and it appearing that applicant was only eighteen years old at the time of her conviction, and that her mother is anxious to have her at home and look after her in her unsound mental condition—which appears to the Board to be the most just, humane and practicable disposition to make of this case; ordered October 7, 1909, that she be granted a conditional pardon.

P. D. THOMAS.—Convicted of receiving stolen property, knowing it to be stolen, and sentenced for nine months by

Escambia County Criminal Court of Record, January 28, 1907. Escaped after sentence and recently re-captured. A letter being presented from all of the Escambia County Commissioners, the Judge of the Criminal Court of Record, the County Solicitor and the Attorney for the County Commissioners, stating that applicant is in the County Jail afflicted with a bad case of tuberculosis; and it appearing that the further confinement of applicant in said jail would endanger not only his own life, but will tend to communicate the infection to other prisoners; ordered October 9, 1909, that he be granted a conditional pardon.

LEMUEL JOSHUA.—Convicted of grand larceny and sentenced for seven years by Duval County Criminal Court of Record, April term, 1905. It appearing to the Board that this applicant was but thirteen years old at the time of his conviction, which was for stealing a watch; that there is strong reason to believe that he was to a large extent but a tool for another negro implicated in and perhaps the principal offender in the same crime; that applicant has now served four and a half years' imprisonment for this offense and that his prison conduct has been excellent; ordered November 4, 1909, that he be granted a conditional pardon.

GEORGE MITCHELL.—Convicted of assault with intent to murder, and sentenced for ten years by Pasco County Circuit Court, fall term, 1902. It appearing to the Board that the crime committed by this applicant was attended by considerable provocation; that his prison conduct is certified to as having "always been of the best;" and that, deducting the time allowed by law for good conduct, applicant has only about three months of his ten years' sentence remaining to serve; and one of the State Supervisors of Convicts having reported that this applicant has fairly earned the right to ask clemency of this Board; ordered November 4, 1909, that he be granted a conditional pardon.

JOHN O'DEN.—Convicted of assault with intent to commit murder and sentenced to seven years' imprisonment by Escambia County Criminal Court of Record, May term, 1906. It appearing that applicants' crime consisted of an assault upon a man whom applicant caught in applicant's house with applicant's wife while applicant was

supposed to be away at work; that applicant bore an excellent reputation before this trouble occurred, and that his prison conduct has been extremely good during his three and one-half years' imprisonment, and that the Judge who sentenced him and the Solicitor who prosecuted him now recommend that he be pardoned, and strong petitions in his behalf being submitted from substantial citizens of Pensacola; ordered November 4, 1909, that he be granted a conditional pardon.

BEN MOORE.—Convicted of murder in the first degree, with a recommendation to the Court's mercy, and sentenced for life by Dade County Circuit Court, fall term, 1898. The Circuit Judge who sentenced applicant having written the Board that he thought the verdict was a severe one in view of the facts in this case, and that in his opinion applicant should now be pardoned if his prison conduct has been exemplary, and the prison officials having certified that applicant, during his eleven years of imprisonment, "has been a very faithful convict, has performed his work intelligently and has never given the prison officials any trouble whatever," and it appearing that applicant has borne an excellent reputation prior to the commission of this offense, and that the crime resulted from a quarrel which applicant did not start; ordered November 4, 1909, that he be granted a conditional pardon.

IKE WOOD.—Convicted of murder in the second degree and sentenced for life by Gadsden County Circuit Court, spring term, 1897. It appearing to the Board that this applicant's crime was committed at a negro festival and dance on the night of applicant's marriage, and was precipitated by a quarrel with two other negro men about the woman he had married, and the Circuit Judge who sentenced applicant having now recommended that he be pardoned; and this application having been investigated by one of the Supervisors of State Convicts, who reports that applicant has been one of the most obedient prisoners in the camps and that he "richly deserves a pardon"; and this applicant being strongly endorsed by a large number of citizens of Gadsden County known to this Board as substantial and representative men; ordered November 4, 1909, that he be granted a conditional pardon.

JACK WILSON.—Convicted of murder in the second degree and sentenced for life by Santa Rosa County Circuit Court at a special term in 1897. It appearing to the Board

that this applicant had trouble with another armed negro over a woman, both drew pistols and the other negro was killed; that applicant was without counsel at his trial and plead guilty to murder in the second degree; that he has now served over twelve years and the prison records show his conduct to have been excellent during that service; that he is now old and in poor health; and this application having been investigated by one of the Supervisors of State Convicts, who recommends clemency to this applicant, expressing a firm belief that applicant will prove worthy; ordered November 4, 1909, that the sentence imposed upon applicant be commuted so that he may be released after he shall have served fourteen years imprisonment, provided his prison conduct remains exemplary in the meantime.

GRANT BALFORD.—Convicted of murder in the first degree, with a recommendation to the mercy of the Court, and sentenced for life by Polk County Circuit Court, spring term, 1895. It appearing to the Board that the crime in this case grew out of a row among several drinking negroes, of whom applicant was one, and that there was some evidence that he shot in self-defense; and the prison officials having submitted certificates showing that applicant has behaved himself excellently throughout his service of over fourteen years in prison, and expressing the belief that he will make a good citizen if released; ordered November 4, 1909, that the sentence imposed upon applicant be commuted so that he may be released after he shall have served fifteen years imprisonment, provided his prison conduct remains exemplary in the meantime.

ROBERT BURNS.—Convicted of manslaughter and sentenced for twenty years by Sumter County Circuit Court, spring term, 1901. It appearing to the Board that applicant is a half-witted negro, who was probably merely the tool of designing white men in committing the crime of which he was convicted, and that the Circuit Court Judge who sentenced him, now a Justice of the Supreme Court, believes applicant has already been sufficiently punished for his part in said crime and requests that he be pardoned; and applicant's prison record having been uniformly good and faithful during his imprisonment of over eight years; ordered November 4, 1909, that he be granted a conditional pardon.

CHARLES E. MUCKINFUSS.—Convicted of breaking and

entering a storehouse, with intent to commit a misdemeanor, and sentenced for two years by Walton County Circuit Court, spring term, 1908. It appearing that applicant is a white boy who ran away from his home in Birmingham, Alabama, and soon thereafter got into this trouble with several other youths; that he had been an industrious and well-behaved boy prior to leaving his home; that his parents are anxious to have him back home and put him to work, and have submitted evidence that they are responsible and respectable people; and both the Circuit Judge who sentenced him and the State Attorney who prosecuted him having written this Board that they think applicant has been taught a severe lesson and should now be pardoned and given another chance in life, and his prison conduct having been good; ordered November 4, 1909, that he be granted a conditional pardon.

HURLEY PATRICK.—Convicted of desertion of his wife and sentenced for six months or to pay a fine of \$300.00 and costs, by Jackson County Circuit Court, in July, 1909. It appearing that applicant has made a model prisoner in conduct, that his health is very poor, and that were he a State prisoner instead of a County prisoner the time allowance given by law for good conduct would cause his sentence to expire on December 17, 1909; and an unusually strong petition being submitted from citizens of the neighborhood where applicant lives, stating that they were familiar with the facts of this case and believed applicant should be pardoned; ordered November 4, 1909, that he be granted a conditional pardon, effective December 17, 1909.

JOSH STRICKLAND.—Convicted of unlawfully killing a cow by the owner of insufficiently fenced premises and sentenced for three months or pay a fine of \$50.00 and costs by County Court for Lafayette County, July term, 1909. A petition being presented to this Board urging that a pardon be granted to applicant and commending him as an "honest, hard-working citizen and one well worthy the consideration of the Board," signed by the Judge who sentenced him, by the County Solicitor who prosecuted him, by every lawyer in Lafayette County, by all the County Commissioners and the Circuit Clerk of the County, and by approximately three hundred other white citizens of Lafayette County; and it appearing that the evidence upon which applicant was convicted was entirely

circumstantial; ordered November 4, 1909, that he be granted a conditional pardon.

HARRY DAVIS and HARRY JENNETTE.—Convicted of keeping a gambling house and each sentenced to pay a fine of \$750.00 or serve one year in jail, by Escambia Criminal Court of Record, in March, 1909. It being represented to the Board by the County Solicitor who prosecuted applicants that they plead guilty, but that the evidence disclosed that they were not the principal offenders, but were employes of the principal offender, and that they seem to have been advised that gaming in a social club was no violation of the law; and said County Solicitor expressing the belief that applicants might properly be granted conditional pardons; and their application being strongly endorsed by petitioners and individual appeals from numerous eminent citizens of Pensacola, including officers of the law and ministers of the Gospel; and the Board believing that under all the circumstances applicants have been sufficiently punished, having served two-thirds of the prison sentence imposed by the Court; ordered November 4, 1909, that they be granted conditional pardons.

TYLER COLE.—Convicted of lewd and lascivious behavior and sentenced to twelve months hard labor on the County Roads by Volusia Criminal Court of Record, August term, 1909. Upon recommendation of the Trial Judge, the Prosecuting Attorney, the County Physician, the Sheriff and the Jailer of Volusia County, who represent that applicant is far gone in consumption and a menace to other prisoners confined with him; ordered November 4, 1909, that he be granted a conditional pardon.

S. M. RHODEN.—Plead guilty to a bare assault and sentenced to pay a fine of \$100.00 and costs or serve thirty days, by Liberty County Circuit Court, fall term, 1909. It appearing to the Board that the said assault was made in defense of petitioner's son, who was then suffering bodily harm at the hands of the party whom petitioner assaulted, and that petitioner, apparently a highly respectable white man, aged fifty-five years, was never heretofore involved in any criminal proceeding, desirous of avoiding a trial as defendant in open court, and being advised by his counsel that if he would plead guilty to an assault the Court would very probably impose a very light, or nominal fine, did for that reason plead guilty as advised, and was greatly surprised when the Court imposed a fine in so large

an amount as one hundred dollars and costs; that upon approaching the Court the following day with a petition signed by many representative citizens of his County, and by the man assaulted (which petition was submitted to this Board), the said petition praying the Court to be very lenient in imposing sentence upon petitioner, he was informed by the Court that the fine of one hundred dollars and costs had already been entered upon the Court records, the matter thus passing beyond the Court's jurisdiction; and it appearing that petitioner's son, about whom the trouble in this case arose, has served out the sentence of imprisonment imposed upon him by said Court; ordered November 6, 1909, that the sentence imposed upon S. M. Rhoden be commuted to a sentence to pay a fine of ten dollars and costs of prosecution.

