

REPORT

BY THE

GOVERNOR OF IOWA,

OF

Pardons, Commutations, Suspensions of
Sentence, and Remissions of Fines.

FROM JAN. 12, 1888, TO FEB. 27, 1890.

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STATE OF IOWA. }
EXECUTIVE OFFICE. }

To the Senate and House of Representatives:

In accordance with the requirements of section 16, article 4 of the Constitution, I herewith transmit to you a report of each case of reprieve, commutation, and pardon, granted, and the reason therefor, and also of all persons in whose favor remission of fines and forfeitures has been made, and the several amounts remitted.

WM. LARRABEE.

February 27, 1890.

COMMUTATIONS.

No. 1. E. E. SMITH. May 10, 1888. Sentenced May 5, 1888, to ninety days' imprisonment in the jail of the county of Cherokee, for the crime of keeping a nuisance. Commuted to imprisonment for thirty days, on condition that he will refrain from the use and sale of intoxicating liquors as a beverage. The commutation, with a partial remission granted at the same time, is made in accordance with the suggestion of Judge Lewis. It is also recommended by the county attorney and the senator from the district.

No. 2. GEORGE W. WORLEY. April 8, 1889. Sentenced by the district court of the county of Louisa, at its January term, 1889, to the penitentiary for the term of fifteen months, for the crime of manslaughter. Sentence commuted to imprisonment in the county jail for the term of twelve months, including the time already spent in jail. Petitions with 173 signatures are on file, asking that full pardon issue because of absence of felonious intent, and sufficiency of punishment already endured, and because Worley's offense was committed in defending a younger brother. J. W. Garner, ex-Senator Hurley, Mayor Fulton of Columbus Junction, and Sheriff Black, all recommend pardon. Representative Riley, and the county auditor, recorder and sheriff are among the petitioners for clemency. This commutation is conditioned that Worley will hereafter refrain from the use and sale of intoxicating liquors as a beverage, that he will not frequent saloons, and that he will in all respects demean himself as a good and law-abiding citizen.

No. 3. HENRY ELLIOTT. September 25, 1889. Sentenced December 8, 1888, by the district court of the county of Dubuque, to imprisonment in the penitentiary for a term of one year, for the crime of assault with intent to rob. Sentence commuted to imprisonment in the penitentiary for eleven months and thirteen days. Elliott was unduly detained in jail after his sentence, owing to a misapprehension on the part of the sheriff as to the effect of such detention. At the request of Judge Linehan, the time the prisoner was thus detained is deducted from the period of confinement in the penitentiary.

No. 4. JOHN J. BEELER. November 22, 1889. Sentenced April 3, 1889, by the district court of the county of Keokuk, to imprisonment in the penitentiary for six months, for the crime of burglary. Sentence commuted to imprisonment in the county jail for thirty days. Judge Lewis writes that he sentenced Beeler to the penitentiary because he could not do otherwise under the statute, and in his judgment, thirty days' imprisonment in jail is enough. Petitions have been presented in Beeler's favor, signed by 156 persons, including a number of county officers. The commutation is granted on the same conditions as in Worley's case.

No. 5. BERNARD KENNEDY. Sentenced by the district court of the county of Dubuque, at its January term, 1888, upon conviction of the crime of murder of the first degree, to be hanged by the neck until dead. Sentence commuted to imprisonment in the penitentiary of the State, at hard labor, for the term of his natural life. This commutation is urged in a petition signed by D. E. Lyon, H. B. Fouke, J. B. Powers, Fred. O'Donnell, S. M. Pollock, Austin Adams, George W. Jones, Senator Knight, C. H. Eighmey, George Burden, F. M. Knoll (foreman of the grand jury), Thomas S. Watson, H. S. Hetherington, J. P. Farley, P. J. Quigley, Charles J. Rogers, B. B. Richards, J. K. Graves, William H. Paisley, and 127 others, on the ground of grave doubts as to Kennedy's guilt, and of great agitation and excitement at the time of the trials. Several of those named above, as well as others, have written letters favorable to commutation. I confess, myself, to doubt of Kennedy's guilt of the crime of murder in the first degree, and am advised by many attorneys familiar with the evidence, that in their judgment, Kennedy ought not to have been convicted of a higher grade of crime than manslaughter, or at most, murder in the second degree.

PARDONS.

All the pardons here reported were granted with conditions, upon the violation of any one of which the Governor of the State may summarily revoke the pardon, and order the person so violating the conditions to be returned to prison to serve out the remainder of his sentence.

These conditions in nearly all cases are that the person pardoned shall "refrain from the use and sale of intoxicating liquors as a beverage, that he will not frequent saloons, but will in all respects demean himself as a good and law-abiding citizen."

No. 1. WILLIAM HARRAGAN. January 16, 1888. Sentenced by the district court of Dubuque county, on the 22d day of May, 1886, to the penitentiary for the term of two years for the crime of larceny from the person. Harragan is a young man whose parents are represented to be among the most worthy citizens of Dubuque. His term of sentence would expire on the 1st day of February, 1888, and believing that a pardon at this time would encourage him to a better and more useful life, and at the request of Judges Linehan and Couch, the latter of whom tried the case, and of all the county officers of Dubuque county, the pardon is granted.

No. 2. BASIL D. COURTS. January 16, 1888. Sentenced by the district court of Lee county, on the 20th day of February, 1885, to the penitentiary for the term of five years for the crime of manslaughter. It fully appears that prior to the commission of the crime charged, Courts was a young man of good character. He was twice tried, the jury failing to agree upon the first trial. His conduct in prison has been exemplary, and he has served nearly three years of his sentence. It is urged that Courts should not have been convicted, and there are some grounds apparently for the plea. In a petition for pardon, signed by 115 citizens of Lee county, including prominent business men of various classes, it is claimed that Courts was viciously assaulted and that he shot in self-defense. Judge Stutsman, who tried the case, believes that the ends of justice have been fully met, and says it might be well to pardon him. There is a petition asking pardon signed by the twelve trial jurors, and they say there were strong and mitigating circumstances shown upon the trial. D. N. Sprague, who as district attorney conducted the prosecution, says he is willing the man should have his liberty. I. E. Higgins, sheriff at the time of trial, says he believes Courts has fully expiated his crime. R. Root, since sheriff of the county, thinks Courts should not have been convicted. Senator Gault says the best people of the county of Appanoose, Courts' home, are interested in favor of Courts, and he favors pardon. Senator Kent and Representative Reynolds favor pardon. Representative Craig writes a strong letter in which he urges the innocence of Courts; says he is in delicate health and recommends pardon. The conditions are that Courts will refrain from the use and sale of intoxicating liquors as a beverage; that he will not frequent places where liquors are sold in violation of law, but will in all respects demean himself as an orderly and law-abiding citizen.

No. 3. L. B. LARSON. January 25, 1888. Sentenced by the district court of Hamilton county, on the 3d day of April, 1885, to the

penitentiary at Anamosa for the term of seven years, for the crime of obtaining money under false pretenses, the amount of money obtained being \$15. There is a petition signed by twenty-four prominent citizens of Webster county, including D. D. Chase and Cyrus Smith; also the county attorney and the sheriff, the latter of whom adds that he has known Larson for five years, and that he is a young man of good moral character. F. W. Smith, the man from whom the money was obtained, says that if he had known the young man would have been sent to the penitentiary for more than six months he would never have said anything about the transaction; thinks the punishment very excessive, and recommends clemency. Ex-Senator Kamrar says he has known the boy a long time, and that he has been considered an honest, hard-working boy; that he had been guilty of a like offense before and received light sentence, and the judge said that as the former sentence did not work a reformation he would now give him seven years; that this sentence was seven times too long; that the boy should have another trial at reformation, and that, if pardoned, he (Kamrar) will take him into his family, give him employment, and take an interest in his welfare. Judge Henderson, who tried the case, opposes the pardon, and Hon. John L. Stevens, district attorney at the time of the trial, thinks it not advisable; nevertheless, as nearly three years of the term of sentence has expired, and as the young man will have a good home to go to, a pardon is granted under the belief that the ends of justice have been fully met. The conditions of this pardon are the same as are recited in No. 2, foregoing.

No. 4. JAMES HEVLIN. February 21, 1888. Convicted of the crime of robbery by the district court of Marion county, and sentenced to eight years imprisonment. Committed to the penitentiary at Fort Madison, February 11, 1884. Hevlin was only nineteen years old when the crime was committed, and it is claimed in the application for pardon that he was influenced by those who were older to commit the crime. His reputation, previous to the time, was good. "He pleaded guilty and implicated others, and through information furnished by him the officers succeeded in breaking up a gang of criminals." Judge O. B. Ayres certifies to the last statement as being true, and said that for this reason, and also because he believed the young man had reformed, he was of the opinion that a pardon should be granted. The district attorney, nine of the trial jurors, and the county officers signed the petition. The pardon is strongly recommended by ex-Governor Stone; and as he claims to be thoroughly acquainted with all the facts in the case, and believes the young man

should be released, I act largely upon his suggestions. One hundred and fifty citizens of the county have signed the petition, and no remonstrance was filed. Hevlin has served more than half his time, and it seems to me that a conditional pardon would be an encouragement to him in again beginning life among his fellow-men.

No. 5. JOHN HUGHES. March 2, 1888. Convicted of the crime of obtaining money under false pretenses on the 19th day of October, 1886, by the district court of Guthrie county, and sentenced to the penitentiary at Fort Madison for the term of three years. Hughes was in Dallas county jail for three months, which jail is said to have been in very bad condition. He was also in the jail of Guthrie county for three months awaiting trial. It is not claimed that Hughes is innocent, but clemency is strongly urged because he is very sick. The prison physician certifies that Hughes is in a precarious condition, and will not live until the end of his term, which would expire May 1, 1889. His wife and child are represented as being in destitute circumstances. There are no remonstrances against the petition, and five of the trial jurors ask that a pardon should be granted. The representative of the county joined in the petition for clemency. Hughes is confined in the prison hospital, and his release would allow him to come and be cared for by his wife in what seems to be a fatal sickness. It will be a relief to himself and family, and can scarcely work harm to the community. The physical condition of Hughes is almost the only plea upon which the pardon is granted.

No. 6. FRANK MCKUNIFF. March 28, 1888. Sentenced by the district court of Buchanan county, on the 6th day of May, 1887, to the penitentiary at Anamosa for the term of two years, for the crime of assault with intent to commit murder. McKuniff is represented as a young man who, prior to the commission of this crime, had borne a good character, except that he was somewhat addicted to the use of intoxicating liquor. The evidence shows that the crime, if it can be called such, was committed in a drunken row, and that while a pistol was fired, no one was hurt. Petitions numerously signed by citizens of Buchanan county have been presented, asking for a pardon; one of these is signed by eleven of the trial jurors. Judge Ney says McKuniff is not a bad man, and recommends pardon. Judge Couch also asks it, and for the same reason, with the additional reason that the defendant has an aged mother to support. District-Attorney Shields says the young man has been sufficiently punished, as there were many extenuating circumstances. The county attorney, who assisted in the prosecution, also recommends pardon; and the county officers and other leading citizens of Buchanan county petition for it. I am satisfied

that the ends of justice have been met, and therefore grant pardon with the usual conditions.

No. 7. NELSON JOSS. March 28, 1888. Sentenced by the district court of Montgomery county, on the 10th day of November, 1883, to the penitentiary at Fort Madison for the term of ten years, for the crime of obstructing a railroad. Counting good time, young Joss has served one-half of his term, and Judge Harvey says on account of the youth of the defendant at the time the crime was committed, he being only nineteen years of age, the sentence may have been too severe. For this reason, and because the father of the young man needs his services, the judge recommends that a pardon be granted. County officers and three jurors signed the petition, as did also 340 citizens of Adams, Ringgold, Taylor, and Union counties. The obstruction placed on the track by Joss was removed before harm was done. He is believed to have been of unsound mind, as he had once been before the commissioners of insanity. Deeming his punishment sufficient, I release him on a conditional pardon.

No. 8. THOMAS JOHNSON. March 28, 1888. Sentenced by the district court of Mills county, on the 25th day of April, 1887, to the penitentiary for the term of twenty-two months, for the crime of forgery. The evidence in this case is reasonably conclusive that Johnson had borne a good character previous to the commission of this crime, his only fault seeming to be that of using intoxicating liquors too freely. Benjamin F. Clayton very strongly urges the application for pardon. Judge Thornell says he has learned that this was Johnson's first offense, and favored a pardon. L. D. Gurney prosecuted the case, but says he understood that Johnson was to have only a jail sentence, and very strongly recommends a pardon. Senator Weidman, Representative Chantry, and county officers all favor a pardon. Johnson has served more than one-half of his term, and there being no objection he is released upon a conditional pardon.

No. 9. ED. B. WILDMAN. March 28, 1888. Sentenced by the district court of Adair county, on the 6th day of March, 1885, to the penitentiary for life, for the crime of murder in the first degree. The evidence presented in this case is very voluminous, and in it there is nothing derogatory to the character of Wildman previous to the commission of this crime. On the contrary there are numerous letters from the members of the Wisconsin legislature, and other less prominent men of that state, testifying to the character of the young man as being above reproach while living there, where he was reared from childhood to early manhood. One petition from Wisconsin contained

290 names. The same evidence continues as to Wildman's life after coming to Iowa, and one petition from Adair county, asking for pardon, contains 500 names. Judge McHenry says that at the time he could see no good reason for setting aside the verdict, but from what he has learned since the trial he thinks Wildman should be pardoned. Judge Wilkinson, who at the time of the trial was district attorney, says that he has since learned of the previous good character of the defendant, and as Wildman's wife is the older of the two, and believed by very many to be responsible for the crime, he favors a pardon. Eleven of the trial jurors signed the petition for pardon. Ira B. Spencer and J. E. Launder say they were present at the coroner's inquest and do not believe defendant guilty of the crime. T. W. Muhlren, M. D., and F. D. Culverson, M. D., say they held the post-mortem examination of the victim (a child) and do not believe Wildman guilty of the murder. H. V. Mount, M. D., was with Mrs. Wildman in her confinement, and believes her to be the designer and instigator of the child-murder, and what defendant did was done to protect his wife. In addition to this evidence, on February 22, 1888, C. H. Brock, Secretary of the Senate, then in session, filed in my office a certified copy of a concurrent resolution passed unanimously by the two houses of the legislature, recommending Wildman's pardon. With such evidence before me, and upon the recommendation of the concurrent resolution, I deem it advisable to release Wildman upon a conditional pardon.

