

REPORT
BY THE
GOVERNOR

OF

PARDONS, COMMUTATIONS, SUSPENSIONS OF
SENTENCE, AND REMISSIONS OF FINES.

From Jan. 13, 1886, to Jan. 9, 1888.

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STATE OF IOWA, }
EXECUTIVE OFFICE. }

To the Senate and House of Representatives of the Twenty-second General Assembly:

In compliance with the provisions of section 16, article 4, of the Constitution, I herewith transmit to you a report of pardons, reprieves, commutations and suspensions of sentence, and remission of fines granted by me, together with the reasons in each case upon which granted, and for the period of time beginning with my entering upon the duties of the office, and ending with this date.

WILLIAM LARRABEE, *Governor.*

January 9, 1888.

PARDONS.

No. 1. APRIL 12, 1886.—HUNT, JAMES M. Sent to the penitentiary from Clayton county January 27, 1886, for a term of two months for the crime of forgery.

This man was indicted in September, 1883, for the forgery of a note of \$100 to which he plead guilty. Stated that he signed his father's name believing his father would ratify the act. The judge before whom he was tried postponed judgment from time to time until the January term, 1886, when judgment was rendered, committing him to the penitentiary for the term of two months, and at the same time ordered a stay of judgment for ninety days to give him time to apply for a pardon.

Judge Hatch wrote that he sincerely believed that both the public interest and that of the prisoner would be best subserved by his pardon.

This pardon was therefore granted upon the statements of Judge Hatch, and the requests of Senator J. S. Bayless and Representatives J. F. Thompson and John Killen, also Hon. Samuel Murdock, Hon. Reuben Noble, Hon. Thomas Updegraff and other honorable gentlemen of Clayton county.

This pardon was granted upon the express condition that the person pardoned should thereafter, in all respects, demean himself as an orderly and law-abiding citizen; and it is provided that upon the violation of the conditions imposed the Governor of the State may summarily revoke the pardon, and, by his warrant, order and direct the person so pardoned to be subjected to the full performance of his sentence. The conditions specified accepted in writing.

No. 2. APRIL 30, 1886.—BENT, T. D. Sent to the penitentiary from Henry county October 11, 1884, for the term of three years for the crime of forgery.

This man was sentenced on pleas of guilty on two indictments for eighteen months for each offence.

This pardon was recommended by Hon. A. H. Stutsman, judge who

pronounced sentence; by Hon. D. N. Sprague, district attorney who prosecuted the case; by the legislative delegation from Henry county; by all the members of the board of supervisors of that county; by the clerk, sheriff, treasurer, auditor and recorder of that county and the deputies, and by a long list of prominent citizens of said county, including the neighboring citizens who have resided for years near Mr. Bent.

Affidavits were also presented showing his previous good character and exemplary good conduct generally before the commission of this crime, and that publication of notice that the application would be presented on this date, was duly made in the *New London Herald*, a newspaper published at the home of said Bent. No protest was filed, nor appearance made adverse to granting the pardon sought.

The facts appeared to be that Mr. Bent, during a residence of many years in New London township, in said county, had maintained an excellent reputation in personal and public matters among his fellow-citizens, and had been justly regarded as a man of personal and business trustworthiness, and that the positions he had held at the hands of his neighbors and acquaintances fully prove this fact.

The forgeries committed were for comparatively small sums, and except in these two instances, he had lived among his family and citizens an exemplary life.

The peculiar circumstances attending such commissions disclose a complete absence of anything approaching an intent to enter upon a course of crime, and show that the forgeries resulted from the sudden and very unusual situation in which Mr. Bent was placed; and that they were committed with the expectation that the notes would be taken up before maturity. He has already served out the first sentence.

Under the presentation made it appeared clearly evident that this is a case in which executive clemency might wisely, and in the interest of justice, be exercised.

This pardon granted upon the same conditions, and with the same provisions as to revocation as in No. 1, foregoing.

No. 3. MAY 15, 1886—GREEN, C. J. Sent to the penitentiary from Davis county, October 15, 1885, for the term of two and one-half years for the crime of larceny.

This man was sentenced for the crime of stealing a horse. He was not tried by a jury, but acting under the advice of his attorneys he plead guilty, with the understanding that should it afterward appear

that he did not intend to steal the horse, but only to steal a short ride, that an effort would be made to secure his pardon. When the sentence was passed, he protested his innocence of intentionally committing a crime.

Judge Burton, who sentenced him, wrote that he was now satisfied that he was not really guilty of larceny, and while it was wrong for him to do as he did, he has been sufficiently punished for it; and that he had no hesitation in saying that Green did not intend to commit a crime, and he felt as though he had done him a wrong, though unintentional, and wanted to have the wrong righted.

This pardon was granted upon request and repeated solicitations of Judge Burton (who stated that this was the first time that he had asked the exercise of executive clemency), and also the petition of all the county officers of Davis county.

This pardon granted upon the same conditions and with the provisions as to revocation as is No. 1, foregoing.

No. 4. MAY 24, 1886—GOODE, R. S. Sentenced to the penitentiary from Page county, September 28, 1883, for the term of two and one-half years for the crime of larceny by embezzlement.

It was represented by many reputable citizens of Page county, who are well acquainted with all the facts in this case, that previous to this his first offense, he had borne an excellent character. That he had been induced to the commission of this crime by older persons, who first getting him under the influence of liquor induced him to play some game, by which he lost his employers' money. It appears that his employers retained him several months after it was known that he was short in his accounts, and that the full amount has been replaced without loss to them.

Since his conviction his conduct has been commendable, being employed as a conductor on the Chicago, Milwaukee & St. Paul railroad, whose officers have faith in his honesty and integrity.

It was also claimed that had his defense been properly managed his conviction would have at least been doubtful. Communications have been received from W. P. Hepburn, M. C.; Hon. A. J. Baker, Attorney General; Hon. Smith McPherson, ex-Attorney General; Hon. T. E. Clark; Hon. J. P. Flick, District Attorney, and others, all urgently soliciting a pardon.

Hon. J. W. Harvey, before whom he was tried, recommended that a conditional pardon be granted. A petition signed by many of the most reputable citizens of Page county, including past and present

members of the General Assembly, and all the county officers of Page county, was presented, urging executive clemency.

Believing that the ends of justice in this case have been subserved, I granted a pardon upon the same conditions as in No. 1, foregoing, and upon the further conditions that the person pardoned should abstain from the use of every kind of intoxicating liquor as a beverage; that he should not be a frequenter of saloons, and that he should, to the best of his ability, properly care for and support his family. The same provisions are made as to revocation as in No. 1, foregoing.

No. 5. JUNE 28, 1886.—WILLIAMS, J. W. Sent to the penitentiary from Montgomery county, February 17, 1886, for the term of two years for the crime of uttering and publishing as true, a false and forged note.

Judge Harvey, who pronounced the sentence, said he was inclined to the opinion that it might be well to grant him a pardon, but did not wish to be understood as recommending it.

Hon. J. P. Flick, District Attorney, cheerfully recommended a pardon, and stated that had Williams been as well and favorably known at Red Oak when he had his trial as he is now, he is confident his testimony would have convinced the jury of his innocence, and in this case he fears justice has not been done in his conviction. He further stated that he greatly doubts Williams' guilt, and urged a pardon to undo the wrong he fears he had done in securing his conviction. Strong letters of endorsement from prominent citizens where he formerly resided were presented, testifying to his excellent character as an honest, industrious and law-abiding citizen.

A petition numerously signed by prominent citizens of Montgomery county, including all the county officers, all the members of the board of supervisors, F. P. Greenlee, Representative from the eighteenth district, and a majority of the jury before whom the case was tried, was presented, asking for his pardon.

The case was appealed to the Supreme Court, and the judgment of the district court was affirmed, three of the Supreme Judges being for, and two against affirming.

After a careful examination of the case, and believing that the cause of justice will not suffer thereby, I granted him a pardon, upon the same conditions, and with like provisions as to revocation as in No. 1, foregoing.

No. 6. JUNE 28, 1886.—ADAMSON, WINT. Sent to the penitentiary from Clarke county, December 5, 1885, for the term of fifteen months for the crime of larceny.

This pardon was granted upon the recommendation of Hon. W. M. Wilson, Senator John McDonough, Representative Agnew, and the petition of over five hundred persons residing in the vicinity, including nearly all the county officers of Clarke county, representing that previous to the commission of the crime he had borne a good character; that he was led into it by bad associates; that after its commission he fled from the State, remaining away about a year, when he voluntarily returned, gave himself up, and frankly and fully confessed his guilt, and has materially aided in the prosecution of others connected with him in the crime.

The evidence against him was not sufficient to convict him had he pleaded not guilty. The petitioners further state that they are fully satisfied that Adamson has completely reformed, and that he will make a good and law-abiding citizen.

Believing that the ends of justice have been attained in his case, I granted him a pardon upon condition that he shall hereafter, in all respects, demean himself as an orderly and law-abiding citizen; that he shall abstain from the use of every kind of intoxicating liquor as a beverage, and that he shall not be a frequenter of saloons. The same provisions as to revocation are made as in No. 1, foregoing.

No. 7. JULY 1, 1886.—PAGE, BELLE. Sent to the penitentiary from Warren county, January 26, 1886, for the term of fifteen months, for the crime of adultery.

Belle Page was an artist, in the employ of James E. Gorham, a photographer, with a gallery in Grinnell and one in Indianola. She was working most of the time at Grinnell, but on two different occasions she went to Indianola, stayed over Sunday, and allowed Gorham to pass her as his wife. Gorham had a wife in Chicago, who came to Indianola and began prosecution for adultery.

Upon conviction Gorham was sentenced to eighteen and Belle Page to fifteen months imprisonment in the penitentiary.

It appeared that the girl was induced to leave her home by a newspaper advertisement, and that she bore a good name previous to her connection with Gorham, who was an artful man of twice her own age.

Her pardon was recommended by the district attorney, all the jurors

who found the verdict, the Senator from the district, most of the county officers, and by a large number of private citizens of Warren county.

Judge McHenry, who presided at her trial, wrote to me "if she has conducted herself well while in prison, perhaps it would be well to pardon her, and thereby gladden the heart of her aged father." I was informed by the warden that her conduct as a convict was above reproach.

She has served less than one half of her sentence. If it were in the power of the Executive to transfer a sentence from one convict to another, I should have been tempted to change the sentences of Gorham and Belle Page in such a manner as to add to the term of the former the unexpired term of the latter.

This pardon granted upon the same conditions and with a like provision as to revocation as in No. 1, foregoing.

No. 8. SEPTEMBER 14, 1886—LOVELL, GEORGE. Sent to the penitentiary from Warren county, August 13, 1885, for the term of one and one-half years for the crime of grand larceny.

Lovell is only sixteen years of age, and Judge Henderson says he should have been sent to the reform school instead of the penitentiary. He was at first represented as being intemperate, but evidence has been produced which convinced me that this was not true. Representative Anderson and ex-Representative Cochran join in the petition for a pardon. All of the county officers signed the petition, and Mr. J. A. Pogne says it is the wish of the community that young Lovell should be released. Over two hundred good citizens ask for the pardon. There is evidence well established that the young man bore a good character previous to the commission of the crime, and I think justice will not suffer by his release.

This pardon was granted upon the same conditions and with a like provisions as to revocation as in No. 6, foregoing.

No. 9. SEPTEMBER 25, 1886—COMFORT, JAMES. Sent to the penitentiary from Wapello county, September 18, 1885, for the term of three years for the crime of larceny.

Comfort was only twenty-two years of age when committed to the penitentiary, and the application for a pardon was based upon the theory that he was innocent of the crime of which he was convicted. Rev. L. DeCailly, the priest who visited Comfort, says from his confessions that he was firmly convinced that the man was not guilty. Mr.