ZELLENE MCGIRT.—Convicted of murder in the first degree and sentenced to suffer the death penalty, by Pasco County Circuit Court, fall term, 1894, the sentence being later commuted to imprisonment for life. It appearing to the Board that this applicant, an aged and infirm negro woman, has now served over fifteen years imprisonment, and that during such service she has proven honest, hard-working, faithful and worthy of trust; and one of the sub-lessees of convicts having appeared before the Board and plead earnestly for her pardon, because of her good qualities, and said sub-lessee having assured this Board that he will provide a home and employment for this old woman and her five dependent young grandchildren, if she is liberated; and a very strong petition, asking that she be pardoned, being presented from many citizens who expressed the firm belief that she has been sufficiently punished and deserves clemency; and the Board feeling that all the circumstances present a case in which the pardoning power should be exercised; ordered December 2, 1909, that she be granted a conditional pardon.

GORDON JOHNSON.—Convicted of murder in the second degree and sentenced for life by Baker County Circuit Court, fall term, 1908. The Circuit Judge who sentenced this applicant, the State Attorney who prosecuted him, and eleven of the jurors who convicted him, having asked this Board for his pardon; and the County officers and a great number of citizens of Baker and adjoining Counties also praying the Board that applicant be pardoned; and it appearing that applicant had borne a good reputation

prior to this trouble; and that the man whom he killed was regarded as a bad character; that this man was drinking and making a murderous attack upon applicant's brother-in-law when killed; and that applicant killed the man in defense of his brother-in-law; that applicant's prison conduct has been excellent; and it appearing that it is the almost unanimous opinion of the people of Baker County who knew the parties, that applicant should be pardoned; ordered December 2, 1909, that he be granted a conditional pardon.

WILLIAM CAMP.—Convicted for keeping a gambling house and sentenced for eighteen months imprisonment and to pay costs of prosecution, by Escambia Criminal Court of Record, in February, 1909. It appearing to the Board that this applicant was a saloon keeper in the City of Pensacola, who furnished certain financial backing for a social club located close to his saloon, with a view of getting the patronage of the club members; that he was not, strictly speaking, directly interested in any gambling operations which may have been carried on in the said club; and this application for relief from the sentence of imprisonment being strongly endorsed by County Commissioners and County officials of Escambia County, and by the city officials, by bar pilots, by numerous lawyers and several ministers of the Gospel, and a very large number of citizens of Pensacola, and being conditionally endorsed by the County Solicitor who prosecuted applicant; and it appearing that the other defendants who were prosecuted jointly with this applicant for practically the same offense were given the alternative of paying fines or going to prison; and the Board believing that under the circumstances it is proper to extend this applicant some measure of relief; ordered December 2, 1909, that the above sentence be conditionally commuted to a sentence to pay a fine of twelve hundred and fifty dollars and the costs of prosecution.

SAVANNAH WALDO.—Convicted of grand larceny and sentenced for six months by Hillsborough County Criminal Court of Record in May, 1909. The Judge who tried and sentenced this applicant having written this Board that there is considerable doubt from the evidence as to her guilt; the applicant appearing to have borne a good reputation prior to the commission of the offense for which she was convicted; and a number of reputable people for

whom she has worked having written this Board, certifying to her industry and good habits, and urging upon the Board that this application presents a case in which clemency should be exercised; and it appearing that applicant is a young negro girl about fifteen years of age, and that no appreciable benefit could result from her confinement in the prison camp; ordered December 2, 1909, that the above sentence be conditionally commuted to a sentence that applicant shall pay a fine of \$50.00.

DAVID C. JENKINS.—Convicted of breaking and entering a store with intent to commit a misdemeanor and sentenced for twelve months by Taylor County Circuit Court, spring term, 1909. It appearing that the relations between applicant and the party whose store he was convicted of breaking and entering had, for some months prior to the occurrence, been of such a nature as perhaps to warrant applicant in believing he had a right to enter such store; and that applicant, at the time of such breaking and entering, was in a very intoxicated condition; and that upon coming to a realization of the act which he had done while intoxicated, applicant made full and satisfactory restitution to the party owning the store; and the said party having advised this Board that he does not believe applicant should be further punished, and this application being strongly and earnestly endorsed by a large majority of the public officials and white citizens of Taylor County; and applicant having, prior to the commission of said offense, borne an excellent reputation as an industrious and law-abiding citizen; ordered December 2, 1909, that the above sentence be conditionally commuted to a sentence that applicant pay a fine of \$50.00.

BRUCE E. NORMAN.—Convicted of forgery and sentenced for two years by Marion County Circuit Court, spring term, 1908. Upon the recommendation of many representative citizens of Marion and Sumter Counties who certify that this young man bore a good reputation prior to this trouble and that they believe his punishment has been sufficient, and of the prison officials under whom he has worked, who certify that his prison conduct has been exemplary; and this applicant having now served all but about one month of the sentence imposed upon him by the Circuit Court, and it appearing that he will be surrounded by good influences if released; and it being the sense of the Board that this case presents a proper opportunity to give

this young man another chance to lead an upright life; ordered December 2, 1909, that he be granted a conditional pardon.

JOHN H. GOODSON.—Convicted of unlawfully selling liquor and sentenced to pay a fine of two hundred and fifty dollars and costs or serve six months' imprisonment by the county Court of Gadsden County, September term, 1909. It appearing to the Board from the evidence submitted to it that the guilt of this applicant was more of a technical than wilful nature; that he was not shown to be in any proper sense a dealer in liquors; that the instances in which he was alleged to have sold liquor were very few in number, and appear to have been in the nature of accommodations for others, which do not seem to constitute a malicious violation of the spirit of the liquor laws; it appearing that he occasionally, when ordering liquor for himself would include an order for one of his customers and deliver it to such customer at cost price, as a matter of accommodation; it appearing that one of the leading witnesses against applicant at his trial was a man who had a personal and business grievance against applicant; and a very strong petition being submitted, signed by citizens of Gadsden county, urging that this applicant is an industrious citizen and head of a large family, and a law-abiding man; that his guilt was technical only and that the signers of such petition do not believe there was any intention on his part to violate the law; ordered December 21, 1909, that the above sentence be commuted to a sentence to pay a fine of one hundred dollars.

G. H. TILLMAN.—Convicted of attempt to bribe a Judge and sentenced for four years by the Suwannee Criminal Court of Record, June term, 1909. A petition being presented from several hundred people of Live Oak, together with a petition from representative citizens of Columbia and Hamilton counties, all certifying to the previous good character of this applicant, and stating that they do not believe applicant really intended to offer a bribe to the Judge, and the Board feeling that the ends of justice would be met by commuting the sentence of four years in state prison to a sentence of six months in state prison and the payment of a fine of two hundred and fifty dollars, it was so ordered January 6, 1910.

STREETER COLEMAN.—Convicted of murder in the first degree and sentenced to suffer the penalty of death by Polk County Circuit Court, fall term, 1909. The Judge of the Circuit Court who sentenced applicant, and several of the jurors who convicted him having asked that his sentence be commuted from the death penalty to imprisonment for life, and other mitigating circumstances appearing to the Board, it was ordered January 6, 1910, that the above sentence be commuted to a sentence of imprisonment in the state prison for the term of applicant's natural life.

LEWIS McCASKILL.—Convicted of incest and sentenced for five years, by Walton County Circuit Court, spring term, 1907. Letters being presented to the Board from the State Attorney who prosecuted applicant, stating that he believed applicant should be pardoned; also a petition from numerous citizens to the same effect, and a letter from the Judge who sentenced applicant, stating that he gave his endorsement to a pardon being granted applicant after he had served three years; ordered January 6, 1910, that applicant be granted a conditional pardon after he has served three years, allowing him the usual gain time given State prisoners from the three years; provided his conduct in prison continues of such character as to justify the allowance of the gain time.

J. J. HARRIS.—Convicted for unlawfully selling liquor and sentenced to pay a fine of one hundred dollars or serve three months by the County Court for Gadsden County in December, 1909. After a careful consideration of the facts presented, the Prosecuting Attorney informing the Board that he thought applicant was properly convicted, but that he favored a reduction of the penalty imposed; ordered January 6, 1910, that above sentence be commuted to a payment of a fine of fifty dollars or imprisonment for thirty days.

MOSE RICHARDSON.—Convicted of aiding prisoners to escape and sentenced for six months by Volusia County Criminal Court of Record, in November, 1909. A certificate being presented from the County Physician of Volusia County stating that this boy was badly affected with heart trouble and liable to die at any time, and the county Solicitor who prosecuted him having written the Board that, in his opinion, under the circumstances, it

would be an act of humanity to release him; ordered January 6, 1910, that the sentence of this applicant be commuted to expire January 20, 1910.

JOHN H. ROGERS.—Convicted of murder in the first degree and sentenced to suffer the penalty of death by the Osceola County Circuit Court, spring term, 1909. The Circuit Judge who tried this applicant and the State Attorney who prosecuted him having written this Board that they think the death penalty is too severe in this case; that the killing was the result of a sudden heat of passion; that the evidence showed no previous malice between the parties; that the life of this applicant before the killing had been exemplary, and that since his conviction he has prevented a jail delivery, and that the law would be fully vindicated by a sentence of imprisonment for life; ordered March 5, 1910, that the said sentence be commuted to a sentence of imprisonment for life.

ZACHARIAH GENERAL.—Convicted of murder in the second degree, and sentenced for life by Madison County Circuit Court, fall term, 1895. Evidence being presented that this applicant's conduct in prison has been consistently good throughout his long service, and it appearing that with the time allowed for good conduct he has now served about seventeen years; that he is now old and infirm, and that there was great provocation for the crime which he committed; ordered March 5, 1910, that he be granted a conditional pardon.

HENRY OLDS.—Convicted of murder in the second degree and sentenced for life by Jackson County Circuit Court, fall term, 1901. It appearing that at the time of this crime applicant was but fifteen years old; that he had before then been a well-behaved boy; that his prison conduct has been excellent; and that the difficulty which resulted in the homicide was in large measure forced upon him by a negro of bad repute, and applicant having now faithfully served about nine years of actual imprisonment, and being now in bad health, as certified by the Prison Physician, and a petition being presented signed by numerous Jackson County citizens of good standing, asking that applicant be pardoned, on the ground that he has been sufficiently punished for the crime which he committed, and a brother of the man who was killed having made a similar request; ordered March 5, 1910, that the

said sentence be commuted to expire on the first day of July, 1910.