No. 10. W. A. YATES. April 16, 1888. Sentenced by the district court of Polk county, on the 20th day of May, 1884, to the penitentiary at Fort Madison for the term of five years, for the crime of breaking and entering. Yates had a partner in the crime who it appears was the instigator, and the more guilty of the two. This partner was pardoned after he had served about one year of his term in the penitentiary. Yates has made a good prison record and his pardon is recommended by Judge McHenry and District Attorney Wilkinson. There is no opposition to clemency, and I am satisfied that Yates' punishment is sufficient for the crime, and that further punishment will not benefit him.

No. 11. GEORGE BUTLER. April 8, 1889. Sentenced by the district court of Black Hawk county, on the 24th day of December, 1880, to the penitentiary at Anamosa for the term of ten years, for the crime of murder in the second degree. Including all good time, which I understand has been earned, Butler has little more than one year of his sentence to serve. The late Judge Bagg said he was ready to recommend executive clemency in this case. Judge Couch, District At-

torney Fouke, Senator Parrott, and the county officers sign the petition for pardon. It is claimed, and it appears by the evidence, that Butler bore a good reputation before the commission of the crime, which occurred in a personal affray in which the victim was not blameless. Mr. Lewis Lichty says Butler was his ward, and was one of the very best of boys. The short time remaining to be served cannot add largely to the punishment already inflicted.

No. 12. **GEORGE BANKS.** April 24, 1888. Sentenced by the district court of Appanoose county, on the 1st day of November, 1883, to the penitentiary for the term of twelve years, for the crime of robbery. He is a colored man, and committed his crime in company with a white man who received a very short sentence, and whom I believe to have been as guilty as Banks, if not more so. After a very careful investigation of the case I have concluded, although no application has been filed for the pardon of Banks, that the ends of justice are already met, and that his further imprisonment, under the circumstances, would be a matter of injustice.

No. 13. **ALEXANDER GRAHAM.** April 24, 1888. Sentenced by the district court of Tama county, on the 13th day of March, 1884, to the penitentiary for the term of seven years, for the crime of larceny from the person. It is claimed in the petition that it is very doubtful whether Graham was guilty of the crime charged. Judge Leach, formerly of the superior court of Cedar Rapids, says he would not have been convicted if his character had previously been good, and Hon. J. J. Snouffer made the same statement. One of the jurymen says he did not believe Graham guilty, but thought he ought to be convicted on general principles. J. H. Preston says the sentence was too severe and favors a pardon. The petition is signed by Senator Graves, Senator Knight, Judge Linehan, and officers of Dubuque county.

No. 14. **FRED. WILSON.** April 24, 1888. Sentenced by the district court of Buchanan county, on the 5th day of December, 1882, to the penitentiary for the term of ten years, for the crime of forgery. Wilson was only 19 years of age when his crime was committed and has served more than one-half the term of his sentence. He is represented as a bright, active young man, fully capable of caring for himself, and as this crime was committed when he was young, the petitioners believe that Wilson, if released, will become a useful citizen and a better man because of his experience. Petition for his release is signed by Alexander Risk, whose name was forged, by ex-Senator Donnan, Hon. W. H. Chamberlain, and the county officers. The sentence was

severe, and I am of the opinion that Wilson has been sufficiently punished.

No. 15. **JOHN COOL.** May 24, 1888. Sentenced by the district court of Jasper county, on the 28th day of February, 1884, to the penitentiary for the term of ten years, for the crime of murder in the second degree. It was represented to my predecessor that Cool was not in a condition to be removed, and he being very old and feeble, his transfer to the penitentiary would almost surely result in his death. For this reason his sentence was suspended from time to time until my term of office began. The facts upon which my predecessor acted were brought to my attention by Judge Winslow, Senator Doud, and others. Judge Winslow makes the statement that it would be nothing less than an act of barbarity to send Cool to the penitentiary. I have also suspended the sentence from time to time until I have become satisfied that it would be well for all concerned to grant a pardon, which is accordingly done on condition that he will refrain from the use of intoxicating liquors as a beverage, and will conduct himself as a good and law abiding citizen.

January 12, 1889, the foregoing pardon is revoked for violation of the conditions upon which it was granted.

No. 16. **W. B. MEKEMSEN.** May 28, 1888. Sentenced by the district court of Madison county, on the 26th day of December, 1887, to the penitentiary for the term of one year, for the crime of forgery. Mekensen belongs to a good family, as does his wife, several members of the families holding honored positions in society. He became involved, and was not able to see his way clear in supporting a wife and nine children, and in desperation concluded to use a neighbor's name in securing a loan, thinking to pay the note before the crime was discovered. The amount of the note was \$50, but he received nothing on the note, as the forgery was discovered before payment was made, so that no one lost any money by the transaction. Mrs. Mekensen writes that one of her daughters is very sick and will be an invalid, and as her youngest child is only five months old she is unable to give her family the attention they so much need. Dr. Way, the family physician, testifies to the same thing, and he, with Rev. C. T. McCaughan, strongly urge that the pardon be granted. Ex-Senator Wilkin, after carefully reviewing the case, says he thinks the punishment sufficient, and recommends a pardon. Judge Henderson says he could not recommend a pardon, but will not oppose it. Including good time, Mekensen has served about half his term. He is released on condition of refraining from the use and sale of intoxicating

liquors as a beverage, and of demeaning himself at all times as a good and law-abiding citizen.

No. 17. B. A. SHAFER. June 26, 1888. Sentenced by the district court of Henry county, on the 8th day of January, 1887, to the penitentiary for the term of three years, for the crime of larceny. Shafer's crime, as charged, was the stealing of harness which the jury found to be worth \$23, and one claim was made that it was not worth \$20. For this reason the sentence is claimed to be excessive. Judge Statman says that under all the circumstances it is possible the sentence is too long, and on this account, and also on account of the condition of Shafer's family, he recommends a pardon, and it is asked by ten of the trial jurors on the ground that the sentence is too long. Senator Harlan says that after Shafer had served one-half of his term, he was very much in favor of his release. Pardon was also recommended by Governor Newbold, and Senator Woolson. The county officers, several ex-county officers, editors, and professional and business men of Mt. Pleasant favor a pardon, which is granted.

No. 18. AQUILLA SUTTON. July 20, to take effect July 24, 1888. Committed to the penitentiary February 3, 1887, under sentence of the district court of the county of Dallas, for two years, for the crime of larceny. Before Sutton went to the penitentiary, petitions were presented, numerous signed, for his pardon, on the ground of innocence; and affidavits were filed of persons who testified to facts inconsistent with guilt on Sutton's part. To permit of ample time for a showing in support of the averments of the petition, the execution of the sentence of the court was twice suspended, in all for forty days, as reported to the last General Assembly. I was not, however, satisfied of Sutton's innocence, and refused to interfere further with the order of the court. Since that time a petition has been presented for pardon from 102 citizens of Dallas county, including the mayor and other officers of the city of Perry, the postmasters at Adel and Dallas Center, the mayor of Adel, and several county officers, some of the signers having been opposed to the exercise of clemency at first. The tenor of the petition and of other papers recently received is to the effect that Sutton has been sufficiently punished, even if guilty. In this view of the subject, I concur; and pardon is granted on the same conditions as those imposed on No. 16, foregoing.

No. 19. DANIEL EARP. July 10, to take effect July 17, 1888. Committed to the penitentiary April 19, 1886, for three years, under a sentence of the district court of the county of Montgomery, for uttering and publishing as true a false and forged note. Earp was

under age when his crime was committed, and the district judge thinks he did it under the influence of liquor; and along with the county attorney, the State senator and representative, and the sheriff urged that a pardon be granted; as does a petition signed by 80 persons. He has served all but about four months of his sentence, with allowance for good behavior.

No. 20. CHARLES HOWEY. September 17, 1888. Committed to the penitentiary February 23, 1886, under a sentence of the district court of the county of Wapello, for the term of three and one half years, for the crime of robbery. Twenty-one citizens of the town of Wapello petition for the pardon; among them being the mayor, three of the county officers, ex-Senator Hurley, D. N. Sprague, and others.

Mr. Hurley says Howey had borne a good reputation; and thinks that there was little or no guilt in his conduct. The representative from Louisa county transmitted the petition, fully indorsing it. Judge Burton, before whom Howey was tried, says that if he had known at the trial what he afterwards ascertained the sentence would have been much lighter. He has already served two and a half years, which seems to me sufficient, in view of all the circumstances, to warrant me in giving him his liberty and an opportunity to justify the good opinion of friends.

No. 21. EDWIN WENT. October 2, from October 10, 1888. Committed to the penitentiary February 25, 1885, under sentence of the district court of the county of Marshall, for the term of nine months, for the crime of bigamy. An affidavit by Went's lawful wife says that they separated eight years ago, she informing him then, and repeatedly afterwards by letter, that she did not intend ever to live with him again; and she went so far as to tell him she had obtained a divorce (which she had not done), and advised him to get married again. Went claims that when he married again he believed himself to be a divorced man, and that when he afterwards learned the truth he did his best to rectify matters. His statement, thus corroborated by his wife, makes it very doubtful whether there was anything more than technical guilt. At all events he has served out nearly the full term of his sentence, and no harm can come from giving him the benefit of the doubt by releasing him a few days in advance.

No. 22. AUGUSTUS CLOUD. October 6, 1888. Committed to the penitentiary February 16, 1884, under a sentence of the district court of the county of Story, for eight years, for the crime of breaking and entering. Petition for pardon has fifty-one signatures, among them the names of several of the county officers; and represents the prisoner

to have been unfortunately situated in childhood, and that this was his first crime. Hon. John Scott strongly urges the pardon, and the prosecuting attorney, now Judge Stevens, is of opinion the sentence was too severe. Cloud has served more than half of his term, and I think it proper in view of his youth, to give him an opportunity to continue in active life the reform which seems to have been hopefully begun in the prison.

No. 23. HUGH McCaHILL. November 8, to take effect November 26, 1888. Committed to the penitentiary June 28, 1887, under a sentence of the district court of the county of Greene, for three years, for the crime of manslaughter. This case grew out of the riotous proceedings in the neighborhood of Angus, in 1884 and 1885. The deceased, Nels Munson, was killed by a crowd shooting into a house. Several persons, McCahill included, were indicted for conspiracy to assault, and two others were indicted with him for the murder of Munson. Subsequent to McCahill's conviction, the cases against all the others were dismissed. Petitions from 125 residents of Rippey and vicinity, 123 persons at and near Angus, and from seventy other citizens of Greene county, are presented for his pardon. Z. A. Church (county attorney), Mrs. Turrill (county superintendent), and John J. Russell (who assisted the prosecution at the trial) urge the exercise of clemency, as do also the representative and the supervisors of the county. It would seem as if a desire to punish somebody for the reckless killing of Munson had not a little to do with the prosecution and conviction of McCahill. He appears to have been one of the crowd of people from which came the fatal shots; and could not consequently be looked upon as entirely innocent. His neighbors, however, speak of him as a man of previously good character; and the condition of his family of wife and five young children affords an additional reason for giving him his liberty, and opportunity to justify the favorable opinion entertained of him by his neighbors.

No. 24. J. R. LINE. November 15, to take effect November 20, 1888. Committed to the penitentiary October 17, 1882, under sentence of the district court of the county of Webster, for the term of eleven years, for the crime of murder in the second degree. Eleven of the trial jurors unite in a paper setting forth that facts which came to their knowledge subsequent to the trial satisfy them that Line was suffering so much physically at the time of his crime, by reason of a recent injury, that his mind was sufficiently affected to cause him to do that which he would not have done in his ordinary mental condition; and that in any case, he has been sufficiently punished. Two hundred and nineteen citizens of Webster county petition for the

pardon: among them, ex-Governor Carpenter, John F. Duncombe, J. P. Doliver, M. D. O'Connell, John D. Strow, E. E. Prusia, Mayor Granger, George A. Pearsons, and others. Messrs. Duncombe, Meservey, Doliver (who assisted the district attorney at the trial), and O'Connell, also specially urged that pardon be granted. Judge Henderson and District Attorney Stevens recommend favorable action. While fully impressed with the considerations presented in Line's behalf, I was nevertheless constrained, in view of the gravity of his offense, to withhold action until he had served at least half his term. He is now released, after being at the penitentiary a little over six years.

No. 25. H. L. HARLAN. December 4, 1888. Sentenced by the district court of the county of Polk to the penitentiary, for the crime of larceny. Harlan stole a horse while intoxicated, and when arrested made full amends for his crime. Leading citizens of Linn county, where he was born and brought up, ask that clemency be extended him. Judge Conrad, before whom he was tried, all the grand jurors who indicted him, and the senator and representatives from the county of Polk, recommend the pardon. The reasons given are such as to satisfy me that the ordinary conditional pardon may, in this instance, be issued with peculiar propriety.

No. 26. WILLIAM McCLINTIC. December 4, to take effect December 22, 1888. Committed to the penitentiary January 17, 1888, under sentence of the district court of Henry county, for the term of one and a half years, for the crime of seduction. Since the conviction, both the prisoner and his victim have married, and each has a family, that of the prisoner being in poverty. He seems to have been of previously good character, and his release is strongly recommended by over two hundred citizens of Henry and Washington counties. The judge and the prosecuting attorneys who tried the case, nine of the jurors, and the senator and representative from the county, do the same; and their opinion is concurred in by Hon. James Harlan, Hon. Joshua G. Newbold, and others.

No. 27. JERRY MURPHY. December 4th, to take effect December 22, 1888. Committed to the penitentiary February 16, 1884, by reason of a judgment of the district court of the county of Story, for the term of twelve years, for the crime of breaking and entering, and larceny from a building. A record of good character, from Murphy's former home in the State of New York, is strongly urged in his behalf. The district attorney, the representative from the county, ex-Senator Scott, and others recommend him to favor, and a petition

of seventy-nine names strongly urges his pardon. The district judge informs me that he made the punishment severe because of an impression he had that Murphy was a professional burglar, and he now recommends a pardon. The prisoner has already served out the term of his sentence for the first offense, and several months of that for the second.

No. 28. THOMAS FAY. December 4th, to take effect December 22, 1888. Committed to the penitentiary April 30, 1883, for the term of ten years, under an order of the district court of the county of Carroll for the crime of murder in the second degree. A petition signed by the county recorder, treasurer, and clerk, the mayor and postmaster of Arcadia, the marshal of Carroll, and 203 other citizens of Carroll county, including the business and professional men of Arcadia, asks for the pardon, saying that there was credible evidence on the trial that Fay acted in self-defense, and expressing their belief that he has been sufficiently punished. The judge before whom he was tried says he would have been better satisfied with a verdict of manslaughter, and thinks justice will be fully attained if he is pardoned; in which opinion the prosecuting attorney concurs. Senator Deal commends the case to favorable consideration, believing that a pardon will, in this instance, fully accomplish the objects contemplated in the punishment ordered by the court. I am inclined to think murder was not intended, and am persuaded that the punishment he has received will have an enduring influence to deter him from criminal conduct.

