Gainesville Daily Sun.

VOL. XXVI, NO. 74 GAINESVILLE, FLORIDA, TUESDAY, MAY 4, 1909 TEN CENTS A WEEK

SPRING TERM OF CIRCUIT COURT NOW IN SESSION

Grand Jury Down to Work---Bexley-Osteen Case Set for Thursday---Other Court Matters.

The regular spring term of Circuit Court, Eighth Judicial Circuit, in and for Alachua county, convened at 10 o'clock Monday morning. His Honor Judge J. T. Wills presiding, with State's Attorney J. M. Rivers, Clerk S. H. Wienges, Sheriff P. G. Ramsey and other court officials in their respective positions.

At the opening of the court Sheriff Ramsey made the return of the following venire:

John Parker, A. B. Oliver, A. A. Burke, A. F. Torley, E. C. Pearson, John Ford, Moses Edelstein, J. L. Strickland, J. M. Heidt, C. C. Rountree, J. T. Beard, J. L. Feagle, Wallace Mathews, H. M. Chitty, J. F. DeSha, Thad C. Bryant, C. W. Gilbert, W. O. Terrell, W. H. Gay, A. W. Lewis, W. E. Bell, C. M. Beach, Geo. S. Merchant, A. M. Ellis, T. J. Ham, H. W. Denham, E. Jeffords, P. T. Stock, S. R. Clark.

For various reasons Messrs. Oliver, Pearson, Heidt, Gilbert, Lewis, Bell, Beach, Denham and Stock were excused.

Whereupon the following grand jury was drawn: J. L. Strickland, Wallace Mathews, T. J. Ham, Geo. S. Merchant, J. L. Feagle, A. F. Torley, W. O. Terrell, J. F. DeSha, A. A. Burke, John Ford, C. C. Rountree, S. R. Clark, J. T. Beard, Thad C. Bryant, A. M. Ellis, H. M. Chitty, Moses Edelstein, W. H. Gay.

Joseph Shannon was sworn in as bailiff to the grand jury, and the jury retired and selected as foreman George S. Merchant, and J. T. Beard secretary.

After receiving the charge of the court, which was a very specific one, to which the closest attention was paid, the grand jury retired to their room on the first floor and immediately got down to business. The jury is composed of a most intelligent body as an aggregation, and the manner in which they went to work is evidence that they mean business.

After sounding the civil docket, and the hearing of an application for injunction in the case of John G. White vs. Richard McConathy et al., involving certain lands, in which injunction was denied, the court took a recess until 2 p. m.

In the above hearing Judge Horatio Davis appeared for the complainant, while Attorneys Anderson and H. M. Hampton represented the defense.

Afternoon Session.

Court reconvened at 2 p. m., all officials in their respective places.

Truby Osteen and Wm. A. Bexley, the young white men charged with the murder of W. H. Moreland at High Springs, and who have been in jail for the past few months, were brought into court. They were clean shaven, neatly dressed, each wearing a buttonette of pansies, and appeared cheerful. They were cordially greeted by friends who had congregated to see them and seemed in the best of spirits.

The State was represented by State Attorney J. M. Rivers, while Attorneys J. N. Stripling, B. A. Thrasher and W. S. Broome appeared for the defendants.

Attorney Rivers called the roll of State witnesses. All were present, and the State announced ready for trial.

Attorney Stripling called roll of witnesses for defense, a number of whom failed to respond as their names were called.

Attorney Stripling announced ready, requesting the court to draw jury from box, Sheriff to make return Thursday morning.

Attorney Stripling, who is also one of the attorneys representing the defendants, announced that it was the desire of counsel for defense to try the case of the State vs. D. M. Davidson and J. M. Kelley, charged with the murder of Night Watchman W. C. Sellers, at the present term of the court, and to save delay and the probable necessity of having cause to issue a special venire for this case requested that jurors drawn from the box also be used as a venire in this case, said jurors to be excused until May 16th.

There were left seventy-one names of the regular venire in the box.

The clerk was instructed to issue to the sheriff a special venire of eleven from the body of the county to complete the regular panel, returnable Thursday morning, E. Jeffords being the only petit juror retained from the regular panel.

Witnesses for State in the Bexley-Osteen case were excused until Thursday morning at 9 o'clock, while witnesses for defense were requested to report Wednesday.