C. B. GARDNER.—Plead guilty to three charges of issuing checks on banks without having sufficient funds on deposit to pay same, and sentenced for twelve months by Hillsborough County Criminal Court of Record in October, 1909. The Judge who sentenced applicant, the County Solicitor who prosecuted him, the County Attorney of Hillsborough County writing at the request of the County Commissioners, and the County Physician having written this Board requesting that applicant be pardoned on the ground that his physical condition is so pitiable that further imprisonment would constitute cruelty, and it appearing that he has already served one-half of his sentence, and that he was never before charged with crime; ordered March 5, 1910, that he be granted a conditional pardon.

WILLIAM R. FRENCH.—Convicted of petty larceny and sentenced to pay a fine of \$30.00 and costs by the County Judge's Court of Taylor County in August, 1904. The Board being satisfied by letters and petitions received from County officials and many prominent citizens of Taylor County, including the Judge who sentenced applicant, that applicant promptly paid the penalty imposed, and has since lived an honest, useful and law-abiding life, and is a good citizen, and all of the said letters and petitions urging that he be granted a pardon in order that he might enjoy all the rights of citizenship; ordered March 5, 1910, that a pardon be granted to applicant for the purpose of restoring to him all the rights of citizenship.

OZNI WILLIS.—Convicted of vagrancy and unlawful train riding and sentenced to pay a fine of \$50.00 and costs, or to serve four months' imprisonment by Justice of the Peace for District No. 6 of Jackson County in January, 1910. It appearing that this young white boy had run away from his home in North Carolina, where he has a respectable father, able and anxious to care for him; that he has now served very nearly one-half of the prison sentence imposed upon him, and that his father now offers to pay one-half of the fine and the costs imposed upon applicant, and has arranged for applicant's return to his home, and the Board being satisfied that the circum-

stances make this a case in which clemency will tend to reform this youth; ordered March 5, 1910, that the sentence herein be commuted so that upon payment of a fine of \$25.00 and the costs, the said applicant shall be released and sent to his North Carolina home.

JACOB HUDNALL.—Convicted of chicken stealing and sentenced to pay a fine of \$5.00 and costs by the Justice of the Peace Court for Justice District No. 10 of Marion County in March, 1896. A petition being presented from practically all of the citizens of the election precinct in which applicant lives, representing that he is a young man of good character and standing in his community; that the fine which was imposed upon him fourteen years ago was promptly paid, and that he deserves to be relieved from the legal disability resulting from said conviction; ordered March 5, 1910, that a pardon be granted to applicant for the purpose of restoring to him all of the rights of citizenship.

WILLIAM A. BEXLEY AND TRUBY OSTEEN.—Convicted of manslaughter and each sentenced to nine years' imprisonment by Alachua Circuit Court, spring term, 1909. There having been presented to this Board newly discovered evidence which was not before the Jury nor the Courts, the tendency of which is to cast grave doubt upon the guilt of these applicants, and nine of the jurors who convicted applicants having each written this Board a separate letter stating that had this new evidence been before the Jury, they would have voted to acquit applicants, and each of said jurors now strongly urging that applicants should be pardoned; and a large number of letters having been received by this Board from men known to be substantial and conservative citizens of High Springs, where the homicide occurred, and of other portions of Alachua County, declaring it to be their belief and the feeling of the community that applicants' conviction was a mistake, and advising that applicants are young men of excellent character and clean records, and letters having been received from responsible citizens of other sections of the State confirming the good character of applicants, all of said letters urging this Board to pardon applicants; and letters of like tenor having been received from the Sheriff and the County Jailor of Alachua County, and from the Mayor and Marshall of High Springs; and it appearing that notice of applicants' intention to apply for pardon

has been widely circulated and that no protest thereto has been received by this Board; and the Board having given very careful and thorough consideration to all of the evidence adduced at the trial and to the newly discovered evidence submitted upon this application, and being led to the conclusion that the entire evidence fails to establish the guilt of these applicants; ordered March 18, 1910, that conditional pardons be granted to these applicants.

DAN TAYLOR.—Convicted of the larceny of a hog by the County Judge's Court of Wakulla County October 31, 1904, and sentenced to pay a fine, which was paid. The Judge who tried and sentenced applicant; the Clerk of the Circuit Court, the Sheriff, the County Treasurer, Superintendent of Schools, County Commissioners, and other citizens of Wakulla County having written this Board that the said Dan Taylor was at the time of said offense only seventeen years of age, and was acting under the influence of a man in whose company he was; that the fine imposed upon him was paid, and that during the years which have intervened since said conviction this young man has become of age and has conducted himself as a respectable citizen, and the said officers and citizens having petitioned that he be granted a pardon in order that he might enjoy all the rights of citizenship; ordered April 16, 1910, that a pardon be granted to applicant for the purpose of restoring to him all the rights of citizenship.

NATHANIEL BAKER.—Convicted of assault with intent to commit rape and sentenced for ten years by Hamilton Circuit Court, spring term, 1905. It appearing to the Board that all parties to this affair were negroes; that the victim of the assault had been applicant's paramour prior to its occurrence; that applicant has now served five years, about one-half of his sentence, and is shown to have been a good, faithful and obedient prisoner; and the State Attorney who prosecuted him, four members of the grand jury who indicted him, four of the six petit jurors who convicted him, and a number of responsible and substantial citizens of Hamilton County having written this Board that they think applicant has been punished enough for the offense he committed; ordered April 16, 1910, that he be granted a conditional pardon.

HENRY WATKINS.—Convicted of carrying a concealed weapon and sentenced to pay a fine of \$250.00 and costs.

or serve six months, by the County Judge's Court of Holmes County, April, 1910. A physician's certificate being presented stating that applicant "has tuberculosis and is not able to work and should not be confined with the other prisoners in this camp," and it appearing that the applicant has people in Alabama, to whom he will go at once if released; ordered May 5, 1910, that he be granted a conditional pardon.

MONROE KIRBY.—Convicted of assault with intent to murder and sentenced for three years by Bradford County Circuit Court, fall term, 1908. A petition being presented from the Physician of the State Prison Hospital, stating that the applicant "has pulmonary tuberculosis, far advanced," and that his physical condition is bad; and it appearing that applicant's continued imprisonment constitutes a serious menace to the health of the other prisoners confined with him; that he has now served one-half of his sentence, and his prison conduct has been good; ordered May 5, 1910, that he be granted a conditional pardon. The conditional pardon thus granted Monroe Kirby was revoked July 14, 1910, upon a showing that Kirby had violated the conditions of said pardon. Kirby was remanded to the State Prison to serve out the remainder of his term.

I. J. DANFORD.—Convicted of manslaughter and sentenced for seven years by Jackson County Circuit Court, spring term, 1906. It being made to appear to the Board that the man whom applicant killed was at enmity with applicant, had made threats against, and was threateningly advancing upon applicant in applicant's field with a gun at the time of the homicide, and that applicant shot him, believing that his own life was in danger; that applicant is about seventy years old, a Confederate veteran of good former reputation, who is now in the prison hospital suffering with general senility; that he has served about one-half of his sentence, and has been a good prisoner, and a large number of Jackson County citizens having petitioned for clemency in this case; ordered May 5, 1910, that he be granted a conditional pardon.

DANIEL CLIFTON.—Convicted of larceny in the Circuit Court for Volusia County in 1881. It appearing to the satisfaction of the Board that this applicant long ago suffered the penalty imposed upon him and that he has since been a good, deserving citizen; ordered May 5, 1910,

that he be granted a pardon, for the purpose of restoring to him all the rights of citizenship.

JAMES JOHNSON.—Convicted of obstructing a railroad track and sentenced for five years by Alachua County Circuit Court, fall term, 1909. The Circuit Judge who tried, and the State Attorney who prosecuted applicant, having each written this Board that applicant is a half-witted negro who was a mere tool of another negro, who was convicted of being an accessory in this crime; that Johnson did not deserve such severe punishment, but that the accessory did deserve such sentence; that under the law the accessory could not be given a more severe sentence than the principal, and in order to sufficiently punish said accessory the Judge had to impose as great a sentence upon Johnson, the principal; and both the Judge and the State Attorney having requested that this Board now pardon Johnson; ordered May 5, 1910, that he be granted a conditional pardon.

GEORGE J. JOHNS.—Convicted of carrying a concealed weapon and sentenced to pay a fine of \$100.00 by the County Judge's Court of Marion County, November 28, 1908. A petition being presented, signed by the County Judge who sentenced applicant, the Sheriff, Clerk of the Court, State Attorney, and other prominent citizens of Marion County, stating that shortly before his conviction applicant had been a regularly appointed Deputy Sheriff of Marion County under Sheriff Gordon; that Sheriff Gordon resigned, and applicant erroneously supposed that he continued to be a Deputy under Gordon's successor, and hence continued to carry a pistol; and it appearing that applicant is a good citizen, and that his offense was due to an honest mistake; ordered May 5, 1910, that he be granted a remission of the said fine upon payment by him of the legal costs of said prosecution.

WILLIAM ADAMS.—Convicted of having unlawful carnal intercourse with an unmarried female under the age of eighteen years and sentenced for two years by Levy County Circuit Court, spring term, 1909. Strong evidence being presented to this Board tending to show that the negro girl concerned herein was a very loose character; and it appearing that applicant was a thrifty negro who had acquired considerable real and personal property, and had previously borne an excellent reputation; that he has now served one-half of his sentence, has been a faithful pris-

oner, and is suffering from Bright's Disease; and this Board being petitioned by a number of County officials and a large number of citizens of Levy County to grant clemency to applicant on the grounds that he has now been punished enough for his offense, and that his past excellent record deserves consideration; ordered May 5, 1910, that he be granted a commutation of sentence so that same shall expire June 1, 1910.