No. 30. W. H. MARSH. December 4th, from December 22, 1888. Committed to the penitentiary from Polk county, December 31, 1886, for two and one half years for the crime of adultery. This man has served so nearly the term of his sentence that it seems proper that the urgent entreaties of his neglected, but still devoted wife, for his pardon be heeded, and he be released.

No. 31. FRANK BOLANDER. December 17th, to take effect December 24, 1888. Committed to the penitentiary for three years for the crime of larceny, committed in the county of Hardin. The money which was the subject of the larceny, was fully restored to the lady from whom it was taken; and she was ignorant of any movement whatever to prosecute Bolander until she was subpoenaed before the grand jury. She believes he ought to be pardoned. The prosecuting attorney, as well as Judge Weaver and others, is of the same mind. A petition for the pardon is on file with thirty-seven signatures, including those of the county attorney and the other leading county

officers. Bolander's wife, on whom has devolved the care of their two children, is, I am advised, too weak physically for the burden; and his aged parents have recently been deprived by fire of the property which was their support. It seems especially a case where the pardoning power ought to be exercised.

No. 32. JAMES CARR. December 11, to take effect December 22, 1888. Committed to the penitentiary November 1, 1883, for seven years, for the crime of manslaughter, committed in the county of Appanoose. This man has been incarcerated a little more than five years for killing a much more powerful man, who, as it appears, was a person of enormous strength, who had threatened Carr, and of whom Carr stood in mortal dread. The threats grew out of some strikes of the miners, the prisoner having gone to work to support his family while a strike was pending. Hon. Andrew J. Baker, attorney-general, both by letter and in person very strongly recommends this pardon, and has satisfied me that the man has been amply punished for any criminal intent he may have entertained.

No. 33. WILLIAM SMITH. January 16, from January 24, 1889. Committed to the penitentiary December 12, 1888, for ninety days, for the crime of larceny committed in the county of Guthrie. Several leading citizens of that county, including among them the Auditor of State and all the county officers, urge the pardon of Smith, because of the fact that he had served out a sentence of two and a half years at the penitentiary, and was now returned to it by virtue of a judgment based upon another indictment found before his first term began. During that first term his mother and two sisters died, leaving four children to the care of the father, who is in poor health and financially crippled. It looks as if detaining Smith till the end of his term would look more like vengeance than punishment proper.

No. 34. FRANK BLANCHARD. January 19, 1889. Committed to the penitentiary October 18, 1888, for six months, for the crime of forgery committed in the county of Mitchell. Nine jurors say they reluctantly agreed to a verdict of guilty, which they accompanied with a recommendation to mercy, and they now urge executive clemency. Petitions for pardon signed by 159 citizens of Mitchell county and 108 of Emmet, are on file. A good reputation before his crime is urged in Blanchard's behalf; and it is said that his subsequent conduct was quite exemplary. Senator Sweeney, Representatives Smith and McFarland, and the county officers of Emmet county, to which Blanchard removed from Mitchell county, recommend clemency.

No. 35. WM. McCAFFERY. January 25, to take effect January 28, 1889. Committed to the penitentiary December 10, 1881, for fourteen years for the crime of rape, committed in the county of Hamilton. McCaffery was only a boy when the offense was committed, and representations are made to me by prominent citizens to the effect that an unfortunate marriage, contracted when a boy, was partly the occasion of his erring. The judge before whom he was tried expresses the opinion that, while the severe sentence was calculated to serve its office as a deterrent to others, the punishment already endured is sufficient and the prisoner may be safely pardoned on condition of good behavior. The late Judge Miracle said it was the opinion of the people when the crime was committed that in view of all the circumstances, McCaffery has been punished sufficiently; in which belief Judge Miracle himself shared. John D. Hunter was of the same opinion. A former fellow-convict has made pathetic appeals in the prisoner's behalf, giving very plausible reasons why pardon should be granted. Judge Chase and Hon. Gilbert B. Pray (clerk of the supreme court) have quite earnestly advocated this pardon; and it is granted largely because of their representations. The conditions are that McCaffery will refrain from the use of intoxicating drinks, that he will not frequent saloons or other places of ill-repute, and that he will in all respects demean himself as a good and law-abiding citizen.

No. 36. CHARLES O. DANIELS. February 16, from March 2, 1889. Committed to the penitentiary January 22, 1887, for two and a half years for the crime of seduction, under an order of the district court of the county of Marshall. Released at his own request, approved by Warden Barr, one day before the expiration of his term.

No. 37. JOHN BEMIS. April 6, 1889. Committed to the penitentiary February 11, 1887, for the crime of larceny, committed in the county of Clayton. Pardon recommended by Senator Bayless and Representatives Samuel Murdock and B. W. Newberry. A petition with 100 signatures, asks clemency on the ground that the punishment has been sufficient. The circumstances of the crime seem to favor this view of the case.

No. 38. A. B. WHIPPLE. April 6, from April 15, 1889. Committed to the penitentiary March 15, 1887, for two and three-quarter years, for the crime of uttering a forgery. Petitions for pardon are signed by the prosecuting witness, by eleven of the trial jurors, by the county recorder, treasurer, sheriff, clerk and deputy, court reporter and jailer, and 127 others, including 75 residents of the town of Coin, Page county, the place where Whipple had been employed as agent

for the Chicago, Burlington & Quincy Railroad Company, the alteration of whose tickets constituted Whipple's crime. A testimonial to Whipple's previous good character and the excellent standing of the family to which he belongs is signed by a member of the Nebraska Senate and twelve other citizens of Niobrara, including the officers of the county of Knox, Nebraska. Whipple's offense was a grave one, and it was not until his term of service had been served out, less three months, that I finally yielded to the entreaties of his mother, reinforced as they were by the showing of the petitions, and the request of Senator Clark, that Whipple be released on or before his birthday, the 15th of April.

No. 39. JOHN DEITCH. April 13, from May 1, 1889. Committed to the penitentiary April 27, 1885, for the period of his natural life, for the crime of murder in the second degree, committed in the county of Linn. Representations made to me by the marshal of Cedar Rapids and the district judge before whom Deitch was tried, convince me that the man is innocent, and was convicted on the testimony of perjured witnesses, who were anxious to obtain a reward that had been offered. Deitch, I am persuaded, knew absolutely nothing of the murder. A very urgent petition for his release was presented from the First Iowa Cavalry Association, of which he was a member, and in the language of the petition, brave, honest, orderly, and true from the beginning till he was discharged as a veteran.

No. 40. J. O. BROCK. April 17, 1889. Committed to the penitentiary June 22, 1885, for five years, by order of the district court of the county of Clinton, for the crime of bigamy. It is alleged that this man is the victim of mistaken identity; and formidable representations were made that he is innocent. On the other hand, the evidence against him is very strong. Judge Couch, of the ninth judicial district, interested himself in the case and became thoroughly satisfied of Brock's innocence. It has been, moreover, represented to me that Brock had been left a considerable fortune in Europe, under conditions such as would require early personal attention on his part in order to protect his interests. As less than five months remain of his term of service, as diminished by good conduct, I have determined to release him on condition that he will conduct himself as a good and law-abiding citizen. There is much of mystery surrounding this case, the solution of which has, I confess, baffled my ingenuity. Word comes to me since his discharge that he forthwith went to Norway, as I had been assured he would.

No. 41. J. NORMAN. April 24, from May 29, 1889. Committed Nov. 11, 1882, to the penitentiary for the term of nine years, by order of the district court of the county of Linn, for the crime of assault, with intent to commit murder. Judge Edward R. Duffie, before whom Norman was tried, the district attorney who conducted the prosecution, the Senator from the county, M. L. Healy (the officer the shooting of whom constituted Norman's crime), and Hon. Henry Rickel express themselves as fully satisfied that there was no malice in the shooting, which took place during a drunken row, and that the punishment already endured is sufficient for the offense. In this opinion of the case, upon personal inquiry, I concur, and shorten the term of the sentence one year on the usual conditions.

No. 42. LOUIS P. MONROE. May 15, 1889. Committed to the penitentiary February 6, 1887, for the term of fifteen years for the crime of murder in the second degree, of which he was convicted in the county of Sac. Monroe's full term, less diminution, will expire in October. This man who was only eighteen when he committed the crime for which he has been so long banished from the world seems so thoroughly penitent, and withal has so excellent a record in the prison, that I think it judicious to give him his liberty a few months in advance of his discharge in the ordinary course of events, and when he can more easily find employment than in the fall. Hon. Geo. W. Crooks and Mrs. Mary J. Aldrich urge the exercise of clemency.

No. 43. PATRICK COX. May 28, 1889. Committed to the penitentiary Nov. 16, 1883, for the term of fifteen years, for the crime of murder in the second degree, in the county of Des Moines. It would appear, from the showing made in the papers before me, that in the commission of the crime for which he has been punished Cox's passions were aroused by real or fancied insults, of an aggravated character, offered to members of his family by the deceased. He is an old man now aged sixty-three, and ex-Governor Gear, Senator Dodge, Representatives Culbertson and Kline, the clerk of the court, the sheriff and the county attorney, the mayor and the chief of police of the city of Burlington, all request that he be pardoned, the general feeling being that Cox's offense was rather manslaughter than murder, and that his punishment is already adequate. Hon. A. H. Stutsman, before whom, as district judge, the prisoner was tried, says he would have been satisfied with a verdict of manslaughter; and he is not opposed to clemency being extended. There seems to be a very general feeling in the community where the crime was committed that

Cox ought to be released, the needy condition of his family being assigned as a reason therefor.

Nov. 6. Upon evidence of a satisfactory character that Cox has violated the conditions of his pardon by keeping a place for the sale of intoxicants at which a murder was recently committed, I have this day revoked the conditional pardon of Patrick Cox, and ordered him returned to the penitentiary, and he is now serving out the remainder of his full term.

No. 44. THOMAS McCARTY. June 21, to take effect June 24, 1889. Committed to the penitentiary June 15, 1887, for the term of five years, for the crime of entering a house in the night time to commit larceny, in the county of Davis. I am satisfied from representations made, that McCarty cannot live much longer if not released. He has done no work for a year, and has been under medical treatment all the time. His recovery, even if discharged, is very doubtful. Rev. Messrs. M. O'Carroll of Oskaloosa, and F. DeCrilly of Fort Madison, with Messrs. James D. Gamble, H. J. Budd, County Attorney Grogan, and others of Knoxville, unite in urging that pardon be granted.

No. 45. FRANK JONES. June 24, to take effect July 1, 1889. Committed to the penitentiary September 12, 1884, for the term of ten years, for the crime of burglary and larceny, in the county of Jasper. Hon. Horace S. Winslow thinks Jones' sentence was too severe. The district judge before whom Jones was tried, writes that he has become convinced that the punishment he awarded Jones was too severe for the crime committed, and recommends his pardon on the ground that five years is a long enough term. He has already served nearly that time without allowing for diminution.

No. 46. J. S. LITTLE. June 25, 1889. Committed to the penitentiary December 21, 1885, for the term of five years for the crime of forgery in the county of Marshall. A petition signed by thirty-three citizens of Kearney, Neb., including county officials and prominent business men, bears witness to Little's good character while he was living there. It is alleged that his crime was perpetrated in a fit of despondency occasioned by his home being taken from him under a mortgage of whose existence he had no knowledge when he bought the property. Mrs. L. D. Carhart of Marion, and Mrs. M. A. Leach of Kearney, Neb., urge that clemency be exercised.

No. 47. FRANK FITZGERALD. June 25, 1889. Committed to the penitentiary November 10, 1883, for the term of ten years, for the crime of burglary, in the county of Washington. Jointly indicted

with Fitzgerald was one William Franks, who has made affidavit that he alone committed the crime of which he and Fitzgerald were convicted. The prisoner admits, however, helping secrete some of the property after the burglary was consummated. I have received many testimonials from the prisoner's former home in Ohio, all bearing testimony to his excellent reputation and that of his family while there. Among those thus testifying are the mayor and an ex-mayor of Galion, O., Mr. John M. Sprigg, for many years attorney of the county of Butler, in that State, and others. I am impressed with the belief that Fitzgerald is the victim of bad company rather than a man of vicious intent, and am satisfied that a pardon with the usual conditions may now be judiciously issued.

No. 48. WM. J. HOOKS. July 1, to take effect July 3, 1889. Committed to the penitentiary December 6, 1886, for the term of four years for the crime of robbery, in the county of Clinton. This boy is released in order that he may die with friends, as the prison physician says he cannot long survive, and a relative asks to be permitted to take him to his home.

No. 49. CLOA ROBINSON. July 1, to take effect July 3, 1889. Committed to the penitentiary May 17, 1887, for the term of three years for the crime of manslaughter, in the county of Poweshiek. A petition with 146 signers has been presented, stating that until the night on which the crime was committed Mrs. Robinson had always treated the boy, who was the victim of the assault, with great tenderness, and that while she chastised the child at that time, his grandfather afterward whipped him so severely that he died in consequence, for which crime the grandfather is now undergoing a ten years' sentence. The statements of this petition are corroborated by those of others, while the woman's previous kindness, not only to this child, but to other children, is told of by many persons of local prominence living at Lincoln, Illinois, her home. Hon. Robt. M. Haines writes that he thinks the verdict should have been for a lower grade of offense, and the punishment rather severe. Judge Ryan commends the case to consideration; and Judge Wm. R. Lewis, before whom the woman was tried, recommends the exercise of clemency. She is released on condition that she will conduct herself as a good and law abiding citizen.

No. 50. COOK CALAMESE. July 5, 1889. Committed to the penitentiary February 8, 1881, for the term of fifteen years, for the crime of murder in the second degree, in the county of Wapello. This man had a quarrel with another young man concerning a young woman,

to whom both were paying attention, which quarrel culminated in an assault by Calamese on the other young man, from the effects of which the latter died about twenty days afterward. The prisoner was a stranger and friendless in the community where the crime was committed. This may partially account for the fact that he was found guilty of murder in the second degree, instead of manslaughter, as the judge before whom he was tried thinks would have been fully warranted by the testimony. The latter says that it is clear that the killing was not premeditated, and that the fatal blow was struck in a moment of anger, and perhaps under an apprehension of impending danger. As Calamese has now served the full maximum term of sentence that could have been imposed had he been convicted simply of manslaughter, Judge Burton, Representative Burgess, Sheriff Michael, and the present county attorney, recommend that a conditional pardon be granted. All of the trial jurors yet in the county, seven in number, also recommend pardon. A sister of the prisoner, a school teacher in Missouri, who has interested herself very much in her brother's behalf, going to considerable expense and trouble to procure her brother's release, has called upon me in person, and presented her brother's case. In view of her sisterly devotion, it is made an additional condition of Calamese's pardon that upon his release he will return to his home, and devote his time and his earnings to the support of his family.