After hearing a few bills of complaints and cases of minor importance, the court adjourned until 9 o'clock Tuesday morning.

Grand Jury Reports.

During the afternoon the grand jury came into open court and presented "no bill" State vs. Bob Dixon, malpractice in office; State vs. Willie English, murder; State vs. Anthony Polite, slander; State vs. Anthony Polite, Jr., slander, and one true bill for murder.

OLIVER CATO KILLED BY ANOTHER NEGRO

TRAGEDY OCCURRED SUNDAY AFTERNOON OVER CARDS.

Two Negroes Arrested Charged With the Murder and Brought Here and Placed in Jail.

Oliver Cato, a negro, was killed about two miles north of Alachua Sunday afternoon at 3 o'clock and Henry Richard and Cyrus Perkins, colored, have been arrested charged with the crime.

After learning of the occurrence Deputy Marcionny at once visited the scene and the above negroes gave themselves up, claiming that they did the deed in self defense.

From what could be learned, it is understood that the three, together with others, were engaged in a "skin" game and being more or less under the influence of bad booze, the trouble was very easily started over the game.

The weapon used was a single-barrel shotgun and only one load was required to perform the act. The negroes at once gave themselves up to the deputy and were brought here and placed in jail to await the action of the grand jury.

BUSY WEEK AHEAD FOR FLORIDA LEGISLATURE

Calendars Filled in Both Houses and Committees Are Hard at Work---The Harris Bill.

TALLAHASSEE, May 3.—Both houses of the Legislature begin the new week with well-filled calendars and the week will be a busy one.

The Senate will maintain its three-hour daily session, while the House will stick to its four hours a day and will probably hold several night sessions as well.

The Harris bill which enables parties to sue the State in certain instances will be favorably reported by the Judiciary Committee in the Senate and may be acted upon during the week. This bill will enable the Wailes claim to be brought against the State through the courts and was introduced with that purpose in view. It stands a strong chance of being passed.

The Senate has so far introduced 313 bills this season, against 310 the same time last year, and the House 469, against 358 last session.

The committees are working hard and much legislation will be disposed of during the week.

Saturday's Sessions.

Resolutions were adopted by the House Saturday inviting Senator John S. Beard of Pensacola and United States Senator Money of Mississippi to address that body upon the Beard disfranchisement measure. Senator Money is a close friend of Senator Beard, and strongly favors his measure. Representative Roberson of Suwannee was the only member of the House speaking against the resolutions.

The House put up a pretty stiff fight against the bill abolishing the office of special counsel for the State Railroad Commission, and creating the office of Assistant Attorney-General, so that that official could act as legal adviser for the commission. The measure was warmly debated, and was finally killed by a large vote. During the debate an appeal from the decision of the chair was taken on a point by Representative MacWilliams of St. Johns, but the chair was sustained.

An important bill passed was the one which practically calls for a reforming of the reform school at Marianna. The bill contemplates many changes in the present system of commitment and the conduct of the institution generally.

The Hillsborough county division fight was started with the introduction of a bill by Representative Butler of Dade county, creating the county of Pinellas. Messrs. W. L. Straub and S. D. Harris of St. Petersburg are in the capital, and are directing the fight for the creation of the new county.

Among the resolutions introduced in the House Saturday was a memorial to Congress by Mr. Doke of Alachua asking for duty on phosphate. Representative Carter introduced a bill to require a full crew on freight trains.

Only local bills were taken up for consideration by the Senate at the Saturday session and it was tame throughout. Over twenty local measures were disposed of and so removed from the calendar.

West's Privilege Taxation Bill Far-Reaching in Effect

TALLAHASSEE, May 3.—One of the most far-reaching of the many bills that have been introduced in the Legislature is Senate Bill No. 292, introduced by Senator West and referred to the committee on corporations in the Senate.

Section 1 of the bill provides that every corporation for profit existing under the laws of this State or doing business in this State, except banking, insurance, safety and public utility or public service corporations, shall annually on the first day of January pay to the State Treasurer for the State, one-half of one per cent on the authorized capital stock of the corporation if chartered under the laws of this State, or one-half of one per cent of the capital stock or value of the property used in this State by corporations chartered by other States or countries. Corporations chartered by the United States or used in rendering service direct to the United States or interstate or foreign commerce shall not be subject to the provision of the act.