RALPH W. DANIELS.—Convicted of arson and sentenced for twenty years by Dade County Circuit Court, fall term, 1901. The Circuit Judge who sentenced applicant having recommended that he be now pardoned and having endorsed a statement of the circumstances attending his conviction, which statement indicates that such conviction was entirely upon circumstantial evidence, and that there was some room for doubt as to his guilt; and it being strongly represented to this Board by good citizens of Dade County that applicant's imprisonment for nearly ten years has, in their opinion, been sufficient punishment for the crime of which he was convicted, even if he was guilty; and certificates being presented, showing that his prison conduct has been very meritorious; ordered July 7, 1910, that he be granted a conditional pardon.

RUFF HARRIS.—Convicted of robbery and sentenced for ten years by Gadsden County Circuit Court, spring term, 1903. It appearing that at the time of the crime applicant was a boy about fifteen years of age; that the crime grew out of a fight among several boys; that the amount claimed to have been stolen was less than two dollars and four of the six jurors who convicted applicant having written this Board that they think he has had sufficient punishment for his offense and should be given a chance, one of the jurors having died and the other moved away, and applicant having now served out seven years in the State prison and his conduct being certified as exceptionally good; ordered July 7, 1910, that he be granted a conditional pardon.

LEE B. CARRAWAY.—Convicted of assault with intent to murder and sentenced for three years by Suwannee County Circuit Court, fall term, 1901. This applicant had been granted a conditional pardon in July, 1902, and remanded to the State prison by the Judge of the Circuit Court of Suwannee County in November, 1908, for violation of the conditions of said pardon. The County Solic-

itor of Suwannee County, the State Attorney, the Sheriff and a number of other substantial citizens having written this Board that they believed applicant should now be released, as they feel he has been abundantly punished for the offenses committed; that he is very penitent and in poor health, being almost blind, and has a helpless family dependent upon him; and the prison officials having certified that his prison conduct has been excellent, and that they believe his imprisonment has taught him a severe lesson and will make him a law-abiding citizen in the future; ordered July 7, 1910, that he be granted a conditional pardon.

M. B. CHARLES.—Convicted of aiding and abetting a cashier to defraud a bank and sentenced for two years and six months by the Criminal Court of Record for Escambia County, March term, 1908. The Judge of the Criminal Court of Record who tried and sentenced applicant, the County Solicitor and the Special Attorney of the defrauded bank who prosecuted him, all the members of the jury which convicted him, and the president, cashier and directors of the bank which was defrauded, having all written this Board letters and petitions recommending that a conditional pardon be granted to applicant; and it appearing that applicant has now served out fourteen months' imprisonment on account of this offense; that the man prosecuted jointly, as principal, with applicant for this offense has been adjudged a lunatic; that applicant had borne a good reputation prior to this trouble, has been a faithful prisoner and appears to have the confidence of all who know him that he will again make a good and useful citizen, as evidenced by petitions submitted to this Board; ordered July 7, 1910, that he be granted a conditional pardon.

W. H. HARRELL.—Convicted of having unlawful carnal intercourse with an unmarried negro female under eighteen years of age and sentenced for seven years by Wakulla County Circuit Court, spring term, 1907, and granted a conditional pardon September 4, 1908. It being satisfactorily shown that since being granted a conditional pardon, this applicant has been a hardworking and law-abiding man, and made a good citizen, and the Board being advised by representative citizens of Leon and Wakulla Counties that applicant has so conducted himself as to deserve most favorable consideration from this

Board; ordered July 7, 1910, that he be granted a pardon for the purpose of restoring to him all the rights of citizenship.

ED CHRISTIAN.—Convicted of carrying concealed weapon and sentenced to pay a fine of one hundred dollars and costs, or to serve three months, by the Justice of the Peace Court for the 14th Justice District of Jackson County, in July, 1910. It appearing that applicant had been before said Court, charged with obtaining goods under false pretenses; that the prosecutor in said case had agreed to settle and dismiss without prosecution, one of the conditions being that applicant should go to his home, get a certain pistol which he owned and turn it over to the Constable of the said Court to be held as security in such settlement; that the Constable was aware of the terms of said settlement; that applicant proceeded to his home, got the pistol, concealed it in his bosom and carried it to the Constable as agreed; that thereupon the said Constable arrested applicant, who was convicted of the statutory offense of carrying concealed weapons; and it being the sense of this Board that while there may have been a technical violation of the statute, the spirit of the law was not violated; it was ordered July 28, 1910, that applicant be granted a full pardon.

HUGH KELLY.—Convicted of murder in the first degree, with a recommendation to the mercy of the Court, and sentenced for life by Levy County Circuit Court, fall term, 1905. The Circuit Judge who sentenced applicant having recommended that he be pardoned, stating that his sentence is too severe for his offense, which had strong extenuating circumstances; the Sheriff having written to the same effect, and the present State Attorney expressing his approval of clemency to applicant, and his prison record being good; ordered September 1st, 1910, that he be granted a conditional pardon.

ANGELO SARDINIA.—Convicted of perjury and sentenced for ten years by the Criminal Court of Record for Hillsborough County, October term, 1909. The Judge who sentenced applicant having written this Board a letter showing his feeling that there is considerable doubt of applicant's guilt and that clemency might very properly be exercised in this case; and the Sheriff and three of the six members of the trial jury, and a number of substantial citizens of Hillsborough County

having recommended that applicant be pardoned, being doubtful of applicant's guilt owing to new evidence developed, and it appearing that applicant is very frail and in poor health, and that his reputation was excellent prior to this trouble; ordered September 1, 1910, that he be granted a conditional pardon.

J. A. AMBROSE.—Convicted of trespass upon lands and sentenced to pay a fine of twenty-five dollars and costs, the costs amounting to fifty-two dollars and thirty-four cents, or to serve sixty days imprisonment, by the Criminal Court of Record for Suwannee County, at the June term, 1910. It appearing to the Board from a petition for applicant's pardon by three of the six trial jurors, another petition from a large number of citizens and neighbors, and from consideration of the evidence in the case that while the conviction and sentence of applicant were technically justifiable, there was no wilful wrongdoing on his part, and that the transaction grew out of a personal disagreement with the owner of the land; that applicant is an industrious, hard-working, law-abiding man, but is very poor, in a low state of health and advanced in years; ordered September 1, 1910, that he be granted a full pardon.

COLUMBUS CANNON.—Convicted of the larceny of a domestic animal and sentenced for two years by Santa Rosa Circuit Court, spring term, 1909. The owner of the stolen animal having written this Board requesting that applicant be pardoned, expressing the belief that applicant was more the victim of a mistake than the perpetrator of a willful crime, and that he has at any rate now been punished enough for what was done, and a very large and earnest citizens' petition being submitted in applicant's behalf, expressing the general belief that applicant's offense was more a mistake than a crime; and his personal conduct being certified as excellent, and about two-thirds of the sentence having now been faithfully served; ordered September 1, 1910, that he be granted a conditional pardon.

BEN MASSEY.—Convicted of murder in the second degree and sentenced for life by Alachua County Circuit Court, spring term, 1891. It appearing that this prisoner has been a hard-working, obedient convict for about nineteen and one-half years, to which, with gained time for good conduct, makes the equivalent of about twenty-three years of good prison service; that he is now about sixty years of

age, and worn from long service; and strong assurances being submitted to the Board indicating that he has reformed and will make a good, hard-working citizen; ordered September 1, 1910, that he be granted a conditional pardon.

CONSTANTINE J. SYGALAS.—Convicted of adultery and sentenced for two years by Brevard County Circuit Court, fall term, 1909. It appearing that applicant has now served more than one-half of his sentence; that the Circuit Judge was influenced in sentencing him by an erroneous report that he was married and that his reputation was bad at his home in Mobile, Ala.; whereas, it appears from earnest petitions received from many prominent Mobilians that his reputation there was good, while it was his brother's which was bad; and both the Circuit Judge and State Attorney, and the prison officials of this State and many representative citizens of Mobile having now asked that he be pardoned so that he may return to his people in Mobile and start life anew; ordered November 3, 1910, that he be granted a conditional pardon.

NATHANIEL KNIGHT.—Convicted of assault with intent to commit manslaughter and sentenced for five years by the Criminal Court of Record for Hillsborough County, October term, 1909. Letters having been received from the Trial Judge and three of the six members of the trial jury, the other three jurors being inaccessible, expressing the feeling that the sentence of five years for said offense was excessive, in view of the circumstances thereof; and the further view that the period of thirteen months which applicant has now served, with good conduct, is sufficient punishment for his crime; and the application being endorsed by a very strong petition of representative citizens of Tampa, stating that the offense was an ordinary negro street fight in which no one was hurt much, and for which applicant had suffered sufficient punishment; ordered November 3, 1910, that he be granted a conditional pardon.

JOHN NELSON.—Convicted of keeping a gaming room and sentenced to pay a fine of three hundred dollars and costs by the Criminal Court of Record for Hillsborough County, at the March term, 1901. It appearing that the said fine and costs were paid promptly after applicant's said conviction, and satisfactory evidence being produced that applicant has since said time conducted himself as a law-abiding and useful citizen; ordered November 3, 1910,

that he be granted a pardon, for the purpose of restoring to him all the rights of citizenship.

CLAUDE BARKER.—Convicted of keeping a gaming room and sentenced to pay a fine of one hundred dollars and costs by the Criminal Court of Record for Hillsborough County, at the March term, 1901. It appearing that the said fine and costs were paid promptly after applicant's said conviction, and satisfactory evidence being produced that applicant has since said time conducted himself as a law-abiding and useful citizen; ordered November 3, 1910, that he be granted a pardon, for the purpose of restoring to him all the rights of citizenship.

ALBERT FLOWERS.—Convicted of the larceny of a mortgage and sentenced for eighteen months by the Criminal Court of Record for Walton County, October term, 1909. Upon recommendation of the Trial Judge and in consideration of the doubt expressed by the Supreme Court as to this applicant's guilt; upon the recommendation of many prominent citizens of Walton County who have written individual letters to this Board, and upon consideration of his good conduct both prior and subsequent to this trouble; after thorough consideration of all the evidence in this case, which leaves strong doubt of his guilty intent; ordered November 3, 1910, that he be granted a conditional pardon.

RICHARD MCLLOUD.—Convicted of murder in the first degree, with a recommendation to the mercy of the Court, and sentenced for life by Dade County Circuit Court, spring term, 1901. Upon the recommendation of the Circuit Judge who tried and sentenced applicant; of numerous citizens who certify to his good character prior to this crime; upon the showing that he has been an excellent prisoner for nine years, and in consideration of evidence strongly indicating that the crime which he committed was done without intention of causing the death of his victim; ordered November 3, 1910, that he be granted a conditional pardon.