No. 51. J. W. WALTERS. July 15, from August 1, 1889. Committed to the penitentiary September 12, 1884, for the term of ten years, for the crime of larceny and burglary, in the county of Jasper. This man is released upon representations by the district judge, similar to those made by the latter in reference to Frank Jones (see No. 45), who was Walter's accomplice, the sentence having been more severe than the crime deserved.

No. 52. AUGUST JAEGER. September 28, to take effect October 1, 1889. Committed to the penitentiary March 16, 1885, for the term of eight years, for the crime of manslaughter, in the county of Webster. Jaeger was indicted jointly with one Kempf. The latter pleaded guilty, and was sentenced to the penitentiary for four years, which term he served out. A petition is presented, signed by 266 citizens of Webster county, including J. P. Dolliver, S. T. Meservey, John F. Duncombe, ex-Governor Carpenter, John Haire, M. D. O'Connell, and others. It represents Jaeger as having always prior to his crime been sober, industrious and exemplary; his parents are old and infirm, and very poor, with three children at home; the father unable to work, and the family greatly in need of the support they would

receive from August, the only son. Twenty citizens of Ft. Dodge also certify to Jaeger's reputation at Ft. Dodge, and that he was always a hard-working, industrious and sober young man. Ex-Gov. Carpenter is decidedly of the opinion that Jaeger has been punished sufficiently. The representative of the county, while at first opposed to pardoning Jaeger, after full examination recommends it.

No. 53. FRANK BROGDEN. October 4, from October 9, 1889. Committed to the penitentiary February 28, 1885, for the term of seven years, for the crime of manslaughter, in the county of Boone. Forty-five citizens of Boone county petitioned, early in 1887, for Brogden's pardon, on the ground that he and the man killed were both so intoxicated at the time that neither knew what he was doing; that, except when drinking, the former was a quiet, peaceable man; and that in the judgment of the petitioners he had already been sufficiently punished. Eight of the twenty-four jurors who tried him, favored his pardon for the same reasons. Hon. John Scott, and the district attorney who tried the case, also recommended favorable action. I could not at that time see my way clear to release the prisoner. Now, however, Brogden has served out considerably more than half the full term of his sentence, and I deem it proper to release him, that he may return to his wife, a very worthy person, who has patiently appealed for her husband's pardon, and may unite with her in caring for their children.

No. 54. ARIE VAN DER WERF. October 15, from October 21, 1889. Committed to the penitentiary August 23, 1885, for the term of sixteen years, for the crimes of burglary, arson, and assault with intent to murder, in the county of Marion. The main, I might say the sole reason for this pardon, is that the prisoner is affected with consumption, and the prison physician says he cannot long survive whether released or not. [February 10, 1890. I am this day advised of the death of Van der Werf, which occurred at Pella on the 8th inst.]

No. 55. F. C. BRIGGS. November 16, to take effect November 25, 1889. Committed to the penitentiary April 18, 1887, for the term of five years, for the crime of larceny, in the county of Hardin. This pardon is asked by eighty-nine citizens, and is recommended by the county attorney, and by the judge before whom Briggs was tried. The judge writes that he made the sentence severe because of an unfavorable impression regarding the man. It looks to me as if the sentence was excessive.

No. 56. WILLIAM T. MENDENHALL. December 13, to take effect December 23, 1889. Committed to the penitentiary February 8, 1887,

for the term of six years, for the crime of manslaughter, in the county of Shelby. A petition from citizens and residents of Shelby county, represents that the killing was purely accidental; that it was done while the two men were engaged in a fight; that the evidence was conflicting as to whether the fatal blow was inflicted in self-defense or not, that up to the time of his crime, Mendenhall was a good, industrious, upright citizen, who had the respect and confidence of all who knew him, and that he has now suffered sufficiently. This petition has 212 names attached to it, including those of the sheriff, auditor, recorder, several of the grand and trial jurors, the present county attorney and ex-Representatives Wicks and Wyland. The county attorney who tried the case thinks the punishment already meted out sufficient. Mendenhall, I am advised, has a wife and several children in quite needy circumstances. Believing that he has been punished sufficiently to encourage a hope that he will in the future avoid the evil associations which are mainly responsible for his present situation, I issue him a pardon with the usual conditions.

No. 57. ARILLA C. THORPE. December 13th, to take effect December 23, 1889. Committed to the penitentiary October 12, 1888, for the term of three years, for the crime of assault with intent to commit murder, in the county of Appanoose. Mrs. Thorpe was indicted jointly with her husband. He was convicted of assault with intent to commit great bodily injury; and she of the graver offense. Petitions with 117 names have been presented, representing that in the judgment of the petitioners the wife's offense was committed under coercion from the husband. Another petition, signed by 112 ladies, of Moulton, represents that "knowing all the extenuating circumstances, and that by reason of duress she committed the unlawful act of shooting (in case it is unlawful to defend a woman's chastity)," and asks for her pardon "as a defender of chastity." It seems to me clear that whatever Mrs. Thorpe's measure of guilt in the transaction, her husband must have been fully as culpable. Viewed from this standpoint, and perhaps from any, the punishment already inflicted is ample, and the prisoner is pardoned on condition that she will conduct herself as an orderly and law abiding citizen.

No. 58. S. A. BROADWELL. December 13th from December 23, 1890. Committed to the penitentiary for the term of three years, for the crime of obtaining property under false pretenses, in the county of Harrison. Broadwell was first committed to the penitentiary January 21, 1886; was released therefrom by order of the court, on appeal on the 11th of the following month; and was returned to the prison

March 15, 1888. Before he was taken there first, a petition was presented me, alleging that he had intended no crime against the State, that he had mortgaged his property to satisfy demands, and that he had been wronged in being prosecuted. The clerk of the district court of the county of Harrison expressed his opinion that no intentional wrong had been committed. Mr. J. W. Barnhart, of Harrison county, made affidavit that he believed Broadwell was not wholly at fault, but was to a considerable extent influenced by erroneous counsel, given him by his legal adviser, and also by the engagements and representations of the prosecuting witnesses themselves; that according to his understanding Broadwell's manner of taking applications for loans, and the representations to be contained therein, were first introduced by the prosecuting witness, and fully understood and concurred in by him; and that he (the affiant) had never heard Broadwell's integrity questioned in any transaction aside from these. The sheriff of the same county wrote that he had known the prisoner intimately for the preceding five years, and in that time had numerous business transactions with him, and aside from the pending charges did not know aught against him; that he considered him a man of integrity; that, in respect of the matter of those charges, he (the sheriff) did not believe Broadwell guilty of an intentional wrong; that in his judgment Broadwell had been imposed upon, and was more sinned against than sinning; and that the indebtedness of Broadwell to the prosecuting witnesses had been amply secured. These papers corroborated statements made in an application for pardon, made by the prisoner. At later dates my predecessor presented me a large number of communications addressed to himself, urging that executive clemency be shown the prisoner. These were from Messrs. G. A. Holmes, F. Cook, John Y. Stone, John Beno (letter indorsed by John Rodabeck), Phil Armour (formerly postmaster), and the sheriff and the clerk of the courts at the time of the trial, whose communications advanced the same considerations as the foregoing, and some additional ones; such for instance as that Broadwell was inadequately defended; that the prosecution was the result of a conspiracy; that many people believed, and subsequently developed facts had confirmed that belief, that his conviction was the result of a scheme to sacrifice him to aid others in some way; that the principal witness against Broadwell was then (1887) under indictment; and that the (Broadwell) was then working hard to make an honest living. A communication was also handed me by Governor Sherman from Messrs. J. W. and E. L. Squire, saying that they had then had Broadwell in their employ in a position of great responsibility, and found

him capable, faithful, and trustworthy. Mr. H. W. Tilton, of the Council Bluffs department of the Omaha *Bee*, wrote me directly, saying that Broadwell had shown such real manhood throughout the trouble that he has almost universal sympathy, and there was a general sentiment in favor of his pardon. Mr. W. H. Lynchard, editor of the Council Bluffs *Herald*, expressed the belief, formed from watching the trial, that if Broadwell made any mistakes they were not of criminal origin, but were the result of too much confidence in those who had been his friends, but were now his persecutors; that he did not know of a case where everything tended to show a greater degree of simple persecution than this; that he believed Broadwell had been wronged beyond repair; and that simple justice would be nearer done by giving him a prompt and unconditional pardon than by sending him to the penitentiary. The then chairman of the board of supervisors thought Broadwell the victim of a conspiracy to beat him out of his money, and then put him where he could not help himself; that further imprisonment would be persecution; and that justice demands a pardon. Ex-Mayor Vaughn, concurring in the belief in Broadwell's innocence, expressed his opinion that a pardon would make the accused a new man and a useful citizen. Rev. T. J. Mackey, rector of St. Paul's church, Council Bluffs, wrote me that Broadwell had sincerely repented, and expressed a hope that the blight would not be put upon the young man's life that would be occasioned by his going to the penitentiary. Ex-Senator George F. Wright and R. C. Hubbard said Broadwell was a man more sinned against than sinning. The judge of the superior court of Council Bluffs wrote that Broadwell's case was not presented fairly or fully, and that the jury could not consider the case as he was entitled to have it considered. Mr. C. Haldane said that he had investigated some of the transactions which led to the prosecution of Broadwell, with the result that he was satisfied that the case against Broadwell was devised by interested parties to shield others and divert attention from their own misdeeds; that Broadwell's defense was so conducted as to lead many to believe that it was a studied effort to convict him; that Broadwell had been anxious to have him (Haldane) assist in his defense; that the suggestion of such assistance was rudely repelled, as he was informed, by those conducting the case for the accused; and that the general opinion at Council Bluffs was, that Broadwell's conviction had not established his guilt. William A. Mynster spoke, also, of the manner in which the defense had been conducted, as did W. S. Shoemaker, of Omaha, who added that Broadwell's present persecutors were his rivals in business, and that had a proper defense been made a different result would

have been reached. H. N. McGrew wrote to the same effect concerning the trial. C. R. Scott, of Omaha, wrote severely denouncing the conduct of the defense, and said the accused was "villainously sold out," and would have been acquitted had he been properly defended. After Broadwell was committed to the penitentiary a second time, D. E. King, of Omaha, Nebraska, wrote several letters urging that Broadwell be released, as a matter of justice. Mr. R. E. Sears, of Marshalltown, one of the creditors suffering by the transaction in which Broadwell was implicated, called in person at the executive office and urged that pardon be granted. Ex-Governor Sherman, both in person and by letter, contended earnestly for the pardon of Broadwell. I am free to admit that Governor Sherman's arguments and representations had much weight in determining my course, believing that he would not recommend to me a line of action that he would not himself follow were he yet in the executive chair. I have fully considered the matter, and now issue conditional pardon, releasing the accused about eight months before he would be free by operation of law.

No. 59. A. H. MITCHELL. December 14, to take effect December 23, 1889. Committed to the penitentiary January 5, 1886, for the term of ten years for the crime of rape, in the county of Fayette. Petitions are presented, urging the pardon of Mitchell, because of the fact that his father is blind, his parents very poor and dependent, and the punishment already inflicted is thought to be sufficient. These petitions are signed by the county officers and 694 other citizens of Fayette county. W. A. Hoyt, now judge, thinks the ends of justice do not demand Mitchell's further imprisonment. Senator Mattson is of the same opinion. Ten of the grand jurors and seven of the trial jurors also recommend the pardon. Moreover, as I learn, facts developed since the trial make it doubtful whether Mitchell is really guilty of the crime as charged.

No. 60. SAMUEL A. TROGDEN. December 14, to take effect December 23, 1889. Committed to the penitentiary June 29, 1867, for the term of his natural life for the crime of murder in the second degree, in the county of Wapello. This pardon is asked for by seventy-five of Trogden's comrades in the One hundred and eighteenth Illinois volunteers, in which regiment they testify he served faithfully for three years, always prompt to obey calls of duty, cheerful and patient in enduring hardships, brave and fearless in battle, and in every respect bearing himself throughout as a good soldier. Mayor R. W. McClaughrey, late warden of the Illinois penitentiary at Joliet, was an officer of the same regiment, and has been especially urgent that

Trogden be pardoned. A petition was also presented from fifty-seven citizens of Wapello and adjoining counties, fully indorsing a statement of the late Henry Clay Dean, who assisted in defending him, and asking the pardon because of Trogden's long service and excellent conduct in the penitentiary; because of his honorable record as a Union soldier, which should entitle him to the privilege of ending his days in freedom, especially in view of his fidelity to duty in prison; and because of the petitioners' belief, based on trustworthy assurances, that Trogden will be provided with a home by one of his comrades in Illinois, if released. The statement of Mr. Dean is to the effect that in his judgment Trogden's mind was affected at the time the crime was committed, and that he should have been sent to the hospital for the insane instead of to the penitentiary. Mr. Dean thought, however, the prisoner had now recovered from the mental malady, and related how, at his suggestion, Trogden had directed that some back pay he had received from the government should be turned over to the widow of the man he had killed, which was accordingly done, and the amount invested in a little home. The warden of the penitentiary, departing in this instance from his usual custom, recommends that the pardon be granted, believing that Trogden has become thoroughly reformed, or, as the chaplain puts it, "transformed, established, and strengthened in the new life." For seven years the prisoner has been the senior inmate of the penitentiary at Ft. Madison. He is now released at the age of fifty-one, after twenty-two years of penal servitude, which I am persuaded has fully answered all the ends of justice.

No. 61. CHARLES JAMES. Dec. 14, from Dec. 23, 1889. Committed to the penitentiary Sept. 6, 1888, for the term of three years for the crime of forgery in the county of Lucas. Petitions from 110 citizens of the county of Marion, and 30 citizens of that of Lucas, ask for James' pardon on the ground of his previous good conduct, except during a period of dissipation in the year 1886, in the course of which he committed the crime for which he is now undergoing punishment; that he was as they believe, entirely reformed before his arrest; and that he has a wife and child dependent upon him. Other papers before me go to show that long before his trial James had gone to work to pay his debts, which he was gradually doing. Senator Dungan and Representative Byers, County Attorney Copeland and Messrs. T. M. Stuart and J. C. Mitchell of Chariton, all recommended the pardon. I am of the belief that James has thoroughly realized how hard is the way of the transgressor, and may be safely set at liberty.