John A. Wilson said the man was in his employ for some time and his business dealings were always perfectly satisfactory, and he cannot believe him guilty of the crime. Mr. M. P. Welch, of Wisconsin, wrote that Comfort was always a trustworthy boy, and that his people are all honest and upright, and thinks there must be some mistake about the matter. Hon. E. W. Keyes, of Wisconsin, said the boy was always considered honest; he is from a good family and his brothers hold responsible positions; his father and mother are very old and are broken hearted. Mr. Keyes asked if possible, under all the circumstances, that clemency be exercised. Governor Rusk, of Wisconsin, and also General Atwood urged that the pardon be granted. No objections were filed and the plea of "not guilty" seemed to be reasonably well established.

This pardon was granted upon the same conditions and with a like provision as to revocation as in No. 6, foregoing.

No. 10. SEPTEMBER 30, 1886.—BRADSHAW, ELMER. Sent to the penitentiary from Cass county, September 22, 1885, for the term of three years for the crime of perjury.

Young Bradshaw was but twenty-two years of age when committed to the penitentiary. A number of citizens remonstrated against the granting of a pardon, claiming that the sentence was not too long, and knew no reason why the young man should be released unless his health is such as to demand it. About September 1 the plea was made, and strongly urged that young Bradshaw was fast failing in health and probably would not live very long. Senator Young, Hon. Silas Wilson, Hon. Oliver Mills, twelve grand jurymen, eight trial jurors, and all of the county officers signed the petition for the pardon.

Warden Crosley and his wife reported that Bradshaw's health was rapidly failing and the report was affirmed by Dr. Hoffmeister, the prison physician. On September 25 the Warden wrote, "The boy will soon die." The request was made to let him go home to die with his family. The pardon was not granted because Bradshaw was believed to be innocent or the sentence excessive. (The young man died very soon after his release.)

No. 11. OCTOBER 11, 1886.—THOMAS, AGNES Sent to the penitentiary from Dubuque county, May 22, 1886, for the term of six months for the crime of manslaughter.

This girl was very young when the act was committed which con-

stituted the crime to which she pleaded guilty. It was claimed by her friends that she was betrayed by a young man and gave birth to her child in an out-house, and the child was found dead; but is denied that she was guilty of the death of the child. Judge Couch wrote a letter in the girl's favor, in which he said the evidence before the grand jury made it questionable whether the girl was guilty. He also said that he believed the punishment already endured by the girl had accomplished all that could be accomplished by further punishment, and he asked that she should be pardoned. The letter was endorsed by District Attorney Shields, and the petition for the pardon was signed by all the county officers. It was claimed that the young girl entered a plea of guilty because it was impossible to reach a trial at the term of court then in session, and she would have been compelled to remain in jail until September awaiting trial, and she preferred making such a plea after being assured by her friends that an immediate effort would be made to secure her release. There is a very fair reason to believe that the girl is not guilty of committing the crime charged, and relying largely upon the statement of the judge upon that point I concluded to grant pardon, upon the same conditions and with a like provision as to revocation as in No. 1, foregoing.

No. 12. OCTOBER 11, 1886—STIFFEY, SAMUEL. Sent to the penitentiary from Mahaska county, March 22, 1886, for the term of one year for the crime of bigamy.

The pardon of this man was not objected to by any one, and was recommended by the District Attorney, Hon. D. L. Lyons and the sheriff and clerk of the court of the county where he was tried and convicted. Several good citizens testify to the previous good character of Stiffey, and the second wife and her parents urged that a pardon be granted. Stiffey has written a letter which seems to be a fair statement as to his life for the last six years. He says his first wife proved to be a disreputable character, and when he could not live with her, or she would not remain with him, he gave her all his property and let her go. Before marrying the second time he says he went to Kansas City and other places to see if he could find his first wife; but he failed to find her and was finally assured that she was dead. He says he then married his second wife believing he had a legal right to do so. This statement seemed to be trustworthy and was given weight in reaching the conclusion to grant

a pardon, which was granted upon the same conditions and with a like provision as to revocation as in No. 1 foregoing.

No. 13. NOVEMBER 8, 1886—MASON, CLARENCE. Sent to the penitentiary from Polk county, May 30, 1885, for the term of two years for the crime of larceny from the person.

Mason seems to have borne a good character previous to his arrest for the crime for which he was convicted. His family is one of the most respectable in Washington county, and several of the county officials and other prominent citizens of that county signed the petition for a pardon. Representative Tipton favored the pardon and urged that it should be granted. The young man was in the jail of Polk county for nine months awaiting his trial and had served nearly one and a half years of his sentence in the penitentiary. His father is old and poor and it is claimed he was greatly in need of his son's assistance in the support of his family. Judge McHenry, who sentenced Mason, favored the pardon on the ground that he is a young man and this was his first offense so far as known. I believed a conditional pardon would be better for the man than to serve his full time, and the public interest would not suffer by his release, and pardon was therefore granted upon the same conditions and with like provision as to revocation as in No. 6 foregoing.

No. 14. NOVEMBER 9, 1886.—CASWELL, E. A. Sent to the penitentiary from Cherokee county, February 15, 1886, for the term of one year, for the crime of embezzlement.

Caswell is a man who, according to the evidence, had borne a character above reproach previous to his offense, and who had held offices of trust for years. In the petitions, which were signed by 269 citizens, he was represented as having been found short in his accounts; more because of carelessness than from a criminal disposition. His neighbors and friends had great confidence in him. He had a family represented to be in the most destitute circumstances, who depended upon him for support. The bondsmen paid the amount of the shortage. Judge Lewis, District Attorney Marsh, Senator Robinson and all of the county officers of Cherokee county recommend the pardon, and it was granted upon the same conditions and with a like provision as to revocation as in No. 1, foregoing.

No. 15. NOVEMBER 24, 1886.—KENNEDY, JOHN L. Sent to the penitentiary from Marshall county, January 7, 1886, for the term of one year, for the crime of obtaining money by false pretenses.

Kennedy's petition for a pardon was signed by nine of the trial jurors and one hundred and five of his immediate neighbors. He is only twenty-three years of age, and his reputation previous to the commission of the crime charged was good. He was convicted of selling mortgaged property, and when the case is well understood, it does not show much criminal intent. The petition is signed by J. B. Sheldon, the injured party, who says he thinks Kennedy has been sufficiently punished, and pardon was granted upon the same conditions and with a like provision as to revocation as in No. 6, foregoing.

No. 16. NOVEMBER 30, 1886.—DILL, BRUCE C. Sent to the penitentiary from Webster county, February 9, 1886, for the term of one year, for the crime of cheating by false pretenses.

Dill was convicted of cheating by false pretenses, but the amount of money obtained was only seven dollars, and the party who prosecuted thinks the man had been sufficiently punished. The crime consisted in securing subscriptions for the "State Register," fraudulently. Dill was in jail six months before his conviction, and had served nine months of his term in the penitentiary. He had only twenty days of his sentence yet to serve. The petition for a pardon was endorsed by Judge Henderson, District Attorney Stevens and Clarkson Brothers, proprietors of the Register. Pardon granted upon the same conditions and with a like provision as to revocation as in No. 6, foregoing.

No. 17. DECEMBER 4, 1886.—SMITH, C. B. Sent to the penitentiary from Lucas county April 11, 1885, for the term of three and one-half years for the crime of forgery.

Smith was a teacher in the public schools and enjoyed a good reputation up to the time he was charged with the commission of the crime of which he was convicted. It was claimed in the petitions that all possible reformation was already accomplished. No loss was sustained by any one on account of the forgery. Smith is the only child of aged parents who greatly desired his release. Judge Stuart signed the petition, as also did ten of the grand jurors, the county superintendent of schools and three members of the board of supervisors. Hon James D. Wright and ex-Senator Bestow recommended that a conditional pardon should be granted.

Pardon granted upon the same conditions and with a like provision as to revocation as in No. 6, foregoing.

No. 18. JANUARY 5, 1887.—CROUGHWELL, WILLIAM, *alias* William

Gardner. Sent to the penitentiary from Woodbury county, November 24, 1886, for the term of three years for the crime of grand larceny.

Croughwell *alias* Gardner, was committed to the penitentiary at Anamosa for a term of three years. It was shown by letters and petitions that Croughwell is the son of good and law-abiding parents and a member of a good family. It was shown conclusively that he was under the influence of liquor when he committed the theft. The amount fixed by the jury as the value of the property stolen was only \$27.50. Gardner was in jail fifteen months before he was sent to the penitentiary, which is nearly one-half of the time for which he was sentenced. The petition was signed by eight of the trial jurors, and executive clemency was urged by M. A. Comean, prosecuting witness in the case. It was also asked by Hon. R. C. Rice, member of the General Assembly from Woodbury county. It was also very strongly urged by Judge Brennan, under solemn promise of good conduct on the part of Gardner in the future.

The father of Croughwell, *alias* Gardner, was in the artillery service, and while in such service and from the effects of it became hopelessly deaf. Gardner's conduct while in the penitentiary was reported by Warden Barr to have been good.

For these reasons pardon was granted, and upon the same conditions and with a like provision as to revocation as in No. 6, foregoing.

No. 19—FEBRUARY, 1887—TEETER, J. B. Sentenced to be committed to the penitentiary from Clayton county, September 11, 1884, for the term of two years, for the crime of burglary.

This man was convicted of the crime of burglary by entering the saloon of one Lander, in Luana, Clayton county. Lander had secreted himself in the saloon, expecting some one to enter it, and had fallen asleep. He was aroused by some man entering the place, and immediately called to him to get out. The man ran, and though Lander swears positively that he saw him and identified Teeter as the man, yet there is very strong evidence that Lander now admits that he did not see the man distinctly and may have been mistaken. As Teeter's conviction was secured largely upon this direct evidence of Lander, his admission since the trial makes it very doubtful as to Teeter's guilt. The case was appealed to the Supreme Court and the judgment of the lower court affirmed as only law points were to be passed upon. The petition was strongly urged by Hon. Reuben Noble, Senator Bayless, J. Hillen and J. F. Thompson, members of the House

of Representatives, J. O. Crosby, Mr. Updegraff, and many other prominent citizens. It was also recommended strongly by all of the five judges of the Supreme Court, and pardon was granted upon the same conditions and with a like provision as to the revocation as in No. 6, foregoing.

No. 20—MARCH 21, 1887—BROWN, GRANT. Sent to the penitentiary from Cass county, January 20, 1886, for the term of three years, for the crime of assault with intent to commit murder.

Grant is a very young man, being now only twenty-two years old. It was claimed that he was under the influence of liquor when the act was committed. It was admitted he was a wild boy but not vicious; he is the only son of aged parents who were not strict enough in their government. After he was convicted, and pending an appeal, Brown married a highly respectable lady and settled down to lead a sober and industrious life. Judge Loofbourow, before whom he was tried, favored a pardon upon condition of good behavior, and that he shall abstain from the use of intoxicating liquors. Senator Young made a strong appeal for clemency, which was heartily endorsed by Hon. Silas Wilson. Hon. Oll Coomes also favored a pardon. The petition was signed by ten trial jurors and nine grand jurors. The clerk of the courts wrote that there was strong prejudice against Brown on account of the neighborhood in which he lived; also said he had an excellent wife whose influence over him was good; and claimed that he believed he was voicing a very general and almost universal public sentiment in asking clemency. J. P. Connor, district attorney at the time of the trial, favored the pardon and said he found there was a universal feeling in the county for it. Senator Gault, who has a brother living in Brown's neighborhood, wrote several letters and finally urged clemency, as he believed it would be better for Brown and all parties concerned. There seemed to be a general desire for a pardon, and it was granted upon the same conditions and with a like provision as to revocation as in No. 6, foregoing.

No. 21. MARCH 24, 1887—CORMICK, H. O. Sent to the penitentiary from Delaware county, March 19, 1882, for the term of seven years, for the crime of assault with intent to commit murder.