JOHN F. HARDEN.—Convicted of larceny of a domestic animal and sentenced for two years by Citrus County Circuit Court, spring term, 1909. It appearing that applicant has now served practically all of his sentence and has been a good prisoner; that his application for pardon is endorsed by four of the six members of the trial jury and by

the Circuit Judge who tried and sentenced him; that he is a white man who has a dependent wife and family of small children, for whose sake as well as his it is prayed that he be now extended clemency, to the end that he may return to them with the rights of citizenship restored; and it appearing to the satisfaction of the Board that through the punishment suffered he has reformed and offers assurances of becoming a good citizen; ordered November 3, 1910, that he be granted a conditional pardon.

SNELL DONALDSON.—Convicted of manslaughter and sentenced for twenty years by Escambia County Circuit Court, fall term, 1897. Upon the recommendation of the Circuit Judge who tried and sentenced applicant; upon an especially strong endorsement of his conduct and character by prison officials under whom he has served during the past thirteen years; and it appearing that the greater part of his sentence has now been served, and that he has at all times shown himself deserving of consideration; ordered November 3, 1910, that he be granted a conditional pardon.

E. O. DUNLAP.—Convicted of vagrancy and sentenced for six months by Hillsborough Criminal Court of Record, September term, 1910. Upon the recommendation of the Trial Judge, the County Solicitor and the Sheriff of Hillsborough County, and it appearing that applicant is a young white boy, who has respectable parents in the State of Ohio who are anxious to have him return to them where he will be cared for, and that applicant is now sick in the Hillsborough County jail, and the above mentioned Court officers having expressed the view that he has been punished sufficiently, and his relatives and friends in Ohio having sent to the Sheriff of Hillsborough County a sufficient amount of money to provide for his transportation to his home in Ohio, and subsistence en route; ordered November 3, 1910, that he be granted a conditional pardon, and that the Sheriff of Hillsborough County be requested to purchase with the above mentioned money a ticket from Tampa to Mount Vernon, Ohio, and put Dunlap on a train en route to his Ohio home.

DAVID H. PARKER.—Convicted of breaking and entering and sentenced for ten years by DeSoto County Circuit Court, spring term, 1907. It appearing from a letter from the Sheriff of DeSoto County, that after applicant's arrest upon said charge his conduct was especially meritorious, in that he gave information which prevented a jail delivery and probably saved the Sheriff's life; and that, having an

excellent record aside from his connection with this crime; and a very strong petition being presented from substantial citizens who had known him prior to this trouble; and upon the recommendation of the Board of Commissioners of State Institutions, under Section 4140 of the General Statutes, it was ordered November 3, 1910, that, in view of the said especially meritorious conduct, applicant's sentence be commuted to a sentence of imprisonment for seven years, provided his conduct as a prisoner during the remainder of his service in prison shall be exemplary.

ARTHUR HAMILTON.—Convicted of manslaughter and sentenced to twenty years by Hillsborough County Circuit Court, spring term, 1905. It appearing to the Board from representations made by one of the leading prison officials in person that, since this applicant has been confined in the State Prison, he has been instrumental several times in preventing escapes of bodies of prisoners, which is deemed to be especially meritorious conduct, and his whole prison conduct being certified to by many prison officials as being notably good; and upon the recommendation of the Board of Commissioners of State Institutions, under Section 4140 of the General Statutes, it was ordered November 3, 1910, that, in consideration of his excellent record and said especially meritorious conduct, applicant's sentence be commuted to a sentence of fifteen years, provided his conduct as a prisoner remains exemplary during the remainder of his service.

ROBERT FUTCH.—Convicted of murder and sentenced for life by Jefferson County Circuit Court, fall term, 1899, and granted a conditional pardon January 1, 1904. Applicant having presented satisfactory certificates from the Sheriff of Jefferson County and numerous citizens who have been his neighbors since his release upon said conditional pardon, showing that he has lived and is living a sober, peaceable and law-abiding life, and is making a good citizen; ordered January 5, 1911, that he be granted a full pardon, for the purpose of restoring to him all the rights of citizenship.

MART KNOWLES.—Convicted of larceny and sentenced for three and one-half years by Duval County Criminal Court of Record, April term, 1909. It appearing that at the time of his offense applicant was only about fourteen years of age; that he is a young white boy of excellent parentage, who was tempted away from his home in Valdosta, Georgia, by a young white man of stronger mind

and bad reputation, and fell into trouble in Jacksonville, Florida, with the same evil associate; and the Judge who sentenced him having recommended that the interest of justice can be best conserved by the extension of clemency of this Board in the granting of a conditional pardon, in view of applicant's youth and since he has already served the larger part of his sentence; and the Board being satisfied from the representations made to it that this young white boy will be surrounded by wholesome influences if returned to his home; ordered January 5, 1911, that he be granted a conditional pardon.

NEP CLARIDY.—Convicted of murder in the second degree and sentenced for life by the Hernando County Circuit Court, fall term, 1907. It appearing to the satisfaction of the Board that Claridy and one Brooks, both negroes, got into a row about a woman, Claridy's wife, which led to a shooting scrape in which both were shot; that Claridy shot Brooks in the leg, and Brooks being diseased blood poison set in, from which he died; and it being made clear that Claridy had very great provocation for his act and that Brooks shot first; these facts being certified to the Board as correct by two respectable white business men who were employers of both Brooks and Claridy at the time, and were familiar with the facts; and the State Attorney who prosecuted Claridy having written this Board that the evidence scarcely sustained a conviction of murder in the second degree and that he thinks the granting of a pardon in this case, under all of its circumstances, would be an act of justice; and applicant having submitted petitions from many respectable white people who speak highly of his conduct and industry; ordered January 5, 1911, that he be granted a conditional pardon.

JAMES P. COBB.—Convicted for the larceny of a domestic animal and sentenced for two years by Levy County Circuit Court, spring term, 1903, and granted a conditional pardon May 13, 1904. Applicant having presented a very strong petition signed by many officers and substantial citizens of Levy County where he lives, assuring this Board that since his release upon conditional pardon nearly seven years ago, he has completely reformed and led an upright, useful and law-abiding life in said County; and that applicant is a white man, who will make a good citizen and deserves restoration of all his civil rights; ordered January 5, 1911, that he be granted a full pardon

for the purpose of restoring to him all the rights of citizenship.

LOUIS SMITH, alias LOUIS CHANEY.—Convicted of murder in the first degree and sentenced to suffer the penalty of death—which sentence was later commuted to imprisonment for life—by Escambia County Circuit Court, fall term, 1897. Upon the recommendation of the Circuit Judge who sentenced applicant, of the State Attorney, who prosecuted him, of seven of the trial jurors and of numerous officers and citizens of Escambia county, who represent to this Board that the homicide committed by applicant was done under circumstances constituting extreme provocation, all of such petitioners stating that under the circumstances they believe his punishment has been sufficient, and it being shown that he has been an unusually good and hard-working prisoner for the past thirteen years; ordered January 5, 1911, that he be granted a conditional pardon.

ROBERT L. LOWE.—Convicted of assault with intent to commit manslaughter and sentenced for three years by DeSoto County Circuit Court, fall term, 1907. Upon the recommendation of the Circuit Judge who sentenced applicant, of the State Attorney who prosecuted him and of the victim of his assault, all of whom ask for his pardon upon the ground that he has already served more than two-thirds of his sentence, which they consider sufficient punishment under the circumstances of the offense, and that he is the mainstay of an aged, widowed mother in destitute circumstances; and it appearing that applicant is a young white man of whom a useful citizen may be made by the extension of clemency at this time, and his prison conduct having been very good; ordered January 5, 1911, that he be granted a conditional pardon.

W. T. MOODY.—Convicted of vagrancy and sentenced to four months' imprisonment by County Judge's Court of Lake County, October 17, 1910. Upon the recommendation of the Board of County Commissioners of Lake County who represent that applicant is ill and decrepit and unable to work, and has required medical attention ever since his confinement; and that his offense, asking for food, was trivial; the said County Commissioners urging that he has already been sufficiently punished, and that a pardon to him would be proper and an act of humanity; ordered January 5, 1911, that he be granted a conditional pardon.

JIM HENRY.—Convicted of assault with intent to murder and sentenced for five years by Citrus County Circuit Court, spring term, 1909. The State Attorney who prosecuted applicant, and the County Judge, Circuit Clerk and Sheriff of Citrus County having written this Board that applicant was convicted in the Spring of 1909 of a murderous assault upon one Henry Murphy, on circumstantial evidence exclusively, and that, at the fall term, 1910, of said Court, a different party was convicted upon direct evidence and voluntary confession of being the person who actually committed the said assault upon Murphy; and this Board being assured by said officers that conviction of this applicant was improper and that he should be pardoned in order to remedy so far as possible a gross miscarriage of justice; ordered January 5, 1911, that he be granted a full pardon.

PETER STRAUGHTER.—Convicted of murder in the second degree and sentenced for life by Madison County Circuit Court, spring term, 1908. The Sheriff of Madison County having appeared before this Board in person, and having also written the Board emphasizing his firm conviction, after making thorough investigation, that applicant should never have been convicted in this case, but that the homicide which he committed was done clearly in self defense and that his conviction was because of false testimony; and the pardon of the applicant, because of the unsatisfactory nature of the testimony against him, having been requested by the State Attorney who prosecuted him, by all eleven of the trial jurors who are living, by all the County officers of Madison county, and his prison record being good, this Board was constrained to believe that the people of Madison County feel that interests of justice will be best served by granting of a conditional pardon to applicant, and same was ordered January 5, 1911.

NORA SIMMONS.—Convicted of manslaughter and sentenced for ten years by Walton County Circuit Court, fall term, 1907. Upon the recommendation of the State Attorney who prosecuted applicant, who states that applicant is a young negress of a very low grade of intellect, whose crime consisted of abandoning a bastard infant, just born under very trying circumstances, and that there was no evidence of any really criminal intent, said State Attorney expressing himself as believing strongly that her punish-

ment has now been sufficient and that she should be pardoned; and many citizens of Walton County having petitioned this Board to like effect; and applicant's prison conduct having been exemplary; ordered January 5, 1911, that she be granted a conditional pardon.