No. 62. JOHN W. LOYER. Dec. 18, to take effect Dec. 19, 1889. Ordered to be committed to the penitentiary Sept. 10, 1889, for the term of two years, for the crime of forgery in the county of Marshall. It appears that Loyer had a jewelry store in Marshalltown in a building owned by George Shelter. Becoming financially crippled, in order to temporarily relieve his embarrassment, he presented a note at the First National Bank of Marshalltown for \$185 signed by himself, and the forged signature of a surety. Loyer claims he was ignorant of the criminal nature of his act, as he expected to redeem the note before its maturity. He disposed of his stock for the benefit of his creditors. No one but himself appears to have lost anything by his act. His pardon is recommended by the person whose name was forged, by the president and cashier of the bank where the note was presented, and by Senator Mills, Representative Eckles, and ninety-nine other citizens of Marshall county.

No. 63. ELIZABETH PORTER. December 21st, to take effect December 24, 1889. Committed to the penitentiary October 6, 1884, by the order of the district court of the county of Tama, for the term of fifteen years, for the crime of murder in the second degree, committed in the county of Story. It appears that in a family quarrel, Samuel Porter, her husband, was shot and killed by his son. Mrs. Porter was implicated in the crime and was jointly indicted with her two sons, one of whom was cleared. She claims that she took no part in the killing, but did assist her son in trying to cover up the evidence of the crime. Judging from the statements of her old neighbors Mrs. Porter was a kind-hearted, simple-minded Christian woman and one who was highly respected by those who knew her. Judge Henry C. Henderson, before whom the case was tried, says: "I feel certain that at her advanced age and in her condition of health, it is extremely improbable that she would be at all inclined to commit a public offense." My own judgment also convinced me some time ago, that she ought sooner or later be released. Before pardoning her, however, I have exacted assurance from her children that they will properly care for her in her declining years, and she is now released on condition of conducting herself as an orderly and law-abiding citizen.

No. 64. HERMAN WERNER. Dec. 26, from Dec. 30, 1889. Committed to the penitentiary June 19, 1888, for the term of three years, for the crime of seducing a domestic in his family. Werner's wife and two children, the elder of whom is only three years of age, are in destitute circumstances, and are dependent upon the county for support. In this case as in many others the punishment demanded by

justice falls with far greater force upon the innocent than upon the guilty. The petition for his pardon is signed by 273 citizens of Woodbury county, including 53 women.

No. 65. R. M. JAMIESON. December 31, 1889, to take effect January 7, 1890. Committed to the penitentiary March 23, 1887, from Shelby county for a term of four and one-half years for the crime of embezzlement and cheating by false pretenses. Jamieson seems to have been a lawyer of some prominence before resorting to disreputable practices, and was at one time mayor of Harlan. Judge Deemer says that in consideration of the fact that the people generally feel that the ends of justice have been met by his confinement in the prison for nearly three years, he can see no reason why this is not a case for executive clemency. Hon. Platt Wicks says there were many mitigating circumstances. No one in fact lost anything, as prior to the trial Jamieson repaid all that it was claimed he had obtained through his crime. The petition for his pardon is signed by 133 citizens of Shelby county, including the county attorney who conducted the prosecution, and also the mayor and postmaster of the town of Harlan.

No. 66. JENNINGS CASFORD. January 3, 1890. Committed to the penitentiary February 15, 1888, from Keokuk county, for a term of six years, for the crime of rape. It seems to be the general impression that Casford was innocent of the crime of which he was convicted. The father of the prosecuting witness makes affidavit that he does not believe Casford to be the father of his daughter's child. Judge Rothrock says the supreme court had serious doubts as to the guilt of the young man, but did not feel at liberty to reverse the decision of the district court. Senator Dooley, Representative Beem, ex-County Attorney Wohlwend, and the present County Attorney Schulte, all of the county officers, eleven of the jurors who tried the case, and more than 300 residents of Keokuk county, including 150 women, joined in a petition for Casford's pardon.

No. 67. A. J. WILSON. January 3, 1890. Committed to the penitentiary March 20, 1884, from Fremont county, for the term of 11 years, for the crime of robbery. Wilson had the reputation of being a quiet and industrious young man before he fell into the company of Polk Wells, who became his associate in crime. He appears to be determined to lead an upright life in the future, and I believe that under the influence of his faithful wife, who has been devoted to him during the five years of his confinement, he will conduct himself as a good and law-abiding citizen. His pardon has been recommended by

Judge Loofbourow, by Hon. J. P. Conner, who as district attorney prosecuted the case, by Sheriff Farrell, who effected Wilson's capture, and by a large number of citizens who have known him from childhood.

No. 68. WILLAM SWAB, Jr. January 3, 1890. Committed to the penitentiary April 23, 1883, from Linn county, for the term of 20 years, for the crime of murder of the second degree. Swab, while in an intoxicated condition, shot and killed a man in a quarrel at a dancing-house in Cedar Rapids. Previous to this he is said to have been an honest and hard-working man. His pardon is recommended by Hon. J. H. Preston (the prosecuting attorney) and by his assistant, Milo Smith; also by Senator Smith and Representatives Hamilton and Doran. Judge Preston thinks that Swab should have been convicted only of manslaughter. When the pardon takes effect he will have served seven years in the penitentiary. He has been an exemplary prisoner, doing the work assigned him cheerfully and well.

No. 69. GEO. STEPHENS. January 9, to take effect January 11, 1890. Committed to the penitentiary at Fort Madison, February 2, 1881, from Shelby county, for the term of ten years, for the crime of robbery. Stephens, and a companion with whom he had worked on a railroad in Nebraska, on their way home stole a ride in a freight car. Both had been drinking quite heavily for a number of days, and it is claimed that Stephens committed the crime while in a state of temporary mental aberration, caused by intoxication. His parents have left the State, to found a home in the far west, and are very desirous to have their son with them. They are honest and respectable people, who it is hoped will exert a salutary influence over their son. The pardon is recommended by Senator Caldwell of Dallas county, Senator Cleveland of Shelby county, and by more than 150 other citizens of the counties of Boone, Dallas, Polk, and Shelby.

No. 70. JEROME WEST. January 9, 1890. Committed to the penitentiary at Anamosa, April 13, 1881, from Jones county, for a term of eighteen years, for the crime of murder of the second degree. While the assault was a very brutal affair, it is claimed by West that it was provoked by his victim. Owing to the excitement at the time, West was afraid to have the case go to trial as he was told he would be given a life sentence. He would, however, probably have been found guilty of manslaughter only. When his pardon takes effect he will have served nine years in the penitentiary. The pardon was strongly urged by Senator Bills and Representative Eilers, and also by a number of citizens of Jones county.

No. 71. CHESTER A. TURNEY. January 13, to take effect January 14, 1890. Committed to the penitentiary at Anamosa, December 11, 1885, for the term of seventeen and one half years, for the crimes of burglary and larceny. During the year 1885, this man committed numerous burglaries in the town of Preston, Jackson county, stealing a large number of articles, to the value of several hundred dollars. With these, it is stated, he filled a row-boat, which he had secreted near Sabula, and in which he intended to take a trip down the Mississippi. He was finally captured, and the grand jury returned fourteen indictments against him. He was tried and convicted on twelve of these indictments upon the testimony taken before the grand jury, and during the trial of the twelve cases the jurors never left the jury box. Sentence was pronounced by the court upon each case separately, aggregating as above stated. The fact that the district attorney, as well as counsel assigned the accused by the court, was each entitled to a fee for every indictment thus tried, leaves room for the suspicion that the cases were multiplied for the purpose of multiplying the attorney's fees. Turney has admitted his guilt as to several of the charges, and there is evidence that he was prepared to plead guilty to some of them, had he not been advised against it by his counsel. Much mistaken sympathy has been aroused in Turney's behalf because of a misunderstanding upon this point, and also regarding Turney's age. It is supposed by many that he was a boy of only seventeen years of age when he committed the offenses. As a matter of fact, he was twenty-two, according to his own statement, when he entered the penitentiary, a few months after the commission of the crimes for which he is suffering.

From many parts of the State outside of Jackson county, and even from other States, appeals have been made for Turney's release on the ground of his innocence and youth, some of them demanding it in quite vehement language. On the other hand, the community in which the offenses were committed has been very decidedly opposed to the granting of a pardon. I some time ago dismissed all consideration of the manner of trial, because that could make no difference at best to one who was prepared to plead guilty, and especially as the supreme court affirmed the judgment of the court below. Concerning the trial and sentence, the district judge before whom Turney was tried, wrote me, "Turney was * * * convicted without any particular defenses or suggestion of mental unsoundness; and I do not suppose any such suggestion was made to his attorney. I sentenced him as I would any other person in such a matter, a comparatively light term in each case, but in the aggregate they amounted to a long term. I

saw very little of the defendant, and had no occasion to estimate his mental condition, but thought him a very weak specimen who sought to be a hero of the dime novel persuasion." In addition to the petitions, based on an erroneous conception of the facts, I have received quite a number asking Turney's release on the ground of his unsound mental condition at the time the offenses were committed, and also because he has been sufficiently punished. Recently James C. Turney, of New London, Wisconsin, father of the prisoner, also interceded in his behalf. I am satisfied that the punishment already inflicted has subserved the ends of justice, and Turney is released upon the usual conditions. During the pendency of the application for this pardon I was given to understand that by releasing Turney I could save myself great annoyance from persons representing interests which I had antagonized. I could only answer that such intimations would not cause me to act otherwise than I thought duty required of me. Neither am I conscious, although the threats were carried out, that I have in the least deviated from what I thought to be the line of duty.

No. 72. CHARLES WOOD, *alias* JOHN CHARLES ERDLEN. January 15, 1890. Committed to the penitentiary from Allamakee county, for the term of sixteen years, for the crimes of burglary and attempt to murder. Judge Reuben Noble, in writing about this case says: "When I sentenced Wood, I could not get any information concerning his antecedents, and from all I could hear then I concluded there was no hope for him, and I thought the better way would be to make his sentence long, and if it were afterward found that he had respectable parentage, or from any other cause there * * * was any hope for leniency, that he could be pardoned. I am now satisfied that his parents and friends are respectable people, and that the boy was not so utterly depraved as I had supposed him to be." Hon. Charles Beardsley also recommends that a pardon be granted.

No. 73. ERNEST MEINBERG. January 18, 1890. Committed to the penitentiary from Kossuth county, for a term of four years, for the crime of incest. The following statement of the case, as made by Representative Lund, of Kossuth county, and others, shows that it is one in which executive clemency could, even for so grave an offense, most properly be extended. He says: "The boy was very young at the time of his conviction, * * * and the ignorance and carelessness of his parents, and the circumstances under which he was reared, were the cause of his crime more than a natural disposition on his part." Meinberg, I am advised, has always been a hard working, honest, industrious boy, and had previously borne a good character

in the community in which he lived. His father is now quite aged and infirm, and very much in need of his assistance. The pardon is recommended by Representative Lund, County Attorney Dawson, and more than one hundred prominent citizens of Kossuth county.

No. 74. S. W. LINDER. January 20, 1890. Committed to the penitentiary February 3, 1887, from Mahaska county for four years, for uttering a forged instrument. Linder had served a term of four years in the penitentiary for a similar crime. He was arrested at the prison gates, tried, and convicted again. He signed the names of his father-in-law, and brother, to the note. On account of it being his second offense, and for the purpose of making an example of him, the judge gave him what now seems an excessive sentence. While he was serving his first term, the loss occasioned by his misdeeds was, in part, made good by his wife. The pardon was strongly urged by Senator McCoy and by nearly all of the county officers of Mahaska county.

No. 75. PHILO PIERCE. January 24, 1890. Ordered to be committed to the penitentiary at Fort Madison from Boone county for a term of one year, for the crime of larceny. A number of citizens of Boone county, and also of Polk county, his old home, certify to Pierce's former good character. Ten of the trial jurors and six of the grand jurors recommend his pardon. It is also recommended by Senator Gatch, James G. Day of Des Moines, and Lorin W. Reynolds, John Barr, E. W. Clark and others, of Boone. In addition to the usual conditions, Pierce is required, within six months, to pay \$106.50 to W. W. Kimball & Co., the party suffering by his wrong-doing.

No. 76. PATRICK MURRAY. January 30, 1890. Committed from Dubuque county, to the penitentiary at Anamosa, October 9, 1886, for a term of seven years, for the crime of rape. This pardon was granted on the following showing made by Dr. Adair, the prison physician: "When Murray came to the prison he was very young. I do not believe he was ever a very bad boy, but like a large number of other young fellows he was early led into bad company. His prison conduct has been good. Since his confinement, he has suffered a fracture of the bones of the ankle, which became diseased. After two operations for the removal of diseased bone in the hope of saving his foot, it was found that the lower portion of the leg and foot would have to be amputated in order to save his life. Murray opposed this last operation, but on the promise that his pardon would be urged, finally consented."

Under the circumstances I deem it advisable to grant a conditional pardon.

No. 77. WILLIAM MCGIMPSEY. January 30, 1890. Committed to the penitentiary January 24, 1889, from Keokuk county, for two years, for the crime of forgery, on two indictments. McGimpsey's father claims that at times the boy is not entirely right in his mind, and that he was ignorant of the criminal nature of his acts: The evidence shows that the owners of the note received a horse in payment of their claim, and that no one was actually defrauded by his transactions. Petitions for pardon are signed by 150 citizens of Keokuk county, including a number of the county officers. His pardon is also recommended by Senator Dooley, Representative Beem, and County Attorney Schulte. In addition to the usual conditions, it is stipulated that the fine and costs in both cases shall first be paid.

No. 78. A. C. SEALS. January 31, 1890. Committed to the penitentiary March 23, 1889, from Adams county, for a term of one and one-half years, for the crime of burglary. The statement is made that Seals was a victim of adverse circumstances, rather than a criminal. The person who committed the burglary gave some of the goods to Seals, and they were found in his possession. He waived a jury trial, and pleaded guilty. He afterward aided the officers in capturing the real culprit. His parents are old residents and highly respected citizens of Adams county. A petition for his pardon is signed by fifty-four citizens of Adams and Union counties, including Senator Harsh and Representative Robb. Judge Harvey was at first not inclined to favor a pardon, but upon further consideration recommends that he be released conditionally.