Cormick is an old man, being now about sixty years of age. H. B. Fouke, District Attorney, asked for a pardon for Cormick and said that his conduct had been good since the crime was committed; he was a

soldier with a fine record; liquor, it was claimed, had the best of him when the offense was committed; he is old, and his children in Dakota wanted him to come to them. U. S. Cormick, son of the prisoner, said his father had promised never again to drink liquor; and also said he was anxious to get out and assist in providing for his five girls, all of whom were under eighteen years of age.

Daniel Davis of Fayette county, also asked that a pardon be granted; said he knew Cormick when he was working at his trade; he was a hard-working man and provided well for his family; did not believe the crime was premeditated and thought justice would not suffer if the defendant was pardoned. The record of Cormick in prison was good.

Pardon was granted upon the same conditions and with a like provision as to revocation as in No. 6 foregoing.

No. 22. APRIL 2, 1886—HARRISON, V. P., *alias* WILLIAM JACKSON. Sent to the penitentiary from Lee county, February 20, 1884, for the term of eight years, for the crime of burglary and larceny.

This application for pardon was first made to Governor Sherman and by him referred to me with a recommendation that a pardon be granted after Harrison had served two years—he had now served over three years. Judge Stutsman wrote December 30, 1885, that he knew of no reason why a pardon should be granted, except such as were presented by Harrison's father and wife, and even on the strength of those reasons he was unable to say what should be done. On November 16, 1886, he again wrote and said he favored a pardon if the man's health was as reported. District Attorney Sprague endorsed Judge Stutsman's last letter favoring a pardon. Many of the leading business men of Keokuk favored a pardon, including such gentlemen as Collins, Robertson & Hambleton, David B. Hammill, S. M. Clark, Jesse B. Howell, S. Pollock & Co., Samuel E. Carey, John N. Irwin and W. E. Kellogg. Mr. S. M. Clark said: "I don't think the ends of justice are served by keeping this young man in prison any longer." Hon. John N. Irwin said: "A pardon in this case will, I think, be eminently proper and a right thing to do." Franklin McVey & Co., of Chicago, wrote January 3, 1886, that young Harrison was in their employ a few years ago and they always esteemed him a young man, of good habits, and very industrious; they think he must have been led away by evil associations. W. M. Hoyt of Chicago, wrote in substance the same as McVey & Co. Samuel Carey of Keokuk, one of the parties whose house was entered by Harrison, wrote January 6,

1886, that while he believed in the enforcement of the law, he thought the sentence in this case was extreme and favored a pardon. Senator Casey of Fort Madison, now judge of the District court, said he believed the case demanded executive clemency. James Soper, of Chicago, whose wife lost the sealskin sacque, recovered it through information furnished by Harrison, and favored a pardon. D. A. Morrison, a prominent business man of Fort Madison, urged very strongly that a pardon be granted because in his opinion Harrison had been sufficiently punished, and also for the reason that the young wife was spending every dollar she could earn to secure his release. James C. Davis, mayor of Keokuk, favored a pardon because being acquainted with all the facts in the case he did not think Harrison a hardened criminal. He wrote: "Harrison's youth, his young wife and baby, his blind father, and his own failing health all plead for a reasonable exercise of clemency." Hon. S. M. Clark, on February 11, 1887, wrote that he had signed the petition for pardon and had also written an editorial upon the question. In the letter he said: "I know all about this case and am fully persuaded that you ought to pardon this man and if you look into the case, as is your way, I think you will grant the pardon. The best and most careful people here (Keokuk) and at Burlington and Fort Madison who have looked into the case think that Mr. Harrison should be set free. I think you will do a righteous act to do it." The father of Harrison is blind and his condition appeals to the sympathy of any one who knows anything of it; and the efforts of the young man's wife, who seems to be in every respect a perfect lady, were unflinching for more than a year. Her appeals were such as to command respect and attention. I had serious doubts as to the advisability of letting Harrison out, principally on his own account, as he did not seem to me to give such promise of reformation as was claimed by his family and other friends. I exacted an unwritten agreement on the part of Mrs. Harrison to report July 1, 1887, and each three months thereafter for coming year, as to Harrison's conduct in all respects.

Pardon was granted upon the same conditions as in No. 4, foregoing, and upon the further conditions that he should not visit gambling houses or houses of prostitution or ill repute. The same provision is made as to revocation as in No. 1, foregoing.

No. 23. MARCH 31, 1887.—VAN VLIET, SOLOMON G. Sent to the penitentiary from Crawford county, April 20, 1886, for the term of three and one-half years, for the crime of larceny and burglary.

This young man seemed to have been led into trouble through the influence of an older man, who was at work on the farm owned by Van Vleit's father; the man (Miller) is now serving a term in the penitentiary. The boy's mother died when he was very young, and he grew to manhood without such home influence as would have probably saved him from a life of crime, as his family is a respectable one. His pardon was asked by Judge Connor, E. K. Burch, prosecuting attorney, ex-Representative Bullock, all of the county officers, and nearly all of the leading men of Denison. Hon. J. Fred Meyers urged the pardon very strongly. All of the injured parties except two signed the petition for pardon, and those two could not be found. Several of Van Vliet's nearest neighbors testified to the good character and reputation of the young man up to the time of the trouble, and urged that a pardon be granted.

Pardon granted upon the same conditions, and with a like provision as to revocation as in No. 6, foregoing.

No. 24. APRIL 8, 1887.—LAME, THOMAS. Sentenced to the penitentiary from Tama county, March, 1884, for the term of one year, for the crime of receiving stolen property.

Lame was only sixteen years of age at the time he received the stolen goods, and it is claimed that he did not understand the nature of the act. He gave up all the property within two hours of the time he received it; and he took no part in stealing the goods. Up to the time of the crime Lame had the reputation of being an honest, industrious boy, and since his conviction in September, 1883, he has been sober, honest and industrious, as shown by evidence in the petition. He is the only son of poor parents, and is working for their support. His mother is said to be in very feeble health, and many prominent citizens of Tama county claimed that it would be an outrage to allow Lame to go to prison. Hon. A. N. Poyneer, Senator from the forty-fifth district, asked for the pardon, and the petition was signed by a great many leading citizens of the county. Hon. O. H. Mills, J. L. Bracken, H. McAnulty, and other prominent men urged that a pardon be granted.

Pardon granted upon the same conditions, and with a like provision as to revocation as in No. 6, foregoing.

No. 25. MAY 21, 1887.—McPREEK, E. E., sent to the penitentiary from Henry county, October 16, 1884, for the term of four years for the crime of forgery.

The evidence presented in this application for pardon, shows that McPeek was induced to sign another man's name to paper on which he realized money, expecting to go into a scheme whereby he would realize largely and could pay the note before it became due. The evidence shows also that before this time he sustained a good character and he seems to have been weak more than criminal. He has already served more than two and one-half years, and his wife has endured great hardship in supporting herself and children. Mrs. McPeek is without a home and is compelled to leave her children and work by the day or by the week for their support.

Judge Stutsman says that McPeek's friends are among the best people of Henry county, and he knows of no reason why executive clemency should not be extended. Judge Jeffries says that longer confinement is injustice to the family and a needless expense to the State; and that this is the strongest case in petition for executive clemency he has ever examined. The District-Attorney recommends the pardon and says that Mrs. McPeek has made good the entire amount of the forgery. The petition is strongly recommended by ex-Gov Newbold, ex-United States Senator Harlan, Senator Woolson, John W. Palm, T. M. McAdam and by city and county officers in Mt. Pleasant and Henry county.

Pardon was granted upon the same conditions as in No. 6, foregoing, and upon the further condition that he should not frequent gambling-houses or houses of prostitution or ill-repute. A like provision is made as to revocation as in No. 1, foregoing.

No. 26. MAY 26, 1887.—PERRYMAN, EDWARD. Sentenced to the penitentiary from Jones county, December 14, 1883, for the term of one year for the crime of larceny.

The evidence in this case shows that the young man was "under age" when the crime was committed; that he was undoubtedly led into the act by evil associates, and there does not seem to be evidence that he was criminally inclined. An appeal was taken in the case and pending the appeal young Perryman left the State and went to the Pacific coast and has since remained there. His father paid the penalty of the bond—\$500. A strong petition has been filed in the case, setting forth that generally the business men and others in the town where Perryman's family lives are in favor of a pardon being granted and do not believe that imprisonment would now be of any benefit to the young man. The County-Attorney, Mr. J. H. Preston,

says that the penalty of the bond and all the costs in the case have been paid so that the public is out nothing on account of the trial. The petition is endorsed by nearly all of the county officers. The family is represented as being one of the most respectable in the county and it does not seem that any good could come to society by the execution of the sentence of the court.

Pardon was granted upon the same conditions and with a like provision as to revocation as in No. 6, foregoing.

No. 27—JUNE 24, 1887—GROVES, NELS. Sent to the penitentiary from Greene county, May 14, 1886, for the term of one and one-half years, for the crime of larceny.

In a petition in this case signed by sixty-four of the leading citizens of the county, including nearly all of the county officers, it was claimed that Groves sold the mortgaged property on the advice of his brother-in-law, and that he was ignorant of any criminal action in the matter. I am of the opinion that very often there is an advantage taken in such cases by the parties who hold the mortgages, and cases are pushed against men when they really do not have criminal intent in selling the property. Groves' reputation previous to this trouble seems to have been good, and he was a hard working, industrious man. Judge Loofbourow endorsed the petition and said it represented the general feeling in the community where Groves lived. Hon. Albert Head signed the petition and Hon. J. J. Russell stated to me in a conversation that he believed it to be the right thing to do to pardon the man. The wife and five small children were represented to be in very destitute circumstances and were in the poor house of Greene county. Groves had only one month more to serve and his release could not work harm to the public while it seemed to be demanded in justice to his family.

Pardon was granted upon the same conditions as in No. 6, foregoing, and upon the further condition that he should not frequent gambling houses. A like provision was made as to revocation as in No. 6, foregoing.

No. 28. JUNE 24, 1887—BUTLER, JOHN. Sent to the penitentiary from Carroll county, January 20, 1887, for the term of one and one-half years, for the crime of larceny.

From the evidence presented in this case there are grave doubts as to Butler's guilt. Three hundred citizens who knew of the circumstances of the trial signed the petition for a pardon; they state in

the petition that they believe Butler to be entirely innocent of the crime for which he is suffering punishment. Mr. John Brown was the prosecuting attorney when Butler was convicted and says that he worked hard to convict, but since the trial he has learned circumstances not developed on the trial which convinces him that Butler is entirely innocent of the crime charged. He was influenced in this judgment by the statement of Wm. J. Cromwell, who says that some time during the years of 1885 or 1886 he met a man of the name of Robinson, in Wall Lake, who confessed to stealing the horses and said that Butler was innocent. Attorney Brown says in his letter, "Butler proved a complete alibi on the trial," and urges very strongly that a pardon be granted. Hon. Albert Head said that most of the prominent men of the two counties have signed the petition for a pardon, and he also testified to the good character of Mr. Moss who was working for the pardon. Hon. W. L. Culbertson also testified to the same as that in Mr. Head's letter. The petition was signed by nearly all of the county officers. There was so much doubt as to Butler's guilt that I was convinced that it was the right thing to do to release him, and a pardon was therefore granted upon the same conditions and with a like provision as to revocation as in No. 27, foregoing.

No. 29. JUNE 28, 1887—CLARK, P. W. Sent to the penitentiary from Howard county, July 23, 1886, for the term of two years, for the crime of Mayhem.

It is claimed in the petition for this pardon that Clark had borne a good reputation previous to the crime, and had been a teacher in the public schools of his county; that he was not vicious and had no criminal inclinations, and that the crime was the result of a quarrel in which he was contending for what he believed to be right. The evidence also shows that but a very small part of the victim's ear was bitten off and that he is only slightly disfigured. Senator Sweney, while he does not know the young man, says that the very best people of Howard county are asking his release, and says the young man seems to have been sufficiently punished. Hon. S. A. Converse knows the defendant well, and while he admits that he was a young man of quick temper, yet he had good control of it and is not a dangerous man. He asked that a pardon be granted. The sheriff and other prominent men in the county recommended the pardon and it was claimed that the desire for Clark's release was almost universal.