The bill is more far-reaching in its effects than any other measure now pending before the Legislature. This tax sought to be imposed is in addition to the taxes on real and personal property and in addition to the privilege or occupational taxes paid by them, and is made absolute, irrespective of whether the corporation is solvent or insolvent, profitable or unprofitable in its business. Every corporation with $100,000 authorized capital stock would have to pay in addition to taxes on its real and personal property and its privilege or occupational taxes an additional tax on this capital stock of $500 per annum.

This statement shows how far-reaching the effect of this measure is. No doubt it will bring forth a strong protest from a large portion of the people of the State, because it has been the habit in the last ten years, especially for all firms and persons engaged in mercantile and other business, to incorporate their business, so this will affect the dry goods men, the drug stores, hardware companies, turpentine companies, lumber companies, etc.

THE NEWS FROM MELROSE.

Bill Passed by Legislature Defines Limits of the Municipality.

MELROSE, Fla., May 3.—The following act was recently passed by the Florida Legislature and the full text may be of interest to some of our citizens:

"A Bill to be entitled an Act defining the boundary line between the counties of Clay and Putnam in the corporation limits of the town of Melrose.

"Section 1. Be it enacted by the Legislature of Florida: That the boundary line between the counties of Clay and Putnam counties, in the corporate limits of the town of Melrose, shall be the north edge of the Bellamy avenue beginning at the intersection of the said Bellamy avenue and the range line dividing range twenty-two and twenty-three, thence running east along the north edge of Bellamy avenue one-half mile to its intersection with the Bellamy or Federal road leading from St. Augustine to Tallahassee.

"Sec. 2. All laws in conflict with this are hereby repealed."

The Waldo baseball team failed to arrive on Friday afternoon, much to the disappointment of our team.

The dangerous and unsightly barb wire fence on the Nichols & Baldwin lot on Bellamy avenue, has finally been replaced by a real woven-wire fence.

The many friends of Hartridge Lee extend congratulations on his graduating a full-fledged D. D. S. from the Atlanta Dental College. He is expected to arrive home today. Cale Yearwood and Dr. Wills are other arrivals from Atlanta.

H. L. Mooty of Gainesville, representing the East Florida Telephone Co., is in town to supervise the stringing of the wire from Campville to this place. He hopes to have the line open for service by tomorrow.

Dr. Frank McRae and H. von Nozzky represented Melrose Lodge No. 89 at the dedication of the Masonic Temple at Gainesville. They report having had a most happy time, meeting many old friends and enjoying the hospitable reception extended to them by their Gainesville brethren. At the recent meeting of the Melrose Lodge Dr. McRae, W. M., gave a glowing description of the beautiful building and its furnishings.

C. P. Huffman left Saturday for Live Oak and Lake City.

Keep your eye on the want ads. There may be something advertised which is of interest to you.

Thornton Called Alexander Liar; Fight Was Result

TALLAHASSEE, May 3.—The usual Sunday quiet of the Leon lobbies was broken yesterday afternoon when Hon. James E. Alexander and Hon. Macon Thornton, the two Representatives from Volusia county, engaged in a fistic encounter.

Mr. Alexander was standing in the lobby of the hotel talking to a friend when Mr. Thornton entered and in a most cold manner demanded of Mr. Alexander if he had made a statement that he (Alexander) had written the platform upon which he (Thornton) ran.

"I understand that you made the statement that you wrote the platform upon which I made my race for the Legislature," remarked Mr. Thornton.

Those in the lobby of the hotel who heard the remark thought that the gentleman from Volusia was addressing his colleague jokingly.

"I think it was written in my office," returned Mr. Alexander.

"You are a d—— liar."

Instantaneously the two came to blows, but were quickly separated by friends.

The two members of the House from Volusia have stood together on practically every issue since the opening of the session.

Mr. Alexander declared last night, however, that they had arrived at the parting of the ways, differences having arisen over a local measure. Mr. Alexander said he favored a free bridge from Daytona to Daytona Beach, while his colleague had taken a different view.

Mr. Thornton called up the writer over the telephone and stated that his colleague, Mr. Alexander, had made certain statements which were not true and which tended not only to discredit him, but to blemish his record as a legislator.

The affair is regretted by the friends of both.