No. 79. LEWIS LEE. February 25, 1890. Committed to the penitentiary under sentence of the district court of Hamilton county, October 8, 1887, for the crime of bigamy. Application is made for Lee's pardon by his sister, who lives at Sheffield. He has less than two months to serve, but I am informed by Warden Barr that it is doubtful whether he would live in confinement to the end of his term.

No. 80. THOMAS C. VAN SCIEVER. Feb. 27, to take effect March 4, 1890. Committed March 1, 1889, by an order of the district court of the county of Monona, to the penitentiary for three years, for larceny. One who was jointly indicted with Van Sciever, and is now in the penitentiary, makes affidavit that he alone stole the cattle which were the subject of the crime, and that Van Sciever had absolutely nothing whatever to do with the transaction. Ex-Mayor Vaughan

of Council Bluffs, believing him innocent, has interested himself in this man's behalf, and strongly urges his release. There appears to be considerable doubt as to his guilt; and at any rate I think him sufficiently punished.

REMISSIONS OF FINES.

No. 1. JOSEPH CORETTE. Washington county. March 28, 1888. Amounts remitted, \$50, \$20, and \$35, on condition that costs be first paid.

No. 2. JOHN HANCHER. Louisa county. April 11, 1888. Amounts remitted, \$25, being unpaid balance of fine of \$50; and \$10, being unpaid remainder of fine of \$30; on conditions the same as in No. 1, foregoing.

No. 3. E. E. SMITH. Cherokee county. May 10, 1888. Amount remitted, \$200 of a fine of \$300, on condition that Smith refrain from the use and sale of intoxicating liquors as a beverage, and demean himself as a good and law-abiding citizen.

No. 4. W. M. OUNGST. May 15, 1888. Shelby county. Amount remitted, \$100 of a fine of \$150, on conditions that he pay the remainder of the fine, and hereafter demean himself as a good and law-abiding citizen.

No. 5. FRANK CRISPIN. May 18, 1888. Mahaska county. Amount remitted, \$25 of a fine of \$50, on condition that the costs and the remainder of the fine be paid, and that he hereafter conduct himself as a good and law-abiding citizen.

No. 6. THEODORE NACHTWAY. Winneshiek county. October 28, 1889. Amount remitted, \$500, on condition that the costs, including attorney's fee, be first paid.

No. 7. J. N. TILLIE. December 3, 1889. Sioux county. Amount remitted, \$100.

SUSPENSIONS OF SENTENCE.

In the cases enumerated below, suspensions of the sentences and judgments respectively indicated, have been granted on conditions as stated.

No. 1. JAMES P. DAVIS. January 16, 1888. Van Buren county. Fine of \$300, on conditions that he refrain from the illegal sale of intoxicating liquors, and that the costs and \$100 of the fine shall be paid within thirty days.

No. 2. HENRY L. COOLIDGE. January 16, 1888. Van Buren county. Fine of \$300. Conditions same as in No. 1.

No. 3. LUCIUS HOWARD. January 18, 1888. Linn county. Fine of \$50. Conditioned that he will in all respects demean himself as an orderly and law-abiding citizen.

No. 4. GEORGE C. MONTGOMERY. January 13, 1888. Washington county. Imprisonment in the penitentiary for one and a half years. Suspended on condition that he refrain from the use and sale of intoxicating liquors as a beverage; that he will not frequent saloons; and that he will in all respects demean himself as a good and law-abiding citizen. Granted on account of the situation in which Montgomery's helpless children would be left by his imprisonment in the penitentiary, their mother having recently died.

No. 5. J. C. HANSEN. February 1, 1888. Polk county. Fine of \$300. The conditions are that within twelve months Hansen shall pay all the costs and \$50 of the fine; that he will hereafter abstain from the use and sale of intoxicating liquors in violation of law; and that he will in all respects demean himself as a good and law-abiding citizen.

No. 6. LOUIS LANGENBERG. January 31, 1888. Johnson county. Sentence of imprisonment in default of fine of \$50. Conditioned that he will refrain from the use and sale of intoxicating liquors; that he will not carry for any other person intoxicating liquors of any kind; and that he will in all respects demean himself as a good and law-abiding citizen.

No. 7. MICHAEL LAVIN. February 3, 1888. Polk county. Fine of \$300 and order of commitment in default of payment. Lavin is required to refrain from the use and sale of intoxicating liquors as a beverage, not to frequent places where liquors are sold; to demean himself in all respects as an orderly and law-abiding citizen; and to pay the costs within the ensuing twelve months.

No. 8. NICHOLAS HILD. February 15, 1888. Keokuk county. Fine of \$200. Conditions same as in No. 6, with the further requirement that the costs be first paid.

No. 9. ROBERT CADDEN. Surety on stay-bond of Pat Davis. February 15, 1888. Marshall county. Judgment for \$150 suspended on payment of all costs. The judgment against Davis is not affected by this suspension.

No. 10. ROBERT ROSS. February 17, 1888. Sentenced at August term, 1887, of the district court of Adair county to imprisonment in the county jail for nine months for the crime of bigamy. Ross is very sick and it is stated by Representative Crooks, Dr. Culverson (county physician), and others that he could live only a short time if allowed to remain in confinement. Sentence suspended so far as to release Ross from jail. Condition same as in No. 3, with additional requirement of refraining from the use and sale of intoxicating liquors.

No. 11. HENRY HENNIS. February 22, 1888. Marshall county. Fines of \$100 and \$200. Conditions same as in No. 4.

No. 12. LOUIS BEST. March 2, 1888. Benton county. Imprisonment in jail in default of paying fine of \$400. Conditions same as in No. 8.

No. 13. WILLIAM SCHMIDT. March 2, 1888. Benton county. Suspension same as in No. 12, with like conditions, and the further requirement that he at once pay \$200 of the fine.

No. 14. PAULINE RICHARDSON. March 29, 1888. Superior Court of Cedar Rapids. Now at the Industrial School. Order committing her to that institution suspended at the suggestion of Judge Stoneman, and also upon the recommendation of the marshal of Cedar Rapids; conditioned on her conducting herself in an orderly manner and being subject to the control of her mother.

No. 15. MIKE SHOLLENBERGER. April 14, 1888. At the Industrial School from Mahaska county. Release was recommended by the senator and representative from the county. I am moreover satisfied that the parents are able and disposed to take good care of the child; and as they are about to remove from the State, and desire to take the boy with them, sentence is suspended on condition that he be henceforth orderly and obedient.

No. 16. GEORGE V. ADAMS. April 21, 1888. Sentenced at the February term, 1888, of the Osceola district court, to imprisonment in the jail of Lyon county, for a term of 105 days, for violating the prohibitory liquor law. Sentence suspended so as to release him from confinement. It is stated by Judge D. D. McCollum, by the representative of the district, the county attorney and other officers, and by members of the grand jury, that Adams cannot live for the term of his confinement, if kept in jail. Conditions as in No. 4.

No. 17. JOHN EDWARD JOHNSON. Lee county. May 9, 1888. Sent to the Industrial School from Lee county. Mayor Irwin recommends the boy's release on the grounds that he was only ten years old when he was sent to the school, and that he is greatly needed by his father, who is an old soldier, and an invalid. Sentence suspended on condition that the boy conduct himself in an orderly manner, and be obedient to his father.

No. 18. VIRGIL REDDICK. May 9, 1888. Sentenced to the Industrial School from Scott county. Affidavits received show that this boy's mother is living on a farm, which she owns in Nebraska, is able and willing to care for him, and greatly needs his help. Believing that the boy will be able to do more for himself and others on a farm than at the school, I have suspended his sentence on condition that he conduct himself in an orderly manner and go at once to his mother and be obedient to her.

No. 19. HENRY LANGENBERG. May 15, 1888. Johnson county. Sentence of imprisonment in jail in default of payment of \$500 fine suspended, on same conditions as in No. 4.

No. 20. PERCY K. BENNETT. May 16, 1888. Sentenced to Industrial School from Poweshiek county. The boy's conduct in school has been good. His mother called on me in person, and asked that she might be permitted to take him to Nebraska, her future home. Conditions same as in No. 15.

No. 21. M. FOX. May 26, 1888. Sentence of imprisonment in the county jail, in default of payment of fine, suspended on conditions similar to those in No. 8.

No. 22. RUDOLPH NIGHTINGALE. June 9, 1888. Sentenced at the April term 1888, of the Polk county district court to one year's imprisonment in the county jail for adultery. This man's wife asked for his pardon, and he made such pledges as to convince me that with a conditional suspension of his sentence there is reason to believe he will become a law-abiding citizen. The suspension is granted on the same conditions as attach to No. 10, and the additional requirements that he will support his wife and children to the best of his ability, and that he will not again desert or abandon them, but will at all times treat them with kindness.

No. 23. GEORGIANA WOOD. June 13, 1888. Sentenced to the penitentiary at the April term, 1888, of the district court of the county of Tama, for one and a half years, for the crimes of prostitution

and lewdness. Sentence is suspended on condition that she will go at once to the Benedict Home, remain there two years unless sooner discharged, comply with the rules and regulations of the Home, and in all respects demean herself as a good and law-abiding citizen.

No. 24. GEORGE WEMPLE. June 22, 1888. Sentenced to the Industrial School from Fremont county. When this boy was sent to the school, upon the complaint of his father, his mother was an invalid, so much so that at times she was almost insane. Mrs. Wemple having now entirely recovered, and she and her husband being about to remove to Colorado, they desire to take George with them. The Superintendent of the school recommends his release. Sentence is suspended on condition that the boy will henceforth be orderly and well-behaved.

No. 25. GEORGE SOLLARS. June 23, 1888. Sentenced to the Industrial School from Marshall county. Superintendent Miles speaks very highly of this boy's conduct in school, and says that he would would have been entitled to discharge in June. I concluded to release him at once, that he might go home to his father in Nebraska. Conditions are the same as in No. 24.

No. 26. H. HEITMANN. June 27, 1888. Sentenced to imprisonment in the Pottawattamie county jail for violating an injunction. Judge Thoruell and the county attorney recommend that he be released, mainly on account of the pitiable condition of his family. He pledges himself never to engage in the sale of liquors, and he is released on conditions similar to those attached to No. 4.

No. 27. LOUISE RUMMELL. June 28, to take effect July 3, 1888. Sentenced to the State Industrial School from the county of Dubuque. The mother of this girl asks for her daughter's release now as she will shortly have attained her majority. Ex-Judge Utt, Judge Linehan, J. H. Shields, ex-Senators Graves and Ham, and Col. D. B. Henderson ask for her release. Sentence is accordingly suspended on condition that she will conduct herself as an orderly and well-behaved girl.

No. 28. ANDREW J. BOYD, Jr. June 30, 1888. Sent to the Industrial School from Jefferson county. Suspension granted on condition that he will refrain from the use of intoxicating liquors and from frequenting saloons, and that he will be obedient to his parents.

No. 29. JOSEPH JAUQUES. Same entry as in No. 28.

No. 30. J. W. JARDINE. July 20, 1888. Sentenced to a term of five months in the jail of Polk county, for assault with intent to com-

mit great bodily injury. Jardine, I am advised, is the only support of his mother and a crippled sister. Judge Kavanagh and Ripley N. Baylies, assistant county attorney, sign the petition. Sentence is suspended on the same conditions as those attached to No. 10.

No. 31. HERMAN RAMSEY. July 10, to take effect July 12, 1888. Sent to the Industrial School from Woodbury county. Order of commitment suspended on condition that Ramsey be obedient to his parents and conduct himself in an orderly manner.

No. 32. LOUIS CRIST. July 25, 1888. Fine of \$50. Condition same as in No. 10, with the additional requirement that he will not keep or frequent gambling houses.

No. 33. ALPHONSO BENNETT. August 4, 1888. Sentenced to the penitentiary at the April term, 1886, of the district court of Black Hawk county, for the term of six months, for the crime of larceny. Suspension granted on recommendation of the district judge, the attorney who tried Bennett, and C. W. Mullan, attorney of the county, and on account of Bennett's previous good character and the helpless condition of his family. Conditions same as in No. 10.

No. 34. BEN EVANS. August 6, 1888. Fine of \$550. Conditions as in No. 10.

No. 35. TIMOTHY D. BUXTON. August 18, to take effect August 9, 1888. Sent to the Industrial School from Jones county, in 1884. Order of commitment suspended. Conditions same as in No. 15; and also that he will refrain from the use and sale of intoxicating liquors, and will not frequent saloons.

No. 36. THOMAS MULVANEY. August 10, 1888. Fine of \$500. Wapello county. Conditions same as in No. 4, with the further requirement that he pay \$200 of the fine in monthly installments of \$20 each, a failure in any such payment to work a forfeiture of all rights under the suspension.

No. 37. JENNIE SHARP. September 25, 1888. Sentenced at the September term, 1888, of the Page county district court, to the penitentiary for six months, for the crime of adultery. The matron of the prison says this woman is soon to give birth to a child, and thinks that it would be deplorable to have it born in prison. Sentence is suspended solely for this reason. Condition same as in No. 3.

No. 38. GEORGE W. BAPTIST. October 2, 1888. Woodbury county. Fine of \$400, and to stand committed to jail in default of payment. Conditions of suspension same as in No. 4.

No. 39. JOHN HOFFMAN. August 17, 1888. Plymouth county. Fine of \$500, it being understood that \$200 of the fine and all the costs have been paid. Conditions as in No. 4.

No. 40. W. H. FORTUNE. September 11, 1888. Decatur county. Fine of \$100. Conditions same as in No. 4.

No. 41. JOHN RAFTERY. October 8, 1888. Sent to the Industrial School from Guthrie county. Forty-six citizens of that county ask for the boy's release, and the statement is made that he can now be well cared for at home. Sentence is suspended on the same conditions as in No. 10, and that he will be obedient to his parents.

No. 42. JOHN G. BROWN. October 22, 1888. Sent to the Industrial School from Polk county. He is only eight years old, and his mother wishes to leave the State and take him with her. Judge Wilkinson says the boy is a bright child, and he recommends his release. Sentence is suspended on condition of future obedience.

No. 43. THOMAS STAFFORD. October 19, 1888. Sent to the Industrial School by the police court of Burlington in 1887. Order of commitment suspended, with condition same as in No. 20.

No. 44. GEORGE EPPERS. October 13, 1888. Fine of \$300. Osceola county. Conditions same as in No. 8, with the added requirement that he first pay \$50 of the fine.

No. 45. J. O. COLE. November 15, 1888. Fine of \$300, and commitment to jail in default of payment. Polk county. Conditions of suspension same as in No. 4. [Revoked April 3, 1889.]