JIM BLOOM.—Convicted of rape on a colored woman and sentenced for life by Sumter County Circuit Court, fall term, 1890. One of the State Supervisors of Convicts, having made a careful investigation of this prisoner's record, and reported that throughout the imprisonment for more than twenty years which he has now served he has constantly been a good, obedient, hard-working prisoner, said Supervisor strongly recommending his pardon, believing from his record that he will be a law-abiding and industrious man hereafter; and this Board being reliably informed that the people of Sumter County think applicant has now been punished long enough; ordered January 5, 1911, that he be granted a conditional pardon.

ANDREW J. CHAUNCEY.—Convicted of manslaughter and sentenced for five years by Lee County Circuit Court, spring term, 1907. Upon the recommendation of the Circuit Judge who sentenced him, who states that applicant "had pretty good reasons to believe that the man whom he killed was seeking his life," and that he "is an old man who in all probability has only a few years to live, and that he has left a helpless family, my judgment is that the ends of justice have been met in his case, and that he should be permitted to spend his remaining years at home;" and it being shown that prior to said homicide applicant had been a good and useful citizen, and has made a good prisoner; and that he is a very infirm old white man, and the Circuit Judge having promised applicant that after three years of good service he would recommend his pardon; ordered March 2, 1911, that he be granted a conditional pardon.

JOHN HILLS.—Convicted of manslaughter and sentenced for twenty years by Lake County Circuit Court, fall term, 1901. Upon the recommendation of the State Attorney who prosecuted him, who expresses the opinion that the ten years punishment which applicant has received is sufficient, the homicide having occurred at a Christmas negro festival; and it being shown from sources which the Board deems entirely reliable that applicant was attempting to act as peacemaker between certain fighting negroes, and that the killing occurred while nu-

merous negroes were shooting, there being some room for doubt whether applicant really fired the fatal shot; and his prison conduct having always been good, and his pardon being strongly recommended by numerous excellent citizens; ordered March 2, 1911, that he be granted a conditional pardon.

W. D. JOHNSON.—Convicted for fraudulently marking animals and sentenced for one year by Walton County Criminal Court of Record, April term, 1910. Upon the recommendation of the Judge who sentenced him, the County Solicitor who prosecuted him, of the prosecuting witness who claimed to own the animals, of all of the jurors who convicted him, of all of the witnesses for the prosecution, of the County Judge, Circuit Clerk, Tax Collector, the State Senator and other officers, and many citizens of Walton County, all of whom express to this Board the belief that applicant might easily have believed, though mistakenly, that the hogs which he marked belonged to him; and it appearing to be the unanimous opinion of all parties connected with this case that applicant should be relieved from the prison sentence imposed upon him; ordered March 2, 1911, that the sentence imposed upon W. D. Johnson be commuted to a sentence that he do pay all of the costs of the Court in the said prosecution, and that upon his failure to pay all of said costs that the said sentence be enforced by the proper officers.

WILL COX.—Convicted of manslaughter and sentenced for five years by Hillsborough County Circuit Court, fall term, 1908. Upon the recommendation of the Circuit Judge who sentenced him, who writes this Board that "in my deliberate judgment the ends of justice have been fully met, and I am going to ask that when the matter comes before the Board again, in justice to the boy himself, and on account of his mother, who is one of the very best colored women in this State, to vote his pardon. I do not hesitate to say that had I thought at the time that there would be any difficulty in getting his sentence shortened, my sentence would not have exceeded two years." A pardon being also recommended by the State Attorney who prosecuted him, by the Mayor and many good citizens of Tampa, and it being shown that his prison conduct has been exemplary, and that there was great provocation for his crime; ordered March 2, 1911, that he be granted a conditional pardon.

Mr. Hudson, Chairman of the Committee on Rules and Procedure, submitted the following report:

Senate Chamber.

Tallahassee, Fla., April 15, 1911.

Hon. Fred P. Cone,
President of the Senate.

Sir:

Your Committee on Rules and Procedure recommends that a session of the Senate be held on next Monday at 4 o'clock in the afternoon, and that at said session, in the regular order on Consideration of Bills, the Special Calendar be taken up and disposed of.

F. M. HUDSON,
Chairman of Committee.

Mr. Hudson moved to adopt the report.
Which was agreed to.

The Committee on Judiciary A reported favorably on—
Senate Bill No. 133:

A Bill to be entitled An Act defining commission merchants, requiring such merchants to give bonds, imposing a penalty for pursuing the occupation of commission merchant, when bond has not been made, providing that suit may be brought for such bonds, fixing the venue of such suits, repealing all laws in conflict and declaring an emergency.

With amendment as follows: In Section 2, line 4, strike out the words "County Judge," and insert in lieu thereof the following, "Governor."

Strike out the following words in lines 7 and 8, in Section 4, "any sum not less than one hundred dollars and not."

Also reported unfavorably on—
Senate Bill No. 9:

A Bill to be entitled An Act defining the Criminal Jurisdiction of County Judges.

Also report favorably with amendment on—
Senate Bill No. 137:

A Bill to be entitled An Act authorizing all committing magistrates, sheriffs, judges, and other officers, having

authority to accept bonds, to accept cash bonds in criminal cases.

The following amendment, towit:

Strike out of Section 2 all after the word defendant in line 4, and insert in lieu thereof, the following: "The money shall be returned to the defendant, if he shall comply with the conditions of the bond, or if the bond shall be estreated, the money shall be immediately paid into the County Treasury."

The Committee on Judiciary A reported favorably, with amendments, on—

Senate Bill No. 7:

A Bill to be entitled An Act relating to the liability of common carriers, to their employes, in certain cases.

Amendment to-wit:

In Section 7, line 5, strike out the word "and" and insert in lieu thereof the following "or."

Also—

Senate Bill No. 133:

A Bill to be entitled An Act defining commission merchants, requiring such merchants to give bond, imposing a penalty for pursuing the occupation of commission merchant when bond has not been made, providing a suit may be brought for such bonds, fixing the venue of such suits, repealing all laws in conflict, and declaring an emergency.

Amendment in Section 2, line 4, strike out the words "County Judge," and insert the word "Governor."

Amendment: Strike out the following words in lines 7 and 8 in Section 4: "any sum not less than \$100 and not."

Also reported favorable, with amendments, on—

Senate Bill No. 120:

A Bill to be entitled An Act providing that in actions on insurance policies, a substantial compliance with the terms, conditions and warranties of such policies, shall be deemed sufficient, providing that actions may be maintained to recover on insurance policies against the company, or the sureties on the bond required by the laws of this State, within the period prescribed by law, for

bringing actions on promises in writing, declaring any provision in any policy to the contrary void; providing that in actions upon policies of insurance, if the plaintiff shall suffer a non-suit, or if judgment be arrested or reversed, such plaintiff may commence a new action, any stipulation in the policy to the contrary notwithstanding, providing that no oral or written misrepresentation by assured or on his behalf shall be material or avoid the policy, unless such misrepresentation is made with intent to deceive and defraud, or unless the matter misrepresented increases the risk; defining insurable interest in property, in what such insurable interest may consist, the measure of such interest, and providing when such interest must exist, and providing that no policy of insurance issued by any fire insurance company doing business in this State shall be voided by foreclosure proceedings commenced or notice given of the sale of any property covered by such policy by virtue of any mortgage or trust deed.

The following amendments, to-wit:

In Section 1, line 4, after the word "personal" insert the following "or real."

On Page 2 in the title after the words "when such interest must exist" add the following: "fixing the measure of recovery in such cases."

Make Section 11 read Section 12, Section 12 read Section 13, Section 13 read Section 14.

Add after Section 10 the following: "Section 11. In actions upon fire insurance policies, where the assured at the time of the loss or damage had an insurable interest in the property insured, as defined in this act, the company or defendant shall not set up as a defense to such action, that the title of the assured was other than that of absolute and unconditional ownership, but shall be liable for such loss or damage up to the face of the policy."

The Committee on Judiciary B reported unfavorably on—

Senate Bill No. 129:

A Bill to be entitled An Act relating to and prescribing the rules of pleading and practice in the County Judges' Courts in the State of Florida.

The Committee on Judiciary B reported favorably on—
Senate Bill No. 101:

A Bill to be entitled An Act to regulate the publication in newspapers of articles, either as news matter or as editorials, for the publication of which money has been paid, and prescribing penalties for the violation thereof.

The Committee on Judiciary B reported favorably, with amendments, on—

Senate Bill No. 124:

A Bill to be entitled An Act to amend Section 2 of Chapter 5595 of the Laws of Florida, approved May 3, 1905, entitled "An Act to encourage and secure the construction of a line of railways from the mainland of Florida to Key West; to provide for a fair and equitable assessment of taxes of the corporation constructing it, and to grant right of way over the submerged and other lands belonging to the State and over the waters of the State, and to authorize the filling of the submerged lands and to construct buildings, docks and depots thereon, so as to extend the time limit for completing said road for two years and to make the time nine years after the passage of said act, instead of seven years."

The Committee on Judiciary B reports unfavorably on—

Senate Bill No. 134:

A Bill to be entitled An Act providing for the payment to family or members of same, of any person convicted of crime, for whose confinement the State or County shall receive any remuneration, either in work or cash, for hire of such person, a part of the earnings of such convict.

The Committee on Judiciary B reports favorably, with amendments, on—

Senate Bill No. 140:

An Act to prohibit the gathering, packing, shipping, sale or offering for sale of green or unripe citrus fruits.

With the following amendments: Amend title by placing before it the words "A Bill to be entitled." Amend Section 3 by adding, after the words "One thousand dollars," the words "or imprisonment not more than six months."

Also—

The Committee on Judiciary B reported unfavorably on—

Senate Bill No. 145:

A Bill to be entitled An Act to repeal 3232 of the General Statutes of the State of Florida, relating to enticing servants.

The Committee on Judiciary B reported favorably, with amendments, on—

Senate Bill No. 141:

A Bill to be entitled An Act to amend Section 2192 of the General Statutes.

With the following amendment: Amend title by adding thereto the words "relative to liens."

The Committee on Judiciary B reported favorably on—

Senate Bill No. 122:

A Bill to be entitled An Act to repeal Sections 1222, 1223, 1224 and 1226 of Chapter 16 of the General Statutes of the State of Florida, relating to methods of obtaining permit to sell liquors, wines or beer in certain cases.