Pardon was granted upon the same conditions and with the same provision as to revocation as in No. 27, foregoing.

No. 30. JUNE 28, 1887.—TOWNSEND, LEROY. Sent to the penitentiary from Decatur county, June 5, 1886, for the term of six years, for the crime of manslaughter.

Townsend was young when the crime was committed, being only seventeen years of age, and from the evidence he seems to have been subject to epileptic fits, at which times it is claimed he was not responsible for his violence of temper. In the application for a pardon it has been set forth that Townsend, in company with his step-mother, was riding near where Ware, the victim, was selling goods on the street, and that Ware made some very indecent remarks in their hearing, which greatly enraged the young man, and to avenge the insult he secured a club, and, stepping up to Ware, struck him over the head. No part of this statement has been denied. Evidence of the strongest character has been filed by physicians of a State reputation, including Dr. Kennedy, Secretary of the State Board of Health, and Dr. Simmons, who was called to examine Ware before he died, certifying that the treatment was not such as the case demanded. I have also talked with other of the ablest physicians of the State, and without giving the case, have related the circumstances and asked if the treatment was such as they would recommend. The evidence from all these sources has been to the effect that the treatment, which consisted mainly in administering one grain of morphine inside of one hour, was enough to have killed the man. Some of the physicians have asserted that the same treatment would kill a well man. From this evidence I am constrained to believe that the blow struck by Townsend would not necessarily have been fatal if Ware had received proper treatment. I believe that if Ware had lived and had not been materially injured, the public would have justified Townsend in striking a blow to avenge a wanton insult to his mother. In addition to these reasons the granting of a pardon was recommended by nine of the trial jurors, ex-Senator Bestow, Senators Miles and McDonough, Hon. W. H. Hall and Hon. W. G. Agnew, members of the House, Hon. W. P. Hepburn, Judge Chaney of the circuit court; Judge Dell Stuart; Judge Harvey, who heard the case; District Attorney Jones, Hon. J. P. Flick, Hon. Smith McPherson and Major C. T. Haskins. One thousand of the citizens of Lucas, Clarke and Decatur counties signed the petition for a pardon, and no one has remonstrated. Public sentiment in the part of the State where the deed was committed seems to be almost unanimous in favor of the pardon.

Pardon was granted upon the same conditions, and with a like provision as to revocation as in No. 27, foregoing.

No. 31. JUNE 28, 1887.—WELCH, ROBERT. Sent to the penitentiary from Monroe county April 29, 1882, for the term of ten years for the crime of robbery.

Welch was a young man when the crime was committed, being only eighteen or nineteen years of age. He and his partner, Merrill, about the same age, plead guilty to the charge of robbery and were each sentenced to the penitentiary for ten years, which was the shortest term allowed for that crime under the law. Merrill failed in health, was pardoned, and has since died. Judge Burton, who sentenced Welch, said he considered the term too long but could not make it less and that he promised the young men if they were well behaved in prison he would at the proper time recommend their pardon and he now recommends the pardon of Welch. The district attorney at the time of the trial, and the present prosecuting attorney each recommend that a pardon be granted. Senator Gault, while he does not know the young man, has so much confidence in the judgment of Judge Burton that he cheerfully recommends the release of Welch. A number of letters from gentlemen in New York attest to the previous good character of the young man. As Judge Burton says he would have given young Welch a shorter sentence, could he have done so under the law, and as it was claimed by all who seem to be interested, that the sentence was too severe under the circumstances, and Welch having made a good prison record, I thought it not unwise to order his release.

Pardon was granted upon the same conditions, and with a like provision as to revocation as in No. 27, foregoing.

No. 32. JULY 16, 1887—BRENNAN, LEON. Sent to the penitentiary from Polk county, December 15, 1881, for the term of ten years, for the crime of burglary and robbery.

Brennan was committed for ten years under two sentences of five years each. He had served one term and counting his "good time" had served about one and one-half years of his second term. While at work on one of the prison contracts Brennan lost two fingers of his right hand, they being so badly crushed that amputation was necessary. On account of being thus crippled for life his petition for freedom was entitled to additional consideration. Senator Gatch and Hon. J. G. Berryhill each favored a pardon if Brennan's record had

been such as to entitle him to it. Upon the same consideration the pardon was also favored by Wm. Connor, who was prosecuting attorney at the time of the trial. Nearly all of the county officers signed the petition for a pardon. Judge McHenry who pronounced sentence was until recently opposed to releasing Brennan, but upon inquiry in regard to the conduct of the prisoner, and on learning of his misfortune the judge urged that a pardon be granted. Brennan's record had been good and there was fair promise that he would lead an upright life if released.

Pardon was granted upon the same conditions and with a like provision as to revocation as in No. 27, foregoing.

No. 33. OCTOBER 8, 1887—MAHAN, CORNELIUS. Sent to the penitentiary from Clayton county, April 22, 1886, for the term of two years, for the crime of manslaughter.

No objection was made to granting Mahan a pardon, and from what can be learned through representative men in the community where the act was committed there seemed to be a general desire that the man should be released. Judge Hatch, before whom the case was tried, said the question of guilt or innocence was so close that it was hard to decide and he would not have been surprised at a verdict either way. He thought a pardon would work no prejudice to the defendant or to the public. District Attorney Wellington wrote Mr. Cortigan that if called upon for his opinion he would unhesitatingly favor a pardon. Nine of the jurymen who sat on the trial asked that pardon be granted. Hon. J. F. Thompson said he was county clerk at the time of the trial and expected a verdict of acquittal. He said he did not believe that Mahan was guilty of any crime, and a pardon would be "an act of justice and mercy." Hon. Reuben Noble thought Mahan was not guilty of a criminal act and only did what nine-tenths of men would do under similar circumstances, and strongly favored a pardon. Many of the best men of Clayton county believed Mahan was being unjustly punished and should be released. His record had been good in the penitentiary, and I had reason to believe that his restoration to liberty would be a benefit to him, and would be no harm to the public.

Pardon was granted upon the same conditions and with a like provision as to revocation as in No. 27, foregoing.

No. 34. ———, 1887—JOHNSON, THOMAS. Sentenced to the

penitentiary by the district court of Des Moines county, January, 1886, for the term of three years for the crime of forgery.

Johnson seems to have sustained a good character previous to the commission of the crime for which he was serving a sentence. No objection was filed to the granting of the pardon and all who wrote in Johnson's favor seemed to think that he had been sufficiently punished. Judge Stutsman, before whom the case was tried, favored a pardon, as did Hon. D. N. Sprague, who was District Attorney at the time of the conviction. Senator Dodge said Johnson has a worthy family and heartily endorsed the petition for pardon. Hon. W. B. Culbertson recommended the pardon, and L. B. Colby of Chicago, the party injured by the crime, asked for the pardon for the sake of Johnson's wife and child. Nearly two years of Johnson's time had been served, and I am of the opinion that it was not detrimental to the public interests to release him.

Pardon granted upon the same conditions, and with a like provision as to revocation as in No. 6, foregoing.

No. 35. DECEMBER 6, 1887—PEABODY, R. Sentenced to the penitentiary at Fort Madison by the district court of Montgomery county, April 14, 1884, for the term of five years for the crime of forgery.

This man Peabody is reported to be from one of the best families of Vermont; has a good education, and is a civil engineer by profession. The history of his case revealed the fact that he had a promising future in his business, but after several years met with financial reverses. He came west to regain his lost fortune; made several unsuccessful attempts; became despondent, addicted to the use of intoxicating liquors and finally became reckless and committed the forgery of which he was convicted. The sentence appears to have been severe as compared with the magnitude of the crime. He became thoroughly convinced of the evil of the life he was leading, and I am convinced will profit by the lesson he has learned. He had served over three and one-half years of his sentence, and with his good time he would have been entitled to release June 29, 1888. I am convinced that it was a good thing for himself and family, and worked no evil to the community to give him his freedom. The release took effect on the 13th inst.

Pardon was granted upon the same conditions, and with a like provision as to revocation as in No. 6, foregoing.

No. 36. DECEMBER 20, 1887.—FALCONER, GEORGE. Convicted in

the district court of Hancock county, January, 1887, of the crime of larceny of cattle and sentenced to the Anamosa penitentiary for the term of four years.

A conclusion was difficult to reach in this case, because of the apparent certainty on the part of Falconer's friends that he was innocent, and the equal certainty of others that he was guilty. The case was under advisement for months and every source of information exhausted. The doubt was increased by the fact that the judge who tried the case, and the prosecuting attorney each insisted upon the guilt of the defendant. The judge, however, did not object to a pardon when one year of the sentence had been served. Falconer's previous good character was established beyond dispute. Bankers and other prominent business men of Marshall county testified to having known him for twenty years and expressed unqualified belief in his innocence. Several of these parties testified that they had often put thousands of dollars in his hands with which to buy cattle and that he had invariably accounted for every dollar. It does not seem probable that a man would live to his age, and after having built up a reputation for strict integrity, then enter into a conspiracy which he could not but know would end in his own downfall; and a man's reputation, guarded as his had been, should be some protection to him in a time of adversity. Falconer was tried in a county a long distance from his home; he was in trouble among strangers; the people of Hancock county were greatly enraged at the great loss of cattle by theft, and the question of guilt turned upon a question of identity. Falconer's friends and attorneys claimed that an *alibi* was unmistakably proven, and I confess to some belief in that theory myself. The principle witnesses for the State were parties in the "steal," and a Mr. Van Norman of Milwaukee, who claimed to be able to identify Falconer as the party from whom he bought the cattle said to have been stolen.

Judge Miracle said there is an almost universal belief in the innocence of Falconer at Marshalltown. Judge Norton, formerly of the United States court, said he was present at the trial and was deeply impressed at the time with defendant's innocence, and still believes him guiltless. Judge Stevens said he was well acquainted with Falconer and believed him to be innocent. Hon. J. G. Brown said he had known Falconer for fourteen years and does not believe him guilty. Senator Scott said he had examined the testimony and from his knowledge of the witnesses he was confident an *alibi* was proven; he

also said the best citizens of Marshall county believed in Falconer's innocence. Judge McCallum said he was acquainted with the witnesses for the State, and if Falconer was convicted on their evidence he had a right to claim clemency. The sheriff of Hancock county said he thought Falconer should be released because innocent. The petitions for pardon were signed by over 600 citizens of Marshall county, 344 of whom were voters in State Center township where Falconer resided; also twenty-six men in Hancock county. The names of twenty-eight men who lost cattle were included in these lists, and they said they believed Falconer to be innocent.

The guilt of Falconer being so much a matter of doubt, his previous good character being so well proven and his punishment having already been severe, I concluded that it was justice to him and his family and no injustice to the State to release him.

Pardon granted upon the same conditions and with like provision as to revocation as No. 6, foregoing.

COMMUTATIONS.

No. 1. MAY 20, 1886.—MCKAY, A. Judgments having been entered at various times by the district court of Mahaska county against McKay, and the same having been settled in good faith between the District-Attorney, John A. Donnell, and the defendant, and the amount agreed upon having been paid to and retained by the county, said judgments were commuted so far as to release certain lands, namely: the middle one-third of the south one-half of lot one in block twenty-seven, and the west one-third of lot two, block twenty-seven, old plat of the city of Oskaloosa in said county of Mahaska, from the lien of said judgments, and to the end that the title thereto might pass to the mortgagee thereof without the expense of a foreclosure, the premises being mortgaged for their full value.

This commutation was granted upon the terms agreed upon, and and upon petition of J. D. Reed and other highly reputable citizens of Mahaska county, and at the urgent request of Senator B. McCoy.

Conditioned, that said McKay give a pledge to forever refrain from engaging in saloon business in this State in violation of law.