No. 46. JACOB KRAUS. November 15, 1888. Fine of \$500. Plymouth county. Conditions same as in No. 8, with the additional requirement that \$200 of the fine be paid.

No. 47. MICHAEL CONWAY. December 7, 1888. Fine of \$500 and imprisonment in jail in default of payment. The sentence of imprisonment suspended, on conditions as in No. 4, with the added requirement that he shall not in any manner be interested in keeping a saloon.

No. 48. CLARA CAMPBELL. December 10, 1888. Sent to the Industrial School at Mitchellville from Des Moines county. Order of commitment suspended on condition that she return home and be obedient to her mother.

No. 49. ALONZO McDONALD. December 28, 1888. Sent to the Industrial School from Marshall county. Sentence suspended on condition that he return to his home and be a law-abiding citizen.

No. 50. KINSEY JORDAN. January 2, 1889. Fines of different amounts, and bondsmen released, on conditions same as in No. 4, and also that he shall within one hundred days from November 24, 1888, pay the sum of \$75, to be applied on the costs.

No. 51. FRED DANIELS. December 29, 1888. Sentenced in April, 1888, to the Industrial School, for the crime of entering a building with intent to commit larceny. This boy's mother asks for his release because the offense for which he is imprisoned is the first with which he has ever been charged, and that she has seven children without other means of support than her own earnings, and that she needs his help. Several prominent citizens of Marshall county concur in Mrs. Daniels's request. Sentence suspended on conditions same as in No. 4.

No. 52. Canceled.

No. 53. PETER BEREND. January 9, 1889. Buchanan county. Fine of \$75. Conditions same as in No. 4.

No. 54. DAYTON LEWIS. January 10, 1889. Fine of \$300. Conditions same as in No. 4.

No. 55. JOSEPH STOREY. January 11, 1889. Fine of \$300. Polk county. Conditions same as in No. 4, with the additional requirements that Jerry Storey, father of Joseph, on whose application suspension is granted, shall himself refrain from the use and sale of intoxicating liquors; that he will not frequent saloons, and will not permit the sale of intoxicating liquors in violation of the law in any building owned by himself or any member of his family.

No. 56. ROBERT CONNELLY. January 15, 1889. Fine of \$300. Poweshiek county. Conditions same as in No. 4, and that the costs be paid.

No. 57. CHARLES HAMPTON. January 26, 1889. Sent to the Industrial School from Appanoose county in 1885. Order of commitment suspended on conditions as in No. 4.

No. 58. A. W. WORLEY. January 31, 1889. Woodbury county. Suspension granted on same conditions as in No. 4, and defendant to give a note to clerk of the district court, for the use of Woodbury county, for the amount of costs, payable in six months.

No. 59. MILTON E. BURCKHALTER. February 14, 1889. Pocahontas county. Fine of \$300. Same conditions as in No. 4.

No. 60. G. P. CADLE. February 14, 1889. Fremont county. Fine of \$400. Same conditions as in No. 4, and that costs be paid.

No. 61. Not issued.

No. 62. P. J. McDONALD. February 16, 1889. Fine of \$300. Polk county. Same conditions as in No. 4.

No. 63. M. McTIGHE, Jr. March 15, 1889. Fine of \$300. Polk county. Conditions same as in No. 4.

No. 64. A. WAMBOLD. March 11, 1889. Montgomery county. Fines of \$800 and \$300. Same conditions as in No. 4.

No. 65. JEROME BISHOP. March 13, 1889. Polk county. Fine of \$300. Conditions same as in No. 4.

No. 66. E. WILMOT. March 14, 1889. Sentenced to three months in the county jail in Clay county, for keeping a nuisance. The large petition for suspension of sentence in this case is signed by many prominent citizens and county officers, and sets forth that the prisoner has a sick wife and children, and that his family is in destitute circumstances. Granted on same conditions as in No. 4.

No. 67. JOHN KUNNEN. March 15, 1889. Fine of \$300. Conditions same as in No. 4.

No. 68. WM. BIRMINGHAM. March 20, 1889. Woodbury county. Same conditions as in No. 4.

No. 69. WM. AULMAN. March 22, 1889. Polk county. Fine of \$1,000. Conditions same as in No. 3, with additional requirement that he shall refrain from the sale of intoxicating liquors, and that he will not frequent saloons.

No. 70. J. B. SCHUSTER. Same entry as in No. 69.

No. 71. JOHN WEBER. Same entry. April 3, 1889.

No. 72. J. F. HEEB. April 3, 1889. Fined \$500. Plymouth county. It is understood that Heeb has paid costs and \$50 of the fine. Conditions same as in No. 4.

No. 73. MATTHEW KALE, MATTHEW THILGEN, and NIC FREEMAN. April 3, 1889. Same entry as in No. 72.

No. 74. JOHN O'BRIEN. April 4, 1889. Convicted of the crime of keeping a gambling nuisance, at the June term, 1882, of the district

court of Chickasaw county and sentenced to pay a fine of \$75; and to be imprisoned ninety days in jail. Suspension granted on same conditions as in No. 8, and the further condition that the fine without interest be paid before bondsmen be exonerated. The defendant served his time in jail at Decorah, and has been for six years employed in the mills at Minneapolis. His petition is signed by men of character and standing at New Hampton. It is shown that his punishment was unusually severe.

No. 75. LORENZ ILL. April 4, 1889. Polk county. Two fines of \$500 each. Suspension granted on condition that Ill refrain from the use of intoxicating liquors as a beverage, and their sale either directly or indirectly, that he will not frequent saloons, and that he will, in all respects, demean himself as a good and law-abiding citizen. [Revoked January 13, 1890. Revived February 11; see No. 177.]

No. 76. SAMUEL DAY. April 4, 1889. Polk county. Fine of \$300 or 127 days in jail. Conditions same as No. 4.

No. 77. S. C. BROWN. February 26, 1889. Polk county. Fine of \$125. Suspension granted on same conditions as in No. 4.

No. 78. DAVID UTTERSON. March 22, 1879. Polk county. Fine of \$550. Same conditions as in No. 4:

No. 79. JOHN COUTURE. April 3, 1889. Woodbury county. Fine of \$400. Same conditions as in No. 8.

No. 80. GEORGE SHERWOOD. April 9, 1889. Wright county. The unpaid \$150 of a fine of \$250. Conditions same as in No. 4.

No. 81. ERNEST F. FISHER. April 12, 1889. Cass county. Two fines aggregating \$1,500. Conditions same as in No. 4.

No. 82. RICHARD DALTON. April 13, 1889. Fine of \$300. Taylor county. Conditions same as in No. 4.

No. 84. CALDWELL DE FRANCE. April 13, 1889. Wapello county. Fine of \$500. Conditions as in No. 8, and that he will not allow his property to be used for selling liquors, and will pay \$50 of the fine.

No. 84. DAVID L. GATES. April 13, 1889. Sentenced to the Industrial School, September, 1887. Harrison county. Suspension granted on showing that petitioner, Lewis Gates, the boy's adoptive father, is able and willing to provide a home for the boy and educate him. The boy's record at the school was good as to his studies, but might have

The conditions are, that Gates will return to his home, that he will not use or sell intoxicating liquors, that he will not frequent saloons, and that he will be a good and obedient boy.

No. 85. ALBERT D. CAMPBELL. April 26, 1889. Conditions same as in No. 4, with the further requirement that he shall not in any manner be guilty of a violation of the prohibitory liquor law.

No. 86. THOMAS KING. April 25, 1889. Fine of \$50. Polk county. Conditions same as in No. 4.

No. 87. EBENEZER McDONALD. May 15, to take effect May 16, 1889. Sentenced to Industrial School, for the crime of larceny, in Marshall county, in 1888. The petitioners are reputable citizens, and set forth that the valuables taken by the boy from the house of an aunt were worth less than \$2; that the boy has sober, honest, and respectable parents; and that the prosecuting witness was a disreputable character. Judge Weaver recommends the suspension of sentence, and Hon. Timothy Brown attests the good character of the boy's parents. Conditions as in No. 4, and that he will be an obedient boy.

No. 88. RICHARD DOUGHERTY. May 16, 1889. Fine of \$500. Wapello county. Suspension granted on the same conditions as in No. 8, and that he first pay \$50 of the fine.

No. 89. H. A. ANDERSON. May 16, 1889. Polk county. Fine of \$50. Conditions same as in No. 60, and that he pay \$10 of the fine.

No. 90. J. H. WILLIAMS. May 18, 1889. Black Hawk county. Fines of \$50 and \$300. All real estate owned by him is released from the lien of the judgments, and the sentences are otherwise suspended on conditions same as in No. 4.

Nos. 91 and 92. GEORGE AND FRANK WEEMS. May 18, to take effect June 6, 1889. Sentenced at January term, 1887, of Polk county district court, to Industrial School. Petition for release sets forth that there was some irregularity in the proceedings for conviction, and this is indorsed by Judge Kavanagh, Senator Gatch, Major E. H. Conger, and others. Judge Given also requests the release of the boys. The father says he has an opportunity for one to learn a trade, and for the other to work on a farm. Sentences suspended on conditions same as in No. 4 concerning George; and as regards Frank that he will behave himself in an orderly and obedient manner.

No. 93. JOHN WARNER. May 20, 1889. Tama county. Fine of \$300. Conditions same as in No. 4.

No. 94. BERNARD LOVEJOY. May 21, 1889. Sentenced in August, 1888, from Clinton county, to Industrial School. Order of commitment suspended on condition that he will hereafter be an obedient boy, and conduct himself in an orderly manner.

No. 95. ELIZA COLLINS. May 21, 1889. Sentenced in 1882, from Clay county, to the Industrial School. Order of commitment suspended on condition that she return to her home and conduct herself in an orderly and obedient manner.

No. 96. PETER KLEIN. May 21, 1889. Sioux county. Fine of \$400. Suspension is granted only so far as to release lots 24 and 25, block 8, in the village of Hopers, Sioux county, from the lien of the judgment. No conditions are attached, as Klein is not now a resident of the State.

No. 97. CHARLES HOFFBAUER. April 16, 1889. Scott county. Fine of \$500. Conditions same as in No. 4, and that he is not to use or allow the use of his property for any purpose in violation of law.

No. 98. CHARLES PHILLIPS. May 22, 1889. Sentenced from Marshall county to Industrial School. Conditioned that he refrain from the use and sale of intoxicating liquors, that he will not frequent saloons, and that he will conduct himself in an orderly and obedient manner.

No. 99. ANNIE GROGAN. May 23, 1889. Polk county. Fine of \$100. Conditions same as in No. 10, with the additional requirement that her husband will also refrain from the use and sale of liquors as a beverage, and will not frequent saloons.

No. 100. NICHOLAS GALLES. May 28, 1889. Fine of \$500. Hardin county. Conditions same as in No. 4.

No. 101. JOHN HUMMEL. May 28, 1889. Sentenced in 1887, in Polk county, to the Industrial School, for larceny. Suspension granted on petition and statements of parents and officers. Judge Given indorses their request for John's release, as he seemed not a bad boy, but rather the victim of bad associates. The conditions are that he will at once return to his home, that he will refrain from the use and sale of intoxicating liquors as a beverage, that he will not frequent saloons, and that he will be obedient and law-abiding.

No. 102. W. O. LUCK. June 6, 1889. Appanoose county. Fined \$150. Conditions same as in No. 4, and that he will not keep a saloon, or keep or frequent gambling-houses.

No. 103. A. C. DELANEY. June 14, 1889. Wright county. Fine of \$400. Same conditions as in No. 8.

No. 104. HERMAN OELSCHLAGER. June 15, 1889. Wapello county. Fine \$300. Suspension granted with the understanding that the costs and \$120 of the fine have been paid. Conditions as in No. 4, and that he will not frequent gambling-houses.

No. 105. C. J. STORM. June 15, 1889. Dallas county. Fine of \$300. Conditions same as in No. 8.

No. 106. JAMES AARON MERIDA. June 25, 1889. Sent at November term, 1882, of Monona county district court, to the Industrial School. Conditional suspension granted. His mother, who was a witness against him when he was tried, asks that he be released, she having procured for him what she believes to be a good situation. The conditions are, that he refrain from the use of intoxicating liquors and from frequenting saloons, and demean himself as a good and obedient boy.

No. 107. NYM WYATT. July 1, 1889. Polk county. Fines \$500 and \$400 respectively. Conditions same as in No. 4.

No. 108. JOHN BENSON. July 1, 1889. Polk county. Fine of \$300. Conditions same as in No. 4, with the additional requirement that \$100 of the fine and \$50 of the costs be paid.

No. 109. HENRY CLOUGH. July 2, 1889. Fine of \$500. Crawford county. Conditions same as in No. 4.

No. 110. LORENZ KELTING. Same as No. 8.

No. 111. EMMA SWEENEY. July 3, 1889. Sentenced at the March term of the district court of Mahaska county to the penitentiary for six months, for keeping a house of ill fame. Sentence suspended, with condition as in No. 3, on representation of warden, for a reason similar to that in No. 37.

No. 112. ROBERT CALLAHAN. Polk county. July 5, 1889. Fine of \$300. Conditions same as in No. 4.

No. 113. JOHN CARROLL. July 5, 1889. Fine of \$300. Polk county. Conditions same as in No. 4.

No. 114. ED. MCGINLEY. July 5, 1889. Fine of \$300. Polk county. Same conditions.

No. 115. SARAH WILLIAMS. July 8, to take effect July 13, 1889. Sent to the Industrial School from Boone county in 1885. Sentence suspended on the application of her father, indorsed by A. J. Holmes, and upon the condition that she will return home and conduct herself in an orderly and obedient manner.

No. 116. ROSE ARNOLD. July 10, to take effect July 16, 1889. Sent to the Industrial School from Madison county. Order of commitment suspended on condition that she will return to her home, be obedient to her grandparents, and in all respects demean herself as a good and law-abiding citizen.

No. 117. DELBERT SMITH. July 12, 1889. Sentenced to the Industrial School from Calhoun county in August, 1884. Order of commitment suspended on condition that he return to his home and behave himself in an orderly and obedient manner.

No. 118. WILLIE GARLAND. July 13, to take effect July 16, 1889. Sent to the Industrial School by the superior court of the city of Keokuk in 1885. Order of commitment suspended on condition that he return to his home and hereafter be an orderly and obedient boy.

No. 119. L. T. DUCKWORTH. July 19, 1889. Fine of \$150. Appanoose county. Conditions as in No. 104, also that he will not keep a gambling-house, and will pay the attorney's fee of \$15.