The Committee on Judiciary B reported unfavorably on—

Senate Bill No. 115:

A Bill to be entitled An Act to amend Section 4072 of the General Statutes of Florida, as amended by Chapter 5651, Laws of Florida, A. D. 1907, relating to costs before County Judges, Justices of the Peace or other Committing Magistrates of the State of Florida.

The Committee on Judiciary B reported favorably on—

Senate Bill No. 117:

A Bill to be entitled An Act to amend Section 1660, 1661 and 1662, of the General Statutes of the State of Florida, relating to the powers and duties of, and the procedure before referees.

The Committee on Judiciary B reported unfavorably on—

Senate Bill No. 116:

A Bill to be entitled An Act prescribing the manner of pleadings and practice in Courts of County Judges, and terms of said court, and records in said court.

The Committee on Judiciary B reported without recommendation on—

Senate Bill No. 142:

A Bill to be entitled An Act to amend Section 821 of the General Statutes of the State of Florida, entitled "Fees."

The Committee on Judiciary B reported favorably with amendments on—

Senate Bill No. 36:

A Bill to be entitled An Act to prescribe the compensation of county officers, the manner in which they shall be paid; to require them to file statements of receipts and disbursements of funds, and to provide for the disposition to be made of the fees collected by such officers in excess of their compensation, and to fix penalties for the violation of certain provisions of this Act.

With amendments hereto attached and herewith submitted:

In Section 3, line 2, after the words "Clerk of Criminal Court of Record" insert "Solicitor of Criminal Court of Record."

In Section 3, line 7, strike out the words: "A statement that the services of such employe are necessary; that the salary or compensation is reasonable, and that the officer making such statement receives no rebate or retains any part of such salary or compensation."

At the end of Section 3 add the following:

That in all counties where the work is so great that the above named officials can not personally perform all the duties of the office, the Board of County Commissioners of such a county shall authorize and empower them to employ one or more deputies or assistants, the number and compensation of whom shall be fixed by said Board of County Commissioners in open session, the record of which shall appear upon the minutes of such Board; provided, that in counties wherein the population, according to the latest census taken and promulgated by authority of the United States or the State of Florida, shall exceed twenty-five thousand inhabitants, the Chief Clerk or Deputy of such office shall not receive more than \$1,500 per annum, and the second Chief Clerk or Deputy in such county shall not receive more than \$900 per annum, and the remaining clerks or deputies so employed shall not

receive more than \$720 per annum, and in counties wherein the population, according to such census, shall not exceed twenty-five thousand inhabitants, the Chief Clerk or Deputy shall not receive over \$1,000 per annum, and such further clerks or deputies, if any, shall not receive more than \$600 per annum; provided, further that the compensation of any official and his deputies or assistants shall not exceed the aggregate amount of fees or commissions which the law allows.

In Section 8 strike out the words "divided equally and one-half credited to the Road Fund and the other half to the School Fund," and insert in lieu thereof "placed to the credit of the General Fund."

The Committee on Judiciary B reported favorably on—
Senate Bill No. 118:

A Bill to be entitled An Act providing that a money bond may be given for appearance or as a bail bond, prescribing the duties of the officer taking such bond, and providing for the disposition of the proceeds of said bond, upon default thereof.

The Committee on Judiciary A reported unfavorably on—

Senate Bill No. 9:

A Bill to be entitled An Act defining the criminal jurisdiction of county judges.

Also on—

Senate Bill No. 147:

A Bill to be entitled An Act to amend Section 3898 of the General Statutes of the State of Florida relating to the jurisdiction of Justices of the Peace.

Also favorably on—

Senate Bill No. 146:

A Bill to be entitled An Act to prescribe the criminal jurisdiction of Justices of the Peace in counties having County Courts or Criminal Courts of Record.

The Committee on Engrossed Bills reported as properly engrossed—

Senate Bill No. 45:

A Bill to be entitled An Act to abolish the present Municipal Government of the Town of Trenton, in the County of Alachua and State of Florida, and to establish, organize and constitute a Municipality, to be known and designated as the City of Trenton, and to define its territorial boundaries and to provide for its jurisdiction, powers and privileges, and for the exercise of same.

Also the Committee on Engrossed Bills reported as properly engrossed—

Senate Bill No. 28:

A Bill to be entitled An Act to amend Section 3150 of the General Statutes of the State of Florida relating to liability of railroads for injuries to employes.

The Committee on Judiciary A reported favorably on—

Senate Bill No. 135:

A Bill to be entitled An Act relating to judgments and decrees of the Court of Record in and for Escambia County.

Also favorably on—

Senate Bill No. 136:

A Bill to be entitled An Act to prohibit the hauling, dragging or setting of seines, nets, traps, baskets, or other devices in Bayou Chico or Bayou Texar in Escambia County, Florida, and making it a misdemeanor to violate the provisions thereof.

INTRODUCTION OF BILLS.

By Mr. Stokes—

Senate Bill No. 160:

A Bill to be entitled An Act defining the right of action for liable by publication in newspapers, magazines or periodicals, and prescribing a rule of evidence in such cases.

Which was read the first time by its title and referred to the Committee on Judiciary A.

By Mr. Stokes—

Senate Bill No. 161:

A Bill to be entitled An Act to amend Sections 3790

and 3791 of the General Statutes of the State of Florida prescribing when oysters may be taken and where they shall be culled.

Which was read the first time by its title and referred to the Committee on Game and Fisheries.

By Mr. Withers (by request)—

Senate Bill No. 162:

A Bill to be entitled An Act to amend Chapter 5609 of the Laws of Florida entitled An Act to provide for the numeration of agricultural, horticultural, live stock, manufacturing, industrial and other statistics for the appointment of County Numerators, to define their duties, to provide for their compensation and to define the duties of the Boards of County Commissioners in connection therewith.

Which was read the first time by its title and referred to the Committee on Agriculture.

By Mr. Massey—

Senate Bill No. 163:

A Bill to be entitled An Act to validate the incorporation of the Town of St. Cloud, in Osceola County, and to define the boundaries thereof.

Which was read the first time by its title and referred to the Committee on Municipalities.

By Mr. Cook—

Senate Bill No. 164:

A Bill to be entitled An Act to prohibit the use of automatic and repeating shotguns and hunting birds.

Which was read the first time by its title and referred to the Committee on Game and Fisheries.

By Mr. Malone—

Senate Bill No. 165:

A Bill to be entitled An Act to amend Section 834 of the General Statutes of the State of Florida, in relation to the elections for County sites and providing for a second election in certain cases.

Which was read the first time by its title and referred to the Committee on City and County Organization.

By Mr. Broome—

Senate Bill No. 166:

A Bill to be entitled An Act to aid the Florida division of Confederate Veterans to erect in this State a monument or memorial in honor of the women of Florida and of the South in memory of their heroism, devotion and self-sacrifice during the Civil War in 1861-1865, and to appropriate five thousand dollars therefor.

Which was read the first time by its title and referred to the Committee on Appropriations.

By Mr. Calkins—

Senate Bill No. 167:

A Bill to be entitled An Act to amend Chapter 5877, laws of Florida, being An Act to make an appropriation for the support and maintenance of the Confederate Soldiers and Sailors' Home in Jacksonville, Florida.

Which was read the first time by its title and referred to the Committee on Appropriations.

By Mr. Calkins—

Senate Bill No. 168:

A Bill to be entitled An Act to appropriate four thousand dollars, or so much thereof, as may be necessary to complete the purchase of the silver service for the Battleship Florida.

Which was read the first time by its title and referred to the Committee on Appropriations.

By Mr. Sloan—

Senate Bill No. 169:

A Bill to be entitled An Act to limit the number of licenses which may be issued for the sale at retail of spirituous, vinous or malt liquors within cities of a certain size, and to provide a penalty for the violation thereof, and that such licenses in excess of such population shall be void.

Which was read the first time by its title and referred to the Committee on Temperance.

By Mr. Sloan—

Senate Bill No. 170:

A Bill to be entitled An Act to prohibit the license of

the sale of spirituous, vinous or malt liquors within five hundred feet of any steam railway, passenger station, except by druggist and providing a penalty for the sale of such liquors within such prescribed distance.

Which was read the first time by its title and referred to the Committee on Temperance.

By Mr. Henderson—

Senate Joint Resolution No. 171:

A Joint Resolution proposing an amendment to Section 19, Article IV of the Constitution of the State of Florida relative to the successor in office to the Governor in certain cases creating the office of lieutenant governor; prescribing the duties of such office and fixing the compensation thereof.

Which was read the first time by its title and referred to the Committee on Constitutional Amendments.

By Mr. Williams—

Senate Bill No. 172:

A Bill to be entitled An Act to establish a State Forest Commission and to promote conservation of forest resources of the State.

Which was read the first time by its title and referred to the Committee on Forestry.

Mr. Williams asked for and was granted permission to correct the report made by him as Chairman of Committee on Education on Senate Bill No. 62, immediatly under the caption of REPORTS OF COMMITTEES on page 2 of printed Journal, where the report reads "unfavorably on—Senate Bill No. 62," the correction should be reported "favorably on—Senate Bill No. 62."

The correction was made.

CONSIDERATION OF RESOLUTIONS.

House Concurrent Resolution No. 14:

Relative to appointment of a Committee to visit the various county and State convict camps, farms, etc.

Was read the second time.

Mr. Johnson moved to adopt the resolution.

Which was agreed to.

The President appointed Senators Johnson and Humphries as said committee on part of the Senate.

And the same was ordered to be certified to the House of Representatives.

House Concurrent Resolution No. 10:

Concerning the visiting of the Old Confederate Veterans' Home in Jacksonville.

Was taken up and read the second time.

Upon the question of the adoption of House Concurrent Resolution No. 10.

It was agreed to.

The President appointed as said committee on the part of the Senate, Senator McLeod.

And the same was ordered to be certified to the House of Representatives.

House Concurrent Resolution No. 1:

Relative to a committee to visit and report upon management of the Institute for the Blind, Deaf and Dumb, University of Florida, Experiment Station, Florida State College for Women, and the Agricultural and Mechanical College for Negroes.

Was taken up and read the second time.

Mr. Malone moved to indefinitely postpone the resolution.

Which was agreed to.

And the same was ordered to be certified to the House of Representatives.

House Concurrent Resolution No. 3:

Concerning a committee to visit and report on the reclamation of the Everglades.