No. 2. JUNE 28, 1886.—HAGERTY, DANIEL. Judgment was entered May, 1877, in the district court of Clayton county, against Dennis O'Leary and John Foley for sixty-two and 50-100 dollars, with in-

terest at six per cent per annum and costs, taxed at sixty-five and 24-100 dollars. Daniel Hagerty signed a stay-bond staying execution upon said judgment for the time fixed by statute, before the expiration of which time he, the said Hagerty, died.

It appeared that the widow of said Hagerty had sold portions of his estate, including all the personal property, and even such parts thereof as are by law exempt from execution and set aside to the widow in her own right, and had paid over seven thousand dollars of incumbrances and indebtedness. It also appeared that there was left to her and her children out of the entire assets of the estate only one hundred and forty acres of land, but forty acres of which were arable, and that the payment of this claim would render it impossible for the widow and children to support themselves. The petition was signed by some of the best citizens of the county, all known to me.

This commutation merely releases the Hagerty estate from the payment of said judgment.

No. 3. JUNE 28, 1886.—BAILEY, BENJAMIN E. Convicted in the district court of Hamilton county, January, 1886, of the crime of selling intoxicating liquors in violation of law, and sentenced to pay a fine of \$700 and to be committed to jail until paid. Sentence commuted so far as to release said Bailey from confinement in jail.

It appears that Bailey plead guilty to the indictment, and that this was his first offense. He has an honorable record as a soldier, and has always been a good citizen. He is a man of limited means and unable to pay the fine and costs. His health had suffered severely in consequence of his confinement, as shown by the certificate of his physicians. D. D. Chase of Webster City, and a large number of the citizens of Webster county, among them ex-Governor C. C. Carpenter, and W. C. Wilson of Lehigh, petitioned for his release. He has executed a bond to the State in the sum of \$500, conditioned upon his abstaining hereafter from the illegal sale of intoxicants.

No. 4. JULY 15, 1886.—GARY, A. J. Convicted in the district court of Crawford county, April, 1886, of the crime of obtaining money under false pretenses, and sentenced to pay a fine of one hundred dollars and to be imprisoned in the county jail of said county for a term of three months.

Commuted so far as to release said Gary from further confinement in jail, only.

Commutation granted upon the personal recommendation of Sena-

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tor Whiting, and the petition of many leading citizens of Crawford county, also upon the certificate of the attending physician as to the poor condition of Gary's health and to the effect that further confinement would result in permanent injury.

Commutation granted upon condition that said Gary shall hereafter entirely abstain from the use of intoxicating beverages; that he will not be a frequenter of saloons, but will in all respects demean himself as an orderly and law-abiding citizen. Upon violation of any of above conditions the Governor of the State may revoke this commutation and by his warrant order and direct the return of said Gary to jail to complete the full time of his sentence. Conditions accepted by said Gary in writing.

No. 5. AUGUST 13, 1886—SIMMONS, WILLIAM. Convicted in the district court of Franklin county, March, 1886, of the crime of keeping a nuisance, two cases, and sentenced in one case to pay a fine of one hundred dollars and costs and be committed to jail in default of payment, and in the other case to pay a fine of six hundred dollars and costs and to be committed to jail in default of payment. Sentence commuted so far as to release said Simmons from further confinement in jail, only.

Simmons was 37 years old, a poor man with a family depending on him for support. He admitted having sold what he supposed to be "malt," but claimed he did not think it would be a violation of law. He was subject to inflammatory rheumatism, which was aggravated by his confinement. His petition was signed by bankers, lawyers, merchants and business men generally. The district attorney and county officers favored commutation, and Hon. R. S. Benson favored his pardon.

Commutation granted upon condition that the said Simmons shall forever refrain from keeping for sale or selling intoxicating liquors in violation of law, with the same provisions as to revocation as in No. 4, foregoing. Conditions accepted in writing.

No. 6. SEPTEMBER 7, 1886.—SMITH, ELIJAH. Convicted in the District Court of Jasper county, April, 1886, of the crime of seduction, and sentenced to pay a fine of one hundred dollars and to be imprisoned in the county jail for a term of six months. Sentence commuted so far as to release said Smith from further confinement in the jail, only.

Carrie Thompson, the prosecuting witness, makes affidavit to the

effect that she was not of chaste character previous to her alleged seduction by Smith, and that she was induced to swear to the contrary upon the trial by her friends. Judge J. K. Johnson and District-Attorney J. A. Donnell recommend pardon; also Hon. M. P. Doud and Hon. A. Custer.

Commutation granted upon condition that the said Smith shall hereafter in all respects demean himself as an orderly and law-biding citizen, and with the same provisions as to revocation as in No. 4, foregoing. Conditions accepted in writing.

No. 7. SEPTEMBER 27, 1886—FIDDLER, J. D. Convicted in the district court of Hardin county, for the crime of keeping a nuisance, and sentenced to pay a fine of \$300 and costs. Sentence commuted so as to reduce the amount of said fine to the sum of fifty dollars.

Fiddler was a clerk in a drug store, a registered pharmacist, and the undisputed testimony is that he is a young man of good character and an honored member of society. The county auditor thinks the sentence a mistake and favored a remission. The county treasurer thinks the fine unjust and that it should be reduced to fifty dollars. Judge Henderson, who tried the case, favored a reduction to fifty dollars.

Commutation granted upon condition that Fiddler at once pay the sum of fifty dollars and costs and that he will not again engage in the unlawful sale of intoxicating liquors, but will in all respects demean himself as an orderly and law-abiding citizen, and with the same provisions as to revocation as in No. 4, foregoing. Conditions accepted in writing.

No. 8. OCTOBER 25, 1886.—MURPHY, TIMOTHY. Convicted in the District Court of Hamilton county, February, 1886, of the crime of keeping a nuisance, and sentenced to pay a fine of \$1,000. Sentence commuted so as to reduce the amount of said fine to the sum of \$50.

The petition for pardon in this case was signed by all the county officers and others, leading business men of Webster City, and no opposition was made. It appeared that but one bottle of liquor was sold, and that other goods labeled the same were found to be non-intoxicant. Payment of the fine of \$1,000 would have taken the homestead and all other property of the defendant and would have left him with a large family of children destitute. G. B. Pray, clerk of the Supreme Court, recommended that the fine be reduced to \$50.

Commutation granted upon the same conditions and provisions as in No. 7 foregoing. Conditions accepted in writing.

No. 9. MARCH 3, 1887.—ROOT, CHARLES. Convicted of keeping a nuisance, Guthrie county, February, 1887, and fined \$300. Fine reduced to \$50, to be paid at once.

Reasons urged for clemency were that Root was a man of previous good character; he was not in the business of keeping a saloon but was selling for some one else; he was a very poor man and an aged mother was dependant upon his earnings for support. Commutation was advised by Judge Ayres and by County Attorney Stiles.

Commutation granted upon the same conditions as in No. 4 foregoing. Conditions accepted in writing.

SUSPENSIONS OF SENTENCE.

No. 1. MARCH 16, 1886—COOL, JOHN. Sentenced to the penitentiary by the district court of the county of Jasper for the term of ten years, for the crime of murder in the second degree.

Heretofore, from time to time, since March 25, 1884, sentence had been suspended by Governor Sherman, on account of the extreme debility of the defendant.

Upon the certificates of Benjamin M. Failor, M. D., and H. E. Hunter, M. D., showing very feeble condition and probable insanity of said Cool, and that it would be inhuman to commit him to the penitentiary under these circumstances, I further suspended the execution of said sentence for the period of four months from and after February 12, 1886. The statements of the physicians were corroborated by H. K. Stahl, attorney.

December 24, suspended sentence for the additional period of six months from this date.

January 3, 1888, sentence further suspended until such time as a further order may be made in reference thereto.

No. 2. MAY 19, 1886—REHMS, GODFREY. Committed to the Marshall county jail, January 22, 1886, by order of the district court of said county, in default of payment of a fine of \$600 and costs, for the crime of selling intoxicating liquors.

A suspension of that part of the judgment ordering this man to be imprisoned until the fine and costs were paid, was granted upon the petition of a large number of citizens of Marshalltown; also by re-

quest of Judge Henderson, before whom he was tried and fined, and the district attorney who prosecuted the case.

It was also shown by a certificate made by W. B. Waters, M. D., and James Lang, M. D., reputable physicians, that they found by examination that Rehms was suffering from a chronic bronchial asthmatic trouble which they believed was increased by his confinement; that he was becoming very much reduced in flesh, and they believed his health was being impaired thereby. Rehms pledged that he would never again engage in the unlawful sale of intoxicating liquors.

No. 3. AUGUST 9, 1886.—JONES, CHARLES. Convicted in the District Court of Polk county, December 7, 1885, of the crime of larceny, and sentenced to the penitentiary at Fort Madison for the period of one year. Sentence suspended for the period of one year from this date.

Sentence had been suspended by Governor Sherman, and is now further suspended at the instance of Hon. A. J. Baker, Attorney-General.

JANUARY 4, 1888.—Sentence further suspended upon request of Attorney-General Baker until such time as a further order may be made in reference thereto.

Sentence was suspended on condition that he abstain from the use of all kinds of intoxicating liquors, and in every respect demean himself as a good and law abiding citizen, and with a provision that upon the violation of any of the conditions imposed, the Governor of the State may summarily revoke the suspension and by his warrant order and direct the execution of the sentence in full. Conditions accepted in writing.

No. 4. SEPTEMBER 13, 1886.—PAGE, R. B. Convicted in the District Court of Webster county, on the 6th day of February, 1886, for the crime of keeping a nuisance, and sentenced to pay a fine of \$800, and in default of the payment of such fine and costs to be committed to the jail of said county until paid. Sentence suspended as to further confinement in jail.

Page has a wife and three children, and it is made to appear that they are in destitute circumstances. There is evidence that his character was generally good, and he pledges that he will never violate law again. His petition was signed by the county officers, including the members of the board of supervisors, and clemency was asked by ex Gov. C. C. Carpenter, M. H. Bliss, John Doud, Hon. S. T. Meser-

vey and others. Hon. J. L. Stevens, District-Attorney, favored pardon. The application was opposed by Judge Henderson and some others; but upon the whole case it seemed best that he should be put in position to support his family and make of himself a useful citizen.

Sentence suspended upon the same conditions and with a like provision as to revocation as in No. 3, foregoing, with the additional condition that he shall not engage in the unlawful sale of intoxicating liquors. Conditions accepted in writing.

No. 5. NOVEMBER 24, 1886.—TEETER, J. B. Convicted in the district court of Clayton county, September 11, 1884, of the crime of burglary and sentenced to the penitentiary at Anamosa for the period of two years. Sentence suspended for a period of thirty days from this date.

December 23, 1886.—Suspension in this case extended sixty days from this date.

Both of such suspensions were made pending an application for pardon which was granted February 12, 1887.

No. 6. NOVEMBER 26, 1886.—OEHLISCHLAGER, JOSEPH. Judgments in the district and circuit courts of Wapello county, whereby at different times between September 9, 1873, and April 2, 1886, fines amounting in the aggregate to \$1,370 and costs of prosecutions, were imposed against said defendant for the crime of selling intoxicating liquors in violation of law.

Execution of the judgments suspended on condition that the defendant, without delay, pay the full amount of a judgment of \$500 rendered by the circuit court of said county on the 2d day of April, 1886, together with the whole amount of costs and accrued costs in said cases, and that he in the future refrain from the illegal sale of intoxicating liquors, and in all respects demean himself as an orderly and law-abiding citizen. Conditions accepted in writing.

No. 7. DECEMBER 9, 1886.—HENNESSEY, RICHARD. Judgment in the circuit court of Johnson county, for the violation of a writ of injunction issued by said court and committed to the county jail of said county for the term of ninety days.