No. 120. HERMAN OSTDECK. August 28, 1889. Fines of \$5, \$20, \$80, \$50, and \$10. Wapello county. Conditions as in No. 10.

No. 121. ANTHONY T. VAID. August 29, 1889. Sent to the Industrial School at the January term of the Polk county district court. Judge Kavanagh and five others petition for Vaid's release, and Judge Given and Superintendent Miles strongly recommend it. Conditions are that he will refrain from the use of intoxicating liquors, that he will not frequent places of gambling, and that he will conduct himself in an orderly and obedient manner.

No. 122. LEWELLA BROWN. August 29, 1889. Sentenced in 1886 by the superior court of the city of Keokuk to the Industrial School. Her parents purpose leaving the State, and desire to take her with them. Judge Bank and Senator Kent recommend pardon. Sentence suspended on condition that she return to her parents, and behave herself in an orderly and obedient manner.

No. 123. A. W. MAHON. August 29, 1889. Fine of \$300. Wapello county. Conditions as in No. 8.

No. 124. HARVEY FRANK MILES. August 31, 1889. Sent to the Industrial School from Linn county. Order of commitment suspended on conditions as in No. 117.

No. 125. CHARLES ROOT. September 4, 1889. Fine of \$50. Appanoose county. Conditions as in No. 56.

No. 126. SARAH TILMAN. Revoked.

No. 127. LOUISE DUGAN. September 11, 1889, to take effect October 1, 1889. Committed to the Industrial School by the superior court of Council Bluffs in November, 1884, for incorrigibility. Order of commitment suspended on conditions similar to those in No. 122.

No. 128. MICHAEL NOLAN. September 12, 1889. Fine of \$500. Pottawattamie county. Conditions as in No. 88.

No. 129. J. R. TIERNAN. September 20, 1889. Polk county. Fine of \$300 and costs, and to be committed to jail in default of payment. Conditions as in No. 88.

No. 130. NICHOLAS A. CRACRAFT. September 21, 1889. This boy was released from the Industrial School November 13, 1887, but was afterwards re-committed. His parents are going to leave the State and desire to take him with them. The boy is released on conditions similar to those in No. 122.

No. 131. GEO. L. SMITH. September 24, 1889. Pottawattamie county. Fine of \$1,000 and commitment to jail in default of payment. Conditions as in No. 8, and that \$500 of the fine shall first be paid.

No. 132. PETER BARTEL. September 24, 1889. Pottawattamie county. Fine of \$600 and costs, and commitment to jail in default of payment. Conditions same as in No. 8.

No. 133. JOHN TROUTMAN. September 25, to take effect September 26, 1889. Pottawattamie county. Fine of \$700 and costs, and in default of payment confinement in jail for 210 days. Conditions as in No. 8.

No. 134. WILLIAM TABKE (deceased). September 25, 1889. Woodbury county. Fine of \$300. Conditioned on the widow of the deceased observing like conditions with those in No. 10 foregoing, and that the costs be first paid.

No. 135. MICHAEL KINSELA (deceased). September 25, 1889. Webster county. Fine of \$300. Conditioned on prior payment of the costs, including attorney's fee.

No. 136. LOURAINÉ GILBERT. October 8, 1889. Committed to the Girls' Industrial School for incorrigibility, December 29, 1881, from Van Buren county. Order of commitment suspended on condition that she will conduct herself in an orderly and obedient manner.

No. 137. FLORA PADDOCK. October 8, 1889. Sent to the Industrial School from Polk county. Order of commitment suspended on same conditions as in No. 136.

No. 138. EDWARD DOHERTY. October 8, 1889. Sentenced to the Industrial School at the July term of the Polk county district court. In this case petition is signed by forty-eight citizens of Des Moines, asking that the boy be released, as his parents intend leaving the State and desire to take the boy with them. Judge Bishop says the boy committed the crime under the influence of some older person. At that time his parents had been separated, but they have since reunited. He says the boy is not a bad boy, but has not been properly looked after, and he recommends that a suspension be granted. The sentence is suspended on condition same as in No. 136, and that he will go with his mother to Washington Territory before November 1.

No. 139. LUELLA HORMAN. October 9, 1889. Sentenced to the Industrial School from the city of Keokuk. Order of commitment suspended on conditions as in No. 136.

No. 140. JACOB KRATZERT. October 17, 1889. Fine of \$300 and commitment to jail in default of payment. Conditions as in No. 8, with requirement that the attorney's fee be paid.

No. 141. KATE KUHNER. October 17, 1889. Fine of \$400 and commitment to jail in default of payment. Polk county. Conditions as in No. 10, with the additional requirement that the costs, including attorney's fee and \$100 of the fine, be paid.

No. 142. Canceled.

No. 143. WILLIAM J. HARRIS, SR. October 24, 1889. Fines of \$200 and \$75, respectively. Polk county. Conditions as in No. 3, and that he will not engage, or be interested or concerned, directly or indirectly, in selling, or keeping for sale, intoxicating liquors in this State contrary to the laws, and that the costs shall first be paid.

No. 144. E. DAVIS. Dallas county. Fine of \$300. Conditions as in No. 88.

No. 145. GEORGE L. MOORE. October 28, 1889. Winneshiek county. Sentence of imprisonment in the penitentiary for two years for the crime of seduction suspended for sixty days.

No. 146. ED. PHILLIPS. November 6, 1889. Polk county. Fine of \$300, and imprisonment in default of payment; conditions as in No. 140.

No. 147. WILLIAM GROGAN. November 9, 1889. Fine of \$50. Sentence suspended so as to release Thomas Gillespie from further liability as bondsman for Grogan.

No. 148. Canceled.

No. 149. JOHN O'CONNELL. November 14, 1889. Boone county. Fine of \$300, and commitment to jail in default of payment. Conditions as in No. 8.

No. 150. GEORGE GINN. November 14, to take effect November 16, 1889. At the Industrial School, from Polk county. Sentence suspended on conditions as in No. 136.

No. 151. PAUL SPRINGER. November 16, to take effect November 18, 1889. Fine of \$300, and commitment to jail till paid. Conditions as in No. 4.

No. 152. IRA S. DOUGHTY. November 16, to take effect November 25, 1889. At Industrial School, from Jefferson county. Order of commitment suspended on same conditions as in No. 136.

No. 153. LUTHER BEVELL. November 26, 1889. Montgomery county. Fine of \$500, and commitment to jail in default of payment. Conditions as in No. 4.

No. 154. A. MCKAY. November 27, 1889. Three fines of \$100 each. Mahaska county. Conditions same as in No. 4. Order of suspension fully releases McKay's bondsmen from liability.

No. 155. JOHN H. CALL. December 2, 1889. Sent to the Industrial School by the Police Court of the city of Burlington, in May, 1884. Order of commitment suspended on conditions as in No. 136.

No. 156. JOHN S. CRAIG. December 5, 1889. Judgment of the district court of Henry county, sentencing him to pay fines aggregating \$2,700, and to be imprisoned in the county jail nine months for

selling intoxicating liquors in violation of law, suspended for thirty days.

No. 157. W. H. ROGAN. December 14, 1889. Fine of \$300. Conditions as in No. 10 and that the costs be first paid.

No. 158. J. C. HENRY. December 16, 1889. Fine of \$1,000 and commitment to jail in default of payment. Conditioned as in No. 140.

No. 159. R. S. DICKENSON. December 17th, to take effect December 18, 1889. Story county. Fine of \$300 and commitment to jail in default of payment. Conditions same as in No. 4.

No. 160. A. H. LAWSHE. Fines amounting to \$200. Montgomery county. Conditions same as in No. 4, and also that he will not keep or frequent gambling-houses.

No. 161. JOSEPH LOCK. December 19, to take effect December 20, 1889. Carroll county. Fine of \$500. Conditions as in No. 4.

No. 162. JOHN FREEHAN. December 24, 1889. Fine of \$500. County of Wapello. Conditions as in No. 88.

No. 163. SAMUEL PALMER. January 3, 1890. Order of suspension releases Joe Ramsey from further liability as bondsman for Palmer, without affecting the fine of \$300 imposed on the latter. Suspension conditioned on prior payment of costs including attorney's fee.

No. 164. J. F. HEEB. January 4, 1890. Sentence to pay a fine of \$300 so far suspended as to release a lot in the city of LeMars from all liens occasioned by the judgment. Conditioned on prior payment of costs.

No. 165. JOHN WRIGHT. January 6, 1890. Fine of \$300. Dallas county. Conditions same as No. 140.

No. 166. BENJAMIN EHRHARDT. January 6, to take effect January 13, 1890. Sent to the Industrial School from Greene county. Conditions similar to those in No. 122.

No. 167. J. J. BOWLES and CLAUDE MYERS. January 7, 1890. Fine of \$50 each. Wapello county. Conditions same as in No. 16 and that costs be first paid.

No. 168. MRS. A. ALBERS, now MRS. A. OEHLISCHLAGER. January 7, 1890. Fine of \$500. Wapello county. Conditions same as in No. 10, and that costs be first paid.

No. 169. LEVISA RICHARDSON. January 8, to take effect January 13, 1890. At the Industrial School from Clinton county. Order of commitment suspended on condition that she conduct herself in an orderly and obedient manner.

No. 170. JOHN CARR. January 8, 1890. At the Industrial School from Linn county. Order of commitment suspended on conditions as in No. 169.

No. 171. SAMUEL F. MILLER. January 8, 1890. Fines of \$75 and \$300 respectively. Monroe county. Same conditions as in No. 8.

No. 172. J. M. SHAFFER. January 9, 1890. Fine of \$400. Benton county. Conditions as in No. 8.

No. 173. T. J. McDONNELL. January 9, 1890. Fine of \$50. Polk county. Conditions as in No. 4, and that \$10 of the fine be first paid.

No. 174. J. S. PAINTER. January 17, to take effect January 18, 1890. Wapello county. Fine of \$500 and commitment to jail in default of payment. Conditions same as in No. 4.

No. 175. EDWARD GERLACH. January 21, 1890. Fine of \$500. Wapello county. Conditions as in No. 140.

No. 176. JOHN HASSLER. February 7, 1890. Fine of \$100. Van Buren county. Conditions as in No. 140.

No. 177. LORENZ ILL. February 11, 1890. Same entry as in No. 75, (revoked January 13,) with the further condition of prior payment of costs, including \$50 of attorney's fee.

No. 178. FINLEY FATE. February 19, to take effect February 20, 1890. Sentenced this month by the police court of the city of Des Moines to imprisonment in the county jail for two terms of thirty days each, for the crime of larceny. Conditions as in No. 4.

No. 179. JACOB B. BRENDEN. February 20, 1890. Fine of \$300. Polk county. Conditions as in No. 8.

REMISSION OF FORFEITURES.

No. 1. O. J. RICE and JURGEN COHRT. January 27, 1888. Sureties on recognizance of J. C. Wade. Tama county. Date of forfeiture, September 29, 1886. Amounts remitted, \$500 and \$600.

No. 2. ADEL SAUNDERS, SARAH CONNELLY and W. W. CHURCHILL. February 23, 1888. A judgment of \$1,500 was rendered against these parties in the district court of Keokuk county on forfeiture of the bail bond of James Saunders. I have ordered a remission of the balance of the judgment upon the payment of \$700, out of which the costs in the case are to be paid.

No. 3. J. C. BRIGGS, G. K. SULTZ, E. P. MESSER, JOHN MYERS, JOHN JENNER, A. M. CILLY, T. B. BORK, JAMES PORTER, J. C. BONHAM, and J. C. VULGAMOTT, sureties on bail bond of R. Justy. March 28, 1888. Amount remitted, \$500, of a forfeiture of \$1,000. Conditioned on payment of the costs and the remainder of the fine by January 1 1889.

STATE OF IOWA. }
EXECUTIVE OFFICE. }

FEBRUARY 27, 1890.

To the Senate and House of Representatives:

Frederick Mewhirter, William Slowey, and Honora Curtin (alias Honora Garvey), convicted of the crime of murder in the first degree, and sentenced to imprisonment in the penitentiary for the term of their natural lives, have made application for pardon. The statute requires that for this crime no pardon shall be granted by the governor until he shall have presented the matter to, and obtained the advice of, the General Assembly thereon. It likewise requires a publication of the notice of application of pardon, containing the grounds upon which it is asked. I append hereto copies of the notices required, which have been duly published as required by the statute. The original applications, with accompanying papers, are on file in the executive office, for the inspection of any member of the General Assembly.

WM. LARRABEE.

NOVEMBER 9, 1889.

To whom it may concern:

Notice is hereby given that Frederick Mewhirter, who was convicted of murder in the first degree in the district court of Pottawattamie county, in January, 1876, and sentenced to the penitentiary for life, has made application for a pardon.

The reasons upon which he bases his application are:

First—That he was acting in self-defense when he fired the shot.

Second—That his victim did not die from the effect of the wound inflicted by him, but from the effect of disease, death occurring sixteen days after the shooting was done.

Third—That a proper indictment was not found against him.

The case will be presented to the Twenty-third General Assembly in accordance with section 4712 of the Code of Iowa.

(Signed.)

WM. LARRABEE.

NOVEMBER 14, 1889.

In re petition of Wm. Slowey for pardon:

Notice is hereby given that application has been made for the commutation of sentence of William Slowey, who was at the March term, 1880, of the district court of the county of Clinton, Iowa, convicted of the crime of murder, and sentenced to the penitentiary for the term of his natural life. Said application is based on the ground that said Slowey is not guilty of the crime charged. The said petition will be referred to the next General Assembly for action.

(Signed.)

WM. LARRABEE.

NOVEMBER 9, 1889.

To whom it may concern:

Notice is hereby given that Honora Curtin (alias Honora Garvey), who was convicted of murder in the first degree in the district court of Allamakee county in May, 1883, and sentenced to the penitentiary for life, has made application for a commutation of her sentence.

The reasons upon which she bases her application are as follows:

First—That she was convicted on wholly circumstantial evidence.

Second—That if she did administer the poison, which it was claimed caused the death of A. C. Johnson, it was done when she was under the influence of liquor, in fact in a state of intoxication.

Third—That her health is quite poor and that she does not expect to live long.

Fourth—That her conduct in the prison has always been good. The case will be presented to the Twenty-third General Assembly in accordance with section 4712 of the Code of Iowa.

(Signed.)

WM. LARRABEE.

REPORT

OF THE

SECRETARY OF STATE

IN RELATION TO THE

CRIMINAL RETURNS OF THE STATE OF IOWA,

FOR THE YEARS 1888 AND 1889.

FRANK D. JACKSON, Secretary of State.

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