Was taken up and read the second time.

Mr. Hilburn moved to indefinitely postpone the resolution.

Which was agreed to.

And the same was ordered to be certified to the House of Representatives.

House Concurrent Resolution No. 4:

Relative to a committee to visit the Florida Hospital for the Indigent Insane.

Was taken up and read the second time.

On the question of the adoption of the resolution it was agreed to.

The President appointed as the members of said committee on the part of the Senate, Senators Carney, McMullen and Flournoy.

And the same was ordered to be certified to the House of Representatives.

House Concurrent Resolution No. 5:

Relative to visiting the State Reformatory at Marianna, Florida.

Was taken up and read the second time.

Upon the question of the adoption of House Resolution No. 5, it was agreed to.

The President appointed as a committee on the part of the Senate Senators Davis and Baker.

And the same was ordered to be certified to the House of Representatives.

House Concurrent Resolution No. 6:

Relative to drafting resolutions upon the death of our lamented ex-Governors Williams D. Bloxham and Napoleon B. Broward.

Was taken up and read the second time.

Mr. Zim moved to adopt the resolution.

Which was agreed to.

The President appointed Senators Zim and Henderson.

And the same was ordered to be certified to the House of Representatives.

House Concurrent Resolution No. 9:

Providing for a committee to investigate the matter of tax certificates held by the State and report.

Was taken up and read the second time.

Upon the question of the adoption of the resolution, it was agreed to.

The President appointed Senators L'Engle and Calkins as such committee on the part of the Senate.

And the same was ordered to be certified to the House of Representatives.

Senate Memorial No. 1:

A Memorial to the Congress of the United States relative to securing an appropriation to straighten and deepen the channel of Yellow River in Santa Rosa County.

Was taken up and read the second time.

Mr. Miller moved to adopt Senate Memorial No. 1.

Which was agreed to.

And the same was ordered to be certified to the House of Representatives.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES.

The following message from the House of Representatives:

House of Representatives,
Tallahassee, Fla., April 14, 1911.

Hon. Fred P. Cone,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

House Bill No. 244:

A Bill to be entitled An Act to validate, ratify and confirm certain negotiable bonds of the City of Tallahassee, and to authorize their sale.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

J. G. KELLUM,
Chief Clerk of the House of Representatives.

Mr. Henderson moved that the rules be waived and that House Bill No. 244 be not referred to a committee, and that it be read the second time by its title only.

Which was agreed to by a two thirds' vote.

And House Bill No. 244 was read the second time by its title only.

Mr. Henderson moved that the rules be further waived and that House Bill No. 244 be read a third time and put upon its passage.

Which was agreed to by a two-thirds vote.

And—

House Bill No. 244:

A Bill to be entitled An Act to validate, ratify and confirm certain negotiable bonds of the City of Tallahassee, and to authorize their sale.

Was read the third time in full.

Upon the passage of House Bill No. 244, the roll was called and the vote was:

Yeas—Mr. President, Senators Adkins, Baker, Broome, Calkins, Carney, Cook, Culpepper, Davis, Dayton, Finlayson, Flournoy, Henderson, Hilburn, Hudson, Humphries, Johnson, L'Engle, Malone, Massey, McCreary, McMullen, Miller, Perkins, Sloan, Stokes, Williams, Wilson, Withers, Zim—30.

So the bill passed titled as stated.

And was ordered certified to the House of Representatives.

Also the following message was read:

House of Representatives,
Tallahassee, Fla., April 14, 1911.

Hon. Fred P. Cone,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

House Bill No. 249:

A Bill to be entitled An Act to incorporate the Town of Winter Haven, in Polk County, Florida, to establish a Municipal Government for said town, and to prescribe its jurisdiction and powers.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

J. G. KELLUM,
Chief Clerk of the House of Representatives.

Which was read the first time by its title and referred to the Committee on Municipalities.

Also the following message was read:

House of Representatives,
Tallahassee, Fla., April 14, 1911.

Hon. Fred P. Cone,
President of the Senate.

Sir:

I am directed by the House of Representatives to in-

form the Senate that the House of Representatives has passed—

House Bill No. 219:

A Bill to be entitled An Act to establish the municipality of the Town of Callahan; to provide for its government; fix its territorial limits, and to prescribe its jurisdiction and powers.

Also—

House Bill No. 205:

A Bill to be entitled An Act to amend Sections 40, 41, 42 and 43 of An Act entitled "An Act to abolish the present Municipal Government of the Town of Titusville, in the County of Brevard and the State of Florida, and to establish, organize and constitute a municipality to be known and designated as the City of Titusville, and to define its territorial boundaries and to provide for its jurisdiction, powers and privileges.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

Which was read the first time by its title.

Mr. Calkins moved to waive the rules and that House Bill No. 219 be not referred to a committee and that it be placed in its order on the Calendar of Bills on the Second Reading.

Which was agreed to by a two thirds' vote.

And House Bill No. 219 was placed on the Calendar of Bills on the Second Reading.

And—

House Bill No. 105:

Contained in the above message, was read the first time by its title and was referred to the Committee on Municipalities.

BILLS ON THIRD READING.

Senate Bill No. 72:

A Bill to be entitled An Act amending Section 874, Chapter 11 of the General Statutes of the State of Florida, relating to the division of counties into road districts.

Which was read the first time by its title and referred to the Committee on Roads and Highways.

Report favorable.

Was taken up and read the third time in full.

Upon the passage the roll was called and the vote was:

Yeas—Mr. President, Senators Baker, Broome, Calkins, Carney, Cook, Dayton, Finlayson, Flournoy, Hilburn, Hudson, Humphries, Malone, McCreary, Perkins, Sloan, Stokes, Wilson, Withers, Zim—20.

Nays—Senators Adkins, Culpepper, Davis, Henderson, Johnson, L'Engle, McMullen, Miller—8.

So the bill passed, title as stated, and the same was ordered to be certified to the House of Representatives.

Senate Bill No. 100:

A Bill to be entitled An Act prohibiting fire insurance companies doing business in this State in the absence of fraud, misrepresentation or deceit upon the party insured from setting up lack of title in the insured as a defense against the payment of any policy.

Was taken up and its consideration was informally passed.

Senate Bill No. 104:

A Bill to be entitled An Act to restrict contracts of insurance and to prohibit each and every insurance company, person, firm or corporation doing an insurance business in the State of Florida from inserting or placing in any policy or contract of insurance that may hereafter be entered into with any person in the State of Florida any provision or condition limiting the time in which suit may be brought on proof of death, sickness, fire, loss or damage shall be made and making invalid, null and void each and every such provision and condition.

Was taken up and its consideration was informally passed.

Senate Bill No. 31:

A Bill to be entitled An Act to amend Sections 1293 and 1295 of the General Statutes of the State of Florida relating to the powers and duties of Pilot Commissioners. Commerce and Navigation report favorable.

Was taken up and its consideration was informally passed.

Senate Bill No. 46:

A Bill to be entitled An Act relating to the compensation of attorneys-at-law providing a lien as security thereof, and providing a method for enforcing same.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 46, the roll was called and the vote was:

Yeas—Mr. President, Senators Adkins, Baker, Broome, Carney, Culpepper, Davis, Dayton, Flournoy, Henderson, Hilburn, Humphries, L'Engle, Malone, Massey, McCreary, McMullen, Miller, Perkins, Sloan, Stokes, Williams, Wilson, Withers, Zim—25.

Nays—Senators Calkins, Cook, Finlayson, Johnson—4.

So the bill passed title as stated and the same was ordered to be certified to the House of Representatives.

Senate Bill No. 53:

A Bill to be entitled An Act to amend Section 1 of Chapter 5920, Laws of Florida, entitled "An Act prescribing punishment of misdemeanors in this State when not otherwise provided by statute."

Report favorable with amendment.

Was taken up and read the third time in full.

Upon the passage the roll was called and the vote was:

Yeas—Mr. President, Senators Adkins, Baker, Carney, Cook, Culpepper, Davis, Dayton, Finlayson, Flournoy, Henderson, Hilburn, Humphries, L'Engle, Malone, McCreary, McMullen, Miller, Perkins, Sloan, Stokes, Wilson, Withers, Zim—24.

Nays—Senators Calkins, Johnson, Williams—3.

So the bill passed title as stated and the same was ordered to be certified to the House of Representatives.

Senate Bill No. 52:

A Bill to be entitled An Act to amend Section 370 of the General Statutes of the State of Florida relating to State certificates.

The Committee on Education reported favorably, with amendment.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 52, the roll was called and the vote was:

Yeas—Mr. President, Senators Adkins, Baker, Broome, Calkins, Carney, Cook, Culpepper, Davis, Dayton, Fin-

layson, Flournoy, Henderson, Hilburn, Hudson, Humphries, Johnson, L'Engle, Malone, Massey, McCreary, McMullen, Miller, Perkins, Sloan, Stokes, Williams, Wilson, Withers, Zim—30.

So the bill passed title as stated, and the same was ordered to be certified to the House of Representatives.

BILLS ON SECOND READING.

Senate Bill No. 21:

A Bill to be entitled An Act prescribing a penalty for the sale of intoxicating liquors in counties and precincts voting against the sale of same, and to repeal Section 1 of Chapter 5960 of the Laws of Florida, Acts of 1907.

Was taken up and read the second time in full.

Mr. Perkins offered the following Substitute Bill for Senate Bill No. 21:

A Bill to be entitled An Act prescribing a penalty for the sale of intoxicating liquors, wines or beer in counties or precincts voting against such sale and to repeal Section 1 of Chapter 5690 of the Laws of Florida, Act of Legislature of 1907, relating to the sale of liquors in counties or precincts voting against such sale.

Which was read in full.

Mr. Perkins moved to adopt Substitute Bill for Senate Bill No. 21 in lieu of the original bill.

Which was agreed to.

And the substitute for Senate Bill No. 21 was adopted in lieu of the original bill.

Mr. Johnson moved to adjourn to 4 o'clock p. m., Monday afternoon next.

Mr. Hilburn offered to amend that the Senate adjourn to 10 o'clock Tuesday morning.

The motion to adjourn to Tuesday morning was not agreed to.

The question recurred upon the motion to adjourn to 4 o'clock Monday afternoon.

Which was agreed to.

Whereupon the Senate stood adjourned to 4 o'clock p. m., Monday, April 17, 1911.