Hennessey was formerly a carpenter and a good citizen. Owing to a personal injury, resulting in the loss of sight in one of his eyes and injuring the other, he had to leave his trade and then went into the saloon business. He has a mother, wife and four or five children dependent upon him. His health is poor and it is claimed that the con-

dition of the jail is such as to threaten serious injury to him. His petition is signed by 110 citizens of Johnson county, and Judge Hedges, before whom judgment was had, asks that he be released.

Suspension granted upon the same conditions and with a like provision as to revocation as in No. 4, foregoing. Conditions accepted in writing.

No. 8. DECEMBER 10, 1886. McCUE, ELLEN. Convicted in the district court of Polk county, of the crime of keeping a nuisance, and sentenced to pay a fine of \$300 and costs and be committed to the jail of said county for the period of ninety-three days, unless said fine be sooner paid.

Mrs. McCue is an ignorant woman, and has heretofore supported herself and four children by washing. Her crime consisted in keeping some whisky in the house which she furnished to her customers. If sent to jail her children will have to be supported by charity. Judge McHenry, before whom she was tried, strongly urges clemency, and her petition is signed by Marcus Kavanagh, R. P. Clarkson and others.

Suspension granted upon the same conditions and with a like provision as to revocation as in No. 4, foregoing. Conditions accepted in writing.

No. 9. DECEMBER 20, 1886—SUTTON, AQUILLA. Convicted in the district court of Dallas county, October, 1885, of the crime of larceny, and sentenced to the penitentiary for the term of one and one-half years. Sentence suspended for the period of thirty days.

January 19, 1887, suspension of sentence was extended ten days from date.

The above suspensions were granted pending an application for pardon, and at the expiration of the time fixed, sentence was carried into execution.

No. 10. DECEMBER 29, 1886—HANNON, ELZA. Convicted before J. G. O'Mally, a justice of the peace in Crawford county, on a charge of carrying concealed weapons, on the 7th day of November, 1886, and sentenced to imprisonment in the county jail.

It was shown in the petition for pardon that Hannon was in the discharge of official duty when carrying the weapon; the petition was signed by a number of prominent business men.

No. 11. FEBRUARY 7, 1887—LANE, THOMAS. Convicted March,

1884, in the district court of Tama county of the crime of receiving stolen property, and sentenced to one year in the penitentiary. Sentence suspended for the period of sixty days, pending an application for pardon. Pardon granted April 8, 1887.

No. 12. FEBRUARY 7, 1887.—REINHARTZ, PHILIP. Convicted of the crime of violating the prohibitory liquor law, Mitchell county, December, 1885, and fined \$200.

The suspension was asked for by Senator Sweney, who assisted in the prosecution; by Hon. C. C. Vanderpoel; R. T. St. John, sheriff; W. E. Owen, county clerk, and by seventy-nine prominent business men of the town. The fine was \$200, and Reinhartz had paid \$150 of the amount, and it was claimed he had to rob his children of the necessities of life to pay it. He was shown unable to pay the balance, and suspension was ordered.

Suspension granted upon the same conditions and with like provisions as to revocation as in No. 4 foregoing. Conditions accepted in writing.

No. 13. FEBRUARY 14, 1887.—STOFFEL, B. Convicted of the crime of keeping a nuisance, Adair county, February, 1886, and fined \$200.

Stoffel, as shown by the evidence, is an old man greatly crippled by rheumatism. He was compelled to mortgage his house to give bonds and since his conviction his wife has died and he has to support three small children all under eight years of age. He was about to lose his home by the mortgage. Senator Young and Representative Storey both recommended the remission of the fine.

No. 14. MARCH 11, 1887.—PIERCE, FRANK. Convicted of the crime of violating the prohibitory liquor law, Mahaska county, January, 1887, and fined \$300.

This is a case in which Col. Albert W. Swalm took a great interest and strongly urged clemency because the man was not a saloon keeper but was very unfortunate in his surroundings. He came to Oskaloosa to take a position as clerk in a hotel, but found the position filled which had been promised him. He accepted a place in a lunch stand and was induced to sell some beer. He gave bail and went to Omaha where he found work. At the time of the trial he voluntarily returned and gave himself up. He had a family depending on him and they were suffering on account of his imprisonment. The judge and county attorney each endorse the petition.

The certificate of the clerk of the courts was endorsed on the duplicate returned to the effect that the costs were satisfied in full.

Sentence suspended upon the same conditions and with like provision as to revocation as in No. 4, foregoing. Conditions accepted in writing.

No. 15. MARCH 29, 1887.—KARTEL, MICHAEL. Convicted in the district court of Lee county, of the crime of assault with intent to commit manslaughter, on the 19th day of February, 1887, and sentenced to five years imprisonment in the penitentiary at Fort Madison.

Said Kartel having become insane the above sentence suspended, and he was ordered conveyed to the Hospital for the Insane at Mount Pleasant and placed in charge of the Superintendent thereof until such time as he may be restored to reason, when he is to be returned to the penitentiary to complete his term of sentence.

No. 16. MARCH 31, 1887.—KELLY, J. Convicted in the district court of Marshall county, on the 21st day of January, 1885, of the crime of robbery, and sentenced to five years imprisonment in the penitentiary at Anamosa.

Said Kelly having become insane above sentence was suspended, and he was ordered conveyed to the Hospital for the Insane at Independence and placed in charge of the Superintendent thereof until such time as he may be restored to reason, when he is to be returned to the penitentiary to complete his term of sentence.

No. 17. APRIL 4, 1887.—WILSON, EDWARD. Convicted of the crime of larceny, in Pottawattamie county, December, 1886, and committed to jail of said county for the term of nine months.

D. B. Dailey, County Attorney, says Edward Wilson is a colored boy and very sick and "will die without doubt before the period for which he was imprisoned expires."

The petition for a pardon was signed by A. B. Thornell, Judge of the Fifteenth District, Perry Reel, Sheriff, and by Hon. J. Lyman.

No. 18. APRIL 9, 1887.—HARRIS, WARREN. Convicted of the crime of violating the prohibitory liquor law, Polk county, January, 1887, and fined \$300. Suspended as to further confinement in jail.

Suspension of sentence in this case was strongly urged by Judge Given, of the Polk county district court, who imposed the fine and who said he would have made the sentence less severe if the law had

permitted. The county attorney recommended clemency. Dr. Wiley said in an affidavit that the man's health was such that he could not with safety remain in jail his full term.

Suspension granted upon the same conditions, and with like provision as to revocation, as in No. 4, foregoing. Conditions accepted in writing.

No. 19. APRIL 9, 1887.—SAUERMAN, FRED. Sent to the industrial school at Eldora, from Polk county, January, 1887.

This boy was only twelve years of age when sent to the school, and from the evidence it does not seem that he is a bad boy; his conduct was good in the school.

Suspension granted upon condition that he will at all times conduct himself as an orderly, well-behaved and obedient boy, and with the same provisions as to revocation as in No. 4, foregoing. Conditions accepted in writing.

No. 20. APRIL 13, 1887.—BUSH, L. H. Ordered to pay a fine of \$200 for failure to comply with the law requiring druggists to make report of sales of intoxicating liquors within five days following the last Saturday in each month; Polk county, September, 1886.

Judge Given and several prominent gentlemen strongly urged the remission, as did also the county attorney. The fine was imposed on account of a technicality—the monthly reports required to be made to the county auditor were delayed two or three days on three occasions. No crime was charged.

No. 21. APRIL 26, 1887.—MCDANIEL, JOHN. Convicted of the crime of larceny, Jasper county, December, 1886, and sentenced to serve nine months in jail of said county.

It was claimed that McDaniel was of previous good character; he was intoxicated when he took the goods which in value amounted to only \$17.95, and they were all restored. He was in jail from July 2 to December 4, when he plead guilty and had been in jail since that time. The petition was signed by all of the county officers.

Suspension granted upon the same conditions, and with a like provision as to revocation as in No. 3 foregoing. Conditions accepted in writing.

No. 22. MAY 14, 1887.—FINK, MARTHA. Convicted of the crime of keeping a nuisance, Polk county, January, 1887, and fined \$300.

The evidence in this case showed that the woman had a family of

children who needed her attention and care. Two physicians recommended that she be released; and Judge Given also recommended that a pardon be granted forthwith. She had already served forty days in jail, and further imprisonment seemed a hardship to the woman under the circumstances.

Suspension granted upon the same conditions, and with a like provision as to revocation as in No. 4 foregoing. Conditions accepted in writing.

No. 23. MAY 17, 1887.—WELSH, KATIE. Sentenced to imprisonment in the county jail of Dubuque county for the term of six months, March, 1887.

It was shown in this case that the girl was suffering very greatly from the effects of living in a damp, unhealthy jail, and her physical as well as mental constitution seemed likely to break down under the confinement. The formal petition set forth in detail the evidence which went to show what was claimed by the girl's friends, that she had always, before the trouble, borne a good character, and was seduced under promise of marriage. She was a young girl when Wood commenced to keep company with her, while he was at least twenty-five years of age. The petition claims that the sentiment of the community is strongly in the girl's favor, and is endorsed by Senator Allison, Hon. D. B. Henderson and Hon. J. K. Graves. It is also signed by Hon. D. J. Linehan, Member of the House; Hon. W. H. Utt, ex-judge; and by all of the county officers. Hon. Jacob Rich wrote a strong letter favoring the pardon, and said in it that Mrs. Rich voiced the sentiment of a great majority of the women of all denominations in asking clemency. I am satisfied from the evidence that the girl was virtuous up to the time of her unfortunate acquaintance with Wood.

No. 24. MAY 18, 1887.—ADAMS, WM. F. Convicted of the crime of keeping a place of gambling, March, 1887, Keokuk county, sentenced to pay a fine of \$225 and to be committed to the jail of Keokuk county for nine months.

Suspended so far as sentence relates to imprisonment in jail.

The evidence in this application showed that Adams was quite ill and his health greatly endangered in a damp jail, so much so that he was removed from the jail on the order of the judge, and stay of sentence during good behavior was recommended by the judge. The petition was signed by nearly all of the county officers. Adams made

a very fair promise that he would not again engage in the gambling business.

Sentence was suspended on the same conditions and with a like provision as to revocation as in No. 4, foregoing. Conditions accepted in writing.

No. 25. MAY 19, 1887—CAMPBELL, HAMILTON. Convicted of the crime of keeping a nuisance, January, 1887, Woodbury county, and ordered to pay a fine of \$400, and in default of payment was committed to jail.

Suspended as to further confinement in jail.

This man, as shown by the evidence, was suffering greatly from confinement in the county jail. His application was endorsed and his release recommended by Judge Wakefield, County Attorney S. M. Marsh and by the county officers.

Sentence suspended on the same conditions and with a like provision as to revocation in No. 4, foregoing. Conditions accepted in writing.

No. 26. MAY 19, 1887—VAN STONE, J. L. Convicted in the district court of Fremont county on the 23d day of October, 1884, of the crime of assault with intent to commit rape, and sentenced to seven years' imprisonment in the penitentiary at Ft. Madison, and transferred to the penitentiary at Anamosa, April 15, 1886.

Said Van Stone having become insane the above sentence suspended and he was ordered conveyed to the hospital for the insane at Independence, and placed in charge of the superintendent thereof, until such time as he may be restored to reason, when he is to be returned to the penitentiary to complete his term of sentence.

No. 27. MAY 19, 1887.—SEVERE, JULIUS. Convicted of the crime of violating the prohibitory liquor law, January, 1887, in Woodbury county, fined \$300 and in default of payment committed to the county jail. Suspended as to further confinement in jail.

This man, as shown by the evidence, was suffering greatly from confinement in the county jail. His application was endorsed and his release recommended by Judge Wakefield, County Attorney S. M. Marsh and by the county officers.

Sentence suspended upon the same conditions and with a like provision as to revocation as in No. 4, foregoing. Conditions accepted in writing.

No. 28. MAY 21, 1887.—BARNHART, GEORGE. Convicted of the

crime of violating the prohibitory liquor law, in Floyd county; confined in the county jail.

Barnhart (or Barnhartz) is an old man nearly sixty-eight years of age, his health is not good and he was suffering from confinement in the jail. The evidence shows that he was keeping a boarding house and sold some beer to a boarder. He has a brick yard, and if he remains in jail until the expiration of his sentence he will lose all his property, much of which he can save if released now. The application was endorsed by Mr. R. W. Humphrey and B. F. Wright and petition signed by ten of the trial jurors.

Sentence suspended upon the same conditions and with a like provision as to revocation as in No. 4, foregoing. Conditions accepted in writing.

No. 29. JUNE 1, 1887.—McCUE, JOHN. Convicted of the crime of keeping a nuisance, in Polk county, January, 1887. Sentenced to pay a fine and to be committed to jail in default of payment. Suspended as to further confinement in jail.

McCue does not seem to have been engaged in the selling of liquor, but was a workman on a railroad. He was indicted, with his wife, who had been selling liquor previous to their marriage in the autumn of 1886, and who continued the sale of the same to some extent after the marriage. McCue seems to be a hard-working man and his family need his support. The suspension was strongly recommended by Judge Given and County Attorney Phillips.

Sentence suspended upon the same conditions and with a like provision as to revocation as in No. 4, foregoing. Conditions accepted in writing.

No. 30. JUNE 1, 1887.—LINDSAY, CHARLES. Convicted of the crime of keeping a nuisance, Boone county, January, 1887, ordered to pay a fine of \$600 and to stand committed to the county jail for the period of one hundred and eighty days unless the fine be sooner paid. Suspended as to further confinement in jail.

The sheriff and a physician said that Lindsay was suffering very much from an organic disease, and confinement in jail was aggravating it, and they strongly recommended his release. The county clerk also recommended it. Lindsay is a very poor man and has a wife and three children who depend upon him for support. The members of the Grand Army post to which Lindsay belongs petitioned for the

pardon and pledged themselves to see that he did not violate the conditions of his release.

Sentence suspended upon the same conditions and with a like provision as to revocation as in No. 4, foregoing. Conditions accepted in writing.

No. 31. JUNE 2, 1887.—ANGELSBERG, A. Convicted of the crime of violating the prohibitory liquor law, Warren county, January, 1887, sentenced to pay a fine of \$600 and stand committed to jail in default of payment. Suspended as to further confinement in jail.

This man claimed to be suffering from broken health on account of confinement in a damp jail, and Dr. Anderson testified that this was true. Angelsberg seemed to be a man who was too weak to refuse liquor to his friends, and furnished it more to accommodate than for the purpose of gain. The priest who urged his release said that Angelsberg was not a willful violator of the law, but was too weak to refuse friends. The suspension was recommended by Senator Wilkin, Representative Anderson, the county attorney and five of the jurymen who heard the case; it was also urged by petitions numerously signed. The testimony of Gillespie, who opposed the release, was strongly questioned. Judge Ayers, who pronounced the sentence, said he had great sympathy for the wife and children who were in a suffering condition, but thought Angelsberg needed punishment; he however recommended his release if he would quit the liquor business or leave the State. The family seemed to be in great distress and the wife had been persistent in her petitions for his release. He had served the greater part of his time and in addition to the above, I was induced to release Angelsberg for the further reason that by so doing he could be made to accept conditions which could not be imposed if he should be allowed to serve the full term of his sentence.

Sentence suspended upon the the same conditions, and with a like provision as to revocation as in No. 4, foregoing. Conditions accepted in writing.

No. 32. JUNE 4, 1887.—HARLOW, JOHN FRANKLIN. Convicted of the crime of larceny, Howard county, July 9, 1886. Sentenced to the industrial school at Eldora.

This release was asked for by a large number of the prominent citizens of Howard county, and recommended by B. J. Miles, superintendent of the school, and by Mr. W. J. Moir, chairman of the board. The boy's mother was in very poor health, and the family was going

to California to remain; they wanted the boy released so he could go with them.

Sentence suspended upon the same conditions and with a like provision as to revocation as in No. 19, foregoing. Conditions accepted in writing.

No. 33. JUNE 24, 1887.—CASTELLO, EDDIE. Sentenced to the industrial school at Eldora, from Greene county, July, 1886.

The petition for the release of this boy was signed by one hundred and two of the prominent citizens of Greene county, who said that the boy would be better at home, where he had a mother over sixty years of age who greatly needed his help. Senator Underwood thought the best place for him was at home. His record at the school was "generally good." The evidence was all to the effect that the old mother was greatly in need of the boy at home.

Sentence suspended upon the same conditions and with like provision as to revocation as in No. 19, foregoing. Conditions accepted in writing.

No. 34. JULY 9, 1887.—SPARROWGROVE, JOHN. Sentenced to the Industrial School at Eldora from Poweshiek county, March 5, 1887, for obstructing a railroad track.

This boy was sixteen years of age, and seemed by the evidence presented to have been a boy of good character and reputation before this trouble. It seemed that the act was committed through the thoughtlessness of the boys and that there was no criminal intent. The judge and prosecuting attorney very strongly recommended that pardon be granted.

Sentence suspended upon the same conditions, and with a like provision as to revocation, as in No. 19 foregoing; with the additional conditions that he will not again, in any manner, obstruct a railway track or public highway, and that he will never engage in the sale of or use of intoxicating liquors. Conditions accepted in writing.

No. 35. JULY 11, 1887.—SPANGLER, JOHN. Sentenced to the Industrial School at Eldora, from Poweshiek county, March 5, 1887, for obstructing a railroad track.

This boy was only twelve years old, and there was evidence on file that his character was not bad, but his reputation, on the contrary, was good; and the act seemed to have been committed in thoughtlessness and not with any criminal intent. He plead guilty to the

charge of obstructing the track. The judge strongly favored the granting of a pardon.

Sentence suspended upon the same conditions and with like provision as to revocation as in No. 34 foregoing. Conditions accepted in writing.

No. 36. JULY 23, 1887—MENDENHALL, ALBERT. Convicted of the crime of violating the prohibitory law, Mahaska county, fined \$100, January, 1887, and March, 1887, fined \$150, and ordered in default of payment in each case to be committed to the county jail.

Suspended as to further confinement in jail.

This suspension was very strongly urged by Col. Swalm who said the man's punishment had been sufficient to reform him. A large number of prominent citizens signed the petition, including the county officers, county attorney and Senator McCoy.

Sentence suspended upon the same conditions and with a like provision as to revocation as in No. 4, foregoing, with the additional conditions that he will not frequent saloons or gambling houses. Conditions accepted in writing.

No. 37. JULY 23, 1887—GOODIN, BENNIE. Sentenced to the industrial school at Eldora, from Story county, December, 1886.

This boy is the only son of an aged man who was represented as a good, law-abiding citizen. The boy's record was good at school and his father who is very lame greatly needed his assistance. Judge Henderson said if the boy's record was good he would recommend his release. Senator Scott said Mr. Goodin is one of their very best citizens and strongly urged the boy's release.

Sentence suspended upon the same conditions and with like provisions as to revocation as in No. 34, foregoing. Conditions accepted in writing.

No. 38. JULY 28, 1887—BRANIFF, BARNEY. Convicted of the crime of violating the prohibitory liquor law, Dallas county, March 8, 1887, sentenced to the county jail for the term of 152 days and for a term of three months for the second offense.

Braniff was a violator of the law, but said he was willing to do anything or enter into any kind of an agreement to obey the law in future if he could only be released. His wife said they had lost all their property but a little homestead and that is mortgaged. Senator Caldwell said he favored release after Braniff had served one-half his

term. He served all but eight days of his first term, and he was released from jail so that he might assist in the support of his family.

Sentence suspended upon same conditions and with like provision as to revocation as in No. 36, foregoing. Conditions accepted in writing.

No. 39. JULY 28, 1887—FARRELL, JOHN H. Sentenced to pay a fine of \$500 for contempt of court in violating the terms of a writ of injunction issued to restrain said Farrell from selling intoxicating liquors contrary to law, and in default of payment to be committed to jail, Winneshiek county, March, 1887.

Suspended as to further confinement in jail.

Farrell was represented as a good man in nearly all respects. He had a large family to support and had only small means. Fifty-five prominent business men of his county signed the petition, including county officers. The superintendent of public schools and secretary of the county alliance asked for Farrell's release.

Sentence suspended upon the same conditions and with the same provision as to revocation as in No. 36, foregoing. Conditions accepted in writing.

No. 40. AUGUST 9, 1887.—BERTRAM, FREDDIE. Sentenced to the industrial school from Ida county, June, 1886.

One hundred and forty-three prominent business men in Ida Grove, including the county officers, signed a petition asking for the boy's release. His record in the school was good and he had a good home to go to when released. Judge Macomber said he hoped the boy would be allowed to return to his parents.

Sentence suspended upon the same conditions, and with like provisions as to revocation as in No. 19, foregoing. Conditions accepted in writing.

No. 41. AUGUST 10, 1887.—CROOK, S. L. Convicted of the crime of violating the prohibitory liquor law, March, 1887, Marion county, sentenced to pay a fine of \$300 and be committed to jail in default of payment. Sentence suspended as to further confinement in jail.

Crook was doing business under a permit from the board of supervisors, and the sales made for which he was fined were made to men whom he did not know were habitual drunkards; he knew the liquor sold on those particular occasions was used for legitimate purposes. He had quit the business and said he did not intend to again engage

in it. He is a poor man with a large family to support. The suspension was strongly urged by Mr. Kinkead of Knoxville.

Sentence suspended upon the same conditions, and with like provisions as to revocation as in No. 4, foregoing. Conditions accepted in writing.

No. 42. AUGUST 29, 1887.—HOLLAND, DANIEL. Convicted of the crime of violating the prohibitory liquor law, June, 1887, Woodbury county, sentenced to pay a fine of \$300, and in default of payment was committed to the county jail. Suspended as to further confinement in jail.

The application for suspension in this case was signed by Judge Wakefield, District Attorney Marsh, the sheriff, and other county officers. It was a case where mercy for the wife seemed to demand clemency for the man. He urged in a statement voluntarily made that he would never again violate the law. He had a position awaiting him as soon as released, and the judge gave the assurance that the public good would not suffer by letting the man out of jail.

Sentence suspended upon the same conditions, and with like provisions as to revocation as in No. 4, foregoing. Conditions accepted in writing.

No. 43. AUGUST 29, 1887.—MONTGOMERY, GEO. C. Convicted in the district court of Washington county, March, 1885, of the crime of abortion, and sentenced to the penitentiary at Fort Madison for one and one-half years.

Sentence suspended for a period of ninety days from this date.

DECEMBER 1, 1887.—On this date an additional order was made extending the time of suspension sixty days from this date.

Above suspensions were granted pending an application for pardon.

No. 44. OCTOBER 1, 1887.—JACKSON, JAMES. Convicted in the district court of Washington county, May, 1886, and sentenced to the penitentiary for a term of two years for the crime of larceny.

Sentence suspended on account of the insanity of the defendant, and he was ordered to the Hospital for the Insane and placed in charge of the Superintendent thereof until such time as he may be restored to reason, when he is to be returned to the penitentiary to complete his time of sentence.

No. 45. OCTOBER 29, 1887.—DOE, JOHN. Convicted in the district court of Muscatine county, September, 1887, and sentenced to the

penitentiary for a term of nine and one-half years for the crime of larceny and burglary.

Sentence suspended for the same reasons and upon the same conditions as in the last case preceding.

No. 46. OCTOBER 8, 1887.—KASTBERG, HANS. Convicted in the district court of Polk county, April, 1887, of the crime of keeping a nuisance, and sentenced to pay a fine of \$300 and costs and to be committed to jail until paid.

Sentence suspended so far only as to release him from jail.

Sentence suspended for the reason that his wife, as shown by the evidence, is in very feeble health and not able to attend to ordinary household duties. For this reason Judge Given recommended his release. No objections have been filed and it seemed to be a humane act to release the man from jail so that he might assist in the care of his family.

Sentence suspended upon the same conditions and with a like provision as to revocation as in No. 4, foregoing.

Conditions accepted in writing.

No. 47. OCTOBER 15, 1887.—WINTERS, ALBERT L. Sentenced to the Reform School at Eldora, September, 1885, by the district court of Marion county.

The boy was sent to the Reform School by his grandparents because he was so hard to manage and not because of the commission of any crime. The grandparents had a good home to offer the boy and claimed that his promises of leading a better life were such as to warrant them in believing he would be obedient and useful to them. Many of the leading business men of Knoxville signed the petition for the release of the boy.

Sentence suspended upon the same conditions, and with a like provision as to revocation, as in No. 19, foregoing; with the additional conditions that he would not sell or use intoxicating liquors. Conditions accepted in writing.

No. 48. OCTOBER 15, 1887.—LYNCH, MICHAEL. Convicted in the district court of Warren county, September, 1887, of the crime of keeping a nuisance and sentenced to pay a fine of \$300, and to be committed to jail until paid.

Sentence suspended as to further confinement in jail.

From the evidence presented it seems that Lynch had previously borne a fair reputation and his family were all highly respectable.

Judge Wilkinson, who sentenced him, said he was reliably informed that he had been keeping a restaurant and not a saloon. On this account and the crippled condition of Mrs. Lynch he favored a suspension of the sentence. The suspension was also favored by Hon. C. L. Anderson and by all of the county officers.

Sentence suspended on same conditions, and with like provisions as to revocation, as to No. 4 foregoing. Conditions accepted in writing.

No. 49. OCTOBER 22, 1887.—PETERS, CARL. Convicted in the district court of Sac county, September, 1885, of the crime of selling intoxicating liquors and sentenced to pay a fine of \$300.

Peters served almost the entire time of his sentence in jail, and had not been in the saloon business since May, 1885. It was claimed that he was not able to pay the fine, and the judgment being a lien upon the little property he had put it in such shape that he was liable to lose it at any time. Hon. Phil Schaller strongly recommended suspension.

Sentence suspended on same conditions, and with like provisions as to revocation as in No. 4 foregoing. Conditions accepted in writing.

No. 50. OCTOBER 29, 1887.—WOLVERTON, WILLIAM. Convicted of the crime of assault with intent to commit great bodily injury, March, 1887, in Madison county, and sentenced to one year in the county jail.

The evidence in this case does not show that Wolverton is a bad man or criminally inclined. He has been shown to have borne a good character before the trouble occurred, and his conduct in jail has been very exemplary. Judge Henderson recommended the pardon, as did also Judge Wilkinson. Senator Wilkin has urged that a pardon be granted, and petitions have been presented signed by nine of the jurymen and all of the county officers. Nearly three hundred among the best citizens of Madison county signed petitions for pardon and no objections have been filed.

Sentence suspended upon same conditions and with like provisions as to revocation as in No. 4, foregoing.

Conditions accepted in writing.

No. 51. OCTOBER 29, 1887.—ARMSTRONG, ROBERT. Sentenced to the Industrial School at Eldora from Washington county.

The boy was sent to the Industrial School because he was wild and

hard to manage, and not for the commission of a crime. His parents are now abundantly able to take care of him and give him a good home. The petition for his release is signed by over seventy citizens of the county who think he will be better off at home than in the School.

Sentence suspended on same conditions and with like provisions as revocation as in No. 45, foregoing.

Conditions accepted in writing.

No. 52. NOVEMBER 15, 1887.—CRACRAFT, NICHOLAS A. Sentenced to the Industrial School at Eldora, April, 1887, from Polk county.

No crime was charged against this boy when he was sent to the Industrial School. He is only eleven years old, and his record in the School is good. His release was recommended by Hon. Wesley Redhead and Judge Conrad, who sentenced him.

Sentence suspended on same conditions and with a like provision as to revocation as in No. 45, foregoing.

Conditions accepted in writing.

No. 53. NOVEMBER 19, 1887.—CALVIN, WILLIAM. Convicted in the district court of Polk county, September, 1887, of the crime of resisting an officer, and sentenced to serve a term of sixty days in the jail of said county.

Calvin is a brick mason and it was urged by his friends that he would, if released, get work so as to assist in providing support for his mother during the winter. Judge Given and Sheriff Painter recommended a conditional suspension.

Sentence suspended upon the same conditions and with a like provision as to revocation as in No. 4, foregoing.

Conditions accepted in writing.

No. 54. DECEMBER 31, 1887.—MURRIN, MARY. Convicted in the district court of Polk county, November, 1887, for the crime of keeping a nuisance, and sentenced to pay a fine of \$300.

Mrs. Murrin is a widow, very poor, and has six children, all girls, ranging from five to fourteen years of age. The court after pronouncing sentence allowed her to go home and a pardon was then applied for. Judge Given and County Attorney Phillips united in asking for suspension, and for the sake of her children, at least, it seemed a proper case for clemency.

Sentence suspended upon the same conditions, and with a like pro-

vision as to revocation as in No. 4, foregoing. Conditions accepted in writing.

REMISSION OF FINES.

No. 1. JANUARY 10, 1887.—HOGUE, NELSON. Remission of fines amounting to \$800, imposed by the district court of Union county, against the said Nelson Hogue, now deceased.

Remission is made upon condition that the widow of the said Hogue shall forever refrain from the illegal sale of intoxicating liquors of all kinds, and for the reason that to pay the fines would take all the property the widow has. Petition was signed by Senator McDill, county and city officers, merchants, bankers, attorneys, etc.

No. 2. FEBRUARY 19, 1887.—McNAMARA, JOHN. Judgment for default on an appeal bond in the case of the State vs. Dan McKnight, Marshall county, December, 1885, fine \$300.

In this matter the facts are: In 1885, McKnight was tried and convicted for keeping a nuisance; he took an appeal to the supreme court, and it is claimed that he took it to prevent paying the fine of \$300 and costs, \$91.40. The bond proved to be a supersedeas bond, and provided for the payment of fine and costs if the judgment of the lower court should be affirmed. The judgment was affirmed and McNamara, who was surety on the bond, learned for the first time that he was responsible for the payment of the fine. He then offered to John L. Stevens, district attorney, to compromise by paying \$200 of the fine and the costs. This proposition was accepted by the district attorney and consented to by Judge Henderson, and McNamara at once paid over his money to his attorney. The attorney failed to pay the money in and satisfy the bond, and judgment was entered against McNamara for the whole amount of fine and costs, \$391.40. The attorney of McNamara afterward paid in the \$200 and McNamara has since paid \$91.40, the amount of the costs, and asked relief from payment of balance of fine \$100, which was granted.

No remission granted as to the defendant McKnight.

No. 3. APRIL 11, 1887.—SPILLES, JOHN. Convicted of the crime of selling intoxicating liquors, Kossuth county, March, 1887, and fined \$300. Amount remitted, \$300.

In this case the judge who heard the case, Judge Thomas, wrote that the evidence showed clearly that Spilles was not in the saloon business. It was claimed, and with fair proof to support the claim,

that Spilles was taken from his bed at night and forced by several men to go to the billiard room in the building where he slept and which he owned, and there compelled to turn out whiskey for the men to drink, and it was also claimed that the whiskey was not kept in the room but carried in the pocket of one of the men. Spilles did not think a conviction possible and made no defense of any moment. Three of the jurors testified that if the evidence as they afterward learned it, had come out on the trial the verdict would probably have been different.

This remission was made upon the conditions that the said Spilles should thereafter abstain from the use or sale of intoxicating liquors as a beverage; that he should not frequent saloons, but should, in all respects demean himself as a law-abiding citizen. Conditions accepted in writing.

No. 4. APRIL 15, 1887.—SHURTZ, ELLIOTT. Judgment for default on an appeal bond in the case of the State of Iowa vs. M. P. Beecher et al, Marshall county, April, 1887, fine \$500 and costs.

Shurtz signed an appeal bond under the apprehension that it was only an appearance bond and so became liable on the bond for the amount of the fine, and judgment was accordingly entered.

No. 5. APRIL 18, 1887.—KEITH, E. E. J. Convicted of the crime of carrying concealed weapons, in the police court of Sioux City, April 4, 1887, and fined \$50.

It was shown by the best of evidence that Keith was an officer appointed to assist a constable in the service of warrants issued against saloon men, and that he was in the line of his duty at the time he was carrying the weapon.

No. 6. APRIL 19, 1887.—MAHONEY, JOHN. Convicted of violating the prohibitory liquor law, Johnson county, November 4, 1875, and fined \$100.

Amount remitted, \$75.

This fine was imposed in 1875 and \$25 paid upon it. Immediately afterward Mahoney quit the saloon business, bought and moved on a farm and has since been a good and upright citizen. Some of the best citizens of Johnson county urged the remission of the remainder of the fine.

No. 7. APRIL 26, 1887.—CHAPIN, E. N. Judgment for default on an appeal bond in the case of State of Iowa vs. M. P. Beecher, Marshall county, January 26, 1884. Fine \$150.

Chapin signed an appeal bond under an apprehension that it was only an appearance bond and so became responsible for the amount of the fine, and judgment was accordingly entered.

No. 8. JULY 13, 1887.—VAIL, A. M. Convicted of the crime of violating the prohibitory liquor law, February, 1887, Lyon county, and fined \$100. Remission \$50.

Vail is a practicing physician and claims that he was opposed to the sale of liquors and when he could not control his partner in the matter he sold out and quit the business and expects to remain out of it. Judge Wakefield, the county officers and Miller & Thompson ask for the remission.

This remission was made upon the condition that Vail should in the future conform in all respects with the requirements of the prohibitory liquor laws of the State.

Conditions accepted in writing.

No. 9. JULY 23, 1887.—WEINGARTLE, FRANK. Convicted of the crime of violating the prohibitory liquor law, April, 1885, in Linn county, and fined \$225. Remission \$125.

Weingartle died soon after these fines were imposed, and his wife, Alzbeton Weingartle, has paid the amounts, with the exception of the \$125 remitted. She has settled with all of her husband's creditors, and is in need of all her means to support her family. She agrees to pay all costs in the case. The petition is signed by the County Attorney, ex District Attorney, Hon. Wm. G. Thompson and several county officers.

Remission is made on condition that all costs are paid, and on the further condition that the said Alzbeton Weingartle will in the future refrain from violating the prohibitory liquor laws of the State, and will conduct herself as a good and law-abiding citizen.

Conditions accepted in writing.

No. 10. SEPTEMBER 10, 1887.—HESSE, FRANK. Convicted in the district court of Sioux county, March, 1886, of the crime of keeping a nuisance and sentenced to pay a fine of \$400.

Amount remitted, \$200.

It is claimed, and good evidence was filed, that Hesse has permanently gone out of the saloon business. He has paid the costs in the case and \$200 of the fine. On account of the judgment for the remaining \$200 he is unable to dispose of his property, which consists only of his homestead. He has an opportunity to exchange this prop-

erty for a farm on which he will move. Under the circumstances it seemed best to remove the only obstacle in his way to honorable business, believing that society will not suffer thereby.

Remission granted upon the same conditions as in No. 2, foregoing. Conditions accepted in writing.

No. 11. JANUARY 5, 1888. BUSH, L. H. Sentenced by the Polk county circuit court, September, 1886, to pay a fine of \$200 for failure to comply with the law requiring druggists to make report of sales of intoxicating liquors within five days following the last Saturday of each month.

Amount remitted, \$100.

Judgment in this case was suspended April 13, 1887, upon the application of Judge Given, the county attorney of Polk county, and several other prominent gentlemen. The fine was imposed on account of a technicality, the reports required to be made having been been delayed two or three days on three occasions. This remission is based upon the same reasons given for said suspension.